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IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
Plaintiff-Appellee,	)	Circuit Court of Cook County
v.	)	No. 96 CR 3575
KENNETH SHIEF	)	The Honorable Arthur Willis,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE NAVARRO delivered the judgment of the court.
Justice Mitchell concurred in the judgment.
Justice Ocasio dissented.

ORDER

- ¶ 1 *Held:* The circuit court properly dismissed defendant's postconviction petition where defendant's fully negotiated guilty plea waived his claim under *Graham v. Florida*, 560 U.S. 48 (2010).
- ¶ 2 In this postconviction appeal, defendant Kenneth Shief contends that his aggregate sentence of 90 years' imprisonment, made up of three 30-year sentences served consecutively, violates the eighth amendment's prohibition against sentences of life without parole for juvenile nonhomicide offenders. See *Graham v. Florida*, 560 U.S. 48, 82 (2010). The circuit court granted the State's motion to dismiss the petition. We affirm.

¶ 3

I. BACKGROUND

¶ 4

Shief was indicted by a grand jury on multiple charges, including aggravated criminal sexual assault, aggravated kidnaping, armed robbery, robbery, aggravated unlawful restraint, unlawful restraint, and attempted robbery. These charges were in connection with several incidents that occurred between January 3, 1996, and January 14, 1996. Shief, who was 17 years old at the time, forced female victims into alleyways by either gunpoint or by putting his hand in his pocket to look like a gun, to rape them or force them to perform sexual acts on him, or both. He also robbed them of jewelry and clothing.

¶ 5

On June 11, 1998, a Rule 402 conference was held. At the conference, the trial judge noted that Shief was currently in prison serving 25 years for armed robbery in a separate case. He had six additional pending cases against him. The parties agreed that if the trial court accepted Shief's pleas of guilty to certain charges across all six pending cases, he would receive 30-year sentences on each charge, including, pertinent to this appeal, for each of the three counts of aggravated criminal sexual assault in case no. 96 CR 3575, with several counts to be dismissed.

¶ 6

The sentences for all the cases were to run concurrently, except for the three aggravated criminal sexual assault charges in case no. 96 CR 3575, which were mandated to run consecutively, resulting in an aggregate term of 90 years. These sentences were also to run concurrently to the 25-year sentence Shief was already serving. He did not move to withdraw his guilty plea or appeal his conviction.

¶ 7

On May 31, 2017, Shief filed a *pro se* postconviction petition challenging his three consecutive 30-year sentences under *Miller v. Alabama*, 567 U.S. 460 (2012). In his petition, Shief alleged that his aggregate "sentence of 90 years for crimes committed when he was 17 years old amounts to a '*de facto* life sentence' in violation of [the] cruel and unusual punishment clause of the eighth amendment." His petition discussed numerous cases on juvenile sentencing, including *Roper v. Simmons*, 543 U.S. 551 (2005), *Graham*, 560 U.S. 48, and *Miller*, 567 U.S. 460.

¶ 8 In March 2018, the circuit court, apparently believing the petition to be a successive one, denied leave to file. Shief appealed, and we entered an agreed order summarily reversing and remanding for second-stage proceedings.

¶ 9 On July 5, 2022, Shief's appointed counsel filed a supplemental petition and a certificate pursuant to Illinois Supreme Court Rule 651(c) (eff. July 1, 2017). Citing *People v. Buffer*, 2019 IL 122327, the supplemental petition argued that Shief's aggregate 90-year sentence exceeded the 40-year limit identified in *Buffer* and amounted to a *de facto* life sentence.

¶ 10 The State moved to dismiss Shief's *pro se* petition and the supplemental petition, arguing that the petition was untimely and that Shief failed to allege sufficient facts demonstrating that the delay in filing was not due to culpable negligence. The State further argued that Shief's voluntary guilty plea waived all nonjurisdictional errors. Finally, the State maintained that Shief failed to raise a cognizable constitutional claim under *Miller*. Shief responded that he was not culpably negligent for failing to file the petition sooner because it was based on case law, including *Miller* and *Buffer*, that had not become available until recently.

¶ 11 The court granted the motion to dismiss, finding that although Shief was not culpably negligent in filing late, his knowing and voluntary guilty plea waived his current sentencing challenge.

