

No. 1-11-1358

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

JAMES J. HOLDMAN, JR.,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellant,)	Cook County.
)	
v.)	No. 10 M1 450543
)	
CITY OF CHICAGO DEPARTMENT OF)	
ADMINISTRATIVE HEARINGS,)	The Honorable
)	Patrick T. Rogers,
Defendant-Appellee.)	Judge Presiding.

JUSTICE FITZGERALD SMITH delivered the judgment of the court.
Presiding Justice Lavin and Justice Epstein concurred in the judgment.

ORDER

HELD: Even choosing to review this appeal despite numerous Illinois Supreme Court Rule 341 violations, evidence did not meet manifest-weight-of-the-evidence standard required for reversal.

¶ 1 Following a finding of liable issued by defendant-appellee City of Chicago Department of Administrative Hearings (Department), plaintiff-appellant James J. Holdman, Jr. (plaintiff) sought administrative review of his cause, whereupon a trial court affirmed the Department's decision. He appeals, *pro se*, contending myriad issues for review, including "discriminating circumstances," "rioting" and "treason," against myriad persons whom he labels "defendants," and asks for damages in the amount of "\$1,300,000.00." For the following reasons, we affirm.

¶ 2 BACKGROUND

¶ 3 On September 20, 2010, a Chicago police officer issued a citation against plaintiff for drinking on a public way in violation of Municipal Code of Chicago, Ill. § 8-4-030 (2010). Plaintiff challenged the citation before the Department. At the hearing, during which he appeared *pro se*, plaintiff testified that he was with his friend at the time of the incident and explained that the citation stating he was drinking "was kind of false" because the alcoholic beverage in his possession was his friend's and not his, that it was "only *** a half pint," and that it "was practically gone before the police officers pulled up." At the close of the hearing, the hearing officer found plaintiff liable for the charged violation and ordered him to pay a \$100 fine plus \$40 in administrative costs. Following this, plaintiff sought administrative review in the trial court. Upon review, the court affirmed the Department's decision.

¶ 4 ANALYSIS

¶ 5 Plaintiff has submitted a 77-page appellate brief raising, as noted, myriad issues against myriad individuals and entities, some of whom were involved in this cause and others who were not. Among the issues raised are "embezzlement [*sic*]," "extortion," "monopolies" and

No. 1-11-1358

"wrongful deaths." As for his prayer for relief, plaintiff calls for compensation in the form of the garnishment of the wages of the "defendants," including their "severance [*sic*] pay."

¶ 6 Upon review, plaintiff's brief is in severe violation of Illinois Supreme Court Rule 341(h) (eff. July 1, 2008). There is no summary statement entitled "Points and Authorities" outlining the points argued and the authorities cited in his argument. See Illinois Supreme Court Rule 341(h)(1) (eff. July 1, 2008). His introductory paragraph fails to describe the nature of the action at hand, the judgment appealed from, and whether any question is raised on the pleadings. See Illinois Supreme Court Rule 341(h)(2) (eff. July 1, 2008). There is no statement of the issues presented for review, no statement regarding the applicable standard of review, and no statement of jurisdiction. See Illinois Supreme Court Rule 341(h)(3), (h)(4) (eff. July 1, 2008). His "Summary of Facts" section does not allude, even in the most remote sense, to his citation for drinking on the public way, which is the decision forming the basis of this appeal. See Illinois Supreme Court Rule 341(h)(6) (eff. July 1, 2008). And, likewise, his "Argument" section neither refers to the Department's decision nor cites legal authority or the record in this cause. See Illinois Supreme Court Rule 341(h)(7) (eff. July 1, 2008).

