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IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

THE PEOPLE OF THE STATE)	Appeal from the Circuit Court
OF ILLINOIS,)	of Lake County.
)	
Plaintiff-Appellee,)	
)	
v.)	No. 11-CF-4101
)	
ALAN DUFIELD,)	Honorable
)	Thomas Schippers,
Defendant-Appellant.)	Judge, Presiding.

JUSTICE HUDSON delivered the judgment of the court.
Justices Schostok and Spence concurred in the judgment.

ORDER

- ¶ 1 *Held:* Evidence was sufficient to support defendant’s conviction of aggravated fleeing or attempting to elude a peace officer where officer testified he activated his “emergency lights.”
- ¶ 2 Defendant, Alan Dufield, was convicted of one count of aggravated fleeing or attempting to elude a peace officer (625 ILCS 5/11-204.1 (West 2010)). He now appeals, challenging the sufficiency of the evidence. For the reasons that follow, we affirm
- ¶ 3 When a defendant challenges the sufficiency of the evidence, the following standards apply. We must consider “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.” *People v. Williams*, 376 Ill. App. 3d 875, 883 (2007). Moreover, all reasonable inferences are to be drawn in the State’s favor. *People v. Cunningham*, 212 Ill. App. 3d 274, 280 (2004).

¶ 4 In order to sustain a conviction of aggravated fleeing or attempting to elude a peace officer (625 ILCS 5/11-204.1 (West 2010)), the State must prove that a driver:

“flees or attempts to elude a peace officer, after being given a visual or audible signal by a peace officer in the manner prescribed in subsection (a) of Section 11-204 of this Code, and such flight or attempt to elude:

- (1) is at a rate of speed at least 21 miles per hour over the legal speed limit;
- (2) causes bodily injury to any individual;
- (3) causes damage in excess of \$300 to property;
- (4) involves disobedience of 2 or more official traffic control devices; or
- (5) involves the concealing or altering of the vehicle's registration plate.” 625 ILCS 5/11-204.1 (West 2010).

Subsection (a) of section 11-204 of the Illinois Vehicle Code (Code) defines “visual or audible signal,” in pertinent part, as follows:

“The signal given by the peace officer may be by hand, voice, siren, red or blue light. Provided, the officer giving such signal shall be in police uniform, and, if driving a vehicle, such vehicle shall display illuminated oscillating, rotating or flashing red or blue lights which when used in conjunction with an audible horn or siren would indicate the vehicle to be an official police vehicle.” 625 ILCS 5/11-204(a) (West 2010).

Defendant contends that the State failed to prove that the arresting officer displayed “illuminated oscillating, rotating or flashing red or blue lights.”

¶ 5 In fact, the arresting officer testified that he “turned on the emergency lights to effectuate the traffic stop.” The officer also testified that he was in an unmarked squad car. Thus, the question presented to us is whether the officer’s reference to “emergency lights” constitutes sufficient evidence for the jury to conclude that the officer displayed “illuminated oscillating, rotating or flashing red or blue lights,” as required by the statute. We conclude that it is.

¶ 6 Initially, we reiterate that all reasonable inference must be drawn in favor of the State. *Cunningham*, 212 Ill. App. 3d at 280. We further note that the ordinary meaning of the term “emergency lights” comports with the sort of lights identified in section 11-204(a), particularly in light of the fact that these were lights on a police vehicle. The term “emergency lights” has been used to identify lights that oscillate on a police vehicle in many contexts. For example, section 2620/30(a) of the State Police Act states, “ ‘Emergency lights’ means oscillating, rotating, or flashing lights on patrol vehicles.” Defendant asserts that this statute does not apply in the present case, as defendant was not arrested by the State Police. Defendant misses the point. The relevant question is what the jury could reasonably conclude that “emergency lights” means, and this statute provides an example of how the use of the term would allow an inference that the lights the arresting officer activated were of the sort mentioned in section 11-204(a). Quite simply, both statutes reference a similar type of light, and section 2620/30(a) indicates that the term “emergency lights” refers to that type of light.

¶ 7 Similarly, the supreme court, in *People v. Holdman*, 73 Ill. 2d 213, 222 (1978), used the term “emergency lights” to describe the lights on a police car, noting that the use of such lights, along with the siren, made it “obvious the defendants knew they were being pursued by the

police.” See also *People v. Johnson*, 408 Ill. App. 3d 107, 125 (2010) (“[I]t is clear that defendant here knew that he was being stopped by the police when the officers activated their emergency lights.”). More recently, this court used the term “emergency lights” in finding a seizure had occurred. *People v. Brannon*, 2013 IL App (2d) 111084, ¶ 22.

¶ 8 In *People v. McDonough*, 239 Ill. 2d 260, 270-71 (2010), the supreme court stated, “The circuit court incorrectly equated the community caretaking encounter between Brunnworth and defendant with a third-tier consensual encounter, which ceased to be consensual when Brunnworth activated his emergency lights.” Again, the lights commonly used on police vehicles to initiate a stop are referred to as “emergency lights.” The term is used in the same fashion in *People v. Laake*, 348 Ill. App. 3d 348, 350 (2004): “We agree with Laake’s contention that a police officer’s use of overhead emergency lights, when directed at a particular person, would be interpreted by that person as a command to stay put.”

¶ 9 Thus, several courts, including our supreme court, and the legislature have used the term “emergency lights” to refer to the lights commonly found on police vehicles. Moreover, “trials cannot take place in a vacuum,” and “[j]ustice must rely on the common sense and common experience of jurors.” *Wood v. Mobil Chemical Co.*, 50 Ill. App. 3d 465, 478 (1977). The officer testified that he activated the emergency lights on a squad car. The jury could, relying on its collective life experiences observing such vehicles, conclude that such lights are of the sort referenced in section 11-204 of the Code. At the very least, this is a reasonable inference, and at this stage of the proceedings, all such inferences must be drawn in the State’s favor. *Cunningham*, 212 Ill. App. 3d at 280.

¶ 10 In sum, defendant has identified no basis upon which we could disturb the decision of the trial court in this case. We therefore affirm its judgment.

¶ 11 Affirmed.