
IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

2026

THE PEOPLE OF THE STATE OF	)	Appeal from the Circuit Court
ILLINOIS,	)	of the 12th Judicial Circuit,
	)	Will County, Illinois,
Plaintiff-Appellee,	)	
	)	Appeal No. 3-25-0107
v.	)	Circuit No. 13-CF-98
	)	
ADAM M. LANDERMAN,	)	Honorable
	)	Amy Bertani-Tomczak,
Defendant-Appellant.	)	Judge, Presiding.

JUSTICE PETERSON delivered the judgment of the court, with opinion.
Justices Holdridge and Davenport concurred in the judgment and opinion.

OPINION

¶ 1 Defendant, Adam M. Landerman, appeals from the Will County circuit court’s second-stage dismissal of his postconviction petition. Defendant argues his petition made a substantial showing that his sentence was unconstitutional as applied to him based on his youth and attendant characteristics. We affirm in part, reverse in part, and remand for further proceedings.

¶ 2 I. BACKGROUND

¶ 3 After a jury trial, defendant was convicted of two counts of first degree murder (720 ILCS 5/9-1(a)(1) (West 2012)) and sentenced to natural life imprisonment. A full recitation of the facts of the case can be found in defendant’s direct appeal. *People v. Landerman*, 2018 IL App (3d)

150684. Relevant to this appeal, an audio and video recording of defendant's police interrogation was played for the jury. Defendant stated that on the night of the incident, Bethany McKee picked him up to drink alcoholic beverages at Alisa Massaro's house. Massaro's boyfriend, Joshua Miner, was also present. They discussed having Terrance Rankins come to the house so they could rob him. McKee indicated that Rankins always carried a lot of cash and marijuana. Defendant agreed to the plan because everyone else did and he did not have a ride home. Defendant indicated that Miner would attack Rankins, but defendant would be there for assistance if needed.

¶ 4 Rankins arrived at Massaro's house at approximately 9 p.m. with Eric Glover, who was not expected, which necessitated a change of the plan. The group planned to wait until Rankins and Glover finished a bottle of liquor and then ask to purchase drugs from them. When Rankins and Glover took out their drugs and cash, Miner and defendant would grab it and tell Rankins and Glover to leave. Defendant told Miner he did not want any part of it, but he would help Miner if needed because he had known Miner longer than Rankins and Glover.

¶ 5 After approximately two hours of consuming alcoholic beverages, smoking, and playing video games, Miner grabbed Rankins and began fighting him in the kitchen. Glover walked to the kitchen and tried to help Rankins. Defendant pulled Glover back and told him to let Miner and Rankins "do their thing." Glover again tried to help Rankins, and defendant placed him in a chokehold. Glover became unconscious after approximately 60 to 90 seconds. Once Miner returned from the kitchen, defendant released Glover. Glover was still breathing at that time. Defendant walked into the kitchen and believed Rankins was dead. Miner instructed defendant to hold Glover up, defendant complied, and Miner tied Glover up. Defendant said Glover was still breathing at that time. Miner then tied up Rankins. Miner and defendant moved the bodies into

another room. Defendant covered their heads with a towel and blanket. Both Rankins and Glover died as a result of strangulation.

¶ 6 Miner, McKee, and Massaro kicked the bodies, but defendant refused to do so. Miner took money from the victims, which he used to purchase various items, including cocaine that they all used. The next day, Massaro called defendant and said Miner wanted him to bring garbage bags, a blowtorch, a saw, and bleach to dispose of the bodies. Defendant obtained the items and drove to Massaro's house. Defendant gave Miner the items and went to the basement. When asked what they were going to do with the items he gave Miner, defendant stated, "I guess they were going to get rid of it. That's what I got out of it." Defendant did not want to discuss what Miner intended to do with the bodies because it was "f*** up."

¶ 7 A presentence investigation report indicated defendant was 19 years old at the time of the offense and had no criminal record. Defendant completed his secondary education at "an academic and therapeutic school with a concentration in meeting the special needs of those students with emotional and behavioral needs." For most of his life, defendant struggled with symptoms and manifestations of bipolar disorder and attention deficit hyperactivity disorder (ADHD), "which included self-harming behaviors, grandiose thrill seeking behaviors and episodes of visual and auditory ideations." Defendant's mother told the probation officer that defendant manifested "behaviors" of bipolar disorder and ADHD very early on, was first hospitalized for these disorders when he was seven years old, and displayed self-harming behaviors by third grade. Defendant began rejecting treatment as he got older. When sentencing defendant to natural life imprisonment, the court noted it had no discretion in the matter because the law mandated the sentence. See 730 ILCS 5/5-8-1(a)(1)(c)(ii) (West 2012).

