

2022 IL App (2d) 200132-U
No. 2-20-0132
Order filed February 17, 2022

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

IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the Circuit Court of Lake County.
Plaintiff-Appellee,)	
v.)	
TIMOTHY D. ROBERTSON,)	No. 03-CF-2226
Defendant-Appellant.)	Honorable James K. Booras, Judge, Presiding.

JUSTICE BIRKETT delivered the judgment of the court.
Justices Hutchinson and Brennan concurred in the judgment.

ORDER

¶ 1 *Held:* Defendant did not show cause and prejudice to justify filing a successive postconviction petition claiming that he is entitled to a new sentencing hearing because the trial court considered in aggravation a prior conviction that, following the sentencing, was reversed on appeal. Defendant did not show (1) cause, because he could have included the claim in his *pro se* initial petition, or (2) prejudice, because the trial court stated that it would have imposed the same sentence regardless of that conviction, based on the other aggravating evidence.

¶ 2 Defendant, Timothy D. Robertson, appeals from the judgment of the circuit court of Lake County denying him leave to file a successive postconviction petition (see 725 ILCS 5/122-1(f))

(West 2018)). Because defendant failed to show either cause or prejudice justifying the filing of a successive postconviction petition, we affirm.

¶ 3

I. BACKGROUND

¶ 4 In July 2003, defendant was indicted on three counts of first-degree murder (720 ILCS 5/9-1(a)(1), (a)(2), (a)(3) (West 2002)) for the June 2003 fatal beating of Johnny Tate. Following a jury trial, defendant was found guilty of all three counts.

¶ 5 At sentencing, the State submitted as aggravating evidence that, in 2000, defendant pled guilty in Alabama to receiving and concealing a stolen 12-gauge shotgun. He was sentenced to one year of misdemeanor probation, with which he failed to comply. The State also submitted evidence that, while in jail awaiting trial in this case, defendant was in a fight with another inmate and nearly severed the inmate's ear. For that incident, defendant was convicted of aggravated battery (case No. 05-CF-1993). As additional aggravating evidence, a detective testified that, earlier on the day of Tate's murder, defendant had punched and choked defendant's girlfriend.

¶ 6 In imposing sentence, the trial court noted defendant's prior criminal history and found that here his criminal conduct was not the result of circumstances unlikely to recur. The court added that it was obvious from the record that defendant would not hesitate to use violence to resolve his disputes or problems. The court elaborated:

"He is violent. He is a threat to society. He is a threat to other individuals. He is a threat to incarcerated individuals whereupon he had—he punched an inmate in the county jail and almost severed his ear. And the jurors found the defendant guilty of that. Even if the jurors would have not found him guilty of that, the evidence of that is sufficient for this Court to consider it in a sentencing hearing."

The court further commented that it could not find that defendant's character and attitude indicated that he was unlikely to commit another crime, because he already had done so while in jail. The court sentenced defendant to 34 years' imprisonment.

¶ 7 Defendant filed a motion to reconsider his sentence. He contended that it was improper for the trial court to consider the aggravated-battery conviction as an aggravating factor at sentencing. He reasoned that the conviction was already the basis for a mandatory consecutive sentence given that the battery occurred while he was awaiting trial in this case.

¶ 8 The court denied the motion to reconsider, and defendant appealed. This court affirmed. See *People v. Robertson*, No. 2-06-0619 (2008) (unpublished order under Illinois Supreme Court Rule 23).

¶ 9 On April 28, 2008, this court reversed defendant's aggravated-battery conviction due to trial error. *People v. Robertson*, No. 2-06-0985 (2008) (unpublished order under Illinois Supreme Court Rule 23). In May 2009, the State nol-prossed the aggravated-battery charge.

¶ 10 On February 13, 2009, defendant filed a *pro se* postconviction petition (725 ILCS 5/122-1 *et seq.* (West 2008)), and counsel was appointed. At a hearing, with appointed counsel present, defendant notified the trial court that his aggravated-battery conviction had been overturned and that the State had decided to drop the charge. Defendant then noted that (1) the aggravated-battery conviction had been used against him at sentencing, (2) he wanted to amend his petition to challenge his sentence on that basis, and (3) he did not want to waive that issue. The court told him that he would have to discuss that with his appointed counsel.

¶ 11 Thereafter, postconviction counsel filed an amended postconviction petition and a certificate per Illinois Supreme Court Rule 651(c) (eff. July 1, 2017). The amended petition did

not raise any issue regarding the aggravated-battery conviction. The State moved to dismiss, and the trial court granted the motion.

¶ 12 Defendant filed a *pro se* motion to reconsider. He did not, however, raise any sentencing issue regarding the aggravated-battery conviction. The trial court denied the motion to reconsider.

¶ 13 On appeal from the dismissal of his postconviction petition, defendant did not raise any sentencing issue regarding the aggravated-battery conviction. We affirmed. See *People v. Robertson*, 2013 IL App (2d) 120250-U.

¶ 14 On August 26, 2019, defendant filed a motion for leave to file a successive postconviction petition. The only claim he raised was that the trial court considered his aggravated-battery conviction at sentencing and that the conviction was subsequently reversed. He alleged that (1) his postconviction trial counsel provided unreasonable assistance in failing to include this sentencing claim in the amended petition and (2) his postconviction appellate counsel was, in turn, unreasonable for failing to assert that postconviction trial counsel was deficient in this respect.

