

FIRST DIVISION
May 16, 2016

No. 1-14-2491

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

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| THE PEOPLE OF THE STATE OF ILLINOIS, |) | Appeal from the |
| |) | Circuit Court of |
| Plaintiff-Appellee, |) | Cook County. |
| |) | |
| v. |) | No. 12 CR 21580 |
| |) | |
| ANTHONY TAYLOR, |) | Honorable |
| |) | Michael Joseph Kane, |
| Defendant-Appellant. |) | Judge Presiding. |

JUSTICE CONNORS delivered the judgment of the court.
Presiding Justice Cunningham and Justice Harris concurred in the judgment.

O R D E R

¶ 1 *Held:* The circuit court did not err in denying defendant's motion to dismiss his indictment despite a police detective's incorrect testimony to the grand jury that the defendant confessed to the crimes, because the remaining evidence supported a finding of probable cause for the indictment. Additionally, defendant's constitutional rights were not violated by his trial and sentencing in adult court.

¶ 2 Following a bench trial, defendant Anthony Taylor was convicted of robbery and unlawful restraint. Defendant was convicted and sentenced in adult criminal court for those offenses, which he committed when he was 17 years old. Prior to trial, defendant filed a motion to dismiss the indictment, asserting his due process rights were violated because a State witness

falsely testified to the grand jury that defendant had confessed to the crime. The circuit court denied defendant's motion to dismiss the indictment. On appeal, defendant contends his convictions should be reversed because the circuit court erred in denying his motion to dismiss the indictment. He further asserts that his constitutional rights to due process and equal protection were violated because the exclusive-jurisdiction provision of the Juvenile Court Act (705 ILCS 405/5-120 (West 2012)), exempted him from juvenile court proceedings due to his age and the offenses with which he was charged.

¶ 3 On November 16, 2012, defendant and Dwight Shaw¹ were indicted on one count each of the following five offenses: armed robbery, aggravated robbery, robbery, aggravated unlawful restraint and unlawful restraint. Defendant filed a motion to dismiss the indictment pursuant to section 114-1(a) of the Code of Criminal Procedure (the Code) (725 ILCS 5/114-1(a) (West 2012)), asserting the indictment deprived him of due process because it was based on "false, misleading and perjured testimony." Defendant claimed he suffered substantial prejudice when Alsip Police Department investigator Curtis Raney testified before the grand jury that defendant admitted participating in the armed robbery. Defendant claimed Raney's written report only indicated that defendant was present when Shaw took the victim's property and that he did not tell police that he or Shaw had a weapon.

¶ 4 Attached to defendant's motion was a transcript of Raney's grand jury testimony describing the investigation of an armed robbery that occurred on October 24, 2012, near 11930 South Kostner in Alsip. Raney testified that the victim, Abdullah Ghusain, had arranged to meet a friend named Jesus and purchase a cell phone. Ghusain was approached by defendant and

¹ Shaw entered a guilty plea and is not a party to this appeal.

Shaw, who said Jesus had sent them to meet Ghusain. Defendant grabbed Ghusain by the neck and placed him in a headlock, and Shaw threatened Ghusain with a weapon and told him to hand over his cell phone and money. Defendant and Shaw also took Ghusain's wallet, which contained his high school identification (ID) card, and his headphones before fleeing the scene.

¶ 5 Raney testified that defendant and Shaw were later apprehended at defendant's residence and that Ghusain's property was found in defendant's bedroom. Ghusain identified defendant and Shaw in a lineup. Raney testified that both defendant and Shaw admitted "their role in the armed robbery to police."

¶ 6 Also attached to defendant's motion was Raney's written report detailing his interview with defendant after defendant had waived his *Miranda* rights. Defendant told Raney he and Shaw were walking with Ghusain when Shaw "snatched" Ghusain's phone and both defendant and Shaw ran to defendant's house. The report stated that "Taylor denied a gun being involved."

