2026 IL App (1st) 251209-U

No. 1-25-1209

Order filed October 8, 2026

FOURTH DIVISION

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).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County, Criminal Division
	)	
v.	)	No. 24 CR 0215801
	)	
CHARLES THOMAS,	)	Honorable
	)	Anjana Hansen,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE MITCHELL delivered the judgment of the court.
Presiding Justice Lyle and Justice Navarro concurred in the judgment.

ORDER

¶ 1 *Held*: The judgment of the circuit court is affirmed where (1) the evidence was sufficient to prove defendant guilty of robbery beyond a reasonable doubt; (2) the circuit court did not commit plain error in failing to order a fitness hearing *sua sponte* where the record did not raise a *bona fide* doubt of defendant's fitness, and trial counsel was not ineffective for failing to request one; and (3) defendant knowingly, voluntarily, and understandingly waived his right to a jury trial.

¶ 2 Defendant Charles Thomas appeals his conviction for robbery (720 ILCS 5/18-1(a) (West 2022)) and aggravated battery (720 ILCS 5/12-3.05(c) (West 2024)). Following a bench trial, defendant raises three issues on appeal: (1) whether the evidence was sufficient to prove defendant guilty of robbery beyond a reasonable doubt; (2) whether the circuit court committed plain error

in failing to order a fitness hearing *sua sponte* where defendant's behavior allegedly raised a *bona fide* doubt of his fitness, and whether trial counsel was ineffective for failing to request one; and (3) whether the circuit court erred in finding the defendant's waiver of his right to a jury trial was knowing, voluntary, and informed? For the following reasons, the judgment is affirmed.

¶ 3 I. BACKGROUND

¶ 4 Defendant was charged with one count of robbery (720 ILCS 5/18-1(a) (West 2022)), one count of aggravated battery (*id.* § 12-3.05(c)), and one count of unlawful restraint (*id.* § 10-3), relating to an incident on January 31, 2024.

¶ 5 Following a colloquy with the court, defendant waived his right to a jury trial, and the matter proceeded to a bench trial. At trial, the victim, Katherine Scholze, testified that defendant approached her at a bus stop and asked whether she had seen his backpack. She said she had not. Scholze then took off her own backpack, pulled out a soda, and offered it to defendant. Defendant then claimed Scholze's backpack was his, saying, "I'm going to get my backpack," and Scholze replied, "[Y]ou're not touching it, that's not yours." An altercation over Scholze's backpack ensued. Defendant kept reaching for it and took it in his hands more than once before Scholze pulled it away. When Scholze again told defendant the backpack was not his, he punched her in the left eye several times.

¶ 6 Scholze then took her purple iPhone out of her backpack to call the police. Two minutes later, defendant grabbed the phone from her hand and said, "I will give you back your phone when you give me back my backpack." Scholze pleaded with defendant to return her phone. Instead, defendant threatened to smash it, pushed Scholze to the ground, and did not return it.

¶ 7 Officer Brown testified that, although Scholze's phone was not recovered at the scene, he recovered a flip phone from defendant during a search of his person.

¶ 8 Defendant testified to a different version of events. He said Scholze was talking too loudly on her phone, so he told her to "shut up" and hit her, at which point she dropped the phone. He denied taking it and said he had his own "flip style" phone.

¶ 9 The circuit court found defendant guilty of robbery and aggravated battery and acquitted him of unlawful restraint. The court found Scholze credible and recounted her testimony that defendant punched her, took her phone, and then pushed her to the ground, noting that defendant had acknowledged hitting her. In denying defendant's motion for a new trial, the court again relied on Scholze's credibility and on defendant's admission. After a sentencing hearing, the court sentenced defendant to concurrent three-year terms of imprisonment.

¶ 10 Under a supervisory order of the Illinois Supreme Court, defendant was granted leave to file a late notice of appeal from the circuit court's July 24, 2024, judgment. This appeal followed. Ill. Const. 1970, art. VI, § 6; Ill. S. Ct. R. 603 (eff. Feb. 6, 2013); R. 606 (eff. Apr. 15, 2024).

