

NOTICE
Decision filed 09/04/26. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2026 IL App (5th) 241297-U
NO. 5-24-1297
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 THE ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Franklin County.
	)	
v.	)	No. 12-CF-335
	)	
CHRISTOPHER L. ROLLINS,	)	Honorable
	)	Thomas J. Tedeschi,
Defendant-Appellant.	)	Judge, presiding.

PRESIDING JUSTICE CATES delivered the judgment of the court.
Justices Boie and Bollinger concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court did not commit manifest error in denying the defendant's postconviction petition following a third stage evidentiary hearing.

¶ 2 Following a bench trial, the defendant, Christopher Rollins, was convicted of aggravated battery and sentenced to 30 years in the Illinois Department of Corrections (IDOC) to be served at 85%. The defendant's sentence additionally included three years of mandatory supervised release, and he was ordered to pay restitution in the amount of \$92,757.37. Following a postconviction third stage evidentiary hearing, the trial court denied the defendant's *pro se* postconviction petition (petition). The defendant now appeals the trial court's denial of his petition, alleging that the trial court committed manifest error. For the following reasons, we affirm the judgment of the trial court.

¶ 3

I. BACKGROUND

¶ 4 The defendant's conviction arises from an incident in which the defendant doused his then girlfriend with a flammable substance and the material subsequently ignited. The victim sustained severe burns, permanent disfigurement, and the loss of fingers. The factual basis for the defendant's conviction is set forth in his prior appeals. In the last appeal, the trial court dismissed the defendant's petition at the first stage of the postconviction proceedings. This court reversed the trial court's dismissal and remanded the defendant's cause for further consideration of his petition. *People v. Rollins*, 2024 IL App (5th) 220339-U. Therefore, we recite only the facts necessary to our disposition.

¶ 5 On August 22, 2024, following this court's remand of the defendant's petition, the trial court conducted a second stage postconviction proceeding. Appointed postconviction counsel informed the trial court that the defendant did not want to file any additional pleadings to accompany his *pro se* petition and that the defendant was ready to "advance" with the second stage proceeding. The trial court allowed the defendant to be called as a witness on his own behalf. Following the defendant's testimony, and arguments from the State and postconviction counsel, the court advanced the defendant's petition to a third stage evidentiary hearing. The trial court noted that the petition was advancing to a third stage hearing, in part, because the State had not filed a motion to dismiss or answer to the defendant's petition. Therefore, the trial court accepted the defendant's petition as true and found that the defendant had made a substantial showing of a constitutional violation. Subsequently, the trial court gave the State 30 days to file an answer.

¶ 6 On September 27, 2024, the trial court held an evidentiary hearing on the defendant's petition. At the start of the hearing, the trial court noted that the State had filed an answer to the defendant's petition, which the trial court had reviewed. In addition, postconviction counsel

requested that the trial court take judicial notice of the defendant's testimony from the previous second stage hearing. The trial court denied postconviction counsel's request. During the evidentiary hearing, the defendant maintained his innocence and testified regarding his complaints of misrepresentation by trial counsel. The defendant stated that he had informed his trial counsel about the victim's history of suicidal behavior and that he gave his counsel a list of witnesses who could confirm this behavior. He claimed, however, that his trial counsel did not present these witnesses or use this information during the trial.

¶ 7 Additionally, the defendant claimed that he had minimal opportunities to review the discovery in his case, claiming he only received an arson investigation report through a Freedom of Information Act request. The defendant explained that this report was created by David Bandera, who was employed by the Office of the Illinois State Fire Marshal. The defendant claimed that this report contradicted the victim's account of the incident. In addition, the defendant claimed that his trial counsel made no attempt to obtain the data from two cell phones that the defendant had in his possession following the incident. The data from the phones would have at least indicated that the defendant attempted to call 911. The defendant stated that if he had been aware of the information in the discovery documents before the trial, he would not have given up his right to a jury and would not have chosen a bench trial.

¶ 8 After the defendant testified, no further witnesses were called. The State then informed the trial court that the defendant's trial counsel was now deceased. The trial court took judicial notice of the entirety of the court file and additionally ordered written arguments from both the State and postconviction counsel, which were duly submitted.

¶ 9 On November 20, 2024, the trial court denied the defendant's petition by written order. The trial court found that the defendant's claims in his petition as to ineffective assistance of

counsel were either trial strategy, unsupported by the record, or did not meet the requirements of the two-pronged test of *Strickland*.¹ The trial court specifically addressed several of the defendant's individual claims in its order. First, the trial court found that trial counsel's advice to proceed to a bench trial was trial strategy. Further, the record did not support the defendant's claim that he was coerced into this decision and indicated the defendant had been admonished of his rights. Second, the trial court found that the defense had been provided with Bandera's report that included information regarding where the jug of flammable liquid was located at the time of the incident. The defendant's allegation that trial counsel failed to adequately cross-examine Bandera regarding the location of the jug was a matter of trial strategy; and even if the cross-examination had been presented at trial, the trial court found the issue "would have had little effect on the credibility evaluation" of the victim by the trier of fact.² Finally, the trial court concluded that each of the remaining claims in the defendant's petition were either "trial strategy" or were "unsupported by evidence in the record" and did not "meet the requirements of the two-pronged test of *Strickland*." This general finding included the defendant's claim that trial counsel failed to obtain text messages and call data from two cell phones the defendant had on his person following the incident. The defendant now appeals the trial court's denial of his petition.

