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APPENDIX

NATURE OF THE ACTION

Petitioner was denied leave to file two successive postconviction petitions, both raising the same challenge to the mandatory life sentence as a habitual criminal that he received in 1995 for his third Class X felony conviction. In petitioner's consolidated appeals, the appellate court reversed the circuit court's judgments denying leave to file, and this Court allowed the People's petition for leave to appeal from the appellate court's judgment. C405, 453.¹ An issue is raised concerning the sufficiency of petitioner's motions for leave to file the successive postconviction petitions.

ISSUES PRESENTED FOR REVIEW

In 2021 and 2022, petitioner sought leave to file successive postconviction petitions challenging the mandatory life sentence that he received in 1995 under 720 ILCS 5/33B-1. When petitioner was sentenced in 1995, that statute required sentencing as a habitual criminal, with no reference to any age requirement, if a defendant had two prior Class X felony convictions. Petitioner sought to raise a claim that he was entitled to resentencing because he would not qualify as a habitual criminal in 2021, after the legislature amended the law now governing sentencing as a

¹ Because petitioner's appeals were consolidated, there are two copies of the record. Unless otherwise specified, citations to the record refer to the record filed in No. 1-23-0328, with "C_" referring to the common law record; "R_" to the report of proceedings; and "CI_" to the impounded common law record. The People's appendix is cited as "A_."

habitual criminal, 730 ILCS 5/5-4.5-95(a), to require that a defendant have been at least 21 when he committed his first Class X felony. The circuit court denied leave to file the petitions on the ground that the 2021 amendment to subsection 5-4.5-95(a) did not apply retroactively to petitioner's 1995 sentence. The appellate court reversed, holding that the 2021 amendment to subsection 5-4.5-95(a) did apply retroactively and citing *People v. Stewart*, 2022 IL 126116.

The issues presented are:

1. Whether the circuit court correctly denied leave to file the successive postconviction petitions because petitioner's claim — that he was entitled to resentencing because the law changed after he was sentenced in 1995 — fails to state a claim cognizable under the Post-Conviction Hearing Act.
2. Whether the circuit court correctly denied leave to file the successive postconviction petitions because the 2021 amendment to subsection 5-4.5-95(a) does not apply retroactively to petitioner's 1995 sentence.
3. Whether the circuit court correctly denied leave to file the successive postconviction petitions because the 2021 amendment to subsection 5-4.5-95(a) was a substantive change to the requirements for sentencing as a habitual criminal, not a clarification of the then-existing requirements.

JURISDICTION

Jurisdiction lies under Supreme Court Rules 315(a) and 604(a). This Court allowed the People's petition for leave to appeal on November 27, 2024.

STATUTES INVOLVED

When petitioner was sentenced as a habitual criminal in 1995, section 33B-1 provided in relevant part:

(a) Every person who has been twice convicted in any state or federal court of an offense that contains the same elements as an offense now classified in Illinois as a Class X felony, criminal sexual assault, aggravated kidnapping or first degree murder, and is thereafter convicted of a Class X felony, criminal sexual assault or first degree murder, committed after the 2 prior convictions, shall be adjudged an habitual criminal.

* * *

(d) This Article shall not apply unless each of the following requirements are satisfied:

(1) the third offense was committed after the effective date of this Act;

(2) the third offense was committed within 20 years of the date that judgment was entered on the first conviction, provided, however, that time spent in custody shall not be counted;

(3) the third offense was committed after conviction on the second offense;

(4) the second offense was committed after conviction on the first offense.

(e) Except when the death penalty is imposed, anyone adjudged an habitual criminal shall be sentenced to life imprisonment.

720 ILCS 5/33B-1 (1995).

In 2009, section 33B-1 was recodified as subsection 5-4.5-95(a), which provided in relevant part:

(a) HABITUAL CRIMINALS.

(1) Every person who has been twice convicted in any state or federal court of an offense that contains the same elements as an offense now (the date of the offense committed after the 2 prior convictions) classified in Illinois as a Class X felony, criminal sexual assault, aggravated kidnapping, or first degree murder, and who is thereafter convicted of a Class X felony, criminal sexual assault, or first degree murder, committed after the 2 prior convictions, shall be adjudged an habitual criminal.

* * *

(4) This Section does not apply unless each of the following requirements are satisfied:

(A) The third offense was committed after July 3, 1980.

(B) The third offense was committed within 20 years of the date that judgment was entered on the first conviction; provided, however, that time spent in custody shall not be counted.

(C) The third offense was committed after conviction on the second offense.

(D) The second offense was committed after conviction on the first offense.

(5) Except when the death penalty is imposed, anyone adjudged an habitual criminal shall be sentenced to a term of natural life imprisonment.

730 ILCS 5/5-4.5-95(a) (eff. July 1, 2009).

In 2016, subsection 5-4.5-95(a) was amended to provide:

(a) HABITUAL CRIMINALS.

(1) Every person who has been twice convicted in any state or federal court of an offense that contains the same elements as an offense now (the date of the offense committed after the 2 prior convictions) classified in Illinois as a Class X felony, criminal sexual assault, aggravated kidnapping, or first degree murder, and who is thereafter convicted of a Class X felony, criminal sexual assault, or first degree murder, committed after the 2 prior convictions, shall be adjudged an habitual criminal.

* * *

(4) This Section does not apply unless each of the following requirements are satisfied:

(A) The third offense was committed after July 3, 1980.

(B) The third offense was committed within 20 years of the date that judgment was entered on the first conviction; provided, however, that time spent in custody shall not be counted.

(C) The third offense was committed after conviction on the second offense.

(D) The second offense was committed after conviction on the first offense.

(5) Anyone who, having attained the age of 18 at the time of the third offense, is adjudged an habitual criminal shall be sentenced to a term of natural life imprisonment.

730 ILCS 5/5-4.5-95(a) (eff. Jan. 1, 2016).

Finally, in 2021, subsection 5-4.5-95(a) was amended to provide in relevant part:

(1) Every person who has been twice convicted in any state or federal court of an offense that contains the same elements as an offense now (the date of the offense committed after the 2 prior convictions) classified in Illinois as a Class X felony, criminal sexual assault, aggravated kidnapping, or first degree murder, and who is thereafter convicted of a Class X felony,

criminal sexual assault, or first degree murder, committed after the 2 prior convictions, shall be adjudged an habitual criminal.

* * *

(4) This Section does not apply unless each of the following requirements are satisfied:

(A) The third offense was committed after July 3, 1980.

(B) The third offense was committed within 20 years of the date that judgment was entered on the first conviction; provided, however, that time spent in custody shall not be counted.

(C) The third offense was committed after conviction on the second offense.

(D) The second offense was committed after conviction on the first offense.

(E) The first offense was committed when the person was 21 years of age or older.

(5) Anyone who is adjudged an habitual criminal shall be sentenced to a term of natural life imprisonment.

730 ILCS 5/5-4.5-95(a) (eff. Jan. 1, 2021).

STATEMENT OF FACTS

I. In 1995, Petitioner Is Convicted of His Third Class X Felony and Receives a Mandatory Life Sentence as a Habitual Criminal.

In September 1993, petitioner was arrested and charged with, among other things, the Class X felony offenses of aggravated criminal sexual assault and aggravated vehicular hijacking. CI89-168. At his trial in 1995, the evidence established that one evening in September 1993, petitioner encountered his victim as she was walking to her car in Chicago, approached her from behind, and forced her into the car at gunpoint. R479-80. After

driving for about 10 minutes, petitioner stopped the car and forced the victim to strip, threatening to kill her when she resisted and told him that she was pregnant. R487-89. Then he climbed on top of her and sexually assaulted her. R488-89.

When he finished, petitioner resumed driving, stopping periodically to force the victim to fellate him and to sexually assault her twice more. R494-95, 498-500. Along the way, petitioner stopped at the home of his girlfriend, whose niece noticed that he was holding the naked victim at gunpoint in the back of the car. R554, 556, 558. Petitioner told his girlfriend's niece that he was going to take the victim to Indiana and tie her to a tree. R558.

Eventually, petitioner drove the victim to a wooded area in Indiana, tied her hands and feet, and left her there. R502, 504, 506-08. He then drove the victim's car back to his girlfriend's home, R580-81, where he told his girlfriend that he had carjacked a woman, driven her to Indiana, and left her tied up there, R583-84.

Meanwhile, the victim managed to escape and was taken to a hospital, where she spoke to police, R731, and medical personnel treated her injuries, R657, and administered a rape kit, R511-12, 659-62. The next day, police recovered the victim's car about a block from the home of petitioner's girlfriend, R613, 616-18, and petitioner's girlfriend eventually led them to his gun, R596-97, 743-44. The victim later identified petitioner from a lineup as

the man who had kidnapped and sexually assaulted her, R515-16, 738-42, and identified the gun as the gun that he had used in the assault, R518-19.

Petitioner presented no evidence. *See* R770. The jury found him guilty of aggravated criminal sexual assault and aggravated vehicular hijacking. CI202-03.

Petitioner was sentenced as a habitual criminal because he had two Class X felony convictions prior to committing the Class X felonies in this case. R892-94. In both 1993 (when petitioner committed the charged offenses) and 1995 (when he was convicted and sentenced for them), a defendant convicted of a third Class X felony was a habitual criminal under section 33B-1, which mandated that such a defendant receive a natural life sentence. 720 ILCS 5/33B-1 (1995). Section 33B-1 did not require that the defendant have been any particular age when he committed any of his three Class X felonies. *See id.* Accordingly, when the circuit court found that petitioner had two prior Class X felony convictions — one for an armed robbery that he committed at age 17 and another for an armed robbery that he committed at age 22, CI2392 — it sentenced him to mandatory life for his third Class X conviction, C150.

