

No. 1-13-1310

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IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Cook County.
)	
v.)	No. 11 CR 9858
)	
SHERWIN DEGRAFFENREID,)	Honorable
)	James B. Linn,
Defendant-Appellant.)	Judge Presiding.

PRESIDING JUSTICE ROCHFORD delivered the judgment of the court.
Justices Hoffman and Hall concurred in the judgment.

O R D E R

¶ 1 *Held:* We affirmed defendant's conviction and sentence where: (1) the trial court substantially complied with the requirements of Supreme Court Rule 401(a); and (2) although the trial court did not immediately inquire into defendant's claims of ineffective assistance of counsel raised in his *pro se* motion for a new trial, defendant was afforded the procedures required by *People v. Krankel*, 102 Ill. 2d 181 (1984), and its progeny during the course of the posttrial proceedings.

¶ 2 Defendant Sherwin Degraffenreid, who was represented by private counsel, was found guilty of burglary following a bench trial and sentenced, due to his criminal background, to a Class X sentence of nine years' imprisonment. On appeal, defendant contends that the trial court failed to properly admonish him pursuant to Supreme Court Rule 401(a) (Ill. S. Ct. R. 401(a))

(eff. July 1, 1984)), before permitting him to proceed *pro se* during his posttrial proceedings. He also contends that the trial court failed to inquire into his *pro se* posttrial claims of ineffective assistance of trial counsel in accordance with *People v. Krankel*, 102 Ill. 2d 181 (1984), and its progeny. We affirm.

¶ 3 Defendant was charged with possession of burglary tools and burglary based on his unauthorized entry into a building located at 177 North Ada Street in Chicago (the building) on June 9, 2011. A Cook County Assistant Public Defender (APD) initially represented defendant by court appointment as to these charges. Prior to trial, the APD withdrew and private counsel filed an appearance on behalf of defendant.

¶ 4 During discovery, the State produced a copy of a surveillance video which trial counsel was unable to open for viewing. The State, sought several continuances to correct the problem with the surveillance video and, ultimately, produced the surveillance video in court which, according to the State, showed defendant's "actual entry" into the building. Trial counsel agreed to look at the surveillance video prior to the scheduled trial date of May 7, 2012.

¶ 5 On May 7, 2012, the trial court heard defendant's motion to suppress the items which police had discovered in his bag. Immediately after the denial of the motion, trial counsel stated that he was ready to proceed to trial, but that defendant had not decided whether to have a jury hear his case. The trial court admonished defendant as to his right to a jury trial; the nature of a jury trial; and the possible penalties related to his charges. Defendant chose a bench trial and, in open court, signed a written waiver of the jury.

¶ 6 The evidence at defendant's bench trial established that on June 9, 2011, defendant, who was wearing a black hood and a black baseball cap, was observed on a surveillance system at the

entrance doors to the building. Defendant pulled out a long object, pressed it against one of the doors and entered the building without permission. Officer James Smith went to the building in response to a call about a trespass in progress and encountered defendant, who was wearing a black baseball cap and carrying a black bag, exiting the building. At the scene, defendant was identified as the person seen on the surveillance system entering the building. The door through which defendant had entered the building was found to be newly damaged. After defendant was taken into custody, Officer Smith searched defendant's black bag and recovered three flathead screw drivers, a pry bar, gloves, a flashlight, a folding knife and a newspaper. The State introduced the surveillance video into evidence after presenting a foundation. Defendant testified that he entered the building because he saw construction workers there and was interested in a job. The trial court, after concluding that defendant's testimony was not credible, found him guilty of burglary.

¶ 7 Because defendant, on appeal, challenges the manner by which the trial court treated his posttrial claims under *Krankel* and its failure to admonish him, as to his waiver of counsel for the posttrial proceedings, we set forth those proceedings in some detail.

¶ 8 After the bench trial, trial counsel filed a posttrial motion for a new trial arguing the State had failed to prove defendant guilty of the burglary charge beyond a reasonable doubt. However, defendant also filed a *pro se* handwritten motion for a new trial which was over 20 pages asking that the verdict of guilty be vacated and a new trial be ordered. The first part of the *pro se* motion raised several arguments that the evidence was insufficient, trial errors had occurred, and the charges were defective. Defendant also raised claims of ineffectiveness, including that: his initial appointed counsel waived the formal reading of the charges at

arraignment without his permission and; neither the APD, nor his trial counsel, read nor gave him a copy of his charges. Defendant further alleged that trial counsel: agreed to the State's requests for continuances in violation of his speedy trial rights and insisted that he testify at trial. Defendant also complained that trial counsel failed to: raise the fact that the charges against him were not verified; provide him with copies of transcripts and the State's discovery responses; subject the prosecution to meaningful adversarial testing; object to the admission of the surveillance video; seek dismissal of the charges based on the State's discovery violations; and discuss his jury waiver.