¶ 7 Our "rules of procedure are rules and not merely suggestions." *Ryan v. Katz*, 234 Ill. App. 3d 536, 537 (1992). Consequently, Rule 341's mandates detailing the format and content of appellate briefs are compulsory. See *Voris v. Voris*, 2011 IL App (1st) 103814, ¶ 8. It is of no matter that a party appears *pro se*; regardless of his status, no party is relieved of the duty to comply, as closely as possible, with the rules of our courts. See *In re Marriage of Petrik*, 2012 IL App (2d) 110495, ¶ 38; *Voris*, 2011 IL App (1st) 103814, ¶ 8. Where an appellant's brief

No. 1-11-1358

contains numerous Rule 341 violations and, in particular, impedes our review of the case at hand because of them, it is our right to strike that brief and dismiss the appeal. See *Marriage of Petrik*, 2012 IL App (2d) 110495, ¶ 38 (citing *Kic v. Bianucci*, 2011 IL App (1st) 100622, ¶ 23 (failure to follow Rule 341 may result in forfeiture of consideration of issues on appeal)); see also *In re Estate of Jackson*, 354 Ill. App. 3d 616, 620 (2004) (where the appellant's brief contained numerous Rule 341 violations, including no statement of the applicable standard of review, an incorrect jurisdictional statement and no citations to the record). Ultimately, we are ¶ 8 " "not a depository in which the appellant may dump the burden of argument and research" ' " for his cause on appeal. See *Marriage of Petrik*, 2012 IL App (2d) 110495, ¶ 38 (quoting *Kic*, 2011 IL App (1st) 100622, ¶ 23 (quoting *Thrall Car Manufacturing Co. v. Lindquist*, 145 Ill. App. 3d 712, 719 (1986))).

¶ 9 Accordingly, due to plaintiff's multiple failures regarding Rule 341 and the form and content of his appellate brief, as we have outlined above, we would dismiss his appeal.

¶ 10 Even were we to review plaintiff's appeal, which is within our prerogative in such circumstances (see *Estate of Jackson*, 354 Ill. App. 3d at 620 (reviewing court has choice to review merits, even in light of multiple Rule 341 mistakes)), we find nothing to support a reversal of the Department's decision.

¶ 11 Review of this cause proceeds pursuant to the Administrative Review Law, which considers the Department's findings of fact to be *prima facie* true and correct and limits our review to the exacting manifest-weight-of-the-evidence standard. See, e.g., *Abrahamson v. Illinois Department of Professional Regulation*, 153 Ill. 2d 76, 88 (1992). Accordingly, we may

No. 1-11-1358

not reweigh the evidence or make any independent determinations of fact, nor may we substitute our judgment for that of the Department. See *Abrahamson*, 153 Ill. 2d at 88. Instead, in order for us to find that the Department's decision is truly against the manifest weight of the evidence, we must be able to conclude that " 'all reasonable and unbiased persons, acting within the limits prescribed by the law and drawing all inferences in support of the finding, would agree that the finding is erroneous' [citation] and that the opposite conclusion is clearly evident." *O'Boyle v. Personnel Board of the City of Chicago*, 119 Ill. App. 3d 648, 653 (1983) (quoting *Daniels v. Police Board*, 37 Ill. App. 3d 1018, 1023 (1976), and *Jenkins v. Universities Civil Service Merit Board of the State Universities Civil Service System*, 106 Ill. App. 3d 215, 219 (1982)); see also *Abrahamson*, 153 Ill. 2d at 88. Ultimately, if there is any evidence in the record which fairly supports the Board's conclusion, it is not against the manifest weight of the evidence and must be sustained. See *Finnerty v. Personnel Board of the City of Chicago*, 303 Ill. App. 3d 1, 12 (1999).

¶ 12 In the instant cause, plaintiff admitted to the Department's hearing officer during his hearing that he violated the city ordinance. While he tried to explain that the whiskey in his possession belong to his friend and was not his, that it was only a small amount and that it was "practically gone" when police officers arrived, the fact remains that he testified that he was drinking on the public way that evening when the officers cited him. Even in his brief on appeal, plaintiff reaffirms his admission when he states at the outset that he "[s]hared" "a 1/2 pint of whiskey" that evening with his friend on the street. In light of this, and pursuant to the proper standard of review, we find no reason to entertain the reversal of plaintiff's cause.

No. 1-11-1358

¶ 13

CONCLUSION

¶ 14 Accordingly, for all the foregoing reasons, we affirm the Department's decision.

¶ 15 Affirmed.