

No. 1-11-2206

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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 CR 11436
)	
CORRE TAYLOR,)	Honorable
)	Stanley Sacks,
Defendant-Appellant.)	Judge Presiding.

JUSTICE TAYLOR delivered the judgment of the court.
Presiding Justice McBride and Justice Palmer concurred in the judgment.

ORDER

- ¶ 1 *Held:* Where testimony revealed patient in psychiatric unit was on medication and was threatened by defendant in connection with sexual encounters in hospital, State established defendant's knowledge that patient was unable to freely consent to sexual acts; the judgment of the trial court was affirmed.
- ¶ 2 Following a bench trial, defendant Corre Taylor was convicted of two counts of criminal sexual abuse. Defendant was sentenced to 30 months of probation and was ordered to register as a sex offender for at least 10 years. On appeal, defendant contends the State failed to prove his guilt beyond a reasonable doubt because it was not established that the complainant, who was a

patient in the psychiatric unit of the hospital where defendant worked, was unable to consent to sexual contact. We affirm.

¶ 3 At defendant's trial in 2011, Sonia Sanchez, the complainant, testified she was 39 years old. She had completed high school and was last employed in 2009 as a customer service representative. In March 2010, when the events pertinent to this appeal took place, Sanchez had been under the care of a psychiatrist for about eight years for bipolar disorder, depression, insomnia and attention deficit hyperactivity disorder. Sanchez stated she was taking medications in March 2010 for those conditions but could not recall the medications' names.

¶ 4 Sanchez testified that after she participated in a sleep study in February 2010, a doctor recommended that she check herself into the psychiatric unit of Thorek Hospital. Sanchez did so in March 2010, and she was assigned a room, with a roommate, and was given medication. Sanchez testified she was "very anxious" and "antsy" upon checking in and that she had not slept in several days and felt like she "needed help." Sanchez did not recall sleeping on her first night in the hospital and said the medication "didn't do anything for me."

¶ 5 The next day, Sanchez had breakfast and was given medication by a nurse at about 8 a.m. The medication made her "drowsy" but "still not sleepy." Sanchez spent the next several days with a fellow patient watching TV and talking to other patients. She said counselors served them meals in a cafeteria on their floor.

¶ 6 On March 16, 2010, several days after Sanchez entered the hospital, defendant was in the cafeteria. Sanchez testified defendant was a counselor and made announcements to the patients. As Sanchez left the cafeteria, defendant asked if he could speak to her later and asked if she had a husband or boyfriend. When she replied no, he spoke to her in Spanish and told her he would come to her room shortly.

¶ 7 When defendant came to her room about an hour later, Sanchez was lying on the bed wearing two hospital gowns, with one open to the front and one open to the back. Defendant sat on a chair next to the bed and, according to Sanchez, "started asking me the normal questions that I was expecting as far as why I was there, what brought me to this place and what medication I'm on." Sanchez said the encounter seemed like a routine counseling session to that point.

¶ 8 Sanchez testified defendant then told her she was pretty and beautiful and asked her for a hug and a kiss. Sanchez said she felt "awkward" because "he shouldn't be commenting on that in his position." They hugged and kissed after defendant grabbed her and made her stand up. Defendant pressed his body against her as they kissed and then, Sanchez stated, he "laid me down on the bed." Defendant kissed her and touched her body over her hospital gown and pressed his genitals against hers.

¶ 9 After two minutes of interaction, defendant ran into the hall to see if everything was okay. He returned to Sanchez's room and led her to the bathroom, where he closed the door and picked her up and sat her on the sink. Defendant reached under her gown and touched her genitals with his hand. Sanchez acknowledged that she kissed defendant but said she "could not stop" and could not explain why. Defendant grabbed her hand and put in on his penis. When Sanchez pulled her hand away, he left the room.

¶ 10 Sanchez said that in another encounter, defendant took her to the laundry room, which he accessed with a key, and fondled her. Defendant told her they had to "hurry up" so he did not get caught. Defendant told Sanchez he took her to that room and to a closet elsewhere in the facility because those locations did not have security cameras. He also returned to her room and forced her into the bathroom a second time.

