

2025 IL App (2d) 240085-U
No. 2-24-0085
Order filed May 23, 2025

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

IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

THE PEOPLE OF THE STATE)	Appeal from the Circuit Court
OF ILLINOIS,)	of Kane County.
)	
Plaintiff-Appellee,)	
)	
v.)	No. 23-CF-1549
)	
DARCY D. BELL,)	Honorable
)	Julia A. Yetter,
Defendant-Appellant.)	Judge, Presiding.

JUSTICE JORGENSEN delivered the judgment of the court.
Justices Schostok and Birkett concurred in the judgment.

ORDER

- ¶ 1 *Held:* The jury could have reasonably found that defendant knew that a state's attorney's investigator, whom defendant injured while escaping arrest, was a peace officer where the investigator wore a bulletproof vest (albeit unmarked), had a visible gun and badge on her belt, and was accompanying a police officer who wore a bulletproof vest complete with full gear and a badge, and also had a gun on his belt.
- ¶ 2 Defendant, Darcy D. Bell, appeals from his conviction, following a jury trial, of resisting or obstructing a peace officer causing injury (720 ILCS 5/31-1(a-7) (West 2022)). Defendant contends that the State failed to prove him guilty beyond a reasonable doubt, because it failed to prove that he knew the injured individual was a peace officer. We affirm.

¶ 3

I. BACKGROUND

¶ 4 On September 13, 2023, defendant was indicted on two counts of aggravated battery to a peace officer (*id.* § 12-3.05(d)(4)(i)) and one count of resisting or obstructing a peace officer causing injury (*id.* § 31-1(a-7)). The charges stemmed from an incident that occurred on July 19, 2023, involving two officers, one of whom, Investigator Kristen Julian, was allegedly injured as a result of defendant's actions.

¶ 5 The following evidence was presented at defendant's jury trial. Detective Nicholas Kozicki of the Elgin Police Department testified that, on July 19, 2023, he participated in an investigation with Julian, an investigator with the Kane County State's Attorney's Office. Kozicki and Julian were in the parking lot of J.J. Peppers in Elgin when they were alerted that defendant, who had an outstanding warrant for his arrest, was inside the store. Kozicki saw defendant through the store window and entered the store to make contact. Kozicki testified: "I was wearing jeans, a Polo shirt and a full police vest that had my badge on it, radio, Taser, OC spray, pretty much everything on there. It says police on the back and it has my badge and my name on the front." Julian "was wearing a badge and a gun on her belt and then also a blue bullet resistant vest." After entering the store, Kozicki approached defendant and said, "Darcy." Defendant "shook his head and said, no." Kozicki "directed [defendant] to put his hands behind his back and [Kozicki] took control of [defendant's] right arm." Defendant "started to protest verbally." Defendant "pulled away from [Kozicki], breaking [Kozicki's] grasp and then running from [him]." "Julian attempted to stop [defendant], at which point [defendant] broke away from [Julian] and ran out of the store, with [Kozicki] in pursuit."

¶ 6 Kozicki testified that his body camera recorded the interaction. The body camera video was entered into evidence and played for the jury. The video, which is 41 seconds long, begins

with Kozicki walking on the sidewalk outside the store's row of windows. Julian was beside him as they approached the store's glass double doors from the left. Kozicki reached the doors first. Defendant was visible through the glass, his body turned at a right angle to the door and facing left—the direction from which Kozicki and Julian approached. As Kozicki opened the door and entered the store, defendant turned and approached the cash register, located on the right side of the store. Kozicki approached defendant's right side. As he did so, defendant turned his head to the right and looked at Kozicki. As he turned his head toward Kozicki, defendant appeared to also look past Kozicki toward the door. Kozicki asked, "Darcy?" and defendant responded, "No." Kozicki told defendant several times to put his hands behind his back, and he reached out with his left arm to grab defendant's left arm. Defendant said, "Come on, man, let me go, man, let me go." As defendant turned to his right to break away from Kozicki, Julian stood several feet away, between defendant and the door. She was standing upright, wearing a bulletproof vest, and carrying a portfolio. Her badge and gun were visible on her right hip. As defendant said, "let me go" and attempted to break away from Kozicki's grasp on his left arm, Julian bent over to put the portfolio on the ground. As she stood up, defendant broke away from Kozicki's grasp. Defendant made contact with Julian as she reached out to grab him. Defendant then exited the building and fled.

