FIRST DIVISION
May 4, 2015

No. 1-13-0379
2015 IL App (1st) 130379-U

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County
	)	
v.	)	
	)	No. 10 CR 14711 (5)
BLANCA SOLIS,	)	
	)	The Honorable
	)	Noreen Valeria Love,
Defendant-Appellant.	)	Judge Presiding.
	)	
	)	

JUSTICE CONNORS delivered the judgment of the court.
Presiding Justice Delort and Justice Harris concurred in the judgment.

ORDER

Held: Trial counsel was not ineffective for failing to call defendant's daughter to testify where it was a matter of trial strategy; the prosecution's remarks during closing argument did not amount to plain error; and the trial court did not abuse its discretion in sentencing defendant where it properly considered factors in aggravation and mitigation.

¶ 1 Defendant Blanca Solis was convicted of aggravated kidnapping following a jury trial and was sentenced to 25 years in prison. Defendant now appeals, alleging that (1) her trial counsel was ineffective for failing to call defendant's daughter to testify on defendant's behalf, (2) the prosecution made improper comments during closing arguments when it called defendant the "ringleader" in the kidnapping, and (3) the trial court abused its discretion in sentencing defendant to 25 years in prison because it was longer than her codefendants' sentences and she had rehabilitative potential. For the following reasons, we affirm the trial court's judgment and sentence.

¶ 2 BACKGROUND

¶ 3 Defendant was charged, along with four codefendants, with the aggravated kidnapping of Zita Panigua. The following evidence was presented at trial.

¶ 4 Zita Panigua testified that she was the owner of a beauty salon in Cicero, Illinois. Her husband, Roberto, owned a store in the same building. Defendant was one of Zita's customers at the salon. Zita testified that defendant had been coming to the salon for about four years, "[e]very month and a half, sometimes two months or three months." Defendant sometimes brought her children to the salon with her. She also sometimes brought her boyfriend to the salon. Zita testified that the last time defendant visited the salon, she told Zita that she "should be very careful because they had kidnapped [] the owner of a shoe store, and in fact, they had asked for money."

¶ 5 Zita testified that on July 14, 2010, she left the salon a little after 8 p.m. As she walked to her Cadillac Escalade in the parking lot, she noticed that a van with its doors open was parked very close to her car, and a man was standing next to her driver-side door. As Zita tried to walk by, she said "excuse me," but the man did not move. He then grabbed Zita's shoulder and pushed

her in the van. Zita testified that she started screaming, but that the man threatened to hurt her if she did not "shut up." The man tied her hands and feet with tape and put a hat over her face. She also saw a man in the driver's seat of the van. The two men took Zita's cell phone and told her that they were going to give her husband instructions, and that they would kill her if they did not get money. They repeatedly told Zita that if her husband did not do everything they asked, things would not be good for her, and that she and her children would suffer the consequences.

¶ 6 Roberto Panigua, Zita's husband, testified that he received a phone call from his wife's cell phone at around 8:30 p.m. on the night in question. A man said, "I kidnapped your wife." Roberto testified that he thought someone had stolen his wife's phone so he hung up. The man called back and again told Roberto that he had kidnapped his wife, and that if he did everything right he would see his wife soon. If not, Roberto would never see her again. The man told Roberto that he wanted $200,000 by the next day, and threatened to harm Roberto's children, starting with his youngest son.

¶ 7 Roberto testified that he did not have the money, so he began calling friends and family in an effort to secure the money. One of the people that Roberto had called contacted the Cicero police. The police contacted Roberto and arranged to pick him up at a hotel.

¶ 8 Zita testified that she was in the van for 10 to 15 minutes before the van stopped and that she could not see where they had driven. The men told Zita not to move or say anything. They placed her in a garbage can and closed the lid. Zita could then feel the garbage can being rolled down some stairs and into a room. She was then taken out of the garbage can, told to "shut up," and placed on a rug. Zita still had a hat over her eyes, but she could make out the figures of one skinny person and one heavy person. Her hat was then replaced with a cloth blindfold. Zita could not see anything through the blindfold. Zita testified that the person who placed the

blindfold on her had soft hands that did not feel like a man's hands. Zita thought the person was a woman because of the person's breathing.

