Order filed September 9, 2026. Modified upon denial of rehearing September 25, 2026.

2026 IL App (5th) 250261-U

NO. 5-25-0261

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	White County.
	)	
v.	)	No. 22-CF-81
	)	
RONALD G. GROVE,	)	Honorable
	)	Scott T. Webb,
Defendant-Appellant.	)	Judge, presiding.

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

ORDER

¶ 1 *Held*: Defendant's 13.5-year sentence is affirmed where the trial court did not abuse its discretion by sentencing him *in absentia*, and the sentence was neither excessive nor an abuse of discretion.

¶ 2 Defendant, Ronald G. Grove, plead guilty to unlawful use of property. The White County trial court sentenced him to 13.5 years in the Illinois Department of Corrections (IDOC) with one year of mandatory supervised release. Defendant filed a motion for a new sentencing hearing, which the trial court denied. On appeal, defendant argues: (1) the trial court erred by denying his motion for a new sentencing hearing, where his absence from his sentencing hearing was not his fault and due to circumstances beyond his control and (2) the trial court abused its discretion by sentencing him to 13.5 years, because the sentence is disproportionate to the nature of the offense

and did not reflect the factors in mitigation or his rehabilitative potential. For the reasons that follow, we affirm.

¶ 3 I. BACKGROUND

¶ 4 We recite only the facts necessary to address the specific argument of the parties on appeal. On May 2, 2022, the State charged defendant by four count information with unlawful use of property, unlawful possession of methamphetamine, unlawful possession of paraphernalia, and unlawful possession of hypodermic syringe or needle. On May 4, 2022, defendant pleaded guilty to Count I. 720 ILCS 646/35(a) (West 2020). Defendant agreed to an open plea to Count I. The court explained to defendant that an open plea is "not an agreement" and defendant would not "know what the sentence is going to be." Defense counsel noted defendant's intent to obtain an evaluation from the Egyptian Health Center for potential inpatient treatment. In pleading guilty, the court admonished defendant that the possible penalties were 3 to 7 years in the IDOC, and 7 to 14 years was the "extended range" if defendant was eligible.

¶ 5 At the end of the hearing, the following exchange occurred:

> "THE COURT: What I'm going to tell you is, I'm going to have that hearing whether you're here or not. So I will tell you that it's always in your best interest to show up. All right?
>
> Just this last Monday, day before yesterday, had a young lady decide she wasn't going to show up for her sentencing hearing. How do you think that went for her?
>
> THE DEFENDANT: Not too well probably.
>
> THE COURT: Not too well. I mean, is he extended eligible? I think he is. So you're eligible for up to 14 years. If you don't show up at that sentencing hearing, I can assure you you're going to be knocking on that door. Okay?

THE DEFENDANT: Yeah.

THE COURT: So no matter how bad the situation may be, you need to show up on that date and at that time.

THE DEFENDANT: I'll be here.

THE COURT: As Mr. Shinkle informed me earlier and talked to you about, if you're in rehab, that's great, but you've got to make sure that we know about it. If you leave or get kicked out, it's not going to be good for you, but at the very least, you've still got to show up at your sentencing hearing. Okay?

THE DEFENDANT: All right.

THE COURT: So you're being released on a recognizance bond and what you need to do though is go straight to probation, give them information on how to get ahold of you because they're going to conduct an interview with you, and they're going to prepare a presentence report that I talked to you about earlier."

¶ 6 On July 25, 2022, the matter proceeded to sentencing. Defense counsel requested a continuance in order to allow defendant to attend an evaluation and subsequent treatment. The State was not "completely opposed" but did not want there to be a "delay tactic" to delay sentencing. The trial court noted that it hoped to see defendant in a long-term facility. The court assisted defendant and the parties in setting up an evaluation, and the court admonished defendant: "If you're in rehab, you're good to go. If you're not in rehab, you're going to be here. If you're not in rehab and you're not here, I'm going to have a sentencing hearing, and you're probably going to get close to 14 years. Okay?" The State clarified that if defendant attended rehab, defendant needed to ensure that the parties were made aware.

¶ 7 On August 29, 2022, the matter proceeded to sentencing. Defendant appeared with his attorney. Defense counsel requested a continuance. Counsel argued that defendant completed an intake, and there was a "bed space" that defendant could report to at a treatment center. The State had no objection. The court noted that defendant would attend rehab beginning that September, and the matter was set over for status on sentencing. Again, the court noted: "If you're in rehab, great. If you're not in rehab, you have to be here. Okay? Because if you're not here and not in rehab, I'm going to have a sentencing hearing without you, and it won't be a good day for you. Do you understand that?"

