No. 125117

IN THE

SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS, Respondent-Appellee, -vs- RASHEED CASLER Petitioner-Appellant	))))))))))	Appeal from the Appellate Court of Illinois, No. 5-16-0035. There on appeal from the Circuit Court of the First Judicial Circuit, Jackson County, Illinois, No. 15-CF-228. Honorable Kimberly Dahlen, Judge Presiding.

BRIEF AND ARGUMENT FOR PETITIONER-APPELLANT

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POINTS AND AUTHORITIES

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NATURE OF THE CASE

After a jury trial, Rasheed Casler was convicted of obstruction of justice and sentenced to 90 days in jail and 24 months of probation.

This is a direct appeal from the judgment of the court below. No issue is raised challenging the charging instrument.

ISSUES PRESENTED FOR REVIEW

Whether a conviction for obstructing justice by furnishing false information requires a showing that the false information materially impeded the officer's investigation.

STATUTES AND RULES INVOLVED

720 ILCS 5/31-4(a)(1)

§ 31-4. Obstructing justice.

(a) A person obstructs justice when, with intent to prevent the apprehension or obstruct the prosecution or defense of any person, he or she knowingly commits any of the following acts:

(1) Destroys, alters, conceals or disguises physical evidence, plants false evidence, furnishes false information[.]

STATEMENT OF FACTS

During the early morning hours of March 6, 2015, Rasheed Casler was sitting on the toilet in a Carbondale hotel room because a night of drinking had caught up with him. (R.406,399-401) He heard someone ask "[w]ho's in there[,]" and, thinking it was his friends on the other side of the door, he responded, "Jakuta the King Williams." (R.406-07) A police officer identified himself and ordered Mr. Casler to open the door. (T.408) Mr. Casler complied and then recognized officer Draper from a past arrest. (T.408) Draper ordered Mr. Casler not to flush the toilet–an order he followed–and Draper identified him as Rasheed Casler. (R.409) Mr. Casler didn't respond and was arrested after a search of his name revealed he had an active warrant. (T.409)

Minutes before the arrest, Draper had seen Mr. Casler open the hotel room's front door and thought he recognized Mr. Casler. (T.226-27) After knocking and scanning the hotel room, Draper didn't see Mr. Casler. (T.231) So, he called out to the bathroom and heard a response along the lines of "I'm defecating" come from within. (T.232). Draper asked that he identify himself. (R.232) Mr. Casler responded: "Jakuta King Williams." (T.233)

Draper then ordered the occupant to open the door and to not flush the toilet. (T.233) After asking for identification, Draper was told through the door that the occupant didn't have any identification and that he was from Virginia. (T.233-34) Dispatch ran "Jakuta King Williams" but couldn't find anyone by that name. (T.234) At that point, Draper knew it was a lie (T.266) and told Mr. Casler that he could not leave until Draper identified him. (T.234)

At this point, Mr. Casler emerged from bathroom, and Draper recognized him from a previous arrest without a doubt (T.265,366), and said, "Are you sure you're not Rasheed Casler?" (T.236) Mr. Casler didn't respond. (T.236) At that time, Draper didn't know Mr. Casler had a warrant for his arrest, but another officer called dispatch. (T.266-67) After learning that there was an active warrant, Draper arrested Mr. Casler without incident. (T.267) Draper estimated that from initial knock to identification and arrest was approximately 24 minutes. (T.235) The other officer, Harsy, estimated that fewer than ten minutes passed between the time the officers knocked on the door and took Mr. Casler into custody. (T.363)

Mr. Casler was subsequently charged with three courts: counts I and II were for drug possession for items discovered in a hoodie Mr. Casler had been wearing and count III was for obstructing justice for knowingly and with intent "to prevent his arrest on warrants" providing false information to Draper by giving the name "Jakuta King Williams." (C.10-11) At jury trial, Mr. Casler was acquitted on counts I and II and was found guilty of only count III, the obstruction of justice charge. (C.6,57-59)

On appeal, Mr. Casler argued that he was not proven guilty beyond a reasonable doubt on two theories. First, Mr. Casler argued that the State had failed to prove he had the requisite intent to obstruct justice. *People v. Casler*, 2019 IL App (5th) 160035, ¶ 26. Second, Mr. Casler argued that the State had failed to show a material impediment to the administration of justice that would satisfy *People v. Taylor*, 2012 IL App (2d) 110222. *Casler*, 2019 IL App (5th) 160035, ¶ 37.

The court held that the jury could infer by the circumstantial evidence presented that Mr. Casler intended to avoid his apprehension by providing a false name and that a rational jury could find him guilty. *Casler*, 2019 IL App (5th) 160035, ¶ 33. The court also declined to follow *People v. Taylor* and held that the State was not required to prove a material impediment to the investigation in finding Mr. Casler guilty of obstructing justice by furnishing false information. *Casler*, 2019 IL App (5th) 160035, ¶ 49. The Fifth District Appellate Court affirmed the conviction. *Id.* at ¶ 51. This Court granted leave to appeal on September 25, 2019. *People v. Casler*, 132 N.E.3d 294 (Table).

ARGUMENT

Rasheed Casler's conviction for obstruction of justice should be reversed because his giving of a false name did not materially impede the administration of justice.

A. Introduction

"[T]he legislature intended to criminalize behavior that *actually* interferes with the administration of justice, *i.e.*, conduct that 'obstructs prosecution or defense of any person.'" *People v. Comage*, 241 Ill. 2d 139, 149 (2011) (emphasis in original). While this Court wrote these words in defining "conceal," this intent also applies to the meaning of "furnish" because it is found in the same statute. Thus, this Court's holding in *People v. Comage*, requiring a material impediment to an investigation for obstructing justice by concealment, must be extended to furnishing false information.

Additionally, implementing a material impediment requirement for furnishing false information in the obstructing justice statute would avoid an absurd result. It would make two crimes: obstruction of justice when there is a material impediment (720 ILCS 5/31-4(a)(2)), and attempt obstruction of justice when a substantial stop occurs without material impediment. *Id.*; 720 ILCS 5/8-4(a). This distinction would mean that more culpable conduct would be punished more severely and less culpable conduct would be punished less severely. Therefore, we ask this court to reverse Mr., Casler's conviction.

B. Standard of Review

Matters of statutory interpretation are reviewed *de novo*. *Comage*, 241 Ill. 2d at 144.

C. Development and current state of the law

As introduced above, the roots of this case are planted firmly in this Court's decision in *Comage*. There, this Court examined the definition of "conceal" within the obstructing justice statute. *Id.* at 143-44. Comage was charged with obstructing justice because he "knowingly concealed physical evidence, in that he threw a metal pipe and push-rod over a wooden privacy fence and out of view while being pursued by police." *Id.* at 141. The simple action of throwing the pipe and push-rod over a fence did nothing but delay the officer's recovery of the items by twenty seconds. *Id.* at 143. Therefore, this Court was asked whether Comage had concealed the metal pipe and push-rod as outlawed by statute. *Id.* at 143-44. This Court held that even though Comage put the items briefly out of sight of the officers, he did not conceal the items because he did not "materially impede the officers' investigation." *Id.* at 150.

