2025 IL App (4th) 240744-U

NOS. 4-24-0744, 4-24-0812 cons.

FILED
June 3, 2025
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Fulton County
TERRY TERRETETA,	)	No. 19CF295
Defendant-Appellant.	)	
	)	Honorable
	)	Thomas B. Ewing,
	)	Judge Presiding.

JUSTICE KNECHT delivered the judgment of the court.
Justices Lannerd and Vancil concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court affirmed, holding (1) the evidence was sufficient to prove defendant guilty of the offenses beyond a reasonable doubt, (2) defendant's convictions did not violate the one-act, one-crime doctrine, and (3) the trial court did not improperly consider defendant's assertion of innocence as an aggravating factor at sentencing.

¶ 2 Following an April 2023 bench trial, defendant, Terry Terreteta, was convicted of three counts of aggravated criminal sexual abuse (720 ILCS 5/11-1.60(b) (West 2014)). The trial court sentenced him to six years' imprisonment on each count, to be served concurrently. In this consolidated appeal, defendant contends (1) the State failed to prove him guilty of the offenses beyond a reasonable doubt, (2) one of his convictions should be vacated under the one-act, one-crime doctrine, and (3) the court erred by considering his assertion of his innocence as an aggravating factor at sentencing. For the reasons that follow, we affirm.

¶ 3 I. BACKGROUND

¶ 4 A. Information

¶ 5 In October 2019, defendant was charged by information with two counts of criminal sexual assault (*id.* § 11-1.20(a)(3)). The charges were based on events which allegedly occurred between January 2015 and January 2018, involving defendant's step-daughter, A.J. Subsequently, in March 2023, the State charged defendant with two additional counts of criminal sexual assault (*id.*).

¶ 6 In April 2023, defendant waived his right to a jury trial. The State dismissed the four counts of criminal sexual assault and filed a new information, charging defendant with three counts of aggravated criminal sexual abuse (*id.* § 11-1.60(b)). The aggravated criminal sexual abuse charges alleged, in pertinent part, between January 1, 2014, and January 1, 2019, defendant "knowingly touched A.J.'s vagina with his hand for the purpose of the sexual arousal of the defendant" (count V), "knowingly touched A.J.'s vagina with his tongue for the purpose of the sexual arousal of the defendant" (count VI), and "knowingly touched A.J.'s vagina with his hand for the purpose of the sexual arousal of A.J." (count VII). The case proceeded to a bench trial on the three counts of aggravated criminal sexual abuse.

¶ 7 B. Bench Trial

¶ 8 Joshua Wages testified he was a sergeant with the Canton Police Department. On September 26, 2019, he was called to the police department to meet with A.J., who was 16 years old at the time. A.J. reported she had lived with defendant starting when she was approximately five years old and he had sexually abused her several times over the years. A.J. stated the sexual abuse occurred multiple times and it only stopped after she left the residence.

¶ 9 A.J. testified defendant was her stepfather. He married A.J.'s mother, and they

began living together when A.J. was five or six years old. She testified the sexual abuse started when she was approximately 13 years old and continued until she was 15 years old, or from approximately 2015 to 2018. The incidents occurred mainly on the couch in the living room. A.J. testified defendant would insert his fingers into her vagina and place his mouth on her vagina. The incidents of sexual abuse "lessened" when defendant's daughter and son-in-law moved into the house because there were more people present. A.J. testified defendant also grabbed her breasts when he gave her a hug before she went to bed. She eventually told her mother about the sexual abuse, and her mother then observed defendant grab A.J.'s breast.

¶ 10 A.J. further testified defendant sent her text messages during this time period. She took screenshots of three messages, and they were introduced as State's exhibit A without objection. The first message stated, "So we gonna just make love or just full [*sic*] around." The second message stated, "[Y]ou trying to get my blood pressure up? Damn you look fantastic in them shorts!! All I can say is WOW!! Hey do I get my hugs tonight? Missed it last night. Love you." The third message stated, "Good night sweetheart. Sweet dreams. See you in the morning. Them in the pictures are hot yes but you are very hot. I love you."

