2023 IL App (4th) 221032-U

NO. 4-22-1032

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
August 31, 2023
Carla Bender
4th District Appellate
Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee, v. DANIEL BLEDSOE, Defendant-Appellant.	) Appeal from the) Circuit Court of) Winnebago County) No. 20CF1494)) Honorable) Debra D. Schafer,) Judge Presiding.

JUSTICE CAVANAGH delivered the judgment of the court.
Justices Turner and Zenoff concurred in the judgment.

ORDER

¶ 1 *Held*: When all the stipulated facts are viewed in a light most favorable to the prosecution, a rational trier of fact could infer, beyond a reasonable doubt, defendant's knowledge that the person who was trying to arrest him and whom he was obstructing was a peace officer.

¶ 2 In a stipulated bench trial, the circuit court of Winnebago County found defendant, Daniel Bledsoe, guilty of unlawful use of a weapon by a felon (720 ILCS 5/24-1.1(a) (West 2020)), obstruction of a peace officer (*id.* § 31-1(a)(2), (a-7)), and possession of a firearm without a firearm owner's identification card (430 ILCS 65/2(a)(1) (West 2020)). The court sentenced defendant to two concurrent terms of four years' imprisonment. Defendant appeals, claiming the evidence is insufficient to sustain the conviction of obstructing a peace officer. More specifically, defendant claims the State failed to prove his knowledge that the person he obstructed was a peace officer.

¶ 3 We disagree. When all the stipulated facts are viewed in a light most favorable to the prosecution, a rational trier of fact could find this element of knowledge to have been proven beyond a reasonable doubt. Therefore, we affirm the circuit court's judgment.

¶ 4 I. BACKGROUND

¶ 5 Defendant agreed to a stipulated bench trial. Because the exact wording of the stipulation is crucial, we quote the stipulation in full:

> "If called to testify, Rockford Police Officer Clouston would testify as follows:
>
> On 07/27/2020 at approximately 5:06 a.m., [Rockford City Police Department] Officers Clouston and Stone were dispatched to the area of 17th Ave. and 9th St., Rockford. The caller told dispatch he observed a male, later identified as [defendant], and a female, later identified as Alisha Ware, engaged in a verbal argument and the male said something about having a gun. Officer Clouston called the caller back and spoke to him prior to arrival on scene. The caller advised he heard [defendant] say something along the lines of, 'I am going to blow your brains out!' at Ware. Officers Clouston and Stone arrived in the area and observed [defendant] and Ware standing in a large open lot to the west of 1726 10th St. When officers approached, [defendant] moved his arms close to his side and felt for his waistband and grabbed onto his waistband as he turned and walked away from the vehicle. Officer Clouston saw a slight bulge in the lower back area of [defendant's] shirt, and believing that he had a weapon, Officer Clouston shouted, 'Stop' numerous times, but [defendant] refused to comply and kept walking away. [Defendant] walked up to a vehicle parked on 10th Street and tried to open the door.

Officer Clouston grabbed [defendant's] arm, at which point [defendant] tensed his muscles and tried to pull away. A brief struggle ensued, at which time Officer Stone grabbed him as well. During the struggle Officer Stone said '10-32' meaning firearm. At that time, Officer Clouston tried to pull [defendant's] arm upward and handcuff him. [Defendant] was eventually subdued and handcuffed. A [KelTec] P-11 9mm handgun (Serial #A5119) with 1 live 9mm round in the chamber and 9 additional live rounds in the magazine were recovered from [defendant's] waistband near the small of his back.

A [Law Enforcement Automated Data System] inquiry indicated [defendant] was a previously convicted felon in Winnebago County, Illinois case 15CF2216 and did not have an active Firearm Owner Identification Card. During the struggle, Officer Clouston sustained an approximately ½ inch long bloody cut to his right knee. All of these events occurred in Winnebago County, IL.

If called to testify, Rockford Police Officer Stone would testify as follows:

Officer Stone grabbed onto [defendant] when he reached the vehicle parked on 10th Street and started to pat down the defendant. Officer Stone grabbed onto a hard and rounded surface on [defendant's] left side and ran his fingers across the surface and felt a grit-like material through [defendant's] thin cotton t-shirt, causing Officer Stone to believe that this was the handle of a handgun, therefore he informed Officer Clouston that he felt what he believed to be a handgun, or '10-32' in police code. Officer Stone tried to retrieve what he believed to be the handgun but the defendant pulled away. Officer Stone kept holding onto the defendant's arm

but the defendant pulled it away and tried to reach into his waistband. The defendant's shirt lifted up and Officer Stone viewed the handle of a black handgun.

Both Officers Clouston and Stone would testify as to the exhibits:

People's Exhibits 1, 2, and 3 are fair and accurate photographs of Officer Clouston's injury.

People's Exhibit 4 is the handgun which was recovered from [defendant's] waistband."

