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2018 IL App (3d) 160004-U

Order filed March 7, 2018

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

2018

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the Circuit Court of the 10th Judicial Circuit, Peoria and Tazewell Counties, Illinois,
Plaintiff-Appellee,)	
v.)	Appeal Nos. 3-16-0004 and 3-16-0625 Circuit Nos. 14-CF-564 and 14-CF-659
)	
NICHOLAS A. LAWRENCE,)	Honorable Paul P. Gilfillan, David A. Brown, and Albert L. Purham Jr.,
Defendant-Appellant.)	Judges, Presiding.

PRESIDING JUSTICE CARTER delivered the judgment of the court.
Justices O'Brien and Schmidt concurred in the judgment.

ORDER

¶ 1 *Held:* Defendant's 21-year and 19-year sentences for predatory criminal sexual assault of a child were not excessive.

¶ 2 Defendant, Nicholas A. Lawrence, pled guilty to predatory criminal sexual assault of a child in two separate cases, one in Peoria County and one in Tazewell County. In the Peoria County case, defendant was sentenced to 21 years' imprisonment. In the Tazewell County case,

defendant was sentenced to 19 years' imprisonment. On appeal, defendant argues that his sentences were excessive. We affirm.

¶ 3

FACTS

¶ 4

This case involves the consolidation of two separate criminal cases: Peoria County case No. 14-CF-659 and Tazewell County case No. 14-CF-564. We discuss the facts of each case in turn.

¶ 5

I. Peoria County Case No. 14-CF-659

¶ 6

Defendant was charged with predatory criminal sexual assault of a child (720 ILCS 5/11-1.40(a)(1) (West 2012)) in that, between November 1, 2013, and May 31, 2014, he knowingly committed an act of sexual penetration with a child under the age of 13 years old. Defendant was also charged with aggravated criminal sexual abuse (*id.* § 11-1.60(c)(1)(i)) in that he committed an act of sexual conduct with the same victim. The victim was 11 to 12 years old at the time of the alleged offenses.

¶ 7

Defendant entered a partially negotiated plea agreement in which he agreed to plead guilty to predatory criminal sexual assault of a child in exchange for the State's agreement to dismiss the charge of aggravated criminal sexual abuse and to dismiss a separate case charging defendant with possession of child pornography. There was no agreement as to defendant's sentence. As a factual basis for the plea, the prosecutor stated that defendant admitted to a police officer that he touched the victim's genitals at a Bible quiz meet at a church in Peoria in the spring of 2014. Defendant stated that during that incident, the tip of his finger entered the victim's vagina. The court accepted defendant's guilty plea.

¶ 8

A presentence investigation report (PSI) was prepared, but it is not included in the record on appeal.

¶ 9 A sentencing hearing was held on July 23, 2015. Detective Shawn Meeks testified that in August 2014, he investigated allegations of possible sexual offenses involving defendant and the victim. The victim's parents gave Meeks letters that defendant had written to the victim. The letters referred to sexual contact taking place between defendant and the victim. Meeks interviewed defendant. During the interview, defendant said he believed he needed help. Meeks showed defendant the letters, which defendant admitted to writing. Defendant told Meeks that he and the victim called both male and female genitalia "P.N." Meeks described the letters as follows:

“Actually, the letters kind of started off of a grooming nature. There was references to basically going into the spiritualness or using the bible to kind of promote their relationship. And then they kind of went through where different stages, again, like I said they were professing their love for each other. And in those letters they also spoke of contact where he would poke her P.N. or lick her P.N. and that she could do the same for him.”

Meeks learned that the victim also sent letters to defendant. Defendant burned most of the letters after the victim's father called defendant and expressed disapproval of defendant's actions.

¶ 10 During the course of the investigation, Meeks learned that defendant had sexual contact with the victim at three different churches: one in Peoria (Peoria Church), one in Peoria Heights (Peoria Heights Church), and one in Pekin (Pekin Church). The incidents occurred during children's Bible quiz activities at these churches. Defendant, who was a youth pastor at the Pekin Church, was in charge of these Bible quiz meets.

