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).

2011 IL App (4th) 110010-U

Filed 7/28/11

NO. 4–11–0010

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Clark County
RUSSELL L. NEICE,	)	No. 10TR2323
Defendant-Appellant.	)	
	)	Honorable
	)	David W. Lewis,
	)	Judge Presiding.

JUSTICE POPE delivered the judgment of the court.
Presiding Justice Knecht and Justice McCullough concurred in the judgment.

ORDER

¶ 1 *Held*: Record on appeal was not sufficient to establish the trial court erred.

¶ 2 On November 29, 2010, the trial court found defendant, Russell L. Neice, guilty of speeding in a construction zone (625 ILCS 5/11–605.1 (West 2008)). Defendant *pro se* appeals, arguing the trial court erred in finding him guilty because the exhibits he introduced at his bench trial established no traffic control authorization or inspection report was prepared pursuant to section 11–605.2 of the Illinois Vehicle Code (Vehicle Code) (625 ILCS 5/11–605.2 (West 2008)) allowing for a reduced speed limit in the construction zone at issue. Defendant further argues the speed limit sign was not positioned properly in relation to the construction zone. We affirm.

¶ 3 I. BACKGROUND

¶ 4 On September 21, 2010, an Illinois State Police officer ticketed defendant for speeding in a construction zone (625 ILCS 5/11–605.1 (West 2008)), alleging defendant was driving 56 miles per hour (m.p.h.) in a 45 m.p.h. zone. On October 5, 2010, defendant entered a not guilty plea and requested a bench trial. Although defendant requested a transcript from the circuit court clerk, the record does not contain a transcript of his November 29, 2010, bench trial; nor does it contain a bystander's report. According to the trial court's docket entry for the bench trial, defendant appeared *pro se*; the state trooper and defendant were sworn; the court entered defendant's eight exhibits into evidence without objection by the State; and the court found defendant guilty. The record does contain the eight exhibits defendant introduced into evidence, consisting of paper copies of digital photographs, a "Google maps" printout showing Interstate 70 near Marshall, Illinois, a Freedom of Information Act (FOIA) request submitted by defendant to the Illinois Department of Transportation (IDOT), and IDOT's response to defendant's FOIA request.

¶ 5 This appeal followed.

¶ 6 II. ANALYSIS

¶ 7 Although defendant proceeds *pro se* in this case, we note *pro se* litigants are held to the same standard as attorneys appearing before this court. *People v. Vilces*, 321 Ill. App. 3d 937, 939-40, 748 N.E.2d 1219, 1222 (2001). Based on the record in this case, we cannot reverse the trial court as defendant requests because we do not know what occurred below other than what is noted in the docket sheet for the case. As this court has noted:

"To determine whether a claimed error occurred, a court of

> review must have before it a record of the proceedings below. [Citation.] The appellant bears the burden to present a sufficiently complete record, and this court will resolve any doubts that arise from an incomplete record against the appellant. [Citation.] Absent a sufficient record on appeal, " 'it will be presumed that the order entered by the trial court was in conformity with law and had a sufficient factual basis.' " *Webster v. Hartman*, 309 Ill. App. 3d 459, 460, 722 N.E.2d 266, 268 (1999) (quoting *Foutch v. O'Bryant*, 99 Ill. 2d 389, 392, 459 N.E.2d 958, 959 (1984)).

¶ 8 Although his arguments are not entirely clear, defendant appears to argue the failure of a "local agency" to maintain a record pursuant to section 11–605.2 of the Vehicle Code (625 ILCS 5/11–605.2 (West 2008)), stating (1) the "location of the construction or maintenance zone," (2) "the reduced speed limit set and posted for the construction or maintenance zone," and (3) "the dates during which the reduced speed limit was in effect" somehow provides him with a defense in this case. However, from the record, it is unclear whether section 11–605.2 even applies in the case *sub judice*. We cannot tell from the record who set and posted the reduced speed limit for the construction zone in question. If the reduced speed limit was not set and posted by a local superintendent of highways, it does not appear this statute is applicable. Further, if the reduced speed limit was set and posted by a local superintendent of highways, IDOT's lack of a copy does not prove the local agency, which arguably might have delegated its authority to reduce the speed limit to a local superintendent of highways, did not maintain the record as required by section 11–605.2.

¶ 9 Defendant also appears to argue (1) the work-zone-speed-limit signs were not located in compliance with the "guidelines of the MUTCD," and (2) the trial court abused its discretion in ruling they provided sufficient warning of the construction-zone-speed limit. Once again, the record in this case does not support either of these arguments. Defendant does not identify what the "MUTCD" is, and we have no way of knowing either the trial court's factual findings or the reasoning behind its guilty verdict. As a result, we presume " 'that the order entered by the trial court was in conformity with law and had a sufficient factual basis.' " *Webster*, 309 Ill. App. 3d at 460, 722 N.E.2d at 268 (quoting *Foutch*, 99 Ill. 2d at 392, 459 N.E.2d at 959).

¶ 10 III. CONCLUSION

¶ 11 For the reasons stated, we affirm the judgment of the trial court. As part of our judgment, we grant the State its $50 statutory assessment against defendant as costs of this appeal.

¶ 12 Affirmed.