

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

2024 IL App (4th) 4230683-U  
NOS. 4-23-0683, 4-23-0684 cons.

**FILED**  
August 15, 2024  
Carla Bender  
4<sup>th</sup> District Appellate  
Court, IL

IN THE APPELLATE COURT  
OF ILLINOIS

FOURTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Livingston County
MICHAEL L. RUFFIN,	)	Nos. 20CF68
Defendant-Appellant.	)	22CF169
	)	
	)	Honorable
	)	Jennifer H. Bauknecht,
	)	Judge Presiding.

JUSTICE ZENOFF delivered the judgment of the court.  
Justices Doherty and Lannerd concurred in the judgment.

**ORDER**

- ¶ 1 *Held:* The appellate court affirmed, finding the trial court did not abuse its discretion in imposing a six-year sentence.
- ¶ 2 In March 2021, defendant, Michael L. Ruffin, pleaded guilty to domestic battery and unlawful restraint in Livingston County case No. 20-CF-68 and was sentenced to 24 months’ probation. In August 2022, the State filed a petition to revoke defendant’s probation based on his commission of new felony offenses. In April 2023, defendant admitted violating his probation and pleaded guilty to new charges of domestic battery and unlawful restraint in Livingston County case No. 22-CF-169. The trial court sentenced defendant to concurrent terms of six years’ imprisonment for domestic battery and three years’ imprisonment for unlawful restraint.

¶ 3 On appeal, defendant challenges only his six-year sentence for domestic battery, arguing the sentence is excessive. We affirm.

¶ 4 I. BACKGROUND

¶ 5 A. Charges and Guilty Pleas

¶ 6 In March 2021, defendant pleaded guilty to unlawful restraint, a Class 4 felony (720 ILCS 5/10-3(a) (West 2020)), and domestic battery, a Class 4 felony (720 ILCS 5/12-3.2(a)(1) (West 2020)), pursuant to a negotiated plea agreement in case No. 20-CF-68. The factual basis established defendant entered the residence of the victim, cornered and detained her in a bathroom, and struck her in the chest and pulled her hair. Per the negotiated plea agreement, defendant was sentenced to 24 months' probation.

¶ 7 In August 2022, the State filed a petition to revoke defendant's probation after he was charged in case No. 22-CF-169 with home invasion, a Class X felony (720 ILCS 5/19-6(a)(2) (West 2022)), residential burglary, a Class 1 felony (720 ILCS 5/19-3 (West 2022)), two counts of domestic battery, both Class 4 felonies (720 ILCS 5/12-3.2(a)(1) (West 2022)), and unlawful restraint, a Class 4 felony (720 ILCS 5/10-3(a) (West 2022)).

¶ 8 In April 2023, defendant admitted he violated his probation and pleaded guilty to unlawful restraint and one count of domestic battery in case No. 22-CF-169. In exchange, the State dismissed the remaining counts. The factual basis established defendant entered the home of the victim in the middle of the night while she was sleeping. The victim was awakened by defendant standing over her and yelling at her. After calling her names, defendant struck her left cheek with his fist and visibly injured the side of her face. He also detained the victim in the residence and prevented her from leaving. Defendant stipulated that the State could produce witnesses and evidence to substantially support its factual basis.

¶ 9

## B. Sentencing

¶ 10 At the June 2023 sentencing hearing, the trial court admitted the presentence investigation report (PSI). No evidence in aggravation or mitigation was presented.

¶ 11 Defendant's PSI stated he completed a written questionnaire but failed to submit to an interview for the report. According to the PSI, defendant's criminal history began in 2008 and consisted of 16 criminal convictions. His convictions included selling alcohol to a minor, domestic battery, battery, unlawful delivery of a controlled substance, driving on a suspended license, and failure to return from furlough. He also had two convictions for possession of cannabis, two convictions for consumption of alcohol as a minor, three convictions for resisting a peace officer, and three convictions for criminal trespass to state land.

¶ 12 The PSI further detailed defendant's substance abuse. Defendant admitted to struggling with alcohol use and drinking every day. He indicated he first tried alcohol at age 14 and began regularly drinking by age 15. He denied using cannabis when it was illegal. However, in a 2013 PSI, defendant admitted to trying alcohol and cannabis at age 11. Similarly, defendant denied using other drugs, but in the 2013 PSI, he admitted to using benzodiazepines and opioids.

¶ 13 The State recommended a total sentence of six years in prison, given the serious nature of defendant's offenses. The State noted defendant was extended-term eligible based on a prior felony conviction for unlawful delivery of a controlled substance. The State further noted defendant's extensive criminal history and the need to deter others from similar conduct.

¶ 14 Defense counsel requested an unsuccessful discharge in case No. 20-CF-68 and a sentence of probation in case No. 22-CF-169.

¶ 15 In his statement in allocution, defendant apologized for his actions and acknowledged what he did was wrong. He indicated he was engaged in domestic violence classes and asked the trial court to consider giving him another chance on probation.

¶ 16 In announcing its sentence, the trial court stated:

“Here I think the State accurately points out that when you are looking at a Class 4 felony domestic battery and you put this in the context of a range on a Class 4 felony, this is pretty serious. I have to agree that the facts and circumstances surrounding both cases actually are scary. You are just going into people’s houses. You didn’t get charged with a home invasion, but you were going into a house unknown to the person in the house. Whether you had a right to be there or not is not the issue. My point is you are surprising them. Your appearance there surprises them, and then you proceed to engage in very harmful physical abuse.

So you are on probation for doing that, and you turn around and do the exact same thing over again. That tells me that, you know, you are not likely to complete a term of probation. You’ve been on probation and you have not been able to comply with the terms of that probation. So I am concerned about the very serious nature of the charges and the prior record of [defendant].”

