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) 251036-U

NO. 4-25-1036

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
October 13, 2026
Carla Bender
4th District Appellate
Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
Plaintiff-Appellee,	)	Circuit Court of
v.	)	McLean County
WESLEY MITCHELL NOONAN,	)	No. 23CF674
Defendant-Appellant.	)	
	)	Honorable
	)	William A. Yoder,
	)	Judge Presiding.

JUSTICE KNECHT delivered the judgment of the court.
Justices Zenoff and Vancil concurred in the judgment.

ORDER

¶ 1 *Held*: Defendant's lengthy sentence for six counts of possession of child pornography, a sentence he is unlikely to survive, is not excessive.

¶ 2 Defendant, Wesley Mitchell Noonan, appeals his 72-year sentence on six counts of child pornography (720 ILCS 5/11-20.1(a)(6) (West 2022)). On appeal, defendant argues his prison sentence is excessive because, despite his "significant potential for rehabilitation," the trial court ignored the Illinois Constitution's mandate for sentences to be determined based on the objective of restoring the offender to useful citizenship, effectively imposing a life sentence. See Ill. Const. 1970, art. I, § 11. We affirm.

¶ 3 I. BACKGROUND

¶ 4 In April 2022, during a federal investigation into other charges, images of child pornography were found on defendant's phone. The phone was transferred to the custody of the

Bloomington Police Department.

¶ 5 Detective Paul Swanlund, with the Bloomington Police Department, searched defendant's phone and found multiple Google searches related to child pornography, as well as videos and images. The searches included "why am I attracted to preteen nipples" and "why do I like preteen breasts." Videos were found inside labeled files in defendant's phone. These files were titled "10 yo [name]," "11yo [same name]," and "13yo [same name]." Hundreds of preview images were also found on defendant's phone, many of which were identified as child pornography. Defendant was charged with 59 counts of child pornography. The images and videos that were the bases of the 59 child-pornography counts were found in an encrypted "Photo Vault App."

¶ 6 In March 2025, defendant pleaded guilty to six counts of child pornography. In exchange for his plea, the State agreed to dismiss the remaining 53 counts. No agreement was made as to the length of defendant's sentence.

¶ 7 At the plea hearing, the State provided the factual basis for defendant's guilty plea. According to the State, the videos were acquired by defendant from July 13, 2021, to February 7, 2022. The video related to count 4 was a collage of videos 9 minutes and 49 seconds in length acquired in February 2022. The first of the collage involved a nude, adult female sexually assaulting "a very young, male child." "[M]ultiple other videos in this collage" involved "the same activity with various young male children." Counts 7, 13, 14, 25, and 35 contained videos of adults sexually assaulting "young" and "very young" children under the age of 13 orally, vaginally, or anally.

¶ 8 Defendant's sentencing hearing was held in July 2025. At the start of the hearing, the trial court stated it had reviewed the 59 videos, the presentence investigation report (PSI),

and defendant's personal statement.

¶ 9 According to the June 2025 PSI, defendant was 51 years old. His criminal history consisted of over 20 traffic offenses, including improper overtaking on the right, expired driver's license, speeding 26 to 30 miles per hour over the speed limit, and operating an uninsured vehicle. Defendant's criminal history also included one 1995 theft (less than $300) conviction, a 2001 resisting-or-obstructing-a-peace-officer conviction, and a federal conviction for the April 2022 conspiracy to distribute and the possession with intent to distribute para-fluorofentanyl.

¶ 10 The PSI indicated defendant reported he was sexually abused by a babysitter six to eight times between the ages of 8 and 11. Defendant did not then tell anyone of the abuse, but defendant reported his mother knew something had happened, as he was not " 'the happy little kid anymore.' " Since his arrest, defendant's two children resided with his brother.

¶ 11 Defendant married Christina Noonan in May 2003. As of the date of the PSI, Christina was serving a 70-month sentence in federal prison for the illegal distribution of over 250,000 pills containing controlled substances. Defendant reported Christina was addicted to tramadol, using 15 to 20 pills per day. Defendant was found by a federal court to have played a minor role in his wife's venture. Defendant admitted in the PSI interview he mailed six packages.

