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) 250797-U

NO. 4-25-0797

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
November 18, 2026
Carla Bender
4th District Appellate
Court, IL

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| THE PEOPLE OF THE STATE OF ILLINOIS, | ) | Appeal from the |
| Plaintiff-Appellee, | ) | Circuit Court of |
| v. | ) | McLean County |
| ERIN K. TOMLIN, | ) | No. 23CF1007 |
| Defendant-Appellant. | ) | |
| | ) | Honorable |
| | ) | William A. Yoder, |
| | ) | Judge Presiding. |

JUSTICE LANNERD delivered the judgment of the court.
Presiding Justice Steigmann and Justice Vancil concurred in the judgment.

**ORDER**

¶ 1 *Held*: The appellate court granted the Office of the State Appellate Defender's motion to withdraw as counsel on appeal and affirmed the trial court's judgment.

¶ 2 Defendant, Erin K. Tomlin, appeals from the judgment of the McLean County circuit court revoking her sentence to probation for aggravated domestic battery (strangulation) (720 ILCS 5/12-3.3(a-5) (West 2022)) and resentencing her to five years in prison. Following her timely notice of appeal, this court appointed the Office of the State Appellate Defender (OSAD) to represent her. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), OSAD now moves to withdraw its representation of defendant, contending "an appeal in this case would be frivolous." We grant OSAD's motion to withdraw and affirm the court's judgment.

¶ 3 I. BACKGROUND

¶ 4 In September 2023, the State charged defendant by information with one count of

aggravated domestic battery (strangulation) (720 ILCS 5/12-3.3(a-5) (West 2022)) (count I), and two counts of aggravated battery (*id.* § 12-3.05(d)(4)) (counts II-III). In October 2023, the charges were superseded by bills of indictment. In December 2023, defendant entered into a plea agreement with the State. In exchange for her plea of guilty to count I, the State agreed to dismiss counts II and III, and defendant would be sentenced to 30 months' probation. The State proffered the following factual basis for the plea:

> "Your Honor, if this case were to proceed to trial the State would present evidence that on September 27[, 2023], Normal officers were dispatched to an address at 1820 C Street in Normal after dispatch received a call where they could hear two females yelling at one another and one saying they had been choked by the other. The two parties were ultimately determined to be in a dating relationship and residing together.
>
> Officers responded on scene and met with the defendant who was outside of the residence. She stated she had gotten upset about a check, kicked a leg out on a table, and she and the victim [P.B.] had gotten into shoving match. She further stated she did not remember anything about it, and whatever the victim told them was the truth.
>
> The victim initially was reluctant to speak, but eventually told officers that the victim was seated in the kitchen and the defendant became upset and kicked a leg out of the table. The victim tried to get up into the back room to get away from the defendant, but the defendant began to push her. The victim admitted to pushing the defendant back, and stated when she did so, she was punched in the face. As she continued to try to retreat into the bedroom, the defendant got on top of her and

started choking her with both hands. The victim stated she lost the ability to breathe while being choked and that it scared her. She didn't want to speak about her injuries, but allowed officers to take photographs through the door. When officers spoke again with the defendant she admitted to choking and hitting the victim."

The trial court accepted defendant's plea as knowing and voluntary and sentenced her to 30 months' probation pursuant to the plea agreement.

¶ 5 Approximately 11 days later, the State filed a first petition to revoke defendant's probation, which alleged the following:

"3. The defendant has violated the terms and conditions of probation in that:

(A)(1) On this date, 12/14/23, the defendant committed the offenses of Aggravated Assault and Criminal Damage to Property as alleged in Count One; Aggravated Assault as alleged in Count Two; Criminal Damage to Property in McLean County case number 2023-CM-34.

(2) On this date, 12/16/23, the defendant committed the offense of Violation of Bail Bond as alleged in Count One; Violation of Pretrial Release/Family Member in McLean County Case number 2023-CM-936.

(E)(1) [*sic*] On this date, 12/12/23, the defendant failed to report to the probation officer as directed."

¶ 6 In March 2024, the trial court conducted a hearing on the State's first petition to revoke defendant's probation. At the hearing, defendant entered into a plea agreement with the State. In exchange for her admission to paragraphs 3(A)(2) and 3(E)(1) of the State's petition,

defendant would be resentenced to 30 months' probation for aggravated domestic battery (strangulation), and the State would dismiss paragraph 3(A)(1) of the petition. The State presented a factual basis for the admission, and the court found defendant's admission to be knowing and voluntary. The court revoked defendant's first sentence to probation and resentenced defendant to a new term of 30 months' probation pursuant to the agreement.

