

NOTICE

This Order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

2026 IL App (4th) 251237-U

NO. 4-25-1237

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

October 20, 2026

Carla Bender

4th District Appellate
Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Cass County
CHRISTOPHER J. HAWK,	)	No. 24CF7
Defendant-Appellant.	)	
	)	Honorable
	)	Timothy J. Wessel,
	)	Judge Presiding.

PRESIDING JUSTICE STEIGMANN delivered the judgment of the court.
Justices Grischow and Cavanagh concurred in the judgment.

ORDER

- ¶ 1 *Held:* The appellate court vacated the trial court's judgment revoking defendant's probation and remanded for further revocation proceedings because the trial court failed to substantially comply with Illinois Supreme Court Rule 402A (eff. Nov. 1, 2003).
- ¶ 2 In June 2024, defendant, Christopher J. Hawk, pleaded guilty to possession of methamphetamine, a Class 2 felony (720 ILCS 646/60(a), (b)(2) (West 2024)), and was sentenced pursuant to a fully negotiated plea agreement to 12 months of probation. In March 2025, the State filed a petition to revoke defendant's probation. In May 2025, defendant appeared in court, received a copy of the petition to revoke, and was arraigned on that petition. In August 2025, defendant admitted one of the allegations in the petition, and the trial court revoked his probation. In September 2025, the court sentenced defendant to 12 years in the Illinois Department of Corrections (DOC).

¶ 3 Defendant appeals, arguing that (1) the trial court lacked subject matter jurisdiction to revoke his probation in August 2025 because his probation terminated in June 2025 and had not been tolled, (2) the court’s imposition of an extended-term sentence was prohibited because defendant was not advised at the time of his guilty plea that extended-term sentencing was a possibility, (3) the court failed to substantially comply with Illinois Supreme Court Rule 402A (eff. Nov. 1, 2003), and (4) the court abused its discretion by imposing an excessive sentence.

¶ 4 Because we agree that the trial court failed to substantially comply with Rule 402A, we vacate the court’s judgment revoking defendant’s probation and remand for further revocation proceedings.

¶ 5 I. BACKGROUND

¶ 6 A. The Charges and Guilty Plea Proceedings

¶ 7 On January 31, 2024, the State filed a two-count information charging defendant with delivery of more than 5 grams but less than 15 grams of methamphetamine, a Class 1 felony (count I) (720 ILCS 646/55(a)(1), (a)(2)(B) (West 2024)), and possession of more than 5 grams but less than 15 grams of methamphetamine, a Class 2 felony (count II) (*id.* § 646/60(a), (b)(2)).

¶ 8 On February 5, 2024, defendant appeared pursuant to a notice to appear, and the trial court advised him of his rights, the charges against him, and the possible penalties. Regarding the penalties for count II of the information, the court admonished defendant as follows:

“That is charged as a Class 2 felony. The maximum penalties you face, if convicted, is three to seven years in [DOC], followed up by up to two years of Mandatory Supervised Release.

Probation is available for up to four years, and I can fine you a maximum of \$25,000. Once again, if you had been convicted of a Class 2 or greater felony in the last ten years, you could be extended-term eligible making that sentence three to 14 years in [DOC].”

The court asked defendant if he understood the penalties for count II, and defendant answered, “Yes, sir.” Afterward, the court appointed counsel to represent defendant.

¶ 9 On June 26, 2024, defendant tendered a guilty plea pursuant to a fully negotiated plea agreement and was sentenced to 12 months of probation. Before accepting defendant’s guilty plea, the trial court admonished defendant as follows:

“[Y]ou plan on pleading guilty to possession of methamphetamine 5 to 15.0 grams, a Class 2 felony. If not for this plea agreement or should you violate your probation in any way, you would be facing three to seven years in [DOC], followed by up to two years of mandatory supervised release.

I have the ability to place you on probation for up to four years. I also have the ability to fine you the maximum of \$25,000.

