

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).

2026 IL App (4th) 251006-U

NO. 4-25-1006

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

September 2, 2026

Carla Bender

4th District Appellate
Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Peoria County
ANTONIO T. MONROE JR.,	)	No. 21CF273
Defendant-Appellant.	)	
	)	Honorable
	)	Kevin W. Lyons,
	)	Paul E. Bauer,
	)	Judges Presiding.

JUSTICE KNECHT delivered the judgment of the court.
Justices Doherty and DeArmond concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed, holding the trial court did not demonstrate judicial bias during sentencing.

¶ 2 In October 2021, defendant, Antonio T. Monroe Jr., pleaded guilty to vehicular hijacking (720 ILCS 5/18-3(a) (West 2020)). In January 2022, the trial court sentenced him to 24 years' imprisonment. In February 2022, defendant filed a motion to reconsider his sentence, which the court denied. Defendant appealed, and this court granted summary remand because defense counsel failed to file a certificate in compliance with Illinois Supreme Court Rule 604(d) (eff. July 1, 2017). *People v. Monroe*, No. 4-22-0524 (2022) (order).

¶ 3 On remand, defendant filed a motion to withdraw his guilty plea, which the trial court denied. Defendant appealed, and this court vacated the court's judgment and remanded for strict compliance with Rule 604(d). *People v. Monroe*, 2024 IL App (4th) 231314-U, ¶ 43.

¶ 4 On remand, defendant filed a motion to withdraw his guilty plea and a motion to reconsider his sentence. Following a September 2025 hearing, the trial court, Judge Paul E. Bauer presiding, denied both motions.

¶ 5 On appeal, defendant argues the trial court’s hostility toward him constituted judicial bias, denying him a fair and impartial sentencing hearing. For the following reasons, we affirm.

¶ 6 I. BACKGROUND

¶ 7 In May 2021, the State charged defendant with aggravated vehicular hijacking (720 ILCS 5/18-4(a)(4) (West 2020)) (count I), vehicular hijacking (*id.* § 18-3(a)) (count II), and unlawful possession of a stolen motor vehicle (625 ILCS 5/4-103(a)(1) (West 2020)) (count III).

¶ 8 In October 2021, before Judge Kevin W. Lyons, defendant entered a plea of guilty to count II. In exchange, the State agreed to dismiss counts I and III. In its factual basis, the State proffered, in May 2021, defendant and another individual entered Vickie Hall’s Chevrolet Trax after she unlocked the vehicle in her driveway. When Hall told them to stop, one of the men waved a gun and “told her to get away or else he would kill her.” Surveillance video from a nearby grocery store showed the other individual placing a gun inside a trash can. After his arrest, defendant admitted to taking the vehicle but denied there was a gun involved. The trial court continued the hearing for sentencing.

¶ 9 The presentence investigation report (PSI), filed in November 2021, indicated defendant was born on September 10, 2002, making him 18 years old at the time of the offense. According to his juvenile record, in June 2014, he was adjudicated delinquent for residential burglary, a Class 1 felony, and was sentenced to five years’ probation. In June 2015, defendant was found in violation of his probation for committing theft, a Class A misdemeanor, and was

resentenced to another five-year term of probation. In August 2015, defendant was adjudicated delinquent for aggravated battery of a peace officer, a Class 2 felony, and unlawful possession of firearm ammunition, a Class A misdemeanor, and was sentenced to five years' probation. In March 2016, defendant was adjudicated delinquent for aggravated battery of a school employee, a Class 3 felony, and was sentenced to five years' probation. Defendant was found in violation of his probation five times from June 2017 to October 2019. After the fourth and fifth violations, he was placed on home detention.

¶ 10 Defendant dropped out of high school in the ninth grade after earning a total of three and a half credit hours. An attached Peoria Public Schools District 150 student discipline report for defendant included 79 disciplinary incidents between May 13, 2010, and October 3, 2013, and 5 disciplinary incidents between January 18, 2017, and February 13, 2018. The incidents included disrespectful acts, aggressive acts, insubordination, vandalism, class disruption, physical acts, bullying other students, and possession of a pocketknife. Defendant reported he had never been employed and his parents paid for all his expenses.

