2015 IL App (4th) 130960-U

NO. 4-13-0960

FILED
August 11, 2015
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from
Plaintiff-Appellee,	)	Circuit Court of
v.	)	McLean County
DAVID H. GHARRETT,	)	No. 11CF369
Defendant-Appellant.	)	
	)	Honorable
	)	Rebecca Simmons Foley,
	)	Judge Presiding.

JUSTICE KNECHT delivered the judgment of the court.
Justices Harris and Steigmann concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court affirmed, concluding (1) the trial court did not err in admitting evidence of injuries and instances of abuse to the victim and the victim's mother at defendant's bench trial, and (2) defendant forfeited review of other claims of error for the admission of prior-bad-acts evidence.

¶ 2 Following a May 2013 bench trial, defendant, David H. Gharrett, was convicted of first degree murder (720 ILCS 5/9-1(a)(1), (a)(2) (West 2010)) for the death of three-year-old D.C. and sentenced to 76 years' imprisonment. Defendant appeals, asserting the trial court committed reversible error by (1) improperly admitting evidence of irrelevant prior bad acts; and (2) overly admitting evidence of relevant bad acts, causing a "mini-trial" on his character. For the following reasons, we affirm.

¶ 3 I. BACKGROUND

¶ 4 In May 2011, the State charged defendant by indictment with six counts of first degree murder (720 ILCS 5/9-1(a)(1), (a)(2) (West 2010)) for the death of three-year-old D.C. In February 2012, the trial court dismissed two counts without prejudice, which the State later recharged by indictment.

¶ 5 A. Motions *in Limine*

¶ 6 In April 2013, the State filed a motion *in limine*, requesting the trial court allow it to establish evidence of prior (1) injuries to D.C. by defendant; (2) instances of disciplinary abuse toward D.C. by defendant; and (3) injuries and instances of abuse toward Candis Ethridge, D.C.'s mother, by defendant. The State, anticipating defendant would raise the defense of accident, sought to introduce this evidence for the purpose of establishing absence of accident, motive, opportunity, and intent. That same month, defendant filed three motions *in limine*, requesting the court prohibit the State from introducing evidence regarding (1) D.C.'s broken arm and leg or any claim that defendant may have been responsible for those injuries, (2) defendant's presence during a fight between Ethridge and Maria Flores during which defendant had a weapon, (3) an altercation between defendant and Ethridge during which defendant damaged a windshield, and (4) Ethridge's generalized complaints that defendant was sometimes mean to her.

¶ 7 Later that month, the trial court held a hearing on the parties' motions *in limine*. As to the State's request to introduce evidence of injuries and instances of disciplinary abuse toward D.C., the court granted the motion, finding, although the evidence had a prejudicial impact, it would be allowed for the purpose of showing intent, motive, knowledge, and absence of accident. Accordingly, it denied defendant's request to prohibit the State from introducing evidence of D.C.'s broken arm and leg. As to the State's request to introduce evidence of abuse toward

Ethridge, the court granted the motion, finding, although it had a prejudicial impact, because of the close relationship between Ethridge and D.C., it would be allowed for the purpose of showing motive, opportunity, and absence of accident. Accordingly, the court denied defendant's request to prohibit the State from introducing evidence of an altercation between defendant and Ethridge during which defendant damaged a windshield. The court otherwise granted defendant's motions, prohibiting the State from presenting evidence regarding the fight between Ethridge and Flores and Ethridge's generalized complaints that defendant was sometimes mean to her.

¶ 8 B. Defendant's Bench Trial

¶ 9 In May 2013, the trial court held a bench trial at which the following evidence was presented. On April 28, 2011, defendant was at home with D.C. and D.G. D.C. was the daughter of Ethridge and David Cox. D.G. was the son of Ethridge and defendant. Around 4 p.m., a neighbor, Geoff Davis, saw defendant outside with D.C. and D.G., yelling for someone to call 9-1-1. D.C. was unconscious. D.C. was eventually transported by ambulance to Advocate BroMenn Regional Medical Center and then later flown to OSF St. Francis Hospital.