Do you understand the charge [to which] you plan on pleading guilty and the possible fines you face?”

Defendant answered, “Yes, sir.”

¶ 10 After accepting defendant’s guilty plea and imposing the probation sentence, the trial court ordered defendant not to consume any illegal drugs or alcohol while on probation. Defendant indicated he understood.

¶ 11 B. The Petition To Revoke Proceedings

¶ 12 On March 26, 2025, the State filed a petition to revoke defendant’s probation

alleging, among other things, that defendant tested positive for methamphetamine on four separate dates while on probation.

¶ 13 On May 5, 2025, defendant failed to appear for the previously scheduled status hearing. The trial court entered a written order directing (1) a “cite [and] release warrant” to be issued and (2) that defendant appear in court on the first Monday following his arrest. An arrest warrant was issued on that date.

¶ 14 On May 12, 2025, defendant was arrested on the warrant and executed an “Appearance Bond,” which indicated that he was released on his own recognizance and would appear in court on May 19, 2025.

¶ 15 On May 19, 2025, defendant appeared and was tendered a copy of the petition to revoke in open court. Specifically, the trial court stated, “[A] petition to revoke probation has been filed in this case, and you were just handed a copy. At this time I’m going to read that to you.” The court recited the contents of the petition and then explained the possible penalties, admonishing defendant as follows:

“[Y]ou originally pled guilty to unlawful possession of Methamphetamine, a Class 2 felony. If it’s been determined or found that you violated your probation and it is revoked, at a resentencing hearing you would be facing three to seven years in [DOC] to be followed by up to two years of mandatory supervised release. I can place you on probation or conditional discharge for up to four years, and I could fine you a maximum of \$25,000.”

The court then asked defendant if he understood the allegations in the petition and the possible penalties if he was resentenced. Defendant answered “[y]es” to both questions.

¶ 16 On August 4, 2025, defendant appeared with counsel and admitted the allegation

in the petition that he tested positive for methamphetamine on four separate dates while on probation. Before accepting his admission, the trial court admonished him regarding the applicable sentencing range as follows:

“THE COURT: All right, you understand that you had previously pled guilty and [been] placed on probation on the charge of unlawful possession of methamphetamine, a Class 2 felony. You understand *** that at a sentencing hearing the sentencing ranges available to this court is three to seven years in [DOC], that would be followed by up to one year mandatory supervised release. I can replace you on probation or conditional discharge for up to four years and I could fine you a maximum of \$25,000.

So do you understand the charge which you plan on being resentenced to and the possible penalties you face?

[DEFENDANT]: Yes, sir.

THE COURT: No one has forced you to do this today, is that correct?

[DEFENDANT]: No, sir.

THE COURT: It's your own free will?

[THE STATE]: Your Honor—

THE COURT: Yes.

[THE STATE]: [Defendant] has a previous Class 1 felony.

THE COURT: Okay.

[THE STATE]: His disposition date was November of 2020. I believe that makes him extendible.

THE COURT: [Defendant], you are extended term eligible since you have

a previous Class 1 conviction, meaning the DOC sentence range is actually 3 to 14 years to be followed by up to one year mandatory supervised release. Do you understand that, sir?

[DEFENDANT]: Yes, sir.

THE COURT: And knowing that you still wish to proceed with your admission?

[DEFENDANT]: Yes.”

The court then accepted defendant’s admission and revoked his probation.

¶ 17 On September 8, 2025, the trial court conducted a sentencing hearing and imposed a sentence of 12 years in DOC, followed by 2 years of mandatory supervised release.

¶ 18 On October 2, 2025, defendant filed a motion to reconsider his sentence, which the trial court denied in November 2025, following a hearing.

¶ 19 This appeal followed.

