2026 IL App (1st) 251420-U
Order filed: July 2, 2026

FIRST DISTRICT
THIRD DIVISION

No. 1-25-1420

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).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

CRYSTAL DAVIS,	)	Appeal from the
	)	Circuit Court of
Petitioner-Appellant,	)	Cook County.
	)	
v.	)	No. 25 OP 71004
	)	
WAYMAN FREELON,	)	Honorable
	)	Martha Victoria Jimenez,
Respondent-Appellee.	)	Judge, presiding.

JUSTICE ROCHFORD delivered the judgment of the court.
Presiding Justice Martin and Justice Reyes concurred in the judgment.

ORDER

¶ 1 *Held*: We affirm order denying and dismissing petition for a plenary order of protection.

¶ 2 Petitioner-appellant, Crystal Davis, appeals *pro se* the trial court's order denying and dismissing her petition for a civil plenary order of protection against respondent-appellee, Wayman Freelon, and a prior order vacating a default plenary order of protection. We affirm the order denying the petition for plenary order of protection and find the appeal from the order vacating the default plenary order of protection is moot.

¶ 3 On February 3, 2025, Davis filed a petition for a civil emergency order of protection (EOP) and plenary order of protection (POP), pursuant to the Illinois Domestic Violence Act of 1986 (Act) (750 ILCS 60/101 *et seq.* (West 2024)) against Freelon (petition), in case number 25 OP 71004. In her affidavit, attached to the petition, Davis described incidents of alleged abuse involving Freelon, including an allegation that on January 30, 2025, Freelon sexually assaulted her (January 30 incident). She filed a police report and there is a "pending ongoing felony investigation." On prior occasions, Freelon choked or strangled her while they were having consensual sex. Davis was afraid that Freelon would continue to "abuse [her], harass [her], interfere with [her] personal liberty, and stalk her."

¶ 4 On February 3, Freelon also filed a petition for a civil EOP and POP pursuant to the Act (*id.*) against Davis (cross petition), in case number 25 OP 71015, alleging that, on February 2, 2025, Davis made false allegations in posts on Facebook that Freelon had raped her. The cross petition is in the record on appeal but the common law record from that case is not. The record on appeal contains transcripts of proceedings involving both the petition and cross petition.

¶ 5 On February 3, the trial court held a hearing on Davis and Freelon's requests for EOPs. Davis, her counsel, and Freelon appeared.

¶ 6 Davis testified that she met Freelon while working at a store. Leading up to the January 30 incident, they engaged in an "intimate relationship" for a period of five to six weeks. She responded in the affirmative to a question from her counsel that Freelon was her "ex-boyfriend."

¶ 7 On January 30, she sent Freelon a message asking if he was available to "meet—to kiss and touch." She drove to meet him at a restaurant, which he owned, and got into his car. Freelon drove to a Double Tree Hotel (Double Tree), where they "would normally go," but then drove to Marquette Park. She told him she did not want to have sex in a car. He then told her to lower her

seat. She did not want to, but lowered it anyway. He "bent [her] over the seat," and "sexually assaulted [her]." Specifically, Davis stated: "He put his penis in me without a condom which is something I told him I would never do. I never have unprotected sex. I explained that to him, and he ejaculated in me." Davis went to the emergency room, where a "rape kit" was performed and she was diagnosed as having been sexually assaulted. She filed a police report.

¶ 8 Freelon choked and strangled her on prior occasions, including on their first and second dates. He did so even after she explained to him that she had been a victim of domestic violence, in which she had been choked until she was unconscious.

¶ 9 Freelon testified that he and Davis had worked together and have known each other for approximately 20 years. During the most recent four to five weeks, they were engaged in an "intimate relationship."

¶ 10 On January 30, Davis texted him to meet up. She drove to his restaurant and they got into his car and drove around. He suggested that they go to Marquette Park, where they sat in the car and listened to music and talked. They started kissing and becoming more intimate. Davis did not tell him to stop and they had intercourse. He wanted to stop, but Davis asked to continue. He drove Davis back to her car, but she wished to talk. He drove to a Dunkin' Donuts where she argued with him. She asked him to take her back to her car, which he did, and she left.

