No. 1-10-0839

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).

FOURTH DIVISION
June 9, 2011

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

VILLAGE OF ARLINGTON HEIGHTS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	No. YM 350990
	)	
NITIN DAYAL,	)	Honorable
	)	Pamela G. Karahalios,
Defendant-Appellant.	)	Judge Presiding.

PRESIDING JUSTICE LAVIN delivered the judgment of the court.
Justices Pucinski and Sterba concurred in the judgment.

O R D E R

HELD: Where defendant did not file a postplea motion within 30 days of pleading guilty and being sentenced, this court lacks jurisdiction to consider issues he has raised regarding the plea.

On October 20, 2008, defendant Nitin Dayal pleaded guilty to driving while under the influence of alcohol (DUI) and was sentenced to one year of reporting supervision. On September 28,

2009, the State filed a petition to revoke supervision based on several alleged violations of the conditions of supervision. On February 19, 2010, the trial court found defendant had violated supervision, revoked his supervision, and imposed a sentence of 40 days in Cook County jail. Defendant filed a notice of appeal on March 22, 2010.

On appeal, defendant seeks a "remedy to the ineffective assistance of counsel [he] received during the plea proceedings." He contends that his trial counsel was ineffective for failing to discuss the plea agreement with him before he pleaded guilty to DUI, failing to inform him of the consequences of entering a guilty plea, and for failing to "marshal the facts" or prepare a defense before quickly entering into a plea bargain. Although the appellee has not filed a response brief in this court, we may proceed under the principles set forth in *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976).

Supreme Court Rule 604(d) (eff. July 1, 2006), which governs appeals from guilty pleas, requires the filing of a postplea motion within 30 days of the court's imposition of sentence. In the instant case, defendant did not file a motion either to withdraw his guilty plea or reconsider his sentence within the 30-day time limit imposed by Rule 604(d). Accordingly, we lack jurisdiction to consider the issues defendant has raised regarding his guilty plea. *People v. Hood*, 387 Ill. App. 3d 380,

387 (2008). The fact that defendant's sentence was supervision does not change this result; under Supreme Court Rule 604(b) (eff. July 1, 2006), a defendant placed under supervision may file a direct appeal from the judgment. *People v. Larimer*, No. 1-10-0116, slip op. at 6 (Ill. App. May 13, 2011).

For the reasons explained above, we dismiss defendant's appeal.

Dismissed.