

2014 IL App (1st) 100320-U
No. 1-10-0320
November 25, 2014

SECOND DIVISION

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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 20237
)	
PRESTON COOPER,)	Honorable
)	Thomas P. Fecarotta, Jr.,
Defendant-Appellant.)	Judge Presiding.

JUSTICE NEVILLE delivered the judgment of the court.
Justices Pierce and Liu concurred in the judgment.

O R D E R

¶ 1 *Held:* The judgment entered on defendant's convictions for first degree murder and concealment of a homicidal death affirmed where the evidence proved he shot the victim intentionally, not accidentally, and his aggregate 53-year sentence is not excessive.

¶ 2 Following a jury trial, defendant Preston Cooper was convicted of first degree murder and concealment of a homicidal death, then sentenced to consecutive prison terms of 25 years for the murder, a 25-year sentencing enhancement for committing the murder with a handgun, and 3 years for concealment. On appeal, defendant concedes that he shot the victim, Jesse Beskow, in

the head, but contends that we should reduce his first degree murder conviction to the lesser included offense of involuntary manslaughter because the State failed to prove beyond a reasonable doubt that he intentionally, rather than accidentally, shot Jesse. Defendant also contends that his 53-year aggregate sentence is excessive given his potential for rehabilitation and his lack of a significant criminal history.

¶ 3 At trial, Alberto King testified that in the early morning hours of July 25, 2006, he was hanging out and drinking in the parking lot of an apartment building in Fox Lake, Illinois, with Jesse, defendant, Jackie Gallagher, Roedon Tisdale, Andre Taggert and Chrystal Dillard. The group then drove to the condominium of Jackie's grandmother in Palatine, Illinois, where defendant and Jackie lived, and continued drinking and listening to music. During the evening, defendant showed everyone a small black gun, and after they passed it around, he put it away.

¶ 4 Alberto testified that Jackie and Chrystal went to sleep in the bedroom, while in the living room, Roedon and Andre fell asleep on the couches. Alberto was awake and sitting in a recliner and Jesse was sitting on a chair at a table shuffling cards a few feet away from him. Alberto then saw defendant standing at Jesse's side with the gun pointed at Jesse's head. Defendant said to Jesse "I'll blow your brains back," and Jesse replied "I don't care. I'm not afraid to die." Alberto then heard a pop and saw blood on the ceiling and on his shirt. Defendant stood over Jesse as he lay on the table, then pulled the chair out from under him, causing Jesse's body to fall backwards onto the floor.

¶ 5 The sound of the gunshot woke everyone, and all but defendant and Alberto fled from the condominium. Defendant asked Alberto to help him drag Jesse's body to the bathroom, and after they placed Jesse halfway into the bathtub, Alberto left the condo. Alberto testified that he did not call police because he was afraid and thought he may be in trouble. In February 2008, the

police questioned Alberto about the shooting, and he initially denied being there because he did not want to get in trouble. Alberto testified that defendant and Jesse were not arguing or fighting, he never heard Jesse use a racial slur towards defendant, nor did he ever hear them discussing a drug transaction.

¶ 6 Roedon Tisdale testified substantially the same as Alberto regarding their activities that night, adding that he noticed that defendant's gun did not have a magazine or clip in it. Roedon was asleep on a couch and woke when he heard a loud bang echo off the top of the wall above him. He heard Andre say "[w]hat the hell," then sat up and saw Jesse leaning over the table bleeding from his head. Everyone made a commotion in the living room, and defendant stood near the front door and said "[c]alm down." Defendant appeared scared, but did not say anything else. Defendant and Jesse were not arguing or fighting, and Roedon did not hear any racial or drug talk between them. Roedon spoke with police in February 2008, and did not speak with them earlier because he was afraid and did not know what to do.