¶ 8 On October 24, 2022, the matter proceeded to sentencing. Defendant did not appear. The court stated, "[O]n August the 29th, I informed Mr. Grove that the Court would have a sentencing hearing on today's date at 1:30. For the record, it is now 3:40 p.m." Defense counsel stated that he was not aware of defendant's whereabouts. Counsel spoke to defendant's wife. She informed counsel that defendant was ill and went to the hospital for a COVID test. Defense counsel requested a continuance.

¶ 9 The State objected, noting that defense counsel and defendant's wife had "a day-long opportunity" "to provide anything to substantiate the claim that he's at the hospital testing for COVID or whatever the case may be, and they have not provided anything whatsoever." The trial court asked whether defendant attended treatment. Defense counsel advised the court that defendant was "not now in treatment."

¶ 10 The trial court moved forward with sentencing. The factual basis indicated that law enforcement executed a search warrant on defendant's home. When inside the home, officers located a shelf with a silver dish on it. Inside of the dish was a white residue. The residue tested positive for methamphetamine.

¶ 11 The presentence investigation report set forth defendant's criminal history, including numerous drug related convictions. In May 2004 he was convicted of possessing a controlled substance and possession of drug paraphernalia and cannabis. In February 2005 defendant was convicted of possessing methamphetamine and sentenced to four years in IDOC. In August 2011 defendant was convicted of aggravated manufacturing of methamphetamine within 1000 feet of a church, and he was sentenced to 10 years in IDOC. In November 2011, defendant pled guilty to possession of methamphetamine, and he was sentenced to five years in prison. He was released from IDOC in May of 2019 before incurring the instant offenses.

¶ 12 The court stated:

> "In reviewing and taking into consideration the presentence report, the defendant's criminal history—I will say this, his inability to show up at his own sentencing hearing speaks volumes about whether or not he's going to show up for probation. I find that he would absolutely be unable to complete probation as no doubt he would be requesting, if he were here."

¶ 13 The trial court noted, and the parties agreed, that defendant was extended term eligible. Defense counsel argued on behalf of defendant. Counsel requested that the court sentence defendant to a term of probation.

¶ 14 Following argument, the court considered the presentence investigation report and the factors in aggravation and mitigation. The court did not find that probation was appropriate, because it deprecated the seriousness of the offense and was inconsistent with the ends of justice. The court observed that defendant had a "substantial criminal history" and that he failed to comply with court orders. The court expressed concern about defendant's absence from sentencing, noting that defendant was an addict. The court mused that defendant was "in this circle of addiction where

he's continuing to get high and evading capture." For these reasons, the court sentenced defendant to 13.5 years in IDOC with one year of mandatory supervised release.

¶ 15 On October 21, 2024, the trial court held a hearing, noting that defendant was in custody for his failure to appear on October 24, 2022. The court explained:

> "THE COURT: It says the defendant has bed space available on 9-6 of 2022. And then I set you for a sentencing hearing on 10-24—October the 24th—and I advised you and told you straight up, Mr. Grove, if you don't show, it's going to be a bad day for you because I'm going to have a sentencing hearing whether you're here or not. And I told you that if you were in rehab, that's fine. They can let us know, and we'll continue it all.
>
> But whenever the 24th of October of 2022 came around, you weren't here. Mr. Shinkle hadn't heard from you. He moved to continue it. I denied the continuance, and we went through with the sentencing hearing.
>
> And so, as part of that, I sentenced you to 13-and-a-half years in the Illinois Department of Corrections with a one-year period of mandatory supervised release.
>
> Now, your time to appeal that sentence has already run because you've been gone so long. So that's already ran. But what you can do is file a motion asking the Court for a new sentencing hearing, and you have to allege that your absence was both without your fault and due to circumstances beyond your control (*i.e.* You were in the hospital, unconscious, didn't know anybody in the world, and couldn't breathe.)"

The trial court appointed the public defender to assist defendant with a motion for a new sentencing hearing.

¶ 16 On January 1, 2025, defendant filed a motion for a new sentencing hearing. In the motion, defendant argued that he tested positive for COVID on October 20, 2022, four days prior to his

sentencing hearing. He was admitted to the hospital. Defendant was discharged on October 24, 2022, the date of the sentencing hearing. In the motion, defendant argued that his wife relayed the information to defense counsel.

