



No. 2-26-0352

IN THE
APPELLATE COURT OF THE STATE OF ILLINOIS
SECOND JUDICIAL DISTRICT

PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Circuit Court
	)	of the 19th Judicial Circuit,
Plaintiff-Appellee,	)	Lake County, Illinois.
	)	
-vs-	)	No. 23 CF 1146
	)	
EHAB ALLABABIDI,	)	Honorable
	)	Christopher R. Stride,
Defendant-Appellant	)	Judge Presiding.

OBJECTION TO DEFENDANT'S EMERGENCY REQUEST TO STAY
SENTENCE PENDING APPEAL

The People of the State of Illinois, by Eric F. Rinehart, State's Attorney of Lake County, Illinois, Edward R. Psenicka, Deputy Director, and Max Boose, Staff Attorney, State's Attorneys Appellate Prosecutor, respectfully object to defendant's motion to stay sentence pending appeal.

IN SUPPORT THEREOF, IT IS AVERRED THAT:

1. On June 14, 2023, defendant was indicted for both speeding 35 or more mph above the speed limit, and aggravated reckless driving resulting in great bodily harm, permanent disability, or disfigurement to another. Docket Sheet pp. 1-3; 625 ILCS 5/11-601.5(b) (eff. Jan. 1, 2014); 625 ILCS 5/11-503(a)(1), 5/11-503(c) (eff. June 1, 2008).

2. On September 8, 2025, defendant entered into a negotiated guilty plea, and was sentenced to 30 months of probation with various conditions, including: reporting to probation, to not use or possess any illegal substance or another's prescription medication, to attend a live victim impact

panel, to perform 240 hours of public service work, and a stayed sentence of 180 days in jail. Docket Sheet pp. 2-3; Def. Supp. Rec., p. 32-33 SR-32-33.

3. On November 17, 2025, this Court dismissed defendant's direct appeal, noting defendant's "admitted failure to file" a motion to withdraw his guilty plea before pursuing an appeal, in light of defendant's appellate request for "a limited remand for proceedings under Rule 604(d)." 2-25-0440.

4. On May 14, 2026, the People filed a petition to revoke probation. Docket Sheet, p. 7. A document previously filed by defendant lists the following violations: unpaid financial obligations; a positive amphetamine test; the failure to report to probation/compliance on five dates; the failure to prove completed public service work; and the failure to prove he completed the victim impact panel. Def. Supp. Rec. p. 41, SR-41. A court minutes sheet indicates a member of Adult Probation Services was present on May 28, 2026. Def. Supp. Rec. p. 46, SR-46. A June 17, 2026 minutes sheet and order reflect defendant's presence by video, and the circuit court granting an oral motion to lift the stay on his jail sentence. Def. Supp. Rec. p. 51, 53 SR-51, SR-53.

5. The record has not yet been filed in this case. The report of proceedings is currently due on September 10, 2026, and the record on appeal is due on September 24, 2026. The People are unable to respond in full to defendant's claims in the absence of the underlying transcripts and common law record providing whatever basis the circuit court utilized in lifting the stay on defendant's 180 day jail sentence. See Def. Notice of Appeal, p. 2. Indeed, the proceedings to this point indicate that some of that basis *does not yet even exist*, as defendant is still litigating the matter in the circuit court.

6. On July 23, 2026, defendant filed a variety of documents in the circuit court, including: a “Motion to Correct the June 15, 2026 Docket,” a “Motion for the Indigency and Representation,” a “Petition for Appointment of a Special Prosecutor,” and a notice of appeal. Docket Sheet, p. 7; Def. Supp. Rec. pp. 57-63, SR-57-63. Defendant’s records show he filed the emergency motion with this Court before the circuit court date for those filings: August 6, 2026. Def. Supp. Rec. p. 70, SR-70.

