

**NOTICE**  
Decision filed 07/15/14. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2014 IL App (5th) 110533-U

NO. 5-11-0533

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

**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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THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Clinton County.
	)	
v.	)	No. 09-CF-17
	)	
VALERIE J. SCHOOLFIELD,	)	Honorable
	)	Dennis E. Middendorff,
Defendant-Appellant.	)	Judge, presiding.

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JUSTICE CHAPMAN delivered the judgment of the court.  
Presiding Justice Welch and Justice Schwarm concurred in the judgment.

**ORDER**

¶ 1 *Held:* Remand for strict compliance with Rule 604(d) required where counsel certified that he consulted with the defendant to ascertain her contentions of error regarding her sentence but did not certify that he consulted with her to ascertain her contentions of error related to the guilty plea proceedings.

¶ 2 The defendant, Valerie J. Schoolfield, pled guilty to one count of endangering the health and life of a child, eight counts of obstructing justice, and two counts of conspiracy to commit obstructing justice. All charges stemmed from the death of her young son at the hands of her boyfriend. She argues that the trial court abused its discretion by (1) ordering some of the sentences to run consecutively and (2) imposing a total sentence of 16 years. She further argues that counsel's certificate of compliance

with Illinois Supreme Court Rule 604(d) (eff. July 1, 2006) does not strictly comply with the requirements of the rule. We agree that counsel's certificate of compliance is not in strict compliance with Rule 604(d). We therefore remand to allow counsel to fully comply.

¶ 3 The defendant's three-year-old son, Joseph Schoolfield, died as a result of head injuries inflicted on him by the defendant's boyfriend, Scott Endicott. In the months leading up to Joseph's death, family members and day care workers expressed their concerns to the defendant about unexplained injuries Joseph suffered. Joseph told day care workers that Endicott had hurt him. Three reports of suspected abuse were filed with the Department of Children and Family Services. These reports led to a juvenile case, in which the State alleged that Joseph was abused and neglected. The Madison County circuit court entered an order in that case providing that the defendant was not to allow Scott Endicott to have any contact with Joseph. Rather than abide by the court's order, the defendant moved from Madison County to Clinton County with Joseph and Endicott. They moved into the home of Endicott's parents, Dennis and Kim Endicott.

¶ 4 Early on the morning of January 21, 2009, the defendant went to work, leaving Joseph home alone with Scott Endicott. Endicott sent the defendant a text message informing her that Joseph was lying on the floor next to his bed crying. Endicott told her that Joseph probably "rolled out of bed" and was crying because "he needs attention." The defendant replied, telling Endicott, "Just make sure he's okay and doesn't get hurt today."

¶ 5 As the day went on, it became apparent to the defendant and Endicott that Joseph's injuries were serious. Later that afternoon, Dennis Endicott became aware of Joseph's condition. He called his brother, Randy, and asked him to go to the house and check on the child. When Randy Endicott arrived at the house, he found Joseph unresponsive and brought him to the hospital.

¶ 6 When the defendant arrived at the hospital, she told emergency room personnel that Joseph fell from the top bunk bed. However, Joseph's injuries were not consistent with this explanation. The Clinton County sheriff's department was informed of suspected abuse, and Detective Charlie Becherer was dispatched to the hospital to investigate. The defendant told Detective Becherer that she was home with Joseph at 7 a.m., when he fell off the top bunk bed. She told him that at 2 p.m., she took a bath, leaving the door open so she could hear Joseph playing in the living room. She stated that when she no longer heard the sounds coming from the living room, she went to check on Joseph and found him unresponsive. Detective Becherer later learned from Kim and Dennis Endicott that this explanation was false.

¶ 7 In a series of text messages that evening, the defendant told Endicott to make the bed on the bottom bunk to "try to make it look like [Joseph] was sleeping on the top bunk." She also told him to hide his shoes so it would appear that he was not present when Joseph was injured. Joseph was air-lifted to Children's Hospital in St. Louis, where he died of his head injuries three days later.

¶ 8 The defendant was initially indicted on charges of first-degree murder (720 ILCS 5/9-1(a)(1), (2) (West 2008)). Subsequently, the State filed a supplemental information

charging the defendant with one count of endangering the life or health of a child (720 ILCS 5/12-21.6(a), (d) (West 2008)), eight counts of obstructing justice (720 ILCS 5/31-4(a) (West 2008)), and two counts of conspiracy to commit obstructing justice (720 ILCS 5/8-2, 31-4(a) (West 2008)). Six counts of obstructing justice alleged that the defendant lied to various individuals to prevent the apprehension or prosecution of Scott Endicott. The remaining two counts of obstructing justice and both counts of conspiracy to commit obstructing justice were based on her directions to Endicott to alter and hide physical evidence. The defendant pled guilty to all charges in the supplemental information.

