

violation of section 11-501 of the Vehicle Code (625 ILCS 5/11-501 (West 2008)) and defendant had previously committed three violations of section 303(a) of the Vehicle Code (625 ILCS 5/6-303(a) (West 2008)). Because of her criminal history, defendant was eligible for an extended-term sentence of three to six years in prison.

¶ 6 In July 2010, defendant entered an open guilty plea to the offense of driving while her license was revoked. In August 2010, the trial court conducted the sentencing hearing. Brian McQuaid testified defendant was one of his tenants. He stated she paid her rent on time and never saw anything that would lead him to believe any type of criminal activity was occurring.

¶ 7 Linda Webb, defendant's mother, testified she was the district manager for the News-Gazette. She stated defendant had been a carrier since September 2009. Webb stated she normally drove the vehicle while defendant delivered her route. Webb stated she was having work done on her vehicle and, because she could not pick it up, she asked defendant to do so. Defendant was stopped and received a traffic ticket. Webb thought this was an isolated incident.

¶ 8 Defendant also submitted letters from McQuaid; Ron Otis, the assistant manager at the Sailfin pet store; Rachel Whitcomb, the store manager at the pet shop; Christy Gosser-Stiner from the News-Gazette; and Agent Sipes, defendant's parole officer. Otis stated defendant had never been late for work, had a great attitude, and did whatever job was assigned. Whitcomb stated defendant was "a highly motivated worker." Sipes stated defendant had been "a model parolee" and had maintained stable employment and a home.

¶ 9 The State recommended a sentence of five years in prison, while defense counsel asked for a community-based sentence. Defendant stated she understood she was not supposed

to be driving but was simply doing a favor for her mom. She stated she had made changes to her life over the past couple of years and was trying to be a productive citizen.

¶ 10 The trial court noted defendant's "checkered past," which included three misdemeanor convictions for driving under suspension as well as convictions for driving under the influence, unlawful possession of a controlled substance, and manufacturing and delivery of cocaine. She also had eight insurance tickets. Although recognizing defendant had made "a significant turnaround in her life with respect to her addiction issues," the court sentenced her to three years in prison "to serve as a deterrent to others who decide that they wish to drive when their licenses have been revoked."

¶ 11 Defendant filed a motion to reconsider, arguing the court erred in giving too much weight in aggravation to her prior record and the need to deter. Further, defendant argued the court erred in giving too little weight to, *inter alia*, her sense of remorse, her plea of guilty, her current employment, and the fact that her conduct did not cause serious harm to another. In October 2010, the court denied the motion. This appeal followed.

¶ 12 II. ANALYSIS

¶ 13 Defendant argues her three-year prison sentence was excessive. We disagree.

¶ 14 The Illinois Constitution mandates "[a]ll penalties shall 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. "In determining an appropriate sentence, a defendant's history, character, and rehabilitative potential, along with the seriousness of the offense, the need to protect society, and the need for deterrence and punishment, must be equally weighed.'" *People v. Hestand*, 362 Ill. App. 3d 272, 281, 838 N.E.2d 318, 326 (2005) (quoting

People v. Hernandez, 319 Ill. App. 3d 520, 529, 745 N.E.2d 673, 681 (2001)).

¶ 15 A trial court has broad discretion in imposing a sentence. *People v. Chester*, 409 Ill. App. 3d 442, 450, 949 N.E.2d 1111, 1118 (2011). "A reviewing court gives great deference to the trial court's sentencing decision because the trial judge, having observed the defendant and the proceedings, has a far better opportunity to consider these factors than the reviewing court, which must rely on the cold record." *People v. Evangelista*, 393 Ill. App. 3d 395, 398, 912 N.E.2d 1242, 1245 (2009). Thus, the court's decision as to the appropriate sentence will not be overturned on appeal "unless the trial court abused its discretion and the sentence was manifestly disproportionate to the nature of the case." *People v. Thrasher*, 383 Ill. App. 3d 363, 371, 890 N.E.2d 715, 722 (2008).

¶ 16 In the case *sub judice*, defendant pleaded guilty to the offense of driving while license revoked, her fourth violation. A person convicted of a fourth violation of this offense is guilty of a Class 4 felony. 625 ILCS 5/6-303(d-3) (West 2008). A sentencing range for an extended-term Class 4 felony is between three and six years. 730 ILCS 5/5-4.5-45(a) (West 2008). As the trial court's three-year sentence was within the relevant sentencing range, we will not disturb the sentence absent an abuse of discretion.

¶ 17 In claiming her sentence was excessive, defendant argues she had a high potential for rehabilitation, she accepted responsibility for her action, she was employed, and six people testified or wrote letters in support of her. She also argues the sentence was manifestly disproportionate to the nature of the offense.

¶ 18 In this case, the trial court indicated it considered the aggravating and mitigating factors and defendant's character, history, and rehabilitative potential. The presentence report indicated defendant had 13 traffic violations between 1999 and 2008, with the majority of the

violations being operating an uninsured motor vehicle (six) and driving on a suspended license (three). In 2007, she was convicted of driving under the influence. She also had felony convictions for unlawful possession of a controlled substance (2003) and manufacture and delivery of cocaine (2008). On the latter conviction, defendant received an eight-year prison sentence.

¶ 19 The record indicates defendant had two jobs and maintained a home. Several people either testified or wrote letters stating their support for her. However, a trial court is not required to give greater weight to a defendant's rehabilitative potential or other mitigating factors over the seriousness of the offense. *People v. Shaw*, 351 Ill. App. 3d 1087, 1093-94, 815 N.E.2d 469, 474 (2004). Moreover, "[t]he existence of mitigating factors does not require the trial court to reduce a sentence from the maximum allowed." *People v. Phippen*, 324 Ill. App. 3d 649, 652, 756 N.E.2d 474, 477 (2001). Even with a history of fines, probation, and a stay in the Department of Corrections, defendant failed to adhere to the requirements of the law and drove while her license was revoked. Her actions show an unwillingness to learn from her mistakes and a lack of respect for the law in this state. While noting defendant had made a "significant turnaround" in her life, the court found a prison sentence was necessary to deter those who wished to drive with a revoked license. See *People v. Malin*, 359 Ill. App. 3d 257, 265, 833 N.E.2d 440, 447 (2005) (finding the trial court was not obligated to place greater weight on mitigating factors than on the need to deter others). We find no abuse of discretion.

¶ 20

III. CONCLUSION

¶ 21 For the reasons stated, we affirm the trial court's judgment. As part of our judgment, we award the State its \$50 statutory assessment against defendant as costs of this appeal.

¶ 22

Affirmed.