II. Petitioner Unsuccessfully Pursues Various Collateral Attacks.

After the appellate court affirmed petitioner's conviction on direct appeal, CI552-53, he pursued a series of unsuccessful collateral attacks. In 1998, he filed a postconviction petition, CI520-29, which was dismissed as untimely, CI535. That 1998 petition was followed by: a 2000 habeas corpus

complaint, CI545-50, which was denied, CI703; a 2001 successive postconviction petition, CI793-816, which was also denied, CI863; and a 2003 petition for relief from judgment under 735 ILCS 5/2-1401, CI1707, which was dismissed, CI1390.

In 2011, petitioner filed a motion for DNA testing of samples collected in the rape kit. *See* CI1414-18, 1420-21. The People agreed to the testing, *see* CI1420, and in November 2012, the test results showed that petitioner's DNA profile matched the DNA profile recovered from the victim's vagina, R1888; CI3484-88 V2.

III. Decades After Petitioner Was Sentenced as a Habitual Criminal, the Legislature Amends the Statute Governing Sentencing as a Habitual Criminal.

In 2016, over 20 years after petitioner was sentenced to life as a habitual criminal, the legislature amended subsection 5-4.5-95(a), the successor to section 33B-1,² to add a requirement that a defendant must be at least 18 years old at the time of his third Class X offense to be sentenced as a habitual criminal. *See* 730 ILCS 5/5-4.5-95(a)(5) (eff. Jan. 1, 2016) ("Anyone who, having attained the age of 18 at the time of the third offense, is adjudged an habitual criminal shall be sentenced to a term of natural life imprisonment.").

² In 2009, 720 ILCS 33B-1 was repealed and recodified as amended at 730 ILCS 5/5-4.5-95(a). *See* Pub. Act 95-1052, § 93.

Five years later, in 2021, the legislature again amended subsection 5-4.5-95(a), as part of an omnibus criminal justice reform bill. *See* Pub. Act 101-652. The legislature removed the requirement that it had added in 2016 — that the defendant be 18 at the time of his third Class X offense — and added a new requirement that the defendant be at least 21 years old at the time of his first Class X offense. *See* 730 ILCS 5/5-4.5-95(a)(4)(E), (5) (eff. July 1, 2021); P.A. 101-652, § 10-281. Public Act 101-652 specified that the addition of this new age requirement to subsection 5-4.5-95(a) would “take[] effect July 1, 2021.” P.A. 101-652, § 99-999.

IV. Petitioner Unsuccessfully Moves for Leave to File Successive Postconviction Petitions Seeking Resentencing Under the 2021 Statute.

In July 2021, petitioner sought leave to file a second successive postconviction petition challenging the life sentence that he received in 1995 as a habitual criminal under section 33B-1. C312-15. Petitioner argued that he had cause to challenge that sentence in a successive postconviction petition under what he called “the evolving law exception.” C314. He cited no legal authority for this purported exception (and respondent’s research found no authority to support the existence of any such exception). Petitioner appeared to mean that the law had been amended and he wanted the benefit of the new law. He stated that “the change in . . . 730 ILCS 5/5-4.5-95(a)” — the requirement that the defendant have been at least 21 when he committed his first Class X felony — “did not exist” until 2021, and he argued that “if the current law would have been applicable at [his] sentencing,” he would not

have received a life sentence. C314-15. Therefore, petitioner argued, under the purported “evolving law exception,” he was entitled to resentencing because “had the newly codified statute been in place during [his] sentencing the outcome would have been different.” C315-16.

Although petitioner labeled the claim in his proposed successive petition as one asserting a violation of Article I, Section 2 of the Illinois Constitution and the Eighth Amendment, C319, he argued only that he was entitled to relief from his 1995 life sentence because he could not have received a life sentence had he been sentenced in 2021, C320. Petitioner noted that “the Illinois legislature found [that] the legal concepts in *Miller v. Alabama*, [567 U.S. 460 (2012)], involving juvenile sentencing as well as other juvenile decisions were important enough to codify into several new statutes all surrounding juvenile sentencing.” C319. Because his first Class X felony, which he committed when he was 17, “cannot be used pursuant to 730 ILCS 5/5-4.5-95(a)[] to sentence [him] as a habitual criminal” in 2021, petitioner argued that the circuit court should vacate his 1995 sentence as a habitual criminal and order resentencing under the 2021 law. C320.

The circuit court denied leave to file, ruling pursuant to *People v. Durant*, 2022 IL App (1st) 211190-U, that the 2021 amendment to subsection 5-4.5-95(a) did not apply retroactively to petitioner’s 1995 sentence. C405; R1914-15; see *Durant*, 2022 IL App (1st) 211190-U, ¶¶ 14-16 (holding that the 2021 amendment to subsection 5-4.5-95(a) does not apply retroactively).

Petitioner then moved the court to reconsider its retroactivity ruling under *People v. Stewart*, 2022 IL 126116. C439-40. *Stewart* held that an amendment to 730 ILCS 5/5-4.5-95(b), which added language relating to that subsection's previously existing age requirement, was a clarification of the age requirement rather than a substantive change to the law, and therefore applied to sentences imposed prior to the amendment's effective date. 2022 IL 1261116, ¶ 22. Petitioner argued that *Stewart*'s holding should be extended to subsection 5-4.5-95(a). C439-40.

While his motion to reconsider was pending, petitioner moved for leave to file another successive postconviction petition raising the same challenge to his 1995 sentence based on the 2021 amendment to subsection 5-4.5-95(a). CI3414-22. The circuit court again denied leave to file the successive petition. R1903-05; C453.

V. The Appellate Court Reverses the Circuit Court's Judgment, Vacates Petitioner's Life Sentence, and Remands for Resentencing.

Petitioner appealed both orders denying leave to file successive postconviction petitions, C419, 464, and the appeals were consolidated. While those appeals were pending, this Court issued a supervisory order directing the appellate court to vacate its judgment in *Durant* — the decision relied upon by the circuit court in making its retroactivity ruling — and reconsider its ruling in light of *Stewart*. See *People v. Durant*, No. 129184 (Mar. 29, 2023). On remand, the appellate court issued a split decision vacating *Durant*'s mandatory life sentence imposed under section 33B-1. The

appellate majority concluded that the 2021 amendment to subsection 5-4.5-95(a), like the 2021 amendment to subsection 5-4.5-95(b), was intended as a clarification of an existing age requirement rather than a substantive change in the law, such that a Class X felony committed before the age of 21 *never* qualified as a prior Class X felony conviction for the purposes of sentencing as a habitual criminal. *Durant*, 2024 IL App (1st) 211190-B, ¶¶ 37-38. Justice Lavin dissented, concluding that section 33B-1 was unambiguous and generated no split of authority, the 2021 amendment to subsection 5-4.5-95(a) was substantive and not retroactive, and *Stewart* could not apply to subsection 5-4.5-95(a) because its holding relied on the unique statutory history of subsection 5-4.5-95(b). *Id.* ¶¶ 56-59 (Lavin, J. dissenting).

In deciding petitioner's consolidated appeals, the appellate court followed *Durant*, holding that petitioner's sentence as a habitual criminal violated subsection 5-4.5-95(a) and due process because he committed one of his prior Class X felonies before he was 21. A6, ¶ 18. The appellate court reversed the circuit court's judgments denying leave to file the successive postconviction petitions, vacated petitioner's life sentence as a habitual criminal, and remanded for resentencing.

STANDARD OF REVIEW

Whether the circuit court correctly denied petitioner leave to file his proposed successive postconviction petitions is reviewed de novo, *People v. Robinson*, 2020 IL 123849, ¶ 39, as are the questions of whether the 2021

amendment to subsection 5-4.5-95(a) applied retroactively to petitioner's 1995 sentence, *People v. Caballero*, 228 Ill. 2d 79, 82 (2008), or clarified rather than changed the law in 1995, *People v. Stewart*, 2022 IL 126116, ¶¶ 13, 20.

ARGUMENT

The circuit court correctly denied petitioner leave to file his proposed successive postconviction petitions, because his claim is noncognizable and meritless. To obtain leave to file his successive postconviction petitions, petitioner had to show (1) cause for his failure to raise the new claims in his initial petition, and (2) prejudice, meaning that denying leave would deny review of an error that “so infected the entire trial that the resulting conviction or sentence violates due process.” *People v. Pitsonbarger*, 205 Ill. 2d 444, 460, 464 (2002); 725 ILCS 5/122-1(f). Although petitioner had cause for his failure to raise his claim in his prior petition because the amendment on which the claim rested did not exist until 2021, the circuit court properly denied leave to file the successive petitions because petitioner cannot show prejudice. *See People v. Smith*, 2014 IL 115946, ¶ 37 (failure to show prejudice alone is sufficient to deny leave to file successive petition).

There is no prejudice to petitioner because his claim is not cognizable in postconviction proceedings and, in any event, is meritless. Petitioner sought to raise a claim under what he called the “evolving law exception,” arguing that the mandatory life sentence that he received as a habitual

criminal in 1995 should be vacated because, had he been convicted in 2021 after the sentencing laws were amended, he would not have been sentenced as a habitual criminal. But this claim is not cognizable under the Post-Conviction Hearing Act, because it does not allege a constitutional violation or an error in the original proceeding. To the extent that petitioner’s argument is instead one of clarification — i.e., an assertion that the 2021 amendment was not a change to the requirements for sentencing as a habitual criminal, but rather a clarification of what those requirements had always been — it is meritless. The 2021 amendment to subsection 5-4.5-95(a) was a substantive change to the law, not a clarification of existing law, and the legislature made clear that it does not apply retroactively to upend sentences imposed decades earlier. Therefore, the circuit court correctly denied petitioner leave to file his successive postconviction petitions, and the appellate court erred by holding otherwise.

