

NOTICE

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2026 IL App (5th) 250436-U

NOS. 5-25-0436, 5-25-0437

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,	)	Jackson County.
	)	
v.	)	Nos. 22-CF-101, 22-CF-533
	)	
DANIEL R. HAMILTON,	)	Honorable
	)	Ralph R. Bloodworth III,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE SHOLAR delivered the judgment of the court.
Justices McHaney and Clarke concurred in the judgment.

ORDER

- ¶ 1 *Held:* Defendant's 68-month sentence for resisting a peace officer and 70-month consecutive sentence for criminal trespass to a residence are affirmed where the sentences are neither excessive nor an abuse of discretion.
- ¶ 2 Following two separate bench trials, defendant, Daniel R. Hamilton, was found guilty of resisting a peace officer and criminal trespass to a residence. The trial court sentenced defendant to 68 months in the Illinois Department of Corrections (IDOC) for the resisting a peace officer conviction and to 70 months in the IDOC for the criminal trespass to a residence conviction. The court ordered the sentences to run consecutive to each other. On direct appeal, defendant argues that his sentences were excessive and an abuse of discretion. For the reasons that follow, we affirm.

¶ 3

I. BACKGROUND

¶ 4 We recite only the facts necessary to address the specific arguments of the parties on appeal. On March 11, 2022, in Jackson County case No. 22-CF-101, the State charged defendant with resisting a peace officer. The information alleged that on March 10, 2022, defendant “knowingly resisted the performance of Nicholas Stearns of an authorized act within his official capacity, being processing defendant into the Jackson County Jail,” knowing Stearns to be a peace officer engaged in the execution of his official duties. The information further alleged that defendant’s physical resistance was the proximate cause of injuries to Stearns, in violation of section 31-1(a-7) of the Criminal Code of 2012 (Code), a Class 4 felony. 720 ILCS 5/31-1(a-7) (West 2020). On June 1, 2022, defendant waived his right to a jury trial. Defendant later waived his right to counsel in this case.

¶ 5 On November 10, 2022, in Jackson County case No. 22-CF-533, the State charged defendant with criminal trespass to a residence. The information alleged that defendant knowingly and without authority entered the residence of April Philippe at a time that he knew or should have known that one or more persons were present, a Class 4 felony in violation of section 19-4(a)(2) of the Code. *Id.* § 19-4(a)(2). On February 22, 2023, defendant waived his right to a jury trial and requested a bench trial. Defendant maintained counsel in this matter.

¶ 6 On June 14, 2023, defendant appeared in court on both cases.¹ Following discussion regarding scheduling, defendant’s attorney in 22-CF-533 informed the court that she had a conversation with defendant prior to court. During that conversation, defendant asked her to relay some information to the court. The following exchange then took place:

¹The record in both these appeals reflects that these matters were set with other cases that are not pertinent to this appeal.

“[MS. JAKOBSEN]: Two key things that he asked to be relayed, first, that he is, quote, Brown Israelites, 51 years old, king of the world, thru Mr. Hamilton, Daniel Robert, III—

DEFENDANT HAMILTON: T-H-R-U.

MS. JAKOBSEN: Yes, T-H-R-U, thru, not T-H-R-O-U-G-H.

DEFENDANT HAMILTON: And that goes back to the Watergate scandal with President Nixon and he made the statement that he was the one that was thru that are the victims of the king of torts. That’s in regard to that.

MS. JAKOBSEN: And that pursuant to this he should not be committed, abated, arrested or pursued. He has also informed me and asked me to inform the Court that he is the youngest supreme chief for the Cherokee [N]ation and that according to the Cherokee manifesto he should not be inhibited, abated, arrested or pursued and that particular manifesto takes precedent over the other one.

Given that, as well as some other conversations that we have had, I’ll be filing a motion for a fitness evaluation.”

Defendant also reminded his attorney that she was supposed to tell the court that he was “government sealed.” After further discussions on the record, the court granted defense counsel’s motion for a fitness evaluation, noting that “[t]he record speaks for itself today in open court.” On September 24, 2024, pursuant to a stipulation to a doctor’s report finding that defendant was fit, the court found defendant was fit to stand trial. Both cases in this appeal were set for bench trial on October 24, 2024.

