

No. 1-14-0116

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IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

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|--------------------------------------|---|------------------|
| THE PEOPLE OF THE STATE OF ILLINOIS, |) | Appeal from the |
| |) | Circuit Court of |
| Plaintiff-Appellee, |) | Cook County. |
| |) | |
| v. |) | No. 10 CR 8443 |
| |) | |
| MICHAEL STEELE, |) | Honorable |
| |) | Luciano Panici, |
| Defendant-Appellant. |) | Judge Presiding. |

JUSTICE CONNORS delivered the judgment of the court.
Justices Cunningham and Harris concurred in the judgment.

O R D E R

- ¶ 1 *Held:* Evidence sufficient to convict defendant of first degree murder. Court failed to inquire into defendant's *pro se* post-trial claims of ineffective assistance, so case must be remanded for such inquiry. Sentence of 55 years' imprisonment for first degree murder committed with a firearm is not excessive.
- ¶ 2 Following a jury trial, defendant Michael Steele was convicted of first degree murder, committed by personally discharging a firearm proximately causing death, and sentenced to 55 years' imprisonment including a 25-year firearm enhancement. On appeal, he contends that his conviction should be reduced to second degree murder because the evidence showed both his

unreasonable belief in self-defense and his sudden and intense passion due to serious provocation. He also contends that the trial court failed to inquire into his *pro se* post-trial claims of ineffective assistance of trial counsel, and that his sentence was excessive. The State agrees with defendant that the court failed to make a proper ineffective-assistance inquiry and we should remand for such an inquiry. For the reasons stated below, we remand for the trial court to inquire into defendant's ineffectiveness claims and otherwise affirm the judgment.

¶ 3 Defendant was charged with first degree murder for allegedly, on or about April 15, 2010, shooting Tilford Jones to death. The State alleged that, in the course of committing first degree murder, defendant personally discharged a firearm proximately causing Jones's death.

¶ 4 At the October 2013 trial, Jasmine Parker testified that she knew both defendant and Jones from their neighborhood since childhood. Shortly before midnight on April 15, 2010, Parker went to the scene of the shooting to pick up a friend; she denied drinking alcohol or using drugs that evening. Parker backed into a parking space (that is, faced away from the wall), texted her friend that she had arrived, and waited in the car with the radio on and the windows open. Parker noticed a group of about nine people – including defendant, Jones, and a woman she knew from the neighborhood as Capri – standing on the nearby sidewalk. Defendant and Jones were arguing (though Parker could not hear what they were saying) until Jones entered Capri's car also parked nearby and turned the radio loud with the windows open. Defendant paced back and forth behind Capri's car, still arguing or yelling at Jones including saying he would "beat your ass" and "boy, I'll kill you" and demanding that Jones exit the car.

¶ 5 Parker's attention was elsewhere for about a minute until she noticed that defendant and Jones were punching each other. As they swung at each other, they ended up with defendant on

1-14-0116

the ground on his back and Jones leaning over him. Jones and defendant were still punching each other in this stance until defendant drew a gun from his pants and shot Jones, who fell to the ground clutching his stomach. Parker ducked down in her car and heard several gunshots. When she looked up after the shots ended, she saw defendant walk past her car with a gun in his hand and an angry look on his face. He walked until he reached an alley, then ran from the scene. Parker went to Jones, saw he was bleeding, and phoned for an ambulance. Parker did not notice any weapons on the ground, nor had she seen a weapon in Jones's hand during the fight.

¶ 6 On cross-examination, Parker denied telling a police detective that defendant and Jones had been arguing "about a girl" She did not call the police when defendant said "I'll kill you" to Jones as she did not consider it a serious threat. She clarified that Jones was already out of the car when she noticed him and defendant fighting, and she denied telling a detective that Jones exited the car and approached defendant or that Jones repeatedly punched defendant in the face as they were on the ground.

