

2026 IL App (1st) 251049-U
No. 1-25-1049
Order filed October 27, 2026

NOTICE: This order was filed under Illinois Supreme Court Rule 23 and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT
SECOND DIVISION

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

v.

JOSHUA KLINE, Defendant-Appellant.

Appeal from the Circuit Court of Cook County.
Honorable Stanley J. Sacks, Judge, Presiding.
No. 19 CR 326

JUSTICE VAN TINE delivered the judgment of the court.
Presiding Justice D.B. Walker and Justice Reyes concurred in the judgment.

ORDER

- ¶ 1 *Held:* We affirm the trial court's summary dismissal of defendant's postconviction petition because (1) the record contradicts his allegation that trial counsel provided incorrect sentencing advice during plea negotiations, and (2) he has forfeited his claim of judicial bias in sentencing.
- ¶ 2 A jury found defendant Joshua Kline guilty of aggravated criminal sexual assault, aggravated kidnapping, and aggravated battery. The trial court sentenced Kline to 85 years in prison, and we affirmed his convictions and sentence on direct appeal. Kline now appeals the summary dismissal of his petition under the Post-Conviction Hearing Act (the Act) (725 ILCS

5/122-1 *et seq.* (West 2024)). He argues that his petition set forth claims that (1) his trial counsel rendered ineffective assistance by providing incorrect sentencing advice, causing Kline to reject 12- and 10-year plea offers; and (2) the trial court judge’s improper comments demonstrate that Kline did not receive a fair sentencing hearing due to judicial bias against him. We affirm.

¶ 3

I. BACKGROUND

¶ 4 This case arises out of Kline’s violent sexual assault of a sex worker, J.S., in his apartment on August 1, 2018. J.S. is an adult, but we use her initials to protect her privacy. See *People v. Munoz-Salgado*, 2016 IL App (2d) 140325, ¶ 1 n.1.

¶ 5 The State charged Kline with 15 counts of aggravated criminal sexual assault (720 ILCS 5/11-1.30(a)(2), (3), (4) (West 2018)), 3 counts of aggravated kidnapping (*id.* § 10-2(a)(3)), 3 counts of aggravated criminal sexual abuse (*id.* § 11-1.60(a)(6)), and 1 count of aggravated battery (*id.* § 12-3.05(a)(5)). The aggravated criminal sexual assault counts alleged three separate instances of penetration.

¶ 6 A private attorney represented Kline during trial court proceedings.

¶ 7

A. Plea Offers

¶ 8 In the summer of 2021, the State offered Kline a 20-year prison sentence in exchange for pleading guilty to aggravated criminal sexual assault. Kline rejected that offer.

¶ 9 On May 9, 2022, the State offered Kline a 12-year prison sentence in exchange for pleading guilty to aggravated criminal sexual assault. When discussing that offer in court, the following exchange occurred:

“THE COURT: Is it a Class X to begin with?

[THE STATE]: Yes, sir.

THE COURT: So it is 6 to 30.

[THE STATE]: Yes, sir. However, there are three separate aggravated criminal sexual assaults, [and] it is our position that they would be consecutive which would [be] 18 years Illinois Department of Corrections.

THE COURT: To 90?

[KLINE'S TRIAL COUNSEL]: Yes.

THE COURT: You do what you want to do. I am not telling you what to do or not to do. There are three types of sexual penetrations. Each one is 6 to 30, and the law requires that we sentence consecutively. Unless you are found guilty of only one—I am not saying that you are going to be found guilty of anything. One only is 6 to 30. Two penetrations, it is 12 to 60. If you are found guilty of three penetrations, it is 18 to 90.

Do you understand?

THE DEFENDANT: Yes.

THE COURT: The State makes an offer of 12 put together for all three charges. 12 years. And that means you do approximately ten calendars inside, give or take a few months.

You are aware of that?

THE DEFENDANT: Yes, your Honor.

THE COURT: Talk to your lawyer between now and the next court date.”

At some point thereafter, Kline rejected the State's 12-year offer.

