2018 IL App (2d) 160344-U
No. 2-16-0344
Order filed June 19, 2018

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee, v. EDGARDO PACHECO, Defendant-Appellant.	))))))))))	Appeal from the Circuit Court of Lake County. No. 11-CF-4065 Honorable Christopher R. Stride, Judge, Presiding.

JUSTICE ZENOFF delivered the judgment of the court.
Justices Jorgensen and Schostok concurred in the judgment.

ORDER

¶ 1 *Held*: (1) The record did not clearly show that the trial court imposed a harsher sentence after trial as a punishment for defendant's refusal to accept a lower plea offer, as the sentence after trial was imposed on additional convictions and under fewer mitigating circumstances; (2) the trial court did not abuse its discretion in sentencing defendant to a total of 28 years' imprisonment (on a 15-to-127 range) for three sex offenses, as the court considered the mitigating evidence but properly balanced it against the seriousness of the offenses and their destructive effects.

¶ 2 Defendant, Edgardo Pacheco, appeals from the judgment of the circuit court of Lake County, contending that the trial court's imposition of a 28-year aggregate prison sentence for two counts of predatory criminal sexual assault of a child (720 ILCS 5/12-14.1(a)(1) (West

2010)) and one count of aggravated criminal sexual abuse (*id.* § 12-16(c)(1)(i)) constitutes a "trial tax" and is otherwise excessive. For the reasons that follow, we affirm.

¶ 3 I. BACKGROUND

¶ 4 Defendant was indicted on four counts of predatory criminal sexual assault of a child and two counts of aggravated criminal sexual abuse, arising out of alleged incidents involving his niece, R.R.

¶ 5 On the day that trial was set to begin, the trial court inquired whether a plea offer had been made. The State responded that it had offered defendant, in exchange for his plea of guilty to one count of predatory criminal sexual assault of a child, a 12-year sentencing cap and the dismissal of the remaining counts. In discussing the State's offer with defendant, the court told him that it had "absolutely no idea" what sentence it would impose. The court stated: "It could be a sentence of 6 years. It could be a sentence of 12 years, or it could be any number between 6 and 12." Thereafter, the court and the attorneys, with defendant's consent, held a conference pursuant to Illinois Supreme Court Rule 402 (eff. July 1, 2012). After the conference, the court told defendant that it had asked defense counsel what defendant would be willing to plead guilty to. According to the court, defense counsel had responded that defendant might be willing to plead guilty to one count of aggravated criminal sexual abuse, but the State had advised that it was not willing to make such an offer. The court told defendant that it had advised the attorneys that it "would be inclined to take a plea certainly on a cap of 12 or any number, any straight number between 6 years and 12 years." The court explained that it would be "comfortable" doing so because defendant did not have any prior criminal history. In addition, the court stated:

> "If somebody does plead guilty, I'd be inclined to take a lower number in recognition for that person's acceptance of their conduct, No. 1. No. 2, by keeping a

young child off the stand, I think that's something that also is something that merits some recognition by the Court and some consideration by the Court on giving a lower sentence.

Now, having said that, I want the record to be clear that there's not a tax if you choose to exercise your right to go to trial, but there is a discount, I guess, if you plead guilty and were to keep the young lady off the stand.

I expressed to the lawyers if you entered into an open plea, I really don't have any idea of what number I'd give you, what kind of sentence I would impose because I don't have all the particulars in front of me about your background, all the things I mentioned to you this morning. You know, I think realistically you're probably looking at something between eight years and ten years, I think, is what I told the lawyers. It could be lower than that. It could be more than that."

Defendant elected to proceed to a jury trial.

¶ 6 The following relevant evidence was presented at trial. R.R. testified that she was 14 years old and lived in Milwaukee. At the time of the alleged incidents, R.R. lived with her mother, Zoralis Colon, and three siblings in Ingleside. R.R.'s family had previously lived in defendant's home in Round Lake Beach, along with defendant's wife, Liz Colon (who was Zoralis's sister), and their two children.

