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2025 IL App (3d) 230535-U

Order filed March 7, 2025

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

2025

HANNAH BLECKE,)	Appeal from the Circuit Court
)	of the 12 th Judicial Circuit,
Petitioner-Appellee,)	Will County, Illinois.
)	
v.)	Appeal No. 3-23-0535
)	Circuit No. 23-OP-1892
NKOSAZANA CETEWAYO,)	
)	The Honorable
Respondent-Appellant.)	Elizabeth D. Hoskins Dow,
)	Judge, Presiding.

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

ORDER

¶ 1 *Held:* (1) The collateral consequences exception to the mootness doctrine is applicable; (2) the burden of proof for obtaining a plenary order of protection was met; (3) the failure to review cell phone video offered for the first time during the hearing did not rise to the level of reversible error; and (4) the trial court did not show “extreme bias” favoring one party throughout the hearing.

¶ 2 Self-represented Respondent Nkosazana Cetewayo appeals from the September 19, 2023, judgment granting Petitioner Hannah Blecke’s request for a plenary order of protection. We affirm.

¶ 3 I. BACKGROUND

¶ 4 After obtaining an emergency order of protection against Cetewayo and her mother from the Will County circuit court on August 11, 2023, Blecke sought a plenary order of protection. At a hearing on the petition, the trial court heard testimony from Blecke, her mother and teenage daughter, as well as from Cetewayo and her mother. The trial court granted Blecke’s petition and issued a plenary order of protection prohibiting Cetewayo and her mother from harassing, stalking, or intimidating a dependent, and from interfering with the personal liberty of several individuals, including Cetewayo’s minor niece and nephew, and Blecke, who was the minors’ legal guardian. Cetewayo filed a notice of appeal prior to the expiration of the plenary order.

¶ 5 II. ANALYSIS

¶ 6 On appeal, Cetewayo raises three issues: whether the trial court (1) correctly found that Blecke satisfied the burden of proof for obtaining a plenary order of protection; (2) erred by failing to review Cetewayo’s cell phone video of an incident cited in Blecke’s petition; and (3) exhibited “extreme bias during the entire trial.”

¶ 7 A. Mootness

¶ 8 Because the plenary order of protection at issue here expired prior to the resolution of this appeal, we begin by addressing the issue of mootness. The mootness of a pending appeal is a question of law that we review *de novo*. *People v. Custer*, 2019 IL 123339, ¶ 17.

¶ 9 Although the instant appeal is undoubtedly moot in the absence of a relevant exception, our supreme court has recognized three possible exceptions to the mootness doctrine: (1) the public interest supports appellate review; (2) the question is capable of repetition yet evading review; and (3) the appellant suffers collateral consequences due to the order. *In re V.S.*, 2025 IL 129755, ¶ 55 (citing *In re Alfred H.H.*, 233 Ill. 2d 345, 355-61 (2009)). We consider the application of the third exception, where an appeal that would otherwise be moot may be reviewed if “collateral

consequences survive the expiration or cessation of a court order that are likely to be redressed by a favorable judicial determination.” *In re Rita P.*, 2014 IL 115798, ¶ 31 (citing *In re Alfred H.H.*, 233 Ill. 2d at 361). Those continuing consequences may “ ‘be either proved or presumed.’ ” *People v. Dawson*, 2020 IL App (4th) 170872, ¶ 9 (quoting *In re Alfred H.H.*, 233 Ill. 2d at 361). Whether the collateral consequences exception applies must be considered on a case-by-case basis. *In re Rita P.*, 2014 IL 115798, ¶¶ 33-34.

