

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).

2025 IL App (4th) 230926-U

NO. 4-23-0926

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

May 30, 2025

Carla Bender

4th District Appellate
Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the
Plaintiff-Appellee,)	Circuit Court of
v.)	Jo Daviess County
ROBERT K. JONES,)	No. 99CF62
Defendant-Appellant.)	
)	Honorable
)	Kevin J. Ward,
)	Judge Presiding.

JUSTICE GRISCHOW delivered the judgment of the court.
Justices Doherty and Cavanagh concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court dismissed as moot defendant's appeal of the trial court's denial of his motion for leave to file a successive postconviction petition where defendant's argument his life sentence, which was commuted from death by the governor, violated the proportionate penalties clause of the Illinois Constitution (Ill. Const. 1970, art. I, § 11).

¶ 2 In 2000, defendant, Robert K. Jones, pleaded guilty to six counts of first degree murder (720 ILCS 5/9-1(a)(1), (2), (3) (West 1998)), four counts of aggravated criminal sexual assault (*id.* § 12-14(a)(1), (2), (3), (4)), and one count each of home invasion (*id.* § 12-11(a)), armed violence (*id.* § 33A-2), and residential burglary (*id.* § 19-3(a)) in connection with the shooting deaths of Darin Oellerich and Rhonda Wurm. Defendant was 18 years old at the time of the crimes. The trial court sentenced defendant to death for the murders. On January 10, 2003, then-Illinois Governor George Ryan commuted defendant's sentence to life imprisonment.

¶ 3 On direct appeal, defendant argued the statute mandating life in prison when two or more murders were involved (730 ILCS 5/5-8-1(a)(1)(c)(ii) (West 1998)) was unconstitutional. The appellate court affirmed, finding that under *People v. Mata*, 217 Ill. 2d 535 (2005), sentencing issues were rendered moot by the governor's commutation of the death sentence to life imprisonment. *People v. Jones*, No. 2-05-0970 (2007) (unpublished order under Supreme Court Rule 23).

¶ 4 While defendant's appeal was pending, he filed a *pro se* petition under the Post-Conviction Hearing Act (Act) (725 ILCS 5/122-1 *et seq.* (West 2022)), again alleging in part that the statute mandating a life sentence was unconstitutional. After the decision on direct appeal, the trial court dismissed the petition, and the appellate court affirmed. *People v. Jones*, No. 2-09-0859 (2011) (unpublished order under Supreme Court Rule 23). Following that dismissal, defendant filed multiple motions seeking leave to file successive petitions, which were denied.

¶ 5 In June 2023, defendant filed a motion for leave to file a third successive postconviction petition, alleging the statute mandating life in prison for his crimes violated the Illinois Constitution's proportionate penalties clause (Ill. Const. 1970, art. I, § 11), both facially and as applied. The trial court denied the motion.

¶ 6 Defendant appeals, arguing he established cause and prejudice to file a successive petition because he could not raise the issue sooner based on changes in the law, in particular because two appellate court cases, *People v. Munson*, 2024 IL App (1st) 221193-U, and *People v. Ramsey*, 2019 IL App (3d) 160759, have declined to apply *Mata* to sentencing claims involving emerging-adult offenders.

¶ 7 We determine *Mata* applies to defendants' sentencing claim and dismiss the appeal as moot.

¶ 8

I. BACKGROUND

¶ 9

On August 7, 2000, defendant pleaded guilty to all of the charges against him. The factual basis for the plea included that, on June 22, 1999, defendant went to the home of Oellerich and Wurm armed with a rifle, with the intent to steal food. When defendant heard a noise, he investigated and saw Oellerich and Wurm lying in bed. Defendant shot both Oellerich and Wurm and sexually assaulted Wurm following her death. He confessed to the crimes.

¶ 10

At sentencing, the State presented substantial evidence in aggravation, including other crimes evidence. In mitigation, defendant argued he was high on lysergic acid diethylamide (LSD) and drunk, suffered from mental disorders due to a traumatic childhood, and was only 60 days past his eighteenth birthday at the time of the crimes. The trial court sentenced defendant to death for the murders and to prison terms of 30 years for home invasion, 30 years for armed violence, 15 years for residential burglary, and 30 years for one count of aggravated criminal sexual assault, after merging the aggravated criminal sexual assault counts into a single count. Defendant moved to withdraw his guilty plea and filed multiple other postplea motions. The court denied the motion to withdraw the plea but vacated the armed violence conviction.

