(Docket No. 132067)
THE PEOPLE OF THE STATE OF ILLINOIS, Appellee, v.
MELVIN HAMMOND, Appellant.
Opinion filed November 19, 2026.

Justice Rochford delivered the judgment of the court, with opinion.

This case concerns the responsibilities of counsel in the second stage of review for a petition under the Post-Conviction Hearing Act. Melvin Hammond was found guilty of murder and subsequently filed multiple postconviction petitions over the years. This, his fourth petition, was automatically advanced to the second stage because the circuit court did not act upon it within 90 days, and he was then appointed counsel. Counsel incorporated Hammond's prior postconviction petitions into his new petition and did not attach supporting materials, other than defendant's notarized affidavits. As required by Rule 651(c), counsel filed a certificate affirming that he consulted with Hammond and examined the record.

Hammond argued that postconviction counsel failed to adequately present various claims from the amended petition; the appellate court held that the filing of the Rule 651(c) certificate created a rebuttable presumption that counsel provided reasonable assistance and that Hammond was unable to rebut that presumption. The supreme court affirmed. While Hammond argued the record rebutted the presumption that counsel provided reasonable assistance because counsel did not attach evidence supporting its allegations (or explain its absence), the supreme court found that Hammond failed to cite anything in the record that would rebut the presumption of reasonable assistance. Unless the record indicates that the evidence cited by the postconviction petitioner is reasonably available to counsel and necessary for the presentation of his claims, the absence of such evidence from the petition cannot rebut the presumption of reasonable assistance.