

No. 1-16-1394

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

PANGEA VENTURES, LLC)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Cook County.
)	
v.)	
)	
EMMANUEL RICKS, KRISTINE RICKS)	No. 16 M1 706436
& ALL UNKNOWN OCCUPANTS,)	
)	
Defendants.)	Honorable
)	David A. Skryd,
(Kristine Ricks, Defendant-Appellant.))	Judge Presiding.

PRESIDING JUSTICE ELLIS delivered the judgment of the court.
Justices Howse and Burke concurred in the judgment.

ORDER

¶ 1 *Held:* Affirmed. Record on appeal and appellant's brief were insufficient to conduct competent review of trial court's judgment.

¶ 2 Defendant Kristine Ricks, acting *pro se*, appeals from the trial court's orders awarding possession of an apartment located at 1734 East 72nd Street, Apartment 105, in Chicago, Illinois, to plaintiff Pangea Ventures, LLC, and denying defendant's motion to stay her eviction. Plaintiff has not filed a response brief. Because the record on appeal and defendant's brief are inadequate to address any of defendant's claims—which we cannot ascertain—we are left with no choice but to affirm the trial court's judgment.

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¶ 3 On April 14, 2016, plaintiff filed a complaint seeking possession of the apartment, claiming that Emmanuel Ricks, who is not a party to this appeal, failed to pay rent. Defendant filed an appearance as an unknown occupant of the apartment.

¶ 4 On May 2, 2016, the trial court entered an order of possession in favor of plaintiff. The same day, defendant filed a form motion that said she was seeking “more time to vacate premises [sic].” Defendant’s motion did not say anything else.

¶ 5 On May 11, 2016, defendant filed another form motion labeled, “Motion to Explain Situation to Judge.” The entirety of the motion read:

“Motion to explain situation for more time or pass it to another judge to hear my case and esponge [sic] eviction on Emanuel [sic] Ricks name.”

The trial court denied the motion, characterizing it as a motion to stay eviction

¶ 6 Defendant filed a timely notice of appeal.

¶ 7 As we noted above, plaintiff has not filed an appellee’s brief. This leaves us with three possible approaches to resolve this case. *Thomas v. Koe*, 395 Ill. App. 3d 570, 577 (2009). First, we may “serve as an advocate for the appellee and decide the case when *** justice so requires.” *Id.* Second, “if the record is simple and the claimed errors are such that the court can easily decide them without the aid of an appellee’s brief, the court of review should decide the merits of the appeal.” *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976). Third, “if the appellant’s brief demonstrates prima facie reversible error and the contentions of the brief find support in the record the judgment of the trial court may be reversed.” *Id.* For the following reasons, in this case, we affirm the trial court’s judgment because of the insufficiency of the record on appeal and defendant’s brief.

¶ 8 The appellant bears the burden of presenting a sufficiently complete record on appeal. *Webster v. Hartman*, 195 Ill. 2d 426, 432 (2001); see also Ill. S. Ct. R. 321 (eff. Feb. 1, 1994) (requiring appellant to file common-law record containing all filings made in trial court); Ill. S. Ct. R. 323 (eff. Dec. 13, 2005) (requiring appellant to file report of proceedings or acceptable substitute). Where the record is insufficient to resolve the appellant's claims, we must presume "that the order entered by the trial court was in conformity with law and had a sufficient factual basis." *Foutch v. O'Bryant*, 99 Ill. 2d 389, 392 (1984). "Any doubts which may arise from the incompleteness of the record will be resolved against the appellant." *Id.*

¶ 9 Here, the 23-page record does not disclose enough information about the proceedings below to address defendant's claims. The record does not disclose the court's reasons for awarding plaintiff possession or for denying defendant's motion to stay her eviction. The trial court's orders simply reflect the court's judgment. They do not disclose the court's reasoning or legal basis for entering them.

¶ 10 Nor do defendant's filings reveal any of her arguments before the circuit court. Each of her motions is a one-page, handwritten sentence entered on a form motion template. They contain no actual argument or reasoning. And because we have no report of proceedings or other record of the hearings held by the trial court, we cannot be certain what, if any, arguments plaintiff or defendant made before the trial court.

¶ 11 Defendant's brief offers us no help in deciphering what occurred below. The brief, which defendant wrote in the form of a letter to this court, contains numerous factual assertions that lack any support in the record, including discussions of the circumstances of her eviction, her conversations with plaintiff's employees, and the proceedings in the trial court. But we cannot consider factual assertions in a brief that lack any support in the record. See *People v. Reimolds*,

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92 Ill. 2d 101, 106-07 (1982) (“A court of review must determine the issues before it solely on the basis of the record made in the trial court.”); *Coleman v. Windy City Balloon Port, Ltd.*, 160 Ill. App. 3d 408, 419 (1987) (“Without adequate support in the record, an allegation included in the statement of facts contained in an appellate brief lies outside the record [(citations)]; such unsupported factual references should be stricken and not considered on appeal ***.”). Thus, even though plaintiff’s brief recounts numerous factual claims regarding the proceedings below, we cannot consider them, because they are not backed up by the record itself. Because the record is so sparse, we must assume that the trial court entered its judgment in accord with the law and facts.

¶ 12 Moreover, defendant’s brief lacks clarity such that we cannot ascertain her claims or what relief she seeks. Illinois Supreme Court Rule 341(h) (eff. Jan. 1, 2016) sets out the necessary contents of an appellant’s brief, including a statement of facts “contain[ing] the facts necessary to an understanding of the case *** with appropriate reference to the pages of the record on appeal” (Ill. S. Ct. R. 341(h)(6) (eff. Jan. 1, 2016)), and an argument that must “contain 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. R. 341(h)(7) (eff. Jan. 1, 2016)). Where the deficiencies in a brief are so numerous that they impede our review of the case, we may strike the brief and dismiss the appeal. *Rosestone Investments, LLC v. Garner*, 2013 IL App (1st) 123422, ¶ 18.

¶ 13 As we discussed above, defendant’s statement of facts contains no citations to the record because it recounts facts that are not reflected in the record. And with respect to her arguments, we cannot determine why she thinks that the trial court erred or what relief she seeks from this court. Parts of defendant’s brief refer to her recovering her “stolen” personal property, and others complain of the conduct of the hearing on her stay motion. But we cannot tell if defendant seeks

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a new hearing, a reversal of the order of possession, or an opportunity to file a new motion in the trial court. We cannot comprehend defendant's arguments, even giving them the most liberal reading possible. Thus, even if the record on appeal contained more information, defendant's brief is insufficient to resolve whatever claims she may have.

¶ 14 In light of the insufficiency of the record and defendant's brief, we are left with no choice but to affirm the trial court's judgment.

¶ 15 We are sympathetic to defendant's situation. Her brief offers an example of the difficulties that *pro se* litigants face in navigating our legal system. But we cannot reverse the trial court's judgment in light of the record and brief presented to us. We have no other option but to affirm the trial court's judgment.

¶ 16 Affirmed.