¶ 10 On the day of trial, August 9, 2022, the State offered 10 years in prison in exchange for pleading guilty to aggravated criminal sexual assault. The trial court informed Kline that if he went to trial and was found guilty, the sentencing range for three counts of aggravated criminal sexual assault would be 18 to 90 years (three consecutive sentences of 6 to 30 years each). Kline rejected

the State's offer and proceeded to a jury trial on three counts of aggravated criminal sexual assault, one count of aggravated kidnapping, and one count of aggravated battery.

¶ 11 B. Trial

¶ 12 At trial, there was no dispute that Kline and J.S. had oral, vaginal, and anal sex at Kline's apartment. However, Kline's and J.S.'s descriptions of that encounter differed greatly. J.S. testified that Kline punched and choked her as soon as she entered his apartment, causing her to lose consciousness twice. Kline held J.S. down and forced his penis into her mouth, vagina, and anus. Kline refused to wear a condom despite J.S.'s requests. J.S. escaped from Kline's apartment and immediately reported the sexual assault to her boyfriend and police. J.S. received treatment at a hospital and later identified Kline and his apartment building to police.

¶ 13 J.S.'s boyfriend corroborated her testimony about the aftermath of the sexual assault.

¶ 14 The emergency physician who treated J.S. described abrasions to her cheek and neck and diagnosed her as having been the victim of a sexual assault and strangulation. An Illinois State Police forensic scientist testified that Kline matched DNA profiles on J.S.'s vaginal, oral, anal, and neck abrasion swabs.

¶ 15 A woman named R.B., who was in a relationship with Kline from 2012 to early 2018, testified as an other-crimes witness. In April 2018, R.B. went to Kline's apartment, where he choked her until she lost consciousness, then forcibly inserted his penis into her vagina and ejaculated without wearing a condom. When R.B. tried to escape, Kline grabbed her by the neck and pulled her back into his apartment. Kline allowed R.B. to leave the following morning. In early August 2018, Kline contacted R.B. and described assaulting a woman who reminded him of her. Kline said that "he did the same thing to her that he did to" R.B.

¶ 16 Kline raised a consent defense. He claimed that he wore a condom during consensual sex with J.S. Afterward, Kline walked J.S. to her car, where she kissed him and told him to call her again. But shortly thereafter, Kline and J.S. had an argument about her payment. J.S. accused Kline of sexually assaulting her and said that she would report the incident to police.

¶ 17 Kline did not appear on the final day of trial, and the court issued a warrant for his arrest. The jury found him guilty on all counts.

¶ 18 Throughout the proceedings, the trial court judge made inappropriate comments. For example, he expressed surprise that sex workers like J.S. could be victims of sexual assault. The judge referred to J.S. as a “working girl” or “the girl” rather than her name. During jury selection, the judge made sarcastic comments about a Guatemalan immigrant’s ability to understand English. During the jury instructions conference, the judge accused then-Cook County State’s Attorney Kim Foxx of laziness and mocked a typographical error by referring to the blind musician Stevie Wonder.

¶ 19 C. Sentencing

¶ 20 Kline did not appear at the sentencing hearing and the court sentenced him *in absentia*.

¶ 21 The State argued that the court should impose consecutive sentences on the three aggravated criminal sexual assault counts and one aggravated kidnapping count, plus a concurrent sentence on the aggravated battery count. The State contended that the sentencing range for the aggravated criminal sexual assault and aggravated kidnapping counts was 6 to 30 years each, so the aggregate sentencing range was 24 to 120 years.

¶ 22 Kline’s trial counsel agreed that “the State [was] correct” regarding consecutive sentencing. When the trial court stated that the “sexual assault charge[s], you know are consecutive to each other,” Kline’s trial counsel responded, “Yes.” The court again asked whether the three aggravated

criminal sexual assault counts and aggravated kidnapping count were “consecutive to each other.”

The State confirmed that they were, and Kline’s trial counsel did not object. Trial counsel asked that the court sentence Kline to 8 years on each of the four counts for a total of 32 years in prison.

¶ 23 The court sentenced Kline to 25 years on each of the three aggravated criminal sexual assault counts and 10 years on the aggravated kidnapping count, to run consecutively for a total of 85 years in prison. The court also imposed a concurrent 5-year sentence on the aggravated battery count.

