2026 IL App (1st) 250104
No. 1-25-0104
Opinion filed September 18, 2026

Sixth Division

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Respondent-Appellee,	)	Cook County.
	)	
v.	)	No. 05 CR 17860 01
	)	
BENJAMIN WILLIAMS,	)	The Honorable
	)	Nicholas Kantas,
Petitioner-Appellant.	)	Judge, presiding.

JUSTICE HYMAN delivered the judgment of the court, with opinion.
Presiding Justice Gamrath and Justice Pucinski concurred in the judgment and opinion.

OPINION

¶ 1 The Illinois Constitution mandates that criminal sentences reflect both the seriousness of the offense and the goal of restoring the offender to useful citizenship. See Ill. Const. 1970, art. 1, § 11. Successive postconviction proceedings, however, present procedural limits that can prevent courts from reaching the merits. This case overcomes that barrier.

¶ 2 Benjamin Williams appeals the denial of leave to file a successive postconviction petition. He claims that (i) the newly enacted amendment to the Post-Conviction Hearing Act (725 ILCS

5/122-1 *et seq.* (West 2024)) eliminates the cause requirement and (ii) he has sufficiently demonstrated prejudice, permitting his as-applied sentencing claim to proceed.

¶ 3 The General Assembly has now removed the cause requirement for petitioners like Williams. See Pub. Act 104-564, § 5 (eff. July 10, 2026) (adding 725 ILCS 5/122-1(g)) (removing cause as requirement to file successive postconviction petitions for emerging-adult defendants). Thus, Williams needs only to make a *prima facie* showing of prejudice to proceed with his as-applied claim under the proportionate penalties clause of the Illinois Constitution. We find that Williams succeeded by incorporating the evolving science of juvenile maturity and brain development as applied to him.

¶ 4 We reverse and remand for successive postconviction proceedings.

¶ 5 Background

¶ 6 The pertinent facts from the trial appear in *People v. Williams*, 391 Ill. App. 3d 257 (2009), and *People v. Williams*, 2017 IL App (1st) 142718-U. We recount those needed to resolve this appeal.

¶ 7 Williams and his codefendant, Derrick Skipper, were charged with John Riley's murder. The victim's brother, Pierre Riley, testified that Williams stole $10 from him during an argument. Pierre went to Franklin Park and told his brother, his uncle Ronald Daniels, and his friend Gregory Hollis about what happened. The men then went to Skipper's apartment to confront Williams. After a verbal confrontation, they returned to Franklin Park. Daniels and the victim arrived at Skipper's apartment around 1:30 a.m. after hearing that Williams and Skipper were waiting there. On arriving, Skipper stood on the sidewalk, and Williams stood in the doorway of the apartment building. After a brief exchange, Williams pulled out a shotgun. Daniels and Riley ran, and

Williams chased Riley. Skipper encouraged Williams to shoot; Williams did, killing Riley with a single shot to the face.

¶ 8 Williams testified that, before he went outside, Riley yelled, "tell this b*** a*** [Williams] to come outside, take his a*** whoopin' like a man." Daniels also told Williams that he "might as well come out, take this a*** whoopin' now because [he's] going to get it later." Skipper tried to calm things down so Williams could go home. Before Williams left the apartment, Skipper gave him a shotgun to "scare [Daniels and Riley] away." Williams claimed he did not aim at anyone and thought that he fired toward an empty area of the park. After one shot, Williams dropped the weapon and ran to a friend's house. About an hour later, Williams learned that he hit Riley. Williams called his mother, went to her house, and turned himself in to the police the next day.

¶ 9 The trial court sentenced Williams to 46 years in prison for first degree murder, a sentence one year above the 45-year mandatory minimum. Williams was 18 years, 4 months, and 29 days old at the time of the offense.

¶ 10 Williams and his mother testified in mitigation. Williams described feeling like an outsider in his family because of his poor relationship with his stepfather and stepbrothers. He recalled his stepfather beating him with a belt or electrical cord and seeing his stepfather physically harm his mother when Williams was nine. His mother testified that Williams's stepfather degraded him, blamed him for their marital problems, and constantly argued with him. Williams had no relationship with his biological father. His grandfather had sexually abused him, leaving lasting effects. Williams apologized to the victim's family.

