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).

2012 IL App (4th) 120232-U

NO. 4-12-0232

FILED
October 26, 2012
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Logan County
CHANDAN UNCHAGERI,	)	No. 11TR5970
Defendant-Appellant.	)	
	)	Honorable
	)	Thomas W. Funk,
	)	Judge Presiding.

JUSTICE APPLETON delivered the judgment of the court.
Presiding Justice Turner and Justice Pope concurred in the judgment.

ORDER

¶ 1 *Held*: Where defendant failed to provide an adequate record on appeal, which would demonstrate error, he forfeited his claim for purposes of this court's review.

¶ 2 On August 15, 2011, defendant, Chandan Unchageri, was stopped by Illinois State Police (ISP) Trooper James Simmons, on Interstate 55 in Logan County, and was issued a speeding citation for violating section 601(b) of the Illinois Vehicle Code (625 ILCS 5/11-601(b) (West 2010)) by driving 79 miles per hour in a 65-mile-per-hour zone. On November 21, 2011, following a bench trial, defendant was found guilty, and the trial court sentenced him to 60 days' court supervision and imposed a $250 fine. Defendant filed posttrial motions, including a motion to reconsider, which the court denied on February 14, 2012.

¶ 3 On February 24, 2012, defendant sought a dismissal of his case (in letter form) based on documents he had received from ISP in response to his Freedom of Information Act (FOIA) (5

ILCS 140/1 to 11.5 (West 2010)) requests. On February 27, 2012, the trial court sent a letter to defendant, indicating it had received his correspondence requesting a dismissal. The court noted it had previously denied defendant's motion to reconsider, and without new or additional information or evidence, it was "not now inclined" to consider defendant's request or schedule it for further hearing. This appeal followed.

¶ 4 Defendant claims Trooper Simmons had not renewed his certification on the operation of ISP's speed-detection equipment, and therefore, according to defendant, Simmons was "disqualified" from accurately measuring speeds of vehicles at the time defendant was stopped. He claims the trial court erred in denying his posttrial motions based on this issue.

¶ 5 We have no verbatim transcript available to us that indicates an alleged error occurred at trial or at any subsequent proceeding. Additionally, defendant failed to submit a bystander's report or an agreed statement of facts pursuant to Illinois Supreme Court Rule 323(c) (eff. Dec. 13, 2005) for any trial-court proceeding. Without an ability to review the proceedings from the trial court, we are unable to ascertain if error occurred. With only the documents provided by defendant on the testing protocol for the speed-detection system and the dates Trooper Simmons was trained on using the equipment, defendant is unable to prove his claim that Simmons did not adequately or timely update his certification. There is no evidence tending to demonstrate Trooper Simmons was incompetent to operate the speed-detection device utilized. Instead, without indication to the contrary, we must assume the court found Trooper Simmons was familiar with the device and its operation. See *People v. Donohoo*, 54 Ill. App. 3d 375, 378 (1977).

¶ 6 By not providing this court with an adequate record, defendant has forfeited any alleged error regarding the propriety of the trial judge's rulings. *People v. Culbreath*, 343 Ill. App.

3d 998, 1006 (2003). For these reasons, we affirm the trial court's judgment. As part of our judgment, we award the State its $50 statutory assessment against defendant as costs of this appeal.

¶ 7 Affirmed.