¶ 7 The State filed a response to the motion to dismiss, asserting defendant could not establish actual prejudice from Raney's grand jury testimony because Raney also testified that proceeds from the robbery were recovered from defendant's bedroom and Ghusain identified defendant and Shaw as the offenders. The State asserted that even without Raney's statement that a confession was offered, the evidence was sufficient to provide probable cause to indict defendant. In reply, defendant argued the testimony regarding a confession was particularly harmful and noted Raney's testimony consisted of affirmative responses to leading questions.

¶ 8 In a written order, the circuit court denied defendant's motion to dismiss the indictment. The circuit court found Raney's testimony that both defendants admitted to the armed robbery was "wrong" based on Raney's written report. However, the circuit court held the dismissal of

the indictment was warranted only if the grand jury "would not have otherwise indicted the defendant." The court found that the State had presented evidence apart from Raney's testimony to support the indictment, *i.e.*, that the "defendants physically restrained the victim while threatening him with a firearm and then took his money, cell phone, and personal property." Accordingly, the circuit court concluded the discrepancy between Raney's testimony and his written report did not invalidate the indictment.

¶ 9 At defendant's bench trial, Ghusain testified that on October 24, 2012, he was a freshman in high school and planned to meet a friend, Jesus Sandoval, to buy Sandoval's cell phone for \$40. The two arranged a different meeting place near 123rd and Kostner Avenue in Alsip.

¶ 10 As Ghusain walked to that location, he was approached by defendant and Shaw, both of whom he knew. Shaw asked Ghusain if he was looking for Sandoval, and Ghusain said yes. Shaw walked along with Ghusain, and defendant followed them. Ghusain testified his right arm was in a cast.

¶ 11 Ghusain testified defendant "put me in a chokehold" and Shaw asked Ghusain what he "had on" him. Shaw pulled out a gun from inside his coat and pointed it at Ghusain's chest while searching Ghusain and demanding his phone and money. The barrel of the gun touched Ghusain's chest and he testified it was "cold [and] felt like metal."

¶ 12 Defendant held Ghusain from behind while Shaw held the gun. Shaw took Ghusain's money, phone, wallet and school ID card, and headphones. Shaw searched Ghusain again while defendant forced Ghusain to the ground facedown. Ghusain got up, ran to his house and called police. The next day, Ghusain identified several items, including cash and his school ID card, at the Alsip police department.

¶ 13 The prosecutor showed Ghusain a paintball gun and asked if he had seen a BB gun and a real gun. Ghusain said he had and that the gun Shaw pointed at him was real and was black and silver in color. Ghusain said he had seen a handgun at a shooting range, as well as during this offense. Ghusain identified defendant and Shaw in a police lineup.

¶ 14 On cross-examination, Ghusain said the crime occurred at about 8 p.m. He said the barrel of Shaw's weapon was six or seven inches long but did not know the caliber. Ghusain said that after Shaw took his possessions, Shaw warned him not to call the police.

¶ 15 Raney testified he went to defendant's home at 8:30 or 8:45 p.m. When Raney asked defendant if Shaw was with him, defendant initially responded no but then stated Shaw was in a bedroom. Defendant's father consented to a search of defendant's bedroom. Raney entered the bedroom and saw a Samsung Galaxy S2 phone, \$45 in cash and Ghusain's school ID card. Another portion of the phone was recovered from under the mattress. A paintball gun was found in defendant's closet.

¶ 16 Raney testified Ghusain identified the Samsung phone as his. Raney showed the paintball gun to Ghusain, who said that was not the gun used in the robbery. Raney arranged separate lineups in which Ghusain identified defendant and Shaw. On cross-examination, Raney said Ghusain reported \$35 was taken from him. Ghusain did not say the gun was black and silver and did not report that the gun made contact with his body.