¶ 7 Donnell Taggart, defendant's father, testified that he awoke about 5 a.m. when he heard his wife crying, and shortly thereafter, Alberto, Roedon, Andre and Chrystal arrived at their home. About 20 minutes later, Donnell spoke with defendant on the phone, and defendant asked him what to do about the situation. When the prosecutor asked Donnell what he meant by "the situation," he testified "the accident that he did with the boy." Defendant asked Donnell "[y]ou used to be a gangster. What should I do?" Donnell decided to help his son, and went to the condo with defendant and Jackie. When he entered the unit, Donnell saw a large blood stain on the living room floor, then saw Jesse's body lying naked in the bathtub with the shower running.

¶ 8 Donnell testified that he and defendant wrapped Jesse in a blanket, placed him inside a large wooden chest, and put the chest in the trunk of Jackie's car. He further testified that

defendant "basically, just wanted to get rid of the body. That's all. He was panicking." Donnell told Jackie to drive them to the home of his uncle, Gilbert Hall, in Chicago. Donnell testified that defendant told Hall that "it was a mistake, he didn't mean to do it, and he needed some way to get rid of the body." Hall directed Jackie to drive to a secluded location with tall weeds around 103rd Street and Stony Island Avenue, and the men removed Jesse's body from the trunk and placed it in the weeds. They left the area, but returned shortly thereafter and retrieved the blanket because they did not want to leave any DNA or other evidence. They also broke the chest into pieces and threw it on a stack of wood in an alley, and Donnell threw Jesse's clothes into a dumpster in another alley and gave the blanket to Hall. The men returned to the scene a second time to look for a cell phone that belonged to defendant or Jackie, but never found it. Donnell told defendant to give him the gun, and two days later, Donnell wrapped it in a towel and threw it into the lake.

¶ 9 Donnell testified that when the police first questioned him he was not honest because he was protecting defendant. He eventually told police what happened and took them to the location where they left the body, and the area of the lake where he threw the gun. Palatine police detective Brook Cirks testified that police recovered Jesse's skeletal remains near 103rd Street and Stony Island Avenue on September 26, 2008, more than two years after he had been killed.

¶ 10 Catherine Hoyt testified that she dated defendant for one week in August 2007. One night that week, defendant arrived at her apartment about 3 a.m., and as Catherine was on the verge of ending their relationship, defendant said to her "[w]hat, I'm not gangster enough for you? I've got bodies." Defendant told Catherine that he shot Jesse in the head in Jackie's grandmother's condo, leaving blood behind him and on the ceiling. Defendant claimed that Jesse came to the condo to buy drugs, and when they argued over the amount of drugs, defendant shot him. Defendant said

that Jackie and Chrystal were sleeping in the other room and woke up screaming, and after his friends left, defendant called his father.

¶ 11 Defendant told Catherine that he cleaned the condo with several items including bleach, painted it, and tore up the carpet. He further said that he put Jesse's body in the trunk of his and Jackie's car, and that he and his father dumped the body in a swamp or field. Defendant told Catherine that it was a blessing that no one heard the gunshot or saw him remove the body from the building.

¶ 12 Catherine further testified that the following day, she and defendant went to the gas station and saw a missing persons poster for Jesse. Defendant told Catherine "[t]hat boy isn't missing" and "he's dead. He's not coming home." Catherine testified that defendant was laughing and bragging, and thought it was funny that people believed Jesse was missing. Because he was laughing, Catherine did not take him seriously and did not believe his story. Defendant never told Catherine that the shooting was an accident. Catherine testified that in February 2008, Jesse's sister, Natasha, was working with her at a fast food restaurant, and when Natasha said that Jesse was last seen in Palatine, Catherine told her what defendant had said about shooting Jesse.

