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I. BACKGROUND

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Defendant, Henry Barrows, was charged by information with aggravated battery. The information alleged on February 6, 2008, defendant knowingly made physical contact of an insulting and provoking nature with Bruce Brand by kicking him, knowing Brand to be a correctional officer employee of the State of Illinois engaged in the performance of his authorized duties in violation of section 12-3 and 12-4(b)(18) of the Criminal Code of 1963 (720 ILCS 5/12-3, 12-4(b)(18) (West 2008)). Defendant asked the trial court to vacate its order appointing counsel as he preferred to defend himself. Defendant represented himself thereafter.

¶ 5

Defendant filed several pretrial motions including one requesting Brand's "disciplinary history," a copy of grievances filed against Brand between 2007 and 2008, a copy of all disciplinary reports written by Brand on the defendant, and copies of grievances filed by defendant against Brand.

¶ 6

On March 17, 2009, the trial court held a hearing on defendant's discovery motion. During the hearing, the court asked defendant why he needed Brand's disciplinary history. Defendant replied Brand had a history of assaulting numerous inmates and had lots of grievances and complaints filed against him by inmates. Defendant contended Brand would try to cover up his misconduct by accusing the inmates of assaulting him. The court then asked defendant what his defense was for this case and inquired "Is it simply a defense that it didn't happen?" Defendant responded "Yes" and stated he was trying to show Brand had a history of these incidents. Defendant stated his study of the law indicated it was relevant to show Brand's background.

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The State responded it did not have the information requested by defendant and

suggested he subpoena the Illinois Department of Corrections for this information. The trial court told defendant he could subpoena the information and denied his motion for discovery because, with the simple defense stated, the items did not seem to be relevant.

¶ 8 At trial, the State presented the testimony of Brand and another guard, Officer Jim Lindsay. They testified at about 9:30 a.m. on February 6, 2008, they were both escorting inmates down a hallway in opposite directions between their cells and the adjustment committed room where internal grievances were heard. Lindsay was escorting defendant and Brand was escorting another inmate, Kelzey Buckley. As they passed each other, defendant kicked Brand in the groin. Lindsay returned defendant to his cell and Brand returned Buckley to his. Brand then filled out paperwork on the incident and sought medical attention at the infirmary. Brand stated there was no bruising or swelling and he continued to work his complete shift that day.

¶ 9 On cross-examination, defendant established Lindsay considered Brand to be a friend. He further asked Lindsay if Brand referred to Buckley with terms of endearment. Lindsay replied he did not know. Defendant attempted to ask a number of other questions of Lindsay about Brand as to whether he used Buckley as an informant, whether Brand beat or did not feed inmates, and whether defendant was intending to kick Buckley when he kicked Brand. Objections were sustained as to all these questions.

¶ 10 Defendant also engaged in cross-examination of Brand. His questions of Brand as to whether he used Buckley as a "stool pigeon," asked Buckley to "moan" on the gallery, and whether he used terms of endearment with Buckley. These questions were objected to on grounds of relevancy, but the trial court allowed them as defendant argued they went to Brand's motive to lie. When he asked if Brand had a homosexual relationship with Buckley, the

objection was sustained. Defendant was allowed to ask Brand whether defendant had made grievances against Brand and what the contents were of those grievances. Brand did not remember specifics and denied he ever assaulted defendant or denied him food. Brand denied specific threats made to defendant. Defendant called Brand a liar when he denied the questions defendant was asking of him.

¶ 11 After numerous objections, the trial court held a conference with the State and defendant. The court asked defendant where he was going with his line of questioning. Defendant replied Brand harassed him before and defendant filed grievances against Brand. Further, defendant asserted Brand had a relationship with Buckley. Defendant's theory was (1) Brand was pressing false charges against him because defendant made many complaints against Brand's treatment of him and (2) defendant actually kicked Buckley, and Brand filed charges against defendant because he kicked Brand's homosexual stool pigeon. Therefore, defendant was cross-examining Brand to show why he would have motive to lie about defendant.

¶ 12 The court stated as long as the questioning went to bias, it would be allowed, although far-fetched. The court warned defendant, however, if he got an answer he did not like, he could not respond by saying the witness was lying.

¶ 13 Brand testified there were no other inmate witnesses to the incident. Defendant presented the testimony of several other inmates who either claimed to have seen or overheard the incident and stated defendant did kick Brand, and they heard comments from Brand such as "why did [defendant] kick Buckley."

¶ 14 Defendant testified he did not like Buckley because he was a homosexual and a stool pigeon and kicked him, not Brand. He categorically denied kicking Brand although earlier,

while cross-examining Brand and Lindsay, he intimated he might have kicked Brand by mistake while trying to kick Buckley. Defendant mentioned he had been convicted of other offenses in the past after confessing to the crimes because he was guilty. He stated he was not confessing here as he did not commit the offense for which he was charged.

¶ 15 Defendant was found guilty and sentenced to six years in prison to be served consecutively to the sentence he was already serving. This appeal followed.

¶ 16 II. ANALYSIS

¶ 17 Defendant contends the trial court abused its discretion in denying his motion for discovery, asking the State to produce copies of grievances filed against Brand by defendant and other inmates and copies of Brand's disciplinary records, and this denial denied him due process.

¶ 18 A trial court's decision regarding discovery requests is reviewed for an abuse of discretion. *People v. Williams* 209 Ill. 2d 227, 234, 807 N.E.2d 448, 453 (2004). When a defendant has been denied due process, the review is *de novo*. *People v. K.S.*, 387 Ill. App. 3d 570, 573, 900 N.E.2d 1275, 1278 (2008).

¶ 19 Defendant argues the case against him was dependent on the credibility of Officers Brand and Lindsay. Information pertaining to any disciplinary action taken against Brand for assaults on other inmates, and grievances filed against Brand by both defendant and other inmates, was relevant to support defendant's assertion Brand falsely accused defendant of kicking him. Defendant contends the trial court's decision this information was irrelevant was incorrect and hindered his ability to properly present his defense.

¶ 20 The issue was whether Brand was telling the truth about the incident with defendant. Other incidents in which Brand made accusations against inmates after an assault

