2026 IL App (2d) 250174-U
No. 2-25-0174
Order filed August 18, 2026

NOTICE: This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee,

v.

PETER HOMMERSON, Defendant-Appellant.

Appeal from the Circuit Court of Lake County.
Honorable Mark L. Levitt, Judge, Presiding.
No. 96-CF-544

JUSTICE SCHOSTOK delivered the judgment of the court.
Justices Birkett and Mullen concurred in the judgment.

ORDER

¶ 1 *Held*: The trial court did not err in denying defendant's postconviction petition because his trial counsel was not ineffective for failing to introduce certain ballistics evidence and witness testimony.

¶ 2 Defendant, Peter Hommerson, was convicted of two counts of first-degree murder (720 ILCS 5/9-1(a)(1) (West 1996)) by a Lake County jury for the 1996 shooting deaths of Marvin and Kay Lichtman. This court affirmed his convictions on direct appeal. *People v. Hommerson*, 399 Ill. App. 3d 405 (2010). Defendant filed a petition under the Post-Conviction Hearing Act (Act) (725 ILCS 5/122-1 *et seq*. (West 2020)) alleging, as is relevant here, that his trial counsel was constitutionally deficient by failing to introduce purportedly exculpatory ballistics evidence and

witness testimony regarding his financial status. The trial court denied defendant's petition following an evidentiary hearing. Defendant appeals. For the following reasons, we affirm.

¶ 3 I. BACKGROUND

¶ 4 A. Trial Proceedings

¶ 5 Marvin and Kay were killed on January 23, 1996. After an investigation, defendant was charged with their murders on March 1, 1996. An arrest warrant was issued the same day. Defendant fled to Mexico and was arrested in 2005. His trial was conducted from January 15 to 18, 2008.

¶ 6 The evidence presented at trial established that on January 23, 1996, at 7:38 p.m., the fire department was called to the Lichtmans' home in Barrington Hills. Marvin was found deceased just off the foyer clutching papers in his hands. The remains of Kay's body were also found inside the house. It was determined that the Lichtmans were shot to death and the fire was deliberately set by someone who used gasoline as an accelerant. The fire destroyed most of the house and its contents. Police recovered .22-caliber bullets and shell casings from the house and the victims' bodies.

¶ 7 The Lichtmans were a wealthy couple whose home was filled with many expensive art pieces. The police interviewed numerous witnesses in the days following their deaths. They learned that, on January 23, 1996, Marvin was at the couple's home in Florida and returning to Barrington Hills that afternoon. He was dropped off at the Barrington Hills home by a limousine around 4:15 p.m. Kay was at their home in Barrington Hills. Defendant worked for the Lichtmans creating art for their home.

¶ 8 On January 24, 1996, the police went to defendant's home in Algonquin, but he was not home. At 10 a.m. the next day, defendant voluntarily spoke to the police. He said that he worked

for the Lichtmans creating a piece of glass artwork depicting the two of them with their dog. He arrived at their home around 10 a.m. on January 23 to complete some preliminary work. He left the home between 11 and 11:30 a.m. to rent a Budget van in Crystal Lake. Before he left, he asked the maid to leave the garage door open because he planned to return. Defendant apparently rented the Budget van because his van was not working well. After he purchased several cardboard boxes, defendant went to his home in Algonquin. Defendant then stopped for lunch and went to a hardware store before returning to the Lichtmans' between 12:30 and 12:45 p.m. He rang the doorbell and knocked, but no one answered. He waited for about 40 minutes before returning to his Algonquin home between 1:30 and 1:45 p.m. A passerby saw a Budget van in the Lichtmans' driveway between 1:15 and 1:45 p.m.

¶ 9 Later that afternoon, defendant and his then-wife, Ros Hommerson, went to their house in Woodstock where defendant collected some tools and put them in the Budget van. Defendant left the Woodstock house around 4:30 p.m. and went to a store in Crystal Lake. At 5:11 p.m., defendant cashed a check for $60.25 at the store. At around 5:30 p.m., defendant returned the Budget van, paid in cash, and transferred the tools from the rental van to his own van. The rental receipt from Budget showed that defendant was charged for driving the van 29 miles. However, the parties stipulated at trial that the shortest distance between all the locations identified by defendant was 57.9 miles.