¶ 7 In August 2024, the State filed a second petition to revoke defendant's probation, which alleged defendant violated the terms and conditions of her probation in that, "on August 2[, 2024], the defendant committed the offense(s) of Aggravated Domestic Battery/Strangle as alleged in Count One, and Unlawful Restraint as alleged in Count Two of Wayne County case cause numbered 2024-CF-122."

¶ 8 In January 2025, the trial court conducted a hearing on the second petition to revoke defendant's probation. At this time, defendant entered into a plea agreement with the State. Pursuant to this agreement, the State amended the petition to allege, "On August 2[, 2024], the defendant committed the offense of Unlawful Restraint as alleged in Count Two of Wayne County case cause numbered 2024-CF-122." Additionally, in exchange for her admission, defendant was to be resentenced to a term of five years in prison for aggravated domestic battery (strangulation).

¶ 9 Before accepting defendant's admission, the trial court read the allegations of the amended second petition to revoke defendant's probation. Defendant agreed that was the allegation she intended to admit. The court further admonished defendant (1) about the minimum and maximum possible penalties for aggravated domestic battery (strangulation), including any term of mandatory supervised release, (2) of her right to persist in her denial of the petition or to admit the same, (3) of her right to counsel, and (4) that she was presumed innocent. The court advised defendant of the rights she was waiving if she chose to admit the petition. Defendant agreed she

understood. Defendant also affirmed that nobody had (1) threatened her into admitting the allegations in the petition or (2) promised her anything other than what was stated in the plea agreement.

¶ 10 The State presented the following factual basis for defendant's admission:

> "Your Honor, if this second petition were to have proceeded to hearing the State would request that the Court take judicial notice of the file in 23CF1007 wherein the Defendant was placed on a term of 30 months of probation on March 29[, 2024], a term of that probation being that the Defendant not violate any criminal statute of any jurisdiction. The State would present by way of certified copy of documentation from Wayne County, Illinois that on August 2[, 2024], the Defendant committed the offense of unlawful restraint as alleged in Count 2 of Wayne County Case 2024CF122 as the Defendant was convicted and sentenced on that case on [November 12, 2024]."

¶ 11 Defendant stipulated to the State's factual basis and verbally confirmed she admitted the State's amended second petition when prompted by the trial court. The court found defendant's admission to be knowing and voluntary and that there was a factual basis to support the amended second petition. The court then revoked defendant's second term of probation and resentenced her to five years in prison in conformity with the plea agreement.

¶ 12 Later in January 2025, defendant *pro se* mailed a letter to the trial court stating she would like to appeal her sentence on grounds it was excessive. Furthermore, defendant was dissatisfied with defense counsel's representation at the hearing on the second petition to revoke her probation. Specifically, defendant alleged defense counsel failed to present to the court the character letters her family and friends had written. She emphasized her commitment to sobriety

and that she had recently gotten married. On the same date, defense counsel filed a motion to withdraw the admission to the State's amended second petition to revoke defendant's probation.

¶ 13 In July 2025, the trial court conducted a hearing on defendant's motion to withdraw her admission. The court first addressed the allegations in defendant's *pro se* letter to the court. When asked what concerns she wanted to bring to the court's attention, defendant responded that defense counsel failed to adequately communicate with her and that she told her "in full confidence" that the court would sentence her to seven years in prison if she did not accept the State's offer. Furthermore, defense counsel did not present to the court the character letters submitted by her wife.

¶ 14 In response, defense counsel acknowledged she received correspondence from defendant requesting to discuss the State's second petition to revoke her probation. Counsel indicated she responded to defendant in a letter dated December 28, 2024, explaining the possible sentencing range and her recommendations. Her letter also indicated she contacted the State regarding plea negotiations and would provide more information when she heard back. Counsel denied speaking in certainties, explaining her advice was based on her experience in this courtroom and taking into consideration the potentially applicable aggravating and mitigating factors. Furthermore, counsel conveyed the mitigating information that could be gleaned from the letters defendant submitted to her but believed they had the "potential to cause more harm than good," considering "the content of what was in those letters and the author of some of those letters."

¶ 15 The trial court then explained the purpose of conducting its inquiry into defendant's allegations of ineffective assistance of counsel, which was to determine whether defense counsel's conduct showed possible neglect of the case, such that another attorney should be appointed to further investigate those issues. The court concluded, based on defense counsel's explanations and

its own recollection of the proceedings in this case, that appointment of new counsel was not necessary.

¶ 16 Upon completing this inquiry, the trial court then addressed defendant's motion to withdraw her admission to the State's amended second petition to revoke her probation. Defense counsel first confirmed the court received the certificate she completed pursuant to Illinois Supreme Court Rule 604(d) (eff. Apr. 15, 2024). Defendant then testified in support of the motion, wherein she reiterated the claims set forth in her *pro se* letter to the court. Defense counsel did not offer any further argument or evidence.

