

NOTICE
Decision filed 02/13/25. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2025 IL App (5th) 190530-U
NO. 5-19-0530
IN THE
APPELLATE COURT OF ILLINOIS
FIFTH DISTRICT

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

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Madison County.
)	
v.)	No. 18-CF-3576
)	
BRIAN L. EDELEN,)	Honorable
)	Kyle A. Napp,
Defendant-Appellant.)	Judge, presiding.

JUSTICE BOIE delivered the judgment of the court.
Justices Moore and Vaughan concurred in the judgment.

ORDER

¶ 1 *Held:* We affirm the judgment of the trial court denying the defendant's motion for new trial where the trial court's rulings regarding the admittance of the text messages, prior bad acts, and evidence of knives seized at the time of the defendant's arrest were not an abuse of discretion.

¶ 2 On October 31, 2019, the defendant, Brian L. Edelen, was convicted of first degree murder in violation of section 9-1(a)(2) of the Criminal Code of 2012 (Criminal Code) (720 ILCS 5/9-1(a)(1) (West 2018)). The defendant was sentenced on December 11, 2019, to 41 years' incarceration within the Illinois Department of Corrections (IDOC) and 3 years of mandatory supervised release.

¶ 3 The defendant now appeals his conviction arguing that the trial court erred in denying his motion for new trial where the motion alleged that the trial court erred in allowing the admittance

of text messages, the defendant's prior bad acts, and evidence of the knives seized at the time of the defendant's arrest, at trial. The defendant argues that the cumulative effect of these errors deprived the defendant of a fair trial. For the following reasons, we affirm the judgment of the trial court.

¶ 4

I. BACKGROUND

¶ 5 On November 30, 2018, the defendant was charged by information with two counts of first degree murder in violation of sections 9-1(a)(1) and 9-1(a)(2) of the Criminal Code (*id.* § 9-1(a)(1), (a)(2)). The charges stemmed from the stabbing death of John C. Jackson on November 29, 2018.

¶ 6 The defendant filed seven motions *in limine* on September 27, 2019. Two of the motions *in limine* are relevant to this appeal. In one of the motions *in limine*, the defendant moved to bar the admission of anything related to the knives seized at the time of the defendant's arrest. The defendant argued that there was no proper foundation that the knives seized had any relevance to the charged offenses since the State could not connect any of the knives to the stabbing incident. The defendant also argued that the knives were not probative of the defendant's guilt or innocence since the incident occurred on November 29, 2018, and the defendant was not arrested until December 14, 2018.

¶ 7 In another motion *in limine*, the defendant sought to bar the State from admitting text messages purportedly sent by the defendant to a woman, Brittanie Campbell, who was in a relationship with the defendant at the time of the incident. The defendant argued that there was no proper foundation to show that the texts originated from the defendant and that the texts were highly prejudicial and irrelevant without a foundation relating them to the defendant.

¶ 8 Also relevant to this appeal, the State filed an amended motion *in limine* to admit proof of other bad acts. The acts that the State sought to admit were incidents of domestic battery between

Campbell and the defendant on September 22, 2018, and September 25, 2018; verbal and physical abuse to Campbell by the defendant; the defendant's stalking behavior towards Campbell; and the defendant's use of illegal drugs, including methamphetamine, which the State alleged contributed to the charged offenses. The State's motion stated that all of the requested prior bad acts were documented in statements to law enforcement.

¶ 9 The trial court conducted a hearing on all pending motions on October 16, 2019. The trial court found that the "probative value of [the knives] is sufficient for the State to be able to let the knives in and to use them if they wish particularly since one of them could be the weapon used in this offense." Concerning the text messages, the trial court found that the State would need to lay a foundation, but that such foundation was possible based upon the proffers of the State. The trial court noted, however, that the language contained in some of the text messages could, in-and-of itself, be prejudicial, and that the trial court would consider barring a specific text message unless the State could make a showing as to why that message was necessary in the chain of the text messages.

¶ 10 With regard to other bad acts, the trial court held that it would not allow evidence of the defendant's prior illegal drug use, but that the State could bring in evidence of the defendant's illegal drug use if such use was immediately before the crime and went to state of mind. The trial court further held that the State could elicit testimony about the relationship between the defendant and Campbell, but that it could not categorize any of the defendant's conduct, *e.g.*, stalking. Instead, the trial court stated that the testimony had to relate to specific acts. In the interest of brevity, any other relevant findings regarding the motions *in limine* will be set forth in our analysis below.

