

defendant of his right to file additional points and authorities by a certain date, but he has not done so. We agree with OSAD that no reasonable argument could be made in support of this appeal, considering that the record flatly contradicts defendant's section 2-1401 petition. Therefore, we grant OSAD's motion to withdraw, and we affirm the trial court's judgment.

¶ 4

I. BACKGROUND

¶ 5 On May 24, 2006, pursuant to a negotiated plea agreement, defendant pleaded guilty to count III of the information, a count charging him with armed robbery (720 ILCS 5/18-2(a)(2) (West 2006)). In the guilty-plea hearing, the parties stipulated that the armed robbery resulted in great bodily harm to Parvinder Singh. Accordingly, in the judgment order, which sentenced defendant to the agreed-upon term of 16 years' imprisonment, the trial court found "that the conduct leading to the conviction for the offenses [*sic*] enumerated in Count 3 resulted in great bodily harm to the victim." As a consequence of this finding, section 3-6-3(a)(2)(iii) of the Unified Code of Corrections (730 ILCS 5/3-6-3(a)(2)(iii) (West 2006)) required that defendant "receive no more than 4.5 days of sentence credit for each month of his *** sentence of imprisonment." In other words, because of the great bodily harm inflicted upon Singh, good-conduct credits could not accumulate in a sufficient monthly quantity to make defendant's actual time less than 85% of 16 years, no matter how well he behaved in prison.

¶ 6

On February 14, 2010, defendant filed a *pro se* petition for relief from judgment. See 735 ILCS 5/2-1401 (West 2010). In his petition, he contended that the portion of the judgment requiring him to serve 85% of his sentence of imprisonment was void because the trial court had failed to make a finding "that the conduct leading to conviction for [the armed robbery] resulted in great bodily harm to a victim" (730 ILCS 5/3-6-3(a)(2)(iii) (West 2006))—even though, as we have

noted, the judgment order did in fact contain that finding.

¶ 7 On March 10, 2011, the trial court appointed Richard L. Broch to represent defendant, giving Broch 21 days to file any amended pleading.

¶ 8 On March 28, 2011, while he was still represented by Broch, defendant filed a *pro se* amended petition for relief from judgment. See *People v. Stevenson*, 2011 IL App (1st) 93413, ¶ 31 ("A trial court has no responsibility to entertain a defendant's *pro se* motions during the time he is represented by competent counsel ***").

¶ 9 Also on March 28, 2011, the State filed a motion to dismiss defendant's petition "as frivolous and patently without merit."

¶ 10 On May 10, 2011, Broch filed a certificate pursuant to Illinois Supreme Court Rule 604(d) (eff. July 1, 2006).

¶ 11 On June 23, 2011, the trial court granted the State's motion for dismissal.

¶ 12 II. ANALYSIS

¶ 13 A trial court should grant a section 2-1401 petition if the petitioner has pleaded and established a meritorious defense to the action, as well as due diligence in presenting the defense and filing the petition. *Engel v. Loyfman*, 383 Ill. App. 3d 191, 198 (2008). "A section 2-1401 petition is directed to the circuit court's sound exercise of discretion, and the resulting decision will not be disturbed on review unless the court has abused its discretion." *Id.* at 194.

¶ 14 The trial court did not abuse its discretion by dismissing defendant's section 2-1401 petition, because the petition fails to establish a meritorious defense to the judgment against defendant in this criminal case. The petition fails to establish a meritorious defense because the petition is patently false according to the record. In his petition, defendant asserts that the portion

of the judgment requiring him to serve 85% of his sentence of imprisonment is void because the trial court failed to make a finding "that the conduct leading to conviction for [the armed robbery] resulted in great bodily harm to a victim" (730 ILCS 5/3-6-3(a)(2)(iii) (West 2006)). On the contrary, the court did make such a finding. In the judgment order, the court found "that the conduct leading to the conviction for the offenses [*sic*] enumerated in Count 3 resulted in great bodily harm to the victim."

¶ 15

III. CONCLUSION

¶ 16 For the foregoing reasons, we grant OSAD's motion to withdraw, and we affirm the trial court's judgment.

¶ 17 Affirmed.