I. The Circuit Court Correctly Denied Petitioner Leave to File Successive Postconviction Petitions Because His Claim Is Not Cognizable on Postconviction Review.

Petitioner’s claim is not cognizable on postconviction review because it does not allege a constitutional violation in his 1995 sentencing proceeding.³

³ Although the People did not address the noncognizability of petitioner’s statutory claim in the appellate court, as the appellant in this Court and the appellee below, they “may raise any issue[] properly presented by the record to sustain the judgment of the trial court,” even if they “did not raise the issue in the appellate court or in [the] petition for leave to appeal.” *People v. Gray*, 2024 IL 127815, ¶ 19 (cleaned up); see also *People v. Wells*, 2023 IL

The Post-Conviction Hearing Act permits a prisoner to bring a postconviction petition asserting that “in the proceedings which resulted in his or her conviction 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.” 725 ILCS 5/122-1(a)(1). Petitioner’s proposed successive petitions did not assert that he was denied any constitutional right in his 1995 trial and sentencing proceedings.

Specifically, petitioner did not claim that the statutorily mandated life sentence that he received as a habitual criminal in 1995 was unconstitutional in any way. Rather, his claim was that the laws governing sentencing as a habitual criminal changed 26 years *after* he was sentenced and that he should receive the benefits of that change. *See* C312-16. But that is not a claim of a constitutional violation, and petitioner could not remedy the noncognizability of his claim merely by referring in passing to Article I, Section 2 of the Illinois Constitution and the Eighth Amendment. *See* C319; *People v. Flores*, 153 Ill. 2d 264, 278 (1992) (“[W]here a petitioner merely attaches a constitutional label to factual allegations that do not themselves

127169, ¶ 29. Moreover, parties forfeit issues, not arguments, and the People have consistently disputed the sufficiency of petitioner’s motions for leave to file a successive postconviction petition in both the appellate court and their PLA. *See Brunton v. Kruger*, 2015 IL 117663, ¶ 76 (party did not forfeit argument in support of waiver that he raised for first time on appeal where he “disputed the issue of waiver” below). Therefore, the People are free to raise this additional argument before this Court.

raise an issue of constitutional proportion the petition should be dismissed.”). Because petitioner’s desire to be resentenced under the law enacted in 2021 does not state a claim of a constitutional violation in his 1995 trial or sentencing proceedings, his claim is not cognizable on postconviction review.

Nor could petitioner credibly assert that he has a constitutional right to retroactive application of the amended statute, because there is no constitutional right to the retroactive application of a later, more lenient sentencing law. Although this Court does not appear to have directly addressed this issue, federal courts have, and they have consistently held that no such right exists. *See, e.g., Dockins v. Hines*, 374 F.3d 935, 940 (10th Cir. 2004) (“we have repeatedly refused to find a federal constitutional right to retroactive application of the more lenient sentencing rules from which Petitioner seeks to benefit”); *see also Brown v. McKune*, No. 13-3078-SAC, 2015 WL 567001, at *3 (D. Kan. Feb. 11, 2015) (no constitutional right to retroactive application of more lenient state sentencing rules); *Nelson v. Booker*, No. 06-CV-10190, 2008 WL 2915117, at *15 (E.D. Mich. July 25, 2008) (same).

Indeed, not only did petitioner’s proposed successive petitions fail to state a claim of a constitutional violation, they also failed to state a claim of *any* violation in the 1995 proceedings. Petitioner’s claim that the law changed in 2021 did not allege an error “in the proceedings which resulted in his conviction,” 725 ILCS 5/122-1(a)(1), for those proceedings had concluded

decades earlier. The claim he sought leave to raise in his successive postconviction petitions was noncognizable for that reason as well. *See Flores*, 153 Ill. 2d at 277 (claim was not cognizable in postconviction proceeding because it did not claim a constitutional issue with the “original” proceeding); *People v. LaPointe*, 2023 IL App (2d) 210312, ¶¶ 14-17, *leave to appeal denied*, 223 N.E.3d 633 (Ill. 2023) (petitioner convicted in 1978 failed to state cognizable postconviction claim where claim was based on statute enacted in 2019); *People v. Bucio*, 2023 IL App (2d) 220326, ¶¶ 13-15 (petitioner failed to state cognizable postconviction claim based on parole scheme enacted after his sentencing); *People v. Barry*, 2023 IL App (2d) 220324, ¶¶ 13-14 (same).

In sum, petitioner’s assertion that the law governing sentencing as a habitual criminal had changed since he was sentenced as a habitual criminal in 1995 did not assert a constitutional error within the scope of the Post-Conviction Hearing Act. Therefore, the circuit court correctly denied petitioner leave to file the successive postconviction petitions raising this noncognizable claim.

II. The Circuit Court Correctly Denied Petitioner Leave to File Successive Postconviction Petitions Because His Claim Is Meritless.

The circuit court further correctly denied petitioner leave to file a successive postconviction petition because the claim he sought to raise — that the 2021 amendment to subsection 5-4.5-95(a) required vacatur of his 1995 sentence as a habitual criminal and resentencing — was meritless for two

reasons: that amendment (1) did not apply retroactively to defendant's 1995 sentence, and (2) was not otherwise applicable to petitioner's 1995 sentence as a clarification of section 33B-1 rather than a substantive change in the law governing sentencing as a habitual criminal.

A. The 2021 amendment to subsection 5-4.5-95(a) does not apply retroactively to petitioner's sentence.

The 2021 amendment to subsection 5-4.5-95(a) does not apply retroactively to petitioner's 1995 sentence because the legislature stated its intent that the amendment apply prospectively only. Petitioner's assertion to the contrary is belied by this Court's ruling in *People v. Alvin Brown*, which held that the legislature's delayed implementation of the public act that amended subsection 5-4.5-95(a) (among other statutes) indicates its intent for prospective application. 2024 IL 129585, ¶ 37.

When the legislature states its intent regarding the temporal reach of a statutory amendment, that stated intent must be given effect "unless to do so would be constitutionally prohibited"; no further retroactivity analysis is required. *Perry v. Dep't of Fin. & Pro. Regul.*, 2018 IL 122349, ¶ 40. And in Illinois, "the legislature *always* will have clearly indicated the temporal reach of an amended statute, either expressly in the new legislative enactment or by default in section 4 of the Statute on Statutes." *Id.* ¶ 44 (quoting *Cavaney v. Bower*, 207 Ill. 2d 82, 95 (2003) (emphasis in *Cavaney*)). One way the legislature expressly states its intent regarding the temporal reach of an amendment is with a "delayed implementation date," which

“indicates a clear legislative intent for the prospective application of the provision.” *Gen. Motors Corp. v. Pappas*, 242 Ill. 2d 163, 187 (2011); *see People v. Howard*, 2016 IL 120729, ¶ 23 (“a statute that has an express delayed implementation date but is otherwise silent as to temporal reach will be applied prospectively”); *People v. Woodrow Brown*, 225 Ill. 2d 188, 201 (2007) (Public Act that “called for its delayed implementation . . . intended to have only prospective application”).

Here, the legislature clearly expressed its intent that the amendment to subsection 5-4.5-95(a) apply only prospectively by expressly delaying the amendment’s effective date. When the legislature passed Public Act 101-652 in January 2021, it provided that changes in section 10-281 of that Act, which amended subsection 5-4.5-95(a), would not take effect until July 1, 2021. *See* Pub. Act 101-652, § 99-999 (“this Act takes effect July 1, 2021,” except for some sections other than section 10-281). Accordingly, this Court has already held that, where the legislature delayed the effective date of an amendment using section 99-999 of Public Act 101-652, it intended that the amendment apply prospectively only. *See People v. Alvin Brown*, 2024 IL 129585, ¶ 37 (“the legislature clearly stated its intent that the amendment apply prospectively when it expressly delayed the amendment’s implementation date in the text of the legislation,” which “expressly stated [that provisions to which section 99-999 of Public Act 101-652 applies] became effective on July 1, 2021”). Therefore, because the legislature expressly stated that the 2021

amendment to subsection 5-4.5-95(a) applies only prospectively, it does not apply retroactively to petitioner's 1995 sentence.

Indeed, subsection 5-4.5-95(a) would not apply retroactively to petitioner's 1995 sentence even if the legislature had not explicitly limited the amendment's temporal reach because, as a substantive sentencing change (see Section II.B. below), it would apply only prospectively under section 4 of the Statute on Statutes. *See People v. Hunter*, 2017 IL 121306, ¶ 22. Under section 4 of the Statute on Statutes, "a punishment mitigated by a new law is applicable only to judgments after the new law takes effect." *Id.* ¶ 54 (internal quotation marks omitted); *see* 5 ILSC 70/4. Accordingly, this Court has recognized that a defendant is not entitled to resentencing under later-enacted laws merely because those laws provide lesser punishments than the laws in effect when the defendant was sentenced. *See Hunter*, 2017 IL 121306, ¶ 54 (collecting cases). In short, the Court has already rejected petitioner's theory that he should get the benefit of a later change in a sentencing law, and his claim to the contrary is meritless.

B. The 2021 amendment to subsection 5-4.5-95(a) was a substantive change to the law, not a "clarification" of previous law.

The appellate court below relied on *People v. Stewart*, which interpreted subsection 5-4.5-95(b), for the proposition that the age requirement added to subsection 5-4.5-95(a) in 2021 "applied retroactively." A5-6, ¶¶ 15, 17. But *Stewart* says nothing about retroactivity; rather, it held that the age requirement added to subsection 5-4.5-95(b) in 2021 was not a

change to the law, but instead was a clarification of an existing age requirement. 2022 IL 126116, ¶ 22. Thus, *Stewart* provides no basis to believe that the legislature intended its 2021 amendment to subsection 5-4.5-95(a), which had no previously existing age requirement, as a clarification of previously existing law on sentencing as a habitual criminal.

