

2012 IL App (1st) 113494-U

FIFTH DIVISION
NOVEMBER 16, 2012

No. 1-11-3494

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).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

VILLAGE OF ARLINGTON HEIGHTS,)	
)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Cook County.
)	
v.)	No. YT-486-880
)	
)	The Honorable
VASYL BUSKO,)	Anthony A. Iosco,
)	Judge Presiding.
Defendant-Appellant.)	

JUSTICE WILLIAM H. TAYLOR II delivered the judgment of the court.
Presiding Justice McBride and Justice Palmer concurred in the judgment.

ORDER

1-11-3494

¶ 1 *Held:* The circuit court's decision that defendant disobeyed a stop sign and that defendant should pay a \$300 fine would not be disturbed where defendant presented an incomplete record on appeal.

¶ 2 The circuit court found defendant Vasyl Busko guilty of disobeying a stop sign and assessed a \$300 fine. Defendant appeals, contending that the circuit court's decision was an abuse of discretion and contrary to the manifest weight of the evidence.

¶ 3 Plaintiff has not filed a brief on appeal, and we therefore consider this appeal pursuant to the principles set forth in *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 131-33 (1976).

¶ 4 Defendant was cited for disobeying a stop sign at 10:14 a.m. on September 22, 2011, while westbound on Gregory at Northwest Highway in Arlington Heights. The record on appeal consists of the traffic citation, the order entered, a fee invoice, and the notice of appeal.

¶ 5 The record does not contain transcripts, bystander's reports, or agreed statements of fact for any of the proceedings in the circuit court. Therefore, we do not know what evidence was presented to the circuit court. Illinois Supreme Court Rules 321 (eff. Feb. 1, 1994) and 323 (eff. Dec. 13, 2005) require a report of proceedings or an acceptable substitute, such as a bystander's report or agreed statement of facts, and it is the appellant's burden to provide an adequate record to support his contentions on appeal (see *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984)). Defendant has not met his burden here. Accordingly, we will presume that the circuit court's decisions conformed to the law and were supported by a sufficient factual basis (*In re Marriage of Gulla*, 234 Ill. 2d 414, 423-24 (2009); *Webster v. Hartman*, 309 Ill. App. 3d 459, 460-62

1-11-3494

(1999), *aff'd*, 195 Ill. 2d 426, 432-34 (2001); *Foutch*, 99 Ill. 2d at 391-92), and we will resolve any doubts resulting from the incompleteness of the record against defendant (see *Elias v. McDonnell*, 408 Ill. App. 3d 301, 322 (2011)).

¶ 6 Our review of the record presented by defendant has disclosed no basis to disturb the circuit court's decision, because the incomplete record submitted by defendant does not support his allegations that the circuit court's decision was an abuse of discretion and contrary to the manifest weight of the evidence.

¶ 7 Sanctions may be imposed where an appeal is frivolous. See Supreme Court Rule 375(b) (eff. Feb. 1, 1994). Briefs on appeal must comply with Supreme Court Rule 341 (eff. July 1, 2008).

¶ 8 In our view, this appeal is completely without merit in violation of Supreme Court Rule 375(b), and the brief filed by defense counsel on appeal completely failed to comply with the requirements of Supreme Court Rule 341. Furthermore, defense counsel is asking for a finding on appeal that the circuit court's decision was against the manifest weight of the evidence, without having submitted any of the evidence to this court. Although we decline to do so in this case, we note that we could impose sanctions for a frivolous appeal pursuant to Supreme Court Rule 375(b).

¶ 9 Therefore, the judgment of the circuit court is affirmed.

¶ 10 Affirmed.