



on that charge. The court also sentenced the defendant to three years' imprisonment for failure to report an accident involving personal injury and ordered him to pay court costs for possession of drug paraphernalia. The defendant's sentences are to run concurrently. The defendant filed a motion for reduction of sentence. The motion was heard and denied. The defendant filed a timely appeal arguing that the trial court abused its discretion and violated his constitutional right to counsel when it did not allow him to dismiss his court-appointed attorney and proceed with an attorney of his choice, and that its admission of certain evidence was an abuse of discretion and a violation of his due process rights. We affirm.

¶ 3

### BACKGROUND

¶ 4

On the evening of December 20, 2009, a Chevrolet Impala struck a vehicle driven by Janice Cox, causing her injury. The driver fled the scene. Witnesses watched the fleeing man and pointed out his footprints in the freshly fallen snow to the police. The officers followed the tracks to the home of the defendant. The officers knocked on the door, and the defendant answered. One of the officers noted that the defendant's shoes looked wet and asked to see the bottom of his shoe. Based on his observation, the officer believed that the tread of the defendant's shoe matched the footprints in the snow. One of the officers also noticed a car key and fob on the floor near the defendant. The officer believed it to be the key to a Chevrolet Impala because it looked similar to the key to the officer's Impala police car. The key was taken to the scene of the accident where it started the Impala involved in the accident. At the defendant's house the officers found a one-hitter pipe in plain view and noted that the defendant was intoxicated. Following normal procedure, the officers transported the defendant to the hospital for a urine and blood test. The defendant's blood-alcohol content was .235, and his urine tested positive for the presence of THC.

¶ 5 At the start of the jury trial, the court heard the defendant's motion *in limine*. The defendant argued that tapes of telephone calls he placed from the Effingham County jail were prejudicial. Defense counsel argued that the beginning of the three tapes needed to be redacted because they state that the calls are from the Effingham County jail. The State argued that it could not redact that portion of the tapes because it needed to lay a foundation for the telephone calls and the fact that they had been recorded. The court found that most defendants who come in front of a jury have been in jail for at least the booking procedure. It found that the tapes contained no comments that put a time frame on the conversations, so the calls could have been made on the day that the defendant was arrested or any time thereafter. The court agreed with the State that there had to be some foundation as to why these calls were recorded. The court listened to the tapes. Defense counsel argued that statements on the tapes were prejudicial to the defendant. The State argued that the tapes were relevant to state of mind, consciousness of guilt, coaching a witness, and attempting to influence the witness. The court had significant concerns about parts of the conversation on the tapes and ordered those parts be redacted.

¶ 6 During the trial, the State played the three redacted recordings between the defendant and a witness, Robert Pendergast, for the jury. Mr. Pendergast was the owner of the Impala involved in the accident. Each recording begins with: "This is Consolidated Communications with a prepaid call from the Effingham County Jail from [defendant states his name]. This call may be recorded." In the first call, the defendant tells Mr. Pendergast he is going to trial shortly. He speculates as to the outcome of the trial, asserting that it might be in his favor because he was found at his house and not driving the car. He then tells Mr. Pendergast, "So I may get that

threwed out in a jury trial, and if I get it throwed out and I get that settlement and all, I'll catch you back up with a car."

¶ 7 In the second call, the defendant asks Mr. Pendergast if he remembers bringing the car to his house on a Wednesday when he moved in. Mr. Pendergast replies "barely." The conversation then continues as follows:

"THE DEFENDANT: Okay me either, but yeah, I barely remember. You remember Friday that you left out that Friday and you didn't come back to the house all that weekend.

MR. PENDERGAST: Right.

THE DEFENDANT: You don't have no idea where that car was do you, you just know that it was left out at my house, right.

MR. PENDERGAST: Yeah.

THE DEFENDANT: Okay. So you don't know who was driving it, right?

MR. PENDERGAST: Right.

THE DEFENDANT: Okay thanks.

MR. PENDERGAST: Well, I guess so.

THE DEFENDANT: That's all I need you to say right there, okay, cool. Cause that was a Friday night when you seen me leaving the car you remember, that was a Friday."

¶ 8 In the third call, the defendant asks Mr. Pendergast if he remembers which night he said people saw the defendant take the car. The conversation proceeds as follows:

"THE DEFENDANT: That was a Friday night correct?

