

2019 IL App (1st) 182592-U

No. 1-18-2592

Order filed August 30, 2019

Fifth Division

**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 DISTRICT

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|----------------------|---|---------------------|
| SONYA WILLIAMS,      | ) | Appeal from the     |
|                      | ) | Circuit Court of    |
| Plaintiff-Appellant, | ) | Cook County.        |
|                      | ) |                     |
| v.                   | ) | No. 18 M6 4948      |
|                      | ) |                     |
| JEANETTE OUTLY,      | ) | Honorable           |
|                      | ) | Carrie E. Hamilton, |
| Defendant-Appellee.  | ) | Judge, presiding.   |

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JUSTICE HOFFMAN delivered the judgment of the court.  
Presiding Justice Rochford and Justice Lampkin concurred in the judgment.

**ORDER**

¶ 1 *Held:* We affirm the circuit court's decision finding for defendant because, in the absence of a record of proceedings, we assume the finding was in conformity to law and had a sufficient factual basis.

¶ 2 Plaintiff Sonya Williams appeals, *pro se*, from a November 20, 2018, circuit court order entered, after trial, in favor of defendant Jeanette Outly in this fraud action. Defendant has not filed a responsive brief. We affirm the trial court's judgment where plaintiff failed to provide a complete record on appeal to support her claims of error.

¶ 3 The record on appeal, which does not include a report of proceedings, shows that on April 25, 2018, plaintiff filed a fraud complaint against defendant for \$5500 she gave to defendant as down payment for a car, hair extensions, and a loan. On June 11, 2018, the matter was set for mandatory arbitration.

¶ 4 On August 16, 2018, an arbitrator awarded plaintiff \$1617. Defendant rejected the arbitrator's decision and the matter was set for trial. On November 20, 2018, the court found that the "trial testimony and evidence does not support plaintiff's allegations. Finding for defendants." On November 21, 2018, plaintiff filed a notice of appeal requesting this court "to overturn the judgment, because the judge didn't look or hear all of [her] evidence to support that [defendant] owes [her] money."

¶ 5 On April 17, 2019, plaintiff filed her opening brief requesting this court to overturn the decision of the trial court because she was precluded from presenting evidence to support her argument. On July 2, 2019, we entered an order to take the case for consideration on the record and plaintiff's brief only since defendant did not file a brief. See *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 131-33 (1976) (setting forth the principles for the disposition of appeals in cases where the appellee has not filed a brief).

¶ 6 We initially observe that plaintiff's *pro se* brief fails to comply with several requirements of Illinois Supreme Court Rule 341 (Ill. S. Ct. R. 341 (eff. Nov. 1, 2017)). This rule "governs the form and content of appellate briefs." *McCann v. Dart*, 2015 IL App (1st) 141291, ¶ 12. Without outlining all of the shortcomings of plaintiff's brief we point out specifically that her brief fails to comply with subsections (h)(6) and (h)(7) of Rule 341.

¶ 7 Subsection (h)(6) requires the appellant’s brief to contain a statement of facts necessary for this court to have an understanding of the case. Plaintiff is required to cite to the pages and volume of the record she is referencing “so that we are able to assess whether the facts which [the appellant] presents are accurate and a fair portrayal of the events in this case.” *In re Marriage of Hiluska*, 2011 IL App (1st) 092636, ¶ 58; Ill. S. Ct. R. 341 (h)(6) (eff. Nov. 1, 2017). Although plaintiff has filed her brief with a statement of facts, she makes no reference to page numbers from the record. Without a report of proceedings and a cogent brief, it is almost impossible to discern what plaintiff is alleging.

¶ 8 Plaintiff also fails to cite to any pertinent legal authority to support her arguments on appeal. See *Gandy v. Kimbrough*, 406 Ill. App. 3d 867, 875 (2010) (this court is not a depository in which the burden of argument and research may be dumped); *People v. Hood*, 210 Ill. App. 3d 743, 746 (1991) (“A reviewing court is entitled to have the issues clearly defined with pertinent authority cited and is not simply a depository into which the appealing party may dump the burden of argument and research.”); Ill. S. Ct. R. 341(h)(7) (eff. Nov. 1, 2017). Plaintiff’s *pro se* status does not excuse her from complying with the appellate procedures required by our supreme court rules (*Coleman v. Akpakpan*, 402 Ill. App. 3d 822, 825 (2010)) and her noncompliance with these rules subjects her appeal to dismissal (*LaGrange Memorial Hospital v. St. Paul Ins. Co.*, 317 Ill. App. 3d 863, 876 (2000)).

¶ 9 Plaintiff has also submitted a series of exhibits with her brief that she wishes this court to take into consideration. However, this court may only consider documents that are part of the certified record on appeal. *Kensington’s Wine Auctioneers & Brokers, Inc., v. John Hart Fine Wine, Ltd.*, 392 Ill. App. 3d 1, 14 (2009). The appendix attached to a party’s appellate brief is not

part of the certified record, and thus a party cannot supplement an incomplete record by including documents in the appendix. *Id.* Any such documents are not properly before the appellate court and will not be considered. *Id.*

¶ 10 In addition to plaintiff's failure to comply with the rules governing appellate briefs, the record on appeal does not contain a transcript of the trial, a bystanders report, or an agreed statement of facts, as required by Illinois Supreme Court Rules 321 (eff. Feb.1, 1994) and 323 (eff. Dec. 13, 2005). The purpose of appellate review is to evaluate the record presented in the trial court and review must be confined to what appears in the record. *People v. Canulli*, 341 Ill. App. 3d 361, 367-68 (2003). The appellant has the burden of presenting a sufficiently complete record to support her claim of error and any doubts arising from the incompleteness of the record will be resolved against her. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984). Matters not properly in the record or presented to the trial court will not be considered on review. *Jenkins v. Wu*, 102 Ill. 2d 468, 483-84 (1984). Where the record is incomplete or does not demonstrate the alleged error, a court of review will not speculate as to what errors may have occurred below. *Foutch*, 99 Ill. 2d at 391-92. In the absence of a complete record, the reviewing court must indulge in every reasonable presumption favorable to the judgment and will presume that the trial court's judgment conformed with the law and had a sufficient factual basis. *Id.*

¶ 11 In this case, plaintiff is appealing from the November 20, 2018, trial court ruling finding for defendant. Defendant has alleged that the trial court erred by not giving her a chance to present evidence of "text messages, saved voice conversations and a demand letter supporting [her] case."

¶ 12 Here, the record shows that a trial took place, but the record does not contain the transcripts from the trial, bystander's reports, or agreed statement of facts from the proceedings in the circuit court. Therefore, we do not know what, if any evidence was presented to the circuit court or what arguments were made. While plaintiff has included the court order in the record on appeal, she has failed to include a transcript of the proceedings or a bystander's report from that day or any other day that hearings on any court proceedings were held. This includes the transcript of the trial court's order from November 20, 2018. In the absence of a complete record, we will not speculate as to what occurred in the trial court. *Foutch*, 99 Ill. 2d at 391-92. Rather, under such circumstances, we assume the trial court's order was in conformity with the law (*In re Marriage of Sanchez*, 2018 IL App (1st) 171075, ¶ 37) and affirm its judgment.

¶ 13 Affirmed.