¶ 15 The motion for leave to file was heard by the same trial judge who sentenced defendant in this case. The trial court denied the motion. The court found that, because the State did not dismiss the aggravated-battery charge until after defendant filed his *pro se* petition, defendant had cause for not raising his sentencing claim in that petition. However, the court found that the omission did not prejudice defendant, because he had prior criminal history besides the aggravated-battery conviction. The court pointed to defendant's possession of the stolen shotgun, his failure to comply with probation, and the detective's testimony that defendant choked and punched his girlfriend. The court determined that this additional aggravating evidence supported the sentence and that, therefore, any error in considering the aggravated-battery conviction was harmless. The court relied on cases in which the reviewing court found that the trial court's reliance on an

improper sentencing factor was “insignificant” and thus did not result in a greater sentence. See *People v. Beals*, 162 Ill. 2d 497, 509-10 (1994); *People v. Moore*, 178 Ill. App. 3d 531, 545 (1988). Because defendant did not show prejudice, the court denied him leave to file his petition. Defendant, in turn, filed this timely appeal.

¶ 16

II. ANALYSIS

¶ 17 On appeal, defendant contends that he established both cause and prejudice to support filing a successive postconviction petition claiming that he is entitled to a new sentencing hearing because the trial court relied on his aggravated-battery conviction, which was subsequently reversed. He asserts that he showed cause in that, although he attempted to raise this sentencing claim as soon as he learned that the State had nol-prossed the aggravated-battery charge, both his trial and appellate postconviction counsel failed to raise the claim. As for prejudice, he maintains that the trial court, in imposing sentence, gave significant weight to the aggravated-battery conviction.

¶ 18 The Post-Conviction Hearing Act (Act) (725 ILCS 5/122-1 *et seq.* (West 2018)) allows a criminal defendant to assert that, in the proceedings resulting in his conviction or sentence, there was a substantial denial of his federal or state constitutional rights. The Act contemplates the filing of a single petition. *People v. Dorsey*, 2021 IL 123010, ¶ 32. Therefore, a defendant faces immense procedural-default hurdles when bringing a successive postconviction petition. *Dorsey*, 2021 IL 123010, ¶ 32. Those hurdles are lowered only in very limited circumstances so as not to impede the finality of criminal litigation. *Dorsey*, 2021 IL 123010, ¶ 32. To that end, the defendant must obtain leave of court to file a successive petition. 725 ILCS 5/122-1(f) (West 2018). To do so, he must demonstrate cause for failing to raise the claim in his initial petition and prejudice resulting from that failure. *Dorsey*, 2021 IL 123010, ¶ 32. Cause is shown by identifying

an objective factor that impeded the defendant's ability to raise a specific claim during the initial postconviction proceeding. 725 ILCS 5/122-1(f) (West 2018). Prejudice is shown by demonstrating that the claim not raised during the initial proceeding so infected the trial that the resulting conviction or sentence violated due process. 725 ILCS 5/122-1(f) (West 2018).

¶ 19 Leave of court to file a successive petition should be denied when it is clear from a review of the successive petition and supporting documents that the claims raised fail as a matter of law or are insufficient to justify further proceedings. *Dorsey*, 2021 IL 123010, ¶ 33. A reviewing court conducts a *de novo* review of the denial of a motion for leave to file a successive postconviction petition. *Dorsey*, 2021 IL 123010, ¶ 33. If the court concludes that a defendant cannot show prejudice, it need not address whether cause was shown. *People v. Smith*, 2014 IL 115946, ¶ 37.

¶ 20 Where a trial court bases its sentence on a prior conviction as an aggravating factor and that conviction is subsequently reversed, the court has infringed the defendant's right to be sentenced based on accurate information about his criminal background. *United States v. Tucker*, 404 U.S. 443, 447-49 (1972); see also *People v. Reynolds*, 116 Ill. App. 3d 328, 330-31 (1983); *People v. Merneigh*, 101 Ill. App. 3d 536, 537 (1981); *People v. Buckley*, 44 Ill. App. 3d 1038, 1039 (1977). The defendant's entitlement to a new sentencing hearing depends on whether the sentence imposed would have been different if the sentencing court had not considered the prior conviction. *Tucker*, 404 U.S. at 448. In *Tucker*, the United States Supreme Court held that the defendant was entitled to resentencing because, "if the trial judge *** had been aware of the constitutional infirmity of two of the previous convictions, the factual circumstances of the [defendant's] background would have appeared in a dramatically different light at the sentencing proceeding." *Tucker*, 404 U.S. at 448.

¶ 21 *Merneigh* provides a factual contrast to *Tucker*. In *Merneigh*, the trial judge's error in considering at sentencing two prior convictions that were subsequently overturned was brought to the attention of the same trial judge via a postconviction proceeding. *Merneigh*, 101 Ill. App. 3d at 537-38. The trial judge, in ruling on the postconviction claim, stated that he had considered other aggravating evidence in imposing the sentence and that the two subsequently overturned convictions were insignificant to the sentence. *Merneigh*, 101 Ill. App. 3d at 538. Thus, we held in *Merneigh* that the facts were distinguishable from *Tucker*. *Merneigh*, 101 Ill. App. 3d at 538-39.

¶ 22 Here, the trial court stated that its consideration of the aggravated-battery conviction was harmless error because there was sufficient additional aggravation to justify the sentence imposed. Because the court stated that its consideration of the aggravated-battery conviction was insignificant in light of the other aggravating evidence, this case, like *Merneigh*, is distinguishable from *Tucker*. See *Merneigh*, 101 Ill. App. 3d at 538.

¶ 23 Not only did the trial court expressly state that it gave little weight to the aggravated-battery conviction at sentencing, there is an additional reason supporting the court's finding that there was no prejudice. In discussing at sentencing the jail incident that gave rise to the aggravated-battery conviction, the court noted that the jury had found defendant guilty of that offense. However, the court added that, even if the jury had acquitted defendant, the evidence of that incident was sufficient for the court to consider it at sentencing. That was an accurate statement of the law. See *People v. Deleon*, 227 Ill. 2d 322, 340 (2008) (a sentencing court may consider evidence of crimes of which a defendant has been acquitted); see also *People v. Jackson*, 149 Ill. 2d 540, 550 (1992) (the underlying facts of the previous crime may be considered during sentencing, because the

burden of proof is lower than at trial). Irrespective of the conviction itself, the court at sentencing properly considered the facts underlying the conviction.