¶ 13 Johnny Butcher testified that in the fall of 2006, he was playing football with his cousin, Kevin Stettner, and met defendant. In November 2006, Butcher, Stettner and defendant were at defendant's brother's house, then went to defendant's mother's house to watch a movie. Defendant told them that he no longer got along with his brother, and when they asked why, defendant replied "[y]ou're not ready to know." Defendant then said that he had been at a party at his brother's house in Joliet, and a boy named Jesse Beskow claimed to be in the KKK and called him a nigger. Defendant said that he put a gun to Jesse's head and told him he was going to blow his brains out, and Jesse replied "[g]o ahead and shoot me, I'm not scared to die." Defendant said

he then pulled the trigger and blew Jesse's brains out. Defendant told Butcher and Stettner that they should not tell anyone what he had told them. Defendant never said that the shooting was an accident. Butcher and Stettner then left the house, and Butcher never spoke with defendant again.

¶ 14 Butcher further testified that in December 2006, he was at the Fox Lake police station with his friend Ryan who was filing a police report when he saw the missing persons flyer about Jesse. Ryan wanted the reward money and raised the subject with police, but could not answer their questions. Ryan then told police that Butcher knew what happened, and they began questioning him. Butcher never received any reward money for his information.

¶ 15 Kevin Stettner testified for the defense that in November 2006, he and Butcher went to the home of defendant's parents where defendant told them that he had shot Jesse. Defendant never told them that Jesse used racial slurs or claimed to be in the KKK, or that the shooting occurred at a party in Joliet. Stettner acknowledged that he never told police about their conversation and claimed he did not believe defendant's story was reliable. He further acknowledged that he spoke with defendant about their conversation once in the summer of 2007, and never spoke to anyone about it again until he spoke to a defense investigator the week before trial.

¶ 16 Andre Taggert, defendant's brother, testified that two years before the shooting, defendant was hospitalized for a head injury after being struck with a baseball bat. Similar to Alberto and Roedon, Andre testified that on the night of the shooting, they were drinking and listening to music in the condo in Palatine. Andre and his girlfriend Chrystal went to another room for a period of time, and he never saw defendant with the gun. After returning to the living room, Andre fell asleep on the couch while Jesse sat at a table five feet away. Andre awoke to a gunshot, jumped up and saw Jesse lying on the table, and asked what happened. Everyone,

including defendant, was in shock. Similar to Alberto and Roedon, Andre testified that defendant and Jesse were not arguing or fighting, he never heard Jesse use a racial slur towards defendant, nor did he ever hear them discussing a drug transaction. Andre testified that defendant said it was an accident. Andre acknowledged that he had two prior felony convictions.

¶ 17 Kenneth Hall testified that in June 2006, he was drinking with defendant when a man asked them if they wanted to buy a semiautomatic handgun. Kenneth refused because the gun had no clip, but defendant bought the gun. Kenneth tried to buy a clip for it, but could not find one. On July 4, 2006, defendant brought the gun to a celebration, and he manually loaded shells into the chamber and discharged the gun.

¶ 18 Chrystal Dillard testified that she was at the party in Palatine and never saw defendant and Jesse arguing or fighting. She and Andre left the living room together for about 45 minutes, and when Andre returned to the living room, she fell asleep in the bedroom. Andre later woke her, and when she went in the hallway, she saw Jesse lying on the floor dead. Defendant was crying and said he was sorry, he did not mean to do it, and it was an accident. When confronted with her grand jury testimony, Chrystal denied previously testifying that she was woken by a "pow" sound, and instead, claimed she heard a knocking noise, but did not get up. Chrystal acknowledged that she previously testified that Jackie came out of the bedroom screaming, "what happened? What did you do," but denied testifying that defendant threw a gun to the side and asked "[a]re you guys going to tell on me?" Chrystal claimed that she told the grand jury that defendant said he was sorry and that it was an accident, and that the grand jury transcripts were incorrect.

¶ 19 The defense recalled Alberto King, but the trial court sustained the State's objections to most of defense counsel's questions. On cross-examination, Alberto stated that the defense

investigator, Bliss Dupes, came to his house the previous day and told him what he had to testify to when called by the defense, and specifically, that he should testify that he told her that the shooting was an accident. Alberto testified, however, that he never told her that. On redirect, Alberto testified that he was certain he never told Dupes that defendant made a statement after he shot Jesse. He further testified that Dupes claimed that he told her that defendant did not think the gun was loaded.

