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IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	No. 16 CR 16747
	)	
ROBERT MOORE,	)	Honorable
	)	James Michael Obbish,
Defendant-Appellant.	)	Judge, presiding.

PRESIDING JUSTICE D.B. WALKER delivered the judgment of the court.
Justices McBride and Reyes concurred in the judgment.

ORDER

- ¶ 1 *Held:* We affirm the dismissal of defendant’s postconviction petition at the first stage where the petition did not set forth an arguable claim of ineffective assistance of appellate counsel.
- ¶ 2 Defendant Robert Moore appeals from the summary dismissal of his postconviction petition. On appeal, he contends that his petition should move to the second stage where he raised an arguable claim that appellate counsel was ineffective for failing to challenge the sufficiency of the evidence on direct appeal. For the following reasons, we affirm.

¶ 3

I. BACKGROUND

¶ 4 The State charged defendant with two counts of armed robbery with a firearm and two counts of aggravated unlawful restraint in connection with an incident that occurred on April 4, 2016, in a Family Dollar store located at 51 East 71st Street in Chicago. Defendant represented himself throughout most of the proceedings. After a jury trial, he was convicted of armed robbery with a firearm and sentenced to 45 years' imprisonment. This court affirmed his conviction and sentence on direct appeal. See *People v. Moore*, 2023 IL App (1st) 211421. The following facts are taken, in relevant part, from that opinion.

¶ 5 Prior to trial, defendant, proceeding *pro se*, filed numerous motions including a motion to quash arrest and suppress evidence, and a motion to dismiss based on evidence destruction.

¶ 6 At a hearing on October 25, 2018, defendant inquired about video from the Family Dollar Store recorded on the day of the incident. The State responded that the video did not exist because Family Dollar has a 30-day retention policy concerning surveillance videos, and the incident occurred in 2016. The court asked the State to ascertain whether the police obtained a copy of the video. The State informed the court that Family Dollar did not save the video, and it was never in the State's possession. Although the investigating detective viewed a surveillance video from the store, he never obtained a copy of the video from the store's district manager. The State offered to have the detective testify on the issue in court. Since the police never had the video in its possession, the court denied defendant's motion to dismiss the indictment based on the destruction of evidence.

¶ 7 The trial court also ruled on defendant's motion to quash arrest and suppress evidence. The court denied his motion to quash arrest because there was probable cause to arrest defendant. It noted that before defendant's arrest, at least one witness positively identified him in a photo array,

and his fingerprints were found on items at the crime scene. The court denied his motion to suppress evidence because defendant “has no evidence to suppress.” Police had collected defendant’s fingerprints and assembled the photo array before his arrest, and they did not have a copy of the Family Dollar store video.

¶ 8 On April 1, 2019, the trial court heard the State’s motion to admit other-crimes evidence. The State argued that defendant’s prior armed robberies were factually similar to the 2016 offense. All of the robberies occurred in businesses on the southwest side of Chicago, and 11 of the 13 offenses occurred at a Family Dollar store. Defendant used a firearm in 12 of the 13 robberies and in most cases, he pointed the weapon at the clerk and demanded money. Defendant argued against admission of the evidence because the crimes were committed many years ago, and the evidence would prejudice him.

¶ 9 The trial court found the 1997 convictions, which involved a second offender, “too old.” One 2007 case also involved a second offender. The court ruled that these cases were not factually similar to the 2016 offense and should not be admitted. However, the remaining 2007 cases showed that “defendant has created his own cottage industry of using a firearm to rob various Family Dollar stores on the south side of the city of Chicago.” By his own actions, defendant “could be identified or labeled as the Family Dollar armed robber.”

¶ 10 The court further found that the jury was not likely to convict defendant based solely on his prior convictions, where fingerprint evidence connected him to the crime and at least one eyewitness positively identified him as the offender. The trial court allowed the State to select four 2007 convictions to show *modus operandi* and identity in the present case.

