2026 IL App (1st) 250411-U
No. 1-25-0411
Order filed October 7, 2026

NOTICE: This order was filed under Illinois Supreme Court Rule 23 and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

THIRD DIVISION

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee,

v.

EDMUND INGRAM, Defendant-Appellant

Appeal from the Circuit Court of Cook County.
Honorable Diana L. Kenworthy, Judge, Presiding.
No. 98 CR 19853

PRESIDING JUSTICE QUISH delivered the judgment of the court.
Justices Lampkin and Rochford concurred in the judgment.

ORDER

¶ 1 *Held*: Defendant's successive postconviction petition was properly dismissed when defendant failed to establish cause for failing to bring his proportionate penalties clause claim earlier.

¶ 2 Defendant Edmund Ingram appeals the second-stage dismissal of his successive petition for postconviction relief filed under the Post-Conviction Hearing Act ("Act") (725 ILCS 5/122-1 *et seq.* (West 2020)). He contends that the circuit court erred in determining that he failed to establish cause for not raising his proportionate penalties clause claim in his initial postconviction petition. For the following reasons, we affirm the court's judgment.

¶ 3 Following a bench trial in 1999, defendant was convicted of two counts of first degree murder, one count of attempted first degree murder, and one count of unlawful use of a weapon by a felon ("UUWF") in connection with the June 1998 shooting of Mike Sampson, Bobby Carter, and Jerome Townsel. Defendant was 22 years old at the time of the shooting. Defendant's presentence investigative report ("PSI") revealed that he had been adjudicated delinquent for two counts of murder in 1991 and convicted as an adult of one count of delivery of a controlled substance in 1997, for which he was on probation at the time of the shooting. The court sentenced defendant to mandatory terms of life imprisonment for both counts of first degree murder and concurrent terms of 30 years' imprisonment for attempted first degree murder and five years' imprisonment for UUWF. This court affirmed defendant's convictions and sentences on direct appeal. See *People v. Ingram*, 325 Ill. App. 3d 1173 (2001) (table) (unpublished order under Illinois Supreme Court Rule 23).

¶ 4 In 2001, defendant filed an initial petition for postconviction relief claiming that his mandatory life sentences were void because the applicable sentencing statute was enacted in violation of the separation of powers. The petition was dismissed at the first stage, which was affirmed on appeal. See *People v. Ingram*, No. 1-02-3286 (2003).

¶ 5 In 2021, defendant, *pro se*, was granted leave to file a successive petition for postconviction relief, which is the subject of the present appeal. In the petition, defendant claimed that his mandatory life sentences violated the proportionate penalties clause of the Illinois Constitution (Ill. Const. 1970 art. 1, § 11) because the trial court was not able to consider his youth and its attendant circumstances when imposing his sentence, in violation of *Miller v. Alabama*, 576 U.S. 46 (2012), and its progeny. Defendant supported the petition with, among other things, a report from Dr. James Garbarino explaining the science of adolescent development and applying it to

defendant's case, as well as defendant's affidavit detailing his difficult upbringing, his account of the shooting, and his desire to change his life for the better. The court advanced defendant's petition to the second stage and appointed counsel to represent him.

¶ 6 Counsel for defendant then filed a certification pursuant to Illinois Supreme Court Rule 651(c) (eff. July 1, 2017) and a supplemental petition adopting and minimally amending defendant's *pro se* petition. The State moved to dismiss the supplemental petition, arguing that *Miller* did not provide cause for a successive petition and defendant otherwise failed to demonstrate prejudice because the statutory scheme mandating life sentences when a defendant murders two or more people has been held constitutional. In reply, defendant argued, in relevant part, that he demonstrated cause because he could not have brought his claim before the supreme court's decision in *People v. Harris*, 2018 IL 121932, which, he contended, expanded the scope of the proportionate penalties clause to allow the claim he now raises.

¶ 7 The circuit court granted the State's motion to dismiss, finding, in relevant part, that defendant did not demonstrate cause for his successive petition because his proportionate penalties claim was available prior to *Miller*. This appeal follows.

¶ 8 The Act allows a defendant to collaterally attack a conviction by asserting that it resulted from a substantial denial of his or her constitutional rights. 725 ILCS 5/122-1(a)(1) (West 2024). A postconviction proceeding is a collateral proceeding into constitutional issues that were not, and could not have been, raised on direct appeal. *People v. Terry*, 2016 IL App (1st) 140555, ¶ 32. Any claims that are not raised in an initial postconviction petition or in an amended petition are waived. *Id.* Claims that were previously raised and decided on direct appeal or in a prior postconviction petition are barred by *res judicata*. *People v. Pittman*, 2025 IL App (1st) 241175, ¶ 28.