¶ 7 Case No. 22-CF-533, the criminal trespass to a residence matter, proceeded to trial first. April Philippe testified that on November 9, 2022, she heard someone in her house. Philippe left

her bedroom and found defendant. He was wearing her Nike slides. She told defendant that those were her shoes and that this was her house. She asked defendant to leave, and he sat on her couch while talking with someone on his cellphone. Defendant eventually left the house but then “went to the back” and sat on her back porch. An hour or two later, defendant again tried to enter the house, but he could not enter because Philippe locked the door. At that point, Philippe called the police and defendant was arrested. Philippe described defendant’s behavior as “erratic,” and stated that he “didn’t seem to be comprehending too well.” Following the close of evidence, the court found defendant guilty.

¶ 8 Case No. 22-CF-101, the resisting a peace officer matter, was tried next. Based upon his prior waiver of counsel in this case, defendant proceeded *pro se*. Deputy Nicholas Stearns testified that he was employed at the Jackson County jail on March 10, 2022. The Carbondale Police called ahead and indicated that they were bringing defendant to the jail and that they would need assistance because of defendant’s behavior. Stearns testified that he was able to pat down defendant, uncuff him, and get him into the shower. According to Stearns, once defendant was in the shower, defendant refused repeated commands to change clothes and “continued to mouth the Carbondale police officer and became more and more aggressive and tried to get past me.” Stearns testified that after defendant tried to get past him a couple of times, he pushed defendant back and attempted to draw his taser but could not do so. Since he had to gain physical control of defendant, Stearns said he “took him down to the shower floor and” tore his pectoral tendon in the process. Stearns testified that he required surgery as a result, and that his first surgery was unsuccessful. A second surgery required the use of a cadaver tendon. A surveillance video showing part of the incident was admitted into evidence and played for the court. At the close of evidence, the court found defendant guilty. The court re-appointed counsel to represent defendant at sentencing.

¶ 9 The sentencing hearing was held on February 26, 2025. The trial court began by noting it read the nearly 400-page presentence investigative report (PSI) prepared by Probation and Court Services. The report included a victim impact statement from Stearns in which he indicated that in addition to the two surgeries, he could not use his right arm for 3 months and that it took approximately 10 months to fully recover from the injury. The report also indicated that Probation and Court Services was unable to locate Philippe to request a victim impact statement. In addition to including a recitation of defendant's lengthy criminal history, the report also contained 204 pages of attachments regarding defendant's prior medical, mental health, and substance abuse treatments.

¶ 10 The State argued that although the charges in both cases were Class 4 felonies, because of a previous Class 2 felony conviction from 2018, defendant was eligible for extended term sentencing of up to six years on each case. The State also noted that, if the court chose to impose consecutive sentences, defendant was eligible for up to 12 years in prison. The State argued several factors in aggravation and the lack of any factors in mitigation. The State discussed defendant's extensive criminal history, including a 1993 conviction for attempted murder. Noting that defendant was eligible for extended term sentencing, the State asked the court to impose extended terms of six years in both matters and further asked that the defendant be required to serve the sentences consecutively.

¶ 11 Defense counsel argued several factors in mitigation and asked that the court "not impose Department of Corrections' time, not impose consecutive sentences, and to consider a lesser sentence." Defendant gave a lengthy statement in allocution. During his allocution, defendant maintained his innocence and stated that there was "no evidence of the commission of these crimes." Defendant also stated that there had been no mention of his mental health disorders.

¶ 12 Following argument of the parties, the trial court again noted that it received the PSI and that it would consider the report as it attempted to determine appropriate sentences. The court noted that there were two cases before it, and that some factors in aggravation and mitigation applied to both cases, whereas some factors in aggravation applied to only one case or the other. Regarding both cases, the court found that defendant had a history of prior delinquency or criminal activity and that “certain sentences [were] necessary to deter others from committing the same crimes.” With regard to case No. 22-CF-533 (criminal trespass to a residence), the court noted the aggravating factor that defendant was “out on release” for another charge at the time that he committed the trespass. Regarding factors in mitigation, the court noted that, insofar as the trespass case was concerned, it would consider the fact that “defendant did not contemplate that his criminal conduct would cause or threaten serious physical harm.” The court also stated that it considered the variety of defendant’s “mental health or similar type of issues noted in the PSI ranging from bipolar, manic, schizophrenia, PTSD, major depression, problems battling alcohol, THC, cocaine, and methamphetamines” in its attempt to fashion an appropriate sentence for defendant. The court also noted defendant’s past studies at various schools and community colleges, and that defendant had the potential to further his education. The court encouraged defendant to do so.

