

¶ 3 Defendant, along with codefendants Jamal Streeter and Vito Richmond, was charged with multiple counts of the attempted first-degree murder of Steven Barron and the first-degree murder of 13-year-old Darius Brown.¹ Because defendant only challenges his sentence on appeal, we set forth only the trial evidence and information from defendant's presentence investigation report (PSI) that is necessary to understand his claim of error.

¶ 4 In 2011, defendant, Jamal, and Vito were all members of the 37th Avenue Boys street gang in Chicago.² That year, a series of shootings between the 37th Avenue Boys and a rival street gang, Welch World, resulted in the deaths of Princess Streeter, who was Jamal's sister and the mother of one of defendant's children, and another individual named Christopher Daniels. Defendant believed that a member of Welch World named "Tae" was responsible for both murders. The PSI indicated that defendant's child with Princess was three weeks old when Princess died, and that Daniels was defendant's best friend.

¶ 5 On the morning of August 3, 2011, defendant's twenty-second birthday, he received a call from Jamal or Vito. Afterwards, he went to Metcalfe Park at 43rd and State to look for individuals wearing hats marked with a "W," the symbol of Welch World. He did not see any gang members, and left the park to retrieve a weapon that he had previously given to Clarence Whitelaw. Next, defendant met with Jamal, Vito, and his brother, Vince Beachem, and gave the

¹ Following a simultaneous jury trial, Jamal Streeter was acquitted of attempted first-degree murder, convicted of first-degree murder, and sentenced to 40 years' imprisonment. See *People v. Gipson*, 2015 IL App (1st) 122451, ¶ 66 (the court may take judicial notice of the Illinois Department of Corrections (IDOC) website). Vito Richmond was separately tried, convicted of murder, and sentenced to 68 years' imprisonment. *Id.* Neither Richmond nor Streeter is a party to this appeal.

² We will refer to some of the individuals involved in this case by their first names, as several individuals have last names in common.

handgun to Jamal. Vito also had a weapon and stated that he wanted to shoot members of Welch World. Defendant visited the cemetery and afterwards rejoined Vince, Vito, and Jamal. Vito again stated that he wanted to go to the park to shoot anyone wearing a Welch World hat. Vince drove Jamal and Vito to Metcalf Park in one vehicle, and defendant followed in another vehicle, with his and Princess's child riding in a car seat.

¶ 6 Both vehicles arrived at the park at approximately 5 p.m. Steven, a member of Welch World who had been threatened by Jamal and Vito on a previous occasion, was playing basketball with other young people and wore a hat marked with a "W." Two handguns, including the firearm that defendant gave Jamal, were fired from the passenger side of Vince's vehicle. Darius, who was standing less than one foot from Steven, was shot and killed. A few minutes after the shooting, defendant took the handgun from Jamal and returned it to Clarence. Defendant was arrested on October 12, 2011, and subsequently charged with the attempted first-degree murder of Steven Barron and the first-degree murder of Darius Brown. According to the testimony of a Chicago police officer, the dispute between the 37th Avenue Boys and Welch World had been "quelled" at the time of defendant's trial in 2014.

¶ 7 The trial court found defendant guilty of two counts of first-degree murder and not guilty of attempted murder. Additionally, the court found that "the allegation was not proven" that defendant was armed with a firearm during the commission of Darius' murder.

¶ 8 The case proceeded to sentencing. The PSI indicated that defendant, age 24 at sentencing, had prior convictions for possession of cannabis (2010), possession of a controlled substance with intent to deliver (2008), possession or use of firearm (2008), and aggravated robbery

(2006). Both of defendant's parents had worked for the Cook County Sheriff's Department. They divorced when defendant was one or two years old and he was primarily raised by his mother, who had been diagnosed with cancer and had a pacemaker. Defendant's brother was a lieutenant in the Cook County Department of Corrections, and his sister was incarcerated for murder.³

¶ 9 Defendant has three children. Two of his children, ages one and five at the time of sentencing, lived with their mothers. Defendant's child with Princess, who was three years old at the time of sentencing, lived with defendant's mother. Defendant saw a psychiatrist for grief counseling after Princess's death. At the time of sentencing, defendant was engaged to the mother of his one year-old child. The PSI also indicated that defendant graduated from high school and studied criminal justice at Western Illinois University from April 2011 to June 2011. From April 2011 until his arrest in October 2011, he worked in construction, painting, and maintenance. Defendant smoked marijuana sporadically since age 18 and consumed vodka on special occasions since age 21 or 22. He denied any gang affiliation.

