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2026 IL App (3d) 250312-U

Order filed November 24, 2026

IN THE

APPELLATE COURT OF ILLINOIS

THIRD DISTRICT

2026

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Circuit Court
	)	of the 21st Judicial Circuit,
	)	Kankakee County, Illinois,
Plaintiff-Appellee,	)	
	)	Appeal No. 3-25-0312
v.	)	Circuit No. 17-CF-60
	)	
JAMES E. BEALS,	)	Honorable
	)	Kathy S. Bradshaw Elliott,
Defendant-Appellant.	)	Judge, Presiding.

JUSTICE PETERSON delivered the judgment of the court.
Justices Davenport and Anderson concurred in the judgment.

ORDER

¶ 1 *Held*: The court did not err by dismissing defendant's postconviction petition at the first stage.

¶ 2 Defendant, James E. Beals, appeals the Kankakee County circuit court's order dismissing his postconviction petition at the first stage. He argues that his claims of ineffective assistance of appellate counsel for not arguing on appeal (1) that the State's evidence at trial was insufficient and (2) that trial counsel was ineffective for failing to pursue the claim that the jury was not

drawn from a fair cross section of the community and failing to strike a juror who was married to a news reporter, were not frivolous or patently without merit. We affirm.

¶ 3 I. BACKGROUND

¶ 4 The facts of this case were set forth in detail in this court's order from defendant's direct appeal (*People v. Beals*, 2023 IL App (3d) 210166-U) and will not be set forth herein except as they relate to the specific issues on appeal. Defendant was charged with two counts of first degree murder (720 ILCS 5/9-1(a)(1), (2) (West 2016)) in relation to the shooting death of Ralph Ledet. The matter proceeded to a jury trial. Both sides accepted juror Bonty during jury selection. After she was selected, Bonty advised the court that her husband was a news reporter who was present in the courtroom. The court stated that they were "aware of that." Defense counsel also stated that they were "aware of that." The court stated that it assumed Bonty's husband was aware he could not ask her anything about the case. The court also advised juror Bonty that the law prohibited her from discussing the case. The court stated, "they made knowing decisions *** knowing that." After jury selection was complete, the court asked juror Bonty's husband if he was writing about the case. He responded, "Today? This week? Yes."

¶ 5 Following jury selection, defense counsel objected to the make-up of the jury venire and argued it did not fairly represent the community. Defense counsel provided statistics as to the number of black and Hispanic individuals in the community based upon the census and argued that these groups were not adequately represented in the 45-person jury venire. The court then noted a three-part test to determine whether there was a violation of the fair cross-section requirement. The court found that there was a distinctive group. Additionally, the court found that based upon the fact that there were 15.1 percent black people in the community, there should have been approximately 6.7 black individuals in the 45-person jury venire. However, there were

only 4.[1] The court found that this representation was not fair and reasonable in relation to the number of black individuals in the community. As to the third factor, whether the underrepresentation was due to the systematic exclusion of the group in the jury selection process, the court noted that counsel would need to call the jury commissioner. The court noted that it believed jury selection was a random process based upon other hearings on the subject before the court. The court also stated that systematic exclusion was difficult to prove, and the court had not previously seen it done. The court stated that the jury commissioner was downstairs and questioned whether counsel wanted the court to attempt to reach the jury commissioner. Defense counsel declined. The court found that the defense had not shown *prima facie* evidence that black individuals were systematically excluded from the jury selection process.

¶ 6 Following trial, defendant was found guilty on both counts. The court merged the counts and sentenced defendant to 55 years' imprisonment. Defendant appealed. On direct appeal, defendant argued that the trial court committed plain error by failing to ask each juror whether they understood and accepted the Illinois Supreme Court Rule 431(b) (eff. July 1, 2012) principles and that the State committed prosecutorial misconduct. See *People v. Beals*, 2023 IL App (3d) 210166-U, ¶ 2. While addressing the closeness of the evidence during the analysis of defendant's plain error claim, this court stated:

> "The State's case predominantly derived from Witoski's testimony. Witoski testified he saw defendant shoot and kill Ledet. Witoski's versions did not directly contradict one another, instead, he added information previously omitted. Witoski's

[1]The defense also argued that the 45-person venire should have had approximately 4.5 Hispanic individuals but only had 2. However, the court did not make any findings in this regard.

> testimony regarding the timeline and defendant's associates the night of the murder was corroborated by Williams, who saw defendant and Witoski with Ledet the night of the murder but did not see Ledet with them the next morning. Witoski's prior criminal history, varying accounts of the timeline of events, and drug use did not make his testimony so incredible as to create closely balanced facts. Instead, we find that once Witoski informed police about the murder, his version regarding how the murder occurred remained consistent, including where he was, who he was with, how many gunshots he heard, and what defendant did with Ledet after the shooting. Moreover, the physical and forensic evidence supported Witoski's version where a cattle gate had been cut a short distance away from where Ledet was killed, and Ledet died from two gunshot wounds to his head that were fired within two feet. Additionally, the rare POF bullets found at the scene and at defendant's residence, in combination with Williams's testimony that he observed defendant with a firearm labeled "Millennial" the night of the murder, similar to the empty firearm box belonging to a "Millennium" firearm discovered at defendant's residence, provides further circumstantial evidence of defendant's guilt. The evidence presented in this case was not close." *Id.* ¶ 35.

