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2014 IL App (3d) 120171-U

Order filed January 13, 2014

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

A.D., 2014

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the Circuit Court of the 14th Judicial Circuit, Whiteside County, Illinois
Plaintiff-Appellee,)	
v.)	Appeal No. 3-12-0171
JIMMY L. WEAVER,)	Circuit No. 10-CF-207
Defendant-Appellant.)	Honorable Stanley B. Steines, Judge, Presiding.

JUSTICE SCHMIDT delivered the judgment of the court.
Justices Holdridge and Wright concurred in the judgment.

ORDER

- ¶ 1 *Held:* The trial court's order denying defendant's motion to withdraw guilty plea was not an abuse of discretion where defendant's guilty plea was not the result of ineffective assistance of counsel.
- ¶ 2 Defendant, Jimmy Weaver, pled guilty to one count of attempted first-degree murder in the Whiteside County circuit court. The trial court sentenced defendant to 30 years in the Illinois Department of Corrections.

¶ 3 Defendant later filed a motion to vacate the judgment and withdraw guilty plea, arguing, *inter alia*, that defense counsel was ineffective for failing to investigate defendant's sanity at the time of the incident, and that he did not fully understand the consequences of the guilty plea.

The trial court denied the motion, as well as defendant's motion to reconsider sentence.

¶ 4 Defendant appeals, claiming the trial court abused its discretion in concluding his guilty plea was not the result of ineffective assistance of counsel and, in the alternative, that his 30-year sentence was excessive.

¶ 5 We affirm.

¶ 6 BACKGROUND

¶ 7 Defendant entered an open plea to the charge of attempted first-degree murder. Prior to the guilty plea hearing, the State amended the charging information, alleging the attempted murder was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty. See 730 ILCS 5/5-5-3.2(b)(2) (West 2010). The State's inclusion of the extended-term sentencing language raised defendant's possible sentence to a maximum of 60 years and not less than 30 years. Defendant agreed to plead guilty to one count of attempted first-degree murder in exchange for the State's dismissal of the attempt charge containing the exceptionally brutal and heinous language. The State presented the following facts as a factual basis for defendant's plea.

¶ 8 At approximately 2 a.m. on June 22, 2010, the Sterling police were dispatched to the CGH Medical Center in Sterling, Illinois. Police spoke with Jessica Oltmanns and Angel Prado, who explained that they had been driving near the intersection of East Fourth Street and Broadway when they spotted a man lying on the ground. He was unconscious and bloody.

Oltmanns and Prado stopped, placed him in their vehicle, and drove to the emergency room.

The emergency staff indicated that the victim, Robin Wagenknecht, was in critical condition.

The responding officers observed Wagenknecht's facial swelling and multiple lacerations.

¶ 9 The officers returned to Broadway to canvas the area. They spoke with defendant, who lived at 401 Broadway Avenue. Officers observed blood on the door and door handle of defendant's residence. Defendant told officers that he had been in a fight that evening in his home. Officers noted defendant was obviously intoxicated. Defendant consented to a search of his residence. Officers presented defendant with a photograph of Wagenknecht, and defendant confirmed that Wagenknecht was the person with whom he had fought earlier that evening.

¶ 10 During the search, officers found a large pool of blood on the basement floor. They observed blood stains on the kitchen floor and on the steps leading into the basement. The officers *Mirandized* defendant, who then explained that he had been partying and drinking with Wagenknecht earlier in the day. At some point later in the evening, the two returned to defendant's home. Defendant and Wagenknecht then went into the basement so defendant could show Wagenknecht his computer. Once in the basement, Wagenknecht had turned off the lights. Defendant explained that he was extremely afraid of the dark. Wagenknecht would not turn the lights back on. Defendant told the police that he snapped, and began punching Wagenknecht in the face. When Wagenknecht fell, defendant repeatedly slammed his head into the basement floor.

¶ 11 Officers interviewed Christian Garza. Garza stated that at approximately 12:30 a.m. that night, he went to defendant's home. When defendant opened the door, he was breathing heavily,

his hands were injured, and his clothes were bloody. According to Garza, defendant told him that he had "killed a demon in his basement." Garza stated that Scott Cook and Ysidro Plata were also present, and defendant led them into his basement. Defendant shined a light on the floor, and Garza saw Wagenknecht lying in a pool of blood by a broken light fixture. Garza assisted defendant in getting Wagenknecht up the stairs and outside. As they did so, defendant pointed toward Wagenknecht and stated to the group that he was the demon he killed in the basement.

