

No. 1-14-1259

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IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Cook County.
)	
v.)	No. 14 MC1 193926
)	
KELLIE LAWRENCE,)	Honorable
)	Clarence L. Burch,
Defendant-Appellant.)	Judge Presiding.

JUSTICE HOWSE delivered the judgment of the court.
Presiding Justice McBride and Justice Cobbs concurred in the judgment.

O R D E R

¶ 1 *Held:* Where the evidence sufficiently established that defendant's contact with the victim was intentional, not accidental, guilty finding of Class A misdemeanor battery affirmed.

¶ 2 Following a bench trial, defendant Kellie Lawrence was found guilty of Class A misdemeanor battery and sentenced to two years' probation. On appeal, defendant solely contends that the State failed to prove her guilty beyond a reasonable doubt because the evidence suggested that her contact with the victim was not intentionally or knowingly made, but instead, was accidental. We affirm.

¶ 3 At trial, Lois Lewis testified that she owns and manages six properties together with her partner, Holly Thompson. One of their buildings, located at 852 East 88th Street in Chicago, is a two-flat apartment building with a third basement apartment that is only accessible from the back door at the rear of the building. Upon entering that apartment, one can look straight ahead into a bedroom at the back of the apartment, and the five-foot entry hallway opens up to the kitchen on the left.

¶ 4 About 3 p.m. on January 12, 2014, Lewis and Thompson went to the basement apartment to serve a 5-day notice and 30-day notice to vacate the apartment to their tenant, Ronnie Williams, for failure to pay rent. Williams opened the door and invited the women in, and they stood in the hallway inside the door and gave him the notices, which he signed. After they were there for about five minutes, Lewis saw defendant come out of the back bedroom holding a cup in one hand and a gallon bottle of bleach in her other hand. Defendant approached the women and was cursing and calling them names including "demon." When defendant was about three feet from Lewis, she said "I'm cleaning the pigs out." Defendant then poured bleach into the cup and threw the bleach from the cup towards Lewis. Lewis demonstrated that defendant threw the bleach with a forward thrusting motion, described by the court as similar to an underhand softball pitch. Lewis stepped back, and some of the bleach landed on her pants. Defendant then

started pouring bleach out of the gallon bottle in Lewis' direction. Lewis testified that she felt "[s]cared, like she tried to throw it in my face or something."

¶ 5 Lewis further testified that defendant then went into the kitchen, grabbed a knife with an eight-inch blade, and began waving the knife and calling Lewis names. Defendant was about five feet away from Lewis at this time. Lewis called 911 and reported that her tenant's girlfriend was threatening her and had thrown bleach on her. Lewis and Thompson exited the apartment and stood outside the back door, and the police arrived a few minutes later.

¶ 6 The State presented two photographs of Lewis taken by Thompson a couple of minutes after the incident. Lewis testified that the photographs depicted bleach stains on her pants, mostly on the lower portion of her left leg and going up towards her hip.

¶ 7 On cross-examination, Lewis testified that she had seen defendant at the apartment on two prior occasions. The first-floor tenant had told Lewis that defendant had moved in, but when Lewis questioned Williams, he denied it. Williams was supposed to be living in the apartment alone. Lewis testified that defendant had previously said "hi" to her, and denied that she and defendant ever had any arguments prior to this incident. When defense counsel asked Lewis if she was claiming that defendant tried to throw the bleach in her face, Lewis answered "[y]es," and testified "I knew she was throwing it at me." Lewis acknowledged that the photographs did not depict any bleach on the upper portion of her body. She also testified that she told the police about the knife, but they did not find it.

¶ 8 Holly Thompson testified substantially the same as Lewis regarding their arrival at the apartment, and added that a few minutes after Williams signed the 30-day notice, defendant ran out of the back bedroom screaming profanities. Thompson testified that defendant grabbed a

butcher knife with an eight-inch blade and a bottle of bleach, but could not recall which item she grabbed first. While defendant was holding the butcher knife and calling them names, Thompson left the apartment for one minute to call the police because the situation was getting out of control and she did not want anyone to get hurt.

¶ 9 Thompson further testified that defendant put the knife down and then said that she was going to cleanse her place of the demons and evil spirits. Defendant approached Lewis with the bottle of bleach in her hand and started splashing bleach at her. Thompson testified "I saw her throw the bleach on Lois," and demonstrated defendant's actions by making an upward motion with her right hand. Thompson recalled that at some point, defendant also had a cup in her hand and may have poured bleach into the cup. The bleach landed on the bottom of Lewis' pants and a couple of spots sprayed onto her pants' leg and coat.