¶ 11 On April 15, 2019, the trial court asked defendant if he was ready to set a date for trial. Defendant answered, “Yes. I have been ready on the first.” With the State’s agreement, the court

set May 20, 2019 as the date for defendant's jury trial. The court also arranged to have civilian clothes for defendant to wear during the trial.

¶ 12 On May 20, 2019, the State extended an offer to defendant of 15 years' imprisonment if he pled guilty to aggravated robbery. Under the terms of the offer, defendant would not be eligible for a mandatory natural life sentence, and he would earn a sentence credit for each day of good time served in custody. The trial court explained that the sentencing range for defendant's present charge was 6 to 30 years' imprisonment, and he would be getting a sentence of 15 years. "And significantly, the sentence would be served at the rate of 50 percent." Defendant indicated that he understood, but he rejected the offer. The court scheduled the case for jury selection.

¶ 13 At trial, Temika Mints testified that on April 4, 2016, she worked as a cashier at the Family Dollar store located on 71st Street and Wabash. Also working that day was manager Darlene Salter and another employee, Clara Pratt. Around 8 p.m., a man entered the store wearing a hood. Per store policy, Mints asked him to remove his hood. He asked where he could find oatmeal cream pies and Mints directed him to Aisle 10. He returned to the counter with a box of oatmeal cream pies as Mints attended to another customer.

¶ 14 When he approached the counter, he mumbled "give me the m*****f***** money." Mints told him she did not understand, so he repeated his demand. Mints described the offender as "real anxious" with "bucking" eyes. The woman in front of him asked if she could leave, and she ran out of the store.

¶ 15 Mints tried to get money out of the cash register, but she was nervous and could not open it. As Mints tried to open the register, the offender told her that if she wanted to see her children, she needed to give him the money. Mints looked at him as he unzipped his coat with his right hand. His left hand was inside his coat and Mints "could see a gun, like a barrel" in his left hand.

¶ 16 Salter approached the cash register to assist Mints. Pratt, who was in the back of the store, was unaware of the events in front. Mints eventually opened the cash register, and the offender took about \$200 with his right hand. His left hand remained in his jacket holding the firearm. The offender then ran out of the store.

¶ 17 On October 12, 2016, Mints viewed a photo array at the police station. She identified the offender in the photo array but thought he was “smaller” in weight and build. Otherwise, he was the same person. Mints was confident in her identification but acknowledged that she told detectives she was not sure because of the size difference. Mints identified defendant in court as the person she selected in the photo array.

¶ 18 On cross-examination, Mints stated that she described the offender to police as five-foot-five or five-foot-six. Defendant asked if Mints knew he was actually over six feet tall, and the trial court sustained the State’s objection.

¶ 19 Salter testified that on April 4, 2016, a tall black man entered the Family Dollar store wearing a black hoody and black jeans. Mints was talking to the man and Salter, who was 10 feet away, noticed that Mints looked scared. By the expression on Mints’ face, Salter knew that a robbery was occurring. She walked to Mints and saw that the man “had a gun pointed to us.” He said, “give me the m***** f***** money.” Salter was within arm’s length of the man, and nothing obstructed his face. She identified the man in court as defendant.

¶ 20 Salter observed that Mints’ hands were “shaking” as she tried to press the code to open the cash register. Salter told defendant that she would “help [him] get this money.” She tried to open another register, but her hand was shaking. When Mints finally opened the register, Salter “grabbed everything” and gave it to defendant. He took approximately \$203. Salter testified that defendant

had the firearm in his left hand as he pointed it at her and Mints. She described the weapon as “an old school gun, like a cowboy gun,” which defendant held in his left hand under his coat.

¶ 21 On cross-examination, Salter testified that she viewed the store’s surveillance video after the incident and noticed that defendant had entered the store earlier in the day. Salter was also aware that police contacted the district manager of Family Dollar to obtain a copy of the video. Salter could not make copies of the video.