¶ 11 Defendant was one of seven siblings raised by his single mother. His father was in prison for most of his childhood. Defendant had three children with three different mothers. The children lived with their mothers, and he had not been ordered by the court to pay child support.

¶ 12 Defendant indicated he was diagnosed with attention-deficit/hyperactivity disorder (ADHD) and bipolar disorder when he was 15 years old. He discontinued his bipolar medication after six months because “ ‘none of that medicine was helping’ ” and his ADHD medication after one year because he “ ‘didn't like it.’ ” After his arrest in this case, he was diagnosed with anxiety and was prescribed medication, which he takes twice daily.

¶ 13 Defendant reported, after he turned 18 years old, he began consuming a fifth of

liquor every other day. He smoked cannabis daily beginning when he was 10 years old. He first used ecstasy when he was 17 years old and would ingest two ecstasy pills on the weekends. Defendant attended substance abuse treatment twice as part of his probation in his juvenile cases. He was unsuccessfully terminated from the treatment program at Gateway Foundation in March 2017, but he later successfully completed treatment at Nachusa Lutheran Home in November 2017. In July 2018, he was unsuccessfully terminated from inpatient treatment at Gateway Foundation, but he later successfully completed treatment at Nachusa Lutheran Home in September 2018.

¶ 14 In January 2022, the trial court held a sentencing hearing. Due to his criminal history, defendant was eligible for extended-term sentencing, making the range of his sentence 4 to 30 years' imprisonment. See 720 ILCS 5/18-3(b) (West 2020); 730 ILCS 5/5-4.5-30(a) (West 2020).

¶ 15 During defendant's closing argument, the trial court interrupted defense counsel at several points. When defense counsel noted defendant knew he would receive a prison sentence for his actions in this case, the court asked, "Wouldn't [defendant] have known that then seconds before he did it?" After some back and forth, defense counsel clarified, "I don't think when they get arrested that they know that something's probationable or something's not probationable." The court responded, "So you're saying when he got told of that." Defense counsel agreed.

¶ 16 Defense counsel then argued this was the first time defendant realized his actions carried serious consequences. The trial court interjected, "[Defendant] dropped out after he did three and a half whopping credits." When defense counsel tried to respond, the court asked, "You think that it would have dawned on him the day after that or three years after that or

whatever” “that this was a bad idea?”

¶ 17 Defense counsel continued, arguing defendant wanted to be with his children. The trial court again interjected, “That seems so odd that he has children. But I don’t know that he’s parenting children because—how old is he?” Counsel stated defendant was 18 years old at the time of the offense and was now 19 years old. The court replied, “He’s 19 and he has three children: age 3, one of them is 1 or 14 months or something, and one is less than that. To me, that does not help his case.” Counsel maintained defendant wanted to be with his children. The court responded,

“What I mean, though, is that his track record—he didn’t father a child and then begin to be a parent. He didn’t father a second child and begin to be a parent. He didn’t father his third child and begin to be a parent. Now he wants to be a parent.

And all the people that he’s affected, he wants back in their lives. He turned them out one at a time. So really, I’m trying to judge his future by his past. And his past is that, ‘I had a child when I was a child, so I’m going to do that again and I’m going to do that again.’

And I’m stumped—not stumped, but I’m taken by the phrase, when asked his employment history—I realize he’s a young man—‘I’ve never worked.’ So gathering the obligations and making the obligations and claiming that he wants to be a part of their lives and be something he hasn’t been up until now seems very disingenuous.

But I get what your point is. Go ahead.”

¶ 18 Defense counsel acknowledged the trial court’s comments and asked the court to

consider the effect of substance abuse on defendant's decision-making abilities. The following exchange occurred thereafter:

“THE COURT: Now, you did say his mother did the best she could, and I can't buy that. Maybe she did. I don't know her. But at some point, the defendant would have to look in the mirror.

MR. DOUBET [(DEFENSE COUNSEL)]: You're right.

