2012 IL App (1st) 100393-U

No. 1-10-0393

SIXTH DIVISION
March 23, 2012

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County
	)	
v.	)	No. 06 CR 2081
	)	
LUIS MENDEZ,	)	Honorable
	)	Thomas J. Hennelly,
Defendant-Appellant.	)	Judge Presiding.
	)	

JUSTICE LAMPKIN delivered the judgment of the court.
Presiding Justice Robert E. Gordon and Justice Palmer concurred in the judgment.

O R D E R

¶ 1 *HELD*: (1) The prosecutor's remark during closing argument did not deprive defendant of a fair trial; (2) the trial court satisfied its obligation to question prospective jurors regarding the presumption of innocence and burden of proof; and (3) the evidence supported the finding that

defendant caused two separate injuries to the victim, which supported defendant's convictions for two counts of aggravated criminal sexual assault.

¶ 2 Following a jury trial, defendant Luis Mendez was convicted of two counts of aggravated criminal sexual assault and sentenced to two consecutive terms of 28 years in prison. On appeal, he contends: (1) during closing argument, the prosecutor mocked his ethnicity to appeal to the prejudices of the jury and thereby denied defendant a fair trial; (2) the trial court committed reversible error when it failed to ensure that all the prospective jurors understood certain fundamental principles of law concerning the presumption of innocence and burden of proof; and (3) because there was evidence of only one injury, defendant was improperly convicted of two counts of aggravated criminal sexual assault.

¶ 3 For the reasons that follow, we affirm defendant's convictions.

¶ 4 I. BACKGROUND

¶ 5 The State charged defendant with multiple counts of kidnapping, aggravated kidnapping, criminal sexual assault, and aggravated criminal sexual assault based on allegations that on March 22, 2004, defendant approached the victim on the sidewalk, punched her in the face, threatened her with a gun, walked her to an alcove area of a multi-unit building, and sexually assaulted her.

¶ 6 During jury selection, the trial judge instructed the entire venire about the presumption of innocence, the State's burden of proof, and defendant's right not to testify or present evidence on his behalf. Before individual questioning began, the judge questioned the venire in two separate groups. The judge addressed the first group and told them to nod their heads to indicate their

agreement with the questions or raise a hand if anyone had a problem or question. The judge questioned the first group, addressing each of the four principles discussed in *People v. Zehr*, 103 Ill. 2d 472, 477 (1984), one-at-a-time. During that questioning, the judge asked the group if they understood and accepted the presumption of innocence, understood the State's burden of proof, had any disagreement with the proposition that defendant did not have to present any evidence, understood that defendant did not have to testify, and understood that defendant's decision not to testify could not be considered by the jury in any way in arriving at a verdict. The first group verbally responded unanimously to indicate their agreement with each principle.

¶ 7 When the judge addressed the second group, he asked if they understood and accepted the presumption of innocence, understood the State's burden of proof, had any disagreements with the proposition that defendant did not have to present any evidence, and understood that defendant did not have to testify and his decision not to testify could not be considered by the jury in arriving at a verdict. The group verbally responded unanimously to indicate their agreement with the first principle and refrained from raising their hands to indicate their agreement with the three other principles.

¶ 8 At the trial in July 2009, the victim, L.C., testified through a Spanish interpreter. On the date of the offense, L.C. was 17 years old, about five feet tall, and weighed 98 pounds. She left home to walk to school at about 7:30 a.m. As she was walking, defendant walked past her from behind and told her not to be afraid. Then, defendant quickly turned around, grabbed her, and threw her to the ground. He hit her in the face more than once. When L.C. stood up, she realized that her nose was bleeding. Defendant told L.C. he was going to take her to a place where a man

and woman were waiting for him. Defendant held a hard object against her lower back and told her not to do anything because he had a gun and he would kill her. L.C. never saw the gun. Defendant spoke to L.C. in Spanish, but he had a Puerto Rican accent. He took off her hat and told her to use it to clean up the blood coming from her nose.

¶ 9 Defendant made L.C. walk through various alleys with the gun pointed at her back. Eventually, they arrived at an alcove at the rear of a building that looked abandoned. Defendant told L.C. to face the wall and lower her pants or else he would shoot her. L.C. did not comply until she heard defendant click the gun. Defendant stood behind L.C. and penetrated her vagina with his penis several times. The penetration hurt, and L.C. was crying. Then, he penetrated her anus with his penis, and L.C. continued to cry.