¶ 12 II. ANALYSIS

¶ 13 On appeal, Shief raises several related challenges to the second-stage dismissal of his postconviction petition. He principally contends that his aggregate 90-year sentence, imposed for nonhomicide offenses committed when he was 17 years old, constitutes an unconstitutional *de facto* life sentence under the eighth amendment. Relying on *Graham*, Shief argues that the prohibition against life without parole for juvenile nonhomicide offenders applies regardless of whether the sentence was imposed mandatorily or through the exercise of sentencing discretion. Shief further contends that his fully negotiated plea did not waive his constitutional challenge and that his delay in filing is not attributable to culpable negligence. Finally, Shief argues that, to the

extent any of these contentions were forfeited or inadequately presented below, postconviction counsel failed to provide the reasonable assistance required by Illinois Supreme Court Rule 651(c).

¶ 14 A. The Post-Conviction Hearing Act

¶ 15 The Illinois Post-Conviction Hearing Act (Act) provides a process by which a criminal defendant may challenge his or her conviction. 725 ILCS 5/122-1 *et seq.* (West 2024). A postconviction petition is a collateral attack on a prior conviction, *People v. Simms*, 192 Ill. 2d 348, 359 (2000), and is limited to constitutional issues which were not and could not have been raised on direct appeal. *People v. King*, 192 Ill. 2d 189, 192-93 (2000). The Act provides a three-stage process by which defendants may collaterally challenge their convictions. *People v. Young*, 2022 IL App (1st) 210534, ¶ 38.

¶ 16 During the first stage, the trial court has 90 days to review the petition, and it may summarily dismiss if the petition is frivolous or patently without merit. 725 ILCS 5/122-2.1(a)(2) (West 2024); *People v. Pendleton*, 223 Ill. 2d 458, 472 (2006). If the court does not dismiss the petition within 90 days, then it proceeds to the second stage. *Pendleton*, 223 Ill. 2d at 472.

¶ 17 During the second and third stages of a postconviction proceeding, the defendant bears the burden of making a substantial showing of a constitutional violation. *Id.* at 473. At the second stage of the proceedings, all well-pleaded facts not affirmatively rebutted by the trial record are accepted as true. *Id.* If the trial court dismisses the petition at this stage, we review that decision *de novo*. *People v. Childress*, 191 Ill. 2d 168, 174 (2000).

¶ 18 B. Forfeiture

¶ 19 We begin with the State's forfeiture argument, as it affects the scope of our review. Under the Act, a defendant generally may not raise a constitutional claim for the first time on appeal from the dismissal of a postconviction petition. See *Pendleton*, 223 Ill. 2d at 475. The Act provides that any claim not presented in an original or amended petition is waived. 725 ILCS 5/122-3 (West 2024). The State maintains that Shief cannot raise a *Graham*-based constitutional challenge because he failed to raise the claim in the trial court. The State posits that Shief's *pro se*

postconviction petition and the supplemental petition filed by counsel never mentioned a *Graham* claim. The State therefore argues that any *Graham* claim is forfeited due to Shief's failure to assert it at the proper time.

¶ 20 In his *pro se* petition, Shief did not specifically challenge his sentence under *Graham*. Rather, Shief argued that based on his age at the time of the offense, he should be treated the same as a juvenile with less culpability, relying primarily on *Miller*. In *Miller*, the United States Supreme Court held that before imposing a mandatory life-without-parole sentence on a juvenile homicide offender, a sentencing judge is required to consider mitigating factors such as the juvenile's age and its attendant characteristics. *Miller*, 567 U.S. at 477-78.

¶ 21 Shief's argument on appeal asks this court to consider the same characteristics, but in the context of his age as a juvenile nonhomicide offender. In this context, Shief relies on *Graham*, which held that the eighth amendment categorically prohibits sentencing a juvenile nonhomicide offender to life imprisonment without the possibility of parole. *Graham*, 560 U.S. 48 (2010). The Court explained that although the State is not required to guarantee eventual release, it must afford such an offender a meaningful opportunity for release based on demonstrated maturity and rehabilitation. *Id.* at 75. In his petition, Shief cited *Graham* in relation to his argument on *Miller* to observe the Court's consideration on sentencing culpability. When we liberally construe the claim raised in Shief's petition, we find that he sought in both his petition and his appeal to challenge the constitutionality of his sentence, and in both he states that his convictions are nonhomicide offenses, he was 17 years old at the time of the offenses and received a *de facto* life sentence. Thus, his claim has not been forfeited on appeal.