THE COURT: And his mother did that seven times and thought that was a good idea. So the best she could do was to give the guidance that resulted in this. She should not be saying she did the best she could. Again, I get it, but I disagree with that.”

¶ 19 Defense counsel concluded his argument and requested a sentence of four to seven years in prison.

¶ 20 The trial court stated it considered the PSI, the evidence, the arguments of the parties, defendant's written statement in allocution, the statutory factors in aggravation and mitigation, the history and character of defendant, and the nature and circumstances of the offense. Because defendant's appeal raises several issues pertaining to the court's statements while delivering the sentence, we include the entirety of the court's remarks.

“THE COURT: [Defendant], I've been here a long time, and your descriptions of you, even of yourself, I see all the time. I'm not so alarmed at your conduct because it's what I do for a living. But years ago I lost count of the number of persons who fit your paradigm, so to speak, who fit your frame, who came here and left to a lengthy prison sentence. And I used to say to myself, 'Who is surprised by this?'

Because even if you weren't [defendant], if your name was John Smith, look at your frame, look at what you've given the world, presented to me. You've never worked in a job, but you have fathered three children, one when you were 15 or 16 years old. Thought that was a good idea, did it again, did it again. Was one of seven children. Didn't have a father figure. I don't even know what figure you had, but you certainly didn't try to emulate classmates.

I say this all the time but it may come as a surprise to some people, but most people in America have never been arrested for a crime. And I know I come to work every day and I think, 'Please. Everybody apparently has.' But most people have never been arrested for a crime. Yet you can't seem to quit committing them.

And I get it. I understand the notion that when you don't have a teacher, when you don't have a mother or father or neighbor or parent or relative or friend who shows you the path, that you step off the path somewhat because you don't see the path. But come on. Most people in America have never been arrested. How is it that you didn't catch on? I don't know.

But although District 150 is criticized a lot for a lot of things—and appropriately so possibly—one thing they do well is to memorialize, by way of computer and entries, every misstep that a student might make.

I ought to know because I was a student a long, long time. I was a good student with grades. I'm not so sure every teacher thought I was a great addition to their class. I had a lot to say. My mom didn't think I had much to say and encouraged me to not say so much. But I didn't think she was right. She happened

to be right.

But 150, District 150, has a battery of school teachers that probably are all over the board. Some are, you know, boring as drying paint. Some are more colorful than a peacock. Some are in the middle. But here are these teachers that have all these students, but look at page after page of you as a student.

And you didn't even stay. People talk about the country should give free college to people. Heck, I can't get them to go to free high school.

But look what they say about you, page after page.

Now, keep in mind, we've all been students, so put yourself, whoever's listening to me, in the classroom. And this is the person they're talking about.

'[Defendant] continues to disrupt the classroom environment. He's had multiple opportunities to correct his behavior, but he refuses.'

'[Defendant] was being taken home by the facilitator for poor behavior. As they were walking to the door, [defendant] reached over and grabbed Ms. So-and-so's Blackberry phone and slammed it to the ground. This resulted in two cracks in her screen. He was suspended for three days.'

'[Defendant] continues to be very disruptive during the school day. He continues to disrupt his classroom to the point that learning is not taking place for either himself or his classmates.'

'[Defendant] was redirected again back to his seat, but he continued to get up, walk around the classroom, and walk out of the room.'

The next day, '[defendant] was redirected back to his lessons, but continued to talk and cuss out loud.'

Maybe there's a certificate for that.

'[Defendant] was redirected back to his desk,' next day, 'continued to walk around, walk out of the room, and knock books off the shelf.'

What is happening? What's happening is that it's a student out of control. First time to the penitentiary? My point is, [defendant], who is surprised by this? Said no one. Because when you're 12 and 13 and 15 and 16 years old and this is what you are every day? Where was your mother? Watching the other kids, I guess.

But where were the other students in your life? Maybe you were acting out and you thought, 'That's not how we should be. What are these other 24 people doing here with their hands down and acting like they're doing math and science? What the hell is wrong with them?' you must have thought. So we'll do it [defendant]'s way. Good Lord.

And then here's a jewel.

