



the trial court proceedings, (2) the court abused its discretion by denying his *pro se* motion for sanctions for the State's untimely response to his discovery requests, (3) the court abused its discretion by allowing the State to add a count charging him with a lesser-included offense, *i.e.*, criminal damage to property having a total value under \$300, on the day of the trial, and (4) the court abused its discretion at sentencing because his sentence was disproportionate to the sentences received by the codefendants. For the following reasons, we affirm.

¶ 3 On July 13, 2009, the State charged the defendant by information with one count of conspiracy to commit criminal damage to property having a total value in excess of \$300. On July 12, 2010, the day of the defendant's trial, the State charged him by information with one count of conspiracy to commit criminal damage to property having a total value under \$300, a lesser-included offense. The trial court allowed the State to charge the lesser-included offense over the defendant's objection.

¶ 4 The defendant proceeded *pro se* at trial. The evidence adduced at trial indicated that on the night of June 27, 2009, the defendant, Zachary Tegenkamp, Heidi Hood, and Jessica Bannick were driving around the countryside while drinking alcohol purchased by Bannick. Bannick was driving the vehicle. At some point in the night, Tegenkamp requested that she stop the vehicle. Tegenkamp and the defendant exited the car because they both needed to relieve themselves. Before getting back into the vehicle, Tegenkamp picked up a log and smashed a nearby mailbox. Tegenkamp testified that he thereafter had a notion to continue destroying mailboxes. Therefore, frequently throughout the night, Tegenkamp and the defendant would request that Bannick stop the vehicle so they could smash more mailboxes. According to Tegenkamp, the defendant initially protested the destruction of the mailboxes and refused to participate. However, he later changed his mind after he consumed more alcohol.

¶ 5 Bannick smashed one mailbox, and the rest of the mailboxes were damaged by either the defendant or Tegenkamp. According to Bannick, the defendant and Tegenkamp would usually alternate getting out of the vehicle and damaging the mailboxes; however, during some stops, they both participated in the damage.

¶ 6 On the morning of June 28, 2009, the Jasper County sheriff's department received multiple complaints from residents in the Wade Township area of Jasper County regarding damaged mailboxes. Larry Reid, an investigator with the Jasper County sheriff's department, personally interviewed approximately 30 to 40 residents who reported the damaged mailboxes. In the course of the investigation, he compiled a list of the names and addresses of the complainants, took photographs of the damaged mailboxes, and documented the cost of each victim's damage. According to Reid, some of the mailbox owners had already fixed or replaced their mailbox, and he discussed with them the cost of repair or replacement. In total, over 40 mailboxes were damaged or destroyed, and the cost of replacement mailboxes averaged anywhere from \$20 to \$50. Reid's investigation led him to identify the defendant, Hood, Tegenkamp, and Bannick as suspects.

¶ 7 When Reid interviewed the defendant concerning the destruction of the mailboxes, the defendant admitted that approximately 35 mailboxes were destroyed by him and Tegenkamp that night. The defendant also prepared a written statement confessing his participation in the destruction of the mailboxes, which was admitted into evidence.

¶ 8 After hearing this evidence, the jury found the defendant guilty of conspiracy to commit criminal damage to property having a value under \$300 and conspiracy to commit criminal damage to property having a value in excess of \$300. After the jury was dismissed, the State requested a judgment of a finding of guilty on count I, conspiracy to commit criminal damage to property having a total value in excess of \$300, and that the judgment of conviction on count II, conspiracy to commit criminal damage to property having a value

under \$300, not be entered. Thereafter, the trial court entered a judgment on count I.

¶ 9 On September 9, 2010, the sentencing hearing was held. The defendant, who was acting *pro se*, presented a statement in allocution and offered mitigating evidence in the form of testimony. In announcing the defendant's sentence, the trial court noted, as factors in mitigation, that (1) the defendant's criminal conduct neither caused nor threatened serious physical harm to another and (2) he had no history of prior delinquency or criminal activity and had led a law-abiding life for a substantial period of time before the commission of the present offense. Further, the court noted, as factors in aggravation, that a sentence was necessary to deter others from committing the same crime.

¶ 10 The trial court sentenced the defendant to 24 months' probation and one day in jail for each mailbox that was destroyed (39 mailboxes were destroyed). Because the defendant was eligible for day-for-day credit, the court sentenced him to 78 days in the county jail, which would result in the defendant serving 39 days in jail. The court ordered the defendant to serve this time on the weekends to allow him to continue his employment. The mittimus reflected that the defendant would serve 19½ consecutive weekends in jail. Further, the court entered a joint and several restitution order against the defendant in the amount of \$1,159.50 in full or \$289.87 in proportionate share (this order was also entered against Hood, Tegenkamp, and Bannick) to ensure the victims were reimbursed for the replaced or repaired mailboxes.

