NOTICE
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2026 IL App (5th) 250002-U

NO. 5-25-0002

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,	)	Champaign County.
	)	
v.	)	No. 23-CF-226
	)	
DARIC S. DAVIS,	)	Honorable
	)	Roger B. Webber,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE BARBERIS delivered the judgment of the court.
Presiding Justice Cates and Justice Hackett concurred in the judgment.

ORDER

¶ 1 *Held*: Defendant's 12-year sentence, imposed after he pled guilty to second degree murder, is affirmed where defendant was not denied a fair sentencing hearing and his sentence was not excessive.

¶ 2 Defendant, Daric S. Davis, pled guilty to second degree murder (720 ILCS 5/9-2(a)(2) (West 2022)), and the Champaign County circuit court sentenced him to 12 years in prison. Defendant appeals, arguing that the court denied him a fair sentencing hearing by refusing to consider evidence regarding the decedent's prior domestic violence convictions. Defendant also argues that his 12-year sentence was excessive due to the lack of aggravating evidence and abundance of mitigating evidence. For the following reasons, we affirm.

¶ 3 I. BACKGROUND

¶ 4 On February 16, 2023, the State charged defendant by information, with four counts of first degree murder (*id.* § 9-1(a)(1), (a)(2)), alleging that on November 9, 2022, defendant shot Taveon Davis and caused Taveon's death. On May 30, 2024, the State charged defendant with an additional count of second degree murder, alleging that defendant personally discharged a firearm that proximately caused Taveon's death, and that at the time of the killing defendant believed the circumstances justified or exonerated his killing Taveon, but his belief was unreasonable.

¶ 5 Also, on May 30, 2024, defendant pled guilty to second degree murder and the State agreed to dismiss the remaining charges. There was no agreement as to defendant's sentence. The circuit court admonished defendant of the rights he was giving up by pleading guilty. The court also advised defendant that the sentencing range for second degree murder was 4 to 20 years in prison or up to 48 months of probation. Defendant indicated that he understood and wished to plead guilty.

¶ 6 The State provided the following factual basis for the guilty plea. On the evening of November 9, 2022, Urbana police officers were dispatched to a house in Urbana, Illinois, following a reported shooting. When police arrived at the house, they found Taveon shot in the dining room area. Taveon was transported to a hospital but died from his injuries. Police interviewed Monike Carter and her three daughters, all of whom were in the house at the time Taveon was shot. Carter advised police that Taveon had been drinking and they had an argument. Taveon then got into an argument with Carter's 15-year-old daughter, who slapped Taveon. Taveon slapped Carter's 15-year-old daughter back. Carter's 13-year-old daughter called her father, defendant, who then came to the house and confronted Taveon. One witness advised that a brief struggle ensued between defendant and Taveon before defendant shot Taveon in the chest.

Before shooting Taveon, defendant stated, "You don't touch my daughter." The circuit court found the State's factual basis sufficient and accepted defendant's plea.

¶ 7 On July 15, 2024, a presentence investigation (PSI) report was filed with the circuit court. The PSI report indicated that defendant was 45 years old at the time of the offense but 46 years old at the time the report was prepared. Defendant's prior criminal and traffic history included the following: a 2006 felony conviction for delivery of a controlled substance; six misdemeanor convictions for driving on a suspended license from 2003 to 2019; a 2004 misdemeanor conviction for criminal trespass to land; and several minor traffic offenses over the years. Defendant also had two city ordinance violations from 2012 and 2017 for possession of cannabis, and he was the respondent in an order of protection case from 2018.

¶ 8 The PSI report further demonstrated that defendant had six children—five with Carter and one with another woman. Two of the children defendant had with Carter died from sudden infant death syndrome (SIDS) at six months of age in 2006 and 2013, respectively. Defendant had three living daughters with Carter, ages 12, 15, and 16, all of whom resided with Carter in Urbana. Defendant's other daughter was two years old and resided with her mother in Champaign, Illinois. Defendant had a good relationship with all of his daughters and provided them with financial support. Defendant loved his children and talked to them on a daily basis before his incarceration. Defendant advised that after his child died from SIDS in 2013, the Illinois Department of Children and Family Services (DCFS) removed his three daughters from he and Carter's care and placed them in the care of Carter's family. Defendant and Carter completed two years of required services, including substance abuse treatment, anger management classes, parenting classes, and individual counseling, and the children were returned to their custody.

