

NOTICE

Decision filed 10/14/26. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2026 IL App (5th) 250155-U

NOS. 5-25-0155, 5-25-0158, cons.

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

NOTICE

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

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Macon County.
	)	
v.	)	Nos. 23-CF-1053, 23-CF-1054
	)	
RAHEIM D. DAVIS,	)	Honorable
	)	Thomas E. Griffith Jr.,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE VAUGHAN delivered the judgment of the court.
Justices Boie and Hackett concurred in the judgment.

ORDER

- ¶ 1 *Held:* Defendant's conviction is affirmed where sufficient evidence was submitted to meet the elements of the crime and defendant's claims of ineffective assistance of counsel failed to show either deficient performance or prejudice.
- ¶ 2 Defendant, Raheim D. Davis, appeals the trial court's judgment of guilt. On appeal, defendant contends that insufficient evidence was presented to prove him guilty of murder and that he received ineffective assistance of counsel where counsel (1) failed to request the accomplice witness jury instruction, (2) failed to challenge expert testimony linking the guns defendant threw in a lake to the murder, (3) stipulated to cell phone records that did not comply with Illinois Rule of Evidence 902(11) (eff. Sept. 28, 2018), (4) failed to object to Detective Weddle's testimony due to a lack of qualifications, and (5) failed to object to testimony stating that a witness met defendant

in prison and portions of defendant's videotaped interview addressing his access to a gun. For the following reasons, we affirm the trial court's judgment.

¶ 3

I. BACKGROUND

¶ 4 On August 1, 2023, in case No. 2023-CF-1053, defendant was charged, by information, with three counts of first degree murder in violation of sections 9-1(a)(1) and 9-1(a)(2) of the Criminal Code of 2012 (Code) (720 ILCS 5/9-1(a)(1), (2) (West 2022)) following the homicide of Karlondus D. Thomas Jr. on July 21, 2023. On the same day, in case No. 2023-CF-1054, defendant was also charged, by information, with three counts of first degree murder in violation of sections 9-1(a)(1) and 9-1(a)(2) of the Code following the homicide of Andrell D. O'Neal on July 21, 2023.

¶ 5 On December 6, 2024, the State filed a motion for joinder. No objection was raised, and on December 9, 2024, the court granted the motion and issued a docket entry order stating that case Nos. 23-CF-1053 and 23-CF-1054 would be tried together. The jury trial was scheduled for December 16, 2024.

¶ 6 On December 10, 2024, defense counsel filed two motions *in limine*. The first motion stated that three firearms were found and the firearm found in Kadeeja Graves's vehicle was not involved in the shooting. The motion requested the court bar evidence related to the weapon which was found in Kadeeja's vehicle. The second motion *in limine* stated that defendant was on parole at the time of his arrest, and this fact was mentioned during defendant's police interview. The motion requested the court bar the State from introducing that evidence at trial.

¶ 7 A third motion *in limine* was filed by defense counsel on December 13, 2024. This motion alleged that Brittany Taylor was the girlfriend of Karlondus at the time of his death and that Brittany told police during her interview that defendant pulled a handgun on her, Karlondus, and her children one month before the shooting because defendant believed someone stole his cell

phone. The motion requested the court prohibit the State from having Brittany provide that information at trial. The State filed a motion *in limine* on December 13, 2024, requesting permission to address defendant's criminal convictions if defendant chose to testify.

¶ 8 Defense counsel filed a fourth motion *in limine* on December 16, 2024. That motion noted that the State provided 53 power point slides related to Dr. Denton's autopsy, some of which were duplicative. The motion requested that the court prohibit the State from presenting photographs of the victims prior to being cleaned and from introducing more than one photograph per wound during Dr. Denton's testimony.

¶ 9 The motions were heard on December 16, 2024. As to the firearm found in Kadeeja's vehicle, the court clarified that no witness would state there were three guns involved in the shooting, that defendant had Kadeeja's gun, or that defendant used that firearm in the past. The State responded that the weapon would only be brought up in defendant's interview. Thereafter, the court granted the motion as to the firearm found in the vehicle and stated, "Then, counsel, you'll have to get together as to whether or not you want to delete that portion of the interview." The State responded, "Fair enough" and defense counsel said, "Thank you." Regarding defendant's parole status, the State advised the court that those statements had already been removed from the interviews in anticipation of trial, which defense counsel stated was satisfactory. The motion *in limine* related to Brittany Taylor's testimony was granted based on the agreement of counsel that Brittany was not going to be a witness at trial. The motion *in limine* based on autopsy photographs was granted with the State ordered not to introduce duplicative autopsy photographs. The State's motion was held in abeyance until after the State rested its case.

¶ 10 The following evidence was presented at trial. Travon Brown-Nelson testified that he had previous convictions for robbery in Cook County, Illinois, and retail theft in Kenosha County,

Wisconsin. He also had pending charges that included aggravated battery, armed habitual criminal, felon in possession of a weapon, and reckless discharge of a firearm in Macon County, Illinois. He stated there were no promises made to him as to the pending cases in exchange for his testimony at the trial. He agreed that he was hopeful that his testimony would be helpful in his pending cases. Travon clarified that the pending charges stemmed from events that occurred after the murders and that he had no charges pending at the time of the murders.

¶ 11 Travon testified that he met defendant in prison in 2017. Thereafter, Travon confirmed that he himself was in prison. He stated that he was originally from Chicago, Illinois, but moved to Decatur, Illinois, to be near his girlfriend. Travon explained that while living in Decatur, he ran into defendant at a barbecue, stating, “we was in the joint together, you know that’s how we met, like, that’s how we locked in, too.” Thereafter, Travon and defendant began hanging out. Defendant introduced Travon to Karlondus and told Travon “this little bro, look after him, you know what I’m saying. He be getting into some trouble, look after him, keep him out of trouble.” Travon agreed to do so. Travon stated that he met Andrell through Karlondus.

¶ 12 Travon testified that on July 21, 2023, he went to a barbeque with Andrell and Karlondus. The barbeque was hosted by Ashley Assanow, who lived on the south side of town. He, Andrell, and Karlondus left the barbeque to go to a few bars and to play cards at Karlondus’s house but eventually returned to Ashley’s house. Travon and Karlondus later drove to defendant’s house in Travon’s rented orange Dodge Charger. Karlondus was in the front passenger seat. Andrell stayed behind because he was talking to someone outside. Travon testified that defendant’s house was on the west side of town and after they arrived, defendant came out to the car. Defendant and Karlondus shook hands. They all went into defendant’s house and talked. Travon received a call from Andrell who wanted to know where Travon was and if he would come get him. Travon and

Karlondus went back to Ashley's house to pick up Andrell. Andrell walked to the driver's side door and Travon told Karlondus to get in the backseat. Karlondus got in the back passenger side seat and Andrell sat down in the front passenger seat. They drove back to defendant's house and parked just past the driveway of defendant's house.

¶ 13 Travon testified that as soon as he parked, defendant came out and sat behind Travon in the car. They were listening to music and just chilling. Travon was drinking and defendant said he needed to grab his drink. Defendant left and came back. Travon stated that he was not really paying attention because he was drunk. However, the light came on when defendant opened the back driver's side door. Travon saw sparks and heard gunshots. Travon got out of the car to get away from the gunshots. Travon looked at defendant and said, "You good" and defendant said, "no you good" and then went around to the other side of the car. Travon testified that defendant was standing in the open rear doorway of the car when he spoke to Travon. They were less than five feet apart and had only the rear door between them. Defendant then told Travon to "take them to the hospital."

¶ 14 Travon testified that he heard Karlondus trying to breathe and get out of the car. He did not know that Andrell had been shot until he got back in the car. He was unsure how many gun shots he heard but heard more than one before he got out of the car. He then heard more gunshots after exiting the vehicle. Once Travon was out of the car, he saw defendant firing the shots. Travon stated that he heard a click and then saw defendant reach for a second gun. Travon thought defendant was going to shoot him next, but defendant went to the other side of the car. Travon only saw the motion of defendant's arm getting another gun and then he heard more shots. After defendant told Travon to take the victims to the hospital, defendant got into a white SUV that Travon believed belonged to defendant's girlfriend and drove away.

¶ 15 Travon testified that, at that point, he froze in shock but quickly got back into the car because he was afraid defendant would come back, change his mind, and shoot him. After Travon got back in the car, he also left. He stated that he did not go to the hospital because he was scared. He did not know what to do and contemplated suicide. He started calling people asking what he should do. Travon eventually returned to Ashley's house, knocked on the door, told her to be calm, and then told her what was going on. Ashley thought Travon was kidding but put her shoes on and came outside. She went to the car, opened the door, freaked out, and called the police. Travon panicked and took Andrell's car keys. Travon explained that when Andrell got into the Charger, he put his Jeep keys in the console cupholder. Travon then drove to his girlfriend's house, which was right around the corner, and brought her back to the scene. When he returned, the police were already there. Travon told the police what happened but could not remember exactly what was said. He recalled reviewing a lineup to identify defendant.

¶ 16 On cross-examination, Travon agreed that he met with the State prior to the trial. He stated that he had never been convicted of burglary but was convicted twice for robbery and retail theft. He also confirmed his current pending cases and that he was aware that there was chance he would go back to prison. He again testified that the State made no offers based on his testimony at the trial but that he was hoping for some benefit from the testimony.

¶ 17 Travon agreed that he was drinking on the day of the murders and was also taking Ecstasy. He stated that he did not drink a lot and had a low tolerance to alcohol. He only recalled taking one Ecstasy pill but stated that he continued to take pills after midnight. He agreed that he was under the influence when the shots started but stated, "everything cleared up once I heard gunshots, I'm completely sober." He stated that he did not call defendant after they left Ashley's house to go to defendant's house because they were friends and Travon was comfortable showing up

unannounced at defendant's house. Travon stated that, although he did not know exact times, they all went to the bar "way earlier" than when he and Karlondus initially went to defendant's house. He further clarified that everyone had drinks while they were listening to music in the car except defendant. He stated that after about two minutes of sitting in the car, defendant said he was going to grab a drink. Travon could not recall the conversation prior to defendant going into his house but stated, "I can tell you there was no foul language towards nobody, there was no, like, I didn't see nothing, you know what I mean, I didn't see none of this coming." He confirmed that no one was arguing. Travon testified that defendant returned from the house about 30 seconds to a minute later, opened the car door, and started shooting into the vehicle. Travon stated that he could not see what was happening at first because he was facing the windshield. Travon did not see defendant shooting until Travon was out of the car and defendant told him he was "good." He stated that the windows were up in the car and the air conditioning was on. Travon thought he saw defendant in possession of two guns.

¶ 18 Travon testified that he did not hear anything from Andrell. He clarified that defendant started shooting after he opened the backseat driver's side door and later went around to the passenger side. He stated that either defendant or Karlondus opened the rear passenger side door. After defendant shot inside the car a second time, he told Travon to take Andrell and Karlondus to the hospital. Travon did not remember if an officer swabbed his arm that night or if he had blood on him. He could not recall what clothes he had on that night and said the police collected them as evidence. Travon stated that when he was driving around with the victims in the car, he did not hear them saying anything. He said that it sounded like Karlondus was choking on his blood. He denied calling defendant when he was in the car and agreed that he eventually drove back to Ashley's house. He explained that he went to Ashley's house because he did not know the families

of the victims, but Ashley was close to Andrell. He could not remember if he called Ashley on the way there or if he banged on the door. He told Ashley that he had two dead people in his car and Ashley laughed. She thought Travon was joking. He could not recall how long he talked to Ashley before the police were called. After Ashley called the police, Travon went to find his girlfriend, who also called the police. Travon explained that he went to his girlfriend's house because he figured he was going to be taken into custody and she was the only person he trusted. Travon was eventually taken to the police station and interviewed. He did not recall if they tested his arms for gunshot residue; he only remembered them taking his clothes, which he never got back.

