

**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).

2018 IL App (4th) 170765-U

NO. 4-17-0765

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

**FILED**

October 10, 2018

Carla Bender

4<sup>th</sup> District Appellate

Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Macon County
GLEN JONES,	)	No. 86CF23
Defendant-Appellant.	)	
	)	Honorable
	)	Jeffrey S. Geisler,
	)	Judge Presiding.

JUSTICE STEIGMANN delivered the judgment of the court.

Justices Knecht and Cavanagh concurred in the judgment.

**ORDER**

¶ 1 *Held:* The trial court’s denial of petitioner’s *habeas corpus* petition was affirmed.

¶ 2 In March 1986, petitioner, Glen Jones, pleaded guilty to murder. In May 1986, the trial court sentenced petitioner to imprisonment for natural life. In August 2017, petitioner filed a petition for *habeas corpus* relief, arguing that the trial court exceeded its authority when it sentenced him to life in prison. Later that month, the court dismissed petitioner’s petition.

¶ 3 Petitioner appeals, arguing the trial court erred by denying his petition for *habeas corpus* relief. Essentially, petitioner argues that the trial court, which sentenced him to life in prison, exceeded its jurisdiction because the maximum sentence which could be imposed was 40 years. Petitioner, throughout his brief, also discusses various alleged violations of his constitutional rights. We disagree and affirm.

¶ 4 I. BACKGROUND

¶ 5

#### A. The Underlying Conviction and Sentence

¶ 6

In January 1986, the State charged petitioner with five counts of murder. In March 1986, petitioner pleaded guilty to count III in return for the dismissal of the other four counts. Count III alleged that petitioner committed murder without lawful justification when he struck Robert Ruff on the head with a blunt instrument knowing that the act created a strong probability of death or great bodily harm to Ruff, thereby causing Ruff's death. At the start of the guilty plea hearing, petitioner's counsel stated that the plea agreement was only agreed to the extent that other counts against petitioner would be dismissed. The trial court informed petitioner that he could receive a death sentence, a term of imprisonment for natural life, a term of imprisonment of 20 to 40 years, or a term of imprisonment of 40 to 80 years. The court also admonished petitioner pursuant to Illinois Supreme Court Rule 402 (eff. Feb. 1, 1981) and accepted his guilty plea.

¶ 7

In March 1986, the State filed written notice that it was seeking the death penalty. In May 1986, the trial court conducted a sentencing hearing. At the hearing, the court concluded that the murder occurred during a robbery and that petitioner was eligible for the death penalty. However, rather than imposing a death sentence, the court sentenced petitioner to imprisonment for natural life.

¶ 8

#### B. Petitioner's Prior Appeals

¶ 9

In June 1986, petitioner filed a motion to withdraw his guilty plea. The trial court denied this motion, and this denial was affirmed on appeal. *People v. Jones*, No. 4-86-0645 (June 2, 1987) (unpublished order under Illinois Supreme Court Rule 23). In January 1997, petitioner filed a *pro se* petition for postconviction relief that was denied. Petitioner appealed, and this court affirmed. *People v. Jones*, 318 Ill. App. 3d 1189, 744 N.E.2d 344 (2001). In February

2001, petitioner filed a second petition for postconviction relief. The trial court denied this petition, and this court affirmed. *People v. Jones*, No. 4-02-0181 (March 4, 2004) (unpublished summary order under Illinois Supreme Court Rule 23(c)). In January 2008, petitioner filed a *pro se* petition arguing he was denied the benefit of the bargain of his plea agreement in violation of his constitutional rights. The trial court dismissed this petition, and this court affirmed. *People v. Jones*, No. 4-08-0943 (September 24, 2009) (unpublished summary order under Illinois Supreme Court Rule 23(c)). In August 2014, petitioner filed a *pro se* motion for leave to file a successive postconviction petition. In November 2014, the trial court dismissed petitioner's motion, and petitioner appealed. In August 2016, this court granted petitioner's motion to voluntarily dismiss the appeal. *People v. Jones*, No. 4-14-1104 (August 16, 2016) (granting defendant's motion to dismiss his appeal.)

