NOTICE
Decision filed 09/09/26. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2026 IL App (5th) 241056-U

NO. 5-24-1056

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

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).

LARRY SLACK,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellant,	)	Johnson County.
	)	
v.	)	No. 24-MX-31
	)	
DARREN GALLOWAY,	)	Honorable
	)	Sarah K. Tripp,
Defendant-Appellee.	)	Judge, presiding.

JUSTICE CLARKE delivered the judgment of the court.
Justices Sholar and Bollinger concurred in the judgment.

ORDER

¶ 1 *Held*: This court affirms the circuit court's dismissal of the plaintiff's *habeas corpus* complaint where the plaintiff failed to make a claim that the trial court sentenced him to prison that exceeded the limit of its personal jurisdiction.

¶ 2 The plaintiff, Larry Slack, an inmate in the Illinois Department of Corrections (DOC), filed a *pro se* complaint for an order of *habeas corpus* relief. The defendant in this *habeas* action, Darren Galloway, was the warden of Shawnee Correctional Center, where the plaintiff was imprisoned. The defendant filed a motion to dismiss the *habeas* complaint. The circuit court granted the motion and dismissed the complaint. The plaintiff appeals from the dismissal order. For the reasons that follow, this court affirms.

¶ 3 I. BACKGROUND

¶ 4 A. Criminal Conviction and Direct Appeal

¶ 5 In April 2006, in Cook County case No. 01-CR-30199, the State presented evidence that the plaintiff had whipped his 12-year-old daughter many times, over a period of hours, and that she had died from her resulting injuries. The State also presented evidence that the plaintiff had whipped his eight-year-old son. The plaintiff attended his criminal trial, though he elected not to testify. A jury found the plaintiff guilty of first degree murder in the death of his daughter, and the jury made special findings that her death resulted from exceptionally brutal and heinous behavior indicative of wanton cruelty and that the murder was intentional and involved the infliction of torture. The jury also found the plaintiff guilty of aggravated battery of a child, for the whipping of his son. Subsequently, the Cook County trial court imposed sentences of natural life in the DOC for first degree murder and 30 years in the DOC for aggravated battery of a child.

¶ 6 The defendant appealed from the Cook County judgment of conviction and sentence. He argued that the trial court (1) had erred when it denied his request for an involuntary-manslaughter instruction in addition to the instruction for first degree murder, (2) had erred by allowing the State to introduce cumulative and unduly prejudicial photographs of his daughter's body, and (3) had abused its discretion in sentencing him to natural life imprisonment. The Appellate Court, First District, rejected all these arguments and affirmed the judgment of conviction and sentence. *People v. Slack*, No. 1-06-2071 (2009) (unpublished order under Illinois Supreme Court Rule 23).

¶ 7 B. Previous Collateral Attacks on the Conviction

¶ 8 In the years that followed his direct appeal, the plaintiff collaterally attacked his conviction on a few occasions. Each attack was unsuccessful. A few of these attacks are described below.

¶ 9 1. Postconviction Petition

¶ 10 On September 21, 2010, the plaintiff filed in the Cook County trial court a *pro se* petition for postconviction relief. See 725 ILCS 5/122-1 *et seq.* (West 2008). In his postconviction petition, the plaintiff alleged (1) that there was no "formal charge or accusation" against him, filed in accordance with section 102-8 of the Code of Criminal Procedure of 1963 (725 ILCS 5/102-8 (West 2008) (" 'Charge' ")), that accused him of committing an offense, and as a result, his jury trial was a nullity and the judgment of conviction and sentence was void; and (2) that the associate judge who presided over his case "didn't have the authority," *i.e.*, lacked jurisdiction, to conduct a felony trial (see Ill. S. Ct. R. 295 (eff. May 28, 1975)), which also rendered the trial and judgment void.

¶ 11 On October 28, 2010, the trial court entered a written order in which the court determined that the postconviction petition was frivolous or patently without merit and summarily dismissed the petition. The court noted that a grand jury had indicted the plaintiff on all of the State's charges. The court attached to its order a copy of the indictment charging the plaintiff and his wife, jointly, with 11 counts of first degree murder, 4 counts of aggravated battery of a child, and 4 counts of aggravated battery. The plaintiff appealed from the summary dismissal of his postconviction petition. The First District Appellate Court affirmed the circuit court's summary-dismissal order. *People v. Slack*, No. 1-11-1148 (2012) (unpublished summary order under Illinois Supreme Court Rule 23(c)).

