

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).

2026 IL App (4th) 250099-U

NO. 4-25-0099

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

September 10, 2026

Carla Bender

4th District Appellate

Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Winnebago County
ERIC L. JACKSON,	)	No. 21CF2454
Defendant-Appellant.	)	
	)	Honorable
	)	Brendan A. Maher,
	)	Judge Presiding.

JUSTICE VANCIL delivered the judgment of the court.
Justices Knecht and Cavanagh concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed in part and remanded for further proceedings, finding (1) the trial court erred in failing to conduct a posttrial evidentiary hearing into defendant's claims of juror misconduct, (2) defendant waived review of the admission at trial of hearsay statements made by the victim regarding a burglary allegedly committed by defendant, and (3) although the trial court erred in admitting testimony regarding text messages the victim sent prior to her death, the error was harmless.

¶ 2 Defendant, Eric L. Jackson, was convicted of four counts of first degree murder for the deaths of Keandra Austin and her three children, V.T., K.A., and A.B.A. (720 ILCS 5/9-1(a) (West 2016)). He appeals, arguing (1) he was denied his right to a fair trial with an impartial jury when the trial court failed to investigate his posttrial claims that a juror who worked as a correctional officer in the jail where defendant was housed told defendant that he would find him guilty regardless of the evidence and did not disclose his relationship to a State witness during *voir dire* and (2) the trial court erred in admitting certain statements made by Keandra prior to her

death.

¶ 3 We affirm in part and remand for further proceedings.

¶ 4 I. BACKGROUND

¶ 5 A. Pretrial

¶ 6 On December 15, 2021, defendant was charged with four counts of first degree murder, a Class M felony (*id.* § 9-1(a)(2)). The charges alleged that on or about September 17, 2016, defendant stabbed and killed Keandra, then set fire to her residence with her three children inside, causing the deaths of the three children. He was later indicted on seven counts of first degree murder (*id.* § 9-1(a)(2), (3)) related to the incident.

¶ 7 At an arraignment hearing on February 18, 2022, defendant waived counsel and elected to proceed *pro se*. He pleaded not guilty to the charges.

¶ 8 On April 14, 2023, defendant filed multiple motions *in limine* to prohibit the State from introducing certain evidence at trial. One of these motions sought to exclude evidence regarding “the burglary.” At a hearing on the motion, defendant explained to the trial court that Keandra’s house had been burglarized, and “she assumed [he] did [it] and so she just ran and told everybody.” Defendant argued that evidence of Keandra’s accusations should not be used at trial because they were hearsay. The State confirmed that prior to the murder, Keandra had reported to police that her home had been burglarized and that she believed defendant was responsible. However, it argued that evidence regarding the alleged burglary pertained to defendant’s motive and would only be used to show “the effect of [Keandra] reporting a burglary on the defendant as opposed to him actually committing a burglary.” After hearing from both parties, the court reserved ruling on the issue until closer to trial, when it expected to have more information on how the State intended to use information regarding the burglary. It never revisited the issue or made a

ruling.

¶ 9 Jury selection for defendant's trial began on June 12, 2023. During its initial questioning, the trial court asked one group of prospective jurors if any of them knew defendant. One juror, Ralph Laplanche, stated that he was a "correctional officer in the jail" and he "[had] had [defendant] in a pod." He stated that despite this, he had no concern regarding his ability to be a fair and impartial jury member.

¶ 10 After additional questioning of this group of prospective jurors, the trial court called the State and defendant to approach for a sidebar. The court gave the parties a list of prospective jurors it had flagged as unsuitable, including the "police officer," whose name the court could not remember. Twice in speaking to the court, the State appeared to misidentify Laplanche by the name of another juror. After speaking with both parties, the court stated that it would excuse eight potential jurors and retain two others from its list. Laplanche was not included in either of these groups. He remained in the pool of potential jurors.

¶ 11 The trial court resumed its questioning of the group of potential jurors, presenting them with the list of witnesses it expected to be called at trial and asking if any of them knew any of the witnesses. Laplanche indicated that he knew one witness, a member of the Winnebago County Sheriff's Office. He again stated his belief that he could be fair and impartial.

¶ 12 Defendant did not seek to remove Laplanche for cause or use one of his peremptory challenges to exclude him from the jury. When asked by the trial court if he accepted Laplanche as a juror, he stated that he did. Laplanche was ultimately chosen to be a jury member.

¶ 13 B. Trial

¶ 14 Defendant's trial began on June 13, 2023. Kenneth Austin, Keandra's brother, testified that he was employed with the Winnebago County Sheriff's Office. He stated that at the

time of their deaths, Keandra was 26 years old, V.T. was 9 years old, K.A. was 6 years old, and A.B.A was 6 months old. Life-in-being photos were admitted of all four victims.