¶ 11 On cross-examination, A.J. testified it was difficult to "pinpoint the exact year" the sexual abuse started "because it happened for so long," but she recalled one specific incident occurred during "one of the years that the Seahawks were playing" in the Super Bowl. She also testified the abuse occurred primarily on days she missed school. A.J. asserted defendant punished her when she misbehaved or refused to come out of her bedroom.

¶ 12 A.J.'s mother, Alichia A., testified she met and moved in with defendant in 2009. They married in 2016. In 2018, A.J. told Alichia defendant had been touching her breasts. Alichia subsequently observed defendant touch A.J.'s breast while giving her a hug. Alichia

testified she was away from home frequently between 2016 and 2018 because she was with her mother, who was being treated for cancer. On cross-examination, Alichia stated defendant punished A.J. when she got into trouble by grounding her or taking away her phone. A.J. responded to the punishment by getting angry.

¶ 13 Canton Police Sergeant Nick Williamson testified he conducted an interview with defendant in October 2019. During the interview, defendant repeatedly denied touching A.J. inappropriately. Defendant also denied sending A.J. inappropriate text messages. When confronted with the text messages contained in State's exhibit A, defendant said he did not remember sending them and, if he did send them, he would have been trying to lift A.J.'s spirits. Regarding the text message asking, "So we gonna just make love or just full [*sic*] around," defendant asserted it was a statement his family would make. The State rested following Williamson's testimony.

¶ 14 Defendant called his daughter, Caryn Murphy, to testify. Caryn testified she, her husband, and her two children moved into the residence in 2016, due to defendant's deteriorating health. Within a few months, A.J. became disrespectful to everyone, yelled at people, started arguments, and threatened to hit her mother. Defendant took away A.J.'s electronics as punishment for misbehaving, and A.J. responded by staying up all night and playing karaoke at 3 or 4 a.m. Defendant was hospitalized from February to July 2017, after he fell and injured his knee. When he came home from the hospital, A.J. continued to disobey rules and cause disturbances in the house.

¶ 15 Caryn testified she had never observed any inappropriate contact between defendant and A.J. Caryn had seen the text message asking, "So we gonna just make love or just full [*sic*] around," and she explained her grandfather used to say, "Do you wanna fight or make

love?" in a joking way to get someone out of a bad mood. She testified the comment was not sexual in nature. On cross-examination, Caryn acknowledged she did not visit defendant's home between 2010 and 2016 and the comment made by her grandfather was different than defendant's text message.

¶ 16 James Murphy testified he was defendant's son-in-law. He also denied seeing any inappropriate contact or behavior between defendant and A.J. He testified A.J. overreacted and became very angry when she was punished. On cross-examination, he testified he had not been to the residence for at least three years before they moved there in 2016.

¶ 17 Defendant testified he moved into the residence with his wife and A.J. in approximately 2013. Initially, his relationship with A.J. was "pretty good." They had a "normal father-daughter relationship." He stated he was not a "hugger" and denied "regularly" giving A.J. hugs, but he recalled hugging her on occasion to make her feel better when she was upset. He also told her she "looked pretty" to boost her confidence because she was picked on at school.

¶ 18 Defendant also testified he sent A.J. text messages to boost her self-esteem, but he did not remember sending the messages contained in State's exhibit A. He sent the one stating, "Good night sweetheart. Sweet dreams. See you in the morning" every night, but he denied sending the remainder of that text message. He asserted, "[T]here's been stuffed [*sic*] added to it." Defendant also denied sending the other two messages contained in State's exhibit A. He further testified he never touched A.J. inappropriately, he never touched her breasts or groped her when they hugged, and she never touched him inappropriately.

¶ 19 Defendant testified A.J. had access to his cell phone about "75 percent of the time." She used it to remain in contact with them when she left the house. Defendant asserted A.J. and Caryn had "bad blood" and their relationship deteriorated after Caryn and her family

moved into the residence in 2016. After that point, A.J. continually misbehaved, and defendant was the one who punished her. Following his testimony, defendant rested.

¶ 20 In announcing its decision, the trial court found A.J.'s testimony regarding the events to be specific and credible. Her testimony was also corroborated by defendant's text messages and Alichia's testimony about observing defendant touch A.J.'s breast. Based on the evidence, the court found defendant guilty on each of the three counts of aggravated criminal sexual abuse.

