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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 Du Page County.
)	
Plaintiff-Appellee,)	
)	
v.)	No. 11-CF-1617
)	
JORDAN RATLEY,)	Honorable
)	John J. Kinsella,
Defendant-Appellant.)	Judge, Presiding.

JUSTICE HUDSON delivered the judgment of the court.
Justices Hutchinson and Jorgensen concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court did not abuse its discretion in dismissing a juror after the start of trial based on the combined hardship of the juror's work and the duration of her commute, and, in any event, any error in dismissing the juror was harmless beyond a reasonable doubt as the evidence against defendant was overwhelming.

¶ 2 Following a jury trial in the circuit court of Du Page County, defendant, Jordan Ratley, was found guilty of home invasion (720 ILCS 5/12-11(a)(2) (West 2010)), aggravated kidnapping (720 ILCS 5/10-2(a)(3) (West 2010)), and aggravated domestic battery (720 ILCS 5/12-3.3(a) (West 2010)). The trial court sentenced defendant to a 14-year term of imprisonment for home invasion, a consecutive 14-year term of imprisonment for aggravated kidnapping, and a

concurrent 7-year term of imprisonment for aggravated domestic battery. On appeal, defendant argues that the trial court abused its discretion by dismissing a juror based on an *ex-parte* communication the court received from the juror's employer and the fact that the juror faced a lengthy commute to the courthouse. We conclude that the trial court did not err in discharging the juror in question, and, in any event, any error was harmless beyond a reasonable doubt given the overwhelming evidence of defendant's guilt. Accordingly, we affirm.

¶ 3

I. BACKGROUND

¶ 4 Defendant was charged by indictment with two counts of aggravated domestic battery (720 ILCS 5/12-3.3(a) (West 2010)) (counts I and IX), one count of unlawful restraint (720 ILCS 5/10-3(a) (West 2010)) (count II), two counts of home invasion (720 ILCS 5/12-11(a)(2) (West 2010)) (counts III and IV), two counts of aggravated kidnapping (720 ILCS 5/10-2(a)(3) (West 2010)) (counts V and VII), two counts of kidnapping (720 ILCS 5/10-1(a)(1), (a)(2) (West 2010)) (counts VI and VIII), and two counts of domestic battery (720 ILCS 5/12-3.2(a)(1), 5/12-3.2(b) (West 2010)) (counts X and XI). The trial court subsequently granted the State's motion to *nolle prosequere* certain counts and the matter proceeded to trial only on the aggravated domestic battery, home invasion, and aggravated kidnapping counts.

¶ 5 Jury selection began on June 11, 2012. During *voir dire*, Juror No. 73 indicated to the court that being selected to serve on the jury would constitute an undue hardship for her employer. Juror No. 73 explained that she works for the state government and is the only person in her agency with authority to approve fiscal matters. The trial court did not excuse Juror No. 73 for cause, and neither the State nor defendant exercised a peremptory challenge to excuse her. After selecting the regular jurors, two alternate jurors were chosen.

¶ 6 Defendant's trial commenced on June 12, 2012. During the first day of trial, Juror No. 73's supervisor sent the court an email asking the trial court to excuse Juror No. 73 due to a work hardship. In the email, the supervisor detailed that Juror No. 73 is the fiscal/contracts manager for a small state agency and, due to a vacancy in that office, she is the only person who can perform essential functions such as making grantee payments, filing contract obligations, and reviewing budgets related to the end of the fiscal year on June 30. The supervisor indicated that it would result in "an extreme hardship" to have Juror No. 73 unavailable during this crucial period. The court informed the parties that it would address the matter later.

¶ 7 The following day, the judge noted for the record that Juror No. 73's supervisor left the court a message detailing that Juror No. 73's absence from work would result in "dire consequences" for the employer because the absence coincided with the end of the employer's fiscal year. The judge stated that while he was not inclined to dismiss Juror No. 73 due to a work hardship, he also learned that Juror No. 73 had transportation issues. The court noted that Juror No. 73 does not have an automobile and relies on public transportation. The court stated that it takes Juror No. 73 three hours to travel to and from the courthouse each day because she takes two buses and a train. The court noted that Juror No. 73 notified court personnel the previous day that she was concerned about when the last bus leaves the courthouse. Ultimately, the court made "arrangements" to take Juror No. 73 home. The court stated that never before was it required to make individual travel arrangements for a juror and it did not find it appropriate to do so. Over the objection of the defense, the court determined that the combination of work and transportation issues rendered jury service a hardship for Juror No. 73, so he discharged her. The court replaced Juror No. 73 with an alternate juror and continued with the trial.

