

No. 132278

IN THE
SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,	)	On Appeal from the Appellate
	)	Court of Illinois, Fourth District,
Plaintiff-Appellant,	)	No. 4-24-0738
	)	
v.	)	There on Appeal from the
	)	Circuit Court of the Ninth
	)	Judicial Circuit, Knox County,
	)	Illinois, No. 21 CF 547
	)	
TRAVIS TRYNELL WILLIAMS,	)	The Honorable
	)	Andrew J. Doyle,
Defendant-Appellee.	)	Judge Presiding.

**REPLY BRIEF OF PLAINTIFF-APPELLANT
PEOPLE OF THE STATE OF ILLINOIS**

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ARGUMENT

As the People’s opening brief demonstrated, this Court’s precedent required the appellate court to dismiss defendant’s appeal due to his failure to file the correct post-plea motion. Instead, the appellate court adopted a rule that would excuse noncompliance with Supreme Court Rule 604’s motion requirement — in *every* instance in which a defendant files the incorrect post-plea motion — by framing the failure as rebutting counsel’s Rule 604(d) certificate. This permits an end-run around Rule 604(d)’s motion requirement, and this Court should reaffirm that dismissal is, as a rule, required.

A different result is not warranted under principles of “fundamental fairness” or the facts of this case, as defendant contends, Def. Br. 21, 34-46, because Rule 604(d) permits no “fairness” exception and defendant identifies no basis for granting an exception on these facts.¹ Any misapprehension of the maximum extended-term sentence by the parties, *see id.* at 22-23, 29-31, has no bearing on whether defendant strictly complied with Rule 604(d)’s motion requirement, the only issue presented here. And defendant’s attempt to invoke the sole exception to Rule 604(d)’s strict compliance requirement fails, because the trial court sufficiently admonished defendant of his rights as required under Rule 605. *See id.* at 16-21.

¹ “Peo. Br.” and “Def. Br.” refer to the People’s opening brief and defendant’s brief. Citations to the record and appellate court briefs appear as stated in footnote one of the People’s opening brief.

Finally, the Court should decline defendant's request that it exercise its supervisory authority to remand for new post-plea proceedings, *id.* at 46-47, because that extraordinary remedy is not appropriate where, as here, the defendant may still seek relief through the Post-Conviction Hearing Act. Instead, this Court should, consistent with its decades-long precedent requiring dismissal in cases where a defendant has inexcusably failed to strictly comply with Rule 604(d), reverse the judgment of the appellate court.

I. This Court Should Reaffirm That the Appellate Court Was Required to Dismiss the Appeal Due to Defendant's Failure to File a Motion to Withdraw His Guilty Plea.

Defendant does not dispute in this Court that he sought relief from his sentence despite entering into a negotiated guilty plea. Thus, as a condition precedent to appeal, he was required to file a motion to withdraw his guilty plea. Ill. S. Ct. R. 604(d); *People v. Evans*, 174 Ill. 2d 320, 332 (1996).

Instead, he filed a motion to reconsider sentence. Because defendant did not file the necessary motion to withdraw his guilty plea, the appellate court was required to dismiss his appeal under the terms of Rule 604(d) and this Court's longstanding precedent. *See People v. Wilk*, 124 Ill. 2d 93, 107 (1988) (mandating dismissal for failure to file motion).

Endorsing the appellate court's broad and novel exception, defendant asks the Court to hold that whenever counsel files the wrong Rule 604(d) motion, remand is permissible because the filing of the incorrect motion rebuts counsel's assertion in his Rule 604(d) certificate that he made the

necessary amendments to preserve defendant's claims of error. Def. Br. 36-37. But, as the People's opening brief established, this purported exception contradicts Rule 604(d)'s motion requirement and undermines its purposes. *See* Peo. Br. 13-18; *see also* Ill. S. Ct. R. 604(d) (“*No appeal shall be taken upon a negotiated plea of guilty challenging the sentence as excessive unless the defendant, within 30 days of the imposition of sentence, files a motion to withdraw the plea of guilty and vacate the judgment.*” (emphasis added)).