¶ 24 Even if we were to reverse the denial of defendant's motion for leave to file a successive postconviction petition and allow him to challenge his sentence, the most he would obtain is a new sentencing hearing at which the trial court would not be allowed to consider the aggravated-battery conviction. However, the court has already indicated that the absence of the conviction would not have altered the sentence imposed. Accordingly, defendant has not shown prejudice to justify the filing of a successive postconviction petition.

¶ 25 Nor has defendant shown cause for filing a successive petition. Cause is any objective factor, external to the defense, which impeded the defendant's ability to raise a specific claim in his initial postconviction proceeding. *People v. Pitsonbarger*, 205 Ill. 2d 444, 462 (2002). Thus, when cause is based on a fundamental deficiency in the initial postconviction proceeding, the defendant must show that the deficiency directly affected his ability to raise the specific claim now asserted. *Pitsonbarger*, 205 Ill. 2d at 462.

¶ 26 Defendant contends that he showed cause in that (1) the State did not nol-pros the aggravated-battery charge until May 2009, after he filed his initial petition; and (2) his postconviction trial counsel failed to raise the sentencing claim in the amended petition and his postconviction appellate counsel neglected to allege that failure on appeal. We disagree that defendant has shown cause.

¶ 27 First, although the State did not nol-pros the aggravated-battery charge until after defendant filed his initial petition, it was the reversal of the aggravated-battery conviction in April 2008 that gave rise to his sentencing claim. Defendant did not file his initial petition until February 2009. Thus, he could have raised the claim in that petition.

¶ 28 Second, defendant misconceives the role of postconviction counsel. Counsel is provided in the second stage of a postconviction proceeding to ensure that the defendant's claims are adequately presented. *People v. Suarez*, 224 Ill. 2d 37, 46 (2007). Counsel's duties are to investigate and properly present the defendant's claims. *People v. Pendleton*, 223 Ill. 2d 458, 476 (2006). Although postconviction counsel may raise additional claims if he chooses, there is no obligation to do so. *Pendleton*, 223 Ill. 2d at 476.

¶ 29 By extension, the failure of appointed counsel to amend a defendant's *pro se* postconviction petition to include a claim that the defendant himself had not raised does not constitute cause for filing a successive petition. *People v. Ramey*, 393 Ill. App. 3d 661, 667 (2009). In *Ramey*, the court held that appointed counsel's performance does not constitute an objective factor, external to the defense, that impedes the defendant's ability to raise a specific claim. *Ramey*, 393 Ill. App. 3d at 667 (citing *Pitsonbarger*, 205 Ill. 2d at 462). The court based this holding on the well-established principle that the reasonable level of assistance required in a postconviction proceeding is limited to counsel's presentation of the defendant's claims. *Ramey*, 393 Ill. App. 3d at 667-68. Thus, allegations amounting to nothing more than a claim that appointed counsel in the initial postconviction proceeding inadequately amended the defendant's petition do not establish a fundamental deficiency that constitutes cause for filing a successive postconviction petition. *Ramey*, 393 Ill. App. 3d at 669 (citing *People v. Szabo*, 186 Ill. 2d 19, 44 (1998) (Freeman, C.J., specially concurring)).

¶ 30 We recognize that defendant orally notified the trial court that he desired to have his sentencing claim considered as part of the initial postconviction proceedings. However, the court told him that he needed to discuss the matter with appointed counsel. Thereafter, counsel filed a Rule 651(c) certificate, which created a presumption of reasonable assistance, including that

counsel had consulted with defendant to ascertain his contentions of any deprivation of his constitutional rights. Rule 651(c) (eff. July 1, 2017); *People v. Suarez*, 224 Ill. 2d 37, 42 (2007); see also *People v. Perkins*, 229 Ill. 2d 34, 44 (2007) (duties under Rule 651(c) ensure that counsel shapes a defendant's claims into proper legal form and presents them to the court). The record does not rebut the presumption that counsel duly consulted with defendant. Thus, defendant has not shown cause sufficient to justify the filing of a successive postconviction petition.

¶ 31

III. CONCLUSION

¶ 32 For the reasons stated, we affirm the judgment of the circuit court of Lake County.

¶ 33 Affirmed.

SUPREME COURT OF ILLINOIS

WEDNESDAY, MAY 25, 2022

THE FOLLOWING CASES ON THE LEAVE TO APPEAL DOCKET WERE DISPOSED OF AS INDICATED:

126732 - People State of Illinois, respondent, v. Kelvin T. Hartfield, petitioner.
Leave to appeal, Appellate Court, Fourth District. 4-17-0787
Petition for Leave to Appeal Denied.

127338 - People State of Illinois, respondent, v. Eugene Nelson, petitioner.
Leave to appeal, Appellate Court, First District. 1-18-1483
Petition for Leave to Appeal Denied.

127522 - People State of Illinois, respondent, v. Israel Melendez, petitioner.
Leave to appeal, Appellate Court, First District. 1-17-0892
Petition for Leave to Appeal Denied.

127650 - Wilmington Trust, National Association, etc., respondent v. Priscilla L. Wright, etc., et al. (Christopher Stoller, petitioner). Leave to appeal, Appellate Court, First District. 1-20-0557
Petition for Leave to Appeal Denied.

127804 - Richard Peal, petitioner, v. Illinois Human Rights Commission et al., respondents. Leave to appeal, Appellate Court, First District. 1-19-2549
Petition for Leave to Appeal Denied.

