

NOTICE

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2026 IL App (5th) 240413-U

NO. 5-24-0413

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,	)	Champaign County.
	)	
v.	)	No. 23-CM-346
	)	
BENJAMIN T. MANN,	)	Honorable
	)	Matthew D. Lee,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE CLARKE* delivered the judgment of the court.
Presiding Justice Cates and Justice Hackett concurred in the judgment.

ORDER

¶ 1 *Held:* We affirm the defendant's conviction where (1) the evidence was sufficient to prove beyond a reasonable doubt that the defendant's conduct materially impeded a police officer from performing an authorized act within his official capacity; (2) the trial court's ruling on the defendant's motion *in limine* was not an abuse of discretion; and (3) the trial court did not err in declining to appoint new counsel where the defendant failed to show possible neglect.

¶ 2 A jury found the defendant, Benjamin T. Mann, guilty of obstructing a peace officer, a Class A Misdemeanor (720 ILCS 5/31-1(a-5) (West 2022)). The trial court sentenced the defendant to six days of incarceration in the Champaign County jail. On appeal, the defendant challenges (1) the sufficiency of the evidence to convict him at trial, (2) the trial court's denial of

*Justice Moore was originally assigned to the panel before his retirement. See *Cirro Wrecking Co. v. Roppolo*, 153 Ill. 2d 6 (1992). Justice Clarke was substituted on the panel, has read the briefs and listened to oral arguments.

his motion to exclude a video clip depicting his release from custody, and (3) the trial court's finding that there was no factual basis supporting his claim of ineffective assistance of counsel. For the following reasons, we affirm.

¶ 3

I. BACKGROUND

¶ 4 On August 31, 2023, the defendant was charged by information with obstructing a peace officer following an incident that occurred on the sidewalk in front of the Axe Bar in Champaign, Illinois, on August 13, 2023. The incident began when Officer Maxwell Villanti of the Champaign Police Department initiated a traffic stop of a Ford Explorer driven by Kaneshia Bradley, the defendant's girlfriend, for the vehicle having an expired registration. As Officer Villanti approached the vehicle, the defendant, who was waiting outside the bar to be picked up by Bradley, also approached the car. Officer Villanti instructed the defendant multiple times to step back from the vehicle and warned that failure to comply would result in handcuffing. The defendant initially moved away but remained nearby, five to six feet from Officer Villanti, and began verbally confronting the officer.

¶ 5 Officer Villanti was able to get Bradley's license from her but was unable to get her insurance because he was having to divide his attention between Bradley, who was interjecting into his exchange with the defendant, and the defendant, who "was behind [him] yelling and acting in an aggressive demeanor" as he was speaking with Bradley. Officer Villanti ultimately requested backup from other officers. When the additional officers arrived, the situation escalated; the defendant continued to yell and act aggressively with officers, and Bradley exited the vehicle and continued to inject herself into the situation with the defendant. Officers arrested both the defendant and Bradley at the scene and later released them with notices to appear. However, when the defendant was released, he remained standing next to Officer Villanti's squad car, yelling in a

threatening, aggressive manner. Officer Villanti could not return to his squad car to prepare the paperwork for Bradley's traffic stop before Bradley was released due to the defendant's behavior at the squad car. The incident was captured on Officer Villanti's body-worn camera and on the body-worn cameras of the responding officers. Bradley also recorded portions of the incident before her arrest.

¶ 6 On February 14, 2024, before jury selection, the State indicated that it planned to move to admit two video clips from Officer Villanti's body camera footage as People's Exhibit 1. The first clip showed the traffic stop involving Bradley, the incident between Officer Villanti and the defendant, and the defendant's arrest. The second clip, from near Officer Villanti's squad car, showed the defendant continuing to be aggressive with officers, arguing with officers, and demanding to be taken to jail as his handcuffs were being removed and he was being given a notice to appear. The clip also depicted officers asking Officer Villanti whether Bradley had received any paperwork for the traffic stop; Officer Villanti replied that he had not written anything because he could not get back into his squad car. Officer Villanti could be heard telling the defendant to leave before breaking contact to de-escalate tensions. Thereafter, Officer Villanti returned to his vehicle and left the scene.

