

hijacking, robbery, attempted disarming of a police officer, and resisting a peace officer. The defendant was subject to Class X sentencing because of his prior felonies. The defendant was sentenced to 16 years of imprisonment for unlawful possession of a stolen motor vehicle and robbery and consecutive terms of 2 years for attempting to disarm a police officer and resisting a police officer, followed by 3 years of mandatory supervised release.

¶ 5 On June 19, 2009, the defendant filed a motion for a reduction of his sentence. The motion was not accompanied by a certificate of compliance with Supreme Court Rule 604(d) (eff. July 1, 2006). The court denied the motion. The defendant filed this timely appeal.

¶ 6 ANALYSIS

¶ 7 On appeal, the defendant argues that the trial counsel's failure to file a Rule 604(d) certificate requires that the denial of the defendant's motion be vacated and that the cause must be remanded for further proceedings. The defendant also argues that he is entitled to an extra two days of credit for his time served in presentence custody because his mittimus reflects an incorrect custody date. The defendant further maintains that his mittimus should also be amended to reflect a mandatory-supervised-release term of two years, instead of three years.

¶ 8 The State agrees that defense counsel's failure to file a Rule 604(d) certificate requires the circuit court's denial to be vacated and the cause to be remanded, but the State maintains that, in light of the necessity of a remand, this court should not reach the merits on the other two remaining issues.

¶ 9 We review *de novo* the circuit court's compliance with supreme court rules. *People v. Breedlove*, 213 Ill. 2d 509, 512 (2004). When a defendant pleads guilty and files a motion to reconsider the sentence or a motion to withdraw the plea, Rule

604(d) requires the following:

"The defendant's attorney shall file with the trial court a certificate stating that the attorney has consulted with the defendant either by mail or in person to ascertain defendant's contentions of error in the sentence or the entry of the plea of guilty, has examined the trial court file and report of proceedings of the plea of guilty, and has made any amendments to the motion necessary for adequate presentation of any defects in those proceedings." Ill. S. Ct. R. 604(d) (eff. July 1, 2006).

¶ 10 The reviewing courts have held that strict compliance with Rule 604(d) is necessary and that any failure to strictly comply must be remedied through a remand to the lower court. *People v. Janes*, 158 Ill. 2d 27, 33 (1994). Moreover, the Illinois Supreme Court has further held, "[W]hen defense counsel neglects to file a Rule 604(d) certificate, the appropriate remedy is a remand for (1) the filing of a Rule 604(d) certificate; (2) the opportunity to file a new motion to withdraw the guilty plea and/or reconsider the sentence, if counsel concludes that a new motion is necessary; and (3) a new motion hearing." *People v. Lindsay*, 239 Ill. 2d 522, 531 (2011).

¶ 11 In the instant case, it is apparent from the record that the defense counsel did not file a Rule 604(d) certificate in the circuit court with the motion for a reduction of the sentence. Without strict compliance with Rule 604(d), this case must be remanded.

¶ 12 In light of our conclusion, we decline to address the defendant's other contentions on appeal. The defendant has an opportunity to file a new motion, and those contentions may be addressed in such motion if the defendant so chooses.

¶ 13 **CONCLUSION**

¶ 14 For the foregoing reasons, the circuit court's denial of the defendant's motion for a reduction of his sentence is vacated, and the cause is remanded with directions

for the filing of a certificate of compliance pursuant to Supreme Court Rule 604(d), to afford the defendant the opportunity to file a new motion, and for a new hearing on the motion.

¶ 15 Judgment vacated; cause remanded with directions.