¶ 11 On October 7, 2010, the defendant filed a motion to reconsider, arguing that his sentence was disproportionately excessive and that the verdict and sentence were inconsistent with the facts and the law. The trial court denied the defendant's motion by docket entry on October 14, 2010. On November 12, 2010, the defendant filed an amended motion to reconsider, which included the following additional arguments: (1) the trial court erred by not providing him with standby counsel to assist him with the complex legal issues in the

case, (2) the court erred by allowing the State to file an additional charge against him on the day of trial, and (3) the court erred by allowing the State to present testimony of witnesses who were not disclosed until immediately prior to trial. On February 11, 2011, the defendant filed a second amended motion to reconsider, which further argued that the court erred by not advising him that he was eligible for TASC probation. Thereafter, on February 11, 2011, the trial court denied both motions. The defendant appeals.

¶ 12 First, we note that the only postsentencing ruling before this court is the trial court's order of October 14, 2010, which denied the defendant's initial motion to reconsider. As previously noted, the trial court denied the defendant's first motion to reconsider by docket entry and denied the amended motions on February 11, 2011, following a hearing. The defendant filed a notice of appeal on March 3, 2011, seeking to appeal both orders. On May 9, 2011, this court, on its own motion, entered an order requiring the defendant to show cause why his appeal should not be dismissed for lack of jurisdiction under Illinois Supreme Court Rule 606(b) (eff. Mar. 20, 2009), which provides that a notice of appeal must be filed within 30 days of the disposition of a timely posttrial or postsentencing motion. In response, the defendant filed a "motion for timely appeal" and a motion for leave to file a late notice of appeal. This court denied the defendant's motion for timely appeal, but granted the defendant's motion for leave to file late notice of appeal with respect to the judgment of conviction, the sentence imposed on September 9, 2010, and the trial court's order of October 14, 2010. However, this court denied, for lack of jurisdiction, the defendant's motion for leave to file late notice of appeal with respect to the trial court's order of February 11, 2011. Therefore, the only postsentencing ruling under consideration by this court is the trial court's October 2010 order. Accordingly, we first need to determine if the defendant's first motion to reconsider filed on October 7, 2010, adequately preserved his arguments on appeal.

¶ 13 The State argues that the defendant forfeited the majority of his arguments on appeal

because they were not raised in his October 7 motion. Specifically, the State notes the defendant's first motion did not contain the following arguments, which were raised on appeal: (1) the trial court erred by not providing him with standby counsel to assist him with the complex legal issues in the case, (2) the court erred by allowing the State to file an additional charge against him on the day of trial, and (3) the court erred by allowing the State to present testimony of witnesses who were not disclosed to him until immediately prior to trial. Instead, the only arguments contained in the first motion were that the defendant's sentence was disproportionately excessive and the verdict and sentence were inconsistent with the facts and the law. The State argues that the defendant's initial motion did not preserve his other arguments with sufficient specificity to allow the trial court a reasonable opportunity to correct any error. Therefore, the State argues the only issue preserved on appeal is the issue regarding the defendant's sentence being disproportionately excessive.

¶ 14 In order to preserve an issue for review, a party must object at trial and subsequently raise the objection in a written posttrial motion. *People v. Enoch*, 122 Ill. 2d 176, 186 (1988). The "posttrial motion must alert the trial court to the alleged error with enough specificity to give the court a reasonable opportunity to correct it." *People v. Coleman*, 391 Ill. App. 3d 963, 971 (2009). The rule of forfeiture is not relaxed for *pro se* defendants. *People v. McCarter*, 385 Ill. App. 3d 919, 937-38 (2008).

¶ 15 Here, we agree with the State that the defendant failed to properly preserve the standby-counsel, the witness-disclosure, and the lesser-included-charge issues on appeal because they were not raised in his initial motion to reconsider.