¶ 21 C. Sentencing

¶ 22 At sentencing, A.J. provided a victim impact statement. She explained defendant's actions had caused her long-term emotional and psychological trauma and she had struggled with alcoholism due to the abuse.

¶ 23 Caryn testified regarding defendant's significant health issues, the care he required, and his medication. She opined the Illinois Department of Corrections would not be able to provide adequate medical care given defendant's health conditions.

¶ 24 In imposing the sentence, the trial court found as aggravating factors that defendant's conduct caused or threatened serious harm and the sentence imposed was necessary to deter others. In considering the mitigating factor of whether defendant's character and attitude indicated he was unlikely to commit another crime, the court asked for defendant's statement in allocution. Caryn then presented defendant's statement because he was unable to fully express himself due to his health conditions. Caryn asserted defendant continued to maintain his innocence, had complied with the court's orders, and believed a prison sentence would be detrimental to his health and harm his grandchildren. The court then returned to its consideration of whether defendant was unlikely to commit another crime and stated:

> "That's kind of a hard one to deal with considering the statement that's just been made and that he's asserting and maintaining his innocence here. *** I'm also, considered the [sex offender evaluation], so I'm not gonna find that at the present time. I think that's partly because, as has been stated, there's no remorse. I understand the complicated issue that presents for a defendant, but that's what we have."

¶ 25 Based on all the considerations, the trial court concluded a sentence of probation would deprecate the seriousness of the offense. The court ultimately sentenced defendant to six years' imprisonment on each count, to be served concurrently. Defendant moved to stay the mittimus, and the court denied the motion.

¶ 26 Defendant filed a notice of appeal of his convictions and sentence, which generated appeal No. 4-24-0744. Defendant subsequently filed a separate notice of appeal from the denial of his motion to stay the mittimus, which generated appeal No. 4-24-0812. We granted defendant's motion to consolidate the appeals for review.

¶ 27 This appeal followed.

¶ 28 II. ANALYSIS

¶ 29 On appeal, defendant argues the evidence presented by the State was insufficient to prove him guilty of the offenses beyond a reasonable doubt or, alternatively, (1) one of his convictions of aggravated criminal sexual abuse should be vacated under the one-act, one-crime rule and (2) his sentences should be reduced because the trial court improperly considered his continued assertion of innocence as an aggravating factor. We address defendant's contentions in turn.

¶ 30 A. Sufficiency of the Evidence

¶ 31 Defendant first contends the evidence did not prove beyond a reasonable doubt he committed the alleged acts of sexual abuse. Defendant argues A.J. had a motive to fabricate her testimony because she was a "troubled teenager" and was angry about being punished by defendant. Defendant insists this court should, therefore, question A.J.'s credibility. Additionally, State's exhibit A does not show either the origin or the date of the text messages. The State did not provide a forensic examination of either A.J.'s or defendant's phone to determine when the messages were sent or where they originated. Defendant concludes he has consistently maintained his innocence and the evidence was not sufficient to establish his guilt beyond a reasonable doubt given A.J.'s "dubious" credibility.

¶ 32 The State responds the trial court found A.J.'s testimony "specific" and "credible." A.J. testified the sexual abuse was ongoing when she was between 13 and 15 years of age. A.J.'s testimony was corroborated by her mother's observation of defendant grabbing her breast and defendant's text messages. According to the State, defendant's attempts to explain the text messages and, alternatively, deny sending them were unconvincing. The State contends defendant's argument, which is based on his request for this court to reweigh the evidence and redetermine the witness's credibility, is inconsistent with the applicable standard of review. We agree with the State.

¶ 33 When a defendant challenges the sufficiency of the evidence to sustain a conviction, the 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 and internal quotation marks omitted.) *People v. McLaurin*, 2020 IL 124563, ¶ 22. The trier of fact is responsible for resolving any conflicts in the testimony, weighing the evidence, and drawing reasonable inferences from

the evidence. *People v. Gray*, 2017 IL 120958, ¶ 35. A reviewing court must not "substitute its judgment for that of the trier of fact on questions involving the weight of the evidence or the credibility of the witnesses." *Id.* A conviction will not be reversed on appeal for insufficient evidence unless "the evidence is so unreasonable, improbable, or unsatisfactory that it justifies a reasonable doubt of the defendant's guilt." *People v. Sauls*, 2022 IL 127732, ¶ 52.

