

¶ 4 First, he contends that (1) by failing to explain, in the jury instructions, that certain types of toy guns were excluded from the definition of a “firearm,” the circuit court committed plain error and (2) defense counsel rendered ineffective assistance by failing to object to the jury instruction defining a “firearm”—a jury instruction that, in defendant’s view, was defective because it lacked any mention of the exclusions. We conclude that defendant is estopped from raising this claim of plain error. We further conclude that defendant has failed to show he received ineffective assistance; more specifically, he has failed to show that defense counsel’s acceptance of the jury instruction caused any prejudice to the defense.

¶ 5 Second, defendant argues, “The trial court erred in admitting the DNA evidence over trial counsel’s objection because there was a complete breakdown in the chain of custody.” By “the DNA evidence,” defendant means People’s exhibit No. 26, the DNA collected from a bicycle. In the proceedings below, far from objecting to People’s exhibit No. 26, defense counsel repeatedly stated he had no objection to that exhibit. Given those reassurances to the circuit court, the doctrine of invited error bars this argument, as well.

¶ 6 Therefore, we affirm the circuit court’s judgment.

¶ 7 I. BACKGROUND

¶ 8 A. The Armed Robberies

¶ 9 On August 19, 2023, around 10:30 or 11 p.m., Benjamin Dresser and Kelly Ellingson were outside Rural on Tap in Rockford, Illinois. Dresser testified that as he and Ellingson were standing in the parking lot talking, “a man came kind of from next to that building where there was a tree or a bush or whatever, came out and was pointing a gun at us and demanding cash.” In describing the gun, Dresser testified, “I mean, it was, you know, a handgun. Kind of a darker—or, you know, it was kind of a grayish-black. I remember there was kind of

like a little bit of tape on the tip of it.” In other words, it “was like a handgun pistol” with “a lighter coloring at the end of it” that “kind of looked like a masking tape”—but Dresser did not “know guns very well.”

¶ 10 Although Dresser could not remember where the streetlights were, there was enough illumination in the area that he could see everything. He described the robber as a younger Black male, skinny, about six feet tall, with a cloth covering his face from just below the eyes downward. Ellingson put \$20 or \$30 on the ground, and Dresser, who did not have any cash, put his phone on the ground. The robber picked everything up and told Dresser and Ellingson to go inside the bar. They did so.

¶ 11 Ellingson similarly described the robber as a Black male, about six feet or six feet, one inch, tall, with a “skinny to athletic build” and a “black mask on, like a COVID mask.” Additionally, he remembered that the robber was wearing something red, but he could not “remember if it was a hat or a hoodie or something of that nature.” The robber “pointed what appeared to be a gun at” him and Dresser. When asked to describe the gun, Ellingson answered, “The only thing I can tell you is that it appeared to be some sort of handgun. I’m not an expert.” He did not know the difference between a revolver and a semiautomatic pistol. He denied that the robber ever cocked the pistol during the robbery.

¶ 12 About the time when Dresser and Ellingson were being robbed, James Fertig arrived at his residence, which was on Greenwood Avenue in Rockford. He parked his car and, as was his habit, looked around the house before going inside. He noticed that someone was biking through an alley—an unusual sight for that time of night. This person, whom Fertig had never seen before, was riding a “fat-tired bike,” “like a BMX bike.” The bicyclist turned left from the alley to go south on Smith Avenue and then turned right to go west on Greenwood

Avenue. Fertig believed that this person was wearing a black hoodie with something red at the top; it might have been reversible hoodie, but Fertig did not know. Pretty much everything the bicyclist had on was dark-colored. He looked male to Fertig, rather young, of a skinny build, about five feet, eight inches, or five feet, nine inches, tall, and weighed 145 to 150 pounds. Fertig was unable to discern the man's race.

¶ 13 Around the time that Fertig saw this man bicycling down the alley, Erin and Kevin Richardson, who lived on Greenwood Avenue, about a block away from Fertig, arrived home and parked on the street in front of their house. When the Richardsons got out of their Jeep, Kevin saw someone bicycling west on Greenwood Avenue, coming from the direction they had just come from. The bicyclist rode past them, made a U-turn, and pulled up in front of the Jeep. Then, according to Kevin's testimony, this person "took *** a weapon, a gun," out of his pants and commanded Kevin to empty his pockets and stated, " 'Don't do nothing stupid or else I'll shoot.' " Kevin took out his wallet, which contained around \$200 in cash, and threw it on the street. The robber—who, Erin testified, "still had the handgun"—likewise told her to give him all the money she had. She took out the \$50 or \$60 in cash that was in her phone case and threw the cash on the ground. The robber took the cash out of Kevin's wallet, threw the wallet into the grass, picked up the cash from Erin's phone case, and got back on his bicycle and rode away. He turned right onto Regan Street and headed south, in the direction of State Street.