¶ 15 Cody Williams testified that between 4 a.m. and 5 a.m. on the morning of September 17, 2016, he was driving around with another individual, Austin Ryan, “coming back from a service call.” He stated that he observed what “looked like the sun *** in the middle of the neighborhood” behind a nearby hospital. He drove toward the light and observed a house on fire. He parked his car in the hospital’s parking lot, and he and Ryan began walking toward the house. He stated he saw “[t]wo gentlemen standing out in front of the house” and that as he got closer, “both ran off in different directions.” He testified that the men were Black, and one had short braids, while the other had his hood up. He told Ryan to call 911.

¶ 16 Christopher Nelson, a firefighter, testified that at approximately 5 a.m. on September 17, 2016, he was dispatched to a structure fire at 2815 Garfield Drive in Rockford, Illinois. When he arrived, he observed a “fully-involved structure fire,” which he described as “[f]ire coming out all the windows, the roof,” and the building was inaccessible. He stated that the firefighters began by extinguishing the fire that had spread to the neighboring houses before working to suppress the fire on the main structure. Once the fire was extinguished, he was unable to enter the house due to safety concerns, so he walked around the house and looked in the windows. Through one window, he observed multiple bodies. He stated that four bodies in total were recovered from the residence.

¶ 17 On cross-examination, defendant asked Nelson about a gas line on the side of the house and if Nelson had noticed if it was broken. Nelson responded that he believed the gas line was on fire but did not know if it was broken or had a leak.

¶ 18 Christopher Tumeo testified that he was an arson investigator with the City of

Rockford and was tasked with determining the fire's origin. He described the home as a single-story residence with two bedrooms, one bathroom, a kitchen, and a living room. He stated that prior to entering the home, he did an exterior examination and observed there to be no direct fire damage to either the home's gas meter or electric meter. In the living room of the home, there was a large hole in the floor that appeared to be "top-down burning, meaning that the burn patterns indicated that the fire penetrated through the floor from the top side." There was also "saddle-type fire damage" to the floor joist below the living room, again suggesting that the fire had penetrated from the top side down into the basement. A photograph was entered into evidence showing intact electrical wiring below the hole in the living room floor. Tumeo stated that in most areas of the home, he was able to rule out any electrical cause for the fire's origin. He instead focused his origin and cause investigation on the living room due to the fire patterns there.

¶ 19 Bryce Davis, a police officer, testified that on September 7, 2016, he responded to 2815 Garfield Drive in reference to a burglary that had occurred at the residence. He stated that he spoke to Keandra and took a report from her regarding the alleged incident. Anthony Curran, another police officer, testified that he responded to a call at the same residence approximately a week later, on September 13, 2016. At that time, Keandra informed him that her children were being harassed and again mentioned a burglary that had previously occurred at her residence, which she believed had been committed by defendant. Curran learned that defendant lived down the street from Keandra. He told Keandra to call police if she saw defendant again because he had an active warrant for his arrest at that time.

¶ 20 On cross-examination, defendant asked Curran if there was any proof that he had committed the alleged burglary at Keandra's residence. Curran reiterated that this was just what Keandra believed and had reported. Defendant did not cross-examine Davis and did not object to

either officer's testimony.

¶ 21 Tyrone Smart testified that he was defendant's cousin and was currently incarcerated at the Winnebago County jail on a drug charge, for which he had been offered a deal by the State. He confirmed that he had three interviews with police regarding the fire. The State played video clips from his interviews for the jury. Smart often contradicted himself between his testimony and recorded interviews. For example, Smart testified that defendant came to his house early in the morning on September 17, 2016, and asked him for a ride. He initially denied knowing where defendant wanted to be taken but, on further questioning, acknowledged he had previously told police that defendant said he wanted a ride down the street to a location he could easily have walked to. During his testimony, he also denied noticing that defendant was trying to hide while in the car, but, after an interview clip was played, he acknowledged that he told police that defendant was trying to hide and had his car seat all the way back. On the stand, he stated that defendant was "[n]ot at all" nervous while in the car, but in a clip from an earlier interview, he told police that defendant was "nervous, like someone was after him." Smart denied feeling that something was off about defendant that morning, but a clip was played in which Smart told police that there was something "off about him" and that defendant got into the car "smelling like gas." On the stand, he described the smell of gas as "[w]eak," but admitted telling police in an earlier interview that the smell was "strong as hell." He denied defendant mentioning anything to him about a gas can. A clip was played in which Smart told police that defendant asked him to drive around the corner to retrieve a gas can.

¶ 22 Smart admitted telling police that defendant spoke to him about a robbery and mentioned that he "was beefing" with Keandra's boyfriend, Montrell Beasley. He told police that Beasley and defendant got into a "shooting match" a few weeks before the fire. On the stand, Smart

stated he did not recall defendant telling him anything about the problem he had with Beasley. However, a video clip was played in which Smart told officers that defendant told him, “[I]f [Beasley] don’t kill me, I’m going to kill him.”

