

**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 FOR LEAVE TO FILE A SECOND SUPPLEMENTAL
SUPPORTING RECORD OF NEWLY PRODUCED INTERNAL
COMMUNICATIONS, AND TO SUPPLEMENT PARTS II AND V**

Ill. S. Ct. R. 328, 361(a), 361(g), 366(a)(3) and (a)(5) · Second District Local Rules 102(b) and 109

THE COURT IS ASKED TO ACT BEFORE 9:00 A.M. ON AUGUST 6, 2026. On July 29, 2026 the Lake County State’s Attorney’s Office produced 805 pages of its own internal electronic mail concerning Appellant. The production shows that the assistant who was told in August 2022 that the drug evidence in this case could not carry a charge is the same assistant to whom probation addressed the April 2026 violation request whose second ground is “amphetamine use,” and the same assistant asked in January 2026 to review the office’s response to Appellant’s post-conviction petition. Fifty produced pages carry visible solid-black masking.

Relief requested

- 1.** GRANT leave under Ill. S. Ct. R. 328 and 366(a)(3) to file the Second Supplemental Supporting Record filed herewith, Exhibits CC through JJ, and CONSIDER it in ruling on the Omnibus Emergency Motion.
- 2.** RULE on Part II of that motion before 9:00 a.m. on August 6, 2026.
- 3.** 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.

I. What was produced, and when

On July 29, 2026 the Lake County State’s Attorney’s Office produced 805 pages of internal electronic mail responsive to Appellant’s request. The production did not exist when the Omnibus Emergency Motion was submitted. Appellant reproduces 137 of its pages as Exhibits CC through JJ, deduplicated, with the production’s masking preserved and nothing added but exhibit covers and a Bates footer. Rule 366(a)(3) permits this Court to “order or permit the record to be amended ... by adding matters that should have been included.”

II. One assistant, four years, both ends of the case

The production establishes that Assistant State’s Attorney Benjamin Dillon was the charging-era prosecutor in 2022 and is a participant in the 2026 violation proceeding and in the office’s response to Appellant’s collateral filings. The dates are the argument:

Date	What the produced page shows	FOIA p.
May 26, 2022	Detective Paul Petrick’s narrative: “I contacted Assistant State’s Attorney (ASA), Ben Dillon ... I requested a warrant for the vials of blood and urine.”	121
Aug 11, 2022	Petrick to Dillon, 9:41 a.m.: the lab report “does not offer an specific amount; just Amphetamine and Benzodiazepines. I believe it would be hard pressed to prove DUI drugs. Our lab report also did not specify amounts.”	198
Dec 5, 2025	ASA Francis DeRosa to Melanie Nelson, cc Dillon, subject “Ehab Allababidi Update,” attaching the order dismissing Appellant’s earlier appeal.	186
Jan 20, 2026	ASA Nicholas Shepherd to Dillon: “Here is the draft response to the defendant’s combine motion and post conviction petition. Could you take a look and give me your thoughts. ”	127
Apr 8, 2026	Probation Unit Manager Lori Carrier to “Benjamin Dillon; Nicholas Shepherd,” cc Marisa Cervantes and PDRemoteCourt: “PTR Request for failure to report, amphetamine use , failure to complete public service and failure to attend the victim impact panel.”	184
Jun 18, 2026	8:44 a.m. Shepherd forwards “NEW FAX: A fax of 39 pages has been received on your fax” to county civil counsel — the fax that carried the section 114-5(d) motion. 5:26 p.m. Shepherd forwards ARDC No. 20261N03190 to “Benjamin Dillon; Dan E. Brown.”	465, 506

Two entries in that table fix the State’s knowledge and cannot be reconciled with the record the circuit court made. At 7:00 a.m. on May 28, 2026 Appellant transmitted an emergency appearance for Courtroom T-611; at 7:19 a.m. the prosecuting assistant forwarded Appellant’s case-initiating document to the Seventh Circuit clerk; the warrant commanding that Appellant “be held in custody” issued that day. (FOIA pp. 737, 553.) At 10:47 a.m. on June 17, 2026 the same assistant forwarded Appellant’s message captioned “EMERGENCY — 23 CF 1146 — I APPEARED at the 9:...” to county civil counsel; the order activating 180 days was entered at 2:50 p.m. that afternoon. (FOIA p. 299; S.R. Exs. M–O.) And at 8:44 a.m. on June 18, 2026 the same assistant forwarded notice of the thirty-nine-page fax that carried the section 114-5(d) motion. (FOIA p. 465.) The State’s knowledge of that motion is not in dispute.

