

NOTICE: This order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

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.)	No. 16 CR 5266
)	
VENDETTA CECE-JACKOWIAK,)	Honorable
)	Timothy J. Joyce,
Defendant-Appellant.)	Judge, presiding.

JUSTICE HYMAN delivered the judgment of the court.
Justices Pierce and Coghlan concurred in the judgment.

ORDER

¶ 1 *Held:* Defendant’s conviction for threatening a public official is affirmed over her contention that the State failed to establish beyond a reasonable doubt that she made a “true threat.”

¶ 2 After a bench trial, Vendetta Cece-Jackowiak was found guilty of threatening a public official and sentenced to 30 months of probation. On appeal, Cece-Jackowiak contends she was not proven guilty when the State failed to establish she made a “true threat.”

¶ 3 We affirm. In viewing the evidence in the light most favorable to the State, as we must, we hold that Cece-Jackowiak’s statement constituted sufficient evidence of a “true threat” when she

stated that if her pleadings were incomprehensible, then she was “not accountable” for her actions, and if “something” happened to the public official, then she would not be at “fault” or “accountable.”

¶ 4 Background

¶ 5 Cece-Jackowiak was charged with one count of threatening a public official following a March 14, 2016 hearing in which she represented herself before Cook County Circuit Court Judge Regina Scannicchio.

¶ 6 On April 14, 2016, defense counsel requested a fitness exam for Cece-Jackowiak. In letters to the court dated May 4, and August 19, 2016, Dr. Kristin Schoenbach, a clinical psychologist with the circuit court’s forensic clinical services division, opined that Cece-Jackowiak was unfit. The trial court held a fitness hearing on October 21, 2016.

¶ 7 Dr. Schoenbach testified that she evaluated Cece-Jackowiak twice and found her unfit for trial. During the interviews, Cece-Jackowiak’s answers to questions were tangential and illogical, and she spoke in a pressured, rapid manner. Although Cece-Jackowiak could state the charge against her, she had a delusional basis for why she was arrested, that is, she believed the charges were “deliberately brought” to restrict her rights and silence her. In Dr. Schoenbach’s opinion, Cece-Jackowiak could not rationally weigh and process information, and, thus, unable to assist in her defense. The trial court found Cece-Jackowiak unfit and ordered her committed to the custody of the Department of Human Services on an inpatient basis.

¶ 8 On March 29, 2017, the trial court held a restoration hearing. Dr. Schoenbach testified that when she interviewed Cece-Jackowiak and she was responsive to questions and presented with logical goal-directed answers. Dr. Schoenbach opined that Cece-Jackowiak could assist in her

defense, her unspecified bipolar disorder was in remission, and she was fit to stand trial. The trial court found Cece-Jackowiak restored to fitness and placed the case on the trial call. The matter proceeded to a bench trial.

¶ 9 Judge Scannicchio testified that she was assigned to the domestic relations division and that on March 14, 2016, Cece-Jackowiak appeared *pro se* on her motion to disqualify attorney Craig Bizar, who represented Cece-Jackowiak's ex-husband in a post-decree domestic relations case. During the hearing, Judge Scannicchio learned that Cece-Jackowiak's ex-husband had filed for bankruptcy. She explained to Cece-Jackowiak that the motion to disqualify would not proceed because of the bankruptcy stay. Cece-Jackowiak asked a "variety" of questions, including why she was barred from filing pleadings or presenting motions. A court order already required Cece-Jackowiak to present her pleadings to the court for a determination of legal sufficiency before filing.

¶ 10 Cece-Jackowiak told Judge Scannicchio that she had reported the judge to "the authorities" because the judge prevented her from proceeding on her "rights." Judge Scannicchio explained that pleadings were insufficient, and the court's orders described "in great detail" why the court could not understand what Cece-Jackowiak wanted. Judge Scannicchio said that the use of "plain language" would move the case forward. When Cece-Jackowiak did not accept this explanation, Judge Scannicchio said Cece-Jackowiak's documents were incomprehensible, at which point Cece-Jackowiak "looked directly" at Judge Scannicchio and said:

"[W]ell, if my pleadings are incomprehensible, then I guess I'm not accountable for my actions. And if I'm not accountable for my actions, if something happens to you, then I'm not at fault or I'm not going to be accountable for what has happened."

