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IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

| | | |
|-------------------------|---|-------------------------------|
| THE PEOPLE OF THE STATE |) | Appeal from the Circuit Court |
| OF ILLINOIS, |) | of Kane County. |
| |) | |
| Plaintiff-Appellee, |) | |
| |) | |
| v. |) | No. 08—CF—2757 |
| |) | |
| MARIO L. RODRIGUEZ, |) | Honorable |
| |) | T. Jordan Gallagher, |
| Defendant-Appellant. |) | Judge, Presiding. |

JUSTICE HUTCHINSON delivered the judgment of the court.
Presiding Justice Jorgensen and Justice Hudson concurred in the judgment.

ORDER

Held: The State presented evidence sufficient to sustain his conviction of criminal sexual assault. We affirmed the trial court's judgment.

In April 2009, following a bench trial, defendant, Mario L. Rodriguez, was convicted of criminal sexual assault pursuant to section 12–13(a)(1) of the Criminal Code of 1961 (the Criminal Code) (720 ILCS 5/12–13(a)(1) (West 2008)) and sentenced to five years' imprisonment. Defendant now appeals his conviction, contending the evidence was insufficient to prove him guilty beyond reasonable doubt. We affirm.

BACKGROUND

The record reflects that defendant and the victim were acquaintances. Defendant was a friend of the victim's husband, and the victim would regularly cut defendant's hair. On September 24, 2008, defendant and the victim met in the parking lot of the El Molino restaurant in Carpentersville, where the victim alleged that defendant sexually assaulted her in his van. The victim left the scene and reported the incident to the police. Defendant was charged by indictment with one count of criminal sexual assault and one count of unlawful restraint.

A bench trial commenced on April 20, 2009. The State first called Jose Pelayo, a police officer for the Village of Algonquin. Pelayo testified that he responded to a dispatch received at approximately 8 p.m. the night of the incident. Pelayo testified that, upon his arrival, the victim was sitting in her car and appeared to be yelling and shaking uncontrollably. The victim told Pelayo she was in the parking lot at the El Molino restaurant when defendant approached her in his silver minivan. Defendant pulled the victim out of her car and forced her into his minivan. Defendant held the victim down, removed her clothing, and sexually penetrated her. The victim told Pelayo that the sex was not consensual and that she attempted to scream but defendant was holding something over her mouth, most likely his hand. Afterwards, the victim got back into her vehicle and tried to escape by driving northbound on Route 25. The victim told Pelayo that she saw a number of children in front of a house located at 1035 Meghan Avenue and decided to stop there. After speaking with Pelayo, the victim then agreed to do a "show-up" and identify defendant, and the ambulance subsequently brought the victim to the location where defendant was stopped. The victim identified defendant. Pelayo testified that the victim remained in the ambulance and continued to scream and shake after identifying defendant; the victim was transported to Sherman Hospital. Pelayo could not

identify defendant in court, testifying he performed a “quick drive-by” and was “observing more than anything.”

On cross-examination, Pelayo acknowledged that he did not see the alleged assault or see any evidence of defendant’s minivan chasing the victim’s car after the victim left the restaurant. Pelayo further acknowledged that the victim did not complain of any injuries and he did not see any bruises or red marks on the victim. Pelayo could not remember the condition of the victim’s clothing and admitted he did not recover the earring the victim claimed to have lost in defendant’s van.

The State next called Maria Ballester. Ballester testified that she lived in Carpentersville with her younger sister Ale, who was a student at Dundee Crown high school. On September 24, 2008, Ballester was outside her sister’s friend’s house when a black car pulled up. Ballester testified the woman in the car was on the phone and crying and shaking. According to Ballester, the woman appeared to be in shock and her pants were unbuttoned. The woman told Ballester’s sister that she was molested at El Molino’s and she was being followed by the person who raped her. Ballester testified that the police arrived, along with one of her friends, her husband, and an ambulance. Ale’s testimony was substantively similar to Ballester’s testimony.

The State called Kenneth Mohr, a paramedic with the Algonquin fire department, who testified that he was dispatched to 1035 Meghan Avenue. Mohr testified that Pelayo brought the victim to the ambulance for assessment. Mohr testified the victim appeared distraught, shaken, and emotional, but told him she was not hurt. Mohr testified the ambulance brought the victim to a location on Route 62 to identify defendant, and she appeared visibly angry when she saw defendant from the ambulance. The victim was brought to Sherman Hospital after identifying defendant.

