2025 IL App (4th) 241467-U

NO. 4-24-1467

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
September 11, 2025
Carla Bender
4th District Appellate
Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Winnebago County
RANDI STEELE,	)	No. 22CF2427
Defendant-Appellant.	)	
	)	Honorable
	)	Jennifer J. Clifford,
	)	Judge Presiding.

JUSTICE STEIGMANN delivered the judgment of the court.
Justices Lannerd and DeArmond concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed defendant's sentence.

¶ 2 In July 2024, a jury found defendant, Randi Steele, guilty of home invasion causing injury, a Class X felony (720 ILCS 5/19-6(a)(2) (West 2022)), and violation of an order of protection, a Class A misdemeanor (*id.* § 12-3.4), for breaking into the home of Carolyn Gingrich and attacking her in September 2022. In October 2024, the trial court sentenced defendant to 15 years in prison and 364 days in jail, respectively.

¶ 3 Defendant appeals, arguing that his sentence for home invasion was excessive given his (1) advanced age, (2) lack of criminal history, and (3) health. We affirm.

¶ 4 I. BACKGROUND

¶ 5 A. The Charges

¶ 6 In September 2022, the State charged defendant with (1) home invasion causing

injury, a Class X felony (*id.* § 19-6(a)(2)), (2) aggravated domestic battery, a Class 2 felony (*id.* § 12-3.3), (3) aggravated battery, a Class 3 felony (*id.* § 12-3.05(d)(1)), and (4) violation of an order of protection, a Class A misdemeanor (*id.* § 12-3.4).

¶ 7 The charges alleged generally that on September 23, 2022, defendant broke into Gingrich's home in Machesney Park, Illinois, knowing she was inside. Once inside, defendant struck Gingrich, who was 60 years old or older and a family or household member of defendant, causing serious injuries to Gingrich, including two broken ribs and a broken hand. This incident occurred in violation of an order of protection that had been issued on May 2, 2022.

¶ 8 B. The Jury Trial

¶ 9 In July 2024, the trial court conducted defendant's jury trial.

¶ 10 1. *Officer Brian Woodford*

¶ 11 Officer Brian Woodford, of the Winnebago County Sheriff's Office, testified that on May 13, 2022, he served defendant with a plenary order of protection, filed on May 2, 2022, in Winnebago County. When Woodford served the document on defendant, he explained that the petitioner for the order of protection was "his longtime girlfriend, Carolyn Gingrich," and it would be in effect until May 2, 2024. Woodford told defendant that he was prohibited from contacting Gingrich by any means and required to stay 300 feet away from her at all times, including her home address.

¶ 12 2. *Gingrich*

¶ 13 Gingrich testified that she obtained an emergency order of protection against defendant in April 2022 after he had argued with her and attempted to hit her in the head with his cane while threatening "I'm gonna kill you, bitch." Pursuant to that order, he was removed from her home in Winnebago County—a manufactured home with a fenced yard, a wheelchair ramp

out front, and a glass patio door.

¶ 14 Gingrich stated that on September 23, 2022, she was at home. She felt sick that morning and went to bed early that day after being unable to sleep during the night. She had secured the front door of her home by placing indoor/outdoor carpet directly in front of the door and wedging a cane handle underneath the door handle. She also secured the glass patio door because she was afraid for her life. At some point in the afternoon, Gingrich was awakened by loud banging on the front door. She jumped out of bed and grabbed her gun and pepper spray, but she could not find her phone. The banging moved to the back of the home, where she heard the glass patio door being struck.

¶ 15 While looking out through the hallway, which connected to the bathroom and bedroom, Gingrich saw the glass door shatter and defendant enter. She immediately hit her medical alert emergency button, which she wore on a lanyard around her neck. She positioned herself in the bedroom entrance at the end of the hallway, with her gun ready to fire. Defendant then came around the corner, saying "I'm gonna kill you, bitch."

¶ 16 Gingrich testified:

> "I just screamed. I said 'get the fuck out of my house,' and he kept coming, and I had the gun right by his chest and I was going to shoot him, and God said, give him mercy, God told me give him mercy. So I moved the gun from his chest into his shoulder, and I shot him in the shoulder."