¶ 11 The State sought a sentence above the mandatory 45-year minimum. It cited Williams's juvenile convictions for aggravated battery and possession of a controlled substance as well as his gun-possession conviction at age 18.

¶ 12 Williams asked for the mandatory minimum and for the court to consider his abusive household, the absence of his biological father, and the sexual abuse he had suffered.

¶ 13 At sentencing, the court considered the presentence report and the testimony in mitigation and aggravation. It stated that Williams had a "sad upbringing" and was "conditioned by his environment[ ] but not predestined by his environment." The court concluded that "[a]t some point, people become masters of their own fate."

¶ 14 On direct appeal, Williams argued that (i) the jury received an erroneous involuntary manslaughter instruction, (ii) the prosecutor made improper closing remarks that led the jury to believe it could not find Williams guilty of involuntary manslaughter, and (iii) trial counsel was ineffective for failing to object to both the instruction and the admission of Williams's prior convictions. We affirmed.

¶ 15 Williams petitioned for postconviction relief. Private counsel filed an amended petition, alleging ineffective assistance of trial counsel for (i) failing to argue self-defense, despite Williams telling counsel that he fired because he feared for his life, and (ii) failing to interview a witness who would corroborate his self-defense theory and provide *Lynch* evidence (*People v. Lynch*, 104 Ill. 2d 194 (1984)) of the victim's violent temper. The State moved to dismiss the original and amended petitions, and the circuit court granted the motion. We affirmed the dismissal. *Williams*, 2017 IL App (1st) 142718-U.

¶ 16 Williams then sought leave to file a successive postconviction petition. He alleged that his 46-year *de facto* life sentence violates the proportionate penalties clause of the Illinois Constitution as applied to him. Williams argued that new scientific evidence, considered with his age and traumatic childhood, shows that his brain functioned more like a juvenile's than an adult's at the time of the offense. He also argued that new research shows that the science underlying the United States Supreme Court's decision in *Miller v. Alabama*, 567 U.S. 460 (2012), applies to people ages 18-21.

¶ 17 Williams supported his motion with a 2024 report by developmental psychologist Dr. James Garbarino, who applied research on young adults' brain development to Williams's upbringing. Dr. Garbarino's report claimed that many areas of the brain are underdeveloped in individuals under the age of 25 and that frequent childhood trauma affects the brain regions responsible for decision-making and emotional regulation. The report stated that Williams's unmet emotional needs, sexual abuse, and exposure to community violence produced a "war zone mentality." This mentality made Williams highly sensitive to threats, prone to aggression in response to perceived threats, and quick to escalate conflicts.

¶ 18 Dr. Garbarino gave Williams an "Adverse Childhood Experiences" evaluation, which assessed the impact of 10 traumatic childhood experiences that negatively influence development. Williams scored a 6 out of 10, a score that fewer than 2% of people receive. Dr. Garbarino concluded that Williams's tumultuous upbringing damaged his development such that "he demonstrated immaturity of thought and emotional control, impetuous and impulsive action, and failure to appreciate the full consequences of his criminal behavior."

¶ 19 The circuit court denied leave to file the successive postconviction petition. It held that Williams was not entitled to *Miller*-based protections under the eighth amendment of the United States Constitution because he was not a juvenile. The court also held that Williams could not obtain relief under the proportionate penalties clause of the Illinois Constitution because *Miller* does not provide cause to file a successive postconviction petition. Finally, the court was not convinced that Dr. Garbarino's report constituted new evidence and found no factual evidence directly related to Williams's case. This appeal followed.

¶ 20 Analysis

¶ 21 The cause-and-prejudice test is "the analytical tool" to determine "whether fundamental fairness requires" us to allow a petitioner to litigate in successive postconviction proceedings. *People v. Pitsonbarger*, 205 Ill. 2d 444, 459 (2002). Williams contends that (i) he no longer needs to establish cause to raise his as-applied sentencing claim and (ii) his petition sufficiently demonstrates prejudice, allowing his claim to proceed in a successive postconviction proceeding.

