NOTICE
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2026 IL App (5th) 240846-U

NO. 5-24-0846

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

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).

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	St. Clair County.
	)	
v.	)	No. 97-CF-962
	)	
ANDREW McGRAW,	)	Honorable
	)	John J. O'Gara,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE HACKETT delivered the judgment of the court.
Justices Vaughan and Bollinger concurred in the judgment.

ORDER

¶ 1 *Held*: The circuit court's second-stage dismissal of the defendant's successive amended postconviction petition is reversed and the matter remanded for a third-stage evidentiary hearing where the defendant established cause and prejudice and made a substantial showing to support his claim that his sentence violated the proportionate penalties clause of the Illinois Constitution (Ill. Const. 1970, art. I, § 11).

¶ 2 The defendant, Andrew McGraw, appeals from the second-stage dismissal of his successive amended postconviction petition that he filed pursuant to the Post-Conviction Hearing Act (Act) (725 ILCS 5/122-1 *et seq.* (West 2022)). On appeal, he contends that the trial court erred when it dismissed his petition because he demonstrated the requisite cause and prejudice and made a substantial showing to support his claim that his sentence violated the proportionate penalties clause (Ill. Const. 1970, art. I, § 11). For the reasons that follow, we reverse the trial court's

dismissal of the defendant's successive petition and remand the matter for a third-stage evidentiary hearing.

¶ 3 I. BACKGROUND

¶ 4 On July 26, 1999, a jury convicted the defendant of two counts of first degree murder in the shooting deaths of Herman Munson and Dawn Rogers, who had been in a vehicle parked in the lot of a liquor store in Washington Park, Illinois. On September 13, 1999, the trial court sentenced the defendant to two concurrent terms of natural life imprisonment. During sentencing, the trial court noted that it had considered the presentence investigation report, the statutory factors in aggravation and mitigation, the defendant's criminal history, the financial impact of incarceration, and the statements by counsel. However, the trial court also noted that the defendant was subject to a mandatory life sentence, as more than one life had been taken. Thereafter, the defendant's convictions and sentences were affirmed on direct appeal. See *People v. McGraw*, No. 5-99-0666 (2001) (unpublished order under Illinois Supreme Court Rule 23).

¶ 5 In April 2002 the defendant filed a *pro se* postconviction petition, making allegations of prosecutorial misconduct and ineffective assistance of trial and appellate counsel. Thereafter, the trial court appointed counsel, and an amended postconviction petition was filed. In May 2003 the trial court dismissed the defendant's amended postconviction petition on the State's motion. The dismissal was affirmed by this court. *People v. McGraw*, No. 5-03-0361 (2005) (unpublished order under Illinois Supreme Court Rule 23).

¶ 6 In December 2007 the defendant filed a *pro se* successive postconviction petition, again arguing that his trial counsel was ineffective. Thereafter, the State filed a motion to dismiss. The trial court granted the State's motion and denied the defendant leave to file his successive postconviction petition.

¶ 7 On August 17, 2017, the defendant filed a *pro se* motion for leave to file a successive postconviction petition and a successive petition. In the *pro se* petition, the defendant argued that his mandatory life sentence was unconstitutional where it violated the eighth amendment of the United States Constitution and the proportionate penalties clause of the Illinois Constitution in light of his young age, immaturity, and rehabilitative potential at the time of the offense. In support of his petition, the defendant attached the pretrial assessment that was conducted by Dr. Daniel Cuneo to ascertain whether the defendant was able to intelligently, knowingly, and willingly waive his *Miranda*[1] rights. In the report, Dr. Cuneo indicated that the defendant, who was 21 years old at the time, functioned at the "bottom end" of the borderline range of intelligence. Dr. Cuneo noted that the defendant significantly "lagged behind" in academic abilities, struggled to read simple words, and was placed in special education classes in school. Also attached to the petition was an article discussing the neuroscientific research on the brain development of young adults and the implications of the research on the sentencing of emerging adult offenders.

¶ 8 After more than 90 days passed from the time of the defendant's filing of his successive postconviction petition, the trial court appointed postconviction counsel. The trial court also granted the defendant leave to file the successive petition but only as to the eighth amendment claim. On December 7, 2018, appointed counsel filed an amended postconviction petition, arguing that the sentencing statute that mandated a natural life sentence for the defendant's murder convictions was unconstitutional as applied to him under the eighth amendment because the trial court had not been allowed to consider the factors related to his youth at sentencing. The amended petition also argued that the defendant's sentence violated the proportionate penalties clause of the Illinois Constitution (Ill. Const. 1970, art. I, § 11).

