

**NOTICE**  
This Order was filed under  
Supreme Court Rule 23 and is  
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limited circumstances allowed  
under Rule 23(e)(1).

2026 IL App (4th) 251055-U  
NO. 4-25-1055  
IN THE APPELLATE COURT  
OF ILLINOIS  
FOURTH DISTRICT

**FILED**  
September 23, 2026  
Carla Bender  
4<sup>th</sup> District Appellate  
Court, IL

|                                      |   |                   |
|--------------------------------------|---|-------------------|
| THE PEOPLE OF THE STATE OF ILLINOIS, | ) | Appeal from the   |
| Plaintiff-Appellee,                  | ) | Circuit Court of  |
| v.                                   | ) | Ogle County       |
| GARY FREEMAN,                        | ) | No. 23CF37        |
| Defendant-Appellant.                 | ) |                   |
|                                      | ) | Honorable         |
|                                      | ) | Anthony W. Peska, |
|                                      | ) | Judge Presiding.  |

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JUSTICE GRISCHOW delivered the judgment of the court.  
Justice Knecht concurred in the judgment.  
Justice Zenoff dissented.

**ORDER**

¶ 1 *Held:* The trial court’s admonitions substantially complied with Illinois Supreme Court Rule 605(c) (eff. Apr. 15, 2024), which sets forth admonishments given in cases in which a judgment is entered upon a negotiated plea of guilty.

¶ 2 Pursuant to a fully negotiated plea agreement, defendant, Gary Freeman, pleaded guilty to first degree murder (720 ILCS 5/9-1(a)(1) (West 2022)) and was sentenced to 35 years’ imprisonment. On appeal, defendant argues the cause should be remanded because the trial court did not provide adequate admonishments regarding his guilty plea in accordance with Illinois Supreme Court Rule 605(c) (eff. Apr. 15, 2024). For the following reasons, we affirm.

¶ 3 I. BACKGROUND

¶ 4 Defendant was indicted on four counts of first degree murder (720 ILCS 5/9-1(a)(1), (2) (West 2024)), one count of residential arson (*id.* § 20-1(b)), and one count of

concealment of a homicidal death (*id.* § 9-3.4). The charges were based on an incident wherein Devin Gibbons was stabbed to death in her apartment, and a fire was set to conceal the crime. On February 28, 2025, defendant waived his right to a jury trial and entered a fully negotiated plea to one count of first degree murder. In exchange for his guilty plea, the State agreed to dismiss the remaining counts, and the parties agreed to a sentence of 35 years of imprisonment.

¶ 5 On February 28, 2025, the parties appeared before the trial court to present the fully negotiated plea agreement. The State recited the terms, and the court confirmed defendant understood the charges against him and the possible penalties. The court accepted the plea agreement, imposed the agreed 35-year prison sentence, and then admonished defendant as follows:

“[Y]ou have the right to appeal the sentence of this Court. However, prior to taking an appeal, you must file in this court within 30 days of today’s date a written motion asking to have the Trial Court reconsider the sentence or to have the judgment vacated and for leave to withdraw your plea of guilty, setting forth the grounds for doing so in the motion.

If that motion is allowed, the sentence will be modified or the plea of guilty, sentence, and judgment will be vacated and a trial date set on the charges to which the plea of guilty was made.

Upon the request of the [State], any charges which may have been dismissed as part of this plea agreement would be reinstated and would also be set for trial.

You’re further advised that if you are indigent, a copy of the transcript of these proceedings will be provided to you without cost and counsel will be

appointed to assist you in the preparation of these motions.

In any appeal taken from the judgment on your plea of guilty, any issue or claim of error not raised in the motion to reconsider or to vacate the judgment and withdraw your pleas of guilty shall be deemed waived on appeal.”

¶ 6 Defendant did not file any postplea motion.

¶ 7 On September 15, 2025, the clerk of the Ogle County circuit court filed a letter from defendant dated September 10, 2025. In the letter, defendant said he was in Lawrence Correctional Center and asked for copies of his discovery.