¶ 10 Next, defendant made L.C. kneel on the ground, which was littered with broken glass. When L.C. kneeled, she sustained cuts on her knees. From behind, defendant penetrated L.C. both vaginally and anally several times. L.C. was crying. She did not know whether defendant used a condom or whether he had ejaculated during the sexual assaults.

¶ 11 After L.C. put her clothes back on, defendant walked her to a church that was near her home. He told her he would let her go and to clean up her face, so again L.C. used her hat to clean her face. Defendant took L.C.'s CD player and began cleaning L.C.'s blood off it. Then, L.C.'s uncle, who was driving to work, stopped his car at the corner, exited his car, and approached L.C. The uncle saw that L.C. was crying, had a swollen nose and a bruise, and was holding her hat, which had blood stains on it. L.C. grabbed her uncle's arm and warned him not to go after defendant because he had a gun. The uncle ran toward defendant, who turned and ran

through an alley. Defendant jumped over a fence, and the uncle lost sight of him. Meanwhile, L.C. went home, went into the bathroom and began vomiting. The police were summoned, and L.C. was taken to the hospital. She "hurt" and she was crying. The hospital exam was also very painful. At the trial, L.C. was unsure but estimated that the entire offense occurred over a time period of 1½ to 2 hours.

¶ 12 Laura Phillips, a registered nurse at the hospital, testified from a review of her notes. She spoke with L.C. in Spanish about the sexual assault. L.C. was crying, and Phillips saw a scratch on the right side of L.C.'s nostril. Phillips collected a criminal sexual assault kit from L.C. to preserve any evidence.

¶ 13 Dr. Mark Dorfman examined L.C. in the emergency room. He testified from his notes that he observed an abrasion to the right side of her nose. He cleaned that wound but stitches were not required. He did not document any visible injuries to L.C.'s knees. He observed that L.C. had a rectal tear to the left rectal wall with some bleeding. He was not able to conduct an internal exam of L.C.'s vaginal wall because L.C. was unable to tolerate the exam. Dr. Dorfman was able to insert swabs into L.C.'s vagina without the use of a speculum to collect specimens. No blood was visible on the vaginal swabs of L.C.'s vaginal area. Dr. Dorfman testified that the "blind swabs" limited his ability to collect semen because he could not get a clear view of the organs and swab a precise area if fluid was present.

¶ 14 The parties stipulated that the rectal swabs collected from L.C. contained a mixture of DNA from L.C. and a single male contributor. The male DNA profile was submitted to a DNA database, and defendant was identified as the possible donor of the semen collected from the

rectal swabs. A buccal swab standard was collected from defendant, and a forensic scientist conducted a DNA analysis and determined that defendant's DNA profile matched the male DNA profile identified in the rectal swabs.

¶ 15 Detective Jack Lieblick spoke with L.C. at the hospital through another police officer who provided the Spanish translation. L.C. was sobbing and vomiting, and Detective Lieblick noticed that her eyes were swollen and red and that she had abrasions on her nose, swelling and redness on the right side of her face, and scrapes on her knee. At the police station the next day, L.C. was sobbing uncontrollably and began vomiting and, thus, was unable to provide a description of the offender. However, the detectives drove L.C. around in an unmarked car, and she showed them the locations of her abduction and the sexual assault. After defendant was taken into custody in December 2005, L.C. and her uncle identified him as the offender from police line-ups.

¶ 16 Defendant testified. He was born in Puerto Rico and was convicted of aggravated battery in 2005 and theft in 2002. At the time of the offense at issue here, defendant was 34 years old. He was working at his employer's job site and frequently went to a nearby convenience store. He saw L.C. as she walked past the store for a few days and they exchanged smiles. They engaged in conversation and decided to meet again. On the morning of March 22, 2004, defendant saw L.C. outside the store again. They spoke and flirted, and L.C. agreed to go in defendant's employer's van.

¶ 17 Defendant drove around and parked in an alley. They moved to the back seat of the van, kissed and removed each other's clothing. Defendant tried to penetrate L.C. vaginally but

eventually stopped because it felt uncomfortable to him. Then, at L.C.'s suggestion, he tried to penetrate her anally but stopped after several unsuccessful attempts. L.C. never told him to stop. After they dressed, they exited the van, walked to a churched and talked. A man walked toward them. The man looked unhappy, so defendant decided to leave because he was afraid of the man and felt uncomfortable just standing there. He walked through an alley back to his van and returned to work.