¶ 10 At the sentencing hearing, Stephanie Brown, Darius' mother, read a victim impact letter in which she described the pain that Darius' death caused his parents and three siblings, along with his "[t]eachers, coaches, friends, neighbors, [and] church family." Brown related how she and Darius' father involved their children in programs "to make sure they would be productive citizens in society," but that Darius had been killed before entering eighth grade. Brown also observed that family members of the people involved in Darius' death "can still visit them and see their faces," but that her family must "go to a grave *** and look at pictures and wonder

³ The PSI states that defendant's parents had three children together, including defendant. The brother mentioned in the PSI has a different name than the brother mentioned at trial.

what if." The State also requested the court to consider victim impact letters from Darius' siblings, which were not published or included in the record on appeal.

¶ 11 In aggravation, the State reviewed the PSI and argued that "[e]verything about [defendant] indicates that he would take a different path than the path [he] chose." The State submitted that the present case typified "the senseless gun violence that's just wreaking havoc on our community." The prosecutor stated:

**** [W]ithout Aramis Beachem this crime is not committed. There's no evidence that he was a shooter, but he certainly provided one of the murder weapons in this case, maybe both. And Judge[,] it's a sentencing range of 20 to 60 years. I would ask that you sentence Aramis Beachem appropriately and in excess of the minimum in the case, your Honor."

¶ 12 In mitigation, defense counsel argued that defendant came from a "loving family," had helped raise one of his children, and had been employed as a "productive member of society." Counsel emphasized that defendant was not the shooter, but had given Jamal a handgun hours before the shooting. Consequently, defense counsel argued that the minimum sentence was appropriate. In allocution, defendant offered condolences to the victim's family and apologized to his own family.

¶ 13 The court merged defendant's convictions for the two counts of first-degree murder and sentenced him to 50 years' imprisonment, stating:

**** Any loss of life and especially in these situations *** with this gang violence is senseless. But the facts brought out, Darius Brown was a young man that had

a lot of potential and there's also a loss to the community because of his death. And [to] his mother *** there's nothing I can say or no sentence that I can give that will ever bring back the fulfillment of having Darius around the house. There will be moments when you'll turn around and expect him to be there, and he's not going to be there. God nor the State has given me that much power.

Looking at the statutory provisions in aggravation and the statutory provisions in mitigation and the non statutory provisions in mitigation, the evidence in the case and the pre-sentence investigation, Mr. Beachem, I am impressed by your sorrow that the incident has caused the loss of Darius' life, but I still have to look at the gravity of the charges and all the other factors I've considered."

The court denied defendant's motion to reconsider sentence.

¶ 14 On appeal, defendant contends that his 50-year sentence constitutes an abuse of discretion where the trial court failed to consider the "unusual circumstances" of the offense. According to defendant, his "limited" participation in the shooting "was not a simple matter of gang loyalty," but rather, reflected a personal desire to avenge the "severely provocative" murders of his best friend and the mother of his daughter. In support of this theory, defendant submits that he sought mental health treatment following Princess's death but was always reminded of her absence while caring for their daughter. Additionally, defendant observes that he visited the cemetery prior to the shooting and brought his daughter to the park "to witness the revenge on the gang that killed her mother." However, as Welch World and the 37th Avenue Boys had stopped fighting by the time of trial, and it is possible neither gang will exist in the

future, defendant urges that the circumstances that led to the shooting are unlikely to recur.

Although defendant acknowledges that his offense warrants a sentence in excess of the minimum, he argues that he does not deserve a prison term that will likely "end [his] life in free society."

¶ 15 The reviewing court considers a trial court's sentencing decision under an abuse-of-discretion standard of review. *People v. Alexander*, 239 Ill. 2d 205, 212 (2010). A sentence will be considered an abuse of discretion where 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.) *Id.* at 212 (quoting *People v. Stacey*, 193 Ill. 2d 203, 210 (2000)). The trial court has broad discretionary powers in imposing a sentence, and its sentencing decisions are entitled to great deference because the trial judge, having observed the defendant and the proceedings, is in a much better position to consider factors such as the defendant's credibility, demeanor, moral character, mentality, social environment, habits, and age. *Id.* at 212-13.