¶ 14 The Richardsons recalled that the robber was wearing a dark-colored hoodie with the hood pulled up over his head. Kevin, who was five feet, eight inches, or five feet, nine inches, tall, testified that the robber was taller than he. Because it was dark out, Erin never discerned what the robber's ethnicity was. Kevin, however, got enough of a look at the robber's face to perceive he was Black, but because he had his hood pulled up, Kevin did not get a look at

his whole face.

¶ 15 Defense counsel and Kevin had this dialogue about the gun:

“Q. Was there anything unique or distinguishing about the gun as far as you could tell?

A. No.

Q. All right. Do you recall whether it was a revolver or a semiautomatic gun?

A. It was a smaller gun, looked like a handgun.

Q. All right. Smaller—did that mean like a small caliber, like a .22?

A. Not that I recall.

Q. All right. But as far as a handgun—what I’m asking is—handguns can be both revolvers and semiautomatic. Do you recall whether it was a revolver or semiautomatic?

A. No, I don’t.

Q. All right. Was it you weren’t paying attention? [Y]ou didn’t get that close?

A. I was nervous.

Q. Sure.

A. And I just—I don’t know the difference between, like, a revolver and a—it just looked like a normal handgun that use—that cops use and stuff.

Q. So you said that you’re not that familiar with guns?

A. No.”

¶ 16 Defense counsel and Erin had a similar dialogue about the gun:

“Q. *** Specifically, what you call a handgun, do you recall what color it was?

A. No.

Q. In other words—okay. Never mind.

Was there anything—any type of unique characteristics or anything of the gun that stood out to you?

A. No.

Q. Other than being a handgun, do you know if this was a semiautomatic or a revolver?

A. I have no idea. I don’t know much about weapons other than it was definitely not a rifle. It was a short barrel.”

¶ 17 At the jury instruction conference, the prosecutor tendered People’s jury instruction No. 29, which defined the term “firearm” as “any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas, or escape of gas.” The proposed jury instruction added, “Whether a firearm is operable does not affect its status as a weapon.” The circuit court asked defense counsel if he had any objection to People’s jury instruction No. 29. Defense counsel replied, “No, Judge. For the record, I requested the State add this, this morning.”

¶ 18 B. DNA From the Bicycle

¶ 19 A Rockford police officer, Douglas Ivy, was dispatched to Rural on Tap to investigate the armed robbery that had just happened there. While he was driving to Rural on Tap, he received another dispatch, this time regarding an armed robbery on Greenwood Avenue, about a block from Rural on Tap. As he was driving east on East State Street from Summit

Street, he saw someone, in the 1500 block of East State Street, who appeared to match the description of the robber that the dispatcher had given over the radio. Ivy testified that the suspect he spotted “was a skinnier black male wearing black jeans, I believe, with white shoes and I believe it was a red hoodie or dark in color with red coloring on the hoodie” and he was “wearing or holding a black cap and was on a bicycle,” a “BMX-style bike.” Ivy made a U-turn and turned on the emergency lights of his squad car. As soon as Ivy got within about 25 feet of him, however, the suspect got off the bicycle and ran toward the Summit Green apartment complex. Even with the assistance of a dog, the police were unable to find this man who had fled on foot. But he had left the bicycle behind.

¶ 20 On August 20, 2023, at 12:52 a.m., a crime scene detective with the Rockford Police Department, Benjamin Johnson, arrived at the scene. He put on a pair of gloves, dribbled some sterile water onto a cotton-tipped applicator, and swabbed the bicycle for DNA. Specifically, he swabbed the handlebar, brakes, and seat of the bicycle. Then, according to Johnson’s testimony,

“I take that cotton-tipped applicator and I put it into a wax envelope and snap off the back of the cotton-tipped applicator, seal it shut inside a manila envelope, and place a piece of evidence tape over the top, signing it with my initials, the date, and the case number.”

He confirmed he followed that procedure in this case.

¶ 21 On August 29, 2023, an evidence technician with the Rockford Police Department, Keli Stansell Reints, transported the bike DNA swab from the evidence vault of the police department to Melva Mullins at the Illinois State Police (ISP) Forensic Science Laboratory in Rockford (Rockford laboratory).