¶ 12 Scott Cook related the same set of events to the officers, including defendant's statement to the group that he had killed a demon in the basement. Wagenknecht was airlifted to St. Anthony Medical Center. He sustained a broken nose and severe brain injuries. At the time the plea was entered, Wagenknecht was only able to articulate one word. His doctors explained that it would take many years of rehabilitation to regain functioning, if he regains it at all.

¶ 13 At the conclusion of the factual basis, the trial court asked defense counsel that if the matter were to go to trial, would he agree that would substantially be the State's evidence. Counsel responded in the affirmative, but went on to state that, "I wanted to inform the court that I believe [defendant] has periods of time that he does not remember. I just want the court to be aware of that." Defendant points out that his trial counsel did not request that the court order a behavioral clinical evaluation.

¶ 14 Prior to accepting defendant's plea, the trial court admonished defendant that attempted murder was a Class X offense with a sentencing range of 6 to 30 years. The court explained defendant's right to an attorney and a trial by jury. The court asked defendant if anyone had

forced or threatened him into pleading guilty. Defendant indicated that he understood the rights he was giving up, that no one had forced or coerced him to take the plea, and that he still intended to plead guilty. The trial court accepted defendant's plea and set the matter for sentencing hearing.

¶ 15 At the April 4, 2011, sentencing hearing, the State called four witnesses. Detective Brian Albers testified regarding an April 23, 2004, domestic battery in which defendant battered his then-girlfriend, Jennie Bohannon, and her friend Kristy McClain (who was five months' pregnant at the time). Defendant was "very intoxicated" at the time.

¶ 16 Officer Kevin Bloom testified regarding an August 15, 2007, domestic battery involving defendant and his then-girlfriend, Ginger Grayson. Defendant returned home from a bar and the two got into an altercation. Defendant punched Grayson in the face with both closed and open fists, grabbed her hair, beat her head into the floor, and kicked her in the stomach.

¶ 17 Officer Matt Gerard testified regarding a November 1, 2009, domestic battery involving defendant, his girlfriend Leanne Gibson, and Gibson's mother, Betina Stinnett. Defendant, intoxicated at the time, grabbed Gibson by the throat and then got into a physical altercation with Stinnett, who had come to Gibson's aid.

¶ 18 Stinnett testified that defendant was "always drunk or always doing something," and that he had a "very strange personality."

¶ 19 In mitigation, defendant's stepfather, Michael Nelson, testified that defendant has had a fear of the dark since childhood. According to Nelson, when not intoxicated, defendant was "polite, courteous and nice." Aileen Nelson, defendant's mother, testified that defendant has had

problems and/or a fear of the dark since the age of five or six. Defendant always needed a night light and if someone flipped off the light, he would wake up screaming at the top of his lungs. Aileen believed defendant had two personalities—one when sober and one when drunk. While she understood that defendant had to pay for what he did to Wagenknecht, she stated that he did not do it intentionally, and she believed he did not know what he was doing.

¶ 20 The State requested that the trial court sentence defendant to the maximum 30 years. Defendant's trial counsel argued for a 10 to 15-year sentence, noting that defendant was intoxicated at the time and probably under the influence of drugs. Counsel further argued that defendant's fear of the dark was "real to him."

¶ 21 Defendant also gave an unsworn statement at the hearing, testifying to his alcohol and substance abuse. He told the court that in regard to Wagenknecht, he did not remember everything, stating that "I didn't even know it was him at the time, but I remember hurting him." Defendant apologized for his actions.

¶ 22 The trial court reviewed both aggravating and mitigating factors, as well as the presentence report. Defendant's prior criminal history weighed heavily in the court's decision. The court cited defendant's multiple alcohol and drug-related convictions and two domestic battery convictions. In reviewing mitigating factors, the trial court noted that slamming the victim's head into the concrete floor repeatedly is a strong indication that defendant did contemplate it would cause serious physical harm. Yet, in the next breath the trial court stated, "[b]ut when you balance that with his intoxicated state as well as his mental health issues, it is uncertain whether he could contemplate it at that point in time." Finally, the court stated that

while voluntary intoxication may explain it, it certainly does not excuse that type of behavior.

