Appendix A.

SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING
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March 21, 2018

In re: People State of Illinois, respondent, v. Reggie Rankins, petitioner.
Leave to appeal, Appellate Court, First District.
123070

The Supreme Court today DENIED the Petition for Leave to Appeal in the above entitled cause.

The mandate of this Court will issue to the Appellate Court on 04/25/2018.

Very truly yours,

Carolyn Taft Grosboll

Clerk of the Supreme Court

Appendix B.

2017 IL App (1st) 162145-U

FIRST DIVISION
October 10, 2017

No. 1-16-2145

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	No. 12 CR 21217
	)	
REGGIE RANKINS,	)	Honorable
	)	Evelyn B. Clay,
Defendant-Appellant.	)	Judge Presiding.

JUSTICE MIKVA delivered the judgment of the court.
Presiding Justice Pierce and Justice Simon concurred in the judgment.

ORDER

¶ 1 *Held*: Defendant's conviction for aggravated criminal sexual assault is affirmed. The State did not fail to prove beyond a reasonable doubt that defendant used a metal bed frame as a dangerous weapon. The trial court did not abuse its discretion in allowing testimony about the time it would take for a rape kit to be administered and any error in the admission of this testimony was harmless.

¶ 2 Following a bench trial, the defendant in this case, Reggie Rankins, was convicted of aggravated criminal sexual assault (720 ILCS 5/11-1.30(a)(1) (West 2012)) and aggravated battery (720 ILCS 5/12-3.05(a)(1) (West 2012)), for which he was sentenced to consecutive

prison terms of 16 years and 2 years, respectively. On appeal, Mr. Rankins contends that (1) the State failed to prove him guilty beyond a reasonable doubt of an aggravated criminal sexual assault carrying a sentence enhancement of 10 years because there was insufficient evidence that he used a metal bed frame as a dangerous weapon, and (2) the trial court erred in admitting testimony from the physician's assistant who treated the victim at the hospital regarding the wait time for a sexual assault kit. For the following reasons, we affirm Mr. Rankins's convictions.

¶ 3 BACKGROUND

¶ 4 Mr. Rankins was charged with three counts of aggravated criminal sexual assault (Counts 1-3), four counts of aggravated battery (Counts 4-7), and one count of aggravated unlawful restraint (Count 8).

¶ 5 The alleged victim in this case, J.P., testified that, on October 1, 2012, she noticed Mr. Rankins at Harold Washington College, where she was registering for classes. She ran into him later that day. He started talking to her and the two spent the afternoon together running errands in downtown Chicago. Mr. Rankins then invited J.P. to his apartment. The evidence at trial showed that, at that time, J.P. was 5 feet, 1 inch tall and weighed 115 pounds and Mr. Rankins was 6 feet, 3 inches tall and weighed 210 pounds.

¶ 6 According to J.P., once the two arrived at Mr. Rankins's apartment, they ate pizza, talked, played video games, and drank Hennessey mixed with Pepsi. J.P. testified that she drank one-half cup of this mix and was not intoxicated. Mr. Rankins drank "a cup or more." At some point, they left the apartment and walked to a store to purchase Long Island Iced Tea, an alcoholic beverage. J.P. testified that she drank less than one cup of Long Island Iced Tea.

¶ 7 J.P. described the layout of Mr. Rankins's one-bedroom apartment. The living room had a television, two couches, and a mattress on the floor. She did not see a bed in the bedroom, just

other furniture and bedrails from a bed. She stated that the bedrails were "where you put the mattress on with wheels on it" and there was no mattress on top of them; rather the mattress was in the living room.