¶ 10 On the day of the incident, defendant first spoke with Officer Travis Cornwall. Defendant told Cornwall D.C. was in the bedroom cleaning. At some point, D.C. left the bedroom and went to the living room. She sat down next to D.G., said "David" (defendant), vomited on her shirt and the floor, and then fell backwards and became unresponsive. Defendant, unable to wake D.C. and unable to find a phone, moved D.C. outside.

¶ 11 Later, defendant spoke with Police Chief Ted Lyons. Defendant told Lyons he sent D.C. to a room in the house to clean up dog feces as punishment for something that occurred earlier. When she was done, defendant brought her out of the room and they sat on the couch to

watch a movie. At some point, D.C. vomited and became unresponsive. Defendant indicated D.C. may have choked on some peppers she ate. Defendant said he could taste hot peppers when he gave D.C. cardiopulmonary resuscitation (CPR).

¶ 12 Defendant also spoke with Officer Chad Witkowski. Defendant told Witkowski he made D.C. clean up animal feces in a bedroom as punishment for "humping" the floor the previous night. Defendant eventually allowed D.C. to come out of the bedroom and sit with him and D.G. to watch T.V. At one point, D.C. said "David," vomited, and then became unresponsive. Defendant moved D.C. to the dining room for more light and placed her on the floor. Unable to find a telephone, defendant took D.C. and D.G. outside to look for help. Witkowski asked defendant if it was possible D.C. choked on or consumed anything in the residence, to which defendant indicated he did not believe so. Defendant then asserted he thought D.C. choked on hot peppers as he smelled it in her vomit and while giving her CPR. Defendant indicated D.C. usually did not eat peppers.

¶ 13 The State presented audio and visual recordings of multiple interviews the police conducted of defendant. Detective Tim Tyler conducted the first interview of defendant. Defendant told Tyler on the day of the incident he was told D.C. was "humping" the floor the previous night. As punishment, he was having her clean up dog "shit" from the bedroom. At some point, D.C. came into the living room and when defendant looked over she had vomit in her hands. D.C. said "David" and then fell backwards and was unresponsive. Defendant moved D.C. to the dining room, where he tried CPR. It looked like D.C. was vomiting jalapenos and when defendant gave her breaths he could taste them. There was a jar of jalapenos in the dining room, but D.C. never ate any before. Defendant could not find his phone, so he ran outside with

D.C. and D.G. in his arms, yelling for his neighbor to call 9-1-1. Defendant continued to do CPR. At the conclusion of the interview, defendant was allowed to leave.

¶ 14 While at OSF St. Francis hospital, Dr. Rahul Chawla, a pediatric critical care specialist, observed generalized bruising on D.C.'s chest, abdomen, arms, and back and reviewed a computed tomography scan of D.C.'s head, which showed brain damage, swelling due to a lack of oxygen, and a loss of gray-white differentiation. Dr. Steven Lichtenstein, a pediatric ophthalmologist, concluded D.C. suffered from nonaccidental trauma to the eye. Trooper Brandon Smick took digital images of D.C. lying in a hospital bed. Dr. Channing Petrak, an expert in child abuse pediatrics, assisted Smick in identifying injuries on D.C.'s body. The images indicated bruising to the chest, abdomen, head, back, right forearm, upper left arm, left thigh, and in the area near the right nipple and the sternum. The images also showed an abrasion on the right elbow and a defect in the tongue.

¶ 15 On April 29, 2011, D.C. was declared dead. Dr. John Denton performed an autopsy of D.C. During an initial external examination, Dr. Denton observed five bruises on D.C.'s head, four of which were "fresh." One bruise was 1 ½-inch pattern contusion, reflecting what D.C.'s head struck. He also observed fresh bruises on D.C.'s upper left and right chest. One bruise went through to the ribs, indicating blunt force trauma. Dr. Denton observed multiple bruises on D.C.'s abdomen. He also observed multiple bruises on D.C.'s extremities, the largest of which was on her left upper arm. The most significant bruises were three circular pattern bruises ranging from three-tenths to four-tenths of an inch between the sternum and belly button. These bruises were deep and went through to the muscle wall. Dr. Denton testified these bruises were considerably lower than where you would expect CPR bruising. He also observed three

similar bruises on D.C.'s back, which were deep and fresh. Dr. Denton concluded these bruises were consistent with defendant's knuckles.

