

NOTICE
This Order was filed under
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2026 IL App (4th) 260435-U

NO. 4-26-0435

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

August 19, 2026
Carla Bender
4th District Appellate
Court, IL

<i>In re</i> D.S., a Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Stephenson County
Petitioner-Appellee,	)	No. 25JD23
v.	)	
D.S.,	)	Honorable
Respondent-Appellant).	)	Peter McClanathan,
	)	Judge Presiding.

JUSTICE ZENOFF delivered the judgment of the court.
Justices Doherty and Harris concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed the trial court's denial of respondent's motion to withdraw his guilty plea where (1) plea counsel was not ineffective for stipulating and failing to object to the State's factual basis for his guilty plea and (2) the court did not abuse its discretion by denying respondent's motion to withdraw based on his misapprehension of fact or law.

¶ 2 Respondent, D.S., a minor, pleaded guilty to a petition for adjudication of wardship alleging that he committed aggravated unlawful use of a weapon (AUUW) (720 ILCS 5/24-1.6(a)(1), (a)(3)(A) (West 2024)). The trial court denied his motion to withdraw his guilty plea. On appeal, respondent argues that (1) the State provided an insufficient factual basis for the guilty plea and (2) the court erred in denying the motion to withdraw where the plea was entered on a misapprehension and mistake of fact. For the following reasons, we affirm.

¶ 3 I. BACKGROUND

¶ 4 On September 22, 2025, the State filed a petition for adjudication of wardship,

alleging that respondent was a delinquent minor because on September 20, 2025, he committed the offense of AUUW, in violation of section 24-1.6(a)(1), (a)(3)(A) of the Criminal Code of 2012 (Code) (720 ILCS 5/24-1.6(a)(1), (a)(3)(A) (West 2024)) in that he “knowingly carried in a vehicle an uncased and loaded pistol *** and that pistol was immediately accessible to [him] at the time he carried it.” On the same day, the State filed a petition for detention, alleging that respondent’s detention was “a matter of immediate and urgent necessity” for “the protection of the person(s) or property of another” and respondent was “likely to flee the jurisdiction of the Court.”

¶ 5 Respondent, who was 16 years old, appeared on the petition on September 22, 2025. Assistant Public Defender Jenna F. Hoffman was appointed to represent respondent at respondent’s mother’s request. Hoffman confirmed that she had the opportunity to speak with respondent and his mother. The trial court admonished respondent about the allegations against him and the possible penalties. The court informed him that “the maximum range of penalties are, that [he] could be placed on probation for either 5 years or [until his] 21st birthday,” “be placed in juvenile detention for up to 30 days,” or “be sentenced to what we call a straight commitment to the Department of Juvenile Justice.” The court explained that “straight commitment” meant “that [the court] would sentence [him] to what we call an undetermined sentence,” and “the Department of Juvenile Justice determines when [he is] released,” but “[t]hey can’t hold [him] more than [his] 21st birthday, or the maximum amount of time that [he] could be sentenced, if [he was] an adult and were sentenced to prison on a Class 4 felony.” The court also informed respondent:

“The State, in addition to filing this petition for adjudication of wardship, filed a petition for detention.

What a petition for detention means is: They’re asking that I hold a hearing and determine whether there’s probable cause. It’s a lower burden of proof than

proof beyond a doubt, but that I find that there's probable cause for the charge and that I also find that it's a matter of immediate and urgent necessity that you be held in detention until I can have a trial that I just talked about on these charges."

¶ 6 Respondent's counsel and the State indicated to the trial court that they had negotiated a resolution where respondent would "be pleading guilty to [AUUW]" and "be placed on a term of probation for 2 years," would have no contact with three named individuals, would be "given credit for three days served," and would "be placed on a term of electronic home confinement." Respondent confirmed that this was his understanding of the terms.

¶ 7 The trial court then admonished respondent. Respondent indicated that he understood the maximum possible penalties for the offense, that he was waiving his right to a trial by pleading guilty, and that the State could revoke his probation if he violated the terms and he could be resentenced up to the maximum possible term. He stated that it was his intention to plead guilty to the petition and that no one had threatened him or promised him anything to admit to the petition and plead guilty. The court found that respondent's waiver of his trial rights and his guilty plea were knowing and voluntary.

¶ 8 The trial court then asked the State to provide a factual basis. The State provided the following basis.

