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2013 IL App (3d) 110816-U

Order filed June 6, 2013

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

A.D., 2013

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the Circuit Court
)	of the 12th Judicial Circuit,
Plaintiff-Appellee,)	Will County, Illinois,
)	
v.)	Appeal No. 3-11-0816
)	Circuit No. 11-CF-599
LORENZO THOMAS,)	
)	Honorable
Defendant-Appellant.)	Sarah F. Jones,
)	Judge, Presiding.

JUSTICE LYTTON delivered the judgment of the court.
Justices McDade and O'Brien concurred in the judgment.

ORDER

¶ 1 *Held:* Defendant's sentence was not excessive.

¶ 2 Defendant, Lorenzo Thomas, was convicted of failing to register as a sex offender (730 ILCS 150/4 (West 2010)) and sentenced to 3½ years' imprisonment. On appeal, defendant argues that his sentence was excessive. We affirm.

¶ 3 On March 3, 2011, defendant was released from prison for a predatory criminal sexual assault conviction.

¶ 4 On April 7, 2011, defendant was charged by indictment with failure to register as a sex offender. The case proceeded to a bench trial. The evidence at trial established that defendant met with Western Illinois Correctional Center employee Tara Goins before his release. Goins presented and read the duty to register form to defendant. The form stated, in part, that "[i]t has been explained to me and I understand my duty to register next on or before 3/6/11." Defendant signed the form.

¶ 5 On March 5, 2011, two days after his release from prison, defendant went to the Joliet police department and met with Detective Tizoc Landeros. Defendant advised Landeros that he intended to live at 206 South Joliet Street. However, this address was unsuitable as it was located within 500 feet of a day care. Defendant told Landeros that he was staying at a hotel in Channahon for the next few days. Landeros told defendant that he had to register in the City of Channahon if he continued to live there or he could register as homeless in the City of Joliet. Defendant responded that he had an uncle who lived at 518 Elmwood Avenue in Joliet; however, defendant needed to speak with his uncle before he registered at this address. Landeros advised defendant that the location was suitable. Landeros also told defendant if he moved to Joliet after registering in Channahon, he would need to notify the Channahon police department of his move and register his new address with the Joliet police department. Defendant recalled that Landeros provided his card and instructed defendant to call if he found a place to live in Joliet.

¶ 6 Thereafter, defendant attempted to register in the City of Channahon, but the police department was closed. Defendant called his uncle in Joliet and arranged to live at his house. Defendant stated that he called Landeros and believed that Landeros had registered him in the City of Joliet over the telephone. Landeros did not recall receiving a telephone call and testified that defendant could not register over the telephone.

¶ 7 On March 26, 2011, defendant returned to the Joliet police station to report that he was moving to Chicago. Landeros informed defendant that he was not registered with the City of Joliet. Defendant was adamant that he was registered, but he could not produce a copy of his registration form. Landeros checked the Joliet police records and informed defendant that he had no record of his registration. Landeros arrested defendant for failing to register as a sex offender in the City of Joliet.

¶ 8 The trial court found defendant guilty of failing to register as a sex offender. Defendant's presentence investigation report documented that he had two prior felony convictions. Following arguments in aggravation and mitigation, the trial court sentenced defendant to 3½ years' imprisonment.

¶ 9 Defendant argues that his prison sentence was excessive because he attempted to comply with the sex offender registration statute three times. We review the defendant's sentence for an abuse of discretion. *People v. Stacey*, 193 Ill. 2d 203 (2000). We proceed with caution when reviewing the propriety of the defendant's sentence as we must not substitute our judgment for that of the trial court. *People v. Cameron*, 2012 IL App (3d) 110020.

¶ 10 Following the completion of defendant's prison term for his predatory criminal sexual assault conviction, he was required to register as a sex offender within three days of his release. 730 ILCS 150/3, 4 (West 2010). Defendant attempted to register in the Cities of Joliet and Channahon, and he believed that he had registered over the telephone in Joliet. However, defendant was required to register in person, and therefore was not registered.

¶ 11 Failure to register as a sex offender is a class three felony with a sentencing range of probation or between two and five years' imprisonment. 730 ILCS 150/10(a), 5/5-4.5-40(a), (d)

(West 2010). A defendant is eligible for an extended term sentence of up to 10 years' imprisonment if he had been previously convicted of the same or greater class felony within the prior 10 years. 730 ILCS 5/5-4.5-40(a), 5-5-3.2(b)(1) (West 2010). Defendant was eligible for an extended term here because of his prior convictions.

¶ 12 In the instant case, defendant was sentenced to 3½ years' imprisonment. While we note that defendant attempted to comply with the sex offender registration statute and thought that he was registered, failure to register is a strict liability offense. See *People v. Molnar*, 222 Ill. 2d 495 (2006). Moreover, defendant's sentence was near the lower end of the sentencing range, considering that defendant was eligible for an extended term. Given our deferential standard of review, we must conclude that defendant's sentence was not excessive and the trial court did not abuse its discretion.

¶ 13

CONCLUSION

¶ 14 For the foregoing reasons, the judgment of the circuit court of Will County is affirmed.

¶ 15 Affirmed.