In ascertaining the legislature's intent, this Court looked to a dictionary from 1961, the date of the statute's enactment, to define "conceal," which was statutorily undefined. *Id.* at 144. Comage argued that the first definition of "conceal," to "withhold knowledge," was most applicable. *Id.* Since the contraband was in the full view of the officers, and since they knew exactly where it was, the evidence was not concealed. *Id.* at 144-45. The State argued for adopting the second definition, to place the items "out of sight[.]" *Id.* at 145. This Court agreed with Comage.

In reaching this holding, this Court looked to an Illinois Appellate Court decision for an example, which held that "temporarily removing contraband from the sight of police officers" is insufficient to constitute concealment. *Id. citing In re M.F.*, 315 Ill. App. 3d 641 (2d Dist. 2000). In addition, this Court cited decisions from Pennsylvania, Florida, Delaware, New Jersey, and Alaska. *Id.* at 146-47. This Court ultimately held that the legislature did not intend that "every possessory offense where the contraband is not in plain view [to] also constitute the felony offense of obstructing justice." *Id.* at 148.

The applicable question was whether the defendant "materially impeded the officer's investigation." *Id.* at 149. Most importantly:

> The subject addressed by section 31-4 [720 ILCS 5/31-4] is "obstructing justice." Obstruction of justice is an attempt to interfere with the administration of the courts, the judicial system, or law enforcement agencies. "The phrase 'obstructing justice' as used in connection with offenses arising out of such conduct means impeding or obstructing those who seek justice in a court or those who have duties or powers of administering justice in courts." 67 C.J.S. *Obstructing Justice* § 1, at 67 (2002). Thus, in enacting section 31-4, the legislature intended to criminalize behavior that *actually* interferes with the administration of justice, *i.e.*, conduct that "obstructs prosecution or defense of any person."

Id. Thus, "material impediment" became a requirement for obstructing justice through concealment.

People v. Baskerville affirmed this understanding for a similar statute. 2012 IL 111056, ¶ 3. There, an officer asked Baskerville to go inside his house and retrieve his wife, Christine. *Id.* at ¶ 7. The officer had seen Christine driving and believed her license had been suspended. *Id.* at ¶ 4. Baskerville initially said he was the one driving and that Christine wasn't at home. *Id.* at ¶ 7. Baskerville then went

inside and reemerged later saying he didn't know what was going on because he had been at home. *Id.* Baskerville told the officer he could enter the home, but the officer declined saying he would mail the ticket to Christine. *Id*.

Baskerville concerned the definition of "obstruct" in the resisting or obstructing a peace officer statute. *Id.* at ¶ 17. Under that statute, it is a crime for a person to "knowingly resist[ ] or obstruct[ ] the performance by one known to be a peace officer . . . [acting] within his official capacity." 720 ILCS 5/31-1(a). Since Baskerville provided false information to the officer about Christine's whereabouts, the issue was whether providing that false information could be a violation of the statute. *Baskerville*, 2012 IL 111056, ¶ 17.

Thus, the Court examined what it meant to "obstruct" as used by the statute. *Id*. at ¶ 19. After examining the ordinary meaning, this Court determined that furnishing false information could be considered obstructing justice because it "can undoubtedly interfere with an officer's progress." *Id.* However, the evidence there did not show that the officer's ability to execute the traffic stop was hindered by Baskerville's false statements. *Id.* at ¶ 35. "Therefore, there was no evidence that defendant's statement hampered or impeded the officer's progress in any way." *Id.* This Court held that Baskerville was not proved guilty beyond a reasonable doubt for obstructing a peace officer. *Id.* at ¶ 36.

The next development in this issue came from the Second District Appellate Court in *People v. Taylor*, 2012 IL App (2d) 110222. In *Taylor*, the defendant was crossing a street in De Kalb, when officers recognized him from previous encounters. *Taylor*, 2012 IL App (2d) 110222, ¶ 3. One officer knew Taylor was wanted on

a warrant, and Taylor's photo was in his visor along with other wanted individuals. *Id.* Officers confirmed the warrant was still active. *Id.* Officers approached Taylor even though they were "pretty sure" it was him, but they thought Taylor "could have had a brother or something." *Id.* at ¶ 4. When asked, Taylor said he didn't have any identification on him and gave a fake name of Keenan T. Smith with a December 26, 1987, birth date. *Id.* After a search of the computer system, no such individual appeared to exist. *Id.* The officer said, "Listen, you're going to be arrested for giving us false information. I know you're Donnell. This is your chance to tell the truth." *Id.* Taylor persisted in the lie, and after talking for a few more minutes, the officer said "Hey, Donnell," to which Taylor looked up and said "Yeah?" *Id.* Taylor was arrested, and while getting handcuffed, tried to pull away. *Id.* The incident took "under ten minutes" from approach to arrest. *Id.*

The issue there was whether Taylor had been proven guilty of obstruction of justice for providing a false name that did not materially impede the investigation. *Id.* at ¶ 8. Taylor argued that under *Comage*, only conduct which actually interfered with the administration of justice by materially impeding an investigation was criminal. *Id.* at ¶ 10. The State argued that *Comage*'s material impediment holding only applied to concealment under the obstructing justice statute. *Id.* at ¶ 12.

Citing *Baskerville*, the *Taylor* court held that the relevant issue in a sufficiency-of-the-evidence challenge to a conviction for obstruction of justice is that of material impediment. *Id.* at ¶ 17. Since the false name provided by Taylor didn't actually interfere with or materially impede the investigation, there was no obstruction of justice. *Id.* at ¶ 17, 21.

In the present case, the Fifth District took a narrower reading of the *Comage* decision. It acknowledged the factual similarities between *Casler* and *Taylor*, but refused to follow *Taylor*. *Casler*, 2019 IL App (5th) 160035, ¶ 49. The *Casler* court stated that the *Taylor* court interpreted the scope of *Comage* and *Baskerville* more broadly than it should. *Id.* at ¶ 45-46. The *Casler* court held that *Comage* only required a material impediment to be shown in obstruction of justice cases involving concealment, so Mr. Casler's conviction was affirmed. *Id.* at ¶ 45, 52. This Court should hold as *Taylor* did, that a material impediment must exist for obstruction of justice by furnishing false information to occur and reverse Mr. Casler's conviction.

D. The legislative intent requires a finding of material impediment for an obstruction of justice conviction.

As this Court has held countless times, the primary rule in construing a statute is to "give effect to the intent of the legislature." *People v. Donoho*, 204 Ill. 2d 159, 171 (2003). The best evidence of the legislature's intent is the statutory language's plain and ordinary meaning. *Comage*, 241 Ill. 2d at 144. Additionally, "[t]o determine the plain meaning, we must consider the statute in its entirety and be mindful of the subject it addresses." *Id.*

In other words, while the best evidence of intent is the statute's plain meaning, the court should consider "in addition to the statutory language, the reason for the law, the problems to be remedied, and the objects and purposes sought." *Donoho*, 204 Ill. 2d at 171-72.

To begin, the statute states:

§ 31-4. Obstructing justice.

> (a) A person obstructs justice when, with intent to prevent the apprehension or obstruct the prosecution or defense of any person, he or she knowingly commits any of the following acts:
>
> (1) Destroys, alters, conceals or disguises physical evidence, plants false evidence, furnishes false information[.]

