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).

2026 IL App (4th) 250425-U

NO. 4-25-0425

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
November 10, 2026
Carla Bender
4th District Appellate
Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Sangamon County
AARON EDWARDS,	)	No. 22CF1063
Defendant-Appellant.	)	
	)	Honorable
	)	Adam Giganti,
	)	Judge Presiding.

JUSTICE HARRIS delivered the judgment of the court.
Justices Knecht and DeArmond concurred in the judgment.

ORDER

¶ 1 *Held*: (1) The evidence was sufficient to establish beyond a reasonable doubt that defendant did not act in justifiable self-defense.

(2) The trial court did not err in denying defendant's motion for the appointment of an expert witness on intoxication, and defendant's counsel was not ineffective for failing to pursue the appointment of such an expert in connection with defendant's motion to suppress evidence.

(3) The trial court did not err in denying defendant's motion to suppress evidence based on the claim that the police improperly continued to interrogate him after he invoked his right to counsel.

(4) Defendant failed to establish that his defense counsel was ineffective for failing to impeach the testimony of one of the State's witnesses.

(5) Defendant failed to establish his entitlement to a new trial based on allegedly improper statements by the prosecutors during opening statements and closing arguments.

(6) Defendant failed to establish that his defense counsel was ineffective for failing to object to erroneous jury instructions.

(7) Defendant failed to establish that the trial court failed to consider mitigating evidence at his sentencing or that it imposed an excessive sentence.

¶ 2 Following a jury trial, defendant, Aaron Edwards, was found guilty of second degree murder (720 ILCS 5/9-2(a)(2) (West 2022)) and aggravated battery (*id.* § 12-3.05(a)(1)) and sentenced to 18 years in prison. He appeals, arguing (1) the State failed to prove his guilt beyond a reasonable doubt, (2) error occurred in the handling and denial of his motion for the appointment of an expert witness on intoxication, (3) the trial court erred in denying his motion to suppress statements he made to the police after invoking his right to counsel, (4) his trial counsel provided ineffective assistance by failing to impeach the testimony of one of the State's witnesses, (5) he was prejudiced by the prosecution's improper comments during opening statements and closing arguments, (6) his counsel provided ineffective assistance by failing to object to erroneous jury instructions, and (7) the court imposed an excessive sentence and erred in refusing to consider his documented mental-health issues as mitigating evidence. We affirm.

¶ 3 I. BACKGROUND

¶ 4 In November 2022, defendant was charged and later indicted on three counts of first degree murder (*id.* § 9-1(a)(1), (a)(2)) and one count of aggravated battery (*id.* § 12-3.05(a)(1)) in connection with the February 2022 stabbing death of Kim Coleman. The charges were based on claims that defendant stabbed Coleman in the chest with a knife at her residence. At trial, defendant acknowledged causing Coleman's injury but maintained that he acted in self-defense after Coleman tried to attack him with a knife and that he did not intend to harm or kill her.

¶ 5 A. Pretrial Proceedings

¶ 6 Relevant to this appeal, in July 2024, defendant filed pretrial motions (1) for the appointment of an expert witness and (2) to suppress incriminating statements he made to the

police during a November 3, 2022, interrogation at the Springfield, Illinois, police station. As to the first motion, defendant requested the appointment of an expert witness to testify regarding the effects of alcohol and drug intoxication on cognitive function and the reliability of a confession obtained from an intoxicated person. He alleged that at the time of his interrogation, he was under the influence of drugs and alcohol. Defendant asserted that a recording of his interrogation showed that he "chugged" a 24-ounce can of Steel Reserve beer when left unattended and that four " 'crack pipes' " were found on his person when he was placed under arrest. Defendant further alleged that his intoxication called into question the voluntariness of his statements to the police. In his prayer for relief, he asked the trial court to appoint an expert "as to both his pending Motion to Suppress Statements and[,] if necessary, *** his pending criminal trial."

¶ 7 Defendant submitted his affidavit along with his motion. He averred that prior to his November 2022, police interview, he consumed two 24-ounce cans of Steel Reserve beer and that he had two additional cans "on" him at the police station. Defendant stated he "chugged" one of his two remaining cans of beer while alone at the police station. He further asserted that he drank every day and had done so for the last 15 years. Defendant estimated that he drank at least six cans of Steel Reserve beer in a day and "sometimes more." Finally, he averred that in addition to the alcohol he consumed, he also "smoked several marijuana 'blunts' " before his police interview.

¶ 8 In connection with his motion to suppress his statements to the police, defendant argued that his statements were involuntary due to his intoxication. He also asserted that they were made in violation of his *Miranda* rights (see *Miranda v. Arizona*, 384 U.S. 436 (1966)). Defendant alleged that during his interrogation, he "unequivocally demanded" an attorney, but his demand was not honored.

¶ 9 On October 22, 2024, the trial court conducted a hearing on pending pretrial motions in the case. After addressing several motions not at issue on appeal, the court stated it would "take up the defendant's motion to suppress." Defendant's counsel offered no objection and proceeded by presenting evidence on the motion.

¶ 10 Evidence showed that on November 3, 2022, defendant was interviewed by Springfield police detectives Charles Redpath and Lindzee Carpenter (also referred to in the record as Lindzee Edwards). The detectives located defendant around 9:30 a.m. at the Franklin Street Mission (Mission), where he was eating, and took him to the Springfield police station to be interviewed.

¶ 11 Defendant testified that during the interview, he asked for a lawyer. Although he wanted a lawyer, he was not given one, nor did the interview stop. Defendant maintained that he kept talking because the detectives "kept coming at [him]."

¶ 12 Defendant also asserted that he was under the influence of drugs and alcohol at the time of the interview. He stated that he drank a 12-pack of "211 beer" before the police "picked [him] up," and that he drank one 211 beer while in the interrogation room at the police station. Defendant explained that what he called 211 beer was also known as "Steel Reserve" beer. He asserted that a Steel Reserve beer was 24 ounces and had a high alcohol concentration that he estimated as higher than 8%. Defendant testified that he drank the 12-pack of Steel Reserve beer before going to the Mission, where the police found him. He estimated that he was at the Mission for 30 minutes before the police arrived. He also estimated that it took him 2 hours to drink the 12-pack. Defendant stated that he typically drank a 15-pack of Steel Reserve beer a day. He testified that he was 57 years old, began drinking when he was 25 years old, and drank daily since that time.

¶ 13 Defendant further testified that while consuming the 12-pack, he also used marijuana and crack cocaine. Regarding his marijuana use, defendant estimated that he smoked "three blunts" prior to being interviewed by the police. He asserted he had used marijuana for the past five years and typically smoked five or six blunts in a day. Defendant estimated that he smoked $30 worth of crack cocaine the morning before his interrogation. He had been "smoking crack" for approximately a year and smoked crack about once a week.

¶ 14 Redpath testified he was the lead investigator into Coleman's February 2022 death. When he first saw defendant at the Mission, defendant was eating noodles and drinking coffee. Redpath did not observe defendant in possession of any alcohol, drugs, or drug paraphernalia, nor did he observe any signs that indicated defendant was impaired. His interview with defendant began around 10 a.m. at the police station and was recorded. Initially, defendant was not under arrest and, after being advised of his *Miranda* rights, he agreed to speak with Redpath. Carpenter was also present for the interview.

¶ 15 Redpath stated he first talked with defendant about matters unrelated to Coleman's death, including a theft that defendant had reported, defendant's family history, where defendant had been living, and defendant's phone contact information. During that time, defendant provided rational answers to Redpath's questions, and Redpath did not observe defendant slurring his words. Redpath also stated that he was about three or four feet away from defendant during the interview and did not smell the odor of alcohol or marijuana on defendant.

¶ 16 Eventually, Redpath and defendant began discussing Coleman's death. According to Redpath, defendant initially "distanced himself from knowing [Coleman]" but, later, he acknowledged knowing her as "a family friend" and described the location of her apartment. At

some point after discussing "the incident that happened," defendant asked for a lawyer. Redpath described what occurred after defendant's request as follows:

> "[Defendant] continued talking in that conversation to the point where I had to stop him and interrupt him and tell him that we had to be done. And he continued talking. And I told him that we had to either be done or talk to me. But if you want a lawyer we couldn't proceed. If you wanted to talk to me, we would proceed. And he chose to continue to talk to me."

¶ 17 Redpath stated that defendant ultimately placed himself inside Coleman's residence at the time she was injured. Also, during the interview, defendant stood up and reenacted with Carpenter what had occurred between himself and Coleman. Defendant directed Carpenter on where to stand, and Redpath did not observe defendant swaying, stumbling, or having "any problems" during his reenactment.

¶ 18 Redpath testified that they took breaks during defendant's interview. Defendant used the restroom during the first break and, during the second break, defendant was caught drinking a beer in the interview room. Redpath testified that defendant's reenactment of the incident with Coleman occurred after the first break and before the second break. Additionally, he stated he did not recall having any further detailed discussions with defendant after the second break.

¶ 19 Redpath maintained that there was no point during his interview with defendant when he believed he was interacting with someone who was impaired. Defendant was provided with a bottle of water and allowed to smoke his own hand-rolled cigarettes. Redpath did not observe defendant fumbling while manipulating the water bottle or rolling and lighting his cigarettes. He also testified that defendant was steady on his feet. The interview with defendant

ended around 1 p.m. After the interview concluded, defendant waited inside the interview room while decisions were made about charging and arresting him.

¶ 20 On cross-examination, Redpath acknowledged that when he picked defendant up at the Mission, he told defendant that he wanted to talk to him about a theft. He did not tell defendant he wanted to talk about Coleman. Redpath also testified that defendant had a black bag in his possession. Redpath searched the bag before transporting defendant to the police station. He saw that defendant had beer inside the bag but allowed him to keep it with him in the interview room. Ultimately, defendant was also found with "crack pipes." Redpath further testified that he did not ask defendant if he was intoxicated when he picked him up or after he drank a beer in the interview room.

¶ 21 Carpenter testified she acted as "second chair" during defendant's November 2022 interview. She was able to observe defendant during the interview and "get a sense of his demeanor." Carpenter stated that defendant provided rational and coherent answers to questions and was not slurring his words. Defendant also reenacted the incident involving Coleman. While acting out what occurred, defendant was not swaying or stumbling and appeared to be steady on his feet. Carpenter stated she did not observe defendant "fumbling" with objects. She further stated that she sat two to three feet away from defendant during the interview and that she was inches away from him during the reenactment. Carpenter did not smell the odor of alcohol or marijuana on defendant and stated that, during the interview, defendant did not appear to be under the influence of alcohol or drugs.