'Upon entering the classroom first thing this morning, the student,' [defendant], 'began verbalizing to another peer, "I want to get fucking suspended. I'm not going to fucking stay here. I'm going to leave this fucking school."' '

And you did. I guess you showed them. So who is surprised that we're here today?

But you're not in a world by yourself, [defendant]. What I'm telling you is that I've seen a lot of [defendants] here. One of a bunch of kids. They come home at 9:00. Well, go home at 9:00? Hell, most of them get started at 9:00 p.m. And then the next day, they don't want to go to school. 'I'm tired,' or 'I don't want to

go anyway.’ Nobody there to force you to go. And when you do go, you become the student that teachers go, ‘Oh, God. [Defendant’s] here.’

So who is surprised that we’re here? Again, said no one. You’ve had Lutheran Social Services services. You’ve had evaluations from the school, Gateway services, behavioral health monitoring.

And you don’t give [defense counsel] much to work with, because he has to use as his strong point, ‘Judge, take into account this is the first time he’s had to go to prison.’ Well, I’m guessing that maybe the victim would say, ‘Well, that’s a little late.’ Because I’m not sentencing you, really, on this one act or one piece of conduct in your life on the planet Earth.

You are who you are. And I’m sad to tell you, [defendant], but who you are does not shine as a light very brightly. Again, I know you’re a young man, but the persons who were trying to help you out, the best they can do is say that [defendant] did not have an easy life. Well, message received. I get that.

Didn’t have money. I’m not trying to compare you to me, but I’m the product of a father who went to Caterpillar when he was 16, said he was 18 so he could get a job, had zero money. Met my mother down the street from here as a waitress who had zero money. Zero and zero got together and went to work every day and produced kids. So starting from nothing, starting from nothing.

So when others who love you—and I do think they love you—when the best they can do is to say, ‘Well, [defendant] didn’t have it so good.’ I gotta respond to you, because the lady that is the victim here seems like a nice person. And I’m very grateful that you didn’t harm her, or the other guy didn’t harm her

either. But come on. She didn't know whether the gun was about to be pulled into her or if this was her last moment on Earth.

So when they say to me, '[Defendant's] got three kids. He wants to be a father to his kids,' probably it's a bad analogy, but I remember when I was 16, it was a different day. I think we had nine cheerleaders in my high school. My recollection is that six of them were pregnant. This would happen and the rest of us would go, 'What's happening here?'

But then I remember hearing adults say to—I don't know if they said it to these girls' faces, but they would say, 'Well, you should have thought about that before you were pregnant.' That didn't help. Because these were my friends, and now they've charted their life and they have children at 17 and 16.

But [defendant], people are reluctant to say it to your face, just like people may not say it to those cheerleaders, but when the people who love you say to me that you've had it bad and you dropped out of school and you got these three kids when you were a kid, I gotta tell you, if I was your victim, I would say, 'And how does that apply to me?' I would say, 'Mr. Lyons, I was standing in my driveway, minding my own business, and these four folks'—four people I think there were, two girls and two guys—I'm minding my own business and these people came to my home.'

So now you know where she lives. You get to pick. And she's roamed the planet Earth fine, and then that day, two males, who might as well have been 38, along with two girls who they picked up along the way somewhere, present themselves in her driveway and her life changed.

And now I'm going to change yours. What a shame.

Her life changed because all she did that day is what she did the other days: have a cup of coffee, go to my car, rinse, repeat. And so forgive me when I say that the victim at the end of the gun that you were holding or that your codefendant was holding, you never said, 'It's okay, lady. We're not going to shoot you'; 'It's okay lady. It's not loaded'; 'It's okay, lady. Here, have a Tootsie Roll. We'll bring your car back.' That did not happen.

What happened was you put into her head what you wanted to put into her head, which was, 'Lady, I'm probably not going to kill you, but I could'; 'Lady, you may not be afraid, but this could be your last moment on Earth.' And it wasn't, because if it was, we would be having an entirely different conversation here. Instead, you put it into the hands of a judge, some guy in a black robe who doesn't know you at all. 'Where should you land, Judge? Where should you land somewhere between [4] and 30 years?'

