

John T. Culbertson Jr.  
1969-1970

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Descended from a pioneer family that settled in Illinois prior to 1850, John T. Culbertson was born in Delavan on August 7, 1891, the son of John T. and Jennie McKinstry Culbertson. John Culbertson Jr., graduated in 1909 from Delavan High School and in 1913 from Illinois Wesleyan University Law School, Bloomington, where he pledged Phi Alpha Delta law fraternity. Admitted to the Illinois bar in 1913 and the Missouri bar in 1914, he taught at the Kansas City School of Law for two years. On November 25, 1915 he married Helen E. Read in Bloomington, and they became the parents of one daughter.<sup>1</sup>



In 1916, Culbertson began practicing law in Delavan, joined several years later by his brother Robert M. Culbertson. Elected Tazewell County Judge in 1930, John Culbertson served a four-year term, then won election as Circuit Judge of the Tenth Judicial Circuit, a position he held continuously until 1968. Appointed to the Fourth District Appellate Court in 1939, Culbertson served until 1964, then moved to the Third District Appellate Court. On October 3, 1969 he was assigned to serve on the Illinois Supreme Court, filling the vacancy created by the resignation of Justice Ray I. Klingbiel.

Culbertson accepted the stipulation that he would not be a candidate for the Court position in the November 1970 election.<sup>2</sup>

A month after his Supreme Court assignment, Culbertson delivered the opinion in *People v. Sailor*, a case in which Marie Agnes Sailor appealed her Cook County Circuit Court conviction for petty theft and deceptive practices. In March 1967 she was a passenger in an automobile when a Chicago police officer stopped the driver for a traffic violation. The officer recognized items in the car as tools commonly used by burglars. Upon searching Sailor's purse, he found a credit card and papers bearing the surnames of two other individuals. Indicted for identity theft and deceptive practices for using the card to purchase a watch, Sailor contended at trial that she had found the items on the street but admitted possessing the credit card from the time of allegedly finding it.

The Supreme Court justices reversed the theft conviction, determining, wrote Justice Culbertson, "a total lack of proof" to support the decision. Regarding the charge of deceptive practices, however, Culbertson affirmed the conviction: "She freely admitted having sole possession of the credit card" on the date of the watch purchase, "and while she denied so using the card, the determination of her credibility was the function of the trial court."<sup>3</sup>

In May 1970, Justice Culbertson affirmed the Cook County Circuit Court murder conviction of thirteen-year-old Michael Hammond. On appeal to the Supreme Court, his attorneys argued that the state had not proven the case beyond a reasonable doubt and that the circuit court violated Hammond's constitutional rights by failing to conduct a competency hearing prior to trial. They contended that he suffered from psychiatric and social disturbances at the time he shot twelve-year-old Robert Richardson. The Supreme

Court justices determined that the trial court did not err in refusing to conduct a competency hearing “despite the brutal nature of the crime and the fact defendant had below average intelligence and a record of excessive absences from school and previous difficulties with authorities.” They further found that evidence proved guilt beyond a reasonable doubt. “The testimony of an accomplice establishes that the defendant had participated in binding and shooting the decedent in his own bedroom before setting the room on fire . . . and there is no showing that the accomplice had received promises of leniency.”<sup>4</sup>

In addition to his lengthy judicial career and one-year Supreme Court tenure, Culbertson served as a director of the Tazewell National Bank of Delavan for forty years, twenty-five years as president, and as board chairman of Sheridan Village Bank of Peoria. A member of Delavan Presbyterian Church, he became a charter member of the local Rotary Club, also holding memberships in the Elks Lodge and Scottish Rite Masons. On July 26, 1982, a few days before his ninety-first birthday, Culbertson died at his Delavan home. He was buried in Prairie Rest Cemetery in Delavan.<sup>5</sup>

“Throughout his career,” recalled Peoria County Bar Association President Robert H. Miller, “Judge Culbertson displayed the finest judicial temperament. He was always cordial to and considerate of lawyers, litigants and court personnel. He tempered justice with kindness while conducting his court with decorum and impartiality. His warm personality was recognized and appreciated by all those who came in contact with him. It was a rewarding experience to appear in his court and it was also a delight to share his company at informal gatherings. His command of the language was unsurpassed and he

could always be counted on for words of wit, wisdom and good fellowship. He was, above all, a gentle man.”<sup>6</sup>

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<sup>1</sup> *Peoria Journal-Star*, July 26, 1982, p. B-6.

<sup>2</sup> “Presentation of Jon W. DeMoss, President, Illinois State Bar Association,” Nov. 27, 1984, typescript in Illinois Supreme Court Library.

<sup>3</sup> 43 Ill. 2d, 256-62.

<sup>4</sup> 45 Ill. 2d, 269-80.

<sup>5</sup> *Peoria Journal-Star*, July 26, 1982, p. B-6.

<sup>6</sup> “Resolution of the Peoria County Bar Association in Memory of John T. Culbertson, Jr.,” Nov. 27, 1984, typescript in Illinois Supreme Court Library.