

**SIXTH DIVISION  
SEPTEMBER 23, 2011**

No. 1-09-2802

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County
	)	
v.	)	04 CR 22104 (02)
	)	
JOSEPH WILBORN,	)	Honorable
	)	John J. Moran,
Defendant-Appellant.	)	Judge Presiding.

PRESIDING JUSTICE ROBERT E. GORDON delivered the judgment of the court, with opinion.

Justices Cahill and Garcia concurred in the judgment and opinion.

### **OPINION**

¶ 1 Following a jury trial, defendant Joseph Wilborn<sup>1</sup> was convicted of first-degree murder. 720 ILCS 5/9-1(a)(1) (West 2000). After hearing aggravation and mitigation, defendant was sentenced to 55 years in the Illinois Department of Corrections, 30 years for the first-degree murder and 25 years as a firearm enhancement. Defendant's conviction was affirmed on direct

---

<sup>1</sup> Defendant's direct appeal records use the spelling "Wilbourn" for his last name. However, his postconviction records, as well as his signature on his postconviction filings, use the spelling "Wilborn" for his last name. In this decision we will use the spelling of defendant's last name found on his postconviction petition and records.