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2019 IL App (4th) 170767-U

NO. 4-17-0767

FILED
March 27, 2019
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Champaign County
MIKAL K. WASHINGTON,	)	No. 12CF2040
Defendant-Appellant.	)	
	)	Honorable
	)	Thomas J. Difanis,
	)	Judge Presiding.

JUSTICE HARRIS delivered the judgment of the court.
Justices Knecht and Turner concurred in the judgment.

ORDER

¶ 1 *Held*: The proceedings on remand were not "perfunctory" and defendant was afforded a hearing on the merits of his second amended motion to withdraw his guilty plea.

¶ 2 Defendant, Mikal K. Washington, pleaded guilty but mentally ill to aggravated battery with a firearm (720 ILCS 5/12-3.05(e)(1) (West 2012)) in exchange for a 10-year prison sentence and the dismissal of a charge of attempt (first degree murder) (720 ILCS 5/8-4(a), 9-1(a)(1) (West 2012)). Shortly thereafter, he filed a motion to withdraw his plea and vacate his sentence. The trial court denied defendant's motion and he appealed. On review, this court reversed and remanded back to the trial court based on defense counsel's filing of a deficient Illinois Supreme Court Rule 604(d) (eff. Dec. 11, 2014) certificate. *People v. Washington*, 2017 IL App (4th) 150033-U.

¶ 3 On remand, defendant was appointed counsel who filed a new Rule 604(d) certif-

icate and a second amended motion to withdraw guilty plea and vacate the judgment. The trial court denied defendant's motion and he appeals, arguing that the proceedings on remand were "perfunctory" and denied him a full and fair hearing on his new postplea motion. We affirm.

¶ 4 I. BACKGROUND

¶ 5 In December 2012, the State charged defendant with attempt (first degree murder) (720 ILCS 5/8-4(a), 9-1(a)(1) (West 2012)) and aggravated battery with a firearm (720 ILCS 5/12-3.05(e)(1) (West 2012)), alleging he shot his wife with a handgun. In October 2014, defendant pleaded guilty but mentally ill to aggravated battery with a firearm in exchange for a 10-year sentence of imprisonment and the dismissal of the attempt (first degree murder) charge.

¶ 6 At the guilty plea hearing, the trial court first received mental health evaluations of defendant from a forensic psychiatrist and two clinical psychologists. The parties stipulated to the contents of the reports and, based on the parties' stipulation, the court determined that defendant was fit to plead guilty or stand trial. Upon inquiry by the court, defendant expressed that he understood the nature of the offense to which he was pleading guilty, the possible penalties, and the rights he would be giving up by pleading guilty. He further asserted that his plea was voluntary and of his own free will. The State then provided the following factual basis for the plea:

> "Back on December 9, 2012, [defendant] and [the victim] were married and were in the process of separating. At about 9:15 p.m. on that night [the victim] was giving [defendant] a ride home in her mini[]van. During the ride home, the defendant brandished a .22 caliber revolver and fired at [the victim,] striking her in the right side and the right arm."

¶ 7 The State also offered a factual basis for the mental illness portion of defendant's

plea, stating that defendant was evaluated by three individuals, Dr. Lawrence Jeckel, Dr. Judy Osgood, and Dr. Susan Minyard, all of whom found him to be fit. Additionally, Dr. Jeckel opined defendant was criminally responsible for his actions while Drs. Osgood and Minyard opined that he was not. All three doctors found defendant suffered from various mental disorders, including posttraumatic stress disorder (PTSD). All also opined that defendant's PTSD was a direct result of his military service. As indicated, the trial court ultimately accepted defendant's plea, sentenced him to 10 years' imprisonment, and dismissed the attempt (first degree murder) charge.