¶ 22 Our conclusion is consistent with *People v. Buford*, 2023 IL App (1st) 201176. There, the State argued that the defendant forfeited his sentencing claim because the argument advanced on appeal differed from the claim articulated in his *pro se* postconviction petition. *Id.* ¶ 32. Although the court recognized that a claim not raised in a postconviction petition generally may not be raised for the first time on appeal, it liberally construed the allegations of the defendant's *pro se* petition

and concluded that the claim was not forfeited. *Id.* ¶¶ 33-35; see also *People v. Patterson*, 2013 IL App (2d) 120359, ¶ 9 (stating that petitions are liberally construed at the second stage).

¶ 23 Having concluded that Shief did not forfeit his *Graham* claim and that the claim was properly before the court, we need not separately address whether postconviction counsel provided reasonable assistance in presenting that claim.

¶ 24 C. Timeliness

¶ 25 Under the Act, a petition filed beyond the statutory limitations period can proceed if the petitioner demonstrates that the delay was not the result of “culpable negligence.” 725 ILCS 5/122-1(c) (West 2024). The petition here was filed on May 31, 2017, well after the 2001 deadline applicable to Shief’s initial filing. The parties dispute whether the untimeliness of the petition is excused under the Act.

¶ 26 Shief argues that he was not culpably negligent because the constitutional basis for his claim did not exist when the time of his filing deadline expired. He acknowledges the petition’s lateness but maintains that, prior to *Miller* and the subsequent line of Illinois decisions applying and expanding *Miller*’s substantive rule, he had no viable legal foundation for asserting his eighth amendment claim. The State contends the petition remains untimely because Shief waited too long even after the relevant case law emerged. While acknowledging that Shief’s constitutional theory relied on *Miller*, the State argues that *Miller* was decided in 2012, yet Shief did not file until 2017, reflecting culpable negligence under the Act. The State further maintains that the shifting legal landscape does not excuse filings made more than 16 years after the statutory deadline. According to the State, Shief should have filed his petition once *Miller* became available and was obligated to act diligently.

¶ 27 The trial court found that Shief’s petition satisfied the Act’s timeliness requirements because the untimeliness was not attributable to culpable negligence, and we agree. The record supports the conclusion that Shief’s eighth amendment claim rests on a substantive rule issued long after his deadline expired. It is well-established that new substantive constitutional rules can provide

cause to excuse the otherwise strict bar against filing more than one postconviction petition. See *People v. Davis*, 2014 IL 115595, ¶ 42. And the culpable-negligence standard is far more forgiving than the one used to determine cause. See *People v. Steele*, 2023 IL App (1st) 220703-U, ¶ 41 (explaining that defendant had to “show much more” to establish cause than a lack of culpable negligence). Here, it was not until 2010 that *Graham* was even available to Shief, and even then, our supreme court first recognized the concept of a *de facto* life sentence—one that was indistinguishable from life without parole for practical purposes—in 2016. See *People v. Reyes*, 2016 IL 119271, ¶ 9. Shief filed his petition in May 2017, less than a year after *Reyes* was decided. In these circumstances, we agree with the trial court that Shief was not culpably negligent.

¶ 28

D. Guilty Plea Waiver

¶ 29

The State argues that Shief’s guilty plea, entered following a Rule 402 conference, waives any constitutional attack on the resulting sentence. Shief argues that his plea does not bar his claim because a defendant may still assert that the State lacked constitutional power to punish, relying on the Supreme Court’s decision in *Class v. United States*, 583 U.S. 174 (2018), to emphasize that a guilty plea does not waive structural or constitutional attacks to the sentencing framework. The State relies on *People v. Jones*, 2021 IL 126432, for the principle that a knowing and voluntary plea waives *Miller*-type challenges later.

¶ 30

In *Jones*, the petitioner was a juvenile in 1999 when he pled guilty to one count of first degree murder and was sentenced to 50 years in prison pursuant to a fully negotiated plea agreement. *Id.* ¶ 1. The petitioner sought leave to file a successive postconviction petition alleging his 50-year sentence violated the eighth amendment protections in *Miller* because it was a *de facto* life sentence. *Id.* The trial court denied his motion for leave, and we affirmed, finding that the petitioner’s claims were barred by his fully negotiated guilty plea. *Id.*

¶ 31

Our supreme court started by noting that it was addressing a question of first impression in Illinois: “whether a petitioner’s guilty plea, entered into when he was a juvenile, precludes him from raising a *Miller* claim.” *Id.* ¶ 14. The court ultimately answered that question in the

affirmative, noting that “[b]y entering a plea agreement, a defendant ‘forecloses any claim or error.’ ” *Id.* ¶ 20 (quoting *People v. Sophanavong*, 2020 IL 124337, ¶ 33). And that “ ‘[i]t is well established that a voluntary guilty plea waives all non-jurisdictional errors or irregularities, including constitutional ones.’ ” (Emphasis added.) *Id.* (quoting *People v. Townsell*, 209 Ill. 2d 543, 545 (2004)).

