

NOTICE

This Order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

2026 IL App (4th) 251175-U
NOS. 4-25-1175, 4-25-1176 cons.

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

July 28, 2026
Carla Bender
4th District Appellate
Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Winnebago County
RYAN D. HICKS,	)	Nos. 13CF3258
Defendant-Appellant.	)	13TR44336
	)	
	)	Honorable
	)	John T. Gibbons,
	)	Judge Presiding.

JUSTICE CAVANAGH delivered the judgment of the court.
Presiding Justice Steigmann and Justice Zenoff concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court dismissed the appeal for lack of jurisdiction, finding it need not consider counsel's motion to withdraw where defendant's notice of appeal failed to fairly and adequately identify the judgment complained of because it identified a conviction and sentence that had been vacated.

¶ 2 In May 2014, defendant, Ryan D. Hicks, pleaded guilty to (1) possession of a controlled substance (720 ILCS 570/402(c) (West 2012)), for which he received two years' imprisonment and (2) driving with a revoked driver's license (625 ILCS 5/6-303(a) (West 2012)), resulting in a fine. In April 2016, through proceedings under the Post-Conviction Hearing Act (725 ILCS 5/122-1 *et seq.* (West 2016)), he entered into a new plea agreement, wherein the possession of a controlled substance conviction and two-year prison sentence were vacated. In the years that followed, defendant attempted to file several successive postconviction petitions seeking to undo his plea agreements.

¶ 3 In October 2025, defendant's motion for leave to file a fourth successive postconviction petition was denied. Defendant appealed, and the Office of the State Appellate Defender (OSAD) was appointed to represent him. OSAD moves to withdraw as counsel for defendant, contending the potential issues in this appeal would be meritless. For the reasons that follow, we need not consider OSAD's motion to withdraw because we dismiss the appeal for lack of jurisdiction.

¶ 4 I. BACKGROUND

¶ 5 In December 2013, defendant was charged by information in Winnebago County case No. 13-CF-3258 with possession of a controlled substance for possessing heroin and other misdemeanor charges for possessing drug paraphernalia. Additionally, in Winnebago County case No. 13-TR-44336, he was cited for driving while his driver's license was revoked.

¶ 6 In May 2014, defendant entered a negotiated guilty plea to possession of a controlled substance and driving with a revoked license. According to the factual basis provided by the State, Rockford, Illinois, police officers were dispatched to a Walgreens parking lot, where defendant was parked. Officers observed hypodermic needles in plain sight and later discovered a white rock-like substance, which tested positive for the presence of heroin. For possession of a controlled substance, defendant was sentenced to two years' imprisonment, to run concurrently with other sentences he had received in Lee County case No. 14-CF-28 and Whiteside County case No. 11-CF-320, and one year of mandatory supervised release. For driving with a revoked driver's license, defendant was ordered to pay a fine of \$470.

¶ 7 In July 2014, defendant filed a *pro se* motion for reduction of sentence, alleging he had "Inadequate" counsel and had learned he was serving a longer sentence in case No. 13-CF-3258 than in case No. 11-CF-320. That same month, he filed a *pro se* postconviction petition,

alleging he was not defended properly because he had received a longer prison sentence in case No. 13-CF-3258. He also alleged he was innocent based on “police reports.” He noted the police found heroin on the passenger side of the vehicle, not on his side, and he requested his sentence be reduced accordingly.

¶ 8 In August 2014, defendant filed another *pro se* postconviction petition, alleging the drugs found inside his vehicle did not belong to him. He contended he had pleaded guilty to an offense he did not commit and cited a laboratory report that showed the drugs found in his vehicle were cocaine, not heroin. He alleged his counsel was ineffective for permitting him to plead guilty to possessing heroin when the report showed the substance recovered was cocaine. He requested his July 2014 petition be withdrawn and sought to move forward on this petition. The trial court found defendant’s petition had alleged the gist of a constitutional claim and appointed counsel to represent him.

