2018 IL App (4th) 160400-U

NO. 4-16-0400

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
September 5, 2018
Carla Bender
4th District Appellate
Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Champaign County
CHRISTOPHER B. WILKINS,	)	No. 15CF449
Defendant-Appellant.	)	
	)	Honorable
	)	Heidi N. Ladd,
	)	Judge Presiding.

JUSTICE KNECHT delivered the judgment of the court.
Justices Holder White and DeArmond concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court affirmed, finding the trial court did not abuse its discretion in sentencing defendant to 120 years' imprisonment. The court also concluded it lacked jurisdiction to review the circuit clerk's recording of two challenged assessments.

¶ 2 In April 2016, a jury found defendant, Christopher B. Wilkins, guilty of three counts of predatory criminal sexual assault of a child (720 ILCS 5/11-1.40(a)(1) (West 2014)), and one count of aggravated criminal sexual abuse (720 ILCS 5/11-1.60(b) (West 2014)), based on incidents involving defendant and his girlfriend's daughter, K.H. (born October 31, 2006). In May 2016, the trial court sentenced defendant to an aggregate term of 120 years' imprisonment.

¶ 3 On appeal, defendant argues (1) his 120-year aggregate sentence is excessive and (2) the Champaign County circuit clerk improperly imposed fines. We affirm in part and dismiss in part.

¶ 4 I. BACKGROUND

¶ 5 As a result of conduct alleged to have occurred between August 2014 and January 2015, the State charged defendant by information with three counts of predatory criminal sexual assault of a child (counts I, II, and V) (720 ILCS 5/11-1.40(a)(1) (West 2014)), Class X felonies, and two counts of aggravated criminal sexual abuse (counts III and IV) (720 ILCS 5/11-1.60(b) (West 2014)), Class 2 felonies (subject to Class X sentencing based on defendant's criminal record (see 730 ILCS 5/5-4.5-95(b) (West 2014))).

¶ 6 Count I charged defendant committed an act of sexual penetration with K.H., who was under 13 years of age, in that defendant "put his penis in [K.H.'s] mouth." Count II charged defendant committed an act of sexual penetration with K.H. in that defendant "put his penis in [K.H's] anus." Count III charged defendant "touched his penis to [K.H.'s] hand for the purpose of the sexual arousal of defendant" and count IV charged defendant "touched his penis to [O.H.'s] hand for the purpose of the sexual arousal of the defendant." Count V charged defendant committed an act of sexual penetration with K.H. in that defendant "put his penis in [K.H.'s] vagina."

¶ 7 A. Trial

¶ 8 Prior to proceeding to trial, the State dismissed count IV. In April 2016, the matter proceeded to trial, during which the jury heard the following evidence.

¶ 9 1. *Sarah H.*

¶ 10 Sarah H. testified she lived on West Columbia Avenue in Champaign, Illinois, in 2014. She lived with her daughters K.H. and O.H. In October 2013, Sarah began dating defendant. Defendant moved into Sarah's home on West Columbia Avenue in January 2014. K.H. was seven years old and in the first grade at Kenwood Elementary School; O.H. was approximately two years younger than K.H. Because defendant was not employed, he watched K.H. and O.H. while Sarah worked and ran errands. On January 16, 2015, K.H. did not ride the school bus to her afterschool program. Sarah contacted the school and learned K.H. had been kept at the school. Sarah went to the school and was placed in a room by herself. She learned K.H. was in another room speaking to an individual from the Illinois Department of Children and Family Services (DCFS). A police officer transported K.H. to the Champaign County Children's Advocacy Center. Sarah followed in a separate vehicle. She did not speak to K.H.

¶ 11 2. *K.H.*

¶ 12 K.H. testified she was nine years old and a third-grade student at Kenwood Elementary School. Defendant moved into her family's home on West Columbia Avenue. K.H. testified to multiple incidents of sexual conduct with defendant through spring, summer, fall, and winter. K.H. testified defendant put his penis in her mouth, vagina, and "the hole" in her butt. K.H. testified "it hurt" when defendant put his penis in her vagina and anus. K.H. told defendant to stop. Defendant showed K.H. videos on his phone "where people have sex." K.H. detailed what she observed while watching the videos. Defendant told K.H. not to tell anyone about the incidents of sexual conduct because something bad would happen to him. On January 16, 2015, K.H. told a friend at school what had happened. The assistant principal came to the classroom and began asking K.H. questions. Next, a police officer took K.H. to speak to a woman named Jessica Lee. K.H. used dolls to show Lee what defendant had done to her.