¶ 9 Roberto testified that he received another ransom call from a man at around 10 p.m. from a phone that was not Zita's. The man told Roberto to get $200,000 and have it by the next morning at 10 a.m. The man also told Roberto not to tell the police or "your wife is going to pay." Roberto spent the night in the police station.

¶ 10 Detective Ramirez of the Cicero Police Department testified that he obtained video surveillance of the area around Zita's salon. The video showed a red Ford Aerostar van parked next to Zita's car. Zita could be seen walking towards her vehicle, but then she disappeared from the footage while her car remained at the scene. The police also contacted Zita's cell phone company and were able to determine the last known location of the cell phone, which was 47th Street and South Cicero Avenue. The Cicero police contacted the FBI because of the seriousness of the crime.

¶ 11 The next morning, on July 15, Special Agent Matthew Alcoke of the FBI set up surveillance at an address on Emerson Street in Schiller Park. Detective Ramirez set up surveillance on the 4600 block of South Francisco Avenue after learning that the Aerostar was parked one block west of the surveillance location. Other law enforcement conducted surveillance in the area of 5147 South Homan based on cell phone usage by the kidnappers.

¶ 12 Agent Alcoke testified that there was a tan car and a white car parked in front of the Schiller Park address. At 12:18 p.m., he saw an adult female and child come out of the house and drive away in the tan car. Alcoke followed them. Soon after, he learned that another ransom call had been made. Because he determined that the tan car was not involved in the kidnapping so he went back to the house on Emerson. The white car was gone, so he contacted the other

officers and told them the white car's license plate. One of the officers spotted the white car, so Agent Alcoke went to that location. He parked a few houses to the north so he could see both the house and the car. He learned that another ransom call had been made at 2:24 p.m. Agent Alcoke testified that at that same time, two males and a female came out of the house and walked to the white car. Alcoke identified defendant in court as the female. She got in the driver's seat of the car. Alcoke later learned that the male in the front passenger seat was Marco Cadenas, and the man in the rear seat was Gerado Moreno.

¶ 13 Around the same time, Roberto told the kidnappers that he had the money. Roberto dropped the money in front of the Los Fuentes restaurant on 41st Street and Harlem Avenue. He was driving Zita's car with a police detective lying in the backseat. Agent Alcoke was parked in the back of the lot at the restaurant, while another surveillance team was parked about 20 yards away. About ten minutes after Roberto dropped the money off in front of the restaurant, the white car drove into the alley behind the restaurant. Cadenas exited the car and jogged over to the ransom money bag. Once Cadenas grabbed the bag, Agent Alcoke radioed his team and they placed Cadenas in custody.

¶ 14 Chicago police detective James McDonagh placed defendant under arrest. He searched the car and transported her to the police station.

¶ 15 Zita was recovered safely from the house at 5147 South Homan. Two of the kidnappers were found hiding in a utility closet in the basement at that address. Five people in total were arrested for Zita's kidnapping: defendant, Cadenas, Moreno, Rigoberto Lopez, and Victor Mendoza. Defendant and Cadenas lived on Emerson Street in Schiller Park, Moreno lived at 5147 South Homan, where Zita was held, and Mendoza lived on the 4600 block of South Mozart, where the Aerostar was registered.

¶ 16 On July 16, 2010, at around 2 p.m., Detective Chris Wojtowicz of the Cicero Police Department interviewed defendant with Detective Laslie present. Defendant was given her *Miranda* warnings, and was then interviewed for about two hours. Later, at about 5 a.m. on July 17, defendant was interviewed again with Assistant State's Attorney (ASA) Stephanie Buck present. Defendant was again given her *Miranda* warnings and then agreed to give a memorialized statement. Her handwritten statement was read aloud to the jury and contained the following information.