¶ 7 Capri Pickett testified that she knew Jones all her life and was his girlfriend as of April 2010, while she had known defendant only a few months. Pickett and Jones went to visit a relative of Pickett on the evening in question and, after Pickett's errand, stayed because they saw several acquaintances outside. As they were returning to Pickett's car, defendant walked up to them and greeted them politely. Pickett and Jones stayed by their car chatting with friends for some time when Pickett heard Jones and another person saying "squash it" and "it's all love" while defendant replied angrily with vulgarities. While Jones was sitting in Pickett's car, defendant paced nearby. When Pickett asked Jones what was happening, he replied that they should leave as soon as Pickett bought cigarettes for him. As she walked away to do so, she

1-14-0116

heard defendant's raised voice and looked back: Jones was now standing outside the car, and defendant was arguing with him and then punched him. Jones punched defendant, and then they were both punching each other. As they were "tussling," defendant ended up on the ground with Jones above him, and they were still hitting each other. Pickett was returning, yelling for defendant and Jones to "break it up," when defendant reached for his pants and drew a gun. Pickett yelled "gun" to warn Jones, defendant fired a shot, and Pickett took cover and briefly "blanked out." When she looked again, Jones was curled up on the ground and defendant was standing over Jones with a gun in his hand. Defendant "looked around nervously" then fired several more shots at Jones though Jones was not moving or visibly armed. Pickett "blanked out" again, after which defendant was gone. Pickett ran to Jones; he was bleeding from his head, one of his fingers was also injured, and there were no weapons in Jones's hands or near him.

¶ 8 On cross-examination, Pickett testified that Jones swung defendant to the ground. She clarified that she never heard why defendant was yelling at Jones, and that Jones was not arguing with defendant but trying to calm him. She could not recall stating in an interview that defendant was striking Jones (that is, the situation was not only Jones punching defendant) as they were on the ground. She was "not sure" whether Jones was "a peaceful person;" while she heard that he had been in fights and would "protect himself," she never saw him argue or fight before that day.

¶ 9 Medical examiner Dr. Steven Cina testified regarding the autopsy of Jones by another physician. Jones had seven gunshot wounds: to his head through his brain, grazing his chin, through his chest, through his left hand, through his left pinkie finger, to his right leg, and through his left leg. None of the shots showed stippling of the skin that would indicate a shot fired at close (less than two feet) range. Though it is possible that some of the seven gunshot

wounds were from re-entering shots, Dr. Cina opined that there were at least six, and more likely seven, separate gunshots. Jones was five feet, eight inches tall; his blood showed no signs of cocaine or heroin, and only a .028 blood-alcohol concentration.

¶ 10 Nurse Jane Johnson testified that defendant was treated in her hospital outside Cook County on the early morning of April 16, 2010, for a gunshot wound to his left arm; defendant said that someone shot him while attempting to rob him. The medical report reflected no wounds or injuries other than the gunshot, and that defendant admitted to drinking alcohol that night. Pursuant to hospital policy, the hospital notified police of defendant's gunshot wound.

¶ 11 Defendant made a motion for a directed verdict, which the court denied.

¶ 12 Defendant testified that he knew Jones most of his life and dated Pickett briefly after meeting her in 2009. On the night in question, defendant saw them so he approached Pickett to ask her for a date. She "didn't agree or disagree," but Jones told defendant in vulgar language not to speak to her. Defendant and Jones argued near Pickett's car – Jones repeated that defendant should not speak with Pickett "or he will do this to me," and defendant responded that "he's not doing nothing to me" – while Pickett walked away to talk with people in a nearby crowd. (Defendant knew some of the people in the crowd, which included friends of defendant and relatives of Jones.) Jones sat in Pickett's car, turned the radio loud, and told defendant that if he spoke with Pickett again "I'm going to slap the shit out of you." Defendant replied "whatever" and started talking to the crowd when Jones walked up to him and struck him in the face with an object that "looked like a gun." Jones then threw the stunned defendant to the ground and punched him repeatedly in the face, chipping his tooth. (Defendant testified to being over six feet tall and significantly taller than Jones.) On further examination, defendant testified that "when I

1-14-0116

[was] on the ground, Tilford Jones was clobbering me with a gun" but then testified to being unsure of more than the fact that Jones was striking him in the head. Defendant blocked the blows and pled unsuccessfully for someone in the crowd to end the fight. When Jones started to punch defendant in the body, defendant drew his gun. Jones reached for the gun and defendant pulled the trigger, shooting himself in the left arm. Jones backed off and defendant stood up, then "started shooting in his direction as I was running off," explaining that he was "punch drunk" and scared when he fired.