720 ILCS 5/31-4(a)(1). Since "furnishes" is undefined, it is appropriate to use a dictionary to ascertain the meaning of the term. *Comage*, 241 Ill. 2d at 144.

According to a 1968 Webster's dictionary,[1] the primary definition of "furnish" is "to supply, provide, or equip with whatever is necessary or useful[.]" *Webster's New World Dictionary* 588. Upon first reading, furnish does not seem to indicate much more than "to provide"; however, the "necessary or useful" language of the definition is essential to understanding its meaning. This language suggests a reliance upon the provided information. That is to say, the false information was "necessary or useful" to prevent of the apprehension or obstruction of the prosecution of a person. Therefore, it follows that if the false information was not relied upon, or did not materially impede the officer's investigation, the false information was not "furnished" as required by the statute.

This interpretation is also supported by the doctrine of *noscitur a sociis*, or "the meaning of questionable words or phrases in a statute may be ascertained by reference to the meaning of words or phrase associated with it." *People v. Diggins*, 235 Ill. 2d 48, 56 (2009). In applying this doctrine, the meanings of "destroys," "alters," "conceals, "disguises," and "plants" should all be considered when ascertaining the meaning of "furnish." Beginning with "conceals," we know that

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[1]Counsel was unable to locate a dictionary from the year of enactment, 1961.

this Court has already held that one cannot conceal evidence without materially impeding an officer's investigation. *Comage*, 241 Ill. 2d at 150. And we know that this interpretation is to be considered part of the statute "unless and until the legislature amends it contrary to the interpretation." *Henrich v. Libertyville High Sch.*, 186 Ill. 2d 381, 387 (1998).

It is most reasonable to interpret each verb in this list as also including the material impediment requirement. Namely, if one has not materially impeded the investigation, one has not "destroyed," "altered," "disguised," or "planted" evidence sufficiently to obstruct justice. By the very act of "destroying," "altering," "disguising," or "planting" evidence, much like "concealing," one must materially impede the investigation. Evidence that *has not* been destroyed, altered, disguised, or planted is simply good evidence. Evidence that *has* been destroyed, altered, disguised, or planted obstructs justice. Evidence that has not been destroyed, altered, disguised, or planted sufficiently to materially impede an investigation *attempts* to obstruct of justice. Therefore, a material impediment requirement must also be required of "furnish."

Additionally, in interpreting the statute, as this Court has held, one must consider the reasons for the law, problems to be remedied, and objects and purposes sought when construing a statute. This Court has already considered these factors, so speculation is not needed. This Court held that "in enacting section 31-4, the legislature intended to criminalize behavior that *actually* interferes with the administration of justice, *i.e.*, conduct that 'obstructs prosecution or defense of any person.'" *Comage*, 241 Ill. 2d at 149 (emphasis in original). Clearer reason

and purpose cannot be stated. This intent comes from section 31-4, entitled "obstructing justice." "The phrase 'obstructing justice' as used in connection with offenses arising out of such conduct means impeding or obstructing those who seek justice in a court or those who have duties or powers of administering justice in courts." *Id.* (citing 67 C.J.S. *Obstructing Justice* § 1, at 67 (2002)). Using this Court's findings, conduct which does not actually interfere with the administration of justice was not intended to be illegal, including provided false information.

Finally, while *Comage* analyzed the holdings from five other states and how they each defined "conceal," no such analysis need be done here. Primarily, this is because no other state formulates "obstructing justice" in quite the same way Illinois does. Therefore, decisions from other states would not be persuasive because they "do not reflect Illinois law." *In re Scarlett Z.-D.*, 2015 IL 117904, ¶ 55. Additionally, *Comage* provides adequate precedent to guide this Court's decision, so, decisions from other states do not need to be explored. *Bayer v. Panduit Corp.*, 2016 IL 119553, ¶ 36.

It follows that the legislature intended to require a material impediment be shown to sustain a conviction for obstruction of justice. The definition of "furnish" from the 1960s when the statute was enacted supports this, as does the meaning of the other words in the list. Additionally, when analyzing the purpose of the statute, as this Court has done, only conduct which *actually* interferes with the administration of justice should be outlawed. Here, Mr. Casler's conduct did not truly interfere with the administration of justice. Therefore, Mr. Casler is not guilty of obstructing justice.

E. A material impediment requirement is necessary to avoid an absurd result.

Assuming, *arguendo*, that Mr. Casler intended to prevent his apprehension, his conduct in this case can better be described as attempt obstructing justice.[2] Attempt under 720 ILCS 5/8-4(a) occurs when a defendant, with intent to commit a specific offense, "does any act that constitutes a substantial step towards the commission of that offense." When viewed in light of the jury's inferences, Mr. Casler's case can best described as a "substantial step." Mr. Casler intended to obstruct justice by providing a false name to prevent his apprehension. But, with no material impediment to the administration of justice, Mr. Casler committed only the misdemeanor offense of attempt obstruction of justice. The providing of the false name was the substantial step; however, since the officers did not believe or accept that name, no material impediment to the administration of justice occurred.

Without a material impediment requirement, an absurd result occurs in that obstruction of justice for furnishing false information and attempting to do so are the exact same crime. If the furnished false information does not materially impede the investigation, the prosecutor could charge the defendant for either obstruction of justice or attempt. The obstruction charge is proper because the false information was arguably "furnished." The attempt charge is proper because the defendant took a substantial step in obstructing justice by providing false

[2]Mr. Casler argued below that the State did not prove beyond a reasonable doubt that he had the requisite intent to prevent his apprehension. While not raised in this brief, Mr. Casler still contests this fact.

information. In other words, without a material impediment, the *actus reus*, that of providing false information, is both the offense and the substantial step towards the offense. Requiring a material impediment separates these into two distinct crimes.

The material impediment requirement thus avoids an absurd result here. "If a literal construction of the words of a statute be absurd, the act must be so construed as to avoid the absurdity." *People v. Hanna*, 207 Ill. 2d 486, 498 (2003). Under the proposed better-reasoned interpretation, one would commit attempt obstruction of justice by the singular act of providing false information with the intent to prevent an apprehension. One would then commit the more serious felony offense of obstruction of justice if the false information also materially impeded his apprehension thus being "furnished" as contemplated by statute.

This interpretation is also consistent with other statutes concerning similar conduct. Obstructing identification is a class A offense and is committed when a defendant:

> intentionally or knowingly furnishes a false or fictitious name, residence address, or date of birth to a peace officer who has:
>
> (1) lawfully arrested the person;
>
> (2) lawfully detained the person; or
>
> (3) requested the information from a person that the peace officer has good cause to believe is a witness to a criminal offense.

720 ILCS 5/31-4-5(a). The class A misdemeanor of obstructing identification is completed when a person in custody or a witness intentionally furnishes a false name whether the officer is impeded or not. Thus, the distinction between the

inchoate offense of attempt obstruction of justice and the completed, or choate, offense of obstruction of justice. If the officer is not impeded, the defendant is convicted of the class A offense of attempt obstruction of justice. However, he would be convicted of a felony if the investigation is materially impeded. This establishes that less culpable conduct is punished less severely, and more culpable conduct is punished more severely.

