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2012 IL App (3d) 100236-U

Order filed February 6, 2012

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

A.D., 2012

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the Circuit Court
)	of the 21st Judicial Circuit,
Plaintiff-Appellee,)	Kankakee County, Illinois,
)	
v.)	Appeal No. 3-10-0236
)	Circuit No. 08-CF-809
)	
PAM S. DONLAN,)	Honorable
)	Gordon L. Lustfeldt,
Defendant-Appellant.)	Judge, Presiding.

JUSTICE CARTER delivered the judgment of the court.
Justices Holdridge and McDade concurred in the judgment.

ORDER

¶ 1 *Held:* The application of section 3-6-3(a)(2.3) of the Unified Code of Corrections to defendant's sentence was a collateral consequence of her guilty plea, and therefore the trial court did not err by failing to admonish defendant at her plea hearing of the statute's application.

¶ 2 Following an accident that resulted in the death of one individual, defendant, Pam S. Donlan, entered a blind plea of guilty to one count of aggravated driving while under the influence. 625 ILCS 5/11-501(d)(1)(F) (West 2008). While admonishing defendant, the trial

court did not inform her that she would have to serve at least 85% of the sentence she received pursuant to the truth-in-sentencing statute. 730 ILCS 5/3-6-3(a)(2.3) (West 2008). As a result of her plea, the State dropped a second count of aggravated driving while under the influence and recommended a sentencing cap of eight years. The trial court sentenced defendant to six years in the Department of Corrections. Defendant appeals, arguing that the application of section 3-6-3(a)(2.3) of the Unified Code of Corrections was a direct consequence of her guilty plea, and therefore, because the trial court failed to admonish defendant of its application, her guilty plea should be vacated. We affirm.

¶ 3 In order for a guilty plea to be valid, the plea must have been entered knowingly and voluntarily. *People v. Castano*, 392 Ill. App. 3d 956 (2009). In order for the plea to be knowingly and voluntarily entered, a defendant must be advised of the direct consequences of the guilty plea; however, she need not be advised of the collateral consequences. *Id.* In *Castano*, we found that application of the truth-in-sentencing statute was a collateral consequence of a guilty plea, because the statute does not require the trial court to impose a certain sentence, but instead governs the potential good-conduct credit that a prisoner may receive. *Id.*

¶ 4 Like the defendant in *Castano*, defendant here relies heavily upon *People ex rel. Ryan v. Roe*, 201 Ill. 2d 552 (2002). However, that case is factually distinguishable from the present case, and it did not involve any consideration of whether the truth-in-sentencing statute is a collateral consequence of a guilty plea. Therefore, we do not find *Roe* helpful to our determination of the present issue.

¶ 5 Based on our reasoning in *Castano*, we find that application of section 3-6-3(a)(2.3) is a collateral consequence of a guilty plea. Therefore, the trial court did not err when it failed to

admonish defendant that any sentence imposed upon her would be subject to the truth-in-sentencing statute.

¶ 6

CONCLUSION

¶ 7 The judgment of the circuit court of Kankakee County is affirmed.

¶ 8 Affirmed.