

NOTICE
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2026 IL App (5th) 240504-U
NO. 5-24-0504
IN THE
APPELLATE COURT OF ILLINOIS
FIFTH DISTRICT

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

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Vermilion County.
	)	
v.	)	No. 20-CF-57
	)	
TERRION T. TINSLEY,	)	Honorable
	)	Derek J. Girton,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE SHOLAR delivered the judgment of the court.
Presiding Justice Cates and Justice McHaney concurred in the judgment.

ORDER

¶ 1 *Held:* We affirm defendant’s convictions where defendant was not deprived of his right to self-representation, the trial court conducted an adequate preliminary *Krankel* inquiry, and the trial court’s denial of defendant’s claims of ineffective assistance was not manifestly erroneous.

¶ 2 Following a Vermilion County jury trial, defendant, Terrion T. Tinsley, was convicted of two counts of first degree murder. The trial court sentenced him to two consecutive terms of natural life in the Illinois Department of Corrections (IDOC). On direct appeal, defendant argues: (1) the trial court deprived him of his constitutional right to self-representation and (2) the trial court failed to conduct an adequate preliminary *Krankel* inquiry and improperly denied the appointment of independent *Krankel* counsel. For the reasons that follow, we affirm.

¶ 3

I. BACKGROUND

¶ 4 We recite only the facts necessary to address the specific arguments of the parties on appeal. On January 24, 2020, the State charged defendant by nine count information with first degree murder. All nine counts alleged that defendant, or one for whose conduct he was legally responsible, caused the deaths of Cordell Reed, Anthony Jones, and Nathaniel Gentry, on January 22, 2020, with all counts alleging intentional or knowing murder. A grand jury later indicted defendant of the same charges. At the time of the offense, defendant was 16 years old. He was ultimately charged as an adult and received court appointed counsel.

¶ 5 On November 24, 2021, defense counsel filed a “motion requesting the court’s inquiry into defendant’s request to represent himself.” In the motion, counsel indicated that defendant “contacted counsel and informed him of his desire to represent himself.” The motion sought compliance with Supreme Court Rule 401(a) (Ill. S. Ct. R. 401(a) (eff. July 1, 1984)).

¶ 6 On December 6, 2021, the trial court held a hearing. Defense counsel told the court that defendant “indicated to me that, one, he does plan on hiring private counsel. However, until he does so he does not wish to be represented by me and would rather at this point represent himself.” The following exchange occurred:

“THE COURT: Let’s talk about the first part of Mr. Mara’s comment here. Your expectation is that you are going to be able to retain a private attorney to help you with this case?

THE DEFENDANT: I am going to represent myself until the *pro bono* lawyer I am searching for is available, has a slot available.

THE COURT: All right. But that individual is somebody specifically that you have identified?

THE DEFENDANT: Not that—I don’t have the name myself. My parent, my mother has a name for me, but I haven’t received it yet.”

¶ 7 The court asked defendant what his “issue” was with defense counsel, who the court deemed was “experienced in handling these matters.” Defendant advised that he felt that they do not “see eye-to-eye on anything and I feel like I can do more for myself than he can for me at the moment.” Defendant stated that he received a high school diploma at age 16, and he had been incarcerated since he was 16. The trial court stated that it was “doubtful of your ability to understand what it is that is required in your case.” The court stated,

“You are charged with murder and this is not a speeding ticket, this is not a misdemeanor domestic battery situation you’re in. You are charged with several counts of murder, first degree murder, perhaps the most serious felony offense that the laws in the State of Illinois address. And so when you indicate to me that you have a difference of opinion with Mr. Mara over how your case is being handled, without any training or experience as a lawyer in dealing with these matters, I’m concerned that you are making a huge mistake.”

¶ 8 Defendant stated that he understood, but indicated that he was “receiving help from a jailhouse lawyer who is associated with my father, who is incarcerated in the federal penitentiary system, who has written up a motion for me.” Defendant stated that defense counsel “had not filed my motion.” After clarifying that the “jailhouse lawyer” was not a licensed attorney, the trial court noted that it was concerned

“with the prospect of having a case pending where there are, I believe, nine counts of first degree murder where you’re asking to be relieved of counsel in the case. So each of these cases are alleging that your acts led to the death of three different individuals back

in January of 2020, okay? These are what are characterized under Illinois law as Class M felony offenses, first degree murder is.”

