APPENDIX A

SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING
200 East Capitol Avenue
SPRINGFIELD, ILLINOIS 62701-1721

CAROLYN TAFT GROSBOLL
Clerk of the Court

(217) 782-2035
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November 01, 2018

FIRST DISTRICT OFFICE
160 North LaSalle Street, 20th Floor
Chicago, IL 60601-3103
(312) 793-1332
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Lisa J. Gillard
The Gillard Institute, Inc.
P.O. Box 805993
Chicago, IL 60680-4121

In re: People v. Gillard
123584

Today the following order was entered in the captioned case:

Motion by Petitioner, *pro se*, for leave to file a motion for reconsideration of the order of September 26, 2018, denying petition for leave to appeal. Denied.

Order entered by the Court.

This Court's mandate shall issue forthwith to the Appellate Court, First District.

Very truly yours,

Carolyn Taft Grosboll

Clerk of the Supreme Court

cc: Appellate Court, First District
Attorney General of Illinois - Criminal Division
Cook County State's Attorney, Criminal Division

APPENDIX B

SUPREME COURT OF ILLINOIS

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Lisa J. Gillard
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FIRST DISTRICT OFFICE
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September 26, 2018

In re: People State of Illinois, respondent, v. Lisa J. Gillard, petitioner.
Leave to appeal, Appellate Court, First District.
123584

The Supreme Court today DENIED the Petition for Leave to Appeal in the above entitled cause.

The mandate of this Court will issue to the Appellate Court on 10/31/2018.

Very truly yours,

Carolyn Taft Grosboll

Clerk of the Supreme Court

APPENDIX C

2018 IL App (1st) 171121-U

No. 1-17-1121

Order filed April 26, 2018

Fourth Division

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	No. 16 MC1 190478
	)	
LISA J. GILLARD,	)	Honorable
	)	Clarence L. Burch,
Defendant-Appellant.	)	Judge, presiding.

PRESIDING JUSTICE BURKE delivered the judgment of the court.
Justices McBride and Gordon concurred in the judgment.

ORDER

¶ 1 *Held*: Defendant's conviction for battery is affirmed over her contention that the State failed to prove her guilty beyond a reasonable doubt.

¶ 2 Following a bench trial, defendant Lisa Gillard was convicted of battery (720 ILCS 5/12-3(a)(2)(West 2014)) and sentenced to one year of court supervision. On appeal, defendant *pro se*, essentially, contends that the State failed to prove her guilty beyond a reasonable doubt. We affirm.

¶ 3 Prior to trial, defendant, after being properly admonished by the court, elected to represent herself. On April 25, 2017 defendant's trial began. Symantha Lancaster testified that on September 26, 2016, she was working as a customer service officer at Northwestern Memorial Hospital (NMH) located at 251 E. Huron Street. Lancaster was assigned to NMH Prentice Woman's hospital and a part of her duties was to "meet, greet, assist and help patients and visitors" in the hospital. Lancaster explained that she is not a patrol officer, but gives badges to the visitors and "looks up" patient's names on the computer. About 5:15 p.m., Lancaster noticed defendant, who was not wearing a visitor's badge, walking towards the elevator. Lancaster explained that all visitors must wear badges. Lancaster asked defendant if she could help her, but defendant kept walking. Lancaster left her desk and approached defendant. Lancaster again asked "may I help you?" Defendant then turned and said "don't say anything to me, don't even speak to me, don't you ask me anything." As Lancaster returned to her desk, defendant followed her. Defendant leaned over Lancaster's desk and told her "don't look at me. I'm suing you, you're in trouble." After defendant walked away from the desk, Lancaster phoned her supervisor and informed him that she felt threatened and was being verbally attacked. A short time later, a security officer arrived and spoke to Lancaster.

¶ 4 Brandon Campbell testified that he works as a security guard at NMH. At approximately 5:15 p.m., on the date in question, Campbell received a call of an "83" in the lobby of Prentice Hospital. Campbell explained that an "83" is code for a suspicious person. Campbell spoke to Lancaster, who explained her encounter with defendant. Campbell went to the third floor of the hospital and saw defendant using a telephone. Campbell approached defendant, who stated "leave me the f*** alone, do you know who the f*** I am? You don't know who the f*** I

am?" Campbell told defendant that she could not be in the building. Defendant placed the phone down and Campbell tried to hang it up. Defendant then, with both hands, pushed Campbell in his chest causing him to move about a foot backwards. Campbell explained that when defendant pushed him he felt "frustrated" because defendant "violated [his] space and [he] didn't violate anything of [hers]." Defendant took the escalator down and Campbell followed, telling her she could no longer be on the property of the hospital. Campbell followed defendant to another security post, where defendant attempted to use the security phone. As she did so, Campbell "slid" between the security phone and defendant. Defendant pushed Campbell again and then went toward the Feinberg Pavilion in NMH. Campbell explained that defendant seemed agitated. Campbell called his supervisor and defendant was detained until police arrived. After Campbell's testimony, the State rested.

