2026 IL App (1st) 240715

No. 1-24-0715

Opinion filed August 19, 2026

Third Division

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	No. 93 CR 19058
	)	
J.T. SPARKMAN,	)	Honorable
	)	Pamela Stratigakis,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE LAMPKIN delivered the judgment of the court, with opinion.
Justices Rochford and Reyes concurred in the judgment and opinion.

OPINION

¶ 1 Defendant J.T. Sparkman was convicted in 1995 of two murders he committed when he was 18 years old. The circuit court sentenced him to two concurrent terms of mandatory life imprisonment without the opportunity for parole.

¶ 2 In 2024, at the second stage of proceedings under the Post-Conviction Hearing Act (Act) (725 ILCS 5/122-1 *et seq.* (West 2016)), the circuit court dismissed defendant's successive postconviction petition, concluding that he failed to both satisfy the cause-and-prejudice standard and make a substantial showing of a constitutional violation. Therefore, the court ruled, he could

not proceed with his claim that his mandatory sentence of life imprisonment was unconstitutional as applied to him under the proportionate penalties clause of the Illinois Constitution (Ill. Const. 1970, art. I, § 11).

¶ 3 On appeal, defendant argues that he satisfied the cause-and-prejudice standard to obtain leave to file his successive postconviction petition. Specifically, he argues that new scientific research on child brain development and evidence regarding his upbringing were not available when he filed his first postconviction petition and the sentencing court was precluded from considering his personal circumstances, development, and rehabilitative potential since that court was bound to impose a life sentence.

¶ 4 Defendant also argues that he made a substantial showing that his sentence violated the proportionate penalties clause, where the sentencing court could not consider evidence that his traumatic childhood meant that he was more like a juvenile than an adult at the time of the offense. Specifically, he argues he made a substantial showing that his sentence shocks the moral sense of the community based on his incomplete brain development, the attendant characteristics of youth, the social context he grew up in, the abuse he suffered as a child, and his own individual characteristics. Defendant asks this court to reverse the circuit court's dismissal and remand for a third-stage evidentiary hearing.

¶ 5 For the reasons that follow, we reverse the judgment of the circuit court and remand this matter to the circuit court for a third-stage evidentiary hearing.

¶ 6 I. BACKGROUND

¶ 7 In 1995, defendant was tried before a jury for the shooting deaths of two rival street gang members: Shawn Knowles, who was 14 years old, and Derrick Russell, who was 16 years old.

Defendant, who was born on May 5, 1975, was 18 years old at the time of the offense on June 25, 1993. Earlier on the date of the shooting, sometime after 2:30 a.m., Russell was involved in an argument with a male known as "Twan," who was a member of the same street gang as defendant. The argument escalated into a fist fight, and Twan spat in Russell's face. Defendant was not present during this fight.

¶ 8 Multiple witnesses testified that, shortly after the fist fight, several members of the two rival street gangs had gathered outside a building. Some members of the group were trying to maintain the truce between the rival street gangs. Defendant was standing near Twan. Russell walked up to Twan and punched him in the face, and another member of defendant and Twan's street gang pulled out a gun. Defendant grabbed the gun from that man's hand, pointed it in Russell's direction, and fired two gunshots. Russell turned and attempted to run in the direction of the building. Russell pushed or grabbed Knowles, who tripped. Some witnesses testified that Russell tried to use Knowles as a shield. Defendant fired two more gunshots at Russell, who fell to the ground with Knowles. Defendant walked up to them as they lay on the ground and emptied his gun, firing another 13 to 17 times. Russell and Knowles died from multiple gunshot wounds. They both had six gunshot wounds on the front and back of their bodies. The assistant medical examiner recovered four bullets from each victim.

¶ 9 Defendant was arrested and gave a handwritten statement. He stated therein that he was a member of a street gang. On the date in question, he parked his car on the street, opened the trunk, removed an automatic pistol, and put it in his right pocket. As he walked toward the scene, he noticed the group of two rival street gang members arguing. He did not hear what they were arguing about. The two street gang groups ran off in opposite directions. Then, defendant pulled

out his gun, aimed it at his rival street gang members, and fired gunshots at them until he ran out of bullets. He saw Russell and "another person" fall to the ground. Defendant ran from the scene with the gun in his hand.

¶ 10 Defendant testified at the trial that, in February 1992, he had passed a building and Russell ran towards him and started shooting a gun. As defendant attempted to jump behind a dumpster, Russell shot him in the ankle. Defendant reported the matter to the police but ultimately did not pursue it because he was receiving threats. Regarding defendant's shooting of Russell and Knowles in 1993, defendant testified that he had heard about the fight between Russell and Twan and went to the building to "straighten things out." Defendant was among the group of two rival street gang members standing outside the building. Russell came out of the building, ran towards the group, and punched Twan. Defendant turned around to run but saw another male "with a gun out." Defendant "knew" that Russell would have a gun because he previously shot defendant in 1992. Defendant was scared and thought that he would get shot in that moment. So, defendant grabbed the gun from the other male and started shooting towards Russell, who was still running toward defendant. Russell grabbed Knowles and used him as a shield while Russell still moved toward defendant. Defendant testified that he had to continue shooting and was still scared even after he shot the tenth, eleventh, and twelfth bullets.