¶ 10 After returning the van, defendant returned to the Woodstock house because he thought that he might have left the door unlocked. On his way back to his Algonquin home, he stopped at a Shell gas station in Algonquin at 7:08 p.m. The receipt showed that he bought seven gallons of gas. He then returned to the Algonquin home where he had dinner and made some work calls.

¶ 11 Defendant told the police that on January 24, 1996, he decided to drive to Springfield to look at real estate because he and Ros were considering moving closer to Ros's work in St. Louis, Missouri. While driving, he heard a radio report of the fire at the Lichtman home around 6:30 a.m. and began his return to the Algonquin area around 10 a.m.

¶ 12 After returning, he agreed to give a statement to investigator Robert Randall on January 25, 1996, where he explained the story above. Around 8:30 p.m. that evening, Randall re-interviewed defendant. This time, defendant stated that he rented the Budget van to illegally dump garbage. He also admitted to owning several firearms but denied owning a .22-caliber pistol. After executing a search warrant at defendant's Algonquin home, police found a receipt for the purchase of a .22-caliber Ruger handgun and .22-caliber ammunition.

¶ 13 On January 26, 1996, defendant and Ros drove to St. Louis and registered at a motel under a fictitious name. The next day, they drove to Laredo, Texas. Defendant crossed the border into Mexico on foot, while Ros drove back to St. Louis.

¶ 14 Defendant's version of events was initially corroborated by Ros. However, at trial she recanted her initial statement and stated that defendant instructed her to lie. She said that on January 23, 1996, she worked from home all day and that defendant did not come home until after 7:30 p.m. Around 6 a.m. the next morning, defendant called her and told her something terrible had happened. She said that his voice "sounded nervous." He also told Ros that he was headed to Springfield. She had not previously known about his plans to drive there. Around 10:30 a.m. defendant called again and said that he heard about the fire at the Lichtman house and that police might want to talk to him. Defendant arrived back in Algonquin around 3 p.m. and Ros said that he still seemed nervous.

¶ 15 Ros also testified that defendant previously owned a glass company, Chicago Reflections, with two business partners, Frank Marcus "Mark" Lemp and Peter Hall. Lemp was also her employer. Ros said that Chicago Reflections went bankrupt after a few years and was subject to tax liens. She stated that she loaned between $70,000 and $80,000 to defendant. She also stated that Lemp loaned defendant between $40,000 and $50,000. After Chicago Reflections closed, Ros said that defendant began working for himself. She said he had a fair number of clients and worked daily. Ros said that she and defendant had no financial problems in 1996. She said that their combined income was over six figures, they owned homes in Algonquin and Woodstock, a hunting property in Wisconsin that was almost paid off, and over 800 acres in Europe that they rented out. They frequently went on nice vacations, had no loans or credit card debt, and had funds in investment accounts.

¶ 16 Ros testified that Lemp visited them in Algonquin on January 26, 1996. The next day, Ros and defendant drove to St. Louis, where Lemp lived. When they arrived in St. Louis, she used a fictious name at defendant's request to book a room at a motel. While in St. Louis, she contacted Lemp and stayed at his house overnight. She borrowed a car from Lemp because defendant thought it would be easier driving around with a Missouri license plate. Lemp also gave her $1,000. The next day they drove straight to Laredo. After crossing the Mexican border, defendant told Ros that "he had to do this because the police were trying to pin it on him because he was working at the Lichtmans' on the 23rd." He then said "good-bye forever" and walked into Mexico while Ros returned to the United States.

¶ 17 On cross-examination, Ros testified about how she and defendant met at a refugee camp in Italy after escaping communist Hungary. Neither of them were members of the communist party so they fled to seek political freedom. They changed their names because the communist party

continued to harass their families in Hungary after they sent letters home bearing their birth names. They eventually arrived in the United States in 1979 and became citizens in the 1980s.

¶ 18 The Lichtmans' 13-year-old neighbor testified that he carried the Lichtmans' mail to their front door around 3:05 p.m. on January 23, as he did every day coming home from school. He rang the doorbell and knocked on the door, but there was no response. He also noticed that they did not leave a shovel by the door, which they normally did when it snowed. The boy's father testified that he drove past the Lichtman house around 5 p.m. on his way home from work. He did not see any vans or cars in the driveway. The family ate dinner around 6 p.m. Around 7 p.m., he said that he could see that the Lichtmans' garage door was open and their blue Cadillac was inside. A few minutes later, he saw the garage door close. A "short period of time later" his wife called him to the window because a firetruck was in the Lichtmans' driveway.

