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2014 IL App (3d) 130106-U

Order filed August 6, 2014

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IN THE  
APPELLATE COURT OF ILLINOIS  
THIRD DISTRICT

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PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Circuit Court
	)	of the Thirteenth Judicial Circuit,
Plaintiff-Appellee,	)	Grundy County, Illinois,
	)	
v.	)	Appeal No. 3-13-0106
	)	Circuit No. 12-CM-743
	)	
BRANDON HAYGOOD	)	Honorable Sheldon R. Sobol,
	)	Judge, Presiding.
Defendant-Appellant.	)	
	)	

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JUSTICE HOLDRIDGE delivered the judgment of the court.  
Justices McDade and Wright concurred in the judgment.

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**ORDER**

- ¶ 1 Held: The evidence was sufficient to sustain defendant's conviction for obstructing a peace officer where the defendant repeatedly refused to comply with a police officer's order that he get into his truck during a traffic stop occurring in the driveway of a private residence and where defendant never verbally contested the validity of either the traffic stop or the order and never complied with the order before being arrested.
- ¶ 2 Following a bench trial, the defendant, Brandon Haygood, was convicted of obstructing a peace officer (720 ILCS 5/31-1(a) (West 2012)). He was sentenced to 12 months of conditional discharge and ordered to perform 100 hours of community service and to pay \$175 in fines plus

court costs. In this appeal, the defendant asks us to reverse his conviction, arguing that: (1) he did not commit the offense of obstructing a peace officer because he merely argued with a police deputy for approximately 19 seconds and then voluntarily complied with the deputy's requests; (2) the police deputy's order that the defendant get into his vehicle, which was locked and parked in the defendant's driveway, was not an "authorized act" under the statute; and (3) the evidence did not establish that, by initially refusing this order, the defendant intended to obstruct the deputy.

¶ 3

### FACTS

¶ 4 The defendant was charged by criminal complaint with knowingly obstructing a peace officer engaged in the performance of his official duties (720 ILCS 5/31-1(a) (West 2012)). The complaint was sworn by Deputy Sean Wojtczak of the Grundy County Sheriff's Department. The complaint alleged that the defendant knowingly obstructed Wojtczak from performing a traffic stop, an authorized act within his official capacity, "in that [the defendant] refused to get back in his vehicle \*\*\* thereby not allowing Deputy Wojtczak to execute the traffic stop safely."

¶ 5 At trial, Wojtczak testified that, on September 14, 2012, at approximately 10 p.m., he was on duty driving his patrol car northbound on Kankakee Road. Shortly after he passed Route 53, a vehicle drove past him in the southbound lane. Wojtczak noticed that the vehicle had a loud muffler, so he turned his car around and pursued the vehicle. Wojtczak activated his lights and saw the vehicle pull into a driveway, at which point Wojtczak pulled into the driveway behind the vehicle and initiated a traffic stop. When the driver of the vehicle (the defendant) got out of his truck and started walking toward his residence, Wojtczak exited his patrol car and told him to get back into his truck. He refused. Wojtczak again asked the defendant to get back into the

truck. Again, he refused. The defendant pulled the tailgate down on his pickup truck and sat on it. Wojtczak stated that, at that point, he told the defendant that he would be placed under arrest. The defendant still did not get into his truck. Wojtczak then arrested the defendant.

¶ 6 Wojtczak testified that it was standard procedure for him to ask the driver to return to his vehicle "[f]or my safety." Wojtczak explained that he "[doesn't] like people walking around," and that if a driver remains in his car, Wojtczak "[doesn't] have to worry about where they're at" and he "[doesn't] have to keep an eye on them [while] doing what [he] need[s] to do in [his] car as well." Wojtczak stated that he asked the defendant to sit in his vehicle three times. He testified that, before he arrested the defendant, he "warned him about an arrest if he didn't get in the vehicle."

¶ 7 During cross-examination, Wojtczak admitted that, a few months before the traffic stop at issue, he had pulled the defendant over and searched his vehicle without the defendant's consent. The defendant was not arrested as a result of that incident. Wojtczak testified that, during the traffic stop at issue in this case, he told the defendant that he wanted him to return to his vehicle for officer safety. Wojtczak stated that he was safer with the defendant inside his vehicle as opposed to sitting outside on the tailgate.

