

5-18-0453

APPEAL CASE NO: 5-18-0453

**IN THE
APPELLATE COURT OF ILLINOIS
FIFTH JUDICIAL DISTRICT**

CASE# 2018OV400153

CITY OF MADISON

Plaintiff-Appellee

v.

KEVIN LINK

Defendant-Appellant

E-FILED
Transaction ID: 5-18-0453
File Date: 3/6/2019 6:18 PM
John J. Flood, Clerk of the Court
APPELLATE COURT 5TH DISTRICT

**ON APPEAL FROM THE
CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT OF
MADISON COUNTY, ILLINOIS**

HONORABLE JUDGE SLEMER

APPELLANT'S OPENING BRIEF

Kevin Link
Self-Represented

35 Dublin Drive
Granite City, IL 62040

POINTS AND AUTHORITIES

STATUTES CITED: City of Madison, Illinois ordinance §90.02 and §90.05

AUTHORITIES CITED: none

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INTRODUCTION

This is the appeal from a judgment issued against defendant Kevin Link holding him liable for a long-standing violation of city ordinance **§90.02** for the alleged parking of disabled, inoperable, or unregistered vehicle(s) in front of 1935 4th street in the city of Madison. This judgment was not based upon the verdict of a jury. Defendant argues that on several points the trial court erred in their verdict, and that he was erroneously found liable for the vehicles in question. Of critical importance is that the trial court made no finding of liability in the case of the owner and operator of the violating vehicles.

Therefore, defendant argues that because the underlying cause of the alleged violation did not exist at the time of his conviction, he should not have been found liable. Furthermore, Defendant charges that he should not of been found to be liable in the first place, as he argued in the trial court that he was not the owner of the violating vehicles, he did not authorize their illegal parking, and he did not receive due written notice mandated by ordinance **§90.05**. Defendant is seeking the reversal of this judgment and the associated \$500 fine.

JURISDICTION

This is an appeal from a judgment entered by Honorable Judge Slemer of the Madison County Circuit Court (the “trial court”) for the alleged violation of an ordinance. On June 14th, 2018 Defendant Kevin Link was found to be liable after trial. There Defendant filed a motion to reconsider. After hearing, motion to reconsider was denied by order dated August 23rd, 2018. Defendant filed his notice of appeal on September 18th, 2018. This case does not involve the validity of a statute or constitutional provision. The jurisdiction of this Court is properly invoked pursuant to rule 301 the of Illinois Supreme Court rules.

STATEMENT OF FACTS

This is an appeal from the trial court's decision finding the defendant liable for knowingly allowing the placement of abandoned, dismantled, or inoperable vehicles in front of his property located at 1935 4th street, in Madison city, IL.

Defendant charges that on several points the trial court erred in finding the Defendant liable, primarily because he did not own the vehicles in question, he did not authorize their parking, and he was not given the required written notice mandated by city ordinance **§90.05 (E. 3)**

1. On February 26th, 2018, citation 2018ov400153 was issued (**C. 7**) concerning vehicles which were allegedly disabled, inoperable, or lacking registration, parked in the public parking area in front of the defendant's property located at 1935 4th street, in Madison city, Illinois.
2. On March 16th, 2018, Defendant submitted a written statement in his defense to the Madison city clerk (Appendix: **Exhibit C**), and requested immediate dismissal of the ticket. Note: This statement is referenced on page **C-13**, paragraph 5, and also on **E-5**, but is not itself included in the record on appeal as it was filed directly with the Madison city clerk.

3. On April 5th, 2018, the defendant made a second court appearance concerning the allegedly violating vehicles. **(C. 4)**
4. On May 10th, 2018, the defendant made a third court appearance concerning the allegedly violating vehicles, and the case was set for a non-jury trial. **(C. 4)**
5. On June 14th, 2018, Defendant appeared for his trial and fourth court appearance, where he was then found guilty, and was charged a fine of \$500. **(C. 11)** Note: Defendant attempted to submit a written statement **(E. 5)** in his defense during this trial, however, city attorney John Papa objected to its entry at that time, which objection was sustained.
6. On July 6th, 2018, Defendant filed a motion to reconsider the judgment **(C. 12-13)** based on the grounds he did not own the vehicles, did not authorize the illegal parking of said vehicles, and that he did not receive the due written warning mandated Madison city ordinance **§90.05 (E. 3)**.
7. On August 6th, 2018, City attorney John T. Papa motions to deny and/or dismiss the motion to reconsider judgment. **(C. 19-20)**

8. On August 9th, 2018, Defendant submits his response **(C. 21)** to the aforementioned motion, and argues the critical point that because charges were dismissed against the owner and operator of the violating vehicles, the underlying cause of the alleged violation no longer existed, and therefore he could not be found liable. **(C. 21)**

9. On August 16th, 2018 **(C. 5)**, Defendant appeared in court concerning his motion to reconsider, the motion was denied, and Defendant was informed of his right to appeal. **(C. 24-25)** (Transcript of Hearing: **R. 3-7**)

ARGUMENT

A LANDLORD SHOULD NOT BE FOUND LIABLE FOR A TENANT'S ALLEGED VIOLATION OF A MUNICIPAL ORDINANCE WHERE THAT TENANT IS NOT ALSO FOUND LIABLE.

