

SIXTH DIVISION  
June 28, 2013

No. 1-11-2698

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

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	09 CR 10433
	)	
ARSENIO HOLLOWAY,	)	Honorable
	)	Dennis J. Porter,
Defendant-Appellant.	)	Judge Presiding._

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JUSTICE HALL delivered the judgment of the court.  
Presiding Justice Lampkin and Justice Gordon concurred in the judgment.

**ORDER**

*HELD:* The trial court did not abuse its discretion by denying defendant's motion to withdraw his guilty plea to the charge of attempted first-degree murder.

¶ 1 On June 25, 2009, defendant Arsenio Holloway was indicted on several charges

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including, attempted first-degree murder for stabbing Darrion Harris. Following a Supreme Court Rule 402(a) (eff. July 1, 1997) conference held on April 13, 2010, defendant pled guilty to the charge of attempted first-degree murder. The trial court sentenced defendant to 15 years' imprisonment.

¶ 2 Defendant contends on appeal that the trial court erred in denying his request to withdraw his guilty plea. We disagree.

¶ 3 A trial court's ruling on a motion to withdraw a guilty plea is reviewed under an abuse of discretion standard. *People v. Jamison*, 197 Ill. 2d 135, 163 (2001). A trial court abuses its discretion when its decision is "fanciful, arbitrary, or unreasonable to the degree that no reasonable person would agree with it." *People v. Ortega*, 209 Ill. 2d 354, 359 (2004).

¶ 4 A defendant does not have an automatic right to withdraw a guilty plea. *People v. Feldman*, 409 Ill. App. 3d 1124, 1127 (2011). Rather, a defendant must show a manifest injustice occurred under the facts involved. *Jamison*, 197 Ill. 2d at 163. A guilty plea may be withdrawn if the defendant can show: (1) the plea was entered on a misapprehension of the facts or the law; (2) there is doubt as to the guilt of the accused; (3) the accused has a meritorious defense; or (4) the ends of justice will be better served by submitting the case to a jury. *People v. Dougherty*, 394 Ill. App. 3d 134, 140 (2009).

¶ 5 Defendant claims his guilty plea was not voluntary because it was caused by his obsessive-compulsive disorder (OCD), which expresses itself through his compulsive cleaning and ordering behavior. Defendant maintains his condition was exacerbated by the unsanitary conditions existing in the Cook County jail. These are not sufficient grounds to allow the

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withdrawal of a guilty plea. See *People v. St. Pierre*, 146 Ill. 2d 494, 507 (1992) ("[d]efendant's claim that his guilty plea was motivated by the 'intolerable conditions in the Cook County jail' does not demonstrate that his plea was involuntary, as he now claims").

¶ 6 Defendant does not allege his guilty plea was entered on a misapprehension of the facts or the law. And nothing in the record supports a claim of self-defense using deadly force such that defense counsel, Joanne Rosado, could be deemed ineffective for failing to investigate and pursue the defense. The record shows that at his plea hearing, defendant was properly admonished in compliance with Illinois Supreme Court Rule 402(a), and that he voluntarily and knowingly entered the guilty plea. These admonishments "are intended to protect those accused of crime by ensuring that they have not pled guilty by mistake or under a misapprehension and that they have not been coerced or improperly advised to plead to crimes they did not commit." *People v. Hammonds*, 210 Ill. App. 3d 854, 860 (1991). In sum, the trial court did not abuse its discretion by denying defendant's motion to withdraw his guilty plea to the charge of attempted first-degree murder.

¶ 7 For the foregoing reasons, we affirm the trial court's judgment.

¶ 8 Affirmed.