¶ 11 Defendant was convicted of two counts of first degree murder. At sentencing, the trial court held a hearing to determine if defendant was eligible for the death penalty. Defense counsel argued that eligibility was not automatic and the court should consider all the circumstances. Counsel argued that defendant acted in self-defense, where Russell brought violence toward defendant and Russell involved Knowles in the incident by using him as a shield. The court found that defendant

was eligible for the death penalty where he was 18 years old and was found guilty of a double homicide.

¶ 12 At the hearing in aggravation and mitigation, the chair of the jail's inmate disciplinary hearing board and a jail employee testified that jail guards had found three shanks in the mattress of defendant, who was suspended for this offense. Dr. John Sturman, a mitigation specialist with a background in psychiatry and psychology, testified about defendant's traumatic upbringing and its negative impact on his early childhood development. Specifically, defendant's biological father, who was absent from the family, was an alcoholic and prone to violence against defendant, his mother, and his siblings. Defendant's stepfather was also an alcoholic prone to violence and made sexual advances towards defendant's sisters. Defendant's mother was largely unavailable. She chronically gambled, abused cocaine, and used the family's money on drugs and her addictions. Defendant's sister was the *de facto* parent, and defendant and his siblings raised themselves. Their family lived at the Cabrini Green apartments, where there was rampant drug use and sales, constant shootings, and street gang wars. The family moved to a neighborhood in Humboldt Park but it was not an improvement, so they moved back to Cabrini Green. Defendant witnessed or experienced violence daily while growing up at Cabrini Green. Defendant saw his first shooting victim when he heard gunshots on his way to school and then saw the victim lying in the snow, which was red around the victim's body. Defendant put his head down and hurried to school to get away from any gunshots. Defendant was also stabbed by his mother's boyfriend and battered by others around the neighborhood.

¶ 13 Defendant's sister told Dr. Sturman that defendant preferred not to fight. He was a quiet and well-behaved child. He avoided violence and gang activity and wanted to leave Cabrini Green.

He often visited his grandmother and aunt, who lived in a better neighborhood. He enjoyed playing with his cousin and indicated that he wanted to move in with them. His grandmother and aunt proposed the idea to defendant's mother, but she refused. Dr. Sturman testified that given the realities of street gangs and urban violence, a young man placed himself in danger at Cabrini Green by not joining a street gang.

¶ 14 Dr. Michael Stone diagnosed defendant with dysthymia and narcissistic personality disorder. The symptoms for these diagnoses included a lack of empathy, depression, post-traumatic stress disorder (PTSD), and grandiosity masking insecurity and low self-esteem. According to Dr. Stone, there was a high level of anxiety in people who were raised in substance abusing, co-dependent homes and who have suffered domestic violence and were exposed to violence, shootings, and stabbings. There are flashbacks to the original event and episodes of disassociation from rational behavior.

¶ 15 The trial court concluded that the death penalty was not appropriate in defendant's case and imposed a mandatory sentence of two concurrent terms of natural life imprisonment, without the opportunity for parole. Specifically, the court considered that Russell shot defendant 16 months before the shooting in this case and started the incident in this case when Russell hit Twan at the scene. The court also acknowledged that defendant took someone else's gun and shot Knowles because Russell was using him as a shield. The court noted that defendant grew up in a violent and disorderly environment and did not have a substantial criminal background. The court indicated that, based on the circumstances, it "will, therefore, impose the only sentence that is now left"—*i.e.*, statutory mandated natural life without parole.

¶ 16 On appeal, defendant argued that the trial court committed reversible error in denying his motion for a mistrial. This court affirmed defendant's convictions on direct appeal. *People v. Sparkman*, 288 Ill. App. 3d 1105 (1997) (table) (unpublished order under Illinois Supreme Court Rule 23).

¶ 17 In 2001, defendant filed an initial postconviction petition, alleging that his sentence violated *Apprendi v. New Jersey*, 530 U.S. 466 (2000), and that he was denied a fair trial based on the admission of street gang evidence and the trial court's decisions on jury instructions. The circuit court dismissed defendant's initial postconviction petition at the second stage of postconviction proceedings. This court affirmed that dismissal, granting appellate counsel's motion for leave to withdraw pursuant to *Pennsylvania v. Finley*, 481 U.S. 551 (1987), and finding no issues of arguable merit. *People v. Sparkman*, 368 Ill. App. 3d 1221 (2006) (table) (unpublished order under Illinois Supreme Court Rule 23).