¶ 17 The trial court also considered defendant’s lengthy criminal history and the need for deterrence as factors in aggravation.

¶ 18 The trial court revoked defendant’s probation in case No. 20-CF-68 and resentenced him to two concurrent terms of three years in prison for unlawful restraint and domestic battery. The court then sentenced defendant in case No. 22-CF-169 to concurrent terms

of six years in prison for domestic battery and three years in prison for unlawful restraint, to run concurrently with the sentences in case No. 20-CF-68.

¶ 19 In June 2023, defendant filed a motion to reconsider his sentence and a motion to withdraw his guilty plea in case Nos. 20-CF-68 and 22-CF-169. At an August 2023 hearing, the trial court denied his motions.

¶ 20 This appeal followed.

¶ 21 II. ANALYSIS

¶ 22 Defendant argues his six-year sentence for domestic battery in case No. 22-CF-169 was excessive. Specifically, he contends the trial court (1) overstated the seriousness of his offense and (2) failed to consider his rehabilitative potential.

¶ 23 The Illinois Constitution requires that “[a]ll penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship.” Ill. Const. 1970, art. I, § 11. We accord great deference to the trial court’s sentencing decision, as it is “in the best position to consider the defendant’s credibility, demeanor, general moral character, mentality, social environment, habits, and age.” (Internal quotation marks omitted.) *People v. Klein*, 2022 IL App (4th) 200599, ¶ 38. “[T]he seriousness of the offense, rather than any mitigating evidence, is the most important factor in sentencing.” *People v. Wheeler*, 2019 IL App (4th) 160937, ¶ 38 (quoting *People v. Foxx*, 2018 IL App (1st) 162345, ¶ 50).

¶ 24 A trial court’s sentencing decision may not be altered on review absent an abuse of discretion. *People v. Lawson*, 2018 IL App (4th) 170105, ¶ 28. A court abuses its discretion “where [its] sentence is greatly at variance with the spirit and purpose of the law, or manifestly disproportionate to the nature of the offense.” (Internal quotation marks omitted.) *People v. Alexander*, 239 Ill. 2d 205, 212 (2010). “[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).

¶ 25 Defendant’s six-year sentence for domestic battery is statutorily authorized, as it is the maximum extended-term sentence allowed for a Class 4 felony. See 730 ILCS 5/5-4.5-45(b) (West 2022) (providing the sentencing range for an extended-term Class 4 felony must be not less than three years and not more than six years). We therefore presume defendant’s sentence is proper and review it for an abuse of discretion. See *People v. Sturgeon*, 2019 IL App (4th) 170035, ¶ 104.

¶ 26 Defendant argues his offense was not so severe as to justify the maximum extended-term sentence. According to defendant, his actions “did not rise to the extreme” and were “tame” compared to other domestic battery offenses. This argument belies the factual record and disregards the extremely serious nature of defendant’s conduct. Defendant twice entered the home of each victim without her knowledge, twice struck her, causing visible injuries, and twice held her in her home against her will. See *People v. Jorgensen*, 182 Ill. App. 3d 335, 340 (1989) (“[A] sentencing court \*\*\* may consider proof of criminal conduct which did not result in a conviction.”). It was well within the discretion of the trial court to find defendant’s conduct was serious enough to justify the maximum extended-term sentence.

¶ 27 Defendant also asserts the trial court failed to consider his rehabilitative potential. First, he contends that because his criminal history is “almost entirely non-violent,” he has the potential for rehabilitation. “The rehabilitative potential of a defendant is only one of the factors that needs to be weighed in deciding a sentence, and the trial court does not need to expressly outline its reasoning for sentencing or explicitly find that the defendant lacks rehabilitative potential.” *People v. Flores*, 404 Ill. App. 3d 155, 159 (2010) (citing *People v. Evans*, 373 Ill. App. 3d 948, 968 (2007)). At sentencing, the court found defendant was unlikely to comply with a term

of probation, as he failed to comply with probation in case No. 20-CF-68 and refused to participate in the PSI interview. As to defendant's criminal record, he had 16 criminal convictions going back to 2008, including a 2010 conviction for domestic battery, a Class A misdemeanor, and a 2011 conviction for battery, a Class A misdemeanor. See 730 ILCS 5/5-5-3.2(a)(3) (West 2022) ("A trial court may consider a defendant's criminal history as an aggravating factor at sentencing.").

¶ 28 Second, defendant asserts his need for substance abuse treatment demonstrates his rehabilitative potential. However, there is no indication in the record that defendant's domestic battery offense was related to his substance abuse. Moreover, "[s]imply because the defendant views his drug abuse history as mitigating does not require the sentencer to do so." *People v. Shatner*, 174 Ill. 2d 133, 159 (1996); see also *People v. Phippen*, 324 Ill. App. 3d 649, 653 (2001) ("The existence of mitigating factors does not obligate the trial court to reduce a sentence from the maximum allowed."). On this record, the trial court could have reasonably concluded defendant lacked rehabilitative potential.

¶ 29 We remind defendant that our review is limited to determining whether the trial court abused its discretion. Although defendant insists otherwise, his argument is nothing more than a request for us to reweigh the sentencing factors, which we will not do. "A reviewing court does not reweigh the factors involved in a trial court's sentencing decision." *Phippen*, 324 Ill. App. 3d at 653 (citing *People v. Coleman*, 166 Ill. 2d 247, 262 (1995)).

¶ 30 On this record, we cannot say defendant's sentence was greatly at variance with the spirit and purpose of the law or manifestly disproportionate to the nature of the offense. See *Stacey*, 193 Ill. 2d at 210. Accordingly, the trial court did not abuse its discretion in sentencing defendant to six years' imprisonment.

¶ 31

### III. CONCLUSION

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

¶ 33 Affirmed.