¶ 9 Only one postconviction petition may be filed without leave of court. 725 ILCS 5/122-1(f) (West 2024). Successive petitions are "highly disfavored." *People v. Bailey*, 2017 IL 121450, ¶ 39. Leave of court to file a successive petition may only be granted if the petitioner demonstrates cause for failing to bring the claim in the initial postconviction petition and prejudice resulting from that failure. 725 ILCS 5/122-1(f) (West 2024). Cause is shown "by identifying an objective factor that impeded [defendant's] ability to raise a specific claim during his or her initial post-conviction proceedings." *Id.* Prejudice is shown "by demonstrating that the claim not raised during his or her initial post-conviction proceedings so infected the trial that the resulting conviction or sentence violated due process." *Id.* If the court grants leave to file, the successive petition advances to the second stage of proceedings, where the State may move for dismissal on any grounds, including the defendant's failure to demonstrate cause and prejudice. *Bailey*, 2017 IL 121450, ¶ 26. We review the dismissal of a petition at the second stage *de novo*. *People v. Sanders*, 2016 IL 118123, ¶ 31.

¶ 10 Defendant argues on appeal that he established cause for his failure to raise his *Miller*-based proportionate penalties clause claim in his initial postconviction petition because *Miller* and other related rulings upon which the claim is based were decided after his initial petition. He further contends that he established prejudice because his pleadings and attachments demonstrated that he was developmentally similar to a juvenile at the time of his offense, but the trial court did not consider his youth at sentencing.

¶ 11 In *Miller*, the United States Supreme Court held that, because children must be treated differently for purposes of sentencing, the eighth amendment forbids mandatory sentences of life without the possibility of parole for juvenile offenders convicted of murder. 567 U.S. at 471-72, 479. It further held that, before imposing a life sentence on a juvenile, a court must have the

discretion to consider the defendant's youth and its attendant characteristics. *Id.* at 483. Although *Miller* and its progeny directly apply only to juvenile offenders, the Illinois Supreme Court has recognized that young adult offenders serving life sentences may rely on the evolving science of adolescent brain development to raise a *Miller*-based as-applied constitutional challenge under the proportionate penalties clause of the Illinois Constitution. See *People v. Harris*, 2018 IL 121932, ¶¶ 45-48; see also *People v. Cortez*, 2021 IL App (4th) 190158, ¶ 47 (setting forth the elements of the claim).

¶ 12 While such a claim may be generally available, a defendant who was at least 21 years old at the time of the offense who raises it in a successive postconviction petition must still demonstrate cause for not raising it in his or her initial petition.[1] Defendant failed to do so here. Specifically, in *People v. Horshaw*, 2024 IL App (1st) 182047-B, ¶¶ 62-63, this court concluded that, based on the Illinois Supreme Court's decisions in *People v. Dorsey*, 2021 IL 123010, *People v. Clark*, 2023 IL 127273, *People v. Moore*, 2023 IL 126461, and *People v. Hilliard*, 2023 IL 128186, a young adult offender who received a mandatory life sentence, as defendant did in this case, cannot rely on *Miller* to establish cause for not raising a proportionate penalties claim earlier. See also *People v. Spencer*, 2025 IL 130015, ¶¶ 31-32; *People v. Walker*, 2022 IL App (1st) 201151, ¶ 29; *People v. Chavez*, 2025 IL App (1st) 231823-U, ¶¶ 13-16.

[1]Although section 122-1(g) of the Act (725 ILCS 5/122-1(g) (West 2026)), as amended by Public Act 104-0564 (eff. July 10, 2026), has "eliminated the cause requirement for defendants raising proportionate penalties clause challenges if they were under 21 years old at the time of their offense" (*People v. Hicks*, 2026 IL App (1st) 250144-U, ¶ 17), that provision does not apply to defendant in this case because he was 22 years old at the time of his offenses.

¶ 13 Defendant acknowledges *Horshaw*'s holding, but makes two arguments in response. First, he notes that this court in *People v. Dobbey*, 2025 IL App (1st) 231929-U, ¶ 34, held that *Moore*'s statement that *Miller* "does not provide cause for a young adult offender to raise a claim under the proportionate penalties clause" (see *Moore*, 2023 IL 126461, ¶ 40) did not bar a young adult offender who received a mandatory life sentence from raising a *Miller*-based proportionate penalties claim in a successive petition. However, *Dobbey* is distinguishable because it presented a unique procedural posture in which this court had already ruled in a prior appeal that the defendant had established cause, making that determination the law of the case. As such, the prior holding could only be reconsidered if a higher court subsequently made a contrary ruling on the same issue. *Dobbey*, 2025 IL App (1st) 231929-U, ¶¶ 32-33. This court concluded that *Moore*, which addressed discretionary life sentences (2023 IL 126461, ¶ 44), was not contrary to the prior cause determination, which concerned a mandatory life sentence, and therefore, allowed the defendant's claim to proceed based on the prior cause ruling. *Dobbey*, 2025 IL App (1st) 231929-U, ¶ 34.

