2012 IL App (1st) 1102043-U

FIFTH DIVISION
November 21, 2012

No. 1-10-2043

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

IN THE INTEREST OF	)	Appeal from the
	)	Circuit Court of
KEITH W., A Minor,	)	Cook County, Illinois.
	)	
Respondent-Appellant,	)	No. 07 JD 05873
	)	
	)	The Honorable
	)	Terrence Sharkey.
	)	Judge Presiding.

JUSTICE TAYLOR delivered the judgment of the court.
Justices Palmer and Howse concurred in the judgment.

ORDER

¶ 1 *Held*: Trial court did not err in admitting outcry statements from a victim of sexual assault where she testified in court that she had not been assaulted and did not remember making such statements. Further, the the court properly admitted evidence of other sexual acts that took place around the same time of the acts with which respondent was charged. Lastly, the State proved respondent delinquent beyond a reasonable doubt where his confession was corroborated by the victim's outcry statements to her father, an investigator and a pediatrician.

¶ 2 Minor-respondent, Keith W., appeals from an order of the circuit court of Cook County adjudicating him delinquent of criminal sexual assault, aggravated criminal sexual abuse and criminal sexual abuse, and committing him to the Illinois Department of Juvenile Justice until his twenty-first birthday. On appeal, respondent contends that the trial court erred in admitting evidence of the alleged victim's outcry statements, and that without such statements, the evidence adduced against him was insufficient to support his adjudication.

¶ 3 The delinquency charges filed in this case arose in connection with alleged acts of a sexual nature that respondent and his twin brother Kenneth W., who is not part of this appeal, committed on their then-four-year-old niece, C.M. The petition charged respondent with two counts of criminal sexual assault for placing his penis and finger in contact with C.M.'s vagina, as well as two counts of aggravated criminal sexual abuse and one count of criminal sexual abuse, for rubbing his penis on C.M.'s vagina. Those charges arose in connection with alleged incidents that took place between November 7 and November 15, 2007.

¶ 4 On April 17, 2009, the State filed a motion to admit C.M.'s out-of-court statements made to her father, Corderro M., and to a forensic interviewer, Dr. Alexandra Levi, the substance of which would be elicited from Detective Mark DiMeo, who observed C.M.'s interview. The motion was brought pursuant to section 115-10 of the Illinois Code of Civil Procedure (Code), which allows for certain hearsay exceptions, such as out-of-court statements by a victim under 13 years of age who testifies at the proceeding. 725 ILCS 5/115-10 (West 2009).

¶ 5 At the hearing on the State's motion, Corderro testified that in November 2007, he and C.M. lived with his mother, Bobbie M., and sometimes stayed with his then-girlfriend, Courtney

Hill. During that month, Bobbie went out of town for several days, and in her absence, C.M. spent some of those days at her mother's house. C.M.'s mother, Tiesha Polk, lived with her mother, Tasha Harris, as well as her brothers, namely, the respondent and his twin brother Kenneth.

¶ 6 Corderro stated that Bobbie returned on or about November 16, 2007, and that on that day, she picked C.M. up from daycare and dropped her off at Courtney's house. On that evening, Corderro walked into a bedroom and saw C.M. on the bed, on top of Coutney's then-three-year-old son with her arms around him. When asked what they were doing, C.M. responded that they were "humping," and when Corderro inquired where she had learned that, she responded that it was from "Keithy and Dee," which is what her family calls respondent and his brother. Corderro then asked C.M. to demonstrate what she believed "humping" was, and she did so by straddling the pillow and moving up and down in a manner that Corderro described as "if she was having sexual relations."

¶ 7 According to Corderro, C.M. then explained that respondent and his brother were "humping on [her.]" When Corderro asked C.M. where they were humping on her, she told him "on my poo poo," which is a term C.M. used when referring to her vagina, and on her "butt." She further explained, using the above terms to describe her body parts, that respondent and his brother put lotion on her vagina and buttocks. She then told Corderro that they also rubbed lotion and Vaseline on their "stuff" and touched her buttocks and vagina with their "stuff." When asked what she meant by "stuff," C.M. pointed to her private area and told Corderro it had hair around it. When asked where she was when respondent and his brother "humped" her, C.M.

responded that she was at her "nana's" house, referring to her maternal grandmother. He further explained that before that day, he had never heard C.M. use the words "stuff" or "hump," and had not seen her make humping motions. Corderro then called his mother, Bobbie, who took C.M. to the hospital the next day, and two or three weeks later, they took C.M. to the Chicago Children's Advocacy Center ("CCAC").

