



Ehab Hilfiger <defcon5ready@gmail.com>

Re: Appeal No. 2-26-0352 — Immediate Response Required to People's First Motion for Sanctions

1 message

Christopher McCoy <Christopher.McCoy@osad.state.il.us>

Mon, Aug 31, 2026 at 9:12 PM

To: Ehab Hilfiger <defcon5ready@gmail.com>

Mr. Allababidi:

In my previous email, I already explained that I do not plan to file a response to the State's motion for sanctions nor do I plan to file a motion for limited remand. My reasoning for not filing those motions is contained in that email.

I also do not believe that the Appellate Court would allow you to file a response to the State's motion. This type of "hybrid" representation is frowned upon by the Court.

Christopher McCoy | Deputy Defender

Office of the State Appellate Defender

2nd Judicial District

P: 847-695-8822

Christopher.McCoy@osad.state.il.us |  <https://www.illinois.gov/osad>

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From: Ehab Hilfiger <defcon5ready@gmail.com>**Sent:** Thursday, August 27, 2026 12:48 PM**To:** Christopher McCoy <Christopher.McCoy@osad.state.il.us>**Cc:** James E. Chadd <James.Chadd@osad.state.il.us>**Subject:** Re: Appeal No. 2-26-0352 — Immediate Response Required to People's First Motion for Sanctions

Mr. McCoy:

Your response confirms the decision not to oppose the People's sanctions motion, but it does not answer the central issues I raised, and several aspects of the explanation require immediate clarification.

First, the conclusion that there is "nothing" to say because you believe the August 21 order was technically violated

does not follow. The People are not asking the Court merely to declare that an email was sent. They ask for punitive sanctions and characterize my conduct as a “plain refusal” to obey the Court and as evidence of prospective defiance. Even assuming arguendo that inclusion of the SAAP address fell within the August 21 prohibition, Rule 375(a) separately turns on willfulness and gives the reviewing court discretion over whether and what sanctions are appropriate. My contemporaneous email copied OSAD, acknowledged representation, disclaimed merits advocacy, sought preservation/status information, and expressly stated that silence would not be treated as an admission. I have also expressly committed to prospective compliance. Those facts bear directly on intent, prejudice, proportionality, and remedy. They are not erased by your view that a technical violation occurred.

Second, your email still does not answer paragraph 7 of the People’s verified motion. Max Boose represented to the Court that “opposing counsel has indicated they will not file a response.” Please identify, in writing: (1) the OSAD lawyer who communicated that position; (2) the date, time, and method of the communication; (3) whether you personally made or authorized it; and (4) whether that position was communicated to the State before I was informed of the motion or consulted. Please preserve the underlying email, message, call note, or other record memorializing that communication. This is now a fixed factual issue created by a verified filing.

Third, my August 26 email expressly asked that, if OSAD refused to oppose sanctions, you advise whether OSAD would seek leave for me to submit a response limited solely to the sanctions issue. Your response does not address that request. If you maintain that OSAD will present no opposition, please state whether you will ask the Court to permit me to respond on the sanctions issue through a narrowly limited filing. I should not be placed in the position where the State seeks sanctions against me personally, appointed counsel elects not to answer, and the July 31 filing restriction is then used to prevent any response at all.

Fourth, the limited-remand explanation also requires precision. The August 21 order denied the stay motion; it did not “vacate” it. More importantly, the statement that it “does not matter if the warrant is recalled or not” does not address the distinct present consequences of an active warrant or the procedural problem I have repeatedly identified: the warrant/revocation issue remains unresolved while the appeal proceeds. If your position is that a limited remand would materially increase the risk of dismissal for lack of jurisdiction, or that recall of the active warrant would confer no legally cognizable benefit while the appeal remains pending, please identify the authority supporting those conclusions so I can understand the basis for your professional judgment.

I am not asking you to adopt my draft verbatim or to make an argument you do not believe is supportable. I am asking for competent advocacy on a sanctions motion directed personally at your client, meaningful consultation about the no-response decision, and a definite procedural answer if you refuse to present the client’s opposition yourself.

Mr. Chadd, I am copying you because this is now a supervisory issue, not a routine disagreement over phrasing. If Mr. McCoy maintains the position that no response of any kind should be made to the sanctions motion, I respectfully request prompt supervisory review by another OSAD attorney of (1) the no-response decision, (2) the paragraph 7 communication to the State, and (3) whether OSAD should seek leave for a client-limited response before the Court acts on sanctions.

Please treat this as time-sensitive while the sanctions motion remains pending.