[1]See *Miranda v. Arizona*, 384 U.S. 436 (1966).

¶ 9 On October 24, 2019, the trial court dismissed the defendant's successive petition on the State's motion, finding that the defendant failed to show that the late filing of the petition was not due to his own culpable negligence.[2] The trial court also found that the defendant's sentence did not violate the eighth amendment where the defendant was not a juvenile at the time of the offenses, and where his intelligence level did not render his sentence disproportionate. The defendant appealed the dismissal, arguing that his appointed postconviction counsel provided unreasonable representation because counsel failed to comply with Illinois Supreme Court Rule 651(c) (eff. July 1, 2017). Agreeing with the defendant, this court reversed the dismissal of the defendant's successive petition and remanded for further second-stage proceedings with instructions that the defendant be appointed new counsel. See *People v. McGraw*, 2022 IL App (5th) 190482-U.

¶ 10 On May 26, 2023, the trial court, on remand, appointed the defendant new postconviction counsel. Thereafter, on January 4, 2024, appointed counsel filed the amended successive postconviction petition at issue in the present appeal. Counsel also filed a certificate in compliance with Rule 651(c). The amended petition argued that the mandatory life sentencing scheme was unconstitutional as applied to the defendant where the new evidence concerning adolescent brain development entitled the defendant to the sentencing protections set forth in *Miller v. Alabama*, 567 U.S. 460 (2012), and *People v. Davis*, 2014 IL 115595. The amended petition noted that since the defendant was subject to mandatory life sentences, the trial court could not consider, at

[2]In his appellate brief, the defendant acknowledges the trial court's finding that the successive petition was not timely because the defendant could not show that the delay in filing was not due to his own culpable negligence. However, the defendant notes that standard only applies to untimely filed initial postconviction petitions. See 725 ILCS 5/122-1(c) (West 2022). Since this appeal involves a successive postconviction petition, the cause and prejudice test must be met. See *id.* § 122-1(f).

sentencing, the defendant's youth and its attendant circumstances, his intellectual disabilities, and his impoverished background.

¶ 11 The amended petition asserted that recent developments in neurobiology and psychology had revealed that young-adult brains did not fully develop until young adults reached their mid-20s. The amended petition cited cases like *Miller* in which courts responded to this emerging scientific understanding in the sentencing context for young adults. The amended petition also attached various articles; an affidavit from Dr. Erin Bigler, a neuropsychologist and professor of psychology and neuroscience; and an assessment from Dr. James Garbarino, a developmental psychologist, discussing the developing research and how that research should impact the sentencing of emerging adult offenders.

¶ 12 The amended petition argued that the *Miller* sentencing protections should apply to the defendant, who was 20 years old at the time of the offenses, because he was similar to a juvenile in maturity and development. The amended petition noted that the defendant was raised in a single parent household in a notoriously impoverished area; complications at birth caused him extreme distress as a fetus; he was late in reaching developmental milestones; he suffered from attention span deficiencies as a child; he had bedwetting and bowel control issues lasting into young adulthood; his criminal activity began in adolescence; he never learned to read and quit school at the ninth grade; he suffered from an intellectual disability and was assessed as being in the borderline range for intellectual capacity; and he had an IQ of between 69 and 74, which placed him at the intellectual level of a young child. The amended petition also noted that between the ages of 7 and 15, the defendant received weekly psychiatric counseling and had been treated with Prozac and Thorazine to control his temper and increase his attention span. The amended petition further noted that the defendant occasionally threatened suicide, began drinking alcohol at 15 years

old and using marijuana at 18 years old, and sustained a moderate traumatic brain injury at 16 years old after he was attacked and rendered unconscious for 2 hours.