At trial, Judge Scannicchio clarified that Cece-Jackowiak said, “something bad happens to you, I won’t be accountable for my actions.” Cece-Jackowiak paused, looked at Judge Scannicchio, and stated, “capisci [*sic*].” The interaction was a “stare down,” and Cece-Jackowiak’s tone was “[s]lightly elevated.” Judge Scannicchio made a finding of direct criminal contempt and ordered Cook County sheriff’s deputy Colette Jackson to take Cece-Jackowiak into custody.

¶ 11 During cross-examination, Judge Scannicchio testified that when she asked for an explanation for the complained-of statement, Cece-Jackowiak gave a “rambling answer” about trying to relate to Judge Scannicchio as a “Sicilian.” Judge Scannicchio considered Cece-Jackowiak’s comment to be a threat but agreed that Cece-Jackowiak did not move to touch or attack her. The domestic relations division has a limited number of court reporters and one was not present during the exchange. Cece-Jackowiak had appeared before Judge Scannicchio many times over two years and had been found in indirect contempt of court for violating an order prohibiting her from filing “any lawsuit” without court approval. Judge Scannicchio acknowledged holding a hearing in Cece-Jackowiak’s domestic relations case on June 5, 2015, at which Cece-Jackowiak and Bizar were present, and that a transcript from the hearing indicated that she stated the case had a “horrible history,” but would “end” someday.

¶ 12 Cook County sheriff’s deputy Jackson testified that during the incident on March 14, 2016, she heard Judge Scannicchio “get loud” and say, “excuse me” and “was that a threat.” Cece-Jackowiak, who was before the bench, then stated, “I wasn’t threatening you; I was just simply saying that if I’m incomprehensible that you won’t know what’s coming next, capiche [*sic*].” Cece-Jackowiak explained she said “capisce” because she took Italian in college and did not “mean it

like a threat.” The judge stated Cece-Jackowiak would be held in contempt and ordered Jackson to take her into custody.

¶ 13 Bizar testified that he argued Cece-Jackowiak’s *pro se* motion was incomprehensible during the March 14, 2016 hearing, and Judge Scannicchio reviewed the motion and agreed. Cece-Jackowiak then stated in an “aggressive” tone that “if you’re saying what I’m saying is incomprehensible, then I am not responsible. And you won’t see it coming. Capisci [*sic*].” Bizar asked, “Is that a threat,” and Judge Scannicchio said, “Yes it is.”

¶ 14 Attorney Matthew Showel, who was present in the courtroom on March 14, 2016, testified that Cece-Jackowiak became “increasingly agitated” and spoke “a mile a minute.” Judge Scannicchio explained that the court could not understand the relief Cece-Jackowiak sought because her motion was incomprehensible. Cece-Jackowiak replied, “well, if I’m unintelligible, I could warn people about what I’m about to do and nobody would understand me and nobody would see me coming. Capisci [*sic*].” Cece-Jackowiak was agitated, frustrated, and hostile. Judge Scannicchio was “vividly taken aback,” “perked up her posture,” and ordered Cece-Jackowiak taken into custody. During cross-examination, Showel testified he did not remember what Judge Scannicchio said to Cece-Jackowiak or what he related to police after the incident.

¶ 15 The defense presented Cook County sheriff’s officer Christopher Dangles, who testified that he spoke with Showel and Bizar and both stated that Judge Scannicchio asked Cece-Jackowiak, “is that a threat.”

¶ 16 Cece-Jackowiak testified that on March 14, 2016, she was before the court on a motion to disqualify Bizar and had been before the court many times trying to obtain visitation with her

children. When the court stated that Cece-Jackowiak's pleadings were incomprehensible, she "asked" whether

"if I'm considered incomprehensible and I'm being threatened, how would I be able to warn the Court about my threats if I'm being called incomprehensible. When would I be deemed comprehensible."

Cece-Jackowiak next said "capisce," meaning "do you understand in Italian." She denied making a threat, and when Judge Scannicchio asked if she made a threat, she said no. However, the judge then ordered her "seize[ed]" and taken into custody.