¶ 20 Defense investigator Bliss Dupes testified that during a September 2009 interview, Alberto told her that shortly after Jesse was shot, defendant said "I didn't think it was loaded," and he confirmed that statement to her on the previous day. Dupes acknowledged that she did not make any reports of her interviews with any of the witnesses in this case.

¶ 21 Following approximately an hour and half of deliberations, the jury found defendant guilty beyond a reasonable doubt of first degree murder and concealment of a homicidal death. The jury also found that it was proven that while committing the offense of first degree murder, defendant personally discharged a firearm that caused another person's death.

¶ 22 In his motion for a new trial, defendant argued, *inter alia*, that the evidence was insufficient to prove that he shot Jesse intentionally rather than accidentally, and that his murder conviction should be reduced to involuntary manslaughter because he acted recklessly. In rejecting that argument, the trial court noted that the jury was instructed on the lesser included offense of involuntary manslaughter, but found him guilty of first degree murder, and the court found that the verdict was not against the manifest weight of the evidence.

¶ 23 The trial court reviewed the evidence presented at trial and found that it showed that defendant was familiar with the gun and knew how to fire it. The court noted that Alberto saw defendant point the gun to the back of Jesse's head and found that act alone was sufficient to

show that he intended to shoot Jesse because a person does not place a loaded gun to the back of someone's head and not expect that person to be shot. The court stated that the facts before and after the shooting were important because defendant's actions usually indicate his intent. The court found it important that immediately prior to the shooting defendant said "I will blow your brains back." The court also found it significant that as Jesse laid there after being shot, bleeding profusely from the back of his head, defendant pulled the chair out from under him, dropping his body to the ground, then carried his body to the bathtub. The court further noted that all of the testimony regarding concealment of the homicide also showed defendant's intent. Based on these findings, the trial court denied defendant's posttrial motion.

¶ 24 At sentencing, the State presented three victim impact statements from Jesse's family and argued that none of the statutory factors in mitigation applied to this case. The State noted that the minimum sentence defendant could receive was 47 years' imprisonment, and argued that he should receive a more substantial sentence commensurate with the seriousness of the offense for viciously murdering an unarmed person who did nothing to provoke him. The State also noted that defendant had multiple arrests and two prior felony convictions.

¶ 25 The defense called James Cooper, defendant's uncle, who testified that defendant was not a cold-blooded murderer, but a fun-loving guy who had a lot of love. He also read scripture from the Bible to the court. The defense then called Lillian Cooper Taggart, defendant's mother, who testified about the family's history and defendant's life. She described defendant as a fun-loving, kind and considerate person who took care of his child and was supportive of his siblings. Lillian read a letter she wrote to the court, which was substantially the same as much of her testimony regarding the family's history, and she asked the court for leniency. Lillian acknowledged that she learned of the killing the night it occurred and knew that her husband went to help defendant.

She further acknowledged that she never called police, and testified that she was unaware that her son was an admitted gang member.

¶ 26 In addition, the defense called Jacqueline Gallagher, defendant's girlfriend, who testified that she and defendant had been together for six years and had two children, one of whom died from injuries he suffered in a fire in 2008. She testified that defendant was a great father who worked two jobs to support his family, and read a letter to the court expressing similar sentiments. Jackie acknowledged that she pled guilty to the offense of concealment of a homicidal death for her involvement in this case and served time in prison. She further acknowledged that she lied to the police and told them that Jesse had not been at their home, and she never told police the location of Jesse's body. She also acknowledged that their young son was sleeping in another room when the shooting occurred.

¶ 27 Defense counsel argued that defendant had a very minimal criminal background with two felony drug possession convictions, and had never before been to prison. Counsel maintained that the evidence showed that the shooting was an accident and not intentional. Counsel asserted that the minimum 47-year sentence was very long and harsh, and based on defendant's background and the witnesses' testimony, he should receive the minimum term. In allocution, defendant stated that the shooting was an accident, he was very sorry for what happened, and he apologized for his "stupid" actions.

