NOTICE
Decision filed 11/16/26. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2026 IL App (5th) 250637

NO. 5-25-0637

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee, v. JAMAL WILLIAMS, Defendant-Appellant.	)))))))))	Appeal from the Circuit Court of Champaign County. No. 08-CF-1124 Honorable Chad S. Beckett, Judge, presiding.

JUSTICE BOLLINGER delivered the judgment of the court, with opinion.
Presiding Justice Cates and Justice Clarke concurred in the judgment and opinion.

OPINION

¶ 1 Defendant, Jamal Williams, was convicted at a jury trial in January 2009 of two counts of home invasion (720 ILCS 5/12-11(a)(3) (West 2008)), two counts of armed robbery (*id.* § 18-2(a)(2)), and one count of residential burglary (*id.* § 19-3(a)) and was subsequently sentenced to a total of 75 years' imprisonment. Following a direct appeal, one count of home invasion and the sole count of residential burglary were vacated, but defendant's sentence was affirmed. Defendant filed an initial postconviction petition on May 29, 2012. *People v. Williams*, No. 4-09-0159 (Oct. 14, 2010) (table) (unpublished order under Illinois Supreme Court Rule 23). That petition was initially dismissed at the second stage, but that dismissal was reversed and remanded on appeal. *People v. Williams*, 2015 IL App (4th) 131107-U. The petition was later denied after a third stage evidentiary hearing. On March 8, 2023, defendant attempted to file a successive postconviction

petition alleging, *inter alia*, that the use an aggravated unlawful use of a weapon conviction as an aggravating factor at sentencing was erroneous, as the conviction was later vacated as unconstitutional. Defendant was denied leave to file that petition, but the order denying leave did not address defendant's claim regarding his unconstitutional conviction. Ultimately, this court returned the matter to the trial court to rule on that claim. See *People v. Williams*, No. 5-23-1037 (Dec. 4, 2024) (unpublished summary order under Illinois Supreme Court Rule 23(c)). On remand, the trial court again denied defendant leave to file a successive postconviction petition, ruling that defendant did not demonstrate sufficient prejudice. Defendant appeals that denial. For the following reasons, we reverse and remand for further proceedings.

¶ 2 I. BACKGROUND

¶ 3 A complete recitation of the facts of the case is contained in defendant's prior appeal. See *People v. Williams*, 2015 IL App (4th) 131107-U. As such, we limit our recitation to those facts relevant to our disposition of this appeal and include additional facts in the analysis section as needed to address defendant's specific arguments.

¶ 4 After a five day jury trial in January 2009, defendant was convicted of two counts of home invasion, two counts of armed robbery, and one count of residential burglary for being part of a group of armed men who entered the home of Robert and Diane Rigdon on May 1, 2008, beat them, tied them up, and demanded money and alarm codes to Mr. Rigdon's pawn shop business. Defendant was subsequently sentenced on March 9, 2009. At the time of sentencing, defendant had a single prior conviction out of Cook County for aggravated unlawful use of a weapon (AUUW) for which defendant was on probation as of May 1, 2008.

¶ 5 In aggravation, the State presented three witnesses. The first of those witnesses was Dr. Jens Yambert, who testified as to the extent of Robert Rigdon's injuries. Mr. Rigdon suffered four

significant lacerations, three of which required stitches and one that required staples to close, as well as a possible nasal fracture. Two of the lacerations involved multiple layers of tissue. Dr. Yambert classified the lacerations as resulting from a "significant amount of force" and not being the result of a cutting implement such as a scalpel. The doctor further opined that facial and head injuries, like those experienced by Mr. Rigdon, could have neurological effects, including trouble thinking clearly, balance problems and memory problems.

¶ 6 Both Mr. and Mrs. Rigdon testified to the effects the crimes had on them, both physically and mentally. Mr. Rigdon testified that at the time that defendant and his companions broke into his home he was 70-years-old. He also testified more specifically as to his treatment on that day. Mr. Rigdon testified that as a result of those events, he had lingering memory, vision, and muscular coordination problems. As a result of those problems, within 30 to 60 days of the offenses, he had fallen and broken three ribs. He also testified to lingering fear and anxieties based on those events.