The court found that "[t]here are no substantial grounds tending to excuse or justify [defendant's] criminal conduct." The court sentenced defendant to 30 years, the maximum sentence for a Class X offense.

¶ 23 On April 13, 2011, defendant wrote a letter to the circuit court clerk to appeal his case, arguing that he pled guilty for something he had no intention of doing and all he was doing was protecting himself. Court-appointed counsel filed a motion to vacate judgment and withdraw guilty plea, as well as a motion to reconsider sentence. Counsel filed an amended motion to vacate judgment on December 8, 2011, claiming: (1) defense counsel was ineffective for failing to file a motion to suppress, as police reports indicated that defendant was intoxicated at the time he gave police consent to enter his home and made incriminating the statements; (2) defense counsel was ineffective for not alleging self-defense in discovery and for not fully exploring that affirmative defense; (3) defense counsel was ineffective for not requesting that defendant be evaluated to determine his sanity at the time of the offense of any relevant mental health issues, which would bear on his ability to comprehend what was occurring at the time of the offense; (4) defendant's guilty plea was not knowingly made as he did not remember the occurrences of the incident in question; and (5) defendant's plea was not voluntary because he was coerced by his attorney to plead guilty.

¶ 24 At the hearing on the motion, defendant testified that his attorney informed him of the amended attempted murder charge only minutes before his court date, and he did not have enough time to make a decision. Defendant further testified that his attorney advised him that if

he wanted to get out of prison in time to maybe see his son, he might want to take the open plea of 6 to 30 years.

¶ 25 Defendant stated that he told his attorney about his fear of the dark, and that on the night of the incident he "was under extreme phobia, in panic." On cross, defendant admitted that he took the plea to avoid the possibility of a 45 to 60-year sentence. Defendant stated that at the time of the incident he was scared, thought he was trapped, and thought someone was trying to kill him. He did not know who he was beating until they turned the lights on, and he did not know how the lights went out.

¶ 26 Defendant's trial counsel testified that he entered into extensive plea negotiations with the prosecutor prior to defendant entering his plea. According to counsel, he advised defendant about the possibility of the State adding the brutal and heinous attempt murder charge that carried a 30 to 60-year sentence "at least" a month or two prior to the day defendant entered his plea. Counsel also stated that he spoke extensively to defendant about the allegations against him.

¶ 27 After counsel read the police reports, he did not believe there was a basis for the affirmative defense of self-defense, nor did he believe a motion to suppress defendant's earlier statements would have been successful. Counsel also stated that he visited defendant in jail approximately four or five times, and maintained that defendant never had any difficulty conversing or understanding their conversations. There were no indications that defendant was legally insane.

¶ 28 The trial court found that trial counsel was not ineffective for not investigating the

insanity defense or defendant's mental health further. Accordingly, the court denied defendant's motion to vacate judgment and withdraw guilty plea. The court also denied defendant's motion to reconsider sentence.

¶ 29 This timely appeal followed.

¶ 30 ANALYSIS

¶ 31 I. Ineffective Assistance of Counsel

¶ 32 Defendant argues that trial court abused its discretion by denying his motion to withdraw his guilty plea. See *People v. Jamison*, 197 Ill. 2d 135, 163 (2001) (the decision to deny a motion to withdraw a guilty plea is reviewed for abuse of discretion). Specifically, that it constituted an abuse of discretion for the trial court to find that counsel was effective when he failed to further investigate defendant's mental health and the possibility of an insanity defense.

¶ 33 To establish a claim of ineffective assistance of counsel, a defendant must show both that counsel's performance fell below an objective standard of reasonableness and that, but for counsel's errors, a reasonable probability exists that the result of the proceeding would have been different. *Strickland v. Washington*, 466 U.S. 668, 687 (1984); *People v. Davis*, 205 Ill. 2d 349, 364 (2002). A reasonable probability is one sufficient to undermine confidence in the result of the proceeding. *People v. Morris*, 335 Ill. App. 3d 70, 84 (2002). A claim of ineffective assistance of counsel may be disposed of on the prejudice prong of the test without first addressing whether counsel's performance was deficient. *People v. Johnson*, 128 Ill. 2d 253, 271 (1989).