"On September 20th of 2025, around 9:55 p.m., Deputy Brixson was traveling eastbound on Business Route 20. He observed a vehicle he believed that had committed a traffic violation and he initiated a stop.

When he initiated that stop, he could smell a strong odor of fresh cannabis coming from inside the car. As a result of that, he searched the occupants, including the [respondent].

During that search, he located on the [respondent's] person a black Polymer80 firearm with no markings or serial number. It had a red trigger and was a 9mm caliber firearm.

*** [I]t was fully loaded. It's believed these events took place here in Stephenson County, Illinois, [Y]our Honor."

Respondent's counsel indicated that she stipulated to the factual basis.

¶ 9 On September 24, 2025, respondent filed a motion to withdraw his guilty plea. He contended that at the time of his guilty plea, he "did not fully understand or comprehend the admonishments of the Court," "did not fully understand the ramifications and consequences associated with entering a plea of guilty," and "has an actual innocence claim that should be brought out at trial."

¶ 10 On October 9, 2025, the State filed a petition to revoke respondent's probation, as he had violated his home confinement seven times.

¶ 11 On November 17, 2025, respondent's counsel filed a certificate pursuant to Illinois Supreme Court Rule 604(d) (eff. Apr. 15, 2024). On that day, the trial court held a hearing on respondent's motion to withdraw. On respondent's request, the court admitted as respondent's exhibit No. 1 the court transcript from the guilty plea hearing. Respondent then testified. He stated that he did not understand some things that happened at the initial hearing and was not told "anything about a detention hearing." Rather, he claimed he was told by Hoffman, "either I do two years in there or get out on probation." He claimed he was unaware that he had the option to have a detention hearing and said he was unable to talk to his mother. He also stated, "When [the judge] asked me *** was I pressured, I didn't really understand what that meant at the time until I got home and talked with my mother." The State noted that it considered calling Hoffman as a witness

but was not allowed to call an opposing counsel. The State suggested appointing separate counsel for respondent to allow Hoffman to testify. The court indicated that it would take the matter under advisement and return in a few weeks.

¶ 12 The trial court held another hearing on the motion to withdraw respondent's guilty plea on January 12, 2026. The court determined that there was a conflict between respondent and Hoffman based on respondent's testimony about what Hoffman told him during plea negotiations. As a result, the court directed the public defender's office to assign a different attorney to represent respondent.

¶ 13 At a subsequent hearing on respondent's motion on April 16, 2026, respondent appeared with his new attorney, Travis Lutz. Respondent testified first. He reiterated his testimony from the prior hearing that Hoffman did not tell him about the option of having a detention hearing rather than entering into a plea agreement. As to the plea agreement, he testified Hoffman told him the agreement was that he could do two years on probation or two years in the Illinois Juvenile Department of Corrections. As a result, he took the plea to be released from custody. He claimed that had he known about the detention hearing and the ability to be released from custody without taking the plea, he would have taken that opportunity. He stated that he "really wasn't fully understanding of what was *** going on" at the plea hearing and "was just ready to go home." He acknowledged that if his motion to withdraw his guilty plea were granted, there was a significant chance that he would have to be returned to custody. When counsel asked respondent whether he would have any additional witnesses to support his claim of actual innocence, respondent stated, "I don't have any witnesses." On cross-examination, respondent testified that he did not recall the trial court informing him about the possible penalties for the offense or that he had the option to have a detention hearing and a trial.

¶ 14 Hoffman testified next. She stated that she did not specifically remember the conversation with respondent but could testify to her usual practices, as she has had similar conversations with juveniles about guilty pleas at least 50 times. She did recall that she “convey[ed] an offer that encompassed probation and a GPS unit” and that she “would’ve gone over with him what the charges were.” She stated, “[M]y general practice *** is to review the offer and then give the option that if he wanted to have a detention hearing that we could do that, and I can’t make any promises about what the outcome of that hearing would be.” She believed she specifically told respondent that he could have a detention hearing. She testified that she would not have told him that if he did not take the offer for two years of probation, he would spend two years in juvenile detention, “[b]ecause that’s not a legal sentence and also that is not the offer that was being conveyed.” At the State’s request, the trial court admitted the transcript from the guilty plea hearing into evidence.