¶ 8 At defendant's trial, Brian Smith (Brian) testified that in July 2011, he lived at 1886 Somerset, Unit 1D, in Glendale Heights, Illinois. On July 13, 2011, Brian met defendant and Lisa Wojtas while they were out walking their puppy. When Brian returned home later that day, he observed Wojtas pacing on the sidewalk outside of his apartment. Brian testified that Wojtas appeared "very emotional" and was crying. He asked what had happened, but Wojtas could hardly speak. Brian invited Wojtas into his apartment in an effort to calm her down.

¶ 9 Brian testified that while Wojtas was inside his apartment, Franshel Smith (Franshel) and Damien Hall (Hall) came over. Shortly later, someone knocked on the door to Brian's apartment. Brian testified that the knocking became progressively louder, but when he looked through the peephole, he could not see anything. Hall wanted to go outside, but Brian, assuming it was defendant knocking, instructed Hall not to open the door. Despite Brian's instruction, Hall unlocked the door. Defendant then "burst in" and pushed his way into the apartment past Brian and Hall. Brian stated that at no point did he invite defendant into his apartment and that he never told defendant that it was okay for him to enter his apartment. Brian testified that he told defendant that he was not welcome in the apartment and that he should leave. Defendant responded by pushing Brian and stating that he was not there to disrespect his house.

¶ 10 Brian further testified that defendant proceeded to the kitchen where he saw Wojtas on the kitchen floor with Franshel positioned in front of her. Defendant pushed Franshel out of the way and grabbed Wojtas by the throat. Defendant then slammed Wojtas against the wall and her body went limp. Defendant proceeded to "violently" punch and kick Wojtas multiple times. Brian and Hall attempted to stop defendant, but were unsuccessful. Defendant again grabbed Wojtas by the throat and threw her into the coffee table in the living room. Brian stated that Wojtas was not "awake" at this time. Defendant then picked up Wojtas, threw her over his

shoulder, and left the apartment. Brian and Hall went outside to look for defendant and Wojtas but could not see them. Franshel called 9-1-1.

¶ 11 Hall testified that he and his wife, Franshel, met defendant and Wojtas on July 13, 2011, at the apartment complex where they all lived. Hall stated that defendant and Wojtas invited him and Franshel over to their apartment where the group ate and played video games. At one point, Hall and defendant left to buy beer. When the men returned, they sat in front of Hall's apartment and drank. Hall testified that Wojtas approached defendant. At the time, Wojtas appeared to be aggravated and she and defendant began to bicker. Hall testified that he left while Wojtas and defendant were still bickering. When Hall returned, defendant was gone and Wojtas was crying. Hall stated that Wojtas looked nervous. Hall then went up to his apartment balcony, saw defendant, and told defendant to come up to his apartment. Defendant came up to the apartment and told Hall and Franshel that he was mad and that he was "going to kill this bitch." Hall calmed defendant, and defendant left Hall's apartment, stating that he was going to get his pets and leave.

¶ 12 Hall and Franshel then went to Brian's apartment where they saw Wojtas. Hall testified that Wojtas was paranoid and scared. Hall left the apartment to look for defendant but returned because he could not find him. Hall later heard a knock on the apartment door, but Brian instructed him not to open the door. Hall testified that there was a second series of knocks which were louder and "violent." Hall thought that the intensity of the knocks would break down the door, so he planned to open the door, go outside, and speak with defendant to "relax" the situation. Brian, however, repeatedly told Hall not to open the door. Hall noted that the door had a bottom lock and a top lock. Hall testified that he turned the top lock in an attempt to get defendant to back off, but the door flew open without Hall physically opening the door. Hall

