



whether she was on the track team. She responded "no," at which point defendant asked her about the size of her breasts. She did not respond and sped up the pace of her walking. Defendant maintained the pace beside her, however. According to the victim, defendant then offered her \$60 to get in his van and show him a good time. She again told him "no," and he ordered her to get in the van. The victim attempted to speed up again to cross the street in order to go to another friend's house in the area. She tried to cross, but defendant also sped up, staying alongside her. She then acted like she was going to go in front of him but instead ran behind him and crossed the street to her friend's house. By this time she was crying and visibly upset. The father of the friend was at home and offered to take her back to her house. As they got into his vehicle, defendant drove by again. They followed him to get a license plate number and called the police. The plate was registered to a blue van owned by defendant and his wife. Defendant initially told the police he had not been in the area and had gone out to pick up lunch for himself and his wife. He later admitted he had been in the area where the victim and her friend were jogging and had noticed the two girls while looking for a restaurant. He asked one of them if they were on the track team but after getting a negative response continued on his way to pick up lunch. He denied making any other comments to them or following either of them. The trial court specifically found the victim's testimony more credible and concluded that defendant was guilty of both attempted unlawful restraint and stalking.

¶ 4 Defendant argues on appeal that there was insufficient evidence to prove beyond a reasonable doubt that he knowingly committed attempted unlawful restraint. We agree with the State that the un rebutted testimony of the victim sufficiently established that defendant intentionally attempted to prevent her from crossing the street, thereby sustaining his conviction for attempted unlawful restraint.

¶ 5 When reviewing a challenge to the sufficiency of the evidence, we consider, after

viewing the evidence in the light most favorable to the prosecution, whether any rational trier of fact could have found the essential elements of the crime proven beyond a reasonable doubt. *People v. Cunningham*, 212 Ill. 2d 274, 278, 818 N.E.2d 304, 307 (2004); *People v. Collins*, 106 Ill. 2d 237, 261, 478 N.E.2d 267, 277 (1985). It is the trier of fact's responsibility, not ours, to resolve any conflicts or inconsistencies in the evidence, to assess the credibility of the witnesses, and to weigh the evidence. *People v. Graham*, 392 Ill. App. 3d 1001, 1009, 910 N.E.2d 1263, 1271 (2009). Consequently, a criminal conviction will not be set aside on appeal unless the evidence is so unreasonable, improbable, or unsatisfactory that it creates a reasonable doubt as to the defendant's guilt. *People v. Hall*, 194 Ill. 2d 305, 330, 743 N.E.2d 521, 536 (2000). We see no reason to overturn defendant's conviction in this instance.

¶ 6 The gist of unlawful restraint is the detention of a person by some conduct which prevents that person from moving from one place to another. *People v. Brians*, 315 Ill. App. 3d 162, 174, 732 N.E.2d 1109, 1119 (2000). The detention must be wilful, against the victim's consent, and prevent movement from one place to another. *People v. Bowen*, 241 Ill. App. 3d 608, 628, 609 N.E.2d 346, 361 (1993). Actual or physical force is not a necessary element of unlawful restraint as long as an individual's freedom of locomotion is impaired. *People v. Warner*, 98 Ill. App. 3d 433, 436, 424 N.E.2d 747, 749 (1981). The duration of the restraint, even if it is only a few seconds, is inconsequential. *People v. Jones*, 93 Ill. App. 3d 475, 479, 417 N.E.2d 647, 651 (1981). Defendant's actions in this instance constituted, at a minimum, attempted unlawful restraint.

¶ 7 The evidence presented revealed that the victim and her friend went for a jog one early afternoon in June using the streets near their homes. At one point, the victim fell behind her friend when she had to stop at an intersection. She noticed that a man driving a blue van was continuing to drive by and watch her, making her feel uncomfortable. When the van

appeared for the third time, she abandoned her planned route and decided to stop at a nearby friend's house instead. Defendant pulled up alongside her, started asking her lewd questions, and offered her money to get in his van before he ordered her to do so. The victim needed to cross the street to get away to her friend's house. She tried to cross the street but defendant kept driving right next to her, blocking her way. She sped up her pace, but so did defendant. Finally, she fainted forward and then dashed behind his van to make her escape. Defendant had prevented her from crossing the street by keeping his van between her and where she wanted to go, the gist of unlawful restraint. More importantly, defendant was charged with and convicted of attempted unlawful restraint. Defendant, therefore, did not need to succeed in blocking her from crossing the street—he needed only to take a substantial step toward this goal. By keeping pace with the victim, defendant revealed his intent to detain her and took a substantial step toward the goal of restraining her. The fact that the victim figured out a way to evade defendant is immaterial. Considering the evidence in the light most favorable to the prosecution, there is no doubt of defendant's guilt.

¶ 8 For the foregoing reasons, we affirm the judgment of the circuit court of Marion County.

¶ 9 Affirmed.