¶ 17 During cross-examination, Cece-Jackowiak testified that her motions asked for visitation with her children and that she did not understand how the court found them incomprehensible. Cece-Jackowiak wanted the court to know, and to put on the record, that she was being threatened by people online and had a restraining order. Although Cece-Jackowiak used the word "capisce" to establish understanding and show she would not "press" the issue, Judge Scannicchio was "very" frustrated and infuriated that Cece-Jackowiak reported a previous indirect civil contempt order to state and federal authorities. Cece-Jackowiak denied threatening Judge Scannicchio and denied saying she could not be accountable for her actions or responsible if something happened to Judge Scannicchio.

¶ 18 In finding Cece-Jackowiak guilty, the trial court found her testimony about what was said incredible. The State's witnesses, on the other hand, testified consistently that Cece-Jackowiak acknowledged the "possibility" her pleadings were incomprehensible, went on to say that she was not accountable for what she would do, and if she were incomprehensible, the court would not see it. Despite the defense's argument that Cece-Jackowiak's comments spoke to a "future possibility"

of “bad” career-related repercussions to Judge Scannicchio due to complaints Cece-Jackowiak filed with state and federal authorities, the trial court noted that Cece-Jackowiak also told Judge Scannicchio that “you won’t see it coming or I am not responsible for—I won’t be accountable for my actions.” Those statements, according to the trial court, suggested future action by Cece-Jackowiak. The trial court found that Cece-Jackowiak intended to communicate a threat of immediate or future harm to Judge Scannicchio and found her guilty of threatening a public official. The trial court sentenced Cece-Jackowiak to 30 months of probation.

¶ 19 Analysis

¶ 20 On appeal, Cece-Jackowiak contends that she was not proven guilty beyond a reasonable doubt because the State failed to prove that she communicated a “true threat.” Specifically, Cece-Jackowiak argues she never intended to threaten Judge Scannicchio. Although Cece-Jackowiak concedes that the complained-of statements were “rude, disrespectful, and even offensive,” she argues that they lacked a “specific and serious expression” of intent to commit an act of “unlawful violence” or future bodily harm against Judge Scannicchio.

¶ 21 A challenge to the sufficiency of the evidence requires us to consider whether, viewing the evidence in the light most favorable to the State, a rational trier of fact could have found the essential elements of the offense beyond a reasonable doubt. *People v. Gray*, 2017 IL 120958, ¶ 35. The trier of fact resolves conflicts in the testimony, weighs the evidence, and draws reasonable inferences from the facts. *Id.* A reviewing court will not substitute its judgment for that of the trier of fact on matters involving the weight of the evidence or witness credibility. *Id.* A defendant’s conviction will be reversed when the evidence is so unreasonable, improbable, or unsatisfactory that it creates a reasonable doubt of guilt. *People v. Newton*, 2018 IL 122958, ¶ 24.

¶ 22 As charged in this case, a person threatens a public official when he or she knowingly delivers or conveys, directly or indirectly, to a public official a communication which contains “a threat that would place the public official *** in reasonable apprehension of immediate or future bodily harm” and “the threat was conveyed because of the performance or nonperformance of some public duty * * *, because of hostility of the person making the threat toward the status or position of the public official * * *, or because of any other factor related to the official’s public existence.” 720 ILCS 5/12-9(a) (West 2016)

¶ 23 The State had to prove that Cece-Jackowiak knowingly communicated a threat to Judge Scannicchio, the threat would place Judge Scannicchio in reasonable apprehension of immediate or future bodily harm, and the threat was related to the performance or nonperformance of Judge Scannicchio’s duties as a judge. *Id.*; *People v. Bona*, 2018 IL App (2d) 160581, ¶ 36.

¶ 24 When “the State charges an individual with threatening a public official under section 12-9 of the Criminal Code [citation], the threat of violence must be a ‘true threat,’ or else the prosecution will violate the first amendment.” *People v. Smith*, 2019 IL App (4th) 160641, ¶ 48. “‘True threats’ encompass those statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals.” *Virginia v. Black*, 538 U.S. 343, 359 (2003). The Supreme Court subsequently clarified that a “true threat” includes those communication transmitted “for the purpose of issuing a threat, or with knowledge that the communication will be viewed as a threat.” *Elonis v. United States*, 575 U.S. 723 ___, 135 S. Ct. 2001, 2012 (2015).

