

2020 IL App (2d) 180690-U
No. 2-18-0690
Order filed September 15, 2020

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IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the Circuit Court of Du Page County.
)	
Plaintiff-Appellee,)	
)	
v.)	No. 07-CF-2771
)	
ROBERT MEZA,)	Honorable
)	George J. Bakalis,
Defendant-Appellant.)	Judge, Presiding.

JUSTICE JORGENSEN delivered the judgment of the court.
Justices McLaren and Bridges concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court did not err when it denied defendant leave to file a successive postconviction petition. Affirmed.

¶ 2 In 2009, a jury convicted defendant, Robert Meza, of first-degree murder (720 ILCS 5/9-1(a)(1) (West 2008)). Defendant was age 20 at the time of the crime and was convicted on an accountability theory. The trial court sentenced defendant to 45 years' imprisonment. Presently, defendant appeals the court's denial of his petition for leave to file a successive postconviction petition under the Post-Conviction Hearing Act (Act) (725 ILCS 5/122-1(a)(1) (West 2016)). For the following reasons, we affirm.

¶ 3

I. BACKGROUND

¶ 4

A. Trial and Sentencing

¶ 5 Defendant's conviction arose from the death of Lorenzo Salazar-Cortez. Specifically, around 5 a.m. on September 15, 2007, shots fired through a basement-level window in an Addison apartment mistakenly killed Salazar-Cortez. The State argued that Meza and Antonio Aguilar, members of the Imperial Gangsters street gang, intended to kill a member of the rival Latin Kings street gang, but instead killed Salazar-Cortez. Salazar-Cortez was not affiliated with a gang and was simply visiting a building next door to where the intended victim lived. Defendant was not the shooter, but the State argued that he was accountable for Aguilar's actions. In a recorded statement that was played for the jury, defendant said that, just prior to the shooting, he and Aguilar unsuccessfully tried to get into a locked building. Defendant stated that he did not witness the shooting, but he heard gunshots and saw Aguilar running with a 9-millimeter gun. Defendant drove Aguilar away from the scene. Later, near the scene of the shooting, defendant wrote graffiti on buildings that expressed disrespect for the Latin Kings street gang. Defendant claimed that, when he wrote the graffiti, he did not know that anyone had died from the shooting. Defendant offered no evidence at trial; rather, he argued that he was merely present at the scene and, therefore, not accountable for Aguilar's actions. The jury found defendant guilty of first-degree murder and that he, or a person for whom he was legally responsible, was armed with a firearm at the time of the crime.

¶ 6 Defendant was sentenced in August 2009. At sentencing, the State argued that no mitigating factors applied. Defense counsel argued that defendant had exhibited rehabilitative potential, as he had regularly attended church during his lengthy pretrial incarceration. Defense counsel further argued that defendant should be given the minimum sentence, as more would,

essentially, constitute a life sentence, when defendant was young, had not been the shooter, had not planned the offense, and had cooperated with the police after his arrest. Defendant provided a statement in allocution, expressing his regret for Salazar-Cortez's death. Defendant stated that he had given his life to God, and he noted that would have family support upon completion of his sentence.

¶ 7 In announcing the sentence, the trial court acknowledged that defendant was not the shooter, but continued that, "aside from those facts, there really isn't much else there in terms of mitigation because he does have a criminal history." The court noted that defendant was on probation for a felony offense when he committed this crime. Further, the court considered defendant's rehabilitative potential, statement in allocution, and his religious activities while incarcerated. Moreover:

"I've considered [defendant's] age. He is a very young man, just as Lorenzo was a young man. Almost the same ages, frankly. [Defendant] now is, I believe, 22 years of age. When this occurred, he was approximately 19 or 20 years of age. I like to think that when people are of that age they don't always think as clearly and as correctly as they should as they hopefully mature a little bit and do things that perhaps later in life that they would not do.

Unfortunately, [defendant] at a young age has involved himself in something of such a serious nature that it's going to have a profound effect on him for the rest of his life. So I've tried to consider all those things in trying to reach what I believe is a just sentence in this case."

¶ 8 The court sentenced defendant to 45 years' imprisonment, comprised of 30 years for the murder (730 ILCS 5/5-8-1(a)(1)(a) (West 2006)) and a mandatory 15-year firearm enhancement (730 ILCS 5/5-8-1(d)(i) (West 2006)).