To begin, when petitioner was sentenced as a habitual criminal in 1995, section 33B-1 mandated a life sentence for any defendant convicted of a third Class X felony, without regard for his age when he committed any of the three felonies. 720 ILCS 5/33B-1 (1995). The statute required only that, regardless of how old the defendant was when he committed the three Class X felonies, (1) the third offense was committed after the effective date of the Act (*i.e.*, February 1, 1978); (2) the third offense was committed within 20 years of the judgment date for the first conviction (excluding time in custody); (3) the third offense was committed after conviction on the second offense; and (4) the second offense was committed after conviction on the first offense. *See id.* There was no basis upon which a court could construe section 33B-1 as requiring that a defendant be at least 21 years old when he committed his first Class X felony. *See People v. Carlson*, 2016 IL 120544, ¶ 17 (“A reviewing court must enforce clear and unambiguous statutory provisions as written, and it should not read into the statute exceptions, conditions, or limitations not expressed by the legislature.”); *see also People v. Smallwood*, 2024 IL App (5th) 210407, ¶ 26, *petition for leave to appeal docketed*, No.

131092 (Sept. 27, 2024) (“Prior to 2016, section 5-4.5-95(a) did not include any age requirement for a defendant to be sentenced to natural life under that statute.”); *People v. Durant*, 2024 IL App (1st) 211190-B, ¶ 56 (Lavin, J., dissenting) (section 33B-1 was “simply not ambiguous,” for it contained “no age limitation at all”).

In contrast, subsection 5-4.5-95(b), which *Stewart* interpreted, always contained an age requirement. Subsection 5-4.5-95(b) governs enhanced sentencing for defendants with multiple prior Class 1 or Class 2 felony convictions, and it at all times provided for Class X sentencing “[w]hen a defendant, over the age of 21 years,” is convicted of a Class 1 or Class 2 felony after two previous convictions for Class 1 or Class 2 felonies. 730 ILCS 5/5-4.5-95(b) (eff. July 1, 2009). In the years following the enactment of subsection 5-4.5-95(b), a split developed in the appellate districts over whether offenses committed when a defendant was a juvenile were qualifying prior offenses under that subsection. The split “hinge[d] on the legislature’s 2016 amendment to section 5-130 of the Juvenile Court Act, which had the effect of vesting the juvenile court with exclusive jurisdiction over minors who are charged with armed robbery or aggravated vehicular hijacking — two crimes that had, prior to the amendment, disqualified minors from juvenile jurisdiction.” *People v. Miles*, 2020 IL App (1st) 180736, ¶ 21. The First District held that offenses committed as a juvenile could not be qualifying prior offenses under subsection 5-4.5-95(b), *Miles*, 2020 IL App (1st) 180736,

¶ 11, and the Fourth District held that they could, *People v. Reed*, 2020 IL App (4th) 180533, ¶ 25. Thereafter, the legislature amended subsection 5-4.5-95(b) to require that “the first [prior] offense was committed when the person was 21 years of age or older.” 730 ILCS. 5/5-4.5-95(b)(4) (eff. July 1, 2021).

Given this context, *Stewart* held that the 2021 amendment to subsection 5-4.5-95(b) governed sentences entered prior to its enactment, not because the amendment applied retroactively, but because it was intended “to resolve the conflict in the appellate court and to clarify the meaning of the original statute.” 2022 IL 126116, ¶ 22. As the Court explained, a statutory amendment is presumptively intended to change existing law. *Id.* ¶ 20 (citing *K. Miller Constr. Co. v. McGinnis*, 238 Ill. 2d 284, 299 (2010)).

However, that presumption can be rebutted when circumstances surrounding an amendment indicate that the legislature intended to clarify, rather than change, existing law. *Id.* This Court identified three factors relevant to determining whether an amendment is a substantive change to existing law or a mere clarification: whether (1) the legislature expressed that it was clarifying the prior law, (2) a conflict existed before the amendment was enacted, and (3) the amendment is compatible with a reasonable interpretation of the prior law and its legislative history. *Id.* Given the split in the appellate districts, this Court concluded that the legislature intended

the amendment to clarify the meaning of subsection 5-4.5-95(b) in response to that split, and not to change existing law. *Id.* ¶ 22

In sum, *Stewart* reasoned that the legislature enacted the 2021 amendment to clarify that subsection 5-4.5-95(b) had *always* required that a defendant be at least 21 at the time of the first offense. *K. Miller Constr.*, 238 Ill. 2d at 301 (where a legislative amendment is “a clarification of the prior statute,” it is “a legislative declaration of the meaning of the original Act”). To the extent that the appellate districts were divided over whether subsection 5-4.5-95(b)’s pre-2021 age requirement — that a defendant be “over the age of 21,” 730 ILCS 5/5-4.5-95(b) (eff. July 1, 2009) — applied to the first qualifying conviction (not just the third), the 2021 amendment made clear that it did.

But there is no basis to believe that the 2021 amendment to subsection 5-4.5-95(a) was intended to clarify rather than change the requirements for sentencing as a habitual criminal. There were no conflicting interpretations of subsection 5-4.5-95(a)’s text, and the legislative history of subsection 5-4-95(a) precludes, rather than permits, interpreting the 2021 amendment as a clarification of the requirements for sentencing as a habitual criminal.

First, there was no split in the appellate districts regarding whether convictions for Class X felonies committed by defendants before they were 21 qualified as prior convictions under section 33B-1 (or its successor, subsection 5-4.5-95(a)). Indeed, decisions addressing the question uniformly held that

such convictions qualified as prior offenses for purposes of sentencing as a habitual criminal. *See People v. Bryant*, 278 Ill. App. 3d 578, 586 (1st Dist. 1996) (“The Act unambiguously states that ‘[a]ny convictions’ may be used as a former conviction under the habitual criminal statute. This includes convictions obtained while a defendant was a juvenile.”); *People v. Banks*, 212 Ill. App. 3d 105, 107 (5th Dist. 1991) (“Any conviction may be used as a former conviction under the habitual criminal statute. No exception is made for convictions obtained while the defendant was a juvenile.”).

Nor was there any reason for the appellate districts to be in conflict about the meaning of section 33B-1 or subsection 5-4.5-95(a). Unlike subsection 5-4.5-95(b), the statute governing sentencing as a habitual criminal — first section 33B-1, then subsection 5-4.5-95(a) — never included an age requirement (or any reference to the age of 21) before 2021. *See* 720 ILCS 5/33B-1 (1995); 730 ILCS 5/5-4.5-95(a) (eff. July 1, 2009). Therefore, when defendant was sentenced in 1995, there was no ambiguity as to whether the Class X offenses he had committed before turning 21 (or any other age) qualified as prior offenses for the purposes of sentencing as a habitual criminal. Under section 33B-1 (and thus under subsection 5-4.5-95(a)), committing a Class X felony at any age, after two prior convictions for Class X felonies committed at any age, triggered a mandatory life sentence. *See Bryant*, 278 Ill. App. 3d at 586; *Banks*, 212 Ill. App. 3d at 107.

The 2016 amendment of the Juvenile Court Act, which led to the appellate court's disagreement over subsection 5-4.5-95(b)'s age requirement, *see Miles*, 2020 IL App (1st) 180736, ¶ 21, created no similar disagreement about section 33B-1 or subsection 5-4.5-95(a). There was no question that the legislature's 2016 amendment of the Juvenile Court Act, effective January 1, 2016, *see id.* ¶ 6 (citing Pub. Act 99-258, § 5 (eff. Jan. 1, 2016)), did *not* signal that juvenile offenses had never qualified as prior offenses under section 33B-1 and subsection 5-4.5-95(a). Why? Because the legislature also amended subsection 5-4.5-95(a), and that amendment became effective that same day and made clear that juvenile offenses *did* qualify as prior offenses, *see* Pub. Act 99-69 (eff. Jan. 1, 2016). Effective January 1, 2016, the legislature added an age requirement to subsection 5-4.5-95(a): that a defendant be 18 years old at the time of his third offense for the mandatory life sentence to apply. 730 ILCS 5/5-4.5-95(a)(5) (2016). Thus, subsection 5-4.5-95(a) (like section 33B-1 before it) necessarily allowed a defendant to be sentenced as a habitual criminal based on prior Class X felonies committed as a juvenile, for starting in 2016 it expressly required only that the *third* Class X offense be committed after the defendant turned 18. *See Smallwood*, 2024 IL App (5th) 210407, ¶ 27 ("Where a defendant need only be 18 years of age by the third offense, it logically follows that a defendant can be younger than 18 years of age for the first and second qualifying offenses and still be sentenced to natural life imprisonment under the habitual criminal sentencing statute.").

The 2016 amendment to subsection 5-4.5-95(a) also prohibits any interpretation of the 2021 amendment as clarifying rather than changing the pre-2016 requirements for sentencing as a habitual criminal. It would make no sense for the legislature to specify in 2016 that defendants must be at least 18 when they commit their *third* offense if the law already required that they be at least 21 at the time of their *first* offense. See *Smallwood*, 2024 IL App (5th) 210407, ¶ 28 (explaining that construction of 2021 amendment to subsection 5-4.5-95(a) as clarifying prior versions of statute “would render the legislature’s 2016 amendment under Public Act 99-69 meaningless”). The 2021 amendment “only served to substantively change the 2016 version of the statute,” and cannot have been a clarification of an earlier version of subsection 5-4.5-95(a). *People v. Fuller*, 2025 IL App (4th) 231457, ¶ 40.