¶ 17 The defense also called Ghusain as a witness. Ghusain denied that about a month after the offense, he accused Sandoval at school of "setting him up" and that Sandoval asked him why he told police that defendant had a gun. At the close of evidence, defendant was convicted of robbery and unlawful restraint. Defendant was found not guilty of armed robbery, aggravated

robbery and aggravated unlawful restraint. The court sentenced defendant to two years of felony probation.

¶ 18 Defendant filed a motion to vacate the sentence and transfer the case to juvenile court for further proceedings, including resentencing. Defendant asserted that although the case was transferred to adult court due to the charge of armed robbery committed with a firearm, he was not convicted of that offense. He contended that sentencing provision violated his rights to substantive due process and equal protection because he faced a greater potential sentence than a similarly situated offender who remained in juvenile court.

¶ 19 The State responded that defendant's argument erroneously presumed that he was transferred to adult court under a different section of the Act that required those charged with enumerated offenses be tried as adults. The State asserted defendant was 17 years old when he was charged with these offenses and thus was subject to the jurisdiction of the adult court, pursuant to the version of the Juvenile Court Act that was then in effect. The State noted the Juvenile Court Act has since been amended to apply to offenders under 18 years old.

¶ 20 The circuit court denied defendant's motion, noting that "on the date of this crime [defendant] was an adult." Defendant now appeals.

¶ 21 On appeal, defendant first contends the circuit court erred in denying his motion to dismiss the indictment based on Raney's testimony. He argues his due process rights were violated when Raney testified that defendant and Shaw admitted to participating in the crime, because that testimony was later shown to be false. Defendant points out that Raney responded affirmatively to the State's question asking if Raney's investigation showed that "both defendants admitted to their role in the armed robbery." Defendant contrasts that testimony to Raney's

written report stating that when defendant was questioned after the offense, he denied a gun was involved in the crime.

¶ 22 As a general rule, a defendant may not challenge the validity of an indictment returned by a legally constituted grand jury or challenge the sufficiency of the evidence that was considered by a grand jury if some evidence relative to the charge was presented. *People v. DiVincenzo*, 183 Ill. 2d 239, 255 (1998); *People v. Reimer*, 2012 IL App (1st) 101253, ¶ 26. However, a circuit court has the inherent authority to dismiss an indictment in a criminal case if the defendant establishes that he has suffered a prejudicial denial of due process. *People v. Stapinski*, 2015 IL 118278, ¶ 33 (noting that dismissal also can be granted under any ground stated in section 114(a) of the Code). The circuit court's power in that regard should be used with great restraint and only exercised when a violation is clear and can be established with certainty. *People v. Torres*, 245 Ill. App. 3d 297, 300 (1993). The burden of proving such prejudice rests on the defendant. *Id.*

¶ 23 The defendant must establish the denial of due process is "unequivocally clear" and resulted in "actual and substantial" prejudice. *People v. Holmes*, 397 Ill. App. 3d 737, 741 (2010). For example, the due process rights of a defendant may be violated if the prosecutor deliberately or intentionally misleads the grand jury, uses testimony that is known to be perjured or false, or presents other deceptive or inaccurate evidence. *Id.*, citing *DiVincenzo*, 183 Ill. 2d at 257. In reviewing challenges to an indictment, courts will generally limit consideration to the transcript of the grand jury proceedings. *DiVincenzo*, 183 Ill. 2d at 255. The prosecutor's deception need not be intentional. *People v. Oliver*, 368 Ill. App. 3d 690, 696 (2006).

¶ 24 A due process violation creates actual and substantial prejudice to a defendant "only if without it the grand jury would not have indicted the defendant." *Oliver*, 368 Ill. App. 3d at 696-97. The court in *Oliver* specified that a court must:

" 'balance the gravity and the seriousness of [the] misconduct with the sufficiency of the evidence supporting the probable cause finding.' [Citations.] If the evidence was strong enough that the grand jury would have indicted the defendant despite the misconduct, the misconduct was not prejudicial. However, if the evidence was so weak that the misconduct induced the grand jury to indict, prejudice is shown."

