

2019 IL App (1st) 181520-U
No. 1-18-1520
September 30, 2019

FIRST 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).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

TIESHA CAMPBELL,)	Appeal from the Circuit Court
)	Of Cook County.
)	
Plaintiff-Appellee,)	No. 17 M6 010222
)	
v.)	The Honorable
)	Kathleen Ann Panozzo,
LORI JOHNSON-WHITE,)	Judge Presiding.
)	
Defendant-Appellant.)	

JUSTICE WALKER delivered the judgment of the court.
Presiding Justice Griffin and Justice Hyman concurred in the judgment.

ORDER

¶ 1 Held: Where the trial court has not certified the purported bystander's report, and there is no stipulation, the report is not a bystander's report in substance. We affirm the trial court's judgment where the record on appeal is insufficient because it is presumed that the evidence supported the trial court's ruling.

¶ 2 Tiesha Campbell sued her landlord, Lori Johnson-White, for return of her security deposit. Following a bench trial, the trial court entered a judgment in favor of Campbell. Johnson-White appeals, arguing that the court improperly barred her from presenting

evidence. Because Johnson-White has not supplied an adequate record on appeal, we affirm the trial court's judgment.

¶ 3

I. BACKGROUND

¶ 4

Campbell filed a complaint for return of her security deposit in October 2017. The trial court granted Johnson-White's motion for leave to file a counterclaim, but Johnson-White did not file any counterclaim. After trial, on March 23, 2018, the trial court entered a judgment in favor of Campbell for \$1425 plus costs of \$221.86. Johnson-White filed a motion to reconsider, which the trial court denied by order dated May 7, 2018. Johnson-White filed a notice of appeal on June 6, 2018.

¶ 5

On June 11, 2018, after filing the notice of appeal, Johnson-White filed in the trial court a number of documents labeled as exhibits to the notice of appeal. Some of the documents purported to show costs Johnson-White incurred in connection with the rented property. No court reporter recorded the trial proceedings; Johnson-White's attorney filed a document he titled "Bystander's Report," in which the attorney offered his recollection of trial proceedings. The record on appeal does not indicate the trial judge ever saw any of the documents added to the record after June 6, 2018. The record includes no certification by the trial judge of the purported "Bystanders Report."

¶ 6

II. ANALYSIS

¶ 7

On appeal, Johnson-White argues the trial judge improperly barred evidence that Campbell, and her co-tenant Shamarre Stewart, damaged the rented property. Johnson-White relies on the purported "Bystanders Report" as proof of the basis for the trial court's judgment. Campbell did not file an appellee's brief. We decide the appeal solely on

appellant's brief. *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976).

¶ 8 Supreme Court Rule 323(c) provides:

"If no verbatim transcript of the evidence of proceedings is obtainable the appellant may prepare a proposed report of proceedings from the best available sources ***. [T]he appellant shall, upon notice, present the proposed report or reports and any proposed amendments to the trial court for settlement and approval. The court, holding hearings if necessary, shall promptly settle, certify, and order filed an accurate report of proceedings. Absent stipulation, only the report of proceedings so certified shall be included in the record on appeal. Ill S. Ct. R. 323(c) (eff. July 1, 2017).

¶ 9 A bystander's report must comply with Rule 323(c). *City of Pekin v. Mann*, 44 Ill. App. 3d 1, 2 (1976). "An attorney's affidavit cannot be used to supplement the record in lieu of a transcript or a bystander's report." *Landau & Associates, P.C. v. Kennedy*, 262 Ill. App. 3d 89, 91 (1994). "In the absence of some designation on the document that the judge certified the facts recited therein to be accurate, the document may not be considered a bystander's report." *People v. Gerwick*, 235 Ill. App. 3d 691, 693 (1992). The *Mann* court found: "To permit an appellant to proceed in an appeal upon a bystander's report based solely upon his interpretation of the evidence and memory as to what happened during the trial, without acknowledgement by the appellee, and with complete disregard of the trial judge's duty to settle and certify the report serves to thwart the purpose and intent of Supreme Court Rule 323(c)." *Mann*, 44 Ill. App. 3d at 2.

¶ 10 Nothing in the record properly before us shows the basis for the trial court's judgment in favor of Campbell. "The burden rests on the appellant to provide a sufficient record to support a claim of error, and in the absence of such a record, the reviewing court will presume that the trial court's order was in conformity with established legal principles and had a sufficient factual basis." *Landau*, 262 Ill. App. 3d at 92. As Johnson-White has not provided a record showing the trial court erred, we must affirm the trial court's judgment. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984).

¶ 11 III. CONCLUSION

¶ 12 Johnson-White has not assembled a record that shows the evidence presented at trial or the basis for the trial court's judgment. Therefore, we presume the evidence supports the trial court's judgment. *Id.* Accordingly, we affirm the judgment.

¶ 13 Affirmed.