2020 IL App (1st) 1-17-1794-U
Nos. 1-17-1730 and 1-17-1794 (Consolidated)

FIRST DIVISION
February 18, 2020

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Circuit Court of
	)	Cook County, Criminal Division.
Plaintiff-Appellee,	)	
	)	
v.	)	Nos. 15 CR 07048 (01), 15 CR 070048 (02)
	)	
MANDY JACKSON AND JILLIAN STACEY,	)	
	)	Honorable
	)	Timothy Joseph Joyce,
Defendants-Appellants.	)	Judge Presiding.

PRESIDING JUSTICE GRIFFIN delivered the judgment of the court.
Justices Pierce and Walker concurred in the judgment.

ORDER

¶ 1 *Held*: The evidence was insufficient to show beyond a reasonable doubt that defendants committed the criminal offenses for which they were convicted.

¶ 2 After a joint bench trial, defendants Mandy Jackson and Jillian Stacey were convicted of kidnapping, child abduction and disorderly conduct. The trial court sentenced them to 156 days in prison and two-years' probation. On appeal, defendants claim they were not proven guilty beyond a reasonable doubt and ask us to reverse their convictions. For the following reasons, we reverse the judgments of the circuit court of Cook County.

¶ 3 I. BACKGROUND

¶ 4 In May of 2014, defendants' mother, Annette Stacey (Annette), passed away. She was survived by three daughters: defendants Jackson and Stacey, who were in their twenties, and A.H., who was seven. Defendants and A.H. are half-sisters; they shared the same mother, but have different fathers. A.H.'s father is a man named Oliver Holt, who was engaged in a longstanding relationship with Annette and would often spend time at her house on West 53rd Street in Chicago (53rd Street home).

¶ 5 Following Annette's death, the family held a meeting at the 53rd Street home on May 24, 2014. The purpose of the meeting was to determine who would provide day-to-day care for A.H. In attendance were Holt, defendants Jackson and Stacey, Mandy Wallace (Annette's mother) and Shataqua Elmore (defendants' cousin). Holt agreed that defendant Jackson would take control of A.H.'s primary care, Wallace and Elmore would assist her as necessary, and he would pay the bills. Defendant Stacey was attending the University of Wisconsin at the time and living out-of-state.

¶ 6 Over the coming months, the relationship between defendants and Holt started to break down. On February 6, 2015, the relationship hit a boiling point and Holt was removed from the 53rd Street home by the police. An argument broke out after Holt told defendants he wanted to move A.H. to his house and enroll her in a new school at the end of the semester. The police were called, and Holt was ordered to leave the house. After that night, A.H. went to stay with her grandmother.

¶ 7 In mid-February, defendants' twelve-year-old cousin, K.H., told defendant Jackson that she had asked A.H. if her father had ever touched her inappropriately in her private area. A.H. said yes. Defendant Jackson relayed this information to defendant Stacey and they both told Wallace,

their grandmother. Defendant Jackson and Wallace reported the information to a counselor at A.H.'s school. A Department of Child and Family Services (DCFS) investigation was opened and Investigator Karen Wilson was assigned to the case on February 23, 2015.

¶ 8 That same day, February 23, 2015, Investigator Wilson sent a letter to A.H.'s school informing officials about the investigation and requesting that Holt be denied contact with his daughter. The letter was on DCFS letterhead and stated that A.H. was "currently in the home/care of her maternal grandmother, Mandy Wallace at [location] *** and her adult sister, Mandy Jackson." The letter went on to request that Holt "have no contact with the minor until advised by DCFS." Investigator Wilson notified the Chicago Police Department per DCFS protocol and on March 3, 2015, A.H. participated in a victim sensitive interview. A.H. denied the allegations and the investigation continued.

¶ 9 On March 10, 2015, Holt obtained an order from the circuit court of Cook County establishing paternity and granting him temporary custody of A.H. Holt faxed the order to Investigator Wilson the same day and she sent a letter to A.H.'s school indicating that A.H. was free to have contact with Holt.

