No. 122187

IN THE
SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,	)	On Appeal from the Appellate Court of Illinois, Second Judicial District, No. 2-14-1180.
Plaintiff-Appellant,	)	There on Appeal from the Circuit Court of the Twenty-third Judicial Circuit, Kendall County, Illinois, Nos. 13 CF 333, 14 CF 24, 14 CF 53, 14 CF 138, 14 CF 139 & 14 CF 140
v.	)	
JORDAN EASTON,	)	The Honorable Timothy J. McCann, Judge Presiding.
Defendant-Appellee.	)	

BRIEF AND APPENDIX OF PLAINTIFF-APPELLANT PEOPLE OF THE STATE OF ILLINOIS

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ORAL ARGUMENT REQUESTED

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NATURE OF THE CASE

Defendant-Appellee Jordan Easton entered an open guilty plea to charges of aggravated possession of a motor vehicle, possession of a stolen motor vehicle, and four counts of unlawful use of a credit card. He was sentenced to concurrent prison terms of ten years for aggravated possession of a stolen motor vehicle, ten years for unlawful possession of a stolen vehicle, six years each for three counts of unlawful use of a credit card, and five years for the final count of unlawful use of a credit card.

The circuit court denied defendant's motion to reconsider sentence, but on appeal, the appellate court remanded for counsel to file a new Rule 604(d) certificate and for a new hearing on defendant's motion to reconsider sentence. No issue is raised concerning the charging instrument.

ISSUES PRESENTED

1. Whether an attorney's Rule 604(d) certificate must strictly comply with the version of Rule 604(d) in effect at the time of filing and not the version in effect when the defendant's appeal is decided.
2. Whether counsel's certificate strictly complied with Rule 604(d) by tracking the language of Rule 604(d).

JURISDICTION

Jurisdiction lies under Supreme Court Rules 315, 612, and 651. This Court allowed the People's petition for leave to appeal on January 18, 2018.

STATUTE AND RULE INVOLVED

5 ILCS 70/4 (2018):

No new law shall be construed to repeal a former law, whether such former law is expressly repealed or not, as to any offense committed against the former law, or as to any act done, any penalty, forfeiture or punishment incurred, or any right accrued, or claim arising under the former law, or in any way whatever to affect any such offense or act so committed or done, or any penalty, forfeiture or punishment so incurred, or any right accrued, or claim arising before the new law takes effect, save only that the proceedings thereafter shall conform, so far as practicable, to the laws in force at the time of such proceeding. . . .

Rule 604(d) (eff. Feb. 6, 2013):

. . . The defendant's attorney shall file with the trial court a certificate stating that the attorney has consulted with the defendant either by mail or in person to ascertain defendant's contentions of error in the sentence or the entry of the plea of guilty, has examined the trial court file and report of proceedings of the plea of guilty, and has made any amendments to the motion necessary for adequate presentation of any defects in those proceedings. . . .

Rule 604(d) (eff. July 1, 2017):

. . . 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. . . .

STATEMENT OF FACTS

In August 2014, defendant entered an open guilty plea to charges of aggravated possession of a motor vehicle, possession of a stolen motor vehicle, and four counts of unlawful use of a credit card. C54, C175.[1] He was sentenced to concurrent prison terms of ten years for aggravated possession of a stolen motor vehicle, ten years for unlawful possession of a stolen vehicle, six years each for three counts of unlawful use of a credit card, and five years for the final count of unlawful use of a credit card. R110-13.

Defendant filed a motion to reconsider sentence on October 25, 2014. On the same date, his attorney filed a certificate pursuant to Supreme Court Rule 604(d), stating

- I have consulted with the Defendant in person to ascertain his contentions of error in the imposition of the sentence or the entry of plea of guilty;
- I have examined the trial court file and report of proceedings of the pleas of guilty; and
- I have made such amendments to the motion as are necessary for an adequate presentation of any defects in those proceedings.