¶ 8 The following month, defendant *pro se* filed a motion to withdraw his guilty plea and vacate his sentence, and the trial court appointed counsel to represent him. In January 2015, defendant, with the aid of appointed counsel, filed an amended motion to withdraw his plea. He argued his plea was not voluntarily, knowingly, and intelligently entered into because (1) his defense attorney, Alfred Ivy, forced, threatened, and coerced him into pleading guilty by refusing to pursue an insanity defense if the case went to trial; (2) Ivy told him that a jury would not believe psychologists who opined that he was insane at the time of the offense and that such opinions were "not satisfactory to prove insanity"; (3) his last conversation with Ivy before the plea concerned a plea to a lesser charge for less time and day-for-day credit and Ivy would not speak with him during plea proceedings; and (4) "many factors" caused him not to understand the charges against him, possible sentences, the plea agreement, or the rights he gave up by pleading guilty. Defendant further argued that he was entitled to withdraw his plea due to Ivy's ineffectiveness and because he had a worthy defense to the charges and there was doubt as to his guilt.

¶ 9 In January 2015, the trial court conducted a hearing on defendant's amended motion. Defendant testified and identified the medications he was currently taking to help with his

mental health. He stated the medications also helped him "think clearly." He further described his mental condition prior to and at the time of the shooting. Defendant asserted that before the shooting he stopped taking his medication and experienced worsening "hallucinations and flashbacks." He testified that he did not understand what he was doing when he shot his wife.

¶ 10 Defendant further testified that his family hired Ivy to represent him in connection with the charges at issue. He estimated he saw Ivy 30 times between December 2012 and October 2014. Defendant stated that he explained to Ivy that he did not believe that he was criminally responsible for the shooting due to his mental health issues. As a result, Ivy requested the psychiatric evaluation that was performed by Dr. Jeckel. Ivy also assisted defendant and his family in hiring two psychologists, Dr. Osgood and Dr. Minyard, to evaluate defendant. Defendant understood that Dr. Jeckel determined he had been criminally responsible for the shooting while Drs. Osgood and Minyard found he was not. Defendant testified he wanted to go to trial, but Ivy stated defendant would lose at trial and "pressured" him to take a plea. According to defendant, Ivy indicated that testimony from a psychologist that he was not criminally responsible was insufficient "because the psychologist is not a psychiatrist."

¶ 11 Defendant testified that he made it clear to Ivy that he wanted to go to trial. However, Ivy "pressured" him by saying "several times to just take a plea." Ivy communicated that "he felt strongly that [defendant] should take a plea." Defendant acknowledged discussing with Ivy that there was an offer "of [10] years on a Class X at [85%]" but stated they "were still in discussion." The day before the plea hearing, defendant asked Ivy "to come off a Class X," get a sentence of less than 10 years, and get "a day-for-day offense." According to defendant, Ivy stated he would get back with defendant but never did. Instead, "[w]e were just thrown into court." On the day of the plea hearing, defendant tried to clarify with Ivy what his actual plea agreement

was but was unable to do so. Defendant testified that when answering questions during the plea hearing he "was trying to buy time" or "rushing through the answers because [he] was still trying to talk to [Ivy] so that [he] could figure this all out." He maintained that he did not tell the judge that there was something wrong or that he wanted more time to speak with Ivy because he thought Ivy "had his best interest at hand" and he "was trying to give [Ivy] the chance to say that."

¶ 12 On cross-examination, defendant acknowledged that aside from meeting with Ivy in person approximately 30 times, there were also occasions when they spoke on the phone. Further, he agreed that at the guilty plea hearing, he "answered the judge's questions" and "enter[ed] a guilty plea."

¶ 13 The State presented Ivy's testimony. Ivy stated he was retained to represent defendant and that he knew defendant prior to the incident at issue. He requested a fitness evaluation for defendant, and the trial court appointed Dr. Jeckel, a forensic psychiatrist. Dr. Jeckel opined defendant was fit to stand trial, that he "was criminally responsible at the time of the offense," and that defendant was malingering. Ivy testified he discussed the results of Dr. Jeckel's evaluation with defendant on more than one occasion.

