

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Andrew Condon v. Anthony Wills, Warden

Condon v. Wills · No. 3:23-CV-3747-NJR · Decided February 11, 2026

SUMMARY

The United States District Court for the Southern District of Illinois considers Andrew Condon’s 28 U.S.C. § 2254 habeas challenge to his Illinois first-degree murder conviction. The opinion addresses exhaustion and procedural default, concluding that Condon failed to preserve most claims through one complete round of state-court review and that the remaining ineffective-assistance claim was rejected on an adequate and independent state-law ground.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Nancy J. Rosenstengel
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	February 11, 2026
DOCKET	3:23-CV-3747-NJR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2254 following an Illinois state-court murder conviction; the respondent moved to dismiss or deny relief on procedural-default grounds.
STANDARD OF REVIEW	Under 28 U.S.C. § 2254(d), federal habeas relief is unavailable unless the state-court decision was contrary to, or involved an unreasonable application of, clearly established Supreme Court law, or was based on an unreasonable determination of the facts. State factual determinations are presumed correct under § 2254(e)(1), subject to rebuttal by clear and convincing evidence. Procedural-default determinations were reviewed under the adequate-and-independent-state-ground doctrine.
PRECEDENTIAL VALUE	Unpublished district-court memorandum and order; persuasive only and not binding precedent outside the case.
PARTIES	Andrew Condon v. Anthony Wills, Warden

TOPICS

federal habeas corpus post-conviction relief appellate procedure due process ineffective assistance

PRACTICE AREAS

Federal habeas corpus Post-conviction relief Criminal procedure Appellate procedure Constitutional law

QUESTIONS PRESENTED

1. Whether Condon's federal habeas claims were procedurally defaulted because he failed to present them through one complete round of Illinois appellate review.
2. Whether Condon's ineffective-assistance claim concerning counsel's failure to investigate and call witnesses was barred by Illinois's independent and adequate affidavit requirement.
3. Whether alleged errors by state postconviction appellate counsel, prison mail issues, or COVID-19 lockdowns established cause to excuse the procedural defaults.
4. Whether Condon's asserted new evidence satisfied the actual-innocence gateway to overcome procedural default.
5. Whether Condon was entitled to limited discovery or a certificate of appealability.

HOLDINGS

1. A state prisoner procedurally defaults federal habeas claims when he fails to present them through one complete round of the state's established appellate review process. Because Condon raised only one postconviction issue in the Illinois Appellate Court, the remaining claims were procedurally defaulted.
2. A federal habeas court may not reach the merits of a claim that the state court resolved on an independent and adequate state-law ground. Condon's preserved ineffective-assistance claim was barred because he failed to attach the affidavits required by Illinois law.
3. Errors by state postconviction appellate counsel could not establish cause to excuse Condon's procedural defaults because there is no constitutional right to counsel in state postconviction proceedings.
4. Condon's asserted evidence did not satisfy the actual-innocence exception to procedural default because it was not sufficiently new or exculpatory to show that it was more likely than not that no reasonable juror would have convicted him.
5. Because all claims were procedurally defaulted and no exception applied, Condon was not entitled to habeas relief or the requested limited discovery.

KEY QUOTATIONS

“state prisoners must give the state courts one full opportunity to resolve any constitutional issues by invoking one complete round of the State’s established appellate review process.” (Discussion § I)

“The Court has considered all of the evidence, whether presented to the jury or not, and has determined that a reasonable, properly instructed juror would still find Condon guilty.” (Discussion § III)

FACTUAL BACKGROUND

Condon was convicted of murdering Jonathan Rubin at an Illinois gas station after a confrontation between Condon and Rubin earlier that night. The prosecution presented evidence including surveillance footage, ammunition and firearm evidence, testimony about Condon's anger toward Rubin, a child's Bumblebee mask found at Condon's home, and a letter asking a witness to provide a false affidavit. Condon denied the murder and offered alibi and forensic arguments, but the jury found him guilty and he received a 50-year sentence.