¶ 17 According to the motion, and attached as an exhibit, was a text from defendant's wife of "screen shots of hospital documents" showing that defendant "tested positive for COVID-19 on October 20, 2022 and that he was subsequently discharged from Fairfield Memorial Hospital in October 24, 2022." The motion argued that defense counsel at the sentencing hearing failed to file a motion for a new sentencing hearing "despite being given this proof" by defendant's wife.

¶ 18 On March 6, 2025, the trial court held a hearing on defendant's motion for a new sentencing hearing. Defendant testified. Prior to the sentencing hearing, defendant became ill. On October 20, 2022, four days prior to his sentencing hearing, he went to Fairfield Memorial Hospital, because he had trouble breathing. Defendant testified that he had a fever and was "deathly ill." Defendant was admitted to the hospital. On the date of his sentencing, on October 24, 2022, defendant was still in the hospital. He was ultimately discharged later that day. The hospital gave defendant instructions to quarantine at home for up to two weeks. Defendant believed that his wife was in contact with his attorney. Defense counsel admitted defendant's exhibits A and B, paperwork from defendant's hospital stay. Defense counsel also admitted text messages between defendant's wife and his sentencing attorney. On cross-examination, defendant testified that he did not provide any hospital information to his sentencing attorney.

¶ 19 Following defendant's testimony, his counsel argued that defendant's wife provided his sentencing attorney with updates about defendant's illness and hospital records. Counsel argued that defendant missed the sentencing hearing due to circumstances beyond his control. In response,

the State argued that defendant was sentenced on October 24, 2022, and picked up on a warrant on October 16, 2024.

¶ 20 The trial court noted that defendant would have to show that the failure to appear was both without his fault and due to circumstances beyond his control. The court noted that it was not defendant's fault that he became sick with COVID. The court noted that defendant's sentencing hearing was set for 1:30 p.m., but defendant ultimately was not sentenced until 3:30 p.m. after his attorney made efforts to find him. The court noted that it could not get past "the fact that we're two years later" when "all you had to do was come in the following day and say, Hey, look. I was in the hospital. I couldn't be there. Or something to that effect. But you didn't. you were on the lam for two years."

¶ 21 The trial court observed that defendant "knew what the situation was" and defendant "had a warrant" for his arrest. Therefore, "given the fact that you waited so long and you didn't get arrested for so long," the court denied the motion. The court stated, "I would have probably otherwise granted the motion had it been even a couple weeks, or even a month, or even six months. But we're two years down the line, and we're trying to go back, and the documents are gone."

¶ 22 Turning to the exhibits, the court observed:

> "I mean, these documents really aren't very good, but I'll accept them as what they are because on the—at the very bottom of that lab test on 10-20, it shows—and it was highlighted—that you tested positive for COVID, and then I'm assuming the hospital just screwed up on the discharge date or actually entrance date, and the discharge date was the 24th.

It doesn't give us the time that you were discharged. I mean, your wife never appeared in Court. So everybody just sort of went their own way thinking, we'll just roll the dice and see what happens."

¶ 23 The trial court advised defendant of his appeal rights. The following exchange occurred:

"THE DEFENDANT: Yes. Do I come back here for the appeal?

THE COURT: No.

THE DEFENDANT: Thank God.

THE COURT: Mr. Grove, I've known you a very long time, and I've always been fair to you. Okay? I heard your response. And God knows you've been in enough trouble to fill this courtroom, and I would have been fair to you, and I was fair to you.

You just—and if you go back and you look, I let you try to go to rehab. I gave you continuance after continuance after continuance, and you continued to thumb your nose at the Court. And I—I'm not going to tolerate it forever. That's just the reality of the world.

THE DEFENDANT: You've not given me a chance, Webb. You haven't. How ***.

THE COURT: I did. And it's Judge Webb."

¶ 24 II. ANALYSIS

¶ 25 On appeal, defendant argues: (1) the trial court erred by denying his motion for a new sentencing hearing, where his absence from his sentencing hearing was not his fault and due to circumstances beyond his control and (2) the trial court abused its discretion by sentencing him to 13.5 years, because the sentence is disproportionate to the nature of the offense and did not reflect the factors in mitigation or his rehabilitative potential. For the reasons that follow, we affirm.

¶ 26 First, defendant argues that the trial court erred by denying his motion for a new sentencing hearing, where his absence from his sentencing hearing was not his fault and due to circumstances

beyond his control. The State disagrees, arguing that defendant failed to establish that his absence at sentencing was not his fault and caused by circumstances beyond his control.