¶ 11 Meeks testified that several police officers executed a search warrant on defendant's apartment and seized a laptop computer. Defendant's wife later gave the officers a second laptop

computer. Meeks submitted the computers to forensic analysis, and images of child erotica and child pornography were found on the computers. One computer had almost 14,000 images and the other computer had over 15,000 images. Meeks did not recall finding adult pornography on either computer.

¶ 12 Copies of e-mails exchanged between defendant and the victim were entered into evidence. In the e-mails, defendant discussed sexual matters with the victim. The defendant told the victim not to tell anyone that they discussed sexual matters.

¶ 13 A video recording containing portions of defendant's interview with Meeks was introduced into evidence. In the video, defendant said that the victim's father had called him and expressed anger about defendant's relationship with the victim. Defendant believed that was why he was at the police station. Defendant met the victim at the Peoria Heights Church four years prior to the interview when defendant was the youth pastor there. Defendant and the victim became friends, "and it grew from there." Defendant said that his relationship with the victim eventually became inappropriate, but that was not his intention in the beginning. Defendant stated that he developed a "spiritual mentorship" with the victim. Defendant eventually left the church the victim attended and took a job as a youth minister at the Pekin Church. However, defendant was still the victim's Bible quiz coach.

¶ 14 Defendant and the victim corresponded outside of church and discussed personal issues. Defendant said that he "had a deep desire pretty much [his] whole life to be *** someone's hero, someone's leader, helping them in all facets of life." Defendant said that the victim "attached herself" to him and looked up to him, and he took advantage of that.

¶ 15 Defendant said that an incident happened at the Pekin Church in May 2014. Defendant was in his office when the victim entered. They went into a closet in defendant's office. The

victim pulled her pants down, and defendant poked and licked the victim's genitals. Defendant said that the incident did not last very long because they had to get back to the Bible quiz meet.

¶ 16 Defendant said he told the victim he had a dream or vision that there was a blond girl that God wanted him to "take under [his] wing" and teach spiritually.

¶ 17 Defendant said that he no longer worked at the Pekin Church. When the detectives asked him why, defendant explained that he had volunteered at a camp for middle school students. Defendant met an 11-year-old girl there (not the victim in this case) who was going through some family issues, and he prayed with her. Defendant obtained the girl's phone number and "followed up with her." Defendant said he was trying to make her feel important, but went "overboard." Defendant explained that he had a "Perry the platypus" backpack at camp. Defendant sent text messages to the girl after camp telling her that Perry missed her and cared about her. Defendant told the girl that she could talk to him and Perry anytime she needed to. The girl's parents found the text messages and became alarmed.

¶ 18 In the video recording, defendant said he was attracted to the girl from camp, but they never had any physical contact. The girl had blond hair and blue eyes and looked similar to the victim in the instant case. Defendant said that he seemed to be attracted to younger girls and enjoyed their attention. An officer asked defendant if there were any other young girls that he had been in contact with. Defendant said there were several girls from his previous youth groups who were "daughter figures" to him. Defendant said "there was often boundaries crossed with the pretend daddy-daughter relationship, you know, saying I love you." Defendant said that those girls were attached to him, but it was "nothing to this level," meaning the level to which things had progressed with the victim in this case.

¶ 19 Defendant said he had viewed child pornography involving children from the age of a toddler to children in their later teens. He viewed the images on his computer. He found the images by searching for various body parts. The children were posing and were in various states of undress. Defendant also looked at images of adults. An officer asked defendant whether an image of a 4-year-old girl or a 25-year-old woman would be more appealing to him. Defendant said it would depend on whether the 25-year-old woman had pubic hair.

¶ 20 Defendant gave a statement in allocution at the sentencing hearing. Defendant apologized for his actions. Defendant also stated: “Moving forward, I will continue to daily discipline myself in a healthy and productive lifestyle. I will take full advantage of the vast support system that has been with me every step of the way and will continue to do so. I will seek continued counseling, mentors, support groups, and accountability partners to keep me on the right track and help me quickly get back on if I should happen to misstep.”

¶ 21 The court sentenced defendant to 21 years’ imprisonment. The court stated that it had read the PSI and supplemental PSI, including letters that were submitted to the probation department. The court said it also considered the evidence and arguments of the parties and defendant’s statement in allocution.

