

No. 1-10-0783

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IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Cook County
)	
v.)	No. 08 CR 11005
)	
SHONDALE MARTIN,)	Honorable
)	Raymond Myles,
Defendant-Appellant.)	Judge Presiding.

JUSTICE EPSTEIN delivered the judgment of the court.
Justices Fitzgerald Smith and Pucinski concurred in the judgment.

ORDER

¶ 1 *Held:* The admission at trial of out of court statements of a child victim that were previously found to lack sufficient safeguards of reliability for admission under a statutory hearsay exception did not constitute plain error. The prosecutor's statements in closing arguments also did not constitute plain error. The trial court did not abuse its discretion in sentencing defendant to 17 years for predatory criminal sexual assault of a child and three years for aggravated criminal sexual abuse.

¶ 2 Defendant Shondale Martin appeals his conviction and sentence for one count of predatory sexual assault and one count of aggravated criminal sexual abuse. Defendant contends that the trial court erred in allowing the State to present evidence of the child victim's hearsay

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statement to her mother as an "outcry," despite the fact that the court had found that the statement lacked sufficient safeguards of reliability for admission under 725 ILCS 5/115-10 (West 2008).

Defendant also contends that he was denied a fair trial by the prosecutor's remarks to the jury during closing arguments. Alternatively, defendant seeks a reduction of his 20-year aggregate sentence to the minimum aggregate of 9 years, which defendant contends is a better reflection of his strong rehabilitative potential and the nature and extent of the offense.

¶ 3 For the reasons stated herein, we affirm defendant's sentence and conviction.

¶ 4 BACKGROUND

¶ 5 In May, 2008, defendant was indicted on multiple counts for various sexual acts against J.R., the daughter of defendant's one-time girlfriend. J.R. was between 8 and 10 years old at the time of the acts in question.

¶ 6 Prior to trial, defendant moved to suppress his handwritten statement to the police based on alleged Fifth and Fourteenth Amendment violations. After a hearing, the trial court denied the motion.

¶ 7 The State then filed a motion for a hearing pursuant to section 115-10(b)(1) of the Illinois Code of Criminal Procedure. 725 ILCS 5/115-10. In the motion, the State gave notice of its "intention to introduce the statements of [J.R.] under the hearsay exception delineated in 725 ILCS 5/115-10(d)." Section 115-10 generally provides that in the prosecution of a physical or sexual act perpetrated against a child under the age of 13, testimony regarding an out of court statement made by the victim shall be admitted as an exception to the hearsay rule under certain circumstances. Subsection (d) requires the proponent of the statement to give the adverse party

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reasonable notice of his intention to offer the statement and the particulars of the statement. 725
ILCS 5/115-10(d).

¶ 8 Hearing on section 115-10(b)(1) motion

¶ 9 The State called four witnesses at the hearing to testify to the four out-of-court statements by J.R.: Crystal Sardin, J.R.'s mother; Regina Harris, J.R.'s maternal aunt; Tara Friederich, a social worker at the University of Chicago Children's Hospital; and Maria Ramirez, a forensic interviewer at the Chicago Children's Advocacy Center.

¶ 10 Sardin testified that in April 2008, she was in a relationship with defendant. Sardin was living with her ten-year-old daughter, J.R., and her mother, stepfather and uncle. Although he was not living there at the time, defendant occasionally stayed overnight at her home. On April 6, 2008, Sardin was at home when she could not find her daughter. Thinking that defendant was outside walking the dog, Sardin called him on his cell phone. When defendant did not answer the call, Sardin continued to look for J.R. During her search, she saw that the dog was in the backyard. After Sardin called defendant's name, he walked up the stairs from the basement. Sardin asked whether defendant had seen J.R., and he replied that he had not. Sardin went downstairs into the basement and found J.R. standing next to the heater. Sardin asked J.R. what she was doing down there, and J.R. stated that she was playing with the dog. Sardin then brought J.R. into the backyard and asked what J.R. and defendant were doing in the basement. J.R. stated that they were just talking. Sardin asked if defendant touched her, and J.R. first said he had not. After Sardin asked more questions, J.R. told Sardin that defendant tickled her under her arms.

