NOTICE
Decision filed 11/23/26. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2026 IL App (5th) 250266-U

NO. 5-25-0266

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

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).

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee, v. RICK A. MEADOR, Defendant-Appellant.	)))))))))	Appeal from the Circuit Court of Richland County. No. 20-CF-166 Honorable Matthew J. Hartrich, Judge, presiding.

JUSTICE CLARKE delivered the judgment of the court.
Justices McHaney and Sholar concurred in the judgment.

ORDER

¶ 1 *Held*: The first-stage dismissal of defendant's postconviction petition is affirmed where defendant's only claim of error on appeal was waived for failure to first assert the claim of error in his postconviction petition before the circuit court.

¶ 2 Defendant, Rick Meador, appeals from the first-stage denial of his *pro se* postconviction petition by the Richland County circuit court.

¶ 3 I. BACKGROUND

¶ 4 Defendant, who was over 18 years old at the time of the offense, was originally charged by information with first degree murder on September 9, 2020. On September 28, 2021, defendant entered a guilty plea. Pursuant to defendant's plea, the State agreed to a recommended sentencing range of 20 to 50 years to be served at 100% in exchange for defendant testifying truthfully in any trials pertaining to the same matter. Additionally, the parties agreed that sentencing would occur

after all other trials on the matter were concluded, and that the sentencing enhancements would not be applied.

¶ 5 On May 5, 2022, defendant was sentenced. At sentencing, the State sought 50 years, citing defendant's probation status, his criminal history, the need for deterrence, and his evasive testimony at the trial of a codefendant. The defense meanwhile declined to recommend an exact number of years but urged the court to sentence defendant at the lower end of the range, citing defendant's testimony against his codefendants and the fact that, by pleading guilty, he had taken responsibility for his own actions. The defense also cited defendant's youth at the time of the offense and argued that his susceptibility to influence from his codefendants diminished his own culpability. In imposing sentence, the court found in aggravation defendant's criminal history, the need for deterrence, defendant's receipt of compensation for the crime, and defendant's testimony in a codefendant's case, which the court found untruthful and an attempt to reduce his codefendant's culpability. In mitigation, the court recognized defendant's age and his codefendant's influence over him at the time of the offense. The court then declined to find *Miller* (*Miller v. Alabama*, 567 U.S. 460 (2012)) applicable to defendant, as he was over 18 at the time of the offense, and defendant was sentenced to 50 years. The court then admonished defendant as to his appeal rights.

¶ 6 On June 1, 2022, the defense moved to withdraw defendant's guilty plea and have the sentence vacated. In the postplea motion, defendant argued the court failed to reasonably and fully consider all of the factors in mitigation, especially those related to defendant's youth. Defendant also argued that the court failed to fully consider his disadvantaged youth, his cooperation with the State's prosecution of his codefendants, his drug use, and his acknowledgment of responsibility. On October 4, 2022, the court heard defendant's postplea motion. At the conclusion of the hearing,

the court reiterated its previous findings from defendant's sentencing hearing and denied the motion.

¶ 7 On August 14, 2023, defendant filed a late *pro se* notice of appeal. Attached to that late notice of appeal was an affidavit from defendant stating that his notice of appeal was late because of a lack of counsel, a lack of access to a law library, and that he was previously unaware of the need to file a notice of appeal. On August 17, 2023, this court entered an order on defendant's late notice of appeal, finding that it was, in actuality, a motion for leave to file a late notice of appeal, and striking it as untimely.

¶ 8 On December 13, 2024, defendant filed his *pro se* postconviction petition. In it, defendant raised several issues including, *inter alia*, (1) an ineffective assistance of counsel claim on the basis that counsel had misadvised him that he would likely receive a sentence at the lower end of the range out of a misplaced reliance on *Miller*; (2) various sixth, eighth, and fourteenth amendment violations; (3) errors in the findings of fact related to his sentencing; and (4) that the court failed to properly consider *Miller* and his youth at sentencing.

