

No. 1-07-0088

337 Ill. App. 3d 385, 388 (2003). In Illinois, where a transcript of the trial proceedings is unavailable, the appellant may prepare a bystander's report summarizing the events that occurred, and may include this report in the record after certification by the court or stipulation by the parties. Supreme Court Rule 323 (210 Ill. 2d R. 323). Here, the record on appeal contains one proposed bystander's report from plaintiff and one from defendant. We note that, where bystanders reports are not certified, we cannot accept them as true. Supreme Court Rule 323 (210 Ill. 2d R. 323); Midwest Builder Distributing, Inc. v. Lord and Essex, Inc., ___ Ill. App. ___, 891 N.E. 2d 1, 15 (2007) ("A self-serving report presented by one of the parties cannot be used against the other party unless certified or stipulated to. Such a report is obviously unreliable and untrustworthy, due to the litigants' stake in the outcome of the case.") Nonetheless, we can use such a report as an admission by its own proponent, as the proponent has vouched for its trustworthiness by submitting it. Midwest Builder Distributing, Inc. v. Lord and Essex, Inc., ___ Ill. App. ___, 891 N.E. 2d 1, 15 (2007).

Initially, plaintiff contends that the final judgment order should be reversed because "documentary evidence" demonstrates that defendant committed illegal acts with respect to transfers of the vehicle prior to the sale of the vehicle to plaintiff. However, a thorough review of the record before us, including plaintiff's proposed bystander's report, reveals that plaintiff did not raise this issue at trial. Accordingly, this issue is waived. People v. O'Neal, 104 Ill. 2d 399, 404 (1984) (issues not raised in the trial court are generally waived for purposes of appeal).

Next, plaintiff contends that the trial court erred under the "intent to defraud" standard of the Odometer Act (625 ILCS 5/3-112.1(e) (West 2004)). Specifically, plaintiff argues that