

2026 IL App (2d) 250340-U
No. 2-25-0340
Order filed September 28, 2026

NOTICE: This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee,

v.

JEROME AMES, Defendant-Appellant.

Appeal from the Circuit Court of Kane County.
Honorable Donald M. Tegeler, Jr., Judge, Presiding.
No. 23-CF-1260

JUSTICE SCHOSTOK delivered the judgment of the court.
Justices McLaren and Jorgensen concurred in the judgment.

ORDER

- ¶ 1 *Held:* The trial court did not err in denying defendant’s motion to suppress, any error in the admission of other-crimes evidence was harmless, and the trial court conducted a proper *Krankel* inquiry.
- ¶ 2 Following a bench trial, defendant was found guilty of unlawful possession of a controlled substance with intent to deliver (720 ILCS 570/401(c)(2) (West 2022)), unlawful use or possession of a weapon by a felon (*id.* § 5/24-1.1(a)), and unlawful use or possession of ammunition by a felon (*id.*). On appeal, defendant argues that the trial court erred in denying his motion to suppress, improperly considered other-crimes evidence, and failed to conduct a proper *Krankel* inquiry (see *People v. Krankel*, 102 Ill. 2d 181 (1984)). We affirm.

¶ 3

I. BACKGROUND

¶ 4 The record indicates that, on June 15, 2023, defendant was pulled over for various traffic violations and a possible trespass. A canine unit arrived and gave a positive alert to defendant's vehicle, after which defendant was placed under arrest and police searched defendant and his vehicle. During the vehicle search, officers found a weapon and ammunition in the trunk. A cell phone and eight individually wrapped rock-like items were found in defendant's pants pocket. An analysis of the rock-like items was positive for cocaine. The arresting officer was granted a search warrant for defendant's cell phone. The content extracted included text messages, photos, videos, call logs, and contacts. On July 12, 2023, defendant was indicted, in relevant part, on the charges for which he was convicted.

¶ 5

A. Motion to Suppress

¶ 6

1. Testimony

¶ 7 Defendant filed a motion to suppress, arguing that his arrest and the subsequent search were unlawful because the traffic stop was unreasonably prolonged. The trial court held a hearing on the motion. Shane McNamara testified for the defense that he was a patrol officer for the Elgin police department. On the afternoon of June 15, 2023, he observed defendant enter his car, which was parked in a strip mall. McNamara followed defendant for about a half mile before conducting a traffic stop. Defendant provided his driver's license, did not have any outstanding warrants, and was not on parole. McNamara called for a canine unit and Officer Justin Brown arrived about 25 minutes later with his dog. After the positive canine alert, McNamara and other officers searched defendant and his vehicle. The officers recovered a 9mm handgun and ammunition from the trunk of defendant's car and about one and a half grams of cocaine from defendant's front pants pocket. McNamara had activated his body-worn camera and recorded the traffic stop. The recording was

admitted into evidence. The exhibit was 1 hour and 13 minutes long, but only minutes 0 through 26 were played in court.

¶ 8 On cross-examination by the State, McNamara testified that, prior to the traffic stop, he observed defendant in a parking lot of a strip mall containing a J.J. Peppers and a Cricket Wireless store. It was standard Elgin police department practice that, if an individual was banned from a specific store in a strip mall, the same individual was banned from the entire strip mall. McNamara did not identify the store from which he believed defendant was banned. McNamara followed defendant for about a half mile from the strip mall before pulling him over. Prior to activating his body camera, McNamara had called dispatch to request a canine unit and back-up. When McNamara approached defendant's car after it was stopped, defendant asked to speak with a supervisor. McNamara called and requested that a supervisor, Sergeant Cox, respond.

¶ 9 McNamara further testified that, at five minutes into the body-cam recording, he opened a program called "New World" on the computer in his squad car. In New World, an officer could access LEADS, run subjects or vehicles, and check for warrants or past police reports. He ran defendant's information through LEADS and accessed license information from the Secretary of State. About eight minutes into the traffic stop, he accessed DACRA on his computer. Officers used DACRA to write traffic tickets. At that time, he began writing tickets for the moving and insurance violations. When writing multiple tickets, identifying information, such as a name, date of birth, and vehicle year, make, and model, had to be reentered for each ticket. At 10:23 on the recording, McNamara investigated the possible trespass by accessing a prior contact system, locating the specific ban notice, and reading it. At 13:02, McNamara returned to DACRA and continued entering information for defendant. At 17:28, McNamara was inputting information for a ticket, which he had to do for each ticket. At about 17:58, McNamara accessed Google Maps to

verify that the address defendant provided was an actual residence and the cross streets where the traffic violations occurred. At 18:31, he copied and pasted the VIN of defendant's vehicle into a traffic ticket. From that point until 25:00, McNamara continued to work on the traffic tickets. McNamara testified that, from the time he began writing the traffic tickets, he did not exit his vehicle until the positive alert from the canine unit.

¶ 10 On redirect examination, McNamara testified that he observed defendant in front of the J.J. Peppers but never saw him inside the Cricket Wireless store. He also testified that there was an autofill capability in the DACRA system, but it never seemed to work. McNamara acknowledged that he had to check Google Maps for cross streets, even though he had been an Elgin patrol officer since 2018 and the offenses occurred about a half mile from where defendant was pulled over. He did not remember how many tickets he had completed during the 25-minute period before the positive alert. On recross examination, McNamara testified that, at the time of the positive alert, he had not completed writing all of the tickets.

¶ 11 Brown testified that he was an officer with the Elgin police department and that, on June 15, 2023, he was called to perform a search of defendant's vehicle with his dog. His dog performed two sniffs on the car. The dog indicated a positive at the trunk and the back passenger seat.

¶ 12 2. Body-Cam Video

¶ 13 The body-cam video recording shows as follows. After pulling defendant over, McNamara approached defendant's vehicle, introduced himself, and asked for defendant's license and insurance. Defendant stated that he did not have proof of insurance because it was his "old lady's car." Defendant stated that he did not violate any laws and asked for a supervisor. McNamara explained that defendant wasn't wearing a seatbelt, he was speeding, he had a brake light out, no proof of insurance, and he was coming from J.J. Peppers, from which he was banned. Defendant

informed McNamara that he was not banned from J.J. Peppers. After that exchange, McNamara called dispatch to relay defendant's request for a supervisor.

