

2020 IL App (2d) 190895-U
No. 2-19-0895
Order filed July 27, 2020

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IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

| | | |
|-----------------------|---|-------------------------------|
| JANET HEEREN, |) | Appeal from the Circuit Court |
| |) | of Ogle County. |
| Petitioner-Appellee, |) | |
| |) | |
| v. |) | No. 19-OP-137 |
| |) | |
| KELLY CRYER |) | Honorable |
| |) | Robert T. Hanson, |
| Respondent-Appellant. |) | Judge, Presiding. |

JUSTICE ZENOFF delivered the judgment of the court.
Justices Schostok and Hudson concurred in the judgment.

ORDER

- ¶ 1 *Held:* The appellate court affirmed the judgment of the trial court granting the plenary stalking no contact order where the evidence was sufficient to find that respondent stalked petitioner, there were no due process violations, and the court did not permit petitioner to perjure herself.
- ¶ 2 *Pro se* respondent, Kelly Cryer, appeals from the judgment of the circuit court of Ogle County, granting petitioner, Janet Heeren's, petition for a plenary stalking no contact order under section 80 of the Stalking NO Contact Order Act (Act) (740 ILCS 21/80 (West 2018)). The court found that Cryer stalked Heeren by engaging in a course of conduct intended to cause her fear and to suffer emotional distress. Cryer contends that (1) the evidence was insufficient to prove that he

stalked Heeren, (2) he was denied due process at the hearing on the petition, and (3) the court permitted Heeren to commit perjury. We affirm.

¶ 3

I. BACKGROUND

¶ 4 On July 16, 2019, Heeren, age 77, filed a verified petition for a stalking no contact order under section 80 of the Act against, Cryer, age 55. In the petition, Heeren alleged that beginning in the summer of 2018 and continuing up until the time of the filing of the petition, Cryer engaged in a course of conduct that was designed to cause fear and emotional distress in Heeren. Also on July 16, the trial court heard *ex parte* testimony and entered an emergency stalking no contact order. The court scheduled a hearing on the petition for August 2, 2019.

¶ 5 In preparation for the August 2 hearing, Cryer handwrote two documents that he titled “Subpoena,” which he served upon Mount Morris Chief of Police, Jason White, and Officer Bruce Wigton. Both of these documents contained the phrase: “You ARE COMMANDED *by the respondent*, on behalf of the court to appear and testify.” (Emphasis added.) A third officer, Chad Beitel, was subpoenaed by Heeren’s attorney.

¶ 6 On August 2, 2019, Heeren and Cryer both answered that they were ready to proceed with the hearing. Cryer appeared *pro se*. White was present in court in response to what he perceived was a valid subpoena. Wigton was not there. White explained that Wigton was on patrol and that he could be in the courtroom with “a couple minutes’ warning.” The record does not indicate whether Beitel was present.

¶ 7 Heeren testified to the following. She explained that her negative encounters with Cryer began sometime after her husband died in November 2016. She testified that she would occasionally hire Cryer, her next-door neighbor, to help with lawn mowing and other odd jobs around her house. Heeren stated that she thought it could be an amicable arrangement. However,

she soon realized that Cryer might want something more from her than odd jobs: “[T]here was some attachment he seemed to be having toward me, sexual things that were implied.” Heeren decided instead to use her daughter, son-and-law, and others to help around the house, and this appeared to anger Cryer.

¶ 8 Heeren testified that in the summer of 2017, Cryer “screamed and yelled terrible words” at her daughter and son-in-law while they were helping with the lawn and that he “flipped off” Heeren, which brought her to tears. In late 2017, Heeren discovered that tomatoes and eggs had been thrown against her home and that a rock had been thrown through the window of a bedroom that faced Cryer’s property. Around the same time, Heeren found garbage from her own trash bins strewn about her yard, damage to her deck, and potted plants and statues tipped over on her deck. Cryer objected to Heeren’s testimony, asserting that it was hearsay because she did not see any of this happen. The court overruled the objection. Heeren reported to the police that she suspected Cryer of doing these things. On December 2, 2017, Cryer taped a note to Heeren’s back door that read in part: “Your [*sic*] a bitch for calling the cops when your family made the threats.” (Underline in original.) On December 3, 2017, Heeren again phoned the police and they served Cryer a “no trespass warning.”