On cross-examination, Mohr admitted that the victim denied being struck and that he did not observe any sign of force after visually examining her. Mohr further acknowledged that there was no sign of a struggle and that the victim did not complain of pain.

The State called Tom Stubbs, an emergency medical technician for the Algonquin fire department who treated the victim at 1035 Meghan Avenue. Stubbs testified that the victim appeared very upset and was crying when he arrived. Stubbs did not observe any cuts or bruises on the victim, but testified that bruises might not appear for a few days. Stubbs testified the victim physically pulled away from him when he tried to help her walk to the ambulance. Stubbs testified the ambulance drove the victim to where defendant was stopped so she could identify defendant, and the victim became very upset when she saw defendant. The victim left for the hospital. On cross-examination, Stubbs admitted that he did not see any abrasions, bruises, swelling, or redness after examining the victim's hand, arms, neck, and face. Stubbs acknowledged his report did not indicate the victim was in pain and the victim was able to walk without assistance.

The State next called Bridget Murphy, a registered nurse employed in the emergency room at Sherman Hospital, who treated the victim with a sexual assault evidence kit. Murphy testified that she did not observe any bruises on the victim, but the victim appeared to be frightened and was shaking during the examination. On cross-examination, Murphy admitted she was not familiar with the results of the sexual assault evidence kit. Murphy admitted she did not observe any evidence of physical trauma, the victim did not complain of soreness, and her report indicated there was no physical trauma. Murphy admitted that the victim did not mention being dragged to defendant's vehicle by force or that defendant put her hand over her mouth to prevent her from screaming.

Misty Clemons, a police officer employed by the Village of Algonquin, testified that she received a dispatch on the night of the incident that the driver of a silver Dodge Caravan was a suspect in a sexual assault. Clemons conducted a traffic stop of defendant's vehicle because the headlights were not turned on and the driver of the vehicle identified himself as defendant. During the stop, defendant told Clemons he was coming from a friend's house in Carpentersville and going to another friend's house in Crystal Lake. Clemons testified defendant appeared nervous and fidgety. An ambulance with the victim drove by, and defendant was then turned over to the Carpentersville's police department.

The State next called Joseph Pilarski, a police officer and evidence technician for the Village of Carpentersville. Pilarski testified that he took photographs of defendant's van and the victim's car. The day after the incident, Pilarski took photographs of the victim's arms, which showed minor bruising and redness.

The victim testified next on the State's behalf. The victim testified that she lived in Crystal Lake with her husband and three children. In 2008, the victim was sharing a phone with her husband that formerly belonged to her sister-in-law. The victim testified she knew defendant for approximately four or five years because he was a friend of her husband's and she would cut defendant's hair either at a salon where she worked or at her house. The victim testified she was also friends with defendant's wife.

The victim testified that a few days before the assault, defendant told her he had a picture of the victim's husband with another woman, but she later forgot about it because she was busy at the salon. On September 24, 2008, the victim called defendant and asked to see the photographs. The victim testified she was driving on Route 25 when defendant approached her in another car and cut

into her lane. The victim rolled down her window and defendant told her he had pictures of her husband on his cell phone, and she turned into the restaurant's parking lot. The victim parked her car next to defendant's van in the opposite direction, so the driver's side window of each vehicle was facing the other. The victim testified that defendant then got out of his van and she rolled down her window believing he was going to show her the pictures. At that point, defendant opened the door of the victim's vehicle, grabbed her forearms "hard," and yelled at her. The victim testified that defendant told her to "shut up" and "if you scream, you will die right here." Defendant forced the victim out of her car and "threw" her into the middle seat of his van. The victim testified that she was "frozen" and did not have any strength or will. The victim testified that defendant began to take her clothes off, covered her mouth, and pulled her hair. The victim's clothes were on the floor but she could not remember whether defendant touched her. The victim testified she saw defendant's pants down and, although she did not remember seeing defendant's lower body, she felt his penis inside of her. Defendant told the victim not to tell anyone and offered to pay her money.

The victim testified that after she left defendant's van, she ran to her car but did not see any other person around. The victim then left the parking lot and starting driving home when she called her friend for help. The victim testified she wanted to stop at a nearby Jewel to get help but she saw defendant again. The victim testified that defendant was following her, so she did not talk to anyone at the Jewel because she was afraid. The victim testified she next called 911 and, while at a stop light, defendant came up to her car, pounded on it, and yelled at her to open the door. The victim went into another lane and drove toward her friend's house. The victim testified that she decided to stop at a house where she saw people outside to ask for help. A few girls came to her assistance and the police arrived a few minutes later, followed by the ambulance. The victim described

defendant and the van he was driving. The ambulance brought her to the location where defendant was arrested and then to the hospital. The victim testified that she went to the Carpentersville police department the next day.