¶ 18 The jury found defendant guilty of two counts of aggravated criminal sexual assault. He was sentenced to two consecutive prison terms of 28 years each. Defendant appealed.

¶ 19 II. ANALYSIS

¶ 20 On appeal, defendant contends: (1) during closing argument, the prosecutor mocked his ethnicity to appeal to the prejudices of the jury and thereby denied defendant a fair trial; (2) the trial court committed reversible error when it failed to ensure that all the prospective jurors understood certain fundamental principles of law concerning the presumption of innocence and burden of proof; and (3) because there was evidence of only one injury, defendant was improperly convicted of two counts of aggravated criminal sexual assault.

¶ 21 A. Prosecutor's Closing Argument

¶ 22 Defendant contends that he was denied his right to a fair trial based on the prosecutor's remark during closing argument, which allegedly mocked defendant's ethnicity.

¶ 23 A prosecutor is allowed wide latitude during closing arguments. *People v. Nieves*, 193 Ill. 2d 513, 532-33 (2000). A prosecutor may comment on the evidence presented at trial, as well as any fair, reasonable inferences therefrom, even if such inferences reflect negatively on the

defendant. *People v. Nicholas*, 218 Ill. 2d 104, 121 (2005). Remarks made during closing arguments must be examined in the context of those made by both the defense and the prosecution, and must always be based upon the evidence presented or reasonable inferences drawn therefrom. *People v. Coleman*, 201 Ill. App. 3d 803, 807 (1990). The character and scope of closing argument are left largely to the discretion of the trial court, and we will not disturb its decision absent an abuse of discretion. *People v. Aleman*, 313 Ill. App. 3d 51, 66-67 (2000). We will only reverse a conviction on the ground of improper argument if the challenged comments constituted a material factor in the conviction, without which the jury might have reached a different verdict. *Id.* It is currently unclear, however, which standard a reviewing court should apply to a claim that statements made by a prosecutor at closing argument were so egregious that a new trial is warranted. Compare *People v. Wheeler*, 226 Ill. 2d 92, 121 (2007) (*de novo* standard of review), with *People v. Blue*, 189 Ill. 2d 99, 128 (2000) (abuse of discretion standard).

¶ 24 According to the record, the defense argued to the jury that L.C. was not credible because the physical evidence did not corroborate her story, she was unable to answer questions asked by the defense, her initial statements to the police lacked certain details that she provided later, and not enough blood was found on her and her clothes to support her horrific story about a brutal rape. Counsel argued that L.C. was supposed to be in school and was caught red-handed by her uncle on the street with defendant. Counsel said that it was really weird for defendant, who told the jury how he met L.C. and where he had sex with her, to have to talk about the awkwardness of sex not going right. Counsel concluded the L.C. lied about the rape and that was very

disturbing.

¶ 25 In response, the prosecutor argued that the case boiled down to who the jurors would believe and defendant should be treated like any other witness. The prosecutor said the jurors should consider the witnesses' demeanor, age and:

> "motive to lie in assessing who is telling the truth and who are you going to believe. Are you going to believe this Defendant, the Puerto Rican [C]asanova who is there to please? *** Or are you going to believe [L.C.], who came before you and told you and relived for you what he did to her on March 22nd of 2004."

The prosecutor urged the jurors to use their common sense and note the silly and physically impossible details of defendant's story of consensual sex in his employer's van. The prosecutor argued that defendant came before the jurors and:

> "spun the story that didn't make any sense. [L.C.] went from a hi, to a half an hour of conversation to jumping in a van with him? *** He pretends [the physical] evidence doesn't exist. I don't know. When she was with me, she was fine, nothing on her hat, nothing on her face. She was fine. She was happy.
>
> And when he doesn't have an answer for why his 30 something year old semen is in the 17-year-old girl's vagina *** He wants you to believe that it is he giving into her demands, that this is what [L.C.] wanted on March 22nd of 2004.
>
> Does it make any sense to you the way he says what happened in the van? He couldn't penetrate her in her vagina. He couldn't penetrate her vagina because it was uncomfortable.