¶ 11

Defendant filed a direct appeal, contending in part that the statute mandating life imprisonment for multiple murders was unconstitutional because it conflicted with the requirement that all penalties be determined with the objective of restoring a defendant to useful citizenship. While the appeal was pending, the governor commuted defendant's death sentence to life imprisonment.

¶ 12

The appellate court affirmed. *Jones*, No. 2-05-0970, slip order at 6. Applying *Mata*, the court noted defendant acknowledged his contention was a sentencing issue. The court then determined defendant's sentencing issue was rendered moot by the governor's commutation of

defendant's death sentence to life imprisonment. The court rejected an argument that the supreme court in *Mata* might have overlooked previous precedent indicating that commutations affected only the possible capital consequences of an offense. Thus, the court held *Mata* was binding precedent that rendered defendant's claim moot. *Id.* at 5-6

¶ 13 While the direct appeal was pending, defendant filed his first postconviction petition, again alleging in part that the statute mandating life in prison was unconstitutional. That matter was held in abeyance until the direct appeal was decided. The trial court dismissed the petition, and defendant appealed, but he did not raise the sentencing issue on appeal. Thereafter, defendant unsuccessfully attempted additional collateral attacks on the judgment, including filing motions for leave to file successive postconviction petitions. In particular, in January 2021, defendant filed a motion for leave to file a successive postconviction petition, but he did not raise any sentencing issues.

¶ 14 On June 20, 2023, defendant filed a motion for leave to file a third successive postconviction petition, alleging the statute mandating life in prison for multiple murders was unconstitutional under the eighth amendment of the United States Constitution (U.S. Const., amend. VIII), which prohibits cruel and unusual punishment. He further alleged his life sentence violated the Illinois proportionate penalties clause both facially and as applied to him because it did not allow for the consideration of defendant's potential for rehabilitation and was entered without consideration of his age, youth, and its attendant characteristics, which entitled him to protections similar to those afforded to juvenile offenders by *Miller v. Alabama*, 567 U.S. 460 (2012). Defendant cited various cases involving sentencing emerging-adult offenders and argued he had cause to file a successive postconviction petition because the cases he cited were decided after his first postconviction proceeding. Defendant attached scientific documentation regarding

brain development in emerging adults to his motion.

¶ 15 The trial court denied the motion, finding defendant's claim was barred by *res judicata* because defendant challenged his sentence in his direct appeal. The court also found defendant could not establish cause and prejudice for leave to file a successive petition because he had the ability to present his argument at sentencing and evidence regarding his age, youth, and attendant circumstances were actually presented at sentencing.

¶ 16 This appeal followed.

¶ 17 II. ANALYSIS

¶ 18 On appeal, defendant argues his life sentence violated the proportionate penalties clause of the Illinois Constitution as applied to him because he was an emerging adult at the time of the crimes and science has shown brain development continues into the early twenties. The State argues defendant's claim became moot under *Mata* when the governor commuted his sentence.

¶ 19 Aside from mootness, we also note the appellate court's application of *Mata* on direct appeal implicates issues of collateral estoppel, *res judicata*, and the law of the case. Defendant, however, asks this court to adopt the reasoning of *Ramsey* and *Munson*, which declined to apply *Mata* to emerging-adult claims. Based on those cases, he contends he was previously incorrectly told by the appellate court the matter was moot. Thus, he argues he established cause and prejudice to be granted leave to file a successive postconviction petition because he could not have raised the issue sooner.

¶ 20 A. The Act

¶ 21 Defendant's claim arises in the context of the denial of his motion for leave to file a successive postconviction petition. The Act provides a means to collaterally attack a criminal conviction based on a substantial denial of a defendant's state or federal constitutional rights.

People v. Hodges, 234 Ill. 2d 1, 9 (2009). A proceeding under the Act is a collateral proceeding and not an appeal from the defendant’s conviction and sentence. *People v. Beaman*, 229 Ill. 2d 56, 71 (2008). Issues adjudicated on direct appeal or a previous collateral proceeding are barred by *res judicata*, and issues that could have been raised but were not are forfeited. *People v. Tate*, 2012 IL 112214, ¶ 8. The Act contemplates the filing of only one postconviction petition. *People v. Pitsonbarger*, 205 Ill. 2d 444, 456 (2002). A defendant must obtain leave from the trial court to file a successive petition under the Act. 725 ILCS 5/122-1(f) (West 2022).