¶ 10

### C. The Current Appeal

¶ 11 In August 2017, petitioner filed a petition for *habeas corpus* relief, arguing that the trial court exceeded its authority when it sentenced him to life in prison. Later that month, the trial court dismissed petitioner's petition, concluding that "the relief requested is not warranted as the court's order did not exceed its authority and the [petitioner] is not unlawfully imprisoned."

¶ 12 This appeal followed.

¶ 13

## II. ANALYSIS

¶ 14 Petitioner appeals, arguing the trial court erred by denying his petition for *habeas corpus* relief. Essentially, petitioner argues that the trial court which sentenced him to life in prison exceeded its jurisdiction because the maximum sentence which could be imposed was 40 years. Petitioner, throughout his brief, also discusses various alleged violations of his constitu-

tional rights. We address these issues in turn.

¶ 15 A. The Applicable Law

¶ 16 *Habeas corpus* relief is available only for the seven specified grounds in section 10-124 of the Code of Civil Procedure (Code). 735 ILCS 5/10-124 (West 2016). These seven grounds fall into two general categories: (1) the prisoner was incarcerated by a court which lacked jurisdiction or (2) some occurrence subsequent to the prisoner's conviction entitled the prisoner to an immediate release. *People v. Rios*, 2013 IL App (1st) 121072, ¶ 10, 2 N.E.3d 368. *Habeas corpus* relief is not available to review proceedings that do not show one of those defects, even though an alleged error involves a denial of a constitutional right. *Ragel v. Scott*, 2018 IL App (4th) 170322, ¶ 17, 99 N.E.3d 610. Whether an individual is entitled to *habeas corpus* relief is a question of law reviewed *de novo*. *Id.* ¶ 19.

¶ 17 Section 5-8-1(a)(1)(b) of the Unified Code of Corrections states that the trial court may sentence a defendant to a term of natural life in prison if an aggravating factor listed in subsection (b) of section 9-1 of the Criminal Code of 1961 is present. Ill. Rev. Stat. 1985, ch. 38, ¶ 1005-8-1(a)(1)(b) (now at 730 ILCS 5/5-8-1(b) (West 2016)). Section 9-1(b)(6)(c) of the Criminal Code of 1961 provides that a murder committed in the course of a robbery is an aggravating factor. Ill. Rev. Stat. 1985, ch. 38, ¶ 9-1(b)(6)(c) (now at 720 ILCS 5/9-1(b) (West 2016)).

¶ 18 B. This Case

¶ 19 In this case, petitioner argues that the trial court exceeded its jurisdiction because the maximum sentence which could be imposed was 40 years. We disagree with petitioner and conclude, pursuant to section 5-8-1(a)(1)(b) of the Unified Code of Corrections and section 9-1(b)(6)(c) of the Criminal Code of 1961, that the trial court which sentenced petitioner did not exceed its authority to sentence petitioner to life in prison. Accordingly, the trial court in this

case did not err by denying petitioner's *habeas corpus* petition.

¶ 20 C. Petitioner's Constitutional Claims

¶ 21 Petitioner also raises various constitutional claims, such as ineffective assistance of counsel. We need not address these other constitutional claims because *habeas corpus* relief is not available for errors outside of the narrow scope provided by section 10-124 of the Code, even if the alleged error involves a denial of a constitutional right. *Scott*, 2018 IL App (4th) 170322, ¶ 17.

¶ 22 D. Rule 375 Sanctions

¶ 23 Petitioner's claims in this case are not supported by existing law or a good faith attempt to modify existing law. Accordingly, we conclude that petitioner's claims in this case—as they have been for much of the last two decades—are frivolous. As part of our judgment, we direct petitioner to show cause within 30 days why sanctions should not be entered against him under Illinois Supreme Court Rule 375(b) (eff. Feb. 1, 1994). Until such time as petitioner responds to this order and this court determines what action to take, we direct the clerk of this court to disregard—and by that we mean not file—any new appeals submitted to this court by petitioner.

¶ 24 III. CONCLUSION

¶ 25 For the reasons stated, we affirm the trial court's judgment. As part of our judgment, we award the State its \$50 statutory assessment against petitioner as the cost of this appeal. 55 ILCS 5/4-2002(a) (West 2016).

¶ 26 Affirmed.