

**NOTICE**  
This Order was filed under  
Supreme Court Rule 23 and is  
not precedent except in the  
limited circumstances allowed  
under Rule 23(e)(1).

2025 IL App (4th) 241141-U

NOS. 4-24-1141

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

**FILED**

May 27, 2025

Carla Bender

4<sup>th</sup> District Appellate  
Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Henderson County
AMY HOFFMAN,	)	No. 17CF116
Defendant-Appellant.	)	
	)	Honorable
	)	Curtis S. Lane,
	)	Judge Presiding.

JUSTICE KNECHT delivered the judgment of the court.  
Presiding Justice Haris and Justice Cavanagh concurred in the judgment.

## ORDER

¶ 1 *Held:* The appellate court granted OSAD's motion to withdraw and affirmed the trial court's summary dismissal of defendant's *pro se* postconviction petition, finding (1) the court ruled on the petition within 90 days after it was filed, without input from the State, and (2) defendant's actual innocence claim is without arguable merit, as the evidence, including the evidence defendant presented with her petition, indicates she was accountable for the victim's murder.

¶ 2 Defendant, Amy Hoffman, appeals from the summary dismissal of her *pro se* postconviction petition. The trial court appointed the Office of the State Appellate Defender (OSAD) to represent defendant. OSAD moves to withdraw as counsel, arguing defendant's appeal presents no potentially meritorious issues for review. We grant the motion and affirm the court's summary dismissal of defendant's petition.

¶ 3 I. BACKGROUND

¶ 4 In January 2017, defendant was charged with five counts of first degree murder (720 ILCS 5/9-1(a)(1), (a)(2) (West 2016)). All the charges alleged defendant, or someone she was

legally accountable for, killed the victim, Rex A. Mynatt Sr., without legal justification.

¶ 5 In April 2019, defendant executed a jury waiver in open court, acknowledging she could not later rescind the waiver. The trial court found her waiver was knowingly and voluntarily made and continued the matter for fully negotiated plea proceedings.

¶ 6 On May 8, 2019, defendant advised the trial court she was unhappy with her attorney, as she learned through her father her attorney never talked to her brother, codefendant Donny Blakely Jr., who had taken full responsibility for killing Mynatt. Defense counsel advised the court he talked to defendant's father about speaking to Blakely but never talked to Blakely after speaking with defendant. Counsel explained:

“[U]pon further communication with my client, [defendant], we discussed how we didn't think that conversation would bear any fruit because of the multiple stories that [Blakely] has told not only the State but also his family members. So our opinion that we discussed together was that any conversation I had, I could sit there with [Blakely], he could tell me every word that I wanted to hear, and we still don't know what his credibility would be if it came to a trial.

So at that point, I decided and [defendant] was informed that I had no intention of speaking with [Blakely] \*\*\* and that conversation occurred at least a month after my last communication with [defendant's father]. At no point did I inform [defendant's father] that I had spoken to [Blakely] by telephone, letter, e-mail, or in person.”

Defendant never disputed counsel's statement. The court continued the matter for defendant to decide whether she wished to proceed *pro se*. The State rescinded its fully negotiated plea offer.

¶ 7 On May 17, 2019, the trial court, which had given defendant an opinion from this

court addressing the right to proceed *pro se*, admonished defendant about representing herself in the future proceedings or remaining with her appointed counsel. Defendant chose to remain with appointed counsel and filed a motion to withdraw her jury waiver. She claimed she waived a jury only because of the fully negotiated plea. She stated, but for her disagreement with counsel on May 8, 2019, she would have proceeded with the plea, and the State would not have rescinded its offer.

¶ 8 On May 31, 2019, the trial court denied defendant's motion to withdraw her jury waiver, finding "it's pretty clear that [defendant] had cold feet" and knew she could not rescind her waiver of a jury trial. The court informed defendant she could proceed with a bench trial or enter a guilty plea.

¶ 9 On July 8, 2019, defendant pleaded guilty to count I, which was amended to provide that, instead of Mynatt dying because of a gunshot, his death was the result of blunt force trauma. Counts II through V were dismissed. The trial court properly admonished defendant and found her plea was knowingly and voluntarily entered and supported by a factual basis. The factual basis, which was derived from interviews Blakely had with the police, provided defendant and Blakely obtained a weapon, most likely a gun, early in the morning of October 6, 2017. Later that night, they went to Mynatt's home, using defendant's cell phone to help them locate it. As they were attempting to break into the residence, Mynatt pulled into his driveway. Defendant and Blakely hid from Mynatt until he entered his house. Once inside, defendant and Blakely confronted Mynatt. Blakely used the gun obtained earlier that day to strike Mynatt about his head and torso. Defendant and Blakely fled the scene together in a car. Mynatt died because of the injuries he sustained.

