

NOTICE
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2026 IL App (5th) 240726

NO. 5-24-0726

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Madison County.
	)	
v.	)	No. 18-CM-1862
	)	
MICHAEL J. SCHNERINGER,	)	Honorable
	)	Veronica L. Armouti,
Defendant-Appellant.	)	Judge, presiding.

PRESIDING JUSTICE CATES delivered the judgment of the court, with opinion.
Justices Barberis and Vaughan concurred in the judgment and opinion.

OPINION

¶ 1 Following a jury trial, the defendant, Michael J. Schneringer, was convicted of one count of obstructing a peace officer and found not guilty of one count of failure to signal. On appeal, the defendant claims that the State failed to prove the defendant guilty of obstruction beyond a reasonable doubt. The defendant also claims that the trial court erred by failing to give two jury instructions tendered by the defense that would have defined the terms “knowingly” and “obstruction.” For the following reasons, we reverse the defendant’s conviction for obstruction of a peace officer.

¶ 2 I. BACKGROUND

¶ 3 The defendant was charged, in this case, with obstructing a peace officer in that the defendant

“knowingly obstructed the performance of Ofc. J. Hoefert, of an authorized act within his official capacity, in that the defendant exited his vehicle and approached Ofc. J. Hoefert while on a traffic stop, challenged Ofc. J. Hoefert’s grounds for stopping him and disobeyed several lawful orders to stop and not reenter his vehicle, knowing Ofc. J. Hoefert to be a peace officer engaging in the execution of his official duties, forcing Ofc. J. Hoefert to use necessary force for compliance.”

In addition, the defendant was charged with failure to signal. The State filed the obstruction charge by a misdemeanor complaint. The failure to signal was charged by a traffic complaint. A jury trial was held in February 2024.

¶ 4 At trial, the State called Officer Hoefert, employed by the Wood River Police Department, as its first witness. The officer testified that on the night of October 9, 2018, at around 11:30 p.m., he observed an older model pickup truck traveling at a slow rate of speed. The officer followed the truck and observed that it crossed over the striped center line of the roadway. The officer later determined that the defendant was the driver of the truck. As the officer followed behind the truck, he testified that the defendant failed to signal a left-hand turn. Officer Hoefert followed the defendant for a short distance, and the defendant pulled his truck over to the side of the road. The officer said he parked approximately 12 feet behind the defendant’s truck and turned his emergency lights on and initiated a traffic stop. As Officer Hoefert was still in his squad car, the defendant exited his truck. According to the officer, the defendant began “marching” back toward the officer’s squad car. The officer then exited his squad car and began explaining that he stopped the defendant because he had failed to signal. The defendant responded that his signal was on. Officer Hoefert replied that maybe the defendant’s signal wasn’t working. The defendant then turned away from the officer and started back to his truck. Officer Hoefert commanded the

defendant to “Come back here” and to “Come back here right now.” The defendant took a few more steps and reached for the door handle of his truck. The officer ordered the defendant not to return to the vehicle, and then immediately deployed his stun gun, dropping the defendant to the ground. The officer claimed that as the defendant lay on the ground, he stated, “I’ll never do that s*** again, d***.” These words led Officer Hoefert to believe that the defendant was “More or less [making] an admission of guilt. He knowingly obstructed my performance.” The interaction was captured on the officer’s body worn camera, and the video was played during his testimony. Approximately 10 seconds elapsed between Officer Hoefert’s initial contact with the defendant and the officer tasing the defendant. Approximately four seconds elapsed between the officer commanding the defendant to return and the officer’s deployment of his stun gun.