¶ 8 Around 7 p.m., J.P. was sitting on the mattress in the living room, playing video games, when Mr. Rankins struck her in the head from behind. J.P. looked up and saw Mr. Rankins standing over her with a metal "bed frame" or "bedrail" in his hand. She did not see where he got it from, and testified that they had not been arguing prior to that moment. After Mr. Rankins hit her, he leaned the rail against the wall. J.P. described the bed frame as three and one-half feet long, heavy, and metal. J.P. ran to the bathroom and noticed she had blood coming from her head. Mr. Rankins followed her to the bathroom, tackled her to the floor, and choked her with both of his hands for about ten seconds.

¶ 9 Mr. Rankins let J.P. go and she fled into the living room, asking him why he was doing these things. He responded by punching her in the face, saying that he thought she was texting and setting him up for someone to "come over and do something." Mr. Rankins began punching J.P. in the face and demanding that she have sex with him. He told her that he would continue to beat her if she did not cooperate. J.P. testified that she felt "helpless" and like she had "no choice," so she took her clothes off. Mr. Rankins put on a condom and inserted his penis into her vagina. J.P. did not want to have sex with Mr. Rankins, nor did she consent to having sex with him. After having sex, J.P. got dressed, and Mr. Rankins began punching her in the face again. When he left the room, she ran out the apartment to seek help.

¶ 10 On the street, J.P. found a woman who took J.P. into her apartment and called the police. J.P. spoke to the police and then was taken to the hospital by ambulance. J.P. testified that she refused a sexual assault or rape kit because Mr. Rankins had used a condom and the doctor had

told her that she would have to wait four or five hours to have the kit administered.

¶ 11 The woman who took J.P. in, a police officer who questioned her that night, and an emergency medical technician who took J.P. to the hospital by ambulance, each testified to observing J.P. shortly after the incident. Each saw that she was hysterical and shaken up and had a bleeding gash on her head. These three witnesses all testified that J.P. told them that she had been raped.

¶ 12 Kelly Schliech, a certified physician's assistant, also testified. She treated J.P. at Jackson Park Hospital on October 1, 2012. Ms. Schliech observed swelling over J.P.'s left cheek bone and bruising or the beginning of bruising to her eye and other portions of her face. J.P. had a black eye. She had scratch marks and redness over the left side of her upper chest wall and a one-centimeter cut on her right scalp. The cut was treated and closed with two skin staples. Because J.P. had a black eye, she was given a facial CT scan. J.P. was also given a pelvic exam, which included the external and internal genitalia, but she declined a sexual assault kit at 10:45 p.m.

¶ 13 Over Mr. Rankins's repeated objection—that no foundation was laid establishing that Ms. Schliech talked to nursing staff or knew from nursing staff what J.P. was told—the court allowed Ms. Schliech to testify that J.P. was told that "she would have to wait several hours to receive a sex kit." Following Mr. Rankins's objection, Ms. Schliech testified as follows:

> "[THE STATE] Q: Ms. Schliech, in your experience, how long would it take for patients to be offered a rape kit—or I should say to receive a rape kit performed at your hospital?
>
> [MS. SCHLIECH] A: Several hours."

On cross-examination, Ms. Schliech also acknowledged that she did not "personally observe" nursing staff advising J.P. about having a rape kit done.

¶ 14 At the close of the State's case, the court granted Mr. Rankins's motion for a directed finding on Count 5, charging aggravated battery based on permanent disfigurement, and denied the motion with respect to all of the remaining counts.

¶ 15 Mr. Rankins testified in his own defense. Mr. Rankins's testimony essentially mirrored J.P.'s testimony about them meeting and coming to his apartment. He testified that once they got there, he and J.P. began drinking Hennessey straight with ice, that he and J.P. drank an equal amount of Hennessey, and that together they finished the entire one-fifth-gallon bottle in approximately one hour. Mr. Rankins also stated that they drank "almost half" of a half-gallon bottle of Long Island Iced Tea together, and J.P. was "a little more than tipsy."

