
IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	No. 97 CR 23347
	)	
OSCAR SOTO,	)	Honorable
	)	Erica L. Reddick
Defendant-Appellant.	)	Judge, presiding.

JUSTICE VAN TINE delivered the judgment of the court, with opinion.
Presiding Justice D.B. Walker and Justice McBride concurred in the judgment and opinion.

OPINION

¶ 1 Oscar Soto appeals the circuit court's denial of his petition for a certificate of innocence under section 2-702 of the Code of Civil Procedure (735 ILCS 5/2-702 (West 2024)). Soto contends that the circuit court erred in finding that he caused his conviction by voluntarily pleading guilty to attempted first degree murder (720 ILCS 5/8-4, 9-1 (West 1996)). We affirm.

¶ 2 I. BACKGROUND

¶ 3 A. 1997 Shootings and Investigation

¶ 4 This case arises from two drive-by shootings in Chicago: the nonfatal shooting of Oscar Arroyo on July 5, 1997, and the fatal shooting of Miguel Salas on July 17, 1997.

¶ 5 Police reports indicate that on the day Arroyo was shot, eyewitness Delinda Bahena provided a physical description of the shooter to Detective T.J. Pilafas.

¶ 6 Salas was shot and killed on July 17. Eyewitnesses identified two men named Julio Gonzales and Alex Razo as the shooters, and police arrested them on July 19 and 20, 1997.

¶ 7 Shortly thereafter, Chicago police detective Reynaldo Guevara supposedly learned from an unidentified informant that the same person shot both Arroyo and Salas. For unclear reasons, Guevara shifted the focus of both shooting investigations to Soto. On July 30, 1997, Soto learned that police wanted to interview him, so he went to a police station and stated that he had no knowledge of either shooting. The following day, Guevara conducted lineups that included Soto. Bahena identified Soto as having shot Arroyo. Three other witnesses identified Soto as Salas's killer. Police arrested Soto based on those identifications.

¶ 8 B. Trial Court Proceedings

¶ 9 The State charged Soto with attempted first degree murder and aggravated battery with a firearm based on Arroyo's shooting. In a separate case, the State charged Soto with first degree murder based on Salas's shooting. In June 1999, Soto proceeded to a bench trial in the Salas murder case and was acquitted. However, he remained in custody because the Arroyo attempted murder case was still pending.

¶ 10 On July 22, 1999, Soto pleaded guilty to attempted murder in exchange for a six-year prison sentence. Due to sentencing credits, Soto would be released after approximately nine months. Before pleading guilty, Soto confirmed that nobody had "forced [him] or threatened [him] in any

way.” The trial court accepted Soto’s guilty plea. Before sentencing, the following exchange occurred:

“THE COURT: Anything further, Mr. Soto, that you wish to say before I sentence you to the agreed sentence of six years IDOC?

[SOTO]: Yes, your Honor. I just took this plea of not guilty for the fact that—

THE COURT: Plea of guilty. You said plea of not guilty.

[SOTO]:—for the simple fact that I have been here for too long for something that I didn’t do. I got found not guilty and acquitted on first degree murder and to keep sitting here [with] everything I been through, I can’t do it.

THE COURT: All right. That’s your perspective and that’s your decision. You persist in your plea of guilty?

[SOTO]: Yes.”

The court sentenced Soto to six years with credit for time served. Soto was released from prison in April 2000 and was discharged from parole in April 2003.

¶ 11 C. Section 2-1401 Petition

¶ 12 Years after Soto completed his sentence, it came to light that Guevara engaged in extensive police misconduct such as coercing witnesses to falsely identify innocent people in lineups. *People v. Gomez*, 2021 IL App (1st) 192020, ¶¶ 58-60.

¶ 13 In 2024, Soto filed a section 2-1401 (735 ILCS 5/2-1401 (West 2024)) petition to vacate his attempted murder conviction. The petition focused on Guevara’s history of “misconduct, including manipulating, threatening, and psychologically and physically coercing witnesses and accused suspects; perjury; and the outright fabrication of statements, police reports, and other

evidence.” Soto alleged that since 2017, Guevara had invoked his fifth amendment right to silence (U.S. Const., amend. V) when questioned about his misconduct, and since 2022, the Cook County State’s Attorney’s Office had agreed to vacate convictions tied to Guevara’s investigations. At least 44 convictions had been overturned due to Guevara’s involvement and at least 25 of those wrongly convicted individuals had received certificates of innocence.

