

**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).

NO. 4-10-0134

Order Filed 3/29/11

IN THE APPELLATE COURT  
OF ILLINOIS

FOURTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Woodford County
DAVID L. CARLTON,	)	No. 09CF74
Defendant-Appellant.	)	
	)	Honorable
	)	John B. Huschen,
	)	Judge Presiding.

PRESIDING JUSTICE KNECHT delivered the judgment of the court.  
Justices Steigmann and McCullough concurred in the judgment.

**ORDER**

*Held:* The evidence was sufficient to prove defendant guilty of obstructing justice beyond a reasonable doubt.

In October 2009, a jury found defendant, David L. Carlton, guilty of obstructing justice (720 ILCS 5/31-4(a) (West 2008)). In November 2009, the trial court sentenced him to an extended-term sentence of six years' imprisonment to run consecutive to any sentence imposed in McLean County case No. 09-CF-83. Defendant appeals, arguing the court erred in finding him guilty beyond a reasonable doubt.

We affirm.

I. BACKGROUND

In June 2009, the State charged defendant with obstructing justice. Specifically, the State alleged defendant

gave false information to Illinois State Police trooper Anthony Slaughter during a routine traffic stop. Following an October 2009 jury trial, defendant was found guilty.

At defendant's trial, Slaughter testified defendant was a passenger in a vehicle stopped by him in June 2009. When Slaughter asked defendant for identification, defendant responded he did not have any identification with him but his name was David Harris. When Slaughter checked the name defendant gave him in the law-enforcement-agencies data system (LEADS), the search results showed no record on David Harris. Slaughter returned to the vehicle and asked defendant to spell his name to verify the spelling. Defendant spelled his name as David Harris, and Slaughter noted he had correctly written defendant's name in his notebook. Slaughter then asked defendant to write his name in the notebook.

Slaughter asked the driver and defendant if he could walk his police canine dog around the vehicle, and they both consented. After the dog alerted for illegal narcotics, Slaughter requested they exit the vehicle. Slaughter searched the vehicle and found a small bottle of whiskey and a social security card with the name David Carlton. He asked defendant if his name was David Carlton, and defendant responded in the affirmative. Slaughter then placed defendant under arrest for obstructing justice and ran a LEADS inquiry on the name David Carlton.

Slaughter noted defendant had an outstanding warrant from McLean County. When Slaughter confronted defendant about giving him a false name, defendant repeatedly apologized for lying.

Next, the State presented as evidence a certified copy of the arrest warrant issued in January 2009 for defendant's failure to appear in McLean County case No. 09-DT-3.

After hearing all of the evidence, the jury found defendant guilty of obstructing justice. In November 2009, the trial court sentenced him to an extended-term sentence of six years' imprisonment to run consecutive to any sentence imposed in McLean County case No. 09-CF-83.

This appeal followed.

## II. ANALYSIS

On appeal, defendant argues his conviction for obstructing justice must be reversed because the State failed to prove him guilty beyond a reasonable doubt. Specifically, defendant argues the State failed to prove he provided false information with the intention of preventing apprehension.

When presented with a challenge to the sufficiency of the evidence, the question on review is whether, after viewing all of 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. Hall*, 194 Ill. 2d 305, 330, 743 N.E.2d 521, 536 (2000). A conviction

should be set aside when the evidence is so improbable or unsatisfactory as to create reasonable doubt of the defendant's guilt. *Hall*, 194 Ill. 2d at 330, 743 N.E.2d at 536.

Section 31-4(a) of the Criminal Code of 1961 provides:

"A person obstructs justice when, with intent to prevent the apprehension or obstruct the prosecution or defense of any person, he knowingly commits any of the following acts:

(a) Destroys, alters, conceals or disguises physical evidence, plants false evidence, furnishes false information[.]"

720 ILCS 5/31-4(a) (West 2008).

For the State to sustain its burden of proof on an obstructing-justice charge, it must prove (1) the defendant knowingly furnished false information and (2) the false information was furnished with the intent to obstruct prosecution. *People v. Gray*, 146 Ill. App. 3d 714, 716, 496 N.E.2d 1269, 1270 (1986). The statute requires the false information be given "with the intent to prevent the prosecution and with the knowledge \*\*\* the information was untrue." *Gray*, 146 Ill. App. 3d at 717, 496 N.E.2d at 1271. "State of mind or intent need not be proved by direct evidence, but can be inferred from the proof of surrounding circumstances." *People v. Jackiewicz*, 163 Ill. App.

3d 1062, 1065, 517 N.E.2d 316, 318 (1987).

It is undisputed the evidence presented at trial was sufficient to prove defendant provided false information to Slaughter. However, providing false information by itself is not sufficient to constitute an offense under the obstructing-justice statute. The State must also prove defendant provided the false information with the specific intent of avoiding apprehension. Although the State failed to produce any direct evidence defendant knew of the existence of the outstanding warrant, the jury was allowed to infer defendant's knowledge and his state of mind from the surrounding circumstances.

Slaughter testified he asked defendant for identification, and defendant responded he did not have any identification with him but his name was David Harris. Additionally, after the false name produced no results from the LEADS inquiry, Slaughter asked defendant to confirm the spelling of his name. Slaughter noted he had correctly spelled the name and asked defendant to write his name in a notebook. Slaughter further noted defendant wrote "David Harris" as his name. Defendant did not acknowledge his true identity until Slaughter confronted him with the social security card found in the vehicle.

It was not unreasonable for the jury to infer defendant knew he had a case pending in McLean County and had failed to appear in court for a hearing in the pending case. Further, it

was not unreasonable for the jury to infer defendant knew an arrest warrant was issued because of his failure to appear.

Defendant argues he was not attempting to prevent apprehension as evidenced by the fact he immediately admitted his true identity and apologized for lying. In *Gray*, 146 Ill. App. 3d at 718, 496 N.E.2d at 1272, this court stated a recantation by a defendant within a short period of time may permit the trier of fact to find the defendant not guilty of obstructing justice. However, this determination is based on the particular facts of each case. *Gray*, 146 Ill. App. 3d at 718-19, 496 N.E.2d at 1272. Thus, defendant's recantation in this case does not preclude a finding of guilt beyond a reasonable doubt.

After viewing the evidence in the light most favorable to the prosecution, we find the evidence was sufficient to prove defendant guilty of obstructing justice beyond a reasonable doubt.

### III. CONCLUSION

For the reasons stated, we affirm the trial court's judgment. As part of our judgment, we award the State its \$50 statutory assessment against defendant as costs of this appeal.

Affirmed.