¶ 7 R.R. testified to two separate incidents involving defendant. The first occurred when she was 9 or 10 years old. According to R.R., after attending church one day, her family and defendant's family went to a park to have a picnic. Because R.R. was wearing sandals, her mother would not let her play. Defendant took R.R. to his house so that R.R. could change shoes. While at the house, R.R. went into the bathroom. Defendant entered the bathroom while she was pulling up her pants and told her to stop. Defendant lifted R.R. onto the bathroom sink

and unzipped his pants. He then put his penis in her vagina, causing her pain. Defendant then went to the toilet and "showed [her] his sperm come out" while he was "moving his hand" on his penis. He lifted her off of the sink and she went into the other room to wait for him. On the drive back to the park, he told her not to tell anyone what had happened.

¶ 8 R.R. testified that the second incident occurred one evening in January 2011. On that evening, Zoralis had brought R.R. and her siblings to defendant's house so that Liz could take Zoralis to the hospital to receive treatment for a swollen eye. R.R. and her siblings fell asleep on couches in the living room while watching TV. At some point, defendant asked R.R. if she wanted to sleep in his room. She said yes because she was uncomfortable on the couch. She went to defendant's room and fell asleep. She was awoken when defendant pulled down her pants and underwear. Defendant put his penis in her vagina. He also touched her breasts under her clothing. She could not recall how long the incident lasted. When defendant got up and went into the bathroom, R.R. returned to the living room. She felt "all shakened up." Defendant told her that he was sorry, that he would not do anything to her again, and that she should not tell anyone. She did not tell anyone at first, because she was afraid that she would get into trouble. She eventually told someone, to "get it off her chest."

¶ 9 School social worker Patricia Heigert testified that, on December 5, 2011, R.R. reported the incidents to her while at school. Heigert phoned Zoralis, who then came to the school. She also contacted the police, who also came to the school. Heigert, Zoralis, and Round Lake Beach detective Blake DeWelde each testified that, on December 5, 2011, they heard R.R. recount the alleged incidents generally consistently with her trial testimony. DeWelde made a video recording of the statements that R.R. made to him, and it was played for the jury.

¶ 10 DeWelde testified that he and his partner, Gary Lunn, went to defendant's house and brought him to the police station for an interview. Although defendant denied for the first 30 minutes of the interview having had any inappropriate contact with R.R., defendant eventually told them about the two alleged incidents. With regard to the first incident, defendant told the officers that, as he was driving R.R. to his house, R.R. talked about some X-rated movies she had seen and asked defendant some questions. Defendant told her that she should not be watching those types of movies. When they arrived at his house, R.R. called him to the bathroom. He found R.R. standing in the bathroom naked and she told him that she wanted to "feel [his] peanut." He told her "no, that's not right" but she said, "[l]et's try it." He pulled down his zipper, rubbed his penis on her vagina for a few seconds, but then stopped because he realized that it was wrong. He apologized and told her not to put him in that position again. He did not remember whether he ejaculated but stated that he could have.

¶ 11 DeWelde further testified that, with regard to the second incident, defendant told him that R.R.'s mother brought her children to his house so that she could go to the hospital. Defendant was in bed when they arrived. Defendant's wife told him that she would be putting the children to sleep and he fell asleep. He later felt someone get into bed with him and assumed that it was his wife. He was awoken when the person in bed touched him. The person grabbed defendant's hand and put it on her leg. The person then grabbed defendant's penis and started to rub it on her vagina. Defendant told DeWelde that "he felt that something wasn't right." Defendant grabbed the person by the arm and realized that she was R.R. He told her to get dressed and leave.

¶ 12 DeWelde testified that the interview of defendant was not recorded. After speaking with defendant, the officers gave defendant paper and allowed him to write a statement. The written

statement was substantially similar to what DeWelde testified defendant had said. It was admitted into evidence and read to the jury.

¶ 13 The State rested. The trial court granted defendant's motion for a directed verdict as to one count of aggravated criminal sexual abuse, as there was no testimony that defendant placed his mouth on R.R.'s breast. The court denied the motion as to the other counts.

¶ 14 Defendant testified in his own defense. Much of defendant's testimony concerned the circumstances of his being taken to the police station and questioned. Defendant testified that he wrote the statement only because he was "forced" to do so. The officers told him that if he wanted to go home he had to write what they told him had happened. Defendant testified that he did not have any sexual contact with R.R. With regard to the first incident, defendant testified that she called him to the bathroom to show him something. When he arrived, R.R. was standing in the bathroom naked below her waist. R.R. told him that she wanted to feel his penis. He told her no, told her to put her pants on, and left the bathroom. Defendant testified that he told the officers that he never touched her, never took his penis out, and never ejaculated. With regard to the second incident, defendant testified that when R.R. entered his bed he thought she was his wife. He was lying on his back and she was on her side facing away from him. She touched his penis and put defendant's hand on her hip. When he realized that she was R.R. and that she did not have any pants on, he got up and told her to leave the room. Defendant testified that R.R.'s testimony concerning these incidents was not true.