But this small bit of difference, somebody nudges somebody and the trigger goes off or the person who was—you weren't holding the gun, so the person that was holding the gun decides that he wants to show who's boss and the gun goes off. And then that family doesn't even care about you, because they're preparing for a funeral.

That's how I see this. A defendant who had the opportunity of school and said, 'Nope. I think I'll quit. That will be a better thing for me.' A defendant who had no job but wanted to father children, or wound up fathering children. A defendant who could have been like the majority of Americans and not get

arrested, but couldn't keep from being arrested.

Perhaps the reason that you are going to prison for the first time is because you've barely made it over the adult line of 18, but your conduct as a juvenile certainly put you in the game to have gone to prison before. Let's review.

On August—in April of 2015, committed the offense of theft. Not the crime of the century. In August of 2015, was sentenced to five years of juvenile probation, redeploy probation. Served 30 days of home confinement.

That must have been tough. '[Defendant], you stay home.' 'Well, if I must.'

Thirty days of home confinement, served seven days in detention, with a review hearing set later. That didn't last long, because February of 2016, a petition for violation of probation was filed.

Then you got some curfew violations and some small things. But then in July of 2015, charged with aggravated battery on a peace officer and unlawful possession of firearm ammunition. Sentenced to five years of juvenile probation that I mentioned, ordered to attend school, pay restitution, write a letter of apology.

2016, aggravated battery of a school employee. Two months after that, the Court ordered you to 30 days in remission. So first you had 30 days of having to stay at home, and now you have 30 days of going to jail. But remission means you don't really have to go.

In April of 2017, a petition to violate your probation was filed because you unsuccessfully discharged yourself from a residential drug-treatment program.

Why am I airing all this dirty laundry, [defendant]? Because [defense counsel] tries to do a good job by saying, 'Look, he's been addicted to things.' Well, you are not addicted to rehab, because you checked yourself out of that. You are not addicted to school, because you quit going to that. You are not addicted to probation, because you violate that.

And then in 2018, a complaint for adjudication of contempt was filed for removing your electronic monitoring bracelet and left it at home. So a warrant had to be issued to find you. So you even couldn't do the stay-at-home part. My, my.

Are there good parts about you? I'm sure there are. I can't examine or weigh your heart. Maybe you cry at funerals. Maybe it makes you sad to see a family member exit the Earth. But [defendant], all of the traits that you've presented to the world, most of them have made them afraid of you. I'm not afraid of you, and I don't think you usually want people to be afraid of you, but you present yourself to the world and make them afraid of you.

And that's what prisons are for. What a shame. Three of the prisons in Illinois are over [100] years old, so it's not as though they'll just fade away and fall into a dark hole and we won't fill them back up again. They've been around a long time. And not everybody in a prison is a terrible person, but they've done some bad things. And you are one of them. What a shame that you've put yourself in this position.

It's painful that I'm going to separate you from your family, but I would be out of my mind if I didn't put myself at the end of the barrel of the gun which was used to change the life of this lady—who, by the way, was a neighbor, as I

recall, of the codefendant.

It's not easy for people to move to cities anymore. They kind of want to move to somewhere in the back in the black in the corner in the dark, go to the local grocery store, quit having people call on their phone and spam it up, and just live their life. Demographics show that people are moving away from the city, all cities. You can't leave your house and drive to this courthouse without passing hundreds of places that need employees, anywhere from dishwashers to servers to apprentices to bricklayers.

And you have, as my father would say, pissed it all away. Oh, boy. But again, how could this surprise anybody?"

¶ 21 The trial court sentenced defendant to 24 years' imprisonment. The court continued:

"[Defendant], I don't give up on you. You probably gave up on yourself long ago. Maybe not. But I have to interrupt your life long enough that a generation of people, or at least a decade of people, not have to meet you and be afraid of you. I hope that you come out better than you go in. It will be a challenge, but you've entered a challenging life."

¶ 22 In February 2022, defendant filed a motion to reconsider his sentence, arguing his sentence was excessive and the trial court failed to consider mitigating factors. Following an April 2022 hearing, the court denied the motion.

