FOURTH DIVISION
November 13, 2014

No. 1-14-1837

NOTICE: This order was filed under Supreme Court Rule 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

In re David J., a Minor	)	Appeal from the
	)	Circuit Court of
(THE PEOPLE OF THE STATE OF ILLINOIS,	)	Cook County.
	)	
Petitioner-Appellant,	)	
	)	
v.	)	14 JD 783
	)	
DAVID J., a Minor,	)	Honorable
	)	Andrew Berman,
Respondent-Appellee).	)	Judge Presiding.

JUSTICE HOWSE delivered the judgment of the court.
Presiding Justice Fitzgerald Smith and Justice Taylor concurred in the judgment.

ORDER

¶ 1 *Held*: The evidence was sufficient to sustain respondent's delinquent adjudication for residential burglary where evidence was not so improbable, unsatisfactory, or inconclusive that it created a reasonable doubt of defendant's guilt; section 5-715(1) of the Juvenile Court Act, which requires a minimum sentence of five years of probation for juveniles who have been adjudicated delinquent of forcible felonies, is constitutional.

¶ 2 Following a bench trial, respondent David J., a minor, was adjudicated delinquent of residential burglary and was subsequently sentenced to four years and eight months of probation pursuant to section 5-715(1) of the Juvenile Court Act (the Act). 705 ILCS 405/5-715(1) (West 2012). Respondent now appeals his delinquent adjudication for residential burglary arguing that the State failed to prove the elements of residential burglary and was instead only able to prove the elements of criminal trespass to a residence. Respondent also appeals his probation sentence arguing that section 5-715(1) of the Act, which requires at least five years of probation for juveniles who have been adjudicated delinquent of forcible felonies, violates his equal protection and due process rights. For the reasons below, we affirm the trial court's adjudication and sentence.

¶ 3 Background

¶ 4 On March 7, 2014, the State filed a petition for adjudication of wardship against respondent David J., who was born on March 7, 1998, alleging two counts of delinquency: (1) residential burglary, in violation of 725 ILCS 5/19-3, in that on or about February 21, 2014, David J. knowingly and without authority entered the dwelling of Kareem Musawwir at 11744 South Wentworth in Chicago with the intent to commit therein a theft or felony, and (2) criminal trespass to residence, in violation of 720 ILCS 5/19-4(a)(1), in that on or about the same date, David J. knowingly and without authority entered the residence of Kareem Musawwir at 11744 South Wentworth in Chicago.

¶ 5 Prior to this matter proceeding to trial, respondent was charged with domestic battery against his sister as well as possession of a controlled substance. Following the adjudication in this matter, respondent pled guilty to the domestic battery charge, and the State nolled the possession of a controlled substance charge.

¶ 6 This matter proceeded to a bench trial on April 15, 2014. Co-defendants in the matter, Jerrod S. and Deonte G., were tried together with respondent. Kareem Musawwir testified that he is the property manager for the building at 11744 South Wentworth. He testified that he did not recognize respondent, Jerrod S. or Deonte G. and had never given them permission to enter the property. On cross-examination, Musawwir testified that the building in question is a single-family residence, but that he does not live there. Musawwir was not at the residence on February 21, 2014, until he got a call that the property was being broken into and went to the property to find out what was going on. On redirect, Musawwir testified that on February 21, 2014, 11744 South Wentworth was being occupied as a dwelling place by a young man named Aqabatiq.

¶ 7 Following Musawwir's testimony, the State made a motion to amend the petition to change the name of the resident from Musawwir to Aqabatiq. The trial court denied the State's motion, finding that the name of the resident was not an element of the offense.