¶ 19 Gerald Harrison, a friend of the Hommersons, testified that in late 1994 or early 1995, defendant told him that defendant accidentally fired his .22 caliber gun inside his basement. Defendant showed Harrison that the bullet went through the back of defendant's gun cabinet and into the basement wall.

¶ 20 When searching the Algonquin home, police found a hole in the back of the gun cabinet and metal fragments in a hole in the wall. A fired .22-caliber casing was found near the cabinet. The cabinet drawer contained a magazine for a .22-caliber Ruger and several boxes of .22-caliber ammunition. Police also found a receipt for a Ruger Mark II .22-caliber semiautomatic pistol dated March 6, 1994. Inside defendant's work van, police found an exotic vase belonging to the Lichtmans.

¶ 21 A forensic scientist, Peter Striupaitas, testified as an expert in firearms identification. He explained that determining whether a particular bullet came from a particular firearm was based

on sufficient agreement of class and individual characteristics. Class characteristics are general characteristics shared by bullets or firearms of a particular type. Individual characteristics are unique to a specific firearm and made during the manufacturing process. The individual characteristics of a firearm can, for example, show up as a complex pattern of marks on a bullet resulting from the raised areas inside the barrel of the firearm or the striking pin leaving an impression on the cartridge. After this analysis, he can make either a positive identification, meaning that there is a sufficient match in the characteristics, a negative identification, meaning that the characteristics do not match, or inconclusive, meaning that there are similarities but not enough to make a positive identification. Striupaitas said, however, that sometimes the condition of a piece of evidence can preclude him from making an identification. This can occur after the bullet strikes an object and degrades.

¶ 22 Striupaitas testified that, for this case, he analyzed three .22-caliber discharged cartridge casings from the crime scene and one .22-caliber casing from defendant's Algonquin home. He determined that those casings "could have been fired from the same gun." He said that the class characteristics were similar, but he could not make any more specific determination because of the condition of the casings. Striupaitas also testified that the casings recovered from the crime scene were Winchester Western Super X brand, which was the same brand as some of the ammunition found in defendant's Algonquin home.

¶ 23 Striupaitas also analyzed seven fragments recovered from defendant's Algonquin home, four projectile fragments from Marvin's body, and a projectile from Kay's body. Six of the fragments from the Algonquin home were lead fragments that were unidentifiable. The remaining fragment was a bullet fragment but was not suitable for comparison. The fragments found in Marvin's body were identified as .22-caliber bullets. Based on his analysis, Striupaitas testified

that they could have been fired by a Ruger. However, they could have also been fired by a different firearm capable of firing .22-caliber bullets. Striupaitas also testified that the projectile found in Kay's body was a .22-caliber bullet. Based on his analysis, he believed that it could have been fired from the same firearm as the projectiles found in Marvin's body, but it was inconclusive based on the condition that it was in.

¶ 24 The State's theory was that defendant had a financial motive to kill Marvin and Kay. The State argued that he stole artwork from the Lichtmans' home, killed Kay sometime before 3 p.m., killed Marvin shortly after he arrived home at 4:15 p.m., and burned down the house to destroy the evidence between 7 and 7:30 p.m. Defendant then lied about his whereabouts that day to the police and fled to Mexico. Defendant argued that he had no financial motive, as Ros testified that they were financially secure. He also argued that the circumstantial evidence did not prove that he was involved in their murders, including that it could not be conclusively determined that all the recovered bullets and casings were fired from the same firearm. Defendant claimed that he lied to police and fled out of fear, based on his background fleeing Hungary.

¶ 25 The jury found defendant guilty of two counts of first-degree murder. The trial court sentenced defendant to natural life imprisonment. This court affirmed defendant's conviction on direct appeal. See *Hommerson*, 399 Ill. App. 3d at 420.