¶ 8 Wojtczak also testified that, when he pulled into the driveway on September 14, 2012, the defendant was not inside his vehicle. Wojtczak called the defendant back to him and asked the defendant for his drivers' license, which the defendant provided. After the defendant refused to get into his truck and Wojtczak told him he was under arrest, the defendant turned around and put his hands behind his back. The defendant did not fight Wojtczak when he put handcuffs on him. Other than not getting back into his vehicle, the defendant did not disobey any of Wojtczak's orders. Wojtczak estimated that it took "a matter of minutes" from the time Wojtczak

first told the defendant to get back into his truck until the time he arrested the defendant.

Wojtczak eventually conducted an inventory search of the defendant's vehicle. He never ticketed the defendant for the loud muffler.

¶ 9 Wojtczak's patrol car was equipped with a squad camera that videotaped the incident.

The State introduced the videotape into evidence. Although the videotape includes sound, it is difficult to hear the conversation between Wojtczak and the defendant on the tape. At times, their conversation is inaudible. However, the parties agree that the tape shows the following: (1) when Wojtczak first told the defendant to get into his truck, the defendant told him that it was locked and began to sit down on the tailgate; (2) Wojtczak then informed the defendant that he was conducting a traffic stop and told the defendant to get back into the truck; (3) the defendant refused; (4) Wojtczak then told the defendant that he would be arrested if he did not get into his truck; (5) the defendant again told Wojtczak that he would not get into the truck; (6) Wojtczak then said, "turn around, you're under arrest," and handcuffed the defendant without incident. The videotape shows that, from the time Wojtczak first asked the defendant to get into the truck until he told the defendant he was under arrest, approximately 18 to 19 seconds elapsed.

¶ 10 The defendant also testified about the incident. He stated that, on September 14, 2012, he pulled into the driveway, got out of his vehicle, locked the door, and started walking to the front of the house. He then noticed two Grundy County deputies pulling into the driveway. He walked towards them to see what was going on. One of the deputies asked to see the defendant's license and the defendant provided it. The deputy asked the defendant to go back to his vehicle. The defendant went back to his truck, dropped the tailgate, and sat down. Wojtczak told him to sit in the vehicle. The defendant told Wojtczak that he would not sit in the vehicle. The defendant testified that he did not sit in the vehicle because he was "beat up by the cops" when

he was 17 years old and he "like[s] to stay in front of cameras so there's a video of what's going on."<sup>1</sup> He also testified that he did not sit in the vehicle because Wojtczak had searched his vehicle without his consent during a prior traffic stop and he was trying to prevent Wojtczak from "illegally" searching his vehicle again.

¶ 11 During cross-examination, the defendant admitted that, if he sat inside his vehicle, the camera in Wojtczak's squad car would show if he were getting beaten up while inside his truck. However, the defendant stated that he kept knives in the vehicle and that the camera wouldn't show if the defendant "was reaching for something." Thus, the defendant noted that, if the police officer claimed that the defendant was reaching for something to harm him, it "would have been his word over mine."

¶ 12 The trial court found the defendant guilty of obstructing a peace officer. The court found that this was not a situation where the defendant was attempting to exercise a constitutional right by refusing to get in the vehicle because "[t]here was no testimony from the officer that his goal was to try and search the vehicle or anything like that." Looking at the totality of the circumstances, the trial court found that the defendant's intent "was not to argue the validity of the [traffic] stop or the validity of whatever was going to happen." Rather, the court found that the defendant's "intent was to ignore the direction of Deputy Wojtczak to get back into the car." The court noted that the defendant did not tell Wojtczak that he was the victim of a prior beating by police or that he did not feel safe in the truck. Instead, he simply "went ahead and disregarded the officer's direction." Accordingly, the trial court found that Wojtczak had no reason to know what the defendant's feelings were at the time. Under these circumstances, the

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<sup>1</sup> The defendant testified that he was hospitalized with a bruised sternum after the police beat him up and that, even since that incident, he gets "real nervous [and] paranoid around cops."

trial court found that the defendant's conduct constituted obstruction of a peace officer. This appeal followed.