¶ 22 In aggravation, the court found that the offense caused and threatened serious psychological, developmental, and emotional harm to the victim. The court also considered that defendant was in a position of trust or supervision and that the offense occurred in a place of worship. The court also found it relevant that defendant destroyed some evidence upon learning that his relationship with the victim had been exposed. The court stated that the video recording of defendant’s interview with Meeks showed that defendant was “clearly sexually attracted to preadolescent females.” The court noted that this would not ordinarily be an aggravating factor,

“[b]ut in the nature [of] the offense here, it suggests that—that it—it could be a propensity for future offenses.” In mitigation, the court found that defendant had no prior history of delinquency or criminal conduct. The court also noted that defendant pled guilty and accepted responsibility for his actions, which showed some consideration to the victim. The court stated that it would not make a determination as to whether defendant was likely to commit another offense because there was no sex offender evaluation.

¶ 23 The court also found defendant’s employment history to be a nonstatutory factor in mitigation. However, the court stated that defendant “used his talents in such a way and his position, his place in the work force to take advantage of a young lady who was perhaps the most vulnerable in our society, in our community.”

¶ 24 II. Tazewell County Case No. 14-CF-564

¶ 25 In the Tazewell County case, defendant was charged by indictment with four counts of predatory criminal sexual assault of a child (720 ILCS 5/11-1.40(a)(1) (West 2012)) for sexual conduct with the victim that occurred in Pekin between November 1, 2013, and July 1, 2014. Defendant pled guilty to the first count of the indictment, which alleged that he knowingly touched the victim’s vagina with his tongue. In exchange, the State agreed to dismiss the remaining three counts and not file any child pornography charges. As a condition of the plea, the parties were to provide the court with the police reports prepared by Peoria and Pekin authorities relating to the investigation, including a DVD containing a police interview with defendant. Also as a condition of the plea, the State was permitted to use any facts arising out of the investigation, including the facts supporting the dismissed counts of the indictment, at sentencing.

¶ 26 A PSI was prepared by Tazewell County’s probation services. The PSI showed that defendant had no criminal history other than a speeding ticket in 2005. Defendant was married in 2013, but the marriage was annulled two years later. Defendant had a bachelor’s degree. Defendant had been employed as the youth director at the Peoria Heights Church from May 1, 2010, through October 1, 2012. Defendant was then employed as the student ministries pastor at the Pekin Church between November 1, 2013, and June 30, 2014. The PSI stated that defendant “reported having no mental health issues past or present.”

¶ 27 The victim submitted a victim impact statement requesting that defendant receive the maximum sentence. The victim impact statement described the psychological and emotional damage that the victim had suffered as a result of defendant’s conduct. The victim’s parents also submitted letters requesting that defendant receive the maximum prison sentence. Defendant’s friends and family submitted letters requesting leniency.

¶ 28 A sentencing hearing was held. The court noted that the parties had previously submitted a packet containing police reports, a DVD of defendant’s interview at the Peoria Police Department, and CDs. A CD contained e-mails exchanged between defendant and the victim. Another CD contained some of the images of child erotica and pornography found on defendant’s computer.

¶ 29 The DVD of defendant’s interview at the Peoria Police Department contained the police officers’ full interview of defendant, including the portions played at the Peoria County sentencing hearing which were summarized above. *Supra* ¶¶ 13-19. We will summarize parts of the interview that were not presented at the Peoria County sentencing hearing.

¶ 30 In the video recording, defendant said he met the victim in 2010 when he was employed at the Peoria Heights Church, which the victim attended. The first time defendant had inappropriate physical contact with the victim is when he gave her long hugs at church.

¶ 31 After defendant began working at the Pekin Church, he started exposing himself to the victim during Bible quiz meets, which defendant organized. The Peoria Heights Church, the Peoria Church, and the Pekin Church took turns hosting the meets. The quiz meets were held once per month between August 2013 and May 2014. At the meets, there were various quiz competitions in the morning and then everyone had lunch. In the afternoon, the children did a competition where they read scripture in front of judges while defendant would calculate the scores from the morning events. When defendant was calculating the scores, the victim would enter the room he was in. Defendant would take off his clothes and show the victim his private parts. This happened on four occasions. It happened once at the Peoria Church, once at the Peoria Heights Church, and twice at the Pekin Church. The first incident was in November 2013.

