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) 251225-U

NO. 4-25-1225

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
November 23, 2026
Carla Bender
4th District Appellate
Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Sangamon County
FREDDERICK E. WILLIAMS,	)	No. 25CF532
Defendant-Appellant.	)	
	)	Honorable
	)	Jack D. Davis II,
	)	Judge Presiding.

JUSTICE HARRIS delivered the judgment of the court.
Justices Lannerd and Vancil concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court remanded the matter with directions that the trial court comply with Illinois Supreme Court Rule 605(c) (eff. Jan. 1, 2026).

¶ 2 Defendant, Fredderick E. Williams, appeals his conviction for domestic battery. Defendant contends that the matter must be remanded to the trial court for proper admonitions under Illinois Supreme Court Rule 605(c) (eff. Jan. 1, 2026), where the admonitions given by the court following his negotiated guilty plea failed to adequately convey that he was required to file a postplea motion in the trial court to preserve his right to appeal and that he was entitled to appointed counsel and a copy of his transcripts during postplea proceedings. We remand with directions.

¶ 3 I. BACKGROUND

¶ 4 In April 2025, the State charged defendant with domestic battery (720 ILCS 5/12-

3.2(a)(1) (West 2024)). The offense was charged as a Class 4 felony due to defendant's prior domestic battery conviction.

¶ 5 On October 16, 2025, defendant appeared with counsel. The State indicated that the parties had reached a plea agreement. Specifically, the State asserted: "Given some mitigating evidence, the [S]tate is willing to amend the charge down to a Class A misdemeanor. Straight conviction. There is a firearms admonishment and a proposed financial sentencing order." The trial court admonished defendant concerning the plea. The State gave a factual basis, to which defense counsel stipulated. Defendant indicated he wished to plead guilty to misdemeanor domestic battery, and the court accepted his plea. The court stated that a conviction would be entered. It admonished defendant that he could not legally own a gun. At defense counsel's request, the court waived all fines and fees.

¶ 6 The trial court then stated:

> "[Defendant], even though you pled guilty pursuant to a negotiated plea you have a right to appeal. File a motion within 30 days setting forth every reason why you want to withdraw your guilty plea and vacate the sentence. If you go that route, make sure to include all the reasons you want to include. You'd be giving up anything not included. If you had that motion granted the case goes forward with trial and everything is reinstated just like today didn't happen. If that motion is denied, you could appeal to the appellate court within 30 days. An attorney would be appointed for you and copies of the transcript would be given to you free of charge."

Defendant indicated he understood.

¶ 7 Defendant did not file a postplea motion. On November 14, 2025, defendant,

pro se, filed a notice of appeal.

¶ 8 II. ANALYSIS

¶ 9 On appeal, defendant argues that the trial court failed to properly admonish him pursuant to Illinois Supreme Court Rule 605(c) (eff. Apr. 15, 2024). Specifically, defendant argues that the trial court failed to admonish him that he was required to file a postplea motion in the trial court in order to preserve his right to appeal in accordance with Illinois Supreme Court Rule 605(c)(2) (eff. Apr. 15, 2024). Defendant also argues that the court erred by only admonishing him that he was entitled to the appointment of an attorney and a free transcript for the purposes of appeal, and it failed to advise him, pursuant to Illinois Supreme Court Rule 605(c)(5) (eff. Apr. 15, 2024), that he was entitled to appointed counsel and a copy of his transcripts during postplea proceedings.

¶ 10 Illinois Supreme Court Rule 604(d) (eff. Apr. 15, 2024) provides that no appeal from a judgment entered upon a guilty plea shall be taken unless the defendant, within 30 days of the imposition of the sentence, files the appropriate postplea motions. Where, as here, a defendant has pled guilty pursuant to a negotiated guilty plea, a defendant must file a motion to withdraw the guilty plea and vacate the judgment to challenge either the plea or the sentence on appeal. *Id.* Where a defendant fails to file the requisite postplea motions pursuant to Rule 604(d), the appellate court must dismiss the appeal. *People v. Foster*, 171 Ill. 2d 469, 471 (1996).