¶ 22 To obtain leave, a defendant must do one of the following: (1) show cause and prejudice for the failure to raise a claim in his earlier petition or (2) show a “ ‘fundamental miscarriage of justice’ ***, [which] requires a [defendant] to make a persuasive showing of ‘actual innocence.’ ” *People v. Prante*, 2023 IL 127241, ¶ 59 (quoting *People v. Taliani*, 2021 IL 125891, ¶ 55). Defendant’s motion does not make a claim of actual innocence.

¶ 23 Showing cause requires identifying an objective factor that impeded the defendant’s ability to raise the claim in the initial postconviction petition. *People v. Moore*, 2023 IL App (4th) 210245, ¶ 45. Showing prejudice requires a defendant to articulate how a “claim not raised during the initial proceeding so infected the trial that the resulting conviction or sentence violated due process.” *Id.* “For a defendant to obtain leave to file a successive postconviction petition, both prongs of the cause-and-prejudice test must be satisfied.” *People v. Ryburn*, 2019 IL App (4th) 170779, ¶ 19. We review *de novo* the denial of a motion for leave to file a successive postconviction petition. *People v. Crenshaw*, 2015 IL App (4th) 131035, ¶ 38.

¶ 24 B. The Proportionate Penalties Clause and Emerging Adults

¶ 25 Defendant’s as-applied constitutional challenge is rooted in a line of cases providing heightened protections for juvenile defendants in sentencing under the eighth

amendment of the United States Constitution (U.S. Const., amend. VIII), which prohibits cruel and unusual punishment. See *Miller*, 567 U.S. at 479 (stating the eighth amendment prohibits sentences of mandatory life without parole for juvenile offenders convicted of homicide). The Supreme Court reasoned in *Miller* that “children are constitutionally different from adults for purposes of sentencing” because they are less mature and more impulsive and vulnerable to peer pressure than adults. *Id.* at 471.

¶ 26 Under *Miller*, a juvenile defendant may be sentenced to mandatory life imprisonment without parole only after the trial court has considered factors that include, but are not limited to, the juvenile defendant’s (1) chronological age at the time of the offense and any evidence of his particular immaturity, impetuosity, and failure to appreciate risks and consequences; (2) family and home environment; (3) degree of participation in the homicide and any evidence of familial or peer pressures that may have affected him; (4) incompetence, including his inability to deal with police officers or prosecutors and his incapacity to assist his own attorneys; and (5) prospects for rehabilitation. *Id.* at 477-78. However, it is well established that offenders who are 18 years and older cannot raise a challenge to their sentences under the eighth amendment and the *Miller* line of cases. *People v. Harris*, 2018 IL 121932, ¶ 61. Instead, such offenders are limited to raising their claims as a violation of the proportionate penalties clause of the Illinois Constitution.

¶ 27 The proportionate penalties clause states, “All penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship.” Ill. Const. 1970, art. I, § 11. A statute violates the proportionate penalties clause if either (1) the penalty is harsher than the penalty for a different offense containing identical elements or (2) the punishment for the offense is cruel, degrading, or so wholly disproportionate

to the offense as to shock the moral sense of the community. *People v. Williams*, 2024 IL 127304, ¶ 24. Defendant challenges his sentence under the latter standard.

¶ 28 The Illinois Supreme Court has made clear that “*Miller*’s announcement of a new substantive rule under the eighth amendment does not provide cause for a defendant to raise a claim under the proportionate penalties clause.” *People v. Dorsey*, 2021 IL 123010, ¶ 74. The court explained, “*Miller*’s unavailability prior to 2012 at best deprived defendant of ‘some helpful support’ for his state constitutional law claim, which is insufficient to establish ‘cause.’ ” *Id.* (quoting *People v. LaPointe*, 2018 IL App (2d) 160903, ¶ 59). “As *Miller* does not directly apply to young adults, it also does not provide cause for a young adult offender to raise a claim under the proportionate penalties clause.” *People v. Moore*, 2023 IL 126461, ¶ 40. Further, it makes no difference whether the sentence was mandatory or discretionary. *People v. Leach*, 2024 IL App (4th) 230298, ¶¶ 85-88.

