

NOTICE
Decision filed 10/24/18. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2018 IL App (5th) 160244-U

NO. 5-16-0244

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

NOTICE
This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Jackson County.
)	
v.)	No. 15-CF-244
)	
ANITA L. IRVIN,)	Honorable
)	William G. Schwartz,
Defendant-Appellant.)	Judge, presiding.

JUSTICE WELCH delivered the judgment of the court.
Justices Goldenhersh and Moore concurred in the judgment.

ORDER

¶ 1 *Held:* The evidence was sufficient to prove the defendant guilty beyond a reasonable doubt of battery.

¶ 2 The defendant, Anita Irvin, was charged by information with battery, a Class A misdemeanor, in violation of the Criminal Code of 2012 (720 ILCS 5/12-3(a)(2) (West 2014)). On May 2, 2016, a bench trial was held and the defendant was found guilty and sentenced to a fine of \$200. For the following reasons, we affirm.

¶ 3 **BACKGROUND**

¶ 4 On August 15, 2014, the defendant was instructed by her doctor to report to Carbondale Memorial Hospital for an MRI and other tests related to an infection in her

leg. Sometime in the afternoon, she went to the hospital's emergency room. She completed insurance paperwork, was seen by a doctor, and after approximately two hours, was told by a nurse, and by personnel at the front desk, that she was free to leave. As she was walking toward her vehicle, a nurse came running from the hospital and told the defendant she was not allowed to leave. The nurse had identified the defendant as a person who was in danger of hurting herself or others and potentially suicidal. The defendant continued walking to her car. As she reached her vehicle, the nurse returned with hospital security guards and told her that she needed to come back inside. She reluctantly agreed and was escorted to an exam room. As she entered the hospital, Carbondale police arrived.

¶ 5 Once inside, the defendant was escorted to an exam room and was directed to change into a paper gown and relinquish possession of her belongings. She refused to comply. After she refused multiple times, a nurse told two security guards to take her purse, and they reached for it. The defendant responded by clenching the purse. Because she continued to refuse to cooperate, Officer Murray, of the Carbondale Police Department, entered the room. Officer Murray tried to direct the defendant to cooperate several times and told her to change into the paper gown. The defendant continued to refuse. She sat on top of her purse in a chair in the room to block the guards and officers from taking it. Officer Murray was holding one of the defendant's arms and Albert Keown, a hospital security guard, was holding the other. The defendant moved from the chair to a bed and continued to sit on her purse. The two men continued to try to take the purse, causing her to become more aggressive. At some point, Officer Murray grabbed

the purse strap, and the defendant bit his upper hand near his thumb. She was then handcuffed to the bed and all of her limbs were restrained. After being cleared by a doctor, she was arrested and taken to the Carbondale Police Department. She was later charged and convicted of battery for biting Officer Murray. The defendant appeals.

¶ 6

ARGUMENT

¶ 7 On appeal, the defendant argues that the State failed to prove beyond a reasonable doubt that her contact with Officer Murray was made intentionally or knowingly, rather than accidentally. "The due process clause of the fourteenth amendment to the United States Constitution requires that a person may not be convicted in state court 'except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged.' [Citation.]" *People v. Cunningham*, 212 Ill. 2d 274, 278 (2004). On appeal, when the sufficiency of the evidence is challenged, this court determines "whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." (Emphasis in original.) *Jackson v. Virginia*, 443 U.S. 307, 319 (1979); see *Cunningham*, 212 Ill. 2d at 278. Under this standard, a reviewing court must draw all reasonable inferences in favor of the prosecution. *Cunningham*, 212 Ill. 2d at 280.

¶ 8 In order to be found guilty of the offense of battery, the State must prove as an essential element that defendant's conduct was knowing or intentional. *People v. Phillips*, 392 Ill. App. 3d 243, 258 (2009). The State may prove defendant's intent through circumstantial evidence. *Id.* at 259. Intent may be inferred from defendant's

conduct immediately prior to the act. *Id.* Here, prior to the act, the defendant was upset, crying, and defensive. Officer Murray testified that it was at the point he tried to forcibly remove the defendant's belongings from her possession that she bit his hand. There was also testimony that the defendant, other than returning to the exam room, was uncooperative and refused to follow the directives of the hospital staff and Carbondale police officers. She testified that she was upset and did not understand why she was directed to remain on the premises and was not free to leave. It would not be unreasonable for a trier of fact to infer that the defendant intended to make contact with the officer because she was upset and felt attacked. Therefore, we find that a rational trier of fact could find the essential element of intent beyond a reasonable doubt.

¶ 9

CONCLUSION

¶ 10 For the foregoing reasons, we affirm the judgment of the circuit court of Jackson County.

¶ 11 Affirmed.