¶ 13 The amended petition argued that an individual with borderline intellectual functioning, such as the defendant, suffered from a greater inability to control his impulses and regulate his emotional barometer. The amended petition also argued that the defendant would not have committed the present offenses but for his heightened susceptibility to peer pressure and his emotional immaturity caused by his underdeveloped cognitive control system, which was the system responsible for self-control, regulating impulses, thinking ahead, evaluating risks and rewards, and resisting peer pressure. The amended petition argued that the defendant's intellectual/emotional disorder, coupled with his underlying neurological underdevelopment and addiction to drugs and alcohol, made him more susceptible to peer pressure and impulsivity. The amended petition also noted that during the defendant's incarceration, the defendant had been a model inmate, he had bettered himself academically, and he had matured and was no longer subject to cognitive imbalances. Thus, the amended petition argued that the defendant had been rehabilitated and restored to useful citizenship.

¶ 14 The amended petition attached Dr. Cuneo's pretrial evaluation report. In addition, the amended petition attached the defendant's forensic psychiatric evaluation conducted by Dr. John Rabun, who had also assessed the defendant to determine whether he could effectively waive his *Miranda* rights. In the report, Dr. Rabun indicated that the defendant's mother reported that the defendant struggled to write complete sentences, that he was unable to read, and that he received social security benefits beginning at age seven because of his learning deficits. Based on his assessment, Dr. Rabun concluded, with a reasonable degree of medical certainty, that the defendant lacked the capacity to knowingly, intelligently, and voluntarily waive his *Miranda* rights. The

amended petition further attached the defendant's affidavit, in which he discussed the violence that he had witnessed and was subjected to as a child, his struggles in school, his mental health issues, being sexually assaulted as a child, being pressured by a gang, and his rehabilitation while incarcerated.

¶ 15 On February 7, 2024, the State filed a motion to dismiss the defendant's amended successive petition. First, the State argued that the amended petition was untimely, and the defendant could not show that his late filing was not the result of his own culpable negligence. Second, the State argued that the defendant was not entitled to the protections set forth in *Miller* because *Miller* did not provide cause for emerging young adult offenders to challenge their life sentences under either the eighth amendment or the proportionate penalties clause. The State also argued that in light of the defendant's age at the time of the offenses, the defendant had no basis in law or fact to argue that his sentence was unconstitutional as a result of his age. Further, the State noted that the record showed that the defendant was the sole actor in the murders and that he was not subject to any peer pressure or provocation.

¶ 16 On May 21, 2024, the defendant filed a response to the motion to dismiss, arguing that since his sentencing challenge was based on *Miller*, a case filed 10 years after he filed his initial postconviction petition, his failure to previously raise the claim should be excused. Thus, he argued that *Miller*, which changed the law applicable to mandatory sentences imposed on emerging adult offenders, provided postconviction petitioners with cause for failing to raise the claim earlier. He also contended that he could establish prejudice because *Miller* and its progeny prohibited mandatory life sentences imposed without consideration of a defendant's youth and attendant characteristics.

¶ 17 On July 11, 2024, the trial court granted the State's motion to dismiss. In making this decision, the trial court noted that the eighth amendment protections under *Miller* were limited to juveniles and did not apply to individuals, like the defendant, who were over the age of 18 at the time of the offense. Regarding the defendant's proportionate penalties claim, the trial court found that the defendant's filing of his latest amended postconviction petition was untimely and that the defendant had not made a sufficient showing that the delay in filing was not due to his culpable negligence. The trial court also found that the legal basis under which the defendant made his constitutional claim had been available for more than 12 years, as *Miller* was decided in 2012; and some of the studies cited in the defendant's successive postconviction petition were released in 2006 and were known at the time the defendant filed his initial postconviction petition. In addition, the trial court noted that recent case law had held that *Miller* did not provide cause for a young adult offender or offenders with intellectual disabilities to raise a claim under the proportionate penalties clause. See *People v. Moore*, 2023 IL 126461, ¶ 40; *People v. Clark*, 2023 IL 127273, ¶¶ 62, 67.

¶ 18 Moreover, the trial court concluded that the defendant's proportionate penalties claim suffered because of the defendant's level of culpability. Specifically, the trial court noted that the defendant was 20 years old at the time of the murders; he was the sole offender; he planned the murders as retaliation; shortly before the murders, he stated that Munson's mother would be "burying them"; and hours after the murders, he bragged about committing the murders. In addition, although the trial court acknowledged that the defendant tailored his amended successive postconviction petition to his unique characteristics, the trial court noted that the defendant's unique circumstances could be considered a "a two-edged sword," as those circumstances could also be viewed as reasons to support a mandatory life sentence. Thus, the trial court found that this

case was not a rare instance where a defendant should be permitted to proceed in his successive postconviction petition. The defendant appeals.