¶ 10 On July 11, 2019, the trial court sentenced defendant to an agreed term of 20 years' imprisonment and properly admonished her about her right to appeal. Defendant neither moved to

vacate her plea nor appealed.

¶ 11 On July 1, 2024, almost five years after she was sentenced, defendant petitioned *pro se* for postconviction relief. She alleged she was actually innocent based on newly discovered evidence her attorney was ineffective for failing to obtain. In support, she asserted Blakely assumed full responsibility for Mynatt's death. She stated Blakely initially implicated her because she (1) accused Blakely's girlfriend, Angel Logsdon, of being involved and (2) spoke to the authorities about Blakely stealing weapons. She asserted she pleaded guilty knowing "full well" she was not because, at that time, she did not have Blakely's affidavit. Moreover, her attorney told her he had " 'spoken to [Blakely] who was sticking to his assertions made in his confession, that [defendant] was present at the murder.' " Defendant alleged this was not true, as her father told her, in May 2019, her attorney never spoke to Blakely.

¶ 12 Attached to her petition were Blakely's and her own affidavits. In Blakely's affidavit, which was notarized on August 3, 2023, he attested defendant was not at the scene of the crime. He explained, "[S]he was with me at first trying to break into [Mynatt's] home." However, when they ran to the trees behind Mynatt's house as he was driving up his driveway, "[defendant] wanted to leave." Blakely told her to "shut the f\*\*\* up" and do what she wanted. Defendant left. Blakely then accosted Mynatt in his home. Blakely pointed a gun at Mynatt, Mynatt grabbed the gun's barrel, and defendant shot Mynatt in the chest. While Mynatt was "gurgling on his blood," defendant shot Mynatt in the head, taking Mynatt's wallet before leaving the scene. Blakely then saw defendant walking down the street. Defendant asked what happened, and Blakely said, "[N]othing." Defendant and Blakely were then picked up by Logsdon. Blakely attested he accused defendant of being involved in the murder because he was mad at her for talking to the authorities and implicating Logsdon in the crime. He asserted he "wanted [defendant] to go down too so [he]

lied and said she was there when [Mynatt] got shot.” Lastly, Blakely stated, on the day defendant pleaded guilty, he “was going to testify on [defendant’s] behalf and tell the truth then, but it was to [*sic*] late.”

¶ 13 In defendant’s affidavit, she attested she was with Blakely and Logsden on October 6, 2017. They were drinking and “doing meth” at a casino and lost all their money gambling. So, Blakely “talked [her] into” going to Mynatt’s house and stealing items to pawn for money. Logsden drove defendant and Blakely to Mynatt’s home. Defendant and Blakely “walk[ed] through some trees to get to [the] house,” and when they arrived and saw Mynatt was not home, “[they] attempted to break into his home.” While doing so, they saw Mynatt pulling into his driveway. Defendant and Blakely hid in the trees near the house. Defendant told Blakely they “needed to leave,” but Blakely refused to go. They began arguing. Because “[defendant] was afraid of getting caught attempting to break into [Mynatt’s] house, \*\*\* [she] left back through the trees, the route [she] had initially gone.” As she was walking, waiting for Logsden to pick her up, Blakely joined her. Defendant asked Blakely what happened. He said, “ ‘Nothing happened.’ ” Blakely explained he had gotten scared, too, and left. Logsden picked them up, and they began drinking as they drove to another friend’s house. A few days later, Blakely confessed to defendant he had shot Mynatt and stole his wallet the night of October 6, 2017, after defendant left. Defendant subsequently lied to the police, saying she knew nothing about Mynatt’s murder. She was arrested for falsifying a police report, and while in custody, she was indicted for murder.

¶ 14 On August 9, 2024, the trial court summarily dismissed the petition, noting defendant’s main claim concerned Blakely assuming full responsibility for Mynatt’s murder and recanting his prior statements to the police implicating defendant. The court found, among other things, Blakely’s recantation was without arguable merit. Thus, defendant’s actual innocence

claim was frivolous or patently without merit.

¶ 15 This timely appeal followed.

¶ 16 II. ANALYSIS

¶ 17 On appeal, OSAD moves to withdraw. Counsel for OSAD asserts he (1) read the record on appeal, (2) reviewed the facts and applicable law, and (3) discussed the case with another attorney. OSAD concludes an appeal in this case would be without arguable merit. This court informed defendant of her opportunity to respond to the motion, and defendant did not file a response.