¶ 5 During his case-in-chief, the defendant testified that he was a truck driver and had been called in to run an extra load for his employer in Wood River. The defendant was traveling to work on the night of the traffic stop from his home in Missouri. On his way to work, the defendant noticed a police car sitting near a light. After the defendant passed by, he noticed in his rearview spot mirror that the patrol car exited his location and began to follow him. After making a left-hand turn at a four-way intersection, the defendant pulled his truck over on the street near the truck terminal. According to the defendant, the officer stopped his patrol car about 40 feet behind the defendant’s truck. The defendant got out of his truck because the officer’s emergency lights were not on. He walked toward the officer’s vehicle, while the officer remained in the driver’s seat. The defendant then had a brief discussion with the officer, who wanted to know why the defendant was in the area. Once the officer confirmed with the defendant that he was at his place of business, the officer then informed the defendant that his blinker was not working. The officer activated his emergency lights and got out of his patrol car. Once the officer exited his patrol car, the defendant

turned slightly away from the officer and began walking back toward his truck to show the officer that the defendant's turn signal was working. Within the next four seconds, the officer commanded that the defendant "stop," and the officer deployed his stun gun, dropping the defendant to the ground. The defendant testified that he did not hear the officer's commands at the time the officer ordered the defendant not to return to his vehicle, and to stop. The defendant reiterated that he was going back to his vehicle to show the officer that his turn signals were functioning properly.

¶ 6 Following the conclusion of the proceedings, the jury began its deliberations. The defendant was found guilty of obstructing a peace officer, pursuant to section 31-1 of the Criminal Code of 2012 (Code) (720 ILCS 5/31-1(a) (West 2018)). The defendant was found not guilty of failure to signal. The defendant was sentenced to probation and ordered to pay a fine. The defendant filed a motion for judgment notwithstanding the verdict or in the alternative a motion for a new trial. The trial court denied the defendant's motion. This appeal followed.

¶ 7 II. ANALYSIS

¶ 8 On appeal, the defendant raises several claims. Because the defendant's claim that the evidence was insufficient to find him guilty beyond a reasonable doubt is dispositive, we need not address the other issues raised by defendant. Accordingly, we turn to the question of whether the State proved that the defendant knowingly obstructed the police officer in the performance of an authorized act.

¶ 9 Under section 31-1(a) of the Code, the State was required to prove that the defendant committed a Class A misdemeanor, when he "knowingly resists or obstructs the performance by one known to the person to be a peace officer *** of any authorized act within his or her official capacity." 720 ILCS 5/31-1(a) (West 2018). Simply put, the State was required to prove that the "(1) defendant knowingly obstructed a peace officer; (2) the officer was performing an authorized

act in his official capacity; and (3) defendant knew he was a peace officer.” *People v. Baskerville*, 2012 IL 111056, ¶ 32. We begin our analysis with the phrase, “knowingly obstructed.”

¶ 10 The offense of obstruction of a police officer requires that the defendant “knowingly” obstruct the officer. In defining this element of the offense, our supreme court has held “the defendant must be consciously aware that his conduct is practically certain to cause the result.” *Baskerville*, 2012 IL 111056, ¶ 23 n.1. In other words, the defendant must know that his conduct would lead to an intended result. Thus, we ask, at the outset of this case, whether the defendant knew that he would be interfering with or hindering Officer Hoefert’s performance of an authorized act, *i.e.*, the traffic stop, when he walked back to his truck during their conversation.

¶ 11 Here, the defendant exited his truck, approached the officer, was told that he had failed to signal a turn. He was “tased” after not responding to the officer’s commands, all within approximately 10 seconds. During that brief exchange of words, the defendant’s action in returning to his truck was for the purpose of showing the officer that the blinkers worked. There is no evidence in this record, circumstantial or otherwise, that the defendant was consciously aware that by showing the officer the blinkers, the defendant would obstruct the traffic stop. Rather, the defendant’s conduct was meant to explain, or facilitate, the dispute regarding whether the blinkers were operational. Even viewing the evidence in the light most favorable to the prosecution,¹ as required in this case, we cannot conclude that the defendant knowingly obstructed Officer Hoefert’s traffic stop.