PROCEDURAL HISTORY

Condon was convicted of first degree murder in Illinois state court and received a 50-year prison sentence. The Illinois Appellate Court affirmed his conviction on direct appeal, the Illinois Supreme Court denied leave to appeal, and the United States Supreme Court denied certiorari. His state postconviction petition was dismissed, and the Illinois Appellate Court affirmed because he failed to attach supporting affidavits; the Illinois Supreme Court denied leave to appeal. The federal district court held that all habeas claims were procedurally defaulted, denied the petition and related discovery motions, dismissed the action with prejudice, and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- People v. Condon, 2018 IL App (3d) 150793-U, 2018 WL 2120635 (May 8, 2018)
- People v. Condon, 111 N.E.3d 953 (Ill. 2018)
- Condon v. Illinois, No. 19-5349 (U.S. Oct. 7, 2019)
- People v. Condon, 2022 IL App (3d) 200344-U, 2022 WL 4285742 (Sept. 16, 2022)
- Klein v. Martin, No. 25-51, 2026 WL 189976 (U.S. Jan. 26, 2026)
- Harrington v. Richter, 562 U.S. 86, 102-03 (2011)
- Mays v. Hines, 592 U.S. 385, 392 (2021)
- Coleman v. Hardy, 690 F.3d 811, 814 (7th Cir. 2012)
- Williams v. Taylor, 529 U.S. 362, 405, 407 (2000)
- Taylor v. Grounds, 721 F.3d 809, 817 (7th Cir. 2013)
- Goudy v. Basinger, 604 F.3d 394, 399-400 (7th Cir. 2010)
- McDaniel v. Polley, 847 F.3d 887, 893 (7th Cir. 2017)
- Jackson v. Frank, 348 F.3d 658, 662 (7th Cir. 2003)
- O'Sullivan v. Boerckel, 526 U.S. 838, 842, 844-45 (1999)
- McGhee v. Watson, 900 F.3d 849, 854 (7th Cir. 2018)
- Smith v. Gaetz, 565 F.3d 346, 352 (7th Cir. 2009)
- Lewis v. Sternes, 390 F.3d 1019, 1031 (7th Cir. 2004)
- Castille v. Peoples, 489 U.S. 346 (1989)

- *Everette v. Roth*, 37 F.3d 257, 261 (7th Cir. 1994)
- *Wilson v. Cromwell*, 69 F.4th 410, 419 (7th Cir. 2023)
- *Gray v. Hardy*, 598 F.3d 324, 329 (7th Cir. 2010)
- *Lee v. Foster*, 750 F.3d 687, 694 (7th Cir. 2014)
- *Lee-Kendrick v. Eckstein*, 38 F.4th 581, 586 (7th Cir. 2022)
- *People v. Ruiz*, 2025 IL App (1st) 1230531-U, 2025 WL 606191, at *5-6, appeal denied, 260 N.E.3d 75 (Ill. 2025)
- *Davila v. Davis*, 582 U.S. 521, 528-29 (2017)
- *Murray v. Carrier*, 477 U.S. 478, 488 (1986)
- *Jones v. Calloway*, 842 F.3d 454, 461 (7th Cir. 2016)
- *McQuiggin v. Perkins*, 569 U.S. 383, 392 (2013)
- *Gladney v. Pollard*, 799 F.3d 889, 896 (7th Cir. 2015)
- *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)
- *Buck v. Davis*, 580 U.S. 100, 115 (2017)
- *Sherman v. Quinn*, 668 F.3d 421, 424 (7th Cir. 2012)
- *Abuelyaman v. Illinois State University*, 667 F.3d 800, 807-08 (7th Cir. 2011)
- *Elustra v. Mineo*, 595 F.3d 699, 707-08 (7th Cir. 2010)
- *Blue v. Hartford Life & Accident Insurance Co.*, 698 F.3d 587, 598 (7th Cir. 2012)
- *Carlson v. CSX Transportation, Inc.*, 758 F.3d 819, 826 (7th Cir. 2014)
- *Martinez v. Trainor*, 556 F.2d 818, 819-20 (7th Cir. 1977)

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