NOTICE
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2026 IL App (5th) 250289-U

NO. 5-25-0289

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

NOTICE
This order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Champaign County.
	)	
v.	)	No. 24-CF-447
	)	
JAYLYN BAILEY,	)	Honorable
	)	Matthew D. Lee,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE HACKETT delivered the judgment of the court.
Presiding Justice Cates and Justice McHaney concurred in the judgment.

ORDER

¶ 1 *Held*: The defendant's conviction for aggravated battery is affirmed where the State proved beyond a reasonable doubt that the defendant knowingly caused bodily harm or made physical contact of an insulting or provoking nature.

¶ 2 Following a bench trial, the defendant, Jaylyn Bailey, was convicted of aggravated battery, which was based on the location of the conduct (720 ILCS 5/12-3.05(c) (West 2022)). Thereafter, the circuit court of Champaign County sentenced him to five years in the Illinois Department of Corrections (IDOC). The defendant appeals his conviction, solely challenging the sufficiency of the evidence. For the following reasons, we affirm.

¶ 3 I. BACKGROUND

¶ 4 On April 10, 2024, the State charged the defendant with two counts of aggravated battery based on the batteries being committed in a public place of accommodation. The charges stemmed

from an encounter the defendant had with two Marriott hotel staff employees, Michelle Austin and D'Angeles Williams, outside the hotel entrance. The charges alleged that during the encounter, the defendant knowingly spit in Austin's face and pushed Austin with his shoulder.

¶ 5 On November 22, 2024, the trial court held a bench trial, and the following testimony was presented. Williams testified that she was employed at the TownePlace Suites by Marriott in Champaign. She explained that the hotel served a buffet style breakfast to its guests every morning, and the breakfast area was located to the right of the main entrance doors. On April 9, 2024, at around 6:40 a.m., Williams observed the defendant entering the hotel in a suspicious manner. She followed him to the breakfast area, approached him as he was preparing his breakfast, and asked him whether he had a room in the hotel. The defendant responded that he did and yelled out a room number that did not exist. Williams then asked the defendant for his last name, but he refused to give her that information. When he asked why he had to provide his last name, Williams responded that he was not a hotel guest.

¶ 6 The defendant then left the breakfast area and headed toward the hotel's back door, which led to Green Street. Williams followed the defendant to make sure he exited the hotel. At this point, she and the defendant were in a "back and forth" with one another while the defendant stood at the door. Austin, Williams's coworker, approached to listen. Williams noted that she wanted the defendant to leave the hotel, but he was very argumentative and would not leave because he believed it was his right to be there.

¶ 7 Although the defendant eventually exited the hotel, he proceeded to the front of the hotel, which was on Sixth Street. Austin confronted the defendant outside the hotel while Williams remained inside and watched the interaction on the hotel's camera. The defendant had a bowl of food in his hands from the breakfast buffet. Williams estimated that the defendant and Austin

argued for five to seven minutes before she also went outside. Williams acknowledged that while she was outside, she was talking back to the defendant, but she noted that she was calm. During that encounter, the defendant got so close to her that his spit landed on her while he was yelling. In addition, the defendant threw his bowl of food at Williams, kicked the food that was on the ground, and knocked over a trash can. However, Williams noted that the defendant did not touch her. Once the defendant redirected his attention to Austin, Williams went back inside the hotel.

¶ 8 On cross-examination, Williams acknowledged that there were surveillance cameras at the hotel. However, she noted that the cameras did not show the buffet area and did not extend to the outside area where she had the confrontation with the defendant. She also acknowledged that she watched the defendant through the cameras in the Green Street alleyway for at least 45 minutes before he entered the hotel. She did not call the police at that time because she did not expect the defendant to enter the hotel. She believed that she was respectful towards the defendant when she approached him in the buffet area, and she remained respectful during the confrontation outside. She acknowledged that the defendant spit on her while he was yelling, but she did not believe it was intentional. She noted that the defendant was saying "[m]ean, cruel things" to her.

