

¶ 1 Pursuant to a negotiated guilty plea, defendant Corrine (or Corrin) Barker was found guilty of armed violence, aggravated kidnaping, and attempted armed robbery, and was sentenced to a 17-year prison term for armed violence, a concurrent 17-year prison term for aggravated kidnaping, and a concurrent 15-year prison term for attempted armed robbery. The remaining 12 counts of the indictment were disposed of by means of *nolle prosequi*. Defendant did not file a motion to withdraw the guilty pleas and vacate the judgments. She filed a motion to reduce the sentence, which the circuit court denied as untimely. Defendant then filed a late notice of appeal which was allowed by this court.

¶ 2 On appeal, defendant contends that she was not properly admonished of her post-plea rights and the applicable procedures pursuant to Supreme Court Rule 605(c)(2) (eff. Oct. 1, 2001), and that therefore we must remand for proper admonishments.

¶ 3 The circuit court admonished defendant as follows regarding her appeal rights:

"I will advise you of your right to appeal this sentence. Since you made an agreed plea, you can appeal it by filing a motion to vacate your plea. You would have to do that in this court in writing within 30 days and state all grounds, otherwise they are considered waived.

If you couldn't afford an attorney, one would be provided. If you couldn't afford a transcript, one would be provided. If you were successful in your motion to vacate your plea, your case would be reinstated and set down for trial as if you had never pled. If you couldn't afford an attorney for trial, one would be provided.

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If you are found not guilty after trial, there would be no further sentence. If you were found guilty, you would be resentenced."

¶ 4 On July 28, 2011, defendant filed a *pro se* motion to reduce the 17-year prison sentence that was imposed on May 25, 2011. Defendant alleged that defense counsel forced her to accept the plea agreement, that she felt the sentence was too harsh, that she did not commit murder, that she was a good person, that she did not have a bad background, that defense counsel did not properly represent her, and that her mental health evaluation was not read or considered prior to sentencing. On August 5, 2011, the circuit court denied the motion as untimely. Defendant filed a late notice of appeal on September 13, 2011, which this court allowed on October 6, 2011.

¶ 5 On appeal, defendant contends that the circuit court failed to admonish her pursuant to Rule 605(c)(2) that, prior to taking an appeal and within 30 days of the sentencing date, she needed to file a written motion in the circuit court asking to vacate the judgment and to withdraw the guilty plea, and setting forth the grounds for the motion. Defendant argues that the court admonished her that she could appeal by filing a motion to vacate the guilty plea, which was confusing and not in substantial compliance with Rule 605(c)(2) because it is not the meaning of that rule. Defendant seeks remandment for proper Rule 605(c)(2) admonishments and an opportunity to withdraw the guilty plea.

¶ 6 The State responds that defendant was properly and substantially admonished in accordance with Rule 605(c)(2) and that her appeal should be dismissed because she failed to file

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a timely motion to vacate the judgment and withdraw the guilty plea, ordinarily a prerequisite to perfecting an appeal, and her failure to file that motion was fatal to her direct appeal. The State acknowledges the admonition exception to the rule, but maintains that the admonishments in this case were sufficient to apprise defendant of the actions necessary to perfect an appeal.

¶ 7 We review *de novo* the circuit court's compliance with a supreme court rule (*People v. Gougisha*, 347 Ill. App. 3d 158, 162 (2004)), and we dismiss this appeal.

¶ 8 Illinois Supreme Court Rule 605(c) (eff. Oct. 1, 2001) sets forth the required admonishments for negotiated guilty pleas. Rule 605(c)(2) states:

"In all 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:

* * *

(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 ***."

¶ 9 The admonishments must substantially advise the defendant of her Rule 605(c) rights. See *People v. Dominguez*, 2012 IL 111336, ¶¶ 16-21, 43. The admonishments need not be a verbatim recitation of the rule; rather, they need only convey the substance of the rule, or impart the essence of the rule. *Id.* at ¶¶ 11, 19, 22, 51.

¶ 10 We conclude that the circuit court substantially provided the admonishments required by Rule 605(c)(2). The circuit court admonished defendant of her right to appeal. The court explained that, because defendant had agreed to plead guilty, she could appeal by filing a motion to vacate the guilty plea. The court instructed defendant to file that motion with the court in writing within 30 days and to include all grounds or else they would be waived. Pursuant to *Dominguez*, we believe that the admonishment conveyed the substance or imparted the essence of the rule and therefore substantially advised defendant of her Rule 605(c)(2) rights.

¶ 11 Under these circumstances, the admonition exception did not excuse defendant from filing a motion to withdraw her plea and to vacate the judgment under Supreme Court Rule 604(d) (eff. July 1, 2006). *People v. Claudin*, 369 Ill. App. 3d 532, 534 (2006).

¶ 12 Therefore, defendant needed to file a motion to withdraw the plea and to vacate the judgment before filing the appeal. Instead, defendant filed an untimely motion to reduce the sentence, which was the wrong motion to perfect her appeal from her negotiated plea. Accordingly, defendant has waived her right to a direct appeal. *Id.* at 535. We have considered, and rejected, all of defendant's arguments on appeal. Therefore, this appeal is dismissed.

¶ 13 Dismissed.