

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

2026 IL App (3d) 240723-U

Order filed May 6, 2026

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

2026

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the Circuit Court of the 12th Judicial Circuit, Will County, Illinois,
Plaintiff-Appellee,)	
v.)	Appeal No. 3-24-0723
DARRIUS D. BROWN,)	Circuit No. 20-CF-392
Defendant-Appellant.)	Honorable Carmen Julia Goodman, Judge, Presiding.

JUSTICE HOLDRIDGE delivered the judgment of the court.
Justices Davenport and Bertani concurred in the judgment.

ORDER

- ¶ 1 *Held:* The circuit court properly dismissed the defendant’s postconviction petition at the first stage of proceedings.
- ¶ 2 The defendant, Darrius D. Brown, appeals from the Will County circuit court’s first-stage dismissal of his postconviction petition, asserting the petition made an arguable claim of ineffective assistance of appellate counsel. Specifically, the defendant argues counsel failed to claim the court denied him his sixth amendment right to defend himself where he was barred from introducing evidence undermining his previous conviction.

I. BACKGROUND

¶ 3

¶ 4

The defendant was charged by superseding indictment on March 20, 2020, with two counts of aggravated domestic battery for causing great bodily harm and permanent disfigurement to Elizabeth Balbuena (720 ILCS 5/12-3.3(a) (West 2018)), aggravated unlawful restraint, (*id.* § 10-3.1(a)), and unlawful restraint (*id.* § 10-3(a)). The defendant was represented by counsel until July 6, 2023, and then proceeded *pro se*.

¶ 5

The State submitted a motion *in limine* on February 16, 2023, seeking to admit evidence of the defendant’s prior conviction for aggravated domestic battery committed against his wife, Jamie Hollingsworth. The defendant objected to the admission of the evidence, arguing that Dr. Andrew Dennis’s testimony in that matter was fabricated and that the relevant medical records showed that Dr. Frederic Starr, not Dennis, was Hollingsworth’s treating physician. At the hearing on the motion on October 2, 2023, the State indicated it was not seeking to introduce facts or testimony about the previous case. The court granted the State’s motion.

¶ 6

The defendant sought to serve a subpoena on Starr, and the State filed a motion to quash the subpoena. At a hearing, the State argued that Starr’s treatment of Hollingsworth was irrelevant to this matter. The State reiterated that the facts of the previous case were not going to be admitted at this trial. The defendant argued that the evidence was meant to show that the State lied to frame the defendant in the other case. The court granted the State’s motion.

¶ 7

The defendant’s bench trial began on November 20, 2023. During opening argument, the defendant stated he would prove he was wrongly convicted in the previous case. The court interrupted the defendant to state it would not relitigate that matter.

¶ 8

Balbuena testified that she was in a relationship with the defendant on March 15, 2018. On that date, she arrived at the defendant’s Joliet residence and spent the night. The next morning, the

defendant received a phone call that caused him to become angry. The defendant threw Balbuena's cell phone at her, striking her shin and causing a bleeding cut. Balbuena tried to exit the room, but the defendant prevented her from leaving by grabbing her jacket's hood. The defendant choked Balbuena, caused bruising to her arms by grabbing and shaking her, and prevented her from leaving the residence.

¶ 9 Balbuena then drove with the defendant to his mother's apartment in Chicago. When they arrived, the defendant took Balbuena's phone and ran inside. Balbuena followed the defendant to retrieve her phone. The defendant refused to open the door or give Balbuena her phone. The defendant eventually opened the door and Balbuena picked up a vase and threw it at the defendant. The defendant opened the door and grabbed Balbuena. He shook Balbuena against the wall, punched her left eye, pushed her to the ground, kicked her, stomped on her, and struck her about her body.

¶ 10 On March 19, 2018, Balbuena went to a hospital in Chicago because she had difficulty breathing and had pain when she walked. She indicated to a nurse that her injuries were sustained during a domestic violence incident. Photographs depicting Balbuena's injuries were admitted into evidence. The photographs showed bruising around Balbuena's left eye, extensive bruising on Balbuena's arms, thighs, and legs, and a mark on her shin. The State admitted a certified copy of the defendant's previous conviction for aggravated battery.

¶ 11 The defendant testified and denied hitting Balbuena or preventing her from leaving his residence. He stated Balbuena hit him with a vase and they "tussled," before he pushed Balbuena to the ground and walked away.

¶ 12 The defendant attempted to call Hollingsworth to testify. The State objected and argued her testimony was not relevant. The court barred Hollingsworth's testimony, believing the

defendant was attempting to relitigate the prior case. The court also stated it did not want a trial within a trial.