¶ 5 Defendant called two Chicago police officers to testify regarding her arrest at NMH. The officers testified that they responded to a disturbance at the hospital and when they arrived defendant was seated at a computer. Defendant did not show any signs of "erratic behavior." Defendant was placed under arrest. At the conclusion of the officers' testimony defendant rested.

¶ 6 The trial court found defendant guilty of the battery of Campbell and sentenced her to one year court supervision. After her posttrial motion was denied, defendant filed a notice of appeal on April 28, 2017.

¶ 7 On November 2, 2017, defendant filed a *pro se* brief with this court, arguing that the trial court denied her a fair trial by the "knowing use of perjured statements and fabricated evidence by the State as to intentionally harm and injure Defendant-Appellant under the constitution 725 ILCS 5/122-1(a)(West 2008)." In her brief, defendant claims to have "newly discovered

evidence" that would assert her actual innocence and has cited to the Fourth, Fifth and Fourteenth Amendments of the United State's Constitution. Defendant requests that this court reverse her conviction, award her damages in the amount of $50 million and terminate the employment of several individuals.

¶ 8 The State responds that this court should not consider defendant's argument regarding the trial court's alleged denial of her petition for postconviction relief where the record on appeal contains no such petition. In the alternative, the State maintains that the evidence at trial was sufficient to sustain defendant's battery conviction.

¶ 9 We initially note that the purpose of appellate review is to evaluate the record presented in the trial court and review must be confined to what appears in the record. *People v. Canulli,* 341 Ill. App. 3d 361, 367-68 (2003). The appellant has the burden of presenting a sufficiently complete record to support her claim of error and any doubts arising from the incompleteness of the record will be resolved against her. *Foutch v. O'Bryant,* 99 Ill. 2d 389, 391-92 (1984). Matters not properly in the record or presented to the trial court will not be considered on review. *Jenkins v. Wu,* 102 Ill. 2d 468, 483-84 (1984). Where the record is incomplete or does not demonstrate the alleged error, a court of review will not speculate as to what errors may have occurred below. *Foutch,* 99 Ill. 2d at 391-92. In the absence of a complete record, the reviewing court must indulge in every reasonable presumption favorable to the judgment and will presume that the trial court's judgment conformed with the law and had a sufficient factual basis. *Id.* It is well settled that a *pro se* litigant "must comply with the same rules of procedure required of attorneys" and "this court will not apply a more lenient procedural standard to *pro se* litigants than is generally allowed attorneys." *Harvey v. Carponelli,* 117 Ill. App. 3d 448, 451 (1983).

¶ 10 Here, although defendant purports to be appealing from the denial of a postconviction petition, we note that, as far as we can glean from the record before us, the case at bar is a direct appeal of her April 25, 2017, conviction for battery. The record shows that, upon the denial of her *pro se* posttrial motion, defendant filed a notice of appeal on April 28, 2017. That said, defendant, in her brief, nevertheless refers to a postconviction petition that was denied on May 1, 2017. In her reply brief, defendant also refers to a denial of a "rehearing" for postconviction relief. However, a careful review of the record on appeal shows no postconviction petition on file. As such, we agree with the State that defendant's reference to the denial of a postconviction petition, without the petition present in the record or any reference to the petition in the report of proceedings, is without merit and any relief sought under the Post Conviction Hearing Act will not be considered by this court. *People v. Lopez*, 229 Ill. 2d 322, 344 (2008) (citing *Foutch*, 99 Ill. 2d at 391-92 (in the absence of a complete record, a reviewing court will not speculate as to what errors may have occurred in the trial court)).

¶ 11 In her brief, defendant also refers to newly discovered evidence that would show she is actually innocent of the battery against Campbell. This allegedly newly discovered evidence consists of lawsuits defendant has filed against NMH alleging discrimination; a complaint letter to the Illinois Department of Human Rights; a letter of investigation to the Attorney General's Office; a complaint letter to the Attorney Registration and Disciplinary Commission; four affidavits of defendant; a letter of investigation to the Illinois Health Facilities and Review Board; an order to proceed *forma pauperis* in the civil case; and a letter of investigation to Prentice Hospital, Fresh Market Café, and Saint Mathew's Chapel. However, as pointed out by the State, these materials do not constitute newly discovered evidence where they present facts

already known to defendant at or prior to trial. See *People v. Snow*, 2012 IL App (4th) 110415, ¶ 21 (quoting *People v. Collier*, 387 Ill. App. 3d 360, 637 (2008) (evidence is not newly discovered if it "'presents facts already known to a defendant at or prior to trial, though the source of these facts may have been unknown, unavailable or uncooperative' ").

