2018 IL App (1st) 180224-U

No. 1-18-0224

Order filed December 27, 2018

Fourth Division

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

REGINALD TAYLOR,	)	Appeal from the
	)	Circuit Court of
Petitioner-Appellant,	)	Cook County.
	)	
v.	)	No. 09 D 10337
	)	09 D 50539
LYNNE WILSON TAYLOR,	)	
	)	Honorable
Respondent-Appellee.	)	David E. Haracz,
	)	Judge, presiding.

PRESIDING JUSTICE McBRIDE delivered the judgment of the court.
Justices Gordon and Reyes concurred in the judgment.

ORDER

¶ 1 *Held*: We dismiss the appeal as appellant's failure to comply with our supreme court's rules governing appellate procedure prevents us from ascertaining our jurisdiction and providing meaningful review.

¶ 2 Reginald Taylor (Reginald) appeals *pro se* from an order of the circuit court of Cook County concerning his child support payments. Appellee Lynne Wilson Taylor (Lynne) has not filed a response brief. On our own motion, we ordered this case taken for consideration on

Reginald's brief alone and therefore consider his appeal without the benefit of Lynne's brief. See *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 131-33 (1976). We dismiss.

¶ 3 As an initial matter, Reginald has filed only the common law record. He did not file a transcript, bystander's report, or agreed statement of facts of any of the trial court proceedings. See Ill. S. Ct. R. 323 (eff. July 1, 2017). Further, the common law record he filed consists of filings in Reginald's action intermingled with a substantial number of filings in another, unrelated domestic action, *In re Marriage of Howe*, case No. 09 D 11344. In fact, approximately 70 percent of the common law record consists of filings from the *Howe* case. "Any doubts which may arise from the incompleteness of the record will be resolved against the appellant." *Foutch v. O'Bryant*, 99 Ill. 2d 389, 392 (1984).

¶ 4 The little we can glean from the incomplete record is as follows. On February 10, 2009, the Illinois Department of Healthcare and Family Services filed a petition pursuant to Article X of the Public Aid Code (305 ILCS 5/10-1 *et seq.* (West 2008)), requiring Reginald, to the extent of his financial ability, to provide support for his four minor children with his wife, Lynne. The petition, Cook County circuit court case No. 09 D 050539, listed Lynne as the petitioner and reflected the couple was separated. Subsequently, Reginald petitioned the circuit court of Cook County for dissolution of his marriage to Lynne, case No. 09 D 010337. The court consolidated Case No. 09 D 050539 into case No. 09 D 010337, and subsequently granted a judgment for dissolution on January 5, 2010.

¶ 5 At some point, Reginald was ordered to make child support payments for his four minor children. It appears from the record that, at least on October 19, 2015, the amount of support was

modified. The record also reflects that, on April 13, 2017, Reginald filed a motion stating "the wrong amount of support is been [*sic*] taking out of my pay wages." The record ends with Reginald's motion, filed on September 7, 2017, again seeking to correct the amount of his "back child support." The record does not reflect either motion was decided.[1]

¶ 6 On January 29, 2018, Reginald filed a notice of appeal, which states the judgment from which he appeals was entered on January 16, 2018.[2] Under relief sought, Reginald wrote "I'm appealing the judgment that I received on the amount of back child support. It was the wrong amount." The record, however, does not contain an order dated January 16, 2018.[3]

¶ 7 Further, Reginald's brief does not mention an order dated January 16, 2018. In the jurisdiction section of his brief, he states a postjudgment motion was filed on September 13, 2013, the court ruled on the motion on December 29, 2015, and notice of appeal was filed on March 3, 2017. None of this is reflected in the record on appeal, and he filed his notice of appeal in January 2018, not March 2017. In the background and argument section of his brief, Reginald does seek, as stated in his notice of appeal, determination of the correct amount of back child support. However, he appears to base this claim on the circuit court's failure to rule on or consider a postjudgment motion for modification of child support he filed on September 13,

[1] The docket list in the record on appeal for case no. 09 D 050539 lists 14 pages of motions and orders, the majority of which are too obtuse to be identified specifically and/or are not contained in the record on appeal. There is no docket list included for case no. 09 D 010337.

[2] The notice of appeal is not in the record on appeal. We take judicial notice of the copy in this court's own files. See *People v. Alvarez-Garcia*, 395 Ill. App. 3d 719, 726-27 (2009).

[3] The docket list in the record shows the circuit entered several orders on January 16, 2018, including to pay fees, for child support, for installments payments of judgment, and for support payments directly to the Illinois State Disbursement Unit. It also shows the court entered several orders after this date.

2013, which, as stated previously, is not in the record on appeal.[4] In short, we can determine little of the procedural history of the case from the record on appeal.

