

NOTICE

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2020 IL App (4th) 180124-U
NO. 4-18-0124

FILED
May 28, 2020
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT
OF ILLINOIS
FOURTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the
Plaintiff-Appellee,)	Circuit Court of
v.)	Logan County
DUSTIN M. MILLER,)	No. 14CF101
Defendant-Appellant.)	
)	Honorable
)	William G. Workman,
)	Judge Presiding.

JUSTICE KNECHT delivered the judgment of the court.
Presiding Justice Steigmann and Justice Holder White concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed, concluding the trial court neither erred in denying defendant’s motions to suppress nor abused its discretion in sentencing defendant to a term of 20 years’ imprisonment.

¶ 2 Following a stipulated bench trial, defendant, Dustin M. Miller, was convicted of unlawful participation in methamphetamine production, unlawful methamphetamine conspiracy, unlawful possession of anhydrous ammonia, unlawful possession of methamphetamine precursors, unlawful use of property, and unlawful possession of methamphetamine manufacturing materials and sentenced to two, concurrently imposed terms of 20 years’ and 5 years’ imprisonment.

¶ 3 Defendant appeals, arguing this court should vacate his convictions and sentences because the trial court erroneously denied his motions to suppress where the physical evidence and the statements he sought to suppress resulted from his unlawful detention. In the alternative,

defendant argues this court should reduce his 20-year prison sentence to 8 years or remand for a new sentencing hearing because the sentence imposed is excessive. We affirm.

¶ 4

I. BACKGROUND

¶ 5

A. Information

¶ 6 In September 2014, the State charged defendant by information with unlawful participation in methamphetamine production (720 ILCS 646/15(a)(2)(A) (West 2014) (count I)), unlawful methamphetamine conspiracy (720 ILCS 646/65(a) (West 2014) (count II)), unlawful possession of anhydrous ammonia (720 ILCS 646/25(a)(1) (West 2014) (count III)), unlawful possession of methamphetamine precursors (720 ILCS 646/20(a)(1) (West 2014) (count IV)), unlawful use of property (720 ILCS 646/35(a) (West 2012) (count V)), unlawful possession of methamphetamine manufacturing materials (720 ILCS 646/30(a)(1) (West 2014) (count VI)), and unlawful possession of anhydrous ammonia in an unauthorized container (720 ILCS 646/25(a)(1) (West 2014) (count VII)).

¶ 7

B. Motion to Suppress Physical Evidence

¶ 8 In June 2015, defendant filed a motion seeking to suppress various items discovered on his property, including a small propane type cylinder with anhydrous ammonia, a clear plastic pitcher with residue, a plastic bottle with pseudoephedrine pill material, liquid fire, funnels, filters, and mason jars. Defendant asserted suppression was warranted as his consent to search the property was invalid where it was given following his unlawful detention.

¶ 9

C. Motion to Suppress Statements

¶ 10 In September 2015, defendant filed a motion seeking to suppress statements he made to law enforcement officers, including statements indicating he allowed an individual by the

name of Timothy Hemingway to use his property as a site to manufacture methamphetamine as well as statements indicating he purchased lithium batteries and pseudoephedrine pills for Hemingway knowing the items would be for the manufacturing of methamphetamine. Defendant asserted suppression was warranted as his consent to speak with the officers was invalid where it was given following his unlawful detention.

¶ 11 D. Suppression Hearing

¶ 12 In October 2015, the trial court held a hearing on defendant's motions to suppress. The following is gleaned from the evidence presented.

¶ 13 On September 11, 2014, Jeffery Brown, a law enforcement officer who was part of a drug enforcement task force, received information from a confidential informant, who had previously done "two or three controlled buys," indicating an individual by the name of Timothy Hemingway would be manufacturing methamphetamine that day at an old church located in rural Logan County between Illiopolis and Mt. Pulaski. Brown recognized the individual's name from other investigations. In fact, two days earlier Brown learned Hemingway was suspected of trafficking methamphetamine in the Springfield area and drove a red Pontiac Firebird. Brown reached out to local law enforcement in an attempt to locate an old church in the area. Local law enforcement reported a possible property south of Mt. Pulaski, property later determined to be owned by defendant.

