

No. 1-09-3483

NOTICE: This order was filed under Supreme Court Rules 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Cook County.
)	
v.)	No. 93 CR 13482
)	
JESUS MORENO,)	Honorable
)	William G. Lacy,
Defendant-Appellant.)	Judge Presiding.

JUSTICE CAHILL delivered the judgment of the court.
Presiding Justice Garcia and Justice McBride concurred in the judgment.

ORDER

Held: The trial court's summary dismissal of defendant's *pro se* petition for relief under the Post-Conviction Hearing Act (725 ILCS 5/122-1 *et seq.* (West 2008)) was affirmed.

Defendant Jesus Moreno appeals from an order of the circuit court summarily dismissing his *pro se* petition for relief under the Post-Conviction Hearing Act (725 ILCS 5/122-1 *et seq.* (West 2008)). On appeal, defendant contends that his petition states a meritorious claim. He argues he is entitled to have his sentence reduced by three years because, when he entered his guilty plea, the trial court failed to admonish him properly that he would be required to serve a

three-year term of mandatory supervised release (MSR) in addition to his prison term.

Following a September 22, 1994, fully-negotiated guilty plea, defendant was convicted of six counts of attempted first degree murder for firing a gun at six young men inside a restaurant, leaving one of the victims mentally impaired and another paralyzed from the waist down. The trial court sentenced defendant to the agreed-on term of 45 years' imprisonment. Defendant did not move to withdraw his guilty plea, nor did he attempt to perfect an appeal from that judgment. In reviewing defendant's postconviction claim, the circuit court found that the record showed it had properly admonished defendant about MSR.

On appeal, defendant concedes that the court admonished him of the three-year term of MSR when advising him of the possible range of penalties he might receive but argues that, when imposing the actual sentence, the court failed to explicitly link the MSR term to his negotiated prison term. Defendant claims he is entitled to sentencing relief under *People v. Whitfield*, 217 Ill. 2d 177 (2005).

Reviewing the circuit court's summary dismissal of defendant's *pro se* postconviction petition *de novo* (*People v. Coleman*, 183 Ill. 2d 366, 388-89 (1998)), we find that defendant is not entitled to sentencing relief under *Whitfield*. Our supreme court has held that "the new rule announced in *Whitfield* should only be applied prospectively to cases where the conviction was not finalized prior to December 20, 2005, the date *Whitfield* was announced." *People v. Morris*, 236 Ill. 2d 345, 366 (2010). Here, defendant's conviction was finalized on October 22, 1994, more than 11 years before *Whitfield* was decided.

We reject defendant's contention that *Morris* was wrongly decided. It is well established that supreme court holdings are binding on all lower courts, and this court lacks authority to overrule those decisions. *People v. Artis*, 232 Ill. 2d 156, 164 (2009).

We also find unpersuasive defendant's claim that, independent of *Whitfield*, he is entitled to relief because he did not receive the benefit of his plea bargain under *Santobello v. New York*,

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404 U.S. 257 (1971) (a defendant's right to due process may be violated where the State fails to honor its promise as part of a plea agreement). In *Morris*, our supreme court explained that its decision in *Whitfield* relied "squarely on the Supreme Court's decision in *Santobello*." *Morris*, 236 Ill. 2d at 361. The *Whitfield* holding was expressly dependent on *Santobello*.

For these reasons, we affirm the judgment of the circuit court of Cook County

Affirmed.