¶ 24 During the sentencing hearing, the trial court judge made comments about Kline. Referring to Kline’s absence, the judge said that Kline was “Gone With the Wind.” The judge predicted that if Kline returned to court, he would “moan and groan. I missed the trial court. I missed the trial date. I’m so sorry about that. So sorry.” The judge indicated that he did not believe anything Kline told his trial counsel about his criminal background, sarcastically saying, “He’s very reliable, Kline,” and, “A reliable declarant, Joshua Kline.” Commenting on the difference between Kline’s in-court demeanor and his actions with J.S., the court said, “[H]e was sort of like Dr. Jekyll and Mr. Hyde. Before me he was I think Dr. Jekyll. With her it was Mr. Hyde.” When imposing the 85-year sentence, the judge stated that “the only way he will learn [is if] there’s a consequence to it, by being in prison for most likely the balance of his natural or perhaps unnatural life.” In granting Kline 47 days of credit for time served as opposed to 46, the judge said, “We’ll be magnanimous. We’ll make it 47. One extra day.” To conclude the sentencing hearing, the judge said to Kline’s trial counsel, “So when you see him give him some cigarette money for the penitentiary.”

¶ 25

D. Motion to Reconsider Sentence

¶ 26 Police arrested Kline on the day of the sentencing hearing. His trial counsel filed a motion to reconsider sentence, which is not in the record on appeal.

¶ 27 At a hearing on the motion, Kline’s trial counsel argued that section 5-8-4(f)(2) of the Unified Code of Corrections (see 730 ILCS 5/5-8-4(f)(2) (West 2018)) limited his aggregate sentence to 60 years; *i.e.*, 30 years each for the “two most serious felonies” because he committed the offenses “as part of a single course of conduct during which there [was] no substantial change in the nature of the criminal objective.” Counsel acknowledged that he argued “to the contrary during sentencing” but explained he had reevaluated the sentencing calculation while drafting the motion to reconsider.

¶ 28 The State argued that even if the court could impose only two consecutive sentences for the two most serious felonies, the maximum aggregate sentence was 120 years (60 years each) due to extended sentencing provisions; therefore, Kline’s 85-year aggregate sentence was proper. Kline’s counsel responded that he was not eligible for extended-term sentencing because he had “never committed any prior Class X felonies.”

¶ 29 The trial court denied Kline’s motion to reconsider sentence. The court reasoned that “Kline’s actions were not necessarily a single course of conduct for which there was no substantial change in the nature of the criminal objective,” so the sentencing limitation of section 5-8-4(f)(2) did not apply. And even if it did, the court agreed with the State that the maximum aggregate sentence was 120 years, which Kline’s 85-year aggregate sentence did not violate.

¶ 30 The trial court judge again made comments about Kline throughout the hearing. During allocution, Kline apologized to “all of the people involved, [his] family, everyone,” and the judge responded, “Okay. All of [your] family and friends. Nothing about the alleged victim, okay.” The

judge rejected Kline’s mitigation witnesses’ testimony by saying, “I wasn’t aware of [Kline] being an all around nice guy. That I heard today. All around nice guy. *** You might get some dissenters on the all around nice guy bit,” and “Joshua Kline is a nice friendly rapist.”

¶ 31 E. Direct Appeal

¶ 32 On direct appeal, Kline argued that (1) he did not receive a fair trial due to the trial court’s comments; (2) trial counsel rendered ineffective assistance; and (3) his sentence was excessive. *People v. Kline*, 2024 IL App (1st) 221595, ¶ 1. He raised other claims that are not relevant here.

¶ 33 We acknowledged that the trial court judge’s comments were inappropriate and that improper commentary was a recurring problem with this trial court judge. *Id.* ¶¶ 51-54. But we declined to reverse the jury’s guilty verdict on that basis because almost all the improper commentary occurred outside the jury’s presence and the evidence against Kline was overwhelming. *Id.* ¶ 55.

¶ 34 Kline’s ineffective assistance claim argued that trial counsel failed to (1) file a motion to suppress Kline’s statements to police; (2) object to the exclusion of evidence that J.S. was a sex worker; and (3) object to R.B.’s other-crimes testimony. *Id.* ¶ 65. Kline did not allege ineffectiveness with respect to plea negotiations or sentencing calculations.

