
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. 12 CR 19727
	)	
	)	
DEJUAN PRATT,	)	Honorable
	)	Charles P. Burns,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE OCASIO delivered the judgment of the court.
Presiding Justice Lyle and Justice Navarro concurred in the judgment.

SUMMARY ORDER

¶ 1 Defendant DeJuan Pratt appeals the dismissal of his petition for relief from judgment filed pursuant to section 2-1401 of the Code of Civil Procedure (735 ILCS 5/2-1401 (West 2024)).

¶ 2 Following a 2015 jury trial, Pratt was convicted of two counts of first degree murder, two counts of armed robbery, and one count of aggravated arson, and he was sentenced to natural life in prison for the murder counts and a consecutive 30-year term for each remaining count. We affirmed on direct appeal. *People v. Pratt*, 2020 IL App (1st) 161085.

¶ 3 In 2023, Pratt filed a *pro se* motion for forensic DNA testing, which the circuit court denied. On appeal, we granted counsel leave to withdraw and affirmed. *People v. Pratt*, No. 1-23-2031 (2024) (unpublished summary order under Illinois Supreme Court Rule 23(c)).

¶ 4 On July 19, 2024, according to the attached notice of filing, Pratt placed in the institutional mail the instant *pro se* petition for relief from judgment. He alleged that the State allowed false testimony that no cell phone records were obtained showing his location at the time of the offense. Pratt also alleged that the State violated *Brady v. Maryland*, 373 U.S. 83 (1963), by failing to disclose those records.

¶ 5 On September 25, 2024, according to the attached notice of filing, Pratt placed in the institutional mail a *pro se* “amended” petition for relief from judgment restating the same claims from his initial petition. He added that the two-year period for filing a petition under section 2-1401 should be tolled because the cell phone records allegedly supporting his claims were fraudulently concealed from him. He also stated that a petition for relief from judgment was a proper vehicle for his claims because they involved factual errors concealed by the State.

¶ 6 On September 27, 2024, the circuit court “dismissed” the original petition for relief from judgment as an inappropriate vehicle for Pratt’s claims.

¶ 7 Pratt then filed a motion to reconsider the dismissal of his original petition for relief from judgment. The motion was stamped “received” by the clerk of the circuit court on November 1, 2024. The motion included a “notice of filing,” which stated:

“I, DeJuan Pratt, under the penalties of perjury pursuant to 735 ILCS section 5/1-109, hereby state that I sent the following documents:

-Motion for Reconsideration

by placing the same in the U.S. Mail here at Danville Correctional Center, on this date, October 25, 2024, prepaid and served upon: [the addresses of the clerk of the circuit court of Cook County and the State’s attorney’s office].”

¶ 8 In the motion to reconsider, Pratt alleged that he did not receive the court’s dismissal order until October 2, 2024, and that his amended petition “superseded” the original when it was placed in the institutional mail on September 25, 2024. He also alleged that his amended petition had cured the defects for which the circuit court dismissed his original petition. Further, he claimed that the court failed to hold a hearing to determine the merits of his original petition.

¶ 9 On December 6, 2024, the circuit court dismissed the motion to reconsider for lack of jurisdiction, stating it was untimely filed more than 30 days after the dismissal of Pratt’s original petition. The court also stated it had not granted Pratt leave to amend his petition and that the claims in the “amended” petition were barred by *res judicata*, as the court had already ruled on them in disposing of the original petition.

¶ 10 On January 1, 2025, according to the attached notice of filing, Pratt placed in the institutional mail a notice of appeal from the dismissal of his original petition. The clerk of the circuit court stamped the notice of appeal “received” and “entered” on January 8, 2025.

¶ 11 The Office of the State Appellate Defender was appointed to represent Pratt. Under *Pennsylvania v. Finley*, 481 U.S. 551 (1987), Pratt’s counsel on appeal 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 Pratt of this conclusion and has filed a memorandum in support of the motion. Counsel’s memorandum identifies arguments that Pratt could potentially assert on appeal and explains why the arguments are frivolous and without merit.

¶ 12 Specifically, counsel considered the following potential claims, but concluded they lacked merit: (1) that the circuit court erred in dismissing Pratt's original petition; and (2) that the circuit court prematurely dismissed the original petition. Counsel also concluded that this court lacks jurisdiction because the notice of appeal from the dismissal of the original petition was untimely filed.

¶ 13 Counsel mailed copies of counsel's motion and memorandum to Pratt. This court informed Pratt that he may file with this court a written explanation of why he thinks there are meritorious issues in his appeal. Pratt has filed a response.