127927 - People State of Illinois, respondent, v. LaRoyce McFadden, petitioner.
Leave to appeal, Appellate Court, Fifth District. 5-17-0139
Petition for Leave to Appeal Denied.
Overstreet, J. took no part.

128010 - Dave Carter et al., etc., petitioners, v. Wesley Township, etc., respondent. Leave to appeal, Appellate Court, Third District. 3-19-0594, 3-19-0595, 3-19-0596, 3-19-0601
Petition for Leave to Appeal Denied.

128012 - Monroe Sheckler et al., respondents, v. Auto-Owners Insurance Company, petitioner. Leave to appeal, Appellate Court, Third District. 3-19-0500
Petition for Leave to Appeal Allowed.

128023 - Regina Cassavoy, petitioner, v. Taylor N. Haayer et al. (Allison Yazel, respondent). Leave to appeal, Appellate Court, Second District. 2-19-0809
Petition for Leave to Appeal Denied.

128028 - Elias Ricks, II, Indv., etc., respondent, v. Advocate Health & Hospitals Corporation, etc., petitioner. Leave to appeal, Appellate Court, First District. 1-20-0952
Petition for Leave to Appeal Denied.

128061 - Sweitzer Properties, LLC, petitioner, v. Christopher Davis et al., respondents. Leave to appeal, Appellate Court, First District. 1-19-1974
Petition for Leave to Appeal Denied.

128078 - LifeEnergy, LLC, petitioner, v. The Illinois Commerce Commission et al., respondents. Leave to appeal, Appellate Court, Second District. 2-20-0411
Petition for Leave to Appeal Denied.
Anne M. Burke, C.J. took no part.

128082 - People State of Illinois, respondent, v. Tareq Ahmad Alhmdan, petitioner. Leave to appeal, Appellate Court, Second District. 2-20-0759
Petition for Leave to Appeal Denied.

128089 - Alice Wood, petitioner, v. William Barry, etc., et al., respondents. Leave to appeal, Appellate Court, Second District. 2-20-0062
Petition for Leave to Appeal Denied.

128097 - People State of Illinois, petitioner, v. Charles Steele, respondent. Leave to appeal, Appellate Court, Fourth District. 4-21-0122
Petition for Leave to Appeal Denied.

128107 - People State of Illinois, petitioner, v. Nathaniel Carswell, respondent. Leave to appeal, Appellate Court, First District. 1-19-1706
Petition for Leave to Appeal Denied.

128131 - People State of Illinois, petitioner, v. Jeremy L. Thomason, respondent. Leave to appeal, Appellate Court, Fourth District. 4-20-0318
Petition for Leave to Appeal Denied.

128170 - People State of Illinois, respondent, v. Oliver J. Hutt, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-19-0142, 4-19-0271
Petition for Leave to Appeal Allowed.

128171 - Louise DeBerry, petitioner, v. Illinois Educational Labor Relations Board et al., etc., respondents. Leave to appeal, Appellate Court, First District. 1-20-1127
Petition for Leave to Appeal Denied.

128172 - The County of Peoria, Illinois, et al., respondents, v. Joseph E. Couture, petitioner. Leave to appeal, Appellate Court, Third District. 3-21-0091
Petition for Leave to Appeal Denied.

128173 - People State of Illinois, respondent, v. Tyreese Crawford, petitioner. Leave to appeal, Appellate Court, First District. 1-20-1310
Petition for Leave to Appeal Denied.

128175 - People State of Illinois, respondent, v. Darnell Chaffin, petitioner. Leave to appeal, Appellate Court, First District. 1-20-0453
Petition for Leave to Appeal Denied.

128178 - People State of Illinois, respondent, v. Andrew S. Hui, petitioner. Leave to appeal, Appellate Court, Second District. 2-19-0846
Petition for Leave to Appeal Denied.

128179 - Eric Litwin, petitioner, v. The County of LaSalle et al. (The Village of Utica et al., respondents). Leave to appeal, Appellate Court, Third District. 3-20-0410
Petition for Leave to Appeal Denied.

128181 - Andreano Law, P.C., etc., et al., respondents, v. Castle Law, LLC, etc., petitioner. Leave to appeal, Appellate Court, Third District. 3-20-0129
Petition for Leave to Appeal Denied.

128182 - Deerpath Consolidated Neighborhood Association, respondent, v. The Lake County Board of Review et al., etc., petitioners. Leave to appeal, Appellate Court, Second District. 2-19-0985
Petition for Leave to Appeal Denied.
Michael J. Burke, J. took no part.

128183 - Randy Hindman, respondent, v. Maqbool Ahmad, petitioner. Leave to appeal, Appellate Court, Fifth District. 5-20-0331
Petition for Leave to Appeal Denied.
Overstreet, J. took no part.

128184 - In re Detention of Gregory Morris (People State of Illinois, respondent, v. Gregory Morris, petitioner). Leave to appeal, Appellate Court, Fourth District. 4-19-0750
Petition for Leave to Appeal Denied.

128185 - Neil Taylor, petitioner, v. The Evangelical Covenant Church, respondent. Leave to appeal, Appellate Court, First District. 1-21-0524
Petition for Leave to Appeal or, in the alternative, Petition for Appeal as a Matter of Right Denied.

128186 - People State of Illinois, respondent, v. Andre Hilliard, petitioner. Leave to appeal, Appellate Court, First District. 1-20-0112
Petition for Leave to Appeal Allowed.

128188 - Diamond Barnes, petitioner, v. Thomas Gibbons, etc., respondent. Leave to appeal, Appellate Court, Fifth District. 5-19-0415
Petition for Appeal as a Matter of Right or, in the alternative, Petition for Leave to Appeal Denied.

128189 - People State of Illinois, respondent, v. Kenneth Oliver, petitioner. Leave to appeal, Appellate Court, First District. 1-20-0651
Petition for Leave to Appeal Denied.