¶ 22 *Cause*

¶ 23 During this appeal, the governor signed an amendment to the Post-Conviction Hearing Act. The law states that

> "[a] petitioner who was convicted of a felony offense committed when that person was under 21 years of age who seeks leave to file a successive post-conviction petition claiming that his or her sentence violates Section 11 of Article I of the Illinois Constitution does not have to demonstrate cause as set forth in subsection (f) of this Section." Pub. Act 104-564, § 5 (eff. July 10, 2026) (adding 725 ILCS 5/122-1(g)).

Williams argues that the statute applies to this pending appeal. We hold it does.

¶ 24 We reviewed *de novo* whether the amendment presents a question of statutory interpretation. *People v. Brown*, 2024 IL 129585, ¶ 29. This court uses a two-step retroactivity analysis. *Perry v. Department of Financial & Professional Regulation*, 2018 IL 122349, ¶ 39. Step one is borrowed from *Landgraf v. USI Film Products*, 511 U.S. 244 (1994), and requires determining whether the General Assembly has indicated the temporal reach of the new law. *Perry*, 2018 IL 122349, ¶ 40. If the General Assembly's intent is clear, we give that temporal reach effect unless its application would be constitutionally prohibited. *Id.*

¶ 25 Williams points to the law's statement that the "[a]ct takes effect upon becoming law." Pub. Act 104-564, § 99 (eff. July 10, 2026). That wording establishes when the amendment took effect, but not its temporal reach. See *Perry*, 2018 IL 122349, ¶ 39; *International Union of Operating Engineers Local 965 v. Illinois Labor Relations Board, State Panel*, 2015 IL App (4th) 140352, ¶ 26 (the statement " '[t]his Act takes effect upon becoming law' " "does not indicate the amendment's intended temporal reach"). Nor did the General Assembly expressly limit the amendment to prospective application. See *Brown*, 2024 IL 129585, ¶¶ 30-37 (finding General Assembly stated prospective effect by expressly delaying implementation in text). We thus move to the next step.

¶ 26 Because the amendment does not state its temporal reach, we consult the Statute on Statutes to determine whether the change in the law is procedural or substantive. *Perry*, 2018 IL 122349, ¶ 42-46. A substantive change does not apply retroactively. *Brown*, 2024 IL 129585, ¶ 44. A procedural change applies to pending proceedings when practicable. See 5 ILCS 70/4 (West 2024) ("No new law shall be construed to repeal a former law *** as to any *** claim arising before the

new law takes effect, save only that the proceedings thereafter shall conform, so far as practicable, to the laws in force at the time of such proceeding.").

¶ 27 The amendment is procedural. It allows petitioners who "seek[ ] to file a successive post-conviction petition *** [to] not have to demonstrate cause." Pub. Act 104-564, § 5 (eff. July 10, 2026) (adding 725 ILCS 5/122-1(g)). "Seeking to file" and "demonstrating cause" relate to the Post-Conviction Hearing Act's pleading requirements. See 725 ILCS 5/122-1(f) (West 2024) (describing Act's pleading requirements for successive petitions). "Procedural amendments are those that prescribe the method of enforcing rights, and substantive amendments are those that establish the rights themselves." *People v. Brown*, 2026 IL 130930, ¶ 40. Subsection (g) alters the steps an emerging-adult defendant must follow to obtain leave to file a successive petition; it does not create the underlying right. See *People v. Sparkman*, 2026 IL App (1st) 240715, ¶ 39 ("Because the amendment would affect only whether a procedural hurdle applies to a particular filing, we conclude that the amendment is procedural in nature and applies retroactively to defendant's successive petition.").

¶ 28 Applying the amendment here is also practicable. Something is practicable if it is "feasible." *People v. Hunter*, 2017 IL 121306, ¶ 38. Nothing prevents us from applying subsection (g) to Williams's appeal. See *id.* ¶¶ 41-43 (holding statute's retroactive application was not feasible because juvenile court no longer had jurisdiction over 22-year-old defendant). Applying it now also avoids unnecessary proceedings. If we declined to apply the amendment and Williams did not show cause, he could file another successive postconviction petition and would have to show only prejudice. See *People v. Watkins-Romaine*, 2025 IL 130618, ¶ 47 ("The doctrine of *res judicata* does not apply when there has been a change in the law.").