¶ 10

II. ANALYSIS

¶ 11 On appeal the defendant claims that the trial court committed manifest error in denying the defendant's petition, specifically regarding two of the defendant's ineffective assistance of counsel claims. First, the defendant claims that his trial counsel was ineffective for failing to adequately cross-examine Bandera about the contents of his report. Second, the defendant claims that trial

¹See *Strickland v. Washington*, 466 U.S. 668, 687 (1984).

²The same trial court judge presided over the bench trial and the postconviction proceedings.

counsel was ineffective for failing to investigate and obtain data from two cell phones that the defendant had on his person when he was arrested. The defendant additionally claims that trial counsel was ineffective for failing to investigate and present evidence of the victim's prior acts of self-harm. The defendant acknowledges that this matter is barred by *res judicata* and instead requests for it to be considered as part of a claim based on cumulative error.

¶ 12 The Post-Conviction Hearing Act (Act) allows a defendant to collaterally attack a final judgment and is not a substitute for a direct appeal. *People v. Edwards*, 2012 IL 111711, ¶ 21. The Act provides a three-stage process whereby a convicted defendant may assert that in the proceedings which resulted in the defendant's conviction, there was a substantial denial of the defendant's constitutional rights. See *People v. Addison*, 2023 IL 127119, ¶ 18. During the first stage of postconviction proceedings, the defendant has a "low threshold" and need only provide sufficient facts to present the gist of a constitutional claim. *People v. Brown*, 236 Ill. 2d 175, 184 (2010). During the second stage, the legal sufficiency of the postconviction petition is tested. *People v. Domagala*, 2013 IL 113688, ¶ 35. Counsel may make any amendments that are necessary to the petition previously filed by the *pro se* defendant. *People v. Johnson*, 2021 IL 125738, ¶ 27. After counsel has reviewed the petition, and if necessary, amended the petition, the State may file a motion to dismiss or file an answer. *Johnson*, 2021 IL 125738, ¶ 27. "If the petitioner makes the requisite substantial showing that his constitutional rights were violated, he is entitled to a third stage evidentiary hearing." *Domagala*, 2013 IL 113688, ¶ 34. "At such a hearing, the circuit court serves as the fact finder, and, therefore, it is the court's function to determine witness credibility, decide the weight to be given testimony and evidence, and resolve any evidentiary conflicts." *Domagala*, 2013 IL 113688, ¶ 34. "At this stage, the circuit court must determine whether the evidence introduced demonstrates that the petitioner is, in fact, entitled to relief." *Domagala*, 2013

IL 113688, ¶ 34. We review the trial court’s decision granting or denying a postconviction petition following an evidentiary hearing for manifest error. *People v. Ortiz*, 235 Ill. 2d 319, 333 (2009). Manifest error can be defined as “clearly evident, plain, and indisputable.” *People v. Ruiz*, 177 Ill. 2d 368, 384-85 (1997). “Thus, a decision is manifestly erroneous when the opposite conclusion is clearly evident.” *People v. Coleman*, 2013 IL 113307, ¶ 98.

¶ 13 A criminal defendant has a constitutional right to effective assistance of counsel at all stages of the proceedings as guaranteed by the sixth amendment. *People v. Brown*, 2017 IL 121681, ¶ 25. To establish an ineffective assistance of counsel claim, a defendant must show that counsel’s performance fell below an objective standard of reasonableness and that, but for counsel’s deficient performance, the result would have been different. *Strickland v. Washington*, 466 U.S. 668, 687 (1984). Simply put, two prongs make up the *Strickland* test: deficiency and prejudice. First, counsel must have made errors so serious, and counsel’s performance was so deficient, that counsel was not operating as the “counsel” guaranteed by the sixth amendment. *People v. Evans*, 186 Ill. 2d 83, 93 (1999). “A court measures counsel’s performance by an objective standard of competence under prevailing professional norms. To establish deficiency, the defendant must overcome the strong presumption that the challenged action or inaction might have been the product of sound trial strategy.” *Evans*, 186 Ill. 2d at 93. To prove that the defendant suffered prejudice, “the defendant must show that, ‘but for’ counsel’s deficient performance, there is a reasonable probability that the result of the proceeding would have been different.” *People v. Lacy*, 407 Ill. App. 3d 442, 457 (2011). The defendant bears the burden of showing that both prongs of the *Strickland* test are proved. *People v. Morris*, 2014 IL App (1st) 130512, ¶ 32.