¶ 15 The parties proceeded to argument. Respondent’s counsel withdrew paragraph four of the motion to withdraw the guilty plea, pertaining to actual innocence, as he “[did not] believe there’s any evidence pertaining to that.” Counsel argued that respondent “did not then and probably does not now understand the ramifications of that plea agreement.” He claimed it was not “a case of was it said or was it not said,” but instead was “more of a comprehension issue.” The State argued that the trial court went through all of the necessary admonishments and asked respondent multiple times if he understood, and he said yes and did not indicate any confusion. As to his claim that Hoffman informed him that “his options were to either take the offer of probation or do two years in detention,” the State claimed that was “absolutely made up,” as Hoffman was “very experienced” and would not have told respondent that. In rebuttal, respondent’s counsel contended that the State’s argument relied on “things that Ms. Hoffman says she does not recall,” as she only

testified about her general practices.

¶ 16 The trial court ultimately denied the motion to withdraw the guilty plea. The court noted, “I don’t think anybody argued a deficiency in the admonishments that were given” and that “in contravention to [respondent’s] testimony, the Court did discuss the petition for detention with him on that.” The court reaffirmed its finding that respondent knowingly, intelligently, and voluntarily made the plea, and it found that a withdrawal was not necessary to correct a manifest injustice. The court acknowledged Hoffman’s experience in representing juvenile clients and found that respondent’s claim about what Hoffman purportedly told him did not “line[] up.” The court noted that if there were any question about what Hoffman told respondent, the court had admonished respondent on the record about the range of penalties he faced.

¶ 17 This appeal followed.

¶ 18 II. ANALYSIS

¶ 19 On appeal, respondent argues that (1) the State provided an insufficient factual basis for the guilty plea and (2) the trial court erred in denying the motion to withdraw where the plea was entered on a misapprehension and mistake of fact.

¶ 20 A. Factual Basis for Guilty Plea

¶ 21 Respondent first argues that this court should vacate his guilty plea because the record contains an inadequate factual basis for the plea. Respondent’s argument is based on the specific section of the AUUW statute under which he was charged. The petition for adjudication of wardship alleged that respondent committed the offense of AUUW, in violation of sections 24-1.6(a)(1) and 24-1.6(a)(3)(A) of the Code. A person commits the offense of AUUW under these sections when he or she (1) knowingly “[c]arries on or about his or her person or in any vehicle or concealed on or about his or her person *** any pistol, revolver, stun gun or taser or other firearm”

and (2) “the firearm, *other than a pistol, revolver, or handgun*, possessed was uncased, loaded, and immediately accessible at the time of the offense.” (Emphasis added.) 720 ILCS 5/24-1.6(a)(1), (a)(3)(A) (West 2024). However, the petition alleged that respondent possessed “an uncased and loaded *pistol*,” and the State’s factual basis at the plea hearing was that respondent possessed “a black Polymer80 firearm with no markings or serial number” that “had a red trigger and was a 9mm caliber firearm.” (Emphasis added.) Respondent contends on appeal that nothing in the record shows that he possessed a firearm “other than a pistol, revolver, or handgun” (720 ILCS 5/24-1.6(a)(3)(A) (West 2024)) and seeks to argue, based on facts outside the record, that a Polymer80 is a handgun that “appears to meet the requirements of a pistol.”

¶ 22 In turn, the State emphasizes that respondent forfeited this argument for failing to raise it in the trial court. Alternatively, the State argues that even if the record does not support the conclusion that respondent violated section 24-1.6(a)(3)(A), there was a basis in the record to conclude that he violated section 24-1.6(a)(3)(A-5). See 720 ILCS 5/24-1.6(a)(3)(A-5) (West 2024) (“[T]he *pistol, revolver, or handgun* possessed was uncased, loaded, and immediately accessible at the time of the offense and the person possessing the pistol, revolver, or handgun has not been issued a currently valid license under the Firearm Concealed Carry Act [(Act)].”) (Emphasis added.)). The State contends that the charging document provided adequate notice of the charges against him under either section 24-1.6(a)(3)(A) or (A-5), and any error was a formal defect, not a substantive one, that could have been corrected under section 111-5 of the Code of Criminal Procedure of 1963 (725 ILCS 5/111-5 (West 2024)).