¶ 16 Dr. Denton next performed an internal examination of D.C. D.C.'s abdomen was filled with 350 cubic centimeters of blood. There was a laceration near her duodenum and pancreas and her duodenal artery was torn. Her spleen and liver showed bruising.

¶ 17 Postmortem X-rays showed brain swelling, which caused D.C.'s skull growth plates to begin to separate. Blood was found between the outer layer of D.C.'s brain and skull. Optic nerve and retinal hemorrhaging was also noted in the back of D.C.'s eyes. Dr. Denton testified these types of injuries are caused by acceleration and deceleration of the head. Based on this information, Dr. Denton concluded D.C. died of blunt force trauma to the head and abdomen.

¶ 18 After D.C. died and an autopsy was performed, Tyler conducted a second interview of defendant. At the beginning of the interview, defendant was read his *Miranda* rights (*Miranda v. Arizona*, 384 U.S. 436 (1966)). Defendant repeated the same story he told during the first interview. However, he added, he tried to do the Heimlich maneuver when he though D.C. was choking. He also indicated he now knew he should have only used three fingers when doing CPR on a child as young as D.C. Defendant was informed the autopsy did not show evidence D.C. was choking but rather indicated D.C. died of a brain injury and internal bleeding. In response, defendant indicated he pushed on D.C.'s stomach to try to get her to puke but could not explain the bruising on her back, arms, or chest. Later, however, defendant added he ran to the bathroom with D.C. after she had vomited, and he "dropped" her in the bathtub, causing her head to strike the bathtub. Defendant did not tell the rescue or hospital personnel about this injury because he did not think it was the cause of her problems. Defendant was eventually informed he

was being charged with murder. After Tyler told defendant his story of dropping D.C. in the bathtub did not match D.C.'s injuries, defendant stated he "pretty much tossed" her into the bathtub but did not intend to hurt her.

¶ 19 During a third interview, defendant insisted he was not mad at D.C. when he tossed her into the bathtub. However, defendant later admitted he "flew off the handle" when he tossed D.C. into the bathtub.

¶ 20 C. Instances of Prior Injuries and Abuse

¶ 21 The trial court allowed testimony regarding D.C.'s prior injuries and disciplinary abuse by defendant. When D.C. was approximately one year old, she suffered a fractured ankle. Ethridge testified defendant told her, while he was in the process of getting D.C. a bottle, he stepped backwards and onto D.C.'s ankle. Defendant and Ethridge did not immediately take D.C. to be treated for fear of losing their children to the Department of Children and Family Services (DCFS). Once D.C. was taken to the hospital, Ethridge told the doctor her nine-year-old cousin caused the injury. Dr. Stephen Pineda, an orthopedic surgeon, treated D.C. for a spiral fracture of her tibia near her ankle. Dr. Pineda testified this type of fracture would not typically be caused by someone stepping on the ankle but rather would require a twisting motion.

¶ 22 When D.C. was approximately two years old, she suffered a fractured arm. Ethridge went to wake D.C. from a nap and discovered D.C.'s "arm was just laying there." The last people seen with D.C. were Jonathan Ballance, a family friend, and defendant. Ballance testified defendant and Ethridge did not initially take D.C. to the hospital for fear of losing their children to DCFS. Ballance suggested Ethridge tell the hospital he was responsible for D.C.'s broken arm so she could get treatment. Dr. Reginald Ebirim, an emergency room physician,

treated D.C. for a mid-shaft right humeral fracture, or a fracture in the middle of the humerus between the elbow and the shoulder.