¶ 19 Travon stated that he did not have any guns and could not recall his cell phone number in July 2023 but stated he had an iPhone. He agreed there were probably pictures of him on the phone with guns but stated he was not carrying a weapon at that time in his life. He testified that he believed the term “blick” was a street term for a gun. He did not recall texting defendant on July 19, 2023, stating that he needed a “lick ASAP.” Travon testified that, in that context, lick meant a job. He agreed that he was neither arrested nor charged with either murder and he returned to his girlfriend's house after his police interview.

¶ 20 Kadeeja Graves testified that she was defendant's girlfriend for about a year and was with him at his West View Street house from July 20, 2023, to July 22, 2023. She did not know if anyone else was at the house on July 20, 2023, because she was very intoxicated and tired that night. Defendant's brother, Malik, was defendant's roommate. Kadeeja stated that she got to the house between 10 p.m. and 10:30 p.m. She knew of a person who went by the name of “Sko”¹ who would come around defendant's house. She also knew Karlondus and stated she did not hear him talking to defendant that evening in the house. She stated that defendant left the house around

¹“Sko” is Travon's street name.

2:30 a.m. on July 21, 2023, to “make a run.” She let him take her car, which was a white Hyundai Santa Fe. She went back to sleep after defendant left. She next saw him when he woke her up around 6 a.m.

¶ 21 Kadeeja testified that she drove defendant to Aurora, Illinois, on July 21, 2023, and they left between 8 a.m. and 9 a.m. She stayed there for three or four hours. During that time, she and defendant ate and went to a mall. She left defendant at his cousin’s house. She agreed that she told police that she went up to Aurora to pick up defendant, not drop him off. She stated that she received a text message about defendant being a potential suspect in a double homicide and admitted that she lied to the police about picking defendant up to protect him.

¶ 22 Kadeeja testified that she provided her cell phone to police and gave consent to look through her phone. She was shown a photograph taken from her cell phone. The photograph showed a red vehicle on the right side of the photo and a scraggly weed pile in the center of the photo with debris behind the weeds. A large tree and grass took up the remainder of the photo space. Kadeeja stated that she did not take the photo. She stated that her phone was in her car and that defendant had access to both her car and her phone in July 2023.

¶ 23 On cross-examination, Kadeeja stated that she was 29 years old in July 2023 worked at Heritage, and lived on Moore Street with her children and her sister’s children. She did not think defendant’s brother was at defendant’s house on the night of the murders because she believed he was incarcerated at that time. She stated that defendant used to live in Aurora and still had family members that lived there. She took defendant to Aurora to meet his grandmother. She stated that she drove back to Decatur alone. She did not recall hearing any gunshots or sirens on West View Street on July 21, 2023. She did not know that officers were outside the house. She stated that police did call and message her while she was in Aurora.

¶ 24 Johnny Carter testified that he lived at 1157 Union Street, Decatur, Illinois, in July 2023. Johnny explained that defendant was his nephew, and he only saw defendant occasionally. Johnny agreed that he had contacted police about an incident that occurred with defendant and some guns on his property. Johnny testified that defendant showed up at Johnny's home on the evening of July 22, 2023, and was driving a maroon Chrysler 300. Defendant said he "had to grab something" and proceeded to grab a couple of firearms from the side of Johnny's house. Johnny stated that he had a trailer and a red Suburban parked on the side of the house. He agreed the vehicle was old and had some rust on the front left quarter panel. Johnny identified the picture found on Kadeeja's phone as his property.

¶ 25 Johnny testified that after defendant retrieved the firearms from Johnny's yard, defendant came into the house and took the firearms to the bathroom to clean them with bleach. Johnny stated that he knew police wanted to talk to defendant and asked defendant what happened. Defendant did not respond. Johnny asked defendant what he was going to do and defendant stated that he was getting rid of the guns and was probably going to throw them in the lake. Johnny offered to take defendant to a spot at the lake where he could throw the guns. Johnny chose a shallow area because he heard a rumor that Karlondus, who was a friend of defendant, had been killed and did not think defendant killed Karlondus. He believed that ultimately the guns would exonerate defendant. A couple of days after the guns were dropped in the lake, Johnny contacted the police and led them to where defendant had thrown the guns. Johnny identified the area on a map.

¶ 26 Johnny stated that he and defendant took separate vehicles to the lake. Defendant followed Johnny. Johnny stated that he drove past the Caterpillar facility because he knew there were cameras at that location. Johnny explained that he went to the police because his family was being threatened and police were harassing his mother. He had a card from a detective, contacted the

detective, and told the detective what he knew. He also wanted defendant to come forward and tell the police what happened. Johnny testified that he took the officers out to the lake and showed him where one of the guns was thrown. Johnny did not see defendant throw the other gun, but he did hear other pebble-like sounds that could have been ammunition. He stated that the police dive team found several bullets.

¶ 27 On cross-examination, Johnny testified that he believed defendant came over on July 22, 2023. He had not seen him for several weeks before that time. Johnny stated that the firearms were in defendant's waistband when defendant brought them into the house and that defendant was only at Johnny's house for about 15 minutes. Johnny did not see defendant put the guns on his property. Johnny explained that he was at his mother's (defendant's grandmother) house when a detective visited her a day or two after he saw defendant with the firearms. Johnny did not say anything about the firearms while he was at his mother's house, so there would not be a "bunch of drama" but took the detective's card. The next day Johnny contacted and met the detective at the ball field and then had the detective follow him to the lake.

¶ 28 Officer Jonathan Welton, a Decatur Police patrol officer, testified that he was dispatched to 820 South Webster on July 21, 2023, following a call relaying that there were two bodies in a car that were possibly dead. Upon arrival, Officer Welton was asked to take Travon to the police department. Officer Welton stated that when he saw Travon, he was emotional and stuck in "a circular loop of almost like disbelief and or almost shock." Travon kept asking how this could have happened and what he should do. He even asked the officer for a hug. Officer Welton confirmed that he was wearing a body camera at that time, identified the footage, and the video was published to the jury with no objection. The video showed Officer Welton speaking with Travon who asked the officer for a hug and then leaned on the police car and started crying. On cross-examination,

Officer Welton agreed that he observed blood on Travon's clothing but could not recall where it was found.

¶ 29 Officer Brian Allison, a Decatur police officer, testified that he was dispatched to 900 West View Street on July 21, 2023, with the responsibility of locating a crime scene. He found the crime scene and secured it by setting up crime tape. He noticed mud along the south curb that had tire tracks along with two fired casings in the immediate area and a cell phone with what looked like blood on it. He notified the detectives of his findings when they arrived.

¶ 30 Dr. Scott Denton testified that he performed the autopsies on Andrell and Karlondus. He identified the photographs taken during the autopsies and they were published to the jury throughout the remainder of Dr. Denton's testimony. Dr. Denton testified that Andrell had two gunshot wounds, one that entered about five inches down from the top of his head and exited out the neck after passing through the carotid artery and jugular vein. He used a trajectory rod to show the angle of the gunshot and opined that the weapon was at least two feet from Andrell when it was fired. A second gunshot entered the left upper shoulder and remained in Andrell's body near his right armpit. Dr. Denton stated that both could have been, and were, fatal shots. Both bullets moved from left to right, down, and forward. Dr. Denton collected the bullet that was lodged in Andrell's armpit for evidentiary purposes.

¶ 31 Dr. Denton testified that Karlondus's body contained six gunshot wounds. The first entered at the left upper shoulder and chest and remained in the body near the right armpit area. The second entered on the left chest just above the nipple in front of the armpit and exited on the right side of the body. The third entered below the left nipple and exited on his right mid lower back. The fourth entered on his abdomen above the hip and exited on the right back. The fifth entered on the left upper back near the shoulder blade and remained in the front of Karlondus's chest area. He noted

that this bullet was of a larger caliber than the others. The sixth bullet entered on the back of Karlondus's left forearm, went through the arm and came out the front of the arm after fracturing the arm bones. All of the bullets traveled from left to right at a downward angle. He stated that all but the sixth gunshot wound would have been fatal. He opined that none of the gunshot wounds occurred from close range and that all occurred from a minimum distance of 18 to 24 inches.

¶ 32 On cross-examination, Dr. Denton stated that toxicology reports were obtained for both victims. Andrell had a blood alcohol content (BAC) of 0.109. MDMA, which was commonly referred to as Ecstasy, and Delta 9 THC, which is more commonly referred to as marijuana were also found. Karlondus had positive findings for MDMA and Delta 9 THC. He again opined that the bullets wounds were from left to right and stated neither of the victims were shot at close range. He stated that Andrell had 17 \$1 bills in his wallet, and no currency was found on Karlondus. He agreed that if a person shot on one side of the car and then walked to the other side and shot again, some of the wounds would have been from right to left. Dr. Denton did not see any gunshot wounds that moved from the right side of the body to the left side.

¶ 33 Detective James Wrigley of the Decatur Police Department testified that he processed the two crime scenes located at 820 South Webster and in the 900 block of West View Street. He explained that the South Webster address was where the car with the bodies was found and the West View Street address was where the shooting occurred. He discussed the photographs taken at both locations. He stated that the center console of the Charger contained a green leafy substance that appeared to be cannabis, and a spent .45 caliber shell casing was found on the driver's seat of the car. Additional casings, including both .45 caliber and 9-millimeter shell casings, were found and collected for evidence. Trajectory rods were placed in the vehicle to show the path of the bullets, and a cell phone was also collected. He stated that a Jeep was parked north of the Charger

on Webster Street and the Jeep was also towed to the police station. A GMC was also seen on Webster. Permission to search the vehicle was provided and nothing was located in that vehicle.

¶ 34 Detective Wrigley also took photographs at the West View Street scene and gathered evidence. The evidence collected included shell casings and another cell phone. The shell casings were all .45 caliber. The cell phone contained a red substance that was believed to be blood.

¶ 35 On cross-examination, Detective Wrigley testified that he obtained DNA swabs from all four doors, the steering wheel, and the gear shifter of the Dodge Charger. He stated that the satchel found on the victim in the backseat was empty and unzipped when it was initially seen. On redirect, Detective Wrigley stated that not all of the DNA swabs were tested.

¶ 36 Sergeant Todd Koester of the Decatur Police Department testified about Cellebrite and how the program was used on the cell phones collected. He examined Kadeeja's cell phone and prepared an extraction report. He testified that the photograph showing a red Chevrolet Tahoe parked in a wooded or grassy overgrown area at the intersection of Union and Olive was found on Kadeeja's cell phone.

¶ 37 On cross-examination, Sergeant Koester agreed that he also performed an extraction on Travon's cell phone. He stated that a co-worker initially performed the Cellebrite extraction. Sergeant Koester testified that he later used the Magnet AXIOM program, which found several photographs of firearms. One photograph showed Travon holding a handgun and a rifle. He stated that photograph was created on March 3, 2023. He further stated that a photograph with a handgun and magazine found on the phone was created on June 8, 2023.

¶ 38 Detective Jason Kuchelmeister of the Decatur Police Department testified that on July 24, 2023, he received a call from defendant's uncle, Johnny Carter, who provided additional information about the location of the firearms that might have been used in the murders. Detective

Kuchelmeister was present when the dive team began to search Lake Decatur but left before anything was recovered.

¶ 39 Detective Charles Hendricks of the Decatur Police Department testified that he joined Detective Kuchelmeister on July 24, 2023, to meet with Johnny Carter and later followed Johnny to Lake Decatur. Nothing was found on July 24, 2023, but when they all returned the following day, around 10:45 a.m., one of the divers found a Glock .45 caliber handgun. He recorded the serial number of the weapon and confirmed it was the same weapon placed into evidence.

¶ 40 Detective Austin Clark of the Decatur Police Department testified that he was sent to Lake Decatur to supervise the dive team at the 3100 block of East Sangamon Road. He testified that the dive team found a Taurus handgun, a magazine, and three live rounds of ammunition.

