

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**BETTY D. COOK,**

**Plaintiff,**

**v.**

**No. 09-133-DRH**

**ILLINOIS DEPARTMENT  
OF CORRECTIONS,**

**Defendant.**

**ORDER**

Pending before the Court is Cook's motion for modification/correction of the record (Doc. 118). Specifically, Cook wants to amend the record on appeal to include a piece of paper that her attorney used during the trial but that was not admitted into evidence. Based on the following, the Court denies the motion.

Federal Rule of Appellate Procedure 10(e) states that if anything material to either party is omitted from or misstated in the record by error or accident, the omission or misstatement may be corrected and a supplemental record may be certified and forwarded by the district court before or after the record has been forwarded. Fed. R.App. P. 10(e)(2)(B). The purpose of Rule 10(e) is to ensure that the court on appeal has a complete record of the proceedings leading to the ruling appealed from, not to facilitate collateral attacks on the verdict. *Shasteen v. Saver*, 252 F.3d 929, 935 (7th Cir.2001). "Rule 10(e) does not give this court authority to admit on appeal any document which was not made a part of the record in the

district court.” *Id.* ( quoting *United States v. Hillsberg*, 812 F.2d 328, 336 (7th Cir.1987).

Here, the documentation that Cook wishes to include was not part of the record when the jury rendered its decision. Thus, the Court does not have the authority to admit such documentation on appeal. Accordingly, the Court **DENIES** the motion for modification/clarification/correction of the record (Doc. 118).

**IT IS SO ORDERED.**

**DATE: December 3, 2012**



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David R. Herndon  
Date: 2012.12.03  
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**Chief Judge  
United States District Court**