

FIFTH DIVISION
September 25, 2026

No. 1-24-0400

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).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	No. 18 CR 014683
	)	
DANIEL MAGEO,	)	Honorable
	)	Alfredo Maldonado,
Defendant-Appellant.	)	Judge Presiding.

JUSTICE MIKVA delivered the judgment of the court.
Presiding Justice Oden Johnson and Justice C.A. Walker concurred in the judgment.

ORDER

- ¶ 1 *Held:* Postplea counsel's failure to challenge defendant's pre-plea waiver of counsel as a basis for invalidating his guilty plea was neither ineffective assistance nor an affirmative rebuttal of counsel's facially compliant Rule 604(d) certification.
- ¶ 2 Defendant Daniel Mageo, self-represented, pleaded guilty to a single count of attempted first degree murder of a peace officer (720 ILCS 5/8-4(a) (West 2018)), in exchange for the State's dismissal of its other charges against him and a recommended sentence of 37 years and 6 months in prison. On direct appeal from the denial of his motion to withdraw that plea, Mr. Mageo argues that his appointed postplea counsel failed to adequately investigate or challenge the

admonishments he received when he chose to waive counsel and represent himself or his fitness to do so. He argues that this was ineffective assistance of counsel and that it affirmatively rebuts postplea counsel's facially compliant certification, made under Illinois Supreme Court Rule 604(d) (eff. Dec. 7, 2023). That certification stated that, after consulting with Mr. Mageo and reviewing relevant portions of the record, counsel made all necessary amendments to Mr. Mageo's motion to withdraw his plea. Because the record contains no support for a challenge to Mr. Mageo's pre-plea waiver of counsel, these arguments must fail, and we affirm Mr. Mageo's conviction.

¶ 3

I. BACKGROUND

¶ 4 The State alleged that during a traffic stop on September 13, 2018, Mr. Mageo fired shots at two Cicero police officers, striking and wounding one. In a 40-count indictment asserting various theories of guilt and sentencing enhancements for the use of a firearm, the State charged Mr. Mageo with attempted murder (720 ILCS 5/9-1(a)(1) (West 2018)), aggravated battery (*id.* § 12-3.05(e)), aggravated discharge of a firearm (*id.* § 24-1.2(a)), aggravated unlawful use of a weapon (*id.* § 24-1.6(a)), and unlawful use of a weapon by a felon (*id.* § 24-1.1(a)).

¶ 5 At the request of appointed counsel from the Office of the Cook County Public Defender, Judge Diane Cannon ordered Forensic Clinical Services to conduct a behavioral clinical examination (BCX) to determine Mr. Mageo's fitness to stand trial. Mr. Mageo was separately examined by a licensed clinical psychologist and a staff forensic psychiatrist, and together they informed the court on June 7, 2019, that Mr. Mageo was fit to stand trial.

¶ 6 The psychologist noted that Mr. Mageo was only "marginally cooperative with the evaluation, providing cynical and oppositional responses to questions." It was her opinion, based upon her direct observation of Mr. Mageo and her review of his most recent treatment records, that this behavior was "volitional in nature and not the result of mental illness." Mr. Mageo was aware of the charges pending against him, understood the nature and purpose of legal proceedings, and,

if he chose to do so, was capable of assisting in his defense.

¶ 7 The psychiatrist agreed, noting that “[a]ny observations to the contrary should be interpreted as volitional” on Mr. Mageo’s part and were “secondary to marked Antisocial-type character pathology” and “a history of malingering mental impairments.” The psychiatrist noted that Mr. Mageo had been prescribed an antidepressant, an antianxiety medication, and an antipsychotic/mood stabilizer, but reported that he only took the antidepressant and antianxiety medication. In the psychiatrist’s opinion, nothing about the use of those medications would impair his fitness. Nor did he “manifest *bona fide* major mental illness that would necessitate him taking psychotropic medications in order to maintain his fitness or functioning.”

¶ 8 On October 22, 2019, counsel informed the court that Mr. Mageo wished to dismiss his lawyer and represent himself. Judge Cannon asked Mr. Mageo some preliminary questions about his level of education. He responded that he had earned a high school diploma. Judge Canon acknowledged that it was Mr. Mageo’s right to represent himself, but she discouraged him from doing so. She told Mr. Mageo that her courtroom “[was]n’t a circus” and that she had a duty to ensure that he was capable of representing himself before allowing him to exercise that right. She made clear to Mr. Mageo that she would not appoint him standby counsel, saying, “you go in alone, you fly alone, sir.” Mr. Mageo told Judge Canon that he did not know what sentence he faced if found guilty but said he had visited the law library at the Cook County Jail “numerous times” and believed he could represent himself at trial.