On cross-examination, the victim acknowledged she was familiar with defendant's cell phone number and had called defendant in the past. The victim admitted that defendant was her husband's friend, defendant would visit her house a few times a week, and they often socialized together. The victim admitted she was not afraid of defendant prior to the incident. The victim testified that while cutting defendant's hair in 2008, she saw him masturbating under the hair cover.

The victim further denied having an affair with defendant and admitted that she told an officer at the Carpentersville police department that her husband was jealous. The victim acknowledged that she would sometimes cut defendant's hair at her house, defendant called the victim by her nickname, and she was not afraid of the victim before September 24, 2008. However, the victim denied that she spoke with defendant on February 23, 2008, about meeting him at a hotel to have intercourse. The victim acknowledged that she told her husband she would be home late on the evening of September 24, 2008, but denied asking defendant to meet her at El Molino. The victim testified she never intended to leave her car at the restaurant and also admitted that she did not resist defendant removing her clothes while she was inside the van.

The State next called Regina Foster, a nurse practitioner in the emergency department at Sherman Hospital. Foster testified that she performed a vaginal and rectal examination of the victim. Foster testified that the victim appeared to be very upset and was crying and shaking. Foster testified that she did not find any indication of trauma or bruising, or trauma to the vaginal area, but bruising could occur a day or two later.

On cross-examination, Foster admitted there were no signs of scratching, bruising, or redness. Foster acknowledged that her notes did not indicate that the victim complained of pain, and the victim did not appear to be in pain.

The State next called Paul Brandt, a detective for the Carpentersville police department. Brandt testified that he interviewed the victim at Sherman Hospital on the night of the incident and collected the assault kit and the victim's clothing as evidence. No other evidence was collected at the hospital. Brandt testified that the victim appeared very upset, timid, and nervous. Brandt testified that he also spoke with the victim the next day and had a colleague take pictures of the victim's arms showing bruising. On cross-examination, Brandt acknowledged that he speaks very little Spanish and the interview with the victim at the hospital was conducted in Spanish by his partner. Brandt further admitted that the fingerprints taken from the victim's vehicle did not match defendant's fingerprints; he did not find any cloth, earring, or hair from the victim in defendant's van; and no reports of a sexual assault were made other than the victim's report. Brandt further admitted that defendant had approximately \$300 with him on the night of the incident and that the victim did not tell him she shared her cell phone with anyone other than her sister-in-law. Brandt acknowledged that "it would be nice if [the pictures showing bruising on the victim's arms] would have been clearer" and that the victim told him she did not tell her husband about defendant's actions because he would be upset with her.

The State next called Jose Mendez, the victim's friend. Mendez testified that he received a phone call from the victim on September 24, 2008. The victim sounded "very frantic and scared" and told Mendez that she was sexually assaulted. Mendez told the victim to immediately call 911 and go to his house. Mendez testified that the victim never went to his house because she could not

find it, so she went to another house a few blocks away. On cross-examination, Mendez admitted that the victim did not mention that she was being followed by defendant or that she was in a Jewel parking lot while she was on the phone with him.

Jorge Gonzalez, a detective with the Carpentersville police department, testified that he met with the victim at the hospital on the night of the incident and she was crying, shaking her arms and legs, and upset. Gonzalez testified that he interviewed defendant at the Algonquin police department after meeting with the victim. Defendant told Gonzalez that he met with the victim in the parking lot of the El Molino restaurant. They were talking in his van and the victim became very upset, left his car, and then left the parking lot. Defendant followed the victim to a Jewel parking lot and attempted to speak to her again, but she drove off and he did not follow her. Gonzalez testified that defendant initially denied having sexual contact with the victim, but then said there was some physical contact. Defendant initially said he just kissed the victim and then admitted to having sex with her. Defendant told Gonzalez that he did not initially tell him about having sex with the victim because he did not want the victim's husband to find out. Defendant denied to Gonzalez that the victim was his girlfriend but said he had sex with the victim on two prior occasions.