¶ 22 Detective Jackson testified that on April 4, 2016, he spoke with Mints and Salter at the Family Dollar store. He obtained a description of the offender as a black man in his 30’s, wearing a black and white coat and a baseball cap. An evidence technician lifted fingerprints from items the offender touched and submitted the prints to the latent print unit of the Chicago police department. From the fingerprints, Detective Jackson had a name and date of birth.

¶ 23 After obtaining a photo based on this information, Detective Jackson assembled a photo array. Detective Curtis Mitchell showed the arrays to Mints and Salter, separately, on October 12, 2016. Both identified defendant as the offender.

¶ 24 On cross-examination, Detective Jackson stated that witnesses described the offender as between five feet eight inches to six feet tall. The detective did not recall whether Salter said the offender was in the store earlier in the day. Mints told him that the offender pulled his gun “completely” out of his jacket.

¶ 25 Evidence technician Patrick Doyle testified that he processed the crime scene and spoke with Mints. After their conversation, Doyle processed “a box of cookies” on the counter for fingerprints. He found two latent prints on the box and identified People’s Exhibits 13-16 as photographs of the prints. He inventoried the prints and submitted them to the lab. Doyle did not analyze the fingerprints.

¶ 26 Fingerprint technician William Kovacs testified that he collected an inked fingerprint card from defendant and sent the card to Officer Michael Jones for analysis.

¶ 27 Officer Jones, an expert in latent prints, analyzed the latent fingerprints taken from the cookie box. He submitted the prints into the Chicago database and received 10 candidates with possible matches. The system ranks candidates based on the similarity of their prints compared to the submitted impressions. Defendant, the first individual listed, was a match.

¶ 28 The State presented testimony from three witnesses regarding defendant's prior crimes. Before each witness testified, the trial court instructed the jury that it should consider the testimony only for defendant's identification, intent, motive and *modus operandi*.

¶ 29 Tizzie Holmes testified that on October 7, 2007, she worked as a cashier at the Family Dollar store at 5501 S. Halsted in Chicago. Around noon, Holmes saw a man enter the store. She recalled that he had come into the store earlier in the day. On that earlier occasion, the man walked around the cash register "like he was going to purchase some items, but he never did." Holmes described him as tall and thin with short hair and dark skin. She identified defendant in court as that man.

¶ 30 Holmes testified that when defendant returned to the store, he walked to the cash register and held out a firearm. He nodded at Holmes "like he wanted the money." Holmes had an unobstructed view of defendant's face, and he wore no face covering. After defendant took the money, he left through the front door.

¶ 31 On October 27, 2007, near closing time, Holmes was working at the same Family Dollar store when defendant entered with a firearm. Holmes opened the safe and gave him the money because she "knew what he was there for." She recognized him as the same offender who robbed the store on October 7th. Holmes later identified defendant in a lineup as the offender. On cross-

examination, Holmes stated that defendant ordered her to put the money in his bag, and he did not bring merchandise to the register.

¶ 32 Cherise Lisle testified that on November 10, 2007, she was the manager of the Family Dollar Store located at 7340 S. Ashland in Chicago. Around 7:48 p.m., Lisle saw a man she identified in court as defendant holding a gun to her cashier. She described him as a black man, six feet tall, with a distinct jawline. Lisle was shaking so she had difficulty retrieving the money from the register. Defendant said, “Do you think I’m playing with you, b*****?” Lisle panicked and dropped to her knees. Defendant then ordered everyone to go to the back of the store. They ran outside through the back door and called the police. On cross-examination, Lisle stated that defendant wore a blue jacket with white stripes, and “he had his hood on.”

¶ 33 Luna Rush testified that on November 21, 2007, she worked as a cashier at the Family Dollar store on 59th Street and Ashland Avenue in Chicago. Shortly before closing at 7 p.m., a man Rush identified as defendant entered the store to purchase baby clothes. After looking around for 20 to 30 minutes, he approached the register with the clothes. Defendant “pull[ed] his jacket up and put his finger to his mouth.” When defendant lifted his shirt, Rush saw the handle of a gun. He did not display the gun or point it at Rush. Defendant asked for money and took \$500-\$600 from two registers.