¶ 9 **B. Direct Appeal**

¶ 10 On direct appeal, defendant argued that his arrest was unlawful and, therefore, that his recorded statement should have been suppressed. Further, he argued that the existence of hearsay statements in his recorded confession deprived him of his right to confront witnesses. He did not challenge his sentence. This court rejected defendant's arguments and affirmed. *People v. Meza*, 2011 IL App (2d) 100001-U.

¶ 11 **C. Initial Postconviction Petition**

¶ 12 Defendant filed his initial postconviction petition in June 2012, supplemented the petition in November 2012, and his counsel filed an amended petition in December 2013. Defendant argued in his initial petition that defense counsel was ineffective, in part for failing to present at sentencing any mitigating evidence on defendant's behalf, and that appellate counsel was ineffective for failing to raise the issue on direct appeal. Defendant did not otherwise challenge his sentence.

¶ 13 On June 3, 2014, the trial court dismissed the amended petition. This court affirmed. *People v. Meza*, 2016 IL App (2d) 140622-U.

¶ 14 **D. Motion for Leave to File Successive Postconviction Petition**

¶ 15 Two years later, in June 2018, defendant moved for leave to file a successive postconviction petition. Defendant argued that his sentence violates the proportionate penalties clause of the Illinois Constitution because, before imposing it, the trial court did not fully consider his youth and its attendant circumstances. Defendant relied on *Miller v. Alabama*, 567 U.S. 460

(2012), and its progeny, including *People v. Thompson*, 2015 IL 118151, *People v. House*, 2015 IL App (1st) 110580, and *People v. Harris*, 2016 IL App (1st) 141744, cases which held that, although *Miller* does not directly apply to individuals age 18 or older at the time of their offenses, such individuals may still raise, under the proportionate penalties clause of the Illinois Constitution, youth-based, as-applied challenges to life sentences. Defendant argued that he demonstrated cause for filing a successive petition, because these cases, as well as certain studies reflecting that juvenile brain development continues into a person's mid-20's, were not available when he filed his initial petition. Further, defendant argued that sufficient prejudice to file the petition was established because the record did not reflect that, before imposing a 45-year sentence, the sentencing court considered defendant's dysfunctional and abusive home, learning disability, behavioral disorder, or attention deficit and hyperactivity disorder.

¶ 16 On August 8, 2018, the trial court denied defendant leave to file the successive petition. It agreed that defendant had established cause for filing a successive petition, as several cases concerning young adults had emerged after defendant's direct appeal and initial postconviction petition. However, the court disagreed that defendant had shown the requisite prejudice. The court determined that defendant did not establish a "reasonable probability that he would have achieved a better sentencing result if the factors of the *Miller* case and subsequent cases had been considered." Defendant appeals.

¶ 17

II. ANALYSIS

¶ 18 Defendant argues that the trial court erred where it denied him leave to file a successive postconviction petition raising an as-applied constitutional challenge to his 45-year sentence as violating the proportionate-penalties clause of the Illinois Constitution. He contends that there is no indication in the record that the court considered the specific and unique transient qualities of

his youth before imposing a *de facto* life sentence, where: he was not the principal offender; he was only 20 years old at the time of the crime; and his attorney at sentencing presented no mitigating evidence or specific argument about his personal characteristics of youth or how they bore on either the offense or his rehabilitative potential. As the law concerning juvenile sentencing has rapidly developed to include emerging adults even into their young 20's, defendant argues that the court should have granted his motion to file a successive postconviction petition. Defendant requests that we remand for second-stage postconviction proceedings and the appointment of counsel.

¶ 19

A. Standard of Review

¶ 20 The Act provides a method for a criminal defendant to challenge his or her conviction by establishing a substantial denial of his or her constitutional rights. *People v. Wrice*, 2012 IL 111860, ¶ 47. However, the Act contemplates the filing of only one postconviction petition. 725 ILCS 5/122-1(f) (West 2016); *People v. Pitsonbarger*, 205 Ill. 2d 444, 456 (2002). Claims that were decided on direct appeal or in an earlier postconviction proceeding are generally barred by the doctrine of *res judicata*, and claims that could have been, but were not, raised in an earlier proceeding are forfeited. *People v. Blair*, 215 Ill. 2d 427, 443-44 (2005). Successive postconviction petitions are disfavored. *People v. Bailey*, 2017 IL 121450, ¶ 39. Accordingly, a defendant seeking to file such a petition must demonstrate either “cause and prejudice” for failing to raise a claim earlier, or actual innocence. *People v. Edwards*, 2012 IL 111711, ¶¶ 22-23. Leave to file should be denied only where “it is clear, from a review of the successive petition and the documentation submitted by the petitioner, that the claims alleged by the petitioner fail as a matter of law or where the successive petition with supporting documentation is insufficient to justify further proceedings.” *People v. Smith*, 2014 IL 115946, ¶ 35. We review *de novo* a circuit court’s

