NOTICE
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2026 IL App (5th) 250257-U

NO. 5-25-0257

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,	)	Macon County.
	)	
v.	)	No. 22-DT-207
	)	
JAMES D. RUFUS,	)	Honorable
	)	Shane M. Mendenhall,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE McHANEY delivered the judgment of the court.
Justices Barberis and Sholar concurred in the judgment.

ORDER

¶ 1 *Held*: Reversible error did not occur during the trial or sentencing of the defendant. Because no argument to the contrary would have arguable merit, appellate counsel is granted leave to withdraw, and the judgment of the circuit court of Macon County is affirmed.

¶ 2 The defendant, James D. Rufus, appeals the judgment of the circuit court of Macon County that imposed upon him various fines, fees, costs, and assessments, following his convictions for driving under the influence of alcohol (DUI), illegal transportation of alcohol by a driver, improper traffic lane usage, and disobeying a traffic control signal. The Office of the State Appellate Defender (OSAD) was appointed as the defendant's counsel in this appeal. OSAD has concluded this appeal lacks arguable merit, and, on that basis, has filed a motion for leave to withdraw as counsel, pursuant to *Anders v. California*, 386 U.S. 738 (1967), along with a supporting

memorandum of law. OSAD properly served the defendant with notice. This court gave the defendant the opportunity to file a response to OSAD's motion. The defendant has not filed a response. Having considered OSAD's *Anders* motion and memorandum, and the entire record on appeal, this court agrees with OSAD's assessment. We therefore grant OSAD's motion to withdraw and affirm the judgment of the circuit court.

¶ 3 I. BACKGROUND

¶ 4 On June 28, 2022, the defendant was charged by citation and complaint with DUI, illegal transportation of alcohol by a driver, improper traffic lane usage, and disobeying a traffic control signal. The charges were accompanied by the sworn statement of a police officer. The public defender was appointed to represent the defendant.

¶ 5 On January 9, 2024, the defendant waived his right to a jury trial, and the case proceeded to a bench trial. Officer Kyle Borders testified that he was employed by the Decatur Police Department, and that he was on duty and working as a field training officer (FTO) on June 28, 2022. He testified that his FTO responsibilities on that date involved training Officer Kosinski. Officer Borders testified that at approximately 1:30 a.m. on June 28, 2022, he and Officer Kosinski were in a fully marked Decatur Police Department patrol vehicle, monitoring a gas station in "an area of high crime." He testified that he observed a person enter the driver's seat of a black Chevy Malibu on the parking lot, and observed "clutter" that had fallen out of the vehicle, maybe unintentionally. He testified that when the vehicle left the parking lot, he instructed Officer Kosinski "to get behind the vehicle and kind of observe what's going on with the vehicle."

¶ 6 Officer Borders testified that as they followed the vehicle, it "crossed the center line on multiple times." The vehicle then "continued through" a red light, which led the officers to stop the vehicle. He identified the defendant as the person who was driving the vehicle. He testified

that when the officers tried to explain to the defendant the reason for the stop, the defendant "was extremely belligerent and yelling and screaming and not really giving us any chance to explain why he was being stopped." Officer Borders testified that as he interacted with the defendant, he "was able to detect the strong odor of an alcoholic beverage emanating from his breath," and that the defendant's "speech was erratic and his eyes appeared to be bloodshot and glossy." He testified that he "believed we had something further in investigating [a] possible DUI," so he called for backup. He testified that the defendant refused to get out of the vehicle.

¶ 7 Officer Borders testified that Officer Bledsoe arrived as backup, and that eventually the defendant exited the vehicle "on his own will." Officer Borders testified that he was familiar with standardized field sobriety tests, but that because the defendant's prior behavior "posed a risk to" the safety of the officers, he decided that the defendant should be cuffed, and that tests could be administered "at a later time." He testified that standardized field sobriety tests are not the only way to determine if "someone is under the influence," and that other factors he would take into account included his observations of "the alcohol coming from his breath, the speech, his erratic behavior, and his bloodshot glossy eyes, and just the behavior in which he was handling and refusing to come out of the car." He testified that the defendant thereafter "was offered field sobriety tests and refused to do them." He testified that no one was present in the vehicle other than the defendant, and that the officers arrested the defendant and placed him in the back of their police vehicle.