¶ 9 Heeren testified that in January 2018, at the behest of the police and her family, she installed a surveillance camera pointed toward Cryer’s property. Shortly thereafter, Cryer put up “very crude and obscene signs” on his property facing Heeren’s home. One sign portrayed a picture of Johnny Cash “giving a finger” and another sign included text that read: “I ain’t no gynecologist, butt [*sic*] you’re a cunt [*sic*].” The signs were originally on Cryer’s porch, but he soon moved them into his yard near Heeren’s property line. Heeren lamented that the signs caused her a great deal of distress: “I couldn’t go on my deck, I couldn’t go in my yard without seeing

the signs. And anybody coming to my house, they face my kitchen window, so I couldn't even sit—I got so we didn't sit there to eat anymore.” Heeren additionally testified that Cryer regularly began screaming obscenities at her whenever she went outside, which caused her further distress: “The signs are bad, but when you face going out your door and listening to somebody scream obscene things at you. I'm an old lady. I've done nothing to him. I have no retaliation, and I have to listen to that and it frightens me.”

¶ 10 In the summer or fall of 2018, Cryer taped another letter to Heeren's back door and called her home to tell her it was there. In the letter, Cryer apologized for “intentionally trying to hurt” Heeren and said that he would “try not to be mean.” Cryer admitted that he had taken personal sanitary items from Heeren's garbage and thrown them in her yard. The letter included a number of sexual intimations, where Cryer said that he had “lust “ in his heart for Heeren, that he would like to “slap your ass,” and that by going through her garbage, “I learned how big your tits are!” Heeren described her reaction upon reading the letter: “I was in shock, to tell you the truth. I was—I couldn't hardly breathe.”

¶ 11 Heeren said that she began locking her trash bins in her garage at night to keep Cryer from getting into them and taking them to the curb very early in the morning, at which time Cryer would appear on his porch and “howl and call me bad words so that I was—had to anticipate that every time that I was going to go out that that would happen. But I had no choice otherwise. I was fearful the garbage would again appear in my yard.”

¶ 12 As Cryer's behavior toward her continued, Heeren called the police a number of times. She testified that they would talk to him, but that he “would ignore whatever the police said.”

¶ 13 In February 2019, Cryer appeared at Heeren's front door, telling her that a tree branch had fallen into her yard, and that he had collected it and cut it up for her. He wanted her to reimburse

him for the fuel it took to power his chainsaw. Heeren testified that she was unaware that a branch had even fallen, and she did not want to pay him for fear it might incentivize him to do more unsolicited work. Cryer retaliated by dumping the cut-up pieces of the branch in her yard.

¶ 14 On May 7 or 8, 2019, Heeren agreed to point her surveillance camera away from Cryer's property in return for Cryer taking down the obscene signs. That night, Cryer left a message on Heeren's answering machine. Heeren testified that Cryer was "livid and screaming," upset that she had a light on over her garage. Heeren testified that Cryer said that if she did not turn the light off that "he would come over and stick it up my ass." Heeren said that she was very frightened and had been for a long time because she did not know what he was capable of.

¶ 15 As Heeren was testifying to the answering machine message incident, Cryer raised his middle finger toward her and yelled: "Fuck you!" The court suspended the hearing and held a contempt proceeding. The transcript of that proceeding is not part of this record, but the record is clear that Cryer was found in criminal contempt of court for this outburst.

¶ 16 After the hearing on the petition resumed, Heeren testified to several more incidents. On Mother's Day of 2019, she was attempting to plant flowers in her yard, but gave up when Cryer began yelling at her and calling her a "fucking cunt." Later that day, she was sitting on an area of her back porch that is ordinarily shielded from the line of sight of Cryer's house, but Cryer positioned himself in a part of his yard where he could see her and just stared at her until she went back inside. In mid-June 2019, workers that Heeren hired to mow her lawn were showing her pieces of broken glass and cement that they found in her yard when Cryer came out and yelled: "Oh, are you having trouble over there." Heeren said that each time she would leave her home in her car, Cryer would stand in the alley where she had to pass, swearing obscenities and "flipping"

her off with both hands. He would sometimes stand on the sidewalk by her front yard and yell and either “flip” her off or blow kisses at her, either of which gave her great distress.

¶ 17 Heeren indicated that she was asking for the stalking no contact order because it was difficult to live where she felt afraid: “I check my doors four times before I go to bed. Sometimes I get out of bed and go back and check my doors again. That’s how I live. I’m not young. I don’t—I’m not ready to fight somebody, and I’m done with it. I can’t do it anymore.”

