

2026 IL App (2d) 250226-U
No. 2-25-0226
Order filed October 16, 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NOTICE: This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).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.

BARRY J. HACKLEMAN, Defendant-Appellant.

Appeal from the Circuit Court of Lake County.
Honorable Davis C. Lombardo, Judge, Presiding.
No. 24-CF-2065

JUSTICE JORGENSEN delivered the judgment of the court.
Presiding Justice Kennedy and Justice Birkett concurred in the judgment.

ORDER

¶ 1 *Held:* Defendant forfeited review of all 15 issues in his *pro se* appeal because he did not cogently argue them. Additionally, six issues were forfeited because he failed to include those issues in a posttrial motion. Of the claims addressed, discovery, witness, perjury, date-change, and leniency claims were all properly denied by the circuit court. Affirmed.

¶ 2 Following a jury trial, defendant, Barry J. Hackleman, was found guilty of eight counts of theft (720 ILCS 5/16-1(a)(1)(A), (a)(4)(A) (West 2024)), stemming from a law enforcement stop where stolen boat parts and accessories were recovered. Defendant was sentenced to seven and a half years of imprisonment. Defendant, *pro se*, appeals, raising 15 issues. Overall, he challenges the handling of witnesses and evidence, the court's requirement that his *pro se* actions be held to

the same standards as a lawyer, and the refusal to dismiss a juror who allegedly tainted the jury. We affirm.

¶ 3

I. BACKGROUND

¶ 4

A. Pretrial Proceedings

¶ 5 On October 4, 2024, defendant was charged with two counts (counts I and II, respectively) for theft of property with a value between \$300 and \$10,000 (*id.* § 5/16-1(a)(4) (Class 3)) and improper use of registration (625 ILCS 5/3-703 (West 2024)). The State amended the charges on December 30, 2024, adding eight counts of theft (720 ILCS 5/16-1(a)(1)(A), (a)(4)(A) (West 2024) (two Class 3 felonies and six Class 4 felonies)), relating to the theft of Mario Juarez’s outdrive (counts III through VI), his ATF curtain (counts VII and VIII), and dock carpeting (counts IX and X). At the time of these offenses, defendant had pending misdemeanor charges in Lake County in case No. 24-CM-1061, and was detained in that case (those charges were ultimately dismissed).

¶ 6 On October 30, 2024, defendant moved to proceed *pro se*, and his public defender moved to withdraw. At a hearing, defendant indicated he had successfully proceeded *pro se* in two other cases, knew how to conduct legal research, and understood that representing himself was “not as simple as just going in front of a jury and telling [his] story.” Defendant was aware that he would not get extra preparation time or assistance because he was *pro se*, and “[he] was going to be treated the same as if [he] had an attorney representing [him].” In addition to this exchange, the court substantially admonished defendant in accordance with Illinois Supreme Court Rule 401 (eff. July 1, 1984). Defendant was allowed to proceed *pro se*. At the conclusion of the hearing, defendant asked to file a motion for a “sub report” and to gain access to his truck and property for his defense. The court recommended defendant file a written motion, and noted it would address

the motion after defendant's arraignment. As to his property, the State advised that defendant's property was still being held as evidence.

¶ 7 On November 12, 2024, the court arraigned defendant, advised him that he was eligible for an extended term sentence, and reappointed counsel. On the next court date, defendant, again, moved to proceed *pro se*. The court questioned defendant about his education, explained the nature of his felonies and sentences, and granted defendant's request. Thereafter, the State indicated it had tendered discovery; however, defendant asserted that he did not have access to his full discovery. Ultimately, the State agreed to tender discovery to the jail, and defendant was ordered to submit any specific discovery requests in writing.

¶ 8 Nearly a week after his arraignment, defendant orally moved to place the truck involved in this investigation, which he did not own, on an investigative hold and asked to gain access to files in the jail's custody. The court ordered the State to investigate the status of the truck and property being held at the jail. On November 20, 2024, the State reported it had tendered discovery to defendant at the jail on a USB drive. Defendant responded that he was still missing his paper discovery, photographs, jury instructions, and an evidence sheet. The prosecutor agreed to print any discovery, and the court remarked that it would find a way to allow defendant to watch any video discovery.

¶ 9 On December 4, 2024, the lead prosecutor stepped down, as defendant had left him incriminating voicemails and he would likely be called as a foundational witness at trial. Thereafter, defendant moved to secure his storage lockers, "where there [are] more things for this alleged victim to get—pick up his stuff." The court did not accept defendant's filing, and it admonished defendant to "[b]e careful of what you want to say about—*** possessing things of victims." Defendant moved to gain access to his "papers, phone numbers, and [his] personal

property” being held at the jail, and he asserted that he still did not have access to the State’s discovery. Five days later, the State tendered discovery (five DVDs, a CD, and 52 photographs) to defendant, and the court ordered that defendant have access to the discovery, via laptop, and his property at the jail to help with his defense.

¶ 10 On December 14, 2024, defendant filed a motion *in limine*, seeking to exclude his criminal history, preclude his testimony at trial, and advance his theory that he was hired to tow and store the missing boat for six months. Nearly two weeks later, the State filed motions *in limine*, asking the court to preclude, *inter alia*, defendant from raising a contract as an affirmative defense, mentioning false confessions, and calling any witness not previously disclosed. Further, it moved to introduce as evidence a jail call to the initial prosecutor; defendant’s in-court statements; and defendant’s prior convictions for theft, burglary, and unlawful possession of a controlled substance. Defendant objected to the use of his in-court statements, as “[he] gave the State this information to go get those belongings back to the alleged victim. I think it’s unjust they are charging me for giving a victim back his property ***.”