¶ 22 On cross-examination, Carpenter acknowledged that defendant "chugg[ed] a 24-ounce beer" while in the interview room and that more alcohol was taken from him afterwards. However, neither those circumstances nor the drug paraphernalia found on defendant's person

caused Carpenter concern regarding defendant's intoxication. Carpenter also testified that she would interrogate someone who was intoxicated.

¶ 23 Evidence at the hearing also included the recording of defendant's interview with the detectives. In total, the recording was approximately eight hours in length. Consistent with Redpath's testimony, the recording captured the detectives' approximate three-hour interview with defendant, from around 10 a.m. to 1 p.m., as well as a lengthy period following the interview when defendant sat alone in the interview room and was not being questioned. Two excerpts from the recording were published during the hearing and viewed by the trial court. The first excerpt showed defendant's request for an attorney, and the second showed him consuming a beer during a break in the interview. The record reflects that the court also viewed the recording in its entirety after the hearing but prior to issuing its ruling on defendant's motions.

¶ 24 The recording showed that the detectives first discussed with defendant matters unrelated to Coleman. Approximately 45 minutes into the recording, Redpath asked defendant about Coleman, and he denied knowing her. After being informed that his DNA was found on a water bottle in her house, defendant said she was a "friend" and acknowledged visiting her home. After Redpath suggested that Coleman had a temper and tried to attack defendant, defendant stated that Coleman came at him with a knife and that he defended himself and took the knife from her. Defendant asserted that he did not know if Coleman was stabbed, stating that she went into her bedroom and that he left the residence.

¶ 25 Redpath continued to press defendant for more information and, approximately an hour and a half into the recording, defendant stated, "I want to talk to a lawyer." Redpath responded, "Okay. Alright. That's fine," and he and Carpenter moved to collect their belongings. The following colloquy then occurred:

"DEFENDANT: I'm just saying *** that I mean, I mean, I'm telling you that—

REDPATH: That's fine, we'll be done.

DEFENDANT: I'm telling you, I'm telling you—

REDPATH: Either tell me, either, okay, so this is the very, so, you said that you wanted a lawyer present, either you want to talk to me or you want a lawyer. And if you want to tell me, tell me. But if you want a lawyer, we have to stop and then you get a lawyer then I'm gonna go with everything I have. So it's one or the other. If you want to tell me, tell me.

DEFENDANT: I'm telling you.

REDPATH: Okay, so you want to keep going?

DEFENDANT: Yeah, I can talk to you."

¶ 26 Defendant then reported that Coleman was stabbed as he "struggled" with her for the knife. Defendant asserted the struggle occurred in the "front room" and that afterwards, Coleman "went into her room." Defendant stated he used the bathroom and then left the residence. Defendant denied cleaning the knife in the bathroom sink. He reported that an individual named Mike was also present at Coleman's residence, along with a girl whose name he could not remember. Defendant asserted that Mike also "got into it with" Coleman. He stated that Coleman was still alive when he left her residence and that he "didn't kill her."

¶ 27 Later, defendant reiterated that Coleman "pulled" a knife on him and that he wrestled with her to get the knife. Defendant stated he took the knife from Coleman. He indicated that Coleman got stabbed in the chest and that he went to the bathroom, washed his hands, and then left. He described the knife as a "butcher knife" that Coleman had taken out of a kitchen

drawer. Defendant stated that Coleman was drunk and that she "flipped out." He asserted that he had known Coleman for a long time and that she was a family friend.

¶ 28 Approximately 1 hour and 48 minutes into the recording, Redpath recommended taking a break, and defendant was escorted to the restroom by an officer. Following the break, defendant reported that he was at Coleman's residence for about half an hour. He repeated that she retrieved a knife from the kitchen and that he tried to grab the knife from her. Defendant stated they were wrestling for the knife when "it happened." After the struggle, Coleman went to the bedroom, while defendant went to the bathroom and then left. Defendant maintained that Coleman was "moving around" after their struggle. He stated that the day of the interview was the first time he heard Coleman was dead and that he never returned to her residence because she tried to stab him. Defendant asserted that he did not know Coleman had been seriously injured.

¶ 29 Again, defendant reported that "Big Mike" was also present at Coleman's apartment when the incident occurred. Big Mike was in the bathroom when defendant struggled with Coleman. Defendant used the bathroom after Big Mike. When defendant left the bathroom, Big Mike was gone from the apartment.

¶ 30 Detectives next asked defendant to reenact his altercation with Coleman. Defendant stated that he was sitting in the front room "drinking" and "smoking weed" when Colman retrieved a knife from the kitchen. He described how Coleman held the knife and reported that she stated she was upset about Big Mike owing her money. Coleman became angry with defendant and tried to stab him. Defendant asserted that he was standing when Coleman tried to attack him. He stated that Coleman came at him with her arm raised and the knife in her hand and, with Carpenter acting as Coleman, demonstrated how he grabbed Coleman's arm and pushed it away from himself and toward Coleman's chest. Defendant stated he was able to get the knife from Coleman and that he

"threw it *** somewhere." While in the bathroom after the struggle, defendant heard Big Mike and Coleman yelling before Big Mike left. Defendant estimated that he was in the bathroom for about five minutes. He stated he received a cut on his hand and was bleeding, and that he washed his hands in the bathroom.

¶ 31 Approximately 2 hours and 43 minutes into the recording, the detectives took a second break and left defendant alone in the interview room. During the break, the recording captured defendant quickly consuming a large beer that he had retrieved from a black plastic bag. After defendant fully consumed the beer, an officer entered the room and retrieved the black plastic bag, which contained an unopened second can of beer. When the detectives returned to the interview room, they continued to question defendant about the details of his altercation with Coleman for about 13 minutes before ending the interview. The end of the recording showed defendant's arrest and that the police discovered "crack pipes" on his person.

¶ 32 In presenting their arguments to the trial court, the parties argued both defendant's motion to suppress evidence and his motion for the appointment of an expert. On October 23, 2024, the court issued its oral rulings, denying both of defendant's motions. First, the court found that the evidence showed defendant was not intoxicated, was fully aware of what was going on during the interview, and was "completely in charge of his faculties." It stated that although defendant claimed to have consumed or used a "mind boggling" amount of alcohol and drugs in a short period of time prior to his interview, it observed nothing on the recording of his police interview to indicate that defendant "was intoxicated at all." The court noted that defendant appeared alert during the interview, answered questions appropriately, and was not "slouched over," staggering, or stumbling. Defendant also rolled his own cigarettes "very well" and was able to deposit the ashes of his cigarettes into an empty water bottle without issue. Additionally, the

court determined that defendant's speech on the recording "was far clearer and better and easier to understand than what it was [when he was testifying] in court."

¶ 33 The trial court further rejected defendant's contention that the detectives impermissibly continued the interrogation after he asked for a lawyer. The court noted that the recording showed defendant was advised of his *Miranda* rights at the outset of the interview. He indicated that he understood his rights and that he had heard them before. The court also noted that immediately after he asked for a lawyer, defendant tried to continue talking to the detectives. The court characterized the interaction as follows: "The officers tried to leave. Wanted to leave, it seems like, and said, ['Y]ou're done. Okay. You want a lawyer, we'll get you one.['] [Defendant is] the one that insists on continued talking."

¶ 34 Finally, the trial court addressed defendant's request for the appointment of an expert on intoxication. The court noted that the case did not involve breath or blood testing to determine whether defendant was under the influence, which it found was the type of circumstance that would normally require expert testimony. Rather, defendant's case involved "observations and testimony" from which jurors could make their own determinations. The court concluded that expert testimony was not warranted in such a situation.

¶ 35 B. Jury Trial

¶ 36 Defendant's jury trial began on October 28, 2024. At trial, the State's evidence showed that on February 14, 2022, Coleman's niece called the police for a "welfare check" on Coleman after family members had not heard from her. The police entered Coleman's residence and found her deceased on the bedroom floor. She died as the result of a stab wound to the chest.

¶ 37 Dr. Nathaniel Patterson, an expert in forensic pathology, performed Coleman's autopsy. He testified that Coleman was 57 years old, five feet and five inches tall, and weighed

113 pounds. According to Dr. Patterson, Coleman suffered a stab wound to the chest that was three inches deep and consistent with having been made "with a single-edge blade." He agreed that kitchen knives were "a similar shape" to Coleman's wound and stated that "[t]he majority of knives are single edge." The wound to Coleman's chest went through her sternum, or breastbone, and caused defects in the two main blood vessels of her heart, the aorta and the pulmonary trunk. Dr. Patterson described the stab wound as going from "front to back, [from Coleman's] right to left, and upwards slightly." He opined that "significant force" would have been required for the knife to go through Coleman's sternum. He also testified that Coleman would have been quickly incapacitated by her injuries, stating she would have lost consciousness within one to two minutes and "died rapidly after that."

¶ 38 Dr. Patterson testified Coleman had no additional stab wounds to her body and no defensive wounds, and her body showed signs of decomposition. On cross-examination, he stated that Coleman had cocaine and marijuana metabolites in her system. She also had some ethanol, *i.e.*, alcohol, in her system, which Dr. Patterson believed was "most likely from the decomposition."

¶ 39 The State's evidence showed that Coleman's cell phone was found at the scene. An analysis of data retrieved from the phone established that the last incoming call that was answered occurred on February 5, 2022. The last outgoing call was made on the same date. Additionally, evidence showed that human blood was found on the bedroom wall where Coleman's body was discovered. A chemical applied to the bathroom sink showed that it contained the presence of blood, and Coleman's DNA was found on swabs taken from "the interior of the bathroom sink." Defendant's fingerprints were found on an aluminum can inside Coleman's residence, and his

DNA was found on several items, including an empty water bottle, an empty beer can, three cigarette butts, and the hot water handle of the faucet of the bathroom sink.

¶ 40 Officer Tim Day testified that on March 8, 2022, defendant was taken into custody in connection with a matter unrelated to Coleman's death. On that date, Day responded to a call about a person in possession of a knife at a hotel, who was identified as defendant. The police located defendant the same afternoon and, during a search incident to his arrest, found a kitchen knife on his person. Day testified the knife was given to people who were with defendant because defendant "couldn't take it to jail with him." A recording of the incident from Day's body-worn camera was admitted into evidence and published to the jury. The recording showed police officers giving the knife to a third party.

