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) 260318-U

NO. 4-26-0318

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
November 3, 2026
Carla Bender
4th District Appellate
Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Peoria County
TAUJALON HARRIS,	)	No. 25DT322
Defendant-Appellant.	)	
	)	Honorable
	)	Nathan Richard Bach,
	)	Judge Presiding.

JUSTICE ZENOFF delivered the judgment of the court.
Justices Lannerd and Vancil concurred in the judgment.

ORDER

¶ 1 *Held*: The trial court failed to admonish defendant in substantial compliance with Illinois Supreme Court Rule 605(c) (eff. Jan. 1, 2026) upon accepting his fully negotiated guilty plea. Accordingly, the appellate court remanded the cause for the purpose of providing proper admonishments and the opportunity for defendant to file a motion to withdraw the plea and vacate the judgment.

¶ 2 Defendant, Taujalon Harris, appeals following his fully negotiated guilty plea to the offense of driving under the influence (DUI) of alcohol (625 ILCS 5/11-501(a)(2) (West 2024)), with a sentence of supervision. Defendant argues that the trial court failed to admonish him in substantial compliance with Illinois Supreme Court Rule 605(c) (eff. Jan. 1, 2026). The State confesses error. We remand the cause to the trial court for proper admonishments and the opportunity for defendant to file a motion to withdraw his guilty plea and vacate the judgment.

¶ 3 I. BACKGROUND

¶ 4 Defendant was charged with DUI and improper traffic lane usage (625 ILCS 5/11-

709(a) (West 2024)). At the first appearance on October 17, 2025, a judge determined that defendant was indigent and appointed the public defender's office to represent him.

¶ 5 On March 3, 2026, the parties presented the trial court with a fully negotiated guilty plea agreement to the offense of DUI. Defendant confirmed to the court that his signature was on a form entitled "Plea of Guilty." That form explained the nature of the rights defendant relinquished by pleading guilty voluntarily. Also present on that form was the following language pertinent to this appeal:

> "I further understand that I have the right to appeal and that I must first file, within 30 days of being sentenced, a written motion to vacate the judgment and to withdraw my plea of guilty, which motion must contain all issues and errors I am claiming, and if said motion is granted, the plea of guilty, sentence, and judgment will be vacated and trial date will be set on the charge(s) and that any charge(s) dismissed as part of the plea agreement may be reinstated and set for trial.
>
> [Immigration consequences explained.]
>
> I further understand that, if I am indigent, a copy of the proceedings will be provided without cost and a lawyer will be appointed to assist me in the appeal without cost." (Emphasis omitted.)

¶ 6 Defendant asked the trial court some questions about the nature of supervision, which the court answered. Defendant then confirmed to the court that he read and signed a two-page order for court supervision, which (1) outlined the terms of the plea, (2) provided that the parties "stipulate to factual basis," and (3) checked boxes indicating that defendant's other charge was dismissed and appeal rights were explained. Defendant said he had no questions about the supervision order and that nobody had forced or threatened him. The court accepted the plea,

determining it was entered knowingly and voluntarily.

¶ 7 The trial court then gave defendant the following oral admonishments pertaining to his appeal rights:

> "You have appeal rights. If you wanted to appeal this, you would, first, within 30 days of today's date, have to file in this courtroom, a motion to withdraw that guilty plea, stating all the reasons you think you should be entitled to do so. Anything you leave out would be considered waived on appeal. If you needed assistance from an attorney and couldn't afford one, one would be provided to you and you'd have the right to a free transcript of the proceedings. Any questions about that?"

Defendant indicated that he had no questions.

¶ 8 That same day (March 3, 2026), defendant filed a *pro se* notice of appeal, without having filed any postplea motion.

¶ 9 II. ANALYSIS

¶ 10 On appeal, defendant argues that the trial court did not substantially comply with Illinois Supreme Court Rule 605(c) (eff. Jan. 1, 2026) when admonishing him upon accepting the negotiated guilty plea. The State confesses error.