¶ 11 Sardin testified that, after this event, her intuition caused her to believe that something

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had happened, and she was suspicious that J.R. had kept something from her. On April 26, 2008, Sardin asked J.R. whether defendant had done anything to her. When J.R. replied "no," Sardin asked if J.R. could swear to that on the Holy Bible. J.R. "shook her head saying no" and started to cry; Sardin hugged her and they cried together. Sardin then asked what defendant did to J.R. J.R. replied that defendant had shown her his "thing," which Sardin understood to refer to defendant's penis.

¶ 12 Also on April 26, 2008, Sardin's sister, Regina Harris, visited the Sardin's home. Harris testified at the hearing that she told J.R., "I know there is something that happened because your mother already told me there's more to it." For five minutes, Harris repeated, "I know that's not the whole truth, I know you're not telling me the whole truth, I know it's something more to it." J.R. then whispered in Harris' ear, "He put his thing in my mouth."

¶ 13 Social worker Friederich testified at the hearing regarding an interview she conducted with J.R. on April 26, 2008, prior to J.R.'s physical examination in the emergency room at the children's hospital. The interview was conducted to determine the nature of the sexual assault so that the proper medical treatment could be administered. Friederich testified that J.R. stated that defendant "put his front private part" in her mouth about twice a week since about the first time that she met defendant until the previous Friday; J.R. also said this occurred "too many times to count." Friederich testified that J.R. stated that when defendant would put his "front part" into her mouth, she "sometimes felt a little pee and then she would spit it out." J.R. also told Friederich that defendant kissed her on the mouth and chest. J.R. stated that she initially told her mother that he showed her his private parts and later told her that he put his private parts in her

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mouth once, but did not tell her it occurred a "lot of times."

¶ 14 Forensic interviewer Ramirez testified at the hearing regarding her interview of J.R. at the Chicago Children's Advocacy Center on May 1, 2008. During the interview, J.R. stated, among other things, that defendant touch her chest and "boom," as she pointed to her buttocks. Ramirez testified that J.R. stated that defendant would unzip his pants and tell her to put her mouth on his penis. She also said that his mouth touched her chest and her mouth, two times each. When Ramirez asked J.R. if she saw anything come out of his penis, J.R. responded that she told the doctor that "something was in her mouth, that she had to rinse it out of her mouth." J.R. also told Ramirez about another incident when J.R., her mother and defendant were watching a movie; J.R. stated that her mother did not notice defendant unzipping his pants and having J.R. touch his penis with her hand. J.R. stated that defendant told her not to tell her mother or anyone because he would go to jail.

¶ 15 The trial court denied the motion to admit J.R.'s four statements to Sardin, Harris, Friederich and Ramirez, respectively, under section 115-10, finding that these statements—which according to the court had "significant differences"—lacked sufficient safeguards of reliability:

"[W]hen I look at the four different statements, probably the most troubling part of this is the manner in which the mother extracted the information from her daughter. It prevents me from finding that this had sufficient safeguards of reliability."

The court further noted that it was "not ruling that the statement to the mother is not admissible as an outcry."

¶ 16 Trial

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¶ 17 The State proceeded to trial before another judge on one count of predatory criminal sexual assault and two counts of aggravated criminal sexual abuse.

¶ 18 At trial, 12-year-old J.R. testified that defendant "sexually abused" her. Specifically, defendant touched his hand to her buttocks about five times in the basement; he touched her chest three times in the basement; he kissed her chest four times in the basement; he kissed her on the mouth three times in basement; and he put his penis in her mouth "[a] lot of times, so I can't count." J.R. testified that when defendant's penis was in her mouth, something came out of his penis that she spit out in the sink next to the washer in the basement. J.R. also testified regarding the events in April 2008, when her mother found her in the basement and subsequently questioned her about what had happened.

¶ 19 On cross-examination, J.R. testified that defendant's acts on her happened in different rooms of her house and would occur when other relatives were at home. J.R. stated that defendant would place his penis in her mouth for a "long time"; J.R. also testified that he would put his penis in her mouth for less than a few minutes. J.R. was questioned about the incident when she, her mother, and defendant watched a movie in bed; J.R. testified that she touched defendant's penis for five minutes.