Defendant indicated that he understood the punishment associated with the charges.

¶ 9 Turning to defense counsel, defendant explained:

“Someone in prison had written up and sent my mother a copy, who had sent me copies, that she has taken up to the Public Defender’s Office and showed Mr. Mara and it lists a bunch of points on how my case should get dismissed, why it should get dismissed based on a violation of my constitutional rights and the new law that J.B. Pritzker signed into effect.”

The court asked:

“Well, you’re essentially asking [defense counsel] in his judgment, okay, because I don’t know what these arguments are, you’re asking a lawyer who is experienced and skilled and trained in these matters to ignore his judgment and follow the lead or suggestions of someone who clearly has no experience in the case, correct?”

Defendant replied, “Yes, sir.”

¶ 10 The trial court asked defendant, “Do you think it maybe makes some sense for me to offer you a delay on ruling on this motion until you either know or don’t know that this other lawyer is coming in?” Defendant replied, “Yes, makes perfect sense to me.” The court stated:

“So I’m going to do that for you, okay? Just because I don’t want you for one minute to be unrepresented by a lawyer in this case. You could do something to jeopardize your position in this case without even knowing it if you don’t have a lawyer and I don’t want you—because its been suggested by someone else, I don’t want you at the young age of 18

years, I don't want you committing a misstep in your case that's going to cost you in a big way."

Defendant agreed.

¶ 11 The trial court stated:

"THE COURT: And I'm required to find that you knowingly and voluntarily and understandingly are electing to go without an attorney and I can't do that today because of all these shortcomings and deficiencies that aren't your fault, you are just not a lawyer and I can't find that today.

And so what I'd like to do for our docket sheet that anybody who sees your docket will know that you have moved to continue the hearing on your request to represent yourself, that you can recall or call up at a later date. But until then, Mr. Mara is going to remain as your court-appointed lawyer. Can we do that?

THE DEFENDANT: Yes, sir."

The court docketed the matter as "continued in progress" and set a new pretrial date.

¶ 12 On February 7, 2023, defense counsel made a speedy trial demand. On May 11, 2023, the trial court held a pretrial hearing ahead of the scheduled May 15, 2023, jury trial setting. Defendant was present by video call. Defense counsel sought to continue the jury trial because he "thought we had a plea agreement." Counsel advised that defendant did not wish to take the plea agreement.

¶ 13 On May 15, 2023, the parties continued the trial by written agreement, with delay attributable to defendant. The agreed-order was filed on May 15, 2023, and indicated that the trial would be set for December 4, 2023, with a final pretrial setting on November 30, 2023. On July 31, 2023, defendant filed a *pro se* "motion for clarification" seeking information about "who

agreed on the court's order" on May 15. Defendant noted that he objected to the continuance, "as it would violate his speedy trial rights."

¶ 14 On August 9, 2023, defendant filed a *pro se* motion for ineffective assistance of counsel. In the motion, defendant stated that his attorney "barely communicates" with him, failed to visit him to prepare for trial, and allowed a continuance for over six months. Defendant argued that counsel

"withheld key information from me about my case and the order to continue on 5/15/2023 over a supposedly court holiday that he informed me first he didn't agree to, wasn't even there, now after I confront the issue he now claims was a signed agreed continuance by all parties, how when I wasn't there at all or consulted about it."

Defendant argued that counsel failed to inform him of the findings in his case. Defendant requested the appointment of "outside counsel competent enough to represent" him "on a case of this magnitude per attorney codes of conduct."

¶ 15 On August 31, 2023, the trial court held a hearing on defendant's motions. Specifically, the court considered defendant's *pro se* motion for ineffective assistance of counsel and his motion for clarification and objection to continuance. Defendant sought clarification to "see how many days" he had towards his speedy trial. He also sought clarification "to see if the agreed order was indeed signed by both parties and agreed upon." The court said, "Well, yes. That was signed by both parties and signed by the Court. As far as your 120, at this time that's not an issue that's been brought before the court. So I'm not—I don't just do calculations of those for defendants."

