

BODILY HARM

The Domestic Battery statute requires bodily harm as an element of the offense. See 720 ILCS 5/12-3.2(a)(1).

The Illinois Supreme Court defined “bodily harm” as follows for the battery statute:

*Although it may be difficult to pinpoint exactly what constitutes bodily harm for the purposes of the statute, some sort of physical pain or damage to the body, **636 ***948 like lacerations, bruises or abrasions, whether temporary or permanent, is required. **People v. Mays**, 91 Ill. 2d 251, 256, 437 N.E.2d 633, 635–36 (1982)*

Physical pain can constitute bodily harm (see *People v. McCrimmon*, 225 Ill.App.3d 456, 466 (1992) (physical pain in shoulder from being slammed against a building and absence from work the following day proved bodily harm); *People v. Wenkus*, 171 Ill.App.3d 1064, 1067 (1988) (physical pain from striking chin against a stair after having been pushed down the stairs constituted bodily harm)), and bodily harm can exist even where the victim did not seek medical attention and had no visible injury (*Wenkus*, 171 Ill.App.3d at 1067).

Testimony of a single credible witness is enough to convict. See *People v. Gray*, 2017 IL 120958, ¶ 36. Moreover, a trier of fact may infer bodily harm by applying common knowledge to the evidence presented. See *People v. Rotuno*, 156 Ill. App. 3d 989, 992 (1987) (evidence that the defendant kicked the victim combined with the fact finder's common knowledge was sufficient for conviction).