¶ 17 Gingrich and defendant then struggled for the gun. Gingrich fired more shots, but she did not know if they hit defendant. Defendant shoved her down on the bed, grabbing her wrists and trying to wrench control of the gun away from her. He turned the gun toward her chest, but she managed to get the gun pointed away from her. When the gun fired, it missed her.

She testified, “And by that time the gun was empty and he took it from me and he threw it.”

¶ 18 Gingrich then grabbed a second gun she kept hidden under her pillow for protection. She testified, “I pulled it out and I, I was holding it and he said, go ahead and shoot, and I shot it and nothing happened and he laughed and said there’s no bullets in it, I emptied it out when I was in here last week.”

¶ 19 They continued to struggle for the gun. Defendant was hurting her and punching her. Gingrich hit him in the head twice with the butt of the gun. His head started bleeding, but he kept attacking. They fell to the bedroom floor, and he still tried to get the gun from her hands. He kicked her in the ribs twice. Eventually, she managed to trip him and get him on the floor. She tried to get past him as he fell on his hands and knees. He kept telling her “let go of the gun ‘cause I’m gonna rip your fuckin’ hand off.”

¶ 20 The fight moved into the hallway, where Gingrich attempted to get her phone, which was on the ground at the end of the hallway. She picked up the phone, dialed 911, and put it on speaker. Defendant knocked it out of her hands, but the call went through.

¶ 21 A recording of the phone call was admitted into evidence and was played for the jury. During the phone call, Gingrich can be heard yelling, “Fire!” She stated that she was hoping someone would come to help her if she did so. The fight continued on the ground for around eight minutes after the call connected. During the continued struggle, she heard her fingers break. The struggle ended when police officers arrived, having entered the house through the broken patio door. One of the officers stepped on her hand and ordered her to drop the gun. They then ordered her to move and separated the two.

¶ 22 One of the officers filmed the encounter on his bodycam. The footage was admitted into evidence and played for the jury.

¶ 23 Following the incident, Gingrich said that she had chest pains.

¶ 24 3. *Bryan Tully, M.D.*

¶ 25 Bryan Tully, a doctor with OSF St. Anthony Medical Center in Rockford, Illinois, testified that he treated Gingrich from September 28 to October 1, 2022. He said that she was initially admitted on September 23, 2022, with complaints of chest pain and was found to have elevated cardiac enzymes. She also had a minimally displaced fracture of her right index finger. The treatment for the finger fracture was nonoperative, consisting of immobilization with a splint and a pain-management plan.

¶ 26 4. *Officer Daniel Ferruzza*

¶ 27 Officer Daniel Ferruzza, a police officer with the Winnebago County Sheriff's Office, was on duty on September 23, 2022. At about 2:42 p.m., he responded to a call at Gingrich's home. He was aware that the call involved a medical pendant alarm and a possible burglary and there was a lot of yelling in the background.

¶ 28 Ferruzza arrived at the scene simultaneously with several other officers. Upon arrival, he could hear a woman's voice from inside, sounding frantic. He announced that he was with the sheriff's department, and the woman inside said to "break the door down."

¶ 29 While Ferruzza attempted to force the front door, Officer Thomas Morrison went around to the back of the house. Ferruzza was unable to get access to the house through the front door. Ultimately, Sergeant Ryan Heavin, who had arrived shortly after, went around to the back of the residence, found a shattered glass sliding patio door, and entered that way. He then unlocked the front door for the other deputies.

¶ 30 When Ferruzza entered, he saw Gingrich and defendant on the floor, "kind of on top of each other. *** [I]t was very chaotic, hard to say, but they were next to each other, kind of

wedged in a, almost in a hallway." Both appeared out of breath, as if a struggle had taken place. To secure the scene, Ferruzza handcuffed defendant after Heavin mentioned a gun was on the floor.

¶ 31 He asked defendant why he was there, and defendant replied that he had taken the bus and walked the rest of the way to the house. Defendant said he broke the back door to get in and that he did so "because there was an Order of Protection" against him. Defendant had a gunshot wound to his shoulder and a wound to his head from a pistol-whipping injury.