¶ 23 Respondent acknowledges that he did not raise this argument in the trial court. However, he contends that (1) his plea counsel was ineffective for stipulating and failing to object to the factual basis and (2) his postplea counsel’s facially compliant Rule 604(d) certificate was

rebutted by his failure to include this issue in the motion to withdraw the guilty plea.

¶ 24 “There is no question that a minor charged with committing an offense *** is entitled to the effective assistance of counsel in juvenile delinquency proceedings.” *In re Danielle J.*, 2013 IL 110810, ¶ 31. “The standard utilized to gauge the effectiveness of counsel in juvenile proceedings is the [*Strickland v. Washington*, 466 U.S. 668 (1984),] standard, used in criminal cases.” *Danielle J.*, 2013 IL 110810, ¶ 31. “Under this standard, ineffective assistance of counsel is established if the minor can demonstrate: (1) counsel’s performance failed to meet an objective standard of competence and (2) counsel’s deficient performance resulted in prejudice to the minor.” *Danielle J.*, 2013 IL 110810, ¶ 31.

¶ 25 In turn, Rule 604(d) requires that, before appealing a judgment entered on a plea of guilty, a defendant must file a motion to withdraw the guilty plea. Ill. S. Ct. R. 604(d) (eff. Apr. 15, 2024). The defendant’s counsel must then file a certificate stating that he

“has consulted with the defendant *** to ascertain defendant’s contentions of error in the sentence and the entry of the plea of guilty, has examined the trial court file and both the report of proceedings of the plea of guilty and the report of proceedings in the sentencing hearing, and has made any amendments to the motion necessary for adequate presentation of any defects in those proceedings.” Ill. S. Ct. R. 604(d) (eff. Apr. 15, 2024).

Importantly, “any issue not raised by the defendant in the motion to reconsider the sentence or withdraw the plea of guilty and vacate the judgment shall be deemed waived.” Ill. S. Ct. R. 604(d) (eff. Apr. 15, 2024).

¶ 26 An attorney’s certificate must strictly comply with Rule 604(d). *People v. Williams*, 2025 IL App (4th) 240738, ¶ 46. Although a facially valid certificate creates a presumption of

compliance, that presumption may be rebutted and a remand may be required “[i]f the record demonstrates counsel failed to comply with his or her obligations under Rule 604(d).” *Williams*, 2025 IL App (4th) 240738, ¶ 48. Where “the record affirmatively establishes that [the defendant’s] claims lack merit, the record does not rebut [counsel’s] assertion in her Rule 604(d) certificate that she made all amendments necessary for an adequate presentation of any defects in the plea and sentencing proceedings.” *People v. Chase*, 2025 IL App (4th) 230407-U, ¶ 81. See *People v. Black*, 2022 IL App (4th) 210282-U, ¶ 34 (“Meritless legal claims are not ‘necessary’ amendments for purposes of Rule 604(d).”). “Whether counsel complied with Rule 604(d) is a legal question we review *de novo*.” *Williams*, 2025 IL App (4th) 240738, ¶ 48.

¶ 27 Importantly, if respondent’s plea counsel was not ineffective for stipulating or failing to object to the factual basis, his postplea counsel’s Rule 604(d) certificate could not be rebutted by the record, and his challenge to the factual basis for his guilty plea must fail. See *Chase*, 2025 IL App (4th) 230407-U, ¶ 81; *Black*, 2022 IL App (4th) 210282-U, ¶ 34. As noted above, part of respondent’s burden in alleging ineffective assistance is to show that he was prejudiced by his plea counsel’s failure to object to the factual basis. See *People v. Eddmonds*, 143 Ill. 2d 501, 512 (1991) (“If the ineffective-assistance claim can be disposed of on the ground that the defendant did not suffer sufficient prejudice, the court need not decide whether counsel’s errors were serious enough to constitute less than reasonably effective assistance.”).