¶ 18 Heeren introduced into evidence photographs of the vandalism to her home and Cryer’s signs, as well as Cryer’s letter with sexual overtones. Cryer objected to the photographs, asserting that they were hearsay. The court overruled the objection, noting that the photographs represented Heeren’s observations, not whether he had committed the vandalism. Following Cryer’s extended cross-examination of Heeren, Heeren rested. The three hours that the court set aside for the hearing had expired and the court continued the proceeding to August 19, 2019.

¶ 19 Beginning on or about August 4, 2019, Cryer was incarcerated at the Ogle County jail for 14 days on the contempt of court charge. While incarcerated, he created another handwritten “subpoena,” commanding that Heeren turn over a recording of the answering machine message to which she testified. The “affidavit of service” by U.S. Mail, which was not signed, was dated August 6, and it was filed with the court on August 19.

¶ 20 When the hearing resumed on August 19, Cryer presented his case-in-chief. He called his girlfriend, Debbie Beer, who testified that she had an encounter with Heeren in February 2019. According to Beer, Heeren stated that Cryer had done snowplowing and cleaned up tree branches for her, and Heeren wished to relay a message to Cryer that she knew she was responsible for paying him for supplies.

¶ 21 Cryer then called Beitel, who was not present. Cryer next called White, who was likewise not present. Finally, Cryer called Wigton, who was also not present. Cryer complained that he had “subpoenaed” these officers and that they should be present. He requested a continuance to get the witnesses in court and to get a copy of the answering machine message. Cryer said that the officers would testify to harassment, constitutional law, the first and fourteenth amendment, cameras, and his yard signs. Heeren’s attorney objected, stating that (1) the subpoenas were never properly issued, (2) Cryer was aware from the petition that the answering machine message was at issue and said nothing about needing a copy of the message before he answered ready, and (3) further continuances in this statutorily expedited proceeding. The court noted that the subpoenas were not issued by the clerk, and that the Act requires that continuances be kept to a minimum and only be granted upon good cause shown. The court denied Cryer’s request for a continuance and instructed Cryer to call his next witness. Cryer responded by stating: “I want to file a change of venue, because I feel like the Court is being prejudice[d] and bias[ed] in their [*sic*] opinions this whole time.” The court denied the change of venue request, noting that Cryer would have to file a “petition for cause,” and that he had filed no such petition.

¶ 22 Cryer attempted to admit 12 documents into evidence, which included a copy of one page of the emergency stalking no contact order, a copy of the December 2017 letter, and 10 police reports. Heeren’s attorney objected to the police reports, but said that she had no issue with the copy of the order or the letter, provided that Cryer laid a proper foundation. Cryer testified for the limited purpose of laying a foundation for the letter, stating that he wrote the letter and taped it to Heeren’s door on or about December 2, 2017. The court accepted the order and the letter into evidence but refused to admit any of the police reports. Cryer rested.

¶ 23 During closing argument, Heeren’s attorney argued that she had proven several incidents that constituted a course of conduct by Cryer designed to “disturb, harass, and humiliate” Heeren. Cryer argued that all of his actions were reasonable responses to Heeren’s harassment of him, which all started when Heeren’s son-in-law threatened him and Heeren began calling the police to harass him.

¶ 24 The trial court found that the evidence clearly showed that Cryer knew or should have known that his course of conduct would cause a reasonable 77-year-old woman to fear for her safety and suffer emotional distress, citing (1) vandalism to her home, (2) garbage thrown about her yard, (3) yelling and screaming obscenities at Heeren and her guests, (4) the 2018 letter where Cryer admitted to throwing garbage and apologized for scaring Heeren, (5) doing unsolicited work on her property after being served no trespass warnings, (6) erecting obscene signs on the border of Heeren’s property, (7) blocking Heeren’s path in the alley while cursing at her and flipping her off, (8) swearing at Heeren on Mother’s Day while she tried to plant flowers, and (9) yelling “Fuck you” and flipping her off while she was testifying. The court found that Heeren had met her burden by a preponderance of the evidence to show that Cryer’s conduct constituted stalking. The court granted Heeren’s request to make the stalking no contact order a plenary order, further opining: “The conduct which the Court heard Ms. Heeren testify as to [*sic*] is creepy, it was sinister, and was unsettling. And it’s exactly the type of behavior that this Act was passed to stop and prevent.”

¶ 25 Cryer then commented: “I’ve never been in such a corrupt courtroom,” to which the court replied: “I would say that [it’s] wise not to say anything more.”

