2017 IL App (3d) 160520-U

Order filed July 3, 2017

IN THE

APPELLATE COURT OF ILLINOIS

THIRD DISTRICT

2017

TAMARA ABEL,	)	Appeal from the Circuit Court
	)	of the 21st Judicial Circuit,
Petitioner-Appellee,	)	Kankakee County, Illinois.
	)	
v.	)	Appeal No. 3-16-0520
	)	Circuit No. 16-OP-345
	)	
RANDY CALDWELL, SR.,	)	The Honorable
	)	Ronald J. Gerts,
Respondent-Appellant.	)	Judge, Presiding.

JUSTICE LYTTON delivered the judgment of the court.
Justices Schmidt and Wright concurred in the judgment.

ORDER

¶ 1 *Held*: Trial court (1) possessed subject matter jurisdiction to enter stalking no contact order, (2) possessed personal jurisdiction over respondent who filed written appearance and attended hearing without contesting jurisdiction, (3) did not exceed its authority in ordering respondent to stay away from petitioner's family and mobile home court park, (4) did not abuse its discretion in making evidentiary rulings, and (5) did not err in entering order where witnesses testified that respondent videotaped or photographed petitioner's child at park several times.

¶ 2 Petitioner Tamara Abel filed two petitions for stalking no contact order against respondent Randy Caldwell, Sr., who filed a counter-petition for stalking no contact order

against Abel. Following a hearing, the trial court granted Abel's petitions and entered a plenary stalking no contact order requiring Caldwell to stay at least 100 feet away from Abel's home and the park in the mobile home court where he and Abel live. Caldwell appeals, arguing that (1) the trial court lacked subject matter and personal jurisdiction to enter the order, (2) the order exceeded the court's authority, (3) the trial court erroneously prohibited him from presenting evidence, (4) the trial court failed to make required findings of fact, and (5) the order was against the manifest weight of the evidence. We affirm.

¶ 3 FACTS

¶ 4 Abel and Caldwell live in the same mobile home court in Manteno, Illinois. On July 18, 2016, Abel filed a verified petition for stalking no contact order against Caldwell. The petition named only Abel as a protected person. The petition alleged that since April 2016, Caldwell has harassed her and her children at the park in the mobile home court. Abel alleged that Caldwell took videos and photographs of children, including hers, at the park on several occasions, including "around" June 10, 2016, and on July 17, 2016. She alleged that Caldwell rode his bike and drove his car around the neighborhood to find her and her children to "harass" them and "take videos and pictures" of them. She also alleged that Caldwell videotaped her leaving her mother's home, which is also in the mobile home court. Abel's petition requested that Caldwell be ordered to stay at least 500 feet away from her, her home and her mother's home.

¶ 5 The Kankakee County Sheriff's Police Department served Caldwell with Abel's petition on July 18, 2016. The same day Caldwell filed his *pro se* appearance and a verified counter-petition for stalking no contact order against Abel. The parties sent notices to each other that a hearing on the petitions would take place on August 8, 2016.

¶ 6 On August 1, 2016, Abel filed another verified petition for stalking no contact order against Caldwell, naming Abel as petitioner, and her husband, children, and mother as "[o]ther protected persons." The petition alleged that (1) on July 29, 2016, Caldwell videotaped and photographed Abel's daughter; (2) on July 30, 2016, Caldwell followed Abel on his bike, and (3) on July 31, and August 1, 2016, Caldwell rode his bike up and down Abel's street several times, taking videos and pictures of her home. Abel requested that Caldwell be ordered to stay at least 1000 feet away from her, her family, her home, her mother's home, "the community park" and the trailer court "mailbox."

¶ 7 All three of the parties' petitions were consolidated into case number 16-OP-345. A hearing on the petitions was held August 8, 2016. Both parties appeared *pro se* at the hearing and acknowledged receiving copies of each other's petitions. Neither party objected to the consolidation of the petitions or the consolidated nature of the hearing.