¶ 11 The trial court issued a written order on the above motions *in limine* on October 18, 2019, stating as follows:

“Defendant’s motion *in limine* title[d] text messages is argued and DENIED. State must still lay a foundation for the text messages to be admissible. If the Defendant has objections to certain text messages due to content, Defendant to file a motion detailing those messages and court will consider each message to which there is an objection.

* * *

Defendant’s motion *in limine* titled knives is argued and DENIED.

People’s amended motion *in limine* to admit other bad acts evidence is argued and GRANTED with limitations as discussed on the record.”

¶ 12 A jury trial was conducted on October 28, 29, 30, and 31, 2019. In the defense’s opening statement, the defense admitted that the defendant caused the death of John C. Jackson, but presented a defense of self-defense. Several witnesses testified regarding the knives, but each witness acknowledged that none of the knives seized during the defendant’s arrest could be directly tied to the crime.

¶ 13 Campbell testified to two specific acts of domestic violence in September 2018, that the defendant was jealous and did not like her being around other men, and that the defendant always wanted to know her location. Campbell also testified that she received text messages from the defendant after the incident. Campbell stated that she knew the text messages were from the defendant by “the way he talks and the way he texts.” Campbell further testified that there were details in the text messages that only she and the defendant would know, and that it was obvious to her that the text messages were from the defendant. Campbell acknowledged that she had deleted

several of the text messages prior to giving them to law enforcement. Prior to Campbell's testimony, the trial court gave a limiting jury instruction that any evidence regarding other bad acts that the defendant may have been involved in, other than those charged in the indictment, could only be considered for the limited purpose of "the defendant's intent, motive, design, and knowledge."

¶ 14 Detective Joseph Splittorff was called and testified regarding the obtainment of the text messages from Campbell's cellular telephone and that the text messages were unaltered from the time that he had received them. The State also called Erica McCane, who testified that on November 29, 2018, the defendant arrived at her home and stayed for possibly 48 hours.¹ During that period, McCane stated that the defendant did not have his own cellular telephone, but had access to her cellular telephone. McCane testified that the text messages sent from her cellular telephone to Campbell, during the period that the defendant was at her home, were not sent by her.

¶ 15 McCane further testified that during a telephone call between her and the defendant, while the defendant was incarcerated, McCane had stated, "At the end of the day, your goofy a** is the one that sent [the text messages]." The defendant's reply was, "Yeah, I used the phone." McCane stated, however, that she never witnessed the defendant using her phone and that there were other individuals in the house during that period. McCane testified that she never saw any of the text messages and only knew that the text messages were sent from her cellular telephone because law enforcement had informed her.

¹McCane initially testified that the defendant stayed overnight, and left the next morning, but then stated that the defendant stayed at least 24 hours. Upon being deemed a hostile witness, McCane was challenged with her prior statement to law enforcement that the defendant had stayed for 48 hours and McCane admitted that it was possible that the defendant was there for 48 hours.

¶ 16 Upon completion of the trial, the jury found the defendant guilty of first degree murder. The trial court polled the jury, entered a finding and judgment on the verdict, and revoked the defendant's bond, remanding him to the custody of the sheriff.

¶ 17 The defendant filed a posttrial motion on December 2, 2019, arguing, *inter alia*, that the defendant was prejudiced by the trial court's denial of his motions *in limine* regarding the knives and the text messages. The defendant's posttrial motion also argued that the defendant was prejudiced by the trial court's granting of the State's motion *in limine* allowing the admission of the defendant's prior bad acts, and that the cumulative effect of these errors deprived the defendant of a fair trial.

¶ 18 The trial court denied the defendant's posttrial motion at the sentencing hearing on December 11, 2019. The defendant was then sentenced to 41 years' incarceration within the IDOC, and 3 years of mandatory supervised release. The defendant filed a motion to reconsider sentence the same day, which the trial court denied. Thereafter, the defendant filed a timely notice of appeal, bringing this matter before our court.

¶ 19 II. ANALYSIS

¶ 20 On appeal, the defendant argues that the trial court erred in denying his motion for new trial where the motion alleged that the trial court erred in allowing the admittance of the text messages, the defendant's prior bad acts, and evidence of the knives at trial. The defendant also argues that the cumulative effect of these errors deprived the defendant of a fair trial. We will address the defendant's issues in the order presented; however, we must first address the defendant's contention that a *de novo* standard of review applies regarding the above alleged errors.