¶ 14 Soto alleged that in this case, Guevara ignored that other officers had already arrested Gonzales and Razo for Salas’s murder and instead falsely accused Soto of both that murder and Arroyo’s shooting. Soto argued that Bahena’s unreliable identification was the only evidence connecting him to Arroyo’s shooting. Soto claimed that Bahena’s July 5, 1997, description of the shooter did not match him because she described the shooter as a bald man with a dark complexion, but July 1997 photographs of Soto showed that he had a light complexion and buzzed hair. In addition, Bahena allegedly witnessed both shootings but only identified Soto in the Arroyo shooting, which contradicted Guevara’s theory that the same person committed both offenses. Soto’s petition explained that he “reluctantly” pleaded guilty because doing so “would get him out of [custody] in 9 months.”

¶ 15 The State agreed to vacate Soto’s conviction. The circuit court granted Soto’s petition, and the State nol-prossed the case.

¶ 16 D. Petition for Certificate of Innocence

¶ 17 Shortly after his conviction was vacated, Soto filed a petition for a certificate of innocence. To obtain a certificate of innocence, a petitioner must prove four elements by a preponderance of the evidence: (1) he was convicted of one or more felonies, sentenced to prison, and served all or part of the sentence; (2) his conviction was reversed or vacated and the charge dismissed; (3) he is

innocent of all charged offenses; and (4) he did not by his own conduct voluntarily cause or bring about his conviction. 735 ILCS 5/2-702(g)(1)-(4) (West 2024).

¶ 18

1. Petition

¶ 19 Soto's petition for a certificate of innocence reiterated the allegations of his section 2-1401 petition. It further explained why he pleaded guilty to Arroyo's attempted murder, despite being innocent:

“By the time of acquittal [in the murder case], Soto had been detained in pretrial custody for almost two years since his arrest in July 1997. While Soto maintained his innocence of the attempted murder of Arroyo, the thought of continued detention for what could be years of fighting the second case and the risk of trial was too much to bear. When the Cook County State's Attorney's Office offered a plea [deal] of six years at fifty percent for the Arroyo attempted murder, Soto knew he would only have to remain in custody for nine more months. The desire for release from custody, finality, and a guaranteed outcome overcame his will to continue to fight the attempted murder case. Despite his innocence, Soto accepted the State's plea offer.”

¶ 20 Soto argued that his guilty plea did not preclude him from obtaining a certificate of innocence, citing *People v. Washington*, 2023 IL 127952. He argued that his guilty plea was involuntary because he “felt compelled to accept a plea offer despite his innocence because the risk of trial was too great, and the plea meant that he would be home in less than a year.” Soto contended that he did not cause his conviction; rather, Guevara did by falsely accusing him in the first place.

¶ 21 Soto's petition for a certificate of innocence incorporated exhibits attached to his section 2-1401 petition, including (1) police reports regarding the Arroyo and Salas shooting investigations, (2) photographs of Soto at the police station in July 1997 showing that he did not match Bahena's description of Arroyo's shooter, (3) a private investigator's memorandum documenting an unsuccessful attempt to interview Bahena in 2024, (4) the transcript of a 2023 deposition in which Guevara invoked his fifth amendment right to silence in response to questions about falsely accusing Soto, and (5) thousands of documents reflecting Guevara's misconduct in other cases.

¶ 22 2. Evidentiary Hearing

¶ 23 The circuit court held an evidentiary hearing on Soto's petition for a certificate of innocence. Soto was the only witness.

¶ 24 Soto testified that in late July 1997, he learned that police wanted to interview him, so on July 30, he went to a police station. Police asked him about the events of July 5 generally and Salas's murder on July 17 specifically. Soto denied any knowledge of or involvement in either shooting. Police did not physically abuse Soto, but Guevara and other officers "kept on coming in the room two at a time, pressing me, pressing me, pressing me, and all I kept on saying was I don't know what you're talking about and I didn't do the [c]rime." Soto did not know Bahena or anything about her interactions with police. Soto testified that he was "entirely innocent" of both shootings.