¶ 22 On August 31, 2023, Caroline Summers, an evidence technician II in the biology/DNA section of the Rockford laboratory, removed the bike DNA swab from the main vault and put it into the biology/DNA vault, a sealed location to which only biology/DNA analysts, evidence technicians, and lab management personnel had access.

¶ 23 On September 7, 2023, Summers cut some cotton off the bike DNA swab and put the cotton in a tube, thereby preparing it for analysis. Then she put the stick portion of the swab back into the envelope, sealed the envelope with evidence tape, and wrote her initials on the tape.

¶ 24 On September 14, 2023, Mia Recchia, an evidence technician II-firearms at the Rockford laboratory, turned over to a forensic scientist, Paula Bosco Szum, in a sealed box, the tube containing the cuttings from the bike DNA swab. Szum in turn took the box to the ISP Forensic Science Laboratory in Chicago, Illinois (Chicago laboratory), where she worked, and scanned it into the main vault there.

¶ 25 On September 15, 2023, Zachary Alexander, an evidence technician II, took the box “from the secured evidence vault downstairs” and, to quote his testimony, “took it into our section, which is the Bio/DNA Section, and then I took the evidence out of that container and then put [it] into our what’s called a Tecan workflow for it to be worked.” The Tecan workflow, Alexander explained, was “just a location in [the Laboratory Information Management System].”

¶ 26 On September 18, 2023. Christopher Webb, a forensic scientist in the biology section of the Chicago laboratory, took the swab cuttings from the tubes and performed a DNA analysis on them. Webb was asked, “And what kind of a sample did you conduct your analysis on? Was it a known standard or an unknown sample?” He answered:

“What I received were two small plastic DNA tubes, both labeled with the case number. One was labeled 1-A; the other was labeled 1-B. Both contained the

cuttings of the swabs placed into these tubes in which I conduct my DNA analysis. They're both considered unknowns.”

Webb described his analysis of these unknown samples as follows:

“First, I take the tubes as I described that contain a—the piece of cotton, the swabbing. I add chemicals to that which break open the cells and release the DNA. That’s the extraction or DNA isolation process.

I then conduct a quantitation assay which determines how much DNA is present and its condition.

Next, I conduct polymerase chain reaction, which is the amplification process, copying specific sequences of DNA many, many times.

Next, using—I perform a series of steps that separate those fragments that I copied by length. And using computer software I develop a graph of the DNA that is detected. That’s the electropherogram. That information is passed along in an electronic format to the [Rockford laboratory].”

¶ 27 On September 19, 2023, Reints of the Rockford Police Department received the bicycle DNA swab back from the Rockford laboratory.

¶ 28 On December 21, 2023, a Rockford police officer, Richard Beaufiles, met with defendant to collect a buccal swab. He rubbed a sterile cotton-tipped applicator inside defendant’s mouth, placed the applicator into an envelope, and sealed the envelope with evidence tape.

¶ 29 On January 2, 2024, Reints transported the buccal swab from the evidence vault of the Rockford Police Department to the Rockford laboratory. Then, after verifying that the evidence was sealed properly, that it was marked with the initials or badge number of the case

officer, and that the case number and item number matched the accompanying documentation, Recchia put the evidence into the main vault of the Rockford laboratory.

¶ 30 On January 4, 2024, Summers moved the buccal swab from the main vault to the biology/DNA vault of the Rockford laboratory.

¶ 31 On March 4, 2024, Summers cut off a portion of one of the buccal swabs and put the cutting in a tube for testing.

¶ 32 On March 13, 2024, Rachel Brichetto, a forensic scientist in the biology/DNA section of the Rockford laboratory, “completed DNA analysis on the standard” (that is, the cutting from the buccal swab), “interpreted the standard, and *** issued a written report.” Defense counsel asked Brichetto, “[W]hat was the physical evidence that you used to analyze and generate your work?” She answered:

“Caroline Summers, the evidence technician, she cut off a portion of the standard that was submitted and placed it into a tube; and then that was what I handled, and then I completed the DNA extractions and quantitation. I went through the process. I amplified the DNA. I developed a profile. I interpreted that profile and then issued the report.”

¶ 33 Katherine Sullivan, a forensic biologist at the ISP Forensic Science Laboratory in Joliet, Illinois, “did one portion of the analysis” of the bicycle swab. She “took a sample that had been amplified for profiling and *** prepared it for a detection instrument.” The prosecutor showed Sullivan People’s exhibit No. 26, the bicycle swab, and asked her if she recognized it. She answered, “No. I never had custody of this item.” Then they had the following exchange:

“Q. Okay. Would there have been like a subexhibit to People’s Exhibit No. 26?

