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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. 09 MC1 258400
)	
JAMESETTA WRIGHT,)	Honorable
)	Peggy Chiampas,
Defendant-Appellant.)	Judge Presiding.

PRESIDING JUSTICE HYMAN delivered the judgment of the court.
Justices Pucinski and Mason concurred in the judgment.

O R D E R

¶ 1 *Held:* We affirm defendant's conviction of battery over her contention that the contact she made with the complaining witness was not of an insulting nature.

¶ 2 The trial judge, sitting without a jury, found defendant Jamesetta Wright guilty of battery and sentenced her to six months of supervision, with a termination date of January 23, 2013. On appeal, defendant contests the sufficiency of the evidence, maintaining that her conduct in grabbing the complainant's wrists did not constitute insulting contact under the battery statute. In the alternative, Wright contends that this court should remand the cause for the entry of a formal judgment dismissing the battery charge where she successfully completed her term of supervision. We affirm.

¶3

Background

¶4 At trial, Janice Jackson testified that she was employed as a manager in the criminal department at the office of the Cook County Clerk of the Circuit Court on July 8, 2009, and was Wright's supervisor. At about 11:30 a.m. on July 8, Jackson, Wright, Jackson's boss (Warren Howlett), and a union steward (Craig Harris) were attending a meeting in Howlett's office. The purpose of the meeting was to discipline Wright for sleeping on the job. During the meeting, Wright stood up, and, facing Howlett, cursed loudly and threw papers down at his feet, picked them back up, and then threw the papers on the table. When Wright reached her hand towards Harris' papers, Jackson went to grab them. As Jackson retracted her hand, Wright grabbed both of her wrists. Jackson told Wright to let her go, and, after asking her a second time, Wright complied. When Jackson saw that her wrists, which were stinging, had blood on them, she felt "disturbed about [defendant] touching [her]." Wright tried to leave the room, but Jackson blocked the door because the meeting was not over. Jackson showed Howlett her bloody wrists and the police were called. Wright was then escorted out of the office with her personal belongings.

¶ 4 Craig Harris testified on behalf of Wright that he was a union steward and provided Wright representation at the meeting. According to Harris, Wright raised her voice and stated that she did not like the way Howlett was conducting the meeting. Wright then "had words" with Howlett, grabbed some papers, tossed them on the floor, and proceeded to leave the room. When Wright grabbed the papers she did not make physical contact with anyone in the room. As Wright attempted to leave, Jackson was at the door telling Wright to calm down. Wright's back was to Harris, but Harris saw Wright move her hands in a circular fashion in order to get Jackson

away from the door. Harris never saw Wright grab any part of Jackson's body, nor did he observe any blood. Jackson then moved out of the way and Wright left the room.

¶ 5 On cross-examination, Harris testified that Jackson had scratches on her wrists. On redirect, Harris testified that Wright grabbed one piece of paper that he was using to take notes during the meeting, and then reiterated that he never saw Wright grab Jackson.

¶ 6 The parties stipulated that Officer Murry would testify that he arrested Wright after Jackson and Wright were involved in a verbal altercation, resulting in Wright striking Jackson about the left arm causing her pain and discomfort.

¶ 7 Following closing arguments, the trial court found Wright guilty of battery. In doing so, the court found that Jackson testified credibly that Wright grabbed her wrists, causing them to sting and bleed. The court noted that it was reasonable to believe that blood was drawn from Jackson's wrists where Harris observed scratches on them. The trial court found Harris' testimony less reliable than Jackson's testimony, pointing to Harris' use of phrases such as "I believe," "I guess," and "I don't remember," in several responses to questions.

¶ 8 On appeal, Wright contends that she was not proven guilty of battery beyond a reasonable doubt. In particular, Wright maintains that her conviction should be reversed because her conduct in grabbing Jackson's wrists did not constitute insulting contact under the battery statute.

¶ 9 *Analysis*

When presented with a challenge to the sufficiency of the evidence, this court must determine 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. Beauchamp*, 241 Ill. 2d 1, 8 (2011). The credibility of the witnesses, the weight to be given their testimony, and the resolution of any conflicts in the evidence are within the province of the trier of fact, and a reviewing court will not substitute its judgment for that of the trier of fact on these matters. *People v. Brooks*, 187 Ill. 2d 91, 132 (1999). Reversal is justified only where the evidence is "so unsatisfactory, improbable or implausible" that it raises a reasonable doubt as to the defendant's guilt. *People v. Slim*, 127 Ill. 2d 302, 307 (1989).