¶ 11 Freelon has "never choked" Davis and felt "[e]verything was consensual." He had put his hands on her neck in an intimate way, but "never with any strength and/or pressure." She had told him she did not like anyone touching her neck, but in text messages, told him he could.

¶ 12 On February 2, 2025, Davis made numerous posts on Facebook, accusing him of sexually assaulting her. She included images of him and text messages between the two of them and tagged his personal and business pages. She also sent messages to his wife.

¶ 13 Prior messages between the two of them showed that they had been engaged in a "sexual relationship" and "everything had been going great." Davis sent him messages that were "sexually suggestive" and "soliciting sex". After January 30, Davis did not send him any messages.

¶ 14 In its oral ruling as to Davis's request for an EOP, the court noted that it was persuaded by Davis's testimony that she went to the hospital, where they performed a rape kit and concluded that she was sexually assaulted. The trial court found that Davis was the victim of abuse as defined by the Act, that an emergency existed, and without its intervention, this conduct may continue and would likely cause irreparable harm. The trial court issued an EOP for Davis against Freelon until February 24, 2025, and set the matter for a hearing on the request for a POP for that date.

¶ 15 As to Freelon's request for an EOP, only a few pages of transcript of that hearing are part of the record on appeal. Those pages reveal that Freelon filed the cross petition after Davis posted on Facebook that he had sexually assaulted her. The trial court did not believe that an emergency existed and continued the cross petition to February 24. On February 24, the court continued both matters and extended the EOP to March 17, 2025.

¶ 16 On March 17, the trial court, with both parties present, extended the EOP to April 23, 2025, set a discovery status on April 23 at 10:00 a.m., and reserved June 9 for trial.

¶ 17 On April 4, the trial court granted the motion of counsel for Davis to withdraw and extended the EOP to June 9. The order did not mention the April 23 date.

¶ 18 On April 22, 2025, Davis filed a notice that she would present several motions for hearing on April 23.

¶ 19 On April 23, Davis appeared *pro se*. Freelon and his attorney were not present when the case was called at 10:00 a.m. The court granted Davis a default two-year POP and dismissed the cross petition. Later that morning, Freelon and his attorney appeared and the matter was recalled.

Freelon's counsel informed the court that he did not receive Davis's notice setting her motions for that day until 10:45 a.m., after Freelon was defaulted. The court noted that the case also had a June 9 date. On the record, the trial court reached Davis by phone and informed her that Freelon and his attorney were present and that there had been a miscommunication as to dates. The court also stated that Davis had not given sufficient notice for her motions. The court, as to the petition, vacated the default POP and reinstated the EOP to June 9. In a written order, the trial court noted that the default POP was "entered in error." The court also reinstated the cross petition.

¶ 20 On June 9, 2025, the court held a bench trial on both the petition and cross-petition. Davis represented herself and Freelon was represented by counsel. Three witnesses testified: Davis, Seneca Miller, and Freelon

¶ 21 Davis testified that she met Freelon in 2006 when he hired her to work at a store; he fired her in 2007. About two years later, he sent her a friend request on Facebook and she accepted. They had been friends for about 14 years. In December 2024, she contacted him for business advice and they exchanged numbers. They "started talking" on December 23. She confirmed that she was "in a relationship or romantic relationship" with Freelon that lasted 38 days, from December 23 through January 30.

¶ 22 On December 27, they met for dinner to discuss business. Thereafter, they went to a bar, where they kissed. Around 11:00 p.m., Freelon became angry after she received a phone number from another man. They left the bar and returned to his car. Freelon leaned in to kiss her, but she turned away. He wrapped his hands around her neck and pulled her toward him and started kissing her. His hands were tight around her neck for 30 seconds, but she was able to breathe. She became "hysterical," started crying, and told him never to put his hands on her again. He apologized and

said he would never do it again. He drove her home. When they arrived, he put his hand on her neck, lowered her turtleneck, and started to bite her neck. She exited his car and Freelon left.