¶ 11 Because failure to comply with Rule 604(d) results in the loss of the right to appeal, our supreme court adopted Rule 605(b) and (c), which mandate that trial judges admonish defendants who have entered guilty pleas regarding the requirements of Rule 604(d). *Id.* at 472; Ill. S. Ct. R. 605(b), (c) (eff. Apr. 15, 2024). (Rule 605(b) and (c) contain similar admonitions, but Rule 605(c) applies to negotiated guilty pleas, and Rule 605(b) applies to open

guilty pleas.) The Rule 605(b) and (c) admonitions ensure that the ramifications of noncompliance with Rule 604(d) comport with due process. *Foster*, 171 Ill. 2d at 472. Where the trial court fails to provide admonitions pursuant to Rule 605(b) or (c), the appellate court may not dismiss a defendant's appeal for failure to comply with Rule 604(d). *Id.* at 474. In such situations, the court must remand the matter to the trial court for strict compliance with Rule 604(d). *Id.*

¶ 12 Illinois Supreme Court Rule 605(c) (eff. Apr. 15, 2024) provides:

> "In all cases in which a judgment is entered upon a negotiated plea of guilty, at the time of imposing sentence, the trial court 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 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 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 vacate the judgment and to withdraw the plea of guilty shall be deemed waived."

¶ 13 Our supreme court has held that Rule 605(c) must be strictly complied with, in that the admonitions must be given to a defendant who has pled guilty. *People v. Dominguez*, 2012 IL 111336, ¶ 11. "However, the plain meaning of the rule requires only that a defendant be 'substantially' advised of the actual content of Rule 605(c). A verbatim reading of the rule is not required." *Id.* That is, "the court must impart to a defendant largely that which is specified in the rule, or the rule's 'essence,' as opposed to 'wholly' what is specified in the rule." *Id.* ¶ 19. "[T]he court must 'substantially' advise a defendant under Rule 605(c) in such a way that the defendant is properly informed, or put on notice, of what he must do in order to preserve his right to appeal his guilty plea or sentence." *Id.* ¶ 22. "We review *de novo* a trial court's compliance with Rule 605(c)." *People v. Bell*, 2026 IL App (4th) 250994, ¶ 50.

¶ 14 While a verbatim reading of Rule 605(c) was not required, we find that the admonitions in this case were too vague to adequately convey the "substance" or "essence" of Rule 605(c)'s admonition that a postplea motion must be filed prior to taking appeal. Here, the trial court advised defendant he had a right to appeal, directed defendant to file a motion within 30 days of the plea setting forth every reason he wanted to withdraw his plea and vacate his sentence, and advised him that he could file a notice of appeal within 30 days after the denial of such a motion. However, the court did not expressly state that defendant was required to file a motion to withdraw his plea and vacate his sentence before taking an appeal. While the court

stated defendant would be "giving up" anything he failed to include in such in a motion, it failed to specify he would be "giving [it] up" on appeal. Although the court's admonitions accurately communicated the time limits for filing a postplea motion and what should be contained in the motion, the admonitions were too vague to adequately convey the consequences for failing to file such a motion.

¶ 15 We find *People v. Anderson*, 309 Ill. App. 3d 417 (1999), to be instructive. In *Anderson*, the defendant entered an open guilty plea to armed robbery, and the trial court sentenced him to 17 years' imprisonment. *Id.* at 418. After sentencing the defendant, the trial court admonished him as follows:

> " 'It is my obligation to advise you of your appeal rights. You have 30 days from today's date to file a motion or petition asking the court to allow you to withdraw your plea of guilty. And if I were to grant that motion, then you could proceed to trial as though no plea of guilty had been entered. And if I denied the motion you would have 30 days from that date to file a notice of appeal.
>
> Before you could file a notice of appeal, within the next 30 days you would have to first file a motion asking the court to reduce the sentence that has been imposed. And if I were to find any good reason to do so, then the sentence could be modified downward. And if I denied that, then you would have a right to challenge the sentence that has been imposed on appeal.
>
> In any event, you would be furnished with counsel, as well as a written record free of charge, if you were not able to afford an attorney to represent you on appeal.' " *Id.* at 419.