The August 2022 email and the April 2026 request are addressed to the same attorney and concern the same substance. In 2022 he was told the amphetamine finding carried no quantities and would not prove impairment. In 2026 he is asked to prosecute “amphetamine use” as a ground for revoking probation — four months after the supervising officer had written that the screen was “all negative in my eyes because I know you are still taking the Adderall.” (S.R. Ex. W.)

III. The April 8 request and the sworn petition do not charge the same case

Probation’s request of April 8, 2026 enumerates four grounds: failure to report, amphetamine use, failure to complete public service, and failure to attend the victim impact panel. (FOIA p. 184.) It states no financial allegation. The petition sworn on May 14, 2026 opens with one: that Appellant “willfully failed to pay court ordered financial obligations.” (S.R. Ex. J, ¶ 3.A.) The allegation that leads the sworn instrument is absent from the request that generated it, and the Financial Sentencing Order carries no restitution figure while nothing was payable in full before December 8, 2027. (S.R. Exs. I–I-3.)

IV. The clerk of the courtroom wrote to the judge that Appellant's motion was bad news

On October 3, 2025 the Court Services Representative for Courtroom T611 wrote to Judge Stride, copying the presiding judge's assistant, and then forwarded that message to the prosecuting assistants and the Public Defender:

"Judge Stride, I am so so sorry to be the bearer of bad news, we got a motion filed for Monday. I called the defendant and he said he would be in at 9am ... Attached are the documents he filed over the counter. I am sending this to the State also. I did **NOT** want to make problems, but also didn't want you to be surprised."

Amy Bonczkowski, Court Services Representative, Criminal/Traffic Division — Courtroom T611, Office of the Clerk of the Circuit Court, to the Hon. Christopher R. Stride, October 3, 2025, 2:13 p.m., forwarded to the State at 2:14 p.m. (FOIA p. 230.)

Illinois Supreme Court Rule 2.9(A) provides that a judge "shall not initiate, permit, or consider ex parte communications or consider other communications made to the judge outside the presence of the parties or their lawyers concerning a pending ... matter," subject to enumerated exceptions. Rule 2.9(A)(3) permits consultation with court staff only where the judge "makes reasonable efforts to avoid receiving factual information that is not part of the record"; the message relayed a telephone call the writer had placed to a party. Where an administrative communication is permitted under Rule 2.9(A)(1), the judge must "make[] provision promptly to notify all other parties of the substance of the ex parte communication" and give them an opportunity to respond. Rule 2.9(B) imposes the same duty on a judge who receives an unauthorized communication inadvertently.

The production records transmission of that message to the prosecuting assistants at 2:14 p.m. It records no transmission to Appellant, who learned of it nine months later from this production. The instrument described was a motion filed over the counter by a self-represented defendant, and the office that received it for filing characterized it to the assigned judge as bad news. Appellant asks this Court to read that page against the docket entry of June 15, 2026, on which a verified omnibus filing was classified as "Correspondence" and never set, and against the Clerk's written statement of June 8, 2026 that his motion "must be filed by your attorney." (S.R. Ex. Y.)

V. The prosecutor put the price of a trial in writing before the plea

In correspondence produced at FOIA pages 384 through 389, the assistant who prosecuted this cause wrote, months before the September 8, 2025 plea, that Appellant "is difficult and at this time is refusing to accept a straight felony" and was "difficult to put it mildly"; that the felony converts to a misdemeanor only in the absence of violations — "**ANY violations, and it stays a**" felony; and that if Appellant exercised his right to a trial, "**I'll revoke the offer, and should the State prevail ... I will be asking for prison.**"

Condition 30 of the sentencing order carries the same term from the other direction: absent a violation, the plea to Count 1 "shall be amended to a Reckless Driving (Class A) misdemeanor." (S.R. Ex. I.) The office that wrote that any violation would preserve the felony is the office that produced the violation petition now under review, on an allegation its own supervising officer had cleared in writing and an allegation absent from the request that generated it. These pages are not offered to reopen the plea. They are offered because Part II asks this Court to stay a term whose imposition that correspondence anticipated.