¶ 23 On January 2, around 8:00 p.m. Freelon picked her up from her house and drove her to the Double Tree. They had dinner in the hotel restaurant and around 11:00 p.m. went to a room. They had intercourse multiple times. During the second time, Davis was on top and Freelon reached his hand around her neck and "strangle[d]" her for about 30 seconds. She could breathe, but was scared. She jumped backward and started crying. Freelon asked her to come back and she laid on his chest. She explained to him that she had been in an abusive relationship, in which the man strangled her until she was unconscious. Davis told Freelon that she wanted to go home. Freelon drove her home about 15 minutes later. They were in the hotel room for a total of two hours.

¶ 24 On January 16, she met Freelon at his restaurant, and they went to a "club" around 11:00 p.m. After they sat down at a table, she asked Freelon for a "soda" and left the table to take a call. He, instead, ordered her a drink with liquor. She did not want it, but he told her to drink it anyway. She drank it and "was drunk." When they left the club, she tried to kiss Freelon He became angry. In his car, he grabbed her neck and strangled her and then they kissed. Freelon choked her for about 30 seconds, but she was able to breathe. As he drove to her car, Freelon told her that she could not tell anyone about their relationship. He dropped her off at her car and she drove away.

¶ 25 On January 22, Freelon picked her up and drove to the Double Tree. They had dinner and got into an argument. Freelon left for approximately 15 to 20 minutes. When he returned, they went to a room and had consensual sexual relations. During the second time, he strangled her for about a minute and she could not breathe. When he released, she had a hard time catching her breath. She told him she wanted to leave. While they were preparing to leave, she was looking in a mirror and Freelon was behind her while they were having a conversation about their size

difference. He then put her in a chokehold that was "tight" but not "supertight," for about 20 seconds. On the drive home, they had consensual oral sex.

¶ 26 On January 30, she sent Freelon a message that she wanted to see him for an hour "to just kiss and touch." She drove to Freelon's restaurant around 8:45 p.m. and they got into Freelon's car. When he asked her what she wanted to do for the next hour, she suggested the Double Tree. After driving to the Double Tree, they had a conversation in the parking lot and Freelon got upset. He drove to Marquette Park, where she did not want to go. Freelon put his hands between her legs, unbuttoned her pants, inserted his hand into her pants, and penetrated her. Freelon grabbed her by the neck and kissed her. She kissed him back and she performed oral sex on him. He told her to lower her seat. She did not want to have intercourse in the car, so she told him she did not know how to lower the seat. He reached over her and lowered the seat himself. He then forced her to turn around and penetrated her. She cried and screamed. She stayed in the car and Freelon drove her back to her car. When they arrived at her car, she tried to get out, but Freelon sped off. He took her to a second location, threatened her, and told her she was disrespectful. She told him she wanted to go home. He drove her to her car. She left and did not see him again.

¶ 27 Davis sought to admit medical records, cell phone records, Freelon's "geolocations," and police reports into evidence. The court denied the requests for lack of certification or on hearsay grounds. Davis also sought to admit records which allegedly showed that she had been harassed by third parties. Because Davis admittedly had no evidence that would tend to indicate that the third parties were directed to do so by Freelon, the trial court denied the request.

¶ 28 The court allowed Davis to introduce an email from Freelon to his counsel, without objection. The email was read into the record:

> "she continues to create lies and narratives and post it online, continuing to harass me in attempting to get others to respond negatively in an attempt to say I was violating the emergency order of protection. *** All in attempt to get me arrested. Are there any protections for me and my OPP (sic) petition? In this e-mail I was—was attached the most recent post targeted at me and this case."