¶ 11 Defendant gave Sanchez his phone number, and she contacted him after she was released from the hospital because she "felt threatened" because defendant had said she had "better call him [] at this number when I got out."

¶ 12 Sanchez testified she did not agree to defendant's actions but further stated, "I couldn't tell him to stop. I was medicated. I was in the mental health or psychiatric unit. I wasn't in the right state of mind. I just couldn't get the words out." Sanchez said she was afraid of defendant because he told her he had "bodyguards" and "a lot of connections" and "if he wanted someone done, he can have them done with no problem," which she thought meant he could have people killed. Defendant also said he could have people followed, and she feared he could learn her address from her hospital record.

¶ 13 Three weeks after her discharge, Sanchez contacted Lindsey Janz, a social worker at the hospital, for counseling services. She met with Janz and told her about her encounters with defendant. Sanchez checked herself back into the hospital the following day because she was "very depressed." Sanchez reported the incidents to police on or around April 16.

¶ 14 On cross-examination, Sanchez said that on the day she initially checked herself into the hospital, she drove herself there, was diagnosed in the emergency room and was taken to the psychiatric ward. Sanchez said she was surprised to be placed in the psychiatric unit.

¶ 15 Sanchez said defendant never administered medication to her and she denied that in her interview with Janz, she referred to her encounters with defendant as "make-out sessions." Sanchez said Janz assured her defendant was not at the hospital when she admitted herself a second time.

¶ 16 Sanchez admitted that she kissed defendant back and did not attempt to stop his advances. She also acknowledged she initiated contact with defendant after she was released from the hospital. She said she picked defendant up from work at his request and drove around with him

in her car for 45 minutes but had no physical contact. Sanchez sent text messages to defendant and called defendant after her first release from the hospital. She did not tell Janz about defendant's advances until the day after their initial meeting.

¶ 17 Janz testified that after her initial conversation with Sanchez, she called a supervisor, who instructed her to file an incident report. After defendant's supervisors spoke with him, he memorialized his version of events in a written statement, which he signed. Defendant also signed a resignation letter drafted by the hospital's legal counsel.

¶ 18 In May 2010, defendant was interviewed by police and admitted to the physical interactions with Sanchez as described in her testimony. Defendant acknowledged in his statement that his acts involving Sanchez were inappropriate because she was a mentally unstable and medicated patient. He stopped kissing Sanchez in the bathroom because he thought someone was coming and that he chose locations in the facility that were not filmed by security cameras. He admitted telling Sanchez the mob was watching him and he could get people killed, and he also acknowledged his supervisor had warned him about how much time he was spending with Sanchez and told him he should not go into her room.

¶ 19 The parties stipulated to the following testimony. Dr. Sanjay Patel would testify he was Sanchez's treating psychiatrist on March 11 when she was voluntarily admitted. Sanchez complained of insomnia, sleep walking and depression. Dr. Patel would testify he diagnosed Sanchez with "bipolar disorder mixed without psychosis," and he listed the medications Sanchez was taking before being admitted and those he prescribed for her use while in the hospital.

¶ 20 Dr. Patel also would testify Sanchez was discharged on March 18 and was voluntarily re-admitted on April 8 because she had stopped taking her medications and was hearing screaming voices in her head. On that date, he evaluated Sanchez and diagnosed her with bipolar disorder and depression. The parties also stipulated that phone records would reflect calls and text

messages from defendant to Sanchez, and vice versa, between March 19 and March 31.

Defendant did not testify.

¶ 21 In finding defendant guilty of two counts of criminal sexual abuse, the court stated Sanchez lacked the ability to knowingly consent to his actions and defendant "took advantage of her because he knew that she could not give knowing consent." The court later denied defendant's motion for a new trial. After hearing evidence in aggravation and mitigation, the court sentenced defendant to 30 months of probation.

¶ 22 On appeal, defendant contends the State failed to prove that Sanchez was unable to knowingly consent to his actions. He argues the evidence established that Sanchez had the opportunity to object to his advances and was a willing participant in their activity.