¶ 13 After running some distance, defendant called for his mother to pick him up. She did so, driving him to a hospital several miles from the scene but near his home. She also photographed his injuries including his chipped tooth and bloody lip. Defendant's left arm was bandaged and placed in a cast; he received no stitches for his lip and was told that the pain from his facial injuries would be addressed by the medication for his gunshot wound. Defendant admitted telling hospital personnel that he was shot by a robber, explaining that he told the lie "because I was scared" of Jones's many relatives. After he was treated, defendant was taken to the police station for questioning, before which he was informed of his *Miranda* rights and waived them in writing. During questioning, defendant gave various different and changing accounts of the events of that evening, which he admitted under cross-examination had been false. He falsely stated where he lived and told police that he was in the neighborhood of the shooting to sell marijuana. However, defendant attributed his false accounts to his fear and confusion that night and testified that the marijuana admission was itself a lie and he was in the neighborhood solely to visit friends.

1-14-0116

¶ 14 Police detective Steven Moody testified to interviewing Jasmine Parker in March 2013, taking notes that were summaries of the questions and answers rather than a verbatim record. When asked what defendant and Jones had been arguing about, Parker replied to the effect that "she wasn't sure, maybe about a girl." Parker also said that Jones exited the car and punched defendant in the face, then they fought, then defendant fell to the ground with Jones above him punching him in the face.

¶ 15 Marshall Bryant testified that he was robbed at gunpoint in December 2005 by two men, identifying a photograph of Jones as one of the robbers. The parties stipulated that Jones pled guilty to robbery in 2006 and received three years' imprisonment.

¶ 16 The jury was instructed following closing arguments. The jury was instructed on first degree murder with personal discharge of a firearm proximately causing death as an element. The jury was instructed on second degree murder based on both a sudden and intense passion from serious provocation and an unreasonable belief in self-defense. The jury was instructed on self-defense: that the State must prove beyond a reasonable doubt that defendant was not justified in using the force he used, a person is justified in using force to the extent he reasonably believes he must do so to defend himself against imminent use of unlawful force, and force intended or likely to cause death or great bodily harm is justified only if the defendant reasonably believes he must use such force to prevent imminent death or great bodily harm. The jury was instructed that a person who initially provokes the use of force against himself intending to create an excuse to cause bodily harm to the other person is not justified in using force. The jury was also instructed that a person who initially provokes the use of force against himself is justified in using force only if the force used against him creates a reasonable belief that he faces

imminent death or great bodily harm and he has exhausted every means of escape other than using force likely to cause death or great bodily harm. Conversely, the jury was instructed, a person who did not initially provoke the use of force has no duty to attempt to escape before using force against the aggressor. Following deliberations, the jury found defendant guilty of first degree murder.

¶ 17 Counsel filed a post-trial motion challenging various evidentiary rulings and the denial of certain jury instructions including on mutual combat. Counsel argued that there was evidence of mutual combat between defendant and Jones and that the trial evidence supports a conviction for second degree murder based on a sudden and intense passion from serious provocation.

¶ 18 The court heard the post-trial motion on December 31, 2013. The court denied the motion following arguments, noting that it gave a pattern jury instruction on second degree murder based on a sudden and intense passion. The court proceeded immediately to sentencing.

¶ 19 The November 2013 presentence investigation report (PSI) states that defendant has prior convictions or dispositions for vehicular offenses (driving without a valid license or on a revoked license) and a marijuana offense. Defendant told the PSI preparer that he testified to shooting Jones in self-defense. Defendant was born in 1983, raised by his mother with two sisters, and maintains a good relationship with his mother, stepfather, and sisters. He denied any childhood abuse or neglect. He has a five-year-old son who he sees regularly. He completed high school, did not attend college, and was trained as a fork-lift operator. He was unemployed as of this arrest in 2010 but had worked in a warehouse from 2006 to 2009, as a gasoline station attendant from 2005 through 2010, and worked miscellaneous jobs before 2005. He has residual pain and nerve damage from a 2010 gunshot wound to the arm, was not seriously injured by a 2001

gunshot, and has asthma but rarely has to use his inhaler. He was treated while in school for attention deficit disorder with Adderall and Ritalin (not simultaneously), and treated while in jail for anxiety and depression with Wellbutrin, Risperdal, and Celexa. He denied drug abuse except for trying marijuana but admitted to frequent and problematic alcohol use from when he was 12 years' old until this arrest. He denied prior gang membership and stated that he attended mosque until this arrest. The PSI preparer found defendant "cooperative and forthcoming."