¶ 7 The defendant moved to exclude the second video clip on the basis that introducing the video created a danger of unfair prejudice that substantially outweighed its probative value. The State argued that the video was relevant because it reflected the materiality of the obstruction charge, as the clip showed that the traffic stop was never resolved because of the defendant's actions. The trial court determined that the second clip was probative because it was part of the same course of conduct as the first clip and reflected the defendant's behavior, intent, and lack of

mistake. The court also determined that any prejudicial effect did not substantially outweigh the clip's probative value because the defendant's behavior was consistent between both clips.

¶ 8 At trial, the State's case relied primarily on Officer Villanti's testimony and the body-worn camera footage to establish that the defendant knowingly and materially obstructed Officer Villanti's performance of an authorized act. Officer Villanti testified that the defendant was within "five or six feet" of him during the traffic stop. The defense relied on the testimony of Bradley and the defendant. Bradley testified that when Officer Villanti told the defendant to step back, he complied and never moved closer to Officer Villanti or the vehicle. Bradley also explained that she used her phone to film the incident, and the video was admitted and shown to the jury. The defendant also testified. He explained that when Officer Villanti told him to step back, he complied, stepping back towards the bar before moving to the front of the car to be in front of Officer Villanti rather than behind him. The defendant testified that he was "eight or nine feet" from Officer Villanti. The defendant also explained that he "never moved forward" towards Officer Villanti. The defendant further testified that he began calling Officer Villanti names because he was upset that Bradley was pulled over and did not believe the license plates were expired; rather, he thought the stop was "a little crooked" or "a little nefarious." The defendant stated that he did not want to get arrested, and he did not want to get arrested to file a lawsuit, despite confirming that he told officers he would sue the Champaign Police Department and that he was going to get paid as a result. The defense admitted and published Defense Exhibit 2, a series of photos of the defendant's injuries sustained during his arrest. The photos show cuts, scrapes, and bruises on the defendant's knees and elbows. At the conclusion of the trial, the jury found the defendant guilty of obstruction of a peace officer.

¶ 9 On March 18, 2024, before sentencing the defendant, the court heard two motions: a *pro se* posttrial motion alleging ineffective assistance of counsel, and a motion for acquittal. As it relates to the defendant’s *pro se* motion, the court held a preliminary *Krankel* inquiry (see *People v. Krankel*, 102 Ill. 2d 181 (1984)) to give the defendant a chance to establish a factual basis for his claim. During the defendant’s preliminary *Krankel* hearing, the defendant testified that his trial counsel was ineffective because he asked his attorney to “do certain things during the trial” and “present certain questions” that trial counsel did not do or ask. The defendant asserted that he asked his trial counsel to challenge the case’s constitutionality, and to raise issues regarding freedom of speech, which his counsel did not do. The defendant explained that from “the very beginning” he told his counsel that he “wanted to base [his] whole argument in court about freedom of speech and [his] constitutional rights,” and his counsel disagreed and “refused to bring it up in court.” The defendant also asserted that he had more video evidence he wanted counsel to present. He explained that he had taken a video of the encounter that was not presented, and that he wanted his counsel to look into obtaining additional witnesses and video footage from outside the Axe Bar.

¶ 10 The defendant’s trial counsel confirmed that, on one occasion, he and the defendant had a “heated discussion.” However, despite disagreeing on certain matters, they were able to have normal conversations. Defense counsel also explained that he did not explore obtaining video footage from outside the Axe Bar because he believed that there were no additional videos that were going to make a difference in the case.

¶ 11 The trial court, after considering the defendant’s claims and the response from his trial counsel, found that the defendant had not established a factual basis to support his ineffective assistance claim. The court explained to the defendant that his defense counsel’s decision not to base his argument on the first amendment was the correct choice because his case had “nothing to

do with [him] being denied [his] First Amendment right to free speech,” when the issue of his case is whether he obstructed a peace officer. The court also explained that additional video footage being brought in would have been cumulative because “literally the entire exchange between [him] and the police officer was captured.”

