

No. 1-10-3383

**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).

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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.	)	No. 02 CR 3010
	)	
COREY HODGES,	)	Honorable
	)	Kenneth J. Wadas,
Defendant-Appellant.	)	Judge Presiding.

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PRESIDING JUSTICE McBRIDE delivered the judgment of the court.  
Justices Howse and Taylor concurred in the judgment.

**ORDER**

¶ 1 *Held:* Where, on remand, counsel filed a certificate of compliance with Supreme Court Rule 604(d) and the trial court determined counsel had been in compliance with the rule prior to the court's disposition of defendant's motion to withdraw his guilty plea, the proceedings satisfied this court's mandate for compliance with Rule 604(d).

¶ 2 This court has twice remanded this case to the circuit court for compliance with Supreme Court Rule 604(d) (eff. July 1, 2006) in the proceedings relating to defendant Corey Hodges' motion to withdraw his guilty plea. Following the most recent remand, defendant's postplea counsel filed the required certificate of compliance with Rule 604(d). The trial court accepted

that certificate and expressly stated that counsel had been in compliance with the rule prior to the court's disposition of defendant's motion to withdraw his plea. Counsel did not file a new motion on defendant's behalf, and the trial court did not conduct a new hearing. On appeal, defendant solely contends that this case must again be remanded to the trial court for compliance with Rule 604(d) because the trial court was required to hold a new hearing on his motion to withdraw his guilty plea. We affirm.

¶ 3 The facts of this case are not in dispute. On September 26, 2005, defendant pleaded guilty to a charge of first degree murder. In accordance with the fully negotiated plea agreement, the trial court sentenced defendant to a term of 23 years' imprisonment. Exactly 30 days later, defendant mailed from prison a *pro se* motion to withdraw his guilty plea. The clerk of the circuit court stamped the motion as filed on November 2, 2005, and the trial court erroneously denied the motion as untimely. On appeal, this court entered an agreed order for summary remand vacating the denial of defendant's motion and remanding the case to the trial court for compliance with Rule 604(d). *People v. Hodges*, No. 1-06-1509 (2007) (dispositional order).

¶ 4 In his *pro se* motion to withdraw his plea, defendant stated that he was innocent, but pleaded guilty because he was coerced to do so by his trial counsel. Defendant alleged that counsel told him he did not want to work on the case because it was nonsense, he did not have time to give defendant his full effort, and he was not confident he could win the case. Defendant claimed counsel denied his wish to go to trial, and but for counsel's coercion, he would not have pleaded guilty. The trial court appointed private counsel to represent defendant on his motion.

¶ 5 On December 15, 2008, the trial court held a hearing on defendant's motion. Defendant testified that his trial counsel did not represent him wholeheartedly. Counsel and defendant prepared for a joint jury trial with a codefendant, and jury selection was scheduled to begin on September 26, 2005. That morning, counsel brought defendant clothes which defendant changed

into for trial. An hour later, while defendant waited in the "bullpen" at the courthouse, counsel changed his strategy and began talking to defendant about accepting a plea offer. Counsel told defendant the case was nonsense because it involved gang members shooting each other. Counsel repeatedly said he did not believe he could win and did not have time to give defendant his full effort. Counsel also said he was not going to allow defendant to ruin his own life. Defendant said he was ready for trial and repeatedly told counsel he wanted a jury trial. Counsel, however, stopped discussing trial strategy, tried throughout the day to force defendant to accept the offer, and became angry when defendant did not want to accept the offer. Defendant testified his back was against the wall, and he was forced to forego the trial. Defendant acknowledged he gave a videotaped statement to an assistant State's Attorney. Defendant further testified that during the plea hearing, he agreed to every question asked by the court because he knew he was subsequently going to move to withdraw his plea.

