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2011 IL App (3d) 100226-U

Order filed November 14, 2011

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

A.D., 2011

THE PEOPLE OF THE STATE OF
ILLINOIS,

Plaintiff-Appellee,

v.

ANGELA S. DAUM,

Defendant-Appellant.

) Appeal from the Circuit Court
) of the 14th Judicial Circuit,
) Henry County, Illinois,
)
) Appeal No. 3-10-0226
) Circuit No. 08-CF-425
)
) Honorable
) Charles H. Stengel,
) Judge, Presiding.

PRESIDING JUSTICE CARTER delivered the judgment of the court.
Justices McDade and Holdridge concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court did not abuse its discretion when it sentenced defendant to two consecutive terms of 15 years' imprisonment.

¶ 2 Defendant, Angela S. Daum, pled guilty to two counts of conspiracy to commit first degree murder (720 ILCS 5/8-2(a) (West 2008)). The trial court sentenced defendant to two consecutive terms of 15 years' imprisonment. Defendant appeals, arguing that her sentences were excessive and should be reduced due to the fact that she had no prior criminal record, she was not the shooter, she suspected that the victim had been sexually abusive to their daughter,

and she expressed remorse. We affirm.

¶ 3

FACTS

¶ 4 On December 1, 2008, an eight-count information was filed charging defendant with two counts of attempt (first degree murder) (720 ILCS 5/8-4(a) and (c)(1) (West 2008)), two counts of conspiracy (first degree murder) (720 ILCS 5/8-2(a) (West 2008)), two counts of aggravated battery with a firearm (720 ILCS 5/12-4.2(a)(1) (West 2008)), one count of home invasion (720 ILCS 5/12-11(a)(2) (West 2008)), and one count of aggravated discharge of a firearm (720 ILCS 5/24-1.2(a)(1) (West 2008)). Defendant pled guilty to the two counts of conspiracy to commit first degree murder.

¶ 5 As a factual basis for the charges, the State submitted that defendant was involved in a conspiracy to murder her former husband, Robert Daum, with her new husband, Patrick Patterson, and her 12-year-old daughter, E.D. Defendant and Robert were married from 1980 until 2003. Their youngest child, E.D., was born in 1995. E.D. was not Robert's biological child; however, he raised her as his own. Following the divorce, Robert received custody of E.D., but his relationship with her began to deteriorate after E.D. spent time with defendant and Patterson in Oklahoma. E.D. accused Robert of improper sexual contact, saying that he would bump into her in an inappropriate way. Robert claimed that the allegations were unfounded.

¶ 6 On April 26, 2008, three bullets were fired through Robert's window as he slept. One of the bullets hit Robert in the buttocks. Following the shooting, E.D.'s friends were questioned. They told police that they heard E.D. tell defendant which bedroom window was hers and which was Robert's. She also told defendant what time Robert went to sleep.

¶ 7 A second attempt on Robert's life occurred on October 27, 2008. This time, Patterson

entered Robert's house and shot him five or six times in his abdomen and leg. Robert survived but ended up having one leg amputated below the knee. Robert identified Patterson as the shooter. During the subsequent investigation, police discovered text messages between E.D. and Patterson leading up to the crime. The text messages contained statements from Patterson saying "Just leave it open," and "You said you could open it. Just open it a crack[.]" E.D. responded to these texts with a message, "I can't. He locks them[.]"

¶ 8 E.D. eventually cooperated with police. She stated that Patterson was the shooter on April 26 and October 27. On October 27, defendant was outside Robert's residence in a car. Patterson told E.D. to text defendant when he started shooting so that she could come pick him up. The police discovered a text message from E.D. to defendant the night of October 27 that said, "Come now." Police also discovered a number of handwritten notes in E.D.'s bedroom. The notes contained information about which bedroom Robert slept in, what time he went to bed, and other information of a similar nature. They also stated that E.D. hated Robert and wished that he was dead. E.D. told police that defendant and Patterson had asked her to provide the information to assist in the shootings.

¶ 9 Robert suffered serious injuries as a result of both shootings. After the second shooting, Robert had to learn how to walk with a prosthetic leg. The process was extremely painful. Aside from the constant physical pain Robert endured, he also suffered from depression and posttraumatic stress syndrome, often having trouble sleeping due to severe flashbacks from the two attempts on his life.

¶ 10 Prior to defendant's sentencing, she wrote a letter to the trial court stating that she was "dreadfully & whole heartedly [s]orry Bob was hurt. I just never believed for a second he would

be hurt." After weighing the factors in aggravation and mitigation, the trial court sentenced defendant to two consecutive terms of 15 years' imprisonment. Defendant appeals.

¶ 11

ANALYSIS

¶ 12 Defendant argues that her consecutive 15-year sentences are excessive and should be reduced. The Illinois Constitution mandates that all penalties be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship. Ill. Const. 1970, art. I, § 11. However, the determination and imposition of a sentence involves considerable judicial discretion, and we will not reverse a trial court's sentence unless we find that the court abused its discretion. *People v. Stacey*, 193 Ill. 2d 203 (2000). A sentence that falls within the statutory range does not amount to an abuse of discretion unless it is manifestly disproportionate to the nature of the offense. *People v. Jackson*, 375 Ill. App. 3d 796 (2007). Although the reviewing court may reduce a sentence where an abuse of discretion has occurred, the reviewing court should proceed with great caution and care and must not substitute its judgment for that of the trial court simply because it would have weighed the factors differently. *Id.*

¶ 13 Here, the trial court did not abuse its discretion when its sentenced defendant.

Conspiracy to commit first degree murder is a Class 1 felony (720 ILCS 5/8-2(c) (West 2008)) with a sentencing range of not less than 4 years and not more than 15 years (730 ILCS 5/5-8-1(a)(4) (West 2008)). Defendant's sentence was within the statutory range. While it is true that defendant was sentenced at the high end of the range, defendant's crimes were egregious enough to warrant such a sentence. Factors in aggravation included: (1) defendant's solicitation of her 12-year-old daughter to partake in the conspiracies; (2) two attempts on the life of the victim; (3)

great bodily injury to the victim; and (4) a long-lasting impact on both defendant's daughter and the victim. In light of these factors and the trial court's consideration of factors in mitigation, we cannot say that the sentence was manifestly disproportionate to the nature of the offense.

Therefore, we affirm the judgment of the circuit court.

¶ 14 CONCLUSION

¶ 15 The judgment of the circuit court of Henry County is affirmed.

¶ 16 Affirmed.