C68. The court denied the motion on November 26, 2014, and defendant filed a notice of appeal on the same date. C352-55.

Defendant filed his opening appellate brief on July 29, 2016. By then, this Court had amended Rule 604(d) to impose additional requirements on

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[1] "C_" refers to the common law record and "R_" to the report of proceedings.

counsel. *See* Sup. Ct. R. 604(d) (eff. Mar. 8, 2016). The appellate court held that the amended version of Rule 604(d) in effect at the time of its decision applied to counsel's certificate. *People v. Easton*, 2017 IL App (2d) 141180, ¶¶ 16-17. Counsel's certificate did not strictly comply with the new rule, so the court remanded for counsel to file a new certificate and for the trial court to hold a new hearing on defendant's motion to reconsider sentence. *Id.* ¶¶ 18-19.

STANDARDS OF REVIEW

The temporal reach of a statute or rule is a question of law that this Court reviews *de novo*. *People v. Hunter*, 2017 IL 121306, ¶ 15. Likewise, this Court reviews *de novo* any question about what Rule 604(d) requires counsel to certify. *People v. Tousignant*, 2014 IL 115329, ¶ 8.

ARGUMENT

I. The Version of Rule 604(d) in Effect on November 26, 2014, Governs Counsel's Certificate.

To determine the temporal reach of an amendment, Illinois courts look first to the amendment itself. *Hunter*, 2017 IL 121306, ¶ 20. If the amendment does not clearly indicate its temporal reach, then section 4 of the Statute on Statutes, 5 ILCS 70/4, provides the answer. *Id.*, ¶ 22; *see also* Sup. Ct. R. 2(a) (Statute on Statutes applies to Supreme Court Rules). Finally, the Court must ensure that no constitutional rule prevents retroactive application of the amendment. *People v. Howard*, 2016 IL 120729, ¶ 28.

When counsel filed her Rule 604(d) certificate, the rule required her to certify that she had

> consulted with the defendant either by mail or in person to ascertain defendant's contentions of error in the sentence or the entry of the plea of guilty, ha[d] examined the trial court file and report of proceedings of the plea of guilty, and ha[d] made any amendments to the motion necessary for adequate presentation of any defects in those proceedings.

Sup. Ct. R. 604(d) (eff. Feb. 6, 2013).

This Court amended the rule on March 8, 2016.[2] Under that amendment, the rule requires counsel to certify that she

> 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.

Sup. Ct. R. 604(d) (emphasis added).

The relevant amendment does not specify a temporal reach, and there is no constitutional impediment to retroactive application. Thus, section of 4 of the Statute on Statutes governs. *Hunter*, 2017 IL 121306, ¶ 22.

Section 4 provides, in relevant part, that "No new law shall be construed to repeal a former law … as to any act done … under the former

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[2] From December 3, 2015, to March 8, 2016, the rule required no certification from counsel where the defendant filed only a motion to reconsider sentence. *See* Sup. Ct. R. 604(d) (eff. Dec. 3, 2015) ("*If a motion to withdraw the plea of guilty is to be filed*, the defendant's attorney shall file with the trial court a certificate …") (emphasis added).

law … save only that the proceedings thereafter shall conform, so far as practicable, to the laws in force at the time of such proceeding." 5 ILCS 70/4. In other words, "substantive amendments may not be applied retroactively, but 'procedural law changes will apply to ongoing proceedings.'" *Howard*, 2016 IL 120729, ¶ 28 (quoting *People v. Ziobro*, 242 Ill. 2d 34, 46 (2011)).