¶ 10 Ronnie Williams testified for the defense that he lived in the basement apartment with defendant and their seven children. Defendant never had any prior interaction or conversations with Lewis, but instead, kept to herself and stayed away from Lewis because Williams was the only person on the lease. Lewis always had something to say about defendant being there, but Williams figured that it was okay because she was his "mate" and the mother of his children. Williams testified that Lewis used to pick on defendant, but he was unable to recall any specific incidents and explained that he has poor long term memory.

¶ 11 Williams recalled the day that Lewis came to the apartment with the eviction notice. After he signed it, defendant came out of the bedroom, read the notice, said "it's not right," balled it up and threw it on the floor. Lewis became angry, called defendant a "b" and told her that she had no right to do that. Lewis was standing in the doorway and would not let the door close, even

though it was cold outside. Defendant then said that since the door was open, she was going to mop the floor, and she poured bleach onto the floor. Lewis, who was standing four to five feet from defendant, refused to move out of the way, and when defendant poured the bleach, some of it splashed onto Lewis' and defendant's pants. Lewis then called the police and claimed that defendant had thrown bleach in her face, which was not true. Williams testified that he never saw defendant throw any bleach at Lewis, nor did he ever see defendant grab a knife.

¶ 12 Defendant testified that she was living in the apartment with Williams and their six children, and acknowledged that her name was not on the lease. Defendant did not have a good relationship with Lewis because Lewis was a bully. In October 2013, Lewis came to their apartment at 3 a.m. to collect the rent, demanded cash, and would not give them a receipt. Defendant wanted to give her a money order, but Lewis refused to accept it and told defendant that she was not supposed to be there and had nothing to do with the situation because the apartment was not in her name. In December 2013, defendant and Lewis got into another argument when Lewis pulled off a water valve and flooded their apartment. During that argument, Lewis told defendant that she wanted her out of the apartment, and that she was going to have people come and kick in their door.

¶ 13 Defendant further testified that on the day in question, she did not have an argument or conversation with Lewis. Lewis and Thompson gave Williams the five-day notice, and Lewis then started yelling at Williams, pointed in his face, and told him "Bro, you're going to get the F up out of here. I'm going to get my people come in here and shoot up the place. They're going to drag you out of here, throw your stuff out." Defendant told Williams to give her the notice, and after she read it, she crumpled it up and threw it on the floor because it was not a legal document.

Defendant tried to call the police, but the call would not go through because she had no phone reception and Lewis was blocking the door. They asked Lewis to leave, but she refused.

¶ 14 Defendant testified that she then announced that she was going to mop the floor. Defendant explained that she suffers from post traumatic stress disorder and obsessive behavior, and bleach is her "comfort zone" which helps her block negativity. Defendant picked up a half gallon bottle of bleach and asked Lewis to move so she could clean the house. Lewis told defendant to clean around her. Defendant then held the bottle near her waist, poured the bleach onto the floor and proceeded to mop. Lewis was standing four to five feet away, and bleach splashed onto both of their pants.

¶ 15 On cross-examination, defendant denied that she was upset with Lewis and testified that she was calm and in a very good mood. When asked why she had to go to her "happy place" if she was calm, defendant replied "[d]emons were in the house." Defendant denied throwing the bleach in Lewis' direction and maintained that it splashed up from the floor. Defendant testified that she always pours the bleach onto the floor from the bottle, and she gets bleach on her clothes every time she cleans the house.

¶ 16 The trial court found defendant guilty of battery. Immediately thereafter, the court sentenced defendant to a term of two years' probation.

¶ 17 On appeal, defendant solely contends that the State failed to prove her guilty beyond a reasonable doubt because the evidence suggested that she did not intentionally or knowingly make contact with Lewis, but instead, that she accidentally made contact with her when she poured the bleach to mop the floor. Defendant argues that the physical evidence undermined Lewis' testimony because the spotting on the bottom of Lewis' pants is consistent with the bleach

inadvertently splashing up from the floor. Defendant also claims that Lewis and Thompson were not credible because their testimony contradicted each other when Lewis testified that defendant threw the bleach from a cup and Thompson said she threw it from the bottle, and Lewis testified that defendant grabbed the knife after she threw the bleach while Thompson said she grabbed the knife before she threw the bleach.

¶ 18 The parties agree that the evidence showed that Lewis was standing a few feet away from defendant when defendant poured bleach and the bleach hit Lewis. They further agree that the dispositive issue is whether defendant intentionally threw the bleach at Lewis, or whether she poured the bleach onto the floor and it accidentally hit Lewis.