¶ 13 3. *Jessica Pitcher*

¶ 14 Jessica Pitcher testified she was the assistant principal at Kenwood Elementary School on January 16, 2015. Pitcher received a "radio call" in which she responded to a second-grade classroom. K.H. had told another student "she had sex with her dad." Pitcher talked with K.H. in her office. K.H. detailed many of the incidents of sexual conduct with defendant. Pitcher left K.H. with the school social worker and contacted Sarah, the Champaign Police Department, and DCFS.

¶ 15 4. *Jessica Lee*

¶ 16 Jessica Lee testified she had worked as a child protection investigator with DCFS for seven years. Lee conducted an interview of K.H. on January 16, 2015. A recording of the interview was played for the jury. In the recorded interview, K.H. stated she and defendant watched "X videos." K.H. used anatomically correct dolls to demonstrate the abuse.

¶ 17 5. *Defendant*

¶ 18 Defendant testified on his own behalf and stated he resided in Champaign with Sarah, K.H., and O.H. in 2014. Defendant acknowledged he was the father figure for K.H. and O.H. and the girls "always called [him] either dad or daddy." Defendant testified while living in the West Columbia Avenue home, he was left alone with K.H. and O.H. The time he spent alone with the girls varied from "a couple of hours during the week, or it could be for a whole day."

¶ 19 Defendant admitted he accessed pornographic videos on his phone but denied viewing the sexually explicit videos with K.H. Defendant denied ever touching K.H. in an inappropriate, sexual manner and denied having intercourse with K.H.

¶ 20 6. *Verdicts*

¶ 21 Following deliberations, the jury returned guilty verdicts on all counts.

¶ 22 B. Sentencing

¶ 23 In May 2016, the trial court held a sentencing hearing, during which the court considered the following evidence.

¶ 24 1. *Donald Shepard*

¶ 25 In aggravation, the State called former Champaign police detective Donald Shepard. Shepard testified he investigated a sexual assault occurring on September 7, 2008, involving a 20-year-old University of Illinois student identified as S.B. At approximately 6:50 a.m., a passerby found S.B. lying on the ground on North McKinley Avenue. She wore a "spring-type dress" and no other clothing. Shepard testified S.B. was "very incoherent" with "abrasions and scratches [on her legs], and *** marks on her neck ***." She was taken to the hospital where it was determined S.B. had a blood alcohol content (BAC) of 0.29, "indicating extreme intoxication." Shepard testified it had been at least six hours since S.B. had consumed alcohol.

¶ 26 S.B. reported drinking with friends at a bar until 2 a.m. and then walking next door to a sandwich shop. She could not recall anything after walking to the sandwich shop. Shepard testified he interviewed a man named Kevin pursuant to the investigation. Kevin observed S.B. sitting alone in the sandwich shop, "highly intoxicated." He did not know S.B. but knew her roommate. Two individuals, a white male and an African-American male, offered to provide S.B. and Kevin a ride home. Kevin asked the men to drop S.B. at her apartment first but the men refused. The men pulled in front of Kevin's "place" and told him to get out, assuring Kevin that S.B. would be "fine."

¶ 27 In a photo lineup, Kevin identified the white male as defendant and the African-American male as Anthony Brown. During an interview with Brown, Brown told Shepard after

dropping off Kevin, defendant "wanted to ride around and fool around" with S.B. According to Brown, S.B. "was so drunk she couldn't walk *** had no idea where she was *** [and] had no idea what she was doing." Brown asked defendant to let him out of the car because defendant "was going to take [S.B.] out."

¶ 28 During the course of his investigation, Shepard determined defendant was sentenced to the Illinois Department of Corrections (Department) and incarcerated in Decatur. A supervisor confirmed defendant was released the weekend S.B. was sexually assaulted "to see his girlfriend *** in Champaign." Defendant first denied he was out during the early morning hours of September 7, 2008. He then admitted he took his girlfriend's cell phone and car and set her home landline on call forwarding so the Department would not be able to find him in violation of his weekend release. He and Brown offered Kevin and S.B. a ride home from the sandwich shop. They dropped Kevin first and then he and S.B. had "consensual sex." Defendant dropped S.B. at Bradley and McKinley Streets in Champaign.