¶ 13 Regarding 22-CF-101, resisting a peace officer, the trial court sentenced defendant to 68 months’ imprisonment in the IDOC. The court sentenced defendant to 70 months in the IDOC in the criminal trespass case. The court then considered the State’s request for consecutive sentences, and citing to section 5-8-4(c)(1), stated that it had “considered those factors, arguments, testimony and evidence” and ordered that the sentences would be served consecutive to one another.

¶ 14 On February 28, 2025, defense counsel file a timely motion to reconsider the sentence in each case. With regard to the resisting a peace officer matter, defense counsel argued that the trial

court did not properly weigh the mitigating factors and “did not properly take into account the Defendant’s age, his expressed remorse for his actions, and his potential for rehabilitation and restoration to useful citizenship.” Defense counsel filed the same motion in the criminal trespass to a residence case, but added a claim of error that the court “failed to properly consider the fact that the victim of the offense did not submit a victim impact statement and did not testify in aggravation of [the] sentence.”

¶ 15 On April 24, 2025, the court denied both motions via a docket entry, which read, in pertinent part:

“This court has now considered the defendant’s motion and will note that the information in the psi, applicable factors in aggravation, mitigation and information provided by the defendant were all extensively set forth, argued and considered by the court during the sentencing hearing held on the record. This specifically includes the factors and allegations set forth by the defendant in his multi-part motion to reconsider sentence. The court therefore respectfully finds that the defendant’s motion should be and is hereby DENIED.”

This timely appeal followed.

¶ 16 II. ANALYSIS

¶ 17 On appeal, defendant contends that the trial court abused its discretion by sentencing him to 68 months in the IDOC for the resisting a peace officer conviction and to 70 months in the IDOC for the criminal trespass to a residence conviction. Defendant further argues that the court abused its discretion by ordering the sentences to run consecutively to each other. Specifically, defendant argues that the court’s decision to impose sentences close to the maximum sentences allowed is disproportionate to the nature of the offenses. Defendant also contends that the trial court failed to

properly state a valid basis for imposing consecutive sentences. For the reasons that follow, we affirm.

¶ 18 As charged, resisting a peace officer and criminal trespass to a residence are both Class 4 felonies. The sentence range for a Class 4 felony, if a sentence of imprisonment is imposed, is not less than one and not more than three years. 730 ILCS 5/5-4.5-45(a) (West 2020). An extended term sentence for a Class 4 felony is three to six years. *Id.* A person is eligible for extended term sentencing if he has, within 10 years of the current conviction, a prior felony conviction of the same or similar class or a conviction for a greater class felony. *Id.* § 5-5-3.2(b)(1). Defendant qualified for extended term sentencing by virtue of his 2019 conviction for threatening a public official, a Class 2 felony. Accordingly, the maximum sentence defendant faced for these offenses, with the imposition of extended term sentences and consecutive sentencing, is 12 years. Defendant received an 11½-year sentence for these offenses.

¶ 19 The Illinois Constitution of 1970, article I, section 11, 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. Section 1-1-2 of the Unified Code of Corrections (Code of Corrections) provides that its purpose is to (a) prescribe sanctions proportionate to the seriousness of the offenses and permit the recognition of differences in rehabilitation possibilities among individual offenders, (b) forbid and prevent the commission of offenses, (c) prevent arbitrary or oppressive treatment of persons adjudicated offenders or delinquents, and (d) restore offenders to useful citizenship. 730 ILCS 5/1-1-2 (West 2020).

