

No. 1-13-0119

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IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Cook County.
)	
v.)	No. 10 MC 67801
)	
J.R. DEVERE WOODS,)	Honorable
)	Kathleen Ann Panozzo,
Defendant-Appellant.)	Judge Presiding.

JUSTICE PIERCE delivered the judgment of the court.
Justices Neville and Liu concurred in the judgment.

O R D E R

- ¶ 1 **Held:** Judgment on misdemeanor domestic battery conviction affirmed over defendant's challenge to the sufficiency of the evidence.
- ¶ 2 Following a bench trial, defendant J.R. Devere Woods was found guilty of domestic battery and sentenced to 86 days in Cook County jail, time considered served. On appeal, he contends that the State failed to prove him guilty of domestic battery beyond a reasonable doubt.
- ¶ 3 Defendant was charged with the domestic battery of his 18-year-old daughter, Alissa

Ingram, on June 26, 2010, near 200 East Sibley Boulevard, in Dolton, Illinois. In the complaint, Ingram alleged that defendant knowingly caused bodily harm to her, a family member, in that he forced her out of his vehicle, then attempted to force her back inside, and struck her about her face with a closed fist.

¶ 4 At trial, Ingram testified that over the course of her life defendant has been an absent father, but around June 26, 2010, their relationship was "[j]ust fine." On that date, defendant picked her up from her home in Chicago, and after lunch, he gave her driving lessons. About an hour later, defendant got in the driver's seat and began to drive her home. On the way, he started negatively commenting on her mother, and talking "down" about how she raised her. Ingram told him to stop talking about her mother, and an argument ensued, and defendant told her to get out of the car. As they approached Dolton Avenue and Sibley Boulevard in Dolton, Illinois, Ingram opened the car door, and defendant "slightly" shoved her out. She hopped out and he drove off. As he pushed her, the car was barely stopped, but she was not injured in making her exit.

¶ 5 Ingram further testified that she called police, told them the situation and asked for someone to pick her up to take her to the police station so that her mother could pick her up from there. While Ingram waited for police to arrive, defendant parked the car, and started yelling at her and telling her to get back in the car. Ingram told defendant to leave her alone. Defendant then exited his car, walked over and grabbed her arm. She, in turn, tried to push him away from her. He then struck her in the eye with a closed fist, but she did not suffer any pain as a result of this initial blow. Defendant struck her again in the face, but when Dolton and Lansing police arrived on the scene, they did not arrest her father. Later that day, Ingram went to the Dolton police station and filed a report against him.

¶ 6 Ingram also testified that she took photographs of her injuries with her phone. She tried to provide the pictures to someone, but her "phone got cut off." Ingram testified that her injuries included a swollen eye, and a broken blood vessel.

¶ 7 Dolton police officer Williams testified that on January 26, 2010, he responded to a domestic incident at 200 East Sibley Boulevard in Dolton. When he arrived there, he did not see any injuries to Ingram, and after speaking with her and defendant, he did not make any arrests. He explained that at that point in time, he believed there was a verbal argument between them and that nothing criminal had transpired. He also testified that he noticed an injury to Ingram at the scene, but then testified that he did not observe any injuries to Ingram there. However, an hour after the incident, Officer Williams spoke with Ingram at the police station, and at that time, he noticed a bruise on her face, but could not recall which side, and a welt. The officer generated a report in which he noted that the victim was injured, but did not describe the injury.

¶ 8 At the close of evidence, the court found defendant guilty of domestic battery. In doing so, the court found that the officer's testimony corroborated Ingram's testimony that she was struck by defendant. The court noted that when the officer first met with Ingram, he did not notice any injuries, but later, at the police station, he noticed bruising and a welt, and recorded in his report that the victim was injured. The court found that Ingram was not impeached, that her testimony was not inconsistent and that she was a credible witness.

¶ 9 Defendant filed a motion for a new trial, which the court denied. In doing so, the court found that the officer testified that he noticed injuries to the victim at the scene as well as at the police station, that Ingram testified credibly and that her testimony was corroborated by the injury to her face and by the observations of the officer.

¶ 10 On appeal, defendant solely challenges the sufficiency of the evidence to sustain his conviction for domestic battery. He contends that the State failed to prove beyond a reasonable doubt that Ingram suffered bodily harm. He asserts that Ingram's testimony was a "morass of self-contradictions and was at many points indecipherable," and that the officer's testimony was also "confused" and self-contradictory. Defendant further contends that Ingram's failure to seek medical treatment or formally document her injury, along with her vague testimony about her alleged injury shows that her testimony does not support a finding that she suffered bodily harm beyond a reasonable doubt.