Indeed, defendant's request for remand is exactly the practice that this Court prohibited in *Wilk*. Prior to *Wilk*, the appellate court had remanded cases where no motion to withdraw the plea was filed, on the basis that trial counsel's failure to file the motion amounted to ineffective assistance of counsel. 124 Ill. 2d at 103. This Court recognized that those decisions sought to protect defendants from losing appellate review but stressed that such concerns do not justify relaxing Rule 604(d)'s motion requirement. *See id.* (Rule 604(d) is a “rule[] of procedure and not [a] suggestion[].”). Thus, the Court held, where a defendant has failed to file the motion required by Rule 604(d), the appellate court must dismiss the appeal; any complaint about trial counsel's failure to file that motion must be resolved in a postconviction proceeding. *Id.* at 105-07. This Court should therefore reaffirm *Wilk*, enforce Rule 604(d)'s motion requirement, and reject defendant's attempt to circumvent the rule. *See People v. Johnson*, 2019 IL 122956, ¶ 57 (rejecting appellate court decisions allowing defendants who entered negotiated pleas to

challenge their sentences without first moving to withdraw their guilty pleas).

Defendant's argument that he "rebutted" counsel's Rule 604(d) certificate, Def. Br. 24-29, is unavailing. Rule 604(d) contains *both* a motion requirement and a certificate requirement. If defendants do not follow the motion requirement, a condition precedent to appeal, then they are not entitled to appellate review, *see Wilk*, 124 Ill. 2d at 108-109 ("Defendants cannot pursue appellate review when there is substantial noncompliance with our rules of procedure."), and any question of the sufficiency of Rule 604(d)'s separate certificate requirement is not considered, *see* Peo. Br. 13-14. As the People's opening brief noted, in both *Linder* and *Evans*, this Court refused to remand for compliance with the motion requirement even though counsel filed had filed *no* Rule 604(d) certificate. *See id.* (citing *People v. Linder*, 186 Ill. 2d 67, 69, 73-74 (1999), and *Evans*, 174 Ill. 2d at 331-34). If defense counsel's failure to file *any* Rule 604(d) certificate does not excuse noncompliance with the motion requirement, then neither would a "rebutted" certificate.

Contrary to defendant's argument, the broad issue of whether the record may ever rebut a compliant Rule 604(d) certificate, *see* Def. Br. 41-42, is not presented here. Instead, the critical point is that the filing of the wrong post-plea motion can never rebut the affirmation that counsel "has made any amendments to the motion necessary for adequate presentation of

any defects in those proceedings,” Ill. S. Ct. R. 604(d); A2, ¶ 4, A18-19, ¶¶ 49-51, for that would undermine Rule 604(d)’s purposes and dismissal mandate. Indeed, this Court already distinguished the motion requirement from Rule 604(d)’s other requirements when it recognized different remedies for noncompliance and “unequivocally state[d] that, *with the exception of* the motion requirement[] addressed in *Wilk*” and its progeny, “the remedy for failure to strictly comply with each of the provisions of Rule 604(d) is a remand to the circuit court for the filing of a new motion to withdraw guilty plea or to reconsider sentence and a new hearing on the motion.” *People v. Janes*, 158 Ill. 2d 27, 33 (1994) (emphasis added).

In sum, the Rule 604(d) certificate is irrelevant to whether the appellate court was required to dismiss defendant’s appeal. By using the certification requirement to excuse defendant’s failure to file the correct post-plea motion, the appellate court violated *Wilk* and permitted an end-run around Rule 604(d)’s motion requirement. This Court should accordingly reverse.

II. Defendant Offers No Case-Specific Circumstances That Warrant a Departure from the Dismissal Rule.

Defendant suggests that due to unique circumstances, the dismissal rule should not apply to him. Def. Br. 34-39. But Rule 604(d)’s motion requirement is a blanket procedural rule that does not permit a case-by-case assessment, and for good reason: the goals of Rule 604(d) are to promote finality of guilty-plea judgments and reduce trips back and forth between the

trial and appellate courts. *People v. Ratliff*, 2024 IL 129356, ¶ 27; *People v. Walls*, 2022 IL 127965, ¶ 25; *Wilk*, 124 Ill. 2d at 106-07. Allowing case-by-case assessments undermines these goals and provides every defendant with an end-run around the motion requirement.

Nor do the specific circumstances that defendant cites here — an apparent mistake as to the applicable extended-term sentencing range and a technical defect in the court’s admonishments — provide a basis for granting an exception to the dismissal rule.

A. The mutual mistake as to the maximum extended-term sentence does not alter that defendant filed the wrong motion, necessitating dismissal.

