



the following reasons, we now grant the State Appellate Defender's motion to withdraw as counsel on appeal and affirm the judgment of the circuit court of Hamilton County.

¶ 3 On May 6, 2010, Reynolds entered a negotiated plea of guilty to one count of criminal sexual assault and was sentenced to 10 years' imprisonment, to be followed by 2 years of mandatory supervised release (MSR). On August 23, 2010, Reynolds filed *pro se* a petition for postconviction relief pursuant to the Post-Conviction Hearing Act (725 ILCS 5/122-1 to 122-8 (West 2008)), arguing that he had been denied the effective assistance of counsel during the guilty plea proceedings. Counsel was appointed, and on December 14, 2010, appointed counsel filed an amended postconviction petition alleging that Reynolds had received ineffective assistance of counsel where counsel had misadvised Reynolds that he would only have to serve 50% of his sentence and where counsel had failed to point out to the circuit court that it had imposed an unauthorized term of MSR. The amended postconviction petition further alleged that the two-year MSR portion of his sentence was void because section 5-8-1(d)(4) of the Unified Code of Corrections requires a defendant who has been convicted of criminal sexual assault to serve an MSR period of three years to natural life (730 ILCS 5/5-8-1(d)(4) (West 2008)).

¶ 4 At a February 3, 2011, hearing on Reynolds's amended postconviction petition it was agreed that Reynolds should be allowed to withdraw his guilty plea and to enter into a new plea agreement conforming with his original understanding of the sentence he would serve. Under the terms of the new agreement, Reynolds would plead guilty to criminal sexual assault and would receive a sentence of 5 years and 10 months' imprisonment. The MSR term would be indefinite, three years to life. Defense counsel noted that the statute providing for an indefinite MSR term for certain sex offenses had been held invalid in *People v. Rinehart*, 406 Ill. App. 3d 272 (2010), and that he wanted to preserve this issue for appeal. After noting counsel's contention, the circuit court accepted Reynolds's guilty

plea and sentenced him in accordance with the plea agreement, including the three-year-to-life term of MSR.

¶ 5 On February 22, 2011, Reynolds filed a motion to withdraw his guilty plea, arguing that the circuit court had erred in imposing an indefinite MSR term. The circuit court denied the motion. Reynolds appeals.

¶ 6 The sole issue Reynolds preserved for appeal is whether the indefinite, three-year-to-life MSR term is proper in light of *Rinehart*. The supreme court recently reversed the Fourth District's decision in *Rinehart*, holding that section 5-8-1(d)(4) contemplates an indeterminate MSR term and does not require the trial court to set a determinate MSR term within the statutory range. *People v. Rinehart*, 2012 IL 111719. Consequently, Reynolds's indefinite MSR term was valid and the circuit court properly denied his motion to withdraw his guilty plea.

¶ 7 For the foregoing reasons, appointed counsel's motion to withdraw as counsel on appeal is granted, and the judgment of the circuit court of Hamilton County is affirmed.

¶ 8 Motion granted; judgment affirmed.