128193 - Marshall E. Wiggins, petitioner, v. Joe Ruppert et al., respondents.
Leave to appeal, Appellate Court, Fifth District. 5-20-0409
Petition for Leave to Appeal Denied.

128194 - People State of Illinois, respondent, v. Casey Todd Wiley, petitioner.
Leave to appeal, Appellate Court, Fourth District. 4-20-0079
Petition for Leave to Appeal Denied.

128195 - People State of Illinois, respondent, v. Thomas C. Messina, petitioner.
Leave to appeal, Appellate Court, Fourth District. 4-20-0195
Petition for Leave to Appeal Denied.

128196 - People State of Illinois, respondent, v. Volney McGhee, petitioner.
Leave to appeal, Appellate Court, First District. 1-19-0594
Petition for Leave to Appeal Denied.

Anne M. Burke, C.J. took no part.

128197 - People State of Illinois, respondent, v. Ronald W. Thiele, petitioner.
Leave to appeal, Appellate Court, Fourth District. 4-20-0450
Petition for Leave to Appeal Denied.

128198 - People State of Illinois, respondent, v. Ryan T. Harmon, petitioner.
Leave to appeal, Appellate Court, Second District. 2-19-0931
Petition for Leave to Appeal Denied.

128199 - Mwenda Murithi, petitioner, v. Salvador Godinez, etc., et al.,
respondents. Leave to appeal, Appellate Court, Fifth District. 5-17-0408
Petition for Leave to Appeal Denied.

128200 - People State of Illinois, respondent, v. Ralph Layton, petitioner. Leave
to appeal, Appellate Court, First District. 1-17-2418
Petition for Leave to Appeal Denied.

128201 - People State of Illinois, respondent, v. Hector Rueben Sanchez,
petitioner. Leave to appeal, Appellate Court, Second District. 2-20-0431
Petition for Leave to Appeal Denied.

128202 - People State of Illinois, respondent, v. Glenn Torres, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-19-0585
Petition for Leave to Appeal Denied.

128204 - People State of Illinois, respondent, v. Willie Millsap, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-21-0192
Petition for Leave to Appeal Denied.

128206 - People State of Illinois, respondent, v. Stanley Chairs, petitioner. Leave to appeal, Appellate Court, Fifth District. 5-18-0429, 5-19-0325
Petition for Leave to Appeal Denied.

128207 - People State of Illinois, respondent, v. Vernon Lauderdale, petitioner. Leave to appeal, Appellate Court, First District. 1-20-0109
Petition for Leave to Appeal Denied.

128209 - People State of Illinois, respondent, v. Gerald Jones, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-19-0743
Petition for Leave to Appeal Denied.

128211 - People State of Illinois, respondent, v. Robert A. Castellanos, petitioner. Leave to appeal, Appellate Court, Second District. 2-19-0565
Petition for Leave to Appeal Denied.

128214 - People State of Illinois, petitioner, v. Lorin Volberding, respondent. Leave to appeal, Appellate Court, Second District. 2-20-0346
Petition for Leave to Appeal Denied.

128219 - People State of Illinois, respondent, v. Ronald L. Phillips Jr., petitioner. Leave to appeal, Appellate Court, Fifth District. 5-19-0282
Petition for Leave to Appeal Denied.

128220 - People State of Illinois, respondent, v. Alfonso L. Thomas, petitioner. Leave to appeal, Appellate Court, Second District. 2-20-0171
Petition for Leave to Appeal Denied.

128221 - People State of Illinois, respondent, v. Altai Thornton, petitioner. Leave to appeal, Appellate Court, First District. 1-17-0677
Petition for Leave to Appeal Denied.

Theis, J. took no part.

128223 - 2424 Chicago Condominium Association, respondent, v. Revite Corporation, petitioner. Leave to appeal, Appellate Court, First District. 1-20-0906
Petition for Leave to Appeal Denied.

128225 - David White, petitioner, v. Funeral Financial Systems, Ltd., etc., et al. (Richard N. Abrams et al., etc., respondents). Leave to appeal, Appellate Court, First District. 1-20-1385
Petition for Leave to Appeal Denied.

Neville, J. took no part.

128226 - People State of Illinois, respondent, v. Jerome Harris, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-19-0245
Petition for Leave to Appeal Denied.

128227 - People State of Illinois, respondent, v. Terrance Brooks, petitioner. Leave to appeal, Appellate Court, First District. 1-18-1670
Petition for Leave to Appeal Denied.

128228 - Lori Grant, petitioner, v. Brenda Johnson, respondent. Leave to appeal, Appellate Court, Fifth District. 5-20-0081
Petition for Leave to Appeal Denied.

128229 - People State of Illinois, respondent, v. Octavius J. Jackson, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-19-0710
Petition for Leave to Appeal Denied.

128230 - People State of Illinois, respondent, v. John R. Pitts, Jr., petitioner. Leave to appeal, Appellate Court, Third District. 3-20-0416
Petition for Leave to Appeal Denied.

128231 - People State of Illinois, respondent, v. Micah Jefferson, petitioner. Leave to appeal, Appellate Court, First District. 1-17-2484
Petition for Leave to Appeal Denied.

128232 - People State of Illinois, respondent, v. Juan M. Cuellar, petitioner. Leave to appeal, Appellate Court, Second District. 2-20-0074
Petition for Leave to Appeal Denied.

128233 - People State of Illinois, respondent, v. Calvin Wilson, petitioner. Leave to appeal, Appellate Court, First District. 1-19-2295
Petition for Leave to Appeal Denied.

128234 - People State of Illinois, respondent, v. James F. Haubrich, petitioner. Leave to appeal, Appellate Court, Second District. 2-19-0858
Petition for Leave to Appeal Denied.