¶ 11 II. ANALYSIS

¶ 12 A. Sufficiency of the Evidence of Robbery

¶ 13 Defendant first contends that the State failed to prove beyond a reasonable doubt that he took Scholze's phone by the use of force, so his robbery conviction must be reversed. He does not challenge his aggravated battery conviction. Defendant argues that the force and the taking lacked the concurrence robbery requires because (1) he punched Scholze not to obtain her phone but to recover the backpack, which, because of his cognitive limitations, he mistakenly believed was his, and (2) a significant interval separated the two. The State argues that the force and the taking were

part of a series of events forming a single incident, and that the evidence was therefore sufficient to sustain the conviction.

¶ 14 When a defendant challenges the sufficiency of evidence, the reviewing court considers whether, viewing the evidence in the light most favorable to the State, "any rational trier of fact could have found the essential elements of the offense beyond a reasonable doubt." *People v. Collins*, 366 Ill. App. 3d 885, 894 (2006). It is not the role of the reviewing court to retry the defendant or substitute its judgment for that of the trier of fact regarding the credibility of witnesses or the weight to be given the evidence. *People v. Wade*, 2025 IL App (1st) 231683, ¶ 23.

¶ 15 A person commits robbery when he or she knowingly takes property "from the person or presence of another by the use of force or by threatening the imminent use of force." 720 ILCS 5/18-1(a) (West 2022). Force sufficient to sustain a robbery conviction "is force administered at any time during the criminal act." *Collins*, 366 Ill. App. 3d at 894 (quoting *People v. Robinson*, 206 Ill. App. 3d 1046, 1053 (1990)). But the force or threat of force must have some concurrence with the taking. *People v. Lewis*, 165 Ill. 2d 305, 339 (1995). Concurrence may be established by a "series of continuous acts." *People v. Cortes*, 181 Ill. 2d 249, 281 (1998); *People v. Runge*, 346 Ill. App. 3d 500, 505 (2004).

¶ 16 Two principles bear on concurrence. First, the State need not prove that the defendant used force for the purpose of taking the property. See *Runge*, 346 Ill. App. 3d at 505; see also *Cortes*, 181 Ill. 2d at 281 ("[P]roof that robbery was intended is not required to sustain a conviction for armed robbery."). Second, the force need not occur before or during the taking. *Robinson*, 206 Ill. App. 3d at 1053. The force and the taking need only be part of a series of events constituting a single incident. *Id.*; *Runge*, 346 Ill. App. 3d at 505. This court has sustained robbery convictions

where a struggle followed the taking or where the defendant used force when escaping the scene. *People v. Merchant*, 361 Ill. App. 3d 69, 73-75 (2005); see also *People v. Cooksey*, 309 Ill. App. 3d 839, 849 (1999) ("[A] reviewing court can affirm a jury's finding of robbery even if a defendant initially obtained another's property without employing force.").

¶ 17 The State need not prove that defendant used force for the purpose of taking the property ultimately stolen. *Runge*, 346 Ill. App. 3d at 505; *Cortes*, 181 Ill. 2d at 281. *Lewis* rejected a similar argument: there, the defendant took a key from his murder victim's pocket intending only to unlock an apartment door, not to deprive her of property, yet our supreme court held that the mismatch between the purpose of the force and the object ultimately taken did not defeat concurrence. *Lewis*, 165 Ill. 2d at 336-38. If force exerted for one purpose can still concur with a taking the defendant did not originally intend, it follows that force exerted to obtain one item can still concur with the taking of another, so long as both are part of the same continuous episode. The relevant inquiry is not whether the force and the taking involved the same property, but whether there was "some concurrence" between them. *Id.* at 338-39. Nor does it matter whether defendant's belief stemmed from cognitive limitations, as he contends; that belief goes only to his motive for using force, which the State need not prove. *Runge*, 346 Ill. App. 3d at 505; *Cortes*, 181 Ill. 2d at 281.