¶ 8 Mary Jo Abel, petitioner's 13-year-old daughter, testified that she saw Caldwell taking pictures or videos of her approximately five times when she was in the park in the trailer court: on April 28, 2016, May 6, 2016, May 10, 2016, May 28, 2016 and July 29, 2016. Caldwell's children were at the park on one of those occasions, but Mary Jo said, "[T]he camera wasn't facing them. It was facing me."

¶ 9 Mary Jo plays in the park with several friends, including Autumn. When the children see Caldwell in or near the park taking pictures, they run and hide behind Autumn's house where Caldwell cannot see them because they "don't feel safe." Mary Jo testified that she has had five or six nightmares involving Caldwell chasing her.

¶ 10 On cross-examination, Mary Jo testified that she saw Caldwell with his camera outside near his house on April 28, 2016. She did not know what time she saw him but thought it "was

almost nighttime." At that point, Caldwell sought to introduce video footage taken on April 28, 2016, from cameras pointing to his house. He admitted that none of his cameras pointed toward the park, and Mary Jo testified that none of the cameras showed the area where Caldwell was standing while taking pictures and videos of her. The court refused to allow the video evidence and explained to Caldwell, "It isn't your case in chief."

¶ 11 Mary Jo testified that approximately 10 days before the hearing, she saw Caldwell taking pictures of her from his car. Mary Jo said that she had not gone to the park in over a week because she is afraid of Caldwell. Mary Jo "did not like" Caldwell taking pictures of her. Mary Jo denied that her mother persuaded or pressured her to provide false testimony against Caldwell.

¶ 12 Abel introduced a video of Caldwell standing near the park by a dumpster taking pictures of Mary Jo and other children at the trailer court park. The video was taken by Autumn's father, Brett VanMeter. Mary Jo thought the video was taken in July. She knew Caldwell was recording her that day because he had his phone out, and it "was facing to the park." Caldwell's children were not in the park at that time. Caldwell asked to introduce a video he took showing his version of what happened that day. The trial court denied Caldwell's request, stating, "Present it in your own case."

¶ 13 Mary Murray, Abel's mother, testified that she saw Caldwell taking pictures of children in the trailer court park four or five times. She lives one trailer away from the park and has a very clear view of it. One day, her grandchildren came running into her home telling her, "There's a man out there taking pictures." She ran out and asked Caldwell if he was taking pictures of her grandchildren. He said, "[Y]eah, I am." She told him to stop, but he continued. Murray and her husband eventually called the police because Caldwell would not leave or stop

filming. Murray thought the incident occurred in June but was not sure of the date. Murray did not know the dates of other occasions when she saw Caldwell taking pictures in the park but knew they took place after the incident described above. Murray stated, "Anytime I see this man he's at the park taking pictures."

¶ 14 Caldwell informed the court that he had a video of the incident described by Murray that he wanted to show to the court. The trial court denied Caldwell's request and told him, "You may introduce it in your side of the case."

¶ 15 Eric Abel, petitioner's son, testified that he witnessed Caldwell taking pictures of children at the park, including Mary Jo and her friends, "a couple times." He thought one of those times was at the end of June 2016, possibly June 14, 2016, in the afternoon.

¶ 16 Olivia Blanchette, the mother of Caldwell's children, testified that she lives with Caldwell and has never witnessed him take pictures of any children other than their own. She looked through Caldwell's phone and never found pictures of any children other than their own.

¶ 17 Blanchette denied taking pictures of any children other than her own. Blanchette testified that Caldwell "takes bike rides" but did not know if he rode his bike on July 31 or August 1, 2016. She testified that Caldwell has a camera on his bike. Caldwell showed a video of his bike ride from the afternoon of July 31, 2016. It did not show him riding by Abel's home.

