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IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,)	
)	Appeal from the Circuit Court
Plaintiff-Appellee,)	of Cook County.
)	
v.)	No. 14 CR 10909
)	
TIMOTHY CARTER,)	The Honorable
)	James B. Linn,
Defendant-Appellant.)	Judge Presiding.
)	
)	

PRESIDING JUSTICE GORDON delivered the judgment of the court.
Justices Lampkin and Reyes concurred in the judgment.

ORDER

¶ 1 *Held:* Where the victim’s testimony, corroborated by both photographs and a neighbor’s testimony, established that she sustained a fractured nose, a knee sprain, a laceration on the side of her nose and a concussion, the evidence was sufficient to establish great bodily harm.

¶ 2 After a bench trial, defendant Timothy Carter was convicted of aggravated domestic battery and sentenced to seven years with the Illinois Department of Corrections (IDOC). The charges stemmed from an incident on June 2, 2014, when defendant confronted Elaine

Olidge, a former girlfriend, inside her apartment building and punched her in the face three or four times, until she fell to the floor and blacked out.

¶ 3 On this direct appeal, defendant argues that this court should reduce his aggravated domestic battery conviction to domestic battery because the State failed to prove that Olidge suffered great bodily harm. For the following reasons, we affirm defendant's conviction and sentence.

¶ 4 **BACKGROUND**

¶ 5 At trial, the victim, Elaine Olidge, testified that she had dated defendant for four to five years but their relationship ended on May 11, 2014. At that time, defendant lived with Olidge, and she asked him to leave.

¶ 6 Several weeks later, on the morning of June 2, 2014, Olidge visited her mother's apartment in the same building and returned to her own apartment. As she unlocked her door, a man with balloons covering his face was coming up the stairway. When he removed the balloons from his face, she observed that the man was defendant and she asked defendant what he was doing there. Olidge told him that he was not invited and defendant immediately hit her three or four times with a closed fist. Olidge fell to the floor and blacked out. Her next memory was that of running to her friend Tanya Baskin's apartment and asking Baskin to call for help.

¶ 7 Olidge testified that she spoke to police after they arrived and was taken by ambulance to Jackson Park Hospital, where she was treated for a fractured nose, a knee sprain, a laceration on the side of her nose and a concussion. Olidge testified that she was discharged from the hospital the same day that she was admitted and that the injuries did not require surgery. Olidge identified photographs as accurately depicting how her face appeared on June 2. The

photographs depicted swelling, discoloration, a black eye and a laceration on her nose and were admitted into evidence.

¶ 8 Tanya Baskin, Olidge’s neighbor, testified that she knew both Olidge and defendant and had occasionally observed them together in the building. On June 2, 2014, Baskin heard banging on her front door and opened it to find Olidge bleeding from her nose and face, with swollen eyes and jaw. Baskin called the police.

¶ 9 The parties stipulated that defendant turned himself in to the Chicago police department on June 11, 2014.

¶ 10 The trial court found defendant guilty of one count of aggravated domestic battery by causing great bodily harm, and he was sentenced to seven years with IDOC. This appeal follows.

¶ 11 ANALYSIS

¶ 12 On appeal, defendant claims that this court should reduce his aggravated domestic battery conviction to domestic battery because the State failed to prove that the victim, Elaine Olidge, suffered great bodily harm.

¶ 13 Defendant claims that Olidge’s testimony about her fractured nose, knee sprain, facial laceration and concussion did not establish great bodily harm. For the following reasons, we affirm defendant’s conviction and sentence.

¶ 14 I. Standard of Review

¶ 15 “Where a defendant challenges the sufficiency of the evidence, the standard of review is whether, after viewing the evidence in the light most favorable to the State, a rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *People v. McGee*, 398 Ill. App. 3d 789, 793 (2010); *People v. Cunningham*, 212 Ill. 2d 274, 278 (2004).