In sum, *Stewart’s* interpretation of the 2021 amendment to subsection 5-4.5-95(b) hinged on the unique statutory history and context of that subsection. Subsection 5-4.5-95(a) has a different statutory history and context, which confirms that its amendment in 2021 was a substantive change to the requirements for sentencing as a habitual criminal, not merely a clarification of existing law. Therefore, the appellate court erred by holding that the 2021 amendment to subsection 5-4.5-95(a) applied to petitioner’s 1995 sentence.

CONCLUSION

This Court should reverse the judgment of the appellate court.

March 13, 2025

Respectfully submitted,

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RULE 341(c) CERTIFICATE

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages containing the Rule 341(d) cover, the Rule 341(h)(1) statement of points and authorities, the Rule 341(c) certificate of compliance, and the certificate of service and those matters to be appended to the brief under Rule 342(a), is 29 pages.

/s/ John P. Moynihan

JOHN P. MOYNIHAN
Assistant Attorney General

CERTIFICATE OF FILING AND SERVICE

Under penalty of law as provided in 735 ILCS 5/1-109, the undersigned certifies that the statements set forth in this instrument are true and correct.

On March 13, 2025, the foregoing **Brief and Appendix of Respondent-Appellant People of the State of Illinois** was filed with the Clerk of the Supreme Court of Illinois, using the electronic filing system, which provided notice to the following registered email address:

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FIRST DIVISION
June 27, 2024

NOTICE: This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Circuit Court
	)	of Cook County.
Plaintiff-Appellee,	)	
	)	
v.	)	No. 93 CR 22656
	)	
CORWYN BROWN,	)	
	)	The Honorable
Defendant-Appellant.	)	James B. Linn,
	)	Judge Presiding.

JUSTICE PUCINSKI delivered the judgment of the court.
Presiding Justice Fitzgerald Smith and Justice Coghlan concurred in the judgment.

ORDER

¶ 1 *Held:* Defendant was improperly sentenced to natural life as a habitual criminal since his armed robbery conviction cannot be used as a qualifying offense since defendant was younger than 21 years old when it occurred.

¶ 2 Defendant Corwyn Brown appeals the circuit court's denial of his motions for leave to file a successive postconviction petition. Defendant argues that the circuit court erred by denying his motions for leave to file a successive postconviction petition since our supreme court's decision in *People v. Stewart*, 2022 IL 126116 demonstrates that defendant's armed robbery

conviction cannot be used as a qualifying offense for sentencing as a habitual criminal since defendant was younger than 21 years old when it occurred. We reverse and remand for resentencing pursuant to *People v. Stewart*, 2022 IL 126116 and *People v. Durant*, 2024 IL App (1st) 211190-B.

¶ 3

BACKGROUND

¶ 4

On April 27, 1995, a jury convicted defendant of aggravated criminal sexual assault and aggravated vehicular hijacking. The circuit court sentenced him to life imprisonment as a habitual criminal based on his prior convictions. Defendant's prior convictions included his armed robbery conviction, which he committed when he was younger than 21 years old.¹ At the time of his sentencing, the habitual criminal provision in effect—720 ILCS 5/33B-1 (West 1994)—did not specify whether a defendant must have reached any particular age when he committed any of the predicate offenses. We affirmed his conviction and sentence on direct appeal. *People v. Brown*, No. 1-95-2116 (1997) (unpublished order under Illinois Supreme Court Rule 23).

¶ 5

On April 28, 1998, defendant filed a *pro se* postconviction petition alleging ineffective assistance of trial counsel. The circuit court summarily dismissed the petition as untimely. We affirmed the dismissal. *People v. Brown*, No. 1-98-2668 (1999) (unpublished summary order under Illinois Supreme Court Rule 23(c)).

¶ 6

Defendant then filed a *pro se habeas corpus* petition, which the circuit court denied as patently without merit. Defendant appealed. Defendant also filed a successive *pro se*

¹ Defendant was born on April 21, 1962. On June 4, 1980, he was convicted of two counts of armed robbery. The record does not contain the date which defendant committed the armed robbery. Defendant alleges in his current brief that he was 17 years old at that time. The State does not dispute that defendant was 17 years old at that time. Additionally, defendant was not 21 years old until April 21, 1983. We make clear that whether defendant was 17 years old or 18 years old at the time he committed the armed robbery does not change the outcome of this appeal, as the applicable statutory age involved herein is 21 years old. See 730 ILCS 5/5.4.5-95(a) (West 2022).

postconviction petition, which the circuit court summarily dismissed as meritless. Defendant appealed. After those two appeals were consolidated, defendant's appellate counsel filed a motion for leave to withdraw as appellate counsel pursuant to *Pennsylvania v. Finley*, 481 U.S. 551 (1987). We granted the motion and affirmed the circuit court. *People v. Brown*, Nos. 1-00-2842, 1-01-1061 (2002) (consolidated) (unpublished summary order under Illinois Supreme Court Rule 23(c)).

¶ 7 On October 23, 2003, defendant filed a *pro se* motion for relief from final judgment under section 2-1401(f) of the Code of Civil Procedure (735 ILCS 5/2-1401(f) (West 2002)). The circuit court summarily dismissed his 2-1401 petition. We affirmed the dismissal of the petition. *People v. Brown*, 1-04-0319 (2005) (unpublished summary order under Illinois Supreme Court Rule 23(c)).

¶ 8 On July 23, 2021, defendant filed a *pro se* motion for leave to file a successive postconviction petition. Defendant's appellate counsel filed a motion for leave to withdraw as appellate counsel pursuant to *Finley*, 481 U.S. 551. We granted the motion and affirmed the circuit court. *People v. Brown*, No. 1-21-1626 (2022) (unpublished summary order under Illinois Supreme Court Rule 23(c)).

¶ 9 On July 13, 2021, defendant filed a motion for leave to file a successive postconviction petition alleging that his life sentence was unconstitutional since the legislature amended the habitual criminal provision to require that the first qualifying offense occur when a defendant is 21 years or older. Specifically, in Public Act 101-652 (eff. July 1, 2021), the legislature amended section 5-4.5-95(a) of the Unified Code of Corrections (Code) to specify that a person cannot be adjudged a habitual criminal unless "[t]he first offense was committed when the person was 21

years of age or older.” 730 ILCS 5/5-4.5-95(a)(4)(E) (West 2022). Defendant’s conviction for armed robbery occurred when he was younger than 21 years old.

¶ 10 On October 26, 2022, the circuit court denied defendant leave to file the petition. The circuit court concluded that based on our decision in *People v. Durant*, 2022 IL App (1st) 211190-U, *vacated*, 2024 IL App (1st) 211190-B the amendment to the habitual criminal provision was not retroactive. Defendant appealed. On December 7, 2022, defendant filed another motion for leave to file a successive postconviction arguing the same issue. Additionally, defendant alleged that his sentence violated the proportionate penalties clause of the Illinois Constitution. The circuit court denied defendant leave to file the petition. Defendant appealed. We consolidated the appeals.

¶ 11 While this appeal was pending, the supreme court issued a supervisory order in the *Durant* matter directing us to vacate our September 2022 decision in that appeal and consider the effect of its opinion in *Stewart*, 2022 IL 126116, which discussed the identically-worded amendment to the Class X sentencing provision in section 5-4.5-95(b) of the Code (730 ILCS 5/5-4.5-95(b)(4) (West 2022)). On March 25, 2024, we issued a subsequent opinion in *Durant* concluding that, in light of *Stewart*, convictions for crimes committed before the age of 21 could not serve as predicates for the habitual criminal provision, and that *Stewart* applied retroactively on collateral review. *Durant*, 2024 IL App (1st) 21190-B.

¶ 12 ANALYSIS

¶ 13 On appeal, defendant argues that the circuit court erred by denying his motions for leave to file a successive postconviction petition since our supreme court’s decision in *People v. Stewart*, 2022 IL 126116 demonstrates that defendant’s armed robbery conviction cannot be used as a qualifying offense for sentencing as a habitual criminal since defendant was younger than 21

years old when it occurred. The State responds that the legislature’s amendment to section 5-4.5-95(a) does not apply retroactively. We addressed identical arguments in *People v. Durant*, 2024 IL App (1st) 211190-B.

¶ 14 On September 26, 2022, we issued our initial decision in *Durant*. *People v. Durant*, 2022 IL App (1st) 211190-U, ¶ 10, *vacated*, 2024 IL App (1st) 211190-B. We concluded that the legislature’s amendment to section 5-4.5-95(a) of the Code (730 ILCS 5/5-4.5-95(a)(4)(E) (West 2022)) did not apply retroactively. *Id.* ¶ 10.

¶ 15 On October 20, 2022, our supreme court issued its opinion in *Stewart*, 2022 IL 126116. In *Stewart*, the defendant was sentenced prior to the legislature’s amendment of the Class X sentencing provision which specified that the first predicate felony must have been committed “when the person was 21 years of age or older.” 730 ILCS 5/5-4.5-95(b)(4) (West 2022); *Stewart*, 2022 IL 126116, ¶ 5, 19. Our supreme court determined that the amendment applied retroactively and held that a defendant’s Class X sentence under section 5-4.5-95(b) of the Code (730 ILCS 5/5-4.5-95(b) (West 2016)), should be vacated because one of the predicate felony offenses occurred when he was 17 years old. *Stewart*, 2022 IL 126116, ¶ 1.

¶ 16 On December 6, 2022, the defendant in *Durant* filed a petition for leave to appeal in our supreme court. *Durant*, 2024 IL App (1st) 211190-B, ¶ 22. Our supreme court denied the defendant’s petition but directed us to vacate our September 2022 order and consider the effect of *People v. Stewart*, 2022 IL 126116 on the issue of whether his life sentence was unconstitutional. *Id.* .