¶ 14 With the information he had been provided, Brown enlisted the help of two other officers who were part of the drug enforcement task force, Timothy Hansen and Brett Shearer, to investigate. The officers planned to meet a short distance away from defendant's property. Prior to doing so, Brown drove past defendant's property. Defendant's property had a driveway going

from the road to an old church. Overgrown brush surrounded the church and was several feet high.

¶ 15 Shortly after 6 p.m., the three officers met at a location near defendant's property. Hansen and Shearer were informed that an individual named Hemingway was expected to cook methamphetamine that day at an old church and that the individual drove a red Pontiac Firebird. They were also informed about defendant's property. Hansen testified Brown reported not seeing anyone on defendant's property. After the meeting, the three officers went separate directions.

¶ 16 Hansen drove past defendant's property. In doing so, he observed the roof of a white pick-up truck through the overgrown brush. Hansen pulled into the property's driveway, which was not gated. Hansen did not observe any "no trespassing" signs. As he drove up the driveway, Hansen observed a red Pontiac Firebird as well as a second pick-up truck. Hansen radioed for the other officers and parked his vehicle in such a manner that it would prevent anyone from leaving down the driveway. He put on a vest that had police markings, grabbed his rifle, and exited his vehicle. Hansen testified he grabbed his rifle because he was in an open area, he suspected multiple individuals were on the property given the three vehicles, and individuals who were involved with methamphetamine were volatile and frequently armed.

¶ 17 Hansen advanced up the driveway by foot and observed an individual, later identified as defendant, next to the white pick-up truck with the door open "doing something in the doorway." Hansen shouted, " 'State police, don't move.' " Defendant continued to do something in the doorway. Hansen testified because it was possible defendant was accessing a weapon, hiding evidence, or preparing to jump in the vehicle and flee, he raised his rifle and shouted, " 'State police, show me your hands, get away from the vehicle.' " Defendant complied.

¶ 18 At that point, Shearer, who arrived at the property shortly before and parked his

vehicle on the road, advanced on foot towards Hansen and defendant with his weapon drawn. Shearer was wearing a vest with police markings. Being covered by Hansen, Shearer approached defendant and placed him in handcuffs. Defendant reported a second individual, later identified as Hemingway, fled on foot. Shearer described the situation as “very chaotic” due to safety concerns.

¶ 19 Brown, who was the final of the three officers to arrive at the property, advanced towards Hansen, Shearer, and defendant on foot while Shearer was handcuffing defendant. Brown believed defendant was being placed in handcuffs “just for police officer safety and to find out what was going on.” Brown did not see a gate across the driveway or any “no trespassing” signs on the property. Brown was told another individual had fled to the west and then proceeded in that direction. Upon reaching a shed, Brown stopped as he smelled ammonia, which, based on his training and experience, he believed was indicative of anhydrous ammonia, a substance used to manufacture methamphetamine. Brown realized he was not wearing any clothing that had police markings and returned to his vehicle to get a marked vest. Brown noted he was particularly concerned due to the low visibility caused by the overgrown brush, the unknown location of a second individual, the volatility of individuals who use methamphetamine, the possibility that items used in the production of methamphetamine could be used as a weapon, and the volatility of the methamphetamine production process.

¶ 20 Once defendant was handcuffed, Shearer, with his weapon holstered, read defendant his *Miranda* rights. Shearer acknowledged Hansen was still carrying his rifle but believed it was hanging in a sling. Shearer asked defendant if he understood each of his rights, to which defendant indicated in the affirmative each time. Shearer described defendant as fairly calm while they went over his *Miranda* rights. Brown, when returning to his vehicle, heard Shearer

reading defendant his *Miranda* rights and defendant acknowledging each of his rights. Brown testified as a matter of practice they would try to mirandize anyone who is detained for any reason.