¶ 34 On cross-examination, Rush stated that she gave a description of the offender and identified defendant in a lineup two weeks later. She could not recall the details of her description, but she said, “I know your face when I see it. And it’s been 12 years and yes that was you that came in there and did that to me.” Rush stated that defendant lifted his jacket and showed her “the barrel of a gun.” Defendant put his finger to his mouth and told her not to scream.

¶ 35 The State rested at the conclusion of this evidence, and defendant chose not to testify. After closing arguments, the jury found defendant guilty of armed robbery with a firearm.

¶ 36 On September 20, 2019, the trial court granted defendant's request to appoint counsel for posttrial proceedings. Posttrial counsel filed a motion for a judgment notwithstanding the verdict or alternatively, a new trial. Counsel argued, *inter alia*, that (1) the evidence was insufficient to convict defendant beyond a reasonable doubt; (2) improper admission of other-crimes evidence constituted reversible error; (3) defendant was not properly admonished regarding his choice to represent himself; (4) certain relevant evidence, such as the cookie box, was unavailable to defendant; (5) the court erred in allowing a juror who knew one of the witnesses to remain on the jury; and (6) defendant "was denied his constitutional rights because of the court's treatment of him during the pendency of this case." After hearing argument, the trial court denied the motion.

¶ 37 Before imposing defendant's sentence, the court considered the mitigating circumstances outlined in the presentence investigation report. Defendant had a difficult childhood but now had a partner and worked to help support her children. However, the court could not ignore defendant's background. It had "never seen anybody with more armed robbery convictions" than defendant. Although the court declined to apply extended-term sentencing because defendant did not fire the weapon and no one was injured, it found the maximum sentence for a Class X offense plus a 15-year firearm enhancement was appropriate. The court sentenced defendant to 45 years' imprisonment followed by three years of mandatory supervised release. Defendant filed a motion to reconsider sentence, which was denied.

¶ 38 On direct appeal, defendant raised the following issues: (1) the State failed to prove he committed armed robbery beyond a reasonable doubt; (2) he was denied a fair trial where the trial court improperly admitted evidence of other crimes and refused to excuse a juror who formerly

worked with a State witness; (3) the trial court abused its discretion in refusing his request for standby counsel; (4) the trial court's conduct throughout the proceedings indicated severe bias that denied him a fair trial; and (5) his 45-year sentence was an excessive trial tax.

¶ 39 Relevant here, defendant argued on direct appeal that the State did not prove he committed armed robbery beyond a reasonable doubt where no gun was recovered or presented at trial, and the testimony of Mints and Salter was insufficient to show that he was armed with a firearm. This court noted that the police did not recover a firearm and no weapon was presented at trial. Therefore, the only evidence supporting defendant's possession of a firearm was the testimony of Mints and Salter. *Moore*, 2023 IL App (1st) 211421, ¶ 73.

¶ 40 The jury had determined that Mints and Salter were credible witnesses, and they testified that they observed defendant with a firearm. Citing *People v. Wright*, 2017 IL 119561, *People v. Washington*, 2012 IL 107993, and *People v. McLaurin*, 2020 IL 124563, we found that a rational trier of fact could infer that the defendant possessed a "real" firearm solely from the testimony of a single credible eyewitness. *Moore*, 2023 IL App (1st) 211421, ¶ 90. Viewing the evidence in the light most favorable to the State, we determined that a rational trier of fact could have found beyond a reasonable doubt that defendant possessed a firearm as defined by the FOID Act. *Id.*