¶ 18 On June 10, 2016, a man approached Caldwell and accused him of taking pictures of children in the park when Caldwell was checking his mail at his mailbox. Caldwell did not have his phone in his hand at the time. A big group started to form, accusing Caldwell of taking pictures of children and being a pedophile. Eventually the police were called. Caldwell showed the court a video of the incident.

¶ 19 Abel claimed that Caldwell repeatedly rode his bike in front of her house on the morning of July 31, 2016. Caldwell said he could show the court video evidence from his home cameras establishing that he did not leave his house and ride his bike that morning. The court responded, "I'm not going to watch four hours of video." Blanchette testified that she watched the video from the cameras on their home and did not remember seeing Caldwell leave their home before his afternoon bike ride on July 31, 2016.

¶ 20 Randy Caldwell, Jr., respondent's nine-year-old son, testified that he and his family sometimes go to the park in the trailer court. Randy has never seen his father take pictures of other children at the park. He testified that his father recently bought a GoPro for his bike, so he can take videos when he rides. Before that, Caldwell took his phone on his bike rides.

¶ 21 Ranivia Caldwell, respondent's eight-year-old daughter, testified that she and her family go to the park in the trailer court only "a little" because "people are *** trying to mess with us." She said that people say "mean stuff" to them. She has never seen her father take pictures of any children other than his own.

¶ 22 Caldwell testified that he has never harassed Abel or her family. He claimed that Abel has been harassing him and accusing him of wrongdoing since April 28, 2016. On June 10, 2016, he was checking his mail and was accosted by several people, as shown in the video he presented to the court. He claimed that the accusations against him were "made up, false, and defaming." He testified: "[E]verything that was said about me in here from Tamara Abel and her kids and her – especially her mother is an absolute lie." Caldwell did not attempt to present any video evidence in his case in chief.

¶ 23 On cross-examination, Caldwell denied taking pictures or videos of Abel or her children. He specifically denied doing so on July 9, 2016, and denied riding his bike past Abel's house on

July 31, 2016 or August 1, 2016. When Abel stated that she had no further questions for Caldwell, Caldwell asked, "So I can present my evidence?" The trial court responded, "No. You're under cross-examination." After that, the trial judged stated that he had no questions for Caldwell. Caldwell never renewed his request to present evidence nor indicated that he had additional testimony or evidence to offer on redirect examination.

¶ 24 The trial court issued its decision on August 12, 2016. The judge stated that his decision was based on "the testimony of the children[,]" explaining that he believed "the children and specifically Mary Jo and Eric Abel, when they talk[ed] about [respondent] videotaping and/or photographing them in the park." The court granted Abel's petitions and denied Caldwell's counter-petition.

¶ 25 The court entered its written plenary stalking no contact order the same day. The order listed Abel, her mother, her husband and her children as "protected persons." In the "Findings" section of the order, the court checked the box next to following statement: "Upon examination of the Verified Petition, Petitioner under oath, and other evidence, Petitioner is a victim of two or more acts of following, monitoring, observing, surveilling, threatening, communicating, or inferring or damaging to property or pets by respondent." The court ordered Caldwell to stay at least 100 feet away from Abel, her family, her residence and "the park in the Manteno mobile home court."

¶ 26 ANALYSIS

¶ 27 The Stalking No Contact Order Act (Act) provides stalking victims with a civil remedy requiring the offender to stay away from them and protected third parties. 740 ILCS 21/5 (West 2014). A petition may be filed by a victim of stalking or on behalf of another who is a victim of

stalking but because of age, disability, health or inaccessibility cannot file his or her own petition. 740 ILCS 21/15 (West 2014).

¶ 28 I. Jurisdiction

¶ 29 Caldwell first argues that the trial court lacked subject matter and personal jurisdiction to issue the stalking no contact order, thereby rendering it void. He asserts that he was never served with a summons or notice of hearing, which were necessary to establish the court's jurisdiction.

