



2008)). The court also had no duty to recharacterize it as such. *People v. Stoffel*, 239 Ill. 2d 314, 324, 941 N.E.2d 147, 154 (2010). The petition was, however, a request for relief from a final judgment after 30 days from entry of that judgment. See 735 ILCS 5/2-1401(a) (West 2008). If the movant mislabels his pleading attacking the judgment, the court should be liberal in recognizing the motion as a collateral attack upon a void judgment. *Gay v. Frey*, 388 Ill. App. 3d 827, 832, 905 N.E.2d 333, 337 (2009); *Bank of Matteson v. Brown*, 283 Ill. App. 3d 599, 606, 669 N.E.2d 1351, 1356 (1996); *People v. Reymar Clinic Pharmacy, Inc.*, 246 Ill. App. 3d 835, 841, 617 N.E.2d 35, 39 (1993). The Illinois Supreme Court has held that void orders may be attacked at any time or in any court, either directly or collaterally. *R.W. Sawant & Co. v. Allied Programs Corp.*, 111 Ill. 2d 304, 309, 489 N.E.2d 1360, 1363 (1986). Moreover, a reviewing court may, in the exercise of its responsibility for a just result, decide a case on grounds not raised by the parties. *Gay*, 388 Ill. App. 3d at 832, 905 N.E.2d at 338. Given that section 2-1401 establishes a comprehensive, statutory procedure that allows for the vacatur of a final judgment older than 30 days (see *People v. Vincent*, 226 Ill. 2d 1, 7, 871 N.E.2d 17, 22 (2007)), we will evaluate defendant's pleading as a section 2-1401 motion to vacate his prior judgments of conviction.

¶ 4 Defendant filed his *pro se* petition with the circuit court on December 1, 2009. On December 8, 2009, the circuit court entered its *sua sponte* dismissal order. The circuit court's *sua sponte* dismissal of defendant's petition before the conclusion of the usual 30-day period to answer or otherwise plead was premature and requires vacatur of the dismissal order. *People v. Laugharn*, 233 Ill. 2d 318, 323, 909 N.E.2d 802, 805 (2009). "While *Vincent* allows for *sua sponte* dismissals of section 2-1401 petitions, it did not authorize such action prior to the expiration of the 30-day period." *Laugharn*, 233 Ill. 2d at 323, 909 N.E.2d at 805.

¶ 5 Accordingly, we vacate the judgment of the circuit court and remand this cause for

further proceedings in accord with this order. We express no opinion on the merits of the arguments raised by defendant.

¶ 6 Judgment vacated; cause remanded.