¶ 28 The trial court stated that it "listened intently" to the evidence in aggravation and mitigation, and read the presentence investigation report (PSI), the victim impact statements and the letter from defendant's mother. The court expressly stated that it considered rehabilitation and all the statutory factors in aggravation and mitigation. The court found that it was hard to argue that any of the statutory mitigating factors applied to defendant, but that several factors in

aggravation applied directly to him. The court found that defendant's conduct caused serious harm, that he had a prior criminal history, and that the sentence was necessary to deter others from committing the same type of offense. The court reviewed the details of defendant's criminal history, and specifically found that he had "not much of a criminal background" and not much violence in his background. The court noted that defendant lost a child in a fire, but found it disturbing that the child was present at the scene of the murder and subsequent concealment of the body.

¶ 29 The court further stated that it believed that defendant came from "a good God-fearing family," and that it was the court's duty to impose a sentence with compassion and mercy, if possible. It found, however, that this case had a "twist" in that the concealment of the murder further exacerbated the crime. The court expressly stated:

"I believe the sentencing in this case should be a harsh sentence. The reason I think it should be harsh is it's one thing to say it was an accident. It's another thing when all the evidence points to the opposite and it's another thing to conceal the death by running from it is another thing; dumping the body for two and a half years and letting it rot in some parking lot."

¶ 30 The court further found that the impact of the murder and two-and-a-half-year concealment on Jesse's family was "incredible" and that "the devastation of this crime is severe." The court then sentenced defendant to consecutive prison terms of 25 years for the murder, a 25-year sentencing enhancement for using a firearm to commit the murder, and 3 years for concealment of the homicide, for an aggregate sentence of 53 years' imprisonment.

¶ 31 Defendant filed a motion to reconsider his sentence arguing that the 53-year term was excessive and extremely harsh in light of his minimal criminal background and the facts of the

case. At the hearing on that motion, counsel maintained that the minimum 47-year term adequately accounted for the severity and seriousness of the offense. The trial court noted that it had reviewed the PSI and considered a myriad of factors in determining the appropriate sentence. The court further noted that defendant was subject to a mandatory sentencing enhancement of 25 years for using a handgun, and that the concealment sentence had to be served consecutively. The court found no reason to reduce the sentence and denied defendant's motion.

¶ 32 On appeal, defendant first contends that the State failed to prove him guilty of first degree murder beyond a reasonable doubt because the evidence was insufficient to establish that he intentionally shot Jesse, and instead, showed that the shooting was accidental. Defendant argues that Catherine Hoyt's testimony was not credible and that she was biased against him due to their prior relationship. He further argues that Johnny Butcher's testimony was not credible and that Butcher was merely trying to collect the reward money. Defendant further claims that the testimony of Catherine and Butcher was at odds with the other witnesses, and contradicted by Alberto King, rendering the State's evidence inconclusive. Consequently, defendant asserts that we should reduce his conviction to the lesser included offense of involuntary manslaughter.

¶ 33 The State responds that the evidence was sufficient to prove defendant intentionally shot Jesse where defendant's actions during and after the shooting show that it was not an accident. The State argues that the evidence showed that defendant said "I'll blow your brains back" just prior to shooting Jesse, and after shooting him, defendant pulled the chair out from under him, told everyone to calm down, and did nothing to try to help Jesse. The State further argues that Catherine and Butcher testified credibly about the statements defendant made to each of them, and that their testimony differed from each other and the other witnesses because defendant told them different stories.