¶ 18 OSAD advances several issues related to the summary dismissal of defendant's petition. At their core, those issues concern (1) the trial court's compliance with the procedural requirements of the Post-Conviction Hearing Act (Act) (725 ILCS 5/122-1 *et seq.* (West 2022)) and (2) defendant's actual innocence claim. We agree this appeal presents no nonfrivolous issues.

¶ 19 First, the trial court complied with the procedural requirements of the Act. The Act provides a three-stage process to adjudicate postconviction petitions. *People v. Bocclair*, 202 Ill. 2d 89, 99 (2002). Here, the petition was dismissed at the first stage. At the first stage, the court must rule on the petition without any input from the State (*People v. Gaultney*, 174 Ill. 2d 410, 418 (1996)) and within 90 days after the petition is filed (725 ILCS 5/122-2.1(a)(2) (West 2022)). We review *de novo* whether the court complied with these procedural requirements. See *People v. King*, 2012 IL App (2d) 100801, ¶ 5 (stating *de novo* review applied in determining whether petition was timely filed with the 90-day period).

¶ 20 Here, defendant's petition was filed on July 1, 2024. Thirty-nine days later, on August 9, 2024, the trial court summarily dismissed the petition, finding the petition was frivolous or patently without merit. Nothing in the record indicates the State had any input into the court's

decision to summarily dismiss the petition. Accordingly, we agree with OSAD that any claim the court did not comply with the procedural requirements of the Act lacks arguable merit.

¶ 21 Second, OSAD advances four sub issues related to defendant’s actual innocence claim. Those issues concern whether (1) Hoffman’s actual innocence claim is barred by *res judicata*, (2) Blakely’s affidavit is newly discovered, (3) Hoffman was accountable for Blakely’s act of killing Mynatt, and (4) defense counsel was ineffective for failing to (a) speak to Blakely before defendant pleaded guilty and (b) obtain his affidavit. Rather than addressing each of OSAD’s subissues independently, some of which are partly meritorious or meritorious on an ancillary matter, we consider whether defendant’s actual innocence claim was arguably meritorious because, absent a meritorious actual innocence claim, the viability of the subissues OSAD advances is irrelevant. In doing so, we note we find such tactic appropriate given our review of a summarily dismissed petition is *de novo* (*People v. Williams*, 2024 IL 127304, ¶ 17), and, thus, we review the trial court’s ultimate legal conclusion, not its reasoning (see *People v. Lee*, 344 Ill. App. 3d 851, 853 (2003) (“Errors in the trial court’s assessment of the evidence or conclusions of law do not require reversal if the judgment is correct.”)). Accordingly, we turn to whether defendant’s actual innocence claim is arguably meritorious.

¶ 22 A trial court reviewing the substance of a petition at the first stage must determine if the petition is frivolous or patently without merit. 725 ILCS 5/122-2.1(a)(2) (West 2022). A petition for postconviction relief is frivolous or patently without merit only when “the petition has no arguable basis either in law or in fact or when the petition relies on an indisputably meritless legal theory or a fanciful factual allegation.” (Internal quotation marks omitted.) *People v. Knapp*, 2020 IL 124992, ¶ 45. “For purposes of [a] summary dismissal, a meritless legal theory is one completely contradicted by the record, while fanciful factual allegations may be fantastic or

delusional.” (Internal quotation marks omitted.) *Id.* In assessing whether a petition is frivolous or patently without merit, the allegations in the petition and supporting documents are taken as true unless positively rebutted by the record. *People v. Hodges*, 234 Ill. 2d 1, 10 (2009).

¶ 23 Here, defendant asserts she was actually innocent because she had left the scene before Blakely shot Mynatt. She argues her absence from the scene when Mynatt was shot mandates that she is not accountable for Mynatt’s murder.