¶ 29 C. Mootness and Collateral Estoppel

¶ 30 As previously noted, the State contends the matter is moot under *Mata*. The State also argues principles of collateral estoppel and *res judicata* apply because the appellate court already applied *Mata* to find defendant’s sentencing issue moot.

¶ 31 “A case on appeal becomes moot where the issues presented in the trial court no longer exist because events subsequent to the filing of the appeal render it impossible for the reviewing court to grant the complaining party effectual relief.” *Jackson v. Board of Election Commissioners*, 2012 IL 111928, ¶ 28. The mootness doctrine exists to prevent reviewing courts from issuing advisory opinions. *George W. Kennedy Construction Co. v. City of Chicago*, 112 Ill. 2d 70, 76 (1986). Mootness is jurisdictional, and, if an issue is moot, the court lacks jurisdiction to resolve it. *Midwest Central Education Ass’n v. Illinois Educational Labor Relations Board*, 277

Ill. App. 3d 440, 448 (1995).

¶ 32 Meanwhile, “[t]he preclusion doctrines of *res judicata*, collateral estoppel, and law of the case prevent a defendant from ‘taking two bites out of the same appellate apple.’ ” *People v. Tenner*, 206 Ill. 2d 381, 395 (2002) (quoting *People v. Partee*, 125 Ill. 2d 24, 37 (1988)). “Specifically, the law of the case doctrine bars relitigation of an issue already decided in the same case.” *Id.* However, the law of the case is generally inapplicable to a motion for leave to file a successive postconviction petition because that doctrine bars relitigation of an issue already decided in the same case, whereas a postconviction proceeding is a case different from the direct appeal. *People v. Wright*, 2013 IL App (4th) 110822, ¶ 29.

¶ 33 Instead, the more relevant doctrines are collateral estoppel or *res judicata*. “ ‘Collateral estoppel, or issue preclusion, prevents relitigation of issues of law or fact that have previously been litigated and decided in an action involving the same parties or their privies.’ ” *Id.* ¶ 30 (quoting *In re Huron Consulting Group, Inc.*, 2012 IL App (1st) 103519, ¶ 22).

“The collateral estoppel doctrine has three requirements: (1) the court rendered a final judgment in the prior case; (2) the party against whom estoppel is asserted was a party or in privity with a party in the prior case; and (3) the issue decided in the prior case is identical with the one presented in the instant case.” *Tenner*, 206 Ill. 2d at 396.

The doctrine of collateral estoppel is not applicable where a defendant has offered newly discovered, additional evidence. See *id.* at 397-98. The doctrine of collateral estoppel also “will not be applied if the precluded party did not have a full and fair opportunity to litigate the issue or if its application would cause an injustice to the precluded party.” *People v. Filitti*, 190 Ill. App. 3d 884, 886 (1989).

¶ 34 In addition, *res judicata* bars claims that were raised or could have been raised on direct appeal or in the initial postconviction petition. *Tate*, 2012 IL 112214, ¶ 8. “Guided by principles of fundamental fairness, a court will relax the customary doctrine of *res judicata* when appropriate.” *People v. Simpson*, 204 Ill. 2d 536, 560 (2001). However, the fundamental fairness exception will not be applied where the defendant has failed to meet the requirements of the “ ‘cause and prejudice’ test.” *Id.*

¶ 35 Here, the appellate court determined *Mata* applied to moot defendant’s constitutional challenge to his life sentence on direct appeal because *Mata* rendered sentencing issues moot when the governor commuted the sentence. However, defendant points to *Ramsey* and *Munson* to argue that *Mata* should not apply in cases involving life sentences imposed on emerging adults. Thus, he argues the matter is not moot. He then argues collateral estoppel and *res judicata* do not apply because the appellate court’s decision on direct appeal prevented him from raising his claim until *Ramsey* and *Munson* were decided and fundamental fairness dictates he should be able to have the merits of his claim addressed. Accordingly, we address the effect of *Ramsey* and *Munson* on the holding in *Mata*.