¶ 21 It has been long held that the denial of a motion for new trial will not be disturbed on review absent a showing that the trial court abused its discretion. *People v. Hall*, 194 Ill. 2d 305, 343 (2000); *People v. Pecoraro*, 144 Ill. 2d 1, 18 (1991); *People v. Miller*, 79 Ill. 2d 454, 464 (1980). A trial court’s ruling on a motion *in limine* and the admissibility of evidence also rests within the sound discretion of the trial court and will not be disturbed on review absent an abuse of discretion. *People v. Mullins*, 242 Ill. 2d 1, 20 (2011); *People v. Pikes*, 2013 IL 115171, ¶ 12. An abuse of discretion will only be found where the trial court’s ruling is arbitrary, fanciful, unreasonable, or where no reasonable person would take the view adopted by the trial court. *People v. Baez*, 241 Ill. 2d 44, 106 (2011).

¶ 22 The defendant cites to *People v. Smith*, 2016 IL App (1st) 140039, ¶ 10, which states that “[w]hen an appeal involves the trial court’s application of the law to uncontested facts, the standard of review is *de novo*.” The *Smith* case involved a question of the applicable statute of limitation to the uncontested date of the alleged offense and the date the offense was reported. *Id.* ¶¶ 10, 12. The *Smith* court was not addressing a trial court’s determination regarding motions *in limine* or the admissibility of evidence at trial, which, as stated above, requires the application of an abuse of discretion standard. The defendant claims that “there were no factual disputes about the three errors addressed here.” The mere absence of disputed facts, however, does not require that we apply a *de novo* standard of review to a trial court’s discretionary evidentiary rulings. *People v. Beal*, 2023 IL App (3d) 220461-U, ¶ 16. These issues involve more than the application of the law to uncontested facts since each of these issues challenge the relevance of the evidence. As such, the trial court was required to make a discretionary determination of whether the evidence made the existence of any fact that was of consequence to this action more or less probable than it would

have been without the evidence. Ill. R. Evid. 401 (eff. Jan. 1, 2011). Thus, we will proceed with our analysis applying an abuse of discretion standard of review.

¶ 23 A. Text Messages

¶ 24 The first issue the defendant presents on appeal is whether the trial court abused its discretion in denying the defendant's motion *in limine* and allowing the State to introduce text messages purporting to be from the defendant to Campbell. The defendant argues that there was a lack of foundation to indicate that the text messages had not been altered or tampered with, especially since the State's own witness, Campbell, testified that she had deleted "a few of my outgoing [messages]" and "part of the messages." The defendant also argues that the text messages were more prejudicial than probative, and that the trial court failed to give a limiting instruction to the jury prior to Campbell's testimony that it could not take the texts messages for the truth of the matters asserted.

¶ 25 Text messages are treated like any other form of documentary evidence and a proper foundation is laid for the admission of documentary evidence when the document has been identified and authenticated. *People v. Ziemba*, 2018 IL App (2d) 170048, ¶ 51. "Documentary evidence, such as a text message, may be authenticated by either direct or circumstantial evidence. Circumstantial evidence of authenticity includes such factors as appearance, contents, substance, and distinctive characteristics, which are to be considered with the surrounding circumstances." *Id.* ¶ 52. As such, documentary evidence may be authenticated by its contents if it is shown to contain information that would be known only by the alleged author or, at the very least, by a small group of people including the alleged author. *Id.*

¶ 26 Here, the trial court denied the defendant's motion *in limine* regarding the text messages but specifically instructed the State that a proper foundation would be required for the text

messages to be admitted at trial. To that end, the State called Campbell, who testified that she knew the text messages were sent by the defendant by their contents, substance, and information that would be known only to her and the defendant. The State further presented the testimony of McCane, whose testimony established that the defendant had access to the cellular telephone from which the text messages were sent to Campbell, and that the defendant had sent text messages from that cellular telephone. Finally, the testimony of Officer Splittorff, who testified that the text messages were unaltered from how he had received them.