¶ 6 People's exhibit Nos. 1, 2, and 3 bear no date or time. The first photograph shows a uniformed police officer standing on a residential street, in dim daylight, in front of a marked patrol car with its headlights on. His right pant leg is rolled up above the knee. The other two photographs are closer views of the right knee, showing it has an abrasion, which appears fresh, or not scabbed over.

¶ 7 II. ANALYSIS

¶ 8 According to count II of the criminal complaint, defendant violated section 31-1(a-7) of the Criminal Code of 2012 (720 ILCS 5/31-1(a-7) (West 2020)) by obstructing a peace officer and thereby injuring the officer. Actually, judging by the allegations in count II, the relevant statutory provisions were not only subsection (a-7) but also subsection (a)(2) (*id.* § 31-1(a)(2) (criminalizing the act of "obstruct[ing] the performance by one known to the person to be a peace officer *** of any authorized act within his or her official capacity")). Specifically, according to count II, defendant

"knowingly obstructed the performance of K Clouston of an authorized act within his official capacity, being the arrest of [defendant], knowing K Clouston to be a peace officer or correctional institution employee engaged in the execution of his

official duties, in that he tensed his muscles, pulled away, and reached for a [KelTec] P-11 handgun in his waistband and causing injury to Officer K Clouston ***."

¶ 9 To prove count II, one of the elements the State had to prove was that when obstructing the arrest, defendant knew that Clouston was a peace officer. See *id.* Defendant maintains that his conviction of count II should be reversed because the State presented no evidence of that element. Although the photographs (People's exhibit Nos. 1, 2, and 3) show Clouston in police uniform, defendant notes that these photographs lack a date or time. Defendant further notes that, in the stipulation, there is no mention that Clouston and Stone were in uniform when they arrested defendant or that they signified to defendant in any other way that they were police officers.

¶ 10 On the other hand, in the State's view, "it was reasonable for the trial court to infer from the presented stipulation and photographic evidence that the officers were in uniform on the night in question." The State reasons:

"[I]t is clear from [the stipulation] that [Clouston and Stone] were on duty at the time they were dispatched to the scene of the incident. Further, the photographs presented by the State, while not time-stamped, show Officer Clouston in uniform and a fresh and actively bleeding wound on his knee. [Citation.] From this evidence, it was reasonable for the trial court to draw the inferences that patrol officers on duty would be in uniform and that the photographs of Officer Clouston's injury were taken immediately after the incident considering the cut was still bleeding and showed no signs of healing."

¶ 11 Looking at the photographs, we do not see any blood flowing from the wound. Nevertheless, the wound appears to be wet, suggesting it was recently inflicted. The dim daylight in People's exhibit No. 1, with a security light shining in the background, could be suggestive of early morning. In this photograph, Clouston is wearing a police uniform and is standing in front of a marked patrol car, as a patrol officer would do. Clouston was on duty when he arrested defendant at 5:06 a.m. For a patrol officer to be out of uniform when on duty would be strange and self-defeating. Granted, as the State acknowledges, the stipulation does not specifically confirm that the officers were uniformed. The State reminds us, however, that our standard of review is deferential, requiring us to accept any inferences that reasonably could be drawn in favor of the prosecution. To quote from a case that the State cites:

> "Where the defendant challenges the sufficiency of the evidence used to convict him, the reviewing court must determine, considering the evidence in the light most favorable to the prosecution, whether any rational trier of fact could have found the essential elements met beyond a reasonable doubt. [Citation.] All reasonable inferences are drawn in favor of a finding of guilt." *People v. Swenson*, 2020 IL 124688, ¶ 35.

¶ 12 An inference is a logical deduction from given facts. It is logically deducible, from the stipulation and photographs, that Clouston was on duty as a patrol officer and hence was in uniform when defendant obstructed him. Defendant's knowledge that Clouston was a peace officer was also logically deducible. Defendant argues that Clouston and Stone could have been mistaken for robbers or panhandlers. Let us set aside the unlikelihood that two robbers or panhandlers, instead of two police officers, would have converged on defendant at 5:06 a.m. after he told a woman, per the stipulation, " 'I am going to blow your brains out!' " What makes this argument

even more improbable is that robbers and panhandlers do not typically utter numerical codes, such as "10-32." Nor do they typically carry handcuffs and try to put them on people. "During the struggle," the stipulation reads, "Officer Stone said '10-32' meaning firearm," and "Officer Clouston tried to pull [defendant's] arm upward and handcuff him." It is widely known that police officers carry handcuffs and use numerical codes when communicating with one another. A rational trier of fact could infer, beyond a reasonable doubt, defendant's knowledge that Clouston and Stone were police officers.

¶ 13 III. CONCLUSION

¶ 14 For the foregoing reasons, we affirm the circuit court's judgment.

¶ 15 Affirmed.