

No. 1-14-1548

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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. 13 MC1 244252
)	
CRYSTAL WHITE,)	Honorable
)	Israel A. Desierto,
Defendant-Appellant.)	Judge Presiding.

JUSTICE COBBS delivered the judgment of the court.
Justices Howse and Ellis concurred in the judgment.

O R D E R

¶ 1 *Held:* Guilty finding for Class A misdemeanor battery affirmed over defendant's contention that the State failed to prove her guilty beyond a reasonable doubt because the victim's testimony was impeached and not credible.

¶ 2 Following a joint bench trial, defendant Crystal White and codefendant Jessica Scarlett¹ were found guilty of Class A misdemeanor battery. The trial court sentenced defendant to six

¹ This court affirmed codefendant's conviction in case number 2016 IL App (1st) 141566-U. Codefendant is not a party to this appeal.

months' supervision. On appeal, defendant solely contends that the State failed to prove her guilty beyond a reasonable doubt because the only evidence of her guilt was the testimony of the victim, which was illogical, inconsistent, contradictory, and impeached. We affirm.

¶ 3 At trial, Monica Petties testified that about 8 p.m. on July 1, 2013, her nephew Darren drove her and her other nephew, John Molina, to defendant's hair salon on 87th Street in Chicago to retrieve Molina's vehicle from codefendant Scarlett, who had taken the car without permission. Scarlett was the mother of Molina's two children. Darren parked in back of the salon, and Petties and Molina exited his car and went to the front door of the salon. The salon, however, was closed, and Scarlett came outside to speak with Molina. Molina asked Scarlett for his car keys, but she refused to give them to him, and the two began to argue. Petties then told Molina to take a walk so she could speak with Scarlett. Petties and Scarlett had known each other for three years and had a "wonderful" relationship.

¶ 4 Petties testified that she asked Scarlett for the car keys, and denied that they argued. Although Scarlett told Petties that she did not have the keys, Petties did not leave because she saw Molina's car parked in back of the salon. Petties then asked Scarlett if they could speak inside, and Scarlett allowed her inside the salon.

¶ 5 Petties testified that after she entered the salon, Scarlett told defendant to lock the door. Petties trusted Scarlett, and thus, was not concerned by the request, and only Petties, Scarlett and defendant were inside. Petties did not know defendant, but later learned that defendant and Scarlett were cousins. After defendant locked the door, Scarlett accused Petties of coming to the salon with Molina to "jump" her. Petties was completely surprised by the accusation because Scarlett knew that she was not that type of person, and she had only come to retrieve the car

keys. Petties was standing inside the front entrance, and defendant and Scarlett were standing about five feet in front of her.

¶ 6 Petties further testified that immediately after making the accusation, Scarlett punched her with a closed fist, and seconds later, defendant also punched her. Defendant and Scarlett repeatedly punched Petties in her arms and chest. Petties defended herself and fought back, and maneuvered into an open area of the salon while both women repeatedly punched her. Petties then broke free and distanced herself from the women by 10 to 12 feet.

¶ 7 Petties thought that the fight was over and bent down to retrieve her hat from the floor. Scarlett then said "[b]itch, I am going to break your ass down," and stabbed Petties in her jaw and underneath her chin with a pair of scissors about six inches in length. At this time, defendant was screaming at Petties to leave the salon, and Petties replied that she only wanted the keys. Scarlett then fled the salon, leaving the door unlocked, while defendant was on the telephone. Molina entered the salon at the end of the altercation, but Petties denied that she pressed the door handle to allow him in.

¶ 8 After the incident, Molina drove Petties to the emergency room at the University of Chicago Hospital. On the way, they stopped at the house of Scarlett's mother because Petties wanted to show her what Scarlett had done. At the hospital, Petties received three stitches to her face and one underneath her chin, and she has residual scars as a result of the stabbing. A nurse at the hospital called the police, and when the officer arrived at the hospital, Petties gave him a statement. Pettis testified that she told the officer that defendant punched her, but she did not know defendant's last name at that time. Photographs taken on the night of the incident depicting the stab wounds to Petties' face, bruises on her left arm, and blood on her shirt were admitted into evidence.

