

NOTICE

This Order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

2022 IL App (4th) 200586-U

NO. 4-20-0586

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

April 20, 2022

Carla Bender

4th District Appellate
Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the
Plaintiff-Appellee,)	Circuit Court of
v.)	Macon County
DANTE L. WADE,)	No. 18CF1716
Defendant-Appellant.)	
)	Honorable
)	Thomas E. Griffith Jr.,
)	Judge Presiding.

PRESIDING JUSTICE KNECHT delivered the judgment of the court.
Justices DeArmond and Turner concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court granted appointed counsel's motion to withdraw and affirmed the trial court's judgment where no meritorious issues could be raised on appeal.

¶ 2 This case comes to us on a motion from the Office of the State Appellate Defender (OSAD) to withdraw as appellate counsel, citing *Anders v. California*, 386 U.S. 738 (1967), on the ground no meritorious issue can be raised in this case. We grant OSAD's motion and affirm the trial court's judgment.

¶ 3 I. BACKGROUND

¶ 4 On December 3, 2018, the State charged defendant, Dante L. Wade, by information with three counts of first degree murder (720 ILCS 5/9-1(a)(1), (2) (West 2018)), alleging defendant, without lawful justification and with the intent to kill or do great bodily

harm, personally discharged the firearm that caused the death of Marcqui Apholone. See 730 ILCS 5/5-8-1(a)(1)(d)(iii) (West 2018).

¶ 5 A. Preliminary Hearing

¶ 6 On December 19, 2018, the trial court held a preliminary hearing. Detective Jeremy Appenzeller of the Decatur Police Department testified he investigated the death of Marcqui Apholone. Appenzeller testified Apholone had been in a “domestic dispute” with his girlfriend, Jasmine Wade, in which Apholone took Jasmine’s keys and Jasmine took Apholone’s cell phone.

¶ 7 Appenzeller interviewed Stonee Adams, a close friend of Apholone’s. Apholone told Adams he was going to go outside and meet with his girlfriend to get his cell phone back. Adams heard an argument. Apholone shouted, “Give me my phone,” and a female voice yelled, “Give me my keys.” Adams then heard a “number of gunshots” and a vehicle speeding from the area.

¶ 8 Appenzeller also interviewed Ernest Brooms, Jasmine’s uncle. Jasmine told Brooms about the physical altercation with Apholone. That evening, Jasmine went to Brooms’s house with defendant and her sister, Shakeara Wade. Together, the four went to Apholone’s residence to confront him. They dropped off defendant about a block from the residence. Jasmine exited the vehicle and met with Apholone. Defendant ran up, grabbed onto Apholone, and “fired and missed, fired and missed, and then fired several more shots, striking the victim.”

¶ 9 Appenzeller testified Jasmine provided a consistent statement she saw defendant shoot Apholone. Shakeara stated she was present, saw the confrontation, and heard the gunshots but did not actually see defendant shoot Apholone.

¶ 10 At the conclusion of Appenzeller’s testimony, the trial court found probable cause for the charge.

¶ 11 B. Pretrial Motions

¶ 12 Prior to trial, the State filed a motion for defendant to provide a DNA sample, and defendant consented. The State also filed a motion to admit cell phone records as evidence at trial, which the trial court granted.

¶ 13 Defendant filed a motion *in limine* to exclude defendant’s criminal history or previous incarcerations except for impeachment should defendant choose to testify. The trial court granted defendant’s motion with no objection.

¶ 14 C. Jury Trial

¶ 15 In August 2020, defendant’s jury trial commenced. During *voir dire*, the trial court gave the venire the following admonishment:

“I’m next going to attempt to try to explain some constitutional principles that apply to all defendants that exercise their right to a jury trial, and I’m required for this series of questions to ask you individually. The four principles are as follows:

One. That the defendant is presumed to be innocent of the charges against him.

Two. That before a defendant can be convicted, the State must prove the defendant guilty beyond a reasonable doubt.

Three. That the defendant is not required to offer any evidence on his or her behalf.

And lastly. That if a defendant does not testify, it cannot be held against him or her.”

The court then repeated the principles before asking each member of the venire individually if they understood and accepted the four principles. Each juror answered in the affirmative.