¶ 7 On cross-examination, Kozicki agreed that he and Julian arrived at the location together in an unmarked vehicle. Kozicki also agreed that the word "police" was on the back of his bulletproof vest. According to Kozicki, when he was outside the store, defendant was "facing [him], looking at [him] through the window." Kozicki could "see where [defendant's] eyes were looking." Defendant "turned as [Kozicki] *** walked into the store." Kozicki agreed that he did not say "police" when he approached defendant or say that he was there to arrest him. When defendant

turned to leave, he turned toward the door and ran away from Kozicki. Julian had entered the store behind Kozicki and said nothing to defendant. Kozicki agreed that the body camera video showed Julian bending down at one point to place a portfolio on the floor. Kozicki also agreed that Julian was not wearing a police “uniform” and that, in his grand jury testimony, he described her as “a plain clothes investigator.” Julian was wearing blue jeans, a short-sleeved T-shirt, and a belt to which was affixed her police badge and gun. She was also wearing a vest, but it did not display the word “police” on it. Kozicki never heard Julian say, “[S]top, police.” Kozicki knew that the Elgin Police Department had obtained surveillance video from J.J. Peppers.

¶ 8 On redirect examination, Kozicki read from the transcript of his grand jury testimony regarding what Julian was wearing: “Investigator Julian is a plain clothes investigator with [sic] Kane County State’s Attorney’s Office. So she was wearing her sidearm and a badge and her belt and a vest.” He further testified that his practice when making an arrest was to handcuff the subject, “mak[ing] sure [the subject] [was] secure,” *before* announcing the reason for the arrest.

¶ 9 Julian testified that she was with Kozicki at J.J. Peppers on July 19, 2023. She was wearing a “bullet proof vest over a T-shirt” and “jeans.” Her gun was “on [her] right hip, along with [her] badge.” Her badge was “[n]ext to [her] gun,” on her right side, and “affixed to the belt.” Her badge was “visible to the public.” Julian entered the store along with Kozicki. She was “trailing behind him” and “to his right.” Julian observed defendant turn away from Kozicki and “nod his head, no.” Defendant then attempted “to leave past [Julian].” Julian “reached out to try to grab him, to prevent him from leaving.” As she did so, he “pushed [her] away and his arms came down.” Defendant made contact with Julian’s forearms. Her “right forearm *** received an abrasion that didn’t bleed” and “bruising.” Julian identified a photograph taken of her on the day of the incident, depicting her “full person” from the front, including injuries to her right forearm.

She did not have those injuries before the incident. She testified that the clothing she wore in the photo was the same she wore during the incident, except that she was not wearing her bulletproof vest in the photo. She noted that her gun and badge were visible on her right hip in the photo. The photo was admitted into evidence. Also admitted into evidence were additional photographs taken on July 19, 2023, and July 20, 2023, showing close-up views of Julian's injuries.

¶ 10 On cross-examination, Julian testified that defendant did not grab her wrist, punch her, or slap her. She testified that she was five feet, two inches tall, and that defendant was approximately six feet, five inches tall. Julian agreed that, while Kozicki attempted to place defendant in custody, she was holding a portfolio. She placed the portfolio on the ground "to be prepared with both hands free." She "was bending while watching *** Kozicki, so [she] didn't take [her] eyes off of them." Julian agreed that she never verbally identified herself to defendant as a police officer. She also agreed that, when entering the store, she "trailed behind [Kozicki] approximately *** five feet or so." When defendant ran toward the door, he did not run directly at Julian. Julian "reached out with both hands to grasp [defendant's] arms and attempt to stop him."

¶ 11 On redirect examination, Julian clarified that, when she reached out to grab defendant, he "came down on [her] arms with his arms or like a hammer fist," and he made contact with "[her] right forearm, and also [her] left but primarily [her] right." Defendant "made an action to move [her] away from him, as he was trying to leave out of the store." Julian further stated that the purpose of the badge on her hip was "[t]o identify [herself] as a law enforcement officer with a handgun, so that [she] [did not] look like an ordinary person of the public wearing a gun."

¶ 12 The State rested, and defendant moved for a directed finding on all counts. The trial court denied the motion.

