

2026 IL App (1st) 250949-U
No. 1-25-0949
Order filed September 30, 2026

Fourth Division

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).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	No. 24 CR 60040
	)	
WENDELL HUDSON,	)	Honorable
	)	Peggy Chiampas,
Defendant-Appellant.	)	Judge Presiding.

PRESIDING JUSTICE LYLE delivered the judgment of the court.
Justices Mitchell and Navarro concurred in the judgment.

ORDER

¶ 1 *Held:* We remand the cause for proper admonishments under Illinois Supreme Court Rule 605(c).

Defendant Wendell Hudson entered into a negotiated guilty plea for one count of battery and was sentenced to 364 days in the Cook County Department of Corrections. On appeal, he contends that the matter should be remanded for proper post plea admonishments pursuant to Illinois Supreme Court Rule 605(c) (eff. Apr. 15, 2024) and for the trial court to conduct a preliminary inquiry into his post plea claims of ineffective assistance of plea counsel pursuant to *People v. Krankel*, 102

Ill. 2d 181 (1984). For the reasons that follow, we remand for proper admonishments under Illinois Supreme Court Rule 605(c).

¶ 2

I. BACKGROUND

¶ 3 Mr. Hudson was charged with one count of unlawful use of a weapon by a felon, two counts of aggravated unlawful use of a weapon (AUUW), and two counts of aggravated battery following an incident with one of his neighbors in December 2023. The State offered Mr. Hudson 18 months of probation in exchange for a guilty plea on a reduced AUUW charge. The court admonished Mr. Hudson regarding the applicable sentencing ranges for charged offenses. Mr. Hudson rejected the State's offer and indicated he wished to proceed to a jury trial.

¶ 4 On February 18, 2025, the parties informed the trial court that they had reached an agreement. Mr. Hudson agreed to plead guilty to an amended count of aggravated battery in exchange for a sentence of 364 days, time considered served. Mr. Hudson would also be subject to a "stalking no contact" order for two years. The State agreed to *nolle prosequi* the remaining counts. The court accepted the State's factual basis for the plea and accepted Mr. Hudson's plea as voluntary and knowing. The court accepted the terms of the agreement and sentenced Mr. Hudson to 364 days in the Cook County Department of Corrections, time considered served.

¶ 5 The court then admonished Mr. Hudson regarding his right to appeal.

"THE COURT: Sir, you have the right to appeal. That has to be filed in writing indicating all the reasons why you want to withdraw your guilty plea. It must be in writing. Failure to put that in writing will be waived for purposes of appeal.

If I granted your motion I would vacate the judgment of conviction and sentence and allow you to withdraw your plea of guilty and set your case for trial. Any charges that

were dismissed as they were in this case however as part of the plea agreement would be reinstated at the State's request and then also set for trial.

If you don't have the money to hire an attorney for purposes of the appeal a copy of the transcript will be provided to you free of charge."

Mr. Hudson indicated that he understood his rights.

¶ 6 On February 27, 2025, Mr. Hudson filed a *pro se* motion to withdraw his guilty plea. In the motion, Mr. Hudson alleged that he was denied the right to the effective assistance of counsel where, *inter alia*, his counsel failed to investigate evidence that was favorable to Mr. Hudson's case. Mr. Hudson asserted that there were medical records and a police report suggesting that he was stabbed in the back by the victim on the date of the incident.

¶ 7 At the hearing on the motion, Mr. Hudson informed the trial court that he intended to hire a private attorney, but his attorney was not present in court. The court continued the matter to May 12, 2025, for Mr. Hudson to retain an attorney. At the hearing on May 12, 2025, Mr. Hudson appeared without an attorney present. The court asked Mr. Hudson if he still wished to withdraw his guilty plea:

"THE COURT: All right. So Mr. Hudson, are you still seeking leave to withdraw your plea of guilty?

[MR. HUDSON]: Yeah. At this time I'm still trying to obtain counsel. I had the money—

THE COURT: My question to you, sir, is are you still seeking leave to withdraw your guilty plea?

[MR. HUDSON]: Well, your Honor, I'm not represented by counsel so probably at this time I withdraw it.

THE COURT: You withdraw it?