¶ 25 When Soto remained in custody, even after being acquitted in the Salas murder case, he was "[d]epressed, thinking [he] was going to be released, going home. Just very lost." At one point, he attempted suicide.

¶ 26 On July 22, 1999, Soto accepted the State’s plea offer of “6 years at 50 percent.” He pleaded guilty

“[b]ecause I would see an exit, like, ready to go home to be with my family it—it just—having freedom to be a father to my kids, you know, be back with my family for something I didn’t do. Of course I’m going to take that offer. And I—I’m still innocent.”

Soto was represented by “a good attorney” during plea negotiations and discussed the plea deal with his attorney before accepting it. Neither Guevara, the trial court judge, nor anyone else forced Soto to plead guilty. When Soto pleaded guilty, Guevara “was not in court staring [him] down forcing [him] to make the plea.” Soto confirmed that he “voluntarily entered into that plea.”

¶ 27 3. Ruling

¶ 28 The circuit court acknowledged Guevara’s history of misconduct and drew an adverse inference against him, based on his refusal to answer deposition questions about whether he framed Soto. See *People v. Gibson*, 2018 IL App (1st) 162177, ¶ 85 (“In a civil action, the Fifth Amendment does not forbid an adverse inference against a party who refuses to testify in response to probative evidence of alleged misconduct.”).

¶ 29 The court “consider[ed] the totality of the circumstances” and found Soto’s testimony to be “forthright and direct.” The court accepted Soto’s explanation that he pleaded guilty because “he was tired of fighting” and the State offered a sentence that would guarantee he would return to his family quickly. The court acknowledged that Soto “was [in] a difficult position” and that “anyone in his shoes, might have made the same decision” to plead guilty despite being innocent. However, the court found that Soto pled guilty voluntarily; therefore, he could not establish the fourth element necessary to obtain a certificate of innocence. The court denied Soto’s petition.

¶ 30 Soto timely appealed.

¶ 31 II. ANALYSIS

¶ 32 Soto argues that the circuit court erred in finding that he caused his own conviction by voluntarily pleading guilty to attempted murder.

¶ 33 A petitioner is entitled to a certificate of innocence if he proves by a preponderance of the evidence that (1) he was convicted of one or more felonies, sentenced to prison, and served all or part of the sentence; (2) his conviction was reversed or vacated and the charge dismissed; (3) he is innocent of all charged offenses; and (4) he did not by his own conduct voluntarily cause or bring about his conviction. 735 ILCS 5/2-702(g)(1)-(4) (West 2024). In this case, only the fourth element is at issue: whether Soto caused his conviction for attempted murder by voluntarily pleading guilty. See *id.* § 2-702(g)(4).

¶ 34 Caselaw is split regarding the standard of review for certificate of innocence rulings. *Washington*, 2023 IL 127952, ¶ 47. Some cases apply the abuse of discretion standard; others apply the manifest weight of the evidence standard. *Id.* (citing *People v. Rodriguez*, 2021 IL App (1st) 200173, ¶ 44, and *People v. McIntosh*, 2021 IL App (1st) 171708, ¶ 40). Our supreme court has not resolved this split. *Id.* We need not resolve this split either because we would reach the same conclusion under any standard.

¶ 35 Soto pleading guilty does not automatically mean he cannot establish the fourth element. Our supreme court has held that “petitioners who pleaded guilty are not categorically barred from seeking certificates [of innocence].” *Id.* ¶ 36 If Soto can show that his guilty plea was involuntary, he can obtain a certificate of innocence. See *id.* ¶ 41; 735 ILCS 5/2-702(g)(4) (West 2024) (a petitioner must show that he or she “did not by his or her own conduct *voluntarily* cause or bring

about his or her conviction” (emphasis added)). In the certificate of innocence context, we evaluate voluntariness “considering the totality of the circumstances on a case-by-case basis in light of the remedial purpose of the statute.” *Washington*, 2023 IL 127952, ¶ 42.

¶ 36 There are several ways in which Soto’s guilty plea may have been involuntary for purposes of subsection 2-702(g)(4). We address each in turn.

