

NOTICE

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2016 IL App (4th) 140631-U

NO. 4-14-0631

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

July 22, 2016

Carla Bender

4th District Appellate

Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,)

Plaintiff-Appellee,)

v.)

RYAN M. RODDIS,)

Defendant-Appellant.)

) Appeal from

) Circuit Court of

) Macon County

) No. 12CF897

) Honorable

) Thomas E. Griffith, Jr.

) Judge Presiding.

JUSTICE STEIGMANN delivered the judgment of the court.

Presiding Justice Knecht and Justice Appleton concurred in the judgment.

ORDER

¶ 1 *Held:* (1) The evidence was sufficient to prove that defendant knowingly caused great bodily harm, an essential element of his conviction for aggravated domestic battery and (2) the trial court failed to conduct a proper *Krankel* hearing.

¶ 2 The State charged defendant, Ryan M. Roddis, with aggravated domestic battery.

At a bench trial, the State presented testimony that defendant pushed the alleged victim's head against a steel door, causing a laceration that required staples to close. The court found defendant guilty and sentenced him to six years in prison. Defendant *pro se* filed a posttrial motion for a reduction of his sentence, which the court dismissed.

¶ 3 Defendant appeals, arguing that the (1) evidence was insufficient to prove him guilty beyond a reasonable doubt because the State failed to prove that defendant *knowingly* caused great bodily harm to the victim and (2) trial court dismissed defendant's *pro se* posttrial claims of ineffective assistance of counsel without conducting a hearing in compliance with

People v. Krankel, 102 Ill. 2d 181, 464 N.E.2d 1045 (1984). We affirm defendant's conviction and sentence, vacate the trial court's order dismissing defendant's *pro se* motion for a reduction of his sentence, and remand for a hearing on that motion in compliance with *Krankel* and its progeny.

¶ 4

I. BACKGROUND

¶ 5 In June 2012, the State charged defendant with aggravated domestic battery (720 ILCS 5/12-3.3(a), 12-3.2(a)(1) (West 2010)), alleging that he pushed his girlfriend, M.C., causing her head to hit a door, resulting in a laceration.

¶ 6 At a December 2013 bench trial, M.C. testified that at approximately 11 a.m. on June 8, 2012, she and defendant had an argument in the apartment they shared with their three-year-old daughter. M.C. asked defendant to leave and placed his shoes outside the apartment to let him know she was serious. M.C. stood in the open doorway of the apartment, awaiting defendant's departure. Defendant picked up a pillow and walked to the doorway to throw the pillow outside. Before he could throw the pillow, M.C. knocked it out of his hand. Defendant responded by pushing M.C.'s head into the corner of the apartment door. M.C. testified that defendant used four fingers to push her. At the time defendant pushed her, M.C. was standing "like a foot, foot and a half" from the doorframe. M.C. suffered a cut to her head that required staples.

¶ 7 Decatur police officer Scott Bibby testified that he arrived at the scene and observed a 1 to 1 1/2 inch cut on the top of M.C.'s head.

¶ 8 Physician Terry Balgna testified that he treated M.C. at the hospital for a two-inch laceration to her scalp, which required three staples to close.

¶ 9 Defendant testified that on June 8, 2012, he and M.C. had an argument at their apartment. M.C. started throwing defendant's belongings outside, so defendant decided, "Well,

I'm going to throw my couch outside." He picked up a couch cushion and tried to throw it through the apartment's open door. Instead, the cushion hit M.C. in the head, causing her head to hit the steel door. Defendant testified that he never hit or pushed M.C. with his hands and that he did not intend to hit her with the couch cushion.

¶ 10 During closing argument, the State argued that the only issue in dispute was "whether or not this defendant caused great bodily harm to M.C."

¶ 11 After the State's closing argument, the trial court asked the State whether it was required to prove that defendant "meant to cause great bodily harm." The State responded that "whether or not it was the intent of [defendant] to cause the severity of the injury is irrelevant," so long as the defendant knowingly committed simple battery. However, in its rebuttal argument, the State argued that pushing someone's head into a door "is an act which the person who's committing it has to know is going to cause *** a pretty serious injury."

¶ 12 The trial court found defendant guilty. The court stated that it found defendant's testimony not credible because it made no sense and, instead, found M.C.'s version of events credible. In addition, the court explained that "[i]f you push someone with that degree of force, even if you don't mean to, you know you may cause great bodily harm." In February 2014, the court sentenced defendant to six years in prison.