¶ 16 However, a reviewing court may consider an otherwise unpreserved issue under the doctrine of plain-error review. *People v. Hillier*, 237 Ill. 2d 539, 545 (2010). Under plain-error review, the reviewing court may consider an unpreserved and otherwise forfeited error under two circumstances: (1) the evidence is closely balanced or (2) the evidence is so

serious that it affected the fairness of the defendant's trial and challenged the integrity of the judicial process, regardless of the closeness of the evidence. *People v. Wishard*, 396 Ill. App. 3d 283, 286 (2009). Under either prong of the plain-error analysis, the defendant has the burden of persuasion. *Id.* at 286. "If the defendant fails to meet his burden, the procedural default will be honored." *Hillier*, 237 Ill. 2d at 545. Therefore, a defendant can forfeit plain-error review by failing to present any argument on how either prong of the plain-error doctrine is satisfied. *Id.* at 545-46.

¶ 17 Here, the defendant failed to meet the burden for plain-error review by not raising the plain-error doctrine in his brief filed with this court. However, as explained below, evaluating the defendant's arguments under the plain-error doctrine would result in this court affirming the trial court's decision because no error occurred. See *People v. Cosby*, 231 Ill. 2d 262, 273 (2008) (the first step in the plain-error analysis is to determine whether any error occurred).

¶ 18 The defendant's first argument is that the trial court erred by not appointing, *sua sponte*, standby counsel for him during the court proceedings. We disagree.

¶ 19 "The right of self-representation does not carry with it a corresponding right to legal assistance; one choosing to represent himself must be prepared to do just that." *People v. Simpson*, 204 Ill. 2d 536, 562 (2001). However, the trial court may appoint standby counsel to assist the *pro se* defendant in overcoming routine procedural or evidentiary obstacles. *Id.* The trial court's decision to appoint standby counsel is a matter of discretion and will not be disturbed unless that decision was an abuse of the court's discretion. *People v. Taggart*, 233 Ill. App. 3d 530, 557 (1992). The trial court should consider the following criteria when determining whether standby counsel should be appointed: (1) the nature and gravity of the charge, (2) the expected factual and legal complexity of the proceeding, and (3) the abilities and experiences of the defendant. *Id.*

¶ 20 Here, the record reveals that the defendant discharged three court-appointed attorneys before determining that he would proceed *pro se*. Following his request to discharge his second appointed attorney, the trial court postponed a scheduled preliminary hearing to allow him and his appointed attorney time to resolve any disagreements. The appointed attorney subsequently filed a motion to withdraw because the defendant persisted in his request to discharge his attorney. The court then appointed a third attorney but cautioned the defendant that he did not have a right to select his own attorney and that only one more attorney would be appointed.

¶ 21 Thereafter on January 12, 2010, the defendant requested the third attorney be discharged and he be allowed to proceed *pro se*. Before granting the defendant's request, the trial court cautioned the defendant that (1) the training and experience of an attorney well versed in criminal proceedings would be helpful to a defendant, (2) he was charged with a felony, a serious offense, (3) a jury trial created additional complexities for a *pro se* defendant, (4) the court would be unable to give him any special breaks or considerations and he would be held to the same standards and requirements of an attorney, and (5) he would be required to question and cross-examine witnesses. The court then gave the defendant an opportunity to speak with his appointed counsel in private to see if they could resolve their differences. After conferring with his appointed attorney, the defendant persisted in his request, and the court discharged the third attorney and allowed the defendant to proceed *pro se*.

¶ 22 During the defendant's arraignment on February 25, 2010, the trial court invited the defendant to reconsider his decision to proceed *pro se* and offered to reappoint one of his previously appointed attorneys. The court even offered to let the defendant choose which attorney would be reappointed.

¶ 23 From a review of the record, it is apparent that the defendant was repeatedly cautioned

about proceeding *pro se* and was given multiple opportunities to change his mind regarding appointed counsel. Despite these warnings, the defendant persisted in his request to proceed *pro se*. The defendant never requested standby counsel be appointed.

¶ 24 Further, a review of the *Taggart* criteria indicates that the trial court did not abuse its discretion by not *sua sponte* appointing standby counsel. With regard to the nature and gravity of the charge, the defendant was charged with conspiracy to commit criminal damage to property having a value in excess of \$300, which was a Class 4 felony. As to the factual and legal complexity of the case, the case involved four young people driving around the countryside smashing mailboxes. The evidence included written confessions from all four individuals and a list of the names and addresses of the owners of the mailboxes. Regarding the abilities and experiences of the defendant, we note that the defendant was 20 years old and had no criminal history. However, the record indicated that prior to trial, the defendant aggressively sought discovery regarding damages and the nature of the alleged conspiracy. During trial, he questioned the State's witnesses about the extent of the damages and whether an explicit agreement to smash mailboxes had been reached. Because the record indicates that the defendant was repeatedly warned about the dangers of proceeding *pro se* and an analysis of the *Taggart* factors does not indicate that standby counsel should have been appointed *sua sponte*, we find that the trial court did not abuse its discretion by allowing the defendant to proceed *pro se* without appointing standby counsel.