¶ 12 The PSI further cites a police report that shows several incriminating "Apple Notes" were found on defendant's cell phone during the investigation of the charged offenses. The PSI report notes the following regarding the "Apple Notes:"

> "Within one note, the defendant wrote about rubbing A.T.'s (age fifteen) vagina and anus while she was sleeping at his residence. The minor did not recall this event happening to her. Within

> another note, the defendant wrote about rubbing L.R.'s (age sixteen) vagina and anus while she was sleeping at his residence. The minor indicated she did not recall being touched in that manner, but did state she lost a tooth while visiting the Noonan's. There was another Apple note which read, '[L.R.]…I ate blood from lost tooth on 12/5[/]2018.' Additionally, another Apple note indicated the defendant wrote about smelling L.H.'s underwear and eating the discharge in the underwear. [Mrs. H.] informed police L.H. told her she does remember losing underwear while at the Noonan's, and told her the defendant offered to do her laundry while she was visiting. Additionally, the defendant was found in possession of [a] folder labeled '[R.H.] Naked.' The video showed R.H. in the shower. Her mother estimated she was ten (10) or eleven (11) years old at the time of the video."

¶ 13 As to his health, defendant reported he was in good physical health. Defendant stated he had been diagnosed with attention-deficit/hyperactivity disorder, generalized anxiety disorder, and major depressive disorder. He was taking medication for the disorders.

¶ 14 Defendant worked full-time before his arrest. Since his arrest, he lost all of his assets, including his home. While incarcerated, defendant had worked as a pod worker. He completed various courses via "Adovo," including, job seeking with a criminal record, changing habits around drug and alcohol use, and "The GOGI Life Tools- Boss of my Brain- Fixed."

¶ 15 In his personal statement, defendant wrote he "was on a legal and popular message board style website" "to view or download pornography." He "downloaded numerous

.zip files over a relatively short period of time." Upon opening those files, he learned some contained child pornography. Defendant admitted he did not "do the right thing and delete the files," but "kept them on [his] phone." Defendant stated, despite thinking about deleting those videos "several times," he "convinced [himself he] would do it later." Defendant called the videos a mistake. Defendant admitted he had no one to blame but himself. His daughters meant everything to him, and he had not seen them since April 2022. He acknowledged he failed his daughters. Defendant was ready to better himself and rebuild his family's trust and respect. He would live with his mother upon his release. Defendant further apologized to the trial court for having to view the videos.

¶ 16 The State called Detective Swanlund to testify. Detective Swanlund testified he predominately investigated child-pornography cases. His investigation of defendant began upon receiving defendant's phone from the Drug Enforcement Agency's forensic laboratory. In examining defendant's phone, Detective Swanlund found multiple relevant Google searches during the period of March 19, 2022, to April 4, 2022. The searches included "candid teen forum" and "motherless candid teen," as well as questions like "[W]hy am I attracted to preteen nipples?" "[W]hy do I like preteen breasts?" and "[W]hat would it feel like having sex with [a] dead girl?"

¶ 17 Detective Swanlund located files in an application on defendant's phone. The folder titles included "cute.n.sexy.0528" and "13yo [name]." These contained videos of 12- to 14-year-old girls who were naked or masturbating. A folder named "12YO[same name]livefirstflashing" contained videos showing 10- to 14-year-old females making videos. Another video was 45 minutes of a live broadcast "of two young looking females standing in a room and interacting with mirrors," exposing their vaginas and breasts. Defendant's phone

contained the Telegram app, which is sometimes used to solicit, trade, and possess child pornography. Defendant's e-mail address was linked to a user on Telegram who indicated he "sell[s] also."

¶ 18 Detective Swanlund reviewed the notes from around 2015 through 2022 on the Apple Notes application on defendant's phone. One of the first notes is labeled " 'FUCKED.' " Detective Swanlund surmised this was a running list of people with whom defendant "was intimate with." An entry on November 17, 2017, states the following: " '[T]he girls had a sleepover.. [A.T.] spent the night[.] I went up twice and rubbed her asshole, and her clit. I could tell by her expressions she liked it.' " There was another note stating he made " 'the girls lay down [at] 11.' " After this, the note states defendant performed acts on A.T. again but stopped as she became conscious. At that time, A.T. was under 10 years old. Other notes show defendant took some of the children's underwear and masturbated to them. Another note from May 2020 involves a female under 15 years old and the discharge in her underwear. Two other girls, including L.H. and R.H., and their underwear were mentioned.