Axiomatic to our notions of justice and fairness is that in order for one to be found liable for violating an ordinance, there actually must be a violation. Here, Defendant was found liable for violating city of Madison ordinance **§90.02**; the key element of this alleged offense is that this defendant *knowingly allowed* the parking of *disabled, unregistered, or inoperable* vehicles in front of his property on 1935 4th Street in Madison city. **(C. 7)**

It should be noted that before this matter proceeded to trial, the defendant had clearly established through verbal and written statements, that he was not the owner or operator of the violating vehicles, and he did not authorize the vehicles parking. **(E. 5).**

The defendant also asserts that ticket 2018ov400153 was issued without the municipal notice required by Madison city ordinance. Madison city ordinance (**§90.05**) plainly states that a threshold requirement for the finding of an ordinance violation is the “issuance of a municipal notice” seven days prior to the finding of a violation. **(Madison ordinance §90.05/Record on Appeal E. 3)**. The plain meaning of issuance is to make something formally known, yet the record is devoid of any such written municipal notice, and the plaintiff has produced no formal proof of this critical element of the violation.

As to the vehicles themselves, the only evidence on record supporting the plaintiff's claim are photographs (E. 6-8), which do not by themselves constitute sufficient evidence to prove the plaintiff's claim that the vehicles were disabled, abandoned, or unregistered, or more importantly that this defendant *knowingly allowed* their placement. Furthermore, the plaintiff alleges there were four violating vehicles (C. 7), but it cannot be determined from the photographs alone *which* four vehicles are in question; the record does not contain any further identifiers such as the make or model of the vehicles. The plaintiff has not brought forth any other sound evidence to date, testimony or otherwise, to provide a evidentiary basis for its claim of disabled, inoperative, or unregistered vehicles.

The most serious error occurred subsequent to the trial. The Defendant learned subsequent to his trial that the occupant of the property, and actual owner/operator of the vehicles was also issued a municipal citation for the vehicles in question, alleging the exact same facts as against this defendant. This is a critical point, as the plaintiff proceeded to drop all charges in the case of the occupant of the property and owner/operator of the vehicles; thus no determination of the ordinance violation was ever found, yet this Defendant was found derivatively liable!

The defendant raised this issue as soon as he learned of it, in his reply to the plaintiff's motion to dismiss the motion to reconsider (**C. 21**), and argued:

“Since the underlying cause of the alleged violation does not exist, it is impossible to find the defendant liable”

It strikes this Defendant as highly inappropriate to find one in his position, as the property owner, liable for an ordinance violation when charges against the actual land occupant and owner/operator of the motor vehicles allegedly causing the nuisance, were dismissed. In essence, when no violation is found to exist on the part of the actual occupant of the land and owner/operator of the vehicles; fairness, justice, and equity would call for the reversal and dismissal of the same claim against the land owner.

The Defendant challenged his previous conviction by a motion to reconsider (**C. 12-13**), and subsequently the plaintiff motioned to deny the defendant's aforementioned motion (**C. 19-20**). In responding to the plaintiff's motion to deny (**C. 21**), the defendant critically argued:

“Since the underlying cause of the alleged violation does not exist, it is impossible to find the defendant liable”

During the hearing for the defendant's motion to reconsider (**C. 12-13**) both the judge and the plaintiff's attorney acknowledged that they had read the defendant's recent response:

[Transcript: R. 4-5]

“THE COURT: And there's nothing you want to add?

MR. LINK: Not at this time.

THE COURT: Mr. Papa [Plaintiff's attorney], I'm waiting for it to pull up, but **I have read Mr. Link's motion and Mr. Links response**, and now the computer has pulled it up. Okay. Mr. Link – I mean, Mr. Papa, what do you have to say in response to Mr. Link's motion? ...”

As mentioned in the transcript above, Mr. Link's response again argued the critical point this Defendant could not be found liable solely as the property owner if no finding of liability was made as to the actual owner/operator of the violating vehicles. Yet, the trial court ignored the fact that by dismissal of the citation against the tenant, meaning no ordinance violation in fact existed, and denied the defendants motion to reconsider the verdict.

Therefore, a travesty of justice has occurred as this Defendant has been found derivatively liable under an ordinance that was never in fact violated. The trial court knew or should have known this as he presided over all these proceedings. The law firm representing the city of Madison knew or should have known this, as it represented the city in all these proceedings. The city officials who issued the citation knew or should have known. Yet, all these people permitted the case to proceed to this illogical, unfair, and inappropriate result.

