

On January 11, 2011, the court sentenced him to five years' imprisonment.

¶ 5 Defendant filed a timely *pro se* motion for reconsideration of his sentence on January 24, 2011, and a *pro se* notice of appeal on February 8, 2011. On March 15, 2011, the trial court determined defendant's *pro se* motion for reconsideration should be stricken because the filing of the *pro se* notice of appeal "trumps and renders the motion for reconsideration moot and waived by *** defendant."

¶ 6 II. ANALYSIS

¶ 7 OSAD has filed a motion for summary remand with directions to strike the notice of appeal in this case and remand for proceedings on defendant's timely *pro se* motion for reconsideration of his sentence. The State concedes this cause should be remanded for compliance with Illinois Supreme Court Rule 606(b) (effective March 20, 2009), and we accept the State's concession.

¶ 8 Illinois Supreme Court Rule 606(b) (eff. March 20, 2009) provides, in pertinent part, as follows:

"When a timely posttrial or postsentencing motion directed against the judgment has been filed by counsel or by defendant, if not represented by counsel, any notice of appeal filed before the entry of the order disposing of all pending postjudgment motions shall have no effect and shall be stricken by the trial court. Upon striking the notice of appeal, the trial court shall forward to the appellate court within 5 days a copy of the order striking the notice of appeal, showing by whom it was filed and the date on which it

was filed. This rule applies whether the timely postjudgment motion was filed before or after the date on which the notice of appeal was filed."

Here, defendant timely filed a motion for reconsideration of his sentence within 30 days of sentencing. As a result, the notice of appeal must be stricken and further proceedings had in relation to defendant's *pro se* motion.

¶ 9

III. CONCLUSION

¶ 10

Accordingly, we grant OSAD's motion and remand the cause with directions to strike the notice of appeal; if defendant is indigent and desires counsel, appoint counsel to assist defendant with the preparation and presentation of the postplea motion; and hear defendant's motion.

¶ 11

Remanded with directions.