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2018 IL App (3d) 170136-U

Order filed March 19, 2018

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

2018

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the Circuit Court
)	of the 12th Judicial Circuit,
Plaintiff-Appellee,)	Will County, Illinois.
)	
v.)	Appeal No. 3-17-0136
)	Circuit No. 16-TR-45859
RAYMOND R. RICHARDSON,)	
)	The Honorable
Defendant-Appellant.)	Raymond A. Nash,
)	Judge, Presiding.

JUSTICE LYTTON delivered the judgment of the court.
Presiding Justice Carter and Justice Wright concurred in the judgment.

ORDER

¶ 1 *Held:* Trial court properly denied defendant's *pro se* pretrial motions because they lacked merit.

¶ 2 Defendant Raymond R. Richardson was charged by citation with disregarding an official traffic-control device (625 ILCS 5/11-305(a) (West 2016)). Following a bench trial, defendant was found guilty and sentenced to six months of court supervision and ordered to pay fines and

costs of \$275. Defendant appeals, arguing that the trial court erred in denying several of his pretrial motions. We affirm.

¶ 3

FACTS

¶ 4

On the evening of June 22, 2016, defendant was driving in Joliet when he was involved in a motor vehicle accident. At 10:23 p.m., he was issued a citation from the Joliet police department for disregarding an official traffic-control device in violation of section 11-305(a) of the Illinois Vehicle Code (Code) (625 ILCS 5/11-305(a) (West 2016)). Defendant appeared in court *pro se* and pled not guilty.

¶ 5

After seeking an extension of time, defendant filed the following motions: (1) “Motion to Reserve Rights Under U.C.C1 103.6 1-207.4 1-207.7 Without Prejudice,” (2) motion to take judicial notice pursuant to Federal Rule of Evidence 201(b), (d), (e) and (f), (3) motion to dismiss ticket, (4) motion to challenge jurisdiction (5) motion for substitution of judge as of right, and (6) motion to substitute judge for cause.

¶ 6

During a pretrial conference, the trial court granted defendant’s first motion, stating: “I don’t believe that anything under the Uniform Commercial Code applies in this courtroom, but I also don’t see any harm in letting [defendant] reserve those rights.” The trial court denied defendant’s second motion, explaining that the Federal Rules of Evidence do not apply. The trial court denied all of defendant’s remaining motions.

¶ 7

A bench trial was held in January 2017. The trial court found defendant guilty of disregarding an official traffic-control device. The court sentenced defendant to six months of court supervision and ordered him to pay \$275 in fines and costs.

¶ 8

ANALYSIS

¶ 9 First, defendant argues that the trial court erred in denying his motion to reserve his rights under the Uniform Commercial Code (UCC). Initially, we note that the trial court did not deny this motion but granted it, telling defendant that those rights were “reserved.” However, the court also pointed out that the UCC does not apply to defendant’s case. We agree that the UCC has no applicability to defendant’s traffic case because the UCC only applies to “commercial transactions.” See 810 ILCS 5/1-103(a)(1) (West 2016). Thus, the trial court did not err in instructing defendant that the UCC did not grant him any rights in the traffic case filed against him.

¶ 10 Next, defendant argues that the trial court improperly denied his motion to take judicial notice under Federal Rule of Evidence 201. Federal Rules of Evidence apply in federal courts and are inapplicable to proceedings in state courts, where the Illinois Rules of Evidence control. *Parkway Bank and Trust Co. v. Korzen*, 2013 IL App (1st) 130380, ¶¶ 33, 73. Because defendant sought judicial notice under an inapplicable federal rule, the trial court properly denied defendant’s second motion.

¶ 11 Defendant also argues that the trial court should have granted his motion to dismiss ticket. When addressing a defendant’s motion to dismiss a criminal charge, the court may not assess the sufficiency of the evidence but can only assess the legal sufficiency of the criminal complaint. *People v. Soliday*, 313 Ill. App. 3d 338, 341 (2000). In his motion to dismiss ticket, defendant attempted to present evidence and argue that the evidence against him was insufficient to prove him guilty. Because the trial court could not consider the sufficiency of the evidence at that stage of the proceeding, it properly denied defendant’s motion to dismiss.

¶ 12 Finally, defendant argues that the trial court should not have denied his motion to contest the jurisdiction of the trial court. A court acquires jurisdiction upon the filing of a complaint,

information, or indictment sufficiently alleging that a crime was committed within the county. *People v. Billings*, 52 Ill. App. 3d 414, 425 (1977). Here, on June 22, 2016, defendant was issued an “Illinois Citation and Complaint” from the Joliet police department. The citation alleges that defendant violated section 11-305(a) of the Code (625 ILCS 5/11-305(a) (West 2016)), disregarding an official traffic-control device in the town of Joliet and county of Will. Thus, the Circuit Court of the Twelfth Judicial Circuit, Will County, possessed jurisdiction and properly denied defendant’s motion to contest jurisdiction.

¶ 13 In various portions of his brief, defendant complains that he was treated unfairly as a *pro se* litigant because the trial court pointed out his mistakes but did not direct him to the proper authority. We disagree. “A pro se litigant *** is not entitled to more lenient treatment than attorneys. In Illinois, parties choosing to represent themselves without a lawyer must comply with the same rules and are held to the same standards as licensed attorneys. *Holzrichter v. Yorath*, 2013 IL App (1st) 110287, ¶ 78. The trial court properly notified defendant of his mistakes and was under no obligation to assist defendant in preparing and presenting his defense. The trial court properly denied defendant’s pretrial motions because they lacked merit.

¶ 14 CONCLUSION

¶ 15 The judgment of the circuit court of Will County is affirmed.

¶ 16 Affirmed.