¶ 12 That said, although defendant's *pro se* brief lacks clarity as to what issues she is raising on appeal, we note that her arguments are essentially challenging the sufficiency of the evidence to sustain her conviction. Moreover, since meaningful review is not completely precluded because we do have the benefit of the State's cogent brief, we elect to consider the merits of her appeal. *In re Marriage of Barile*, 385 Ill. App. 3d 752, 757 (2008).

¶ 13 The standard of review on a challenge to the sufficiency of the evidence 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. Lloyd, 2013* IL 113510, ¶ 42. The trier of fact is responsible for assessing the credibility of the witnesses, weighing the testimony, resolving any conflicts in the evidence and drawing reasonable inferences therefrom. *People v. Hutchison*, 2013 IL App (1st) 102332, ¶ 27; *People v. Ortiz*, 196 Ill. 2d 236, 259 (2001). As such, "a reviewing court will not substitute its judgment for that of the trier of fact on issues involving the weight of evidence or the credibility of witnesses." *People v. Siguenza-Brito*, 235 Ill. 2d 213, 224-25 (2009). A reviewing court will only reverse a criminal conviction when the evidence is so improbable or unsatisfactory that there remains a reas*onable* doubt as to the defendant's guilt. *People v. Beauchamp*, 241 Ill. 2d 1, 8 (2011); *People v. Collins*, 214 Ill. 2d 206, 217 (2005).

¶ 14 In this case, defendant was convicted of battery. In order to sustain defendant's conviction, the State was required to prove beyond a reasonable doubt that she knowingly, without legal justification, by any means made *physical contact with* Campbell. See 720 ILCS 5/12-3(a)(2) (West 2014); *People v. Siguenza-Brito*, 235 Ill. 2d 213, 224 (2009) (the State must prove each element of an offense beyond a reasonable doubt).

¶ 15 The plain language of the battery statute defines the offense in terms of contact that insults or provokes the victim not contact that injures the victim. See *People v. Peck*, 260 Ill. App. 3d 812, 814 (1994) (The language of the battery statute clearly provides that a battery can be committed if the accused has contact with the victim "by any means" (720 ILCS 5/12–3(a) (West 1992)). The element of contact of an insulting or provoking nature does not require proof by, for example, the victim's testimony that the contact was insulting or provoking. *People v. Nichols*, 2012 IL App (4th) 110519. Rather, " 'a particular physical contact may be deemed insulting or provoking based upon the factual context in which it occurs.' " *Peck*, 260 Ill. App. 3d at 814 (quoting *People v. d'Avis*, 250 Ill. App. 3d 649 (1993)).

¶ 16 Here, after viewing the evidence in the light most favorable to the prosecution, we conclude that a rational trier of fact could have found beyond a reasonable doubt that defendant made contact of an insulting or provoking nature with Campbell and thus committed battery. Campbell, a NMH security guard, testified that, after he told defendant to leave the property of the hospital, she used both hands and pushed him in the chest causing him to move backwards. Campbell stated that defendant's contact made him feel "frustrated" because defendant "violated [his] space." As Campbell attempted to prevent defendant from using a telephone in the hospital, defendant pushed him a second time. Given the context in which the contact occurred, combined

with Campbell's testimony regarding how the contact made him feel, the evidence presented, and the reasonable inferences therefrom, was sufficient to sustain defendant's battery conviction. See *d'Avis*, 250 Ill. App. 3d at 649.

¶ 17 Defendant nevertheless argues that the evidence at trial was insufficient to find her guilty of battery because Campbell's testimony was perjured and the State failed to call other security guards, who were allegedly present when she encountered Campbell at the hospital.

¶ 18 We initially note that defendant's arguments regarding Campbell's credibility are essentially asking this court to substitute its judgment for the trial court's credibility determination. This we cannot do. See *Siguenza-Brito*, 235 Ill. 2d at 224-25. As mentioned, it was for the trial judge, who saw and heard Campbell's testimony, and was thus in a much better position than this court, to resolve the discrepancies that appeared during trial and determine that Campbell's testimony was sufficiently reliable. *Id.* at 229.

¶ 19 Moreover, the fact that there were other security personnel present when defendant pushed Campbell was fully explored at trial during Campbell's cross-examination. Given its ruling, the trial court clearly found Campbell's testimony to be credible. The testimony of a single witness, if positive and credible, is sufficient to sustain a conviction although it is contradicted by the defendant. *Siguenza-Brito*, 235 Ill. 2d at 228. We will not reverse a conviction simply because defendant claims that a witness was not credible. *People v. Evans*, 209 Ill. 2d 194, 211-12 (2004). Rather, as mentioned, a defendant's conviction will be overturned only if the evidence is so unreasonable, improbable, or unsatisfactory that there remains a reasonable doubt of defendant's guilt. *Beauchamp*, 241 Ill. 2d at 8. This is not one of those cases.

¶ 20 For the reasons stated, we affirm the judgment of the circuit court of Cook County.

¶ 21 Affirmed.