

NOTICE

Decision filed 10/26/26. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2026 IL App (5th) 250118-U

NO. 5-25-0118

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

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).

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Jefferson County.
	)	
v.	)	No. 20-CF-117
	)	
CODY T. RECTOR,	)	Honorable
	)	Jerry E. Crisel,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE SHOLAR delivered the judgment of the court.
Justices Hackett and Bollinger concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court’s restitution order complies with 730 ILCS 5/5-5-6 (West 2020).

¶ 2 A Jefferson County jury found defendant, Cody T. Rector, guilty of one count of predatory criminal sexual assault and two counts of child pornography. The trial court sentenced him to three consecutive terms in the Illinois Department of Corrections (IDOC) totaling 75 years with 3 years of mandatory supervised release (MSR). This court affirmed defendant’s conviction but remanded for an amended restitution order. See *People v. Rector*, 2024 IL App (5th) 220711-U. Following a hearing, the trial court set the maximum amount of restitution money to be paid at \$11,836. Back on appeal before this court, defendant argues that remand is required for a second amended restitution order that complies with section 5-5-6 of the Unified Code of Corrections (Code of Corrections) (730 ILCS 5/5-5-6 (West 2020)). For the reasons that follow, we affirm.

¶ 3

I. BACKGROUND

¶ 4 The State charged defendant by information with two counts of predatory criminal sexual assault of a child, in violation of section 11-1.40(a)(1) of the Criminal Code of 2012 (Code) (720 ILCS 5/11-1.40(a)(1) (West 2020)); seven counts of child pornography, in violation of sections 11-20.1(a)(1), 11-20.1(a)(2), and 11-20.1(a)(6) of the Code (*id.* § 11-20.1(a)(1), (a)(2), (a)(6)); and one count of felony possession of a firearm without a FOID card, in violation of section 2(a)(1) of the Firearm Owners Identification Card Act (430 ILCS 65/2(a)(1) (West 2020)). Count I charged defendant with touching the vagina of a minor, E.I., under the age of 13. Count II charged defendant with licking the vagina of E.I. Counts III and IV charged defendant with child pornography for taking and disseminating photos of E.I. The additional five counts of child pornography alleged defendant possessed pornographic photos of unknown females under the age of 18 and count X alleges defendant possessed a firearm without a valid FOID card. Count X was severed before trial and later dismissed.

¶ 5 The facts related to defendant's jury trial are set forth in this court's prior order in *Rector*, 2024 IL App (5th) 220711-U. Relevant to this appeal, following a jury trial, on June 23, 2022, defendant was convicted on counts I, III, and IV. Defendant was found not guilty on counts II, V, VI, VII, VIII, and IX. The trial court sentenced defendant to three consecutive terms totaling 75 years in IDOC with 3 years' MSR.

¶ 6 On direct appeal in *Rector*, 2024 IL App (5th) 220711-U, defendant argued that the trial court's restitution order was inadequate under the restitution statute (730 ILCS 5/5-5-6(e) (West 2020)). This court concluded that the trial court failed to issue a clear and definite restitution order, and this court remanded the matter to the trial court for the issuance of a modified order. *Rector*,

2024 IL App (5th) 220711-U, ¶ 45. This court directed the trial court to specify the maximum amount, duration, and other conditions of the restitution order. *Id.* ¶ 47.

¶ 7 On December 5, 2024, the trial court held a hearing on the restitution order pursuant to this court’s order. The evidence demonstrated that at the time of the hearing, the victim underwent regular counseling for mental health. Following argument from the parties, the court determined that it had “the power and the responsibility to see to it that there are funds available to pay for counseling for the victim which is allowed by law.” The court concluded that funds were available “in bond” and the court had “the power to take the bond and use them for that purpose.” Therefore, the court adopted the restitution order submitted by the State with a maximum amount of \$11,836 from defendant’s bond.

¶ 8 On December 10, 2024, defendant filed a motion to reconsider restitution. On December 16, 2024, the State filed a response to the motion to reconsider. On February 19, 2025, the trial court denied defendant’s motion to reconsider restitution following argument from the parties. This appeal followed.