¶ 32 The *Jones* court recognized that plea agreements are contracts and that principles of waiver apply equally to them. *Id.* ¶ 21. It further noted that “ ‘[a] classic guilty plea permits a defendant to gain a present benefit in return for the risk that he may have to [forgo] future favorable legal developments.’ ” *Id.* (quoting *Dingle v. Stevenson*, 840 F.3d 171, 175 (4th Cir. 2016)).

¶ 33 Our supreme court quoted a passage from the United States Supreme Court case of *Brady v. United States*, 397 U.S. 742, 757 (1970), which we find useful to do here as well:

“The rule that a plea must be intelligently made to be valid does not require that a plea be vulnerable to later attack if the defendant did not correctly assess every relevant factor entering into his decision. A defendant is not entitled to withdraw his plea merely because he discovers long after the plea has been accepted that his calculus misapprehended the quality of the State’s case or the likely penalties attached to alternative courses of action. More particularly, absent misrepresentation or other impermissible conduct by state agents, *a voluntary plea of guilty intelligently made in the light of the then applicable law does not become vulnerable because later judicial decisions indicate that the plea rested on a faulty premise.*” [Citations omitted.] (Emphasis added.)

¶ 34 This proposition was followed in *People v. Kuehner*, 2022 IL App (4th) 200325, *petition for leave to appeal denied*, 197 N.E. 3d 1120 (2022). In *Kuehner*, the 17-year-old defendant, who had been charged with attempted first degree murder, home invasion, residential burglary, robbery of a senior citizen, aggravated battery of a senior citizen, and criminal damage to property, entered into an open plea of guilty to attempted murder and home invasion. *Id.* ¶ 1. In exchange, the State dismissed the remaining counts. *Id.* ¶ 11. The trial court admonished the defendant that the

sentence for each count was from 6 to 60 years in prison, mandatorily consecutive, to be served at 85%. *Id.* The court explained that the defendant would receive a sentence between 12 and 120 years. *Id.* The trial court then sentenced the defendant to 35 years in prison. *Id.* ¶ 45.

¶ 35 In 2019, the defendant filed a *pro se* motion for leave to file a successive postconviction petition alleging in part that his plea was not voluntary because it was induced by the threat of 120 years, which was an unconstitutional *de facto* life sentence. *Id.* ¶ 54. The trial court denied the motion. *Id.* ¶ 55.

¶ 36 The appellate court found that pursuant to *Jones*, “we conclude that defendant’s guilty plea was [] intelligently made in light of the then-applicable law.” *Id.* ¶ 88. The court noted that the benefit the defendant received was the dismissal of additional counts, some of which had the potential to extend the ultimate sentence. *Id.* Like the defendant in *Jones*, the “defendant bargained for a benefit, and his knowing and voluntary guilty plea waived any constitutional challenge to that plea based on subsequent changes in the law.” *Id.*

¶ 37 We find the same to be true in the case at bar. Shief’s guilty plea was made in light of the then-applicable law. The benefit he received was the dismissal of several counts against him. Shief’s knowing and voluntary guilty plea waived any *Graham*-based eighth amendment constitutional challenge to the plea based on subsequent changes in the law.

¶ 38 We further note that in *People v. White*, 2025 IL 129767, our supreme court recognized a critical distinction: an open or blind guilty plea – one in which there is no agreement as to sentence – does not waive a constitutional challenge to the sentence. *Id.* ¶ 29. The *White* court reinforced, however, that *Jones* makes clear that a defendant waives sentencing errors by entering into a fully negotiated plea involving an agreement as to the sentence because the sentence is inseparable from the conviction under contract principles. *Id.* Here, Shief entered into a fully negotiated plea agreement, which included the sentence, and thus Shief is procedurally barred from raising a *Graham*-based eighth amendment challenge to his sentence.