¶ 30 To enter a valid judgment, a court must have both jurisdiction over the subject matter and jurisdiction over the parties. *BAC Home Loans Servicing, LP v. Mitchell*, 2014 IL 116311, ¶ 17. A judgment entered by a court without jurisdiction is void and may be challenged at any time. *Id*. We review *de novo* whether the trial court possessed jurisdiction. *Id*.

¶ 31 A. Subject Matter Jurisdiction

¶ 32 Subject matter jurisdiction refers to a court's power to adjudicate the question involved and grant the relief requested. *In re A.H.*, 195 Ill. 2d 408, 415 (2001). A circuit court's authority to exercise subject matter jurisdiction and resolve a justiciable question is invoked when a complaint or petition is filed. *In re Marriage of Baniak*, 2011 IL App (1st) 092017, ¶ 15.

¶ 33 Section 45 of the Act provides for subject matter jurisdiction over stalking no contact orders in all circuit courts: "Each of the circuit courts has the power to issue stalking no contact orders." 740 ILCS 21/45 (West 2014). Section 20 of the Act provides that an action for a stalking no contact order is commenced "by filing a petition for stalking no contact order in any civil court." 740 ILCS 21/20(a) (West 2014).

¶ 34 Here, Abel invoked the trial court's subject matter jurisdiction when she filed her petition for stalking no contact order in the circuit court. See 740 ILCS 21/20(a) (West 2014); *Baniak*, 2011 IL App (1st) 092017, ¶ 15. Pursuant to the Act, the circuit court had subject matter

jurisdiction to commence proceedings on Abel's petition. 740 ILCS 21/45 (West 2014). Thus, we reject Caldwell's contention that the trial court lacked subject matter jurisdiction to enter its stalking no contact order.

¶ 35 B. Personal Jurisdiction

¶ 36 Personal jurisdiction may be established either by service of process in accordance with statutory requirements or by a party's voluntary submission to the court's jurisdiction. *Mitchell*, 2014 IL 116311, ¶ 18. Once the circuit court acquires personal jurisdiction over a party, it has the power to impose personal obligations on him and jurisdiction continues until all issues in the case are decided. *In re M.W.*, 232 Ill. 2d 408, 426 (2009).

¶ 37 A court has jurisdiction over a party as of the date of the party's general appearance. *In re Marriage of Verdung*, 126 Ill. 2d 542, 547 (1989). "[A]ny action taken by the litigant which recognizes the case as in court will amount to a general appearance unless such action was for the sole purpose of objecting to the jurisdiction." *Lord v. Hubert*, 12 Ill. 2d 83, 87 (1957). By appearing in court, a party waives all objections to the court's jurisdiction and the propriety of service. *Rosestone Investments, LLC v. Garner*, 2013 IL App (1st) 123422, ¶ 29; *In re Marriage of Gorman*, 284 Ill. App. 3d 171, 178 (1996).

¶ 38 Here, after Caldwell was served with Abel's petition, he filed a written appearance and attended the consolidated hearing on the parties' petitions. At the hearing, Caldwell acknowledged receipt of both of Abel's petitions. At no time did Caldwell file any pleading contesting jurisdiction. By filing a written appearance and participating in the hearing, where he not only defended himself against Abel's petition but also presented evidence supporting his own petition for stalking no contact order against Abel, Caldwell submitted himself to the trial court's

jurisdiction. See *Garner*, 2013 IL App (1st) 123422, ¶ 29. He cannot now argue that he was not properly served with process. See *id*.; *Gorman*, 284 Ill. App. 3d at 178.

¶ 39 II. Trial Court's Authority

¶ 40 Caldwell next contends that the trial court exceeded its authority by entering a plenary stalking no contact order that prohibited him from coming within 100 feet of Abel's family and the trailer court park because that relief was not requested in Abel's first petition.