“The United States Supreme Court has stated that ‘the critical inquiry on review of the sufficiency of the evidence to support a criminal conviction must be not simply to determine whether the jury was properly instructed, but to determine whether the record evidence could reasonably support a finding of guilt beyond a reasonable doubt.’ ” *People v. Wheeler*, 226 Ill. 2d 92, 114 (2007) (quoting *Jackson v. Virginia*, 443 U.S. 307, 318 (1979)). “[A] reviewing court will not reverse a criminal conviction unless the evidence is so unreasonable, improbable or unsatisfactory as to create a reasonable doubt of the defendant's guilt.” *People v. Rowell*, 229 Ill. 2d 82, 98 (2008); *McGee*, 398 Ill. App. 3d at 793.

¶ 16

II. Statutory Interpretation

¶ 17

Defendant’s claim requires us to interpret what differentiates “great bodily harm” from “bodily harm” as used in the Criminal Code of 2012 (Code). Compare 720 ILCS 5/12-3.2 (a) (West 2012) (“domestic battery”) with 720 ILCS 5/12-3.3 (a) (West 2012) (“aggravated domestic battery”). The primary objective of statutory interpretation is to give effect to the legislature's intent, which is best indicated by the plain language of the statute itself. *State ex rel. Pusateri v. Peoples Gas Light & Coke Co.*, 2014 IL 116844, ¶ 8 (citing *Citizens Opposing Pollution v. ExxonMobil Coal U.S.A.*, 2012 IL 111286, ¶ 23.) Where the language is plain and unambiguous, we apply the statute without resort to further aids of statutory interpretation. *In re Lance H.*, 2014 IL 114899, ¶ 11. However, if a criminal statute is ambiguous, we will interpret the statute in the way most favorable to the defendant. *People v. Almond*, 2015 IL 113817, ¶ 31 (citing *People v. Carter*, 213 Ill. 2d 295, 302-04 (2004)). We also consider the statute in its entirety, the reason for the law, the problems that the legislature intended to remedy with the law, and the consequences of construing it one way or the other. *Almond*, 2015 IL 113817, ¶ 34 (we may “also consider the reason for the law and the problems intended to be remedied”); *People v.*

Eppinger, 2013 IL 114121, ¶ 21 (legislative intent may be ascertained by considering "the statute in its entirety, its nature and object, and the consequences of construing it one way or the other").

In re Michael D., 2015 IL App (1st) 143181, ¶¶ 20-21.

¶ 18 III. Great Bodily Harm

¶ 19 Defendant was convicted of aggravated domestic battery based on great bodily harm:

¶ 20 A person who, in committing a domestic battery, knowingly causes great bodily harm, or permanent disability or disfigurement commits aggravated domestic battery. 720 ILCS 5/12-3.3(a) (West 2012). On this appeal, the only element at issue is the element of great bodily harm. The term "great" is not defined in the statute. The dictionary defines "great" as "remarkable in magnitude, degree, or effectiveness." *Great*, Merriam-Webster Online Dictionary, <https://www.merriam-webster.com/dictionary/great> (last visited May 19, 2017).

¶ 21 While the element of great bodily harm does not lend itself to a precise legal definition, it requires proof of an injury of a greater and more serious nature than a simple battery. *In re J.A.*, 336 Ill. App. 3d 814, 815-16 (2003) (quoting *People v. Costello*, 95 Ill. App. 3d 680, 684 (1981)). In *People v. Mays*, 91 Ill. 2d 251, 257 (1982), the Illinois Supreme Court has provided some guidance in defining the term "bodily harm" as it relates to simple battery. "Although it may be difficult to pinpoint exactly what constitutes bodily harm for the purposes of the statute, some sort of physical pain or damage to the body, like lacerations, bruises or abrasions, whether temporary or permanent, is required." *Mays*, 91 Ill. 2d at 257; see also *People v. Figures*, 216 Ill. App. 3d 398, 401 (1991) (quoting *Mays*, 91 Ill. 2d at 257). Aggravated battery requires more serious injury and is determined by the actual injury received. *In re T.G.*, 285 Ill. App. 3d 838, 846 (1996); see also *Figures*, 216 Ill. App. 3d at 401.