¶ 6 Trial counsel testified he reviewed the evidence with defendant on numerous occasions, including defendant's videotaped confession and the positive result of the gunshot residue test taken on defendant's hands on the night of the murder. The evidence also included five recovered guns, four of which were positively identified as leaving ballistics evidence at the murder scene. Counsel explained to defendant that defendant's proposed theory of defense that his gun jammed would not be successful because, even if true, he could easily be found guilty under the theory of accountability. This was the only defense suggested by defendant, who never claimed his confession was not true, or that he had alibi witnesses. Counsel explained to defendant that the evidence against him was overwhelming. Counsel testified that he presented the plea offer and options to defendant, but did not encourage him to plead guilty. The plea negotiations had been an ongoing process, and did not suddenly materialize that morning. On the day of the plea hearing, counsel spoke to defendant for two minutes, at which point defendant

said he no longer wanted to speak with counsel. Co-counsel was present when defendant decided to accept the plea offer. Counsel testified that defendant's claim that counsel called the case nonsense and refused to give him his full effort was "absolutely untrue."

¶ 7 The trial court recalled the specific detail in defendant's motion to suppress his statement and found such detail showed counsel had discussed the case with defendant prior to filing that motion. The court noted that a jammed gun is not a defense, and that defendant had no alibi, witnesses, or other defense. The court found that counsel honestly and realistically explained the difficulties of the case to defendant, and such conduct was not ineffective assistance. The court further found that counsel, a very experienced murder task force lawyer, was ready for trial. The court did not believe counsel was not going to give the case his full effort. The court found that it had thoroughly admonished defendant during the plea hearing, and defendant knowingly, freely, voluntarily, and with effective assistance of counsel, pleaded guilty to the murder charge. Consequently, the trial court denied defendant's motion to withdraw his guilty plea.

¶ 8 On appeal from that judgment, defendant filed an agreed motion for summary disposition wherein the parties agreed the case had to be remanded to the trial court again because postplea counsel had failed to file a certificate of compliance as required by Rule 604(d). Accordingly, this court entered an order, drafted by appellate counsel, remanding the case for the second time "for compliance with Supreme Court Rule 604(d)." *People v. Hodges*, No. 1-09-0111 (2010) (dispositional order).

¶ 9 On remand, postplea counsel filed a certificate of compliance pursuant to Rule 604(d). In that certificate, counsel stated that she consulted with defendant in person and over the telephone to ascertain his contentions of error in the entry of his guilty plea, examined the trial court file and report of proceedings from the guilty plea, and amended defendant's motion as necessary to adequately present any defects in the plea proceedings. Counsel also submitted a motion in

support of her certificate wherein she stated that she consulted with defendant during numerous telephone calls and visited him in prison to discuss his motion to withdraw his plea. Counsel stated that defendant's motion was "fully litigated on December 15, 2008 and all appropriate issues were raised after frequent consultations with Mr. Hodges." Counsel asked the trial court to enter an order finding "compliance with Supreme Court Rule 604(d) occurred prior to the hearing held on December 15, 2008 and that this motion memorializes compliance with Supreme Court Rule 604(d)."

¶ 10 In court, postplea counsel stated that she believed she formally complied with Rule 604(d) prior to the hearing on defendant's motion to withdraw his guilty plea. Counsel stated that her certificate was "just to formalize [her] prior compliance with Rule 604(d) that the appellate court asked [for]." Counsel asked the court if it could consider her certificate *nunc pro tunc*. Counsel explained that the State gave her a copy of this court's order, which stated she needed to file the certificate, and she believed that would satisfy compliance with the rule. The trial court accepted counsel's certificate and expressly stated "I know that Counsel was working in the case prior to disposition and had been in compliance. So that will be the order." Several weeks later, defendant appeared before the trial court and said his trial counsel had writted him in for a disposition on a certificate. The trial court explained to defendant that this court ordered that a Rule 604(d) certificate needed to be filed, that postplea counsel filed that certificate several weeks earlier, and that there was "nothing else to do." The court stated that the case was on the call in error, and removed it from the call.

¶ 11 On appeal, defendant solely contends this case must be remanded to the circuit court for a third time for compliance with Rule 604(d) because the circuit court did not hold a new hearing on his motion to withdraw his guilty plea. Defendant acknowledges that when postplea counsel filed her certificate of compliance, she was not required to file a new motion to withdraw his

guilty plea if a new motion was not necessary. Here, counsel did not file a new motion, and defendant does not challenge that decision. Nevertheless, defendant claims the trial court was required to hold a second hearing on his original motion to comply with Rule 604(d).