¶ 16 Turning to ineffective assistance, defendant stated:

"Well, I filed for ineffective assistance of counsel to basically say that my counsel is ineffective due to the fact that, well, first off, he allowed a nearly 6-month continuance

from trial date when we were pretty much ready, set for trial. And he could have continued for the following Monday. And another issue I have was that the proceedings of my case and evidence against me, I'm not completely informed on the evidence against me."

The trial court interrupted defendant and asked, "[I]f you are telling me I haven't had an opportunity to go over everything with my attorney, that tells me you are not, in fact, yet ready for trial. Would you agree with that?" Defendant responded, "Yes, sir."

¶ 17 Defense counsel stated that he was prepared to go to trial, however, defendant indicated that he wished to accept an offer from the State. Therefore, defense counsel informed the prosecutor that "we would not be proceeding to trial." Defense counsel explained that defendant then "changed his mind, which necessitated a continuance of the trial." Defense counsel explained that this would be approximately a week-long trial, which was originally set for the first week of November. The prosecutor realized there was a court holiday that week, and the parties agreed to continue the case until December 4.

¶ 18 Turning to ineffective assistance, defense counsel stated, "There is no discovery that's relevant for trial that I have not gone over with" defendant. Counsel acknowledged that he had not "talked to [defendant] much since May, but nothing has changed. So there is not really anything to talk about."

¶ 19 The trial court addressed defendant and stated that he was "really not at a point where I can make a finding of ineffective assistance because to do that, I have to find that you would have won your case but for the ineffectiveness of your attorney. Obviously I can't make that finding until the end of your case". The court explained:

"I'm just saying you have a lawyer, who is in this county one of the most, if not the most experienced attorneys as far as trying murder cases. He is, in my opinion, a very

professional attorney who's always well prepared for anything before this Court. I do not believe there is a single lawyer in this county I could appoint for you other than him that would serve you better."

¶ 20 The court also noted that defense counsel was the public defender, and counsel was "a very busy man and does not have as much time as even he would like to spend with each individual client." The court asked if defendant was comfortable proceeding to trial in December, to which defendant responded, "Yes, sir." The court denied both motions, noting that defendant "wanted an opportunity to air" his grievances." Defendant agreed.

¶ 21 At the end of the hearing, the court stated:

"All right. I have heard you. Mr. Mara has heard you. We understand that you are not happy with the situation. I don't blame you. But I don't think—you are not being treated any differently than anybody else. It's the nature of the situation. There is not enough judges, enough courtrooms, enough lawyers to get everybody to trial as quickly as they would like to be. We are working on it the best we can. In December everybody will be ready, okay, including yourself as much as possible."

¶ 22 On November 30, 2023, the court entered an order noting that 113 days ran on defendant's speedy trial demand. On that day, defendant demanded a speedy trial.

¶ 23 On January 8, 2024, the matter proceeded to a jury trial. Following jury trial, the jury found defendant not guilty of Jones' death. The jury found defendant guilty of Reed and Gentry's deaths. The jury also found that Reed and Gentry's murders were accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty.

¶ 24 On February 1, 2024, defendant filed a *pro se* motion alleging ineffective assistance of counsel. Defendant argued that his counsel was ineffective for: (1) failing to file a motion to

suppress statements made to investigators by defendant; (2) “causing an absurd 6 months continuance” after defendant “decided not to take state’s plea of 48 years at 50%”; (3) failing to demand speedy trial, where defendant’s trial took place 24 days outside of the 120 day speedy trial time; (4) failing to file a motion to dismiss when the State violated defendant’s speedy trial rights; (5) failing to file a motion *in limine* to admit video footage of three individuals leaving the scene, because the video arguably contradicted Myles B.’s trial testimony; and, (6) failing to cross examine state witnesses who made inconsistent statements.

¶ 25 On February 2, 2024, defendant, through counsel, filed a motion for a new trial. In the motion, defendant argued that the State failed to prove him guilty beyond a reasonable doubt as to both Reed and Gentry. Defendant also argued that the court erred by not excusing a juror for cause, and for not granting defendant an extra preemptory challenge. Finally, defendant argued that the court erred by offering jury instructions on accountability over defendant’s objection.

