

No. 1-11-1738

**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).

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	No. 10 MC1 600313
	)	
MICHAEL WARD,	)	Honorable
	)	Edward R. Jordan,
Defendant-Appellant.	)	Judge Presiding.

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JUSTICE PALMER delivered the judgment of the court.  
Presiding Justice McBride and Justice Taylor concurred in the judgment.

**ORDER**

- ¶ 1 *Held:* Where defendant did not object at trial or in a posttrial motion, his contention that a prior hearing should not have been held is forfeited.
- ¶ 2 Defendant Michael Ward was found guilty of indirect criminal contempt of court. He was sentenced to 16 hours of service with the Sheriff's Work Alternative Program and ordered to pay \$4,000 of his bond to the special prosecutor. Defendant appeals *pro se*. Although the State has not filed a response brief in this court, we may proceed under the principles set forth in *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976). We affirm.
- ¶ 3 Defendant's conviction arose from his underlying divorce proceedings. In November 2010, defendant's wife filed an Emergency Petition for Rule to Show Cause, asserting that

defendant had failed to comply with certain court-ordered financial obligations. A hearing was held on the petition on December 2, 2010. No transcript was made of that hearing.

¶ 4 Later that month, defendant's wife filed a petition for direct criminal contempt, alleging that defendant had testified falsely at the December 2, 2010, hearing. Specifically, defendant's wife alleged that defendant testified he was paying for their daughter's dance classes and their children's Hebrew school pursuant to a "payment plan," when in fact he had never established any payment plans.

¶ 5 On May 16, 2011, a hearing was held on the petition for criminal contempt. At the hearing, defendant's wife testified that she was present when defendant testified at the earlier hearing that he was paying for their children's dance lessons and Hebrew school under a "payment program" or a "payment plan." The dance studio's bookkeeper and the executive director of the temple both testified that defendant had not set up any payment plans during the relevant time period. In his own defense, defendant testified that at the earlier hearing, he never said that he had entered into a payment plan with the dance studio or the temple. He acknowledged that no payment plans existed.

¶ 6 Following closing arguments, the trial court found that the State had proved defendant guilty of indirect criminal contempt by reason of falsely swearing to a material fact. Subsequently, the trial court sentenced defendant to 16 hours of service with the Sheriff's Work Alternative Program and ordered \$4,000 of his bond to be paid to the special prosecutor.

¶ 7 On appeal, defendant contends that the trial court erred in holding the December 2, 2010, hearing on his wife's Petition for Rule to Show Cause because there was an order in effect at that time that prevented any civil action against him. In support of his contention, defendant has attached to his brief a 2007 "Order of Conservation and Injunctive Relief" which lists him as one of the defendants in a chancery case.

¶ 8 Defendant did not make this objection at trial or raise the issue in a posttrial motion.

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Accordingly, it is forfeited. See *People v. Woods*, 214 Ill. 2d 455, 470 (2005); *People v. Enoch*, 122 Ill. 2d 176, 186 (1988). That defendant was proceeding *pro se* does not serve as an excuse for his failure to preserve the issue for review. *People v. Haynes*, 174 Ill. 2d 204, 248 (1996).

¶ 9 Moreover, defendant's contention hinges on a document that does not exist in the record, only in the appendix to his brief. An appellant may not supplement the record on appeal by attaching documents to the appendix. *People v. Williams*, 2012 IL App (1st) 100126, ¶ 27.

Based on the record presented, we cannot find error.

¶ 10 For the reasons explained above, we affirm the judgment of the circuit court of Cook County.

¶ 11 Affirmed.