¶ 14 Ivy further stated that he was aware defendant was taking medications. He testified defendant appeared to understand what was said and communicate normally. However, Ivy also stated that there were times where defendant's "processing" or "understanding of different things would be a bit off." He explained as follows:

> "We could be talking about the case and he would be more concerned about a doctor's evaluation. We could be talking, you know, case strategy and he would be talking about some case law that didn't really apply to his particular sit-

> uation and, you know, those types of things. He just thought differently about the case than his attorney did."

Ivy agreed that defendant was able to discuss case law with him, doctors' opinions, and to formulate intelligent questions that Ivy could answer.

¶ 15 Ivy testified that, ultimately, defendant retained and was evaluated by two clinical psychologists—Dr. Osgood and Dr. Minyard. Both psychologists determined defendant was fit to stand trial but not criminally responsible for the charged offenses. Ivy discussed the doctors' findings with defendant, and defendant appeared to understand their conversations. Ivy denied telling defendant that the psychologists' opinions would be insufficient as a matter of law to prove insanity; however, he stated he did discuss with defendant the differences between a clinical psychologist and a forensic psychiatrist. Specifically, that both were qualified to render opinions regarding fitness and responsibility but that they have different areas of expertise and education. They also discussed the possibility that a trier of fact might give more weight to the opinions of a psychiatrist than a psychologist.

¶ 16 In the fall of 2014, Ivy received a plea offer from the State "for a guilty but mentally ill plea for a fixed number of years." He stated he explained the offer to defendant and the two discussed the various options open to defendant, including going to trial and presenting an insanity defense. Ivy testified defendant wanted "a not guilty by reason of insanity plea offer" but such an offer was not made by the State because there was not complete agreement between the experts. Ivy stated he and defendant discussed potential outcomes of the case and potential risks "[o]ften." Defendant asked questions and appeared to understand what they were discussing.

¶ 17 Ivy testified that during their discussions, defendant indicated he would agree to

plead guilty but mentally ill in exchange for an eight-year prison sentence. Ivy presented that information to the State and then he and the State "settle[d] on" a prison term of 10 years. Ivy presented that offer to defendant, and he accepted. He stated he gave defendant legal advice regarding the plea offer but did not threaten him to get him to plead guilty. If defendant did not want to plead guilty, Ivy "probably would have [taken] a deep breath and went to trial."

¶ 18 Ivy further testified that he spoke with defendant "just prior" to the plea hearing. He denied that defendant said or did anything prior to or during the plea hearing that indicated he did not want to go through with pleading guilty. Also, defendant did not stop the plea proceedings, nor did he express that he did not understand.

¶ 19 On cross-examination, Ivy testified that he also discussed with defendant the benefits of a not-guilty-by-reason-of-insanity verdict versus a guilty-but-mentally-ill verdict and "at that point everything bore down to time," *i.e.*, how long defendant could be held in custody. Ivy agreed that the State's final offer was "the Class X for [10] years at [85%]." When he conveyed that offer to defendant, defendant asked him to counteroffer "off the X for less than [10] and not [85%]." Ivy made the counteroffer, but it was rejected.

¶ 20 Ultimately, the trial court denied defendant's motion to withdraw his plea. It rejected defendant's assertions that Ivy's representation was ineffective and that he lacked an understanding of the plea proceedings. The court noted that defendant "answered all of the questions appropriately" when pleading guilty and that he had been found fit by all three doctors who evaluated him. The court concluded that Ivy was more credible than defendant.

¶ 21 Defendant appealed the trial court's ruling. In May 2017, this court reversed based on the failure of defendant's postplea counsel to comply with Illinois Supreme Court Rule 604(d) (eff. Dec. 11, 2014). *Washington*, 2017 IL App (4th) 150033-U. We remanded the matter

to the trial court "with directions (1) for defense counsel to file a new Rule 604(d) certificate; (2) to allow defendant the opportunity to file a new motion to withdraw his guilty plea and/or reconsider the sentence; and (3) for a new hearing on defendant's postplea motion." *Id.* ¶ 22.