¶ 16 1. *The State’s Case*

¶ 17 a. Witness Testimony

¶ 18 Jasmine Wade testified she is defendant’s daughter and, at the time of her testimony, was in jail for failing to appear in court despite being subpoenaed. In November 2018, Jasmine had been dating Apholone for about a year. On November 7, 2018, Jasmine and Apholone argued after she accused him of cheating. Jasmine had Apholone’s phone, and he wanted her to return it. On November 8, Apholone confronted Jasmine while she attended class at Richland Community College, and the pair engaged in a physical altercation. Apholone took Jasmine’s keys. Jasmine later contacted Apholone and demanded her keys back, and Apholone responded he would return her keys when she returned his phone. Jasmine went to Shakeara’s apartment and her father, defendant, was there. She testified it was unusual for him to come to Decatur and she had not seen him since December 2017. Defendant was upset when he saw Jasmine’s injuries. Jasmine, Shakeara, defendant, and her uncle, Ernest Brooms, who came along for “protection,” drove to Apholone’s house. Defendant was dropped off before they arrived at Apholone’s house, but Jasmine could not remember why he got out of the vehicle. When they arrived, Jasmine started arguing with Apholone. Defendant arrived, and he and Apholone began fighting. Jasmine testified she saw defendant point a gun at Apholone and pull the trigger and she was “100 percent” certain defendant shot Apholone. Brooms got out of the car and ran off.

While Shakeara drove away, defendant was acting “aggressively” and said, “I don’t like dread heads. He’s in the dirt.” Jasmine did not see defendant again after November 8.

¶ 19 Police interviewed Jasmine on November 9, 2018, and she told the police she did not know anything about Apholone’s murder. Jasmine returned on November 19 with counsel and gave a full interview, which she agreed was a “truthful statement.” On cross-examination, Jasmine stated she was scared “in general.” She testified someone had “shot at” Brooms and her mother’s house and she believed the shots were related to Apholone’s murder. Jasmine also agreed Brooms had previously fought boyfriends of his nieces.

¶ 20 Ernest Brooms testified he is Jasmine’s uncle and he has known defendant, his sister’s ex-husband, since he was five years old. On November 8, Brooms went with Jasmine, Shakeara, and defendant to Apholone’s house. He testified defendant asked him to join them so Brooms could “help” if Apholone brought friends out with him. Otherwise, Brooms planned to let defendant and Apholone fight “one-on-one.” When the group arrived at Apholone’s house, Apholone was just pulling into the driveway, so they circled the block and dropped defendant off a block away. At Apholone’s house, Apholone and Jasmine got into an argument. Brooms jumped out of the car “to go make [Apholone] get his hands off [his] niece.” Defendant showed up shortly after Brooms got out of the car. Defendant grabbed Apholone, “something” was said, and defendant “started shooting.” Apholone broke away, and defendant chased him. Brooms testified defendant fired the gun “[f]ive, six times maybe.” He also stated the gun was a “black—a revolver,” which he knew because he “know[s] guns.”

¶ 21 Brooms testified when he was first interviewed by police, he told them he did not know anything about the murder. He stated, during his second interview, he gave police a

“truthful statement.” During cross-examination, Brooms confirmed he had previously fought the boyfriend of a different niece.

¶ 22 Shakeara Wade testified she is defendant’s daughter and Jasmine’s older sister. Shakeara testified Apholone was dating her sister, but she did not know him well. On November 8, Jasmine called Shakeara and told her Apholone “had beat her up at school.” Defendant told Shakeara he was coming to Decatur after Shakeara learned about Jasmine’s altercation with Apholone. Shakeara testified she had not seen defendant in over a year. After defendant arrived, Shakeara drove Jasmine and defendant to meet Apholone to retrieve Jasmine’s keys. Shakeara picked up Ernest Brooms, her uncle, on the way “for protection.” Shakeara dropped defendant off about a block from Apholone’s house. She assumed he needed to use the restroom, but she could not recall if he actually said he needed to use the restroom. Shakeara parked near Apholone’s house, and Jasmine went to speak with Apholone. Jasmine was arguing with Apholone, and Ernest got out of the car. Shakeara saw defendant walk up to Apholone, and believed Ernest and defendant started fighting with Apholone. Shakeara heard “three or four” gunshots. Jasmine returned to the car upset. Defendant got in the car and told Shakeara to drive. Shakeara described defendant as upset, angry, and “acting aggressive.”