¶ 9 II. ANALYSIS

¶ 10 Back on appeal before this court, defendant argues that remand is required for a second amended restitution order that complies with 5-5-6 of the Code of Corrections (730 ILCS 5/5-5-6 (West 2020)). Specifically, he contends that the trial court’s order did not adhere to the statute’s five-year payment deadline, set forth in section 5-5-6(g) (*id.* § 5-5-6(g)). Defendant recognized that the order may have “intended to invoke subsection (f)’s provision that allows the circuit court to extend restitution payments beyond a total of five years”; however, defendant contends that the court abused its discretion by entering its order without proof to invoke the five-year payment

requirement. Alternatively, he argues that his counsel was ineffective for failing to preserve this issue. For the reasons that follow, we affirm.

¶ 11 Section 5-5-6 of the Code of Corrections sets forth specific requirements for the imposition of restitution and provides in pertinent part as follows:

“In all convictions for offenses in violation of the Criminal Code of 1961 or the Criminal Code of 2012 or of Section 11-501 of the Illinois Vehicle Code in which the person received any injury to his or her person or damage to his or her real or personal property as a result of the criminal act of the defendant, the court shall order restitution as provided in this Section. In all other cases, except cases in which restitution is required under this Section, the court must at the sentence hearing determine whether restitution is an appropriate sentence to be imposed on each defendant convicted of an offense. If the court determines that an order directing the offender to make restitution is appropriate, the offender may be sentenced to make restitution.” 730 ILCS 5/5-5-6 (West 2020).

¶ 12 In fixing the amount of restitution, the trial court shall assess the actual out-of-pocket expenses, losses, damages, and injuries “proximately caused by the same criminal conduct of the defendant.” *Id.* § 5-5-6(b). Taking into consideration the ability of the defendant to pay, the trial court must determine whether the restitution should be paid in a single payment or installments, and the court must set a deadline for full payment of the restitution. *Id.* § 5-5-6(f). As a general rule, an order for restitution cannot be made for a period exceeding five years, not including periods of incarceration. See *id.* § 5-5-6(f), (g). Compliance with the requirements in section 5-5-6 is mandatory. *People v. Boots*, 2022 IL App (2d) 200640, ¶ 51.

¶ 13 Subsection (g) authorizes restitution for psychological counseling of victims of predatory criminal sexual assault. Subsection (g) also allows for an exception to the five-year limitation by

referencing subsection (f-1). Subsection (f-1) creates a provision governing long-term health care, including mental health care. See 730 ILCS 5/5-5-6(f-1) (West 2020). Subsection (f-1) does not limit a restitution order to five years. *Id.*

¶ 14 Generally, the trial court's decision to order restitution will not be reversed on appeal absent an abuse of discretion. *People v. Cameron*, 2012 IL App (3d) 110020, ¶ 35. When the issue is whether a restitution order is authorized by and in compliance with the requirements in section 5-5-6 of the Code of Corrections, that issue presents a question of law that is reviewed *de novo*. *Id.*

¶ 15 The record before us demonstrates that defendant sexually abused a child. The victim had ongoing nightmares, heard voices in her head, and often wet the bed. The trial court considered victim impact statements that outlined the ongoing trauma faced by the victim. The record showed that the victim participated in counseling for more than two years following defendant's offenses and sentencing. The trial court heard testimony through victim-impact statements describing the victim's continued nightmares, emotional trauma, ongoing psychological effects, and bed-wetting. The State presented evidence that counseling occurred at least twice per month. This evidence supported a conclusion that the victim's treatment remained ongoing. Moreover, the evidence supported a finding that the victim required long-term mental health care within the meaning of subsection (f-1).

¶ 16 Because defendant was sentenced to a significant prison sentence, the State and the court recognized his limited ability to pay for counseling. As such, the court ordered that defendant's bond money would pay for the victim's counseling. Moreover, the court capped the maximum amount to the amount of remaining bond money in the amount of \$11,836. The trial court did not

attempt to estimate defendant's future earnings, but rather identified a fixed source of funds and capped restitution at the remaining bond amount.