¶ 11 At a hearing on December 30, 2024, the State’s motions *in limine*, regarding defendant’s prior convictions and his jail call, were granted by agreement. The court also allowed the admission of defendant’s in-court statements, and the State struck its request to bar defendant from raising his contractual defense. Defendant confirmed he had access to a laptop and the DVD discovery, and the court granted defendant’s request for a jail tablet during trial to present evidence of his jail calls. The State tendered a transcript, titles, a business certification, photographs, and a receipt to defendant. Thereafter, defendant asked the court to complete and file subpoenas on his behalf. The court refused.

¶ 12 One week later, on January 6, 2025, defendant answered ready for trial. The State tendered business certificates, a boat title, and photographs to defendant. Defendant confirmed that he had issued subpoenas; however, none of his witnesses were present, as he ordered them to be present on January 7, 2025. The court ordered defendant's subpoenas to remain in effect until January 8, 2025, and held the case over until January 7, 2025, to order any subpoenaed witnesses to be present the following day for trial. Thereafter, defendant argued for his release, as to case No. 24-CM-1061, because he had been held in custody for more than 90 days. In making his arguments, defendant alleged that the court's minute orders and transcripts were false, as they falsely showed continuances by agreement where, defendant asserted, he objected. Defendant requested that the court listen to all audio recordings of his hearings to verify that defendant continuously objected to continuances. The court continued the case for defendant to list the hearings for which he wanted audio recordings.

¶ 13 The next day, the court asked defendant which audio recordings he wanted subpoenaed; however, defendant did not submit any dates. The court informed defendant that it did not represent him, so, he would need to compile his own evidence and present it to the court. Defendant responded, "[b]asically[,] this is not a legal court, so I'm powerless at this point." He then asked the court whether it had admonished his subpoenaed witnesses about the continued trial. The judge stated, "I don't walk out of the courtroom and look [for] people's witnesses." However, the court advised that, if defendant's witnesses were present, it would admonish them to be present for trial the following day.

¶ 14 B. Trial

¶ 15 Trial began on January 8, 2025. The State moved to *nolle prosequi* counts one and two, and defendant was readmonished regarding his choice to proceed *pro se*. Defendant advised that

his primary witness, Joe Jerome, was not present; however, defendant wanted to ensure his exhibits and jail calls would be properly admitted into evidence. The court advised defendant that it was his responsibility to lay an evidentiary foundation, state an appropriate basis for admission, and offer the authenticity and accuracy testimony for admission. Based on this, defendant stated that he anticipated testifying at trial; however, later, he stated that he would not testify because he did not want the State to enter evidence of his prior convictions. Defendant, next, argued that he could not get any of his witnesses to appear for court and, “in [his] eyes[,] the Court is responsible for that, not [him]. [He,] as a *pro se* layman[,] who is indigent[,] should have all the advantages of having a witness through the Court to provide and adjust to those circumstances as written by law.” In response, the court again told defendant, “[i]t is your burden as [*sic*] acting as your own attorney to secure witnesses by way of subpoena. And if you have witnesses who fail to abide by the subpoena that’s properly served, you can offer that evidence; you should bring it to my attention.” Defendant stated that he was not asking for a continuance to secure his witnesses.

¶ 16 *Voir dire* began, and the judge advised the venire to not discuss or research this case. During a break in *voir dire*, the court received a note from Juror 246 that stated, “Defendant stole from his friend \$5,000.” The court remarked that Juror 246 should not be questioned, and, instead, dismissed for cause. Defendant objected, as he wanted to question Juror 246 because “[he was] worried about [Juror 246] speaking with the other jurors,” and he wanted an opportunity to “defend [him]self.” The court overruled defendant’s objection, as Juror 246 had been ordered not to discuss the case with anyone, and it did not want defendant to prejudice himself by discussing the note in front of the other veniremembers. The court dismissed Juror 246, over defendant’s objection. With defendant’s agreement, however, the court asked the venire if they talked about the case or the

parties during their break to ensure that Juror 246 did not taint the jury. No veniremember indicated that he or she discussed anything related to the case. Thereafter, a jury was selected and sworn.

¶ 17 Before opening statements, the State indicated that its first witness was Mario Juarez. Defendant objected to beginning trial after the conclusion of *voir dire*, asserting he was not ready to proceed with witnesses. He believed trial would begin the day after *voir dire*, and it was “unfair for trial I’m [sic] being pushed up today.” The court proceeded with trial, as defendant, again, answered ready, and the court was not “bringing the witness back tomorrow that’s here ready to start today.”

