

Rule 608. The Record on Appeal.

(a) Designation and Contents. The clerk of the circuit court shall prepare the record on appeal upon the filing of a notice of appeal as directed by the appellate court docketing order. The record on appeal must contain the entire record of the circuit court including all documents within the common-law portion of the record, all reports of proceedings of each court appearance from the filing of the charge(s) in the circuit court forward, and all exhibits, and shall be compiled and transmitted to the clerk of the appellate court as directed by the Supreme Court of Illinois Standards and Requirements for Electronic Filing the Record on Appeal, with the following:

- (1) a certificate of the clerk showing the impaneling of the grand jury if the prosecution was commenced by indictment;
- (2) the indictment, information, or complaint;
- (3) a transcript of the proceedings at the defendant's arraignment and plea;
- (4) all motions, transcript of motion proceedings, and orders entered thereon;
- (5) all arrest warrants, search warrants, consent to search forms, eavesdropping orders, and any similar documents;
- (6) a transcript of proceedings regarding waiver of counsel and waiver of jury trial, if any;
- (7) the report of proceedings, including opening statements by counsel, testimony offered at trial, and objections thereto, offers of proof, arguments and rulings thereon, the instructions offered and given, and the objections and rulings thereon, closing argument of counsel, communications from the jury during deliberations, and responses and supplemental instructions to the jury and objections, arguments and rulings thereon; the court reporting personnel as defined in Rule 46 shall take the record of the proceedings regarding the selection of the jury, but the record need not be transcribed unless a party designates that such proceedings be included in the record on appeal;
- (8) exhibits offered at trial and sentencing, along with objections, offers of proof, arguments, and rulings thereon; except that physical and demonstrative evidence, other than photographs, which do not fit on a standard size record page shall not be included in the record on appeal unless ordered by a court upon motion of a party or upon the court's own motion;
- (9) the verdict of the jury or finding of the court;
- (10) post-trial motions, including motions for a new trial, motions in arrest of judgment, motions for judgment notwithstanding the verdict and the testimony, arguments and rulings thereon;
- (11) transcript(s) of proceedings at sentencing, including the presentence investigation report, testimony offered and objections thereto, offers of proof, argument, and rulings thereon, arguments of counsel, and statements by the defendant and the court;
- (12) the judgment and sentence; and
- (13) the notice of appeal, if any.

Within 14 days after the notice of appeal is filed the appellant and the appellee may file a designation of additional portions of the circuit court record to be included in the record on appeal. Thereupon the clerk shall include those portions in the record on appeal. Additionally, upon motion of a party, the court may allow photographs of exhibits to be filed as a supplement to the record

on appeal, in lieu of the exhibits themselves, when such photographs accurately depict the exhibits themselves. There is no distinction between the common law record and the report of proceedings, for the purpose of determining what is properly before the reviewing court.

(b) Report of Proceedings; Time. The report of proceedings contains the testimony and exhibits, the rulings of the trial judge, and all other proceedings before the trial judge, unless the parties designate or stipulate for less. It shall be certified by court reporting personnel or the trial judge and shall be filed in the trial court within 49 days after the filing of the notice of appeal. The report of proceedings shall be taken as true and correct unless shown to be otherwise and corrected in a manner permitted by Rule 329.

(c) Time for Filing Record on Appeal. The record shall be filed in the reviewing court within 63 days from the date the notice of appeal is filed in the trial court. If the time for filing the report of proceedings has been extended, the record on appeal shall be filed within 14 days after the expiration of the extended time.

(d) Extensions of Time. The reviewing court or any judge thereof may extend the time for filing, in the trial court, the report of proceedings or agreed statement of facts or for serving a proposed report of proceedings, on notice and motion filed in the reviewing court before the expiration of the original or extended time, or on notice and motion filed within 35 days thereafter. Motions for extensions of time shall be supported by an affidavit showing the necessity for extension. Motions made after expiration of the original or extended time shall be further supported by a showing of reasonable excuse for failure to file the motion earlier. However, when a motion for extension of time is filed *pro se* from a correctional institution, the movant may submit, in lieu of the affidavit referred to herein, a certification as provided in section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109).

