No. 1-10-1666

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).

SECOND DIVISION
FEBRUARY 22, 2011

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	No. 10 MC1 199654
	)	
HAITHAM HANNA,	)	Honorable
	)	Thomas J. Byrne,
Defendant-Appellant.	)	Judge Presiding.

JUSTICE CONNORS delivered the judgment of the court.
Presiding Justice Cunningham and Justice Karnezis concurred in the judgment.

O R D E R

HELD: Where defendant stood in and near the doorway of a passenger aircraft, so that it could not leave the airport terminal, there was sufficient evidence to find defendant guilty of disorderly conduct beyond a reasonable doubt.

Following a bench trial, defendant Haitham Hanna was found guilty of disorderly conduct and sentenced to six months'

supervision. Defendant contends on appeal that there was insufficient evidence to prove him guilty beyond a reasonable doubt.

The trial evidence shows that defendant requested an upgrade to first class just before boarding an international flight at O'Hare Airport, noting that the airline granted such upgrades to military employees. However, an airline supervisor denied the request because such upgrades were not available on international flights and defendant refused to show identification to prove his military employment. Upon boarding, defendant took a seat other than his assigned seat and the crew called the supervisor. The supervisor asked defendant to step outside the aircraft to discuss the matter because he was in the wrong seat but also because he seemed intoxicated. While there were unoccupied seats on that flight, the supervisor explained that passengers may not change seats while boarding is ongoing, as it was here where defendant "could see passengers still coming." Defendant refused to step outside, and his screaming caused the crew to summon the captain of the aircraft to assist the supervisor.

Defendant eventually stood and walked to the aircraft's doorway but then stood in the doorway with one foot on the aircraft and one on the jetway. He refused to move, and the police were summoned because the aircraft could not leave with a person in the doorway or on the jetway. As the aircraft's crew

and about 130 passengers waited, defendant told the supervisor that he had "a couple drinks" and she told him that he would not be allowed to travel on that flight. When the police arrived and repeatedly ordered defendant to move away from the doorway, he again refused and was arrested. The incident delayed departure by about 15 minutes.

Defendant testified, denying that he demanded an upgrade but admitting that he had two beers before the flight and that he changed seats. A crewmember asked him if he had been drinking, without mentioning that he was not in his assigned seat, and he took offense. He stood near the doorway because the crew told him to do so, and he showed his identification to the captain.

On appeal, defendant challenges the sufficiency of the evidence. He argues that the State failed to prove any of the elements of disorderly conduct including *mens rea*.

When presented with a challenge to the sufficiency of the evidence, this court must determine whether, after taking 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. *People v. Jackson*, 232 Ill. 2d 246, 280 (2009). This standard applies whether the evidence is direct or circumstantial, so that a valid conviction may be based upon circumstantial evidence and the trier of fact need not be satisfied beyond a reasonable doubt as to each link in the

chain of circumstances so long as the evidence taken as a whole satisfies the trier of fact beyond a reasonable doubt of the defendant's guilt. *Jackson*, 232 Ill. 2d at 281. We do not retry the defendant, as it is the trier of fact's power and duty to make determinations regarding the credibility of witnesses, the weight to be given their testimony, and the reasonable inferences to be drawn from the evidence. *Jackson*, 232 Ill. 2d at 280-81. A conviction will be reversed only where the evidence is so unreasonable, improbable, or unsatisfactory that a reasonable doubt of defendant's guilt remains. *Jackson*, 232 Ill. 2d at 281.

A person commits disorderly conduct by knowingly doing anything "in such [an] unreasonable manner as to alarm or disturb another and to provoke a breach of the peace." 720 ILCS 5/26-1(a)(1) (West 2008). Disorderly conduct " 'embraces a wide variety of conduct serving to destroy or menace the public order and tranquility,' " so that it includes not only violent acts but acts likely to produce violence in others. *People v. Brant*, 394 Ill. App. 3d 663, 674 (2009), quoting *In re B.C.*, 176 Ill. 2d 536, 552 (1997). The act of blocking the free flow of pedestrian or vehicular traffic on a public way has been held to constitute disorderly conduct under this statute. *Jones v. Watson*, 106 F. 3d 774, 779 (7th Cir. 1997), citing *City of Chicago v. Fort*, 46 Ill. 2d 12 (1970), *People v. Raby*, 40 Ill. 2d 392 (1968), and *City of Chicago v. Joyce*, 38 Ill. 2d 368 (1967).

Here, taking the evidence in the light most favorable to the State as we must, we conclude that the trial court did not err in finding defendant guilty of disorderly conduct. While defendant argues that the elements of disorderly conduct were not proven, his act of barring the aircraft from leaving the terminal was unreasonable and breached the peace; the timely travel of all persons aboard the aircraft was adversely affected by his dispute with the airline and its employees. As to whether his actions alarmed or disturbed anyone, the crew was clearly sufficiently alarmed or disturbed by defendant's actions to summon the supervisor, then the captain, and ultimately the police.

While defendant argues that the State failed to prove the requisite *mens rea*, it is axiomatic that *mens rea* can be inferred from a defendant's actions and the surrounding circumstances and that a sane person is presumed to intend the natural and probable consequences of his deliberate acts. *In re M.W.*, 232 Ill. 2d 408, 436 (2009); *People v. Smith*, 402 Ill. App. 3d 538, 547 (2010). There is no reason to believe that defendant did not know that he was standing in and near the doorway of an aircraft with several passengers and crewmembers aboard, nor that he did not know that the aircraft and those aboard could not leave as long as he was doing so.

Accordingly, the judgment of the circuit court is affirmed.

Affirmed.