¶ 35 Kline raised several claims of sentencing error. *Id.* ¶ 86. Relevant here, Kline complained that the trial court described him as “Mr. Hyde,” a fictional murderer, during the sentencing hearing. *Id.* We found that Kline forfeited all his claims of sentencing error because he did not raise them in the trial court. *Id.* ¶ 90. We affirmed Kline’s convictions and sentences. *Id.* ¶ 93.

¶ 36 F. Postconviction Petition

¶ 37 Kline filed a postconviction petition as a self-represented litigant. Relevant here, Kline alleged that (1) trial counsel rendered ineffective assistance during plea negotiations by providing

incorrect sentencing advice, which caused Kline to reject the State's 12- and 10-year plea offers; and (2) the trial court's comments during sentencing proceedings revealed its judicial bias against him and deprived him of a fair sentencing hearing.

¶ 38 Kline's ineffective assistance claim alleged that he rejected the State's plea offers because trial counsel told him that the maximum sentence was a single sentence of 6 to 30 years. Specifically, Kline alleged that when the State offered the 12-year plea deal on May 9, 2022,

“[t]he judge then admonished defendant that the charges require[d] ‘mandatory’ consecutive sentencing and that 18-90 years IDOC was the minimum and maximum sentencing guidelines. [Record cite]. However, after court that day defendant's attorney informed him that the case was a single course of action and therefore 6-30 years IDOC was the only possible sentence, off record. After both admonishments, defendant refused the offer.”

¶ 39 Kline further alleged that when the State offered a 10-year plea deal three months later, the court again admonished him that “18-90 years IDOC was still the ‘mandatory’ sentence range,” but “[t]rial counsel again advised, ‘They are wrong,’ that it's 6-30 years IDOC, but again d[id] not state this on record or challenge the judge's assertion, yet, telling defendant, ‘We will take it up on appeal.’ ” Kline alleged that if trial counsel had provided accurate sentencing advice, he would have accepted the State's 10-year offer.

¶ 40 Kline summarized his ineffective assistance of trial counsel claim as follows:

“Through the course of plea negotiations, court proceedings and subsequent plea offers, the court incorrectly advised the defendant he was facing 18-90 years in prison. *** But trial counsel kept advising defendant that the court was wrong (without objecting on record), stating to the defendant off record that a single course of conduct is only one crime,

therefore 6-30 years in prison was the only possible sentence. [Counsel] told defendant that anything higher would ‘not hold up on appeal.’ ***

Defendant could not make an informed decision due to erroneous advice from counsel. Had the defendant known the true sentence *** and not been incorrectly *** told that 6-30 years was the only possible sentence, defendant would have taken the 10 year offer or at least been able to make an informed decision. This prejudice helped result in an 85 year sentence. Counsel’s performance and representation were again deficient and incompetent.”

¶ 41 Similarly, Kline’s affidavit attached to his petition alleged that trial counsel “admonished [him] that the court was wrong, [he] was under a single course of conduct and [his] correct range was 6-30 years.” Kline attested that “[h]ad [he] known the true sentence was 24-120, rather than the 6-30 years that [his] lawyer advised or the 18-90 that the judge and prosecutor previously admonished (on record), [he] would have jumped at the 10 year offer.”

¶ 42 Kline’s petition also alleged that the trial court judge displayed “judicial bias” through his “cruel, sarcastic, biased, and vulgar behavior.” Kline referred to 11 “totally inappropriate comments” the trial court judge made during the sentencing proceedings but did not identify what those comments were.

¶ 43 The trial court dismissed Kline’s petition at the first stage.

¶ 44 Kline timely appealed.

¶ 45 II. ANALYSIS

¶ 46 Kline argues that the trial court erred in summarily dismissing his postconviction petition because it stated claims that (1) trial counsel rendered ineffective assistance during plea

negotiations and (2) the trial court judge's bias against Kline deprived him of a fair sentencing hearing.

¶ 47 The Act allows a defendant to claim that his conviction or sentence resulted from a substantial denial of his constitutional rights. 725 ILCS 5/122-1(a)(1) (West 2024); *People v. Johnson*, 2021 IL 125738, ¶ 22. Postconviction proceedings consist of three stages. *Johnson*, 2021 IL 125738, ¶ 24. At the first stage, a defendant need only state the “gist” of a constitutional claim. (Internal quotation marks omitted.) *Id.* ¶ 26. The trial court must accept as true and liberally construe the petition's factual allegations unless the record contradicts them. *Id.* ¶ 25. The trial court may summarily dismiss a petition only if it is frivolous or patently without merit. *Id.* ¶¶ 24, 26.

