

2014 IL App (2d) 140327-U  
No. 2-14-0327  
Order filed July 8, 2014

**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  
SECOND DISTRICT

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<i>In re</i> ESTATE OF ZFER TURKMAN	)	Appeal from the Circuit Court
	)	of Kane County.
	)	
	)	No. 13-P-267
	)	
	)	Honorable
(Samsun U. Turkman, Petitioner-Appellant, v.	)	Joseph M. Grady,
Zoey R., Respondent-Appellee).	)	Judge, Presiding.

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JUSTICE HUDSON delivered the judgment of the court.  
Justices Schostok and Spence concurred in the judgment.

**ORDER**

¶ 1 *Held:* Petitioner's failure to comply with various supreme court rules, including rules pertaining to contents of the record on appeal and requirements for appellant's brief, compelled appellate court to dismiss petitioner's appeal.

¶ 2 On May 10, 2013, *pro se* petitioner, Samsun U. Turkman, initiated case No. 13-P-267 by filing in the circuit court of Kane County, a petition for adjudication of disability of his son, Zfer Turkman, and for the appointment of a guardian of Zfer's person and estate. See 755 ILCS 5/11a-1 *et seq.* (West 2012). On June 14, 2013, the probate court, Judge Joseph M. Grady, presiding, granted the petition and appointed petitioner as the plenary guardian of Zfer's person and estate.

¶ 3 Zfer is the biological father of a minor named Zoey, born December 22, 2009. The limited record before us suggests that the State has initiated proceedings in juvenile court to terminate the parental rights of Zfer and Zoey's biological mother. On December 10, 2013, petitioner filed in case No. 13-P-267 a "Motion to Grant Custody." In the motion, petitioner alleged that by being appointed Zfer's guardian, he also became the guardian of his grandchild, Zoey. Petitioner further alleged that Judge Linda Abrahamson, the judge in the juvenile case, refused to grant custody of Zoey to him. Petitioner asserted that he was filing "[t]his case" against Judge Abrahamson "for violating [his] Guardianship Rights granted by [the] Court" pursuant to the order entered on June 14, 2013. On December 19, 2013, Judge Grady denied the motion. On April 2, 2014, petitioner filed in case No. 13-P-267 a document titled "Appeal to Grant Custody." In that document, petitioner purported to appeal from an order entered by Judge Abrahamson on March 5, 2014, "refus[ing] to accept [him as] Guardian of my Grand Daughter as Guardian of my Son." Petitioner subsequently filed a *pro se* brief with this court. No appellee's brief has been submitted.

¶ 4 A reviewing court may dismiss an appeal where the appellant fails to comply with the applicable supreme court rules. See *Best Coin-Op, Inc. v. Fountains of Carriage Way Condominium Ass'n*, 239 Ill. App. 3d 1062, 1063 (1992); *In re A.H.*, 215 Ill. App. 3d 522, 529 (1991). In this case, we are mindful of the challenges petitioner faces in representing himself on appeal, but case law makes it clear that his *pro se* status does not excuse compliance with the procedural rules promulgated by our supreme court. *Coleman v. Akpakpan*, 402 Ill. App. 3d 822, 825 (2010).

¶ 5 Illinois Supreme Court Rule 321 (eff. Feb. 1, 1994) provides in relevant part that the record on appeal "shall consist of the judgment appealed from, the notice of appeal, and the

entire original common law record, unless the parties stipulate for, or the trial court, after notice and hearing, or the reviewing court, orders less.” As noted above, defendant purports to appeal from an order entered on March 5, 2014. However, the record on appeal does not contain a copy of that order. By itself, the failure to include in the record a copy of the order appealed from warrants dismissal of the appeal since, without it, a reviewing court cannot meaningfully consider the propriety of the lower court’s decision. See *Best Coin-Op, Inc.*, 239 Ill. App. 3d at 1063 (dismissing appeal with prejudice for failure to include in the record on appeal a copy of judgment appealed from).