The relevant amendment to Rule 604(d) is procedural, so it applies retroactively. That is, once the amendment became effective, it govern[ed] "proceedings thereafter." 5 ILCS 70/4. But just as in *Hunter*, the proceedings to which the amendment would apply "were completed well before the [rule] was amended." 2017 IL 121306, ¶ 32. Once defendant filed a notice of appeal on November 26, 2014, counsel could not amend her Rule 604(d) certificate. *See In re H.L.*, 2015 IL 118529, ¶ 25 (Rule 604(d) certificate must be filed "with the trial court … prior to the filing of any notice of appeal"). So when this Court amended the certification requirement on March 8, 2016 (and again on July 1, 2017), there were no "proceedings thereafter" that could conform to the amended rule. 5 ILCS 70/4; *see also Hunter*, 2017 IL 121306, ¶ 32. Accordingly, the version of Rule 604(d) in effect on November 26, 2014, governs counsel's certificate.

II. Counsel's Certificate Complied with Rule 604(d).

As it existed at the time of defendant's motion to reconsider sentence, Rule 604(d)[3] required counsel to certify, among other things, that she had "consulted with the defendant . . . to ascertain defendant's contentions of error in the sentence or the entry of the plea of guilty." Sup. Ct. R. 604(d) (eff. Feb. 6, 2013).

There is no doubt that counsel complied with the text of Rule 604(d). *See* C68 (counsel certifying that she consulted with defendant to ascertain his "contentions of error in the imposition of the sentence or the entry of plea of guilty"). The only question is whether this Court effectively amended Rule 604(d) in *Tousignant*. To be sure, *Tousignant* states that counsel must "certify that he has consulted with the defendant 'to ascertain defendant's contentions of error in the sentence *and* the entry of the plea of guilty.'" 2014 IL 115329, ¶ 20. But the Court rejected the People's argument that it should amend the rule to achieve this result. *See* People's reply 5-6, *Tousignant*, 2014 IL 115329 (arguing for amendment if Court concluded that counsel must always consult with defendant about any and all contentions of error); *Tousignant*, 2014 IL 115329, ¶ 27 (Thomas, J., specially concurring) ("I believe that the rule should be amended to more accurately reflect this court's intent.").

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[3] "Rule 604(d)," as used in Section II, refers to the version of Rule 604(d) in effect on November 26, 2014. The People do not contend that counsel strictly complied with the current version of Rule 604(d).

Instead of amending the rule, the plurality concluded that, in the context of Rule 604(d), the phrase "to ascertain defendant's contentions of error in the sentence or the entry of the plea of guilty" actually means "to ascertain defendant's contentions of error in the sentence *and* the entry of the plea of guilty." *Tousignant*, 2014 IL 115329, ¶ 20. In light of *Tousignant*, when counsel certified here that she consulted with defendant "to ascertain his contentions of error in the imposition of the sentence or the entry of plea of guilty," C68, she necessarily certified that she had consulted with defendant "to ascertain his contentions of error in the imposition of the sentence *and* the entry of plea of guilty." Thus, counsel strictly complied with Rule 604(d).

CONCLUSION

The appellate court's judgment should be reversed, and the circuit court's judgment should be reinstated.

February 22, 2018

Respectfully submitted,

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DAVID L. FRANKLIN
Solicitor General

MICHAEL M. GLICK
Criminal Appeals Division Chief

By: *s/ Brian McLeish*
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Counsel for Plaintiff-Appellant
People of the State of Illinois

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(h)(1) statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a), is nine pages.

February 22, 2018

s/ Brian McLeish

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2-14-1180

IN THE CIRCUIT COURT OF THE TWENTY-THIRD JUDICIAL CIRCUIT
KENDALL COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS)
)
v.) GEN. NO 13 CF 333, 14 CF 24
) 14 CF 53, 14 CF 138
JORDAN EASTON,) 14 CF 139, 14 CF 140

FILED IN OPEN COURT
NOV 26 2014
BECKY MORGANEGG
CIRCUIT CLERK KENDALL CO.

NOTICE OF APPEAL

An appeal is taken from the Order described below.

(1) Court to which Appeal is taken: Appellate Court of Illinois, Second District.