¶ 27 Section 115-4.1 of the Code of Criminal Procedure of 1963 (Code) (725 ILCS 115-4.1 *et seq.* (West 2022)) provides a mechanism for those defendants tried and/or sentenced *in absentia* to request a review of their conviction and sentence beyond 30 days. Section 115-4.1(e) of the Code provides:

> "When a defendant who in his absence has been *** sentenced *** appears before the court, he must be granted a *** new sentencing hearing if the defendant can establish that his failure to appear in court was both without his fault and due to circumstances beyond his control. A hearing with notice to the State's Attorney on the defendant's request for *** a new sentencing hearing must be held before any such request may be granted. At any such hearing both the defendant and the State may present evidence." *Id.* § 115-4.1(e).

¶ 28 Thus, we consider whether the trial court correctly found that defendant's absence from the sentencing hearing was "both without his fault and due to circumstances beyond his control." *Id.* "The trial court's denial of a new trial to a defendant convicted *in absentia* will not be reversed unless a manifest abuse of discretion is shown." *People v. Reyna*, 289 Ill. App. 3d 835, 838 (3d Dist. 1997), citing *People v. Bushey*, 170 Ill. App. 3d 285, 289 (1988).

¶ 29 In the case before us, the record demonstrates that defendant was repeatedly and explicitly warned that sentencing would proceed without him if he failed to appear. Across multiple hearings, the trial court made it clear that the sentencing hearing would occur whether defendant was there or not. Each time, defendant acknowledged the court's warnings. The trial court expressly noted that the sentencing hearing would only be further delayed if defendant moved forward with inpatient treatment.

¶ 30 Nonetheless, on October 24, 2022, the scheduled sentencing date, defendant did not appear, and he was not in treatment. Defense counsel was unable to verify defendant's location, and on that date, defendant's wife failed to provide any information about defendant's alleged hospitalization. The trial court waited over two hours for defendant, and no documentation or reliable information was offered to the parties or the court to explain defendant's whereabouts on the date of sentencing.

¶ 31 Defendant's later claim of hospitalization did not excuse his absence, where defendant remained a fugitive for two years. When defendant was finally arrested on the warrant from October 2022, he sought a new sentencing hearing. At that time, two years later, he claimed that he missed his sentencing hearing due to his illness and hospitalization. The trial court accepted that defendant was sick, however, the court emphasized that defendant failed to meet his burden to demonstrate that he was not at fault and there were circumstances beyond his control. This was particularly egregious, where defendant failed to notify the court afterward, despite having two years to do so. The court explained that had defendant promptly brought the information to the court's attention, within days, weeks, or even months, that the court likely would have granted his relief. Because of defendant's prolonged failure to return to court or notify the parties, his motion for a new sentencing hearing was properly denied. Where the court repeatedly warned defendant, defendant failed to appear without providing proof on the day of sentencing, and defendant was not in treatment as previously ordered then remained a fugitive for two years before seeking relief, we cannot say that the court abused its discretion by denying defendant's request for a new sentencing hearing.

¶ 32 B. Excessive Sentence

¶ 33 Second, defendant argues that the trial court abused its discretion by sentencing him to 13.5 years, because the sentence is disproportionate to the nature of the offense and did not reflect the factors in mitigation or his rehabilitative potential. The State responds, first arguing that defendant failed to preserve this issue. Forfeiture notwithstanding, the State contends that the trial court exercised its discretion in crafting a sentence within the statutory range.

¶ 34 In the case before us, defendant entered into an open plea agreement in which he pled guilty to unlawful use of property for possessing methamphetamine and drug paraphernalia in his home, a Class 2 felony (720 ILCS 646/35(b) (West 2022)). Defendant was extended term eligible, making the sentencing range 7 to 14 years. 730 ILCS 5/5-4.5-35(a) (West 2022). Prior to sentencing, the trial court admonished defendant that he was extended-term eligible and could be sentenced up to 14 years in prison.

¶ 35 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. "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.

¶ 36 In determining an appropriate sentence, the relevant factors that should be considered include the nature of the crime, the protection of the public, deterrence, punishment, and the defendant's rehabilitative potential. *People v. Bryant*, 2016 IL App (1st) 140421, ¶ 14. "The weight to be attributed to each factor in aggravation and mitigation depends upon the particular circumstances of the case." *People v. Garibay*, 366 Ill. App. 3d 1103, 1109 (2006). When determining whether the trial court based the sentence on proper aggravating and mitigating factors, the reviewing court should consider the record as a whole, rather than focusing on a few words or statements by the trial court. *People v. Morrow*, 2014 IL App (2d) 130718, ¶ 14. The defendant has the burden to affirmatively establish that the sentence was based on improper considerations. *People v. Dowding*, 388 Ill. App. 3d 936, 943 (2009).