¶ 25 The defendant next argues that the trial court abused its discretion by denying his *pro se* motion for sanctions for the State's untimely response to his discovery requests. We disagree.

¶ 26 On December 11, 2009, the defendant's third appointed attorney filed a motion for discovery, which included a request for information or material within the State's possession that tended to negate the defendant's guilt as to the charged offense or tended to reduce his

punishment (a request made pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963)). The motion also requested any and all written or recorded statements, memoranda, or reports made by any person to any police officer or any State's Attorney office, which included statements or reports made by witnesses who may be called by the defendant (paragraph six of the motion). On January 29, 2010, the State responded to the defendant's motion for discovery. In particular, the State responded with "None known" to the defendant's *Brady* request, and it objected as beyond the scope of discovery to the defendant's paragraph six request. The response also included a note that the State's entire file, excluding work product, may be inspected by appointment between the hours of 8 a.m. and 4 p.m., Monday through Friday.

¶ 27 On February 25, 2010, the day of the formal arraignment, the defendant notified the trial court that he had not received the State's discovery answers, and it was discovered that the response was mailed to an incorrect address. The defendant received a copy of the State's response that day. On March 16, 2010, the defendant filed a *pro se* demand for *Brady* material disclosure and a *pro se* motion for additional discovery. On March 19, 2010, the trial court gave the State until April 9, 2010, to respond to the defendant's March 16 request for disclosure of *Brady* material, the defendant's October 27, 2009, request for bill of particulars, the defendant's March 16, 2010, motion for additional discovery, and paragraph six of the defendant's initial discovery request.

¶ 28 On April 19, 2010, the defendant filed a *pro se* motion for sanctions requesting the trial court impose sanctions against the State for its untimely response to his motion for discovery, his request for bill of particulars, and his demand for a *Brady* disclosure. In his motion for sanctions, the defendant requested the trial court dismiss the case. On May 5, 2010, the State filed a response to the defendant's discovery request, including paragraph six of the initial request, a bill of particulars, and a response to the defendant's demand for *Brady*

material. In the State's response to the defendant's demand for *Brady* material, the State referred the defendant to its January 29 response to paragraph 19 of the defendant's original request, which requested *Brady* material. The State's supplemental answer to paragraph six of the defendant's original motion for discovery stated that all requested materials were previously provided to the defendant. The State's answer to the defendant's motion for additional discovery again notified the defendant that "he may inspect the criminal histories of the [d]efendant and the co-conspirators by appointment between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday."

¶ 29 On July 1, 2010, the trial court denied the defendant's motion for sanctions, stating as follows: "[A]lthough compliance by the State may have been late as to some information, the State's file was available. No information was concealed, and the defendant has not been prejudiced."

¶ 30 The trial court's decision regarding whether to impose sanctions for a discovery violation will not be disturbed unless that decision is an abuse of the court's discretion. *People v. Sutherland*, 223 Ill. 2d 187, 234-35 (2006). "Sanctions imposed for discovery violations should be fashioned to meet the circumstances of the particular case with the ultimate objective of compelling compliance, not punishing a party for the oversight or the errors of his attorney." *People v. Damico*, 309 Ill. App. 3d 203, 212 (1999). The choice of the appropriate sanction to impose is left to the trial court's discretion. *Id.* However, "[i]n the absence of prejudice to defendant, the failure to issue a sanction is not an abuse of discretion." *People v. Ofoma*, 242 Ill. App. 3d 697, 704 (1993).

¶ 31 In the present case, a hearing on the defendant's *pro se* motion for sanctions was held July 1, 2010, approximately two months after the State complied with the trial court's March 19, 2010, order. Therefore, the objective of imposing sanctions at the time of the hearing would not have been to encourage the State to comply with the discovery request as the State

had already complied. Instead, the objective would have been to punish the State for its untimely response. Further, the defendant received the State's responses approximately two months before his July trial. The defendant conceded at the hearing on his motion for sanctions that he had received the information he sought. Additionally, the State's supplemental responses merely conveyed the same information already provided to the defendant in prior discovery responses and reiterated that the defendant may inspect the State's files during normal business hours. However, the defendant never took advantage of this opportunity. Accordingly, the trial court did not abuse its discretion by denying the defendant's *pro se* motion for sanctions because he was not prejudiced by the State's untimely response.

