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) 260085-U

NO. 4-26-0085

FILED
November 17, 2026
Carla Bender
4th 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.	)	Winnebago County
CHRISTOPHER McCAULEY,	)	No. 23CF2959
Defendant-Appellant.	)	
	)	Honorable
	)	Debra D. Schafer,
	)	Judge Presiding.

JUSTICE GRISCHOW delivered the judgment of the court.
Justices Doherty and Harris concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court affirmed, concluding defendant's four-year prison sentence did not constitute an abuse of discretion.

¶ 2 In May 2025, defendant, Christopher McCauley, pleaded guilty to four counts of possession of child pornography (720 ILCS 5/11-20.1(a)(6) (West 2022)). In July 2025, the trial court sentenced defendant to a term of four years' imprisonment, to run consecutively with a term of three years' probation.

¶ 3 On appeal, defendant argues his four-year prison sentence constituted an abuse of discretion where the trial court (1) improperly considered a detective's testimony regarding evidence not in the record and (2) did not adequately consider the sentencing factors. For the reasons that follow, we affirm.

¶ 4 I. BACKGROUND

¶ 5 In December 2023, the State charged defendant with five counts of possession of child pornography (*id.*) (counts I-V). (We note the legislature changed the name of this offense to possession of child sexual abuse material after defendant was charged in this case. See Pub. Act 104-245 (eff. Jan. 1, 2026).) In May 2025, defendant entered an open guilty plea to counts I to IV. In exchange, the State agreed to the dismissal of count V. The court ordered a presentence investigation report (PSI), which was filed in June 2025.

¶ 6 According to the PSI, defendant's criminal history consisted of a 1998 conviction for fourth degree sexual assault in Wisconsin, for which he completed a 2-year term of probation, and a 1999 conviction for driving on a suspended license in Illinois, for which he received 12 months' court supervision. The State proffered a Beloit, Wisconsin, police report. According to the report, in June 1998, defendant confessed during a police interview that when he was 17 or 18 years old, he engaged in sexual intercourse with a 13-year-old girl on two occasions. He admitted he was aware of the victim's young age the second time he had sexual intercourse with her. However, defendant told the PSI interviewer he ceased contact with her once he found out she was 13 years old. Defendant pleaded guilty to fourth degree sexual assault, a Class A misdemeanor (Wis. Stat. § 940.225(3m) (1987-88)), and was sentenced to two years' probation. He reported he was successfully discharged early due to his satisfactory compliance and did not receive any probation violations. Additionally, a sex offender risk assessment attached to the PSI found defendant was "at low to moderate risk for reoffending."

¶ 7 In July 2025, the matter proceeded to sentencing. The trial court stated it received the PSI, two addendums to the PSI, and a sex offender evaluation.

¶ 8 The State called Brad Kaiser, a detective with the Winnebago County Sheriff's Office. Kaiser testified in October 2023, he received a tip from the National Center for Exploited

and Missing Children. According to the tip, Synchronoss Technologies, Inc., a cloud service provider, identified possible child sexual abuse material being stored on a phone's cloud storage. The associated phone number was linked to defendant through open-source records. Following further investigation, Kaiser obtained a search warrant for defendant's cloud storage. Kaiser estimated that defendant's cloud storage contained "approximately, 35,000 and some change images and videos that had been screenshotted or screen recorded of child sexual abuse material, namely of females under the age of 13, all of which were generally in the age range of eight to ten years old." The photographs and videos depicted young female children between the ages of 8 to 10 years old in age-inappropriate, provocative outfits. The children were posed in a sexual manner facing the camera, exposing their naked buttocks, breasts, and partially exposed genitalia.

¶ 9 Kaiser testified that in December 2023, he interviewed defendant at the police station. Defendant told Kaiser he procured the child sexual abuse material over a two-and-a-half-year period. He visited a website almost every day where he would search for images and videos of children fitting a certain description. He screenshotted or screen recorded material that he would later use for sexual gratification. Kaiser showed defendant some of the images, and defendant recognized them as ones he had viewed and screenshotted. Kaiser described defendant's demeanor as calm, professional, and cooperative, and he felt defendant was generally honest with him. Kaiser testified there was no indication defendant shared the child sexual abuse material with anyone else.

¶ 10 Samantha McCauley, defendant's wife, testified they had been married for 9 years and had known each other for 25 years in total. Prior to defendant's arrest, they were experiencing emotional and financial issues in their marriage, due in part to Samantha learning she could not get pregnant. She described defendant as a kind man who put everyone else first. Samantha testified that since defendant's arrest, their relationship had improved, and they now openly

communicated with each other. After his arrest, defendant was diagnosed with depression and attention-deficit/hyperactivity disorder (ADHD). She noted defendant owned a lawncare business, and she worked as the bookkeeper. They had one other employee.

¶ 11 The State recommended a sentence of 20 years' imprisonment. Defendant requested a term of probation.

