

SUPREME COURT OF ILLINOIS

People v. Wiley, 205 Ill. 2d 212

792 N.E.2d 1274, 275 Ill. Dec. 501 (2001) · No. No. 86557 · Decided October 25, 2001

SUMMARY

The Supreme Court of Illinois reviews Howard Wiley's post-conviction petition following his convictions for three murders and armed robbery and his death sentence. The court holds that the petition was improperly dismissed as untimely but rejects claims concerning the sufficiency of the death-eligibility finding and ineffective assistance relating to that finding. The court reverses in part and remands for an evidentiary hearing on an ineffective-assistance claim concerning mitigation investigation and presentation.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Justice Freeman; Freeman; Harrison; Kilbride; McMorrow; Thomas
JURISDICTION	Illinois
DECIDED	October 25, 2001
DOCKET	No. 86557
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from the dismissal, without an evidentiary hearing, of a petition for relief under the Illinois Post-Conviction Hearing Act following convictions for three murders and armed robbery and a death sentence.
STANDARD OF REVIEW	Plenary review applies to the circuit court's dismissal of a post-conviction petition without an evidentiary hearing. To obtain a hearing, the petition's factual allegations, liberally construed and supported by the record or affidavits, must make a substantial showing of a constitutional violation. Sufficiency of death-eligibility evidence is reviewed under whether, viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could find the required elements beyond a reasonable doubt. Ineffective-assistance claims are evaluated under Strickland v. Washington.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Illinois
PARTIES	Howard Wiley v. The People of the State of Illinois

TOPICS

state post-conviction relief post-conviction relief ineffective assistance sentencing criminal procedure

PRACTICE AREAS

criminal procedure post-conviction relief capital sentencing ineffective assistance of counsel
death penalty

QUESTIONS PRESENTED

1. Whether the post-conviction petition was properly dismissed as untimely.
2. Whether appellate counsel was ineffective for failing to challenge the sufficiency of the evidence supporting Wiley's eligibility for the death penalty.
3. Whether trial counsel was ineffective for failing to use police reports to support the claim that Wiley was not the actual killer.
4. Whether trial counsel was ineffective at capital sentencing for failing to investigate and present available mitigating evidence.

HOLDINGS

1. The circuit court improperly dismissed Wiley's post-conviction action as untimely; the State's concession of untimeliness error was accepted.
2. A post-conviction petitioner is entitled to an evidentiary hearing when the petition's well-pleaded factual allegations, supported by the trial record or affidavits and liberally construed, make a substantial showing of a constitutional violation.
3. Wiley failed to make a substantial showing that appellate counsel was ineffective for not challenging the sufficiency of the evidence supporting his death eligibility.
4. Wiley failed to make a substantial showing that trial counsel's failure to use two police reports prejudiced him on the issue of death eligibility.
5. Wiley's post-conviction allegations made a substantial showing that trial counsel was ineffective for failing to investigate and present available mitigating evidence, requiring an evidentiary hearing.

KEY QUOTATIONS

“In our view, defendant's petition and supporting affidavits make a substantial showing that defense counsel's limited presentation of mitigating evidence at the sentencing hearing was not the result of a strategic decision preceded by a reasonable investigation.” (205 Ill. 2d at 1288)

“We hold that defendant's post-conviction allegations, liberally construed in his favor and taken as true in light of the original trial record, establish a substantial showing of a violation of defendant's right to effective assistance of counsel at the sentencing hearing.” (205 Ill. 2d at 1289)

FACTUAL BACKGROUND

Three women were murdered by gunshots to the head in an apartment in Cook County on approximately December 2, 1985. Wiley gave police several accounts, ultimately stating that another man, Battles, shot the victims during a staged robbery; however, forensic evidence, his changing stories, and details about one victim's wounds supported an inference that Wiley himself was the shooter. At capital sentencing, counsel presented limited mitigating evidence but did not investigate or present available family, mental-health, and neurological evidence alleged in the post-conviction petition.

PROCEDURAL HISTORY

Wiley was convicted in the Circuit Court of Cook County of three murders and armed robbery and received a death sentence on the murder counts. After direct review, he filed an amended and supplemented post-conviction petition. The circuit court dismissed the petition as untimely and alternatively concluded that the claims did not warrant an evidentiary hearing. The Illinois Supreme Court affirmed in part, reversed in part, and remanded for an evidentiary hearing on the claim that trial counsel was ineffective for failing to investigate and present mitigating evidence at capital sentencing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the Circuit Court of Cook County for an evidentiary hearing on the claim that trial counsel was ineffective for failing to investigate and present mitigating evidence at the capital sentencing hearing. The remaining portions of the post-conviction petition were properly dismissed.