¶ 20 J.R.'s mother, Crystal Sardin, testified at trial that defendant, her then-boyfriend, moved in with her in October 2005. He left in March or April 2006 because she was pregnant. In September of 2006, she gave birth to defendant's daughter. He subsequently moved back into Sardin's home for more than one year. After moving out again, defendant visited two or three times a week and sometimes stayed overnight.

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¶ 21 Sardin then testified about the events of April 6, 2008, when she found J.R. in the basement. Sardin brought J.R. in the backyard and asked what J.R. and defendant were doing in the basement. The defense objected to Sardin's testimony regarding J.R.'s answer, as hearsay, and the objection was sustained. The State then asked about the conversation between Sardin and J.R. on April 26, 2008. Sardin's testimony was substantially similar to her testimony at the section 115-10 hearing, including that Sardin asked J.R. to "swear on the Holy Bible that [defendant] didn't do anything to her." Sardin testified that, after she "broke down and started crying," J.R. "told me he had shown her his thing." Following the conversation, Sardin called the police and her sister, Regina Harris, came over and spoke with J.R. privately. After speaking with her sister, Sardin broke down crying and grabbed a knife. She testified, "I was just outraged. We ended up going to the police station." After speaking to police and having J.R. examined at the children's hospital, J.R. was interviewed at the Children's Advocacy Center.

¶ 22 On cross-examination, Sardin stated that defendant lived with her from January 2007 until March 2008. She testified that she told police that she found out after defendant moved out in March 2008 that defendant had fathered a baby with his wife; Sardin had thought defendant and his wife were "through." Sardin stated that she did not see anything happen between defendant and J.R. except for the incident in the basement. She said that she felt something strange had happened and it raised her attention. For two weeks thereafter, Sardin periodically asked J.R. questions, totaling about four separate inquiries; she also questioned defendant, who denied any wrongdoing.

¶ 23 Chicago Police Detective Maureen Hanrahan, a detective at the Chicago Children's

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Advocacy Center, testified that she observed the forensic interviewer's interview of J.R. on May 1, 2008, from behind a one-way mirror. Based on the interview, Hanrahan contacted the Fugitive Task Force to locate defendant. She testified that, on May 15, 2008, she and her partner spoke with defendant, who was by then in custody at a police station. After securing defendant's waiver of his Miranda rights, Hanrahan testified that defendant said J.R. would approach him from behind and begin touching his penis; he said he did not ejaculate at that time. He described two other incidents where J.R. put his penis in her mouth; one of those times he ejaculated into the sink after contact with J.R. when he was in the basement washing clothes.

¶ 24 Detective Hanrahan called felony review and Assistant State's Attorney Yolanda Lippert arrived at the station. Hanrahan stated that defendant had been brought to the station at 10:45 a.m.; Lippert arrived at 1:00 or 1:15 a.m. the following day. After securing his Miranda waiver again, Lippert gave defendant the option of leaving his statement as an oral statement or having his statement written down by Lippert and signed by defendant. He agreed to the handwritten statement, which was signed by defendant, Hanrahan and Lippert.

¶ 25 ASA Lippert testified, among other things, that she chose to write out defendant's statement because she knew it could potentially be used in court and she wanted to make sure she could recognize and read the handwriting. The handwritten statement was admitted into evidence and published to the jury. The statement described four sexual acts between defendant and J.R., each initiated by J.R. In the statement, defendant stated that this was a big mistake, he felt bad, and he apologized.

¶ 26 After presenting certified copies of the birth certificates of J.R. and defendant, the State

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rested. Defendant's motion for a directed finding was denied. The defense rested without presenting evidence.

¶ 27 In the State's closing arguments, the prosecutor made multiple references to J.R.'s courage or bravery in confronting defendant in front of a room of strangers, referring to the witness stand as "her Mount Everest." The State referred to defendant as a "sexual predator." The State argued that defendant "chose" not to penetrate J.R. in the vagina or anus so that no physical evidence would be left behind.

¶ 28 The jury found defendant guilty of predatory criminal sexual assault of a child and aggravated criminal sexual abuse based on contact between defendant's hand and J.R.'s buttocks; defendant was found not guilty of aggravated criminal sexual abuse based on contact between defendant's mouth and J.R.'s breasts. The court heard and denied defendant's motion for new trial.