(2) Name of Appellant and address to which notices shall be sent:
JORDAN EASTON
ILLINOIS DEPARTMENT OF CORRECTIONS

(3) Name and address of Appellant's attorney on appeal:
Illinois Appellate Defender
One Douglas Ave, Second Floor
Elgin, IL 60120
If Appellant is indigent and has no attorney, does he want one appointed? Yes

(4) Date of Judgment Order: 10-20-2014

(5) Offense of which convicted: Agg. Unlawful Possession of Stolen Motor Vehicle (Class 1),
Unlawful Possession of Stolen Motor Vehicle (Class 2),
Unlawful Use Credit Card (Classes 3 & 4)

(6) Sentence: 10 years IDOC

(7) If appeal is not from a conviction, nature of Order appealed from

Victoria Chuffo

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Kendall County Public Defender's Office
807 W John St, Yorkville IL 60560

Illinois Official Reports

Appellate Court

***People v. Easton*, 2017 IL App (2d) 141180**

Appellate Court Caption	THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee, v. JORDAN EASTON, Defendant-Appellant.
District & No.	Second District Docket No. 2-14-1180
Filed	March 28, 2017
Decision Under Review	Appeal from the Circuit Court of Kendall County, Nos. 13-CF-333, 14-CF-24, 14-CF-53, 14-CF-138, 14-CF-139, 14-CF-140; the Hon. Timothy J. McCann, Judge, presiding.
Judgment	Vacated and remanded.
Counsel on Appeal	Thomas A. Lilien and Andrew N. Smith, of State Appellate Defender's Office, of Elgin, for appellant. Eric C. Weis, State's Attorney, of Yorkville (Lawrence M. Bauer and Barry W. Jacobs, of State's Attorneys Appellate Prosecutor's Office, of counsel), for the People.
Panel	JUSTICE JORGENSEN delivered the judgment of the court, with opinion. Presiding Justice Hudson and Justice McLaren concurred in the judgment and opinion.

OPINION

¶ 1 Defendant, Jordan Easton, pleaded guilty to aggravated unlawful possession of a stolen motor vehicle (625 ILCS 5/4-103.2(a)(7)(A) (West 2012)), unlawful possession of a stolen motor vehicle (625 ILCS 5/4-103(a)(1) (West 2012)), and four counts of unlawful use of a credit card (720 ILCS 5/17-36 (West 2012)). The trial court sentenced him to 10 years' imprisonment for aggravated unlawful possession of a stolen motor vehicle and lesser terms for the other convictions, with the sentences to run concurrently.

¶ 2 Defendant moved to reconsider the sentences. Defense counsel filed a certificate pursuant to Illinois Supreme Court Rule 604(d) (eff. Feb. 6, 2013), stating in pertinent part as follows:

> "1. I have consulted with the Defendant in person to ascertain his contentions of error in the imposition of the sentence or the entry of plea of guilty[.]"

The trial court denied the motion, and defendant timely appealed. We vacate and remand.

¶ 3 Defendant contends that counsel's certificate is insufficient because it states that she consulted with him about his contentions concerning the "imposition of the sentence *or* the entry of plea of guilty." (Emphasis added.) Defendant acknowledges that the use of the word "or" tracked the rule as it was then written. See *People v. Mineau*, 2014 IL App (2d) 110666-B, ¶¶ 16-19. However, he notes that the supreme court has since amended the rule to require that a certificate state that counsel has consulted with the defendant about his or her "contentions of error in the sentence *and* the entry of the plea of guilty." (Emphasis added.) Ill. S. Ct. R. 604(d) (eff. Mar. 8, 2016). He contends that the amendment is a procedural one that applies retroactively to cases on direct appeal. The State disagrees.

¶ 4 On October 29, 2014, when defendant filed his motion to reconsider the sentences, Rule 604(d) required defense counsel to

> "file with the trial court a certificate stating that the attorney has consulted with the defendant either by mail or in person to ascertain defendant's contentions of error in the sentence or the entry of the plea of guilty, has examined the trial court file and report of proceedings of the plea of guilty, 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. Feb. 6, 2013).