¶ 21 After reading defendant his *Miranda* rights, Shearer asked for defendant's consent to search the property with a canine to locate the second individual, which defendant gave. Defendant stated the officers could search the property as he was not involved and was just there to cut firewood. Brown, who had returned from his vehicle with a vest, learned defendant had consented to a search of the property. Brown and Shearer then attempted to track the second individual for about 15 to 20 minutes, while Hansen stayed with defendant, who remained handcuffed. During that time, Hansen had a conversation with defendant. Defendant stated he had done methamphetamine a few days prior, but his drug of choice was heroin.

¶ 22 Brown and Shearer returned from their search unsuccessful. Brown obtained a consent to search form from his vehicle and discussed it with defendant, who remained handcuffed. Defendant consented to the search of his property and his truck. He then signed the consent form. The consent form, which was admitted into evidence over no objection, indicates it was completed at 7:04 p.m. and appears to be signed by defendant and witnessed by Brown.

¶ 23 After obtaining defendant's written consent, Hansen and Shearer conducted a search of the property while Brown stayed with defendant. The search occurred approximately 30 to 45 minutes after the officers arrived at defendant's property. During that time, Brown had a conversation with defendant. Defendant stated he owned the property, Hemingway was living with him, and Hemingway ran when the officers arrived. Defendant also stated Hemingway had been cooking methamphetamine, but he was not involved.

¶ 24 During their search, Hansen and Shearer discovered Hemingway hiding on the

property. Hemingway stated defendant discarded liquid methamphetamine that was in his possession and shouted at Hemingway to run after officers arrived. The search of the property also resulted in the discovery of a backpack containing a modified, stainless steel propane cylinder. Defendant stated Hemingway had removed the backpack from his vehicle. Brown testified, based on his training and experience, the modified cylinder would have been used to hold anhydrous ammonia. An Illinois State Police investigative report, which was admitted into evidence over no objection, details various items taken from defendant's property, including the propane tank with anhydrous ammonia, a plastic pitcher with a coffee filter containing residual material from a meth cook, a plastic bottle with pseudoephedrine pill material, liquid fire, funnels, filters, and mason jars.

¶ 25 Later that evening, Hemingway and defendant were interviewed at the Logan County Safety Complex. Both Hemingway and defendant were read their *Miranda* rights and signed written waivers prior to being interviewed. An acknowledgement and waiver of *Miranda* rights, which was admitted into evidence over no objection, indicates it was completed at 9:10 p.m. and appears to be signed by Hemingway. Another acknowledgement and waiver of *Miranda* rights, which was admitted into evidence over no objection, indicates it was completed at 9:49 p.m. and appears to be signed by defendant. Audio and video recordings of Hemingway's and defendant's interviews were admitted into evidence over no objection. During Hemingway's interview, Hemingway states he and defendant went to defendant's property to manufacture methamphetamine. During defendant's interview, defendant states Hemingway was going to manufacture methamphetamine at his property so he could make money to pay defendant rent. Defendant also states he purchased lithium batteries and pseudoephedrine for Hemingway,

believing those items would be used to manufacture methamphetamine.

¶ 26 Defendant testified to the following: (1) “no trespassing” signs were located throughout his property, on trees, on ground posts, on telephone poles, and on the church; (2) he was outside cutting wood when Hansen entered his property; (3) Hansen “took out a shotgun, running up there, pointed it in my face and said, ‘I don’t want to kill nobody else, don’t make me kill you’ ”; (4) he dropped his “chainsaw” and went to the ground after Hansen told him to get on the ground; (5) approximately four or five other officers along with a dog arrived at his property “[c]lose to an hour later or more” after Hansen; (6) he was never read his *Miranda* rights while at his property; (7) he signed a paper while at his property but it related only to the make and model of his truck; (8) he was read his *Miranda* rights while at the Logan County Safety Complex; and (9) he was aware Hemingway was involved with the manufacturing of methamphetamine and had assisted Hemingway in obtaining related supplies, including pseudoephedrine and lithium batteries.

