

2012 IL App (1st) 100477-U

FIFTH DIVISION  
April 20, 2012

No. 1-10-0477

**NOTICE:** This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	No. 07 CR 18351
	)	
WILLIAM WILLIAMS,	)	Honorable
	)	Lawrence P. Fox,
Defendant-Appellant.	)	Judge Presiding.

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JUSTICE McBride delivered the judgment of the court.  
Presiding Justice Epstein and Justice J. Gordon concurred in the judgment.

**ORDER**

- ¶ 1 *Held:* Where defendant did not file a motion to reconsider sentence, his contention that his sentence is excessive is waived. Moreover, the issue may not be reached via plain error analysis because the trial court did not err in imposing sentence.
- ¶ 2 Following a bench trial, defendant William Williams was convicted of first degree murder and, based on his criminal history, sentenced to an extended term of 80 years in prison.

On appeal, defendant contends that his sentence is excessive.<sup>1</sup> For the reasons that follow, we affirm.

¶ 3 Defendant's conviction arose from the August 8, 2007 stabbing death of Brandy Ford in Chicago.

¶ 4 At trial, Chareen Castro testified that during the time frame in question, she was defendant's girlfriend. Castro and defendant lived together in an apartment they shared with Amanda Saunders and James Miller. Around 11 p.m. on August 7, 2007, Castro and defendant were in bed, asleep, when Castro was awakened by the sound of defendant's phone beeping. When the beeping continued, she checked the phone and found a text message stating, "Can you come over for a while and bring a condom." Castro replied to the message and then called the number repeatedly until a woman answered. The woman reported that she and defendant had "hung out" the night before and had had sex. Castro woke defendant and confronted him, but he threw the phone against the wall and went back to sleep. Castro testified that when defendant woke up around 5:45 a.m., she confronted him again and told him to pack his bags. Castro then left for work. Defendant walked her part way to her bus stop, but then said he had to go back home.

¶ 5 Castro testified that later in the day, she and a friend called the woman's telephone number, but a Chicago police detective answered. Castro spoke with the detective, who then came to her workplace to talk with her. Castro gave the detective a key to her apartment.

¶ 6 Amanda Saunders testified that around 9 or 10 a.m. on the date in question, she saw defendant in their living room. He seemed upset and nervous and was only wearing shorts. Defendant showed Saunders two small cuts on the top of his left hand and said he did not

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<sup>1</sup>In his opening brief, defendant also contended that he was entitled to one additional day of presentence custody credit. However, defendant has withdrawn this contention in his reply brief.

remember how he got the injuries. He asked if he could show her something and dumped bloody clothing out of a bag onto the floor. When Saunders asked what happened, defendant said, "I don't really remember," and "I'm fucked up." Saunders went to her bedroom, where she asked James Miller to talk with defendant. Later, Saunders found defendant's gym shoes soaking in the bathtub.

¶ 7 James Miller testified that he went into the living room, where he saw a shirt and pair of shorts lying on the floor, covered in blood. Miller asked defendant what happened, and defendant replied "that he went over there and kicked in her door and beat her in the head with a crowbar. And he said the bitch won't die. And then he went to the kitchen and grabbed two butcher knives." Miller did not know who defendant was talking about and went back to his bedroom. In court, Miller identified a photograph of the victim as a woman he and defendant had first met two days earlier. The victim had flirted with defendant outside her apartment, and then the group went upstairs and smoked marijuana together. After Miller and defendant left the apartment, Miller had no further contact with the victim.

¶ 8 Melissa Mitchell testified that on the date in question, she lived in the apartment downstairs from the victim. About 6:50 a.m. that day, she was awakened by the sound of crashing, banging, and screaming coming from the victim's bedroom. Mitchell called 911. She heard someone walk from the bedroom to the kitchen, and then back to the bedroom, at which point she heard the victim screaming, "Stop. Please. No." Mitchell also heard the victim screaming, "Stop. Mom. God, please. No. Why." At some point, the screaming stopped and Mitchell just heard pleading and some bumping, which she described as the sound of something getting stuck and thrown to the floor. When Mitchell heard someone leaving the apartment, she looked through the peephole of her front door into the building's stairwell. She saw a shirtless

man come down the stairs and wipe his arms with an article of clothing. In court, she identified defendant as the man she saw in the stairwell.