¶ 18 Juarez testified that he owned a boat, a 1995 Regal Valanti, named Aventura. He purchased the boat in August 2021 for \$9,500. Juarez’s boat also had an outdrive—a transmission—with a stainless steel Solarus propeller on it that he purchased after he bought the boat. He also purchased a camper enclosure for the boat, which allowed him to spend the night on it. On September 29, 2024, Juarez fueled up his boat and took it, on its trailer, to World Wind Motor Sports (“World Wind”) in Antioch to be winterized. Juarez notified the owner, Michael Gucito, via text message and phone call, that he had dropped off his boat. Ultimately, Juarez left his boat, his boating items (the camper enclosure, safety devices, fire extinguishers, bedding, life jackets, tubes, and some dock carpet), the trailer, and boat cover at World Wind.

¶ 19 On October 3, 2024, Juarez learned from Gucito that his boat was no longer at World Wind. Juarez contacted the Lake County sheriff and met with a sheriff’s deputy in person to make a report. The next evening, Juarez spoke with Deputy Seth Thomas over the phone and in person. He, ultimately, met Deputies Thomas and Nirva on Lake Street, where defendant was arrested. Juarez, however, did not see defendant on scene; he only saw a white GMC truck. Within the truck, Juarez located his outdrive and propeller (based on serial number identification), camper top, boat

cover, boat cushions, fire extinguishers, and life jackets, among other things. Prior to this case, Juarez had never met defendant and had not given defendant permission to take his boat.

¶ 20 On cross-examination, Juarez stated that he did not know Joe Jerome or Ricky Michniewicz, and he did not frequent Mutiny Marina. Juarez boated on Lake Michigan, not Chain O'Lakes, where Mutiny Marina was located. Defendant admitted to possessing Juarez's boat and trailer, and he asked Juarez whether he knew if defendant had picked up his boat while under contract with Jerome to store the boat and upgrade the outdrive. Juarez stated that he did not know Jerome and had no connection with Mutiny Marina. Juarez followed up multiple times with the sheriff's office about retrieving his items; however, he never retrieved his items from defendant's storage unit, as an online auction posting of defendant's storage unit showed Juarez's personal boating items but not his boat or trailer.

¶ 21 Defendant attempted, on multiple occasions, to discuss or admit exhibits showing that he tried to reunite Juarez with his property. The court did not allow defendant to question Juarez or admit evidence on this topic. Defendant then objected to continued questioning, stating that trial was not supposed to start until January 9, 2025, and only *voir dire* was slated for January 8, 2025. The court announced that defendant had no further questions and released Juarez.

¶ 22 On January 9, 2025, prior to trial, Lieutenant Kalfus informed the court that defendant could not proceed with a jail tablet in court, as it would not operate outside the jail. Instead, Kalfus was directed to present paper copies of defendant's inmate requests made on the tablet and locate defendant's DVDs contained in his property. Kalfus stated he would try to have the documents prepared by lunch, and the court stated it would try to have all defendant's DVDs available before cross-examination of the State's first witness. Defendant stated, "fair enough." Ultimately, the

court provided defendant with 10 DVDs, three written inmate requests, and two pages of messages sent and received on defendant's inmate tablet after the conclusion of the third witness' testimony.

¶ 23 Gucito testified that he owned and operated World Wind. It has two main buildings and a large area for outdoor storage. There were no cameras at the facility in September or October of 2024. As a part of Gucito's job, he serviced and maintained watercraft, including: "building engines, replacing engines, winterizing, maintenance, [and] oil filter changes." Generally, if someone wanted to winterize his or her boat, he or she would schedule an appointment then drop the boat off; however, with repeat customers, they tended to leave their boat and then notified Gucito after drop-off. After customer drop-off, the boat would be stored in World Wind's outdoor storage area until Gucito could complete winterization. Once the process was complete, Gucito contacted the customer, and the boat would be collected and moved to off-site storage.

¶ 24 Gucito knew defendant, as defendant asked Gucito for work on September 28, 2024. On only this occasion, Gucito asked defendant to dispose of an old jet ski that World Wind owned that was no longer operational. Gucito photographed defendant outside of a white truck after loading the jet ski into the bed of the truck. Defendant was never given permission to remove Juarez's boat. On cross-examination, Gucito stated that he knew defendant would return to his property to pick up additional scrap metal for disposal. However, he did not recall that Jerome was on his property on September 29, 2024, or that he gave defendant a clear folder containing receipts for Juarez's boat and instructions to tow the boat to defendant's storage property for outdrive upgrades and winter storage. Gucito, ultimately, was informed that Juarez's boat was transported to a storage facility, but when sheriff's deputies attempted to retrieve it from the storage facility, it was not there.

¶ 25 Gucito knew Juarez, as Juarez had been a customer of World Wind for five years and routinely had his boat winterized there. Gucito believed that Juarez's outdrive would cost between \$5,000 and \$6,000 new, or around \$2,500 if purchased used. He testified that Juarez's aftermarket propeller likely cost between \$700 and \$900. The last time Gucito saw Juarez's boat was in 2023; however, Juarez notified Gucito in September 2024 that he left his boat at World Wind for winterization. Gucito recalled that Juarez left his boat on Sunday, the day after Gucito received defendant's assistance. The Thursday after Juarez left his boat, in early October 2024, Gucito recalled receiving a phone call from Juarez about collecting his boat after it was winterized. Gucito panicked, as he had forgotten about winterizing Juarez's boat because it was not at World Wind. This was the first time Gucito realized that Juarez's boat was missing.