Respectfully,

Ehab Allababidi
Appellant, No. 2-26-0352
Represented on appeal by the Office of the State Appellate Defender

On Thu, 27 Aug 2026 16:33:22 +0000, Christopher McCoy Christopher.McCoy@osad.state.il.us wrote:

Mr. Allababidi:

I will not be filing a response to the State’s motion for sanctions because I do not believe there is any meritorious response to make. The Appellate Court’s order clearly prohibited you communicating with the appellate prosecutor’s office. It did not make an exception for communications that were not an official filing nor was there an exception for communications in which our office was cc’ed on the email nor was there an exception for doing it only one time. As the order was clearly violated, there is nothing I can say in response to the State’s motion.

Second, I will not be filing a motion for limited remand because I do not see a benefit to you from this motion. If we were able to get the case remanded to the trial court and the court did quash the warrant, the fact is that your jail sentence still is not

stayed pending appeal. In short, since our motion to stay was vacated, it does not matter if the warrant is recalled or not. Also, I very much doubt that the appellate court would grant a limited remand. While the appellate court has the authority to enter limited remands, those are normally done when an issue has been fully briefed and the case is being sent back for a specific hearing (usually a Batson hearing or a Krankel inquiry). Here, we do not have the record yet, so we cannot fully brief any of these issues. There are also potential downsides for filing a limited remand motion. Filing this motion may make the appellate court more inclined to dismiss your appeal for lack of jurisdiction due to the ongoing proceedings in the trial court. If the remand is allowed, the State may be more inclined to take you into custody.

If you want this appeal to continue and have the appellate court consider it, my professional opinion is that we wait for the normal appellate process to take its course. Unfortunately, this does take time as the record needs to be prepared and then an attorney will need to review the record.

Christopher McCoy | Deputy Defender

Office of the State Appellate Defender

2nd Judicial District

P: 847-695-8822

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From: Ehab Hilfiger defcon5ready@gmail.com

Sent: Wednesday, August 26, 2026 8:54 AM

To: Christopher McCoy Christopher.McCoy@osad.state.il.us

Cc: James E. Chadd James.Chadd@osad.state.il.us

Subject: Appeal No. 2-26-0352 — Immediate Response Required to People's First Motion for Sanctions

Mr. McCoy:

I am writing regarding the People's First Motion for Sanctions filed August 25, 2026. Because the motion seeks sanctions against me personally and characterizes my conduct as a "plain refusal" to obey the Appellate Court's orders, I am expressly requesting that OSAD file a response opposing the motion immediately. I do not consent to allowing those allegations to stand unanswered.

A focused response should address, at minimum, the following points:

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The August 23 communication was not an appellate merits brief, motion, or attempt to negotiate around appointed counsel. It expressly acknowledged that OSAD represents me, copied OSAD for transparency, disclaimed any request for a merits concession, and sought discrete preservation, record-correction, and administrative-status information.

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The August 21 order materially narrowed the July 31 restriction by clarifying that the Court intended to prohibit communication only with “appellee’s appellate counsel.” The same modification proceeding expressly distinguished the Lake County State’s Attorney’s Office from the State’s Attorneys Appellate Prosecutor. The August 23 transmission included both offices. Even if the Court concludes that inclusion of the SAAP address technically fell within the remaining prohibition, that does not establish the People’s much broader characterization of deliberate or contumacious defiance.

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The State’s assertion that my conduct demonstrates an intention to continue sending prohibited correspondence should be contested. I am now expressly stating that I will route any communication concerning this appeal to appellee’s appellate counsel through OSAD unless the Court authorizes otherwise. There is therefore no factual basis for treating a single disputed transmission as evidence of prospective defiance.

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The response should emphasize the absence of concealment or circumvention: OSAD was copied; the communication identified its limited administrative/preservation purpose on its face; and it expressly stated that silence would not be treated as agreement or admission.

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The People request unspecified sanctions without identifying prejudice caused by the August 23 communication. OSAD should ask the Court to deny sanctions. At minimum, if the Court believes the recipient line violated the clarified order, counsel should request that the Court treat the matter through prospective clarification rather than punitive relief.

I understand that strategic decisions ordinarily belong to appointed counsel. This is different in a critical respect: the State is seeking sanctions against me personally and is asking the Court to adopt adverse findings concerning my intent and compliance with its orders. Paragraph 7 of the State’s motion states that opposing counsel indicated it would not file a response. I object to that position and request that it be reconsidered immediately.

Please file a concise response opposing the sanctions motion and correcting the State’s characterization of the record. If OSAD declines to do so, please confirm that decision and the basis for it in writing, and please advise whether OSAD will seek leave for me to submit a response limited solely to the sanctions issue without violating the Court’s prohibition on pro se filings.

I am not asking OSAD to argue that the August 21 order affirmatively authorized direct communication with SAAP. I am asking OSAD to prevent an isolated, transparent, non-merits communication from being converted—without opposition—into a judicial finding of intentional and continuing defiance.

Given that the motion is already pending, I respectfully request prompt action.

Ehab Allababidi

Appellant, No. 2-26-0352

Represented on appeal by the Office of the State Appellate Defender