

This Order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

NO. 4-25-1221

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

October 29, 2026

Carla Bender

4th District Appellate
Court, IL

Defendant-Appellant.

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Judge Presiding.

Justices DeArmond and Grischow concurred in the judgment.

ORDER

¶ 1 *Held:* The record refutes counsel’s facially compliant Illinois Supreme Court Rule 604(d) (eff. Apr. 15, 2024) certificate, requiring a remand for postplea proceedings in strict compliance with the rule.

¶ 2 In August 2025, defendant, Nick A. Beechamp, pleaded guilty to unlawful possession with intent to deliver methamphetamine, a Class X felony (720 ILCS 646/55(a)(1), (2)(c) (West 2024)). Pursuant to a fully negotiated plea agreement, the trial court sentenced defendant to six years in prison after he failed to comply with probation. Defendant later filed a motion to withdraw his guilty plea and vacate the sentence, which the court denied. Defendant appeals, arguing his counsel rendered ineffective assistance and failed to strictly comply with the requirements of Illinois Supreme Court Rule 604(d) (eff. Apr. 15, 2024). We vacate the court’s denial of defendant’s postplea motion to withdraw his guilty plea and remand for strict compliance with the requirements of Rule 604(d).

¶ 3

I. BACKGROUND

¶ 4

In October 2024, the State charged defendant with unlawful possession with intent to deliver methamphetamine, a Class X felony (720 ILCS 646/55(a)(1), (2)(c) (West 2024)). In August 2025, defendant pleaded guilty to the single charge in a fully negotiated plea agreement.

¶ 5

The State presented the following factual basis for defendant's plea. On August 31, 2024, a Moline, Illinois, police officer conducted a traffic stop of defendant's vehicle. The traffic stop revealed defendant was driving on a revoked driver's license, and his passenger had an active arrest warrant. During a search of the vehicle, police discovered a "white, crystal-like substance" which "field tested positive as methamphetamine." Lab testing at the Illinois State Police crime lab "confirmed the substance was methamphetamine weighing at 41.4 grams." The search warrant executed on defendant's phone showed "conversations between [defendant] and others for drug buys." After proper admonishments, the trial court accepted defendant's plea, finding it was knowingly and voluntarily entered.

¶ 6

Pursuant to the fully negotiated plea agreement, the trial court stayed defendant's sentence of six years in the Illinois Department of Corrections pending his compliance with probation. The probation order was entered on August 5, 2025, and required defendant to successfully comply with all conditions through March 12, 2026, in order for his prison sentence to be vacated. The conditions required defendant to, *inter alia*, "not possess or consume any illegal substances nor cannabis" and to respond to phone calls within two hours. If defendant tested positive for illegal drugs or admitted to illegal drug use, his drug use would be deemed a probation violation, with "no further testing required." In the event that defendant failed to comply with probation, he waived a probation violation hearing and would immediately serve

the prison sentence of six years.

¶ 7 On August 14, 2025, the trial court sentenced defendant to six years in prison after he violated his probation. According to the probation violation report, defendant violated his probation when he (1) “admitted to having used” methamphetamine on or about August 5, 2025, (2) “subsequently tested positive” for methamphetamine and cannabis, and (3) failed to respond to phone calls within two hours on August 12, 2025.

¶ 8 A. Defendant’s Motion to Withdraw His Guilty Plea

¶ 9 On September 5, 2025, defendant moved to withdraw his guilty plea and vacate his sentence, through counsel, asserting (1) he “missed the probation officer’s phone calls because he was at work,” and his failure to call back within two hours should be excused; (2) he did not admit to using methamphetamine after the plea “agreement was in effect,” and his “meth use could’ve occurred before the [plea] agreement”; and (3) he did not admit to using cannabis, which “remains in one’s body” and “would have to be monitored” over time, and he would test positive if he used cannabis before the plea. No affidavits were attached in support of the postplea motion. Counsel later filed a facially compliant certificate of compliance pursuant to Rule 604(d).

¶ 10 In November 2025, the trial court held a hearing on defendant’s motion. At the hearing, probation officer Shelby Pena testified that defendant tested positive for methamphetamine and cannabis on August 7, 2025. Pena testified she called defendant at 8 a.m. on August 12, 2025, and he failed to return her call within two hours. Pretrial officer Amber Cousins testified that on August 7, 2025, she “asked [defendant] when he had last used any substances,” and defendant admitted to using methamphetamine and cannabis “after his court hearing on August 5, 2025.” Defendant then testified against the advice of counsel. Defendant

confirmed he failed the drug test on August 7, 2025. Defendant stated he admitted that he used methamphetamine prior to his plea hearing on August 5, 2025, but “not after [he] was in court.”

¶ 11 B. Trial Court’s Ruling on Defendant’s Motion

¶ 12 The trial court denied defendant’s motion to withdraw his guilty plea. The court found that the motion did not allege “any assertion of a defense worthy for the jury’s consideration.” The court noted, prior to the final plea agreement, defendant could have voiced his concerns that he was going to “test dirty” from recent drug use and his “work in Iowa” prohibited him from responding to phone calls within two hours. In denying the motion, the court stated, “[T]here’s no proof to even show that *** there was even work that day for [defendant] not to return the calls.”