A. There were two subitems created from this particular item.

Q. Would you have had custody of one of the subitems?

A. No. I didn't have custody of either of the subitems. I had contact with the amplified sample that came from the two subitems that were created from this item. (Indicating.)”

¶ 34 Sullivan did not perform any of the “interpretation phase of this case.” Rather, another analyst did the interpretation. Sullivan’s task was “simply to put a little bit of that amplified sample in the detection instrument so that then that data could be passed along to somebody else for the rest of the process.” The prosecutor and Sullivan then had the following exchange:

“Q. And is the—throughout your involvement on this case did you follow all policies and procedures and rules of the lab while you were working this?

A. Yes.

Q. Who did you forward your results on to for interpretation?

A. Well, ultimately, the case was reported by Forensic Scientist Heather May. All of the data is gathered until the case is—all the data from the case is gathered and then the entire case is handed over for the final interpretation and reporting.”

¶ 35 May testified that she was a forensic scientist, specifically, a DNA analyst, at the Rockford laboratory. The prosecutor asked her to explain, in a general way, the steps in a DNA analysis. She answered:

“There are four general steps in the DNA analysis process.

The first step is called extraction, and during that step the DNA is isolated

from the item of evidence.

The second step of the process is called quantitation, and during that step we determine how much DNA is present in that sample.

The third step is called amplification, and during that step we make many copies of the specific areas of the DNA that we're interested in. And those are the areas that are going to make up the DNA profile.

And the fourth step, or the final step in the testing process, is where that DNA profile is generated.”

¶ 36 In the bicycle swab, May “determined that the results from this item were a mixture of two individuals.” She compared the known standard from defendant to the mixture of DNA profiles in the bicycle swab and arrived at the following conclusion: “I determined that it was approximately 20 quintillion times more likely if it was explained as a mixture of [defendant] and one unknown unrelated individual than if the results were explained as a mixture of two unknown unrelated individuals.” In other words, “the DNA profile was approximately 20 octillion times more likely that they originated from [defendant] and an unknown person than from two unknown people.” (An octillion was 27 zeros.) Thus, the analysis that May “conducted provide[d] very strong support for the proposition or explanation that [defendant was] a contributor to the results.”

¶ 37 On October 7, 2024, the day before trial, Summers moved the buccal swab from the biology/DNA vault of the Rockford laboratory back to the main vault so that it could be returned to the Rockford Police Department.

¶ 38 On October 8, 2024, the day of the trial, Recchia scanned the buccal swab to an officer from the Rockford Police Department.

¶ 39 At trial, the State moved for the admission into evidence of People’s exhibit No. 26, the bicycle DNA, and People’s exhibit No. 27, the buccal swab. The circuit court asked defense counsel, “Any objection?” He replied, “Not to 26. I do object to 27, chain of custody.” The court overruled the objection.

¶ 40 In his motion for a new trial, defendant argued the circuit court had erred by admitting People’s exhibit Nos. 26 and 27. At the posttrial hearing, however, defense counsel argued:

“It’s my position that we did hear—first of all, we heard quite a bit of evidence on chain of custody that got the standard taken from the bike, *** and I believe it was Heather May is the one that analyzed that. I don’t have an issue with that. That chain of custody was kept.

My issue was with the DNA sample of [defendant]. *** [A]ll of a sudden we have witnesses from the Joliet Crime Lab testifying about analyses that was done. There was no testimony as to how they received or how they’re analyzing a purported buccal swab from my client.”

The court denied the motion for a new trial.

¶ 41 II. ANALYSIS

¶ 42 A. The Jury Instruction Defining “Firearm” Without
Saying What Was Excluded From the Definition

