

Nos. 1-09-2982)
1-09-3267)
1-09-3370)

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).

THIRD DIVISION
January 12, 2011

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

ARSHAD JAVID,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Cook County.
)	
v.)	No. 09 M1 720380
)	
JAVAID KHAN,)	The Honorable
)	Orville Hambright, Jr.,
Defendant-Appellant.)	Judge Presiding.

JUSTICE NEVILLE delivered the judgment of the court.
PRESIDING JUSTICE QUINN and JUSTICE MURPHY concurred in the judgment.

O R D E R

HELD: Where defendant failed to provide a report of proceedings or Bystander's Report in support of his

1-09-2982)
1-09-3267)
1-09-3370)

claims of error, the appellate court presumes that the trial court's order had a sufficient factual basis and conformed to the law; therefore, the trial court's judgment will be affirmed.

Defendant, Javaid Khan, *pro se*, appeals from an order of the circuit court of Cook County in favor of plaintiff, Arshad Javid, in Javid's forcible entry and detainer action. On appeal, defendant essentially contends that the circuit court erred when it granted plaintiff a judgment in this forcible entry and detainer action. Plaintiff has not filed a brief in response; however, we may proceed under the principles set forth in *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976). The common law record on appeal shows that on September 2, 2009, plaintiff filed a complaint to regain possession of the basement level of 1245 West Arthur Street, in Chicago, claiming that defendant was a "tenant by sufferance." Shortly thereafter, defendant filed a *pro se* appearance, and on September 24, 2009, the court granted defendant's motion for a continuance to retain counsel. The matter was next heard on October 1, 2009, wherein a trial was held and the circuit court found for plaintiff, ordering defendant to vacate the premises by October 8, 2009, and to pay plaintiff court costs and fees in the amount of \$389.

Defendant filed and withdrew a motion to vacate or void the

1-09-2982)
1-09-3267)
1-09-3370)

circuit court's order. He then filed a motion to reconsider, which was denied by the circuit court on November 23, 2009, for failure to timely file the motion, and because defendant submitted to the jurisdiction of the court and proceeded to trial in the matter.¹ Thereafter defendant filed his notice of appeal.

In this appeal, defendant's brief is noticeably devoid of any argument. Instead, defendant's brief includes the fact section, wherein he alleges that he had an oral lease with plaintiff, who was also his employer. Defendant argues that the terms of that lease included defendant working for plaintiff and plaintiff deducting \$250 per month from his pay for rent. Defendant contends that plaintiff withheld his wages, and, necessarily paid himself the rent.

It is axiomatic that appellant is required to submit a brief that presents an organized and coherent argument in according with the supreme court rules. *Twardowski v. Holiday Hospitality Franchising, Inc.*, 321 Ill. App. 3d 509, 511 (2001). In this case, defendant's brief does not conform to the rules governing appellate

¹Although the trial court found that the motion was untimely, our review of the record establishes that it was timely, and we therefore have not lost jurisdiction over this matter.

1-09-2982)
1-09-3267)
1-09-3370)

review (Ill. S. Ct. R. 341 (eff. July 1, 2008)), in that it lacks an argument section, citations to the record, and is devoid of any law in support of his position.

Appellant also bears the burden of providing a sufficiently complete record to support his claims of error. *Corral v. Mervis Industries, Inc.*, 217 Ill. 2d 144, 156 (2005). Here, defendant contends that the trial court erred when it denied him the opportunity to seek counsel, denied his objection to unsworn testimony at trial, failed to find that he was evicted in retaliation, and erred when it found that his unpaid wages were irrelevant at trial. However, defendant has failed to provide a report of proceedings or a Bystander's Report so this court can evaluate his claims of error. Ill. S. Ct. R. 323 (eff. December 13, 2005)); *Lill Coal Co. v. Bellario*, 30 Ill. App. 3d 384, 387 (1975). Without a report of proceedings or a Bystander's Report, this court cannot review the trial court's alleged errors in its factual findings or in its application of the law. Therefore, we presume that the trial court had a sufficient factual basis for its holding and that its order conformed with the law. *Corral*, 217 Ill. 2d at 157. Accordingly, we affirm the judgment of the circuit court of Cook County.

Affirmed.