¶ 29 During the course of an examination, a sexual assault nurse examiner collected deoxyribonucleic-acid (DNA) evidence from S.B's body using a vaginal swab. According to Shepard, "[t]he DNA profile that was identified was consistent with that of [defendant]." The examiner also found "tears in the rectum and in the vaginal area indicative of penetration."

¶ 30 On August 27, 2009, defendant was convicted of criminal sexual abuse of S.B. and sentenced to 30 months' probation.

¶ 31 2. *Mary Bunyard*

¶ 32 Mary Bunyard testified in aggravation she is a child forensic interviewer for the Champaign County Children's Advocacy Center. Bunyard interviewed six-year-old O.H. on

February 6, 2015. O.H. reported she touched defendant's penis approximately three times while in her mother's bedroom and K.H. was also present.

¶ 33 3. *Sarah H.*

¶ 34 Sarah prepared a victim-impact statement but was unable to read the statement aloud. The trial court stated it would consider the written statement, filed on April 26, 2016. In her written statement, Sarah stated K.H. was hospitalized on February 27, 2014—weeks after defendant moved into the home—"for inability to walk and muscle twitching throughout her entire body." After three days, K.H. was diagnosed with conversion disorder. Sarah defined the disorder as follows: " 'A condition in which you show psychological stress in physical ways, the problem starts as a mental or emotional crises, known as trauma, and converts into a physical problem. ' " Although K.H. received counseling services, her behavior worsened and she was suspended from school on multiple occasions. In March 2015, after disclosing the sexual abuse on January 16, 2015, eight-year-old K.H. threatened to kill herself and was hospitalized. She was diagnosed with post-traumatic stress disorder and continues with treatment. The children live in fear of defendant, experiencing nightmares and night terrors. Sarah requested the court impose the maximum sentence.

¶ 35 4. *Mitigation Evidence*

¶ 36 Defense counsel did not present any testamentary evidence in mitigation.

¶ 37 5. *Sentence*

¶ 38 The State recommended an aggregate term of 100 years' imprisonment for defendant's convictions. Defendant sought a "minimum term" of imprisonment.

¶ 39 The trial court detailed the 30-year-old defendant's "significant record of criminality," including two convictions for residential burglary, a conviction for criminal sexual

abuse of S.B., and a conviction for defendant's failure to register as a sex offender (following his conviction for criminal sexual abuse of S.B.) The court noted its consideration of defendant's conviction for criminal sexual abuse of S.B., not to "re-punish" defendant but "as a measure of the Defendant's character, the risk he presents to society and any rehabilitative potential if such exists ***." The court found no statutory mitigating factors and "substantial" statutory aggravating factors, "apart from what is inherent in the nature and elements of the offenses themselves." The court noted defendant's conduct caused serious harm and he held a position of authority or supervision.

¶ 40 Before sentencing defendant, the trial court stated its intent to "deliver a resounding statement that if you hurt a child so deliberately and so pervasively in such a depraved manner then you will not be able to do it again and for the protection of future potential victims and for the protection of this victim the sentence has to be one that sends a message that an offender will be put in a place where you'll never have access to children again." The court then sentenced defendant to 40 years' imprisonment for each of his predatory-criminal-sexual-assault convictions (counts I, II, and V), and 20 years' imprisonment for his aggravated-criminal-sexual-abuse conviction (count III). The court ordered counts I, II, and V to be served consecutively and count III to run concurrently with counts I, II, and V. Thus, the court imposed an aggregate term of 120 years' imprisonment.

¶ 41 This appeal followed.

¶ 42 II. ANALYSIS

¶ 43 A. Sentencing

¶ 44 Defendant argues on appeal his 120-year aggregate sentence was excessive because (1) the trial court sentenced him to a term exceeding both an earlier plea offer and the

sentence recommended by the State, (2) the court failed to consider mitigating factors, (3) the sentence was not necessary to protect the public from further criminal activity by defendant, and (4) the sentence was "disproportionate to the nature of the offense." Defendant recognizes he failed to raise his contentions in a motion to reconsider his sentence and thus asks us to consider his arguments under the plain-error doctrine or, in the alternative, in determining whether he was denied effective assistance of counsel by counsel's failure to file a motion to reconsider defendant's sentence.