¶ 12 Moreover, even if the defendant could have anticipated that his conduct during a traffic stop somehow satisfied the “knowing” element, the second part of that phrase is whether there was

¹“In reviewing the sufficiency of the evidence in a criminal case, our inquiry 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 offense beyond a reasonable doubt.” *Baskerville*, 2012 IL 111056, ¶ 31.

“obstruction.” The term “obstruction” is not specifically defined in the statute. “When a statutory term is not expressly defined, it is appropriate to denote its meaning through its ordinary and popularly understood definition.” *Baskerville*, 2012 IL 111056, ¶ 19. Our supreme court has had the occasion to consider the plain and ordinary meaning of the term “obstruct,” indicating

“[a]t the time the statute was adopted, the dictionary defined ‘obstruct’ to mean ‘1: to block up: stop up or close up: place an obstacle in or fill with obstacles or impediments to passing *** 2: to be or come in the way of: hinder from passing, action, or operation: IMPEDE ***.’” *Baskerville*, 2012 IL 111056, ¶ 19 (quoting Webster’s Third New International Dictionary 1559 (1961)).

¶ 13 In *Baskerville*, the question was whether providing false information could have the effect of hindering the progress of an investigation, meeting the threshold requirements of obstruction of a peace officer. The response from our supreme court was, it depends. The Illinois Supreme Court found in *Baskerville* that, “[t]he legislative focus of section 31-1(a) is on the tendency of the conduct to interpose an obstacle that impedes or hinders the officer in the performance of his authorized duties.” *Baskerville*, 2012 IL 111056, ¶ 23. The *Baskerville* court held

“that the offense of obstructing a peace officer under section 31-1(a) of the Code does not necessitate proof of a physical act, and that providing false information may constitute obstruction under section 31-1(a) when the misinformation interposes an obstacle that impedes or hinders the officer and is relevant to the performance of his authorized duties.” *Baskerville*, 2012 IL 111056, ¶ 29.

The Illinois Supreme Court went on to find that providing the false statement “only has legal significance if it was made in relation to an authorized act within the officer’s official capacity and if the false information actually impeded an act the officer was authorized to perform.” *Baskerville*,

2012 IL 111056, ¶ 35. Ultimately, the *Baskerville* court concluded that, taking the evidence in the light most favorable to the State, defendant's knowingly false statement did not impede the officer's ability to execute the traffic stop. *Baskerville*, 2012 IL 111056, ¶ 38. Thus, there was insufficient evidence to constitute obstruction of a police officer.

¶ 14 In *People v. Comage*, 241 Ill. 2d 139 (2011), our supreme court had the occasion to consider a similar statute, section 31-4 of the Criminal Code of 1961, the obstructing justice statute. See *Comage*, 241 Ill. 2d at 143 (citing 720 ILCS 5/31-4(a) (West 2006)). In *Comage*, the police were chasing the defendant when they observed him throw a "crack pipe and push rod over a fence." *Comage*, 241 Ill. 2d at 150. The officers were able to walk around the fence and retrieve the contraband in about 20 seconds. The Illinois Supreme Court found there was insufficient evidence of obstruction, as the *Comage* defendant "did not materially impede the officers' investigation." *Comage*, 241 Ill. 2d at 150.

¶ 15 Additionally, in *People v. Casler*, 2020 IL 125117, the Illinois Supreme Court was again asked to consider whether providing false information could be sufficient evidence of obstruction of justice. Our supreme court held that a person obstructs justice when he or she "knowingly provides or supplies false information that is necessary or useful to prevent the apprehension or obstruct the prosecution or defense of any person. In other words, the false information must constitute a material impediment to the administration of justice." *Casler*, 2020 IL 125117, ¶ 31. The *Casler* court went on to explain that the material impediment element required for obstruction was "long established" in the Illinois case law since *Comage*, 241 Ill. 2d 139, and the Illinois legislature had not chosen to amend the statutory construction by the court. *Casler*, 2020 IL 125117, ¶¶ 33, 36.