¶ 34 The burden is on the defendant to establish prejudice. *People v. Richardson*, 189 Ill. 2d

401, 411 (2000). To establish the prejudice prong of an ineffective assistance of counsel claim in these circumstances, a defendant must show that there is a reasonable probability that, absent counsel's errors, the defendant would have pleaded not guilty and insisted on going to trial. *People v. Hall*, 217 Ill. 2d 324, 335 (2005) (citing *People v. Rissley*, 206 Ill. 2d 403, 457 (2003)); *Hill v. Lockhart*, 474 U.S. 52, 59 (1985). A bare allegation that defendant would have pleaded not guilty and insisted on a trial if counsel had not been deficient is not enough to establish prejudice. *Id.* Rather, the defendant's claim must be accompanied by either a claim of innocence or the articulation of a plausible defense that could have been raised at trial. *Id.* Under *Hill*, the question of whether counsel's deficient representation caused defendant to plead guilty depends, in large part, on predicting whether defendant likely would have been successful at trial. *People v. Pugh*, 157 Ill. 2d 1, 15 (1993) (citing *Hill v. Lockhart*, 474 U.S. 52, 59 (1985)).

¶ 35 Defendant claims that where counsel had an ample amount of information that would lead a competent attorney to question defendant's sanity at the time of the offense, failing to do so fell below reasonable professional standards. For example, defendant told Garza and Cook that he had "killed a demon" in his basement. Counsel knew that defendant claimed he was "extremely afraid" of the dark and "snapped" after Wagenknecht turned out the lights. Counsel also knew that defendant claimed he did not remember everything that happened on the night of the incident. Defendant testified that he informed counsel that he was drunk on the night of the incident, that he was a recent steroid user, and that he took various nonprescribed medications.

¶ 36 Defendant relies heavily upon *People v. Murphy*, 160 Ill. App. 3d 781 (1987). In *Murphy*, defendant's trial had already begun when he attempted suicide while incarcerated in the

residential treatment unit of the Cook County Department of Corrections. *Id.* at 783. His trial counsel then moved for a behavioral clinical evaluation to determine defendant's fitness to stand trial. *Id.* At the fitness hearing, defendant's mother testified he had previously been hospitalized in a psychiatric ward in California for two years after slashing his wrists. Trial counsel argued during closing that there was a bona fide doubt of defendant's fitness to stand trial, and that he thought it important that defendant had been in the residential treatment unit. *Id.* at 784.

Counsel also encountered difficulties in communicating with defendant about his case, and he realized there was a "problem" with defendant. *Id.* The trial court found defendant fit to stand trial, citing its failure to observe, or of any party to bring to its attention, any evidence that defendant was unwilling to cooperate or unfit to stand trial before it commenced. *Id.*

¶ 37 On direct appeal from his conviction for sexual deviate conduct, defendant argued that he was denied effective assistance of counsel due to his trial counsel's failure to investigate his mental condition or obtain records of his prior hospitalizations before his trial or his suicide attempt. *Id.* at 785. He further argued that sufficient prejudice was shown since proper investigation might have resulted in an insanity defense and a different trial result. *Id.*

¶ 38 The *Murphy* court found defense counsel's failure to investigate manifestly unreasonable, noting that counsel had sufficient facts within his knowledge to warrant some investigation into defendant's psychiatric history. *Id.* at 789. Counsel had reason to suspect defendant might not be fit to stand trial. As such, the court found he was required to investigate, at minimum, the nature of defendant's immediately perceptible problems and, if warranted by that investigation, to investigate his psychiatric history in depth. *Id.* The court also found counsel had an

affirmative obligation to make further inquiry where facts known and available or within minimal diligence accessible to him raise a reasonable doubt of defendant's mental condition; and, a defendant is denied the effective assistance of counsel where reasonable grounds exist to question his sanity or competency but defense counsel fails to explore the issue. *Id.* (citing *Loe v. U.S.*, 545 F. Supp. 662, 666 (E.D. Va. 1982)).

¶ 39 The facts of this case, however, are distinguishable from those in *Murphy*. Procedurally, the cases are not on point—Weaver challenges his counsel's effectiveness in the context of a guilty plea, whereas the defendant in *Murphy* was convicted at the conclusion of a bench trial. In *Murphy*, the issue was defendant's fitness to stand trial. Defendant here is not arguing that he was incompetent to enter into the guilty plea. The record reflects that defendant entered into the plea knowingly and voluntarily.