Analysis of the statute prohibiting obstructing a peace officer yields a similar result. There, "[a] person who knowingly resists or obstructs the performance by one known to the person to be a peace officer, firefighter, or correctional institution employee of any authorized act within his or her official capacity commits a Class A misdemeanor." 720 ILCS 5/31-1(a). *Baskerville* requires an impediment to prove obstruction. *Baskerville*, 2012 IL 111056 at ¶ 23. This is less culpable conduct than obstruction of justice which creates a material impediment because obstructing a peace officer only requires one to obstruct an officer's performance whereas obstruction of justice requires one to be acting intentionally to prevent an apprehension or prosecution. *Compare* 720 ILCS 5/31-1(a) *and* 720 ILCS 5/31-4(a)(1). Requiring a material impediment be proved in a conviction for obstructing justice is consistent with both the plain meaning of the statute and other statutes covering similar conduct; therefore, we ask this Court to reverse Mr. Casler's conviction.

CONCLUSION

For the foregoing reasons, Rasheed Casler, petitioner-appellant, respectfully requests that this Court reverse Mr. Casler's conviction.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I, Daniel R. Janowski, certify that this brief conforms to the requirements of Supreme Court Rule 341(a) and (b). The length of this brief, excluding pages containing the Rule 341(d) cover, the Rule 341(h)(1) statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a) is 18 pages.

/s/Daniel R. Janowski
DANIEL R. JANOWSKI
Assistant Appellate Defender

APPENDIX TO THE BRIEF

Rasheed Casler No. 125117

STATE OF ILLINOIS
COUNTY OF JACKSON

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT, JACKSON COUNTY ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS
PLAINTIFF,

-VS-

CASE NO. 2015 CF 228
App. Ct. No. 5-16-0035

RASHEED CASLER
DEFENDANT,

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STATE OF ILLINOIS
COUNTY OF JACKSON

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT, JACKSON COUNTY ILLINOIS

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RASHEED CASLER

DEFENDANT,

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STATE OF ILLINOIS
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IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT, JACKSON COUNTY ILLINOIS

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RASHEED CASLER

DEFENDANT,

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NO. 5-16-0035

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee, v. RASHEED CASLER, Defendant-Appellant.	)))))))))	Appeal from the Circuit Court of Jackson County. No. 15-CF-228 Honorable Kimberly L. Dahlen, Judge, presiding.

PRESIDING JUSTICE OVERSTREET delivered the judgment of the court, with opinion.

Justices Chapman and Moore concurred in the judgment and opinion.

OPINION

¶ 1 The defendant, Rasheed Casler, appeals his November 10, 2015, conviction, following a jury trial in the circuit court of Jackson County, which found him guilty of obstructing justice in violation of section 31-4(a) of the Criminal Code of 2012 (720 ILCS 5/31-4(a) (West 2014)). He was sentenced on January 20, 2016. For the following reasons, we affirm.

¶ 2 FACTS

¶ 3 On June 23, 2015, the defendant was charged by information with, *inter alia*, obstructing justice (*id.*).[1] The information alleged that the defendant knowingly, with the intent to prevent his arrest on warrants, provided false information to Sergeant Guy Draper by telling him that his name was Jakuta King Williams. A jury trial was held on November 9 and 10, 2015. Our

[1]The defendant was charged with two additional offenses that are not part of this appeal.

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recitation of the evidence presented at trial is limited to that which is relevant to obstructing justice—the only charge at issue on appeal.

¶ 4 Guy Draper testified that he is employed as a sergeant with the Carbondale Police Department. After summarizing his curriculum vitae, Draper testified that some of his duties include supervising the midnight shift from 10:30 p.m. through 8:30 a.m. During the midnight shift on March 6, 2015, Draper was on duty, conducting foot patrols at various hotels throughout Carbondale. At 12:45 a.m. on that date, he and Officer Blake Harsy were both in uniform and on foot patrol at Quality Inn. Draper testified that, while patrolling the hallway of the second floor, Harsy "was just a little bit behind me." As they approached room 210, the door opened quickly, and Draper observed "a black male emerge from the hotel room, look at me, pause for a second, and then slam the door and go back into the room." Draper noticed that the man was wearing a green hoodie. Draper testified that he "recognized him as being someone I had dealings with prior" but "it was just a brief window" so he "wasn't sure who it was." Draper identified the defendant as the individual who opened the door of room 210.

¶ 5 Draper testified that, when the door slammed shut, Harsy smelled the odor of burnt cannabis emerging from the hotel room. Draper approached the door and immediately noticed the odor as well. Draper testified that he knocked on the door and, after about five seconds, a female later identified as Brianna Wyatt opened the door. Draper noticed the smell of cannabis was stronger at that point, but he did not enter the room immediately. From his vantage point in the doorway, Draper observed the layout of the room, which he described as a "typical hotel room." Draper saw two males in the room, one on each bed and both of whom he instantly recognized, and two females seated in opposite corners of the room, neither of whom he recognized. The males were identified as Torrion Creer and Desmine Schauf and the females as Brianna Wyatt—who had opened the door—

and Shanique Lincoln. Draper requested additional officers for backup when he realized how many people were in the room. He stated that Creer, Schauf, and Wyatt were "real interested [*sic*] in leaving the room" but he did not allow them to do so.

¶ 6 Draper testified that his attention was directed to the bathroom because he did not see the defendant in the hotel room and the bathroom door was closed. Draper explained that he previously witnessed people in hotel rooms hide in the bathrooms because they "have warrants or probable cause for their arrest" or they sometimes go to the bathrooms "to seek refuge[,] to attempt to destroy evidence[,] or hide stuff." Draper testified that, when he did not see the defendant in the hotel room, he directed his attention toward the bathroom door. Draper explained that he was still standing in the hotel room doorway during this time and he knocked on the opened hotel room door—not the bathroom door—and identified himself as a police officer before addressing the person in the bathroom as follows: "Anybody in the bathroom, identify yourself."

¶ 7 Draper testified that the defendant responded in so many words that he was defecating. Draper again commanded the defendant to identify himself, and the defendant responded that his name was Jakuta King Williams. When Draper asked the defendant for identification, the defendant replied that he had no identification but said that he was from Virginia. Draper testified that Officer Harsy relayed the name Jakuta King Williams to the dispatch center but no record of any such person was found. Draper indicated that the defendant initially fooled him by giving him the false name.

¶ 8 Draper testified that he ordered the defendant to open the door so he could see him and know what he was doing. Draper also told him that if he flushed the toilet Draper would come into the bathroom and seize him. Draper explained that, if the toilet flushed, he would assume that the defendant was trying to get rid of

whatever he did not want Draper to find. Draper testified that, because of the odor of cannabis in the hotel room, he thought the defendant was attempting to hide cannabis in the bathroom. Draper testified on cross-examination that he did not hear the defendant flush the toilet and, as far as Draper knew, the defendant did not try to destroy any evidence while in the bathroom.

