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) 260035-U

NO. 4-26-0035

FILED
October 5, 2026
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee, v. ANTOINE J. HOSKINS, Defendant-Appellant.	)	Appeal from the Circuit Court of Adams County No. 25CF311 Honorable Talmadge “Tad” Brenner, Judge Presiding.

JUSTICE DeARMOND delivered the judgment of the court.
Justices Knecht and Harris concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court affirmed and remanded for a restitution hearing, holding the 12-year sentence was not excessive and sufficient evidence established the restitution amount, but the trial court committed plain error by failing to consider defendant’s ability to pay, determine whether restitution should be paid in a lump sum or installments, or fix a period of time for payment.

¶ 2 Following a November 2025 trial, a jury found defendant, Antoine J. Hoskins, guilty of arson, a Class 2 felony (720 ILCS 5/20-1(a)(1) (West 2024)). Posttrial, defendant filed a combined motion for judgment notwithstanding the verdict or, alternatively, a new trial. The trial court denied the motion and sentenced defendant to 12 years in the Illinois Department of Corrections (DOC), followed by 1 year of mandatory supervised release (MSR). The court also ordered defendant to pay restitution to the victim in the amount of $1,952.32. Defendant filed no postsentencing motion before filing this appeal. Defendant argues (1) the court imposed an excessive sentence, considering he caused “only minor damage and [he] lived a law-abiding life

for several years before this incident" and (2) the "court erred in ordering $1952.32 in restitution because there was no evidence to establish this amount."

¶ 3 I. BACKGROUND

¶ 4 On June 9, 2025, the State charged defendant with one count of arson (720 ILCS 5/20-1(a)(1) (West 2024)), alleging he, "by means of fire, damaged the personal property of Megan Campbell, without her consent, said damage being greater than $150." A grand jury later indicted defendant on the same charge. Defendant allegedly set fire to the glove box and center console in Campbell's 2021 Jeep Compass.

¶ 5 The matter proceeded to a jury trial in November 2025. The State called three witnesses: Lynn Alderton, a neighbor whose security cameras captured the alleged crime; Campbell, the Jeep's owner; and Kevin Taute, a patrol officer with the Quincy Police Department who investigated the fire. Through those witnesses, the State introduced crime scene photographs and surveillance video, which the trial court admitted and published for the jury. Once the State rested, the defense moved for a directed verdict. The court denied the motion, finding there was sufficient evidence to proceed. The defense presented no evidence, and the jury returned a guilty verdict.

¶ 6 Defendant filed a timely posttrial motion for judgment notwithstanding the verdict or a new trial, raising various evidentiary issues. The trial court held a hearing on December 22, 2025, and it denied the motion and proceeded to sentencing.

¶ 7 The parties recommended minor changes to the presentence investigation report (PSI), namely, changing defendant's credit time to 200 days, noting "the State nolle pros[s]ed the case of 25-CF-355" and clarifying that defendant began suffering a seizure disorder in jail. Neither party presented evidence in aggravation or mitigation. Emphasizing defendant's criminal

history, the State argued for a lengthy sentence to DOC, "at least 12 years because he's working on his 12th felony conviction." The State also asked the trial court to order defendant to pay $1,952.32 in restitution, noting, "That's the amount that was tendered in discovery and provided for the damages to the car." The State elaborated:

> "[P]art of that amount Ms. Campbell indicated that she had paid for, she paid the initial amount in order to make the car drivable and the rest of that would have been the additional amount that was something that she was able to forego at the time that did not need fixed in order to make the car run so that's the reason for those differences and the numbers."

Defense counsel argued for a sentence "of no more than five years" in DOC, "highlight[ing] the fact that [defendant] has stayed out of prison since 2014." Counsel acknowledged defendant "has had some criminal entanglement since then but he has been successful in completing probation each time that he has been placed onto it." Counsel argued defendant's conduct neither caused nor threatened serious physical harm, he acted under strong provocation, he was employed at the time, imprisonment would endanger defendant's health, and his child's well-being would be negatively affected by his lengthy imprisonment. Counsel did not directly address restitution, but when discussing defendant's employment, counsel argued:

> "He has shown the ability to work and to earn money and he if he wasn't going to be sentenced to [DOC] *** he would be able to compensate the victim for the harm caused by the crime. Not something he will be able to do if he is sentenced to [DOC] today."

