

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).

2017 IL App (4th) 160473-U

NO. 4-16-0473

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

April 10, 2017

Carla Bender

4th District Appellate

Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from
Plaintiff-Appellee,)	Circuit Court of
v.)	Woodford County
DONALD LOPEZ,)	No. 12CM283
Defendant-Appellant.)	
)	Honorable
)	Charles M. Feeney III,
)	Judge Presiding.

JUSTICE APPLETON delivered the judgment of the court.
Justices Holder White and Steigmann concurred in the judgment.

ORDER

¶ 1 *Held:* Because the record does not support defendant’s claim that it was the circuit clerk, not the sentencing judge, who imposed various fines, we affirm the trial court’s judgment.

¶ 2 Defendant, Donald Lopez, appeals the trial court’s order denying his motion to withdraw his guilty plea, claiming the circuit clerk improperly imposed numerous fines. We disagree and affirm.

¶ 3 I. BACKGROUND

¶ 4 On May 20, 2013, defendant pleaded guilty to disorderly conduct, a Class C misdemeanor (720 ILCS 5/26-1(a)(1), (b) (West Supp. 2013)). On June 26, 2013, the trial court sentenced defendant to 14 days in the Woodford County jail. The record before us does not contain a verbatim transcript of the sentencing proceedings. We do have a bystander’s report

filed pursuant to Illinois Supreme Court Rule 323(c) (eff. Dec. 13, 2005); however, the report does not mention the imposition of costs, fines, or fees.

¶ 5 The sentencing judge entered a written sentencing judgment, ordering defendant to pay “cost[s] of [\$]556.00[.]” These “cost[s]” were not broken down into individual allocations in the written judgment. The circuit clerk prepared an undated cost sheet delineating the fines and fees. The total of these fines and fees on the clerk’s cost sheet was \$556. The clerk’s cost sheet included the following fines now being challenged by defendant as imposed without authority: (1) \$10 Arrestee’s Medical Costs Fund assessment; (2) \$15 Children’s Advocacy Center assessment; (3) \$12.50 State Police operations assistance fee; and (4) \$20 Violent Crime Victims Assistance Fund assessment.

¶ 6 This appeal followed.

¶ 7 II. ANALYSIS

¶ 8 Defendant has failed to provide this court with a sufficient record on appeal that would demonstrate it was the circuit clerk, not the sentencing judge, who imposed these fines. Without a sufficient record, we can find no error.

¶ 9 It is well understood the circuit clerk has no authority to impose fines. *People v. Rexroad*, 2013 IL App (4th) 110981, ¶ 52. The sentencing judge here ordered defendant to pay “cost[s]” of \$556 according to the written sentencing judgment. Because we do not have a transcript of the sentencing hearing, we do not know whether the judge mentioned the imposition of specific fines, fees, or costs at sentencing.

¶ 10 The fines and fees specified on the circuit clerk’s cost sheet also totaled \$556. Although the sentencing judge’s designation of the assessments as “cost[s]” in his written order was inaccurate, we must assume the judge followed the law and that he himself imposed the

appropriate fines. See *Corral v. Mervis Industries, Inc.*, 217 Ill. 2d 144, 157 (2005) (reviewing court should resolve doubts arising from the incompleteness of the record against the appellant). Our assumption is reasonable given that the judge's and the circuit clerk's total amounts matched.

¶ 11 Defendant failed to provide a record demonstrating, or failed to otherwise prove, the sentencing judge did *not*, in fact, impose the fines. Defendant, as the appellant, had the burden of presenting a sufficiently complete record to support his argument or claim of error on appeal. See *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984). He failed to do so.

¶ 12 III. CONCLUSION

¶ 13 For the reasons stated, we affirm the trial court's judgment. As part of our judgment, we award the State its \$50 statutory assessment against defendant as costs of this appeal. 55 ILCS 5/4-2002 (West 2014).

¶ 14 Affirmed.