¶ 9 The PSI report demonstrated that defendant obtained his GED and had plans to obtain a commercial driver's license, or CDL. Defendant reported that he had been consistently employed since he was 18 years old. In April 2022, defendant started his own business, We Haul and Delivery, and made approximately $2,000 a month. Defendant previously used alcohol, but his alcohol use had decreased with age. Defendant used cannabis to relax. Defendant's cannabis use increased in 2014 after his mother and child died. Defendant had abstained from cannabis for extended time periods. When asked about the shooting of Taveon, defendant stated that he was protecting his children and things went too far.

¶ 10 On July 18, 2024, the circuit court held a sentencing hearing. Defense counsel requested that the court take judicial notice of two Champaign County cases (21-CF-310 and 18-CM-766), including a case where Taveon admitted to inflicting bodily harm on an individual and a domestic battery conviction. Defense counsel asserted that Taveon's prior history of battering women was relevant to the circumstances of defendant's case, because it showed the seriousness of the situation and that defendant's daughter was not overreacting when she called defendant. Defense counsel noted that in the present matter, Taveon hit one of defendant's daughters and then chased his daughters around the house with mace. Defense counsel noted that Taveon's prior convictions would have been admissible under *Lynch* had the case gone to trial. See *People v. Lynch*, 104 Ill. 2d 194 (1984).[1] Defense counsel further argued that Taveon's history of domestic violence was relevant to determining if two statutory mitigating factors applied—whether defendant acted under strong provocation and whether there were substantial grounds that tended to excuse or justify

[1]A defendant who raises a theory of self-defense may offer substantive evidence of the victim's aggressive or violent character to support his contention that he reasonably believed the use of force was justified. *Lynch*, 104 Ill. 2d at 199-200. A defendant may offer evidence of the victim's violent character in two circumstances: (1) to demonstrate that the defendant's knowledge of the victim's violent tendencies affected the defendant's perceptions of and reactions to the victim's behavior, and (2) to support the defendant's version of the facts where there are conflicting accounts of what occurred. *Id.* at 201.

defendant's conduct. According to defense counsel, the convictions would assist in showing the type of person defendant confronted when he arrived at the house after receiving the phone call from his daughter.

¶ 11 The State objected, arguing that *Lynch* was inapplicable because self-defense was no longer an issue in defendant's case in light of the fact that he pled guilty. The State contended that Taveon's prior convictions were irrelevant to the question of provocation because defendant was unaware of Taveon's prior convictions when he shot Taveon. The State maintained that the sentencing hearing was about defendant's character, not Taveon's.

¶ 12 After considering the parties' arguments, the circuit court noted that the evidence was reliable, but the court was unsure if the evidence was relevant. The court reserved ruling on the admissibility of the evidence, noting that it needed to "hear some evidence about the actual circumstances, what was happening when [defendant] arrived, and what he saw." The court continued the sentencing hearing to a later date.

¶ 13 On October 15, 2024, the circuit court held a hearing where it allowed the defense to make an offer of proof. Defense counsel called Officer John McAllister, a patrol officer for the City of Champaign, to testify. Officer McAllister testified that on March 11, 2021, he spoke with Hoanganh Duong at a local hospital. Duong reported "a domestic battery between her and her boyfriend," Taveon. Officer McAllister learned that Taveon punched Duong in the head and attempted to break her phone. Taveon later pulled Duong's hair, attempted to break her hands, punched her repeatedly in the head, bit her, and attempted to gouge out her eyes with his thumbs. Taveon also choked Duong until she almost lost consciousness.

¶ 14 On October 18, 2024, the circuit court held defendant's sentencing hearing. Detective Doug Pipkins with the Urbana Police Department testified for the State. Detective Pipkins investigated

Taveon's death on November 9, 2022. Detective Pipkins's testimony was consistent with the State's factual basis. Detective Pipkins added that Taveon and Carter were in a dating relationship. Detective Pipkins also added that defendant left the house with his three daughters after shooting Taveon and took them to a relative's house. Police located defendant three months later in Champaign, Illinois. A gun was found inside of one of defendant's backpacks when he was arrested. The gun was not used in Taveon's murder. Defendant denied that he shot Taveon when interviewed by police.

¶ 15 On cross-examination, Detective Pipkins testified that he observed a hole in the drywall near Taveon's body. Detective Pipkins understood that the hole was the result of a physical altercation between defendant and Taveon.