¶ 32 On cross-examination, Ferruzza testified that when he entered the house, he saw a firearm on the ground several feet from Gingrich and defendant. He also saw cartridge cases in the master bedroom and bathroom area. Although he initially did not recall seeing a wheelchair at the scene, he did notice it later, while reviewing his bodycam footage. Ferruzza also spoke with Gingrich, who told him that she had pistol-whipped defendant and had shot him at least three times. She also said that he had struck her with a cane.

¶ 33 5. *Officer Thomas Wysocki*

¶ 34 Officer Thomas Wysocki, a crime scene investigator with the Winnebago County Sheriff's Office, arrived at Gingrich's home sometime after 3 p.m. Upon arrival, he observed exterior damage to the home, including a missing handle on the front door and a shattered glass sliding door in the back. He took a series of photographs to document the exterior and interior of the residence.

¶ 35 After photographing the exterior, Wysocki conducted a walk-through of the inside of the trailer, marking and photographing evidence. He testified that the living room had a lot of glass on the floor near the back door. In the living room, he found and photographed a camouflage-colored Smith & Wesson .22-caliber handgun, which was located near a cane. He

noted there was a mark on the ceiling, which showed that a round had grazed the ceiling.

¶ 36 Wysocki then moved into the master bedroom, where he found two bloodstains on the carpeted hallway leading into the room. Inside the master bedroom, he found an empty .25-caliber Beretta handgun on the floor between the bed and a dresser. He also found several spent .25-caliber cartridge cases, a projectile stuck in the wall behind a television, and a bag belonging to defendant. The television itself had a hole in the lower left corner.

¶ 37 Wysocki also examined the bathroom connected to the master bedroom, where he found .25-caliber cartridge cases on the floor and a bullet hole in the wall above the door frame.

¶ 38 Wysocki went to two separate hospitals to photograph the victim and the defendant. He took pictures of Gingrich at OSF St. Anthony Medical Center, noting cuts and blood on both hands, with swelling on the knuckles of her right hand, and some redness below her right knee. He also took photographs of defendant at Javon Bea Hospital, documenting a bandage on his right shoulder, a gash on the top of his head, a cut on his left wrist, and a wound to his left shoulder and neck area. Additionally, he collected a watch from the hospital and photographed it, revealing a projectile stuck in its back.

¶ 39 6. *Defendant*

¶ 40 Defendant, who was 68 years old, testified that on September 23, 2022, he went to his former residence to talk to Gingrich. He had been in a romantic relationship with Gingrich for 20 years. He explained that he was seeking a place to live after a senior living facility refused him due to an existing order of protection. He took a bus to the area and then walked the rest of the way with his cane. He did not go to the front door because “it didn’t look right,” and he instead went to the backyard. To get into the yard, he used a neighbor’s five-gallon tomato bucket to climb over a chain-link fence.

¶ 41 Defendant testified that he did not recall entering the residence or seeing Gingrich until they were on the bed. He also did not remember being shot. He stated that while on the bed, he was in pain and bleeding, and he was trying to get a Beretta handgun from her. He successfully took the gun and threw it to the other corner of the bedroom. After this, he attempted to leave the residence. As he was going down the hallway, Gingrich pulled a handgun from a dresser drawer and began hitting him on the back of the head with it. This pistol-whipping caused him to fall to the floor in the hallway.

¶ 42 He recalled that the police arrived, handcuffed him, and then took him to Javon Bea Hospital. At the hospital, he received blood transfusions, had a tube inserted to drain blood from his lung, and received stitches and staples to close his gunshot wounds, including 11 staples on the top of his head, where a bullet had grazed his skull.

¶ 43 During cross-examination, defendant acknowledged he was aware of the order of protection that prohibited him from having contact with Gingrich or going to her home. He confirmed he walked to the house and climbed over the fence, and he maintained that he did not recall how he got in the back door or in the struggle that ensued. He also stated that he did not remember telling detectives that he was trying to do a welfare check or confront her about all the issues that had been building since he was served the order of protection. He said that there was no struggle or altercation on the floor in the hallway when officers arrived. Instead, he agreed that he was simply lying on the floor for eight minutes during the 911 call.