¶ 20 II. ANALYSIS

¶ 21 Defendant appeals, arguing that (1) the trial court lacked subject matter jurisdiction to revoke his probation in August 2025 because his probation terminated in June 2025 and had not been tolled, (2) the court’s imposition of an extended-term sentence was prohibited because defendant was not advised at the time of his guilty plea that extended-term sentencing was a possibility, (3) the court failed to substantially comply with Illinois Supreme Court Rule 402A (eff. Nov. 1, 2003), and (4) the court abused its discretion by imposing an excessive sentence.

¶ 22 Because we agree that the trial court failed to substantially comply with Rule 402A, we vacate the court’s judgment revoking defendant’s probation and remand for further

revocation proceedings.

¶ 23

A. The Trial Court's Jurisdiction

¶ 24

Defendant first argues that the trial court lacked subject matter jurisdiction to revoke his probation in August 2025 because his 12-month probation term expired in June 2025 and was never tolled. Specifically, defendant contends that (1) the May 5, 2025, warrant did not toll the term because it was issued for his failure to appear at a status hearing and not pursuant to section 5-6-4(a) of the Unified Code of Corrections (Code) (730 ILCS 5/5-6-4(a) (West 2024)) and (2) the record contains no proof of personal service of the petition to revoke that satisfies Illinois Supreme Court Rule 12 (eff. July 1, 2017). We disagree.

¶ 25

1. *The Applicable Law*

¶ 26

A trial court retains jurisdiction to revoke probation only while the probation term remains in effect, unless the term has been tolled or revocation proceedings begun within the term have not been resolved. *People v. Randolph*, 98 Ill. App. 3d 696, 699 (1981). “Otherwise, once the [term] has lapsed, probation is terminated and there remains nothing to revoke.” *Id.*

¶ 27

Section 5-6-4(a) of the Code provides the methods by which the filing of a petition charging a probation violation may proceed. 730 ILCS 5/5-6-4(a) (West 2024). When a petition to revoke probation is filed, the trial court may (1) order the issuance of a notice to the offender to be present, (2) order a summons, or (3) order a warrant for the offender's arrest when there is danger of flight or serious harm or when the offender fails to answer a summons or notice. *Id.* The statute also provides that personal service of a petition to revoke tolls the probation term, stating as follows:

“Personal service of the petition for violation of probation or the issuance of such warrant, summons or notice shall toll the period of probation *** until the

final determination of the charge, and the term of probation *** shall not run until the hearing and disposition of the petition for violation.” *Id.*

See *People v. Thoman*, 381 Ill. App. 3d 268, 272-73 (2008) (stating a term of probation may be tolled by personal service of the petition on the defendant or by the court’s ordering a summons, warrant, or notice to appear).

¶ 28 These statutory methods of tolling probation are not exclusive. *Randolph*, 98 Ill. App. 3d at 700.

“Where a defendant is given notice of the state’s intent to revoke his probation, appears in court pursuant to that notice, and proceedings begin, the [trial] court retains jurisdiction to decide the matter even after the end of the probation term, as these events also serve to toll that period.” *Id.*

¶ 29 2. *This Case*

¶ 30 In the present case, defendant was sentenced to 12 months of probation in June 2024, and the term of defendant’s probation was tolled on May 19, 2025, when he appeared in open court and received a copy of the petition to revoke. The record shows that, on that date, the trial court stated that (1) a petition to revoke had been filed, (2) defendant “w[as] just handed a copy,” and (3) the court was “going to read that to [him].” The court then read the petition aloud. It is immaterial who physically placed the petition in defendant’s hands. The record establishes that defendant received a copy in open court and that the court read the petition to him, which constituted personal service and tolled his probation.

