

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).

2012 IL App (4th) 110300-U

Filed 2/27/12

NO. 4-11-0300

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Livingston County
VERONICA REYES,	)	No. 10CF24
Defendant-Appellant.	)	
	)	Honorable
	)	Jennifer H. Bauknecht,
	)	Judge Presiding.

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JUSTICE McCULLOUGH delivered the judgment of the court.  
Justices Appleton and Pope concurred in the judgment.

### ORDER

¶ 1 *Held:* The trial court did not abuse its discretion by sentencing defendant to concurrent sentences of 12 years in prison.

¶ 2 A jury found defendant, Veronica Reyes, guilty of three counts of armed robbery (720 ILCS 5/18-2(a)(2) (West 2008)) and one count of residential burglary (720 ILCS 5/19-3(a) (West 2008)). The trial court sentenced her to concurrent terms of 12 years in prison on each count. Defendant appeals, arguing the court abused its sentencing discretion by (1) considering improper factors in aggravation, including the sentence defendant could have received had she been charged differently, the location of the crimes, and a factor inherent in the crimes and (2) failing to properly consider the charges and convictions of defendant's codefendants. We affirm.

¶ 3 On January 25, 2010, the State charged defendant with three counts of armed robbery (720 ILCS 5/18-2(a)(2) (West 2008)) and one count of residential burglary (720 ILCS

5/19-3(a) (West 2008)). It based its charges on a theory of accountability, alleging defendant was legally responsible for the actions of her codefendants, two brothers named Eric and Frankie Mauricio, in entering the dwelling of another, brandishing a pistol, and demanding and taking money and cell phones from three individuals. Following an August 18, 2010, trial, the jury found defendant guilty of each charged offense. On October 6, 2010, the trial court sentenced defendant to four, concurrent 12-year prison terms.

¶ 4 On November 8, 2010, defendant filed a motion to reduce her sentence. She argued (1) the trial court gave "short shrift" to all of the sentencing factors except two, the goal of deterrence and the gravity of the offense, upon which the court placed too much weight; (2) her sentence was excessive given her involvement in the crimes; (3) the imposed sentences were unconstitutional as applied because they were disproportionate and cruel and unusual, and (4) a 12-year sentence was unconstitutional under the accountability theory because defendant had "no knowledge of the actions that [were] to take place in the future and therefore the goal of deterrence [was] lost." On March 9, 2011, the court conducted a hearing on the motion and denied it.

¶ 5 This appeal followed.

¶ 6 The parties were directed to address section 18-2(b) of the Criminal Code of 1961 (720 ILCS 5/18-2(b) (West 2008)) with respect to the obligation to add 15 years to the imposed sentence. The State did not appeal the trial court's sentencing order. Hence, we will not further address the issue.

¶ 7 On appeal, defendant does not challenge her convictions. Instead, she contends only that the trial court abused its discretion in sentencing her to 12 years in prison. Defendant

argues that, in imposing her sentences, the court improperly considered, or failed to consider, various factors in aggravation and mitigation.

¶ 8 "The trial court has broad discretionary powers in imposing a sentence, and its sentencing decisions are entitled to great deference." *People v. Alexander*, 239 Ill. 2d 205, 212, 940 N.E.2d 1062, 1066 (2010). On review, a defendant's sentence may not be altered unless the trial court abused its discretion. *Alexander*, 239 Ill. 2d at 212, 940 N.E.2d at 1066. In particular, "[t]he balance to be struck amongst the aggravating and mitigating factors is a matter of judicial discretion that should not be disturbed absent an abuse of discretion." *People v. Crenshaw*, 2011 IL App (4th) 090908, ¶ 24, 2011 WL 3524424, at \*5 (August 10, 2011). "A sentence will be deemed an abuse of discretion where the sentence is 'greatly at variance with the spirit and purpose of the law, or manifestly disproportionate to the nature of the offense.' [Citations.]" *Alexander*, 239 Ill. 2d at 212, 940 N.E.2d at 1066.

¶ 9 Initially, we note defendant raises claims on appeal that she failed to raise in either her postsentencing motion or at the hearing on that motion. Claims not previously raised for consideration by the trial court are forfeited on review. *People v. Ahlers*, 402 Ill. App. 3d 726, 732, 931 N.E.2d 1249, 1254 (2010). Defendant has forfeited her previously unraised claims. Additionally, each of her claims is without merit and the record shows her 12-year sentences were warranted under the circumstances presented.

¶ 10 Here, although defendant was not physically present when the Mauricios entered the apartment of one of the victims and stole money and cell phones from each victim, she nevertheless had a significant and active role in the commission of the crimes. The State's evidence showed defendant supplied the Mauricios with the weapon used in the crimes, obtained

a vehicle, drove the Mauricios to the apartment where the victims were located, waited while the crimes were being committed, and then drove the Mauricios away from the scene. In handing down defendant's sentences, the trial court considered factors, including the nature and circumstances of the offenses; the threat of serious physical harm to the victims; defendant's background and lack of a prior criminal record; and the Mauricios' actions, convictions, and sentences. A review of the record shows the court considered only appropriate sentencing factors. Additionally, we note that while defendant is not similarly situated to the Mauricios who pleaded guilty while she persisted with a trial, she did receive a lesser sentence than that ultimately received by the Mauricios.

¶ 11           In this case, the trial court appropriately considered and weighed the evidence presented. Based upon the unique set of circumstances before it, the court fashioned an appropriate sentence. It did not abuse its discretion in sentencing defendant to 12 years in prison.

¶ 12           For the reasons stated, we affirm the trial court's judgment. As part of our judgment, we award the State its \$75 statutory assessment against defendant as costs of this appeal.

¶ 13           Affirmed.