Amended October 21, 1969, effective January 1, 1970; amended September 29, 1978, effective November 1, 1978; amended July 30, 1979, effective October 15, 1979; amended February 19, 1982, effective April 1, 1982; amended July 3, 1986, effective August 1, 1986; amended September 22, 1997, effective January 1, 1998; amended December 13, 2005, effective immediately; [amended Feb. 6, 2013, eff. immediately](#); [amended Apr. 8, 2013, eff. immediately](#); [amended Dec. 11, 2014, eff. immediately](#); [amended June 22, 2017, eff. July 1, 2017](#).

Committee Comments
(Revised July 3, 1986)

Paragraph (a)

This is former Rule 27(8) with certain changes. Former Rule 27(8) was derived from section 121-7(b) of the Code of Criminal Procedure of 1963 and earlier Rule 65-2, repealed effective January 1, 1964.

Paragraph (a) provided for the appellant, within 14 days of the filing of the notice of appeal, to file a designation of portions of the circuit court record to be included in the record on appeal. The

appellee, within seven days thereafter, could file a designation of additional portions to be included. The paragraph further provided for the clerk to prepare the record on appeal containing the designated portions of the circuit court record or, if no designation was filed, to prepare a mandatory record containing the documents specified in the paragraph.

In 1986, paragraph (a) was amended to require the immediate preparation of a mandatory record on appeal, in all cases, upon the filing of the notice of appeal, without the need for any designation by the parties. The amendment expanded the portions of the circuit court record which must be included in the record on appeal and allows the parties to designate additional portions to be included.

Subsection (9) of paragraph (a) requires that the record on appeal in all cases where a sentence of death is imposed include a transcript of all proceedings regarding the selection of the jury. This subsection also requires the court reporters in other cases to take notes of the jury-selection proceedings, but the transcription of such notes is required only when requested by a party. The “proceedings regarding the selection of the jury” include the procedures set forth by the circuit court for the selection of the jury and for the exercise of peremptory challenges, the questions asked of prospective jurors, the responses thereto, questions refused by the court, along with objections, argument and rulings thereon.

Subsection (10) of paragraph (a) requires that all exhibits offered at trial and sentencing be included in the record on appeal. An exception to this requirement was added for exhibits, other than photographs, which are large, bulky or otherwise do not fit easily in the record on appeal. Examples of such exhibits include weapons, clothing, narcotics, charts and models. The court, however, should order such exhibits to be included in the record on appeal when they are relevant to the determination of an issue on appeal or needed for an understanding of the case. Photographs offered as exhibits are to be included in the record on appeal.

Paragraph (a), as amended in 1986, allows the filing of a supplemental record on appeal containing photographs of exhibits. The use of the photographs in lieu of the exhibits themselves should be permitted when the exhibits are large, bulky or otherwise do not fit easily in the record on appeal and the photographs of the exhibits are sufficient for the determination of the issues on appeal and for an understanding of the case.

Photographs of oversized photographic exhibits are permitted under this rule.

Paragraph (d)

Paragraph (d), as amended in 1979, applies to criminal cases the same time limitations on extensions of time to file the report of proceedings in the trial court and to file the record on appeal in the reviewing court imposed in civil cases by Rules 323(e) and 326.

The 1981 amendment places the sole authority for granting extensions of time under paragraph (d) in the reviewing court. (The trial judges remain vested with the authority to grant extensions in a narrow class of cases pursuant to Rule 608(c).)

The provision permitting a grant of an extension of time to file the report of proceedings or the record on appeal within 6 months after the entry of the judgment, added in 1969, was deleted by

the 1979 amendments.

Commentary
(September 22, 1997)

This rule is amended to provide for the preparation and filing of a duplicate record in a case in which a death sentence is imposed so that the parties may use the duplicate in any collateral proceedings. The availability of a certified, duplicate record will be advantageous in situations in which post-conviction proceedings must be commenced in the trial court within the time prescribed by the Post-Conviction Hearing Act (725 ILCS 5/122-1 (West 1996)) or other papers must be filed in those proceedings and the direct appeal still is pending in the Supreme Court, rendering the record unavailable.

Photographic exhibits need not be duplicated for purposes of this amendment.

Paragraph (c) also is amended to eliminate the shorter record-filing time for capital cases, consistent with practice.