¶ 8 On October 2, 2025, defendant filed a *pro se* motion for leave to file a late notice of appeal. Defendant’s motion sought leave because he was “hinder [*sic*] and unable to file a timely appeal due to staff shortage issues at the northern receiving center, as there was minimum to no movement to the law library as it was requested from 3/14/25-4/29/25.” Defendant further explained he was unable to use the phone to contact family or legal assistance to discuss his appeal options and, “[b]y the time [he] arrived at Lawrence Correctional Center 4/30/25, 30 days had already passed.” Defendant’s motion also asserted he filed grievances with the Illinois Department of Corrections (IDOC) in April 2025 and explained that in June of 2025, he obtained access to the law library, at which point he “discovered he could possibly be able to file a late notice of appeal.” Finally, defendant maintained his appeal has merit because the judge who accepted his plea also presided over a juvenile neglect case to which he was a party, evidence was handled improperly, and his attorney was ineffective in failing to investigate his case, file pretrial motions, and properly advise him regarding the plea.

¶ 9 This court allowed defendant’s motion for leave to file a late notice of appeal.

¶ 10 This appeal followed.

¶ 11

## II. ANALYSIS

¶ 12 Defendant argues remand is required because he was not properly admonished of his rights in accordance with Illinois Supreme Court Rule 605(c) (eff. Apr. 15, 2024). In support, he contends the trial court mistakenly read the admonishments under Illinois Supreme Court Rule 605(b) (eff. Apr. 15, 2024) for an open guilty plea and advised defendant he could preserve his right to appeal by filing *either* a motion to withdraw his guilty plea *or* a motion to reconsider his sentence.

¶ 13 Defendant maintains this was not accurate because he could only file a motion to withdraw his guilty plea to preserve his right to an appeal. Citing *People v. Young*, 387 Ill. App. 3d 1126 (2009), defendant contends his case must be remanded for strict compliance with Rule 605(c). In response, the State contends the trial court substantially complied with the admonishments required under Rule 605(c) by informing defendant of each requirement listed within Rule 605(c), and therefore, defendant's failure to file a postplea motion is not excused.

¶ 14 We agree with the State.

¶ 15 A defendant who does not file a postplea motion pursuant to Illinois Supreme Court Rule 604(d) (eff. Apr. 15, 2024) may not pursue a direct appeal. *People v. Wilk*, 124 Ill. 2d 93, 107 (1988). However, a trial court's failure to substantially admonish a defendant pursuant to Rule 605(c) may excuse the defendant's lack of compliance with Rule 604(d). *People v. Flowers*, 208 Ill. 2d 291, 301 (2003).

¶ 16 We review the trial court's compliance with the admonition requirements of Rule 605(c) *de novo*. *Young*, 387 Ill. App. 3d at 1127.

¶ 17 A. Rule 604(d) and Rule 605(c)

¶ 18 A defendant's right to appeal after entering a negotiated plea of guilty is governed

by Illinois Supreme Court Rule 604(d) (eff. Apr. 15, 2024), which states the following:

“No appeal from a judgment entered upon a plea of guilty shall be taken unless the defendant, within 30 days of the date on which sentence is imposed, files in the trial court a motion to reconsider the sentence, if only the sentence is being challenged, or, if the plea is being challenged, a motion to withdraw the plea of guilty and vacate the judgment.”

Furthermore, Rule 605(c) requires the trial court to admonish defendants about the right to appeal and the steps necessary to exercise the right to appeal from a judgment entered on a negotiated plea. Rule 605(c) provides:

“In all cases in which judgment is entered upon a negotiated plea of guilty, at the time of imposing sentence, the trial court shall advise the defendant substantially as follows:

(1) that the defendant has a right to appeal;

(2) that prior to taking an appeal the defendant must file in the trial court, within 30 days of the date on which sentence is imposed, a written motion asking to have the judgment vacated and for leave to withdraw the plea of guilty, setting forth the grounds for the motion;

(3) that if the motion is allowed, the plea of guilty, sentence and judgment will be vacated and a trial date will be set on the charges to which the plea of guilty was made;

(4) that upon the request of the State any charges that may have been dismissed as a part of a plea agreement will be reinstated and will also be set for trial;

(5) that if the defendant is indigent, a copy of the transcript of the proceedings at the time of the defendant's plea of guilty and sentence will be provided without cost to the defendant and counsel will be appointed to assist the defendant with the preparation of the motions; and

(6) that in any appeal taken from the judgment on the plea of guilty any issue or claim of error not raised in the motion to vacate the judgment and to withdraw the plea of guilty shall be deemed waived." Ill. S. Ct. Rule 605(c) (eff. Dec. 7, 2023).

