2017 IL App (1st) 143896-U

Nos. 1-14-3896 & 1-14-3897 (cons.)

Order filed July 7, 2017

Sixth Division

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	Nos. 14 MC1 198232
	)	14 MC1 201803
	)	
CAMILLE BROU,	)	Honorable
	)	Clarence L. Burch,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE DELORT delivered the judgment of the court.
Presiding Justice Hoffman and Justice Rochford concurred in the judgment.

ORDER

¶ 1 ***Held:*** We affirm defendant's convictions for criminal trespass to real property and harassment by telephone over his challenges to the sufficiency of the evidence.

¶ 2 Following a bench trial, defendant Camille Brou was found guilty of criminal trespass to real property and harassment by telephone. He was sentenced to concurrent terms of two years' probation with reporting. On appeal, defendant contends that the State failed to prove him guilty of criminal trespass to real property and harassment by telephone beyond a reasonable doubt. We affirm.

¶ 3 Defendant was arrested on February 9, 2014, at the Hyatt Regency Hotel (Hyatt) in Chicago. He was charged in a misdemeanor complaint (No. 14 MC1 198232) with harassment by telephone (720 ILCS 5/26.5-2(a)(2) (West Supp. 2013)), alleging that, on March 14, 2013, he used telephone communication with the intent to harass Hazel Walker. A subsequent misdemeanor complaint (No. 14 MC1 201803) charged defendant with criminal trespass to real property (720 ILCS 5/21-3(a)(2) (West 2014)), alleging that he entered upon the land of the Hyatt on February 9, 2014, after receiving notice from the owner or occupant that the entry was forbidden.

¶ 4 At trial, Walker testified that she had been employed as the director of annual meeting services for the American Bar Association (ABA) for 26 years. Walker was responsible for the logistics of the annual and mid-year meetings of the ABA. Walker stated that, starting in 2011, defendant approached her numerous times at both of the ABA's yearly meetings. On February 20, 2013, defendant called Walker and asked to come to her office, which was in Chicago. Walker ascertained that defendant did not have an ABA-related purpose, and then asked him not to call her, come to her office, or drop anything off at her office. Walker also told him to contact her directors if he had ABA business.

¶ 5 On March 14, 2013, defendant called Walker at work three times between 5:00 and 6:00 p.m. Defendant left a voicemail after each call. Walker stated that, in the first voicemail, defendant said he was trying to find her office and that he would be there soon. In the second voicemail, defendant said that he was in the building and that he was coming to drop something off, but that he had been stopped by a security guard. In the third voicemail, defendant asked Walker to meet him in his hotel room. When asked how the calls made her feel, Walker stated, "originally, I only saw [defendant] at our meeting. Now he was in my home city, in my office,

in my building. I was afraid. I was scared. I didn't know — I couldn't figure out why he was leaving these messages[.]"

¶ 6 On January 8, 2014, Walker learned that defendant had registered for the February 2014 mid-year ABA meeting in Chicago, and became "concerned and afraid" that he was going to attend the meeting. At the meeting on February 8 and February 9, 2014, Walker saw defendant multiple times. She stated that, each time she saw him, she tried to "get away" because, in the past, defendant constantly talked about "taking [her] back to his country[,]" repeatedly tried to give her "unsolicited packages," and frequently watched her from behind pillars.

¶ 7 On cross-examination, Walker testified that defendant approached her at the meeting on February 8, 2014. She acknowledged that defendant did not threaten her, but stated that she felt threatened.

¶ 8 Nancy Noble, director of registration and housing for the ABA, testified that she was familiar with defendant from prior ABA meetings and was aware that, due to previous encounters, "he was not to be anywhere near Ms. Walker." Noble was at the registration desk for the ABA meeting on February 8, 2014, when defendant approached to collect his badge and said he was there to speak with Jarisse Sanborn, ABA general counsel, about a letter he had received.

¶ 9 James Dimitrov testified that he was employed as the security supervisor at the Hyatt and that he learned about Walker's "situation" on the day prior to the ABA meeting. On February 8, 2014, Dimitrov responded to Walker's request to speak with a supervisor. During their conversation, Walker described what defendant was wearing and explained that she did not want him "by her at all." Dimitrov stated that, at the time, Walker was "shaking" and "under distress." During their conversation, Walker looked over Dimitrov's shoulder and then ran

towards the valet. Dimitrov turned around and saw defendant walking down the hallway. After looking at Dimitrov, defendant stopped and then entered the men's washroom.

¶ 10 When defendant exited the washroom more than five minutes later, he walked over to Dimitrov and said, "You must be security." Dimitrov asked defendant whether he was a guest at the Hyatt, visiting a friend at the Hyatt, or if he had any business at the hotel. Defendant replied "no." Dimitrov then informed defendant that, according to Hyatt policy, "If he has no business there, he has to leave. It's considered trespassing[,]" and "if he comes back again, it would be considered criminal trespass." Defendant then exited the hotel. Dimitrov followed defendant to the valet, but by the time he reached the sidewalk, defendant was no longer there.