¶ 17 Defendant stated that she was 38 years old and lived in Schiller Park with her boyfriend, Cadenas, and her two children Ludwika, age 18, and her 8-year-old son. Defendant had been getting her hair done at Zita's salon for about six years. Cadenas had been going to the salon with defendant since about April 2010, and had been talking about kidnapping Zita since that time. Defendant told Cadenas about Zita's car, and about her business, and told him that "yes, she would be a good person to kidnap." Defendant stated that in early May, Cadenas called Victor Mendoza and Gerardo Moreno to help them kidnap Zita. Defendant and Cadenas showed them where Zita worked, and where Zita parked her car. They waited for Zita to come out of the salon, and then told the men that she was who they were going to kidnap.

¶ 18 Defendant stated that in June, she went to Zita's salon and told Zita to be careful because defendant heard that someone was making extortion calls to someone, just to see how Zita would react. Defendant further stated that on July 14, 2010, she and Cadenas drove by the salon and saw Zita's car. Cadenas called Moreno and Mendoza and arranged to meet them at the salon later that evening. Cadenas and defendant went to the salon and waited for about 45 minutes until the red van arrived. Cadenas and defendant switched seats so that defendant could drive.

She saw Zita walk out of the salon and saw the red van leave, but did not see what happened to Zita.

¶ 19 Defendant stated that they all drove to Moreno's house on South Homan Avenue and that defendant waited in the car for 20 minutes until Cadenas came back outside. Defendant then drove home with Cadenas. Cadenas told defendant, "we're good," and that Moreno and Mendoza would watch Zita overnight. The next day, defendant and Cadenas went over to Moreno's house for about an hour and a half. Defendant stayed upstairs while Cadenas went into the basement. Defendant further stated that she and Cadenas then drove around aimlessly while Cadenas talked on the phone. Defendant heard Cadenas making arrangements to pick up the money. She then drove to the restaurant where the money had been dropped off and agreed to pick Cadenas up around the block after he got the money. As defendant began to drive away, she was stopped by police. Defendant never stated that Cadenas had threatened her or had forced her to participate in the kidnapping.

¶ 20 Investigator Sachtleben, an evidence technician, testified that he was assigned to process the basement at 5147 South Homan, where he recovered was a roll of duct tape. Peggy Konrath, a forensic scientist with the Illinois State Police, testified that one set of fingerprints recovered from the roll of duct tape matched defendant's fingerprint card. Cadenas' prints were also found on the tape.

¶ 21 After the State rested, defendant testified on her own behalf. She testified that she met Cadenas in 2004, and that at some point in their relationship she took her children to Texas because Cadenas abused her mentally and physically. After two and a half years, she moved back to Illinois and in 2010 Cadenas moved in with her, approximately six months before the kidnapping. At some point while they were living together, defendant heard Cadenas make a

phone call wherein he talked about killing someone. When Cadenas found out defendant overheard him, he threatened to kill her and her children. Defendant testified that she was afraid of Cadenas.

¶ 22 Defendant further testified that Cadenas did not tell her that he intended to kidnap Zita. However, he asked her if she thought Zita's family could come up with $50,000 and he indicated he was looking to invest money. Defendant told Zita to be careful of kidnappers because she suspected that Cadenas was planning something. She was suspicious because Cadenas had started going to the salon with defendant and asking questions about Zita's business. Defendant did not tell the police about her suspicions because she was afraid of what Cadenas might do to her or her family.

¶ 23 Defendant further testified that when she was in the house at 5147 South Homan, she never went into the basement. She testified that she was only helping with the kidnapping because she was afraid Cadenas would kill her. Defendant stated that her fingerprints might have been on the roll of duct tape because Cadenas could have taken it from her car, but that she never put duct tape on Zita.

¶ 24 Defendant testified that she did not remember making most of the statements in her handwritten statement, and that she did not read it before she signed it. She stated that she did not try to get away during the times Cadenas was out of the car because he was always threatening her and made her accompany him. Defendant testified that there was no weapon in the car when she was arrested, and that she was not injured. She did not tell police that Cadenas had threatened her.