¶ 10 Courts have applied the collateral consequences exception to mootness when a legal issue continues to have significant consequences for a party, even if the litigation-based controversy has ended. The array of collateral consequences that can preclude dismissal on mootness grounds is diverse. Courts have invoked this doctrine in cases involving criminal convictions (see *People v. Dawson*, 2020 IL App (4th) 170872, ¶ 10), professional discipline (*Dailey v. Vought Aircraft Co.*, 141 F.3d 224, 228 (5th Cir. 1998)), where the right to vote or hold office could be implicated (*Scott v. Lockett*, 412 F. App'x 885, 886 (7th Cir. 2011)), when employment opportunities may be impacted (*Chicago Bd. of Ed. v. Kouba*, 41 Ill. App. 3d 858, 866 (1976)), and situations where reputational harm persists (*People v. Vanhooose*, 2020 IL App (5th) 170247, ¶ 21) despite the case itself becoming moot.

¶ 11 The real-life impact of an order of protection was considered by the appellate court in *Carryl v. Fraser*, 2016 IL App (1st) 152376-U, ¶ 2, where the court examined whether an appeal of an order of protection fell within the scope of the “collateral consequences” mootness exception under circumstances similar to those in the instant appeal.¹ There, a grandmother obtained a one-year plenary order of protection against the father of her two minor grandchildren that expired

¹ *Carryl* is a Rule 23 decision that predates the January 2021 changes to circumstances in which Rule 23 cases may be cited. However, the former prohibition on the use of Rule 23 dispositions applied, under its plain terms, to *parties* and not courts. *Byrne v. Hayes Beer Distributing Co.*, 2018 IL App (1st) 172612, ¶ 22.

during the pendency of the father’s appeal. The father argued that the collateral consequences exception applied to permit review because the plenary order of protection “may have negative impact on any issues of guardianship and parental rights which may arise in the pending probate matters.” *Id.* ¶ 47. The appellate court agreed, finding that the allegations underlying the order of protection “ha[d] significant collateral consequences and create[d] negative ramifications on his personal, family, and legal relationships. A favorable decision by [the] court would likely reduce the impact caused by” that order. *Id.*

¶ 12 Similarly, in this case, Cetewayo made it clear during the trial court proceedings here that she and her mother were continuing to seek reversal of Blecke’s guardianship award as well as a judicial grant of visitation rights in other court proceedings. In addition, she asserted in her brief that Blecke had already requested an extension of the order of protection prior to the filing of the instant appeal. In light of the appellate court’s analysis in *Carryl*, we find that the order of protection entered against Cetewayo would have a similar adverse impact on the outcome of the ongoing judicial proceedings regarding the minors. We also acknowledge the reputational harm that can flow from the existence of an order of protection. Accordingly, we conclude—under the facts of this case—that the lasting effects of the plenary order of protection are sufficiently significant to merit application of the collateral consequences exception to mootness.

¶ 13 B. Merits Determination

¶ 14 We turn next to the merits of Cetewayo’s contentions on appeal. We note that a ruling on a petition for a plenary order of protection is reviewed for abuse of the trial court’s discretion and that an order is an abuse of discretion only if no reasonable person would adopt the same view. *Lynn v. Brown*, 2017 IL App (3d) 160070, ¶ 8.

¶ 15 Although Cetewayo initially purports to raise a question on the pleadings, in support she asserts only that “[t]he problem was lack of evidence & failure to fulfill the burden of proof.” That allegation, however, addresses the merits of the trial court’s order, not the sufficiency of the pleadings. Accordingly, we reject her claim regarding the pleadings.

¶ 16 Cetewayo also contends that the issuance of the order of protection was erroneous on its merits, arguing that the trial court erred by “[d]isregarding that the Burden [*sic*] of proof was not met by the accusing parties, Not [*sic*] viewing the Video [*sic*] evidence that was of the actual event on August 10, 2023 [*sic*] and showing extreme bias during the entire trial.”