¶ 8 Before pronouncing sentence, the trial court stated it had considered the PSI, the

parties' arguments, all the statutory and nonstatutory factors in aggravation and mitigation, whether specifically mentioned or not, and defendant's history and character. Regarding the seriousness of the offense, the court noted the evidence showed defendant twice set fires inside the Jeep while it was parked in a residential neighborhood. The court determined "the act or crime caused or had the potential to cause serious harm. It did cause serious harm. Fortunately, it was not much worse than what it was. So the Court considers factor one very, very strongly."

¶ 9 The trial court next outlined defendant's criminal history. It observed, "Most of those convictions do have some age on it but *** the Court is terribly concerned over the [2021] Missouri conviction for possession of a weapon as felon or their equivalent to that. That is a mandatory prison sentence in the State of Illinois." The court explained:

> "What makes that even worse is if we look at the criminal history of [defendant], we have felony convictions for drugs, we have felony convictions for a stolen vehicle, we have felony convictions for aggravated battery, we have felony convictions for weapons. This runs across the entire spectrum of criminal law. It is not just one category but it is many."

The court concluded, "This is constant criminality displayed by [defendant]." The court also emphasized the need for deterrence, calling it "a big factor, as well. When people keep committing crime after crime after crime, I think the public needs to know that there are consequences." As for a mitigating factor, the court noted defendant "was employed at the time of this offense and the Court does consider that."

¶ 10 The trial court ordered "restitution in the amount stated[,] which was, on the record, $1,952.32." The court imposed a sentence of 12 years in DOC, with 200 days' credit

time, and all mandatory fines and costs. It issued written orders reflecting the sentence.

¶ 11 Defendant did not file a postsentencing motion, and this appeal followed.

¶ 12 II. ANALYSIS

¶ 13 Defendant challenges his sentence on appeal, arguing (1) "12 years is an excessive sentence ***, where [he] caused only minor damage and [he] lived a law-abiding life for several years before this incident" and (2) "[t]he trial court's order requiring [him] to pay restitution must be vacated because the State presented no evidence that Campbell actually incurred that specific monetary loss." He invokes the plain-error doctrine, acknowledging he forfeited these issues by not filing a postsentencing motion raising them. See *People v. Hillier*, 237 Ill. 2d 539, 544 (2010) ("It is well settled that, to preserve a claim of sentencing error, both a contemporaneous objection and a written postsentencing motion raising the issue are required.").

¶ 14 "The plain-error doctrine is a narrow and limited exception" to the forfeiture rule and should be applied sparingly. *Hillier*, 237 Ill. 2d at 545. Defendants bear the burden of establishing plain error. *People v. Moon*, 2022 IL 125959, ¶ 20. To be entitled to review, "a defendant must first show that clear or obvious error occurred." *Hillier*, 237 Ill. 2d at 545. "In the sentencing context, a defendant must then show either (1) the evidence at the sentencing hearing was closely balanced, or (2) the error was so egregious as to deny the defendant a fair sentencing hearing." *Hillier*, 237 Ill. 2d at 545. With these principles in hand, we take each of defendant's arguments in turn.

¶ 15 A. Excessive Sentence

¶ 16 Hoskings argues the "12-year sentence does not reflect an appropriate balancing of rehabilitation and retribution as required by the federal and Illinois Constitutions." He maintains the sentence is excessive because the trial court abused its discretion when weighing

the statutory factors in aggravation and mitigation. Specifically, he contends the court overemphasized the crime's potential harm and his criminal history and undervalued his employment, family, and health. Defendant asks this court to either reduce the sentence to the statutory minimum or remand for resentencing. See Ill. S. Ct. R. 615(b)(4) (eff. Jan. 1, 1967). We disagree and affirm the sentence.

¶ 17 The Illinois Constitution mandates "[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. "In determining an appropriate sentence, a defendant's history, character, and rehabilitative potential, along with the seriousness of the offense, the need to protect society, and the need for deterrence and punishment, must be equally weighed." (Internal quotation marks omitted.) *People v. Hestand*, 362 Ill. App. 3d 272, 281 (2005).