¶ 9 In February 2015, defendant, through counsel, filed a second amended petition, alleging he did not knowingly and intelligently enter into his original plea agreement because his ineffective plea counsel had not exercised due diligence in reviewing discovery that showed the substance was cocaine and not heroin.

¶ 10 In April 2016, the parties agreed on a disposition to defendant’s postconviction petition. Under the agreement, defendant’s conviction and sentence in case No. 13-CF-3258 was vacated. He pleaded guilty to misdemeanor attempt to possess a controlled substance, namely, cocaine (720 ILCS 570/402(c) (West 2012); 720 ILCS 5/8-4(a) (West 2012)), with a sentence of one year of conditional discharge and 364 days in the Winnebago County jail. The sentence was deemed served and, in exchange, defendant withdrew his postconviction petition.

¶ 11 In May 2016, defendant filed a *pro se* motion to withdraw guilty plea or vacate

judgment, alleging his defense counsel advised him incorrectly and the State's charging documents were incorrect. In July 2016, the trial court appointed counsel to represent defendant on his motion.

¶ 12 In October 2017, defendant filed a *pro se* motion for leave to file a successive postconviction petition, alleging the drugs found in his vehicle in December 2013 were not his and that he pleaded guilty to an offense he did not commit. The petition contended his postconviction counsel filed the amended February 2015 petition against his will and sought to vacate his agreement from April 2016. He also requested the trial court withdraw his motion from May 2016 and sought to proceed on the successive petition.

¶ 13 The matter proceeded to a hearing in April 2018. At the hearing, where defendant was not present, the State commented it was not permitted to take a position on the merits of defendant's *pro se* successive petition, but it noted the supreme court had "made it very clear that there are very limited post conviction remedies for a misdemeanor disposition." The matter was continued numerous times, and in September 2018, following defendant's failure to appear, the trial court dismissed the petition. Defendant did not appeal.

¶ 14 In January 2023, defendant, *pro se*, filed a second successive postconviction petition, alleging he would not have entered into a plea agreement had he known he had to get an assessment for driving under the influence (DUI). He also stated he "never had a drug charge in the commission of a driving offense nor a [DUI] ever." For relief, he requested the trial court award him ownership of two properties in Dixon, Illinois, and grant him a driver's license. The matter proceeded to a hearing in April 2023.

¶ 15 At the hearing, defendant did not appear. The trial court denied the petition, stating it failed to set forth how defendant's rights had been violated. Additionally, the court

noted defendant's sentence had "long since [been] completed," and the court could not grant the relief requested. Defendant did not appeal.

¶ 16 In July 2025, defendant, *pro se*, filed a third successive postconviction petition, alleging the totality of the evidence called into question how he could "attemp[t] to poss[ess] anything" when his car door was locked. He contended his traffic citations should have been dismissed because he was "[n]ever in the car." He stated the Illinois Secretary of State informed him in April 2025 that he had to get a DUI assessment to get his driver's license reinstated. For relief, he requested his felony and driving records be "clean slated." Additionally, he sought ownership of the property address of the Walgreens where he had originally been arrested in December 2013. In August 2025, the trial court dismissed the petition for failing to state a cause of action and failing to request leave to file a successive petition. Defendant did not appeal.

¶ 17 In September 2025, defendant, *pro se*, filed a motion for leave to file a fourth successive postconviction petition, alleging he was never in possession of the vehicle and did not drive to the Walgreens in December 2013. He contended the State had a duty to furnish exculpatory evidence and that he was arrested for emptying a can of Pepsi and exercising his "Civil Rights, and [his] Freedom to travel." For relief, he requested a "Key to the city," a "high[-]rise" property downtown, the renaming of certain streets, the Walgreens property, an airplane hangar, and a "clean slate."

¶ 18 In October 2025, the trial court denied defendant leave to file his fourth successive petition. The court said the motion failed to state a cause of action.