¶ 13 Defendant called Kozicki in defense. Kozicki testified that he reviewed the surveillance video from J.J. Peppers and confirmed that it fairly and accurately depicted the events that occurred when he attempted to arrest defendant. The video was admitted into evidence and played for the jury. The video was taken from behind and above the cash register, with the store's entrance to the left. Defendant was standing near the storefront window, facing the direction from which Kozicki and Julian were approaching the camera. As the officers approached, defendant turned and walked toward the register. His body now faced the camera. Kozicki entered the store and approached from the left. Defendant turned his head toward the entrance and then toward Kozicki. As Kozicki began to interact with defendant, Julian was in camera view on the left. She appeared to be, as she testified, about five feet away from Kozicki and holding a portfolio. Defendant turned his body toward the door as Kozicki placed his left arm around defendant's back, attempting to grab defendant's left arm. Kozicki was also now facing toward the door, with his left arm around defendant's back and his hand on defendant's left arm. Defendant was facing Julian, who was standing between him and the door. As defendant struggled to break free from Kozicki, Julian placed the portfolio on the ground. As she did so, she was momentarily blocked from the camera view by a sunglasses display on the register. Julian stood up just as Kozicki lost his grip on defendant. As defendant attempted to rush past Julian, he made contact with her as she reached out to stop him. Defendant ran out of the store, followed by the officers.

¶ 14 After the surveillance video was played, defendant rested.

¶ 15 The jury found defendant not guilty of aggravated battery to a peace officer (*id.* § 12-3.05(d)(4)(i)) but guilty of resisting or obstructing a peace officer causing injury (*id.* § 31-1(a-7)). The trial court denied defendant's subsequent motion for a new trial. Following a sentencing hearing, the trial court sentenced defendant to two years in prison.

¶ 16 This timely appeal followed.

¶ 17

II. ANALYSIS

¶ 18 Defendant contends that the State failed to prove him guilty beyond a reasonable doubt of resisting a peace officer causing injury (*id.* § 31-1(a-7)), because it failed to prove that defendant knew that Julian was a peace officer. We disagree.

¶ 19 In reviewing a challenge to the sufficiency of the 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 the essential elements of the crime beyond a reasonable doubt.” (Emphasis in original.) *Jackson v. Virginia*, 443 U.S. 307, 319 (1979). A guilty verdict can be supported not only by the evidence itself, but also by any reasonable inferences to be drawn from the evidence. *People v. Hsiu Yan Chai*, 2014 IL App (2d) 121234, ¶ 33. It is not this court’s role to retry the defendant. *People v. Gray*, 2017 IL 120958, ¶ 35. Rather, it is the responsibility of the trier of fact, the jury here, to resolve conflicts in the testimony, weigh the evidence, and draw reasonable inferences from the evidence. *Id.* Therefore, we will not substitute our judgment for that of the jury on issues involving the weight of the evidence or the credibility of the witnesses. *Id.* A defendant’s conviction will not be overturned unless the evidence is “so unreasonable, improbable, or unsatisfactory that it justifies a reasonable doubt of [the] defendant’s guilt.” *People v. Wheeler*, 226 Ill. 2d 92, 115 (2007).

¶ 20 Here, defendant was charged with resisting or obstructing a peace officer causing injury (720 ILCS 5/31-1(a-7) (West 2022)). Resisting or obstructing a peace officer is defined under section 31-1(a) of the Criminal Code of 2012 (Criminal Code) (*id.* § 31-1(a)) as “knowingly *** resist[ing] arrest, or *** obstruct[ing] the performance by one known to the person to be a peace officer *** of any authorized act within his or her official capacity.” Although a conviction under

section 31-1(a) of the Criminal Code is generally a Class A misdemeanor (*id.*), when a defendant's act of resisting or obstructing was "the proximate cause of an injury to a peace officer," the offense is elevated to a Class 4 felony. *Id.* § 31-1(a-7). To sustain defendant's conviction here, the State was required to prove, among other things, that defendant knew that Julian was a peace officer. See *People v. Baskerville*, 2012 IL 111056, ¶ 32. "[W]hether a person acted with knowledge may be inferred from circumstantial evidence." *People v. White*, 2016 IL App (2d) 140479, ¶ 37. "Circumstantial evidence is proof of certain facts and circumstances from which the trier of fact may infer other connected facts that human experience dictates usually and reasonably follow." *Id.*

¶ 21 Defendant's challenge to the sufficiency of the evidence rests solely on his claim that the State failed to prove beyond a reasonable doubt that he knew that Julian was a peace officer. According to defendant, the evidence was insufficient because (1) Kozicki and Julian did not arrive in a marked police vehicle, (2) Julian entered the store after Kozicki, (3) Julian stood several feet away from Kozicki while in the store, (4) Julian never announced she was an officer, (5) Julian was not wearing a police uniform, and (6) Julian's badge and gun were obscured from defendant's sight as she bent down to place her portfolio on the floor as defendant ran toward her.