¶ 9 On June 22, 2012, the date set for a posttrial hearing, trial counsel appeared and stated that he "presently" represented defendant, but the court clerk had just handed him the *pro se* motion for a new trial. Trial counsel raised a question as to whether defendant wished to now proceed *pro se*. The trial court explained to defendant that if he wished to proceed *pro se* as to a motion for a new trial, it would speak to him "at length" about that choice, but if defendant wished to continue to be represented by trial counsel, he could not proceed with his own *pro se* motion for a new trial. Thereafter, defendant was allowed to speak with trial counsel, asked about getting a continuance to consider his options, and voiced concerns about whether proceeding *pro se* was the "right thing or not." Additionally, defendant's cousin, who was present in court, was allowed to speak and offered to find defendant another attorney. The trial court emphasized that defendant had the choice of whether or not to have counsel. Defendant stated that he wished to present his own motion for a new trial.

¶ 10 The trial court then explained to defendant that he had been found guilty of burglary and, based upon his criminal history, he could be sentenced to between 6 and 30 years in prison, fined

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up to \$25,000, and was subject to 3 years of mandatory supervised release. Defendant stated that he understood the possible penalties. The trial court noted that defendant had a "lengthy criminal record" and inquired whether defendant had obtained any formal legal training besides the knowledge he had gained by appearing in court. Defendant said no. The trial court again told defendant that he was free to represent himself but, if he chose to do so, the court could not make "allowances" because he had no formal legal training. Defendant, again, said he understood.

¶ 11 As the hearing concluded, defendant stated that he either wanted a different attorney, or he would proceed *pro se*, but he no longer wished to be represented by trial counsel. The circuit court then permitted trial counsel to withdraw. During the hearing, defendant did not orally raise the substance of his motion for a new trial, including the ineffectiveness claims. The matter was then continued at defendant's request to July 6, 2012.

¶ 12 At the next court date, July 6, 2012, defendant appeared *pro se* and filed a motion for posttrial discovery and requested transcripts from the State. The trial court again informed defendant of the penalties he faced based on his burglary conviction and criminal history. Defendant said that he understood and reconfirmed for the trial court that he wished to represent himself. The trial court directed the State to produce the requested transcripts and granted defendant's request for a continuance on his posttrial motion.

¶ 13 On August 10, 2012, defendant requested and the State agreed to obtain a transcript of defendant's preliminary hearing. Then, at the August 22, 2012, hearing, defendant asked for the transcript of his arraignment. The trial court inquired as to the reason for this request. Defendant responded that he wished to raise an "issue" that the APD had waived the formal reading of the charges without his permission and, therefore, he did not have knowledge as to

certain elements of the burglary charge. The trial court responded that defendant had not said anything at that time, but that defendant had been informed of the charges and the charges were given to the APD. The trial court concluded that there was nothing "fatal" about the fact that the APD had waived a formal reading of the charges. However, the trial court directed the State to produce a transcript of the arraignment and, in response to defendant's additional requests, a copy of the complaint and the police reports.

¶ 14 On September 14, 2012, defendant filed a "Notice of Inaccurate Preliminary Hearing Transcript and Request for the Original [transcript]." On that date, the matter was continued to September 21, 2012.

¶ 15 On September 21, 2012, the State tendered documents in response to defendant's posttrial discovery requests, including police reports and transcripts. The trial court, in response to defendant's request, entered an order directing that defendant be given access to the library at the jail so that he could prepare his motions. The case was continued to allow defendant time to review the discovery responses and consider whether to supplement his present motions.

¶ 16 On October 19, 2012, defendant filed a "Notice of Inter Alia, Inaccurate Preliminary Hearing Transcripts, Inaccurate Motion to Suppress and Inaccurate Trial Transcripts/Motion to Compel Discovery or Impose Sanctions." On that date, the State agreed to comply with defendant's request for the Grand Jury transcripts. The trial court also: answered defendant's questions and concerns about the copies of transcripts which had been produced; ordered the State to produce the photographs which were admitted into evidence at trial for defendant to review; provided defendant with a copy of the complaint from the court file; and explained the amendments which were made to the complaint. When the State voiced its frustration as to

defendant's continuing discovery requests for "a motion for a new trial." The trial court responded:

"All right, he is going *pro se*. If he wants to wind this around here and go down a path of likely dead ends, he will be allowed to do that. I will give him everything his lawyer would have had. I know most of what he is asking for is of zero value to him. If he wants to play this out, we will play this out.