¶ 11 When defendant challenges the sufficiency of the evidence to sustain his conviction the proper standard of review is whether, after 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. Cunningham*, 212 Ill. 2d 274, 279-80 (2004). This standard recognizes the responsibility of the trier of fact to resolve conflicts in the testimony, to weigh the evidence and to draw reasonable inferences therefrom. *People v. Campbell*, 146 Ill. 2d 363, 375 (1992). A criminal conviction will be reversed only if the evidence is so unsatisfactory as to raise a reasonable doubt of guilt. *Campbell*, 146 Ill. 2d at 375. For the reasons that follow, we do not find this to be such a case.

¶ 12 To sustain defendant's conviction of domestic battery in this case, the State was required to prove that defendant knowingly without legal justification caused bodily harm to a family or household member. 720 ILCS 5/12-3.2(a)(1) (West 2010). Bodily harm is defined as physical pain or damage to the body. *People v. Mays*, 91 Ill. 2d 252, 256 (1982). Defendant maintains that the State failed to prove that Ingram suffered bodily harm where 1) the victim denied that she

experienced pain as a result of his actions; 2) the responding officer did not believe that anything more than a verbal argument transpired; and 3) the victim's testimony was too riddled with self-contradictions to show that one of her eyes was swollen after defendant allegedly punched her.

¶ 13 We observe that the evidence at trial showed that Ingram and her father had a verbal altercation, and he told her to leave the car. She opened the door to the car, and as he slowed the car down, he slightly pushed her, and she hopped out of the car. Defendant then got out of the car, yelled at her and grabbed her arm. Ingram, in turn, pushed him away, and he punched her twice in the face. Although she did not seek medical treatment, nor suffer any pain, she testified that her eye swelled and that she had a broken blood vessel. *Mays*, 91 Ill. 2d at 256; See also *People v. Olmos*, 67 Ill. App. 3d 281, 289-90 (1978) (the question is not what the victim did or did not do to treat the injury inflicted, but what injuries she did in fact receive).

¶ 14 Responding Officer Williams testified that when he first met with Ingram at the scene he did not notice any injuries to her so he did not arrest anyone, and opined that there was only a verbal altercation. Although he then testified that he saw an injury to her face at the scene, he later explained that when he saw her an hour later at the police station, he noticed that she had a bruise and welt on her face, and noted in his police report that she was injured. Viewing this evidence in the light most favorable to the State, we find that it was sufficient for a rational trier of fact to find defendant guilty of domestic battery beyond a reasonable doubt. 720 ILCS 5/12-3.2(a)(1) (West 2010).

¶ 15 Defendant, nonetheless, contends that Ingram's testimony was inconsistent regarding the actions by her father while she was in the car, and her exiting from it. Although the verbal argument leading to the physical incident provided context, it did not directly relate to her

testimony regarding the injury she sustained. The court found that Ingram testified clearly, and credibly regarding the incident that took place, and although Officer Williams did not notice any injury to Ingram when he first arrived on the scene of the incident, he noticed that Ingram had bruising and a welt at the police station about an hour later. In any event, this argument concerns the credibility of the witnesses, which the trial court decided in favor of the State's witnesses. We have no basis for disturbing that determination in this case. *Campbell*, 146 Ill. 2d at 375.

¶ 16 Defendant also takes issue with the fact that no photographs of the alleged injury were produced in court and that Ingram did not identify which eye was allegedly injured. We find no issue with the failure to bring photographs to court where Ingram explained that she did not have any pictures because her phone cut off, and we note that, at trial, she was not asked to identify which eye was injured.

¶ 17 Defendant, nonetheless, contends that Ingram could not testify that she had a broken blood vessel because she is not a medical expert, and therefore, none of this testimony showed that she sustained an injury. Defendant, however, did not object to this testimony below, and cannot object to it now for the first time on appeal. *People v. Enoch*, 122 Ill. 2d 176, 186 (1988). Moreover, Ingram also testified that her eye was swollen, and Officer Williams testified that she had a bruise and welt. This was clear evidence that Ingram received an injury from defendant striking her, and, therefore, suffered bodily harm as a result of defendant's actions. *Mays*, 91 Ill. 2d at 256. We thus conclude that the evidence was sufficient for a rational trier of fact to find defendant guilty of domestic battery beyond a reasonable doubt, and affirm the judgment of the circuit court of Cook County to that effect.

¶ 18 Affirmed.