¶ 18 Thus, the concurrence requirement is satisfied here. Defendant's punches and his seizure of the phone arose from a single, unbroken confrontation with Scholze over her refusal to give up her belongings. When his attempt to take the backpack by force failed, he turned, within the same encounter and without leaving the scene, to taking her phone instead. The switch in target does not reset the concurrence analysis; it simply describes how one continuous altercation escalated from an attempt to take the backpack to the taking of the phone. Defendant's punches, in other words,

did not conclude an isolated, closed incident over the backpack before an unrelated confrontation over the phone began; rather, they were part of the same series of continuous acts that led to the taking of the phone. *Runge*, 346 Ill. App. 3d at 505.

¶ 19 Defendant argues, relying on *Runge*, that a significant interval separated his use of force from his taking of the phone, defeating concurrence. In *Runge*, an inmate in a Department of Human Services facility was convicted of armed robbery, among other crimes, for taking the DHS-issued clothing he wore when he escaped custody while being taken to court. *Runge*, 346 Ill. App. 3d at 502-05. He and another inmate took control of the van transporting them, attacked the driver with pepper spray, and escaped. *Id.* at 503. The reviewing court reversed the armed robbery conviction, determining there was no concurrence between the force and the taking of the clothing. *Id.* at 505-06. The court noted that the defendant used no force when DHS issued him the clothing and that the only force used was part of a separate plan to escape, not part of a single series of continuous acts. *Id. Runge* relied on *People v. Johnson*, 314 Ill. App. 3d 444, 450-51 (2000) (no concurrence where defendant peacefully obtained a car's title and only upon returning threatened the owner with a gun and took the car). In both cases, a significant interval separated a peaceful taking from a later, separate use of force. *Johnson*, 314 Ill. App. 3d at 450-51; *Runge*, 346 Ill. App. 3d at 506.

¶ 20 No such interval exists here. According to the testimony at trial, defendant struck Scholze repeatedly in the eye; Scholze then took out her phone to call the police; and about two minutes later, defendant grabbed the phone and pushed her to the ground. Unlike in *Runge* and *Johnson*, where the force came well after a completed, peaceful taking, the brief, uninterrupted span here

reflects a single continuous episode. Therefore, the punching and the taking were sufficiently concurrent to support defendant's robbery conviction.

¶ 21 Even if the punching and the taking were not sufficiently concurrent, the pushing independently supplies the requisite force. *Merchant*, 361 Ill. App. 3d at 74-75 (sustaining robbery conviction where, immediately after a forceless taking, the defendant pushed the victim against a window during a struggle over money). That defendant pushed Scholze after taking her phone does not defeat concurrence. Defendant took the phone from Scholze's hand, told her he would return it only if she gave him back the backpack, and, when she pleaded for it back, pushed her to the ground. Because the push shortly followed the taking and served to retain the phone, the taking and the pushing fall within one continuous episode, and the pushing alone is sufficient to sustain the conviction. *Robinson*, 206 Ill. App. 3d at 1053; *Lewis*, 165 Ill. 2d at 339-40; see also *Merchant*, 361 Ill. App. 3d at 74-75.

¶ 22 To the extent defendant suggests that a push is insufficient force to sustain a robbery conviction, he is mistaken. Whether a defendant's conduct amounts to force or threat of force is for the trier of fact to decide, and a reviewing court "will not disturb that decision unless the evidence is so improbable or unsatisfactory as to leave a reasonable doubt of guilt." *Cooksey*, 309 Ill. App. 3d at 849. Illinois courts have deemed a push sufficient to sustain a robbery conviction. See *People v. Brooks*, 202 Ill. App. 3d 164, 168-70 (1990), *abrogated on other grounds by People v. Williams*, 149 Ill. 2d 467 (1992) (sufficient force where the defendant pushed the victim's shoulder after removing her wallet from her purse). Here, defendant pushed Scholze to the ground when she pleaded for defendant to return her phone. The circuit court's finding that defendant used

force was not so improbable or unsatisfactory as to leave a reasonable doubt of guilt. Therefore, defendant's robbery conviction is affirmed.