Strict compliance with Rule 604(d) is required. *People v. Janes*, 158 Ill. 2d 27, 35-36 (1994). Compliance with supreme court rules is reviewed *de novo*. *People v. Dismuke*, 355 Ill. App. 3d 606, 608 (2005).

¶ 5 In *Mineau*, 2014 IL App (2d) 110666-B, the defendant, after pleading guilty to unlawful possession of a stolen motor vehicle and receiving an eight-year sentence, moved to withdraw his plea or, alternately, to reconsider the sentence. His counsel certified that he had consulted with the defendant " 'to ascertain defendant's contentions of error in the sentence or the entry of the plea of guilty.' " *Id.* ¶ 4. We rejected the defendant's contention that the certificate did not strictly comply with Rule 604(d), noting that the certificate comported exactly with the rule's text. *Id.* ¶ 16. We stated, "Courts have repeatedly held that a certificate need not recite *verbatim* the rule's language. [Citation.] However, we are aware of no case finding a certificate insufficient for following the rule's language too closely." (Emphasis in original.) *Id.*

¶ 6 Shortly after we issued our initial opinion in *Mineau*, the supreme court decided *People v. Tousignant*, 2014 IL 115329. There, the court held that, to effectuate the rule's intent, "or"

should be construed to mean "and." *Id.* ¶ 20. The court noted that the rule's purpose is " 'to eliminate needless trips to the appellate court and to give the trial court an opportunity to consider the alleged errors and to make a record for the appellate court to consider on review in cases where defendant's claim is disallowed.' " *Id.* ¶ 13 (quoting *People v. Wilk*, 124 Ill. 2d 93, 106 (1988)). Requiring counsel to file a certificate ensures that counsel has reviewed the defendant's claim and " 'considered *all* relevant bases for the motion.' " (Emphasis in original.) *Id.* ¶ 15 (quoting *People v. Shirley*, 181 Ill. 2d 359, 361 (1998)).

¶ 7 The court observed that a literal reading of the rule would require counsel to consult with a defendant about contentions of error in either the plea proceedings or in the sentencing, depending upon which type of motion was being filed. Such a construction, however, was inconsistent with the rule's purpose of bringing all potential errors to the trial court's attention. As the court explained:

> "If, for example, counsel certifies that he has consulted with the defendant only about defendant's contentions of error regarding the sentence, the possibility remains that the defendant might have had contentions of error about the guilty plea but failed to mention them. At a minimum, counsel's certificate, indicating he consulted with defendant only about contentions of error in the sentence, would fall short of assuring the trial court that counsel had reviewed the defendant's claim and considered *all* relevant bases for the post-plea motion. Worse still is the possibility that defendant actually had concerns about the guilty plea which were not discussed with counsel, and were omitted from the motion. Such a result would run directly counter to the rule's purpose of enabling the trial court to immediately correct, before an appeal is taken, any improprieties that might have produced the guilty plea." (Emphasis in original.) *Id.* ¶ 18.

¶ 8 Accordingly, the court construed "or" in the rule to mean "and," requiring counsel to certify that he or she had consulted with the defendant about contentions of error in both the plea and the sentence. *Id.* ¶¶ 20-21. Subsequently, in *Mineau*, the supreme court directed us to vacate our opinion and to reconsider it in light of *Tousignant*. *People v. Mineau*, No. 115324 (Ill. May 28, 2014) (supervisory order).