¶ 31 The present case is similar to *Randolph*. In that case, the defendant was placed on four years of probation on June 18, 1975. *Id.* at 698. He was arrested for another offense in December 1975, which became the subject of a petition to revoke probation that the State

prepared on April 27, 1976. *Id.* The trial court ultimately revoked the defendant’s probation. *Id.* at 699. On appeal, the defendant challenged the trial court’s jurisdiction to have done so, arguing that the petition to revoke was never formally filed. *Id.* The appellate court disagreed and affirmed the revocation. *Id.* at 700. When doing so, the appellate court looked to (1) the record, which “contain[ed] a copy of the petition signed by the circuit court judge before whom [the] defendant appeared on [April 27, 1976]” and (2) the report of proceedings, which showed that “the state tendered a petition and that the court read relevant parts of it to [the] defendant.” *Id.* The appellate court concluded that “the events of that date served to toll the probation term.” *Id.*

¶ 32 The present case is also similar to *People v. Speight*, 72 Ill. App. 3d 203 (1979). In that case, no warrant or summons issued on the petition, the defendant appeared in court with notice of the revocation proceedings before the term expired, and the court revoked probation after the original term date had passed. *Id.* at 207. The appellate court held that the appearance with notice and the commencement of proceedings tolled the term. *Id.* at 209-10.

¶ 33 Defendant’s reliance on the absence of proof of service pursuant to Illinois Supreme Court Rule 12 (eff. July 1, 2017) is misplaced. Rule 12 does not replace the statutory command that personal service of the petition itself tolls the term. 730 ILCS 5/5-6-4(a) (West 2024). The report of proceedings is the proof of service; it demonstrates that defendant was handed a copy of the petition and that the trial court read the petition to him, which constitutes personal service.

¶ 34 We need not also determine whether the trial court’s issuance of a warrant for defendant’s failure to appear at a status hearing tolled the probation term because, as we have explained, the subsequent personal service in court tolled the term.

¶ 35 Accordingly, we conclude that, because defendant was personally served with the

petition on May 19, 2025, the probation term was tolled from that date until the final determination of the charges in the petition. *Id.* As a result, the trial court retained jurisdiction in August 2025 to accept defendant's admission and revoke his probation.

¶ 36 B. The Trial Court's Admonitions

¶ 37 Defendant also argues that the trial court (1) was prohibited from imposing an extended-term sentence because he was not advised at the time of his guilty plea that an extended-term sentence was a possibility (730 ILCS 5/5-8-2(b) (West 2024)) and (2) failed to substantially comply with Illinois Supreme Court Rule 402A (eff. Nov. 1, 2003) before accepting his admission to the petition to revoke.

¶ 38 Because we agree that the trial court failed to substantially comply with Rule 402A, we vacate the order revoking defendant's probation and remand for further proceedings.

¶ 39 1. *The Applicable Law*

¶ 40 "[S]ection 5-8-2 of the Code requires that, for an extended[-term] sentence to be imposed on a guilty plea, it shall appear on the record that the plea was entered with a defendant's knowledge that [an extended-term] sentence was a possibility." (Internal quotation marks omitted.) *People v. Taylor*, 368 Ill. App. 3d 703, 707 (2006). Specifically, the statute reads as follows:

"If the conviction was by plea, it shall appear on the record that the plea was entered with the defendant's knowledge that [an extended-term] sentence under this Section was a possibility. If it does not so appear on the record, the defendant shall not be subject to such a sentence unless he is first given an opportunity to withdraw his plea without prejudice." 730 ILCS 5/5-8-2(b) (West 2024).

¶ 41 Although section 5-8-2(b) of the Code does not require the trial court to admonish

a defendant that an extended-term sentence is a possibility, in the absence of such an admonition, it is presumed that the defendant did not know that extended-term sentencing was a possibility. *Taylor*, 368 Ill. App. 3d at 707 (citing *People v. Eisenberg*, 109 Ill. App. 3d 98, 100 (1982)). “Section 5-8-2(b) does not place the burden on the defendant to prove that he did not know that extended-term sentencing was possible; instead, it requires that the record show that he did know of such a possibility.” *Id.*

¶ 42 Illinois Supreme Court Rule 402A (eff. Nov. 1, 2003) governs admissions and stipulations to a petition to revoke probation and requires that before accepting an admission to a probation violation, the trial court must address the defendant personally in open court and inform him of, and determine that he understands, among other things, “the sentencing range for the underlying offense for which the defendant is on probation.”

