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2026 IL App (4th) 250874-U

NO. 4-25-0874

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.	)	Rock Island County
JONATHAN GERARDO ROJAS-CARRASCO,	)	No. 22CF761
Defendant-Appellant.	)	
	)	Honorable
	)	Clayton R. Lee,
	)	Judge Presiding.

JUSTICE DeARMOND delivered the judgment of the court.
Justices Doherty and Lannerd concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court remanded for an adequate preliminary inquiry into defendant's *pro se* posttrial claims of ineffective assistance of counsel.

¶ 2 Defendant, Jonathan Gerardo Rojas-Carrasco, was convicted of first degree murder (720 ILCS 5/9-1(a)(2) (West 2022)) and home invasion (*id.* § 19-6(a)(5)) in connection with the home invasion and shooting death of Eric Beale. During trial, the trial court granted a motion by the State to bar evidence of self-defense and serious provocation.

¶ 3 Following defendant's conviction, he filed a posttrial motion entitled "Ineffective Assistance of Trial Counsel," seeking appointment of new counsel and a new trial. Defendant alleged, in part, his trial counsel rendered ineffective assistance by failing to (1) adequately meet with him, (2) provide him with discovery, (3) make any pretrial motions, (4) investigate defendant's ex-girlfriend as a witness, (5) object to comments by the State during closing

arguments, and (6) provide proper jury instructions, resulting in a jury verdict that was against the manifest weight of the evidence.

¶ 4 The trial court conducted a hearing, at which defendant's then trial counsel, William Breedlove, mentioned "*Krankel*." See *People v. Krankel*, 102 Ill. 2d 181 (1984). However, the court never noted *Krankel*. The court told defendant they would "move forward" with new counsel if defendant was successful on his motions. The court asked defendant to provide details about each allegation but did not ask defendant specific questions about any of them and did not ask any questions of Breedlove. Before defendant addressed his claim Breedlove failed to investigate defendant's ex-girlfriend as a witness, Breedlove interrupted and advised defendant to withdraw the claim. Defendant then did so. The court denied defendant's motion. The court stated it was not privy to information outside of the record regarding some claims. It then found defendant "did not prove up" ineffective assistance of counsel.

¶ 5 Defendant appeals, arguing the trial court (1) failed to conduct an adequate *Krankel* inquiry and (2) erred by barring evidence of self-defense and serious provocation. We remand for an adequate *Krankel* inquiry.

¶ 6 I. BACKGROUND

¶ 7 The State charged defendant in connection with the home invasion and shooting death of Beale. Before trial, defendant's then counsel, public defender Kelvin McCabe, filed a motion to provide discovery to defendant after redaction of various items such as personal identifiers of witnesses. The motion stated counsel wanted to provide the material to defendant to help assist in his defense and prepare for trial. The trial court granted the motion.

¶ 8 Also before trial, defendant filed a notice of affirmative defense, stating he might allege self-defense at trial. Defendant later sought appointment of new counsel, expressing concern

he had not been given sufficient discovery to build a defense. New counsel, Theresa Sosalla, was appointed. While represented by Sosalla, defendant again expressed concern to the trial court that he had not received redacted discovery. Sosalla later withdrew because she had new employment. Breedlove was then appointed and represented defendant at trial. Breedlove filed various motions before trial, including motions *in limine*, a pretrial discovery motion, and a motion for sanctions.

¶ 9 During trial, the State presented evidence defendant's ex-girlfriend was with Beale at Beale's home, and defendant went into the home and subsequently shot and killed Beale. Defendant's ex-girlfriend had been determined to be a material witness, and she was ordered to wear a GPS tracking device and stay in contact with the State. However, she removed the tracking device and could not be located to testify at trial.

¶ 10 During the State's case in chief, the trial court granted a motion by the State to bar evidence of self-defense and serious provocation based on findings defendant was the initial aggressor and the adultery provision applicable to serious provocation did not apply to unmarried couples. Defendant did not testify, with Breedlove stating the decision not to testify was based on the court's grant of the State's motion barring evidence of self-defense and serious provocation.

¶ 11 During closing arguments, Breedlove objected to a comment describing the shooting as "execution style," arguing it was inflammatory. The trial court sustained the objection. The jury found defendant guilty.