This court affirmed on direct appeal. *Id.* ¶ 55.

¶ 7 Defendant filed, as a self-represented litigant, a postconviction petition. In his petition he alleged that he received ineffective assistance of trial counsel "because counsel failed to contact the jury coordinator as suggested by the presiding judge multiple times after it was determine[d] by the judge that a distinctive group in the community was excluded from the jury panel, and that the representation of that group in venires from which the juries were selected was unfair and unreasonable in the [*sic*] relation to the groups number in the community." Defendant did not

allege any facts regarding prejudice or summarily state he was prejudiced by counsel's failures. Defendant also alleged that he received ineffective assistance of trial counsel because counsel failed to conduct *voir dire* after a prospective juror, Bonty, announced that her husband was a news reporter in the courtroom covering the trial. Defendant noted that Bonty's husband was allowed to remain in the courtroom while inadmissible evidence was discussed during side bars, while motions *in limine* were discussed, and that defendant's pending possession of a firearm charge was mentioned several times outside the presence of the jury but in the presence of Bonty's husband. Defendant alleged that counsel's failure to strike Bonty prejudiced him. Defendant's petition also alleged ineffective assistance of appellate counsel for failure to raise a claim that the evidence was insufficient and to raise claims of ineffective assistance of trial counsel. Defendant did not attach any supporting documentation.

¶ 8 The court dismissed the postconviction petition at the first stage as frivolous and patently without merit. Defendant filed a motion for reconsideration. In the motion and supporting affidavit, defendant alleged that he did not attach supporting documentation to his petition based upon the advice of a fellow inmate he characterized as a jailhouse lawyer. Defendant attached some supporting documentation, which, as relevant to this appeal, largely consisted of transcripts and other parts of the record related to jury selection. Defendant sought to have the court consider that supporting documentation. Defendant also set forth more detail regarding his claims. The court denied the motion. Defendant appeals.

¶ 9 II. ANALYSIS

¶ 10 Defendant argues that the court erred by dismissing his petition at the first stage. He argues that appellate counsel was arguably ineffective because he failed to seek reversal of defendant's conviction based upon a claim of insufficient evidence. Defendant also argues that

appellate counsel was arguably ineffective for failing to argue that trial counsel was ineffective for failing to pursue the claim that the jury was not drawn from a fair cross section of the community and failing to strike a juror who was married to a news reporter covering the trial.

¶ 11 The Post-Conviction Hearing Act (725 ILCS 5/122-1 *et seq.* (West 2024)) provides a process for a criminal defendant to assert that his conviction resulted from a substantial denial of his rights under the United States Constitution, the Illinois Constitution, or both. *People v. Hodges*, 234 Ill. 2d 1, 9 (2009). At the first stage, defendant need only state the "gist" of a constitutional claim. *Id.* The circuit court may summarily dismiss the petition at the first stage of proceedings if it is frivolous or patently without merit, such that it "has no arguable basis either in law or in fact." *Id.* at 16. But the petition must "clearly set forth the respects in which petitioner's constitutional rights were violated." 725 ILCS 5/122-2 (West 2024). "The petition shall have attached thereto affidavits, records, or other evidence supporting its allegations or shall state why the same are not attached." *Id.*

¶ 12 While defendant need only include a limited amount of detail, that "does not mean that a *pro se* petitioner is excused from providing any factual detail at all surrounding the alleged constitutional deprivation." *People v. Delton*, 227 Ill. 2d 247, 254 (2008).

> "Thus, while a *pro se* petition is not expected to set forth a complete and detailed factual recitation, it must set forth some facts which can be corroborated and are objective in nature or contain some explanation as to why those facts are absent. As a result, the failure to either attach the necessary ' "affidavits, records, or other evidence" or explain their absence is "fatal" to a post-conviction petition [citation] and by itself justifies the petition's summary dismissal.' " *Id.* at 254-55 (quoting *People v. Collins*, 202 Ill. 2d 59, 66 (2002)).

Additionally, "the affidavits and exhibits which accompany a petition must identify with reasonable certainty the sources, character, and availability of the alleged evidence supporting the petition's allegations." *Id.* at 254. "[T]o succeed on a claim that appellate counsel rendered ineffective assistance by failing to argue an issue on appeal, a defendant must specifically establish that appellate counsel's failure to raise that issue was objectively unreasonable and that appellate counsel's decision not to raise the issue prejudiced defendant." *People v. Peeples*, 205 Ill. 2d 480, 513 (2002). "[I]f the underlying issue is not meritorious, defendant has suffered no prejudice from counsel's failure to raise that issue on appeal. *Id.* at 514. Petitions alleging ineffective assistance of counsel may not be dismissed at the first stage "if (i) it is arguable that counsel's performance fell below an objective standard of reasonableness and (ii) it is arguable that the defendant was prejudiced." *Hodges*, 234 Ill. 2d at 17. The court's summary dismissal of a postconviction petition is reviewed *de novo*. *Id.* at 9.