128236 - People State of Illinois, respondent, v. Carl Homme, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-19-0490, 4-19-0491, 4-19-0493
Petition for Leave to Appeal Denied.

128237 - People State of Illinois, respondent, v. Anthony L. Mabon, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-21-0035
Petition for Leave to Appeal Denied.

128238 - People State of Illinois, respondent, v. Eazs A. Harper, petitioner. Leave to appeal, Appellate Court, Fifth District. 5-19-0301
Petition for Leave to Appeal Denied.

128240 - People State of Illinois, respondent, v. Devontae D. Williams, petitioner. Leave to appeal, Appellate Court, Third District. 3-19-0298
Petition for Leave to Appeal Denied.

128241 - People State of Illinois, respondent, v. Brochers Isom, petitioner. Leave to appeal, Appellate Court, First District. 1-20-0926
Petition for Leave to Appeal Denied.

128243 - In re Commitment of Jonathan C. West (People State of Illinois, respondent, v. Jonathan C. West, petitioner). Leave to appeal, Appellate Court, Third District. 3-20-0284
Petition for Leave to Appeal Denied.

128246 - People State of Illinois, respondent, v. Trevor Robinson, petitioner. Leave to appeal, Appellate Court, First District. 1-20-0997
Petition for Leave to Appeal Denied.

128247 - Stephen Schreiner et al., petitioners, v. The County of Logan, etc., et al., respondents. Leave to appeal, Appellate Court, Fourth District. 4-21-0173
Petition for Leave to Appeal Denied.

128248 - People State of Illinois, respondent, v. Markeas Brown, petitioner. Leave to appeal, Appellate Court, First District. 1-19-0812
Petition for Leave to Appeal Denied.

128249 - People State of Illinois, respondent, v. Stephen Sapp, petitioner. Leave to appeal, Appellate Court, First District. 1-20-0436
Petition for Leave to Appeal Denied.

128250 - People State of Illinois, respondent, v. Charles Ellis, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-21-0097
Petition for Leave to Appeal Denied.

128251 - Peter Gakuba, petitioner, v. Illinois Prisoner Review Board, respondent. Leave to appeal, Appellate Court, First District. 1-21-1293, 1-21-1616
Petition for Leave to Appeal Denied.

128252 - MB Financial Bank, N.A., etc., et al., respondents, v. Tim Brophy, etc., et al., petitioners. Leave to appeal, Appellate Court, Third District. 3-20-0192
Petition for Leave to Appeal Allowed.

128254 - Chad Hardy, petitioner, v. Jonathan Fatheree, etc., respondent. Leave to appeal, Appellate Court, Fifth District. 5-19-0445
Petition for Leave to Appeal Denied.

128255 - People State of Illinois, respondent, v. Lamar Whatley, petitioner. Leave to appeal, Appellate Court, First District. 1-21-0113
Petition for Leave to Appeal Denied.

128256 - Peter Gakuba, petitioner, v. Illinois Prisoner Review Board, respondent. Leave to appeal, Appellate Court, Fourth District. 4-22-0003
Petition for Leave to Appeal Denied.

128257 - People State of Illinois, respondent, v. Hezekiah Hamilton, petitioner. Leave to appeal, Appellate Court, Second District. 2-21-0146
Petition for Leave to Appeal Denied.

128258 - People State of Illinois, respondent, v. Corey Baugh, petitioner. Leave to appeal, Appellate Court, First District. 1-20-1339
Petition for Leave to Appeal Denied.

128259 - People State of Illinois, respondent, v. Oliver Spann, petitioner. Leave to appeal, Appellate Court, First District. 1-21-0112
Petition for Leave to Appeal Denied.

128263 - Theodore Karavos, Indv., etc., respondent, v. Northwest Community Hospital, etc., et al. (Intuitive Surgical Inc., etc., petitioner). Leave to appeal, Appellate Court, First District. 1-21-0383
Petition for Leave to Appeal Denied.

128264 - Theodore Karavos, Indv., etc., respondent, v. Northwest Community Hospital, etc., et al., petitioners. Leave to appeal, Appellate Court, First District. 1-21-0383
Petition for Leave to Appeal Denied.

128265 - Frank Kainrath et al., respondents, v. Jay Grider, Indv., etc., et al., petitioners. Leave to appeal, Appellate Court, First District. 1-20-0247, 1-20-0271
Petition for Leave to Appeal Denied.

128267 - People State of Illinois, respondent, v. David Kraybill, petitioner. Leave to appeal, Appellate Court, First District. 1-19-0621
Petition for Leave to Appeal Denied.

Neville, J. took no part.

128269 - People State of Illinois, respondent, v. Reginald Lane, petitioner. Leave to appeal, Appellate Court, First District. 1-18-2672
Petition for Leave to Appeal Allowed.

128270 - People State of Illinois, respondent, v. Melvin Harvey, petitioner. Leave to appeal, Appellate Court, First District. 1-20-1177
Petition for Leave to Appeal Denied.

128271 - People State of Illinois, respondent, v. Nirin A. Walls, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-20-0463
Petition for Leave to Appeal Denied.

128276 - People State of Illinois, respondent, v. Demetrius Jackson, petitioner. Leave to appeal, Appellate Court, First District. 1-21-0022
Petition for Leave to Appeal Denied.

128277 - People State of Illinois, respondent, v. Christopher Wells, petitioner. Leave to appeal, Appellate Court, Fifth District. 5-18-0458
Petition for Leave to Appeal Denied.

Overstreet, J. took no part.

128279 - People State of Illinois, respondent, v. Willie James Cherry, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-20-0309
Petition for Leave to Appeal Denied.

128281 - People State of Illinois, respondent, v. Charles Soto, petitioner. Leave to appeal, Appellate Court, First District. 1-20-1208
Petition for Leave to Appeal Denied.