¶ 43 “Only substantial compliance with Rule 402A is required.” *In re Westley A.F., Jr.*, 399 Ill. App. 3d 791, 796 (2010). “Substantial compliance is an affirmative showing in the record that the [defendant] understood each of the required admonitions.” (Internal quotation marks omitted.) *Id.*

¶ 44 The purpose of Rule 402A admonitions is to ensure that the defendant understands his admission, the rights he is waiving, and the potential consequences of the admission. *People v. Ellis*, 375 Ill. App. 3d 1041, 1046-47 (2007). One of the explicit protections to which a defendant is entitled in a revocation proceeding is “a clear explanation of the sentencing range he faces.” *Id.* at 1048. Accordingly, an erroneous description of the sentencing range does not substantially comply with Rule 402A. *Id.* at 1046-47.

¶ 45 Whether a trial court substantially complied with Rule 402A is reviewed *de novo*. *Westley A.F., Jr.*, 399 Ill. App. 3d at 796.

¶ 46

2. This Case

¶ 47 Defendant first argues that the trial court violated section 5-8-2(b) by imposing an extended-term sentence of 12 years following revocation of his probation because he was not admonished at his guilty plea that he faced an extended-term sentence. We agree.

¶ 48 Defendant tendered his guilty plea on June 26, 2024. Before accepting his guilty plea and sentencing him to the agreed-upon sentence of probation, the trial court admonished defendant that “if not for this plea agreement, or should you violate your probation in any way, you would be facing three to seven years in [DOC], followed by up to two years of mandatory supervised release.” The court did not mention the possibility of an extended-term sentence.

¶ 49 The State relies on *People v. Britton*, 2026 IL App (4th) 250536-U, ¶ 48, in support of its argument that defendant was informed that he “ ‘could be extended-term eligible’ for a prison term of up to 14 years in prison if he had been convicted of a Class 2 or greater felony in the last ten years.” However, *Britton* does not aid the State in this case.

¶ 50 In *Britton*, the trial court told the defendant *at the guilty plea* hearing that the sentence “ ‘could be one to three years, one to six years [if] extended term eligible,’ ” and then repeated that range until the defendant acknowledged it. *Id.* ¶ 9. On appeal, this court affirmed the trial court’s order denying the defendant’s motion to withdraw his guilty plea or reconsider his sentence, concluding that he was properly admonished about the possibility of extended-term sentencing. *Id.* ¶ 48. This court emphasized that “a trial court’s use of the term ‘if’ when admonishing a defendant about a possible extended-term sentence does not *negate* the possibility of that sentence but *affirms* it for purposes of section 5-8-2(b).” (Emphases in original.) *Id.*

¶ 51 Nonetheless, in the present case, the conditional admonition about extended-term sentencing that the State argues was sufficient to comply with section 5-8-2(b) was not given to

defendant at the time of his guilty plea, but instead at his initial appearance on February 5, 2024, when he was not even yet represented by counsel. Defendant did not enter his guilty plea until June 26, 2024, and at that time, he was admonished only that he faced a standard prison sentence of three to seven years. The critical time for determining whether a defendant was admonished about the possibility of extended-term sentencing was at the time of the guilty plea, not at an earlier arraignment. See *People v. Johns*, 229 Ill. App. 3d 740, 744 (1992).

¶ 52 In *Johns*, when the defendant pleaded guilty to burglary pursuant to an agreement that included a five-year cap, the trial court admonished the defendant that the court “could sentence him to the [DOC] for as much as *five years* for pleading guilty.” (Emphasis in original). *Id.* at 741. When the defendant’s probation was subsequently revoked, the trial court sentenced him to six years in prison, and the defendant appealed. *Id.* at 742.