¶ 13

## ANALYSIS

¶ 14

### 1. Standard of Review

¶ 15 The defendant appeals his conviction for obstructing a peace officer. As an initial matter, the parties dispute the standard of review that should guide our analysis. The defendant argues that, due to the existence of the videotape, the facts of this case are not in dispute and "the defendant's guilt is a question of law which [should be] review[ed] *de novo*." The State argues that the defendant's appeal challenges the sufficiency of the evidence and is therefore subject to the deferential standard of review announced in *People v. Collins*, 106 Ill. 2d 237, 261 (1985). Under that standard, "the relevant question is 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." *Id.* at 261.

¶ 16 We agree with the State. In support of his argument, the defendant relies on *People v. Smith*, 191 Ill. 2d 408, 411 (2000), in which our supreme court reviewed a criminal conviction *de novo*. However, *Smith* is distinguishable. Unlike the present case, the court in *Smith* was merely asked to construe the meaning of statutory terms as applied to the undisputed facts of that case. *Smith*, 191 Ill. 2d at 411. Here, by contrast, one of the issues presented is whether the State proved that the defendant intended to obstruct Wojtczak, which is an essential element of obstructing a peace officer. This is a factual question that turns not only on the credibility of the witnesses, but also on the inferences to be drawn from all of the evidence. "Even if the facts are not disputed, if reasonable persons could draw different inferences from them, it is left to the trier of fact to resolve those questions." *People v. Canizalez-Cardena*, 2012 IL App (4th)

110720, ¶ 12 (quoting *People v. Brown*, 345 Ill. App. 3d 363, 366 (2003)). Therefore, this appeal requires us to evaluate the sufficiency of the evidence, an analysis which is governed by the *Collins* standard. See, e.g., *id.*; see also *People v. Rowell*, 375 Ill. App. 3d 421, 428 (2006) ("Because we are looking at whether the undisputed facts could give rise to an inference that defendant had a specific intent, we review a factual determination, and sufficiency-of-the-evidence review is appropriate."), *rev'd on other grounds*, 229 Ill. 2d 82 (2008); *People v. Kibayasi*, 2013 IL App (1st) 112291, ¶ 39 (distinguishing *Smith* and applying the *Collins* standard where "the issue presented [was] whether the State proved knowledge as an element of first degree murder," which was a "factual question" that turned on witness credibility and on the inferences to be drawn from the evidence).

¶ 17                    2. Whether the Evidence Was Sufficient to Convict the Defendant

¶ 18    A person commits the offense of obstructing a peace officer when he "knowingly resists or obstructs the performance by one known to the person to be a peace officer \*\*\* of any authorized act within his official capacity." 720 ILCS 5/31-1(a) (West 2012). Here, it was undisputed that the defendant knew that Wojtczak was a police officer, that the incident at issue occurred during a traffic stop, and that Wojtczak told the defendant that he was conducting a traffic stop. The defendant has not challenged the validity of the traffic stop. Wojtczak testified that it was "standard procedure" for him to ask a driver to return to his vehicle during a traffic stop "for my safety." Nevertheless, when Wojtczak asked the defendant multiple times to get into his truck, the defendant repeatedly refused. At that time, the defendant did not argue that either the traffic stop or Wojtczak's ordering the defendant to get into the truck were invalid or unauthorized. Nor did the defendant tell Wojtczak that he did not want to get into the truck

because he feared for his safety and wanted to stay in view of the camera. Instead, he simply refused to comply with Wojtczak's requests.

¶ 19 Viewing the evidence in the light most favorable to the prosecution, we conclude that a rational trier of fact could have found the essential elements of the crime of obstructing a peace officer beyond a reasonable doubt. Specifically, the trial court could have rationally found that: (1) the defendant knew Wojtczak was a police officer; (2) the traffic stop was an "authorized act within [Wojtczak's] official capacity"; (3) Wojtczak repeatedly ordered the defendant to get into his truck so that Wojtczak could safely complete the traffic stop; (4) this order was therefore an "authorized act within [Wojtczak's] official capacity" as a police officer conducting a lawful traffic stop; and (5) the defendant "knowingly resist[ed] or obstruct[ed] [Wojtczak's] performance" of the traffic stop by refusing to comply with Wojtczak's order.