CONCLUSION

It is illogical and unjust that the Defendant was convicted whereas in the case of the owner and operator of the violating vehicles, charges were dismissed. The city and its officials failed to examine the facts before the issuing of this flawed citation, and furthermore the plaintiff failed on multiple accounts in following the proper procedure in the prosecution of this Defendant. The most notable error in procedure was the lack of finding of liability in the case of the owner and operator of the violating vehicles, however, they also erred in procedure by failing to deliver the due written notice mandated by city ordinance §90.05. Furthermore, the photographs submitted by the plaintiff do not by themselves identify *which* vehicles were in question, and are not sufficient in providing an evidentiary basis for the plaintiff's claims. Regardless, this Defendant should never have been found liable based solely on the facts that he did not own the vehicles nor authorize their illegal parking. Because of all the aforementioned facts and arguments, the trial court's decision should be reversed.

Respectfully Submitted,




Kevin Link

CERTIFICATE OF COMPLIANCE

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages or words contained in the Rule 341(d) cover, the Rule 341(h)(1) statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a) is 11 pages.

Kevin Link, Appellant



APPENDIX

Chronological Index

Exh No.	Description	Date	Page No.
C	Defendant's typewritten statement to Madison city requesting immediate dismissal of citation 2018ov400153.	03/16/18	A2
D	Judgment order for citation 2018ov400153, declaring Defendant Kevin Link guilty and liable for \$500.	06/14/18	A3-A4
E	Response to motion to deny and/or dismiss the motion to reconsider Judgment	08/09/18	A5-A6
F	Notice of appeal	09/18/18	A7-A10
G	Defendant's motion for a supplemental record on Appeal.	11/13/18	A11
H	City of Madison, IL ordinance codes (codes cited: §90.02 and §90.05)	N/A	A12

3-16-18

To the City of Madison:

A while back, my tenants living at 1935 4th street complained that other individuals were parking in front of their home, thus leaving no place for my tenants to park (there is no driveway and the yard is fenced). Regarding this issue, my tenant contacted Madison city police multiple times to request police assistance in the matter. However, my tenants were repeatedly told by police that because the street in question had no curb, the stretch of gravel alongside the road was public parking. In a further attempt to resolve this issue, I met with the head of Madison city code enforcement, at the location in question; my tenants and at least two other witnesses were also present when said Madison city representative restated what the police told my tenants on multiple occasions. Imagine how dumbfounded I was to later receive Ticket #17ov400976 for the parking violations of unknown individuals! I try to assume the best in people, and therefore attributed the ticket to the negligence and/or ignorance of the ticketing officer, because it is clear he/she neglected to conduct a proper investigation into the violation.

Trying to avoid lost work and the stress of the trial altogether, I made my **second** attempt at quick resolution. I filed a detailed written statement of my understanding that citizens such as myself have no authority to "police" unlawfully parked vehicles and requested dismissal. I also sent the same written statement and request via certified mail to Madison city attorney.

I attempted to resolve the issue a **third** time in court, on November 30th. The cities attorney (Larry) was both respectful and affable towards me, a rare trait among the city officials I normally deal with. After reviewing my previously filed public statement, the attorney representing the City of Madison dismissed Ticket # 2017ov400976 without a rebuttal from the City of Madison or it's attorney.

After all my time, stress, and three attempts to resolve the parking issue with the City of Madison, imagine my exasperation and confusion when I received *another* ticket (18ov400153) regarding the same vehicles as the previous ticket, parked in exactly the same place! This paints a picture of a city that is either simply incompetent and disorderly, or worse, deliberately and maliciously targeting individuals.

This **5 DAY NOTICE** represents my **4th** and final attempt to resolve this issue amicably.

PLEASE BE ADVISED – I hereby demand the receipt of the following 4 items, within 5 calendar days:

1. A written statement stating that Ticket # 2018ov400153 has been dropped without requiring my court appearance
2. A signed letter of apology from the person responsible for the issuance of said ticket, for:
 - o At best, the ignorance and/or negligence.
 - o At worst, the deliberate, premeditated, and targeted violation of my civil rights.
3. Written assurance from the City of Madison that I will no longer be held responsible for the public parking violations of others.
4. Evidence that all illegally parked vehicles in question have been removed from the front of my tenants house at 1935 4th street and that the tickets have been re-issued to the registered owners of said vehicles with the same eagerness and lack of customary phone call given to me.

If the above conditions are not met within 5 calendar days; it will be assumed that the issuing of ticket # 2018ov400153 was not an accident based on ignorance, but instead evidence of a targeted attack upon my civil rights, thus forcing me to seek legal council to prosecute Madison city.