¶ 13 In June 2014, defendant *pro se* sent a letter to the circuit clerk inquiring about postsentencing motions that he claimed to have filed *pro se* in March 2014. Later that month, defendant *pro se* filed a "Motion for Reduction of Sentence," which raised claims of ineffective assistance of counsel. At a hearing at which defendant was not present, the trial court dismissed defendant's motion as untimely.

¶ 14 This appeal followed.

¶ 15

II. ANALYSIS

¶ 16 Defendant argues that the (1) State failed to prove him guilty beyond a reasonable doubt of aggravated domestic battery because the State failed to prove that he *knowingly* caused great bodily harm and (2) trial court dismissed defendant's *pro se* posttrial claims of ineffective assistance of counsel without conducting a hearing in compliance with *Krankel*.

¶ 17

A. Sufficiency of the Evidence

¶ 18

1. *Standard of Review*

¶ 19 The fourteenth amendment to the United States Constitution requires that the State must prove beyond a reasonable doubt every essential element of the charged crime. *People v. Wheeler*, 226 Ill. 2d 92, 114, 871 N.E.2d 728, 740 (2007). When reviewing a challenge to the sufficiency of the evidence, this court asks whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *Id.* In doing so, we allow all reasonable inferences from the record in favor of the prosecution. *People v. Beauchamp*, 241 Ill. 2d 1, 8, 944 N.E.2d 319, 323 (2011). "Direct evidence rarely proves a defendant's mental state, and thus a defendant's mental state may be inferred from the surrounding circumstances ***." *People v. Nibbe*, 2016 IL App (4th) 140363, ¶ 26, 48 N.E.3d 835.

¶ 20

2. *Elements of Aggravated Domestic Battery*

¶ 21 A person commits domestic battery "if he or she knowingly without legal justification by any means *** [c]auses bodily harm to any family or household member." 720 ILCS 5/12-3.2(a)(1) (West 2010). As charged in this case, a person commits *aggravated* domestic battery when he or she, "in committing a domestic battery, knowingly causes great bodily harm ***." 720 ILCS 5/12-3.3(a) (West 2010). A person acts knowingly when he or she is "consciously aware" of the nature of his or her conduct. 720 ILCS 5/4-5 (West 2010).

¶ 22 In the context of aggravated battery, a person acts knowingly if he or she is consciously aware that his or her conduct is practically certain to cause great bodily harm. *People v. Willett*, 2015 IL App (4th) 130702, ¶ 51, 37 N.E.3d 469. However, the State is not required to prove that the defendant knew the precise or exact nature of the injuries that his or her conduct would cause. *Id.* ¶ 53.

¶ 23 *3. The Evidence in This Case*

¶ 24 Defendant argues that the evidence was insufficient to prove that he *knowingly* caused great bodily harm to M.C. We disagree.

¶ 25 The trial court explicitly stated that it found defendant's testimony not credible. The implication of the court's finding was that it found credible M.C.'s testimony that defendant pushed her head into the door, causing a laceration that required staples. We conclude that, based on that testimony, the evidence was sufficient to support the court's guilty finding. A reasonable person would be consciously aware that pushing another person's head into the corner of a steel door is practically certain to cause great bodily harm. We therefore affirm defendant's conviction.

¶ 26 Although the State's comments during closing argument revealed some confusion on the State's part about its burden to prove that defendant knowingly caused great bodily harm, the trial court's statements indicate that it was aware of the State's burden. The court stated that "[i]f you push someone with that degree of force, even if you don't mean to, you know you may cause great bodily harm." We are satisfied that the court was aware of the State's burden to prove that defendant knowingly caused great bodily harm.

¶ 27 *B. Krankel Hearing*

¶ 28 Defendant argues that the trial court dismissed his *pro se* posttrial claims of inef-

fective assistance of counsel without conducting a hearing in compliance with *Krankel*. The State concedes that the court failed to conduct a sufficient *Krankel* inquiry.

¶ 29 We accept the State's concession. We therefore vacate the trial court's judgment dismissing defendant's *pro se* motion and remand for a hearing in compliance with *Krankel*.

¶ 30 III. CONCLUSION

¶ 31 For the foregoing reasons, we affirm defendant's conviction and sentence, vacate the trial court's judgment dismissing defendant's *pro se* posttrial motion, and remand the cause for further proceedings in compliance with *Krankel*.

¶ 32 Affirmed in part and vacated in part; cause remanded for further proceedings.