

No. 1-10-1818

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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.	)	Nos. 06 CR 26908
	)	08 CR 4543
	)	08 CR 4544
	)	
DERRICK MARTIN,	)	Honorable
	)	Steven J. Goebel,
Defendant-Appellant.	)	Judge Presiding.

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JUSTICE CONNORS delivered the judgment of the court.  
Justices Cunningham and Harris concurred in the judgment.

**S U M M A R Y O R D E R**

¶ 1 Pursuant to his negotiated guilty plea, defendant Derrick Martin was convicted of three counts of aggravated criminal sexual assault and sentenced to consecutive prison terms of 15, 15, and 10 years. Defendant now appeals from the denial of his *pro se* motion to reconsider his sentence, contending that the case must be remanded because counsel appointed upon the motion to reconsider did not file a certificate as required by Supreme Court Rule 604(d) (eff. July 1, 2006). The State responds that defendant's petition was untimely filed and that a defendant

cannot seek to reconsider his sentence alone upon a negotiated guilty plea, so that the motion had to be dismissed even absent a Rule 604(d) certificate.

¶ 2 Supreme Court Rule 604(d), governing appeals from guilty pleas, provides that "[n]o appeal shall be taken upon a negotiated plea of guilty challenging the sentence as excessive unless the defendant, within 30 days of the imposition of sentence, files a motion to withdraw the plea of guilty and vacate the judgment." Because the circuit court loses jurisdiction to vacate or modify its judgment 30 days thereafter – a general principle incorporated into Rule 604(d) – the circuit court lacks jurisdiction to consider a Rule 604(d) motion filed more than 30 days after sentencing and any disposition of such a motion other than dismissal for lack of jurisdiction is void. *People ex rel. Alvarez v. Skryd*, 241 Ill. 2d 34, 40-41, 43 (2011), citing *People v. Flowers*, 208 Ill. 2d 291, 301-303 (2003). Unless the defendant filed his notice of appeal within 30 days of his sentence, this court also lacks jurisdiction. *Skryd*, 241 Ill. 2d at 42.

¶ 3 Here, defendant pled guilty on December 8, 2009, while his *pro se* motion to reconsider his sentence was mailed on February 4, 2010, and stamped as filed on February 9. Defendant took this appeal from the denial of his motion on May 27, 2010. The motion and this appeal were both untimely and we must therefore dismiss this appeal for lack of jurisdiction.

¶ 4 This order is entered in accordance with Supreme Court Rule 23(c)(1) (eff. July 1, 2011).

¶ 5 Dismissed for lack of jurisdiction.