



doubt that he "knowingly made physical contact of an insulting or provoking nature" with Officer Clinton R. Roy. For the reasons below, we affirm.

¶ 3 Defendant's conviction arose from an incident that took place on July 6, 2013. Defendant was charged with two counts of aggravated battery of a correctional institution employee. Count I alleged that he "knowingly caused bodily harm" and count II alleged that he "knowingly made physical contact of an insulting or provoking nature."

¶ 4 At trial, Officer Lashenda Puryear, an officer employee with the Cook County Department of Corrections, testified that on July 6, 2013, she was on duty in the CC Tier in Dorm 3 of Division 2, which was located on the second floor and had an open dorm setting with no cell doors and only one door to enter and exit. At about 11 a.m. that day, when she opened the door to notify a detainee of a visit, "detainee Hunter," identified in court as defendant, ran out the door, pushed past her so that her arm disconnected with the door, and ran down the stairwell.

¶ 5 After defendant pushed past her, she ran down the stairwell after him. When she reached the first floor, she saw him standing at and holding onto a security desk. Officer Roy, who was also standing at the desk, was ordering him to let go of the desk, but he refused. Then, defendant let go of the desk, stood in a defensive stance with his fist balled, stated "that he had [bond] and to let him go home," and backed up towards the exit door. Officer Puryear called for assistance. When Officer Ramos and Officer Martinez arrived and approached defendant to assist in emergency handcuffing, he became "combative by laying on the floor," put his hands under his chest, and did not allow the officers to handcuff him. Officer Puryear testified that she could see a "struggle" but could not explain any specifics. She also testified that during the incident, Officer Meyers and Commander McGuire arrived at the scene.

¶ 6 Officer Clinton R. Roy, a security officer employed with the Cook County Department of Corrections, testified that in July of 2013, he was assigned to Dorm 3 security in Division 2, which was located on the first floor. As a security officer, Officer Roy opened the doors for all people who were entering or exiting.

¶ 7 On the day in question, he was working in full uniform. At about 11:15 a.m., he heard somebody scream his name and that an inmate was coming down the east stairwell. The inmate, identified in court as defendant, came down the stairs, ran up to the security desk, "lunged" himself to hold onto the countertop of the desk, and stated, "I was released, I'm going home, I have to get out of here." Officer Roy came around the desk by defendant and gave him about four orders to let go of the desk. Because defendant did not comply, Officer Roy put his hand on defendant's wrist, but defendant shook him off and made a "lunging" movement toward the east exit door.

¶ 8 As defendant went towards the door, Officer Meyers started to pull down the shade to prevent the other inmates in the adjoining multi-purpose room from seeing the incident and getting riled up. Defendant put his arm in the way to block the shade from coming down and braced himself in between the doorway and the wall. Then, he got down on his stomach and clasped his hands together at his chest so that he was lying on top of them. At this point, Officer Ramos, Officer Martinez, Commander McGuire, Officer Puryear, and Officer Meyers were present at the scene.

¶ 9 The officers attempted to gain control and handcuff defendant. Officer Roy slid his hands underneath defendant to try to pull his left hand away from his body. Defendant moved his head, neck, and chin towards his hands and began to bite Officer Roy in the right bottom corner palm

of his hand. Officer Roy screamed out, "[H]e's biting me, he's biting me." Officer Roy did not see defendant bite him, but he knew defendant was biting him because he "felt it." Officer Roy was wearing puncture proof gloves and testified that he felt "pain" and was "a little bit insulted by it." After the officers were able to move defendant's hands back, they gained control, defendant stopped biting Officer Roy, and the officers handcuffed him.

¶ 10 After the incident, Officer Roy went to Cermak Hospital. Officer Roy's glove was wet and bloody in the area where he was bitten. The doctors determined that the blood on his hand was not his own. There were no holes in his glove, his skin was not broken, he did not require stitches, and he did not have a mark or scar.

¶ 11 The trial court found defendant not guilty on the first count of aggravated battery, which alleged that he "knowingly caused bodily harm" to Officer Roy, noting that the officer did not testify that he had bodily harm. However, the trial court found defendant guilty on the second count of aggravated battery, which alleged that he "knowingly made physical contact of an insulting or provoking nature" with Officer Roy. In doing so, the trial court stated, "I do find the officer's testimony is credible. He did see the defendant's head move down towards his chest and he felt a bite. He was specific in that he felt a bite and there was wetness on his glove."

¶ 12 The trial court sentenced defendant as a Class X offender to six years in prison.

¶ 13 Defendant argues on appeal that the State did not prove beyond a reasonable doubt that, under the circumstances surrounding his bite, his conduct was insulting or provoking.

¶ 14 On appeal, when reviewing the sufficiency of the evidence, the 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." *Jackson v.*

*Virginia*, 443 U.S. 307, 319 (1979). It is the fact finder's responsibility to determine the "credibility of the witnesses and the weight given to their testimony, to resolve conflicts in the evidence, and to draw reasonable inferences from that evidence." *People v. Hale*, 2012 IL App (4th) 100949, ¶ 29. The reviewing court will only reverse a conviction if the evidence is "so unreasonable, improbable, or unsatisfactory as to create a reasonable doubt of defendant's guilt." *People v. Peck*, 260 Ill. App. 3d 812, 815 (1994).