¶ 23 Defendant appealed, and in September 2022, this court allowed defendant's agreed motion for summary remand for compliance with Rule 604(d). *Monroe*, No. 4-22-0524 (2022) (order). On remand, as Judge Lyons had retired, the case was assigned to a new judge,

Paul P. Gilfillan.

¶ 24 In October 2023, defendant filed a motion to withdraw his guilty plea. Following a November 2023 hearing, the trial court denied the motion.

¶ 25 Defendant appealed, and in November 2024, this court vacated the trial court's judgment and remanded for compliance with Rule 604(d). *Monroe*, 2024 IL App (4th) 231314-U, ¶ 43. On remand, the case was assigned to a new judge, Paul E. Bauer.

¶ 26 In July 2025, defendant filed a motion to withdraw his guilty plea. In September 2025, he filed a motion to reconsider his sentence, arguing his sentence was excessive and the trial court failed to consider mitigating factors. Following a hearing the same day, the court denied both motions.

¶ 27 This appeal followed.

¶ 28 II. ANALYSIS

¶ 29 On appeal, defendant argues the trial court was biased against him at sentencing, denying him a fair and impartial sentencing hearing. According to defendant, the court (1) repeatedly disparaged him and his mother, (2) “injected personal anecdotes and opinions about society and crime in general,” and (3) “relied heavily on school disciplinary reports concerning *** defendant's conduct between the ages of [9] and 11.”

¶ 30 Defendant acknowledges he forfeited his contentions of error by failing to raise them in a postsentencing motion. See *People v. Hillier*, 237 Ill. 2d 539, 544 (2010) (stating, to preserve a claim of sentencing error, counsel must make a contemporaneous objection and file a postsentencing motion raising the issue). He asks this court to review his forfeited claim under the plain-error doctrine. See Ill. S. Ct. R. 615(a) (eff. Jan. 1, 1967). To establish plain error in the sentencing context, a defendant must first show a clear or obvious error occurred. *Hillier*, 237 Ill.

2d at 545. Then, the defendant must show either (1) the evidence at the sentencing hearing was closely balanced or (2) the error was so flagrant as to deny the defendant a fair sentencing hearing. *Id.* We first determine whether a clear or obvious error occurred.

¶ 31 “A trial court must conduct itself in a fair and impartial manner, and the court may not show bias or prejudice against either party.” *People v. Fisher*, 2023 IL App (4th) 220717, ¶ 30. “A trial judge is presumed to be impartial, and it is the burden of the party challenging the court’s impartiality to overcome that presumption.” *Id.* ¶ 31. “A sentencing hearing is fundamentally unfair—and due process is denied—when the proceeding is affected by judicial bias. [Citation.] Such is the result regardless of whether the ultimate sentence imposed was within the statutory limits.” *People v. Rademacher*, 2016 IL App (3d) 130881, ¶ 47.

¶ 32 To demonstrate judicial bias, a defendant must show the trial judge displayed “active personal animosity, hostility, ill will, or distrust toward the defendant.” (Internal quotation marks omitted.) *Fisher*, 2023 IL App (4th) 220717, ¶ 31. “We view allegations of judicial bias or prejudice in context and evaluate the allegations in terms of the trial judge’s specific reaction to the events taking place.” *Id.* Whether a trial judge “has demonstrated bias against a defendant resulting in a fundamentally unfair sentencing hearing” is reviewed *de novo*. *People v. Montgomery*, 2023 IL App (3d) 200389, ¶ 28.

¶ 33 Defendant notes the trial judge in this case has been reversed for improper remarks resulting in judicial bias by two districts of our appellate court. In *Montgomery*, the appellate court vacated the defendant’s sentence and remanded for resentencing because the trial court “failed to hide its animosity toward [the] defendant.” *Id.* ¶¶ 32-33. The appellate court explained:

“The court’s animosity was laid bare in the sentencing hearing when it

(1) mimicked [the] defendant's demands to the arresting officer, (2) referred dismissively to [the] defendant's wife, (3) envisaged a hypothetical prison scenario where it would personally discredit [the] defendant's claims of mistreatment, (4) criticized the arresting officer's patience in dealing with [the] defendant, (5) suggested the officer should have tased [the] defendant upon noncompliance, and (6) most disconcerting of all, stated it would have killed [the] defendant if it were in the store clerk's shoes." *Id.* ¶ 32.

