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) 250813-U

NOS. 4-25-0813, 4-25-0814 cons.

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.	)	Livingston County
CRAIG L. MAY,	)	Nos. 24CF147
Defendant-Appellant.	)	24CF331
	)	
	)	Honorable
	)	Jennifer Hartmann
	)	Bauknecht,
	)	Judge Presiding.

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

ORDER

¶ 1 *Held*: The record does not show defense counsel, after defendant filed a *pro se* motion to vacate his guilty plea, failed to comply with the requirements of Illinois Supreme Court Rule 604(d) (eff. Apr. 15, 2024).

¶ 2 Defendant, Craig L. May, pleaded guilty to resisting a peace officer (720 ILCS 5/31-1(a) (West 2024)), a Class 4 felony, and criminal damage to property (*id.* § 21-1), a Class A misdemeanor, in case No. 24-CF-147; in case No. 24-CF-331, he pleaded guilty to delivery of a controlled substance (720 ILCS 570/401(d)(i) (West 2024)) and delivery of methamphetamine (720 ILCS 646/55(a)(2)(A) (West 2024)), both Class 2 felonies. Pursuant to a plea agreement, defendant was sentenced to concurrent terms of six years' imprisonment for each felony offense. In June 2025, defendant filed a *pro se* motion to vacate his guilty plea, which the circuit court

denied. Defendant appeals, arguing defense counsel failed to comply strictly with the requirements of Illinois Supreme Court Rule 604(d) (eff. Apr. 15, 2024). We affirm.

¶ 3 I. BACKGROUND

¶ 4 Three cases are relevant to this appeal: Livingston County case Nos. 21-CF-325, 24-CF-331, and 24-CF-147. In case No. 21-CF-325, defendant was sentenced to probation for aggravated battery (720 ILCS 5/12-3.05(d)(11) (West 2020)). A petition to revoke that sentence of probation was filed as a result of the charges in case No. 24-CF-147. In case No. 24-CF-147, defendant was charged with four offenses occurring on June 2, 2024: resisting a peace officer (*id.* § 5/31-1(a)), criminal trespass to a residence (*id.* § 19-4(a)(1)), and two counts of criminal damage to property (*id.* § 21-1). In case No. 24-CF-331, defendant was charged with delivery of a controlled substance (720 ILCS 570/401(d)(i) (West 2024)) and delivery of methamphetamine (720 ILCS 646/55(a)(2)(A) (West 2024)).

¶ 5 On June 17, 2025, defendant entered a negotiated plea of guilty involving the three cases. According to the plea agreement, defendant would plead guilty to resisting a peace officer and one count of criminal damage to property in case No. 24-CF-147 and to both counts of delivery in case No. 24-CF-331. Defendant would admit he violated probation in case No. 21-CF-325. In exchange for his plea and his admission, the State agreed to dismiss the remaining two counts in case No. 24-CF-147 and to the unsuccessful termination of his probation. The State further agreed defendant would be sentenced to concurrent terms of imprisonment of six years on each felony count in case Nos. 24-CF-147 and 24-CF-331 and would be eligible for day-for-day good-conduct credit.

¶ 6 The circuit court admonished defendant about the negotiated plea and his rights. The court told defendant he faced a term of 14 years' imprisonment. Defendant denied anyone

forced him to enter the agreement. He denied he was promised anything other than the terms of the plea agreement. Defendant acknowledged discussing the matter with his counsel. Defendant had no questions for the court.

¶ 7 The State provided the factual bases for the offenses. In case No. 24-CF-147, the State asserted the evidence would show, on June 2, 2024, police officers responded to a residential break-in attempt at 705 North Main Street in Pontiac, Illinois. The residents of the home reported they heard someone forcefully enter their enclosed porch through their storm door. The residents further reported hearing somebody kicking or hitting the door that led from the porch into the residence. After the individual left the porch, the residents found a light fixture had been removed from their wall and placed into a recycling bin. A police officer documented the damage to the light fixture and the door. He also observed video footage from the residents' doorbell camera. The footage revealed defendant as the offender. The same officer heard a male talking to himself and located him. The officer recognized the male as defendant. While the officer was talking to defendant, the male resident of the home identified defendant as the one who had been on the porch. As the officer started to place defendant under arrest, defendant ran. The officer caught defendant. While he attempted to handcuff defendant, defendant resisted, pulled away, and ran. With the assistance of another officer, defendant was ultimately restrained and arrested. One officer injured his arm while struggling with defendant.