¶ 23 Rebecca Wilhelm, defendant's aunt, lived with defendant, Ethridge, and D.C. for a period of approximately five weeks. Wilhelm testified, during that time, she saw D.C. with a black eye and bruises around her neck, arms, and legs.

¶ 24 Elizabeth Nelson, D.C.'s aunt, testified she often observed handprints on D.C.'s legs, bruises on her arms, and multiple scrapes. After ending her relationship with defendant's brother, Nelson testified she had to pay defendant and Ethridge in prescription drugs if she wanted to see D.C.

¶ 25 Ethridge, Wilhelm, Ballance, William Melton, and Nelson testified defendant was hard on D.C. with his punishments. Ethridge testified three weeks prior to D.C.'s death, she heard defendant yelling at D.C. and "whipping her." Ethridge gave defendant a "look" because she did not like what he was doing. Defendant picked D.C. up by her shoulders and threw her approximately 10 feet toward Ethridge. Ethridge also testified D.C. was occasionally punished by forcing her to eat hot peppers.

¶ 26 Randall Owens, a family friend, testified he would come to defendant's home to buy marijuana from defendant. On one occasion, Owens saw D.C. spill something on the couch. In response, defendant grabbed D.C. by her arm and threw her into another chair. Owens had also seen defendant "karate kick" D.C. in the chest and seen D.C. with bruises on her body.

¶ 27 Wilhelm testified D.C. was disciplined every day. As punishment, defendant would make D.C. "hold up the wall" by standing in the corner and placing her hands up against the wall until defendant said to stop, which at times lasted three to four hours. If D.C. could not hold the position, defendant would "pop her" and she would have to stand back in the corner. On

one occasion, defendant punished D.C. after she had wet the bed by spanking her "fairly hard," "at least five times," and then placing her in the corner with her hands on the wall. On another occasion, Wilhelm observed D.C. being punished by "cracking," a punishment where D.C. had to put her feet on a couch and put her hands on the floor in a push-up position. Wilhelm also indicated D.C. would often vomit after eating and then began to cry. Defendant would spank D.C. if this occurred.

¶ 28 The trial court also allowed testimony regarding prior injuries and instances of abuse toward Ethridge by Defendant. Defendant hit, choked, and pushed Ethridge, leaving visible bruises on her body. Amanda Caudill, Melton, Samantha Boyer, Owens, Nelson, and Wilhelm testified they saw bruising on Ethridge and told her to leave defendant. Ethridge testified defendant threatened to kill her if she ever left him. On one occasion, Ethridge attempted to leave defendant, but defendant slit her car tire with an ax. On another occasion defendant put his foot through Ethridge's vehicle's windshield to prevent her and D.C. from leaving.

¶ 29 Ethridge testified, on one occasion when she was "sticking up" for D.C., defendant struck Ethridge and threw her into a television. Defendant then bent down, put his hands on D.C.'s shoulders, and shoved her across the room, causing her to fall backwards and hit her head.

¶ 30 Teresa Jimison, a friend of Ethridge, testified on two different occasions Ethridge and D.C. came to stay with her for a few days. In December 2010, Jimison had a telephone conversation with Ethridge advising Ethridge and D.C. to leave defendant. Defendant learned of this conversation and called Jimison. Defendant left a voicemail telling Jimison to have no contact with Ethridge or D.C., or he would kill her.

¶ 31 D. The Decision and Sentencing

¶ 32 The trial court found the "case turn[ed] largely upon the medical evidence." It heard witness testimony regarding "the manner in which *** defendant both played with and disciplined [D.C.] prior to her death." Specifically, it heard testimony defendant "spanked [D.C.], made her 'hold up the wall' for lengthy periods of time, hit the back of her head, forced her to eat peppers, pick up dog feces, smacked her on the hand and leg, popped her in the mouth, picked her up and threw her, karate-kicked her in the chest, head-butted her, *** made her engage in punishment known as 'get crackin' where she would be forced to hold a push-up position with her feet on the wall[,] *** [and] spanked on occasion when she vomited."