stated that defendant was very mad and pushed him and Franshel out of the way in an effort to reach Wojtas. Hall stated that Brian was trying to get defendant out of the apartment and told defendant that he was not welcome there. Hall then observed defendant beat Wojtas in the kitchen. During this time, defendant repeatedly asked Wojtas if she had called the police on him. Hall and Brian tried to restrain defendant, but were unsuccessful. At one point, defendant picked up Wojtas by the neck, walked to the living room, and threw her to the ground. Hall stated that Wojtas hit her head on the coffee table and her body went limp. Defendant then slung Wojtas over his shoulders and carried her out of the apartment. After defendant left, Franshel called the police. Hall then went outside where he saw people in the neighborhood chasing defendant while he was dragging Wojtas.

¶ 13 Robert Silliman was in the laundry room directly across the hall from Brian's apartment at the time of the incident. He heard screaming coming from the apartment and saw a man leaving the apartment with a woman over his shoulders. Silliman testified that the female said to the male, "Stop, please let me go, I'm sorry," and the male replied, "Fuck you Ho, I'm not letting you go." Silliman noted that there were drops of blood on the staircase and sidewalk leading to the parking lot.

¶ 14 Jerry Dickens testified that he lived with defendant and Wojtas in July 2011. Dickens stated that on the night of July 13, 2011, or just after midnight on July 14, 2011, defendant came home to the apartment upset. Dickens stated that defendant began to pack some of his things and then left. Wojtas later showed up with the police looking for defendant. According to Dickens, Wojtas was "scared out of her mind." Dickens told the police that defendant packed up some belongings and left. Approximately 20 minutes after Wojtas and the police officer left, defendant returned to the apartment repeatedly asking, "Where's that bitch at?" and "Where's

that ho at?” Dickens told defendant that Wojtas was “probably out looking for [him] with the cops.” Defendant then left the apartment.

¶ 15 Wojtas testified that defendant had been her boyfriend for approximately two years at the time of the events in question. She corroborated that she met Hall, Franshel, and Brian on July 13, 2011, while walking her dog. She and defendant socialized with Franshel and Hall that same day. She testified that she became angry with defendant that day because he and Hall took a long time to buy beer. She and defendant got into an argument that culminated in defendant taking her keys, throwing them, and pushing her to the ground. Wojtas testified that she then contacted the police.

¶ 16 After the police left, Wojtas saw Brian sitting outside. Wojtas stated that she was crying, and Brian tried to calm her down and invited her into his apartment. Later, Hall and Franshel came to Brian’s apartment. Wojtas testified that the group then heard a series of knocks on the door followed a minute later by a second series of knocks which were “[l]ouder and more frantic.” Wojtas suspected it was defendant at the door, so she moved towards the kitchen. She then observed the apartment door “fly open.” Defendant entered the apartment and started to beat her. Wojtas testified that during the encounter she went in and out of consciousness, but recalled defendant dragging her out of Brian’s apartment by her hair. Wojtas stated that as defendant was taking her towards his car, she asked him to stop dragging her. Wojtas testified that when they reached the car, defendant ordered her to get in the car and pushed her into the vehicle. Wojtas testified that while defendant was driving, he told her that he “should fucking kill [her] for calling the cops on [him].” Defendant continued to beat her while in the vehicle. Wojtas testified that she attempted to jump out of the car but defendant grabbed her hair and pulled her back in. Once the police pulled over defendant, she left the car and waited by some

nearby bushes. Wojtas testified that when defendant took her from Brian's apartment she did not want to go with him. She also stated that defendant put her in his car against her will.

¶ 17 Officer Bradley Malloy of the Glendale Heights police department testified that shortly after midnight on July 14, 2011, he was summoned to the Stonegate apartment complex in response to a report of a domestic battery. When Officer Malloy arrived, he met with Wojtas. According to Officer Malloy, Wojtas appeared to be scared and was talking very quickly. Officer Malloy also noted that Wojtas appeared to be under the influence of alcohol. Wojtas told Officer Malloy what had occurred. Officer Malloy then accompanied Wojtas to the parking lot area and located her keys in a grassy area. He and Wojtas then searched the parking lot for defendant's car, but Wojtas told him that it was not there. Officer Malloy then went to Wojtas's apartment to speak with Dickens. Before returning to the police station, Officer Malloy advised Wojtas about her future safety. Officer Malloy testified that about an hour after the initial call, the police department received another dispatch to the apartment complex. Based upon information provided by people at the apartment complex, Officer Malloy provided dispatch with a vehicle description.