¶ 14 At 3:07 on the recording, McNamara returned to his vehicle with defendant's driver's license and started typing on his computer. At 3:30, McNamara called Officer Brown and continued typing while speaking with him. McNamara stated that he heard Brown had a canine and asked whether Brown was coming to work that day. After Brown said no, McNamara asked whether he could come in just for a sniff. He told Brown that he pulled someone over that was believed to sell heroin and carry a weapon and stated he was having trouble finding a canine. Brown said he could not be there for about 20 minutes, to which McNamara stated that would be fine since he had six tickets to write. Brown asked McNamara to check with another Elgin canine officer, Chad Schuttrow, because Brown's dog was just certified the day before. McNamara stopped typing and said he would try doing so, and Brown stated he would start getting ready just in case. At 4:40, McNamara was looking on his cell phone. At about 5:10, McNamara continued typing on his computer.

¶ 15 At 5:31, McNamara exited his squad car as the supervisor, Sergeant Cox, arrived and also exited his own squad car. McNamara approached Cox and explained that defendant was asking for a boss. McNamara told Cox about his conversation with Brown and asked Cox to call Schuttrow. Cox then asked what was going on and McNamara explained the various offenses for which he was writing tickets. McNamara then approached defendant's car again and asked whether he had proof of insurance. Defendant said he did not have it and did not want to look for it; he just wanted his tickets. McNamara explained that a supervisor was present.

¶ 16 At 6:52, Cox approached defendant's car. Cox told McNamara that Schuttrow was not available. As Cox began speaking to defendant, McNamara walked back towards his squad car

while typing on his cell phone. Upon entering the squad car, Brown answered the phone call. McNamara explained that Schuttrow was not available and started typing on his computer. Brown asked the location and stated that he was on the way.

¶ 17 At 8:38, dispatch said that a Kane County canine unit could arrive in about 25 minutes. Cox was at McNamara's window and asked if they could hold defendant for 25 minutes. McNamara stated that he could because he had "like six tickets to write." McNamara then explained to Cox that defendant was banned from Cricket Wireless but was in the parking lot there at a J.J. Peppers. McNamara asked Cox if that was "anything." Cox asked whether defendant was banned from the entire property, to which McNamara replied he had to check but stated that normally the "premade form" stated that the ban was for the whole strip mall. During this time, McNamara was typing something on his computer. McNamara told Cox that Brown was on his way but that he was going to keep the Kane County canine since Brown's dog was just recently certified. McNamara then stated that he was going to research the ban issue.

¶ 18 At 10:23, the video shows McNamara reading the ban notice. At 11:29, McNamara exited his squad car and approached defendant's vehicle. He asked defendant where he was coming from that day. Defendant stated that he was coming from J.J. Peppers. McNamara asked defendant if he knew he was barred "from over there" and asked defendant if he ever received any papers about that. Defendant stated he received papers that he was banned from Cricket Wireless, not that he was banned from J.J. Peppers. McNamara asked defendant if he had gone into Cricket Wireless that day and defendant stated that he had not. McNamara then asked one more time if defendant wanted to check on the car insurance but defendant stated he just wanted his tickets. McNamara then returned to his squad car (12:38), and continued typing on his computer.

¶ 19 At 14:41, McNamara radioed Cox and asked him to check if defendant's driver's license address was up to date. He did not exit his squad car, and appeared to be waiting for a response from Cox. At 16:00, Cox informed McNamara of defendant's current address, which was different than on his license. McNamara then started typing the address into DACRA. At 16:19, McNamara appeared to be typing the address into a search bar, which opened up the address on Google Maps. At 16:43, McNamara was back on DACRA. At 17:54, McNamara briefly went back to Google Maps, and appeared to be looking at a virtual street view of the map. At 18:05, McNamara was back on DACRA. From 23:30 to 24:30 McNamara appeared to be back on Google Maps, but then went back to typing on DACRA. At 25:51, McNamara exited his squad car to ask if there was a positive alert, and Brown responded yes. McNamara then approached defendant, who had been removed from the car for the dog sniff and was sitting on the curb, and proceeded with the arrest and search.

¶ 20 3. Arguments and Ruling

¶ 21 In arguing for a directed finding, the State asserted that the stop was not prolonged by the dog sniff because McNamara worked continuously throughout the stop and that the stop was not concluded at the time of the positive canine alert. The State thus argued that the burden on the motion should not be shifted.

¶ 22 Defendant argued that the burden should shift because McNamara unreasonably prolonged the stop by investigating the alleged trespass and conducting Google searches to determine whether defendant's new address was actually a residence. Defendant further argued that McNamara prolonged the stop by calling multiple canine officers, questioning him three times about his proof of insurance, and looking at Google Maps to verify cross streets in an area where he had been a patrol officer for five years and had just driven minutes before.

¶ 23 Following argument, the trial court shifted the burden on whether the stop was unreasonably prolonged to the State. The State indicated that it would not be calling any more witnesses and that it was resting. In closing, it argued that the stop was not unreasonably prolonged because McNamara had not completed writing the tickets at the time of the positive alert. The State asserted that the video showed that McNamara was working on the tickets for the entirety of the stop. He was collecting information, looking into the trespass, verifying defendant's address, running his information through all the necessary databases, and typing up the traffic tickets.

¶ 24 Defendant again argued that the stop was unreasonably prolonged by the trespass investigation and the Google searches. Further, even after McNamara realized defendant was only banned from Cricket Wireless, he returned to defendant's car to ask whether defendant was banned from J.J. Peppers. Defendant asserted that the trespass investigation and Google searches were stall tactics, noting that, during the 25 minutes before the canine arrived, McNamara had not completed any tickets. Finally, defendant argued that the traffic stop was prolonged by the amount of time McNamara spent looking for a canine unit to come to the scene.

¶ 25 In ruling, the trial court stated that it had reviewed the body-cam video very carefully. The trial court acknowledged that McNamara had immediately called for a canine unit. The trial court found McNamara's testimony, that he had to re-enter all the general information for each ticket, to be credible. The trial court noted that, to complete the tickets, McNamara had to verify defendant's address and the cross streets where the traffic offenses occurred. The trial court found that it was not improper for McNamara to investigate the possible trespass during the traffic stop. The trial court concluded that, considering all the circumstances, the traffic stop was not unreasonably prolonged by the canine sniff and that all the officers acted quickly and reasonably.

¶ 26

B. Bench Trial

¶ 27

1. Other-crimes Evidence

¶ 28 Defendant waived his right to a jury trial, and a bench trial commenced on February 18, 2025. At the outset, the trial court heard argument on the State's motion *in limine* to admit other crimes evidence, namely, the evidence extracted from defendant's cell phone. The phone extraction evidence included a call log, text messages, videos, and photographs. The extracted photos show defendant with large sums of money in stacks of \$100, \$20, \$10 and \$5 bills from August and October 2022. There was also a photograph of an electric money counter from October 2022. There was also a video of defendant holding about nine \$100 bills from June 14, 2023.