¶ 36 The governor’s commutation power is provided for in article V, section 12, of the Illinois Constitution, which states, “The Governor may grant reprieves, commutations and pardons, after conviction, for all offenses on such terms as he thinks proper.” Ill. Const. 1970, art. V, § 12. “[C]ommutation removes the judicially imposed sentence and replaces it with a lesser, executively imposed sentence.” *Mata*, 217 Ill. 2d at 547. Commutation prevents the appellate courts from being able to render effectual relief on the sentencing challenges. *Id.* Thus, “ ‘sentencing issues’ ” or “ ‘sentencing-phase issues’ ” are rendered moot by the governor’s commutation of a sentence. *Id.* However, non-sentencing issues do not become moot. *Id.* at 548.

¶ 37 In *Mata*, our supreme court noted that the governor’s constitutional authority to commute sentences “is extremely broad.” *Id.* at 541. Thus, the court explained, “The clemency power granted by the Illinois Constitution is not subject to control by the courts or the legislature, but can be controlled only by the Governor’s conscience and sense of public duty.” *Id.* Further, the court noted the only restrictions it had previously found on the exercise of the clemency or commutation power were that the governor could not change the crime for which the individual had been convicted or increase a defendant’s punishment. *Id.* at 542-43. However, addressing the United States Constitution, the court also addressed the potential for conflict between the governor’s commutation power and the United States Constitution, stating:

“The supremacy clause of the United States Constitution provides that ‘[t]his Constitution, and the Laws of the United States *** shall be the supreme Law of the Land *** any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.’ U.S. Const., art. VI, cl. 2. Thus, a state law is without effect if it conflicts with a federal law. [Citation]. State courts have an obligation to enforce and protect every right granted by the Constitution of the United States whenever those rights are involved in a suit or proceeding before them. [Citation]. Therefore, in the event of a conflict between the Governor’s clemency power granted by the Illinois Constitution and a defendant’s right guaranteed by the due process clause of the fourteenth amendment, the constitutional right to due process of law must prevail.” *Id.* at 546-47.

¶ 38 Previously, in *People v. Lucas*, 203 Ill. 2d 410, 418 (2002), the Illinois Supreme Court addressed the dismissal of a defendant’s postconviction petition alleging his attorney provided ineffective assistance during the sentencing phase of a death penalty case by failing to

present the testimony of several witnesses as evidence in mitigation. While the defendant's appeal was pending, the governor commuted the defendant's sentence to natural life without the possibility of parole. *Id.* at 418-19. The *Lucas* court explained that commutation removed the defendant's death sentence and replaced it "with a lesser, executively imposed sentence." *Id.* at 419. The court thus concluded that the defendant's sentencing issue was moot. *Id.*

¶ 39 Recently, however, the Appellate Court, Third District and Appellate Court, First District declined to apply *Mata* and related cases in cases involving life sentences imposed on emerging adults. In *Ramsey*, 2019 IL App (3d) 160759, ¶ 1, the defendant was convicted of multiple criminal offenses he committed at age 18, for which he received the death penalty. While his postconviction petition was pending, the governor commuted his death sentence to life imprisonment without the possibility of parole. *Id.* The trial court found the commutation order was not subject to judicial review and dismissed the petition. *Id.* On appeal, the defendant argued the commutation of his sentence violated his constitutional rights under the eighth amendment of the United States Constitution and the proportionate penalties clause of the Illinois Constitution in that the new sentence failed to consider his young age and other mitigating factors. *Id.* ¶ 8. The appellate court held that the commutation of defendant's death sentence did not render moot his claim under *Miller*. *Id.* ¶ 20.

¶ 40 Noting the *Mata* court's statement that a defendant's due process rights are not subordinate to the governor's clemency power, the *Ramsey* court stated, "We believe it follows that the judiciary is not absolutely foreclosed from reviewing whether an executively imposed sentence is unconstitutional." *Id.* Relying in part on a federal trial court case, the court further stated, "[W]e see no justice in a rule mandating a reviewing court to look the other way in a situation in which the Governor may have imposed an unconstitutional sentence." *Id.* ¶ 21. The

court then found, because the defendant's *Miller* claim implicated his due process rights under the eighth and fourteenth amendments (U.S. Const., amends. VIII, XIV), it would reach the merits of his claim. *Ramsey*, 2019 IL App (3d) 160759, ¶ 21. However, on the merits, the court then found the defendant's eighth amendment claim failed because *Miller* applied only to juveniles. *Id.* ¶ 22. The court then also addressed the merits of the defendant's proportionate penalties claim under the Illinois Constitution and found nothing indicated the governor's executively imposed sentence shocked the moral sense of the community. *Id.* ¶ 23.

