NOTICE
Decision filed 10/07/26. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2026 IL App (5th) 260069-U

NO. 5-26-0069

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

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

MAUDE S. YACAPSIN,	)	Appeal from the
	)	Circuit Court of
Petitioner-Appellant,	)	Champaign County.
	)	
v.	)	No. 25-OP-1068
	)	
ERIC HESS,	)	Honorable
	)	Ramona Sullivan,
Respondent-Appellee.	)	Judge, presiding.

JUSTICE BOLLINGER delivered the judgment of the court.
Justices Barberis and McHaney concurred in the judgment.

ORDER

¶ 1 *Held*: The circuit court's denial of a petition for a plenary stalking no contact order was not against the manifest weight of the evidence and is affirmed.

¶ 2 Petitioner, Maude S. Yacapsin, appeals from the Champaign County circuit court's December 12, 2025, denial of a plenary stalking no contact order against respondent, Eric Hess. For the following reasons, we affirm.

¶ 3 I. BACKGROUND

¶ 4 On October 6, 2025, Yacapsin filed a verified petition for stalking no contact order against Hess. According to the petition, Hess engaged in "twenty incidences of emotional abuse" towards Yacapsin including physical acts and verbal threats. The incidences were alleged to have occurred "on & before 9/24 – 10/3/2025." Additionally, Yacapsin alleged that "on or about 09/03/2025,

3:00 p.m., at Courthouse the following occurred: Saved a handwritten note of mine; falsified date to avert plenary order."

¶ 5 A hearing on the emergency petition for stalking no contact order was conducted on October 7, 2025. Yacapsin appeared as a self-represented litigant and provided sworn testimony.[1] The circuit court made a docket entry which took judicial notice of case number 25-OP-708[2] and denied the request for an emergency order. A plenary hearing was scheduled for October 20, 2025.

¶ 6 The plenary hearing was rescheduled several times due to lack of service on Hess. The circuit court conducted the plenary hearing on the petition on December 12, 2025. Yacapsin appeared via remote video conference, and Hess was present in person. The circuit court's docket entry from this date indicates that sworn evidence was heard. After hearing testimony, the circuit court made a docket entry with the court's ruling:

> "Court finds that the Petitioner has failed to prove by a preponderance of the evidence that the petitioner is a victim of two or more acts of following, monitoring, observing, surveilling, threatening, communication, or interfering or damaging property or pets by Respondent. Request for Plenary Stalking No Contact Order is denied. Cause dismissed."

¶ 7 Yacapsin filed a motion to reconsider on January 5, 2026, which was denied on January 7, 2026. A timely notice of appeal was filed.

[1]The record on appeal does not contain a report of proceedings or a bystander's report for any hearings.

[2]The Champaign County Circuit Clerk's online record system shows that Yacapsin filed a prior petition for stalking no contact order against Hess on July 7, 2025, in case No. 25-OP-708. A plenary order was denied in that case on September 3, 2025.

¶ 8 II. ANALYSIS

¶ 9 Yacapsin is self-represented on appeal. Her appellate brief contends the following are issues for review:

> "1. Did the Trial Court Misapply the Illinois Stalking No Contact Order Act?
>
> 2. Has the Respondent's conduct clearly Constitute [*sic*] a Course of Stalking Behavior?
>
> 3. Did the Trial Court's 'Showing No Fear' Reasoning Reflect a Fundamental Misunderstanding of Stalking Dynamics?"

¶ 10 Before turning to the merits, we note that Yacapsin's brief fails to conform to the supreme court rules governing briefs. Those rules require that an appellant's brief contain a fact statement, "which shall contain the facts necessary to an understanding of the case, stated accurately and fairly without argument or comment, and with appropriate reference to the pages of the record on appeal." Ill. S. Ct. R. 341(h)(6) (eff. Oct. 1, 2020). The appellant's brief does not contain a single citation to the appellate record. The failure to provide proper citations to the record results in the forfeiture of the argument. *Hall v. Naper Gold Hospitality LLC*, 2012 IL App (2d) 111151, ¶ 12. Forfeiture, however, "is a limitation on the parties and not on the appellate court." *Village of New Athens v. Smith*, 2021 IL App (5th) 200257, ¶ 22. When it is necessary to obtain a just result or to maintain a sound body of precedent, we may overlook forfeiture. *Id.*

