NOTICE
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2026 IL App (5th) 230756-U

NO. 5-23-0756

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,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Perry County.
	)	
v.	)	No. 10-CF-82
	)	
JAMES E. GLAZIER,	)	Honorable
	)	James W. Campanella,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE CLARKE* delivered the judgment of the court.
Justices Barberis and Vaughan concurred in the judgment.

ORDER

¶ 1 *Held*: The trial court misapprehended the governing juvenile sentencing framework by treating the defendant's stipulated-facts bench trial as tantamount to a guilty plea, expressing the view that *Miller* and *Buffer* did not apply and that *Jones* could control, and stating that it had "no discretion" once the parties agreed to 40 years. Because these errors materially influenced the resentencing process, we vacate the resentencing judgment and remand for a new sentencing hearing before a different judge.

¶ 2 The defendant, James E. Glazier, appeals the 40-year resentencing judgment of the trial court following our prior decision vacating his 60-year sentence and remanding for a new sentencing hearing pursuant to *Miller v. Alabama*, 567 U.S. 460 (2012), *People v. Buffer*, 2019 IL

*Justice Moore was originally assigned to the panel before his retirement. See *Cirro Wrecking Co. v. Roppolo*, 153 Ill. 2d 6 (1992). Justice Clarke was substituted on the panel and has read the briefs and listened to the oral argument recording.

122327, and section 5-4.5-105 of the Unified Code of Corrections (730 ILCS 5/5-4.5-105 (West 2016)). *People v. Glazier*, 2022 IL App (5th) 120401-B, ¶¶ 10-11.[1]

¶ 3 I. BACKGROUND

¶ 4 We recount only those facts necessary to resolve the issues presented in this appeal. Additional facts may be included below in the analysis section where necessary. The defendant was 17 years old when he committed first degree murder. On July 30, 2012, following a stipulated-facts bench trial, the trial court found the defendant guilty. The defendant stipulated to the underlying facts but did not stipulate that those facts were sufficient to establish his guilt. The trial court independently found the defendant guilty. At a September 12, 2012, sentencing hearing, the trial court imposed a 60-year sentence pursuant to an agreed recommendation between the State and the defense. The defendant pursued a direct appeal, and this court initially affirmed his conviction and sentence. See *People v. Glazier*, 2015 IL App (5th) 120401. After further proceedings concerning sex-offender registration, the Illinois Supreme Court issued a supervisory order directing this court to reconsider the defendant's sentence in light of *Miller v. Alabama*, *People v. Buffer*, and section 5-4.5-105. This court subsequently vacated the defendant's 60-year sentence as a *de facto* life sentence and remanded for a new sentencing hearing under section 5-4.5-105. *Glazier*, 2022 IL App (5th) 120401-B, ¶¶ 10-12.

¶ 5 On May 13, 2022, the trial court held an initial hearing following the remand. The trial court reviewed the procedural history and acknowledged that the defendant's original sentence had been imposed without consideration of the youth-related factors identified in section 5-4.5-105.

[1]This order was filed under Illinois Supreme Court Rule 23 (eff. Jan. 1, 2021) and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

The trial court recognized that the remand required a new sentencing hearing to consider the defendant's youth and the statutory juvenile sentencing factors.

¶ 6 On June 23, 2023, the trial court held a further status hearing. The State advised that it intended to argue that *People v. Jones*, 2021 IL 126432, controlled the case and that, under *Jones*, *Miller* and *Buffer* did not apply, because the defendant had stipulated to the facts underlying his conviction. During the hearing, the trial court, while addressing the defendant, stated that "I think you will also be advised at some point by your attorney that stipulated facts for a bench trial is basically tantamount to a guilty plea." The State further explained that, if its *Jones* argument prevailed, the defendant would be "looking at an actual 60 years here," "at 100 percent," whereas an agreed 40-year sentence could potentially permit him to obtain parole after 20 years. The court told the defendant that he was "basically in a dice game" and was "rolling the dice for 20 years of your life," and instructed him to "keep that in mind as this matter goes on."