¶ 9 Draper informed the defendant that the officers were not leaving until they confirmed his identity. Draper testified that when the defendant emerged from the bathroom he had a chance to look at him for a period of time and recognized him because he had previously arrested him. When he recognized the defendant, Draper asked him, "Are you sure you're not Rasheed Casler?" Draper testified that the defendant did not respond and at that point "he stopped looking at me." Draper noted that the defendant was not wearing the green hoodie when he emerged from the bathroom.

¶ 10 One of the officers relayed the name Rasheed Casler to the dispatch center, which alerted that the defendant had an outstanding warrant. Accordingly, Draper arrested the defendant. Draper conceded on cross-examination that, once he realized there was a warrant on the defendant, nothing interfered with his ability to apprehend him, nor did the defendant attempt to fight him or run from him. Draper testified that, when he looked in the bathroom after the defendant emerged, he observed toilet paper in the toilet but did not see any human waste or contraband. When asked if the defendant was drunk when he encountered him, Draper replied, "I don't know. I don't think so."

¶ 11 Draper testified that the registered tenant of the hotel room eventually arrived and consented to a search of the room. Draper participated in the search, located a green hoodie lying on the far bed, and confirmed that it was the one the defendant was wearing when he opened the hotel room door and stepped into the hallway. Draper testified that he stood by as Sergeant David Kemp searched the hoodie and

discovered in the pocket, *inter alia*, a wallet containing the defendant's Illinois identification card bearing the name Rasheed Casler.

¶ 12 Shanique Lincoln testified that she was with the defendant in the hotel on the date in question. She recalled the defendant opening the hotel room door and going to the bathroom afterwards, but she could not recall if the defendant was wearing a green hoodie when he opened the door because she was "under the influence" from drinking tequila and smoking marijuana and could not remember many details. Lincoln agreed that she spoke to a police officer and submitted a written statement but qualified that she "felt forced, pushed into it" because she was arrested that night for possession of cannabis and she felt frightened and threatened. Lincoln's statement was published to the jury, over objection. She asserted in the statement, *inter alia*, that the defendant "looked out the door and said wo [*sic*] and closed the door."

¶ 13 David Kemp testified that he is employed as a sergeant with the Carbondale Police Department. He reported that he was present at Quality Inn on March 6, 2015, a little before 1 a.m. and conducted a search of room 210. During the search, he located a green hoodie, in which he discovered, *inter alia*, a wallet containing an Illinois driver's license bearing the name Rasheed Casler. Kemp confirmed that Draper was standing right beside him during the search "[a]nd as I pulled those items out of the pocket of the hooded sweatshirt, I laid them on the bed to be photographed, and then I handed those items over to Sergeant Draper right there in the room."

¶ 14 Blake Harsy testified that he is employed as a patrol officer for the Carbondale Police Department. He testified that he was conducting a foot patrol with Draper on the second floor of Quality Inn at 12:45 a.m. on March 6, 2015, when he heard the door of room 210 open and observed a black male in a green hoodie step into the hallway. Harsy testified that the subject "saw us in uniform, looked right at Sergeant

Draper[,] and retreated into the room and shut the door." Harsy identified the defendant as the man he observed in the hallway.

¶ 15 Harsy testified that, as the door of room 210 closed, he smelled the odor of burnt cannabis. Accordingly, he informed Draper, who walked to the door and also smelled it. Harsy indicated that Draper knocked on the door and a female—later identified as Brianna Wyatt—opened the door less than a minute later. At that time, Harsy observed "a few different people sitting on beds" and one person sitting in a chair. He testified that he "could see visible smoke just wafting in the middle of the room." Harsy did not see the defendant in the hotel room. He described the room as approximately 20 by 25 feet, with the bathroom door located a couple feet away from and directly to the right of the entry door.

¶ 16 Harsy testified that, when Brianna Wyatt answered the door, he asked her to step into the hallway to speak to him. Although Wyatt initially claimed to be the registered tenant of the hotel room, Harsy learned from her that the actual registered tenant had left. Harsy noted that Draper was standing in the hallway "talking through the opened door to the people that were sitting in the room."

¶ 17 At some point, Harsy went downstairs to speak to the manager on duty and learned the name of the registered tenant. He returned to room 210 less than 10 minutes later, observed several officers standing in front of the door, and heard a "hit tone." Harsy explained that, when a name is run by dispatch through the database, "there's a certain tone on the radio to let officers know that the person has a warrant." Harsy continued, "[S]o when I returned to the room, I heard that over the radio and I saw officers entering the room and taking [the defendant] into custody." Harsy testified that he entered the hotel room, checked the bathroom, and observed human waste in the toilet. He confirmed that no contraband was found in the bathroom.

¶ 18 The defendant testified that he arrived at Quality Inn on the date in question "a little bit after 12, I want to say." He stated that he was intoxicated upon arrival because he had been drinking tequila. He went to room 210 because his friends, Torrion Creer, Desmine Schauf, Brianna Wyatt, and Shanique Lincoln, were there. The defendant testified that he continued to drink tequila after he was inside room 210 and "I was feeling queasy after I took that last shot and I really couldn't hold it down, so I got up to run to the bathroom and I opened the wrong door" into the hallway. The defendant testified that he "didn't step outside, just opened the door and shut it," then went to the bathroom. He denied seeing any police officers in the hallway.

¶ 19 The defendant identified People's exhibit 2 as the green hoodie that he was wearing on the night in question. He testified that he was sweating before he went to the bathroom and "I was going to vomit everywhere and I was hot, so I took it off" and "I tossed it on the bed." The defendant testified that when he entered the bathroom he closed the door and began having diarrhea. While using the bathroom the defendant heard somebody ask, "Who's in there?" He testified that he thought it was one of his buddies "messing around with me while I was using the bathroom," so he replied, "Jakuta King Williams." He reiterated on cross-examination that he did not know there were officers outside the bathroom door when he shouted that his name was Jakuta King Williams.

¶ 20 The defendant testified that he was not attempting to avoid being arrested by giving the false name. He denied telling Draper that he did not have any identification because "I had my wallet." He testified that he is, in fact, from Portsmouth, Virginia. He stated that he did not know that there was a warrant for his arrest at the time, he did not enter the bathroom to avoid arrest, and it was not his intent to flush any contraband while in the bathroom. The defendant testified that after he heard someone ask, "[w]ho's in there," he was told to open the door "and that's when I knew it was the police." The defendant

testified that he opened the door while still seated on the toilet and when the door opened he recognized Draper, who had arrested him in June 2013.

¶ 21 The defendant testified that Draper instructed him not to flush the toilet. The defendant confirmed that Draper also recognized him and called him by name. After the defendant finished using the bathroom, he exited without flushing the toilet, and Draper arrested him. The defendant testified that his wallet containing his identification was in the hoodie that he had tossed on the bed. On, November 10, 2015, the jury found the defendant guilty of obstructing justice.

