

No. 1-13-1394

**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).

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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ORA MILSAP,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellant,	)	Cook County.
	)	
v.	)	No. 12 M1 350708
	)	
HABITAT COMPANY,	)	Honorable
	)	George F. Scully,
Defendant-Appellee.	)	Judge Presiding.

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JUSTICE HALL delivered the judgment of the court.  
Presiding Justice HOFFMAN and Justice ROCHFORD concurred in the judgment.

**O R D E R**

¶ 1 *Held:* Where defendant failed to provide an adequate record or sufficient appellate brief to review the trial court's order awarding plaintiff possession of the contested premises, we must presume that the trial court's finding was sufficiently supported by the evidence; the trial court's judgment was affirmed.

¶ 2 *Pro se* defendant Ora Milsap appeals from an order of the circuit court granting possession of a residential apartment, unit 803 at 3983 South Lake Park Avenue in Chicago, to plaintiff The Habitat Company, as property manager for the Chicago Housing Authority.

¶ 3 The very limited common law record shows that plaintiff filed a forcible entry and detainer action against defendant on October 1, 2012, seeking possession of the above-named property. On October 16, 2012, the trial court entered an agreed order executed by defendant. The order stated, in relevant part, that the matter was dismissed, but in the event plaintiff alleges that defendant materially violated the terms of her lease or the terms of the agreed order prior to October 16, 2013, on motion of plaintiff with notice to defendant, the court shall reinstate the matter and conduct a hearing on the asserted violation.

¶ 4 On March 5, 2013, plaintiff filed its motion to reinstate the matter and for entry of a judgment for possession based upon defendant's violation of her lease and the agreed order of October 16. In particular, the motion stated that on February 20, 2013, defendant screamed and cursed at another resident, Bridget Mosley, in such a menacing manner that security had to separate them. When the security officers attempted to calm defendant down, she became hostile towards them. On that same date, defendant approached another resident, Delores Scott, and her 22-year-old daughter, Tytera Smith. Defendant called Smith a "bitch" and a "whore." During the incident, it appeared that defendant had a shiny object in her hand that she pointed at Smith. After Scott pushed her daughter out of the way to protect her, defendant punched Scott in the chest, resulting in Scott going to the emergency room. When security attempted to detain defendant for striking Scott, defendant pushed the security guard.

¶ 5 On March 15, 2013, the trial court granted plaintiff's motion to reinstate the matter, as well as plaintiff's request for a hearing. The matter was continued to April 2, 2013, when, according to the memorandum of orders, trial commenced and then was continued to the following day. On April 3, 2013, the trial court found that plaintiff was entitled to possession of the premises, and entered judgment in favor of plaintiff and against defendant for possession of

said premises *instanter*. In entering the order, the court noted that it heard the issues. Defendant subsequently filed a posttrial motion, which is not in the record. Plaintiff responded by filing an emergency motion to accelerate a hearing on defendant's motion. Plaintiff, citing to a police report that stated defendant told another resident that "[i]f I get evicted, bodies will be dropping like Columbine," maintained that if defendant's motion was not heard expeditiously, it would be severely prejudiced and people may be injured. On April 5, 2013, defendant's posttrial motion was advanced for ruling and denied.

¶ 6 On appeal from the April 3 order, defendant contends in her *pro se* brief that the trial court made errors relating to rulings on evidence, failed to find her guilty beyond a reasonable doubt, and deprived her of due process and a fair trial under the United States and Illinois Constitutions.

¶ 7 However, we find, for the reasons to follow, that we are unable to reach the merits of defendant's appeal because she has failed to comply with the supreme court rules governing appellate review. Defendant, as appellant, has the responsibility to provide a complete record on review. *Tekansky v. Pearson*, 263 Ill. App. 3d 759, 764 (1994). Absent a complete record, a reviewing court must presume that the circuit court's decision had a sufficient factual basis, and any doubts arising from the incompleteness of the record will be resolved against the appellant. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 392 (1984). That is particularly so for a bench trial, where we will not reverse the resulting judgment unless it was against the manifest weight of the evidence. *Chicago's Pizza, Inc. v. Chicago's Pizza Franchise, Ltd., USA*, 384 Ill. App. 3d 849, 859 (2008).

¶ 8 The common law record in this case shows that a bench trial was held on April 2-3, 2013, after which the trial court granted possession of the contested property to plaintiff, and entered a written order to that effect. Defendant, however, has failed to file a report of these proceedings to

show any error complained of (Ill. S. Ct. R. 323(a) (eff. Dec. 13, 2005)), or an acceptable alternative to reflect any evidence presented before the circuit court concerning the contentions now raised (Ill. S. Ct. R. 323(c) (eff. Dec. 13, 2005)); *Rock Island County v. Boalbey*, 242 Ill. App. 3d 461, 462 (1993)). In the absence of an adequate record, we presume that the order conformed with the law and had a sufficient factual basis. *Id.*

¶ 9 We further note that defendant has failed to comply with the rules for appellate briefs set forth in Supreme Court Rule 341 (eff. Feb. 6, 2013). Most importantly, defendant has failed to state a cogent argument for reversal of the circuit court's ruling in her brief, cite to the record, or properly cite to legal authority, as required by Rule 341(h)(7) (eff. Feb. 6, 2013); *Bank of Ravenswood v. Maiorella*, 104 Ill. App. 3d 1072, 1074 (1982)). Rather, defendant argues that her tenancy should not be terminated because she "was not afforded a fair and just trial."

¶ 10 Under these circumstances, where the brief and record are insufficient for review, we invoke the presumption in favor of the regularity of proceedings and that the evidence presented to the circuit court was sufficient to support its decision. *Foutch*, 99 Ill. 2d at 394. Accordingly, we affirm the judgment of the circuit court.

¶ 11 Affirmed.