¶ 19 In November 2025, defendant filed a notice of appeal. The notice indicated he was appealing a conviction for "possession of a controlled substance," for which he received a two-year prison sentence. The date of judgment on the notice was listed as "10/24/2024."

¶ 20 This appeal followed.

¶ 21 II. ANALYSIS

¶ 22 On appeal, OSAD has moved to withdraw as counsel, contending any appeal in this case would be frivolous and patently without merit. OSAD sent a copy of its motion to withdraw to defendant. This court allowed defendant time to file a response. Defendant has not responded.

¶ 23 In OSAD’s motion to withdraw, there are four potential issues for review: (1) whether defendant had standing to file his motion for leave to file his fourth successive postconviction petition, (2) whether the petition satisfied the cause and prejudice test to be granted leave, (3) whether the petition set forth a colorable claim of actual innocence, and (4) whether the State improperly participated in the proceedings of his initial successive petition in April 2018.

¶ 24 However, OSAD also notes this court may lack jurisdiction because defendant’s notice of appeal failed to accurately state the date of judgment. Counsel explains the notice of appeal errantly states the date of judgment as October 2024, when the trial court dismissed his motion for leave to file the fourth successive petition in October 2025. Counsel cites *People v. Smith*, 228 Ill. 2d 95 (2008), for the proposition that omitting a proper date of judgment would fail to fairly and adequately set out the judgment complained of, thereby not conferring jurisdiction on this court to consider the appeal.

¶ 25 In *Smith*, our supreme court said, “[u]nless there is a properly filed notice of appeal, a reviewing court has no jurisdiction over the appeal and is obliged to dismiss it.” *Id.* at 104. The *Smith* court went on to explain:

“We note that, while a notice of appeal is jurisdictional, it

is generally accepted that such a notice is to be construed liberally.

[Citations.] The purpose of a notice of appeal is to inform the prevailing party in the trial court that the other party seeks review of the judgment. [Citation.] Accordingly, notice should be considered as a whole and will be deemed sufficient to confer jurisdiction on an appellate court when it fairly and adequately sets out the judgment complained of and the relief sought, thus advising the successful litigant of the nature of the appeal.

[Citation]. Where the deficiency in notice is one of form, rather than substance, and the appellee is not prejudiced, the failure to comply strictly with the form of notice is not fatal.” (Internal quotation marks omitted.) *Id.* at 104-05.

¶ 26 We find defendant’s notice of appeal, no matter how liberally construed, fails to fairly and adequately identify the judgment complained of. The issue is not that defendant’s notice incorrectly states the date of judgment as October 2024 rather than October 2025. A single digit error, such as this, is likely attributable to a scrivener’s error and, *ceteris paribus*, would ordinarily fall on the side of a deficiency in form rather than substance. As such, it would not necessarily be fatal and divest this court of jurisdiction.

¶ 27 Rather, the issue is that the conviction and sentence defendant complains of within the notice of appeal is deficient in substance. He specifically complains of a “possession of a controlled substance” conviction and sentence of “2 years” that he seeks to appeal. Recall, defendant pleaded guilty to possession of a controlled substance and received a two-year prison sentence in Winnebago County case No. 13-CF-3258 in May 2014. However, in April 2016, that

conviction and sentence was vacated. Consequently, there is no conviction for possession of a controlled substance with a corresponding two-year prison sentence for defendant to challenge. Thus, defendant's notice cannot be construed to have fairly and adequately set out a judgment complained of. Therefore, this court lacks jurisdiction to consider his appeal. "Illinois courts have held that a notice of appeal confers jurisdiction on a court of review to consider only the judgments or parts thereof specified in the notice of appeal." *Id.* at 104.

¶ 28

III. CONCLUSION

¶ 29

For the reasons stated, we dismiss the appeal for lack of jurisdiction.

¶ 30

Dismissed.