¶ 12 The State argues that defendant was given a full and fair opportunity to present his postplea motion, and another remand would be a wasteful formality. The State notes that the trial court stated that it was aware that counsel had complied with all of her duties under Rule 604(d) when the hearing was held. The State further asserts that defendant's argument would require the trial court to *sua sponte* consider and rule on a motion not pending before the court, or make counsel argue a frivolous *pro forma* motion to reconsider the previously denied motion.

¶ 13 Pursuant to Rule 604(d), postplea counsel is required to file a certificate stating that she consulted with defendant by mail or in person to ascertain his contentions of error in the entry of his guilty plea, examined the trial court file and report of proceedings from the guilty plea, and amended defendant's motion as necessary to adequately present any defects in those proceedings. Ill. S. Ct. R. 604(d) (eff. Feb. 1, 2005). The requirements of Rule 604(d), including counsel's filing of the certificate, must be met with strict compliance because the rule is designed to protect defendant's due process rights, and to eliminate unnecessary appeals. *People v. Shirley*, 181 Ill. 2d 359, 362 (1998). When counsel fails to file a Rule 604(d) certificate, the proper remedy is to remand the case to the trial court "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).\*

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\*Contrary to appellate counsel's representation in both her opening and reply briefs, *Lindsay* does not contain language requiring a new hearing to reconsider the original motion where no new motion is filed. Def.'s Br. at 8; Def.'s Reply Br. at 2.

this court's mandate for compliance with Rule 604(d) is a question of law we review *de novo*.  
*Lindsay*, 239 Ill. 2d at 525.

¶ 14 In *People v. Janes*, 158 Ill. 2d 27 (1994) (*Janes I*), our supreme court addressed the issue of the appropriate remedy for failure to strictly comply with each provision of Rule 604(d). Therein, the defendant filed a motion to withdraw his guilty plea, which the trial court denied following a hearing, but counsel had failed to file a certificate pursuant to Rule 604(d). The *Janes* court noted that every district of the appellate court had considered the issue and held that the proper remedy was to remand the case to the trial court to give the defendant "the right to file a new motion to withdraw [the] guilty plea and the right to have a hearing on *the new motion*." (Emphasis added.) *Janes I*, 158 Ill. 2d at 33. The court then stated "[w]ith this opinion, we affirm the holdings of these cases." *Janes I*, 158 Ill. 2d at 33. The court further stated that it was remanding the case to the trial court "to allow defendant to file a new motion to withdraw his guilty plea and for a hearing *on that motion* in full compliance with Rule 604(d)." (Emphasis added.) *Janes I*, 158 Ill. 2d at 35-36.

¶ 15 On remand in *Janes*, counsel filed a certificate pursuant to Rule 604(d) and new motions to withdraw the defendant's guilty plea and reconsider the sentence. The trial court held a hearing on the new motion to withdraw the guilty plea and denied the motion. *People v. Janes*, 168 Ill. 2d 382, 386 (1995) (*Janes II*). On appeal, the defendant argued that he was entitled to remand and another hearing on his motion to withdraw his guilty plea because his counsel was laboring under a conflict of interest. The defendant based his claim on the fact that in his appeal in *Janes I*, counsel had provided the State with an affidavit stating he complied with the requirements of Rule 604(d). *Janes II*, 168 Ill. 2d at 385-86. In rejecting the defendant's argument, the court explained that it remanded the case for compliance with Rule 604(d) because the rule requires the certificate to be filed in the trial court prior to making the motion to

withdraw the guilty plea, not at the time of appeal. *Janes II*, 168 Ill. 2d at 389. The court further explained that on appeal, it was not clear if counsel's post-hearing attempt to comply with the certification requirements of Rule 604(d) could cure the noncompliance; thus, the necessity for the remand to the trial court. *Janes II*, 168 Ill. 2d at 389.