> Yet [L.C.]'s going to turn around and then she's going to demand, okay, you can't get it in my vagina, all right, put it in my rectum. Does that make sense to you? Does it make sense to you, [L.C.], who couldn't even tolerate the speculum, that that's what she's going to want from him?"

¶ 26 On appeal, defendant argues the prosecutor appealed to the passions and prejudices of the jury by mocking defendant on the basis of his ethnicity. Defendant contends the prosecutor "sunk to a shameful and despicable low," and her unconscionable misconduct undermined any confidence in the jury's verdict given the closeness of the evidence.

¶ 27 Under either a *de novo* or abuse of discretion standard, defendant's argument fails. The prosecutor's comment was not improper. A prosecutor may comment on the credibility of the witnesses, particularly when the testimony is conflicting, and comment on the evidence and draw legitimate inferences therefrom. *People v. Billups*, 318 Ill. App. 3d 948, 959 (2001). Here, the prosecutor referenced the famous Italian womanizer when she properly commented on defendant's argument that L.C. agreed to have sex with him and gave him directives when he failed to perform sexually.

¶ 28 Contrary to defendant's assertion on appeal, the prosecutor did not mock his ethnicity simply by mentioning it. Defendant's ethnicity was relevant evidence in this trial because L.C., who was from Mexico and spoke Spanish, told the police that the offender spoke to her in Spanish with a Puerto Rican accent. Further, both defendant and a detective testified that defendant was born in Puerto Rico. The detail of defendant's ethnicity reminded the jury that, despite the defense's contrary argument, evidence corroborated the statement L.C. gave to the

police shortly after the attack. The prosecutor did not mock defendant's ethnicity but, rather, attacked the credibility of his story that L.C. agreed to a romantic encounter in a van and defendant merely complied, despite his discomfort, with her request to penetrate her anally after he failed to penetrate her vaginally. See *People v. Shief*, 312 Ill. App. 3d 673, 678 (2000) (a prosecutor may comment on a witness's credibility if the remarks are based on fair inferences from the evidence).

¶ 29 The complained-of remark by the prosecutor was based on the evidence adduced at trial and in response to defense counsel's comments in closing arguments. We conclude that the complained-of remark was not error.

¶ 30 B. Compliance with Supreme Court Rule 431(b)

¶ 31 Defendant argues his conviction must be reversed and this case remanded for a new trial because the trial court failed to fully comply with Illinois Supreme Court Rule 431(b) (eff. May 1, 2007). We review the trial court's compliance with a supreme court rule *de novo*. *People v. Suarez*, 224 Ill. 2d 37, 41-42 (2007).

¶ 32 Defendant concedes that he has forfeited this issue by failing to both object at trial and include the issue in his posttrial motion. See *People v. Enoch*, 122 Ill. 2d 176, 186 (1988). Defendant urges us to consider this issue under the closely-balanced prong of plain error analysis.

¶ 33 The plain error doctrine allows errors not previously challenged to be considered on appeal if either: (1) the evidence is closely balanced and the jury's guilty verdict may have resulted from the error; or (2) the error was so fundamental and of such magnitude that the defendant was denied a fair trial and the error must be remedied to preserve the integrity of the

judicial process. *People v. Hudson*, 228 Ill. 2d 181, 191 (2008); *People v. Herron*, 215 Ill. 2d 167, 177 (2005). The first step of plain error analysis is deciding whether any error has occurred. *People v. Thompson*, 238 Ill. 2d 598, 613 (2010); *People v. Durr*, 215 Ill. 2d 283, 299 (2005).

¶ 34 Rule 431(b) codified our supreme court's holding in *Zehr*, 103 Ill. 2d at 477, that four inquiries must be made of potential jurors in a criminal case to determine whether a particular bias or prejudice would deprive the defendant of his right to a fair and impartial trial. Rule 431(b) requires the trial court to issue the *Zehr* admonitions and inquiries *sua sponte*. Specifically, the trial court must ask each potential juror, individually or in a group, whether that juror understands and accepts the following principles: (1) that the defendant is presumed innocent; (2) that the State must prove him guilty beyond a reasonable doubt; (3) that he is not required to present evidence on his own behalf; and (4) that his decision not to testify may not be held against him. However, no inquiry of a prospective juror is made into the defendant's failure to testify when the defendant objects. Ill. S. Ct. R. 431 (eff. May 1, 2007). Although Rule 431(b) is designed to help ensure that defendants are tried before a fair jury, the *Zehr* questioning under that rule is not indispensable to a fair trial. *Thompson*, 238 Ill. 2d at 613-14.