¶ 19 The trial court must strictly comply with Rule 605(c), in that the court must give the admonitions to a defendant who has pleaded guilty. *People v. Dominguez*, 2012 IL 111336, ¶ 11. However, the rule "need not be 'strictly' administered." *Id.* ¶ 22. Courts are only required to "impart to a defendant largely that which is specified in the rule, or the rule's 'essence,' as opposed to 'wholly' what is specified in the rule." *Id.* ¶ 19. If a court has sufficiently read the "substance" of the rule, such that defendant is "substantially put on notice of what he must do within 30 days," the court has substantially advised the defendant as required under the Rule. *Id.* ¶ 43; see *In re J.T.*, 221 Ill. 2d 338, 347-48 (2006) ("While these admonitions did not strictly comply with Rule 605(c), they were sufficient to put [the respondent] on notice that he could challenge his guilty plea, and that some action on his part within 30 days was necessary if he wished to appeal.").

¶ 20 B. This Case

¶ 21 The record shows that here, after sentencing defendant, the trial court fully admonished him in accordance with Rule 605(c). Although the court did not use the exact language of the rule, it advised defendant he was required to file a motion within 30 days, and if

he failed to do so, he would be barred from filing an appeal. Further, the court admonished defendant he was required to set forth all the reasons for withdrawing his plea, all charges could be reinstated if the motion was granted, he had the right to counsel to assist him in preparing and presenting these motions, and he had the right to receive transcripts of the relevant hearings. This court acknowledges the admonitions were imperfect due to the added phrase “motion to reconsider.” However, a verbatim reading of the rule is not required, and we find the court substantially complied with the Rule 605(c) admonitions. *Dominguez*, 2012 IL 111336, ¶ 22; *J.T.*, 221 Ill. 2d at 347-48.

¶ 22 In reaching this conclusion, we find unpersuasive defendant’s argument that remand is required because the trial court erroneously admonished him under Rule 605(b). Defendant was advised of all other elements of Rule 605(c) and was therefore substantially advised of what he must do to preserve his right to appeal. *Dominguez*, 2012 IL 111336, ¶ 22; *J.T.*, 221 Ill. 2d at 347-48. A court complies with the Rule if “the court’s admonitions were sufficient to impart to a defendant the essence or substance of the rule.” *Dominguez*, 2012 IL 111336, ¶ 22. Here, all sections of Rule 605(c) were read word for word, and the mistaken addition of “motion to reconsider” did not contradict the “essence” or “substance” of the rule. *Id.*

¶ 23 Defendant’s motion for leave to file a late notice of appeal shows he was aware of the essence of the rule. Defendant knew of the necessity to challenge his plea within 30 days based on his writing that “30 days had already passed” when he arrived at Lawrence Correctional Center. According to defendant, he arrived at Lawrence Correctional Center in April 2025, had access to the law library in June 2025, and communicated with the trial court to request the discovery in his case in September 2025. Only then did defendant file his motion for leave to file a late notice of appeal. Defendant gave his reasons for failing to file a postplea motion, which

were unrelated to confusion over what was required of him. Defendant explained he was unable to file anything within 30 days because of issues in IDOC and his inability to communicate or access writing materials.

¶ 24 We find *Young* factually distinguishable from this case because in *Young*, the court did not analyze substantial compliance with Rule 605(c), as clarified by the supreme court in *Dominguez. Young*, 387 Ill. App. 3d at 1127; see *Dominguez*, 2012 IL 111336, ¶ 22. Also, in *Young*, the record demonstrated the defendant's confusion about admonishments where that defendant filed the wrong postplea motion. *Young*, 387 Ill. App. 3d at 1127. Here, no such confusion is demonstrated where defendant indicated alternative and unrelated reasons for his failure to file a postplea motion. Moreover, here, we find defendant's argument is contradicted by the record, a contradiction that was not discussed in *Young. Id.* As discussed, in this case, unlike in *Young*, defendant advised in his motion for leave to file a late notice of appeal several other reasons for his failure to file anything within the 30-day deadline, indicating he was aware "some action on his part" was needed within 30 days. *J.T.*, 221 Ill. 2d at 348; see *Dominguez*, 2012 IL 111336, ¶ 43 n.5 (explaining the question of whether a defendant is aware that some action is required on his part within 30 days "applies to the substantive analysis of whether Rule 605(c) admonitions were adequate").