¶ 37 A. Compelled or Solicited Guilty Plea

¶ 38 A guilty plea may be involuntary if someone compels or solicits the petitioner to plead guilty (*id.* ¶ 41), but there is no evidence that occurred here. When Soto pleaded guilty, he confirmed that nobody had threatened or forced him to do so. Similarly, Soto’s evidentiary hearing testimony was clear that nobody forced him to plead guilty. He was represented by “a good attorney” and discussed the negotiated plea deal with his attorney before accepting it. Soto understood the guilty plea and what his sentence would be.

¶ 39 Throughout this case, Soto has offered consistent explanations for why he pleaded guilty. At the plea hearing, he stated that he pleaded guilty “for the simple fact that I have been here for too long for something that I didn’t do. I got found not guilty and acquitted on first degree murder and to keep sitting here [with] everything I been through, I can’t do it.”

¶ 40 Soto’s affidavit attached to his section 2-1401 petition explained that when the State made the plea offer,

“I had already been in custody for almost two years fighting against the murder charge where I was found not guilty. When I was offered 6 years and I realized I would only have to serve about 9 more months to resolve [the attempted murder case], it gave me and my family an end in sight.

*** Even though I was innocent of the attempted murder of Oscar Arroyo, I was tired of fighting. I felt helpless and overwhelmed. I did not want to spend an indefinite number of years in pre-trial custody fighting the second case, even if that meant I would be admitting to something I did not do. I had two young children at home and pleading guilty was a guaranteed way to ensure that I did not miss out on any more years of their lives.”

¶ 41 Soto’s petition for a certificate of innocence explained that when he was acquitted in the murder case, he

“had been detained in pretrial custody for almost two years since his arrest in July 1997. While Soto maintained his innocence of the attempted murder of Arroyo, the thought of continued detention for what could be years of fighting the second case and the risk of trial was too much to bear. When the Cook County State’s Attorney’s Office offered a plea of six years at fifty percent for the Arroyo attempted murder, Soto knew he would only have to remain in custody for nine more months. The desire for release from custody, finality, and a guaranteed outcome overcame his will to continue to fight the attempted murder case. Despite his innocence, Soto accepted the State’s plea offer.”

¶ 42 And at the evidentiary hearing, Soto testified that he pled guilty

“[b]ecause I would see an exit, like, ready to go home to be with my family it—it just—having freedom to be a father to my kids, you know, be back with my family for something I didn’t do. Of course I’m going to take that offer. And I—I’m still innocent.”

¶ 43 These statements show that Soto voluntarily pleaded guilty to avoid a trial and be released from custody as quickly as possible. We certainly understand that decision. Soto faced a maximum

sentence of 30 years if he went to trial and was found guilty of attempted murder. See *People v. Lopez*, 166 Ill. 2d 441, 450 (1995) (citing 720 ILCS 5/5-8-1(a)(3), 8-4(c)(1) (West 1992)). But avoiding the risks of trial and guaranteeing a shorter sentence are what motivate many voluntary guilty pleas. That “cost-benefit assessment” is what the plea system encourages. *People v. Reed*, 2020 IL 124940, ¶ 33. If we found that the risk of a long sentence or the desire to be released from custody made a guilty plea involuntary, few negotiated pleas would be valid. Soto’s own statements show that his decision to plead guilty was voluntary, not forced or solicited.

¶ 44 B. Involuntariness Based on a Coerced Confession

¶ 45 Even if a petitioner’s stated reasons for pleading guilty appear to be voluntary, his guilty plea may nevertheless be involuntary if concerns about how the State would use his coerced confession “animated his decision to plead guilty.” *Washington*, 2023 IL 127952, ¶ 60.

¶ 46 In *Washington*, subordinates of infamous Chicago police detective Jon Burge handcuffed the petitioner to a chair, interrogated him, beat him, kicked the chair over while he was handcuffed to it, and subjected him to psychological abuse. *Id.* ¶ 3. After more than a day and a half in custody, the petitioner signed a prewritten statement and falsely confessed to murder. *Id.* The petitioner’s trial resulted in a hung jury and a mistrial. *Id.* ¶ 4. After seeing his codefendant, who had not confessed, be convicted and sentenced to 75 years in prison, the petitioner accepted the State’s offer of a 25-year sentence in exchange for pleading guilty to murder. *Id.* ¶¶ 4, 7. Years later, the State vacated the petitioner’s conviction under section 2-1401 and nol-prossed the case. *Id.* ¶ 5.