¶ 27 Based on these facts, defendant argued, in part, the law enforcement officers did not have probable cause to arrest him upon arriving at his property and, therefore, his subsequent consent to search the property and to speak with the officers were invalid. In response, the State argued the officers conducted an investigatory detention as opposed to an arrest upon arriving at defendant’s property and that investigatory detention was supported by the requisite reasonable suspicion of criminal activity.

¶ 28 The trial court denied defendant’s motions to suppress. In reaching its decisions, the court found the law enforcement officers did not have probable cause to conduct an arrest until Brown smelled ammonia. The court also found defendant’s account of how the events unfolded

was not believable.

¶ 29 E. Stipulated Bench Trial

¶ 30 In February 2016, the trial court held a stipulated bench trial. By agreement, the court took judicial notice of the parties' stipulated facts. Based on the stipulated facts, the court found defendant guilty of counts I through VI but not guilty of count VII.

¶ 31 F. Motion for a New Trial and Sentencing

¶ 32 In March 2016, defendant filed a motion for a new trial, arguing the court erred in denying his motions to suppress.

¶ 33 At a June 2016 hearing, the trial court denied defendant's motion for a new trial and then proceeded to sentencing. The court received a presentence investigation report (PSI). The State offered evidence in aggravation, and defendant offered evidence in mitigation. The following is gleaned from the PSI and the evidence presented.

¶ 34 Defendant, who was 32 years old, was convicted of battery in 2001 and sentenced to probation, a sentence which was later unsuccessfully discharged. In April 2003, defendant was convicted in Montgomery County of possession of methamphetamine manufacturing chemicals and sentenced to three years' and six months' imprisonment. In June 2003, defendant was convicted in Logan County of unlawful possession of methamphetamine manufacturing chemicals and was sentenced to four years' imprisonment. Defendant was "paroled" on July 1, 2005, and then discharged from parole on July 1, 2007. Between 2005 and 2015, defendant committed numerous traffic offenses, including two in 2005, one in 2006, three in 2007, three in 2009, one in 2010, three in 2011, two in 2012, one in 2013, one in 2014, and three in 2015, while out on bail.

¶ 35 While incarcerated on the charges in this case, defendant made threats against

correctional officers and committed acts of physical violence against other inmates. On October 18, 2015, defendant struck another inmate in the face several times. Defendant testified the incident involved him and the other inmate “horsing around.” On December 5, 2015, defendant made threats of physical harm against a correctional officer, threats which he had previously made against the same officer on another occasion. On December 27, 2015, defendant was observed on top of and punching another inmate. Defendant testified the incident occurred after the other inmate spit on him and he felt the need to act in self-defense. On January 5, 2016, defendant resisted a correctional officer during his transport and then threatened physical harm to the officer.

¶ 36 Defendant struggled with addiction and expressed a willingness to engage in treatment services. Defendant used various illegal drugs as a teenager, including heroin and methamphetamine. According to the PSI, defendant reported he began using heroin again in March 2014 and then continued to use heroin daily due to the depression he felt from the loss of the mother of two of his children, who reportedly died on March 16, 2014, from a heroin overdose. Defendant testified he did not start using heroin again until after the mother of two of his children died. Defendant’s mother testified to the same. Defendant reported he began taking prescribed methadone in February 2015 but then relapsed in September 2015. Records from the Rose Medical Association indicated defendant commenced treatment for heroin abuse in March 2015 but was discharged in May 2015 after he failed to attend treatment. Defendant has never completed a treatment program. Defendant reported using methamphetamine on the day he was arrested on charges in this case.

¶ 37 With respect to the charges in this case, defendant testified he did not tell law enforcement officers that he allowed Hemingway to manufacture methamphetamine so he could

pay him rent. Defendant also testified he was not involved in the manufacturing of methamphetamine.

