

NOTICE
Decision filed 10/29/26. 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) 250513-U
NO. 5-25-0513
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).

KEVIN SMITH,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellant,	)	Lawrence County.
	)	
v.	)	No. 25-MX-8
	)	
JEREMIAH BROWN, Warden, Lawrence Correctional	)	
Center,	)	Honorable
	)	Michael M. Strange,
Defendant-Appellee.	)	Judge, presiding.

JUSTICE BARBERIS delivered the judgment of the court.
Presiding Justice Cates and Justice Vaughan concurred in the judgment.

ORDER

¶ 1 *Held:* We affirm the circuit court’s order dismissing plaintiff’s petition for a writ of *habeas corpus* where the petition failed to state a claim because it did not identify a jurisdictional defect or a postconviction occurrence that entitled plaintiff to immediate release.

¶ 2 Plaintiff, Kevin Smith, is an inmate in the Illinois Department of Corrections serving sentences of 40 years and natural life, respectively, in two separate first degree murder cases. Defendant, Jeremiah Brown, is the warden of the Lawrence Correctional Center, where plaintiff is currently incarcerated. Acting *pro se*, plaintiff appeals an order of the circuit court of Lawrence County dismissing his *pro se* petition for a writ of *habeas corpus* for failure to state a claim. He argues that the court erred in dismissing his petition because the judgments of conviction are void for lack of jurisdiction due to numerous alleged violations of his constitutional rights. For the

reasons that follow, we find no error in the circuit court's ruling, and we therefore affirm its judgment.

¶ 3

I. BACKGROUND

¶ 4 In 2005, plaintiff was convicted of first degree murder and attempted murder after a Cook County bench trial. He was sentenced to 40 years in prison on the murder charge. Plaintiff was subsequently convicted of first degree murder after a Cook County jury trial in a separate case and sentenced to natural life in prison.

¶ 5 On March 3, 2025, plaintiff filed the *pro se* petition for a writ of *habeas corpus* at issue in this appeal. He alleged that the Cook County court did not acquire personal jurisdiction over him in the criminal proceedings due to various violations of his federal and state constitutional rights that allegedly occurred during his arrest. See 735 ILCS 5/10-124(1) (West 2022). He further alleged that process was defective because detectives did not follow the law when they arrested him. See *id.* § 10-124(3). Plaintiff argued that the judgments of conviction were therefore void. On March 12, 2025, without leave of the court, plaintiff filed a *pro se* supplemental *habeas* petition, asserting that he was not charged by indictment or given a prompt preliminary hearing, in violation of the Illinois Constitution. See Ill. Const. 1970, art. I, § 7.

¶ 6 On March 25, 2025, defendant filed a motion to dismiss plaintiff's complaint for failure to state a claim pursuant to section 2-615 of the Code of Civil Procedure (Code) (735 ILCS 5/2-615 (West 2022)). Defendant argued that plaintiff could not establish that the Cook County court lacked jurisdiction because (1) personal jurisdiction was established by his appearance in court, (2) Illinois circuit courts have subject matter jurisdiction over all criminal cases, and (3) constitutional violations do not deprive the court of jurisdiction. Defendant further argued that plaintiff's petition did not identify a

postconviction occurrence that would entitle him to immediate release. See 735 ILCS 5/10-124(2) (West 2022).

¶ 7 On May 20, 2025, plaintiff responded to defendant’s motion to dismiss by filing a *pro se* motion for leave to file an amended *habeas* petition. In it, he reiterated his prior arguments regarding personal jurisdiction, constitutional violations in his arrest, and the lack of a preliminary hearing. In addition, he argued that the criminal proceedings could not constitute “a justiciable matter when brought upon plaintiff,” explaining that the matter was not appropriate for litigation due to the various constitutional violations he claimed occurred. Finally, plaintiff argued that the “postconviction occurrence” entitling him to relief was a statement by Andre Durham without which he could not have been convicted. An attached copy of Durham’s statement indicates it was given on September 6, 2001, before plaintiff was convicted in either case.

¶ 8 The matter came for a hearing on June 6, 2025. In a docket sheet entry that day, the circuit court found that plaintiff failed to state a claim for *habeas* relief and the case was therefore dismissed. On June 9, 2025, the circuit court entered a written order granting defendant’s motion and dismissing plaintiff’s petition with prejudice. This timely *pro se* appeal followed.

¶ 9 II. ANALYSIS

¶ 10 On appeal, plaintiff asserts that (1) his arrest was unlawful; (2) evidence against him was not lawfully obtained; (3) his right to due process was violated by the Cook County court’s failure to hold a preliminary hearing, thereby rendering process defective; (4) investigating officers engaged in police brutality in an effort to get him to sign a confession; and (5) process was obtained by “false pretenses” (see 735 ILCS 5/10-124(6) (West 2022)) because a detective falsely reported that plaintiff was wanted for murder before his arrest. Plaintiff acknowledges that the circuit courts of Illinois have subject matter jurisdiction over “all justiciable matters,” but he argues, “This is not

and cannot be a justiciable matter when brought upon Appellant because all the procedures have violated [*sic*] in bringing these charges against him.” We are not persuaded.

¶ 11 *Habeas corpus* relief is available only on the grounds enumerated in section 10-124 of the Code (735 ILCS 5/10-124 (West 2022)). *Beacham v. Walker*, 231 Ill. 2d 51, 58 (2008) (citing *People v. Gosier*, 205 Ill. 2d 198, 205 (2001)). Those statutory grounds fall into two general categories—jurisdictional defects and events occurring after conviction that entitle an inmate to immediate release. *People v. Thompson*, 2015 IL App (1st) 122265, ¶ 52. *Habeas corpus* is not an appropriate means of obtaining review of nonjurisdictional errors, even errors involving the denial of constitutional rights. *Beacham*, 231 Ill. 2d at 58-59. We review *de novo* the circuit court’s denial of a *habeas* petition. *Ragel v. Scott*, 2018 IL App (4th) 170322, ¶ 19.

¶ 12 The assertions in plaintiff’s petition, if proven, would not deprive the Cook County circuit court of either personal or subject matter jurisdiction. The court obtained personal jurisdiction over plaintiff when he appeared before it in the criminal proceedings. See *In re Luis R.*, 239 Ill. 2d 295, 305-06 (2010). Similarly, the Illinois State Constitution confers upon circuit courts subject matter jurisdiction over all justiciable matters. *People v. Castleberry*, 2015 IL 116916, ¶ 15. Justiciable matters are disputes that are definite and concrete rather than moot or hypothetical. *Id.* Subject matter jurisdiction is simply the court’s authority to decide the general class of cases to which a proceeding belongs. *Id.* ¶ 12. Criminal cases are among the classes of cases Illinois circuit courts undisputedly have power to decide. See *People v. Hughes*, 2012 IL 112817, ¶ 21. Thus, the Cook County court had subject matter jurisdiction over the criminal proceedings as well as personal jurisdiction over plaintiff.

¶ 13 Plaintiff also asserts that a postconviction occurrence entitles him to relief. However, the only “postconviction occurrence” he identifies is a statement given to police by Andre Durham.

That statement was given on September 6, 2001, before plaintiff was convicted in either criminal case. For these reasons, we conclude that plaintiff's petition does not assert grounds upon which *habeas* relief is available. As such, we find no error in the circuit court's decision to dismiss it.

¶ 14

III. CONCLUSION

¶ 15 For the foregoing reasons, we affirm the judgment of the Lawrence County circuit court dismissing plaintiff's petition for a writ of *habeas corpus*.

¶ 16 Affirmed.