¶ 12 At the hearing, the trial court also denied the defendant’s motion for acquittal, finding that it did not err in denying the defendant’s motion *in limine* to exclude the second video clip, or in denying the defendant’s motion for a directed verdict. Moreover, the court found that it did not err in allowing the clips to be replayed to the jury, and that the slight delay between the audio and video synchronization was *de minimis* and did not prevent the jury from judging the evidence accurately. After considering factors in aggravation and mitigation, the court sentenced the defendant to six days of incarceration in the Champaign County jail, with credit for one day served. Thereafter, through counsel, the defendant asked the court to direct the Champaign County Clerk to file his notice of appeal. We recite additional facts in the analysis section as necessary to address the issues on appeal.

¶ 13

II. ANALYSIS

¶ 14

A. Sufficiency of the Evidence

¶ 15 On appeal, the defendant argues that the State failed to prove beyond a reasonable doubt that he was guilty of obstructing a peace officer. The defendant asserts that no evidence was presented at trial to establish that he obstructed Officer Villanti’s performance. The defendant also argues that “the State failed to prove the facts it specifically set forth in the charging document,” because the charging document stated that the defendant repeatedly approached the traffic stop. At trial, however, Officer Villanti testified that the defendant refused to step back from the stop. The State, in response, argues that there was sufficient evidence presented to establish that the

defendant obstructed Officer Villanti's performance and that the obstruction prevented him from completing the traffic stop and issuing a citation for the stop. The State also argues that any discrepancy between the evidence presented at trial and the allegations contained within the charging document was inconsequential because the core issue is whether the defendant's conduct materially impeded Officer Villanti's official duties. In his reply brief, the defendant maintains that his conduct did not constitute obstruction because Officer Villanti was not materially impeded from completing the traffic stop due to his actions, and that the State failed to prove the facts outlined in the charging document.

¶ 16 When reviewing a claim that the State's evidence was insufficient to support a conviction, "the relevant question is whether, after viewing the evidence in the 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.) *Jackson v. Virginia*, 443 U.S. 307, 319 (1979). "Under this standard, the reviewing court does not retry the defendant, and the trier of fact remains responsible for making determinations regarding the credibility of witnesses, the weight to be given their testimony, and the reasonable inferences to be drawn from the evidence." *People v. Ross*, 229 Ill. 2d 255, 272 (2008). However, "merely because the trier of fact accepted certain testimony or made certain inferences based on the evidence does not guarantee the reasonableness of its decision." *Id.* A conviction will be reversed where the evidence is "so unreasonable, improbable, or unsatisfactory" that there remains a reasonable doubt about the defendant's guilt. *Id.*

¶ 17 Under Illinois law, a person commits obstruction of a peace officer when he or she knowingly obstructs the performance by a person known to be a peace officer of any authorized act within the officer's official capacity. 720 ILCS 5/31-1(a) (West 2022). Although the statute

does not define “obstruct,” the supreme court has explained that the term encompasses conduct that interposes an obstacle impeding or hindering an officer’s performance of authorized duties. *People v. Baskerville*, 2012 IL 111056, ¶ 23. Whether such an obstacle has been created is an inquiry reserved “for the trier of fact, based upon the facts and circumstances of each case.” *Id.* The conduct must materially impede or hinder the officer; a negligible impediment is insufficient. *People v. Mehta*, 2020 IL App (3d) 180020, ¶ 26. In determining materiality, the court considers the circumstances as a whole, including the duration of the impediment, the nature of the defendant’s conduct, and the nature of the officer’s duties. *Id.* ¶¶ 32-35. As the Fourth District recently noted, the inquiry into materiality is fact-intensive, and “ ‘obstructive acts that may not create a material impediment in one set of circumstances may nevertheless create such an impediment in other circumstances.’ ” *People v. Coates*, 2025 IL App (4th) 231312, ¶ 30 (quoting *Mehta*, 2020 IL App (3d) 180020, ¶ 26).