MR. PENDERGAST: I don't know. I don't have no clue Bub.

THE DEFENDANT: Yeah cause that was a Friday night you member cause

I didn't see you and Tracy no more after that no more I never see you out no more.

MR. PENDERGAST: No you didn't.

THE DEFENDANT: Unh unh. Cause the car wreck was on a Sunday night you know.

MR. PENDERGAST: Yeah.

THE DEFENDANT: O.K. I was just letting you know cause you said that uh people seen me take the car. Cause Dewayne and Bubba and all was around at the car Saturday and Sunday I just letting you know cause I didn't know if you was coming to court against me or for me or what, but I just wanted to you to know you didn't see me in the car on a Sunday.

MR. PENDERGAST: I'm not even showing up.

THE DEFENDANT: Okay, That's cool, that's cool. That's even better then.

\* \* \*

THE DEFENDANT: Remember if something does happen you remember I just had the car on the Friday though.

MR. PENDERGAST: You had the car on?

THE DEFENDANT: On a Friday, on the 18<sup>th</sup>.

MR. PENDERGAST: What about the day you got busted?

THE DEFENDANT: That's the night my brother and Bubba had it.

MR. PENDERGAST: Your brother and Bubba had it?

THE DEFENDANT: Yeah. O.K. I'll talk to you then.

MR. PENDERGAST: Later on."

¶ 9 On June 3, 2010, the jury found the defendant guilty of driving under the influence of alcohol while license revoked, driving under the influence of alcohol, driving under the combined influence of alcohol and drugs, failure to report an

accident involving personal injury, driving with an unlawful drug, substance, or compound in the blood or urine, possession of drug paraphernalia, and failure to reduce speed to avoid an accident.

¶ 10 On June 25, 2010, the defendant filed a motion for a new trial arguing, in part, that his recorded telephone calls to Mr. Pendergast constituted other-crimes evidence and that the court erred in refusing to grant his motion *in limine* to exclude the calls from evidence at trial. At a July 22, 2010, hearing on the motion for a new trial, the court found that the defendant had made this argument prior to trial and the court had put on the record why the motion *in limine* was denied. The court stated that it had no further evidence or reason to overturn its ruling in regards to the telephone calls. The court denied the motion for a new trial. The court then commenced the first part of a bifurcated sentencing hearing. The defendant asked if he could fire his court-appointed defense attorney and hire another attorney. The trial court denied the defendant's request.

¶ 11 On July 22, 2010, the defendant sent a letter to the court that was filed July 23, 2010, in which he requests a new attorney due to a conflict of interest. He asserted that his attorney is married to Ralph Fowler, a "D/A of the other side." On August 4, 2010, the trial court received another letter from the defendant in which he stated that his court-appointed lawyer was dismissed for failing to tell him of a plea offer until the hearing and for a conflict of interest because she discussed his case with her husband who is a district attorney. On August 4, 2010, the trial judge received a letter from the defendant in which he again stated that his attorney had been dismissed for a conflict of interest. On August 12, 2010, the court received a letter addressed to the probation officer who completed the defendant's presentence investigation report. In the letter, the defendant identifies what he believes are mistakes in his report and

states that his attorney has been dismissed and that he is waiting for another attorney. He states, "My brother may have one hired don't know." On August 12, 2010, the defendant filed a *pro se* motion asking for a substitution of counsel and time to hire another attorney. He stated that he is unable to work with his attorney and that she discussed his case with her husband, a district attorney.

¶ 12 At the sentencing hearing on August 13, 2010, the court asked both attorneys if they had received copies of the letters. Both responded affirmatively. The trial court stated, "I want you to know that I did review [the letters] in detail before today's date." The court went on to explain to the defendant that while his letters indicated that he dismissed his lawyer, he could not decide who would represent him as his court-appointed attorney. The court informed the defendant, "We're going to proceed with that sentencing hearing unless you have the name of an attorney that you're going to hire and that attorney has entered his or her appearance and asks for a continuance of this date." The trial court told the defendant, "If that hasn't been done, you have two options: You either proceed to the sentencing hearing with Ms. Fowler or you will discuss whether or not you feel competent to represent yourself." The court then addressed the defendant's claim that his court-appointed attorney's husband was the district attorney. It stated that her husband was employed by the appellate prosecutor's office assigned to the Fourth Judicial Circuit for drug cases, and therefore he would not have been involved or handled the defendant's case. The defendant informed the court that he was "trying to hire a lawyer through [his] brother." He stated that his brother was trying to get "a little money together" to hire an attorney. The following conversation took place:

"THE COURT: You've indicated—I think you're referring to an attorney by the—with a name of John Longwell. Is that the individual you're referring to?"