¶ 35 Defendant acknowledges that the trial court sufficiently asked the potential jurors if they *understood* the four *Zehr* principles; however, defendant argues the trial court committed reversible error because it failed to also ask all the prospective jurors whether they *accepted* all four principles. Defendant also complains that the trial court erred when it failed to elicit separate verbal responses from the second group of venire members on three of the four *Zehr* principles. We do not agree.

¶ 36 There is no special magic language that must be used to determine whether the potential jurors understand and accept the four *Zehr* principles. *People v. Ware*, 407 Ill. App. 3d 315, 356 (2011); *People v. Raymond*, 404 Ill. App. 3d 1028, 1056 (2010). Here, the trial court complied with Rule 431(b) when it admonished the venire regarding the four *Zehr* principles and gave the venire an opportunity to disagree with them. The court's questions for each *Zehr* principle were sufficiently broad so that if any juror had either verbally responded or raised a hand in response to the question, it would have shown that he failed to understand or accept that particular principle. See *People v. Magallanes*, 409 Ill. App. 3d 720, 729-30 (2011) (although the judge erred by failing to question the venire about the fourth *Zehr* principle, the judge satisfied Rule 431(b) concerning the three other principles by asking if anyone disagreed with those principles and, if so, to raise his hand); *Ware*, 407 Ill. App. 3d at 356 (court's inquiry as to whether venire members had "any difficulty" with the *Zehr* principles was sufficient compliance with Rule 431(b)); *People v. Davis*, 405 Ill. App. 3d 585, 589 (2010) (trial judge's inquiry as to whether venire members had "a problem" with the *Zehr* principles was sufficient compliance with Rule 431(b)). We find that the trial court's inquiry of the venire here satisfied Rule 431(b).

¶ 37 C. Sufficient Proof of Injury to Support Two Convictions

¶ 38 Finally, defendant argues this court should reduce one of his two aggravated criminal sexual assault convictions to criminal sexual assault because there was evidence of only one injury. The two counts of aggravated criminal sexual assault alleged separate acts of anal penetration, and each count alleged that the aggravating factor was bodily harm consisting of "rectal tear and bruising." Defendant contends, however, that the evidence adduced at trial

revealed only one injury–a single rectal tear–and there was no evidence that an act of anal penetration caused any bruising. Defendant argues a single injury can support only one conviction, so this court should reduce one of his two aggravated criminal sexual assault convictions to simple criminal sexual assault and remand this case for re-sentencing on that lesser offense.

¶ 39 When reviewing the sufficiency of the evidence, this court views the evidence in the light most favorable to the prosecution to determine whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *People v. Collins*, 106 Ill. 2d 237, 261 (1985). Criminal sexual assault occurs when the accused "commits an act of sexual penetration by the use of force or threat of force." 720 ILCS 5/12-13 (West 2004). The offense of aggravated criminal sexual assault occurs when the accused commits criminal sexual assault and an aggravating circumstance existed during the commission of the offense, including, *inter alia*, causing bodily harm to the victim during the commission of the offense. 720 ILCS 5/12-14(a)(2) (West 2004).

¶ 40 Bodily harm, for purposes of aggravated criminal sexual assault, has the same meaning given to *bodily harm* under the battery statute. *People v. Bishop*, 218 Ill. 2d 232, 250 (2006). Bodily harm consists of physical pain or damage to the body, like lacerations, bruises or abrasions, whether temporary or permanent." *People v. Mays*, 91 Ill. 2d 251, 256 (1982). "In determining whether a defendant's actions caused bodily harm, direct evidence of injury may be considered or the trier of fact may infer injury based upon circumstantial evidence in light of common experience." *Bishop*, 218 Ill. 2d at 250.

