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IN THE  
APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

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THE PEOPLE OF THE STATE	)	Appeal from the Circuit Court
OF ILLINOIS,	)	of Stephenson County.
	)	
Plaintiff-Appellee,	)	
	)	
v.	)	No. 09—CF—50
	)	
DELOVIA M. FORD,	)	Honorable
	)	Michael P. Bald,
Defendant-Appellant.	)	Judge, Presiding.

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JUSTICE BURKE delivered the judgment of the court.  
Justices Zenoff and Schostok concurred in the judgment.

**ORDER**

*Held:* The trial court did not abuse its discretion in sentencing defendant to 6 years' imprisonment (on a 4-to-15 range) for residential burglary, as the sentence was only two years longer than the minimum despite the fact that defendant committed the offense while on probation.

Following a bench trial in the circuit court of Stephenson County, defendant, Delovia M. Ford, was found guilty of theft (720 ILCS 5/16—1 (West 2008)) and residential burglary (720 ILCS 5/19—3(a) (West 2008)). The trial court sentenced defendant to 180 days in jail for the former offense and 6 years in the Department of Corrections for the latter. Defendant argues on appeal that the sentence for residential burglary is excessive. We affirm.

Evidence presented at trial establishes that, the day after Columbus Day in 2008, Dan Engle discovered that his parents' home had been broken into while they were spending time at their cabin in Wisconsin. A large safe was missing, as was a pair of boxing gloves that Engle had owned since he was a teenager. Jewelry, coins, and other items belonging to Engle's parents, Benjamin and Lois Engle, were discovered in the basement of the house next door by Kelly Olson, whose daughter, Chastity, was renting the house. Chastity was dating defendant at the time. A few days before Columbus Day, Chastity found defendant and three other individuals in her garage trying to pry open a safe with a crowbar. One member of the group (possibly defendant) indicated that the safe had come from a neighbor's house. Defendant told Chastity that he had entered the house and had taken some items, including a pair of boxing gloves. Byron Burns testified that defendant had asked him to bring a drill, a hammer, and a crowbar to Olson's house. Burns complied with the request. When Burns subsequently returned to reclaim the tools, defendant indicated that he had taken a safe from Olson's neighbors' back porch. Burns testified that he and defendant "talked about some papers that [defendant] had" that looked like bonds or stock certificates. Defendant asked if Burns knew whether it was possible to sell them. Benjamin Engle testified that he kept bonds and stock certificates in the safe along with other important documents. Defendant denied breaking into Benjamin and Lois Engle's house. He also denied borrowing tools from Burns or showing any stocks or bonds to Burns.

After finding defendant guilty, the trial court ordered that a presentence investigation report (PSI) be prepared. According to the PSI, defendant was born on October 31, 1987. At the time of the offense, defendant was serving a term of probation for an offense described as "misuse credit card." His adult criminal record also includes convictions of retail theft and resisting a police officer

or correctional employee. Defendant's juvenile record includes delinquency adjudications for burglary, theft, and forgery. Defendant's employment history consisted of three low-wage jobs, each of which he held for about three months. Defendant reported no mental health or substance abuse problems.

It is firmly established that the trial court "is the proper forum to determine a sentence and the trial judge's decision in sentencing is entitled to great deference and weight." *People v. Latona*, 184 Ill. 2d 260, 272 (1998). Considerations bearing on the determination of an appropriate sentence include "the nature of the crime, the protection of the public, deterrence, and punishment, as well as the defendant's rehabilitative prospects and youth." *People v. Chirchirillo*, 393 Ill. App. 3d 916, 927 (2009). It is the trial court's responsibility "to balance relevant factors and make a reasoned decision as to the appropriate punishment in each case." *Latona*, 184 Ill. 2d at 272. When a sentence falls within the statutory limits for the offense, it will not be disturbed absent an abuse of discretion by the trial court. See *People v. Coleman*, 166 Ill. 2d 247, 258 (1995). An abuse of discretion occurs when the trial court imposes a sentence that "is 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).

Defendant argues that, in view of his youth, the relatively minor nature of his prior offenses, his employment record, and his good mental health, the six-year sentence for residential burglary does not reflect his "high potential for rehabilitation." The argument is meritless. Defendant received a comparatively lenient sentence. Residential burglary is a Class 1 felony (720 ILCS 5/19—3(b) (West 2008)), punishable by a prison term of not less than 4 and not more than 15 years (730 ILCS 5/5—8—1(a)(4) (West 2008)). Subject to an exception that does not apply here,

probation is not an available disposition for residential burglary. 730 ILCS 5/5—5—3(c)(2)(G) (West 2008). Thus defendant's six-year prison term is only two years longer than the minimum term and is nine years shorter than the maximum. "The existence of mitigating factors does not obligate the trial court to impose the minimum sentence [citation], and a defendant's youth does not necessarily outweigh the other relevant factors [citation]." *People v. Garibay*, 366 Ill. App. 3d 1103, 1109 (2006). Moreover, the fact that defendant committed the offense while on probation does not speak favorably to defendant's ability or willingness to conform his behavior to the requirements of the law. In view of all the circumstances, the trial court's decision to impose a sentence far closer to the minimum than to the maximum was not an abuse of discretion.

For the foregoing reasons, the judgment of the circuit court of Stephenson County is affirmed.

Affirmed.