¶ 45 The plain-error doctrine permits a reviewing court to consider unpreserved error under the following two scenarios:

> "(1) a clear or obvious error occurred and the evidence is so closely balanced that the error alone threatened to tip the scales of justice against the defendant, regardless of the seriousness of the error, or (2) a clear or obvious error occurred and that error 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. Sargent*, 239 Ill. 2d 166, 189, 940 N.E.2d 1045, 1058 (2010).

¶ 46 We begin our plain-error analysis by first determining whether any error occurred at all. *Sargent*, 239 Ill. 2d at 189. If error did occur, this court then considers whether either of the two prongs of the plain-error doctrine has been satisfied. *Sargent*, 239 Ill. 2d at 189-90. Under both prongs, the defendant bears the burden of persuasion. *Sargent*, 239 Ill. 2d at 190.

¶ 47 The Illinois Constitution mandates "[a]ll penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship." Ill. Const. 1970, art. I, § 11. " 'In determining an appropriate sentence, a

defendant's history, character, and rehabilitative potential, along with the seriousness of the offense, the need to protect society, and the need for deterrence and punishment, must be equally weighed.' " *People v. Hestand*, 362 Ill. App. 3d 272, 281, 838 N.E.2d 318, 326 (2005) (quoting *People v. Hernandez*, 319 Ill. App. 3d 520, 529, 745 N.E.2d 673, 681 (2001)). "A defendant's rehabilitative potential and other mitigating factors are not entitled to greater weight than the seriousness of the offense." *People v. Pippen*, 324 Ill. App. 3d 649, 652, 756 N.E.2d 474, 477 (2001).

¶ 48 With excessive-sentence claims, this court has explained appellate review of a defendant's sentence as follows:

> "A trial court's sentencing determination must be based on the particular circumstances of each case, including factors such as the defendant's credibility, demeanor, general moral character, mentality, social environment, habits, and age. [Citations.] Generally, the trial court is in a better position than a court of review to determine an appropriate sentence based upon the particular facts and circumstances of each individual case. [Citation.] Thus, the trial court is the proper forum for the determination of a defendant's sentence, and the trial court's decisions in regard to sentencing are entitled to great deference and weight. [Citation.] Absent an abuse of discretion by the trial court, a sentence may not be altered upon review." (Internal quotation marks omitted.) *People v. Price*, 2011 IL App (4th) 100311, ¶ 36, 958 N.E.2d 341 (quoting *People v. Hensley*, 354 Ill. App. 3d 224, 234-35, 819 N.E.2d 1274, 1284 (2004) (quoting *People v. Kennedy*, 336 Ill. App. 3d 425, 433, 782 N.E.2d 864, 871 (2002))).

¶ 49 An abuse of discretion will not be found unless the court's sentencing decision is "fanciful, arbitrary, or unreasonable to the degree that no reasonable person would agree with it." *People v. Ramos*, 353 Ill. App. 3d 133, 137, 817 N.E.2d 1110, 1115 (2004). Also, an abuse of discretion will be found "where the sentence is 'greatly at variance with the spirit and purpose of the law, or manifestly disproportionate to the nature of the offense.' " *People v. Alexander*, 239 Ill. 2d 205, 212, 940 N.E.2d 1062, 1066 (2010) (quoting *People v. Stacey*, 193 Ill. 2d 203, 210, 737 N.E.2d 626, 629 (2000)).

¶ 50 Each of defendant's three convictions for predatory criminal sexual assault of a child, a Class X felony, carries a possible sentencing range of 6 to 60 years' imprisonment (720 ILCS 5/11-1.40(b)(1) (West 2014)), and requires consecutive terms (730 ILCS 5/5-8-4(d)(2) (West 2014)). A conviction for aggravated criminal sexual abuse, a Class II felony, carries a possible sentencing range of 4 to 15 years' imprisonment. 720 ILCS 5/11-1.60(g) (West 2014). However, defendant was subject to Class X sentencing under section 5-4.5-95(b) of the Unified Code of Corrections (Code) (730 ILCS 5/5-4.5-95(b) (West 2014)) based on his criminal record. A Class X felony has a sentencing range of 6 to 30 years' imprisonment. 730 ILCS 5/5-4.5-25(a) (West 2014). Moreover, section 5-8-4(d)(2) of the Code requires defendant's sentence for aggravated criminal sexual abuse be served *after* his three consecutive sentences for predatory criminal sexual assault of a child. See *People ex rel. Senko v. Meersman*, 2012 IL 114163, ¶ 19, 980 N.E.2d 1115 (a defendant must serve any consecutive sentences imposed for section 5-8-4(d)(2) enumerated offenses prior to, and independent of, any sentences imposed for nonenumerated offenses). Defendant faced an aggregate sentence of up to 210 years' imprisonment. The trial court did not find the offenses committed as part of a single course of