¶ 44 7. *The Verdict*

¶ 45 The jury found defendant (1) guilty of (a) home invasion causing injury and (b) violation of an order of protection and (2) not guilty of (a) aggravated battery and (b) aggravated domestic battery.

¶ 46 C. The Sentencing Hearing

¶ 47 In October 2024, the trial court conducted defendant's sentencing hearing. The State recommended defendant be sentenced to 20 years in prison, and defendant requested the minimum of 6 years in prison due to his advanced age and lack of criminal history.

¶ 48 1. *Defendant's Statement in Allocution*

¶ 49 Defendant made a statement in allocution, during which he stated the following:

> "Yeah. I would like to tell Ms. Gingrich it wasn't my intent. I'm sorry. I hope she gets on with her life. This dance is too short. My dance is too short right now. But I'm sorry. It wasn't what was supposed to happen that day. ***
>
> * * *
>
> All right. I just—but no—I got a niece. I got eight great nieces and nephews that have never seen me. So if you wonder what I'm up to if I get out of here, that's what I'm up to. I want what left I got. This will be the first time in my life I'm not with somebody. I have apartment I've had for three or four months. I'm getting set up. So just hoping I get out of here, but I'm really—I hope Ms. Gingrich gets on with her life. I hope things get better for her because you can't do nothing about the past. You might as well keep moving toward the forward. And it ain't much longer for us."

¶ 50 2. *The Trial Court's Decision*

¶ 51 The trial court began its oral ruling by stating that it had considered all trial testimony, the presentence investigation report, and the allegations in the petition for an order of protection filed by Gingrich in April 2022. The court stated that it had considered all the factors in aggravation and mitigation and that it would refer to some of them explicitly as they applied to

the decision. The court noted that its failure to refer to a factor did not mean it failed to consider it.

¶ 52 The trial court noted the allegations Gingrich made in her petition for an order of protection, emphasizing as follows:

> "[S]he wrote, he threatened to kill me. He was cussing and screaming at me. He walks with a cane. He banged a walking cane against the wall above my head. He was screaming, I'm going to kill you. He shoved me around in my wheelchair. He said no one would believe me. He's caused me mental and physical pain. I'm in constant fear for my life. I've lost 80 pounds."

¶ 53 The trial court then addressed the jury's verdicts, noting that defendant was found not guilty of aggravated domestic battery. The court stated it could not consider great bodily harm as a factor in aggravation because the jury did not find it to be proved. The court also clarified that the psychological and emotional trauma Gingrich experienced was inherent to the home invasion charge and would not be used to further aggravate the sentence. The court did acknowledge and consider the separate trauma caused by defendant's actions prior to the home invasion, as detailed in the order of protection petition.

¶ 54 The trial court emphasized several key points in aggravation—in particular, that the offense was committed against a person 60 years of age or older. It also stated that the sentence was necessary for deterrence, particularly because defendant knowingly violated an order of protection. The court highlighted defendant's own testimony that he knew he was not allowed at the residence but went anyway, climbing a fence and going to the back door to hide his actions. The court found defendant's actions to be a "calculated decision," not a random home invasion, stating, "I have zero empathy for you for getting shot. You got shot because of

the decisions that you made that day."

¶ 55 The trial court discussed the importance of deterrence in cases like this, explaining as follows:

> "So I look at the deterrence and I look at the fact that other victims and other people, petitioners come to court regularly to get orders of protection. They get orders of protection because they're not trying to do self-help and just shoot and try to injure people that they think might injure them. They get an order of protection because they're relying on the court system to provide them protection and safety. And the court system failed because you had that order of protection and you just ignored it and you just broke in anyway. And I do believe that deterrence is necessary because people in the community need to understand that the court's orders mean something and they mean that you can't do what you are [not] supposed to do and you violated that court order, as I said, in an extreme way."

¶ 56 The trial court pointed out that Gingrich did everything she could to protect herself, including getting an order of protection and barricading her home, but defendant "did everything to get around that." When defendant entered the home, Gingrich armed herself, activated her medical alert pendant, and eventually called 911, but defendant persisted. It also found defendant's inability to recall key events of the home invasion to be "convenient[ ]" and highlighted the terror in Gingrich's voice on the 911 call.