¶ 20 The defendant notes, correctly, that where a person "merely argues" with a police officer and then, after a brief time, "complies with the officer's requests," "no offense [takes] place." See, e.g., *People v. Weathington*, 82 Ill. 2d 183, 187 (1980); *People v. Raby*, 40 Ill. 2d 392, 399 (1968) (ruling that the statute does "not proscribe mere argument with a police officer about the validity of an arrest or other police action"); *People v. McCoy*, 378 Ill. App. 3d 954, 962 (2008) (ruling that the statute "does not prohibit a person from verbally resisting or arguing with a police officer about the validity of an arrest or other police action"); *People v. Berardi*, 407 Ill. App. 3d 575, 584 (2011) (reversing defendant's conviction for resisting a peace officer where "the defendant's only conduct was argument coupled with eventual cooperation"). Relying on *Weathington* and *Berardi*, the defendant argues that he committed no offense in this case because he "merely argued with" Wojtczak and then, after 18 or 19 seconds, "complied with [Wojtczak's] requests."

¶ 21 We disagree. Contrary to the defendant's assertion, he did not "merely argue" with Wojtczak. In fact, he did not argue with Wojtczak at all. As the trial court noted, the defendant did not verbally contest the validity of either the traffic stop or of Wojtczak's ordering him back into his truck. Rather, he simply refused to comply with Wojtczak's order and told Wojtczak that the truck was locked and he was not getting in the truck.

¶ 22 Moreover, the defendant never complied with Wojtczak's order to get into the truck. The defendant argues that he complied with Wojtczak by submitting to arrest without incident. However, by that time, the defendant had repeatedly refused Wojtczak's requests and had made it clear that he would not get into the truck. Thus, by the time the defendant was arrested, the offense of obstructing or resisting a peace officer was already complete. See, e.g., *People v. Ostrowski*, 394 Ill. App. 3d 82, 98 (2009) ("Passive acts that impede an officer's ability to perform his duties, such as repeatedly refusing an officer's order to exit a vehicle, may \*\*\* violate section 31-1(a)."); *McCoy*, 378 Ill. App. 3d at 965 (ruling that conduct "may rise to the level of resisting if a person persists in refusing to comply"); *People v. Synnott*, 349 Ill. App. 3d 223, 227-28 (2004) (affirming conviction for obstructing a peace officer where driver repeatedly refused the officer's order to exit his vehicle).

¶ 23 These facts distinguish this case from *Weathington and Berardi*. In *Weathington*, the defendant initially refused to answer certain booking questions posed to him at the county jail but then agreed to provide the requested information after spending a "few minutes" in a holding cell. *Weathington*, 82 Ill. 2d at 185, 187.

¶ 24 In *Berardi*, the defendant, an alderman for the City of Canton, argued with a police officer regarding his right to remain inside a private office area in the Canton city hall after business hours and initially refused the officer's order that he leave the area. *Berardi*, 407 Ill.

App. 3d at 577-80. However, "once the defendant learned that his protestations about the validity of [the officer's] request would be fruitless," he "almost immediate[ly] acquiesce[ed] to [the officer's] authority" and complied with the officer's request to "go downstairs." *Id.* at 582, 580. Our appellate court noted that the defendant repeatedly told the officer that he had a right to be present (*id.* at 582), and held that the defendant's initial refusal to leave and his statement that he would have to be arrested "were based on his belief that he had a legal right to be present." (*Id.*). Our appellate court held that the defendant's "only conduct was to argue about the validity of the police action" (*id.* at 583) and that his "act of verbally disputing [the officer's] authority for a brief time does not constitute resisting a peace officer" (*Id.* at 584). Like the defendant in *Weathington*, "the [*Berardi*] defendant's only conduct was argument coupled with eventual cooperation." *Berardi*, 407 Ill. App. 3d at 584.

¶ 25 In this case, there was neither argument nor eventual cooperation. Instead, the defendant silently defied Wojtczak's order without verbally challenging the validity of the order. He did this repeatedly without ever complying with the order by getting into his truck. Once it became clear that the defendant would not comply with Wojtczak's order even upon threat of arrest, Wojtczak arrested him. The fact that the defendant did not resist the arrest is irrelevant. By that time, he had already obstructed Wojtczak. A contrary rule would produce absurd results because it would allow defendants who are arrested for obstructing a peace officer to escape conviction on that charge so long as they do not commit the additional crime of resisting arrest.