¶ 20 At sentencing, neither party had any amendments or additions to the PSI. Jones's sister gave a victim-impact statement, expressing at length how she still missed Jones and noting that his other family members including his children – a young daughter and young son – would no longer experience or interact with him nor would Jones see them grow up. She also opined that defendant "came into this courtroom smug and cocky right until the last day of trial and did nothing but lie," nor did he show any remorse, and she pitied and forgave him rather than hating him. Defendant entered letters from his mother, aunt, and cousins, asking for leniency for defendant, extending sympathy to Jones's family, and describing defendant as compassionate and "very kindhearted," supportive of his family, willing to help others with both money and hard work, and "never trouble *** never a troubled young man" but also as a man who "unfortunately *** wears his heart on his sleeve" and "started hanging around the wrong crowd."

¶ 21 The State argued that Jones's death was a senseless killing arising from defendant's desire for a fight, noting that defendant fired multiple shots at Jones after the initial shot wounded Jones, and argued that defendant thus made multiple fatal decisions. The State also argued that defendant's repeated lies to police supported the statement of Jones's sister that defendant was "smug and cocky right until the last day of this trial and did nothing but lie." The State argued

1-14-0116

that defendant's "fine upbringing" meant that he had no excuses such as lack of family support, lack of education, unemployment, or drug abuse. Trial counsel argued that there were no aggravating factors, noted that strong provocation that does not rise to the level of a defense or justification can serve as mitigation, and argued that defendant showed such strong provocation. Counsel argued that the factors referenced by the State were mitigating factors showing defendant's rehabilitative potential. Trial counsel sought the minimum prison term of 45 years.

¶ 22 Defendant addressed the court, apologizing to Jones's family but then stating that counsel was ineffective. Defendant argued that the PSI showed that he was prescribed psychotropic medication but the issue of his fitness to stand trial had not been raised. Defendant also argued that the police were required to video- or audio-record their interview of Jasmine Parker or present her a written statement to review or sign so that defendant was deprived of the opportunity to examine what Parker said and of proof that Parker was the person interviewed.

¶ 23 The court thanked defendant and immediately proceeded to its sentencing findings without mentioning his allegations of ineffective assistance. The court noted that death is inherent to the offense of first degree murder but the court must consider a sentence to deter others from committing similar offenses, observing that "[g]uns are too often uses in this society for no reason whatsoever [but] to even the score." The court found that there was no evidence here "that a gun was necessary to do anything other than to hurt people." The court noted that the evidence of strong provocation was insufficient to find self-defense or second degree murder and stated that it "is taking that into account." The court also noted defendant's near-lack of a criminal history, his family's support, and his education, employment, and alcohol abuse. The court sentenced defendant to 55 years' imprisonment including a 25-year firearm enhancement.

¶ 24 Trial counsel immediately filed a post-sentencing motion, arguing that the court failed to consider the statutory mitigating factors and the evidence that he acted under strong provocation and thus had an excuse though not a defense for his actions. The court denied the motion without further argument or findings, and this appeal timely followed.

¶ 25 On appeal, defendant first contends that his conviction should be reduced to second degree murder because the evidence showed both his unreasonable belief in self-defense and his sudden and intense passion from serious provocation when he shot Jones while Jones was repeatedly punching him after knocking him to the ground.

¶ 26 A person commits second degree murder by committing first degree murder when either of two mitigating factors was present; that:

"he or she is acting under a sudden and intense passion resulting from serious provocation by the individual killed or another whom the offender endeavors to kill, but he or she negligently or accidentally causes the death of the individual killed; or *** believes the circumstances to be such that, if they existed, would justify or exonerate the killing under the principles stated in Article 7 of this Code, but his or her belief is unreasonable." 720 ILCS 5/9-2(a), citing 720 ILCS 5/7-1 *et seq.* (West 2012).

For second degree murder, the State must prove the elements of first degree murder beyond a reasonable doubt while the defendant must prove a mitigating factor by preponderance of the evidence. 720 ILCS 5/9-2(c) (West 2012).

¶ 27 Serious provocation "is conduct sufficient to excite an intense passion in a reasonable person." 720 ILCS 5/9-2(b) (West 2012). The only categories of serious provocation that have been recognized by our supreme court are substantial physical injury or assault, mutual quarrel

1-14-0116

or combat, illegal arrest, and adultery with the defendant's spouse; mere words, gestures, or trespass to property are insufficient. *People v. Lauderdale*, 2012 IL App (1st) 100939, ¶ 24.