¶ 8 Officer Borders testified that pursuant to police department policy, the defendant's vehicle was to be towed, and the officers were required to conduct an inventory of the vehicle prior to that. He testified that during the inventory, he "located a bottle of Patron Silver Tequila" on the passenger-side floorboard of the vehicle, and that the bottle "had been opened and it appeared to

be half full/half empty." He testified that he also located "a plastic cup in the center console that had clear liquid in it that had the odor of alcohol coming from the liquid." He testified that when he got back into his police vehicle, where the defendant was confined, he "could definitely detect the strong odor of an alcoholic beverage coming from most likely the rear but it was also in the interior."

¶ 9 Officer Borders testified that when the defendant was processed at the jail "intox room," the defendant's "behavior was just off" and "erratic," with the defendant continuing to yell and to talk about things that were "just irrelevant to the traffic stop." He described the defendant's behavior as "strange." He testified that eventually the defendant asked to be transported to the hospital, where the defendant was evaluated by medical staff. He testified that while the defendant was at the hospital, he read to the defendant a required "Warning to Motorists" and asked for blood and urine samples, which the defendant refused to provide. The defendant was thereafter transported back to the jail.

¶ 10 Officer Borders testified that he had watched (1) "dash camera" video footage, (2) "in-car camera footage from the backseat," (3) footage from Officer Bledsoe's body camera, and (4) footage from another officer's body camera, and that all of the footage represented true and accurate depictions of the events of that night. He identified State's Exhibit 1 as the dash cam footage, State's Exhibit 2 as Officer Bledsoe's body camera footage, State's Exhibit 3 as the footage from the backseat, and State's Exhibit 4 as the other officer's body camera footage. Without objection, the exhibits were entered into evidence, and viewed by the trial court.

¶ 11 On cross-examination, Officer Borders testified that prior to the incident in question, he had never met the defendant, and he agreed that therefore he did not know if the defendant's "behavior was unusual or atypical, or normal for him." On redirect examination, Officer Borders

testified that based upon his training and experience, he had "no doubt" that the defendant "was under the influence on this occasion." When questioned by the trial court, Officer Borders testified that he did not know the exact number of times the defendant crossed the center line prior to the traffic stop, but that "it was two or more." When asked by the trial court if the defendant's vehicle was "weaving or *** just kind of drifting," Officer Borders testified, "More drifting, yes."

¶ 12 Officer Jack Kosinski testified that he was employed by the Decatur Police Department, and that he was on duty as a patrol officer on June 28, 2022. He testified that he was still in field training at that time, being supervised by Officer Borders. He then provided testimony about the traffic stop that was consistent with the testimony of Officer Borders, including the identity of the defendant as the driver of the vehicle that was stopped, and the impairment he observed on the part of the defendant.

¶ 13 Following the testimony of Officer Kosinski, the State rested. The defendant called Lorenzo Clark, who testified that he had been a friend of the defendant "for years." He testified that he "did not have any police interaction" on June 28, 2022, but that he was aware of the traffic stop of the defendant that night. He testified that earlier that night, he was with the defendant at a block party, and that the defendant drove Clark and Clark's "lady friend" around before dropping them off. He testified that he had a bottle of Patron, and that he left it in the defendant's car. He testified that the defendant does not drink, and did not "appear to be drunk that night." On cross-examination, Clark conceded that he never went to the police to tell them that the Patron belonged to him. On redirect examination, Clark agreed that when the defendant gets upset, he starts "to shout."

¶ 14 The defendant testified that he remembered being pulled over on June 28, 2022. He testified that when he noticed he was being followed, he was "[n]ervous" and "uneasy." He

testified that he did not know he was being followed by a police vehicle until the vehicle's emergency lights were activated, after he had already "ran the red light." The defendant testified that he ran the red light because he knew he was being followed, and was afraid it was by "a bad guy" who might shoot him, because he knew there was a lot of violent crime in the area. He testified that he was a diabetic, and did not drink at all, including that night. He testified that he was angry and upset with the police because they did not have any reason to follow him. He testified that he did not like the police, because they "steady pound one area of the black community," which led him to believe he was "profiled late at night *** and not having did nothing but pulled out the gas station."

¶ 15 Following the defendant's testimony and closing arguments, the trial court found that the evidence was "sufficient to prove the defendant guilty beyond a reasonable doubt as to the citation for [DUI]," as well as for "the petty offenses of illegal transportation as a driver, improper lane usage, and disobeying a traffic control device." The trial court set the matter for sentencing on February 27, 2024, which was thereafter continued to March 27, 2024.

