

No. 1-11-1307

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Cook County.
)	
v.)	No. 99 CR 21790
)	
MANUEL SUASTEGUI,)	Honorable
)	Joseph M. Claps,
Defendant-Appellant.)	Judge Presiding.

JUSTICE KARNEZIS delivered the judgment of the court.
Presiding Justice Hoffman and Justice Rochford concurred in the judgment.

S U M M A R Y O R D E R

¶ 1 Defendant Manuel Suastegui appeals from the second-stage dismissal of his petition for relief under the Post-Conviction Hearing Act. 725 ILCS 5/122-1 *et seq.* (West 2010). He is currently serving the 45-year term of imprisonment imposed on his first degree murder conviction. This court affirmed that judgment on direct appeal. *People v. Suastegui*, 374 Ill. App. 3d 635 (2007).

¶ 2 On June 12, 2008, defendant filed a *pro se* petition for post-conviction relief alleging that the State failed to disclose impeachment evidence and knowingly presented perjured testimony in violation of *Brady v. Maryland*, 373 U.S. 83 (1963), that trial and appellate counsel were

ineffective in numerous respects, and that the trial court "declined to properly respond" to questions posed by the jury during deliberations. On July 30, 2008, the circuit court appointed the public defender to represent defendant on his petition.

¶ 3 On May 20, 2010, post-conviction counsel filed an amended post-conviction petition which incorporated defendant's *pro se* petition, and alleged that appellate counsel was ineffective for failing to argue that defendant was denied his right to due process where the State's witnesses falsely testified that their key witness did not have a motive to receive leniency in a drug case, and the State falsely under-reported that witness' probation. The circuit court subsequently granted the State's motion to dismiss defendant's petition, finding that he had failed to make a substantial showing of a constitutional violation.

¶ 4 Defendant appealed and the State Appellate Defender was appointed to represent him. Counsel has now filed a motion in this court requesting leave to withdraw based on her conclusion that an appeal in this cause would be without arguable merit. This motion was made pursuant to *Pennsylvania v. Finley*, 481 U.S. 551 (1987) and is accompanied by a memorandum.

¶ 5 Defendant has filed a *pro se* response in which he claims that the State failed to disclose additional impeachment evidence in violation of *Brady v. Maryland*, and reiterates those claims raised in his *pro se* petition, namely, that he received ineffective assistance of trial and appellate counsel, and that the trial court did not properly respond to questions posed by the jury during deliberations.

¶ 6 In accordance with the mandate of *Pennsylvania v. Finley*, we have carefully examined the record in this case, the aforesaid memorandum, and defendant's *pro se* response, and have found no issues of arguable merit to be asserted on appeal. Accordingly, we grant the motion of the State Appellate Defender for leave to withdraw as counsel and affirm the order of the circuit

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court of Cook County. This order is entered in accordance with Illinois Supreme Court Rule 23(c)(2) (eff. Jul. 1, 2011).

¶ 7 Affirmed.