When we are done with this, if he doesn't win the motion for a new trial, I will sentence him. I will not punish him for representing himself, but he will know a little bit better. I will give him everything I have before me."

The trial court assured defendant that he was not "doing anything wrong." The trial court also said that it understood that defendant was claiming it was "[h]is lawyer's fault."

¶ 17 On November 2, 2012, the State informed the trial court that the surveillance video and photographs which were admitted into evidence were available for defendant to view. When asked by the trial court what he "[w]anted to do now," defendant said he wished a continuance of at least one month. The matters were continued to December 7, 2012. Before the next court date, defendant filed a motion "in arrest of judgment." On December 7, 2012, the trial court heard defendant's arguments on his motion for arrest of judgment. Defendant challenged the legal sufficiency of the charges and, in particular, argued that the charges were unverified and did not contain the necessary elements. After considering defendant's arguments, and having inquired further as to the basis for his motion, the trial court denied the motion. Defendant also made arguments as to his motion seeking the original preliminary hearing transcripts, contending that some of the pages of the copies had been altered. During the proceedings, when defendant

had difficulty voicing his arguments, the trial court asked defendant about his mental health history and defendant responded that he had taken "Prozac and stuff like that." The trial court inquired whether defendant would like to have an attorney appointed to his case. After defendant stated that he did, the court appointed an APD to represent him.

¶ 18 At the next court date, February 1, 2013, the APD stated that he had reviewed the transcripts from the hearing on the motion to suppress and the trial and defendant's various posttrial motions, but he could not represent defendant "in the capacity that [defendant is] asking to be represented." The trial court instructed defendant that the APD was "appointed" to represent him "on all posttrial matters," but the APD could only bring arguments in good faith. The trial court again explained that defendant had the right to choose to be represented by counsel, but that he could not have it "both ways." The trial court then stated:

**** [I]t happens one of two ways. A lawyer can do this for you and if you can't afford one, one will be appointed. But it's not up to you to as to what the lawyer does, what the lawyer files. It's up to the lawyer."

The trial court allowed defendant an opportunity to speak with the APD. After their conversation, defendant stated that he wished to proceed *pro se*. The trial court reminded defendant of the "numerous conversations" it had with him about proceeding *pro se* and permitted him to do so without objection by defendant.

¶ 19 Defendant then submitted a *pro se* written "Notice and Demand to Dismiss on the Grounds of Fraudulent Concealment and Misconduct" with "Affidavit of Fraudulent Concealment and Misconduct" and a supplemental motion for a new trial. This 30-page handwritten pleading included ineffectiveness and misconduct claims against trial counsel, and

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arguments as to the sufficiency of the evidence. After taking a recess to fully review this filing, the trial court entered an order directing that the Forensic Clinical Services examine defendant for his "ability to understand the nature of posttrial motions and status of court proceedings."

The court explained:

"THE COURT: *** I started reading [the allegations] and it sounds a little paranoid to me. You're accusing myself, your lawyer, [Defense Counsel], and the [S]tate's [A]ttorney [of] conspiring together to violate your rights and things like this, and I am becoming more concerned about your ability to represent yourself and your mental health. I'm going to have you examined. I'm ordering on my own motion BCX for fitness to represent yourself. I want the doctors to look at you and talk to you about what you're asking and I want to see what they say. I want to [be] sure that you're in good shape to represent yourself, but I'm starting to have some concerns about that, especially when I read what you just wrote."

¶ 20 Following an evaluation, clinical psychologist Nicholas Jasinski found defendant "fit for trial" and noted that defendant was "not currently prescribed psychotropic medication."

¶ 21 On March 1, 2013, the trial court allowed defendant the opportunity to view the surveillance video and photographs which were admitted at trial and, once again, provided him a copy of the charges. During the proceedings, defendant contended that the surveillance video and photographs did not show the address of the building, and that trial counsel was ineffective for not cross-examining on this issue and as to the damage allegedly done to the door at the time of the burglary. He also complained that his counsel had not given him a copy of the charges. The trial court again reminded defendant that he had the right to be represented by counsel.