¶ 29 One text message thread was between defendant and a phone number that is saved with the contact name "Chris." There were 46 messages between March 14 and June 15, 2023. Many of the texts were from Chris asking if defendant was around, and one time saying he had "dub," and another time saying, "Im [sic] be getting \$ again I told him I need 80 tonight." Defendant sometimes did not respond and other times indicated he was not around or that he was on the way. On June 15, 2023, the day of defendant's arrest, Chris sent a text at 1:46 p.m., asking defendant if he was around. The call logs showed that there were seven phone calls between defendant and Chris between 12:57 p.m. and 1:53 p.m., shortly before defendant was seen on camera meeting with an unknown individual at a restaurant and exiting minutes later without food.

¶ 30 There was another text message thread with a different number that had no contact name but, in the messages the person identified himself or herself as "Lori light." There were 29 messages between March 17 and April 5, 2023. In those messages, that number texted defendant with things such as "Can u bring a dub To my house," "can u bring me Three dimes of d to my house," and "U have d." Defendant gave responses such as "Not around," "Drop your location,"

“I have d,” or “On my way.” There were similar text message threads with three other phone numbers between March and May 2023, with similar requests for defendant such as “Need a 50” “Need a 60,” “Need an 80,” and “Got 40,” and similar responses from defendant such as “I’m gone,” or “I’m out here.”

¶ 31 The State argued that the phone extraction evidence was relevant to prove that defendant possessed the cocaine with intent to deliver. The State further argued that because this was a bench trial, the risk of unfair prejudice was reduced because the trial court could distinguish proper evidence from improper evidence. Finally, the State pointed to the close timing between the text messages and the charged offense as additional support for admitting the messages. In particular, the State argued that the historical text messages exchanged with a contact named “Chris,” put the communications with Chris on the day of defendant’s arrest into context and that they should be admitted to show defendant’s knowledge of what the messages he received from Chris on June 15, 2023, meant, and to prove defendant’s intent to deliver.

¶ 32 Defense counsel argued that the text messages, photographs/videos showing cash, and call logs should not be admitted to prove defendant’s intent to deliver. Defense counsel conceded that the State’s expert could consider those materials in forming his expert opinions, but argued that the State should not be allowed to use the same evidence independently to suggest that defendant possessed the cocaine with intent to deliver on the day of his arrest. Defense counsel also conceded that, as an exception to the propensity rule, other crimes evidence could be admitted to prove knowledge and intent.

¶ 33 Following argument, the trial court granted the State’s motion. The trial court stated that it would consider the evidence from defendant’s cell phone for the limited purpose of proving knowledge and intent, as well as permitting the State’s expert to rely on it in forming his opinions.

The trial court noted that, as it was a bench trial, it could distinguish the purposes for which the evidence was admitted and could separate what was admissible from what was inadmissible.

¶ 34

2. Trial Testimony

¶ 35 At trial, McNamara testified that at 1:50 p.m., on June 15, 2023, he was on patrol in the vicinity of State Street and Chicago Street in Elgin. He used Elgin's citywide surveillance system, known as the Real-Time Information Center (RIC) system, to watch defendant at that intersection. Specifically, there was a camera on the southeast side of the intersection that he could rotate in every direction from his patrol car that was parked about a block away. The video footage viewed by McNamara that day was admitted into evidence. The footage showed that defendant's car was parked in a strip mall in front of a J.J. Peppers that was two doors down from a Cricket Wireless store. Defendant crossed the street and met a man that was standing on the opposite corner. They entered a restaurant together and exited it about three minutes later. Defendant walked back across the street, went briefly into J.J. Peppers, and then entered his car to drive away.

¶ 36 McNamara testified that he conducted a traffic stop of defendant a few blocks away, on the southwest corner of Kimball and Grove Streets. When he first approached the vehicle defendant was hostile and asked for a supervisor. Excerpts of his body-cam video from the traffic stop were admitted, over objection on the basis of the motion to suppress. McNamara testified that the video showed him searching defendant's front jeans short right pocket and finding a bag of individually wrapped rock-like substances, a cell phone, and \$80 cash.

¶ 37 McNamara further testified that after defendant was secured in his squad car, defendant's vehicle was searched. In the trunk, they recovered a firearm and a backpack. Inside the backpack he found a document from the Kane County court with defendant's name on it and some empty fold top plastic baggies. He also recovered large-sized men's clothing from inside the car and a

pack of Adidas socks. There was no drug paraphernalia in defendant's car or on his person. On cross-examination, McNamara acknowledged that the car also contained an electricity bill from 2012 with someone else's name on it.

¶ 38 Officer John Taylor testified he arrived at the traffic stop because McNamara had called for back-up. He described finding a gun and an extended magazine underneath a backpack in the trunk of defendant's vehicle. Officer Obenauf, an evidence technician, testified that officers recovered 31 rounds in the extended magazine in the trunk, nine rounds in the firearm, one in the chamber, and two loose in the trunk of defendant's car. They also recovered a June 6, 2023, Skokie traffic citation, a temporary Illinois ID card, and a bank statement, all with defendant's name on them. Brianna Simpson, a forensic scientist in the drug chemistry section at the Rockford Forensic Science Laboratory, testified that she tested the rock-like substance recovered from defendant. It was an outer baggy with eight smaller knotted plastic baggies with a white chunky substance in them. She testified that six bags amounted to more than one gram, so she did not weigh or test the other two bags. The substance in the six bags weighed 1.1 grams and tested positive for cocaine. Jason Barnard, a forensic examiner for the Elgin police department, testified that he extracted the data from defendant's cell phone.

¶ 39 Investigator Chris Converse of the Aurora police department testified as an expert in the field of narcotics identification, sale of narcotics, and narcotics transactions. Converse opined that the 1.1 grams of cocaine found in defendant's possession on June 15, 2023, was possessed with intent to deliver. His opinion was based on the evidence from defendant's cell phone, the surveillance video, the bodycam videos, defendant's activities the day of his arrest, the manner in which the cocaine was packaged, the additional packaging material, the possession of a firearm, and the lack of user paraphernalia.