¶ 18 A trial court enjoys broad discretion in imposing a sentence. *People v. Patterson*, 217 Ill. 2d 407, 448 (2005). We pay "great deference" to a court's sentencing judgment "because the trial court is generally in a better position than the reviewing court to determine the appropriate sentence." (Internal quotation marks omitted.) *Hestand*, 362 Ill. App. 3d at 281. Absent an abuse of discretion, this court will not disturb a sentence upon review. See *People v. Hensley*, 354 Ill. App. 3d 224, 234 (2004). A court abuses its discretion "where the sentence is greatly at variance with the spirit and purpose of the law, or manifestly disproportionate to the nature of the offense." (Internal quotation marks omitted.) *People v. Alexander*, 239 Ill. 2d 205, 212 (2010). Similarly, a court can abuse its discretion if its sentencing decision is "arbitrary, fanciful, unreasonable, or where no reasonable person would take the view adopted by the trial court." *People v. Etherton*, 2017 IL App (5th) 140427, ¶ 26. When a sentence falls within the

statutory range of possible sentences for a particular offense, we presume it to be reasonable and not arbitrary. *People v. Moore*, 41 Ill. App. 3d 3, 4 (1976).

¶ 19 In this case, defendant was convicted of arson, a Class 2 felony, ordinarily punishable by 3 to 7 years in DOC, but because he was eligible for extended-term sentencing, he faced a sentence in DOC of 3 to 14 years, followed by 48 months' MSR. See 730 ILCS 5/5-4.5-35(a), (*l*) (West 2024). The trial court's 12-year sentence falls within the relevant sentencing rage; consequently, we presume it is reasonable and will not disturb it absent an abuse of discretion. See *Moore*, 41 Ill. App. 3d at 4; *Hensley*, 354 Ill. App. 3d at 234.

¶ 20 Defense counsel's sentencing argument highlighted several mitigating factors, including that the crime neither caused nor threatened serious physical harm, defendant acted under strong provocation, he had maintained steady employment, his imprisonment would endanger his medical condition, and his child would be negatively affected by his incarceration. The trial court referenced the statutory factors in mitigation generally, and defendant's employment specifically, when announcing the sentence.

¶ 21 Defendant argues the mitigating factors were weightier than the trial court judged them to be, and they should have yielded a lesser sentence. But even a cursory review of the record supports the court's valuation of both the factors in mitigation and aggravation. We take the former first.

¶ 22 We observe the trial court heard conflicting information about the mitigating factors defense counsel referenced, especially the potential impact defendant's incarceration would have on his child. On one hand, in a written statement, defendant claimed he had "a young child that[ ] [he] take[s] care of by spending quality time with her, guidance, and with child support payments which was current up to my incarseration [*sic*]." On the other hand, in the

sentencing hearing, defense counsel acknowledged Hoskins had not "had contact with his daughter since April of 2024," and before 2024, contact had been "limited." The trial court was in the best position to assess that information and apply it in the sentencing determination. See *Hestand*, 362 Ill. App. 3d at 281.

¶ 23 As for his medical condition, defense counsel claimed defendant had "begun having a seizure condition that is being treated with medication but that was only instigated by his incarceration during this time." The PSI documented that defendant had two seizures in June 2025 and had been prescribed Keppra. There was no other evidence of an ongoing seizure condition, so we cannot say the trial court unreasonably undervalued this factor.

¶ 24 Defense counsel also maintained defendant "act[ed] under strong provocation" "due to an argument, a petty argument between him and [Campbell]." Counsel noted Campbell admitted to pushing defendant, which counsel believed "instigated the situation that caused the incident." But the trial court also heard Campbell's testimony, wherein she described defendant as "irate and mad" when he approached her "and started saying things" about "like we can't find a guy like him and *** he's better than other guys and that he has money and stuff." She observed he had been drinking alcohol and described his behavior as "just kind of weird." Campbell admitted she pushed defendant because he was getting too close to her as he was yelling at her. Campbell's version of the argument differs from what counsel implied. It is reasonable to infer the court credited Campbell's testimony when considering the mitigating factor of provocation, which is within the court's prerogative. See *Hestand*, 362 Ill. App. 281.

¶ 25 Both at sentencing and now on appeal, defendant devoted much of his argument to the mitigating factors that his conduct neither caused nor threatened serious physical harm, nor did he contemplate his actions would cause serious physical harm to anyone. Defendant

maintains the fires caused only $922 worth of damage to Campbell's Jeep, they died out quickly, and no one was hurt. He argues the trial court improperly focused too much on potential harm rather than actual harm. He cites no legal authority prohibiting the court from considering potential harm. But we note the factors in mitigation expressly consider "threatened" harm. 730 ILCS 5/5-5-3.1(a)(1), (2) (West 2024). By definition, threatened harm is possible or potential harm. See Merriam-Webster Dictionary, https://www.merriam-webster.com/dictionary/threaten (last visited September 9, 2026). The record established defendant set two fires inside Campbell's Jeep, which was parked in her driveway mere feet from her home and garage. Pictures of Campbell's Jeep and home show the homes in the neighborhood are positioned close to one another. The potential for serious harm from a car fire, including the very real possibility of a catastrophic explosion, would have undoubtedly threatened serious physical harm to others. The court acknowledged as much when rendering the sentence. In fact, the court went beyond potentiality and determined the arson "did cause serious harm" and considered that factor in aggravation "very, very strongly." We do not find this determination unreasonable. See *Etherton*, 2017 IL App (5th) 140427, ¶ 26.