Id. at 697.

¶ 25 "Whether a defendant was denied due process, and whether that denial was sufficiently prejudicial to require the dismissal of the charges, are questions of law, which are reviewed *de novo*." *Stapinski*, 2015 IL 118278, ¶ 35 (explaining that if the circuit court finds a defendant has suffered such a due process violation, that court's determination of the correct remedy is reviewed under an abuse of discretion standard). Therefore, we consider defendant's contentions on appeal *de novo*. See also *People v. Legore*, 2013 IL App (2d) 111038, ¶ 23 (holding that standard of review is applied where the facts about what transpired at the grand jury proceeding are undisputed).

¶ 26 Here, the transcript reflects that Raney answered "yes" to the inquiry: "Does your investigation show that both defendants admitted to their role in the armed robbery to the police?" The State concedes on appeal that Raney's response to that question was "inaccurate."

¶ 27 Defendant asserts that without that testimony, the remaining evidence presented to the grand jury did not support a finding of probable cause. Specifically, defendant contends the State

presented false evidence because the prosecutor asked leading questions to which Raney replied with "monosyllabic answers." Defendant further asserts Raney did not offer any facts to show that Shaw had a weapon or threatened force against Ghusain and that at most, he "admitted to merely being present" when Shaw took Ghusain's phone.

¶ 28 This court has addressed defendant's first contention regarding the type of inquiries presented to Raney before the grand jury. A prosecutor may rely on leading questions in a grand jury proceeding. *People v. Hirsch*, 221 Ill. App. 3d 772, 779 (1991) ("[d]efendant cites no case law, nor are we aware of any requirement that testimony before a grand jury cannot consist of monosyllabic responses").

¶ 29 Defendant correctly states that this court has deemed a confession the "strongest possible evidence the State may offer in the course of a criminal case" (*People v. Hughes*, 2013 IL App (1st) 110237, ¶ 2, *affirmed in part and reversed in part on other grounds*, *People v. Hughes*, 2015 IL 117242). However, a confession is not the only evidence that can support a grand jury indictment or a conviction. Here, even though Raney erroneously testified that defendant and Shaw admitted to participating in the crimes, the remaining evidence was sufficient to support the grand jury indictment. See *Oliver*, 368 Ill. App. 3d at 697. Ghusain testified before the grand jury that defendant grabbed him while Shaw took his cell phone and other property. According to Raney's written report, defendant admitted that he and Shaw took Ghusain's phone. Given that testimony, Raney's inaccurate representation that defendant and Shaw confessed to the crimes did not prejudice defendant's case.

¶ 30 Defendant contends this case is comparable to *Oliver*, while the State contends the denial of the motion to dismiss defendant's indictment is supported by *People v. Wright*, 2015 IL

123496, *appeal allowed*, No. 119561 (Nov. 25, 2015) and *People v. Hruza*, 312 Ill. App. 3d 319 (2000). In *Oliver*, this court found the defendant was denied due process by the presentation of "deceptive evidence" at two grand jury proceedings that an officer witnessed hand-to-hand transactions between the defendant and others while observing an apartment due to prior drug activity. *Oliver*, 368 Ill. App. 3d at 691-95. This court concluded that evidence was inaccurate because that officer did not witness the transactions himself but instead testified as to what a second officer observed and, more substantially, the testifying officer "mischaracterized the observations of the actual eyewitness so as to establish probable cause where none existed" because the testifying officer stated that the transactions would lead him to believe that defendant possessed cocaine that he intended to deliver. *Id.* at 697. However, the officer who witnessed the transactions did not see what was exchanged and, there was "no basis" for the testifying officer to draw that inference. *Id.*