¶ 40 Converse further testified that in his opinion, because all eight bags of the rock-like substance found in defendant's possession were similar in size and appearance, the two untested bags also contained cocaine. He opined that all eight bags were possessed with the intent to deliver. A typical user amount was 0.1 gram, and each bag contained approximately 0.2 grams, which was a normal amount to be available for sale. He opined further that all eight bags were packaged for resale and would be sold for \$20 each. A typical user generally could not afford more than a single dose, and if a user was buying a larger quantity, it would typically be packaged in a larger amount rather than in separate, individually packaged bags. Further, drug dealers often carried firearms to protect themselves from rival dealers or from being robbed. Converse also found significant that defendant did not possess any user paraphernalia and opined that this indicated defendant intended to distribute the cocaine, not use it. The fact that defendant possessed additional plastic baggies also indicated that defendant was a distributor because drug dealers generally carried extra plastic sandwich bags to facilitate the packaging of additional drugs for resale. Converse acknowledged that defendant did not have a scale, but testified that this did not change his opinion because defendant could have a scale elsewhere and sometimes experienced drug dealers could estimate the amount of drugs when packaging for resale.

¶ 41 Converse testified that the evidence extracted from defendant's cell phone bolstered his opinion. One of the pictures was of a money counter which, according to Converse, drug dealers often possessed. There was also a video of defendant holding a large wad of cash and multiple pictures of large amounts of cash. Converse pointed out that the money counter could be used to count the money in the pictures and also pointed out that the money was mostly \$100, \$20, and \$10 bills, which was consistent with narcotics transactions.

¶ 42 Converse explained that the text messages used coded language to conceal drug activity from law enforcement and family members. For example, messages requesting “a 40,” “a 50,” and “an 80” were requests for \$40, \$50, and \$80 worth of narcotics, respectively. In response to one request, defendant stated he was “Back around,” which Converse explained meant defendant was back in the area and available to facilitate a drug transaction. Converse identified similar coded requests and responses in other text threads. Although he acknowledged that none of the messages specifically identified cocaine, he testified that the messages nevertheless supported his opinion that defendant possessed the cocaine with intent to deliver.

¶ 43 Converse addressed the historical text messages between defendant and “Chris” dating back to March 2023, which he testified included requests for drugs and defendant’s agreement to facilitate the transactions. On June 15, 2023, at 1:46 p.m., Chris texted, “Yo, you around?” Converse testified that, based on his training and experience, Chris was asking whether defendant was in the area to facilitate a narcotics transaction. The call log corroborated this exchange, showing calls between defendant’s and Chris’s phones within minutes of defendant appearing on the surveillance video.

¶ 44 Finally, Converse testified that he reviewed the June 15, 2023, surveillance video from the corner of Church and State Streets, which was taken on the day of defendant’s arrest. He opined that defendant facilitated a narcotics transaction with the individual that defendant met at the street corner. Converse based his opinion on the two’s brief verbal interaction, followed by their walking together to a nearby business, entering the business, and emerging approximately three minutes later before leaving in opposite directions. He explained that drug transactions were commonly conducted inside businesses and outside of public view to avoid detection and surveillance

cameras. Thereafter, the State rested, the trial court denied defendant's motion for a directed finding, and the defense rested.

¶ 45

3. Trial Court's Verdict

¶ 46 Following closing arguments, the trial court found that defendant possessed a controlled substance, a firearm, and ammunition and, based on certified records, was a convicted felon. The trial court thus found defendant guilty of unlawful possession of a firearm by a felon and unlawful possession of ammunition by a felon. The trial court also found defendant guilty of intent to deliver a controlled substance. With respect to that finding, the trial court first stated that it did not consider the extraction evidence as propensity evidence but found that it demonstrated defendant's knowledge of drugs and drug dealing. The trial court commented on the large amount of cash and the unrebutted testimony that the text messages contained coded language that defendant appeared to understand. The trial court noted that there could be legitimate reasons for possessing large sums of cash, a money counter, and plastic baggies, but found that these items were nevertheless relevant as circumstantial evidence. The trial court further noted that 1.1 grams could constitute a personal-use amount, but that the manner in which the cocaine was packaged, in eight separate packages, was, based on unrebutted evidence, consistent with packaging for sale. The trial court also found significant the absence of paraphernalia for personal use in the car or on defendant's person. Finally, the trial court considered the text messages and phone calls that occurred on the day of defendant's arrest shortly before defendant met someone on a street corner, entered a business with that person for several minutes, and then left in separate directions. Considering this circumstantial evidence together with defendant's possession of a firearm and ammunition, the trial court found that the State proved beyond a reasonable doubt that defendant possessed the cocaine with intent to deliver.

¶ 47

4. *Pro Se* Posttrial Claims of Ineffective Assistance

¶ 48 After ruling, the trial court noted that defendant had filed *pro se* claims of ineffective assistance and asked defendant if he wished to proceed on those motions. Defendant responded affirmatively, and the trial court asked whether defendant wanted it “to appoint an attorney for you in relation to this *Krankel* hearing or do you wish to argue yourself?” Defendant stated that he wanted to proceed *pro se*. The trial court then set the matter for a future date, noting that the State could not participate “in any way, shape or form.”

¶ 49 On February 25, 2025, the trial court granted a “*Krankel* hearing” and allowed defendant to argue all of his ineffective-assistance claims. Defendant’s arguments were extensive, spanning 40 pages of transcript. The trial court then asked defense counsel to address some of the claims, and counsel explained some of the decisions defendant challenged. The trial court thereafter addressed each claim in detail and explained why it lacked merit. The trial court stated that “the *Krankel* hearing” and the motion for ineffective assistance of counsel was respectfully denied. At the next hearing, about one month later, defendant was allowed to argue *pro se* two additional ineffective assistance claims, which the trial court also denied as meritless.

¶ 50

5. Sentencing

¶ 51 Following the denial of defendant’s posttrial motion and a sentencing hearing, the trial court sentenced defendant to nine years’ imprisonment on each offense, to be served concurrently. Defendant filed a timely notice of appeal and an amended notice of appeal.

¶ 52

II. ANALYSIS

¶ 53

A. Motion to Suppress

¶ 54 Defendant’s first argument on appeal is that the trial court erred in denying his motion to suppress. Defendant asserts that the traffic stop was unreasonably prolonged because McNamara

pursued unrelated investigations and did not work diligently to complete the traffic citations. Alternatively, defendant argues the trial court erred in denying the motion to suppress where the State failed to provide evidence in rebuttal after the trial court found that defendant made a *prima facie* case and shifted the burden to the State.