denial of leave to file a successive petition. *People v. Jackson*, 2016 IL App (1st) 143025, ¶¶ 32-34.

¶ 21 Here, defendant sought leave to file a successive postconviction petition under the Act's cause-and-prejudice exception. Specifically, section 122-1(f) of the Act, which codifies the cause-and-prejudice exception, provides that 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 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). We address each in turn.

¶ 22 B. Cause

¶ 23 Defendant asserts that he has established cause to file a successive petition. He argues that, after his initial postconviction petition was filed (in 2012 and amended by counsel in 2013), the law evolved to allow emerging young adults, based upon the concepts initially discussed in *Miller*, to challenge their sentences as violating the proportionate-penalties clause of the Illinois constitution, which provides that "all penalties shall be determined according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship." Ill. Const. art. I, § 11. A sentence may be unconstitutional under the proportionate-penalties clause where, based upon an "evolving standard of decency that mark[s] the progress of a maturing society," the sentence "shocks the moral sense of the community." *People v. Leon Miller*, 202 Ill. 2d 328, 338-42 (2002).

¶ 24 The trial court agreed that defendant established cause to file a successive petition. The State, however, disagrees. The State relies on this court's decisions in *People v. LaPointe*, 2018 IL App (2d) 160903, ¶ 55, and *People v. Hoover*, 2019 IL App (2d) 170070, ¶ 37, which held, in

part, that, where the postconviction claims (filed by defendants ages 18 and 22 at the time of their crimes, respectively), relied upon the proportionate-penalties clause, which existed prior to the defendants' direct appeals and initial postconviction petitions, their motions for leave to file successive petitions were properly denied for failing to establish the requisite cause. Similarly, the State contends, defendant's argument here (*i.e.*, that, given his youth at the time of the offense and because it affords him no opportunity for rehabilitation, his 45-year sentence violates the proportionate penalties clause) was available when defendant filed his direct appeal and initial postconviction petition. The State further asserts that, although additional *support* for defendant's arguments may have subsequently issued, such support is inadequate to establish cause, because, if additional support for an argument is sufficient to establish cause, then the cause requirement of section 122-1(f) "would be a weak threshold indeed." *LaPointe*, 2018 IL App (2d) 160903, ¶ 59; see also *Hoover*, 2019 IL App (2d) 170070, ¶ 33. Moreover, the State points out that, in *LaPointe*, this court noted that the proffered new scientific research about juvenile development was "not a new rule of law. It did not create a constitutional right where none had existed before or impose new limits on the substantive law." *LaPointe*, 2018 IL App (2d) 160903, ¶ 58.

¶ 25 In addition, the State further asserts that, although defendant references *Harris* and *Thompson*, those cases reflect merely that as-applied challenges to a defendant's sentence cannot be raised for the first time on direct appeal. In addition, the State notes that *House* involved a different procedural posture, because the defendant there raised the as-applied challenge in his initial postconviction petition, whereas, here, defendant is seeking to raise the claim in a successive postconviction petition and must meet section 122-1(f)'s cause-and-prejudice standard. Finally, the State notes that *Miller* was decided in June 2012, and was, therefore, available when defendant

filed his initial postconviction petition, which was amended by counsel in December 2013; nevertheless, defendant did not challenge his sentence at that time.

