NOTICE: This order was filed under Illinois Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

2026 IL App (3d) 260028-U

Order filed November 6, 2026

IN THE

APPELLATE COURT OF ILLINOIS

THIRD DISTRICT

2026

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Circuit Court of the 12th Judicial Circuit, Will County, Illinois,
Plaintiff-Appellee,	)	
	)	Appeal No. 3-26-0028
v.	)	Circuit No. 23-CF-2249
	)	
JULIUS H. LEWIS,	)	Honorable Thomas Slazyk,
Defendant-Appellant.	)	Judge, Presiding.

PRESIDING JUSTICE HETTEL delivered the judgment of the court.
Justices Davenport and Bertani concurred in the judgment.

ORDER

¶ 1 *Held*: The final protective order was not void as the circuit court had subject matter jurisdiction to enter it.

¶ 2 Defendant, Julius H. Lewis, filed a motion to vacate a final protective order that was entered in conjunction with his criminal sentence. Defendant argued the Will County circuit court lacked subject matter jurisdiction to enter the order, which rendered the order void. The court held a hearing and denied the motion. We affirm.

¶ 3 I. BACKGROUND

¶ 4 On December 19, 2023, defendant was charged with three counts of domestic battery (720 ILCS 5/12-3.2(a)(2) (West 2022)), criminal trespass to a residence (*id.* § 19-4(a)(2)), and interfering with the reporting of domestic violence (*id.* § 12-3.5(a)). On January 17, 2024, the named victim, Ruth Robinson, filed a petition for an *ex parte* protective order. The court issued the protective order the same day, stating it was entered pursuant to section 112A-20 of the Code of Criminal Procedure of 1963 (Code) (725 ILCS 5/112A-20 (West 2024)) and would remain in effect "[u]ntil disposition, withdrawal, or dismissal of the underlying charge."

¶ 5 On March 15, 2024, the matter proceeded to a jury trial during which defendant was found guilty of criminal trespass to a residence and not guilty of all other charges. On June 25, 2024, the court terminated the protective order per the request of both defendant and Robinson.

¶ 6 On August 29, 2024, Robinson filed a petition for another protective order. The court held a hearing and defense counsel indicated that defendant did not object to the protective order. The court issued a protective order providing it would remain in effect "[u]ntil disposition, withdrawal, or dismissal of the underlying charge."

¶ 7 On September 3, 2025, the court held a hearing. The parties stated they reached a plea agreement in defendant's other pending cases, which included an agreement as to sentencing in this case. The court admonished defendant as to the sentencing range and provided it would also be entering a protective order. The agreement provided defendant would plead guilty in another matter, the State would dismiss certain charges, and defendant would be sentenced to three years' imprisonment in the present case. The court accepted the agreement. The State requested a protective order, as follows:

> "We're asking that you find that this is entered in conjunction with a criminal prosecution pursuant to 725 ILCS 5/112A-20, and that that order enter until the expiration of the conditional discharge or mandatory supervised release plus two years, [Y]our Honor. This is entered under 23 CF 2249. We would also ask that this be entered pursuant to a finding after reviewing the petition that you had heard on a prior date, and that you find that this has been previously entered in this case in which any party has been named either as respondent or petitioner. Miss Robinson is the petitioner in this matter and [defendant] would be the respondent."

¶ 8 The court sentenced defendant in accordance with the agreement and entered a final protective order. The order provided it was entered pursuant to section 112A-20 of the Code and would remain in effect "[u]ntil expiration of any supervision, conditional discharge, probation, periodic imprisonment, parole, or supervised mandatory release, plus 2 years."

¶ 9 On January 12, 2026, defendant filed a *pro se* motion to dismiss for lack of subject matter jurisdiction and vacate the order of protection, arguing (1) the State failed to file a petition to support the final protective order; and (2) criminal trespass to a residence was not a qualifying offense for the protective order. The court held a hearing and denied the motion, reasoning that the facts supported the order. Defendant filed his notice of appeal the same day.

¶ 10 II. ANALYSIS

¶ 11 On appeal, defendant argues that the court erred in denying his motion to dismiss. Defendant claims that the final protective order was void because it was entered without subject matter jurisdiction. The State argues defendant's motion and appeal were untimely, his appeal is not reviewable because he failed to comply with the procedural requirements of Illinois Supreme

Court Rule 604(d) (eff. Apr. 15, 2024), and the court did not err in the issuance of the final protective order.

