2026 IL App (3d) 250197

Opinion filed October 8, 2026

IN THE

APPELLATE COURT OF ILLINOIS

THIRD DISTRICT

2026

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee, v. ELIJAH MANUEL, Defendant-Appellant.	))))))))))	Appeal from the Circuit Court of the 13th Judicial Circuit, La Salle County, Illinois, Appeal No. 3-25-0197 Circuit No. 21-CF-410 Honorable Howard C. Ryan Jr., Judge, Presiding.

JUSTICE PETERSON delivered the judgment of the court, with opinion.
Justices Brennan and Bertani concurred in the judgment and opinion.

OPINION

¶ 1 Defendant, Elijah Manuel, appeals from the La Salle County circuit court's denial of his motion to withdraw his guilty plea. Defendant argues that the court erred in denying the motion where he accepted the plea based on counsel's erroneous advice and statement of fact. We reverse and remand.

¶ 2 I. BACKGROUND

¶ 3 Defendant was charged with driving while license revoked (DWLR) (625 ILCS 5/6-303(a) (West 2020)) and, in a companion case, misdemeanor fleeing or attempting to elude a peace officer (*id.* § 11-204(a)). On January 20, 2022, during defendant's arraignment, counsel waived a reading

of the possible penalties. Defendant filed a motion to quash his arrest for lack of probable cause and to suppress evidence on October 30, 2022.

¶ 4 On October 13, 2023, defendant withdrew his motion to quash and entered an open guilty plea to DWLR before Judge Cynthia Raccuglia. The State dismissed the other case. The State informed the court that there was no agreement with regard to the sentence. The court admonished defendant:

> "I could sentence you, if I found [prison] to be appropriate, between one and six years in the department of corrections [(DOC)] with no mandatory supervised release [(MSR)].[1] Or I could sentence you to a period of probation up to two-and-a-half years. And as a condition of probation, I could sentence you up to 180 days in the county jail. Fine and costs, if ordered, could be up to $25,000 and you could also be sentenced to either a mandatory minimum of 30 days or community service."

Defendant said he understood. The court confirmed defendant was pleading guilty of his own free will and that no one had promised defendant anything other than what was stated in open court. The court found defendant's plea was knowing and voluntary.

¶ 5 The presentence investigation report (PSI) revealed that in 2021, defendant had most of his appendages amputated due to frostbite. The PSI also revealed that defendant had an extensive criminal history, including previous convictions for home invasion causing injury, armed robbery, cruelty to animals, resisting a peace officer, operating a motor vehicle while under the influence of alcohol, cocaine possession, felony unlawful possession of a controlled substance, aggravated

[1]The erroneous admonishment regarding MSR ultimately caused no prejudice because the sentence imposed, including the period of MSR did not exceed the sentencing range. *People v. McCoy*, 74 Ill. 2d 398, 403 (1979).

driving while under the influence, and numerous traffic violations, including six convictions for DWLR.

¶ 6 At a sentencing hearing on February 16, 2024, the State indicated that there was no agreement as to the sentence. The State argued defendant should be sentenced to five years' imprisonment given his extensive and "atrocious" criminal history. Defense counsel asked for a sentence of 30 days in jail and the maximum term of probation. The court sentenced defendant to four years' imprisonment with six months' MSR, finding the only mitigating factor—defendant's amputations—did not outweigh his lengthy criminal history and "attitude" that he could continually violate the law.

¶ 7 On March 13, 2024, plea counsel filed a motion to withdraw the plea or reconsider sentence. An amended motion, filed by new counsel on August 23, 2024, alleged that plea counsel misinformed defendant that the State had agreed to ask for 180 days in jail if defendant entered a blind plea, failed to inform him that he faced an extended-term sentence, and told defendant he could expect to receive a sentence of probation with a mandatory 30 days in jail.

¶ 8 A hearing on the motion was held on March 20, 2025, before the trial court. Plea counsel testified he did not advise defendant regarding his eligibility for an extended-term sentence because he did not believe the court would sentence defendant within that range given defendant's disabilities. The following is the portion of plea counsel's testimony relevant to this appeal:

> "He [prosecutor] made an offer at one point in return for a plea he would agree to a sentence of 18 months in the Illinois Department of Corrections. I informed Mr. Manuel that that was his offer.
>
> Q. And did he also tell you what he would request, what number he would cap himself at at the sentencing hearing after the blind plea was entered?

A. As I think back I'm trying to be fair to all parties here. We had conversations. I cannot say at this time based upon my recollection of what occurred 18 months ago there was an explicit statement by Mr. Adams that if we went to a sentencing hearing he would request no more than 18 months. I told Mr. Manuel on the basis of everything that I knew I would expect his recommendation to be in that period—I'm sorry. In the same range as the negotiations we'd had. I should also say I don't mean to take the time of the Court, but this was an open plea. Mr. Manuel understood it was an open plea and that the judge would set the sentence.

