

IN THE APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff-Appellee,

v.

EHAB ALLABABIDI,
Defendant-Appellant, Pro Se.

APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

Appeal No. **2-26-0352**

Appeal from the Circuit Court of
Lake County, No. **23 CF 1146**

The Honorable Christopher R. Stride,
Judge Presiding

**EMERGENCY MOTION TO SUPPLEMENT THE PENDING OMNIBUS
EMERGENCY MOTION, AND FOR A RULING ON PART II BEFORE 9:00 A.M.
ON AUGUST 6, 2026**

*Ill. S. Ct. R. 361(a), 361(g), 366(a)(5) · Second District Local Rules 102(b) and 109 · 725 ILCS 5/114-5(d) · 55 ILCS
5/3-9008(a-10)*

THE COURT IS ASKED TO ACT BEFORE 9:00 A.M. ON AUGUST 6, 2026. At that hour the circuit court will call this cause before the judge named in a verified motion for substitution of judge for cause file-stamped July 23, 2026. **That motion has not been denied. It has not been referred. No ruling of any kind has been entered on it.** The cause has been set before the judge it names, and the warrant commanding that Appellant be taken into custody is outstanding.

Relief requested

1. RULE on Part II of the pending Omnibus Emergency Motion before 9:00 a.m. on August 6, 2026.
2. ORDER under Rule 366(a)(5) that the motion under 725 ILCS 5/114-5(d) be assigned forthwith to a judge not named in it, and that no further proceeding be conducted in No. 23 CF 1146 until it is heard.
3. ALTERNATIVELY, ORDER that any proceeding conducted on August 6, 2026 be without prejudice, and that no instrument file-stamped July 23, 2026 be deemed waived, abandoned, or denied by reason of it.

Appellant asks this Court to determine **who decides** his substitution motion, not whether cause exists. That question belongs to the judge to whom the statute directs it be referred.

I. What is already before the Court, and why this is a supplement

Appellant's **Omnibus Emergency Motion is pending and undecided.** He submitted it on July 28, 2026 with a Rule 606(g) docketing statement, a fee-waiver application and proposed order, a memorandum of law, a proposed order, a related-proceedings notice, a Rule 328 supporting record of Exhibits A through Z, and a proof of service. Its Part II asks this Court to stay the June 17, 2026 order and the 180-day term, to stay or recall the May 28, 2026 warrant, and to release Appellant on recognizance. **None of that relief is repeated here.**

Appellant supplements rather than amends because amendment would require withdrawing a pending emergency motion and resubmitting it, surrendering the date of its presentation and the deadline it requests at the moment the deadline matters. A supplement adds without disturbing. Rule 361(a) provides that “an application for an order or other relief shall be made by filing a motion”; this is that motion, titled and presented as Local Rule 109 directs.

II. Three things converge at one hour, and one of them cannot be undone

The order of June 17, 2026, entered on the State's oral motion at a proceeding captioned “Status,” activated 180 days of incarceration. (Exs. M–N.) The petition for revocation filed May 14, 2026 has never been heard: no hearing under 730 ILCS 5/5-6-4(b), no evidence, no finding of violation by a preponderance under section 5-6-4(c). (Ex. J.) The warrant of May 28, 2026 commands that Appellant “be held in custody for First Appearance Court” for what the warrant calls a “technical violation,” and it is outstanding. (Ex. L.)

On July 23, 2026 at 11:59 a.m. — the minute the notice of appeal was file-stamped (Ex. G) — the Clerk issued a Notice of Court Date requiring Appellant to appear August 6, 2026 at 9:00 a.m. in Courtroom 611 “[o]n court's own motion” for “Motion Of Defendant.” (Ex. R.) It names no judge, states no proceeding classification, and supplies none of the access information Ill. S. Ct. R. 45(b)(4) requires every such notice to include.

The emergency is not the age of the warrant. It is that these converge at one hour, that nothing Appellant has filed below has been ruled on since June 8, 2026, and that a term of imprisonment cannot be returned once served.

III. The judge who will call the cause is the judge named in an unREFERRED motion

Appellant's verified motion for substitution of judge for cause under 725 ILCS 5/114-5(d) was **file-stamped July 23, 2026**, having been served June 18, 2026. (Ex. AA.) It is made by motion, states the specific cause relied on, and is verified by affidavit. The statute provides that upon filing “a hearing shall be conducted as soon as possible after its filing **by a judge not named in the motion.**”

In re Estate of Wilson, 238 Ill. 2d 519 (2010), permits the judge named in such a petition to examine whether it meets three threshold requirements — that the request be made by petition, that it set forth the specific cause, and that it be verified by affidavit — before referring it. Appellant's motion satisfies each on its face, so that examination has nothing left to resolve. Beyond it the referral is not discretionary: such petitions “are brought by a party and are decided by another judge,” a division that exists so the allegations receive “an independent, neutral assessment ... that comports with due process concerns.” *In re Marriage of O'Brien*, 2011 IL 109039, ¶ 46.

No examination of any kind has occurred. The motion was not denied at the threshold or on the merits. It was not referred. Nothing was entered on it, and the cause was set before the judge it names.

In the context of section 114-5(a), Illinois courts have held that once a substitution motion is properly brought “the trial judge loses all power and authority over the cause except to make the necessary order to effectuate the change, and if a defendant's motion is improperly denied, all subsequent action of the trial judge is void.” *People v. Ryan*, 264 Ill. App. 3d 1, 3 (1994); see *People v. McDuffee*, 187 Ill. 2d 481, 487 (1999). **Appellant does not ask this Court to decide whether that consequence attaches under subsection (d).** He

asks it to prevent the question from arising. Rules 366(a)(3) and 366(a)(5) supply the authority; the latter permits this Court to “make any other and further orders and grant any relief ... that the case may require.”

