

No. 1-15-1968

Order filed February 2, 2018

Fifth Division

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST DISTRICT

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THE PEOPLE OF THE STATE OF ILLINOIS,

Plaintiff-Appellee,

v.

JONATHAN JUDKINS,

Defendant-Appellant.

) Appeal from the  
) Circuit Court of  
) Cook County.  
)  
) No. 92 CR 4453  
)  
) Honorable  
) Luciano Panici,  
) Judge, presiding.

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JUSTICE LAMPKIN delivered the judgment of the court.  
Presiding Justice Reyes and Justice Hall concurred in the judgment.

**SUMMARY ORDER**

¶ 1 Following a bench trial, defendant Jonathan Judkins was convicted of murder, aggravated kidnapping, and armed robbery and sentenced to consecutive terms of natural life, 30 years', and 15 years' imprisonment. We affirmed on direct appeal. *People v. Judkins*, Nos. 1-94-3868 (July 26, 1996) (unpublished order under Supreme Court Rule 23). We also affirmed the dismissal of his initial *pro se* postconviction petition. *People v. Judkins*, 1-97-1384 (October 17, 1997) (unpublished order under Supreme Court Rule 23). Defendant subsequently filed a successive postconviction petition, which was consolidated with his initial postconviction petition in another

case (No. 92 CR 4451), and dismissed by the trial court.<sup>1</sup> We affirmed the dismissals on appeal. *People v. Judkins*, No. 1-07-3453 (March 28, 2011) (unpublished order under Supreme Court Rule 23).<sup>2</sup>

¶ 2 On April 1, 2015, defendant filed another motion for leave to file a successive postconviction petition. On April 14, 2015, the trial court denied the motion, as well as defendant's similar motion filed in his other case, reasoning that this court previously decided the issues raised in *People v. Judkins*, No. 1-07-3453 (March 28, 2011) (unpublished order under Supreme Court Rule 23). Defendant appeals the denial of his motion for leave to file a successive petition in the instant case (No. 92 CR 4453).

¶ 3 Defendant's private appointed counsel, citing *Pennsylvania v. Finley*, 481 U.S. 551 (1987), has filed a motion for leave to withdraw as appellate counsel, stating that he has researched the relevant law and concluded that an appeal in this case would be without arguable merit. Copies of the motion were sent to defendant, who was advised that he may submit any points in support of his appeal. He has responded that his claims are sufficient to enable him to file a successive postconviction petition because they are different than the claims advanced in his earlier postconviction petitions.

¶ 4 Counsel has not submitted a brief in support of his motion; however, *Finley* does not mandate that counsel attach a supporting brief in collateral challenges to convictions. See *Finley*,

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<sup>1</sup> Defendant had also been convicted of murder in a subsequent, unrelated case (No. 92 CR 4451), which we affirmed on direct appeal. See *People v. Judkins*, No. 1-98-0412 (January 21, 2000) (unpublished order under Supreme Court Rule 23). The murder in the later case occurred several weeks after the murder in the instant case and prior to defendant's arrest in the instant case. Defendant was arrested shortly after the second murder, and was identified by witnesses in both cases during one physical lineup. Because the identifications for each case were conducted during a single lineup, defendant's postconviction challenges to the reliability of the lineup were similar in each case.

<sup>2</sup> Defendant currently has a related appeal pending from the trial court's denial of his subsequently filed *pro se* section 2-1401 petition for relief from judgment (735 ILCS 5/2-1401 (West 2016)). *People v. Judkins*, No. 1-16-2255.

No. 1-15-1968

481 U.S. at 554 (the procedures for withdrawal of appointed counsel outlined in *Anders v. California*, 386 U.S. 738 (1967) do not extend to procedures in postconviction proceedings). In this case, while we do not have the benefit of a supporting brief, we find that the record is sufficient to review the motion. Having carefully reviewed the record in light of counsel's motion and defendant's response, we agree with counsel's conclusion. Thus, counsel's motion for leave to withdraw as counsel is allowed and the judgment of the circuit court is affirmed.

¶ 5 This order is entered in accordance with Supreme Court Rule 23(c)(4) (eff. July 1, 2011).

¶ 6 Affirmed.

IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, )

Plaintiff-Appellee, )

v. )

JONATHAN JUDKINS, )

Defendant-Appellant. )

15-1968

ORDER

This cause coming to be heard on Defendant-Appellant's *Pro Se* Petition for Rehearing, the Court being fully advised in the premises;

IT IS HEREBY ORDERED that the Petition for Rehearing is DENIED.

ORDER ENTERED  
MAR 15 2018

APPELLATE COURT, FIRST DISTRICT

*Bertina Langk*  
JUSTICE

*Jose G. Reyes*  
JUSTICE

*W. J. Hall*  
JUSTICE



# SUPREME COURT OF ILLINOIS

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September 26, 2018

In re: People State of Illinois, respondent, v. Jonathan Judkins,  
petitioner. Leave to appeal, Appellate Court, First District.  
123666

The Supreme Court today DENIED the Petition for Leave to Appeal in the above  
entitled cause.

The mandate of this Court will issue to the Appellate Court on 10/31/2018.

Very truly yours,

*Carolyn Taft Gosboll*

Clerk of the Supreme Court

## CONCLUSION

WHEREFORE, Mr. JONATHAN JUDKINS respectfully REQUESTS THAT A WRIT OF HABEAS CORPUS issue to the ILLINOIS SUPREME COURT AND REMAND BACK to the STATE COURT'S for RECONSIDERATION to test PETITIONER'S INEFFECTIVE ASSISTANCE OF COUNSEL'S CLAIM.

Respectfully Submitted  
W/ Jonathan Judkins  
Mr. JONATHAN JUDKINS  
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MENARD CORRECTIONAL CENTER  
P.O. BOX 1000  
MENARD, IL 62259

DATE DECEMBER 11, 2018