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Because defendant was not ready to present his posttrial motions, the trial court continued the matter "one last time to April 12, 2013;" and told defendant that, at the next court date, it wanted "to hear everything" defendant had to say about his conviction and "anything else about court proceedings."

¶ 22 On April 12, 2013, defendant filed a *pro se* "Affidavit of March 1, 2013, before and after viewing the State's [Insufficient] Video and Photograph Exhibits of May 7, 2012."

¶ 23 At the May 7, 2012, hearing, the trial court began by stating that it had all of defendant's posttrial pleadings and had "read everything that you're claiming." The court asked whether defendant wanted to say "anything else" in support of his posttrial motions. Defendant then argued that the surveillance video admitted at trial was insufficient to prove his guilt and inaccurate, and that charges were insufficient. After listening to defendant's arguments, the trial court stated again that it had looked at all of defendant's posttrial pleadings. The trial court then concluded that there was "not a question" that defendant was proven guilty beyond a reasonable doubt, and denied defendant posttrial relief. When defendant protested as to the ruling, the trial court stated:

"THE COURT: Okay. I remember the case. There is not a question in my mind that you were proven guilty beyond a reasonable doubt. I don't find any infirmities to the information or the complaint. The way you are talking about it, I think *none of this has merit*. So your *pro se* motion for all posttrial relief is denied." (Emphasis added.)

The matter then proceeded to a sentencing hearing, however, defendant again protested, contending that he had ineffective trial counsel. The court responded that trial counsel was "fine" and reiterated that it had considered everything that had been presented by defendant during the

posttrial proceedings and found no basis to grant defendant's motions. The court further stated: "But you know, you're talking about some things, things that you are raising. I just don't buy into. You had a real good lawyer, [trial counsel]. He wins cases here. He's a good lawyer [trial counsel], when he represented you. The witnesses saw you do what you did."

¶ 24 The trial court sentenced defendant, because of his criminal background, to a Class X sentence of nine years in prison. Defendant appealed.

¶ 25 On appeal, defendant contends that the trial court failed to properly admonish him before permitting him to proceed *pro se* as to the posttrial proceedings. Defendant also contends that the trial court erred when it failed to immediately conduct an inquiry into his *pro se* claims of ineffective assistance of counsel pursuant to *Krankel*, when he first filed his initial posttrial pleading, his *pro se* motion for new trial. Defendant makes no argument regarding his conviction or sentence.

¶ 26 We first address defendant's contention that the trial court failed to properly admonish him pursuant to Illinois Supreme Court Rule 401(a) (Ill. S. Ct. R. 401(a) (eff. July 1, 1984)), before allowing him to proceed *pro se* during posttrial proceedings. "It is well established that the sixth amendment to the United States Constitution guarantees an accused in a criminal proceeding both the right to the assistance of counsel and the correlative right to proceed without counsel." *People v. Haynes*, 174 Ill. 2d 204, 235 (1996) (citing *Faretta v. California*, 422 U.S. 806, 833-34 (1975); *People v. Lego*, 168 Ill. 2d 561, 564 (1995); *People v. Silagy*, 101 Ill. 2d 147, 179 (1984)). A defendant may knowingly and voluntarily waive a right to counsel, which the court must honor, even if the decision may seem unwise. *Haynes*, 174 Ill. 2d at 235.

¶ 27 Rule 401(a) "governs the trial court's acceptance of an accused's waiver of counsel." *Id.* Under the rule, the trial court must admonish the defendant about: (1) the nature of the charges against him; (2) the minimum and maximum penalties; (3) his right to counsel and; (4) if indigent, to have counsel appointed for him. Ill. S. Ct. R. 401(a) (eff. July 1, 1984). Substantial compliance with Rule 401(a) is "sufficient to effectuate a valid waiver if the record indicates that the waiver was made knowingly and voluntarily, and the admonishment the defendant received did not prejudice his rights." *Haynes*, 174 Ill. 2d at 236. This court reviews the trial court's compliance with Rule 401(a) *de novo*. *People v. Campbell*, 224 Ill. 2d 80, 84 (2006).

¶ 28 Defendant admits that, on June 22, 2012 (and on the next court date), the trial court admonished him that he had been found guilty of burglary and told him the minimum and maximum sentences which were applicable based on his criminal history. However, he contends that the trial court's failure to also admonish him at that time as to his right to counsel and, if indigent, to have counsel appointed, rendered his waiver of counsel unknowing.