IV. The assistant prosecuting the petition swore it, and is a defendant for having sworn it

The petition for revocation bears the personal oath of Assistant State's Attorney Nicholas Shepherd. (Ex. J.) He is named as a defendant **in his individual capacity** in the amended complaint in *Allababidi v. Shepherd*, No. 1:26-cv-06738 (N.D. Ill.), and the conduct alleged against him there is the swearing of that petition.

This is not a public officer sued over an unrelated matter. The truth of the sworn allegations is the subject of the collateral action: a finding here that no violation occurred is a finding that the instrument he swore was untrue. Section 3-9008(a-10) permits an interested person in a cause, civil or criminal, to petition alleging an actual conflict of interest. Appellant's verified petition was file-stamped July 23, 2026 and has not been ruled on. (Ex. BB.) **Appellant does not ask this Court to rule on it**, which is committed to the circuit court, only that its disposition not be worked by default.

V. Appearance on August 6 waives nothing

Rule 45(d)(1) entitles Appellant to attend by video without advance approval, and Rule 45(a)(1) makes that appearance “equivalent to an in-person appearance ... for all purposes.” He does not waive in-person appearance for any proceeding enumerated in Rule 45(d)(2), including a probation revocation hearing under Rule 45(d)(2)(iv); under Rule 45(d)(3)(i) that waiver belongs to the defendant and not to counsel, and none has been sought, given, or accepted. By attending, he submits nothing in this motion, and no instrument file-stamped July 23, 2026, to decision by the judge named in the substitution motion.

VI. Second District Local Rules 102(b) and 109

Appeal docketed	Yes. No. 2-26-0352, docketed on notice of appeal file-stamped July 23, 2026. (Exs. G–H.)
Order at issue	June 17, 2026 order lifting the stay of the 180-day term. (Ex. N.)
Nature of the emergency	Outstanding custodial warrant of May 28, 2026, and a call set August 6, 2026 at 9:00 a.m. before the judge named in a verified section 114-5(d) motion on which nothing has been entered.
Relief sought below	Rule 609(a) motion (Ex. P); Rule 607 motion (Ex. Q); verified petition under 55 ILCS 5/3-9008(a-10) (Ex. BB); verified motion under 725 ILCS 5/114-5(d) (Ex. AA); motion to correct the docket classification of the June 15, 2026 filing; and renewed Rule 606(a) request (Ex. F) — each file-stamped July 23, 2026. None has been ruled on.
Why no further relief is sought below	The section 114-5(d) motion is pending and unrefereed, and the only judge before whom these matters are pending below is the judge named in it. Rule 609(a) in any event permits a stay by a judge of the trial or reviewing court.
Court must act by	9:00 a.m., August 6, 2026.
Response period	Local Rule 109(c) allows three days “[e]xcept in extraordinary circumstances necessitating an earlier ruling.” The hour set below precedes that period and a custodial warrant is outstanding.
Conferral	Written position requests were delivered to the Lake County State's Attorney and the State's Attorneys Appellate Prosecutor on July 9 and July 28, 2026, and this motion is served on the State at filing. No response has been received. That is reported as no response, not as consent. Ill. S. Ct. R. 361(a).

Documents attached	Local Rule 109(a). The Rule 328 Supporting Record, Exhibits A through Z, is filed herewith, together with a Supplemental Supporting Record under Rule 328 containing Exhibit AA (the verified section 114-5(d) motion) and Exhibit BB (the verified petition under 55 ILCS 5/3-9008(a-10)), each file-stamped July 23, 2026 and each certified under 735 ILCS 5/1-109.
Service and proposed order	Served immediately and electronically as Local Rule 109(b) requires, the type of service being specifically noted on the Notice of Filing and Proof of Service. A proposed order phrased in the alternative is filed and served herewith. Ill. S. Ct. R. 361(b)(2).

VII. What the requested relief costs this Court, and what its absence costs

The alternative relief costs nothing. It resolves no question presented by the appeal, disturbs no ruling, vacates nothing, requires no finding about the judge below, and prejudices no party — the State loses no argument it could otherwise make. It is one sentence directing that a proceeding conducted while a statutory motion sits unrefereed not be given preclusive effect.

Its absence is not neutral. If the section 114-5(d) motion is heard and allowed after August 6, every order entered that day becomes a dispute this Court must resolve on a record made by the judge whose authority was contested — the litigation the referral requirement exists to prevent. If the motion is never reached and the term is executed, no order can return the days served. Nor is the term the whole of it: the sentencing order provides that should Appellant “have no violations during his probation, then the plea of guilty to Count 1 ... **shall be amended to a Reckless Driving (Class A) misdemeanor.**” (Ex. I.) What is executed on an unheard petition is therefore a felony conviction the plea agreement said would be reduced. Appellant asks this Court to spend one sentence now rather than an appeal later.

Verification

Under penalties as provided by law pursuant to section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109), Appellant certifies that the statements in this motion are true and correct, except as to matters stated on information and belief, as to which he certifies that he verily believes them to be true. Every description of a court record is drawn from the exhibit identified for it. As to the matters not otherwise of record in this appeal — the pendency and content of *Allababidi v. Shepherd*, No. 1:26-cv-06738 (N.D. Ill.), and the absence of any ruling, referral, or threshold determination on the instruments file-stamped July 23, 2026 — Appellant certifies of his own knowledge that they are true and correct. Ill. S. Ct. R. 361(a).

Respectfully submitted,

/s/ Ehab Allababidi

EHAB ALLABABIDI

Defendant-Appellant, Pro Se

8516 W. Winona St., Chicago, Illinois 60656

(773) 920-0030 | defcon5ready@gmail.com

Dated: July 29, 2026