¶ 26 On October 4, 2024, Juarez called Gucito and asked him to meet him with his truck, as Lake County sheriffs recovered some of Juarez's property and Juarez could not haul the property in his vehicle. Gucito met Juarez and deputies at a stopped white truck, the same truck that was at his shop in late September 2024. He did not observe defendant at the scene.

¶ 27 Matthew Palm testified that he was an operations manager at Bob's Marina in Antioch. On October 4, 2024, Palm met with defendant at the marina. Palm testified that, generally, he was not familiar with defendant's business, but he knew defendant and that defendant solicited marine-disposal jobs. On this date, defendant asked if Palm would like to purchase a mint condition Mercury Alpha Generation Two outdrive with a stainless-steel propeller for \$400. Based on defendant's description of the condition of the outdrive, Palm believed the offer was below market value, as he would value this outdrive at \$1,000. He did not accept the offer, so defendant dropped the price to \$300. Palm told defendant that, before purchasing, he needed to discuss any offer with the owner of the marina. Defendant left the marina. Palm then called Gucito, recalling a previous

conversation they had about a stolen boat, and recounted that he was suspicious of the outdrive defendant was trying to sell him, as it matched the description and condition of the stolen boat. Shortly thereafter, a sheriff's deputy and Juarez arrived at the marina. Palm provided them with security footage of defendant entering and leaving the service area of the marina on October 4, 2024.

¶ 28 Next, Deputy Thomas, a Lake County highway patrol deputy, testified that, on October 3, 2024, he met Juarez and Gucito at World Wind. He learned that Juarez's boat and trailer, which had been dropped off there, were missing. Deputy Thomas ran Juarez's trailer and license plate information through an automated license plate reader (ALPR) system, and he observed, via that system, a white truck towing Juarez's boat and trailer at 6:58 a.m. on Illinois Route 83 at Ainsley Road.

¶ 29 On October 4, 2024, Deputies Thomas and Nirva went to Bob's Marina to speak with the owner and Juarez. Later that day, Thomas observed a white truck, like the one seen in the ALPR system, turn westbound onto Illinois Route 173 from Third Avenue. Thomas followed the vehicle into a private parking lot and witnessed defendant exit the vehicle. Dispatch informed Thomas that there was no record of defendant's vehicle, so he made contact with defendant. Ultimately, defendant was placed in the rear of Thomas' squad car, and Juarez responded to the parking lot where defendant was pulled over.

¶ 30 During break, after the foregoing testimony, defendant challenged the dismissal of Thomas as a witness. Defendant indicated that he subpoenaed all the deputies involved in his case, and Thomas should have been served. The court asked whether he was, *in fact*, served, and defendant chastised the court and noted that the court denied all defendant's subpoenas; thus, he was "bamboozled out of all [his] witnesses." The court, ultimately, released Thomas as a witness.

¶ 31 Heather Hoyt testified that she was the property manager at Clear Homes Self-Storage. On September 12, 2024, defendant rented storage unit No. 2001; it was an outdoor, drive-up, 10 x 10 unit. By October 2024, defendant obtained a second storage unit, No. 4033, and was in the process of transferring from one storage unit to another. On November 14, 2024, Hoyt met with sheriff's deputies as they investigated defendant's storage units regarding a stolen boat. Hoyt testified that she never saw, and the deputies never found, Juarez's boat at Clear Homes. Defendant attempted to elicit, on cross examination, that she was lying and saw a boat on the storage unit property, however, he did not do so.

¶ 32 Next, defendant was admonished about his right to testify, especially regarding the State's ability to cross-examine him with his prior convictions, and he initially decided to take the stand. In court, defendant requested preapproval of the admission into evidence of a business contract, unrelated to any witness in this case, and a civil suit between defendant and two witnesses, the Lunardis. The court refused, and defendant stated he would not testify. When defendant was asked if he rested his case, he objected, as "[he] [did]n't wish to rest, but [he] [was]being forced to and [he]want[ed] the jurors to know." Defendant asserted that he did not wish to testify and that he had "plenty" of witnesses that he wished to call but they were "suppressed" by the court. The court, ultimately, rested on defendant's behalf.

¶ 33 During closing arguments, defendant argued that he obtained control over Juarez's property "under permission contract," but, during trial, he "was suppressed [sic] all my witnesses," because "[n]o subpoenas went out for [him]." Defendant asserted that he was denied witnesses and his right to a "legal trial," but, despite this, the State failed to present sufficient evidence that he knowingly took stolen property. Defendant also asserted that the State failed to show he intended to permanently deprive Juarez of his property because defendant tried to help reunite Juarez with his

possessions. Defendant also claimed he did not steal anything, as he was hired by Jerome to tow and store the boat. The jury found defendant guilty on all counts.

¶ 34

C. Posttrial Proceedings

¶ 35 On January 15, 2025, the State dismissed defendant's pending misdemeanor case, and, one week later, defendant appeared and was represented by a public defender. A motion for an extension of time to file a posttrial motion was heard and granted; the court did not set a motion due date. On April 25, 2025, the court allowed defendant to discharge his attorney, and counsel was directed to return to defendant "anything in the attorney's possession," absent initial discovery, including defendant's transcripts, if the attorney had them.

¶ 36 On May 1, 2025, the court admonished defendant about his right to continue *pro se*; defendant ultimately chose to proceed *pro se*, despite his initial wish to have counsel other than the Public Defender's Office appointed "because they have miserably failed." Defendant then orally moved for his "full original discovery," arguing that his public defender stated he "did not have [his] full original discovery." The court directed defendant to draft a written motion.