conduct and, thus, section 5-8-4(f)(2) of the Code, cited by defendant, has no application in this case.

¶ 51 As stated above, the trial court sentenced defendant to 40 years' imprisonment for each of his predatory-criminal-sexual-assault convictions (counts I, II, and V) and 20 years' imprisonment for his aggravated-criminal-sexual-abuse conviction (count III). The court ordered counts I, II, and V to be served consecutively and count III to run concurrently with counts I, II, and V. The court sentenced defendant to an aggregate term of 120 years' imprisonment. There is no dispute the court's sentence was within the relevant sentencing range. We will not disturb the sentence absent an abuse of discretion.

¶ 52 In his first sentencing claim, defendant argues his sentence is excessive because it exceeded both an earlier plea offer and the sentence recommended by the State. Although the State may have tried to induce defendant to enter into an early plea agreement with the lure of a lesser sentence than typically warranted, "such an offer has no effect on an argument challenging a greater sentence." *People v. Taylor*, 2018 IL App (4th) 140060-B, ¶ 48, 102 N.E.3d 799. Similarly, "a [trial] court is not bound by the sentencing recommendation of the State." *People v. Streit*, 142 Ill. 2d 13, 21-22, 566 N.E.2d 1351, 1354 (1991). In *People v. Nussbaum*, 251 Ill. App. 3d 779, 782-83, 623 N.E.2d 755, 758 (1993), this court stated: "[T]his court's analysis of whether the trial court abused its discretion in its sentencing will *** not be affected by the sentences the parties recommended to the trial court. *** [C]ounsels' recommendations are deserving of whatever weight the sentencing court wishes to accord them and nothing more." The court did not abuse its discretion by sentencing defendant to a term exceeding an earlier plea offer and the sentence recommended by the State.

¶ 53 In his second argument, defendant contends the trial court's sentence failed to reflect mitigating evidence demonstrating his rehabilitative potential. At the sentencing hearing, defense counsel argued the 30-year-old defendant was unsuccessfully discharged from two terms of probation solely for his failure to satisfy his financial obligations. He did not use illegal drugs or consume alcohol while on probation. Defendant obtained a general equivalency degree (GED) and had been employed in various capacities. Defense counsel argued defendant had a bipolar diagnosis and is the father of three children. Defense counsel also indicated defendant completed sex-offender treatment following his conviction for criminal sexual abuse in 2009. The presentence investigation report detailed defendant's criminal history, difficult childhood, and substance abuse. Defendant argues this mitigating evidence demonstrates he has significant rehabilitative potential. Defendant is essentially asking us to reweigh the factors considered by the trial court, which we do not have the power to do. See *Alexander*, 239 Ill. 2d at 214-15.

¶ 54 In fashioning the sentence, the trial court indicated it considered the presentence report; the factors in aggravation and mitigation; defendant's character, history, and rehabilitative potential; and the arguments of counsel. The court pointed out defendant's age of 30 years and past use of alcohol, cocaine, and marijuana. It found "no suggestion and no evidence that any type of substance abuse usage contributed whatsoever to the choices he made and what he did to [K.H.]." It acknowledged defendant had fathered three children but found him "not an appropriate paternal figure to be around any child at this point."

¶ 55 At sentencing, "it is presumed a trial court considered all relevant mitigating and aggravating factors in fashioning a sentence, and that presumption will not be overcome absent explicit evidence from the record that the trial court failed to consider mitigating factors." *People v. Halerewicz*, 2013 IL App (4th) 120388, ¶ 43, 2 N.E.3d 333. Moreover, "[t]he

existence of mitigating factors does not require the trial court to reduce a sentence from the maximum allowed." *Pippen*, 324 Ill. App. 3d at 652. The trial court's remarks clearly indicate it considered mitigating factors. Defendant's criminal history and deplorable actions in this crime cast a strong shadow of a doubt on his rehabilitative potential. Noting defendant's "history, character, and rehabilitative potential" and the need to protect "future potential victims and for the protection of this victim," the court found a 120-year aggregate sentence was appropriate.