" 'Mutual combat is a fight or struggle which both parties enter willingly or where two persons, upon a sudden quarrel and in hot blood, mutually fight upon equal terms and where death results from the combat. [Citation.] In considering whether defendants have met the threshold burden of proving some evidence of mutual combat, it has been held that the alleged provocation on the part of the victim must cause the same passionate state of mind in an ordinary person under the same circumstances. A slight provocation is not enough, because the provocation must be proportionate to the manner in which the accused retaliated. The crime is murder when a defendant attacks a victim with violence out of all proportion to the provocation.' " *Id.*, ¶ 26, quoting *People v. Austin*, 133 Ill. 2d 118, 125-127 (1989).

¶ 28 The principles referenced in the second mitigating factor include self-defense, with a proviso that the use of force intended or likely to cause death or great bodily harm is justified "only if he reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or another, or the commission of a forcible felony." 720 ILCS 5/7-1(a) (West 2012). Self-defense consists of (1) force threatened against a person (2) who is not the aggressor, where (3) the danger of harm was imminent, (4) the threatened force was unlawful, (5) the person believed a danger existed requiring the use of the force applied, and (6) that belief was objectively reasonable. *People v. Castellano*, 2015 IL App (1st) 133874, ¶ 149. Where a defendant raises self-defense, a conviction for first degree murder must be supported by the State showing beyond a reasonable doubt that at least one of the six factors was not present, while a

defendant can be found guilty of second degree murder only if he or she shows by a preponderance of the evidence that all but the sixth factor was present. *Id.*

¶ 29 Whether a mitigating factor was shown is a question of fact, and the responsibility of weighing the credibility of witnesses rests with the trier of fact. *Id.*, ¶¶ 144-45. We defer to the conclusions of the trier of fact and do not substitute our judgment of witness credibility for them, but neither do we "rubber stamp" verdicts. *Id.*, ¶¶ 145-46. We view the trial evidence in the light most favorable to the State and reverse only where no rational trier of fact could have reached the same conclusion as this trier of fact. *Id.*, ¶ 144.

¶ 30 Here, the jury was instructed on second degree murder as well as first degree murder and convicted defendant of the latter. Taking the evidence in the light most favorable to the State as we must, we cannot find that no rational trier of fact would agree with this jury. A reasonable jury could find that defendant and Jones argued, Jones went into Pickett's car and turned the radio loud to avoid or ignore defendant, and defendant taunted Jones into a fight. A reasonable jury could find that defendant and Jones exchanged punches until defendant chose to meet non-deadly force with deadly force and decisively end any mutuality or proportionality of their fight by introducing a gun to the fight and firing it. Moreover, a reasonable jury could find that defendant chose to decisively end Jones's life by firing several shots into Jones as defendant stood over the apparently-wounded Jones on the ground.

¶ 31 Defendant also contends that the trial court failed to inquire into his *pro se* post-trial claims of ineffective assistance of trial counsel, and the State agrees.

¶ 32 When a defendant makes a *pro se* post-trial claim of ineffective assistance of counsel – a *Krankel* claim – the trial court must conduct a preliminary investigation into the claim, then

appoint new counsel if the allegations indicate counsel's neglect of the case but not if the court finds the allegations are spurious or concern trial strategy. *People v. Moore*, 207 Ill. 2d 68, 77-78 (2003). In such a preliminary inquiry, discussion between the court and trial counsel is preferable but brief discussion between the court and the defendant may suffice, and indeed the court "can base its evaluation of the defendant's *pro se* allegations of ineffective assistance on its knowledge of defense counsel's performance at trial and the insufficiency of the defendant's allegations on their face." *Moore*, 207 Ill. 2d at 78-79. However, when the court conducted no inquiry into a defendant's *Krankel* claims nor even indicated on the record that it read the *pro se* motion, the court violated its duty "to conduct some type of inquiry into the underlying factual basis, if any," of the *Krankel* claims. *Moore*, 207 Ill. 2d at 79. The *Moore* court noted that failure to appoint new counsel on a *Krankel* claim can be harmless if the court produced a record demonstrating that the claims are meritless. *Moore*, 207 Ill. 2d at 80. "In contrast, in the present case, no record at all was made on defendant's claims of ineffective assistance of counsel" so that "it is simply not possible to conclude that the trial court's failure to conduct an inquiry into those allegations was harmless beyond a reasonable doubt." *Moore*, 207 Ill. 2d at 81. Whether the court properly conducted a preliminary *Krankel* inquiry is a legal question reviewed *de novo*. *People v. Robinson*, 2015 IL App (1st) 130837, ¶ 72. Conversely, where the court held a preliminary inquiry and determined the merits of *Krankel* claims, we reverse only if that determination is manifestly erroneous. *Id.*