¶ 11 While Yacapsin frames the appeal as presenting three issues, there is only a single issue on appeal, whether the denial of the plenary stalking no contact order was in error. Pursuant to the Stalking No Contact Order Act (Act), a victim of stalking may seek a civil remedy requiring the stalker to stay away from him or her. 740 ILCS 21/5 (West 2024). The Act defines stalking as "engaging in a course of conduct directed at a specific person," when the respondent "knows or

should know that this course of conduct would cause a reasonable person to fear for his or her safety, the safety of a workplace, school, or place of worship, or the safety of a third person or suffer emotional distress." *Id.* § 10. A course of conduct means two 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, or threatens a person, workplace, school, or place of worship." *Id.* Contact is defined to include, in part,

> "any contact with the victim, that is initiated or continued without the victim's consent, or that is in disregard of the victim's expressed desire that the contact be avoided or discontinued, including but not limited to being in the physical presence of the victim; appearing within the sight of the victim; approaching or confronting the victim in a public place or on private property; appearing at the workplace or residence of the victim; *** and appearing at the prohibited workplace, school, or place of worship." *Id.*

¶ 12 The stalker's conduct must be nonconsensual, but the victim need not contact the stalker to inform him that the contact is unwanted. *Piester v. Escobar*, 2015 IL App (3d) 140457, ¶ 12. The Act focuses on whether the stalker's behavior would cause a reasonable person to be fearful for his safety or to suffer emotional distress. *Id.*; *McNally v. Bredemann*, 2015 IL App (1st) 134048, ¶ 14. A reasonable person is "a person in the petitioner's circumstances with the petitioner's knowledge of the respondent and the respondent's prior acts," while emotional distress is defined as "significant mental suffering, anxiety or alarm." 740 ILCS 21/10 (West 2024).

¶ 13 A petitioner seeking a stalking no contact order is required to prove stalking by a preponderance of the evidence. *Piester*, 2015 IL App (3d) 140457, ¶ 12; 740 ILCS 21/30(a) (West 2024). We will not reverse a circuit court's decision to issue a stalking no contact order unless it is against the manifest weight of the evidence. *Piester*, 2015 IL App (3d) 140457, ¶ 12. A finding is against the manifest weight of the evidence if it is clearly apparent that the opposite conclusion should have been reached or the finding is unreasonable, arbitrary, or not based upon the evidence presented. *McNally*, 2015 IL App (1st) 134048, ¶ 12.

¶ 14 As set forth above, there is no report of proceedings for any hearing in this matter, including that which the appellant seeks review of on appeal, the December 12, 2025, hearing on the plenary order. The appellant bears the burden of presenting an adequate record to support any claimed errors and any doubts arising from an inadequate record will be construed against the appellant. *People v. Hunt*, 234 Ill. 2d 49, 58 (2009). Where, as here, the record on appeal is incomplete and fails to demonstrate the error alleged, we will not speculate as to what, if any, errors the circuit court may have committed. *Smolinski v. Vojta*, 363 Ill. App. 3d 752, 757 (2006). Instead, we " 'indulge in every reasonable presumption favorable to the judgment from which the appeal is taken, including that the [circuit] court ruled or acted correctly.' " *Id.* at 757-58 (quoting *People v. Majer*, 131 Ill. App. 3d 80, 84 (1985)).

¶ 15 In this case, we do have the circuit court's docket entry which indicates the plenary stalking no contact order was denied because there was not sufficient evidence that Yacapsin was a victim of two or more acts. Pursuant to the Act, two or more incidents are required before a stalking no contact order may be entered. Accordingly, it was not against the manifest weight of the evidence for the circuit court to deny the petition.

¶ 16 III. CONCLUSION

¶ 17 Based on the foregoing reasons, we affirm the December 12, 2025, order of the circuit court of Champaign County.

¶ 18 Affirmed.