¶ 37 On May 14, 2025, defendant moved to set aside the judgment notwithstanding the verdict. Therein, defendant argued that the court improperly denied his request for transcripts and access to his complete discovery after his public defender indicated that defendant did not receive his original discovery. Defendant also alleged that he was denied the fundamental right to mount a meaningful defense, as his subpoenas were denied by the court, so he was unable to call witnesses in his defense, and the clerk improperly told at least one witness, Jodi Lunardi, that she was not required to appear for defendant's trial. Also, defendant argued that the court improperly moved his trial from January 6, 2025, to January 8, 2025, over objection, and he was unable to contact his witnesses to apprise them of such. Further, the court delayed defendant's access to discovery

materials during trial, which left him unable to adequately cross-examine two of the State's witnesses. The court also allowed, defendant alleged, crucial evidence to be destroyed after he filed motions to preserve evidence. Finally, defendant asserted that his judgment was tainted by fraud, as the quantity and price of the stolen goods was falsified.

¶ 38 At a hearing that same day, defendant moved for a background check of Hoyt, as he believed that she had a criminal history that the State failed to disclose. The court denied the motion because it would not entertain a discovery motion after trial had concluded. Additionally, defendant requested his full discovery and transcripts. The court denied this request.

¶ 39 On May 21, 2025, defendant filed a letter with the court seeking the appointment of counsel, with the following conditions: (1) counsel would argue defendant's posttrial motion to set aside the judgment before the end of May 2025, and (2) defendant would receive the "full entire missing original discovery," background information on all State and defense witnesses, and transcripts from the last four hearing dates and the hearings from October and November 2024.

¶ 40 Two days later, at a hearing, the court addressed defendant's motion to reappoint counsel; however, the court refused to consider defendant's conditions. Defendant chose to continue *pro se* but challenged the court's contention that he should be held to the same standard as an attorney. The court then turned to defendant's motion to set aside the verdict. First, the court denied defendant's requests for his "original discovery" and transcripts. Defendant argued that the transcripts he possessed were "missing defense wording" and needed to be corrected. The court denied this request. As to the remainder of the motion, the court found that defendant's motion was "conclusory, lacking any specificity as to what was the basis of his complaints[,] [and] [h]e relies on, in essence, conspiracy theories of everyone involved from the court reporter to the clerk's office." The court denied the motion, finding no fraud "by the State, by the Court, or anyone else

who may be tangentially involved in this case” and noting that defendant failed to cite any authority supporting his relief.

¶ 41 Thereafter, the court found an extended-term sentence appropriate and sentenced defendant to seven and a half years’ imprisonment for theft (count III). All other counts merged for sentencing. Defendant did not file a postsentencing motion; however, he timely appealed on May 30, 2025.

¶ 42

II. ANALYSIS

¶ 43 In this *pro se* appeal, defendant raises 15 issues for review. He asserts that we should reverse (with no remand) or dismiss this case because: (1) the circuit court suppressed his right to subpoena witnesses and improperly suppressed favorable evidence; (2) Lake County sheriffs and prosecutors illegally ignored defendant’s motions and released evidence, namely the GMC truck and storage lockers, prior to trial and without notification; (3) Lake County sheriffs improperly allowed Juarez to search defendant’s truck unsupervised at the arrest site; (4) Juarez provided false property-valuation amounts to deputies, which impacted the felony class of defendant’s charge; (5) the circuit court ignored his demands to delay trial, as he had not been provided with discovery—the GTL tablet recordings and recorded phone messages—until after the first two State’s witnesses were called; (6) the court repeatedly “denied, ignored and lied” to him regarding his oral and written motions; (7) the court and prosecutors improperly withheld Hoyt’s criminal history prior to and posttrial; (8) the court and prosecutors improperly admitted illegally obtained evidence at trial; (9) the court ignored his objections and changed his trial date at the “eleventh hour,” which prevented his witnesses from appearing at trial; (10) the court held defendant, *pro se*, to the same standards and procedures as those required of an attorney, which contradicted legal authority; (11) the court’s transcripts contained “over 500 infractions,” wherein his argument was

improperly transcribed as “slashes”; (12) the court violated his due process rights by refusing to tender subpoenas on his behalf and by refusing to admit his contract with Jerome; (13) the court failed to preserve evidence contained in the GMC truck and storage lockers; (14) Juror No. 246 poisoned the jury; and (15) the court, prosecutors, and sheriff’s deputies all improperly ignored his attempts to reunite Juarez with his missing property. We conclude that defendant’s claims are forfeited or, otherwise, lack merit.

¶ 44

A. Forfeiture

¶ 45 The State argues that defendant’s arguments are forfeited, as he “fails to specify error or any basis for relief” and he is “foisting the burden of factual and legal development onto the opposing party and court.” We agree.