On cross-examination, Gonzalez admitted that he did not recall whether the victim told him she was sharing a cell phone. Gonzalez admitted the victim initially could not remember how long the assault lasted, then later told him it lasted three to five minutes. Gonzalez admitted that during his interview with the victim, she never mentioned that she watched defendant back his vehicle into a parking space before she parked her car, or that defendant held up his cell phone as he approached her vehicle in the parking lot.

The State rested.

Defendant first called Pedro Lagunes-Martinez, defendant's first cousin. Martinez, who resides in Michigan, testified that on February 23, 2008, he was in Illinois. He testified defendant asked him for a ride to see a woman defendant was going out with, and Martinez dropped defendant off at a hotel. Defendant went inside the hotel while Martinez waited outside. Martinez later received a phone call from defendant asking to be picked up and saw a woman coming out of the hotel shortly after defendant. Martinez was about 20 feet from the woman and described her as not very tall, of Mexican ethnicity, and approximately 35 years old. Later that evening, Martinez drove defendant to a house and waited for approximately 35 minutes and saw the victim come out of the house to greet her husband. Martinez testified the victim was the same woman he saw at the hotel earlier in the day.

Defendant next called Carmina Garcia Morales to testify. At the time, Morales had been dating defendant for seven years; they have two children together. Morales testified that she and the victim were friends and that the victim was afraid of her husband and submissive around him. On cross-examination, Morales admitted that, while being with the victim and her husband socially on numerous occasions, there were only two times she witnessed the victim's husband do something "not nice" toward the victim.

Defendant next called Detective Brandt as an adverse witness. Brandt admitted that the victim said she got her cell phone from her sister-in-law and she did not mention sharing it with her husband. Brandt admitted that he did not recover any bodily fluids, hair, or clothes from defendant's van or find hair in the parking lot. Brandt further admitted that the victim did not mention to him until an interview on December 2, 2008, that she screamed and fought defendant to unlock defendant's door so she could leave his van. Brandt also admitted that the victim told him she

handed defendant a tissue after he masturbated in her basement while she cut his hair and that she continued to cut his hair after that incident.

Defendant next called Officer Pelayo. Pelayo testified that the victim told him that she was assaulted in the El Molino parking lot, but did not mention an incident on Route 25 just prior to entering the parking lot. Pelayo testified that the victim did not tell him defendant backed into a parking space or mention photographs. Pelayo further testified that the victim did not mention that she struggled with defendant to unlock the door to his van or that defendant offered her money so she would not mention what happened. On cross-examination, Pelayo acknowledged that he first saw the victim outside the house at 1035 Meghan Avenue and that the victim was shaking and crying.

Defendant next called Maite Black, an Elgin resident. Black testified that she is an acquaintance of defendant's brother, although she did not know defendant. Black testified that she arrived at the El Molino parking lot at 7:45 p.m. on September 24, 2008. Black testified that there were other cars in the restaurant's parking lot. Black testified that she observed a gray minivan enter the parking lot at approximately 8:10 p.m., a black car arrived at approximately 8:20 p.m., and stopped close to the left side of the van. Black testified that the woman got out of the car and went into the van without being forced to do so. Black testified that she saw the man and woman hug once the woman was inside the van. On cross-examination, Black admitted she was not paying too much attention to what was occurring in the parking lot.

Defendant testified on his own behalf. Defendant testified that he lives in Crystal Lake with his wife and two children. Defendant testified that he first met the victim two years ago through his then girlfriend, who lived with the victim and her husband. Defendant testified that his relationship

with the victim turned romantic in January 2008. The victim would cut his hair in her basement and flirt with him. Defendant further testified that the victim's husband was abusive toward the victim and would regularly use bad words. Defendant testified that he and the victim each received cell phones from the victim's husband, who could access his and the victim's cell phone records.

Defendant testified that the victim kissed him in her basement and that they engaged in oral sex in early January 2008. Defendant testified that he and the victim had intercourse three times before September 24, 2008. The first time occurred on February 23, 2008, at a Country Days Inn and Suites in Crystal Lake. Defendant also had intercourse with the victim between May 2008 and June 2008 in the El Molino parking lot. The third sexual encounter occurred in early July at the Super 8 motel in Crystal Lake, and defendant testified the victim told him she wanted to see him at the hotel. Defendant testified that there were very few phone calls between his cell phone and the victim's cell phone during the months of March, April, May, June, and July 2008 because he did not want the victim's husband to suspect defendant and the victim were having an affair.