¶ 23 On cross-examination, defendant attacked Smart’s timeline of events. Smart replied, “I thought they was going to charge me.” When asked, “So that’s why you just making up stuff?” he replied, “Yeah.” He also agreed that he felt coerced into making statements to the police because “they kept asking [him] and asking [him].” On redirect, he confirmed that the police never threatened to charge him in connection with the case.

¶ 24 Paul Thompson testified that he was defendant’s cousin and that he asked to be moved into defendant’s cell when they were both in Winnebago County jail in 2017. He testified that defendant spoke to him about the arson and he kept notes of their conversations on spare scraps of paper so that he would not forget. He stated that defendant told him it was “eating him up and he [could not] take it anymore and he [felt] bad and stuff.” Thompson recalled that defendant told him that one of Austin’s male children was “bad” and picked on his children. Defendant stated that he wanted to get revenge on the child. Defendant also stated that he believed Beasley was a “big-time drug dealer and had stuff in the house.” He told Thompson he broke into Keandra’s house a few weeks before the murder to rob them. Defendant stated that police had been called in response to the robbery and were looking for him. Thompson said that defendant was angry at Keandra for calling the police and “wanted to do something to her” because she could have him imprisoned. He also confirmed that defendant told him Beasley shot at him before the fire.

¶ 25 Defendant told Thompson that on the night of the murder, “shit got pokey” in the house. He stated that he started the fire with a gas can that he had later put in his car. He told

Thompson that after the murder, he got a room at the Alpine Inn “to get away, stay low.”

¶ 26 On cross-examination, Thompson denied wanting to be moved into a cell with defendant in order to fabricate a story and get a time reduction on his sentences. He agreed that he knew about the fire before he was moved and knew defendant was a suspect. Defendant asked Thompson how he was able to testify to facts that he did not write down in his notes, and Thompson replied that he did not need to write certain things down because he could remember them. Thompson acknowledged that he had been arrested when police officers were out looking for defendant and that he was angry at defendant because of that, but he again denied fabricating a story.

¶ 27 On redirect, Thompson stated that at the time he spoke with police about the fire, he was not in custody and did not have any pending charges. He confirmed that he had recent charges that were dismissed, but not on the condition that he provide testimony in the instant case.

¶ 28 Mark Peters testified as an expert in the field of forensic pathology. He stated that he completed autopsies on Keandra and her children. Autopsy photos of the four deceased individuals were entered into evidence. All three children had extensive burns to their bodies and soot present in their upper and lower airways, indicating they were alive during the fire. The cause of death for all three children was determined to be asphyxia due to acute carbon monoxide poisoning due to a residential housefire.

¶ 29 Like the children, the majority of Keandra’s body was covered in burns. However, she also had five holes in the left side of her chest, reflecting “penetrating injuries.” These penetrating injuries were the cause of her death. Peters testified that the injuries were consistent with being stabbed with a sharp object. Keandra had no soot in her airway and no carbon monoxide in her blood, indicating she was not alive at the time of the fire.

¶ 30 Ryan Miller testified that he was employed as a behavioral specialist at Rockford Public Schools, where V.T. and K.A. were students. He stated that Keandra and the boys had raised complaints about another parent at the school, defendant. Defendant had two children in the school at the time. Miller stated there were problems at the bus stop between V.T. and defendant's older daughter. He went to defendant's house on September 13, 2016, to speak with him about the issue. On cross-examination, Thompson stated that Keandra and V.T. told him that defendant had said "a bunch of vulgar things" to them. He stated that when he asked defendant about it at his house, defendant "smil[ed] very smugly" and denied the accusations.

¶ 31 Nicolas Weber, a police officer, testified that on September 17, 2016, he responded to 2907 Garfield Drive to follow up on the death investigation. He was tasked with attempting to locate a gray Buick, but after driving around, he was unable to find it. When he returned to 2907 Garfield Drive, he found Tyneesha Barbary and brought her to the police station to be interviewed. He stated that while driving Barbary to the station, he located the vehicle he was looking for. Barbary became upset at the discovery and swore. He testified that the vehicle was impounded and taken to a different location for processing.

¶ 32 Eddie Torrance, a detective at the time, testified that he spoke with Barbary at the station. During their conversation, she provided her cell phone to Torrance and gave him permission to search it. Information was extracted and placed on a disk to be searched later by a detective.

¶ 33 Timothy Morris testified that he was employed by the City of Rockford Fire Department and assisted with processing a silver Buick on September 19, 2016. Photos were admitted showing partially full and empty antifreeze and motor oil bottles, as well as a gas can, all of which were located in the car.

¶ 34 Codell Jackson testified that he was defendant's older brother and was currently in jail facing numerous charges, including an aggravated criminal sexual assault charge. In the middle of the State's questioning on his criminal history, Codell stated, "Ladies and gentlemen of the jury, I made up everything. They still trying to force me to come into court. I'm done." The State reminded Codell that plea offers had been made in his pending cases, and if he failed to testify truthfully, the offers would be revoked. Although Codell proclaimed that he was ready to go to trial on those charges, he continued answering the State's questions.