¶ 10 On March 11, 2015, defendants and Holt attended a hearing on orders of protection they filed against each other. Holt's attorney attempted to present a copy of the temporary custody order in court, but the judge declined to consider it. A copy of the order was not given to either defendant. On March 12, 2015, Investigator Wilson told defendant Jackson and Wallace (not Stacey) in a telephone conversation that she was in possession of what she believed to be a valid order granting temporary custody of A.H. to Holt. The same day, March 12, 2015, Holt went to A.H.'s school, but was denied access to her by school officials.

¶ 11 On March 21, 2015, detective Pamela Childs of the Chicago Police Department was assigned to investigate the alleged abduction of A.H. On March 31, 2015, she picked A.H. up from school and took her to the police department where Holt was waiting. Defendants showed up at the police department voluntarily and were immediately taken into custody. They each participated in an interview with Detective Childs and were later charged with aggravated kidnapping (720 ILCS 5/10-2(a)(2) (West 2016)) (count I), child abduction (*id*. § 10-5(b)(1)) (count II), and disorderly conduct (*id*. § 26-1 (a)(4)) (count III).

¶ 12 Count I of the indictment alleged that defendants secretly confined A.H. against her will and without the consent of Holt from March 11, 2015 to March 30, 2015. *Id*. § 10-2(a)(2). Count II claimed that defendants intentionally violated the terms of the temporary custody order by concealing and detaining A.H. from Holt for the same time period. *Id*. § 10-5(b)(1). Count III charged defendants with causing a false report of sexual abuse to be filed against Holt on February 25, 2015. *Id*. § 26-1 (a)(4).

¶ 13 A. Bench Trial

¶ 14 1. *Oliver Holt*

¶ 15 Holt testified that he lived with Annette at the 53rd Street home in 2007, when A.H. was born. He considered himself a stepfather to defendants and had known them since they were minors. After Annette passed away in May of 2014, Holt and defendant Jackson had an "arrangement," and defendant Jackson moved into the 53rd Street home to take care of A.H. However, when A.H. "wasn't getting to school on time," he decided that it was time she went to school near his home on North Keeler Avenue in Chicago. On February 5, 2015, Holt placed a call to defendant Stacey and told her that he was tired of A.H.'s truancy, and that he sought to enroll A.H. in a school near his home at the end of the semester.

¶ 16 The next day, on February 6, 2015, Holt went to the 53rd Street house after work, and had a discussion with both defendants. According to Holt, defendant Jackson tried to "attack" him and he defended himself. Defendants called the police and Holt was removed from the premises after the police were told he did not live there. Holt testified that the police escorted him out of the door, and he waited in his car outside. The police gave Holt a "location where [A.H.] might be" and he went to the location. Holt testified that he was given the address to an "abandoned building" and that he waited outside for A.H. to arrive for "two hours." He then testified that he was "on the right block but the wrong building." Holt called the police and was escorted back to the 53rd Street home, where he was again denied access to the home.

¶ 17 On February 7, 2015, Holt went back to the 53rd Street home with the police and A.H. was not there. He called the police "[m]aybe seven, eight times" in February to find A.H., and also filed a "missing person[s] report." Holt tried to locate A.H. at school, but he was not allowed to take her because of "some kind of DCF[S] paper." He went back to A.H.'s school "[m]aybe about six, seven times."

¶ 18 On March 10, 2015, Holt secured a temporary custody order from the circuit court of Cook County. The next day, on March 11, 2015, Holt attended a hearing on an order of protection he filed against defendant Jackson. While in court, Holt's attorney attempted to present the temporary custody order to the judge but was told it had "no merit." The same day, March 11, 2015, Holt faxed a copy of the temporary custody order to Investigator Wilson. On March 12, 2015, Holt again went to A.H.'s school but was denied access to her. He indicated that "they never allowed [him] to see her" because "[t]hey were still going by the DCF[s] paper that was at the school."

¶ 19 On March 30, 2015, Holt received a call from the police and was told that A.H. was at the station. Holt went to the police station and picked her up. A.H. was never transferred to another school and defendants' cousin, Elmore, assisted Holt with A.H.'s care.

¶ 20 2. *A.H.*

¶ 21 A.H. was nine-years-old at the time of trial. She remembered a period of time when she did not see her father. During that time, she was sleeping at her grandmother's house. She testified that her grandmother was taking her to school. A.H. denied ever being treated "badly" by her father and testified that Holt never touched her private parts. She also denied ever telling anybody that he touched her private parts.