¶ 56 We reject defendant's argument the need to protect society from further criminal activity by defendant could be accomplished by a lesser sentence with the *possibility* of continued commitment under the Sexually Dangerous Persons Act (725 ILCS 205/0.01 to 12 (West 2014)). A trial court does not view in isolation the need to protect society when determining an appropriate sentence. A court must weigh equally a defendant's history, character, and rehabilitative potential, along with the seriousness of the offense, the need to protect society, and the need for deterrence and punishment. See *Hestand*, 362 Ill. App. 3d at 281.

¶ 57 The trial court found substantial aggravation from defendant "raping a very young child anally and vaginally *** repeatedly." K.H. suffered "devastating emotional and psychological" trauma. The court observed defendant lacked "conscience or remorse or regard for what he does to anyone else." The court noted defendant had "gained nothing" from sex-offender treatment following his criminal sexual abuse of S.B. The court resolved to deliver "a resounding statement that if you hurt a child so deliberately and so pervasively in such a depraved manner then you will not be able to do it again."

¶ 58 We note, contrary to defendant's repeated assertions K.H. suffered "no physical injuries" as a result of his criminal conduct, the trial court found "this was a child who testified it

hurt when he did it so he had no care for what he was doing to her and he did it more than once *** repeatedly." Specifically, K.H. testified "it hurt" when defendant put his penis in her vagina and anus. K.H. told defendant to stop, but defendant did not stop.

¶ 59 Defendant's crime was reprehensible and depraved. The record shows in great detail how inhumane and vile defendant's actions were and how the trial court arrived at its lengthy sentence. Defendant's atrocities warrant a lengthy sentence.

¶ 60 We find the sentence imposed on defendant by the trial court was not "greatly at variance with the spirit and purpose of the law, or manifestly disproportionate to the nature of the offense." *Stacey*, 193 Ill. 2d at 210. The court did not abuse its discretion in sentencing defendant to an aggregate term of 120 years' imprisonment. Since we have found no error with defendant's sentences, defendant cannot establish plain error or ineffective assistance of counsel based on defense counsel's failure to file a motion to reconsider defendant's sentence.

¶ 61 B. Fines and Fees

¶ 62 Defendant next argues this court should vacate two fines improperly imposed by the circuit clerk, namely a $50 court finance fee and $15 state police operations assessment. Alternatively, defendant argues he is entitled to have the fines offset by a portion of his presentence incarceration credit.

¶ 63 At the sentencing hearing on May 18, 2016, the trial court sentenced defendant to an aggregate term of 120 years' imprisonment for his predatory-criminal-sexual-assault convictions and aggravated-criminal-sexual-abuse conviction. The court ordered defendant "to pay all the fines, fees and costs that are required by these proceedings as well." On July 15, 2015, the circuit clerk filed a document detailing fines and fees charged to defendant, including a

$50 court finance fee and $15 state police operations assessment. Defendant challenges these two assessments recorded by the circuit clerk assessing fines not imposed by the trial court.

¶ 64 In light of our supreme court's recent decision in *People v. Vara*, 2018 IL 121823, ¶ 30, this court lacks jurisdiction to review the validity of the assessments challenged by defendant in this case and we dismiss this part of the appeal.

¶ 65 Alternatively, defendant is not eligible for presentence incarceration credit because of his predatory-criminal-sexual-assault convictions and aggravated-criminal-sexual-abuse conviction. See 725 ILCS 5/110-14(b) (West 2014); 730 ILCS 5/5-9-1.7(a)(1) (West 2014) (presentence incarceration credit does not apply to a person incarcerated for predatory criminal sexual assault of a child or aggravated criminal sexual abuse). Defendant is not entitled to the credit.

¶ 66 III. CONCLUSION

¶ 67 We dismiss the part of the appeal for which we lack jurisdiction. We otherwise affirm the trial court's judgment. As part of our judgment, we award the State its $50 statutory assessment against defendant as costs of this appeal. 55 ILCS 5/4-2002(a) (West 2014).

¶ 68 Affirmed in part and dismissed in part.