¶ 16 Mr. Rankins testified that he and J.P. were sitting on the mattress in the living room, talking as they drank alcohol. He leaned in to kiss her and she kissed him back. He asked her if she wanted to have sex, and she said yes. Mr. Rankins went into his bedroom to grab a condom, and when he returned, J.P. was already naked. He denied telling her to take her clothes off or threatening her. He also denied hitting or punching her when she took her clothes off. Mr. Rankins received a telephone call that interrupted them having sex. After he got off the phone, he and J.P. continued to drink, play video games, and talk.

¶ 17 Mr. Rankins testified that J.P. asked him for $300, but he refused because he did not have the money, and J.P. did not "stipulate that." Angered by Mr. Rankins's response, J.P. threw her drink in his face. Mr. Rankins pushed J.P. off of him, causing her to fall backwards and hit her head against the thermostat on the wall. J.P. tried to "smack" Mr. Rankins and he noticed that she was bleeding. The two went to the bathroom and Mr. Rankins gave J.P. a clean washcloth to clean the wound. He apologized for pushing her and asked if she wanted him to call her a ride.

¶ 18 Mr. Rankins testified that the bed frame in his bedroom was assembled with a headboard,

footboard, and two sides with bars in the middle. He denied ever going into the bedroom to pick up the bed frame. He denied threatening J.P. prior to having sex, denied using a bedrail to hit her, denied strangling her, denied forcing her to have sex, and denied intentionally causing her bodily harm.

¶ 19 Mr. Rankins testified that he spoke with Detective Qualls when he was arrested on October 22, 2012. He told Detective Qualls that he used a condom during consensual sex with J.P. and that she left his house without any incident. On cross-examination, Mr. Rankins testified that he never told Detective Qualls that he could not explain the injuries to J.P.'s head and that she must have gotten them after leaving his apartment. Mr. Rankins acknowledged that he did not tell Detective Qualls that he and J.P. had an argument, that J.P. threw a drink in his face, or that he pushed J.P. causing injury to her head from the thermostat. Mr. Rankins testified that he never told Detective Qualls these things because "he didn't ask that."

¶ 20 In rebuttal, Detective Qualls testified that he gave Mr. Rankins multiple opportunities to give his own version of what had occurred. When Detective Qualls asked Mr. Rankins how J.P. received the injuries on her head, Mr. Rankins stated that he did not know. When Detective Qualls asked Mr. Rankins if he had had an argument with J.P., Mr. Rankins responded, no. Detective Qualls testified that Mr. Rankins told him that J.P. left without incident after he and J.P. had consensual sex.

¶ 21 The trial court found Mr. Rankins not guilty of aggravated unlawful restraint, but guilty of three counts of aggravated criminal sexual assault and three counts of aggravated battery. Count 1, on which Mr. Rankins was convicted, charged him with aggravated criminal sexual assault by the use of a dangerous weapon other than a firearm—"a metal bed frame."

¶ 22 The trial court found that Mr. Rankins's testimony was "incredible" and "not to be

believed." It found J.P. to be "very credible," noting that everything that she said occurred was corroborated by individuals she encountered after the alleged attack. The court denied Mr. Rankins's motions to reopen the case and for a new trial. At sentencing, it merged the three aggravated criminal sexual assault charges into Count 1—a class X offense with a 10-year sentencing enhancement for the use of a dangerous weapon (720 ILCS 5/11-1.30(a)(1), (d)(1) (West 2012))—and sentenced Mr. Rankins to 16 years' imprisonment, which was the minimum sentence allowed. The trial court similarly merged the three aggravated battery charges into a single charge and sentenced Mr. Rankins to two years' imprisonment on that charge, to be served consecutively with his other sentence. This appeal followed.

¶ 23 JURISDICTION

¶ 24 Mr. Rankins was sentenced on November 5, 2014. He timely filed a notice of appeal that same day. This court has jurisdiction pursuant to article VI, section 6, of the Illinois Constitution (Ill. Const. 1970, art. VI, § 6) and Illinois Supreme Court Rules 603 and 606, governing appeals from final judgments of conviction in criminal cases (Ill. S. Ct. Rs. 603, 606 (eff. Feb. 6, 2013)).