¶ 55 In reviewing a trial court's order denying a defendant's motion to suppress evidence, we apply a two-part standard of review. *People v. Timmsen*, 2016 IL 118181, ¶ 11. First, we will uphold the trial court's factual findings unless they are against the manifest weight of the evidence. *Id.* Second, we review *de novo* the trial court's ultimate legal conclusion as to whether suppression is warranted. *Id.*

¶ 56 A traffic stop is considered more analogous to a temporary investigative seizure (*i.e.*, a temporary investigative seizure conducted pursuant to *Terry v. Ohio*, 392 U.S. 1 (1968)) than to a formal arrest. *People v. Maberry*, 2015 IL App (2d) 150341, ¶ 10. Concerning the permissible duration of a traffic stop, we have explained that:

“Although a police officer may stop and briefly detain a motorist when the officer has observed the motorist committing a traffic offense [citation], the traffic stop can become unlawful ‘if it is prolonged beyond the time reasonably required to satisfy its initial purpose’ [citation]. The United States Supreme Court has observed that ‘the tolerable duration of police inquiries in the traffic-stop context is determined by the seizure’s “mission”—to address the traffic violation that warranted the stop.’ *Rodriguez v. United States*, 575 U.S. [348, 354] (2015). According to the Court, ‘[a]uthority for the seizure thus ends when tasks tied to the traffic infraction are—or reasonably should have been—completed.’ [*Id.*]. In a routine traffic stop, the officer’s mission includes not only deciding whether to issue a ticket, but also activities such as ‘checking the driver’s license,

determining whether there are outstanding warrants against the driver, and inspecting the automobile's registration and proof of insurance.' [Citation.] Although an officer may also conduct checks unrelated to the traffic stop's mission, 'he may not do so in a way that prolongs the stop, absent the reasonable suspicion ordinarily demanded to justify detaining an individual.' ” *People v. Heritsch*, 2017 IL App (2d) 151157, ¶ 9.

Moreover, “[w]hile reasonableness requires diligence in completing a traffic stop, it does not require inhuman, machine-like efficiency, such that the traffic stop is completed as fast as possible, down to the second.” *People v. Drain*, 2023 IL App (4th) 210355, ¶ 48.

¶ 57 “In determining whether a traffic stop was an unreasonable seizure, a court must consider the following questions: (1) Was the initial traffic stop lawful? (2) Assuming the initial stop to be lawful, was the stop prolonged beyond the time necessary to complete the mission of the stop? (3) Assuming it was so prolonged, was the continued detention of the defendant supported by a reasonable suspicion?” *People v. Musgrave*, 2019 IL App (4th) 170106, ¶ 36. In determining whether a traffic stop was unreasonably prolonged courts must consider the totality of the circumstances, including the brevity of the stop, whether the police acted diligently, and the nature of the offense. *Id.* ¶ 41.

¶ 58 In the present case, the record supports the trial court's finding that the traffic stop was not unlawfully prolonged. The trial court stated that it carefully considered McNamara's testimony, including both the direct and cross-examinations, as well as the video evidence. The trial court found that, after stopping defendant, McNamara promptly requested a supervisor at defendant's request; that the supervisor arrived within approximately three or four minutes; that McNamara continued performing tasks associated with the traffic stop, including checking information concerning defendant and the location of the stop, obtaining defendant's address, and preparing

the multiple citations; and that McNamara was still writing the citations when he learned that the canine had given a positive alert. The trial court also noted that it was unrebutted that McNamara had to enter the information for every ticket separately. The trial court expressly found that McNamara “acted reasonably” and “as quickly as [he] possibly could.” Based on our review of the record, we cannot say that this determination was against the manifest weight of the evidence or that the trial court erred in denying the motion to suppress.

¶ 59 Defendant argues that the stop was unreasonably prolonged because McNamara spent time attempting to locate a canine unit. Although a canine sniff during a traffic stop does not inherently violate the Fourth Amendment, as it is not an ordinary incident of a traffic stop, it must be conducted in a manner that does not prolong the stop. *Heritsch*, 2017 IL App (2d) 151157, ¶ 10. Accordingly, to prevail on his argument, defendant must show that McNamara would have completed and issued the citations before the canine alerted positive on defendant’s vehicle. See *Drain*, 2023 IL App (4th) 210355, ¶ 45.

¶ 60 Here, it is undisputed that McNamara initially called for a canine unit prior to initiating the traffic stop. The video evidence shows that after taking defendant’s license, McNamara called dispatch to confirm that it was looking for a canine unit while walking back to his squad car. Once inside, McNamara called Brown on his cell phone but then went back to typing on his computer while speaking with Brown about his canine. Brown stated that he would start getting ready but that McNamara should contact another canine officer. When Sergeant Cox arrived, McNamara asked Cox to check on the other canine unit while McNamara spoke with defendant. When Cox indicated the other canine was not available, McNamara called Brown on his cell phone while walking back to his squad car and exclusively spoke with Brown for about 20 seconds, but any other time spent speaking with Brown was done while McNamara was also typing on his computer.

Defendant's assertion that McNamara spent over three minutes exclusively conducting activities to secure the canine is not supported by the video. Based on the facts in this case, the amount of time McNamara spent securing a canine unit did not measurably extend the stop, as McNamara had multiple tickets to write and the trial court found that, in doing so, he acted quickly and reasonably. As the trial court's factual findings are not against the manifest weight of the evidence, the record does not support the conclusion that, absent the time McNamara spent looking for a canine unit, he would have completed the traffic stop prior to the positive canine alert.

¶ 61 Defendant also argues that the stop was impermissibly prolonged because the officer spent time investigating a possible trespass, which was unrelated to the mission of the traffic stop. We disagree. An officer may conduct investigations unrelated to the traffic stop if the officer has reasonable suspicion of criminal activity sufficient to justify the additional detention. *Rodriguez*, 575 U.S. at 355, 357; *Musgrave*, 2019 IL App (4th) 170106, ¶ 36. Thus, the relevant inquiry is whether the officer had reasonable suspicion to investigate the possible trespass and, if so, whether that suspicion justified the additional detention. Reasonable suspicion exists when specific and articulable facts, together with rational inferences from those facts, provide an objective basis for suspecting that criminal activity is afoot. *Terry*, 392 U.S. at 21.

¶ 62 Here, at the outset of the stop, McNamara was investigating a possible trespass. He testified that he first observed defendant in the parking lot of a strip mall containing a J.J. Peppers store and a Cricket Wireless store. McNamara further testified that it was standard practice of the Elgin police department that, when a person was banned from one store in a strip mall, the person was also banned from the entire strip mall. Consistent with that testimony, McNamara stated to Cox, as reflected on the video, that he believed defendant was banned from Cricket Wireless and, consequently, from the entire premises. The trial court found McNamara's testimony credible.