¶ 26 On August 22, 2019, Cryer filed a motion to reconsider, arguing that he should have been granted a continuance when witnesses failed to respond to subpoenas and that he needed time to obtain a copy of the answering machine message. Moreover, according to Cryer, he was unable

to properly prepare a defense while he was incarcerated. On September 12, 2019, following a hearing on the motion to reconsider, the court denied the motion. Cryer timely appealed.

¶ 27

II. ANALYSIS

¶ 28 Cryer argues that (1) there was insufficient evidence to prove that he stalked Heeren, (2) he was denied due process, and (3) the trial court allowed Heeren to commit perjury. For these reasons, Cryer asks that we reverse the ruling outright, or, in the alternative, that we remand the case for a new hearing.¹ Heeren responds that (1) the evidence was sufficient to prove stalking where it showed that Cryer intended to devastate, humiliate, and frighten her, (2) the court did not err in denying Cryer's request for a continuance because he answered ready and never served properly issued subpoenas, and (3) the court correctly denied Cryer's change of venue motion where it was untimely, improper in form, and made for an inappropriate reason.

¶ 29

A. Sufficiency of the Evidence

¶ 30 Cryer asserts that the evidence did not support the court's ruling.

¶ 31 The purpose of the Act is to provide all stalking victims with a civil remedy to protect themselves from stalking behavior, which includes following a person, conducting surveillance of the person, appearing at a person's home, making unwanted calls, sending unwanted messages, and vandalizing a person's property. 740 ILCS 21/5 (West 2018). "Stalking" is a course of

¹ Cryer additionally asserts that the trial court erred by permitting Heeren to continue observing him through the use of her surveillance camera. We note that this was not part of the court's judgment from which Cryer appeals, and we have no jurisdiction to review this issue. See *People v. Lewis*, 234 Ill. 2d 32, 37 (2009) ("A notice of appeal confers jurisdiction on an appellate court to consider only the judgments or parts of the judgments specified in the notice.")

conduct directed at a specific person that the respondent knows or should know would cause a reasonable person to fear for his or her safety or suffer emotional distress. 740 ILCS 21/10 (West 2018). A “course of conduct” is two or more acts where the respondent follows, monitors, observes, surveils, threatens, or interferes with a person’s property. 740 ILCS 21/10 (West 2018). Plenary stalking no contact orders are an authorized remedy under section 80 of the Act. The standard of proof in a proceeding to obtain a stalking no contact order is proof by a preponderance of the evidence, which is proof that a fact at issue is more likely true than not. 740 ILCS 21/30(a) (West 2018); *Wells Fargo Bank, N.A. v. Hansen*, 2016 IL App (1st) 143720, ¶ 17. We will not reverse a trial court’s decision to issue a stalking no contact order unless it is against the manifest weight of the evidence, which occurs only when the opposite conclusion is clearly apparent or when the court’s findings are unreasonable, arbitrary, or not based upon the evidence. *Best v. Best*, 223 Ill. 2d 342, 350 (2006); *Piester v. Escobar*, 2015 IL App (3d) 140457, ¶ 12.

¶ 32 In this case, the evidence consisted of Heeren’s testimony, photographs, and the two letters from Cryer to Heeren. Heeren testified that the troubles with Cryer began when he made unrequited sexual overtures toward her. She said that Cryer became angry when he discovered her daughter and son-in-law doing jobs at her home for which he had previously been paid to do. In the summer of 2017, he “screamed and yelled terrible words” at Heeren’s daughter and son-in-law and “flipped off” Heeren, which brought her to tears. Later, Heeren discovered tomatoes and eggs thrown against her home, a rock thrown through a bedroom window, garbage from her trash bins strewn about her yard, and damage to her deck. In December 2017, after Heeren called the police to report these acts, Cryer taped a note to her back door that read: “Your [*sic*] a bitch for calling the cops.” Heeren testified that she called the police again in response to the note and that they served a “no trespass warning” on Cryer. In January 2018, at the urging of her family and