¶ 12 In his statement in allocution, defendant apologized to everyone negatively affected by his actions, including his children, wife, and family. He explained he was struggling with a pornography addiction, depression, and stress and did not know how to ask for help. He acknowledged this did not excuse his behavior, and he owned the decisions he made. Defendant noted he now receives medical treatment for his depression and ADHD, and he plans to continue attending therapy for the rest of his life.

¶ 13 The trial court stated it considered the PSI; the addenda to the PSI; the factual basis of the offenses; the history, character, and attitude of defendant; the evidence and arguments presented; defendant's statement in allocution; and the statutory factors in aggravation and mitigation. The court first addressed the "pretty serious" nature of the offenses. The court found defendant was minimizing his actions to some extent, but this could be addressed in sex offender treatment. The court also acknowledged this case involved pornography addiction, and it could be shameful and embarrassing to discuss it in front of a judge or friends and family.

¶ 14 As to the factors in mitigation, the trial court found defendant's conduct neither caused nor threatened serious physical harm. See 730 ILCS 5/5-5-3.1(a)(1) (West 2024). The court also found he had led a law-abiding life for a substantial period prior to the commission of the offense (see *id.* § 5-5-3.1(a)(7)) and was particularly likely to comply with a period of probation (see *id.* § 5-5-3.1(a)(10)). The court noted it considered that defendant did not disseminate or

produce the child sexual abuse material.

¶ 15 As to the factors in aggravation, the trial court found defendant had a history of prior delinquency, specifically, his convictions for fourth degree sexual assault and driving with a suspended license. See *id.* § 5-5-3.2(a)(3). The court also found a prison sentence was necessary to deter others from committing the same crime. See *id.* § 5-5-3.2(a)(7). The court noted a prison sentence was especially important in this case to send the message that possession of child sexual abuse material is not a victimless crime. The court also found as an aggravating factor the sheer number of pictures and videos amassed by defendant over a two-and-a-half-year period.

¶ 16 The trial court sentenced defendant to four years' imprisonment on count I, followed by a term of mandatory supervised release for three years to natural life. As to counts II to IV, the court sentenced defendant to a three-year term of probation, to run consecutively with count I. The court explained it decided against a sentence of only probation, as it would deprecate the seriousness of the offense in light of the number of images and videos involved. However, the court found, given the number of factors in mitigation, a sentence of 20 years' imprisonment was unnecessary in this case. In particular, the court noted defendant began addressing his issues while on pretrial release, including getting medical treatment and attending counseling, which he would continue in sex offender treatment while incarcerated.

¶ 17 In August 2025, defendant filed a motion to reconsider his sentence. He argued the trial court misapplied the statutory factors in mitigation and aggravation. He also argued the court improperly relied on Kaiser's testimony regarding the number of images and videos when those items were not entered into evidence. Following a hearing, the court denied the motion.

¶ 18 This appeal followed.

¶ 19 II. ANALYSIS

¶ 20 On appeal, defendant argues the trial court abused its discretion in sentencing him to four years in prison. Defendant requests this court remand the matter with instructions to vacate his sentence and impose a term of probation or, alternatively, for a new sentencing hearing. "[W]e categorically do *not* have the authority to reduce a prison sentence to a sentence of probation." (Emphasis in original.) *People v. Lawson*, 2018 IL App (4th) 170105, ¶ 25. "Similarly, we do not have authority to remand a cause with directions to grant probation." *Id.* Because this court cannot remand with directions to grant probation, we consider only whether defendant is entitled to a new sentencing hearing.

¶ 21 First, defendant contends the trial court abused its discretion in relying on Kaiser's testimony regarding the significant number of images and videos discovered on defendant's phone where the State failed to introduce the actual evidence at the sentencing hearing. We find defendant has forfeited this issue on appeal, as he cites no legal authority in support of his contention. See Ill. S. Ct. R. 341(h)(7) (eff. Oct. 1, 2020) (providing that an appellant's argument "shall contain the contentions of the appellant and the reasons therefor, with citation of the authorities *** relied on"); *Trilisky v. City of Chicago*, 2019 IL App (1st) 182189, ¶ 54 ("The failure to elaborate on an argument, cite persuasive authority, or present a well-reasoned theory violates Rule 341(h)(7) and results in forfeiture of the argument.").

¶ 22 Even if we were to excuse defendant's forfeiture, his argument would still fail. "It is well settled that the ordinary rules of evidence which govern at trial are relaxed at the sentencing hearing." *People v. Harris*, 375 Ill. App. 3d 398, 408 (2007). "Instead, a sentencing court is given broad discretionary power to consider various sources and types of information so that it can make a sentencing determination within the parameters outlined by the legislature." *Id.* "The only requirement for admission of evidence in a sentencing hearing is that the evidence must be reliable

and relevant as determined by the trial court within its sound discretion." *Id.* at 409.