¶ 53 The appellate court reversed the trial court’s sentencing order and remanded for a new sentencing hearing, noting as follows:

“It is not enough that the trial court here admonished defendant at the time of an earlier arraignment as to the minimum and maximum sentences applicable for burglary. *** The time the plea is taken is the crucial time and the record must clearly and affirmatively show that the plea was intelligently and understandingly made within the mandates of Rule 402.” *Id.* at 744.

¶ 54 Because defendant in the present case was not admonished at the time of his guilty plea about the possibility of an extended-term sentence, the trial court erred by subsequently resentencing him following a revocation of his probation to an extended term of 12 years in prison. To be clear, a defendant who is resentenced following a revocation of his probation cannot receive a sentence that exceeds the maximum sentence he was told *when he*

pleaded guilty that he could receive. That is true even where, as here, the trial court later discovers its guilty plea sentencing admonitions were erroneous.

¶ 55 The ordinary remedy for a violation of section 5-8-4(b) is to vacate the sentencing order and remand for resentencing within the range the defendant was advised of at the time he tendered his guilty plea. See, *e.g.*, *People v. Courtney*, 2022 IL App (4th) 200495-U, ¶ 20.

However, our analysis does not end there. Section 5-8-2(b) also supplies the sentencing range the trial court was required to communicate, and to confirm that the defendant understood, before it accepted his admission to the probation violation. See *Johns*, 229 Ill. App. 3d at 743 (“[U]pon revocation of a defendant’s probation, the trial court is limited in sentencing by the maximum penalty upon which the defendant had originally been admonished.”); see also *Courtney*, 2022 IL App (4th) 200495-U, ¶ 17 (quoting *Johns* for the same proposition).

¶ 56 Defendant does not argue only that the trial court imposed a sentence that exceeded the maximum allowable under section 5-8-2(b); he also argues that the court failed to substantially comply with Rule 402A because it failed to advise him of, and confirm he understood, the applicable sentencing range prior to accepting his admission. The remedy for failing to substantially comply with Rule 402A is a vacatur of the court’s order revoking probation. See *People v. Curry*, 2019 IL App (3d) 160783, ¶ 23 (“Because the court failed to substantially comply with Rule 402A(a), we vacate the order revoking the defendant’s probation and remand the matter for new admonishments and further probation revocation proceedings, as necessary.”); see also *Ellis*, 375 Ill. App. 3d at 1049 (due to a lack of substantial compliance with Rule 402A, the trial court’s judgment revoking the defendant’s probation was vacated and the cause remanded for further proceedings).

¶ 57 In *Curry*, 2019 IL App (3d) 160783, ¶ 4, the defendant entered into a negotiated

guilty plea to aggravated driving under the influence, a Class 2 felony, in exchange for a sentence of probation. At the guilty plea hearing, the trial court erroneously admonished the defendant that the charge “ ‘carr[ied] up to two years in [DOC].’ ” *Id.* The State subsequently filed a petition to revoke his probation. *Id.* ¶ 5. At a hearing, during which the defendant admitted the probation violation, the court advised the defendant that the Class 2 charge carried “ ‘three to seven years in [DOC]’ ” and resentenced him to three years in prison. *Id.* ¶ 8.

¶ 58 On appeal, the defendant argued that the trial court failed to substantially comply with Rule 402A because, among other things, it “never determined that the defendant understood the applicable sentencing range, and the record d[id] not show that the defendant understood the applicable sentencing range.” *Id.* ¶ 21. The appellate court agreed, stating as follows:

“[A]lthough the [trial] court mentioned the sentencing range during the [admission] hearing, the court did not ascertain that the defendant understood the sentencing range. Given the court’s incorrect admonishment regarding the sentencing range at the guilty plea hearing, we cannot infer from the record that the defendant understood the applicable sentencing range at the time he admitted to the allegations in the petition to revoke probation.” *Id.* ¶ 23.