¶ 7 The trial court also expressed its disagreement with developments in juvenile-sentencing law. In discussing the effect of *Miller* and *Buffer*, the court criticized the manner in which those decisions had been interpreted and expressed the view that subsequent decisions had substantially limited the protections afforded to juvenile offenders. The court further questioned the legislature's decision to permit juvenile offenders to seek parole after 20 years. It stated that "the State of Illinois doesn't want to hold Charlie Manson" and that Illinois continued to enact statutes that allowed offenders to seek release after 20 years.

¶ 8 The final resentencing hearing occurred on September 28, 2023. At that hearing, the trial court again discussed the distinction between the defendant's stipulated-facts bench trial and a guilty plea. Although the court acknowledged that the defendant had not pleaded guilty, it continued to consider whether *Jones* applied to the defendant's case. The court stated that, if *Jones*

controlled, *Miller* and *Buffer* would be "totally inapplicable" and that it could "very easily" reinstate the defendant's 60-year sentence.

¶ 9 The trial court then discussed the consequences of the proposed 40-year sentence. The court explained that, under the applicable youth-offender parole provisions, a 40-year sentence could permit the defendant to seek parole after serving 20 years and noted that the defendant had already served approximately 13 years. The court also discussed the possibility of further appellate proceedings if the parties did not resolve the matter.

¶ 10 During the hearing, the trial court continued to express its view that *Miller* did not apply to the defendant. The court stated that, in its opinion, the defendant was "getting a freebie of 20 years." The court also told the defendant that if the parties agreed to a 40-year sentence, "that's what I am going to do and this is going to be over with."

¶ 11 Immediately before the parties confirmed their agreement to a 40-year sentence, the trial court began to address the sentencing factors applicable to a defendant who was under 18 years old at the time of the offense, but then determined it had "no discretion" because the parties had agreed to a sentence of 40 years. Specifically, the court stated:

> "I have got to take into account the impetuosity of your crime, things of that nature, your degree of participation, all of that, if you were to have gone to trial and I would be sentencing you with some discretion. I have no discretion here. You said 40 years. He said 40 years. It's going to be 40 years."

¶ 12 The trial court thereafter asked the defendant whether he understood the consequences of the proposed 40-year sentence and confirmed with defense counsel and the State that the parties had reached an agreement. Defense counsel responded, "We do, Judge." The trial court then imposed the agreed 40-year sentence.

¶ 13 Additionally, immediately before sentencing the defendant to the agreed-upon 40 years, the trial court advised him of his appellate rights as follows: "[Y]ou are not going to get any Appellate rights today because in my opinion you don't have any. You are done." The court explained that, in its view, the defendant had already appealed "every aspect" of his case and therefore had no remaining appellate rights. The defendant subsequently filed a timely notice of appeal from the resentencing judgment.

¶ 14 II. ANALYSIS

¶ 15 On appeal, the defendant argues that (1) the trial court misunderstood the procedural posture of the case and incorrectly relied on *People v. Jones*, 2021 IL 126432, by treating his stipulated-facts bench trial as tantamount to a guilty plea and concluding that *Miller* and *Buffer* did not apply; (2) the trial court's remarks during the resentencing hearing reflected a predisposition toward the harshest permissible sentence, demonstrated a failure to exercise the individualized discretion required under the juvenile sentencing scheme, and materially influenced the circumstances under which he accepted the State's proposed 40-year term; and (3) the court erroneously advised him that he had no right to appeal from the resentencing judgment. The State responds that defendant agreed to the 40-year sentence and therefore cannot challenge it and further contends that any misstatements or comments by the court did not affect the validity of the agreed term. We address these arguments in turn.

¶ 16 A. The Court's Treatment of the Stipulated-Facts Bench Trial and Reliance on *Jones*

¶ 17 The defendant first argues that the trial court fundamentally misunderstood the procedural posture of the case by treating his 2012 stipulated-facts bench trial as tantamount to a guilty plea and relying on *Jones* to conclude that *Miller* and *Buffer* were inapplicable. The State responds that the distinction between a stipulated bench trial and a guilty plea does not ultimately affect the

validity of the defendant's 40-year sentence, because he knowingly agreed to that sentence at the resentencing hearing. The defendant replies that the court's misunderstanding was material, because it informed the court's view of its authority and obligations during the resentencing proceeding and, in turn, the circumstances under which the defendant agreed to the 40-year sentence.