¶ 16 The *Anderson* court held that the foregoing admonitions failed to adequately

convey the substance of Illinois Supreme Court Rule 605(b) (eff. Aug. 1, 1992). *Anderson*, 309 Ill. App. 3d at 421-22. Specifically, the *Anderson* court stated:

> "The court did inform defendant that he could file a motion to withdraw his plea and that he had 30 days after the denial of that motion to file a notice of appeal. However, simply informing defendant of the applicable time limits is insufficient. Rule 605(b) exists to ensure that a defendant who pleads guilty understands that although he has the right to appeal, he cannot exercise that right unless he first files the appropriate motions in the trial court. Admonitions that fail to clearly state that a defendant will lose his right to appeal if he does not first file either a motion to withdraw his guilty plea or a motion to reconsider sentence in the trial court are insufficient, regardless of how complete they may otherwise be. The admonitions provided in this case did not convey that critical information." *Id.*

¶ 17 The *Anderson* court also noted that the admonitions were misleading, in that they suggested that the defendant would have to file both a motion to withdraw his plea and a motion to reconsider his sentence in order preserve his appeal right. *Id.* at 422. The court also found the admonitions failed to clearly state that the defendant was entitled to counsel to argue his postplea motions or that failure to raise an issue in his postplea motions would waive the issue for appeal. *Id.* The court remanded the matter for proper admonishments in accordance with Rule 605(b). *Id.*

¶ 18 Here, like in *Anderson*, the admonitions given by the trial court imparted some of the information in Rule 605(c), like the time limits for filing a postplea motion and notice of appeal. However, as in *Anderson*, the admonitions failed to adequately convey the "critical information" (*id.*) that defendant would lose his right to appeal if he did not file a motion to withdraw his guilty plea and vacate the sentence.

¶ 19 We reject the State's argument that our supreme court's holding in *Dominguez* casts into doubt the reasoning of *Anderson*. The State notes the *Anderson* court held that strict compliance with Rule 605(b) was required (see *id.* at 421), but the *Dominguez* court subsequently held that, although a trial court must strictly comply with the rule, in that it must give the admonitions, the court need only substantially advise a defendant of the actual content of the rule. See *Dominguez*, 2012 IL 111336, ¶ 19. In setting forth the framework for analyzing compliance with Rule 605(b), the *Anderson* court stated as follows:

> "The supreme court requires strict compliance with Rule 605(b) [citation], although the rule itself only requires that a trial court admonish the defendant 'substantially' as set forth [citations]. When admonishing a defendant under Rule 605(b), a court need not use the exact language of the rule, but the court's admonitions must not leave out or misrepresent any of the rule's *substance*." (Emphasis in original.) *Anderson*, 309 Ill. App. 3d at 421.

¶ 20 We find the foregoing framework set for the by the *Anderson* court is largely equivalent to the one later adopted by our supreme court in *Dominguez*. See *Dominguez*, 2012 IL 111336, ¶ 19 (" '[S]ubstantially' in the rule does not require a strict verbatim reading of the rule ***. Rather, the court must impart to a defendant largely that which is specified in the rule, or the rule's 'essence,' as opposed to 'wholly' what is specified in the rule."). Arguably, the *Dominguez* standard for substantially advising a defendant as to the contents of Rule 605(c) (*i.e.*, that the admonitions must impart the rule's essence) is somewhat more relaxed than the one set forth in *Anderson* (*i.e.*, that the admonitions must not leave out or misrepresent any of the rule's substance). Even so, we find that admonitions that do not clearly convey that a postplea motion must be filed prior to taking an appeal fail to impart the essence of Rule 605(c) and are

inconsistent with the rule's purpose. See *Foster*, 171 Ill. 2d at 472 ("Since a defendant's failure to comply with the written-motion requirements of Rule 604(d) can result in the loss of the right to direct appeal, this court adopted Rule 605(b) as a necessary corollary to Rule 604(d).").

¶ 21 Defendant also argues that the trial court's admonishments were deficient in that the court only admonished him that he was entitled to the appointment of an attorney and a transcript without cost for the purposes of appeal rather than for the purpose of assisting him in preparing his postplea motion. See Ill. S. Ct. R. 605(c)(5) (eff. Apr. 15, 2024). However, as we have already determined that remand is required due to the court's failure to adequately admonish defendant that he was required to file a postplea motion prior to taking an appeal, we need not address this additional claim.

¶ 22 Finally, we note that a remand of this nature is easily avoidable. While our supreme court does not *require* a verbatim reading of Rule 605(c), we have previously advised trial courts that "the safest and best course of action is for the court to use word-for-word the explicit language the supreme court has provided in the applicable supreme court rule when admonishing the defendant." *Bell*, 2026 IL App (4th) 250994, ¶ 70.

¶ 23 III. CONCLUSION

¶ 24 For the reasons stated, we remand the matter with directions for the trial court to comply with Rule 605(c) and for such further proceedings that may be necessary under Rule 604(d).

¶ 25 Remanded with directions.