

2026 IL App (2d) 260019-U
No. 2-26-0019
Order filed October 27, 2026

NOTICE: This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee,

v.

BRADLEY A. GOODBRED, Defendant-Appellant.

Appeal from the Circuit Court of Kendall County.
Honorable Jody Patton Gleason, Judge, Presiding.
No. 22-CF-442

JUSTICE SCHOSTOK delivered the judgment of the court.
Justices Hutchinson and Mullen concurred in the judgment.

ORDER

¶ 1 *Held:* Remand for further proceedings was required where trial court failed to accurately admonish defendant, who entered a negotiated guilty plea, that he could not appeal from his conviction without first moving to withdraw his plea.

¶ 2 This appeal stems from defendant Bradley A. Goodbred's conviction, following entry of a negotiated guilty plea, of a single count of financial exploitation of an elderly person (720 ILCS 5/17-56(a)(2) (West 2018)). Defendant acknowledges that, because he did not move to withdraw his plea, this appeal may not proceed. He argues, however, that because he was not properly admonished that such a motion was necessary before he could appeal from his conviction, the case must be remanded to the trial court. We agree and therefore remand the matter to the trial court for further proceedings.

¶ 3

I. BACKGROUND

¶ 4 Defendant entered his guilty plea on April 11, 2025. Based on the value of the property involved, the offense was a Class 1 felony (*id.* § 17-56(b)), which is punishable by a prison term of not less than 4 years and not more than 15 years (730 ILCS 5/5-4.5-30(a) (West 2018)). However, the parties agreed that defendant's prison term would not exceed 11 years. On July 22, 2025, following a hearing, the trial court sentenced defendant to a six-year prison term. The trial court then admonished defendant as follows:

“You have a right to file an appeal. However, before you file an appeal, *if you want to challenge your plea*, you have to file a motion to withdraw the plea. That has to be done within 30 days of today's date.

If that motion is granted, then the case would be set for trial. Any charges the State reduced, dismissed, or amended could all be reinstated, and everything could be set for trial.

If you wished to just ask the Court to reconsider the sentence, you need to file a motion within 30 days of today's date regarding the sentence in the sentencing hearing.

If I thought that I made a mistake, I would correct the sentence. If I thought there was something incorrect or an error made in the sentencing hearing, I would order another sentencing hearing.

If you choose not to file the motion to withdraw your plea, then you'd have to file a notice of appeal within 30 days.

If [your] motion to withdraw the plea is denied, then you have 30 days from that date to file the notice of appeal.

If you choose not to file a motion regarding the sentencing, then you have 30 days to file the notice of appeal.

If you file the motion to reconsider the sentence or the sentencing hearing, then after that you would have 30 days from that date to file the notice of appeal.

If you cannot afford an attorney, I would appoint an attorney to represent you for the motion to withdraw the plea, the notice of appeal, and provide you copies of the transcripts free of cost.” (Emphases added.)

¶ 5 On August 11, 2025, defendant filed a *pro se* motion to reduce his sentence and the trial court appointed the Kendall County Public Defender to represent him. On December 3, 2025, counsel filed a motion to reconsider sentence. The motion mischaracterized defendant’s guilty plea as a “blind plea.” The trial court denied the motion on December 17, 2025. Defendant filed a timely notice of appeal.

¶ 6 II. ANALYSIS

¶ 7 Illinois Supreme Court Rule 604(d) (eff. Apr. 15, 2024) provides, in pertinent part:

“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. For purposes of this rule, a negotiated plea of guilty is one in which the prosecution has bound itself to recommend a specific sentence, or a specific range of sentence, or where the prosecution has made concessions relating to the sentence to be imposed and not merely to the charge or charges then pending.”

¶ 8 Here, because the state agreed that defendant’s sentence would not exceed 11 years in prison, his guilty plea was a negotiated plea within the meaning of Rule 604(d). See *People v.*

Albers, 2013 IL App (2d) 111103, ¶ 11 (“The plea at issue here was a negotiated plea in that the State agreed to a sentencing cap.”) Accordingly, in order to appeal, defendant was first required to file a timely motion to withdraw his plea.

¶ 9 Illinois Supreme Court Rule 605(c) (eff. Apr. 15, 2024), provides, in pertinent part:

“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[.]”

Rules 604(d) and 605(c) define “negotiated plea” identically.