¶ 22 3. *Investigator Wilson*

¶ 23 Investigator Wilson testified that on February 20, 2015, she was assigned to investigate the alleged sexual abuse of A.H. by her father. On February 23, 2015, she met with Wallace and defendant Jackson, and was informed that there were concerns that Holt was trying to retrieve her from school. Pursuant to "DCFS protocol," Investigator Wilson drafted a letter and sent it to A.H.'s school the same day, February 23, 2015, to ensure that A.H. did not have access to the person who had reportedly sexually abused her. The letter indicated that A.H. was in the care of Wallace and defendant Jackson, and Holt was not to have contact with her. Investigator Wilson notified the Chicago police department about the allegations and on March 3, 2015, A.H. participated in a victim sensitive interview.

¶ 24 Investigator Wilson received a copy of a temporary custody order from Holt on March 11, 2015. The same day, she had a conversation with defendant Stacey over the phone. Defendant Stacey told her she was present in court with Holt for a hearing on an order of protection and that

Holt attempted to present an order in court. The judge would not accept it. Investigator Wilson stated that, at the time of their conversation, defendant Stacey had not seen the custody order.

¶ 25 The next day, March 12, 2015, Investigator Wilson had a conversation over the phone with Wallace and defendant Jackson, and told them that A.H. should be "released to her father" because she believed the temporary custody order was "an adequate" and "binding document." She did not tell defendant Stacey the order was valid. Investigator Wilson testified that she showed a copy of the temporary custody order to "DCFS legal" department and was informed that it was "a binding, adequate document."

¶ 26 Investigator Wilson had "several conversations" with the representatives of A.H.'s school on the "12th, the 13th, 17th, 18th" and had "possibly a couple more contacts with them." A.H. was returned to Holt on March 30, 2015.

¶ 27 4. *Detective Pamela Childs*

¶ 28 Detective Childs testified that on March 21, 2015, she was assigned to investigate a child abduction case involving A.H. On March 30, 2015, she went to A.H.'s school, talked to the principal and took A.H. to the police station where Holt was waiting. Defendants went to the police station voluntarily and were immediately arrested. Each defendant was placed in a different interview room. Defendant Stacey was read her *Miranda* rights and agreed to speak with police.

¶ 29 According to Detective Childs, defendant Stacey said the "whole thing" started after an argument with Holt on February 5, 2015, about relocating A.H. to his house and a new school. The next day, February 6, 2015, Holt returned to the 53rd Street home from work and defendants refused to let him in. Holt called the police and defendant Stacey said she told police he did not live there. Detective Childs testified that defendant Stacey admitted she was "not telling the truth." Defendant Stacey stated that she, defendant Jackson and her grandmother went to A.H.'s school

and notified them about sexual allegations made against Holt. Defendant Stacey admitted that she and defendant Jackson did not want A.H. to be taken from them.

¶ 30 Defendant Jackson was interviewed next and agreed to speak with police after she was read her *Miranda* rights. Defendant Jackson "had pretty much the same story as Stacey." Defendant Jackson said that she did not want Holt to take A.H. and that Holt had been to the house several times looking for his daughter. Defendant Jackson admitted that Holt went without seeing A.H. from "February 6th to March 30th" and one time, she failed to give Holt the correct address where A.H. would be dropped off.

¶ 31 The State rested its case. Defense counsel moved for a directed verdict and the motion was denied. Both defendants testified in their own defense.

¶ 32 5. *Jillian Stacey*

¶ 33 Defendant Stacey testified that her mother passed away in May of 2014. The family held a meeting on May 24, 2014, to discuss the day-to-day care of A.H. Defendant Jackson, her sister, Holt, Elmore and Wallace were all present at the meeting. They agreed that defendant Jackson would take care of A.H. and Holt would pay the bills. On February 6, 2015, she and defendant Jackson got into an argument with Holt at the 53rd Street home. Holt threatened to "slap" defendant Jackson and defendant Stacey called the police. After the incident, A.H. started living with Wallace, defendants' maternal grandmother. Holt knew where Wallace lived and had been to her house to pick up A.H. She denied ever lying to Holt about A.H.'s whereabouts or ever concealing A.H. from Holt.