¶ 41 Defendant concedes that the State charged and proved two separate acts of anal penetration, where L.C. testified that defendant penetrated her anally when she was standing and facing a wall and subsequently penetrated her anally after he made her kneel on the ground. Defendant argues, however, that the single tear on L.C.'s anus as evidence of bodily harm was sufficient to sustain only one conviction despite the two anal penetrations. To support this proposition, defendant cites the portion of the *Bishop* case where the parties agreed that the court had to vacate one of the defendant's two convictions of aggravated criminal sexual assault where the alleged bodily harm was the victim's pregnancy. *Id*. at 248. Defendant's reliance on that portion of the *Bishop* case, however, is misplaced. In *Bishop*, only one of defendant's multiple acts of vaginally penetrating the victim could have resulted in her single pregnancy. Here, in contrast, the nature of L.C.'s charged bodily injuries was not so limited.

¶ 42 We find support for defendant's two aggravated criminal sexual assault convictions in *Bishop*'s discussion of the sufficiency of the evidence of two separate injuries to the victim's anus to prove defendant Bishop's convictions of two counts of aggravated criminal sexual assault. *Id*. at 249-50. Specifically, the victim in *Bishop* said that when the defendant began to penetrate her anally, it caused her to cry. The court stated that the jury could have concluded from the victim's statement that the defendant's acts caused pain to the victim and the pain accompanied some physical injury. *Id*. at 250.

¶ 43 Here, the State alleged that defendant caused "bruising" to L.C. in addition to the "rectal tear." Viewing the evidence in the light most favorable to the State, a rational trier of fact could find that defendant inflicted those two separate injuries on L.C. during defendant's commission

of the two sexual assaults. The jury saw the physical difference in size and weight between the petite victim and defendant, who was six feet tall and weighed over 200 pounds. L.C. testified that defendant's multiple penetrations were painful and she cried during the assaults. L.C. also testified that the exam at the hospital was very painful and she was crying. From this testimony, the jury could have inferred that defendant's acts caused pain to L.C. and that the pain accompanied some physical injury, like bruising. Although Dr. Dorfman did not document any bruising to L.C.'s vaginal and rectal areas, he explained that he performed only an external visual exam and was not able to perform a more thorough exam because L.C. could not tolerate it. Dr. Dorfman also explained that there was a difference between whether bruising was documented and whether it existed. He said that a lot of other things are going on in an emergency room when staff is treating a victim of an alleged sexual assault and the staff does its best to make sure there are no gaping wounds that need to be sutured and the patient is okay and breathing.

¶ 44 Furthermore, L.C. testified that before defendant forced her to walk to the alcove where the sexual assaults occurred, he threw her to the ground, struck her face more than once, and caused her nose to bleed. That testimony was corroborated by the photographs showing blood stains on L.C.'s hat and CD disc, and the testimony of her uncle and the detective, nurse and doctor that L.C. had a bruise, abrasions, swelling, or a scratch on the right side of her nose. Specifically, Detective Lieblick testified that he saw swelling and redness on the right side of L.C.'s face, and L.C.'s uncle testified that L.C. had a swollen nose and a bruise. In addition, the jury saw the photographs taken of L.C.'s face at the hospital.

¶ 45 The time period between when defendant struck L.C. and when he sexually assaulted her was sufficiently close so that the swelling and bruising to L.C.'s face could be found to have been committed during the commission of the sexual assaults. See *People v. White*, 195 Ill. App. 3d 463, 467 (1990) (defendant caused bodily harm to the victim when he hit her multiple times downstairs and then followed her upstairs to her bedroom and sexually assaulted her); *People v. Colley*, 188 Ill. App. 3d 817, 819-20 (1989) (defendant caused bodily harm to the victim when he sexually assaulted her in her bed and then demanded money, rummaged through her dresser, accompanied her to the bathroom, hit her, threatened to kill her if she did not give him money, threw her on the bed and smothered her with a pillow, ordered her downstairs into the kitchen, turned on the gas, and then cut her on the neck and chin with a pocket knife). Accordingly, there was sufficient evidence of bruising in addition to the single rectal tear to support both of defendant's convictions for aggravated criminal sexual assault.

¶ 46 We conclude that the evidence viewed in the light most favorable to the State supports a finding that L.C. sustained two separate injuries, a rectal tear and bruising, that were sufficient to support defendant's convictions for two aggravated criminal sexual assaults.

¶ 47 III. CONCLUSION

¶ 48 For the foregoing reasons, we affirm the judgment of the trial court.

¶ 49 Affirmed.