Defendant attempts to exempt his case from the dismissal rule by claiming that there was a mutual mistake as to the extended-term sentence applicable to defendant’s aggravated DUI conviction. *See* Def. Br. 26-31. But any mistake was irrelevant to the issues here: whether defendant failed to comply with the procedural dictates of Rule 604(d) and whether he may avoid the consequences of that failure.

The mutual mistake defendant identifies does not render defendant’s plea “open,” rather than negotiated — which was the argument that defendant raised below, *see* Def. App. Ct. Reply Br. 1-2, but has abandoned in this Court. In fact, any such argument would fail. Even though the parties were incorrect as to the maximum extended-term sentence applicable here, defendant was indisputably *eligible* for an extended-term sentence. The

amended information listed the penalty for aggravated DUI as “3 to 14 years, up to 28 years extended term,” C35, when defendant faced instead faced 7 to 14 years in prison on an extended-term sentence. *See* 730 ILCS 5/5-5-3.2(b)(1) (extended-term sentencing statute); 730 ILCS 5/5-4.5-35(a) (Class 2 felony sentence).

Such a mistake does not mean that the People “gave up nothing in terms of sentencing concessions when it made the agreement,” Def. Br. 47, because the People agreed to take “extended term . . . off the table,” R67, and thus negotiated away the extended *minimum* term of 7 years. If defendant were to withdraw his negotiated plea (a result he did not request in the trial court), then the State could reinstate extended-term sentencing with a mandatory minimum of 7 years, which would bar defendant from asking the court for a 5-year prison term, as his counsel previously did. R115-24. Thus, by filing the incorrect motion, defendant tried to retain the benefit of his bargain while seeking a unilateral reduction in sentence, which is precisely the scenario that Rule 604(d)’s motion requirement avoids. *Evans*, 174 Ill. 2d at 332. Simply put, the mistake did not render the guilty plea open, and defendant failed to file the correct motion.

Defendant cites *People v. Belcher*, 199 Ill. 2d 378 (2002), to suggest that a “mutual mistake” exception to the remand rule exists. Def. Br. 29-31. But *Belcher* was an exceptional case in which a critical provision of law changed while the case was on appeal: when Belcher pleaded guilty, an

expert had opined that he did not qualify for an insanity defense under the current statute, but he *did* qualify under the prior statute, and the current version of the insanity statute was later declared unconstitutional. 199 Ill. 2d at 382-83. This Court found that had Belcher known the statute was unconstitutional, he may not have pleaded guilty and instead asserted an affirmative defense of insanity. *Id.* at 380, 383. Under these “unusual circumstances,” this Court remanded the case to allow Belcher to file a motion to withdraw his plea of guilty. *Id.* at 383. But this Court emphasized that *Belcher* is “not the usual case,” and reiterated that “this [C]ourt does not approve of any failure to comply strictly with the explicitly stated requirements of Rule 604(d),” citing *Wilk*, 124 Ill. 2d at 103. *Belcher*, 199 Ill. 2d at 382.

Thus, *Belcher* involved a change in the law during the pendency of the appeal, and no such change occurred here. This case is thus distinguishable from *Belcher* but analogous to *People v. Flowers*, 208 Ill. 2d 291 (2004), where the defendant, like defendant here, failed to properly file a post-judgment motion in contravention of Rule 604(d) and attempted to invoke *Belcher* to excuse the mistake. *Id.* at 299-300. This Court rejected this argument, explaining that, unlike in *Belcher*, “[t]he law did not change. The rules were clear. They were simply not followed.” *Id.* at 306.

Furthermore, the defendant in *Belcher* lacked an alternate remedy, because of the change in law. Trial counsel was not at fault for failing to file

the correct motion to withdraw, so *Belcher* “was not a situation where the defendant’s failure to move for withdrawal of his guilty plea had resulted from ineffective assistance of counsel,” with the result that the defendant could not pursue relief under the Post-Conviction Hearing Act. *Id.* at 305. But defendant here can. Moreover, this Court emphasized in *Flowers* (and *Wilk* before it) that ineffective assistance of counsel “does not[] . . . warrant deviation from the clear mandates of Rule 604(d).” *Id.*; see *Wilk*, 124 Ill. 2d at 105-07. The Court should reaffirm this longstanding precedent and reject defendant’s request to deviate here, where he may still seek postconviction relief, and the mistake he identifies was unrelated to his failure to file the correct motion.