¶ 47 Our supreme court held that the petitioner could obtain a certificate of innocence, despite pleading guilty. *Id.* ¶ 60. The court reasoned as follows:

“Because of the abusive and coercive conduct of the police, we cannot consider petitioner’s confession as voluntary under either standard of voluntariness. See [*People v. Davis*, 35 Ill. 2d 202, 205 (1966)] (‘A confession obtained by force or brutality is not voluntary ***.’). Once the State obtained his confession, petitioner understood that the evidence against him was substantial and, in light of [his codefendant’s] sentence of 75 years’ imprisonment imposed without a confession, [he] opted to accept the State’s plea offer so he could have a life to salvage after his release. See *Reed*, 2020 IL 124940, ¶ 33 (‘it is well accepted that the decision to plead guilty may be based on factors that have nothing to do with defendant’s guilt’).

In denying petitioner a certificate of innocence, both the lower courts rejected petitioner’s claims of police abuse. We find that petitioner provided substantial and unrebutted evidence that his confession was coerced and that the coercion animated his decision to plead guilty. Petitioner’s confession and guilty plea were not voluntary and as such did not cause or bring about his conviction.” (Internal citations cleaned up.) *Id.* ¶¶ 59-60.

¶ 48 There are three key differences between *Washington* and this case. First, in *Washington*, the petitioner presented unrebutted evidence that police physically and psychologically abused him. Here, Soto denied that police physically abused him. He suggested some degree of police pressure to make a statement, but nothing like the torture in *Washington*.

¶ 49 Second, in *Washington*, the petitioner falsely confessed to a murder. Here, Soto did not confess to anything.

¶ 50 Third, when the petitioner in *Washington* pleaded guilty, he knew that the State could use his confession against him if he went to trial. Here, there was no confession for the State to use if Soto went to trial. Unlike *Washington*, in this case, there is no evidence that “abusive and coercive conduct of the police” “animated [Soto]’s decision to plead guilty.” See *id.* Therefore, Soto’s guilty plea is not involuntary under *Washington*.

¶ 51 We acknowledge that Soto and the *Washington* petitioner described their decisions to plead guilty similarly. In *Washington*, the petitioner offered the following explanation for why he pleaded guilty:

“ ‘I had just went through a hung jury, and to [be] perfectly honest, sir, waiting on my jury to deliberate, I physically got sick. I couldn’t put myself through it no more, and I couldn’t imagine spending 75 years in the penitentiary for a crime I didn’t do.

So when the deal for 25 years was offered to me, I calculated, with the time I had served in the Cook County Department of Corrections, I would be 32 years old when I came home. I still had a chance at a life. So I weighed out my options, and I felt like that 25 years was the lesser of two evils.’ ” *Id.* ¶ 18.

¶ 52 That is essentially the same calculation that Soto made in pleading guilty to Arroyo’s attempted murder. But underlying the *Washington* petitioner’s calculation was the fear that if he went to trial, the State would likely use his confession, which would all but guarantee a guilty verdict. No such confession figured into Soto’s calculation or “animated his decision to plead guilty.” See *id.* ¶ 60. Therefore, *Washington* does not establish that Soto’s guilty plea was involuntary.

¶ 53 C. Involuntariness Based on Witness Coercion

¶ 54 *Washington* may extend to a situation in which police did not coerce a confession from the petitioner but did coerce a false inculpatory statement from a witness. Soto’s theory is that Guevara coerced Bahena to falsely identify him in a lineup as Arroyo’s shooter. *Washington* indicates that, to prevail under this theory, Soto must show that (1) Guevara coerced Bahena’s lineup identification of him and (2) such coercion “animated” Soto’s decision to plead guilty. See *id.*

¶ 55 At the evidentiary hearing, Soto conceded he did not know anything about Bahena’s interactions with police:

“Q. Okay. Now, Delinda Bahena, as far as you know, she didn’t have anything against you, correct?

A. I don’t even know who that is.

Q. Okay. And you have no evidence that Guevara—direct evidence that [Detective] Guevara in one way or another forced her to identify you, correct?