¶ 9 When he could provide no details regarding the topics he had researched, however, Judge Cannon stated that she was “going to order a mental examination.” Mr. Mageo reminded her that he had already undergone a BCX and been found fit to stand trial, at which point Judge Cannon apologized and asked if he wanted to gather his thoughts and return in a month to tell her why he wanted to represent himself. Mr. Mageo asked to return in a week and for the State to be prepared

at that time to turn over discovery.

¶ 10 When the parties reconvened a week later, appointed counsel reported that she had visited Mr. Mageo at the jail and spoken with him for about an hour. He knew he was charged with attempted murder and faced up to life in prison, and he still wished to represent himself. At this point, the assistant State's attorney (ASA) provided the following breakdown of the charges and sentencing ranges:

“MR. SACKS [(ASSISTANT STATE'S ATTORNEY)]: The defendant is charged with attempt murder of a police officer without enhancement, that's 20 to 80 times two so that would be 40 to 160. He's also charged with straight attempt murder with enhancements on both defendants, that would be 57 to life, your Honor, counting both officers. It would be essentially 31 to life on one officer, 26 to 50 on the other officer, 57 to life, your Honor.

* * *

MR. SACKS: Depending on how it's charged, 40 would be at the bottom for one theory. Life would be at the top on the other theory so it's 40 to life on the attempt murder. There are lesser offenses as well.”

¶ 11 Judge Cannon confirmed that Mr. Mageo understood this and granted his request, stating: “Again, I can't urge you enough not to go it alone, but if you want to, it's with regret, I will excuse your lawyer, allow her to withdraw, and we will set the case for status.”

¶ 12 Discovery resumed, and the matter was reassigned to Judge Adrienne Davis. On January 11, 2021, in response to Mr. Mageo's request for an order allowing him time in the jail law library, Judge Davis told Mr. Mageo that his self-represented status did not entitle him to any additional research time and that he should have been admonished of this. Judge Davis conducted her own inquiry into Mr. Mageo's ability to represent himself, extensively re-admonishing him and answering the questions that he posed to her. Following that exchange, Mr. Mageo reiterated his

desire to represent himself, but Judge Davis nevertheless continued the matter to allow him to fully consider what she had said. He explained that he was not asking for more library time than other incarcerated individuals, but only for what had been available to him before the onset of the COVID-19 pandemic. Judge Davis said that she was unwilling to interfere with jail policy during a health crisis but told Mr. Mageo he could renew his request in the future.

¶ 13 On January 21, 2021, the ASA told Judge Davis that he had already gone over the sentencing ranges that Mr. Mageo faced when the matter was before Judge Cannon but asked and was permitted to briefly do so again. He then outlined the applicable sentencing range for each offense and explained that Mr. Mageo faced consecutive sentences because one of the officers had suffered a severe injury. Judge Davis asked Mr. Mageo if he understood this, including that he faced a minimum sentence of 20 years in prison for each officer and a maximum of life in prison. He stated that he did and that he still wished to proceed *pro se*.

¶ 14 For several months, Mr. Mageo actively represented himself. He engaged in the discovery process, made appropriate filings, and met with the ASA to review video evidence and exchange discovery materials. His demeanor changed in spring 2022, however, when he began filing nonsensical and improper motions, demanding that the State respond to them in writing, and answering any questions posed of him by the court with scripted responses that made little sense such as: “I am aware of what’s being constructively done in this venue today. And pursuant to 15 United States Code 1 and 2 [the federal Sherman Antitrust Act], it will be molesting my premature state and trust.”

¶ 15 On April 12, 2023, with discovery completed, Judge Davis raised the topic of plea negotiations. She informed Mr. Mageo that he did not have to agree to a plea deal but that he had the right to do so, should he choose, and gave the State two weeks to prepare for the potential negotiations. Mr. Mageo responded, “If the State is willing to offer me something that would

benefit me than I will listen.” On May 18, 2023, the State informed the court that it had made Mr. Mageo an offer that was below the minimum sentence, but it believed he was rejecting it. The ASA indicated that he would draft a detailed sentencing memorandum so that Mr. Mageo could knowingly accept or reject the offer.