¶ 34 Defendant Stacey further testified that she was present with defendant Jackson at a hearing on March 11, 2015, but was never given a copy of a custody order. With respect to the sexual abuse allegations against Holt, defendant Stacey testified that "A.H had told one of [her] younger

cousin's that [Holt] had inappropriately touched her." Defendant Stacey explained that "[A.H.] told [her] younger cousins and then they relayed the information to [her]." Defendant admitted that she reported the allegations to A.H.'s school.

¶ 35 6. *Mandy Jackson*

¶ 36 Defendant Jackson testified that the family had a meeting on May 24, 2014, and agreed that she would "do all the day-to-day responsibilities that [her] mom did like take [A.H.] to and from school, comb her hair, and feed her." Her grandmother would assist her with the duties and Holt was "suppose[d] to take care of the bills." She testified that she got into an argument with Holt on February 5, 2015, about using a car to take A.H. to school. The car "was part of the agreement," but Holt was trying to take it away from her.

¶ 37 The next day, on February 6, 2015, Holt and defendant Jackson got into another argument at the 53rd Street home. Defendant Jackson called the police because she was pregnant, and Holt threatened her. Holt was escorted out of the house by police. After that incident, A.H. lived at her grandmother's house. Wallace was the primary caregiver of A.H. and defendant Jackson would "come in and out" of her grandmother's house to check on A.H. On March 11, 2015, defendant Jackson attended a hearing on an order of protection, but never received or saw a custody order.

¶ 38 With regard to the sexual assault allegations, defendant Jackson testified that K.H. told her that A.H. said Holt "inappropriately" touched her "down there in her private area." Defendant Jackson told a "counselor" at A.H.'s school about the allegations. The defense rested.

¶ 39 The trial court found defendants guilty of the lesser offense of kidnapping (720 ILCS 5/10-2(a)(2) (West 2016)), child abduction (*id.* § 10-5(b)(1)) and felony disorderly conduct (*id.* § 26-1 (a)(4)). Defendants' posttrial motions were denied, and the trial court sentenced them to 156 days

in prison and two-years' probation. Defendants appeal, and claim the evidence was insufficient to convict them of the criminal offenses beyond a reasonable doubt.

¶ 40 II. ANALYSIS

¶ 41 The due process clause of the fourteenth amendment to the United States Constitution requires that a person may not be convicted except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he or she is charged. *People v. Cunningham*, 212 Ill. 2d 274, 278 (2004). When a defendant challenges the sufficiency of the evidence, the relevant question 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 crime beyond a reasonable doubt." (Emphasis in original.) *Id.* (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)). We will not retry a defendant on appeal, but if the evidence is so unreasonable, improbable, or unsatisfactory as to justify a reasonable doubt of defendant's guilt, we will reverse. *People v. Smith*, 185 Ill. 2d 532, 542 (1999). This standard of review applies regardless of whether the defendant receives a bench or jury trial. *People v. Wheeler*, 226 Ill. 2d 92, 114 (2007).

¶ 42 A. Kidnapping

¶ 43 Defendants were found guilty of violating section 10-1(a)(2) of the Criminal Code of 2012 (720 ILCS 5/10-1(a)(2) (West 2016)) (Code), which criminalizes the knowing and secret confinement of another against his or her will. Under section 10-1(b) of the Code, the confinement of a child under the age of 13 years is deemed to be against the child's will if it is without the consent of the child's parent or legal guardian. The child in this case, A.H., was seven.

¶ 44 Although there is no statutory definition of "secret confinement," our supreme court has defined both the words "secret" and "confinement." *People v. Gonzalez*, 239 Ill. 2d 471, 479 (2011). Secret means "concealed, hidden, or not made public." *Id.* Confinement is defined as the

"act of imprisoning or restraining someone." *Id*. The element of secret confinement may be shown by proof of the secrecy of the confinement or the secrecy of the place of confinement. *People v. Phelps*, 211 Ill. 2d 1, 8 (2004).

