

No. 1-10-0769

NOTICE: This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

FOURTH DIVISION
February 3, 2011

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

ASHLIGH SIMPSON,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Cook County.
)	
v.)	No. 09 M6 2984
)	
KEIN REID,)	Honorable
)	Martin D. Coghlan,
Defendant-Appellant.)	Judge Presiding.

JUSTICE LAVIN delivered the judgment of the court.
Presiding Justice Gallagher and Justice Pucinski concurred
in the judgment.

O R D E R

HELD: Where defendant, *pro se*, failed to present a sufficiently complete record of the proceedings for review, judgment affirmed on presumption that the trial court had ample grounds to support its determination.

Defendant Kein Reid, *pro se*, appeals from a judgment of the circuit court of Cook County which found that he had committed

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tortious battery upon Ashligh Simpson, and awarded her damages of \$1888.75.

On appeal, defendant contends that there was insufficient evidence that he committed a battery or that it resulted in damages in the amount awarded by the court.

The common law record filed in this case shows that on August 12, 2009, plaintiff filed a *pro se* complaint alleging that Reid had committed tortious battery by pushing her head into the dashboard of a car and choking her. She further alleged that she sought medical treatment, and it was determined that she had suffered a "chest wall contusion."

A bench trial ensued on November 5, 2009, where Reid represented himself and judgment was entered for plaintiff in the amount of \$1888.75. Reid subsequently obtained counsel, and his attorney filed a timely motion to vacate which was ultimately denied on January 11, 2010. On February 9, 2010, Reid filed a *pro se* motion to reconsider, which the court denied on February 24, 2010, and also granted Reid's post-trial counsel leave to withdraw.

Reid timely filed a notice of appeal from that judgment. He now contends that there was insufficient evidence that he committed a battery or that it resulted in damages in the amount awarded by the court.

We note initially that Reid has failed to comply with the supreme court rules governing appellate court briefs. Ill. S. Ct. R. 341(h)(7) (eff. Jul. 1, 2008). He has also failed to satisfy his burden of presenting a sufficiently complete record of the proceedings in support of his claim of error. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391 (1984).

Where, as here, defendant asks us to review the sufficiency of the evidence and no verbatim transcript of the evidence relied upon by the court was made, it was incumbent upon him to prepare a bystander's report of proceedings or an acceptable substitute in accordance with Illinois Supreme Court Rule 323 (eff. Dec. 13, 2005). *Belcher v. Spillman*, 28 Ill. App. 3d 973, 974 (1975). In the absence of an adequate record, we have no evidence to review, and must presume that the trial court's judgment was in conformity with the law and had a sufficient factual basis. *Rock Island County v. Boalbey*, 242 Ill. App. 3d 461, 462 (1993).

Accordingly, we affirm the judgment of the circuit court of Cook County.

Affirmed.