¶ 16 The sentencing memorandum, filed by the State on June 14, 2023, and given to Mr. Mageo, is part of the record on appeal. It sets out the charges and sentencing ranges that Mr. Mageo faced in detail, and the court went through it with Mr. Mageo that same day. Mr. Mageo was informed that he was charged with attempted first degree murder, a class X felony with a sentencing range of 6 to 30 years in prison. Because the victims were peace officers discharging their official duties, the minimum sentence for each of those counts was raised to 20 years. Because Mr. Mageo was alleged to have personally discharged a firearm that caused great bodily harm to one of the officers, the State had alternatively charged him with counts of attempted first degree murder of a peace officer that included mandatory firearm enhancements—an additional 25 years for the officer who was shot, for a minimum sentence of 45 years on that charge, and an additional 20 years for the other officer, for a minimum sentence of 40 years on that charge. Because the officer who was shot had suffered grievous bodily injury, the sentences would also run consecutively.

¶ 17 The court explained to Mr. Mageo that the minimum sentence he would receive, if he was found guilty as charged, was therefore 85 years. In exchange for a plea of guilty on a single charge of attempted murder, however, the State was offering him a sentence of 38 years in prison, 85% of which he would have to serve. When asked if he had heard and understood this, Mr. Mageo recited his same prepared line about how the proceedings were “molesting [his] premature state and trust.” Noting that Mr. Mageo was physically present and responding, the court found that he had heard both the court’s admonishments and the offer presented to him by the State.

¶ 18 On June 29, 2023, Mr. Mageo informed the court that he was still waiting for the State to

respond to a counter offer he had made. The ASA responded that any counter offer was rejected and it stood on its offer of 38 years. The court scheduled a jury trial for August 21, 2023.

¶ 19 Ten days before trial, on August 11, 2023, Mr. Mageo told the court that he had changed his mind and would like to plead guilty. He asked for time to gather documentation regarding the programming he had completed while incarcerated so that it could be considered at sentencing. The court informed Mr. Mageo that he would receive credit for time served, but that by statute he was not entitled to programming credit. The court allowed him to describe the programming, however, and the State offered to reduce its recommended sentence by six months. Mr. Mageo reiterated that he wanted to proceed with the plea hearing the following Monday, August 14, 2023.

¶ 20 Judge Davis was absent that day, and Judge Alfredo Maldonado presided over the in-person plea hearing. Judge Maldonado addressed Mr. Mageo directly, explaining the basis for the charge he was pleading guilty to and the sentencing range that he faced on that charge, including the term of mandatory supervised release he would serve. Judge Maldonado also explained that a felony conviction could be used as aggravation in future criminal prosecutions; that it could affect his ability to obtain housing, employment, or a professional licensure; and that it could have deportation consequences if he was not a United States citizen. Judge Maldonado reminded Mr. Mageo that he had the right to counsel, that the court would appoint him a lawyer if he could not afford one, and that he had previously elected to waive that right. He admonished Mr. Mageo that if he did not plead guilty, the State would have to prove him guilty beyond a reasonable doubt at trial and he would be entitled to a trial by jury, to confront witnesses against him, and, if he chose, to testify on his own behalf, but that he would waive those rights by pleading guilty.

¶ 21 Mr. Mageo said that no one had forced or threatened him to plead guilty or made him any promises other than those stated in open court. He indicated to the court that he was 32 years old; that he was not under the influence of drugs, alcohol, or medication; that he had no physical or

mental conditions affecting his ability to understand what was happening; and that he understood he “had the right to counsel throughout the entirety of this case.”

¶ 22 Mr. Mageo pleaded guilty to a single count of attempted first degree murder of a peace officer (720 ILCS 5/8-4(a) (West 2018)), in exchange for dismissal of the other charges against him and a joint sentencing recommendation of 37 years and 6 months in prison, to be served at 85%. The parties stipulated to the following factual basis for the plea, as stated by the ASA:

“MR. CHAMBERS [(ASSISTANT STATE’S ATTORNEY)]: Your Honor, if this matter were to proceed to trial, the People would expect the evidence to show that on September 13th of 2018, at approximately 5:08 p.m. that Officer Luis Duarte, D-u-a-r-t-e, of the Cicero Police Department, was in an unmarked police car that was equipped with emergency equipment and was wearing indicia of his office as a peace officer within the State of Illinois, and was acting in his official capacity as such a peace officer, near the location 4158 South Cicero Avenue in Chicago, Cook County, Illinois, which is near the intersection of Cicero Avenue and Interstate 55. The People would expect the evidence to show that during a traffic stop, this defendant would be identified in open court by eyewitnesses as the individual who exited the driver seat of a vehicle subject to a stop, armed with a 9mm semi-automatic pistol, and that this defendant did fire that weapon and shoot, while armed with a handgun, Officer Duarte, and that that incident constituted a substantial step towards the offense of first-degree murder of Officer Luis Duarte.”