¶ 26 On February 29, 2024, the trial court held a hearing on defendant’s motion for ineffective assistance of counsel and motion for a new trial. The court noted that defendant raised six issues related to ineffective assistance and asked defendant to “take these one at a time.” First, defendant argued that his counsel should have filed a motion to suppress statements. Defendant stated, “We can move past that one. It really wasn’t relevant. It was just a feeling.” The court responded, “I do want to address it.” The court noted that “the majority of, if not, the entire interview that was played at the trial, I did not see anything to me that would have raised the issue of trying to suppress that statement. So I’m going to deny the request of finding of ineffective on that issue.”

¶ 27 Next, the court directed defendant to his allegation of ineffective assistance for “causing a 6-month continuance in the case.” Defendant acknowledged that he was going to accept a plea agreement from the State, but ultimately decided not to accept the plea. Defendant testified that he

gave the State six or seven days notice that he would not accept the plea agreement. Defendant believed that defense counsel should have notified the State prior to the final pretrial, which resulted in the need for a continuance. Defendant argued that counsel was ineffective for failing to inform the State of him not accepting the plea agreement in order to allow them to be ready for trial on the May setting.

¶ 28 In response, defense counsel stated that when defendant advised that he was going to accept the State's plea agreement, counsel contacted the prosecutor to let them know. At that point, the State "called off their witnesses". Defendant then changed his mind, and defense counsel informed the State. At that point, the State "called off their witnesses and was not ready."

¶ 29 The trial court explained to defendant that once the State was notified that he would take a plea, the State let the witnesses know that they would not be needed for the May setting. The court explained that 6 days of notice would not make a difference when the trial setting was planned months in advance. The court denied the motion based on the continuance.

¶ 30 Turning to defendant's third complaint, defendant argued that the extension violated his speedy trial timeline. The court asked defendant if his position was the same, and defendant replied, "yes." Defendant had no further argument on this point. The trial court explained that by withdrawing the agreement to accept the guilty plea and proceed to trial resulted in a defense motion to continue, which tolled the 120 days. Therefore, the court denied defendant's ineffective assistance claim as to that point.

¶ 31 Fourth, defendant argued that there was video footage of him leaving in a direction away from the crime scene. Defendant argued that defense counsel should have filed a motion *in limine* to admit that video, because, according to defendant, the video would have impeached the State's

witnesses. Defense counsel responded that he was not required to file a motion *in limine*. Counsel also noted that the video at dispute showed “three people walking.” Counsel explained:

“It is incredibly far away. It’s dark. And there is nothing identifying. It’s in black and white. Certainly it could have been the three people. There is nothing showing that it actually was the three people. I didn’t feel that video really had much value. There was no part of the video that would have allowed you to identify any of the three individuals. And so because of that, I just didn’t think it was a valuable piece of evidence.”

¶ 32 The trial court determined that this was “clearly a decision regarding trial strategy that can be made by the attorney.” The court noted that it understood defendant’s “frustration certainly in hindsight” but that defense counsel made a strategic decision. Therefore, the court denied defendant’s fourth claim.

¶ 33 The court turned to defendant’s fifth claim about the cross-examination of Myles. Defendant explained that defense counsel “did not admit impeachable evidence to contradict [Myles’s] statements which was available such as prior inconsistent statements, and as you can see, video footage.” Defendant argued that the evidence should have been admitted to impeach the witness.

¶ 34 Defense counsel explained that any inconsistencies were not such that they would have caused any impact. Counsel felt he impeached Myles through cross-examination. The trial court determined that this was a “strategy obviously chosen by defense counsel in a case that was a difficult case for the defense.” The court noted that the jury was “out 6 hours or more and came back with a verdict that clearly indicated to me that they had a very difficult time reaching a verdict.” The court noted that the jury rendered a “factually inconsistent verdict” where defendant was not “found guilty of all three victims” which indicated that the jury “were making some type

of possible agreement between themselves to just get a verdict in this case because they were having some—a hard time reaching the verdict that they ultimately came up with.” The court noted that was “some evidence that Mr. Mara put on a very strong case for the defense and part of that would have included his cross-examination of” Myles. The court stated that, “having observed the cross-examination first hand, I thought he did an effective, very effective job of trying to cross-examine a witness that, given the circumstances, was for the most part a strong witness for the State.” Thus, the court denied the claim of ineffective assistance.