¶ 35 Video of an interview between Codell and the police from December 13, 2021, was offered into evidence and played for the jury. The video showed Codell crying and stating that he did not want to see his brother in jail. Codell told police that the murders were unplanned and defendant and his friend, De'Eric, had only gone to Keandra's home to "beat her up," believing her to be the only one present in the home. Codell told police that defendant and De'Eric tried to go back to the home to get "the gas can or some shit," but the police had already come.

¶ 36 Codell stated on the stand that the police had asked him to give up his brother to "make [Codell's] rape case go away." The State played an interview clip in which officers told Codell that they were unable to make him any promises. Codell testified that the officers made promises to him outside of the interview room and harassed him and his family. He stated that they told him what to say in the interview.

¶ 37 In the middle of questioning on the stand, Codell asserted his right to remain silent. The jury was removed, and the State asked the trial court to grant Codell use immunity in connection with his testimony. When the court advised Codell that the State could lodge a criminal contempt charge against him if he chose not to testify, which would generate additional criminal proceedings, with a penalty up to the maximum faced by defendant, Codell stated, "So you're

saying I can't tell the truth is what you saying?" The court informed him that he could answer the questions posed to him any way he wanted, he just could not remain silent. Codell agreed to answer more questions.

¶ 38 On questioning, Codell confirmed that defendant told him he felt bad about the murders and was scared. Codell denied speaking to his brother since being incarcerated.

¶ 39 On cross-examination, Codell stated that he was interviewed by police on September 3, 2016, and at that time, he told them he did not know anything about the fire and defendant had not told him anything.

¶ 40 Defendant presented a clip from an interview between Codell and the police on December 9, 2021. In this interview, Codell states that De'Eric told him that he was responsible for "whatever happened at the house." One of the interviewers tells Codell that it seems as though Codell is blaming a very convenient person for the crime since De'Eric had since died and was not alive to defend himself. The detective tells Codell that he does not believe his account and is going to investigate further to determine if defendant had contacted Codell from jail and encouraged him to talk to investigators. The detective states that he will "get the ball rolling on that" and leaves the interview room. Codell leaves moments after.

¶ 41 Defendant then played a four-minute clip of the interview between Codell and the police a few days later, on December 13, 2021. The video begins with two detectives entering the interview room where Codell sits. They tell him they have spoken to him on the phone a few times, and he has indicated he wants to be truthful where he had not in his past interviews. One detective tells him that if he provides good information, they will go to the State's attorney and "go to bat for [him]." Codell again states that his brother did not tell him anything. The detective responds that Codell told them it would be different and asks what was the point of Codell coming to the

station. Codell shrugs. Eventually, he stands up and leaves the interview room. Codell testified on the stand that the detectives followed him from the interview room into the hallway, where they told him they wanted him to lie.

¶ 42 William Donato testified that he was a detective sergeant with the Rockford Police Department and assisted in the investigation of the deaths of Keandra and her children. He interviewed Codell on December 9, 2021. He stated that a few days prior to the interview, Codell's attorney had reached out about Codell having information about a murder and wanting help on some of his charges. He stated that following the interview on December 9, Codell contacted him and stated he wanted to come speak to him again. Codell informed him that he would provide different information than what he gave in his prior interview and that he would tell detectives everything. Donato testified that two interviews took place on December 13, 2021. The initial interview was short, ending when Codell left the interview room. While Donato was walking Codell out of the station, Codell sat down at a table and appeared to be "deep [in] thought." He told Donato that he wanted no jail time on his charges, and Donato told him he could not promise that. Eventually, Codell stated that he was ready, and they went back into the interview room and conducted the interview in which Codell cried and stated he did not want to see his brother in jail. Donato denied ever coercing Codell, telling him what to say, threatening him, or telling him that any statement he gave had to include his brother.

¶ 43 Bradley Shelton testified that he was assigned as the lead detective on the murder case. He responded to the scene of the fire on September 17, 2016. While there, he received information from friends and family of Keandra that there had been a dispute between Keandra and the residents of 2907 Garfield Drive. The friends and family provided him with the nickname of a person that might have been involved, which he later confirmed was defendant. Shelton went

to 2907 Garfield Drive and made contact with Barbary, who resided there and was in a relationship with defendant. In attempting to locate defendant, Shelton obtained a search warrant for a phone number that belonged to him. Three days after the fire, he received location data for that phone number at the Alpine Inn. He traveled to the inn but was unable to locate defendant there. However, he obtained business records and surveillance video that showed defendant had checked in at the hotel with an identification card in the name of Corey Hinton.