[MR. HUDSON]: Yes.

THE COURT: All right. Defense granted leave to withdraw motion to withdraw guilty plea.”

The following day, Mr. Hudson filed a *pro se* notice of appeal. The Office of the State Appellate Defender (OSAD) was appointed to represent Mr. Hudson on appeal, and this court subsequently granted OSAD’s motion to amend the notice of appeal to reflect the correct offense.

¶ 8

II. ANALYSIS

¶ 9 On appeal, Mr. Hudson contends that remand is required because the trial court failed to adequately admonish him pursuant to Illinois Supreme Court Rule 605(c) (eff. Apr. 15, 2024) regarding his rights following his guilty plea. He also asserts that remand is required because the trial court failed to conduct a preliminary inquiry pursuant to *Krankel* after Mr. Hudson raised claims of ineffective assistance of plea counsel in his motion to withdraw his guilty plea.

¶ 10 The State responds that we must dismiss this appeal because Mr. Hudson failed to file a timely motion pursuant to Illinois Supreme Court Rule 604(d) (eff. Apr. 15, 2024) to withdraw his guilty plea. The State acknowledges that Mr. Hudson did file a motion to withdraw his guilty plea, but ultimately withdrew the motion. The State maintains that a timely 604(d) motion is a condition precedent to an appeal from a judgment on a plea of guilty.

¶ 11 Mr. Hudson asserts that dismissal is not warranted here because the trial court failed to substantially admonish him in accordance with Rule 605(c). He maintains that where the trial court fails to give the admonishments set forth in the rule, the appeal is not dismissed and, instead, the appropriate remedy is to remand for proper admonishments. He contends that the trial court’s failure to give the proper admonishments was exacerbated where Mr. Hudson was not represented

by counsel and the court failed to inquire into his claims of ineffective assistance. We will first examine whether dismissal is warranted in this case.

¶ 12 A. Rules 604(d) and 605(c)

¶ 13 Illinois Supreme Court Rule 604(d) provides that 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.” Ill. S. Ct. R. 604(d) (eff. Apr. 15, 2024). The timely filing of a Rule 604(d) motion “is a condition precedent to an appeal from a judgment on a plea of guilty.” *People v. Flowers*, 208 Ill. 2d 291, 300-01 (2003) (citing *People v. Wilk*, 124 Ill. 2d 93, 105 (1988)). In the absence of such a motion, we are generally precluded from considering the appeal on its merits and must dismiss the appeal. *Id.* at 301. The question of whether a defendant complied with Rule 604(d) procedures is subject to *de novo* review. *People v. Cook*, 2023 IL App (4th) 210621, ¶ 32. A *pro se* defendant is not entitled to greater leniency and is expected to comply with the rules of procedure just as a defendant represented by counsel. *Id.* (citing *People v. Stevenson*, 2011 IL App (1st) 093413, ¶ 39).

¶ 14 In this case, Mr. Hudson acknowledges that he withdrew his motion to withdraw his guilty plea, but asserts that the appeal should not be dismissed where the circuit court failed to adequately admonish him pursuant to Rule 605(c).

¶ 15 In *Flowers*, 208 Ill. 2d at 301, our supreme court acknowledged that an appeal will not be dismissed based on a defendant’s failure to comply with Rule 604(d) if the trial court failed to advise the defendant in accordance with Rule 605. Under the “admonition exception” to Rule 604(d), where a circuit court fails to give adequate admonishments under Rule 605 and the

defendant attempts to appeal without first filing the motions required by Rule 604(d), the appeal is not dismissed and the appellate court instead must remand to the circuit court for strict compliance with Rule 604(d). *People ex rel. Alvarez v. Skryd*, 241 Ill. 2d 34, 41 (2011). In *People v. Dominguez*, 2012 IL 111336, ¶ 22, the supreme court explained that while the trial court is not required to read the admonitions in Rule 605(c) verbatim, the trial court must nonetheless “substantially” advise a defendant 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. So 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.” We review *de novo* whether the trial court substantially complied with the admonition requirements under Rule 605(c). *People v. Young*, 387 Ill. App. 3d 1126, 1127 (2009).