¶ 8 In case No. 24-CF-331, the State asserted the facts would show the Livingston County Sheriff's Office was investigating defendant's involvement in drug activity. On October 31, 2024, a confidential source was used to purchase psilocybin mushrooms from defendant. The substance purchased weighed 18.5 grams and tested positive for psilocybin. On November 25, 2024, another controlled purchase from defendant was organized. This purchase involved less

than 0.1 grams of a substance containing methamphetamine.

¶ 9 Defendant pleaded guilty to the charges and admitted violating the terms of his probation. The circuit court found defendant knowingly and voluntarily pleaded guilty, accepted his plea, and sentenced defendant according to the agreement.

¶ 10 On June 25, 2025, defendant filed a *pro se* motion to vacate his guilty pleas. Defendant averred his counsel provided ineffective assistance as she "Promised me Something that I didn't get." Defendant further averred the State "would gain an unconscionable advantage if the guilty plea is not vacated," and "[i]n the interest [of] Justice and fairness, this court should Vacate the guilty [plea] and set this matter for a trial on the Merits."

¶ 11 On August 5, 2025, the circuit court held a hearing on defendant's motion to withdraw his guilty plea. Defense counsel started by stating the following regarding defendant's motion:

> "Your Honor, in spite of the fact that my client pled guilty and admitted the [petition to revoke] in this case, it is his stance that he was not guilty of these charges, that he does not believe that the State can prove him guilty of these charges; and so, for those reasons, he is requesting to withdraw his guilty plea at this time."

¶ 12 The circuit court denied defendant's motion to vacate his guilty plea. The court found defendant, before pleading guilty, had been properly admonished and was given the opportunity to ask questions and to proceed with a trial. The court concluded defendant entered the plea knowingly and voluntarily, no evidence had been presented showing a misapprehension of the facts or the law, and no new evidence had been presented suggesting defendant was not guilty.

¶ 13 After the circuit court denied defendant's motion to vacate his guilty plea, defense counsel reminded the court defendant had made a *pro se* claim of ineffective assistance of counsel in his motion to vacate his guilty plea. The court proceeded with an inquiry under *People v. Krankel*, 102 Ill. 2d 181 (1984). The court questioned defendant about the basis of his ineffectiveness claims. Defendant stated he had seen the video footage of the 2020 cases. He did not believe his counsel wanted "to work with me and everything." Defendant reported they "somewhat argued during the Zoom calls" and he "got fed up and *** was just irritated." Defendant "wanted to see what the Assistant State's Attorney was going to charge [him] with and everything like that, because when [he] did take [his] plea deal, that [he] noticed that [his] prior records *** ha[d] nothing to do with [his] 2024 case." Defendant argued counsel "could have fought, like, a little more to negotiate with the State but refused to do that." Defendant argued there could have been more negotiations. He noted the State first offered 10 years, but defendant, wanting probation, refused. When the court stated, "[Y]ou decided to take the deal," defendant responded, "I mean, if that's what you want to call it, but—" Defendant did not want to take the deal. He and counsel argued about whether to take the plea or proceed to trial. When asked if he ultimately decided to take the plea deal, defendant responded, "At that time I was just fed up and tired of sitting, okay." Defendant asserted counsel "could have done better for [him]." Defendant agreed counsel gave her opinion as to what the evidence showed, but he did not like her opinion. When the court asked if counsel ever refused to talk to him about the case, defendant stated, "I mean, other than me, like, somewhat yelling, raising my voice and everything, but, well, we really didn't get in touch much based on it because we was pretty much arguing every Zoom call, truth to be told." Defendant acknowledged counsel did not start arguments or raise her voice first. He agreed he "didn't agree with [counsel's] assessment of the

case," and he regretted pleading guilty.

¶ 14 When the circuit court asked defense counsel if she wanted to add anything, counsel asserted she consistently told defendant he could go to jury trial, proceed on a bench trial, or plead guilty. She acknowledged the two disagreed about what each thought the State could prove. The court found counsel did not provide ineffective assistance.