¶ 28 In hearings on pleas of guilty, Illinois Supreme Court Rule 402(c) (eff. July 1, 2012) requires that the trial court “not enter final judgment on a plea of guilty without first determining that there is a factual basis for the plea.” “ ‘All that is required to appear on the record is a basis from which the judge could reasonably reach the conclusion that the defendant actually committed the acts with the intent (if any) required to constitute the offense to which the defendant is pleading

guilty.’ ” *In re C.K.G.*, 292 Ill. App. 3d 370, 376 (1997) (quoting *People v. Barker*, 83 Ill. 2d 319, 327-28 (1980)). Because a guilty plea hearing is “not a trial on the merits, the State’s Attorney did not need to present all—or even most—of the evidence he possessed in support of respondent’s guilt of the charge to which he was offering to admit.” *C.K.G.*, 292 Ill. App. 3d at 376. When a defendant challenges the sufficiency of the factual basis for a guilty plea, “the standard of review is whether the court abused its discretion by determining that a factual basis existed for the plea.” *C.K.G.*, 292 Ill. App. 3d at 377-78.

¶ 29 The central issue in this case is that in the petition for adjudication, the State alleged that respondent possessed a “pistol,” and in the factual basis at the hearing, it alleged that respondent possessed a “Polymer80 firearm,” but it charged respondent in the petition under section 24-1.6(a)(3)(A), which requires that he possessed a firearm “*other* than a pistol, revolver, or handgun.” (Emphasis added.) 720 ILCS 5/24-1.6(a)(3)(A) (West 2024). Thus, the allegations in the petition were clearly at odds with the statutory section under which respondent was charged.

¶ 30 However, we agree with the State that had plea counsel raised this issue, the trial court would have allowed the State to amend the petition under section 111-5 of the Code of Criminal Procedure of 1963 (725 ILCS 5/111-5 (West 2024)) to cite the correct subsection of the AUUW statute that respondent’s conduct implicated. Notably, respondent pleaded guilty at his first court appearance, so he could not have made a persuasive argument against allowing an amendment. Respondent claims that because the State failed to amend the charge, the State forfeited its right to argue on appeal that his conduct implicated a different subsection of the AUUW statute. However, respondent overlooks that he carries the burden of showing that he was prejudiced by plea counsel’s failure to object to the factual basis for the plea. Clearly, had plea counsel objected to the factual basis for the plea by noting that the proffered facts did not comport

with the subsection of the AUUW statute that was identified in the petition, the State would have moved to correct the error, and respondent would have had no grounds to object.

¶ 31 Section 111-5 “allows the amendment of an indictment, information, or complaint at any time to correct a formal defect, including a miswriting,” as long as “the change is not material or does not alter the nature and elements of the charged offense.” *People v. Shipp*, 2011 IL App (2d) 100197, ¶ 21. “Formal amendment is warranted especially where there is no resulting surprise or prejudice to the defendant or where the record clearly shows that the defendant was otherwise aware of the actual charge.” *Shipp*, 2011 IL App (2d) 100197, ¶ 21. An erroneous statutory citation “is a mere technical defect which is subject to amendment [citations], particularly where the sections involved are not separate and distinct offenses but are simply different ways in which the same offense may be committed.” (Internal quotation marks omitted.) *Shipp*, 2011 IL App (2d) 100197, ¶ 22. In the unpublished case of *People v. Bootchee*, 2021 IL App (5th) 190237-U, ¶¶ 41, 43, the appellate court found that allowing an amendment from one statutory section (covering situations where a defendant commits armed robbery while armed with a weapon “ ‘other than a firearm’ ”) to another (covering situations where the weapon is “ ‘a firearm’ ”) did not surprise or prejudice the defendant where the indictment and factual basis at the guilty plea hearing both alleged that defendant was armed with a firearm, and the indictment merely cited the wrong section of the statute.

¶ 32 Similarly, here, where the petition alleged that respondent was in possession of a pistol and the factual basis referred to a “Polymer80 firearm,” which respondent claims on appeal is a handgun meeting the requirements of a pistol, respondent would not have been surprised or prejudiced had the State been allowed to amend the petition to charge him under section 24-1.6(a)(3)(A-5) (referring to possession of a pistol, revolver or handgun), as he was already aware

the State alleged that he possessed a pistol. See *Bootchee*, 2021 IL App (5th) 190237-U, ¶¶ 41, 43.