¶ 18 In 2017, defendant sought leave to file the instant successive postconviction petition. Citing *Miller v. Alabama*, 567 U.S. 460 (2012), and its progeny, defendant argued that his mandatory life sentence was unconstitutional as applied to him because the sentencing court could not consider the lessened culpability and greater rehabilitative potential of young adult offenders. The circuit court had initially appointed counsel to represent defendant but then, in May 2018, denied him leave to file his successive postconviction petition. On appeal, defendant moved this court to summarily reverse the circuit court's judgment, arguing that he satisfied the cause-and-prejudice test for leave to file a successive postconviction because *Miller*'s new substantive rule was not available earlier to counsel and applied retroactively to defendant's sentencing hearing. The State reviewed the record and motion and agreed to the proposed summary disposition. This court

allowed defendant's agreed motion, vacated the circuit court's denial of leave to file the successive postconviction petition, and remanded this cause to the circuit court with directions to grant defendant leave to file the petition and to appoint counsel for second-stage postconviction proceedings. *People v. Sparkman*, No. 1-18-1784 (2019) (unpublished order under Illinois Supreme Court Rule 23).

¶ 19 On remand, defendant amended his petition, arguing that he established cause and prejudice to file a successive petition. Regarding cause, he argued that brain science had "evolved to demonstrate that the brains of young adults continue to develop well into their mid-20s," but the sentencing court did not have access to this information and, thus, did not consider the specific youthful characteristics referenced in case law and defendant's rehabilitative potential. Regarding prejudice, he argued that he was subjected to a mandatory sentence in which the sentencing judge could not consider mitigating factors and defendant's rehabilitative potential.

¶ 20 Defendant attached to his petition the report Dr. Sturman had prepared for defendant's 1995 sentencing hearing. Defendant also attached to his petition an affidavit, wherein he detailed his childhood trauma, indicated that he grew up in poverty, and stated that he and his four siblings relied on welfare, government food, and public housing. His mother was a drug addict and gambler, and he considered his biological father "a deadbeat who was never around or there for [defendant]." Defendant averred that he was abused as a child but kept it hidden due to shame. He was also beaten, bullied, stabbed, and shot at various times in his childhood. He did not want to be a product of his environment but, rather, wanted to escape his violent neighborhood, so he sought out jobs such as door-to-door sales, babysitting, and janitorial work.

¶ 21 Defendant averred that he was diagnosed in jail with PTSD and sought therapy in prison. He routinely meditates and prays and wrote a book detailing his life. He also has made plans to obtain a "nine-to-five job" upon his release from prison. He avoided negative situations at the prison, even though there were threats to his life.

¶ 22 The State moved to dismiss defendant's petition, arguing that he received a *Miller*-compliant hearing and his natural life sentence did not violate the proportionate penalties clause. The State argued that defendant's health was evaluated "extensively" in this death penalty case and *Miller* did not apply to him because he was 18 years old at the time of the offense.

¶ 23 In 2024, the circuit court dismissed defendant's successive postconviction petition, finding that, considering recent case law, he did not satisfy the cause portion of the cause-and-prejudice test necessary for the court to address his proportionate penalties clause claim in his successive petition. The court also found that, even if defendant had satisfied the cause-and-prejudice test, his claim would fail on the merits because (1) he was an active participant in the offense; (2) the sentencing court considered the mitigating factors when the court declined to impose the death penalty; (3) the characteristics of his conditions of PTSD, narcissism, and histrionic disorder do not demonstrate brain immaturity; (4) mental illness weighs against a finding of rehabilitative potential since, unlike youth, it is not a transient characteristic; and (5) the legislature is not required to give an offender's rehabilitative potential greater weight than the seriousness of the offense in determining a proper penalty.

¶ 24 Defendant appealed.

¶ 25 II. ANALYSIS

¶ 26 On appeal, defendant argues that he both established cause under the cause-and-prejudice test and made a substantial showing that his mandatory natural life sentence for offenses he committed when he had just turned 18 years old violates the proportionate penalties clause of the Illinois Constitution. Specifically, defendant argues that he presented arguments and evidence concerning (1) the evolving neuroscience concerning the maturity and brain development of juveniles and young adults; (2) his traumatic childhood, individual characteristics, and rehabilitative efforts, which showed that he was more like a juvenile than an adult of the time of the offense; and (3) his showing of cause where the sentencing court lacked discretion to impose a lighter sentence despite mitigating evidence. Defendant asserts that he made a substantial showing that his mandatory life sentence deviates from the evolving standards of decency and shocks the moral sense of the community, therefore violating the proportionate penalties clause as applied to him.