¶ 10 Here, instead of advising defendant in accordance with Rule 605(c)(2) that prior to taking an appeal, he was required to file, within 30 days of sentencing “a written motion asking to have the judgment vacated and for leave to withdraw the plea of guilty,” the trial court advised him “You have a right to file an appeal. However, before you file an appeal, *if you want to challenge your plea*, you have to file a motion to withdraw the plea. That has to be done within 30 days of today’s date.” (Emphasis added.) As noted, defendant moved to reconsider his sentence rather than to withdraw his plea. Filing the correct postplea motion required by Rule 604(d) is a condition precedent to an appeal from a judgment entered upon a guilty plea. *People v. Hood*, 387 Ill. App. 3d 380, 383-84 (2008). The failure to file the required motion ordinarily results in dismissal of appeal. *People v. Hayes*, 2022 IL App (2d) 210014, ¶ 34. However, “dismissal is improper where

the trial court failed to properly admonish the defendant under Rule 605(c).” *People v. Cone*, 2025 IL App (2d) 240474, ¶ 10. “In such cases, the appellate court will remand to the trial court for further postplea proceedings rather than dismiss the appeal.” *Id.* A Rule 605(c) admonishment is sufficient if it “impart[s] *** largely that which is specified in the rule, or the rule’s ‘essence,’ as opposed to ‘wholly’ what is specified in the rule.” *People v. Dominguez*, 2012 IL 111336, ¶ 11.

¶ 11 The State maintains that admonishment was sufficient here because (according to the State) “[t]he record demonstrates that defendant was expressly advised that he was required to file a motion to withdraw his guilty plea before he could pursue an appeal.” Were this, in fact, the case, the State’s argument that the admonition was sufficient would find ample support from the cases the State cites. See, e.g., *People v. Kyles*, 2020 IL App (2d) 180087, ¶¶ 13, 25-26 (defendant was not entitled to remand for compliance with Rule 605(c) where he was admonished that “if he wished to appeal, he must first file in the trial court, within 30 days, a motion to withdraw his guilty plea and vacate the judgment and that, if the judge denied the motion, defendant would have 30 days to appeal.”) However, rather than advising defendant that a motion to withdraw his plea was an essential prerequisite to an appeal, the trial court only advised defendant such a motion was necessary “*if [he] want[ed] to challenge [his] plea.*” (Emphasis added.) Defendant could not have understood that he needed to move to withdraw his plea even if he only wanted appellate review of his sentence.

¶ 12 To make matters more confusing, the trial court admonished defendant, “If you choose not to file the motion to withdraw your plea, then you’d have to file a notice of appeal within 30 days.” In view of this language, which could only be understood to mean that defendant could appeal without filing any postplea motion at all (let alone the required motion to withdraw his plea), the

State's assertion that "that defendant was expressly advised that he was required to file a motion to withdraw his guilty plea before he could pursue an appeal" is nothing short of preposterous.

¶ 13 The admonition given here was more misleading than the admonition given to the defendant in *People v. Pressey*, 357 Ill. App. 3d 887, 889-90 (2005), that "prior to taking an appeal, he must file 'a written motion asking to have the trial court reconsider the sentence *or* to have the judgment vacated and for leave to withdraw the plea of guilty.' " (Emphasis added.) As in *Pressey* (*id.* at 891), this case must be remanded for compliance with Rule 605(c).

¶ 14 Our decision is not inconsistent with *People v. Claudin*, 369 Ill. App. 3d 532 (2006), cited by the State. In *Claudin* (as in *Pressey*), the trial court advised the defendant that, in order to appeal, he would have to file a motion to withdraw his plea *or* to reconsider his sentence. However, because the defendant in *Claudin* filed *neither* type of motion (*id.* at 534), he could not claim to have been misled by the defective admonition. Accord *People v. Williams*, 2026 IL App (2d) 250296-U, ¶ 6 (holding that defendant who did not move to withdraw plea was not entitled to remand on the basis that she was not admonished to set forth grounds for withdrawing plea in such motion, but acknowledging that "[h]ad [the defendant] filed a document requesting leave to withdraw her plea, without stating why she was entitled to have her plea withdrawn, then we could see how she might have been misled").

¶ 15 Defendant alternatively argues that the case must be remanded because postplea counsel failed to properly certify compliance Rule 604(d). In this respect, Rule 604(d) provides:

"The defendant's attorney shall file with the trial court a certificate stating that the attorney has consulted with the defendant either by phone, mail, electronic means or in person to ascertain defendant's contentions of error 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).

Because this case must be remanded for compliance with Rule 605(c), we need not address the issue. On remand, after receiving proper admonishments under Rule 605(c), defendant will have the opportunity to move to withdraw his plea. If he does so, counsel will be required to file a Rule 604(d) certificate.

¶ 16

III. CONCLUSION

¶ 17 For the reasons stated, we remand to the circuit court of Kendall County for further proceedings in accordance with this order.

¶ 18 Remanded with instructions.