¶ 25 After the State rested, the court agreed to instruct the jury on the affirmative defense of compulsion. In closing argument, defense counsel stated that if the jury found that defendant

"did some things," it should find that she was compelled to do so. The State argued in closing argument that defendant had targeted Zita based on information only she knew about Zita, and that defendant planned and controlled the entire operation.

¶ 26 The jury found defendant guilty of aggravated kidnapping. At sentencing, Zita's daughter testified in mitigation, but was precluded from testifying as to events that had occurred on the date in question. The trial court sentenced defendant to 25 years in prison, and defendant now appeals.

¶ 27 ANALYSIS

¶ 28 Defendant asserts on appeal that (1) her trial counsel was ineffective for failing to call defendant's daughter to testify on her behalf, (2) the State made improper comments during closing argument by characterizing defendant as the ringleader of the kidnapping, and (3) the trial court's sentence of 25 years in prison was excessive where her codefendants were sentenced to less time, and she was a good rehabilitative candidate.

¶ 29 Ineffective Assistance of Counsel

¶ 30 Defendant's first argument on appeal is that her trial counsel was ineffective for failing to call defendant's daughter, Ludwika, to testify on her behalf. Specifically, defendant contends that Ludwika should have been called because she "could have presented compelling evidence to corroborate the defense of compulsion." The affirmative defense of compulsion is available when a defendant has committed criminal acts under a reasonable belief that death or great bodily harm would be inflicted upon her if she refused to commit the acts. 720 ILCS 5/7-11 (West 2008). The defense of compulsion requires an impending threat of great bodily harm together with a demand that the person perform a specific criminal act. *People v. Scherzer*, 179 Ill. App. 3d 624, 644-45 (1989). The threat of future injury is not enough to raise the defense.

People v. Jackson, 100 Ill. App. 3d 1064, 1068 (1981). The defense is not available if the compulsion arises from negligence or fault of the defendant or if the defendant had any opportunity to withdraw from the criminal enterprise but failed to do so. *People v. Humphries*, 257 Ill. App. 3d 1024, 1044 (1994). The State responds that the decision not to call Ludwika was one of trial strategy. We agree with the State.

¶ 31 Whether defendant received ineffective assistance of counsel must be determined under the standards set forth in *Strickland v. Washington*, 466 U.S. 668 (1984), which were adopted by our supreme court in *People v. Albanese*, 104 Ill. 2d 504 (1984). Under *Strickland*, a defendant must demonstrate that counsel's representations were objectively unreasonable and, but for the attorney's errors, there was a reasonable probability the outcome at trial would have been different. *Strickland*, 466 U. S. at 694. A defendant's claim must satisfy both parts of the *Strickland* test, and the failure to satisfy either part precludes a finding of ineffective assistance of counsel. *People v. Patterson*, 192 Ill. 2d 93, 107 (2000). A defendant must overcome the strong presumption that counsel's challenged actions were a part of sound trial strategy and not due to incompetence. *People v. Coleman*, 183 Ill. 2d 366, 397 (1998). In general, whether to call a particular witness is a matter of trial strategy. *People v. Flores*, 128 Ill. 2d 66, 85-86 (1989).

¶ 32 Ludwika's testimony in this case would not have been helpful given defendant's position at trial. At trial, defendant's handwritten statement that she gave on the night of her arrest was read to the jury, wherein defendant outlined details of the kidnapping. Subsequently, defendant testified that at the time of the kidnapping, she was unaware that Cadenas was engaged in a kidnapping. Accordingly, her trial testimony contradicted what she said in her handwritten statement. To account for that contradiction, defendant testified that she did not remember

giving the handwritten statement, that she did not read the statement before signing it, that if the ASA read it to her she did not understand it, and that she was not well at the time she signed the statement. Defendant further testified that Cadenas abused her physically and mentally during their relationship, that she did not call the police at any time because Cadenas had repeatedly threatened to harm her family and children, and that defendant drove Cadenas around on the day of the kidnapping and the day after because she was afraid that she would be hurt or killed if she refused. Defendant did not testify that Cadenas made specific threats, or took specific actions, on the day of the kidnapping or the day after to force defendant to participate. During closing arguments, defense counsel told the jury that if it found defendant was involved in the kidnapping, it should find that she was compelled to do so by Cadenas.