Defendant testified that, on September 24, 2008, the victim told him she wanted to meet him at the El Molino parking lot between 8 and 8:15 p.m. Defendant spoke with the victim on the phone and she was crying so defendant told her to calm down. Defendant testified that the parking lot at the main entrance of the restaurant was full when he arrived, but only a few cars were parked on the south side of the parking lot. Defendant testified the victim arrived shortly after he did and parked her vehicle next to his van. Upon arriving, the victim exited her car and entered the defendant's van through the sliding door on the right side. Once inside the van, the victim hugged and kissed defendant, they briefly spoke, kissed, and had sex. Defendant testified that the victim never told him

to stop having sex once they started and did not scream or resist. Defendant testified that he ejaculated in her and was not wearing a condom.

Defendant testified that when they were done having sex, he told her he wanted to break up. At that point, the victim called him “dog” and accused him of disgracing her life. Defendant did not prevent the victim from leaving his van, and she exited the van shortly thereafter. Defendant testified that after the victim left the van, she pulled her hair, entered her vehicle, and drove away. Defendant followed her to a nearby Jewel parking lot because he was worried about her but did not speak with the victim there because she drove away. Defendant tried to follow her again, but eventually lost her. Defendant then stopped at a convenience store, made a purchase, and was then pulled over for not having his lights on. Defendant was brought to the Carpentersville police department, where he was interviewed by detectives Gonzalez and Brandt. Defendant admitted that he originally denied having a sexual relationship with the victim because he was afraid his wife would find out. Defendant later told the detectives that he and the victim had an ongoing sexual relationship and that the sex in the El Molino parking lot that night was consensual.

On cross-examination, defendant acknowledged that he initially told Gonzalez that he did not have a sexual relationship with the victim and that, while he kissed the victim in his van on the night of the incident, he did not have intercourse with her. Defendant admitted that he did not tell Gonzalez that he had oral sex with the victim in January 2008, but clarified that he was not asked that specific question. Defendant admitted that he could not remember whether he told the detectives he previously had intercourse with the victim in the El Molino parking lot and did not provide the detectives details of that encounter. Defendant further admitted that he did not tell his wife he was having an affair with the victim and that he did not tell Brandt that he decided to meet

the victim at the El Molino restaurant because he was concerned about her well being, and not to have sex. Defendant then rested.

The parties also entered joint exhibits reflecting hotel and phone records from February 23, 2008. The exhibits indicated that defendant received three phone calls from the victim's cell phone at 2:10 p.m., 2:15 p.m., and 2:43 p.m. that day. The exhibits show various phone calls between Martinez and defendant, including a phone call at 3:25 p.m. The exhibits further demonstrated that defendant rented a hotel room, arrived at 2:55 p.m., checked out at 3:27 p.m., and paid 120.99 in cash for the room.

After closing arguments, the trial court found defendant guilty of both offenses. The trial court stated, "[a]fter reviewing the evidence, listening to the evidence, the testimony at trial, observing the witnesses testify, I find [defendant] guilty of all charges." The trial court sentenced defendant to 5 years' imprisonment for the criminal sexual assault conviction and the State nolle prossed the charge of unlawful restraint. Defendant filed a timely notice of appeal.

DISCUSSION

On appeal, defendant contends that the State failed to prove him guilty beyond a reasonable doubt. Specifically, defendant argues that the victim's testimony was inconsistent and impeached on several points, and further contradicted by the objective medical and physical evidence. According to defendant, "[b]ecause it was evident [the victim] perjured herself when she testified that she never had a romantic relationship with defendant [and] because the remaining evidence against defendant was unbelievable and uncontradicted, the State failed to prove defendant guilty beyond a reasonable doubt."

In assessing whether the evidence against a defendant was sufficient to prove guilt beyond a reasonable doubt, a reviewing court's function is not to retry the defendant. *People v. Evans*, 209 Ill. 2d 194, 209 (2004). Rather, a reviewing court must determine “ ‘whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.’ ” (Emphasis in original.) *People v. Cooper*, 194 Ill. 2d 419, 430-31 (2000) (quoting *Jackson v. Virginia*, 443 U.S. 307, 318-19 (1979)). Accordingly, a conviction will not be reversed unless the evidence is so unreasonable, improbable, or unsatisfactory that a reasonable doubt of defendant's guilt is raised. *Evans*, 209 Ill. 2d at 209. This standard applies whether the defendant received a bench trial or a jury trial. *People v. Herring*, 324 Ill. App. 3d 458, 460 (2001) (citing *People v. Howery*, 178 Ill. 2d 1, 38 (1997)). When the determination of a defendant's guilt or innocence depends upon the credibility of the witnesses and the weight to be given their testimony, it is for the trier of fact to resolve any conflicts in the evidence. *People v. Rush*, 294 Ill. App. 3d 334, 337 (1998) (citing *People v. White*, 209 Ill. App. 3d 844, 868 (1991)).