¶ 16 Further, our supreme court in *Casler* went on to review its prior holding in *Baskerville*, although the offense in *Baskerville* was obstruction of a peace officer. *Casler*, 2020 IL 125117, ¶¶ 37-41. The court noted that “both obstruction statutes[] were related in that section 31-1 targets acts that obstruct police officers, while section 31-4 targets specific acts that constitute obstructive conduct, one of which is furnishing false information. [Citation.] Construed together, *Comage* and *Baskerville* firmly establish that a defendant’s acts must be a material impediment ***.” *Casler*, 2020 IL 125117, ¶ 41.

¶ 17 Since the Illinois Supreme Court’s pronouncement in *Casler*, the two obstruction statutes have been read *in pari materia*, and our sister districts have found that “the offense of obstructing a peace officer set forth in section 31-1(a) of the Code includes a material impediment requirement.” *People v. Gotschall*, 2022 IL App (4th) 210256, ¶ 26. In *Gotschall*, the defendant was charged with two counts of obstructing a police officer. In count I, the defendant was alleged to have, “knowingly obstructed Officer Paul Williams in the performance of his duties by shouting at him and refusing to walk away from him” after the officer directed defendant to walk away. *Gotschall*, 2022 IL App (4th) 210256, ¶ 3. In count II, the defendant was accused of “ ‘refusing to physically enter a police vehicle for his custodial transport after Officer Filarski directed the defendant to enter the vehicle, and the defendant knew Officer Filarski was a peace officer at the time.’ ” *Gotschall*, 2022 IL App (4th) 210256, ¶ 3. The *Gotschall* case has similarities to the case before us, and thus merits further discussion.

¶ 18 In *Gotschall*, Officer Williams was monitoring traffic in a downtown area, when the defendant, and another individual, began making derogatory remarks to the officer. *Gotschall*, 2022 IL App (4th) 210256, ¶ 4. The defendant was instructed by the officer to leave the area but refused and continued making derogatory remarks. *Gotschall*, 2022 IL App (4th) 210256, ¶ 4.

Officer Williams then pepper sprayed the individuals, who dropped to the ground. *Gotschall*, 2022 IL App (4th) 210526, ¶ 4. Officer Filarski responded to the scene as back-up. *Gotschall*, 2022 IL App (4th) 210256, ¶ 4-5. Filarski escorted the defendant to his squad car, and the defendant was only partially seated with his feet remaining on the pavement outside of the squad car. *Gotschall*, 2022 IL App (4th) 210256, ¶ 5. Filarski could not close the door and told the defendant to put his foot in the car. *Gotschall*, 2022 IL App (4th) 210256, ¶ 5. The defendant did not immediately comply and asked, “ ‘What did I do?’ ” *Gotschall*, 2022 IL App (4th) 210256, ¶ 5. Filarski again told the defendant to put his feet in the car, and the officer attempted to place the defendant’s foot in the vehicle. *Gotschall*, 2022 IL App (4th) 210256, ¶ 5. The defendant refused again, placing his feet on the pavement outside the car. *Gotschall*, 2022 IL App (4th) 210256, ¶ 5. Filarski then took out his pepper spray, put it in the defendant’s face, threatened to spray him, and instructed the defendant to put his feet in the car. *Gotschall*, 2022 IL App (4th) 210256, ¶ 5. The defendant then complied. “Less than 30 seconds elapsed between the time when Filarski initially told defendant to get in the squad car and when defendant had both of his feet inside the car.” *Gotschall*, 2022 IL App (4th) 210256, ¶ 5.

