

No. 1-12-2125

**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

---

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	No. TW-402-696
	)	
MAREK DABEK,	)	Honorable
	)	Michael R. Clancy,
Defendant-Appellant.	)	Judge Presiding.

---

JUSTICE REYES delivered the judgment of the court.  
Presiding Justice Lampkin and Justice Gordon concurred in the judgment.

**ORDER**

- ¶ 1 *Held:* Appeal dismissed for lack of jurisdiction where defendant failed to file a timely notice of appeal.
- ¶ 2 Defendant, Marek Dabek, was issued a traffic citation for failing to stop at a stop sign in violation of the Municipal Code of Chicago. Chicago Municipal Code § 9-24-010(b) (amended Feb. 7, 2007). He was found guilty of that violation on February 15, 2012, and subsequently filed a *pro se* notice of appeal seeking to reverse that judgment on appeal. 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).

¶ 3 We initially observe that defendant has failed to comply with the rules governing appellate review. Ill. S. Ct. R. 341 (eff. July 1, 2008); R. 342 (eff. Jan. 1, 2005). In addition to the deficiencies related to the structure of his brief, defendant advances arguments based solely on his own version of the purported facts, and has failed to file a report of proceedings or acceptable substitute as required by Supreme Court Rule 323 (eff. Dec. 13, 2005), from which this court could ascertain the accuracy of his position. *Coombs v. Wisconsin National Life Insurance Co.*, 111 Ill. App. 3d 745, 746 (1982). Defendant's *pro se* status does not excuse his noncompliance with the Supreme Court Rules (*Twardowski v. Holiday Hospitality Franchising, Inc.*, 321 Ill.App.3d 509, 511 (2001)), and where defendant fails to meet that burden, his appeal may be dismissed (*Bank of Ravenswood v. Maiorella*, 104 Ill.App.3d 1072, 1074-75 (1982)).

¶ 4 Notwithstanding these observations, our review of the common law record filed on appeal reveals a potential jurisdictional defect. *People v. Smith*, 228 Ill.2d 95, 103 (2008). This court has an obligation to ensure that jurisdiction is proper and must act *sua sponte* when necessary to fulfill that obligation. *Department of Health Care & Family Services v. Cortez*, 2012 IL App (2d) 120502, ¶ 7.

¶ 5 Illinois Supreme Court Rule 606(b) (eff. Mar. 1, 2009) provides, in pertinent part, that:

"[a] notice of appeal must be filed with the clerk of the circuit court within 30 days after the entry of the final judgment appealed from, or if a motion directed against the judgment is timely filed, within 30 days after the entry of the order disposing of the motion. When a timely posttrial or postsentencing motion directed against the judgment has been filed by counsel or by defendant, if not

represented by counsel, any notice of appeal filed before the entry of the order disposing of all pending postjudgment motions shall have no effect and shall be stricken by the trial court. \* \* \* A new notice of appeal must be filed within 30 days following the entry of the order disposing of all timely postjudgment motions."

¶ 6 In his jurisdictional statement, defendant claims that his "[a]ppel was entered on 08/29/2012, after numerous appearances and requests at the circuit court, for a different circuit court judge to review the case. At the last appearance, the judge told me that I can appeal the case to the appellate court." None of these assertions, however, is supported by the record.

¶ 7 The memorandum of orders shows that a finding of guilty was entered on February 15, 2012, and defendant filed his notice of appeal from that judgment on July 16, 2012. Aside from defendant's unsupported statements, there is no indication that defendant filed any postjudgment motions within 30 days of the judgment to extend the time for filing his notice of appeal. Rather, the memorandum of orders shows only that the case was twice continued for payment (CFP) on March 27 and June 15, 2012, and that on July 24, 2012, there was an unidentified motion by defendant (MD) which was set for status on August 29, 2012. By that time, however, defendant had filed his notice of appeal from the February judgment, and the date of filing was beyond the time period allowed under Rule 606(b). Defendant thus failed to invoke the jurisdiction of this court to entertain his appeal, and we must dismiss it for lack of jurisdiction.

¶ 8 Appeal dismissed.