¶ 34 To sustain a conviction for aggravated criminal sexual abuse, as charged in this case, the State was required to prove defendant committed "an act of sexual conduct with a victim who [was] under 18 years of age and the person [was] a family member." 720 ILCS 5/11-1.60(b) (West 2014). Defendant does not dispute that A.J. was under 18 years of age, she was his family member, and the acts described in the testimony, if they occurred, constituted "sexual conduct" within the meaning of the statute. See *id.* § 11-0.1 (defining "sexual conduct"). Defendant only contends the alleged sexual conduct never took place. Defendant's argument is based almost entirely on his claim that the trial court's credibility findings were erroneous.

¶ 35 Although defendant argues A.J.'s credibility was "dubious" because she was troubled and angry at him for punishing her, the trial court heard and considered all of the evidence and determined her testimony was "specific" and "credible." A.J. testified to acts of sexual conduct occurring over at least two years. She asserted it "happened for so long," but it "lessened" after Caryn and her family moved into the residence. A.J.'s testimony was corroborated by defendant's text messages and Alichia's testimony about observing defendant touch A.J.'s breast. Having viewed the proceedings and A.J.'s testimony, the trial court was in a superior position to determine whether her account was believable. Under the applicable standard of review, we may not substitute our judgment for that of the trier of fact on the issue of her credibility. See *Gray*, 2017 IL 120958, ¶ 35.

¶ 36 In contrast to A.J.'s testimony, we note defendant's credibility in denying these events occurred is certainly questionable. Although defendant testified he never touched A.J.'s breasts or groped her when they hugged, his testimony was in direct conflict with A.J.'s and Alichia's testimony. Anderson testified she observed this conduct after being alerted to it by A.J. Additionally, defendant's statement and testimony about the text messages, alternatively claiming he did not remember sending them and then attempting to explain them, was inconsistent and not believable.

¶ 37 In sum, the trial court considered all of the evidence in making its credibility determination. We find the court's decision was entirely reasonable. The evidence, viewed in the light most favorable to the prosecution, was sufficient for a rational trier of fact to find defendant guilty of the offenses beyond a reasonable doubt. Accordingly, defendant's challenge to the sufficiency of the evidence fails.

¶ 38 B. One-Act, One-Crime Doctrine

¶ 39 Defendant next argues one of his convictions of aggravated criminal sexual abuse should be vacated under the one-act, one-crime doctrine. Defendant notes both count V and count VII charged him with "knowingly touch[ing] A.J.'s vagina with his hand." According to defendant, the State did not apportion any separate or distinct acts of sexual conduct between the two counts or argue he committed separate acts in its closing or rebuttal arguments, as required to sustain multiple convictions under the supreme court's decision in *People v. Crespo*, 203 Ill. 2d 335 (2001). Defendant acknowledges he forfeited this issue by failing to raise it in the trial court, but he argues his forfeiture should be excused under the plain-error doctrine because entering two convictions for the same physical act was a clear and obvious error affecting the integrity of the judicial process.

¶ 40 In response, the State argues it presented evidence establishing multiple acts of criminal sexual conduct over a period of years. The charging documents gave adequate notice the State intended to charge defendant with two separate counts involving this sexual conduct, and the State's closing argument emphasized A.J.'s testimony about the sexual abuse occurring many times over the course of two to three years. The State contends the charging documents, arguments, and evidence support at least two separate counts of this sexual conduct. The State therefore concludes a one-act, one-crime violation did not occur in this case.

¶ 41 To preserve an issue for appellate review, a party must object at trial and raise the claim in a written posttrial motion. *People v. Enoch*, 122 Ill. 2d 176, 186 (1988). The plain-error doctrine provides a "narrow and limited exception to the typical forfeiture rule applicable to unpreserved claims." *People v. Johnson*, 238 Ill. 2d 478, 484 (2010). An unpreserved claim may be reviewed under the plain-error doctrine when either:

> "(1) a clear or obvious error occurs and the evidence is so closely balanced that the error alone threatened to tip the scales of justice against the defendant, regardless of the seriousness of the error, or (2) a clear or obvious error occurs and that error is so serious that it affected the fairness of the defendant's trial and challenged the integrity of the judicial process, regardless of the closeness of the evidence." *People v. Piatkowski*, 225 Ill. 2d 551, 565 (2007).