¶ 23 B. Failure to Order a Fitness Hearing

¶ 24 Defendant next contends that the circuit court committed plain error by failing to order a fitness hearing *sua sponte* because his behavior and statements throughout the proceedings raised a *bona fide* doubt of his fitness. The State argues that defendant forfeited plain-error review by failing to argue either prong of the doctrine and, in any event, that the record raised no *bona fide* doubt of his fitness.

¶ 25 As a threshold matter, defendant did not raise this issue at trial or in a posttrial motion, so it is reviewed only for plain error. *People v. Padilla*, 2021 IL App (1st) 171632, ¶ 122. Under the plain-error doctrine, a defendant must first show that a clear or obvious error occurred. *People v. Piatkowski*, 225 Ill. 2d 551, 565 (2007). He must then show either (1) that the evidence was closely balanced or (2) that the error was so fundamental and of such magnitude that it denied him a fair trial. *Id.*; *People v. Johnson*, 2019 IL App (1st) 162517, ¶ 12. The defendant bears the burden of persuasion under both prongs. *People v. Lewis*, 234 Ill. 2d 32, 43 (2009). "If the defendant fails to meet his burden, the procedural default will be honored." *People v. Hillier*, 237 Ill. 2d 539, 545 (2010) (citing *People v. Naylor*, 229 Ill. 2d 584, 593 (2008)).

¶ 26 Defendant has not met that burden. His brief invokes plain error in a single sentence and does not address whether the evidence was closely balanced or whether the claimed error was so serious that it deprived him of a fair trial. Establishing that an error occurred is only the first step of the analysis. *Piatkowski*, 225 Ill. 2d at 565. Because defendant does not explain how either prong is satisfied, he has forfeited the issue. *Hillier*, 237 Ill. 2d at 545; see also *People v. Nieves*,

192 Ill. 2d 487, 502-03 (2000) (invoking the fundamental nature of a right, without addressing either prong, does not satisfy the plain-error burden).

¶ 27 Even if defendant had not forfeited plain-error review, his claim would fail at the first step because no error occurred. *Piatkowski*, 225 Ill. 2d at 565. Due process prohibits the prosecution of an unfit defendant. *People v. Hanson*, 212 Ill. 2d 212, 216 (2004). A defendant is presumed fit to stand trial and is unfit only if, because of a mental or physical condition, he is unable to understand the nature and purpose of the proceedings against him or to assist in his defense. 725 ILCS 5/104-10 (West 2022); *People v. Brown*, 236 Ill. 2d 175, 186 (2010). Fitness concerns only a defendant's ability to function within the context of trial; a defendant "can be fit for trial although his or her mind may be otherwise unsound." *People v. Easley*, 192 Ill. 2d 307, 320 (2000).

¶ 28 A circuit court must order a fitness hearing if a *bona fide* doubt of the defendant's fitness is raised. 725 ILCS 5/104-11(a) (West 2022); *Brown*, 236 Ill. 2d at 186. The test is objective: whether the facts raise a "real, substantial and legitimate doubt" of the defendant's mental capacity to meaningfully participate in his defense. *People v. Eddmonds*, 143 Ill. 2d 501, 518 (1991). Relevant factors include (1) the rationality of a defendant's behavior and demeanor at trial, (2) any prior medical opinion on his competence, and (3) counsel's statements about his competence. *Id.*; *Hanson*, 212 Ill. 2d at 223. No single factor is controlling, as "there are no fixed or immutable signs which invariably indicate the need for further inquiry to determine fitness to proceed"; rather, "the question is often a difficult one in which a wide range of manifestations and subtle nuances are implicated." *Eddmonds*, 143 Ill. 2d at 518 (quoting *Drope v. Missouri*, 420 U.S. 162, 180 (1975)). On appeal, the defendant bears the burden of showing that, at the time of trial, facts existed that raised a *bona fide* doubt of his fitness. *Hanson*, 212 Ill. 2d at 221-22.

