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2013 IL App (3d) 120792-U

Order filed October 24, 2013

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

A.D., 2013

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the Circuit Court
)	of the 12th Judicial Circuit,
Plaintiff-Appellee,)	Will County, Illinois,
)	
v.)	Appeal Nos. 3-12-0792 and 3-12-0793
)	Circuit Nos. 10-TR-55873 and 10-CM-237
)	
KENNETH N. THOMPSON,)	Honorable
)	Domenica A. Osterberger,
Defendant-Appellant.)	Judge, Presiding.

PRESIDING JUSTICE WRIGHT delivered the judgment of the court.
Justices O'Brien and Schmidt concurred in the judgment.

ORDER

- ¶ 1 *Held:* Defendant's convictions and sentence are affirmed because he failed to provide an adequate record or argument on appeal.
- ¶ 2 After a jury trial, defendant, Kenneth N. Thompson, was found guilty of obstructing a peace officer (720 ILCS 5/31-1(a) (West 2010)) and driving while license suspended (625 ILCS 5/6-303(a) (West 2010)). The trial court sentenced defendant to 24 months' conditional discharge and 60 days' incarceration. On appeal, defendant argues: (1) the evidence was

insufficient to prove his guilt of obstructing a peace officer; (2) the trial court erred in not issuing a jury instruction on the defense of compulsion; and (3) he was arrested without probable cause. We affirm.

¶ 3

FACTS

¶ 4 In case No. 10-CM-237, defendant was charged by information with obstructing a peace officer. In case No. 10-TR-55873, defendant was charged by traffic citation with driving while license suspended. The docket entries indicate that the case proceeded to a jury trial on July 25, 2011. The docket sheet also recorded that witnesses were sworn and testimony was heard on behalf of the State and the defense. The jury found defendant guilty of obstructing a peace officer and driving while license suspended.

¶ 5 On September 6, 2012, defendant was sentenced to a term of 24 months' conditional discharge and 60 days' incarceration. Defendant appeals.

¶ 6

ANALYSIS

¶ 7 On appeal, defendant challenges: (1) the sufficiency of the evidence on the obstructing charge; (2) the trial court's failure to issue a compulsion jury instruction; and (3) the validity of his arrest. However, we are unable to address defendant's first two issues because he failed to provide a report of proceedings for his jury trial.

¶ 8 An appellant has the duty to present a complete record of proceedings in the circuit court to support a claim of error. *People v. Gilbert*, 2013 IL App (1st) 103055. In the absence of a complete record on appeal, it will be presumed that the order entered by the trial court conformed with law and had a sufficient factual basis. *People v. Johnson*, 285 Ill. App. 3d 307 (1996). Any doubts which may arise from the incompleteness of the record will be resolved against the

appellant. *People v. Leeper*, 317 Ill. App. 3d 475 (2000).

¶ 9 Here, defendant did not provide a report of proceedings for his jury trial on the charges of obstructing a peace officer and driving while license suspended. As a result, there is no basis for holding that the evidence was either insufficient to support his conviction for obstructing a peace officer or justified the issuance of a compulsion jury instruction. Although a partial transcript of the testimony of the State's witnesses was included in the common law record, we cannot review defendant's issues on these limited transcripts, as we can only speculate as to the nature of the other evidence presented. Therefore, we affirm on those issues.

¶ 10 In his appellant's brief, defendant raises the issue that his arrest was not supported by probable cause. However, defendant failed to make an argument in support of this issue.

Therefore, defendant has waived review of this issue. Ill. S. Ct. R. 612 (eff. Sept. 1, 2006); R. 341(h)(7) (eff. July 1, 2008).

¶ 11 **CONCLUSION**

¶ 12 For the foregoing reasons, the judgment of the circuit court of Will County is affirmed.

¶ 13 Affirmed.