7. On August 18, 2026, defendant filed a motion to stay sentence pending appeal. Therein, defendant asserts that “it appears that the central question in this appeal will concern the propriety of the trial court’s act of lifting the stay on the 180-day jail term.” Def. OSAD Mtn. Stay Sent., ¶ 8. However, defendant’s motion does not engage with the premature nature of this appeal, and defendant’s simultaneous motion to modify order confirms that defendant is still actively litigating this matter in the circuit court, requiring the ability to engage with the Lake County State’s Attorney’s Office. Def. Mtn. Modify Order, ¶ 8. Defendant’s filings do not suggest, and indeed contradict, that this Court is able to determine the propriety of lifting the stay while the circuit court has not fully resolved whether and why to lift the stay. Meanwhile, any doubts from the incompleteness of the record are construed against defendant and any review of a circuit court’s reasoning fails in the absence of a related transcript. *Foutch v. O’Bryant*, 99 Ill. 2d 389, 391-92 (1984). Further, defendant’s failure to verify or attempt to correct the error would foreclose his claim on appeal. *People v. Chambliss*, 2026 IL 130585, ¶ 58 (stating “[t]hat forfeiture principle encourages the defendant to raise errors when they happen, allowing the court to correct them and disallowing the defendant from obtaining a reversal through inaction.”). This Court should therefore refrain from intervening in the middle of those proceedings.

8. Defendant otherwise asserts mootness to intervene in the circuit court placing defendant into custody, asserting that “[i]f a stay is not granted, the entire 180-day term will be served before the appeal is decided.” Def. OSAD Mtn. Stay Sent., ¶¶ 8-10. However, defendant has nowhere established that he has entered custody, the Lake County Jail website does not reflect that he is in their custody, and upon information and belief defendant in fact has not begun his jail sentence. As such, defendant at most establishes a potential future issue, which does not establish that this matter will become moot. Since the only information available to this Court is the apparent restraint by the circuit court in placing defendant into custody, he has not justified the relief sought.

9. Defendant’s previous filings undercut his claim of need for an immediate stay, where his proposed order regarding his “emergency motion to supplement” noted “concurrent proceedings” in the circuit court on August 6, 2026. Def. Proposed Order Em. Supp., p. 1. This confirms this appeal is premature, by indicating he continues to concurrently litigate matters in the circuit court, on the same subject matter. See Def. Proposed Order, p. 1.

10. Issues with concurrent litigation in the circuit and appellate courts weigh against defendant’s motion. The circuit court is in a more appropriate, superior position to evaluate the facts, and tandem litigation is discouraged. See *People v. Abdullah*, 2019 IL 123492, ¶ 21 (quoting *People v. Bounds*, 182 Ill.2d 1, 3 (1998); and Ill. Sup. Ct. R. 606(b)(eff. July 1, 2017).

11. As such, this Court should reject defendant’s premature request while still litigating the facts underlying his legal claims in the circuit court. His motion should be denied.

WHEREFORE, for the foregoing reasons, the People of the State of Illinois respectfully request that this Court deny defendant's Motion to Stay Sentence.

Respectfully submitted,

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By /s/ Max C. Boose
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STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

VERIFICATION

Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the above statements are true to the best of my knowledge and belief.

/s/ Max C. Boose
Max C. Boose



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Jeffrey H. Kaplan, Clerk of the Court
APPELLATE COURT 2ND DISTRICT

No. 2-26-0352

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	)	
-vs-	)	No. 23 CF 1146
	)	
EHAB ALLABABIDI,	)	Honorable
	)	Christopher R. Stride,
Defendant-Appellant	)	Judge Presiding.

NOTICE AND PROOF OF SERVICE

TO: Christopher McCoy, Deputy Defender
Office of the State Appellate Defender
Second Judicial District
2nndistrict.eserve@osad.state.il.us

Under the penalties provided in law pursuant to Section 1-109 of the Code of Civil Procedure, I hereby certify that an objection to defendant's Motion to Stay Sentence in the above-entitled cause is being electronically filed with the Clerk of the Appellate Court, Second District, on August 20, 2026. Upon acceptance of the filing from this Court, the party listed above will be served using the court's electronic filing system.

/s/ Sandra J. Lorigan
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