¶ 22 Viewing the evidence in the light most favorable to the State, any rational trier of fact could have found beyond a reasonable doubt that defendant knew that Julian was a peace officer. Because defendant's knowledge as to Kozicki is relevant to his knowledge as to Julian, we begin with a discussion of the evidence related to Kozicki. Kozicki testified that, when he approached the entrance to the store, defendant was inside the store and "facing [Kozicki], looking at [Kozicki] through the window." Kozicki knew that defendant saw him, because he could "see where [defendant's] eyes were looking." Kozicki's testimony is consistent with what was depicted in

both the body camera video and the surveillance video, as both videos show defendant standing near the store windows and facing the direction from which the officers approached the store. The videos further show that defendant looked at Kozicki a second time while standing at the register as Kozicki approached him. Kozicki was wearing, as he testified, “a full police vest,” along with his “badge,” “radio,” “Taser,” “OC spray,” “body camera,” and gun. After Kozicki asked defendant whether he was “Darcy,” which defendant denied, Kozicki told defendant to put his hands behind his back and reached for defendant’s arm to restrain him. Based on this evidence of Kozicki’s appearance and actions, a rational trier of fact could have reasonably inferred that defendant knew that Kozicki was a peace officer. See *People v. Davis*, 2023 IL App (1st) 220231, ¶¶ 54-57 (officer wearing “civilian clothes,” along with “a bullet proof vest with his designations on it and *** his badge,” was in “police uniform” for purposes of the offense of fleeing or attempting to elude a peace officer); *People v. Cavitt*, 2021 IL App (2d) 170149-B, ¶ 174 (“a vest with police markings can, under certain circumstances, constitute a police uniform” for purposes of the offense of fleeing or attempting to elude a peace officer).

¶ 23 We turn now to Julian. Defendant argues that, even if the evidence supports a reasonable inference that defendant knew that Kozicki was a peace officer, the evidence does not support a reasonable inference that defendant knew that Julian was a peace officer. We disagree. The body camera video and the surveillance video together support a reasonable inference that defendant also observed Julian and knew, before he injured her, that she too was a peace officer. The videos show that, as Kozicki approached defendant at the register shortly after he entered the store, defendant turned his head to look not only at Kozicki but also at the store’s front doors, through which Julian was entering. Thus, even though Julian may have entered the store slightly behind Kozicki, she was clearly in defendant’s line of sight as she entered just before Kozicki spoke to

defendant. Then, after defendant turned his body to the right and began his effort to break away from Kozicki's grasp, Julian again was in defendant's line of sight, standing about five feet away. At that point, Julian was standing upright and was clearly visible. Moreover, although Julian was not wearing the full extent of police gear worn by Kozicki, she was dressed similarly. Like Kozicki, Julian was wearing a "bullet proof vest" over a regular shirt, with a gun "on [her] right hip, along with [her] badge," which was "visible to the public." The video evidence confirmed Julian's testimony. Given defendant's knowledge of Kozicki being a peace officer, Julian's proximity and similar dress certainly support an inference that defendant knew she was also a peace officer.

¶ 24 Nevertheless, defendant argues that the police "identifiers" on Julian, like her badge and gun, were not visible to defendant because she was "bending down" and was of "relatively small stature" as compared to defendant. However, as noted, it is a fair inference that defendant, while standing at the cash register, saw Julian enter the store. She was walking upright when she entered. Also, when defendant turned his body away from Kozicki, he was fully facing Julian, who had not yet bent down to put her portfolio on the ground. During these moments, defendant had a clear view of Julian's "identifiers."

¶ 25 Based on the totality of the circumstances, a rational trier of fact could have reasonably concluded that defendant saw Julian, observed her bulletproof vest, police badge, and gun, and knew that she was a peace officer acting in concert with Kozicki—even though Julian entered the store behind Kozicki, stood about five feet away when Kozicki confronted defendant, and did not announce that she was a peace officer as she attempted to stop defendant from fleeing the store. We cannot say that the evidence was "so unreasonable, improbable, or unsatisfactory that it justifies a reasonable doubt of [the] defendant's guilt." *Wheeler*, 226 Ill. 2d at 115.

¶ 26

III. CONCLUSION

¶ 27 For the reasons stated, we affirm the judgment of the circuit court of Kane County.

¶ 28 Affirmed.