Q. All right, but so it's fair to say that you told the defendant the State told you they would not ask for more than 180 days; is that true?

A. I believe I made representations to Mr. Manuel that that's what he could expect if the case went to a sentencing hearing.

Q. Okay. The question was about the State's communications with you and what you led Mr. Manuel to believe.

A. Those are two different questions.

Q. Okay. You remember speaking to me numerous times on the telephone about the details of this motion; correct?

A. Yes, and I remember talking to you about it earlier today, and we talked about that conversation. I said at the time that I believed that Mr. Manuel

understood that Mr. Adams would seek a sentence of no more than 18 months if it went to a sentencing hearing. Am I unclear?"[2]

¶ 9 The prosecutor testified that there were plea negotiations, but he did not recall the specifics. However, he felt that defendant's "criminal history was too significant for [the State] to give [defendant] no time on a disposition like he was asking." The prosecutor frequently informed plea counsel that the State would not agree to a lenient sentence given defendant's extensive criminal history. The State did not agree to an off-the-record sentencing cap. The State further testified, "It's my understanding the defendant was not interested in any disposition that resulted in him going to the [DOC]."

¶ 10 In the parties' position papers, they agreed that plea counsel's representation was unreasonable, but the State argued that defendant was not prejudiced by counsel's representation and there was no evidence the State agreed to a sentencing cap. On April 8, 2025, the court denied defendant's motion. The court determined that even though there was no dispute that counsel "misinformed [defendant] about *** the potential possibilities of the sentence," defendant failed to establish he was prejudiced by counsel's deficient performance given the court's admonishments. Defendant appealed.

¶ 11 II. ANALYSIS

[2]We note that during plea counsel's testimony, he once stated that he told defendant that he "expected" the prosecutor would recommend a sentence in the range of 18 months at the sentencing hearing. He stated a second time that based on his discussions with defendant, that defendant "understood that [the prosecutor] would seek a sentence of no more than 18 months if it went to a sentencing hearing." However, at another point in the testimony motion counsel asked him if he "told the defendant the State told you they would not ask for more than 180 days; is that true?" to which plea counsel answered, "I believe I made representations to Mr. Manuel that that's what he could expect if the case went to a sentencing hearing." The only two times plea counsel actually stated the length of the sentence to be recommended by the State, he said 18 months both times (as opposed to his response to a question in which motion counsel referred to a 180-day sentence). Thus, we will presume he told defendant the State would recommend 18 months. It does not affect our analysis whether he told defendant 18 months DOC or 180 days in jail.

¶ 12 On appeal, defendant argues the court erred in denying his motion to withdraw his guilty plea. Specifically, he contends plea counsel was ineffective where he misinformed defendant regarding the existence of an agreement with the State as to a sentencing cap, the extended term sentencing range, and misadvised him as to the sentence he would likely receive. Defendant argues that he would not have pled guilty absent such misinformation.

¶ 13 A defendant does not have an absolute right to withdraw his guilty plea. *People v. Hughes*, 2012 IL 112817, ¶ 32. However, a defendant may be allowed to withdraw his guilty plea where he was provided ineffective assistance of counsel prior to entering the plea. *People v. Edmondson*, 2025 IL App (4th) 240782, ¶ 41. The court's decision regarding a motion to withdraw a guilty plea is reviewed for an abuse of discretion. *Hughes*, 2012 IL 112817, ¶ 32.

¶ 14 Illinois courts review claims of ineffective assistance of counsel under the standard set forth in *Strickland v. Washington*, 466 U.S. 668 (1984). *People v. Wise*, 2019 IL App (2d) 160611, ¶ 51. Under *Strickland*, counsel renders ineffective assistance when (1) counsel's performance falls below an objective standard of reasonableness and (2) there is a reasonable probability that, but for counsel's deficient performance, the results of the proceedings would have had a different outcome. *Strickland*, 466 U.S. at 687. To show prejudice in the guilty plea context, a defendant must demonstrate that, but for counsel's errors, there is a reasonable probability that he would have rejected the plea and gone to trial. *People v. Brown*, 2017 IL 121681, ¶ 26. This requires a showing that a decision to reject the plea would have been rational under the circumstances. *Id.* ¶ 48. The relevant surrounding circumstances, including an assessment of the respective consequences of a conviction after trial and by plea, are considered by the court in assessing whether defendant suffered prejudice. *Id.* "When those consequences are, from the defendant's perspective, similarly dire, even the smallest chance of success at trial may look attractive. For example, a defendant

with no realistic defense to a charge carrying a 20-year sentence may nevertheless choose trial, if the prosecution's plea offer is 18 years." (Internal quotation marks omitted.) *Id.* ¶ 36. We defer to the court's factual findings while the ultimate question of whether defendant was provided ineffective assistance is reviewed *de novo*. *People v. Johnson*, 2021 IL 126291, ¶ 52.