¶ 45 The isolation of the victim from the public is central to the element of secret confinement. *Gonzalez*, 239 Ill. 2d at 479. According to our supreme court, "confinement is secret where it serves to isolate or insulate the victim from meaningful contact or communication with the public, that is, when the confinement is in a place or in a manner which makes it unlikely that members of the public will know or learn of the victim's unwilling confinement within a reasonable period of time." (internal quotations mark omitted.) *Id*. (quoting 3 Wayne R. LaFave, Substantive Criminal Law § 18.1(a), at 4 (2d ed. 2003).

¶ 46 The record establishes that from March 11, 2015 to March 30, 2015, A.H. was staying at her grandmother's house, attending school, and several individuals were aware of it, including Investigator Wilson and school officials. The evidence shows that even Holt was aware his daughter was attending school. Accordingly, the State failed to prove the essential element of secret confinement beyond a reasonable doubt and defendants' kidnapping convictions must be reversed.

¶ 47 The record shows that A.H. was staying at her grandmother's house during the relevant period in the indictment. A.H. testified to this fact, the State admits it ("Ms. Wallace's house between February 6 and March 30, 2015") and defendants openly testified that A.H. went to stay with her grandmother after February 6, 2015. DCFS Investigator Wilson knew A.H. was staying with her grandmother and informed school officials of that fact in a formal letter ("currently in the home/care of her maternal grandmother, Mandy Wallace at [location]"). Accordingly, in order to prove that defendants kidnapped A.H. in violation of section 10-1(a)(2) of Code, the State was

required to show beyond a reasonable doubt that they secretly confined A.H. to her grandmother's house.

¶ 48 We find no evidence of confinement in this record, much less by defendants. *Gonzalez*, 239 Ill. 2d at 479 ("the term 'confinement' is defined as the act of imprisoning or restraining someone"). To the contrary, the only reasonable conclusion to be drawn from the evidence is that A.H. was not confined. A.H.'s school attendance records show that she was attending school when she was purportedly confined to her grandmother's house and Investigator Wilson's testimony demonstrates that she was in close contact with school officials on "12th, the 13th, 17th, 18th." These are all dates that fall within the time identified in the indictment. Holt testified that he went to A.H.'s school on March 12, 2015, another date identified in the indictment, and school officials turned him away. But more importantly, the person who A.H. was staying with and who was taking care of A.H. during her alleged secret confinement, A.H.'s grandmother, was not charged and did not testify at trial.

¶ 49 Unable to bootstrap the evidence to show that defendants personally imprisoned or restrained A.H. in her grandmother's home, the State attempts for the first time on appeal to connect Wallace to the crime without implicating her. In support of its novel theory, the State argues that Wallace was an unwitting participant in A.H.'s confinement and wholly unaware that her home was serving as the instrumentality of the crime. In its brief, the State claims "the fact that defendant and co-defendant used Ms. Wallace's home to conceal A.H. does not mean Ms. Wallace realized that she was facilitating a kidnapping."

¶ 50 While we do not find that under no circumstances could the State prove that a defendant utilized a third party to secretly confine a child or person at an unknown location, the State's evidence here utterly fails to prove such a theory beyond a reasonable doubt. Simply put, the State

failed to demonstrate that defendant's engaged in any conduct that would rise to the level of or qualify as confinement under section 10-1(a)(2) of the Code.

¶ 51 But even if the State had connected Wallace to this case, the State's proof would still fail to show that A.H.'s whereabouts were a secret. The State contends that defendants: (1) "secretly confined A.H. by keeping the location of her confinement from Mr. Holt"; (2) "kept the fact of A.H.'s confinement secret to the public"; and (3) "kept A.H.'s confinement secret by preventing her from having meaningful public contact." We reject each of these contentions.

¶ 52 We first note that the State places undue emphasis on Holt's knowledge of the whereabouts of his daughter. According to the State, "ultimately, it is Mr. Holt's knowledge, as opposed to that of a DCFS investigator or school employee, that is relevant for the secrecy element of kidnapping." While Holt's knowledge was undoubtedly relevant and important to the State's case here, our supreme court has made clear that the isolation of the victim from the public is central to the element of secret confinement. See *Gonzalez*, 239 Ill. 2d at 479. Accordingly, we decline the State's invitation to focus on Holt's knowledge to the exclusion of the knowledge possessed by the public.