¶ 23 It was well within the discretion of the trial court to rely on Kaiser's testimony as to the number of images and videos recovered from defendant's phone. Kaiser's testimony on this point was certainly reliable, as he was testifying to what he personally observed during his investigation of defendant. Specifically, he testified, "I ended up counting, approximately, 35,000 and some change images and videos that had been screenshotted or screen recorded of child sexual abuse material." Defense counsel did not object to this testimony, nor did he challenge it during his cross-examination of Kaiser. Moreover, this was not the only evidence presented at sentencing regarding the number of images and videos on defendant's phone. The sex offender evaluation attached to the PSI, in summarizing the police reports, stated, "The investigation of [defendant's] cloud data revealed approximately 35,335 images and videos considered to be child pornography." Accordingly, the court did not abuse its discretion in relying on Kaiser's testimony at sentencing.

¶ 24 Second, defendant argues the trial court did not adequately consider the relevant sentencing factors in the determination of his sentence. 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. "The trial court's sentence must be based upon the particular circumstances of the case, including (1) the defendant's history, character, and rehabilitative potential; (2) the seriousness of the offense; (3) the need to protect society; and (4) the need for punishment and deterrence." *People v. Sturgeon*, 2019 IL App (4th) 170035, ¶ 102. The most important factor at sentencing, above any mitigating factors, is the seriousness of the offense. *People v. Wheeler*, 2019 IL App (4th) 160937, ¶ 38. The reviewing court affords great deference to the trial court's sentencing determination, as "the trial judge, having observed the defendant and the proceedings, has a far better opportunity to

consider these factors than the reviewing court, which must rely on the 'cold' record." *People v. Fern*, 189 Ill. 2d 53 (1999).

¶ 25 We will not alter a trial court's sentence on review absent an abuse of discretion. *People v. Stacey*, 193 Ill. 2d 203, 209-10 (2000). A sentence within the statutory range may be deemed an abuse of discretion where it "is greatly at variance with the spirit and purpose of the law, or manifestly disproportionate to the nature of the offense." *Id.* at 210.

¶ 26 In this case, defendant pleaded guilty to four counts of possession of child pornography, a Class 2 felony (720 ILCS 5/11-20.1(a)(6), (c) (West 2022)). The applicable sentencing range for each count was three to seven years' imprisonment or probation for up to four years. 730 ILCS 5/5-4.5-35(a), (d) (West 2024). Due to the nature of the offenses, defendant was subject to mandatory consecutive terms. See *id.* § 5-8-4(d)(2.5). Defendant's four-year prison sentence on count I, followed by a consecutive three-year term of probation for counts II to IV, falls within the lower end of the sentencing range for Class 2 felonies. "A sentence imposed within the statutory range provided by the legislature is presumed to be proper." *Sturgeon*, 2019 IL App (4th) 170035, ¶ 104. We presume, therefore, that the sentence is proper and review it for an abuse of discretion.

¶ 27 Defendant argues the trial court did not adequately consider the lack of aggravating factors in his case, including that he (1) did not exchange money for or disseminate the child sexual abuse material, (2) was suffering from stress, depression, and untreated ADHD, and (3) was assessed to be at a low risk to reoffend in the sex offender evaluation. He also argues the court did not adequately consider the circumstances of his prior sex offense, including that he was 17 years old at the time and was fully cooperative with the investigation and his probation. However, evidence regarding each of these factors was presented at the sentencing hearing through

Samantha's testimony and the PSI. We presume the sentencing court considered all the evidence presented unless there is an affirmative indication to the contrary. *People v. Pina*, 2019 IL App (4th) 170614, ¶ 19. Defendant fails to identify anything in the record to rebut this presumption.

¶ 28 The record in this case shows the trial court thoroughly considered the sentencing factors in determining defendant's sentence. The court explained a sentence of probation only, as requested by defendant, "would deprecate the seriousness of the offense, especially in light of the number of pictures" and videos recovered from his phone. It was entirely appropriate for the court to weigh the seriousness of the offense as the most important factor at sentencing. See *Wheeler*, 2019 IL App (4th) 160937, ¶ 38. The court also found in aggravation that defendant had a prior conviction for fourth degree sexual assault, which involved engaging in sexual intercourse with a minor. Moreover, the court could have easily imposed a much longer prison sentence, as defendant was subject to consecutive terms on all four counts. Instead, owing to the number of mitigating factors in this case, the court rejected the State's recommendation of 20 years' imprisonment and instead followed the 4-year prison sentence with a consecutive term of 3 years' probation.

¶ 29 In essence, defendant asks this court to disregard the trial court's findings and make our own determination as to the weight of the sentencing factors. We refuse to reweigh the aggravating and mitigating factors on appeal, as this is exclusively within the province of the trial court. See *Stacey*, 193 Ill. 2d at 209. Accordingly, we conclude the trial court did not abuse its discretion in sentencing defendant to four years' imprisonment.

¶ 30 III. CONCLUSION

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

¶ 32 Affirmed.