¶ 41 Finally, Redpath testified regarding his investigation into Coleman's death. He stated he learned that Coleman's phone calls "ended" on February 5, 2022, and that she stopped using her debit card around the same time. Additionally, DNA analysis of items found inside Coleman's residence resulted in " [Combined DNA Index System (CODIS)] hit[s]." Redpath testified that there were CODIS hits for three individuals aside from Coleman—Allen Bridgeford, Jose Rivera, and defendant. Both Bridgeford's DNA and Rivera's DNA were linked to one item of evidence in Coleman's residence, while defendant's DNA was linked to approximately six items of evidence. Redpath testified he interviewed all three men, electing to interview Bridgeford and Rivera first because they had fewer "hits" than defendant. Following those interviews, he did not consider Bridgeford or Rivera to be suspects in the case.

¶ 42 On November 3, 2022, Redpath located and interviewed defendant. He described initially approaching defendant and speaking with him at the police station about a theft that defendant had reported before transitioning to the topic of Coleman's death. Over defendant's

renewed objection to his statements, a redacted recording of his police interview was admitted into evidence and played for the jury. The jury was also provided with a transcript of that recording.

¶ 43 The redacted recording was approximately two hours in length. It showed Redpath discussing matters unrelated to the underlying case with defendant before asking defendant if he knew Coleman. Consistent with the evidence presented at the hearing on defendant's motion to suppress, the redacted recording showed that defendant initially denied knowing Coleman. He later admitted that he knew her and that he had visited her residence. Ultimately, defendant reported that Coleman tried to attack him and that the two struggled over the knife. He indicated that Coleman was injured as a result. Redpath testified that during the interview, he was the first one "to bring up the idea of self[-]defense." He stated he did not believe the case "was a self-defense case" but mentioned self-defense because he believed defendant would "be more likely to make some admissions."

¶ 44 On cross-examination, Redpath acknowledged that through his investigation, he learned from Coleman's family members that Coleman had a temper. He also agreed that defendant described Coleman has having "lost her cool" or "flipped out." Redpath testified that he did not have any evidence that Coleman did not come at defendant with a knife. However, he asserted that he did not believe defendant's version of events "[b]ased on the way the interview went." The following colloquy also occurred between defendant's counsel and Redpath:

> "Q. –but you will concede that [defendant] told you that [Coleman] had done this in the past. And I believe you indicated that she had done it in the past with others?
>
> A. That she had pulled out a knife?
>
> Q. Yes. She was known to hide them?

A. Yes, known to be in the house. The family made mention of her having knives in the house and keeping them in there, just in case someone would come in, unknown.

Q. And threatening them with them?

A. She said she would have them based on stature to protect herself, I think is what her daughter told me."

¶ 45 Redpath testified that defendant repeatedly stated he had not known that Coleman was dead. He acknowledged that he did not have any proof that defendant was lying. Redpath testified that his theory was that "someone got aggressive and [Coleman] got stabbed." He agreed that he did not know who the aggressor was. Additionally, he agreed that it was "possible" that defendant's reenactment of his altercation with Coleman during his recorded interview was what had occurred and that it "matche[d] up" with the forensic evidence.

¶ 46 On redirect examination, Redpath testified that the information provided to him during his investigation was that Coleman possessed knives "to protect herself" and that "she would have knives in the house because she was scared someone was going to break into her house at night." He denied that he received any information that Coleman "was the type of person to be an aggressor with the knife" or that she had violent tendencies "in that nature." Additionally, regarding the issue of intent, Redpath agreed that he was not inside defendant's mind and did not know what he was thinking when Coleman was stabbed. Further, he reiterated that during his interview, defendant initially denied knowing Coleman before later asserting that she was a family friend. He also stated that it did not appear from the crime scene that the altercation between defendant and Coleman occurred in the front room of her residence, stating there were too many

items in the room. Redpath believed that the altercation occurred in the bedroom "[b]ased on the way [Coleman] fell."

¶ 47 Following Redpath's testimony, the State rested, and defendant presented no evidence. The trial court instructed the jury on first degree murder, second degree murder based on imperfect self-defense, and aggravated battery. The court also provided a self-defense instruction. Ultimately, the jury found defendant guilty of second degree murder and aggravated battery.

¶ 48 C. Posttrial and Sentencing

¶ 49 In November 2024, defendant filed a posttrial motion to vacate his convictions or for a new trial. Relevant to this appeal, he argued the trial court erred by denying his motion to suppress his November 2022 statements to the police and that the State failed to prove his guilt beyond a reasonable doubt. Following a hearing, the court denied defendant's motion.

¶ 50 At sentencing, the trial court found defendant's aggravated battery and second degree murder offenses merged and sentenced him to 18 years in prison for second degree murder. Defendant filed a motion to reconsider his sentence, arguing it was excessive and, following a hearing, the court denied the motion.

¶ 51 This appeal followed.

¶ 52 II. ANALYSIS

¶ 53 A. Sufficiency of the Evidence

¶ 54 On appeal, defendant first challenges the sufficiency of the evidence against him, arguing the State failed to prove beyond a reasonable doubt that he did not act in self-defense. Defendant contends that no evidence contradicted his statement to the police that Coelman attacked him with a knife. Additionally, he argues that testimony from Redpath showed that (1) "it

was not possible to know who was the aggressor" of the altercation between him and Coleman, (2) Coleman had a temper and was known to hide knives around her house, and (3) the forensic evidence matched his "account of pushing the knife away as [Coleman] attacked him."

¶ 55 "The State has the burden of proving beyond a reasonable doubt each element of an offense. *People v. Gray*, 2017 IL 120958, ¶ 35. When considering a challenge to the sufficiency of the evidence, a reviewing court must view the evidence in the light most favorable to the State and "determine whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *People v. Harvey*, 2024 IL 129357, ¶ 19. "All reasonable inferences are drawn in favor of a finding of guilt." *People v. Swenson*, 2020 IL 124688, ¶ 35. "A criminal conviction will not be overturned unless the evidence is so unreasonable, improbable, or unsatisfactory as to justify a reasonable doubt of the defendant's guilt." *People v. Conway*, 2023 IL 127670, ¶ 16.

¶ 56 Here, the State charged defendant with first degree murder (720 ILCS 5/9-1(a)(1), (a)(2) (West 2022)) and aggravated battery (*id.* § 12-3.05(a)(1)). Defendant raised a claim of self-defense and, ultimately, the jury found him guilty of second degree murder (*id.* § 9-2(a)(2)) and aggravated battery. Relevant to this appeal, the Criminal Code of 2012 (Code) defines the offense of first degree murder as follows:

> "(a) A person who kills an individual without lawful justification commits first degree murder if, in performing the acts which cause the death:
>
> (1) he or she either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another; or

(2) he or she knows that such acts create a strong probability of death or great bodily harm to that individual or another." *Id.* § 9-1(a)(1)-(2).

Additionally, it states that "[a] person commits aggravated battery when, in committing a battery, other than by the discharge of a firearm, he or she knowingly *** [c]auses great bodily harm or permanent disability or disfigurement." *Id.* § 12-3.05(a)(1).

¶ 57 The affirmative defense of self-defense is the justifiable use of force against another. With respect to self-defense, the Code provides as follows:

> "A person is justified in the use of force against another when and to the extent that he reasonably believes that such conduct is necessary to defend himself or another against such other's imminent use of unlawful force. However, he is justified in the use of force which is intended or likely to cause death or great bodily harm only if he reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or another, or the commission of a forcible felony." *Id.* § 7-1(a).

¶ 58 When the defendant in a murder case alleges that he acted in self-defense, the State must prove more than the elements of first degree murder. *People v. Jeffries,* 164 Ill. 2d 104, 127 (1995). Specifically, it "must also prove that the murder was not carried out in self-defense, and that the defendant's use of force was not legally justified." *Id.* To raise a claim of self-defense, a defendant must establish some evidence of the following elements:

> "(1) force is threatened against a person; (2) the person threatened is not the aggressor; (3) the danger of harm was imminent; (4) the threatened force was unlawful; (5) he actually and subjectively believed a danger existed which required

the use of the force applied; and (6) his beliefs were objectively reasonable." *Id.* at 127-28.

"If the State negates *any one* of the self-defense elements, the defendant's claim of self-defense must fail." (Emphasis in original.) *Id.* at 128. "The trier of fact must then find the defendant guilty of either first or second degree murder." *Id.*

¶ 59 Second degree murder is a lesser mitigated offense of first degree murder. *Id.* at 122. Relevant to this appeal, the Code provides for a form of second degree murder referred to as "imperfect self-defense," which "occurs when there is sufficient evidence that the defendant believed he was acting in self-defense, but that belief is objectively unreasonable." *Id.* at 113. Specifically, section 9-2(a)(2) of the Code states as follows:

> "(a) A person commits the offense of second degree murder when he or she commits the offense of first degree murder as defined in paragraph (1) or (2) of subsection (a) of Section 9-1 of this Code and *** the following mitigating factor[ ] [is] present:
>
> ***
>
> (2) at the time of the killing he or she believes the circumstances to be such that, if they existed, would justify or exonerate the killing ***, but his or her belief is unreasonable." 720 ILCS 5/9-2(a)(2) (West 2022).

¶ 60 Before a defendant can be found guilty of second degree murder, he has the burden of proving the existence of a mitigating factor by a preponderance of the evidence. *Id.* § 9-2(c). "The burden of proof, however, remains on the State to prove beyond a reasonable doubt each of the elements of first degree murder and, when appropriately raised, the absence of circumstances at the time of the killing that would justify or exonerate the killing." *Id.* "The State must prove the

elements of first degree murder beyond a reasonable doubt before the jury can even consider whether a mitigating factor for second degree murder has been shown." *People v. Staake*, 2017 IL 121755, ¶ 40.

> "[W]hen a defendant is found guilty of second degree murder, the trier of fact has, in essence, concluded that the evidence that the defendant has offered was not sufficient to support his claim of self-defense. The defendant, however, has proven by a preponderance of the evidence the existence of a mitigating factor sufficient to reduce the offense of murder to second degree murder. The defendant is not compelled to show that he had an unreasonable belief in the necessity for the use of force to obtain a second degree murder conviction. Rather, after the defendant has presented the best evidence for his defense, the trier of fact has concluded that the evidence only supports a finding of second degree murder and not absolute justification for the defendant's actions." *Jeffries*, 164 Ill. 2d at 129.