¶ 9 Chicago police detective Brian Spain testified that he was assigned to investigate the victim's death. He recovered a cell phone from the victim's bedroom and determined that the last call received on that phone was from a contact designated "Will." While Detective Spain was en route to the police station, the cell phone rang, and he picked up. Detective Spain spoke with two women on the phone, one of whom was Chareen Castro. He thereafter interviewed Castro in person and obtained consent to search her apartment. When Detective Spain went to the apartment, he found defendant at home and arrested him. At the police station, he interviewed defendant. The interview was recorded electronically and played in court. Defendant did not confess during the interview.

¶ 10 Chicago police forensic investigator Hubert Rounds testified that he processed the crime scene at the victim's apartment. Investigator Rounds found evidence of forced entry through the back door, a pool of blood in the hallway by the bedroom, blood spatter on the bedroom walls, and a knife at the foot of the bed. There was blood on the bed, as well as on the bedding, which was on the floor, and on the interior knob of the front door. Investigator Rounds also processed defendant's apartment. There, he found drops of blood on the outside stairs and on the rug in front of the bathroom sink.

¶ 11 Dr. Tera Jones, of the Cook County Medical Examiner's office, testified that she performed the victim's autopsy. Dr. Jones noted 75 injuries to the victim's body, specifically, to her face, scalp, neck, chest, abdomen, arms, hands, back, and left leg. The injuries included 14 stab wounds, 21 incised wounds, at least 4 chop wounds, 5 lacerations, 14 abrasions, 15 bruises, and a compound fracture to the victim's left arm. Dr. Jones explained that a stab wound is one made by a sharp object and is deeper than it is long, while an incised wound is made by a sharp

object but is longer than it is deep. A laceration occurs where tearing of the skin is due to a blunt object, and a chop wound is a combination of a laceration and stab wound. Dr. Jones agreed that the injuries to the victim's hands were consistent with being defensive wounds. She testified that the manner of death was homicide and the cause of death was multiple stab and incised wounds.

¶ 12 The parties stipulated that an expert in DNA analysis employed as a forensic scientist with the Illinois State Police Crime Laboratory would have testified that the blood found on defendant's clothing, the knife, and the doorknob of the victim's residence all matched the victim's DNA profile.

¶ 13 Defendant testified on his own behalf. He stated that he had met the victim about three days before her death, and he had sex with her at that time. When he woke up on the day in question, Chareen Castro passed his cell phone to him and asked, "Is you fucking her." Defendant noted that there was a text message from the victim that said something about condoms, and immediately erased the message. He and Castro then had a conversation about the victim during which Castro cried and defendant denied having had sex with the victim. As Castro got ready for work, defendant drank a couple shots of vodka.

¶ 14 Defendant testified that he walked Castro part way to her bus stop, but then "detoured" to the victim's apartment. Defendant rang the doorbell and the victim buzzed him in. Once defendant was inside, the victim grabbed him and pulled him into her bedroom. She told defendant she wanted him to be her man and move in with her. When defendant protested that things were moving too fast, her mood changed and "that's when a knife got presented." Defendant did not know where the victim pulled the knife from, but she said, "I'm gon' cut your dick off and kill you" and came at him, swinging wildly. Defendant testified that he was in fear for his life. He tried to grab the victim's arms and got cut on his hand. He and the victim

engaged in a "hard tussle" over the knife. Defendant stated that he remembered stabbing the victim, but he did not remember every stab wound and did not remember everything vividly.

¶ 15 Defendant testified that he went down the front stairs, but when he saw two police officers, he panicked. He ran back upstairs, through the victim's apartment, out her back door, and back to his own apartment. There, he got sick repeatedly and took a shower with his shoes on. At some point, the police came to the apartment. Defendant denied having told his roommate James Miller anything about what happened with the victim, but acknowledged lying to the police.