The first step in plain-error review is determining whether a clear or obvious error occurred. *Id.*

¶ 42 Under the one-act, one-crime doctrine, a defendant may not be convicted of more than one criminal offense based on precisely the same physical act. *People v. King*, 66 Ill. 2d 551, 556 (1977). In reviewing a claim under the one-act, one-crime doctrine, we must determine (1) whether the defendant's conduct consisted of a single physical act or multiple acts and (2) if

the conduct consisted of multiple acts, whether any of the offenses are lesser-included offenses. *People v. Stull*, 2014 IL App (4th) 120704, ¶ 42 (quoting *People v. Rodriguez*, 169 Ill. 2d 183, 186 (1996)). Whether a violation of the one-act, one-crime doctrine has occurred is a question of law subject to *de novo* review. *People v. Coats*, 2018 IL 121926, ¶ 12.

¶ 43 An "act" has been defined as "any overt or outward manifestation which will support a different offense." *King*, 66 Ill. 2d at 566. In *Crespo*, the supreme court held closely related blows may be separate physical acts sufficient to support multiple convictions. *In re Rodney S.*, 402 Ill. App. 3d 272, 281 (2010) (citing *Crespo*, 203 Ill. 2d at 341-42). However, to sustain multiple convictions for closely related separate acts, the State must give the defendant notice of its intent to treat each act separately by apportioning the acts between the charges at the trial level. *Id.* at 282 (citing *Crespo*, 203 Ill. 2d at 344-45). In such cases, "the indictment must indicate that the State intended to treat the conduct of defendant as multiple acts in order for multiple convictions to be sustained." *Crespo*, 203 Ill. 2d at 345. Multiple convictions are improper if the State prosecuted the charges against the defendant as a single physical act. *Rodney S.*, 402 Ill. App. 3d at 282 (citing *Rodriguez*, 169 Ill. 2d at 186). Additionally, the State's closing argument must demonstrate an intent to portray the defendant's conduct as separate acts supporting multiple convictions. *Crespo*, 203 Ill. 2d at 343-44.

¶ 44 In this case, it is undisputed defendant forfeited his claim by failing to object or raise the issue in a written posttrial motion. Thus, under the plain-error doctrine, we first consider whether a clear or obvious error occurred.

¶ 45 Defendant argues the State failed to apportion any distinct or separate acts of sexual conduct between the two counts, as required by *Crespo*. The relevant charges alleged, between January 1, 2014, and January 1, 2019, defendant "knowingly touched A.J.'s vagina with

his hand for the purpose of the sexual arousal of the defendant" (count V) and, during that same time period, he "knowingly touched A.J.'s vagina with his hand for the purpose of the sexual arousal of A.J." (count VII). Although the charges are similar, they differ in the allegation of sexual arousal, thus indicating two separate acts. Significantly, the charges also indicated this abuse occurred over many years. The charges indicated ongoing abuse and were sufficient to give notice of the State's intent to treat defendant's conduct as multiple acts.

¶ 46 Additionally, the State relied on the credibility of A.J.'s testimony in its closing argument. A.J. testified the sexual abuse occurred mainly on the couch in the living room over the course of two to three years. She described the relevant acts in the plural sense, and she testified the incidents "lessened" when other family members moved into the house. On cross-examination, A.J. testified it was difficult to give a specific date for when the abuse started "because it happened for so long," but she testified to one specific incident during "one of the years that the Seahawks were playing" in the Super Bowl. She also testified the abuse occurred primarily on days she missed school. A.J.'s testimony, which the State relied upon in its closing argument, described many incidents over several years. The testimony and the State's argument demonstrated an intent to treat defendant's conduct as an ongoing course of conduct. We also note, in his closing argument, defense counsel acknowledged the allegations and the testimony described a course of conduct occurring over a significant period of time.

¶ 47 Based on this record, we believe the charging documents, A.J.'s testimony, and the State's argument demonstrated an intent to treat defendant's conduct as multiple acts. The State did not treat defendant's ongoing acts of sexual abuse occurring over the course of years as a single act. We conclude defendant has not established a clear and obvious one-act, one-crime violation as required to excuse his forfeiture of this issue under the plain-error doctrine.