¶ 35 Finally, the court turned to defendant’s claim seeking that the trial court appoint a new attorney to investigate defense counsel. The court stated, “That is not something we do.” The court also stated, “if I were to see some reason to do it, I don’t see any reason to do it at this time so I’m going to deny that request.”

¶ 36 Following argument from the parties, the trial court denied defendant’s motion for a new trial. The court noted that there was sufficient evidence for the jury to reach its ultimate verdict.

¶ 37 On April 1, 2024, the trial court sentenced defendant to two consecutive natural life sentences. Defendant filed a motion to reconsider sentence, which the trial court denied on April 5, 2024.

¶ 38 This appeal followed.

¶ 39 II. ANALYSIS

¶ 40 On direct appeal, defendant argues: (1) the trial court deprived him of his constitutional right to self-representation and (2) the trial court failed to conduct an adequate preliminary *Krankel* inquiry and improperly denied the appointment of independent *Krankel* counsel. For the reasons that follow, we affirm.

¶ 41 A. Self-Representation

¶ 42 First, defendant argues that the trial court deprived him of his state and federal constitutional right to self-representation. The State responds, contending that the trial court did not abuse its discretion by continuing defendant's request to proceed *pro se*, where the request was conditional and equivocal, defendant expressly agreed to the court's decision to continue the hearing on his motion to proceed *pro se*, and defendant never renewed his request over the following two years. We agree with the State.

¶ 43 Our courts recognize that a defendant has a constitutional right to represent himself. *People v. Baez*, 241 Ill. 2d 44, 115 (2011) (citing *Faretta v. California*, 422 U.S. 806, 835 (1975)). In order to exercise this right, the defendant "must knowingly and intelligently relinquish his right to counsel." *Id.* at 115-16. Our supreme court has emphasized that waiver of counsel cannot be ambiguous, but rather must be "clear and unequivocal." *Id.* at 116; see also *People v. Perkins*, 2018 IL App (1st) 133981, ¶ 41. The purpose of this requirement is to "(1) prevent the defendant from appealing the denial of his right to self-representation or the denial of his right to counsel, and (2) prevent the defendant from manipulating or abusing the system by going back and forth between his request for counsel and his wish to proceed *pro se*." *People v. Mayo*, 198 Ill. 2d 530, 538 (2002).

¶ 44 We review the circuit court's determination as to whether a defendant's assertion of his desire to proceed *pro se* was clear and unequivocal for abuse of discretion. *Perkins*, 2018 IL App (1st) 133981, ¶ 44. This is the most deferential standard of review, and our mere disagreement with the circuit court's decision would be insufficient to support finding an abuse of discretion. *Campbell v. Autenrieb*, 2018 IL App (5th) 170148, ¶ 26. An abuse of discretion occurs "only where the trial court's ruling is arbitrary, fanciful, or unreasonable, or where no reasonable person would take the view adopted by the trial court." *Perkins*, 2018 IL App (1st) 133981, ¶ 44. Defendant

acknowledges that he did not preserve this issue in a posttrial motion, and he seeks review under the second prong of plain error.

¶ 45 Defendant contends that the trial court denied his request to proceed *pro se*, thereby violating his constitutional right to represent himself. On the contrary, the record demonstrates that the trial court did not deny defendant's request to proceed *pro se*. Rather, the court continued it with defendant's express agreement. At the December 6, 2021, hearing, defendant told the court that he wished to represent himself until a *pro bono* attorney identified by his mother became available. However, defendant was unable to provide the court with tangible information such as the attorney's name, willingness to enter the case, or whether the potential person was a licensed attorney at all. Therefore, the trial court questioned whether it could properly find that defendant knowingly and voluntarily wished to waive counsel.

¶ 46 Instead of admonishing defendant pursuant to Rule 401(a), the court instead asked defendant whether "it maybe makes some sense" to delay ruling "until you either know or don't know that this other lawyer is coming in." Defendant responded, "Yes, makes perfect sense to me." Therefore, the court noted that it would continue the hearing so that defendant would not be left without counsel. The court emphasized the seriousness of the charges and expressed concern that defendant would potentially jeopardize his case if defendant proceeded at any point without an attorney. When asked if the court could put on the docket that the court "moved to continue the hearing on your request to represent yourself," defendant replied, "Yes, sir." Here, defendant expressly agreed to a continuance of the hearing on his *pro se* request. Defendant accepted continued representation by appointed counsel until he chose to renew the matter.