¶ 13 This appeal followed.

¶ 14 II. ANALYSIS

¶ 15 On appeal, defendant argues the record refutes counsel’s certificate of compliance with Rule 604(d) when counsel failed to make necessary amendments and attach required affidavits to his postplea motion. We agree and remand for strict compliance with Rule 604(d).

¶ 16 As an initial matter, the parties dispute whether counsel rendered ineffective assistance during these proceedings. We find it unnecessary to resolve any ineffective assistance dispute in this appeal because remand is otherwise required due to defendant’s Rule 604(d) claim. Under such circumstances, “remand will provide the trial court and the parties with an ample opportunity to clarify defendant’s view of the representation [he] received, at which point the trial court can determine whether a *Krankel* inquiry [(see *People v. Krankel*, 102 Ill. 2d 181 (1984))] is necessary.” *People v. Winston*, 2020 IL App (2d) 180289, ¶ 20 (declining to decide the defendant’s *Krankel* claim on review where remand for compliance with Rule 604(d) was

required). Further, defendant argues in his brief that counsel rendered ineffective assistance in failing to comply with the affidavit requirement of Rule 604(d). We will address this issue below and avoid conflating counsel's Rule 604(d) noncompliance with ineffective assistance under *Strickland v. Washington*, 466 U.S. 668 (1984).

¶ 17 A. Standard of Review and Applicable Law

¶ 18 Whether counsel strictly complied with Rule 604(d) is a question of law, which this court reviews *de novo*. *People v. Gorss*, 2022 IL 126464, ¶ 10. Strict compliance with Rule 604(d) is required. *Id.* ¶ 19. Rule 604(d) governs postplea motions, and it states as follows:

“The motion [to withdraw the plea of guilty] shall be in writing and shall state the grounds therefor. When the motion is based on facts that do not appear of record it shall be supported by affidavit unless the defendant is filing the motion *pro se* from a correctional institution, in which case the defendant may submit, in lieu of an affidavit, a certification as provided in section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109) ***.

*** The defendant's attorney shall file with the trial court a certificate stating that the attorney has consulted with the defendant either by phone, mail, electronic means or in person to ascertain defendant's contentions of error in the sentence and the entry of the plea of guilty, has 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 has made any amendments to the motion necessary for adequate presentation of any defects in those proceedings.” Ill. S. Ct. R. 604(d) (eff. Apr. 15, 2024).

¶ 19 If counsel does not file a facially valid certificate under Rule 604(d), a reviewing

court will find noncompliance and does “not need to look any further than the certificate itself.” *People v. Curtis*, 2021 IL App (4th) 190658, ¶ 35. If counsel does file a facially valid certificate, a reviewing court “may consult the record to determine whether she actually fulfilled her obligations under Rule 604(d).” *People v. Bridges*, 2017 IL App (2d) 150718, ¶ 8.

¶ 20

B. This Case

¶ 21 On appeal, defendant asserts the record rebuts counsel’s facially compliant Rule 604(d) certificate where counsel failed to make necessary amendments and attach any affidavits to his postplea motion to withdraw his guilty plea.

¶ 22 Rule 604(d) requires a postplea motion “based on facts that do not appear of record” to be “supported by affidavit.” Ill. S. Ct. R. 604(d) (eff. Apr. 15, 2024). We note the motion filed by counsel raised several claims based on facts not in the record, including new allegations that defendant “missed the probation officer’s phone calls because he was at work,” he did not admit to using drugs after the plea hearing, and his “meth use could’ve occurred before the [plea] agreement.” No affidavits were attached to the postplea motion.

¶ 23 Whether defendant’s claims have merit “has no bearing on whether counsel complied with Rule 604(d).” *Winston*, 2020 IL App (2d) 180289, ¶ 18. Counsel’s failure to attach any supporting affidavit for the new allegations in the postplea motion rebuts her compliance with Rule 604(d). At the motion hearing, the trial court stressed there was “no proof to even show” defendant was at “work that day” to not “return the calls.” It was the obligation of counsel to provide factual support for the new allegations raised in defendant’s motion. See *People v. Bruce*, 2025 IL App (4th) 240706-U, ¶ 34 (finding that without supporting affidavits, “counsel failed to offer any evidentiary support for the claims she advanced and, ultimately, did not develop them beyond conclusory allegations”).

¶ 24 Rule 604(d) requires counsel to make “any amendments to the motion necessary for adequate presentation of any defects in [plea] proceedings.” Ill. S. Ct. R. 604(d) (eff. Apr. 15, 2024). When a postplea motion is “based on facts that do not appear of record,” affidavits are required. *Id.* The record here undermines postplea counsel’s certification that she made necessary amendments to defendant’s motion to withdraw his guilty plea. Accordingly, we vacate the denial of defendant’s amended motion to withdraw his plea and remand for (1) the filing of a new Rule 604(d) certificate, (2) the opportunity for defendant to file a new motion to withdraw his guilty plea if counsel deems it necessary, and (3) a new hearing on the motion.

¶ 25 III. CONCLUSION

¶ 26 For the reasons stated, we vacate the trial court’s judgment denying defendant’s motion to withdraw his guilty plea and remand for further postplea proceedings in accordance with this decision.

¶ 27 Vacated and remanded with directions.