¶ 33 Notably, although respondent does not address this in his reply brief, section 24-1.6(a)(3)(A-5) also requires that a person “has not been issued a currently valid license under the [Act].” 720 ILCS 5/24-1.6(a)(3)(A-5) (West 2024). It is true that the State did not indicate in its factual proffer that respondent did not possess such a license. However, respondent still would have had no basis to object to the State amending the petition to allege a violation of section 24-1.6(a)(3)(A-5). The Act establishes that to qualify for a license, an applicant must be at least 21 years of age. 430 ILCS 66/25(1) (West 2024). Respondent was 16 years of age and thus ineligible to obtain a valid license under the Act. Thus, there would have been no basis for respondent’s plea counsel to object to the State amending the petition to allege the appropriate subsection of the AUUW statute, which, again, is what the State would have asked to do had plea counsel challenged the sufficiency of the factual basis for the plea. Respondent therefore cannot demonstrate that he was prejudiced by his plea counsel’s failure to do so.

¶ 34 Because plea counsel was not ineffective, postplea counsel’s facially compliant Rule 604(d) certificate is not rebutted by the record. See *Chase*, 2025 IL App (4th) 230407-U, ¶ 81; *Black*, 2022 IL App (4th) 210282-U, ¶ 34 (“Meritless legal claims are not ‘necessary’ amendments for purposes of Rule 604(d).”). There is thus no basis on this issue to reverse the trial court’s denial of respondent’s motion to withdraw his guilty plea.

¶ 35 B. Misapprehension and Mistake of Fact

¶ 36 Respondent next contends that the trial court abused its discretion in denying his motion to withdraw his guilty plea where his plea was based on his misapprehension and mistake of fact as to his options and the possible penalties.

¶ 37 “A defendant does not have an automatic right to withdraw [his] guilty plea, as ‘[a]

plea of guilty is a grave act that is not reversible at the defendant's whim.' ” *People v. Burge*, 2021 IL 125642, ¶ 37 (quoting *People v. Reed*, 2020 IL 124940, ¶ 47). “Rather, a defendant must establish a manifest injustice under the facts involved.” *Burge*, 2021 IL 125642, ¶ 37. “A guilty plea may be withdrawn where it was entered through a misapprehension of the facts or law or where there is doubt as to the guilt of the accused and justice would be better served by conducting a trial.” *Burge*, 2021 IL 125642, ¶ 37. To vacate a plea on this basis, “the defendant must establish, under an objective standard, that her mistaken beliefs or impressions were reasonably justified under the circumstances as they existed at the time of the plea.” *Burge*, 2021 IL 125642, ¶ 37. “We review the trial court’s decision to grant or deny a motion to withdraw a guilty plea for an abuse of discretion,” which “will only be found where the court’s ruling is arbitrary, fanciful, unreasonable, or no reasonable person would take the view adopted by the trial court.” (Internal quotation marks omitted.) *Burge*, 2021 IL 125642, ¶ 37.

¶ 38 Here, although respondent claims to have not understood the penalties associated with the alleged offense or the option of pursuing a detention hearing to be released from custody instead of pleading guilty, that mistaken belief, under an *objective standard*, was not reasonably justified under the circumstances. *Burge*, 2021 IL 125642, ¶ 37. This is because the trial court clearly advised him of the penalties associated with the offense and the State’s request to hold a detention hearing. Respondent indicated he understood everything the court informed him of and did not ask any questions or indicate any confusion. The court did what it was required to do—it admonished respondent thoroughly of the necessary information and received confirmation from respondent at each step that he understood.

¶ 39 Because the trial court advised respondent of each of the facts he claims he misapprehended, the court was not required to vacate the plea based on what respondent claims

his attorney told him. Regardless, Hoffman testified (1) she would not have told him the possible penalty was two years in custody because that was not a legal sentence and (2) that it was not only her general practice to discuss detention hearings with her clients, but that she believes she specifically talked to respondent about the possibility of a detention hearing, and he chose to plead guilty regardless. The court was able to weigh respondent's credibility against Hoffman's credibility and clearly found that Hoffman was more credible. See *People v. Hale*, 82 Ill. 2d 172, 176 (1980) (“[A] defendant’s mistaken subjective impressions gained from conferences with his legal counsel, in the absence of substantial objective proof showing that they were reasonably justified, do not provide sufficient grounds upon which to set aside his guilty plea.” (Internal quotation marks omitted.)). As a result, it was not arbitrary, fanciful, or unreasonable for the court to find there was no manifest injustice under these circumstances and deny respondent’s motion to withdraw his guilty plea based on a misapprehension of fact or law.

¶ 40

III. CONCLUSION

¶ 41

For the reasons stated, we affirm the trial court’s judgment.

¶ 42

Affirmed.