¶ 9 Austin testified that she was employed as a "floater" at the hotel, but on April 9, she was working the breakfast shift. That day, Austin arrived at work at approximately 5 a.m. At some point that morning, Williams approached Austin and told Austin that there was someone in the breakfast area that was not supposed to be there. Austin identified the defendant as that person. When they approached the defendant, the defendant refused to leave the property and became very belligerent. He told them that he owned the property, that he would have them fired, and that they would not be able to find work. He also called Williams vulgar names. Austin and Williams eventually got the defendant outside, but they had another confrontation with him in front of the

hotel's main entrance. During the second confrontation, Williams stood in front of the hotel doors, so the defendant could not go back inside. The defendant continued calling them names and telling them that they were going to lose their jobs. At the same time, he kept "running up to" Austin, getting in her face, backing up, and doing it again. Austin noted that he "bumped" into her with his shoulder six times during this confrontation. She demonstrated how the defendant bumped into her. She noted that she backed up when it happened, and at one point, she tried to put a barrier between them. She also asked him to back up when he got too close and told him that he was spitting on her. However, he continued to get in her face and scream at her. The defendant was holding his breakfast during the encounter, and at some point, he threw it toward Williams and kicked the food on the ground toward Williams. He also kicked the top off of an electrical box.

¶ 10 Austin noted that the defendant was inside the hotel from 4:45 a.m. until after 6 a.m. and that it was approximately 1½ hours from the initial confrontation in the breakfast area to when the police arrived. Austin described the defendant's behavior as intimidating and concluded that, based on the things the defendant was saying, he was trying to provoke her. Austin recorded approximately three minutes of the encounter. However, she explained that the confrontation had been occurring for over an hour before she started recording. The video was played for the trial court. The video showed the defendant repeatedly getting in Austin's face, yelling profanities at her, and mentioning fighting and shooting. During a portion of the video, the defendant was not fully in the frame, but his chest was close to the camera. Toward the end of the video, the defendant was walking away but then turned around, again approached Austin, and started yelling into her face and into the phone as it recorded. However, the phone was then lowered, and the defendant was no longer in the frame. Austin started walking closer toward the hotel entrance and Williams while the defendant could be heard yelling in the background. Following the video, Austin testified

that after the camera was lowered, the defendant had bumped into her, and she almost fell into Williams, as she was trying to get behind a wall to get away from the defendant.

¶ 11 On cross-examination, Austin acknowledged that she was not a manager on the date of the incident, and she denied telling police that she was working as a manager that morning. She noted that the police were called at about 6:20 a.m. Austin believed that the defendant was probably outside the hotel for one hour before he entered the building, but she did not watch him on the surveillance cameras for that full hour. She denied telling police that before the defendant entered the hotel, she watched him, on camera, pacing back and forth in the alley outside the hotel for 45 minutes to 1 hour. However, she acknowledged that she saw the defendant on camera about 45 minutes before he entered the building.

¶ 12 Austin explained that Williams observed the defendant in the breakfast area on camera, found her, and they approached him together. Austin stood behind Williams when Williams approached the defendant and asked him to leave the property. However, Austin then clarified that they approached the defendant in the stairwell area of the hotel, which was near the Green Street entrance. The defendant then walked past them, entered the breakfast area, and made a bowl of food. Austin walked away and called the police while Williams attempted to convince the defendant to exit the hotel. The defendant eventually left through the main entrance, which was where Austin recorded the video. Austin testified that the defendant never exited through the door near Green Street. Austin estimated that Williams observed the defendant outside the hotel around 5:30 a.m. and that the defendant entered the hotel at 6 a.m. Austin noted that the defendant was inside the hotel for 45 minutes before she called the police. The defendant never touched her when he was inside the hotel. She noted that as she was recording the defendant, the defendant bumped into her with his shoulder. However, it was not on the recording because she had put her phone

down when she moved away from him and went behind a wall. She acknowledged that the video showed her continuing to say things to the defendant as he walked away and her laughing at one point. She explained that after the defendant exited the hotel, they followed him outside to make sure he did not reenter. However, she acknowledged that she could have done that from inside the hotel. The hotel did not have surveillance cameras outside the main entrance, so the surveillance cameras did not show the defendant bumping into her.

¶ 13 On redirect examination, Austin clarified that during the beginning of this incident, she and Williams saw, on the cameras, that the defendant was either outside the hotel or in the stairwell. She then left to make breakfast, so she did not know what Williams was doing at that time. However, sometime later, Williams found Austin in the kitchen and told Austin that the defendant was inside the hotel. They approached the defendant to get him to leave the hotel, and at some point during the confrontation, Austin walked away to get her phone to call the police. She also clarified that the defendant did not hit her; she instead described the contact as a "chest bump."

¶ 14 On recross-examination, defense counsel introduced video from a responding officer's body-worn camera and played it. On the video, Austin told police that she watched the defendant for 45 minutes to 1 hour while he was outside the hotel. However, in her testimony, she clarified that she did not watch the defendant the entire time.

