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).

2012 IL App (4th) 101004-U

Filed 5/23/12

NO. 4-10-1004

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from
Plaintiff-Appellee,	)	Circuit Court of
v.	)	McLean County
SHASTA TELIA JONES,	)	No. 10CF297
Defendant-Appellant.	)	
	)	Honorable
	)	Paul G. Lawrence,
	)	Judge Presiding.

JUSTICE APPLETON delivered the judgment of the court.
Justices Steigmann and McCullough concurred in the judgment.

ORDER

¶ 1 *Held*: If, when imposing sentence on an unnegotiated guilty plea, the trial court fails to give the defendant all the admonitions that Illinois Supreme Court Rule 605(b) (eff. Oct. 1, 2001) prescribes, the remedy is to remand the case with directions to comply with the rule.

¶ 2 Defendant, Shasta T. Jones, appeals from her convictions of aggravated unlawful use of a weapon (720 ILCS 5/24-1.6(a)(1) (West 2010)) and obstructing justice (720 ILCS 5/31-4(a) (West 2010)). Her sole argument on appeal is that when imposing the sentence of 24 months' probation for these offenses, the trial court failed to give her all the admonitions that Rule 605(b) required. The State concedes that the court only partly complied with Rule 605(b) and that the correct remedy is to remand the case with directions to comply fully with the rule. We agree with the State's concession, and we remand this case with such directions.

¶ 3 I. BACKGROUND

¶ 4 The information had two counts. Count I charged defendant with aggravated unlawful use of a weapon, and count II charged her with obstructing justice.

¶ 5 On September 14, 2010, immediately before *voir dire*, defendant told the trial court, through counsel, that she wished to enter a blind plea of guilty to count II so that the trial would be solely on count I. After admonitions, the court accepted defendant's plea of guilty to count II.

¶ 6 The parties proceeded to trial on count I, and the jury found defendant guilty of that count.

¶ 7 Defense counsel filed a motion for a new trial, in which he argued the insufficiency of the evidence. On April 16, 2010, the trial court denied the motion and immediately thereafter held a sentencing hearing, in which the court sentenced defendant to 24 months' probation for both counts.

¶ 8 After imposing this sentence, the trial court admonished defendant as follows:

> "You do have the right to appeal, but only if you file a notice of appeal within thirty days of today's date with the clerk of this court or you could ask me to direct the clerk to file that notice for you.
>
> On the other hand if you wish to challenge the sentence that I just imposed, then you must file a motion to reconsider the sentence within thirty days of today's date. That motion must be in writing and must set forth all of the issues or claims of error about the sentence that you believe I made.
>
> If I granted your motion I would correct that sentence. If I

denied the motion and if you still wanted to appeal, then you would have thirty days from that date to file a written notice of appeal with the clerk of the court or ask me to direct the clerk to do that for you.

If you could not afford an attorney one could be provided to you free of charge and the transcripts of these proceedings would also be provided to you free of charge.

Any questions about that? All right."

¶ 9 Defendant never filed a postsentence motion.

¶ 10 II. ANALYSIS

¶ 11 Illinois Supreme Court Rule 605(b) provides that, in all cases in which a trial court enters judgment upon an unnegotiated guilty plea, the court, when imposing the sentence, shall advise the defendant substantially as follows:

"(1) that the defendant has a right to appeal;

(2) that prior to taking an appeal the defendant must file in the trial court, within 30 days of the date on which sentence is imposed, a written motion asking to have the trial court reconsider the sentence or to have the judgment vacated and for leave to withdraw the plea of guilty, setting forth the grounds for the motion;

(3) that if the motion is allowed, the sentence will be modified or the plea of guilty, sentence and judgment will be vacated and a trial date will be set on the charges to which the plea of guilty was made;

(4) that upon the request of the State any charges that may

have been dismissed as a part of a plea agreement will be reinstated and will also be set for trial;

(5) that if the defendant is indigent, a copy of the transcript of the proceedings at the time of the defendant's plea of guilty and sentence will be provided without cost to the defendant and counsel will be appointed to assist the defendant with the preparation of the motions; and

(6) that in any appeal taken from the judgment on the plea of guilty any issue or claim of error not raised in the motion to reconsider the sentence or to vacate the judgment and to withdraw the plea of guilty shall be deemed waived." Ill. S. Ct. R. 605(b) (eff. Oct. 1, 2001).

¶ 12 If the trial court fails to give the admonitions that Rule 605(b) prescribes, the remedy is to remand the case with directions to comply with the rule. *People v. Jamison*, 181 Ill. 2d 24, 29-30 (1998).

¶ 13 In the present case, the trial court complied with paragraphs (b)(1) and (b)(5) of Rule 605.

¶ 14 The trial court only partly complied, however, with paragraph (b)(2). Although the court explained to defendant the necessity of filing, within 30 days, a motion to reconsider the sentence if she wished to challenge the sentence on appeal, the court never mentioned to her the necessity of filing a motion to withdraw her guilty plea if she wished to challenge her guilty plea on appeal.

¶ 15 Likewise, the trial court only partly complied with paragraph (b)(3). The court told defendant that if it granted her motion to reconsider the sentence, it would correct the sentence, but, again, the court never discussed a motion to withdraw the guilty plea , and the court never explained what would happen if it granted that motion.

¶ 16 Also, the trial court failed to comply with paragraph (b)(6). The court never told defendant that, in an appeal, any issue or claim of error omitted from the motion to reconsider the sentence or from the motion to withdraw the guilty plea would be forfeited.

¶ 17 III. CONCLUSION

¶ 18 For the foregoing reasons, we remand this case with directions to comply fully with Rule 605(b).

¶ 19 Remanded with directions.