¶ 48 Where, as here, the trial court summarily dismissed the petition without an evidentiary hearing, we review *de novo*. *Id.* ¶ 28. *De novo* review gives no deference to the trial court's judgment or reasoning. *Id.*

¶ 49 A. Ineffective Assistance of Trial Counsel

¶ 50 A defendant is entitled to effective assistance of counsel in guilty plea negotiations. *People v. Brown*, 2017 IL 121681, ¶ 25. The standard of *Strickland v. Washington*, 466 U.S. 668 (1984), governs claims of ineffective assistance in the plea bargaining context. *People v. Hale*, 2013 IL 113140, ¶ 15. “Under *Strickland*, a defendant must establish that counsel's performance fell below an objective standard of reasonableness and the defendant was prejudiced by counsel's substandard performance.” *People v. Hall*, 217 Ill. 2d 324, 335 (2005). At the first stage of postconviction proceedings, a defendant must show only that it is arguable (1) counsel's performance fell below an objective standard of reasonableness and (2) the defendant suffered prejudice. *People v. Tate*, 2012 IL 112214, ¶ 19.

¶ 51 The first question is whether Kline arguably alleged that his trial counsel rendered objectively unreasonable performance by providing incorrect sentencing advice during plea negotiations. See *id.* Our supreme court has explained that

“[a] criminal defendant has the constitutional right to be *reasonably* informed with respect to the direct consequences of accepting or rejecting a plea offer. [Citations]. Concomitantly, a criminal defense attorney has the obligation to inform his or her client about the maximum and minimum sentences that can be imposed for the offenses with which the defendant is charged. [Citations].” (Emphasis in original.) *People v. Curry*, 178 Ill. 2d 509, 528 (1997).

“This right to effective assistance of counsel extends to the decision to reject a plea offer, even if the defendant subsequently receives a fair trial.” *Hale*, 2013 IL 113140, ¶ 16. When an attorney provides “plainly erroneous” sentencing advice during plea negotiations, he renders objectively unreasonable performance. *Curry*, 178 Ill. 2d at 528-29.

¶ 52 Kline’s petition alleges that in off-the-record conversations during plea negotiations between May and August 2022, trial counsel said that the court could impose only one sentence of 6 to 30 years and would be reversed on appeal if it imposed consecutive sentences totaling more than 30 years. We must take these allegations about off-the-record conversations with trial counsel as true, but only if the record does not contradict them. See *Johnson*, 2021 IL 125738, ¶ 25.

¶ 53 The record does contradict Kline’s allegations. At the May 9, 2022, pretrial hearing, the trial court advised Kline that if he went to trial and was found guilty of multiple counts of aggravated criminal sexual assault, it would impose consecutive sentences of 6 to 30 years for each count. On the record, Kline’s trial counsel agreed that three consecutive sentences totaling 90 years would be proper:

“THE COURT: So it is 6 to 30.

[THE STATE]: Yes, sir. However, there are three separate aggravated criminal sexual assaults, [and] it is our position that they would be consecutive which would [be] 18 years Illinois Department of Corrections.

THE COURT: To 90?

[KLINE’S TRIAL COUNSEL]: Yes.”

Kline, who was present in court, heard his attorney agree with the court and the State’s sentencing calculation. Kline himself stated on the record that he understood the consecutive sentencing structure and maximum aggregate sentence of 90 years.

¶ 54 At the sentencing hearing, trial counsel again agreed that the court could impose consecutive sentences of 6 to 30 years for each of the three aggravated criminal sexual assault counts and the one aggravated kidnapping count. Counsel requested four consecutive 8-year sentences for a total of 32 years in prison.

¶ 55 At the hearing on the motion to reconsider sentence, trial counsel argued that section 5-8-4(f)(2)’s “single course of conduct” provision limited Kline’s aggregate sentence to 60 years but conceded that the court could impose consecutive sentences up to that limit.