¶ 26 Likewise, we find nothing arbitrary, fanciful, or unreasonable about the trial court giving greater weight to the aggravating factor of defendant's criminal history. The court noted defendant had amassed 12 felony convictions over the years for drug crimes, a stolen vehicle, aggravated batteries, and unlawful possession of weapons. He had also accumulated multiple misdemeanor convictions and traffic violations. The court observed defendant criminal activity "runs across the entire spectrum of criminal law" and described his adult life as "constant criminality." We cannot say the court abused its discretion in the weight given to defendant's criminal history.

¶ 27 Considering defendant's expansive criminal record, it was reasonable to doubt his rehabilitative potential. Despite his claim to the contrary, for upwards of two decades, defendant has failed to show he could consistently live a law-abiding life. The trial court was in the best position to weigh the factors in mitigation and aggravation and defendant's rehabilitative potential compared to the seriousness of the offense and the need for deterrence. *Hestand,* 362 Ill. App. 3d 281. Absent an abuse of discretion, we defer to the trial court's sentencing judgment. See *Hensley*, 354 Ill. App. 3d at 234. We do not find the trial court arbitrarily or unreasonably undervalued or overvalued any of the factors in aggravation or mitigation. *Etherton*, 2017 IL App (5th) 140427, ¶ 28. Nor does the record suggest the 12-year sentence greatly varies from the spirit or purpose of the law. *Etherton*, 2017 IL App (5th) 140427, ¶ 28. Without an abuse of discretion, there is no clear and obvious error, which means defendant failed to clear the first hurdle in plain-error review. *Hillier*, 237 Ill. 2d at 545.

¶ 28 B. Restitution

¶ 29 Defendant next argues the trial "court erred in ordering $1952.32 in restitution because there was no evidence to establish this amount." He asserts this amounted to plain error and asks that we vacate the restitution order and remand for a proper restitution order. We agree there is plain error that requires remand for a new restitution hearing, but for reasons different from what defendant alleged. The court failed to consider defendant's ability to pay and likewise failed to determine the timeline for payment or whether payment must be paid in a lump sum or installments. Defendant did not raise these specific issues, but we have said these errors are fatal to restitution orders. A fatally flawed order cannot survive.

¶ 30 When deemed an appropriate remedy, restitution serves as "a component of the sentence" and must not be imposed arbitrarily or unreasonably. *People v. Birge*, 2021 IL 125644,

¶¶ 47, 52. A restitution order that does not comport with statutory requirements implicates the right to a fair sentencing hearing. "[A]n error may involve a relatively small amount of money or unimportant matter, but still affect the integrity of the judicial process and the fairness of the proceeding if the controversy is determined in an arbitrary or unreasoned manner." (Internal quotation marks omitted.) *Birge*, 2021 IL 125644, ¶ 52. These serious implications make restitution order errors amenable plain-error review. See *Hillier*, 237 Ill. 2d at 545.

¶ 31 Section 5-5-6 of the Unified Code of Corrections (Code) governs restitution within Illinois's criminal sentencing scheme. See 730 ILCS 5/5-5-6 (West 2024) (stating "the court shall order restitution as provided in this Section"). Section 5-5-6(a) requires the trial court to first determine how a defendant should make restitution, such as by returning or repairing property or through cash payment. 730 ILCS 5/5-5-6(a) (West 2024). If the court finds cash payment proper, then it "shall assess the actual out-of-pocket expenses, losses, damages, and injuries suffered by the victim named in the charge" when fixing the restitution amount. 730 ILCS 5/5-5-6(b) (West 2024). Finally, "[t]aking into consideration the ability of the defendant to pay, *** the court shall determine whether restitution shall be paid in a single payment or in installments, and shall fix a period of time not in excess of 5 years." 730 ILCS 5/5-5-6(f) (West 2024). "Compliance with this statute is mandatory." (Internal quotation marks omitted.) *People v. Hibbler*, 2019 IL App (4th) 160897, ¶ 82; see *People v. White*, 146 Ill. App. 3d 998, 1002-03 (1986).