¶ 12 At sentencing, during his statement in allocution, defendant stated the following:

“Now, because we are on record, I'd like to address a couple issues. Ten plus continuances due to not being able to find a defense lawyer to go over or disclose my discovery, simply violating my First and Sixth Amendments[(U.S. Const., amends. V, VI)]. Every court-appointed lawyer failed to provide me proper

counsel. To this day, I have yet to see my discovery.

I mentioned this issue to my trial counselor. He indicated to wait until after trial to say so. I also asked him to provide me the records the County has on such matters to contend this problem. He failed to do so, then on his own granted me an appeal. Also, the fact that the main witness wasn't at trial and could provide new evidence to lay, may help on my end as well."

Defendant did not ask for new counsel, and the trial court did not inquire about his statements concerning counsel. The court sentenced defendant to concurrent terms of 60 years' imprisonment for first degree murder and 25 years' imprisonment for home invasion.

¶ 13 Shortly after, defendant filed a *pro se* motion titled "Ineffective Assistance of Trial Counsel," seeking appointment of new counsel and a new trial. Defendant alleged, in part, Breedlove rendered ineffective assistance by failing to (1) adequately meet with him, (2) provide him with discovery, (3) make any pretrial motions, such as motions to suppress or motions *in limine*, (4) investigate defendant's ex-girlfriend as a witness, (5) object to inflammatory comments by the State during closing arguments, and (6) provide proper jury instructions, resulting in a jury verdict that was against the manifest weight of the evidence. Defendant did not mention *Krankel* in his motion. Breedlove filed motions for a new trial and to reconsider the sentence.

¶ 14 The trial court held a hearing on the motions. At the beginning of the hearing, the following colloquy occurred.

"THE COURT: So first thing I want to address, sir, is you filed the ineffective assistance of trial counsel yourself. Mr. Breedlove did file post-trial motions, which are set today.

Are you comfortable with him arguing those motions and then getting to your motion?

[DEFENDANT]: Your Honor, I may assume that he himself knows he was in—inefficient [*sic*]. So if he would like to withdraw from proceeding himself, I would like—like to do that.

THE COURT: Well, I don't know that Mr. Breedlove's going to withdraw at this point.

Are you, Mr. Breedlove, at this—

MR. BREEDLOVE: No, Your Honor. But if the Court wants to conduct the—

THE COURT: Okay.

MR. BREEDLOVE:—*Krankel*—

THE COURT: So—

MR. BREEDLOVE:—hearing first, we can do that.

THE COURT: So what I'll do, then, is I'll just address your motion first; and then if you're successful, we'll move forward with new counsel. If you're not successful on your motions, then we will move forward on the ones that Mr. Breedlove filed.”

¶ 15 The trial court listed each of defendant's contentions and asked defendant to provide more detail about them. Regarding visits to defendant by Breedlove and discovery, the following colloquy occurred:

“[DEFENDANT]: Well, Your Honor, Mr. Breedlove, he counseled me under five times, which would be unreasonable for a trial of this magnitude.

He—he failed to present my discovery.

THE COURT: Okay. We'll get to that. That's your number two. I just want to take them one by one.

[DEFENDANT]: Okay.

THE COURT: So—so with the first one—do you want to move on to the discovery?

[DEFENDANT]: So elaborating the amounts of times he actually counseled, all were within the hour and very prompt and not allowing me to properly either discuss my discovery or—

THE COURT: Okay. So since we're going into discovery, I'll just note for the record, your second allegation is not allowed to look through discovery, nor given a copy. So you were never allowed to look through your discovery, alleging it violated your First Amendment [(U.S. Const., amend. I)]. Also, I was never given a copy after filing motion for discovery.

So if you want to go into more detail on that, and if it goes between one—your first and second one, that's fine.

[DEFENDANT]: Yes, Your Honor. First, I did file a motion for discovery and for further discovery myself, I believe, before Mr. Breedlove was my lawyer. But when Mr. Breedlove was appointed, I mentioned several times that that was important for me to go over for my defense, as well as to see what kind of—what kind of—I'm sorry—

THE COURT: It's okay. Take your time.

[DEFENDANT]:—well, what angle our defense would take in trial.