¶ 22 On remand, the trial court appointed new counsel for defendant. In August 2017, defendant filed a second amended motion to withdraw his guilty plea and vacate the judgment. He raised substantially the same arguments as set forth in his previous motion. Specifically, defendant argued he did not, knowingly, voluntarily, and intelligently enter into his plea because (1) Ivy coerced him into pleading guilty by advising defendant that he would not pursue an insanity defense on defendant's behalf if the case went to trial, (2) Ivy told him that the opinions of Drs. Osgood and Minyard were insufficient as a matter of law to prevail with an insanity defense at trial, (3) Ivy misrepresented the plea agreement by telling him he would be accepting an offer to a lesser charge that would allow for day-for-day credit and did not take sufficient time to fully explain the details of the State's offer, (4) Ivy did not spend sufficient time discussing the case with defendant, and (5) "[a]t the time of the plea, many factors caused [defendant] to not understand the charges, the possible sentences, the plea agreement[,] and the rights he was giving up by entering into the guilty plea." As in his previous motion, defendant also argued that he was entitled to withdraw his plea due to Ivy's ineffectiveness and because he had a worthy defense to the charges and there was doubt as to his guilt.

¶ 23 The same month, the trial court conducted a hearing in the matter. Defendant's counsel presented argument to the court, asserting Ivy spent insufficient time discussing the details of the plea agreement with defendant and defendant was "rushed" by Ivy during plea proceedings. Counsel further argued that defendant was pressured into accepting the plea agreement because Ivy stated he would not assert a defense of not guilty by reason of insanity on defend-

ant's behalf and "he didn't have witnesses that would be sufficient in order to prevail with that particular defense." Finally, defendant's counsel also asserted as follows:

> "[Defendant] indicates that he suffers from some very severe mental health issues. He indicates that it was difficult for him to understand the terms of the plea offer because he was on so many different medications, including psychotropic medications[.]"

¶ 24 In response, the State asserted that the motion to withdraw that defendant filed on remand was "almost identical" to his previous motion to withdraw and that "the court litigated all of those issues previously." The State argued that "[t]he claim as to pyschotropics that counsel has just referred to may be new" but pointed out that it had not been in defendant's written motion. The State asked "for an opportunity to respond" in the event "that's an issue to be considered."

¶ 25 The trial court noted that defendant had undergone three mental health evaluations and that, given the results of those evaluations, Ivy was correct in advising defendant that an insanity defense would be fruitless. However, the court stated it would review the transcript of the prior motion to withdraw and then make a determination on defendant's motion. In September 2017, the trial court entered a written order, stating as follows:

> "Defendant has filed a Motion to Withdraw his Guilty Plea[.] The Defendant's counsel used the word "or" instead of "and" in his 604(d) certificate[.] The matter was returned from the Appellate Court for the filing of an appropriate certificate[.] New counsel for the Defendant has on file a correct 604(d) certificate[.] The Court has reviewed the transcript from the hearing on January 14, 2015[.] The Defendant's Motion to Withdraw his guilty plea is denied[.]"

¶ 26 This appeal followed.

¶ 27 II. ANALYSIS

¶ 28 On appeal, defendant argues that the proceedings on remand were so "perfunctory" that they did not amount to a full and fair hearing on his second amended motion to withdraw his guilty plea and, consequently, failed to comply with this court's mandate to conduct a new hearing on any postplea motion defendant filed. Defendant maintains that the matter should be remanded once again for new postplea proceedings.

¶ 29 When defense counsel fails to comply with Illinois Supreme Court Rule 604(d) (eff. Dec. 11, 2014), "the appropriate remedy is a remand for (1) the filing of a Rule 604(d) certificate; (2) the opportunity to file a new motion to withdraw the guilty plea and/or reconsider the sentence, if counsel concludes that a new motion is necessary; and (3) a new motion hearing." *People v. Lindsay*, 239 Ill. 2d 522, 531, 942 N.E.2d 1268, 1274 (2011). On remand, a defendant "is entitled to a hearing that is *meaningful*, but only in the very limited sense that it is not a mere charade performed for the purpose of reinstating an appeal." (Emphasis in original.) *People v. Tejada-Soto*, 2012 IL App (2d) 110188, ¶ 14, 966 N.E.2d 375.