¶ 29 Whether a *bona fide* doubt arose rests largely within the circuit court's discretion, because that court, unlike this one, observed the defendant firsthand. *People v. Tolefree*, 2011 IL App (1st) 100689, ¶ 53 (citing *People v. Murphy*, 72 Ill. 2d 421, 426 (1978)). An abuse of discretion occurs only where the decision is "arbitrary, fanciful, or unreasonable, or where no reasonable person would take the view adopted by the trial court." *Tolefree*, 2011 IL App (1st) 100689, ¶ 53.

¶ 30 Defendant acknowledges that no medical opinion addressed his fitness and that trial counsel never raised a concern about it. These facts are not dispositive, but they are "relevant to a determination of whether a *bona fide* doubt of fitness exists." *Hanson*, 212 Ill. 2d at 223-24. Defendant relies instead on his behavior and demeanor in court. He identifies four exchanges that, he argues, show he could not understand the nature and purpose of the proceedings or assist in his defense. He also identifies several statements that, he contends, reveal "a general disconnect with reality and an inability to follow basic courtroom procedures."

¶ 31 At an early pretrial hearing, defendant asked whether he had to appear in person or could call in, and whether he would "be released on Zoom." At a later hearing, after the court said the case might be resolved on the next court date, he asked whether he could "go home the 30th" if he was "good," and he remarked, "As long as I pay my taxes, I can go home." During the jury waiver colloquy, his initial response was phrased as a question, and when asked whether he had discussed a jury trial with counsel, he first responded that he had "learned that in high *** school." At sentencing, after the court imposed a three-year sentence to be served day-for-day with 175 days of credit, he repeatedly asked how much time he would actually serve.

¶ 32 Although several of these remarks are difficult to follow, the question is whether, considered in context, they raised a "real, substantial and legitimate doubt" that defendant could

understand the nature and purpose of the proceedings or assist in his defense. *Eddmonds*, 143 Ill. 2d at 518; *People v. Sandham*, 174 Ill. 2d 379, 382 (1996); see *Easley*, 192 Ill. 2d at 318. They did not. His questions concerned practical consequences: when he had to appear, whether he would be released, and how long he would remain in custody. Such questions go to the outcome of the proceedings rather than their nature, and reflect an awareness that the proceedings would determine his liberty. His question whether he could go home on the 30th, for example, shows that he understood the case might be resolved on that date and that his release depended on the outcome. At sentencing, he understood that he had been sentenced to prison and wanted to know for how long. The court deferred that calculation to counsel, and defendant then stated that he understood his appellate rights. The jury waiver colloquy, for its part, concerned the proceedings directly, and defendant's answers, though brief and at times phrased as questions, were accurate: he described a jury as twelve people, chose a bench trial, and confirmed his signature on the written waiver.

¶ 33 Nor does the record indicate that defendant was unable to assist in his defense. When defendant raised questions the court did not answer directly, the court referred him to counsel, and nothing in the record suggests that he was unable or unwilling to consult with counsel. Defendant told the court that he had reviewed the jury waiver with counsel, and counsel reported that they had conferred extensively about the State's plea offer before defendant chose to proceed to trial. Defendant also testified consistently with his defense. He stated that he did not take Scholze's phone because he had his own flip phone, and Officer Brown's testimony that a flip phone was recovered from defendant at the scene corroborated that account. Thus, the record reflects that defendant was able to assist counsel and did so.

