

No. 1-12-2849

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

MARVA BOYD,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Cook County.
)	
v.)	No. 12 M1 718470
)	
DEBRESHIA FLOWERS-ANDERSON and)	
MICHAEL ANDERSON,)	Honorable
)	Martin P. Moltz,
Defendants-Appellants.)	Judge Presiding.

PRESIDING JUSTICE LAMPKIN delivered the judgment of the court.
Justices Hall and Gordon concurred in the judgment.

ORDER

- ¶ 1 *Held:* Where defendants failed to provide a sufficient record of the underlying proceedings to evaluate the merits of the appeal, the order entered by the circuit court is presumed to be in conformity with the law and had a sufficient factual basis.
- ¶ 2 Defendants, Debreshia Flowers-Anderson and Michael Anderson, *pro se*, appeal from an order of the circuit court of Cook County, granting possession of 1040 South Humphrey Avenue, in Oak Park, to plaintiff landlord, Marva Boyd, along with a money judgment for past-due rent and costs. Defendants request reversal of the money judgment in favor of plaintiff on the ground

that plaintiff did not give them 30 days' notice of her refusal to renew their lease, as required under section 5-12-130(j) of Chicago's Residential Landlord and Tenant Ordinance (RLTO) (Chicago Municipal Code § 5-12-130(j) (amended Nov. 6, 1991)).

¶ 3 Our ability to review this issue is hindered by defendants' failure to comply with the supreme court rules governing appellate procedure, which cannot be excused based on their *pro se* status. *Coleman v. Akpakpan*, 402 Ill. App. 3d 822, 825 (2010). *Pro se* litigants like defendants are presumed to have full knowledge of applicable court rules and procedures, and compliance is mandatory. *In re Estate of Pellico*, 394 Ill. App. 3d 1052, 1067 (2009).

¶ 4 Most apparent is the lack of a transcript, bystander's report, or agreed statement of facts as required by Supreme Court Rule 323 (eff. Dec. 13, 2005). It is well established that the appellants, in this case defendants, have the burden to present a sufficiently complete record. *In re Marriage of Gulla and Kanaval*, 234 Ill. 2d 414, 422 (2009). "An issue relating to a circuit court's factual findings and basis for its legal conclusions obviously cannot be reviewed absent a report or record of the proceeding." (Internal quotation marks omitted.) *Gulla*, 234 Ill. 2d at 422. Absent an adequate record preserving the claimed error, the reviewing court must presume that the circuit court had a sufficient factual basis for its action and that it conforms with the law. *Gulla*, 234 Ill. 2d at 422.

¶ 5 Here, the common law record consists entirely of: (1) plaintiff's *pro se* complaint against defendants for possession of the premises described therein and past-due rent, plus costs; (2) the summonses for trial; (3) the sheriff's affidavits of personal service on defendants; (4) a handwritten docket entry in the court's records indicating that, on defendants' motion, trial was continued to August 22, 2012; (5) the court's order, entered on August 22, 2012, granting possession of the premises to plaintiff and a money judgment for \$2,000 and costs; (5) defendants' *pro se* notice of appeal from that order; and (6) defendants' request for the

preparation of the record on appeal. Although the failure to present a report of proceedings does not require automatic dismissal or affirmance where the issue can be resolved on the record as it stands, defendants' position that plaintiff failed to give them 30 days' notice of her refusal to renew their lease as required by the RLTO is inherently factual and not amenable to review without a report of proceedings. *Landau and Associates, P.C. v. Kennedy*, 262 Ill. App. 3d 89, 92 (1994). Moreover, the order being appealed does not reflect that any issue regarding notice was raised or considered by the court in rendering judgment in favor of plaintiff.

¶ 6 Compounding defendants' failure to provide this court with an adequate record is their failure to informatively state the errors relied upon for challenging the circuit court's entry of the money judgment in favor of plaintiff (*Bank of Ravenswood v. Maiorella*, 104 Ill. App. 3d 1072, 1074 (1982)), and pertinent authority or a cohesive argument. Ill. S. Ct. R. 341(h)(6), (7) (eff. Feb. 6, 2013). Defendants' appellate brief consists of four pages of unsupported factual allegations and various documentary exhibits which were not included as part of the record on appeal. Because assertions in an appellate brief cannot substitute for the record support required by Supreme Court Rule 323, we are unable to ascertain the accuracy of defendants' position. *Coombs v. Wisconsin National Life Insurance Co.*, 111 Ill. App. 3d 745, 746 (1982). Moreover, we will not supplement the record on appeal with the documents attached to defendants' appellate brief as an appendix, where there was no stipulation between the parties and no motion to supplement the record. *Pikovsky v. 8440-8460 North Skokie Boulevard Condominium Association, Inc.*, 2011 IL App (1st) 103742, ¶ 16.

¶ 7 Under these circumstances, we invoke the presumption that the order entered by the circuit court had a sufficient factual basis and is in conformity with the law (*Gulla*, 234 Ill. 2d at 422) and affirm.

¶ 8 Affirmed.

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