¶ 56 The record shows that on three occasions before and after trial, counsel agreed that the court could impose consecutive sentences on the aggravated criminal sexual assault counts for a maximum aggregate sentence of at least 60 and as many as 90 years. Most importantly, at the May 9, 2022, pretrial hearing regarding plea negotiations, Kline heard his trial counsel agree that the court could impose three consecutive sentences totaling 90 years. At no point did counsel suggest, much less argue, that the court could impose only one sentence of 6 to 30 years. Counsel’s on-the-

record statements contradict Kline’s claim that counsel told him the court could impose only one sentence with a maximum of 30 years.

¶ 57 *People v. Rogers*, 197 Ill. 2d 216 (2001), guides our reasoning. In that case, a jury convicted the defendant of criminal sexual assault, aggravated criminal sexual abuse, and child pornography. *Id.* at 219. The trial court imposed three consecutive sentences totaling 40 years’ imprisonment. *Id.* In his postconviction petition, the defendant claimed that his trial counsel incorrectly told him that the maximum sentence was 30 years, which caused him to reject a favorable plea offer. *Id.* at 222. But the record showed that during a presentencing hearing, the defendant’s trial counsel agreed that the sentencing range was 40 to 60 years and confirmed that he had advised the defendant as much. *Id.* Our supreme court affirmed the summary dismissal of the defendant’s postconviction petition, explaining that “[w]e have consistently upheld the dismissal of a postconviction petition when the record from the original trial proceedings contradicts the defendant’s allegations.” *Id.*

¶ 58 Like *Rogers*, in this case, Kline was present in court on May 9, 2022, when the trial court advised him that it could impose consecutive sentences totaling 90 years on the three aggravated criminal sexual assault counts *and* heard his own trial counsel agree with that sentencing calculation. The record contradicts Kline’s claim that counsel told him the maximum sentence was one term of 30 years. As in *Rogers*, we affirm the summary dismissal of Kline’s postconviction claim of ineffective assistance of counsel.

¶ 59 Kline argues that trial counsel “expressed conflicting opinions about the maximum sentence, which supports Kline’s assertion that [trial] counsel did not properly advise him.” It is true that trial counsel revised his sentencing calculations somewhat. Prior to trial and at sentencing, counsel acknowledged that the maximum sentence for three counts of aggravated criminal sexual

assault was 90 years. At the motion to reconsider sentence hearing, counsel argued that section 5-8-4(f)(2) limited the maximum aggregate sentence to 60 years. But under either calculation, counsel always agreed that the trial court could impose multiple consecutive sentences totaling far more than 30 years in prison.

¶ 60 The cases Kline cites on this point are distinguishable. In *People v. Barghout*, 2013 IL App (1st) 112373, the record contained nothing to contradict the defendant's postconviction claim that his counsel did not advise him that he faced a maximum sentence of 60 years. *Id.* ¶¶ 8, 15. In *People v. Paleologos*, 345 Ill. App. 3d 700 (2003), the sentencing hearing transcript confirmed that the defendant's trial counsel erroneously believed that the maximum sentence was 30 years, which was what counsel had told the defendant, when it was actually 60 years. *Id.* at 705. By contrast, in this case, all of trial counsel's on-the-record sentencing calculations contradict what he allegedly told Kline off the record.

¶ 61 Because the record precludes Kline from alleging that trial counsel rendered objectively unreasonable performance, we need not address whether he has alleged arguable prejudice. See *People v. Cherry*, 2016 IL 118728, ¶ 24. We affirm the summary dismissal of Kline's postconviction claim of ineffective assistance of trial counsel.

¶ 62 B. Judicial Bias in Sentencing

¶ 63 Kline also challenges the summary dismissal of his claim that the trial court judge's comments throughout sentencing proceedings showed bias against Kline, which deprived him of a fair sentencing hearing.

¶ 64 A defendant can allege that judicial bias resulted in a fundamentally unfair sentencing hearing even if his sentence was within the statutory guidelines. *People v. Fisher*, 2023 IL App (4th) 220717, ¶ 30. The defendant must "demonstrate that the judge displayed active personal

animosity, hostility, ill will, or distrust toward” him. (Internal quotation marks omitted.) *People v. Romero*, 2018 IL App (1st) 143132, ¶ 96.

