NOTICE
Decision filed 10/09/26. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2026 IL App (5th) 250724-U

NO. 5-25-0724

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

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).

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Madison County.
	)	
v.	)	No. 23-CF-1071
	)	
CHAUNCY D. LUCAS JR.,	)	Honorable
	)	Neil T. Schroeder,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE HACKETT delivered the judgment of the court.
Presiding Justice Cates and Justice Boie concurred in the judgment.

ORDER

¶ 1 *Held*: The circuit court did not err in dismissing, for lack of jurisdiction, defendant's untimely motion to withdraw guilty plea and vacate sentence. No argument to the contrary would have merit. This court grants the defendant's appointed appellate counsel leave to withdraw and dismisses the instant appeal.

¶ 2 Pursuant to a fully negotiated plea agreement with the State, the defendant, Chauncy D. Lucas Jr., pleaded guilty to first degree murder and was sentenced to imprisonment for 30 years. Immediately after imposing sentence, the circuit court fully advised the defendant of his appeal rights, including the requirement that he file a written motion to withdraw his guilty plea within 30 days. Approximately four months after his plea and sentence, the defendant filed a motion to withdraw his guilty plea. The court dismissed the motion as untimely. The defendant appealed. The defendant's appointed appellate counsel, the Office of the State Appellate Defender (OSAD),

has concluded that this appeal lacks merit. On that basis, OSAD has filed with this court a motion to withdraw as counsel, along with a supporting brief. See *Anders v. California*, 386 U.S. 738 (1967). OSAD properly served the defendant. This court granted the defendant an opportunity to respond to OSAD's motion, but he has not responded. This court grants OSAD leave to withdraw as counsel and dismisses the instant appeal.

¶ 3 I. BACKGROUND

¶ 4 In May 2023, the defendant was charged by information with two counts of first degree murder: intentional murder (720 ILCS 5/9-1(a)(1) (West 2020)) and strong-probability murder (*id.* § 9-1(a)(2)). Each count alleged that the defendant had personally discharged a firearm into the chest of Tyrone Williams, thus causing Williams's death. In June 2023, a grand jury returned a superseding indictment with charges identical to those in the information.

¶ 5 On March 18, 2025, the State amended by interlineation the indictment's intentional-murder count. The State struck the allegation that the defendant had personally discharged a firearm, substituting that he had "bludgeoned" Williams in the chest.

¶ 6 Also on March 18, 2025, the circuit court held a hearing at which the State, the defendant, and appointed defense counsel were present. Defense counsel announced that a plea agreement had been reached, under which the defendant would plead guilty to the count charging intentional first degree murder, as amended, and would be sentenced to 30 years in prison, to be served at 100%, and to be followed by 3 years of mandatory supervised release (MSR), while the other count of first degree murder would be dismissed. The court explained to the defendant that the State had amended the count charging him with intentional murder, removing the firearm enhancement. The court stated that the count now alleged that the defendant, with the intent to kill or cause great bodily injury to the decedent, bludgeoned him in the chest thereby causing his death. Repeating

defense counsel's statement of the terms of the plea agreement, the court asked the defendant whether this was his understanding of the negotiations, and the defendant answered, "Yes, Your Honor."

¶ 7 In response to the circuit court's queries, the defendant acknowledged his name, stated that he had gone as far as his senior year in high school, and indicated that he could read, write, and understand English. He also indicated that he was not under the influence of any drug, prescription medicine, or alcohol, and that he was not suffering from any physical or mental disability that prevented him from understanding what was happening.

¶ 8 The court stated that the defendant was charged with committing first degree murder in that he, without lawful justification and with the intent to kill or cause great bodily injury, bludgeoned Tyrone Williams in the chest, thereby causing the death of Williams. The court asked the defendant whether he understood the amended charge, and the defendant answered, "Yes, Your Honor." When the court asked the defendant how he pleaded to that charge, he answered, "Guilty."

¶ 9 The court advised the defendant that his innocence was presumed, that the State had the burden of proving him guilty beyond a reasonable doubt, that he had a right to counsel, including the right to be represented by the public defender if indigent. The defendant indicated his understanding of those matters. The court further advised the defendant that he had a right to plead not guilty and to have a trial, whether by a jury or by a judge, as the defendant chose, and the jury or judge would decide the question of guilt. At either type of trial, the court continued, the defendant would have the right to confront and cross-examine the witnesses against him, the right to subpoena witnesses who would testify on his own behalf, and the right to testify, though no one could force him to testify. The defendant indicated his understanding of those matters. The court

explained that a plea of guilty served to waive these rights, including the right to a trial. The defendant indicated his understanding.

¶ 10 Turning to the sentencing possibilities, the circuit court explained that first degree murder was punishable by imprisonment for 20 to 60 years, and that the defendant would be required to serve 100% of his sentence, and the prison term would be followed by 3 years of MSR. The defendant indicated his understanding.

¶ 11 At the court's request, the State provided a factual basis for the plea. Essentially, the defendant was angry at Williams and bludgeoned him in the chest, resulting in Williams's death. Defense counsel stipulated that the evidence at trial would be substantially as the State had described.

¶ 12 Turning again to the defendant, the circuit court inquired as to whether anyone had forced or threatened him into pleading guilty, and the defendant answered, "No, Your Honor." The court inquired whether anyone had promised him anything, other than the stated plea negotiations, to persuade him to plead guilty, and the defendant answered, "No, Your Honor." The defendant confirmed that he was pleading guilty freely and voluntarily, and that he had discussed the plea agreement with his attorney.