¶ 61 Additionally, "[w]hether a killing is justified under the law of self-defense is a question of fact [citations], and the fact finder is not required to accept as true the defendant's evidence in support of that defense." *People v. Huddleston*, 243 Ill. App. 3d 1012, 1018-19 (1993). "Instead, the trier of fact is obliged to consider the probability or improbability of the evidence, the circumstances surrounding the event, and all of the witnesses' testimony." *Id.* at 1019.

¶ 62 Here, the evidence presented was sufficient to support the finding that defendant did not act in self-defense. The evidence showed Coleman was found deceased on the floor of her bedroom from a stab wound to the chest. Fingerprint and DNA evidence placed defendant at the scene, and defendant admitted during his interview with the police that his actions caused Coleman's injury. Although defendant also maintained that he had been acting in self-defense after

Coleman attacked him with a knife, as the State argues, the jury was not required to find defendant credible or to accept his claim of self-defense as true. See *People v. Pecoraro,* 144 Ill. 2d 1, 11 (1991) ("The credibility of defendant's confession was to be weighed by the jury as the trier of fact and the jury could have accepted all, part[,] or none of the confession."); *People v. Batchelor*, 171 Ill. 2d 367, 376-77 (1996) ("Where a defendant's statement is contradicted by the facts and circumstantial evidence, the trier of fact need not believe it, even though other witnesses do not contradict the statement directly.").

¶ 63 In this case, a sufficient basis existed for the jury not to accept defendant's statements about the crime in their entirety, as his version of events evolved over time, was inconsistent, and contradicted other evidence in the case. The record shows that, initially, defendant denied that he knew Coleman or that he had ever been to her residence. It was not until after detectives confronted him with DNA evidence in the case that he admitted that Coleman was a "friend" and that he had visited her home. Additionally, the idea that Coleman tried to attack defendant and that he defended himself was first introduced by Redpath, not defendant. Once Redpath suggested that Coleman had a temper and tried to attack defendant, defendant reported that Coleman came at him with a knife and that he took it from her. Defendant also asserted both that he did not know if Coleman had been injured during their altercation and that she was stabbed in the chest as he "struggled" with her for the knife.

¶ 64 Defendant described his altercation with Coleman as occurring in the "front room" of her residence. However, evidence in the case showed that human blood was spattered on the bedroom wall where Coleman's body was found, suggesting that the stabbing occurred in the bedroom. Defendant claimed to have taken the knife from Coleman and suggested that he "threw it *** somewhere" in her residence. However, no bloody knife was found inside Coleman's home.

Evidence did show that blood and Coleman's DNA were found in the bathroom sink and that a few weeks after the murder, defendant was found with a kitchen knife on his person. Such evidence leads to a reasonable inference that defendant washed the knife used to stab Coleman in the bathroom sink and took it from the residence.

¶ 65 Defendant also described Coleman as coming at him with the knife with her arm raised. He asserted that he grabbed her arm and pushed it in a downward motion toward her chest. Defendant further described Coleman as active and moving around within the residence after being stabbed. Significantly, though, Dr. Patterson, the State's expert in forensic pathology, testified that Coleman was stabbed in a slightly "upwards" direction. He also stated that Coleman was stabbed through her sternum, *i.e.*, breastbone, and the two main blood vessels of her heart. He testified that "significant force" would have been required for the knife to go through Coleman's sternum and that her injuries would have been quickly incapacitating.

¶ 66 Finally, the evidence also indicated that Coleman, who stood five feet and five inches tall and weighed 113 pounds, was much smaller in size than defendant. A rational fact finder could have determined that, under such circumstances, defendant's use of force, which could not have occurred as he described and involved stabbing Coleman in the chest with "significant force," was unreasonable and not necessary to defend himself against Coleman. See *Gray*, 2017 IL 120958, ¶ 52, (finding, in part, that because of the size difference between the defendant and the victim, the trier of fact could have drawn the inference that the force used by the defendant was not necessary).

¶ 67 Ultimately, the jury's verdict reflects that it did not fully accept defendant's account of what occurred at the time of the alleged offenses and determined that he acted without lawful

justification in stabbing Coleman. Such findings are supported by the record, and defendant's challenge to the sufficiency of the evidence lacks merit.

¶ 68 B. Motion for the Appointment of an Expert

¶ 69 Defendant next challenges the handling and denial of his motion for the appointment of an expert witness on intoxication. He points out that prior to trial, he filed both a motion for the appointment of an expert witness on intoxication and a motion to suppress his statements to the police based, in part, on his contention that his statements were involuntary because he was under the influence of drugs and alcohol at the time of his interview. Defendant requested the appointment of an expert both for the purpose of pursing his motion to suppress evidence and for trial. Ultimately, at a hearing on the motions, the trial court considered and denied defendant's motion to suppress evidence before considering and denying his motion for the appointment of an expert.

¶ 70 On appeal, defendant argues that his defense counsel provided ineffective assistance by acquiescing to the trial court's consideration of his motion to suppress evidence without first addressing whether he was entitled to the appointment of an expert on intoxication for purposes of pursuing suppression. He also argues that the court erred in denying his motion, asserting that whether he was intoxicated to a degree that his November 2022 statements to the police were involuntary was a "crucial issue" in the case. Defendant contends expert testimony on intoxication was warranted where he presented evidence that (1) he had substance abuse issues, (2) he had consumed or used a large amount of alcohol and drugs prior to his police interview, and (3) an expert witness could have provided "technical, scientific information about the effects of intoxicating chemicals on the human brain and human behavior."

¶ 71 1. *Applicable Law*

¶ 72 As defendant argues, trial courts have the authority to appoint an expert witness for an indigent defendant. *People v. Murbarger*, 2026 IL App (5th) 230430, ¶ 39. "In Illinois, it is well established that a denial of funds to an indigent for the securing of expert witnesses in defense of criminal charges may violate constitutional protections in certain circumstances." *People v. Lawson*, 163 Ill. 2d 187, 220 (1994).

¶ 73 To be entitled to the appointment of an expert, the defendant must make some showing of indigency. *People v. McCoy*, 281 Ill. App. 3d 576, 583 (1996). He must also make "some showing that the requested expert assistance is necessary in proving a crucial issue in the case and that the lack of funds for the expert will therefore prejudice defendant." *Lawson*, 163 Ill. 2d 187 at 221. "The touchstone, however, is not with what is useful, helpful, valuable, or even important to the defense effort but what is 'crucial' to it." *People v. Keene*, 169 Ill. 2d 1, 7 (1995). The trial court's denial of a motion for an expert witness is reviewed for an abuse of discretion. *Murbarger*, 2026 IL App (5th) 230430, ¶ 38 (citing *In re Commitment of Lingle*, 2018 IL App (4th) 170404, ¶ 39).

¶ 74 Here, defendant requested an expert for the purpose of establishing that he was so intoxicated at the time of his November 2022 police interview that his statements were involuntary. "Under certain circumstances intoxication can render a *Miranda* waiver involuntary." *People v. Crenshaw*, 2011 IL App (4th) 090908, ¶ 18. The suppression of a statement is warranted where "the evidence plainly shows that a suspect is so grossly intoxicated that he no longer has the capacity to knowingly waive his rights." (Internal quotation marks omitted.) *Id.* "Evidence of less than gross intoxication goes to the weight to be accorded to the defendant's statement and not the admissibility of the statement." *Id.*

¶ 75 2. *Ineffective Assistance of Counsel*

¶ 76 Initially, we consider defendant's claim that his counsel provided ineffective assistance by failing to pursue the appointment of an expert on intoxication for purposes of his motion to suppress evidence. He contends expert testimony on intoxication was highly relevant to the issue of suppression and that he was prejudiced by his counsel's performance.

¶ 77 Ineffective-assistance claims are reviewed under the standard set forth in *Strickland v. Washington*, 466 U.S. 668 (1984). *People v. Keys*, 2025 IL 130110, ¶ 57. Under that standard, the "defendant must show (1) counsel's performance fell below an objective standard of reasonableness and (2) the deficient performance prejudiced the defendant." *Id.* "Prejudice results when there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Id.* ¶ 58. To prevail, the defendant must satisfy both *Strickland* prongs. *Id.* ¶ 57.

¶ 78 In this instance, we find defendant cannot establish prejudice. Defendant's motions for the appointment of an expert and the suppression of his statements were based on the claim that he was intoxicated at the time of his police interview and that, as a result, his statements were involuntary. However, the record reflects that the trial court rejected his underlying claim of intoxication. The court's comments suggest that it did not find that defendant's testimony regarding the amount of alcohol and drugs he used prior to his interview was credible, particularly considering its observations of defendant on the recording of his interview with the police. The court stated it "did not find anything [on the recording] that would indicate that [defendant] was intoxicated at all" and that defendant's speech was even "far clearer and better and easier to understand" on the recording than it was when defendant testified at the hearing on his motions.

¶ 79 The trial court, having heard and observed defendant while testifying at the hearing on his pretrial motions, was clearly in the best position to evaluate his credibility. See *People v.*

Brown, 327 Ill. App. 3d 816, 822 (2002) ("A trial court's ruling on a motion to suppress is given great deference because the trial judge is in the best position to gauge the credibility of witnesses."). Further, the record supports its findings with respect to defendant's behavior during his recorded interview with the police. As the court found, defendant appeared to fully understand what was occurring at the time of his interview. He appeared alert, conversed appropriately with the detectives, was not "slouched over" while sitting, and did not appear to stumble or stagger when standing or moving about the interview room.

¶ 80 Notably, as the State pointed out below, the affidavit defendant submitted with his motions also conflicted with his testimony at the hearing. Specifically, in his affidavit, defendant reported that prior to his interview, he consumed two 24-ounce cans of beer and that he "smoked several marijuana 'blunts.' " Defendant did not report using crack cocaine. However, at the hearing on his motions, defendant testified to much greater use, asserting he had consumed 12 24-ounce cans of beer prior to his interview, smoked approximately three marijuana "blunts," and smoked $30 worth of crack cocaine. Additionally, although the recording captured defendant drinking a beer during a break in his interview with the police, that incident occurred toward the end of the interview and after defendant had already made most, if not all, of his incriminatory statements.