¶ 16 Following closing arguments, the trial court found defendant guilty of two counts of first degree murder.

¶ 17 At the sentencing hearing, the victim's mother and brother presented victim impact statements. The State made arguments in aggravation and produced certified copies of conviction indicating defendant had prior convictions for home invasion, aggravated unlawful use of a weapon, aggravated robbery, and retail theft. In mitigation, defense counsel presented, orally and in writing, a memorandum in which he detailed defendant's childhood. In particular, the memorandum indicated that defendant lived with his crack-addicted mother until he was almost seven years old, during which time his mother physically and verbally abused him and his siblings on a daily basis, and rarely provided them with food. When his mother abandoned him, defendant went to live with his aunt. After his aunt gave up guardianship when he was a teenager, defendant stayed on and off with friends. He began drinking and using drugs and was arrested for the first time when he was 17. While incarcerated, he was diagnosed with bipolar disorder.

¶ 18 The trial court sentenced defendant to 80 years in prison. In doing so, the trial court noted that it had read the mitigation memorandum submitted by defense counsel, as well as the

presentence investigation (PSI) report. The court observed that the evidence presented in the case was extremely aggravating, as was defendant's criminal history, but that there was also "significant mitigation," in particular, defendant's social history, which included his "very sad and dysfunctional" childhood during which he was abandoned by his mother.

¶ 19 On appeal, defendant contends that his sentence is excessive where it is the functional equivalent of a life sentence that effectively negates any possibility of restoring him to useful citizenship and fails to reflect any potential for rehabilitation. He argues that the trial court did not give enough weight to the mitigating evidence, including his horrific and deplorable childhood, his employment history, and his attempt to rehabilitate himself by obtaining a GED while incarcerated.

¶ 20 As noted by the State, defendant has forfeited review of his excessive sentence claim because he did not file a motion to reconsider his sentence. Defendant argues in his reply brief that the issue may be reached as plain error. Although the plain error rule does allow review of a waived claim that a sentence is excessive, we must first determine whether any error occurred. *People v. McGee*, 398 Ill. App. 3d 789, 794 (2010). Absent error, there can be no plain error. *McGee*, 398 Ill. App. 3d at 794, citing *People v. Herron*, 215 Ill. 2d 167, 187 (2005).

¶ 21 Sentencing decisions are entitled to great deference on appeal because the trial court is in a superior position to fashion an appropriate sentence based on firsthand consideration of relevant sentencing factors, including the defendant's credibility, demeanor, moral character, mentality, social environment, habits, and age. *People v. Fern*, 189 Ill. 2d 48, 53 (1999). We will not disturb a sentencing determination absent an abuse of discretion. *People v. Hauschild*, 226 Ill. 2d 63, 90 (2007). Sentences within the permissible statutory range may be deemed the result of an abuse of discretion only where they are "greatly at variance with the spirit and

purpose of the law, or manifestly disproportionate to the nature of the offense." *People v. Stacey*, 193 Ill. 2d 203, 210 (2000).

¶ 22 We have reviewed the record and find that the trial court was well aware of the sentencing factors identified by defendant, as well as the other sentencing factors relevant in this case. In the course of pronouncing sentence, the trial court stated that it had considered the nature of the offense, the PSI report, and defense counsel's mitigation memorandum. The PSI report and the mitigation memorandum both indicated that defendant had earned a GED while in prison and had been employed in various positions in the years leading up to his arrest in the instant case. The trial court observed that defendant already had been convicted of four felonies as an adult. However, the trial court also noted in particular defendant's social history, which it described as "very sad and dysfunctional" and characterized as providing "significant mitigation." Given the trial court's thorough attention to the relevant sentencing factors, we cannot find an abuse of discretion. There being no error, we may not reach the issue via plain error analysis. Defendant's argument that his sentence is excessive fails.

¶ 23 For the reasons explained above, we affirm the judgment of the circuit court of Cook County.

¶ 24 Affirmed.