¶ 43 1. *Estoppel From Asserting Plain Error*

¶ 44 The indictment charged defendant with armed robbery (720 ILCS 5/18-2(a)(2) (West 2022)) in that, “while carrying a firearm on or about his person or while otherwise armed with a firearm,” he “knowingly took property” from the victims “by threatening the imminent

use of force.” The term “firearm” in the armed robbery statute has the meaning ascribed to that term in section 1.1 of the Firearm Owners Identification Card Act (Act) (430 ILCS 65/1.1 (West 2022)). 720 ILCS 5/2-7.5 (West 2022). Section 1.1 of the Act excludes from the definition of a “firearm” “any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter or which has a maximum muzzle velocity of less than 700 feet per second” (430 ILCS 65/1.1 (West 2022)). (There are other exclusions in section 1.1, but defendant regards that quoted exclusion as the pertinent one.) Defendant characterizes the evidence as closely balanced on the issue of whether the pistol was a “firearm,” as distinct from the guns in the exclusion, such as BB guns and airsoft guns. He argues it was a plain error, therefore, to fail to instruct the jury that “firearm,” as the armed robbery statute used that term, did not include the guns in the exclusion. See Ill. S. Ct. R. 451(c) (eff. Apr. 8, 2013); *People v. Piatkowski*, 225 Ill. 2d 551, 564 (2007).

¶ 45 In response, the State points out that, at the jury instruction conference, when the prosecutor tendered People’s jury instruction No. 29, which defined the term “firearm” without the above-quoted exclusion in section 1.1 of the Act, the circuit court asked defense counsel if he had any objection to the proposed jury instruction. Defense counsel replied, “No, Judge. For the record, I requested the State add this, this morning.” The State contends, therefore, that defendant is estopped from challenging People’s jury instruction No. 29, even under a theory of plain error.

¶ 46 The State is correct. By affirmatively stating to the circuit court that he had no objection to what he now contends was an erroneous jury instruction, defendant (through his attorney) invited the court to give the jury instruction, or at least reassured the court that there would be no error in doing so, and defendant thereby participated in or encouraged the

commission of the purported error. See *People v. Aquisto*, 2022 IL App (4th) 200081, ¶ 54.

Consequently, under the doctrine of invited error, defendant is barred from raising the purported error—even if, as he now contends, it was a plain error. See *id.*

¶ 47 2. *The Claim of Ineffective Assistance in Agreeing to the Jury Instruction*

¶ 48 Under the sixth amendment to the United States Constitution (U.S. Const., amend. VI), a criminal defendant has the right to counsel. This right to counsel includes the right to effective—which is to say, adequate or competent—representation by counsel. *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *People v. Boose*, 2025 IL App (4th) 231467, ¶ 30; *People v. Olsen*, 2023 IL App (4th) 220738-U, ¶ 32.

¶ 49 Defendant claims that, by failing to object to People’s jury instruction No. 29 on the grounds that it left out the exclusion in section 1.1 of the Act, defense counsel rendered ineffective assistance. Defendant has the burden of showing that the assistance he received from defense counsel was ineffective. See *People v. Haynes*, 2024 IL 129795, ¶ 37. To carry that burden, he must establish two propositions: first, “the identified acts or omissions” by counsel “were outside the wide range of professionally competent assistance” (*Strickland*, 466 U.S. at 690), and, second, the professionally unreasonable performance caused prejudice to the defense (see *id.* at 693). Prejudice is “a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” *Id.* at 694. “A reasonable probability is a probability sufficient to undermine confidence in the outcome.” *Id.*

¶ 50 If a claim of ineffective assistance can be most concisely addressed by bypassing the element of deficient performance and proceeding directly to the element of prejudice, a reviewing court may proceed in that manner, considering that both elements are essential to the claim. *People v. Givens*, 237 Ill. 2d 311, 331 (2010). We find no reasonable probability of a

more favorable outcome for defendant had the exclusion in section 1.1 of the Act been added to People’s jury instruction No. 29. See *Strickland*, 466 U.S. at 694. Our rationale for so concluding is this. The definition of a “firearm,” in People’s jury instruction No. 29—without the exclusion—enabled defense counsel to argue to the jury that what defendant wielded in the armed robberies could have been a toy gun that was, by design, inert (not just a BB gun or an airsoft gun).

¶ 51 The following argument that defense counsel made to the jury applied to a toy gun that was nothing but a solid piece of rubber:

“What, I believe it was, Mr. Dresser—and if I’m attributing this to the wrong witness, feel free to use your own recollection—mentioned that he saw tape on the end that he referred to as masking tape. Who’s going to use masking tape on a firearm? Something that dispenses, for lack of a better term, hot lead out of the end of it. Where would you use masking tape? On a toy gun. You break off that bright orange-colored tip so nobody thinks it’s a real gun so you make it look like a gun.”