¶ 81 Additionally, we find the supreme court's decision in *People v. Pecoraro*, 175 Ill. 2d 294 (1997), is instructive. There, the defendant argued during postconviction proceedings that his counsel was ineffective for failing to introduce expert testimony at his suppression hearing to show that his incriminating statements to the police were unreliable and unworthy of belief. *Id.* 327-28. In support of his claim, the defendant submitted affidavits from a clinical psychologist who relied, in part, on the defendant's own account of his drug and alcohol use to find that the

defendant was intoxicated and would not have been able to understand the significance of his *Miranda* rights. *Id.* 328-29. The supreme court rejected the defendant's claim, stating as follows:

> "We conclude that the failure to introduce expert testimony during the suppression hearing was not prejudicial under *Strickland*. [The expert's] opinion regarding defendant's ability to waive his *Miranda* rights was based, at least in part, on defendant's own account of his drug and alcohol use prior to his arrest. However, the trial court specifically rejected defendant's account, deeming it 'exaggerated and at times untruthful.' Given this rejection of the factual basis for the opinion regarding defendant's waiver of his *Miranda* rights, it is doubtful that the court would have found the ultimate opinion persuasive. In this regard, we note that even if expert testimony had been presented, the court would not have been required to accept the expert's conclusions." *Id.* at 329-30.

¶ 82 Although the ineffective-assistance-of-counsel claim in *Pecoraro* arose in a different context than here, the supreme court's rationale applies equally to this case. Defendant argues that his counsel should have pursued the presentation of expert testimony in connection with his motion to suppress his incriminating statements to the police. However, like in *Pecoraro*, the record reflects the trial court rejected the factual basis for defendant's claim, *i.e.*, defendant's own account of his alcohol and drug use and his state of intoxication at the time of his interview. Accordingly, under the circumstances presented, defendant cannot establish a reasonable probability that the result of the hearing on his pretrial motions would have been different if counsel had asked the court to consider his motion for the appointment of an expert before considering his motion to suppress evidence.

¶ 83 3. *Motion for the Appointment of an Expert at Trial*

¶ 84 As stated, defendant also argues the trial court erred by denying his request for the appointment of an expert on intoxication for the purposes of his trial. We disagree and find no abuse of discretion by the court.

¶ 85 Again, to be entitled to the appointment of an expert, defendant had to make some showing that "expert assistance [was] necessary in proving a crucial issue in the case." *Lawson*, 163 Ill. 2d at 221. In seeking the appointment of an expert, defendant alleged that the voluntariness of his statements during his November 2022 police interview were "call[ed] into question" by his state of intoxication during the interview. However, as explained above, the trial court rejected both defendant's account of his drug and alcohol use prior to his police interview and his claim that he was intoxicated during his interview. Thus, the court effectively determined there was not a sufficient showing that expert assistance was necessary to prove an issue crucial to defendant's defense. *Id.* The court's factual findings are supported by the record and do not reflect an abuse of its discretion.

¶ 86 Additionally, we note that to be successful in his motion for the appointment of an expert, defendant was also required to make some showing of indigency. See *McCoy*, 281 Ill. App. 3d at 583 (finding that the defendant did not make a "threshold showing that he was indigent" where no affidavit of indigence was filed and no facts to support a finding of indigence were presented). However, here, defendant failed to acknowledge or address the issue of indigency in connection with his motion. On appeal, he cites no portion of the record that would support such a finding.

¶ 87 C. Motion to Suppress Evidence

¶ 88 Defendant next argues that the trial court erred in denying his motion to suppress the statements he made during his November 2022 police interview following his request for an

attorney. He contends that he "clearly and distinctly" asked for a lawyer, but the detectives failed to honor his request and, instead, convinced him to continue talking.

¶ 89 "A trial court's decision on a motion to suppress is reviewed under a two-part standard." *People v. Salamon*, 2022 IL 125722, ¶ 75. "Factual findings by the trial court will be reversed only if they are against the manifest weight of the evidence, but the ultimate legal determination as to whether suppression is warranted is reviewed *de novo*." *Id.*

¶ 90 The United States Supreme Court's decision in *Miranda* prohibits the use at trial of statements made by a suspect during a custodial interrogation "unless the prosecution demonstrates that the suspect has been warned of the right to remain silent, that any statement he does make may be used as evidence against him, and that he has the right to the presence of an attorney." *Id.* ¶ 77. "A suspect may waive these rights, provided the waiver is made voluntarily, knowingly, and intelligently." *Id.* (citing *Miranda*, 384 U.S. at 444).

¶ 91 If a suspect requests an attorney, "the interrogation must cease until an attorney is present." *Miranda*, 384 U.S. at 474. "Interrogation includes express questioning or other words or actions that police know 'are reasonably likely to elicit an incriminating response from the suspect.' " *People v. Outlaw*, 388 Ill. App. 3d 1072, 1080 (2009) (quoting *Rhode Island v. Innis*, 446 U.S. 291, 301 (1980)).

¶ 92 In *Edwards v. Arizona*, 451 U.S. 477, 484-85 (1981), the United States Supreme Court further clarified the above rule, holding that after a suspect has expressed a desire for counsel, he "is not subject to further interrogation by the authorities until counsel has been made available to him, *unless* the accused himself initiates further communication, exchanges, or conversations with the police." (Emphasis added). See *Davis v. United States*, 512 U.S. 452, 458 (1994) ("[I]f a suspect requests counsel at any time during the interview, he is not subject to further

questioning until a lawyer has been made available or the suspect himself reinitiates conversation."). After *Edwards*, courts have utilized a two-part inquiry to determine whether a suspect's statements that are made following a request for an attorney are admissible. *People v. Woolley*, 178 Ill. 2d 175, 198 (1997).

¶ 93 The first inquiry concerns "whether the accused, rather than the police, initiated further discussion after invoking the right to counsel." *Id.* To "initiate" further conversation, "the accused must make a statement that evinces a willingness and a desire for a generalized discussion about the investigation." (Internal quotation marks omitted.) *Id.* "If the accused did not initiate a conversation with the police after a request for counsel, statements made in response to further interrogation are inadmissible under *Edwards*." *Id.* at 199. When the accused does initiate a conversation, the second inquiry involves a determination of "whether the accused's subsequent waiver of the right to counsel was knowing and intelligent." *Id.* "The question at this juncture is whether the totality of the circumstances, including the fact that the accused reopened dialogue with the police, shows that the accused knowingly and intelligently waived his right to the presence of counsel during questioning." *Id.*

¶ 94 Here, in rejecting defendant's contention that Redpath and Carpenter impermissibly continued to interrogate him after he asked for a lawyer, the trial court first noted that defendant had properly been advised of his *Miranda* rights at the outset of his November 2022 interview. It found that defendant understood his rights and was familiar with them. The court also determined that defendant continued trying to talk to the detectives immediately after asking for a lawyer. It characterized the relevant interaction between defendant and the detectives as follows: "The officers tried to leave. Wanted to leave, it seems like, and said, ['Y]ou're done. Okay. You want a lawyer, we'll get you one.['] [Defendant is] the one that insists on continued talking."

¶ 95 The trial court's factual findings are supported by the record and not against the manifest weight of the evidence. As the court determined, defendant was advised of his *Miranda* rights at the beginning of his November 2022 interview with Redpath and Carpenter. He indicated that he understood his rights and that he had heard them before. After making incriminating statements and being pressed by Redpath for more information, defendant invoked his right to counsel by stating that he wanted "to talk to a lawyer." In response, Redpath stated, "Okay. Alright. That's fine," and he and Carpenter began to collect their belongings as if to leave the interview room. However, immediately following his request for a lawyer, defendant continued talking, and the following colloquy occurred:

> "DEFENDANT: I'm just saying *** that I mean, I mean, I'm telling you that—
>
> REDPATH: That's fine, we'll be done.
>
> DEFENDANT: I'm telling you, I'm telling you—
>
> REDPATH: Either tell me, either, okay, so this is the very, so, you said that you wanted a lawyer present, either you want to talk to me or you want a lawyer. And if you want to tell me, tell me. But if you want a lawyer, we have to stop and then you get a lawyer then I'm gonna go with everything I have. So it's one or the other. If you want to tell me, tell me.
>
> DEFENDANT: I'm telling you.
>
> REDPATH: Okay, so you want to keep going?
>
> DEFENDANT: Yeah, I can talk to you."

¶ 96 The record reflects that it was defendant, and not the detectives, who initiated further conversation after his request for counsel. Defendant's statements of, "I'm just saying," "I

mean," and, "I'm telling you that—," suggested a desire to continue talking about the investigation and to further explain his position. A consideration of the totality of the circumstances also shows that defendant knowingly and intelligently waived his right to the presence of counsel during further questioning. Defendant had been properly advised of his *Miranda* rights at the outset of the interview and indicated he understood them. After defendant initiated further conversation, Redpath clarified that defendant wanted to continue the interview without a lawyer, and defendant clearly reaffirmed that he wished to continue the interview.

¶ 97 On appeal, defendant argues that Redpath's statement to defendant that "I'm gonna go with everything I have" was improper because it was designed to induce or convince defendant to continue the interview after his request for counsel. However, defendant overlooks the fact that Redpath's comment was not made in response to defendant's invocation of his right to counsel to persuade him to continue talking. Rather, the comment was made after defendant had already initiated further conversation with the detectives and indicated his desire to continue discussing the underlying investigation.

¶ 98 Because defendant was the one to initiate further conversation, his statements made in response to further interrogation are not automatically inadmissible under *Edwards*. Instead, it must be determined whether his "subsequent waiver of the right to counsel was knowing and intelligent." *Id.* The record, here, supports the finding that it was. Accordingly, we find no error in the trial court's denial of defendant's motion to suppress.

¶ 99 D. Counsel's Failure to Impeach Redpath

¶ 100 Defendant further argues on appeal that his counsel was ineffective for failing to impeach Redpath regarding whether Coleman was known to be violent or aggressive.

¶ 101 At trial, Redpath acknowledged on cross-examination by defendant's counsel that he learned from Coleman's family members that she had a temper. He also stated that she was "known" to hide knives and that a family member mentioned Coleman "having knives in the house and keeping them in there, just in case someone would come in, unknown." On redirect examination by the State, Redpath testified that his investigation showed Coleman possessed knives "to protect herself" and that "she would have knives in the house because she was scared someone was going to break into her house at night." Additionally, he denied that he had received any information that Coleman "was the type of person to be an aggressor with the knife" or that she had violent tendencies "in that nature."