¶ 34 Defendant's remaining statements do not alter our conclusion. Such statements are relevant only to the extent they show an inability to function within the context of trial. See *Easley*, 192 Ill. 2d at 320. Defendant's insistence throughout the case that the backpack was his was consistent with his defense, and adherence to one's own account of events is not a sign of unfitness. His remark, when he decided to testify, that the police "always do me like that" related to the subject of the case. His statements on the stand that he was "born rich" and "wrote the movie (indecipherable)" followed a responsive answer to whether he took Scholze's phone and did not recur. See *People v. Shaw*, 2015 IL App (4th) 140106, ¶¶ 13, 32 (finding no *bona fide* doubt despite the defendant's testimony that included a "lengthy narrative statement, which was largely rambling and nonsensical"). And his single interjection during Scholze's testimony ended once the court admonished him. See *People v. Smith*, 253 Ill. App. 3d 948, 950-54 (1993) (no *bona fide* doubt despite the defendant's loud, profane, and disruptive conduct).

¶ 35 Defendant's reliance on *People v. Davenport*, 92 Ill. App. 3d 244 (1980), is misplaced. Unlike the defendant there, defendant had not been institutionalized or diagnosed with mental illness, and counsel never reported difficulty communicating with him. *Id.* at 244-47. Although the record reflects moments of confusion and several unusual remarks, the circuit court, which observed defendant firsthand, did not abuse its discretion in declining to order a fitness hearing *sua sponte*. See *Hanson*, 212 Ill. 2d at 222, 224; *Tolefree*, 2011 IL App (1st) 100689, ¶ 53. No *bona fide* doubt of defendant's fitness arose, and absent error, there can be no plain error. *Naylor*, 229 Ill. 2d at 602.

¶ 36 Defendant also contends that trial counsel was ineffective for failing to request a fitness hearing, relying on the same exchanges and statements discussed above. To establish prejudice on

such a claim, "a defendant must show that facts existed at the time of trial that would have raised a *bona fide* doubt" of his fitness. *People v. Harris*, 206 Ill. 2d 293, 304 (2002). Defendant cannot make that showing. The exchanges and statements he identifies do not raise a *bona fide* doubt of his fitness. *Supra* ¶¶ 27-36. That conclusion does not depend on deference to the circuit court; the record itself shows that defendant understood the nature and purpose of the proceedings and was able to assist counsel. Because the record would not have supported a fitness hearing, defendant was not prejudiced by counsel's failure to request one. *Harris*, 206 Ill. 2d at 304.

¶ 37 C. Validity of Defendant's Jury Waiver

¶ 38 Lastly, defendant argues that he did not knowingly, voluntarily, and understandingly waive his right to a jury trial. The State responds that the record, including defendant's signed jury waiver, shows the waiver was valid.

¶ 39 Defendant did not challenge the jury waiver in the circuit court, so the issue is forfeited. Defendant contends, however, that the claimed error is reviewable under the second prong of the plain-error doctrine, as the right to a jury trial is fundamental. See *People v. Bracey*, 213 Ill. 2d 265, 269-70 (2004). Because defendant has properly invoked plain-error review, the analysis proceeds to the first step, which is to determine whether error occurred at all. *Piatkowski*, 225 Ill. 2d at 565.

¶ 40 The federal and state constitutions guarantee the right to a jury trial. U.S. Const., amend. VI; Ill. Const. 1970, art. I, § 13; *People v. Bannister*, 232 Ill. 2d 52, 65 (2008). A defendant may waive that right, but the waiver must be knowing and voluntary. *Bannister*, 232 Ill. 2d at 65. By statute, the waiver must also be made "understandingly" in open court. 725 ILCS 5/103-6 (West 2022). The circuit court must ensure that the defendant waives the right expressly and

understandingly, but it need not follow a precise formula or give any particular admonition. *Bannister*, 232 Ill. 2d at 66; *People v. Tooles*, 177 Ill. 2d 462, 469 (1997). The validity of a waiver depends on the facts and circumstances of each case. *Bannister*, 232 Ill. 2d at 66. The pivotal question is whether the defendant understood that the facts of his case would be determined by a judge rather than a jury. *Id.* at 69; *People v. West*, 2017 IL App (1st) 143632, ¶ 10. Defendant bears the burden of establishing that his waiver was invalid, and the question is reviewed *de novo*. *Bannister*, 232 Ill. 2d at 66; *West*, 2017 IL App (1st) 143632, ¶ 10.