¶ 10 A person commits battery if he or she knowingly without legal justification by any means makes physical contact of an insulting or provoking nature with an individual. 720 ILCS 5/12-3(a)(2) (West 2008). Whether "a particular physical contact may be deemed insulting or provoking" depends on "the factual context in which it occurs." *People v. Peck*, 260 Ill. App. 3d 812, 814 (1994). The trier of fact may infer whether the defendant's contact was insulting or provoking based on the context, and the victim does not have to testify that she was insulted or provoked by the contact. *People v. Fultz*, 2012 IL App (2d) 101101, ¶ 49; *People v. Wrencher*, 2011 IL App (4th) 080619, ¶ 55.

¶ 11 The evidence, when viewed in the light most favorable to the State, showed that Wright's physical contact was insulting to her supervisor, Janice Jackson. During a July 8, 2009, meeting to discipline Wright, she became upset and cursed loudly at Howlett and threw papers. During the course of her outburst, Wright grabbed both of Jackson's wrists. As a result, Jackson's wrists were scratched and bleeding. Jackson specifically testified that she felt "disturbed about [defendant] touching [her]."

¶ 12 We find that *People v. DeRosario*, 397 Ill. App. 3d 332 (2009), supports our conclusion that Wright knowingly touched Jackson in an insulting manner. In *DeRosario*, the evidence

showed that the defendant and the victim worked in the same office building and began a friendship, which later deteriorated. *Id.* at 332. On the day of the incident, the victim was seated in a common area in the building when defendant came in and sat on a couch immediately behind her. As he did so, his right knee touched her back through the chair, and his left knee touched her hip. The victim got up, and called the police. *Id.* at 332-33. According to the victim's testimony, defendant had been following her around and staring at her, which forced her to adjust her break schedule at work. She also had previously filed a police report against him. The incident that occurred in the common area made her "scared," "uncomfortable," "trapped," and "mad." The trial court ultimately convicted defendant of battery. *Id.* at 333. On appeal, this court affirmed, finding that, despite defendant's contentions to the contrary, his contact with the victim was of an insulting or provoking nature. In particular, we found that the contact occurred in the context of a failed relationship, defendant was stalking the victim, and purposely sought out a seat close to her. This court also held that defendant was bound to come in contact with the victim based on where he chose to sit, and also knew that this conduct would provoke her. *Id.* at 334-35.

¶ 13 Jackson testified similarly to the victim in *DeRosario*—she was "disturbed" by Wright's contact with her. In addition to the contact being more aggressive than the contact discussed in *DeRosario*, the context for Wright's physical grabbing is as unremarkable as the context in *DeRosario*. Although, as Wright points out in her brief, "there was no back story" regarding the intricacies of the relationship between Jackson and Wright as there was in *DeRosario*, we do know from the testimony at trial that Jackson was Wright's immediate supervisor. Wright

grabbing Jackson's wrists was especially insulting due to the nature of their supervisor/employee relationship, and the fact that it happened in a professional setting.

¶ 14 In finding that Wright committed battery of an insulting nature against Jackson, we find unpersuasive Wright's attempt to show that Jackson was an unreliable witness. Wright maintains that Jackson's claim that she had blood on both of her wrists after the encounter with Wright was "beyond unbelievable." In addition, she maintains that Jackson's attempt to block Wright from leaving the room belies any notion that Jackson was insulted or disturbed by Wright grabbing her wrists. Wright, ignoring that Harris was representing her at the disciplinary meeting, asserts in her brief that Harris was a disinterested witness who gave a more credible account of the events. In arguing that Harris was a more reliable witness than Jackson, Wright is essentially asking this court to retry her. We decline to do so. This court does not substitute its judgment for the trier of fact's judgment as to the issues of witness credibility and the weight to be given each witness's testimony. See *People v. Ross*, 229 Ill. 2d 255, 272 (2008). We see no reason to upset the trial court's determination that Jackson was a more credible witness than Harris, and that Wright's insulting physical contact with Jackson caused Jackson's wrists to bleed and sting.

¶ 15 In the alternative, Wright contends in her opening brief that this court should remand for the entry of a formal judgment dismissing the battery charge where she successfully completed her term of supervision. But, as the State correctly responded, and Wright subsequently conceded in her reply brief, on September 20, 2013, the trial court granted Wright's motion to terminate supervision, discharging Wright's supervision. As the relief sought has already been granted, no further remedy is appropriate.

1-13-1579

¶ 16 We affirm the judgment of the circuit court.

¶ 17 Affirmed.