¶ 6 Aside from petitioner’s failure to include a copy of the order appealed from in the record, petitioner’s appellate brief fails to comply with provisions of Illinois Supreme Court Rule 341 (eff. Feb. 6, 2013). The purpose of Rule 341, which sets forth the requirements for filing a brief on appeal, is to require the parties to present a clear and orderly argument so that the reviewing court may ascertain and dispose of the issues involved. *Collier v. Avis Rent A Car System, Inc.*, 248 Ill. App. 3d 1088, 1095 (1993). A reviewing court may dismiss an appeal where the appellant’s brief fails to comply with the applicable supreme court rules. *Collier*, 248 Ill. App. 3d at 1095; *In re A.H.*, 215 Ill. App. 3d at 529.

¶ 7 In this case, petitioner’s brief does not comply with Rule 341(h)(6) (Ill. S. Ct. Rule 341(h)(6) (eff. Feb. 6, 2013)). That rule requires an appellant’s brief to include a statement “contain[ing] the facts necessary to an understanding of the case, stated accurately and fairly without argument or comment, and with appropriate references to the pages of the record on appeal.” Ill. S. Ct. Rule 341(h)(6) (eff. Feb. 6, 2013). Although petitioner’s brief has a section entitled “Statement of Facts,” it does not provide the facts necessary to an understanding of the

case, it consists almost entirely of argument and comment, and it contains no citations to the record on appeal.

¶ 8 Likewise, petitioner's brief fails to comply with Rule 341(h)(7), which requires the appellant's brief to include an argument section "contain[ing] the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relied on."

Ill. S. Ct. Rule 341(h)(7) (eff. Feb. 6, 2013). Petitioner's argument section consists of the following two-sentence passage:

"THE JUVENILE COURT ERRED IN GRANTING SUMMARY JUDGMENT AGAINST THE DEFENDANT WHERE THE AFFIDAVITS AND DEPOSITIONS ON FILE CREATED A QUESTION OF FACT WHETHER ALL THE FEDERAL GUIDELINES THAT WERE CREATED TO DEFEND AGAINST VIOLATIONS OF 8TH AND 13TH AMENDMENT, WHEN CONGRESS HAD PASSED CHILD PROTECTION LAWS AND ALL THE STATE LAWS CAN BE IGNORED BY DCFS AND A JUVENILE COURT BECAUSE AVERAGE CITIZENS CAN NOT AFFORD EXPENSIVE TRIAL LAWYERS AND DO NOT KNOW HOW TO FILE AN APPEAL IN STATE APPELLATE COURT. The undisputed evidence in this case established that Juvenile Court ignored Illinois State Law 755 ILCS 5/11a-17, Ch. 1101/2, Sec. 11a-17(a) that automatically declares Guardian of a Mentally Delayed Adult, Guardian of his Assets and Children."

Petitioner clearly failed to articulate an organized and cohesive legal argument for our consideration. Moreover, save one statutory citation, petitioner's argument is unsupported by any authority or the pages of the record relied on. See *Elder v. Bryant*, 324 Ill. App. 3d 526, 533

(2001) (noting that mere contentions without argument or citation to authority do not warrant consideration on appeal).

¶ 9 While not a complete catalog of the rule violations in this case, we also note that petitioner's brief is missing: (1) an introductory paragraph stating the nature of the action and of the judgment appealed from, whether the judgment is based on the verdict of a jury, and whether any question is raised on the pleadings (Ill. S. Ct. Rule 341(h)(2) (eff. Feb. 6, 2013)); (2) a concise statement of the applicable standard of review for each issue with citation to authority (Ill. S. Ct. Rule 341(h)(3) (eff. Feb. 6, 2013)); and (3) a certificate of compliance (Ill. S. Ct. Rule 341(c) (eff. Feb. 6, 2013)). Finally, we note that petitioner's brief fails to include an appendix as required by Illinois Supreme Court Rule 341(h)(9) (eff. Feb. 6, 2013). Such an appendix must contain, *inter alia*, a table of contents of the record on appeal, a copy of the judgment appealed from, and the notice of appeal. Ill. S. Ct. Rule 342(a) (eff. Jan. 1, 2005). Petitioner's brief includes none of these items.

¶ 10 In short, given the multitude of rule violations in this case, we are unable to conduct meaningful review of this appeal and are therefore compelled to dismiss it.

¶ 11 Appeal dismissed.