

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).

2013 IL App (4th) 120932-U

NO. 4-12-0932

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
August 8, 2013
Carla Bender
4th District Appellate
Court, IL

NEAL E. BURK and KIMBERLY BURK,) Appeal from
Plaintiffs-Appellees,) Circuit Court of
v.) Macoupin County
JEREMY JULEN,) No. 07CH211
Defendant-Appellant.)
) Honorable
) Patrick J. Londrigan,
) Judge Presiding.

JUSTICE KNECHT delivered the judgment of the court.
Justices Turner and Holder White concurred in the judgment.

ORDER

¶ 1 *Held:* The *pro se* appellant, who filed a one-paragraph opening brief, failed to provide a brief in compliance with Illinois Supreme Court Rules and failed to provide a report of the trial court proceedings, foreclosing review of his substantive claims.

¶ 2 In October 2007, plaintiffs, Neal E. and Kimberly Burk, filed a complaint for injunctive relief and damages against defendant, Jeremy Julen, their neighbor. In June 2010, Julen filed a small-claim complaint against plaintiffs for damages. Both suits involve a dispute over real property. After a consolidated bench trial, the trial court granted plaintiffs the injunctive relief they sought and awarded damages. Julen appeals, arguing (1) Neal committed perjury, (2) the court improperly refused to admit two exhibits into evidence, and (3) the court failed to follow proper procedure in contacting him. We affirm.

¶ 3 I. BACKGROUND

¶ 4 In October 2007, plaintiffs filed suit against Julen, alleging Julen interfered with the use of their property by placing debris on it, removing improvements from it, and blocking access to it. Plaintiffs sought injunctive relief as well as damages.

¶ 5 In June 2010, Julen filed a small-claim complaint against plaintiffs. Julen sought \$10,000 for property damage.

¶ 6 The suits were consolidated and, in September 2012, a bench trial was held. No transcript or bystander's report appears in the record. The only record of what occurred appears in a docket entry. According to the docket sheet, Julen tendered at the hearing "exhibits that were not admitted for failure to comply with Supreme Court Rules and for impermissible [hearsay]." Witnesses testified at the trial, and the court noted the parties agreed to an injunction. In its judgment, the court awarded plaintiffs \$1,673.

¶ 7 Later in September 2012, Julen, represented by counsel, filed a request for an amended injunction. Julen stated the docket sheet indicated he had agreed to an injunction, but maintained he disputed the injunction at trial. Julen also asked the trial court to clarify the damages awarded to plaintiffs.

¶ 8 In October 2012, the trial court entered an amended injunction. Julen was enjoined from entering, placing objects upon, or obstructing access to the property at issue. Julen and his guests were also enjoined from harassing or threatening plaintiffs.

¶ 9 This appeal followed.

¶ 10 II. ANALYSIS

¶ 11 Julen filed a one-paragraph "brief" to support his appeal. It states the following:

"I[,] Jeremy Julen[,] representing myself[,] hereby request this

[trial] on the bases of perjury and misconduct by Mr. Burk and his [counsel]. Mr Burk gave a sworn statement typed and certified under oath by the courts of Macoupin [C]ounty that he repeatedly tried to contact me before and during this event but was unable to do so. Later[,] at our court [trial] held in Macoupin County Court[,] Mr. Burk testified that he had repeatedly had contact with me and that I was alright with what was going on. When I tried to have my [counsel] bring this to the court[']s attention[,] the judge said it was not admissible and refused to let me present the court document that showed Mr. Burk was perjuring [himself]. I am not a lawyer nor do I claim to be but I do know you cannot give a sworn statement to the court and then change your statement in the court [trial]. I would also like to add that I feel that Macoupin County courts did not follow proper procedure in contacting me with proper court documents or in the handling of my case. I hope this is enough for the courts to grant my [trial]."

¶ 12 We cannot review the substantive issues of Julen's appeal because Julen failed to comply with Illinois Supreme Court Rules 341 (eff. Jul. 1, 2008) and 323(a) (eff. Dec. 13, 2005). As a *pro se* litigant, Julen is not relieved of following these procedural rules: "[a]lthough his right to appear *pro se* is well established, it is equally well established that when he does appear *pro se*, he must comply with the established rules of procedure." *Tannenbaum v. Lincoln National Bank*, 143 Ill. App. 3d 572, 574, 493 N.E.2d 143, 144 (1986).

¶ 13 Illinois Supreme Court Rule 341(h) (eff. Jul. 1, 2008)) sets forth the requirements for an appellant's brief. "Reviewing courts may dismiss an appeal where the appellant's brief fails to comply" with this rule. *In re A.H.*, 215 Ill. App. 3d 522, 529, 575 N.E.2d 261, 266 (1991). Subsection (6) of the rule mandates an appellant's brief contain a "Statement of Facts," which shall include "the facts necessary to an understanding of the case" and "appropriate reference[s] to the pages of the record on appeal." Ill. S. Ct. Rule 341(h)(6) (eff. Jul. 1, 2008). Julen's brief fails to specify a section entitled "Statement of Facts," fails to recite any of the facts necessary for an understanding of the case, and fails to cite to the record. Subsection (7) mandates appellant briefs contain an "Argument" section, which shall contain "citation of the authorities and the pages of the record relied on." Ill. S. Ct. Rule 341(h)(7) (eff. Jul. 1, 2008). Julen's brief contains a brief argument, but contains no citations to the record or to authority. "Mere contentions, without argument or citation of authority, do not merit consideration on appeal." *Progressive Universal Insurance Co. of Illinois v. Taylor*, 375 Ill. App. 3d 495, 501-02, 874 N.E.2d 910, 915 (2007) (quoting *Elder v. Bryant*, 324 Ill. App. 3d 526, 533, 755 N.E.2d 515, 521-22 (2001)).

¶ 14 Illinois Supreme Court Rule 323(a) (eff. Dec. 13, 2005) mandates the record on appeal contain a report of the trial-court proceedings. This "report of proceedings may include evidence, oral rulings of the trial judge, [and] a brief statement of the trial judge of the reasons for his decision." Ill. S. Ct. Rule 323(a) (eff. Dec. 13, 2005). The report must also "include all the evidence pertinent to the issues on appeal." Ill. S. Ct. Rule 323(a) (eff. Dec. 13, 2005). A "report of proceedings" includes a transcript or, if no transcript is available, a bystander's report or agreed statement of facts. See Ill. S. Ct. Rule 323(a) (eff. Dec. 13, 2005).

¶ 15 Julen did not provide a report of the proceedings below, as required by Rule 323(a). Without such a report, we cannot review the testimony to determine whether perjury occurred. We cannot review the trial court's decision to deny Julen the admittance of the proffered exhibits. In these circumstances, we are bound to presume the order of the court conformed with the law and had a sufficient factual basis. See *People v. Fair*, 193 Ill. 2d 256, 264, 738 N.E.2d 500, 504 (2000).

¶ 16 Julen's brief is inadequate to allow a fair and just review of these issues.

¶ 17 III. CONCLUSION

¶ 18 We affirm the trial court's judgment.

¶ 19 Affirmed.