PLEASE READ DEFENDANT CASE FILINGS FOR 2016ov400378

Kevin Link
PO Box #22
Granite City, IL 62040



RECEIVED

3-16-18

10:44 AM
[Signature]

3-16-18
[Signature]

Exhibit C

Defendant **LINK KEVIN G** Case # **18OV400153**
 D O B **19630926** IL **MADISON CITY OF** Offense **DISABLED VEHICLE ON PROP**
 DL # **L520-5076-3274** IL **CDL N** **9117000**
 Attorney _____
 Balance \$ **0 00** Bond Bal \$ **0 00** **ORDER** Accident

- Defendant fails to appear for 2nd appearance
 - Ex Parte conviction entered Total fine & cost \$ _____
 - Reset on appearance docket
 - Issue warrant Bond _____
 - QUASH WARRANT
 - Defendant appears and is advised of the charges penalties rights and trial in absentia
 - Defendant pleads not guilty and Request Jury Trial Waives Right To Jury Trial Set for Trial
- Defendant's Signature _____ CASE STATUS **CSO**

DISPOSITION

Defendant pleads GUILTY and waives rights and trial open plea neg plea 4 hr Traffic Safety School
 Defendant's Signature _____
 CONVICTION **SUPERVISION** _____ days _____ months _____ years
 FINES AND COSTS \$ _____ FINES AND COSTS \$ _____
 TOTAL FINES AND COSTS \$ _____ TOTAL FINES AND COSTS \$ _____

THE OFFENDER SHALL PAY RESTITUTION IN THE AMOUNT OF \$ _____ BY _____ TO _____

- Pay Today From Bond POA _____
- DEF to perform _____ hours of public service Copy to Probation Department
- Transfer remaining bond to _____
- DEF FOUND NOT GUILTY DEF FOUND GUILTY Jury Trial Bench Trial In Absentia
- NOLLE PROS motion of CASE DISMISSED motion of State Municipality
- Per PLEA INSUFFICIENT EVIDENCE COMPLIANCE PROOF OF INS
- ANY OUTSTANDING FINES AND COSTS ARE FOUND TO BE UNCOLLECTIBLE CLOSE FILE
- TAKE BOND (BAL FORFEITED FOR FTA) **CLOSE FILE**
- FINE & COSTS HAVE BEEN SATISFIED BY PSW **CLOSE FILE**

CONTINUANCES

CONT motion of Pros Deft Agreement Court Reset NAD _____

- DEFENDANT FAILS TO APPEAR / PAY PER ORDER**
- Reset NAD _____ ISSUE WARRANT bond _____
 - Revoke Supervision Conviction Entered Judgment Unsatisfied Clerk to Notify SOS _____
 - Prior order vacated fee paid/waived

*Case called for N.Tac. Trial. Atty Prop. City. D on 9-27-18. Wishes
 Sheriff & D. Swain. Photos attached. Defendant present.
 Court returned 10:00 AM 9-27-18. A. Poch. or. by. D. assessed
 A. 500 TFC. Paid 9-27-18. & immediately advised of
 Appeal rights. Clerk to send copies*

ASSISTANT STATES ATTY _____ DEFT / DEFENDANT'S ATTY _____
 FILED 6/14/2018 MADISON 3rd JUDICIAL CIRCUIT JUDGE *[Signature]*

Exhibit D (1 of 2)

IN THE CIRCUIT COURT
FOR THE THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS
www.madisoncountycircuitclerkil.org

People or _____ No(s) 18 OV 400153
vs Kevin Link Edws Alton Grants Collinsville

FILED

PAY OR APPEAR ORDER REGARDING FINES AND COSTS

JUN 14 2018

The Defendant is ordered to pay **FINES AND COSTS** of \$ 500
(Some fines and costs may be satisfied through community service See #3 below for details)
The Defendant is ordered to pay **RESTITUTION** of \$ _____
The Defendant is ordered to complete _____ hours of **COMMUNITY SERVICE** as part of the sentence
The fines, costs, restitution and community service are to be paid or completed on or before the **DUE DATE**
of 9-27-18 at _____ am/pm **THIS WILL BE YOUR ONLY NOTICE** If fines and costs are not paid in full or community service completed then the Defendant must appear and show cause why he should not be held in contempt of court No extension will be granted except for extreme cause

