

APPENDIX A

ILLINOIS SUPREME COURT ORDER DATE: JANUARY 29, 2020

APPELLATE COURT OF ILLINOIS FIRST DISTRICT

ORDER No.1-17-2840 DATE:JULY 26,2019



SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING
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January 29, 2020

In re: People State of Illinois, respondent, v. Joh-ner Taylor Wilson,
petitioner. Leave to appeal, Appellate Court, First District.
125358

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 03/04/2020.

Very truly yours,

Carolyn Taft Grossboll

Clerk of the Supreme Court

G. Koster / J. Jacobs

FINLEY

No. 1-17-2840

NOTICE

The text of this order may be changed or corrected prior to the time for filing of a Petition for Rehearing or the 6th post arguement date.

Order filed July 26, 2019

SIXTH DIVISION

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,) Appeal from the
Plaintiff-Appellee,) Circuit Court of
v.) Cook County.
JOH-NER TAYLOR WILSON,)) No. 97 CR 17161
Defendant-Appellant.)) Honorable
) Thomas V. Gainer, Jr.,
) Judge, presiding.

JUSTICE HARRIS delivered the judgment of the court.
Presiding Justice Delort and Justice Cunningham concurred in the judgment.

SUMMARY ORDER

¶ 1 Defendant Joh-ner Taylor Wilson appeals from the circuit court's denial of his 2017 *pro se* petition for *habeas corpus* relief.¹

¶ 2 Following a 2000 jury trial, defendant was convicted of two counts of predatory criminal sexual assault of a child and sentenced to two consecutive terms of 25 years' imprisonment. The evidence at trial showed that the 11-year-old victim became pregnant and aborted the fetus, and

¹ Throughout the record on appeal, defendant's first name is variously spelled as "Johner" and "Joh-ner." As defendant consistently spelled his name as "Joh-ner" in his *pro se* filings, including in his response to counsel's motion to dismiss at issue here, we use his preferred spelling.

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that his conviction and sentence were void because the State held grand jury proceedings without defendant or his attorney present. He lastly claimed his first appellate counsel was ineffective for failing to raise these issues.

¶5 The circuit court denied the petition. It found defendant's claims regarding the arraignment barred by *res judicata* as defendant raised them in his 2016 *habeas corpus* petition. It found his claim regarding the grand jury proceedings presented no cognizable basis for *habeas* relief and also was meritless because defendant had no right to attend those proceedings, which are conducted in secret and not considered a normal part of the criminal trial process.

¶6 The office of the Public Defender of Cook County, which was appointed to represent defendant on appeal, has filed a motion in this court requesting leave to withdraw based on counsel's conclusion that an appeal in this cause would be frivolous. The motion was made pursuant to *Pennsylvania v. Finley*, 481 U.S. 551 (1987), and is supported by a memorandum. Copies of the motion and memorandum were sent to defendant and he was advised that he might submit any points in support of his appeal.

¶7 Defendant has responded, arguing, among other things: the trial court's order and the assistant public defender's motion to withdraw mislead this court by presenting a false narrative of the judicial proceedings; during the grand jury proceedings, he was denied his right to be present or represented by counsel; during arraignment, the court failed to advise him of the charges or his right to counsel; the State improperly consumed all the biological material available for DNA testing, concealed the Illinois State Police Forensic Biology/DNA Procedures manual from him, knowingly presented perjured testimony by its expert witness, and vouched for the veracity of that testimony thereby shifting the burden of proof; and his trial counsels variously were ineffective for failing to file a motion to dismiss the indictment, request a *Frye*

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from this filing is
available in the
Clerk's Office.**