¶ 29 *People v. Phillips*, 392 Ill. App. 3d 243 (2009), is instructive as to this issue. In that case, the trial court admonished the defendant, who had decided to represent himself, about the minimum and maximum applicable sentences but did not admonish him regarding the nature of the charges and his right to have counsel appointed. On appeal, we determined that the trial court substantially complied with Rule 401(a) because, although the trial court did not discuss the nature of the charges or the right to counsel on the day that the defendant decided to represent himself, the defendant had been completely admonished two times prior to trial and there was no evidence to suggest that the defendant failed to understand the charges against him. *Id.* at 262-63. We also found that because defendant had been represented by appointed counsel, he knew

he had a right both to counsel in general and appointed counsel based upon his indigency. *Id.* at 264. This court finally noted that the defendant had "extensive experience" with the court system. *Id.* Defendant was, thus, not prejudiced because the trial court did not specifically articulate that he had the right to counsel and, if indigent, the right to appointed counsel at the time he was told of the charge, the sentencing range, and his right to choose to have a lawyer. See *Haynes*, 174 Ill. 2d at 236 (substantial compliance can effectuate a valid waiver when the record indicates that the waiver was made knowingly and voluntarily, and the admonishments that the defendant received did not prejudice his rights).

¶ 30 The record here reveals that defendant, as the defendant in *Phillips*, has a lengthy criminal history. During the course of the entire proceedings in this case, defendant was twice represented by an APD by court appointment, as well as by private trial counsel. The initial appointment of an APD was done before defendant first chose to proceed *pro se* for posttrial matters. During the posttrial proceedings, the trial court repeatedly told defendant that he had the right to choose whether he wished to have representation. In particular, at the hearing on June 22, 2012, where defendant initially chose to proceed *pro se*, the trial court informed him that it was his choice as to whether to be represented by counsel. Additionally, during the proceedings on that date, defendant was given the opportunity to continue to be represented by trial counsel and his cousin, in open court, offered to assist him in obtaining new counsel. Thus, defendant, as in *Phillips*, had experience with the court system and, under the facts and circumstances, knew that he had the general right to counsel and the particular right to appointed counsel. *Phillips*, 392 Ill. App. 3d at 264. Based on this record, we conclude that the trial court substantially complied with Rule 401.

¶ 31 Additionally, on June 22, 2012, defendant stated clearly that he understood he had the right to be represented by counsel, the charge upon which he was convicted and the possible penalties, and that he would not receive favorable treatment if he proceeded *pro se*. The trial court, throughout the posttrial proceedings, suggested several times that defendant consider representation. We also note that defendant was found fit after a court-ordered evaluation to determine if he understood "the nature of posttrial motions and status of court proceedings." We conclude, based on this record, that defendant knowingly and voluntarily waived his right to counsel and, therefore, defendant was not prejudiced where the trial court substantially complied with Rule 402.

¶ 32 Defendant also argues that the trial court should have immediately conducted a *Krankel* hearing when he filed his initial *pro se* posttrial motion, which included claims of ineffectiveness of trial counsel, and that the court's failure to do so mandates remand for such an inquiry.

¶ 33 Generally, "a trial court cannot consider *pro se* motions filed by a criminal defendant while he is represented by counsel." *People v. Milton*, 354 Ill. App. 3d 283, 292 (2004) (citing *People v. Rucker*, 346 Ill. App. 3d 873, 882 (2004)). However, "[t]here is an exception to this rule: represented defendants are allowed to raise *pro se* claims of ineffective assistance of counsel so long as they include supporting facts and specific claims." *Id.* (citing *Rucker*, 346 Ill. App. 3d at 883).

¶ 34 Pursuant to *Krankel* and its progeny, when a defendant makes a *pro se* posttrial allegation of ineffective assistance of counsel, the trial court must conduct an inquiry into the factual basis of the claim. *People v. Moore*, 207 Ill. 2d 68, 77-78 (2003). If, following an inquiry, the court finds possible neglect of the case, new counsel should be appointed, however, if the court

determines that the claim lacks merit or pertains solely to trial strategy it need not appoint counsel and may deny defendant's motion. *Id.* at 78.

¶ 35 A trial court may conduct this preliminary inquiry by: (1) questioning trial counsel about the facts and circumstances surrounding defendant's allegations; (2) discussing the allegations with defendant; or (3) relying on its own knowledge of defense counsel's performance at trial and the insufficiency of defendant's allegations on their face. *Id.* at 78-79. However, "[t]here is no set format for how an initial inquiry into a defendant's *pro se* allegations of ineffective assistance of counsel should be conducted." *People v. Flemming*, 2015 IL App (1st) 111925-B, ¶ 85. A court need not expressly state that it is conducting a *Krankel* inquiry. *People v. Short*, 2014 IL App (1st) 121262, ¶ 121 (citing *People v. Dean*, 2012 IL App (2d) 110505, ¶ 15).