¶ 22 ANALYSIS

¶ 23 The sole issue on appeal is whether the State proved beyond a reasonable doubt that the defendant obstructed justice. "Where a criminal conviction is challenged based on insufficient evidence, a reviewing court, considering all of the evidence in the light most favorable to the prosecution, must determine whether any rational trier of fact could have found beyond a reasonable doubt the essential elements of the crime." *People v. Brown*, 2013 IL 114196, ¶ 48. "[A] criminal conviction will be reversed where the evidence is so unreasonable, improbable, or unsatisfactory as to justify a reasonable doubt of the defendant's guilt." *Id.*

¶ 24 We are mindful that under a challenge to the sufficiency of the evidence, " 'a reviewing court must allow all reasonable inferences from the record in favor of the prosecution.' " *People v. Saxon*, 374 Ill. App. 3d 409, 416 (2007) (quoting *People v. Bush*, 214 Ill. 2d 318, 326 (2005)). "This standard of review applies in cases whether the evidence is direct or circumstantial." *Id.* " 'When weighing the evidence, the trier of fact is not required to disregard inferences that flow from the evidence, nor is it required to search out all possible explanations consistent with innocence and raise them to a level of reasonable doubt.' " *Id.* (quoting *People v. McDonald*, 168 Ill. 2d 420, 447 (1995)). "It is not the function of this court to retry the defendant." *People v. Rendak*, 2011 IL App (1st) 082093, ¶ 29.

"Instead, it falls upon the trier of fact to judge the credibility of witnesses, resolve conflicts in the evidence, and draw conclusions based on all the evidence." *Id.*

¶ 25 Section 31-4(a) of the Criminal Code of 2012 provides, in relevant part: "A person obstructs justice when, with intent to prevent the apprehension or obstruct the prosecution *** of any person, he *** knowingly commits any of the following acts: (1) *** furnishes false information ***." 720 ILCS 5/31-4(a)(1) (West 2014). Here, the information charged the defendant with obstructing justice, in that he knowingly and with the intent to prevent his arrest on warrants, provided false information to Sergeant Draper by identifying himself as Jakuta King Williams.

¶ 26 The defendant contends that his intent to prevent his apprehension was not proven and compares this case to *People v. Jenkins*, 2012 IL App (2d) 091168. In that case, an officer approached the defendant, David E. Jenkins, at his home and stated that he was looking for "a David Jenkins" as part of an investigation of a minor traffic accident. *Id.* ¶ 4. The defendant advised that he was David Jenkins. *Id.* The officer testified that he expected Jenkins to be younger and asked if there was a "Junior David Jenkins," to which the defendant responded in the negative. *Id.* The officer stated that he then asked the defendant if he had a son named David Jenkins and, after a negative response, he asked the defendant if he had a son named David Jenkins who drove a white Mustang. *Id.* The officer testified that the defendant again said that he did not. *Id.* After another officer approached, the defendant admitted that he did, in fact, have a son named David Jenkins whose mother owned the Mustang. *Id.* ¶ 5. The defendant was arrested for obstructing justice. *Id.*

¶ 27 The defendant in *Jenkins* testified that, when the officer asked for David Jenkins, he replied that he was David Jenkins and, when asked if he owned a white Mustang, he replied that his son did. *Id.* ¶ 12. The defendant testified

that, when he was asked if his son went by "Junior," he responded that his son goes by "David Theodore Jenkins." *Id.* The *Jenkins* court held that the evidence was insufficient to support the guilty verdict because the officer did not inform the defendant that he was looking to arrest the younger Jenkins or otherwise apprehend him. *Id.* ¶ 27. Accordingly, the defendant was unaware that a prosecution or apprehension was involved, so he could not have had the intent to avoid either. *Id.* Here, the defendant concedes that he provided false information but compares this case to *Jenkins* because he contends that, here, the State did not prove beyond a reasonable doubt that he obstructed justice because there is no proof that he intended to prevent his apprehension because he did not know he was subject to arrest. We disagree.

¶ 28 "Intent can rarely be proved by direct evidence because it is a state of mind." *People v. Witherspoon*, 379 Ill. App. 3d 298, 307 (2008). "Instead, intent may be inferred from surrounding circumstances and thus may be proved by circumstantial evidence." *Id.* In this case, the defendant argues that, "since he was not aware of a danger of arrest, he could not try to prevent it." To support his argument, he cites his testimony that he was unaware that he had any warrants and the police never identified themselves when asking who was in the bathroom. He contends that he was under the impression that his friends were joking around with him on the other side of the bathroom door and that he gave the false name to go along with the joke. He denied seeing any police officers in the hallway, denied entering the bathroom to avoid arrest, denied ever saying that he had no identification, and testified that he did not know the police were present until after he was told to open the bathroom door.

¶ 29 Conversely, the State presented evidence from which a rational jury could conclude that the defendant knew the police were present before he entered the bathroom and that he provided the false name with the intent to prevent his apprehension. Sergeant Draper and Officer Harsy both testified that they were in uniform when

they observed the defendant emerge from the hotel room, look at Draper, pause, then retreat back into the room, slamming the door behind him. Eye contact with the uniformed Draper implies that the defendant knew the police were present. Moreover, Shanique Lincoln indicated in her statement that the defendant looked out the hotel room door and said, "Whoa," before coming back in and closing the door. The jury could infer from these facts that the defendant was caught by surprise by seeing the officers in the hallway.

¶ 30 Besides Lincoln's statement and the testimony of the officers that the defendant saw them in uniform, additional evidence from which a jury could conclude that the defendant knew the police were present before he gave the false name is Draper's testimony that he identified himself as a police officer before addressing the defendant in the bathroom. The defendant obviously heard Draper because he responded that he was using the bathroom. When Draper commanded the defendant to identify himself, the defendant replied with the false name of Jakuta King Williams. When Draper asked for identification, the defendant claimed to have none, although his identification was later discovered in the green hoodie during the search of the room.

¶ 31 Notwithstanding the defendant's testimony that he was merely joking with his friends and did not know the police were present when he gave the false name, it is the duty of the jury—not of this court—to resolve conflicts between testimony and determine credibility of witnesses. See *Rendak*, 2011 IL App (1st) 082093, ¶ 29. Here, the defendant contends that "nothing in the record suggests he knew of the warrant." We disagree. No contraband was discovered in the bathroom, and the defendant did not flush the toilet. A reasonable inference flowing from these facts (see *Saxon*, 374 Ill. App. 3d at 416) is that the defendant retreated to the bathroom and provided the false name in an attempt to avoid arrest—not because he had anything to hide—but because he knew about the warrant. Nonetheless, the defendant testified that he

entered the bathroom because he was sick—not to hide from the officers or to avoid arrest. Although Draper testified that he observed only toilet paper and no human waste in the toilet, Harsy testified that he observed human waste in the toilet. Again, the jury resolves the inconsistencies between testimonies and determines the credibility of witnesses. See *Rendak*, 2011 IL App (1st) 082093, ¶ 29.

¶ 32 Additionally, Draper testified that the defendant did not respond and stopped looking at him when Draper asked if he was Rasheed Casler. There is ample evidence from which the jury could conclude that the defendant saw the police outside the hotel room and entered the bathroom to hide. Inferences as to a defendant's mental state are particularly within the province of the jury (see *People v. Rodriguez*, 2014 IL App (2d) 130148, ¶ 56), and evidence of flight is evidence of a defendant's knowledge (see *People v. Whitfield*, 214 Ill. App. 3d 446, 454 (1991)).

