

No. 1-15-3549

Order filed September 21, 2018

Fifth Division

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

| | | |
|--------------------------------------|---|-------------------|
| THE PEOPLE OF THE STATE OF ILLINOIS, |) | Appeal from the |
| |) | Circuit Court of |
| Plaintiff-Appellee, |) | Cook County. |
| |) | |
| v. |) | No. 09 CR 18732 |
| |) | |
| RODNEY LEE, |) | Honorable |
| |) | Carol M. Howard, |
| Defendant-Appellant. |) | Judge, presiding. |

JUSTICE Hoffman delivered the judgment of the court.
Presiding Justice Rochford and Justice Hall concurred in the judgment.

SUMMARY ORDER

¶ 1 Defendant Rodney Lee appeals the circuit court's summary dismissal of his *pro se* petition filed under the Postconviction Hearing Act (the Act) (725 ILCS 5/122-1 *et seq.* (West 2014)).

¶ 2 Following a bench trial in 2011, defendant was convicted of violating the Sex Offender Registration Act (730 ILCS 150/1 *et seq.* (West 2010)) for failing to report his change of address to the Chicago Police Department within three days. In June 2011, defendant was sentenced to four years in prison, to be followed by two years of mandatory supervised release (MSR). This

court affirmed defendant's conviction and sentence on direct appeal. *People v. Lee*, 2013 IL App (1st) 111795-U.

¶ 3 Meanwhile, because defendant had credit toward his sentence for 621 days spent in custody prior to its imposition and defendant also received day-for-day good conduct credit toward his sentence, defendant completed his prison sentence and was eligible for release on September 19, 2011. On that date, however, defendant was immediately returned to custody for violating his MSR. Defendant served the period of his two-year MSR term in prison, again receiving day-for-day good conduct credit. Thus, on September 19, 2012, defendant had fully completed both his prison term and his MSR period for this offense.

¶ 4 Three years later, on September 9, 2015, defendant filed a *pro se* petition seeking relief under the Act. In the petition, defendant raised several claims relating to his 2011 conviction.

¶ 5 On October 9, 2015, the circuit court summarily dismissed defendant's postconviction petition. The court found that defendant did not have standing to file the petition under the Act because he was no longer serving his sentence. Defendant now appeals that ruling.

¶ 6 The State Appellate Defender, who represents defendant on appeal, has filed a motion for leave to withdraw as appellate counsel. A memorandum in support of the motion has been submitted pursuant to *Pennsylvania v. Finley*, 481 U.S. 551 (1987), in which counsel states that there are no issues of arguable merit for an appeal. Copies of the brief and motion were sent to defendant, and he was advised that he might submit any points in support of his appeal. Defendant has not responded.

¶ 7 We have carefully reviewed the record in this case, along with counsel's brief, and we find no issue of arguable merit as defendant had no standing to file the postconviction petition

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since he had fully served his sentence. See *People v. Carrera*, 239 Ill. 2d 241 (2010). Therefore, counsel's motion to withdraw is allowed, and the judgment of the circuit court of Cook County is affirmed.

¶ 8 This order is entered pursuant to Illinois Supreme Court Rules 23(c)(2), (4) (eff. April 1, 2018).

¶ 9 Affirmed.