¶ 57 In mitigation, the trial court acknowledged that it was considering defendant's lack of a prior criminal history and his age and health. However, it expressed doubt that his criminal conduct was unlikely to recur, noting that his age and current health was the only thing

that it believed might prevent future criminal conduct with other partners. It also noted that defendant's incarceration would not endanger his health because he was receiving medical care.

¶ 58 Ultimately, the trial court found that a minimum sentence would "deprecate the serious nature of what occurred." The court sentenced defendant to 15 years in prison for the home invasion and 364 days in jail for defendant's violation of the order of protection, applying credit for time served (764 days).

¶ 59 This appeal followed.

¶ 60 II. ANALYSIS

¶ 61 Defendant appeals, arguing that his sentence for home invasion was excessive given his (1) advanced age, (2) lack of criminal history, and (3) health. We disagree and affirm defendant's sentence.

¶ 62 A. The Applicable Law and the Standard of Review

¶ 63 A trial court has broad discretion in imposing a sentence. *People v. Patterson*, 217 Ill. 2d 407, 448 (2005). "The trial court must base its sentencing determination on the particular circumstances of each case, considering such factors as the defendant's credibility, demeanor, general moral character, mentality, social environment, habits, and age." *People v. Fern*, 189 Ill. 2d 48, 53 (1999). "It is also required to consider statutory factors in mitigation and aggravation; however, 'the court need not recite and assign a value to each factor it has considered.' " *People v. Pina*, 2019 IL App (4th) 170614, ¶ 19 (quoting *People v. McGuire*, 2017 IL App (4th) 150695, ¶ 38). We presume that a sentencing court considered all relevant factors, including factors in mitigation. *People v. Halerewicz*, 2013 IL App (4th) 120388, ¶ 43.

¶ 64 An excessive sentence has been defined as " 'a sentence within the statutory range but without regard for a particular defendant's rehabilitative potential.' " *People v. McKinley*,

2020 IL App (1st) 191907, ¶ 71 (quoting *People v. Daly*, 2014 IL App (4th) 140624, ¶ 25, citing *People v. Perruquet*, 68 Ill. 2d 149, 154-55 (1977)).

¶ 65 Defendant bears the burden of showing, by pointing to explicit evidence in the record, that the trial court failed to consider mitigating evidence. *Halerewicz*, 2013 IL App (4th) 120388, ¶ 43. A defendant's sentence itself does not constitute explicit evidence that the trial court failed to consider mitigating evidence. *People v. Brown*, 2017 IL App (1st) 142877, ¶ 64.

¶ 66 B. This Case

¶ 67 1. *Defendant's References to Materials Not in the Record*

¶ 68 As an initial matter, we note that in his brief, defendant cites numerous authorities for his proposition that the trial court abused its discretion when it sentenced him to 15 years in prison. We observe that, for the most part, defendant does not seriously engage with the majority of the cases he cites. Instead, he refers to many of these authorities for the factual underpinnings of his argument. For example, he refers to *People v. Sanders*, 2016 IL App (1st) 121732-B, ¶ 26, for its "citing authorities indicating that person suffers a two-year decline in life expectancy for every year he serves in prison." However, when reviewing a trial court's decision for an abuse of discretion, we do not consider evidence that the court never had the opportunity to consider. See *People v. Dillard*, 2025 IL App (4th) 230739, ¶ 166 ("Because none of these materials or arguments were presented to the trial court, we emphatically reject any consideration of the materials defendant cites for the first time on appeal."); *People v. Kuehner*, 2022 IL App (4th) 200325, ¶ 130 ("Based upon [*People v. Cline*, 2022 IL 126383], [*People v. House*, 2021 IL 125124], and [*In re R.M.*, 2022 IL App (4th) 210426], we conclude it is impermissible for a reviewing court to take judicial notice of material that was not considered by the trial court when a defendant, as here, is challenging the trial court's exercise of discretion.").

¶ 69 Accordingly, to the extent that defendant is attempting to introduce evidence for the first time on appeal through the citation to case law and (supposedly) scholarly legal articles, we give no consideration to those materials.

¶ 70 2. *Defendant's Arguments*

¶ 71 Turning to the substance of defendant's arguments, we are not persuaded in the least that the trial court's sentence was excessive.