¶ 41 Hali Carls-Miller of the Illinois State Police testified that she was a forensic scientist in the Springfield, Illinois firearms section. The State offered Carls-Miller as an expert in firearms examination identification. Defense counsel declined the opportunity to cross-examine the witness as to her qualifications and agreed “she’s an expert.” Carls-Miller stated that her job entailed, *inter alia*, determining whether ammunition was fired from a particular firearm. She examined the Taurus 9-millimeter Luger and the Glock .45 retrieved from the lake along with eight fired cartridge cases, and two fired bullets from the victims. Ultimately, based on her testing, she determined that six of the .45 caliber cartridges were fired from the Glock and two of the 9-millimeter cartridge cases were fired from the Taurus. She further testified that of the bullets retrieved from the bodies, one was consistent with the Glock, and the other was consistent with the Taurus but ultimately determined that the evidence was inconclusive as to whether the bullets retrieved from the victims were shot from either weapon.

¶ 42 Kelly Maciejewski of the Illinois State Police testified that she worked in the forensic science laboratory in Springfield, Illinois, involving forensic biology and DNA. She obtained DNA swabs off one of the weapons, but no DNA was found. On cross-examination, Kelly agreed that she also had swabs from Travon's right arm, the autopsy collection kits for Andrell and Karlondus, suspected blood from the driver's side door of the vehicle, the Glock, and the gun magazine. Maciejewski stated that the Glock and the gun magazine had no DNA and opined that the blood on Travon's arm was most likely from Andrell. Maciejewski testified that the fluid from the driver's door ended up not containing blood.

¶ 43 Taylor Tieman of the Decatur Police Department testified that he was a digital forensic examiner who dealt with cell phone evidence and the Flock system, which was a motion-automated license plate reader in Decatur. As to the latter, he explained that if you provided a license plate or the make and model of a vehicle, the Flock system would tell you the location of the camera along with the date and time where the photograph of the vehicle was taken. Information could be obtained from the Decatur system or other systems nationwide. Tieman obtained reports for license plate numbers related to Travon's Dodge Charger and Kadeeja's Hyundai Santa Fe, which were admitted into evidence with no objection.

¶ 44 On cross-examination, Tieman agreed that he also assisted with analysis of some cell phones, including one belonging to Travon. He was provided copies of reports from the cell phone and stated that he did not prepare those reports and believed they were obtained from either Detective Wisniewski or Detective Kuchelmeister.

¶ 45 Detective Brian Kaylor of the Decatur Police Department testified that he participated in a residential search at 949 West View Street in Decatur following the issuance of a search warrant. He was looking for confirmation of defendant's residence and the same was found from mail

obtained at that residence. Detective Kaylor agreed that he was present for defendant's interview on July 25, 2023, which also included Detective Wisniewski. Detective Kaylor stated that a DNA sample was obtained from defendant on July 24, 2023, and he was also present at that time as well as the interview that occurred on that date.

¶ 46 Detective Kaylor testified that he utilized the Flock system to run a report on Johnny Carter's blue Subaru Forester. He obtained a report that showed the vehicle locations on July 22, 2023. The report also showed that a red or maroon Chrysler 300 followed Johnny's car around 10 p.m. on July 22, 2023. Detective Kaylor stated that the Flock system corroborated Johnny's testimony about the Chrysler that followed his vehicle to another location. On cross-examination, Detective Kaylor confirmed that the Subaru was always photographed in front of the Chrysler.

¶ 47 A stipulation was presented entitled Stipulation of Evidence T-Mobile records. The parties stipulated that Darius Simmons would testify that he is a T-Mobile records custodian and the company kept records of both whom it served and what services it provided to them, including phone numbers and devices associated with those accounts, as well as which cell site or tower was utilized for those services. With regard to those records, Simmons would testify that they were kept in the ordinary course of T-Mobile's business and that the entries in those records were made roughly contemporaneously with the services they documented. The parties further stipulated that based upon that testimony, a proper business records foundation for the admission of the exhibit existed.

¶ 48 Detective James Weddle testified that he worked as a Decatur police detective and worked for the Decatur Police Department for 11 years. He obtained a search warrant to obtain defendant's cell phone records from T-Mobile. The records were obtained. He testified that he had been to six or eight trainings and had received an additional 160 hours of training through various companies

on how to recover cell phone data. He stated that he previously testified in a federal case about cell phone data. Detective Weddle stated that the data revealed that defendant's cell phone was in Decatur, Illinois on July 20, 2023. The officer testified that the records revealed the cell phone remained in Decatur, Illinois, until it was picked up by Bloomington, Illinois, cell phone towers around 10 a.m. on July 21, 2023. Thereafter, the cell phone was picked up by cell phone towers in Naperville and Aurora, Illinois. Defendant's cell phone remained in Naperville until it was picked up by a cell phone tower in Pontiac, Illinois, around 5 a.m. on July 22, 2023. Thereafter, the cell phone was picked up by Decatur, Illinois, cell phone towers around 8:30 a.m., Forsyth cell phone towers around 11 a.m., a Decatur cell phone tower at 11:30 a.m., and Forsyth cell phone towers around 3:30 p.m. The officer testified that the phone was at the West View Street location at 3:05 a.m. on July 21, 2023, and, based on calls made either to or from that phone, remained at that location through 3:45 a.m. On cross-examination, Detective Weddle stated that a 3:45 a.m. call came to defendant's phone and went to voice mail. He agreed that the call came from Travon.

¶ 49 Several stipulations were read to the jury. The first involved Travon. The parties stipulated that Travon had a prior conviction for aggravated kidnapping in Cook County case No. 17-CR-013420. The stipulation further stated that as of November 12, 2024, Travon had a pending case in Macon County (case No. 23-MT-610) for unlawful possession of cannabis by a passenger. He failed to appear and a warrant was issued. When the matter was brought to the attention of Assistant State's Attorney Mullison on November 22, 2024, by Travon's attorney, the warrant was quashed and the matter was dismissed on the same date.

¶ 50 The second stipulation involved Kadeeja Graves. That stipulation indicated that Macon County case No. 24-CF-1575, charging forgery, remained pending against Kadeeja.

¶ 51 The third stipulation involved video from Caterpillar. That stipulation indicated that if called to testify, Aaron Dickerson would testify that he worked for Caterpillar, which had security cameras mounted to the rear of the buildings. He would testify that he was able to make digital copies of footage from those cameras of events taking place on July 22, 2023, between 10:27 p.m. and 10:35 p.m. The parties stipulated that a proper foundation existed for the video.

¶ 52 The fourth stipulation involved service records for guests and security cameras from Quality Inn hotel. The stipulation indicated that Latishia Clark rented a room at the Forsyth, Illinois, location on July 22, 2023. The parties stipulated that the Quality Inn security camera video was admissible under an existing business records foundation.

¶ 53 Detective Timothy Wisniewski of the Decatur Police Department testified that he was the lead detective on the case. He was involved with Travon's interview and obtained a DNA sample from Travon at that time. The detective explained that he took the DNA sample because Travon was present for the shooting. The detective stated that when he interviewed Travon, he appeared to have a dried red blood-like substance on his arm and the back of his pants. He expected that Travon's clothes would be taken into evidence and therefore the DNA sample was necessary.

¶ 54 Detective Wisniewski testified that that he also took Travon's cell phone because Travon stated that he had communicated with defendant earlier in the night and prior to the shooting. He stated that defendant's phone number would likely be in the phone, which would help identify defendant. Detective Wisniewski testified that Travon told the police that defendant committed the shootings. Travon also told the police that the shooting occurred at 949 West View Street in Decatur, which was where officers found tire tracks, a bloody phone, and spent shell casings. In order to determine if defendant lived at that location, a search warrant was obtained. Various documents were taken during the search, and the officer also spoke with the owner of the residence.

¶ 55 Detective Wisniewski testified that he interviewed Kadeeja because officers were informed that she was present at the West View Street location when the shooting occurred and later traveled with defendant to the Chicago area after the shooting. Her cell phone was also taken. The detective stated that Travon's phone was given to Officer Tieman and Kadeeja's phone was reviewed by Sergeant Koester. Both phones were analyzed. A photograph was found on Kadeeja's cell phone of a rusty red Suburban in front of the trailer. The GPS of that location was the same corner where defendant's uncle, Johnny Carter, lived. Detective Wisniewski looked around the trailer because Johnny told the officers that defendant "stashed the guns" in that area. The officer found a black t-shirt behind the trailer although nothing came of that finding.

¶ 56 Detective Wisniewski testified that he secured copies of surveillance video from the Quality Inn hotel in Forsyth, Illinois. The videos were published to the jury and showed a maroon Chrysler 300 parking in the parking lot and a woman obtaining a room at the hotel. Then, the same woman, along with two children and a man are seen walking toward a door and later walking in the hallway after entering the building. The video also showed the same people coming and going through the door, using the hallway, and leaving the hotel in the maroon Chrysler 300 at various times on July 22, 2023. The detective identified the man getting out of the vehicle in the peach-colored hoodie as defendant. He stated that the woman at the front desk, and later seen in the hallway, was defendant's cousin, Latishia Clark. The detective testified that defendant was the man getting into the maroon Chrysler 300 at 9:17 p.m. on July 22, 2023. The vehicle returned to the parking lot later that evening.

¶ 57 Detective Wisniewski discussed the Flock system and its use for license plate associated with Kadeeja's Hyundai Santa Fe. The data revealed that Kadeeja's vehicle left the West View Street crime scene at 3:45 a.m. on July 21, 2023, and headed out of town to Naperville, Illinois at

9 a.m. the following day. The officer agreed that a Flock report was also run on Travon's Dodge Charger and showed the vehicle at the location of the shooting based on the Flock hits. Around 3:45 a.m., both Kadeeja's vehicle and Travon's vehicle left the West View Street crime scene. Andrell's Jeep was also seen on the Flock system. Detective Wisniewski stated that Travon's statement, that he left Ashley's house in Andrell's Jeep to meet his girlfriend and then returned to South Webster Street, was consistent with the Flock system data.

¶ 58 Detective Wisniewski agreed that he interviewed the defendant on July 24 and July 25, 2023. The videos were published to the jury. The first interview taken July 24, 2023, was roughly seven minutes long. During that time, defendant stated that he voluntarily turned himself in, was innocent, and requested a lawyer. His DNA was obtained at the end of that interview.

¶ 59 The second interview, taken on July 25, 2023, began with defendant confirming that he requested the interview. He was read his *Miranda* rights and informed the officers that he wanted to clear his name and provide information to the police. When asked what happened that morning, defendant stated that he did not remember. He stated that he only remembered up until about 9 p.m. the night before when he went to bed with his girlfriend. Later that evening, Travon called and said he was coming over. Defendant stated that he had to work the next day, so he did not want Travon to come over but because he had not seen Travon in a while, he told Travon it was fine. Defendant stated that Travon showed up with Karlondus. Travon was really drunk. Travon told defendant that they needed to "chill" there because there was a robbery that occurred earlier that evening. Defendant stated that Travon's text messages would confirm that information and could be obtained from Travon's phone. He stated that Travon requested assurance that defendant would answer his phone later because he needed defendant.

¶ 60 After Travon and Karlondus left, defendant started getting ready for work because he had to be there at 5 a.m. However, he decided not to go to work because his stomach hurt. Defendant stated that he was also getting text messages about something that happened at his house. Defendant stated that he was told that two people got killed and the messages were asking if he was ok. Defendant was unsure when Travon and Karlondus got to his house and that he intended to give his phone to his lawyer.

¶ 61 Defendant stated that before he decided he was not going to work, he and Kadeeja went to pick up a bicycle at Uncle Johnny's house because defendant used the bicycle to get home from work. Since defendant decided he was not going to work, they left the bicycle at Johnny's house. He stated that he did not speak to Johnny at that time because Johnny was working. Defendant then started getting the text messages about an incident at his house. He told the officers that since he was not going to work, he was going to do what he wanted. He had previously planned to go to Chicago, so he decided to go see his family. Kadeeja drove defendant to Chicago to see his grandmother. He could not remember when they left for the trip. He said they met a friend, then went to the mall where he got some shoes, a shirt, and a pair of pants, and then went out to dinner. Thereafter, defendant spent time with his grandmother.