¶ 32 On two of these occasions, defendant touched the victim's private parts, including her vagina, buttocks, navel, and breasts. Defendant said he only inserted his finger part of the way into the victim's vagina. The first occasion was at the Peoria Church in March or April 2014 and the second occasion was at the Pekin Church. Defendant admitted that he licked the victim's vagina at the Pekin Church on the same occasion that he touched her. This occurred in a supply closet in defendant's office. Defendant and the victim talked about how no one would approve of the things they were doing, especially her parents.

¶ 33 At the sentencing hearing, Detective Chad Hazelwood of the Pekin Police Department testified that he was contacted by a Peoria police officer. The Peoria officer told Hazelwood that he had been investigating defendant. The Peoria officer said that defendant was a youth pastor

who had molested a girl and some of the sexual acts took place in Tazewell County. The Peoria officer turned over the Peoria Police Department's police reports, interview with defendant, and interview with the victim.

¶ 34 The same day Hazelwood learned about defendant's case, he went to the Pekin Church and spoke with the head pastor. The head pastor said defendant had previously been employed at the church as a youth pastor but was no longer employed there. The head pastor stated that in 2014, while employed by the Pekin Church, defendant worked at a Bible summer camp in Decatur, Illinois. At the camp, defendant befriended a girl (not the victim in the instant case). Defendant sent the girl text messages after camp ended. The girl's parents found the text messages, believed they were inappropriate, and contacted the head pastor. The head pastor spoke with defendant about the matter and later terminated defendant's employment.

¶ 35 Hazelwood stated that the victim in the instant case and the girl from the summer camp both had blond hair and blue eyes. Defendant admitted to Peoria officers that he had contact with several other girls with blond hair and blue eyes. The officers discovered no evidence that sexual acts occurred with the other girls.

¶ 36 Hazelwood stated that sex offenders often groomed their victims. Grooming occurred when a sex offender befriended a person with the age and physical characteristics the offender was looking for. Sex offenders often targeted victims who were particularly vulnerable. The offender would then grow a relationship with the victim and test the victim's sexual boundaries. Hazelwood said that it could start as roughhousing or tickling. The offender would see how far they could go without the victim saying anything and the relationship would eventually become more sexual. The offender would "let the victim know that they're special to them because they

want to foster this relationship and keep it going, and they don't want the victim to complain, they want them to feel like *** this is a relationship.”

¶ 37 The way defendant described the evolution of his relationship with the victim showed evidence of grooming. There was also evidence of grooming concerning the girl from the summer camp. Defendant told investigators that he wore a certain backpack so children would notice him and would more easily strike up conversations with him.

¶ 38 Hazelwood stated that police searched defendant's computer and found approximately 14,000 images of child pornography and child erotica. The children in the images the police recovered ranged in age from toddlers to 10 years old.

¶ 39 Hazelwood testified that during their investigation, the Peoria police obtained letters exchanged between defendant and the victim. Defendant admitted to writing the letters. Copies of the letters were introduced into evidence. One of the letters written by defendant to the victim stated: “Society in this day and age find[s] those feelings with such an age difference a huge no-no, so I'm bowing to your humble mercy to never tell anyone besides me and God. No one else will understand or want to understand.”

¶ 40 Defense counsel noted that there were many people in the courtroom supporting defendant, including his parents and ex-wife.

¶ 41 Defendant gave a statement in allocution. Defendant stated that his actions were “appalling and inexcusable” and that he was remorseful. Defendant stated that he had completed Bible study courses in jail and reflected on his actions. Defendant stated:

“Given the short amount of time and without professional help, I have most likely only scratched the surface, but I do understand that I allowed selfishness and indecision to guide the crossing of small boundary lines, which

led to crossing of larger boundary lines. I also understand that I did not handle grief and stress positively at all.

While church politics, marital issues, the deteriorating health and eventual death of my only remaining grandfather, and even petty, everyday stress, all weighed down on me. I turned to where I received the most sympathy and attention, escaping into seemingly another world, like when we read a book or watch a movie.”

Defendant talked about the many people who supported him. Defendant said that if he was ever released from prison, these people would hold him accountable and would take precautions not to enable him. Defendant said that he would seek mental health treatment in prison and when he was released.