¶ 16 Three years after *Janes II*, our supreme court addressed the issues of the timing of the filing of a Rule 604(d) certificate and repetitive remands for compliance with Rule 604(d) in *People v. Shirley*, 181 Ill. 2d 359 (1998). In *Shirley*, the defendant filed a motion to reduce his sentence following his guilty plea, which the trial court denied after a hearing. *Shirley*, 181 Ill. 2d at 363-64. Trial counsel failed to file a certificate pursuant to Rule 604(d), and the case was remanded for a new hearing on the motion. *Shirley*, 181 Ill. 2d at 364. On remand, trial counsel filed a Rule 604(d) certificate and a motion to withdraw as counsel. *Shirley*, 181 Ill. 2d at 364-65. Trial counsel was allowed to withdraw, and the court appointed postplea counsel who filed a new motion to reduce sentence. The trial court held a hearing and denied the new motion. Four days after that hearing, postplea counsel filed a Rule 604(d) certificate with the trial court. *Shirley*, 181 Ill. 2d at 366. On appeal, the defendant argued that his case had to be remanded again for compliance with Rule 604(d) because postplea counsel's certificate was untimely filed after the hearing on his motion. *Shirley*, 181 Ill. 2d at 366. The appellate court acknowledged that "Rule 604(d) clearly 'contemplates that the certificate be filed prior to the hearing on a postplea motion,' " but rejected the defendant's argument that another remand for further proceedings was required. *Shirley*, 181 Ill. 2d at 366, quoting *People v. Shirley*, 284 Ill. App. 3d 734, 737 (1996). The appellate court found that the contents of postplea counsel's certificate strictly complied with the requirements of Rule 604(d), and any error regarding the timing of the filing was harmless. *Shirley*, 181 Ill. 2d at 366.

¶ 17 Our supreme court affirmed that judgment stating:

"We reject defendant's implicit premise that the strict compliance standard of *Janes I* must be applied so mechanically as to require Illinois courts to grant multiple remands and new hearings following the initial remand hearing. Where, as here, the defendant was afforded a full and fair *second opportunity* to present a motion for reduced sentencing, we see limited value in requiring a repeat of the exercise, *absent a good reason to do so*. All parties involved in the instant case were or should have been aware, in light of the appellate court's order of remand in reliance on *Janes I*, that the sole reason defendant was being given a second opportunity to argue for a reduced sentence was that the trial court had not been furnished with the requisite attorney certificate pursuant to Rule 604(d) at the time of the first hearing in 1993. \*\*\* It was, therefore, incumbent upon defendant, his counsel, the State, and the circuit court to insure that compliance with the requirements of this court's Rule 604(d) would be met in this second hearing on the motion to reduce sentences." (Emphases added.) *Shirley*, 181 Ill. 2d at 369-70.

The supreme court found there was nothing in the record, or in the two motions to reduce sentence, or in the two Rule 604(d) certificates filed by two different attorneys that indicated any reason why the case should be remanded for a third hearing. The court stated "[i]n light of all these circumstances, requiring another remand and hearing on the motion to reduce sentences would be an empty and wasteful formality." *Shirley*, 181 Ill. 2d at 370. The court cautioned,

however, that its holding did not in any way retreat from its requirement for strict compliance with the supreme court rules. *Shirley*, 181 Ill. 2d at 370. The court explained:

"In general, strict compliance with the attorney certification component of Rule 604(d) means the certificate must be filed in the trial court, rather than on appeal, as occurred in *Janes I*. The filing should precede or be simultaneous with the hearing in the trial court. Such a procedure will insure that the trial court, in considering a defendant's motion to withdraw his or her guilty plea or to reduce sentence, will be apprised that defense counsel has reviewed the proceedings with the defendant and prepared any necessary amendments to the motion. If this standard of strict compliance is not met, the remedy is a remand to afford defendant another *opportunity* to be heard on his Rule 604(d) motion. However, once this remedy is granted, there is no further requirement under Rule 604(d) that successive remands and rehearings will be ordered." (Emphasis added.) *Shirley*, 181 Ill. 2d at 371.

¶ 18 Most recently, in *Lindsay*, our supreme court addressed the issue of whether counsel is required to file a new motion to withdraw the guilty plea when a case is remanded for failure to file a Rule 604(d) certificate of compliance. *Lindsay*, 239 Ill. 2d at 523. In *Lindsay*, following the defendant's guilty plea, counsel filed a motion to reconsider the sentence, but did not file a Rule 604(d) certificate. *Lindsay*, 239 Ill. 2d at 524. The trial court denied the motion, and on appeal, the case was remanded for compliance with Rule 604(d). On remand, counsel filed a

Rule 604(d) certificate but did not file a new motion. Instead, counsel stood on the original motion and stated:

" 'There really is nothing to add. [W]e did have argument on the motion at the time, and I really don't have anything to add to that. The court is aware of what was argued at the time.' " *Lindsay*, 239 Ill. 2d at 524.