¶ 29 Davis was also allowed to submit into evidence Freelon's answers to interrogatories, without objection. Some of the answers were read into the record:

> "[Freelon] has placed his hands on [Davis]'s neck at [Davis]'s request. [Freelon] has never touched [Davis] in any nonconsensual way. [Freelon] has never choked any woman at any time. [Freelon] has placed his hand on the back of a woman's neck when kissing to embrace.
>
> * * *
>
> [Davis] has never entered [Freelon]'s place of business on occasion when *** [Davis] met [Freelon]. *** [Davis] would park her car and leave with [Freelon] in his car and [Davis] was not invited inside his place of business.

¶ 30 At Davis's request, the court took judicial notice that during the February 3 hearing, in response to a question by the court as to whether Davis ever complained to him about the placement of his hands on her neck, he responded yes.

¶ 31 On cross-examination, Davis testified that, on January 30, she initiated communication with him asking to meet up for an hour. Their prior visits to the Double Tree were never for only an hour. He sexually assaulted her because he was angry with her and she is afraid of him. On February 2, she posted on Facebook that he was a "rapist."

¶ 32 Freelon's counsel, for impeachment purposes, showed Davis a three-minute video that she had posted online, in which she described the sexual assault. The video account and her testimony was not entirely consistent.

¶ 33 On redirect examination, Davis testified that she was telling the truth during her testimony. Her Facebook posts were not under oath.

¶ 34 Miller testified that he has known Davis for about 31 years. On January 30, he received text messages from her. At 10:44 p.m., she texted that she was crying and that Freelon told her to do something she was not willing to do. Davis also texted him that Freelon was rude, irate, and called her names.

¶ 35 On cross-examination, Miller testified that Davis did not text him that she was "raped." He thought it was implied by her text message that she was forced to do something against her will.

¶ 36 Freelon testified that he has known Davis for approximately 19 years. He met her when they worked together. He fired her after she attacked a fellow employee. He had no contact with her until 2019, when she sent him a message on Facebook. They met, in-person, for the first time since working together, on December 27, 2024, and had dinner. After dinner, they kissed and started "dating." From December 27 through January 30, they engaged in sexual relations on three different days, at the Double Tree or in his car. Each time was consensual. He never strangled Davis and never forced her to drink alcohol.

¶ 37 On January 30, Davis texted him asking him to meet up so they could "kiss and touch." She drove to his restaurant and they got into his car. He asked her what she wanted to do for the next hour and she responded that they could do whatever. He searched for a hotel room, but the rates were too expensive for only an hour.

¶ 38 He drove to Marquette Park. When they arrived, Davis mentioned that she used to live near the park and asked him whether he brought all of his girls there. He responded no. He parked the car and they listened to music and talked. This led to kissing and more intimate touching. Davis said she "want[ed] d***," so he told her to lift the passenger seat. She was having trouble, so he reached over and helped her. He penetrated her from behind. She then asked him to get on top; she wanted to continue. He said no but offered oral sex. She wanted penetration. He then made a comment that offended her and she told him he was selfish. She asked him to take her back to her car and to "shut up." He then shut down, put his clothes on, and started driving back to Davis's car. When they got close to her car, Davis stated that she wanted to talk. He drove to Dunkin' Donuts for a coffee, but when he saw a line, he pulled over and parked. He told Davis that she was disrespectful and they discussed the events that transpired. He then drove back to Davis's car. She had not yet put her clothes back on. When they arrived at her car, she asked for a kiss goodbye and told him "[t]his is the last time you'll see me." He kissed her cheek and she left.

¶ 39 On February 2, 2025, he saw that Davis referred to him as a "rapist" in a Facebook post.

¶ 40 On cross-examination, he testified that the first time he and Davis went to the Double Tree she told him that she did not like anyone touching her neck because of a prior situation. The court then asked Freelon, "did you strangle Ms. Davis," Freelon answered no. Davis questioned him about his prior testimony from the February 3 hearing that he put his hand around her neck intimately and she asked him not to do so. He responded that he did not strangle her. Davis explained to the court that she was impeaching Freelon with his prior testimony. The court responded "[c]hoking and strangulation are the same thing. But just putting your hand around someone's neck in intimacy, that's a different thing." Freelon went on to testify that he did place

his hands around her neck again, but at her request. The second time they went to the Double Tree, Davis stated that she was "experiencing a sexual awakening" and wanted to try new sexual things.

