2026 IL App (1st) 240988-U

No. 1-24-0988

Filed September 16, 2026

Third Division

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

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

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| THE PEOPLE OF THE STATE OF ILLINOIS,<br><br>Plaintiff-Appellee,<br><br>v.<br><br>JESSIE WILLIAMS,<br><br>Defendant-Appellant. | )<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>) | Appeal from the Circuit Court of Cook County.<br><br>No. 03 CR 14310 03<br><br>Honorable Michael B. McHale, Judge, presiding. |

JUSTICE MARTIN delivered the judgment of the court.
Presiding Justice Quish and Justice Lampkin concurred in the judgment.

**ORDER**

¶ 1 *Held*: Cause remanded for new second-stage postconviction proceedings when the circuit court failed to comply with our mandate and an amendment to the Post-Conviction Hearing Act relieves the petitioner from showing cause to file a successive petition asserting a proportionate penalties claim.

¶ 2 Jessie Williams appeals the circuit court's dismissal of his postconviction petition at the second stage of proceedings. We reverse and remand for new proceedings.[1]

[1]In adherence with the requirements of Illinois Supreme Court Rule 352(a) (eff. July 1, 2018), this appeal has been resolved without oral argument upon the entry of a separate written order.

¶ 3 Williams was convicted of felony murder and two counts of armed robbery. One of his codefendants personally discharged a firearm that proximately caused the victim's death. Williams was aged 19 at the time of the offenses which occurred in 2003. He was sentenced to 28 years for murder plus a 15-year mandatory firearm enhancement, for a 43-year aggregate term.

¶ 4 Williams's conviction and sentence were affirmed on direct appeal. *People v. Williams*, 1-08-0907 (2011) (unpublished order under Illinois Supreme Court Rule 23). Williams filed an initial postconviction petition in 2012, which the circuit court summarily dismissed. This court affirmed after allowing appointed counsel to withdraw pursuant to *Pennsylvania v. Finley*, 481 U.S. 551 (1987). *People v. Williams*, 1-12-2634 (summary order under Illinois Supreme Court Rule 23).

¶ 5 In 2018, Williams sought leave to file a successive postconviction petition asserting his sentence violated the proportionate penalties clause of the Illinois Constitution (Ill. Const. 1970, art. I, § 11). Specifically, Williams claimed his 43-year prison term for an offense committed at age 19 amounted to a *de facto* life sentence imposed without consideration of his youth and attendant factors. The trial court denied Williams leave to file. This court reversed and remanded the matter upon our finding that Williams had established both cause and prejudice to file a successive petition asserting a proportionate penalties claim. *People v. Williams*, 2020 IL App (1st) 190387-U. Cause had been shown, since Williams was sentenced before decisions of the United States and Illinois Supreme Courts on sentencing of juveniles and young adults on which Williams's claim depended, principally *Miller v. Alabama*, 567 U.S. 460 (2012). *Id*. ¶ 17. As to prejudice, we found Williams's motion, proposed petition, supporting material, and the record made a *prima facie* showing that relevant "factors were not properly viewed through the prism

of *Miller* and its progeny at sentencing." *Id*. ¶ 28. We noted, however, that the State could still seek dismissal of the petition based on whether Williams could prove prejudice. *Id*. ¶ 29.

¶ 6 On remand, appointed counsel filed a certificate under Illinois Supreme Court Rule 651(c) (eff. July 1, 2017). Counsel asserted Williams's previously filed *pro se* petition adequately presented his claim and, therefore, counsel did not amend or supplement the petition. The State filed a motion to dismiss, arguing Williams could no longer establish cause for his claim based on our supreme court's rulings in *People v. Clark*, 2023 IL 127273 and *People v. Moore*, 2023 IL 126461, which were decided after we issued our order remanding this matter. In those cases, our supreme court held that the *Miller* decision did not provide a juvenile or young adult offender cause to raise a proportionate penalties claim. *Clark*, 2023 IL 127273, ¶ 61 (as to juveniles); *Moore*, 2023 IL 126461, ¶ 42 (as to young adults). The State made no argument concerning whether Williams had shown prejudice or made a substantial showing of a constitutional violation to warrant an evidentiary hearing. The circuit court agreed with the State and dismissed Williams's petition for lack of cause to file a successive petition based on *Moore*. Williams appeals.