¶ 39 Shief maintains, however, relying on *Class*, 583 U.S. 174, that a guilty plea does not bar a claim where the challenge is that the court had no power, constitutionally, to sentence him. *Id.*

(holding that a guilty plea did not waive defendant from challenging constitutionality of the statute of conviction on direct appeal).

¶ 40 Shief contends that *Graham* (prohibiting life-without-parole for nonhomicide offenders), *Reyes* (holding that a *de facto* life sentence is the constitutional equivalent of a mandatory life sentence), and *Buffer* (holding that any sentence over 40 years is a *de facto* life sentence), taken together, establish that Shief could not constitutionally have been sentenced to more than 40 years in prison, as a categorical rule, and therefore, he was not barred procedurally by his fully negotiated guilty plea.

¶ 41 In *People v. Applewhite*, 2020 IL App (1st) 142330-B, the appellate court accepted a similar argument. There, the 17-year-old defendant entered into a fully negotiated plea agreement in which he pled guilty to first degree murder and aggravated battery with a firearm, in exchange for the dismissal of other charges and a 45-year sentence. *Id.* ¶ 4. This court found that the fully negotiated plea agreement did not bar the defendant's challenge that his sentence was a *de facto* life sentence in violation of the eighth amendment. *Id.* ¶ 19. The court, relying on *Class*, found that a sentence categorically beyond that state's constitutional power cannot be waived, and that the 45-year *de facto* life sentence was beyond the court's power. *Id.* However, *Applewhite* was decided before our supreme court found in *Jones* that a defendant's knowing and voluntary fully negotiated plea agreement waived any constitutional eighth amendment sentencing challenge, and therefore we are compelled to follow *Jones* in this case.

¶ 42 Because we find that Shief has waived his eighth amendment arguments by entering into a fully negotiated plea deal, we need not address the remaining issues on appeal.

¶ 43 III. CONCLUSION

¶ 44 For the foregoing reasons, we affirm judgment of the circuit court of Cook County.

¶ 45 Affirmed.

¶ 46 JUSTICE OCASIO, dissenting:

¶ 47 Imagine for a moment that Kenneth Shief’s plea agreement had called for the death penalty. Would we hold that he waived his ability to challenge that punishment? I hope not. It is categorically unconstitutional to impose capital punishment on a juvenile offender. *Roper v. Simmons*, 543 U.S. 551, 574 (2005). (It also is not a sentence that Illinois law authorizes for any offense. See 725 ILCS 5/119-1(a) (West 2024).) But under the majority’s reasoning, we would be required to find waiver because there is no legally significant distinction between that situation and this one. Just as the eighth amendment categorically forbids capital punishment for juvenile offenders, it also categorically forbids life without parole for juvenile offenders who do not commit homicide. *Graham v. Florida*, 560 U.S. 48, 82 (2010). I can see no basis in law for treating the two situations differently when it comes to waiver. The result in either case should be the same.

¶ 48 The majority’s holding that Shief waived his ability to challenge a flat-out illegal sentence relies on two cases that do not involve illegal sentences. Neither *People v. Jones*, 2021 IL 126432, nor *People v. Kuehner*, 2022 IL App (4th) 200325, involved agreements to plead guilty in exchange for an unlawful sentence. In both of those cases, the defendants had agreed to constitutionally valid sentences. The defendant in *Jones* pleaded guilty to murder in exchange for a discretionary sentence of 45 years, which did not violate the eighth amendment’s prohibition against mandatory life without parole. *Jones*, 2021 IL 126432, ¶ 27 (citing *Jones v. Mississippi*, 593 U.S. 98, 103 (2021) and *Miller v. Alabama*, 567 U.S. 460, 489 (2012)). The defendant in *Kuehner* pleaded guilty to attempted murder and other offenses in exchange for a sentence of 35 years, which does not amount to *de facto* life without parole. See *People v. Buffer*, 2019 IL 122327, ¶ 41.