¶ 23 When a defendant challenges the sufficiency of the evidence presented at trial, we consider the evidence in the light most favorable to the prosecution and determine whether any rational trier of fact could have found the essential elements of the crime were proven beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307, 319 (1979); *People v. Wheeler*, 226 Ill. 2d 92, 114 (2007). In conducting this review, it is not this court's function to retry the defendant. *People v. Jackson*, 2012 IL App (1st) 100398, ¶ 39. A reviewing court will not overturn a criminal conviction "unless the evidence is so improbable or unsatisfactory that it creates a reasonable doubt of the defendant's guilt." *People v. Givens*, 237 Ill. 2d 311, 334 (2010).

¶ 24 Defendant was convicted of two counts of criminal sexual abuse in violation of section 12-15(a)(2) of the Criminal Code of 1961 (720 ILCS 5/12-15(a)(2) (West 2010)), which provides that offense is committed if the accused engages in sexual conduct and knows the complainant is either: (1) unable to understand the nature of the act or (2) unable to give knowing consent. The counts in this case charged that defendant knew Sanchez was "unable to give knowing consent" to his actions. Defendant contends, though, that no evidence was presented that Sanchez was

physically or intellectually incapable of consenting or that her mental illness at the time of the encounters deprived her of the ability or opportunity to consent.

¶ 25 The State is not required to prove that the complainant had a mental impairment that "alone rendered her incapable of giving or withholding consent." See *People v. Beasley*, 314 Ill. App. 3d 840, 846-47 (2000). Rather, the *Beasley* court explained the State must only establish that the complainant was unable to give knowing consent "due to circumstances beyond her control." *Id.*

¶ 26 An analysis of knowing consent involves "those facts that demonstrate control and its misuse by defendant over the exercise of [a] complainant's free will." *People v. Whitten*, 269 Ill. App. 3d 1037, 1044 (1995). The *Whitten* court further stated:

" 'Consent' implies a willingness, voluntariness, free will, reasoned or intelligent choice, physical or moral power of acting, or an active act of concurrence (as opposed to a passive assent) unclouded by fraud, duress, or mistake. [Citation.] The ability to give knowing consent should involve more than measuring complainant's IQ or ability to physically resist defendant. Knowing consent requires us to examine all of the circumstances to see if defendant knowingly exercised such control over complainant that a trier of fact could find that complainant did not submit to the sexual advances of defendant voluntarily, intelligently, and by an active concurrence."

¶ 27 Thus, the focus of this issue is the knowledge held by the defendant. *People v. Lloyd*, 2011 IL App (4th) 100094, ¶ 34.

¶ 28 In the instant case, defendant knew he should not be alone with Sanchez, a medicated patient under psychiatric care, in her room, and he moved them to areas in the hospital where their actions would not be seen or filmed by security cameras. The trier of fact heard evidence to support the theory that defendant knew Sanchez was not able to give knowing consent to his actions.

¶ 29 Sanchez's participation demonstrated the type of "passive assent" described in *Whitten*. When Sanchez was asked why she did not object to defendant's advances, she testified she was not "in the right state of mind" and "couldn't get the words out." Sanchez claimed she felt threatened by defendant, and defendant admitted to police that he made threatening statements to Sanchez, thus exercising control over her. Indeed, the trial judge stated that defendant "took advantage of" Sanchez. Although Sanchez did not immediately report the incidents to hospital officials and she initiated contact with defendant after her release, she testified that she did so because she felt threatened. See *Beasley*, 314 Ill. App. 3d at 846-47 (complainant's delay in alleging sexual assault does not negate her testimony that she did not consent). Here, as in *Beasley*, the trial court could consider its own observations of Sanchez during her testimony.

¶ 30 In summary, considering all of the relevant evidence in the light most favorable to the State, the trial court could conclude defendant was aware that Sanchez was unable to knowingly consent to defendant's acts in the hospital.

¶ 31 Accordingly, the judgment of the trial court is affirmed.

¶ 32 Affirmed.