¶ 30 Here, in arguing that the hearing on remand was insufficient, defendant primarily relies on two cases—*People v. Porter*, 258 Ill. App. 3d 200, 630 N.E. 2d 1350 (1994), and *People v. Oliver*, 276 Ill. App. 3d 929, 659 N.E.2d 435 (1995), *overruled in part on other grounds by Lindsay*, 239 Ill. 2d 522. Both cases address the sufficiency of proceedings on remand after a previous finding of noncompliance with Rule 604(d).

¶ 31 In *Porter*, the defendant's counsel, but not the defendant, appeared before the trial court on remand. *Porter*, 258 Ill. App. 3d at 202. Counsel stated he was " 'asking basically to file [a Rule 604(d) certificate] and then that all the evidence that was heard therein be considered;

and again make that motion to withdraw the plea based upon the motion [he] previously filed.' " *Id.* The trial court ascertained that defense counsel had personal knowledge of the contents of the certificate, accepted the certificate, and inquired whether counsel was renewing his request for the filing of a notice of appeal. *Id.* Defense counsel asserted that he was " 'based on the fact we had a prior hearing and everything was brought forth in that hearing except I failed to file the certificate of merit before that hearing[.]' " *Id.* The trial court then directed the clerk to file a notice of appeal. *Id.* On review, the Second District described the proceeding on remand as "perfunctory" and determined it was "both incomplete and defective." *Id.*

¶ 32 In *Oliver*, the hearing on remand was deemed insufficient on the basis that "[d]efense counsel simply renewed orally the previous motion and stated that the testimony would be the same." *Oliver*, 276 Ill. App. 3d at 932. On review, the Second District stated as follows:

> "We do not hold that live testimony must be presented in every instance. Courts permit stipulated evidence in many contexts. However, in this case, no effort was made to restate for the [trial] court's benefit the evidence from the previous hearing, which occurred more than two years earlier, or to argue inferences from the evidence. The court and the parties clearly viewed the second hearing merely as a formality to facilitate review by this court of [the] defendant's contentions." *Id.*

¶ 33 Following *Porter* and *Oliver*, the Second District issued two additional decisions addressing postplea proceedings on remand—*People v. Whitmore*, 313 Ill. App. 3d 117, 728 N.E.2d 1267 (2000), and *Tejada-Soto*, 2012 IL App (2d) 110188. The State argues that both of these cases are more factually similar to the case at bar.

¶ 34 In *Whitmore*, the defendant's case was remanded, and he filed a new motion to

withdraw his guilty plea. *Whitmore*, 313 Ill. App. 3d at 118. During a hearing on the new motion, the trial court noted that it had received and reviewed transcripts from the hearing on the defendant's initial motion to withdraw his guilty plea. *Id.* Further, the parties stipulated to the testimony and arguments presented at the previous hearing. *Id.* The court then denied the defendant's new motion, and he appealed. *Id.* Citing both *Porter* and *Oliver*, the defendant argued "that the proceedings on remand were so perfunctory that they failed to comply with [the appellate court's] directions to hold a new hearing on a new motion." *Id.* at 118-19.

¶ 35 The Second District found both *Porter* and *Oliver* distinguishable and that the hearing in the case before it was "fundamentally different" from the hearings in those previous cases. *Id.* at 119-20. The court stated as follows:

> "Here, *** by tendering to the [trial] court the transcript of the prior hearing, defense counsel ensured that the court was able to review the evidence. The court then read the transcript and, based upon it, entered a new (though identical) resolution of the merits of the motion. Thus, whereas no hearing on the merits occurred upon remand in *Oliver* or *Porter*, this hearing did produce a disposition on the merits, only by way of stipulated evidence. We implied in *Oliver* that we would find such a hearing sufficient, and now we do so." (Emphases omitted.) *Id.* at 120.