¶ 102 Defendant maintains that Redpath made conflicting statements to him during his police interview. He points out that the recording of that interview showed that Redpath made the following specific statements about Coleman: (1) "She had a temper. I know she had threatened to do things to people before," (2) "She would go from A to 100, 1 to 100 in a second and all of a sudden she would be like, pulling out a knife," and (3) "I've been told by family members she's taken a knife out and they wouldn't go in the house because they were afraid of what she would do with it." Defendant suggests his counsel should have confronted Redpath with these comments on cross-examination and was ineffective for failing to do so.

¶ 103 As stated, ineffective-assistance claims are reviewed under the two-pronged *Strickland* standard. *Keys*, 2025 IL 130110, ¶ 57. The defendant must show both that (1) his counsel's performance fell below an objective standard of reasonableness and (2) he suffered prejudice, in that a reasonable probability exists that but for his counsel's unprofessional errors, the result of the proceeding would have been different. *Id.* ¶¶ 57-58.

¶ 104 With respect to the deficient performance prong, "the defendant must overcome the strong presumption that counsel's action or inaction was the result of sound trial strategy." *People v. Ramsey*, 239 Ill. 2d 342, 433 (2010). Generally, decisions regarding whether to cross-examine or impeach a witness are matters of trial strategy that will not support an ineffective-assistance claim. *Pecoraro*, 175 Ill. 2d at 326. To overcome the presumption of sound trial strategy the defendant must demonstrate that "trial counsel's decision was so unreasonable and irrational that no reasonably effective defense attorney faced with similar circumstances would pursue that strategy." *People v. Shelton*, 401 Ill. App. 3d 564, 583-84 (2010). "That another strategy may have been better, or that another lawyer would have *** handled the case differently, is not proof defendant's trial counsel was incompetent." *People v. Campbell*, 332 Ill. App. 3d 721, 731 (2002).

¶ 105 On this record, defendant cannot establish either *Strickland* prong. Initially, the record shows defendant's counsel vigorously cross-examined Redpath and elicited testimony that Coleman was known to have a temper and to hide knives in her home. Such testimony was supportive of defendant's self-defense claim and his own statements to the detectives that Coleman became angry and attacked him, and that she had "pulled" knives on him before.

¶ 106 Additionally, Redpath acknowledged on cross-examination that he was "deceptive" with defendant during his interview to get him to talk about what happened and make admissions. In particular, he admitted that he raised the issue of self-defense with defendant even though he did not believe Coleman's death "was a self-defense case." It is likely that had Redpath been confronted at trial with prior statements that suggested Coleman had acted aggressively with knives, he would have explained that such statements were untrue and that they were made as an interviewing tactic designed to elicit information from defendant.

¶ 107 Ultimately, the record shows defendant's counsel vigorously cross-examined Redpath and that Redpath could have explained the prior statements he made that conflicted with his trial testimony. Given such circumstances, defendant cannot show that his counsel's performance in failing to impeach Redpath with those prior statements was objectively unreasonable. He also cannot establish that, but for counsel's failure, the result of his trial would have been different. Accordingly, we find no merit to defendant's ineffective-assistance claim.

¶ 108 E. Prosecution's Improper Comments

¶ 109 On appeal, defendant argues that prosecutors made multiple improper and prejudicial comments during both opening statements and closing arguments. He contends that the improper and prejudicial comments, both independently and when combined, warrant reversal and a new trial. Defendant acknowledges that he failed to preserve his claims for review by failing to raise objections to the challenged comments with the trial court. However, he contends his claims are reviewable as first-prong plain error.

¶ 110 To properly preserve an issue for appellate review, a defendant must both make a trial objection and raise the issue in a written posttrial motion. *People v. Enoch*, 122 Ill. 2d 176, 186 (1988). Here, defendant failed to raise any objection with the trial court to the comments he now challenges on appeal. Nevertheless, under the plain-error doctrine, defendant's procedural default may be excused in two instances:

> "(1) when a clear or obvious error occurred and the evidence is so closely balanced that the error alone threatened to tip the scales of justice against the defendant, regardless of the seriousness of the error, or (2) when a clear or obvious error occurred and that error is so serious that it affected the fairness of the defendant's trial and challenged the integrity of the judicial process, regardless of the closeness

> of the evidence." (Internal quotation marks omitted.) *People v. Sebby*, 2017 IL 119445, ¶ 48.

Under either prong, the initial analytical step "is determining whether there was a clear or obvious error at trial." *Id.* ¶ 49.

¶ 111 "[T]he purpose of an opening statement is to apprise the jury of what each party expects the evidence to prove." *People v. Leger*, 149 Ill. 2d 355, 392 (1992). Prosecutors are "allowed to comment on what the expected evidence will be and reasonable inferences therefrom." *People v. Cloutier*, 156 Ill. 2d 483, 507 (1993). "Absent deliberate misconduct, incidental and uncalculated remarks in opening statement cannot form the basis of reversal." *Id.* To require reversal, comments must result in "substantial prejudice such that the result would have been different absent the complained-of remark." *Id.*

¶ 112 During closing argument, "[t]he State is afforded wide latitude." *People v. Smith*, 2025 IL 130067, ¶ 56. Prosecutors "may comment on the evidence and on any fair and reasonable inference the evidence may yield." *People v. Runge*, 234 Ill. 2d 68, 142 (2009). "Closing arguments are to be considered in their entirety, rather than focusing on individual remarks," and "[a]n isolated comment may not be sufficient to prejudice a defendant." *Smith*, 2025 IL 130067, ¶ 56. Comments must be evaluated "in the context in which they were made." *Ramsey*, 239 Ill. 2d at 441.

> "In determining whether comments made during closing argument are improper, we consider whether they engender substantial prejudice against a defendant such that it is impossible to say whether or not a verdict of guilt resulted from them. [Citation.] Reversal and a new trial are warranted where the misconduct in closing argument is substantial and the improper comments constituted a material factor in

> a defendant's conviction. [Citation.] When considering the State's comments in closing argument, we will find reversible error only if the defendant demonstrates that the remarks were improper and that they were so prejudicial that real justice was denied or the verdict resulted from the error." (Internal quotation marks omitted.) *Smith*, 2025 IL 130067, ¶ 56.

Whether a prosecutor's statement was so egregious that it warrants a new trial is reviewed *de novo*. *Id.*; see *People v. Wheeler*, 226 Ill. 2d 92, 121 (2007).

¶ 113 On appeal, defendant challenges several different comments by the prosecutors in his case. We find he has failed to establish the occurrence of a clear or obvious error with respect to any of the challenged remarks.

¶ 114 1. *Evidence Not Presented*

¶ 115 Defendant first complains that during both its opening statement and closing argument, the prosecution referenced "additional evidence in the case that the jury would not see" and emphasized the importance of the evidence that the State was presenting. He contends the remarks amounted to an improper insinuation that other evidence supporting his guilt existed. Defendant also argues the comments improperly bolstered the State's evidence by "suggesting that it had gone through some kind of vetting process." We disagree.

¶ 116 The record reflects that during the State's opening statement one of the prosecutors informed the jury that over the course of defendant's trial, both "testimony and exhibits" would be presented. The prosecutor then stated as follows:

> "Now, you heard the witness list that started this case. That gives you a sense of who may be called. We don't expect everyone on that list is going to testify. You

won't hear from everyone, you will hear from the most important witnesses, the ones who have things of value and relevance to add to the issues in this case."

During its closing argument, the prosecution further commented: "[Y]ou heard a long list of witnesses *** as this trial was beginning. And we certainly did not call all of those witnesses who helped put those pieces together. You heard from those who were most critical in solving this puzzle."

¶ 117 To support his contention that such comments were improper, defendant primarily relies on three cases. In *People v. Thomas*, 22 Ill. App. 3d 854, 856-57 (1974), the prosecutor referred to the defendant as a " 'criminal' " during his trial. The reviewing court found the remark was "improper and highly prejudicial," stating, in part, that "[i]n no event may a prosecutor comment on facts which are not in evidence, nor may he inject into the case *** extraneous and inflammatory material." *Id.* at 857.

¶ 118 In *People v. Emerson*, 97 Ill. 2d 487, 496 (1983), the defendant had filed a motion to exclude evidence that he possessed a loaded revolver at the time of his arrest. After the defendant's counsel argued that the defendant did not act guilty at the time of his arrest or resist arrest, the prosecutor remarked as follows: " 'Well, ladies and gentlemen, we can't tell you everything he did after his arrest and he knows it. Maybe when this is over I will tell you what he did when he was arrested.' " *Id.* The supreme court found the prosecutor's comment was "clearly improper" *Id.* at 497. It stated that "the inference that defendant had been guilty of improper conduct at the time of the arrest left the jury free to speculate as to the nature of that misconduct" and was prejudicial. *Id.*

¶ 119 Finally, in *People v. Valdery*, 65 Ill. App. 3d 375, 378 (1978), the prosecutor commented on the credibility of three specific witnesses in the case, stating that they were

individuals of high " 'integrity,' " that he was " 'impressed' " by the witnesses, and that they had shown " 'a high level of responsibility coming forth and testifying.' " The reviewing court found the remarks "highly prejudicial" because they placed the integrity of the prosecutor's office behind the credibility of the witnesses and created "an unfair advantage for the State." *Id.*

¶ 120 The circumstances of the present case fall far short of what occurred in *Thomas*, *Emerson*, and *Valdery*. Here, the prosecutors made general remarks that, when taken in context, clearly suggested the irrelevance and unimportance of individuals who were not being called as witnesses at trial but whose names had appeared on a witness list that had been presented to the jury. They made no inflammatory comment about defendant, reference to any inadmissible evidence, or comment about any specific witness or evidence. Under such circumstances, there was no clear or obvious error and, thus, no plain error.

¶ 121 2. *The Murder Weapon*

¶ 122 Defendant next argues that the prosecution erred by telling the jury that he was found carrying a knife that was of a "similar size and shape" to the murder weapon. Specifically, the record shows that during the State's rebuttal argument, one of the prosecutors commented as follows:

> "[A] month after this happened, the defendant was arrested with a kitchen knife of a similar size and shape that was used in the offense.
>
> Now, unfortunately at the time, officers did not know he was a suspect. They did not know they should book this into evidence and send it to the lab. They didn't have that information at the time. But it would seem that's exactly what happened to the murder weapon."