¶ 16 On that date, the trial court stated that it had received and reviewed an alcohol evaluation conducted for the defendant. The State declined to present evidence in aggravation, only argument. When questioned by the trial court about the defendant's criminal history, the State noted that the defendant had "several prior felony convictions, primarily out of Cook County," with the first being in 1995, and the most recent being in 2004. Defense counsel declined to present evidence in mitigation, aside from noting that he believed the defendant was eligible for supervision.

¶ 17 The defendant made a statement in allocution, during which he asserted, among other things, that his counsel "made no objections" during his trial. Defense counsel thereafter suggested that the defendant's statements about counsel might warrant a preliminary inquiry pursuant to

People v. Krankel, 102 Ill. 2d 181 (1984), to which the trial court responded, "We don't need to turn to that." The trial court added that it would notify the defendant of his appeal rights after rendering its sentence. The trial court thereafter entered judgments of conviction on all four charges, entered statutory fines, fees, costs, and assessments, and admonished the defendant of his appeal rights.

¶ 18 On April 17, 2024, the defendant filed a motion to reconsider. The motion first noted that the defendant believed the trial court "made numerous errors regarding [the defendant's] waiver of jury trial, the findings of guilt at trial, and other claimed errors." The motion then noted that defense counsel wished, in the motion, to raise only two alleged sentencing errors: (1) that the trial court "impermissibly found in aggravation the [d]efendant's lack of accepting responsibility because [the defendant] maintain[ed] his innocence," and (2) the fee waiver rule applicable to this case violated the defendant's rights under the equal protection clause of the Illinois Constitution, because the structure of the rule discriminated against non-Cook County defendants.

¶ 19 On April 24, 2024, a hearing was held on the defendant's motion. The defendant was not present, but his counsel told the trial court that the defendant was "very unhappy" with counsel's representation, and that counsel believed the defendant "wanted to address the court about ineffective assistance of counsel." The trial court, on its own motion, continued the matter until the following day so that the defendant could appear.

¶ 20 On April 25, 2024, the defendant initially was not present, but counsel stated for the record that the defendant "mentioned to [counsel] wanting to do something with ineffective assistance." The trial court stated that it would only consider issues in written filings, which in this case meant only the motion to reconsider. As arguments on the motion were presented, the defendant appeared. At the conclusion of the arguments, the trial court denied the motion to reconsider,

stating that the defendant "really received the minimal sentence" available, because the court did not believe supervision was "appropriate based upon the facts as presented at trial, *** going through the red light, being very difficult with the police officers and *** his lack of acknowledgement of responsibility." The trial court stated that it believed it was entitled, at sentencing, to "consider whether one has accepted responsibility for their actions." The trial court further stated that it believed supervision was not "appropriate based on [the defendant's] criminal history, and that would include both his felony criminal history and his long line of traffic cases that he's picked up over the years." The trial court asked defense counsel if the court should direct the clerk to prepare a written notice of appeal for the defendant, to which counsel answered, "Yes, [Y]our Honor."

¶ 21 On October 23, 2024, in appeal No. 5-24-0585, this court entered a summary order in which we remanded the case to the trial court for a preliminary inquiry into the defendant's ineffective assistance of counsel claims, pursuant to *People v. Krankel*, 102 Ill. 2d 181 (1984). A status hearing was held on remand on November 26, 2024. The trial court noted that the defendant was not present, and stated that "he's going to have to be here, and he's going to have to put something in writing." The trial court continued the matter so that the defendant could appear.

¶ 22 At a hearing on January 7, 2025, at which the defendant was present, the trial court instructed the defendant to put his complaints against counsel in writing. The defendant stated that he also had complaints about the trial court, after which the court informed him that his case was "probably going to have to be heard by a different judge." The defendant stated that he understood.

¶ 23 At a hearing on February 5, 2025, before a different judge, the defendant was again instructed to reduce his complaints against counsel to writing, which the defendant had not yet done. The defendant stated that he understood. On March 13, 2025, the defendant filed handwritten

complaints against both the previous judge, and against his trial counsel. Of relevance to this appeal, in his complaint against counsel, the defendant alleged that counsel "made no objections and asked no questions on [the defendant's] behalf." He further alleged that during the trial, he "pointed out things to [counsel] that the State was saying was not true," and that counsel "did nothing."