¶ 38 Defendant reported having created a tree service business in 2006 or 2007, which he continued to successfully operate until his arrest on charges in this case. Defendant had a General Education Diploma and a college training certificate. He had three children who were 13 years old, 10 years old, and 5 years old. Defendant's two oldest children resided with defendant's mother, who had recently been granted guardianship. Defendant's youngest child lived with that child's mother. Defendant was involved with the children and was described as a good father. Defendant reported being involved in a case with the Department of Children and Family Services (DCFS) that lasted approximately five years. Defendant reported he completed all recommended services with DCFS.

¶ 39 Based on these facts, the State recommended defendant's convictions on counts II, III, IV, and VI merge with his conviction on count I for purposes of sentencing and that he be sentenced to concurrently imposed terms of 20 years' imprisonment on count I and 5 years' imprisonment on count V. In support, the State highlighted defendant's criminal history, his behavior while incarcerated, that defendant could have been charged with a Class X felony given the amount of methamphetamine discovered, and defendant's financial motivation for committing the offenses. The State argued the recommended sentence would serve as a deterrent and protect the public.

¶ 40 The defense recommended defendant be sentenced to concurrently imposed terms somewhere between six and eight years' imprisonment on count I and three to four years' imprisonment on count V. In support, the defense highlighted defendant was not the primary

suspect in this case, was cooperative after being taken into custody, remained drug free until the death of the mother of two of his children, provided for his children, created a successful business, and had been “essentially” crime free since his prior release from prison. The defense also noted any money obtained from Hemingway would be used to support defendant’s drug addiction.

¶ 41 Following the party’s recommendations, defendant gave a statement in allocution. Defendant acknowledged struggling with addiction and needing help. Defendant asserted he started using drugs again only after the mother of two of his children died. Defendant asserted he attended some Narcotics Anonymous meetings the prior year but stopped going because he no longer wanted to take methadone. Defendant contended he would have enrolled in a long-term treatment program if he did not have to attend court. Defendant maintained he had been able to stay out of trouble since being released from prison except for traffic tickets.

¶ 42 In the oral pronouncement of its decision, the trial court stated it considered the PSI and the evidence presented, the recommendations of counsel, the comments of defendant, and the statutory factors in aggravation and mitigation. The court did not believe defendant’s testimony he started using heroin only after the death of the mother of two of his children. The court noted the PSI indicated defendant reported using heroin in March 2014. The court also found it questionable why defendant would start using heroin after the mother of two of his children died from an overdose of heroin. The court believed defendant started using heroin prior to the death of the mother of two of his children and then continued to use heroin after she died. As to defendant’s claim he was not involved in the manufacture of methamphetamine, the court found such a claim to be not believable. The court found defendant had a financial motivation for committing the offenses, that motivation being either payment for Hemingway’s debt or to buy heroin. The court

noted defendant's criminal history, including the fact he had committed similar conduct in the past for which he served terms of imprisonment. The court also found, contrary to the argument presented, defendant had not maintained a law-abiding life as evidenced by his multiple traffic offenses. The court acknowledged defendant reported struggling with drug addiction but noted he had not sought treatment prior to his involvement in this case. The court found it needed to render a sentence that would serve as a deterrent and protect the public. The court merged defendant's convictions on counts II, III, IV, and VI with his conviction on count I for purposes of sentencing and then sentenced defendant to concurrently imposed terms of 20 years' imprisonment on count I and 5 years' imprisonment on count V. In concluding, the court stated, "I also will acknowledge that this is a significant sentence, *** but this type of activity needs to cease, and this message needs to get out there." The court ordered the sentences to be served at 85%.

¶ 43 That same month, defendant filed a motion to reconsider, arguing, in part, the trial court abused its discretion in rendering a sentence of 20 years' imprisonment. In January 2018, after defendant's retained counsel withdrew and new counsel was appointed, defendant filed an amended motion to reconsider, arguing (1) the 20-year sentence was excessive and (2) the sentences should have been ordered to be served at 50%. Following a February 2018 hearing, the court granted defendant's amended motion in part and denied it in part. The court found the 20-year sentence was appropriate, but the sentences should have been ordered to be served at 50%. The court entered an amended sentencing judgment.

¶ 44 This appeal followed.