And Mr. Breedlove, on one of those occasions where he did come and counsel, he mentioned that the county didn't even have an idea of him being my counsel, and that was the week before my trial. So that goes among—to say they're unaware that he represents me because he's failing to come see me in that amount of time.

I've—I've had Mr. Breedlove for quite a while. I've asked him repeatedly to bring my discovery and only a couple times that that was presented. One time, he didn't bring the whole discovery to me. I asked to please allow me to view a certain part of the discovery, and he didn't have the rest of what I was looking—looking for to—to build a defense, sir.”

¶ 16 When the trial court asked defendant about his allegation Breedlove failed to investigate his ex-girlfriend as a witness, Breedlove interrupted, stating:

“Judge, just before he does, given that some of the trial strategy and some of the motions that are pending and some of his issues that remain ripe for appeal involve a determination of whether or not that was his ex-girlfriend or current girlfriend at the time, I would advise him to withdraw that one, but that is his decision.

But I want to make it clear that whatever he says about number four may affect some of the other things that I believe have been preserved and/or argued or are ripe for further consideration by this or the appellate court.”

Defendant then withdrew the allegation, and the court did not address it.

¶ 17 When asked about the other issues, defendant told the trial court Breedlove did not file any motions and failed to object to comments during closing arguments, and defendant

indicated he believed there was an error in the jury instructions. Defendant did not provide specific details. The court did not ask defendant any specific questions about the allegations of ineffective assistance of counsel and did not ask Breedlove any questions.

¶ 18 The trial court stated, “So now I’ve asked you about those six points you bring up, and like I said, I’ve had a chance to review your motion.” The court then found the allegations lacked merit. Regarding the number of times Breedlove met with defendant and discovery, the court stated:

“One, that you failed to—feel that he didn’t meet with you enough, and Mr. Breedlove—I’m not sure how many times he met with you. That—that was not something that I would necessarily be privy to. Not sure exactly how relevant that is to going over the information that is—he had with him.

And I know that kind of falls into discovery, where you’re concerned about the—not getting a copy of discovery. Most cases, the defendants do not get specific copies of discovery for reasons that it needed to be—lots of sensitive material can be in that discovery, and it would need to be properly gone through prior to being given to defendants. So they normally don’t see a full copy of their discovery in most cases.”

¶ 19 Regarding motions, the trial court stated, “As far as pretrial motions, I know he—that there were some pretrial motions given. I don’t see that anything that was told to the Court today would lead me to believe that there was any ineffective assistance of counsel with regard to that.” The court found closing arguments were not evidence and the jury instructions were proper. The court then stated, “After hearing defendant’s remarks in support—or, I guess, in better detail of his specific points in his motion, I’m going to find that he did not prove up the ineffective

assistance of counsel this time.”

¶ 20 The record contains billing invoices sent to the trial court from Breedlove listing seven meetings with defendant. Most are unclear how long the meetings were because the invoices combined the meetings with other items, such as preparation for the meetings or reviewing evidence. The invoices generally did not provide details regarding the topics discussed at the meetings. The court did not mention the invoices.

¶ 21 The trial court denied the motions for a new trial and to reconsider the sentence.

¶ 22 This appeal followed.

¶ 23 II. ANALYSIS

¶ 24 Defendant appeals, arguing the trial court (1) failed to conduct an adequate *Krankel* inquiry and (2) erred by barring evidence of self-defense and serious provocation.

¶ 25 A. The Preliminary *Krankel* Hearing

¶ 26 Defendant first contends the trial court erred by failing to conduct an adequate *Krankel* inquiry. In particular, he argues the court (1) applied the wrong standard, placing the burden on defendant to “prove up” claims of ineffective assistance of counsel, (2) did not question Breedlove about any of the allegations or matters outside of the record, and (3) did not conduct an inquiry into defendant’s claim Breedlove failed to investigate his ex-girlfriend as a witness, despite defendant’s withdrawal of the claim.

¶ 27 A *pro se* posttrial claim alleging ineffective assistance of counsel is governed by the common law procedure developed by the supreme court in *Krankel* and its progeny. *People v. Roddis*, 2020 IL 124352, ¶ 34. *Krankel* is triggered whenever a defendant raises a *pro se* posttrial claim of ineffective assistance of counsel. *People v. Jolly*, 2014 IL 117142, ¶ 29. The defendant is not required to file a written motion in the trial court but may raise the issue orally or through a

letter or note to the court. *People v. Ayres*, 2017 IL 120071, ¶ 11.

