

APPENDIX A



SUPREME COURT OF ILLINOIS

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May 28, 2025

In re: People State of Illinois, respondent, v. Jason Russell, petitioner.
Leave to appeal, Appellate Court, First District.
131616

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 07/02/2025.

Very truly yours,

Cynthia A. Grant

Clerk of the Supreme Court

APPENDIX B

No. 1-24-0659

Order filed February 10, 2025.

First 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.
JASON RUSSELL,)
Defendant-Appellant.) No. 07 CR 25129
) The Honorable
) William G. Gamboney,
) Judge Presiding.

JUSTICE LAVIN delivered the judgment of the court.
Justices Pucinski and Cobbs concurred in the judgment.

SUMMARY ORDER

¶ 1 Defendant Jason Russell appeals from the circuit court's denial of his *pro se* petition for relief from judgment filed pursuant to section 2-1401 of the Code of Civil Procedure (735 ILCS 5/2-1401 (West 2022)).¹

¶ 2 Following a jury trial, defendant was found guilty of first degree murder and sentenced to 45 years in prison. We affirmed on direct appeal. See *People v. Russel*, 2014 IL App (1st) 113775-

¹Defendant's last name is also spelled Russel in the record. For clarity, we adopt the spelling used by defendant in his *pro se* notice of appeal.

U. Defendant then filed an unsuccessful collateral attack on his conviction. See *People v. Russell*, No. 1-15-3317 (2018) (unpublished summary order under Supreme Court Rule 23(c)).

¶ 3 On September 20, 2023, defendant's *pro se* petition for relief from judgment was filed in the circuit court. The petition alleged that defendant's conviction was void because the trial court lacked jurisdiction when the charging instrument was procured under a facially unconstitutional statute. The petition alleged that defendant was not given a prompt preliminary hearing to determine probable cause and not charged by indictment until 36 days after he was "taken into custody."

¶ 4 On November 7, 2023, defendant filed a *pro se* motion for summary judgment as the State had not filed an appearance or answer within 30 days after the filing of the *pro se* petition for relief from judgment.

¶ 5 On February 16, 2024, the circuit court denied the petition for relief from judgment and the motion for summary judgment.

¶ 6 The Office of the State Appellate Defender, which represents defendant on appeal, has filed a motion for leave to withdraw as appellate counsel, citing *Pennsylvania v. Finley*, 481 U.S. 551 (1987). Counsel has informed defendant of this conclusion and has filed a memorandum in support of the motion. Counsel's memorandum identifies arguments that defendant could potentially assert on appeal and explains why they are frivolous and without merit.

¶ 7 Here, counsel considered whether (1) the petition was timely although it was filed beyond the applicable two-year statute of limitations, (2) there was arguable merit to the petition, and (3) the circuit court's denial was procedurally proper, but concluded that these claims lacked arguable merit.

¶ 8 Counsel mailed copies of counsel's motion and memorandum to defendant. This court informed defendant that he may file with this court a written explanation of why he thinks there are meritorious issues in his appeal. Defendant has filed a response.

¶ 9 In his response, defendant argues that without counsel he will be deprived of his constitutional right to access this court. He reiterates the arguments raised in the petition for relief from judgment, asserts that the circuit court and appointed counsel's conclusions that the petition was not meritorious "disregarded" Illinois Supreme Court and United States Supreme Court precedent, and concludes that the petition's issues warrant adjudication.

¶ 10 After carefully reviewing the record, counsel's motion and memorandum, and defendant's response, we agree with counsel's conclusion that there are no issues of arguable merit on appeal. Thus, the motion of the Office of the State Appellate Defender for leave to withdraw as counsel is allowed.

¶ 11 This order is entered in accordance with Supreme Court Rule 23(c)(2), (4) (eff. Feb. 1, 2023).

¶ 12 Affirmed.