THE DEFENDANT: Yes, I think that's pretty much who I'm going to be trying to get.

THE COURT: All right. Have you personally spoken to Mr. Longwell?

THE DEFENDANT: No, but my fiancé has and my brother is supposed to get his number, but she has been talking with Mr. Tatum, and we've done these payment arrangements with Mr. William Tatum also too in the last week or so and Barb's the secretary."

The court then asked the defendant how long it would take for him to hire an attorney. The defendant stated that he would have to get in touch with his brother and that he had tried unsuccessfully to do so the past week. The State objected to the continuance arguing that the defendant had ample time to hire an attorney given that the jury verdict was June 3, 2010, and that a new attorney would need to review the not yet prepared trial transcripts delaying the sentencing hearing by at least three months. The court told the defendant that, because the State objected to a continuance, he would have to "give me a stronger argument for continuing this case to allow you an opportunity to hire an attorney, and I want to know specifics about when you're going to get them hired and whether or not you really believe you're going to hire an attorney, or you can waive your right to counsel and you can proceed on your own after I go through a list of admonishments." After the court admonished the defendant, a recess was given so that the defendant could speak to his court-appointed attorney. Following the recess, the defendant agreed to be represented by his court-appointed counsel.

¶ 13 In determining the defendant's sentence, the court found that the driving under the influence convictions merged under the Class X felony of aggravated driving under the combined influence of alcohol and drugs. The court considered all the factors in aggravation and mitigation and sentenced the defendant to 18 years'

imprisonment for the driving under the combined influence of alcohol and drugs and to a concurrent term of 3 years' imprisonment for failure to report an accident involving bodily injury, and it ordered him to pay costs for the possession of drug paraphernalia. The court stated that the defendant's 11 prior convictions for driving under the influence and the need to protect society were strong factors in its decision to sentence the defendant to 18 years' imprisonment.

¶ 14 On August 16, 2010, the defendant filed a motion for reduction of sentence, arguing that the court erred in imposing sentence because it did not adequately consider his rehabilitative potential. On September 14, 2010, the defendant filed a *pro se* motion for reduction in sentence. At a hearing on January 3, 2011, the defendant asserted that the court-appointed attorney was not representing him. He stated: "I am *pro se*. I'm handling this case myself. She has brought me down to the pits to the parts. I do not need her to represent me in my case no more." He requested that the court-appointed attorney be removed and asked that she not be in the courtroom. The court did not remove the court-appointed attorney, and she argued the defendant's motion to reduce sentence. The court then gave the defendant the opportunity to present arguments about why his sentence should be reduced, but warned him that this was not the time to argue the merits of his case or whether or not he felt his attorney inadequately represented him. The defendant made numerous arguments relating to the evidence, his attorney's representation, his health problems, and his need for drug and alcohol treatment. The court found that all of the arguments made, with the exception of the defendant's medical situation, were arguments it heard at the time of sentencing. The court stated it considered the defendant's rehabilitative potential, the arguments the defendant made regarding his counsel, the presentence investigation, and the defendant's claim of innocence. The court denied the

defendant's motion to reduce sentence. The defendant filed a timely notice of appeal.

¶ 15

## ANALYSIS

¶ 16

The defendant argues that the trial court abused its discretion and violated his right to counsel when it denied him the right to dismiss his court-appointed attorney and proceed with his attorney of choice. The defendant does not make any arguments about why his court-appointed attorney should have been dismissed.

¶ 17

The sixth amendment to the United States Constitution provides that in criminal prosecutions, the defendant has the right to the assistance of counsel for his defense. U.S. Const., amend. VI. While a defendant has an absolute and unqualified right to counsel, the right to choice of counsel is limited, although fundamental. *People v. Burrell*, 228 Ill. App. 3d 133, 141-42 (1992). A trial court's decision on a motion to substitute counsel is subject to review for an abuse of discretion. *People v. Brisco*, 2012 IL App (1st) 101612, ¶ 41.