¶ 41 Any proceeding to obtain a stalking no contact order "shall be governed by the rules of civil procedure of this State." 740 ILCS 21/30 (West 2014). Pursuant to section 2-1006 of the Illinois Code of Civil Procedure, "actions pending in the same court may be consolidated, as an aid to convenience, whenever it can be done without prejudice to a substantial right." 735 ILCS 5/2-1006 (West 2014). "Consolidation is proper where the cases are of the same nature, arise from the same acts, involve the same issue and depend on the same evidence." *J.S.A. v. M.H.*, 384 Ill. App. 3d 998, 1005 (2008). "A trial court has broad discretion in determining the propriety of consolidation." *Ad-Ex, Inc. v. City of Chicago*, 247 Ill. App. 3d 97, 102 (1993).

¶ 42 A stalking no contact order may contain a variety of prohibitions and restrictions, such as:

> (1) "prohibit[ing] the respondent from threatening to commit or committing stalking;
>
> (2) order[ing] the respondent not to have any contact with the petitioner or a third person specifically named by the court;
>
> (3) prohibit[ing] the respondent from knowingly coming within or remaining within a specified distance of the petitioner or the petitioner's residence *** or any specified place frequented by the petitioner ***;

(4) prohibit[ing] the respondent from possessing a Firearm Owners Identification Card, or possessing or buying firearms; and

(5) order[ing] other injunctive relief the court determines to be necessary to protect the petitioner or third party specifically named by the court." 740 ILCS 21/80(b) (West 2014).

¶ 43 Nothing in the Act requires that the restrictions contained in a stalking no contact order be pled in a petition for stalking no contact order. Rather, the court decides what restrictions are appropriate based on the evidence presented. See 740 ILCS 21/80(b)(2) (West 2014) (court may order respondent to have no contact with petitioner "or a third person specifically named by the court"); 740 ILCS 21/80(b)(5) (West 2014) (court may "order injunctive relief the court determines to be necessary to protect the petitioner or third party specifically named by the court").

¶ 44 In her first verified petition, Abel did not list any individuals other than herself as "protected persons" on the pre-printed form. However, she referred to several other individuals, including her children and mother, when she described the incidents of stalking committed by Caldwell. She also repeatedly stated that Caldwell's conduct occurred in the mobile home court park. In her second petition, Abel named her family members as "[o]ther protected persons" and requested that Caldwell not only be ordered to stay away from her and her mother's homes but also the "the community park" and the "mailbox" in the mobile home court.

¶ 45 Both of Abel's petitions and Caldwell's cross-petition were consolidated into one case and one hearing was held on all of the petitions. Caldwell never objected to the consolidation of the petitions or the consolidated hearing. At the consolidated hearing on the petitions, the court

heard evidence that Caldwell repeatedly videotaped and/or photographed Abel's child, Mary Jo, at the park in the mobile home court.

¶ 46 It was proper for the trial court to consolidate the petitions for its convenience where the parties, subject matter and issues contained in both petitions were the same. See 735 ILCS 5/2-1006 (West 2014); *J.S.A.*, 384 Ill. App. 3d at 1005. Based on the allegations contained in Abel's petitions and the evidence presented at the hearing, the trial court had authority to enter a stalking no contact order that protected Abel and her family members and ordered Caldwell to stay at least 100 feet away from Abel's home and the mobile home court park. See 740 ILCS 21/80(b) (West 2014).

¶ 47 III. Admission of evidence

¶ 48 A. Impeachment

¶ 49 Caldwell argues that the trial court erred in refusing to allow him to present video evidence during Mary Jo's cross-examination in response to (1) Mary Jo's testimony that he took pictures and videos of her on April 28, 2016, and (2) the video taken by VanMeter on July 9, 2016, purportedly showing Caldwell recording children in the park.