¶ 13 The court, largely relying on Balbuena’s testimony and physical evidence, found the defendant guilty of aggravated domestic battery causing great bodily harm, aggravated unlawful restraint, and unlawful restraint but not guilty of aggravated domestic battery causing permanent disfigurement. The defendant filed a motion for a new trial arguing, *inter alia*, that the court erred by quashing the subpoena of Starr and barring Hollingsworth’s testimony. The court denied the motion and sentenced the defendant to terms of imprisonment of nine years and four months for aggravated domestic battery, four years and one month for aggravated unlawful restraint, and an extended-term sentence of four years and one month for unlawful restraint. On direct appeal, the defendant solely argued that the extended-term sentence was not statutorily authorized. This court reduced the defendant’s sentence for unlawful restraint to three years. *People v. Brown*, No. 3-24-0089 (2024) (unpublished minute order).

¶ 14 On November 4, 2024, the defendant filed a petition for postconviction relief, which is the subject of this appeal. In the petition, the defendant argued, *inter alia*, that appellate counsel provided ineffective assistance for failing to raise issues related to the court’s granting of the State’s motion to quash the subpoena of Starr and for barring Hollingsworth’s testimony. On December 11, 2024, the court dismissed the petition. The defendant appealed.

¶ 15 II. ANALYSIS

¶ 16 On appeal, the defendant argues his petition made an arguable claim that his appellate counsel was ineffective for failing to raise the claim that the court denied him his sixth amendment right to defend himself. The Post-Conviction Hearing Act (Act) (725 ILCS 5/122-1 *et seq.* (West 2024)) provides for three stages of postconviction proceedings. *People v. Pendleton*, 223 Ill. 2d

458, 471-72 (2006). At the first stage, a defendant need only allege sufficient facts to state the “gist” of a constitutional claim to advance the petition to the second stage. *People v. Hodges*, 234 Ill. 2d 1, 9 (2009). The court must summarily dismiss a first-stage petition if it is frivolous or patently without merit such that it has no arguable basis in law or fact. *Id.* at 11-12. A petition lacks an arguable basis in law or fact when its arguments stem from an indisputably meritless legal theory or a fanciful factual allegation. *Id.* The first-stage dismissal of a postconviction petition is reviewed *de novo*. *Id.* at 9.

¶ 17 The defendant argues that the petition presented an arguable claim that appellate counsel rendered ineffective assistance on direct appeal. However, the defendant cannot establish ineffective assistance of appellate counsel for failure to raise an issue if the underlying issue is not meritorious. *People v. Peeples*, 205 Ill. 2d 480, 514 (2002). The underlying issue in this matter is whether the court violated the defendant’s sixth amendment right to present a defense when it prevented him from introducing evidence from Starr and Hollingsworth. See *Taylor v. Illinois*, 484 U.S. 400, 409 (1988).

¶ 18 We believe that even though the defendant does have a constitutional right to offer evidence and testimony to rebut the State’s case (*id.*), the court did not err in barring the evidence because “[a]ll evidence must be relevant to be admissible” (*People v. Dismuke*, 2017 IL App (2d) 141203, ¶ 63). “ ‘Relevant evidence’ means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” Ill. R. Evid. 401 (eff. Jan. 1, 2011). The defendant wanted to introduce Starr and Hollingsworth’s testimony to undermine his previous conviction. However, at trial, the State elicited no testimony, nor introduced any evidence, regarding the facts of the prior conviction during its case-in-chief. Evidence attempting to undermine the prior conviction

therefore had no relevance to the present matter which involved a different victim, hospital, and treating providers. Starr and Hollingsworth's testimony had no bearing on this case and would have had no tendency to make the existence of any fact more or less probable. This is especially so where the defendant did not seek to introduce the evidence to address the actual convictions in the previous case but instead sought to introduce this evidence to show that the State framed him, a fanciful argument with no basis in the record.

¶ 19 Even if the evidence had some relevance, there is no merit to the argument that it was improperly excluded. Relevant evidence may be excluded if its probative value is substantially outweighed by the danger of undue delay or waste of time. Ill. R. Evid. 403 (eff. Jan. 1, 2011). Where evidence of another offense is introduced, the circuit court should not permit a "mini-trial" of the other offense. *People v. Nunley*, 271 Ill. App. 3d 427, 432 (1995). The court repeatedly warned the defendant it would not permit him to relitigate the previous conviction and voiced its concern that the defendant wanted to conduct a mini-trial. The court's fears were well founded as the defendant repeatedly attempted to introduce evidence unrelated to Balbuena and her allegations. Further Starr's testimony was only tangentially related, at best, to the prior conviction itself. Besides the risk of a mini-trial, the defendant does not make a convincing argument as to why the evidence he sought to introduce would have helped him in the instant case. The record reveals the opposite is likely true. Introducing the irrelevant testimony of Starr and Hollingsworth would have opened the door to the State to introduce harmful evidence of the defendant's prior conviction.

¶ 20 Further, "[i]t is fundamental that a fair bench trial is one based on the consideration of only that evidence introduced at trial and reasonable inferences to be drawn therefrom." *People v. Nelson*, 246 Ill. App. 3d 824, 830 (1993). There is no indication in the record that the court