¶ 27 The Act provides a method for an imprisoned individual to collaterally attack his or her conviction by establishing that "in the proceedings which resulted in [the] 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) (West 2016). Postconviction proceedings occur in three stages. *People v. Gaultney*, 174 Ill. 2d 410, 418 (1996). At the first stage, the circuit court determines, without input from the State, whether a petition is frivolous or patently without merit. *Id.*; 725 ILCS 5/122-2.1(a)(2) (West 2016). If the petition is advanced to the second stage, the court appoints counsel to represent the defendant and, if necessary, to file an amended petition; at this stage, the State must either move to dismiss or answer the petition. *Gaultney*, 174 Ill. 2d at

418; 725 ILCS 5/122-4, 122-5 (West 2016). If the defendant then makes a substantial showing of a constitutional violation, he proceeds to the third and final stage, an evidentiary hearing on the merits. *People v. Tate*, 2012 IL 112214, ¶ 10; 725 ILCS 5/122-6 (West 2016).

¶ 28 The Act contemplates the filing of just one postconviction petition. *People v. Pitsonbarger*, 205 Ill. 2d 444, 456 (2002); 725 ILCS 5/122-1(f) (West 2016). Any claims that were decided on direct appeal or in an earlier postconviction proceeding are generally barred by the doctrine of *res judicata*, and any claims that could have been, but were not, raised in such proceedings are forfeited. *People v. Blair*, 215 Ill. 2d 427, 443-44 (2005). The filing of successive postconviction petitions impedes the finality of criminal litigation and is highly disfavored. *People v. Davis*, 2014 IL 115595, ¶ 14; *People v. Dorsey*, 2021 IL 123010, ¶ 32. Consequently, a defendant bringing a successive postconviction petition faces immense procedural default hurdles, which "are lowered only in very limited circumstances." *Davis*, 2014 IL 115595, ¶ 14.

¶ 29 To file a successive postconviction petition, a defendant must obtain leave of court by establishing either "cause and prejudice" for failing to raise the claim earlier or "a fundamental miscarriage of justice based on actual innocence." *People v. Robinson*, 2020 IL 123849, ¶ 42; 725 ILCS 5/122-1(f) (West 2016). A defendant shows cause by "identifying an objective factor that impeded his or her ability to raise a specific claim during his or her initial post-conviction proceedings" and shows prejudice 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." 725 ILCS 5/122-1(f) (West 2016). If leave to file is granted, the petition is docketed for second-stage proceedings. *Robinson*, 2020 IL 123849, ¶ 43.

¶ 30 Although the cause-and-prejudice analysis is usually conducted by the court alone in determining whether the defendant should be granted leave to file a successive petition, the State may relitigate either cause or prejudice in a motion to dismiss after leave to file has been granted. *People v. Bailey*, 2017 IL 121450, ¶ 26. Leave to file should be denied when it is clear from a review of the successive petition and the documentation submitted by the defendant that the claims fail as a matter of law or the successive petition and its supporting documentation are insufficient to justify further proceedings. *Id.* ¶ 21. "In other words, the court must determine whether defendant has made a *prima facie* showing of cause and prejudice." *Id.* ¶ 24. The cause-and-prejudice test employs a higher standard than the first-stage frivolous or patently without merit standard. *People v. Smith*, 2014 IL 115946, ¶ 35. When a postconviction petition has been dismissed without an evidentiary hearing, our review is *de novo*. *People v. Sanders*, 2016 IL 118123, ¶ 31. Under the *de novo* standard, a reviewing court performs the same analysis that the circuit court would perform, making the question on review whether the court's decision was correct as a matter of law. *People v. McDonald*, 2016 IL 118882, ¶ 32. In answering this question, we take as true all well-pled allegations in the petition that are not positively rebutted by the trial record. *Robinson*, 2020 IL 123849, ¶ 45. The court does not make any factfinding or credibility determinations until the third stage, wherein the circuit court holds an evidentiary hearing, and the defendant bears the evidentiary burden of demonstrating a substantial showing of a constitutional violation. *People v. Pendleton*, 223 Ill. 2d 458, 473 (2006).

¶ 31 The proportionate penalties clause of the Illinois Constitution provides that "[a]ll penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship." Ill. Const. 1970, art. 1, § 11. A sentence violates the

proportionate penalties clause if "the punishment for the offense is cruel, degrading, or so wholly disproportionate to the offense as to shock the moral sense of the community." *People v. Miller*, 202 Ill. 2d 328, 338 (2002). The proportionate penalties clause provides broader protections than those provided in the eighth amendment. *People v. Gipson*, 2015 IL App (1st) 122451, ¶¶ 69-78; *People v. Clemons*, 2012 IL 107821, ¶ 36.

¶ 32 When this court in 2019 reversed the circuit court's denial of defendant's motion for leave to file a successive postconviction petition and remanded this case for second-stage proceedings, the case law concerning youth-based sentencing challenges had changed significantly since defendant was sentenced in 1995. We summarize the case law tracking our society's evolving understanding that juvenile and adult offenders are different and should be treated differently when it comes to sentencing.