¶ 33 The trial court found defendant relayed several inconsistent versions of the events to various law enforcement officers, including his final version acknowledging he "flew off the handle" and tossed D.C. into the bathtub. The court noted, defendant stated he did not push on D.C.'s stomach very hard and officer Cornwell's testimony indicated defendant appeared to be doing appropriate chest compressions. On this evidence, the court discounted the theory the injuries to D.C. could have been caused by defendant's attempt at the Heimlich maneuver and CPR and found, consistent with Dr. Denton's findings, the bruising on D.C.'s stomach was consistent with a man's knuckles. The court found defendant guilty, concluding defendant, without lawful justification, intended to cause great bodily harm to D.C. and knew his acts created a strong probability of great bodily harm to D.C.

¶ 34 E. Posttrial Motion and Sentencing

¶ 35 In June 2013, defendant filed a posttrial motion, asserting, in relevant part, the trial "court erred in denying [his] [m]otion *in* [*l*]*imine* concerning *** [p]rior bad acts, 'other crimes,' and propensity evidence related to [defendant]. (During trial, the court recognized a continuing objection to the presentation of this material through multiple witnesses.)" Defend-

ant's motion also alleged the following: "The court erred in denying [d]efendant's renewal of all motions and objections at the close of all the evidence."

¶ 36 Following a July 2013 hearing, the trial court denied defendant's motion and sentenced him to 76 years' imprisonment.

¶ 37 This appeal followed.

¶ 38 II. ANALYSIS

¶ 39 On appeal, defendant argues the trial court committed reversible error by (1) improperly admitting evidence of irrelevant prior bad acts; and (2) overly admitting evidence of relevant bad acts, causing a "mini-trial" on his character. We address these arguments in turn.

¶ 40 A. Admission of Irrelevant Bad-Acts Evidence

¶ 41 Defendant asserts the trial court erred in admitting evidence of irrelevant prior bad acts. Specifically, defendant argues the court erred in allowing testimony regarding his (1) abuse against Ethridge; (2) voicemail threatening to kill Jimison; (3) solicitation of prescription drugs from Nelson in exchange for allowing her to visit with D.C.; and (4) sale of marijuana to Owens. Defendant contends this evidence painted him as a "bad person" and could lead to a conviction of first degree murder based on a propensity to commit bad acts.

¶ 42 As a general rule, evidence indicating a defendant committed prior bad acts is inadmissible where its purpose is to demonstrate the defendant's propensity to commit crime. *People v. Davis*, 260 Ill. App. 3d 176, 190, 631 N.E.2d 392, 402 (1994). However, such evidence is admissible where it is relevant to show intent, motive, *modus operandi,* identity, absence of mistake, or any relevant fact other than propensity. *People v. McSwain*, 2012 IL App (4th) 100619, ¶ 36, 964 N.E.2d 1174; *People v. Nash*, 2013 IL App (1st) 113366, ¶ 15, 993 N.E.2d 56. "Evidence is 'relevant' if it has any tendency to make the existence of a fact that is of

consequence to the determination of the action more or less probable than it would be without the evidence." *People v. Roberson*, 401 Ill. App. 3d 758, 771-72, 927 N.E.2d 1277, 1289 (2010). Even if offered for a permissible purpose, evidence of prior bad acts "will not be admitted if its prejudicial effect substantially outweighs its probative value." (Internal quotation marks omitted.) *McSwain*, 2012 IL App (4th) 100619, ¶ 37, 964 N.E.2d 1174.

¶ 43 The admissibility of bad-acts evidence is a matter within the trial court's sound discretion, and that decision will not be overturned absent an abuse of that discretion. *McSwain*, 2012 IL App (4th) 100619, ¶ 38, 964 N.E.2d 1174. "A trial court abuses its discretion only when its decision is arbitrary, unreasonable, or fanciful or where no reasonable person would take the trial court's view." *People v. Pelo*, 404 Ill. App. 3d 839, 864, 942 N.E.2d 463, 485 (2010). Even if bad-acts evidence is improperly admitted, such admission will be considered harmless error unless it is shown the defendant was prejudiced or denied a fair trial by its admission. See *People v. Nieves*, 193 Ill. 2d 513, 530, 739 N.E.2d 1277, 1285 (2000); *People v. Hall*, 194 Ill. 2d 305, 339, 743 N.E.2d 521, 541 (2000).