¶ 15 In rebuttal, DeWelde testified that neither he nor Lunn told defendant what to write in the statement.

¶ 16 The jury found defendant guilty of two counts of predatory criminal sexual assault of a child (720 ILCS 5/12-14.1(a)(1) (West 2010)) (alleging that defendant placed his penis on R.R.'s

vagina) and one count of aggravated criminal sexual abuse (*id.* § 12-16(c)(1)(i)) (alleging that defendant touched R.R.'s breast). The jury found defendant not guilty of two counts of predatory criminal sexual assault of a child (*id.* § 12-14.1(a)(1)) (alleging that defendant placed his penis in R.R.'s vagina).

¶ 17 Following the denial of defendant's posttrial motion, the matter proceeded to a sentencing hearing, at which the following relevant evidence was presented. In aggravation, the State presented the victim impact statements of R.R. and Zoralis. R.R. stated that she had been greatly affected by defendant's abuse. She had night terrors and flashbacks. She always felt scared. She was scared of men and scared that she would be alone the rest of her life. She had trouble concentrating in school and interacting with family and friends. She relieved pain and anxiety by "cutting." When she was unable to cut, her legs would shake. She was full of anger and had terrible headaches. After she told her family about the abuse, they had to move to Wisconsin. She missed her friends and family in Illinois. Some family members had rejected her and her immediate family; they posted cruel comments on Facebook and they judged her and took sides. She saw a psychiatrist and a counselor and was diagnosed with post-traumatic stress disorder. She had attended a day treatment program for a year. She took medication for anxiety and to help her sleep.

¶ 18 Zoralis stated that since she learned of the abuse her world had been turned upside down. She moved her immediate family to Wisconsin, leaving behind her extended family. She missed her sister and family greatly. Her family was divided. Her children missed their friends and family in Illinois. They had to make many trips to Illinois to meet with lawyers and attend court, which had been financially challenging. She stated that the greatest challenge had been watching R.R. struggle.

¶ 19 In mitigation, defendant presented the court with six letters written on his behalf. In addition, defendant's sister Lalcy Pacheco and Liz testified on his behalf. Lalcy testified that she had known R.R.'s family for 15 to 20 years. She had seen R.R. and R.R.'s siblings within the past year when they came to visit her. There had been no negative comments from her family toward R.R. and her family. Liz testified that, from 2009 through 2012, defendant was the primary source of financial support for both her family and R.R.'s family. She never made derogatory comments about R.R. and she was not aware of anyone in her family doing so.

¶ 20 Defendant's presentence investigation report (PSI) indicated that defendant was 40 years old and had been born in Puerto Rico. He lived in New York from the age of 6 to 13, returned to Puerto Rico, and then returned to the United States permanently in 1998. He had lived in Lake County since 2000. He had been married to Liz for 14 years and they had three children. He had previously been married to another woman and had two children with her. He paid child support for those children until his arrest. He had worked throughout his adult life, most recently as a truck driver during the eight or nine years prior to his arrest. The PSI further indicated that, in 1996, defendant was arrested in Puerto Rico for of a violation of "Lewd Law." Although police reports were unavailable, defendant reported that he was accused of having vaginal intercourse with his first wife's then-six-year-old sister. According to defendant, his brother-in-law had been found guilty of the conduct but defendant was sentenced to two years' nonreporting probation along with the victim's brother. According to San Juan police records, defendant was found to be " 'culpable' " of the offense but the documentation did not include sentencing details. An addendum to the PSI indicated that additional records were obtained showing that defendant received a sentence of one year in custody. These additional records confirmed that

the victim was a six-year-old female and contained no indication that the actual perpetrator was the victim's brother.

¶ 21 The State asked that defendant be sentenced to 45 years. Defense counsel asked that defendant be sentenced to the minimum or just slightly above it.