¶ 16 The defense presented several letters from family members and friends of defendant describing defendant's good character. One of defendant's daughters also testified on his behalf. The daughter, who was 15 at the time of the hearing, testified that her mother had a verbal argument with Taveon on the night of the shooting. She had only known Taveon for a month. Taveon had "white stuff coming out the side of his mouth, his eyes [were] bloody shot red, and he was—he kept yelling and saying that he was going to get his family to hurt us, and just saying like a whole bunch of hurtful things about our brothers." Taveon got in the oldest daughter's face, and she slapped him. Taveon then chased the daughters around the house with mace. Two of the daughters hid in a closet and called defendant. Defendant arrived shortly after receiving the call. The daughter observed a physical altercation between defendant and Taveon, but she did not see defendant shoot Taveon. Defendant had always had a close relationship with his daughters. Defendant took them to school every day and attended their extracurricular activities. Defendant saw his daughters every day before the shooting. Defendant's absence had been hard on his daughters, causing one

daughter to quit basketball because no one came to watch her games. Defendant had previously attended every one of his daughter's basketball games.

¶ 17 After considering the evidence presented at the hearing, the circuit court ruled on defense counsel's request to take judicial notice of the two Champaign County cases involving Taveon. The court denied defense counsel's request, finding the cases, and the evidence relating thereto, irrelevant. In doing so, the court noted that the evidence was "proffered to show the circumstances of the situation that [defendant] was confronted with when his daughter called him, yelling for help, and indicating that an adult man was having words with [her] mother, maybe struck [her] sister, words to that effect." The court stated that, unless defendant knew of Taveon's prior convictions at the time of the shooting, it did not "know how that contributes to the provocation." The court noted that the evidence presented at the sentencing hearing, "both from Detective Pipkins and the defendant's daughter[,] that there was a lot of things going on that could certainly be construed as provocation of the defendant." The court went on to state, "But I don't think the prior conviction of the victim is relevant for that purpose, so I'm going to deny that offer of proof." The court then asked the parties to present their arguments as to sentencing.

¶ 18 The State requested that the circuit court impose the maximum 20-year sentence. In support, the State argued that this was "not the story of the defendant valiantly coming to his daughters's rescue." According to the State, "[t]his [was] the story of the defendant, someone who's a convicted felon, who had, prior to this night, gone out and got a gun, and had it ready to go, finally getting the excuse he need[ed] to commit what essentially [was] an execution." The State suggested that defendant was jealous of Taveon. The State further noted that defendant got rid of the gun and left the state after shooting Taveon.

¶ 19 Defense counsel disagreed with the State's characterization of defendant's motives. Defense counsel urged that defendant was defending his children when he shot Taveon, stating that there was "no reason to believe that he had any jealousy, or any negative feelings towards Taveon Davis, or that he even really knew him." Defense counsel posited that defendant came to the house after receiving a frantic phone call from his daughter. After defendant arrived at the house, he was involved in an altercation with a man half his age, which resulted in a hole in the wall. Defendant then shot Taveon. Defense counsel requested probation or the minimum four-year prison sentence.

¶ 20 Defendant then made a statement in allocution. Defendant claimed that he "always put [his] kids first." Defendant stated that he worked hard to provide for his family and noted that he did everything DCFS asked to regain custody of his children. After receiving the phone call from his daughter, he grabbed a gun he kept at home for protection. Defendant planned to use the gun "to get the girls and bring them to [his] house." Defendant did not call police because he did not want "DCFS to get involved and take the girls again." Defendant placed his gun in his pocket before walking into the house. Defendant made contact with his daughters before locating Taveon. When defendant asked Taveon why Taveon put hands on his daughter, Taveon "rushed" towards defendant and they began to fight and struggle. Defendant fell into the wall during the struggle. According to defendant, Taveon reached for a liquor bottle and defendant "made the very poor decision of pulling the gun and firing one shot into [Taveon's] direction." Defendant regretted the decision every day and asked Taveon's family for forgiveness.