¶ 50 "A witness can only be impeached by a direct attack upon his testimony and character." *Hansell v. Erickson*, 28 Ill. 257, 257 (1862). Where video evidence does not impeach or contradict a witness' testimony, it should not be allowed during cross-examination. See *People v. Morris*, 2013 IL App (1st) 111251, ¶ 103. Whether to allow the admission of evidence for impeachment purposes is within the trial court's discretion, and a reviewing court will not disturb its decision absent an abuse of discretion. *Tarin v. Pellonari*, 253 Ill. App. 3d 542, 556 (1993).

¶ 51 A video recording may be introduced as evidence if it is properly authenticated and relevant to a particular issue. *Carroll v. Preston Trucking Co., Inc.*, 349 Ill. App. 3d 562, 566 (2004). To establish authenticity, a foundation must be laid by someone having personal knowledge of the filmed object. *Id*. The foundation may be established through testimony of a competent witness who has sufficient knowledge to testify that the video accurately represents what it purports to show. *Id*. Admission of a video into evidence is within the discretion of the court and will not be disturbed absent an abuse of discretion. *Id*. at 565-66.

¶ 52 Here, Caldwell sought to impeach Mary Jo's testimony that he was taking pictures of her on April 28, 2016, with a video purporting to show the outside of his home on April 28, 2016. However, Mary Jo testified that none of the cameras on Caldwell's home pointed to the area where Caldwell was standing that day while recording her. Because Caldwell's video would not have impeached or contradicted Mary Jo's testimony, it was properly rejected by the trial court. See *Morris*, 2013 IL App (1st) 111251, ¶ 103.

¶ 53 Additionally, Caldwell sought to introduce a video from July 9, 2016, in response to VanMeter's video purportedly showing Caldwell recording Mary Jo and her friends at the park. The trial court properly rejected Caldwell's attempt to introduce his video as impeachment because Mary Jo could not authenticate Caldwell's video. Mary Jo did not have personal knowledge of the video that Caldwell took or when it was taken; therefore she could not lay the proper foundation for introduction of the video. See *Carroll*, 349 Ill. App. 3d at 566. Caldwell's testimony was necessary to establish the video's authenticity and to lay the foundation for it. See *id*. Thus, the trial court properly ruled that the video should not be introduced during Mary Jo's cross-examination but instructed Caldwell to introduce the video during his case in chief.

¶ 54 B. Respondent's Introduction of Evidence

¶ 55 Caldwell argues that the "trial court refused to allow [him] to present his 'evidence' during his case in chief."

¶ 56 The proper time for a party to introduce evidence is during its case in chief. *Willard v. Pettitt*, 153 Ill. 663, 666 (1894). When a party has ample opportunity to introduce evidence in its case in chief but fails to do so and presents no satisfactory reason for not doing so, the court should deny the party's request to do so later in the trial. See *id.* at 666-67.

¶ 57 A party should not attempt to first introduce evidence during redirect examination. *Myers v. Arnold*, 83 Ill. App. 3d 1, 8 (1980). "Redirect examination is generally limited to an inquiry into new material elicited during cross-examination and ordinarily it should not cover matters which could have been brought out during the direct examination." *Id.*

¶ 58 Here, the record does not support Caldwell's claim that the trial court prohibited him from presenting evidence during his case in chief. Rather, the record shows that Caldwell did not attempt to introduce any video or documentary evidence during his case in chief. Instead, he only offered testimony from various witnesses, including his children, their mother, and himself. It was not until after Abel said that she was finished cross-examining Caldwell that he asked the court if he could present his evidence. The trial court responded, "No. You're under cross-examination." After that, Caldwell never renewed his request to present evidence nor indicated that he had additional testimony or evidence to offer on redirect examination. Because the trial court did not prohibit Caldwell from presenting evidence, this claim lacks merit.

¶ 59 IV. Findings of Fact

¶ 60 Next, respondent argues that the trial court did not make statutorily-required findings of fact in its stalking no contact order.