¶ 44 Eventually, on September 27, 2016, Shelton located defendant at 2907 Garfield Drive. He interviewed defendant on that day. A video of defendant's interview was played for the jury. In the interview, defendant denied knowing Keandra or ever meeting or talking with her. He admitted that there was an incident with the children but stated he never got involved, and Barbary had gone to Keandra's house to speak with her about it. Defendant stated that on the night of the fire, he drove around with De'Eric and then returned home and went to sleep. The next day, he woke up and went to his cousin's house, and the two drove around in his car, which he identified as a gray Buick. The following day, he got a hotel room at the Alpine Inn, where he stayed for three days.

¶ 45 Shelton stated that, after interviewing defendant, he learned that defendant's Buick had a missing front passenger-side hubcap and a headlight out. He reviewed surveillance video from the hospital near Keandra's home and observed a car with one headlight out driving past the hospital four different times on the night of the fire, always coming from the same direction. The surveillance video was entered into evidence and played for the jury. The last time the car drives by in the video is at 3:15 a.m. Shelton testified that at 4:50 a.m. in the video, flames could be seen beginning in the general location of Keandra's home.

¶ 46 Shelton stated that he interviewed Codell on December 13, 2021. His account of

the incident matched that of Donato, including Codell's beginning to leave the police station, stopping to sit at a table and think, and then deciding to speak with the detectives further about defendant's role in the murders. He also denied coercing Codell into making a statement or telling him what to say.

¶ 47 Shelton further testified that he reviewed the extraction of the contents of Barbary's phone. He stated that on September 17, 2016, Barbary's phone made a call to defendant's. Barbary's phone then received 10 incoming calls and text messages from defendant's phone over the course of 30 minutes, beginning at 6:24 a.m. Between 7 a.m. and 7:07 a.m., 13 more calls and text messages were sent from defendant's phone to Barbary's. Shelton confirmed that during this time, Barbary would have been at the police station being interviewed.

¶ 48 On cross-examination, defendant asked Shelton what had made him become a suspect. Shelton responded, "Initially it came from—from the day of the arrival, friends and family had begun explaining the ongoing problems between the children and other reports, and that's how your name became involved."

¶ 49 After a break in the proceedings, the State made a motion outside the presence of the jury. It argued that defendant, in asking Shelton how he became a suspect, had opened the door on a piece of evidence that would have otherwise been inadmissible. Specifically, the State informed the trial court that one of the first things Shelton learned on September 17, 2016, was that Keandra had sent her family and friends text messages stating that she was afraid of defendant and he had been harassing her. The court agreed that defendant had opened the door on this information. Over defendant's objection, the court allowed the State to question Shelton on Keandra's text messages on redirect examination.

¶ 50 Following Shelton's testimony, the State rested. Defendant moved for a directed

verdict, arguing that the State had not proven its case because Thompson, Smart, and Codell had lied in their testimony. The trial court denied the motion.

¶ 51 Defendant was found guilty of four counts of first degree murder. He filed numerous *pro se* motions for a new trial. On September 20, 2024, he filed a final amended motion for a new trial. In this motion, which was over 100 handwritten pages, defendant raised numerous arguments. Among them, he argued (1) juror Laplanche was friends with State witness Kenneth Austin and had not disclosed this when asked during *voir dire* if he knew any of the witnesses who might be called and later told defendant that this relationship should have precluded him from serving on the jury, (2) the trial court erred in not dismissing all potential jurors after they heard Laplanche state that he knew defendant from his work at the jail, implying that defendant was incarcerated, (3) Laplanche was biased and “told the defendant it [*sic*] was no way he was going to find him not guilty after seeing the pictures of those kids,” and (4) the trial court erred in allowing the jury to hear hearsay evidence concerning Keandra’s reporting of a burglary and the text messages she sent to friends and family that she was afraid of defendant and was being harassed by him.

¶ 52 At a hearing on defendant’s motion, defendant informed the trial court that he wanted to present witness testimony in support of his motion. Specifically, he stated that he wanted to present “witnesses about the news.” The court denied defendant’s request, stating, “[T]his is argument, [defendant]. You’re convicted; there’s no need for witnesses to come testify.”

¶ 53 In reviewing defendant’s motion, the trial court noted that defendant had not used one of his peremptory challenges to exclude Laplanche from the jury. Defendant replied that he agreed with Laplanche being on the jury but stated he believed it was the court’s “job to send all the jurors out and get new ones in” after they heard that defendant might have been incarcerated.

The court stated, “You have a lot of talking about Ralph Laplanche, but if you didn’t do what you were supposed to do as an attorney, make a peremptory challenge or challenge for cause, that tells us that not only you, but the State agreed to have Ralph Laplanche on your jury.” The court further found that the remaining claims defendant raised in his motion lacked specificity and were bald conclusory allegations that were frivolous, without merit, and ignored defendant’s failure to object to the alleged errors at trial. The court denied defendant’s motion.

¶ 54 On January 2, 2025, counsel was reappointed to represent defendant at his sentencing hearing. On January 30, 2025, defendant was sentenced to natural life in prison on all four counts of first degree murder.

¶ 55 This appeal followed.