¶ 22 In allocution, defendant stated that he "did not commit any of the acts of which they are accusing [him]." He testified that he took in R.R. and her family three different times, because they were homeless, and provided them with everything they needed. He stated that he made the statement to the police because they told him that, if he did, he would be able to leave. He also stated that he did not commit the alleged act in Puerto Rico. He asked the court to "consider removing the charges and allowing [him] to be free for [his] wife and children."

¶ 23 The trial court sentenced defendant to consecutive terms of 18 years and 9 years in prison for the predatory-criminal-sexual-assault-of-a-child convictions, concurrent with a term of 4 years in prison for aggravated criminal sexual abuse. The court noted that it considered, *inter alia*, the factors in aggravation and mitigation. More specifically, the court noted in mitigation that any sentence would entail excessive hardship to his family, as he was the primary source of financial support and his children would grow up without a father present. The court noted the absence of a lengthy criminal history. However, the court also noted that the criminal history presented, although not with great detail, would suggest the same or similar conduct by defendant in the past. In aggravation, the court noted that, because of defendant's conduct, the family "has been ripped apart." The court also noted the impact that defendant's conduct had on R.R.

¶ 24 Defendant filed a motion for reconsideration of his sentence, which the trial court denied. Defendant timely appealed, arguing that his sentence was void because the term for aggravated

criminal sexual abuse was statutorily required to be consecutive and, further, that the aggregate sentence of 27 years in prison was excessive. *People v. Pacheco*, No. 2-13-0913 (2015) (unpublished summary order under Illinois Supreme Court Rule 23(c)). We agreed that the sentence imposed was void, and we remanded for resentencing. *Id.* ¶¶ 3-5. We declined to consider whether the sentence was excessive. *Id.* ¶ 6.

¶ 25 On remand, a new sentencing hearing was held and an updated PSI was filed. The updated PSI indicated that R.R. continued to suffer the same psychological issues as a result of the offenses. Zoralis reported that R.R.'s emotional health " 'has been like a rollercoaster' " and that her self-injurious behavior had continued. In addition, R.R. was struggling academically and had been "shunned" by the family. Defendant's family also continued to struggle without him present. Defendant continued to maintain his innocence.

¶ 26 In aggravation, the State presented the victim impact statements that had been considered at the initial sentencing hearing.

¶ 27 In mitigation, defendant presented the letters of support that were submitted during the first sentencing hearing. Defendant also presented testimony from his sister Nancy Pacheco and from Liz. Nancy testified generally that defendant was a loving father and a hard worker. She testified that his children missed him and needed him. Liz testified that her family had been "affected very harshly" financially by defendant's incarceration and that she struggled as a single mother.

¶ 28 In addition, defendant read a lengthy statement to the court. Defendant raised issues concerning his appellate attorney, argued the sufficiency of the evidence, and continued to maintain his innocence. He also stated that several medical issues had arisen since his incarceration, such as high blood pressure and migraines. He stated that his incarceration had

negatively impacted his children, financially and emotionally. He asked the court to "revoke all the charges imposed against [him]."

¶ 29 Prior to imposing sentence, the court noted that it had considered all of the information contained in both the original and the updated PSI. It considered all of the statutory factors in aggravation and mitigation. Specifically, in mitigation, the court noted that it considered the testimony and letters introduced in support of defendant. The court noted that it considered the excessive hardship that defendant's incarceration would cause his family, specifically his wife. The court noted that defendant had been a "gainfully employed husband." The court also took into account defendant's medical issues. In addition, the court stated that it would not "put [a] tremendous amount of weight, if any," on the incident in Puerto Rico as the information provided was not entirely clear. In aggravation, the court noted that defendant "was in a position of trust, of authority" when R.R. was in his care. The court also noted the victim impact statements provided by R.R. and Zoralis. The court stated, "I saw [R.R.] testify. *** She was a credible witness. The pain that she felt that she described was palpable in the courtroom at the time she presented [her statement]." The court also noted the negative effect that defendant's offenses had on the entire family. The court stated: "I don't think I have seen anything that devastates families more than these kind of cases." The court further stated that it was "very sympathetic to what the family is going through."

¶ 30 Thereafter the court sentenced defendant to 17 years and 8 years on the two convictions of predatory criminal sexual assault of a child and to 3 years on the conviction of aggravated criminal sexual abuse, each to be served consecutively. In so doing, the court noted that the original "real time" sentence imposed (taking into consideration truth-in-sentencing laws) amounted to about 22.95 years and that the newly-imposed "real time" sentence amounted to

22.75 years. The court told the parties that it imposed "essentially the same sentence," stating: "There is nothing I heard today that substantially changes the sentence that I gave [defendant] many years ago."