¶ 25 ANALYSIS

¶ 26 Mr. Rankins raises two issues on appeal. First, he contends that the State failed to prove him guilty beyond a reasonable doubt of aggravated criminal sexual assault with a dangerous weapon under Count 1, the charge carrying with it a 10-year sentencing enhancement, because there was insufficient evidence that Mr. Rankins used "a metal bed frame" as a dangerous weapon in this assault. Mr. Rankins also argues that the trial court erred by admitting testimony from Ms. Schliech, the physician's assistant at the hospital, that J.P. was told that she would have to wait several hours for a sexual assault kit. We consider each issue in turn.

¶ 27 A. Sufficiency of the Evidence

¶ 28 On a challenge to the sufficiency of the evidence, we must 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 offense proven beyond a reasonable doubt. *People v. Brown*, 2013 IL 114196, ¶ 48. The reviewing court will not substitute its judgment for that of the trier of fact on the credibility of witnesses or the weight of the evidence. *Id.* Testimony can be found insufficient only where the evidence "compels" a conclusion that no reasonable person could accept it beyond a reasonable doubt. *People v. Cunningham*, 212 Ill. 2d 274, 280 (2004). Despite this deference, a conviction will be reversed if the evidence is so improbable or unsatisfactory as to justify a reasonable doubt of guilt. *People v. Siguenza-Brito*, 235 Ill. 2d 213, 225 (2009).

¶ 29 To sustain Mr. Rankins's conviction for aggravated criminal sexual assault with a dangerous weapon under Count 1, the State was required to prove that Mr. Rankins committed an act of sexual penetration upon J.P., by making contact between his penis and her vagina, by the use of force or threat of force, and with the use of a dangerous weapon, which was alleged in this case to be a "metal bed frame." On appeal, Mr. Rankins does not dispute that the evidence was sufficient to find him guilty of a sexual assault but argues that it was insufficient to prove he used a metal bed frame as a dangerous weapon. He asks us to reverse and remand for resentencing without the 10-year sentencing enhancement for the use of a dangerous weapon. See 720 ILCS 5/11-1.30(d) (1) (West 2012).

¶ 30 Viewed in the light most favorable to the State, we find that the evidence was sufficient to show that Mr. Rankins used a dangerous weapon. J.P. testified that, while she was sitting on a mattress in Mr. Rankins's living room playing a video game, Mr. Rankins struck her in the head with a metal bed frame or rail. She saw the object he hit her with when she looked up and saw Mr. Rankins hovering over her with the bedrail in his hand. J.P. had ample opportunity to

identify the weapon as Mr. Rankins leaned it next to her against the wall, and she described the item as a three and one-half foot long metal bed frame or rail. J.P. did not know where Mr. Rankins got it from, but she was able to see that it was a bed frame or rail that he struck her with.

¶ 31 It is well settled that the testimony of a single witness, if credible and positive, is sufficient to sustain a conviction. *Siguenza-Brito*, 235 Ill. 2d at 228. Credibility is for the trier of fact to determine and the reviewing court will not substitute its judgment for that of the trier of fact. *Brown*, 2013 IL 114196, ¶ 48. Here, the trial court found J.P.'s testimony to be "very credible." We reject Mr. Rankins's claim that the State was required to introduce physical "proof" of the metal bed frame. Physical evidence is not required to establish guilt where the testimony alone is sufficient to do so. *People v. Williams*, 182 Ill. 2d 171, 192 (1998).

¶ 32 Mr. Rankins argues that J.P.'s one-centimeter laceration was not severe enough to have been caused by a metal bed frame wielded by a 200-pound man and that J.P.'s description of the allegedly dangerous weapon was unreliable "given her extreme alcohol consumption." These arguments are simply invitations for us to reweigh the evidence and make our own factual determinations. But it was the trial court's duty to weigh all of the evidence and to resolve any conflicts. *Siguenza-Brito*, 235 Ill. 2d at 228. Based on this record, there is no reason to disturb the trial court's determination.