VI. Fifty pages of the production are masked

Visible solid-black masking appears on fifty pages of the production, including twenty-nine email and thread pages, which are reproduced with the masking intact. Appellant does not ask this Court to determine what is behind it.

He asks it to note who decided. On July 15, 2026 at 1:36 p.m. a sergeant of the Sheriff's Civil Process and Warrants Division forwarded to the Records Supervisor the electronic court notification "Warrant WT filed for 23CF00001146," system-stamped May 28, 2026 at 10:56 a.m. to the warrant clerks. At 2:28 p.m. the Records Supervisor forwarded it to **Melanie Nelson, Chief Deputy of the Civil Trial Division of the State's Attorney's Office**, under the subject "FOIA Guidance," attaching a file captioned "**FOIA 8745 Draft Response.**" (FOIA pp. 225, 217.) The response to Appellant's records request was routed for review to the office representing the county against him before it was released.

That is the condition of the record Part IV of the Omnibus Emergency Motion addresses. The materials this Court will need are held by the offices whose conduct that Part concerns, and the disclosure decisions are being made with their litigation counsel.

VII. Why this bears on the relief already requested

Part II asks for a stay. The production supplies the reason the stay cannot await the ordinary course: the violation request was routed to the attorney who had been told the drug allegation could not be proved, the sworn petition added an allegation the request did not contain, and the office was circulating Appellant's post-conviction filings for a coordinated response four months before it swore the petition.

Part V asks that the section 114-5(d) motion be assigned to a judge not named in it. The production supplies the reason that assignment cannot be made by the judge named. The clerk of his courtroom reported a defendant's filing to him as bad news and copied the State on it. Whether that reflects the courtroom's practice is a question for the judge to whom the statute directs the motion be referred. It is not a question the judge named in the motion should answer.

It also supplies the reason the assignment should be directed by this Court rather than awaited from the Chief Judge. On June 26, 2026 the Chief Legal Counsel of the Administrative Office of the Illinois Courts wrote that a request for Attorney General representation should be routed through the Chief Judge's Office because "[w]e just want to make sure the Chief Judge is aware of this." On July 1, 2026 the formal request that the Attorney General represent Judge Stride in *Allababidi v. Hon. Christopher R. Stride*, Illinois Supreme Court No. 133301, was circulated with **Chief Judge Daniel B. Shanes copied on it**. (FOIA pp. 446–447.) Appellant has asked the Chief Judge to make this assignment since June 18, 2026 and it has not been made. Rule 366(a)(5) permits this Court to direct it.

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

Appeal docketed	Yes. No. 2-26-0352. (S.R. Exs. G–H.)
Nature of the emergency	A call is 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, while the warrant of May 28, 2026 is outstanding.
Matter newly arising	The 805-page production of July 29, 2026. It did not exist when the Omnibus Emergency Motion was submitted, and no part of the relief requested in that motion is repeated here.

Relief sought below	Six instruments file-stamped July 23, 2026. None has been ruled on. Nothing filed by Appellant has been ruled on since June 8, 2026.
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.
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.
Conferral	The State is served with this motion at filing. No response to Appellant’s position requests of July 9 and July 28, 2026 has been received. That is reported as no response, not as consent. Ill. S. Ct. R. 361(a).
Documents attached	Second Supplemental Supporting Record, Exhibits CC through JJ, 161 pages, paginated FSSR-000001 through FSSR-000161, certified under 735 ILCS 5/1-109. The 805-page source is identified by SHA-256 on its face.
Proposed order and service	Filed and served herewith. Ill. S. Ct. R. 361(b)(2); Local Rule 109(b).

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 quotation attributed to a produced page is drawn from the page reproduced at the exhibit and Bates number given for it, and every characterization of a produced page is drawn from the words visible on it. Ill. S. Ct. R. 361(a).

Respectfully submitted,

/s/ Ehab Allababidi

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Dated: July 29, 2026