¶ 23 After his arrest, defendant called Shakeara from prison and asked her not to come to court. He also asked her to encourage Jasmine to “stay low” and not come to court. The recordings of the phone calls were played for the jury.

¶ 24 Shakeara acknowledged on cross-examination she originally gave investigators a different version of events. Investigators told her she would be arrested for murder, and she gave them a new version of events. She also confirmed she did not see defendant with a gun and did not see anyone actually shoot Apholone. On redirect examination, Shakeara explained she was

scared when she was interviewed by police but the final version of events she gave to police was the truth.

¶ 25 Cassandra Bond testified she is the mother of Shakeara and Jasmine. On November 8, Bond left a message with defendant after he did not answer his phone. In the message, Bond told defendant Jasmine had been hurt by her boyfriend. She stated she did not ask defendant to come to Decatur.

¶ 26 Stonee Adams testified Apholone was his best friend and they had been friends since they were children. On November 7, Apholone arrived at Adams's mother's house, and Apholone realized he'd left his phone in Jasmine's car when she dropped him off. Adams loaned Apholone a phone so he could locate Jasmine. He overheard Apholone speaking on the phone with Jasmine and reported the tone was "angry." The next day, November 8, Adams was with Apholone when he went outside to meet with Jasmine. Adams could hear Apholone and Jasmine yelling at each other, "[g]oing back and forth three or four times, 'give me my phone, give me my keys.' " Adams heard Apholone say, " 'Okay, okay, man' " and then heard "five or six" gunshots. Adams heard a vehicle speed off. He ran outside but did not see Apholone or Jasmine.

¶ 27 George Yeaman testified, on November 8, he was sitting at his kitchen table when he heard gunshots. He looked out the window and saw a car drive away with a truck right behind it. Both vehicles were "getting out of there," and the truck was driving "[l]ike a bat out of hell." Yeaman saw a man wearing baggy clothes running across multiple yards down the street.

¶ 28 Laney Martin testified she heard a male and a female arguing. She then heard what sounded like a scuffle, followed by six gunshots, "a sequence of two rapid shots, single shot, single shot, and then two more rapid shots." Martin went outside and saw Adams, who approached her and said he was scared because he was on parole or probation. Adams used

Martin's phone to call for a ride. Martin encouraged Adams to wait and give a statement to the police, which Adams did.

¶ 29 Vanessa Helms testified, in November 2018, she was dating defendant. On November 8, defendant sent a text message to Helms, saying his daughter was hurt and he needed to go to Decatur. Helms drove him to Decatur from Joliet. They arrived at around 7 p.m., and Helms dropped defendant off at an apartment complex then went to visit her own daughter. Helms visited with her daughter for approximately 45 minutes, and then went to get food. Defendant called and said he was ready to leave. Helms picked him up at the same apartment complex. She could not remember the exact time she picked defendant up, but she knew it was after 8 p.m. They drove back to Joliet and stopped at a Casey's gas station. The State played a video recording from a security camera at the Casey's gas station in Maroa, which showed defendant at the station between 8:33 p.m. and 8:38 p.m. Helms testified defendant was not acting any differently than he normally did on the drive back. Helms later learned defendant had been arrested for murder. Defendant called her from jail and the recording of the call was played for the jury.

¶ 30 b. Police Investigation

¶ 31 Decatur police officer Timothy Wisniewski testified, on November 8, 2018, he responded at 7:44 p.m. to a call of shots fired with a possible gunshot victim. Officer Wisniewski located a deceased black male lying on his back in a driveway. There was a large pool of blood under his body and blood pooling around his head.

¶ 32 Decatur police officer Troy Kretsinger also responded to a call of shots fired with a possible gunshot victim. Officer Kretsinger went to the police station to retrieve equipment to process the crime scene and collect evidence. By the time Officer Kretsinger returned, it was

actively raining. He quickly placed tent markers, photographed evidence, and collected items officers located at the scene. The items officers located included a blue University of Illinois stocking cap, a chewed piece of gum, hair braids or hair extensions consistent with the victim's hair, a Ford key fob, and a key chain with a lanyard with the name "Jasmine" on it. No casings or projectiles were recovered.

