2023 IL App (3d) 220493-U

Order filed November 22, 2023

IN THE

APPELLATE COURT OF ILLINOIS

THIRD DISTRICT

2023

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Circuit Court
	)	of the 18th Judicial Circuit,
	)	Du Page County, Illinois,
Plaintiff-Appellee,	)	
	)	Appeal No. 3-22-0493
v.	)	Circuit No. 22-DV-272
	)	
JASON WHITE,	)	Honorable
	)	George A. Ford,
Defendant-Appellant.	)	Judge, Presiding.

JUSTICE ALBRECHT delivered the judgment of the court.
Justices Brennan and Hettel concurred in the judgment.

ORDER

¶ 1 *Held*: (1) The evidence was sufficient to prove defendant guilty of domestic battery. (2) The circuit court did not improperly limit defendant's cross-examination.

¶ 2 Defendant, Jason White, appeals his convictions for domestic battery, arguing (1) the State failed to prove the element of jurisdiction beyond a reasonable doubt, and (2) the Du Page County circuit court erred when it prevented him from cross-examining the victim. We affirm.

¶ 3 I. BACKGROUND

¶ 4 Defendant was charged by superseding information with eight counts of domestic battery (720 ILCS 5/12-3.2(a)(1), (2) (West 2022)) arising from an incident that occurred on February 25, 2022, involving his minor daughter, M.W. The case proceeded to a bench trial on October 11, 2022.

¶ 5 At trial, the State called M.W., who testified that defendant was her father. On February 25, 2022, M.W. was in the car driving with defendant. They left from M.W.'s house, and defendant had asked her to drive him "somewhere," but she did not know where. An argument began in the car and the argument became physical. Defendant swung at M.W. with a closed fist, making contact with her face and upper body. The argument ended when M.W. "walked away" and went "[i]nto [her] house."

¶ 6 M.W. reported the incident to the Carol Stream Police Department a week later, and around that same time told "someone" at Glenbard North High School. M.W.'s sister took photographs of M.W.'s injuries and accompanied M.W. to the police station to make a report. On cross-examination, M.W. indicated that she "walked home" after she reported the battery.

¶ 7 Also on cross-examination, defense counsel asked M.W. whether she had had disagreements with defendant before. She answered, "[y]eah." Defense counsel then asked M.W. to confirm that this was not the first argument she had engaged in with defendant. She again answered, "[y]eah." Defense counsel next asked whether M.W. had been having arguments with defendant "around that time period," and she replied, "[y]eah." Defense counsel then asked whether, "during that time period, things were getting a bit contentious," and the court sustained a relevancy objection from the State.

¶ 8 The defense rested without putting on evidence, and defendant was found guilty of six counts of domestic battery. Defendant filed a timely posttrial motion alleging that the State had

failed to prove the offenses occurred in Illinois. In denying the motion, the court explained that the State established jurisdiction when M.W. testified that she "attended Glenbard North at the time of the offense." At sentencing, three counts merged, and defendant was sentenced to one year of concurrent conditional discharge on each of the three remaining counts. Defendant appealed.

¶ 9 II. ANALYSIS

¶ 10 On appeal, defendant alleges that the State failed to prove defendant guilty beyond a reasonable doubt. Specifically, defendant contends that the State failed to prove that the offenses occurred in Illinois. When reviewing the sufficiency of the State's evidence, the relevant question is " 'whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found' " defendant guilty beyond a reasonable doubt. (Emphasis in original.) *People v. Collins*, 106 Ill. 2d 237, 261 (1985) (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)). "[T]he testimony of a single witness is sufficient to sustain a conviction if the testimony is positive and credible." *People v. Harris*, 2018 IL 121932, ¶ 27. A trier of fact may draw reasonable inferences from the evidence and is not required to elevate innocent explanations to reasonable doubt. *People v. Jackson*, 2020 IL 124112, ¶ 70.

¶ 11 Section 1-5(a)(1) of the Criminal Code of 2012 (Code) provides that a defendant is subject to prosecution in Illinois for a criminal offense if it is "committed either wholly or partly within the State." 720 ILCS 5/1-5(a)(1) (West 2022); *People v. Young*, 312 Ill. App. 3d 428, 429-30 (2000). "[T]he State may satisfy its burden of proving geographical jurisdiction by either direct or circumstantial evidence." *People v. Mitchell*, 2018 IL App (1st) 153355, ¶ 26. "The purpose of section 1-5 [of the Code] is to establish a broad jurisdictional basis for the prosecution in Illinois of offenses involving persons, property, and public interests in the State ***." *People v. Caruso*, 119 Ill. 2d 376, 382 (1987). A trier of fact may make reasonable inferences from the established

facts of the case. *People v. Hagan*, 145 Ill. 2d 287, 300 (1991). A trier of fact may also rely on common sense and general knowledge in drawing inferences from the facts. *People v. Toliver*, 60 Ill. App. 3d 650, 652 (1978).