¶ 29 At defendant's sentencing hearing, the State contended there was a "long and sustained continued pattern of predatory criminal sexual assault and child abuse" and that the oral penetration occurred "[t]oo many times for [J.R.] to remember." Defense counsel noted that defendant had no criminal background, a steady work history, and a stable and supportive family. After hearing a victim impact statement, testimony by defendant's mother and defendant's request to return home, the court ordered defendant to serve consecutive terms of incarceration of 17 years in the Illinois Department of Corrections on the predatory criminal sexual assault conviction, and three years on the aggravated criminal sexual abuse conviction, plus a term of mandatory supervised release on each conviction. The court denied defendant's motion to

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reconsider his sentence. Defendant filed this appeal.

¶ 30 ANALYSIS

¶ 31 Defendant raises three arguments on appeal. First, defendant contends that the trial court committed reversible error by allowing the State to present evidence of J.R.'s hearsay statement to her mother as an "outcry," despite the fact that the court had already found that statement to lack sufficient safeguards of reliability for admission under 725 ILCS 5/115-10. Specifically, Sardin testified at trial that because the incident in the basement was "still bothering" her, she asked her daughter on April 26, 2008, if she could swear on the Holy Bible that defendant did not do anything to her. Sardin stated that her daughter "broke down and started crying. She shook her head and she told me, no." Sardin asked her daughter "what did he do?" and J.R. responded that defendant had shown her his "thing." Defendant contends that section 115-10 is the "exclusive vehicle" through which a child complainant's outcry statement may gain admission as substantive evidence. The State counters that section 115-10 does not operate to preclude hearsay evidence that is otherwise admissible at common law.

¶ 32 Second, defendant contends that he was denied the right to a fair trial when the State made inappropriate arguments during summation that included "rank speculation, calculated to inflame the prejudice of the jury, that [defendant] 'chose' not to rape J.R. vaginally or anally in order to avoid leaving physical evidence." Defendant asserts that this argument, "couched as it was amongst numerous other comments designed to play upon the jurors' prejudices and biases, stripped [defendant] of his right to a fair trial." The State contends that the prosecutor's remarks do not constitute error. Specifically, the State argues that "[t]he prosecution arguments that any

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evidence from the oral sexual assaults was easily washed away in a mouth (unlike a body cavity) was a reasonable comment based on the evidence and explained the lack of forensic evidence to counter the defense theme of reasonable doubt due to a lack of physical evidence."

¶ 33 Third, defendant raises the alternative argument that his 20-year aggregate sentence should be reduced to the minimum aggregate term of 9 years, "which better reflects (1) [defendant's] strong rehabilitative potential, and (2) the actual nature and extent of the offense rather than the prosecution's exaggerations." We address these arguments below.

¶ 34 "Outcry" Statement and Prosecutor's Closing Arguments

¶ 35 The State argues that "[t]he defense did not object to the admission of the outcry statements in a motion *in limine* prior to trial; nor by an objection during the trial; nor in his motion for a new trial." The State further contends that the defendant "did not make a single objection at trial to now-objected to People's closing remarks." Defendant concedes that he did not properly preserve either issue. However, defendant contends that, notwithstanding these procedural defaults, we should reverse his conviction and remand for a new trial under the doctrine of plain error.

¶ 36 Both a contemporaneous objection and a written posttrial motion are required to preserve an issue for review. *People v. Lewis*, 234 Ill. 2d 32, 40 (2009). Failure to object at trial "rob[s] the trial court of the opportunity to correct the error, and defendant's failure to object in a posttrial motion deprive[s] a reviewing court of any factual findings which the trial court might have made concerning the credibility of the witnesses and their contribution to the weight of the evidence against defendant and thus, the possible effect of the error." *People v. Hammonds*, 957

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N.E. 2d 386, 406 (2011).

¶ 37 The plain error doctrine "does not instruct a reviewing court to consider all forfeited errors." *People v. Herron*, 215 Ill. 2d 167, 177 (2005). It is not a "general saving clause preserving for review all errors affecting substantial rights whether or not they have been brought to the attention of the trial court. [Citation.]" *Id.* Rather, it is a "narrow and limited exception to the general waiver rule," the purpose of which is "to protect the rights of the defendant and the integrity and reputation of the judicial process." *Id.* The plain error doctrine allows a reviewing court to consider unpreserved error when "clear or obvious error occurs 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 "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. Piatkowski*, 225 Ill. 2d 551, 565 (2007). Under both prongs of the plain error doctrine, the burden of persuasion remains with the defendant. *Lewis*, 234 Ill. 2d at 43.