¶ 9 On February 25, 2025, the circuit court dismissed defendant's postconviction petition as frivolous, finding that the majority of defendant's contentions were completely without merit and warranted no further discussion. The court did, however, discuss defendant's claims related to *Miller* and juvenile protections in sentencing, finding that *Miller* did not apply and the Illinois proportionate penalties clause had not been violated because defendant was not a juvenile at the time of the offense, he would have an opportunity for parole after 20 years, and the court did consider his age when imposing a discretionary sentence within the range set by defendant's guilty plea.

¶ 10 On March 28, 2025, defendant filed his notice of appeal, three days after the deadline. On April 18, 2025, the State Appellate Defender was appointed to represent defendant in the current appeal. On July 21, 2025, after reviewing the record, defendant's counsel noticed the late notice of appeal and filed a motion for leave to file a late notice of appeal with this court and, simultaneously, filed a copy of the late notice of appeal. On July 29, 2025, this court granted defendant's motion and accepted his late notice of appeal.

¶ 11 II. ANALYSIS

¶ 12 On appeal, defendant contends that the circuit court erred in dismissing his postconviction petition at the first stage. In Illinois, the Post-Conviction Hearing Act (725 ILCS 5/122-1 *et seq.* (West 2024)) provides a mechanism by which those under criminal sentences in this state can assert that their convictions were the result of a substantial denial of their rights under the United States Constitution or the Illinois Constitution or both. *People v. Tramaine Jones*, 213 Ill. 2d 498, 503 (2004). An action for postconviction relief is a collateral proceeding, not an appeal from the earlier judgment. *People v. Lee Jones*, 211 Ill. 2d 140, 143 (2004). Thus, proceedings under the Act are commenced by the filing of a petition in the circuit court in which the original proceeding took place. *Tramaine Jones*, 213 Ill. 2d at 503.

¶ 13 In cases where the death penalty is not involved, adjudication of a postconviction petition follows a three-stage process. *Lee Jones*, 211 Ill. 2d at 144. The instant case was before the circuit court at the first stage of this process, during which the court is required to review the petition within 90 days of its filing and determine whether it is frivolous or patently without merit. 725 ILCS 5/122-2.1(a)(2) (West 2024). At this first stage, the circuit court's review is independent, as the Act does not permit further pleadings from the defendant, or any motions, responsive pleadings, or other input from the State. *Lee Jones*, 211 Ill. 2d at 144. To survive first-stage

dismissal, a *pro se* petitioner need only present the "gist" of a constitutional claim, a "low threshold" requiring only limited detail in the petition, and which does not require legal arguments or citations to legal authority. *Lee Jones*, 211 Ill. 2d 143; *Tramaine Jones*, 213 Ill. 2d at 504. However, the petition must still "clearly set forth the respects in which petitioner's constitutional rights were violated." 725 ILCS 5/122-2 (West 2024). "Any claim of substantial denial of constitutional rights not raised in the original or an amended petition is waived." 725 ILCS 5/122-3 (West 2024). Once a petitioner has survived the summary dismissal stage of section 122-2.1, the circuit court can appoint counsel if the petitioner is indigent and the case proceeds to the second stage. *Tramaine Jones*, 213 Ill. 2d at 504.

¶ 14 Here, defendant contends that he raised an arguable constitutional claim of ineffective assistance of counsel in that trial counsel failed to preserve his appeal rights following the denial of his postplea motion. Specifically, defendant points out that, under the Illinois Constitution, a criminal defendant has the right to appeal his conviction and is also entitled to the effective assistance of counsel in doing so. Thus, he contends that his trial counsel, by failing to file a notice of appeal, provided him with ineffective assistance and deprived him of his right to appeal, and that his claim should have been allowed to proceed to the second stage.

¶ 15 In response, the State contends that defendant failed to raise his current claim of ineffective assistance of counsel in his postconviction petition, and therefore that it is waived. Specifically, the State points out that, on appeal, defendant's ineffective assistance of counsel claim rests on his counsel's alleged failure to preserve his appeal rights after the denial of his postplea motion. The State contrasts this with his argument in the circuit court, where defendant's ineffective assistance of counsel claim was based on counsel's "failure to provide reasonable defense when pleading *Miller* rationale" and on advising him he would likely receive a sentence at the lower end of the

agreed-upon range. The State thereby contends that the ineffective assistance of counsel claim on appeal differs from the ineffective assistance claim argued below and is thus waived under the Act.