¶ 9 We declined to change the result, noting that "[n]othing in *Tousignant* demonstrates an intention to change the rule's literal language or to change what a certificate must state." *Mineau*, 2014 IL App (2d) 110666-B, ¶ 18. We further observed that, given that counsel filed a motion to withdraw the plea or, in the alternative, to reconsider the sentence, it was reasonable to conclude that counsel had in fact consulted with the defendant on both types of errors. *Id.* Subsequently, in light of *Tousignant*, the Third and Fourth Districts disagreed with *Mineau* and held that a certificate phrased in the exact language of the rule was insufficient. *People v. Hobbs*, 2015 IL App (4th) 130990; *People v. Mason*, 2015 IL App (4th) 130946; *People v. Scarbrough*, 2015 IL App (3d) 130426.

¶ 10 Ultimately, the supreme court amended Rule 604(d). The rule now provides that a certificate must state that counsel consulted with the defendant about his or her contentions of error in "the sentence *and* the entry of the plea of guilty." (Emphasis added.) Ill. S. Ct. R. 604(d) (eff. Mar. 8, 2016). The amended rule also requires, for the first time, counsel to certify that he or she has read the transcript of the sentencing hearing, not just the transcript of the entry of the plea. *Id.*

¶ 11 Defendant contends that, in light of the supreme court's amendment of the rule, *Mineau* does not govern this case. Further, he argues that the amendment is procedural and therefore applies retroactively to cases on direct review. We agree with defendant on both points.

¶ 12 In *Mineau*, we were not asked to decide whether a new rule applied retroactively. There, the February 6, 2013, version of Rule 604(d) was in effect. It allowed the use of the word "or." When counsel filed the Rule 604(d) certificate in question, it complied with the then-effective Rule 604(d), and we found no error. However, we were directed to review our position in light of *Tousignant*, which concluded that "or" meant "and" and stressed the need to ensure that issues regarding *both* the plea and the sentence were discussed with the defendant and brought to the attention of the trial court. Following *Tousignant*, we found that the certificate complied with the words of the then-effective Rule 604(d) *and* that the substance of the extensive motion, both challenging defendant's plea and, in the alternative, requesting a reconsideration of his sentence, indicated that counsel must have consulted with the defendant on *both* issues. Thus, regardless of counsel's use of "or" in accordance with the then-effective version of the rule, counsel's work product demonstrated that counsel complied with "and" in accordance with *Tousignant*.

¶ 13 As noted, following its decision in *Tousignant*, the supreme court amended Rule 604(d) to change "or" to "and" and to require that counsel review the transcripts from both the plea hearing and the sentencing hearing. The question we address here is whether the amended Rule 604(d) should be applied retroactively.

¶ 14 To decide whether the amended rule applies retroactively, we first consider whether the court stated an explicit intent about retroactivity. *GreenPoint Mortgage Funding, Inc. v. Poniewozik*, 2014 IL App (1st) 132864, ¶ 15. As the court did not do so, we next consider whether the amendment is procedural or substantive. *Id.* It is well settled that statutory amendments may be applied retroactively where they are purely procedural and do not impair a vested right. *Allegis Realty Investors v. Novak*, 223 Ill. 2d 318, 331 (2006) (statutory amendments that are "procedural may be applied retroactively, while those that are substantive may not"); see also *People ex rel. Madigan v. Petco Petroleum Corp.*, 363 Ill. App. 3d 613, 620-21 (2006) (supreme court's retroactivity framework "applies equally to supreme court rules"). "Generally, a procedural change in the law prescribes a method of enforcing rights or involves pleadings, evidence and practice." *Schweickert v. AG Services of America, Inc.*, 355 Ill. App. 3d 439, 442 (2005).

