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2011 IL App (4th) 100278-U

Filed 9/19/11

NO. 4-10-0278

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from
Plaintiff-Appellee,)	Circuit Court of
v.)	Champaign County
CRYSTAL D. MYRICK,)	No. 07CF1962
Defendant-Appellant.)	
)	Honorable
)	Heidi N. Ladd,
)	Judge Presiding.

JUSTICE POPE delivered the judgment of the court.
Presiding Justice Knecht and Justice Appleton concurred in the judgment.

ORDER

- ¶ 1 *Held:* The State presented sufficient evidence for a rational trier of fact to find defendant guilty beyond a reasonable doubt of two counts of first degree murder.
- ¶ 2 On November 29, 2007, defendant, Crystal D. Myrick, was indicted on six counts of first degree murder (720 ILCS 5/9-1(a)(1), 9-1(a)(2), 9-1(a)(3) (West 2006)), stemming from the beating and stabbing deaths of Jeremiah and Sue Haigh. On January 24, 2008, defendant was indicted on six additional counts of first degree murder, stemming from the same two deaths but also alleging the deaths were accompanied by "exceptionally brutal or heinous behavior indicative of wanton cruelty" (720 ILCS 5/9-1(a)(1), 9-1(a)(2), 9-1(a)(3) (West 2006); 730 ILCS 5/5-8-1(a)(1)(b) (West 2006)). On October 26, 2009, the trial court dismissed counts I through VI on the State's motion. The case proceeded to trial on counts VII through XII found in the second indictment filed on January 24, 2008. On November 4, 2010, the jury found defendant

guilty of the first degree murders of Jeremiah and Sue Haigh. The jury also found both murders were accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty. On January 11, 2010, the trial court sentenced defendant to natural life in the Illinois Department of Corrections.

¶ 3 Defendant appeals, arguing the State failed to prove her guilty beyond a reasonable doubt as no physical evidence linked her to the crime and the alleged participants' accounts are so diverse and contradictory no rational trier of fact could have found her guilty. We disagree and affirm.

¶ 4 I. BACKGROUND

¶ 5 As defendant only challenges the sufficiency of the evidence, we look to the evidence presented at defendant's trial. According to the evidence presented at trial, Jerry and Sue Haigh were beaten and stabbed to death on or about July 1, 2006. Jerry Haigh suffered 9 stab wounds and 15-blunt force injuries. Sue Haigh suffered multiple injuries to her head and stab wounds. She suffered 18 total blunt-force injuries. Her jawbone was shattered and the right side of her head was caved in. Both victims suffered defensive wounds.

¶ 6 Sergeant Jim Clark of the Champaign police department testified blood was found around both victims and on the walls, floors, and cabinets of the home. He testified officers searched for shoeprints, vehicle tread marks, latent prints, biological items (such as deoxyribonucleic acid (DNA) or DNA-carrying items such as blood or other bodily fluids or substances), and physical items. The investigations division canvassed the area and took photographs and video. Approximately 20 to 21 hours were spent investigating the crime scene. Clark testified he believed the investigation was very thorough.

¶ 7 Detective Nathan Rath testified officers investigated possible leads in several states. They exhausted all leads, investigated alibis, and subpoenaed phone and financial records.

¶ 8 No physical evidence was found linking any of the defendants to the crime scene. However, Clark testified they found evidence a “clean-up” of the crime scene had occurred. Officers found Wisk bottles, a bucket full of liquid substance, wet towels, wet rags, and bloodstains on the kitchen floor where someone attempted to clean up the scene prior to the officers’ arrival.

¶ 9 In October 2007, when defendant came forward as a witness, the investigation was dormant. Defendant had not been a suspect in the investigation. Detective John Schweighart testified he drove defendant around the Haighs' neighborhood with defendant before she was interviewed, and she was able to identify the Haighs’ residence.

¶ 10 According to Detective Schweighart's testimony, defendant initially told him she and Sean Kelly drove to the Haighs' home. Kelly told her he had to do a job so defendant stayed in the car and Kelly went into the house. Shortly thereafter, Kelly returned to the car with a shoe box full of money.

¶ 11 Detective Schweighart testified defendant then changed her story, telling the detective she followed Kelly, who was armed with a bat, up the driveway of the Haighs' home. Schweighart stated defendant told him Kelly attacked a woman with a bat, and defendant ran to a church, where she stayed for several minutes until Kelly picked her up. They then drove to a mall, and defendant bought new clothes with a \$50 bill Kelly gave her. Detective Schweighart testified defendant did not include Russell Pitcher in this version of events.