¶ 59 The appellate court in *Ellis* also addressed the issue of erroneous admonitions about potential sentencing consequences during a hearing on an admission to a petition to revoke probation. In that case, the defendant was advised at the guilty plea proceedings and during subsequent revocation proceedings that he could be sentenced for his Class 2 felony to probation or up to 14 years in prison. *Ellis*, 375 Ill. App. 3d at 1046. The trial court ultimately resentenced the defendant to nine years in prison. *Id.* at 1044.

¶ 60 On appeal, the defendant argued that the trial court failed to substantially comply

with Rule 402A “when it erroneously advised him of the maximum and minimum penalties he would face if his probation were revoked” because he was actually required to be sentenced as a Class X offender. *Id.* at 1045.

¶ 61 The appellate court agreed, noting that the defendant was erroneously advised at both his guilty plea and revocation proceedings that he faced Class 2 sentencing, with a range of probation to 14 years, when he instead was required to be sentenced as a Class X offender, with a range of 6 to 30 years, and for which probation was not an option. *Id.*

¶ 62 The appellate court explained as follows:

“[W]hile a defendant facing probation revocation is entitled to fewer procedural protections than a defendant facing an original criminal prosecution, one of the explicit procedural protections to which a probation revocation defendant is entitled is a clear explanation of the sentencing range he faces. [Citation.] The State does not and cannot contend that defendant here ever received a clear explanation of the sentencing range he was facing. Accordingly, we reject the State’s contention.” *Id.* at 1048.

¶ 63 Applying *Curry* and *Ellis* to the present case, we conclude that the trial court failed to substantially comply with Rule 402A because defendant never, at any stage, received a clear explanation of the sentencing range he faced. Namely, (1) when arraigned on the original charge, he was told he faced 3 to 7 years in prison, or 3 to 14 years if he was eligible for extended-term sentencing; (2) upon his guilty plea, he was told he faced 3 to 7 years and pleaded guilty to an agreed sentence of probation; (3) when arraigned on the petition to revoke, he was told he faced 3 to 7 years; and (4) when admitting the petition to revoke, he was first told he faced 3 to 7 years, then told he faced 3 to 14 years, and was ultimately sentenced to 12 years.

¶ 64 Moreover, even the trial court’s “corrected” admonition of 3 to 14 years at the admission hearing was actually wrong; due to the court’s erroneous admonition at the guilty plea hearing, the correct sentencing range was actually 3 to 7 years, meaning that when the court “corrected” itself, it was still actually wrong. Additionally, the court’s admonitions regarding the term of mandatory supervised release (MSR) were also incorrect. In its brief, the State has conceded the error and agrees that the applicable range of MSR was 12 months.

¶ 65 Given the foregoing, the record does not come close to demonstrating that either the trial court or defendant ever had a clear understanding of the applicable sentencing range.

¶ 66 Because defendant was sentenced to 12 years—a sentence that exceeded that which was allowable given the guilty plea admonition of a maximum of 7 years—he was certainly prejudiced by receiving a sentence exceeding what the law allowed.

¶ 67 For these reasons, we conclude that the trial court failed to substantially comply with Rule 402A. We vacate the trial court’s order revoking defendant’s probation and remand for further revocation proceedings consistent with this order.

¶ 68 C. Remaining Claims and Issues

¶ 69 Because we have determined that the trial court’s order revoking defendant’s probation must be vacated and the case remanded for further proceedings, we need not address defendant’s claim that the court abused its discretion by imposing an excessive sentence based upon improper considerations.

¶ 70 As a final note, we observe that defendant in this case also argued that the trial court failed to substantially comply with Rule 402A by failing to thoroughly advise him of the rights he was giving up by admitting the violation, such as his rights to confront and cross-examine witnesses, to present witnesses on his own behalf, or that the State was required to

prove the allegations by a preponderance of the evidence. Because we have determined that the erroneous sentencing admonitions by themselves resulted in a lack of substantial compliance, we need not determine whether these admonitions, which were given at the arraignment on the petition, but not at the admission to the petition, resulted in a lack of substantial compliance.

72 III. CONCLUSION

¶ 74 Vacated and remanded.