¶ 14 In his response, Pratt asks this court to remand this matter to the circuit court with instructions to permit him to amend his filing to a petition for relief under the Post-Conviction Hearing Act (725 ILCS 5/122-1 *et seq.* (West 2024)).

¶ 15 To comply with *Finley*, we have carefully examined the record, counsel's motion and memorandum, and Pratt's response. With respect to Pratt's contention that we should remand the case with instructions, we find we cannot do so. From our review, we agree with counsel's conclusion that Pratt untimely filed his notice of appeal. Thus, this court must dismiss the appeal for lack of jurisdiction. See *Pro Sapiens, LLC v. Indeck Power Equipment Co.*, 2019 IL App (1st) 182019, ¶ 50.

¶ 16 An action brought under section 2-1401 is a civil proceeding and, therefore, subject to the rules of civil practice even when used to challenge a criminal conviction. *People v. Dillon*, 2025 IL App (1st) 241535, ¶ 29. In civil proceedings, a party must generally file a notice of appeal from, or a motion directed against, a circuit court's judgment within 30 days of said judgment's entry. Ill. S. Ct. R. 303(a) (eff. July 1, 2017). A circuit court loses jurisdiction 30 days following the entry

of a final judgment if no postjudgment motion has been filed within that time. See *People v. Adams*, 2024 IL App (1st) 221474, ¶ 19 (discussing the circuit court’s jurisdiction in the context of a proceeding on a petition for relief from judgment).

¶ 17 Here, Pratt’s original petition for relief from judgment was dismissed on September 27, 2024, and so Pratt had until October 27, 2024, to file a postjudgment motion or notice of appeal. Ill. S. Ct. R. 303(a) (eff. July 1, 2017). Pratt, however, did not file a notice of appeal within that time but rather untimely filed a motion to reconsider, which was not received by the clerk of the circuit court until November 1, 2024.

¶ 18 Pratt’s motion to reconsider contained a notice of filing stating that he placed his motion in the institutional mail on October 25, 2024. Pratt’s motion to reconsider could have been deemed timely filed on the date he placed the motion in the institutional mail, had he substantially complied with Illinois Supreme Court Rule 12(b)(6) (eff. July 1, 2017) and the incorporated certification requirements as mandated by section 1-109 (735 ILCS 5/1-109 (West 2024)). See *People v. Shunick*, 2024 IL 129244, ¶¶ 27, 32-34. Pratt, however, failed to substantially comply with the certification requirements, as he did not certify that the statements in his notice of filing were “true and correct.” See 735 ILCS 5/1-109 (West 2024); see also *King v. Illinois State Board of Elections*, 2026 IL App (1st) 260170, ¶¶ 19-20 (the *pro se* litigant failed to substantially comply with section 1-109, as the failure to verify that the “statements made therein were true and correct” was a “fatal flaw”); *People v. Hemphill*, 2025 IL App (1st) 220808, ¶ 26 (same).

¶ 19 The purpose of section 1-109 is to “provide a certification that may be used in the same manner and with the same force and effect as though subscribed and sworn to under oath, as a substitute for a sworn affidavit.” (Internal quotation marks omitted.) *Shunick*, 2024 IL

129244, ¶ 51. The notice attached to Pratt’s motion to reconsider cannot accomplish that purpose without a certification that the statements contained therein were “true and correct.” *Id.* Moreover, the fact that Pratt proceeded *pro se* does not excuse his failure to comply with the supreme court rules. *Id.* ¶ 64.

¶ 20 Because Pratt failed to substantially comply with the certification requirements of section 1-109, he cannot benefit from the mailbox rule and his motion to reconsider was untimely filed. Pratt’s untimely postjudgment motion therefore did not toll the 30-day deadline to file a notice of appeal. *Goral v. Kulys*, 2014 IL App (1st) 133236, ¶ 20. By extension, his notice of appeal, filed months after the circuit court’s September 27, 2024, judgment, was also untimely. See *Shunick*, 2024 IL 129244, ¶ 25. This court therefore lacks jurisdiction to consider Pratt’s appeal. See *People v. Walls*, 2022 IL 127965, ¶ 10 (“A timely filed notice of appeal is the only step required to confer jurisdiction on the appellate court.”).

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

¶ 22 This order is entered in accordance with Supreme Court Rule 23(c)(1) (eff. June 3, 2025).

¶ 23 Appeal dismissed.