- The fines and costs may be satisfied by one or more of the following alternatives
- 1 Mail check or money order payable to Madison County Circuit Clerk 155 North Main Street Suite 108 Edwardsville IL 62025 For proper credit write case number on check
 - 2 Credit Card payments online at www.2paymyticket.com or call toll free 866 511 2892 (8 30 a m to 5 00 p m weekdays) There is a service fee
 - 3 You may do community service to pay some fines and costs However restitution and certain court fees **can not** be satisfied through public service work There are two agencies who supervise community service work If you chose to do community service you must complete your community service with one of the agencies below
 - a Probation & Court Services Department credited at the rate of \$100 00 per eight (8) hours of service or \$12 50 per hour of service You must report to the Probation Department at the Administration Building (next to Courthouse), Third Floor, Room 312, Edwardsville, IL to schedule community service work If you have any questions please call Probation s community service number at 618 296 6555
 - b Sheriff's Work Alternative Program SWAP credited at the rate of \$100 00 per eight (8) hours of community service or \$12.50 per hour of service You must immediately contact the Sheriff's Department at 618-692 7040 extension 4946 between the hours of 7 00 a m to 11 00 a m for details

This is a Court order Willful failure or refusal to follow this Order may cause you to be held in contempt of Court and sentenced to a period of time in the County Jail until the contempt is purged Failure to satisfy the amount owed within the time allowed will result in a warrant and/or a revocation of any Order of Supervision, a conviction to be reported to the Secretary of State, which may result in driver's license suspension, and referral of the debt for collection

6-14-18

Date

Ronald R. Homer

Presiding Judge

I understand the terms of this Order and that if I fail to obey this Order, I may be held in contempt and punished by the Court

Defendant

Revised 10/2009



C 11

Exhibit D (2 of 2)

CITY OF MADISON,)	
)	
Plaintiff,)	
)	
vs.)	No. 18-OV-400153
)	
KEVIN G. LINK,)	
)	
Defendant)	

**RESPONSE TO MOTION TO DENY AND/OR
DISMISS THE MOTION TO RECONSIDER JUDGEMENT**

It has recently come to my attention that the Plaintiff ticketed the registered owner of the illegally parked vehicles, and then dismissed the ticket on July 26th 2018 (see 2018ov400152).

Therefore, since the underlying cause of the alleged violation does not exist, it is impossible to find the defendant liable.

1. The Motion to Reconsider lacks an arguable basis either in law or in fact.

I have given testimony that I do not own the vehicles in question, I did not authorize others to illegally park their disabled vehicles in front of my property, and that I had previously requested police assistance in removing the unwanted vehicles (see case# 2017ov400976); this is a sound basis in law.

If it is claimed that my statement is not based in fact, then I ask the plaintiff to publicly state which part of my testimony they claim is untrue.

2. The Motion to Reconsider is being presented for an improper purpose, so as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

In case # 2017ov400976, I was ticketed for the same vehicles parked in the same location. During my first case hearing I meet with the plaintiff's attorney (Larry) and explained my understanding of who is responsible to "ticket or tow" illegally parked vehicles. I then provided plaintiff's attorney a copy of my written statement which I had previous filed. I assumed the issue was resolved when the plaintiff's attorney dismissed the ticket without rebuttal. I have since been summoned 4 additional times and received a fine of \$500. I can affirm that the intent of this motion is not to harass or cause further unnecessary delay, but to seek a just and final resolution, and establish where the legal responsibility falls regarding policing the unauthorized and illegal actions of the public.

That being said, I have no doubt that "legal" harassment is an ongoing and present issue in this case, however, I strongly bring to question which is the harassing party. The plaintiff has shown little concern thus far for the time and cost of litigation required to hire multiple attorneys (at public expense) and demand my presence for no less than 4 court appearances to revisit an already adjudicated and dismissed ticket.

3. **The Motion to Reconsider is objectionable as to form, in that it contains statements not a part of the record, and statements that are irrelevant, immaterial, and contain improper legal conclusions.**

Unlike the plaintiff, I am not in a position to afford multiple attorneys, and therefore my statements may lack the proper legal "form" in describing the injustices which have occurred. Nonetheless, I am certain the ticket is illegitimate and discriminatory, and I have described it to the best of my abilities. My statement does not contain any evidence which the plaintiff's attorney (Larry's boss) and the municipal judge were not made aware of verbally and through writing at time of my supposed "trial".

Furthermore, I disagree that my statement contains an "improper legal conclusion", as it seems reasonable to conclude that I should not be held responsible for the unauthorized actions of others. I believe it necessary that an unbiased, higher court establish whom is responsible to police public citizens parking. Specifically, should the hapless victim be held accountable for the tickets and fines, or should the perpetrator and/or owner of the vehicle be held accountable?

4. **The allegations and other factual contentions set forth in support of the Motion to Reconsider have no evidentiary support in the record.**

This is admittedly true, the judge in case #2018ov400153 has a provable history of bias, and denying the defendant's right to enter evidence into the public record. This is especially true in municipalities ran by politics and cronyism, see case #2016ov400378 for an additional example. The "justice" I was given is the same justice others are receiving and the judge should be ashamed of himself.