¶ 8 The State next called Chicago police officer Mark DiMeo, who testified that on November 17, 2007, he observed C.M.'s victim sensitive interview (VSI) at the CCAC with forensic interviewer Dr. Levi. According to DiMeo, the interviewer first determined that C.M. knew the difference between the truth and a lie, and then brought up the topic of C.M.'s uncles. C.M. told the interviewer that her uncles had humped her, and demonstrated that act by standing up and thrusting her hips back and forth. DiMeo stated that C.M. further told Dr. Levi that her uncles rubbed lotion on her vagina, and that they placed their penises in her vagina and buttocks. C.M. then told Dr. Levi that respondent made her suck on his "stuff," which she described, similarly to her explanation to Corderro, by pointing to her pelvic area.

¶ 9 The trial court then found that both of C.M.'s statements to her father and to Dr. Levi were reliable based on their content and circumstances under which they were made, and granted the State's motion to admit both statements pursuant to section 115-10 of the Code. It noted, however, that it would only allow both statements to be admitted if C.M. is available for cross-examination at trial. The court ruled that if C.M. is unavailable for such cross-examination at trial, the court would bar her the statement to Dr. Levi, which was testimonial in nature.

¶ 10 On May 29, 2010, the trial court held simultaneous, severed, bench trials for respondent

and his brother, Kenneth. Before trial began, the court told defense counsel that it would open up their cross-examination of C.M. beyond the scope of direct so as satisfy the confrontation clause under *Crawford v. Washington*, 541 U.S. 36 (2004).

¶ 11 At that time, the State called then seven year-old C.M., who identified respondent and his brother Kenneth as her uncles. C.M. stated that she could not remember when she last saw respondent and his brother, but she did remember that the last time she was at her maternal grandmother's house she was four years old. She testified that she could not remember telling her father about anything that happened while she was at her grandmother's house . Although she remembered going to a place with big chairs, which apparently refers to the CCAC, she could not remember telling a lady at that place about anything involving her uncles. When asked whether anyone had ever touched her vagina or buttocks, C.M. answered "no."

¶ 12 The State did not ask any additional questions, and the attorneys for respondent and for his brother both moved for a finding that C.M. did not testify and was unavailable for cross-examination for purposes of the Confrontation Clause and of section 115-10 because she did not testify to the alleged crimes. The defense then argued that since C.M. was unavailable, her out-of-court statements to her father and to the forensic interviewer were inadmissible. The trial court, however, ruled that since C.M. answered all the State's questions, she did testify and was available for cross-examination. Neither defense counsel chose to cross-examine C.M.

¶ 13 The State next called C.M.'s father, Corderro, who testified consistently with his testimony from the evidentiary hearing. He added, however, that his mother, Bobbie, had first obtained guardianship of C.M. in late 2003, which C.M.'s mother opposed. Corderro

acknowledged that C.M.'s mother had filed a petition for C.M.'s custody earlier in 2007.

¶ 14 Similarly to Corderro, Detective DiMeo testified consistently to his testimony at the section 115-10 hearing about C.M.'s statement to Dr. Levi at her VSI on November 17, 2007. He acknowledged, however, that although C.M. told Dr. Levi that her uncles' "stuff went into her hole," she did not appear to fully understand the difference between "inside" and "outside."

¶ 15 The State then called Dr. Marjorie Fujara, a pediatrician who examined C.M. at the CCAC on the same day as her VSI. Dr. Fujara testified that C.M. told her that someone had touched her vagina and put their "nut" on her vagina and buttocks. The trial court admitted Dr. Fujara's testimony about C.M.'s statement pursuant to section 115-13 of the Code, namely, as a statement made for medical treatment.

¶ 16 Dr. Fujara further testified that her examination of C.M. revealed nothing unusual, such as tearing or scarring. She explained, however, that a deep penetration of C.M.'s vagina could have taken place without causing physical signs. In fact, the doctor stated that the "vast majority of children have normal exams even if they are sexually abused."

¶ 17 Former Assistant State's Attorney Johanna Tracy testified that she interrogated respondent in the early morning hours of December 3, 2007, at which time he waived his constitutional rights and made a confession. According to Tracy, respondent told her that in November 2007, he and his brother took C.M. out of the bathtub, and as they began to dry her off, he placed his finger in her vagina. Respondent left the room when he saw Kenneth put lotion on his penis, and when he returned, respondent saw Kenneth "humping" C.M.'s buttocks. At that time, respondent went to his bedroom, and when C.M. later joined him, he told C.M. to suck on his penis, which

she did. Respondent further told Tracy that a few days later, while he, Kenneth and C.M. were watching a movie, respondent rubbed his penis on C.M.'s vagina.