¶ 41 On July 22, 2024, defendant filed a petition seeking postconviction relief. Relevant to this appeal, he claimed that his appellate counsel was ineffective for failing to challenge the sufficiency of the evidence on direct appeal. He alleged that "the evidence was insufficient to sustain a conviction of armed robbery beyond a reasonable doubt" where the testimony of Mints and Salter was "not credible." Defendant argued that their attention was "divided" during interactions with the offender. Regarding Mints, defendant pointed out that she described him as being around five-feet six-inches tall when defendant was actually more than six-feet tall. Defendant questioned

whether Salter had an opportunity to view a weapon on the offender. His petition also set forth various inconsistencies in their testimony at trial. Defendant concluded that “[n]one of the State’s witnesses testified credibly regarding the events of 4/4/16,” and “the incredible testimony of the State’s witnesses fails to prove defendant guilty beyond a reasonable doubt.” He argued that if appellate counsel had raised this issue on direct appeal, his conviction would have been reversed and the case remanded for further proceedings or a new trial.

¶ 42 The trial court denied defendant’s petition. Regarding defendant’s claim of ineffective assistance of appellate counsel, the court found that the claim failed “due to *res judicata*” because the reasonable doubt argument was raised on direct appeal.

¶ 43 Defendant appeals the summary dismissal of his postconviction petition.

¶ 44 I. ANALYSIS

¶ 45 Defendant contends that the trial court erred in dismissing his postconviction petition at the first stage where he raised an arguable claim of ineffective assistance of appellate counsel. The Post-Conviction Hearing Act (Act) (725 ILCS 5/122-1 *et seq.* (West 2024)) is a “legislative creation” that allows an incarcerated defendant to assert a substantial violation of his constitutional rights at trial. *People v. Bailey*, 2017 IL 121450, ¶ 17. A postconviction proceeding is not a substitute for a direct appeal but instead “offers a mechanism for a criminal defendant to assert a collateral attack on a final judgment.” *People v. Robinson*, 2020 IL 123849, ¶ 42. “The purpose of a postconviction proceeding is to permit inquiry into constitutional issues involved in the original conviction and sentence that were not, and could not have been, adjudicated previously on direct appeal.” *People v. English*, 2013 IL 112890, ¶ 22. Therefore, issues raised and decided on direct appeal or in a prior proceeding are barred as *res judicata*, and issues that could have been raised,

but were not, are forfeited. *People v. Daniels*, 2020 IL App (1st) 171738, ¶ 21. The “Act delineates the process for litigating all postconviction petitions.” *Bailey*, 2017 IL 121450, ¶ 17.

¶ 46 Proceedings under the Act are divided into three stages. *People v. Gaultney*, 174 Ill. 2d 410, 418 (1996). At the first stage, the trial court may dismiss a postconviction petition that is “frivolous or *** patently without merit.” 725 ILCS 5/122–2.1(a)(2) (West 2022). A petition is frivolous or patently without merit if it has no arguable basis either in law or fact. *People v. Hodges*, 234 Ill. 2d 1, 11 (2009). We review the dismissal of a postconviction petition at the first stage *de novo*. *People v. Hodges*, 234 Ill. 2d 1, 9 (2009).

¶ 47 Defendant argues that the trial court should not have dismissed his petition where it raised an arguable claim that appellate counsel was ineffective for failing to challenge the sufficiency of the evidence on direct appeal. To establish a claim of ineffective assistance of counsel, defendant must show that counsel’s performance was deficient, *i.e.*, it fell below an objective standard of reasonableness. *Strickland v. Washington*, 466 U.S. 668, 687–88 (1984). Second, defendant must show a reasonable probability that, but for counsel’s deficient performance, the result of the proceedings would have been different. *Id.* at 694. Both prongs of *Strickland* must be satisfied to prevail on a claim of ineffective assistance of counsel. *People v. Flores*, 153 Ill. 2d 264, 283 (1992). A defendant who contends that appellate counsel rendered ineffective assistance must show that the failure to raise an issue on direct appeal was objectively unreasonable and that the decision prejudiced him or her. *People v. Childress*, 191 Ill. 2d 168, 175 (2000).