Defendant contends that because no evidence was presented regarding the size and shape of the knife that killed Coleman, the prosecutor's remarks were an improper misrepresentation of the evidence presented at trial.

¶ 123 As stated, prosecutors "may comment on the evidence and on any fair and reasonable inference the evidence may yield." *Runge*, 234 Ill. 2d at 142. However, they "may not argue assumptions or facts not contained in the record." *People v. Glasper*, 234 Ill. 2d 173, 204 (2009). Additionally, reversal is only required "where the misconduct in closing argument is substantial and the improper comments constituted a material factor in a defendant's conviction." (Internal quotation marks omitted.) *Smith*, 2025 IL 130067, ¶ 56.

¶ 124 Initially, we agree with defendant that no evidence was presented at trial that established the precise size or shape of the knife used to kill Coleman. However, the prosecution's challenged remark regarding the "size and shape" of the knife was brief and isolated. Additionally, it was not error for the State to argue that the knife found in defendant's possession at the time of his arrest in March 2022 could have been the knife used to kill Coleman. Dr. Patterson testified that Coleman's wound was consistent with having been made "with a single-edge blade," and he generally agreed that kitchen knives were "a similar shape" to Coleman's wound. Defendant's own statements to the police indicated that Coleman was stabbed with a kitchen knife that he left inside Coleman's residence. No bloody knife was found at the scene; however, a few weeks after Coleman's death, the police found "a kitchen knife" on defendant's person.

¶ 125 Given such circumstances, we find the prosecution's challenged comment was not prejudicial to defendant and also not a material factor in his conviction. Again, we find no clear or obvious error and, as a result, no plain error.

¶ 126 3. *Elements of the Offense*

¶ 127 Defendant further argues that the prosecution erred by misstating the applicable law during its closing argument. He notes that in discussing the elements of the offenses of first and second degree murder that the State needed to prove, one of the prosecutors argued as follows:

> "And before getting into the second proposition, what's called the *mens rea* mind. I'd like to address what you're not going to see. There is not a fourth proposition that says that the State proved beyond a reasonable doubt why this happened. We don't have to show that. The motivation for killing her, any of that, not something that you have to deliberate on."

Defendant contends the State's comments were in error because "this was a self-defense case" that required the jury to determine "why" the offense occurred and the State to prove that defendant did not reasonably believe force was " 'necessary to prevent imminent death or great bodily harm to himself' " when he acted.

¶ 128 As defendant argues, "an attorney may not misstate the law in closing argument." *Ramsey*, 239 Ill. 2d at 441. Here, we find no misstatement of the law.

¶ 129 The State's primary theory of the case was that defendant stabbed Coleman without any lawful justification. An assertion by the State that it did not have to establish defendant's motive for doing so was accurate and not made in error. See *People v. Hobbs*, 35 Ill. 2d 263, 269 (1966) (stating "motive is not an essential element of the crime of murder"). Additionally, viewing the prosecution's closing argument in its entirety, the record reflects only correct recitations of the applicable law, including the requirement that it prove that defendant was not justified in using the force that he used. Accordingly, we find no clear or obvious error and, consequently, no plain error.

¶ 130 4. *Pleas for Sympathy*

¶ 131 Finally, defendant contends the State improperly "engaged in pleas for jury sympathy" during its closing argument. Specifically, he complains that at the outset of the State's closing argument, one of the prosecutors stated that Coleman "was so loved by her family and kept in touch with all of them." He also points out that, later, in explaining that the State did not have to prove motive, the prosecutor commented that "there are victims, families who have to live the rest of their lives without that answer, why their loved one was killed." Defendant contends that neither statement served any purpose other than to "arouse the sympathies of the jurors."

¶ 132 "[A]rgument that serves no purpose but to inflame the jury constitutes error." *People v. Blue*, 189 Ill. 2d 99, 128 (2000). Specifically, "evidence or argument dwelling on the victim's family, or relating defendant's punishment to the existence of a family, is 'inflammatory and improper' and constitutes reversible error." *Id.* at 129.

¶ 133 In this case, the prosecutor made only brief references to Coleman's family, without dwelling on her personal relationships or relating their existence to the need for punishment. Additionally, the prosecutor's general remarks about other victims and their families were made in the context of explaining to the jury that the State was not required to prove motive. We find the prosecutor's comments were not inflammatory and that no error occurred.

¶ 134 5. *Cumulative Error*

¶ 135 Defendant argues that the combined effect of the State's improper comments caused him prejudice. Notably, however, he has failed to establish the occurrence of any error with respect to all but one of his claims. See *People v. Gilker*, 2023 IL App (4th) 220914, ¶ 104 (stating that because each of the defendant's individual claims "fail[ed] on the merits, his argument of cumulative error based on those individual claims also fail[ed]"). In the one instance that defendant

identified a misstatement of evidence by the prosecutor, the remark was isolated and not sufficient to cause him prejudice. Accordingly, defendant's cumulative-error claim also lacks merit.

¶ 136 F. Jury Instructions

¶ 137 On appeal, defendant further argues that the trial court incorrectly instructed the jury by (1) failing to include the phrase "without legal justification" in the jury instruction that defined first degree murder and (2) providing a self-defense instruction that erroneously stated force is justified when "necessary to *present* imminent death or great bodily harm" (emphasis added) rather than when "necessary to *prevent* imminent death or great bodily harm." He contends the instructions confused the jury and caused him prejudice.

¶ 138 Defendant failed to preserve this issue for review by not raising any objection to the jury instructions with the trial court. *Enoch*, 122 Ill. 2d at 186. However, he argues we may review the issue as a claim of ineffective assistance of counsel. As stated, to establish ineffective assistance of counsel under *Strickland*, a defendant must show both that (1) his counsel's performance fell below an objective standard of reasonableness and (2) a reasonable probability exists that but for counsel's deficient performance, the result of the proceeding would have been different. *Keys*, 2025 IL 130110, ¶¶ 57-58.

¶ 139 "The purpose of jury instructions is to provide the jury with the correct legal principles applicable to the evidence, so that the jury may reach a correct conclusion according to the law and the evidence." *People v. Bannister*, 232 Ill. 2d 52, 81 (2008). "Jury instructions should not be misleading or confusing," and "[t]heir correctness depends not on whether defense counsel can imagine a problematic meaning, but whether ordinary persons acting as jurors would fail to understand them." *Id.* "[S]ome errors in jury instructions can be considered harmless, such as when an inaccurate instruction, standing alone, may be misleading but other instructions clear up the

confusion." *People v. Woods*, 2023 IL 127794, ¶ 47. "The task of a reviewing court is to determine whether the instructions, considered together, fully and fairly announce the law applicable to the theories of the State and the defense." (Internal quotation marks omitted.) *People v. Williams*, 2025 IL 130779, ¶ 15. Whether jury instructions accurately convey the applicable law is subject to *de novo* review. *Id.*

¶ 140 Here, the record reflects the jury was provided with (1) an instruction that defined first degree murder (Illinois Pattern Jury Instructions, Criminal, No. 7.01B (approved Dec. 8, 2011) (hereinafter IPI Criminal No. 7.01B)), (2) the issues instruction for first and second degree murder (Illinois Pattern Jury Instructions, Criminal, No. 7.06 (approved Jan. 30, 2015)), (3) an instruction defining the mitigating factor based on imperfect self-defense for purposes of second degree murder (Illinois Pattern Jury Instructions, Criminal, No. 7.05 (approved Jan. 30, 2015)), and (4) an instruction defining self-defense (Illinois Pattern Jury Instructions, Criminal, No. 24-25.06 (approved Dec. 8, 2011) (hereinafter IPI Criminal No. 24-25.06)). The definitional instruction for first degree murder states as follows:

> "A person commits the offense of first degree murder when he kills an individual [*without lawful justification*] if, in performing the acts which cause the death,
>
> [1] he intends to kill or do great bodily harm to that individual [or another];
>
> [or]
>
> [2] he knows that such acts will cause death to that individual [or another];
>
> [or]

[3] he knows that such acts create a strong probability of death or great bodily harm to that individual [or another] ***." (Emphasis added.) IPI Criminal No. 7.01B.

As defendant notes, when the jury is given a self-defense instruction, the definitional instruction for first degree murder should include the bracketed phrase "without lawful justification." IPI Criminal No. 7.01B (Committee Note). That phrase was not included in the instruction that defined first degree murder in this case.

¶ 141 Additionally, the self-defense instruction states the following:

"A person is justified in the use of force when and to the extent that he reasonably believes that such conduct is necessary to defend [(himself) ***] against the imminent use of unlawful force.

[However, a person is justified in the use of force which is intended or likely to cause death or great bodily harm only if he reasonably believes that such force is necessary to *prevent* [(imminent death or great bodily harm to [(himself) ***]) ***.]" (Emphasis added.) IPI Criminal No. 24-25.06.

The second, bracketed paragraph should be used "when there is some evidence that the force used by the defendant was likely to cause death or great bodily harm" (IPI Criminal No. 24-25.06 (Committee Note)), and it was given in the present case. However, as defendant argues, the instruction used the word "present" in place of the word "prevent."

¶ 142 Notably, in *People v. Rios*, 318 Ill. App. 3d 354, 359-64 (2000), the Appellate Court, First District, found no reversible error under similar circumstances, where "[t]he definitional instruction for first degree murder did not include phrase 'without legal justification,' despite defendant's self-defense argument." In so holding, the court noted that although the

definitional instruction erroneously omitted the "without lawful justification" language, "the issues instruction told the jury it could not find defendant guilty of that offense unless the State proved he was not justified in using the force he used." *Id.* at 362. Ultimately, the court found it significant that the challenged definitional instruction for first degree murder did not conflict with other instructions and was, instead, "complemented" by both the issues instruction and the self-defense instruction. *Id.* The court determined that, viewing the instructions as a whole, "[t]he jury was instructed that in order to find defendant guilty of first degree murder, it would have to find beyond a reasonable doubt he was not justified in using the force he used." *Id.* The First District also relied on the fact that "[t]he issue of justification was repeatedly referred to during both the prosecutor's and the defendant's closing arguments." *Id.* at 364.