¶ 7 Mrs. Rigdon testified that she was 66 on May 1, 2008, and gave a limited account of the events of that day. She testified that as a result of the prolonged and extremely tight tying of her hands, she had permanent nerve damage in her right hand, causing numbness in two fingers and decreased dexterity. Like her husband, she testified to lingering fear and anxieties.

¶ 8 The State also presented victim impact statements in aggravation. As his sole evidence in mitigation, defendant submitted a letter from a pastor at his church.

¶ 9 The State argued that multiple aggravating factors, "some statutory, some non-statutory," applied to the case. It argued that defendant's conduct, which was the end result of lengthy planning and surveillance of the Rigdons, caused not only harm, but great bodily harm, and that the harm was foreseeable. The State argued that defendant took a leading role in the crimes, stating he was likely to have taken many of the actions involved in striking and tying up the Rigdons. The

State argued in support of consecutive sentencing as to the severity of the injuries of both victims, Mr. Rigdon's especially. It argued that the age of the victims was an aggravating factor of which defendant was surely aware prior to the offenses due to the extensive planning involved. It also argued defendant's criminal history, stating,

> "That the defendant has a history of prior delinquency or criminal activity is certainly present in this case. Well, that actually is certainly present in this case. Not only does he have a history, that history is for an aggravated unlawful use of weapons in Cook County, and not only that, he was on probation for that offense at the time he committed these offenses, and had been so for almost exactly six months.
>
> Clearly he did not learn anything, nor did he care to learn anything from his initial contact with the criminal justice system in Cook County."

The majority of the State's argument focused on the facts of the crime and whether defendant should face consecutive sentencing.

¶ 10 Defendant's attorney argued that defendant did not have an extensive criminal history and that his single "brush with the law" was not unusual for a young man in his circumstances. He argued that defendant was trying to improve his circumstances by going to college and that he was induced into his criminal actions by one of his codefendants, Chad Todd, whom he characterized as the mastermind behind the scheme. He asked the trial court to look with skepticism at the testimony of the codefendants painting defendant as a main actor in the offenses. Defense counsel argued that defendant was young and had a lot of family support, which meant he had significant potential, and asked for a lesser sentence so defendant might have some chance to meet that potential.

¶ 11 Defendant also made a statement in allocution, stating, in full:

"I feel sorry for what happened to the victims, Robert Rigdon and Diane Rigdon, and I feel the same type of sorry that the community feels. But I'm innocent. I never had any plans to harm them. I never knew of any plans to harm them. And somehow, some way, I just feel like I'm the victim in this situation. I feel like my family is the victim in this situation. And whatever happens, I'm just going to keep my head up high, and just pray for another day."

¶ 12 In sentencing defendant, the trial court described him as "a young man who had everything in front of him, and all the ability to make his life a productive one, and instead he chose a path of lawlessness and senseless violence." The trial court noted defendant's prior conviction as well, stating,

"In October of 2007 [defendant] was convicted of aggravated unlawful use of weapons and afforded an opportunity for probation. There was a petition to revoke that probation that was filed and remains pending to this date. A warrant was issued. The defendant appeared in mid-June pursuant to the first warrant issued, and then he did not appear. And I would note that coincides with the period of time that he was incarcerated here in Champaign County on these charges. So I draw no further conclusions from the facts that there was a warrant outstanding.

What I do consider this significant for is first of all the fact that the defendant committed another offense involving weapons, a far more serious one here, and especially significant and actually recognized as a statutory factor in aggravation, the fact that Mr. Williams was on probation for that offense just over six months, as the State has pointed out, when he committed these offenses.

That is a measurable factor to assess the defendant's rehabilitative potential."