¶ 13 The court found that the defendant's guilty plea was knowing and voluntary and that the plea was supported by a factual basis. The court accepted the plea.

¶ 14 Immediately after the plea's acceptance, the parties waived preparation of a presentence investigation report and stipulated to the criminal history contained in the court file. The court sentenced the defendant to 30 years in prison for intentional first degree murder as amended, followed by 3 years of MSR. The court dismissed the other count of first degree murder.

¶ 15 Finally, the court advised the defendant that he had a right to appeal, but before he could appeal, he would need to file a written motion to withdraw his plea within 30 days. The court stated that the defendant's motion needed to include every reason that he thought the court should allow withdrawal, and that any claim not raised in the motion would be waived for appeal purposes. The defendant had a right to an attorney, including a public defender if indigent, to prepare a motion to withdraw plea. The court advised the defendant about all the other rights and procedures concerning a motion to withdraw plea and an appeal, as described in Illinois Supreme Court Rule 605(c) (eff. Apr. 15, 2024). When the court asked the defendant whether he understood his appeal rights, the defendant answered, "Yes, Your Honor." When the court asked whether he had any questions about anything that happened in court that day, the defendant answered, "No, Your Honor." The plea-and-sentencing hearing concluded. The court entered a written judgment that reflected the sentence pronounced.

¶ 16 On July 23, 2025, the defendant filed a *pro se* "motion to withdraw plea agreement." The motion was not signed, and it was not accompanied by any proof of service or proof of mailing. The motion set forth four grounds for withdrawal of the plea: (1) the defendant had been threatened with a life sentence; (2) plea counsel was ineffective, did not act in the defendant's best interests, and coerced him into taking the plea deal for 30 years; (3) the defendant "had proven facts that did not support" a charge of first degree murder but instead supported that he acted in self-defense; and (4) the defendant was scared and "not in the right state of mind" when he agreed to plead guilty to first degree murder.

¶ 17 On August 11, 2025, the circuit court entered an order that dismissed the defendant's motion to withdraw plea. According to the court, dismissal was necessary due to the passage of

more than 30 days since the imposition of the sentence. The court did not reach the merits of the defendant's motion to withdraw plea.

¶ 18 The defendant filed a timely notice of appeal from the dismissal. The circuit court appointed OSAD to represent the defendant on appeal.

¶ 19 II. ANALYSIS

¶ 20 The defendant appeals from the circuit court's order that dismissed as untimely his motion to withdraw his guilty plea. Because the propriety of the dismissal depends on the proper interpretation of Illinois Supreme Court rules, appellate review is *de novo*. *People v. Dominguez*, 2012 IL 111336, ¶ 13.

¶ 21 On March 18, 2025, the defendant pleaded guilty to first degree murder and was sentenced to 30 years in prison, all in accordance with a fully negotiated guilty plea. Under Illinois Supreme Court Rule 604(d), before a defendant may appeal a judgment entered upon a guilty plea, he must first file with the circuit court a written motion to withdraw his guilty plea and vacate the judgment, and he must file the motion within 30 days after sentencing. Ill. S. Ct. R. 604(d) (eff. Apr. 15, 2024); *People v. Flowers*, 208 Ill. 2d 291, 300 (2003). In the instant case, the defendant did not file his *pro se* motion to withdraw guilty plea until July 23, 2025, which was more than four months after sentencing.

¶ 22 "Generally, a circuit court loses jurisdiction to vacate or modify its judgment 30 days after entry of judgment." *People ex rel. Alvarez v. Skryd*, 241 Ill. 2d 34, 40 (2011). In *Flowers*, our supreme court stated that if a defendant files his motion to withdraw his plea after more than 30 days have elapsed since sentencing, the circuit court is "divested of jurisdiction to entertain a defendant's motion to vacate the judgment or reconsider the sentence pursuant to Rule 604(d)."

Flowers, 208 Ill. 2d at 303. In that event, the circuit court must dismiss the motion to withdraw plea for lack of jurisdiction. *Skryd*, 241 Ill. 2d at 43.

¶ 23 If the defendant subsequently appeals from the circuit court's dismissal of his motion to withdraw plea, the appellate court must dismiss the appeal. *Id.* at 40. There is an "admonition exception" to Rule 604(d)'s motion requirement that would prevent this court from dismissing the appeal and allow it to remand this cause to the circuit court. See *People v. Foster*, 171 Ill. 2d 469, 472-74 (1996). However, this exception is inapplicable in this appeal because the circuit court substantially complied with Illinois Supreme Court Rule 605(c) (eff. Apr. 15, 2024) at the time it sentenced the defendant. See *id.* at 473.

¶ 24 By the time the defendant filed his motion to withdraw guilty plea, the circuit court had lost jurisdiction over this case. Therefore, the court had no alternative but to dismiss the untimely motion. Likewise, this court has no alternative but to dismiss this appeal. Since any argument to the contrary would lack merit, this court grants OSAD leave to withdraw as counsel. The instant appeal is dismissed.

¶ 25 III. CONCLUSION

¶ 26 This court grants OSAD's motion for leave to withdraw as counsel on appeal. This court dismisses this appeal.

¶ 27 Motion granted; appeal dismissed.