¶ 32 Defendant centers his argument on subsection 5-5-6(b) of the Code, which requires the trial court to assess the victim's actual out-of-pocket expenses, losses, or damages. In the simplest terms, there must be evidence of the victim's expenses for the court to assess. *Birge*, 2021 IL 125644, ¶ 48. "Alleged losses which are unsupported by the evidence must not be

used as a basis for awarding restitution." *People v. Jones*, 206 Ill. App. 3d 477, 482 (1990). Defendant contends there was no evidence to support the court's restitution order for $1,952.32. He points to Campbell's trial testimony, where she said it would cost "[a]bout $2,000" to make her Jeep drivable. She testified she paid a bill for $922 and estimated she "probably paid [$]1,400 out of my pocket." Defendant deems this trial testimony insufficient evidence to fix a restitution amount at $1,952.32. He is right, but he fails to recognize the State presented sufficient evidence of Campbell's actual out-of-pocket expenses at the sentencing hearing. Both section 5-5-6 of the Code and the relevant case law allow—and even anticipate—the State to present evidence to establish the restitution amount at the sentencing hearing and not at trial. See 730 ILCS 5/5-5-6(a) (West 2024); *People v. Hutt*, 2022 IL App (4th) 190142, ¶¶ 72-73 (noting the trial court can consider evidence for the restitution amount at trial, at sentencing, or via a court filing), *rev'd on other grounds*, *People v. Hutt*, 2023 IL 128170, ¶ 52; *Birge*, 2021 IL 125644, ¶ 49 (evaluating the evidence presented in the trial and sentencing hearing).

¶ 33 The PSI included two invoices for the Jeep repairs. One invoice from Poage Chrysler Dodge Jeep Ram totaled $922.65 and indicated Campbell paid in cash on July 15, 2025. The second invoice from Little Jess Chrysler Dodge Jeep Ram totaled $1,029.67. Combined, these two invoices total $1,952.32—the amount of restitution the trial court ordered. At the beginning of the sentencing hearing, the court asked the parties if they had received the PSI and if they had any additions, deletions, or corrections to the report. The defense acknowledged it received the PSI and recommended three unrelated changes—deleting a pending charge, increasing defendant's credit time by 16 days, and noting his seizure disorder began while he was in jail. Defense counsel did not object to the two invoices in the PSI. This evidence, therefore, was properly before the court, and the court rightly relied on it to set the restitution

amount. There is no error here, let alone a clear and obvious error. Again, defendant did not meet his burden for establishing plain error. See *Hillier*, 237 Ill. 2d at 545.

¶ 34 Nevertheless, we still find it necessary to remand the matter to the trial court with instructions to comply with section 5-5-6(f) of the Code. 730 ILCS 5/5-5-6(f) (West 2024). The record confirms the court failed to consider defendant's ability to pay, and it likewise neglected to determine whether restitution would be paid in a lump sum or by installments and, by extension, fix a time period for repayment. See 730 ILCS 5/5-5-6(f) (West 2024). These are mandatory statutory requirements for the court. We have deemed restitution orders lacking these requirements "fatally incomplete." (Internal quotation marks omitted.) *Hibbler*, 2019 IL App (4th) 160897, ¶ 82.

¶ 35 Defendant has not raised this issue at any point in this case, so it is forfeited. *People v. Synowiecki*, 2023 IL App (4th) 220834, ¶ 69 ("It is well settled that, to preserve a claim of sentencing error, both a contemporaneous objection and a written postsentencing motion raising the issue are required."). But forfeiture binds the parties, not the court. *People v. Melvin*, 2023 IL App (4th) 220405, ¶ 11. We have found second-prong plain-error review appropriate to restitution issues where the trial court did not adhere to statutory requirements. See *Synowiecki*, 2023 IL App (4th) 220834, ¶ 76. These may be small errors, but they call into question the integrity of the sentencing process. *Birge*, 2021 IL 125644, ¶ 52. We therefore cannot allow forfeiture to subsume these errors. The parties overlooked them, but we cannot. A fatally flawed order cannot survive. See *Hibbler*, 2019 IL App (4th) 160897, ¶ 82. We remand this case to the trial court for the limited purpose of compliance with section 5-5-6(f) of the Code.

¶ 36 III. CONCLUSION

¶ 37 For the reasons stated, we remand the matter to the trial court for the limited

purpose of conducting a hearing to determine when restitution is to be paid and the manner in which it is to be paid. We affirm the trial court's judgment in all other respects.

¶ 38 Affirmed and remanded with instructions.