¶ 53 We find that the State completely failed to demonstrate beyond a reasonable doubt that A.H.'s whereabouts were "concealed, hidden, or not made public" as required by section 10-1(a)(2) of the Code. *Gonzalez*, 239 Ill. 2d at 479. The State admits in its brief that "[A.H.'s school] and DCFS knew the address where A.H. was located" and its own evidence shows that A.H. was attending school during the relevant period identified in the indictment. Even Holt was aware that his daughter was attending school. At trial, Holt testified that he went to A.H.'s school on March 12, 2015, and school officials "never allowed [him] to see her" because "[t]hey were still going by the DCF[s] paper that was at the school."

¶ 54 At the oral argument in this case, the State urged us to infer from these facts that A.H. was not at school and Holt was unaware of her whereabouts. However, we draw *reasonable* inferences in the State's favor when reviewing the sufficiency of the evidence. The only conclusion to be drawn here, given Holt's testimony and A.H.'s school attendance records indicating that she was "present" on March 12, 2015, is that A.H. was at school and Holt knew it. *Cunningham*, 212 Ill. 2d at 280 (when reviewing the sufficiency of the evidence, a court "may not allow unreasonable inferences" and "if only one conclusion may reasonably be drawn from the record, a reviewing court must draw it even if it favors the defendant").

¶ 55 We have reviewed the totality of the evidence and cannot overlook the fact that several investigative agencies were involved in this case. Investigator Wilson informed the Chicago Police Department about her investigation on March 3, 2015, and she was in close contact with officials at A.H.'s school during the pendency of her investigation. We also find it telling that once Detective Childs was assigned this case, all she had to do to solve it was conveniently pick A.H. up from school.

¶ 56 We are unpersuaded by the State's attempt to analogize A.H.'s circumstances to the kidnapped infant in *Gonzalez*. In that case, the defendant asked a mother if she could hold her baby and then absconded with it. 239 Ill. 2d at 475-761. The baby was wrapped in "a white towel with pink trim" and the defendant held the baby in her arms as she traveled from place to place. *Id*. Our supreme court held in *Gonzalez* that, given the State's proof that the defendant passed the infant off as her own, the evidence was sufficient to satisfy the element of secret confinement beyond a reasonable doubt and pronounced that in "certain instances," a "kidnapper may choose to hide the victim in plain sight." *Id*. at 482.

¶ 57 A.H. was not the baby in *Gonzalez*; she was seven-years-old, attending school, and as defendants argue, "multiple people, including public officials and a state child protection agency were aware that she was residing at her grandmother's house" and attending school. The two cases bear no reasonable factual resemblance.

¶ 58 We do not lightly reverse a criminal conviction, but the State failed to prove the essential element of secret confinement beyond a reasonable doubt. 720 ILCS 5/10-1(a)(2) (West 2016). The evidence was unsatisfactory and defendants' kidnapping convictions are reversed.

¶ 59 B. Child Abduction

¶ 60 We also reverse defendants' child abduction convictions. A person commits child abduction in violation of section 10-5(b)(1) of the Criminal Code of 2012 (720 ILCS 5/10-5(b)(1) (West 2016)) when he or she intentionally violates "any terms of a valid court order granting sole or joint custody, care, or possession to another by concealing or detaining the child or removing the child from the jurisdiction of the court."

¶ 61 The plain language of section 10-5(b)(1) of the Code "requires that, for a person to be guilty of this felony offense of child abduction, he or she must know that a valid order has been entered by the court, what that order holds, and what the terms are for compliance with the order." *People v. Magana-Ortiz*, 2019 IL App (3d) 170123, ¶ 28. Once actual knowledge is established, the State must prove intent. 720 ILCS 5/10-5(b)(1) (West 2016) ("[a] person commits the offense of child abduction when he or she *** [i]ntentionally violates any terms of a valid court order *** by concealing or detaining the child").