¶ 44 Defendant's defense to the murder charge was that it was an accident. Therefore, as defendant concedes, "intent was the central issue at trial." When evidence of prior bad acts is offered to prove intent or the absence of an innocent mental state, such evidence will be considered relevant as long as there are "mere general areas of similarity" to the crime charged. *People v. Illgen*, 145 Ill. 2d 353, 373, 583 N.E.2d 515, 523 (1991); see also *People v. Jaynes*, 2014 IL App (5th) 120048, ¶ 56, 11 N.E.3d 431.

¶ 45 Defendant first complains of the admission of evidence regarding prior injuries and instances of abuse inflicted against Ethridge. The State filed a pretrial motion *in limine*, requesting the trial court to allow it to establish such evidence. Following a hearing, the court

granted the motion, finding, although such evidence had a prejudicial effect, it would allow it for the purpose of showing motive, opportunity, and absence of accident. Evidence of a defendant's prior acts of violence to a family member of a victim has been found to be properly admitted as some evidence of a defendant's intent during the commission of the offense charged (see *People v. McCarthy* 132 Ill. 2d 331, 344, 547 N.E.2d 459, 464 (1989)), and the admission of the evidence at issue here was warranted on similar grounds. The evidence presented supported the State's theory defendant's actions were intentional, driven by anger, rather than accidental.

¶ 46 Defendant was tried in a bench trial rather than by a jury. In a bench trial, it is presumed the trial court considered evidence of prior bad acts for the limited purpose for which it was introduced. *People v. Deenadayalu*, 331 Ill. App. 3d 442, 450, 772 N.E.2d 323, 329 (2002). There is no indication in the record the court considered this evidence outside of the parameters indicated when it reached its decision. See *Nash*, 2013 IL App (1st) 113366, ¶ 24, 993 N.E.2d 56. We find the court did not abuse of discretion by finding this evidence relevant and admissible.

¶ 47 Defendant further asserts the trial court erred in allowing testimony regarding defendant's (1) voicemail to Teresa Jimison wherein he threatened to kill her; and (2) solicitation of prescription drugs from Nelson in exchange for allowing her to visit with D.C. "In criminal cases, this court has held consistently that a defendant preserves an issue for review by (1) raising it in either a motion *in limine* or a contemporaneous trial objection, and (2) including it in the posttrial motion." *People v. Denson*, 2014 IL 116231, ¶ 11, 21 N.E.3d 398. "The posttrial motion must specify the grounds for a new trial." *People v. Lewis*, 223 Ill. 2d 393, 400, 860 N.E.2d 299, 303 (2006). In discussing the purpose of the forfeiture rule, our supreme court has stated:

> "Failure to raise issues in the trial court denies that court the opportunity to grant a new trial, if warranted. This casts a needless burden of preparing and processing appeals upon appellate counsel for the defense, the prosecution, and upon the court of review. Without a post-trial motion limiting the consideration to errors considered significant, the appeal is open-ended. Appellate counsel may comb the record for every semblance of error and raise issues on appeal whether or not trial counsel considered them of any importance." (Internal quotation marks omitted.) *Lewis*, 223 Ill. 2d at 400, 860 N.E.2d at 304.

The evidence of which defendant complains was neither (1) the subject of a pretrial motion or a contemporaneous trial objection, nor (2) included in a posttrial motion. Defendant has forfeited review of the alleged error on appeal.