¶ 17 On remand pursuant to the supervisory order, we determined that “*Stewart*’s discussion of Public Act 101-652’s amendment to the Class X provision in subsection (b) must inform our interpretation of the simultaneous amendment to the habitual criminal provision in subsection

¶ 18 The instant appeal turns on the very same issues this court addressed in *Durant* after the supreme court directed us to consider the effect of *Stewart* in that matter. Accordingly, based on our supreme court’s decision in *People v. Stewart*, 2022 IL 126116 and our decision in *People v. Durant*, 2024 IL App (1st) 211190-B, we find that defendant was improperly sentenced to natural life as a habitual criminal, where one of the predicate convictions occurred when he was younger than 21 years old. His sentence violated the habitual criminal provision in section 5-4.5-95(a) of the Code and his constitutional due process rights. See *Durant*, 2024 IL App (1st) 211190-B, ¶ 41 (citing *United States v. Shipp*, 589 F.3d 1084 (10th Cir. 2009)).

¶ 19 Since there are no disputed issues of fact, we find that defendant is entitled to resentencing under *Stewart* and its application to the habitual sentencing provision. *See Durant*, 2024 IL App (1st) 211190-B, ¶ 42.

20 CONCLUSION

¶ 21 For the foregoing reasons, we reverse the circuit court’s denial of defendant’s motions for leave to file a successive postconviction petition, vacate his natural life sentence, and remand for resentencing in accordance with this order.

¶ 22 Reversed and remanded.

Sheet # 0001	CRIMINAL DISPOSITION SHEET Defendant Sheet# 1 of 9	Branch/Room/Location Criminal Division, Courtroom 700 2650 South California Avenue, Chicago, IL 60608		Court Interpreter	
Case Number 93CR2265601	Defendant Name BROWN, CORWYN	Attorney PUBLIC DEFENDER	Court Date 10/26/2022	Court Call/Time 9:00 AM	
CB/DCN#	IR# 0707916	EM	Case Flag APP	Bond#	Bond Type
					Bond Amount \$0.00
CHARGES		* IN CUSTODY 10/24/2022 * COURT ORDER ENTERED			CODES

C001 38-12-14-A(2)
AGG CRIM SEX ASSAULT
04/27/1995 Verdict of Guilty

C002 38-12-14-A(2)
AGG CRIM SEX ASSAULT
04/27/1995 Verdict of Guilty

C003 38-12-14-A(2)
AGG CRIM SEX ASSAULT
04/27/1995 Verdict of Guilty

C004 38-12-14-A(2)
AGG CRIM SEX ASSAULT
04/27/1995 Verdict of Guilty

C005 38-12-14-A(1)
AGG CRIM SEX ASSAULT
04/27/1995 Verdict of Guilty

C006 38-12-14-A(1)
AGG CRIM SEX ASSAULT
04/27/1995 Verdict of Guilty

C007 38-12-14-A(1)
AGG CRIM SEX ASSAULT
04/27/1995 Verdict of Guilty

C008 38-12-14-A(1)
AGG CRIM SEX ASSAULT
04/27/1995 Verdict of Guilty

C009 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C010 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

*Pro Se
Pet
for Sentence
w/o merit
Denied*

*Per P. Durant
Illinois Appellate Ct.*

No 1-21-1190

Clear to note L

JUDGE:	JUDGE'S NO.:	RESPONSIBLE FOR CODING AND COMPLETION BY DEPUTY CLERK: <i>P. Carr</i>	VERIFIED BY:
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Sheet # 0001	CRIMINAL DISPOSITION SHEET Defendant Sheet# 2 of 9	Branch/Room/Location Criminal Division, Courtroom 700 2650 South California Avenue, Chicago, IL 60608		Court Interpreter	
Case Number 93CR2265601	Defendant Name BROWN, CORWYN	Attorney PUBLIC DEFENDER		Court Date 10/26/2022	Court Call/Time 9:00 AM
CB/DCN#	IR# 0707916	EM	Case Flag APP	Bond#	Bond Type
					Bond Amount \$0.00
CHARGES		* IN CUSTODY 10/24/2022 * COURT ORDER ENTERED			CODES

C011 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C012 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C013 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C014 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C015 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C016 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C017 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C018 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C019 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C020 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

See Sheet 1

JUDGE:	JUDGE'S NO.:	RESPONSIBLE FOR CODING AND COMPLETION BY DEPUTY CLERK:	VERIFIED BY:
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Sheet # 0001	CRIMINAL DISPOSITION SHEET Defendant Sheet# 3 of 9		Branch/Room/Location Criminal Division, Courtroom 700 2650 South California Avenue, Chicago, IL 60608		Court Interpreter
Case Number 93CR2265601	Defendant Name BROWN, CORWYN		Attorney PUBLIC DEFENDER	Court Date 10/26/2022	Court Call/Time 9:00 AM
CB/DCN#	IR# 0707916	EM	Case Flag APP	Bond#	Bond Type
					Bond Amount \$0.00
CHARGES		* IN CUSTODY 10/24/2022 * COURT ORDER ENTERED			CODES

C021 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C022 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C023 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C024 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C025 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C026 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C027 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C028 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C029 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C030 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

See sheet 1

JUDGE:	JUDGE'S NO.:	RESPONSIBLE FOR CODING AND COMPLETION BY DEPUTY CLERK:	VERIFIED BY:
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A10

Printed: 10/26/2022 11:53 AM
C 407

Sheet # 0001	CRIMINAL DISPOSITION SHEET Defendant Sheet# 4 of 9	Branch/Room/Location Criminal Division, Courtroom 700 2650 South California Avenue, Chicago, IL 60608		Court Interpreter	
Case Number 93CR2265601	Defendant Name BROWN, CORWYN	Attorney PUBLIC DEFENDER	Court Date 10/26/2022	Court Call/Time 9:00 AM	
CB/DCN#	IR# 0707916	EM	Case Flag APP	Bond#	Bond Type
					Bond Amount \$0.00
CHARGES		* IN CUSTODY 10/24/2022 * COURT ORDER ENTERED			CODES

C031 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C032 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C033 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C034 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C035 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C036 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C037 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C038 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C039 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C040 38-12-14-A(4)
AGG CRIM/SEX ASSAULT
05/24/1995 No Order on Count

*See
Sheet
1*

JUDGE:	JUDGE'S NO.:	RESPONSIBLE FOR CODING AND COMPLETION BY DEPUTY CLERK:	VERIFIED BY:
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A11

Printed: 10/26/2022 11:41 AM
C 408

Sheet # 0001	CRIMINAL DISPOSITION SHEET Defendant Sheet# 5 of 9		Branch/Room/Location Criminal Division, Courtroom 700 2650 South California Avenue, Chicago, IL 60608		Court Interpreter	
Case Number 93CR2265601	Defendant Name BROWN, CORWYN		Attorney PUBLIC DEFENDER		Court Date 10/26/2022	Court Call/Time 9:00 AM
CB/DCN#	IR# 0707916	EM	Case Flag APP	Bond#	Bond Type	Bond Amount \$0.00
CHARGES		* IN CUSTODY-10/24/2022 * COURT ORDER ENTERED				CODES

C041 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C042 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C043 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C044 38-12-14-A(4)
AGG CRIM SEX ASSAULT
05/24/1995 No Order on Count

C045 38-18-2-A
ARMED ROBBERY
05/24/1995 No Order on Count

C046 38-33A-2/I
ARMED VIOL (CAT I WPN)
05/24/1995 No Order on Count

C047 38-33A-2/I
ARMED VIOL (CAT I WPN)
05/24/1995 No Order on Count

C048 38-33A-2/I
ARMED VIOL (CAT I WPN)
05/24/1995 No Order on Count

C049 38-18-4-A(3)
AG VEH HJK W/DNGR WEAP
04/27/1995 Verdict of Guilty

C050 38-18-3
VEHICULAR HIJACKING
05/24/1995 No Order on Count

*See
sheet
1*

JUDGE:	JUDGE'S NO.:	RESPONSIBLE FOR CODING AND COMPLETION BY DEPUTY CLERK:	VERIFIED BY:
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A12

Printed: 10/26/2022 11:53 AM
C 409

Sheet # 0001	CRIMINAL DISPOSITION SHEET Defendant Sheet# 6 of 9		Branch/Room/Location Criminal Division, Courtroom 700 2650 South California Avenue, Chicago, IL 60608		Court Interpreter
Case Number 93CR2265601	Defendant Name BROWN, CORWYN		Attorney PUBLIC DEFENDER	Court Date 10/26/2022	Court Call/Time 9:00 AM
CB/DCN#	IR# 0707916	EM	Case Flag APP	Bond#	Bond Type
					Bond Amount \$0.00
CHARGES		* IN CUSTODY 10/24/2022 * COURT ORDER ENTERED			CODES

C051 38-10-2-A(3)
AGGRAVATED KIDNAPPING
05/24/1995 No Order on Count

C052 38-10-2-A(3)
AGGRAVATED KIDNAPPING
05/24/1995 No Order on Count

C053 38-10-2-A(3)
AGGRAVATED KIDNAPPING
05/24/1995 No Order on Count

C054 38-10-2-A(3)
AGGRAVATED KIDNAPPING
05/24/1995 No Order on Count

C055 38-10-2-A(3)
AGGRAVATED KIDNAPPING
05/24/1995 No Order on Count

C056 38-10-2-A(3)
AGGRAVATED KIDNAPPING
05/24/1995 No Order on Count

C057 38-10-2-A(3)
AGGRAVATED KIDNAPPING
05/24/1995 No Order on Count

C058 38-10-2-A(3)
AGGRAVATED KIDNAPPING
05/24/1995 No Order on Count

C059 38-10-2-A(3)
AGGRAVATED KIDNAPPING
05/24/1995 No Order on Count

C060 38-10-2-A(3)
AGGRAVATED KIDNAPPING
05/24/1995 No Order on Count

See Sheet
1

JUDGE:	JUDGE'S NO.:	RESPONSIBLE FOR CODING AND COMPLETION BY DEPUTY CLERK:	VERIFIED BY:
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A13