¶ 31 We find the facts presented here are more similar to the cases cited by the State. In *Hruza*, the defendant was charged with driving under the influence of alcohol, and a police officer incorrectly told the grand jury that the defendant had failed all of the field sobriety tests, when in fact the defendant correctly recited the alphabet when asked by the officer, but did not pass the remaining tests. *Id.* at 321-23. However, this court determined the remaining evidence before the grand jury was sufficient to support the indictment, namely that the officer testified he stopped the defendant's car after seeing the car swerving and the officer described the defendant's physical appearance. *Id.* at 323. In affirming the trial court's denial of the motion to dismiss the indictment, *Hruza* noted that "[c]ourts may dismiss an indictment that is based solely on perjured

or otherwise incompetent evidence, but they are not to scrutinize the proceedings to evaluate the weight and quality of the evidence." *Id.*

¶ 32 *Wright* used the standard described in *Hruza* to find that a detective's grand jury testimony did not result in actual and substantial prejudice to the defendant. *Wright*, 2015 IL 123496, ¶ 39. There, the defendant was convicted of the armed robbery of a restaurant. *Id.* ¶ 3. A detective testified before the grand jury that the co-defendant used a handgun but disposed of it before being apprehended; the detective further testified that no weapon was recovered. *Id.* ¶ 4. However, at trial, the detective testified that a BB gun was recovered in the area where one offender was seen fleeing. *Id.* ¶ 15.

¶ 33 In affirming the denial of the motion to dismiss the indictment, this court labeled the detective's grand jury testimony as "incomplete" because there was no evidence that a BB gun was connected to the case. *Id.* ¶ 38. Still, the court reasoned that even had the detective mentioned the BB gun before the grand jury, no evidence linked that gun to either the defendant or co-defendant. *Id.* ¶ 39. Moreover, the additional evidence presented to the grand jury, including the positive identification of the defendant by an eyewitness and a police officer staking out the restaurant, was sufficient to support the indictment. *Id.* ¶¶ 40-41. Rejecting the defendant's reliance on *Oliver*, the court in *Wright* concluded that the defendant failed to show the "grand jury would not have otherwise found probable cause to indict the defendant." *Id.* ¶ 39.

¶ 34 We reach the same conclusion here. An indictment will be upheld if the grand jury was presented with "some evidence relative to the charge." *DiVincenzo*, 183 Ill. 2d at 255. Even though Officer Raney incorrectly testified that defendant and Shaw admitted to the armed

robbery, the officer also told the grand jury that defendant and Shaw forcibly took Ghusain's property while Shaw held a weapon. In addition, police recovered the stolen items from Ghusain's bedroom. That evidence provided probable cause to indict defendant. Therefore, we affirm the circuit court's denial of the motion to dismiss the indictment.

¶ 35 Defendant's remaining contentions involve his trial and sentencing in adult criminal court despite the fact that he was 17 years old when he committed these crimes. Defendant first contends that the exclusive-jurisdiction provision of the Juvenile Court Act (705 ILCS 405/5-120 (West 2012)) violates juveniles' substantive and procedural due process rights under the federal and Illinois constitutions (U.S. Const., amend. XIV, Ill. Const. 1970, art. I, § 2) because it requires that 17-year-old offenders charged with felonies are prosecuted in adult criminal court. He asserts that his sentence of 24 months of probation should be vacated and his case should be remanded to juvenile court for trial and sentencing.

¶ 36 The record indicates defendant's date of birth is November 26, 1994; therefore, he was 17 years old on October 24, 2012, when these offenses took place. At that time, the Juvenile Court Act's definition of "delinquent minor" included: (1) minors younger than 17 years of age who violated or attempted to violate any federal or state law or county or municipal ordinance; and (2) minors younger than 18 years of age who violated or attempted to violate a law or ordinance classified as a misdemeanor. 705 ILCS 405/5-105(3) (West 2012). The exclusive-jurisdiction statute of the Juvenile Court Act provided that a minor under either of those two definitions was subject to proceedings in juvenile court. 705 ILCS 405/5-120 (West 2012).