¶ 143 In *People v. Huckstead*, 91 Ill. 2d 536, 544-45 (1982), the supreme court relied upon the same factors under similar circumstances. There, the defendant challenged the omission of an instruction that would have informed the jury that the State had to "prove beyond a reasonable doubt [t]hat the defendant was not justified in using the force which he used." (Internal quotation marks omitted.) *Id.* at 543. In rejecting the defendant's challenge, the court stated as follows:

> "We believe in this case, the instructions, in combination with the closing arguments by counsel for both sides, apprised the jury that the State had the burden of proving that the] defendant was not justified in the force he used. Consequently, the failure of the trial court to give [the instruction at issue] did not constitute 'grave error.' " *Id.* at 545.

¶ 144 The same is true in the present case. The instructions and the parties' arguments correctly informed the jury that to find defendant guilty of first or second degree murder, the State had to prove beyond a reasonable doubt that he was not justified in using the force he used. This

case involved the same instructions that were provided to the jury in *Rios*, including an issues instruction that stated the State had to prove "that the defendant was not justified in using the force which he used." The jury also received a self-defense instruction and an instruction defining a mitigating factor for purposes of second degree murder that both addressed the issue of justification. Although the self-defense instruction erroneously used the word "present" in place of the word "prevent," as the State argues, it is clear from the context of the instruction that it contained a typographical error. That instruction also otherwise instructed the jury that "[a] person is justified in the use of force when and to the extent that he reasonably believes that such conduct is necessary to defend himself against the imminent use of unlawful force."

¶ 145 Further, both the State and the defense discussed the issue of justification at great length during closing arguments. The State repeatedly stated that it had to prove defendant was not justified in using the force which he used. Defense counsel also argued that whether defendant was justified in using the force which he used was a matter that the jury had to resolve and argued as follows: "If somebody comes at you with a knife and tries to attack you, you are justified in responding in self[-]defense." Counsel further argued that defendant "defended himself, and he was justified in doing it" and that defendant "was justified in doing what he did defending himself."

¶ 146 Defendant contends that the record supports a finding that the jury was confused by the errors in its instructions. Specifically, he notes that, during deliberations, the jury sent a note that asked for clarification on "justified force" and, by agreement of the parties, was directed only to refer to their instructions.

¶ 147 Here, the record shows the jury sent several notes during deliberations, including a request for "a copy of the transcript," for "a copy of the interview with Redpath," and to "clarify *** Justify or justified force." The jury also sent notes indicating that it could not reach a

unanimous decision. One note stated as follows: "The jury has not reached a verdict. 9-3 stuck on proposition #2." Notably, proposition No. 2 of the first and second degree murder issues instruction did not concern the issue of justification but, rather, knowledge and intent. After being instructed to continue to deliberate, the jury sent a note asking for "Pictures from [the] autopsy" and, finally, a note stating that the "last holdout" wanted "to watch a single ten minute or less section from the interrogation with Redpath."

¶ 148 Ultimately, we do not find the jury's request for clarification of "Justify or justified force" requires a finding of reversible error in this case. As noted, the jury was informed of the applicable law both through the instructions when viewed as a whole and through the parties' closing arguments, including the requirement that the State had to prove defendant was not justified in using the force he used. Additionally, the self-defense instruction described when a person was justified in the use of force. Again, although the second paragraph of that instruction used the word "present" instead of "prevent," we believe the error to be one that an ordinary person would, in context, clearly understand as an inadvertent, typographical error.

¶ 149 Accordingly, under the circumstances presented, we find that the instructions to the jury fully and fairly described the law they were to apply. Defendant cannot establish prejudice under *Strickland*, *i.e.*, that the result of his trial would have been different absent the alleged errors in the challenged instructions. His ineffective-assistance-of-counsel claim thus lacks merit.

¶ 150 G. Sentencing

¶ 151 Finally, defendant challenges the trial court's imposition of an 18-year prison sentence for second degree murder. He contends the court ignored mitigating evidence of his documented mental health problems and that it imposed an excessive sentence.

¶ 152 Pursuant to the Illinois Constitution, "[a]ll penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship." Ill. Const. 1970, art. I, § 11. A trial court "has broad discretionary powers in imposing a sentence, and its sentencing decisions are entitled to great deference." *People v. Alexander*, 239 Ill. 2d 205, 212 (2010). Whether a sentence is excessive is reviewed for an abuse of discretion. *People v. Schnoor*, 2019 IL App (4th) 170571, ¶ 99. An abuse of discretion occurs "where the sentence is greatly at variance with the spirit and purpose of the law[ ] or manifestly disproportionate to the nature of the offense." (Internal quotation marks omitted.) *People v. Snyder*, 2011 IL 111382, ¶ 36.

¶ 153 "The trial court must base its sentencing determination on the particular circumstances of each case, considering such factors as the defendant's credibility, demeanor, general moral character, mentality, social environment, habits, and age." *People v. Fern*, 189 Ill. 2d 48, 53 (1999). On review, "[w]e will not substitute our judgment for the trial court's merely because we might have weighed these factors differently." *People v. Turner*, 2024 IL App (4th) 230641, ¶ 57. Additionally, "[a]bsent explicit evidence to the contrary, we *** presume the court considered all mitigating factors." *People v. Page*, 2022 IL App (4th) 210374, ¶ 52.

¶ 154 In this case, defendant was found guilty of second degree murder, a Class 1 felony (720 ILCS 5/9-2(d) (West 2022)). He faced a sentencing range of 4 to 20 years in prison (730 ILCS 5/5-4.5-30(a) (West 2022)).

¶ 155 In imposing an 18-year prison sentence, the trial court noted that it had considered victim impact statements presented in the case, defendant's presentence investigation report (PSI), written and verbal statements from defendant, evidence and argument presented by the parties at the sentencing, and all the statutory factors in aggravation and mitigation. "In regards to

mitigation," the court noted that defendant had a history of "mental health issues over the years" and some history of employment. It also found that defendant had shown remorse for Coleman and her family and that his activities in jail included trying to better himself through "religion and his baptism."

¶ 156 "In aggravation," the trial court considered the nature of the offense, addressing the specific facts of the case as follows:

> "So going over a little bit about this case and what was shown to me at trial, there were conflicting statements made by [defendant]. If there was [*sic*] any mental health issues that he was suffering or experiencing, I did not hear anything about that at trial. So it's difficult for me to believe that that affected what he did. He fled the scene. He did not render any aid or assistance or call for help. Two weeks went by before this woman's body was found. All that period of time he could have done something. Shows me that he knew what he was doing. He knew what he had done, and he was hiding from that."

The court further noted defendant's lengthy criminal history, with prior convictions for "batteries, theft, criminal damage to property, criminal trespass to property, assaults, aggravated battery, aggravated assault, domestic battery, [and] violations of order of protection." Based on that history, the court found a high likelihood that defendant would reoffend. It also determined that defendant had not taken advantage of his prior opportunities for mental health treatment.

¶ 157 Initially, the record clearly refutes defendant's contention that the trial court ignored his mental health history. Rather, the court identified defendant's long history of "mental health issues" as a factor in mitigation. Although the court also considered defendant's mental health history in aggravation, pointing out that he had opportunities in the past for mental health

treatment but had not taken advantage of them, such was not error. "[A] defendant's mental or psychological impairments are not inherently mitigating," and such impairments could be viewed as demonstrative of "possible future dangerousness." (Internal quotation marks omitted.) *People v. Wheeler*, 2019 IL App (4th) 160937, ¶ 44. Here, the record supports the court's factual findings, showing that defendant had a history of refusing to take his prescribed medications. Specifically, the PSI stated that jail records contained "numerous 'Refusal of Treatment' documents" showing the times that defendant refused to take his prescribed medications while incarcerated. Additionally, defendant's cousin, who testified at his sentencing hearing, also stated that defendant did not take his medication "while he was on the streets." It was within the court's discretion to view such evidence as an aggravating circumstance.

¶ 158 On appeal, defendant points out that a statutory factor in mitigation includes the following:

> "At the time of the offense, the defendant was suffering from a serious mental illness which, though insufficient to establish the defense of insanity, substantially affected his or her ability to understand the nature of his or her acts or to conform his or her conduct to the requirements of the law." 730 ILCS 5/5-5-3.1(16) (West 2022).

However, the trial court's comments in this case indicate that it did not find that such a showing had been made with respect to defendant's mental health "[a]t the time of the offense." *Id.* Defendant argues that evidence at sentencing showed he had a "history of bipolar, schizophrenia, and schizoaffective disorder diagnoses and *** treatment." However, the mere fact of mental illness is not sufficient for application of the statutory mitigating factor. Rather, it must be shown that "[a]t the time of the offense," the defendant suffered from mental illness *and* that the mental

illness "substantially affected [the defendant's] ability to understand the nature of his *** acts or to conform his *** conduct to the requirements of the law." *Id.* We find no abuse of discretion by the court in finding such circumstances were not shown in the present case.

¶ 159 As indicated, defendant further argues that the 18-year sentence imposed by the trial court was otherwise excessive. We disagree. Defendant's sentence was well within the applicable statutory range for second degree murder. Additionally, the record shows that the court considered the relevant evidence and that its factual findings were supported by the record.

¶ 160 Defendant acknowledges that his offense is a serious one. As the trial court determined, the particular facts of defendant's case showed that after stabbing Coleman, defendant fled her residence without trying to assist her or calling for help and without ever notifying anyone of what had occurred. In addition, defendant had a lengthy criminal history that involved assaults, batteries, and the unlawful use of weapons. According to the PSI, defendant's criminal history dated back to 1991 and included numerous prior misdemeanor and felony convictions for battery (1991, 1995), unlawful use of a weapon (1991, 2008, 2018), aggravated assault (2003, 2008, 2014, 2019), domestic battery (2015), violating an order of protection (2016), aggravated unlawful use of a weapon (2005), aggravated battery to a disabled person (2010), aggravated battery in a public place (2010), and aggravated battery (2015). When coupled with defendant's failure to reliably take his prescribed mental health medications, such circumstances certainly reflect a potential for future dangerousness and a lack of rehabilitative potential.

¶ 161 We find the trial court properly considered the evidence at sentencing and did not abuse its discretion in sentencing defendant to 18 years in prison.

¶ 162 III. CONCLUSION

¶ 163 For the reasons stated, we affirm the trial court's judgment.

¶ 164 Affirmed.