¶ 15 Abigail Pulkrabek, a police officer for the University of Illinois Police Department, testified that when she responded to the incident, she was advised that the defendant had fled the scene. She eventually located him at an intersection of Green Street and Fourth Street. He was standing in the road yelling at vehicles. When the officers tried to apprehend him, he fled to a parking garage and ultimately proceeded into the lobby of an apartment building and hid in the bathroom there. The State then admitted video from the police car in which the defendant was

eventually placed, and the video was played for the trial court. In the video, the police officer speaking with the defendant noted that he could smell alcohol on the defendant's breath.

¶ 16 On cross-examination, Officer Pulkrabek noted that after the defendant was apprehended, she returned to the hotel and spoke with Austin. During their conversation, Austin said that she was the manager of the hotel. Officer Pulkrabek did not attempt to obtain surveillance video from the hotel. The State then rested its case.

¶ 17 Defense counsel then presented the following testimony from the defendant. The defendant testified that he had been to the breakfast buffet at the Marriott hotel on multiple occasions in the past and that no one had told him that he could not get breakfast there. On the day in question, he was preparing his breakfast when Williams approached him and told him to leave because he was not a guest. He noted that it was between 6 a.m. and 7 a.m. He then gathered his food and began to walk toward the hotel's back exit. As he was leaving, Williams and Austin followed him, which made him feel uncomfortable and led to a verbal altercation. Although the defendant acknowledged that he was very angry and was yelling, he denied touching Williams or Austin with his shoulder. He noted that the interaction was only verbal.

¶ 18 On cross-examination, the defendant testified that he had seen on the internet that the hotel offered a free continental breakfast, but he did not know that the offer was limited to guests. He admitted that it made him angry when they asked him to leave. He was going to leave, but Austin and Williams said something to him, and he responded. He initially claimed that he did not drink any alcohol that morning but then admitted that he probably had one or two shots. He acknowledged that he had been awake the entire night prior to the incident, which added to his frustration. He admitted that he tossed his food and kicked it away but noted that he did not intentionally throw or kick his food at Williams. He explained that Austin approached him in a

"harmful manner," as if she wanted to fight him, and that was why he started "acting like that." The defense then rested.

¶ 19 After hearing closing arguments, the trial court found the defendant guilty of aggravated battery for bumping into Austin but not guilty of aggravated battery for spitting on Austin. In making this decision, the trial court found that the testimony of Austin and Williams was, for the most part, consistent and credible and that their testimony was corroborated by the video footage. The trial court found that the three-to-four-minute exchange captured on video was a series of insulting and provoking actions by the defendant. During the exchange, the defendant screamed at the women, told them that he owned the hotel, and asked them who was going to fight or shoot him. The trial court noted that there was no indication that the women wanted to fight the defendant, but the defendant was upset enough that he was asking them who wanted to fight. Noting that the defendant was "carrying on" in an insulting and provoking manner, the trial court found Austin's testimony that the defendant had bumped into her credible. The trial court indicated that there was no suggestion that the defendant intended to physically harm Austin but found that the defendant made contact with Austin.

¶ 20 The trial court further found that the defendant "did enough where he went back and forth enough times to know that if he was [going to] get that close and charge towards someone, and he bumps into [that person] with his shoulder or chest, he's responsible for that behavior. It's insulting or provoking." The trial court acknowledged that the contact was not captured on video but found Austin's version of events credible in light of the video footage, as the video supported Austin's description of the defendant's behavior and showed that the defendant was out of control. However, the trial court found that the defendant spitting as a result of his yelling was not enough to establish the requisite intent for aggravated battery, even though the defendant was given notice

that he was spitting on Austin. Thus, the trial court found that the evidence was "very strong" for the aggravated battery based on the defendant bumping into Austin but insufficient as to the defendant spitting on Austin.

¶ 21 On December 16, 2024, the defendant filed a motion for acquittal, or in the alternative, motion for a new trial, arguing that the State failed to prove him guilty beyond a reasonable doubt. However, the trial court denied the motion. Thereafter, the trial court sentenced the defendant to five years in the IDOC. The defendant then filed a timely notice of appeal.

