

2026 IL App (2d) 250559-U  
No. 2-25-0559  
Order filed October 26, 2026

**NOTICE:** This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

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IN THE  
APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

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ROSS McCRAY, Petitioner-Appellee,

v.

XZAVIER LEE, Respondent-Appellant

Appeal from the Circuit Court of Lake County.  
Honorable James K. Simonian, Judge, Presiding.  
No. 25-OP-2564

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PRESIDING JUSTICE KENNEDY delivered the judgment of the court.  
Justices Hutchinson and Mullen concurred in the judgment.

**ORDER**

¶ 1 *Held:* Plenary order of protection would be affirmed where evidence showed that after petitioner and respondent ended their dating relationship, respondent called petitioner over 100 times in the early morning hours of a single day, and respondent's arguments on appeal were unsupported by the record and/or were based on inapposite or nonexistent case law.

¶ 2 Respondent, Xzavier Lee, appeals *pro se* from an order granting petitioner, Ross McCray, a plenary order of protection under section 214 of the Illinois Domestic Violence Act of 1986 (Act) (750 ILCS 60/214 (West 2024)). We affirm

¶ 3 I. BACKGROUND

¶ 4 On October 15, 2025, petitioner filed a petition for emergency and plenary orders of protection alleging that he and respondent had been in a dating relationship, but the relationship

ended early in September 2025. Thereafter, respondent continued to call petitioner and sent him “a barrage of text message[s].” On September 28, 2025, while out drinking with friends, respondent called petitioner repeatedly. Petitioner answered some of the calls and ignored others, eventually falling asleep. Petitioner alleged that he woke up to “an almost 10 minute voice memo of him drunk and making the statement that “[f]or wasting his time, I will pay for that in blood.” Beginning on October 3, 2025, respondent “text[ed] [petitioner] almost daily throughout the entire day with calls in between.” The petition further alleged that in the early morning hours of October 15, 2025, respondent called petitioner seven times, asking why petitioner was avoiding him, and expressing what appeared to be suicidal thoughts. Petitioner set his phone to send respondent’s calls directly to voicemail. In the morning, petitioner discovered that he had received a total of 112 new missed calls.

¶ 5 The trial court entered an *ex parte* emergency order of protection on October 15, 2025, and continued the matter to November 5, 2025, on which date the trial court entered a plenary order of protection. Respondent filed a timely notice of appeal.

¶ 6 The record on appeal does not include a verbatim transcript of the proceedings on November 5, 2025. During the pendency of this appeal, respondent prepared and moved for certification of a bystander’s report. The motion stated that the bystander’s report had been served on petitioner along with the motion itself. The record indicates that only respondent was present in court on the date set for certification of the bystander’s report. The record does not indicate that petitioner served respondent with any amendments or with an alternative bystander’s report. Nonetheless, the trial court declined to certify respondent’s bystander’s report, but instead certified a bystander’s report that the court had apparently prepared itself.

¶ 7 According to the certified bystander’s report, both parties agreed that they had been in a dating relationship for about two years, ending one to two months before the hearing. Petitioner testified that a prior emergency order of protection had been entered in January 2025, but in February of that year, the trial court in those proceedings declined to enter a plenary order of protection. Petitioner testified that, on October 15, 2025, respondent called petitioner 112 times between 2:44 a.m. and 8 a.m. Petitioner also testified respondent tried to run over him with a car while he was on foot, and came within inches of hitting him. Petitioner also offered a voice message in which the speaker (whom petitioner identified as respondent) stated that petitioner would “pay in blood” for things petitioner had done. Petitioner further testified about another threat from respondent as well as a statement suggesting that respondent was suicidal.

¶ 8 Respondent testified that there was “mutual toxicity” between him and petitioner. He did not deny repeatedly calling petitioner, but he testified that petitioner had also called him a significant number of times. Respondent described his suicidal statements as a “lapse in judgment.” The trial court found petitioner credible based upon his demeanor and the specificity of his testimony. In contrast, the trial court found that respondent was not credible.

¶ 9 II. ANALYSIS

¶ 10 Before addressing the merits of the trial court’s decision, we note respondent’s argument that the bystander’s report is inaccurate. Having been certified by the trial court, thereby becoming part of the record on appeal, the accuracy of the bystander’s report is assessed with reference to Illinois Supreme Court Rule 329 (eff Jul. 1, 2017), which provides:

“The record on appeal shall be taken as true and correct unless shown to be otherwise and corrected in a manner permitted by this rule. Material omissions or inaccuracies or improper authentication may be corrected by stipulation of the parties or

by the trial court, either before or after the record is transmitted to the reviewing court, or by the reviewing court or a judge thereof. Any controversy as to whether the record accurately discloses what occurred in the trial court shall be submitted to and settled by that court and the record made to conform to the truth. If the record is insufficient to present fully and fairly the questions involved, the requisite portions may be supplied at the cost of the appellant. If necessary, a supplement to the record may be certified and transmitted. The clerk of the circuit court shall prepare a certified supplement to the record which shall be filed in the reviewing court upon order issued pursuant to motion.”

The record does not show that respondent made any attempt to correct any inaccuracies in the certified bystander’s report in accordance with the procedure set forth in Rule 329. Thus, the record on appeal, including the bystander’s report, must be taken as true and correct, and we must reject any argument based on the premise that the bystander’s report is inaccurate.

