NOTICE: This order was filed under Illinois Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

2026 IL App (3d) 250344-U

Order filed November 4, 2026

IN THE

APPELLATE COURT OF ILLINOIS

THIRD DISTRICT

2026

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Circuit Court
	)	of the 21st Judicial Circuit,
	)	Kankakee County, Illinois,
Plaintiff-Appellee,	)	
	)	Appeal No. 3-25-0344
v.	)	Circuit No. 23-CF-555
	)	
LARRY L. DORSEY JR.,	)	Honorable
	)	William S. Dickenson,
Defendant-Appellant.	)	Judge, Presiding.

JUSTICE HOLDRIDGE delivered the judgment of the court.
Justices Davenport and Anderson concurred in the judgment.

ORDER

¶ 1 *Held*: The defendant's sentence was not an abuse of discretion.

¶ 2 The defendant, Larry L. Dorsey Jr., appeals his sentences for aggravated battery with a firearm and aggravated battery, arguing that his sentence was excessive where the Kankakee County circuit court did not adequately consider mitigating evidence that (1) he acted under strong provocation and (2) there were substantial grounds tending to excuse or justify the defendant's criminal conduct.

¶ 3 I. BACKGROUND

¶ 4 On August 25, 2023, the State charged the defendant with aggravated battery with a firearm (720 ILCS 5/12-3.05(e)(1) (West 2022)), unlawful possession of a weapon by a felon (UPWF) (*id.* § 24-1.1(a)), and aggravated battery (*id.* § 12-3.05(c)). The court granted the defendant's motion to sever the UPWF offense, and a jury found the defendant guilty of the remaining offenses.

¶ 5 The evidence adduced at trial showed that on July 26, 2023, Micah Nichols was driving with his three-year-old niece to pick up a friend. Nichols could not locate his friend, so he stopped at a gas station to see if anyone had information on his friend's location. After speaking with the defendant and other individuals, Nichols felt they were suspicious of him. Nichols removed a firearm from the bag that he carried on his shoulders. Nichols loaded a bullet into the chamber before placing the firearm back in the bag. Before loading the bullet, he heard someone load a firearm and observed another individual carrying a firearm in his sock. Nichols left the gas station but believed that he was being followed. In case of an altercation, Nichols returned to the gas station where there were surveillance cameras. Upon returning, Nichols had a minor accident with another vehicle. Nichols spoke with the driver and requested his insurance information. Nichols was approached by several individuals, including the defendant, who asked him to provide payment for the damage to the vehicle. Nichols felt growing "hostility and *** aggression," while the individuals began jostling his bag where he had his firearm, which was now located on his chest. They approached Nichols and brought him to the ground. The defendant and the other individuals hit and kicked Nichols, while one individual removed Nichols's bag. Soon after, Nichols ran from the gas station, and the individuals pursued him. The defendant ran toward Nichols holding Nichols's firearm and discharged it at Nichols's leg before fleeing the scene.

¶ 6 The defendant's presentence investigation report (PSI) showed prior convictions for aggravated unlawful use of a weapon from 2018, unlawful possession of a controlled substance from 2020, and unlawful possession of methamphetamine from 2021. The defendant pled guilty to these offenses in 2022 and 2023, serving terms of probation for each. The defendant remained on probation when he committed the present offenses. The defendant reported having lasting medical complications from being shot with a firearm. The defendant reported that his father was absent during his childhood and he was primarily raised by his grandmother. Additionally, the defendant had three children who were 11, 16, and 17 years old.

¶ 7 The case proceeded to a sentencing hearing. In aggravation, the State noted the defendant's prior criminal history and probation status at the time of the offenses. The State also argued that the defendant pursued Nichols after he had been beaten, was running away, and his firearm was taken from him. The State asked for 20 years' imprisonment. In mitigation, counsel argued that "in [the defendant's] mind," he acted in self-defense. Counsel argued that Nichols acted recklessly by bringing a firearm to that location, while also having a child present. Counsel asserted that Nichols instigated and escalated the altercation. Additionally, counsel noted the defendant's difficult upbringing and that he had been shot on two prior occasions. Counsel asked the court to impose a minimum sentence of six years' imprisonment. In his statement in allocution, the defendant apologized for beating Nichols.

¶ 8 In sentencing the defendant, the court indicated that it considered the trial evidence; the PSI; the defendant's statement in allocution; the arguments from counsel; the factors in aggravation and mitigation; the defendant's character, criminal history, and probation status; the seriousness of the offense, and the goal of rehabilitation. The court stated by way of mitigation, "[t]here isn't necessarily a lot that applies here." However, the court found mitigating the absence

of the defendant's father in his life, his difficult upbringing, and any potential effect on the defendant's children due to incarceration. The court found that "a sentence is necessary to deter others from committing the same crime," characterizing the evidence as "an unruly mob over a car accident which, [the defendant, was] willingly a part of." The court recognized this was "an unusual situation," and that Nichols acted "somewhat oddly." Importantly, the court noted that Nichols did not point his firearm at anyone, and the firearm remained in his bag. Nichols was running away when the defendant and the other individuals "knocked [Nichols] to the ground," beat him, and "forcibly removed" his bag, and the defendant continued to pursue him. The court found that Nichols did not instigate the event and the defendant's actions were not justified "especially after [Nichols] had been disarmed." The court agreed with the jury and rejected the defendant's theory of self-defense. Specifically, the court stated, "I'm not seeing at that point that [the defendant was] defending [him]self in any way, shape, or form. Nor [was he] defending anybody else. *** [He] simply had an opportunity. *** [A]nd shot [Nichols] in the leg."