¶ 72 Regarding the sentence itself and defendant's conduct in committing the offense, we note that defendant received a 15-year sentence, which is well within the statutory range for home invasion, a Class X felony. See 720 ILCS 5/19-6(c) (West 2022); 730 ILCS 5/5-4.5-25 (West 2022) (a Class X felony is punishable by a term of 6 to 30 years in prison). Although the minimum he could have received was six years in prison, defendant's conduct was extremely aggravating.

¶ 73 Despite being served with an order of protection, defendant traveled to Gingrich's home, in direct violation of the trial court's directive. Finding the front door secured, defendant scaled Gingrich's chain-link fence and shattered her glass patio door to gain entry. When confronted by Gingrich, who had armed herself for protection, defendant advanced, despite her defensive posture, and was shot three times. Rather than retreat, he wrestled the gun from her hands. Only after she struck him in the head with a second weapon, which she kept under her pillow, was she able to escape long enough to call 911. However, defendant pursued her and renewed the struggle, once again attempting to rip the gun from her hands. This struggle persisted for about eight minutes while she repeatedly screamed for help, hoping that someone would come to save her. Defendant's conduct revealed a complete disrespect for the law and a lack of concern for the safety of others. Defendant's conduct fully justified the court's sentencing

decision.

¶ 74 Nonetheless, defendant contends that the trial court gave too much emphasis to deterrence in fashioning his sentence, citing, among other cases, *United States v. Johnson*, 685 F. 3d 660, 661-62 (7th Cir. 2012), and *McKinley v. Butler*, 809 F.3d 908, 914 (7th Cir. 2016), for the propositions that (1) "the State's interest in deterrence and incapacitation rapidly decline as a defendant ages" and (2) the effect of longer sentencing on deterrence is overstated. He also cites Grace McCarten, *Jailed While Frail: Examining Rationales for Incarcerating Aging and Infirm Criminals*, 27 Elder L.J. 221 (2019), for the author's conclusion that lengthy prison sentences for elderly criminal defendants do not serve the deterrence and rehabilitation theories that underlie the purposes of punishment in the criminal justice system.

¶ 75 We emphatically reject defendant's contention.

¶ 76 Disregarding defendant's attempt to apply studies and materials to his case for the first time on appeal, defendant's argument that the trial court gave too much weight to deterrence fails. First, "an expert's opinion is only as valid as the reasons for it." *In re O.C.*, 338 Ill. App. 3d 292, 296 (2003). This principle applies equally to legal conclusions contained in law journals and judicial *dicta* cited on appeal as it does to expert testimony in the trial court setting. Looking at the reasoning in the materials defendant presents, we deem them singularly unpersuasive to support defendant's claim that his sentence was excessive.

¶ 77 Second, defendant's own cited authority undermines his position. The McCarten article concludes that "[a] case-by-case analysis and consideration of various individual-specific factors is necessary to effectuate the goal of holding offenders accountable for their actions while also maintaining humanitarian goals in sentencing elderly offenders." Grace McCarten, *Jailed While Frail: Examining Rationales for Incarcerating Aging and Infirm Criminals*, 27 Elder L.J.

at 259. This conclusion describes precisely what is mandated by statute and what occurred in the present case: the trial court carefully weighed the statutory factors and crafted a sentence individualized to defendant.

¶ 78 Interestingly, Judge Posner's analysis in *Johnson* a case defendant cites for the statistics contained therein, provides a compelling discussion regarding the deterrent effect of sentencing elderly defendants. Judge Posner wrote the following:

> "And the likelihood of a criminal's committing further crimes when released from prison is of course not the only consideration that a judge should weigh in deciding how long a sentence to impose. Incapacitating a defendant—preventing him from committing crimes by keeping him in prison for a prescribed period—is only one way of reducing the incidence of crime. Another is deterrence. The threat of imprisonment is a deterrent, and the threat of a longer imprisonment should have a greater deterrent effect than the threat of a shorter one.
>
> Suppose there were a rule that a person who commits a crime after his seventieth birthday can be sentenced to no more than six months in prison, lest he die there. Then those oldsters who like the defendant in our case do not terminate their criminal careers upon reaching that milestone will have only a weak disincentive to commit further crime—especially if the probability of apprehension of and conviction for the crimes in which he habitually engages is low. For the expected cost of punishment is a function of the likelihood of being punished as well as of the severity of the punishment if imposed." *Johnson*, 685 F. 3d at 662.