¶ 16 Rule 605(c) provides that in cases in which a 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 motion to vacate the judgment and to withdraw the plea of guilty shall be deemed waived." Ill. S. Ct. R. 605(c) (eff. Apr. 15, 2024).

In this case, the trial court admonished Mr. Hudson:

"THE COURT: Sir, you have the right to appeal. That has to be filed in writing indicating all the reasons why you want to withdraw your guilty plea. It must be in writing. Failure to put that in writing will be waived for purposes of appeal.

If I granted your motion, I would vacate the judgment of conviction and sentence and allow you to withdraw your plea of guilty and set your case for trial. Any charges that were dismissed as they were in this case however as part of the plea agreement would be reinstated at the State's request and then also set for trial.

If you don't have the money to hire an attorney for purposes of the appeal a copy of the transcript will be provided to you free of charge."

Mr. Hudson maintains that the trial court's admonishments in this case failed to advise him of the 30-day time limitation in subsection (2) and failed to advise him in accordance with subsection (5) that he had the right to have an attorney appointed to assist him with the preparation of postplea motions.

¶ 17 We find that the trial court’s admonishments in this case failed to substantially comply with Rule 605(c). Notably absent from the trial court’s admonishments is any reference to the 30-day deadline to file a motion to withdraw the guilty plea. Admonishments that fail to reference certain portions of Rule 605(c) altogether are inadequate. *People v. Perry*, 2014 IL App (1st) 122584, ¶ 16; see also *People v. Winston*, 316 Ill. App. 3d 618, 620 (2000) (remanding to the trial court for proper admonishments under Rule 605(b) where the trial court failed to advise the defendant of the 30-day time limitation for filing a motion for leave to withdraw the guilty pleas). The court’s admonishments here also confusingly conflate subsections (1) and (2), informing Mr. Hudson that he has the “right to appeal,” and then stating “That” has to be filed in writing “indicating all the reasons why you want to withdraw your guilty plea.” In accordance with subsection (2), the trial court should have informed Mr. Hudson that, “prior to taking an appeal,” he was required, within 30 days, to file a written motion to have the judgment vacated and for leave to withdraw the plea of guilty. The court’s admonishments failed to convey this procedural step.

¶ 18 The trial court also did not inform Mr. Hudson of his right to counsel in the preparation of any posttrial motions, informing him only that if he did not have the money to hire an attorney “for the purposes of the appeal” that he could receive a transcript free of charge. As subsection (5) makes clear, the right to receive a transcript of the proceedings without cost is separate and distinct from the right to have counsel appointed to assist the defendant with the preparation of postplea motions. This admonishment also connected the appointment of counsel solely to the appeals process rather than for the preparation of postplea motions. “Admonishments are insufficient if the defendant is not informed of the right to counsel to assist in filing the proper postplea motions.” *People v. Bell*, 2026 IL App (4th) 250994, ¶ 54; see also *People v. Blackmon*, 2024 IL App (1st)

220586, ¶ 10 (“Rule 605(c) admonishments are insufficient if they suggest that a defendant will be appointed counsel only when his case reaches the appellate court.”)

¶ 19 The State contends that even if we find that the trial court did not substantially comply with Rule 605(c), we should nonetheless dismiss the appeal because Mr. Hudson was not prejudiced by the deficient admonishments where he filed a timely *pro se* motion to withdraw his guilty plea. This court, however, has held that a defendant is not required to show prejudice in connection with a trial court’s failure to comply with Rule 605(c). *People v. Allison*, 2024 IL App (1st) 230395-U, ¶ 22. Relying on *Dominguez*, the *Allison* court explained that “[n]othing in *Dominguez* suggests that a prejudice analysis follows the question of whether a trial court substantially complied with Rule 605(c).” Every other appellate district that has considered the same question has reached the same conclusion. See *Bell*, 2026 IL App (4th) 250994, ¶ 58 (“a defendant is not required to show prejudice in connection with a trial court’s failure to comply with Rule 605(b) or (c).”); *People v. Cone*, 2025 IL App (2d) 240474, ¶ 30 (stating that when defective Rule 605(c) admonitions are given, the defendant is entitled to a remand without showing prejudice); *People v. Johnson*, 2025 IL App (4th) 241089-U, ¶ 17 (stating that a lack of prejudice does not preclude a remand for a trial court’s failure to comply with Rule 605(b)); *People v. Dominiak*, 2023 IL App (3d) 230028-U, ¶ 10 (stating the requirement to show prejudice applies exclusively to Rule 605(a)). “Thus, to the extent the State maintains there was no prejudice resulting from the inadequate admonishments and suggests any error was harmless, we reject that argument.” *Allison*, 2024 IL App (1st) 230395-U, ¶ 22.

