

2018 IL App (1st) 163072-U

No. 1-16-3072

May 16, 2018

Third 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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OMAR GRAYSON,

Plaintiff-Appellant,

v.

SHONETTE MONROE,

Defendant-Appellee.

) Appeal from the

) Circuit Court of

) Cook County.

)

) No. 16 M6 9033

)

) Honorable

) Kathleen A. Panozzo,

) Judge Presiding.

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JUSTICE HOWSE delivered the judgment of the court.

Justices Fitzgerald Smith and Lavin concurred in the judgment.

**ORDER**

¶ 1 *Held:* We dismiss the appeal due to plaintiff's failure to: comply with the rules of appellate procedure governing the requirements for appellate briefs; and provide this court with a complete record on appeal.

¶ 2 Plaintiff, Omar Grayson appeals *pro se* from an order granting judgment in favor of the defendant, Shonette Monroe. On appeal, plaintiff contends that the trial court erred in ruling in favor of Monroe. We dismiss plaintiff's appeal for his failure to comply with the rules governing appellate briefs and to provide this court with a complete record on appeal.

¶ 3 The record shows that on October 6, 2016, plaintiff *pro se* filed a complaint against defendant Shonette Monroe for restitution. The complaint alleged that from November 14, 2011, to December 3, 2015, while plaintiff was incarcerated, Monroe was in possession of plaintiff's 1993 Toyota Camry and accumulated three red light violations totaling \$600. Plaintiff claimed that Monroe refused to pay for the three violations which resulted in the fines going "into collections against[his] credit."

¶ 4 Following an unsuccessful mediation on November 10, 2016, the trial court entered judgment in favor of Monroe. On the same date, plaintiff filed a *pro se* notice of appeal. Plaintiff filed his appellate brief on April 19, 2017, arguing that the trial court should have ruled in his favor. Although no brief was filed by Monroe in response to this appeal, we may consider the issue raised pursuant to the principles set forth in *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 131-33 (1976).

¶ 5 We initially note that plaintiff's brief fails to comply with the rules governing appellate briefs. Supreme Court Rule 341(h) governs the contents for appellant's briefs in civil appeals. Ill. Sup. Ct. R. 341(h) (eff. Feb. 6, 2013). The rule's provisions are requirements and not mere suggestions. *Hall v. Naper Gold Hospitality LLC*, 2012 IL App (2d) 111151, ¶ 7; *Niewold v. Fry*, 306 Ill. App. 3d 735, 737 (1999). The rule requires that all briefs shall include a statement of "the facts necessary to an understanding of the case, stated accurately and fairly without argument or comment" and an argument "which shall contain the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relied on." Ill. Sup. Ct. R. 341(h)(7). Under Rule 341 (h)(7), a reviewing court is entitled to have issues clearly defined with "cohesive arguments" presented and pertinent authority cited. *Obert v. Saville*, 253 Ill. App.

3d 677, 682 (1993). “The failure to elaborate on an argument, cite persuasive authority, or present a well-reasoned argument violates Rule 341 (h)(7) and results in waiver of that argument.” *Sakellariadis v. Campbell*, 391 Ill. App. 3d 795, 804 (2009). “The purpose of the rules is to require parties before a reviewing court to present clear and orderly arguments so that the court can properly ascertain and dispose of the issues involved.” *Hall at ¶ 7*.

¶ 6 It is well settled that a *pro se* litigant “must comply with the same rules of procedure required of attorneys” and “this court will not apply a more lenient procedural standard to *pro se* litigants than is generally allowed attorneys.” *Harvey v. Carponelli*, 117 Ill. App. 3d 448, 451 (1983). A plaintiff’s *pro se* status does not relieve him of the obligation to comply with Rule 341. See *People v. Richardson*, 2011 IL App (4th) 100358, ¶ 12 (parties choosing to represent themselves without a lawyer must comply with the same rules and are held to the same standards as licensed attorneys). Compliance with these procedural rules is mandatory and this court may, in its discretion, strike a brief and dismiss the appeal for failure to comply with Rule 341. *McCann v. Dart*, 2015 IL App (1st) 141291, ¶ 12; *Alderson v. Southern Co.*, 321 Ill. App. 3d 832, 845 (2001).

¶ 7 Here, without outlining all the shortcomings of plaintiff’s brief, we point out that his statement of facts and argument are inadequate and provide little understanding of the case. Plaintiff argues that the trial court erred in ruling against him, but offers little support for his position. Plaintiff is required to cite to the pages and volume of the record on appeal that he is referring “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 Hluska*, 2011 IL App (1st) 092636, ¶ 58; Ill. Sup. Ct. R. 341(h)(7) (eff. Jan. 1, 2016). In his brief, petitioner fails to

cite to any portions of the record in his statement of facts or argument. Although plaintiff cites to, *Evans v. George*, 80 Ill. 51 (1875), we do not see how this case is pertinent to plaintiff's argument that the trial court erred in ruling in favor of Monroe. See *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.").

¶ 8 In addition, plaintiff's argument relies on statements allegedly made by Monroe regarding the sum of money in question. However, after carefully reviewing the record before us, we find no such statements present in the record. It has been "long held that in order to support a claim of error on appeal the appellant has the burden to present a sufficiently complete record." *Webster v. Hartman*, 195 Ill. 2d 426, 432 (2001) (citing *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984)). "Where the issue on appeal relates to the conduct of a hearing or proceeding, this issue is not subject to review absent a report or record of the proceeding. Instead, absent a record, 'it [is] presumed that the order entered by the trial court [is] in conformity with the law and had a sufficient factual basis.'" *Id.* (citing *Foutch*, 99 Ill. 2d at 392).

¶ 9 The record at bar shows that the trial court entered judgment in favor of the defendant and little more. We will not speculate as to the circumstances that prompted the trial court to reach that decision. "The law is well settled that appellants bear the duty to 'present a record \*\*\* which fairly and fully presents all matters necessary and material for a decision of the question raised.'" *Smolinski v. Vojta*, 363 Ill. App. 3d 752, 757 (2006) (citing *LaPlaca v. Gilbert & Wolf, Inc.*, 37 Ill. App. 3d 259, 260-61 (1976)). "In the absence of such a record, we will not speculate

as to what errors may have occurred below.” *Vojta*, 363 Ill. App. 3d at 757. Plaintiff has not provided this court with a complete record in order for a complete review of his case.

¶ 10 Furthermore, plaintiff has failed to comply with Supreme Court Rule 342(a), which provides that the appendix of an appellant’s brief must contain “pleadings or other materials from the record which are the basis of the appeal.” Ill. S. Ct. R. 342(a) (eff. Jan 1, 2005). Plaintiff’s appendix includes the court order from November 10, 2016, the red light camera photos he is relying on, and the information for each offense. However, a party may generally not rely on matters outside the record to support its position on appeal. *Keener v. City of Herrin*, 235 Ill. 2d 338, 346 (2009). The photos and information related to the photos that plaintiff is relying on are not a part of the record on appeal. Thus, if the materials are not taken from the record, they may not generally be placed before the appellate court in an appendix and will be disregarded. *Hubeny v. Chairse*, 305 Ill. App. 3d 1038, 1042 (1999).

¶ 11 In sum, because plaintiff has not complied with the rules governing appellate briefs, nor has he provided this court with a complete record on appeal, we, in our discretion, strike plaintiff’s brief and dismiss his appeal. See *Dart*, 2015 IL App (1st) 141291, ¶ 20.

¶ 12 Appeal dismissed.