¶ 42 The court sentenced defendant to 19 years’ imprisonment. Regarding defendant’s statement in allocution, the court stated that defendant’s acceptance of responsibility was admirable, but “[t]he undertones of excuses contained therein [were] not.” The court stated it had considered the PSI, the evidence and arguments of the parties, and the statutory factors in aggravation and mitigation. In aggravation, the court found that defendant’s conduct caused serious emotional harm to the victim. The court also considered that defendant used his professional reputation or position in the community to commit the offense, defendant held a position of trust or supervision as a youth pastor, and defendant was obliged to prevent the offense committed by the duties of his position. The court stated that those three factors were intertwined and “any such factor of trust affecting this decision today will be considered but one time.” The court also found in aggravation that the offense occurred in a place of worship

immediately prior to, during, or immediately following a worship service and that the sentence was necessary to deter others from committing the same crime.

¶ 43 In mitigation, the court found that defendant had no criminal history. The court stated: “It’s clear [defendant] needs, seeks, and hopefully will receive counseling of some type in the Department of Corrections.” The court stated:

“With regard to whether [defendant’s] character and attitude indicates that it would be unlikely to commit another crime of this type, this Court can’t go that far or reach that conclusion. In fact, the evidence in this case is that the action also would have continued in severity had they not been stopped at the moment they were.”

¶ 44 ANALYSIS

¶ 45 Defendant argues that the Peoria County and Tazewell County circuit courts abused their discretion in sentencing him to 21 years’ and 19 years’ imprisonment, respectively. Given the seriousness of defendant’s offenses, we find that the Peoria County and Tazewell County courts did not abuse their discretion in imposing the sentences.

¶ 46 On review, we give “substantial deference to the trial court’s sentencing decision 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, environment, habits, and age.” *People v. Snyder*, 2011 IL 111382, ¶ 36. “[T]he reviewing court must not substitute its judgment for that of the trial court merely because it would have weighed these factors differently.” *People v. Stacey*, 193 Ill. 2d 203, 209 (2000).

¶ 47 “[A] reviewing court may not modify a defendant’s sentence absent an abuse of discretion.” *Snyder*, 2011 IL 111382, ¶ 36. “An abuse of discretion will be found where ‘the

sentence is “greatly at variance with the spirit and purpose of the law[] or manifestly disproportionate to the nature of the offense.” ’ ’ *Id.* (quoting *People v. Alexander*, 239 Ill. 2d 205, 212 (2010), quoting *Stacey*, 193 Ill. 2d at 210).

¶ 48 In both the Peoria County and Tazewell County cases, defendant pled guilty to predatory criminal sexual assault of a child. In each case, defendant was subject to a sentencing range of 6 to 60 years’ imprisonment. 720 ILCS 5/11-1.40(b)(1) (West 2012).

¶ 49 Defendant’s argument as to why his sentences were excessive addresses jointly the sentencing orders of both courts. However, we will separately analyze the sentencing decisions of the two courts, as the courts sentenced defendant for distinct offenses after separate sentencing hearings at which different evidence was presented. We will then consider defendant’s argument that both courts considered improper aggravating factors.

¶ 50 A. Peoria County

¶ 51 Given the seriousness of the offense, the Peoria County circuit court’s mid-range sentence of 21 years’ imprisonment was not an abuse of discretion. Defendant was formerly the youth pastor at the victim’s church. After that, defendant was in charge of Bible quiz meets that the victim participated in. Defendant eventually had sexual contact with the victim at several of these meets.

¶ 52 In aggravation, the circuit court found that the offense caused serious psychological and emotional harm to the victim and that defendant was in a position of trust or supervision. This was supported by the extensive evidence presented at the sentencing hearing that defendant groomed the victim over a long period of time to engage in sexual conduct with him. In letters and e-mails to the victim, defendant discussed religious and sexual matters. He told the victim not to tell anyone they talked about sexual matters.

¶ 53 The court also found it significant that defendant was sexually attracted to preadolescent females, which could show a propensity to commit future offenses. This finding was supported by evidence that defendant had begun grooming another girl that he met at a summer camp for middle school students. Also, police officers found thousands of images of child pornography and child erotica on defendant's computer. Defendant admitted during his police interview that he seemed to be attracted to younger girls.