¶ 33 In 2012, the United States Supreme Court announced in *Miller*, 567 U.S. at 465, that it was a violation of the eighth amendment's prohibition on cruel and unusual punishment for states to mandate a sentence of life in prison without the opportunity for parole for juvenile offenders. A court may impose such a sentence, but it must do so as an exercise of discretion, after considering factors relevant to the "immaturity, impetuosity, and failure to appreciate risks and consequences" that are the hallmarks of youth. *Id.* at 477-79.

¶ 34 Although the United States Supreme Court had "clearly and consistently drawn the line between juveniles and adults for the purpose of sentencing at the age of 18" (*People v. Harris*, 2018 IL 121932, ¶ 58 (discussing cases)), our own supreme court had twice recognized that emerging adults who were between the ages of 18 and 21 at the time of their crimes could also rely on the evolving neuroscience and societal standards underlying the rule in *Miller* to support

as-applied challenges to their life sentences under the Illinois proportionate penalties clause (see *People v. Daniels*, 2020 IL App (1st) 171738, ¶¶ 24-25). For example, in *People v. Thompson*, 2015 IL 118151, ¶¶ 43-44, the court held that although the lack of a supporting record prevented a defendant who was 19 years old at the time of his crime from raising such a claim on direct appeal, he was "not necessarily foreclosed" from asserting that claim in postconviction proceedings. And in *Harris*, 2018 IL 121932, ¶ 48, the court stated that the as-applied, youth-based sentencing challenge of a defendant who was 18 years old at the time of his crime was "more appropriately raised" in a postconviction petition. Through these cases, the court had

> "opened the door for a young-adult offender to demonstrate, through an adequate factual record, that his or her own specific characteristics were so like those of a juvenile that imposition of a life sentence absent the safeguards established in *Miller* was cruel, degrading, or so wholly disproportionate to the offense that it shock[ed] the moral sense of the community." (Internal quotation marks omitted.) *Daniels*, 2020 IL App (1st) 171738, ¶ 25.

¶ 35 Thereafter, however, the relevant case law evolved in a manner that significantly limited a defendant's ability to bring such a claim in a successive postconviction petition, based on the defendant's inability to establish cause. Specifically, in *Dorsey*, the defendant, who had committed the offenses in 1996 when he was 14 years old, sought leave to file a successive postconviction petition to challenge his discretionary, 76-year aggregate sentence under *Miller*. *Dorsey*, 2021 IL 123010, ¶¶ 4, 13-19, 23, 25. Our supreme court held that, although the holding in *Miller* was announced as a new substantive rule, it did not provide cause for making an alternative claim in a successive petition under the proportionate penalties clause by an offender who was under 18 years

old because the proportionate penalties clause, which long predated *Miller*, had always been a basis on which a sentence could be challenged. *Id.* ¶ 74. Then, 1½ years later, in *People v. Clark*, 2023 IL 127273, the court extended *Dorsey*'s holding to successive postconviction claims based on a defendant's intellectual disabilities. *Id.* ¶¶ 61-62, 4-19, 24 (involving a defendant who was 24 years old at the time of the 1993 offenses and received a discretionary 90-year *de facto* life sentence). A few months after *Clark* was issued, the court in *People v. Moore*, 2023 IL 126461, ruled that the holdings in *Dorsey* and *Clark* applied to emerging adult offenders—those between 18 and 21 years of age. *Id.* ¶¶ 40, 1, 14, 25 (involving two defendants, who were 19 years old at the time of their separate 1997 offenses and received discretionary life sentences).

¶ 36 There has been some disagreement in this appellate court concerning whether the supreme court's rulings in *Dorsey*, *Clark*, and *Moore*, which foreclosed proportionate penalties claims in successive postconviction petitions due to the defendants' inability to establish cause, were applicable just to defendants who received discretionary sentences rather than mandatory sentences. See *People v. Horshaw*, 2024 IL App (1st) 182047-B, ¶ 60 (under *Moore*, "*Miller* cannot provide cause for proportionate penalties challenges for young adults regardless of whether the life sentence is mandatory or discretionary"); *People v. Leach*, 2024 IL App (4th) 230298, ¶¶ 86-87 (same); *People v. McGee*, 2025 IL App (1st) 231591-U, ¶¶ 32, 36, *pet. for leave to appeal granted*, No. 131880 (Ill. Sept. 24, 2025) (same); *People v. Dobbey*, 2025 IL App (1st) 231929-U, ¶ 34 (distinguishing *Moore* as applicable to discretionary life sentences, and not the defendant's mandatory *de facto* life sentence); and *People v. Conwell*, 2026 IL App (1st) 240714, ¶¶ 6, 37-38, 41, 46 (distinguishing *Moore* as applicable to discretionary life sentences, and not the defendant's mandatory life sentence with no opportunity for parole).