¶ 18 The State rested and both respondent's and Kenneth's motions for a directed finding were denied. The defense then called Tiesha Polk and Tasha Harris, both of whom testified that C.M. lived with Polk and Harris from the time she was born until late 2003, when Bobbie was granted temporary guardianship of C.M. Polk testified that Bobbie was granted guardianship of C.M. by falsely telling a judge in the probate division that she did not know Polk's whereabouts. Both Harris and Polk stated that in June 2007, Polk initiated an action to regain custody of C.M., which was pending in November 2007, when the accusations against the two brothers arose.

¶ 19 Neither respondent nor Kenneth testified, and after the defense rested, the trial court adjudicated them both delinquent based on all counts. In doing so, the trial court again found that C.M. had testified and was available for cross-examination. The court noted that while there was no charge alleging penis to mouth contact, the testimony to such contact is "an indication overall that this activity was done for sexual purposes."

¶ 20 On May 4, 2010, the trial court sentenced both respondent and his brother to the Juvenile Department of Corrections for an indeterminate period not to exceed their twenty-first birthday, and ordered each to register as sex offenders for the rest of their lives.

¶ 21 ANALYSIS

¶ 22 On appeal from that judgment, respondent now contends that the trial court erred in admitting C.M.'s out-of-court statements to her father and to the forensic interviewer because she did not offer any accusatory testimony against her uncles in court. Respondent maintains that the

admission of C.M.'s statements under section 115-10 of the Code violates his right to confront his accuser as stated in *Crawford*, because when C.M. testified, she did not "defend or explain" her out-of-court statements. He further argues that even if C.M.'s outcry statements did not violate the Confrontation Clause, they did not conform with the statutory requirement under section 115-10 that she testify at trial, because the purpose of the statute was only to allow out-of-court statements that corroborate a child's in-court testimony.

¶ 23 While a trial court's rulings on evidentiary matters will not be reversed absent an abuse of discretion, evidentiary rulings based on questions of statutory interpretation, or other questions of law, are subject to *de novo* review. *People v. Hall*, 195 Ill. 2d 1, 20-21 (2000). In *Crawford*, the Supreme Court held that where "the declarant appears for cross-examination at trial, the Confrontation Clause places no constraints at all on the use of his prior testimonial statements." *Crawford*, 541 U.S. at 59 n. 9 (2004). Further, as noted above, section 115-10 of the Code provides, in pertinent part, that out-of-court statements made by a victim of a sexual crime are only admissible if the child either testifies at the proceeding or is unavailable as a witness and there is corroborative evidence of the act. 725 ILCS 5/115-10(b) (West 2009). Although respondent appears to argue that where a child is "available" for purposes of the Confrontation Clause, that does not necessarily mean that she actually "testified" so as to satisfy the requirements of section 115-10 of the Code, that distinction is misguided. In *People v. Learn*, 396 Ill. App. 3d 891, 1048 (2009), the court expressly noted that the Supreme Court's definition of appearance under *Crawford* was equally applicable in determining whether a witness had testified under section 115-10, even though its interpretation of section 115-10 was not a

confrontation clause analysis. Accordingly, while we are obliged to determine the admissibility of C.M.'s out-of-court statements as an evidentiary matter before considering any constitutional claims (*In re E.H.*, 224 Ill. 2d 172, 178 (2006)), we now address whether C.M. actually testified under section 115-10 of the Code using the same standard which governs a witness' availability under the confrontation clause.

¶ 24 While the decision in *Crawford* did not explain what it means to "appear for cross-examination," courts of this state have relied on *Delaware v. Fensterer*, 474 U.S. 15, 20 (1985); and *United States v. Owens*, 484 U.S. 554, 559 (1988), in holding that a witness' memory loss during trial does not change the fact that they appeared at trial and are available for cross-examination. See, e.g., *People v. Major-Flisk*, 398 Ill. App. 3d 491, 504 (2010). In *Fensterer*, 474 U.S. at 20, where the prosecution's expert witness could not recall the basis for its opinion, the court stated that "the Confrontation Clause guarantees an *opportunity* for cross-examination, not cross-examination that is effective in whatever way, and to whatever extent, the defense might wish." (Emphasis in original). Following *Fensterer*, the Supreme Court in *Owens*, 484 U.S. at 559, upheld the admission of hearsay testimony by a witness who, at trial, stated that he remembered identifying the defendant as his attacker in a prior interview, but could not remember seeing his assailant at the time of his attack. Further, our supreme court, in *People v. Flores*, 128 Ill. 2d 66, 88 (1989), relied on *Fesnterer* and *Owens* to determine that a defendant's confrontation rights were not violated by the admission of a witness' grand jury testimony that the defendant had told the witness that he shot the victim, even though that witness testified at trial that he could not remember speaking to defendant.