The trial court stated it had reviewed the file, the presentence investigation report, and the proceedings from the original hearing on the defendant's motion to reconsider, and again denied the motion. *Lindsay*, 239 Ill. 2d at 524. On appeal, the appellate court held that the case had to be remanded again because counsel failed to file a new motion to reconsider the sentence. *Lindsay*, 239 Ill. 2d at 524.

¶ 19 On appeal from that decision, our supreme court disagreed. In *Lindsay*, the court relied on its language in *Janes I*, noting its "explicit endorsement" of the appellate court opinions which held that the proper remedy for the failure to file a Rule 604(d) certificate was to grant the defendant " *the right* to file a new motion to withdraw guilty plea and *the right* to have a hearing on the new motion.' " (Emphases in original quotation.) *Lindsay*, 239 Ill. 2d at 529, quoting *Janes I*, 158 Ill. 2d at 33. The court found it significant that the *Janes I* court used permissive language that did not mandate or require counsel to file a new motion on remand, but instead, simply allowed the defendant the opportunity to file a new motion. *Lindsay*, 239 Ill. 2d at 529. The court stated that whether defendant exercised that option was entirely up to him. *Lindsay*, 239 Ill. 2d at 529.

¶ 20 The purpose of a hearing under Rule 604(d) is to insure that the trial court which accepted the guilty plea has the opportunity to hear the allegations of improprieties that occurred outside the court proceedings and record before a criminal appeal can be taken from the plea. *Janes I*,

158 Ill. 2d at 31, citing *People v. Wilk*, 124 Ill. 2d 93, 104 (1988). See also *Shirley*, 181 Ill. 2d at 361. The hearing allows the trial court to immediately correct any improper conduct or errors that may have produced the guilty plea. During the hearing, the trial court conducts fact finding and makes a record of the grounds the defendant relies upon to withdraw his guilty plea. If the trial court denies the motion to withdraw the guilty plea, that decision can then be considered on appeal. *Janes I*, 158 Ill. 2d at 31, citing *Wilk*, 124 Ill. 2d at 104.

¶ 21 Following this line of supreme court precedent, in this case, we find that a third remand for another hearing on defendant's motion to vacate his guilty plea is not necessary because the proceedings which occurred in the trial court during the second remand satisfied this court's mandate "for compliance with Supreme Court Rule 604(d)." It is undisputed that on remand, postplea counsel filed a certificate that strictly complied with the requirements of Rule 604(d). Counsel also submitted a motion in support of her certificate stating that "all appropriate issues were raised after frequent consultations with Mr. Hodges" when his motion was "fully litigated" at the hearing following the first remand for compliance with Rule 604(d). In addition, counsel asked the trial court to enter an order finding "compliance with Supreme Court Rule 604(d) occurred prior to the hearing held on December 15, 2008 and that this motion memorializes compliance with Supreme Court Rule 604(d)."

¶ 22 It is apparent from the report of proceedings that when this court remanded the case for the second time, the defense, the State, and the trial court were in agreement that the only action that needed to be taken in this case to satisfy compliance with Rule 604(d) was for postplea counsel to file her certificate. Counsel stated that she complied with the rule prior to the hearing on defendant's motion to withdraw his plea and asked the court to consider her certificate *nunc pro tunc*. The trial court accepted counsel's certificate and expressly stated "I know Counsel was working in the case prior to disposition and had been in compliance. So that will be the order."

¶ 23 Defendant's contention that his case must be remanded for a third time for a new hearing on his motion to withdraw his plea is based solely on the fact that another hearing was not held when we remanded this case for the second time. Defendant does not contend that counsel's certificate of compliance was insufficient, nor does he claim counsel should have filed a new motion to withdraw his plea. Moreover, defendant does not claim any errors occurred during the hearing on his motion where both he and his trial counsel testified extensively, and the trial court thoroughly explained its reasoning for denying his motion. Employing the reasoning of our supreme court, a new hearing under these circumstances would be unwarranted.