¶ 9 The court sentenced the defendant to 10 years for the charge of endangering the life or health of a child and 3 years on each of the counts of obstructing justice and conspiracy to commit obstructing justice. The court divided those counts into two categories: the six counts of obstructing justice involving the defendant's lies to emergency room personnel, and the counts of obstructing justice and conspiracy that involved her instructions to Endicott to alter the physical evidence by making the bottom bunk bed and hiding his shoes. The court ordered that the sentences on the first category of charges were to be served concurrently with each other but consecutive to the 10-year sentence for endangering the life or health of a child. The court ordered that the sentences on the remaining charges would be served concurrently with each other but consecutive to the other sentences in this case. The defendant filed a motion to reconsider her sentence. After the court denied the motion, the defendant filed this appeal.

¶ 10 The defendant argues that defense counsel did not strictly comply with the certification requirement of Rule 604(d) (eff. July 1, 2006). She argues that this case must, therefore, be remanded for new postplea proceedings in full compliance with the rule. We agree.

¶ 11 Rule 604(d) requires defense counsel to file a certificate stating that counsel "has consulted with the defendant either by mail or in person to ascertain [the] defendant's contentions of error in the sentence or the entry of the plea of guilty." Ill. S. Ct. R. 604(d) (eff. July 1, 2006). The rule further requires counsel to certify that he has examined the court file and report of proceedings from the defendant's guilty plea hearing and that he has made any amendments to the defendant's motion necessary to adequately present the defendant's claims. Ill. S. Ct. R. 604(d) (eff. July 1, 2006). Only the first requirement is at issue here; there is no dispute that counsel complied with the other certification requirements.

¶ 12 In relevant part, defense counsel's certificate stated, "I have consulted with the Defendant in person on October 7, 2011, to ascertain her contentions concerning the Motion to Reduce her sentence filed on January 31, 2011, and amended on October 21, 2011." The defendant argues that this language does not constitute a certification that counsel ascertained her contentions of error regarding the plea or sentence.

¶ 13 Rule 604(d) sets forth defense counsel's duties in representing a defendant in postplea proceedings. The certification requirement " 'provides a simple, straightforward and *mandatory* procedure designed to insure that those duties are performed and, thus, that defendant's due process rights are protected.' " (Emphasis in original.) *People v.*

*Janes*, 158 Ill. 2d 27, 35, 630 N.E.2d 790, 793 (1994) (quoting *People v. Dickerson*, 212 Ill. App. 3d 168, 171, 570 N.E.2d 902, 904 (1991)). We will reverse if the record does not show strict compliance with this requirement. *Janes*, 158 Ill. 2d at 35, 630 N.E.2d at 793. The remedy for failure to comply strictly with the certification requirement is remand to the trial court to allow counsel to file a new postplea motion and fully comply with the requirements of the rule. *Janes*, 158 Ill. 2d at 33, 630 N.E.2d at 792.

¶ 14 Although strict compliance is required, a Rule 604(d) certificate need not recite the language of the rule verbatim. *People v. Wyatt*, 305 Ill. App. 3d 291, 297, 712 N.E.2d 343, 347 (1999). If the certificate provides the court with a sufficient basis to determine that counsel has fulfilled the obligations imposed by the rule, the certificate is fully compliant. *Wyatt*, 305 Ill. App. 3d at 297, 712 N.E.2d at 347-48. Whether a certificate fully complies with the certification requirement is a question subject to *de novo* review. *People v. Grice*, 371 Ill. App. 3d 813, 815, 867 N.E.2d 1143, 1145 (2007).

¶ 15 Here, counsel certified that he met with the defendant in person "to ascertain her contentions concerning the Motion to Reduce her sentence." As the defendant correctly contends, we "cannot simply assume or infer compliance" with Rule 604 due to its strict forfeiture requirements. *People v. Prather*, 379 Ill. App. 3d 763, 768, 887 N.E.2d 44, 47 (2008). We think it is reasonably clear from the language of the certificate that counsel consulted with the defendant to ascertain the contentions of error she wished to raise regarding her *sentence*. However, it is *not* reasonably clear from this language that counsel made any effort to ascertain any issues the defendant wanted to raise related to her *plea*.

¶ 16 Rule 604(d), by its express terms, requires counsel to certify that he has consulted with the defendant "to ascertain [the] defendant's contentions of error in the sentence *or* the entry of the plea of guilty." (Emphasis added.) Ill. S. Ct. R. 604(d) (eff. July 1, 2006). However, our supreme court recently held that in order to effectuate the purpose of Rule 604(d) and its certification requirements, it is necessary to read the rule as requiring counsel to certify that he has consulted with the defendant to ascertain her contentions of error related to *both* the sentence *and* the plea proceedings. *People v. Tousignant*, 2014 IL 115329, ¶ 20, 5 N.E.3d 176.

¶ 17 Nothing in the certificate of compliance filed in this case indicates that counsel consulted with the defendant regarding any contentions of error she might want to raise concerning the plea proceedings. Thus, we must remand this matter for new postplea proceedings that fully comply with the requirements of Rule 604(d). In light of this disposition, we need not address the defendant's arguments related to the propriety of her sentences.

¶ 18 Reversed; cause remanded for further proceedings consistent with this order.