

NOTICE
Decision filed 10/06/26. 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) 250685-U
NO. 5-25-0685
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).

JASMINE McWHERTER,	)	Appeal from the
	)	Circuit Court of
Petitioner-Appellee,	)	St. Clair County.
	)	
v.	)	No. 25-OP-351
	)	
BRIGGETTE HAMMONDS,	)	Honorable
	)	Maurche H. Belk,
Respondent-Appellant.	)	Judge, presiding.

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

ORDER

¶ 1 *Held:* The circuit court’s order of protection is affirmed as it was not against the manifest weight of the evidence.

¶ 2 The respondent, Briggette Hammonds, appeals from the St. Clair County circuit court’s May 19, 2025, order of protection entered against her from the petitioner, Jasmine McWherter. For the following reasons, we affirm.

¶ 3 I. BACKGROUND

¶ 4 On April 4, 2025, McWherter filed a petition for order of protection against Hammonds on behalf of herself and Raina B., Hammonds’s daughter. McWherter listed Hammonds as a family member. The petition alleged multiple incidents of abuse and neglect from Hammonds to Raina and that Hammonds “has threatened to kill [herself] and flee if Raina tells of her neglect.” The

petition stated that Raina had to “sneak” to make contact with her family about Hammonds and was scared. A docket entry shows that the circuit court denied the order of protection.

¶ 5 On May 19, 2025, an order¹ for consolidation was entered for the present case and St. Clair County case 25-OP-529. The same day, an order of protection was entered. The order protected McWherter and Raina, who was represented by a guardian *ad litem* during the hearing, from Hammonds. The order was effective until May 19, 2027. The order required that Hammonds shall not threaten or commit abuse against Raina, to stay away from McWherter’s residence, place of employment, Raina’s school, and from the protected parties themselves. Hammonds was required to obtain a mental health evaluation and complete any recommended counseling or treatment. McWherter was listed as Raina’s primary caretaker and was granted physical care and possession of her. Hammonds was not permitted any parenting time with Raina. Hammonds was also ordered to surrender any firearms. On May 20, 2025, Hammonds filed a notice of appeal in the present case, 25-OP-351.

¶ 6 II. ANALYSIS

¶ 7 Hammonds proceeded *pro se* on appeal. Her appellant brief indicates that she is appealing the May 19, 2025, order of protection. The arguments included within the brief state that law enforcement violated her rights by permitting Raina to stay with McWherter in April 2025, along with other factual claims regarding Raina and McWherter.

¶ 8 We first note that Hammonds’s brief fails to conform to the supreme court rules governing briefs. Those rules require that an appellant’s brief contain a statement of facts, “which shall contain the facts necessary to an understanding of the case, stated accurately and fairly without

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

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.* As such, we choose, in the interest of a just result, to evaluate the claims on their merits, where possible.

¶ 9 Hammonds appears to be challenging the granting of the order of protection against her and for McWherter and Raina as protected parties. A person seeking an order of protection must establish, by a preponderance of the evidence, that the respondent has abused the petitioner or another party the petitioner is responsible for. *Best v. Best*, 223 Ill. 2d 342, 348 (2006). When a circuit court makes findings of abuse after hearing evidence and testimony, we will reverse that decision only if the court’s findings are against the manifest weight of the evidence. *In re Marriage of Doe*, 2024 IL App (1st) 230935, ¶ 34. A finding is against the manifest weight of the evidence only if the opposite conclusion is clearly evident or if the finding is not based on the evidence presented. *Id.* We defer to the circuit court as the factfinder, as it is in the best position to observe the conduct and demeanor of the parties and witnesses. *Best*, 223 Ill. 2d at 350-51.

¶ 10 The record on appeal in this case does not contain a report of proceedings from the May 19, 2025, hearing, nor was a bystander’s report submitted to this court. 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)).

¶ 11 In this case, we only have the consolidated order of protection. We do not have any docket entries or other information that details the evidence and testimony presented at the May 19, 2025, hearing. Because the record does not contain evidence as to any errors the circuit court may have committed, we presume that the circuit court ruled correctly and that its decision was not against the manifest weight of the evidence. Thus, the order of protection is affirmed.

¶ 12 III. CONCLUSION

¶ 13 Based on the foregoing reasons, we affirm the May 19, 2025, order of the circuit court of St. Clair County.

¶ 14 Affirmed.