¶ 48 C. Sentencing

¶ 49 Lastly, defendant contends the trial court erred in considering his assertion of innocence as an aggravating factor at sentencing. Defendant argues the court imposed a sentence near the statutory maximum after specifically commenting on his denial of guilt in his statement in allocution. Defendant recognizes he forfeited this issue by failing to raise it in the trial court, but he maintains it should be reviewed under the second prong of the plain-error doctrine because his fundamental right to a fair sentencing hearing was violated.

¶ 50 The State counters that defendant's claim is not reviewable as second-prong plain error because a trial court's consideration of an improper sentencing factor does not necessarily affect the fairness of a trial or challenge the integrity of the judicial process. In any case, no clear or obvious error occurred because the trial court did not impermissibly consider defendant's claim of innocence as an aggravating factor. Rather, the court only determined it could not find defendant was unlikely to reoffend as a mitigating factor because he did not express remorse. According to the State, the court's sentence was based on a proper consideration of the applicable factors in mitigation and aggravation.

¶ 51 As explained above, a forfeited claim may be reviewed under the second prong of the plain-error doctrine when a clear or obvious error occurs and the error "is so serious that it affected the fairness of the defendant's trial and challenged the integrity of the judicial process, regardless of the closeness of the evidence." *Piatkowski*, 225 Ill. 2d at 565. In conducting plain-error review, we first determine whether a clear or obvious error occurred. *Id.*

¶ 52 In support of his claim, defendant relies upon *People v. Byrd*, 139 Ill. App 3d 859 (1986), and *People v. Speed*, 129 Ill. App. 3d 348 (1984). In those cases, the appellate court held a trial court may not impose a harsher sentence simply "because a defendant refuses to abandon

his claim of innocence." *Byrd*, 139 Ill. App 3d at 866 (citing *Speed*, 129 Ill. App. 3d at 349). A trial court may, however, consider a defendant's lack of remorse in imposing the sentence because it may weigh upon the defendant's potential for rehabilitation. *Speed*, 129 Ill. App. 3d at 349. In addressing this issue, reviewing courts have looked to whether the trial court expressly indicated or implied the defendant would have received better treatment at sentencing if he had abandoned his claim of innocence. See *People v. Donlow*, 2020 IL App (4th) 170374, ¶ 84 (citing *People v. Costello*, 95 Ill. App. 3d 680, 688 (1981)). A court's reference to a defendant's claim of innocence does not constitute reversible error if " 'the record shows that the court did no more than address the factor of remorsefulness as it bore upon [the] defendant's rehabilitation.' " *Id.* (quoting *Costello*, 95 Ill. App. 3d at 688). A trial court's statements at sentencing should not be read in isolation but should be considered in light of the entire record on appeal. *Id.* (citing *People v. Ward*, 113 Ill. 2d 516, 527-28 (1986)).

¶ 53 In this case, the record does not show the trial court imposed a harsher sentence based on defendant's continuing claim of innocence. While the court mentioned defendant's statement maintaining his innocence, the reference was made in the context of the court determining whether defendant was unlikely to reoffend as a mitigating factor. The court declined to find defendant was unlikely to reoffend because, among other things, he did not express remorse. Contrary to defendant's argument, the court did not consider his expression of innocence as an aggravating factor. The court expressly listed the aggravating factors it was considering, stating it found defendant's conduct caused or threatened serious harm and the sentence imposed was necessary to deter others from committing a similar offense. The record simply does not support defendant's claim that the court considered his assertion of innocence as an aggravating factor.

¶ 54 As noted, a trial court's reference to a defendant's claim of innocence does not constitute reversible error if " 'the record shows that the court did no more than address the factor of remorsefulness as it bore upon [the] defendant's rehabilitation.' " *Id.* Considering the entire record, we believe the court only mentioned defendant's assertion of innocence while addressing his remorsefulness as it bore on his potential for rehabilitation and likelihood to reoffend. The court did not consider his profession of innocence as an aggravating factor or use it to impose a harsher sentence. Accordingly, we conclude defendant has failed to establish a clear or obvious error as required to excuse his forfeiture under the plain-error doctrine.

¶ 55 III. CONCLUSION

¶ 56 For the reasons stated, we affirm the trial court's judgment.

¶ 57 Affirmed.