¶ 9 Petties acknowledged that she filed a civil lawsuit against defendant, the salon and Scarlett based on the charges from this incident. That suit was pending at the time of trial, and Petties' lawyer had sent a letter demanding money from Scarlett.

¶ 10 Defendant testified that on the evening of July 1, 2013, her salon was closed, but she was styling Scarlett's hair as a favor. Defendant had never met Petties and was unaware of anything that had transpired between Petties, Molina and Scarlett prior to the incident. When Petties arrived at the salon, she was "very aggressive" and appeared "angry." Scarlett opened the front door of the salon and said that she had already given the car keys to Darren. Petties replied "[n]o, you didn't. I don't believe you. Let me in, Miss Bitch." Petties then pushed Scarlett back and pushed her way into the salon.

¶ 11 After Petties entered the salon, she and Scarlett began fighting. Petties pulled Scarlett's hair and pushed her face down, then unlocked the front door, allowing Molina to enter the salon. Defendant stood in the back and told all of them to go outside and not to fight in her salon. Defendant testified that she wanted to protect her business and did not want to get involved. Petties, Scarlett and Molina continued fighting while defendant yelled at them to stop and to leave her salon. Defendant denied that she ever touched Petties.

¶ 12 Defendant testified that she repeatedly called the police, and also called her mother and everyone else who she thought could help. She further testified that she was scared and could not do anything but stand there and watch because she knew that Petties could possibly sue her or get her involved in something that did not concern her.

¶ 13 After Petties and Molina left the salon, defendant spoke with the police. She testified "I didn't press charges because me and her got into an altercation." Defendant was arrested several months after the incident.

¶ 14 Defendant presented a stipulation that, if called to testify, Officer Efram would testify that he spoke with Petties at the University of Chicago Hospital on July 1, 2013, after which he completed a police report. The stipulation further provided: "In that report he did not include any allegation that Miss White punched Monica Petties, or touched her in any way."

¶ 15 Codefendant Scarlett testified that she had a "cordial" relationship with Petties until they had a "falling out" four months prior to the incident, and she had not spoken to Petties since then. On the night in question, Scarlett was having her hair styled by defendant, her cousin, at defendant's salon, which was closed to the public at the time. Scarlett then heard Molina banging on the front door of the salon, saying "[g]ive me my f*** car keys." Molina had given Scarlett the keys earlier in the day so she could run errands and go to the salon. Scarlett went to the back of the salon to check on the car and saw Molina's brother, Darren, sitting on the car. She then handed the car keys to Darren through the gate.

¶ 16 Scarlett then returned to the front door where she saw Petties knocking on the door and becoming "worked up a little bit." Through the closed door, Petties asked Scarlett "[w]hy don't you just give him his f*** keys?" Scarlett opened the door and responded that she had already given the keys to Darren. Petties said that she did not believe Scarlett, then "bum-rushed her way" into the salon.

¶ 17 Upon entering, Petties punched Scarlett and grabbed her hair. While they were fighting, Petties hit a knob that unlocked the front door, allowing Molina to enter the salon. Petties and Scarlett separated and stopped fighting. Petties then told Molina to "[g]et [Scarlett]" and "[b]eat her ass." Both Petties and Molina approached Scarlett, but Molina then stopped and searched defendant's work station for his keys. Petties, however, continued punching Scarlett and grabbing her hair. Scarlett fought back and eventually separated herself from Petties. She then saw Molina

attempt to exit the salon with her cell phone. Scarlett ran to defendant's work station, grabbed a pair of scissors for "protection" because Molina had previously battered her, and chased after Molina for the cell phone. While Molina and Scarlett were "tussling" on the ground, Petties attacked Scarlett from behind and ripped all the hair off of her head. Scarlett then released Molina and again fought with Petties. While swinging her arms during the fight, Scarlett stabbed Petties with the scissors. Molina then exited the salon, as did Scarlett, who ran to a nearby Walgreens where she called the police. Scarlett testified that during the fight, defendant called the police and yelled at everyone to leave the salon. Defendant never got involved in the fight.