¶ 17 Defendant appears to argue that subsection (f-1)(2) required the court to make a special finding in the judgment of conviction about its determination of the monthly cost of long-term health care. According to the statute, "The court shall include as a special finding in the judgment of conviction its determination of the monthly cost of long-term physical health care." 730 ILCS 5/5-5-6(f-1)(2) (West 2020). Although the court did not make a "special finding," the court was advised that the victim's counseling care cost approximately \$150 per session, and that the victim attended counseling approximately twice per month. The court adopted the State's proposed restitution order and set a fixed maximum restitution amount. Under these specific circumstances, the record sufficiently reflects that the trial court anticipated the monthly cost of the victim's counseling. Thus, the record sufficiently establishes the monthly treatment cost contemplated by subsection (f-1).

¶ 18 A significant portion of defendant's argument focuses on comments made during the restitution hearing which suggest that the parties contemplated the five-year period referenced in section 5-5-6(g). In support, defendant relies heavily on the discussion between the parties and the trial court concerning the five-year language of subsection (g). We agree that the court and counsel were focused on the five-year limitation that is normally imposed by both subsection (f) and subsection (g). However, the issue before this court is whether the judgment entered was authorized by statute. The trial court's ultimate judgment is subject to review, not isolated remarks made by attorneys during their arguments. *Material Service Corp. v. Department of Revenue*, 98 Ill. 2d 382, 387 (1983). A reviewing court may affirm on any basis appearing in the record, regardless of the reasoning employed by the parties below. *Id.* Even assuming that the parties did

not expressly discuss subsection (f-1), this court considers whether the restitution order was authorized by statute and supported by the record. As noted above, we find that it is.

¶ 19 Moreover, the record demonstrates that the parties discussed the five-year language contained in section 5-5-6(g). This does not necessarily mean that the trial court intended to foreclose application of subsection (f-1), nor does the statute set forth a requirement that the court must expressly invoke subsection (f-1) before restitution may be ordered for long-term mental health treatment.

¶ 20 Finally, the State contends that only \$11,836 remains from defendant's bond. As noted by the State, with counseling costs at approximately \$150 per session, defendant's bond will likely be exhausted in approximately three years and four months. The trial court's order did not expose defendant to an indeterminate amount of restitution. Rather, the court capped restitution in the amount of the remaining bond. As such, defendant's financial liability was fixed and limited.

¶ 21 In conclusion, the trial court's order concerning ongoing mental health treatment was authorized by statute and limited defendant's total restitution obligation to defendant's remaining bond funds. The court capped restitution at the remaining bond amount of \$11,836 and limited payments to counseling expenses incurred over a specific period. This order was authorized by subsection (f-1) and was supported by the evidence. As such, the restitution order complies with section 5-5-6.

¶ 22 Turning to defendant's claim of ineffective assistance, defendant argues that his counsel was ineffective for failing to object to the amended restitution order, where it called for five more years of restitution. To establish ineffective assistance of counsel, a defendant must prove both that counsel's performance was deficient in that it fell below an objective standard of reasonableness, and that the deficient performance prejudiced the defense in that, absent counsel's

deficient performance, there is a reasonable probability that the result of the proceeding would have been different. *Strickland v. Washington*, 466 U.S. 668, 687 (1984). Because defendant cannot establish that the restitution order violated section 5-5-6, any objection from counsel would have been unsuccessful. Counsel is not ineffective for failing to make a meritless objection.

¶ 23 In sum, the record demonstrates that the victim required ongoing long-term mental health treatment as a result of defendant's offenses. The trial court limited restitution to a fixed amount consisting of defendant's remaining bond funds. Under the specific circumstances of this case, the restitution order complied with section 5-5-6.

¶ 24 III. CONCLUSION

¶ 25 For the foregoing reasons, we affirm the judgment of the Jefferson County trial court.

¶ 26 Affirmed.