¶ 22 II. ANALYSIS

¶ 23 On appeal, the defendant solely challenges his conviction, arguing that the State failed to prove, beyond a reasonable doubt, that he knowingly made physical contact of an insulting or provoking nature with Austin. Where, as here, a defendant challenges the sufficiency of the evidence to sustain his conviction, the relevant question for the reviewing court is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *People v. Bush*, 2023 IL 128747, ¶ 33. Rather than retry the case, a reviewing court will defer to the trier of fact on findings of witness credibility, the weight to be afforded to the evidence, and the reasonable inferences to be drawn from the evidence. *People v. Steger*, 2018 IL App (2d) 151197, ¶ 22. Thus, the reviewing court will not substitute its judgment for that of the trier of fact on these matters, and we will not reverse a conviction simply because a defendant claims that a witness was not credible. *People v. Williams*, 2020 IL App (4th) 180554, ¶¶ 46-47. Instead, a reviewing court will set aside a criminal conviction only where the evidence is so improbable or unsatisfactory that it creates a reasonable doubt as to the defendant's guilt. *People v. Swenson*, 2020 IL 124688, ¶ 35. In considering whether a defendant was proven guilty beyond a reasonable doubt, we review the

evidence in the light most favorable to the State and draw all reasonable inferences from the evidence in the State's favor. *People v. Cunningham*, 212 Ill. 2d 274, 278-80 (2004). "The testimony of a single witness, if it is positive and the witness credible, is sufficient to convict." *People v. Smith*, 185 Ill. 2d 532, 541 (1999).

¶ 24 To prove aggravated battery in this case, the State must prove beyond a reasonable doubt that (1) the defendant committed a battery and (2) the battery occurred on or about a public place of accommodation. 720 ILCS 5/12-3.05(c) (West 2022). To establish the underlying battery, the State must prove, beyond a reasonable doubt, that the defendant knowingly without legal justification by any means (1) caused bodily harm to an individual or (2) made physical contact of an insulting or provoking nature with an individual. *Id.* § 12-3. The defendant here does not challenge that the incident occurred in a public place of accommodation. Rather, the defendant claims that the State failed to prove (1) that he pushed Austin with his shoulder and (2) that he had the necessary intent to commit a battery.

¶ 25 First, regarding the physical contact element, the defendant contends that there was no additional evidence to corroborate Austin's testimony that he had bumped into her, as the recording does not show him making physical contact with Austin or show the phone moving in such a way to indicate that Austin was pushed. Instead, the defendant contends that although the recording showed him in close proximity to Austin and Williams, it also showed him carefully avoiding hitting Williams when he threw the food bowl and kicked at the food on the ground. The defendant also notes that the recordings from the hotel's surveillance cameras were not entered into evidence and that Williams never testified that the defendant touched Austin.

¶ 26 The defendant also contends that Austin's testimony was insufficient to prove that he had pushed her, as her testimony was inconsistent and self-contradictory. In particular, the defendant

notes that although Austin testified that she arrived at the hotel at 5 a.m., she also testified that she knew that the defendant was inside the hotel by 4:45 a.m., and that the defendant was visible on camera outside the hotel for about 45 minutes before he entered. In addition, she later testified that the defendant first entered the hotel at 6 a.m. The defendant also argues that Austin's testimony was repeatedly contradicted by Williams's testimony. Specifically, he notes that Austin testified that Williams stayed with the defendant throughout the encounter and followed him outside. In contrast, Williams testified that she remained inside the hotel after the defendant exited and watched, on the hotel security cameras, his outside confrontation with Austin for about five to seven minutes before she joined them. Also, both Williams and the defendant testified that Williams approached him alone in the breakfast area, while Austin testified that she and Williams approached him together in the rear stairwell area. Further, Williams and the defendant both testified that the defendant exited through the Green Street exit, while Austin testified that he exited through the main exit.

¶ 27 After reviewing the entire record in the light most favorable to the State, we conclude that the evidence presented to the trial court was sufficient to prove that the defendant made physical contact with Austin. Austin testified that the defendant pushed her about six times, describing the contact as a "chest bump," and also demonstrated how the defendant bumped into her. The recording that was played for the trial court showed the defendant repeatedly charging toward Austin, yelling in her face, and getting in close enough proximity that it was plausible that he had bumped into her. Based on the above, the trial court, sitting as the finder of fact, concluded that the defendant had made contact with Austin, which was not an unreasonable inference to make in light of the recording showing the defendant's behavior outside the hotel. Although the footage of

the incident from the hotel's surveillance cameras was not admitted into evidence, the testimony was consistent that the cameras did not extend to the outside area where the confrontation occurred.