¶ 19 When defendant claims that the evidence is insufficient to sustain her conviction, this court must determine whether any rational trier of fact, after viewing the evidence in the light most favorable to the State, could have found the elements of the offense proved beyond a reasonable doubt. *People v. Baskerville*, 2012 IL 111056, ¶ 31. This standard applies whether the evidence is direct or circumstantial, and does not allow this court to substitute its judgment for that of the fact finder on issues involving witness credibility and the weight of the evidence. *People v. Jackson*, 232 Ill. 2d 246, 280-81 (2009). "Under this standard, all reasonable inferences from the evidence must be allowed in favor of the State." *Baskerville*, 2012 IL 111056, ¶ 31.

¶ 20 In a bench trial, the trial court is responsible for determining the credibility of the witnesses, weighing the evidence, resolving conflicts in the evidence, and drawing reasonable inferences from therein. *People v. Siguenza-Brito*, 235 Ill. 2d 213, 228 (2009). We will not reverse a criminal conviction based upon insufficient evidence unless the evidence is so improbable or unsatisfactory that there is reasonable doubt as to defendant's guilt (*People v.*

Givens, 237 Ill. 2d 311, 334 (2010)), nor simply because defendant claims that a witness was not credible or that the evidence was contradictory (*Siguenza-Brito*, 235 Ill. 2d at 228).

¶ 21 To prove defendant guilty of Class A misdemeanor battery in this case, the State was required to show that she intentionally or knowingly made physical contact of an insulting or provoking nature with Lewis by throwing bleach on her. 720 ILCS 5/12-3(a)(2) (West 2014). Defendant's intent can be inferred from the character of her acts and the circumstances surrounding her commission of the offense, and defendant is presumed to intend the natural and probable consequences of her acts. *People v. Foster*, 168 Ill. 2d 465, 484 (1995).

¶ 22 Viewed in the light most favorable to the State, we find that the evidence was sufficient to allow the trial court to find defendant guilty of battery. Lewis testified that after she and Thompson served Williams with an eviction notice, defendant emerged from the back bedroom holding a cup and a gallon bottle of bleach, and approached them, cursing and calling them names including "demon." When defendant was about three feet from Lewis, she said "I'm cleaning the pigs out," then poured bleach into the cup and threw the bleach at Lewis. Lewis testified that she jumped back, and some of the bleach landed on her pants. Defendant then started pouring bleach out of the bottle in Lewis' direction. The State presented two photographs taken minutes later by Thompson which depicted the bleach stains on Lewis' pants, thereby corroborating her testimony.

¶ 23 The record shows that Lewis' testimony was further corroborated by Thompson, who also testified that after they served the eviction notice, defendant ran out of the back bedroom screaming profanities. Thompson testified that after defendant put down a butcher knife, she said that she was going to cleanse her place of the demons and evil spirits, and then approached

Lewis with the bottle of bleach in her hand and started splashing the bleach at Lewis. Thompson testified "I saw her throw the bleach on Lois," and said that the bleach landed on Lewis' pants. Both Lewis and Thompson demonstrated in court that defendant threw the bleach at Lewis by making an underhand upward motion with her right hand. The testimony from Lewis and Thompson, if believed, was sufficient for the trial court to find that defendant intentionally threw the bleach at Lewis, and thus, was sufficient to prove her guilty of battery.

¶ 24 In reaching this conclusion, we reject defendant's argument that the physical evidence undermined Lewis' testimony because the stains on the bottom of her pants are consistent with the bleach splashing up from the floor. Lewis testified that when defendant threw the bleach at her, she jumped back, and the bleach then landed on her pants. From this testimony, the trial court could infer that Lewis' act of jumping back allowed the bleach to land on the bottom of her pants rather than the upper portion of her body.

¶ 25 Defendant's argument that Lewis and Thompson were not credible due to discrepancies in their testimony also provides no basis for reversal. Variations in witness testimony are to be expected. *People v. Howard*, 376 Ill. App. 3d 322, 329 (2007). "It is not the role of this court to reevaluate the credibility of witnesses in light of inconsistent testimony and ostensibly retry the defendant on appeal." *Id.*, citing *People v. Milka*, 211 Ill. 2d 150, 178 (2004). As the trier of fact in this case, the trial court was in the superior position to assess the credibility of the witnesses, observe their demeanor and weigh their testimony. *People v. Austin*, 349 Ill. App. 3d 766, 769 (2004). Here, the trial court apparently found the testimony from Lewis and Thompson more credible than that from defendant and Williams, and we find no reason to disturb its finding.

¶ 26 For these reasons, we affirm the judgment of the circuit court of Cook County.

1-14-1259

¶ 27 Affirmed.