¶ 46 Defendant fails to cohesively argue his points and/or cite relevant authority for his claims, thereby, forfeiting them for review. A reviewing court is not a repository into which an appellant may foist the burden of argument and research, and the failure to clearly define issues and support them with authority results in forfeiture of the argument. *People v. Olsson*, 2014 IL App (2d) 131217, ¶ 16. The courts do not apply more lenient standards to *pro se* litigants. *In the Interest of A.H.*, 215 Ill. App. 3d 522, 529-30 (1991). Here, defendant raises 15 issues for review and, in some issues, cites a multitude of case law, statutes, and constitutional provisions to “support” his position; however, he fails to raise any cohesive argument or support his arguments with citations from the record. See Ill. S. Ct. R. 341(h)(7) (eff. Oct. 1, 2020) (“Argument, which shall contain the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relied on. Evidence shall not be copied at length, but reference shall be made to the pages of the record on appeal where evidence may be found.”). Throughout his brief, defendant fails to specify *how* his constitutional rights were violated; cite appropriate factual and

legal authority that support his arguments; and adduce facts, not just conclusory statements and speculation, that would support his legal claims. Thus, defendant's claims are forfeited.

¶ 47 Moreover, defendant has forfeited several issues (issues 3, 7, 8, 11, 14, and 15) because he did not include his contentions of error in his posttrial motion. See *People v. Enoch*, 122 Ill. 2d 176, 186 (1988) (to preserve an issue for review, the defendant must object at trial and raise the issue in a written posttrial motion). And defendant has not asserted that these claims are reviewable as plain error. *People v. Nieves*, 192 Ill. 2d 487, 503 (2000) (finding that the failure to argue "that the evidence was closely balanced [or that] the error is so severe that it must be remedied to preserve the integrity of the judicial process" forfeited plain error on appeal). Accordingly, we recognize defendant's forfeiture and will not address claims that were not presented to the circuit court.

¶ 48 B. Merits

¶ 49 Despite defendant's forfeiture, we will address, to the best of our ability, the merits of defendant's claims, raised in his posttrial motion, grouped by subject matter.

¶ 50 1. Discovery Motions and Violations

¶ 51 Defendant argues in issues 1, 2, 5, 6, and 13 that a discovery violation occurred, which violated his constitutional rights, or that he was denied an opportunity to collect evidence and subpoena witnesses, which left him without a meaningful opportunity to mount a defense. Defendant's claims here lack meaningful support and, primarily, are the result of his own actions. Accordingly, we conclude these issues are meritless.

¶ 52 First, in issues 1, 2, and 13, defendant asserts that the court failed to preserve his evidence—namely, a GMC truck and his storage lockers—which violated his constitutional rights. The court never entered orders for the preservation of defendant's evidence. However, the record shows that,

nonetheless, defendant's evidence was preserved. At the May 23, 2025, hearing, a prosecutor relayed that she spoke with police the day prior to the hearing and confirmed that defendant's truck was still being held as evidence. This was well after defendant's trial. Defendant's rebuttal claim that the truck was sold is based on speculation without proper evidentiary support. Any evidence defendant now alleges supports his position was not admitted as evidence in the circuit court and, thus, cannot justify his claims on appeal. *People v. Blankenship*, 406 Ill. App. 3d 578, 590 (2010) (noting evidence not admitted at trial may not be considered on appeal).

¶ 53 Even if we assume, *arguendo*, that defendant's evidence was not preserved, defendant has not established a due process violation. The due process clause does not "impos[e] on the police an undifferentiated and absolute duty to retain and to preserve all material that might be of conceivable evidentiary significance in a particular prosecution." *Arizona v. Youngblood*, 488 U.S. 51, 58 (1988). Rather, "unless a criminal defendant can show bad faith on the part of the police, failure to preserve potentially useful evidence does not constitute a denial of due process." *Id.* Police act in bad faith where they act dishonestly or with ill will, not negligence or sloppiness. *People v. Nunn*, 2014 IL App (3d) 120614, ¶ 17; *People v. Gentry*, 351 Ill. App. 3d 872, 878 (2004). Here, defendant has completely failed to allege and show bad faith by the police. As such, his claims fail.

¶ 54 Next, in issue six and the latter portion of issue two, defendant asserts that the court "suppressed," ignored, and unjustly refused to follow up on his motions and orders on numerous occasions. This failure, defendant asserts, violated his right to mount a meaningful defense. However, as to both issues, defendant fails to note *which* motions were ignored and specifically describe the resulting prejudice. Because defendant failed to present a cogent argument, which we may readily address, we recognize his forfeiture (*supra* ¶ 46).

¶ 55 Defendant then asserts, in issue five, that he was denied the opportunity to cross-examine the first two State’s witnesses, as the court “deliberately suppressed” evidence found on defendant’s inmate tablet. The record does not support defendant’s contention of error. When defendant asserted that he needed inmate request forms and messages found on his jail tablet, the court enlisted Lieutenant Kalfus to obtain physical copies of those records midtrial. Kalfus stated he would have the records available, “[h]opefully by lunch.” Defendant did not object. During the same hearing, defendant requested that DVDs, located in his jail property, be brought to trial. The court told defendant that, while deputies looked for his DVDs, trial would continue— “[h]opefully we’ll have located the DVDs you’re talking about before cross examination.” Defendant stated, “Fair enough.” Then, the record reflects that, by lunch time, defendant was tendered 10 DVDs from his property and, from his inmate tablet, three pages of handwritten inmate request forms and two pages of sent and received messages. The court also admonished defendant that, “if there is something else that is missing or you’re concerned about, we’ll make a record before I bring the jury in.” Defendant did not make a record about missing exhibits from his jail tablet during the remainder of his trial.