¶ 11 A defendant who pleads guilty may not appeal that judgment absent compliance with Illinois Supreme Court Rule 604(d) (eff. Apr. 15, 2024). Pursuant to Rule 604(d), where a guilty plea is negotiated, within 30 days of sentencing, a defendant who intends to appeal must file a written motion in the trial court seeking to withdraw the plea and vacate the judgment. Ill. S. Ct. R. 604(d) (eff. Apr. 15, 2024). An indigent defendant is entitled to counsel and a free copy of the transcript in connection with pursuing the postplea motion. Ill. S. Ct. R. 604(d) (eff. Apr. 15, 2024).

If the court grants the motion, the court vacates the sentence and permits the defendant to withdraw the guilty plea and plead anew. Ill. S. Ct. R. 604(d) (eff. Apr. 15, 2024). If the court denies the motion, the defendant may then appeal the judgment. Ill. S. Ct. R. 604(d) (eff. Apr. 15, 2024).

¶ 12 Illinois Supreme Court Rule 605(c) (eff. Jan. 1, 2026) is a "corollary" to Rule 604(d) and contains admonishments that a trial court must provide at the time of sentencing to a defendant who has entered a negotiated guilty plea. *People v. Dominguez*, 2012 IL 111336, ¶ 13. Rule 605(c) requires a court to advise a 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. R. 605(c) (eff. Jan. 1, 2026).

¶ 13 Where, as here, a defendant files a notice of appeal without complying with the steps outlined in Rule 604(d), the appellate court typically must dismiss the appeal. *People v. Bell*, 2026 IL App (4th) 250994, ¶ 46. "However, Rule 604(d) presumes a defendant was sufficiently admonished of the steps required to perfect an appeal." *Bell*, 2026 IL App (4th) 250994, ¶ 47. If the trial court did not give appropriate admonishments pursuant to Rule 605(c), "it would violate procedural due process rights to hold a defendant responsible for failing" to follow those steps. *Bell*, 2026 IL App (4th) 250994, ¶ 48. In such event, rather than dismissing an appeal for a defendant's noncompliance with Rule 604(d), the appropriate remedy it to remand the matter for proceedings consistent with Rule 605(c). *Bell*, 2026 IL App (4th) 250994, ¶ 48. This is sometimes referred to in caselaw as the "admonition exception" to Rule 604(d). *People v. Foster*, 171 Ill. 2d 469, 473 (1996).

¶ 14 In *Dominguez*, our supreme court established the framework for determining whether the admonition exception to Rule 604(d) applies in a given case. The court rejected the argument that a trial court must read Rule 605(c) to a defendant verbatim. *Dominguez*, 2012 IL 111336, ¶ 19. Rather, the court held that a trial court "must substantially advise 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." (Internal quotation marks omitted.) *Dominguez*, 2012 IL 111336, ¶ 22. The court added, "[s]o long as the court's admonitions were sufficient to impart to a defendant the essence or substance of the rule, the court has substantially complied with the rule." *Dominguez*, 2012 IL 111336, ¶ 22. According to the

court, although written admonishments cannot serve as "a total substitute for required oral admonishments," they "can be of value where incomplete oral admonishments may have been given." *Dominguez*, 2012 IL 111336, ¶ 30.

¶ 15 We review *de novo* whether a trial court substantially complied with Rule 605(c). *Bell*, 2026 IL App (4th) 250994, ¶ 50. We agree with the parties that the admonishments defendant received were not in substantial compliance with Rule 605(c).

¶ 16 The trial court's oral admonishments were as follows:

> "You have appeal rights. If you wanted to appeal this, you would, first, within 30 days of today's date, have to file in this courtroom, a motion to withdraw that guilty plea, stating all the reasons you think you should be entitled to do so. Anything you leave out would be considered waived on appeal. If you needed assistance from an attorney and couldn't afford one, one would be provided to you and you'd have the right to a free transcript of the proceedings. Any questions about that?"