¶ 17 The trial court recalled its admonishments to defendant were thorough and complete and concluded that there was nothing presented that cast doubt on the voluntariness of defendant's admission. Accordingly, the court denied the motion.

¶ 18 This appeal followed.

¶ 19 II. ANALYSIS

¶ 20 As set forth above, OSAD has filed a motion to withdraw as counsel in this case on the ground no potentially meritorious issues can be raised on appeal. OSAD has attached to its motion a memorandum in compliance with *Anders*, which identifies potential issues for appeal and explains why they lack arguable merit. In particular, OSAD has identified the following issues: (1) whether defendant was properly admonished on entering into a negotiated admission to her second amended petition to revoke probation pursuant to Illinois Supreme Court Rule 402A (eff. Nov. 1, 2003), (2) whether the trial court conducted a proper inquiry into defendant's *pro se* claims of ineffective assistance of counsel, (3) whether the court erred in denying defendant's motion to withdraw her admission, and (4) whether counsel's certificate strictly complied with Rule 604(d). OSAD contends (1) the court properly admonished defendant pursuant to Rule 402A, (2) the

court's inquiry into defendant's *pro se* claims of ineffective assistance of counsel was proper, (3) the court did not err when it denied defendant's motion to withdraw her admission, and (4) the Rule 604(d) certificate was facially valid and was not rebutted by the record. Defendant was notified of OSAD's motion and has not filed a response.

¶ 21 We agree with OSAD that this case presents no potentially meritorious issues for review. Accordingly, we grant OSAD's motion to withdraw as counsel and affirm the trial court's judgment.

¶ 22 First, our review of the record shows the trial court substantially complied with Rule 402A. The court personally addressed defendant in open court and ensured that she understood the nature of the State's petition, her right to a hearing with counsel present, the right to cross-examine witnesses and present testimony, the State's burden of proof, the applicable sentencing range, and the rights she was waiving by admitting to the petition. See Ill. S. Ct. R. 402A(a) (eff. Nov. 1, 2003). Moreover, the State presented a factual basis that supported the allegations set forth in the second amended petition, and the court ensured defendant's admission was knowing and voluntary. See Ill. S. Ct. R. 402A(b)-(c) (eff. Nov. 1, 2003).

¶ 23 Additionally, the trial court also conducted an inquiry into defendant's *pro se* claims of ineffective assistance of counsel that complied with *People v. Krankel*, 102 Ill. 2d 181 (1984), and its progeny. The record shows the court, without participation from the State, allowed defendant to explain why she believed defense counsel's performance was deficient and provided defense counsel the opportunity to respond. See *People v. Jolly*, 2014 IL 117142, ¶¶ 29, 38. We agree with the trial court that none of defendant's allegations showed possible neglect of the case because they either lacked factual support or pertained to matters of trial strategy. *Id.* ¶ 29.

¶ 24 Moreover, the trial court did not abuse its discretion when it denied defendant's

motion to withdraw her admission. See *People v. Harris*, 392 Ill. App. 3d 503, 509 (2009) (denial of motion to withdraw admission reviewed for abuse of discretion). Here, the entire basis for defendant's motion to withdraw her admission was that she was dissatisfied with defense counsel's representation and she believed her sentence was excessive. As noted above, the court properly concluded defense counsel's representation did not show possible neglect of the case, and the court's admonishments to defendant complied with Rule 402A. The record supports the conclusion defendant's admission was knowing and voluntary and was not procured due to any mistake of fact or law or ineffective assistance of counsel. See *id.* at 508 (setting forth grounds for withdrawal of a guilty plea). Therefore, the court's decision to deny the motion was not arbitrary or unreasonable. See *id.* at 509.

¶ 25 Finally, defense counsel strictly complied with Rule 604(d). Our review of the certificate shows it was facially valid in that it certified defense counsel had (1) consulted with defendant to determine her contentions of error with respect to the admission to the State's second petition to revoke her probation, (2) examined the relevant court files and transcripts, and (3) made any amendments to the motion necessary for adequate presentation of any defects in those proceedings. Ill. S. Ct. R. 604(d) (eff. eff. Apr. 15, 2024). Nothing in the record rebuts counsel's assertions set forth in the certificate. Accordingly, the certificate strictly complied with Rule 604(d).

¶ 26 We conclude there are no issues of potentially arguable merit presented in this appeal. Accordingly, we grant OSAD's motion to withdraw as counsel and affirm the trial court's judgment.

¶ 27 III. CONCLUSION

¶ 28 For the reasons stated, we grant OSAD's motion to withdraw and affirm the trial

court’s judgment.

¶ 29 Affirmed.