¶ 19 In their analysis, the Fourth District Appellate Court first reviewed the trilogy of Illinois Supreme Court opinions, *Comage*, *Baskerville*, and *Casler*. “Although *Casler* and *Comage* concerned the obstructing justice statute rather than the obstructing a peace officer statute, our supreme court has indicated that the obstructive conduct contemplated by both statutes is the same ***.” *Gotschall*, 2022 IL App (4th) 210256, ¶ 26. Considering the facts in the light most favorable to the State, the appellate court found the defendant did not materially impede the officer in the performance of an authorized act, as the entire incident occurred in approximately 30 seconds, the

defendant was under arrest, and there was no threat to officer safety. *Gotschall*, 2022 IL App (4th) 210256, ¶ 30.

¶ 20 Here, the State’s trial testimony from Officer Hoefert and a video captured by his body worn camera reveal that approximately 10 seconds passed from the defendant being already out of his truck and in the roadway and the defendant being tased by Officer Hoefert. The defendant asked the officer what was going on. The officer responded that the defendant did not have his blinker on when he made a turn. The defendant then turned back toward his truck to demonstrate to the officer that the blinker worked. The officer yelled at the defendant, saying, “Hey, come back here, come back here right now, don’t go back to that car.” Approximately four seconds passed from the first command given by Officer Hoefert until the officer dropped the defendant to the ground by deploying his stun gun. Notably, Officer Hoefert confirmed that “the length of our whole interaction was about 10 seconds before he made it back to his vehicle.”

¶ 21 The State argues that the defendant’s decision to turn and walk away from the officer, together with his repeated apologies after the officer deployed the stun gun, indicates that the defendant understood that he was expected to comply with the officer’s commands. The body worn camera video, however, belies the State’s claims and shows a traumatized man lying flat out on the pavement, with involuntary muscle movements, having just been subjected to an electroshock of great magnitude. The assisting officer, during his testimony, described the stun gun as a “lethal weapon.” We find it improbable that the defendant was knowingly making statements for the purpose of admitting to obstructive behavior. In fact, the defendant was adamant that his blinker worked, and he maintained that position throughout trial. The State tried a similar argument in *Gotchall*, where the defendant was pepper sprayed. There, the defendant repeatedly stated, “ ‘I’ll

do whatever you want. I'm sorry. I'm sorry.' ” *Gotschall*, 2022 IL App (4th) 210256, ¶ 6. Those words, too, were rejected by the appellate court as admissions of obstructive behavior.

¶ 22 Returning to the knowingly requirement of the offense, we note that in *People v. Kotlinski*, 2011 IL App (2d) 101251, the Second District had the occasion to consider whether an officer's commands that the defendant get back into his vehicle, were sufficient to find obstruction beyond a reasonable doubt. In *Kotlinski*, the defendant was a front-seat passenger in a vehicle being driven by his wife when the car was pulled over. *Kotlinski*, 2011 IL App (2d) 101251, ¶¶ 6-7. The officer who pulled the car over requested that the driver step out of the car to perform a variety of field sobriety tests. *Kotlinski*, 2011 IL App (2d) 101251, ¶¶ 9-10. Officer Raciak walked the driver to the back of the Expedition and then to the front. *Kotlinski*, 2011 IL App (2d) 101251, ¶ 10. A video camera recorded many of the factual issues in dispute. *Kotlinski*, 2011 IL App (2d) 101251, ¶ 4. At the 03:08:40 timestamp on the video, the defendant opened the passenger door and stood up outside of the car but did not move from the area near the car. *Kotlinski*, 2011 IL App (2d) 101251, ¶ 13. The officer ordered the defendant back into the car with several commands, but the defendant did not comply. *Kotlinski*, 2011 IL App (2d) 101251, ¶ 14. The officer put the driver of the vehicle into his squad car and directed his attention to the defendant who at that point had returned to the passenger seat but left his car door open. *Kotlinski*, 2011 IL App (2d) 101251, ¶ 14. Officer Raciak and a second officer then, after yelling more commands to close the door, pulled the defendant out of the car and deployed a Taser. *Kotlinski*, 2011 IL App (2d) 101251, ¶ 15. Thus, in the span of 47 seconds, as shown by the video, the defendant was charged with obstructing a peace officer engaged in the execution of his official duties, in that said defendant “ ‘exited his vehicle, yelled at Officer Raciak and refused to obey commands by Officer Anthony Raciak to get back in his vehicle.’ ” *Kotlinski*, 2011 IL App (2d) 101251, ¶ 18. The appellate court found there

