

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).

2012 IL App (3d) 100583-U

Order filed February 14, 2012

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

A.D., 2012

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the Circuit Court
)	of the 14th Judicial Circuit,
Plaintiff-Appellee,)	Rock Island County, Illinois,
)	
v.)	Appeal No. 3-10-0583
)	Circuit No. 09-CF-811
JENNIFER L. MYRICK,)	
)	Honorable
Defendant-Appellant.)	Walter D. Braud,
)	Judge, Presiding.

JUSTICE McDADE delivered the judgment of the court.
Justices Lytton and Carter concurred in the judgment.

ORDER

- ¶ 1 *Held:* Defendant did not prove she acted under compulsion and was proved guilty beyond a reasonable doubt.
- ¶ 2 Defendant, Jennifer L. Myrick, was convicted of aggravated fleeing and eluding a peace officer (625 ILCS 5/11-204.1 (West 2008)). Defendant appeals her conviction, arguing that the State did not prove her guilty beyond a reasonable doubt because she proved the affirmative defense of compulsion. We affirm.

¶ 3

FACTS

¶ 4 On September 12, 2009, defendant drove her boyfriend Johnny Angel and his friend Marques Wilson to Genesis East hospital in Davenport, Iowa. While defendant was in the parking lot, Wilson and Angel got out of the car and walked toward a nearby van. Wilson began arguing with the driver of the van, and defendant drove out of the parking lot. Around the time defendant exited the parking lot, Wilson purportedly shot the individual he was arguing with.

¶ 5 After the shooting, defendant picked up Angel and Wilson and drove away from the hospital. Officer Eric Gruenhagen passed defendant's car as he was responding to the call of shots fired at the hospital. When he saw defendant's vehicle, Gruenhagen switched on his red and blue overhead lights and attempted to stop defendant. However, defendant did not stop. Gruenhagen pursued defendant through Davenport, turning on his siren as defendant turned onto a main street. He continued to follow defendant through town and onto Interstate 74 East, towards Illinois. While on I-74, the chase reached speeds of 100 miles per hour. After entering Illinois, defendant exited I-74 onto 23rd Avenue in Moline.

¶ 6 While pursuing defendant through Moline, Gruenhagen reached speeds of approximately 80 miles per hour. Moline police officers joined the pursuit and deployed stop sticks to flatten defendant's tires. Defendant purportedly hit the stop sticks, but continued driving for another 10 blocks until she turned into a dead end. Gruenhagen rushed up to defendant's door and pulled her out of the car. Defendant purportedly said "thank God this is over" as she was removed from the driver's seat. Additional police officers removed Angel from the front passenger seat and Wilson from the rear passenger seat. A handgun was recovered from under the right front passenger seat; however, the gun was not linked to the earlier shooting.

¶ 7 At trial, Officer Scott Crow testified that he provided backup to Gruenhagen and was the second pursuit car for most of the chase. Crow opined that he saw no reason why defendant could not have pulled over during the pursuit.

¶ 8 Defendant testified that she initially did not pull over because she did not see a place to stop. Further, when she purportedly started to stop, Wilson grabbed her hair and began yelling at her not to pull over. Wilson allegedly threatened defendant and said that she would be sorry if she stopped the car. Defendant thought that she felt Wilson place a gun against her neck. She then told Wilson that she was going to pull over, and he responded "that if [she] pulled the car over they would take all of [the occupants] out of the car in bags." While the chase was on I-74, Wilson attempted to wrestle defendant out of the driver's seat because she was not driving fast enough. In Moline, defendant put on the brakes after she hit the stop sticks, but Wilson told her to keep going. Eventually she turned into a dead end to end the chase.

¶ 9 Defendant said that after the chase ended, she was interviewed by the police. She testified that she told the police that Wilson had grabbed her hair and held a gun to her neck, and she asked to press charges. At the close of defendant's case, the State introduced a certified copy of defendant's prior convictions for possession of marijuana with intent to distribute and conspiracy to possess marijuana with intent to distribute.

¶ 10 In rebuttal, the State called Detective Shawn Roth to testify. Roth stated that he interviewed defendant after the incident. Defendant purportedly never told Roth that Wilson put a gun to her neck or grabbed her hair. Instead, defendant said that Wilson got close to her and yelled at her not to stop. Roth also noticed that defendant seemed surprised when she was told that a gun was found in her car. Detective Brandon Noonan also interviewed defendant and did

not recall defendant stating that she felt Wilson put a gun to her neck. Noonan noted that this fact would have been beneficial to his case in Davenport, Iowa.

¶ 11 At the end of the trial, the court found that the police officers' testimony was credible but defendant was not credible. The court noted that defendant had been impeached by her prior convictions and that there were significant inconsistencies in her testimony about the presence of a gun and the hair pulling. The court also noted that defendant could not have led police on such a high speed chase with a gun at her neck and her hair being pulled, while wrestling for control of the vehicle. The court concluded that there was no credible evidence that defendant had acted under compulsion and defendant's statement at the time of her arrest was contrived. The court found defendant guilty of aggravated fleeing and eluding and sentenced her to 39 months in prison. Defendant appeals.

¶ 12 ANALYSIS

¶ 13 Defendant argues that she was not proved guilty beyond a reasonable doubt because she established the defense of compulsion and the State failed to disprove the defense beyond a reasonable doubt.

¶ 14 The defense of compulsion requires a defendant prove that she committed the charged offense under compulsion of threat of imminent infliction of death or great bodily harm. See 720 ILCS 5/7-11(a) (West 2008); see also *People v. Humphries*, 257 Ill. App. 3d 1034 (1994). After a defendant establishes the defense, the burden of proof shifts to the prosecution to disprove compulsion beyond a reasonable doubt. *People v. Sanders*, 168 Ill. App. 3d 295 (1988).

¶ 15 When reviewing the sufficiency of the evidence, 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.' " (Emphasis omitted.) *People v. Collins*, 106 Ill. 2d 237, 261 (1985) (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)). We note that the defense of compulsion raises a question of fact, and therefore we defer to the trial court's determinations as to the credibility of witnesses and weight assigned to their testimony. See *People v. Jackson*, 100 Ill. App. 3d 1064 (1981). We will not substitute our judgment for the trial court's unless the evidence is so unreasonable, improbable, or unsatisfactory that it creates a reasonable doubt of defendant's guilt. *Sanders*, 168 Ill. App. 3d 295.

¶ 16 Here, defendant failed to establish a defense of compulsion. Defendant's evidence of compulsion consisted of her testimony that Wilson pulled her hair, held what she thought was a gun to her neck, and made threats of bodily harm or death during the police chase; the presence in the vehicle of a gun not used in the earlier shooting; and her statement upon emerging from the car of relief that the chase was over. However, the trial court found defendant's testimony was impeached by her prior convictions and by the other statements she made to detectives following her arrest. While we might have weighed the evidence differently than the trial court did, we do not find the court's judgment so unreasonable, improbable, or unsatisfactory as to create a reasonable doubt about defendant's guilty. *Sanders*, 168 Ill. App. 3d at 306-07. We note that the trial court expressly found that she was not a credible witness and that the police officers were credible. With regard to defendant's statement, "thank God this is over," this statement was not necessarily indicative of compulsion and could have been contrived. Moreover, we find no other evidence in the record that made the trial court's ruling unreasonable and created doubt as to defendant's guilt. Therefore, we affirm the trial court's conviction and sentence.

¶ 17

CONCLUSION

¶ 18 For the foregoing reasons, the judgment of the circuit court of Rock Island County is affirmed.

¶ 19 Affirmed.