¶ 20 “A sentencing court must not only consider rehabilitative factors in imposing a sentence, it must also make rehabilitation an objective of the sentence.” *People v. Wendt*, 163 Ill. 2d 346, 352-53 (1994). In fashioning an appropriate sentence, the trial court must consider the defendant’s

“credibility, demeanor, general moral character, mentality, social environment, habits, and age” and impose a sentence based on the circumstances of each case. (Internal quotation marks omitted.) *People v. Pina*, 2019 IL App (4th) 170614, ¶ 19. The court must also carefully consider the statutory factors in mitigation and aggravation. *People v. Center*, 198 Ill. App. 3d 1025, 1033 (1990). The court is not, however, required to recite and assign a value to each factor considered. *Pina*, 2019 IL App (4th) 170614, ¶ 19. There is a presumption that a circuit court considers all mitigating evidence presented. *People v. Abrams*, 2015 IL App (1st) 133746, ¶ 33.

¶ 21 A trial court’s sentencing decision is entitled to great deference and will not be reversed absent an abuse of discretion. *People v. Stacey*, 193 Ill. 2d 203, 209 (2000). This is the most deferential standard of review, and our mere disagreement with the trial court’s decision would be insufficient to support finding an abuse of discretion. *People v. Hancock*, 2014 IL App (4th) 131069, ¶ 121. Such deference is granted “because the trial court is generally in a better position than the reviewing court to determine the appropriate sentence.” *Stacey*, 193 Ill. 2d at 209. Generally speaking, “[i]f a sentence falls within the statutory limits, it will not be overturned on appeal absent an abuse of discretion.” *People v. Bunning*, 2018 IL App (5th) 150114, ¶ 16. However, an abuse of discretion can occur “if a sentence greatly varies from the spirit and purpose of the law or where it is manifestly disproportionate to the nature of the offense.” *Id.*

¶ 22 We first address defendant’s claim that the sentences imposed are disproportionate to the seriousness of the offenses when considering the underlying facts. With regard to the criminal trespass conviction in 22-CF-533, defendant argues that defendant “merely” entered Philippe’s home and tried on her sandals, and that defendant did not threaten her while in her home. Defendant also notes that Philippe did not call the police until an hour or two later, when defendant

knocked on her back door. According to defendant, Philippe’s failure to call the police upon his entry into her home indicated that she “was clearly not frightened.”

¶ 23 Defendant also argues that Philippe’s description of his behavior as “kind of erratic” and that he “didn’t seem to be comprehending real well” indicated that the event was likely connected to his well-documented mental health issues. Regarding defendant’s conviction for resisting a peace officer in 22-CF-101, defendant argues that “[w]hile [defendant] did injure Stearns in resisting him, this injury was unintended and obscure.”

¶ 24 The State argues, as the Illinois Supreme Court has noted, “that the legislature intended section 5-5-3.2(b)(1) to impose harsher sentences on repeat offenders who have demonstrated resistance to correction.” *People v. Garcia*, 241 Ill. 2d 416, 424 (2011). According to the State, “[d]efendant’s extensive, varied, and lengthy criminal history demonstrates exactly the resistance of correction to which the Court was referring.” We agree with the State.

¶ 25 First, we note that defendant’s conclusion that Philippe “was clearly not frightened” is one interpretation of the fact that she did not immediately call the police. Her failure to call the police was not explored by either side. It is equally possible that she did not initially call the police so as to not agitate an “erratic” intruder in her home. It is also possible that she simply decided, initially, to overlook defendant’s trespass, and decided to call the police only when defendant, seemingly undeterred, tried to enter her home again.

¶ 26 Second, we disagree with defendant’s characterization of Stearns’s injury as “obscure.” It may well be that defendant did not intend to injure Stearns; however, it is reasonably foreseeable that a police officer can be injured while trying to gain physical control of aggressive detainee. We further note that Stearns’s injury was significant: it caused him the loss of the use of his right arm for three months, required two surgeries, and took him 10 months to fully recover from his injuries.

¶ 27 The record reflects that the trial court considered the lengthy PSI which included extensive documentation of defendant's criminal history and his mental health and substance abuse issues. As noted by the State, defendant's criminal history set forth multiple convictions for resisting a peace officer, as well as multiple convictions for "some form of trespass." These convictions were in addition to defendant's convictions for attempted murder, residential burglary, aggravated assault, battery, threatening a public official, theft, disorderly conduct, and property damage. Regarding defendant's mental health history, the PSI was filled with documentation regarding defendant's failure to take his medications, his failure to follow up with a physician, and his abuse of substances in the form of self-medication. The records also demonstrate that defendant sometimes told treatment providers that he was having homicidal thoughts.