¶ 29 *Prejudice*

¶ 30 Williams argues that his petition adequately alleges prejudice because the mandatory sentencing scheme prevented the sentencing court from considering his as-applied claim, specifically his youth-attendant circumstances. We agree.

¶ 31 At this stage, Williams need not prove that a lesser sentence would have been imposed. Rather, he must make the showing required for leave to file a successive petition. *People v. Smith*, 2014 IL 115946, ¶ 35. We review the denial of leave to file *de novo* (*People v. Dorsey*, 2021 IL 123010, ¶ 33) and take his well-pled allegations as true (*People v. Robinson*, 2020 IL 123849, ¶ 45). The question is whether those allegations establish a *prima facie* showing of prejudice. *People v. Bailey*, 2017 IL 121450, ¶ 24.

¶ 32 A petitioner shows prejudice when the claim not raised during the petitioner's initial postconviction proceedings "so infected the trial that the resulting conviction or sentence violated due process." 725 ILCS 5/122-1(f) (West 2024). For an as-applied proportionate penalties claim, that may be a sentence so disproportionate to the offense as to shock the moral conscience of the community. *People v. Miller*, 202 Ill. 2d 328, 338 (2002) (*Leon Miller*).

¶ 33 Williams has made a *prima facie* showing of prejudice. The 46-year sentence he received was a mandatory *de facto* life sentence. *People v. Buffer*, 2019 IL 122327, ¶¶ 40-41 (holding sentence of more than 40 years is *de facto* life sentence when imposed on juvenile). The sentencing court could not have imposed a sentenced of less than 45 years. See 730 ILCS 5/5-8-1 (West 2006) (defining sentencing range for first degree murder as 20 to 60 years); *id.* § 5-8-1(a)(1)(d)(iii) (defining a 25-years-to-life add-on for causing death with firearm). At sentencing, the court said of the 18-year-old Williams, "At some point, people become masters of their own fate."

¶ 34 Dr. Garbarino's report contains individualized allegations relating to Williams's development, trauma, impulse control, response to perceived threats, and ability to appreciate consequences. Those allegations give factual support to Williams's claim that his youth and traumatic upbringing affected his development in ways the sentencing court could not meaningfully account for under a mandatory *de facto* life sentencing scheme. See *Sparkman*, 2026 IL App (1st) 240715, ¶ 41 (finding petitioner established prejudice to litigate as-applied sentencing claim at evidentiary hearing).

¶ 35 Taking the petition's well-pled allegations as true, Williams sufficiently alleged that the mandatory sentencing scheme prevented meaningful consideration of youth-related mitigation and that the resulting sentence "so infected" the sentencing proceeding as to establish prejudice at the leave to file stage. See 725 ILCS 5/122-1(f) (West 2024) (codifying "cause" and "prejudice"); *Bailey*, 2017 IL 121450, ¶ 24 (stating standard at leave-to-file stage). None of the State's contentions require a different result.

¶ 36 *State's Contentions*

¶ 37 The State argues that the proportionate penalties clause refers only to the punishment imposed, not to mitigating evidence or the sentencing court's reasoning. The State relies on a process-and-substance distinction and describes the clause as "indifferent to sentencing procedure." *People v. Masters*, 2024 IL App (4th) 230370, ¶ 57.

¶ 38 An as-applied claim, however, turns on how the law operated under the defendant's particular facts and circumstances. *People v. Spencer*, 2025 IL 130015, ¶¶ 44-46. Thus, "[a]s-applied constitutional claims cannot ultimately succeed absent a sufficiently developed evidentiary record." *Id.* ¶ 45. These challenges require the court to consider the law as applied to the

petitioner's alleged facts and circumstances. *Id.* ¶ 44. So, Williams's claim cannot turn solely on the number of years imposed while ignoring the circumstances in which the mandatory sentence was imposed.