¶ 41 As to the January 30 incident, about 20 minutes passed from the time Freelon left Marquette Park to the time Davis left his car. Davis had her pants and underwear down the entire time.

¶ 42 The trial court continued the matter to June 23, 2025 for disposition.

¶ 43 On June 23, the court issued an oral ruling after having considered the filings, exhibits, statutory factors, and testimony. The court began by finding that Davis and Freelon "were in a relationship for a short duration" and described it as "a brief volatile but nonexclusive relationship." The court found Freelon to be credible and consistent and "[Davis] to be, largely, not credible." The trial court found that, although corroboration is not required, Davis's testimony, alone, raised concerns of plausibility and that she failed to meet her burden to prove abuse by a preponderance of the evidence. The court vacated the EOP and denied and dismissed the petition.

¶ 44 As to the cross petition, the trial court found that Freelon also failed to meet his burden of proof and denied and dismissed the cross petition.

¶ 45 On July 23, 2025, Davis appealed the April 23 order which vacated the default POP and the June 23 order denying and dismissing the petition.

¶ 46 Freelon has not filed an appeal from the denial and dismissal of the cross petition and has not filed an appellee's brief. However, we may consider Davis's appeal on her appellant's brief and the record only. See *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976) (allowing consideration of appeal on appellant's brief only where the record is simple and errors can be considered without additional briefing).

¶ 47 Davis argues that the trial court erred in denying her petition for a POP where its finding that she had failed to prove abuse was against the manifest weight of the evidence and requests

that we reverse the denial of the petition. However, Davis also argues that the trial court erred in finding that she and Freelon were in a "dating relationship." She requests that we "reverse the [trial] court's finding of a 'dating relationship' under 750 ILCS 60/103(6), hold that the parties were not 'family or household members' ***, and vacate the IDVA orders for lack of jurisdiction to grant relief under the [Act]." We first turn to the latter argument as it is dispositive.

¶ 48 Petitioners have the burden to establish that they are entitled to an order of protection by the preponderance of the evidence. 750 ILCS 60/205(a) (West 2024); *Best v. Best*, 223 Ill. 2d 342, 348 (2006). "Proof by a preponderance of the evidence means that the facts at issue are rendered more likely than not." *Graham v. Van Rengen*, 2024 IL App (2d) 230611, ¶ 53. The trial court's findings will not be disturbed unless they are against the manifest weight of the evidence. *Best*, 223 Ill. 2d at 350; *In re Marriage of Holtorf*, 391 Ill. App. 3d 805, 807 (2010). A finding is against the manifest weight of the evidence only if the opposite conclusion is clearly apparent or if it is unreasonable, arbitrary, or not based on the evidence presented. *Best*, 223 Ill. 2d at 350; *Tamraz v. Tamraz*, 2016 IL App (1st) 151854, ¶ 19.

¶ 49 Pursuant to sections 214 and 219 of the Act, a plenary order of protection "shall issue" if the trial court finds that a petitioner has been abused by a family or household member. 750 ILCS 60/214(a), 219 (West 2024). The Act defines family or household members as:

> "spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, *persons who have or have had a dating relationship*, persons with disabilities and their personal assistants, and caregivers[.]" (Emphasis added.) 750 ILCS 60/103(6) (West 2024).

A dating relationship does not include "a casual acquaintanceship nor ordinary fraternization between two individuals in business or social contexts." *Id.*

¶ 50 The trial court, noting that the issue was not in dispute, implicitly found that the parties were in a dating relationship by stating that they were in a "relationship for a short duration" and further describing it as "a brief volatile but nonexclusive relationship." The court's characterization of the relationship was consistent with the evidence but does not support a finding that a dating relationship existed.