¶ 34 When defendant claims that the evidence is insufficient to sustain his conviction, this court must determine whether any rational trier of fact, after viewing the evidence in the light most favorable to the State, could have found the elements of the offense proved beyond a reasonable doubt. *People v. Baskerville*, 2012 IL 111056, ¶ 31. This standard applies whether the evidence is direct or circumstantial, and does not allow this court to substitute its judgment for that of the fact finder on issues involving witness credibility and the weight of the evidence. *People v. Jackson*, 232 Ill. 2d 246, 280-81 (2009). "Under this standard, all reasonable inferences from the evidence must be allowed in favor of the State." *Baskerville*, 2012 IL 111056, ¶ 31. In a bench trial, the trial court, is responsible for determining the credibility of the witnesses, weighing the evidence, resolving conflicts in the evidence, and drawing reasonable inferences from therein. *People v. Siguenza-Brito*, 235 Ill. 2d 213, 228 (2009). We will not reverse a criminal conviction based upon insufficient evidence unless the evidence is so improbable or unsatisfactory that there is reasonable doubt as to defendant's guilt (*People v. Givens*, 237 Ill. 2d 311, 334 (2010)), nor simply because defendant claims that a witness was not credible or that the evidence was contradictory (*Siguenza-Brito*, 235 Ill. 2d at 228).

¶ 35 To prove defendant guilty of first degree murder in this case, the State was required to show that he intentionally or knowingly shot and killed Jesse with a firearm. 720 ILCS 5/9-1(a)(1) (West 2006). A jury can infer defendant's intent from the character of his acts and the circumstances surrounding his commission of the offense, and defendant is presumed to intend the natural and probable consequences of his acts. *People v. Foster*, 168 Ill. 2d 465, 484 (1995).

¶ 36 Viewed in the light most favorable to the State, we find that the evidence was sufficient to allow the jury to find that defendant's act of shooting Jesse in the head was intentional, not accidental. Alberto King, the only eyewitness to the shooting, testified that as Jesse sat at a table

shuffling cards, defendant stood at Jesse's side, pointed a gun to his head, and said "I'll blow your brains back." Jesse replied "I don't care. I'm not afraid to die," and defendant then shot him in the head. The evidence further showed that immediately following the shooting, rather than reacting with surprise or regret, defendant stood over Jesse and pulled the chair out from under him, causing his body to fall backwards onto the floor. Roedon Tisdale testified that while everyone in the room caused a commotion, defendant stood near the door and told everyone to "[c]alm down." Defendant then asked Alberto to help him drag Jesse's body to the bathroom, and placed him in the bathtub.

¶ 37 Defendant's actions following the killing provide further evidence that the shooting was intentional. Rather than calling police to report an accident and get help for Jesse, defendant called his father and asked "[y]ou used to be a gangster. What should I do?" Defendant's father, Donnell, testified that defendant "basically, just wanted to get rid of the body." Defendant and Donnell then wrapped Jesse's naked body in a blanket, placed him inside a wooden chest, put the chest in the trunk of Jackie's car, sought additional help from Donnell's uncle, and dumped the body in a secluded location with tall weeds where it remained for over two years. After initially leaving the area, the men returned and retrieved the blanket for the specific purpose of removing any DNA and evidence from the scene. They then disposed of all the other evidence by breaking the chest into pieces and leaving it on a wood pile in an alley, and throwing Jesse's clothes into a dumpster in another alley. Defendant also gave the gun to Donnell, who threw it into a lake.

¶ 38 In addition, Catherine Hoyt testified that, in an apparent attempt to show her that he was "gangster enough" for her, defendant bragged to her about how he shot Jesse in the head and dumped the body in a field. Catherine testified that upon seeing a missing persons poster for Jesse, defendant said "he's dead. He's not coming home," then laughed, thinking it was funny that

people thought Jesse was missing. Johnny Butcher also testified that defendant told him that he put a gun to Jesse's head and told him he was going to blow his brains out, and after Jesse said he was not afraid to die, he pulled the trigger and blew his brains out. Both Catherine and Butcher testified that defendant never said the shooting was an accident. We agree with the State that any conflicts in their testimony regarding the impetus for the shooting, *i.e.*, whether it was racially motivated or drug related, was based upon the different versions of the story defendant conveyed to different people. Although defendant argues that their testimony was not credible, it was the jury's duty to assess the credibility of the witnesses and resolve any conflicts in the evidence, and we find no reason for disturbing its determination that the evidence was sufficient to prove defendant guilty of first degree murder rather than the lesser included offense of involuntary manslaughter. In so doing, we also reject defendant's argument that his conviction should be reduced to involuntary manslaughter.