¶ 56 Defendant’s arguments regarding discovery violations are procedurally barred, as he failed to object to the proposed timing for receiving discovery and repeatedly objected to delaying trial. As an initial matter, defendant failed to object at trial to the projected timing of receiving his jail tablet exhibits and DVDs from his property. And, even after he was admonished by the court that he could make a record about any missing exhibits, he failed to do so. Failure to object and preserve an issue for review results in forfeiture. *Enoch*, 122 Ill. 2d at 186. Moreover, throughout pretrial and trial proceedings, defendant staunchly objected to any continuance for discovery purposes. Defendant’s active participation in the timing of the proceedings (by refusing continuances) is in

direct conflict with his arguments now on appeal. We find that defendant's fifth argument is also waived under the doctrine of invited error, as defendant may not request to proceed in one manner then later challenge this same course of action on appeal. *People v. Wachter*, 2026 IL App (2d) 250318, ¶ 17 (noting that "[a] party's invitation, agreement, or active participation in the direction of the proceedings or procedure that he or she later challenges on appeal goes beyond mere waiver.").

¶ 57

2. Perjury

¶ 58 Next, in issue four, defendant contends that the court and prosecutors relied on false information from Juarez, and prosecutors failed to correct his testimony. Specifically, defendant contends that sheriff's reports showed that Juarez suffered \$3,000 in damages after his ATF curtain was stolen but receipts and testimony showed less than \$500 in damages, a fraudulent amount was charged for the outdrive and Solaris propeller costs, and only one carpet was stolen from the victim resulting in a loss of \$80, not \$241.20. A conviction was entered on theft (count III – outdrive) in this case, so we will only address defendant's perjury claims undercutting the sufficiency of the evidence regarding this count. See *People v. Releford*, 2017 IL 121094, ¶ 71 (finding that the court lacks jurisdiction to address unsentenced convictions).

¶ 59 As to the outdrive and propeller, defendant asserts that Juarez reported false amounts to deputies on October 3, 2024, and October 4, 2024, which erroneously resulted in charges of felony theft because the projected loss of the property was more than \$500. To support this proposition, defendant claims that the amounts contained in the sheriff's reports do not match the homemade receipts filed by Juarez. However, neither the sheriff's reports nor the receipts are included in the record. The record does, however, contain Juarez's testimony that he purchased his boat (which contained the outdrive and propeller) and trailer for \$9,500. Gucito then testified that he was

familiar with Juarez’s boat and with the pricing of new and used outdrives. He believed that a new outdrive would cost between \$5,000 and \$6,000. He posited a used outdrive, like the one on Juarez’s boat, would cost around \$2,500. Additionally, an after-market propeller, like Juarez’s, would cost between \$700 and \$900. Palm then testified that, after he heard about the theft of Juarez’s boat, defendant attempted to sell him an outdrive for \$400, which he believed was well below the market value of \$1,000. This testimony does not show that Juarez committed perjury. Rather, the evidence reflects that, as far as the amount of the theft goes, the testimony was consistent that defendant was properly charged and convicted of a felony, as all the estimates conclude that the total valuation of the loss of Juarez’s outdrive was more than \$500. And any inconsistency between witnesses as to the monetary valuation of the missing property does not establish perjury. *People v. Tyner*, 40 Ill. 2d 1, 3 (1968) (“Inconsistencies between the testimony of witnesses and an alleged improbability of testimony go only to the weight and credibility of the evidence and fall short of establishing a knowing use of perjury.”). Accordingly, defendant’s perjury claim fails.

¶ 60

3. Trial Date and Witnesses

¶ 61 Defendant, in issues 9 and 12, contends that the court violated his due process rights and “ ‘under speedy [sic] jury trial act’ ” by changing the date of his trial at the “11th hour.” Further, defendant asserts, his trial date was changed and the court clerk encouraged a witness to ignore his subpoenas, all of which diverted his witnesses from appearing at trial. In response, the State argues that the court controls its own docket, defendant waived this issue, and he cannot establish a basis for reversal. We agree.

¶ 62 On November 20, 2024, defendant’s case was set for jury trial on January 6, 2025. On December 4, 2024, defendant confirmed his trial date and the timing of *voir dire*. During its

discussion with defendant, the court admonished him that *voir dire* was a part of his trial and would precede trial. Further, it stated that trial, as in the events following *voir dire*, could begin on January 6, 2025, or later—“It could start at 9:00; it could start at 10:30; it could start at 1:30 on the 6th. I may not start it until Tuesday morning. It depends on what’s going on in the courthouse.” Defendant responded, “Okay. Great. Thank you. That’s what I needed to know.” On January 6, 2025, defendant answered ready for trial. The court indicated that defendant’s case was second on its jury priority call, thus, defendant’s case was held over to January 8, 2025, for trial. Defendant objected, and the court explained that it could preside over only one case at a time and an older case needed to proceed to trial first. The court pushed trial until January 8, 2025, and ordered that defendant’s subpoenas remain in full force and effect through that date. The court could not, specifically, admonish defendant’s witnesses of this on January 6th, as defendant advised he did not subpoena his witnesses to appear until the following day. To accommodate defendant, the court recalled the case on January 7th to admonish defendant’s witnesses; however, none appeared in the courtroom. The cause was then set for trial the following day. Considering the time between the date of arrest in this case—October 4, 2025—and trial, 96 days lapsed.