¶ 36 As we have discussed, after trial, defendant filed a *pro se* motion for a new trial in which he sought to overturn his guilty verdict and obtain a new trial based on arguments that the charges were legally insufficient, the evidence did not prove him guilty beyond a reasonable doubt, and multiple trial errors occurred. The *pro se* motion for a new trial also included claims of ineffectiveness of trial counsel. At the same time, trial counsel had filed a motion for a new trial and was continuing to represent defendant. At the date set for hearing on the posttrial motions, trial counsel sought to resolve the question as to whether defendant wished to proceed *pro se* on his motion for a new trial. After discussions with trial counsel and having received admonishments by the trial court, defendant chose to proceed *pro se* and the trial court allowed, without objection, trial counsel to withdraw.

¶ 37 Initially, we reject defendant's contention that the trial court erred by not immediately conducting a preliminary *Krankel* inquiry on that court date in that defendant's *pro se* motion for

a new trial included claims of ineffective assistance of counsel. In making this argument, defendant concludes that the trial court "precipitously and prematurely rejected" his claims of ineffectiveness of counsel contained in the *pro se* motion for new trial and allowed defendant to proceed on the motion for a new trial without an attorney in violation of *Krankel*. We disagree. The trial court neither ignored, nor rejected the claims of ineffectiveness at that time. In fact, none of the issues raised in the *pro se* motion for a new trial were discussed on that court date, and defendant did not seek to present his *pro se* motion. Instead, the trial court, at the request of defendant, continued the posttrial motion.

¶ 38 Over the course of the subsequent posttrial proceedings, the trial court reviewed defendant's multiple claims and pleadings and, at the various court dates, engaged defendant in multiple discussions about the basis of his posttrial issues, including complaints about trial counsel, and the inadequacy of the charges, and the insufficiency of the evidence. The trial court became familiar with defendant's claims of ineffectiveness through its review of defendant's various filings and discovery requests, and lengthy discussions with him. Only after defendant received his requested discovery and had supplemented his original motion for a new trial, was the matter set for a presentation of defendant's posttrial motions, which included contentions of ineffective trial counsel.

¶ 39 On the date set for hearing on the posttrial matters, the trial court twice stated that it had reviewed all of defendant's posttrial filings. Defendant was given a full opportunity to present his arguments. Thereafter, the trial court found all of defendant's posttrial claims lacked merit. When the trial court proceeded to a sentencing hearing, defendant protested that he had ineffective counsel. The trial court rejected this contention as lacking merit, specifically finding

trial counsel was "fine" and was a "good" trial counsel for defendant. The trial court made these findings based on its knowledge of the case, the evidence of defendant's guilt, the lack of merit as to defendant's posttrial claims, and trial counsel's performance in representing defendant. *Krankel* allows for a flexible method of inquiry into a defendant's claims, including what took place here—discussions with defendant about his allegations, the insufficiency of defendant's contentions on their face, and the court's knowledge of the case and trial counsel's performance.

¶ 40 The record, as a whole, also establishes that the trial court, at the outset, did not outright deny defendant the right to counsel as to his ineffectiveness claims in violation of *Krankel*. Further, the trial court never indicated that it was not inclined to appoint counsel should the appointment of counsel be required under *Krankel*. To the contrary, the trial court continuously encouraged defendant to consider posttrial representation and, in fact, at one juncture, appointed an APD to represent defendant as to "all posttrial matters." (Emphasis added.) Defendant, however, later rejected the appointment.

¶ 41 In summary, as to the *Krankel* issue, the trial court, in this case, allowed defendant ample opportunity to conduct posttrial discovery in support of his posttrial claims and to supplement his motion for a new trial. During the posttrial proceedings, the trial court discussed defendant's claims, including ineffectiveness of trial counsel and, after consideration of all of defendant's posttrial pleadings, and hearing argument and, based on its knowledge of the case and trial counsel's performance, found defendant's claims of ineffectiveness lacked merit. We find no violation of the *Krankel* requirements.

¶ 42 Accordingly, we affirm the judgment of the circuit court of Cook County.

¶ 43 Affirmed.