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2012 IL App (3d) 100928-U

Order filed May 1, 2012

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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 12th Judicial Circuit,
Plaintiff-Appellee,	)	Will County, Illinois,
	)	
v.	)	Appeal No. 3-10-0928
	)	Circuit No. 08-CF-1804
	)	
JAMES SATTERWHITE,	)	Honorable
	)	Robert P. Livas,
Defendant-Appellant.	)	Judge, Presiding.

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JUSTICE O'BRIEN delivered the judgment of the court.  
Presiding Justice Schmidt and Justice Lytton concurred in the judgment.

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**ORDER**

¶ 1 *Held:* There was sufficient evidence to support the defendant's conviction for aggravated battery of a DOC employee where the evidence demonstrated that the victim was a teacher, she was employed by the correctional institution, she acted in her role as a teacher by correcting the defendant's work, and the defendant had been in her class for several days prior to the battery.

¶ 2 After a jury trial, the defendant, James Satterwhite, was convicted of aggravated battery.

720 ILCS 5/12-4(b)(18) (West 2008). He was sentenced to 13 years' imprisonment. On appeal, he argues that the evidence was insufficient to convict him of aggravated battery because no

evidence was presented to show that he knew the victim was an employee of the Department of Corrections (DOC). We affirm.

¶ 3

### FACTS

¶ 4 At trial, the State's first witness was the victim, Diane Coleman. She testified that on March 25, 2008, she was employed as a teacher with the Stateville Correctional Center. She stated that she taught Adult Basic Education, which is for inmates below a sixth grade level. Prior to the battery, the defendant had been a student in her class for a few days.

¶ 5 On the day of the incident, Coleman took attendance and passed out work for the inmates to complete. She saw the defendant blow his nose into his hands, and she asked him to step outside and wash his hands. After he complied, Coleman checked his work, and she testified that he was working well. However, at some point, she noticed that the defendant "started like patting on his lap," and so she called him back to her desk to check his work. She noticed that the work was wrong, and asked him to correct it. He then threw his paper on her desk, and started beating her on the head and neck. The defendant was restrained by a security guard, and Coleman was taken to the hospital.

¶ 6 Sergeant Anthony Selmon, a DOC guard, testified that he saw the defendant beating Coleman, and that he eventually was able to restrain the defendant. Jude Evans, an investigator for the DOC, testified that the defendant admitted "slapp[ing]" Coleman. The attorneys then gave closing arguments, and the jury returned a guilty verdict. The defendant was sentenced to 13 years' imprisonment, and he appealed.

¶ 7

### ANALYSIS

¶ 8 On appeal, the defendant argues that there was insufficient evidence to convict him

because the State failed to present any evidence to show that he knew Coleman was employed by the DOC, as required by section 12-4(b)(18) of the Criminal Code of 1961 (the Code). We disagree.

¶ 9 When a defendant challenges the sufficiency of the evidence supporting his conviction, a reviewing court must determine whether, when viewing the evidence in the light most favorable to the State, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *People v. Collins*, 214 Ill. 2d 206 (2005). Upon review, the trier of fact remains responsible for making determinations regarding the credibility of witnesses, the weight to be given to their testimony, and the reasonable inferences to be drawn from the evidence. *People v. Ross*, 229 Ill. 2d 255 (2008). We will set aside a defendant's conviction only when we find the evidence was insufficient or so improbable or unsatisfactory that a reasonable doubt exists as to the defendant's guilt. *People v. Ortiz*, 196 Ill. 2d 236 (2001).

¶ 10 In order to prove the defendant guilty of aggravated battery under section 12-4(b)(18) of the Code, the State had to prove that the defendant: (1) knowingly made physical contact of an insulting or provoking nature with Coleman; (2) knew that Coleman was a correctional institutional employee; and (3) knew that Coleman was engaged in the execution of official duties. 720 ILCS 5/12-4(b)(18) (West 2008). On appeal, the defendant only challenges whether the State proved the second requirement.

¶ 11 In the instant case, the defendant contends there was insufficient evidence that he had knowledge of Coleman's status as a DOC employee. Rather, Coleman could have been a volunteer or independent contractor. However, in order to sustain a charge for aggravated battery, "[t]he State need not prove that defendant knew the precise nature of [the victim]'s

employment relationship." *People v. Lattimore*, 2011 IL App (1st) 093238, ¶ 93.

¶ 12 Moreover, knowledge of a material fact includes awareness of the substantial probability that the fact exists. 720 ILCS 5/4-5 (West 2008). In this case, when viewing the evidence in the light most favorable to the State, we find that sufficient evidence was presented that the defendant was aware of the substantial probability that Coleman was a DOC employee. Coleman was employed by the Stateville Correctional Center as a teacher, she was acting in that role by correcting the defendant's work, and he had previously been in her class for several days. Although Coleman could have been a volunteer, the above evidence demonstrates that the defendant knew at the time he hit her that there was a substantial probability that she worked for the DOC. Accordingly, we find that the evidence was sufficient to convict the defendant of aggravated battery.

¶ 13

#### CONCLUSION

¶ 14 For the foregoing reasons, the judgment of the circuit court of Will County is affirmed.

¶ 15 Affirmed.