¶ 8 Officer Puszkiewicz testified that on February 21, 2014, he was out patrolling with his partner; they were dressed in plainclothes and were driving an unmarked vehicle. At approximately 7:11 p.m., Officer Puszkiewicz went to 11744 South Wentworth in response to a burglary-in-progress call. As they approached the home through an alley, he saw that a rear window of the single-family home had been broken and there was a garbage can turned upside down below the broken window. The bottom of the window pane was shattered and the frame was "out of whack." The window was in the back of the house and was approximately four feet from the ground with the garbage can standing about three-feet high beneath it. When Officer Puszkiewicz shined his flashlight in the house, he heard footsteps and then witnessed Jerrod S. poke his head out, put his arms up and say, "All right. You got me." Officer Puszkiewicz indentified Jerrod S. in court. Although Officer Puszkiewicz saw other people inside the house,

he could not tell what rooms they were in. In obeying Officer Puszkiewicz's instructions, Jerrod S. exited the house with respondent and Deonte G. Officer Puszkiewicz identified respondent and Deonte G. in court. Officer Puszkiewicz testified that he knew respondent before encountering him that night, having personally arrested him once before. All three minors were placed in custody. Following Officer Puszkiewicz's testimony, the State rested.

¶ 9 Counsel for all three minors moved for a directed verdict of not guilty, which the trial court denied. Respondent, Jerrod S. and Deonte G. all rested without presenting any evidence. Following closing arguments, the trial court found respondent, Jerrod S., and Deonte G. guilty of residential burglary. In making his ruling, the trial court judge made the following comments on the record:

> "Okay. Despite Counsel's somewhat novel arguments on these two other Counts, you know, I mean what we have here is a caught on site burglary where there's a garbage can outside a broken window at night. You know and until—you know, it was used as a dwelling place as testified to by Mr. Musawwir, I think that is how his name is pronounced, in redirect.
>
> You know, you don’t have to show that they’ve actually taken anything because they're inside with the intent to do that. It's pretty obvious. I don’t know why else, in this situation, one would have to be in a house at night with a broken window and a garbage outside if they were, you know, invited in.
>
> There's no evidence that they were there to do something legal. And on [co-respondent Jerrod S.] alone, I'm not considering

> one the other defendants, you know, there's a culpatory statement that's made to the police. And I thought the testimony was overwhelming and very credible on both of the witnesses and there's a finding on Count I. Count II is a lesser included. So there will be no finding entered on that one."

¶ 10 On April 21, 2014, respondent filed a motion for a new trial, which was set to be heard on May 27, 2014. On May 27, 2014, respondent's probation officer, P.O. Krzeminski, explained that he was unable to complete respondent's social investigation due to the fact that both of his scheduled appointments with respondent's mother were cancelled. In addition, Krzeminski explained that he cancelled an appointment for a home visit because, on the date of the appointment, he received a call from respondent's sister who advised Krzeminski to look at respondent's Facebook page and expressed safety concerns about Krzeminski going to the house. Krzeminski cancelled the appointment after viewing respondent's Facebook page, which contained gang photos and photos of firearms. Krzeminski stated that he had no intention of going to respondent's home in the future and requested a court-ordered urine drop, stating that he would conduct the social interview that afternoon while respondent and his mother were in the courthouse. Accordingly, the trial court judge ordered respondent to provide a urine sample and continued the matter for hearing on respondent's motion for a new trial and sentencing.

¶ 11 At the hearing on June 17, 2014, the trial court heard arguments on respondent's motion, wherein he argued that the State failed to prove the elements of residential burglary. In denying the motion, the trial court judge made the following comments on the record:

> "I don’t see a basis for granting a motion, frankly. I mean, your arguments, each one of them, there doesn’t have to be direct

> evidence that somebody—somebody doesn't have to just come out and say, "Well, I went in there to commit a theft." It can be inferred from the evidence that there was—that was there, which I think was pretty strong that there was a broken window; caught inside; they had to crawl through a broken pane that was four feet off the ground and, you know, that it was occupied as a residence and that the manager of the building didn't give permission. * * * Each one of these elements was covered by significantly credible testimony."