Based on these circumstances, McNamara had reasonable suspicion that defendant was trespassing and was therefore permitted to investigate that possible offense.

¶ 63 Defendant argues that McNamara's belief that defendant was banned from the entire premises amounted to nothing more than a hunch because McNamara failed to articulate specific facts establishing why he believed defendant was subject to the ban. We disagree. McNamara testified that it was standard practice to ban an individual from the entire premises when the individual was banned from one of the businesses located there. Nothing in the record established that McNamara's understanding was unreasonable. Although the burden shifted to the State to present evidence rebutting defendant's *prima facie* showing that the stop was unreasonably prolonged, the ultimate burden of proof at the suppression hearing remained with defendant. *People v. Hagestadt*, 2025 IL 130286, ¶ 15. At the suppression hearing, defendant did not question McNamara about the basis for his understanding of the ban or elicit testimony undermining his explanation of the standard practice. We reject defendant's argument that Cox's instruction that McNamara should check the ban notice established that McNamara's understanding of the ban was unreasonable. Rather, the instruction simply directed McNamara to confirm the scope of the ban. The trial court found McNamara's testimony regarding the standard practice credible, and we find no basis in the record to disturb that factual finding. Accordingly, because McNamara possessed independent reasonable suspicion of trespass before the traffic stop, he could investigate the trespass concurrently with the traffic-stop mission and, if necessary, prolong the detention to investigate that offense. *Musgrave*, 2019 IL App (4th) 170106, ¶ 36.

¶ 64 Defendant next argues that McNamara prolonged the stop by conducting unrelated searches on Google Maps. Defendant acknowledges that McNamara's initial search for defendant's updated address was related to the stop. He argues, however, that McNamara

prolonged the stop when he returned to the map about two minutes later to view the “street view.” Defendant also argues that the stop was prolonged when McNamara displayed an image that appeared to show the Elgin Mental Hospital, which defendant asserts was nowhere near the intersection where McNamara observed the traffic violations.

¶ 65 The evidence, however, supports the trial court’s finding that McNamara’s use of Google Maps was related to the stop. At the suppression hearing, McNamara testified that he used Google Maps to confirm that defendant’s updated address was valid and to verify cross streets near the locations of the offenses. He testified that this information was necessary to complete the traffic citations. Although defendant argues that the hospital was nowhere near the location where the traffic violations occurred, the video shows that McNamara zoomed out to display a larger area north of the hospital, which could have included the relevant intersection. The trial court was responsible for resolving conflicts in the testimony and evidence (*People v. Gallardo*, 2024 IL App (2d) 230289, ¶ 24), and it credited McNamara’s testimony that his use of Google Maps was necessary to complete the citations. Because McNamara’s computer screen, as captured by his body-camera video, is only partially visible, the video does not conclusively contradict that testimony. Accordingly, we cannot say that the trial court’s finding was against the manifest weight of the evidence.

¶ 66 Finally, defendant argues that McNamara was not diligent in completing the traffic citations. He notes that, by the time of the canine’s positive alert, McNamara had not issued any citations and that the only ticket issued was handwritten after the fact. The fact that the traffic citations were not completed at the scene, however, does not establish that McNamara unlawfully prolonged the stop. “[A]n officer need not charge the person with the offense for which the person was originally stopped, and may decide not to charge a defendant with a minor violation after a

more serious one is discovered.” *People v. Miller*, 242 Ill. App. 3d 423, 435 (1993). Accordingly, once the canine alerted to the presence of drugs, McNamara was no longer required to complete or issue the traffic citations, as defendant was then being investigated and ultimately charged with more serious offenses. *Id.*

¶ 67 More importantly, the evidence established that, before the canine alert, McNamara had to retype the information for each citation and, after determining that no trespass had occurred, still had five citations to prepare. Although an officer must act diligently, “inhuman, machine-like efficiency is not required.” *Drain*, 2023 IL App (4th) 210355, ¶ 48. Defendant cites numerous cases addressing the time required to complete a traffic stop, but none involved the combination of circumstances present here, including time spent calling for a supervisor, investigating a possible trespass, verifying defendant’s address, and preparing five citations. Moreover, defendant “could have introduced evidence to show how long it would have taken the officers to complete the stop’s mission by preparing and delivering a ticket or a warning,” but failed to do so. *People v. McKelvy*, 2019 IL App (2d) 180630, ¶ 24. Thus, the evidence presented at the suppression hearing did not establish how much time would have been reasonable to process the citations. The trial court heard the testimony, considered the evidence, and determined that McNamara acted quickly and reasonably. Based on the record before us, we cannot say that this determination was against the manifest weight of the evidence. Accordingly, we conclude that the trial court did not err in denying defendant’s motion to suppress.

¶ 68 Alternatively, defendant contends that the trial court erred in denying his motion to suppress because, after finding that defendant had made a *prima facie* showing that the stop was unlawfully prolonged and shifting the burden to the State, the State presented no additional evidence. We reject this contention. Contrary to defendant’s assertion in his appellate brief,

People v. Williams, 16 Ill. App. 3d 440 (1973), does not hold that the State must present a witness beyond the testimony elicited on cross-examination to rebut a *prima facie* showing. Rather, *Williams* concluded that the State failed to meet its burden because the officer's cross-examination testimony was inconsistent and did not establish the informant's reliability. *Id.* at 443-44.

¶ 69 The most instructive authority is *People v. Davis*, 2019 IL App (1st) 181492. In that case, the defendant called two police officers as witnesses during his case at a suppression hearing. *Id.* ¶ 18. After the trial court denied the State's motion for a directed finding, thereby confirming that the defendant had made a *prima facie* case, the State announced that it had no witnesses and rested, relying solely on its cross-examination of the officers during the defendant's case. *Id.* ¶¶ 21-22. The *Davis* court affirmed the trial court's order granting the defendant's motion to suppress, not because the State's reliance on cross-examination was improper, but because the evidence elicited on cross-examination did not rebut the defendant's *prima facie* case. *Id.* ¶ 22. In denying rehearing, the court emphasized that "the State could have elicited sufficient evidence by cross examining the officers" and cited an example from the same hearing in which cross-examination established a relevant fact. *Id.* ¶ 30. *Davis* thus confirms that the State may meet its burden through cross-examination during defendant's case, but it must elicit affirmative facts sufficient to counter defendant's *prima facie* showing.

