

APPELLATE COURT OF ILLINOIS, FIRST DISTRICT, FIFTH DIVISION

People v. Campbell

2026 IL App (1st) 220373-B · No. 1-22-0373 · Decided January 23, 2026

SUMMARY

The Illinois Appellate Court considered Tony Campbell’s motion for leave to file a successive postconviction petition challenging his 110-year sentence for offenses committed when he was 17. The court held that the sentencing scheme violated the Eighth Amendment under *Miller v. Alabama* because the sentencing court lacked discretion to impose anything less than a de facto life sentence. It reversed the denial of leave, vacated the sentence, and remanded for resentencing.

CASE DETAILS

COURT	Appellate Court of Illinois, First District, Fifth Division
WRITING FOR THE COURT	Justice Mary L. Mikva; Justice C.A. Walker; Justice Tailor
JURISDICTION	Illinois Appellate Court, First District, Fifth Division
DECIDED	January 23, 2026
DOCKET	1-22-0373
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed the circuit court's denial of his motion for leave to file a successive postconviction petition challenging the constitutionality of his 110-year sentence imposed for offenses committed when he was 17.
STANDARD OF REVIEW	De novo review of the circuit court's denial of leave to file a successive postconviction petition.
PRECEDENTIAL VALUE	Published Illinois Appellate Court opinion
PARTIES	Tony Campbell v. The People of the State of Illinois

TOPICS

- state post-conviction relief
- successive petitions
- cruel and unusual punishment
- sentencing
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Campbell established cause and prejudice permitting leave to file a successive postconviction petition challenging his juvenile de facto life sentence under the Eighth Amendment.
2. Whether the absence of sentencing discretion to impose less than a de facto life sentence violated *Miller v. Alabama* and its Illinois progeny.
3. Whether the alleged *Miller* violation could be treated as harmless because Campbell received a sentence substantially above the statutory minimum.
4. Whether the case should be reassigned to a different judge for resentencing.

HOLDINGS

1. Campbell established cause because the legal basis for his juvenile de facto life-sentence claim was not reasonably available when he was resentenced and when his initial postconviction petition was dismissed.
2. Campbell established prejudice because the sentencing scheme applied to him did not give the sentencing court constitutionally significant discretion to impose less than a de facto life sentence, violating the Eighth Amendment under *Miller*.
3. The *Miller* violation was not subject to harmless-error treatment on the State's theory that the sentencing judge would have imposed the same sentence even with additional discretion.
4. Because no factual development was necessary to establish the *Miller* violation, the proper remedy was to vacate Campbell's sentence and remand for a new sentencing hearing rather than remand for further postconviction proceedings.
5. The record did not support sua sponte reassignment to a different judge because it did not clearly reveal bias, the probability of bias, or prejudice under the narrow standard governing successive postconviction proceedings.

KEY QUOTATIONS

“Crucially, the sentencing court must have the ability to impose something less than a life sentence.” (§ 5)

“Where the minimum sentence available is more than 40 years, there is simply no constitutionally significant choice to be made.” (§ 55)

FACTUAL BACKGROUND

Campbell committed the offenses at age 17 after, according to the trial evidence, participating with an older associate in a plan to rob a friend. The victim was shot 11 times, and Campbell was convicted of first degree murder and armed robbery with a firearm finding. At resentencing, the court considered the seriousness of the offense and Campbell's limited criminal history and rehabilitative potential, but the statutory sentencing scheme required a minimum sentence of approximately 51 years, which Illinois law later recognized as a de facto life sentence.

PROCEDURAL HISTORY

Campbell was convicted of first degree murder and armed robbery and initially sentenced to 140 years. The appellate court remanded for resentencing, and he received a 110-year sentence in 2009, which was affirmed on direct appeal. After the summary dismissal of his initial postconviction petition, Campbell sought leave in 2019 to file a successive petition under Miller, Reyes, and related juvenile-sentencing decisions. The circuit court denied leave, concluding that the 2009 hearing was Miller-compliant; the appellate court reversed, vacated the sentence, and remanded for resentencing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate Campbell's 110-year sentence and remand for a new sentencing hearing. Reassignment to a different judge is not required under the record and the standard stated in *People v. Class*.

CASES CITED

- *Miller v. Alabama*, *Miller v. Alabama*, 567 U.S. 460 (2012)
- *People v. Reyes*, 2016 IL 119271
- *People v. Wilson*, 2023 IL 127666
- *People v. Buffer*, 2019 IL 122327
- *Jones v. Mississippi*, 593 U.S. ___, 141 S. Ct. 1307 (2021)
- *Montgomery v. Louisiana*, 577 U.S. 190 (2016)
- *People v. Pitsonbarger*, 205 Ill. 2d 444, 456 (2002)
- *People v. Blair*, 215 Ill. 2d 427, 443-44 (2005)
- *People v. Bailey*, 2017 IL 121450, ¶¶ 13, 39
- *People v. Edwards*, 2012 IL 111711, ¶¶ 22-23
- *People v. Ross*, 2020 IL App (1st) 171202, ¶ 21
- *People v. Griffin*, 2021 IL App (1st) 170649-U, ¶¶ 44-45
- *People v. Thurow*, 203 Ill. 2d 352, 368 (2003)
- *United States v. Dominguez*, 393 F. App'x 773, 779 (2d Cir. 2010)
- *People v. Wrice*, 2012 IL 111860, ¶ 87
- *People v. Class*, 2025 IL 129695, ¶¶ 31, 37, 44-45
- *Eychaner v. Gross*, 202 Ill. 2d 228, 279-81 (2002)
- *People v. Heider*, 231 Ill. 2d 1, 25 (2008)
- *People v. Robinson*, 2021 IL App (1st) 171371, ¶ 61
- *Manley v. Rowley*, 847 F.3d 705, 712 (7th Cir. 2017)
- *People v. Campbell*, 378 Ill. App. 3d 1119 (2008) (table)

- People v. Campbell, 405 Ill. App. 3d 1195 (2011) (table)
- People v. Campbell, 2014 IL App (1st) 120577-U, ¶¶ 28-29

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