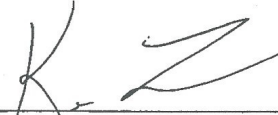
By: _____


The Defendant (2018ov400153)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the response to the foregoing Motion to Deny and/or Dismiss the Motion to Reconsider Judgment was mailed, with postage fully prepaid by depositing said envelope in a U.S. Post Office Mailbox in Granite City, Illinois at 5:00 p.m. on this 9th day of August, 2018, to:

John T. Papa
P.O. Box 1326
Granite City, IL 62040



Page 2 of 2;18-OV-400153

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Exhibit E (2 of 2)

Appendix page A6 of 12: 5-18-0453

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Appellate Courts.

<p>Instructions ▼</p> <p>Check the box to the right if your case involves custody, visitation, or removal of a child.</p> <p>Just below "Appeal to the Appellate Court of Illinois," enter the number of the appellate district that will hear the appeal and the county of the trial court.</p> <p>If the case name in the trial court began with "In re" (for example, "In re Marriage of Jones"), enter that name. Below that, enter the names of the parties in the trial court, and check the correct boxes to show which party is filing the appeal ("appellant") and which party is responding to the appeal ("appellee").</p> <p>To the far right, enter the trial court case number and trial judge's name.</p>	<p><input type="checkbox"/> THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a).</p> <div style="text-align: right; font-size: 2em; font-weight: bold; border: 1px solid black; padding: 2px;">FILED</div> <p style="text-align: center; font-weight: bold;">APPEAL TO THE APPELLATE COURT OF ILLINOIS</p> <p style="text-align: center;">5TH District</p> <p style="text-align: center;">from the Circuit Court of <u>MADISON</u> County</p> <p style="text-align: right;">SEP 18 2018 CLERK OF CIRCUIT COURT #92 THIRD JUDICIAL CIRCUIT MADISON COUNTY, ILLINOIS</p> <hr/> <p>In re <u>The Matter of</u> <u>City of Madison, IL</u> Plaintiff/Petitioner (First, middle, last names)</p> <p><input type="checkbox"/> Appellant <input checked="" type="checkbox"/> Appellee</p> <p>v. <u>KEVIN LINK</u> Defendant/Respondent (First, middle, last names)</p> <p><input checked="" type="checkbox"/> Appellant <input type="checkbox"/> Appellee</p> <div style="float: right; width: 20%;"> <p>Trial Court Case No.: <u>18 cv 400153</u></p> <p>Honorable <u>RONALD R. SLEMER</u> Judge, Presiding</p> </div>
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NOTICE OF APPEAL

In 1, check the type of appeal.
For more information on choosing a type of appeal, see *How to File a Notice of Appeal*.

1. Type of Appeal:

- Appeal
- Intercutory Appeal
- Joining Prior Appeal
- Separate Appeal
- Cross Appeal

In 2, list the name of each person filing the appeal and check the proper box for each person.

2. Name of Each Person Appealing:

Name: KEVIN LINK

<small>First</small>	<small>Middle</small>	<small>Last</small>
<input type="checkbox"/> Plaintiff-Appellant	<input type="checkbox"/> Petitioner-Appellant	
OR		
<input checked="" type="checkbox"/> Defendant-Appellant		<input type="checkbox"/> Respondent-Appellant

Name: _____

<small>First</small>	<small>Middle</small>	<small>Last</small>
<input type="checkbox"/> Plaintiff-Appellant	<input type="checkbox"/> Petitioner-Appellant	
OR		
<input type="checkbox"/> Defendant-Appellant		<input type="checkbox"/> Respondent-Appellant

Enter the Case Number given by the Appellate Clerk: _____

In 3, identify every order or judgment you want to appeal by listing the date the trial court entered it.

3. List the date of every order or judgment you want to appeal:

August 23, 2018
Date

Date

Date

In 4, state what you want the appellate court to do. You may check as many boxes as apply.

4. State your relief:

- reverse the trial court's judgment (change the judgment in favor of the other party into a judgment in your favor) and send the case back to the trial court for any hearings that are still required;
- vacate the trial court's judgment (erase the judgment in favor of the other party) and send the case back to the trial court for a new hearing and a new judgment;
- change the trial court's judgment to say: _____

order the trial court to: Dismiss 2018 ov 400153 case
with prejudice

other: _____

and grant any other relief that the court finds appropriate.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign by hand and print your name. Fill in your address and telephone number.

[Signature]
Your Signature

Kevin Link
Your Name

35 Dublin Dr.
Street Address

Granite City, IL 62040
City, State, ZIP

618-931-0244
Telephone

Additional Appellant Signature

All appellants must sign this form. Have each additional appellant sign the form here and enter their name, address, and telephone number.

Signature

Street Address

Name

City, State, ZIP

Telephone

GETTING COURT DOCUMENTS BY EMAIL: If you agree to receive court documents by email, check the box below and enter your email address. You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information or notice of court dates. Other parties may still send you court documents by mail.