¶ 12 During the sentencing portion of the hearing, Krzeminski testified about his social investigation of respondent and submitted his written report. According to Krzeminski's social investigation, at the time, respondent was pending sentencing on this charge as well as the domestic battery against his sister. Respondent had also been arrested on June 3, 2014 for another domestic battery against his mother and sister. In total, respondent had been arrested nine times, with five of the arrests being felonies. Respondent had not attended a full day of school since December 3, 2013, and he failed all of his classes during his first year of high school. While he had enrolled in an alternative school program, he failed to attend. Respondent indicated that he hopes to return to the alternative school program in fall of 2014. The report indicated that respondent had been hospitalized on two occasions and was referred for a psychiatric assessment due to his violent and aggressive behaviors and noncompliance with treatment. Respondent admitted to using marijuana and alcohol, and although he claimed he quit, he tested positive for cannabiniods on May 29, 2014. Respondent did not deny or admit to being gang involved, but Krzeminski observed gang affiliations on his Facebook page and noted

that respondent associates with gang-involved youth. Respondent's mother informed Krzeminski that "she does not know what to do with [respondent] anymore as 'he is bringing gang bangers to the house because they want to hide their guns and drugs there.'" Based upon that information, Krzeminski recommended that respondent be placed on probation until his 21st birthday, be ordered to comply with TASC and their recommendations, complete 60 hours of community service, be referred to the Clinical Interventions Department, and submit a DNA sample.

¶ 13 The trial court judge noted that there was a "mandatory until twenty-one period," agreed with Krzeminski's recommendation, and sentenced respondent to four years and eight months of probation, at which time respondent would reach the age of 21, with various probation conditions including a clinical interventions referral and TASC.

¶ 14 Respondent now appeals the trial court's delinquency adjudication for residential burglary and probation sentence.

¶ 15 Analysis

¶ 16 Sufficiency of the Evidence

¶ 17 Respondent argues that his delinquency adjudication should be reduced from residential burglary to criminal trespass to residence because the evidence is not sufficient to prove that respondent entered the house with the intent to commit a theft or felony therein. Specifically, respondent argues that because the tenant who lived at 11744 South Wentworth never testified and because the State did not present any evidence that the interior of the home at 11744 South Wentworth contained personal property, there was insufficient evidence to support the inference that respondent entered the home with the intent to commit a theft or felony therein. Respondent argues that these omissions are fatal to his delinquent adjudication for residential burglary because the State was required to prove that "the building must at least be shown to

'contain[] personal property that could be the subject of larceny.'" See *People v. Johnson*, 28 Ill. 2d. 441, 443 (1963). We disagree.

¶ 18 The respondent concedes the evidence was sufficient to prove him guilty of criminal trespass to residence. "A person commits criminal trespass to a residence when, without authority, he or she knowingly enters or remains within any residence, including a house trailer that is the dwelling place of another." 720 ILCS 5/19-4(a)(1) (West 2012). To prove a charge of residential burglary, the evidence must show that respondent knowingly entered or remained in the residence with the intention of committing a felony or theft therein. 720 ILCS 5/19-3(a) (West 2012) ("A person commits residential burglary when he or she knowingly and without authority enters or knowingly and without authority remains within the dwelling place of another, or any part thereof, with the intent to commit therein a felony or theft."). Respondent argues that the evidence is not sufficient to prove that he had the intent to commit a felony or theft within the property and, therefore, the evidence is not sufficient to sustain his adjudication for residential burglary.

¶ 19 When reviewing a sufficiency of the evidence claim, our inquiry is limited to "whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." (Emphasis in original.) *People v. Cox*, 195 Ill. 2d 378, 387 (2001) (quoting *Jackson v. Virginia*, 443 U.S. 307, 318-19 (1979)). The "reviewing court must allow all reasonable inferences from the record in favor of the prosecution." *People v. Cunningham*, 212 Ill. 2d 274, 280 (2004). In reviewing the evidence, it is not the function of the court to retry the defendant, nor will we substitute our judgment for that of the trier of fact. *People v. Collins*, 214 Ill. 2d 206, 217 (2005). The weight to be given witnesses' testimony, the witnesses' credibility, and the reasonable inferences to be

drawn from the evidence, are all the responsibility of the fact finder. *People v. Steidl*, 142 Ill. 2d 204, 226 (1991). In addition, circumstantial evidence is sufficient to sustain a criminal conviction, so long as the elements of the crime have been proven beyond a reasonable doubt. *People v. Gilliam*, 172 Ill. 2d 484, 606 (1996). We will not reverse a conviction unless the evidence is so improbable, unsatisfactory, or inconclusive that it creates a reasonable doubt of defendant's guilt. *Collins*, 214 Ill. 2d at 217.

