

No. 1-17-0262

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).

IN THE APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

MARC NORFLEET,)	Appeal from
)	the Circuit Court
Plaintiff-Appellant,)	of Cook County
)	
v.)	
)	HCC 160002
JACQUELINE LASHBROOK, Warden, Menard Correctional Center,)	
)	Honorable
Defendant-Appellee.)	Joseph Claps,
)	Judge Presiding

PRESIDING JUSTICE McBRIDE delivered the judgment of the court.
Justices Gordon and Burke concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court did not err when it dismissed the plaintiff's habeas corpus complaint, because the petition did not state a cognizable claim for habeas relief.

¶ 2 This appeal arises from the dismissal of the amended habeas corpus petition of plaintiff, Marc Norfleet.

¶ 3 The record shows that in 2006, plaintiff was convicted of first degree murder, and sentenced to 59 years imprisonment. At some point thereafter, it appears that plaintiff filed a *pro se* habeas corpus complaint against defendant, Jacqueline Lashbrook, Warden of Menard Correctional Center, although a copy of the complaint does not appear in the record on appeal.

Plaintiff later amended that complaint in June 2016. In his amended *pro se* complaint, plaintiff asserted that he should be immediately released from custody because he was being “incarcerated illegally under a judgment of the Court that lacked/lacks jurisdiction of the subject matter, and person of the petitioner.” Plaintiff provided three reasons that the trial court lacked jurisdiction, specifically that (1) the arrest warrant, search warrant, and indictment were procured through false statements; (2) witnesses were bribed or coerced into falsely implicating plaintiff in the murder; and (3) the State withheld exculpatory evidence.

¶ 4 On November 17, 2016, the trial court dismissed the habeas corpus complaint on motion of the defendant. Although a copy of the certified transcript of that hearing does not appear in the record on appeal, plaintiff attached a copy of the transcript to his appellate brief. Defendant does not object to this court’s consideration of that transcript in plaintiff’s brief, and in fact, requests that this court to take judicial notice of it. With no objection, we will take judicial notice of the hearing transcript. See *People v. Davis*, 65 Ill. 2d 157, 161 (1976) (a court may take judicial notice of facts capable of immediate and accurate demonstration by resort to easily accessible sources of indisputable accuracy).

¶ 5 During that hearing, defense counsel initially maintained that defendant had not been properly served. However, defendant later chose to waive personal service, and instead made an oral motion to dismiss the complaint. In support, defense counsel stated that the court had jurisdiction, and that the arguments plaintiff was making were post-conviction issues, not cognizable habeas corpus issues. Plaintiff responded that the court did not have jurisdiction because the arrest warrant was based on “fraudulent statements” and because the State found someone “who would perjure themselves” to implicate him in the offense.

¶ 6 After hearing arguments, the trial court informed plaintiff that habeas corpus relief did not apply to his situation, and granted defendant's motion to dismiss.

¶ 7 On the same day his habeas corpus complaint was dismissed, plaintiff filed a timely notice of appeal from that judgment. This court has jurisdiction to consider this appeal pursuant to Illinois Supreme Court Rule 301 (eff. Feb. 1, 1994).

¶ 8 In this court, plaintiff has filed a *pro se* brief in which he argues that the circuit court erred in dismissing his habeas corpus petition. Plaintiff asserts that he should be granted habeas relief because the trial court lacked jurisdiction over his case. He contends that the issues he raised in the trial court “prove that the circuit court lacked *** jurisdiction” because the “entire case was knowingly *** obtained under false pretense.” The Attorney General (AG), who represents defendant in this appeal, responds that the trial court properly granted the motion to dismiss, because there was no basis for habeas relief.

¶ 9 The habeas corpus statute provides “an extremely narrow remedy for state prisoners.” *Faircloth v. Sternes*, 367 Ill. App. 3d 123, 125 (2006). Under this statute, a petitioner who is being held by the State can gain relief under one of seven specific grounds (see 735 ILCS 5/10-124 (West 2016)), which fall into two general categories: (1) the trial court lacked jurisdiction; or (2) there has been some occurrence subsequent to the prisoner's conviction that entitles him to release (*People v. Gosier*, 205 Ill. 2d 198 (2001)). If a petition does not state a cognizable claim falling into either of the above categories, the trial court cannot grant habeas corpus relief. *Faircloth*, 367 Ill. App. 3d at 125. We review a trial court's dismissal of a habeas corpus petition *de novo*. *Beacham v. Walker*, 231 Ill. 2d 51, 57 (2008).

¶ 10 Here, plaintiff claimed in his amended petition that he was entitled to immediate discharge under the first category of habeas claims—that the trial court lacked jurisdiction. He

claimed the court lacked jurisdiction because: (1) the arrest warrant, search warrant, and indictment were procured through false statements; (2) witnesses were bribed or coerced into falsely implicating plaintiff in the murder; and (3) the State withheld exculpatory evidence.

¶ 11 A trial court's subject matter jurisdiction is invoked whenever a petition or complaint alleges the existence of a justiciable matter. *In re Luis R.*, 239 Ill. 2d 295, 302 (2010). A justiciable matter is a controversy appropriate for review by the court. *Village of Ringwood v. Foster*, 2013 IL App (2d) 111221. Subject matter jurisdiction does not depend upon the legal sufficiency of the pleadings, and even a defectively stated claim is sufficient to invoke the court's subject matter jurisdiction. *Luis R.*, 239 Ill. 2d at 302. "In other words, the *only* consideration is whether the alleged claim falls within the general class of cases that the court has the inherent power to hear and determine. If it does, then subject matter jurisdiction is present." (Emphasis in original). *Id.*

¶ 12 Here, plaintiff was charged with first degree murder pursuant to 720 ILCS 5/9-1(A)(1) of the Criminal Code. 720 ILCS 5/9-1 (West 2000)), thus creating a controversy appropriate for review by the trial court. Because he was charged under the Code, the trial court had subject matter jurisdiction over the case. *People v. Woodall*, 333 Ill. App. 3d 1146, 1156 (2002) ("the trial court acquired subject matter jurisdiction when the *** State's Attorney created a justiciable controversy by leveling criminal charges against the defendant and filing them with the court."). This remains true, even if we were to accept plaintiff's claims that the indictment was procured through false statements, that witnesses were bribed or coerced, or that the State withheld exculpatory evidence. None of those claims defeat the court's general power to hear the case. See *Luis R.*, 239 Ill. 2d at 302.

¶ 13 Plaintiff also claims, for the same reasons, that the trial court lacked personal jurisdiction over him. However, a court's personal jurisdiction over an individual is also not affected by the claims plaintiff raises.

¶ 14 A trial court acquires personal jurisdiction over an accused individual "when that individual appears personally before the court." *People v. Kleiss*, 90 Ill. App. 3d 53, 55 (1980); see also *People v. Speed*, 318 Ill. App. 3d 910, 915 (2001). "Once jurisdiction is acquired, it continues throughout a period of probation and no subsequent error will oust the court's jurisdiction over the defendant's person." *Speed*, 318 Ill. App. 3d at 915. In this case, since plaintiff personally appeared before the trial court, the court had personal jurisdiction over him. See *People v. Rios*, 2013 IL App (1st) 121072, ¶ 16; *Speed*, 318 Ill. App. 3d at 915.

¶ 15 Because we find that the trial court had subject matter jurisdiction over the claims and personal jurisdiction over plaintiff, plaintiff's habeas corpus petition did not state a cognizable claim for relief and was properly dismissed.

¶ 16 The judgment of the circuit court of Cook County is affirmed.

¶ 17 Affirmed.