¶ 33 Detective David Dailey with the Decatur Police Department testified he specializes in the examination of cell phone records and cell phone data. Detective Dailey obtained a search warrant for defendant's cell phone. The data from the cell phone showed the approximate latitude and longitude of defendant's cell phone between 4:23 p.m. and 11:17 p.m. on November 8, 2018. Detective Dailey created a PowerPoint presentation of the location information, which was shown to the jury. From 4:23 p.m. to 6:32 p.m., defendant's cell phone traveled from Joliet to Decatur. Defendant's cell phone then began travelling "down to the area general to the crime scene." Defendant's cell phone left Decatur at 7:55 p.m. and arrived back in Joliet at 11:17 p.m. Detective Dailey also confirmed defendant's cell phone was in the approximate area of the Casey's in Maroa when defendant was seen on the security camera at the gas station. On cross-examination, Detective Dailey explained the data is not global positioning system data and therefore doesn't give an exact position.

¶ 34 Dr. Scott Denton testified he is a coroner's forensic pathologist and performed the autopsy on Apholone. Dr. Denton testified Apholone had six individual gunshot wounds, only one of which was fatal. Dr. Denton explained,

"The only gunshot wound that would have caused death, again supposing that he did not get an infection or die weeks later from something like that, was the gunshot wound that went in the back of [Apholone's] left neck that got his

carotid artery because that's a fatal wound that cause instantaneous large amount of bleedings, and then went up through the skull and exited the eye, so that was the fatal wound."

Apholone would have remained conscious for "about 30 seconds to a minute and a half" after his carotid artery was severed and would have been able to move before he lost consciousness. The wound was also consistent with Apholone being in a bent down or bent forward position.

Autopsy photos were presented to the jury.

¶ 35 Detective Appenzeller testified he was the lead investigator for Apholone's homicide investigation. On November 29, 2018, Detective Appenzeller interviewed defendant. Appenzeller informed defendant they were investigating a November 8 homicide. Defendant responded he received a text message from his ex-wife, Bond, about an emergency involving his daughters, Jasmine and Shakeara. Defendant contacted Shakeara, who told him "it was not a big deal." Defendant told Detective Appenzeller he decided to go to Decatur and told Shakeara he was coming. However, defendant's ride fell through, and he stayed in Joliet. Defendant learned of Apholone's murder the next day when he spoke to Shakeara. Defendant also told Detective Appenzeller he did not get along with Brooms.

¶ 36 c. Stipulations

¶ 37 The parties stipulated (1) to the foundation for the recordings of defendant's calls from jail and (2) Detective Ronald Borowczyk would testify he extracted data from Shakeara's cell phone and identified texts between Shakeara and defendant.

¶ 38 2. Defendant's Case

¶ 39 At the close of the State's evidence, defendant moved for a directed verdict, which the trial court denied. Defendant called Detective Brad Hall. Detective Hall testified he

interviewed Katherine Koenig, Brooms's mother, who explained Brooms was with her at the time of the murder. The State objected to Detective Hall's testimony as hearsay, and the trial court sustained the objection. Defendant called no other witnesses.

¶ 40

3. Verdict

¶ 41 During deliberations, the jury requested the transcripts of phone calls defendant placed from the jail. The trial court allowed jurors to look at the transcripts over defendant's objection. The jury also requested a definition of "reasonable doubt," and the court instructed the jury to continue deliberating. Finally, the jury asked whether they could find defendant guilty of first degree murder but find he did not personally discharge the firearm. The court referred the jury to their instructions. The jury found defendant guilty of first degree murder and found defendant personally discharged the firearm that proximately caused the death of Apholone.

¶ 42

D. Sentencing

¶ 43 Defendant filed a motion for judgment *n.o.v.* or a new trial, which the trial court denied. The court then proceeded to sentencing.

¶ 44 Defendant's presentence investigation report listed eight prior felony offenses and seven prior misdemeanor offenses.

¶ 45 Roger Craig, an investigator for the Macon County State's Attorney's Office, testified in aggravation he obtained Illinois Department of Corrections (DOC) disciplinary records for defendant. Craig testified defendant is affiliated with the Unknown Vice Lords gang and defendant was found guilty of 15 different disciplinary infractions while incarcerated. On cross-examination, Craig acknowledged he did not know the extent of defendant's involvement with the Unknown Vice Lords. Craig also agreed defendant's disciplinary infractions were for

rule violations, like wardrobe infractions. None of the infractions would constitute crimes outside of a correctional facility.