¶ 48 Forfeiture aside, even if, *arguendo*, the evidence of which defendant complains was in fact incompetent, defendant has failed to affirmatively show the court considered this evidence in reaching its decision. Although "the rules of admissibility of evidence are the same whether a trial be had with or without a jury," "when a trial court is the trier of fact a reviewing court presumes the trial court considered only admissible evidence and disregarded inadmissible evidence in reaching its conclusion." *People v. Naylor*, 229 Ill. 2d 584, 603, 893 N.E.2d 653, 665 (2008). This presumption " 'may be rebutted where the record affirmatively shows the contrary.' " *Naylor*, 229 Ill. 2d at 603-04, 893 N.E.2d at 666 (quoting *People v. Gilbert*, 68 Ill. 2d 252, 258-59, 369 N.E.2d 849, 852 (1977)). Here, the trial court did not rule on the admissibility of such evidence or reference it in its ruling. *Cf. Naylor*, 229 Ill. 2d at 603-05, 893 N.E.2d at

665-67. Therefore, even if, *arguendo*, the evidence of which defendant complains was in fact incompetent, defendant has failed to affirmatively show the court considered this evidence in reaching its decision.

¶ 49 Finally, defendant asserts the trial court erred in allowing testimony regarding defendant's sale of marijuana to Owens. Although defendant made a contemporaneous trial objection to the introduction of this evidence, defendant failed to include the alleged error in his posttrial motion. We note, at the conclusion of defendant's 10-page posttrial motion, he alleged the following: "The court erred in denying [d]efendant's renewal of all motions and objections at the close of all the evidence." This claim lacks specificity and runs afoul of the purpose of the forfeiture rule, that is, allowing a trial court the opportunity to review alleged errors and sufficiently remedy those errors without needless trips to the appellate court. See *Lewis*, 223 Ill. 2d at 400, 860 N.E.2d at 304. Defendant has forfeited review of the alleged error on appeal. See *Denson*, 2014 IL 116231, ¶ 11, 21 N.E.3d 398.

¶ 50 Defendant does not include any discussion regarding why the plain-error doctrine should apply to any of the issues forfeited on appeal. Any claimed application of the plain-error doctrine is forfeited. See *People v. Ramirez*, 2013 IL App (4th) 121153, ¶ 74, 996 N.E.2d 1227 ("Because defendant's brief is bereft of argument as to why the plain-error doctrine should apply to this case, we deem that contention forfeited.").

¶ 51 B. Over-Admission of Relevant Prior-Bad-Acts Evidence

¶ 52 Defendant next asserts the trial court erred in overly admitting evidence of relevant bad acts causing a "mini-trial" on his character. Defendant concedes incidents involving defendant spanking D.C. too hard and invoking punishments such as "holding up the wall" was

relevant to the central issue at trial—defendant's intent. However, defendant contends, it was improper to allow multiple witnesses to testify concerning this evidence. We disagree.

¶ 53 Even when relevant and probative, prior-bad-acts evidence must not become a "focal point" of a trial. *People v. Boyd*, 366 Ill. App. 3d 84, 94, 851 N.E.2d 827, 837 (2006). To avoid a "mini-trial" on prior bad acts, a trial court should allow only that evidence which is necessary to illuminate the purpose for which the bad-acts evidence was introduced. *People v. Smith*, 406 Ill. App. 3d 747, 755, 941 N.E.2d 419, 426-27 (2010). The primary concern of overly admitting evidence of relevant prior bad acts is that a jury would be led to convict the defendant based solely on the prior acts rather than upon proof of his commission of the charged offense. *Smith*, 406 Ill. App. 3d at 756, 941 N.E.2d at 427.

¶ 54 Here, however, there was no jury and the concern of overly admitting evidence is assuaged. "In a bench trial *** it is presumed that the trial court considered the *** evidence only for the limited purpose for which it was introduced." *Nash*, 2013 IL App (1st) 113366, ¶ 24, 993 N.E.2d 56. There is no indication in the record the court considered the relevant bad-acts evidence outside of the announced parameters when it reached its decision. We find no abuse of discretion in allowing such evidence.

¶ 55 III. CONCLUSION

¶ 56 We affirm defendant's conviction and sentence. As part of our judgment, we award the State its $50 statutory assessment against defendant as costs of this appeal. 55 ILCS 5/4-2002(a) (West 2014).

¶ 57 Affirmed.