¶ 18 We review *de novo* questions concerning the legal effect of a stipulated bench trial and the applicability of *Jones. People v. Cavazos*, 2023 IL App (2d) 220066, ¶ 33. A stipulated bench trial is tantamount to a guilty plea only under two circumstances: (1) the State's entire case is presented by stipulation, and the defendant does not present or preserve a defense; or (2) the stipulation includes a statement that the evidence is sufficient to convict the defendant. *People v. Clendenin*, 238 Ill. 2d 302, 322 (2010); *People v. Galarza*, 2023 IL 127678, ¶ 47. Whether a stipulated bench trial is tantamount to a guilty plea is a question of law that we review *de novo*. *Galarza*, 2023 IL 127678, ¶ 47.

¶ 19 Neither circumstance was present here. The defendant stipulated to the underlying facts, but he did not stipulate that those facts were sufficient to establish his guilt. The trial court independently determined that the evidence established the defendant's guilt. In July of 2012, immediately following the stipulated-facts bench trial, the trial court specifically stated, "[L]et's have no misunderstanding. You have not pled guilty. I have found you guilty and there is a substantial difference." The defendant proceeded in this manner because the primary objective was to preserve for appeal the denial of a motion to suppress his statements to police. He therefore did not relinquish his right to have the trial court determine whether the State had proved him guilty beyond a reasonable doubt. See *Clendenin*, 238 Ill. 2d at 322; *Galarza*, 2023 IL 127678, ¶¶ 47-52. After that trial, the defendant exercised his preserved rights by litigating claims on direct appeal,

and this court affirmed his conviction. That procedural history confirms the stipulated-facts bench trial functioned as a contested adjudication subject to full appellate review, not a guilty plea that would have foreclosed those challenges. Because the defendant did not stipulate to the sufficiency of the evidence, preserved issues for appellate review, and was independently adjudicated guilty by the trial court, his proceeding cannot be treated as tantamount to a guilty plea under *Jones*.

¶ 20 That distinction is important because *Jones* involved a fundamentally different procedural posture. There, the juvenile defendant entered into a fully negotiated guilty plea in which he agreed to a *de facto* life sentence. The supreme court held that his guilty plea waived a subsequent challenge to his sentence under *Miller* and its progeny. *Jones*, 2021 IL 126432, ¶¶ 14-16, 20-28. Nothing in *Jones* suggests that its holding extends to a defendant who was convicted following a stipulated-facts bench trial that was not tantamount to a guilty plea. We also note that the Illinois Supreme Court recently reaffirmed that *Jones* applies only to fully negotiated guilty pleas, holding that even an open guilty plea does not waive sentencing-related constitutional claims. *People v. White*, 2025 IL 129767, ¶¶ 28-32.

¶ 21 The defendant did not enter such a plea. He was convicted following a stipulated-facts bench trial; his conviction remained undisturbed, and this court subsequently vacated his sentence and expressly remanded the cause for a new sentencing hearing. In doing so, this court held that the defendant's 60-year sentence was a *de facto* life sentence under *Buffer* and that the defendant was entitled to be resentenced under the juvenile sentencing scheme established in section 5-4.5-105. *Glazier*, 2022 IL App (5th) 120401-B, ¶¶ 10-12.

¶ 22 At times, the trial court recognized that defendant had not pleaded guilty, but nevertheless treated the stipulated-facts bench trial as tantamount to a guilty plea for purposes of applying *Jones* and determining whether *Miller* and *Buffer* governed the resentencing. At the June 2023 status

hearing, the court told the defendant that the Illinois Supreme Court had determined that the *Miller* mandates did not apply to a guilty plea and that "stipulated facts for a bench trial is basically tantamount to a guilty plea." The trial court thereafter discussed the potential application of *Jones* and warned the defendant that he was "basically in a dice game" and was "rolling the dice for 20 years of [his] life." At the September 2023 hearing, the trial court acknowledged that the defendant had not pleaded guilty, but nevertheless continued to reason that *Jones* could control and that, if it did, *Miller* and *Buffer* would be "totally inapplicable." The court's statements were incorrect insofar as they treated the defendant's stipulated-facts bench trial as equivalent to the fully negotiated guilty plea at issue in *Jones*. We also note that the State expressly concedes in its brief that the trial court erred in suggesting that *Jones* controlled, acknowledging that "*Jones* did not control here because this was not a guilty-plea case."