¶ 56 II. ANALYSIS

¶ 57 Defendant makes two arguments on appeal. He first asserts that the trial court erred in failing to hold an evidentiary hearing to investigate the claims he raised in his posttrial motion about juror Laplanche, specifically, that Laplanche (1) told defendant that he would find him guilty regardless of the evidence after seeing photos of the children at trial and (2) hid his relationship with State’s witness Kenneth Austin, the victim’s brother. Defendant also argues that the trial court erred in allowing the State to present evidence of statements Keandra made before her death. We will address each issue in turn.

¶ 58 A. Evidentiary Hearing on Alleged Juror Misconduct

¶ 59 The right to trial by an impartial jury is a fundamental right. *People v. Kuntu*, 188 Ill. 2d 157, 161 (1999). “Where a defendant does not learn of facts which might support a finding of partiality by a juror until after a verdict, a post-trial evidentiary hearing may be necessary.” *People v. Towns*, 157 Ill. 2d 90, 102 (1993). The defendant bears the burden of introducing

“specific, detailed and nonconjectural evidence” in support of his position. *Id.* If a defendant fails to do so, an evidentiary hearing is not warranted. *Id.* However, any doubt should be resolved in favor of granting an evidentiary hearing. *People v. Witte*, 115 Ill. App. 3d 20, 30 (1983). Where a defendant fails to request an evidentiary hearing on the issue of juror misconduct, he may be deemed to have waived the right to request one. *Kuntu*, 188 Ill. 2d at 160-61.

¶ 60 Here, defendant’s posttrial motion asserted two acts of juror misconduct on the part of Laplanche. First, defendant asserted that Laplanche told defendant that he would not consider the evidence presented at trial and would find defendant guilty based solely on photographs of the children that were shown at trial. Second, defendant asserted that Laplanche told him that he concealed his relationship to a State witness during *voir dire* and later told defendant that he should not have been on the jury due to this relationship. On appeal, defendant argues that these claims were sufficiently detailed in his posttrial motion as to require an evidentiary hearing.

¶ 61 We note at the outset that defendant’s motion for a new trial failed to specify when these instances of alleged juror misconduct occurred. Defendant alleged that Laplanche told him he would find him guilty regardless of the evidence after viewing “pictures of those kids.” Photos of the children were admitted on the first and second day of trial, so that statement must at least have occurred after *voir dire*. However, it is unclear if the alleged statements were made to defendant during trial or after the verdict. Accordingly, it is unclear if defendant could have raised the issue of possible *juror* bias earlier than his posttrial motion.

¶ 62 Both defendant and the State discuss waiver of this issue related to defendant’s ambiguous timeline. However, as the timeline is unclear and as the right to a trial before an impartial jury is a substantial right, we will review this issue regardless of any possible waiver by defendant. See *id.* Similarly, although defendant attempted to present witness testimony at the

hearing on his motion for a new trial, he arguably failed to formally request an evidentiary hearing in the trial court. While this again constitutes possible waiver of the issue, we will nevertheless review it. See *id.*

¶ 63 We find that defendant's claims of juror misconduct were sufficiently detailed to have warranted an evidentiary hearing. Defendant claimed that Laplanche had a relationship with Keandra's brother, a State's witness. According to defendant, Laplanche told defendant that this relationship should have prevented him from serving on the jury, perhaps suggesting that he intentionally concealed this fact during *voir dire*. Defendant further alleged that Laplanche informed defendant he would find him guilty based solely on the photos of the children and presumably the upsetting nature of their deaths. Defendant's claims therefore are not general allegations of juror bias. Rather, he named the specific juror who allegedly harbored bias and informed the court of his reasons for believing so, namely that the juror concealed his relationship to the victim's brother and made specific statements that, if true, could constitute a refusal to perform his duty, *i.e.* to consider all of the evidence presented at trial in making a decision. Having been presented with these allegations, the trial court was obligated to hold an evidentiary hearing for further inquiry. Moreover, the fact that the trial court focused its comments during the posttrial hearing on defendant's conduct during *voir dire* suggests that the court did not fully understand the nature of defendant's allegations. Defendant could not have objected to Laplanche's inclusion in the jury at *voir dire* when he only learned of Laplanche's potential misconduct after the trial had begun.

¶ 64 This case is comparable to *Witte*. There, the defendant alleged in his motion for a new trial that one of the jury members concealed during *voir dire* that he had friends employed with the local police force. *Witte*, 115 Ill. App. 3d at 28-29. The defendant additionally alleged

that the juror had stated during jury deliberations, “ ‘[L]et’s get this thing over with. If the defendant is not guilty he can always get the case reversed on appeal.’ ” *Id.* at 29. At the hearing on the defendant’s motion for a new trial, the defendant sought permission to elicit testimony from the allegedly biased juror. *Id.* The trial court refused, finding that an inquiry could not be made into the reasons for a jury’s decision. *Id.*

¶ 65 On appeal, the appellate court held that the defendant was entitled to a meaningful inquiry into allegations which, if true, would require a new trial. *Id.* at 30. The court remanded the case for a hearing to determine whether the juror had friends in the sheriff’s office and to what extent, if any, those friendships may have resulted in prejudice to the defendant. *Id.* at 31.