128282 - Frank Kainrath et al., petitioners, v. Jay Grider, Indv., etc., et al., respondents. Leave to appeal, Appellate Court, First District. 1-20-0247, 1-20-0271
Petition for Leave to Appeal Denied.

128285 - Judith K. Zimmer, etc., respondent, v. UDI #9, LLC, etc., et al., petitioners. Leave to appeal, Appellate Court, Fourth District. 4-22-0084
Petition for Leave to Appeal Denied.

128288 - People State of Illinois, respondent, v. Robert J. Rogers, petitioner. Leave to appeal, Appellate Court, Third District. 3-18-0088
Petition for Leave to Appeal Denied.
Carter, J. took no part.

128289 - People State of Illinois, respondent, v. Clarence Anthony Thompkins, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-20-0198
Petition for Leave to Appeal Denied.

128290 - People State of Illinois, respondent, v. Alejandro Gonzalez, petitioner. Leave to appeal, Appellate Court, Second District. 2-19-0831
Petition for Leave to Appeal Denied.

128292 - People State of Illinois, respondent, v. Davis Arna, petitioner. Leave to appeal, Appellate Court, First District. 1-20-0010
Petition for Leave to Appeal Denied.
Anne M. Burke, C.J. took no part.

128293 - Gerald Glazer et al., etc., petitioners, v. The Private Residences at Ontario Place Condominium Association, etc., et al., respondents. Leave to appeal, Appellate Court, First District. 1-21-0156
Petition for Leave to Appeal Denied.

128294 - People State of Illinois, respondent, v. Adolfo E. Palomera, petitioner. Leave to appeal, Appellate Court, Second District. 2-20-0631
Petition for Leave to Appeal Denied.

128297 - People State of Illinois, respondent, v. Matthew Carby, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-19-0677
Petition for Leave to Appeal Denied.

128298 - People State of Illinois, respondent, v. Malcolm Wiggins, petitioner. Leave to appeal, Appellate Court, First District. 1-20-1110
Petition for Leave to Appeal Denied.

128299 - People State of Illinois, respondent, v. Tyson Yount, petitioner. Leave to appeal, Appellate Court, Fifth District. 5-19-0052
Petition for Leave to Appeal Denied.

128300 - Matt Chapman, respondent, v. The Chicago Department of Finance, petitioner. Leave to appeal, Appellate Court, First District. 1-20-0547
Petition for Leave to Appeal Allowed.

128301 - People State of Illinois, respondent, v. Andrew Lamon, petitioner. Leave to appeal, Appellate Court, Third District. 3-20-0494
Petition for Leave to Appeal Denied.
Carter, J. took no part.

128302 - People State of Illinois, respondent, v. Charles M. Hill, petitioner. Leave to appeal, Appellate Court, Second District. 2-20-0416
Petition for Leave to Appeal Denied.

128303 - In re Marriage of Phyllis Jean Lampi, petitioner, and Henry Lampi, respondent. Leave to appeal, Appellate Court, Fourth District. 4-21-0423
Petition for Leave to Appeal Denied.

128306 - People State of Illinois, respondent, v. Fantasia Michelle Watson, petitioner. Leave to appeal, Appellate Court, Third District. 3-19-0315
Petition for Leave to Appeal Denied.

128307 - Ed Fiala, petitioner, v. Patrick M. Griffin et al., respondents. Leave to appeal, Appellate Court, Second District. 2-21-0064
Petition for Leave to Appeal Denied.

128310 - Jason Garrett, petitioner, v. James Ackerman, respondent. Leave to appeal, Appellate Court, Fourth District. 4-21-0124
Petition for Leave to Appeal Denied.

128311 - People State of Illinois, respondent, v. Timothy D. Robertson, petitioner. Leave to appeal, Appellate Court, Second District. 2-20-0132
Petition for Leave to Appeal Denied.

128312 - People State of Illinois, respondent, v. Derrick L. Sterrett, petitioner. Leave to appeal, Appellate Court, Third District. 3-19-0448
Petition for Leave to Appeal Denied.

128313 - Ed Fiala, respondent, v. Patrick M. Griffin et al., petitioners. Leave to appeal, Appellate Court, Second District. 2-21-0064
Petition for Leave to Appeal Denied.

128314 - PF Evergreen Park, LLC, etc., et al., respondents, v. CFLS Evergreen, LLC, etc., petitioner. Leave to appeal, Appellate Court, First District. 1-20-0938, 1-20-0939
Petition for Leave to Appeal Denied.

128315 - People State of Illinois, respondent, v. Patrick Comi, petitioner. Leave to appeal, Appellate Court, First District. 1-16-0907
Petition for Leave to Appeal Denied.

Anne M. Burke, C.J. took no part.
Neville, J. took no part.

128316 - People State of Illinois, respondent, v. Shaun N. Taylor, petitioner. Leave to appeal, Appellate Court, Third District. 3-19-0281
Petition for Leave to Appeal Allowed.

128317 - In re Marriage of Rockne L. Brubaker, respondent, and Monica L. Brubaker, petitioner. Leave to appeal, Appellate Court, Second District. 2-20-0160
Petition for Leave to Appeal Denied.

128318 - People State of Illinois, respondent, v. Wainer Sousa Ancheta, petitioner. Leave to appeal, Appellate Court, Second District. 2-21-0126
Petition for Leave to Appeal Denied.

128319 - People State of Illinois, respondent, v. Raymond Nesbitt, petitioner. Leave to appeal, Appellate Court, First District. 1-19-0359
Petition for Leave to Appeal Denied.

128321 - People State of Illinois, respondent, v. Rasahn A. Southall, petitioner. Leave to appeal, Appellate Court, Second District. 2-20-0528
Petition for Leave to Appeal Denied.