A. That I don’t know.”

¶ 56 Bahena herself did not testify or provide an affidavit describing any police coercion. By contrast, in *Washington*, three witnesses submitted affidavits describing how police physically abused, psychologically manipulated, and bribed them into falsely identifying the petitioner. *Id.* ¶¶ 9-11. All three witnesses later recanted their identifications, whereas in this case, no one has been able to locate Bahena. See *id.*

¶ 57 Police reports in the record do not indicate whether the lineup in which Bahena identified Soto was suggestive or coercive. The lineup consisted of five Hispanic men, but we know nothing about their appearances or whether Soto stood out in some way. We do not even know which detective conducted the lineup. The lineup report lists four detectives including Guevara but does

not indicate any particular detective's role. There is no direct evidence that Guevara coerced Bahena's false lineup identification of Soto.

¶ 58 The circuit court properly drew an adverse inference against Guevara, based on his refusal to answer deposition questions about whether he framed Soto. See *Gibson*, 2018 IL App (1st) 162177, ¶¶ 5, 85 (when a law enforcement officer refuses to answer allegations of misconduct under oath, a court may draw an adverse inference against that officer in civil proceedings); *People v. Montanez*, 2016 IL App (1st) 133726, ¶¶ 32-33 (the circuit court should have considered drawing an adverse inference against Guevara based on his invocation of the fifth amendment in postconviction proceedings).

¶ 59 But even if we assume that Guevara coerced Bahena's lineup identification of Soto, there is no indication that such coercion "animated" Soto's decision to plead guilty. See *Washington*, 2023 IL 127952, ¶ 60. Even the broadest reading of *Washington* requires *some* indication that when the petitioner pleaded guilty, he was aware of false, coerced, inculpatory evidence that could be used against him if he went to trial. Here, there is no indication that Soto knew about any police coercion of Bahena when he pleaded guilty. Indeed, Soto's section 2-1401 petition alleges that Guevara's misconduct "was hidden from criminal defendants" for many years. Information that was hidden from Soto cannot have "animated" his guilty plea. See *id.* It is not clear whether Soto even knew that Bahena had identified him or feared the State would introduce her identification if he went to trial. In his explanations for why he pleaded guilty, Soto never mentioned Bahena's identification of him.

¶ 60 We acknowledge that this approach creates a perverse incentive: the more police conceal their misconduct, the harder it is to obtain a certificate of innocence. But we must follow

Washington, and *Washington* does not hold that *any* police coercion, whether known or unknown to the petitioner at the time of his guilty plea, renders that plea involuntary. Rather, *Washington* holds that police coercion must in some way “animate[]” a guilty plea for that plea to be involuntary for purposes of subsection 2-702(g)(4). *Id.* Soto has not made that showing.

¶ 61 Soto does not raise any other theory of involuntariness that our courts have recognized. For example, a guilty plea to an offense later deemed unconstitutional is involuntary because the plea was void from the beginning. See, *e.g.*, *People v. Shoulder*, 2025 IL App (5th) 240016, ¶ 36; *People v. Pruitt*, 2024 IL App (3d) 210343-U, ¶ 30; *People v. Lesley*, 2024 IL App (3d) 210330, ¶ 50; *People v. McClinton*, 2018 IL App (3d) 160648, ¶ 21. Soto does not claim that the statutes creating the offense of attempted murder are unconstitutional.

¶ 62 Soto has not established that his guilty plea was involuntary for purposes of subsection 2-702(g)(4). Therefore, he is not entitled to a certificate of innocence.

¶ 63 We express no opinion on the voluntariness of Soto’s guilty plea for any purpose other than subsection 2-702(g)(4). We also express no opinion as to voluntariness regarding any statements that Soto, Bahena, or anyone else made to police.

¶ 64 III. CONCLUSION

¶ 65 For the foregoing reasons, we affirm the circuit court’s denial of Soto’s petition for a certificate of innocence.

¶ 66 Affirmed.

People v. Soto, 2026 IL App (1st) 252353

Decision Under Review: Appeal from the Circuit Court of Cook County, No. 97-CR-23347; the Hon. Erica L. Reddick, Judge, presiding.

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