CASES CITED

- Batson v. Kentucky, 476 U.S. 79, 106 S. Ct. 1712, 90 L. Ed. 2d 69 (1986)
- People v. Wiley, 156 Ill. 2d 464, 190 Ill. Dec. 736, 622 N.E.2d 766 (1993)
- People v. Wiley, 165 Ill. 2d 259, 209 Ill. Dec. 261, 651 N.E.2d 189 (1995)
- Wiley v. Illinois, 516 U.S. 923, 116 S. Ct. 322, 133 L. Ed. 2d 223 (1995)
- People v. Brisbon, 164 Ill. 2d 236, 242, 207 Ill. Dec. 442, 647 N.E.2d 935 (1995)
- People v. Free, 122 Ill. 2d 367, 377, 119 Ill. Dec. 325, 522 N.E.2d 1184 (1988)
- People v. Kokoraleis, 159 Ill. 2d 325, 328, 202 Ill. Dec. 279, 637 N.E.2d 1015 (1994)
- People v. Ruiz, 132 Ill. 2d 1, 9, 27, 138 Ill. Dec. 201, 547 N.E.2d 170 (1989)
- People v. Silagy, 116 Ill. 2d 357, 365, 107 Ill. Dec. 677, 507 N.E.2d 830 (1987)
- People v. Coleman, 183 Ill. 2d 366, 381-82, 388, 233 Ill. Dec. 789, 701 N.E.2d 1063 (1998)
- People v. West, 187 Ill. 2d 418, 434-35, 241 Ill. Dec. 535, 719 N.E.2d 664 (1999)
- People v. Pasch, 152 Ill. 2d 133, 213-14, 178 Ill. Dec. 38, 604 N.E.2d 294 (1992)
- People v. Batchelor, 171 Ill. 2d 367, 376-77, 216 Ill. Dec. 519, 665 N.E.2d 777 (1996)
- People v. Pecoraro, 144 Ill. 2d 1, 11, 161 Ill. Dec. 296, 578 N.E.2d 942 (1991)

- People v. DiGerlando, 30 Ill. 2d 544, 551, 198 N.E.2d 503 (1964)
- People v. Warren, 33 Ill. 2d 168, 174, 210 N.E.2d 507 (1965)
- People v. Hester, 39 Ill. 2d 489, 511, 237 N.E.2d 466 (1968)
- People v. Anderson, 113 Ill. 2d 1, 99 Ill. Dec. 104, 495 N.E.2d 485 (1986)
- Strickland v. Washington, 466 U.S. 668, 687, 689-91, 694-95, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984)
- People v. Albanese, 104 Ill. 2d 504, 525-27, 85 Ill. Dec. 441, 473 N.E.2d 1246 (1984)
- People v. Barrow, 133 Ill. 2d 226, 247, 139 Ill. Dec. 728, 549 N.E.2d 240 (1989)
- People v. Erickson, 161 Ill. 2d 82, 90, 204 Ill. Dec. 231, 641 N.E.2d 455 (1994)
- People v. Henderson, 171 Ill. 2d 124, 145, 215 Ill. Dec. 147, 662 N.E.2d 1287 (1996)
- People v. Howery, 178 Ill. 2d 1, 55-56, 227 Ill. Dec. 354, 687 N.E.2d 836 (1997)
- People v. Orange, 168 Ill. 2d 138, 167-73, 213 Ill. Dec. 589, 659 N.E.2d 935 (1995)
- People v. Ruiz, 177 Ill. 2d 368, 385, 226 Ill. Dec. 791, 686 N.E.2d 574 (1997)
- Kubat v. Thieret, 867 F.2d 351, 369 (7th Cir. 1989)
- Burger v. Kemp, 483 U.S. 776, 793-95, 107 S. Ct. 3114, 97 L. Ed. 2d 638 (1987)
- Hall v. Washington, 106 F.3d 742, 749-50 (7th Cir. 1997)
- People v. Perez, 148 Ill. 2d 168, 188-89, 170 Ill. Dec. 304, 592 N.E.2d 984 (1992)
- People v. Hall, 157 Ill. 2d 324, 337, 193 Ill. Dec. 98, 626 N.E.2d 131 (1993)
- People v. Hickey, 204 Ill. 2d 585, 631-40, 275 Ill. Dec. 1, 792 N.E.2d 232 (2001)
- People v. Simpson, 204 Ill. 2d 536, 581-85, 275 Ill. Dec. 34, 792 N.E.2d 265 (2001)
- People v. Bull, 185 Ill. 2d 179, 235 Ill. Dec. 641, 705 N.E.2d 824 (1998)
- People v. Jones, 144 Ill. 2d 242, 162 Ill. Dec. 15, 579 N.E.2d 829 (1991)
- People v. Neal, 142 Ill. 2d 140, 154 Ill. Dec. 587, 568 N.E.2d 808 (1990)
- People v. Owens, 129 Ill. 2d 303, 135 Ill. Dec. 780, 544 N.E.2d 276 (1989)