¶ 11 Gerardo Robles, assistant director of Hyatt security, testified that on February 9, 2014, Walker informed him defendant was in the hotel despite having been told to leave the previous day. Robles located defendant and asked to speak with him privately in his office. Defendant agreed and Hyatt security contacted the police. When the police arrived, they spoke with Walker and Robles and then arrested defendant.

¶ 12 Sodiqa Williams, an ABA employee, testified that she had previously experienced uncomfortable interactions with defendant during, both, the February 2013 meeting, and, after the meeting when defendant called her in an attempt to get into ABA offices. Williams stated that, when she saw defendant at the meeting on February 8, 2014, he gave her a "very nasty look[,]" and she felt threatened because of their previous encounters.

¶ 13 The State entered into evidence a printout of defendant's ABA Registration, which listed multiple names under his order number. The State also entered into evidence a letter, dated January 22, 2014, addressed to defendant from Jarisse J. Sanborn, ABA general counsel. The letter referenced defendant's registration for the February meeting in Chicago and described

some of the "numerous complaints" about his conduct. After cautioning defendant that he was expected to refrain from any attempt to contact Walker, before, during, or after his visit to Chicago, the letter concluded, "thank you for your cooperation, and enjoy the Midyear Meeting."

¶ 14 Defendant moved for a directed finding, which the court denied.

¶ 15 Defendant testified that he used his background in international "humane" law for charity work with "compassion ministries," which provided assistance to associations such as the ABA. Defendant provided the ABA with products from Panera Bread restaurants for its staff meetings and gift cards from other restaurants. On February 20, 2013, defendant called Walker because he wanted to give food to ABA staff members. Defendant denied that he intended to bother or harass Walker when he spoke with her. Defendant explained that the additional names on his mid-year meeting registration were his guests. Defendant denied that, on February 8, 2014, he saw Dimitrov and that security asked him to leave the hotel. He also denied knowing that he was not supposed to attend the meeting on February 9, 2014. Defendant stated that, based on the letter he received from the ABA's general counsel, he believed he had a right to attend the meeting provided that he refrained from contact with Walker, which he denied having.

¶ 16 On cross-examination, defendant denied that he called Walker on March 14, 2013. He also denied that he saw Williams at the February 2014 meeting.

¶ 17 Based on this evidence, the trial court found defendant guilty of criminal trespass to real property and harassment by telephone. After a hearing, the court sentenced defendant to two years' probation with reporting. The court also ordered a mental health evaluation with treatment based on the evaluation, and prohibited defendant from contacting Hazel Walker, Sodiqua Williams, and the ABA.

¶ 18 Defendant subsequently filed a motion to reconsider finding and for a new trial in both cases. The court denied the motions. Defendant filed a separate notice of appeal in each case and this court consolidated the appeals.

¶ 19 On appeal, defendant contends that he was not proved guilty of either offense beyond a reasonable doubt. When a defendant challenges the sufficiency of the evidence to sustain his conviction, the relevant inquiry is whether, after viewing the evidence in the light most favorable to the State, any rational trier of fact could have found the essential elements of the offense beyond a reasonable doubt. *People v. Cardamone*, 232 Ill. 2d 504, 511 (2009). A reviewing court may not overturn a conviction based on insufficient evidence unless the proof is so unreasonable, improbable or unsatisfactory that there exists a reasonable doubt of the defendant's guilt. *People v. Wheeler*, 226 Ill. 2d 92, 115 (2007).

¶ 20 To prove defendant guilty of criminal trespass to real property, the State was required to prove beyond a reasonable doubt that he knowingly entered upon the land of another after having received notice from the owner or occupant that such entry was forbidden. See 720 ILCS 5/21-3(a)(2) (West 2014).

¶ 21 After viewing the evidence in the light most favorable to the State, we find that it was sufficient to prove defendant guilty of criminal trespass to real property beyond a reasonable doubt. The record shows that after defendant confirmed he did not have business at the Hyatt, Dimitrov, the security supervisor at the Hyatt, informed him that, according to Hyatt policy, defendant had to leave the hotel. Dimitrov also informed defendant that if he returned, "it would be considered criminal trespass." Defendant then left the hotel with security following him. However, he returned to the hotel the following day and was arrested. This evidence was sufficient to prove beyond a reasonable doubt that defendant committed criminal trespass to real

property where defendant entered the hotel after he was notified that he was forbidden from doing so.

¶ 22 Defendant nevertheless argues that his conviction should be reversed because the letter from the ABA's general counsel gave him authority to be at the Hyatt. Thus, he claims that he had business at the Hyatt and, based on Dimitrov's testimony, it was reasonable for him to believe that he could return to the Hyatt on February 9, 2014. Although defendant had the letter, it instructed him to stay away from Walker, who testified that defendant approached her at the meeting. The record also shows that, as Walker spoke with Dimitrov, defendant appeared in the hallway and Walker ran towards the valet. Dimitrov then gave notice to defendant that he was forbidden from entering the hotel and that it would be considered criminal trespass if he returned. Under these circumstances, the letter from ABA's general counsel was immaterial to the question of whether defendant committed criminal trespass to real property.

