

No. 2-16-0376
Summary Order filed August 9, 2018

NOTICE: This order was filed under Supreme Court Rule 23(c)(2) and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

THE PEOPLE OF THE STATE
OF ILLINOIS,

Plaintiff-Appellee,

v.

KURTIS D. WORLEY,

Defendant-Appellant.

) Appeal from the Circuit Court
) of Du Page County.
)
)
)
) No. 13-CF-1534
)
) Honorable
) Liam C. Brennan,
) Judge, Presiding.

JUSTICE ZENOFF delivered the judgment of the court.
Justices Hutchinson and Spence concurred in the judgment.

SUMMARY ORDER

¶ 1 Defendant, Kurtis D. Worley, appeals his consecutive sentences of 40 years for first-degree murder (720 ILCS 5/9-1(a)(1) (West 2012)) and 12 years for attempted first-degree murder (*id.* §§ 8-4(a), 9-1(a)(1)). He contends that the sentences were excessive. We affirm.

¶ 2 Defendant was charged in connection with the stabbing death of his wife, Martha Worley, and the stabbing of his 15-year-old stepson, A.H. In January 2016, he pleaded guilty. The factual basis and evidence at sentencing showed that defendant became enraged after learning that Martha had been unfaithful and wanted a divorce. A.H. and his 12-year-old

"Appendix A."

of delivering the news to her parents. She wrote that E.H. felt scared, unprotected, and alone without his mother and that A.H. suffered from posttraumatic stress disorder that caused him to use marijuana, reject relationships, and lose trust in everyone. Defendant's nine-year-old daughter did not understand why defendant committed the crimes and she now avoided relationships with other people. Romero suffered financially due to expenses incurred to care for the children, and her husband suffered from anxiety.

¶ 6 In mitigation, defendant presented letters from six people, and seven witnesses testified. The mitigating evidence consistently showed that defendant's crimes were out of character for him. He was not a violent person, was a good husband and father, and was helpful to others. He helped Martha's friend with her children. However, Martha's friend also told detectives that she had become worried that defendant would do something to himself or Martha, since defendant had asked her boyfriend for a gun. Defendant had no criminal history. About two years before committing the crimes, defendant suffered a shoulder injury and had a shunt inserted into his head to relieve migraines. He pleaded guilty to avoid putting the children through a trial and more pain. Defendant gave a statement and expressed remorse. He said that he did not remember committing the crimes.

¶ 7 The court stated that it considered all of the factors in aggravation and mitigation. The court specifically found "substantial mitigation," noting defendant's lack of a criminal history, his previous good character, that he took responsibility for his actions, and that he expressed remorse. The court also noted "substantial aggravation," including the brutal nature of the murder, during which the children tried to get him to stop. The court found it "profoundly aggravating" that the children were witnesses to their mother's death. Ultimately, the court stated that the nature and circumstances of the offenses required sentences far in excess of the

from the record that the trial court did not consider mitigating factors or relied on improper aggravating factors. *People v. Payne*, 294 Ill. App. 3d 254, 260 (1998).

¶ 11 Here, defendant was sentenced for first-degree murder, with a sentencing range of 20 to 60 years' incarceration (730 ILCS 5/5-4.5-20(a) (West 2012)), and attempted murder, with a range of 6 to 30 years' incarceration (*id.* § 5-4.5-25(a)). The sentences imposed and the court's statements concerning defendant's background and character make clear that it considered the factors in mitigation and defendant's rehabilitative potential. Indeed, the court specifically noted the "substantial mitigating" evidence. But the court also noted the substantial aggravating evidence of the brutal circumstances of the crimes, in which defendant violently murdered Martha in the presence of her children, one of whom he stabbed in the throat. Ultimately, the court still sentenced defendant to terms well below the maximum; in fact, neither term exceeds the midpoint. Accordingly, the court did not abuse its discretion in sentencing defendant to terms of 40 and 12 years' incarceration.

¶ 12 For the reasons stated, the judgment of the circuit court of Du Page County is affirmed. As part of our judgment, we grant the State's request that defendant be assessed \$50 as costs for this appeal. 55 ILCS 5/4-2002(a) (West 2016); see also *People v. Nicholls*, 71 Ill. 2d 166, 178 (1978).

¶ 13 Affirmed.



STATE OF ILLINOIS
APPELLATE COURT
SECOND DISTRICT
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CLERK OF THE COURT
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September 13, 2018

Kurtis Doyle Worley
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P.O. Box 1000
Menard, IL 62259

RE: People v. Worley, Kurtis Doyle
General No.: 2-16-0376
County: DuPage County
Trial Court No: 13CF1534

The Court today denied the petition for rehearing filed in the above entitled cause. The mandate of this Court will issue 35 days from today unless otherwise ordered by this court or a petition for leave to appeal is filed in the Illinois Supreme Court.

Honorable Susan Fayette Hutchinson
Honorable Robert B. Spence
Honorable Kathryn E. Zenoff

10-18-18
Deadline

Robert J. Mangan

Robert J. Mangan
Clerk of the Appellate Court

cc: Steven Joseph Lupa

"Appendix B."



SUPREME COURT OF ILLINOIS

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January 31, 2019

In re: People State of Illinois, respondent, v. Kurtis D. Worley, petitioner.
Leave to appeal, Appellate Court, Second District.
124116

The Supreme Court today DENIED the Petition for Leave to Appeal in the above entitled cause.

The mandate of this Court will issue to the Appellate Court on 03/07/2019.

Very truly yours,

Carolyn Taft Gosbell

Clerk of the Supreme Court

"Appendix C"