¶ 28 “[T]he goal of any *Krankel* proceeding is to facilitate the trial court’s full consideration of a defendant’s *pro se* claims of ineffective assistance of trial counsel and thereby potentially limit issues on appeal.” *Jolly*, 2014 IL 117142, ¶ 29. At a preliminary *Krankel* hearing, the court does not automatically appoint new counsel when a defendant alleges ineffective assistance of counsel; rather, the court first examines the factual basis of the defendant’s claim. *Roddis*, 2020 IL 124352, ¶ 35. Specifically, the court must conduct an adequate inquiry, that is, an inquiry sufficient to determine the factual basis of the claim. *Ayres*, 2017 IL 120071, ¶ 11.

¶ 29 In a preliminary *Krankel* hearing, trial courts may properly consider both the factual and legal merits of a defendant’s ineffective assistance claims. *Roddis*, 2020 IL 124352, ¶ 70. If the court determines the claims lack merit or pertain only to matters of trial strategy, the court need not appoint new counsel and may deny the defendant’s *pro se* claims. *Id.* ¶ 35. “However, if the allegations show possible neglect of the case, new counsel should be appointed.” *Id.* Doing so permits new counsel to independently evaluate the claims and avoid the conflict of interest that trial counsel would have in trying to justify his or her own actions contrary to the defendant’s position. *Id.* ¶ 36. Whether a trial court properly conducted a preliminary *Krankel* inquiry presents an issue we review *de novo*. *Id.* ¶ 33.

¶ 30 A trial court’s method of inquiry at a preliminary *Krankel* proceeding is flexible. *People v. Flemming*, 2015 IL App (1st) 111925-B, ¶ 85.

“A reviewing court should consider three factors when determining whether a *Krankel* inquiry was sufficient: (1) whether there was some interchange between the trial court and defense counsel regarding the facts and circumstances surrounding the allegedly ineffective representation, (2) the sufficiency of [the]

defendant's *pro se* allegations of ineffective assistance, and (3) the trial court's knowledge of defense counsel's performance at trial and the sufficiency of the defendant's allegations on their face." *People v. Schnoor*, 2019 IL App (4th) 170571, ¶ 71.

"None of these factors are mandatory, and no bright-line rule exists about what is a sufficient inquiry and what is not." *Id.* However, during the preliminary inquiry, " 'some interchange between the trial court and trial counsel regarding the facts and circumstances surrounding the allegedly ineffective representation is permissible and usually necessary in assessing what further action, if any, is warranted on a defendant's claim.' " *Jolly*, 2014 IL 117142, ¶ 30 (quoting *People v. Moore*, 207 Ill. 2d 68, 78 (2003)).

¶ 31 Whatever method is employed, the inquiry into the allegations of ineffective assistance must be adequate so that the trial court gives full consideration to the defendant's claims. See *Ayres*, 2017 IL 120071, ¶ 13; *Moore*, 207 Ill. 2d at 78. By initially evaluating the defendant's claims in a preliminary *Krankel* inquiry, the trial court creates the necessary record for any claims raised on appeal. *Jolly*, 2014 IL 117142, ¶ 38. When a defendant's claims of ineffective assistance of counsel are based on matters outside the record and the trial court failed to conduct an adequate *Krankel* inquiry, the proper remedy is to remand the matter to the trial court for the limited purpose of allowing the trial court to conduct the required inquiry. *People v. Willis*, 2013 IL App (1st) 110233, ¶ 74.

¶ 32 A defendant claiming ineffective assistance of counsel must demonstrate that (1) counsel's performance fell below an objective standard of reasonableness and (2) a reasonable probability exists that, but for the deficient performance, the outcome of the proceedings would have been different. *Strickland v. Washington*, 466 U.S. 668, 687-88, 694 (1984). Normally, issues

of trial strategy cannot support a finding of ineffective assistance of counsel or serve as the basis of a *Krankel* claim. *People v. Jackson*, 2020 IL 124112, ¶ 106. However, a trial court should not dismiss a claim of ineffectiveness on the bare fact that it may relate to trial strategy without first conducting an adequate inquiry to determine if strategy was indeed involved. See *People v. Maya*, 2019 IL App (3d) 180275, ¶ 27; *People v. Woods*, 2026 IL App (4th) 241142-U, ¶ 70.