¶ 23 Defendant also argues that his conviction should be reversed because he did not receive notice from Hyatt security that he was forbidden from entering the hotel. Although defendant denied that security asked him to leave the hotel, there was competent evidence to the contrary, and the court resolved this inconsistency in favor of the State. See *People v. Phillips*, 2015 IL App (1st) 131147, ¶ 16 (it is the responsibility of the fact finder to resolve inconsistencies and draw reasonable inferences from the evidence). In doing so, the court was not required to disregard the inferences that flow from the evidence or search out all possible explanations consistent with a defendant's innocence and raise them to a level of reasonable doubt. *People v. Brown*, 2013 IL 114196, ¶ 71 (citing *Wheeler*, 226 Ill. 2d at 117-18). We will not substitute our judgment for that of the trier of fact on these matters and we will reverse a defendant's conviction only when the evidence is so improbable or unsatisfactory that it creates a reasonable

doubt as to the defendant's guilt. *People v. Siguenza-Brito*, 235 Ill. 2d 213, 225 (2009). This is not one of those cases.

¶ 24 Defendant next contends that the State did not prove him guilty of harassment by telephone beyond a reasonable doubt. Specifically, he argues that the March 2013 voicemail messages do not establish that he intended to harass Walker.

¶ 25 To prove defendant guilty of harassment by telephone, the State had to show that he used telephone communication for the purpose of "[m]aking a telephone call, whether or not conversation ensues, with intent to abuse, threaten or harass any person at the called number." 720 ILCS 5/26.5-2(a)(2) (West Supp. 2013). Courts look to the definition of "harassment" from the Illinois Domestic Violence Act of 1986 (750 ILCS 60/103(7) (West 2012)) to determine whether conduct violates the telephone harassment statute. *People v. Spencer*, 314 Ill. App. 3d 206, 208 (2000). Under the domestic violence statute, " 'harassment' means knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances; would cause a reasonable person emotional distress; and does cause emotional distress to the petitioner." 750 ILCS 60/103(7) (West 2012). This court has held that "harassment results from intentional acts which cause someone to be worried, anxious, or uncomfortable." *People v. Zarebski*, 186 Ill. App. 3d 285, 294 (1989).

¶ 26 After viewing the evidence in the light most favorable to the State, we find that it was sufficient to prove defendant guilty of harassment by telephone beyond a reasonable doubt. On March 14, 2013, less than one month after Walker told defendant not to call her because of his repeated inappropriate comments, including that he would take her "back to his country[,]" defendant called Walker three times in one hour. He left a voicemail after each call, and, ultimately, told her that he was in her office building and asked to meet her in his hotel room.

Walker testified that the calls scared her because her prior interactions with defendant were confined to ABA meetings and now, without any invitation, defendant was in her office building bearing unsolicited packages. This evidence was sufficient to prove beyond a reasonable doubt that defendant intended to harass Walker where his conduct was unnecessary to accomplish a reasonable purpose.

¶ 27 In reaching this conclusion, we are not persuaded by defendant's arguments that the March 2013 voicemails do not establish that he intended to produce a level of emotional distress akin to that of a threat or that a reasonable person would have suffered distress substantially greater than mere annoyance. The record shows that defendant repeatedly made inappropriate comments to Walker, such as stating that he would take her "back to his country[,]" Walker testified that defendant left the March 2013 voicemails less than one month after she told him not to call her and that each voicemail explained his progress as he tried to meet with her in person. Defendant ultimately informed Walker that he was in her office building and that security had stopped him. Given their prior interactions, defendant's conduct was sufficient to cause emotional distress to a reasonable person and did cause emotional distress to Walker.

¶ 28 Although defendant denied making the March 2013 calls and claimed that he called Walker in February 2013 for the "legitimate" purpose of giving her food for the ABA, the court resolved these factual questions in favor of the State. As noted above, the trial court, as the trier or fact, determines "the weight to be given to witnesses' testimony, their credibility, and the reasonable inferences to be drawn." *People v. Steidl*, 142 Ill. 2d 204, 226 (1991). We may not reverse a defendant's conviction unless the proof is so improbable or unsatisfactory that no reasonable trier of fact could find defendant guilty beyond a reasonable doubt (*Wheeler*, 226 Ill. 2d at 115).

¶ 29 We are likewise not persuaded by defendant's reliance on *People v. Spencer*, 314 Ill. App. 3d 206 (2000). In *Spencer*, the defendant was convicted of harassment by telephone on evidence showing that, one year after the last time the victim saw the defendant, he made a single phone call to the victim, who hung up before defendant could state the reason for his call. *Id.* at 207. The *Spencer* court reversed the defendant's conviction because there was no evidence of an unreasonable purpose for the call. *Id.* at 209. In so holding, the court noted that, although the defendant's prior conduct toward the victim was potentially relevant, it was "too remote and attenuated to support the inference that [his] call was part of a campaign of harassment." *Id.* Here, unlike in *Spencer*, defendant's prior conduct was not too remote or attenuated where, less than one month after Walker told him not to call her due to his repeated inappropriate comments, he called her three times in one hour and came to her office building.

¶ 30 We affirm the judgment of the circuit court of Cook County.

¶ 31 Affirmed.