¶ 23 Further, the error was not merely semantic. The trial court used its understanding of *Jones* to frame the choices confronting the defendant during the resentencing process. Before the parties agreed to 40 years, the trial court discussed the possibility that *Jones* would leave the defendant subject to his original 60-year sentence without the benefit of the youthful-offender parole provisions associated with resentencing. Further, the trial court later stated it could "very easily" reinstate the original 60-year sentence. The trial court then advised the defendant to consider the State's proposed 40-year resolution.

¶ 24 The State's argument that the defendant ultimately agreed to 40 years does not resolve the issue. An agreed sentence ordinarily precludes a defendant from later complaining about the process that produced it, as a party cannot claim error in a course of action they brought about or actively participated in. See *People v. Hughes*, 2015 IL 117242, ¶ 33; *People v. Villarreal*, 198 Ill. 2d 209, 227 (2001). But the defendant does not merely challenge the length of the sentence to

which he agreed. He challenges the legal framework under which the resentencing proceeding was conducted and the circumstances in which the agreement was reached.

¶ 25 That distinction is significant here. The State relies on *Hughes*, *Villarreal*, and *People v. Williams*, 384 Ill. App. 3d 415 (2008), for the broader invited-error principle that a defendant may not affirmatively request, agree to, or actively participate in a particular course of action and then later assert on appeal that the very course of action was erroneous. *Hughes*, 2015 IL 117242, ¶ 33; *Villarreal*, 198 Ill. 2d at 227; *Williams*, 384 Ill. App. 3d at 417-18. But none of those cases addresses a situation in which the alleged sentencing error occurred before the defendant entered into the agreement and allegedly affected the agreement itself.

¶ 26 Here, by contrast, the defendant does not seek to retain the benefit of an agreement while obtaining a different sentence on appeal. He challenges the legal framework in which the agreement was presented and accepted. Before the parties agreed to 40 years, the trial court erroneously advised the defendant that *Jones* potentially eliminated the protections of *Miller* and *Buffer* at his resentencing, framed the alternative as exposure to reinstatement of his 60-year sentence without the benefit of the youthful-offender parole provisions, and ultimately stated that it had "no discretion" once the parties agreed to 40 years. Thus, the error preceded and materially influenced the agreement itself; it was not merely an error in the court's subsequent enforcement of an otherwise voluntarily presented agreement.

¶ 27 Accordingly, we agree with the defendant that the trial court erred in treating his stipulated-facts bench trial as tantamount to a guilty plea and in viewing *Jones* as potentially controlling and making *Miller* and *Buffer* "totally inapplicable" to his resentencing. That error matters because the trial court treated the potential application of *Jones* as relevant to whether the defendant was entitled to the protections of *Miller* and *Buffer* and used that possibility to frame the consequences

of rejecting the State's proposed 40-year sentence. We therefore turn to whether that error, considered together with the trial court's treatment of the statutory juvenile sentencing framework, requires a new sentencing hearing.

¶ 28 B. The Court's Sentencing Framework and Conduct on Remand

¶ 29 The defendant next argues that, even apart from the court's application of *Jones*, the resentencing hearing was fundamentally flawed because the court failed to exercise the discretion required by the juvenile sentencing scheme and made repeated comments demonstrating a predisposition toward the harshest permissible sentence. Specifically, he points to the trial court's statements criticizing the development of juvenile-sentencing law, expressing skepticism toward the legislature's parole provisions, and warning the defendant that rejecting the State's proposal amounted to "rolling the dice for 20 years" of his life. The defendant contends that these comments, viewed in context, show that his agreement to 40 years was not the product of a resentencing proceeding conducted under the governing legal framework.