¶ 19 Detective Swanlund testified regarding the photo vault application in defendant's phone. In the photo vault, there were "albums" entitled "Hot Teen Pedo" and "Ped Newer." One Album was entitled a female's name, "[R.H.]" In one entitled "[L.]," according to Detective Swanlund,

> "[defendant] puts his phone in what looks like a hutch that you would have in, like, your dining room, leaves it running, and then exits. And then a young girl enters the view of the video and changes, takes her clothes off, puts new clothes on, and then exits the room. And then you see [defendant] come back in and

retrieve—stop the video and retrieve the phone."

Another version of that same video was found. In that version, "[I]t looked like the video was being stopped and slowed down when the child was changing. And so at the moment when she was nude, there was, like, zooming in that was going on, and focussing [*sic*] on parts of the body, the vagina and the breasts." A video of R.H., a friend of defendant's daughter, was recorded showing her showering and washing her hair.

¶ 20 Defendant submitted four letters on his behalf. One letter, from his brother, stated defendant is redeemable and deserves a second chance. In another, defendant's mother asked for probation. She wrote defendant was "an emotional man who cares deeply for his family." She further reported defendant raised two kind and beautiful girls who were honor students, athletes, and members of the high-school band. Both of defendant's daughters asked for defendant to be helped. Both stated defendant attended all of their activities and events, and he always ensured they felt cared for and loved.

¶ 21 Defendant made a short statement in allocution. Defendant acknowledged his life would never be the same, and he was the one to blame. Defendant asked for the opportunity to put his life back together and mend his relationship with his family.

¶ 22 Defendant also offered into evidence his psychosexual risk evaluation. According to that evaluation, defendant denied having physical contact with any minor. Defendant said he " 'used to read erotic stories on a taboo site … some were involving children…[he] tried to come up with them on [his] own.' " He denied masturbating to a minor's underwear, stating that was his wife's. He later said he probably touched a minor's underwear as he did laundry for his daughters' friends when they spent the night. When asked about recording minors with a hidden phone, defendant replied, " 'One time…it was my daughters' friend.' " The evaluator opined,

"With a reasonable degree of clinical certainty, [defendant] is Moderate-High level for recidivism."

¶ 23 The State asked for the maximum 14-year sentence on each count; defendant requested probation.

¶ 24 Before sentencing defendant, the trial court stated the following, in part:

> "[T]here's no doubt, based upon the evidence that has been presented, the defendant has a serious problem. The sex offender evaluation places him at an elevated risk of recidivism. He obviously has a history of involvement in child pornography that spans several years at a minimum. And there's been testimony presented today and evidence presented that—that that evidence—that that issue with child pornography may have spilled over into some physical acts. There has been—these charges though are not based on physical acts of sexual abuse perpetrated by the defendant against a minor. These charges have to do with possession of child pornography. And so as far as my mentioning the other evidence that's been presented in aggravation, I've only considered that as it would be appropriate in imposing a sentence in this case."

¶ 25 The trial court stated it considered all the statutory factors in aggravation and mitigation and all relevant factors. The court sentenced defendant to 12 years on each count, for an aggregate sentence of 72 years. The court found consecutive sentences were required to protect the public from further criminal conduct by defendant.

¶ 26 Defendant filed a motion to reconsider sentence, contending, in part, "the

sentences are excessive." The trial court found it applied appropriate weight to the evidence that was presented and imposed a sentence within the statutory guidelines. The court denied defendant's motion.

¶ 27 This appeal followed.

¶ 28 II. ANALYSIS

¶ 29 On appeal, defendant argues his sentence is excessive because the trial court ignored the constitutional mandate sentencing courts impose sentences based both on the seriousness of the offense and with the objective of restoring the offender to useful citizenship. See Ill. Const. 1970, art. I, § 11. He contends the record shows he has significant potential for rehabilitation, and such potential is not reflected in the 72-year sentence he is unlikely to survive. Defendant further emphasizes the significant cost of imprisoning him for 72 years (see 730 ILCS 5/5-4-1(a)(3) (West 2024)), his expressions of remorse and accepting responsibility for his crimes, his steady employment, the character letters on his behalf showing his rehabilitative potential, and his mental-health history. While acknowledging the offenses were undeniably serious, defendant argues the record contains no evidence he "engaged in hands-on conduct, threats, or coercion involving minors."