¶ 18 Joan Scarlett, codefendant Scarlett's mother, testified that on the night in question, Petties came to her house alone and told her that she "whooped [her] daughter's ass twice." Joan did not notice anything about how Petties looked that night.

¶ 19 The trial court stated that it assessed the credibility of the witnesses as they testified and found that any impeachment was not substantial. The court explained "[w]hat impeachment might have been reached based on the stipulation, I do find somewhat collateral because there was some information from a common citizen's perspective that the officer might not have gotten, but I am sure Miss Petties believes that she had given." The court found that Petties credibly testified that she merely accompanied her nephew to the salon and did not expect an incident to arise. The court further found that parts of the testimony of defendant and codefendant were not credible, and that Joan Scarlett's testimony was not credible. Based on its findings, the trial court found defendant and codefendant guilty of battery.

¶ 20 In denying defendant's motion for a new trial, the court clarified its comments concerning the impeachment of Petties and stated that perhaps "collateral" was not the correct word. The court then stated "I did have the opportunity to view the complainant and to consider her

testimony. And I do not find that either the way or the manner that she testified on cross or the alleged impeachment that was made rose to the level of impugning her credibility." The court pointed out that Petties did not know defendant, and thus, it made sense that Petties may have told the officer what happened as it related to codefendant Scarlett and another individual. The court expressly stated that Petties' testimony was "believable beyond a reasonable doubt" and sufficient to prove defendant and codefendant guilty of battery beyond a reasonable doubt.

Thereafter, the trial court sentenced defendant to six months' supervision.

¶ 21 On appeal, defendant contends that the State failed to prove her guilty beyond a reasonable doubt because the only evidence of her guilt was the testimony of Petties, which was illogical, inconsistent, contradictory, unconvincing and contrary to human experience. Defendant further argues that Petties' testimony was "fatally impeached" where the stipulation showed that it was inconsistent with what she told Officer Efram, and the only logically explanation for why defendant was not named in the police report is that Petties never told him that defendant hit her.

¶ 22 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. Brown*, 2013 IL 114196, ¶ 48, citing *Jackson v. Virginia*, 443 U.S. 307, 318-19 (1979). 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 must be allowed in favor of the State. *People v. Lloyd*, 2013 IL 113510, ¶ 42.

¶ 23 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).

¶ 24 The testimony of a single, credible witness may be sufficient to convict (*People v. Smith*, 185 Ill. 2d 532, 541 (1999)), even if the witness is the victim and the defendant's version of events contradicts the victim's. *People v. Brink*, 294 Ill. App. 3d 295, 300 (1998). To prove defendant guilty of Class A misdemeanor battery in this case, the State was required to show that she knowingly, and without legal justification, caused bodily harm to Petties. 720 ILCS 5/12-3(a)(1) (West 2012).

¶ 25 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. Petties testified that after she entered the salon, codefendant Scarlett accused her of coming to the salon with Molina to "jump" her. Petties further testified that immediately after making that accusation, Scarlett punched her with a closed fist, and seconds later, defendant also punched her. Defendant and Scarlett then repeatedly punched Petties in her arms and chest. The fighting continued until Scarlett stabbed Petties in the face and underneath her chin with a pair of scissors. Petties' testimony was corroborated by the photographs which depicted the stab wounds to her face, the bruising on her arm, and the blood on her shirt. The trial court expressly found Petties' testimony credible. Consequently, the record shows that the evidence was sufficient to convict defendant of battery

despite the fact that Petties was the State's only witness, and that her testimony was contradicted by defendant and Scarlett. See *Smith*, 185 Ill. 2d at 541; *Brink*, 294 Ill. App. 3d at 300.

