

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT  
LAKE COUNTY, ILLINOIS

FILED

Robert Melock, Petitioner  
vs.  
State of Illinois

Case No. 92 CF 2635 APR 21 2025

Erica Canty-Walsh  
CIRCUIT CLERK

ORDER

It is hereby ordered that the claimant's current address referenced in paragraph 1 of page 4 of the written order granting Petitioner's motion for summary judgment shall be:

c/o Steve Art  
Loevy & Loevy  
311 North Aberdeen St 3rd Floor  
Chicago, IL 60607

ENTER:

  
JUDGE

Dated this 21 day of April, 2025.

Prepared by:  
Attorney's Name: Fatima Latha  
Address: 711 N Aberdeen St Suite 300  
City: Chicago State: IL  
Phone: 650 804 3587 Zip Code: 60607  
Fax: \_\_\_\_\_  
ARDC: 6350665

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE )

FILED

APR 21 2025

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT,
LAKE COUNTY, ILLINOIS

Eric Christopher Weinstein
CIRCUIT CLERK

ROBERT MELOCK,
Petitioner,
-vs-
PEOPLE OF THE STATE OF ILLINOIS,
Respondent.
GEN. NO. 92 CF 2635

ORDER

This matter appears before this Court for hearing on Petitioner’s Motion for Summary Judgment on his Petition for Certificate of Innocence filed on November 20, 2024.

PROCEDURAL HISTORY

- 1. On April 14, 1993, Petitioner, herein MELOCK, was convicted upon retrial for the murder of Augustine Melock alleged to have occurred on January 14, 1989.
2. MELOCK was sentenced to 85 years in the Illinois Department of Corrections.
3. A Post-Conviction Petition was filed on behalf of MELOCK on September 13, 2023, alleging he was entitled to a new trial based upon newly discovered evidence, a logbook maintained by Waukegan Police Department and held by the Lake County State’s Attorney’s Office which was potentially exculpatory and could affect the jury verdict. MELOCK argued the logbook suggests that witness Susan Holloway was not present in custody at the Waukegan Police Department at the same time as MELOCK and therefore could not have heard incriminating statements from

MELOCK. The petition raised additional grounds to support the prayer for a new trial.

4. The Office of the Lake County State's Attorney joined through many stipulations with MELOCK including the stipulation that the newly discovered evidence warranted the granting of MELOCK's Petition for Post-Conviction Relief. The State also joined stipulations suggesting investigator Louis Tessman had a history of obtaining false confessions, that MELOCK was denied his opportunity to admit evidence that any custodial statements by him were involuntary casting doubt upon the verity of the conviction. Finally, the State stipulated that it "does not oppose the relief requested in the defendant's Petitioner for Post-Conviction Relief pursuant to 725 ILCS 5/122-1, et seq." *Stipulation #1, Post-Conviction Relief Petition.*
5. On December 12, 2023, the Trial Court entered an order granting MELOCK's Petition for Post-Conviction Relief. Immediately thereafter, the Lake County State's Attorney presented an order of Nolle Prosequi dismissing all pending charges of murder against MELOCK.
6. On November 20, 2024, MELOCK filed his Petition for Certificate of Innocence, and the Illinois Attorney General filed its Notice of Non-Intervention on January 21, 2025.
7. MELOCK filed his Motion for Summary Judgment on January 22, 2025, Supplemental Briefing of Summary Judgment Standard on March 11, 2025, a Supplement to Motion for Summary Judgment on March 21, 2025, with attached Exhibit A, Affidavit of Innocence (of MELOCK).

## FINDINGS

8. The Lake County State's Attorney has not participated in any meaningful way with the pending Petition for Certificate of Innocence, though the Court notes Barbara Buhai of the Lake County State's Attorney's Conviction Integrity Unit, has been present for each court date and has affirmatively placed her "appearance" on the record. Nonetheless, nothing in the record contradicts MELOCK's assertion that the Lake County State's Attorney has declined to intervene as a party to the petition.
9. The result of the State's decision not to intervene is significant and limits this Court's ability to review the facts and evidence. This Court agrees MELOCK meets his burden under 735 ILCS 5/2-702(g) as to paragraphs (1), (2) and (4). Thus the ultimate question at issue is whether MELOCK has sustained his burden as to the remaining condition of paragraph (3) by a preponderance of evidence, that he is innocent of the charge of murder.
10. MELOCK relies on *People v. Hood*, 2021 IL App (1<sup>st</sup>) 162964, 457 Ill.Dec. 923, 196 N.E.3d 47 which addresses the burden of a petitioner and the authority of the trial court to reach its conclusion as to the innocence of the petitioner. Generally, whether a petitioner is entitled to a certificate of innocence is a question left to the sound discretion of the trial court.
11. *Hood* states that where a party to a civil action, as in a petition for Certificate of Innocence, is unchallenged and his pleadings and exhibits stating a basis for relief are unchallenged, he is entitled to pursue relief by motion for summary judgment.  
  
"Here, the only party before the court was the defendant, Hood. Both the attorney general and the state's attorney refused to intervene in the proceedings. Because Hood was the only party and he pleaded the elements of his claim, had he filed for summary

judgment he would have been successful because there was no evidence before the circuit court to rebut his petition.” *Hood*, ¶30.

12. *Hood* explained it was error for the trial court to engage in independent fact finding, research of the case history, to consider anything in the common law record beyond what was presented or placed into evidence by petitioner. The State did not oppose the *Hood* petition in any manner and thus no evidence was offered to rebut the facts pleaded in support of his innocence.

13. This Court finds the circumstances herein to be consistent with the *Hood* holding and will not engage in independent fact finding but rather judge the sufficiency of the pleadings as unchallenged.

14. MELOCK has pleaded through his affidavit of innocence as well as Petition for Certificate of Innocence that he is innocent of the murder, that he did not confess to the commission of the crime to anyone, and that he was home alone at the time of murder. No evidence from the trial regarding two confessions signed, written or given by MELOCK was included or offered to rebut the assertions of petitioner. Therefore, his petition for certificate of innocence remains entirely unchallenged by the State.

IT IS HEREBY ORDERED,

This Court finds the Petition for Summary Judgment on his Petition for Certificate of Innocence meets the pleading requirements of 735 ILCS 5/2-702(g) and as unchallenged, summary judgment is granted. It is further ordered:

- (1) The clerk of the court shall transmit a copy of the certificate of innocence to the clerk of the Court of Claims, together with the claimant’s current address;  
and

② STAYED on motion of Petitioner Robert Melock  
↑ until case of Petitioner Melock v. City of Wauke  
↑ 24-CV-12679 is resolved.

(2) The court shall enter an order, expunging the record of arrest from the official records of the arresting authority and order that the records of the clerk of the circuit court and the Illinois State Police be sealed until further order of the court upon good cause shown or as otherwise provided herein, and the name of the defendant obliterated from the official index requested to be kept by the circuit court clerk under section 16 of the Clerks of Courts Act in connection with the arrest and conviction for the offense. The order shall not affect any index issued by the circuit court clerk before the entry of this order.

So Ordered:

  
JUDGE