Printed: 10/26/2022 11:43 AM

C 410

Sheet # 0001	CRIMINAL DISPOSITION SHEET Defendant Sheet# 7 of 9	Branch/Room/Location Criminal Division, Courtroom 700 2650 South California Avenue, Chicago, IL 60608		Court Interpreter	
Case Number 93CR2265601	Defendant Name BROWN, CORWYN	Attorney PUBLIC DEFENDER	Court Date 10/26/2022	Court Call/Time 9:00 AM	
CB/DCN#	IR# 0707916	EM	Case Flag APP	Bond#	Bond Type
					Bond Amount \$0.00
CHARGES		* IN CUSTODY 10/24/2022 *			COURT ORDER ENTERED
					CODES

C061 38-10-2-A(3) AGGRAVATED KIDNAPPING 05/24/1995 No Order on Count		
C062 38-10-2-A(3) AGGRAVATED KIDNAPPING 05/24/1995 No Order on Count		
C063 38-10-2-A(3) AGGRAVATED KIDNAPPING 05/24/1995 No Order on Count		
C064 38-10-2-A(3) AGGRAVATED KIDNAPPING 05/24/1995 No Order on Count		
C065 38-10-2-A(3) AGGRAVATED KIDNAPPING 05/24/1995 No Order on Count		
C066 38-10-2-A(3) AGGRAVATED KIDNAPPING 05/24/1995 No Order on Count		
C067 38-12-13-A(1) CRIM SEXUAL ASSAULT 05/24/1995 No Order on Count		
C068 38-12-13-A(1) CRIM SEXUAL ASSAULT 05/24/1995 No Order on Count		
C069 38-12-13-A(1) CRIM SEXUAL ASSAULT 05/24/1995 No Order on Count		
C070 38-12-13-A(1) CRIM SEXUAL ASSAULT 05/24/1995 No Order on Count		

JUDGE:	JUDGE'S NO.:	RESPONSIBLE FOR CODING AND COMPLETION BY DEPUTY CLERK:	VERIFIED BY:
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Sheet # 0001	CRIMINAL DISPOSITION SHEET Defendant Sheet# 8 of 9	Branch/Room/Location Criminal Division, Courtroom 700 2650 South California Avenue, Chicago, IL 60608		Court Interpreter	
Case Number 93CR2265601	Defendant Name BROWN, CORWYN	Attorney PUBLIC DEFENDER	Court Date 10/26/2022	Court Call/Time 9:00 AM	
CB/DCN#	IR# 0707916	EM	Case Flag APP	Bond#	Bond Type
				Bond Amount \$0.00	
CHARGES		* IN CUSTODY 10/24/2022 * COURT ORDER ENTERED			CODES

C071 38-12-16-A(1)
AGG CRIM SEX ABUSE
05/24/1995 No Order on Count

C072 38-12-16-A(1)
AGG CRIM SEX ABUSE
05/24/1995 No Order on Count

C073 38-10-1-A(1)
KIDNAPPING
05/24/1995 No Order on Count

C074 38-10-1-A(2)
KIDNAPPING
05/24/1995 No Order on Count

C075 38-18-1-A
ROBBERY
05/24/1995 No Order on Count

C076 95.5-4-103-A(1)
REC/POS/SELL STL VEH
05/24/1995 No Order on Count

C077 38-12-4-B(8)
AGG BATTERY
05/24/1995 No Order on Count

C078 38-10-3-1
AGG UNLAWFUL RESTRAINT
05/24/1995 No Order on Count

C079 38-10-3-A
UNLAWFUL RESTRAINT
05/24/1995 No Order on Count

See sheet 1

JUDGE:	JUDGE'S NO.:	RESPONSIBLE FOR CODING AND COMPLETION BY DEPUTY CLERK:	VERIFIED BY:
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A15

Printed: 10/26/2022 11:53 AM

C 412

Sheet # 0001	CRIMINAL DISPOSITION SHEET Defendant Sheet# 9 of 9		Branch/Room/Location Criminal Division, Courtroom 700 2650 South California Avenue, Chicago, IL 60608			Court Interpreter
Case Number 93CR2265601	Defendant Name BROWN, CORWYN		Attorney PUBLIC DEFENDER		Court Date 10/26/2022	Court Call/Time 9:00 AM
CB/DCN#	IR# 0707916	EM	Case Flag APP	Bond#	Bond Type	Bond Amount \$0.00
CHARGES		* IN CUSTODY 10/24/2022 *				COURT ORDER ENTERED
						CODES

						

JUDGE:	JUDGE'S NO.:	RESPONSIBLE FOR CODING AND COMPLETION BY DEPUTY CLERK:	VERIFIED BY:
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A16

Printed: 10/26/2022 4:13

1 STATE OF ILLINOIS)
 2 COUNTY OF COOK) SS:

FILED

FEB 7 2023

3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 4 COUNTY DEPARTMENT - CRIMINAL DIVISION

IRIS Y. MARTINEZ
 CLERK OF THE CIRCUIT COURT
 OF COOK COUNTY, IL

5 THE PEOPLE OF THE)
 6 STATE OF ILLINOIS,)
 7 Plaintiff,) No. 93 CR 22656(01)
 8 vs.)
 9 CORWYN BROWN,)
 10 Defendant.)

11 REPORT OF PROCEEDINGS had at
 12 the hearing of the above-entitled cause before the
 13 Honorable JAMES B. LINN on the 26th day of October,
 14 A.D., 2022.

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 16 PRESENT:
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23 REPORTED BY;
 Magdalena Perez, CSR 084-004569
 24 Official Court Reporter

1 THE COURT: Ms. Court Reporter, I'm adding a case
2 to the call. It is Corwyn Brown, C-o-r-w-y-n,
3 93 CR 22656(01). All right. Corwyn Brown is serving a
4 natural life sentence for an aggravated criminal sexual
5 assault. He is complaining that under the law that
6 exists now his predicate offenses could not be used
7 against him for the natural life career criminal
8 statute. And he believes that because he was 17 at the
9 time of his first offense, that that cannot be used in
10 aggravation.

11 It turns out that very recently, and by recent I
12 mean, September 26th of this year, this issue, this very
13 issue, was addressed by the Illinois Appellate Court
14 First District in case of People v. Durant (phonetic)
15 and that case is cited at 2022 Illinois App. 1st 211190,
16 dash, "U". And also it's under case number 1, dash, 21,
17 dash, 1190. And the Durant case talks about the
18 predicament that Mr. Brown is suggesting, but it is a
19 new law. There may be differences between people that
20 were convicted earlier and people convicted later, but
21 that is what the legislature did. And even though the
22 Appellate Court acknowledged that people may be treated
23 differently based on when their conviction happened,
24 that law is the law and they see no reason that they can

1 just -- from their notes what the legislature did. In
2 other words, this is not retroactive. It is a proactive
3 law and not retroactive. It does not give Mr. Brown any
4 relief.

5 Accordingly, I find his Pro Se petition for
6 resentencing is without merit. It will be denied per
7 People v. Durant, Illinois Appellate Court. Clerk to
8 notify. Actually, send a copy of the opinion back to
9 Mr. Brown with a letter denying his motion.

10 (Conclusion of today's proceedings.)

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1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF C O O K)

4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
5 COUNTY DEPARTMENT-CRIMINAL DIVISION

6 I, MAGDALENA PEREZ, an Official Court
7 Reporter of the Circuit Court of Cook County, County
8 Department-Criminal Division, do hereby certify that I
9 reported in shorthand the evidence had in the
10 above-entitled cause and that the foregoing is a true
11 and correct transcript of all the evidence heard before
12 the HONORABLE JAMES B. LINN, Judge of said court.

13
14 Magdalena Perez
15 MAGDALENA PEREZ
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22 Dated this 6th day
23 of Februrary, 2023.
24

Sheet # 1	CRIMINAL DISPOSITION SHEET Defendant Sheet #1		Branch/Room/Location Criminal Division, Courtroom 700 2650 South California Avenue, Chicago, IL, 60608		Court Interpreter
Case Number 93CR2265601	Defendant Name BROWN, CORWYN	Attorney Name SMITH, JUDIE 006224360		Session Date 1/5/2023	Session Time 09:00 AM.
CB/DCN# 9484609	IR # 0707916	EM	Case Flag APP	Bond #	Bond Type Bond Amt
CHARGES		** IN CUSTODY 10/18/1993 ** COURT ORDER ENTERED			CODES
C001 38-12-14-A(2) AGG CRIM SEX ASSAULT 5/24/1995 DEFT. SENTENCED TO Life		<i>For Se P.C. successive w/o MERIT. Denied; Age 17 predicate in instant case NOT unconstitutional</i> <i>clerk to notify</i>			
C001 38-12-14-A(2) AGG CRIM SEX ASSAULT 5/24/1995 DEFT. SENTENCED TO Life					
C002 38-12-14-A(2) AGG CRIM SEX ASSAULT 4/27/1995 Verdict of Guilty					
C002 38-12-14-A(2) AGG CRIM SEX ASSAULT 4/27/1995 Verdict of Guilty					
C003 38-12-14-A(2) AGG CRIM SEX ASSAULT 4/27/1995 Verdict of Guilty					
C003 38-12-14-A(2) AGG CRIM SEX ASSAULT 4/27/1995 Verdict of Guilty					
C004 38-12-14-A(2) AGG CRIM SEX ASSAULT 4/27/1995 Verdict of Guilty					
C004 38-12-14-A(2) AGG CRIM SEX ASSAULT 4/27/1995 Verdict of Guilty					
C005 38-12-14-A(1) AGG CRIM SEX ASSAULT 4/27/1995 Verdict of Guilty					
JUDGE: Linn, James B		JUDGE'S NO: 1544	RESPONSIBLE FOR CODING AND COMPLETION BY DEPUTY CLERK:		VERIFIED BY:

1 STATE OF ILLINOIS)
) SS.
 2 COUNTY OF COOK)

FILED

APR 21 2023

3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT - CRIMINAL DIVISION
 4

THE PEOPLE OF THE STATE OF)
 5 ILLINOIS,)

6 Plaintiff,)

7 vs.) No. 93 CR 22656-01

8 CORWYN BROWN,)

9 Defendant.)

10 REPORT OF PROCEEDINGS had of the
 11 above-entitled cause, before the HONORABLE JAMES B.
 12 LINN, one of the judges of said court, on the 5th
 13 day of January, A.D., 2023.