¶ 33 We find that the jury could infer by the surrounding circumstances and thus prove by circumstantial evidence that the defendant intended to avoid apprehension and provided the false name to Draper in an effort to do so (see *Witherspoon*, 379 Ill. App. 3d at 307), unlike *Jenkins*, where there was insufficient evidence that the defendant was trying to prevent the apprehension or obstruct the prosecution of his son because he was unaware of any potential apprehension or prosecution (see 2012 IL App (2d) 091168, ¶ 27). When looking at the evidence in a light most favorable to the prosecution and allowing all reasonable inferences to be resolved in the prosecution's favor (see *Brown*, 2013 IL 114196, ¶ 48; see also *Saxon*, 374 Ill. App. 3d at 416), we find that a rational jury could conclude that the defendant obstructed justice because he had the requisite intent to avoid apprehension and gave the false name to further that intent.

¶ 34 The defendant also cites *People v. Childs*, 272 Ill. App. 3d 787 (1995), to illustrate how intent can be inferred. In *Childs*, the defendant was convicted of obstructing justice after falsely telling police that he did not know Carlos, the murder suspect, when Carlos was hiding under

a bed a few feet from the defendant. *Id.* at 788-89. The appellate court affirmed the defendant's conviction after finding that the evidence showed that the defendant made the false statement for the purpose of preventing Carlos's apprehension. *Id.* at 791, 796.

¶ 35 The defendant attempts to distinguish *Childs*, stating that in that case, "there could be no mistake that he was talking to an officer: they were questioning him while he was on his knees with a shotgun pointed at him," (see *id.* at 788-89) but, "[h]ere, the police were merely inquiring as to whom [*sic*] was in the bathroom, not even knowing [the defendant] had an outstanding warrant once identified." We agree with the State that the differing circumstances between this case and *Childs* are irrelevant because—as previously discussed—there is sufficient evidence in this case from which the jury could reasonably infer that the defendant knew he was speaking to the police through the bathroom door and that he gave the false name to prevent his apprehension.

¶ 36 The defendant further contends that the false information provided by the defendant in *Childs* could have impaired or delayed the search for Carlos had the police not found him, while the information here presented no such risk because the police were not leaving until they confirmed the defendant's identity. We disagree. Draper testified that he was initially fooled by the false name. As aptly noted by the State, if the police had believed the defendant's story that he was Jakuta King Williams and not inquired further, they would not have discovered his true identity and that he was the subject of a warrant, just as, if the police in *Childs* had believed the defendant's story, they might not have found Carlos hiding under the bed. Moreover, notwithstanding the false information given in *Childs*, the police had already been authorized to search the premises where Carlos was hiding, so their discovering his whereabouts was inevitable, thereby discrediting the defendant's argument that the false information given in *Childs* could have impaired or delayed the search for Carlos.

¶ 37 Finally, the defendant argues that—even if we conclude that the evidence supported a finding that he possessed the requisite intent to prevent his apprehension—the totality of the evidence is insufficient to affirm his conviction because his giving the false name did not materially impede the administration of justice. He cites *People v. Taylor*, 2012 IL App (2d) 110222, to support this argument. In *Taylor*, the defendant was crossing a street when he was approached by a police officer who recognized him as Donnell Taylor because he had previously arrested him. *Id.* ¶ 3. The officer was aware that the defendant was wanted on a warrant and the defendant's photo was on the visor of the squad car, along with photos of other individuals with outstanding warrants. *Id.* A record check was run through the police database and confirmed the active warrant on the defendant. *Id.*

¶ 38 The officer testified that he requested identification when he approached the defendant because he was not 100% certain it was Donnell Taylor. *Id.* ¶ 4. The defendant responded that he had no identification and gave the officer a false name and date of birth, after which a record check returned no such person. *Id.* The officer testified that he informed the defendant that he would arrest him for providing false information, that he knew his name was Donnell Taylor, and " '[t]his is your chance to tell the truth.' " *Id.* The officer stated that the defendant gave the false name again but, after conversing for a few minutes, the officer said to the defendant, " 'Hey, Donnell,' " and the defendant replied, " 'Yeah?' " *Id.* The officer then arrested him. *Id.* The officer testified that the entire encounter—from the time he approached the defendant until he arrested him—took less than 10 minutes. *Id.* The defendant was searched at the police department, and an identification bearing his correct name was found. *Id.* A trial was held, and the jury convicted the defendant of obstructing justice. *Id.* ¶ 6.

¶ 39 On appeal, the defendant in *Taylor* conceded that he had possessed the necessary intent (*id.* ¶ 9) but argued that the evidence was

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insufficient to support his conviction in that his giving the false name to the officer did not materially impede the investigation because his arrest was complete within 5 to 10 minutes, despite his giving the false name. *Id.* ¶¶ 8, 9. To support his argument, the defendant in *Taylor* cited *People v. Comage*, 241 Ill. 2d 139 (2011), where the defendant was convicted of obstructing justice for concealing evidence by tossing a crack pipe over a fence while fleeing from police officers. *Taylor*, 2012 IL App (2d) 110222, ¶ 10.

¶ 40 In *Comage*, the officers saw the defendant throw the pipe and were able to recover it within 20 seconds. 241 Ill. 2d at 143. The Illinois Supreme Court noted in *Comage* that the obstructing justice statute does not define the word "conceal" (*id.* at 144), and set out to determine whether the evidence in that case was "concealed" within the meaning of the statute (*id.* at 140). In reviewing the issue, the court looked at two dictionary definitions of the word "conceal," one of which was relied on by the defendant and the other by the State (*id.* at 144), and discussed at length cases in which courts analyzed whether defendants concealed evidence in manners to satisfy the requirements of, *inter alia*, the obstructing justice statute (*id.* at 145-50).

¶ 41 *Strictly within the context of determining the meaning of the word "conceal,"* the Illinois Supreme Court indicated that, in enacting the obstructing justice statute, "the legislature intended to criminalize behavior that *actually* interferes with the administration of justice, *i.e.*, conduct that 'obstructs prosecution or defense of any person.' " (Emphasis in original.) *Id.* at 149. In determining whether the defendant concealed evidence, the court emphasized that the crack pipe and a push rod were thrown over the fence by the defendant and landed 10 feet away, the same of which was observed by the officers, who recovered the items within 20 seconds. On that basis, the court noted that, although the items were out of the officers' sight for a brief time span, the defendant's act did not materially impede the investigation. *Id.* at 150. Accordingly, the *Comage* court held that the defendant did not "conceal" the items within the meaning of the statute and

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reversed his conviction for obstructing justice. *Id.* at 150-51.

¶ 42 Thereafter, the *Taylor* court in the Second District broadened the application of *Comage*—which was limited to the issue of obstructing justice by concealing evidence—and reversed the defendant's conviction, holding that the State did not prove that the defendant's furnishing the false name materially impeded the administration of justice because the officer was able to arrest the defendant almost immediately, despite the false information. 2012 IL App (2d) 110222, ¶ 19.