¶ 8 On direct appeal, defendant argued, *inter alia*, that the statute mandating a sentence of natural life imprisonment was unconstitutional as applied to him because the court did not have discretion to impose a lesser sentence based on defendant’s youth and potential for rehabilitation. *Landerman*, 2018 IL App (3d) 150684, ¶ 51. Defendant alternatively argued that counsel was ineffective for failing to challenge the constitutionality of the sentence. *Id.* ¶ 57. This court affirmed defendant’s convictions and determined the record was not sufficiently developed to address these claims and they were better suited for postconviction proceedings. *Id.* ¶¶ 56-57, 64.

¶ 9 Defendant filed a postconviction petition on February 14, 2019. Defendant’s petition was dismissed at the first stage of postconviction proceedings. This court reversed the circuit court’s summary dismissal and remanded for second-stage proceedings. *People v. Landerman*, 2022 IL App (3d) 190597-U, ¶ 22.

¶ 10 On February 29, 2024, counsel for defendant filed an amended postconviction petition arguing that the mandatory natural life sentence statute was unconstitutional as applied to defendant or, alternatively, that defendant received ineffective assistance because counsel failed to argue this claim and present evidence of defendant’s brain development at the time the offense was committed.

¶ 11 Attached to the petition was a report from Dr. James Garbarino, an expert in developmental psychology. Garbarino’s report stated that, “[defendant’s] behavior at age 19 reflected immature impulsiveness due to his brain development.” Defendant “came out of a dysfunctional family,” and experienced psychological maltreatment, physical assault, and sexual abuse. Defendant became involved in substance abuse as an adolescent and attempted suicide. At the time of the offense, defendant was “emotionally needy in a way that led him to be under the influence of negative peers.” The report further stated that the latest neurological findings on emerging adult

brain development suggest that individuals through their early twenties should not be treated the same as adult offenders. Garbarino opined that defendant’s “actions as a 19 year old *** do not indicate an immutable and deeply ingrained habit of violent anti-social thinking, feeling, and behavior” and that “[a]t the time of sentencing, a good case could and should have been made that [defendant] was a possible candidate for release as he matured, was educated, and reaped the benefits of being involved in psycho-social interventions.”

¶ 12 The State filed a motion to dismiss the amended petition, arguing in part that the sentence was not grossly disproportionate to the nature of the offense committed. A hearing on the State’s motion to dismiss was held on December 6, 2024. Defense counsel argued that the second-stage hearing was not about constitutionality and proportionality of the sentence, but whether there was a potential violation of constitutional rights and, if so, whether a third-stage evidentiary hearing was warranted. Counsel further argued that factual determinations could only be made at the third stage of postconviction proceedings. The court granted the State’s motion to dismiss on February 26, 2025, stating only that it had reviewed the petition and the motion. Defendant appealed.

¶ 13 II. ANALYSIS

¶ 14 On appeal, defendant argues he made a substantial showing that his sentence violated the eighth amendment of the United States Constitution (U.S. Const., amend. VIII) and the proportionate penalties clause of the Illinois Constitution (Ill. Const. 1970, art. I, § 11) as applied to him because the statute did not allow the court to take his youth, social or mental health history, or rehabilitative potential into consideration. Defendant alternatively argues that counsel provided ineffective assistance for failing to raise those arguments and introduce evidence of defendant’s attendant characteristics of youth.

¶ 15 At the outset, we note that the State argues that defendant forfeited his as-applied constitutional claim because he failed to raise it at sentencing. However, defendant raised this argument in his direct appeal at which time the State had the opportunity to argue that such argument was forfeited. Our review of the record shows that the State failed to so argue, and we, thus, found that defendant’s claim would be better raised in a postconviction petition. Therefore, the State forfeited any such procedural default argument. It would be fundamentally unfair to allow the State to argue forfeiture where it had the opportunity to do so previously and defendant has appropriately raised his claim in a postconviction petition as recommended by this court. Moreover, we note that Garbarino’s report is central to defendant’s claims and was not part of the record on direct appeal. Where a postconviction claim relies on facts not of the record, there is no forfeiture. *People v. Carroll*, 2026 IL 131360, ¶ 64.