¶ 54 We reject defendant's argument that his sentence should be reduced in light of the mitigating factors of his lack of criminal history, educational background, employment history, remorse, the fact that he admitted his wrongdoing, and his rehabilitation potential. Defendant argues that his statement in allocution showed his willingness to rehabilitate. Defendant also notes that he has an extensive support system, as evidenced by the letters of support submitted by his family and friends. These factors were expressly considered by the sentencing court. Mitigating factors and rehabilitative potential are not entitled to greater weight than the seriousness of the offense. *People v. Phippen*, 324 Ill. App. 3d 649, 652 (2001); *People v. Coleman*, 166 Ill. 2d 247, 261 (1995). Indeed, "[t]he most important sentencing factor is the seriousness of the offense." *People v. Flores*, 404 Ill. App. 3d 155, 159 (2010). We reiterate that the offense in the instant case was very serious. Defendant, the victim's Bible quiz coach and self-proclaimed spiritual mentor, groomed the victim over a long period of time and engaged in sexual conduct with her at Bible quiz meets at several churches. We will not reweigh the sentencing factors considered by the circuit court. *Alexander*, 239 Ill. 2d at 214.

¶ 55 We also reject defendant's argument that the circuit court did not give proper weight to the fact that defendant suffered from a psychiatric affliction, namely pedophilic disorder. No evidence was presented at the sentencing hearing that defendant had been diagnosed with

pedophilic disorder or any other psychological disorder. Under these circumstances, the court did not err in failing to specifically consider that defendant suffered from a psychiatric affliction.

¶ 56 We reject defendant’s argument that he is unlikely to commit this type of offense again because he recognized his need for help. Defendant asserts that he fell in love with the victim and their relationship was “similar to that of school kids.” Defendant also contends that the constraints imposed by the Sex Offender Registration Act will prevent him from “pursu[ing] a romantic relationship with a young girl.” Here, the circuit court stated that it could not determine whether defendant was likely to commit another offense because no sex offender evaluation had been completed. This finding was not an abuse of discretion. We also note that the evidence presented at sentencing showed that defendant had been grooming another 11-year-old girl he met at camp. Though defendant said he had no physical contact with the girl from camp, defendant admitted that he was attracted to her and sent her text messages. This evidence suggests that defendant’s attraction to the victim was not an isolated incident.

¶ 57 Finally, we reject defendant’s argument that his offense did not warrant a lengthy prison term because “[t]his was not an instance where an adult defendant preyed on [the victim] solely for his own sexual gratification. Rather, defendant and [the victim] engaged in a lengthy emotional, spiritual, and physical relationship.” Defendant was an adult youth pastor who the victim trusted, and the victim was a 12-year-old girl. The “emotional, spiritual, and physical relationship” defendant claims he had with the victim’s consisted of defendant’s manipulative grooming of the victim over a long period of time.

¶ 58 B. Tazewell County

¶ 59 Similarly, we find that the 19-year sentence imposed by the Tazewell County circuit court was not an abuse of discretion. The court stated it had considered the PSI, the evidence and

arguments of the parties, and the statutory factors in aggravation and mitigation. In aggravation, the court found that defendant's actions caused serious emotional harm to the victim. The court's finding is supported by the victim's victim impact statement, in which the victim described the emotional and psychological harm she had suffered. Also, Hazelwood's testimony, the video recording of defendant's police interview, and the letters defendant wrote to the victim showed that defendant groomed the victim over an extended period of time to engage in sexual activity with him. The letters showed that defendant's behavior toward the victim was extremely manipulative. In one letter, defendant asked the victim not to tell anyone about their relationship except him and God because "[n]o one else will understand or want to understand."

¶ 60 The Tazewell County circuit court also considered that defendant was in a position of trust or supervision and used his position to commit the offense. This was supported by evidence at the sentencing hearing that defendant was a youth pastor who met the victim when he was employed at her church. After accepting a job at a different church, defendant organized Bible quiz meets that the victim participated in. Defendant engaged in sexual conduct with the victim during these meets at churches.

¶ 61 Given the seriousness of the offense, the evidence that it caused deep psychological and emotional harm to the victim and the evidence that defendant was in a position of trust or supervision, we find that the Tazewell County circuit court's mid-range sentence of 19 years' imprisonment was not an abuse of discretion.