¶ 11 Turning to the merits, section 214 of the Illinois Domestic Violence Act of 1986 (Act) (750 ILCS/60/214(a) (West 2024)) provides, “If the court finds that petitioner has been abused by a family or household member \*\*\* an order of protection prohibiting the abuse \*\*\*shall issue; provided that petitioner must also satisfy the requirements of \*\*\* Section 219 on plenary orders.” Moreover, “persons who have or have had a dating or engagement relationship” are considered “family or household members.” *Id.* § 103(6)

¶ 12 Section 219 provides for entry of an order protection in accordance with requirements section 214 so long as the court has jurisdiction over the parties (see *id.* § 208) and the respondent made a general appearance or was served with the petition and either answered or is in default. (*Id.* § 219). Respondent does not dispute that the requirements of section 219 have been satisfied or

that he is a family or household member of petitioner based on their prior dating relationship. Instead, respondent argues that he did not abuse petitioner.

¶ 13 “Abuse” includes “harassment” (*id.* § 103(1)) which means:

“knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances; would cause a reasonable person emotional distress; and does cause emotional distress to the petitioner. Unless the presumption is rebutted by a preponderance of the evidence, the following types of conduct shall be presumed to cause emotional distress:

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(ii) repeatedly telephoning petitioner’s place of employment, home or residence.”

(*id.* § 103(7)).

¶ 14 It is undisputed that respondent called petitioner over one hundred times. Respondent argues however, that the calls did not amount to harassment because they “were not spread across days, weeks, or months” but rather “occurred during a single overnight period—a matter of hours—in the immediate aftermath of a painful romantic breakup between two people who had been together for approximately two years.” According to respondent, “Illinois courts have distinguished between a sustained pattern of harassing conduct and a concentrated outburst arising from a specific emotional trigger.” As an illustration, respondent cites *Swanson v. Swanson*, 2015 IL App (1st) 140831. It appears, however, that no case with that citation exists and we have been unable to find any case bearing that title that stands for any pertinent proposition. We note that, with the increasing availability of artificial intelligence (AI) tools for preparing documents, false citations—sometimes referred to as “AI-hallucinated cases” (*Scott v. Illinois Human Rights Comm’n*, 2026 IL App (1st) 251462, ¶ 50)—have become disturbingly common. Because respondent’s argument is supported only by a nonexistent case, our review is governed by the principle that “[a]rguments

without citation of authority are forfeited.” *Porter v. Cub Cadet LLC*, 2020 IL App (2d) 190823, ¶ 9.

¶ 15 Respondent further argues that his actions “were an expression of grief and emotional turmoil—not a calculated effort to intimidate or control” and that “[t]he trial court made no finding that the calls contained threats or explicit demands beyond attempts at communication during an emotional crisis.” Nothing in the statutory definition of harassment excludes conduct occurring during a period of grief or emotional turmoil or requires proof of threats. Moreover, because respondent cites no authority that the applicable language has ever been construed that way, the argument is forfeited. *Id.*

¶ 16 Respondent further argues that the trial court erred in rejecting his testimony that “the phrase ‘pay in blood’ [in a voicemail to petitioner] was used figuratively to express the depth of emotional pain caused by [petitioner’s] conduct—not as a literal threat.” The only possible reference in the bystander’s report to any such testimony is as follows: “Respondent \*\*\* referred to his harassing and/or threatening statements as intended in the ‘church sense’, [sic] without elaborating on its meaning.” Defendant contends that he offered to play another portion of the same voicemail where “where its non-threatening, idiomatic usage [of the words “pay in blood”] is unambiguous.” However, the bystander’s report does not show that respondent ever made such an offer. Factual assertions with no support in the record will not be considered on appeal. *Colman v. Windy City Balloon Port, Ltd.*, 160 Ill. App. 3d 408, 419 (1987).

¶ 17 According to respondent, the trial court erred by considering evidence of an incident that was not pleaded in the petition for the order of protection, specifically petitioner’s testimony that respondent tried to hit him with a car. Respondent argues that the trial court’s reliance on the evidence deprived him of due process. “The main tenets of procedural due process are meaningful

notice and a meaningful opportunity to be heard.” *Neighbors Against a Marijuana Dispensary at 2573-81 Lincoln, Inc. v. Zoning Bd. of Appeals of the City of Chicago*, 2026 IL App (1st) 241910, ¶ 42. Respondent received both. Respondent contends that, had he known the incident was at issue he could have marshaled evidence to refute petitioner’s testimony. However, respondent had every opportunity to testify personally about the incident but, so far as the record shows, did not do so. The notion that some other evidence was available is no grounds for deeming the notice respondent received to be deficient.

¶ 18 Respondent asserts that “Illinois courts have consistently held that a trial court’s authority in a protective order proceeding is bounded by the pleadings.” One of the two cases cited for that proposition—*In re Marriage of Breyer*, 324 Ill.App.3d 305, 315 (2001)—addressed the question of whether a fee-shifting provision applicable in a dissolution of marriage proceeding comported with the requirements of *substantive* due process. *Breyer* is entirely inapposite. The other case cited by respondent is apparently nonexistent.

¶ 19 Respondent further argues that the trial court erred by refusing to consider certain evidence. However, the record on appeal does not show that the trial court excluded any evidence offered by either party. Accordingly, we cannot consider the argument. *Colman*, 160 Ill. App. 3d at 419.

¶ 20 III. CONCLUSION

¶ 21 For the reasons stated, we affirm the judgment of the circuit court of Lake County.

¶ 22 Affirmed.