

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).

2012 IL App (4th) 110529-U

NO. 4-11-0529

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

November 7, 2012

Carla Bender

4th District Appellate
Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from
Plaintiff-Appellee,)	Circuit Court of
v.)	McLean County
JEFFREY JOE HENDERSON,)	No. 10CF1019
Defendant-Appellant.)	
)	Honorable
)	Robert L. Freitag,
)	Judge Presiding.

JUSTICE COOK delivered the judgment of the court.
Justices Steigmann and Appleton concurred in the judgment.

ORDER

- ¶ 1 *Held:* The appellate court held that the trial court did not abuse its discretion in sentencing defendant to seven years' imprisonment for possession of a stolen motor vehicle.
- ¶ 2 In October 2010, the State charged defendant, Jeffrey Joe Henderson, with (1) possession of a stolen motor vehicle, a Class 2 felony (625 ILCS 5/4-103(a)(1), (b) (West 2010)) (count I); (2) theft over \$300, a Class 3 felony (720 ILCS 5/16-1(a)(A), (b)(4.1) (West Supp. 2009), as amended by Pub. Act 96-1000, § 600 (eff. July 2, 2010) (2010 Ill. Legis. Serv. 1430, 1960-61 (West))) (count II); and (3) resisting a peace officer, a Class A misdemeanor (720 ILCS 5/31-1(a) (West 2010)) (count III). In February 2011, a jury found defendant guilty of possession of a stolen motor vehicle. In March 2011, the trial court sentenced defendant to seven years' imprisonment and two years' mandatory supervised release (MSR).

¶ 3 On appeal, defendant argues his sentence is excessive. We disagree and affirm.

¶ 4 I. BACKGROUND

¶ 5 In October 2010, the State charged defendant with (1) possession of a stolen motor vehicle, a Class 2 felony (625 ILCS 5/4-103(a)(1), (b) (West 2010) (count I); (2) theft over \$300, a Class 3 felony (720 ILCS 5/16-1(a)(A), (b)(4.1) (West Supp. 2009), as amended by Pub. Act 96-1000, § 600 (eff. July 2, 2010) (2010 Ill. Legis. Serv. 1430, 1960-61 (West))) (count II); and (3) resisting a peace officer, a Class A misdemeanor (720 ILCS 5/31-1(a) (West 2010)) (count III). In November 2010, the grand jury indicted defendant on all three counts.

¶ 6 In November 2010, defendant waived his right to trial counsel and proceeded *pro se*. In February 2011, before trial, the State dismissed the counts for theft over \$300 (count II) and resisting a peace officer (count III).

¶ 7 In February 2011, a jury trial was held. According to the evidence presented, on October 24, 2010, Tammy Jean Goble drove her blue Chevrolet Celebrity sedan to a Bloomington, Illinois, Family Dollar. Goble parked her car in the store's parking lot and went inside the store. While inside the store, she recognized the sound of her mufflerless car start and was able to observe her car traveling through and exiting the parking lot. Goble called the police to report her car stolen. She then left the store with family and began searching for her missing car. After approximately 15 to 20 minutes, as she was traveling through the Maple Grove Estates mobile home park, her Chevrolet traveled past her and she began following the car.

¶ 8 As Officer Christian Gallion of the Bloomington police department drove through Maple Grove Estates, he made contact with the Chevrolet and attempted a vehicle stop. Defendant stopped the vehicle, leaving it running with the door open, and fled into a wooded

factors and evidence, including the PSI. The PSI reflected defendant has an lengthy criminal history spanning 22 years across Michigan, Indiana, and, with this offense, Illinois. Further, the evidence shows defendant fled from a police officer when he attempted to detain defendant. As the statutory guidelines permit a nonextended prison sentence of three to seven years and a MSR term of two years for this Class 2 felony, the court did not abuse its discretion by sentencing defendant to a term of seven years' imprisonment and two years' MSR.

¶ 21 We expressly decline to address defendant's contention his sentence is excessive because his term of imprisonment will cost \$21,911 a year and is imposed "at a time when Illinois is facing unprecedented financial hardship." Pleading the state's impecuniousness does not ameliorate defendant's criminal conduct.

¶ 22 III. CONCLUSION

¶ 23 For the foregoing reasons, we affirm the trial court's judgment. As part of our judgment, we award the State its \$50 statutory assessment as costs of this appeal.

¶ 24 Affirmed.