¶ 34 In *Fisher*, this court vacated the defendant's sentence based on the trial judge's "bombardment of sarcastic and disparaging remarks against [the] defendant." *Fisher*, 2023 IL App (4th) 220717, ¶ 43. We explained the trial judge's hostility was revealed through his inappropriate comments regarding (1) the defendant's behavior in jail, (2) his decision to have a jury trial, (3) the sex offender evaluation, (4) the defendant's mother's death, (5) the fact defendant fathered many children, and (6) defendant's limited intellectual ability. *Id.* ¶¶ 36-39.

¶ 35 After reviewing the trial court's comments within the context of the entirety of its sentencing determination, while not exemplary, they do not rise to the level of reversible error. Unlike in *Fisher* and *Montgomery*, the court's sentencing determination was based on the seriousness of the offense, defendant's lengthy juvenile record, and his lack of rehabilitative potential, rather than bias or hostility against defendant. We address each of defendant's arguments in turn.

¶ 36 First, defendant argues the trial court's sentencing remarks suggest its sentence was based on stereotypes and not on his individualized circumstances. In particular, defendant focuses on the court observing it had encountered many criminal defendants who fit defendant's "frame" or "paradigm." In isolation, the comments could be interpreted as stereotyping.

However, the comments at issue were made at the beginning of the court's lengthy remarks. The court thereafter delved deep into defendant's individual circumstances, discussing at length his school disciplinary record, his juvenile criminal record, and the circumstances of the offense. Looking at the totality of the court's remarks, it is apparent the court based its sentence on the specific facts of defendant's case and not stereotypes.

¶ 37 Defendant also takes issue with the trial court's brief comments directed toward his mother. While not stated in the most artful manner, when taken in context, it is apparent the court did not make these statements to disparage defendant's mother. When discussing defendant's upbringing, the court expressed its disagreement with his mother's belief she did her best raising defendant, given the outcome in this case. However, the court ultimately placed the blame on defendant, stating he needed to take responsibility for his own actions. The court's fleeting remarks directed toward defendant's mother do not show the animosity or hostility needed to demonstrate judicial bias.

¶ 38 Defendant next argues the trial court showed disdain for him by injecting sarcastic and hyperbolic language throughout its sentencing remarks. "[H]arsh criticism, based on the particular facts of a defendant's case, does not constitute any sort of evidence of prejudice derived from personal bias." *Rademacher*, 2016 IL App (3d) 130881, ¶ 48. The evidence presented at the sentencing hearing revealed defendant had a long history of breaking school rules, violating the law, and a general inability to conform his behavior to society. While the court's comments veered at times into harsh criticism or sarcastic quips, the substance of its remarks were based on the particular facts of defendant's case. Defendant's history with school discipline, juvenile probation, and rehabilitation programs were all relevant considerations for his rehabilitative potential.

¶ 39 In a similar vein, defendant asserts the trial court engaged in impermissible animus toward him for fathering three children. He compares the court’s remarks in this case to those made by the same trial judge in *Fisher*. However, the court’s comments as to defendant’s relationship with his children are of a different nature than those in *Fisher*. In *Fisher*, the trial court made clear it was imposing a prison sentence to punish the defendant for having 16 children and to prevent him from further procreating. At the sentencing hearing, the court’s comments were saturated with animosity toward the defendant, including: “ ‘[The Defendant] is bad for the Earth. He is a child making machine,’ ” “ ‘You are smothering the Earth, sir,’ ” and “ ‘We have shown [the defendant] the door, put some clothes on him, pointed him to the North Star, and said, “There’s the world. Go populate it.” And that’s what he’s done. My goodness.’ ” *Fisher*, 2023 IL App (4th) 220717, ¶ 17. After granting the defendant’s motion to reconsider his sentence, the court held a second sentencing hearing, where it again expressed deep hostility toward the defendant:

“ ‘Do I tell [the defendant] to wear a sign around his neck that says, “Hey out of my way, I’m a-coming through and I got a bad childhood, so just giving you the little thumbs up. I’ve got the red light on my head. Honk honk. Peel off to the side. [Defendant] coming through. Pants down.” ’ ” *Id.* ¶ 21.

