

No. 1-14-1136

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).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

GLORIA SALVEY,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Cook County.
)	
v.)	No. 13 OP 77221
)	
HERNAN PEREZ,)	Honorable
)	Patrice Ball-Reed,
Defendant-Appellant.)	Judge Presiding.

JUSTICE MASON delivered the judgment of the court.
Presiding Justice Pucinski and Justice Hyman concurred in the judgment.

O R D E R

¶1 *Held:* The judgment of the trial court is affirmed where the appellant seeks review of a plenary order of protection that has expired. Moreover, this court cannot review the merits of respondent's appeal where he does not provide a record of the trial court proceedings or any cogent legal argument.

¶2 Respondent Hernan Perez appeals *pro se* from the trial court's entry of a plenary order of protection barring him from contact with petitioner Gloria Salvey and her family. On appeal, Perez challenges the entry of that order. We affirm.

¶ 3 The limited record on appeal establishes the following facts. On October 29, 2013, Salvey filed a *pro se* petition for an emergency order of protection (750 ILCS 60/217 (West 2012)), in which she alleged that she and Perez either were having or had a dating relationship. Salvey alleged Perez's acts caused "fear and stress" and her family required protection from abuse by Perez. In a separate document attached to the petition, Salvey stated she and Perez had an extramarital affair and Perez threatened to tell Salvey's husband about their relationship. Salvey described various actions taken by Perez between April and October 2013, including his presence outside her home and workplace.

¶ 4 The trial court granted the emergency order of protection, ordering Perez to (i) stay away from Salvey and her husband and two minor children and (ii) refrain from entering Salvey's church or place of employment. The court also ordered him to have no contact with Salvey by any means, including through a third party.

¶ 5 After the court granted several continuances and extensions of the emergency order of protection, the court held a hearing on April 16, 2014. After the hearing, the court entered a plenary order of protection (750 ILCS 60/219 (West 2012)) barring Perez from contact with Salvey or her family. The plenary order was to remain in effect until October 16, 2014. On April 18, 2014, Perez filed a notice of appeal.

¶ 6 On appeal, Perez has filed a *pro se* brief challenging the factual basis for the entry of the plenary order of protection and asking that the order be dismissed. In his brief, Perez describes additional encounters that he had with Salvey.

¶ 7 Salvey has not filed a brief in this proceeding. Where the record is simple and the claimed errors are such that the reviewing court can easily decide them without the aid of an

appellee's brief, this court should decide the merits of the appeal. *First Capital Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976). If the appellant's brief "demonstrates *prima facie* reversible error" and the contentions in that brief find support in the record, we may reverse the trial court's judgment. *Id.*

¶ 8 The order of protection at issue in this case expired by its own terms on October 16, 2014, and thus any challenge to the entry of that order is technically moot. An issue raised on appeal becomes moot when the issue no longer exists due to events occurring after the filing of appeal that make it impossible for the appellate court to grant effective relief. *Benjamin v. McKinnon*, 379 Ill. App. 3d 1013, 1020 (2008); see also *Hedrick-Koroll v. Bagley*, 352 Ill. App. 3d 590, 592 (2004) (issues raised on appeal were moot where emergency and plenary orders of protection had expired prior to appeal). However, despite that finding of mootness, we may review orders of protection under the public interest exception to the mootness doctrine. *Benjamin*, 379 Ill. App. 3d at 1020.

¶ 9 A trial court's exercise of discretion in issuing an order of protection will not be overturned absent a clear abuse of that discretion. *In re Marriage of Kiferbaum*, 2014 IL App (1st) 130736, ¶ 23. The record indicates that a hearing was held in this case before the plenary order of protection was entered against Perez. But Perez has failed to provide this court with a transcript from that hearing or an appropriate substitute, such as a bystander's report or an agreed statement of facts. See Ill. S. Ct. R. 323(c), (d) (eff. Dec. 13, 2005). It is the burden of Perez, as the appellant in this case, to present a "sufficiently complete record of the proceedings at trial to support a claim of error" and any doubts arising from the incompleteness of the record will be resolved against him. See *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984). Without any

indication of the basis for the trial court's ruling, we cannot engage in any review. Where the record is not complete, "the reviewing court must presume the circuit court had a sufficient factual basis for its holding and that its order conforms with the law." *Corral v. Mervis Industries, Inc.*, 217 Ill. 2d 144, 157 (2005).

¶ 10 Even if we were presented with a record of the trial court proceedings, our review is further restricted by Perez's *pro se* brief, which lacks any cogent legal argument or citation to legal authority. *Pro se* litigants are not excused from following rules that dictate the form and content of appellate briefs. *Lewis v. Heartland Food Corp.*, 2014 IL App (1st) 123303, ¶ 5. As a reviewing court, we are entitled to have the issues clearly defined, with relevant authority cited and a cohesive legal argument presented. *Id.* (citing Illinois Supreme Court Rule 341(h)(7) (eff. Feb. 6, 2013)). Arguments that are not supported by citations to authority are considered procedurally defaulted. *Id.* "Where an appellant has failed to support his or her arguments with citations to authority, this court will not research the issues on the appellant's behalf." *Gakuba v. Kurtz*, 2015 IL App (2d) 140252, ¶ 19.

¶ 11 We further note that Perez has attached to his brief photocopies of various e-mails to and from Salvey and about their relationship. Documents that are attached to a brief, but which are not contained in the record on appeal, are not properly before this court and will not be considered. *In re Parentage of Melton*, 321 Ill. App. 3d 823, 826 (2001).

¶ 12 In conclusion, Perez is challenging the entry of an order of protection that has expired of its own terms. This court cannot engage in any substantive review, given the limited record on appeal and the unsupported nature of Perez's arguments. Therefore, the judgment of the trial court is affirmed.

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¶ 13 Affirmed.