¶ 15 In *People v. Evans*, 2017 IL App (3d) 160019, ¶ 16, the Third District held that the amendment to Rule 604(d) applies retroactively. The court found that the amendment was clearly procedural in that it dictated the practices to be followed by attorneys on postplea motions. *Id.* ¶ 17. Moreover, "far from impairing a vested right, the amendment actually served to expand the protections afforded to defendants challenging their sentences." *Id.*

¶ 16 The State's argument that the amended rule should not apply retroactively is difficult to follow. The State cites *People v. Yarbor*, 383 Ill. App. 3d 676 (2008), for the proposition that, where an amendment to a rule imposes new duties with regard to transactions already completed, the rule should not be applied retroactively. *Id.* at 682-83 (citing *Commonwealth Edison Co. v. Will County Collector*, 196 Ill. 2d 27, 38 (2001)). In *Yarbor*, the court first concluded that the amendment in question had a delayed effective date, indicating an intent that it be applied prospectively. *Id.* at 683-84. The court then noted that applying the amendment retroactively would impose significant new duties on the State in that all jury

verdicts pending on appeal would potentially be subject to reversal and retrial. *Id.* at 684. Here, the amendment became effective immediately, and no undertakings of the scale contemplated in *Yarbor* would be required.

¶ 17 As noted in *Evans*, the amended rule is purely procedural, and the State cannot plausibly claim to have a vested interest in the continuation of the old rule. Thus, it applies retroactively to this case.

¶ 18 Under the amended rule, counsel's certificate is insufficient because it does not state that counsel consulted with defendant about his "contentions of error in the sentence and the entry of the plea of guilty." Ill. S. Ct. R. 604(d) (eff. Mar. 8, 2016); see *Tousignant*, 2014 IL 115329, ¶¶ 18-19. We further note that the amended rule requires counsel to certify that she read the transcript of the sentencing hearing, and counsel's certificate does not so state. It is insufficient on this basis as well.

¶ 19 The judgment of the circuit court of Kendall County is vacated, and the cause is remanded for "(1) the filing of a [valid] Rule 604(d) certificate; (2) the opportunity to file a new motion to withdraw the guilty plea and/or reconsider the sentence, if counsel concludes that a new motion is necessary; and (3) a new motion hearing." *People v. Lindsay*, 239 Ill. 2d 522, 531 (2011).

¶ 20 Vacated and remanded.

SUPREME COURT OF ILLINOIS
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FIRST DISTRICT OFFICE
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TDD: (312) 793-6185

January 18, 2018

In re: People State of Illinois, Appellant, v. Jordan Easton, Appellee.
Appeal, Appellate Court, Second District.
122187

The Supreme Court today ALLOWED the Petition for Leave to Appeal in the above entitled cause.

We call your attention to Supreme Court Rule 315(h) concerning certain notices which must be filed.

Very truly yours,

Carolyn Taft Grosboll

Clerk of the Supreme Court

I

2-14-1180

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STATE OF ILLINOIS UNITED STATES OF AMERICA COUNTY OF KENDALL

IN THE CIRCUIT COURT OF THE TWENTY-THIRD JUDICIAL CIRCUIT

THE PEOPLE OF THE STATE OF ILLINOIS
VS
JORDAN EASTON

Case Number 2013CF000333

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STATE OF ILLINOIS UNITED STATES OF AMERICA COUNTY OF KENDALL

IN THE CIRCUIT COURT OF THE TWENTY-THIRD JUDICIAL CIRCUIT

THE PEOPLE OF THE STATE OF ILLINOIS
VS
JORDAN EASTON

Case Number 2013CF000333

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IN THE CIRCUIT COURT OF THE TWENTY-THIRD JUDICIAL CIRCUIT

THE PEOPLE OF THE STATE OF ILLINOIS
VS
JORDAN EASTON

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CERTIFICATE OF FILING AND SERVICE

Under penalty of law as provided in 735 ILCS 5/1-109, the undersigned certifies that the statements set forth in this instrument are true and correct, including that the foregoing **Brief and Appendix 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, and was served by transmitting a copy from my e-mail address to all email addresses of record designated by the persons named below on February 22, 2018.

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Additionally, upon acceptance of the document by the court's electronic filing system, the undersigned will mail an original and twelve copies of the brief to the Clerk of the Supreme Court of Illinois, 200 East Capitol Avenue, Springfield, Illinois, 62701.

February 22, 2018

s/ Brian McLeish

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