¶ 33 A defendant's *pro se* claim also lacks merit if it is misleading, conclusory, legally immaterial, or fails to bring to the trial court's attention a colorable claim of ineffective assistance of counsel. *People v. Cook*, 2018 IL App (1st) 142134, ¶ 104. In addition, a failure to conduct an adequate *Krankel* inquiry may be deemed harmless error if the claim is positively rebutted by the record. See *People v. Palomera*, 2022 IL App (2d) 200631, ¶ 64.

¶ 34 1. *Application of the Incorrect Standard*

¶ 35 Defendant first argues the trial court applied the incorrect standard when it conducted the hearing and found defendant failed to "prove up" his claims of ineffective assistance. We agree defendant was not required to "prove up" his claims. Instead, the court was required to conduct an inquiry to determine if defendant's allegations showed possible neglect of the case and appoint new counsel if possible neglect was shown. *Roddis*, 2020 IL 124352, ¶ 35.

¶ 36 Here, we question whether the trial court treated the inquiry into defendant's claims as a *Krankel* inquiry at all. The court's lack of specific questions to defendant and lack of any questions to defense counsel, coupled with its comments that defendant had not "prove[n] up" the merits of the claims indicated it was placing the burden on defendant to definitively prove his claims of ineffective assistance. While the court could consider the merits of the claims, that ability does not remove the necessity for sufficient inquiry on the part of the court or the legal principle that, if the defendant shows possible neglect by defense counsel, he is to be appointed new counsel,

and a full *Krankel* hearing is to be held. See *Ayres*, 2017 IL 120071, ¶ 11. In any event, to the extent the court may have applied an incorrect standard, we review the trial court's judgment, not its reasoning, and we may affirm on any basis supported by the record. *People v. Ringland*, 2015 IL App (3d) 130523, ¶ 33. Likewise, based on our *de novo* review, we may remand for a preliminary *Krankel* hearing based on reasons other than the possibility the court applied the wrong standard.

¶ 37

2. Defendant's Preserved Claims

¶ 38 Defendant argues the trial court failed to conduct an adequate inquiry into his claims by failing to ask Breedlove any questions, especially concerning facts outside of the record. The State argues the claims were matters of strategy or were rebutted by the record.

¶ 39 We find some of defendant's claims were without merit. Defendant's claim Breedlove failed to file any motions was conclusory. While defendant listed examples, such as motions *in limine* or to suppress, he did not provide details or specify reasons why he believed any particular motion should have been filed. Further, the claim was rebutted by the record, which shows Breedlove filed various motions. Defendant's claim Breedlove did not object during closing arguments was also lacking in specifics and was positively rebutted by the record. Breedlove did object, and the objection was sustained. Defendant also alleged the jury instructions were wrong, resulting in a jury verdict that was against the manifest weight of the evidence. The claim was conclusory because defendant did not provide details concerning any specific instruction he believed should have been given. Additionally, an issue of the sufficiency of the evidence is not a claim of ineffective assistance of counsel. However, we find defendant's claims concerning meetings with Breedlove and the provision of discovery required further inquiry.

¶ 40

A valid claim of ineffective assistance of counsel may exist where counsel failed to

communicate with the defendant. *People v. Valladares*, 2013 IL App (1st) 112010, ¶ 59. The sixth amendment requires defense counsel to keep the defendant informed of developments in the case and consult with him or her on all major decisions. *Id.*

¶ 41 Generally, decisions regarding which items received in discovery a defense attorney chooses to share or discuss with his or her client is a matter of trial strategy. *People v. Savage*, 361 Ill. App. 3d 750, 757 (2005). “As such, that decision is afforded a strong presumption that it was the product of sound trial strategy rather than incompetence.” *People v. Walker*, 2019 IL App (3d) 170374, ¶ 18. However, a defendant may be able to rebut that presumption by showing counsel withheld discovery information that cast doubt on the State’s ability to prove him guilty. *Id.*

