

Rule 651. Appeals in Post-Conviction Proceedings

(a) Right of Appeal. An appeal from a final judgment of the circuit court in any postconviction proceeding shall lie to the Appellate Court in the district in which the circuit court is located.

(b) Notice to Petitioner of Adverse Judgment. Upon the entry of a judgment adverse to a petitioner in a postconviction proceeding, the clerk of the trial court shall at once mail or deliver to the petitioner a notice in substantially the following form:

“You are hereby notified that on _____ the court entered an order, a copy of which is enclosed herewith. You have a right to appeal to the Illinois Appellate Court in the district in which the circuit court is located. If you are indigent, you have a right to a transcript of the record of the postconviction proceedings and to the appointment of counsel on appeal, both without cost to you. To preserve your right to appeal you must file a notice of appeal in the trial court within 30 days from the date the order was entered.”

(c) Record for Indigents; Appointment of Counsel. Upon the timely filing of a notice of appeal in a postconviction proceeding, if the trial court determines that the petitioner is indigent, the procedures for appointment of counsel and provision of the report on proceedings shall be governed by Rule 607. In a postconviction proceeding, the appellant or appellant’s counsel shall, upon written request, be provided the postconviction report of proceedings and any relevant report of proceedings not previously provided to the appellant or appellant’s counsel.

The record filed in that court shall contain a showing, which may be made by the certificate of petitioner’s attorney, that the attorney has consulted with petitioner by phone, mail, electronic means or in person to ascertain his or her contentions of deprivation of constitutional rights, has examined the record of the proceedings at the trial, and has made any amendments to the petitions filed *pro se* that are necessary for an adequate presentation of petitioner’s contentions.

(d) Procedure. The procedure for an appeal in a post-conviction proceeding shall be in accordance with the rules governing criminal appeals.

Amended effective January 1, 1969; amended October 21, 1969, effective January 1, 1970; amended effective July 1, 1971; amended November 30, 1984, effective December 1, 1984; amended April 26, 2012, eff. immediately; amended Feb. 6, 2013, eff. immediately; amended June 22, 2017, eff. July 1, 2017.

Committee Comments

(Revised November 30, 1984)

This rule was drawn from former Rule 27-1, in effect from January 1, 1964, to January 1, 1967. Paragraph (a) was added.

Paragraphs (b) and (c) were amended effective January 1, 1969, by adding the references to appointment of counsel on appeal. Minor language changes were also made at that time.

The last sentence of Rule 651(c) was added in 1969 to implement the decisions of the court with respect to the responsibilities of an attorney representing an indigent prisoner in a post-conviction proceeding. *People v. Garrison* (1969), 43 Ill. 2d 121; *People v. Jones* (1969), 43 Ill. 2d 160; *People v. Slaughter* (1968), 39 Ill. 2d 278, 285.

In 1971 Rule 651 was amended to provide that appeals in post-conviction proceedings lie to the Appellate Court. Prior to that time, the appeal lay directly to the Supreme Court.

Paragraphs (a), (b), and (c) were amended in 1984 by providing that appeals from post-conviction proceedings involving a judgment imposing a sentence of death shall lie directly to the Supreme Court as a matter of right.