¶ 18 Viewed in the light most favorable to the State, the evidence permitted the jury to find that the defendant materially impeded Officer Villanti’s performance of the traffic stop. Officer Villanti testified that, as he approached Bradley’s vehicle, the defendant approached the vehicle and walked past him. Officer Villanti instructed the defendant to step back, and the defendant responded, “No, I ain’t backing up from shit.” The defendant was positioned approximately five to six feet away from Officer Villanti. Officer Villanti testified that the defendant remained in that position despite continued instructions to move back or he will be arrested. The defendant responded, “Do it, I’ll sue you again.” The defendant was instructed to step back approximately six times (five times by Officer Villanti and one time by a second officer when additional officers arrived), yet continued to remain close to Officer Villanti while the officer attempted to obtain Bradley’s information. The defendant continued to yell “Do it b****” throughout the traffic stop in

reference to Officer Villanti's instructions to step back and that the defendant would be arrested if he did not comply.

¶ 19 Officer Villanti explained that he was able to obtain Bradley's driver's license but could not obtain her insurance information because the defendant was behind him yelling and acting aggressively. Bradley then shifted her attention toward the defendant. Officer Villanti testified that this conduct divided his attention between the driver (Bradley) and the defendant and that he could not safely conduct the traffic stop while splitting his attention in that manner. Officer Villanti further testified that additional officers arrived on scene. The defendant was ordered to step back from the second officer to which he responded, "I'm not, if you touch me I'm f*** y'all n*** up." It was then determined the defendant needed to be detained so Officer Villanti could safely proceed with the traffic stop.

¶ 20 This testimony permitted the jury to find that the defendant acted knowingly. Officer Villanti repeatedly instructed the defendant to step back, yet the defendant persisted in remaining close to Officer Villanti at the stop, continued yelling and behaving aggressively, and ultimately threatened violence if the officers touched him. The defendant's continued conduct despite repeated instructions to move away, coupled with his escalating behavior as Officer Villanti attempted to obtain information from Bradley, supported a reasonable inference that the defendant was consciously aware his conduct was practically certain to impede the officer's performance of his duties. See *Baskerville*, 2012 IL 111056, ¶ 23 n.1 ("the defendant must be consciously aware that his conduct is practically certain to cause the result"). The evidence and record before us disclose no apparent legitimate purpose for the defendant's continued conduct that was independent of the interference it caused. Although the absence of an apparent independent purpose does not itself establish knowing obstruction, the jury could consider that circumstance

together with the defendant's persistent refusal to comply and escalating behavior in determining whether he acted knowingly.

¶ 21 Additionally, this testimony establishes more than an officer's knee-jerk reaction or generalized displeasure with an individual's noncompliance or hostility. It demonstrates a genuine attempt by the officer to proceed with his duties despite the defendant's conduct, multiple opportunities given to the defendant to comply with commands, and continued and escalated behavior by the defendant that led to a specific interference with the stop. The defendant's conduct diverted Bradley's attention, prevented Officer Villanti from communicating and obtaining information from her, and divided the officer's attention to the point that he did not believe he could safely continue the stop. The jury could thus find that the defendant's continued refusal to move back, combined with his yelling and aggressive behavior while Officer Villanti was attempting to obtain information from the driver, created an obstacle that interfered with the officer's ability to conduct the stop safely. The significance of the defendant's conduct does not rest on his use of profanity or refusal to obey commands alone, but in the effect his conduct had on the officer's ability to attend to the driver and safely carry out the stop under the circumstances.

¶ 22 The duration of time between when Officer Villanti first encountered the defendant and when officers began detaining the defendant was approximately one minute. During that time frame, Officer Villanti and, later, additional officers instructed the defendant to back away a total of approximately six times. Additionally, we note that initial interval does not capture the full extent of the disruption described in Officer's Villanti's testimony. The defendant's conduct also contributed to the circumstances that prevented Officer Villanti from returning to his squad car to complete the traffic stop after the defendant was released, as the defendant remained near the squad car and continued behaving aggressively. Although that specific one-minute interval is relatively

brief and relevant to the inquiry, the length of an impediment is not alone dispositive. *Mehta*, 2020 IL App (3d) 180020, ¶¶ 32-35. In *Mehta*, the court upheld an obstruction conviction where the defendant's refusal to comply with officers' directions created an officer-safety concern during a traffic stop, despite the short delay. *Id.* ¶ 35. Similarly, in *People v. Gordon*, 408 Ill. App. 3d 1009, 1016-17 (2011), the court upheld an obstruction conviction based on the defendant's repeated refusal to leave a traffic-stop scene while yelling profanities and threatening officers, where the conduct impeded officers' efforts to perform their duties.

