



APPENDIX "CCC"

SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING
200 East Capitol Avenue
SPRINGFIELD, ILLINOIS 62701-1721

CYNTHIA A. GRANT
Clerk of the Court

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September 23, 2025

FIRST DISTRICT OFFICE
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Anthony Allen
Reg. No. B43715
Hill Correctional Center
600 S. Linwood Rd.
Galesburg, IL 61401

In re: Allen v. Walker
M.D.015183

Today the following order was entered in the captioned case:

Motion by movant for a supervisory order is denied.

Order entered by the Court.

Neville, J., took no part.

Very truly yours,

Cynthia A. Grant

Clerk of the Supreme Court

cc: Attorney General of Illinois - Criminal Division

EXHIBIT "F"

No. 1-23-1730

Order filed December 11, 2024

Third Division

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

ANTHONY ALLEN,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellant,)	Cook County.
)	
v.)	No. 91 CR 10926
)	
TYRONE BAKER, Warden of Hill Correctional Center,)	Honorable
)	Joanne F. Rosado,
Defendant-Appellee.)	Judge, presiding.

JUSTICE D.B. Walker delivered the judgment of the court.
Presiding Justice Lampkin and Justice Martin concurred in the judgment.

SUMMARY ORDER

¶ 1 Plaintiff Anthony Allen appeals from the circuit court's order denying his *pro se* motion for "leave to file petition of mandamus."¹

¹ The caption of plaintiff's petition named Tyrone Baker as defendant without specifying his position as warden of Hill Correctional Center, of which we take judicial notice based on information from the website of the Illinois Department of Corrections. See Hill Correctional Center Facility Data, <https://idoc.illinois.gov/facilities/allfacilities/facility.hill-correctional-center.html> (last visited Nov. 15, 2024); see also *Leach v. Department of Employment Security*, 2020 IL App (1st) 190299, ¶ 44 (we may take judicial notice of information on government websites and in public records, as they are sufficiently reliable). The body of the pleading, in contrast, identified Mark Williams as defendant and warden.

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¶ 2 Following a 1993 jury trial, plaintiff was found guilty of two counts of first degree murder and one count of armed robbery. He was sentenced to concurrent prison terms of natural life for first degree murder and 30 years for armed robbery. We affirmed on direct appeal. *People v. Allen*, No. 1-93-2453 (1995) (unpublished order under Illinois Supreme Court Rule 23).

¶ 3 Subsequently, plaintiff filed several unsuccessful collateral challenges. See *People v. Allen*, No. 1-21-0126 (2022) (unpublished summary order under Illinois Supreme Court Rule 23(c)) (collecting cases).

¶ 4 On May 2, 2023, plaintiff filed the instant *pro se* motion for “leave to file petition of mandamus” with a “petition of mandamus” attached. Plaintiff alleged that the State had nol-prossed charges for first degree murder based on (1) intent to kill or do great bodily harm and (2) knowledge of a strong probability of death or great bodily harm. Therefore, according to plaintiff, the jury could have only considered whether he had the requisite mental state to commit the felony underlying his felony murder count. Plaintiff asserted his felony murder conviction should be vacated, and the sentencing court lacked authority to impose natural life imprisonment for felony murder, because the trial evidence for “the predicate felony of armed robbery from driving for the murders was not made during trial or was in the armed robbery charged pertaining to the allegation of driving.” He stated that because he had served more than the 30-year sentence for armed robbery, he should be immediately released from prison.

¶ 5 On July 13, 2023, the circuit court called the case, noted plaintiff was not present and had waived his appearance, and denied the petition. The court stated plaintiff had filed the same claims “over and over” in prior proceedings and the appellate court found no merit to his claims.

¶ 6 On August 1, 2023, plaintiff filed *pro se* a motion to reconsider, stating he never received notice of the July 13, 2023 court date and repeating his claims.

¶ 7 On August 9, 2023, the court denied the motion to reconsider, noting plaintiff was not present and thus waived his appearance again.

¶ 8 On August 14, 2023, plaintiff filed *pro se* a pleading titled "amend mandamus to petition for state habeas corpus," which the court denied on August 21, 2023, stating it was "the same motion that [plaintiff] has filed multiple times."

¶ 9 On August 28, 2023, plaintiff filed *pro se* a "motion to reconsider under newly discover [sic] evidence," claiming he was not appearing in court due to communication issues within the Hill Correctional Center. On September 5, 2023, the court denied the motion, stating plaintiff's participation in the video conference call would not have changed the results.

¶ 10 On September 11, 2023, according to a certificate of service, plaintiff placed his *pro se* notice of appeal in the prison mailbox, identifying the date of the judgment appealed as August 9, 2023, and noting that a motion to reconsider had been denied on September 5, 2023.

¶ 11 The office of the Cook County Public Defender was appointed to represent plaintiff. Under *Pennsylvania v. Finley*, 481 U.S. 551 (1987), plaintiff's counsel has filed a motion requesting leave to withdraw as counsel based on the conclusion that an appeal in this case would lack arguable merit. Counsel has informed plaintiff of this conclusion and has filed a memorandum in support of the motion. Counsel's memorandum identifies arguments that plaintiff could potentially assert on appeal and explains why the arguments are frivolous and without merit.

¶ 12 Counsel considered whether plaintiff timely filed his petition for *mandamus* relief, whether there was any arguable merit to plaintiff's claim that his sentence was not authorized by law, and whether plaintiff is entitled to the "extraordinary remedy" of *mandamus*.