¶ 24 As relevant here, to be held accountable for another’s actions, a codefendant must, “either before or during the commission of an offense, and with the intent to promote or facilitate that commission, \*\*\* solicit[ ], aid[ ], abet[ ], agree[ ], or attempt[ ] to aid that other person in the planning or commission of the offense.” 720 ILCS 5/5-2(c) (West 2016). “When [two] or more persons engage in a common criminal design or agreement, any acts in the furtherance of that common design committed by one party are considered to be the acts of all parties to the common design or agreement.” *Id.* Thus, “all are equally responsible for the consequences of those further acts.” *Id.* Although “[m]ere presence at the scene of a crime does not render a person accountable for an offense[,] a person’s presence at the scene of a crime \*\*\* may be considered with other circumstances by the trier of fact when determining accountability.” *Id.*

¶ 25 Here, defendant was accountable for Mynatt’s murder. Although she was not present when Mynatt was killed, the uncontradicted evidence reveals she accompanied Blakely to obtain a gun; used her cellphone to direct Logsden, the getaway driver, where to go; and worked with Blakely in attempting to break into Mynatt’s house before he came home. This is enough to hold defendant accountable for Mynatt’s murder, which occurred after defendant left the scene. See *People v. Rogers*, 122 Ill. App. 3d 384, 392 (1984) (“Even if [the] defendant was not present at the time the victim was threatened and murdered, his knowledge and planning of the [burglary]



and subsequent participation [in] and execution [of the burglary] are sufficient to hold him accountable [for the murder].”).

¶ 26 Moreover, nothing indicates defendant engaged in any acts which would exonerate her. A defendant charged with a crime pursuant to an accountability theory may escape liability if:

“(1) he or she is a victim of the offense committed;

(2) the offense is so defined that his or her conduct was inevitably incident to its commission; or

(3) before the commission of the offense, he or she terminates his or her effort to promote or facilitate that commission and does one of the following:

(i) wholly deprives his or her prior efforts of effectiveness in that commission,

(ii) gives timely warning to the proper law enforcement authorities, or

(iii) otherwise makes proper effort to prevent the commission of the offense.” 720

ILCS 5/5-2(c) (West 2016).

¶ 27 Here, Mynatt, not defendant, was the victim of the crime. Moreover, defendant’s conduct was not inevitably incident to the residential burglary’s commission. She went with Blakely to get a gun to use in the residential burglary and directed Logsdon to Mynatt’s home. These acts could have been accomplished by Blakely alone. Moreover, defendant had not “wholly and effectively detached [herself] from the criminal enterprise before the crime [was] in the process of consummation or ha[d] become so inevitable that it [could not] reasonably be stayed.” *People v. Gilbert*, 194 Ill. App. 3d 184, 189 (1990). After arriving at Mynatt’s house, defendant remained with Blakely, attempting to break into the home. When she saw Mynatt driving up his driveway, she ran with Blakely to the trees near Mynatt’s home, seeking to remain undetected. Defendant became scared, expressed her disapproval, and then simply left after Blakely told her to “shut the

f\*\*\* up.” This is not enough to exonerate defendant. See *People v. Tiller*, 94 Ill. 2d 303, 315 (1982) (“A mere statement of disapproval of [the] accomplice’s intended acts is insufficient to exonerate [the] defendant from liability for the crimes against [the victim].”), *abrogated on other grounds by People v. Strickland*, 154 Ill. 2d 489, 525 (1992). When she left because she was scared, defendant knew Blakely had the gun she had helped him obtain and would, thus, use it if he had to in confronting Mynatt. Given this evidence, the fact Mynatt was shot after defendant left is irrelevant. See *People v. Brown*, 26 Ill. 2d 308, 312-13 (1962) (stating when the crime forming the basis of felony murder has begun, subsequent withdrawal alone, without more, is not enough to escape liability, especially when the defendant knows accomplices are armed and will use weapons if faced with resistance). Defendant then looked for Logsden to pick her up. After Blakely caught up with her and Logsden found them, defendant escorted Blakely and Logsden to a friend’s house, drinking while the three drove there. Defendant at no time alerted the authorities. Rather, the police contacted defendant after learning Mynatt was killed. Similarly, defendant never tried to stop the residential burglary. The only reason defendant left was because she was scared; she did not leave because she recognized what they were doing was wrong. Thus, she never alerted Mynatt to their presence, took Blakely’s gun, or called the police on the cellphone she used to navigate the group to Mynatt’s house. Accordingly, we agree with OSAD that any claim defendant was actually innocent is not arguably meritorious.

¶ 28 In sum, we conclude (1) the trial court complied with the procedural requirements of the Act when it summarily dismissed defendant’s petition and (2) the summary dismissal of defendant’s petition as frivolous or patently without merit was proper, as the evidence, including that presented in defendant’s postconviction petition, fails to show defendant was actually innocent, *i.e.*, not accountable for Mynatt’s murder.

¶ 29

### III. CONCLUSION

¶ 30 For the reasons stated, we grant OSAD's motion to withdraw and affirm the trial court's judgment.

¶ 31 Affirmed.