In going through the factors in mitigation, the trial court briefly commented on defendant's criminal history, noting that "He does have a prior history of criminal conduct, so that is not a factor in mitigation" and that, even if he were eligible for a sentence of probation, he would be unlikely to comply with it based on that offense and probation. In considering factors in mitigation, the trial court stated that "[o]ther than the defendant's relative youth, he is 20 years of age, and the letter from the pastor who works with the assistant pastor, who is the defendant's grandfather, it is difficult to find much by way of mitigation." Despite the fact that defendant had a wife and 18-month-old child at the time of sentencing, the trial court found no hardship to them, as they lived in Chicago while defendant resided in Champaign County for school and paid no support to his family, instead relying on his family to support him.

¶ 13 The trial court went over the facts of the offenses, noting that defendant's actions caused both physical and emotional harm and finding that those harms were not only reasonably foreseeable prior to the commission of the offenses but intended by defendant. The trial court further found that defendant was one of the main actors in the offenses, stating that, "[t]he evidence established that he was one of the individuals who had the gun, and he was the first one in the door," as well as that " all the evidence taken in concert leads the court to conclude that [defendant] *** was the person who ran into the garage and struck Mr. Rigdon with the first blow." It also found that he did not act under strong provocation, specifically finding that the only inducement for his actions was the people he "attached" himself to in committing the offenses. In looking at the overall circumstances of the offenses, the trial court noted that "the legislature intended to recognize the seriousness of these offenses by fashioning them as Class X felonies. But what took place here far exceeded what was contemplated merely as inherent in those offenses." The trial court cited as aggravating factors that defendant's conduct took place in the Rigdon's home, a

place "where everyone has a right to be safe and secure, a place of comfort," the severe injuries to Mr. Rigdon, the lack of "forbearance or restraint" demonstrated by defendant and his codefendants, and the fact that both Rigdons were over the age of 60. The trial court described defendant and his codefendants as demonstrating "a complete indifference to victim suffering" when, after beating Mr. Rigdon about the head and tying up both him and Mrs. Rigdon on the floor, they "continued to step over their bodies, carrying out the items they had ransacked from the home." Overall, the trial court described what happened to the Rigdons as "everyone's worst nightmare" and described it as involving "sheer and unnecessary viciousness." The trial court also noted in some detail the level of planning that went into the offenses, referring to it as "calculated" and "premeditated" rather than "rash or spur of the moment." In doing so, the trial court noted that there were "numerous opportunities for this defendant to withdraw, to remove himself, to alert the police." The trial court spent much of its pronouncement of sentence on the offenses themselves, reiterating their seriousness beyond the statutory factors.

¶ 14 The trial court also found that there was a "grave danger" that defendant's behavior would reoccur, given that he accepted no responsibility for the offenses he was convicted of and stated that it needed to "fashion a sentence that will ensure that this defendant" would not be able to engage in the same sort of behavior again. Overall, the trial court felt there was a need for deterrence in rendering its sentence.

¶ 15 The trial court then sentenced defendant to an aggregate 75-year sentence. It found that Mr. Rigdon suffered great bodily harm as a result of the offenses, triggering the requirement that defendant serve consecutive sentences on the counts where Mr. Rigdon was the named victim. While it found that Mrs. Rigdon sustained bodily harm, the trial court did not find that her injuries rose to the level of great bodily harm, therefore the same consecutive requirement was not imposed

where she was the named victim. The aggregated sentence imposed on defendant comprised a 25-year sentence each to both counts of home invasion, a 25-year sentence each to both counts of armed robbery, and a 15-year sentence to the sole count of residential burglary. The sole count of residential burglary, the count of home invasion with Mrs. Rigdon as the named victim, and the count of armed robbery where Mrs. Rigdon was the named victim were all to be served concurrently, while the count of home invasion with Mr. Rigdon as the named victim and the count of armed robbery with Mr. Rigdon as the named victim were each to be served consecutively to the other counts. Overall, based on the trial court's determination of great bodily harm and the related requirement that some counts be served consecutively, defendant's sentencing range was an aggregate of 63 to 135 years.