¶ 37 However, we need not resolve this disagreement based on the recent amendment to the Act that relieves defendant of the burden to demonstrate cause to proceed with his proportionate penalties clause claim in his successive petition. On July 10, 2026, subsection 122-1 of the Act was amended by adding subsection (g), which provides:

> "A petitioner who was convicted of a felony offense committed when that person was under 21 years of age who seeks leave to file a successive post-conviction petition claiming that his or her sentence violates Section 11 of Article I of the Illinois Constitution does not have to demonstrate cause as set forth in subsection (f) of this Section." Pub. Act 104-564 (eff. July 10, 2026) (amending 725 ILCS 5/122-1).

¶ 38 When the legislature has not indicated the temporal reach of new legislation, the Illinois Supreme Court adopted the United States Supreme Court's retroactivity analysis set forth in *Landgraf v. USI Film Products*, 511 U.S. 244 (1994). *People ex rel. Alvarez v. Howard*, 2016 IL 120729, ¶ 19. Under *Landgraf*'s

> "two-part approach, the first question is whether the legislature has clearly indicated the temporal reach of the amended statute. [Citation.] If so, then that expression of legislative intent must be given effect, absent a constitutional prohibition. [Citation.] If not, then the court proceeds to step two and determines whether the statute would have a retroactive impact. A statute has a retroactive impact if it would impair rights a party possessed when he acted, increase a party's liability for past conduct, or impose new duties with respect to transactions already completed. [Citation.] If there is no retroactive impact, the statutory amendment may be applied retroactively; if there is a retroactive impact, the court presumes that the legislature intended the amendment to be prospective only. [Citation.]

> [However, the Illinois Supreme Court] later clarified *** that because of the existence of section 4 of the Statute on Statutes (5 ILCS 70/4 (West 2014)), application of the *Landgraf* test in Illinois would prove uneventful. [Citation.] Section 4 is a general savings clause, which [the supreme] court has interpreted as meaning that procedural changes to statutes will be applied retroactively, while substantive changes are prospective only. [Citation.] Thus, *** an Illinois court will never need to go beyond step one of the *Landgraf* test because the legislature has clearly set forth the temporal reach of every amended statute. [Citation.] If the temporal reach of the amendment is not set forth in the statutory amendment itself, then it is provided by default in section 4. [Citation.]" (Internal quotation marks omitted.) *Id.* ¶¶ 19-20.

¶ 39 Applying these principles in this case, we note that the legislature has not set forth the temporal reach of the statutory amendment at issue. Consequently, section 4 of the Statute on Statutes supplies the default rule, and procedural changes are applied retroactively. 5 ILCS 70/4 (West 2016). Here, both sides agree that the statutory amendment is procedural. Because the amendment would affect only whether a procedural hurdle applies to a particular filing, we conclude that the amendment is procedural in nature and applies retroactively to defendant's successive petition. Accordingly, defendant is not required to show cause.

¶ 40 The State argues, however, that the circuit court properly dismissed defendant's successive petition because he failed to demonstrate prejudice. The State contends that the statute under which defendant was sentenced to mandatory life imprisonment, section 5-8-1(a)(1)(c)(ii) of the Unified Code of Corrections (730 ILCS 5/5-8-1(a)(1)(c)(ii) (West 1994)), has long been recognized as constitutional. The State further argues that for defendant to show that this statute is

unconstitutional as applied to him, his sentence must be unconstitutionally disproportionate such that the punishment for the offense is cruel, degrading, or so wholly disproportionate to the offense as to shock the moral sense of the community. According to the State, defendant cannot justify further postconviction proceedings because his natural life sentence does not shock the moral sense of the community when his allegations are considered in conjunction with the circumstances of the case. Specifically, the State refers to defendant grabbing the gun from someone else's hand and firing two gunshots at Russell; defendant firing two more gunshots at Russell when he brought Knowles into the line of fire; and defendant walking up to Russell and Knowles after they fell to the ground and firing at them another 13 to 17 times, until defendant's gun was empty.

¶ 41 The State's argument lacks merit because it misstates what defendant must show under the cause-and-prejudice standard. For this court to dismiss defendant's successive petition for failure to demonstrate prejudice, we must conclude, as a matter of law, that he failed to show that his claim—that, as applied to him, the statutory provisions that prevented the sentencing court from considering any mitigation before imposing mandatory life sentences without the opportunity for parole for the murders he committed when he was 18 years old—so infected his sentencing hearing that his resulting sentence violated due process given the scientific research related to juvenile and young adult brain development, and the new sentencing laws and case law that have trended in the direction of certain increased protections for juveniles and young adults. The statutorily precluded mitigation here includes scientific evidence that the brain development that occurs during adolescence directly affects an individual's sensation-seeking and decision-making. This mitigation also includes evidence of defendant's incomplete brain development as a young adult; the violent, impoverished, and dangerous social context in which he grew up; the abuse and neglect

he suffered as a child; his anxiety, depression, PTSD, and grandiosity masking insecurity and low self-esteem; his capability of rehabilitation; and his individual characteristics related to his youth, which rendered him more like a juvenile than an adult insofar as his lack of maturity, underdeveloped sense of responsibility, recklessness, impulsivity, heedless risk-taking, and vulnerability to negative influences and peer pressure. Recognizing that successive postconviction petitions are highly disfavored and face immense procedural hurdles that are lowered only in very limited circumstances (*Davis*, 2014 IL 115595, ¶ 14), we conclude that defendant has demonstrated prejudice to proceed with his petition under the Act.