¶ 26 In making this finding, we reject defendant's claim that Petties' testimony was "fatally impeached" by the stipulation to Officer Efram's testimony. The stipulation stated that Officer Efram would testify that he spoke with Petties at the hospital on the night of the incident, after which he completed a police report. The stipulation specifically provided: "In that report he did not include any allegation that Miss White punched Monica Petties, or touched her in any way." We agree with the trial court's finding that this "alleged impeachment" did not rise to the level of impugning Petties' credibility. The stipulation does not state that Petties never told the officer that defendant, or a second unnamed individual, hit her. It merely states that Officer Efram did not include such an allegation in his report. The omission could have occurred for any number of reasons, including the court's consideration that Petties did not know defendant and may have told the officer what happened as it related to codefendant Scarlett and another individual. Regardless, the statement in the stipulation did not contradict Petties' testimony that she told the officer that defendant hit her, and thus, her testimony was not impeached.

¶ 27 Nevertheless, defendant argues that Petties' testimony was "unconvincing and contrary to human experience," so much so that no rational trier of fact could have found her testimony sufficient to prove defendant guilty beyond a reasonable doubt. First, defendant asserts that Petties' story repeatedly changed, and that her testimony on cross-examination contradicted her direct examination. Specifically, defendant points to Petties' testimony where she initially did not remember telling the police that she and defendant argued, but later admitted to telling the police that she and defendant had a verbal altercation. While Petties' testimony on this matter could be

deemed inconsistent, the resolution of inconsistent evidence and its impact on the trial rests with the trier of fact, not the reviewing court. See *People v. Sutherland*, 223 Ill. 2d 187, 242 (2006).

¶ 28 Next, defendant claims that Petties "lied" about her actions after the incident because she originally testified that Molina rushed her to the hospital, but on cross-examination, admitted that she first stopped at the house of defendant's mother. However, Petties did not testify that she went directly to the hospital. At most, stopping at the house of defendant's mother was an omission, which was heard and considered by the trier of fact. See *People v. Rodriguez*, 2012 IL App (1st) 072758-B, ¶ 47. Defendant also insists that Petties' testimony was unbelievable because she testified to remaining "calm" and "polite[]" with defendant yet admitted to using the curse word "damn." Again, however, defendant's claim involves a question of witness credibility, which is a matter entirely within the province of the trier of fact who heard and observed the witnesses testify. See *Sutherland*, 223 Ill. 2d at 242.

¶ 29 Finally, defendant argues that she and Scarlett gave consistent and unimpeached testimony that directly contradicted Petties. The evidence at trial presented two competing narratives -- defendant's version, which Scarlett corroborated, and Petties' version. By finding defendant and Scarlett's testimony incredible, and Petties' credible, the trial court believed Petties' version was the true narrative of events. A reviewing court will not simply reweigh the evidence at trial and substitute its own judgment for that of the trier of fact, especially when credibility determinations are at the heart of the case. See *People v. Ortiz*, 196 Ill. 2d 236, 259 (2001). Furthermore, the trial court was under no obligation to believe defendant and Scarlett's testimony simply because it was unimpeached. See *People v. McCarter*, 2011 IL App (1st) 092864, ¶ 22 ("The trier of fact is free to accept or reject as much or as little of a witness' testimony as it pleases."); *People v. Ferguson*, 204 Ill. App. 3d 146, 151 (1990) ("The trier of

fact is not required to accept defendant's version of the facts, but may consider its probability or improbability in light of the surrounding circumstances."). Although defendant argues that this court should reject the trial court's credibility finding in Petties' favor due to the various alleged deficiencies in her testimony, the record does not show that her testimony was "so wholly incredible or so thoroughly impeached that it is incapable of being used as evidence against defendant." See *People v. Sanders*, 2012 IL App (1st) 102040, ¶ 15.

¶ 30 Based on this record, we find that the evidence was not "so unreasonable, improbable, or unsatisfactory as to justify a reasonable doubt of the defendant's guilt." *Brown*, 2013 IL 114196, ¶ 48. Accordingly, we affirm the judgment of the circuit court of Cook County.

¶ 31 Affirmed.