¶ 25 This court, in *Major-Flisk*, 398 Ill. App. 3d at 506-07, reached the same conclusion with respect to whether a witness had testified within the meaning of section 115-10, relying on *Fensterer* and *Owens*, as well as *Flores* and its progeny. In that case, the court admitted a victim's outcry statements to his aunt, his mother and an interviewer, that defendant had put his finger in the victim's buttocks, touched the victim's penis with his own, among other instances of abuse. *Id*. at 494-96. At trial, however, the victim could not remember defendant touching him in any way other than making him sit on defendant's hand, and denied making outcry statements to his aunt or to an interviewer. *Id*. at 497. In rejecting defendant's claim that the child had not testified within the meaning of section 115-10, this court found that while the child did not remember certain conversations or testify to every instance of sexual abuse, the child was present and available for cross-examination and answered every question asked by the defense counsel. *Id*. at 506. While defendant in *Major-Flisk* had also waived his argument that the child did not testify, the court expressly found that his claim would have no merit, even if it had been preserved. *Id*. at 503; see also *People v. Sundling*, 2012 IL App (2d) 070455-B ¶45-67 (2012) (victim "appeared" for cross-examination within the meaning of *Crawford*, where he could not remember, at trial, the incident that he previously described in a videotaped interview, in which he stated that defendant had touched his penis); *People v. Garcia-Cordova*, 2011 IL App (2d) 070550-B, ¶63 (2011) (where the child could not remember the details of her sexual abuse at trial, court found that a witness who is present and answers questions is available for cross-examination even where the defense counsel chooses not to cross-examine her).

¶ 26 Based on the facts of this case and in light of the above authority, we similarly conclude

that C.M. testified and was available for cross-examination. C.M. appeared at trial and was cooperative. Although she denied that either of her uncles had touched her vagina, and stated that she did not remember the statements she made to her father and to the forensic interviewer, she answered every question that she was asked. While defense counsel had the opportunity to cross-examine her, he chose not to do so and let C.M.'s testimony stand. See *Major-Flisk*, 398 Ill. App. 3d at 506-07. Thus, we find that C.M.'s out-of-court statements to her father and to the forensic interviewer were admissible under section 115-10 of the Code, and, consequently, did not violate respondent's confrontation rights.

¶ 27 While respondent relies on *Learn*, 396 Ill. App. 3d 891, for the proposition that a victim must give accusatory testimony before her hearsay statements may be admitted under section 115-10, that argument has been explicitly rejected by this court. See *Sundling*, 2012 IL App (2d) 070455-B ¶64; *Garcia-Cordova*, 2011 IL App (2d) 070550-B, ¶63. In *Learn*, 396 Ill. App. 3d at 900, the court found that a child witness had not "testified" where, after providing some background testimony, she put down her head and began to cry, and after a recess, when asked if she felt better, she stated that she did not know. However, in *Garcia-Cordova*, the court drew a distinction between a witness who shuts down and is unable to answer any more questions, and a witness who does not recall his prior accusations but never refused to answer any questions about the alleged abuse. 2011 IL App (2d) 070550-B, ¶62-63. It noted that while the inability to respond to questions leads to inability to cross-examine, lack of memory does not, and those cases are still governed by the holding of *Fensterer* and *Owens*. *Id.* at ¶62. The court further found that the decision in *Learn* held that the victim must give accusatory statements where she

is the only witness other than the hearsay reporters who can accuse defendant of the crimes charged, and therefore, did not apply to a case where the defendant's own statements corroborated the victim's out-of-court statements. Id at ¶61 (citing *Learn*, 396 Ill. App. 3d at 900). The court in *Sundling*, 2012 IL App (2d) 070455-B ¶64, adopted the rationale of *Garcia-Cordova*, and similarly distinguished its facts from those of *Learn*.