B. Defendant cannot excuse his failure to file the correct motion under the Rule 605 admonishment exception.

Nor may defendant rely on the trial court’s admonishments as an escape hatch to avoid the dismissal rule. Defendant argues, as an alternative basis for affirming the appellate court’s decision to remand the case for further proceedings, that the trial court’s admonishments under Rule 605(c) were inadequate. Def. Br. 16-21. This Court has declined to dismiss appeals for the failure to file a correct motion where defendants were not properly admonished because “[w]here such admonitions have not been issued, it would violate procedural due process rights to hold a defendant responsible for noncompliance with the strictures of Rule 604(d).” *People v. Foster*, 171 Ill. 2d 469, 473 (1996).

But here the trial court substantially complied with the admonishment requirement, *People v. Dominguez*, 2012 IL 111336, ¶ 22 (substantial compliance with admonishments is sufficient), so defendant cannot avoid the dismissal mandate. The trial court advised defendant that he was required to file a motion to withdraw his guilty plea before challenging his sentence: the precise procedural step that he omitted here. Therefore, it does not violate principles of due process to hold defendant responsible for filing the wrong motion.

To “substantially advise,” a trial court need not “‘completely’ inform a defendant ‘as follows’ of the requirements,” nor read Rule 605(c)’s admonishments verbatim. *Id.* ¶ 17. Instead, “the court must impart to a defendant . . . the rule’s ‘essence’ as opposed to ‘wholly’ what is specified in the rule.” *Id.* ¶ 19. To substantially advise a defendant of the contents of Rule 605(c), the court must put the defendant “on notice[] of what he must do in order to preserve his right to appeal his guilty plea or sentence.” *Id.* ¶ 22. Here, defendant was admonished that he had “30 days to file a motion withdrawing [his] guilty plea and vacating the judgment,” and if denied, “then [he had] 30 additional days to file a Notice of Appeal with the appellate court.” R134-35. The trial court correctly told defendant he must file a motion to withdraw his plea as a condition precedent to his appeal — not a motion to reconsider his sentence, as defendant, through counsel, filed. C56-57.

Defendant cannot rely on the minor deficiencies he cites, such as telling him to file a notice of appeal with the appellate court (rather than the trial court), Def. Br. 19-20, because such deficiencies had no impact on his error here. Again, the trial court told defendant of the correct motion to file, putting him on notice of what he must do to preserve his right to appeal. *See, e.g., People v. Claudin*, 369 Ill. App. 3d 532, 534-35 (1st Dist. 2006) (finding substantial compliance even where defendant was misinformed as to proper postplea motion to file because defendant did not file any postplea motion at all); *People v. Crump*, 344 Ill. App. 3d 558, 563 (1st Dist. 2003) (finding substantial compliance even where defendant was not told that any issues not raised in his postplea motion would be waived on appeal or charges could be reinstated because defendant did not file any postplea motion). Here, defendant's loss of his appellate rights was not due to incorrect admonishments by the trial court, but instead to his own mistake in choosing to file a motion to reduce sentence, contrary to the court's admonishment.

Defendant notes that the trial court neglected to include such specifics as, for example, that a copy of transcripts would be provided to him, that counsel would be appointed for him, and that any claim of error not raised in a postplea motion would be waived. Def. Br. 19-20. But remanding for such omissions would endorse that substantial compliance requires the trial court to inform defendant what is "wholly" in the rule, rather than the essence. *See Dominguez*, 2012 IL 111336, ¶ 19. That is contrary to what this Court held

in *Dominguez* — substantial compliance means putting defendants on notice of what they must do to preserve their appeal rights. *Id.* ¶¶ 19, 22.

The admonishments given here are similar to the admonishments given in *In re J.T.*, 221 Ill. 2d 338 (2006), which the Court reaffirmed in *Dominguez* were sufficient under Rule 605(c). 2012 IL 111336, ¶ 20. In *J.T.*, the trial court admonished the juvenile defendant, in substance, that he must file a motion to withdraw his plea to preserve his appellate rights. 221 Ill. 2d at 347. The trial court failed to advise him of at least four specifics: (1) “he could have an attorney assist him in the preparation of postplea motions”; (2) “he was required to set forth the grounds for the withdrawal of admission to the petition in the motion to withdraw”; (3) “he waived any grounds he did not raise in the motion”; and (4) “the State could reinstate any charges against him that were dismissed as part of the plea negotiations.” *Id.* at 344-45. Yet, this Court found substantial compliance, reasoning that the trial court “put J.T. on notice that he could challenge his guilty plea” and appeal. *Id.* at 348; *see also Dominguez*, 2012 IL 111336, ¶ 20.