¶ 20 Initially we note that there is no requirement that the State, in a residential burglary prosecution, must present direct testimony that personal property was present inside a residence in order to prove a defendant's intention to commit a theft. 720 ILCS 5/19-3(a) (West 2012). While respondent and the State cited several cases that reference the presence of personal property in residences that are the subject of a burglary, (see *People v. Richardson*, 104 Ill. 2d 8 (1984), *People v. Sehr*, 150 Ill. App. 3d 118 (1986), *People v. Ybarra*, 156 Ill. App. 3d 996 (1987)), we find no case, nor have we been presented with any case, that stands for the proposition that direct testimony that personal property was present in the residence is required to convict or adjudicate for residential burglary. Therefore, we see no reason why the presence of personal property cannot be proven with circumstantial evidence. *People v. Williams*, 266 Ill. App. 3d 752, 760 (1994) ("trier of fact may convict a defendant solely on circumstantial evidence").

¶ 21 "The crime of burglary requires that its elements often be proved by circumstantial evidence." *People v. Suane*, 164 Ill. App. 3d 997, 1005 (1987) (citing *Richardson*, 104 Ill. 2d at 13).

> "Intent must ordinarily be proved circumstantially, by inferences drawn from conduct appraised in its factual environment. We are

> of the opinion that in the absence of inconsistent circumstances, proof of unlawful breaking and entry into a building which contains personal property that could be the subject of larceny gives rise to an inference that will sustain a conviction of burglary. Like other inferences, this one is grounded in human experience, which justifies the assumption that the unlawful entry was not purposeless, and, in the absence of other proof, indicates theft as the most likely purpose." *Johnson*, 28 Ill. 2d at 443.

It is not necessary to prove that anything was taken in order to support a burglary conviction. *Ybarra*, 156 Ill. App. 3d at 1004. The crime of burglary is complete upon the entering with intent to steal, and intent may be inferred from the proven facts and circumstances. *People v. Morris*, 7 Ill. App. 3d 1055, 1057 (1972). Other relevant circumstances when reviewing a residential burglary charge include the time, place, and manner that the offender entered the premises, the offender's activity within the premises, and any lack of an alternative explanation for the offender's presence. *Richardson*, 104 Ill. 2d 8 at 13; see also *Suane*, 164 Ill. App. 3d at 1005.

¶ 22 Here, the evidence showed that just after 7:00 p.m., a call reporting a burglary-in-progress at 11744 South Wentworth was made to police. When the officers arrived at that address, one of the back windows of the residential home was broken, the window pane was broken, and there was an upside-down trash can just below the broken window. The broken window was approximately four feet from the ground, and the trash can stood at approximately three feet placed below the window. Further, when the police officers arrived, the three minors, including respondent, were inside the house. The property manager testified that he did not give

any of the minors' permission to enter the house, and on February 21, 2014, there was a young man, Aqabatiq, who was living in the residence.

¶ 23 Thus, at trial, there was unrebutted testimony that not only was the property at issue a single-family residence, but a young man was residing in the home on the date of the burglary. Viewing all the evidence in a light most favorable to the State (*Cox*, 195 Ill. 2d at 387) and allowing all reasonable inferences from the record in favor of the prosecution (*Cunningham*, 212 Ill. 2d at 280), we find, as the trial court found, that it could reasonably be inferred that there was personal property in the residence at the time of the burglary because a young man was living there. As such, it follows that the minor's entry into the home was not purposeless, and in the absence of other proof, *Johnson* allows the inference that respondent's intent for unlawfully entering the home was to commit theft. *Johnson*, 28 Ill. 2d at 443 ("Like other inferences, this one is grounded in human experience, which justifies the assumption that the unlawful entry was not purposeless, and, in the absence of other proof, indicates theft as the most likely purpose."). Given the lack of any other explanation before the trial court for the minor's unlawful entry into the home, and viewing this evidence in a light most favorable to the State, the above evidence was sufficient circumstantial evidence to prove respondent's intent to commit theft or a felony in the residence. See *In re Matthew M.*, 335 Ill. App. 3d 276, 282-83 (2002) (proof that the offender unlawfully entered a building containing personal property sufficient to infer the offender's intent to commit a residential burglary). Therefore, we find that any rational trier of fact could have found that respondent committed the crime of residential burglary and, therefore, cannot say that the trial court's adjudication of residential burglary was "so improbable, unsatisfactory, or inconclusive that it creates a reasonable doubt of defendant's guilt." *Collins*, 214 Ill. 2d at 217.