¶ 8 Reginald's brief does not aid in our understanding of the case as he fails to comply with many of the requirements of Illinois Supreme Court Rule 341 (eff. May 25, 2018), which governs the form of briefs. A party's status as a *pro se* litigant does not relieve that party from complying with the rules of our supreme court for practice before this court. *Voris v. Voris*, 2011 IL App (1st) 103814, ¶ 8. This court is entitled to the benefit of clearly defined issues with pertinent authority cited and a cohesive legal argument (*Wing v. Chicago Transit Authority*, 2016 IL App (1st) 153517, ¶ 11), and Reginald provides neither. In fact, his brief is so lacking in compliance with Rule 341 that, except for the fact that he is challenging the amount of child support the circuit court apparently required him to pay, we can glean nothing from his brief regarding the procedural history of the case or the merits of his claim.

¶ 9 Reginald fails to present the facts necessary to understand the case, let alone state the facts accurately, fairly, without argument or comment, and with appropriate reference to the record on appeal as required by Illinois Supreme Court Rule 341(h)(6). Although he repeatedly references the court's alleged failure to consider his 2013 motion to modify child support, he nowhere mentions the January 2018 order to which he addressed his notice of appeal. Reginald does not support his contentions with legal argument and citations to authority as required by Illinois Supreme Court Rule 341(h)(7), or supply an appendix as required by Illinois Supreme Court Rule 341(h)(9). In the light of the numerous violations of Rule 341, Reginald's brief is utterly deficient and precludes us from providing meaningful review of his claims. See *McCann*,

[4] In his jurisdiction section, Reginald stated the court ruled on the motion in December 2015.

2015 IL App (1st) 141291, ¶ 20. In our discretion, we may strike Reginald's brief and dismiss the appeal. *Id.*

¶ 10 However, we dismiss the appeal on another basis: our inability to determine our jurisdiction. As the appellant, it is Reginald's burden to establish our jurisdiction to consider his appeal. *U.S. Bank National Ass'n v. In Retail Fund Algonquin Commons, LLC*, 2013 IL App (2d) 130213, ¶ 24 (citing Ill. S. Ct. R. 341(h)(4) (eff. July 1, 2008). Generally, in a direct appeal from the trial court, the record on appeal must reveal the basis for appellate jurisdiction (*Tunca v. Painter*, 2012 IL App (1st) 093384, ¶ 25), and it is Reginald's burden to furnish a sufficiently complete record of the proceedings of the trial court (*Foutch*, 99 Ill. 2d at 391-92). The record here is inadequate for our determination of our jurisdiction over this appeal.

¶ 11 In the jurisdictional statement in Reginald's brief, he asserts we have jurisdiction pursuant to Illinois Supreme Court Rule 304(b)(6) (eff. Mar. 8, 2016), which provides for immediate appeals from a "custody or allocation of parental responsibilities judgment or modification of such judgment entered pursuant to the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/101 *et seq.*) or Illinois Parentage Act of 2015 (750 ILCS 46/101 *et seq.*)." Ill. S. Ct. R. 304(b)(6). He does not, however, list a date judgment was entered and the dates he does list—September 13, 2013 (postjudgment motion), December 29, 2015 (court ruled on postjudgment motion), and March 3, 2017 (notice of appeal filed)—are not confirmed in the record.

¶ 12 Crucially, Reginald filed his notice of appeal in January 2018, not in March 2017, and he lists "1-16-18" as the date of the "judgment/order being appealed." There is, however, no January 16, 2018, order in the record, and we therefore have no way to determine whether the

order was, in fact, appealable. See *Tunca*, 2012 IL App (1st) 093384, ¶ 26. "We cannot presume that we have authority to decide an appeal on the basis of a record insufficient to show our jurisdiction." *McCorry v. Gooneratne*, 332 Ill. App. 3d 935, 941 (2002). As the absence of a complete record prevents us from determining whether we have jurisdiction, we dismiss the appeal. *Knox v. Taylor*, 2012 IL App (2d) 110686, ¶¶ 3-4

¶ 13 We note that, even if we were somehow able to entertain the merits of Reginald's appeal, defects in the record prevent us from doing so. See *In re Estate of Jackson*, 354 Ill. App. 3d 616, 620-21 (2004). Without a transcript, bystander's report, or agreed statement of facts of the relevant proceedings, we cannot ascertain what evidence was presented to the circuit court or the reasons for its judgment awarding "back child support" in "the wrong amount." Therefore, as the record is inadequate for our review of the claimed error, we must presume the circuit court's order conforms with the law. See *Illinois Neurospine Institute, P.C. v. Carson*, 2017 IL App (1st) 163386, ¶ 33 (" 'Without an adequate record preserving the claimed error, the court of review must presume the circuit court's order conforms with the law' " (quoting *People v. Carter*, 2015 IL App (1st) 117709, ¶ 19)).

¶ 14 In sum, Reginald's brief fails to conform with our supreme court's rules governing appellate procedure and omissions in the record prevent us from independently determining our jurisdiction or otherwise granting the relief Reginald requests. We therefore dismiss his appeal.

¶ 15 Appeal dismissed.