¶ 39 The proportionate penalties clause includes safeguards that go beyond those of the eighth amendment of the United States Constitution. *People v. Clemons*, 2012 IL 107821, ¶ 39 (noting proportionate penalties clause "provide[s] a limitation on penalties beyond those afforded by the eighth amendment"). For an as-applied claim, Illinois considers the sentence together with defendant's alleged facts and circumstances. *Spencer*, 2025 IL 130015, ¶ 42-44.

¶ 40 The State contends that a *de facto* life sentence might violate the eighth amendment (U.S. Const., amend VIII) yet comply with Illinois's proportionate penalties clause, citing *People v. Davis*, 2014 IL 115595, ¶¶ 45. But in *Davis*, the Illinois Supreme Court held that mandatory life sentences for juveniles violate the eighth amendment and rejected the proportionate penalties claim on *res judicata* grounds. *Id.* ("[the proportionate penalties] contentions were raised and rejected previously"; "the rejection of this contention is *res judicata* and cannot be relitigated here"). *Davis* did not decide the merits of the proportionate penalties claim and, thus, does not support the State's proposition.

¶ 41 The State next uses the statutory sentencing range as evidence of the community's moral sense. In the State's view, Williams's 46-year sentence was just one year more than the mandatory minimum. But Williams challenges the mandatory floor as applied to him. His claim asks whether the statutory scheme prevented meaningful consideration of constitutionally-relevant youth-related mitigation before requiring a *de facto* life sentence. His claim cannot be rejected because

the court imposed 46 years rather than 45. *Spencer*, 2025 IL 130015, ¶ 43 ("defendant may challenge a sentence of any length").

¶ 42 Legislation provides objective evidence of contemporary community values. See *Buffer*, 2019 IL 122327, ¶ 34 (legislation is reliable objective evidence of community values). Even so, the statutory minimum does not end an as-applied proportionality inquiry. See *Leon Miller*, 202 Ill. 2d at 340-41 (finding application of three statutes violated proportionate penalties clause as applied to juvenile defendant because resulting sentence was conscience shocking). Otherwise, an as-applied challenge to a legislatively mandated sentence would never succeed.

¶ 43 The State also argues that a sentence exceeding 40 years has no special significance under the proportionate penalties clause. But Williams's claim rests on a combination of his age, individual circumstances, and a sentencing scheme requiring a *de facto* life sentence regardless of those circumstances. Illinois recognizes a sentence of more than 40 years as a *de facto* life sentence. *Buffer*, 2019 IL 122327, ¶¶ 40-41 (holding sentence of more than 40 years is *de facto* life sentence when imposed on juvenile). And Illinois courts must consider an emerging adult's youth-attendant circumstances in deciding whether a mandatory minimum produces a disproportionate sentence as applied to that defendant. See *People v. Green-Hosey*, 2025 IL App (2d) 240284, ¶¶ 67-73. Williams alleges that his youth and attendant circumstances warranted consideration of a sentence below the mandatory minimum, which the sentencing court had no authority to impose. At this stage, those detailed allegations are enough. See *id.*

¶ 44 Lastly, the State cites the holding in *People v. Hilliard*, 2023 IL 128186, to argue that Williams must identify unique mitigating factors akin to those in *Leon Miller* before his sentence can be unconstitutional as applied. See *Leon Miller*, 202 Ill. 2d at 340-41. *Hilliard* does not impose

that categorical requirement. See *Hilliard*, 2023 IL 128186, ¶ 40 (analyzing petitioner's allegations in conjunction with circumstances of case). And while *Leon Miller* illustrates a successful as-applied challenge, it does not define the only circumstances warranting relief. Nor does sentence length alone control. *Spencer*, 2025 IL 130015, ¶ 43 ("defendant may challenge a sentence of any length"). Accordingly, at the leave-to-file stage, Williams has alleged individualized factors sufficient to proceed with his petition.

¶ 45 Reversed and remanded.

***People v. Williams*, 2026 IL App (1st) 250104**

Decision Under Review:	Appeal from the Circuit Court of Cook County, No. 05-CR-17860-01; the Hon. Nicholas Kantas, Judge, presiding.
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