¶ 21 The circuit court stated that it considered the PSI report, the evidence presented, defendant's statement in allocution, the arguments of the parties, the statutory and nonstatutory factors in aggravation and in mitigation, and the history and character of defendant. The court

found "both statutory and non-statutory mitigation present in this case." The court found that defendant "acted under strong provocation." The court found the "question of whether there were substantial grounds tending to excuse or justify the defendant's conduct, though failing to establish a defense [was] a closer question, but I think there is some evidence to support that." The court noted that defendant did have a prior criminal history but that it was "not as lengthy as this court is used to seeing." The court noted that defendant had multiple minor offenses over the years, which demonstrated that defendant had "a tendency to disregard the law, and that reflects negatively upon an opportunity to successfully complete probation." In considering whether defendant's criminal conduct was unlikely to recur, the court stated, "I would like to find that that is true, but given his own statements, that he feels a need to protect his children, *** and he does acknowledge things went too far in this particular circumstance; but without the presence of the gun, *** this situation would have been a whole lot different." The court recognized that defendant was very active in his children's lives and supported them emotionally, as well as financially. The court further noted that defendant had been consistently employed. The court also noted that defendant successfully completed the requirements DCFS placed on him to regain custody of his children.

¶ 22 The circuit court also addressed the aggravating factors. The court noted that the fact that defendant's conduct caused or threatened serious harm was inherent in the charged offense. The court found defendant's prior criminal history was "not nearly as lengthy as many that this court sees, and most of it is very old. He has led a law-abiding life for substantial periods of time." The court found it necessary "to deter people who were not allowed to legally possess guns in the first place, from owning them and taking them out in situations where tempers are high." The court also considered the nature and circumstances of the offense, stating as follows:

> "And I do believe given the totality of all of the circumstances that I've heard about from this incident, the fact that [defendant] illegally possessed a gun, bothered to take it out of his glove box when he was going into what he knew was a heated situation, and then while he was away, not turning himself in to the police, not calling the police to say hey, I just overdid it protecting my children, somebody's been hurt, but to go out and possess another gun, to obtain another gun when you know you're not allowed to possess it legally, and you just experienced the consequences of what happens when you illegally have a gun and you take it into a stressful, contentious situation."

After making this statement, the court sentenced defendant to 12 years in prison with credit for 613 days previously served.

¶ 23 On October 22, 2024, defendant filed a motion to reconsider his sentence, which the circuit court denied. Defendant filed a timely notice of appeal.

¶ 24 II. ANALYSIS

¶ 25 On appeal, defendant first argues that the circuit court denied him a fair sentencing hearing by refusing to consider evidence regarding Taveon's prior domestic violence convictions. Defendant also argues that his 12-year sentence was excessive due to the lack of aggravating evidence and abundance of mitigating evidence. We address defendant's arguments in turn.

¶ 26 A. Fair Sentencing Hearing

¶ 27 Defendant argues that the circuit court erred by refusing to consider "relevant evidence" regarding Taveon's prior domestic violence convictions when it imposed defendant's 12-year sentence. Defendant maintains that Taveon's prior convictions were relevant because it was disputed at the sentencing hearing whether Taveon was the initial aggressor. Defendant maintains that this evidence was also relevant because it would have demonstrated two statutory mitigating

factors—that he acted under strong provocation and that there were substantial grounds tending to excuse or justify his conduct, though failing to establish a defense. 730 ILCS 5/5-5-3.1(a)(3), (4) (West 2022).

¶ 28 "At sentencing, the defendant's guilt has already been established, and the [circuit] court's remaining task is to determine the appropriate punishment, within statutory and constitutional limits." *People v. Maron*, 2019 IL App (2d) 170268, ¶ 63 (citing *People v. Rose*, 384 Ill. App. 3d 937, 940 (2008)). "The court should possess the fullest information available concerning the defendant's life and characteristics in order to fashion an appropriate sentence." *Id.* (citing *Rose*, 384 Ill. App. 3d at 940-41). "The court may consider, *inter alia*, *the defendant's* moral character, habits, social environment (family life and occupation), abnormal tendencies, age, natural inclination or aversion to commit crime, and criminal record." (Emphasis added.) *Id.* "The source and type of information that the sentencing court may consider is virtually without bounds." *Rose*, 384 Ill. App. 3d at 941. "Evidence need only be relevant and reliable to be admitted at a sentencing hearing," and "[i]t is within the sentencing court's discretion to determine whether evidence is relevant and reliable." *Maron*, 2019 IL App (2d) 170268, ¶ 63. An abuse of discretion occurs only where the court's ruling is arbitrary, fanciful, unreasonable, or where no reasonable person would take the view adopted by the court. *People v. Hall*, 195 Ill. 2d 1, 20 (2000).