¶ 79 The wisdom of this analysis is particularly apt where, as here, defendant violated an order of protection and committed a heinous attack on a vulnerable woman in her home, testifying that he acted *because* she had an order of protection against him. Such flagrant disregard for legal protections cannot be rewarded with a reduced sentence merely because defendant chose to commit his crime at an advanced age. Indeed, the trial court appropriately stated as much in its ruling.

¶ 80 Defendant contends that his age should be solely a mitigating factor, invoking the dreaded term "*de facto* life sentence" because of the possibility that he might die while serving his sentence in prison. He invokes this specter while noting that his current sentence projects a parole date that would see his release at 73 years old, or 81 years old if he serves the full term. Yet, tellingly, he makes no serious challenge under either the United States Constitution or the Illinois Constitution—and for good reason. Such an argument would lack merit, given the circumstances of this offense. All of defendant's authorities that discuss *de facto* life sentences—*People v. Joiner*, 2018 IL App (1st) 150343, *Sanders*, and *People v. Buffer*, 2019 IL 122327—concern juvenile offenders, not elderly defendants who have had nearly seven decades to learn right from wrong. These cases are wholly inapplicable.

¶ 81 Although defendant in his reply brief disclaims the State's assertion that he is seeking a bright-line rule that requires "a court to sentence an older offender to a lesser term in prison than a younger offender would deserve," it is difficult to view defendant's argument as asking for anything else. He essentially proposes an actuarial approach to sentencing, implying that the trial court should have consulted census data and prisoner mortality studies—research never presented to the trial court—as a reason to impose the minimum 6-year sentence based on his claimed unlikely survival of a full 15-year term.

¶ 82 Again, we strongly disagree.

¶ 83 In addition, none of the cases defendant cites supports his claims. Defendant's reliance on *People v. Allen*, 2017 IL App (1st) 151540, and *People v. Jeter*, 247 Ill. App. 3d 120 (1993), is misplaced. In *Allen*, the appellate court reduced the defendant's sentence from 10.5 years to the minimum of 6 years, characterizing the offense as a nonviolent property crime. *Allen*, 2017 IL App (1st) 151540, ¶¶ 17-18. Here, unlike in *Allen*, defendant committed a serious violent offense that could have easily resulted in the death of Gingrich and, in fact, almost resulted in his own death.

¶ 84 In *Jeter*, the trial court stated that it would be sentencing the defendant " 'for punishment only,' " in clear violation of the statutory sentencing factors and the Illinois Constitution. *Jeter*, 247 Ill. App. 3d at 131-32. Here, the trial court explained its reasoning in great detail, noting the statutory factors as they applied to the evidence the court found compelling.

¶ 85 Similarly, defendant's citation of *People v. Odom*, 8 Ill. App. 3d 227, 228 (1972), for the principle that "[a]dequacy of punishment should determine the minimum sentence and the length of time needed to achieve rehabilitation should determine the maximum" provides no authority for our second-guessing the trial court's decision. We presume that the trial court followed the law when it set defendant's sentence. Further, we decline to follow this outdated formulation from *Odom* and note that it has not been adopted by the Illinois Supreme Court or codified by statute.

¶ 86 We agree with—and find particularly apt—the trial court's concern at sentencing about defendant's blatant violation of the order of protection, which the victim in this case obtained from the court precisely for the purpose of protecting herself from defendant's violent,

criminal behavior. The court appropriately found defendant's violation to be a seriously aggravating factor.

¶ 87 In closing, we thank the trial court for its exceptionally thorough and detailed explanation at sentencing setting forth the court's reasoning for how it arrived at an appropriate sentence for defendant. This court found the trial court's comments particularly helpful to the resolution of this appeal.

¶ 88 III. CONCLUSION

¶ 89 For the reasons stated, we affirm the trial court's judgment.

¶ 90 Affirmed.