¶ 41 Likewise, in *Munson*, the defendant, who was 20 at the time of the crimes, was originally sentenced to death. *Munson*, 2024 IL App (1st) 221193-U, ¶ 2. After the defendant's first postconviction proceeding, the governor commuted his sentence to life imprisonment, and the defendant sought leave to file a successive postconviction petition, raising a claim that the sentence violated the proportionate penalties clause of the Illinois Constitution. *Id.* The trial court denied the request. *Id.* ¶¶ 2-3. On appeal, the appellate court adopted the reasoning of *Ramsey* and found the governor's commutation of the sentence did not render the matter moot. *Id.* ¶¶ 23-24. On the merits, the court found the defendant could not show cause and prejudice for the filing of a successive petition. *Id.* ¶ 28.

¶ 42 Here, *Ramsey* and *Munson* do not convince us that *Mata* does not apply to moot defendant's appeal. In declining to apply *Mata* to sentencing issues involving emerging adults under the proportionate penalty clause of the Illinois Constitution, both *Ramsey* and *Munson* relied on statements from *Mata* concerning federal constitutional provisions conflicting with the governor's commutation power under the state constitution. By doing so, *Ramsey* and *Munson* expanded the holding in *Mata* to provide an exception to mootness regarding conflicts between two state constitutional provisions.

¶ 43 The Illinois Constitution grants the governor commutation power. As previously noted, *Mata* held that power was extremely broad and “not subject to control by the courts or the legislature.” *Mata*, 217 Ill. 2d at 541. However, *Mata* noted state law could not conflict with the United States Constitution and thus stated, “in the event of a conflict between the Governor’s clemency power granted by the Illinois Constitution and a defendant’s right guaranteed by the due process clause of the fourteenth amendment, the constitutional right to due process of law must prevail.” *Id.* at 546-47. *Mata* did not address a conflict between two Illinois constitutional provisions.

¶ 44 Under Illinois law, emerging adults cannot succeed on a federal eighth amendment claim. They are limited to bringing claims under the Illinois proportionate penalties clause. *Mata* does not suggest a conflict between the governor’s clemency power granted by the Illinois Constitution and the proportionate penalties clause of the Illinois Constitution must be resolved in favor of the proportionate penalties clause. Because *Mata* was concerned with conflicts between the Illinois Constitution and the United States Constitution, its statements regarding such conflicts are not applicable here, where two state constitutional provisions are at issue. Thus, the holding that the governor’s commutation power is not subject to control by the courts is the current established law as it pertains to alleged conflicts between two state constitutional provisions. Accordingly, we do not adopt the reasoning of *Ramsey* and *Munson*. *Mata* remains binding precedent, rendering defendant’s appeal moot.

¶ 45 We further note, even if we were to adopt the reasoning of *Ramsey* and *Munson*, defendant also raised a sentencing claim in his first postconviction petition but abandoned the issue after the direct appeal was decided. Then, he filed for leave to file a successive petition in January 2021, which was more than a year after the decision in *Ramsey*, but he did not raise his

proportionate-penalty claim. Meanwhile, this court has held emerging adults generally cannot show cause for leave to file a successive petition based on proportionate penalties claims. *Leach*, 2024 IL App (4th) 230298, ¶ 90. Thus, significant issues of collateral estoppel and *res judicata* are also implicated.

¶ 46 Nevertheless, defendant argues his situation is unique and he has not forfeited the issue, is not precluded from raising it, and has shown cause and prejudice for leave to file his successive petition because the appellate court wrongly told him on direct appeal the issue was moot, thus precluding him from raising the issue in the future. Given our holding that *Mata* is binding precedent, defendant's best recourse is to file for leave to appeal and ask the Illinois Supreme Court to reconsider *Mata* or modify how it applies to sentencing issues concerning emerging adults, especially when *Mata* precluded them from raising proportionate penalty claims on direct appeal or in a first postconviction petition. Unless and until either the United States Supreme Court or the Illinois Supreme Court holds otherwise, both this court and the trial court are bound by the Illinois Supreme Court's determination that the commutation of a defendant's death sentence renders claims such as the one raised here moot. Accordingly, we dismiss defendant's appeal.

¶ 47 III. CONCLUSION

¶ 48 For the reasons stated, the appeal is dismissed.

¶ 49 Appeal dismissed.