¶ 47 The State also contends that defendant's request was conditional and equivocal. The requirement that a defendant's waiver of his right to counsel be clear and unequivocal "prevents a

defendant from weaponizing his sixth amendment rights on appeal.” *People v. Rainey*, 2019 IL App (1st) 160187, ¶ 39. In deciding whether a defendant clearly and unequivocally executed this waiver, the court “must determine whether the defendant truly desires to represent himself and has definitively invoked his right of self-representation.” *Baez*, 241 Ill. 2d at 116. It must further “ ‘indulge in every reasonable presumption against waiver’ ” of the right to counsel. *Id.* (quoting *Brewer v. Williams*, 430 U.S. 387, 404 (1977)). The determination of whether a defendant has knowingly and intelligently waived his right to counsel must depend upon the particular facts and circumstances of the individual case, including the background, experience, and conduct of the accused. *Id.*; *People v. Lesley*, 2018 IL 122100, ¶ 51.

¶ 48 Defendant’s own words established a conditional request. Defendant specifically stated: “I am going to represent myself until the *pro bono* lawyer I am searching for is available, has a slot available.” Defendant explained that he wanted to represent himself only until a private or *pro bono* attorney, whose identity he could not articulate, became available. Defendant’s decision depended on future, unknown events. This supported the court’s decision to continue the hearing rather than accept defendant’s waiver. Therefore, we find that the trial court did not abuse its discretion by continuing defendant’s request to proceed *pro se*.

¶ 49 Finally, we find that defendant abandoned his request by failing to renew it over the course of two years. “Even if a defendant gives some indication that he wants to proceed *pro se*, he may later acquiesce in representation by counsel. Under certain circumstances, defendant may acquiesce by vacillating or abandoning an earlier request to proceed *pro se*.” *People v. Burton*, 184 Ill. 2d 1, 23 (1998). “In determining whether a defendant seeks to relinquish counsel, courts may look at the defendant’s conduct following the defendant’s request to represent himself.” *Id.* at 23-

24. “A defendant may forfeit self-representation by remaining silent at critical junctures of the proceedings.” *Id.* at 24.

¶ 50 In support of his position, defendant points to *People v. Hunt*, 2016 IL App (1st) 132979, for the position that a defendant “need not futilely request to represent himself.” He also points to *People v. Albea*, 2017 IL App (2d) 150598, where defendant contends that the trial court ignored “multiple clear requests” from the defendant to proceed *pro se*. However, in both *Hunt* and *Albea*, the trial court conclusively denied the defendant’s request for self-representation. Here, however, the court did not deny defendant’s request. Instead, by agreement of defendant himself, the court delayed ruling until the parties learned whether private or *pro bono* counsel would later enter the case. The matter was expressly left open to “recall or call up at a later date.” Therefore, unlike the cases relied upon by defendant, defendant’s request here was not conclusively denied.

¶ 51 The record demonstrates that over two years following his *pro se* request, defendant never renewed his request or asked the court to rule on his motion. Defendant first raised the possibility of representing himself in December 2021. As noted above, the court continued the hearing with express agreement from defendant. Over the two years that followed, defendant never renewed his request to proceed *pro se*. He did not ask the court to revisit the issue at any of the numerous hearings including status dates, continuance hearings, *Krankel* hearings, trial hearings, or post-trial proceedings. Instead, defendant continued to participate in the case through appointed counsel.

¶ 52 Throughout the proceedings, defendant raised complaints about counsel’s performance. However, none of those complaints included any statement that defendant wished to discharge counsel and represent himself. Despite objecting to continuances, filing *pro se* pleadings, and challenging his counsel’s effectiveness, defendant never invoked the right to self-representation.

By remaining silent during the remainder of the proceedings, defendant abandoned his request to represent himself.

¶ 53 Taken together, the record shows that defendant agreed to continue the hearing on his request to represent himself. Moreover, defendant failed to make a clear and unequivocal invocation of his right to self-representation, where his request was conditioned on obtaining a private or *pro bono* attorney. Finally, over the course of approximately two years of proceedings, defendant never renewed his request to represent himself. Therefore, we cannot say that the trial court abused its discretion based on the specific facts before us.