¶ 33 Here, where sentencing immediately followed the hearing on the counsel-filed post-trial motion, defendant raised two unambiguous claims of ineffective assistance during his sentencing allocution. The court did not acknowledge that defendant made the claims, much less expressly

address their merits, but immediately proceeded to make its sentencing findings and impose sentence. *Moore* is clear that a categorical failure to inquire cannot be harmless and we remand for a preliminary *Krankel* inquiry as none was held here.

¶ 34 Defendant lastly contends that his 55-year prison sentence is excessive in light of the evidence that he acted under strong provocation, that this offense was his first felony, and that his rehabilitative potential was shown by his education, employment, and family background.

¶ 35 First degree murder is generally punishable by 20 to 60 years' imprisonment. 730 ILCS 5/5-4.5-20(a) (West 2012). Where the defendant in the course thereof personally discharges a firearm proximately causing death, the court shall add to that sentence 25 years up to natural life. 730 ILCS 5/5-8-1(a)(1)(d)(iii) (West 2012). A sentence within statutory limits is reviewed on an abuse of discretion standard, so that we may alter a sentence only when it varies greatly from the spirit and purpose of the law or is manifestly disproportionate to the nature of the offense. *People v. Snyder*, 2011 IL 111382, ¶ 36. So long as the trial court does not consider incompetent evidence or improper aggravating factors, or ignore pertinent mitigating factors, it has wide latitude in sentencing a defendant to any term within the applicable range. *People v. Jones*, 2014 IL App (1st) 120927, ¶ 56. This broad discretion means that we cannot substitute our judgment simply because we may weigh the sentencing factors differently. *Id.*, citing *People v. Alexander*, 239 Ill. 2d 205, 212-13 (2010).

¶ 36 In imposing a sentence, the trial court must balance the relevant factors, including the nature of the offense, the protection of the public, and the defendant's rehabilitative potential. *Id.*, citing *Alexander*, 239 Ill. 2d at 213. The statutory mitigating factors include that the defendant "acted under a strong provocation" and that "[t]here were substantial grounds tending to excuse

or justify the defendant's criminal conduct, though failing to establish a defense." 730 ILCS 5/5-5-3.1(a)(3), (4) (West 2012). The trial court has a superior opportunity to evaluate and weigh a defendant's credibility, demeanor, character, mental capacity, social environment, and habits. *Snyder*, ¶ 36. The court does not need to expressly outline its reasoning for sentencing, and we presume that the court considered all mitigating factors on the record absent some affirmative indication to the contrary other than the sentence itself. *Jones*, ¶ 55. Because the most important sentencing factor is the seriousness of the offense, the court is not required to give greater weight to mitigating factors than to the severity of the offense, nor does the presence of mitigating factors either require a minimum sentence or preclude a maximum sentence. *Id.*, citing *Alexander*, 239 Ill. 2d at 214.

¶ 37 Here, defendant argues that his strong provocation should be considered in mitigation. However, as stated above, a reasonable finder of fact (and thus a sentencing court) could find that defendant provoked the physical fight with Jones, then escalated it by drawing and firing a gun, then finished the fight and Jones with multiple gunshots as defendant stood while Jones was on the ground and apparently wounded. It was well within the court's discretion to give the strong-provocation evidence significantly less weight than defendant desires. As to the various mitigating factors argued by defendant, the court had all those factors before it from the trial evidence and PSI and expressly addressed many of them. We see no abuse of discretion in the court weighing some of the factors against defendant because he could not explain his fatal actions as the result of childhood deprivation, unemployment, or drug abuse. We cannot find under the circumstances that the court abused its sound discretion by sentencing defendant to 55 years' imprisonment on a range of 45 years to natural life.

1-14-0116

¶ 38 Accordingly, this cause is remanded for the circuit court to inquire into defendant's *pro se* post-trial claims of ineffective assistance of counsel. The judgment of the circuit court is otherwise affirmed.

¶ 39 Affirmed in part and remanded with directions.