¶ 23 Judge Maldonado accepted this factual basis and found that Mr. Mageo’s guilty plea was knowingly and voluntarily made. He confirmed that Mr. Mageo wished to waive his right to a pre-sentence investigation and proceeded directly to sentencing. The State noted that Mr. Mageo was on supervised release from a felony conviction in California when he was arrested in connection with this case but had no other criminal history. Mr. Mageo presented no mitigation, and the court

accepted the proposed sentence, with credit for time served, and informed Mr. Mageo of his appellate rights.

¶ 24 Two weeks later, on September 1, 2023, Mr. Mageo, still representing himself, filed a motion to withdraw his guilty plea. In it he stated that from August 9, 2023, to August 14, 2023, he had been “under the influence of psyche medications unbeknownst to him” that he was told “were generic [T]ylenol that would relieve the pain in his lower leg/foot” and “was not able to completely understand what was occurring at the time the plea was being entered.”

¶ 25 Postplea counsel was appointed, and on November 2, 2023, transcripts of the August 2023 hearing dates were given to counsel to review. In an amended motion filed on February 16, 2024, counsel argued, among other things, that “[t]he plea given was not voluntary in that [Mr. Mageo] was under severe mental distress given the extremely serious nature of the charges, lack of counsel and the lack of access to research materials and documents due to his housing status while at the Cook County Department of Corrections.” Counsel further argued that Mr. Mageo was “not of sound mind and could not have represented himself, especially in a case of this magnitude,” that he “most definitely could not and did not engage in meaningful plea negotiations” with the State, that his plea hearing “was conducted in a manner of haste, thereby negating the voluntary nature of the hearing,” that he was “suffering from undiagnosed mental health issues,” and that “a behavioral clinical evaluation should have been ordered before allowing [him] to represent himself.”

¶ 26 Postplea counsel filed a certificate pursuant to Illinois Supreme Court Rule 604(d) (eff. Dec. 7, 2023), asserting that he had consulted with Mr. Mageo in person and by telephone “to ascertain [his] contentions of error in the entry of the plea of guilty and in the sentence,” had “examined the trial court file and report of proceedings of the plea of guilty and the report of proceedings in the sentencing hearing,” and had “made any amendments to the motion necessary

for the adequate presentation of any defects in those proceedings.” In court, counsel stated that he had reviewed not only the transcripts of the plea and sentencing hearings but “some transcripts prior to the plea also.”

¶ 27 Mr. Mageo was given the chance to address the court regarding the basis for his motion, and said the following:

“[A]t the time that I took the plea, I just was not in the right state of mind, and really couldn’t comprehend everything that was going on at the time, due to the fact that—the medications that I was taking, that I was thinking that it was Tylenol, but it wasn’t. And so, um, that added towards the pressures of—that I was getting with this time, with the plea and trial and all this. It just wasn’t, uh—I wasn’t able to make the best choice for me. And fully comprehend everything—the weight of everything that was going on. So, um, that’s the reason why I would like to, um, withdraw my plea and, uh, continue with the, um, proceedings to trial.”

¶ 28 The State reviewed the admonishments given to Mr. Mageo at the plea and sentencing hearing, the inquiries made of him then by the court, and his responses, arguing that he had understood what was going on and had freely and knowingly entered a plea of guilty.

¶ 29 Judge Maldonado agreed and denied the motion, explaining that Mr. Mageo’s 2023 plea, to a charge brought in 2018, was not “rushed in any way”; that he “had the capacity to understand what was going on,” and that the record “absolutely rebut[ted]” the contentions in his *pro se* motion, amended motion, and in-court remarks.

¶ 30 Mr. Mageo, represented by counsel, now appeals that denial.

¶ 31 II. JURISDICTION

¶ 32 This appeal is from a final judgment of conviction in a criminal case. Mr. Mageo pleaded guilty and was sentenced on August 14, 2023, and, as required by Illinois Supreme Court Rule

604(d) (eff. Dec. 7, 2023), filed a timely motion to withdraw his guilty plea and vacate the judgment against him on September 1, 2023. The court denied that motion on February 16, 2024, and Mr. Mageo filed his notice of appeal the same day. Our jurisdiction is under Article VI, Section 6 of the Illinois Constitution (Ill. Const. 1970, art. VI § 6) and Illinois Supreme Court Rule 604(d) (eff. Dec. 7, 2023), which governs appeals from judgments entered upon pleas of guilty.