¶ 31 Following the denial of his motion for reconsideration of his sentence, defendant timely appealed.

¶ 32 II. ANALYSIS

¶ 33 Defendant argues that the 28-year aggregate prison sentence amounts to a " 'trial tax,' " where it "is more than four times the six-year prison term the judge said he would have accepted as part of a pre-trial plea agreement and roughly three times the eight-to-ten year term the judge said he would have imposed if the defendant entered an open plea." In addition, defendant argues that the sentence is excessive given defendant's personal history.

¶ 34 We first consider whether the trial court's sentence amounts to a "trial tax." It is well settled that a trial court may not punish a defendant who has exercised his constitutional right to a trial by imposing a longer sentence than it would have had the defendant agreed to plead guilty. *People v. Moriarty*, 25 Ill. 2d 565, 567 (1962). But the record must clearly show that the court imposed the greater sentence as a punishment for demanding a trial. *People v. Carroll*, 260 Ill. App. 3d 319, 349 (1992). "[T]he mere fact that the defendant was given a greater sentence than that offered during plea bargaining does not, in and of itself, support an inference that the greater sentence was imposed as a punishment for demanding trial." *Id.* at 348.

¶ 35 In support of his argument that the trial court's sentence amounts to a trial tax, defendant points to the trial court's comments, made prior to trial, indicating that it would accept a plea with a 12-year sentencing cap and that, if defendant were to enter an open plea, he was "probably looking at something between eight years and ten years." According to defendant, given that

"the evidence presented at trial and sentencing did not include any significant aggravation that was unknown to the judge at the time" of the statements, we must infer that the court increased the sentence after trial because defendant declined to plead guilty. We disagree.

¶ 36 First, the negotiations discussed before trial involved defendant pleading guilty to only one count of predatory criminal sexual assault of a child, whereas after trial defendant faced sentencing on two convictions of predatory criminal sexual assault of a child and one conviction of aggravated criminal sexual abuse. In addition, sentences on those three convictions were required to be served consecutively. Furthermore, as the court noted, a sentence imposed on a plea of guilty would have considered the fact that defendant accepted responsibility for his actions. Indeed, the remorse demonstrated with the entry of a guilty plea can be a factor in mitigation. *People v. Pippen*, 324 Ill. App. 3d 649, 653 (2001). The court also noted that a plea of guilty would eliminate the need for R.R. to testify. In sum, defendant's rejection of the State's offer on a guilty plea to one count of predatory criminal sexual assault of a child exposed defendant to a higher sentencing range on three convictions imposed consecutively and removed certain mitigating factors from consideration.

¶ 37 Here, nothing in the record clearly indicates that the trial court sentenced defendant more harshly because he exercised his right to trial. In *Moriarty*, 25 Ill. 2d at 565, the supreme court found error where the trial court explicitly stated that it was imposing a more severe sentence because the defendant chose to go to trial. Here, by contrast, the trial court specifically stated: "I want the record to be clear that there's not a tax if you choose to exercise your right to go to trial." Nor can we infer that the higher sentence was imposed as a punishment, because the 28-year aggregate sentence was not "an extremely harsh sentence" in comparison to the sentences discussed during the plea negotiations. See *People v. Dennis*, 28 Ill. App. 3d 74, 78 (1975) (the

defendant was offered a sentence of no more than 2 to 6 years in return for a guilty plea, but received a sentence of 40 to 80 years after his trial). Although the court stated that, if defendant took an open plea, he would be "looking at something between eight and ten years," the court also made clear that the sentence could be higher. To be sure, the 28-year aggregate sentence imposed was over three times more than the minimum suggested; however, as noted, the sentence imposed was on three convictions which were mandatorily consecutive rather than one conviction. Based on the foregoing, we find that the greater sentence was not imposed as a punishment for demanding a trial.

¶ 38 We next consider whether the 28-year aggregate prison sentence is excessive. Defendant contends that his sentence is excessive given the "many significant mitigating factors." Defendant cites his status as a good father and husband, his steady employment, and his lack of significant criminal history. The State responds that the trial court carefully considered all appropriate sentencing factors before fashioning the sentence and imposed a sentence well within the appropriate sentencing range. We agree with the State.