was insufficient evidence that the defendant knew at the moment he got out of the vehicle that he was impeding the officer's DUI investigation. See *Kotlinski*, 2011 IL App (2d) 101251, ¶¶ 57-58.

¶ 23 Finally, in *People v. Hall*, 2021 IL App (1st) 190959, ¶ 5, a police officer received a dispatch regarding a domestic disturbance and possible kidnapping. Once in the area of the reported crime, the officer saw a Jeep with two occupants matching the dispatch description. *Hall*, 2021 IL App (1st) 190959, ¶ 5. The officer followed the Jeep a short distance and then activated his lights, but the Jeep continued driving. *Hall*, 2021 IL App (1st) 190959, ¶ 5. Approximately 30 seconds later, the Jeep pulled into a gas station and stopped in front of a gas pump. *Hall*, 2021 IL App (1st) 190959, ¶ 5. A man later identified as defendant exited the Jeep and headed inside the gas station. *Hall*, 2021 IL App (1st) 190959, ¶ 5. The officer yelled at the defendant to stop and indicated that he needed to talk to him, but the defendant continued inside the gas station, and the officer followed. *Hall*, 2021 IL App (1st) 190959, ¶ 6. While inside, the officer asked to see the defendant's identification and the defendant refused. *Hall*, 2021 IL App (1st) 190959, ¶ 6. Ultimately, the defendant was charged with obstructing a peace officer for failure to provide identification. *Hall*, 2021 IL App (1st) 190959, ¶ 3. The First District Appellate Court held that the State could not prove the defendant "hindered" the officer's investigation by refusing to provide identification and therefore, the State could not prove the offense beyond a reasonable doubt. *Hall*, 2021 IL App (1st) 190959, ¶ 41.

¶ 24 Returning to the case involving Officer Hoefert, we find that the evidence was insufficient for the defendant to knowingly obstruct the traffic stop initiated in front of the truck terminal. Although the officer testified he had been following the defendant for some distance, the traffic stop was only initiated for the alleged failure to signal, which the jury rejected. By Officer Hoefert's account, the entire interaction between the time the defendant exited his truck until he

was dropped to the ground by a lethal weapon was 10 seconds. The video shows no more than four seconds occurred from the first command to stop until the officer tased the defendant. We find there is insufficient evidence that the defendant materially impeded the officer's traffic stop and, likewise, find there was insufficient evidence to prove that the defendant did so knowingly. Accordingly, we reverse the defendant's conviction.

¶ 25 The United States Constitution's fifth amendment double jeopardy clause provides that no person shall "be subject for the same offence to be twice put in jeopardy." U.S. Const., amend. V; *Casler*, 2020 IL 125117, ¶ 56. In addition, the Illinois Constitution provides that no person shall "be twice put in jeopardy for the same offense." Ill. Const. 1970, art. I, § 10. In the context of double jeopardy, "When a reviewing court reverses a defendant's conviction on the sole ground that the evidence was insufficient to sustain the jury's verdict, the double jeopardy clause bars a retrial on the same charge, and the only proper remedy is a judgment of acquittal." *Casler*, 2020 IL 125117, ¶ 59.

¶ 26

III. CONCLUSION

¶ 27 The defendant's conviction for obstructing a peace officer is reversed.

¶ 28 Reversed.

People v. Schneringer, 2026 IL App (5th) 240726

Decision Under Review: Appeal from the Circuit Court of Madison County, No. 18-CM-1862; the Hon. Veronica L. Armouti, Judge, presiding.

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