¶ 18

"The exercise of the right to choice of counsel may not be denied unless it will unduly interfere with the administration of justice." *Burrell*, 228 Ill. App. 3d at 142. The court must balance the defendant's right to counsel against the trial court's interest in trying the case with diligence and the orderly process of judicial administration. *Brisco*, 2012 IL App (1st) 101612, ¶ 41. The trial court does not abuse its discretion in denying a motion for new counsel if chosen counsel is not specifically identified or does not stand ready, willing, and able to enter an appearance. *Id.*

¶ 19

In *Burrell*, the defendant moved for a continuance to substitute retained counsel for appointed counsel on the day of the trial. *Burrell*, 228 Ill. App. 3d at 140. The defendant told the court he had been introduced to a private attorney who was ready to take his case, but that the attorney "wanted three days." *Id.* at 141. The trial

court denied the motion, stating that the defendant had sufficient time to hire a private attorney, and that the named attorney had been in the courtroom earlier that day and had said nothing to the trial court about the defendant's case nor had he filed an entry of appearance in the case. *Id.* The next day, before opening statements, the defendant asked for a continuance again to hire a private attorney. Private counsel was not present, and when asked by the trial court if he had tried to telephone the attorney the previous day, the defendant responded that he had not. The motion for a continuance was denied. *Id.* The court found that while the attorney's name was given to the trial court, there was no evidence that the attorney was ready, willing, or able to take the case. *Id.* at 143. The appellate court found that under the circumstances, the trial court did not abuse its discretion in denying the defendant's motion for a continuance to obtain private counsel. *Id.*

¶ 20 In *People v. Antoine*, 335 Ill. App. 3d 562 (2002), at the sentencing hearing, the defendant told the trial court that he was dissatisfied with his attorney and wanted to hire a new attorney. *Id.* at 577. The defendant told the trial court that he had retained an attorney, told the court the attorney's name, and stated that the attorney asked the defendant to come to court and to request a continuance. The trial court pointed out to the defendant that the attorney had not entered his appearance. The defendant told the trial court that the attorney had been paid \$6,000. The motion for a continuance was denied. *Id.* at 578-79. The court held that the trial court did not abuse its discretion in denying the defendant's motion for a continuance. *Id.* at 582. The court found that the defendant made conflicting statements to the trial court about whether he was going to or had already retained an attorney because he told the court he was "going to retain" an attorney, shortly after he said he was "hiring an attorney," and finally he said he had hired an attorney. *Id.* at 580-81. The court noted that there

was no indication in the record that the attorney the defendant said he hired had contacted the trial court to inform it of his intention to represent the defendant, that he had ever appeared in court on behalf of the defendant, or that he had filed any pleadings on the defendant's behalf. *Id.* at 581. The court found that the trial court did not abuse its discretion in denying his motion for a continuance given the defendant's changing versions about whether he was going to or had already retained counsel and the complete lack of evidence that the named attorney was ready, willing, or able to take his case. *Id.* at 582.

¶ 21 In the instant case, the defendant did not have an attorney who was ready, willing, or able to take his case. The defendant stated that his brother was going to try to hire an attorney for him once he had the money. He told the court he was planning to hire an attorney named Longwell. When the court asked if it was John Longwell the defendant answered, "Yes, I think that's pretty much who I'm going to be trying to get." He told the court that he had not personally spoken with Mr. Longwell, but his fiancée had. He also stated that his brother was supposed to get Mr. Longwell's telephone number and that he had unsuccessfully tried to reach his brother to discuss the situation for one week. He also told the court that his fiancée had spoken to an attorney named William Tatum and had made payment arrangements with him. As in *Antoine*, the defendant had changing versions about his arrangements to retain counsel. Further, there is no evidence in the record that an attorney retained by the defendant entered an appearance, informed the court that he planned to represent the defendant, or filed any pleadings on behalf of the defendant. The trial court did not abuse its discretion in denying the defendant's motion for new counsel because there is no evidence that the defendant had an attorney ready, willing, or able to take his case.