¶ 24 We note that respondent also made the argument that the fact that he did not attempt to flee from the police—or "exhibit a guilty conscious"—suggests that he did not enter the residence with the intent to commit a theft or felony therein, since evidence of flight can be used to create an inference of a guilty conscious. *People v.Williams*, 266 Ill. App. 3d 752, 760 (1994) ("A trier of fact may infer consciousness of guilt from evidence of a defendant's flight from the police."). However, given our analysis above and the evidence presented at trial, we do not find the fact that respondent did not flee sufficient to overcome our finding that respondent knowingly and without authority entered the dwelling place of another with the intent to commit therein a felony or theft. See 720 ILCS 5/19-3(a) (West 2012). As such, we affirm the trial court's delinquent adjudication for residential burglary.

¶ 25 Constitutionality of Section 5-715(1) of the Juvenile Court Act

¶ 26 Respondent next argues that section 5-715(1) of the Juvenile Court Act (the Act), which was enforced in this case and which mandates a minimum sentence of five years' probation for all juvenile wards of the court who have been adjudicated delinquent of first degree murder, a Class X felony or a forcible felony (705 ILCS 405/5-715(1) (West 2012)), regardless of the circumstances of the offense or the individual juvenile's personal characteristics, is contrary to the stated purposes of the Act and, accordingly, violates his equal protection and due process rights. In this regard, respondent argues that section 5-715(1)'s mandated five years' minimum probation for a juvenile offender who commits a forcible felony as opposed to the lesser discretionary dispositions available to the trial court for a juvenile offender who commits a non-forcible felony cannot survive the rational basis test in an equal protection analysis. Further, respondent argues that the statute does not allow for individualized consideration when sentencing, which he argues is in conflict with the Act's stated purpose as well as our Supreme

Court's precedent in *Miller v. Alabama*, 132 S. Ct 2455 (2012), *Roper v. Simmons*, 543 U.S. 551 (2005), and *Graham v. Florida*, 130 S. Ct. 2011 (2012), as well as *State v. Lyle*, 2014 WL 3537026 (July 18, 2014).

¶ 27 With respect to respondent's equal protection claim, the State argues that respondent has failed to demonstrate how he is similarly situated to juveniles who commit non-forcible felonies and, alternatively, assuming *arguendo* he is similarly situated to juveniles who commit non-forcible felonies, five years' mandatory probation is rationally related to the Act's goals and is constitutional. With respect to respondent's due process claim, the State argues that not only was respondent the ideal candidate for five years' mandatory probation, but the case law cited by respondent, namely *Miller*, *Roper*, *Graham* and *Lyle*, does not support his argument that his due process rights were violated because those cases dealt with juveniles prosecuted in the adult criminal system rather than under the Act. For the reasons below, we affirm respondent's sentence of four years and eight months probation.

¶ 28 Section 5-715(1) of the Act states:

> "The period of probation or conditional discharge shall not exceed 5 years or until the minor has attained the age of 21 years, whichever is less, except as provided in this Section for a minor who is found to be guilty for an offense which is first degree murder, a Class X felony or a forcible felony. The juvenile court may terminate probation or conditional discharge and discharge the minor at any time if warranted by the conduct of the minor and the ends of justice; provided, however, that the period of probation for a minor who is found to be guilty for an offense which is first

> degree murder, a Class X felony, or a forcible felony shall be at least 5 years." 705 ILCS 405/5-715(1) (West 2012).