¶ 28 In concluding that there was physical contact, the trial court found that, despite any inconsistencies or contradictions in Austin's testimony, she was credible when she described how the defendant had bumped into her. The trial court, having the opportunity to observe Austin first-hand, was entitled to believe this testimony. To the extent that Austin's credibility may have been affected by certain inconsistencies in her testimony or by contradictory testimony, it is the trier of fact's role to determine when a witness testifies truthfully and to decide how flaws in any part of the testimony affect the witness's credibility as a whole. *People v. Gray*, 2017 IL 120958, ¶ 47. As previously noted, the trier of fact assesses the credibility of witnesses, the weight to be given their testimony, and the inferences to be drawn from the evidence, and resolves conflicts or inconsistencies in the evidence. *People v. Sutherland*, 223 Ill. 2d 187, 242 (2006).

¶ 29 The defendant essentially argues that, given the inconsistencies and contradictory testimony, the trial court should not have believed Austin's account of the incident. That is, he invites us to reweigh the testimony. However, as mentioned, we will not substitute our judgment for that of the trier of fact with respect to the weight of the evidence, conflicts in the testimony, or witness credibility. See *id.* Because we must defer to the trial court's credibility findings, and consider all of the above in the light most favorable to the State, we find that the evidence was sufficient to support the trial court's finding that the defendant made physical contact with Austin.

¶ 30 In addition, the defendant contends that even if the State had proven that he made physical contact with Austin, the State did not prove that he acted knowingly. A person acts "knowingly" in committing a battery when he is consciously aware that his conduct is of such nature that is practically certain to result in bodily harm or physical contact of an insulting or provoking nature.

People v. Jamison, 2018 IL App (1st) 160409, ¶ 27; 720 ILCS 5/12-3(a) (West 2022). The State is not required to present direct evidence of a defendant's mental state, as a defendant's intent can be inferred from the surrounding circumstances of the act and from the act itself. *People v. Patton*, 249 Ill. App. 3d 844, 850 (1993); *People v. Phillips*, 392 Ill. App. 3d 243, 259 (2009). In that case, a reviewing court evaluates the evidence to determine whether circumstantial evidence exists to support a reasonable inference that defendant knowingly acted. *People v. Leib*, 2022 IL 126645, ¶ 38.

¶ 31 Here, the defendant contends that the recording does not show that he engaged in any conduct that would be reasonably certain to result in physical contact with Austin. Instead, the defendant argues that the video showed that, despite his close proximity to Williams and Austin, he consistently chose to avoid physical contact with them. The defendant also argues that given his proximity to Austin, any physical contact could have been accidental or the result of Austin being in motion during the argument. Thus, since the State offered no other evidence that the defendant knowingly engaged in conduct that was likely to cause physical contact, the defendant argues that the State failed to prove, beyond a reasonable doubt, that he knowingly pushed Austin with his shoulder.

¶ 32 After again reviewing the evidence in a light most favorable to the State, we conclude that the evidence presented to the trial court was sufficient to prove that the defendant knowingly acted. Based on the short recording of the altercation, the trial court concluded that the exchange captured on video was a series of insulting and provoking actions by the defendant and that the defendant was out of control. The video showed the defendant yelling profanities at Austin and Williams, charging toward Austin, getting in Austin's face, and making intimidating statements about fighting and shooting. Also, the defendant acknowledged that he was angry throughout the

encounter with Williams and Austin. Although the trial court acknowledged that there was no suggestion that the defendant was attempting to physically harm Williams and Austin, the court found that the defendant knew that by repeatedly charging toward Austin, getting close to her, and bumping into her with his shoulder or chest, he was responsible for that insulting or provoking behavior. Viewing these circumstances in the light most favorable to the State, we find that the trial court could reasonably conclude that the defendant knowingly acted when he bumped into Austin. In making this decision, we acknowledge the defendant's argument that any contact with Austin could have been accidental. However, we note that the fact that there can be more than one inference from the evidence does not require a reversal. See *People v. Robinson*, 379 Ill. App. 3d 679, 685 (2008) (holding that there was sufficient evidence to support a domestic battery conviction despite the possible inference that defendant accidentally struck the victim).

¶ 33 Thus, considering all of the above and deferring to the trial court's credibility findings, we conclude that the evidence was sufficient to support the defendant's conviction for aggravated battery. In other words, the evidence presented at trial was not so improbable or unsatisfactory as to create a reasonable doubt of the defendant's guilt when viewed in the light most favorable to the prosecution. Accordingly, we affirm the defendant's conviction for aggravated battery.

¶ 34 III. CONCLUSION

¶ 35 For the reasons stated, we affirm the judgment of the circuit court of Champaign County.

¶ 36 Affirmed.