¶ 22 The defendant next argues that the trial court abused its discretion and violated his due process rights by admitting three recordings of telephone conversations that indicated he was in jail at the time of the calls. It is well established in Illinois that sound recordings, which are competent, material, and relevant, are admissible into evidence if a proper foundation has been laid. *In re C.H.*, 398 Ill. App. 3d 603, 607 (2010). "Evidence is admissible if it is relevant to an issue in dispute and its probative value is not substantially outweighed by its prejudicial effect." *People v. Green*, 339 Ill. App. 3d 443, 454 (2003). Evidence is relevant if it has any tendency to make the existence of any fact of consequence to the determination of the action more or less probable than it would be without the evidence. *Id.* at 453-54. Relevancy encompasses both the materiality of evidence and its probative value. *Id.* at 454. Materiality refers to the relationship a particular proposition bears to the ultimate determination of the action. *Id.* Probative value refers to the tendency of the evidence to render a particular proposition more or less probable than it would be without the evidence and is determined by testing the proffered fact against logic, experience, and accepted assumptions of human behavior. *Id.* The admissibility of evidence is within the sound discretion of the trial court, and a reviewing court will not disturb an evidentiary ruling absent a clear abuse of that discretion. *In re C.H.*, 398 Ill. App. 3d at 607.

¶ 23 The defendant argues that the telephone calls were highly prejudicial because they indicated he was calling from jail. He compares his situation to the prejudice to a defendant who appears at trial in prison clothing. The defendant cites *United States v. Owens*, 445 Fed. Appx. 209 (2011), and attempts to distinguish his case from it. *Owens* was not selected for publication, but federal judicial opinions, orders, judgments, or other written dispositions that were issued on or after January 1, 2007,

and are designated as "unpublished" or "non-precedential" may be cited in federal court. Fed. R. App. P. 32.1(a). Accordingly, we will consider the defendant's argument based on *Owens*.

¶ 24 The defendant in *Owens* moved to exclude a recording of a telephone call he made that indicated he was in pretrial incarceration. *Owens*, 445 Fed. Appx. at 211. The defendant argued that the indication of his pretrial detention on the telephone call was highly prejudicial, much like displaying a defendant in prison clothing. *Id.* In the recorded conversation, the defendant stated, " '[T]hey got me in—in the federal—penitentiary ... for a crime that I—I committed by they tryin' to give me a life sentence.' " *Id.* Later in the conversation he said, " 'I'm not tryin' to get no life sentence ... for somethin' I ain't really done.' " *Id.* The court found that district courts have broad discretion to admit probative evidence, but that evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice. *Id.* at 218. The court found that "[t]he mere admission of evidence that [the defendant] had been arrested and detained at one time did not create due process concerns, particularly as there was no indication that he remained incarcerated at the time of trial." *Id.* The court held that the prejudice caused by the disclosure that the defendant was imprisoned when he made the telephone call was outweighed by the probative value of his statements in the telephone call. *Id.* at 219.

¶ 25 The defendant argues his case is distinguishable from *Owens* because the defendant in *Owens* admitted the crime, but he did not make such an admission. The defendant asserts that the only reason to play the recordings was to intentionally harm him. In *Owens*, the decision to admit the recording was based on its probative value. The court found that the defendant's conflicting statement about his guilt and innocence required the jury to evaluate whether either statement was a credible

description of his connection to the offense. *Owens*, 445 Fed. Appx. at 218-19. While the defendant in the instant case did not admit to the offense in his recorded statements, his statements do have probative value.

¶ 26 The State cites *United States v. Johnson*, 624 F.3d 815 (7th Cir. 2010), in support of its argument that the trial court did not err in admitting the taped recordings. In *Johnson*, the defendant objected to the admission of recordings of telephone conversations he had with an associate while in jail awaiting trial. *Id.* at 818. The recordings began with statements identifying them as calls made from the Perry County jail. *Id.* at 820. The defendant argued that the calls unfairly prejudiced him by putting the jury on notice that he was incarcerated. *Id.* He argued that by allowing the government to play the tapes, he was placed in a position similar to a defendant forced to wear prison attire at trial. *Id.* at 821. The government offered the recordings as evidence of the defendant's consciousness of guilt. *Id.* at 820. The court found that the taped conversations had probative value because they could be interpreted as an attempt to sell a car or as the defendant's coded instruction to threaten an informant prior to trial. By admitting the recordings, the trial court allowed the jury to choose from more than one reasonable interpretation and decide which it felt was most reasonable. *Id.* at 821. The court found that, because the jury could reasonably interpret the recorded telephone conversations as an instruction to threaten the informant, the trial court did not abuse its discretion in determining that the evidence was relevant. *Id.*