Further,

> "'Forcible felony' means treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, residential burglary, aggravated arson, arson, aggravated kidnaping, kidnaping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement and any other felony which involves the use or threat of physical force or violence against any individual." 720 ILCS 5/2-8 (West 2012)

By its nature, a forcible felony is dangerous to human life, whereas a non-forcible felony would not ordinarily involve any danger to human life. See *People v. Belk*, 203 Ill. 2d 187, 193 (2003); *People v. Lowery*, 178 Ill. 2d 462, 468 (1997) ("It is the inherent dangerousness of forcible felonies that differentiates them from nonforcible felonies.").

¶ 29 Because a statute's constitutionality is a question of law, we review *de novo*. *Jacobson v. Department of Public Aid*, 171 Ill. 2d 314, 323 (1996). We interpret a statute as constitutional if "reasonably possible." *In re Jonathon C.B.*, 2011 IL 107750, ¶ 79. The Supreme Court of Illinois routinely recognizes that statutes have a strong presumption of constitutionality. *People v. Sharpe*, 216 Ill. 2d 481, 486-87 (2005). To defeat this presumption the party challenging must "clearly establish" the alleged constitutional violation. *Id.* at 487.

¶ 30 We address respondent's equal protection claim first. The equal protection analysis is the same under either the Illinois or United States Constitution. *People v. Shephard*, 152 Ill. 2d 489, 499 (1992); U.S. Const., amend. XIV, § 1; Ill. Const. 1970, art. I, § 2. The equal protection

clause "guarantees that similarly situated individuals will be treated in a similar fashion, unless the government can demonstrate an appropriate reason to treat them differently." *In re Jonathon C.B.*, 2011 IL 107750, ¶ 116. This guarantee allows the legislature to create distinctions between different groups of people as long as that distinction avoids "criteria wholly unrelated to the legislation's purpose." *Id.* The parties here agree that respondent's equal protection claim is governed by the rational basis test. This test "simply inquires whether the method or means employed by the statute to achieve the stated [goal or] purpose of the legislation are rationally related to that goal." *Id.* The court will not make this rational basis inquiry, however, until the movant proves he or she is similarly situated to the comparison group. *People v. Masterson*, 2011 IL 110072, ¶ 25. If a movant cannot meet this preliminary threshold, the equal protection claim fails. *People v. Whitfield*, 228 Ill. 2d 502, 513 (2007).

¶ 31 Here, we find that respondent has failed to meet the preliminary threshold of an equal protection claim because he cannot show that juvenile offenders who commit forcible felonies and juvenile offenders who commit nonforcible felonies are similarly situated. Preliminarily, our supreme court has previously rejected similarly situated arguments that compare two groups of juvenile offenders. See *In re Jonathon C.B.*, 2011 IL 107750, ¶ 117 (finding that although Juvenile Court Act only provided jury trial for those juvenile offenders subject to extended juvenile jurisdiction, habitual offender, or violent offender proceedings, this distinction did not violate equal protection rights of juvenile felony sex offenders because they were not subject to "mandatory incarceration or the possibility of an adult sentence"); *City of Urbana v. Andrew N.B.*, 211 Ill. 2d 456, 466-68 (2004) (Juvenile Court Act provision that allows municipalities to choose whether to prosecute juveniles for ordinance violations under Act or municipal code, which does not provide juveniles with counsel or other procedural protections, is constitutional);

In re G.O., 191 Ill. 2d 37, 43 (2000) (finding juveniles charged with first degree murder were “no longer subject to a mandatory sentencing requirement” and, thus, did not need to be afforded jury trial right); *People v. P.H.*, 145 Ill. 2d 209, 231 (1991) (juveniles subject to transfer who had prior felony adjudications and were currently charged with crime committed in furtherance of gang activity were not similarly situated to juveniles charged with offense warranting automatic transfer). Further, because the five-year term of probation at issue here is based on the seriousness of the offense respondent committed, respondent, who was adjudicated delinquent of residential burglary, a forcible felony, is not similarly situated to juveniles adjudicated delinquent of nonforcible felonies. See *People v. J.F.*, 2014 IL App (1st) 123579 *appeal denied*, 117803, 2014 WL 3397621 (Ill. July 8, 2014) (juvenile adjudicated delinquent of the forcible felonies of robbery, aggravated battery and battery could not establish that she was similarly situation to juveniles who commit nonforcible felonies). "Equal protection is not offended when dissimilar groups are treated differently." *P.H.*, 145 Ill. 2d at 231. Because we find that respondent failed to show how he is similarly situated to juvenile who commit nonforcible felonies, his equal protection claim must fail.