¶ 61 The Act provides: "If the court finds that the petition has been the victim of stalking, a stalking no contact order shall issue." 740 ILCS 21/80(a) (West 2014). The Act defines "stalking" as "engaging in a course of conduct directed at a specific person" that the stalker "knows or should know *** would cause a reasonable person to fear for his or her safety or the safety of a third person or suffer emotional distress." 740 ILCS 21/10 (West 2014). The Act defines "course of conduct" as "2 or more acts, including but not limited to acts in which a respondent directly, indirectly, or through third parties, by any action, method, device or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person." *Id*.

¶ 62 A trial court's findings may be made on a pre-printed form. See *In re Williams*, 36 Ill. App. 3d 917, 923 (1976). That a finding is contained on a pre-printed form "does not in any way dilute its validity." *Id*.

¶ 63 Here, the trial court's stalking no contact order was contained on a pre-printed form. On that form, the trial court checked a box next to the following statement: "Upon examination of the Verified Petition, Petitioner under oath, and other evidence, Petitioner is a victim of two or more acts of following, monitoring, observing, surveilling, threatening, communicating, or inferring or damaging to property or pets by respondent." Because "stalking" is defined as "2 or more acts" of following, monitoring, observing, surveilling, threatening or communicating to or about a person (740 ILCS 21/10 (West 2014)), the trial court found that Abel was a victim of stalking, as required by section 80 of the Act. 740 ILCS 21/80(a) (West 2014). That the finding was contained on a pre-printed form "does not in any way dilute its validity." See *Williams*, 36 Ill. App. 3d at 923. The order was sufficient to comply with the Act.

¶ 64 V. Sufficiency of Evidence

¶ 65 Finally, respondent argues that the trial court's decision to grant Abel a stalking no contact order was against the manifest weight of the evidence.

¶ 66 A petitioner is required to prove stalking by a preponderance of the evidence. 740 ILCS 21/30(a) (West 2014); *Piester v. Escobar*, 2015 IL App (3d) 140457, ¶ 12. "A 'preponderance of the evidence' means that the evidence presented renders a fact more likely than not." *J.M. v. Briseno*, 2011 IL App (1st) 091073, ¶ 41.

¶ 67 A trial court's determination that a preponderance of the evidence shows a violation of the Act will not be overturned unless it is against the manifest weight of the evidence. *McNally v. Bredemann*, 2015 IL App (1st) 134048, ¶ 12; *Piester*, 2015 IL App (3d) 140457, ¶ 12. "A finding is against the manifest weight of the evidence only if the opposite conclusion is clearly apparent or if the finding itself is unreasonable, arbitrary, or not based on the evidence presented." *Nicholson v. Wilson*, 2013 IL App (3d) 110517, ¶ 22.

¶ 68 "Because the trial court is in a much better position to determine the credibility of the witnesses and the weight to be afforded conflicting testimony, the appellate court will not reconsider the evidence or reassess the witnesses' credibility or demeanor and will not substitute its judgment on such matters unless the trial court's findings are against the manifest weight of the evidence." *Reinneck v. Taco Bell Corp.*, 297 Ill. App. 3d 211, 219 (1998).

¶ 69 Here, there was conflicting evidence about whether Caldwell stalked Abel and her family. While Caldwell denied any wrongdoing and his children and their mother testified that they never saw him film or record children in the mobile home court park, Abel's children and mother testified that they saw Caldwell taking videos and pictures of Mary Jo and other children in the park on several occasions. When entering the plenary stalking no contact order, the trial judge stated that he believed the testimony of Abel's children. Such credibility determinations

are for the trial court, not us, to decide. See *Reinneck*, 297 Ill. App. 3d at 219. Because there was credible testimony supporting the issuance of a stalking no contact order, the trial court's decision was not against the manifest weight of the evidence.

¶ 70 CONCLUSION

¶ 71 The judgment of the circuit court of Kankakee County is affirmed.

¶ 72 Affirmed.