¶ 16 The Post-Conviction Hearing Act (Act) (725 ILCS 5/122-1(a)(1) (West 2024)) permits a criminal defendant to challenge the proceedings which resulted in his conviction by asserting that “there was a substantial denial of his or her rights under the Constitution of the United States or of the State of Illinois or both.” The Act provides for three stages of postconviction proceedings. *People v. Pendleton*, 223 Ill. 2d 458, 471-72 (2006). At the second stage of proceedings, if the allegations in the petition, as supported by the record or accompanying affidavits, have made a substantial showing of a constitutional violation, the proceeding advances to a third-stage evidentiary hearing. 725 ILCS 5/122-6 (West 2024); *Pendleton*, 223 Ill. 2d at 472-73.

“At the dismissal stage of a post-conviction proceeding, all well-pleaded facts that are not positively rebutted by the original trial record are to be taken as true. The inquiry into whether a post-conviction petition contains sufficient allegations of constitutional deprivations does not require the circuit court to engage in any fact-

finding or credibility determinations. The Act contemplates that such determinations will be made at the evidentiary stage, not the dismissal stage, of the litigation. Due to the elimination of all factual issues at the dismissal stage of the post-conviction proceeding, a motion to dismiss raises the sole issue of whether the petition being attacked is proper as a matter of law.” *People v. Coleman*, 183 Ill. 2d 366, 385 (1998).

The court’s dismissal of a postconviction petition without an evidentiary hearing is reviewed *de novo*. *People v. Johnson*, 206 Ill. 2d 348, 357 (2002).

¶ 17 Initially, we note that defendant’s claims related to the eighth amendment of the United States Constitution are unsupported by law. In *Miller v. Alabama*, 567 U.S. 460, 479 (2012), the United States Supreme Court held the eighth amendment’s prohibition on cruel and unusual punishment “forbids a sentencing scheme that mandates life in prison without possibility of parole for juvenile [homicide] offenders.” But, “*Miller* simply does not apply to a sentence imposed on one who was at least 18 at the time of his offense.” *People v. LaPointe*, 2018 IL App (2d) 160903, ¶ 47. “*Miller* only applies to juveniles and does not apply to emerging adults.” *People v. Spencer*, 2025 IL 130015, ¶ 32. Therefore, the court properly dismissed defendant’s eighth amendment claims.

¶ 18 However, the proportionate penalties clause of the Illinois Constitution provides limitations on penalties beyond those afforded by the eighth amendment. *People v. Clemons*, 2012 IL 107821, ¶¶ 39-41. The proportionate penalties clause states that “[a]ll penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship.” Ill. Const. 1970, art. I, § 11. A proportionate penalties claim may succeed if a defendant shows that “the punishment for the offense is cruel, degrading, or so wholly

disproportionate to the offense as to shock the moral sense of the community.” (Internal quotation marks omitted.) *People v. Hilliard*, 2023 IL 128186, ¶ 20.

¶ 19 Pursuant to *Miller* and its progeny, a statutory scheme that mandates a *de facto* life sentence for a juvenile is unconstitutional because it does not give the sentencing court discretion to consider a defendant’s youth and its attendant characteristics in imposing the sentence. *People v. Buffer*, 2019 IL 122327, ¶ 27. Our supreme court has recognized the potential viability of an emerging adult—an individual 20 years old or younger at the time of the offense—raising a proportionate penalties claim based on the concerns articulated in *Miller*. See *People v. Clark*, 2023 IL 127273, ¶ 87. Several districts of the Illinois Appellate Court have expressed the following test:

“a young adult offender is required to allege and ultimately demonstrate that (1) at the time of the commission of the underlying offense, his or her own specific characteristics—those related to youth, level of maturity, and brain development—placed him or her in the same category as juvenile offenders described in *Miller* and (2) his or her sentencing was not *Miller* compliant, in that a [mandatory] life sentence was imposed without regard for the offender’s youth and its attendant characteristics.” *People v. Cortez*, 2021 IL App (4th) 190158, ¶ 47.

See *People v. Wilson*, 2022 IL App (1st) 192048, ¶ 89; *People v. Green-Hosey*, 2025 IL App (2d) 240284, ¶ 58.¹

¹Our supreme court granted the State’s petition for leave to appeal in this matter. *Green-Hosey*, 2025 IL App (2d) 240284, *appeal allowed*, No. 131560 (Ill. Sept. 24, 2025). There, the appellate court affirmed the circuit court’s grant of defendant’s postconviction petition following a third-stage evidentiary hearing because defendant established that “developmentally he was more like a juvenile at the time of his crime and *** he was given a life sentence without parole absent *Miller* safeguards.” *Green-Hosey*, 2025 IL App (2d) 240284, ¶ 61.