¶ 54 B. *Krankel* Inquiry

¶ 55 Second, defendant argues that the trial court erred by failing to appoint *Krankel* counsel following its preliminary inquiry into defendant's posttrial claims of ineffective assistance of counsel. Alternatively, defendant argues that the preliminary inquiry was inadequate, and this court should remand for a new inquiry. The State responds, arguing that the trial court did not manifestly err in finding that defendant's claims failed to show possible neglect where (1) defendant expressly abandoned his claim regarding failure to file a motion to suppress; (2) the trial delay was caused by defendant's own last-minute rejection of a plea offer he previously indicated that he would accept; and (3) counsel's decisions regarding cross-examination of the State's key witness constituted reasonable trial strategy that resulted in a partial acquittal. Based on the record before us, we cannot say that the trial court's determinations were manifestly erroneous.

¶ 56 The issue of whether the trial court properly conducted a preliminary *Krankel* inquiry presents a legal question that we review *de novo*. *People v. Jolly*, 2014 IL 117142, ¶ 28. A defendant has the constitutional right to the effective assistance of counsel. U.S. Const., amends. VI, XIV; Ill. Const. 1970, art. I, § 8. To ensure that a defendant actually receives that constitutional

guarantee, a trial court must inquire into a defendant's posttrial claims of ineffective assistance of counsel. *People v. Ayres*, 2017 IL 120071, ¶ 11. A *pro se* posttrial motion alleging ineffective assistance of counsel is governed by the common-law procedure developed by our supreme court in *Krankel* and refined by its progeny. *Ayres*, 2017 IL 120071, ¶ 1.

¶ 57 To trigger the trial court's duty under *Krankel*, a *pro se* defendant is not required to file a written motion, but need only bring his or her claim to the trial court's attention. *Ayres*, 2017 IL 120071, ¶ 11. A defendant "may raise the issue orally" before the trial court "or through a letter or note to the court." *Id.* Illinois courts have found that a defendant is entitled to a *Krankel* inquiry when the defendant informs the trial court of an explicit or clear complaint of defense counsel's performance or ineffective assistance of counsel. *People v. Thomas*, 2017 IL App (4th) 150815, ¶ 26.

¶ 58 When a defendant makes such a claim, the trial court should first examine the factual basis of the defendant's claim at a preliminary inquiry to determine whether counsel should be appointed and the matter should proceed to a full *Krankel* hearing. *People v. Roddis*, 2020 IL 124352, ¶ 35; *People v. Flemming*, 2015 IL App (1st) 111925-B, ¶ 81. There is no set format for how an initial inquiry into a defendant's *pro se* allegations of ineffective assistance of counsel should be conducted. *Id.* Interchange between the trial court and trial counsel regarding the facts and circumstances surrounding the allegedly ineffective representation is permissible at such an inquiry, and is usually necessary in assessing what further action, if any, is warranted; however, sometimes, brief discussion between the trial court and the defendant may be sufficient. *Id.* The trial court can also base its evaluation of the defendant's *pro se* allegations of ineffective assistance on its knowledge of defense counsel's performance at trial and the insufficiency of the defendant's allegations on their face. *People v. Moore*, 207 Ill. 2d 68, 79 (2003). Therefore, although a trial

court may conduct an initial inquiry into a defendant's *pro se* allegations of ineffective assistance through a simple question-and-answer session, it need not question defense counsel at all, directly or indirectly. *Flemming*, 2015 IL App (1st) 111925-B, ¶ 85. In other words, a trial court's method of inquiry at a *Krankel* hearing is somewhat flexible. *People v. Fields*, 2013 IL App (2d) 120945, ¶ 40.

¶ 59 Additionally, a trial court may consider both the facts and legal merits of a defendant's *pro se* posttrial allegations of ineffective assistance of counsel at the preliminary inquiry stage. *Roddis*, 2020 IL 124352, ¶ 70. Where the claims are based on matters outside the record, an inquiry is incomplete where it fails to develop the factual record needed to resolve the claims. *People v. McLaurin*, 2012 IL App (1st) 102943, ¶ 44. A trial court can properly conclude, however, that a defendant's claims had no basis and were without merit where a defendant did not allege anything of which the trial court did not have firsthand knowledge. *Roddis*, 2020 IL 124352, ¶ 59.

