

NOTICE
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2019 IL App (5th) 180065-U

NO. 5-18-0065

IN THE

APPELLATE COURT OF ILLINOIS

NOTICE
This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

FIFTH DISTRICT

LORENZO WILSON,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellant,)	Randolph County.
)	
v.)	No. 18-MR-17
)	
JACQUELINE LASHBROOK, Warden,)	Honorable
)	Eugene E. Gross,
Defendant-Appellee.)	Judge, presiding.

JUSTICE WELCH delivered the judgment of the court.
Presiding Justice Overstreet and Justice Boie concurred in the judgment.

ORDER

- ¶ 1 *Held*: Where the complaint was insufficient on its face to warrant *habeas corpus* relief and is barred by *res judicata*, the circuit court's dismissal of the plaintiff's *habeas corpus* complaint is affirmed.
- ¶ 2 The plaintiff, Lorenzo Wilson, appeals the *sua sponte* dismissal of his *pro se* complaint for *habeas corpus*. He argues that the circuit court erred in dismissing his complaint because his natural life sentence is void. For the following reasons, we affirm.

¶ 3

BACKGROUND

¶ 4 On June 9, 1982, a jury found the plaintiff guilty of the first degree murder of Willie Earl James and guilty of the voluntary manslaughter of Arthur Lee Robinson. Plaintiff was sentenced to natural life for the murder of James and 14 years' imprisonment for the voluntary manslaughter of Robinson. In imposing sentence, the court found, *inter alia*, that plaintiff had gone to the location of the crime for the purpose of killing both individuals and that his actions showed exceptionally brutal and heinous conduct indicative of wanton cruelty. *People v. Wilson*, 138 Ill. App. 3d 513, 520 (1985) (*Wilson I*). On appeal, plaintiff argued, *inter alia*, that he was prejudiced by the circuit court's finding that he had a preexisting intent to commit a double murder, that such finding had no basis in the record, and that it was inconsistent with the voluntary manslaughter verdict. *Id.* at 525. In affirming plaintiff's convictions and sentence, the court held that the evidence supported the inference that plaintiff had intended to murder both individuals, and that any error was harmless because the evidence supported the circuit court's finding that the James murder was accompanied by brutal and heinous conduct. *Id.*

¶ 5 In May 2001, plaintiff filed a complaint for *habeas corpus* alleging, *inter alia*, that his natural life sentence was void because the sentencing court found that he had committed two murders, even though the jury had found him guilty of one murder and one voluntary manslaughter. The circuit court rejected this claim and the appellate court affirmed, finding that "the judge made it clear at sentencing that while he may have believed petitioner went to the house with the intent to commit both killings, the jury found that the second killing amounted to voluntary manslaughter and that he had to abide by its finding." *Wilson v.*

Briley, No. 3-03-0997 (2005) (unpublished order under Illinois Supreme Court Rule 23) (*Wilson II*). The appellate court concluded that the record did not support plaintiff's contention that he was sentenced for two murders. *Id.*

¶ 6 On February 2, 2018, plaintiff filed *pro se* the complaint for *habeas corpus* at issue in this appeal. He argued that his life sentence was void because the trial court imputed a life sentence based upon the erroneous belief that the plaintiff committed two murders. He also argued that sentencing him to life for committing two murders where the jury found him guilty of only one murder violated double jeopardy principles. Alternatively, plaintiff asked the court to treat the pleadings as a postconviction petition. The circuit court *sua sponte* dismissed the complaint, finding that *habeas corpus* relief was unavailable because plaintiff's sentence was not void, and that his complaint could not be treated as a postconviction petition because he filed it in Randolph County, where he was incarcerated, rather than in Cook County, the county of the original proceeding, as required by the Post-Conviction Hearing Act (Act) (725 ILCS 5/122-1(b) (West 2016)). Plaintiff filed this timely appeal.

¶ 7 ANALYSIS

¶ 8 On appeal, the plaintiff continues to argue that the circuit court exceeded its jurisdiction in sentencing him to natural life because the court incorrectly found he had committed two murders, as opposed to one murder and one manslaughter as the jury announced. Plaintiff's argument is barred by *res judicata*.

¶ 9 *Res judicata* bars the relitigation of claims where (1) a final judgment on the merits has been rendered by a court of competent jurisdiction, (2) an identity of cause of action

exists, and (3) the parties or their privies are identical in both actions. *Hudson v. City of Chicago*, 228 Ill. 2d 462, 467 (2008).

¶ 10 In *Wilson I*, one of the plaintiff's arguments was that the trial court improperly sentenced him to life imprisonment because it found he had gone to the residence with the intent to commit two murders. In rejecting this argument, the appellate court found that:

"[u]nder sections 5-8-1 and 5-8-2 of the Unified Code of Corrections, it is within the discretion of the trial court to sentence a defendant to the maximum sentence permitted where it finds a felony has been accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty. (Ill. Rev. Stat. 1981, ch. 38, pars. 1005-8-1, 1005-8-2.) Here, there is sufficient evidence to support such a finding." *Wilson*, 138 Ill. App. 3d at 526.

¶ 11 On appeal from the denial of his first *habeas* complaint, plaintiff argued, *inter alia*, that "this court should conclude that the trial judge sentenced him to a natural life sentence because the judge determined that he committed two murders even though he was only convicted of one murder and one voluntary manslaughter." *Wilson II*, No. 3-03-0997, order at 5. The court rejected this argument, finding that the plaintiff's contention that he was sentenced to life imprisonment for committing two murders was not supported by the record.

¶ 12 Plaintiff's claim that he was sentenced to life imprisonment on the basis that he committed two murders has been rejected twice. Consequently, it is barred by *res judicata*.¹

¶ 13 Plaintiff also argues that Randolph County was the proper venue for filing a complaint for *habeas corpus* relief and that the circuit court of Randolph County could have treated his complaint for *habeas corpus* relief as a postconviction petition. Section 122-1(b) of the Act requires that a petition for postconviction relief be filed in the court in which the conviction took place. 725 ILCS 5/122-1(b) (West 2016). Assuming, *arguendo*, that the circuit court could have considered the plaintiff's complaint as a postconviction petition, *res judicata* bars from postconviction consideration the issues that have been previously raised and decided. *People v. Moore*, 2018 IL App (2d) 170120, ¶ 31. Thus, the plaintiff would not have been entitled to postconviction relief.

¶ 14 CONCLUSION

¶ 15 For the foregoing reasons, the judgment of the circuit court of Randolph County is affirmed.

¶ 16 Affirmed.

¹Although *Wilson II* was an unpublished order under Rule 23, it may be cited to support contentions of *res judicata*. Ill. S. Ct. R. 23(e) (eff. Apr. 1, 2018).