- I agree to receive court documents at this email address during my entire case.

Email

Enter the Case Number given by the Appellate Clerk: _____

PROOF OF SERVICE

In 1a, enter the name, mailing address, and email address of the party or lawyer to whom you sent the document.

In 1b, check the box to show how you sent the document, and fill in any other information required on the blank lines.

CAUTION: If the other party does not have a lawyer, you may send the document by email only if the other party has listed their email address on a court document.

In 1c, fill in the date and time that you sent the document.

In 2, if you sent the document to more than 1 party or lawyer, fill in a, b, and c. Otherwise leave 2 blank.

1. I sent this document:

(a) To: Name: John T. PAPA
First Middle Last
Address: 1326 Niedringhaus Ave. Granite City, IL
Street, Apt # City State ZIP
62040
Email address: _____

- b. By: Personal hand delivery
 Regular, First-Class Mail, put into the U.S. Mail with postage paid at:
2350 Madison Ave Granite City, IL 62040
Address of Post Office or Mailbox
 Third-party commercial carrier, with delivery paid for at:

Name (for example, FedEx or UPS) and office address
 The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)
 Email (not through an EFM or EFSP)
 Mail from a prison or jail at:

Name of prison or jail

c. On: 9-18-18
Date
At: 5 a.m. p.m.
Time

2. I sent this document:

a. To: Name: _____
First Middle Last
Address: _____
Street, Apt # City State ZIP
Email address: _____

- b. By: Personal hand delivery
 Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

Address of Post Office or Mailbox
 Third-party commercial carrier, with delivery paid for at:

Name (for example, FedEx or UPS) and office address
 The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)
 Email (not through an EFM or EFSP)

Exhibit F (3 of 4)

Enter the Case Number given by the Appellate Clerk: _____

Mail from a prison or jail at:

Name of prison or jail

c. On: _____
Date

At: _____ a.m. p.m.
Time

In 3, if you sent the document to more than 2 parties or lawyers, fill in a, b, and c. Otherwise leave 3 blank.

3. I sent this document:

a. To:

Name: _____
First Middle Last

Address: _____
Street, Apt # City State ZIP

Email address: _____

b. By: Personal hand delivery
 Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

Address of Post Office or Mailbox

Third-party commercial carrier, with delivery paid for at:

Name (for example, FedEx or UPS) and office address

The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)

Email (not through an EFM or EFSP)

Mail from a prison or jail at:

Name of prison or jail

c. On: _____
Date

At: _____ a.m. p.m.
Time

If you are serving more than 3 parties or lawyers, fill out and file 1 or more *Additional Proof of Service* forms with this *Notice of Appeal*.

Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign by hand and print your name.

I certify that everything in the Proof of Service is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under 735 ILCS 5/1-109.

/s/ Kevin Link
Your Signature

Kevin Link
Print Your Name

5-18-0453

5-18-0453

E-FILED
Transaction ID: 5-18-0453
File Date: 11/13/2018 7:07 PM
John J. Flood, Clerk of the Court
APPELLATE COURT 5TH DISTRICT

Kevin Link)	Appeal from Madison County
Appellant)	Circuit Number 18ov400153
)	Trial Judge Ronald R. Slemmer
vs.)	Date of Notice of Appeal 9-18-18
)	Date of Judgment 6-14-18
City of Madison)	Date of Post-judgment Motion Order 8-23-18
Appellee)	Supreme Court rule which confers jurisdiction upon the reviewing court: 301

MOTION TO SUPPLEMENT RECORD IN APPEAL

Now comes appellant Kevin Link, and moves the court for an order directing the Circuit Court Clerk of Madison county to prepare a supplemental record in appeal, and in support of states:

1. Appellant sought the including of two trial court records to be included in the record in appeal. See attached request as exhibit A.
2. The Circuit Court Clerk denied that request and required the appellant to limit the record to the case being appealed.
3. Appellant sought a stipulation from the attorney to the appellee, but no response has been made. Letter attached as exhibit B.
4. The trial court does not meet regularly as its a municipal level court, and timely filing of items here is crucial.
5. The two other trial records appellant asks be included are vital to this appeal.
6. Case Number #2017ov400976 deals with the exact same property, and exact same vehicle as in this matter, which case was dismissed.
7. Case number #2018ov400152 deals with the exact same property, and the exact same vehicle, however, the defendant there was the occupant of the property and owner of the vehicle, which case was also dismissed.
8. As appellant will argue finding him liable under these facts is a travesty of justice, having these cases included in a supplemental record in appeal is necessary.