¶ 40 Unlike the comments in *Fisher*, the trial court’s remarks here regarding defendant’s relationship with his children were limited to proper considerations of defendant’s credibility and character. See *People v. Fern*, 189 Ill. 2d 48, 53 (1999) (“The trial court must base its sentencing determination on the particular circumstances of each case, considering such factors as the defendant’s credibility *** [and] general moral character.”). Defendant requested a lesser sentence based, in part, on his desire to parent his three young children. The court

interjected to express its disbelief, noting this desire did not materialize until defendant was facing a prison sentence. The court clarified, “I’m trying to judge his future by his past,” and eventually concluded, “[Defendant] claiming that he wants to be part of their lives and be something he hasn’t been up until now seems very disingenuous.” This was a proper consideration of defendant’s credibility. Additionally, during his PSI interview, defendant admitted he never held a job, he did not pay child support for any of his children, and all the children lived with their respective mothers. The court pointing out defendant’s past behavior did not align with his assertion he wished to parent his children was a relevant consideration of his credibility and character. We cannot say the court’s commentary on defendant’s familial relationships evinced the sort of hostility needed to demonstrate judicial bias.

¶ 41 Defendant also argues the trial judge displayed bias by injecting personal anecdotes and his own life experiences into his sentencing determination. He highlights the trial judge’s stories regarding his schooling experiences and family history in Peoria. While the court’s personal anecdotes were ill-advised, they do not amount to the animosity, hostility, ill will, or distrust which is necessary to prove bias. Taken in context, the court’s comments were, at worst, brief but irrelevant tangents. See *People v. Steppan*, 105 Ill. 2d 310, 323 (1985) (“The fact that the sentencing judge added some personal observations before imposing sentence, while not to be encouraged, is of no consequence.”). Moreover, it was entirely appropriate for the court to consider the perspective of Hall during the offense, where she submitted a victim impact statement and questionnaire to the court detailing the ongoing trauma she suffered from following the incident.

¶ 42 Finally, the trial court’s remarks concerning defendant’s school disciplinary records cannot support a finding of judicial bias. A trial court may consider a defendant’s school

disciplinary record as it relates to appropriate sentencing considerations, such as character and rehabilitative potential. See *People v. Ferguson*, 2021 IL App (3d) 200041, ¶ 18. Defendant argues the court's comments show it only considered school disciplinary incidents that occurred when he was between 9 and 11 years old, suggesting the incidents were too remote in time. We disagree. It was not improper for the court to consider the earlier disciplinary incidents, as they were part of a broader pattern of defendant's defiant and sometimes violent behavior toward school authorities and other students. In addition to the earlier incidents, the court explicitly stated it was considering disciplinary incidents from when defendant was "12 and 13 and 15 and 16 years old." Given defendant was 18 years old at the time of the offense, his school disciplinary record was particularly relevant to his character and rehabilitative potential. We also note defendant's full (and lengthy) school disciplinary record was attached to the PSI, which the court stated it considered when fashioning defendant's sentence. See *People v. Pippen*, 324 Ill. App. 3d 649, 653 (2001) (the reviewing court presumes the trial court considered all information presented by a defendant at a sentencing hearing).

¶ 43 Again, defendant must show something more than unkind criticism or harsh rebukes to demonstrate the trial judge was biased against him. See *Rademacher*, 2016 IL App (3d) 130881, ¶ 48. He has failed to do so. Although we do not endorse the trial court's specific remarks in this case, taken as a whole, the court's remarks show it based defendant's sentence on the seriousness of the offense, his juvenile criminal record, and his lack of rehabilitative potential. Accordingly, we find no clear or obvious error occurred.

¶ 44 III. CONCLUSION

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

¶ 46 Affirmed.