¶ 42 In addition, as to matters of trial strategy in general, “a matter which ordinarily is decided as a matter of trial strategy may, in fact, be the product of inadvertent oversight rather than intentional decision-making.” *People v. Jackson*, 2025 IL App (4th) 241372-U, ¶ 37. “Furthermore, even if there is an intentional decision, a defendant may overcome the strong presumption that the decision was made as a matter of sound trial strategy.” *Id.*

¶ 43 While the number of meetings Breedlove held with defendant and what was or was not provided in discovery would typically be matters of strategy, this court has rejected the suggestion that, during a preliminary *Krankel* hearing, a court need not inquire into matters which ordinarily relate to trial strategy. See *Woods*, 2026 IL App (4th) 241142-U, ¶ 70; *People v. Crawford*, 2026 IL App (4th) 250783-U, ¶ 45; *Jackson*, 2025 IL App (4th) 241372-U, ¶ 37. “The fact that a *pro se* claim of ineffective assistance is based on a matter which ordinarily relates to trial strategy does not permit a court to reject that claim without further inquiry when necessary. *Woods*, 2026 IL App (4th) 241142-U, ¶ 70; see *Maya*, 2019 IL App (3d) 180275, ¶ 27 (“Given

that a defendant may, at least potentially, overcome the strong presumption of sound trial strategy, a [trial] court should not dismiss a claim of ineffectiveness on the bare fact that it may relate to trial strategy.”). “A court cannot know whether there was any reasonable or legitimate trial strategy involved unless the court elicits a sufficient factual basis to evaluate the ineffective-assistance claim.” *Crawford*, 2026 IL App (4th) 250783-U, ¶ 45.

¶ 44 Here, regarding meetings with Breedlove, the trial court specifically referenced facts outside of the record, stating it was not privy to the number of meetings Breedlove had with defendant. It then did not make any findings regarding the number of visits or conduct an inquiry to determine the number or length of visits or whether a reasonable strategy was involved.

¶ 45 Based on the trial court’s comments as a whole, the record indicates the court found the claim lacked merit simply because defendant failed to prove the number of visits or what was discussed at them. That was improper. Instead, the court should have inquired with Breedlove about the matter, as Breedlove was present and could supply the missing information. The State suggests the claim is rebutted by invoices in the record, but we note the court clearly did not consider them, and the invoices do not make clear the total amount of time Breedlove spent with defendant or address the related issue of whether Breedlove discussed discovery with defendant at the meetings. Without asking Breedlove about the issue, the court did not have enough information to ascertain whether there was possible neglect of the case.

¶ 46 The trial court also found the discovery claim lacking in merit because normally, defendants would not be given full discovery due to the presence of personal or sensitive information in the discovery materials. But the court had previously granted a motion for defendant to be given redacted discovery, which a previous counsel sought so defendant could assist in his defense and prepare for trial. Thus, the court’s finding was partly contrary to the record since

redacted discovery had previously been requested and approved by the court.

¶ 47 Defendant had expressed concerns about not being provided with discovery multiple times in earlier proceedings, and his posttrial claim of ineffective assistance of counsel was that he never received it or had not received what was necessary to assist in his defense. The trial court failed to ask Breedlove about the issue. Without questioning Breedlove, the court again did not have enough information to ascertain whether Breedlove provided to defendant the requested discovery and, if he did not, if that was a matter of reasonable strategy.

¶ 48 We note it is quite plausible Breedlove met with defendant a sufficient number of times and provided sufficient discovery to allow defendant to assist in his defense. But the record itself does not definitively show he did so or that his decisions were matters of strategy. Given the trial court did not ask any questions of Breedlove, we are left with unanswered questions that are material to the analysis. Had the trial court asked Breedlove about the issues, the record would be complete. Thus, we find the court's inquiry was inadequate because it failed to produce an objective record to assess some of defendant's ineffective assistance of counsel claims. See *Woods*, 2026 IL App (4th) 241142-U, ¶¶ 64, 68. Accordingly, we remand for the trial court to conduct an adequate inquiry under *Krankel*.