¶ 43 The *Taylor* court also considered *People v. Baskerville*, in which the Illinois Supreme Court resolved the issue of "whether the offense of obstructing a peace officer *** necessitates proof of a physical act, and whether the evidence was sufficient to support [the] defendant's conviction." *People v. Baskerville*, 2012 IL 111056, ¶ 1. The court in *Baskerville* held that "knowingly furnishing a false statement to police may constitute obstruction of a peace officer *** where the statement interposes an obstacle that impedes or hinders the officer and is relevant to the performance of his authorized duties." *Id.* ¶ 38. The *Taylor* court stated that "*Baskerville* confirms that the relevant issue in weighing a sufficiency-of-the-evidence challenge to a conviction for obstruction of justice is whether the defendant's conduct actually posed a material impediment to the administration of justice." 2012 IL App (2d) 110222, ¶ 17.

¶ 44 Here, the defendant urges us to follow *Taylor* and reverse his conviction because he alleges that the State did not prove that his furnishing the false name caused a material impediment to the administration of justice. This court is not bound to follow *Taylor*. See *O'Casek v. Children's Home & Aid Society of Illinois*, 229 Ill. 2d 421, 440 (2008) (opinion of one district is not binding on equal courts of other districts). We reiterate that *Comage*—upon which *Taylor* relied—was decided within the parameters of the supreme court's sole mission to determine the meaning of the word "conceal" as provided in the obstructing justice statute

(241 Ill. 2d at 140) because the plain language of the statute provided no definition (*id.* at 144). Notably, the *Taylor* court did not apply *Comage* in an effort to determine the definition of "furnishing false information."

¶ 45 We are mindful of the established law that, when the court "has interpreted a statute, that interpretation is considered as part of the statute itself unless and until the legislature amends it contrary to the interpretation." *Henrich v. Libertyville High School*, 186 Ill. 2d 381, 387 (1998). Applying this principle to the case at bar, we fully acknowledge the supreme court's interpretation of the word "conceal" within the obstructing justice statute in *Comage* and how the definition ultimately established by the court incorporated a requirement of a material impediment to the administration of justice. However, the *Comage* court set forth its issue with precision and specificity to determine the meaning of concealing evidence, and we decline to follow *Taylor* by broadening that scope to encompass issues involving the furnishing of false information.

¶ 46 The court in *Taylor* also expanded the holding in *Baskerville*, which dealt with resisting or obstructing a peace officer (see 720 ILCS 5/31-1 (West 2014)), and applied it to reinforce its resolution of the issue involving obstructing justice (see *id.* § 31-4), a different statute with different elements. As with the *Comage* ruling, we decline to expand the *Baskerville* ruling as the *Taylor* court did.

¶ 47 The State cites *People v. Davis*, 409 Ill. App. 3d 457, 458 (2011), a Fourth District case in which the defendant was convicted of obstructing justice. Officers testified that they were seeking a fugitive named Bates—the father of the defendant's children—when they arrived at the home where the defendant was staying and asked her if she had seen Bates. *Id.* Defendant responded that she had not seen him and that only her brother and children were inside the home. *Id.* After the officers spoke privately with the defendant's brother, the defendant began

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crying and admitted that Bates was inside the home and that she was aware of outstanding warrants on Bates. *Id.* at 459. The defendant was convicted of obstructing justice based on furnishing false information. *Id.* On appeal, the defendant cited *Comage* and argued that she did not materially impede the police investigation because, after providing the false information, she shortly thereafter recanted her earlier statement and confessed that Bates was in the house. *Id.* at 461.

¶ 48 The *Davis* court held that the "[d]efendant's interpretation of the supreme court's holding in *Comage* is too expansive." *Id.* The court explained that *Comage* was based on "what it meant to conceal evidence under the obstructing-justice statute," whereas *Davis* "involves knowingly furnishing false information to the police." *Id.* at 462. The court also discussed cases in which a defendant places evidence out of sight momentarily—an act that "does not make recovery of the evidence substantially more difficult or impossible," compared to cases involving the furnishing of false information, where "the potential that the investigation will be compromised is exceedingly high, which is why such a crime may be completed in a very short period of time—indeed, it may be completed at the moment such false information is provided." *Id.* The *Davis* court concluded that this was "precisely what happened in this case" (*id.*) and affirmed the defendant's conviction (*id.* at 463).

¶ 49 Despite the factual similarities between this case and *Taylor*, for the same aforementioned reasons as the court in *Davis*, we refuse to follow *Taylor*, and we decline to expand the *Comage* decision in the manner suggested by the defendant. Accordingly, we reject the defendant's argument that his conviction must be reversed because the State did not prove that his furnishing the false name materially impeded the administration of justice.

¶ 50 CONCLUSION

¶ 51 For the foregoing reasons, we affirm the defendant's November 10, 2015, conviction.

¶ 52 Affirmed.

2019 IL App (5th) 160035

NO. 5-16-0035

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee, v. RASHEED CASLER, Defendant-Appellant.	)))))))))	Appeal from the Circuit Court of Jackson County. No. 15-CF-228 Honorable Kimberly L. Dahlen, Judge, presiding.

Opinion Filed: July 1, 2019

Justices: Honorable David K. Overstreet, P.J.

Honorable Melissa A. Chapman, J., and Honorable, James R. Moore, J., Concur

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IN THE CIRCUIT COURT FOR THE FIRST JUDICIAL CIRCUIT
JACKSON COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)
)
) 15-CF-228
)
RASHEED CASLER,)
Defendant)

NOTICE OF APPEAL

An appeal is taken from the order or judgment described below:

1. Court to which appeal is taken: Illinois Appellate Court – Fifth District

2. Name and Address of Appellant: Rasheed Casler
1404 North Robert A. Stalls
Carbondale, IL 62901

3. Name and Address of Appellant's Attorney on Appeal: None

The Appellant is indigent and has no attorney on appeal. The Appellant wishes the appointment of counsel on appeal.

4. Date of Judgment or Order: January 20, 2016

5. Offenses of which convicted: Obstruction of Justice

6. Sentence: 24 Months Probation; 90 days jail; fine; Alcohol/Drug Evaluation & Treatment

Respectfully submitted,
RASHEED CASLER, Defendant

By: Michael L. Wepsiec,
Trial Counsel

C 0111

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PROOF OF SERVICE

The undersigned hereby states that he has served a copy of the attached pleading upon all parties by hand delivering a copy of the same upon the attorneys of record, the Jackson County State's Attorney's Office at its office in Murphysboro, Illinois, this 21st day of January, 2016.

Michael L. Wepsiec

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No. 125117

IN THE

SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS, Respondent-Appellee, -vs- RASHEED CASLER Petitioner-Appellant	)	Appeal from the Appellate Court of Illinois, No. 5-16-0035. There on appeal from the Circuit Court of the First Judicial Circuit, Jackson County, Illinois, No. 15-CF-228. Honorable Kimberly Dahlen, Judge Presiding.

NOTICE AND PROOF OF SERVICE

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Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct. On December 4, 2019, the Brief and Argument was filed with the Clerk of the Supreme Court of Illinois using the court's electronic filing system in the above-entitled cause. Upon acceptance of the filing from this Court, persons named above with identified email addresses will be served using the court's electronic filing system and one copy is being mailed to the petitioner-appellant in an envelope deposited in a U.S. mail box in Mt. Vernon, Illinois, with proper postage prepaid. Additionally, upon its acceptance by the court's electronic filing system, the undersigned will send 13 copies of the Brief and Argument to the Clerk of the above Court.

/s/Katherine Byerley
LEGAL SECRETARY
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