

FIRST DIVISION
September 30, 2011

No. 1-10-2329

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Cook County.
)	
v.)	No. 09 CR 21603
)	
DWAYNE CLEMONS,)	
)	Honorable
)	Brian Flaherty,
Defendant-Appellant.)	Judge Presiding.

JUSTICE ROCHFORD delivered the judgment of the court, with opinion.
Presiding Justice Hoffman and Justice Hall concurred in the judgment and opinion.

OPINION

¶ 1 Defendant, Dwayne Clemons, appeals the denial of his "MOTION FOR SPECIFIC PERFORMANCE OF PLEA AGREEMENT" (petition), which he filed pursuant to section 2-1401 of the Code of Civil Procedure (Code) (735 ILCS 5/2-1401 (West 2010)). Defendant's sole contention on appeal is that the trial court acted prematurely by denying his petition within 30 days of its filing and service, pursuant to *People v. Laugharn*, 233 Ill. 2d 318 (2009). We agree, vacate the denial of defendant's petition, and remand for further proceedings.

¶ 2 I. Background

¶ 3 Defendant had been charged with 12 counts of aggravated unlawful use of a weapon, 2 counts of unlawful use of a weapon by a felon, 2 counts of aggravated discharge of a firearm, and 1 count of aggravated assault, all relating to an October 26, 2009, incident. On March 4, 2010, defendant pled guilty to 1 count each of aggravated discharge of a firearm and unlawful use of a