¶ 16 On direct appeal, two of defendant's convictions, the count of home invasion with Mrs. Rigdon as the named victim and the sole count of residential burglary, were vacated based on the one-act, one-crime rule but defendant's overall aggregate sentence was left intact. *Williams*, No. 4-09-0159. Following that direct appeal, defendant filed an initial postconviction petition on May 29, 2012. That petition was initially dismissed at the second stage, but the dismissal was reversed and remanded on appeal. The petition was later denied after a third stage evidentiary hearing.

¶ 17 On March 8, 2023, defendant attempted to file a successive postconviction petition. In that petition, defendant argued that his sentence violated the Illinois proportionate penalties clause, because at the time of the offenses, he was 20 years old and his brain development was more akin to that of a juvenile than an adult. Defendant argued that his 75-year aggregate sentence was a *de facto* life sentence and that he should benefit from the protections of *Miller v. Alabama*, 567 U.S. 460 (2012). Defendant also made a second claim, alleging that he should be given a new sentencing hearing due to the trial court's reliance at his sentencing hearing on his prior AUUW

conviction, an offense which had since been ruled unconstitutional. Defendant asserted in the petition that this conviction had since been vacated on this basis, and as proof, he attached a docket printout showing that it had been vacated on April 23, 2021. Defendant argued that this conviction being referenced during his sentencing hearing impacted his sentence and entitled him to a new sentencing hearing.

¶ 18 After taking defendant's request for leave to file a successive postconviction petition under advisement on March 10, 2023, pending two decisions by the Illinois Supreme Court, which the trial court believed would impact the issues raised by defendant, the trial court ultimately denied defendant leave to file a successive postconviction petition on September 5, 2023. In that written order, a new judge sitting in the original trial court's stead found that defendant had not demonstrated sufficient cause for the filing of a successive postconviction petition but addressed only his first contention that his 75-year aggregate sentence was a *de facto* life sentence and he should benefit from the protections of *Miller*. Defendant's claim that he should be granted a new sentencing hearing due to the trial court's reliance at his sentencing hearing on his unconstitutional and since-voided AUUW conviction went unaddressed in the trial court's order denying him leave to file a successive postconviction petition.

¶ 19 Defendant appealed this denial of leave to file a successive postconviction petition, and this court remanded the matter to the trial court, finding that we lacked jurisdiction due to the trial court's failure to address defendant's second contention. See *Williams*, No. 5-23-1037. Upon remand, the trial court entered another order denying defendant leave to file a successive postconviction petition on July 11, 2025. That order addressed defendant's claim that he should be granted a new sentencing hearing based on the trial court's reliance on his prior AUUW conviction. In that order, the trial court found that defendant demonstrated sufficient cause to file

a successive postconviction petition as the case law finding his conviction to be void *ab initio* was issued after his initial postconviction petition was filed. Thus, defendant could not have raised his claim in an earlier proceeding. However, the trial court found that defendant had not shown sufficient prejudice to file a successive postconviction petition because the weight placed on the unconstitutional and void conviction was not significant enough to lead to a greater sentence. Instead, the trial court found that the original sentencing judge placed great weight on the facts of the offenses themselves. Defendant timely appealed this denial of his request for leave to file a successive postconviction petition.

¶ 20 II. ANALYSIS

¶ 21 Defendant's sole argument on appeal is that the trial court erred in denying him leave to file a successive postconviction petition, as he sufficiently demonstrated both the cause and prejudice necessary for such a filing. While the State concedes that defendant demonstrated cause, as found by the trial court, it argues that defendant did not demonstrate sufficient prejudice for the filing of a successive postconviction petition. Thus, the sole matter of contention on appeal is whether defendant demonstrated sufficient prejudice.