¶ 33 Defendant relies on Ludwika's sentencing testimony in support of her proposition that defense counsel was ineffective for failing to call Ludwika at trial. During sentencing, Ludwika testified in mitigation that she was not present for the trial because she was in school and caring for her younger brother. She testified that on the day of the kidnapping, Ludwika woke up to the sound of defendant screaming and crying. Cadenas was in a locked room with defendant and he was screaming at her. When Cadenas and defendant came out of the room, Cadenas had a gun. Ludwika testified that it was not the first time he had pointed a gun at defendant, and that it was not the first time "he had pointed a gun at me." The trial court then stopped her and stated that the testimony was not appropriate for sentencing, that the jury had already made a finding, and that this was not the time to present evidence. Ludwika continued anyway, stating that she knew Cadenas threatened defendant with Ludwika's life, and with her brother's life, and that she did not believe that her mother was the "head honcho" of the kidnapping. The court again stopped her and stated that those "would have been issues for the trier of fact to hear."

¶ 34 We cannot say that defendant has overcome the strong presumption that defense counsel's decision not to call Ludwika was a part of sound trial strategy. See *Flores*, 128 Ill. 2d at 85-86 (whether to call a particular witness is a matter of trial strategy, and a defendant must overcome the strong presumption that counsel's challenged actions were a part of sound trial strategy). Defendant fails to point to anything in the record to indicate other, unacceptable, reasons for that decision. *People v. Whittaker*, 199 Ill. App. 3d 621, 629 (1990).

¶ 35 Moreover, at no point did defendant testify that Cadenas made specific threats to harm or kill her on the day of the kidnapping. See *Scherzer*, 179 Ill. App. 3d at 644-45 (the defense of compulsion requires an impending threat of great bodily harm together with a demand that the person perform a specific criminal act). Defendant testified that Cadenas did not have a gun in the car when she was driving Cadenas around, and thus there could be no "impending" threat, but rather only a future threat of harm at most. *Jackson*, 100 Ill. App. 3d at 1068 (the threat of future injury is not enough to raise the defense). There was also no evidence presented that Ludwika was in the car with defendant and Cadenas on the day of the kidnapping or the day after the kidnapping. Accordingly, Ludwika would only be able to testify as to events that took place inside defendant’s home, and not as to events that took place inside the car or inside the home on Homan. This also means that Ludwika would not be able to explain why defendant did not withdraw from the criminal enterprise despite having ample opportunity, according to her own testimony and handwritten statement stating that she was left alone in the car several times during the kidnapping process. *Humphries*, 257 Ill. App. 3d at 1044 (the defense of compulsion is not available if the defendant had an opportunity to withdraw from the criminal enterprise but failed to do so). Accordingly, we find that defense counsel was not ineffective for failing to call Ludwika to testify.

¶ 36 Closing Argument

¶ 37 Defendant next contends that the State in closing argument mischaracterized defendant as the "ringleader" of the kidnapping scheme, suggesting that she instigated and supervised the entire operation. During closing arguments, the prosecution stated that without defendant, the kidnapping would never have happened because only defendant knew the victim for years, and had been going to the salon. The State argued that defendant knew what kind of money the victim had, and that defendant told Cadenas the victim would be a good target. The State argued: "Defendant had been going to the salon, had been going to the salon for years, nobody made that connection until she said yeah, I was her customer, I picked her out." The State continued, stating that only one person could have pulled this whole criminal enterprise together and that was defendant. The prosecution repeatedly referred to the kidnapping as defendant's plan, and the victim as the defendant's victim that she picked out. The State argued that defendant was in control, and that she was not a naïve, abused woman because she showed up both days and made sure everything went according to plan. The State contended that there was a conspiracy to kidnap amongst five people, but that defendant was the "puppet master" and that all of the events happened because of defendant's "orders."

