

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).

**FILED**  
February 2, 2017  
Carla Bender  
4<sup>th</sup> District Appellate  
Court, IL

2017 IL App (4th) 140616-U

NO. 4-14-0616

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Sangamon County
JUATASHA DENTON-McCASTER,	)	No. 12CF997
Defendant-Appellant.	)	
	)	Honorable
	)	Peter C. Cavanagh,
	)	Judge Presiding.

JUSTICE HOLDER WHITE delivered the judgment of the court.  
Presiding Justice Turner and Justice Harris concurred in the judgment.

**ORDER**

¶ 1 *Held:* The trial court did not abuse its discretion by sentencing defendant to consecutive prison terms of 55 years for first degree murder and 20 years for dismembering a human body.

¶ 2 Defendant, Juatasha Denton-McCaster, appeals her June 2014 sentence of consecutive prison terms of 55 years for first degree murder (720 ILCS 5/9-1(a)(1) (West 2012)) and 20 years for dismembering a human body (720 ILCS 5/12-20.5 (West 2012)). On appeal, defendant argues her sentence is excessive because her crime is no more brutal than other murder and dismemberment cases. Defendant also argues her sentence is excessive in light of relevant mitigating factors, which she argues include her age, lack of criminal background, good moral character, and potential for rehabilitation.

¶ 3

## I. BACKGROUND

¶ 4 In June 2014, defendant was convicted of first degree murder (720 ILCS 5/9-1(a)(1) (West 2012)), dismembering a human body (720 ILCS 5/12-20.5 (West 2012)), and concealment of a homicidal death (720 ILCS 5/9-3.4 (West 2012)). The trial court sentenced defendant to mandatorily consecutive prison terms of 55 years for first degree murder, 20 years for dismemberment, and 3 years for concealment.

¶ 5 At the sentencing hearing, the State argued the necessity of a lengthy prison sentence, highlighting the amount of planning defendant put into these crimes and her failure to take responsibility for her actions. Based upon the brutal, senseless nature of the crime and the level of planning put into the offense, the State requested a 79-year prison sentence—consecutive prison terms of 55 years for first degree murder, 20 years for dismemberment, and 4 years for concealment.

¶ 6 Defense counsel highlighted letters submitted by defendant's friends and family describing her good moral character. Defense counsel noted the relevant statutory mitigating factors included defendant's lack of criminal history, defendant's character indicating she is unlikely to commit another crime, and the circumstances underlying the crimes being unlikely to recur. Defense counsel also discussed nonstatutory mitigating factors, including defendant's job history, education, and involvement in her church. Finally, defense counsel indicated defendant maintained her innocence. Based upon these factors, defense counsel requested the minimum sentence of 28 years in prison—20 years for first degree murder, 6 years for dismemberment, and 2 years for concealment. Defendant also spoke in allocution.

¶ 7 The trial court considered the presentence investigation report, the arguments

made at the sentencing hearing, the letters submitted by defendant's friends and family, and defendant's statement in allocution. In mitigation, the court specifically discussed defendant's age and lack of prior criminal history as well as defendant's education and good grades, stating they were particularly important factors for consideration. The court also noted the evidence was overwhelming and defendant's crimes were serious. Ultimately, the trial court sentenced defendant to 78 years in prison—55 years for first degree murder, 20 years for dismemberment, and 3 years for concealment.

¶ 8

## II. ANALYSIS

¶ 9 The Illinois Constitution provides "[a]ll penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship." Ill. Const. 1970, art. I, § 11. To comport with constitutional sentencing requirements, the legislature enacted laws of criminal procedure outlining aggravating and mitigating factors a trial court is to consider when making a sentencing decision. 730 ILCS 5/5-5-3.1, 5-5-3.2 (West 2012). Nonetheless, trial courts have wide latitude in fashioning an appropriate sentence, and we review a court's sentencing decision for an abuse of discretion. *People v. Jones*, 168 Ill. 2d 367, 373-74, 659 N.E.2d 1306, 1308 (1995). Our supreme court has explained:

"In considering the propriety of a sentence, the reviewing court must proceed with great caution and must not substitute its judgment for that of the trial court merely because it would have weighed the factors differently. [Citations.] 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. [Citation.]" *People v. Fern*, 189 Ill. 2d 48, 53-54, 723 N.E.2d 207, 209-10 (1999).