¶ 26 Defendant responds that this court should reconsider the rationale for *LaPointe* and *Hoover*, noting that the basis for his claim is again before the supreme court in *House*, 2019 IL App (1st) 110580-B (leave to appeal granted, No. 125124). He notes that numerous decisions have recently issued which found that other defendants, who were emerging adults at the time of their crimes, had established cause for their successive postconviction petitions, as *Miller* and its progeny were not available when they filed their initial petitions. See *People v. Carrasquillo*, 2020 IL App (1st) 180534, ¶ 108 (age 18 at the time of the offense); *People v. Johnson*, 2020 IL App (1st) 171362, ¶ 12 (age 19 at the time of the offense); *People v. Minniefield*, 2020 IL (App) 170541, ¶ 32 (age 19 at the time of the offense); and *People v. Ruiz*, 2020 IL App (1st) 163145, ¶ 28 (age 18 at the time of the offense). Further, although *Miller* was decided in June 2012, and counsel amended his initial postconviction petition in December 2013, defendant points out that, in *Johnson*, the court acknowledged that, because *Miller* had not yet been extended to young adults, the defendant's argument presented in the successive petitions had been unavailable to earlier counsel, despite earlier postconviction filings. For the following reasons, we decline to disavow *LaPointe* and *Hoover* and conclude that defendant did not establish cause for filing a successive postconviction petition.

¶ 27 Like the eighth amendment, the proportionate penalties clause of the Illinois Constitution embodies our evolving standard of decency. See *People v. Miller*, 202 Ill. 2d 328, 339 (2002) (“as our society evolves, so too do our concepts of elemental decency and fairness which shape the ‘moral sense’ of the community” underlying both the proportionality clause and the eighth amendment). As recently noted in *People v. Daniels*, 2020 IL App (1st) 171738, “our supreme

court has twice acknowledged that young adults—at least those who were 20 years of age or younger at the time of their crimes—may still rely on the evolving neuroscience and societal standards underlying the rule in *Miller* to support as-applied challenges to life sentences brought pursuant to the Illinois proportionate penalties clause (Ill. Const. 1970, art. I, § 11).” *Daniels*, 2020 IL App (1st) 171738, ¶ 25 (citing *Thompson*, 2015 IL 118151, ¶¶ 43-44, and *Harris*, 2018 IL 121932, ¶ 48). Moreover, “[i]n doing so, the court 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 shocks the moral sense of the community.’ ” *Daniels*, 2020 IL App (1st) 171738, ¶ 25 (quoting *People v. Klepper*, 234 Ill. 2d 337, 348-49(2009) (stating what is required to succeed on a proportionate-penalties claim)).

¶ 28 In *Thompson*, the defendant, age 19 at the time of his crime, raised an as-applied constitutional challenge to his sentence on appeal from the dismissal of his petition seeking relief from a final judgment under section 2-1401 of the Code of Civil Procedure (735 ILCS 5/2-1401 (West 2010)). The supreme court noted that, to support his as-applied challenge, the defendant relied exclusively on the “evolving science” on juvenile maturity and brain development that formed the basis of the *Miller* decision, which he maintained should apply with “equal force” to a defendant who was between the ages of 18 and 21 when the underlying crime was committed. *Thompson*, 2015 IL 118151, ¶ 38. As the record, however, contained nothing about how that science applied to the circumstances of the defendant’s case, the key showing for an as-applied constitutional challenge, the court concluded that the claim was better raised under the Act, which

“is expressly designed to resolve constitutional issues, *including those raised in a successive petition.*” (Emphasis added.) *Id.* ¶ 44.

¶ 29 Similarly, in *Harris*, the appellate court found on *direct appeal* that a *de facto* life sentence as applied to a defendant who was 18 years old at the time of his offense violated the proportionate penalties clause. *Harris*, 2016 IL App (1st) 141744, ¶ 58. The supreme court reversed the appellate court, however, it noted that “the record here does not contain evidence about how the evolving science on juvenile maturity and brain development that helped form the basis for the *Miller* decision applies to [the] defendant’s specific facts and circumstances. Accordingly, [the] defendant’s as-applied challenge is premature,” and the claim would be better raised in a postconviction proceeding. *Harris*, 2018 IL 121932, ¶¶ 46, 48.

¶ 30 Finally, in *House*, the appellate court, in 2015, held that a mandatory life sentence as applied to a 19-year-old was unconstitutional under the proportionate-penalties clause. *House*, 2015 IL App (1st) 110580, ¶ 102. The supreme court vacated the decision, remanding to the appellate court for reconsideration in light of *Harris*. See *House*, 2018 IL 121932. In 2019, on remand, the appellate court in *House* again concluded that the 19-year-old’s life sentence was unconstitutional under the proportionate-penalties clause (*House*, 2019 IL App (1st) 110580-B, ¶ 65), and our supreme court, in turn, has again granted leave to appeal (*House*, leave to appeal granted, No. 125124 (Jan. 29, 2020)).