¶ 62 Defendant stated that Kadeeja left the next day, and defendant drove back later that night with his cousin, Latishia, who drove a red Chrysler 300. He and Latishia got a hotel room on Saturday in Decatur and defendant only left the hotel to get weed from his house on West View Street. He stated he was never in Latishia's car without her being in the car and he did not go anywhere other than his house that night. After he left his house, he returned to the hotel and stayed there for the remainder of the night.

¶ 63 After confirming that he never spoke with Johnny on Friday, defendant stated that he never talked to Johnny after Friday because defendant was in Chicago. Defendant averred that he spent Saturday night at the hotel. On Sunday, defendant was just moving around. Defendant was arrested on Monday when he went to Kadeeja's house.

¶ 64 Defendant declined to provide his phone to police because he wanted to give it to his lawyer and had "past stuff" on his phone. The officers stated they did not care about the past stuff; they just wanted to figure out what happened. Defendant stated that he did not believe in "telling on people" either. He said he was still trying to figure everything out and a lot of stuff was being said.

¶ 65 Defendant told the officers that Travon showed up to his house with a gun, which was a Taurus. He did not know the caliber but stated it was a compact gun. Defendant denied having any firearms. Defendant refused to provide his cell phone number and stated that he had recently obtained a second cell phone. He indicated that the cell phone messages would be on Travon's phone. Defendant denied hearing any gunshots at his house due to air conditioning and fan noise.

¶ 66 Defendant stated that Travon and Karlondus showed up that morning and Andrell later spoke with Travon by phone. Thereafter, Travon and Karlondus left to get Andrell. Defendant stated that they never returned and, if they did, he did not know it because he was asleep. He was asked if Kadeeja left the house and he said no. He was asleep and did not remember going anywhere that night.

¶ 67 Defendant confirmed that he stayed at a Quality Inn out by the mall. Defendant could not recall what time it was when he left the hotel to go to his house to get weed. He could not remember if he went anywhere else when he was out. He confirmed it was dark at the time. The detectives went through each direction in Decatur, including going to Lake Decatur. Defendant denied going

in any of those directions or places. He could not remember where he went. He stated that he did not see Kadeeja between her leaving Chicago on Saturday and defendant's arrest on Monday.

¶ 68 The officers asked defendant if he knew who killed Andrell and Karlondus. Defendant said he did not. The officers told defendant he had an opportunity to tell them what happened and relayed information about the evidence they had obtained. Defendant said that Travon was lying and further stated he did not even know if Travon told the officers what they claimed he said. One of the officers left to obtain the arrest warrant. Defendant argued that he was arrested on hearsay. The officer stated that it was eyewitness testimony. Defendant stated that he did not even know Travon's real name. Defendant was shown the arrest warrant and read the statements from Travon about what happened on the evening of the shooting. Defendant denied Travon's allegations. He stated he was sleeping and it read like a "set up."

¶ 69 Defendant was asked if Travon asked him to get rid of his guns. Defendant replied that they should be talking to Travon. He then asked why Travon did not take the victims to the hospital and then again stated that the officers were not helping him. The detectives asked for defendant's phone to support his claim that he was innocent. Defendant stated that his lawyer would be able to get the phone evidence into court and refused to provide the phone to the officers. He stated that he was afraid the police would destroy the evidence. He argued that he did not call any of these people. They called him and he was just trying to sleep because he had to work the following day. He did not know what happened on West View Street, and he could not tell them something they did not know.

¶ 70 Defendant told the officers that he did not see anything. He further stated that he never spoke with Travon after the killing. He spoke to Travon the first time he called, defendant answered and Travon and Karlondus were at his house. Defendant told the officers that before Travon left,

Travon put a gun on the dresser and told him about the robbery. When Travon called the second time, after they went to get Andrell, defendant did not answer the phone. He did not know if Travon was the shooter. He did not see anything.

¶ 71 The officers told defendant that they had Kadeeja's gun. The officers also stated that they intended to find the guns used in the murders and wanted to make sure they did not lead back to defendant. Defendant then said that Kadeeja should be left out of it. Defendant agreed that he had access to her gun and officers stated they were "pretty confident" that Kadeeja's gun would "come back clean." The officer clarified that he was talking about other guns that would be tied to the murder and asked defendant, if those were found, would they be tied to defendant. Defendant said, "No because I ain't never did nothin'." He was asked if he got rid of the guns for Travon and defendant said, "No." He also disputed that he tried to run by going to Chicago. He stated that Travon was the one involved with the robbery and "pushed up on" Karlondus's girlfriend. Defendant did not contact anyone; he was the one home in bed. He again denied doing anything and stated the evidence on the phone would prove it. He said that Travon was very drunk when he came over. He was laying back on the bed and put the gun on the dresser. He stated that Karlondus did not carry a gun, but that Andrell did carry one.

¶ 72 The officers left the room and later returned with a photograph of Johnny's car, which defendant identified. He also identified Lakeisha's car. The officers addressed the license plates on those cars and then asked defendant again if he had spoken with Johnny. Defendant again said, "No. He was at work." He stated that he did not see his uncle's car on Saturday either. The detective asked defendant if he knew that the license plates could be read in Decatur, and defendant said he did. The detective then showed the results from the Flock system showing Johnny's car being followed by the red Chrysler 300 going east in Decatur. Defendant said he did not remember any

of that. Defendant was asked where they went. He stated that he did not remember because he was drinking that night. He did not remember where he and his uncle went or if they went anywhere. He did not remember when he talked to his uncle but stated that his uncle gave him some money and told him to keep his chin up. Defendant denied following his uncle anywhere. He did not remember any of the driving and asked why the detectives were showing him the Flock reader pictures. The officers advised that they looked into defendant's story and found that the red Chrysler 300 was following his uncle's car and thought it was strange.

¶ 73 Defendant clarified that he did not speak to his uncle on Friday. He stated that he talked to him later. Defendant said he did not remember if he talked to his uncle on Saturday around 10 p.m. He denied following his uncle anywhere on Saturday night. He only remembered going to his house to get weed. The officer reiterated defendant's previous claim that he did not go to the east side on Saturday night. Defendant said he did not remember any of that. The detective stated that he had both cars out by the lake and defendant said he "ain't go out there." He said the officers were wasting his time and would not help him. Defendant said if he was going to get rid of something he would not have dragged someone else into it. Defendant stated he did not do anything and continued to claim his innocence.

¶ 74 A uniformed officer stepped into the interview room and said, "there was a recovery at the lake." The officer stated that they were headed to defendant's uncle's house and told defendant, "Don't do this to your family." Defendant said he did not know what they were talking about and again stated that the officers were wasting his time. He was asked if the Chrysler 300 had GPS and said he did not know and told the officers again that they were wasting his time. Defendant said he was not at the lake. There was nothing of which to dispose. He did not know where the officer's information was coming from. The officer explained that it came from a database that captured

license plates. Defendant stated the officers were speculating and claimed they were trying to add pieces to make it look like it was defendant. The detective told defendant that they talked to Johnny, Johnny took them to the lake, and the gun was recovered by the dive team. He asked defendant to explain that, and defendant claimed that the detective was lying. Defendant said he did not know anything about any of it. The detective showed a picture of the recovered firearm to defendant. Defendant stated that he had never seen it before in his life. He stated that he did not follow his uncle in the lake and did not throw any gun in the lake. Defendant told the officer that he needed to ask Travon where the gun was. The detective asked if defendant witnessed the murder, defendant said, “No.” He told the officers that he did not have anything “to do with nothing” and had nothing else to say. Thereafter, the officers left the interview room.

¶ 75 On cross-examination, Detective Wisniewski agreed that officers did not search Travon’s home. He stated the officers took Travon’s phone and prepared an extraction report. He agreed that Travon’s phone had a contact for “RaRa” and that during the investigation, the officers determined that “RaRa” was defendant. He agreed that defendant called Travon at 4:26 p.m. and 5:32 p.m. on July 20, 2023, which was the day before the murders. Travon called defendant at 2:41 a.m. on July 21, 2023, and again at 2:54 a.m. There was also an incoming FaceTime call from “Wopp Skino.” The detective explained that Wopp Skino was Andrell and confirmed that Andrell spoke with Travon because the call lasted four minutes. Travon next called defendant at 3:45 a.m. on July 21, 2023. The detective agreed that Travon’s cell phone had a contact named Rahneecia Vorties and she was Travon’s girlfriend. The officer stated that between 3:48 a.m. to 4:54 a.m. on July 21, 2023, there were 24 calls from Travon to Rahneecia. Detective Wisniewski stated that some of the calls were answered and Rahneecia texted Travon numerous times during that period as well. Thereafter, Travon called Ladwonna McDill at 4:10 a.m. and then FaceTimed her at 4:58

a.m. Travon also called Ashley at 4:33 a.m. and 4:34 a.m. Both of those calls were unanswered. The detective confirmed that Ashley hosted the barbeque. Detective Wisniewski agreed that the attendees left the barbeque around midnight, went to a bar, and then returned to Ashley's house.

¶ 76 Detective Wisniewski addressed three text messages to "Stuu" that came from Travon's phone. He stated that "Stuu" was Rashean Vorties. Travon's text at 1:34 a.m. on July 21, 2023, stated, "We fina go grab blicks then KT shit." Detective Wisniewski stated that "blicks" was a street term for firearms. He agreed that Travon sent a text to Andrell on July 20, 2023, that said, "Pipe n crib b." Detective Wisniewski stated that "pipe" was a slang term for firearms and "crib" was slang for a house. There was also a text from Travon to defendant at 3:44 p.m. on July 19, 2023, that stated, "I need a lick ASAP." Detective Wisniewski stated that "lick" referred to a robbery or a burglary. Defendant's reply stated, "LOL stop that MFS just got to put in different work. Get you a job for a couple of months."

¶ 77 Detective Wisniewski agreed that he interviewed Travon shortly after the murder and the interview was several hours long. He returned Travon's phone in August 2023. The officer agreed that during Travon's interview, a dried red blood-like substance was seen on the back of Travon's right arm. Photographs were taken of Travon's arm. Detective Wisniewski stated that he asked Travon about the spots on his pants, and Travon said he assumed he sat in it because he was in the car when the victims were bleeding. The officer did not recall what area of Travon's arm was swabbed. He agreed that there were several droplets of what was presumed to be blood on Travon's elbow. The officer agreed that Travon had red stains on his pants and down his lower leg. Travon's clothes were taken as evidence and Travon was provided other clothes to wear home.

¶ 78 Detective Wisniewski stated that his interview with Travon was recorded and that Travon claimed there were two rounds of shooting. The first had defendant firing into the car from the rear

driver's side open door. The second was after defendant went around the car to the passenger's side and fired into the car again. Travon stated that one or more of the victims were making noise when defendant went from the driver's side to the passenger's side of the car. Detective Wisniewski agreed that Travon told him that one of the victims was choking, gasping, and talking. The words spoken were along the lines of "why, why."

¶ 79 The detective testified that Travon told him during the interview that he went to defendant's house twice on July 21, 2023, and Travon spoke to Kadeeja during one of the visits. He agreed that during Travon's initial police interview, he stated that he never saw defendant's gun. Travon also stated that defendant "finished" the victims from the passenger's side of the car and spontaneously told the officer that he had seen two different shell casings in the car. The detective stated that he thought it was kind of an odd thing to say and agreed it was dark at the time of the shooting. He stated that Travon's interview lasted five or six hours. The detective agreed that he left the room from time to time. A video clip was played from that interview showing the detective returning to the room following one of the breaks. When the detective walked in, he wanted to talk to Travon about the Jeep keys because the Jeep was Andrell's vehicle and Travon drove it from the crime scene to meet his girlfriend and then returned to the crime scene in that vehicle. The detective stated that the first 911 call was around 4:49 a.m., which was when Travon got out of the Charger and into Andrell's Jeep. The detective testified that Travon was only gone from the scene a short time based on the 911 call and the Flock hits. Detective Wisniewski stated that during the interview he wanted to know how Travon had gotten Andrell's Jeep keys because he presumed Andrell had his keys. A video clip was played with someone talking about who went to the hospital. Detective Wisniewski agreed that Travon's statement did not make any sense to him because he had asked Travon about the keys and the reply was nonresponsive.