¶ 39 Defendant next contends that his 53-year aggregate sentence is excessive given his potential for rehabilitation and his lack of a significant criminal history. Defendant acknowledges that the minimum possible sentence he could have received was 47 years. He argues, however, that the court should have imposed the minimum term as he has never before been incarcerated, and will likely be rehabilitated in the minimum amount of time. Defendant claims that the court failed to consider his youth and family, and disregarded the testimony and letters he presented in mitigation.

¶ 40 First degree murder has a sentencing range of 20 to 60 years' imprisonment, and where defendant committed the murder by personally discharging a firearm that caused the death, the court is statutorily required to add another 25 years to the sentence. 730 ILCS 5/5-8-1(a)(1)(a), (a)(1)(d)(iii) (West 2006). Concealment of a homicidal death is a Class 3 felony with a

sentencing range of two to five years' imprisonment (720 ILCS 5/9-3.1(c) (West 2006); 730 ILCS 5/5-8-1(a)(6) (West 2006)) and that sentence must be served consecutive to the murder sentence (730 ILCS 5/5-8-4(a)(v) (West 2006)). The trial court has broad discretion in imposing an appropriate sentence, and where, as here, that sentence falls within the statutory range, it will not be disturbed on review absent an abuse of discretion. *People v. Jones*, 168 Ill. 2d 367, 373-74 (1995). An abuse of discretion exists where a sentence is at great variance with the spirit and purpose of the law, or is manifestly disproportionate to the nature of the offense. *People v. Alexander*, 239 Ill. 2d 205, 212 (2010).

¶ 41 Here, we find that defendant's sentence was not excessive and that the trial court did not abuse its discretion when it imposed the aggregate 53-year prison term. Contrary to defendant's assertion, the record shows that the trial court expressly stated that it "listened intently" and considered all of the statutory factors and evidence in aggravation and mitigation, which included the mitigating testimony from defendant's witnesses. The court further stated that it read the letter from defendant's mother and the PSI, and considered rehabilitation. After considering all of this evidence, that court found that the mitigating factors did not apply to defendant, but that several factors in aggravation applied directly to him. The court reviewed those factors individually, and acknowledged that defendant did not have much of a criminal background or violence in that background, that it believed defendant came from "a good God-fearing family," and that it had a duty to impose the sentence with compassion and mercy, where possible.

¶ 42 The trial court found, however, that this case had a "twist" in that the concealment of the murder further exacerbated the crime. The court expressly stated that a "harsh sentence" was called for in this case where all the evidence showed that the shooting was not an accident, and that defendant concealed the death by "dumping the body for two and a half years and letting it

rot in some parking lot." The court specifically found that the impact of the murder and concealment on Jesse's family was "incredible," and that "the devastation of this crime is severe."

¶ 43 We observe that a sentencing court need not give defendant's potential for rehabilitation greater weight than the seriousness of the offense (*People v. Anderson*, 325 Ill. App. 3d 624, 637 (2001)), and when the trial court determines that a severe sentence is warranted, defendant's age has little import (*People v. Rivera*, 212 Ill. App. 3d 519, 526 (1991)). This court will not reweigh the sentencing factors or substitute our judgment for that of the trial court (*Alexander*, 239 Ill. 2d at 213), and based on the record before us, we cannot say that the sentence imposed by the court is excessive, manifestly disproportionate to the nature of the offense, or that it departs significantly from the intent and purpose of the law. *People v. Fern*, 189 Ill. 2d 48, 56 (1999).

¶ 44 For these reasons, we affirm the judgment of the circuit court of Cook County.

¶ 45 Affirmed.