¶ 30 The State responds that the defendant received exactly the sentence he agreed to and that the court was entitled to accept an agreed sentencing recommendation. The State further argues that the court's comments do not establish that it was biased or that it would have imposed a different sentence had the defendant elected to proceed with a contested sentencing hearing.

¶ 31 We review a trial court's sentencing decision for an abuse of discretion. *People v. Morris*, 2023 IL App (1st) 220035, ¶ 60 (citing *People v. Stacey*, 193 Ill. 2d 203, 209 (2000)). A trial court abuses its discretion when it sentences a defendant in an arbitrary, fanciful, or unreasonable manner. *People v. Etherton*, 2017 IL App (5th) 140427, ¶ 26. To the extent the defendant's claim requires us to determine whether the court misunderstood the governing law or failed to apply the

statutory sentencing framework, the error is legal, not discretionary, and is reviewed *de novo*. *People v. Evans*, 2026 IL App (1st) 241368, ¶ 56.

¶ 32 Section 5-4.5-105(a) provides that, when a person who was under 18 years of age at the time of the offense is sentenced, the court "shall consider" specified additional factors in mitigation, including the defendant's age, maturity, impetuosity, susceptibility to outside pressures, family and social background, potential for rehabilitation, circumstances of the offense, degree of participation and planning, and prior juvenile or criminal history. 730 ILCS 5/5-4.5-105(a) (West 2022). Our conclusion does not rest on the trial court's failure to expressly discuss each statutory factor. Rather, it rests on the court's express statement that it had "no discretion" to determine the appropriate sentence once the parties agreed to 40 years, in the context of its erroneous understanding of *Jones*.

¶ 33 Here, the trial court's comments must be considered against that statutory and procedural backdrop. At the June 2023 hearing, the State advised the trial court that, if the court accepted its position concerning *Jones*, the defendant could remain subject to the original 60-year sentence and would not receive the benefit of the parole provisions the State believed accompanied resentencing. The court then told the defendant that he was "basically in a dice game" and was "rolling the dice for 20 years of your life." The trial court instructed the defendant to "keep that in mind as this matter goes on."

¶ 34 The court subsequently discussed the possibility that litigation over *Jones* could result in another appeal and several additional years of proceedings. It told the defendant that an agreed sentence would place him in a position where he would be eligible for parole after 20 years and that, if the parties did not reach an agreement, the court could grant the State's anticipated motion and send the matter back to the appellate court.

¶ 35 The court also expressed strong disagreement with the juvenile sentencing framework. It criticized the legislature's decision to permit juvenile offenders to seek release after 20 years and stated: "[T]he State of Illinois doesn't want to hold Charlie Manson. They want to turn everybody loose and they continue to pass statutes like this that does just that." The trial court further stated that "everybody and their brother is coming to Illinois to create their havoc because the word is out if you are going to be a criminal, Illinois is a good place to be."

¶ 36 At the September 2023 hearing, the trial court again stated that, if *Jones* controlled, *Miller* and *Buffer* would be "totally inapplicable" and that it could "very easily" reinstate the 60-year sentence. Just prior to the parties confirming their agreement to a 40-year sentence, the trial court stated, "I have no discretion here. You said 40 years. He said 40 years. It's going to be 40 years."

¶ 37 The State is correct that a court ordinarily may accept an agreed sentencing recommendation. And we do not hold that the trial court was categorically prohibited from accepting the parties' agreement to a 40-year sentence. Nor do we hold that every agreed sentence following a juvenile resentencing requires the court to conduct a full *Buffer* or *Miller* analysis before accepting the agreement. Rather, the issue here is whether the trial court exercised the sentencing authority conferred upon it by the governing juvenile sentencing framework before accepting the agreement. The fact that the parties agreed to a 40-year sentence did not permit the court to disregard that framework or conclude that it had "no discretion" to determine the appropriate sentence.

¶ 38 Thus, the problem is not that the trial court accepted the parties' agreement, but that it treated the agreement as eliminating its own discretion. Section 5-4.5-105 required the court to exercise its sentencing authority within the statutory framework, and the court's express statement that it had "no discretion" demonstrates that it did not do so. That statement is particularly

troublesome because it followed the trial court's erroneous understanding that *Jones* potentially rendered *Miller* and *Buffer* inapplicable, and it occurred immediately before the parties confirmed their agreement to the 40-year sentence.