¶ 15 That same day, counsel filed a certificate pursuant to Illinois Supreme Court Rule 604(d) (eff. Apr. 15, 2024), related to defendant's *pro se* motion. Counsel certified she consulted with defendant "in person, by mail, by phone or by electronic means to ascertain the defendant's contentions of error in the entry of the plea of guilty and in the sentence," "examined the trial court file and report of proceedings of the plea of guilty and the report of proceedings in the sentencing hearing," and "made any amendments to the motion necessary for the adequate presentation of any defects in those proceedings."

¶ 16 This appeal followed.

¶ 17 II. ANALYSIS

¶ 18 On appeal, defendant contends, after he filed his *pro se* motion to withdraw his guilty plea, defense counsel failed to comply strictly with the requirements of Illinois Supreme Court Rule 604(d) (eff. Apr. 15, 2024). Defendant argues, although counsel filed a facially valid certificate in compliance with Rule 604(d), the record shows counsel failed to comply by not presenting any evidence or making any necessary amendments to his *pro se* motion. Defendant contends counsel removed one of his claims, the claim he was denied the effective assistance of counsel, and weakened the other, his innocence claim.

¶ 19 When a defendant seeks to withdraw his guilty plea, that defendant "must show a manifest injustice under the facts involved." *People v. Hughes*, 2012 IL 112817, ¶ 32. When the

plea is based on a misapprehension of the facts or the law or when there is doubt as to the defendant's guilt and "justice would be better served through a trial," the defendant should be allowed to withdraw his plea. *Id.*

¶ 20 Rule 604(d) dictates the procedure to be followed by the defendant's counsel when a defendant intends to appeal from a judgment entered after a guilty plea. *People v. Curtis*, 2021 IL App (4th) 190658, ¶ 29. That procedure requires counsel file a certificate in the circuit court asserting counsel

> "has consulted with the defendant either by phone, mail, electronic means or in person to ascertain defendant's contentions of effort in the sentence and the entry of the plea of guilty, has examined the trial court file and both the report of proceedings of the plea of guilty and the report of proceedings in the sentencing hearing, and has made any amendments to the motion necessary for adequate presentation of any defects in those proceedings." Ill. S. Ct. R. 604(d) (eff. Apr. 15, 2024).

The purpose of Rule 604(d) and its certification requirement is to ensure any errors resulting in the guilty plea and sentence are raised in the circuit court before appeal. See *People v. Williams*, 2025 IL App (4th) 240738, ¶ 49.

¶ 21 While a facially compliant certificate serves as proof defense counsel complied with Rule 604(d) (see *People v. Brown*, 2024 IL 129585, ¶ 53), the record may refute counsel's certification and demonstrate counsel did not in fact comply with Rule 604(d)'s procedures. See *Curtis*, 2021 IL App (4th) 190658, ¶¶ 32, 36. The question of whether counsel complied with Rule 604(d) is one of law we review *de novo*. *Brown*, 2024 IL 129585, ¶ 48.

¶ 22 Defendant contends defense counsel did not comply with Rule 604(d) when counsel abandoned his *pro se* claim defense counsel promised him something he did not receive. He contends, although a *Krankel* inquiry occurred, this claim was not addressed.

¶ 23 We find the record does not show defense counsel failed to comply with Rule 604(d) on defendant's claim he was denied the effective assistance of counsel based on an alleged unkept promise. At defendant's plea hearing, defendant affirmed he was not promised anything beyond what he negotiated for his guilty plea. At the hearing on the motion to withdraw the guilty plea, the circuit court expressly found defendant had been properly admonished and his plea was knowingly and voluntarily given. After the court denied defendant's motion to withdraw his guilty plea, defense counsel highlighted for the court defendant's *pro se* ineffective-assistance-of-counsel claim. The court thanked counsel for bringing the matter to the court's attention and proceeded by asking defendant what counsel did or did not do "that [he] believe[d] was ineffective?" Defendant responded counsel "didn't want to work with [him] and everything." The court continued questioning defendant, attempting to clarify defendant's argument and giving defendant every opportunity to state why he believed his counsel was ineffective. After defendant stated he did not want to take the deal, the court stated, "Why didn't you tell me any of this on the day of the plea? You've been in my courtroom a lot, [defendant], you know you can speak to me freely, and you've done it in the past." The record shows defense counsel ensured defendant had the opportunity to present his claim to the circuit court. Defendant expressed his concerns to the court. The record does not show counsel failed to comply with Rule 604(d) on this claim.