¶ 27 Although not admitted at trial, in his reply brief, the defendant acknowledges that the texts messages were sent by the defendant to Campbell, but argues that since the context of the text messages had been altered by Campbell's deletion of several messages, his argument before this court is not about evidentiary authorship, but evidentiary integrity. A trial court's finding of authentication, however, is merely a finding that there is sufficient evidence to justify the presentation of the evidence offered to the trier of fact. *Id.* ¶ 51. It does not preclude the opposing party from contesting the genuineness of the document. *Id.* In this matter, the genuineness and evidentiary integrity of the text messages was challenged at trial and the jury heard Campbell's acknowledgement that she had deleted several messages before providing the text messages to law enforcement. Therefore, based on the totality of the State's evidence, we find that the trial court had a sufficient basis to deny the defendant's motion *in limine* and to admit the text messages at trial, thus leaving it to the jury to decide the genuineness and authorship of the text messages.

¶ 28 The defendant further argues that, even if there had been a proper foundation, some of the text messages in the thread should have been excluded. According to the defendant's argument, Campbell's text messages to the defendant should not have been admitted since Illinois Rule of Evidence 106 (eff. Jan. 1, 2011), which codified portions the common law "completion doctrine,"

only allows the opposing party to seek the introduction of any other part of a writing or recording when a portion of that writing or recording is admitted. The defendant claims that he was the opposing party and, as such, the State should not have been allowed to argue the completeness doctrine in support of the admittance of Campbell's text messages. This argument is without merit.

¶ 29 Under Rule 106 and the common law completion doctrine, when a portion of a written conversation is introduced, the opposing party has a right to introduce the balance of that statement or writing in order to explain, qualify, or otherwise shed light on that portion introduced by an opponent, if necessary to prevent the trier of fact from being misled. Ill. R. Evid. 106 (eff. Jan. 1, 2011); *People v. Viramontes*, 2021 IL App (1st) 190665, ¶ 51; *People v. Ward*, 154 Ill. 2d 272, 311 (1992). Although the defendant claims he was the opposing party, the defendant was the party moving and arguing to bar some or all of the text messages tendered by the State, and the State, as opposing party, was arguing against the exclusion of any or all of the text messages. At the hearing, the defendant argued that, "some of the stuff that is said [in the text messages] that is some of the worst actually isn't even attributed to [the defendant], it's attributed to [Campbell]." In response, the State argued, "Well, that may be true, but there's the completeness doctrine. You can't have a conversation without having both sides of the conversation. *** You have to have both sides of the conversation for the rule of completeness and in order for the conversation to make sense." Given that the defendant was the party arguing to exclude or limit the admittance of the text messages, we find nothing inappropriate in the State utilizing the completion doctrine in its argument at the hearing.

¶ 30 The defendant next argues that the text messages were more prejudicial than probative. The defendant states that since Campbell admitted that she had deleted some of the text messages, the text messages had no probative value since a proper foundation could not be established. The

defendant further argues that allowing Campbell to read the text message stating “Y dat ni*** answer ur phone” injected the specter of race into the case.

¶ 31 Evidence is generally admissible if it is relevant. Ill. R. Evid. 402 (eff. Jan. 1, 2011). Evidence is relevant if it has “any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” Ill. R. Evid. 401 (eff. Jan. 1, 2011). Even relevant evidence, however, may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice. Ill. R. Evid. 403 (eff. Jan. 1, 2011). Evidence is unfairly prejudicial when there is “ ‘an undue tendency to suggest decision on an improper basis, commonly an emotional one, such as sympathy, hatred, contempt, or horror.’ ” *People v. Eyler*, 133 Ill. 2d 173, 218 (1989) (quoting M. Graham, Cleary & Graham’s Handbook of Illinois Evidence § 403.1 (4th ed. 1984)).

¶ 32 We have held, above, that the trial court did not err in determining that the State laid a sufficient foundation to allow the text messages to be admitted at trial. Therefore, the defendant’s argument with regard to foundation as it relates to the probative value of the text messages, is now moot. Regarding the injection of race into the case, the defendant was given the opportunity to motion and argue an objection to any specific text message. The defendant made an oral motion to exclude the very first text message in the chain but did not argue for the exclusion of the text message which contained the derogatory reference to race. At trial, prior to the admittance of the text messages into evidence, the defendant made an objection based on foundation and “all the things I’ve raised prior I stand by.” The defendant failed to make an objection to this specific text at the hearing on the motions *in limine*, in a separate written or oral motion, or at trial when the text message was read by Campbell. The defendant also failed to raise this argument in his posttrial motion, nor did he make this argument at the hearing on his posttrial motion.