128322 - People State of Illinois, respondent, v. Deontay L. Gunnell, petitioner. Leave to appeal, Appellate Court, Second District. 2-19-0234
Petition for Leave to Appeal Denied.

128323 - People State of Illinois, respondent, v. Gregory Haynes, petitioner. Leave to appeal, Appellate Court, First District. 1-20-0110
Petition for Leave to Appeal Denied.

128324 - People State of Illinois, respondent, v. Theodore Luczak, petitioner. Leave to appeal, Appellate Court, First District. 1-17-3139
Petition for Leave to Appeal Denied.

128325 - People State of Illinois, respondent, v. Julian Zavalza, petitioner. Leave to appeal, Appellate Court, First District. 1-19-0244
Petition for Leave to Appeal Denied.

128326 - People State of Illinois, respondent, v. Jordan Bailey, petitioner. Leave to appeal, Appellate Court, First District. 1-18-2163
Petition for Leave to Appeal Denied.

128329 - People State of Illinois, respondent, v. Terrell Lewis, petitioner. Leave to appeal, Appellate Court, First District. 1-21-0689
Petition for Leave to Appeal Denied.

128330 - People State of Illinois, respondent, v. Michael Tucker, petitioner.
Leave to appeal, Appellate Court, First District. 1-17-2982
Petition for Leave to Appeal Denied.

Neville, J. took no part.

128331 - Willie Earl Willis et al., respondents, v. The Estate of Randall J. Koeller, petitioner. Leave to appeal, Appellate Court, Fifth District. 5-21-0261
Petition for Leave to Appeal Denied.

Overstreet, J. took no part.

128333 - People State of Illinois, respondent, v. Rodolfo A. Cerritos, petitioner.
Leave to appeal, Appellate court, Fourth District. 4-20-0443
Petition for Leave to Appeal Denied.

128334 - Willie Earl Willis et al., respondents, v. The Estate of Randall J. Koeller et al. (Insurance Planning and Management, Inc., petitioner). Leave to appeal, Appellate Court, Fifth District. 5-21-0261
Petition for Leave to Appeal Denied.

Overstreet, J. took no part.

128335 - People State of Illinois, respondent, v. Larry K. Broomfield, petitioner.
Leave to appeal, Appellate Court, Fourth District. 4-20-0329
Petition for Leave to Appeal Denied.

128337 - Secura Insurance, petitioner, v. Phillips 66 Company, respondent.
Leave to appeal, Appellate Court, First District. 1-21-0069
Petition for Leave to Appeal Denied.

128338 - William Walton, Indv., etc., petitioner, v. Roosevelt University, respondent. Leave to appeal, Appellate Court, First District. 1-21-0011
Petition for Leave to Appeal Allowed.

128339 - People State of Illinois, respondent, v. Brandon McCarter, petitioner.
Leave to appeal, Appellate Court, First District. 1-18-1714
Petition for Leave to Appeal Denied.

128340 - People State of Illinois, respondent, v. Eric N. Castillo, petitioner. Leave to appeal, Appellate Court, Second District. 2-19-0670
Petition for Leave to Appeal Denied.

128341 - People State of Illinois, respondent, v. Frank Robinson, petitioner. Leave to appeal, Appellate Court, First District. 1-19-1087
Petition for Leave to Appeal Denied.

128342 - Frances Herndon, etc., petitioner, v. Jacob Kaminski et al., etc. (Bedrocks and the Cave, Inc., et al., respondents). Leave to appeal, Appellate Court, Second District. 2-21-0297
Petition for Leave to Appeal Denied.

128343 - OSF Healthcare System, etc., petitioner, v. Great Dane et al., respondents. Leave to appeal, Appellate Court, Third District. 3-21-0227
Petition for Leave to Appeal Denied.

128345 - People State of Illinois, respondent, v. Keith Middleton, petitioner. Leave to appeal, Appellate Court, First District. 1-19-1505
Petition for Leave to Appeal Denied.

128346 - Paul Chatman, petitioner, v. People State of Illinois et al., etc., respondents. Leave to appeal, Appellate Court, First District. 1-21-0925
Petition for Appeal as a Matter of Right Denied.

128347 - Peter Smith Ely, etc., et al., respondents, v. Ruth Pivar, Esq., et al., petitioners. Leave to appeal, Appellate Court, First District. 1-20-0852
Petition for Leave to Appeal Denied.

128348 - People State of Illinois, respondent, v. Kyle Alan Brestan, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-20-0297
Petition for Leave to Appeal Denied.

128349 - People State of Illinois, respondent, v. Brandon Aquisto, petitioner. Leave to appeal, Appellate Court, Fourth District. 4-20-0081
Petition for Leave to Appeal Denied.

128350 - People State of Illinois, respondent, v. David Walls, petitioner. Leave to appeal, Appellate Court, Second District. 2-20-0459
Petition for Leave to Appeal Denied.

128351 - People State of Illinois, respondent, v. Carl D. Russ, petitioner. Leave to appeal, Appellate Court, Fifth District. 5-19-0240
Petition for Leave to Appeal Denied.

Overstreet, J. took no part.

128352 - People State of Illinois, respondent, v. Ricky J. Nettles, petitioner. Leave to appeal, Appellate Court, Third District. 3-19-0195
Petition for Leave to Appeal Denied.

128353 - People State of Illinois, respondent, v. Darnell A. Young, petitioner. Leave to appeal, Appellate Court, Second District. 2-21-0148
Petition for Leave to Appeal Denied.

128354 - Grant Nyhammer, etc., respondent, v. Paula Basta, etc., petitioner. Leave to appeal, Appellate Court, Second District. 2-20-0460
Petition for Leave to Appeal Allowed.

128355 - People State of Illinois, respondent, v. Prince Watson, petitioner. Leave to appeal, Appellate Court, First District. 1-19-2182
Petition for Leave to Appeal Denied.