¶ 25 In *People v. Ashley*, 2020 IL 123989, ¶ 56, our supreme court explained that “the phrase ‘means to communicate’ ” requires that a defendant “be consciously aware of the threatening

nature of his or her speech, and the awareness requirement can be satisfied by a statutory restriction that requires either an intentional or a knowing mental state.” Accordingly, “the first amendment exception for a ‘true threat’ includes situations where the speaker understands the threatening nature of his or her communication and the import of the words used.” *Id.*

¶ 26 Based on the language in *Ashley*, and contrary to Cece-Jackowiak’s assertion, the State did not have to prove that she intended to threaten Judge Scannicchio. Rather, the State had to prove that Cece-Jackowiak knowingly communicated a threat, and “underst[ood] the threatening nature of * * * her communication and the import of the words used.” *Id.*

¶ 27 The evidence was sufficient to prove beyond a reasonable doubt that Cece-Jackowiak knowingly communicated a threat to Judge Scannicchio, or, in other words, made a “true threat.” Viewing the evidence in the light most favorable to the State, Cece-Jackowiak’s statement constituted sufficient evidence of a “true threat” when she stated that if her pleadings were incomprehensible, then she was “not accountable” for her actions, and if “something” happened to Judge Scannicchio, then she would not be at “fault” or “accountable.” Bizar and Showel testified that Cece-Jackowiak further stated that her actions would not be seen “coming.”

¶ 28 Even if, as Cece-Jackowiak argues, she did not intend to communicate a threat, a rational factfinder could nonetheless conclude that Cece-Jackowiak understood the threatening nature of telling a judge with whom she was arguing that she was not accountable for her actions and no one would see her coming. Indeed, the circumstances attest to the threatening nature of Cece-Jackowiak’s communication—after the complained-of statement, Bizar asked, “is that a threat” and Judge Scannicchio replied, “yes it is.” Bizar described Cece-Jackowiak’s tone as aggressive; Showel characterized Cece-Jackowiak as frustrated and hostile. In other words, the people who

heard Cece-Jackowiak's statement understood it to be a threat. Although Cece-Jackowiak denied at the time that the statement was a threat, she reiterated that Judge Scannicchio would not know what was coming next. Accordingly, we conclude the evidence was sufficient to prove Cece-Jackowiak made a "true threat." See *id.* (" 'true threat' includes situations where the speaker understands the threatening nature of his or her communication and the import of the words used").

¶ 29 Cece-Jackowiak, nonetheless, relies on *People v. Goodwin*, 2018 IL App (1st) 152045, ¶ 8, *People v. Wood*, 2017 IL App (1st) 143135, ¶ 13, and *People v. Dye*, 2015 IL App (4th) 130799, ¶ 10, for the assertion a "true threat" requires intentional conduct by a defendant. But, in *Ashley*, our supreme court rejected a similar argument, finding those cases "improperly expanded the holding in *Black* and failed to fully consider the reasoning expressed in *Elonis*." *Ashley*, 2020 IL 123989, ¶ 56.

¶ 30 The trial court bears the responsibility, as the trier of fact, to determine witness credibility, resolve any conflicts in the testimony, and draw reasonable inferences from the facts presented at trial. *People v. Brown*, 2013 IL 114196, ¶ 48. Although Cece-Jackowiak testified that she was asking how she could inform Judge Scannicchio of certain threats against Cece-Jackowiak if the judge deemed her "incomprehensible," the trial court found Cece-Jackowiak's explanation to be incredible as evidenced by its finding. When weighing evidence, the trier of fact is not required to disregard inferences flowing naturally from the evidence before it, nor need it search out all possible explanations consistent with innocence and raise them to the level of reasonable doubt. *In re Jonathon C.B.*, 2011 IL 107750, ¶ 60. A defendant's conviction will be overturned only if the evidence is so unreasonable, improbable, or unsatisfactory that there remains a reasonable doubt of her guilt (*Brown*, 2013 IL 114196, ¶ 48); this is not one of those cases.

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¶ 31 Affirmed.