

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).

2019 IL App (4th) 180389-U
NO. 4-18-0389
IN THE APPELLATE COURT
OF ILLINOIS
FOURTH DISTRICT

FILED
May 6, 2019
Carla Bender
4th District Appellate
Court, IL

SHAWN BOCKEWITZ,)	Appeal from
Plaintiff-Appellant,)	Circuit Court of
v.)	Sangamon County
KIM’S AUTOBODY,)	No. 17SC4407
Defendant-Appellee.)	
)	Honorable
)	Esteban F. Sanchez,
)	Judge Presiding.

PRESIDING JUSTICE HOLDER WHITE delivered the judgment of the court.
Justices DeArmond and Harris concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed where plaintiff failed to produce a sufficient record to support his claim the trial court prevented him from presenting certain evidence at trial.

¶ 2 In October 2017, plaintiff, Shawn Bockewitz, filed a *pro se* small claims complaint against defendant, Kim’s Autobody, alleging defendant owed him \$4672.94 for incorrectly performing body work on his car. After a bench trial in January 2018, the trial court entered judgment for defendant. On appeal, plaintiff asserts the trial court erred by not permitting him to present photographic evidence from his mobile phone at trial. For the following reasons, we affirm.

¶ 3 **I. BACKGROUND**

¶ 4 On October 25, 2017, plaintiff filed a *pro se* small claims complaint against defendant, alleging defendant was indebted to him “in the sum of \$4672.94 for body work that

was done to [his] car incorrectly.” Plaintiff attached to his complaint a repair estimate of \$1202.15 from Chatham Collision Repair, dated October 6, 2017, and a repair estimate of \$3470.79 from Zara’s Collision Repair, dated October 23, 2017. The record also contains exhibits consisting of (1) a preliminary estimate of \$7415.70 from Kim’s Autobody, dated July 20, 2017, and (2) an invoice of \$1754.19 from Chatham Collision Repair, dated November 30, 2017. In its response, defendant denied that it improperly performed body work on plaintiff’s car.

¶ 5 On January 9, 2018, the trial court conducted a bench trial on plaintiff’s complaint, entering judgment for defendant. On February 8, 2018, plaintiff filed a motion to reconsider, stating he “[f]iled updated evidence that [he] did not submit/show previously, or will present on the next court date for this motion.” After a May 30, 2018, hearing, the court denied plaintiff’s motion to reconsider. The record contains no report of proceedings for the bench trial or hearing.

¶ 6 This appeal followed.

¶ 7 II. ANALYSIS

¶ 8 On appeal, plaintiff argues the trial court erred by “not viewing the evidence all on [his] phone at the time of trial.” In his *pro se* brief, plaintiff asserts that “[i]f the pictures and video[] ‘evidence’ of [his] car would have been viewed then the court/judge would have ruled in [his] favor. Would have been blatantly obvious that Kim’s Auto Body did not fix/repair [his] car properly.” Defendant responds that (1) the trial court did not reject any evidence that plaintiff sought to introduce at trial, (2) plaintiff had ample opportunity to present at trial the evidence he now seeks to introduce, and (3) this court is nonetheless unable to find that plaintiff was

prevented from presenting evidence because he failed to produce a report of proceedings from the bench trial.

¶ 9 The Illinois Supreme Court “has long held that in order to support a claim of error on appeal the appellant has the burden to present a sufficiently complete record.” *Webster v. Hartman*, 195 Ill. 2d 426, 432, 749 N.E.2d 958, 962 (2001). If the issue on appeal “relates to the conduct of a hearing or proceeding, this issue is not subject to review absent a report or record of the proceeding.” *Id.* In the absence of such a record, we will presume the trial court’s order conformed to the law and had a sufficient factual basis. *Id.* at 432. “Any doubts which may arise from the incompleteness of the record will be resolved against the appellant.” *Foutch v. O’Bryant*, 99 Ill. 2d 389, 392, 459 N.E.2d 958, 959 (1984).

¶ 10 We are unable to find that plaintiff was prevented from presenting evidence at the bench trial in this case because plaintiff has failed to produce a sufficiently complete record to support his claim. The record contains no transcript or bystander’s report of the bench trial or the hearing on plaintiff’s motion to reconsider. The only record memorializing the bench trial and hearing are the trial court’s docket entries, which note judgment was entered for defendant and plaintiff’s motion to reconsider was denied. Given the scant record before us, we presume the trial court acted in conformance with the law when it entered judgment for defendant and denied plaintiff’s motion to reconsider. See *id.* Accordingly, we affirm.

¶ 11 III. CONCLUSION

¶ 12 For the reasons stated, we affirm the trial court’s judgment.

¶ 13 Affirmed.