¶ 40 Defendant focuses on the fact that Murphy's counsel requested a behavioral clinical evaluation and a fitness hearing, and that his counsel failed to request such an evaluation when he knew defendant thought he had "killed a demon in the basement." However, this statement alone was not enough to arouse counsel's suspicions that perhaps Weaver did not contemplate the criminality of his actions. In *People v. Fields*, 199 Ill. App. 3d 888 (1990), the court found that defendant failed to meet either prong of the *Strickland* test when arguing his counsel was ineffective for failing to investigate his psychiatric records or presenting an insanity defense. The *Fields* court found defendant's reliance on *Murphy* misplaced, noting that in *Murphy*, surrounding facts and circumstances raised a reasonable doubt as to the competency of the respective defendant. *Id.* at 897.

¶ 41 We acknowledge defendant's alcohol and substance abuse issues, but there is nothing in the record to indicate that he was insane at the time he brutally beat Wagenknecht. Extreme fear of the dark, while a legitimate phobia, seems a slender reed upon which to rest an insanity defense. This is particularly true when defendant was never diagnosed or treated for this condition, which he and his parents claim he suffered from since childhood. Considering defendant's past convictions for violent offenses, it is not objectively unreasonable to believe that trial counsel's decision not to pursue an insanity defense was sound trial strategy. Defendant's proclivities toward substance abuse and battering his lady friends makes an insanity defense in this instance a hard, perhaps impossible, sell to a jury. It was a reasonable choice to forego this option in favor of a reduced sentencing range.

¶ 42 Assuming, *arguendo*, defense counsel's representation fell below an objectively reasonable standard, we find that defendant failed to demonstrate prejudice sufficient to warrant *vacatur* of his guilty plea. The State points out, correctly, that there is nothing in the record to give any indication of what an examination would have found. Unlike the defendant in *Murphy*, defendant here did not have a background indicating pervasive psychiatric issues.

¶ 43 We find *People v. Schultz*, 186 Ill. App. 3d 976 (1989), instructive. In *Schultz*, defendant was convicted of unlawful use of a weapon by a felon. The sole issue raised on appeal was whether trial counsel's failure to investigate defendant's mental history constituted ineffective assistance of counsel. Defendant contended that revelations at almost every stage of the proceedings below should have led trial counsel to question defendant's mental health and to conduct an investigation into defendant's psychiatric history for use as a possible defense. *Id.* at

981. In support, defendant directed the court's attention to his irrational and inexplicable conduct leading to his arrest, his presentence report, and his use of several antipsychotic drugs. *Id.*

¶ 44 In affirming defendant's conviction, the court rejected defendant's contention that his presentence report "cried out" for the presentation of an insanity defense. *Id.* at 982. The report indicated that although defendant spent a great deal of time in a variety of institutions, all of those, with the exception of one, diagnosed defendant as being antisocial and suicidal. Defendant was further diagnosed with borderline personality disorder and as suffering from acute alcohol abuse. *Id.* These diagnoses, the court found, in no way indicated that defendant was suffering from a severe mental illness which would have supported an insanity defense. *Id.* Finally, the court noted the importance of the fact that there was no evidence in the record to demonstrate that defendant was insane at the time the offense was committed. *Id.* Accordingly, the court concluded that defendant did not satisfy the "reasonable probability" prong of the *Strickland* test.

¶ 45 We are similarly unconvinced that Weaver's undiagnosed and undocumented mental illnesses would rise to that level. In his presentence report, defendant indicated that he had received counseling services on various occasions from Sinnissippi Centers, Inc., for severe depression, anxiety, paranoia, ADHD and alcohol use. Yet, defendant never completed those services for which he was recommended and Sinnissippi Centers closed his case. We would also note that defendant requested services from Sinnissippi Centers while incarcerated, yet he reported no significant mental health issues. No other services were provided by Sinnissippi

Centers.

¶ 46 Defendant implies that he did not remember the events leading up to the incident, and that alcohol contributed greatly to the offense. We note that a defendant who is voluntarily under the influence of intoxicants at the time of the crime will not be relieved of criminal responsibility under the insanity defense. *People v. Free*, 94 Ill. 2d 378 (1983). Furthermore, a defendant's voluntary intoxication precludes the use of an insanity defense unless a mental disease or defect is traceable to the habitual or chronic use of drugs or alcohol and results in a settled or fixed permanent form of insanity. *Id.* We find nothing in the record to indicate that defendant did not understand the criminality of his actions or to support an insanity defense.