¶ 80 Detective Wisniewski agreed that Travon told him that he called Ashley when he returned to her house after the shooting, but she did not answer either call. He then went to her door and knocked. When Ashley answered the door, Travon told her Karlondus and Andrell were dead. Ashley eventually accompanied Travon to the car and Travon told Detective Wisniewski that they stood outside the car for about 30 minutes before calling 911. He stated that during the investigation he suspected that the deaths of Andrell and Karlondus were possibly related to a robbery. He agreed that Travon denied taking anything off the bodies and that he lied when he told the officer that he had not called defendant at 3:45 a.m. Detective Wisniewski agreed that Karlondus was the victim seated in the back of the car and that Karlondus had a satchel or cross body bag. The officer could not recall if there was anything in the satchel.

¶ 81 On redirect, Detective Wisniewski stated that Travon later told the officers that defendant had two guns. He clarified that Travon was talking about Karlondus when he stated that defendant finished on the passenger side. Detective Wisniewski stated that throughout the interview, Travon expressed regret for not taking the victims to the hospital. He confirmed that he first saw the suspected blood on Travon's arm when he took Travon to the bathroom prior to the interview.

¶ 82 Following Detective Wisniewski's testimony, the State rested. Defense counsel moved for a directed verdict, stating that the State's case, which in large part was based on Travon's testimony, was not strong enough to submit to the jury. The court denied the motion, finding that evidence was sufficient to support the elements of the State's case. Defendant confirmed to the court that he did not wish to testify at the trial. Defense counsel presented no witnesses.

¶ 83 A jury instruction conference was held. Defense counsel submitted Illinois Pattern Jury Instruction, Criminal, No. 3.11 (4th ed.) (2000) (hereinafter IPI Criminal 4th) addressing prior

inconsistent statements for Travon’s testimony. Defendant also submitted an instruction related to Travon’s prior convictions. The State submitted an instruction on accountability stating,

“that the thrust of things has been that it is [Travon] that is responsible rather than the defendant. I think that given that the defendant dumped the firearms, there is some evidence that can—there is some evidence that potential—well, and the alleged text messages about a lick and all of that, there is—the jury could believe that the two were acting together in all of this and therefore the accountability instruction [is appropriate.]”

Defense counsel objected, stating, “If you look at this language, it doesn’t even fit the argument. A person is legally responsible for the conduct of another person *** either before or during the commission of an offense.” The State argued,

“I think that there’s been some suggestion, frankly by defense counsel, that Travon was looking to perform a lick. This is all in front of defendant’s house. I think it is conceivable that they both—that they believed that the two were acting together. That is not the State’s primary theory of the case, but it is the law in this situation, and I do believe it’s an appropriate instruction.”

The court addressed defense counsel, stating, “[i]t’s going to be your position, I assume, that it was [Travon] and he *** alone did this?” Defense counsel replied, “Absolutely.” The court stated, “I don’t think it—it applies here, Counsel. There’s been—there’s been no evidence of accountability or some type of common plan or anything of that nature.” Thereafter, the court denied admission of the accountability instruction but agreed to revisit the issue after closing arguments if it was then applicable. Three other instructions (State’s Nos. 12(b), 14 and 15) were then either rejected or modified because they addressed accountability.

¶ 84 On December 19, 2024, closing arguments were presented, the jury instructions were read, and the jury was sent to deliberate. Three notes were received from the jury. The first note asked, “Did they test for gun residue on Travon and if so, was there any found on him?” The response, approved by both sides, stated, “This is a question of fact. You have received all of the evidence. Please refer to your notes and collective memory.” The second note requested a copy of the autopsy diagram, and a copy was provided to the jury. The third note stated, “We would like to confirm the caliber size per person.” The jury was provided a similar response as that provided with the first note. The jury ultimately found defendant guilty of first degree murder for both victims. The jury further found that defendant personally discharged the firearm that proximately caused the death of both victims.

¶ 85 On January 17, 2025, defense counsel filed a motion for judgment notwithstanding the verdict, or in the alternative, a motion for a new trial. The motion contended that the evidence was insufficient to prove defendant guilty beyond a reasonable doubt and that the court erred when it denied defendant’s motion for directed verdict on that ground. The motion further asserted that the State made incomplete disclosures in advance of trial related to Travon’s prior convictions, hid pending and recently resolved cases, as well as the fact that the State quashed a warrant and dismissed charges in Macon County case No. 23-MT-610 in the weeks preceding the trial. The motion further alleged that the State made incomplete disclosures prior to trial regarding Kadeeja’s pending Macon County case No. 24-CF-1575 and failed to remove all references to the firearm found in Kadeeja’s vehicle mentioned during the police interview in violation of the court’s motion *in limine* order. Finally, the motion argued that it was error for the court to not read jury instructions 1.01A and B before opening statements and witness testimony.

¶ 86 On January 27, 2025, a presentence investigation report (PSI) was filed. In addition to the pending murder charges, the PSI revealed prior convictions for aggravated discharge of a firearm in Du Page County, “del firearm/no valid FOID” from Kane County, and domestic battery in Macon County, along with three juvenile convictions. Defendant provided limited information regarding his parents, foster parents, and siblings and then terminated the interview. Based on records received, the report determined that defendant was currently 30 years old, completed the eighth grade, had learning disabilities, and was unemployed. He also had an extensive mental health history as a juvenile.

¶ 87 On February 5, 2025, the court denied defendant’s posttrial motion and proceeded with the sentencing hearing. No corrections were necessary to the PSI. The State presented two videos. The first was of Karlondus at his last Thanksgiving, and the other was from Andrell’s son’s first birthday celebration following Andrell’s death. Victim impact statements were read. No evidence was submitted in mitigation, and defendant declined the opportunity to present a statement in allocution. Following argument by the State and defense counsel, defendant was sentenced to life imprisonment in the Illinois Department of Corrections (IDOC) with three years mandatory supervised release.

¶ 88 A motion to reconsider the sentence was filed by defense counsel on February 5, 2025. The motion contended that the life sentence was excessive because defendant had only been incarcerated for three years in IDOC prior to this sentence, the natural life sentence precluded the court from considering statutory factors in mitigation, and the sentence was overly punitive, cruel, and unusual based on the facts. On February 19, 2025, a hearing on the motion to reconsider sentence was held. The court found that based on defendant’s actions, more than one person was killed, and it had no discretion other than to impose a life sentence. Defendant timely appealed.

¶ 90 On appeal, defendant argues that the State presented insufficient evidence to prove him guilty of murder and his trial counsel provided ineffective assistance by (a) failing to request a jury instruction, (b) failing to cross-examine or challenge the State's witness regarding firearm identification, (c) stipulating to admission of cell phone records, (d) failing to object to Detective Weddle's testimony about the cell phone records due to his lack of qualification, and (e) failing to object to portions of Travon's testimony, object to statements about Kadeeja's gun in defendant's police interview, and failure to ensure those same statements were removed prior to trial. In response, the State argues that sufficient evidence was presented and defendant's claims of ineffective assistance of counsel are deficient.

A. Sufficiency of evidence

¶ 92 "When considering a challenge to a criminal conviction based upon the sufficiency of the evidence, our function is not to retry the defendant." *People v. Johnson*, 2026 IL 131337, ¶ 59 (citing *People v. Sutherland*, 223 Ill. 2d 187, 242 (2006)); see *People v. Eyler*, 133 Ill. 2d 173, 191 (1989). Instead, we review a claim of insufficient evidence to "determine 'whether, after viewing the evidence in a light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.'" (Emphasis in original.) *Id.* (quoting *People v. Jackson*, 2020 IL 124112, ¶ 64). We will not set aside a criminal conviction unless it is so improbable or unsatisfactory that a reasonable doubt of defendant's guilt remains. *People v. Byron*, 164 Ill. 2d 279, 299 (1995). Determinations of witness credibility, weight afforded to witness testimony, and reasonable inferences drawn therefrom are provinces for the trier of fact. *Id.* "Therefore, a reviewing court will not substitute its judgment for that of the trier

of fact on issues involving the weight of the evidence or the credibility of witnesses.’ ” *Johnson*, 2026 IL 131337, ¶ 59 (quoting *Jackson*, 2020 IL 124112, ¶ 64).

¶ 93 Defendant argues that the evidence was insufficient to prove he was guilty of murder because Travon’s testimony was not credible. In support, defendant argues that Travon’s testimony was not believable because he arranged an armed robbery, had reason to blame defendant, was drunk and high at the time of the shooting, and displayed bizarre behavior in the immediate aftermath of the shooting. We note, however, that Travon was the only eyewitness to the shooting to testify at the hearing and “ ‘eyewitness testimony may be found insufficient “only where the record evidence compels the conclusion that no reasonable person could accept it beyond a reasonable doubt.” ’ ” *Id.* (quoting *People v. Gray*, 2017 IL 120958, ¶ 36 (quoting *People v. Cunningham*, 212 Ill. 2d 274, 280 (2004))).

¶ 94 “Credibility is not itself a discrete fact but the lens through which all ultimate facts must pass, and thus it is the decisive thing.” *People v. Davila*, 2022 IL App (1st) 190882, ¶ 61. While it is undisputed that Travon’s credibility was at issue, the issue was for the jury to determine. *Id.* (“The jury, as arbiter, is the reviewer of those ultimate facts in light of who it finds most credible.”) While deference is afforded to a jury’s ultimate conclusion on the issue of credibility (see *People v. Smith*, 185 Ill. 2d 532, 542 (1999)), deference does not extend to testimony that is “so lacking in credibility that a reasonable doubt of defendant’s guilt remains.” *People v. Schott*, 145 Ill. 2d 188, 206-07 (1991). It is only a conviction based on testimony that is “improbable, unconvincing, and contrary to human experience” that requires reversal. *People v. Vasquez*, 233 Ill. App. 3d 517, 527 (1992). “Where the finding of the defendant’s guilt depends on eyewitness testimony, a reviewing court must decide whether a fact-finder could reasonably accept the testimony as true beyond a reasonable doubt.” *Gray*, 2017 IL 120958, ¶ 36. “Under this standard, the eyewitness

testimony may be found insufficient ‘only where the record evidence compels the conclusion that no reasonable person could accept it beyond a reasonable doubt.’ ” *Id.* (quoting *People v. Cunningham*, 212 Ill. 2d 274, 280 (2004)). “A conviction will not be reversed simply because the evidence is contradictory or because the defendant claims that a witness was not credible.” *Id.* (citing *People v. Siguenza-Brito*, 235 Ill. 2d 213, 228 (2009)).

¶ 95 Defendant first argues that Travon’s testimony was not credible because he “planned an armed robbery” and discussed his intent with both Andrell and defendant. He argues that since Andrell told Travon where a gun could be found and Travon texted Rashean prior to the shooting with language that involved “bicks” and mentioned Karlondus that a “reasonable interpretation” was that Travon and Andrell planned an armed robbery of Thomas. We disagree with the alleged “reasonable interpretation.”

¶ 96 While we do not dispute the texts, to accept such interpretation would require this court to ignore defendant’s police interview. Therein, defendant repeatedly stated that when Travon and Andrell first visited defendant’s house, Travon was drunk, rambled about a robbery that had already occurred, placed a gun on the dresser, and was looking for a place to “chill.” Notably, based on defendant’s interview, all of those acts occurred prior to the shooting and defendant did not mention anything about Travon wanting to rob Karlondus. To accept defendant’s argument, this court and the jury would have to believe that two armed robberies occurred when there was no evidence submitted of either robbery.

¶ 97 We further note that while questions were asked about the contents of Karlondus’s bag, the questions were nonspecific. The photographs revealed that Karlondus had both a cross body bag and a backpack in the backseat of the car at the time of the shooting. No follow up questions to clarify which bag was at issue were asked. It is equally notable, that at no time did defense counsel

question any of the officers if an armed robbery occurred earlier in the morning, as claimed by defendant during his police interview. As such, we disagree with defendant's claim that Travon's "intent to engage in violent criminal behavior" just prior to the shooting rendered his credibility "highly suspect."