¶ 23 Neither case stands for the proposition that noncompliance or aggressive behavior automatically constitutes obstruction. The question remains whether the conduct materially impeded the officer under the particular circumstances. Here, the jury could consider the repeated instructions to step back, the defendant's continued refusal, his proximity to Officer Villanti, and Officer Villanti's testimony that the defendant's behavior divided his attention while he was attempting to obtain information from Bradley. Although the circumstances differ from those in *Mehta* and *Gordon*, the evidence permitted the jury to find that the defendant's conduct created more than a negligible distraction.

¶ 24 Additionally, Officer Villanti testified that he did not obtain Bradley's insurance information and that he did not complete the paperwork for the stop. He explained that he was unable to return to the vehicle to complete the traffic stop because, while he was detaining the defendant, Bradley exited the vehicle at some point and ended up being detained as well. She was placed in a separate squad car and later released on scene with a notice to appear for obstructing issued by a separate officer. Near the end of the incident, Officer Villanti was reminded that he had not issued Bradley a citation or warning for the traffic stop. However, he testified he was unable to return to his squad car, because the defendant, who had been released at this point with

a notice to appear, remained at Officer Villanti's vehicle and continued to try and "initiate an altercation between officers" demanding to be taken to jail. Officer Villanti testified that, in an effort to avoid any further issues, he did not return to his vehicle because the defendant remained near it and refused to leave. Although the initial traffic stop evolved into two separate arrests, the jury could consider the evidence that Officer Villanti was unable to complete the traffic stop or issue any paperwork as part of the surrounding circumstances.

¶ 25 The defendant also argues that the State failed to prove the allegation that he "repeatedly approached" the traffic stop, as alleged in the information. The evidence at trial showed that the defendant initially approached the stop and thereafter repeatedly refused commands to step back, rather than repeatedly approaching the stop. However, that discrepancy does not resolve whether the evidence was sufficient to sustain the conviction. The essential question is whether the conduct proved at trial constituted knowing obstruction of Officer Villanti's authorized duties. Here, the evidence concerned the same encounter and established the defendant's conduct during the traffic stop identified in the information. Although the evidence did not establish that the defendant repeatedly approached the stop, it established that he initially approached and then repeatedly refused commands to step back. Considering Officer Villanti's testimony about the effect of that conduct on his ability to perform the traffic stop, the evidence permitted the jury to find that the defendant knowingly obstructed Officer Villanti in the performance of his authorized duties.

¶ 26 Viewing the evidence as a whole and in the light most favorable to the State, a rational trier of fact could find beyond a reasonable doubt that the defendant knowingly and materially impeded Officer Villanti's performance of his authorized duties. The evidence established more than verbal antagonism or a mere refusal to comply with an officer's directions. The defendant repeatedly refused commands to move back, continued behaving aggressively near the traffic stop, diverted

Officer Villanti's attention from the driver, and created a situation in which Officer Villanti testified he could not safely proceed with the stop. Accordingly, the evidence was sufficient to sustain the defendant's conviction for obstructing a peace officer.

¶ 27 B. Admissibility of the Second Video Clip

¶ 28 Defendant next argues that the trial court abused its discretion by allowing the State to present the second video clip showing the defendant's release from custody to the jury. The State, in response, argues that the trial court's decision to deny the defendant's motion to exclude was not an abuse of discretion because the second video clip was relevant in "establishing the extent of [the] defendant's intent, motive, and degree of obstruction," and to support Officer Villanti's testimony, which suggested that he was unable to complete the traffic stop as a result of the defendant's actions. In his reply brief, the defendant contends that the State failed to "rebut [the defendant's] contention that the second clip was a needless presentation of cumulative inflammatory evidence," used to incite the jury.