¶ 33 It has long been held that, for a criminal defendant to preserve an argument for review on appeal, the defendant must object at trial and raise the argument in a written posttrial motion. *People v. Jackson*, 2022 IL 127256, ¶ 15. The failure to do either forfeits any review of the error. *Id.* Here, the defendant failed to do either and we find that the defendant has forfeited this argument on appeal.

¶ 34 Lastly, concerning the admittance of the text messages, the defendant argues that “[a]t the very least, there should have been an instruction informing the jury not to take Campbell’s allegations of fact in the text messages as true.” The defendant states that he is not arguing that the lack of a limiting instruction constitutes a separate, reversible error, but rather, the erroneous admission of the text messages, combined with a failure to give a limiting instruction, made it less likely that the admission of the text messages was harmless error.

¶ 35 Again, the defendant’s argument regarding a limiting jury instruction was not raised in the defendant’s posttrial motion, which, as noted above, is required to preserve the argument for review. *Id.* (both a trial objection and a written posttrial motion raising an issue are necessary to preserve an issue for review). Further, Illinois Supreme Court Rule 366(b)(2)(i) (eff. Feb. 1, 1994) governs the appellate review of jury instructions. Rule 366(b)(2)(i) states, “No party may raise on appeal the failure to give an instruction unless the party shall have tendered it.” Ill. S. Ct. R. 366(b)(2)(i) (eff. Feb. 1, 1994). The defendant admits that trial counsel never asked for a limiting instruction and further acknowledges that the trial court had no duty to *sua sponte* give a limiting instruction. Accordingly, we find that the defendant has forfeited this argument on appeal.

¶ 36 For the above reasons, we find that the trial court’s ruling was not arbitrary, fanciful, unreasonable, or that no reasonable person would take the view adopted by the trial court in finding that the State had laid a proper foundation for the admission of the text messages at trial. We also

find that the trial court's ruling was not arbitrary, fanciful, unreasonable, or that no reasonable person would take the view adopted by the trial court in weighing the probative value of the text messages against undue prejudice to the defendant given that the defendant's state of mind was at issue at trial. Thus, we cannot say that the trial court abused its discretion in denying the defendant's motion *in limine* and admitting the text messages at trial.

¶ 37

B. Prior Bad Acts

¶ 38 The defendant next argues that the trial court erred in denying his motion *in limine* and allowing Campbell to testify concerning two domestic violence incidents involving the defendant. The defendant argues that these incidents were more prejudicial than probative because Campbell failed to testify concerning the cause of the disagreement regarding the September 22, 2018, incident. As such, the defendant argues that the jury heard that the defendant had battered Campbell, without any context as to why the incident occurred. The defendant states that these incidents could not have aided the jury in showing intent, motive, design, or knowledge and that the State did not need these prior incidents of violence other than "to dirty up the defendant." As such, the defendant argues that these incidents should have been excluded.

¶ 39 A defendant's guilt must be based on competent and relevant evidence, "uninfluenced by bias or prejudice raised by irrelevant evidence." *People v. King*, 2020 IL 123926, ¶ 43. As previously stated, evidence is relevant if it has any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence (Ill. R. Evid. 401 (eff. Jan. 1, 2011)), and even relevant evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice (Ill. R. Evid. 403 (eff. Jan. 1, 2011)).

¶ 40 There was no dispute in this matter that the defendant caused the death of John C. Jackson on November 29, 2018. What was in dispute was whether the defendant was acting in self-defense or, as the State alleged, acting in jealousy and anger. At the hearing on the motion *in limine*, the trial court found as follows:

“As far as the prior conduct between the defendant and Brittnie Campbell, it is clear that there are two different theories on this case from the arguments today, and the defendant’s relationship with and the breaking up of the relationship and how that relationship occurred is clearly relevant to what happened on this night. And the question is [whether] the probative value [is] substantially outweighed by unfair prejudice.”

¶ 41 The trial court cited Illinois Rule of Evidence 404, which allows other crimes or acts to be admitted demonstrating “motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.” Ill. R. Evid. 404(b) (eff. Jan. 1, 2011). The trial court found the conduct between the defendant and Campbell to be relevant, material, and probative given the theories presented by the parties. The trial court further limited the prejudicial effect of the evidence by prohibiting the State from introducing photographic evidence of Campbell’s injuries, prohibiting the State from categorizing the defendant’s conduct, and restricting the testimony to specific incidents.