¶ 32 The defendant also argues that a discovery violation occurred when the State disclosed names of witnesses on the day of trial. We disagree.

¶ 33 Illinois Supreme Court Rule 412(a)(i) (eff. Mar. 1, 2001) requires the State to disclose to the defendant the names and addresses of all persons it intends to call as witnesses. The State's duty to disclose under Rule 412(a)(i) is ongoing and requires prompt notification to the defendant of any additional discovery material, up to and during trial. *People v. Bobo*, 375 Ill. App. 3d 966, 974 (2007). As previously explained, the trial court can impose sanctions if the State fails to comply with discovery requirements. *Id.* However, a new trial should only be granted as a discovery sanction if the defendant was prejudiced by the discovery violation and the trial court failed to eliminate this prejudice. *People v. Cisewski*, 118 Ill. 2d 163, 172 (1987).

¶ 34 Here, on January 29, 2010, the State disclosed a list containing the names and addresses of the individuals whose mailboxes were damaged and identified them as potential witnesses. The list identified Mark Schulte, John Fehrenbacher, John Birch, and Chris Correll as owners of the mailboxes and potential witnesses. On July 8, 2010, the State filed

a supplemental answer to the defendant's motion for discovery, which listed Ashlee Schulte (the spouse of Mark Schulte), Keith Fehrenbacher (previously identified by mistake as John Fehrenbacher), Laura Birch (the spouse of John Birch), and Linda Correll (the spouse of Chris Correll) as potential witnesses. The defendant's jury trial began July 12, 2010.

¶ 35 Prior to trial, the State explained that no prejudice resulted from the defendant being provided with a list of additional witnesses a few days before trial. Specifically, the State argued the testimony would be the same regardless of which spouse testified (the witnesses would tell who they are, where they live, that they own a mailbox, that their mailbox was damaged, and what it cost to repair or replace the mailbox). A list containing the names and addresses of all the mailbox owners was previously disclosed to the defendant, which included the spouses of the newly identified witnesses. Therefore, the State argued the defendant suffered no prejudice because the testimony of the newly identified witnesses would be identical to the testimony of the witnesses previously disclosed. The State also noted that Keith Fehrenbacher was previously identified as John Fehrenbacher, and the State supplemented discovery to correct that mistake. The trial court determined that the newly identified witnesses would be allowed to testify but gave the defendant an opportunity to speak with them prior to their testimony. However, the record does not indicate that the defendant took advantage of this opportunity.

¶ 36 From a review of the record, we find that the defendant was not prejudiced by the State's disclosure of additional witnesses a few days before trial. Specifically, we note that the State previously disclosed the names and addresses of all owners of the mailboxes and the new witnesses were co-owners living at the same address. The testimony of the new witnesses was in all material respects identical to the testimony of the previously disclosed owners whose names appeared on the January 29 list of potential witnesses. During the trial, Ashlee Schulte, Roger Swick, John Birch, Keith Fehrenbacher, Rory Gorrell, Jack Ragsdale,

and Brad Mulvey testified that they each owned a mailbox in Jasper County that was destroyed on or about the night of June 27, 2009. They also testified with regard to the amount it had cost to repair or replace the damaged mailboxes. Further, Keith Fehrenbacher was previously disclosed as John Fehrenbacher, but his address listed on the January 29 disclosure was the same. Therefore, we find that the trial court did not err in allowing the newly identified witnesses to testify.

¶ 37 The defendant next argues that the trial court abused its discretion by allowing the State to add a count charging him with the lesser-included offense of criminal damage to property having a total value under \$300 on the day of the trial.

¶ 38 On July 12, 2010, the morning of jury selection, the State requested leave to file *instanter* the lesser-included offense. The trial court granted the State leave to file the new count over the defendant's objection.

¶ 39 A lesser-included offense "is one in which the lesser offense is a necessary element of the greater offense." *People v. Schram*, 283 Ill. App. 3d 1056, 1064 (1996). Although a person may not be convicted of an uncharged crime, a person may be convicted of a crime not expressly included in the charging instrument if that offense is a lesser-included offense of the offense charged in the charging instrument. *People v. Knaff*, 196 Ill. 2d 460, 472 (2001). "It is elementary that it is unnecessary to allege a lesser-included offense in an indictment charging an offense of a greater degree when, in order to convict on the greater charge, the prosecution must prove every element necessary for a conviction on the lesser charge." *Id.*

¶ 40 In this case, conspiracy to commit criminal damage to property having a value under \$300 is a lesser-included offense of conspiracy to commit criminal damage to property having a value in excess of \$300. Therefore, the State effectively charged the defendant with the lesser-included offense when it charged him with the greater charge.