¶ 20 Here, Garbarino’s report discusses the facts specific to defendant, including his childhood trauma and emotional and mental health issues, and how these factors appear to have impacted defendant’s brain development and maturity. The report considers the latest neurological findings on emerging adult brain development and why there is justification for extending the rationale of *Miller* to young adults—and defendant specifically—where his behavior reflected that of an immature and impulsive 19-year-old without a fully developed brain. Moreover, the evidence presented at trial indicated that defendant was not the driving force behind planning the offense. Multiple times defendant expressed his reluctance to assist Miner. This shows his vulnerability to peer pressure, a hallmark of youth. See *People v. Holman*, 2017 IL 120655, ¶ 46. The petition, record, and report from Garbarino therefore made a substantial showing of “how the evolving science on juvenile maturity and brain development that helped form the basis for the *Miller* decision applies to defendant’s specific facts and circumstances.” See *People v. Harris*, 2018 IL 121932, ¶ 46. Defendant was also sentenced absent *Miller* safeguards and has therefore established both prongs of the above test, entitling him to an evidentiary hearing. See *People v. Garcia*, 2024 IL App (2d) 210488-B, ¶ 18.

¶ 21 Additionally, even if a mandatory life sentence imposed absent *Miller* safeguards on a young adult who is developmentally in the same category as a juvenile offender is not *per se* shocking to the moral sense of the community, an evidentiary hearing is still necessary. “[A] defendant of any age can raise a proportionate penalties challenge to a sentence of any length.” *People v. Kulpin*, 2025 IL App (2d) 240065, ¶ 22. “All as-applied constitutional challenges are, by definition, dependent on the specific facts and circumstances of the person raising the challenge.” *Harris*, 2018 IL 121932, ¶ 39. Consequently, “it is paramount that the record be sufficiently developed in terms of those facts and circumstances for purposes of appellate review.”

People v. Thompson, 2015 IL 118151, ¶ 37. “[A] reviewing court is not capable of making an as-applied finding of unconstitutionality in the factual vacuum created by the absence of an evidentiary hearing and findings of fact by the trial court.” (Internal quotation marks omitted.) *Harris*, 2018 IL 121932, ¶ 41.

¶ 22 Whether defendant’s sentence in this matter violates the proportionate penalties clause depends on the specific facts of the case, defendant’s circumstances, and how those facts and circumstances relate to relevant factors such as the seriousness of the offense, as well as defendant’s degree of culpability and rehabilitative potential. However, because no evidentiary hearing was held, defendant was unable to introduce additional evidence of his specific circumstances. Absent an evidentiary hearing, the dismissal of defendant’s petition was premature. See *Green-Hosey*, 2025 IL App (2d) 240284, ¶ 62 (“even if the State were correct that the court was required to make an express finding that the sentence here, as applied to defendant, shocked the moral sense of the community, the appropriate recourse would be to remand for the court to decide that question”); see also *People v. Masters*, 2024 IL App (4th) 230370, ¶ 2 (petition denied following a third-stage evidentiary hearing).

¶ 23 In coming to this conclusion, we reject the State’s reliance on *Hilliard*, 2023 IL 128186, ¶ 40, in which our supreme court upheld the first-stage dismissal of a petition that raised a proportionate penalties challenge despite accepting as true that defendant’s brain was not fully developed at the time of the offense. In *Hilliard*, it was not arguable that defendant’s discretionary 40-year sentence violated the proportionate penalties clause where defendant fired “multiple shots at [the victim] at close range with no demonstrated provocation in an attempt to kill him.” *Id.* Most notably, in this matter, defendant received a mandatory life sentence with no possibility of parole.

Further, the specific facts of the incident, such as defendant's reluctance to participate and his circumstances, make it at least arguable that the sentence shocks the moral sense of the community.

¶ 24 In sum, we affirm the dismissal of defendant's eighth amendment claims, reverse the dismissal of his proportionate penalties claims, and remand this matter for further proceedings.

¶ 25 III. CONCLUSION

¶ 26 The judgment of the circuit court of Will County is affirmed in part, reversed in part, and remanded.

¶ 27 Affirmed in part and reversed in part; cause remanded.

People v. Landerman, 2026 IL App (3d) 250107

Decision Under Review: Appeal from the Circuit Court of Will County, No. 13-CF-98; the Hon. Amy Bertani-Tomczak, Judge, presiding.

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