

FIRST DISTRICT,
SIXTH DIVISION
October 16, 2026

No. 1-24-1026

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

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County
	)	
v.	)	No. 22 CR 1112701
	)	
SAMUEL E. SAIN,	)	Honorable
	)	Patrick Coughlin,
Defendant-Appellant.	)	Judge Presiding.

PRESIDING JUSTICE GAMRATH delivered the judgment of the court.
Justices Pucinski and Hyman concurred in the judgment.

ORDER

¶ 1 *Held:* We affirm defendant's conviction for resisting or obstructing a peace officer where trial counsel was not ineffective and the trial court did not abuse its discretion in admitting photographs.

¶ 2 On August 27, 2022, Flossmoor police officers responded to a 9-1-1 call at the home of defendant Samuel E. Sain and J.D. After a prolonged encounter in which Sain threatened officers and retreated into an upstairs bedroom, officers attempted to arrest him. Sain refused commands,

struggled, and was tased twice before being taken into custody. A jury found him guilty of resisting or obstructing a peace officer (720 ILCS 5/31-1(a-7)), and he received a one-year prison sentence. On appeal, he argues that trial counsel was ineffective for eliciting prejudicial information on cross-examination or, alternatively, that the court erred in admitting photographs of J.D.'s injuries on redirect. We affirm.

¶ 3

I. BACKGROUND

¶ 4

Before trial, the court granted Sain's motion *in limine* barring references to alleged conduct toward J.D. or describing her as a "victim."

¶ 5

Sergeant Mark Cagle testified that he responded to a 9-1-1 call at the home of Sain and J.D. the evening of August 27, 2022. He arrived to find Officer Levy speaking with J.D., who was shaking, sweating, and breathing heavily and had marks on her face. She reported firearms on the upstairs level of the house. When Cagle saw Sain inside, he motioned for him to come outside; Sain refused, walked upstairs, and told officers, "You f*****g safe out there, you come up here you're not safe." Officers followed him, spoke through a closed door, and eventually patted him down. When they attempted to handcuff him, Sain tensed, pulled away, and yelled. After repeated warnings, Cagle deployed his taser.

¶ 6

The tasing did not immediately subdue Sain. More officers arrived to assist with the arrest, and police eventually wrestled Sain to the ground and handcuffed him. As they went to the ground, Cagle felt a "blunt force" pain in his left forearm when Sain's body landed on him. Cagle sustained minor scratches and bruising, and photographs of his injuries were admitted.

¶ 7

Even after being handcuffed, Sain continued resisting, wrapping his legs around officers as they attempted to move him and later kicking to prevent the squad car door from closing. After the officers repositioned Sain and closed the door, he began slamming his head against the window

of the car and yelling at the officers.

¶ 8 Levy's body-worn camera (BWC) video captured the encounter. The footage shows J.D. crying and shaking, officers calling Sain to come outside, Sain retreating upstairs, refusing commands, yelling at officers, and repeatedly resisting efforts to handcuff and transport him. Additional video from inside the squad car shows Sain yelling and banging his head against the glass divider.

¶ 9 On cross-examination, Cagle confirmed the call was a "domestic battery call" and that J.D. told officers she hit Sain. He acknowledged using his taser twice. He also testified that although Sain initially cooperated with the pat down, he did not feel safe transporting Sain based on the limited search. When defense counsel asked why he arrested Sain, Cagle explained it was based on the totality of circumstances, including prior domestic battery calls to the residence, J.D.'s report and visible injuries, and Sain's refusal to speak with officers and retreat into the house.

¶ 10 The State argued that defense counsel's questioning about the nature of the call and the basis for arrest opened the door to further testimony about J.D.'s injuries and statements. The court agreed, finding counsel's questions invited clarification of why officers arrested Sain. Over objection, the court allowed the State to introduce photographs of J.D.'s injuries on redirect, noting they were admitted solely to explain the officers' actions.

¶ 11 On redirect, Cagle testified that he arrested Sain based in part on J.D.'s statements and his observations of her injuries. He identified photographs showing swelling, bruising, and red marks. The court instructed the jury that this evidence was admitted only to explain the basis for the arrest and that Sain was not charged with battery or domestic battery. The court emphasized, "You are being asked only to decide on the resisting as I will explain further at the end of the trial. So I wanted to make clear the reason and the limitation why this evidence was being allowed into

evidence before you.”

¶ 12 Sain testified that J.D. hit him during an argument and that he pushed her away. He said he did not come outside because he was distraught and wanted to put things away. He acknowledged refusing commands but attributed his conduct to being distraught and feeling emasculated by being attacked by J.D. and unable to defend himself. He maintained that any injuries to J.D. resulted from him defending himself and that he was the victim, not her.

¶ 13 The jury found Sain guilty of resisting or obstructing a peace officer. Defense counsel filed a motion for new trial but indicated that they would amend it when they received the transcripts. At his next appearance, Sain indicated that he wanted to proceed *pro se*, his trial counsel withdrew, and the court gave him a date to procure a new attorney. Thereafter, Sain filed numerous *pro se* motions, including a motion for acquittal and dismissal alleging perjury by Cagle. The court denied the motions and sentenced Sain to one year imprisonment. Sain appeals.