¶ 38 Defendant argues for the first type of plain error review, contending that the evidence is closely balanced. Plain error review under the closely balanced evidence prong of plain error is "similar to an analysis for ineffective assistance of counsel based on evidentiary error insofar as a defendant in either case must show he was prejudiced: that the evidence is so closely balanced that the alleged error alone would tip the scales of justice against him, *i.e.*, that the verdict 'may have resulted from the error and not the evidence' properly adduced at trial [Citation]; or that there was a 'reasonable probability of a different result had the evidence in question been

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excluded.' [Citation.]" *People v. White*, 2011 IL 109689, ¶ 133.

¶ 39 "[W]e need not resolve whether there was error here because, under a closely balanced analysis, defendant cannot establish prejudice." *Id.* at ¶ 134. At trial, J.R. testified that in addition to putting his penis into her mouth, defendant touched her with his hands on her buttocks and chest repeatedly and kissed her on the chest and on the mouth with his tongue inside. J.R. also described defendant's penis and getting a liquid substance in her mouth on more than one occasion that she had to rinse out in the sink. J.R. stated that she was scared to tell anyone because defendant had warned her he could go to jail if she did, so she did not tell her mother at that time about defendant putting his penis in her mouth in April 2008, when her mother found her in the basement. Crystal Sardin also testified about defendant's actions on April 6, 2008, including his failure to answer her repeated telephone calls and his claim to not know where J.R. was as he left the basement. Defendant reviewed and signed the handwritten statement memorializing various sexual acts with J.R. Defendant admitted in the statement that this was a "big mistake" but claimed he had a "sex addiction and need[ed] help and counseling."

¶ 40 Defendant argues the evidence was "closely balanced" because of the absence of physical evidence to implicate him or eyewitnesses to corroborate J.R.'s allegations. He contends that his "admission to the police came after twelve hours in isolation in the 8th District lock-up, followed by three more hours of questioning by the detectives." Defendant also points to Sardin's acknowledgment that her initial suspicions arose from intuition rather than any tangible proof of wrongdoing. He further argues that Sardin "was shown to have a powerful source of prejudice against" defendant due to her "then-recent discovery that he was in fact married and his wife was

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expecting a child." Claiming "[a] number of improbabilities peppered J.R.'s trial testimony," defendant cites to the incident where J.R. claimed to have touched defendant's penis for five minutes as J.R., defendant and Sardin lay on the bed watching a movie. Additionally, defendant argues that "J.R. claimed that [defendant] would put his penis in her mouth every day, even though she admitted that he was not living in the house or even staying there every day."

¶ 41 Defendant attacks each piece of evidence in isolation. We agree with the State that the evidence was not closely balanced, in light of the "detailed and articulate testimony of the victim, corroboration of the circumstances by her mother and a clear and detailed confession of multiple sex offenses by the defendant." We therefore find defendant's arguments regarding the admission of the outcry statement and the prosecutor's closing arguments forfeited.

¶ 42 Sentencing

¶ 43 Defendant was sentenced to 17 years for predatory criminal sexual assault of a child and three years for aggravated criminal sexual abuse. Defendant contends that this court should reduce his aggregate 20-year sentence to the minimum aggregate term of 9 years, which better reflects his "strong rehabilitative potential" and "the actual nature and extent of the offense rather than the prosecution's exaggerations."

¶ 44 A trial court "has broad discretionary powers in imposing a sentence, and its sentencing decisions are entitled to great deference." *People v. Alexander*, 239 Ill. 2d 205, 212 (2010). A reviewing court gives great deference to the trial court's judgment regarding sentencing because the trial judge, having observed the defendant and the proceedings, has a "far better opportunity" to consider factors such as the defendant's "credibility, demeanor, general moral character,

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mentality, social environment, habits, and age" than the reviewing court, which must rely on the "cold' record." [Citation]." *Id.* at 212-13; see also *People v. Perruquet*, 68 Ill. 2d 149, 154 (1977). Therefore, a reviewing court may not alter a defendant's sentence absent an abuse of discretion by the trial court. *Alexander*, 239 Ill. 2d at 212. A sentence is deemed an abuse of discretion where it is at great variance with the spirit and purpose of the law or manifestly disproportionate to the nature of the offense. *Id.*

