

FOURTH DIVISION
FEBRUARY 10, 2011

No. 1-10-0361

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).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

CITY OF ROLLING MEADOWS,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Cook County.
)	
v.)	No. YP 315840
)	
ANDRZEJ LOBROW,)	Honorable
)	Anthony A. Iosco,
Defendant-Appellant.)	Judge Presiding.

JUSTICE PUCINSKI delivered the judgment of the court.
Presiding Justice Gallagher and Justice Lavin concurred in the judgment.

ORDER

HELD: Judgment on traffic violation affirmed on presumption of correctness where *pro se* defendant failed to provide a sufficiently complete record to support his claims of error.

Defendant Andrzej Lobrow, *pro se*, appeals from the judgment entered on his traffic conviction for speeding. He contends that this court should reverse his conviction and remand his cause because the trial court abused its discretion when it inquired into his nationality and

used the police officer's impeached testimony as the basis for his conviction. Although the State has not filed a brief in response, we will consider the appeal pursuant to the principles set forth in *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 131-33 (1976). *People v. Holt*, 151 Ill. App. 3d 337, 338 (1986).

The common law record filed in this court shows that on November 5, 2009, defendant was issued a traffic citation by a Rolling Meadows police officer for speeding. On November 30, 2009, defendant filed a *pro se* motion to dismiss the citation alleging that he requested to see the radar because he was not speeding, that there was a question regarding the officer's accuracy in using his radar, and that the officer refused his request and was unnecessarily aggressive during the stop. The court denied the motion, and following a bench trial, convicted defendant of speeding.

Defendant subsequently filed a motion to reconsider alleging that the officer testified that he had caught defendant speeding on his radar, but that he did not present any reliable evidence to support his allegation, and also made statements inconsistent with the actual facts. Defendant further alleged that the same officer testified in another case that after he caught defendant speeding, he deleted that radar reading, and then caught another person speeding on his radar. However, at trial, this officer

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stated that he had evidence of the speed radar. Defendant thus claimed that the officer's statements are inconsistent and that he has no evidence. Defendant also noted that the citations the officer issued state that he caught defendant and the other person speeding at the same time. Defendant further claimed that the trial court was a judge and attorney for the State and was deliberately partial in its judgment against him. On January 14, 2010, the court denied defendant's motion.

In this appeal from that judgment, defendant contends that the trial court abused its discretion when it inquired into his nationality which led to its partial decision as the court was allegedly prejudiced against him. Defendant also maintains that the court used the officer's impeached testimony to convict him.

As an initial matter, we observe that the record does not contain a transcript of the trial, a bystander's report, or an agreed statement of facts, as required by Supreme Court Rules 321 and 323. 155 Ill. 2d R. 321 (eff. Feb. 1, 1994); Ill. S. Ct. R. 323 (eff. Dec. 13, 2005). It is the appellant's burden to present a sufficiently complete record to support a claim of error. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984).

Since the common-law record filed in this case does not reflect what evidence the trial court heard concerning the contentions raised, we are unable to review defendant's claims and must presume that the trial court had ample grounds to support its judgment. *Rock Island County v. Boalbey*, 242 Ill.

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App. 3d 461, 462 (1993). Under such circumstances, we assume that the circuit court acted in conformity with the law (*Foutch*, 99 Ill. 2d at 392), and affirm its judgment.

Affirmed.