¶ 26 B. Postconviction Proceedings

¶ 27 In March 2011, defendant filed a *pro se* postconviction petition alleging ineffective assistance of trial counsel. Initially, the postconviction petition was dismissed at the first stage because it did not include the verification affidavit required by the Act. See 725 ILCS 5/122-1(b) (West 2010). That dismissal was ultimately reversed by our supreme court. *People v. Hommerson*, 2014 IL 115638, ¶ 16. On remand to the trial court, the petition was advanced to the second stage

and counsel was appointed for defendant. Postconviction counsel filed a supplemental petition alleging that defendant's trial counsel was ineffective, *inter alia*, by not introducing purportedly exonerating ballistics evidence and failing to call Lemp and Hall as witnesses, whose testimony would allegedly contradict Ros and undermine the State's theory that defendant committed the murders for financial gain.

¶ 28 Attached to the supplemental petition were interview notes with Harrison regarding shooting the .22-caliber Ruger at defendant's Wisconsin property, an affidavit in support of a search warrant for the Wisconsin property stating that the Ruger was shot on the Wisconsin property, a report from evidence technician James Caldwell regarding the .22-caliber casings found on the Wisconsin property, and a report from Striupaitas regarding his analysis of the .22-caliber casings and bullets found on the Wisconsin property, which he concluded "were not fired from the firearm that fired the fired evidence previously submitted in this case." In other words, the casings found in Wisconsin were not fired by the weapon that shot the bullets that killed Marvin and Kay. Defendant argued that the casings were fired from his .22-caliber Ruger, which the State argued at trial was the murder weapon. Because the Wisconsin casings were fired from a different weapon than the bullets that killed Marvin and Kay, defendant contended that the Ruger was not the murder weapon so he was exonerated.

¶ 29 Also attached to the supplemental petition were affidavits from Lemp and Hall each stating that they would have testified at trial that Chicago Reflections did not go bankrupt, they never made loans to defendant, and that they resolved Chicago Reflections's tax liens and debts. Lemp additionally stated that Ros loaned money to Chicago Reflections and he personally helped her write it off on income tax returns.

¶ 30 The petition advanced to a third-stage evidentiary hearing. Lemp died sometime prior to the hearing. Hall testified consistent with his affidavit that he, Lemp, and defendant were business partners in Chicago Reflections. He and Lemp invested about $40,000 to $50,000 each, while defendant "put his talents into the company." In the early 1990s, they decided to shut down the business because it became unprofitable. Hall said that "all the bills were paid" when the company shut down and they returned the company's two vehicles to Enterprise. However, he and Lemp lost all the money they invested in Chicago Reflections. Hall was aware that defendant started a new company after Chicago Reflections shut down, but he was not involved in it. Hall testified that he was contacted by someone before defendant's trial, who he believed was an investigator from the State. He said that he was "confused" by the call. However, he was never contacted by defendant's trial counsel. He said that he would have testified at trial counsel's request.

¶ 31 On cross-examination, Hall explained that at the time the business closed, he did not know that Social Security taxes had not been paid. He and Lemp, who owned multiple companies together, decided to pay off the taxes owed through another company of theirs. The total amount was around $60,000. He also stated that he would "probably not" invest in another company with defendant.

¶ 32 Defendant testified that he and Ros were financially stable in the 1990s. In the year before the murders, he made close to $130,000. Defendant admitted to purchasing a Ruger .22-caliber pistol in 1994. He said that he shot the firearm with friends, including Harrison, in October 1994. He claimed that he brought the firearm to his father's friend in Europe in late January or early February 1995 because it "became obsolete due to the magazine capacity." Defendant also testified that he told his trial counsel to contact Lemp and Hall but trial counsel did not do so. He specifically wanted to have Lemp and Hall testify after Ros because "she lied about almost

everything" and he believed that their testimony "could destroy all her testimony." He said that his trial counsel told him that it was too late and the judge would not allow it. Defendant's trial counsel did not testify at the hearing.

¶ 33 In closing arguments, defendant argued that the ballistics evidence was exonerating because it showed that defendant's .22-caliber Ruger was not the firearm that killed the Lichtmans. The State argued that this ballistics evidence is not relevant because the casings found in Wisconsin were not fired from the same firearm that was used to kill the Lichtmans, nor the firearm that was accidentally discharged in defendant's basement. Thus, the State believed the evidence showed that defendant owned multiple .22-caliber firearms and the new ballistic evidence was not relevant to defendant's guilt or innocence.