the police, Heeren installed a surveillance camera on her home pointed toward Cryer's property. Cryer responded by placing signs containing obscene messages and images along Heeren's property line. Heeren also testified that Cryer began screaming obscenities at her on a regular basis when she would appear outside of her home, and that the signs and verbal assaults caused her great distress: "The signs are bad, but when you face going out your door and listening to somebody scream obscene things at you. *** I have to listen to that and it frightens me." In the summer of 2018, Cryer taped another note to Heeren's door, in which he admitted that he was intentionally trying to hurt her and that he was the person who removed her garbage from her trash bins and threw it into her yard. He also repeated a number of sexual innuendoes, saying that he had committed "lust" in his heart for her and commenting on the size of her breasts. Heeren described her response to that note: "I was in shock, to tell you the truth. I was—I couldn't hardly breathe." Heeren testified that Cryer's obscenity-laced verbal assaults continued relentlessly, despite multiple warnings by the police for him to cease this activity. In February 2019, Cryer appeared at Heeren's door demanding reimbursement for the fuel he used to cut up a branch that he said had fallen in Heeren's yard, though Heeren had not asked him to do so and was unaware that a branch had fallen. When she refused payment in fear that it might incentivize more unsolicited work, he dumped cut-up pieces of wood in her yard. Heeren testified that in May 2019, Cryer left an angry message on her answering machine demanding that she turn off the light above her garage, and that if she did not "he would come over and stick it up my ass." On Mother's Day 2019, he called her a "fucking cunt" while she was trying to plant flowers and later sat in his yard staring at her while she sat on her porch until she finally left. In June 2019, when landscape workers found cement and broken glass in Heeren's yard, Cryer appeared and yelled: "Oh, are you having trouble over there." When Heeren left or returned to her home in her car, Cryer would

swear loudly at her and “flip her off” with both hands, and sometimes he would stand on the sidewalk near the front of her home and flip her off or blow kisses at her.

¶ 33 Heeren’s testimony was corroborated by the photographs and letters admitted into evidence. The photographs portray the vandalism Heeren testified to and the profane signs that Cryer pointed toward her home. In the December 2017 letter, Cryer demonstrated his willingness to use profanity in referring to Heeren. In the summer 2018 letter, Cryer admitted that he was intentionally trying to hurt Heeren and that he was the one who threw her garbage on her lawn. He also made several overt sexual references in that letter.

¶ 34 In his response to the petition, Cryer admitted that he called Heeren’s daughter a “bitch” and that he later gave Heeren the “middle finger.” When Heeren’s daughter admonished him for making Heeren cry, he said that he responded: “She can die for all I care for the way she screwed me over.” Asserting that Heeren broke a verbal contract to let him mow her lawn, Cryer stated that he told her son-in-law that he would “flip her off every time someone mowed her lawn.” Cryer further asserted in his response that he taped the letter to Heeren’s back door in December 2017 and that the police served him with a no trespass warning the next day. In retaliation for calling the police, Cryer stated that he put up the Johnny Cash poster with Cash’s extended middle finger facing toward Heeren’s home. In further retaliation for Heeren’s installation of the surveillance camera, Cryer admitted that he began displaying the other profane signs on the border to Heeren’s property.

¶ 35 Cryer further corroborated Heeren’s testimony of his aggressive behavior and use of profanity toward her in his courtroom outburst, where he interrupted Heeren’s testimony by “flipping her off” and yelling: “Fuck you!”

¶ 36 Cryer presented no evidence that contradicted Heeren’s testimony or justified his actions. The evidence before the court—Heeren’s testimony describing Cryer’s obscene and hostile behavior, the photographs and letters corroborating her testimony, Cryer’s admissions in his response, and Cryer’s courtroom outburst—overwhelmingly supported a conclusion that Cryer had committed two or more acts directed at Heeren that he knew or should have known would cause Heeren to fear for her safety and suffer emotional distress.

¶ 37 **B. Due Process Claims**

¶ 38 Cryer argues that the trial court denied him due process by impeding his ability to present a meaningful defense. Specifically, he asserts that the court should have (1) granted his request for a continuance to procure witnesses and the answering machine message, (2) allowed him to enter the police reports into evidence, (3) rejected Heeren’s hearsay testimony and photographs, and (4) granted his motion for a change of venue.

¶ 39 **1. Continuance**

¶ 40 Actions for a stalking no contact order are expedited proceedings, and continuances shall be granted only for good cause shown. 740 ILCS 21/75(b) (West 2018). The decision to grant or deny a motion for a continuance lies within the sound discretion of the trial court, and the decisive factor is whether the moving party has exercised due diligence in proceeding with the case. *Somers v. Quinn*, 373 Ill. App. 3d 87, 96 (2007). We will not overturn a decision denying a motion for a continuance absent an abuse of discretion. *In re Marriage of LaRocque*, 2018 IL App (2d) 160973, ¶ 94.