¶ 16 In his reply, defendant responds that *pro se* postconviction petitions are not to be strictly construed, but instead "viewed 'with a lenient eye, allowing borderline cases to proceed,' " citing *People v. Hodges*, 234 Ill. 2d 1, 21 (2009). Thus, defendant contends that this court should liberally construe his ineffective assistance claim below to include a separate ineffective assistance of counsel claim based on his counsel's failure to preserve his appeal, for which his *pro se* petition included some supporting facts but did not actually argue.

¶ 17 We begin by noting that we find the case of *People v. Lee Jones* instructive on the issue of whether a defendant may raise a new issue on appeal from a first-stage dismissal. In *Lee Jones*, the Illinois Supreme Court held that the defendant's contentions of constitutional error that were not raised in her original petition were waived on appeal from the circuit court's first-stage dismissal of the petition. *Lee Jones*, 211 Ill. 2d at 149, 150. The court found that "[j]ust as the legislature has set forth what must be contained in a petition, it has specified the consequences of omitting a claim: '[a]ny claim of substantial denial of constitutional rights not raised in the original or an amended petition is waived.' 725 ILCS 5/122-3 (West 1994)." (Internal quotation marks omitted.) *Lee Jones*, 211 Ill. 2d at 144-45.

¶ 18 Additionally, the supreme court stated that the mechanism for defendants to assert waived claims when fundamental fairness so requires is filing a successive postconviction petition, assuming they can meet the requirements of the cause and prejudice test. *Lee Jones*, 211 Ill. 2d at 149. The supreme court further clarified this in *People v. Tramaine Jones*, where it found that fundamental fairness is not a basis on which waiver may be relaxed in postconviction cases. *Tramaine Jones*, 213 Ill. 2d at 507. Rather, it made clear that only the supreme court may relax

waiver in a postconviction case under its supervisory powers, powers the appellate court does not possess. *Tramaine Jones*, 213 Ill. 2d at 507-08.

¶ 19 Defendant argues that *Lee Jones* does not apply to bar his claim because "[i]t would be a miscarriage of justice to compare *Lee Jones* to [defendant]" because the defendant in *Lee* received a direct appeal while defendant did not and this "*pro se* [postconviction] petition has been [defendant's] only avenue to vindicate the deprivation of his constitutional right to [a direct] appeal." However, we find that *Lee Jones* is applicable to the case before us.

¶ 20 In his argument, defendant does not show that the holding in *Lee Jones*, that the effect of failing to include an argument in a postconviction petition is waiver of that claim on appeal, is inapplicable to his case because of a legal distinction between the cases. Rather, defendant's argument that *Lee Jones* does not apply to his case is an appeal to fundamental fairness: that it would be unfair to apply *Lee Jones* where defendant never received a direct appeal, which *Tramaine Jones* makes clear is not grounds upon which the appellate court has the power to relax waiver in postconviction cases.

¶ 21 Defendant then attempts to distinguish *Tramaine Jones* from his case, arguing that in *Tramaine Jones*, "the defendant admitted that he did not include [the] errors argued on appeal in his *pro se* post-conviction petition." Defendant argues he has not made such an admission. We find this brings us to the next question: Is the ineffective assistance of counsel claim contained within defendant's *pro se* postconviction petition—that trial counsel failed to provide a proper approach to mitigation at sentencing or properly advise him as to the likely sentence he faced—sufficient to preserve his argument on a postconviction appeal that trial counsel was ineffective for failing to preserve his direct appeal rights?