¶ 62 The record indicates that defendants were not given a copy of the temporary custody order, they were not present at the custody proceeding in the circuit court of Cook County on March 12, 2015, and they were wholly unaware of the order's specific terms. The fact that Investigator

Wilson told Wallace and defendant Jackson (*not defendant Stacey*) that she believed the order was valid and binding is inconsequential. So too is Holt's testimony that his attorney presented the order to the judge at an order of protection hearing attended by defendants. Investigator Wilson's statements to defendant Jackson do not establish her actual knowledge of the order's validity or content, and when Holt's attorney presented the order in court, the judge declined to consider it.

¶ 63 Even if defendants had actual knowledge of the temporary custody order's terms and validity, the State did not prove intent. There is no direct evidence of intent in the record and no criminal conduct from which defendants' intent could be inferred. Accordingly, the evidence was so unreasonable, improbable, and unsatisfactory as to justify a reasonable doubt of defendants' guilt and their child abduction convictions must be reversed. *Cunningham*, 212 Ill. 2d at 278.

¶ 64 C. Disorderly Conduct

¶ 65 Finally, we address defendants' disorderly conduct convictions. Pursuant to section 26-1(a)(4) of the Code (720 ILCS 5/26-1(a)(4) (West 2016)), a person commits disorderly conduct when he or she knowingly "[t]ransmits or causes to be transmitted in any manner to any peace officer, public officer or public employee a report to the effect that an offense will be committed, is being committed, or has been committed, knowing at the time of the transmission that there is no reasonable ground for believing that the offense will be committed, is being committed, or has been committed." Because the knowledge element of a crime rarely can be proved by direct evidence, it can be reasonably inferred from circumstantial evidence. *People v. Marcotte*, 337 Ill. App. 3d 798, 804 (2003).

¶ 66 The State argues that the evidence adduced at trial was sufficient to convict defendants of disorderly conduct. In its brief and at oral argument, the State repeatedly emphasized the fact that "A.H. testified at trial and denied ever reporting to *anyone* – including her cousin and co-defendant

– that her father had touched her inappropriately" was conclusive of defendants' guilt. We disagree.

¶ 67 The State failed to establish the exact statements made by defendants (and Wallace) that engendered the DCFS investigation and resulted in the notification of local authorities that a criminal offense may have been committed. The State also failed to establish to whom these critical statements were made. The person who first heard defendants' statement, presumably a "counselor" at A.H.'s school given defendant Jackson's testimony, did not testify at trial. Investigator Wilson's testimony failed to establish what was said to whom.

¶ 68 In any event, the record shows that K.H., defendants' cousin, reported the potential sexual abuse allegations to defendants. K.H. said A.H. told her Holt touched her inappropriately. Defendant Jackson testified that she learned from K.H. that Holt touched A.H. "inappropriately" and "down there in her private area." Defendant Stacey testified that "A.H had told one of [her] younger cousin's that [Holt] had inappropriately touched her." She clarified that "[A.H.] told [her] younger cousins and then they relayed the information to [her]." Defendant Jackson believed K.H.'s statements and defendant Stacy testified that reporting the allegations to the school official was "the right thing to do."

¶ 69 As the State points out, A.H. testified that she never told anybody that Holt touched her private parts and denied being inappropriately touched by her father. But A.H.'s testimony does not establish that defendants lacked reasonable grounds to believe K.H.'s statements. Because defendants' source of knowledge was a third-party statement made by their cousin, the State was required to show beyond a reasonable doubt that defendants had no reasonable grounds to believe K.H.'s statements about what A.H. said had transpired. The State's proof simply failed to address K.H.'s role in this transaction and she was not called as a witness at trial.

¶ 70 There exists no evidence in the record, circumstantial or otherwise, from which we could reasonably infer that defendants possessed the requisite knowledge necessary to violate section 26-1(a)(4) of the Code. Accordingly, defendants' disorderly conduct convictions were not supported by proof beyond a reasonable doubt and they must be reversed.

¶ 71 III. CONCLUSION

¶ 72 The evidence is so unsatisfactory as to each essential element of each charged offense that there exists reasonable doubt of defendants' guilt. We therefore reverse defendants' kidnapping, child abduction and disorderly conduct convictions and vacate the accompanying sentences. Based on our judgment, it is not necessary to address the fines, fees, and costs issues raised by defendants in their briefs.

¶ 73 Convictions reversed; sentences vacated.