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IN THE  
APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

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THE PEOPLE OF THE STATE	)	Appeal from the Circuit Court
OF ILLINOIS,	)	of Du Page County.
	)	
Plaintiff-Appellee,	)	
	)	
v.	)	No. 05—CF—2679
	)	
	)	
LEWIS J. WATSON,	)	Honorable
	)	Kathryn E. Creswell,
Defendant-Appellant.	)	Judge, Presiding.

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JUSTICE HUDSON delivered the judgment of the court.  
Presiding Justice Jorgensen and Justice Zenoff concurred in the judgment.

**ORDER**

*Held:* Trial court did not abuse its discretion in sentencing defendant to a 14-year term of imprisonment despite defendant's efforts to rehabilitate himself while awaiting trial.

Lewis Watson, defendant, entered an open plea of guilty to a charge of second-degree murder (720 ILCS 5/9—2 (West 2004)). Following the plea, defendant appeared for sentencing on May 28, 2008. At the sentencing hearing the State presented evidence in aggravation and argued for a twenty-year prison term, and defendant presented evidence in mitigation and argued for a six-year term. The court imposed a sentence of 14 years' imprisonment. Defendant now appeals, arguing that the trial

court abused its discretion in imposing this sentence. Defendant argues that, in light of the amount of classes he has taken to better himself while awaiting sentencing, the sentence imposed is excessive. For the reasons that follow, we reject defendant's argument and affirm his sentence.

#### BACKGROUND

At the sentencing hearing on May 28, 2010, the State presented the following evidence in aggravation. Detective Jim Gunther, the investigating officer, testified to the details of the crime and the conduct of defendant when police first contacted him. Gunther also identified pictures taken at the crime scene. The State presented Watson's criminal history. A victim impact statement was read to the court, and the State's exhibits were admitted into evidence. At closing argument, the state asked for a 20-year sentence, pointing out that Watson washed and hid the knife used to stab the victim, and initially denied involvement. The State also pointed out the impact of the crime on the victim.

No mitigation testimony was offered by the defense; however, several of Watson's family members were present on his behalf. In addition, defendant submitted letters from his family, investigative reports, an expert opinion on the victim's level of intoxication, and letters regarding Watson's involvement in programs offered at the Du Page County jail. In closing, the defense argued that Watson believed he was justified at the time of the stabbing, though mistaken. It noted that there were three prior altercations between the victim and individuals other than defendant. Further, the defense argued that Watson is a father and paid child support. It acknowledged that Watson had earlier problems with crime and alcohol, and pointed out that he had taken steps to fix those problems on his own. Watson offered an apology to the victim's family and identified the steps he was taking to better his life. The defense requested a six-year prison term.

Initially, the trial court summarized the contents of the pre-sentence report and noted Watson's education and family history, previous crimes including three felonies, and a lack of continuous employment. The court considered evidence of prior probation violations and incidents of violence in the pre-sentence report. It then ruled out the possibility of probation. As for mitigating factors, the trial court noted that Watson had addressed his alcohol problems on his own. Moreover, the court specifically identified the programs Watson attended while incarcerated as a mitigating factor, cited the letters from Watson's family and acknowledged that the victim was intoxicated when the stabbing occurred. Based on the arguments and evidence presented, the court imposed a 14-year sentence. In its motion to reconsider, the defense argued provocation and that Watson was making himself a better person through classes in prison, but the court rejected these arguments and declined to reduce the sentence.

#### ANALYSIS

Defendant argues that the trial court abused its discretion in imposing a 14-year sentence in light of the amount of classes he has taken in prison while awaiting the disposition of this case. Sentencing decisions are reviewed under an abuse-of-discretion standard. *People v. Quintana*, 332 Ill. App. 3d 96, 109 (2002); *People v. Perruquet*, 68 Ill.2d 149,154 (1977). A trial court abuses its discretion only where no reasonable person could agree with its decision. *People v. Sven*, 365 Ill. App. 3d 226, 241 (2006). An appellate court defers to the trial court's sentencing decisions and presumes the trial court properly considered all factors unless the record affirmatively shows otherwise. *Quintana*, 332 Ill. App. 3d at 109. The trial court has broad discretion in its sentencing decisions, and an appellate court must not substitute its judgment for that of the trial court because it would have weighed the factors differently. *People v. Stacey*, 193 Ill.2d 203, 209 (2000).

Under the Illinois Constitution a court must consider both the seriousness of the offense and the objective of restoring the offender to useful citizenship when imposing penalties. *Quintana*, 332 Ill. App. 3d at 109. This requires balancing the penal and rehabilitative goals of a sentence. *Quintana*, 332 Ill. App. 3d at 109. The rehabilitative potential of a defendant is not necessarily entitled to greater weight than the seriousness of the offense. *People v. Spencer*, 229 Ill. App. 3d 1098, 1102 (1992). Indeed, the seriousness of the offense has been held to be the most important factor in determining an appropriate sentence. See *Spencer*, 229 Ill. App. 3d at 1102; *People v. Hernandez*, 204 Ill. App. 3d 732, 740 (1990); *People v. Johnson*, 159 Ill. App. 3d 991, 1001 (1987).

In sentencing, aggravating and mitigating factors may be weighed differently depending on the circumstances of the case. *Hernandez*, 204 Ill. App. 3d at 740. How these factors are weighed in each case is primarily a decision for the trial court. *Hernandez*, 204 Ill. App. 3d at 740. As long as the trial court does not consider unreliable or incompetent evidence, improper aggravating factors, or ignore pertinent mitigating factors, the trial court has broad discretion in sentencing and its decision will not be overturned absent an abuse of that discretion. *People v. Brown*, 195 Ill. App. 3d 78, 86-87 (1990).

On appeal, defendant's only contention is that his rehabilitative potential should have been given more weight by the trial court because of the volume of self-improvement classes he had taken. As defendant acknowledges, the trial court specifically considered the classes defendant had taken while incarcerated and his rehabilitative potential. After considering the classes and other evidence, the trial court deemed appropriate a 14-year sentence. As previously noted, the trial court has broad discretion in sentencing, and its decision will not be overturned unless that discretion is abused. *Brown*, 195 Ill. App. 3d at 86-87. Here, the trial court properly considered all factors and based its

sentence upon them. We therefore find that the trial court did not abuse its discretion in imposing a prison term of 14 years, which, we further note, was near the middle of the range of sentences requested by the parties.

CONCLUSION

For the foregoing reasons, the judgment of the circuit court of Du Page County is affirmed.

Affirmed.