¶ 30 As defendant emphasizes, the Illinois Constitution mandates sentences "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. Case law establishes, however, there is no requirement the objective of restoring the offender to useful citizenship must " 'be given greater consideration than that which establishes *** the seriousness of the offense.' " *People v. Waud*, 69 Ill. 2d 588, 596 (1977) (quoting *People ex rel. Ward v. Moran*, 54 Ill. 2d 552, 556-57 (1973)). Instead, these constitutional mandates are to be balanced, and it is the role

of the trial courts to strike "the proper balance between the potential for rehabilitation and the seriousness of the offense." *People v. Compton*, 193 Ill. App. 3d 896, 903 (1990); see *People v. Dailing*, 2026 IL App (4th) 250717, ¶ 69 ("The trial court must balance the retributive and rehabilitative purposes of punishment by carefully considering all the statutory factors in aggravation and mitigation.").

¶ 31 In imposing a sentence that balances the constitutional mandates, trial courts have broad discretionary powers. See *People v. Pina*, 2019 IL App (4th) 170614, ¶ 19. In addition to statutory factors in mitigation and aggravation, sentencing courts must consider " 'such factors as the defendant's credibility, demeanor, general moral character, mentality, social environment, habits, and age.' " *Id.* (quoting *People v. Fern*, 189 Ill. 2d 48, 53 (1999)).

¶ 32 On review of a challenge to the length of a sentence, this court will not reverse that sentence absent an abuse of discretion. *People v. Price*, 2011 IL App (4th) 100311, ¶ 36. We will not deem a sentence within statutory limits to be excessive and an abuse of discretion unless that sentence is " 'greatly at variance with the spirit and purpose of the law or manifestly disproportionate to the nature of the offense.' " *Pina*, 2019 IL App (4th) 170614, ¶ 20 (quoting *Fern*, 189 Ill. 2d at 54).

¶ 33 Defendant's aggregate 72-year sentence is within the sentencing range for his offenses. Defendant pleaded guilty and was sentenced on six counts of possession of pornography involving images of children under the age of 13, Class 2 felonies (720 ILCS 5/11-20.1(a)(6) (West 2022)). Generally, sentencing options for a Class 2 felony include probation and a sentence in the range of three to seven years' imprisonment. 730 ILCS 5/5-4.5-35(a) (West 2024). However, a sentencing court may use its discretion to impose an extended term based on certain statutory factors, such as a previous federal conviction (*id.* § 5-5-3.2(b)(1)). Eligibility for

an extended-term sentence for a Class 2 felony expands the sentencing range to 7 to 14 years' imprisonment. *Id.* § 5-4.5-35(a). Thus, the sentencing options before the trial court for defendant on each count included probation or a prison term in the standard sentencing range of 3 to 7 years or the extended-term range of 7 to 14 years. As the law required mandatory consecutive sentences on defendant's child-pornography convictions (see *id.* § 5-8-4(d)(2.5)), defendant therefore faced an aggregate prison sentence of 18 to 84 years. We note defendant is eligible for day-for-day sentencing credit. See *id.* § 3-6-3(a)(2.1). Because defendant's sentence was within the statutory range, it is presumptively proper. See *People v. Musgrave*, 2019 IL App (4th) 170106, ¶ 56. We thus strongly presume the trial court based its decision on appropriate legal reasoning. See *People v. McGath*, 2017 IL App (4th) 150608, ¶ 64; see also *People v. Page*, 2022 IL App (4th) 210374, ¶ 52 ("Absent explicit evidence to the contrary, we *** presume the [trial] court considered all mitigating factors.").

¶ 34 Defendant contends his lengthy sentence is an abuse of discretion, as it fails to reflect his strong rehabilitative potential and, thus, was not determined with the objective of restoring him to useful citizenship. We disagree. The record reveals the trial court considered defendant's rehabilitative potential, and the lengthy sentence demonstrates the court found that potential, at best, low. Before pronouncing defendant's sentence, the court expressly observed "defendant has a serious problem," "[t]he sex offender evaluation places him at an elevated risk of recidivism," and "[h]e obviously has a history of involvement in child pornography that spans several years at a minimum." These findings are directly relevant to the issue of defendant's rehabilitative potential and disprove defendant's contention his potential for rehabilitation was not considered. Moreover, the record shows the court's implicit conclusion defendant's rehabilitative potential is low to be reasonable. See generally *People v. Godsil*, 2025 IL App

(4th) 240436, ¶ 26 ("[I]t was reasonable for the trial court to conclude the evidence of [the] defendant's rehabilitative potential was not as robust as he frames it on appeal."). While defendant asserted before the trial court his downloading of child pornography was unintentional and his error was neglecting to delete the images and videos, the testimony by Detective Swanlund demonstrates defendant searched for child pornography and the photos and videos were stored in an encrypted app. As the court found, defendant's issues with child pornography spanned a period of at least several years. This troubling history includes disturbing Internet searches and videotaping his daughters' friends as they stayed in his home, as well as conduct from, at best, imagining sexually abusing his daughters' friends to, at worst, actually sexually abusing them.