¶ 25 Here, the trial court did not err in its admonitions to defendant. Therefore, defendant is not excused for his failure to file a postplea motion. See *Flowers*, 208 Ill. 2d at 301-02; *Dominguez*, 2012 IL 111336, ¶ 22. As with any other defendant in his situation who was properly admonished under Rule 605(c) yet failed to file a postplea motion, defendant must pursue his claims under the Post-Conviction Hearing Act (725 ILCS 5/122-1 *et seq.* (West 2024)). *Wilk*, 124 Ill. 2d at 107-08.

¶ 26

### III. CONCLUSION

¶ 27 For the reasons stated, we affirm the trial court’s judgment.

¶ 28 Affirmed.

¶ 29 JUSTICE ZENOFF, dissenting:

¶ 30 I respectfully dissent. In my view, the admonishments the trial court provided defendant when he entered his negotiated guilty plea did not substantially comply with the requirements of Illinois Supreme Court Rule 605(c) (eff. Apr. 15, 2024). Accordingly, I would remand the cause with directions for the trial court to provide proper admonishments, which would give defendant a fair opportunity to file a motion to withdraw his guilty plea and vacate the judgment. See Ill. S. Ct. R. 604(d) (eff. Apr. 15, 2024) (providing that a defendant may not appeal a judgment entered upon a negotiated guilty plea unless he or she files a timely motion to withdraw the plea of guilty and vacate the judgment).

¶ 31 The trial court admonished defendant by reciting the language of Rule 605(b), which pertains to open guilty pleas, rather than Rule 605(c), which pertains to negotiated pleas. In 2009, this court remanded a cause for new admonishments where a trial court made a similar mistake. See *Young*, 387 Ill. App. 3d at 1129. Nevertheless, the majority holds that such admonishments, though “imperfect” (*supra* ¶ 21), substantially complied with Rule 605(c) under the standards articulated in 2012 by our supreme court in *Dominguez*. I disagree.

¶ 32 To be clear, the supreme court did not address in *Dominguez* the specific issue we have here. Indeed, the supreme court acknowledged that it was “not quite certain” whether Mr. Dominguez had entered a negotiated guilty plea or an open plea. *Dominguez*, 2012 IL 111336, ¶ 10 n.3. However, for purposes of the appeal, it did “not make a difference which admonishments appl[ied]” (*Dominguez*, 2012 IL 111336, ¶ 10 n.3), given that the purported defects in the

admonishments that Mr. Dominguez received were equally relevant to both Rule 605(b) and Rule 605(c). See *Dominguez*, 2012 IL 111336, ¶ 38 (reciting the defendant’s arguments about the purported defects in the oral admonishments he received). Accordingly, “for simplicity’s sake,” the court focused on Rule 605(c) in its opinion, rather than Rule 605(b). *Dominguez*, 2012 IL 111336, ¶ 10 n.3.

¶ 33           It further bears noting that although Mr. Dominguez argued that the oral admonishments he received were defective, he also received written admonishments reciting Rule 605(c) “nearly word-for-word.” *Dominguez*, 2012 IL 111336, ¶ 24. Here, by contrast, defendant received only oral admonishments, and they tracked Rule 605(b), which simply does not apply.

¶ 34           The two overarching legal issues the supreme court addressed in *Dominguez* were (1) whether a trial court must read Rule 605 admonishments verbatim to a defendant who pleads guilty, as opposed to paraphrasing them and (2) whether the written admonishments Mr. Dominguez received were relevant when assessing whether he was properly admonished. Of course, that second overarching issue has no application to the case at bar.