¶ 19 II. ANALYSIS

¶ 20 Before addressing the merits of this appeal, we note that we took with the case the defendant's motions for leave to cite additional authority filed on March 30, 2026, and September 4, 2026. The defendant seeks leave to cite *People v. McGee*, 2025 IL App (1st) 231591-U; *People v. Sparkman*, 2026 IL App (1st) 240715; *People v. Reyes*, 2026 IL App (1st) 241172-B; *People v. Sanchez*, 2026 IL App (1st) 240305; *People v. Conwell*, 2026 IL App (1st) 240714; and Pub. Act 104-564 (eff. July 10, 2026) (amending 725 ILCS 5/122-1). We now grant the defendant's motions to cite additional authority.

¶ 21 On appeal, the defendant argues that the trial court erred when it dismissed his amended successive petition because he established both cause and prejudice and made a substantial showing that his mandatory life sentence was unconstitutional as applied to him under the proportionate penalties clause of the Illinois Constitution (Ill. Const. 1970, art. I, § 11). The defendant asserts that his pleadings, along with the attached articles, assessments, and affidavits, established that, at the time he committed the murders, he was more akin to a juvenile than a young adult. Accordingly, he contends that because the sentencing court was prevented from considering his youth and its attendant characteristics, his intellectual disabilities, and whether he was subject to peer pressure at the time of the murders, he should have been granted an evidentiary hearing on his postconviction claim. In response, the State argues that the dismissal was proper because the defendant failed to establish the requisite cause and prejudice for his failure to raise this claim in an earlier proceeding.

¶ 22 The Act (725 ILCS 5/122-1 *et seq.* (West 2022)) provides a mechanism for a criminal defendant to challenge his conviction by asserting that his conviction was the result of a substantial denial of his constitutional rights. *Davis*, 2014 IL 115595, ¶ 13. Because a postconviction proceeding is not a substitute for a direct appeal, but rather, a collateral attack on a final judgment, issues not presented in an original postconviction petition are forfeited. *People v. Edwards*, 2012 IL 111711, ¶ 21. Consistently, the Act contemplates the filing of only one petition without leave of court. 725 ILCS 5/122-1(f) (West 2022). However, a defendant can file a successive petition with leave of court when the petition satisfies the cause and prejudice test. *Id.*; *People v. Lusby*, 2020 IL 124046, ¶ 27. Under the cause and prejudice test, a defendant must establish both (1) cause for his failure to raise the claim during the initial postconviction proceedings, and (2) prejudice resulting from that failure. *People v. Blalock*, 2022 IL 126682, ¶ 38.

¶ 23 If defendant is granted leave to file a successive petition, the petition is docketed for second-stage proceedings, where the defendant is appointed counsel and must make a substantial showing of a constitutional violation. *People v. Thames*, 2021 IL App (1st) 180071, ¶¶ 76, 78. At the second stage, the State may seek dismissal of the petition on any ground. *Id.* ¶ 78. If a substantial showing of a constitutional violation is made, the petition advances to the third stage, and the trial court conducts an evidentiary hearing on the merits. *Sparkman*, 2026 IL App (1st) 240715, ¶ 27. However, if no showing is made, the petition is dismissed. *People v. Wilson*, 2022 IL App (1st) 192048, ¶ 64. The dismissal of a successive petition without a third-stage evidentiary hearing is reviewed *de novo*. *Thames*, 2021 IL App (1st) 180071, ¶ 80.

¶ 24 A. Cause

¶ 25 In the present case, the State argues that the defendant cannot establish cause for his failure to raise the proportionate penalties claim in an earlier proceeding. Because of recent changes in Illinois law, we disagree with the State.

¶ 26 A defendant demonstrates cause by identifying an objective factor that impeded his ability to raise a specific claim during the initial postconviction proceedings. *Blalock*, 2022 IL 126682, ¶ 39. However, after this appeal was fully briefed, our legislature amended the Act to eliminate the cause requirement for youth-based as applied proportionate penalties claims raised in successive postconviction petitions. Specifically, on July 10, 2026, section 122-1 of the Act was amended to include subsection (g), which provided as follows:

> "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 (eff. July 10, 2026) (amending 725 ILCS 5/122-1).