¶ 98 Defendant further contends that Travon was not credible because Travon was awaiting his own trial on charges of aggravated battery, armed habitual criminal, and reckless discharge of a firearm. In support, defendant argues that Travon agreed at trial that he was "hoping" his testimony at defendant's trial would be "helpful" in his own cases. Defendant contends that because Travon had something to gain, his testimony was suspect.

¶ 99 While there is no dispute that an inference arises when a witness has something to gain or lose by his testimony (see *People v. Triplett*, 108 Ill. 2d 463, 481 (1985)), it is undisputed that Travon told officers that defendant committed the shooting during his initial police interview. It is equally clear that Travon's statement was the basis of the arrest warrant issued for defendant and that the charges for which Travon was awaiting trial, did not stem from the shooting, but occurred after the murder of Andrell and Karlondus. More importantly, while a few details regarding the shooting emerged at the trial that were not included in Travon's police interview, the majority of the details remained exactly the same, including Travon's testimony that defendant shot both Andrell and Karlondus from both sides of the car, and that defendant left in his girlfriend's vehicle immediately after the shooting. In any event, any inference that Travon had something to gain was a fact placed before the jury to consider during their deliberations.

¶ 100 Defendant also contends that Travon was under the influence of drugs and alcohol and was not credible because he claimed to immediately sober up when the shooting started. Again, there was no dispute that Travon imbibed and took drugs on the evening and morning in question and

we agree that whatever substances remained in Travon’s body at the time of the shooting did not magically disappear when the shots were fired. With that said, there was no laboratory report showing the amount of alcohol or drugs that were in Travon’s system or testimony regarding the effect those substances would have on Travon at the time of the shooting. Our supreme court explained the importance of mind-altering substances in *Gray*, 2017 IL 120958, ¶ 40. Therein, the court stated,

“Evidence that a witness was drinking near the time of an event about which she testifies is probative of the witness’s sensory capacity (*People v. Di Maso*, 100 Ill. App. 3d 338, 343 (1981)) and affect the weight to be given her testimony (*People v. McGuire*, 18 Ill. 2d 257, 259 (1960)). However, the fact that a witness had been drinking alcohol or was drunk does not necessarily preclude the trier of fact from finding the witness credible.” *Id.* (citing *People v. Bradford*, 194 Ill. App. 3d 1043, 1046-47 (1990); *People v. Vandiver*, 127 Ill. App. 3d 63, 67 (1984)).

Similarly, “testimony of a narcotics addict must be viewed with caution”; however, “the testimony may be enough to sustain a conviction if credible in view of the surrounding circumstances.” *People v. Steidl*, 142 Ill. 2d 204, 227 (1991) (citing *People v. Norman*, 28 Ill. 2d 77, 82 (1963)). Here, as in *Gray* and *Steidl*, the jury was aware that Travon had been drinking and taking drugs prior to the shooting and could have believed that he remained under the influence after the shooting occurred despite Travon’s opposite testimonial contention.

¶ 101 The State argues that it was reasonable for the jury to infer that defendant’s shock following the shooting enhanced Travon’s perception based on the excited utterance exception to the hearsay rule. However, neither that argument, nor any evidence to support that argument, was placed into

the record that would have addressed the likelihood that a strong emotion like shock or fear could override or ameliorate the underlying lack of sobriety. As such, the argument has little merit.

¶ 102 Regardless, because the jury was aware of Travon's use of alcohol and drugs prior to the shooting, "[t]he assessment of [the witness's] credibility was properly a question for the jury, which had the opportunity to view [the witness's] testimony first hand at trial." *Gray*, 2017 IL 120958, ¶ 41. The jury's assessment was also enhanced by viewing the body camera video footage from Officer Welton showing Travon at the scene and hearing Officer Welton's testimony that, in his opinion, Travon was stuck in "a circular loop of almost like disbelief and or almost shock." As such, we believe the jury had sufficient evidence to determine the credibility of Travon's testimony and his claim of becoming instantly sober when the shooting began.

¶ 103 Finally, defendant argues that Travon's testimony that defendant killed Karlondus when he shot him from the passenger side of the vehicle was not credible based on the autopsy evidence that found all of the bullets traveled from left to right in the victims. In support, defendant contends that Travon testified that defendant "finished" Karlondus on the passenger side of the car. We note, however, that the record is devoid of any medical qualification that Travon may have held to determine which bullet was fatal. Instead, we have Dr. Denton's testimony that revealed six bullets hit Karlondus and all but the bullet that hit his forearm were likely fatal.

¶ 104 Travon testified that when defendant first shot the victims, defendant was on the driver's side of the car. All of the autopsy evidence revealed wounds inflicted by traveling from the left to the right side of the bodies. Travon testified that he was in the driver's seat of the car when the shooting started. The evidence revealed blood spatter on the right side of Travon's body and clothes consistent with blood spatter emanating from Andrell's wounds in the front passenger seat. The photograph of the back of Travon's pants reveals what appears to be blood spatter on his right

side of his clothes as well as spatter from the left pocket to the middle seam on the seat of Travon's pants. The left side splatter is consistent with Travon's testimony that he removed himself from the vehicle during the shooting, as his lower body was turned away from Andrell when Andrell was shot. In any event, the jury was aware of the conflicting statements as to the "final" shot from Travon and Dr. Denton, and it was the jury's responsibility to weigh the evidence and assign credibility to whomever it believed was more credible as to each fact. *People v. Bradford*, 2016 IL 118674, ¶ 12. Moreover, "the jury is free to accept or reject as much or as little of a witness's testimony as it pleases." *People v. Caliendo*, 84 Ill. App. 3d 987, 997 (1980).

¶ 105 We cannot find that Travon's testimony was "so unreasonable, improbable, or unsatisfactory" (see *People v. Belknap*, 2014 IL 117094, ¶ 67) that a jury could not accept the testimony. Our conclusion is based on the fact that Travon's testimony, in large part, was supported by other evidence, or an inference that could be drawn from the evidence as shown above. Travon testified that after the shooting, defendant entered a white vehicle, that belonged to defendant's girlfriend and left the scene. Flock cameras confirmed that the same vehicle left the scene around 3:45 a.m. which was when the shooting occurred. Travon testified that he drove around in the Charger after the shooting while calling numerous people. This testimony was also supported by the Flock camera evidence and the detective's testimony about the phone calls found on Travon's phone. Further, Travon testified that after he advised Ashley of what happened, he got into Andrell's Jeep, drove to his girlfriend's house, and then drove back to Ashley's house where the police, the Charger, and the victims were all located. This testimony was also confirmed by the Flock camera evidence.

¶ 106 In addition to the evidence stemming from Travon's testimony and the evidence supporting same, the police interview revealed that defendant proceeded to Johnny's house after the shooting,

left with Kadeeja to go to the Chicago-area, returned two days later, proceeded to Johnny's house a second time wherein defendant retrieved two guns, cleaned them with bleach, followed Johnny to the lake, threw the weapons and ammunition in the lake, those same weapons were later recovered by the dive team and were consistent with the weapons used in the double murder. Notably, during defendant's police interview, defendant repeatedly denied retrieving, cleaning, or discarding the guns and further denied following Johnny to the lake, despite police advising defendant that they had spoken to Johnny and had Flock camera evidence supporting Johnny's statements.

¶ 107 Here, a jury could reasonably conclude that Travon's testimony was more credible than defendant's police interview statements. Travon's testimony was not so improbable to require reversal (see *Belknap*, 2014 IL 117094, ¶ 67) and it is well established that circumstantial evidence is sufficient to find a defendant guilty of first degree murder. See *Jackson*, 2020 IL 124112, ¶ 64. Accordingly, after viewing the evidence in the light most favorable to the State, we hold that a rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt, that the fact finders could reasonably accept Travon's testimony as true beyond a reasonable doubt and therefore, sufficient evidence was presented to uphold defendant's convictions.

¶ 108 B. Ineffective assistance of counsel

¶ 109 Defendant also raises numerous ineffective assistance of counsel claims. He contends that his trial counsel was ineffective because she failed to request the accomplice jury instruction, failed to cross-examine or challenge the State's firearms expert, she stipulated to the admission of cell phone records, failed to object to officer testimony regarding cell phone records, and failed to object to Travon's testimony based on a prior agreement with the State. The State disagrees and contends that defendant's defense counsel was not ineffective and that prejudice cannot be shown.

¶ 110 A defendant is guaranteed the right to effective assistance of counsel at trial. U.S. Const. Amends. VI, XIV; Ill. Const. 1970, art I, § 8. In order to determine whether effective assistance was provided, we review claims of ineffective assistance of counsel under the two-pronged *Strickland* (see *Strickland v. Washington*, 466 U.S. 668, 687 (1984)) standard. *People v. Torres*, 2024 IL 129289, ¶ 26. The test in its simplest form requires a showing that trial counsel’s performance was deficient and the deficient performance was prejudicial to defendant. *Strickland*, 466 U.S. at 687. More specifically, the *Strickland* test requires a defendant to show that (1) counsel’s performance “fell below an objective standard of reasonableness and (2) that a reasonable probability exists that, but for counsel’s errors, the result of the proceeding would have been different.” *Id.* ¶ 27 (citing *People v. Peterson*, 2017 IL 120331, ¶ 79). Defendant’s failure to establish either *Strickland* prong precludes the finding of ineffective assistance of counsel. *People v. Henderson*, 2013 IL 114040, ¶ 11.

¶ 111 1. Failure to request IPI Criminal No. 3.17

¶ 112 Defendant first argues that his trial counsel was deficient because she failed to submit the accomplice-witness jury instruction (see Illinois Pattern Jury Instruction, Criminal, No. 3.17) (approved Oct. 17, 2014) (hereinafter IPI Criminal No. 3.17). “The function of jury instructions is to convey to the jury the law that applies to the evidence presented.” *People v. Herron*, 215 Ill. 2d 167, 187 (2005). IPI Criminal No. 3.17 states:

“When a witness says he was involved in the commission of a crime with the defendant, the testimony of that witness is subject to suspicion and should be considered by you with caution. It should be carefully examined in light of the other evidence in this case.” *Id.*

¶ 113 In order to determine whether a witness is an accomplice, which would entitle defendant to have IPI Criminal No. 3.17 given, the court determines “ ‘whether there is probable cause to believe that [the witness] was guilty either as a principal, or on a theory of accountability.’ ” *People v. Cobb*, 97 Ill. 2d 465, 476 (1983) (quoting *People v. Robinson*, 59 Ill. 2d 184, 191 (1974)). This requires the evidence to show there is probable cause to believe that the witness was not merely “ ‘present and failed to disapprove of the crime, but that he participated in the planning or commission of the crime.’ ” *People v. Kirchner*, 194 Ill. 2d 502, 541 (2000) (quoting *People v. Henderson*, 142 Ill. 2d 258, 315 (1990)).

¶ 114 “The law is clear that a person is not rendered accountable for the acts of another by his mere presence or even his acquiescence.” *People v. Morrow*, 303 Ill. App. 3d 671, 678 (1999). “Absent some evidence of other circumstances or conduct from which it can be inferred that a person approved of the offense and aided it by his presence, mere presence is not enough to show that the person is an accomplice to a crime.” *Id.* at 678-79 (citing *Henderson*, 142 Ill. 2d 258, 316 (1990)). However, if the witness is an accomplice, as defined above, a defendant is entitled “to a cautionary instruction as to the reliability of the witness’ testimony.” *Cobb*, 97 Ill. 2d at 476.

¶ 115 “[A]n accomplice is one who could himself have been indicted for the offense either as principal or as an accessory.” *Id.* (citing *People v. Nowak*, 45 Ill. 2d 158, 168 (1970)). “The evidence required to charge an individual as an accomplice must show that the individual ‘took some part in the crime charged [citation] or *** that [the individual] ‘knowingly, voluntarily, and with common interest united[d] with the principal offender in the commission of the crime.’ ” ” *Morrow*, 303 Ill. App. 3d 671, 678 (1999) (quoting *People v. Winfield*, 113 Ill. App. 3d 818, 828 (1983) (quoting *People v. Travis*, 94 Ill. App. 3d 983, 991 (1981)). If the witness is not an accomplice, it is not error to fail to request the instruction. See *Nowak*, 45 Ill. 2d at 169 (finding

no error in the court's refusal to give the accomplice jury instruction where the witness was not an accomplice).