¶ 37 A trial court's sentencing decision is entitled to great deference. *People v. Stacey*, 193 Ill. 2d 203, 209 (2000). Such deference is granted "because the trial court is generally in a better position than the reviewing court to determine the appropriate sentence." *Id.* "If 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. "An abuse of discretion occurs only 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.*

¶ 38 As an initial matter, the State contends that defendant forfeited this issue on appeal, where defendant failed to raise it in a post-sentencing motion. However, defendant raised his claim under section 115-4.1(e) of the Code (725 ILCS 5/115-4.1(e) (West 2022)), which provides a mechanism for those defendants tried and/or sentenced *in absentia* to request a review of their conviction and

sentence beyond 30 days. Section 115-4.1(g) of the Code (*id*. § 115-4.1(g)) provides that a defendant whose motion for a new trial or new sentencing hearing under section 115-4.1(e) has been denied may file a notice of appeal and that "[s]uch notice may also include a request for review of the judgment and sentence not vacated by the trial court." *Id.* A defendant must request in his notice of appeal a review of the underlying judgment. Otherwise, "the notice of appeal would necessarily pertain only to issues relating to the order denying his section 115-4.1(e) motion ***, *i.e.*, whether his absence from court was without his fault and due to circumstances beyond his control." (Internal quotation marks omitted.) *People v. Pizarro*, 2020 IL App (1st) 170651, ¶ 21. Here, defendant filed a late notice of appeal on August 28, 2025. In the late notice of appeal, which this Court granted, defendant sought review of his sentence. We find that defendant's notice of appeal is sufficient to request review of his underlying sentence. We therefore reject the State's forfeiture argument and address defendant's argument on the merits.

¶ 39 First, defendant argues that the sentence is disproportionate to the nature of the offense. We disagree. Here, the 13.5-year sentence was not disproportionate given defendant's eligibility for an extended-term range of 7 to 14 years and the aggravating factors before the court. The trial court reviewed the presentence investigation report, noted the defendant's substantial criminal history, and emphasized his repeated failure to comply with court orders, including his failure to appear for sentencing despite multiple, explicit warnings that sentencing would proceed without him. The court observed that defendant had a continued pattern of evading supervision and had ongoing struggles with addiction. Based on this, the court concluded that probation would be inappropriate, would depreciate the seriousness of the offense, and would be inconsistent with the ends of justice. Because the sentence fell within the applicable statutory range and was grounded

in recognized aggravating factors, the trial court's decision to impose a 13.5-year term was not disproportionate.

¶ 40 Next, defendant argues that the sentence failed to reflect the factors in mitigation. In sentencing a defendant, the circuit court must consider a number of statutory mitigating factors. *People v. Lefler*, 2016 IL App (3d) 140293, ¶ 29. However, not all statutory mitigating factors listed in section 5-5-3.1 of the Unified Code of Corrections (730 ILCS 5/5-5-3.1 (West 2022)) may apply in every case. See *id.* ¶ 31 (noting that the trial court did not err in finding no statutory mitigating factors). Generally, the circuit court need not articulate each factor it considered in rendering a defendant's sentence. *People v. Villalobos*, 2020 IL App (1st) 171512, ¶ 74. Moreover, such a failure does not mean that the court did not consider all relevant factors. *Id.* Despite defendant's suggestions otherwise, in rendering its sentence, the trial court expressly stated that it "considered the factors in aggravation and mitigation." Therefore, we cannot find that the court declined to consider any mitigating factors.

¶ 41 Finally, defendant argues that the trial court failed to consider his rehabilitative potential. 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). A sentencing "court has no obligation to recite and assign value to each factor presented at a sentencing hearing." (Internal quotation marks omitted.) *People v. Brazziel*, 406 Ill. App. 3d 412, 434 (2010). In the case before us, the record demonstrates that the trial court acknowledged defendant's struggle with addiction and repeatedly encouraged him to enter inpatient treatment. The court gave defendant numerous continuances to allow him the opportunity to do so. Ultimately, however, defendant failed to appear and failed to comply with court orders. This demonstrated that rehabilitation through probation was not a realistic or appropriate option.

¶ 42 As a whole, defendant essentially asks this court to reweigh the sentencing factors. 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 defense counsel, 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 sentence imposed in this matter, and the court's sentence was within the statutory range of sentences permissible. For these reasons, under the facts and circumstances of this case, we do not find that defendant's sentence was excessive or that the court abused its discretion in sentencing defendant.

¶ 43 III. CONCLUSION

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

¶ 45 Affirmed.