¶ 24 At a hearing on March 26, 2025, the preliminary *Krankel* inquiry was held by the judge now handling the case. The defendant reiterated the claims from his written complaint, and expounded upon them. Defense counsel responded to the claims by stating that he attempted to impeach the State's witnesses "as best [he] could," and that the reason he made no objections at trial was because the State did not ask any questions that were "outside the rules of evidence." Counsel added, "I do not back down to the State in traffic court," and stated that he believed the defendant's complaints were "baseless."

¶ 25 With regard to the requests made of him by the defendant at trial, counsel stated that the defendant wanted him "to call the officers liars." Counsel reiterated that he attempted to impeach the officers, but added, "Simply calling someone a liar in front of a judge [at a bench trial] I didn't feel would be effective." With regard to the claim by the defendant that counsel should have insisted on more video footage being played for the trial court, counsel stated, "I felt it was a strategic choice to not play more of the video." He noted that the trial court, in its ruling, "said that the evidence was overwhelming." Counsel added, "I had concerns that more video was not going to be helpful to our case, so I strategically chose to not play more video."

¶ 26 The trial court found the defendant's complaints to be "without merit," and to "pertain only to matters of trial strategy." Accordingly, the trial court denied relief to the defendant, and directed the clerk to file a notice of appeal on behalf of the defendant. This timely appeal followed.

¶ 27 II. ANALYSIS

¶ 28 As noted above, OSAD has filed an *Anders* motion to withdraw as counsel. In the legal memorandum that accompanies its motion, OSAD raises the following four potential issues: (1) whether the trial court held a proper preliminary *Krankel* inquiry on remand from this court's previous summary order, (2) whether the defendant was proven guilty beyond a reasonable doubt of DUI, (3) whether the sentence rendered by the trial court was in conformance with the law, and (4) whether the defendant had an arguable constitutional claim as to the application of the fee waiver rule to non-Cook County residents. However, OSAD concludes that none of these potential issues have arguable merit. For the reasons that follow, we agree. We therefore grant OSAD's motion to withdraw and affirm the judgment of the circuit court.

¶ 29 The first issue OSAD considered raising is whether the trial court held a proper preliminary *Krankel* inquiry on remand from this court's previous summary order. Pursuant to *Krankel* and its progeny, when a defendant raises a *pro se* posttrial claim of ineffective assistance of trial counsel, the trial court does not automatically appoint new counsel to represent the defendant. *People v. Shamhart*, 2016 IL App (5th) 130589, ¶ 32. Instead, the trial court holds a preliminary inquiry in which it examines the factual basis of the defendant's claim. *Id.* If the trial court determines the defendant's claim is without merit, or involves only matters of trial strategy, the trial court should deny the *pro se* motion without appointing new counsel. *Id.* If, on the other hand, the defendant's allegations show possible neglect of the case, new counsel should be appointed to represent the defendant at a full hearing on the defendant's claims. *Id.*

¶ 30 As OSAD points out—and as is described in detail above—at the preliminary *Krankel* inquiry held on remand, the defendant was given the opportunity to expound upon the allegations of ineffective assistance of trial counsel that he had previously reduced to writing, and did so.

Defense counsel was given the opportunity to respond. The trial court then concluded that the defendant's allegations were without merit, and pertained only to matters of trial strategy. The trial court made its determination after allowing both the defendant and defense counsel to address the defendant's *pro se* claims in as much detail as they desired. Thus, the court held a proper preliminary inquiry into the factual basis of the defendant's claims.

¶ 31 As OSAD notes, when a trial court has held a proper preliminary *Krankel* inquiry and has thereafter made a determination on the merits of the defendant's *pro se* claims, the trial court's conduct and determination are reviewed under a manifest error standard of review. *People v. Walker*, 2011 IL App (1st) 072889-B, ¶ 33. Manifest error exists if the error "is clearly evident, plain, and indisputable." *People v. Jackson*, 2020 IL 124112, ¶ 98. In this case, the trial court's determination was reasonable in light of the evidence presented. Accordingly, the determination was not manifestly erroneous, and we agree with OSAD that any claim to the contrary would be without arguable merit.