¶ 116 As such, we must first determine if Travon was an accomplice in the shooting deaths of Andrell and Karlondus. Defendant argues that trial counsel was required to request the instruction because she claimed that Travon was the shooter. He further contends that evidence of a robbery was also shown. However, an argument is not evidence, and this is such an important principle that juries receive an instruction setting forth that principle. See IPI Criminal No. 1.03 ("Neither opening statements nor closing arguments are evidence, and any statement or argument made by the attorneys which is not based on the evidence should be disregarded.").

¶ 117 In the case at bar, while there is no dispute that trial counsel argued in her closing that Travon was the real shooter; the argument was not based on evidence. Notably, defendant specifically told police in his interview that he did not know who the shooter was because he was asleep in the house when the shooting occurred. Further, while defense counsel contended that Travon planned a robbery with Andrell in the days leading up to the shooting, an empty backpack is not evidence of robbery, without additional evidence to support the argument. Even if defendant's police interview statements contended that Travon was involved in a robbery earlier that evening, no evidence of any robbery actually occurring was presented at trial. There were no questions of the officers regarding earlier events of the evening, that would have confirmed, clarified, or disputed a robbery. Further, while Travon was present at the shooting, drove around with the victims, failed to take them to the hospital as allegedly instructed by defendant, and had reason to provide favorable testimony based on his own pending crimes, those facts are not evidence that Travon was principle, or even an accessory, to the double murder.

¶ 118 Our review of the record reveals no evidence to support defense counsel's claim that Travon was the shooter. There was no dispute that Travon was in the driver's seat when the murders occurred. Dr. Denton testified that none of the gunshots were taken at close range and were, at a minimum, 18 to 24 inches away from the victims. There was no evidence submitted that the console separating Travon and Andrell was greater than 18 to 24 inches in width. Nor does defendant's argument explain how Travon could have shot Andrell, who was on his right, alighted from the vehicle to his left, and obtained the alleged blood spatter pattern seen on Travon's pants. Further, unlike defendant, Travon returned to the scene after police arrived.

¶ 119 Additionally, there was no evidence that Travon ever touched the weapons used to shoot Andrell and Karlondus. The evidence confirmed that defendant cleaned the weapons with bleach and then threw them in Lake Decatur to hide them. Our review of the record reveals no evidence against Travon that rose to a level of probable cause to claim he was either the principle in the murder or an accessory. As such, defense counsel's failure to submit IPI Criminal 3.17 cannot be seen as error or deficient performance required for a finding of ineffective assistance of counsel.

¶ 120 2. Failure to cross-examine or challenge the State's firearms expert

¶ 121 Defendant also argues that his trial counsel was ineffective because she failed to cross-examine or challenge the State's firearms expert. In support, defendant relies on numerous secondary sources to contend that firearm ballistic evidence is invalid. He further contends, citing *People v. Petrie*, 2021 IL App (2d) 190213, that this court may consider those secondary authorities to assess whether trial counsel was ineffective for failing to challenge expert testimony.

¶ 122 We note, however, that in *Petrie*, the issue was what symptoms, if any, would be observable, and when they would have been observable, prior to brain swelling and subsequent seizures related to the swell occurred in cases involving shaken baby syndrome. See *id.* ¶ 67. In

Petrie, defense counsel did cross-examine the State's expert and produced an expert to testify as well; however, the court found that defense counsel did not cross-examine the expert on the foundation of the State's expert, or the critical issues in the case. *Id.* ¶¶ 75-78. The case was ultimately reversed based on the State's failure to provide a sufficient foundation for its expert's opinion, defense counsel's failure to "appreciate and understand the legal principles applicable to the case" (*id.* ¶ 78) and the prejudice shown to defendant. *Id.* ¶ 83.

¶ 123 There is a presumption that defense counsel will pursue "sound trial strategies." *Strickland*, 466 U.S. at 689. A showing that trial counsel's strategy was unsound requires more than a lack of success at trial; the strategy must be "irrational and unreasonable in light of the circumstances that defense counsel confronted at the time" of trial. *People v. Faulkner*, 292 Ill. App. 3d 391, 394 (1997). Rebuttal of the presumption that trial counsel's trial strategy was sound is shown when the chosen strategy is "so unsound that counsel completely fails to conduct any meaningful adversarial testing" (*People v. Leeper*, 317 Ill. App. 3d 475, 482 (2000)) or "when no reasonably effective criminal defense attorney, facing similar circumstances, would pursue such strategies." *Faulkner*, 292 Ill. App. 3d at 394. Further, it is well-settled that the decision to cross-examine or impeach a witness is a matter of trial strategy which will not support a claim of ineffective assistance of counsel. *People v. Pecoraro*, 175 Ill. 2d 294, 326 (1997). "Defendant can only prevail on an ineffectiveness claim by showing that counsel's approach to cross-examination was objectively unreasonable." *Id.* at 327.

¶ 124 As such, we must determine whether counsel's choice not to cross-examine the forensics expert was objectively unreasonable and, first consider, as seen in *Petrie*, whether a sufficient basis for the admission of evidence in Illinois was met. In order for the testimony to be admissible, the witness must be qualified to testify as an expert witness, the opinion-if it concerns scientific

evidence-must have a foundation for the scientific principle pursuant to *Frye v. United States*, 293 F. 1013 (D.C. Cir. 1923), and there must be “ ‘an adequate foundation establishing that the information upon which the expert bases his opinion is reliable.’ ” See *People v. Safford*, 792 Ill. App. 3d 212, 221 (2009) (quoting *Hiscott v. Peters*, 324 Ill. App. 3d 114, 122 (2001)).

¶ 125 In the case at bar, after the State obtained information related to Carls-Miller’s education, employment, professional organizations and previous testimony as an expert, it offered the witness as an expert in firearms examination identification. In response, defense counsel stated that she had no cross-examination and accepted Carls-Miller as an expert. Qualification of an expert is laid by foundation that typically shows the witness’s “knowledge, skill, experience, training or education.” *Snelson v. Kamm*, 204 Ill. 2d 1, 24 (2003). Here, no argument was presented that defense counsel’s agreement as to Carls-Miller’s status as an expert was evidence of trial counsel’s ineffective representation. As such, we hold that the first requirement was met.

¶ 126 The second requirement is based on the foundation for the scientific principle of the testimony, *i.e.*, firearm identification. In Illinois, firearm and toolmark comparison have long been admissible. See *People v. Fisher*, 340 Ill. 216, 240-41 (1930). Despite both federal and state court revisiting the admission of expert testimony, “the judicial decisions uniformly conclude toolmark and firearms identification is generally accepted and admissible at trial.” *People v. Robinson*, 2013 IL App (1st) 102476, ¶ 91. As such, the second requirement for admissible evidence was met.

¶ 127 The third requirement is the foundation of the expert’s opinion. To meet this requirement “ ‘it must be shown that the facts or data relied upon by the expert are of a type reasonably relied upon by [experts] in that particular field in forming opinions or inferences.’ ” *People v. Smith*, 2012 IL App (1st) 102354, ¶ 70 (quoting *People v. Contreras*, 246 Ill. App. 3d 502, 510 (1993)). Here, no argument was raised that Carls-Miller’s testimony had an improper foundation. As such,

the evidence submitted was admissible. Therefore, unlike *Petrie*, which also found counsel's failure to object on the lack of the foundation for the expert's opinion (*Petrie*, 2021 IL App (2d) 190213 ¶ 75), no basis for defense counsel to cross-examine Carls-Miller on admissibility is found.

¶ 128 Instead, defendant's argues that defense counsel was deficient because she failed to cross-examine Carls-Miller regarding the scientific validity of firearm and toolmark identification. In support, defendant argues that the witness "testified that the casings recovered from the car and the area at [defendant's] house were fired from the Glock gun, as well as the Taurus gun" and determined that one of the bullets recovered from Karlondus's body "was fired from the same firearm as one of the recovered casings." We noted however, that contrary to defendant's latter claim, the expert concluded that neither of the bullets retrieved from the victims' bodies could be conclusively determined to have been shot from either gun.

¶ 129 Defendant complains that his counsel did not cross-examine the witness or "educate the jury that her conclusions were subjective, the product of circular reasoning, and believed by many to be unreliable and lacking in scientific validity." He also complains that counsel failed to request the court bar the witness from "testifying that she had unqualifiedly identified a match between the recovered casings to the recovered firearms." However, we fail to see where such request was necessary as defendant fails to cite any portion of the record where the witness provided such testimony. While the witness agreed that her opinions were provided to a reasonable degree of scientific certainty, she qualified the opinion as being "based on my knowledge, experience, and training."

¶ 130 More importantly, while defense counsel certainly could have addressed the studies that undermine reliability of ballistic testing, we must determine if doing so would have undermined the defense theory which was that Travon was the shooter. Here, defendant's police interview

revealed that Travon owned a Taurus gun and the diver's ultimately recovered a Taurus gun. Allowing the unchallenged testimony of the forensic expert that the cartridges found at the scene matched a Taurus gun is not objectively unreasonable, especially in light of the lack of evidence that defendant owned a Taurus or a Glock. Notably, the ballistic evidence was so minor that neither the State nor defense counsel addressed it during closing argument. More importantly, the issue at trial was not whether the guns found in the lake were the murder weapons; the issue was who fired the guns that killed Andrell and Karlondus.

¶ 131 The State argued that it was defendant and defense counsel who argued that it was Travon. The majority of defense counsel's argument addressed conflicting versions of Travon's testimony and his behavior after the murders. In fact, defense counsel also interpreted Uncle Johnny's testimony as further evidence that defendant did not commit the crime and argued that defendant was dumping the guns in the lake for Travon. As such, the fact that the ballistic expert tied the guns to the cartridges found in the Dodge Charger was not evidence that sealed the case. Under these facts, although cross-examination certainly could have been performed, trial counsel's failure to cross-examine the forensic expert can easily be classified as a product of trial strategy. Therefore, we deny defendant's claim of ineffective assistance of counsel for failure to cross-examine the ballistic expert.

¶ 132 3. Stipulating to admission of cell phone records

¶ 133 Defendant also contends that his trial counsel provided ineffective assistance of counsel by stipulating to the admission of the cell phone records. In support, he argues that the written stipulation failed to adhere to the self-authentication requirements of Illinois Rule of Evidence 902(11) (eff. Sept. 28, 2018). Typically, the rule, allowing self-authentication of certified records

of regularly conducted activity, requires: (1) “a written declaration” made (2) “under oath subject to the penalty of perjury.” *People v. Hauck*, 2022 IL App (2d) 191111, ¶ 36.

¶ 134 The T-Mobile records submitted into evidence contained no such certification. Instead, defense counsel and the prosecutor stipulated that Darius Simmons would testify that he is a T-Mobile records custodian and the company keeps records of both whom it serves and what services it provides to them including phone numbers and devices associated with those accounts as well as which cell site or tower was utilized for those services. With regard to those records, he would testify that they are kept in the ordinary course of T-Mobile’s business and that the entries in those records are made roughly contemporaneously with the services they document. The parties further stipulated that based upon that testimony, proper business records foundation for the admission of T-Mobile records existed.

¶ 135 Defendant admits that phone records are frequently admissible records under the business record exception but argues citing *Hauck*, 2022 IL App (2d) 191111, that his counsel was ineffective in allowing the stipulation without the certification. We disagree.

¶ 136 In *Hauck*, at trial, the defendant argued that the certification accompanying the phone records failed to satisfy the Rule 902(11) requirement and the State failed to establish the necessary foundation under Illinois Rule of Evidence 803(6) (eff. Jan. 25, 2023). *Id.* ¶ 1. The records were admitted, over defense counsel’s objection as to the form and content of the certification, which was signed electronically. *Id.* ¶ 5. On appeal, defendant argued that the State’s submission of self-authenticating evidence without the proper certification was improper. *Id.* ¶ 29. The court agreed and found the circuit court abused its discretion in admitting the evidence (*id.* ¶ 49) but ultimately determined that the error was harmless. *Id.* ¶ 62.