¶ 70 Here, as in *Davis*, after the trial court found that defendant had made a *prima facie* showing and the burden shifted, the State chose not to call additional witnesses and instead relied on the testimony already in the record, namely, its cross-examination of McNamara and the video evidence. The trial court properly considered the entire evidentiary record, including McNamara's direct and cross-examination testimony and the video, in resolving the motion. Ultimately deciding to credit McNamara's testimony, the trial court concluded that he acted reasonably and

that the stop was not unduly prolonged. On this record, the State presented sufficient evidence to rebut defendant's *prima facie* showing and provided a sufficient basis for the trial court's findings and ultimate denial of the motion to suppress.

¶ 71

B. Other-Crimes Evidence

¶ 72 Defendant next contends that the trial court erred in admitting the phone extraction evidence and relying on it to find that he possessed the cocaine with intent to deliver. Defendant argues that this evidence was only relevant to establish that he previously dealt drugs and thus depended on an impermissible propensity inference that, because he was a drug dealer, he intended to deliver the cocaine found in his possession on the day of his arrest. Defendant further argues that the trial court failed to conduct the analysis required by *People v. Smart*, 2025 IL 130127, and, in particular, failed to balance the evidence's probative value against its prejudicial effect.

¶ 73 A trial court's ruling on the admissibility of other crimes evidence is reviewed for an abuse of discretion. *People v. Pikes*, 2013 IL 115171, ¶ 12. Evidence of other crimes or bad acts may not be admitted to establish a defendant's propensity to commit crime, but may be admitted for a permissible purpose, including to establish knowledge and intent. Ill. R. Evid. 404(b) (eff. Jan. 1, 2011). In *Smart*, decided several months after the trial court ruled on the State's motion *in limine* allowing the extraction evidence, our supreme court clarified the analysis applicable to other-acts evidence offered to prove intent. Pursuant to *Smart*, a trial court must first determine whether the evidence is relevant for a purpose other than propensity; second, whether the evidence advances that purpose through a propensity-free chain of reasoning; and third, whether its probative value is substantially outweighed by the danger of unfair prejudice. *Smart*, 2025 IL 130127, ¶¶ 67-70. Accordingly, under *Smart*, evidence of other acts may be admitted to prove knowledge or intent when the State demonstrates that the evidence is relevant without relying on a propensity inference

and the risk of unfair prejudice does not outweigh the probative value of the evidence. *Id.* ¶¶ 72, 108.

¶ 74 Defendant applies each of the *Smart* factors to argue that the trial court’s ruling allowing the extraction evidence was erroneous, specifically noting that the trial court never explicitly weighed the probative value of the evidence against its potential for unfair prejudice. Although the trial court did not have the benefit of *Smart* when it ruled on the motion *in limine*, and thus did not apply the framework *Smart* later articulated, we may affirm on any basis supported by the record. *People v. Stroup*, 397 Ill. App. 3d 271, 275 (2010). As explained below, not all the extraction evidence constituted other-crimes evidence and, even assuming that the remaining challenged evidence did not satisfy one of the *Smart* factors, any error in admitting that evidence was harmless.

¶ 75 Here, not all of the communications extracted from defendant’s phone constituted other-acts evidence. The June 15 text message and telephone calls between defendant and Chris were not evidence of other crimes. Chris sent defendant a text message asking whether he was “around,” which was followed by multiple telephone calls between defendant and Chris and, shortly thereafter, defendant had a brief encounter with an individual at a restaurant. Those communications concerned events occurring immediately before defendant’s arrest and were relevant to the circumstances surrounding defendant’s possession of the cocaine. Their admission therefore did not depend on establishing that defendant had committed an unrelated prior drug offense.

¶ 76 The admissibility of the other phone extraction evidence presents a closer question. However, we need not decide the issue because, even assuming that the photographs and the historical text-message exchanges constituted other-acts evidence that should have been excluded

under *Smart*, any error was harmless. The erroneous admission of other-crimes evidence is subject to harmless-error review. *Smart*, 2025 IL 130127, ¶¶ 87-94. In a bench trial, an error in the admission of evidence is reversible only where there is a reasonable probability that the trial court would have acquitted the defendant had it excluded the erroneously admitted evidence. *Id.* ¶ 93. We must presume “that the trial court considered only admissible evidence and disregarded inadmissible evidence” unless “the record affirmatively shows the contrary.” (Internal quotation marks omitted.) *Id.* ¶ 94. The record must support an inference that the trial court relied on the inadmissible evidence. *Id.* ¶ 100. In *Smart*, our supreme court found that the presumption was not rebutted where the erroneous admission of other misconduct was “not a material factor in the [trial] court’s decision.” *Id.* ¶ 106; see *People v. Sanders*, 2021 IL App (5th) 180339, ¶ 67 (an evidentiary error is harmless if the evidence overwhelmingly supports the conviction or there is no reasonable probability the error contributed to the verdict).

¶ 77 Here, the record does not demonstrate that the challenged extraction evidence was necessary to the trial court’s finding of intent to deliver. In explaining its ruling, the trial court identified the manner in which the cocaine was packaged, the absence of paraphernalia associated with personal use, defendant’s possession of additional plastic bags, the weapon found in his possession, the June 15 communications and calls involving Chris, and the brief restaurant encounter immediately thereafter. Those circumstances were established by evidence independent of the challenged extraction evidence. The June 15 communications were not evidence of other crimes, and the restaurant encounter provided additional circumstantial evidence concerning defendant’s possession of the cocaine and intent to deliver. While Converse had considered all the phone evidence, he testified that the sequence of events on the June 15 surveillance video was consistent with a drug transaction based on the short encounter, the parties’ entering a restaurant,

and their leaving a few minutes later in separate directions. The trial court was entitled to consider that testimony and the underlying events, and, importantly, that evidence was independent of any of the alleged inadmissible extraction evidence. The trial court therefore had substantial evidence from which to conclude that the cocaine was packaged for resale rather than personal use and that defendant possessed it with intent to deliver.

¶ 78 We acknowledge the trial court's statements in its ruling that referenced "large sums of cash" and "a money counter" depicted in the phone evidence. But in making those statements, the trial court expressly recognized that there were lawful reasons to possess both and treated them as additional circumstances to consider as part of the totality of the evidence rather than as evidence that defendant was a drug dealer and therefore likely intended to deliver the cocaine. Thus, although the trial court considered those circumstances, the record does not demonstrate that it relied on them for the prohibited propensity purpose. Moreover, those circumstances were cumulative of substantial other evidence supporting the finding of intent to deliver. The record therefore does not establish that the cash and money-counter evidence was a material factor in the trial court's decision or that there is a reasonable probability that excluding that evidence would have changed the result.