¶ 45 The sentences imposed on defendant by the trial court were within the ranges established by statute. Predatory criminal sexual assault is a nonprobationable Class X felony, punishable by a range of 6-30 years' imprisonment.¹ 720 ILCS 5/12-14.1 (West 2006) (now 720 ILCS 5/11-1.40 (West 2010)). Aggravated criminal sexual abuse is a Class 2 felony, punishable by a range of 3-7 years' imprisonment. 720 ILCS 5/12-16 (West 2008) (now 720 ILCS 5/11-1.60 (West 2010)).

¶ 46 Defendant argues that the State "sought to characterize [defendant's] crime as a steady, non-stop program of sexual abuse lasting for more than two years," which defendant contends is an "exaggeration" of the scope of the offense. Specifically, in his appellate brief, defendant points to the 115-10 hearing testimony of forensic interviewer Maria Ramirez regarding J.R.'s description of the number of times oral penetration occurred: "[S]he said it had happened a couple of times." Defendant argues that J.R.'s "own statement from the very outset of the investigation allege a small number of incidents of oral penetration." The State disagrees with defendant's use and characterization of Ramirez's 115-10 hearing testimony and also points to the

¹On June 1, 2008, P.A. 95-460 extended the sentencing range to 6-60 years; that amendment is not applicable here.

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115-10 testimony of social worker Tara Friederich, whom J.R. told that defendant placed his penis in her mouth too many times for J.R. to count. The State argues that "[t]o the extent that defendant attempts here to argue matters not raised at the sentencing hearing and absent from the motion to reconsider sentence, he has forfeited review of his sentence on this basis."

¶ 47 We will assume that defendant successfully preserved his excessive sentence claim, and we conclude that the court did not abuse its discretion sentencing defendant to consecutive terms of 17 and 3 years of incarceration, respectively. The trial court stated, in part:

[T]his Court believes that at some point you had a lot of things going for you. But at some point the wheels just fell off of your cart and things started going wrong for you. This Court recalls the testimony at trial where – testimony that you were a banker, and that you had a pretty successful career. You're a father. You were a role model at one point. You've never been in trouble before. And this Court is perplexed as to how things could have gone so wrong for you. The choices that you made were your own choices. You decided to do the things that have been proven that you did. So Mr. Shondale Martin, it is the sentence of this Court that you shall be sentenced to the Illinois Department of Corrections on the offense of predatory criminal sexual assault for a period of 17 years. The Court does not believe that it should be anywhere near the 60 year mark. The Court believes that 17 is enough for your life, the Court having seen that you completed high school. The Court considered the fact that you have some college. You were working, supporting [your] kids. You have a support system, et cetera. The Court believes on that charge 17 years is appropriate."

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The court sentenced defendant to three years' incarceration on his conviction for aggravated criminal sexual abuse.

¶ 48 We do not believe the trial court abused its discretion in sentencing defendant to 17 and three years' imprisonment, respectively, for his convictions. Upon review of the record, it is evident that the trial judge weighed aggravating and mitigating factors—including defendant's rehabilitative potential—against the nature and gravity of the offenses in reaching its decision regarding an appropriate punishment. At the sentencing hearing, the court heard not only the victim impact statement from J.R.'s mother, Crystal Sardin, but also the testimony of defendant's mother, Lavette Provine, on his behalf. Ms. Provine spoke about her son's accomplishments and positive qualities. The trial court stated that it had reviewed, among other things, the presentence investigation report, which reflected defendant's lack of any criminal history, his educational achievements and his solid employment history.

¶ 49 The sentences are neither at "great variance with the spirit and purpose of the law" nor are they "manifestly disproportionate" to the nature of these offenses. We deny defendant's request to reduce defendant's sentence or to vacate his sentence and remand for a new sentencing hearing.

¶ 50 CONCLUSION

¶ 51 We deny defendant's request to reverse his convictions and remand for a new trial. We also deny defendant's request to reduce his sentence. The judgment of the trial court is affirmed.

¶ 52 Affirmed.