¶ 41 The defendant also argues that the trial court violated his right to a speedy trial by allowing the filing of the additional count. However, we note that the record indicates that the defendant never invoked his speedy-trial rights and, consequently, the speedy-trial clock never began. See *People v. Murray*, 379 Ill. App. 3d 153, 160 (2008) (the defendant is required to make an affirmative statement requesting a speedy trial in order to invoke his speedy-trial rights). Nothing in the record indicates that the defendant made an affirmative statement invoking his speedy-trial rights, and the defendant, in his brief, failed to identify any such statement. We further note that the defendant failed to cite any relevant authority to support his claim that his speedy-trial rights were violated, failed to identify any specific periods of delay not attributable to him, and failed to identify any motion to dismiss that he filed based on a violation of his speedy-trial rights.

¶ 42 Additionally, it is important to note that the jury found the defendant guilty of both charges; however, the trial court only entered a judgment on count I. Therefore, a judgment of conviction was not entered on the lesser-included charge. Accordingly, we find the trial court did not abuse its discretion in granting the State leave to file the lesser-included charge, and the defendant's speedy-trial rights were not violated by the court allowing the State to file the additional charge.

¶ 43 Last, the defendant argues the trial court abused its discretion at sentencing because his sentence was disproportionate to the sentences received by the codefendants. We first note that this is the only issue the defendant preserved on appeal by including it in his initial motion to reconsider.

¶ 44 The trial court sentenced the defendant to 24 months' probation and one day in jail for each mailbox that was destroyed (39 days). The mittimus reflected that the defendant would serve 19½ consecutive weekends in jail. The record indicates that Tegenkamp pleaded guilty to conspiracy to commit criminal damage to property, a Class 4 felony, and was sentenced

to one year in prison to be followed by a one-year period of mandatory supervised release. Tegenkamp was on mandatory supervised release on a prior felony conviction at the time of the commission of the current offense. Bannick pleaded guilty to conspiracy to commit criminal damage to property, a Class A misdemeanor, and was sentenced to 24 months' probation. Additionally, she served 10 days in jail. Hood also pleaded guilty to conspiracy to commit criminal damage to property, a Class A misdemeanor, and was sentenced to two years' probation. She served three consecutive weekends in jail.

¶45 Although similarly situated defendants should not receive grossly disparate sentences, a mere disparity in the sentences, by itself, is not sufficient to constitute a violation of fundamental fairness. *People v. Spriggle*, 358 Ill. App. 3d 447, 455 (2005). "A disparity of sentences will not be disturbed where it is warranted by differences in the nature and extent of the concerned defendants' participation in the offense." *People v. Caballero*, 179 Ill. 2d 205, 216 (1997). The disparity in sentences may be justified by the character and history of the codefendants, their degree of culpability, their rehabilitative potential, or their criminal histories. *Spriggle*, 358 Ill. App. 3d at 455. Further, a sentence imposed on a codefendant following the entry of a guilty plea does not provide a valid basis of comparison to a sentence imposed following a trial. *Caballero*, 179 Ill. 2d at 217. Sentencing is a matter of judicial discretion, and a sentence that is within the statutory limits will not be disturbed absent an abuse of discretion. *People v. Banks*, 241 Ill. App. 3d 966, 981 (1993).

¶46 In the present case, the differences in the codefendants' sentences are supported by the differences in each codefendant's degree of involvement in the commission of the offense. Although the record indicates that the defendant had no prior criminal history and the two female codefendants had criminal records, it is apparent that the defendant's degree of involvement in the offense was greater. The evidence at trial revealed that the defendant and Tegenkamp smashed the majority of the mailboxes, with Bannick destroying only one. Hood

did not smash any mailboxes and sat in the car the entire time. Both the defendant and Tegenkamp instructed Bannick when to stop the vehicle and then destroyed the mailboxes as a team or individually. Therefore, the record reveals that the defendant played a more active role in the commission of the offense than the female codefendants. Accordingly, we find that the trial court did not abuse its discretion in sentencing the defendant to 19½ consecutive weekends in jail despite the female codefendants receiving a lesser sentence.

¶ 47 For the foregoing reasons, the judgment of the circuit court of Jasper County is hereby affirmed.

¶ 48 Affirmed.