¶ 29 Here, the circuit court found Taveon's prior convictions, and the evidence relating thereto, reliable but not relevant. In doing so, the court noted that defendant was unaware of Taveon's prior convictions at the time of the shooting and, thus, the court failed to see how those convictions could have provoked defendant to shoot Taveon. The court further noted that other evidence presented at the hearing, including the testimonies of Detective Pipkins and defendant's daughter,

"could certainly be construed as provocation of the defendant." After carefully reviewing the record, we cannot say that the circuit court's ruling constituted an abuse of discretion.

¶ 30 The circuit court's ruling reflects that it focused on defendant's mentality and character at sentencing, rather than Taveon's. Defendant did not know Taveon, and it is undisputed that defendant had no knowledge of Taveon's prior convictions. It is also undisputed that defendant went to Carter's house after his daughters advised him that Taveon had slapped one of them and began chasing them around the house. In other words, as the court noted, there was other evidence demonstrating that Taveon's actions towards defendant's daughters provoked defendant and tended to excuse or justify defendant's conduct. Thus, it was not unreasonable for the court to conclude that evidence concerning Taveon's acts of violence toward a former girlfriend and other unknown acts of violence—of which defendant was unaware—was irrelevant to defendant's shooting of Taveon in the present case. Accordingly, we cannot say that the court abused its discretion or denied defendant a fair sentencing hearing by refusing to consider the evidence relating to Taveon's prior convictions.

¶ 31 In reaching this conclusion, we acknowledge that defendant cites *Lynch* in support of his argument that the circuit court erred by refusing to consider this evidence. However, we find defendant's reliance on *Lynch* misplaced. We agree with the State that *Lynch* governs trial admissibility (*i.e.*, self-defense or initial aggressor evidence) and is not controlling at sentencing, where the touchstone is relevance to a defendant's character and the offense circumstances.

¶ 32 We additionally note that the circuit court, in imposing its sentence, found that defendant "acted under strong provocation." The court also found the "question of whether there were substantial grounds tending to excuse or justify the defendant's conduct, though failing to establish a defense [was] a closer question, but I think there is some evidence to support that." Accordingly,

it appears that the court found these two mitigating factors applied without evidence of Taveon's prior convictions. Thus, even assuming *arguendo* that the court abused its discretion by excluding the evidence, any such error would be harmless and would not have denied defendant a fair sentencing hearing.

¶ 33 B. Excessive Sentence

¶ 34 Defendant next argues that his 12-year prison sentence was excessive due to the lack of aggravating evidence and abundance of mitigating evidence. Specifically, defendant argues that the evidence demonstrated that he acted under strong provocation, there were substantial grounds tending to excuse or justify his conduct, the circumstances that led to the offense were unlikely to recur, his incarceration would have a negative impact on his children, and he had strong rehabilitative potential.

¶ 35 The Illinois Constitution provides 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. "A reviewing court gives substantial deference to the [circuit] court's sentencing decision because the trial judge, having observed the defendant and the proceedings, is in a much better position to consider factors such as the defendant's credibility, demeanor, moral character, mentality, environment, habits, and age." *People v. Snyder*, 2011 IL 111382, ¶ 36. Accordingly, a reviewing court will not reverse a circuit court's sentencing decision merely because it would have weighed these factors differently. *People v. Musgrave*, 2019 IL App (4th) 170106, ¶ 56. A reviewing court instead reviews the sentencing determination of the circuit court for an abuse of discretion. *People v. Stacey*, 193 Ill. 2d 203, 209 (2000). A sentence imposed within the applicable sentencing range is presumptively valid, and a reviewing court will not disturb the court's evaluation of proper sentencing factors absent an abuse of discretion. *People v.*

Sauseda, 2016 IL App (1st) 140134, ¶ 12. "A [circuit] court's sentence is an abuse of discretion if it is greatly at odds with the spirit and purpose of the law or is manifestly disproportionate to the nature of the offense." *Musgrave*, 2019 IL App (4th) 170106, ¶ 56.

¶ 36 Here, defendant pled guilty to second degree murder, a Class 1 felony, which was punishable by 4 to 20 years in prison or 48 months of probation. 730 ILCS 5/5-4.5-30(a), (d) (West 2022). Defendant was sentenced to 12 years in prison—a sentence that fell in the middle of the applicable sentencing range and is presumptively valid. Defendant acknowledges his mid-range sentence, but he contends that, "given the unique mitigating circumstances of this case, a sentence eight years over the minimum was excessive and does not reflect an appropriate balancing of all the factors in aggravation and mitigation and was an abuse of discretion."