¶ 7 On appeal, Williams argues his postconviction counsel failed to provide reasonable assistance by either supporting the claim with available evidence or moving to withdraw if counsel believed the claim lacked merit.

¶ 8 Though the parties do not address it, we observe that the circuit court failed to follow our mandate. We determined that Williams had established cause and made a *prima facie* showing of prejudice to warrant leave to file his successive petition. Our decision expressly contemplated that the State could challenge whether Williams could prove prejudice. *Williams*, 2020 IL App (1st) 190387-U, ¶ 29. Instead, the State challenged the decided issue of cause, and the circuit court dismissed Williams's petition on that basis alone.

¶ 9 "[A] trial court must obey the clear and unambiguous directions in a mandate issued by a reviewing court." *People ex rel. Daley v. Schreier*, 92 Ill. 2d 271, 276 (1982). "[W]hen a reviewing court issues a mandate, it vests the trial court with jurisdiction to take only such action as conforms to that mandate." *Id.* Even if the reviewing court's directions in a mandate are erroneous, the trial court must "strictly follow those directions." *Id*. at 277.

¶ 10 On remand, the trial court has no authority to take any action other than what the mandate directs. *People v. Brown*, 2022 IL 127201, ¶ 29. A party's motion contrary to the mandate is an "impermissible attack on the judgment rendered by this court." (Internal quotation marks omitted.) *Id*. ¶ 26. Even though the law changed after we issued our mandate, the trial court had no authority to contradict it. *Id*. ¶ 25.

¶ 11 We take guidance from the Fourth District's decision in *People v. Gregory*, 2024 IL App (4th) 240522-U. See Ill. S. Ct. R. 23(e)(1) (eff. June 3, 2025) (nonprecedential orders may be cited for persuasive purposes). There, the appellate court determined that a 17-year-old sentenced to an aggregate term of 45 years following a guilty plea was entitled to be resentenced based on *Miller* and its progeny. *Id*. ¶ 15. After the appellate court issued its mandate, our supreme court held in *People v. Jones*, 2021 IL 126432, that a juvenile who pled guilty cannot challenge his sentence on *Miller* grounds. After a hearing, the circuit court found that *Jones* required the original sentence to be imposed and did so. *Id*. ¶ 27. On appeal, the fourth district found that the circuit court had no authority to deviate from its mandate to resentence the defendant even though the law had changed. *Id*. ¶ 40. Therefore, the court vacated the sentence and remanded for a new sentencing hearing. *Id*. ¶ 44.

¶ 12 Like the court in *Gregory*, we find the circuit court lacked authority to revisit whether Williams had shown cause to file a successive petition, even though subsequent supreme court decisions altered the law on this issue. Therefore, we must vacate the circuit court's judgment.

¶ 13 The failure to comply with our mandate is a sufficient basis to vacate the trial court's dismissal of Williams's petition. In addition, the reason for the dismissal is no longer valid. The legislature amended the Post-Conviction Hearing Act (Act) (725 ILCS 5/122-1 *et seq*. (West 2024)), adding subsection (g) to section 122-1, 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).

In *People v. Sparkman*, 2026 IL App (1st) 240715, this court determined that the amendment affects only a procedural hurdle and, therefore, applies retroactively. *Id*. ¶ 39. Thus, Williams was not required to show cause.

¶ 14 For these reasons, we vacate the circuit court's judgment dismissing Williams's petition and remand for new second-stage proceedings under the Act. Having resolved this matter on other grounds, we need not address whether Williams's postconviction counsel failed to provide reasonable assistance. Williams may amend his petition on remand. We express no opinion on the underlying merits of Williams's claim.

¶ 15 Judgment vacated.

¶ 16 Cause remanded.