¶ 34 Defendant also argued that Hall's testimony and Lemp's affidavit completely rebutted the State's theory of motive, as he had no outstanding debts to either of them. He claimed that their testimonies would also have given the jury reason to doubt the rest of Ros's testimony. The State argued that it was not required to prove motive at trial, so Hall and Lemp's testimony was immaterial. Further, the testimony at trial and at the hearing still showed that the business had failed, that defendant's business partners lost money, and that he was not a successful businessperson. Additionally, the State argued that their testimony did nothing to rebut Ros's testimony that she personally loaned $70,000 to defendant that he did not pay back.

¶ 35 On April 21, 2025, the trial court issued an oral ruling denying defendant's postconviction petition. The trial court found that there was "no credible evidence which would have exonerated [defendant] relative to the ballistic evidence" because it "does not demonstrate or prove his innocence." Moreover, the trial court found that the testimony from Hall and Lemp had a "merely tenuous relationship" to the State's theory of motive and that Hall's testimony specifically "would

[not] have added to defendant's case or detract[ed] from the State's case." The trial court determined that "defendant's testimony was completely incredible." Accordingly, the trial court found that defendant's trial counsel was not ineffective. Defendant timely appealed.

¶ 36 II. ANALYSIS

¶ 37 Defendant argues on appeal that the trial court erred in denying his postconviction petition because he made a substantial showing that he received ineffective assistance of trial counsel.

¶ 38 The Act provides a means by which a defendant may challenge his conviction or sentence for violations of federal or state constitutional rights. *People v. Whitfield*, 217 Ill. 2d 177, 183 (2005). The Act sets forth three stages of review. At the first stage, the trial court may summarily dismiss a postconviction petition as frivolous and patently without merit. 725 ILCS 5/122-2.1(a)(2) (West 2020). If the petition is not dismissed, it advances to the second stage.

¶ 39 At the second stage of postconviction proceedings, the State may move to dismiss a petition or an amended petition pending before the court. *Id.* § 122-5. If that motion is denied, or if no motion to dismiss is filed, the State must answer the petition. *Id.* At this stage, the trial court must determine whether the petition and the accompanying documentation make a " 'substantial showing of a constitutional violation.' " *People v. Domagala*, 2013 IL 113688, ¶ 33 (quoting *People v. Edwards*, 197 Ill. 2d 239, 246 (2001)). If the petition satisfies this standard, the defendant is entitled to a third-stage evidentiary hearing at which the trial court acts as the fact finder and determines whether the evidence introduced demonstrates that the defendant is entitled to relief. *Id.* ¶ 34. At the third stage, the defendant bears the burden of making a substantial showing of a constitutional violation. *People v. Pendleton*, 223 Ill. 2d 458, 473 (2006).

¶ 40 The sixth amendment to the United States constitution guarantees a criminal defendant the effective assistance of counsel. U.S. Const., amend. VI. The purpose of this guarantee is to ensure

that a defendant receives a fair trial. See *Strickland v. Washington*, 466 U.S. 668, 684-85 (1984). "Effective assistance of counsel means competent, not perfect, representation." *People v. Rodriguez*, 364 Ill. App. 3d 304, 312 (2006).

¶ 41 Under *Strickland*, a defendant arguing ineffective assistance of counsel must show not only that his or her counsel's performance was deficient but also that the defendant suffered prejudice as a result. *People v. Houston*, 226 Ill. 2d 135, 143 (2007). Specifically, under the two-prong *Strickland* test, "a defendant must show that (1) his counsel's performance *** fell below an objective standard of reasonableness, and (2) *** but for counsel's deficient performance, there is a reasonable probability that the result of the proceeding would have been different." *Id*. at 144. Because a defendant must satisfy both prongs of the *Strickland* test, the failure to establish either is fatal to the claim. *Strickland*, 466 U.S. at 687.

¶ 42 There is a strong presumption that counsel's actions or inactions—such as the decision not to present certain arguments or not to call witnesses—constitute sound strategy. *People v. Perry*, 224 Ill. 2d 312, 341-42 (2007). To prove otherwise, a defendant must show that counsel's decision was so irrational and unreasonable that no reasonably effective attorney, facing like circumstances, would pursue such a strategy. *People v. Jones*, 2012 IL App (2d) 110346, ¶ 82. "Only the most egregious tactical or strategic blunders bring counsel's representation below *Strickland*'s standard of objective reasonableness." *Rodriguez*, 364 Ill. App. 3d at 312.