¶ 20 In any event, there is evidence of prejudice here where Mr. Hudson withdrew his motion to withdraw his guilty plea more than 30 days after the date that his sentence was imposed without ever being informed that doing so would foreclose his right to withdraw his guilty plea and would

result in any direct appeal being dismissed. See *People v. Runge*, 346 Ill. App. 3d 500, 508 (2004) (finding in the context of Rule 605(b) that “[w]ithout a showing that defendant was told of his appeal rights, it cannot be assumed that he was aware that any arguable issues relating to his guilty plea could be waived on review when he withdrew his motion to withdraw his guilty plea.”).

¶ 21 Accordingly, we find that the trial court’s deficient admonishments did not substantially comply with Rule 605(c). As such, the proper remedy is to remand for proper 605(c) admonishments. *People v. Blackmon*, 2024 IL App (1st) 220586, ¶ 12.

¶ 22 *B. Krankel*

¶ 23 Although we have already found that remand is necessary for proper admonishments under Rule 605(c), we will briefly address Mr. Hudson’s contentions that the trial court failed to inquire into the claims of ineffective assistance of plea counsel that he raised in his motion to withdraw his guilty plea. As noted, in his motion to withdraw his guilty plea, Mr. Hudson asserted that plea counsel was ineffective in failing to investigate certain evidence, including medical records, suggesting that the victim stabbed Mr. Hudson in the back. Mr. Hudson maintains that this allegation should have prompted the trial court to inquire into Mr. Hudson’s *pro se* claims. See *People v. Moore*, 207 Ill. 2d 68, 77-78 (2003) (describing the *Krankel* procedure).

¶ 24 The record is clear that the trial court did not hold a hearing on Mr. Hudson’s *pro se* claims of ineffective assistance or otherwise evaluate the claims. See *People v. Milton*, 354 Ill. App. 3d 283, 292 (2004) (noting that there are three ways that a trial court can conduct an evaluation of a defendant’s *pro se* claims of ineffective assistance: “(1) the court may ask trial counsel about the facts and circumstances related to the defendant’s allegations; (2) the court may ask the defendant for more specific information; or (3) the court may rely on its knowledge of counsel’s performance at trial and ‘the insufficiency of the defendant’s allegations on their face.’ ”) (quoting *Moore*, 207

Ill. 2d at 78-79). However, we find that the trial court here was under no obligation to inquire into Mr. Hudson's claims after he withdrew his motion. In *People v. Daniel*, 2022 IL App (1st) 182604, ¶¶ 147-48, this court explained that where a defendant withdraws the pleading containing the allegations of ineffective assistance, there is no longer any allegation of ineffective assistance pending before the trial court and the trial court is under no obligation to *sua sponte* raise the issue. "Defendant's affirmative act of withdrawing his *pro se* posttrial motion had the effect of telling the trial court that he no longer wanted an examination of his ineffective assistance of counsel claims." *Id.* ¶ 148. We do not have the same procedural concerns regarding Mr. Hudson's withdrawal of his ineffective assistance claims as we expressed above regarding his withdrawal of his motion to withdraw his guilty plea. Accordingly, we find that once Mr. Hudson withdrew his motion to withdraw his guilty plea containing his allegations of ineffective assistance, the trial court was under no obligation to conduct a preliminary inquiry under *Krankel* and by withdrawing the claims, Mr. Hudson waived any contention that the court erred in failing to conduct such an inquiry. *Id.*

¶ 25

III. CONCLUSION

¶ 26 For the reasons stated, we remand for new admonishments in accordance with Rule 605(c).

¶ 27 Reversed and remanded.