¶ 47 Finally, defendant makes a broad allegation that the likelihood the trier of fact would have found his behavior exceptionally brutal and heinous indicative of wanton cruelty was extremely low. Defendant notes that his decision to enter the open guilty plea was based, in part, on his fear that he would be sentenced to an extended term of up to 60 years if convicted of the attempted first-degree murder count that contained the "exceptionally brutal or heinous behavior" language. 730 ILCS 5/5-5-3.2(b)(2) (West 2010). Defendant thus implies that trial counsel gave ineffective assistance by recommending that he plead guilty to attempted first-degree murder. We disagree.

¶ 48 Based on the facts presented in this case, trial counsel's recommendation was most assuredly a good one. Defendant had a long history of criminally violent behavior. The contention that defendant's actions were not brutal and/or heinous is belied by the evidence. When Wagenknecht turned the lights off, defendant hit him repeatedly. Even after Wagenknecht

had fallen to the floor, defendant slammed his head into the concrete floor of his basement. We acknowledge the determination of whether a crime can be considered brutal or heinous for the purposes of an extended sentence on an attempted murder charge is somewhat subjective.

Defendant cites to a long line of cases where the various districts of our appellate court found that certain behavior did not warrant such an extended sentence pursuant to the statute. We find analysis of those individual cases unwarranted under these circumstances, as trial counsel's advice in this regard constitutes the kind of exercise of judgment, discretion or trial tactics a reviewing court gives deference to. *People v. Gallagher*, 2012 IL App (1st) 101772, ¶ 25 (citing *People v. Ingram*, 382 Ill. App. 3d 997, 1006 (2008)). In fact, counsel would have been remiss not to mention to defendant the possibility that he could potentially serve double the time if he were convicted of exceptionally brutal or heinous attempted first-degree murder.

¶ 49 Accordingly, we find that defendant failed to establish a claim of ineffective assistance of counsel. The trial court, therefore, did not abuse its discretion in denying defendant's motion to withdraw guilty plea on those grounds.

¶ 50 II. Excessive Sentence

¶ 51 In the alternative, defendant argues that his 30-year sentence, the maximum for attempted first-degree murder, was excessive. Specifically, defendant asserts that the trial court failed to adequately account for his rehabilitative potential, his steady employment history, his remorse for his actions, his mental health issues and alcohol/drug addictions, and that evidence showed defendant did not contemplate that his conduct would cause serious physical harm. Defendant's argument is without merit.

¶ 52 Sentencing is a matter of judicial discretion. *People v. O'Neal*, 125 Ill. 2d 291, 297 (1988). Trial courts have broad discretion in weighing factors in mitigation and aggravation to determine the most appropriate sentence to impose. *People v. Madura*, 257 Ill. App. 3d 735, 740 (1994). A reviewing court does not substitute its judgment for that of the sentencing court merely because it would have weighed the factors differently. *People v. Streit*, 142 Ill. 2d 13, 19 (1991). The trial court is in a better position than the reviewing court to consider the defendant's credibility, demeanor, and moral character in arriving at a sentence. *People v. Thompson*, 200 Ill. App. 3d 23 (1990). The trial court is not required to enumerate each factor it considers in arriving at the sentence. *People v. Mayoral*, 299 Ill. App. 3d 899 (1998). Where, as here, the sentence falls within the statutorily-prescribed range for the offense, we will not reverse absent an abuse of discretion. *O'Neal*, 125 Ill. 2d at 297-98; *Madura*, 257 Ill. App. 3d at 740.

¶ 53 Robin Wagenknecht is permanently brain damaged. He cannot speak, feed or care for himself. The left side of his body is paralyzed. His injuries resulted in exorbitantly high medical bills, which cost him his business and his home. The trial court thoroughly weighed the aggravating and mitigating factors. It found no factors in mitigation. Our review of the record demonstrates that despite defendant's protestations to the contrary, his employment record was anything but steady. As for potential for rehabilitation, one needs only to point to the laundry list of violent offenses that would suggest otherwise.

¶ 54 We, therefore, find that the trial court did not abuse its discretion in imposing a 30-year sentence.

¶ 55

CONCLUSION

¶ 56 For the foregoing reasons, the judgment of the circuit court of Whiteside County is affirmed.

¶ 57 Affirmed.