¶ 36 Finally, in *Tejada-Soto*, 2012 IL App (2d) 110188, ¶ 7 the proceedings on remand involved the filing of a new motion to withdraw guilty plea and a hearing on the motion, during which the defendant's counsel presented argument and asked the trial court to take judicial notice of the testimony presented at the previous postplea hearing.. The trial court ultimately denied the defendant's new motion. *Id.* ¶ 8. However, in doing so, the court noted that it had reviewed the

file in its entirety and "the transcripts," and that it had a " 'vivid recollection' of the case." *Id.*

¶ 37 The defendant appealed, arguing he did not receive a proper hearing on his new postplea motion "because his attorney relied solely on evidence presented at the prior hearing on his original motion to withdraw ***." *Id.* ¶ 10. Again, the defendant relied on *Porter* and *Oliver* to support his contentions on appeal. *Id.* ¶ 11. The Second District disagreed, finding the hearing that occurred was not purely a formal exercise as had occurred in those earlier cases. *Id.* ¶ 14. Rather, it pointed out that the defendant's counsel submitted a new motion and offered argument on the motion that referred to testimony at the prior hearing. *Id.* Additionally the trial court expressed that it had reviewed the defendant's file and transcripts of the earlier hearing, and it "explained in some detail the basis for its ruling" on the defendant's new motion. *Id.*

¶ 38 Here, we agree with the State that the proceedings on remand more closely resemble those that occurred in *Whitmore* and *Tejada-Soto* than *Porter* and *Oliver*. Specifically, the record shows that, on remand, defendant filed a new motion to withdraw his guilty plea, his counsel presented argument on that motion, and the trial court reviewed the transcripts of the previous hearing before denying the new motion. The proceedings were not merely perfunctory. Instead, they produced a disposition on the merits of defendant's new motion following the trial court's review of pertinent evidence.

¶ 39 On appeal, defendant acknowledges that both his original motion to withdraw and the motion he filed on remand were substantially the same. Nevertheless, he points out that his counsel on remand presented argument to the trial court that "it was difficult for [defendant] to understand the terms of the plea offer because he was on so many different medications, including psychotropic medications." Although defendant claimed he was unable to understand the guilty plea proceedings in both of his written motions, neither motion specifically referenced his

use of psychotropic medication. According to defendant, there was no clarification at the hearing on remand as to whether his use of psychotropic medication was a new claim or an expanded version of an old claim. He also points out that no witness testimony was presented. Defendant maintains that, due to these circumstances, the hearing on remand amounted to a mere formality and was insufficient to comply with this court's mandate. We disagree.

¶ 40 In *Tejada-Soto*, the defendant argued, in part, that his new hearing on remand was inadequate because his attorney failed to call a particular witness to substantiate an argument his counsel made to the trial court at the hearing. *Id.* ¶ 15. The Second District rejected the defendant's contention, stating as follows:

> "[T]he failure to call *** a witness does not put this case in the same category as cases like *Porter* and *Oliver*, in which, for all practical purposes, no hearing occurred on remand. It cannot be gainsaid that counsel's failure to call a particular witness cannot be grounds for a further remand absent some showing that the failure resulted in an unfair hearing on a Rule 604(d) motion. [Citation.] In our view, the proper standard for determining fairness in this setting is the one set forth [by the Supreme Court in *Strickland v. Washington*] for evaluating claims of ineffective assistance of counsel. The *Strickland* standard is appropriate here because a challenge to counsel's performance underlies defendant's argument and because '[t]he benchmark for judging any claim of ineffectiveness must be whether counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result' [(citation)]. Thus, the *Strickland* standard is designed to determine whether an alleged error by counsel has compromised the fairness of a criminal proceeding." *Id.* ¶ 16

(quoting *Strickland*, 466 U.S. 668, 686 (1984)).