¶ 46 Officer Kretsinger testified, in 2003, he responded to a domestic incident involving defendant. Bond claimed defendant shoved her to the ground and repeatedly punched her in the head, a story corroborated by Bond's mother and brother. Defendant admitted he told Bond he was going to kill her before knocking her to the ground. Defendant also stated he waited across the street for Bond to return home because he knew if she saw him waiting, she would drive by and not stop. Officer Kretsinger testified defendant was arrested for the incident but he did not know if defendant was prosecuted for the offense and could not recall if he was called to testify about the incident.

¶ 47 Officer Sean Bowsher testified to a separate domestic incident involving defendant and Bond in 2005.

¶ 48 Officer Brian Allison testified in 2005, a man named Terrimus Jackson reported defendant fired a shot at him. Defendant was located close to the scene assaulting a woman named Juanita Goodwin. Defendant fled and was seen discarding a handgun, which was recovered with live rounds in it. Defendant admitted possessing and discarding the handgun, which was stolen. Defendant was sentenced to 20 years in DOC related to the incident.

¶ 49 The State argued defendant was a "menace to society" and requested a sentence of life in prison. Defendant requested a sentence of 47 years in DOC, highlighting defendant's intention of protecting his daughter.

¶ 50 The trial court "considered the facts of th[e] case, the factors in aggravation and mitigation, and the pre-sentence investigation report." Citing defendant's "poor criminal history"

and defendant's failure to accept responsibility, the court sentenced defendant to 60 years' incarceration—35 years for first degree murder with 25 years for the firearm enhancement.

¶ 51 Defendant filed a motion to reconsider sentence, which the trial court denied.

¶ 52 This appeal followed.

¶ 53 II. ANALYSIS

¶ 54 On review, appointed counsel raises three potential issues: (1) whether the trial court complied with Illinois Supreme Court Rule 431(b) (eff. July 1, 2012); (2) whether defendant was proven guilty of first degree murder beyond a reasonable doubt; and (3) whether defendant's 60-year sentence was an abuse of discretion. Counsel concluded these issues are without arguable merit, and we agree.

¶ 55 A. Rule 431(b) Compliance

¶ 56 Appellate counsel addresses whether, during jury selection, the trial court failed to comply with Illinois Supreme Court Rule 431(b) (eff. July 1, 2012).

¶ 57 First, we note defendant failed to raise this issue before the trial court or in a posttrial motion. To preserve an error for consideration on appeal, a defendant must object to the error at trial and raise the error in a posttrial motion. *People v. Sebby*, 2017 IL 119445, ¶ 48, 89 N.E.3d 675. Failure to do so constitutes forfeiture. *Id.* However, we may consider a forfeited claim where the defendant demonstrates plain error occurred. Ill. S. Ct. R. 615(a) (eff. Jan. 1, 1967). To prevail under the plain-error doctrine, a defendant must first demonstrate a clear and obvious error occurred. *People v. Piatkowski*, 225 Ill. 2d 551, 565, 870 N.E.2d 403, 410-11 (2007). If an error occurred, we reverse only where (1) "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) the "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." *Id.*

¶ 58 Rule 431(b) requires a trial court to ask potential jurors whether they both "understand[]" and "accept[]" that (1) the defendant is presumed innocent, (2) the State bears the burden of proving the defendant guilty beyond a reasonable doubt, (3) the defendant has no obligation to present evidence, and (4) the defendant's choice to not testify cannot be held against him. Ill. S. Ct. R. 431(b) (eff. July 1, 2012). Rule 431(b) "mandates a specific question and response process." *People v. Thompson*, 238 Ill. 2d 598, 607, 939 N.E.2d 403, 409 (2010).

¶ 59 During *voir dire*, the trial court read the four principles set forth in Rule 431(b) and then asked each of the prospective jurors if they understood and accepted the principles. All the prospective jurors indicated he or she understood and accepted the principles. Accordingly, OSAD argues there is no basis on which to challenge the trial court's compliance with Rule 431(b). We agree.