¶ 18 Deputy Todd Szeluga of the Du Page County sheriff's office testified that he was on duty during the early hours of July 14, 2011. Szeluga received an alert regarding an individual wanted for domestic battery that included a description of the individual and the vehicle. Szeluga observed a vehicle matching the description and proceeded to drive to the vehicle to make a physical observation. Szeluga testified that he pulled up next to the vehicle and observed a black male sweating profusely that matched the individual's description. Szeluga further testified that "[a]ppearing just over the [passenger-side] door, but not quite to the window, [he] could see messy black hair and what appeared to be a female who had dried blood on her face." Szeluga

pulled the vehicle over and asked the driver, who Szeluga identified as defendant, to turn off the car and exit the vehicle. Szeluga testified that defendant initially complied with his directions but then became very combative and defensive. Several witnesses also testified to defendant's belligerent behavior during the traffic stop and arrest. Defendant was later taken into custody. Wojtas was transported to a hospital by ambulance and was diagnosed with fractured nasal bones, internal bleeding, and a laceration of the liver. Wojtas's injuries required surgery and intensive care.

¶ 19 Defendant testified that he and Wojtas met Franshel, Hall, and Brian on July 13, 2011, and that he and Wojtas socialized with Franshel and Hall that day. Defendant testified that he went to the store with Hall to buy beer. Wojtas became upset with defendant because the trip to the store had taken too long. Defendant testified that he and Wojtas got into an argument. Defendant stated that during the argument he removed the keys to Wojtas's car from his key ring and threw them in the grass. Defendant then went to their apartment to pack his things and left. Defendant denied pushing Wojtas.

¶ 20 Defendant testified that he returned approximately 20 to 30 minutes later. He testified that he saw Franshel and Hall talking with the police, and that Franshel motioned him to go away. After the police left, defendant went to Franshel's and Hall's apartment and they informed him that Wojtas had called the police on him. Defendant testified that he became angry and stated that he "[felt] like killing her." Defendant testified that Franshel and Hall calmed him down and allowed him to stay in their apartment after they left to go to Brian's apartment. Defendant later went to his apartment to retrieve his pets and some other belongings and go to his mother's house.

¶ 21 Defendant testified that after he placed his belongings in his car, he decided to go to Brian's apartment to try to work things out with Wojtas. He stated that he knocked on the door, but no one answered. He heard Hall say, "it's him." Defendant knocked a second time with the heel of his hand. He testified that he heard Hall say, "just let him in." According to defendant, the door then "opened up" without him touching or turning the doorknob and he "stepped through." Brian told him that he did not "want that shit" in his house. Defendant responded that he was not there to disrespect Brian's "crib" and that he just wanted to talk to Wojtas.

¶ 22 Defendant testified that he asked Franshel where Wojtas was, and she directed him to the kitchen. Defendant asked Wojtas why she called the police on him. Wojtas did not respond, so defendant became upset and began to beat her. As defendant was beating Wojtas, Hall and Brian tried to pull him back. Defendant then picked up Wojtas by her neck and threw her into the living room. He subsequently threw Wojtas over his shoulder, left Brian's apartment, and headed for his car. About halfway to the parking lot, defendant put down Wojtas and she started walking with him to the car. Defendant ordered Wojtas to enter the vehicle two or three times before she complied. Defendant denied dragging Wojtas to the car and stated that he did not throw or push her into the vehicle.

¶ 23 Defendant testified that while he was driving, Wojtas attempted to jump out of the vehicle, but he grabbed her by the hair and pulled her back in. Defendant testified that Wojtas sustained the injury to her nose when she was hit with the control panel for the sunroof of his car. He explained that the panel was hanging from the ceiling suspended only by wires. Defendant hit the panel while driving, causing it to disconnect from the wires and strike Wojtas in the face. Defendant acknowledged that when he was pulled over, he did not want to be handcuffed and was difficult with the police.