¶ 12 Here, M.W. testified that on the date of the offenses she left her home with defendant, after which an argument began. The argument became physical, and M.W. returned home. She clarified that the argument with defendant ended when she entered her house. Later, M.W. reported the incident to authorities at the Carol Stream Police Department, then walked home. Because the Carol Stream Police Department is in Illinois, and M.W. walked from the police department to her home, it can reasonably be inferred that M.W.'s home was within Illinois's borders. Although the court mistakenly believed M.W. testified that she attended Glenbard North High School, the proximity of M.W.'s home to the Carol Stream Police Department provides the required geographical nexus between the location of the offenses and Illinois, and we may affirm the circuit court on any basis supported by the record. See *People v. Kane*, 2013 IL App (2d) 110594, ¶ 20. M.W.'s testimony regarding talking to "someone" at Glenbard North High School further supports the reasonable inference that M.W.'s home was located in Illinois, and that the offenses occurred either partially or wholly within the state. We find that sufficient circumstantial evidence was presented at trial to satisfy the State's burden to establish jurisdiction.

¶ 13 Next, defendant contends that the circuit court's limitation of his cross-examination violated his constitutional right to confront the State's witness. Alternatively, defendant claims the court abused its discretion by limiting his cross-examination when it ruled that defense counsel's question called for irrelevant information.

¶ 14 The confrontation clause of the sixth amendment to the United States Constitution grants a defendant the right "to be confronted with the witnesses against him." U.S. Const., amend. VI.

Allowing impeachment to demonstrate bias falls within the ambit of the confrontation clause, and the right is satisfied when counsel is permitted to "expose to the jury the facts from which jurors, as the sole triers of fact and credibility, could appropriately draw inferences relating to the reliability of the witness." *Davis v. Alaska*, 415 U.S. 308, 318 (1974). We consider *de novo* whether a defendant's constitutional right to confront witnesses was violated. *People v. Connolly*, 406 Ill. App. 3d 1022, 1027 (2011). Once the court has permitted, as a matter of right, sufficient cross-examination to satisfy the confrontation clause, the court's limitations on cross-examination are reviewed for an abuse of discretion. See *People v. Rufus*, 104 Ill. App. 3d 467, 473 (1982); *People v. Fierer*, 260 Ill. App. 3d 136, 148 (1994) ("Any limitation of cross-examination is within the sound discretion of the trial court, and a reviewing court will not interfere unless there has been a clear abuse of discretion resulting in manifest prejudice to the defendant."). A court abuses its discretion when its ruling is "arbitrary, fanciful, unreasonable, or where no reasonable person could take the view adopted by the court." *People v. Norris*, 2018 IL App (3d) 170436, ¶ 49.

¶ 15 The test to determine whether the constitutional right to confrontation has been satisfied is whether the limitation on cross-examination created a substantial danger of prejudice by denying defendant his right to test the truth of the testimony, and a reviewing court will look "not to what a defendant has been prohibited from doing, but to what he has been allowed to do." *People v. Averhart*, 311 Ill. App. 3d 492, 497 (1999). "If the entire record shows that the jury has been made aware of adequate factors concerning relevant areas of impeachment of a witness, no constitutional question arises merely because defendant has been prohibited on cross-examination from pursuing other areas of inquiry." *Id.* "The confrontation clause guarantees criminal defendants the opportunity for effective cross-examination, not cross-examination that is effective in whatever way and to whatever extent the defense desires." *People v. Green*, 339 Ill. App. 3d 443, 457 (2003).

¶ 16 Here, we find no violation of defendant's constitutional right to confrontation. Defense counsel had the opportunity to ask four questions regarding M.W.'s potential bias. Counsel asked about the disagreements M.W. had with defendant. These questions were sufficient to suggest that M.W. was biased because she and defendant had been in a disagreement. While the court ultimately stopped counsel's questioning, we cannot say that its ruling created a substantial danger of prejudice by denying defendant his right to test the truth of the testimony. We find that defendant's constitutional right to confrontation was satisfied when the court allowed defense counsel to pursue this line of questioning.

¶ 17 We now turn to the question of whether the court abused its discretion by improperly limiting the scope of cross-examination. The court sustained a relevancy objection after defense counsel asked whether "things were getting a bit contentious." The court's ruling did not bar defense counsel from asking further questions about M.W.'s disagreement with defendant. Nor did the court prevent defense counsel from asking about the nature of prior disagreements between M.W. and defendant. The court made no categorical rulings limiting defense counsel's cross-examination. It simply ruled that a particular question called for irrelevant information, presumably because it concerned a topic that had already been explored. See *Fierer*, 260 Ill. App. 3d at 148 ("It is well established *** that a trial judge has wide latitude to impose reasonable limits on cross-examination based on concerns about harassment, prejudice, confusion of the issues, or interrogation that is repetitive or of little relevance."). Where defense counsel made no attempt to ask additional questions about the disagreements between M.W. and defendant, the circuit court cannot be said to have limited his cross-examination. Accordingly, we cannot say that the court abused its discretion in sustaining the objection.

¶ 18 III. CONCLUSION

¶ 19 The judgment of the circuit court of Du Page County is affirmed.

¶ 20 Affirmed.