¶ 33

III. ANALYSIS

¶ 34 Mr. Mageo argues that his appointed postplea counsel should have challenged his 2019 waiver of trial counsel as a basis for invalidating his 2023 *pro se* guilty plea in this matter. He argues that the failure to do so constituted both ineffective assistance of counsel and a failure to strictly comply with postplea counsel’s duties under Rule 604(d). Mr. Mageo asks us to reverse the circuit court’s order denying his motion to withdraw his guilty plea and either remand for a new waiver of counsel hearing or for further postplea proceedings.

¶ 35

A. Ineffective Assistance of Postplea Counsel and Rule 604(d)

¶ 36 A criminal defendant has a constitutional right to the effective assistance of counsel at all critical stages of a criminal proceeding, including the preparation of a motion to withdraw a guilty plea. U.S. Const., amends. VI, XIV; Ill. Const. 1970, art. 1, § 8; *People v. Vaughn*, 200 Ill. App. 3d 765, 768, 771 (1990). To prevail on a claim of ineffective assistance of counsel, a defendant must establish both that (1) his “counsel’s performance fell below an objective standard of reasonableness” and (2) “he was prejudiced as a result of [that] deficient performance,” *i.e.*, that there is “a reasonable probability that, but for counsel’s errors, the result of the proceedings would have been different.” (Internal quotation marks omitted.) *People v. Valdez*, 2016 IL 119860, ¶ 14 (citing *Strickland v. Washington*, 466 U.S. 668, 687-88, 694 (1984)).

¶ 37 As a prerequisite to the filing of an appeal, Rule 604(d) provides that a defendant must file in writing a motion to withdraw his guilty plea within 30 days of sentencing. Ill. S. Ct. R. 604(d)

(eff. Dec. 7, 2023). If based on facts that do not appear in the record, it must be supported by an affidavit or, if the defendant is filing *pro se*, a certification made pursuant to section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109 (West 2022)). *Id.*

¶ 38 When postplea counsel is appointed to assist an indigent defendant with such a motion, Rule 604(d) requires counsel to “file with the trial court a certificate stating that counsel has consulted with the defendant either by phone, mail, electronic means or in person to ascertain [the] defendant’s contentions of error in the sentence and the entry of the plea of guilty.” *Id.* Counsel must certify that they have “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 have “made any amendments to the motion necessary for adequate presentation of any defects in those proceedings.” *Id.*

¶ 39 Mr. Mageo acknowledges that his postplea counsel filed a facially compliant Rule 604(d) certificate but contends that the assertions made in it are affirmatively rebutted by the record. Such a rebuttal is certainly possible. Mr. Mageo relies on *People v. Bridges*, 2017 IL App (2d) 150718, ¶ 9, where we found the 604(d) certificate rebutted by the fact that appointed counsel amended a *pro se* motion with new allegations that counsel failed to support. See also *People v. Little*, 337 Ill. App. 3d 619, 621-22 (2003) (where counsel claimed to have examined transcripts that had not yet been prepared).

¶ 40 Mr. Mageo suggests that postplea counsel here should not have simply reviewed the transcripts listed in Rule 604(d)—those of the plea and sentencing hearings—but gone on to search the transcripts of earlier proceedings for additional grounds on which his guilty plea might be invalidated. Had counsel done so, he insists, they would have realized that his waiver of counsel years earlier was made without the benefit of sufficient admonishments, as required by Illinois Supreme Court Rule 401(a) (eff. July 1, 1984), regarding the nature of the charges against him and

the sentencing ranges he faced. The transcripts also would have shown, Mr. Mageo contends, that he waived his counsel at a time when he was unfit to knowingly and understandingly waive a constitutional right. Mr. Mageo argues that by neglecting to investigate, include, or properly support such claims in his amended motion to withdraw his guilty plea, postplea counsel did not make all necessary amendments to that motion, as required by Rule 604(d).

¶ 41 B. The State’s Waiver Argument

¶ 42 Citing our supreme court’s holding in *People v. Ratliff*, 2024 IL 129356, ¶ 24, that a guilty plea serves as an affirmative waiver of all non-jurisdictional errors arising before the plea, the State argues that any challenge to the validity of Mr. Mageo’s 2019 waiver of counsel was not a basis on which postplea counsel could possibly have challenged his 2023 guilty plea. The defendant in *Ratliff* argued on appeal that the circuit court had failed to properly admonish him under Illinois Supreme Court Rule 401(a) before accepting his waiver of counsel, but our supreme court made clear that he had waived that claim by later pleading guilty. *Id.* ¶¶ 1, 20.