¶ 45 **II. ANALYSIS**

¶ 46 On appeal, defendant argues this court should vacate his convictions and sentences because the trial court erroneously denied his motions to suppress where the physical evidence and the statements he sought to suppress resulted from his unlawful detention. In the alternative, defendant argues this court should reduce his 20-year prison sentence to 8 years or remand for a new sentencing hearing because the sentence imposed is excessive.

¶ 47 A. Motions to Suppress

¶ 48 Defendant argues the trial court erroneously denied his motions to suppress where the physical evidence and the statements he sought to suppress resulted from his unlawful detention. The State disagrees.

¶ 49 When reviewing a ruling on a motion to suppress, we are presented with mixed questions of fact and law. *People v. Manzo*, 2018 IL 122761, ¶ 25, 129 N.E.3d 1141. We will give deference to a trial court's findings of fact and will reverse those findings only if they are against the manifest weight of the evidence. *Id.* Where the factual findings are accepted, we will conduct a *de novo* review of whether suppression is warranted under those facts. *Id.*

¶ 50 On appeal, it is undisputed law enforcement officers were lawfully present on defendant's property and defendant was detained, or seized, the moment he complied with Hansen's commands. Defendant further does not dispute the trial court's finding probable cause existed upon the detection of the odor of ammonia. The dispute instead centers around whether defendant's initial detention amounted to an investigatory stop or an arrest and whether that detention was supported by the requisite reasonable suspicion or probable cause. Defendant asserts his initial detention amounted to an arrest that was not supported by probable cause. The State

asserts defendant's initial detention amounted to an investigatory stop that was supported by reasonable suspicion.

¶ 51 The fourth amendment to the United States Constitution, made applicable to state officials through the fourteenth amendment to the United States Constitution, guarantees the “right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” U.S. Const., amend. IV. “The cornerstone of the fourth amendment is reasonableness, which seeks to balance the interest in according discretion in enforcing the law for the community’s protection and safeguarding against invasions of citizens’ privacy.” *People v. Hill*, 2020 IL 124595, ¶ 19.

¶ 52 There are two types of seizure of a person that implicate fourth amendment interests: an investigatory stop and an arrest. *People v. Luedemann*, 222 Ill. 2d 530, 544, 857 N.E.2d 187, 196 (2006). An investigatory stop—often called a “*Terry* stop” after *Terry v. Ohio*, 392 U.S. 1, 88 S. Ct. 1868 (1968)—is a short detention of the person lasting no longer than is necessary to perform a brief investigation. *People v. Jones*, 215 Ill. 2d 261, 270-71, 830 N.E.2d 541, 549 (2005). Any detention lasting longer than is necessary to perform a brief investigation is deemed an arrest. *People v. Leggions*, 382 Ill. App. 3d 1129, 1133, 890 N.E.2d 700, 705 (2008). “Regardless of the initial restraint of the person’s movement, whether a stop becomes an arrest is determined by the length of time the person is detained and the scope of the investigation that follows the initial stop.” (Internal quotations omitted.) *Id.* An investigative technique which may be utilized effectively in the course of an investigatory stop is to detain a suspect “ ‘while it is determined if in fact an offense has occurred in the area, a process which might involve checking certain premises ***.’ ” (Emphasis omitted.) *People v. Hardy*, 142 Ill. App. 3d 108, 114-15, 491

N.E.2d 493, 498 (1986) (quoting 3 Wayne R. LaFave, *Search & Seizure* § 9.2, at 36-37 (5th ed. 2012)).

¶ 53 In this case, Hansen detained defendant on his property. Defendant's detention lasted a brief period and allowed the officers to determine if, in fact, a crime had been committed. Given the circumstances presented, we agree with the State and find defendant's initial detention amounted to an investigatory stop as opposed to an arrest as it lasted no longer than was necessary to perform a brief investigation and was appropriately limited as to place and the investigative techniques employed.