¶ 29 A trial court's ruling on a motion *in limine* regarding the introduction or exclusion of evidence will not be disturbed on appeal absent an abuse of discretion. *People v. Richter*, 2012 IL App (4th) 101025, ¶ 97. A trial court abuses its discretion only when its decision is arbitrary, fanciful, or unreasonable or when no reasonable person would take the trial court's view. *People v. Inman*, 2023 IL App (4th) 230864, ¶ 10.

¶ 30 Our supreme court has stated that, "when deciding whether to exclude certain evidence, the proper consideration is whether the probative value of the evidence is substantially outweighed by the danger of unfair prejudice." *People v. Walker*, 211 Ill. 2d 317, 337-38 (2004). As such, even relevant evidence may be excluded where its probative value is substantially outweighed by its prejudicial effect. *Id.*

¶ 31 Evidence is relevant if it has any tendency to make the existence of any fact that is of consequence to the determination of the action more or less probable than it would be without the evidence. Ill. R. Evid. 401 (eff. Jan. 1, 2011). To establish the relevance of a piece of evidence, the proponent must (1) identify the fact that it is seeking to prove with the evidence, (2) explain how that fact is of consequence, and (3) show how the evidence tends to make the existence of this fact more or less probable than it would be without the evidence. *People v. Maldonado*, 402 Ill. App. 3d 411, 418 (2010).

¶ 32 Relevant evidence may, however, be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence. Ill. R. Evid. 403 (eff. Jan. 1, 2011).

“Evidence is *unduly* prejudicial only if it ‘cast[s] a negative light upon the defendant *for reasons that have nothing to do with the case on trial*’ [citation], or invites the jury to decide the case ‘on an improper basis, commonly an emotional one, such as sympathy, hatred, contempt, or horror’ [citation].” (Emphases in original.) *People v. Romanowski*, 2016 IL App (1st) 142360, ¶ 30.

¶ 33 The defendant contends that the trial court’s finding that Bradley had already been given her notice to appear at the beginning of the second clip undermines the State’s claim that the second video clip was relevant to the obstruction charge. According to the defendant, if the officers had already concluded their interaction with Bradley at the start of that second clip by giving her notice to appear, then Officer Villanti must have already abandoned the traffic stop at that point. As a result, the defendant argues that anything shown in the second clip could not have influenced Officer Villanti’s decision to abandon the traffic stop. However, the second video clip extends the

same course of conduct and illustrates that the defendant's continued hostility prevented Officer Villanti from returning to his vehicle and completing the paperwork necessary to finish the traffic stop. The video shows not only the defendant's demeanor when his handcuffs were removed; it also shows Officer Villanti being asked whether Bradley received any paperwork for the traffic stop, to which he replied that he did not write anything up and that he could not prepare the paperwork because he could not get back into his police vehicle.

¶ 34 The trial court found that the defendant's demeanor in the second clip was probative to establish intent, motive, and lack of mistake. The defendant on appeal concedes that the defendant's "conduct and language in the second clip is probative because it could go to his intent or motive." Based on our review of the record, the second clip is also probative where it depicts Officer Villanti being obstructed by the defendant's conduct, which prevented Officer Villanti from completing an authorized act within his official capacity.

¶ 35 Because we find the evidence probative, we next consider whether the risk of unfair prejudice outweighs the second video clip's value. "Under Rule 403, relevant evidence may be excluded if its probative value is substantially outweighed by the risk of unfair prejudice or confusion of the issues or the potential for misleading the jury." *People v. Epstein*, 2022 IL 127824, ¶ 10. "Of course, all evidence is prejudicial in that it is intended to impact the fact finder's decision." *People v. Gordon*, 2017 IL App (3d) 140770, ¶ 25. "[U]nfair prejudice means that the evidence in question will somehow cast a negative light upon a defendant for reasons that have nothing to do with the case on trial." (Internal quotation marks omitted.) *People v. Prather*, 2012 IL App (2d) 111104, ¶ 24.