¶ 43 Under *Ratliff*, the State contends, if there was no error in the plea proceeding itself, then any earlier errors are waived. The State argues that since Mr. Mageo asserts no error occurred during the acceptance by the court of his guilty plea, it would have been pointless for postplea counsel to raise any claim based on events occurring before then—such a claim would have been waived. The State also argues, consistent with this view, that there is no requirement under Rule 604(d) that postplea counsel examine any transcript beyond those of the plea and sentencing hearings that are specifically listed in the Rule.

¶ 44 Mr. Mageo argues that *Ratliff* is inapplicable here because, unlike the defendant in that case, he is not trying to directly challenge the sufficiency of his pre-plea waiver of counsel on appeal. Instead, his claim is that postplea counsel was ineffective for failing to raise this issue below. As Mr. Mageo correctly notes, the *Ratliff* court concluded that the defendant in that case

waived his claim of insufficient Rule 401(a) admonishments “again” by failing to raise that claim in his postplea motion. *Id.* ¶ 48. According to Mr. Mageo, the court thus “specifically contemplated that [such a claim] would have remained cognizable if it had been properly preserved in a motion to withdraw a guilty plea.” This view aligns with Mr. Mageo’s reading of Rule 604(d). Although the Rule specifies only that counsel should review the plea negotiations and sentencing hearing, according to Mr. Mageo, his counsel should also have reviewed the transcripts of hearings at which he waived his right to counsel before certifying that any necessary amendments had been made to his motion to withdraw his guilty plea.

¶ 45 We need not decide between the parties’ interpretations of *Ratliff* and of Rule 604(d), however, because even presuming that a meritorious challenge to Mr. Mageo’s waiver of counsel could have served as a basis on which to set aside his guilty plea, Mr. Mageo has articulated no such challenge here. Rather, we have reviewed the arguments that he contends postplea counsel should have made regarding the inadequacy of the admonishments he received and his purported unfitness to waive counsel and find them to be without merit.

¶ 46 C. Rule 401(a) Admonishments

¶ 47 Mr. Mageo first contends that his postplea counsel should have argued that the admonishments he received when he waived his right to counsel in 2019 did not comply with Illinois Supreme Court Rule 401(a). The rule requires that where a defendant has been charged with an offense punishable by imprisonment, a waiver of counsel shall be permitted only when the court has addressed the defendant personally in open court to inform him of and confirm that he understands “(1) the nature of the charge; (2) “the minimum and maximum sentence prescribed by law ***; and (3) that he has a right to counsel and, if he is indigent, to have counsel appointed for him by the court.” Ill. S. Ct. R. 401(a) (eff. July 1, 1984).

¶ 48 The purpose of the rule, as our supreme court has explained, “is to ensure that a waiver of

counsel is knowingly and intelligently made.” (Internal quotation marks omitted.) *People v. Campbell*, 224 Ill. 2d 80, 84 (2006). “Strict, technical compliance,” however, “is not always required.” *People v. Haynes*, 174 Ill. 2d 204, 236 (1996). “[S]ubstantial compliance will be sufficient” where “the record indicates that the waiver was made knowingly and voluntarily, and the admonishment the defendant received did not prejudice his rights.” *Id.* Our supreme court held in *Haynes*, for example, that a defendant’s decision to waive counsel was made freely, knowingly, and intelligently, even though the trial court neglected to inform him of the minimum and maximum sentences possible for a burglary charge, because the defendant was fully aware of the range of sentences possible for first degree murder, the most serious charge against him, and it was less important for him to know the range for the far less serious burglary charge. *Id.* at 242-43.

¶ 49 Here, Mr. Mageo argues the admonishments he received were “confusing because they were unduly vague and even contradictory at times.” He points primarily to the transcript of the October 29, 2019, hearing where Judge Cannon initially, and reluctantly, permitted him to represent himself, insisting that the admonishments he received at that time were filled with “courtroom jargon” and legal shorthand for the various theories and enhancements the State had charged him under.

¶ 50 To be sure, Mr. Mageo faced a complex array of charges. As he says, the State’s 40-count indictment “alleged various offenses against multiple victims, involving various alternative legal theories, each with complex issues of proof and sentencing implications.” We have reviewed the transcript of the October 29, 2019, hearing. It is clear to us that Judge Cannon adequately conveyed to Mr. Mageo both the scope of the charges and the possible sentences he faced.