¶ 43 When a petition is advanced to a third-stage evidentiary hearing, where fact-finding and credibility determinations are involved, we will not reverse the trial court's decision unless it is manifestly erroneous. *Pendleton*, 223 Ill. 2d at 473. "Manifest error is error that is 'clearly evident, plain, and indisputable.' " *People v. Beaman*, 229 Ill. 2d 56, 73 (2008) (quoting *People v. Morgan*, 212 Ill. 2d 148, 155 (2004)). While we afford significant deference to the trial court's factual

findings, we review *de novo* the trial court's ultimate determination of whether trial counsel rendered ineffective assistance. *People v. Velasco,* 2018 IL App (1st) 161683, ¶ 137.

¶ 44 Defendant first argues that the trial court erred in finding that his trial counsel was not ineffective for failing to introduce the purportedly exonerating ballistics evidence. Defendant argues that this evidence definitively establishes that his .22-caliber Ruger was not the murder weapon, thus proving his innocence. He points to Harrison's testimony that he and defendant shot the .22-caliber Ruger at defendant's Wisconsin property. Because the cartridges recovered on the Wisconsin property did not match the cartridges recovered from the crime scene, defendant argues those casings exonerate him.

¶ 45 Trial counsel's decision not to introduce this ballistics evidence was not unreasonable because it does not exonerate defendant. We agree with the trial court's conclusion that this ballistics evidence does not demonstrate defendant's innocence and does not offer a reasonable probability of a different outcome at trial. The trial evidence showed that the bullet fragments and casings recovered from the crime scene were possibly fired by the same firearm that fired the casings recovered from defendant's Algonquin home. Further, a search of the Algonquin home found a magazine for a .22-caliber Ruger and several boxes of .22-caliber ammunition, including the same type of Super X ammunition recovered from the crime scene. Given all this circumstantial evidence, at best the new ballistics evidence would allow the jury to conclude that defendant, as a gun collector, owned multiple .22-caliber firearms. Accordingly, defendant's trial counsel was not ineffective for failing to introduce this evidence.

¶ 46 Defendant next argues that the trial court erred in finding that his trial counsel was not ineffective for failing to investigate and call Lemp and Hall as witnesses. Whether the failure to investigate a witness constitutes ineffective assistance of trial counsel is determined by the value

of the evidence not presented at trial and the closeness of the evidence that was presented at trial. *People v. Harmon*, 2013 IL App (2d) 120439, ¶ 26. The decision to call a witness is one of trial strategy and is generally immune from ineffective assistance claims, but counsel's failure to call witnesses who would have contradicted the State's evidence and supported the defense can indicate deficient performance. *People v. Bass*, 2022 IL App (1st) 210249, ¶ 30. While the State is permitted to introduce evidence related to motive, it need not prove a motive to sustain a murder conviction. See *People v. Saulsberry*, 2021 IL App (2d) 181027, ¶ 49.

¶ 47 Here, defendant has not shown that his trial counsel was deficient for failing to call Lemp and Hall as witnesses. Defendant contends that their testimony would have negated Ros's testimony regarding her and defendant's financial standing, thus undermining the State's theory of motive. However, defendant's trial counsel elicited testimony from Ros on cross-examination that established that she and defendant were financially stable. For example, Ros admitted that they had a six-figure income, owned two homes in Illinois and properties in Wisconsin and Europe, all their car loans were paid off, they frequently went on nice vacations, were not in credit card debt, and they had stocks and investments. Trial counsel used this testimony in his closing argument to argue that defendant lacked a financial motive to commit the murders:

> "You heard he was very well off. Not as well off as the Lichtmans obviously, but very well off like the rest of us. If we can all be in his financial position, that would be great. He owned two homes. He owned vacation property in Wisconsin. He owned over 800 acres of farmland in Europe which was rented out which they were getting money from. He owned three cars with no loans. He had no credit card debt. He had money in the bank. He had a successful business. He had a number of retirement accounts. His wife

worked at Hommerson Shoes and was very successful. They made six figures. They took nice vacations. They had a nice life.

There is no reason whatsoever for this man to murder the Lichtmans. Nothing."

¶ 48 The jury therefore heard evidence and arguments that defendant's financial situation was not as dire as the State attempted to show. Because of the significant circumstantial evidence connecting defendant to the crimes, the jury nevertheless determined that defendant was guilty. As such, any testimony about the exact nature of the financial standing of defendant relative to Chicago Reflections, which went out of business at least four years before the murders, was unlikely to change the outcome at trial.