¶ 35           As it pertains to the present appeal, a four-member majority of the supreme court first held that, “based on the plain meaning of Rule 605(c), the rule must be strictly complied with in that the admonitions must be given to a defendant who has pled guilty.” *Dominguez*, 2012 IL 111336, ¶ 11. According to the court, “[f]ailure to do so requires remand for proper admonishment.” *Dominguez*, 2012 IL 111336, ¶ 11. However, the court recognized that “whether the admonitions need be given at all” was not at issue in Mr. Dominguez’s appeal (*Dominguez*, 2012 IL 111336, ¶ 15), as he received both oral and written admonishments and his appellate arguments did not depend on which subsection of Rule 605 applied.

¶ 36 Thus, the focal point of the supreme court’s discussion in *Dominguez* was whether a trial court must give Rule 605 admonishments verbatim to a defendant who pleads guilty, as opposed to paraphrasing them. The majority of the court rejected the notion that a trial court must read admonishments to a defendant verbatim from the supreme court rules. *Dominguez*, 2012 IL 111336, ¶ 11. Rather, the court held that admonishments must substantially comply with Rule 605(c) by conveying to the defendant “the essence or substance of the rule.” *Dominguez*, 2012 IL 111336, ¶ 22. The majority defined substantial compliance as advising a defendant “under Rule 605(c) in such a way that the defendant is properly informed, or put on notice, of what he must do in order to preserve his right to appeal his guilty plea or sentence.” *Dominguez*, 2012 IL 111336, ¶ 22.

¶ 37 The import of the holding in *Dominguez* as I read it is that it may sometimes pass muster for a trial court to paraphrase the requirements of the appropriate subsection of Rule 605 when admonishing a defendant who has entered a guilty plea. However, nothing in *Dominguez* suggests the supreme court contemplated that it would substantially comply with Rule 605(c) to misrepresent to a defendant the steps required to preserve his or her right to an appeal. See *People v. Braden*, 2018 IL App (1st) 152295, ¶ 25 (recognizing that a trial court must not misrepresent the substance of Rule 605(c) when admonishing a defendant). In fact, the majority in *Dominguez* deemed it significant that Mr. Dominguez was *not* misled about what he needed to do to preserve his right to appeal. See *Dominguez*, 2012 IL 111336, ¶ 53 (“This is not a situation where it can be argued the oral admonishment misled [the] defendant or even conflicted with the written admonishments.”).

¶ 38 Here, by contrast, the admonishments the trial court gave defendant misinformed him that one of the ways he could preserve his right to appeal following his negotiated guilty plea

would be to file a motion to reconsider his sentence. See *People v. Jones*, 213 Ill. 2d 498, 500 n.1 (2004) (asserting that it is “legally inaccurate” to admonish a person who entered a negotiated guilty plea that he or she has the option to file a motion to reconsider the sentence); *People v. Leahy*, 322 Ill. App. 3d 974, 975 (2001) (observing that it is “incorrect as a matter of law” to admonish a defendant who entered a negotiated guilty plea about the prospect of filing a motion to reconsider the sentence, as “[f]iling a motion to reconsider would result in the dismissal of the appeal, not its perfection”).

¶ 39 By definition, imparting inaccurate information about how to preserve one’s right to appeal does not put a defendant on notice “of what he must do in order to preserve his right to appeal his guilty plea or sentence.” *Dominguez*, 2012 IL 111336, ¶ 22. In deeming the admonishments here “imperfect” but in substantial compliance with Rule 605(c), the majority reasons that the trial court “fully” admonished defendant in accordance with Rule 605(c) and merely added language about filing a motion to reconsider the sentence. *Supra* ¶ 21. In other words, the majority takes the position that as long as the correct information is in there *somewhere*, the admonishments are sufficient. The problem with that logic is that the language about filing a motion to reconsider is itself the difference between a Rule 605(c) admonishment and a Rule 605(b) admonishment. The language the trial court added was not just extraneous verbiage; it was legally significant and affirmatively misinformed defendant about what he needed to do before filing an appeal. See *People v. Leal*, 2023 IL App (4th) 220881-U, ¶ 17 (remanding a case for proper admonishments where a trial court “incorrectly admonished [the] defendant in strict compliance with Rule 605(b), not Rule 605(c)”).