¶ 28 In this case, similarly to *Garcia-Cordova* and *Sundling*, and unlike the victim in *Learn*, the record indicates that C.M. did not shut down or refuse to answer questions, but merely stated that she did not remember making her prior accusatory statements, and answered negatively when asked if anyone had touched her vagina. Further, as in *Garcia-Cordova*, respondent's own admission to the ASA corroborated C.M.'s outcry statements.

¶ 29 In fact, while respondent argues that in *People v. Kitch*, 239 Ill. 2d 452, 464 (2011), our supreme court, by citing *Learn*, adopted the position that a witness must give inculpatory testimony, that claim has been similarly rejected. As this court noted in *Sundling,* the decision in *Kitch*, cited *Learn* only to distinguish it from its own facts, since the witnesses in *Kitch* did, in fact, testify to the charged sexual abuse. *Sundling*, 2012 IL App (2d) 070455-B ¶55, citing *Kitch*, 239 Ill. 2d at 465. Further, because *Kitch* did not touch upon cases dealing with memory loss, its decision did not change the court's analysis. *Sundling*, 2012 IL App (2d) 070455-B ¶58, citing *Garcia-Cordova*, 2011 IL App (2d) 070550-B, ¶56.

¶ 30 Moreover, while respondent cites *People v. Bowen*, 183 Ill. 2d 103 (1998), and *People v. Holloway*, 177 Ill. 2d 1 (1997), for the notion that the purpose of section 115-10 was only to allow hearsay statements that are "corroborative" of the victim's trial testimony, neither of those

cases addresses the admissibility of hearsay statements from a victim whose trial testimony does not inculpate the defendant.

¶ 31 Respondent next contends that even if the trial court properly admitted C.M.'s out-of-court statements that pertain to respondent inserting his finger and penis in C.M.'s vagina, it erred in admitting statements pertaining to any penis-to-mouth and penis-to-anus contact because the latter were not charged in his petition. He further maintains that his trial counsel was ineffective for failing to object to the introduction of such statements.

¶ 32 While section 115-10 is limited to complaints of, or details about, sexual acts which are the subject of the complaint (725 ILCS 5/115-10(a)(2) (West 2009), *People v. Anderson*, 225 Ill. App. 3d 636, 650 (1992)), it does not restrict the introduction of additional sexual acts which happened during the time alleged in the petition and that would fit within the description of the overall crime charged. For instance, in *People v. Edwards*, 224 Ill. App. 3d 1017, 1031-32 (1992), defendant was charged with aggravated sexual assault based on penis-to-anus contact, but the trial court also admitted hearsay evidence of penis-to-mouth contact and sexual penetration with a fork around the same time as the charged act. The court found that admission of those uncharged acts was mere surplusage because they were consistent with the statute with which defendant was charged and he had notice of being charged with aggravated sexual assault. *Id*. at 1032; *c.f. People v. Johnson*, 296 Ill. App. 3d 53, 64-66 (1998) (court improperly admitted evidence of uncharged sexual acts that took place outside of the time frame and location of the acts for which defendant was charged).

¶ 33 Here, as in *Edwards*, respondent was charged, *inter alia*, with criminal sexual assault of

C.M., which includes an act of sexual penetration by a family member of a victim who is under 18 years of age. 720 ILCS 5/11-1.20(a)(3) (West 2009). The additional sexual acts introduced at trial, namely, penis-to-anus and penis-to-mouth contact allegedly took place around the same time and under the same circumstances as the sexual acts on which respondent's charges were based and are consistent with his charge of criminal sexual assault. Thus, those additional acts were merely surplusage and do not warrant reversal.

¶ 34 Furthermore, while parties are generally barred from introducing other crimes evidence to show propensity (*People v. Donoho*, 204 Ill. 2d 159, 170 (2003)), evidence of prior sexual contact may be admitted to show the accused's intent, course of conduct, design and to corroborate the victim's testimony, in cases involving a sexual offense. *People v. Jahn*, 246 Ill. App. 3d 689, 705 (1993). Here, as the trial court correctly noted with respect to the penis-to-mouth contact, those additional acts indicate that this activity was done for sexual purposes, and that the contact between respondent's finger and C.M.'s vagina was not merely accidental.

¶ 35 Having determined that the trial court did not err in admitting evidence of those additional sexual acts between respondent and C.M., we conclude that respondent's trial counsel was not deficient for failing to object to the introduction of that evidence. See, e.g., *People v. Beals*, 162 Ill. 2d 497, 508 (1994) (where the challenged testimony was admissible, attorney was not incompetent in failing to object to its introduction).