¶ 12 2. First *Habeas Corpus* Complaint

¶ 13 On January 6, 2015, in the Cook County trial court, the plaintiff filed *pro se* his first complaint for *habeas corpus* relief. See sections 10-101 to 10-137 of the Code of Civil Procedure (Code) (735 ILCS 5/10-101 to 10-137 (West 2012)). He alleged that he was not charged with

criminal offenses via a "sufficient" indictment or other charging instrument under sections 102-11 (" 'Indictment' ") and 111-3 ("Form of Charge") of the Code of Criminal Procedure of 1963 (725 ILCS 5/102-11, 111-3 (West 2012)). The plaintiff further alleged that due to the insufficiency of the charging instrument, the defendant's trial and the judgment of conviction and sentence were also void. On April 2, 2015, the Cook County trial court entered a written order dismissing the *habeas corpus* complaint because it was barred by *res judicata*. According to the trial court, the plaintiff "raised the exact same claims" in his postconviction petition of September 21, 2010, and he was merely rearguing them in his *habeas* complaint.

¶ 14 3. Federal *Habeas Corpus* Petition

¶ 15 After the Cook County trial court had dismissed the *habeas* complaint, the plaintiff filed a federal petition for a writ of *habeas corpus* in the United States District Court for the Northern District of Illinois. See 28 U.S.C. § 2254 (2012) (federal *habeas* petition from a prisoner in state custody). In his petition, the plaintiff claimed that (1) the prosecution failed to accuse him, in writing, of committing the offense, and (2) the presiding judge lacked jurisdiction to hear his case because he was an associate judge. On December 30, 2015, the federal district court denied the *habeas* petition. The district court found, *inter alia*, that the indictment complied with the United States Constitution, and that the Illinois trial court's rejection of his claim, on the merits, was neither contrary to nor an unreasonable application of clearly established federal law, as determined by the United States Supreme Court (see 28 U.S.C. § 2254(d)(1) (2012)). *Slack v. Harrington*, No. 13 C 3020 (N.D. Ill. Dec. 30, 2015).

¶ 16 C. Current Collateral Attack: The *Habeas Corpus* Complaint at Issue in the Instant Appeal

¶ 17 On May 31, 2024, the plaintiff filed in the circuit court of Johnson County a two-page *pro se* complaint for an order of *habeas corpus*, pursuant to sections 10-101 to 10-137 of the Code

(735 ILCS 5/10-101 to 10-137 (West 2022)). The plaintiff alleged that he should be discharged from custody because, under section 10-124(1) of the Code (735 ILCS 5/10-124(1) (West 2022)), (1) the trial court lacked personal jurisdiction over him, since he "never personally appeared as a defendant or the accused before the trial court in the criminal proceedings against him"; and (2) the trial court lacked jurisdiction to sentence him "as there was no conviction against [him] in the criminal proceedings against him."

¶ 18 On July 15, 2024, the defendant in the cause, the warden of Shawnee Correctional Center, filed a motion to dismiss the *habeas* complaint pursuant to section 2-619(a)(4) of the Code (735 ILCS 5/2-619(a)(4) (West 2022) (involuntary dismissal due to the cause of action being "barred by a prior judgment")). According to the defendant, the plaintiff had raised his *habeas* issues previously, and they were barred by collateral estoppel.

¶ 19 On July 29, 2024, the Johnson County circuit court entered a docket-entry order that granted the defendant's motion to dismiss the plaintiff's *habeas* complaint. On August 19, 2024, the plaintiff filed *pro se* (1) a motion to vacate the dismissal order and (2) a motion for leave to file an amended *habeas* complaint. On September 3, 2024, the circuit court denied both the plaintiff's motion to vacate the order dismissing the *habeas* complaint and his motion for leave to file an amended *habeas* complaint.

¶ 20 On September 30, 2024, the plaintiff filed a timely *pro se* notice of appeal. He thus perfected the instant appeal.

¶ 21 II. ANALYSIS

¶ 22 This appeal is from the Johnson County circuit court's order that granted the defendant's motion to dismiss the plaintiff's *habeas corpus* complaint. Appellate review is *de novo*. *Beacham v. Walker*, 231 Ill. 2d 51, 57-58 (2008). This court may affirm the ruling for any reason supported

by the record, regardless of the circuit court's reasoning. *Ragel v. Scott*, 2018 IL App (4th) 170322, ¶ 19.