¶ 36 In the case before us, the trial court determined that "the probative value [was] not substantially outweighed by any prejudicial effect on the defendant." We agree. As the trial court

noted, the defendant's conduct that was depicted in the second clip was "very much in line" with what he had already displayed during the first clip. The trial court found it unpersuasive, and this court finds it equally unpersuasive to suggest that the second clip would inflame the jury, where the defendant's behavior in the second clip was substantially similar to his behavior in the first clip, which occurred during the same encounter with law enforcement. As such, we find that the admission of the second video clip was not arbitrary, fanciful, or unreasonable, or such that no reasonable person would take the trial court's view. Accordingly, we conclude that the trial court did not abuse its discretion in denying the defendant's motion *in limine*, which sought to exclude the video recording depicting the defendant's release from custody and Officer Villanti abandoning the traffic stop.

¶ 37

C. Preliminary *Krankel* Inquiry

¶ 38 The defendant also argues that the trial court erred in finding that there was no factual basis to support his ineffective assistance of counsel claim. The defendant contends that he presented a sufficient factual basis to support appointing new counsel by alleging that his trial counsel failed to investigate other evidence that could have been useful to his defense. He argues that his defense counsel should have investigated the bar's surveillance video of the incident because the footage could have shown a wider angle that might have shown whether he repeatedly approached the traffic stop and how far he was from Officer Villanti. The defendant concludes that "[i]t was not clear on the face of [his] allegation or from his attorney's statements at the *Krankel* inquiry that the claim lacked merit or that counsel's actions were the result of sound trial strategy."

¶ 39 We reject defendant's argument. The right to counsel is, in effect, the right to the effective assistance of counsel. *McMann v. Richardson*, 397 U.S. 759, 771 (1970); *People v. Rogers*, 2021 IL 126163, ¶ 23. The common-law procedure developed by *Krankel* governs a *pro se* posttrial

claim alleging ineffective assistance of counsel. See *People v. Roddis*, 2020 IL 124352, ¶ 34. The preliminary *Krankel* hearing “serves the narrow purpose of allowing the trial court to decide whether to appoint independent counsel to argue a defendant’s *pro se* posttrial ineffective assistance claims” (*People v. Patrick*, 2011 IL 111666, ¶ 39) and “is intended to promote consideration of *pro se* ineffective assistance claims in the trial court and to limit issues on appeal” (*id.* ¶ 41). See *Roddis*, 2020 IL 124352, ¶ 34; *People v. Jolly*, 2014 IL 117142, ¶¶ 29, 38.

¶ 40 New counsel is not automatically appointed in every case involving such a *pro se* posttrial motion of ineffective assistance of counsel. *People v. Moore*, 207 Ill. 2d 68, 77 (2003). In a preliminary *Krankel* hearing, the trial court should first examine the factual basis of the defendant’s claim. *Id.* at 77-78. “If the court determines that the claim lacks merit or pertains only to matters of trial strategy, then the court need not appoint new counsel and may deny the *pro se* motion.” *Roddis*, 2020 IL 124352, ¶ 35. However, the court may appoint new counsel if it finds possible neglect of the case. *Moore*, 207 Ill. 2d at 77.

¶ 41 Here, the trial court questioned both defendant and defense counsel about the defendant’s claims at the preliminary *Krankel* inquiry. Counsel admitted that he “didn’t look at video from the Axe Bar,” because he “didn’t think there were additional videos that were going to make a difference.” However, as the trial court correctly noted, the videos admitted into evidence “captured the incident essentially in their entirety” and that any additional footage would have been cumulative. Under the circumstances, the trial court properly concluded that defense counsel’s decision not to investigate additional video footage was a matter of trial strategy, given that multiple videos from multiple vantage points had already been taken. See *People v. West*, 187 Ill. 2d 418, 432 (1999) (“Decisions concerning which witnesses to call at trial and what evidence to present on defendant’s behalf ultimately rest with trial counsel.”).

¶ 42 Accordingly, the trial court did not err in determining that these facts did not support possible neglect of the case and that defendant's claim lacked merit.

¶ 43 III. CONCLUSION

¶ 44 For these reasons, we affirm the judgment of the Champaign County circuit court.

¶ 45 Affirmed.