¶ 42 Next, we address the circuit court's ruling that defendant, through his petition and accompanying documentation, failed to meet his burden to make a substantial showing of a constitutional violation. See *People v. Domagala*, 2013 IL 113688, ¶ 33. Evidentiary questions are not to be resolved at this stage. *Id.* ¶ 35. All well-pleaded facts that are not positively rebutted by the original trial record are to be taken as true. *Id.*

> "The inquiry into whether a post-conviction petition contains sufficient allegations of constitutional deprivations does not require the circuit court to engage in any fact-finding or credibility determinations. The Act contemplates that such determinations will be made at the evidentiary stage, not the dismissal stage, of the litigation. Due to the elimination of all factual issues at the dismissal stage of the post-conviction proceeding, a motion to dismiss raises the sole issue of whether the petition being attacked is proper as a matter of law." *People v. Coleman,* 183 Ill. 2d 366, 385 (1998).

"[T]he 'substantial showing' of a constitutional violation that must be made at the second stage [citation] is a measure of the legal sufficiency of the petition's well-pled allegations of a

constitutional violation, *which if proven* at an evidentiary hearing, would entitle [the defendant] to relief." (Emphasis in original.) *Domagala*, 2013 IL 113688, ¶ 35. The circuit court's dismissal of a postconviction petition at the second stage is reviewed *de novo*. *People v. Velasco*, 2018 IL App (1st) 161683, ¶ 91.

¶ 43 On appeal, defendant argues that he made a substantial showing of a proportionate penalties clause violation because the sentencing court did not consider his rehabilitative potential and the impact of his youth in sentencing him. He argues that he presented compelling and legally cognizable evidence that his traumatic childhood meant he was more like a juvenile than an adult. He contends he made a substantial showing of a constitutional violation where his petition sets forth the new scientific research about brain development and the record shows that the sentencing court did not have the discretion necessary to satisfy *Miller* or even consider imposing a lesser sentence. Specifically, defendant argues that this constitutional violation is established by evidence that (1) adolescents like him have an undeveloped brain and that the development that takes place during this period has a direct effect on late adolescents' sensation-seeking and decision-making; (2) his personal characteristics, impoverished childhood, and abusive upbringing support a conclusion that his brain was underdeveloped to an extent that impacted his culpability for his murder offenses; (3) he received a natural-life sentence, despite his undeveloped brain; and (4) he demonstrated that he is capable of rehabilitation now that his brain is fully developed. Defendant also argues that Dr. Sturman's 1995 report chronicled behavior entirely consistent with the more recent scientific evidence about brain development, impulse control, and decision-making that are special characteristics of juvenile offenders.

¶ 44 The State argues that defendant cannot establish that his sentencing was unconstitutional because the mental immaturity of a young adult does not render a life sentence for two murders shocking to the moral sense of the community and Illinois courts have repeatedly rejected claims nearly identical to defendant's claim. Specifically, the State cites *People v. Hilliard*, 2023 IL 128186, where the defendant was 18 years old when he fired multiple gunshots at the victim at close range with no demonstrated provocation. *Id.* ¶ 5. The defendant was convicted of attempted first degree murder, for which the court sentenced him to 15 years' imprisonment, plus the minimum of 25 years for the firearm enhancement. *Id.* ¶ 9. In his initial postconviction petition, the defendant argued that the mandatory nature of the 25-year firearm enhancement violated the proportionate penalties clause because it deprived the trial court of the ability to consider that he was only 18 years old at the time of the offense; he had no prior criminal convictions; his culpability was mitigated because his age placed his cognitive abilities with those of 16 to 17 year olds; scientific research showed that the parts of the brain that govern impulsivity, judgment, and future planning continue to develop until people are in their early twenties; he had a "troubling social history, where he did not have a relationship with his father and had not been enrolled in school since the fifth grade"; and he had rehabilitative potential since he had a supportive family and no street gang involvement. (Internal quotation marks omitted.) *Id.* ¶¶ 11-12.