¶ 49 As the defendants in *Jones* and *Kuehner* had been given sentences that were constitutionally permissible, they were not challenging their sentences directly. Instead, they were attacking the validity of their guilty pleas. In both cases, the defendants argued that they pleaded guilty to avoid being exposed to sentences that would today be recognized as unconstitutional. In *Jones*, the juvenile defendant’s agreement to plead guilty to only one of two charged murders meant that he would not be subject to mandatory life without parole. *Jones*, 2021 IL 126432, ¶¶ 15, 17. In *Kuehner*, the juvenile defendant’s plea agreement avoided the risk that he’d be given a *de facto*

life-without-parole sentence of up to 120 years' imprisonment. *Kuehner*, 2022 IL App (4th) 200325, ¶ 61. But it has long been settled law that a voluntary and intelligent plea is not rendered invalid merely because subsequent changes in the law would have changed the defendant's calculus when deciding whether to enter the plea. See *Brady v. United States*, 397 U.S. 742, 757 (1970) (rejecting challenge to guilty plea entered under assumption at the time that was eligible for the death penalty). In other words, a guilty plea remains valid even if it was entered into to avoid a sentence that would at some later point be found constitutionally impermissible. *Jones* and *Kuehner* did no more than apply that straightforward principle. See *Jones*, 2021 IL 126432, ¶ 26 (citing *Brady*, 397 U.S. at 757); *Kuehner*, 2022 IL App (4th) 200325, ¶¶ 87-88.

¶ 50 But that principle does not apply in this case because Shief is not claiming that his guilty plea is invalid because he entered it to avoid risking a more onerous sentence that would later be determined to be illegal. Instead, his claim is that the very sentence he received as part of the plea deal is categorically unconstitutional because it requires him to spend the rest of his life in prison without any possibility of parole even though he was not convicted of a homicide offense. See *Graham*, 560 U.S. at 82. As the Fourth Circuit has recognized, a negotiated guilty plea does not waive a claim that the agreed-upon sentence is itself unconstitutional. See *Malvo v. Mathena*, 893 F.3d 265, 276 (4th Cir. 2018) (distinguishing *Brady*), *abrogated in part on other grounds by Jones v. Mississippi*, 593 U.S. at 116.

¶ 51 To the extent that *Jones* speaks to this kind of claim, it supports Shief's position. A key point in *Jones* was that the defendant's negotiated sentence of *de facto* life for first degree murder was not categorically unconstitutional because, consistent with *Miller*, the judge exercised discretion in accepting the plea agreement. *Jones*, 2021 IL 126432, ¶ 27 (citing *Jones v. Mississippi*, 593 U.S. at 103; *Miller*, 567 U.S. at 489). He therefore did not have a claim that was "cognizable under *Miller*." *Id.* ¶ 28. But the opinion in *Jones* expressly acknowledged that, "[i]f the statutory sentencing scheme [mandating life without parole] had actually been applied" to the defendant there—*i.e.* had the defendant been given a sentence that violated the *Miller* rule—he "would have presented a claim that [the court] could have reviewed on its legal merits." *Id.* ¶ 18. Here, Shief's

claim is that he was sentenced to *de facto* life without parole for nonhomicide offenses, which violates *Graham*. This is precisely the kind of claim that *Jones* said is reviewable despite a negotiated guilty plea. See *id.*

¶ 52 *People v. White*, 2025 IL 129767, did not hold otherwise. There, the court merely held that the rule in *Jones* does not apply when the defendant entered an “open” guilty plea, one that did not include any agreement as to the sentence to be imposed. See *id.* ¶¶ 29-31. *White* has nothing to say about sentences that are categorically unconstitutional because the claim there did not involve a categorically unconstitutional sentence. See *id.* ¶ 1 (indicating that defendant was given a sentence of 40 years for first degree murder).

¶ 53 I would note that the categorical illegality of the sentence in this case is almost trivially easy to fix: the agreed-upon sentence can simply be vacated and then re-imposed, which would make Shief eligible for parole review under the new youth-parole scheme, which applies to any sentence imposed after June 1, 2019. See 730 ILCS 5/5-4.5-115 (West 2024); see also *People v. Spencer*, 2025 IL 130015, ¶ 40 (holding that a sentence is not *de facto* life without parole if the defendant is eligible for parole under section 5-4.5-115).

¶ 54 The unique status of juveniles demands heightened safeguarding when a plea deal carries risk of a life-equivalent sentence. Juvenile offenders are categorically different from adults in their capacity for judgment, susceptible to pressure, and potential for rehabilitation. When a plea deal can result in a juvenile serving life for nonhomicide conduct, the judiciary should take special care to ensure that constitutional protections are not forfeited through procedural mechanisms such as waiver.

¶ 55 For all these reasons, I respectfully dissent.