A trial court "need not expressly indicate its consideration of mitigating factors and, absent evidence to the contrary, is presumed to have considered mitigating factors brought before it." *People v. Wright*, 272 Ill. App. 3d 1033, 1046, 651 N.E.2d 758, 766 (1995). "The existence of mitigating factors does not require the trial court to reduce a sentence from the maximum allowed," and "[a] defendant's rehabilitative potential and other mitigating factors are not entitled to greater weight than the seriousness of the offense." *People v. Phippen*, 324 Ill. App. 3d 649, 652, 756 N.E.2d 474, 477 (2001).

¶ 10 The sentencing ranges for defendant's convictions were 20 to 60 years for first degree murder (730 ILCS 5/5-4.5-20(a)(1) (West 2012)); 6 to 30 years for dismembering a human body, a Class X felony (730 ILCS 5/5-4.5-25(a) (West 2012)); and 2 to 5 years for concealing a homicide, a Class 3 felony (730 ILCS 5/5-4.5-40(a) (West 2012)). The sentences were mandatorily consecutive (730 ILCS 5/5-8-4(d)(1), (5) (West 2012)), making the total sentencing range 28 to 95 years in prison. Defendant's 78-year prison sentence thus falls 17 years below the maximum sentence.

¶ 11 On appeal, defendant argues her sentence is excessive because (1) her crimes were not particularly or exceptionally brutal and (2) the statutory mitigating factors warrant a lesser sentence. Defendant argues, because her offense was no more brutal than other instances of murder and dismemberment, she should not have been sentenced to "more than three times the minimum" sentence allowed for a Class X felony. Defendant cites no authority, other than the

statutes for the crimes and their sentencing ranges, to support this proposition. We are unaware of any threshold of brutality requirement applicable to our review of defendant's sentence. Here, the trial court met its obligation to consider evidence in aggravation and mitigation, and any other evidence relevant to its sentencing decision. Thus, we conclude this argument is without merit.

¶ 12 Defendant also argues the mitigating factors warranting a lesser sentence include her age, character, potential for rehabilitation, and lack of criminal history. However, during the sentencing hearing, the trial court expressly noted defendant's young age, lack of criminal history, and character and identified them as important factors for consideration. Defendant's potential for rehabilitation was not a factor expressly discussed by defense counsel or the court during sentencing. Nonetheless, defendant's characteristics indicating her potential for rehabilitation were included in the materials considered by the court at the sentencing hearing. Because we presume the court considered the factors before it, the lack of an express reference to a particular factor is not indicative of an abuse of discretion. See *Wright*, 272 Ill. App. 3d at 1046, 651 N.E.2d at 766. Nothing in the record indicates the court abused its discretion with respect to these factors. Moreover, as we previously stated, mitigating factors are not entitled to greater weight than the seriousness of defendant's crimes. See *Pippen*, 324 Ill. App. 3d at 652, 756 N.E.2d at 477.

¶ 13 Additionally, the State's decision to highlight defendant's planning is well-founded. "[W]e note that where the evidence revealed the murder was a planned execution[,] \*\*\* the imposition of the 40-year maximum sentence was found to be justified." *People v. Maldonado*, 240 Ill. App. 3d 470, 486, 608 N.E.2d 499, 509-10 (1992) (citing *People*

*v. Dower*, 218 Ill. App. 3d 844, 578 N.E.2d 1153 (1991)). Here, the State demonstrated defendant planned the murder of her husband and took several steps to execute and conceal the murder. In the matter before us, defendant received a sentence below the maximum allowed, and the record demonstrates the trial court incorporated mitigation when fashioning defendant's sentence. Accordingly, we conclude the trial court did not abuse its discretion when sentencing defendant.

¶ 14

### III. CONCLUSION

¶ 15 For the reasons stated, we affirm defendant's sentence. As part of our judgment, we award the State its \$50 statutory assessment against defendant as costs of this appeal. 55 ILCS 5/4-2002 (West 2014).

¶ 16 Affirmed.