Wherefore, appellant Kevin Link, asks this court to issue its order directing the Circuit Court Clerk of Madison county to prepare promptly a supplemental record on appeal including case files #2017ov400976 and #2018ov400152 that appellant be given 28 days to prepare and submit his brief from the date of preparation and submission of said supplemental record on appeal, and for further relief as necessary.

Respectfully submitted

Kevin Link,
PO Box # 22
Granite City, IL 62040

Dated: 11-13-18

Kevin Link
Kevin Link, Appellant

Exhibit G

§ 90.02 DECLARATION OF NUISANCE.

It is hereby declared that any and all abandoned, discarded, inoperable or wrecked motor vehicles, whether on public or private property and in view of the general public within the city are nuisances. (Ord. 1546, passed 1-30-2001)

§ 90.03 ABANDONMENT OF VEHICLES.

No person shall abandon any vehicle within the city and no person shall leave any vehicle at any place within the city for a time and under circumstances as to cause the vehicle reasonably to appear to have been abandoned.

(Ord. 1546, passed 1-30-2001) Penalty, see § 90.99

§ 90.04 LEAVING VEHICLES ON STREET.

No person shall leave any abandoned, discarded, inoperable, wrecked, dismantled or junked motor vehicle on any street or highway within the city. No repair work will be performed on any motor vehicle while on any street or highway within the city. This section shall not apply to the driver of any motor vehicle which is disabled, while on a street or highway within the city, to an extent that it is impossible to avoid leaving the disabled vehicle. The motor vehicle is to be removed from the mainly traveled portion of a street or highway and to the curb of the street or highway and, at which place, necessary emergency repairs may be performed on the motor vehicle. Disabled motor vehicles shall be removed from the curb of the street or highway within 24 hours from the time that the vehicle became disabled. (Ord. 1546, passed 1-30-2001) Penalty, see § 90.99

§ 90.05 DISPOSITION OF VEHICLES.

No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow any abandoned, discarded, inoperable, wrecked, partially dismantled or junked motor vehicle to remain on the property longer than seven days following the issuance of a municipal notice to remove same.

(Ord. 1546, passed 1-30-2001) Penalty, see § 90.99

§ 90.06 EXCEPTIONS.

The provisions of this chapter shall not apply to any motor vehicle that is left within a building when not in use, to operable historic vehicles over 25 years of age, to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles or to a motor vehicle located in a storage place or depository licensed and maintained for the purposes within the city.

(Ord. 1546, passed 1-30-2001)

Exhibit H

STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY	PROOF OF DELIVERY	<i>For Court Use Only</i>
Instructions ▼ Directly above, enter the name of the county where the case was filed. Enter the name of the person or company that filed this case as Plaintiff/Petitioner. Enter the name of the Defendant/Respondent. Enter the Case Number given by the Circuit Clerk.	_____ Plaintiff / Petitioner (<i>First, middle, last name or Company</i>) v. _____ Defendant / Respondent (<i>First, middle, last name</i>)	_____ Case Number

In **1**, enter the name of the court document you are sending to the other parties in the court case (e.g., a Court Order or Answer).

In **1a**, enter the name, mailing address, and email address of the party or lawyer to whom you sent the document.

In **1b**, check the box to show how you sent the document, and fill in any other information required on the blank lines.

CAUTION: If the other party does not have a lawyer, you may send the document by email only if the other party has listed their email address on a court document.

In **c**, fill in the date and time that you sent the document.

In **2**, if you sent the document to more than 1 party or lawyer, fill in **a, b**, and **c**. Otherwise leave **2** blank.

1. I am sending the following court document: _____

a. To: _____
 Name: _____
 First *Middle* *Last*
 Address: _____
 Street, Apt # *City* *State* *ZIP*
 Email address: _____

b. By: Personal hand delivery
 Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

 Address of Post Office or Mailbox

Third-party commercial carrier, with delivery paid for at:

 Name (for example, FedEx or UPS) and office address

The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)
 Email (*not through an EFM or EFSP*)
 Mail from a prison or jail at:

 Name of prison or jail

c. On: _____
 Date
 At: _____ a.m. p.m.
 Time

2. I sent this document:

a. To: _____
 Name: _____
 First *Middle* *Last*
 Address: _____
 Street, Apt # *City* *State* *ZIP*
 Email address: _____

- b. By: Personal hand delivery
- Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

Address of Post Office or Mailbox

- Third-party commercial carrier, with delivery paid for at:

Name (for example, FedEx or UPS) and office address

- The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)
- Email (*not through an EFM or EFSP*)
- Mail from a prison or jail at:

Name of prison or jail

If you sent your document to more than 3 parties or lawyers, check the box and file the *Additional Proof of Delivery* with this form

- I have completed an *Additional Proof of Delivery* form.

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

I certify that everything in the *Proof of Delivery* is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).

/s/ Kevin Link
Your Signature

Street Address

Print Your Name

City, State, ZIP

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

Telephone