¶ 49 *3. Withdrawal of Ineffective Assistance Claim*

¶ 50 Defendant also argues the trial court failed to conduct an adequate inquiry into his claim Breedlove failed to investigate his ex-girlfriend as a witness, despite defendant's withdrawal of that claim. We note defendant was placed in an unusual position that was potentially adversarial to Breedlove when defendant began to address an allegation Breedlove provided ineffective assistance but Breedlove then interrupted and advised defendant to withdraw the claim.

¶ 51 A preliminary *Krankel* inquiry must be "a neutral and nonadversarial proceeding."

Jolly, 2014 IL 117142, ¶ 38. The circumstances here placed defendant in a position that was potentially adversarial to that of his counsel, with his allegedly deficient counsel advising him to withdraw a claim of ineffective assistance. Yet, we also recognize nothing indicates Breedlove was acting in his own interests when he advised defendant to withdraw the claim. Breedlove further had an obligation to seek to protect defendant from making disclosures Breedlove believed could damage defendant's pending motions or appeal.

¶ 52 Regardless, defendant's affirmative act of withdrawing his claim had the effect of telling the trial court that he no longer wanted an examination of that claim. Thus, he prevented the court from giving him the *Krankel* hearing he now requests. See *People v. McGee*, 345 Ill. App. 3d 693, 699 (2003). We note it has also been held a trial court is not required to conduct an independent inquiry into a defendant's *pro se* motion raising allegations of ineffective assistance of counsel or *sua sponte* address such issues if the defendant withdraws the motion. See *People v. Daniel*, 2022 IL App (1st) 182604, ¶ 148; *McGee*, 345 Ill. App. 3d at 699. However, those cases did not involve situations in which the defendants were placed in a position adversarial to their counsel with no ability to seek advice from conflict-free counsel. See *McGee*, 345 Ill. App. 3d at 699 (privately retained counsel advised withdrawal of the motion, and the defendant was in a position to end that attorney-client relationship and obtain new counsel if he so chose); *Daniel*, 2022 IL App (1st) 182604, ¶ 63 (the defendant withdrew the motion without consulting with counsel, and counsel was not aware of the motion). Our research has not uncovered a case in which a defendant with appointed counsel was faced with advice from that same counsel to withdraw claims counsel provided ineffective assistance.

¶ 53 We recognize the problem such a unique situation presents. However, we also note defendant does not argue on appeal that Breedlove's advice to withdraw the claim was erroneous.

He further does not argue he wishes to present the issue on remand or that the trial court should have appointed conflict counsel because of the matter. Instead, he merely argues the court did not conduct a sufficient inquiry.

¶ 54 We cannot fault the trial court for failing to inquire about something defendant specifically withdrew from its consideration. Yet, we also note it is possible that, had the court been cognizant of the problem Breedlove’s advice to defendant presented, it might have conducted an inquiry into the advice to withdraw the claim and appointed conflict counsel if deemed necessary to ensure there was a nonadversarial proceeding. We note, in such an unusual situation, the appointment of conflict counsel to advise defendant as to whether or how to present the claim would be appropriate. Thus, we find it best to allow defendant to raise the issue again on remand if he sees fit. If the issue is again raised, we direct the court to conduct an appropriate inquiry concerning the advice against presenting the claim and appoint counsel if necessary to ensure the matter is addressed in a nonadversarial manner.

¶ 55 B. Remand

¶ 56 For the reasons discussed, we remand to the trial court for a proper preliminary *Krankel* inquiry into defendant’s *pro se* posttrial claims of ineffective assistance of counsel. We recognize defendant raises other issues in this appeal. However, until a trial court completes posttrial proceedings, it is premature for an appellate court to address other substantive issues. *People v. Roberson*, 2021 IL App (3d) 190212, ¶ 23; *People v. Lawson*, 2019 IL App (4th) 180452, ¶ 57. Indeed, depending on the result of the preliminary *Krankel* inquiry, defendant’s other claims may become moot. See *People v. Bell*, 2018 IL App (4th) 151016, ¶ 37.

¶ 57 III. CONCLUSION

¶ 58 For the reasons stated, we remand for a proper preliminary *Krankel* inquiry into

defendant's *pro se* posttrial claims of ineffective assistance of counsel.

¶ 59 Remanded with directions.