¶ 137 *Hauck* is distinguishable because the evidence in the case at bar was not submitted by the State as self-authenticating which are business records that “do not require testimony at trial.” *People v. Crump*, 2018 IL App (3d) 160124, ¶ 19. Instead, the evidence was submitted as a stipulation by the parties based on the proposed testimony of the T-Mobile employee.

¶ 138 “ ‘A stipulation is an agreement between litigants or their attorneys with respect to an issue before the court.’ ” *People v. Beeler*, 2012 IL App (4th) 110217, ¶ 19 (quoting *People v. Carodine*, 374 Ill. App. 3d 16, 27 (2007)). “The law is well established that an accused may, by stipulation, waive the necessity of proof of all or part of the case which the People have alleged against him.” *People v. Polk*, 19 Ill. 2d 310, 315 (1960). Defense counsel’s decision to stipulate to certain facts is typically a matter of trial tactics and strategy. See *People v. Reinking*, 2024 IL App (4th) 230486, ¶ 117; *People v. Phillips*, 217 Ill. 2d 270, 284-85 (2005) (“As a matter of trial strategy, defense counsel might choose to stipulate to evidence in an effort to minimize the adverse impact it will have at trial.”). “Matters of trial strategy will generally not support a claim of ineffective assistance of counsel, even if defense counsel made a mistake in trial strategy or tactics or made an error in judgment.” *People v. Redmon*, 2022 IL App (3d) 190167, ¶ 19 (citing *People v. Patterson*, 217 Ill. 2d 407, 441 (2005)). Only if the attorney’s strategy was objectively unreasonable, will a defendant overcome the strong presumption of sound trial strategy. *People v. Mays*, 2023 IL App (4th) 210612, ¶ 117.

¶ 139 Here, the stipulation was based on the testimony of the T-Mobile employee. As such, the proper evidentiary rule at issue would be Illinois Rule of Evidence 803(6) (Ill. R. Evid. 803(6) (eff. Jan. 25, 2023)), which addresses the testimony of the records custodian or other qualified witness. No argument as to whether the requirements for Rule 803(6) were met was provided in defendant’s opening brief and his reply brief concedes “that the records could have been submitted under Rule

803(6).” As such, defendant’s claim of ineffective assistance of counsel for this issue must be denied.

¶ 140 4. Failure to object or move to exclude officer testimony regarding the cell phone records

¶ 141 Defendant also argues that his defense counsel was ineffective by failing to object to Detective Weddle’s testimony as to the cell site analysis or seek to exclude his testimony based on his lack of qualifications. Decisions regarding “what matters to object to and when to object” (*People v. Perry*, 224 Ill. 2d 312, 344 (2007)) and motions to exclude or suppress evidence are both matters of trial strategy. *People v. Little*, 322 Ill. App. 3d 607, 611 (2001). Decisions related to trial strategy generally will not support a claim of ineffective assistance of counsel even if the strategy was a mistake. *Perry*, 224 Ill. 2d at 355 (citing *People v. Enis*, 194 Ill. 2d 361, 378 (2000)). “Only if counsel’s trial strategy is so unsound that he entirely fails to conduct meaningful adversarial testing of the State’s case will ineffective assistance of counsel be found.” *Id.* at 355-56 (citing *People v. West*, 187 Ill. 2d 418, 432-33 (1999)).

¶ 142 In order to overcome the presumption related to exclusion of evidence, “a defendant must show that (1) the unargued motion *** would have succeeded and (2) *** a reasonable probability that the outcome of the trial would have been different [if] the evidence been suppressed.” *People v. Shelton*, 2020 IL App (2d) 170453-B, ¶ 16. Defense counsel’s failure to file a motion that would have been futile precludes finding ineffective assistance of counsel. *Patterson*, 217 Ill. 2d at 438. Similarly, futile objections preclude findings of ineffective assistance of counsel. *People v. Shatner*, 174 Ill. 2d 133, 159 (1996).

¶ 143 Therefore, the first step is to determine whether an objection as to Officer Weddle’s expert status or his testimony regarding the cell phone evidence has merit. Notably, defendant concedes that the State did not ask the court to qualify Detective Weddle as an expert. Without the request

to qualify the officer as an expert, no objection would be relevant. As such, we find the objection would be futile.

¶ 144 Defendant also contends that Detective Weddle was unqualified to address the cell phone evidence. In support, he argues that Detective Weddle's 120 hours of training and providing testimony only one other time was insufficient to classify Weddle as an expert. However, as noted above, the State never asked the court to classify Weddle as an expert. More importantly, defendant fails to explain why Weddle's training and prior testimony was insufficient to allow him to testify about the cell phone evidence.

¶ 145 Illinois "does not impose explicit requirements as to the level or extent of experience, education, scientific study, or training that is required to qualify a witness to offer expert testimony." *People v. Pingelton*, 2022 IL 127680, ¶ 56 (citing *People v. Lovejoy*, 235 Ill. 2d 97, 125 (2009)). Testimony is proper if the witness has knowledge and experience beyond the average citizen that would assist the jury in evaluating the evidence. *Id.*

¶ 146 Here, Detective Weddle testified that he had been a police officer for 11 years. He further testified that he had 160 hours of training from various companies on how to recover cell phone data in addition to training from six or eight training sessions. While defendant contends the experience was insufficient, and the other companies were not specified, defendant points to nothing in the record that would indicate the average citizen had more knowledge and experience related to cell phone data analysis than Detective Weddle. Nor does defendant contend that Detective Weddle's evaluation of the evidence failed to assist the jury. As such, we hold that any objection as to Detective Weddle's classification as an expert or motion to exclude his testimony would have been futile because the objection would have been overruled and motion to exclude

would have been denied. As such, defendant's claim of ineffective assistance of counsel on this basis must fail.

¶ 147 5. Failure to object to Travon's testimony and defendant's access to Kadeeja's gun.

¶ 148 Finally, defendant argues that his trial counsel was ineffective for failing to object to Travon's testimony that indicated he met defendant in prison or defendant's videotaped interview remarks that he had access to his girlfriend, Kadeeja's gun. The basis of the latter argument is defense counsel's previously filed motions *in limine* addressing defendant's "criminal history and parolee status" and Kadeeja's gun.

¶ 149 At the motion hearing, the State advised that it was not planning on addressing defendant's parole status and stated it would not put forth any evidence about Kadeeja's gun but noted that it was brought up during defendant's police interview. The court advised the parties to "get together as to whether or not you want to delete that portion of the interview."

¶ 150 At trial, Travon testified that he met defendant in prison and confirmed to the prosecutor that he had indeed been in prison. Defense counsel did not object to the question. The State argues that Travon's testimony did not indicate that defendant was incarcerated when they met in prison and he only confirmed that he had been in prison, not defendant. It claims therefore that it is plausible that defense counsel chose not to object because the statements could be equally interpreted in a manner where defendant was employed by the prison or was visiting someone else in prison when he met Travon.

¶ 151 We find that the State's argument has little merit considering that Travon also testified that he and defendant "was in the joint together, you know that's how we met, like, that's how we locked in, too." The latter statement certainly clarified that defendant was incarcerated. We note that neither defendant's appellate counsel nor the State included this fact on appeal and we

admonish both parties to more carefully review the record as to relevant facts related to issues raised.

¶ 152 Regardless, the decision to object or not object is one of trial strategy which generally precludes finding ineffective assistance of counsel. Here, it is not difficult to presume that counsel's failure to object to Travon's testimony about meeting defendant while they were both incarcerated was an intentional decision not to object because it would have simply drawn additional attention to the testimony by the jury. See *People v. Evans*, 209 Ill. 2d 194, 221 (2004) (the significance of inadmissible testimony may be diffused by ignoring the statement as opposed to objecting which would "draw further attention to the statement.").

¶ 153 Defendant further contends that his trial counsel was ineffective because she failed to ensure that the State redacted the portion of defendant's videotaped interview, that revealed he had access to Kadeeja's gun and also failed to object to that portion of the video when it was published to the jury. As to the latter claim regarding the failure to object, the issue was discussed during the post-trial motion hearing and defense counsel stated that she "did not want to draw additional attention to it by jumping up in the middle of the video and objecting again." As such, the decision not to object would be trial strategy and insufficient to support a claim for ineffective counsel. *People v. Gardner*, 2024 IL App (4th) 230443, ¶ 39.

¶ 154 However, defense counsel's failure to ensure the video was properly redacted prior to trial is evidence of deficient performance, especially in light of counsel's motion *in limine* and the court's ruling in her favor. We view counsel's performance from her "perspective at the time, rather than through the lens of hindsight." *Perry*, 224 Ill. 2d at 344. While the court told the parties to "get together as to whether or not you want to delete that portion of the interview," there is nothing in the record to determine whether that occurred or if the issue was ever addressed after

the motion hearing. In any event, given the court's directive, and the evidence revealing that defense counsel failed to review the videotape prior to it being published at trial, defense counsel's representation was deficient.

¶ 155 Having found that counsel performed deficiently, we now turn to the question of whether defendant was prejudiced by counsel's deficient performance. In order to show prejudice, defendant must show that there was a reasonable probability that, but for counsel's deficient performance, the result of the proceedings would have been different. *Strickland*, 466 U.S. at 694. "A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Id.*

¶ 156 Defendant's argument related to prejudice combined Travon's testimony about meeting defendant in prison as well as defendant's access to Kadeeja's gun. Therein, he claimed that he was "portrayed as a reprobate, previously involved with crime and guns." He further claims, based on the closeness of the evidence, there was a reasonable probability "that this improper tendency to believe that [defendant] acted in conformity with this apparently poor character was powerful enough to effect the outcome of his trial." He contends, citing *People v. Richardson*, 189 Ill. 2d 401, 411 (2000), that his counsel's errors "rendered the result of the trial unreliable or the proceedings fundamentally unfair."

¶ 157 As only his access to Kadeeja's gun is relevant, we must parse out the relevant portions of defendant's prejudice claim. First, we disagree that defendant having access to Kadeeja's gun portrayed defendant "in an unnecessarily negative light for the jury." Access to Kadeeja's gun did not make it more likely that defendant committed the murders because the videotape also revealed that the police believed that Kadeeja's gun would not come back as one of the murder weapons. Further, there was no evidence presented at trial that Kadeeja's gun was one of the murder

weapons. Therefore, just because defendant had access to a gun does not make it more likely to believe defendant committed the murders in the case at bar.

¶ 158 Nor do we believe that defendant having access to Kadeeja's gun would cause defendant to be "portrayed as a reprobate, previously involved with crime and guns" when defendant explained to the officers that his access was solely for self-defense purposes. More importantly, we do not believe the evidence was closely balanced. As noted above, the issue, framed by defense counsel, was not about the evidence, it was about the person who shot the weapon. As shown above, while there was evidence that Travon owned a weapon similar to that used in the murders, there was no evidence linking the weapon found in the lake to Travon. Instead, the weapons were linked to defendant by the testimony of Uncle Johnny that confirmed defendant's possession and cleaning of the weapons at Johnny's house and then following his uncle to the lake to dispose of the weapons. While defendant denied those actions, the Flock camera evidence confirmed the implausibility of defendant's denials. As such, we cannot find that defendant's access to his girlfriend's gun was sufficient to tip the scales away from defendant's favor in a manner that would allow this court to find there was a reasonable probability that, but for the error, the result of the proceeding would have been different. Accordingly, we deny defendant's claim of ineffective assistance of counsel.

¶ 159

III. CONCLUSION

¶ 160 For the foregoing reasons, we hold that sufficient evidence was presented to support the jury's verdict of guilt and finding that defendant was shooter. We further hold that defendant's claims of ineffective assistance of counsel are denied due to either a failure to show deficient performance, prejudice, or both. As such, we affirm the trial court's judgment.

¶ 161 Affirmed.