¶ 37 At the time of the offenses, defendant did not meet either definition of a "delinquent minor" set out above. Defendant was 17 years old and had been charged with five felony

offenses. See 720 ILCS 5/18-2(b) (West 2012) (armed robbery is a Class X felony); 720 ILCS 5/18-5(b) (West 2012) (aggravated robbery is a Class 1 felony); 720 ILCS 5/18-1(b) (West 2012) (robbery is a Class 2 felony); 720 ILCS 5/10-3.1(b) (West 2012) (aggravated unlawful restraint is a Class 3 felony); 720 ILCS 5/10-3(b) (West 2012) (unlawful restraint is a Class 4 felony). Therefore, defendant was tried and sentenced in adult court because he did not fall under the jurisdiction of the Juvenile Court Act.

¶ 38 Defendant contends that juveniles have a fundamental liberty interest in having their cases heard in the juvenile justice system and that the legislature acted arbitrarily in exposing him to adult court without consideration of any particular circumstances of his case. Defendant asserts that had he "been a year younger at the time of the offense, he would have been viewed as a minor worthy of juvenile court protection." He also points out that the current version of the statute classifies all 17-year-olds as minors, regardless of the charged crimes. See Pub. Act. 98-61, § 5 (eff. Jan. 1, 2014) (amending 705 ILCS 405/5-105(3) (West 2012) and 705 ILCS 405/5-120 (West 2012) to define "delinquent minor" as younger than 18 years of age).

¶ 39 Defendant compares the exclusive-jurisdiction statute to the automatic-transfer provision of the Juvenile Court Act, which requires that an offender be prosecuted in adult criminal court if he or she is at least 15 years old and charged with one of several enumerated felony offenses, including first degree murder, aggravated criminal sexual assault, aggravated battery with a firearm, armed robbery when committed with a firearm, or aggravated vehicular hijacking when committed with a firearm. 705 ILCS 405/5-130(1)(a)(i)-(v) (West 2012). Defendant argues that while the automatic-transfer provision is narrowly tailored to 15- and 16-year olds charged with

an enumerated offense, the exclusive-jurisdiction statute in effect at the time of his offenses excluded all 17-year-old felony offenders from the juvenile judicial system.

¶ 40 Defendant acknowledges that the Illinois Supreme Court has rejected a defendant's due process claim involving the automatic-transfer statute in *People v. Patterson*, 2014 IL 115102, ¶ 98. The supreme court held that the automatic-transfer provision was not punitive in nature because it only set out the forum in which a juvenile was to be tried but did not set out specific punishment for a limited group of juvenile offenders. *Id.* ¶ 104-05.

¶ 41 Defendant further recognizes that this court has specifically addressed and rejected various constitutional challenges, including a due process challenge, to the exclusive-jurisdiction provision. In *People v. Harmon*, 2013 IL App (2d) 120439, ¶ 45, the defendant argued that statute violated the constitutional rights of juveniles by treating all 17-year-olds as adults without consideration of their youth and its "attendant circumstances." The *Harmon* court found the Illinois Supreme Court had held that the automatic-transfer provision does not violate a juvenile's due process rights and concluded that "the same reasoning applies with equal force to the closely related exclusive-jurisdiction provision." *Id.* ¶ 59, citing *People v. J.S.*, 103 Ill. 2d 395, 404 (finding a rational basis for the automatic-transfer provision because it was based on the juvenile's age and the threat posed by the offenses due to their violence and the frequency of their commission). The court noted that like the automatic-transfer statute, the exclusive-jurisdiction provision did not impose a punishment but rather specified the forum in which the defendant's guilt was to be adjudicated. *Id.* ¶ 55.

¶ 42 Additionally, the *Harmon* court distinguished several United States Supreme Court decisions that are relied upon by defendant in this case, including *Roper v. Simmons*, 543 U.S.