¶ 14 II. ANALYSIS

¶ 15 A. Ineffective Assistance of Counsel

¶ 16 Sain first argues that trial counsel was ineffective for eliciting testimony about the domestic dispute, thereby opening the door to additional evidence regarding the interaction between Sain and J.D. The State responds that the claim is forfeited because Sain did not raise it in any posttrial motion. See *People v. Enoch*, 122 Ill. 2d 176, 186 (1988).

¶ 17 Although ineffective assistance claims typically do not require preservation when trial counsel would have had to allege his own ineffectiveness (see *People v. Keener*, 275 Ill. App. 3d 1, 5 (1995)), that rationale does not apply when a defendant proceeds with new counsel during posttrial proceedings. See *People v. Ramos*, 339 Ill. App. 3d 891, 900 (2003). The same rationale applies to a defendant electing to present his posttrial claims *pro se* where he faces no conflicts of

interest or other hurdles for presenting some semblance of an ineffective assistance claim. Because Sain filed multiple *pro se* posttrial motions without raising ineffective assistance, any such claims are forfeited. See *People v. Perry*, 224 Ill. 2d 312, 341 (2007) (defendant forfeited claims that were not included in his *pro se* posttrial motions and “[h]is failure to preserve an issue in one of his posttrial motions is not corrected by the efforts of the appellate defender to raise the issue before the appellate court.”).

¶ 18 The cases Sain cites are distinguishable. In each, the defendant raised at least one ineffective assistance claim in a posttrial motion, preserving the issue. Here, Sain raised none. Nevertheless, construing his argument generously, we review the claim under second-prong plain error (see *People v. Ayoubi*, 2020 IL App (1st) 180518, ¶ 75 (though defendant did not preserve his claim, he argued for review under the plain error doctrine)), which “overlaps” with ineffective assistance principles. *People v. Wood*, 2014 IL App (1st) 121408, ¶ 56 (noting that claims of ineffective assistance and the plain-error rule overlap because a successful claim of ineffective assistance would necessarily satisfy the second prong of plain error).

¶ 19 To prevail on a claim of ineffective assistance of counsel, Sain must show deficient performance and resulting prejudice. *Strickland v. Washington*, 466 U.S. 668, 687 (1984); *People v. Albanese*, 104 Ill. 2d 504, 526-27 (1984). Judicial review of counsel’s performance is highly deferential, and strategic decisions, including cross-examination, are generally immune from ineffective assistance claims unless objectively unreasonable. *People v. Bridges*, 2025 IL App (1st) 241180, ¶ 30; *People v. Pecoraro*, 175 Ill. 2d 294, 326-27 (1997). The right to counsel guarantees competence, not perfection. *People v. Easley*, 192 Ill. 2d 307, 344 (2000). “A reviewing court will not second-guess a counsel’s trial strategy simply because defendant was convicted.” *People v. Johnson*, 385 Ill. App. 3d 585, 602 (2008). The only exception to this general rule is when

“counsel’s trial strategy is so unsound that he entirely fails to conduct meaningful adversarial testing of the State’s case.” *Perry*, 224 Ill. 2d at 355.

¶ 20 Trial counsel’s performance in this case, while unsuccessful, was not unreasonable or unsound given the abundance of evidence against Sain and limited avenues of defense. The evidence of Sain’s guilt was overwhelming, and he does not challenge the sufficiency of the evidence. The BWC and squad car videos captured Sain’s threatening statements, refusal to comply, physical resistance, and erratic behavior. Officers remained calm, attempted de-escalation, and repeatedly warned Sain before deploying the taser. Given J.D.’s report of firearms upstairs, the trial court noted it was “surprising” officers did not treat the situation as a barricade scenario.

¶ 21 Faced with damaging video evidence, counsel attempted to (1) challenge Cagle’s credibility and suggest bias, and (2) contextualize Sain’s conduct as stemming from emotional distress after being struck by J.D. Counsel elicited that J.D. admitted hitting Sain, that Cagle did not witness the incident, and that Sain had visible blood on his shirt. Counsel also highlighted prior domestic calls to the residence and argued officers acted on preconceived notions. This strategy aligned with Sain’s testimony that he felt “distraught” and “emasculated,” cooperated with the pat down, and did not intend to threaten officers. Counsel emphasized Sain’s point of view in closing, arguing “So this is an individual in Samuel Sain, misguided though he may have been, gave you an explanation for each and every bit of his conduct.” While the jury did not ultimately credit Sain’s version of the interaction, it was not unreasonable for counsel to elicit testimony to explain Sain’s point of view, attempting to excuse or rationalize his conduct.