¶ 65 The State contends that Kline’s postconviction petition did not raise a claim of judicial bias in *sentencing*. Rather, it alleged judicial bias during *trial*, as well as sentencing error based on the judge’s mistaken recollection of the evidence and improper other-crimes evidence.

¶ 66 The Act requires a petitioner to “*clearly* set forth the respects in which [his] constitutional rights were violated.” (Emphasis added.) 725 ILCS 5/122-2 (West 2024). While self-represented petitions need not be “complete and detailed,” they must set forth at least some objective, verifiable facts to support the petitioner’s claims. *People v. Hodges*, 234 Ill. 2d 1, 10 (2009). Even at the first stage, a self-represented petitioner is not “excused from providing any factual detail at all surrounding the alleged constitutional violation.” *Id.*

¶ 67 On this issue, Kline’s petition alleges only that the trial court judge made “11 totally inappropriate comments” during sentencing proceedings. It does not identify those comments. The record of sentencing proceedings spans 116 pages and contains many comments one could find inappropriate, though not necessarily indicative of reversible bias. Because Kline’s petition does not identify which comments allegedly constituted reversible bias, we cannot evaluate this claim.

¶ 68 Kline’s brief tries to fix this shortcoming by quoting the trial court judge’s comments during sentencing proceedings, as we did above. *Supra* ¶¶ 24-30. While postconviction appellate counsel’s advocacy is certainly understandable, our supreme court has rejected this approach. See *People v. Jones*, 213 Ill. 2d 498, 504-505 (2004) (postconviction appellate counsel cannot add claims that the self-represented petitioner did not advance). We must review the petition that Kline filed in the trial court, not his brief on appeal. See *id.*

¶ 69 We are skeptical that Kline’s petition sets forth a sufficient factual basis for his claim of judicial bias in sentencing. But we need not resolve this claim on that basis because Kline has already forfeited his claims of sentencing error.

¶ 70 On direct appeal, Kline complained that during sentencing, the trial court judge described him as “Mr. Hyde,” a fictional murderer. *Kline*, 2024 IL App (1st) 221595, ¶ 86. We held that Kline forfeited that and all other claims of sentencing error because the record contained no indication that he raised any of his appellate claims of sentencing error in the trial court. *Id.* ¶¶ 88-90. Our finding of forfeiture stands. If Kline wished to challenge the trial court’s comments during sentencing proceedings, he had to object in the trial court to preserve that issue for review on direct appeal. See *Fisher*, 2023 IL App (4th) 220717, ¶ 28 (citing *People McLaurin*, 235 Ill. 2d 478, 488-89 (2009)).

¶ 71 Kline tries to avoid forfeiture by arguing that counsel on direct appeal was ineffective for not alleging that trial counsel was ineffective for failing to preserve a claim of judicial bias in sentencing. A postconviction petitioner can avoid forfeiture “by framing the claims to allege ineffective assistance of appellate counsel for failure to raise the issue on direct appeal.” *People v. Janusz*, 2024 IL App (2d) 220348, ¶ 28.

¶ 72 But even in that scenario, a petitioner must allege “why he believe[s] his counsel was ineffective.” (Emphasis added.) *People v. Jones*, 341 Ill. App. 3d 103, 107 (2003). Kline’s petition includes only a catchall allegation that any forfeiture of sentencing error claims “stem[s] from the ineffectiveness of trial and/or appeal counsel.” This generic allegation of ineffective assistance does not state the gist of a constitutional claim. Kline “[m]erely alleging that he was denied his sixth amendment right to effective assistance of counsel, with nothing more,” is insufficient. See *id.*

¶ 73 Kline argues that “it is clear that [he] intended for his allegation of ineffective assistance of appellate counsel to apply to claims of error regarding his sentence.” That may have been what Kline intended, but as explained above, he did not properly plead his claim of ineffective assistance of appellate counsel under section 122-2. Kline cites no authority to support the idea that a postconviction petition can state a claim of ineffective assistance of appellate counsel by tacking on a catchall allegation of ineffective assistance with no factual support. We affirm the summary dismissal of Kline’s postconviction petition claim of judicial bias in sentencing, even framed as a claim of ineffective assistance of appellate counsel.

¶ 74 III. CONCLUSION

¶ 75 We affirm the trial court’s summary dismissal of Kline’s postconviction petition.

¶ 76 Affirmed.