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23 JENNIFER N. ALTEPETER, CSR, RPR
 Official Court Reporter
 Criminal Division
 24 CSR: #084-004695

1 THE COURT: Corwyn Brown. That's a PC, I believe.

2 Corwyn Brown brings a pro se petition,
3 successive post-conviction petition, saying his
4 sentence of natural life is unlawful because first
5 Class X offense -- he was sentenced for natural life as
6 a habitual criminal.

7 He was first convicted of two armed robberies
8 in 1980 while he was age 17, served his sentence, a
9 Class X sentence, got out of the penitentiary, shortly
10 thereafter committed two more armed robberies, Class X
11 offenses. After getting out of the penitentiary he
12 committed the offense in the instant case, which is a
13 very brutal and heinous aggravated criminal sexual
14 assault, also a Class X felony, and by law that's
15 mandatory natural life because it's three Class X
16 felonies all standing by themselves as, per se, Class X
17 felonies.

18 He's saying now that because he was 17 in
19 1980 that that predicate ought not be considered
20 against him based on Miller versus Alabama, et cetera.
21 Well, he's not being sentenced to life on that case.
22 It was just a method of looking at his record back
23 in -- This is a case from 1993. This is an old case
24 when he was sentenced by Judge Karnezis to mandatory

1 life.

2 The comments of Judge Karnezis indicate to
3 me, as I review them -- as part of the petition he's
4 got the transcript of the sentencing proceeding here --
5 that Judge Karnezis would have given him a natural life
6 sentence discretionally as well because he found this
7 man is just a total danger to the community, he's
8 always been committing violent crimes, one after the
9 other after the other of Class X magnitude culminating
10 in a very heinous, serious aggravated vehicular
11 hijacking and aggravated criminal sexual assault of a
12 woman that was very painful to have to review.

13 But does he legally have a position because
14 in 1980 one of his predicate offenses occurred when he
15 was 17 years old and he complains about this now in
16 2023? I do not believe that the case law today
17 anticipated going back through the years like this to
18 knock out a predicate because he was 17 at the time as
19 an available remedy. I have not found that that
20 circumstance exists to go back in time, that long a
21 period of time -- we're talking about decades -- to
22 upset his natural life sentence which would have been a
23 natural life sentence by the discretion of the judge in
24 any event.

1 So I find his pro se successive
2 post-conviction petition is without merit and denied.
3 Age 17 predicate used in instant case not
4 unconstitutional. Clerk to notify.

5 (Which were all the proceedings had
6 at this time in the above-entitled
7 cause.)

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1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF COOK)
3

4 I, JENNIFER N. ALTEPETER, an Official
5 Court Reporter within and for the Circuit Court of
6 Cook County, Criminal Division, do hereby certify
7 that I have reported in shorthand in the report of
8 proceedings had in the above-entitled cause; that I
9 thereafter caused the foregoing to be transcribed
10 into typewriting, which I hereby certify is a true
11 and accurate transcript of the proceedings had
12 before the Honorable JAMES B. LINN, Judge of said
13 court.

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23 Dated this 21st day of

24 April, 2023.



JENNIFER N. ALTEPETER, CSR, RPR
Official Shorthand Reporter
Circuit Court of Cook County
County Department - Criminal
Division
Certification No. 084-004695

IN THE
CIRCUIT COURT OF Cook County, Illinois
CRIMINAL DIVISION



People of the State of Illinois,
RESPONDENT,

v.

Corwyn Brown,
PETITIONER,

Case No. 93CR 12656

Hon. Judge Linn

NOTICE OF FILING / PROOF OF SERVICE

TO: Hon. IRIS Y. MARTINEZ
CLERK OF THE CIRCUIT COURT OF COOK
2650 So. CALIFORNIA Rm 526
CHICAGO, ILLINOIS 60608

TO: Hon. Kim Foxx
Cook County STATES ATTY.
2650 So. CALIFORNIA
CHICAGO, ILLINOIS 60608

PLEASE TAKE NOTICE THAT ON 11-20-22, I will
FILE A ORIGINAL AND TWO (2) DUPLICATE COPIES OF
A NOTICE OF APPEAL OF AN OCTOBER 26, 2022,
DENIAL IN JUDGE LINN COURT.

Corwyn Brown No. 101

THE UNDERSIGNED BEING FIRST DULY SWORN STATES,
THAT I PLACED THE ABOVE DOCUMENT IN THE US MAIL
AT THE PONTIAC CC WITH THE APPROPRIATE POSTAGE AND
ENVELOPE.

Corwyn Brown No. 101

IN THE
CIRCUIT COURT OF COOK COUNTY, ILLINOIS
CRIMINAL DIVISION



PEOPLE OF THE STATE OF ILLINOIS,
RESPONDENT,)

v.)

CORWYN BROWN,
PETITIONER.)

CASE No. 93-CR-22656

HON. JAMES B. LINN
PRESIDING JUDGE

NOTICE OF APPEAL

PLEASE TAKE NOTICE THAT ON 11-20-2022,
I SHALL FILE THE ORIGINAL AND TWO (2) DUPLICATE
COPIES OF NOTICE OF APPEAL OF THE NOW "DENIED"
MOTION / PETITION FOR RESENTENCING WITHOUT MERIT
ON OCTOBER 26, 2022, WITH THE CLERK OF THE CIRCUIT
COURT OF COOK COUNTY, ILLINOIS, CRIMINAL DIVISION.

Corwyn Brown NO2101
CORWYN BROWN NO2101

STATE OF ILLINOIS
COUNTY OF LIVINGSTON } SS:

I, CORWYN BROWN NO2101, FIRST BEING DULY SWORN
UPON OATH, DO HEREBY STATE THAT UNDER PENALTY OF PERJURY
THE ABOVE IS TRUE AND CORRECT.

1st Corwyn Brown NO2101

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS,)
RESPONDENTS,)

v.)

CORWYN BROWN NO2101,)
APPELLANT,)

CASE NO. 93 CR 226501

JUDGE LINN CR 700



NOTICE OF APPEAL

PLEASE BE ADVISED THAT NOTICE OF APPEAL IS BEING FILED REGARDING THE JANUARY 5, 2023, DENIAL OF PETITIONER'S PRO-SE PETITION FOR SUCCESSIVE POST-CONVICTION — BEFORE THE HON. JUDGE JAMES B. LINN. A COPY OF WHICH WILL BE FORWARDED TO THE FOLLOWING BY US MAIL PLACED IN THE BARS ON JANUARY 29, 2023, TO BE MAILED TO THE CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS:

HON. IRIS Y. MARTINEZ, CLERK
CLERK OF THE CIRCUIT COURT
COOK COUNTY CLERK
2650 S. CALIFORNIA AVE
CHICAGO, ILLINOIS. 60608

HON. KIMBERLY FOX
STATE'S ATTORNEY OFFICE
COOK COUNTY STATES ATTY.
2650 S. CALIFORNIA AVE.
CHICAGO, ILLINOIS. 60608

PROOF OF SERVICE

YOU ARE HEREBY NOTIFIED THAT ON JANUARY 29, 2023, I PLACED THIS NOTICE OF APPEAL IN THE MAIL SYSTEM. I PLACED COPIES OF THE NOTICE OF APPEAL IN THE PRISON MAIL SYSTEM AT THE PONTIAC CC.


CORWYN BROWN NO2101

Table of Contents

APPEAL TO THE APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT
FROM THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS

Plaintiff/Petitioner

Reviewing Court No: 1-22-1859

Circuit Court/Agency No: 1993CR2265601

v.

Trial Judge/Hearing Officer: JAMES B LINN

CORWYN BROWN

Defendant/Respondent

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FIRST JUDICIAL DISTRICT
FROM THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS

Plaintiff/Petitioner

v.

CORWYN BROWN

Defendant/Respondent

Reviewing Court No: 1-23-0328

Circuit Court/Agency No: 1993CR2265601

Trial Judge/Hearing Officer: JAMES B. LINN

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FIRST JUDICIAL DISTRICT
FROM THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS

Plaintiff/Petitioner

Reviewing Court No: 1-23-0328

Circuit Court/Agency No: 1993CR2265601

v.

Trial Judge/Hearing Officer: JAMES B. LINN

CORWYN BROWN

Defendant/Respondent

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FROM THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS

Plaintiff/Petitioner

Reviewing Court No: 1-22-1859

Circuit Court/Agency No: 1993CR2265601

v.

Trial Judge/Hearing Officer: JAMES B LINN

CORWYN BROWN

Defendant/Respondent

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APPEAL TO THE APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT
FROM THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS

Plaintiff/Petitioner

v.

CORWYN BROWN

Defendant/Respondent

Reviewing Court No: 1-23-0328

Circuit Court/Agency No: 1993CR2265601

Trial Judge/Hearing Officer: JAMES B. LINN

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