¶ 52 Defendant complains that People’s jury instruction No. 29 “failed to inform the jury that the law excluded toy guns, such as airsoft, paint ball, or prop guns, from the definition of a firearm.” But that is not *entirely* true. Granted, airsoft guns, BB guns, and paintball guns, which expelled projectiles by the expansion of gas, would have appeared to meet the definition of a “firearm” in People’s jury instruction No. 29. Toy guns, however, that were made of rubber or plastic and that were manufactured without internal parts would have fallen outside the jury instruction. Likewise, toy guns that were designed to fire only blanks and be incapable of firing projectiles—cap guns, for example, or prop guns with blocked barrels—likewise would have

fallen outside the jury instruction. Defense counsel’s argument to the jury that masking tape could have concealed an orange marking indicative of a toy gun included toy guns that, by design, were incapable of expelling a projectile by the expansion of gas. A toy gun that was manufactured to be unshootable—and that, therefore, did not conform to People’s jury instruction No. 29 by being “designed to expel a projectile or projectiles by the action of an explosion, expansion of gas, or escape of gas”—nevertheless had to have “[a] blaze orange” plug or marking on the muzzle end of its barrel if the toy gun otherwise looked like a firearm (16 CFR §§ 1272.2, 1272.3 (2026)). See 88 Fed. Reg. 30226 (May 11, 2023) (“Background” section). (The primary purpose of this marking, one may infer, was to keep children from getting shot.) So, People’s jury instruction No. 29, as written, enabled defense counsel to make his argument as to those inert kinds of toy guns.

¶ 53 Because the jury found defendant guilty of armed robbery, the jury must have regarded defense counsel’s argument as unconvincing. It is unclear how the exclusions could have changed the jury’s mind in that regard. It is unclear why the jury would have regarded defense counsel’s toy gun argument as convincing if, relying on the exclusion in section 1.1, defense counsel had specified that the gun with masking tape on the end of its muzzle might have been not merely an inert toy gun but, alternatively, a BB gun or an airsoft gun. One would not expect the jury to think, “Well, *that* puts a wholly new complexion on the matter.” Considering that defendant was robbing people of their pocket money, it is unclear why the jury would have deemed it more likely that he had a realistic-looking BB gun or airsoft gun with internal parts than a probably less expensive realistic-looking gun without internal parts. We do not see how the theoretical substitution of one kind of look-alike nonfirearm for another kind of look-alike nonfirearm could have made a difference. Therefore, we conclude, *de novo*, that

defendant has failed to show prejudice from defense counsel's allowing the exclusion in section 1.1 of the Act to be left out of People's jury instruction No. 29. See *People v. Jefferson*, 2021 IL App (2d) 190179, ¶ 26.

¶ 54

B. The Chain of Custody

¶ 55 Defendant argues that because “the state offered no testimony or evidence as to how Katherine Sullivan with the ISP Crime Lab in Joliet received the amplified bike DNA sample from the ISP Crime Lab in Chicago,” there was, within the meaning of *People v. Woods*, 214 Ill. 2d 455, 471-72 (2005), “a complete breakdown in the chain of custody.”

¶ 56 As the State observes, however, defense counsel told the circuit court, at the posttrial hearing, that the chain of custody for the bicycle DNA was adequate and that he had no objection to it. Also, as defendant candidly admits in his reply brief, defense counsel told the court, at trial, that he had no objection to People's exhibit No. 26, the DNA from the bicycle, but that, rather, his objection—on chain of custody grounds—was to People's exhibit No. 27, the buccal swab.

¶ 57 After defendant (through his defense counsel) assured the circuit court that the chain of custody for the bicycle DNA was unproblematic, the doctrine of invited error forbids defendant to turn around and contend, on appeal, that there was “a complete breakdown in the chain of custody” for the bicycle DNA. See *Aquisto*, 2022 IL App (4th) 200081, ¶ 54. Defendant argues—and he may be right—that “[a]ll the parties were confused about which DNA evidence was tested or analyzed in which laboratory.” Even so, regardless of why defendant invited the court to commit the purported error (whether out of confusion or some other cause⁰, the doctrine of invited error bars him from arguing to us “[t]he trial court abused its discretion in finding the State established a proper chain of custody for the bike DNA swab” after defense counsel

affirmatively denied to the court, at trial, that he had any objection to People’s exhibit No. 26 and after he told the court, at the posttrial hearing, “[W]e heard quite a bit of evidence on chain of custody that got the standard taken from the bike ***. I don’t have an issue with that. That chain of custody was kept.” See *id.*

¶ 58

III. CONCLUSION

¶ 59

For the reasons stated, we affirm the circuit court’s judgment.

¶ 60

Affirmed.