¶ 28 We also disagree with defendant's claim that the sentences imposed failed to properly consider the constitutional and statutory aims of sentencing and rehabilitation. As noted above, in fashioning an appropriate sentence, the trial court must consider the defendant's "credibility, demeanor, general moral character, mentality, social environment, habits, and age" and impose a sentence based on the circumstances of each case. (Internal quotation marks omitted.) *Pina*, 2019 IL App (4th) 170614, ¶ 19.

¶ 29 Here, the trial court discussed several of the factors in aggravation and mitigation, and was specific as to which factors applied to both cases and those factors that applied to only one case. The court noted that it considered the arguments and recommendations of counsel, defendant's statement to the court, the PSI, and specifically noted, based upon defendant's past attendance at various schools and community colleges, defendant's potential for continuing his education. The court stated that it "considered all those things and will find that sentences to the Department of Corrections are necessary in each of these cases under the facts and circumstances, what's been

presented here today.” Although the State’s argument that “defendant’s criminal history demonstrates a marked *lack* of rehabilitative potential” (emphasis in original) may be an overstatement, its characterization of defendant as a chronic recidivist is not without merit. As noted, defendant’s criminal history was extensive and included four previous sentences to the IDOC. Although a trial court is required to consider a defendant’s rehabilitative potential in fashioning a sentence, a defendant’s rehabilitative potential is not entitled to more weight than the seriousness of the offense. *People v. Alexander*, 239 Ill. 2d 205, 214 (2010). For these reasons, we find that the imposition of extended term sentences, even though they are near the maximum possible sentences, did not constitute an abuse its discretion.

¶ 30 Defendant next argues that the trial court abused its discretion and failed to state a valid basis for imposing consecutive sentences. Section 5-8-4(a) of the Code of Corrections provides, in part, that when a court imposes multiple sentences of imprisonment on a defendant at the same time, the sentences “shall run concurrently unless otherwise determined by the Illinois court under this Section.” 730 ILCS 5/5-8-4(a) (West 2020). Section 5-8-4(c)(1) of the Code of Corrections allows the court to impose consecutive sentences “[i]f, having regard to the nature and circumstances of the offense and the history and character of the defendant, it is the opinion of the court that consecutive sentences are required to protect the public from further criminal conduct by the defendant, the basis for which the court shall set forth in the record.” *Id.* § 5-8-4(c)(1). Defendant asserts that the trial court improperly imposed consecutive sentences without making a finding that consecutive sentences were “required to protect the public from further criminal conduct by the defendant” (*id.*), and that the finding cannot be inferred from the record.

¶ 31 The Illinois Supreme Court “has held that the statutory requirement that the court ‘shall set forth in the record’ the basis for the court’s determination is permissive, rather than mandatory.”

People v. Leggans, 253 Ill. App. 3d 724, 737-38 (1993) (quoting *People v. Hicks*, 101 Ill. 2d 366, 374, (1984)). “Furthermore, a defendant’s failure to request a specific finding of the sentencing court relative to the protection of the public, or to complain of an insufficiently articulated basis for the required statutory finding, results in a waiver of the issue upon review.” *Id.* at 738 (citing *People v. Suarez*, 238 Ill. App. 3d 110, 129-30 (1991); *People v. Woodrome*, 237 Ill. App. 3d 220, 240 (1992)). Citing *Leggans*, the State argues that defendant has waived this issue. Waiver notwithstanding, the record before this court demonstrates that defendant’s consecutive sentences were appropriate considering the nature of the crimes which he committed and his history and character as reflected in the presentence report.