¶ 48 On direct appeal, appellate counsel raised the issue of whether the State failed to prove defendant committed armed robbery beyond a reasonable doubt. A person commits the offense of armed robbery when he or she takes “property *** from the person or presence of another by the use of force or by threatening the imminent use of force,” and that he carried “on or about his ***

person or [was] otherwise armed with a firearm.” 720 ILCS 5/18-1(a), 18-2(a)(2) (West 2018). Counsel argued that the State did not prove defendant committed the offense where no gun was recovered or presented at trial, and the testimony of Mints and Salter was insufficient to show that he was armed with a firearm. This court noted that, because the police did not recover a firearm and no weapon was presented at trial, the only evidence supporting defendant’s possession of a firearm was the testimony of Mints and Salter. *Moore*, 2023 IL App (1st) 211421, ¶ 73.

¶ 49 We determined that a rational trier of fact could infer that defendant possessed a firearm solely from the reliable testimony of credible eyewitnesses. *Id.* ¶ 90. Therefore, “the testimony of Mints and Salter, if positive and credible, can sufficiently establish that defendant possessed a firearm when he robbed the Family Dollar store.” *Id.* ¶ 84. Both Mints and Salter identified defendant in court as the offender. *Id.* ¶¶ 35, 37. We noted that “[n]othing interfered with their ability to observe defendant, and their testimony regarding the firearm was unimpeached.” *Id.* ¶ 85. The jury determined that Mints and Salter credibly testified that they observed defendant with a firearm. *Id.* ¶ 90. We found that, “[v]iewing the evidence in the light most favorable to the State, a rational trier of fact could have found beyond a reasonable doubt that defendant possessed a firearm” when he committed the offense. *Id.*

¶ 50 Now, in his postconviction petition, defendant claims that appellate counsel was ineffective for failing to challenge the testimony of Mints and Salter *identifying* him as the offender. He acknowledges that this is a sufficiency of the evidence claim but argues it is not identical to the issue decided on direct appeal.

¶ 51 We disagree. Defendant’s postconviction petition alleged that Salter’s and Mints’ testimony was “not credible” because their attention was “divided” during interactions with the offender. He alleged inconsistencies in their testimony at trial and challenged the reliability of their

testimony given the circumstances of the robbery. However, the issue of Mints' and Salter's credibility as eyewitnesses was raised on appeal and decided by this court. Appellate counsel cannot be ineffective for failing to raise an issue that was raised on direct appeal.

¶ 52 Even if appellate counsel's performance had been deficient in this regard, defendant must show that he was prejudiced by the deficiency. Defendant argues that he was prejudiced because, under the factors set forth in *Neil v. Biggers*, 409 U.S. 188 (1972), it is highly likely that Mints and Salter misidentified him as the offender. However, as our supreme court recently explained in *People v. Johnson*, 2026 IL 131337, ¶ 65, the *Biggers* test is primarily used to determine the *admissibility* of identification testimony. Once the evidence has been admitted, the *Biggers* factors, on their own, cannot be "a basis for finding that defendant was not proved guilty beyond a reasonable doubt" of committing the crime. *Id.*

¶ 53 Importantly, the supreme court did not hold that the *Biggers* factors are irrelevant when assessing the sufficiency of the evidence on appeal. Rather, these factors are relevant "to the extent they guided the jury in weighing the identifications of defendant as the offender." *Id.* ¶ 71. The supreme court instructed that, "[w]hen a conviction hinges on identification evidence, the appellate court should consider the *Biggers* factors as part of the totality of the circumstances when reviewing the jury's presumed credibility determination in favor of the prosecution." *Id.* ¶ 72. After such consideration, "a reviewing court may conclude the identification evidence is insufficient only where the record evidence compels the conclusion that no reasonable person could accept it beyond a reasonable doubt." *Id.*

¶ 54 Although the incident lasted only six or seven minutes, both Mints and Salter had sufficient opportunity to view defendant. Mints had two interactions with defendant. First, he approached Mints to ask where he could find the oatmeal pies. He then returned to forcibly take the cash from

Mints' register. Although Mints testified that she was nervous during the robbery, she had an opportunity to observe defendant before the actual robbery. While Salter testified that her "hand was shaking" during the robbery, she also stated that she was within arm's length of the offender and nothing obstructed his face. Both Mints and Salter positively identified defendant in a photo array and in court. The identification of defendant by a single witness is sufficient to sustain a conviction if the witness viewed him under circumstances permitting a positive identification. *People v. Slim*, 127 Ill. 2d 302, 307 (1989).