¶ 38 Defendant contends that these arguments were not supported by the evidence, and rather that the evidence showed that Cadenas was the one who took charge of the operation and that he was the one that gave the others orders. Defendant contends that "[a]t most, [defendant] answered [Cadenas'] inquiries about Zita, was with him at various points when he drove by the salon to observe Zita, and drove him where he told her to go during the course of the kidnapping."

¶ 39 The State responds that defendant has forfeited this issue on appeal, but that even if she had not, it could be reasonably inferred from the evidence presented at trial that defendant was one of the leaders of the group of kidnappers.

¶ 40 We begin with forfeiture. Both parties agree that defendant has forfeited this issue for failing to preserve it on appeal because she neither objected to it at trial, nor included it in a written post-trial motion. See *People v. Enoch*, 122 Ill. 2d 176, 186 (1988) (both a trial objection and a written post-trial motion raising the issue are required for alleged errors that could have been raised during trial in order to preserve the issue on appeal). However, defendant urges us to review this issue under the plain error doctrine. Unpreserved errors may be reviewed under the plain error doctrine if either: "(1) the evidence is so closely balanced that the error alone threatened to tip the scales of justice against the defendant; or (2) the error was so fundamental and of such magnitude that it affected the fairness of the trial and challenged the integrity of the judicial process, regardless of the closeness of the evidence." *People v. Wilmington*, 2013 IL 112938, ¶ 31.

¶ 41 As a matter of convention, reviewing courts typically undertake plain-error analysis by first determining whether error occurred at all. *People v. Sargent*, 239 Ill. 2d 166, 189 (2010). However, under the closely-balanced-evidence prong, defendant must show both that there was plain error and that the evidence was so closely balanced that the error alone severely threatened to tip the scales of justice against her. *People v. Scott*, 2015 IL App (4th) 130222, ¶ 32 (citing *People v. Herron*, 215 Ill. 2d 167, 187 (2005)). Where the evidence against a defendant is overwhelming, a primary inquiry into whether error occurred is unnecessary. *Scott*, 2015 IL App (4th) 130222, ¶ 33. Reviewing defendant's claim first under the closely-balanced-evidence

prong, we need not consider whether an error occurred because the evidence against defendant is overwhelming.

¶ 42 A person commits the offense of kidnapping when she knowingly and secretly confines a person against his or her will. 720 ILCS 5/10-1(a)(1) (West 2010). A person commits the offense of aggravated kidnapping when she commits kidnapping with the intent to obtain ransom from the person kidnapped or another person. 720 ILCS 5/10-2(a)(1) (West 2010). In defendant's handwritten statement, she stated that she had been going to Zita's salon for six years, and that she told Cadenas about Zita's car, her money, and her business. Defendant stated that she told Cadenas that Zita would be a good person to kidnap. Defendant also stated that she and Cadenas showed the other men where Zita worked, and the car she drove. Defendant stated that she told Zita about a possible kidnapping just to see how she would react. She further stated that she was present for the actual kidnapping, and that she drove back to the house where the kidnappers kept Zita overnight. Zita testified that it felt like a woman's hands put a blindfold over her eyes, and defendant's fingerprints were found on the roll of duct tape recovered from the basement. Defendant also stated in her handwritten statement that she drove Cadenas to the restaurant to pick up the ransom money. Accordingly, based on defendant's own handwritten statement, Zita's testimony, and forensic evidence, the evidence against defendant was overwhelming, and thus an inquiry into whether error occurred in closing arguments is unnecessary. *Scott*, 2015 IL App (4th) 130222, ¶ 33.