¶ 24 The jury found defendant guilty of aggravated kidnapping, home invasion, and aggravated domestic battery. Subsequently, the trial court granted the State's motion to *nolle prosse* count IV (one of the home invasion counts). In addition, the court merged count I into count IX (aggravated domestic battery) and count V into count VII (aggravated kidnapping). The trial court denied defendant's motion for a new trial and sentenced defendant to consecutive 14-year terms of imprisonment on the home invasion (count III) and aggravated kidnapping (count VII) convictions and to a concurrent seven-year term of imprisonment on the aggravated domestic battery conviction (count IX). The trial court denied defendant's motion to reconsider sentence, and defendant filed a timely notice of appeal.

¶ 25

II. ANALYSIS

¶ 26 On appeal, defendant argues that the trial court erred in dismissing Juror No. 73 based on an *ex parte* communication it received from the juror's employer and the length of the juror's commute to the courthouse. According to defendant, the trial court's action deprived him of a fair trial before an impartial jury because Juror No. 73 was "arbitrarily" removed from the jury in that the alleged hardships cited were "too slight and too vaguely described to warrant her removal from the jury." Defendant further contends that the error was not harmless because the evidence presented by the State was far from overwhelming.

¶ 27 "Manners relating to jury selection and management are generally within the discretion of the trial court." *People v. Roberts*, 214 Ill. 2d 106, 121 (2005). As such, the decision to discharge a particular juror after trial has commenced and replace the juror with an alternate will be reversed on appeal only when it is shown that the trial court abused its discretion and the defendant establishes that he was prejudiced by the court's decision. See *People v. Ward*, 154 Ill. 2d 272, 304 (1992); *Addis v. Exelon Generation Co., L.L.C.*, 378 Ill. App. 3d 781, 791

(2007); *People v. Rose*, 191 Ill. App. 3d 1083, 1096 (1989); *Lowe v. Norfolk & Western Railway Co.*, 124 Ill. App. 3d 80, 105 (1984). Next to no review at all, abuse of discretion is the most deferential standard of review. *People v. Hale*, 2012 IL App (1st) 103537, ¶ 41. An abuse of discretion occurs only when no reasonable person would agree with the trial court's decision. *Hale*, 2012 IL App (1st) 103537, ¶ 41.

¶ 28 Initially, we conclude that defendant has failed to establish that the trial court's decision to discharge Juror No. 73 constituted an abuse of discretion. During *voir dire*, Juror No. 73 testified that jury service would present a hardship to her employer because she works for the state government and is the only person in her agency with authority to approve fiscal matters. The trial court did not discharge Juror No. 73 for cause at that time, and neither the State nor defendant exercised a peremptory challenge to excuse her. However, the trial court subsequently received an email from Juror No. 73's supervisor, stating that because of understaffing and the timing of the jury service, it would be a hardship to have Juror No. 73 unavailable during the period of the trial. In addition, the trial court became aware that it took Juror No. 73 three hours to get to and from the courthouse because she relies on public transportation. Further, the court noted that "arrangements" had to be made the previous night to transport Juror No. 73 home. Accordingly, the trial court discharged Juror No. 73 based on its determination that the combination of work and transportation issues rendered jury service a hardship. Given this evidence, and in light of the deferential standard of review, we conclude that the trial court did not abuse its discretion in discharging Juror No. 73 and replacing her with an alternate.

¶ 29 In so holding, we acknowledge defendant's complaint that Juror No. 73 never referenced any transportation issues during *voir dire*. However, the record suggests that she may not have been aware of any transportation problems at that time, but that she notified court personnel as

soon as she did learn of a potential problem. In this regard, the record establishes that near the end of testimony on the first day of trial, Juror No. 73 handed a note to the deputy because she was concerned that the trial would end after the last bus leaves the courthouse.