¶ 22 In support of his contention that his postconviction ineffective assistance of counsel claim is sufficient to preserve his appellate ineffective assistance of counsel claim, defendant cites to *People v. Williams*, 2021 IL App (1st) 190122-U.[1] In *Williams*, the defendant filed a *pro se* postconviction petition asserting over 100 claims, including ineffective assistance of counsel and appellate counsel, prosecutorial misconduct, and judicial error. *Williams*, 2021 IL App (1st) 190122-U, ¶ 20. One such claim was that his " '[a]ppellate counsel was ineffective for failing to raise issues on direct appeal,' " and another such claim was that the trial court " 'sentenced [him] excessively.' " *Williams*, 2021 IL App (1st) 190122-U, ¶ 20. The circuit court dismissed Williams's postconviction petition at the second stage, concluding that the judicial error claims were forfeited as they could have been raised on direct appeal, the ineffective assistance of counsel claims were conclusory, and the prosecutorial misconduct claims were barred by *res judicata*. *Williams*, 2021 IL App (1st) 190122-U, ¶¶ 20-21. The court also concluded that "there was 'really no showing that appellant['s] counsel was objectively unreasonable in not raising the issues that [defendant had] argued.' " *Williams*, 2021 IL App (1st) 190122-U, ¶ 21. Williams then appealed the dismissal with respect to one claim only: "that his appellate counsel provided ineffective assistance by failing to challenge his 25-year sentence as excessive on direct appeal." *Williams*, 2021 IL App (1st) 190122-U, ¶ 22.

¶ 23 On appeal, the State argued that Williams forfeited his claim by failing to include the claim in his postconviction petition, arguing that while Williams alleged in his *pro se* petition both that his appellate counsel " 'was ineffective for failing to raise issues on direct appeal' " and that the trial court " 'sentenced [him] excessively,' " based on the organization of the petition, the two

[1]This order was filed under Illinois Supreme Court Rule 23 (eff. Jan. 1, 2011) and may only be cited for persuasive authority in the limited circumstances allowed under Rule 23(e)(1).

statements could not be read together as a single, cohesive claim. *Williams*, 2021 IL App (1st) 190122-U, ¶ 30. The appellate court disagreed, finding the State's position to be an overly strict reading of the postconviction petition and holding that Williams's "failure to 'artfully connect' the two statements in his petition" was not fatal to his ability to pursue the claims on appeal. *Williams*, 2021 IL App (1st) 190122-U, ¶ 30. Specifically, the appellate court found that Williams's allegations in the circuit court were clear enough to discern the claim he sought to pursue on appeal. *Williams*, 2021 IL App (1st) 190122-U, ¶ 31. He alleged that his sentence was excessive and that such was an argument that, if viable, should have been brought on direct appeal, and that Williams clearly alleged that his appellate counsel was ineffective " 'for failing to raise issues on direct appeal.' " *Williams*, 2021 IL App (1st) 190122-U, ¶ 31.

¶ 24 Turning to the instant case, we find the facts here are distinguishable from *Williams*. Unlike in *Williams*, where the entirety of defendant's claim on appeal was presented in his postconviction petition (even though it was presented in two separate claims), here, defendant does not give any indication regarding the nature of his appellate claim of ineffective assistance of counsel (failure to preserve his direct appeal) in his postconviction petition, where he alleged ineffective assistance of counsel for failure to advise him or utilize an approach to mitigation other than *Miller*. Indeed, as the State notes in its argument, in defendant's *pro se* postconviction petition there is no mention of ineffective assistance for failing to file an appeal of the trial court's denial of his motion to withdraw guilty plea. No mention that he wanted to file an appeal. No mention that he told trial counsel he wanted to file an appeal. Now this is the only issue raised on appeal.

¶ 25 Therefore, we find that defendant's ineffective assistance of counsel claim contained within his *pro se* postconviction petition, that trial counsel failed to utilize a proper approach to mitigation other than *Miller* or sufficiently advise him as to his likely sentence, is insufficient to

preserve his argument on a postconviction appeal that trial counsel was ineffective for failing to preserve his direct appeal rights. We note, however, that this ruling does not necessarily leave defendant without recourse to assert his right to a direct appeal. If he so wishes, consistent with the *Lee* and *Tramaine* cases, defendant may raise his claims in a successive postconviction petition provided he can meet the strictures of the "cause and prejudice" test. *Tramaine Jones*, 213 Ill. 2d at 508.

¶ 26 III. CONCLUSION

¶ 27 For the foregoing reasons, we affirm the first-stage dismissal of defendant's postconviction petition where defendant's only claim of error on appeal was waived for failure to first assert the claim of error in his postconviction petition before the circuit court.

¶ 28 Affirmed.