¶ 51 What Mr. Mageo fails to acknowledge is that he was admonished about this information multiple times. On January 11, 2021, Judge Davis conducted her own inquiry into his ability to represent himself and extensively re-admonished him. She also continued the matter so that he

could fully consider what she had told him. Later that month, the ASA again went over the applicable sentencing ranges for each count, and the court again confirmed that Mr. Mageo wished to waive his right to counsel.

¶ 52 As trial approached and the parties began plea negotiations, the ASA drafted a detailed sentencing memorandum setting out the various charges and sentencing ranges, which was given to Mr. Mageo and which Judge Davis reviewed with him in open court on June 14, 2023. Judge Davis informed Mr. Mageo that he was charged with attempted first degree murder, a class X felony with a sentencing range of 6 to 30 years in prison. Because the victims were peace officers discharging their official duties, the minimum sentence for each of those counts was raised to 20 years. Because Mr. Mageo was alleged to have personally discharged a firearm that caused great bodily harm to one of the officers, the State had alternatively charged him with counts of first degree murder of a peace officer that included mandatory firearm enhancements—an additional 25 years for the officer who was shot, for a minimum sentence of 45 years, and an additional 20 years for the other officer, for a minimum sentence of 40 years. Because the officer who was shot had suffered grievous bodily injury, those sentences would also run consecutively.

¶ 53 On August 14, 2023, before accepting his guilty plea, Judge Maldonado again made clear to Mr. Mageo that he had the right to counsel at every stage of the case, and Mr. Mageo again confirmed that he freely and voluntarily relinquished that right.

¶ 54 Mr. Mageo complains that “[a]t various times [his] potential minimum sentencing exposure was described to him as 20 years, 40 years, 85 years, and a ‘significant period of time.’ ” Given the nature of the charges in this case, however, those admonishments were neither incorrect nor inconsistent with one another. Mr. Mageo was charged with the attempted first degree murder of two peace officers, for which he faced a minimum of 20 years in prison on each charge, for a total of 40 years. It was also made clear to him that he was charged in the alternative with those same

offenses plus mandatory firearm enhancements—25 years for the officer he shot and 20 years for the other officer—for minimum sentences of 40 and 45 years, respectively, or a total of 85 years.

Those sentences, individually or together, certainly represented a “significant period of time.”

¶ 55 Mr. Mageo insists that the more extensive admonishments he received after his initial waiver of counsel, during plea negotiations, and at his plea hearing cannot “relate back” to retroactively justify his initial waiver of counsel in 2019. However, there was no reason the admonishments needed to “relate back” to that point. Three different judges confirmed and reconfirmed Mr. Mageo’s desire to represent himself after ensuring that he fully understood the charges against him and the potential sentences. And all of those admonishments were given to Mr. Mageo before the negotiation and entry of his guilty plea, the only point during this litigation that he claims he was negatively affected by a lack of counsel.

¶ 56 Two of the cases he cites, *People v. Brooks*, 2024 IL App (3d) 220407, ¶ 11, and *People v. Langley*, 226 Ill. App. 3d 742, 749-50 (1992), are simply irrelevant. The defendants there were informed of the nature of the charges and sentencing ranges they faced at arraignments held months or years earlier—too long *before* they waived counsel. And although we did hold, in *People v. Jones*, 36 Ill. App. 3d 190, 193 (1976), that admonishments given when the trial court accepted a defendant’s guilty plea could not make up for the fact that he had received none when he chose to represent himself at his arraignment, that case involved a single waiver of counsel followed a long time later by a single admonishment regarding the applicable charges and sentencing ranges. It does not appear in that decision that the defendant was ever admonished as to the nature of the charge and penalty in conjunction with a determination as to whether the defendant wanted to waive counsel. Here, by contrast, the question of Mr. Mageo’s desire to represent himself was continuously reopened throughout the proceedings, increasingly specific admonishments were provided at each juncture, and Mr. Mageo’s desire to represent himself was repeatedly affirmed.

That, in our view, was an entirely proper way for the court to proceed given the circumstances.