¶ 45 Our supreme court rejected the defendant's argument and affirmed the first-stage dismissal of his petition as frivolous and patently without merit. *Id.* ¶ 40. The court held that the defendant's reliance on *Miller* and its progeny was misplaced because he did not receive a mandatory *de facto* life sentence; his reliance on *Leon Miller* was misplaced because his situation was "readily distinguishable" from the 15-year-old Leon Miller, who "had moments to decide whether to help

the accomplices and stood as a lookout during the subsequent shooting but did not touch a gun"; the recent legislation, which gave courts discretion to impose the firearm enhancement on juvenile offenders and offered parole review to defendants under 21 years old at the time of certain offenses, did not support a showing that the defendant's mandatory firearm enhancement sentence was contrary to society's evolving standard of decency because the legislature chose not to make that legislation retroactive; and our constitution does not indicate that an offender's possibility of rehabilitation was to be given greater weight than the seriousness of the offense in determining a proper penalty. *Id.* ¶¶ 27, 33-34, 36-39, 40.

¶ 46 The State argues that, under an analysis consistent with *Hilliard*, defendant cannot make a substantial showing of a proportionate penalty clause violation because he cannot show that his sentence shocks the moral sense of the community. The State's reliance on *Hilliard* is misplaced. Here, unlike in *Hilliard*, the statutory scheme under which defendant was sentenced mandated that he receive a life sentence without the opportunity for parole. So, taking all well-pleaded, unrebutted facts as true, defendant has made a substantial showing that the science concerning brain development underlying *Miller* and its progeny applies to his circumstances and the sentencing court was not able to consider his youth and its attendant circumstances of immaturity, impulsivity, underdeveloped sense of responsibility, and vulnerability to negative influences. See *People v. Green-Hosey*, 2025 IL App (2d) 240284, ¶¶ 60-61 (holding that the defendant, after a third-stage evidentiary hearing, met his burden to prove that his mandatory life sentence for the murder he committed at age 18 violated the proportionate penalties clause). Furthermore, since *Hilliard*, the legislature has further amended the parole statute for persons under the age of 21 at the time of the commission of the offense. See 730 ILCS 5/5-4.5-115 (West 2024). Specifically,

the legislature amended this statute to, *inter alia*, allow parole review for offenders who were sentenced after the statute took effect on June 1, 2019, and who were under age 21 at the time of their multiple first degree murder offenses and have served 40 years of their sentence. Pub. Act 102-1128, § 5 (eff. Jan. 1, 2024) (amending 730 ILCS 5/5-4.5-115). The legislature amended this statute again to list 15 factors the prisoner review board shall consider in deciding whether to grant or deny parole, including the petitioner's participation in rehabilitative programming; the petitioner's potential for rehabilitation or the evidence of his rehabilitation; the applicant's age at the time of the offense; the circumstances of the offense and the petitioner's role and degree of participation in the offense; the petitioner's family, home environment, educational and social background at the time of the offense; and evidence that the petitioner has suffered PTSD, adverse childhood experiences, or other traumas that could have been a contributing factor to a person's criminal behavior and participation in the offense. Pub. Act 104-11, § 10 (eff. June 20, 2025) (amending 730 ILCS 5/5-4.5-115). Under the 2024 amendment, if an 18-year-old offender was convicted now of the same offenses that defendant was convicted of in 1995, the offender would be eligible for parole after 40 years rather than never, as required by defendant's sentence. This sentencing change was not made retroactive for young adult offenders (under 21 years of age) like defendant. Nevertheless, he has recourse to seek resentencing through a proportionate penalties clause claim.

¶ 47 The State also challenges defendant's second-stage substantial showing by arguing that Dr. Sturman's report from defendant's original sentencing hearing does not include an analysis of defendant's neurological development but instead analyzes the role his upbringing may have played in the psychological diagnoses he displayed, particularly narcissism. At the second stage

of proceedings under the Act, where all well-pled and unrebutted facts are taken as true, defendant needs to show that the new science concerning juvenile and young adult brain development applies to him. Here, defendant showed (1) the new scientific evidence concerning maturation and brain development after age 18 and into a person's mid-20s, (2) Dr. Sturman's report, which gave a detailed analysis of defendant's upbringing and documented the trauma he experienced, which defendant contends negatively impacted his maturation, and (3) his maturation after receiving treatment for his PTSD diagnosis, demonstrated by his ability to identify his triggers, the absence of disciplinary actions against him for 10 years in prison, his renouncing of his street gang membership, and his reading, meditation, and ability to process trauma. This is sufficient for defendant to proceed to a third-stage evidentiary hearing under the Act.

¶ 48 III. CONCLUSION

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

¶ 50 Reversed and remanded.

***People v. Sparkman*, 2026 IL App (1st) 240715**

Decision Under Review:	Appeal from the Circuit Court of Cook County, No. 93-CR-19058; the Hon. Pamela Stratigakis, Judge, presiding.
Attorneys for Appellant:	James E. Chadd, Douglas R. Hoff, Walter Paul, Melinda Grace Palacio, and Kathryn L. Oberer, of State Appellate Defender's Office, of Chicago, for appellant.
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