¶ 32 The second issue OSAD considered raising is whether the defendant was proven guilty beyond a reasonable doubt of DUI. When a defendant challenges the sufficiency of the evidence to sustain his conviction, the relevant question for the reviewing court is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *People v. Bush*, 2023 IL 128747, ¶ 33. Rather than retry the case, a reviewing court will defer to the trier of fact on findings of witness credibility, the weight to be afforded to the evidence, and the reasonable inferences to be drawn from the evidence. *People v. Steger*, 2018 IL App (2d) 151197, ¶ 22. Thus, the reviewing court will not substitute its judgment for that of the trier of fact on these matters, and we will not reverse a conviction simply because a defendant claims that a witness was not credible. *People v.*

Williams, 2020 IL App (4th) 180554, ¶¶ 46-47. Instead, a reviewing court will set aside a criminal conviction only where the evidence is so improbable or unsatisfactory that it creates a reasonable doubt as to the defendant's guilt. *People v. Swenson*, 2020 IL 124688, ¶ 35. In considering whether a defendant was proven guilty beyond a reasonable doubt, we review the evidence in the light most favorable to the State and draw all reasonable inferences from the evidence in the State's favor. *People v. Cunningham*, 212 Ill. 2d 274, 278-80 (2004).

¶ 33 To prove the defendant guilty of DUI in this case, the State was required to prove beyond a reasonable doubt that the defendant was driving, or was in actual physical control of, a vehicle, within the state of Illinois, while the defendant was "under the influence of alcohol." See 625 ILCS 5/11-501(a)(2) (West 2022); see also *People v. Elliott*, 337 Ill. App. 3d 275, 281 (2003). "The credible testimony of an arresting officer alone is sufficient to sustain a conviction for driving under the influence of alcohol." *Elliott*, 337 Ill. App. 3d at 281. Testimony from an officer "that the defendant's breath smelled of an alcoholic beverage and his eyes were glassy and bloodshot is relevant evidence of physical and mental impairment" for DUI purposes. *Id.*

¶ 34 As OSAD correctly notes, at the defendant's bench trial two officers testified that they observed the defendant driving a motor vehicle within the state of Illinois, and that when they pulled the vehicle over and interacted with the defendant, they smelled alcohol on the defendant's breath, and his eyes were bloodshot and glassy. Although defense counsel questioned the officers, no evidence was presented that would call into question their veracity. The State also presented video evidence of the defendant's impaired state, and presented circumstantial evidence found in the vehicle: an open, partially-consumed bottle of tequila and a plastic cup containing liquid that smelled like alcohol. In light of the evidence presented, and the aforementioned standard of review,

we agree with OSAD that any claim that the State did not prove the defendant guilty beyond a reasonable doubt of DUI would be without arguable merit.

¶ 35 The third issue OSAD considered raising is whether the sentence rendered by the trial court was in conformance with Illinois law. Specifically, OSAD considered raising a claim that the defendant's sentence was excessive. The imposition of a sentence is left to the sound discretion of the trial court, and a reviewing court will not alter the trial court's sentence unless the trial court has abused its discretion. *People v. Etherton*, 2017 IL App (5th) 140427, ¶ 15. A trial court's denial of a defendant's motion to reconsider sentence is also reviewed for an abuse of discretion. *People v. Kane*, 404 Ill. App. 3d 132, 139 (2010).

¶ 36 "The abuse of discretion standard has been viewed as the most deferential standard of review available with the exception of no review at all." *Etherton*, 2017 IL App (5th) 140427, ¶ 15. We give such great deference to the trial court because it "is in the best position to consider the defendant's credibility, demeanor, general moral character, mentality, social environment, habits, and age." *Id.* We will not find an abuse of discretion unless the trial court's sentencing decision is arbitrary, fanciful, or unreasonable, or unless no reasonable person would take the view adopted by the trial court in its decision. *Id.* ¶ 26. Moreover, we may not overturn a sentence merely because we might have weighed the pertinent statutory factors differently. *Id.*

¶ 37 Sentences are presumed to be proper, and if a trial court's sentence "falls within the statutorily prescribed range, it will not be found to be excessive or an abuse of discretion unless the sentence greatly varies from the spirit and purpose of the law or is manifestly disproportionate to the nature of the offense." *Id.* ¶ 28. We have held that the spirit and purpose of the law are promoted if the trial court's sentence reflects the seriousness of the offense, while also giving sufficient consideration to the defendant's rehabilitative potential. *Id.* Moreover, "if mitigating

evidence is presented at the sentencing hearing, a reviewing court presumes the trial court took that evidence into consideration, absent some contrary evidence." *Id.* ¶ 29. There is no requirement that the trial court recite or assign a value to each factor presented at the sentencing hearing, and the defendant bears the burden to affirmatively establish that a sentence was based on improper considerations. *Id.*