¶ 30 However, even if we were to conclude that the court's decision to discharge Juror No. 73 constituted an abuse of discretion, we also find a lack of prejudice. See *People v. Rose*, 191 Ill. App. 3d 1083, 1096 (1989) (noting that even if the dismissal of a juror constitutes an abuse of discretion, the defendant must still establish prejudice). Defendant alleges that he has established prejudice because a juror that he selected in accordance with Illinois law was "arbitrarily" removed from the jury. In particular, defendant contends that the alleged hardships to the juror and her employer "were too slight and too vaguely described to warrant her removal from the jury." As noted above, in discharging Juror No. 73, the trial court cited the combination of both work and transportation issues. According to defendant, although both Juror No. 73 and her supervisor insisted that Juror No. 73's presence was essential to the operation of the state agency where she works, neither individual articulated a meaningful explanation for why that was the case. He also claims that the information the trial court received regarding Juror No. 73's transportation issues was equally vague. We disagree.

¶ 31 As noted above, during *voir dire*, Juror No. 73 told the court that she was the only individual in the state agency where she works with the authority to approve fiscal matters. In her email to the court, Juror No. 73's supervisor confirmed that Juror No. 73 is the fiscal/contracts manager for a small state agency and that, due to a vacancy in that office, she (Juror No. 73) is the only person who can perform certain essential tasks related to the end of the agency's fiscal year on June 30. The supervisor averred that it would result in an "extreme hardship" to the agency to have Juror No. 73 unavailable during this crucial period. Thus,

contrary to defendant's argument, the trial court was presented with a meaningful explanation why Juror No. 73's presence was essential to the operation of the state agency where she works. Similarly, we find that the trial court was presented with a meaningful explanation of the transportation issues faced by Juror No. 73. Prior to the first day of trial, Juror No. 73 handed a note to the deputy because she was concerned about when the last bus left the courthouse. The following day, the court noted the time that Juror No. 73 spends getting to and from the courthouse. The court explained that Juror No. 73 does not have an automobile, so it takes her three hours to travel to the courthouse and get back home because she has to take two buses and a train. The court also explained that it had to make "arrangements" the previous night to take Juror No. 73 home. The court did not find it appropriate to make individual travel arrangements for the jurors. Thus, contrary to defendant's claim, the trial court's decision was far from arbitrary and he has failed to establish prejudice.

¶ 32 Additionally, defendant overlooks the fact that the alternate who replaced Juror No. 73 was also part of the jury he chose to decide his case. Indeed, defendant fully participated in the *voir dire* examination of the alternates, he did not exhaust his peremptory challenges, and he did not object to the alternate who replaced the excused juror. A defendant's right to a fair and impartial jury does not mean that he has a right to have a particular juror included on the panel (*Rose*, 191 Ill. App. 3d at 1096) and this right is not abridged by the replacement of an original juror with an alternate juror (*People v. Campbell*, 126 Ill. App. 3d 1028, 1040 (1984)). Defendant has not demonstrated that the alternate who replaced Juror No. 73 was not a fair and impartial trier-of-fact. *Campbell*, 126 Ill. 2d at 1040; see also *Ward*, 154 Ill. 2d at 305 ("The defendant, who had his opportunity during *voir dire* to challenge any juror he considered unacceptable (limited, of course, by the number of peremptory challenges granted to each side),

does not demonstrate prejudice when a juror who was properly chosen as an alternate, but is now considered undesirable, sits on his jury.”).

¶ 33 Even assuming *arguendo* that the trial court erred in discharging Juror No. 73 for the reasons stated on the record, any error was harmless beyond a reasonable doubt given the overwhelming evidence against defendant on the home-invasion and the aggravated-kidnapping convictions.¹ See *People v. Thurow*, 203 Ill. 2d 352, 363 (2003).

¶ 34 As charged here, a person who is not a peace officer acting in the line of duty commits the offense of home invasion when “without authority he or she knowingly enters the dwelling place of another when he or she knows or has reason to know that one or more persons is present” and he or she “[i]ntentionally causes any injury * * * to any person or persons within such dwelling place.” 720 ILCS 5/12-11(a)(2) (West 2010). Defendant challenges the evidence regarding the unauthorized-entry element of home invasion. According to defendant, the evidence established that Hall unlocked the door of Brian’s apartment with the intent of allowing him entry. Therefore, he concludes, the jury could have concluded that he had authority to enter the apartment. We disagree and conclude that the evidence overwhelmingly establishes beyond a reasonable doubt that, without authority, defendant knowingly entered Brian’s apartment.