¶ 14 We do not have the same situation here and thus, *Dobbey* does not apply. Further, the Illinois Supreme Court has not suggested a distinction between mandatory and discretionary life sentences in this context. See, *e.g.*, *People v. Leach*, 2024 IL App (4th) 230298, ¶¶ 85-88 ("[N]othing in *Moore* suggested a distinction between discretionary and mandatory sentences."); *People v. Merriweather*, 2023 IL App (1st) 220440-U, ¶ 21 (holding that the distinction between discretionary and mandatory life sentences is "irrelevant" in this context and the rationale of *Dorsey*, *Clark*, and *Moore* applies "to both claims involving discretionary life sentences and those involving a mandatory life sentence"). As *Horshaw* explained when addressing the same type of claim and mandatory life sentence at issue here, "*Dorsey*, *Clark*, *Moore*, and *Hilliard* all indicate

that the claim at issue in this case should be viewed as nothing more than an extension of proportionate penalties claims that have existed all along and that defendant did not need *Miller* or *Miller*-related proportionate penalties precedent to raise the claim now at issue." *Horshaw*, 2024 IL App (1st) 182047-B, ¶ 62. Indeed, "*Clark* and *Hilliard* reinforce this interpretation by clarifying that [*People v.*] *Thompson*, [2015 IL 118151,] and *Harris* opened the door only wide enough to accommodate claims involving mandatory life sentences that were raised in initial postconviction petitions." *Horshaw*, 2024 IL App (1st) 182047-B, ¶ 62.

¶ 15 Defendant next argues that Dr. Garbarino's report was not available to him at the time of his initial petition in 2001. However, even though the report was created recently, the underlying facts of defendant's upbringing and the law supporting defendant's youth-based proportionate penalties clause claim were available to him at the time of his prior postconviction petition. See *People v. Haines*, 2021 IL App (4th) 190612, ¶ 56. Defendant has not identified any "objective factor external to the defense" which prevented him from obtaining a report from Dr. Garbarino or a similar expert in time to include it in his prior filing. See *People v. Montanez*, 2023 IL 128740, ¶ 77.

¶ 16 This court has repeatedly held that the claimed unavailability of evidence similar to Dr. Garbarino's report does not constitute cause for failing to raise a proportionate penalties claim earlier. See, *e.g.*, *People v. French*, 2022 IL App (1st) 220122, ¶ 33 ("Defendant had ample time to summon the evidentiary support to raise his proportionate penalties claim. This is not a situation *** where cause was established because newly discovered evidence surfaced that the defendants had no control over."); *People v. Scaggs*, 2025 IL App (1st) 240953-U, ¶¶ 46-51. Here, as in *French*, Dr. Garbarino's report was based on historical information that defendant provided to him, so it is not a situation where cause exists "because newly discovered evidence surfaced that the

defendant[] had no control over." *French*, 2022 IL App (1st) 220122, ¶ 33. The fact that defendant did not obtain Dr. Garbarino's report until 2020 does not constitute cause for failing to raise his claim earlier.

¶ 17 Defendant's reliance on *People v. Blalock*, 2022 IL 126682, is misplaced. *Blalock* involved a defendant who moved for leave to file a second successive postconviction petition asserting a claim of actual innocence. *Id.* ¶ 29. Defendant attached evidence of police misconduct supporting his allegation that his inculpatory statement was the result of police abuse and coercion. *Id.* ¶¶ 29-32. Our supreme court held that the prior unavailability of new evidence of police misconduct constituted cause for failing to bring his claim earlier, but affirmed the denial of leave to file a successive petition, finding the defendant could not establish prejudice. *Id.* ¶¶ 45-46, 49.

¶ 18 *Blalock* is distinguishable because the corroborating evidence for the defendant's claim, evidence of a pattern and practice of police misconduct, was "external to the defense" and previously unavailable to defendant. *Id.* ¶¶ 44-45. Here, Dr. Garbarino's report is not external to the defense or outside of defendant's control, as it relies heavily on defendant's self-reporting of his own social history. Defendant does not explain why he could not have obtained either this report or a similar report earlier, before his initial postconviction petition. This court has repeatedly rejected attempts to rely on *Blalock* or similar cases involving alleged police misconduct in this situation. See, *e.g.*, *Scaggs*, 2025 IL App (1st) 240953-U, ¶¶ 50-51; *French*, 2022 IL App (1st) 220122, ¶ 33. Thus, *Blalock* does not support defendant's argument.

¶ 19 Because defendant did not establish cause for failing to raise his proportionate penalties clause claim with Dr. Garbarino's report earlier, we need not address whether he established prejudice. See *People v. Wilson*, 2023 IL 127666, ¶ 25 (declining to address the State's arguments regarding cause when the court found that no prejudice existed, noting that both cause and

prejudice must be established). Because defendant failed to meet the cause and prejudice test for successive postconviction petitions, the circuit court properly dismissed his successive petition.

¶ 20 Affirmed.