¶ 38 As OSAD notes, following his conviction for DUI in this case, the defendant faced up to one year in jail, two years of probation, or conditional discharge, as well as a $2,500 fine. See 625 ILCS 5/11-501(c)(1) (West 2022); 730 ILCS 5/5-4.5-55(a) (West 2022). Nevertheless, the State did not ask for any jail time, and the defendant did not receive any. At the hearing on the defendant's motion to reconsider his sentence, the trial court explained that it rejected the defendant's request for supervision because it did not believe supervision was "appropriate based upon the facts as presented at trial, *** going through the red light, being very difficult with the police officers and *** his lack of acknowledgement of responsibility." The trial court stated that it believed it was entitled, at sentencing, to "consider whether one has accepted responsibility for their actions," and further stated that it believed supervision was not "appropriate based on [the defendant's] criminal history, and that would include both his felony criminal history and his long line of traffic cases that he's picked up over the years."

¶ 39 As OSAD points out, a sentencing court may take into account a defendant's lack of remorse or responsibility when fashioning a sentence. See, *e.g.*, *People v. Burgess*, 176 Ill. 2d 289, 317 (1997). Moreover, the trial court in this case provided multiple additional reasons that it did not believe supervision was appropriate, and did not, by any means, focus exclusively on the defendant's failure to take responsibility for his actions. When viewed in the context of the totality of the evidence presented at sentencing, the trial court's decision to decline supervision was not

an abuse of discretion, particularly in light of the fact that no jail time was ordered. Accordingly, OSAD is correct that any claim regarding the propriety of the defendant's sentence would be without arguable merit.

¶ 40 The final issue OSAD considered raising is whether the defendant had an arguable constitutional claim as to the application of the fee waiver rule to non-Cook County residents. As OSAD notes, the statute that allows for the waiver of assessments for defendants who are found to be indigent does not permit waivers for individuals convicted of motor vehicle code offenses such as DUI, except in counties with a population of more than 3 million people. See 725 ILCS 5/124A-20(b) (West 2022). As OSAD further notes, defense counsel claimed in the trial court that this statute violated the defendant's right to equal protection under the law because the statute unfairly favored residents of Cook County, the only Illinois county with a population of more than 3 million people.

¶ 41 Pursuant to the uniformity clause of the Illinois Constitution, "[i]n any law classifying the subjects or objects of non-property taxes or fees, the classes shall be reasonable and the subjects and objects within each class shall be taxed uniformly." Ill. Const. 1970, art. IX, § 2. As the Illinois Supreme Court has long held, statutes are presumed to be constitutional. *Geja's Cafe v. Metropolitan Pier & Exposition Authority*, 153 Ill. 2d 239, 248 (1992). A plaintiff who challenges a legislative classification on uniformity grounds must show that the classification is arbitrary or unreasonable, and "if a state of facts can be reasonably conceived that would sustain it, the classification must be upheld." *Id.* The Illinois Supreme Court has held that "the uniformity clause was intended to encompass the equal protection clause and add to it even more limitations on government." *Id.* at 247. Accordingly, "[i]f a tax is constitutional under the uniformity clause, it inherently fulfills the requirements of the equal protection clause." *Id.*

¶ 42 In this case, defense counsel put forward no argument at all to show that the fee waiver statute was arbitrary or unreasonable, other than the fact that it applies differently to residents of Cook County. Therefore, defense counsel failed to meet his burden in the trial court, and no claim to the contrary would have arguable merit. Moreover, OSAD is correct that this court has upheld similar disparate legislative classifications on the basis that the General Assembly had a reasonable basis for creating them. For example, in *People v. Lovelace*, 2018 IL App (4th) 170401, ¶¶ 67-69, this court found that, with regard to the bail bond fee statute, a reasonable basis "for the disparate treatment between counties with a population of over 3 million and those without is that the legislature believed the bail bond system could be adequately funded in much larger counties by other sources," and that it was "certainly reasonable to assume that Cook County has more sources of general revenue that can be used to administer the bail bond system." As OSAD points out, under similar reasoning, the legislature reasonably could have believed it to be proper for waivers of assessments for DUI convictions to apply only to Cook County residents.

¶ 43 III. CONCLUSION

¶ 44 For the foregoing reasons, the motion of appointed counsel to withdraw is granted, and the judgment of the circuit court is affirmed.

¶ 45 Motion granted; judgment affirmed.