¶ 54 An investigatory stop "must be supported by a reasonable, articulable suspicion of criminal activity." *Luedemann*, 222 Ill. 2d at 544. The determination of whether an investigatory stop was supported by the requisite reasonable suspicion requires a consideration of "the totality of the circumstances—the whole picture." (Internal quotation marks omitted.) *People v. Timmsen*, 2016 IL 118181, ¶ 9, 50 N.E.3d 1092. "Although 'reasonable, articulable suspicion' is a less demanding standard than probable cause, an officer's suspicion must amount to more than an 'inchoate and unparticularized suspicion or 'hunch'' of criminal activity." *Id.* (quoting *Terry*, 392 U.S. at 27). "The investigatory stop must be justified at its inception and the officer must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant the governmental intrusion upon the constitutionally protected interests of the private citizen." *Id.* In evaluating the officer's conduct, "we apply an objective standard and consider, 'would the facts available to the officer at the moment of the seizure or the search warrant a man of reasonable caution in the belief that the action taken was appropriate?' " *Id.* (quoting *Terry*, 392 U.S. at 21-22).

¶ 55 In this case, Hansen had information indicating (1) an individual would be manufacturing methamphetamine that day at an old church in rural Logan County, (2) defendant's property matched the description of the location where the individual would be manufacturing methamphetamine, (3) the individual drove a red Pontiac Firebird, and (4) no one was present on defendant's property. After driving past defendant's property and observing a vehicle that had not been previously reported, Hansen lawfully entered defendant's property. As he drove up the driveway, Hansen observed two additional vehicles, including a vehicle matching the description of the vehicle the individual suspected of manufacturing methamphetamine drove. Hansen exited his vehicle on foot and encountered defendant. Hansen, who was wearing a vest that had police markings, identified himself as law enforcement and ordered defendant not to move. Defendant failed to comply and continued to do something next to a vehicle. Given the circumstances presented, we agree with the State and find Hansen had the requisite reasonable, articulable suspicion of criminal activity to justify a brief investigatory stop. Because defendant was lawfully detained, any argument for suppression on that ground has no merit. Defendant has failed to establish any error in the trial court's denial of his motions to suppress.

¶ 56 B. Sentence Imposed

¶ 57 Defendant argues his 20-year prison sentence is excessive. The State disagrees.

¶ 58 Defendant does not dispute his 20-year prison sentence falls within the applicable statutory limits. A sentence that falls within the applicable statutory limits is generally reviewed for an abuse of discretion. *People v. Price*, 2011 IL App (4th) 100311, ¶ 36, 958 N.E.2d 341. This is because a trial court is generally "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."

(Internal quotation marks omitted.) *Id.* “A sentence within statutory limits will not be deemed excessive and an abuse of the court’s discretion unless it is ‘greatly at variance with the spirit and purpose of the law or manifestly disproportionate to the nature of the offense.’ ” *People v. Pina*, 2019 IL App (4th) 170614, ¶ 20 (quoting *People v. Fern*, 189 Ill. 2d 48, 54, 723 N.E.2d 207, 210 (1999)).

¶ 59 In this case, the trial court considered the PSI and the evidence presented, the recommendations of counsel, the comments of defendant, and the statutory factors in aggravation and mitigation in reaching its sentencing decision. The court highlighted defendant’s criminal history, including the fact he had committed similar conduct in the past for which he served terms of imprisonment. The court also found, contrary to the argument presented, defendant had not maintained a law-abiding life as evidenced by his multiple traffic offenses. The court acknowledged defendant reported he struggled with drug addiction but noted he had not sought treatment prior to his involvement in this case. The court, who was in the best position to make credibility determinations, believed defendant started using heroin prior to the death of the mother of two of his children and then continued to use heroin after she died. The court also found defendant’s testimony as to circumstances surrounding his criminal conduct in this case was not believable. Ultimately, the court acknowledged the 20-year prison sentence was a “significant sentence” but found it was warranted to protect the public and to deter others from committing similar crimes. Based on the evidence before it, we cannot say the trial court abused its discretion in rendering its sentencing decision.

¶ 60

III. CONCLUSION

¶ 61 We affirm the trial court’s judgment.

¶ 62

Affirmed.