¶ 42 The State proffered at the hearing, and Campbell testified at trial, that she and the defendant were in a relationship and that they had engaged in an argument on September 25, 2018. She stated that the argument was over “jealousy issues” and that the defendant did not want her “hanging out” at her neighbor’s house, around other men, and not responding to his text messages or telephone calls. Campbell testified that, during the argument, the defendant had pushed her down

and that law enforcement was summoned. Campbell further testified that it was not the first incident because three days earlier, on September 22, 2018, law enforcement had also been called after the defendant had pushed her down causing some bruising. Campbell stated that the defendant moved out of her residence and that she “threw his stuff out” that day. Campbell acknowledged that she also had jealousy issues, that the fights were not one-directional, and that she continued a relationship with the defendant.

¶ 43 On the day of the incident, Campbell stated she was at the neighbor’s house doing laundry for the defendant and that the victim was also there hanging out and drinking. Campbell testified that she did not inform the defendant of where she was because the defendant did not like her being over there and she did not want him “showing up.” Campbell stated that the defendant was texting and calling her, but she did not answer. When she went to the bathroom, however, someone had answered her cellular telephone. Campbell went on to testify that the defendant arrived at the neighbor’s house; the victim answered the door; the defendant and the victim went outside; and, Campbell stated that she thought the defendant had “punch[ed]” the victim until she went outside where the victim had fallen and saw the wound to his neck.

¶ 44 We agree with the trial court that the incidents of September 22 and 25, 2018, were relevant and material given the theories presented by the parties since they made more or less probative the defendant’s motive, opportunity, and intent. We further find that the limitations placed on the other bad act testimony greatly reduced the prejudicial emotional effect, if any, the testimony may have had on the jury.

¶ 45 Therefore, we find that the trial court’s ruling was not arbitrary, fanciful, unreasonable, or that no reasonable person would take the view adopted by the trial court in weighing the probative value of the defendant’s prior bad acts against undue prejudice to the defendant. Thus, we cannot

say that the trial court abused its discretion in denying the defendant's motion *in limine* and allowing Campbell to testify to the two incidents of domestic violence.

¶ 46

C. Knives

¶ 47 The final issue that the defendant raises on appeal is whether the trial court abused its discretion in denying the defendant's motion *in limine* and allowing the admittance of evidence regarding the knives seized at the time of the defendant's arrest. The defendant argues that the defendant was arrested 20 miles away from the scene of the crime and more than two weeks after the crime was committed. The defendant further argues that the State acknowledged during pretrial arguments that it could not connect any of the knives to the crime and that "the murder weapon in this case has never been procured." As such, the defendant argues that the knives were irrelevant since they could not be connected to the crime by either forensic evidence or witness testimony and could not possibly have made any fact that was of consequence to the determination of the action more or less probable.

¶ 48 The State argues that the knives were found in the immediate presence of the defendant, along with his wallet and other belongings, at the time of his arrest. The State further asserts that there was no way to determine exactly which specific knife was used in the offense and that it was "highly likely or possible that one of those four knives that was found on the defendant could have been one—the knife that was used to kill [the victim]." The State also argues that the defendant had conceded that he stabbed the victim with a knife so the fact that he would be possessing a knife was not overly prejudicial.

¶ 49 Again, evidence is relevant if it has any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence (Ill. R. Evid. 401 (eff. Jan. 1, 2011)), and even relevant evidence may be

excluded if its probative value is substantially outweighed by the danger of unfair prejudice (Ill. R. Evid. 403 (eff. Jan. 1, 2011)). It is the general rule that physical evidence may be admitted provided there is proof to connect it with the defendant and the crime. *People v. Free*, 94 Ill. 2d 378, 415 (1983). “If a person accused of a crime possesses a weapon suitable for the commission of that offense when arrested, the weapon is admissible even if it cannot be shown that it was the weapon actually used.” *People v. Bruce*, 299 Ill. App. 3d 61, 65-66 (1998). It is only necessary that the weapon be at least suitable for the commission of the crime. *Free*, 94 Ill. 2d at 415.