¶ 55 Defendant argues that the disparity between his actual height of six-foot-three, and the height Mints and Salter described (between five-foot-five and six feet tall), rendered their identification unreliable. He also argues that they did not provide a detailed description of the offender. Mints generally described the offender as "real anxious" with "bucking" eyes. Defendant further points out that six months elapsed between the robbery and the identification of him as the offender by Mints. He argues that for these reasons, it is highly probable that Mints and Salter misidentified him as the offender.

¶ 56 It is well-established that a witness' identification can be sufficient even if he or she provided only a general or imprecise description of the offender. *Johnson*, 2026 IL 131337, ¶ 84. Likewise, a large time lapse between the offense and the identification, while relevant, goes only to the weight of the testimony given by the factfinder. *People v. Holmes*, 141 Ill. 2d 204, 242 (1990).

¶ 57 Moreover, the identification testimony of Mints and Salter was not the only evidence connecting defendant to the robbery. Fingerprints taken from the box of oatmeal pies matched defendant. Although defendant argues that the evidence only proved his presence in the store, it also served to corroborate Mints' testimony of the robbery. She testified that the offender had

asked for oatmeal pies, and he returned with a box before showing his firearm and taking the money from the cash register. Mints identified defendant as that offender.

¶ 58 Defendant similarly argues that the other-crimes evidence admitted at trial had little probative value. At trial, three witnesses testified about other crimes and defendant had an opportunity to cross-examine them. Once the evidence was admitted, it became the jury's responsibility to determine the weight given to the testimony. The jury was instructed, pursuant to Illinois Pattern Jury Instruction, Criminal, No. 3.14, that the other-crimes evidence was admitted for a limited purpose and it was for the jury "to determine whether the defendant was involved in [those offenses] and, if so, what weight should be given to this evidence on the issue of defendant's identification ***." A reviewing court must not "substitute its judgment for that of the jury on questions regarding the weight of the evidence." *People v. Evans*, 209 Ill. 2d 194, 211 (2004). Assuming that the jury found this evidence relevant and weighed it accordingly, we find nothing in the record to justify overturning the jury's assessment.

¶ 59 The jury, as the trier of fact, was tasked with making credibility assessments and weighing the evidence. We give due consideration to the jury's determination because jurors observed and heard the witnesses. *People v. Wheeler*, 226 Ill. 2d 92, 114-15 (2007). A reviewing court may find eyewitness testimony "insufficient only where the record evidence compels the conclusion that no reasonable person could accept it beyond a reasonable doubt." *Johnson*, 2026 IL 131337, ¶ 84. The jury in this case found the identification testimony of Mints and Salter credible, and viewing the evidence under the totality of the circumstances, we cannot say that no reasonable person could accept the jury's determination. As such, the jury's determination that defendant committed armed robbery was not so unreasonable, improbable, or unsatisfactory that there is reasonable doubt of defendant's guilt.

¶ 60 Therefore, even if appellate counsel had specifically challenged Mints' and Salter's identification testimony on direct appeal, the outcome for defendant would not have been different. Accordingly, defendant was not prejudiced by appellate counsel's alleged deficient performance. Where defendant's postconviction petition alleges ineffective assistance of counsel, but defendant was not prejudiced by counsel's deficient performance, the petition is properly dismissed as frivolous and patently without merit. See *People v. Brown*, 2017 IL App (1st) 150203, ¶ 31.

¶ 61

III. CONCLUSION

¶ 62 For the foregoing reasons, we affirm the judgment of the trial court.

¶ 63 Affirmed.