¶ 12 Detective Schweighart testified defendant later changed her story again, claiming Kelly was armed with both a bat and a knife when they approached the home. In this version, defendant told the detective she went inside the house. She described Kelly attacking Sue Haigh and hearing her screams. She stated Jerry Haigh then attacked her. Kelly responded by attacking Jerry Haigh to save defendant. She then changed her story and said Jerry Haigh attacked Kelly, and she tried to save Kelly from Jerry Haigh's attack.

¶ 13 Detective Schweighart testified defendant told him initially she was not involved in cleaning up the scene, but she subsequently changed her story. Detective Schweighart testified defendant told him in this version of events that she and Kelly went to Wal-Mart with the shoe box full of money to buy new clothes.

¶ 14 Detective Dale Rawdin testified he also interviewed defendant. This interview was recorded and the transcript was introduced as State's exhibit No. 12. In this recorded interview, defendant initially stated Kelly made her accompany him into the residence to serve as a distraction, and she watched as Kelly attacked and killed both the Haighs using a bat and a knife. She did not remember if Pitcher was in the house.

¶ 15 However, during the same interview, defendant changed her story. She told the detective they walked up the driveway to the back door. Kelly was carrying a knife and a bat. Kelly knocked, and a woman answered and invited them inside. Kelly hit her with the bat in the back of the head. Kelly continued to hit her and then stabbed her. When a man entered, Kelly attacked the man while defendant tried to help the woman. At that point, defendant told the police she could not remember if Pitcher was present. She told the police Pitcher is the type of person who cuts throats.

¶ 16 Defendant told Detective Rawdin that Kelly brought in cleaning supplies, he cleaned, and then they left. She still claimed not to remember if Pitcher was in the house. Once in the car, defendant claimed she passed out in the passenger seat and did not wake up until they were back in Iowa.

¶ 17 In defendant's next version of events to Detective Rawdin, she admitted she and Kelly picked up Pitcher in Terre Haute, then headed to Champaign because they had "to go do a job." They all walked up to the house, Kelly knocked on the door, and a woman answered. Kelly pushed his way inside the home. Kelly beat the woman multiple times with a bat, then stabbed her with a knife. Meanwhile, Pitcher cut the man's neck. Pitcher then picked up something off the kitchen counter and started swinging it.

¶ 18 Defendant then described in great detail how the bodies were positioned on the floor. Pitcher removed "jewelry and stuff" from the bodies and then cleaned up the house. After leaving the house, they stopped at a gas station to clean up and dump the evidence. They continued on to Iowa where defendant lived with Kelly for a while.

¶ 19 In yet another spin on events, defendant told the police Kelly and Pitcher told her they were going to take some money before going into the home. She had been adamant she did not know what they were there to do. Defendant stated she agreed to go in to get some money as long as nobody was hurt. After Kelly knocked on the door, defendant asked the woman to use the phone because her cell phone had died.

¶ 20 After being implicated by defendant, both Kelly and Pitcher confessed to the murders. Both individuals told multiple, conflicting detailed versions to police about how the crime was committed. Both Kelly and Pitcher testified they went to the Haighs' residence with

defendant. Both of them also testified defendant was an active participant in the murders. When Kelly testified, he had already received a plea deal. When Pitcher testified, he had confessed to the murders but had not yet pleaded guilty.

¶ 21 Defendant testified her statements to police about the Haigh murders were made because she was angry at Kelly for testifying against her in a subsequent residential arson. She testified the statements she made to police were not true. She learned about the case from talk in the jail and from a newspaper article and was able to create a story based on information she learned from television shows like NCIS. During the weekend of the murders, she claimed she was in Indiana and then drove to Louisville and Atlanta. On the way back from Atlanta, she stopped in Nashville, Tennessee. She claimed to have never been at the Haighs' residence. She also testified Pitcher and Kelly never talked to her about the murders. She stated she did not know whether they actually committed the murders.

¶ 22 Detective Nathan Rath testified fliers were posted asking for information about the crime, but the fliers did not contain any details about the crime scene. Further, defendant's testimony she was staying in Indiana during the weekend of the murders was contradicted by David Stafford's testimony that she, Kelly, and Pitcher were living with him in Iowa in July 2006.