¶ 50 The defendant attempts to factually distinguish *Free* and *Bruce*, which were cited by the State and are also cited by this court. In *Free*, the defendant notes that the weapon at issue was the actual murder weapon, and in *Bruce*, there was conflicting evidence as to whether the murder weapon had a black or brown handle. The defendant argues that, in this matter, there is no evidence that any of the knives recovered at the defendant’s arrest was the murder weapon and the only testimony was that the defendant was known to carry and frequently sharpen a knife.

¶ 51 The difficulty with the defendant’s attempt to factually distinguish *Free* and *Bruce* is that these cases are not the only cases which set forth the general rule regarding such evidence. In *People v. Case*, 246 Ill. App. 3d 566, 577 (1993), the court cited the general rule and found that the fact “[t]hat the defendant was not connected with the knives by direct evidence goes to weight, not their admissibility.” In 1977, well before the decisions in *Free* and *Bruce* were issued, this court stated as follows:

“It is a well recognized proposition of law that a weapon, and we assume testimony regarding a weapon, may be admitted into evidence where there is proof to connect it to the defendant and the crime. [Citations.] Case law would indicate that such connection with the crime is shown if a weapon found on the defendant

when arrested is ‘suitable for the commission of the crime charged.’ ” *People v. Wade*, 51 Ill. App. 3d 721, 729 (1977).

As such, the factual differences noted by the defendant do not negate the general rule that physical evidence may be admitted provided there is proof to connect it with the defendant and the crime.

¶ 52 In this matter, the trial court heard evidence that the knives were seized at the time of the defendant’s arrest and were among other personal items of the defendant. The defendant also did not argue or dispute that the knives belonged to him so the connection of knives to the defendant was established. It is also undisputed that the victim was killed with a knife. Although the actual knife used in the crime could not be identified, as stated above, it is only necessary that the weapon be at least suitable for the commission of the crime. *Free*, 94 Ill. 2d at 415. The defendant does not argue that knives were not suitable for the commission of the crime.

¶ 53 Thus, the question becomes whether the knives were relevant evidence such that the knives had any tendency to make the existence of any fact that was of consequence to the determination of the action more or less probable than it would be without the knives given the fact that the defendant admitted to the use of a knife in the commission of the crime. The trial court noted that the State was required to prove a case of first degree murder and, given the totality of the circumstances, found that the “probative value of [the knives] is sufficient for the State to be able to let the knives in and to use them if they wish particularly since one of them could be the weapon used in this offense.” Although the defendant admitted to stabbing the victim, he did not admit to the specific knife that was used in the crime, nor did he provide any information regarding the murder weapon. We caution that this discussion is not to be taken as this court holding that the defendant had any obligation to provide information regarding the murder weapon. We are only noting, as did the trial court, that the State was still required to meet its burden with regard to the

offense charged, and that the knives seized at the time of the defendant's arrest were at least suitable for the commission of the crime, had the tendency to make the existence of the manner in which the victim was killed more probable than it would have been without the knives.

¶ 54 Therefore, we find that the trial court's ruling was not arbitrary, fanciful, unreasonable, or that no reasonable person would take the view adopted by the trial court in weighing the probative value of the knives against undue prejudice to the defendant. Thus, we cannot say that the trial court abused its discretion in denying the defendant's motion *in limine* and allowing evidence of the knives seized at the time of the defendant's arrest into evidence.

¶ 55 Based on the foregoing, we find that the trial court's ruling was not arbitrary, fanciful, unreasonable, or that no reasonable person would take the view adopted by the trial court in allowing the admittance of text messages, the defendant's prior bad acts, and evidence of the knives at trial. Thus, we cannot say that the trial court abused its discretion in denying the defendant's motion for new trial.

¶ 56 D. Cumulative Error

¶ 57 The defendant's final argument is that the trial court's alleged errors resulted in the cumulative effect of denying the defendant a fair trial. As such, the defendant argues that reversal is necessary even if no individual error requires reversal. This argument is moot since we have found no error in the trial court's denial of the defendant's motion for new trial, its rulings on the various motions *in limine*, or the admittance of certain evidence at trial.

¶ 58 III. CONCLUSION

¶ 59 For the foregoing reasons, we find that the trial court did not abuse its discretion regarding its rulings on the motions *in limine*, and the admittance of the text messages, the defendant's prior bad acts, and evidence of the knives seized at the time of the defendant's arrest, at trial.

Accordingly, we find that the trial court did not abuse its discretion in denying the defendant's motion for new trial and affirm the defendant's conviction.

¶ 60 Affirmed.