¶ 12 We first address the timeliness of defendant's motion and appeal. The State argues that defendant's motion was untimely as it was filed beyond 30 days of the entry of the protective order, which also rendered the appeal that followed untimely. However, defendant's motion to dismiss for lack of subject matter jurisdiction and vacate the order of protection is most akin to a section 2-1401(f) petition for relief from judgment as he sought relief from a purportedly void order and the motion was filed more than 30 days after the order was issued. See 735 ILCS 5/2-1401(f) (West 2024); see also *People v. Raczkowski*, 359 Ill. App. 3d 494, 495 n.1 (2005) (construing a motion to vacate a void judgment as a section 2-1401(f) petition). A voidness challenge based on lack of jurisdiction is not subject to forfeiture or other procedural restraints because a judgment entered by a court without jurisdiction may be challenged at any time. *People v. Castleberry*, 2015 IL 116916, ¶ 15. The court did not treat defendant's motion as an untimely postjudgment motion, and based on the substance of the motion, it is properly treated as a timely section 2-1401(f) petition. Therefore, as defendant filed his notice of appeal the same day his motion was denied, this appeal was also timely.

¶ 13 Next, we reject the State's position that defendant failed to comply with the procedural requirements for this appeal. The State contends the plea agreement that contained the sentencing agreement for this case was fully negotiated, which required defendant to file a motion to withdraw his plea to challenge the final protective order. Contrary to the State's belief, the sentencing agreement presented to the court did not include the protective order. *Supra* ¶ 7. Regardless, while the protective order was entered in conjunction with a criminal prosecution, it is civil in nature and serves the victim's interests rather than operating as a component of

defendant's criminal punishment. See 725 ILCS 5/112A-1.5, 112A-2.5 (West 2024). As explained by the State during the sentencing hearing, Robinson was the petitioner for the protective order and defendant was the respondent. See *People v. Deleon*, 2020 IL 124744, ¶¶ 3, 29 (referring to a protective order under section 112A-11.5 of the Code as a civil order and explaining the convenience of allowing victims to pursue these orders in preexisting criminal proceedings rather than a separate civil proceeding). While the court appointed the Office of the State Appellate Defender (OSAD) to represent defendant in this appeal, OSAD filed a motion to withdraw as counsel because this appeal pertained to a civil proceeding, which we allowed. Moreover, the statute providing for the protective order reinforces its civil nature: "Any proceeding to obtain, modify, re-open, or appeal a protective order and service of pleadings and notices shall be governed by the rules of civil procedure ***." 725 ILCS 5/112A-6.1(a) (West 2024); see 750 ILCS 60/205(a) (West 2024) (providing that a domestic violence order of protection commenced in either a civil or criminal proceeding is governed by the rules of civil procedure). Therefore, Rule 604(d), which provides procedural requirements for criminal defendants who enter a plea of guilty and wish to appeal, is inapplicable in this civil appeal.

¶ 14 Turning to the merits of defendant's appeal, we address whether the court's final protective order is void. An order is void when the court entered it without personal or subject matter jurisdiction. *Castleberry*, 2015 IL 116916, ¶ 11. We review the denial of a section 2-1401(f) petition *de novo*. *People v. Vincent*, 226 Ill. 2d 1, 18 (2007).

¶ 15 A protective order may be entered in conjunction with a criminal prosecution. 725 ILCS 5/112A-2.5 (West 2024). The types of protective orders under this statute include "a domestic violence order of protection in cases involving domestic violence." *Id.* § 112A-2.5(1). This action commences with the filing of the petition, which may be filed at any time after the

criminal charge and before (1) the defendant completes his sentence or (2) the criminal case is resolved other than by conviction. *Id.* § 112A-5.5(a). The petition must allege a justiciable matter to invoke the court's subject matter jurisdiction. *Belleville Toyota, Inc. v. Toyota Motor Sales, U.S.A., Inc.*, 199 Ill. 2d 325, 334 (2002). Once the petition has been served, a final protective order can be considered at any court proceeding. 725 ILCS 5/112A-5.5(f) (West 2024).

¶ 16 Here, we conclude the court had subject matter jurisdiction to issue the final protective order. During the pendency of the criminal case, the court issued two protective orders. The first protective order was terminated by the agreement of defendant and Robinson. Thereafter, Robinson filed a petition to reissue the protective order, defendant did not object, and the court issued the order. The filing of this petition invoked the court's subject matter jurisdiction to issue a final protective order at the sentencing hearing. See *id.*

¶ 17 As to defendant's argument that the court lacked subject matter jurisdiction because his conviction for criminal trespass to a residence was not a qualifying offense for the issuance of a domestic violence order of protection, this is not a challenge to the court's subject matter jurisdiction. Whether the court erred in granting the protective order based on the facts presented is not an issue of jurisdiction. See *In re Marriage of Herrera*, 2021 IL App (1st) 200850, ¶ 37 ("Once a court has acquired jurisdiction, an order will not be rendered void merely because of an error or impropriety in the issuing court's determination of the law."). To the extent defendant argues the court's order is voidable, a voidable error is not a jurisdictional defect. See *id.* ¶ 36 ("A voidable judgment *** is an erroneous judgment entered by a court that possesses jurisdiction and is not subject to collateral attack."). For these reasons, the court did not err as a matter of law when it denied defendant's motion.

¶ 18 III. CONCLUSION

¶ 19 The judgment of the circuit court of Will County is affirmed.

¶ 20 Affirmed.