¶ 40 Nothing in *Dominguez* authorizes trial courts to provide Rule 605(b) admonishments where defendants enter negotiated guilty pleas. Admonishments simply cannot be

mixed and matched in this manner. See *People v. Bell*, 2026 IL App (4th) 250994, ¶ 68 (explaining that “different subsections of [Rule 605] apply to different factual contexts,” and “trial courts should have no difficulty determining which subsection applies to the factual circumstances before them”). Indeed, the whole purpose of having distinct subsections of Rule 605 with different admonishments is to give defendants a roadmap outlining what they must do to preserve their appeal rights. See *Dominguez*, 2012 IL 111336, ¶ 13 (noting that Rule 605(b) and Rule 605(c) “complement Rule 604(d) and serve as a corollary to the requirements” of that rule, which, in turn, establishes different prerequisites for appealing following negotiated guilty pleas versus open ones). To that end, “Rule 604(d) presumes a defendant was sufficiently admonished of the steps required to perfect an appeal.” *Bell*, 2026 IL App (4th) 250994, ¶ 47.

¶ 41           A defendant should not be penalized for failing to take the steps to preserve a direct appeal if he or she was given incorrect information. Providing admonishments that are unsuited to the circumstances of the case is no better than forgoing admonishments entirely and violates due process in either event. See *Bell*, 2026 IL App (4th) 250994, ¶ 48 (noting that “it would violate procedural due process rights to hold a defendant responsible for failing to comply with Rule 604(d) if he or she had not been admonished of the rule’s requirements pursuant to Rule 605(c)”).

¶ 42           In *Young*, 387 Ill. App. 3d at 1129, this court remanded a case for new admonishments where “the trial court admonished [the] defendant consistent with the requirements of Rule 605(b), applicable to nonnegotiated pleas of guilty, rather than in accordance with Rule 605(c), pertaining to negotiated pleas of guilty.” Here, the majority impliedly suggests that *Young* may no longer be good law in light of *Dominguez*. See *supra* ¶ 24 (“We find *Young* factually distinguishable from this case because in *Young*, the court did not analyze substantial compliance with Rule 605(c), as clarified by the supreme court in *Dominguez*.”). However, as explained above,

nothing in *Dominguez* authorizes courts to provide Rule 605(b) admonishments to defendants who enter negotiated guilty pleas. I reiterate that the majority in *Dominguez* said that it did not matter for purposes of the specific arguments Mr. Dominguez raised whether his plea was open or negotiated. *Dominguez*, 2012 IL 111336, ¶ 10 n.3. But it does matter here, and there is no dispute that his plea was negotiated.

¶ 43 While the defendant in *Young* filed a procedurally improper motion to reconsider his sentence after receiving erroneous admonishments (*Young*, 387 Ill. App. 3d at 1127), defendant here filed no postplea motion within 30 days of the judgment. However, a defendant who files no postplea motion after entering a negotiated guilty plea is in the same boat as a defendant who files the wrong motion—both individuals failed to preserve their right to take a direct appeal. Moreover, this court recently held in *Bell*, 2026 IL App (4th) 250994, ¶ 59, that “a lack of prejudice does not preclude a remand for a trial court’s failure to comply with Rule 605(c).” Accord *People v. Cone*, 2025 IL App (2d) 240474, ¶ 30 (“[W]here defective Rule 605(c) admonitions are given, the defendant is entitled to a remand without showing prejudice.”). Respectfully, the majority’s discussion about whether the record shows that defendant was confused by the admonishments he received (see *supra* ¶ 24) is tantamount to considering whether he was prejudiced by the admonishments.

¶ 44 The majority highlights some comments defendant made in his *pro se* motion for leave to file a late notice of appeal. Defendant’s comments show that he incorrectly believed he could file a notice of appeal without filing any postplea motion. Nothing in the *pro se* motion indicated defendant understood that filing a timely motion to withdraw his guilty plea and vacate the judgment was a prerequisite to an appeal.

¶ 45 As the dissent in *Dominguez* pointed out, “what constitutes ‘substantial

compliance' is not easily agreed upon." *Dominguez*, 2012 IL 111336, ¶ 65 (Burke, J., dissenting, joined by Kilbride and Freeman, JJ.). Until the supreme court provides further guidance, I am not comfortable concluding that defendant forever lost his right to take a direct appeal where he was admonished under Rule 605(b), when he should have been admonished under Rule 605(c). Accordingly, I respectfully dissent.