¶ 37 Defendant first argues that the circuit court abused its discretion by failing to adequately consider the statutory mitigating factors. Specifically, defendant argues that the court failed to adequately consider that he acted under strong provocation, there were substantial grounds tending to excuse or justify his conduct, and that his conduct was the result of circumstances unlikely to recur. As defendant correctly notes, a circuit court may not ignore or refuse to consider relevant mitigating factors or evidence. *People v. Calhoun*, 404 Ill. App. 3d 362, 386 (2010).

¶ 38 Here, however, defendant's arguments essentially ask this court to reweigh the evidence and substitute our judgment for that of the circuit court. As noted, the court expressly found that defendant "acted under strong provocation." Defendant acknowledges the court's finding but claims that "the court did not give any recognition to the nature of the provocation." In our view, the court was clearly aware of Taveon's actions and was under no obligation to recite the specific facts surrounding the shooting in finding that defendant acted under strong provocation. Accordingly, we reject defendant's argument that the court failed to properly consider this factor.

¶ 39 Defendant next asserts that the circuit court did not give sufficient weight to the factor that there were substantial grounds tending to excuse or justify his conduct, though failing to establish a defense. We note, however, that regarding this factor, the court stated that the "question of whether there were substantial grounds tending to excuse or justify the defendant's conduct, though failing to establish a defense [was] a closer question, but I think there is some evidence to support that." In our view, the court's statement indicates that it applied this mitigating factor in making its sentencing determination. Accordingly, we reject defendant's argument that the court failed to give any weight to this factor when imposing his sentence.

¶ 40 Defendant next asserts that the circuit court "wrongly determined" that the mitigating factor that his criminal conduct was the result of circumstances unlikely to recur did not apply. 730 ILCS 5/5-5-3.1(a)(8) (West 2022). As defendant correctly notes, the court explained that it would not make this finding due to defendant's statements that he felt the need to protect his children and that he viewed himself as the children's primary protector. In our view, it was not unreasonable for the court to find this factor did not apply where defendant's actions demonstrated that he was willing to harm a person who threatened or physically harmed his children. Moreover, as the court noted, defendant, who could not legally possess a gun, was found in possession of another gun when he was arrested for this offense, indicating that he had the means to commit a similar offense if his children were again threatened or harmed. Thus, we reject defendant's argument that the court abused its discretion by finding that this factor was inapplicable.

¶ 41 Defendant additionally asserts that the circuit court failed to consider the negative impact of his incarceration on his children. However, the court recognized that defendant was very active in his children's lives and supported them emotionally, as well as financially. The court further noted that defendant had been consistently employed. The court also noted that defendant

successfully completed the requirements DCFS placed on him to regain custody of his children. Thus, contrary to defendant's argument, the court's statements indicate that it did consider the hardship defendant's incarceration would have on his children in determining defendant's sentence.

¶ 42 Finally, defendant asserts that "[t]he abundance of mitigating evidence and lack of aggravating evidence demonstrated that [he] had a high likelihood of rehabilitation." In making this assertion, defendant acknowledges that the court considered the objective of restoring defendant to useful citizenship. Defendant's argument in this regard essentially asks this court to reweigh the aggravating and mitigating factors and reduce his sentence. We note that "[a] defendant's rehabilitative potential *** is not entitled to greater weight than the seriousness of the offense." *People v. Coleman*, 166 Ill. 2d 247, 261 (1995). Because the court adequately considered the appropriate factors, we may not reweigh the factors involved in the court's sentencing decision. See *People v. Alexander*, 239 Ill. 2d 205, 214-15 (2010) (concluding that "[t]he appellate court substituted its own judgment for that of the trial court because it would have weighed the factors differently—an improper exercise of the powers of a reviewing court").

¶ 43 While defendant repeatedly maintains that his sentence was eight years above the minimum sentence, we note that it was also eight years below the maximum sentence. We reiterate that sentencing is within the province of the circuit court. *People v. Lefler*, 2016 IL App (3d) 140293, ¶ 31. "[I]t is equally well settled that the weight to be assigned to factors in aggravation and mitigation and the balance between those factors are matters within the sentencing court's discretion." *Id.* After carefully reviewing the record, we conclude that the circuit court properly considered and weighed the appropriate aggravating and mitigating factors. Accordingly, we hold that the court did not abuse its discretion when it sentenced defendant to 12 years in prison.

¶ 44 III. CONCLUSION

¶ 45 For the foregoing reasons, we affirm the judgment of the Champaign County circuit court.

¶ 46 Affirmed.