Since this amendment applies retroactively, the defendant, who was 20 years old at the time of the murders here, is not required to show cause to proceed with his proportionate penalties claim. See *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. Accordingly, defendant is not required to show cause.").

¶ 27 B. Prejudice

¶ 28 A defendant establishes prejudice by demonstrating that the claim not raised during his initial postconviction proceeding so infected the trial that the resulting conviction violated due process. *Davis*, 2014 IL 115595, ¶ 14. To address prejudice in the context of a youth-based proportionate penalties claim, we must first discuss *Miller* and its progeny. In *Miller*, the United States Supreme Court, recognizing that minors were constitutionally different from adults for sentencing purposes, held that a mandatory sentence for life without parole violated the eighth amendment's prohibition on cruel and unusual punishment for those who were under 18 at the time of their offense. *Miller*, 567 U.S. at 465, 471-74. Instead, before imposing a life sentence, the sentencing court must have discretion to consider a juvenile offender's youth and its attendant circumstances. *Id.* at 483. Thus, the sentencing court may impose such a sentence but only after considering factors relevant to the immaturity, impetuosity, and failure to appreciate risks and circumstances that are the hallmarks of youth. *Sparkman*, 2026 IL App (1st) 240715, ¶ 33.

¶ 29 Following *Miller*, our supreme court has not foreclosed young adult defendants from using *Miller*'s reasoning to raise as-applied constitutional challenges to their life sentences in postconviction petitions under the proportionate penalties clause of the Illinois Constitution. *People v. Daniels*, 2020 IL App (1st) 171738, ¶ 25 (citing *People v. Thompson*, 2015 IL 118151, ¶¶ 43-44, and *People v. Harris*, 2018 IL 121932, ¶ 48); see *Clark*, 2023 IL 127273, ¶¶ 87-88. Essentially, a young-adult offender could demonstrate, through an adequate factual record, that his own specific characteristics were so like those of a juvenile that imposition of a life sentence without the safeguards established in *Miller* was cruel, degrading, or so wholly disproportionate to the offense that it shocked the moral sense of the community. *People v. Horshaw*, 2024 IL App (1st) 182047-B, ¶ 49. However, to succeed on such a claim, the young adult must plead, and

ultimately prove, that his individual characteristics required the application of *Miller* at sentencing. *Reyes*, 2026 IL App (1st) 241172-B, ¶ 41. If the initial sentencing hearing was required to be *Miller* compliant, but was not, then the young adult defendant should be resentenced. *People v. Green-Hosey*, 2025 IL App (2d) 240284, ¶ 39, *pet. for leave to appeal granted*, No. 131560 (allowed Sept. 24, 2025).

¶ 30 In the present case, the State argues that the defendant cannot show prejudice because, given the premeditated, depraved, and calculated nature of the murders committed by the defendant, and the evidence demonstrating his lack of remorse, any argument that his crimes were a product of reduced intellectual capacity, peer pressure, or a terrible home life, would have been unsuccessful.

¶ 31 For this court to affirm the dismissal of the defendant's successive amended petition based on lack of prejudice, we must conclude, as a matter of law, that the defendant failed to show that his claim "so infected his sentencing hearing that his resulting sentence violated due process given the scientific research related to juvenile and young adult brain development, and the new sentencing laws and case law that have trended in the direction of certain increased protections for juveniles and young adults." *Sparkman*, 2026 IL App (1st) 240715, ¶ 41. A life sentence without parole has been found to shock the moral sense of the community if it was imposed upon an emerging adult defendant who has established that the science underlying *Miller* and its progeny applies to his specific facts or circumstances and his age and youth-attendant circumstances were not considered at the sentencing hearing before that life sentence was imposed. *Green-Hosey*, 2025 IL App (2d) 240284, ¶ 59; *Sanchez*, 2026 IL App (1st) 240305, ¶ 57.