¶ 22 Citing *City of Champaign v. Torres*, 214 Ill. 2d 234, 242 (2005), Sain argues that trial counsel pursued an “indisputably fatal strategy” by attempting to show his arrest was unlawful

because an arrest by a peace officer is an “authorized act” even if unlawful. However, while the unlawfulness of an arrest is not a defense to resisting arrest, the surrounding circumstances remained relevant to Sain’s intent and Cagle’s credibility. Therefore, counsel’s questioning regarding the events leading to the arrest was not unreasonable.

¶ 23 Additionally, though Sain complains that counsel’s questioning elicited damaging testimony against him, the questions in fact focused on J.D.’s conduct toward Sain, not alleged conduct by Sain toward J.D. Counsel’s attempt to reframe the encounter was a reasonable strategic effort, albeit unsuccessful.

¶ 24 *People v. Moore*, 2012 IL App (1st) 100857, does not help Sain. There, counsel’s failure to object allowed highly prejudicial other-crimes evidence to reach the jury, and no strategic reason existed for counsel’s omissions. Here, counsel had clear strategic reasons for his questioning, the evidence against Sain was overwhelming, and the court instructed the jury to consider the domestic-violence evidence only for the limited purpose of explaining the officers’ actions. We presume jurors follow such instructions absent a showing to the contrary. *People v. Simms*, 192 Ill. 2d 348, 373 (2000). Sain has not made such a showing, nor has he shown deficient performance and prejudice.

¶ 25 B. Admission of Photographs

¶ 26 Sain next argues the trial court erred in admitting photographs of J.D.’s injuries, arguing their probative value was substantially outweighed by their prejudicial effect. Although Sain objected at trial to their admission, his posttrial motion merely asserted that “The Court erred when it overruled defense’s objections,” without identifying the photographs. Such a general allegation is insufficient to preserve the issue on appeal, rendering it forfeited for review. See *People v. Buckner*, 121 Ill. App. 3d 391, 396 (1984) (“Errors are not preserved by general allegations”);

People v. Caballero, 102 Ill. 2d 23, 31-32 (1984) (“Without a post-trial motion limiting the consideration to errors considered significant, the appeal is open-ended”).

¶ 27 Sain’s forfeited claim is not saved by the plain-error doctrine where he cannot show that an actual error occurred in admitting the evidence. See *People v. Hood*, 2016 IL 118581, ¶ 18 (“without error, there can be no plain error”). The admission of evidence is a matter within the sound discretion of a trial court, and its decision will not be reversed absent a showing of an abuse of that discretion. *People v. Becker*, 239 Ill. 2d 215, 234 (2010). An abuse of discretion occurs where the trial court’s decision is arbitrary, fanciful, or unreasonable or where no reasonable person would agree with the position adopted by the trial court. *Id.*

¶ 28 Photographs are admissible as evidence if they are “relevant to establish any fact in issue.” *People v. Lucas*, 132 Ill. 2d 399, 439 (1989). They should be excluded if their “probative value is substantially outweighed by the danger of unfair prejudice.” Ill. R. Evid. 403 (eff. Jan. 1, 2011).

¶ 29 The photos here showed red marks, swelling, and minor scratches. They were admitted only after defense counsel questioned the legitimacy of the arrest by suggesting J.D. was the aggressor and Sain was the victim. The court reasonably concluded the photos were relevant to explain the officers’ decision to arrest Sain and to rebut the defense’s theory. As in *People v. Degorski*, 2013 IL App (1st) 100580, ¶¶ 98–99, where we found that the trial court did not abuse its discretion in admitting a video from the State to rebut an impression the defense created during cross-examination of the State’s witness, the photographs of J.D. tended to make the officers’ account more probable.

¶ 30 Additionally, the photographs were not unfairly prejudicial. They depicted minor injuries, which were far less inflammatory than the gruesome images in the cases Sain cites. Further, the jury had already heard Cagle’s testimony that J.D. had marks on her face and had seen her briefly

on portions of the BWC video.

¶ 31 We reject Sain’s assertion that the photos were a “needless presentation of cumulative evidence.” See Ill. R. Evid. 403. Photographs are still admissible even when cumulative of other evidence, particularly when they assist the jury in understanding witness testimony. *People v. Himber*, 2020 IL App (1st) 162182, ¶ 44. Here, the photos clarified J.D.’s injuries not clearly visible on video and assisted the jury in understanding Cagle’s testimony. The State also referenced the photos of J.D. only during rebuttal closing, arguing that they undermined Sain’s credibility as a witness. Further, immediately after Cagle’s testimony about J.D.’s injuries and again following the close of evidence, the court instructed the jury on the limited purpose of the evidence to minimize any potential prejudice. Nothing suggests the jury disregarded those instructions.

¶ 32 Because the photographs were relevant, not unduly prejudicial, and admitted for a proper limited purpose, the trial court did not abuse its discretion. Without error, there can be no plain error and thus Sain’s claim fails.

¶ 33 III. CONCLUSION

¶ 34 We affirm the judgment of the circuit court of Cook County.

¶ 35 Affirmed.