¶ 24 Regarding his *pro se* "Justice and fairness" argument, defendant contends counsel committed two errors. Defendant argues counsel not only failed to amend the language to assert

there was doubt as to his guilt, but also counsel weakened his claim by asserting defendant "believe[d]" he was innocent.

¶ 25 We disagree. At the hearing on the *pro se* motion to withdraw the guilty plea, defense counsel stated defendant "does not believe that the State can prove him guilty." While defendant, on appeal, asserts counsel did not amend his *pro se* motion in a manner to present his claim of innocence, defendant points to no evidence in the record that could or should have been added to an amended motion to withdraw the guilty plea. To determine whether a Rule 604(d) certificate is adequate and counsel was in strict compliance, our review is limited to the record. See *Curtis*, 2021 IL App (4th) 190658, ¶ 36. The argument such evidence here exists is unsupported and thus purely speculative. In addition, the fact counsel presented defendant's argument by stating defendant "believe[d]" the State could not prove him guilty instead of arguing defendant's innocence is not inconsistent with the role of Rule 604(d). Rule 604(d) ensures defendant's claims of improprieties occurring outside official proceedings are heard. *People v. Gray*, 2023 IL App (4th) 230076, ¶ 28. However, "Rule 604(d) does not require counsel to include claims lacking a legal or factual basis in a postplea motion." *People v. Kennedy*, 2025 IL App (4th) 240840-U, ¶ 35 (citing *Curtis*, 2021 IL App (4th) 190658, ¶¶ 37-41). If, after having consulted with defendant regarding his claim and reviewing the record, counsel at best could only argue defendant "believe[d]" he was innocent, counsel's efforts are not inconsistent with Rule 604(d) so long as the record does not establish otherwise. Here, the record does not.

¶ 26 Defendant's case law is distinguishable. Defendant heavily relies upon *People v. Bridges*, 2017 IL App (2d) 150718, to show defense counsel's failure to amend his *pro se* motion to withdraw his guilty plea renders her Rule 604(d) certificate noncompliant. In *Bridges*, the

defendant filed a *pro se* motion to withdraw his guilty plea, asserting his counsel provided "inadequate representation" and the defendant "was not mentally [competent] to enter a plea." (Internal quotation marks omitted.) *Id.* ¶ 2. Attached to the *pro se* motion was an affidavit averring the plea resulted from coercion. *Id.* Defense counsel filed an amended motion, elaborating on the defendant's claims. In that motion, counsel added the defendant's mother had experienced "acts of violence." *Id.* According to the amended motion, between the time the victim was killed in the case and defendant's arrest, someone fired bullets into the defendant's mother's home. *Id.* After the defendant's arrest, the defendant's mother believed the individuals responsible for shooting at her home loitered at her workplace. *Id.* The defendant learned from fellow inmates those two incidents were directed at him. *Id.* Other allegations in the amended petition included information regarding the defendant's medication and diagnoses. *Id.* Despite the new factual allegations in the amended complaint and counsel's filing of a Rule 604(d) certification, no affidavits were filed to support the more detailed allegations. *Id.* The appellate court held the facially valid Rule 604(d) certificate was contradicted by the record and counsel did not comply with Rule 604(d). See *id.* ¶ 9. The court found the facts in the amended motion were not supported by the record, meaning counsel was required to file "an affidavit substantiating the new allegations." *Id.*

¶ 27 Here, in contrast, defense counsel did not amend the *pro se* motion to add new or additional facts. The record before this court does not show any facts that could or should have been added. We note defendant, at the *Krankel* inquiry, had the opportunity to develop the record on his behalf but did not provide any new facts or allegations supporting his claims.

¶ 28 III. CONCLUSION

¶ 29 We affirm the circuit court's judgment.

¶ 30 Affirmed.