¶ 32 Defendant correctly notes that section 5-8-4(a) creates a presumption that “sentences shall run concurrently unless otherwise determined by” the court under that section. 730 ILCS 5/5-8-4(a) (West 2020). Defendant also notes that “a mere statement” that the court believes consecutive sentences are required to protect the public is not sufficient if the record fails to justify that belief (*People v. Berry*, 175 Ill. App. 3d 420, 431 (1988)) and that discretionary consecutive sentences “should be ‘imposed sparingly’ ” and are “ ‘rarely appropriate’ ” (*People v. Gray*, 121 Ill. App. 3d 867, 873 (1984) (quoting *People v. Griffin*, 113 Ill. App. 3d 184, 193 (1982))).

¶ 33 Notwithstanding defendant’s argument to the contrary, we find no abuse of discretion in the imposition of consecutive sentences. As noted by the *Hicks* court, a trial court’s imposition of consecutive sentences is not, in and of itself, sufficient to imply that the court was of the opinion that the consecutive term was necessary for the protection of the public as required by statute. *Hicks*, 101 Ill. 2d at 374-75. “ ‘What is required is that the record show that the sentencing court is of the opinion that a consecutive term is necessary for the protection of the public.’ ” *Id.* at 375 (quoting *People v. Pittman*, 93 Ill. 2d 169, 178 (1982)).

¶ 34 The record before this court demonstrates that the trial court properly considered the statutory factors in aggravation and the statutory factors in mitigation. Regarding factors in aggravation, the court commented that defendant had a history of prior delinquency or criminal activity and that the sentence was necessary to deter others from committing the same crime. With regard to 22-CF-533, the court also considered that defendant was out on pretrial release for the first offense when he committed the second offense. The court also commented on and considered several factors in mitigation, including that defendant did not contemplate that his conduct would cause or threaten serious physical harm to another; and that defendant suffered from a variety of mental health issues and had problems battling alcohol, THC, cocaine, and methamphetamines. Speaking only to 22-CF-533, the court noted that defendant's conduct neither caused nor threatened serious physical harm to another. The court also indicated that it was relying on the arguments of counsel.

¶ 35 The trial court also noted that it was considering the PSI in its effort to fashion appropriate sentences. As mentioned above, in addition to a recitation of defendant's criminal history which spanned more than 30 years, the PSI contained numerous records regarding defendant's prior substance abuse and his mental health problems. Also as noted above, these records reflected that defendant reported homicidal ideations and a desire to hurt others as recently as 2023. Finally, we note that while the trial court did not explicitly state its reasons for imposing consecutive sentences, after imposing the sentences, the trial court acknowledged section 5-8-4(c)(1) and stated that "the Court has considered those factors, arguments, testimony and evidence, and the Court will find that these sentences shall run consecutive, consecutive, one after the other." For these reasons, we find that the record sufficiently demonstrates that the court was of the opinion that consecutive sentences were necessary for the protection of the public.

¶ 36 While it is true a trial court’s sentencing discretion is “not unfettered” (*People v. O’Neal*, 125 Ill. 2d 291, 297 (1988)) and that the appellate court was never meant to be a “rubber stamp” for the sentencing decisions of the trial court (*People v. Woodson*, 2024 IL App (1st) 221172, ¶ 89), it is also axiomatic that this court “must not substitute its judgment for that of the trial court merely because [we might] have weighed” the pertinent sentencing factors differently. *Stacey*, 193 Ill. 2d at 209. A reviewing court’s role is not to reweigh the sentencing factors or substitute its judgment for that of the trial court. *People v. Klein*, 2022 IL App (4th) 200599, ¶ 37. Here, the record reflects that the court considered the evidence and arguments of the parties, the PSI, the history, character, and attitude of defendant, and the relevant statutory factors in aggravation and mitigation. The factors considered by the sentencing court provide a sufficient basis for the prison sentences imposed in these matters, and the court’s sentence was within the statutory range of sentences permissible. For these reasons, under the facts and circumstances of these cases, we do not find that trial court’s sentencing decisions were “arbitrary, unreasonable, or fanciful” or such that “no reasonable person would have taken the position adopted by the circuit court.” *People v. Heineman*, 2023 IL 127854, ¶ 59. Accordingly, there was no abuse of discretion. *Id.*

¶ 37 III. CONCLUSION

¶ 38 For the foregoing reasons, we affirm the judgment and sentence of the circuit court of Jackson County.

¶ 39 Affirmed.