¶ 32 In the present case, the defendant's amended petition made such a showing. The defendant supported his proportionate penalties claim with scientific evidence showing that the brain systems

and structures responsible for self-control, regulating impulses, and decision-making continued developing through the mid-20s. The defendant also presented evidence that an individual's social conditions, adverse childhood experiences, and hormonal conditions may contribute to impaired brain development and that individuals who experienced significant trauma and deprivation were prone to developmental delays. As for the defendant's specific circumstances, the defendant presented evidence of his purported own incomplete brain development as a young adult, which stemmed from him experiencing complications at birth, being raised in a notoriously impoverished area, witnessing and being subject to violence as a child, being sexually assaulted as a child, and suffering a moderate traumatic brain injury at 16 years old. The defendant also presented some evidence of his mental health issues, his intellectual disability, his struggles in school, and being pressured by a gang. The defendant further offered evidence that he was capable of rehabilitation and described the efforts that he had made in that direction since his incarceration. Under this record, we do not find that the defendant has failed to provide us with sufficient factual support of his proportionate penalties claim such that his claim fails as a matter of law.

¶ 33 Moreover, we note that, at the defendant's sentencing hearing, the trial court had no discretion to consider the defendant's youth and attendant circumstances since the sentencing scheme did not allow for anything less than a life sentence. Thus, the trial court was precluded from considering the above mitigating factors when sentencing the defendant to two terms of life imprisonment. Accordingly, based on the above, we find that the defendant has demonstrated prejudice to proceed with his petition under the Act.

¶ 34 C. Substantial Showing

¶ 35 Having determined that the defendant has met the requisite cause and prejudice to proceed with his proportionate penalties claim, we now address whether he has made a substantial showing

of that claim so as to require a third-stage evidentiary hearing under the Act. At the second stage of the postconviction proceedings, the question is whether the defendant's postconviction petition makes a substantial showing of a constitutional violation. *People v. Domagala*, 2013 IL 113688, ¶ 35. The second stage tests the legal sufficiency of the petition. *Id.* At this stage, the court may not engage in any fact-finding or credibility determinations, as all well-pleaded facts that are not positively rebutted by the record are taken as true. *Id.*

¶ 36 Under the proportionate penalties clause of the Illinois Constitution, all penalties must be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship. *Sanchez*, 2026 IL App (1st) 240305, ¶ 55. As noted above, a penalty violates the proportionate penalties clause where the penalty imposed is cruel, degrading, or so wholly disproportionate to the offense as to shock the moral sense of the community. *Clark*, 2023 IL 127273, ¶ 51. Also as previously noted, our supreme court has recognized that emerging adults may raise proportionate penalties claims based on the concerns articulated in *Miller*. *Sanchez*, 2026 IL App (1st) 240305, ¶ 55

¶ 37 Here, the State makes no argument as to whether the defendant's amended petition makes a substantial showing of a constitutional violation. Regardless, after reviewing the amended petition and its supporting documentation, we find that the defendant has met his burden such that his petition should be remanded for a third-stage evidentiary hearing. The defendant was 20 years old at the time that he committed the murders. The amended petition asserted that because of the defendant's unique circumstances, he was comparable to a juvenile offender, thus diminishing his culpability and enhancing his rehabilitative potential. As detailed above, the defendant presented evidence of the adverse events and circumstances that he experienced in his childhood and explained how those hampered his development, made it more difficult for him to control his

impulses and regulate his emotional reactions, and made him more susceptible to peer pressure. In addition, the defendant presented evidence showing that he was capable of rehabilitation and detailed efforts that he had already taken while incarcerated to that effect.

¶ 38 However, the statutory sentencing scheme under which the defendant was sentenced mandated a life sentence, which prevented any meaningful consideration of his youth and unique circumstances. Taking, as we must at this stage of the postconviction proceedings, this information as true, we conclude that the defendant has made a legally sufficient substantial showing that, at the time of the offenses, his individual characteristics made him more akin to a juvenile than to an adult such that the imposition of a mandatory life sentence violated the proportionate penalties clause. Thus, we reverse the trial court's dismissal of the defendant's successive petition and remand the matter for a third-stage evidentiary hearing. In doing so, we express no opinion as to whether the defendant can meet his burden at a third-stage evidentiary hearing.

¶ 39 III. CONCLUSION

¶ 40 For the above reasons, we reverse the judgment of the circuit court dismissing the defendant's successive postconviction petition and remand the matter for third-stage evidentiary proceedings under the Act.

¶ 41 Reversed and remanded.