¶ 39 The record confirms that the trial court's disclaimer of discretion was not an isolated remark. It followed the court's erroneous conclusion that *Jones* potentially rendered *Miller* and *Buffer* "totally inapplicable." The trial court explicitly stated, "in [its] opinion," *Miller* did not apply, and the defendant was "getting a freebie of 20 years." It then framed the State's 40-year offer against the possibility of reinstatement of the 60-year sentence. And just prior to the parties' agreement to the 40 years, the trial court stated,

> "I have got to take into account the impetuosity of your crime, things of that nature, your degree of participation, all of that, if you were to have gone to trial and I would be sentencing you with some discretion. I have no discretion here. You said 40 years. He said 40 years. It's going to be 40 years."

Thus, the trial court expressly recognized the sentencing factors it would have been required to consider in exercising its discretion, but then stated that it had "no discretion" because the parties agreed to a 40-year term.

¶ 40 We therefore do not view this as a case in which the defendant simply agreed to a sentence and later sought a more favorable sentence on appeal. The trial court's erroneous understanding of *Jones* preceded the agreement and shaped the alternatives presented to the defendant. At the same time, the trial court expressed strong disagreement with the juvenile sentencing framework while operating under the erroneous legal premise that *Jones* potentially rendered *Miller* and *Buffer* inapplicable. Thus, the resulting agreement cannot be considered apart from the resentencing process in which it was reached.

¶ 41 The issue, therefore, is not whether the trial court was required to reject the parties' agreement and conduct a contested sentencing hearing. Rather, it is whether the court could reach and accept that agreement while (1) operating under the erroneous legal premise that *Jones* potentially eliminated the protections of *Miller* and *Buffer*, (2) presenting the defendant with the prospect that, if *Jones* applied, it could "very easily" reinstate his 60-year sentence, and (3) ultimately stating that it had "no discretion" because the parties had agreed to 40 years. On this record, those circumstances cannot reasonably be separated. The trial court's erroneous legal premise materially infected the process by which the agreement was reached and was inconsistent with its obligation to exercise the sentencing authority conferred upon it by law.

¶ 42 We therefore conclude that the trial court failed to conduct the resentencing proceeding within the legal framework required by our mandate and section 5-4.5-105. In the unique circumstances presented here, the trial court's erroneous view that *Jones* potentially controlled and therefore rendered *Miller* and *Buffer* inapplicable, coupled with its express disclaimer of discretion to determine the appropriate sentence, materially infected the resentencing process. The error was not cured merely because the defendant ultimately agreed to the resulting sentence.

¶ 43 Accordingly, we vacate the defendant's 40-year sentence and remand for a new sentencing hearing. We address separately below the defendant's request that the resentencing occur before a different judge.

¶ 44 C. Rule 605(a) Admonishments

¶ 45 The record shows that the trial court advised the defendant, immediately before accepting the 40-year sentence, "[Y]ou are not going to get any Appellate rights today because in my opinion you don't have any. You are done." The court explained that, in its view, defendant had already

appealed "every aspect" of his case and therefore had no remaining ability to challenge the resentencing judgment.

¶ 46 Those statements were incorrect. The defendant's conviction had previously been affirmed, but the 2022 decision vacated his sentence and remanded for a new sentencing hearing. The resulting resentencing judgment was therefore subject to appellate review. Moreover, Illinois Supreme Court Rule 605(a) requires a court to advise a defendant of specified postsentencing and appellate rights following a conviction and sentence after trial. Ill. S. Ct. R. 605(a) (eff. Sept. 18, 2023).

¶ 47 Failure to give Rule 605(a) admonishments does not automatically require remand. Under *People v. Henderson*, 217 Ill. 2d 449 (2005), remand for proper admonitions is required only when the inadequate admonishment results in prejudice or a denial of real justice. *Id.* at 466. If a defendant raises sentencing issues on appeal despite improper admonishments, the reviewing court is alerted to those issues and may take whatever action it deems appropriate, "including hearing the challenges itself or remanding them to the trial court." *Id.* at 468; see *People v. Quinones*, 362 Ill. App. 3d 385, 400-01 (2005) (explaining that appellate review of sentencing errors avoids the necessity of remand and serves judicial economy).