¶ 35 Although it is undisputed that Hall unlocked the door to Brian’s apartment prior to defendant’s entry, the evidence does not support defendant’s claim that Hall did so with the intent of allowing defendant to enter. In this regard, Hall unequivocally testified that his intent in unlocking the door was to *go outside and speak with defendant* in an attempt to calm him down. The evidence establishes, however, that before Hall had the opportunity to leave the apartment,

¹ In his brief, defendant concedes that he is guilty of aggravated domestic battery. As such, we do not discuss this conviction under a harmless-error analysis.

the door “flew open” and defendant entered the apartment. Both Brian and Hall testified that Brian did not invite defendant into his apartment and he did not tell defendant that it was okay for him to come inside. Brian and Hall also testified that after defendant entered the apartment, Brian told him that he was not welcome. Even defendant’s testimony suggests that he was aware that Brian did not want him in his apartment. For instance, defendant testified that Brian told him that he did not “want that shit” in his house. Nevertheless, defendant remained in the apartment and attacked Wojtas. Accordingly, the evidence overwhelming establishes that defendant, without authority, knowingly entered Brian’s apartment and committed the offense of home invasion.

¶ 36 We reach the same result with respect to the aggravated kidnapping conviction. A person commits the offense of kidnapping when he or she knowingly, by force or threat of imminent force carries another from one place to another with intent to secretly confine that person against his or her will. 720 ILCS 5/10-1(a)(2) (West 2010). Aggravated kidnapping occurs where, as charged here, the kidnapping is accompanied by great bodily harm or the commission of another felony upon the victim. 720 ILCS 5/10-2(a)(3) (West 2010). Defendant claims that the evidence regarding the secret confinement element of aggravated kidnapping is lacking in this case. Defendant concedes that a person can be secretly confined in a car. See *People v. Bishop*, 1 Ill. 2d 60, 64 (1953). He maintains, however, that the evidence that Wojtas was secretly confined in this case was not strong. Again, we disagree.

¶ 37 Within the meaning of the statute, the word “secret” means concealed, hidden, or not made public while the word “confinement” is defined as the act of imprisoning or restraining someone. *People v. Gonzalez*, 239 Ill. 2d 471, 479 (2011). The secret confinement element may be established by evidence of the secrecy of the confinement or the secrecy of the location of the

confinement. *People v. Siguenza-Brito*, 235 Ill. 2d 213, 227 (2009). Confinement includes, but is not limited to, enclosure within something, most commonly a building or an automobile. *Siguenza-Brito*, 235 Ill. 2d at 227. Our supreme court has noted that secret confinement can be shown through evidence that the defendant isolated the victim from meaningful contact with the public. *Gonzalez*, 239 Ill. 2d at 480. Here, the evidence shows that defendant took Wojtas against her will from Brian's apartment to his car, he forced Wojtas into the vehicle, he proceeded to drive with Wojtas on a public highway, no one except for defendant was aware of Wojtas's precise location, and defendant prevented Wojtas from leaving the vehicle. See *People v. Goodwin*, 381 Ill. App. 3d 927, 935 (2008) (holding that element of "secret confinement" was established where the defendant was not holding the victim in a fixed location where her presence was widely known but was driving the victim in a vehicle in an attempt to elude detection). Given these circumstances, the evidence of record overwhelmingly establishes that defendant intended to secretly confined Wojtas against her will by isolating Wojtas from meaningful contact with the public.

¶ 38 In short, for the reasons set forth above, we reject defendant's argument that the trial court abused its discretion in discharging Juror No. 73 or that the trial court arbitrarily discharged Juror No. 73 resulting in prejudice to him. However, even if the trial court erred in discharging Juror No. 73, any error was harmless beyond a reasonable doubt in light of the overwhelming evidence against defendant.

¶ 39 III. CONCLUSION

¶ 40 For the reasons set forth above, the judgment of the circuit court of Du Page County is affirmed.

¶ 41 Affirmed.