The same is true here, where the trial court admonished defendant that he had to file a motion to withdraw his plea within 30 days, and if denied, he had to file a notice of appeal within another 30 days. R134-35. The trial court’s admonishments substantially complied with Rule 605(c), and this Court should decline to affirm the appellate court’s judgment on the alternative basis that the trial court’s admonishments were defective.

III. The Court Should Decline to Use Its Supervisory Authority Where an Adequate Alternate Remedy Exists.

This Court should also reject defendant's alternative request that it exercise its supervisory authority to remand to the trial court for new post-plea proceedings, *see* Def. Br. 46-47, because he has not shown the existence of "exceptional circumstances," *Statland v. Freeman*, 112 Ill. 2d 494, 497 (1986), justifying the exercise of that "extraordinary power," *People v. Mayfield*, 2023 IL 128092, ¶ 29 (internal quotation marks omitted). Such "exceptional circumstances" may exist if "the normal appellate process will not afford adequate relief and the dispute involves a matter important to the administration of justice or intervention is necessary to keep an inferior tribunal from acting beyond the scope of its authority." *People v. Dobbins*, 2026 IL 131187, ¶ 32 (internal quotations and citation omitted).

This Court should decline to exercise its supervisory authority here because defendant has an adequate, alternate avenue of relief under the Post-Conviction Hearing Act, as this Court has repeatedly emphasized. *See Linder*, 186 Ill. 2d at 74 ("[w]here a defendant fails to comply with the motion requirements of Rule 604(d), . . . the appellate court must dismiss the appeal, leaving the Post-Conviction Hearing Act as the defendant's only recourse" (citations omitted)); *Wilk*, 124 Ill. 2d at 107 ("The appropriate remedy lies in our Post-Conviction Hearing Act[.]").

Defendant speculates that the postconviction process will result in a loss of his "meritorious claim," Def. Br. 47, but he offers no reason to believe

this is so. In fact, the appellate court regularly dismisses appeals pursuant to Rule 604(d), leaving postconviction proceedings as the only available remedy. *See, e.g., People v. Erby*, 2023 IL App (3d) 220400, ¶¶ 9, 12, 15 (dismissing appeal where counsel failed to file motion to withdraw defendant’s negotiated plea); *People v. Albers*, 2013 IL App (2d) 111103, ¶ 18 (dismissing appeal where counsel filed motion to reconsider sentence instead of motion to withdraw guilty plea); *People v. DeRosa*, 396 Ill. App. 3d 769, 780 (5th Dist. 2009) (same).

Further, this Court frequently declines to exercise its supervisory authority, even in cases where an alternate remedy may *not* exist. *See People v. Dobbins*, 2026 IL 131187, ¶¶ 31-33 (declining to exercise supervisory authority to remand petition for certificate of innocence (COI) following petitioner’s death, despite COI being condition precedent to recovering damages); *People v. Whitfield*, 228 Ill. 2d 502, 522 (2008) (declining to exercise supervisory authority to reduce defendant’s sentence to set off time defendant spent on probation for the same charge); *J.T.*, 221 Ill. 2d at 347-49 (declining to exercise supervisory authority “to remand the cause to the trial court for proper Rule 605(b) admonitions,” to “direct appellate court to allow [defendant] to file a late notice of appeal,” or to “hold that he can litigate his issue in a postconviction proceeding”). Defendant’s ineffective assistance of counsel claim is not an “exceptional circumstance” that removes his case from the numerous other cases where counsel has failed to file the correct Rule

604(d) motion, and this Court should decline to exercise its supervisory authority.

CONCLUSION

For the foregoing reasons and those set forth in their opening brief, the People of the State of Illinois respectfully request that this Court reverse the judgment of the appellate court.

August 31, 2026

Respectfully submitted,

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RULE 341(c) CERTIFICATE OF COMPLIANCE

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages containing the Rule 341(d) cover, the Rule 341(c) certificate of compliance, and the certificate of service, is 15 pages.

/s/ Erin M. O'Connell
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CERTIFICATE OF FILING AND SERVICE

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct. On August 31, 2026, the foregoing **Reply Brief of Plaintiff-Appellant People of the State of Illinois** was filed with the Clerk of the Supreme Court of Illinois, using the Court's electronic filing system, which provided service to the following:

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