These admonishments omitted three critical aspects of Rule 605(c): (1) that the postplea motion must be in writing; (2) that if the motion were allowed, the plea of guilty, sentence, and judgment would be vacated, and a trial date would be set on the charges to which the plea of guilty was made; and (3) that upon the request of the State, any charges that were dismissed as part of the plea agreement would be reinstated and set for trial. See Ill. S. Ct. R. 605(c)(2)-(4) (eff. Jan. 1, 2026). Furthermore, the court did not make it clear that defendant, who had been deemed indigent and was represented at the plea hearing by the public defender's office, was entitled to counsel and a free transcript in connection with the preparation of a postplea motion. See Ill. S. Ct. R. 605(c)(5) (eff. Jan. 1, 2026). We note that although the court mentioned the rights to counsel and a transcript,

that was immediately after the court spoke about defendant waiving issues on appeal. Thus, the court's admonishments could be read to imply, erroneously, that defendant would be entitled to counsel and a transcript only if he filed an appeal.

¶ 17 The "Plea of Guilty" that defendant signed contained different information about his appellate rights. Those admonishments provided:

> "I further understand that I have the right to appeal and that I must first file, within 30 days of being sentenced, a written motion to vacate the judgment and to withdraw my plea of guilty, which motion must contain all issues and errors I am claiming, and if said motion is granted, the plea of guilty, sentence, and judgment will be vacated and trial date will be set on the charge(s) and that any charge(s) dismissed as part of the plea agreement may be reinstated and set for trial.
>
> [Immigration consequences explained.]
>
> I further understand that, if I am indigent, a copy of the proceedings will be provided without cost and a lawyer will be appointed to assist me in the appeal without cost." (Emphasis omitted.)

Unlike the oral admonishments the trial court provided to defendant, these written admonishments specified that the postplea motion would have to be in writing and outlined what would follow if the court granted the motion. But unlike the oral admonishments, the written admonishments did not inform defendant that he would be deemed to have waived any issue not raised in the postplea motion. More significantly, whereas the court's oral admonishments were ambiguous as to whether defendant's right to free transcripts and the assistance of counsel would apply before he filed an appeal, the written admonishments expressly tied those rights only to an appeal. That in itself is reversible error. See *People v. Cone*, 2025 IL App (2d) 240474, ¶ 29 (finding no

substantial compliance with Rule 605(c) where the trial court's references to the right to counsel were linked "specifically and exclusively to the appeal process"); *People v. Blackmon*, 2024 IL App (1st) 220586, ¶ 10 (recognizing that "Rule 605(c) admonishments are insufficient if they suggest that a defendant will be appointed counsel only when his case reaches the appellate court").

¶ 18 We hold that the trial court's admonishments were not in substantial compliance with Rule 605(c) because they did not convey "the essence or substance of the rule." *Dominguez*, 2012 IL 111336, ¶ 22. Neither the oral nor written admonishments were complete in and of themselves. That distinguishes the case from *Dominguez*, for example, where the defendant's incomplete oral admonishments were supplemented by written admonishments that "recited Rule 605(c) almost verbatim." *Dominguez*, 2012 IL 111336, ¶ 6. Additionally, the written admonishments that defendant received tied his rights to counsel and free transcripts only to an appeal, which is not part of the admonishment requirements of Rule 605(c). Under the circumstances, defendant was not adequately advised of both his rights and the steps he needed to take to preserve an appeal. We accept the State's confession of error.

¶ 19 In closing, we reiterate the suggestion we made in *Bell* that trial courts should keep copies of the appropriate admonishments at the bench and then read them to defendants in "the explicit language that the supreme court has provided." *Bell*, 2026 IL App (4th) 250994, ¶ 73. Attempting to recite the requirements of Rule 605(c) from memory or paraphrasing them merely invites problems.

¶ 20 III. CONCLUSION

¶ 21 For the reasons stated, we remand the matter with directions for the trial court to provide proper admonishments pursuant to Rule 605(c) and for such further proceedings as may be necessary under Rule 604(d).

¶ 22 Remanded with directions.