¶ 41 A signed written waiver does not by itself establish a valid waiver, but it is evidence that the waiver was knowingly made. *People v. Reed*, 2016 IL App (1st) 140498, ¶ 7 (citing *People v. Dockery*, 296 Ill. App. 3d 271, 276 (1998)). A waiver is generally valid where defense counsel makes it in open court, in the defendant's presence, without objection by the defendant. *Bracey*, 213 Ill. 2d at 270.

¶ 42 These considerations support the validity of defendant's waiver. Defense counsel requested a bench trial in open court, in defendant's presence, and defendant did not object. Defendant signed a written jury waiver, confirmed his signature in open court, and told the court he had gone over the waiver with counsel.

¶ 43 Defendant's answers during the colloquy were not rote answers elicited with difficulty. When the court asked whether he understood what a jury trial was, he answered, "Twelve people, right?" When asked whether he had discussed a jury trial with counsel, he first said he had "learned that in high *** school" and then confirmed that he had spoken with counsel. When asked whether he wished to waive a jury trial, he answered, "Bench trial," a term the court had not used. "Twelve people" is an accurate description of a jury and phrasing it as a question does not suggest confusion.

His high school answer, although not directly responsive, showed that he independently knew what a jury trial was. The exchange was brief and direct, and nothing in it suggests that the court struggled to elicit his answers. Combined with the court's statement that the trial would proceed "in front of me," the colloquy shows that defendant knew a judge would decide his case. See *Bannister*, 232 Ill. 2d at 69.

¶ 44 Defendant's failure to object when counsel requested a bench trial does not reflect a lack of understanding. Under *Bracey*, a defendant's failure to object when counsel requests a bench trial in his presence supports, rather than undermines, the validity of the waiver. *Bracey*, 213 Ill. 2d at 270.

¶ 45 Defendant next argues that the circuit court's reply to his remark at a pretrial hearing, "As long as I pay my taxes, I can go home," showed that the court knew of his cognitive limitations. The court replied, "We'll see you, Mr. Thomas." That argument rests on speculation about what the court was thinking and how a judge should respond to an off-hand remark. A single comment at a pretrial hearing does not show that defendant was unable to understand the choice between a jury and a bench trial, particularly where his answers during the colloquy showed that he did. A court need not further explain the consequences of a jury waiver absent some indication that the defendant does not understand his right to a jury trial. See *People v. Stolfo*, 46 Ill. App. 3d 616, 618 (1977) (citing *People v. Ruiz*, 42 Ill. App. 3d 969, 972 (1976)). No such indication appears here. Further, unlike the defendant in *People v. Turner*, 80 Ill. App. 2d 146, 148 (1967), who told the court he did not know what a jury trial was, defendant demonstrated that he did.

¶ 46 Nor was the circuit court required to give the more extensive admonitions discussed in *Tooles*, 177 Ill. 2d at 469-73, such as explaining what a jury waiver means, describing the

differences between a jury trial and a bench trial, asking whether any promises or threats induced the waiver, and confirming that the defendant conferred with counsel before signing it. *Tooles* did not hold that these admonitions are required. To the contrary, it held that "no set admonition or advice is required" because the validity of a waiver "turns on the facts and circumstances of each particular case." *Id.* at 469. Moreover, none of the defendants in *Tooles* signed a written jury waiver as defendant did here. *Id.* at 464.

¶ 47 Considering the signed written waiver, counsel's request for a bench trial in defendant's presence without objection, the court's statement that the trial would proceed before it, and defendant's own answers during the colloquy, the record establishes that defendant knowingly, voluntarily, and understandingly waived his right to a jury trial. The circuit court therefore did not err, and absent error, there can be no plain error. *People v. Calhoun*, 404 Ill. App. 3d 362, 382 (2010).

¶ 48 III. CONCLUSION

¶ 49 For the foregoing reasons, the judgment of the circuit court of Cook County is affirmed.

¶ 50 Affirmed.