

No. 1-10-3291

**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).

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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|--------------------------------------|---|------------------|
| THE PEOPLE OF THE STATE OF ILLINOIS, | ) | Appeal from the  |
|                                      | ) | Circuit Court of |
| Plaintiff-Appellee,                  | ) | Cook County.     |
|                                      | ) |                  |
| v.                                   | ) | No. 09 CR 15918  |
|                                      | ) |                  |
| MARQUINCY TEAGUE,                    | ) | Honorable        |
|                                      | ) | Thomas M. Davy,  |
| Defendant-Appellant.                 | ) | Judge Presiding. |

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

**ORDER**

¶ 1 *Held:* Testimony provided by victim-officer, the State's sole witness, was sufficient to support defendant's conviction for aggravated battery to a police officer.

¶ 2 Following a bench trial, defendant Marquincy Teague was convicted of aggravated battery of a police officer. On appeal, defendant contends that the State failed to prove him guilty beyond a reasonable doubt because the testimony of the police officer victim was incredible and uncorroborated. We affirm.

¶ 3 Chicago police officer Travis Armstead testified that he was working as a lockup keeper at a Chicago police station on August 20, 2009. Around 5:25 a.m., Armstead attempted to search defendant, who was in the lockup and not wearing handcuffs after having been arrested earlier that morning. Armstead noticed that defendant, with whom he was previously acquainted, appeared to be under the influence of alcohol, and his eyes were reddish. Defendant told Armstead that Armstead "wasn't gonna be able to search him." Defendant then grabbed Armstead by his left wrist and pulled Armstead towards him. Defendant, still holding Armstead's wrist, sat down on a bench, braced himself, and kicked Armstead with a "glancing blow."

¶ 4 To defend himself, Armstead struck defendant with an open hand, using a technique that was approved by the police department and for which he had received official training. Armstead then pulled defendant to the ground for a "take-down," during which defendant struck his head. Armstead noted that his arm was "sore and swollen" after the encounter with defendant. No photographs were taken of Armstead's injuries, and he did not visit the hospital for treatment. Armstead testified that video cameras are in the lockup, but he did not know if the cameras were running while he was attempting to search defendant or if any videotapes were preserved of the incident.

¶ 5 The parties stipulated that defendant was treated at and released from the hospital later that day for blunt head trauma which consisted of a laceration to his forehead, requiring six stitches.

¶ 6 In finding defendant guilty, the court noted that it did not find Armstead's testimony to be "evasive." The court found that the evidence supported a finding that Armstead was engaged in performing his official duties as required by the aggravated battery statute, that he subdued defendant using physical force as approved by the police department and that defendant's actions

caused both physical contact of an insulting nature and bodily harm to Armstead. The court imposed a five-year sentence.

¶ 7 On appeal, defendant asserts that the State failed to prove him guilty beyond a reasonable doubt because Officer Armstead's testimony was incredible, and there was no corroborating evidence, such as photographs of the injuries or a videotape from the police lockup.

¶ 8 Evidence is deemed sufficient when, viewed in a light most favorable to the State, any rational trier of fact would have found the essential elements of the crime beyond a reasonable doubt. *People v. Smith*, 185 Ill. 2d 532, 541 (1999). This court will not reverse a defendant's conviction unless the evidence is "so unreasonable, improbable or so unsatisfactory as to justify a reasonable doubt of the defendant's guilt." *People v. Sutherland*, 155 Ill. 2d. 1, 17 (1992).

¶ 9 A person commits aggravated battery of a police officer when he "knowingly and without legal justification \*\*\* causes bodily harm" or "makes physical contact of an insulting or provoking nature" with a victim that he knows to be a police officer working in his official capacity. 720 ILCS 5/12-4(b)(18) (West 2010); 720 ILCS 5/12-3(a)(West 2010). "The testimony of a single witness, if it is positive and the witness credible, is sufficient to convict." *People v. Castillo*, 372 Ill. App. 3d 11, 20 (2007). Corroborating medical evidence is not necessary where a victim-officer testifies to his injuries. *Id.* at 20-21.

¶ 10 We find *Castillo* instructive, where an officer testified as the State's sole witness that he was attempting to arrest the defendant when the defendant hit him in the face with a closed fist, causing the officer to fall and injure his shoulder. *Id.* The State did not present any additional evidence that he was injured. *Id.* The court found the evidence sufficient to establish that the defendant had caused the officer bodily harm under the aggravated battery statute. *Id.* at 21.

¶ 11 Here, as in *Castillo*, Officer Armstead testified as the sole witness for the State that he was prevented by defendant from discharging a duty he was attempting to perform in his official

capacity as a police officer. When defendant grabbed and pulled Armstead's wrist, kicking him, Armstead responded by using approved methods to subdue him. The actions of defendant caused Armstead's arm to become "sore and swollen." *Castillo* makes it clear that the State was not required to offer any additional evidence regarding Armstead's injury. We find that there was sufficient evidence to support defendant's conviction for aggravated battery of a police officer.

¶ 12 Neither *People v. Schott*, 145 Ill. 2d 188 (1991), nor *People v. Smith*, 185 Ill.2d 532, demand a different result. In *Schott*, the Supreme Court reversed a defendant's sex offense conviction where a victim's testimony was found by the court to be "so fraught with inconsistencies and contradictions" as to be "lacking in credibility" and the State offered no corroborating evidence. *Schott*, 145 Ill. 2d at 206-07. Similarly, in *Smith*, the court reversed a defendant's murder conviction which it found to have been based on uncorroborated and "serious[ly] inconsist[ant]" testimony from one witness, who had been impeached several times on relevant issues during the trial. *Smith*, 185 Ill. 2d at 545. Here, the trial court found Officer Armstead's testimony not to be "evasive," as defendant had argued, and it was not impeached.

¶ 13 For the foregoing reasons, we affirm the judgment of the trial court.

¶ 14 Affirmed.