¶ 32 However, even if we assume that respondent could somehow demonstrate that he is similarly situated to juveniles who commit nonforcible felonies, we would find that section 5-715(1)'s five-year minimum probation mandate for juveniles who commit forcible felonies is rationally related to the statute's stated purpose. The rational basis standard requires only that the classification reasonably further a legitimate governmental interest. *P.H.*, 145 Ill. 2d at 229. Under that standard, a challenged classification may be invalidated only if it is arbitrary or bears no reasonable relationship to the pursuit of a legitimate State goal. *Id.*

¶ 33 Section 5-101 of the Act contains the legislature's purpose and police for enacting the Act:

> "§ 5-101. Purpose and policy.
>
> (1) It is the intent of the General Assembly to promote a juvenile justice system capable of dealing with the problem of juvenile delinquency, a system that will protect the community, impose accountability for violations of law and equip juvenile offenders with competencies to live responsibly and productively. To effectuate this intent, the General Assembly declares the following to be important purposes of this Article:
>
> (a) To protect citizens from juvenile crime.
>
> (b) To hold each juvenile offender directly accountable for his or her acts.
>
> (c) To provide an individualized assessment of each alleged and adjudicated delinquent juvenile, in order to rehabilitate and to prevent further delinquent behavior through the development of competency in the juvenile offender. As used in this Section, “competency” means the development of educational, vocational, social, emotional and basic life skills which enable a minor to mature into a productive member of society.
>
> (d) To provide due process, as required by the Constitutions of the United States and the State of Illinois, through which each juvenile offender and all other interested parties are assured fair

> hearings at which legal rights are recognized and enforced. 705 ILCS 405/5-101 (West 2012).

We find that imposing a mandatory minimum five-year probation sentence against a juvenile who commits a forcible felony, *i.e.* a felony that is dangerous to human life, is rationally related to the stated purposes of the Act, especially to the purposes of protecting citizens from juvenile crime, rehabilitating the juvenile, preventing further delinquent behavior, and holding juvenile offenders accountable for their actions. See 705 ILCS 405/5-101 (West 2012). As such, even if we were to find that juveniles who commit forcible felonies are similarly situation to juveniles who commit nonforcible felonies, which we do not, we would find that section 5-715(1) of the Act is rationally related to the Act's stated purpose and policy.

¶ 34 Respondent also argues that the difference in treatment of juveniles who commit forcible felonies and juveniles who commit nonforcible felonies pursuant to section 5-715(1) of the Act violates his due process rights because it fails to individually assess juveniles when imposing sentences. In support of this argument, respondent cites to *Roper*, *Graham* and *Miller*, three United States Supreme Court cases, and *Lyle*, an Iowa Supreme Court case. "Although the language used to describe the analysis may differ slightly, the standards for validity under the due process and equal protection clauses are identical. [Citation.] Thus, just as in equal protection analysis, legislation challenged on due process grounds will be upheld if it bears a rational relationship to a legitimate State purpose. [Citation.]" *People v. Reed*, 148 Ill. 2d 1, 11 (1992). Given that we have already found that section 5-715(1) of the Act is rationally related to the Act's stated purpose and policy, we find respondent's argument that his due process rights were violated is without merit. As an aside, though, we note that because *Roper*, *Graham* and *Miller* all dealt with juveniles being sentenced as adults and being sentenced to the most severe

punishments—the death penalty and life without the possibility of parole—we do not see how these cases have any bearing here where respondent was adjudicated under to the Act and was merely sentenced to five years probation. Furthermore, the ruling in *Lyle* was based on the Iowa constitution and, therefore, is not binding on this court. As such, we affirm respondent's sentence under section 715(1) of the Act of four years eight months probation.

¶ 35 Conclusion

¶ 36 For the reasons above, we affirm respondent's delinquent adjudication for residential burglary and sentence of four years eight months' probation.

¶ 37 Affirmed.