¶ 48 Here, despite the lack of admonitions, the defendant filed a timely notice of appeal and has fully presented his challenges to the legality of the resentencing proceeding. Because we have considered the merits of those claims and are remanding for a new sentencing hearing, there is no need for a separate remand for Rule 605(a) admonishments.

¶ 49 D. Reassignment on Remand

¶ 50 Having determined that the defendant is entitled to a new sentencing hearing, we next consider his request that the hearing be conducted before a different judge. Illinois Supreme Court

Rule 615(b)(2) provides that, on review of a criminal conviction, a reviewing court may "modify any or all of the proceedings subsequent to or dependent upon the judgment or order from which the appeal is taken." Ill. S. Ct. R. 615(b)(2) (eff. Jan. 1, 1967). The supreme court has recognized that this authority permits an appellate court, in appropriate circumstances, to direct that further proceedings be conducted before a different judge. See *People v. Heider*, 231 Ill. 2d 1, 25 (2008); *People v. Dameron*, 196 Ill. 2d 156, 179 (2001). In *Heider*, the court ordered reassignment "in order to remove any suggestion of unfairness," and *Dameron* likewise directed reassignment upon remand. *Heider*, 231 Ill. 2d at 25; *Dameron*, 196 Ill. 2d at 179.

¶ 51 The supreme court's recent decision in *People v. Class*, 2025 IL 129695, does not require a different result. There, the Illinois Supreme Court considered an appellate court's *sua sponte* reassignment of a judge in the context of a successive postconviction proceeding and addressed the circumstances in which such reassignment was appropriate in that particular procedural posture. *Id.* ¶¶ 30-32. The court recognized Rule 615(b)(2) as a source of appellate authority to order reassignment in a criminal appeal. *Id.* Here, however, the defendant seeks reassignment as an expressly requested remedy in a direct appeal from a resentencing judgment, rather than an appellate court ordering reassignment *sua sponte* in a successive postconviction proceeding. The procedural posture and manner in which reassignment is sought therefore differ materially from those in *Class*.

¶ 52 Here, reassignment is appropriate to remove any suggestion of unfairness considering the entire record of the resentencing proceedings. In the record before us, the trial court repeatedly expressed disagreement with the juvenile sentencing framework while simultaneously misapprehending the legal principles governing the defendant's resentencing. The trial court also expressed the view that *Miller* did not apply, warned the defendant that he was "rolling the dice"

with 20 years of his life, suggested it could "very easily" reinstate the 60-year sentence, criticized the legislature's decision to permit juvenile offenders to obtain release after 20 years, characterized the 40-year sentence as a "freebie of 20 years," and ultimately stated that it had "no discretion" because the parties had agreed to 40 years. In doing so, the trial court's remarks went beyond articulating concerns. They inserted the trial court into the parties' negotiation, and suggested the court viewed the agreed 40-year sentence as eliminating the court's discretion. Taken together, these statements create more than a mere appearance of disagreement with the governing law; they create a substantial appearance that the court's views about the sentencing framework and the proper outcome had become fixed before the resentencing process was completed.

¶ 53 Accordingly, we vacate the defendant's 40-year sentence and remand for a new sentencing hearing before a different judge. On remand, the resentencing court shall conduct the proceeding consistent with section 5-4.5-105, this court's prior mandate in *Glazier*, and the applicable constitutional principles recognized in *Miller* and *Buffer*. Nothing in this disposition precludes the parties from reaching an agreement concerning the sentence. Any such agreement, however, must be considered within the correct legal framework and without treating the defendant's prior stipulated-facts bench trial as a guilty plea under *Jones*. Following resentencing, the court shall provide the defendant with the applicable admonishments under Illinois Supreme Court Rule 605(a).

¶ 54 III. CONCLUSION

¶ 55 For the foregoing reasons, we vacate the defendant's 40-year resentencing judgment and remand the cause for a new sentencing hearing before a different judge.

¶ 56 Vacated and remanded with directions.