¶ 43 Defendant's second-prong plain error argument also fails. She contends that the State's remarks constituted a pattern of intentional prosecutorial misconduct, which undermined the integrity of the judicial proceedings. In making a closing argument, a prosecutor is allowed a great amount of latitude. *People v. Wheeler*, 226 Ill. 2d 92, 123 (2007). A prosecutor may

comment on the evidence and any fair, reasonable inferences it yields, even if such inferences reflect negatively on the defendant. *People v. Nichols,* 218 Ill. 2d 104, 121 (2006). In reviewing a prosecutor's argument, we consider whether the statements made "engender substantial prejudice against a defendant such that it is impossible to say whether or not a verdict of guilty resulted from them." *Id*. Substantial prejudice occurs "if the improper remarks constituted a material factor in a defendant's conviction." *Wheeler,* 226 Ill. 2d at 123. We must consider closing argument as a whole rather than focusing on select phrases or remarks. *People v. Runge,* 234 Ill. 2d 68, 142 (2009).

¶ 44 As stated above, the evidence overwhelmingly supported defendant's conviction, and the prosecution's comments on the evidence, and any inferences therefrom regarding defendant's role in the kidnapping, did not engender substantial prejudice so as to make it impossible to say whether or not the guilty verdict resulted from them. Accordingly, we find that defendant's claims regarding closing arguments are forfeited because they do not amount to plain error under either prong of the plain error analysis.

¶ 45 Sentencing

¶ 46 Defendant’s final argument on appeal is that trial court abused its discretion in sentencing defendant to 25 years in prison because it was only 5 years under the maximum sentence, and defendant’s co-defendants received lesser sentences.

¶ 47 Aggravated kidnapping is a Class X felony. 720 ILCS 5/10-2(a)(1) (West 2010). The sentencing range for a Class X felony is “not less than 6 years and not more than 30 years.” 730 ILCS 5/5-4.5-25(a) (West 2010).

¶ 48 A trial court has broad discretionary powers in imposing a sentence, and the trial court’s sentencing decision is entitled to great deference. *People v. Stacey*, 193 Ill. 2d 203, 209 (2000).

The trial court is granted great deference because it is "generally in a better position than the reviewing court to determine the appropriate sentence. The trial judge had the opportunity to weigh such factors as the defendant's credibility, demeanor, general moral character, mentality, social environment, habits, and age." *Id*. Consequently, we must not substitute our judgment for that of the trial court merely because we would have weighed these factors differently. *Id*.

¶ 49 Here, the record reveals that the trial court reached its sentencing decision only after it balanced all of the mitigating and aggravating factors. The trial court began by noting that it had the opportunity to look at the victim and her husband while they were testifying, and to see the horror as they relived the days in which Zita was kidnapped. The trial court also noted that defendant had a young daughter and a young son that were going to be impacted by the sentencing decision, and that "it's tough because I know that I have to send the Defendant to the penitentiary which means that I have to take her away from her family." The trial court further noted that this was an elaborate plan that took a lot of planning, and that defendant was "part and parcel of this scheme." The trial court stated that defendant wanted to put the blame on Cadenas, but that she was an adult woman who had an opportunity to make the decision to participate in the kidnapping. The trial court went on to say that the victim, Zita, had a 14-year-old son who was afraid that he was going to be kidnapped when he walked out of the house, and that the impact on the victim's family is "horrendous."

¶ 50 It is the province of the trial court to balance these factors and make a reasoned decision as to the appropriate punishment in each case. *People v. Streit*, 142 Ill. 2d 13, 21 (1991). After reviewing the record, which shows that the trial court carefully balanced the factors in mitigation and aggravation in making its sentencing decision, we find that the trial court did not abuse its discretion in sentencing defendant to 25 years in prison.

¶ 51 Additionally, we reject defendant's argument that the trial court abused its discretion because her codefendants received lesser sentences than she did. As the State notes, it is defendant's burden to produce a record from which a rational comparison of sentences can be made. *People v. Kline*, 92 Ill. 2d 490, 509 (1982). Because defendant failed to do this, "we cannot determine, as we must, whether the trial court abused its discretion in imposing the sentence." *Id*. We are unaware of the factors which the court relied on in sentencing defendant's codefendants, and it therefore cannot be determined whether or not the disparity between the sentences is justified. *Id*.

¶ 52 CONCLUSION

¶ 53 For the foregoing reasons, we affirm the judgment of the circuit court of Cook County.

¶ 54 Affirmed.