¶ 17 In her petition for the order of protection, Blecke cited visits by Cetewayo and her mother on August 4, 2023, and August 10, 2023, to Blecke’s residence, where Cetewayo’s teenaged niece and nephew resided. Testimony about those visits was elicited from Blecke, her mother Diane, and another teenager who was living in the house. That testimony established that Cetewayo was not invited to the house on either August 4 or August 10 and that, after answering the door on August 4, Diane informed her that she was not welcome and that the police would be called if she continued to trespass on the property. Diane stated that she was concerned that Cetewayo would attempt to enter the home and refused to leave until she took out her phone to call the police. She asserted that the encounter left her “pretty shaken up,” “slightly afraid,” and feeling “intimidated.” Diane proceeded to call her daughter, Blecke, who then called the police.

¶ 18 Diane further testified that Cetewayo returned, uninvited, on August 10. When Diane answered the door and saw Cetewayo and her mother, she closed the door and called the police. Cetewayo and her mother then began to yell at the front door and windows that they wanted to give Cetewayo’s niece a birthday card containing a cash gift. Diane directed them to leave the card in the mailbox. The two women did not leave at that time and, instead, yelled for the niece to come

outside so they could personally give her the card. Diane asserted that their actions caused her to shake so badly that she had trouble calling the police. On cross-examination, Diane testified that she felt threatened because the two women refused to leave and “were insistent about what [they] wanted.”

¶ 19 Blecke’s teenage daughter testified that she was scared and felt threatened when Cetewayo began looking into and banging on her bedroom window on August 10, yelling for Cetewayo’s niece to come outside. The minor called her mother at work because she was afraid and remained upset until after the police arrived and Cetewayo and her mother left the house.

¶ 20 Blecke testified that receiving the calls from her mother and daughter about Cetewayo’s unwelcome visits caused her to be “completely terrified” and resulted in her leaving work to come home and deal with the police. On cross-examination, Blecke agreed that the last time she invited the two women to her house was for a family birthday party in 2020, and she stated that she did not respond to any text messages from them in 2022 or 2023. She felt threatened by some of the text messages asserting that she would feel retribution from God for her actions.

¶ 21 A July 2023 letter from Blecke’s attorney explained to Cetewayo that she was not entitled to any visitation with her niece and nephew after Blecke became the legal guardianship of the two children without an order from the probate court. Nonetheless, Cetewayo believed that she was entitled to have information about the children and to contact them because they were members of her family. Much of Cetewayo’s questioning and argument at the hearing attempted either to ascertain why Blecke had not responded to her attempts to contact her niece and nephew or to attack the validity of the guardianship order, subjects that did not address the merits of Blecke’s request for an order of protection.

¶ 22 After reviewing the transcript of the hearing, we conclude Blecke presented sufficient evidence to support the issuance of a protective order barring Cetewayo from harassing, stalking, and interfering with the personal liberty of the protected parties and from intimidating a dependent. The trial court's entry of the plenary order was not an abuse of its sound discretion such that no reasonable person could adopt its view. See *Lynn*, 2017 IL App (3d) 160070, ¶ 8 (stating the applicable test for an abuse of discretion).

¶ 23 Although the trial court ultimately did not review the cell phone video showing Cetewayo's attempt to contact her niece on August 10, there was no offer of proof, and, thus, we have no basis to conclude that the video would have altered the outcome of the proceeding. Regardless of the conduct shown in the video, it is evident that Cetewayo and her mother had not been invited to the property and, in fact, had been expressly told a week earlier that they were unwelcome there by Blecke's mother. The failure to review the cell phone video was not reversible error.

¶ 24 Finally, after carefully reviewing the transcript, we conclude that the record does not support Cetewayo's claim that the trial court exhibited "extreme bias" toward her throughout the proceeding. On the contrary, we find that the trial court showed considerable patience during a difficult hearing, repeatedly attempting to steer the questioning away from irrelevant matters, such as the validity of the guardianship, and to explain the relevant law to Cetewayo and her mother. In sum, the court did not err in issuing the plenary order of protection.

¶ 25 III. CONCLUSION

¶ 26 For the reasons stated, the judgment of the circuit court of Will County is affirmed.

¶ 27 Affirmed.