¶ 26 The defendant also argues that he committed no offense because Wojtczak's order that he get back in his truck was not an "authorized act within [Wojtczak's] official capacity." 720 ILCS 5/31-1(a) (West 2012). Without citing to any authority, the defendant asserts that Wojtczak "lacks authority to order an individual that is outside of his vehicle when the encounter [with the

police] commences to get into his vehicle on private property." Moreover, the defendant argues that Wojtczak's order violated the Fourth Amendment to the United States Constitution because the defendant's truck was locked at the time and Wojtczak's order that the defendant return to the vehicle would "allow [Wojtczak] greater access to the vehicle" than he would legally have on his own. For example, the defendant argues that, if he had complied and opened the truck's door, Wojtczak would have "gain[ed] access to any smells coming from the vehicle" and would have had a greater ability to see inside the vehicle and to search the vehicle incident to an arrest.

¶ 27 We disagree. As noted, the defendant has not disputed the validity of the traffic stop or Wojtczak's authority to conduct the stop. Nor has he refuted Wojtczak's testimony that it was "standard procedure" for him to ask a driver to return to his vehicle during a traffic stop in the interest of officer safety. The defendant has cited no legal authority suggesting that this procedure is unlawful. Moreover, there is no evidence whatsoever that Wojtczak intended to search the defendant's truck or that his ordering the defendant into the truck was a ruse designed to expose the contents of the truck to inspection. Nor does the defendant suggest that Wojtczak's concerns for his own safety were pretextual. The Fourth Amendment authorities cited by the defendant are inapposite because they address unauthorized entries into a person's residence or unauthorized searches of vehicles. Here, Wojtczak did not attempt to search the defendant's vehicle when he ordered the defendant to return to the vehicle.<sup>2</sup> Moreover, as noted, the defendant does not contest the validity of the traffic stop (*i.e.*, the "seizure"). Thus, we fail to see

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<sup>2</sup> After the defendant was arrested, the police conducted an inventory search of the defendant's truck. That search is not at issue in this appeal because it occurred after the defendant obstructed Wojtczak by refusing to get back into his truck. The defendant does not argue that the police lacked the authority to conduct an inventory search of the truck after his arrest.

how the defendant's Fourth Amendment rights to be free from "unreasonable search and seizure" are implicated in this case.

¶ 28 Viewing the evidence in the light most favorable to the prosecution, a rational trier of fact could have found that both the traffic stop and Wojtczak's ordering the defendant into his truck were authorized acts within Wojtczak's official capacity.

¶ 29 Finally, the defendant contends that the evidence establishes that he did not intend to obstruct Wojtczak. According to the defendant, when he refused to get back into his vehicle, his intent was not to obstruct Wojtczak but to say on camera and prevent Wojtczak from illegally searching his vehicle a second time. In support of this argument, the defendant notes that he complied with every other order given by Wojtczak and that he had no reason to know Wojtczak wanted him to sit in the truck for Wojtczak's safety.

¶ 30 We find these arguments unavailing. In considering a challenge to the sufficiency of the evidence, it is not the function of this court to reweigh the evidence or retry a defendant. *People v. Sutherland*, 155 Ill. 2d 1, 17 (1992); *In re Detention of Lieberman*, 379 Ill. App. 3d 585, 602 (2007). The trier of fact is responsible for assessing the witnesses' credibility, weighing the testimony, and drawing reasonable inferences from the evidence. *People v. Ortiz*, 196 Ill. 2d 236, 259 (2001). Here, after considering the evidence as a whole, the trial court inferred that the defendant knowingly obstructed Wojtczak's order by refusing to get into his truck. We cannot say that that conclusion was irrational or unsupported by the evidence. The defendant repeatedly refused to comply with Wojtczak's order, even after being threatened with arrest. The defendant does not argue that he did not hear Wojtczak's requests. To the contrary, he concedes that he deliberately refused to comply with them. Moreover, even assuming *arguendo* that the defendant's testimony regarding his motives for deliberately disobeying Wojtczak's order is

relevant, the trial court was not required to credit that testimony. At the time of incident, the defendant neither disclosed these alleged motives to Wojtczak nor offered any explanation for his refusal to get into the truck.

¶ 31

### **CONCLUSION**

¶ 32 For the foregoing reasons, we affirm the defendant's conviction and sentence.

¶ 33 Affirmed.