¶ 39 The Illinois Constitution requires that all penalties be determined according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship. Ill. Const. 1970, art. I, § 11. It is well established that the trial court is the proper forum to determine a sentence and that the trial court's sentencing decision is entitled to great deference and weight. *People v. Latona*, 184 Ill. 2d 260, 272 (1998). It is the province of the trial court to balance the relevant factors and make a reasoned decision as to the appropriate punishment in a given case. *Latona*, 184 Ill. 2d at 272. Relevant sentencing factors include the nature of the crime, the protection of the public, deterrence, punishment, and the defendant's rehabilitative potential. *People v. Kolzow*, 301 Ill. App. 3d 1, 8 (1998). The weight to be attributed to each

factor in aggravation and mitigation depends upon the circumstances of the case. *Kolzow*, 301 Ill. App. 3d at 8. Where mitigating evidence was before the trial court, it is presumed that the court considered it, absent some contrary indication. *People v. Allen*, 344 Ill. App. 3d 949, 959 (2003). We will not reduce a sentence merely because we might weigh the pertinent factors differently. *People v. Stacey*, 193 Ill. 2d 203, 209 (2000).

¶ 40 A sentence within the statutory range for the offense will not be disturbed absent an abuse of discretion. *People v. Coleman*, 166 Ill. 2d 247, 258 (1995). A trial court abuses its discretion if it fashions a sentence based on its personal beliefs or on arbitrary reasons (*People v. Miller*, 2014 IL App (2d) 120873, ¶ 36 (citing *People v. Bolyard*, 61 Ill. 2d 583, 586-87 (1975))) or if the sentence greatly varies from the spirit and purpose of the law or is manifestly disproportionate to the nature of the offense (*Stacey*, 193 Ill. 2d at 210).

¶ 41 Here, defendant was subject to a sentencing range of 6 to 60 years on each of his predatory-criminal-sexual-assault convictions (720 ILCS 5/12-14.1(a)(1), (b)(1) (West 2010)) and to a sentencing range of 3 to 7 years on his aggravated-criminal-sexual-abuse conviction (*id.* § 12-16(c)(1)(i)); 730 ILCS 5/5-4.5-35(a) (West 2010)). As the terms were required to be served consecutively, he faced a minimum sentence of 15 years in prison and a maximum sentence of 127 years in prison. The trial court sentenced defendant to 17 years, 8 years, and 3 years, to be served consecutively, for a total of 28 years in prison.

¶ 42 It is clear from the record that the trial court considered all relevant factors and imposed a reasoned judgment. At the sentencing hearing, the trial court stated that, in fashioning defendant's sentence, it considered both the original and the updated PSI, the evidence presented in mitigation, the evidence presented in aggravation, defendant's statement in allocution, and the sentencing recommendations made by both parties. The court specifically stated that it

considered defendant's rehabilitative potential and the financial impact of his incarceration. The court was well aware of the testimony that was given in support of defendant. The court specifically commented that defendant had previously been a "gainfully employed husband." The court was similarly well aware of defendant's criminal history, declining to give much weight, "if any," to the incident alleged to have occurred in Puerto Rico, because the information provided concerning the incident was not clear. Nevertheless, the court also noted the evidence presented in aggravation. The court emphasized that defendant had been in a position of trust and authority with respect to R.R. The court referenced the victim impact statements. Specifically, with respect to R.R., the court stated: "She was a credible witness. The pain that she felt that she described was palpable in the courtroom at the time she presented [her statement]." The court also noted the negative effect that defendant's offenses had on the family, stating, "I don't think I have seen anything that devastates families more than these kind of cases."

¶ 43 Given the above, we cannot say that the trial court's sentence, which was well within the range permitted (and indeed well below the midpoint of 71 years in prison) was arbitrary or that the sentence greatly varied from the spirit and purpose of the law or was manifestly disproportionate to the nature of the offenses. Accordingly, we find no abuse of discretion.

¶ 44 III. CONCLUSION

¶ 45 For the reasons stated, we affirm the judgment of the circuit court of Lake County. As part of our judgment, we grant the State's request that defendant be assessed $50 as costs for this appeal. 55 ILCS 5/4-2002(a) (West 2016); see also *People v. Nicholls*, 71 Ill. 2d 166, 178 (1978).

¶ 46 Affirmed.