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I. BACKGROUND

¶ 4 In May 2009, the State charged defendant by indictment with two counts of home invasion (720 ILCS 5/12-11(a)(2) (West 2008)) (counts I and IX), three counts of aggravated criminal sexual assault (720 ILCS 5/12-14(a)(1) (West 2008)) (counts II, III, and V), two counts of criminal sexual assault (720 ILCS 5/12-13(a)(1) (West 2008)) (counts IV and VI), one count of armed robbery (720 ILCS 5/18-2(a)(1) (West 2008)) (count VII), and two counts of residential burglary (720 ILCS 5/19-3(a) (West 2008)) (counts VIII and X). In April 2010, defendant pleaded guilty to two counts of home invasion (counts I and IX) and three counts of aggravated criminal sexual assault (counts II, III, and V). In exchange for defendant's plea, the State dropped the remaining charges (counts IV, VI, VII, VIII, and X). The plea was open and contained no agreement regarding sentencing. Under the terms of the plea agreement, defendant's potential sentence ranged from a minimum of 54 years to a maximum of 120 years.

¶ 5 At defendant's plea hearing, the State first presented a factual basis for counts I, II, III, and V. According to the State, the evidence would show that defendant entered the apartment of K.C. without authority and ordered her to remove her pants. After struggling with K.C., defendant threatened her with a dangerous weapon and committed three separate acts of sexual assault involving penetration. During the sexual assault, defendant repeatedly threatened to harm K.C. if she struggled. Defendant then slammed K.C.'s head into the ground and ordered her to comply with his demands. After assaulting K.C., defendant forced her to give him all her money and her cell phone. Defendant also stole a camera and a diamond ring from K.C.'s apartment.

¶ 6 Further testimony from the State would show that K.C. was examined later that evening at a local hospital. K.C. suffered injuries consistent with sexual assault as well as other

injuries consistent with physical assault. A rape kit taken by investigators produced semen which they sent for testing. Deoxyribonucleic acid (DNA) testing of the semen produced a definitive match to defendant's DNA.

¶ 7 The State also introduced evidence that defendant confessed to sexually assaulting K.C. when he was apprehended for another crime. While in custody, defendant stated he entered K.C.'s building through an unlocked back door, broke into K.C.'s apartment, and sexually assaulted and robbed her.

¶ 8 The State next introduced a factual basis for count IX. According to the State, defendant entered the apartment of J.S. seven days after assaulting K.C. J.S. awoke to find defendant in her roommate's room carrying a laptop computer. Defendant told J.S. to keep quiet and go back to bed. Defendant then began punching J.S. and throwing her around. Defendant also bit J.S. on the shoulder. Defendant's DNA was found on J.S.'s sweatshirt where he bit her.

¶ 9 Further testimony would show that defendant admitted breaking into J.S.'s apartment and stealing items.

¶ 10 Defense counsel agreed the factual basis was accurate and stipulated that testimony would establish the facts the State presented. Defendant persisted in his guilty plea. The trial court found defendant understandingly and voluntarily waived his right to a trial and found the factual basis supported defendant's plea. The court accepted defendant's plea and set the matter for sentencing.

¶ 11 In June 2010, the trial court heard arguments and evidence regarding defendant's sentencing.

¶ 12 The State offered written victim-impact statements from K.C. and her parents.

The victim-impact statements detailed K.C.'s struggles since the assault, including a constant fear that someone would break into her home and harm her. After the assault, K.C. left school and moved back into her parents' home. According to the statements, K.C. refused to sleep in a bed by herself and often woke up in the middle of the night afraid she was going to be subjected to another assault.

¶ 13 The State also offered testimony from Normal police detective James Merica. Merica investigated the sexual assault against K.C. and the home invasion involving J.S. Merica was present when defendant was arrested. Merica testified that defendant was tied to approximately 20 other residential burglaries in the area through items recovered after his arrest. In addition, Merica stated that defendant admitted being involved in several of the residential burglaries he was tied to.

¶ 14 The hearing then proceeded to argument.

¶ 15 The State requested a 90-year sentence, citing the brutal nature of defendant's actions and his involvement in several other uncharged residential burglaries. In addition, the State argued that defendant's actions caused serious harm, he had a history of violence, including a juvenile adjudication for aggravated battery, and the sentence was necessary to deter others from committing similar crimes. Finally, the State argued that defendant showed little rehabilitative potential as evidenced by the seven rule violations he incurred while incarcerated for the present offenses.

¶ 16 Defense counsel requested a minimum 54-year sentence. Counsel argued defendant's young age (18) and the fact he took responsibility for his actions were factors in mitigation. Counsel noted that defendant would be an elderly man before he was eligible to be

released even under the minimum sentence and the goal of deterring others from committing similar crimes would be achieved without imposing a more serious sentence.

¶ 17 In sentencing defendant, the trial court stated it "considered the information in the presentence investigation report, the evidence presented today, the recommendations of counsel[,] and the relevant statutory factors in aggravation and mitigation." While the court agreed that defendant's age and acceptance of responsibility were mitigating factors, it found that deterrence and the duty to protect society from defendant were more important. The court further stated: "I think any sentence imposed in this case must ensure that you never have the opportunity to commit these kinds of crimes again." The court then imposed the following sentences: 15 years' imprisonment on count I, 25 years' imprisonment on counts II, III, and V, and 20 years' imprisonment on count IX. The sentences on counts I, II, III, and V were to run consecutively for a total of 90 years, while the sentence on count IX was to run concurrently. The court also imposed an indeterminate MSR term of three years to natural life.

¶ 18 In July 2010, defendant filed a motion to withdraw his plea, arguing he did not fully understand the consequences of pleading guilty. Defendant also filed a motion to reconsider his sentence, arguing the sentence was excessive. In August 2010, the trial court rejected both of defendant's motions, finding (1) he knowingly and voluntarily entered into the plea agreement and (2) his sentence was not excessive.

¶ 19 This appeal followed.

¶ 20 II. ANALYSIS

¶ 21 On appeal, defendant argues the trial court (1) erred in imposing an indeterminate MSR term because it was required to impose a fixed MSR term, and (2) abused its discretion in

N.E.2d 1, 16 (2007). When determining whether a trial court's sentence was disproportionate to the nature of the offense, we do not grant greater weight to rehabilitative potential than to 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. Pippen*, 324 Ill. App. 3d 649, 652, 756 N.E.2d 474, 477 (2001).

¶ 27 In the case *sub judice*, defendant faced a minimum sentence of 54 years in prison and a maximum sentence of 120 years in prison. During sentencing, the trial court specifically stated it considered all the relevant factors, including all statutory factors in mitigation and aggravation. The court also specifically stated it considered defendant's age and the fact he took responsibility by pleading guilty as factors in mitigation. The court went on to state that, had it not been for mitigating factors, defendant would have received the maximum 120-year sentence. This shows that the court relied on defendant's age in part in mitigating the sentence, even though it did not reduce the sentence to the minimum. Based on the brutal nature of defendant's crimes and the reasoning of the court, we conclude the court did not abuse its discretion in sentencing defendant to 90 years' imprisonment.

¶ 28 III. CONCLUSION

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

¶ 30 Affirmed.