¶ 66 As in *Witte*, here, defendant raised claims against a specific juror regarding a relationship he allegedly concealed that may have resulted in bias, as well as specific statements he allegedly made indicating a refusal to consider the evidence presented. Defendant’s allegations, like those in *Witte*, were detailed enough to warrant an evidentiary hearing. See *Kuntu*, 188 Ill. 2d at 161-62 (finding an evidentiary hearing was necessary where the defendant presented a letter sent from a juror to the state’s attorney indicating that they knew each other well and this relationship was not disclosed prior to the verdict).

¶ 67 Accordingly, remand is necessary to allow the trial court to conduct an evidentiary hearing into defendant’s claims of juror bias.

¶ 68 B. Hearsay Evidence

¶ 69 Defendant next argues that the trial court erred in admitting two hearsay statements that Keandra made prior to her death. First, he argues that Davis and Curran should not have been permitted to testify that Keandra reported a burglary at her home that she believed defendant committed. Second, he argues that Shelton should not have been permitted to testify about text

messages Keandra sent to friends and family stating that she was afraid of defendant and was being harassed by him. He maintains that his questioning Shelton on what made him a suspect did not “open the door” to such evidence.

¶ 70

1. *Burglary Evidence*

¶ 71

We find that defendant has failed to preserve his objection to the statements made by Davis and Curran by failing to object to the officers’ testimony at trial. Generally, to preserve an issue for review, a defendant must both (1) raise the issue in a motion *in limine* or a contemporaneous trial objection and (2) include the issue in a posttrial motion. *People v. Denson*, 2014 IL 116231, ¶ 11. However, “[i]t is well established in Illinois that when a court reserves its ruling on the admissibility of evidence, the objecting party must insist upon a subsequent ruling, or else risk waiving its objection to that evidence.” *People v. Waller*, 67 Ill. 2d 381, 386 (1977).

¶ 72

Here, defendant filed a motion *in limine* seeking to prohibit the State from entering any evidence related to “the burglary.” At a hearing on the issue, finding that it lacked the necessary information to make a decision, the trial court reserved its ruling. The court never revisited the issue, and Davis and Curran testified to Keandra’s claims of a burglary without objection by defendant. Accordingly, we find defendant has waived this issue for review.

¶ 73

Moreover, even if we did not find the issue waived, we would conclude that the trial court did not err in allowing these statements. “Hearsay is an out-of-court statement offered to prove the truth of the matter asserted.” *People v. Heard*, 187 Ill. 2d 36, 65 (1999). Consequently, a statement offered for a reason *other* than to prove the truth of the matter asserted is not hearsay. *People v. Hill*, 2014 IL App (2d) 120506, ¶ 51. Evidentiary rulings will only be reversed where the court has abused its discretion or where the court’s decision is arbitrary, fanciful, or unreasonable. *Id.* ¶ 49.

¶ 74 Here, the statements Keandra made to police were not hearsay statements in that they were not offered to prove the truth of the matter asserted by the out-of-court declarant, Keandra—that defendant burglarized her home. Indeed, on cross-examination, Curran clarified that there was no proof that defendant had burglarized Keandra’s home. Rather, he testified only to the fact that Keandra had reported a burglary to him and conveyed her belief that defendant was responsible. Because Keandra’s statements to police were not offered to prove that defendant burglarized her home and were only offered to demonstrate that Keandra had reported defendant for a burglary to two police officers, thus giving defendant a motive to silence her, they were not hearsay. See *Heard*, 187 Ill. 2d at 66 (finding a statement to the defendant that another man had impregnated his ex-girlfriend was not hearsay where it was admitted not to show that his ex-girlfriend was pregnant but instead to show this statement gave the defendant motive to kill). Accordingly, the trial court did not err in admitting these statements.

¶ 75 *2. Text Messages*

¶ 76 Defendant also argues that the trial court erred in allowing the State to question Shelton on the text messages Keandra sent to friends and family before her death stating that she was afraid of defendant and that defendant had harassed her. He contends that his questioning Shelton on what made him become a suspect did not open the door to the text messages where the answer Shelton gave regarding disputes between defendant and Keandra was sufficient to answer the question and did not mislead the jury. The State, as it did at trial, argues that defendant opened the door to the admission of these text messages by asking a question to suggest that defendant was targeted arbitrarily by investigators. It argues that defendant cannot invoke the hearsay rule “as a shield” to prevent answers to the questions that he himself raised. Because defendant objected to this testimony at trial and raised the issue in his posttrial motion, he has preserved the issue for

our review.

¶ 77 The State’s argument rests on the doctrine of curative admissibility.

