

NOTICE

This order was filed under Supreme  
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2011 IL App (4th) 090948-U

Filed 7/14/11

NO. 4-09-0948

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Douglas County
WALTER E. GARRETT,	)	No. 09CF56
Defendant-Appellant.	)	
	)	Honorable
	)	Michael G. Carroll,
	)	Judge Presiding.

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PRESIDING JUSTICE KNECHT delivered the judgment of the court.  
Justices Steigmann and Appleton concurred in the judgment.

**ORDER**

¶ 1 *Held:* No meritorious issues can be raised on direct appeal and, therefore, we grant the motion of the State Appellate Defender to withdraw as counsel on appeal, and we affirm the trial court's judgment.

¶ 2 This case comes to us on the motion of the office of the State Appellate Defender (OSAD) to withdraw as counsel on appeal on the ground no meritorious issues can be raised.

We agree and affirm.

¶ 3 I. BACKGROUND

¶ 4 In June 2009, defendant entered into a fully negotiated plea of guilty to the charge of unlawful possession of cannabis, more than 30 grams but less than 500 grams (720 ILCS 550/4(d) (West 2008)). The trial court, pursuant to the plea agreement, sentenced defendant to 24 months' probation, 60 days in jail, and various fines and fees. The court awarded sentence and monetary credit for 34 days served.

¶ 5 Fifteen days after entering his plea, defendant moved to withdraw his guilty plea. Defendant argued he was not properly advised of his rights, including his right to appeal. In October 2009, defense counsel filed a certificate pursuant to Illinois Supreme Court Rule 604(d) (Ill. S. Ct. R. 604(d) (eff. Jul. 1, 2006), and an amended motion to withdraw guilty plea. In his amended motion, defendant argued when he entered his plea, "he was physically disabled and unable to work." Defendant, at that time, "had pending a proceeding seeking an award of" social-security disability benefits. He alleged he was not advised his guilty plea would make him ineligible to receive such benefits.

¶ 6 In December 2009, a hearing was held on defendant's amended motion. The trial court concluded the law did not require it to advise defendant of collateral effects of his plea and denied his motion.

¶ 7 This appeal followed. The trial court appointed OSAD to represent defendant on his appeal. OSAD moved to withdraw as counsel under *Anders v. California*, 386 U.S. 738, 18 L. Ed. 2d 493, 87 S. Ct. 1396 (1967). Notice of OSAD's motion was sent to defendant. This court gave defendant time to file additional points and authorities. He filed none.

¶ 8 II. ANALYSIS

¶ 9 In its motion to withdraw as counsel on appeal, OSAD maintains no colorable argument can be made defendant was not properly admonished. We agree. In his amended motion, defendant makes only one argument: he was not advised his guilty plea made him ineligible to receive Social Security disability benefits.

¶ 10 There is no requirement a trial court must admonish a defendant regarding a collateral consequence of a guilty plea. *People v. Stewart*, 381 Ill. App. 3d 200, 203, 887 N.E.2d

461, 464 (2008). "A collateral consequence is one that results from an action that may or may not be taken by an agency that the trial court does not control." *People v. Delvillar*, 235 Ill. 2d 507, 520, 922 N.E.2d 330, 339 (2009). The court does not control whether social-security benefits are given. Defendant's inability to collect social security due to his guilty plea is a collateral consequence about which there was no duty of the trial court to admonish.

¶ 11

### III. CONCLUSION

¶ 12 We grant OSAD's motion to withdraw as counsel and affirm the trial court's judgment.

¶ 13 Affirmed.