¶ 9 The court sentenced the defendant to 5 years' imprisonment for aggravated battery and 12 years' imprisonment for aggravated battery with a firearm, to be served concurrently. The court denied the defendant's motion to reconsider sentence. The defendant appealed.

¶ 10 II. ANALYSIS

¶ 11 The defendant argues that his sentence was excessive where the circuit court gave insufficient weight to the mitigating factors that (1) he "acted under a strong provocation" and (2) "[t]here were substantial grounds tending to excuse or justify the defendant's criminal conduct, though failing to establish a defense." See 730 ILCS 5/5-5-3.1(a)(3), (4) (West 2022).

¶ 12 The circuit court's sentencing decisions are entitled to great deference and will not be altered absent an abuse of discretion. *People v. Alexander*, 239 Ill. 2d 205, 212-13 (2010). We give

the court such deference because it is in the best position to determine the appropriate sentence as it has had the opportunity to weigh the defendant's credibility, demeanor, moral character, mentality, environment, and age. *People v. Stacey*, 193 Ill. 2d 203, 209 (2000). A sentence that falls within the statutory range is not an abuse of discretion unless it is manifestly disproportionate to the nature of the offense or "greatly at variance with the spirit and purpose of the law." (Internal quotation marks omitted.) *Alexander*, 239 Ill. 2d at 215.

¶ 13 It is up to the circuit court to balance the relevant factors in mitigation and aggravation and make a reasoned decision as to the appropriate sentence. *People v. Latona*, 184 Ill. 2d 260, 272 (1998). "The court cannot ignore a pertinent mitigating factor [citation], although the weight to be given each factor depends on the facts and circumstances of each case." *People v. Hageman*, 2020 IL App (3d) 170637, ¶ 19. When mitigating evidence is before the circuit court, it is assumed the court considered it, unless the record indicates otherwise. *People v. Burton*, 184 Ill. 2d 1, 34 (1998). On appeal, it is not our duty to reweigh the factors involved in the circuit court's sentencing decision. *People v. Coleman*, 166 Ill. 2d 247, 261-62 (1995).

¶ 14 Here, the defendant's 5- and 12-year sentences were within the applicable sentencing range and are presumptively valid. See 720 ILCS 5/12-3.05(c), (e)(1), (h) (West 2022); 730 ILCS 5/5-4.5-40(a), 5-4.5-25(a) (West 2022); *Stacey*, 193 Ill. 2d at 209-10. The defendant's argument amounts to an invitation to reweigh the evidence, which we will not do. See *Coleman*, 166 Ill. 2d at 261-62. When rendering its decision, the court indicated that it considered all the evidence before it. The court was aware of the defendant's theory of self-defense at trial and the particular facts and circumstances of the case.

¶ 15 Specifically, the court considered the evidence in mitigation, including the defendant's upbringing and familial obligations. The court also considered the seriousness of the offenses,

including the underlying facts that the defendant pursued Nichols while he was running away unarmed, the defendant committed these offenses while serving two terms of probation, and indicated that the imposition of a sentence to deter others was necessary. The seriousness of the offense is the most important factor when sentencing. *People v. Murray*, 2020 IL App (3d) 180759, ¶ 30. Additionally, the record shows that the court considered the defendant's argument that Nichols instigated and provoked the defendant and any possible grounds that would excuse or justify the defendant's conduct, even if insufficient to establish a defense. See 730 ILCS 5/5-5-3.1(a)(3), (4) (West 2022). However, the court gave these mitigating factors little weight since it felt the trial evidence did not support the argument. While the defendant may believe the mitigating evidence should have been given more weight and warranted a lesser sentence, the court was not required to agree. Moreover, the defendant failed to provide any case law to support the notion that the court is required to factor the defendant's personal injuries or resulting trauma when considering mitigating evidence of responding to strong provocation or grounds excusing or justifying the defendant's criminal conduct. See *id.* Viewed in the totality, we cannot say that the defendant's sentence was "greatly at variance with the spirit and purpose of the law or manifestly disproportionate to the nature of the offense," and the court did not abuse its discretion in sentencing the defendant. *People v. Fern*, 189 Ill. 2d 48, 54 (1999).

¶ 16 III. CONCLUSION

¶ 17 The judgment of the circuit court of Kankakee County is affirmed.

¶ 18 Affirmed.