¶ 49 We also note that the testimony at trial established that Lemp helped defendant flee to Mexico. Given this, his testimony would have questionable weight and could have resulted in harmful testimony on cross-examination. See *People v. Hotwagner*, 2015 IL App (5th) 130525, ¶ 48 (noting that it is "strategically sound" for a defendant's trial counsel not to call a witness whose testimony would be of "questionable value" or could potentially harm the defendant's case); *People v. Lentz*, 2015 IL App (2d) 140888-U, ¶ 56 (the defendant failed to overcome the presumption that trial counsel's failure to call witnesses was reasonable trial strategy because of the witnesses' relationship to the defendant).[1] Therefore, defendant's trial counsel was not ineffective for failing to investigate or call Lemp and Hall as witnesses.

¶ 50 Finally, defendant argues that the cumulative effect of trial counsel's failure to introduce the ballistics evidence and the testimonies of Hall and Lemp create a reasonable probability of a

[1]We may rely on the reasoning of a nonprecedential decision under Illinois Supreme Court Rule 23 (eff. June 3, 2025). *Zhao v. State Farm Fire & Casualty Co.*, 2025 IL App (2d) 240723, ¶ 30; *People v. Ingram*, 2020 IL App (2d) 180353, ¶ 21 n.1.

different outcome at trial. Because we find no error with trial counsel's performance, there can be no cumulative error. See *People v. Quezada*, 2024 IL 128805, ¶ 46 ("cumulative error can occur only when there is more than one error"); *People v. Evans*, 186 Ill. 2d 83, 103 (1999) ("We have rejected each claim in this post-conviction petition. Thus, there can be no cumulative effect.").

¶ 51 In sum, neither the ballistics evidence nor the testimonies of Hall and Lemp would reasonably permit the jury to reach a different result. Even wholly discounting the State's theory of motive, the evidence conclusively establishes defendant's guilt. As we recounted on direct appeal:

> "[Defendant] worked for the Lichtmans, whose home contained numerous pieces of valuable artwork and collectibles, and he had free access to the house through the garage on the day the murders took place. Also on that day, defendant rented a van, purchased cardboard boxes, and purchased seven gallons of gasoline a half hour before the fire department was dispatched to the fire, where gasoline had been used as the catalyst. The State also presented evidence of multiple inconsistent statements made by defendant to the police about his need for the rental van and the boxes, and his account of where he drove the van contradicted the total mileage recorded upon its return. Also, Ros recanted her statement to the police and testified that everything she had told the police was a lie; that the truth was that she could not account for defendant's activities between breakfast and 7:30 p.m. on the day the crime took place. Defendant's whereabouts on the date in question, from when a neighbor last spoke with Kay that morning to when defendant purchased the gasoline, were critical. However, the State presented evidence that defendant never gave a consistent explanation of his activities during that time. A false exculpatory

statement is 'probative of a defendant's consciousness of guilt.' *People v. Shaw*, 278 Ill. App. 3d 939, 951 (1996).

Furthermore, the Lichtmans were shot with .22-caliber bullets, and defendant said he did not own a .22-caliber handgun, but the police found evidence that defendant had owned a .22-caliber handgun and in defendant's home they found ammunition consistent with the shell casings recovered at the scene of the crime. The State also introduced two receipts, with fabricated names and false addresses, from motels in which defendant stayed while making his escape to Mexico after being questioned by police. Evidence of flight and the use of an assumed name may be used as proof of consciousness of guilt. See *People v. Harris*, 225 Ill.2d 1, 23 (2007). Finally, the police discovered the Lichtmans' exotic vase in defendant's work van. Based on our examination of the evidence in light of the principles stated above, we find that a rational trier of fact could have concluded beyond a reasonable doubt that defendant committed the first-degree murders of the Lichtmans." *Hommerson*, 399 Ill. App. 3d at 410.

The evidence presented by defendant in his petition does not change this conclusion. Therefore, defendant failed to show that his trial counsel was ineffective.

¶ 52 III. CONCLUSION

¶ 53 For the reasons stated, we affirm the judgment of the circuit court of Lake County.

¶ 54 Affirmed.