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2011 IL App (3d) 091061-U

Order filed November 15, 2011

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

A.D., 2011

THE PEOPLE OF THE STATE OF
ILLINOIS,

Plaintiff-Appellee,

v.

ASHLEY M. DAVIS,

Defendant-Appellant.

) Appeal from the Circuit Court
) of the 13th Judicial Circuit,
) La Salle County, Illinois,
)
) Appeal No. 3-09-1061
) Circuit No. 09-CM-642
)
) Honorable
) Cynthia M. Raccuglia,
) Judge, Presiding.

JUSTICE HOLDRIDGE delivered the judgment of the court.
Justices Schmidt and O'Brien concurred in the judgment.

ORDER

¶ 1 *Held:* The evidence produced at trial was sufficient to allow a rational trier of fact to find the essential elements of battery beyond a reasonable doubt.

¶ 2 Following an incident at her father's trailer, defendant, Ashley M. Davis, was charged with battery (720 ILCS 5/12-3(a)(1) (West 2008)). The cause proceeded to a bench trial, and defendant was found guilty of the charge. Defendant appeals her conviction, arguing that the evidence produced at trial was not sufficient to prove that she intentionally caused bodily harm to the victim. We affirm.

¶ 3

FACTS

¶ 4 On May 22, 2009, the State filed a one count criminal information alleging that defendant committed battery by hitting Amy Merritt in the head with a baseball bat. The cause proceeded to a bench trial. At trial, Merritt testified that on May 2, 2009, she returned to a trailer owned by defendant's father, where she had permission to stay, and found defendant standing in the doorway with a bat. Defendant demanded Merritt's key to the trailer and repeatedly attempted to grab her purse. Defendant pushed Merritt back and forth and then hit her twice with the bat, once in the face and once in the arm. After being struck in the face, Merritt began to bleed. Defendant continued to accost Merritt, at times hitting her with her fists. Eventually, defendant left, and Merritt called 911. She was taken to the hospital and treated for her injuries.

¶ 5 Officer Randy Railey testified that he was dispatched to the trailer owned by defendant's father on May 2, 2009. When he arrived, he found Merritt standing outside and immediately noticed that she was bleeding from her head. Merritt told Railey that defendant hit her with a baseball bat. When he confronted defendant about the accusation, she told him that she did have a baseball bat with her; however, she carried it because she was afraid of Merritt's dog.

¶ 6 Defendant testified that she went to her father's trailer on May 2, 2009, because someone had informed her that lights were on. At the time, she was unaware that her father had given Merritt permission to occupy the trailer. Defendant was carrying a baseball bat because she was worried that Merritt's dog might attack her. Soon after defendant arrived, Merritt returned, and defendant told her that she could no longer reside in the trailer. Merritt became defensive and pushed defendant. In response defendant pushed Merritt; however, she stated that she did not hit

her with a bat. In fact, defendant testified that the bat was outside during her confrontation with Merritt.

¶ 7 After hearing all of the evidence, the trial court stated, "there's no question in my mind, without the deputy's testimony, I would have a hard time believing everybody here." However, based on Railey's testimony, the trial court concluded that defendant was guilty beyond a reasonable doubt. Defendant appeals.

¶ 8 ANALYSIS

¶ 9 Defendant appeals, arguing that the State failed to prove that she intentionally caused bodily harm to the victim. When presented with a challenge to the sufficiency of the evidence, it is not the function of this court to retry defendant; rather, the relevant question is 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. *People v. Collins*, 106 Ill. 2d 237 (1985). While the credibility of a witness is within the province of the trier of fact, and a trial court's determination on such matters is entitled to great weight, the fact finder's determination is not conclusive. *People v. Smith*, 185 Ill. 2d 532 (1999). A conviction will only be overturned where the evidence is so unreasonable, improbable, or unsatisfactory as to justify a reasonable doubt of defendant's guilt. *Id.*

¶ 10 In this case, sufficient evidence was presented that would allow a rational trier of fact to find the essential elements of the crime beyond a reasonable doubt. Pursuant to section 12-3(a)(1) of the Criminal Code of 1961, a person commits battery if she intentionally or knowingly, without legal justification and by any means, causes bodily harm to an individual. 720 ILCS 5/12-3(a)(1) (West 2008). Evidence presented at trial established that on May 2, 2009,

defendant was present at her father's trailer with a baseball bat. Merritt testified that defendant hit her in the face and arm with a bat. Further, Railey testified that he arrived at the scene moments after the battery and witnessed Merritt bleeding from the head. He stated that she told him that defendant had hit her with a baseball bat. This evidence could establish the elements of battery beyond a reasonable doubt.

¶ 11 Regrettably the trial court, in making its finding, stated, "there's no question in my mind, without the deputy's testimony, I would have a hard time believing everybody here." Defendant attempts to use this statement as proof that the State's evidence was not sufficient. However, the fact remains that there was evidence, presented at trial, that could lead a rational trier of fact to the conclusion that a battery had occurred beyond a reasonable doubt. Therefore, pursuant to the *Collins* standard, the conviction must stand.

¶ 12

CONCLUSION

¶ 13 The judgment of the circuit court of La Salle County is affirmed.

¶ 14 Affirmed.