¶ 60 If the trial court determines that the claim lacks merit or pertains only to matters of trial strategy, then it need not appoint new counsel and may deny the *pro se* motion. *Moore*, 207 Ill. 2d at 78. In reviewing such a determination, a reviewing court must determine "whether the trial court conducted an adequate inquiry into the defendant's *pro se* allegations of ineffective assistance of counsel." *Id.* If the trial court properly conducted the *Krankel* preliminary inquiry and reached a determination on the merits of the defendant's claims, we will reverse only if the trial court's action was manifestly erroneous. *People v. Jackson*, 2020 IL 124112, ¶ 98. "Manifest error is error that is clearly evident, plain, and indisputable." *Id.*

¶ 61 First, we consider whether the trial court's preliminary *Krankel* inquiry was adequate. The record demonstrates that the trial court's inquiry met and exceeded the threshold set forth above. The court addressed each of defendant's claims in turn, and the court invited defendant to be heard

on each claim. The court also allowed defense counsel to explain his position as to each claim, most of which were the result of trial strategy. The court then made specific findings on the record as to each claim.

¶ 62 Turning to the merits of the underlying claims, specifically, defendant contends that the court dismissed his suppression claim without asking defense counsel any questions. According to defendant, defense counsel's input was imperative to the issue. We need not consider the merits of this argument, where defendant withdrew this claim. When asked whether he wished to be heard on the failure to file a motion to suppress, defendant answered, "No. We can move past that one. It really wasn't relevant."

¶ 63 Turning to his speedy trial claim, the trial court determined that the continuance resulted from defendant's last-minute rejection of a plea deal from the State. The record demonstrates that while defense counsel made a speedy trial demand on February 7, 2023, defendant later informed counsel that he wished to accept the State's plea offer. Counsel then notified the State, and the State released its witnesses based on defendant's intention to plead guilty. When defendant later changed his mind, the State was no longer prepared to proceed to trial on the original trial setting date. As a result, defense counsel agreed that a continuance was required. Express agreements to continuances on the record are considered to be affirmative acts attributable to defendants. *People v. Yankaway*, 2025 IL 130207, ¶ 90. By reversing course on a potential guilty plea, defendant caused the need to delay the trial setting. As such, the court correctly treated the delay as attributable to him.

¶ 64 Turning to the cross-examination of Myles, defense counsel offered strategic reasons for his handling of the witness. The trial court determined that the cross-examination of Myles was a matter of trial strategy. "Matters of trial strategy are generally immune from ineffective assistance

of counsel claims.” *People v. Jones*, 2023 IL 127810, ¶ 51. Defense counsel explained that the supposed impeachment evidence was either immaterial or lacked meaningful ability to identify the individuals depicted. Specifically, defense counsel noted that the images were distant and low-quality. The court determined that decisions about whether and how to impeach witnesses fall squarely within counsel’s strategic judgment, and the court denied this portion of defendant’s claim of ineffective assistance of counsel.

¶ 65 The trial court also explained that it observed the cross-examination firsthand and found it effective. The court explained that the jury deliberated for over six hours and returned a factually inconsistent verdict, which the court interpreted as evidence that defense counsel mounted a strong case. Because counsel’s performance reflected strategy rather than incompetence, this allegation of ineffective-assistance was properly rejected.

¶ 66 In sum, defendant’s suppression claim was properly rejected, because he ultimately abandoned it himself. Moreover, the speedy-trial delay stemmed from defendant’s own reversal of the plea decision. Finally, the cross-examination of Myles reflected sound trial strategy rather than ineffective assistance. Based on the record before us, we cannot say that the trial court’s determinations were manifestly erroneous, and as such, the court’s preliminary *Krankel* rulings are affirmed. Where the court conducted a proper preliminary *Krankel* inquiry, the trial court was under no duty to appoint counsel.

¶ 67 III. CONCLUSION

¶ 68 For the foregoing reasons, the judgment and sentence of the Vermilion County trial court is affirmed.

¶ 69 Affirmed.