¶ 23 Carla Mariner and Cheryl Smith each testified defendant asked them to lie and provide her with an alibi in exchange for \$10,000. Both women were incarcerated with defendant.

¶ 24 The jury convicted defendant of murdering Sue and Jerry Haigh. The jury found both murders were committed in a fashion that was brutal or heinous and indicative of wanton

cruelty. The trial court sentenced defendant to natural life in prison.

¶ 25 On April 9, 2010, the defendant's motion to reconsider sentence was denied.

¶ 26 This appeal followed.

¶ 27 II. ANALYSIS

¶ 28 On appeal, defendant argues the prosecution failed to prove her guilt beyond a reasonable doubt as its case depended upon Kelly and Pitcher's inconsistent testimony and her contradictory statements to police. When a defendant claims the evidence is insufficient to sustain a conviction, this court determines whether, 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. Young*, 128 Ill.2d 1, 49, 538 N.E.2d 461, 472 (1989). Where a finding of guilt depends on eyewitness testimony, a reviewing court must decide whether, in light of the record, a fact finder could reasonably accept the testimony as true beyond a reasonable doubt. *People v. Cunningham*, 212 Ill.2d 274, 279-280, 818 N.E.2d 304, 308 (2004).

¶ 29 A reviewing court's function is not to retry the defendant. *People v. Sutherland*, 223 Ill. 2d 187, 242, 860 N.E.2d 178, 217 (2006). Therefore, this court will not substitute its judgment for the trier of fact's regarding evidentiary or credibility determinations. *People v. Siguenza-Brito*, 235 Ill. 2d 213, 224-25, 920 N.E.2d 233, 240 (2009). This court will not reverse a conviction unless "the evidence is so unreasonable, improbable, or unsatisfactory that it justifies a reasonable doubt of defendant's guilt." *People v. Wheeler*, 226 Ill. 2d 92, 115, 871 N.E.2d 728, 740 (2007).

¶ 30 Defendant stresses in her argument the fact neither she, Pitcher, nor Kelly

provided a consistent version of events. She also points out inconsistencies between their respective versions of events. However, inconsistencies in testimony can be resolved by a jury, which is free to accept or reject as much or as little of a witness's testimony as it chooses.

People v. Brown, 388 Ill. App. 3d 104, 108, 904 N.E.2d 139, 144 (2009). Applying this standard to the present case, we conclude the State presented sufficient evidence to support defendant's convictions.

¶ 31 The State presented evidence of defendant's admissions to police that she was in the Haighs' residence when the Haighs were murdered. In addition, the evidence established defendant knew information not available to the public. Although she denied it at trial, the jury heard evidence defendant admitted to the police she was inside the Haighs' residence with the knowledge Kelly and Pitcher intended to commit a crime; she admitted she remained during the murders; she admitted helping clean up the crime scene; she admitted helping dispose of evidence after they left the scene; she remained in contact with Kelly and Pitcher for a considerable period following the murders; and she waited approximately 15 months before reporting the crime to police. The jury also heard evidence regarding defendant's conduct while in jail. Two women testified defendant tried to bribe them in exchange for an alibi. Defendant's attempts to fabricate an alibi demonstrate a consciousness of guilt the jury could consider in determining her guilt. *People v. Morrison*, 53 Ill. App. 3d 843, 847, 368 N.E.2d 1325, 1328 (1977).

¶ 32 As a result, the jury could have found defendant guilty on an accountability theory based on her own statements. To determine a defendant's accountability for the acts of another, the factors to consider include her presence during the commission of the crime, her continued association with the perpetrator after the criminal act, and her failure to report the

crime. *People v. Curtis*, 296 Ill. App. 3d 991, 1001, 696 N.E.2d 372, 380 (1998).

¶ 33 Further, the jury heard testimony from Kelly and Pitcher placing defendant at the scene and actively participating in the murders. While Kelly and Pitcher have credibility issues, it is the role of the jury to choose who and what to believe. As a result, the jury could have chosen to believe defendant actually took an active part in the murders.

¶ 34 Based on the record in this case, a rational trier of fact could have found the State presented sufficient evidence to sustain defendant's convictions

¶ 35 III. CONCLUSION

¶ 36 For the reasons stated, we affirm the trial court's judgment. As part of our judgment, we grant the State its statutory assessment of \$50 against defendant as costs of this appeal.

¶ 37 Affirmed.