¶ 62 We reject defendant's argument that his sentence should be reduced in light of the mitigating factors of his lack of criminal history, educational background, employment history, remorse, the fact that he admitted his wrongdoing, and his rehabilitation potential. The record does not show that the Tazewell County circuit court failed to consider these factors. The court

expressly considered in mitigation that defendant had no criminal history. The court also said it had considered all of the evidence offered by the parties, the PSI, and the statutory factors in mitigation. We reassert that mitigating factors and rehabilitative potential are not entitled to greater weight than the seriousness of the offense. *Pippen*, 324 Ill. App. 3d at 652; *Coleman*, 166 Ill. 2d at 261.

¶ 63 We also reject defendant’s argument that the circuit court did not give proper weight to the fact that defendant suffered from the psychiatric affliction of pedophilic disorder. Like in the Peoria County case, no evidence was presented that defendant had been diagnosed with pedophilic disorder. In fact, the PSI said that defendant reported having no mental health issues. The court recognized that defendant needed counseling. Absent any evidence that defendant suffered from a specific psychiatric affliction, the court did not abuse its discretion in failing to expressly consider that defendant suffered from pedophilic disorder or any other psychiatric affliction.

¶ 64 We reject defendant’s argument that he is unlikely to commit this type of offense again because he recognized his need for help and the constraints imposed by the Sex Offender Registration Act would prevent him from “pursu[ing] a romantic relationship with a young girl.” The Tazewell County circuit court stated that it could not reach the conclusion that defendant’s character and attitude indicated that he would be unlikely to commit a similar offense again because the evidence showed that defendant’s actions toward the victim “would have continued in severity had they not been stopped at the moment they were.” The court’s finding is supported by the evidence at the sentencing hearing that defendant been engaging in increasing amounts of sexual contact with the victim until the police were informed of the situation. We also note the evidence that defendant had also engaged in grooming behavior with a girl at camp.

¶ 65 Again, we emphatically reject defendant’s argument that his offense did not warrant a lengthy prison term because “[t]his was not an instance where an adult defendant preyed on [the victim] solely for his own sexual gratification. Rather, defendant and [the victim] engaged in a lengthy emotional, spiritual, and physical relationship.” The evidence presented at the sentencing hearing, including the victim’s description in her victim impact statement of the effect that defendant’s conduct has had on her life, showed that the victim’s apparent willingness to engage in sexual conduct with defendant was the result of defendant’s careful grooming of her over a long period of time.

¶ 66 C. Improper Aggravating Factors

¶ 67 We reject defendant’s argument that both the Peoria County and Tazewell County circuit courts considered improper aggravating factors in imposing defendant’s sentences. Defendant first contends that the courts erred in considering the psychological harm to the victim because “psychological harm is inherent in every predatory criminal sexual assault of a child.”

“Generally, a factor implicit in the offense for which the defendant has been convicted cannot be used as an aggravating factor in sentencing for that offense. [Citation.] Stated differently, a single factor cannot be used both as an element of an offense and as a basis for imposing ‘a harsher sentence than might otherwise have been imposed.’ ” *People v. Phelps*, 211 Ill. 2d 1, 11-12 (2004) (quoting *People v. Gonzalez*, 151 Ill. 2d 79, 84 (1992)).

While psychological harm to the victim may occur in virtually every predatory criminal sexual assault of a child, it is not an element of the offense. Therefore, it was not improper for the courts to consider the psychological harm to the victim in sentencing defendant.

¶ 68 Finally, we reject defendant’s argument that the courts improperly considered as a factor in aggravation that the offenses “took place in a place of worship *** immediately prior to, during or immediately following worship services.” 730 ILCS 5/5-5-3.2(a)(11) (West 2012). Defendant contends that this factor did not apply because the offenses occurred in churches during Bible quiz meets rather than worship services. Defendant cites no authority, and we have found none, defining “worship service.” However, the Bible quiz meets were church activities dealing with Biblical information. Defendant, a youth pastor, was in charge of the meets. We find that the Bible quiz meets could be considered a “worship service” in a broad sense. Therefore, we find that the courts did not err in considering in aggravation that the offenses occurred in places of worship during worship services.

¶ 69 CONCLUSION

¶ 70 The judgment of the circuit courts of Peoria and Tazewell Counties are affirmed.

¶ 71 Affirmed.