¶ 22 The Post-Conviction Hearing Act (725 ILCS 5/122-1 *et seq*. (West 2022)) provides a means by which a defendant may challenge his conviction or sentence for violations of federal or state constitutional rights. *People v. Pendleton*, 223 Ill. 2d 458, 471 (2006). A postconviction proceeding "offers a mechanism for a criminal defendant to assert a collateral attack on a final judgment." *People v. Robinson*, 2020 IL 123849, ¶ 42. The Post-Conviction Hearing Act provides for the filing of only one petition without leave of court. 725 ILCS 5/122-1(f) (West 2022). To obtain leave of court to file a successive postconviction petition, the statute specifies that a defendant must demonstrate both "cause for his or her failure to bring the claim in his or her initial

post-conviction proceedings and prejudice results from that failure." *Id.* Cause is shown by "identifying an objective factor that impeded his or her ability to raise a specific claim during his or her initial post-conviction proceedings," while prejudice is demonstrated by showing that that claim "so infected the trial that the resulting conviction or sentence violated due process." *Id.* This is a statutory codification of an earlier test outlined by our supreme court in *People v. Pitsonbarger*, 205 Ill. 2d 444 (2002), and to meet it, a defendant must attach sufficient documentation to their petition to allow a court to determine that both cause and prejudice exist. *People v. Smith*, 2014 IL 115946, ¶¶ 34-35. A defendant need only make a *prima facie* showing of both cause and prejudice to be granted leave to file a successive postconviction petition. *People v. Bailey*, 2017 IL 121450, ¶ 24. We review a trial court's decision to grant or deny leave to file a successive postconviction petition *de novo*. *Id.* ¶ 13.

¶ 23 Here, the trial court found that defendant adequately demonstrated cause, and both parties agree that he did so. This case turns, then, on whether defendant demonstrated sufficient prejudice to file a successive postconviction petition. Defendant urges us to follow the decisions issued by the First District Appellate Court in *People v. Key*, 2025 IL App (1st) 240284-U, and *People v. Valladares*, 2026 IL App (1st) 240576, and find that defendant demonstrated sufficient prejudice to file a successive postconviction petition. The State, by contrast, urges us to follow the First District's decision in *People v. Dillon*, 2025 IL App (1st) 241535.

¶ 24 In *Key*, the defendant was similarly situated to defendant here, having been denied permission to file a successive postconviction petition where the sentencing court cited his prior conviction for AUUW as part of imposing sentence and that sentence was later vacated due to its statutory basis having been found unconstitutional. *Key*, 2025 IL App (1st) 240284-U, ¶¶ 25-31. The defendant in *Key* was denied leave to file a successive postconviction petition based on his

failure to demonstrate adequate prejudice. *Id.* The First District reversed the trial court's denial of leave to file a successive postconviction petition, finding that the defendant had demonstrated sufficient prejudice. *Id.* ¶¶ 39-41. In doing so, the *Key* court found that the sentencing court had "solely focused on the petitioner's AUUW offense" and that without that offense there was "a reasonable probability that the sentence imposed would have been shorter." *Id.*

¶ 25 In *Valladares*, the defendant was similarly denied leave to file a successive postconviction petition based on a sentencing court's use of a prior unconstitutional AUUW conviction. *Valladares*, 2026 IL App (1st) 240576, ¶¶ 2-4, 22-23. However, unlike the defendant in this case and the defendant in *Key*, the defendant in *Valladares* was denied leave to file a postconviction petition based on failure to show both cause and prejudice. *Id.* The State challenged the defendant's contention that he had shown cause but did not respond to his contention that he had shown prejudice, forfeiting that issue on appeal. *Id.* ¶¶ 40-48. The First District found that the defendant had shown prejudice, finding that "[i]f the record 'raises the possibility that the trial court relied on the facially invalid statute,' the case must be remanded for a new sentencing hearing." *Id.* ¶¶ 50-54 (quoting *People v. McCants*, 2024 IL App (1st) 220837, ¶ 40). As the First District determined that the possibility did exist that the conviction was relied upon in sentencing the defendant, with the sentencing court agreeing with the State that the defendant was a " 'danger' because he 'obviously deals with guns and violence' and not[ing] that '[h]is prior conviction was for a weapons offense,' " it found that the defendant had shown prejudice and thus the trial court's denial of leave to file a successive postconviction petition was reversed. *Id.* ¶¶ 51-54.