¶ 22 In addition, to have acted knowingly, the defendant must have been consciously aware that his conduct was practically certain to cause great bodily harm or disfigurement. *People v. Vazquez*, 315 Ill. App. 3d 1131, 1133 (2000). Great bodily harm does not require hospitalization of the victim, or permanent disability or disfigurement, but instead centers on the injuries that the victim received. *Figures*, 216 Ill. App. 3d at 401 (1991). Intent can be inferred from the surrounding circumstances, the offender's words, the weapon used, and the force of the blow. *People v. Steele*, 2014 IL App (1st) 121452, ¶ 23 (quoting *People v. Conley*, 187 Ill. App. 3d 234, 242 (1989)).

¶ 23 Because great bodily harm requires an injury of a graver and more serious character than an ordinary battery, simple logic dictates that the injury must be more severe than the bodily harm definition that the supreme court provided in *Mays. Figures*, 216 Ill. App. 3d at 401. The word "great" must be given effect in construing the aggravated battery statute; statutes should be interpreted so that no word or phrase is rendered superfluous or meaningless. *People v. Parvin*, 125 Ill. 2d 519, 525, 533 (1988). *Figures*, 216 Ill. App. 3d at 401.

¶ 24 Defendant argues that a finding of great bodily harm must be substantiated by medical testimony or documentation and that the evidence presented in this case does not suffice. However, it is well established that "[t]he testimony of a single witness, if it is positive and the witness credible, is sufficient to convict." *People v. Smith*, 185 Ill. 2d 532, 541 (1999). "In a bench trial, it is the responsibility of the trial court to judge the credibility of the witnesses." *People v. Connolly*, 322 Ill. App. 3d 905, 919 (2001) (citing *People v. Vasquez*, 233 Ill. App. 3d 517, 527 (1992)). Thus, Olidge's testimony that she was treated for a fractured nose, knee sprain, nose laceration and concussion alone is sufficient. However, in addition, Olidge's testimony was corroborated by both Baskin and photographic evidence depicting her injuries.

¶ 25 Defendant argues that evidence that goes beyond common knowledge and experience must be supported by “scans, X-rays, medical reports, or medical testimony, something, to show that diagnosis.” *People v. Steele*, 2014 IL App (1st) 121452, ¶¶ 31. *Steele* is distinguishable from this case because the evidence presented in *Steele* was not consistent. In *Steele*, the victim testified that he had torn several ligaments but his hospital discharge report indicated only that he had been treated for bruises. The photographs in *Steele* failed to corroborate the victim’s testimony that he had torn ligaments.

¶ 26 Defendant argues that no rational trier of fact could conclude that the State’s evidence showed the great bodily harm necessary for an aggravated domestic battery conviction and cites in support *In re J.A.*, 336 Ill. App. 3d 814, 819 (2003). However, the facts of the case at bar are not similar to the facts of *In re J.A.* In that case, the victim described his injuries as minor, and did not complain that his injury required serious medical attention. *In re J.A.*, 336 Ill. App. 3d at 818 (the victim described stab wound as feeling like a pinch). By contrast, Olidge testified that she blacked out and she was later treated for a fractured nose, a knee sprain, a laceration to her nose, and a concussion, and Baskin’s testimony corroborated the injuries.

¶ 27 Olidge’s testimony, corroborated by Baskin and the photographs, was sufficient to establish the seriousness of her injuries. See, e.g., *People v. Doran*, 256 Ill. App. 3d 131, 136 (1993) (finding sufficient evidence to support great bodily harm where the record contained pictures to demonstrate the victim’s injuries, which included bruises, lacerations, and a concussion, and the victim showed the scar on his forehead); see also *People v. Cisneros*, 2013 IL App (3d) 110851, ¶ 20 (“photographic evidence and a visual display” of scars was sufficient evidence to show great bodily harm). The absence of medical testimony regarding the severity or permanency of the victim’s lacerations did not preclude the factfinder from finding great bodily harm. *Cisneros*,

2013 IL App (3d) 110851, ¶ 21; see *People v. Jordan*, 102 Ill. App. 3d 1136, 1140 (1981). A concussion is a serious injury as is a fractured nose. Both reflect great bodily harm.

¶ 28

CONCLUSION

¶ 29

In this appeal, defendant claimed that this court should reduce his aggravated domestic battery conviction to domestic battery because the State failed to prove that the victim suffered great bodily harm. However, the victim's testimony, corroborated by both photographs and a neighbor's testimony, was sufficient to establish great bodily harm.

¶ 30

Affirmed.