¶ 79 The trial court also made reference to "all the text messages which have coded language." Defendant does not challenge the trial court's consideration of the phone extraction evidence to establish knowing possession. See *People v. Cole*, 29 Ill. 2d 501, 503 (1963) (prior participation in drug sales has long been held relevant to the question of knowing possession). Rather, defendant's argument concerns their use, if any, to establish intent to deliver through an impermissible propensity inference. In finding defendant guilty, the trial court expressly stated that it was not considering the phone records to show propensity but considered that they showed

defendant's "knowledge as to what is going on" in drug dealing. Thus, the trial court's reference to the coded language does not affirmatively demonstrate that it relied on the historical communications for the prohibited purpose of inferring that defendant intended to deliver cocaine because he had previously dealt drugs, rather than for the purpose of establishing knowing possession. The record therefore does not rebut the presumption that the trial court considered only admissible evidence in finding intent to deliver. Moreover, as noted, the substantial independent evidence supporting the finding of intent establishes that there is no reasonable probability defendant would have obtained a different result absent any evidentiary error.

¶ 80 Defendant further argues that the trial court's statements at sentencing demonstrate that it relied on the extraction evidence for the prohibited propensity purpose. Specifically, the trial court stated that, based on the video and text messages from defendant's phone, defendant had been "a drug dealer for quite some time" and that "we are not going to tolerate people selling drugs." However, these comments do not affirmatively demonstrate that the trial court employed a propensity inference in finding defendant guilty.

¶ 81 The challenged comments were made after the trial court had already found defendant guilty and in the context of assessing the seriousness of defendant's conduct for sentencing purposes. The comments may demonstrate that the trial court regarded the phone evidence as relevant to its assessment of defendant's conduct at sentencing, but they do not establish that the trial court found defendant guilty because he was a drug dealer or that it inferred his intent to deliver the charged cocaine from that purported character trait. At the guilt stage, the trial court specifically stated that it was not considering the challenged evidence for propensity purposes. Nothing in the sentencing remarks affirmatively demonstrates that the trial court abandoned that limitation when determining guilt.

¶ 82 Accordingly, the record does not establish a reasonable probability that exclusion of the challenged evidence would have changed the result. Although the phone extraction evidence was before the trial court, the record does not demonstrate that the challenged evidence was a material factor in the trial court's finding of intent. The trial court's finding rested on the totality of the circumstances, including the manner in which the cocaine was packaged, the absence of personal-use paraphernalia, the additional packaging materials, the firearm, and the contemporaneous June 15 communications, calls, and surveillance. Thus, even assuming that some of the challenged evidence should have been excluded, any error was harmless.

¶ 83 C. *Krankel* Inquiry

¶ 84 Defendant's final contention on appeal is that the trial court failed to conduct a *Krankel* inquiry and instead conducted a full *Krankel* hearing without appointing counsel to represent defendant at the hearing. Defendant argues that if his conviction is not reversed or the case is not remanded for a new suppression hearing, the case should be remanded for a new *Krankel* hearing with appointed counsel.

¶ 85 Whether the trial court properly conducted a preliminary *Krankel* inquiry presents a legal question that we review *de novo*. *People v. Roddis*, 2020 IL 124352, ¶ 33. When a defendant brings a *pro se* posttrial claim that trial counsel was ineffective, *Krankel* requires the trial court to inquire into the factual basis of the claim and, under certain circumstances, to appoint new counsel to argue the claim. *People v. Ayres*, 2017 IL 120071, ¶ 11; *People v. Remsik-Miller*, 2012 IL App (2d) 100921, ¶ 9. New counsel is not automatically appointed in every case when a defendant presents a *pro se* posttrial claim alleging ineffective assistance of counsel. *People v. Moore*, 207 Ill. 2d 68, 77 (2003). Rather, the trial court should first examine the factual basis of the defendant's claim. *Id.* at 77-78. If the trial court determines that the claim lacks merit or pertains only to

matters of trial strategy, then the court may deny the *pro se* motion. *Id.* at 78. However, if the allegations show possible neglect of the case, new counsel should be appointed. *Id.* If a trial court “fails to conduct the necessary preliminary [inquiry] as to the factual basis of the defendant’s allegations, the case must be remanded for the limited purpose of allowing the court to do so.” *Remsik-Miller*, 2012 IL App (2d) 100921, ¶ 9.

¶ 86 As stated by our supreme court:

“The operative concern for the reviewing court is whether the trial court conducted an adequate inquiry into the defendant’s *pro se* allegations of ineffective assistance of counsel. [Citation.] During this evaluation, 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. Trial counsel may simply answer questions and explain the facts and circumstances surrounding the defendant’s allegations. [Citations.] A brief discussion between the trial court and the defendant may be sufficient. [Citation.] Also, the trial court can 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. [Citations].” *People v. Moore*, 207 Ill. 2d 68, 78-79 (2003).

A preliminary *Krankel* inquiry should operate as a neutral and nonadversarial proceeding, and because a defendant is not appointed new counsel, the State’s participation at the hearing should be *de minimus*. *People v. Jolly*, 2014 IL 117142, ¶ 38. “[T]he State should never be permitted to take an adversarial role against a *pro se* defendant at the preliminary *Krankel* inquiry.” *Id.*

¶ 87 In the present case, defendant argues that the trial court erred because it never conducted a proper *Krankel* inquiry and instead granted a *Krankel* hearing and allowed defendant to proceed *pro se* rather than with appointed counsel. Although the trial court referred to the proceeding as a “*Krankel* hearing” and asked defendant whether he wanted to proceed *pro se* or have counsel appointed, the substance of the proceeding demonstrates that the trial court conducted a preliminary *Krankel* inquiry. When setting the date for the “hearing,” the trial court specifically stated that the State could not “participate in any way, shape or form.” At the hearing four days later, the trial court allowed defendant to address all of his claims of ineffective assistance of counsel, defense counsel answered the trial court’s questions and explained the facts and circumstances surrounding defendant’s allegations, and the State did not participate. The trial court then stated that, based on the matters raised by defendant, defense counsel’s responses, and the court’s familiarity with the case, counsel was not ineffective. The trial court ultimately stated that the “*Krankel* hearing and the motion for ineffective assistance of counsel will be respectfully denied.” Notwithstanding the trial court’s use of the term “hearing,” the record thus demonstrates that the court conducted a preliminary *Krankel* inquiry within the framework dictated by *Moore* and determined that defendant’s claims lacked merit. Because the trial court determined that defendant’s claims lacked merit, defendant was not entitled to appointment of counsel or a full *Krankel* hearing, and we therefore need not address his assertion that he did not properly waive counsel.

¶ 88 III. CONCLUSION

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

¶ 90 Affirmed.