

NOTICE
Decision filed 11/26/18. 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.

2018 IL App (5th) 160182-U

NOTICE
This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

NO. 5-16-0182

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Montgomery County.
)	
v.)	No. 14-CF-110
)	
LLOYD R. PERKINS,)	Honorable
)	James L. Roberts,
Defendant-Appellant.)	Judge, presiding.

JUSTICE MOORE delivered the judgment of the court.
Justices Cates and Overstreet concurred in the judgment.

ORDER

¶ 1 *Held:* In light of our decision today in the defendant’s companion case for obstructing justice (No. 14-CF-122 in the trial court, No. 5-15-0393 on appeal), and pursuant to this court’s authority under Illinois Supreme Court Rule 366(a)(5) (eff. Feb. 1, 1994), we remand this case for the limited purpose of allowing the circuit court to, if deemed necessary based upon the results of the remand proceedings in the companion case, reconsider the denial of trial counsel’s pretrial motion to withdraw in this case.

¶ 2 The defendant, Lloyd R. Perkins, appeals his convictions for the offenses of armed robbery and unlawful possession of a weapon by a felon, following a jury trial in the circuit court of Montgomery County. For the following reasons, we remand with directions.

¶ 3 The sole issue raised by the defendant in this appeal is whether the trial court erred when it denied the defendant’s trial counsel’s motion to withdraw from representing the defendant in

this case. Accordingly, we will confine our recitation of facts to those facts necessary to an understanding and analysis of that issue. On April 24, 2015, prior to the trial in this case, a hearing was held before the trial judge on pending motions in both this case and the defendant's companion case (No. 14-CF-122 in the trial court, No. 5-15-0393 on appeal), which involved a charge of obstructing justice that alleged the defendant attempted to interfere with the prosecution of this case. At the outset of the hearing, the defendant's attorney in both cases, Michael R. Glenn, asked that the court first address his motion to withdraw in this case, which the trial judge agreed to do. Glenn then stated, *inter alia*: "After trying the [o]bstructing [j]ustice case, it's become apparent to me that I do not have sufficient time in my schedule to devote to the [a]rmed [r]obbery trial, and as the [c]ourt knows, I'm a solo general practitioner with no associates or anything." Glenn stated that he had "a great deal of work on [his] plate," and that "I do some criminal but mostly civil practice, and I'm having a very difficult time keeping up with my obligations in that regard even apart from court-appointed cases." He added that "I regret doing it, but I must do what I have to do to practice competently and take care of matters that I'm pledged to take care of." He noted that his mother had died approximately a year and a half before, and that he was "trying" to handle her estate himself, and dealing with "some other family personal matters that are causing [*sic*] an extreme amount of time right now." He requested permission to withdraw from this case and stated, "I will finish out the obstructing case." He contended there would be no prejudice to the State and said, "but it is very impossible at this point to get everything done."

¶ 4 The State objected to the motion to withdraw, claiming it would be prejudiced by any delays resulting therefrom. The trial judge then stated that he agreed with the State "that it would be extremely prejudicial and would unnecessarily delay this trial to at this point permit you to withdraw after being involved in this case for such a lengthy period of time and on the eve of the

matter being scheduled for trial.” He added that he would “accommodate reasonably” Glenn’s needs with regard to the upcoming trial in this case, stating, “I would be willing to give you some additional time if you need it, give you some latitude with regard to preparation and an opportunity to be ready for trial. Doesn’t necessarily have to be June. If we need to do something in July or even possibly August, I may consider that.” Subsequently, with the agreement of Glenn and the State, the trial in this case was moved to August 24, 2015. Following the trial, the defendant was convicted of armed robbery and unlawful possession of a weapon by a felon.

¶ 5 As explained above, the sole issue raised by the defendant in this appeal is whether the trial court erred when it denied Glenn’s motion to withdraw from representing the defendant in this case. In the defendant’s companion obstructing justice case (No. 14-CF-122 in the trial court, No. 5-15-0393 on appeal), also decided today, we have ordered the circuit court to conduct a proper inquiry, pursuant to *People v. Krankel*, 102 Ill. 2d 181 (1984), and its progeny, into the defendant’s *pro se* claims of ineffective assistance of counsel in that case. We recognize that the circuit court’s *Krankel* inquiry could (but not necessarily will) lead to the discovery of information that calls into question the trial judge’s decision in this case to deny Glenn’s motion to withdraw. Illinois Supreme Court Rule 366(a)(5) (eff. Feb. 1, 1994) authorizes this court, in its discretion and on such terms as it deems just, to make any order or grant any relief, including a remandment, that a particular case may require.

¶ 6 Therefore, in light of our decision today in the defendant’s companion case, and pursuant to this court’s authority under Illinois Supreme Court Rule 366(a)(5) (eff. Feb. 1, 1994), we remand this case for the limited purpose of allowing the circuit court to, if deemed necessary based upon the results of the remand proceedings in the companion case, reconsider the denial of trial counsel’s motion to withdraw in this case.

¶ 7 Remanded with directions.