¶ 41 Ultimately, the Second District determined that the defendant could not show prejudice from his counsel's failure to call a witness because it was "a matter of pure speculation whether any testimony [the witness] might have provided would have been helpful to [the] defendant." *Id.* ¶ 17. The court also stated that to grant the defendant a further remand based on his counsel's failure to present a witness "would effectively carve out an exception—applicable only in postplea proceedings under Rule 604(d)—to *Strickland*'s prejudice requirement." *Id.* It concluded that a defendant should not be able to gain an advantage by "recasting" a claim of attorney error as a violation of Rule 604(d) procedure. *Id.*

¶ 42 Here, defendant's contentions that a particular argument was not "clarified" at the hearing on remand and that no witnesses were presented to testify do not amount to circumstances like those in *Porter* and *Oliver*, where essentially no hearing was conducted. Rather, like in *Tejada-Soto*, challenges to counsel's performance underlie defendant's arguments and are more properly addressed in the context of an ineffective-assistance-of-counsel claim. Specifically, defendant's assertions of error contemplate that his counsel on remand failed to sufficiently present a particular issue to the court or evidence to support that issue, *i.e.*, witness testimony. Ultimately, however, defendant presents no argument on appeal to support an ineffective-assistance-of-counsel claim.

¶ 43 Further, as noted, in both his initial amended motion to withdraw and his new motion on remand, defendant argued that, at the time he pleaded guilty, there were "many factors" that caused him not to understand the charges against him, possible sentences, the plea agreement, and the rights he was giving up by pleading guilty. During the original postplea hearing, testimony was presented regarding defendant's use of medication and, more generally, his ability

to understand the underlying proceedings. The evidence indicated medication helped defendant to "think clearly" and that he understood his communications with Ivy and the guilty plea proceedings. Additionally, at the time of the original hearing, the trial court expressly addressed defendant's claim that he did not understand the proceedings, noting that defendant answered all of the questions appropriately at the guilty plea hearing and had been found fit after three mental health evaluations.

¶ 44 Accordingly, defendant's understanding of the guilty plea proceedings was not an entirely new issue on remand. Rather, it was one that was addressed during the earlier proceedings and considered and ruled upon by the trial court. On remand, it was not improper for the court to rely on the transcript of the earlier proceedings to resolve the merits of the defendant's new motion.

¶ 45 On appeal, defendant further contends that the hearing on remand was inadequate because "[t]he record does not indicate that the trial court read or reviewed [his] new motion to withdraw his plea, or *** the case in its entirety." First, the record refutes defendant's initial contention by showing that the court referenced defendant's new motion at the hearing on remand and described its contents. Second, even assuming the trial judge, who presided over all of the relevant hearings in the case, did not review "the case in its entirety," defendant fails to set forth why such a review was required. As stated, defendant presented essentially the same claims in both his initial amended motion to withdraw his guilty plea and in his second amended motion on remand. The record shows the trial court reviewed defendant's new motion and the transcript of the earlier hearing. Defendant received a disposition on the merits of his new motion and nothing more was required.

¶ 46 Finally, defendant argues that the trial court's comments "show that it treated the

proceeding as a mere formality for defense counsel to file a correct Rule 604(d) certificate" and that it was "primarily concerned" with the filing of a corrected certificate rather than conducting a proper hearing. In particular, he notes that at the outset of the hearing on remand, the trial court commented that a new Rule 604(d) certificate was on file that appeared to have "all the right words in it," correct punctuation, and no spelling errors. Defendant also notes that the court's written order denying his motion was comprised of only a few short sentences.

¶ 47 Here, defendant's case was remanded, in part, for the filing of a new Rule 604(d) certificate. Thus, it was not inappropriate for the trial court to comment on the filing of the new certificate or to evaluate defense counsel's compliance with Illinois Supreme Court Rule 604(d) (eff. Dec. 11, 2014). Further, neither the court's oral comments nor the substance of its written order reflect that it was unconcerned with conducting a proper hearing on remand. Again, the record reflects the court reviewed transcripts of defendant's prior hearing and rendered a disposition on the merits of his new motion, a motion that was nearly identical to his previous motion. We find no error and that remand for additional postplea proceedings is unwarranted.

¶ 48 III. CONCLUSION

¶ 49 For the reasons stated, we affirm the trial court's judgment.

¶ 50 Affirmed.