¶ 31 Given the foregoing, a young adult may seek to raise in a successive postconviction petition an as-applied constitutional challenge to his or her sentence. The foregoing supreme court cases did not, however, specifically discuss the establishment of *cause* for doing so (although perhaps the court will do so in the pending *Harris* case). The issue squarely before us is whether defendant has properly established cause for filing his successive postconviction petition. Defendant’s

position here is that cause is established by cases and scientific research extending to young adults the concepts in *Miller* and its progeny. As noted, this court has twice rejected this notion, as we concluded that *Miller* and subsequent caselaw and/or studies merely provide *support* for a proportionate-penalties clause challenge, as the clause itself existed well before the appeal or initial postconviction petitions were filed, and, in doing so, we did not find persuasive and found distinguishable both *House* and *Harris*. See *Hoover*, 2019 IL App (2d) 170070, ¶ 36 (citing *LaPointe*, 2018 IL App (2d) 160903, ¶¶ 67, 69). Although, as recited above, defendant points to recent cases from the First District appellate court holding that cause was established where the defendants could not have raised claims in earlier postconviction proceedings based on a line of cases (*Miller*, etc.) that had not yet even been decided (and, further, those cases held that the inability to raise the claims earlier *was* the prejudice (see, e.g., *Ruiz*, 2020 IL App (1st) 163145, ¶ 53)), those cases did not analyze or distinguish our decisions in *LaPointe* and *Hoover*. In contrast, the Fifth District appellate court recently held that a defendant who, like this defendant, was 20 years old at the time of his particularly horrific crimes, had not established cause to file a successive postconviction petition. Specifically, in *People v. White*, 2020 IL App (5th) 170345, ¶ 24, the court found “simply insufficient” to meet the high standard for filing a successive postconviction petition the defendant’s “flat allegation as to evolving science on juvenile maturity and brain development.” The court noted that “[o]ther than generally asserting studies that show that sometimes youthfulness can extend into a person’s twenties, the defendant does not now allege how he was particularly affected by any immaturity, and it is undisputed that he did not suffer from any cognitive or developmental impairments. Further, the allegations relating to his family history do not rise to the level of special circumstances that would provide a compelling reason to advance his successive postconviction petition.” *Id.* The court, citing *LaPointe* and *Hoover*

favorably, agreed that, in this context, “a trial court’s failure to consider a defendant’s youth amounts to nothing more than a garden variety claim that the court abused its sentencing discretion,” and not a genuine claim of constitutional deprivation. *Id.* ¶ 30. The court concluded that “[a]lthough the mandatory sentencing law for juveniles and young adults continues to evolve, we do not believe this case presents one of those rare instances where the defendant should be allowed to proceed in his successive postconviction petition.” *Id.* ¶ 31.

¶ 32 Here, like in *White*, defendant asserts broadly in his motion to file a successive postconviction that he came from a dysfunctional home, was prescribed Ritalin for a hyperactivity disorder, and had a learning, reading, and behavior disorder. He referenced the presentence report, which confirmed the learning and behavior disorders; however, the report also recounts that he reported no abuse in his family, has average intelligence, and no longer received special education services upon reaching high school. In sum, we see no reason to depart from this court’s prior rationale in *LaPointe* and *Hoover*. We conclude that defendant has not established cause for filing a successive postconviction petition.

¶ 33 C. Prejudice

¶ 34 Even if we were to find that defendant established sufficient cause, we would conclude that defendant did not establish the requisite prejudice. Defendant argues that he demonstrated sufficient prejudice, because he received a 45-year sentence without due consideration of his youth and, therefore, his sentence is constitutionally unsound. Defendant asserts broadly that his maturity at age 20 was similar to that of a juvenile offender, and the underlying offense and information contained in the presentence report demonstrate that he shared a juvenile offender’s diminished culpability and enhanced rehabilitative potential. Specifically, he points out that he came from a “fractured family,” had behavioral and learning disabilities, and was eligible for

special education services. Defendant asserts that his 45-year sentence constitutes a *de facto* life sentence (see, e.g., *People v. Buffer*, 2019 IL 122327, ¶¶ 40-42) and, while his life sentence was not mandatory, the supreme court has determined that *Miller*'s holding applies to both mandatory and discretionary life sentences (see *People v. Holman*, 2017 IL 120655, ¶ 40).