¶ 33 B. Admission of Ms. Schliech's Testimony

¶ 34 Mr. Rankins's second argument is that the trial court erred when it admitted testimony from the physician's assistant, Kelly Schliech, that J.P. was told that she would have to wait "several hours" for a sexual assault kit. Mr. Rankins argues that this testimony was not based on Ms. Schliech's personal knowledge and was improperly admitted to corroborate J.P.'s explanation for not having a rape kit done at the hospital.

¶ 35 Generally, a witness may only testify to facts based on personal knowledge. Ill. R. Evid. 602 (eff. Jan. 1, 2011). We review a court's ruling on the admission of testimony for an abuse of discretion. *People v. Lerma*, 2016 IL 118496, ¶ 23. A trial court abuses its discretion only where its ruling was "arbitrary, fanciful, or unreasonable or where no reasonable person would agree with it." *Id.*

¶ 36 We do not believe that the trial court abused its discretion in admitting Ms. Schliech's testimony. While Ms. Schliech should not have been permitted to testify that J.P. was specifically told that she would have to wait several hours for a rape kit to be performed, it became clear through Ms. Schliech's testimony that she was really saying only that the average wait time for a rape kit was several hours, and that nurses generally advised patients of that fact. Ms. Schliech immediately acknowledged on cross-examination that she did not personally observe nursing staff advising J.P. about having the rape kit done. It was not an abuse of discretion for the trial court to admit testimony that the average wait time for a rape kit was several hours and that there was a practice of advising patients of this. Ms. Schliech had personal knowledge of those facts and, taken as a whole, that is what her testimony was.

¶ 37 To the extent that the trial court erred in allowing Ms. Schliech to go beyond her personal knowledge and testify as to what J.P. was told, we find that any error was harmless. The burden is on the State to show harmless error beyond a reasonable doubt. *People v. Mullins,* 242 Ill. 2d 1, 23 (2011). As we have repeatedly recognized, " '[e]rror in the admission of evidence is harmless when the competent evidence in the record establishes a defendant's guilt beyond a reasonable doubt and it can be concluded that a retrial without the erroneous evidence would produce the same result.' " *People* v. *Campbell*, 2015 IL App (1st) 131196, ¶ 28, quoting *People v. Negron*, 297 Ill. App. 3d 519, 536 (1998)). J. P. testified as to what she was told about the wait

time for a rape kit, so Ms. Schliech was not the only witness on this issue. Moreover, the rape kit itself was tangential since Mr. Rankins did not deny that he and J.P. had sex.

¶ 38 Mr. Rankins argues that Ms. Schliech's testimony was significant because it corroborated J.P., thus bolstering her credibility. However, J.P.'s credibility as a witness was established throughout the trial, when her testimony regarding Mr. Rankins's physical and sexual assaults on her was corroborated by several witnesses who described her condition just after the alleged assault, and by Ms. Schliech's testimony regarding J.P.'s black eye, bruises, and scratches on her face and chest. Ms. Schliech's testimony regarding what J.P. was told about the wait time for a rape kit buttressed only a very minor portion of J.P.'s testimony on a tangential point. Taking the evidence as a whole, any impact from that corroboration, even if it was erroneously admitted, was harmless.

¶ 39 CONCLUSION

¶ 40 For the foregoing reasons, we find that the State presented sufficient evidence of Mr. Rankins's guilt beyond a reasonable doubt of aggravated criminal sexual assault with a dangerous weapon. We also find that the trial court did not abuse its discretion in admitting Ms. Schliech's testimony and that, even if erroneous, the admission of that testimony was harmless beyond a reasonable doubt. Accordingly, the judgment of the trial court is affirmed.

¶ 41 Affirmed.