¶ 51 Davis, citing *Alison C. v. Westcott*, 343 Ill. App. 3d 648 (2003), and *People v. Howard*, 2012 IL App (3d) 100925, argues that the finding that she and Freelon were in a dating relationship, within the meaning of the Act, was against the manifest weight of the evidence. She argues that the evidence, instead, showed that she and Freelon, a married man, had a short and nonexclusive secret physical relationship that was brought about by her seeking business advice. We agree.

¶ 52 In *Alison C.*, this court found that one of the purposes of the Act was to prevent abuse between persons involved in intimate relationships and that the legislature intended for a "dating relationship" to refer to a "serious courtship," one that was more serious and intimate than casual. 343 Ill. App. 3d at 652-53. In *Howard*, 2012 IL App (3d) 100925, ¶ 9, the appellate court concluded that numerous sexual encounters were not enough to prove that an intimate relationship existed. Instead, a dating relationship means a serious courtship which must be, at minimum, an established relationship with a significant romantic focus. *Id.* ¶ 10. The parties' sexual encounters established a relationship that was physical in nature but not romantic. *Id.*

¶ 53 More recently, this court, in *McClellan v. Hull*, 2023 IL App (1st) 220465, considered whether a dating relationship existed under a fact pattern with similarities to this case. In *McClellan*, the petitioner testified that he was "dating" respondent. Beginning on or about March

1, 2021, they talked as friends. Their first date was on March 16 and their second date included sexual activity. Relying on, *inter alia*, *Alison C.* and *Howard*, we found that the evidence supported an inference of a "brief potential relationship that involved going on dates, but not an actual dating relationship as contemplated by the [Act]." As a result, we reversed the finding of the trial court that a dating relationship existed and concluded that relief under the Act was not available to the petitioner in that respondent was not a family or household member.

¶ 54 Here, Davis, on the standardized form for a petition for an order of protection, checked the box identifying a "Boyfriend/Girlfriend/Dating Relationship (including ex)", as the basis for finding Freelon was a family or household member under the Act. She testified that she and Freelon were engaged in a relationship, and Freelon testified that they began "dating" after the business related dinner. The record reveals, however, that Davis and Freelon were engaged in sexual, non-romantic encounters for just over a month-long period. They began talking on December 23 and met for dinner to discuss business on December 27, which led to kissing. Thereafter, they met up a handful of times, in secret, for sexual encounters. Even if their few encounters could be described as dates, a "dating relationship suggests a much deeper level of intimacy and commitment." *Id.* ¶ 67. The evidence does not support a finding that there was an actual dating relationship as contemplated by the Act. Therefore, the trial court's finding that the parties were in a "relationship," under the Act, was against the manifest weight of the evidence.

¶ 55 Further, there was no evidence to find that Freelon was a "family or household member" on any other basis under the Act. In her appellant's brief, Davis concedes this point. Therefore, we conclude that Davis failed to prove, by a preponderance of the evidence, that Freelon was a family or household member. Because this issue is dispositive of whether she was entitled to a POP, we

need not address the trial court's finding of no abuse and hold that the trial court's denial and dismissal of the petition were proper.

¶ 56 Davis also challenges the order vacating the default POP and various rulings and actions taken by the trial court during the proceedings relating to the POP including violating rules of evidence and abandoning its role as a neutral arbiter. However, as conceded by Davis, she and Freelon were not in a dating relationship and he was not a member of her family or household. The petition, therefore, did not fall within the protections of the Act and no remedies under the Act were available. *McClellan*, 2023 IL App (1st) 220465, ¶ 74. Any decisions on these additional arguments would not affect the outcome and we need not consider them. See *In re Alfred H.H.*, 233 Ill. 2d 345, 351 (2009) ("Illinois courts, as a general rule, 'do not decide moot questions, render advisory opinions, or consider issues where the result will not be affected regardless of how those issues are decided.' ").

¶ 57 For the reasons stated above, we affirm the judgment of the trial court.

¶ 58 Affirmed.