¶ 60 Where the record demonstrates the trial court complied with Rule 431(b), we find no clear and obvious error occurred. See *Piatkowski*, 225 Ill. 2d at 565. Thus, we conclude there is no arguable merit to a claim the trial court failed to comply with Rule 431(b).

¶ 61 B. Sufficiency of the Evidence

¶ 62 OSAD next asserts no reasonable argument could be made to challenge the sufficiency of the evidence to sustain defendant's conviction.

¶ 63 When considering whether the evidence presented was sufficient to sustain defendant's conviction, a reviewing court must determine "whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the offense beyond a reasonable doubt." (Internal quotation marks omitted.)

People v. Hardman, 2017 IL 121453, ¶ 37, 104 N.E.3d 372. “A criminal conviction will not be reversed for insufficient evidence unless the evidence is so unreasonable, improbable, or unsatisfactory that it justifies a reasonable doubt of the defendant’s guilt.” *People v. Gray*, 2017 IL 120958, ¶ 35, 91 N.E.3d 976.

¶ 64 Here, the evidence, viewed in the light most favorable to the prosecution, showed defendant shot Aphonone. Brooms and Jasmine both testified they saw defendant shoot Aphonone. Shakeara testified she saw defendant approach Aphonone and then heard multiple gunshots. Each of these three witnesses consistently testified the group went to Aphonone’s home because of the earlier altercation with Jasmine and to retrieve Jasmine’s keys. Each witness also agreed defendant exited the vehicle approximately a block away from the house prior to the confrontation between Jasmine and Aphonone. Each was also consistent in their testimony where defendant approached Aphonone. Helms testified she drove defendant to Decatur to see his daughters the day of the shooting and drove him back to Joliet shortly after the shooting.

¶ 65 Additionally, cell phone records corroborated the witnesses’ testimony. Defendant traveled from his home in Joliet to Decatur the day of the shooting and he was in the area of the shooting at the relevant time. Text message records showed defendant communicated with Shakeara about the earlier altercation between Aphonone and Jasmine, and defendant told Shakeara he was coming to Decatur.

¶ 66 Based on this evidence, a rational trier of fact could have found the essential elements of the offense beyond a reasonable doubt—that defendant killed Aphonone without lawful justification, he intended to kill or do great bodily harm to the Aphonone or knew such acts would cause death to Aphonone, and defendant personally discharged a firearm that proximately caused the death of Aphonone. 720 ILCS 5/9-1(a)(1) (West 2018); 730 ILCS

5/5-8-1(a)(1)(D) (West 2018). Accordingly, we agree with OSAD and find any challenge to the sufficiency of the evidence would be without arguable merit.

¶ 67

C. Sentencing

¶ 68

Finally, OSAD asserts no reasonable argument could be made defendant's 60-year sentence was an abuse of discretion.

¶ 69

"[A] sentence within statutory limits will not be deemed excessive unless it is greatly at variance with the spirit and purpose of the law or manifestly disproportionate to the nature of the offense." (Internal quotation marks omitted.) *People v. Little*, 2011 IL App (4th) 090787, ¶ 22, 957 N.E.2d 102. A trial court's sentencing decision is reviewed for an abuse of discretion as the 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.) *People v. Price*, 2011 IL App (4th) 100311, ¶ 36, 958 N.E.2d 341.

¶ 70

Defendant was sentenced for first degree murder, which has a sentencing range of 20 years to 60 years of imprisonment. 730 ILCS 5/5-4.5-20(a) (West 2018). Defendant was additionally subject to a minimum 25-year sentencing enhancement based on the jury's finding defendant "personally discharged a firearm that proximately caused *** death to another person." 730 ILCS 5/5-8-1(a)(1)(d)(iii) (West 2018). Defendant was therefore subject to a sentencing range of 45 years to natural life.

¶ 71

The trial court sentenced defendant to a prison term well within the sentencing range and, in doing so, made clear it carefully considered the evidence and argument, as well as the statutory factors in aggravation and mitigation. We agree with OSAD and find no reasonable argument can be made to challenge the 60-year sentence imposed by the trial court.

¶ 72

III. CONCLUSION

¶ 73 For the reasons stated, we grant appointed counsel's motion to withdraw and affirm the trial court's judgment.

¶ 74 Affirmed.