¶ 15 First, it is undisputed that counsel's performance was objectively unreasonable. At the hearing on the motion, plea counsel specifically confirmed that he failed to inform defendant that he faced an extended-term sentence and made representations to defendant that he was facing a lenient sentence if he entered a blind plea. Further, reading plea counsel's testimony makes clear that what he told defendant made the defendant believe that the State would ask for "a sentence of no more than 18 months if it went to a sentencing hearing" when the State clearly did not make that representation to plea counsel. In fact, the prosecutor testified at the hearing that he did not agree to cap his sentencing recommendation and told plea counsel that due to the defendant's criminal history, any leniency would have to come from the court. Misinforming defendant in such a way amounted to deficient performance, as the circuit court found.

¶ 16 Second, defendant has shown that if properly informed, declining to enter an open plea and going to trial or accepting the State's 18-month offer would have been rational under the circumstances such that he was prejudiced by counsel's deficient performance. One needs to consider this situation from the defendant's practical perspective during plea negotiations. Based on the testimony at the motion to withdraw his plea, the State offered defendant a plea agreement of 18 months imprisonment, but he declined that offer at a time that he had been misadvised that his maximum sentence was three years. Further, he was misinformed that the State would ask for a sentence of only 18 months if he agreed to an open plea. Defendant was informed that his counsel would be asking the court to sentence him to probation and the minimum 30 days in the county

jail. There was no downside to turning down the State's offer, withdrawing his motions to quash and suppress, waiving his right to trial, and entering an open plea with such misinformation. It seems possible or even probable that if he had been properly informed during plea negotiations that his maximum sentence was 6 years and the State was going to ask for 5 years at a sentencing hearing that he likely would have accepted the State's 18-month offer or opted to go to trial. It is extremely rare that a judge imposes a sentence upon a defendant at a sentencing hearing harsher than the sentence recommended by the State, and defendants in the criminal justice system are aware of that, notwithstanding being informed that it is a possibility to be more harshly sentenced. Thus, counsel's representing to defendant that the State would ask for a sentence of 18 months imprisonment if he entered an open plea prejudiced defendant in that there was a reasonable probability that but for plea counsel's deficient performance, the result of these proceedings would have been different.

¶ 17 The facts of this case are unique. The court's incorrect admonishment at the plea that a DOC sentence would have "no mandatory supervised release" was cured because the ultimate sentence including the MSR did not exceed the maximum possible sentence. Further, plea counsel's misguided advice that defendant could expect a sentence of probation and 30 days in jail was an opinion and thus not necessarily ineffective assistance. See *People v. Coleman*, 2011 IL App (1st) 091005, ¶ 31 (stating that trial counsel's statement to defendant that taking the stand was a bad idea "cannot form the basis of a claim that the advice was not objectively reasonable when trial counsel's statement amounts to no more than his professional opinion based on the circumstances presented by the case"). Finally, the court's admonishment at the time of his plea regarding the applicable extended-term sentencing range cured counsel's ineffective assistance in failing to so advise defendant. See *People v. Valdez*, 2016 IL 119860, ¶ 31 ("It is well established

that admonishments by the circuit court can cure prejudice to a defendant resulting from counsel's incorrect advice."). However, such admonishment did not cure counsel's inaccurate statement to defendant regarding what sentence the State was going to recommend to the court at his sentencing hearing if defendant entered an open plea of guilty. Certainly, a significant fact.

¶ 18 In sum, defendant was provided ineffective assistance of counsel, which rendered his plea not knowing or voluntary. The court therefore abused its discretion in denying defendant's motion to withdraw his guilty plea, and we reverse that decision. See *People v. Boyd*, 2018 IL App (5th) 140556, ¶ 31. Accordingly, we reverse the judgment of the circuit court, vacate defendant's guilty plea, and remand for further proceedings. See *id.* ¶ 33.

¶ 19 III. CONCLUSION

¶ 20 The judgment of the circuit court of La Salle County is reversed and remanded.

¶ 21 Reversed and remanded.

***People v. Manuel*, 2026 IL App (3d) 250197**

Decision Under Review:	Appeal from the Circuit Court of La Salle County, No. 21-CF-410; the Hon. Howard C. Ryan Jr., Judge, presiding.
Attorneys for Appellant:	James E. Chadd, Santiago A. Durango, and Adam Weaver, of State Appellate Defender's Office, of Ottawa, for appellant.
Attorneys for Appellee:	Joseph Navarro, State's Attorney, of Ottawa (Patrick Delfino, Thomas D. Arado, and Korin I. Navarro, of State's Attorneys Appellate Prosecutor's Office, of counsel), for the People.