¶ 35 The State again disagrees, arguing that the trial court correctly assessed that there is no reasonable probability that the sentencing court would have imposed a more lenient sentence if asked to apply the proportionate-penalties clause in light of *Miller* and its progeny. The State argues that defendant's 45-year sentence for his role in a senseless gang-related murder does not shock the moral sense of the community and, indeed, that defendant's argument is *not* that a 45-year sentence for murder is so disproportionate to the offense as to violate the constitution. Rather, as was rejected in *LaPointe* and again in *Hoover*, defendant's argument is that the court failed to consider his youth and rehabilitative potential, which, the State argues, is merely a contention that the court abused its sentencing discretion, *not* a constitutional claim. See *Hoover*, 2019 IL App (2d) 170070, ¶ 38 (citing *LaPointe*, 2018 IL App (2d) 160903, ¶ 61). The State concedes, however, that, recently, two courts applied *Miller* and *Buffer* to as-applied proportionate-penalties challenges for adult offenders with discretionary sentences. See *Ruiz*, 2020 IL App (1st) 163145 and *Johnson*, 2020 IL App (1st) 171362.

¶ 36 Moreover, the State asserts that the record clearly reflects that this is not a case where the court may have wished to show leniency to a youthful offender, but was precluded from doing so under the statutory sentencing scheme. Rather, the court, in its discretion, considered aggravating and mitigating circumstances, reviewed defendant's statement in allocution and presentence report, and found particularly aggravating that defendant drove his co-defendant to a rival gang area with the intent to shoot rival gang members. Although defendant did not pull the trigger, the

court found that, when he drove Aguilar to the area, he knew what Aguilar intended to do. In addition, defendant was on felony probation at the time of the offense. It found mitigating defendant's completion of classes while in jail, his youth and immaturity, and found that defendant had some rehabilitative potential. As the sentencing range was 35 to 75 years' imprisonment (20 to 60 years for first degree murder, and 15 years for use of a firearm), defendant's sentence was at the lower end of the range. The State summarizes that *Miller's* factors concerning youthful offenders' underdeveloped sense of responsibility, recklessness, impulsive behavior, and risk-taking, were addressed by this sentencing court.

¶ 37 We again find no reason to depart from our prior rationale in *LaPointe* and *Hoover*: for purposes of considering leave to file a successive postconviction petition, defendant's argument that his youth, age 20, was not adequately considered at sentencing is not truly a constitutional claim. Defendant's argument is *not* that a 45-year sentence for murder is so disproportionate to the offense as to violate the constitution. It is simply that youth was not adequately considered, which is akin, here, to an abuse-of-discretion argument, not a constitutional argument. Moreover, again, to establish the requisite prejudice, defendant must show that the error so infected the trial that the resulting sentence violated due process. 725 ILCS 5/122-1(f) (West 2016). We cannot conclude that defendant has established this here. As the State notes, defendant, while young, was not a minor when he committed the crimes, nor for sentencing purposes. Except for the enhancement, his sentence was not mandated, and he received a sentence on the lower end of the sentencing range (45 years on a 35-to-75 year range). In addition, when announcing the sentence, the trial court expressly considered defendant's youth, as well as the effect that youth has on decisionmaking:

“I’ve considered [defendant’s] age. He is a very young man, just as Lorenzo was a young man. Almost the same ages, frankly. [Defendant] now is, I believe, 22 years of age. When this occurred, he was approximately 19 or 20 years of age. I like to think that when people are of that age they don’t always think as clearly and as correctly as they should as they hopefully mature a little bit and do things that perhaps later in life that they would not do.

Unfortunately, [defendant] at a young age has involved himself in something of such a serious nature that it’s going to have a profound effect on him for the rest of his life. So I’ve tried to consider all those things in trying to reach what I believe is a just sentence in this case.”

¶ 38 In sum, we conclude that defendant has not established the requisite cause or prejudice to file a successive postconviction petition.

¶ 39 III. CONCLUSION

¶ 40 For the reasons stated, the judgment of the circuit court of Du Page County is affirmed.

¶ 41 Affirmed.