

**NOTICE:** This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

2012 IL App (3d) 110863-U

Order filed July 11, 2012

---

IN THE APPELLATE COURT OF ILLINOIS

THIRD DISTRICT

A.D., 2012

CHRISTINE BOEHNE and	)	Appeal from the Circuit Court
SAMUEL GORALCZYK,	)	of the 14th Judicial Circuit,
	)	Rock Island County, Illinois
Petitioners-Appellees,	)	
	)	
v.	)	
	)	Appeal No. 3-11-0863
TIMOTHY ROBERT DOOLING,	)	Circuit No. 11-OP-787
	)	
Respondent-Appellant,	)	
	)	
_____	)	
THE PEOPLE OF THE STATE OF ILLINOIS,	)	Honorable
	)	Frank R. Fuhr and
	)	Greg G. Chickris,
Intervenor-Appellee.	)	Judges, Presiding.

---

JUSTICE CARTER delivered the judgment of the court.

Justice O'Brien concurred in the judgment.

Presiding Justice Schmidt dissented.

---

**ORDER**

¶ 1 *Held:* On interlocutory appeal from the grant of an emergency "stalking no contact" order, the appellate court held that it could not grant the respondent-appellant any effective relief and thereby dismissed the appeal as moot.

¶ 2 The petitioners, Christine Boehne and Samuel Goralczyk, obtained an emergency "stalking no contact" order (740 ILCS 21/95 (West 2010)) against the respondent, Timothy

Robert Dooling. The respondent filed an interlocutory appeal from the circuit court's orders that granted the emergency order and extended the emergency order. We dismiss the appeal as moot.

¶ 3 On October 20, 2011, the circuit court granted an emergency stalking no contact order against the respondent and set the order to remain in effect until November 4, 2011. On November 4, 2011, the court extended the emergency stalking no contact order to November 18, 2011. On November 18, 2011, the court extended the emergency stalking no contact order to December 8, 2011. On December 2, 2011, the respondent filed an amended notice of appeal from the court's orders of October 20 and November 18, 2011.

¶ 4 On appeal, the respondent raises several issues, which relate to the verified petition for a stalking no contact order, the circuit court's orders granting an emergency order and extending the emergency order, and the constitutionality of the Stalking No Contact Order Act (740 ILCS 21/1 *et seq.* (West 2010)). The respondent requests that this court "reverse the grant of the Emergency Stalking No Contact Order entered in this case in the trial court and remand to the trial court with instructions to dismiss the underlying litigation with prejudice."

¶ 5 "Courts will generally not decide moot questions, render advisory opinions, or consider issues where the results will no be affected regardless of how the court decides the issues." *In re Vanessa K.*, 2011 IL App (3d) 100545, ¶ 14. In this case, the emergency orders challenged by the respondent have expired and we cannot grant the respondent the relief he requests. Furthermore, we find that the issues raised in this appeal do not qualify for any of the three exceptions to the mootness doctrine.<sup>1</sup> See *Vanessa K.*, 2011 IL App (3d) 100545, at ¶ 14 (discussing the public

---

<sup>1</sup> In this regard, we take judicial notice of portions of the circuit court record that we have obtained from the Rock Island County circuit court (see *In re Estate of Pellico*, 394 Ill. App. 3d

interest exception, the " 'capable of repetition yet evading review' " exception, and the collateral consequences exception); see also *Ultsch v. Illinois Municipal Retirement Fund*, 226 Ill. 2d 169, 176-77 (2007) (courts will not decide constitutional questions unless they are necessary to the disposition of the case).

¶ 6 For the foregoing reasons, we dismiss this appeal as moot.

¶ 7 Appeal dismissed.

2012 IL App (3d) 110863, *Boehne v. Dooling*

¶ 8 PRESIDING JUSTICE SCHMIDT, dissenting:

¶ 9 I respectfully dissent. I believe that since a plenary order is still in effect, that "our ruling on the validity of the trial court's orders will impact the [order] currently in place." See *Hedrick-Koroll v. Bagley*, 352 Ill. App. 3d 590, 592 (2004). I would not dismiss the appeal as moot.

---

1052, 1059 (2009)), which indicate that on February 29, 2012 (and amended on April 9, 2012), a plenary stalking no contact order (740 ILCS 21/100 (West 2010)) was entered against the respondent in this case, to remain in effect until February 28, 2014.