After carefully reviewing the record in a light most favorable to the State, a rational trier of fact could have found defendant guilty of criminal sexual assault beyond a reasonable doubt. A person is guilty of criminal sexual assault if he or she “commits an act of sexual penetration by the use of force or threat of force.” 720 ILCS 5/12—13 (a)(1) (West 2008). Here, the trial court was presented with testimony that, shortly after meeting at the El Molino parking lot, defendant forcibly removed the victim from her car to the back of his van. The victim testified defendant held her down, prevented her from screaming by placing something over her mouth, and sexually penetrated her. A number of witnesses consistently testified that the victim was visibly upset shortly after the

incident. For example, the witnesses outside of the house on Meghan Avenue and the police officers and paramedics who attended to her all testified that the victim appeared emotional and was crying. Pelayo further testified that the victim continued to scream and shake after she identified defendant from the ambulance. Similarly, the nurses who treated the victim at Sherman Hospital testified that the victim was upset and shaken during their examination, as did the detectives Brandt and Gonzalez, who interviewed the victim at the hospital.

Defendant points to inconsistencies in the victim's version of how the assault occurred, such as the victim testifying she wanted defendant to show her pictures of her husband yet testifying he forced her car into the El Molino parking lot, and that she was frozen in fear yet later telling Brandt she struggled with defendant to unlock the van doors. However, despite these inconsistencies, the victim's testimony regarding the essential facts—that defendant forcibly removed her from her car and sexually penetrated her in his van—remained consistent. See *In re Jonathan C.B.*, 386 Ill. App. 3d 735, 743 (2008) (rejecting a sufficiency-of-the-evidence contention for a criminal sexual conviction and noting that the victim's inconsistent statements did not relate to the essential facts of the sexual assault). Moreover, defendant's own statements after the assault were inconsistent and evolved over time, thus reflecting negatively on his credibility. See *id.* (noting defendant's inconsistent statements reflected negatively on his credibility). On cross-examination, defendant admitted that he initially told Brandt and Gonzalez that he did not have a sexual relationship with the victim and, while he kissed the victim at the El Molino parking lot, he did not have intercourse with her. Defendant later changed his story, admitting that he had sexual intercourse with defendant but claiming it was consensual. In addition, defendant's testimony claiming his prior sexual relationship with the victim also developed as the investigation proceeded. He claimed that the

victim performed oral sex while cutting his hair, yet he admitted that he did not initially inform the detectives of that event. Defendant also could not remember whether he provided Brandt and Gonzalez with details regarding his prior sexual encounter with the victim at the El Molino parking lot.

Defendant further points to a lack of physical evidence corroborating the victim's story, such as a lack of evidence of a struggle in the van, the victim's clothes not being ripped, and a lack of physical injuries immediately following the assault. However, physical evidence of a sexual assault is not required to prove the commission of a sex crime. *People v. Stevens*, 188 Ill. App. 3d 865, 881 (1989). Despite the lack of physical evidence, the uncontroverted testimony clearly reflects the victim promptly reported the sexual assault, which can be sufficient evidence that an assault occurred. *Id.* (stating that, despite no evidence of semen being found on the victim, her prompt complaint to her daughter that she had been raped was sufficient evidence that a rape occurred).

In essence, defendant asks this court to reweigh the evidence and reassess the credibility of the witnesses. The record reflects that the trial court made its determination after listening to the testimony and observing the witnesses testify. As noted above, it is the function of the trial court to resolve issues of credibility and discrepancies in the evidence. *Rush*, 294 Ill. App. 3d at 337 (1998). We will not substitute our judgment for that of the trial court's. *Herring*, 324 Ill. App. 3d at 465 ("This court will not substitute its judgment for that of the trial court on questions involving evidentiary inferences."). The trial court made a reasoned determination as to credibility, and viewing the evidence in a light most favorable to the State, the evidence was not so unreasonable, improbable, or unsatisfactory that a reasonable doubt of defendant's guilt is raised. Accordingly, defendant's conviction is affirmed.

For the foregoing reasons, we affirm the judgment of the circuit court of Kane County.

Affirmed.