¶ 41 Cryer argues that he “subpoenaed” several police officers for the August 2 hearing and that the trial court should have extended those subpoenas to the August 19 hearing. He further argues

that he served a subpoena for the answering machine message by U.S. Mail from his jail cell on August 6.

¶ 42 We first note that Beitel was subpoenaed by Heeren, not Cryer, and that she elected not to use Beitel in her case-in-chief, which concluded during the August 2 portion of the hearing. Therefore, Beitel was under no obligation to appear at the August 19 portion of the hearing. Moreover, Cryer's notice of service of the answering machine message "subpoena" is dated August 22, 2019, three days after the August 19 hearing where he requested the continuance. Notwithstanding these defects, the trial court noted at the August 2 hearing that the "subpoenas" served by Cryer to White and Wigton were not properly executed: "[Y]ou don't have the right to just execute subpoenas yourself. Subpoenas have to be executed by the Circuit Clerk's Office." Under section 2-1101 of the Code of Civil Procedure (Code), only the clerk of the court or licensed Illinois attorneys may issue subpoenas on behalf of the court. 735 ILCS 5/2-1101 (West 2018). As noted above, the subpoenas were issued by Cryer, not the clerk of the court, and Cryer is not an admitted attorney in Illinois. Thus, the "subpoenas" executed by Cryer were not properly issued subpoenas. The failure to issue proper subpoenas demonstrates a lack of due diligence. *People v. Smith*, 248 Ill. App. 3d 351, 360 (1993). Therefore, Cryer did not exercise due diligence in proceeding with the case, and the trial court properly denied his request for a continuance.

¶ 43 *2. Police Reports*

¶ 44 Cryer contends that the trial court should have allowed the police reports that he tendered to be admitted into evidence. The Illinois Rules of Evidence generally prohibit police reports from being used as evidence. Ill. R. Evid. 803(8) (eff. Sept. 28, 2018) (recognizing a hearsay exception for records of public agencies but excluding "police accident reports" or "matters observed by police officers"). Accordingly, the trial court properly excluded the police reports as evidence.

¶ 45

3. *Hearsay*

¶ 46 Cryer repeatedly objected to Heeren’s testimony of vandalism to her home and property, as well as the photographs of the vandalism, stating: “This is all hearsay. She did not see any of this.” Hearsay is defined as “testimony of an out-of-court statement offered to establish the truth of the matter asserted therein.” (Internal quotation marks omitted.) *People v. Dunmore*, 389 Ill. App. 3d 1095, 1106 (2009). A careful review of the record reveals that Heeren testified to her own observations of the vandalism, not to out-of court statements, and that the photographs are documentation of what she said she observed. Therefore, the evidence was not hearsay and the court properly allowed the testimony and admitted the photographs.

¶ 47

4. *Change of Venue*

¶ 48 After the trial court denied his request for a continuance, Cryer orally stated that he wanted “to file a change of venue,” stating that he thought the court was “being prejudice[d] and bias[ed]” against him. The court denied the motion, noting that Cryer had not filed a petition for a change of venue. Section 2-1001.5 of the Code requires that every application for a change of venue “shall” be by verified petition that states specific facts as to prejudice and is supported by the affidavits of at least two other persons residing in the county. 735 ILCS 5/2-1001.5 (West 2018). Cryer did not file such a petition. Accordingly, the court correctly recognized the improper nature of Cryer’s motion, and appropriately denied the request for a change of venue.

¶ 49

C. *Perjury*

¶ 50 Cryer argues that the trial court erred by “allowing the Petitioner, Janet Heeren, to commit perjury.” In support, Cryer offers his own version of events that contradict what Heeren testified to under oath. Cryer concludes: “Janet Heeren’s whole testimony has been founded on lies.” As noted above, Cryer testified only for the limited purpose of laying a foundation for the December

2017 letter. By offering his own version of events in his brief that he did not testify to at the hearing, Cryer asks us to consider new evidence on appeal. The introduction of new evidence on appeal is improper and we decline to consider any evidence that was not presented before the trial court. *In re Marriage of Micheli*, 2014 IL App (2d) 121245, ¶ 21. A careful review of the record does not point to any indication that Heeren lied under oath or that the trial court permitted such an act.

¶ 51

III. CONCLUSION

¶ 52 For the reasons stated, we affirm the judgment of the circuit court of Ogle County.

¶ 53 Affirmed.