¶ 36 Lastly, respondent contends that the State failed to prove him delinquent beyond a reasonable doubt. He first maintains that since C.M.'s outcry statements were inadmissible, his own admission to the ASA was uncorroborated and, his adjudication cannot, as a matter of law,

rest solely on that statement. However, having concluded above that the trial court properly admitted C.M.'s outcry statements inculpating the defendant, we need not address the merits of that argument. Respondent, nevertheless, argues that even if C.M.'s out-of-court statements are admissible, the evidence introduced against him is still insufficient to support his adjudication because: (1) his confession was still not sufficiently corroborated by C.M.'s outcry statements; and (2) at trial, C.M. denied any acts of sexual contact.

¶ 37 Where, as here, respondent challenges the sufficiency of the evidence to sustain the court's delinquency determination, it is our responsibility to determine whether, after viewing the evidence in the light most favorable to the State, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *In re W.C.*, 167 Ill. 2d 307, 336 (1995). This court will reverse a delinquency finding only where the proof is so unreasonable, improbable, or unsatisfactory as to raise reasonable doubt of respondent's delinquency. *In re Keith C.*, 378 Ill. App. 3d 252, 257 (2007).

¶ 38 With respect to respondent's argument that his confession was insufficiently corroborated, we note that although a criminal conviction may not be based solely on an uncorroborated confession, there is no requirement that the corroborating evidence prove the crime against him beyond a reasonable doubt. See *People v. Phillips*, 215 Ill. 2d 554, 576 (2005). If the accused's confession is corroborated by independent evidence, the confession and corroboration may be considered together in determining whether the crime, and the fact that the accused committed it, have been proved beyond a reasonable doubt. *Id*.

¶ 39 Here, respondent's confession to inserting his finger in C.M.'s vagina and later placing his

penis in her vagina was corroborated by ample evidence. C.M. told her father, a forensic interviewer and Dr. Fujara that her uncles touched her vagina, and that they "humped" her vagina with their penises. Although she did not specify which of her uncles committed each act, she indicated that they both penetrated her, and those outcry statements are independent evidence that respondent committed the acts to which he confessed. While Dr. Fujara did not observe any physical signs of abuse on C.M., she also noted that deep penetration could have occurred without causing any tearing or scarring.

¶ 40 Moreover, respondent's claim that his adjudication is insufficiently supported because C.M. recanted her accusations at trial is likewise unpersuasive. In a bench trial, it is the responsibility of the trial court to determine the credibility of the witnesses and the weight of their testimony, to resolve the inconsistencies and conflicts therein. *People v. Berland*, 74 Ill. 2d 286, 305-306 (1978). This court has noted that " '[o]nce a jury or trial court has chosen to return a guilty verdict based on a prior inconsistent statement, a reviewing court not only is under no obligation to determine whether the declarant's testimony was 'substantially corroborated' or 'clear and convincing,' but may *not* engage in such an analysis.' " *People v. Logan*, 352 Ill. App. 3d 73, 80 (2004) (quoting *People v. Morrow*, 303 Ill. App. 3d 671, 677 (1999) (emphasis in original) (internal citations omitted); see also *People v. Craig*, 334 Ill. App. 3d 426, 440 (2001) (holding that convictions may be based solely on prior inconsistent statements even where they are not corroborated by independent evidence).

¶ 41 In this case, the trial court found C.M.'s out-of-court statements to her father, the forensic interviewer and Dr. Fujara more credible than her trial testimony, and we will not substitute our

judgment therefor. Her prior statements were sufficient to sustain his adjudication, especially when taken together with respondent's confession and Corderro's testimony about C.M.'s behavior after returning from her mother's house and unprecedented use of the words "hump" and "stuff." Respondent's reliance on *People v. Brown*, 303 Ill. App. 3d 949 (1999); *People v. Arcos*, 282 Ill. App. 3d 870 (1996); and *People v. Parker*, 234 Ill. App. 3d 273 (1992); is misplaced. Unlike C.M., the recanting witnesses in each of those cases unequivocally repudiated their prior accusatory statements and attested that they were coerced by fear, and the police supplied them with the details of the crime. *Brown*, 303 Ill. App. 3d at 957; *Arcos*, 282 Ill. App. 3d at 873-74; *Parker*, 234 Ill. App. 3d at 276-78.

¶ 42 For the foregoing reasons, we affirm the judgment of the circuit court of Cook County.

¶ 43 Affirmed.