¶ 16 A sentence should reflect both the seriousness of the offense and the objective of restoring the defendant to useful citizenship. Ill. Const. 1970, art. I, § 11; *People v. McWilliams*, 2015 IL App (1st) 130913, ¶ 27. The trial court is presumed to consider all relevant factors and any mitigation evidence presented (*People v. Jackson*, 2014 IL App (1st) 123258, ¶ 48), but has no obligation to recite and assign a value to each factor (*People v. Perkins*, 408 Ill. App. 3d 752, 763 (2011)). Rather, a defendant "must make an affirmative showing that the sentencing court did not consider the relevant factors." *People v. Burton*, 2015 IL App (1st) 131600, ¶ 38. A reviewing court "must not substitute its judgment for that of the trial court merely because it

would have weighed the factors differently." (Internal quotation marks omitted.) *Alexander*, 239 Ill. 2d at 213 (quoting *Stacy*, 193 Ill. 2d at 209).

¶ 17 Defendant's sentence was not an abuse of discretion. The sentencing range for first-degree murder is 20 to 60 years. 730 ILCS 5/5-4.5-20(a) (West 2010). Defendant's 50-year sentence falls within the statutory range, and therefore, is presumed proper. *People v. Knox*, 2014 IL App (1st) 120349, ¶ 46. Further, it is plain from the record that the trial court considered the circumstances of the case in imposing sentence. The court was aware that the mother of defendant's child and his best friend were killed in 2011, and that defendant blamed a member of the Welch World gang for their deaths. The court also heard how, on the day of the offense, defendant met with Jamal, Vito and Vince while they planned a drive-by shooting, retrieved a handgun and gave it to Jamal and went to a park to look for members of Welch World. Defendant followed the group to Metcalfe Park, where they fired on a group of young people playing basketball and murdered Darius Brown, a 13-year-old bystander. Whether defendant's participation in the murder was motivated by gang loyalty or personal loss, the most important factor at sentencing was the seriousness of his offense. *Jackson*, 2014 IL App (1st) 123258, ¶ 53. The court noted that it had considered the trial evidence, the PSI, and the statutory and non-statutory factors in mitigation, but also the "gravity of the charges." In view of these considerations, defendant's sentence was not improper.

¶ 18 Defendant claims, however, that his sentence and Jamal's sentence are unreasonably disparate, as Jamal received only 40 years' in prison despite being one of the shooters. Initially, we note that although defendant claims that Jamal was the shooter, the trial record indicates that

the jury in Jamal's trial found that "the allegation was not proven" that Jamal was armed with a firearm during the commission of the murder. Moreover, disparate sentences "may be justified by the relative character and history of the codefendants, the degree of culpability, rehabilitative potential, or a more serious criminal record." *People v. Willis*, 2013 IL App (1st) 110233, ¶ 127. In this case, defendant was 22 years old at the time of the offense, while Jamal was 18 years old.⁴ Defendant had prior convictions for possession of cannabis, possession of a controlled substance with intent to deliver, possession or use of firearm, and aggravated robbery, while, according to IDOC, Jamal had only one prior conviction that resulted in a term of imprisonment (aggravated unlawful use of a weapon).⁵ Defendant and Jamal were not similarly situated, and we will not disturb defendant's sentence on this basis. Similarly, we reject defendant's invitation to compare his sentence to other cases where this court remanded for resentencing because offenders acted under strong provocation or unusual circumstances. This argument is without merit, as it is well-settled that "the excessiveness of a sentence may not be determined from a consideration of the sentences imposed on defendants in separate, unrelated cases." *People v. Fern*, 189 Ill. 2d 48, 51 (1999).

¶ 19 We note that defendant improperly introduces studies regarding his life expectancy, arguing that his sentence amounts to a life sentence despite the fact that he has rehabilitative potential. These sources do not qualify as relevant authority on appeal and will not be considered because they were not presented to the court below and were not part of the record on appeal.

⁴ We take judicial notice of this information, which appears on IDOC's website. *Gipson*, 2015 IL App (1st) 122451, ¶ 66.

⁵ See n.5.

See, e.g., *Vulcan Materials Co. v. Bee Construction*, 96 Ill. 2d 159, 166 (1983); *People v. Magee*, 374 Ill. App. 3d 1024, 1029-30 (2007); *People v. Heaton*, 266 Ill. App. 3d 469, 476-77 (1994); *People v. Mehlberg*, 249 Ill. App. 3d 499, 531-32 (1993). Moreover, a trial court has the discretion to impose a sentence within the statutory range even if that sentence amounts, in effect, to a *de facto* life sentence, so long as the court properly considers factors in mitigation and aggravation. See *People v. Martin*, 2012 IL App (1st) 093506, ¶¶ 50-52. As the court considered all appropriate factors in sentencing defendant, we find no abuse of discretion.

¶ 20 For the foregoing reasons, we affirm defendant's sentence.

¶ 21 Affirmed.