¶ 13 Copies of counsel's motion and memorandum were mailed to plaintiff. Plaintiff was also informed that he may file with this court a written explanation of why he thinks there are meritorious issues in his appeal. Plaintiff has filed a response.

¶ 14 In response, plaintiff argues that his right to be present during the proceedings on his petition for *mandamus* relief was violated, as he never waived his appearance or refused to appear for a video conference. Plaintiff also reiterates the claims in his petition.

¶ 15 To comply with *Finley*, we have carefully examined the record, counsel's motion and memorandum, and plaintiff's response. While counsel does not consider whether this court has jurisdiction over this appeal, we nonetheless have an independent duty to evaluate our jurisdiction. See *People v. Smith*, 228 Ill. 2d 95, 104 (2008). We find that we lack jurisdiction because plaintiff untimely filed his notice of appeal in the circuit court.

¶ 16 *Mandamus* is a civil remedy. *Rodriguez v. Illinois Prisoner Review Board*, 376 Ill. App. 3d 429, 433 (2007). In appeals from civil proceedings, the appellant must file a notice of appeal with the clerk of the circuit court within 30 days after the entry of the final judgment appealed from or, where a timely postjudgment motion is filed, within 30 days after the entry of the order disposing of the last pending postjudgment motion. Ill. S. Ct. R. 303(a)(1) (eff. July 1, 2017). "[T]he timely filing of the notice of appeal is the only jurisdictional step required to perfect the appeal." *Oruta v. Biomat USA, Inc.*, 2017 IL App (1st) 152789, ¶ 5.

¶ 17 As an initial matter, we note that plaintiff's notice of appeal stated that he sought to appeal from the circuit court's orders of August 9, 2023, and September 5, 2023, which denied his postjudgment motions, and did not state that he sought to appeal the underlying final judgment of July 13, 2023. See *In re Marriage of Harris*, 2015 IL App (2d) 140616, ¶ 13 (" '[A]n order denying a post-judgment motion is not itself a judgment, *** and is not an appealable order.' " (quoting *Sears v. Sears*, 85 Ill. 2d 253, 258 (1981))).

¶ 18 Even if plaintiff's notice of appeal were construed as an appeal from the order of July 13, 2023, the appeal would be untimely. Here, the circuit court denied plaintiff's motion for "leave to file petition of mandamus" on July 13, 2023. Plaintiff filed a timely motion to reconsider on August 1, 2023. See 735 ILCS 5/2-1203(a) (West 2022) (postjudgment motions must be filed within 30 days after the entry of the judgment challenged). The circuit court denied plaintiff's motion to reconsider on August 9, 2023. Plaintiff's notice of appeal from the August 9, 2023, order contains a certificate of service stating he placed the notice in the mail on September 11, 2023, more than 30 days after the court entered its order denying his postjudgment motion and well more than 30 days after the court denied the underlying motion for "leave to file petition of mandamus." See Ill. S. Ct. R. 373(b) (eff. Feb. 1, 2024) (notices of appeal received after the due date are deemed filed at the time of mailing, provided proof of mailing is given in compliance with Rule 12(b)). While the notice of appeal mentioned the September 5, 2023 order that denied plaintiff's motion to reconsider, that motion was a successive postjudgment motion that did not toll the time for filing a notice of appeal. See *Parker v. Liberty Insurance Underwriters, Inc.*, 2022 IL App (1st) 200812, ¶ 25 ("Successive postjudgment motions do not toll the time for filing a notice of appeal.").

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Therefore, plaintiff's notice of appeal was untimely filed in the circuit court, and we lack jurisdiction to consider this appeal. *Oruta*, 2017 IL App (1st) 152789, ¶ 5.

¶ 19 For the foregoing reasons, we grant counsel's motion to withdraw and dismiss the appeal for lack of jurisdiction.

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

¶ 21 Appeal dismissed.

EXHIBIT "G"

No. 1-23-1730

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

ANTHONY ALLEN,

Plaintiff-Appellant,

v.

TYRONE BAKER, Warden of Hill Correctional Center,

Defendant-Appellee

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)
) Appeal from the Circuit Court
) Of Cook County
)
) No. 91 CR 10926
)
) Honorable
) Joanne F. Rosado
) Judge Presiding
)
)
)

ORDER

This cause coming forth on court's own motion;

IT IS HEREBY ORDERED that this court's March 19, 2025 order denying Plaintiff-Appellant's Petition for Rehearing is vacated

IT IS FURTHER ORDERED that the mandate in this appeal is recalled.

ORDER ENTERED

MAR 19 2025

APPELLATE COURT FIRST DISTRICT

Bertina Lampkin
PRESIDING JUSTICE

LeRoy L. Winters, Jr.
JUSTICE

Debra B. Walker
JUSTICE

No. 1-23-1730

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

ANTHONY ALLEN,

Plaintiff-Appellant,

v.

TYRONE BAKER, Warden of Hill Correctional Center,

Defendant-Appellee.

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) Appeal from the Circuit Court
) Of Cook County
)
) No. 91 CR 10926
)
) Honorable
) Joanne F. Rosado,
) Judge Presiding.
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ORDER

This cause coming forth on Plaintiff-Appellant's 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 20 2025

APPELLATE COURT FIRST DISTRICT

Bertina Lampkin
PRESIDING JUSTICE

LeRoy K. Winston Jr.
JUSTICE

Debra B. Walker
JUSTICE

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