551 (2005), *Graham v. Florida*, 560 U.S. 48 (2010), and *Miller v. Alabama*, 587 U.S. at ___, 132 S.Ct. 2455 (2012). *Id.* ¶ 62. *Harmon* noted that those cases addressed challenges to sentencing statutes under the eighth amendment's prohibition of cruel and unusual punishment and did not involve due process arguments. *Id.* Another appellate decision has noted the consistent rejection of the efforts of defendants in this state to compare the statutes in *Roper*, *Graham* and *Miller* to the Juvenile Court Act provisions at issue in this case. *People v. Cavazos*, 2015 IL App (2d) 120444, ¶ 85 (and cases cited therein).

¶ 43 Defendant contends that *Harmon* was decided by the second district appellate court and that this appellate district should "make its own evaluation" of the constitutionality of the exclusive-jurisdiction provision. Even though we are not bound by decisions of other appellate court districts (*People v. Wilson*, 2014 IL App (1st) 113570, ¶ 39), the fact that *Harmon* and *Cavazos* were decided by a different district does not require this court to disregard their sound reasoning and discussion of the same issues presented here. Thus, we elect to follow *Harmon*.

¶ 44 Defendant also raises a constitutional challenge to the automatic-transfer provision. As we have described above, the automatic-transfer provision requires that an offender as young as 15 years old who is charged with an enumerated felony offense, such as armed robbery committed with a firearm, be transferred to adult court. 705 ILCS 405/5-130(1)(a) (West 2012). Defendant contends that although he was charged with that version of armed robbery, he was not convicted of that offense but was instead convicted of the lesser charged offense of robbery. Defendant asserts that his rights under the equal protection clause under the federal and Illinois constitutions (U.S. Const, amend. XIV, Ill. Const. 1970, art. I, § 2) were violated because he was subject to sentencing in adult court for robbery (after his case had been transferred to adult court

based on the charge of armed robbery with a firearm) when a minor who was charged with and convicted of robbery (and therefore not subject to the automatic-transfer provision) would remain in juvenile court.

¶ 45 As the State has pointed out, and as explained above, defendant was not tried in adult criminal court as a result of the automatic-transfer provision. Rather, defendant did not meet the definition of a minor under the Juvenile Court Act and, thus, the jurisdiction of the juvenile court could not extend to him, as governed by the exclusive-jurisdiction provision. Defendant has offered no argument in response to the State's position on that point.

¶ 46 Furthermore, defendant is not entitled to relief based on his assertion that as a 17-year-old offender, he would be subject to juvenile proceedings under the current version of the exclusive-jurisdiction statute. See 705 ILCS 405/5-120 (West 2014) (juvenile proceedings may be instituted for minors committing offenses prior to age 18). During the pendency of this appeal, our supreme court discussed that amendment, which applies solely to violations committed on or after the statute's effective date of January 1, 2014 (known as the "saving clause"), and the supreme court rejected a challenge to that amendment on equal protection grounds. *People v. Richardson*, 2015 IL 118255, ¶¶ 3, 10.

¶ 47 Noting that "statutory changes must have a beginning," the supreme court stated in *Richardson*:

"By limiting the amendment's application to violations or attempted violations committed on or after the effective date, an accused, as well as the courts, are on notice as to whether the Juvenile Court Act will apply in certain proceedings. *** The simple fact that the saving clause precludes the amendment from applying to some 17-year-olds such

as defendant does not defeat its constitutionality. Here, the legislature's chosen effective date bears a rational relationship to the legislature's goal of extending the exclusive jurisdiction provision of the Juvenile Court Act."

Id. ¶ 10.

¶ 48 Thus, the supreme court has held that the amendment of the statute challenged by defendant in this case does not violate equal protection principles. *Id.* ¶ 11. Defendant's convictions and sentence will not be disturbed.

¶ 49 Accordingly, for all of the reasons stated above, the judgment of the circuit court is affirmed.

¶ 50 Affirmed.