“ ‘Under the doctrine of curative admissibility, in a criminal case, if the defendant on cross-examination opens the door to a particular subject, the State on redirect examination may question the witness to clarify or explain the subject brought out during, or remove or correct any unfavorable inferences left by, the defendant’s cross-examination, even if this elicits evidence that would not be proper or admissible.’ ” *People v. Hinthorn*, 2019 IL App (4th) 160818, ¶ 71.

Notably, the doctrine of curative admissibility “is not a panacea; it does not permit a party to introduce inadmissible evidence merely because the opponent brought out some evidence on the same subject.” *People v. Manning*, 182 Ill. 2d 193, 216 (1998). Rather, the rule is protective. *Id.* It is limited in scope and to be employed only as necessary to eradicate undue prejudicial inferences raised by the other side. *Id.* at 217. The decision to admit curative evidence lies within the sound discretion of the trial court. *Id.*

¶ 78 In the instant case, we find that defendant’s question to Shelton did not create prejudice to the State’s case that could only be cured through admission of Keandra’s text messages. Defendant asked Shelton what made him become a suspect, to which Shelton replied, in part, “[O]ngoing problems between the children and other reports.” This sufficiently answered the question and discredited the argument defendant appeared to be making that the police had no justification for investigating him. Because the State suffered no undue prejudice from defendant’s question, it was error for the trial court to allow the State to question Shelton about the text messages Keandra sent to friends and family prior to her death.

¶ 79 However, while evidence of these text messages was erroneously admitted, we

nevertheless conclude that the error was harmless. “ ‘A nonconstitutional evidentiary error is harmless if there is no reasonable probability that the jury would have acquitted the defendant absent the error.’ ” *People v. Martin*, 2024 IL App (4th) 231154-U, ¶ 117. Here, there was strong evidence against defendant, both circumstantially and in the testimonies of his various relatives. It is true that the accounts of Smart, Codell, and Thompson had questionable credibility; all three witnesses contradicted themselves at various times in their testimony, with Codell outright admitting to fabricating his statements to the police. However, their accounts are strengthened by the corroboration they receive from the remaining evidence. For example, testimony established that the fire at the home was likely not caused by an electrical problem and instead originated in the living room. A gas can and various bottles of accelerant were found in defendant’s car after the fire. Additionally, Smart testified that when he saw defendant the morning after the fire, defendant smelled strongly of gas and requested that Smart drive him to a nearby location to retrieve a gas can. Similarly, Thompson told police that defendant stated the fire was started with a gas can, and Codell told police that defendant attempted to return to the area to retrieve a gas can but could not at that time because the police had already arrived at the scene.

¶ 80 Further, Thompson told police that defendant stated “shit got pokey” on the night of the murders, and the expert who performed the autopsy on Keandra testified that she had died as a result of five penetrating wounds. Thompson’s use of the word “pokey,” implying he was aware of a stabbing at the home in addition to the fire, strengthens his account. Thompson also stated that defendant mentioned booking a room at the Alpine Inn after the fire in order to “stay low.” That defendant stayed at the Alpine Inn following the fire, under a false name, was confirmed by defendant himself, as well as security footage and business records from the inn. Moreover, defendant testified that he owned a gray Buick, and Shelton testified that one of the Buick’s

headlights was missing. Security footage from the nearby hospital showed a car with one headlight missing circling the area of Keandra's house on the night of the fire.

¶ 81 In short, Thompson's, Smart's, and Codell's statements to police that defendant confessed to the crime and divulged details of the event are supported by circumstantial evidence, and the fact that the accounts of all three witnesses largely overlap and are consistent with each other, something which may not be true where each was merely making up information in order to receive a favorable deal with the State. We find the evidence strong enough to conclude that, even in the absence of Shelton's testimony regarding Keandra's text messages, there is no reasonable probability that the jury would have acquitted defendant.

¶ 82 As a final note, we observe that the evidence gained from the admission of Keandra's text messages—that she was afraid of defendant and was being harassed by him—was largely duplicative of other evidence admitted that had previously been admitted without objection from defendant. For example, Thompson stated in his police interview that defendant was angry at Keandra. Miller, the behavioral specialist at the school Keandra's and defendant's children attended, testified that there were issues between the children, and Keandra and V.T. had raised concerns to him about defendant's behavior. Finally, in his initial response to defendant's question of what made him become a suspect, Shelton testified that he learned of "ongoing problems" between defendant's children and Keandra's children, as well as "other reports" leading him to believe that defendant might have been involved in Keandra's death. The text messages in which Keandra told her family and friends she was afraid of defendant and being harassed by him were largely redundant, and their exclusion would not have created a reasonable probability of acquittal for defendant.

¶ 83

III. CONCLUSION

¶ 84 For the reasons stated, we affirm in part and remand for an evidentiary hearing on the matter of potential juror bias.

¶ 85 Affirmed in part and remanded for further proceedings.