¶ 23 In Illinois, article X of the Code provides a comprehensive procedural framework that governs orders of *habeas corpus*. See 735 ILCS 5/10–101 to 10-137 (West 2022); see also *Hennings v. Chandler*, 229 Ill. 2d 18, 25 (2008). Under section 10-102 of the Code, "[e]very person imprisoned or otherwise restrained of his or her liberty *** may apply for *habeas corpus* *** to obtain relief from such imprisonment or restraint, if it proved to be unlawful." 735 ILCS 5/10-102 (West 2022). "In other words, a prisoner may apply for an order requiring the person detaining him to produce the body of the prisoner to test the legality of the detention and, 'if it proved to be unlawful,' 'to obtain relief from such imprisonment.' " *Hennings*, 229 Ill. 2d at 25.

¶ 24 Under section 10-106 of the Code, "[u]nless it shall appear from the complaint itself, or from the documents thereto annexed, that the party can neither be discharged, admitted to pretrial release nor otherwise relieved, the court shall forthwith award relief by *habeas corpus*." 735 ILCS 5/10-106 (West 2022). "[T]he 'relief by *habeas corpus*' referred to in section 10-106 is the grant of the order by which the *habeas corpus* complainant, or plaintiff, is brought before the court." *Hennings*, 229 Ill. 2d at 26. Thus, "[t]he plain language of section 10-106" requires the circuit court to initially review the sufficiency of the complaint and to grant an order of *habeas corpus* if the complaint, with its attached documents, "establishes a question as to the legality of the plaintiff's detention or imprisonment." *Hennings*, 229 Ill. 2d at 26. If the court's initial review of the complaint clearly shows that the prisoner's imprisonment is legal, and that the plaintiff is not entitled to relief by *habeas corpus*, the court shall deny the order to produce the plaintiff's body. *Hennings*, 229 Ill. 2d at 26.

¶ 25 Section 10-124 of the Code specifies the seven grounds upon which a plaintiff, "in custody by virtue of process from any court legally constituted," may be discharged. 735 ILCS 5/10-124 (West 2022). One of the seven enumerated grounds is that the court that sentenced the prisoner "exceeded the limit of its jurisdiction, either as to the matter, place, sum or person." 735 ILCS 5/10-124(1) (West 2022). The presence or absence of jurisdiction is a legal question, making *de novo* review appropriate. *In re Luis R.*, 239 Ill. 2d 295, 299 (2010).

¶ 26 In the instant case, the plaintiff alleged in his *habeas* complaint that the Cook County trial court did not have personal jurisdiction over him because he "never personally appeared as a defendant or the accused before the trial court in the criminal proceedings against him." In discussing personal jurisdiction, the plaintiff was correct to focus on his own actions. After all, personal jurisdiction is "derived from the actions of the person sought to be bound. [Citation.]" (Internal quotation marks omitted.) *In re M.W.*, 232 Ill. 2d 408, 426 (2009). However, in the plaintiff's Cook County criminal case, the plaintiff's actions established that he did submit to the trial court's jurisdiction. The plaintiff appeared before the trial court and defended himself against the charges brought by a grand-jury indictment. He defended himself all the way through trial, although he elected not to testify at that trial, as the First District Appellate Court pointed out in its decision in the direct appeal. See *People v. Slack*, No. 1-06-2071 (2009) (unpublished order under Illinois Supreme Court Rule 23). By appearing before the trial court, the plaintiff submitted to the court's jurisdiction. See *Luis R.*, 239 Ill. 2d at 305.

¶ 27 The plaintiff also alleged in his *habeas* complaint that the Cook County trial court "had no jurisdiction to sentence [him] as there was no conviction against [him] in the criminal proceedings against him." Since the trial court had personal jurisdiction over the plaintiff, as explained above,

and since his trial ended with his conviction, the court had the jurisdiction (*i.e.*, authority) to sentence him.

¶ 28 III. CONCLUSION

¶ 29 For the foregoing reasons, the circuit court did not err in granting the defendant's motion to dismiss the plaintiff's *habeas corpus* complaint.

¶ 30 Affirmed.