¶ 63 On January 10, 2025, Roger and Jody Lunardi submitted letters to the court noting they had been subpoenaed for trial but did not have any information pertaining to defendant’s case. Moreover, Jody stated that she called the clerk’s office on January 6, 2025, as she could not attend trial the following day, and she was told that defendant’s case was not on the calendar for January 7, 2025.

¶ 64 Based on the foregoing, defendant has not established a speedy-trial violation or a violation of his due process rights. The Speedy Trial Act provides that “[e]very person in custody” shall be tried within 120 days of the date he was taken into custody, unless certain circumstances

are met. 725 ILCS 5/103-5(a) (West 2024). Here, defendant's trial began 96 days after his arrest; this is well before the 120 days allowed by statute. As such, defendant's speedy trial claim fails.

¶ 65 Defendant also alleged that his due process rights were violated where the court continued trial at the last minute, which precluded his witnesses from appearing at trial. Defendant's claims are not supported by the record. " 'The core of due process is the right to notice and a meaningful opportunity to be heard ***.' " *World Painting Co. v. Costigan*, 2012 IL App (4th) 110869, ¶ 14 (quoting *LaChance v. Erickson*, 522 U.S. 262, 266 (1998)); see also *People v. Vincent*, 226 Ill. 2d 1, 12-13 (2007). However, "Illinois courts have the inherent power, independent of rule or statute, to manage their own dockets to dispose of cases in an orderly and expeditious manner." *Panos Trading LLC v. Forrer*, 2023 IL App (1st) 220451, ¶ 38 (citing *J.S.A. v. M.H.*, 224 Ill. 2d 182, 196 (2007)); see also *People v. Johnson*, 2018 IL App (2d) 160674, ¶ 14 (same). Here, the court was within its authority to briefly delay defendant's case, as it noted another, older case had priority in selecting jury trial dates. Further, defendant was immediately notified of his trial date change, the court appropriately explained the reason for the delay, it only briefly delayed his trial, and it did not violate his right to a speedy trial. The court also went to great pains to accommodate defendant and his potential witnesses by calling a hearing on January 7, 2025, with the expressed intent to admonish any potential defense witness that appeared. Overall, the record is simply devoid of evidence showing that the court violated defendant's due process rights by briefly delaying defendant's trial.

¶ 66 Next, defendant argues that the clerk deliberately diverted defendant's witnesses from appearing at trial. An error in quashing a subpoena is subject to a harmless error analysis. *People v. Ward*, 13 Ill. App. 3d 745, 752 (1973). To determine whether an error is harmless beyond a reasonable doubt, the court must consider: "(1) whether the error contributed to the conviction;

(2) whether the other evidence presented overwhelmingly supports conviction; and (3) whether the evidence that was excluded was duplicative or cumulative.” *People v. Tabb*, 374 Ill. App. 3d 680, 690 (2007).

¶ 67 Regardless of the existence of error, defendant’s claim here is harmless. In this case, the Lunardis both wrote letters stating they did not have evidence or information related to the case. Accordingly, their testimony was not duplicative or cumulative; rather, it was irrelevant to this case. Moreover, defendant failed to make a record at trial, or even now clearly assert on appeal, the relevance of the Lunardis testimony to his defense and how it would have undercut the State’s case, considering the totality of evidence at trial overwhelmingly supported defendant’s conviction. Defendant was at World Wind near the time Juarez dropped off his boat for winterization. After Juarez’s boat was reported stolen, police retrieved photographic evidence from an ALPR system showing defendant towing Juarez’s boat and trailer. Further, at the time of defendant’s arrest, Juarez’s outdrive and after-market propeller were in the bed of defendant’s truck, and testimony from witnesses familiar with buying and selling used outdrives stated that the value of Juarez’s stolen outdrive was greater than \$500. Considering this, defendant’s claim is harmless beyond a reasonable doubt.

¶ 68 4. Standard of a Lawyer

¶ 69 Finally, in issue 10, defendant contends that the court unjustly held defendant, *pro se*, to the standard of an attorney. We conclude that the court’s actions were not erroneous. “[W]here a defendant elects to proceed *pro se*, he is responsible for his representation and is held to the same standards as any attorney.” *People v. Richardson*, 2011 IL App (4th) 100358, ¶ 12. Meaning, *pro se* defendants must comply with all rules of procedures required of attorneys, and they cannot expect the court to provide any legal assistance to them. *People v. Allen*, 401 Ill. App. 3d 840, 854 (2010).

Here, defendant was admonished of these principles on *multiple* occasions, as early as October 7, 2024. Throughout much of defendant's case, he informed the court that he fully understood the court's admonitions and that he wanted to proceed *pro se*. It was not until after trial that he bemoaned being held to the same standard as an attorney. Defendant now generally complains of pitfalls he was fully advised of and, ultimately, are entirely of his own making. It is well settled that a defendant may not be heard to complain of errors that he injected into his own trial. *Wachter*, 2026 IL App (2d) 250318, ¶ 17. Accordingly, we will not reverse defendant's conviction.

¶ 70

III. CONCLUSION

¶ 71 For the reasons stated, we affirm the judgment of the circuit court of Lake County.

¶ 72 Affirmed.