

¶ 5 Part of the plea negotiations included dismissal of counts II through V and imposition of a mandatory street-value fine of \$62,050, a \$3,000 mandatory drug assessment, a crime lab fee of \$100, and forfeiture of money held pursuant to a seizure warrant in Macon County case No. 08-MR-637. The term of years to be imposed in the Department of Corrections (DOC) was left open for the court to decide following preparation of a presentence investigation report (PSI) and sentencing hearing. Sentencing was set for August 21, 2009.

¶ 6 On August 21, 2009, defendant failed to appear. A warrant issued for his arrest and his \$15,000 cash bond was forfeited. The court took judgment on the forfeiture on September 25, 2009, following defendant's failure to surrender within 30 days of the forfeiture.

¶ 7 Defendant was arrested in October 2009 and sentenced in March 2010 to 23 years' imprisonment and assessed the fines and fees stated above. Defense counsel filed a timely motion to reconsider sentence, alleging the sentence was excessive. The trial court denied that motion. A notice of appeal was filed within 30 days thereafter.

¶ 8 On January 18, 2012, OSAD filed its motion for leave to withdraw, attaching to its motion a brief in conformity with the requirements of *Anders v. California*, 386 U.S. 738 (1967). The record shows service of the motion of defendant. On its own motion, this court granted defendant leave to file additional points and authorities by February 20, 2012, but defendant has not done so. After examining the record and executing our duties in accordance with *Anders*, we grant OSAD's motion and affirm the trial court's judgment.

¶ 9 II. ANALYSIS

¶ 10 OSAD contends the record demonstrates no meritorious issues can be raised on appeal. Specifically, OSAD contends the only issue preserved in the motion for reconsideration

of sentence was the sentence's excessiveness. OSAD recognizes the trial court properly considered the applicable mitigating and aggravating factors and imposed a sentence within the appropriate sentencing range. We agree.

¶ 11 Defendant was 35 years old at sentencing. His prior criminal history, as reflected in the PSI, included convictions for attempt (armed robbery), armed robbery, aggravated unlawful restraint, and unlawful use of weapons. On the attempt (armed robbery), an original sentence to probation was revoked and defendant was sentenced to eight years in DOC. After his release from DOC, he was convicted of armed robbery and aggravated unlawful restraint, receiving concurrent sentences of 17 and 5 years, respectively. At the time of sentencing in this case, defendant had previously been convicted of Class 1, Class X, and Class 3 felonies. At the time of his arrest, he had \$62,050 worth of cocaine in his car.

¶ 12 At defendant's plea hearing, the trial court properly admonished defendant. At the sentencing hearing, the court heard evidence in mitigation, including defendant's history of employment and family background. Defendant was the father of four children.

¶ 13 Defendant's sentence of 23 years fell in the middle of the applicable 12- to 50-year range. See 720 ILCS 570/401(a)(2)(C) (West 2008). Defendant agreed to the amount of the street-value fine and the other mandatory fines were imposed in correct amounts.

¶ 14 The imposition of a sentence is a matter of judicial discretion for the trial court, and this court will not disturb the trial court's sentencing determination absent an abuse of that discretion. *People v. Perruquet*, 68 Ill. 2d 149, 154, 368 N.E.2d 882, 884 (1977). A trial court's ruling constitutes an abuse of discretion when it is " 'arbitrary, fanciful, unreasonable, or where no reasonable person would take the view adopted by the trial court.' " *People v. Sutherland*, 223

Ill. 2d 187, 272-73, 860 N.E.2d 178, 233 (2006) (quoting *People v. Hall*, 195 Ill. 2d 1, 20, 743 N.E.2d 126, 138 (2000)). Sentences imposed within the statutory guidelines are presumed to be proper and will not be overturned unless the sentence substantially departs from the spirit and purpose of the law and the nature of the offense. *People v. Hauschild*, 226 Ill. 2d 63, 90, 871 N.E.2d 1, 16 (2007).

¶ 15 As stated above, defendant's sentence fell within the statutory limits and nothing in the record indicates the court considered any improper factors in sentencing defendant. No colorable argument can be made the court abused its discretion in sentencing defendant.

¶ 16 III. CONCLUSION

¶ 17 After reviewing the record consistent with our responsibilities under *Anders*, we agree with OSAD no meritorious issues can be raised on appeal, and we grant OSAD's motion to withdraw as counsel for defendant and affirm the trial court's judgment.

¶ 18 Affirmed.