¶ 27 The court then examined whether the prejudicial effect of the evidence outweighed its probative value. The court distinguished the case from the practice of requiring defendants to wear prison attire at trial. The court stated that, because prison attire is a continuing influence throughout a trial, requiring a defendant to wear

such attire at trial is likely to undermine the presumption of innocence and a defendant's right to a fair trial. *Id.* at 822. The court found that, while the defendant was somewhat prejudiced by the fact that the jury learned the calls were recorded while he was in jail, the occasional reference to him being in jail was quite different than the constant reminder that a defendant is imprisoned that arises when a defendant stands trial in prison attire. *Id.* at 822-23. The court held that the trial court did not abuse its discretion in admitting the tapes because the probative value of the recordings outweighed the prejudice to the defendant. *Id.* at 822.

¶ 28 "Although Illinois state courts are not bound to follow federal court decisions, such decisions can provide guidance and serve as persuasive authority." *People v. Haywood*, 407 Ill. App. 3d 540, 546 (2011). The instant case is similar to *Owens* and *Johnson*. The trial court gave little weight to the prejudicial effect arising from the mere fact that the jury learned the defendant was incarcerated when the calls were recorded, finding that most defendants who come before a jury have been in jail for at least the booking procedure and that the conversations contained nothing to put a time frame on when the calls were made. As in *Owens* and *Johnson*, the prejudice the defendant suffered from the jury learning he was incarcerated at the time he made the telephone calls was slight and not comparable to the continuing prejudicial influence of appearing at trial in jail attire or shackles.

¶ 29 The probative value of the recorded telephone calls must be weighed against its slight prejudicial effect. The State argues that the tape recordings are probative because they show consciousness of guilt and attempts to influence a witness. In the first conversation, the defendant tells Mr. Pendergast that, depending on what the jury decides, he may "catch [Mr. Pendergast] back up with a car." The State asserted, "If [the defendant] wasn't really the driver, what responsibility would he have to get his

friend a car if he wasn't guilty." The defense attorney argued that, because Mr. Pendergast entrusted the defendant with the car and it was wrecked while in his custody, the defendant told Mr. Pendergast "he would buy him a new car to make amends for what happened to the car in his custody."

¶ 30 In the second telephone conversation, the defendant told Mr. Pendergast that, because Mr. Pendergast left on Friday and was away for the weekend, he could not have known where the car was or who was driving it. Mr. Pendergast agreed with the statements made by the defendant. In the third telephone conversation, the defendant asked Mr. Pendergast if he remembered that the night people saw him take the car was a Friday night. Mr. Pendergast replied that he "don't have no clue." The defendant then told Mr. Pendergast that it was a Friday night and that the accident was on a Sunday. He explained to Mr. Pendergast that he was clarifying when he had the car in case Mr. Pendergast testified at the trial. Mr. Pendergast informed the defendant that he was not planning to testify. The defendant then told Mr. Pendergast that if he did testify to remember that the defendant had the car on a Friday. When Mr. Pendergast asked, "What about the day you got busted," the defendant informed him that his brother and Bubba had the car that day. The State argued that the defendant was trying to coach and influence Mr. Pendergast's testimony. The defendant argued that, because Mr. Pendergast had memory problems, he was just trying to refresh Mr. Pendergast's recollection of an event which occurred months prior. Mr. Pendergast testified at trial and told the jury that he had been diagnosed with memory problems.

¶ 31 There is more than one reasonable interpretation of the telephone conversations. As the State argued, the conversations could be interpreted as showing consciousness of guilt and as coaching or attempting to influence the witness.

Because of these possible interpretations, the conversations had probative value. The trial court, by admitting the recorded conversations, was allowing the jury to choose from more than one interpretation and decide which it felt was more reasonable. The court's decision, that the probative value of the evidence outweighed the prejudice the defendant might suffer from the jury merely learning he was incarcerated when he made the calls, was not an abuse of discretion.

¶ 32

#### CONCLUSION

¶ 33

For the foregoing reasons, we affirm the decision of the circuit court of Effingham County.

¶ 34

Affirmed.