¶ 35 Defendant's case law regarding rehabilitative potential is distinguishable. For example, defendant cites *People v. Gibbs*, 49 Ill. App. 3d 644, 648 (1977), for the proposition a "judge may not resign to total retribution one who has a chance of future restoration to useful citizenship in the free society." *Gibbs*, however, involves a 50- to 100-year prison sentence reduced by the appellate court to 15 to 45 years' imprisonment for a 19-year-old who had no criminal record and was convicted for one offense committed on one night. *Id.* at 645, 649. Similarly, in *People v. Treadway*, 138 Ill. App. 3d 899, 905 (1985), the appellate court found the 60-year sentence for a 24-year-old offender, who had a young child, who committed the charged offenses "in a fleeting moment of intoxicated rage upon a stranger," and who joined Alcoholics Anonymous and earned his GED while in jail awaiting trial, did not reflect his rehabilitative potential. In contrast, defendant was in his late 40s when he searched for, downloaded, and stored items of child pornography over a period of years, and he was determined by an analyst to be at a moderate-high level of recidivism.

¶ 36 Defendant also argues mitigating evidence was not properly considered or mentioned by the trial court, including his remorse and acceptance of responsibility for his crimes, the significant cost of imprisoning him for 72 years (730 ILCS 5/5-4-1(a)(3) (West 2024)), his steady employment, his mental-health history, and the character letters on his behalf. Defendant further emphasizes there is no evidence he "engaged in hands-on conduct, threats, or coercion involving minors."

¶ 37 Sentencing courts are not required to "recite and assign a value to each factor [they have] considered." *People v. McGuire*, 2017 IL App (4th) 150695, ¶ 38. Absent evidence to the contrary, we presume the court considered the mitigating evidence at sentencing. *People v. Halerewicz*, 2013 IL App (4th) 120388, ¶ 42. Here, there is no evidence showing the court failed to consider the mitigating evidence defendant is asking this court to consider on appeal. Defendant is thus effectively asking this court to reweigh the sentencing factors, which we will not do. See *People v. Walker*, 2021 IL App (4th) 190073, ¶ 76. That said, we note defendant's argument he expressed remorse by pleading guilty to the child-pornography charges is not the evidence of remorse he purports it to be. Given 59 videos or photographs were found on his phone, a plea to the possession of 6 images or videos appears more strategic than remorseful. Moreover, the contention defendant did not engage in hands-on conduct involving minors does not in any way mitigate the harm a possessor of child-pornography inflicts: "the possession of child pornography [is] inextricable from the act of creating it." *People v. Jackson*, 2024 IL App (4th) 240441-U, ¶ 18.

¶ 38 Having reviewed the record, we find defendant's 72-year sentence is not an abuse of discretion. See *Pina*, 2019 IL App (4th) 170614, ¶ 20 (quoting *Fern*, 189 Ill. 2d at 54). The sentence, albeit one he likely will not survive, is within the statutory limits set by our legislature

and 12 years less than the maximum sentence sought by the State. We cannot find, as defendant suggests in his reply brief, the trial court did not realize, when sentencing the 51-year-old defendant, that he would likely not survive the aggregate sentence. The record shows the court considered defendant's rehabilitative potential. Given the facts and circumstances of this case, the sentence complies with the spirit and purpose of the law and accords with the serious nature of defendant's offenses. See *id.* (quoting *Fern*, 189 Ill. 2d at 54) (stating this court will not disturb a sentence within statutory guidelines unless the sentence is " 'greatly at variance with the spirit and purpose of the law or manifestly disproportionate to the nature of the offense' ").

¶ 39 III. CONCLUSION

¶ 40 We affirm the trial court's judgment.

¶ 41 Affirmed.