¶ 13 When a defendant challenges the sufficiency of the evidence "it is not the function of this court to retry the defendant." *People v. Collins*, 106 Ill. 2d 237, 261 (1985). Instead, we must determine whether the evidence, viewed in the light most favorable to the State, would permit any rational trier of fact to find the elements of the offense proven beyond a reasonable doubt. *People v. Ross*, 229 Ill. 2d 255, 272 (2008). "This standard of review does not allow the reviewing court to substitute its judgment for that of the fact finder on questions involving the weight of the evidence or the credibility of the witnesses." *People v. Jackson*, 232 Ill. 2d 246, 280-81 (2009).

¶ 14 Here, it is not arguable that defendant suffered prejudice from appellate counsel's failure to raise a claim that the evidence was insufficient. In analyzing the closeness of the evidence to determine whether reversible plain error existed on direct appeal, this court set forth the evidence

against defendant. This evidence included Witoski's testimony that defendant shot Ledet, physical evidence that partially corroborated Witoski's testimony, rare POF bullets that were found at the scene and at defendant's residence, testimony that defendant was seen with a "Millennial" firearm the night of the murders, and an empty firearm box belonging to a "Millennium" firearm discovered at defendant's residence. This evidence is more than sufficient to allow a rational trier of fact to find defendant committed the murder. Thus, a challenge to the sufficiency of the evidence would have been unsuccessful and defendant's postconviction allegation that appellate counsel was ineffective for failing to make such challenge is meritless.

¶ 15 As to defendant's contentions that trial counsel was ineffective for not pursuing the claim that the jury was not drawn from a fair cross section of the community and for not striking juror Bonty, he completely failed to attach affidavits or any other evidence corroborating his allegations. The Act requires supporting documentation and our supreme court has determined that the failure to provide such documentation or explain its absence warrants summary dismissal. See *Delton*, 227 Ill. 2d at 255. In his motion for reconsideration, defendant attempted to explain his failure to initially provide such documentation by alleging that a jailhouse lawyer advised him that he did not need to attach any documentation. However, this excuse is insufficient as it does not explain why proper supporting documentation could not be attached and just states why he did not attach anything. Even if we were to consider the documentation attached to the motion to reconsider, such documentation was insufficient. As relevant to these claims, the documentation consisted of parts of the court record and news articles regarding Ledet's murder that did not include any information regarding the trial as they appear to have been disseminated shortly after the homicide. Additionally, the news articles did not contain any indication that they were written by Bonty's husband. The parts of the record that were attached

showed the discussion regarding the make-up of the jury and the court's offer to allow counsel to contact the jury commissioner, as well as the acknowledgement that juror Bonty's husband was a news reporter covering the trial. This documentation is simply insufficient to corroborate any conclusory claims of prejudice by defendant. See *id.* at 254-55 (stating that the petition must allege some facts which can be corroborated and are objective in nature and that the documentation "must identify with reasonable certainty the sources, character, and availability of the alleged evidence supporting the petition's allegations"). The included documentation did not include affidavits from the jury commissioner, juror Bonty, Bonty's husband, or anyone else to provide information that certain groups were systematically excluded from the jury pool or that juror Bonty improperly received information from her husband or discussed the matter with him.

¶ 16 Moreover, defendant did not even allege the jury was not drawn from a fair cross section of the community but instead only summarily alleged that counsel was ineffective for failing to follow-up with the jury commissioner. Notably, in his motion for reconsideration, defendant specifically stated that his "claim is not that there was a prima facie violation of the fair cross-section right that guaranteed to every defendant who choose a jury to decide their fate ***". If defendant is not even alleging such a violation, we certainly cannot say he has presented an arguable claim that he was prejudiced by counsel's failure to follow up with the jury commissioner. Additionally, defendant failed to allege that juror Bonty and her husband improperly discussed the trial or that she was apprised of any of the information her husband may have been privy to while in the courtroom at the times the jury was not. Thus, defendant's factual allegations are insufficient to establish arguable claims in this regard. See *id.* at 254 (stating that while only a limited amount of detail is required, it "does not mean that a *pro se* petitioner is excused from providing any factual detail at all surrounding the alleged

constitutional deprivation"). Based on the foregoing, we conclude that the court properly dismissed defendant's postconviction petition at the first stage.

¶ 17 III. CONCLUSION

¶ 18 The judgment of the circuit court of Kankakee County is affirmed.

¶ 19 Affirmed.