¶ 14 With these guidelines, we turn to the defendant’s contentions of error. First, the defendant claims the trial court erred in finding that the failure to cross-examine Bandera regarding the

contents of his report, specifically the location of the jug containing flammable liquid, was a matter of trial strategy. The defendant claims that Bandera's report demonstrates his innocence because "one would have to accept an extremely improbable scenario" to believe the victim's account over the other witnesses. Therefore, trial counsel's failure to cross-examine Bandera about the location of the jug was objectively unreasonable; thus, the trial court erred by finding that the failure to adequately cross-examine Bandera was trial strategy. Our supreme court has long held, however, "the decision whether or not to cross-examine or impeach a witness is a matter of trial strategy which will not support a claim of ineffective assistance of counsel. [Citation.] The manner in which to cross-examine a particular witness involves the exercise of professional judgment which is entitled to substantial deference from a reviewing court." *People v. Pecoraro*, 175 Ill. 2d 294, 326-27 (1997).

¶ 15 As previously explained, at the third stage of proceedings under the Act, unlike the first and second stages, the allegations are not taken as true, and instead, the trial court's role is to "determine witness credibility, decide the weight to be given testimony and evidence, and resolve any evidentiary conflicts." See *Domagala*, 2013 IL 113688, ¶ 34. Here, the trial court found that defense counsel had been provided with a copy of Bandera's report. Based upon the record and the testimony of the defendant, the trial court found that any alleged failure to adequately cross-examine Bandera was a matter of trial strategy. The trial court went further, and concluded, as the trier of fact from the defendant's trial, that even if the cross-examination regarding the location of the jug had been presented at trial, the issue "would have had little effect on the credibility evaluation" of the victim. The trial court additionally determined that as the original trier of fact, the victim's testimony presented at trial was "the most credible of the witnesses who were present at the scene and testified." The trial court was in the unique position of having heard the evidence

at the original trial, and was able to observe the witnesses, and assess their credibility. Provided that the defendant raised an issue that is presumptively trial strategy, the burden was on the defendant to rebut that presumption. Although the trial court did not specifically address whether the defendant carried that burden, the order did find the defendant did not meet the requirements under *Strickland*. Therefore, we cannot say that the trial court's findings as to the claims surrounding Bandera's report created an opposite conclusion that is clearly evident. Thus, we find no manifest error as to this claim of ineffective assistance of counsel.

¶ 16 The defendant also claims that trial counsel was ineffective when he failed to investigate and obtain call and text messaging data from the two cell phones that the defendant had on his person when he was arrested. The defendant argues that this claim satisfies both elements of the *Strickland* test. The trial court did not specifically address this issue but denied the entirety of the petition finding the claims were either matters of trial strategy, refuted by the record, or that they did not meet the requirements under *Strickland*. With regard to the claim that trial counsel failed to investigate the data from the two cell phones, the defendant simply claims that the data would have shown he called 911. The defendant does not state how this information would have proved his innocence. Under *Strickland*, the defendant must prove both prongs and he had not shown that calling 911 would have absolved him from guilt; thus, the defendant could not show prejudice under *Strickland*. Therefore, this claim was properly denied by the trial court as a matter that does "not meet the requirements of the two-pronged test of *Strickland*." Consequently, we find the trial court's conclusion was not manifestly erroneous.

¶ 17 Following a review of the record and the trial court's findings following the evidentiary hearing, we find no error by the trial court as to the defendant's claims of ineffective assistance of counsel that is "clearly evident, plain, and indisputable." See *Ruiz*, 177 Ill. 2d at 384-85. The trial

court found that the victim was more credible than the other witnesses at trial and concluded that any claims raised by the defendant following the postconviction evidentiary hearing did not change that credibility determination. At the evidentiary hearing the defendant failed to rebut the presumption that trial counsel's performance was not trial strategy, or that but for trial counsel's performance, there is a reasonable probability that the outcome of the trial would have been different. Therefore, we find that the trial court did not commit manifest error.

¶ 18 Next, we consider the defendant's claim regarding trial counsel's ineffectiveness for failing to investigate the victim's history of self-harm as evidence that the victim lit herself on fire. The defendant, however, concedes that this claim is barred by *res judicata*. The defendant instead requests that this issue be considered, in conjunction with his previously stated allegations of ineffective assistance of trial counsel, under cumulative error. Simply stated, the defendant claims that each ineffective assistance of trial counsel claim created a "combined impact" which resulted in cumulative error. The cumulative error doctrine states "that individual trial errors that do not entitle a defendant to appellate relief may do so if the errors, when considered in the aggregate, 'have the cumulative effect of denying [the] defendant a fair trial.' " *People v. Quezada*, 2024 IL 128805, ¶ 46 (quoting *People v. Speight*, 153 Ill. 2d 365, 376 (1992)). Here, we have found that the trial court's findings were not manifestly erroneous; consequently, there was no indication of ineffective assistance of counsel. Therefore, we find that there is no cumulative error.

¶ 19 III. CONCLUSION

¶ 20 The judgment of the trial court denying the defendant's petition following the third stage evidentiary hearing is affirmed.

¶ 21 Affirmed.