¶ 26 In *People v. Dillon*, 2025 IL App (1st) 241535, ¶¶ 2-4, by contrast, the defendant filed a petition for relief from judgment under section 2-1401 of the Code of Civil Procedure (735 ILCS 5/2-1401 (West 2020)) rather than requesting leave to file a successive postconviction petition.

However, his petition for relief from judgment did, like this defendant and the defendants in *Key* and *Valladares,* allege that the court that sentenced him used an unconstitutional AUUW conviction in aggravation. *Dillon*, 2025 IL App (1st) 241535, ¶¶ 2-4. Dillon's original petition for relief from judgment was rejected by both the trial court and the appellate court for lack of due diligence in pursuing his claim, as he offered no explanation in that petition for his multi-year delay in vacating the AUUW conviction and alleging its use at sentencing was in error. *Id.* He then filed a subsequent petition alleging various reasons for his failure to bring the matter before the court earlier. *Id.* That second petition was also rejected by the trial court and then affirmed on appeal, with the First District finding both that defendant still failed to show due diligence and that the AUUW conviction was given little weight and had minimal impact on defendant's sentence. *Id.* ¶¶ 32-41.

¶ 27 We find *Valladares*, and to a lesser extent, *Key*, to be most applicable to this case. While *Dillon* found that the defendant had not shown sufficient prejudice because the unconstitutional conviction was given little weight, that case dealt with a different method for challenging error, a petition for relief from judgment, rather than a postconviction petition and is thus distinguishable. *Id. Valladares* and *Key*, however, involved the exact same procedural posture as this case: both defendants had requested and been denied leave to file a successive postconviction petition based, in part, on their failure to demonstrate prejudice. *Key*, 2025 IL App (1st) 240284-U, ¶¶ 25-31, *Valladares*, 2026 IL App (1st) 240576, ¶¶ 2-4, 22-23. Thus, we find *Valladares* to be the more persuasive case in determining whether defendant has adequately shown prejudice for the purpose of filing a successive postconviction petition. We agree with the standard announced in *Valladares,* that where the record " 'raises the possibility that the trial court relied on the facially invalid statute,' " sufficient prejudice has been shown for the filing of a successive postconviction petition.

Valladares, 2026 IL App (1st) 240576, ¶ 50 (quoting *McCants*, 2024 IL App (1st) 220837, ¶ 40). Here, while the trial court placed great weight on defendant's actions in committing the offenses, it is equally clear that *some* weight was placed on defendant's prior unconstitutional conviction, as the trial court mentioned it multiple times in pronouncing its sentence. The court specifically stated, "defendant committed another offense involving weapons *** and especially significant and actually recognized as a statutory factor in aggravation, the fact that Mr. Williams was on probation for that offense just over six months, as the State has pointed out, when he committed these offenses." Certainly, this comment at least raises the possibility that the trial court relied upon the unconstitutional conviction in sentencing defendant. We therefore find that defendant demonstrated sufficient prejudice for filing of a successive postconviction petition and defendant should be granted leave to do so. We remand this cause to the trial court for further postconviction proceedings.

¶ 28 III. CONCLUSION

¶ 29 For the foregoing reasons, we reverse the judgment of the circuit court of Champaign County and remand the matter for further postconviction proceedings.

¶ 30 Reversed and remanded.

***People v. Williams*, 2026 IL App (5th) 250637**

Decision Under Review:	Appeal from the Circuit Court of Champaign County, No. 08-CF-1124; the Hon. Chad S. Beckett, Judge, presiding.
Attorneys for Appellant:	James E. Chadd, Douglas R. Hoff, and Erica Margaret Mail, of State Appellate Defender's Office, of Chicago, for appellant.
Attorneys for Appellee:	Julia Rietz, State's Attorney, of Urbana (Patrick Delfino and Patrick D. Daly, of State's Attorneys Appellate Prosecutor's Office, of counsel), for the People.