¶ 15 To prove the offense of battery, the State must establish that defendant "knowingly without legal justification by any means (1) causes bodily harm to an individual or (2) makes physical contact of an insulting or provoking nature with an individual." 720 ILCS 5/12-3 (West 2012). To prove the offense of aggravated battery against a correctional institution employee, the State must prove that "he or she knows the individual battered" is a "correctional institution employee" "(i) performing his or her official duties; (ii) battered to prevent performance of his or her official duties; or (iii) battered in retaliation for performing his or her official duties." 720 ILCS 5/12-3.05(d)(4) (West 2012).

¶ 16 In addition, to prove the offense of battery, the State must prove that defendant acted knowingly or intentionally. *People v. Phillips*, 392 Ill. App. 3d 243, 258 (2009). "[I]ntent may be inferred (1) from the defendant's conduct surrounding the act and (2) from the act itself." *Phillips*, 392 Ill. App. 3d at 259. Further, whether a particular physical contact is considered insulting or provoking depends on the factual context in which it occurs. *Peck*, 260 Ill. App. 3d at 814. The fact finder can make an inference that the victim was provoked based on the victim's reaction, and the victim does not have to testify that he or she was provoked. *People v. Hale*, 2012 IL App (4th) 100949, ¶ 31.

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¶ 17 Defendant does not dispute that he bit Officer Roy and that Officer Roy was a correctional institution employee performing his official duties, but argues that the State did not prove beyond a reasonable doubt that, under the circumstances surrounding the bite, his conduct was insulting or provoking. Defendant contends that he has a history of bipolar disorder, depression, and post-traumatic stress disorder and that when he bit Officer Roy, he was "confused," "excited," and in an "intense state of confusion and desperation" because he believed he had made bond, was free to leave the jail, and was being wrongfully jailed. Defendant argues that, under these circumstances, the State did not prove that he had a conscious objective, or that he knowingly acted in a manner, to make insulting or provoking contact with Officer Roy. Defendant further argues that the aggravated battery statute does not criminalize or punish this conduct.

¶ 18 Here, when Officer Puryear opened the dorm door to get another detainee, defendant pushed past her, disconnecting her arm with the door, ran from the second floor dorm to the first floor security area, "lunged" himself onto the security desk, and then did not comply with Officer Roy's orders. Then, when Officer Roy, who was in his full uniform, put his hands on defendant's wrist, defendant "shook" him off by pushing him to the side and backed up towards the exit door. Officer Meyers tried to close the shades to prevent other inmates, who were in the multi-purpose room, from observing and getting riled up, but he tried to prevent her from closing them. When Officer Ramos and Officer Martinez approached defendant to assist with emergency handcuffing, he became "combative," lay on the floor with his stomach down, put his hands under his chest so that his body was on top of them, and did not allow the officers to handcuff him. While the officers were trying to gain control and handcuff him, Officer Roy slid his hands

underneath defendant's body to try to pull his hand away from his body. Then, defendant moved his head and chin towards his hands and bit Officer Roy. Officer Roy screamed, "[H]e's biting me, he's biting me," and testified that he felt "pain" and was "a little bit insulted by it."

¶ 19 We find that this evidence, viewed in the light most favorable to the prosecution, was sufficient to establish that, under the context and circumstances, defendant's conduct of biting Officer Roy was insulting and provoking. See *Hale*, 2012 IL App (4th) 100949, ¶31 (affirming conviction of aggravated battery of an insulting or provoking nature where defendant bit a correctional officer's arm); *People v. Youngblood*, 389 Ill. App. 3d 209, 211-12 (2009) (defendant's act of biting a police officer's hand, which resulted in a conviction of aggravated battery of an insulting or provoking nature, was upheld by reviewing court). In addition, we disagree with defendant's argument that the State did not prove beyond a reasonable doubt that he had a conscious objective to make insulting or provoking contact with Officer Roy because he believed he had made bond, was being released, and was defending himself from being wrongfully detained. We find that, based on the evidence presented at trial, the trial court could have reasonably inferred from the circumstances surrounding defendant's act of biting Officer Roy, which occurred after he refused orders and while the officers were attempting to gain control and handcuff him, that he knew, and was consciously aware, that biting Officer Roy in this context would result in physical contact that was of an insulting or provoking nature. See *People v. DeRosario*, 397 Ill. App. 3d 332, 334-35 (2009) ("while the conduct might be completely innocent in another context, under the facts here the court could find that defendant knowingly provoked the victim").

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¶ 20 Accordingly, we conclude that the State proved defendant guilty of the offense of aggravated battery to a correctional institution employee beyond a reasonable doubt.

¶ 21 For the reasons explained above, we affirm the judgment of the circuit court.

¶ 22 Affirmed.