¶ 24 In *Janes I*, the supreme court held that where counsel fails to file a certificate of compliance pursuant to Rule 604(d), the proper remedy is to give the defendant "the right to file a new motion to withdraw [the] guilty plea and the right to have a hearing on *the new motion*." (Emphasis added.) *Janes I*, 158 Ill. 2d at 33. In *Lindsay*, our supreme court recently explained that this permissive language does not require counsel to file a new motion, but instead, simply allows defendant the opportunity to file a new motion. *Lindsay*, 239 Ill. 2d at 529. It therefore follows that, on remand, where defendant chooses to file a new motion to withdraw his guilty plea, he must also be given the opportunity to have a hearing on that new motion. Where, as here, the defendant chooses not to file a new motion, and has no claim of error regarding the original hearing on his motion, the trial court is not required to hold a new hearing on the motion to withdraw the guilty plea.

¶ 25 We find further support for our holding in *Shirley*, where counsel filed her Rule 604(d) certificate four days after the hearing. There, our supreme court stated that the strict compliance standard need not be applied "so mechanically" as to require multiple remands and new hearings following the initial remand hearing. *Shirley*, 181 Ill. 2d at 369. Where the defendant is given a "second opportunity" to present a motion, there is "limited value in requiring a repeat of the

exercise, absent a good reason to do so." *Shirley*, 181 Ill. 2d at 369. In this case, defendant was given a second opportunity to present his motion when this court initially remanded this case for compliance with Rule 604(d) in 2007. Upon remand, postplea counsel was appointed to represent defendant. The record shows that counsel discussed the motion with defendant on several occasions and determined that a new motion to withdraw his plea was not necessary. The trial court held a full hearing on that motion, which included extensive testimony from defendant and trial counsel. The trial court found that counsel properly explained to defendant that the evidence against him was overwhelming, and that defendant's proposed defense that his gun jammed was not a viable defense. The trial court found that defendant entered his guilty plea knowingly, willingly and voluntarily, and denied his motion to withdraw the plea. As in *Shirley*, there is nothing in the record, defendant's motion to withdraw his guilty plea, or counsel's Rule 604(d) certificate that indicates any reason why this case should be remanded a third time for another hearing on the same motion. The *Shirley* court found that another remand would be "an empty and wasteful formality," and in this case, we must agree. *Shirley*, 181 Ill. 2d at 370.

¶ 26 Generally, the Rule 604(d) certificate should be filed before or simultaneous with the hearing on defendant's motion in the trial court to insure that the court is apprised that counsel reviewed the proceedings with defendant and made any necessary amendments to the motion. *Shirley*, 181 Ill. 2d at 371. In *Janes II*, the court explained that filing the certificate on appeal was not acceptable because it was not clear if counsel's post-hearing attempt to comply with the certification requirements of Rule 604(d) could cure the noncompliance, and thus, the necessity for remand to the trial court. *Janes II*, 168 Ill. 2d at 389. Here, when counsel filed her certificate during the second remand, the trial court expressly stated that it was aware that "Counsel was working in the case prior to disposition and had been in compliance." Accordingly, in this case, counsel's post-hearing filing of the Rule 604(d) certificate was sufficient to cure the

noncompliance. This court granted defendant's requested remedy of a second remand for compliance with Rule 604(d), which gave him another opportunity to file a new motion to withdraw his plea, and an opportunity to have a hearing on a new motion. This court is not required to order yet another remand and another hearing. *Shirley*, 181 Ill. 2d at 371.

¶ 27 The purpose of a Rule 604(d) hearing is to insure that the trial court has the opportunity to hear defendant's allegations of improprieties that occurred surrounding his guilty plea so that it may immediately correct any errors that may have produced that plea. *Janes I*, 158 Ill. 2d at 31, citing *Wilk*, 124 Ill. 2d at 104. We find that purpose has been fulfilled in this case, and with no reason existing that requires a rehearing, we decline to remand this case for a third time.

¶ 28 For these reasons, we affirm the judgment of the circuit court of Cook County.

¶ 29 Affirmed.