¶ 57 The judges who presided over this matter took pains to question Mr. Mageo regarding his education and experience with the criminal justice system and to repeatedly explain the charges against him and the penalties with increasing specificity as trial and plea negotiations approached and the stakes of self-representation grew. At each stage, including just before the court accepted the guilty plea he now challenges, Mr. Mageo recommitted himself to self-representation. The admonishments he received substantially complied with Rule 401(a), and Mr. Mageo was not prejudiced in any way by postplea counsel's failure to raise them as a basis for challenging his guilty plea, even presuming that such a challenge was cognizable following our supreme court's holding in *Ratliff*.

¶ 58 D. Fitness to Waive Counsel

¶ 59 Mr. Mageo also argues his postplea counsel should have found and presented evidentiary support for the argument that he was mentally unfit to waive his right to counsel. Counsel alleged in Mr. Mageo's amended postplea motion that Mr. Mageo was "suffering from undiagnosed mental health issues," that a BCX "should have been ordered before allowing [him] to represent himself," and that he was "not of sound mind and could not have represented himself, especially in a case of this magnitude." Counsel did not, however, provide a factual basis for those arguments or support them with affidavits or other evidence. Mr. Mageo insists that if postplea counsel had conducted a comprehensive review of the transcripts and case file, they would have realized that he did undergo a BCX and had, at some point, been prescribed an anti-psychotic medication, indicating that he must have been diagnosed with some condition necessitating that treatment.

¶ 60 Mr. Mageo does not explain, however, how he was prejudiced by counsel's failure to request an additional BCX. The licensed clinical psychologist and forensic psychiatrist who conducted the BCX agreed that Mr. Mageo was fit to stand trial concluded that he understood the

charges against him and the nature of the proceedings and was capable of assisting in his defense. Any behavior on his part that might suggest otherwise was, in their opinion, “volitional in nature” and part of a “history of malingering.” The psychiatrist noted that Mr. Mageo had been prescribed and took an antidepressant and anxiety medication, but according to him, nothing about the use of those medications impaired Mr. Mageo’s fitness. The fact that he had been prescribed but did not take an antipsychotic/mood stabilizer was also no impediment to his fitness to stand trial, the psychiatrist explained, because he “[did] not manifest *bona fide* major mental illness that would necessitate him taking psychotropic medications in order to maintain his fitness or functioning.” The record in this case contains no specific factual support for a challenge to Mr. Mageo’s waiver of counsel based on a lack of fitness.

¶ 61 Mr. Mageo points to nothing that suggests anything had changed since the BCX was conducted in 2019. Instead he points out that there was an outstanding discovery request, made by appointed trial counsel before he withdrew from the case, for the underlying mental health records relied upon to prepare the 2019 BCX report. The record indeed reflects that Forensic Clinical Services was ordered by the court to “release and provide the complete psychological summaries, report and notes created as a result of the examination” to defense counsel and the State’s attorney by June 20, 2019. It is not clear from the record whether these records were ever released or whether either Mr. Mageo or his lawyer, before that lawyer withdrew, ever followed up on the order to release the records. Mr. Mageo asks us to presume that the documents were never released but that they contained information on which the court would have concluded—contrary to expert opinions based on those same documents—that Mr. Mageo was unfit and therefore incapable of knowingly and voluntarily waiving his right to counsel.

¶ 62 Speculation of this sort simply cannot support Mr. Mageo’s claim that an effective lawyer would have been able to show that he was unfit to enter a guilty plea. *See People v. Tejada-Soto*,

2012 IL App (2d) 110188, ¶¶ 16-17 (rejecting, for lack of prejudice under *Strickland*, a defendant’s claim that his motion to withdraw his guilty plea would have been granted if postplea counsel had called a witness, where the expected testimony of that witness was “a matter of pure speculation”); *People v. Gomez*, 2025 IL App (2d) 240655-U, ¶ 72 (rejecting a defendant’s argument that postplea counsel’s failure to offer affidavits or testimony in support of his claims was a violation of rule 604(d) where it was “a matter of pure speculation that such evidence exist[ed]”).

¶ 63 In sum, even if a challenge to Mr. Mageo’s waiver of counsel was cognizable as a means of attacking his guilty plea after *Ratliff*, and even if postplea counsel failed to investigate whether Mr. Mageo received faulty Rule 401(a) admonishments or was fit to waive counsel, nothing in the record indicates that support for such claims existed. Mr. Mageo cannot establish he was prejudiced by the ineffective assistance of postplea counsel or that counsel failed, as required by Rule 604(d), to make all necessary amendments to his motion to withdraw his guilty plea.

¶ 64 IV. CONCLUSION

¶ 65 For all of the above reasons, we affirm Mr. Mageo’s conviction for attempted first degree murder.

¶ 66 Affirmed.