

PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff-Appellee,

v.

EHAB ALLABABIDI,
Defendant-Appellant.

APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

Appeal No. 2-26-0352

Appeal from the Circuit Court of
the Nineteenth Judicial Circuit,
Lake County, Illinois

Trial Court No. 23 CF 1146

APPELLANT'S RESPONSE IN OPPOSITION TO THE PEOPLE'S FIRST MOTION FOR SANCTIONS

Appellant Ehab Allababidi, through appointed counsel, responds to the People's First Motion for Sanctions filed August 25, 2026. The motion should be denied. Even if the Court concludes that the August 23 recipient line fell within the August 21 restriction, the record does not support the People's broader characterization of willful, continuing defiance, and the present record supplies no need for punitive relief.

I. THE AUGUST 23 TRANSMISSION DOES NOT ESTABLISH WILLFUL OR CONTINUING DEFIANCE

The August 23 communication expressly acknowledged that the Office of the State Appellate Defender represented appellant; stated that it was not a merits brief and sought no merits concession; copied OSAD; requested preservation, correction-status, and administrative returns; and stated that silence would not be treated as agreement or admission. Those features do not establish that the transmission was authorized, but they are directly relevant to whether it reflected concealment, circumvention, or a deliberate plan to defy the Court.

Appellant's present position is unequivocal. While the Court's communication restriction remains operative, communications concerning this appeal to the State's Attorneys Appellate Prosecutor will be routed through appointed counsel unless the Court expressly authorizes otherwise. That prospective compliance eliminates the asserted basis for predicting future defiance.

II. THE AUGUST 21 CLARIFICATION AND THE AUGUST 23 PURPOSE BEAR ON WILLFULNESS AND REMEDY

The July 31 order prohibited communication with 'appellee's counsel.' The August 21 order later stated that the Court's intent was to prohibit communication only with 'appellee's appellate counsel.' The August 23 communication was then sent to both the State's Attorneys Appellate Prosecutor and the Lake County State's Attorney and was framed as a non-merits preservation/status communication. The Court may ultimately construe 'appellee's appellate counsel' to encompass the SAAP office and its generic service address. But that construction does not automatically establish that appellant acted with the willful, contumacious state of mind alleged by the People.

Illinois Supreme Court Rule 375(a) expressly conditions sanctions on willful noncompliance and requires reasonable notice and an opportunity to respond. The Committee Comments distinguish willful violations from inadvertent ones and contemplate a reasonable opportunity to correct. The Court can vindicate its order through clarification and prospective compliance without converting one disputed communication into a finding of continuing defiance.

III. THE PEOPLE IDENTIFY NO CONCRETE PREJUDICE CAUSED BY THE TRANSMISSION

The motion does not identify a merits concession obtained, an ex parte submission to the Court, a deadline altered, a filing defeated, or a litigation advantage secured through the August 23 email. The communication was

disclosed to appointed counsel contemporaneously. Absence of prejudice is not a defense to every violation of a court order, but it is relevant to proportionality and to whether punitive relief is necessary to secure compliance.

IV. PARAGRAPH 3 SHOULD BE MEASURED AGAINST THE ACTUAL AUGUST 7 ORDER

Paragraph 3 of the sanctions motion states that the August 7 order 'referenced the bar on defendant communicating directly with the undersigned office' and then quotes the order's statement that the July 31 order would stand. The August 7 order itself discusses appointment of counsel, indigency, the volume and nature of filings, and the Court's conclusion that the July 31 order would stand. It does not separately identify SAAP or the 'undersigned office' when describing the communication restriction. The Court should decide sanctions from the text of its own orders rather than any party's characterization of them.

RELIEF REQUESTED

- Deny the People's First Motion for Sanctions;
- recognize appellant's express prospective compliance with the Court's communication restriction;
- if further definition is necessary, clarify prospectively the recipient class covered by 'appellee's appellate counsel'; and
- grant such other nonpunitive relief as the Court deems appropriate.

Respectfully submitted,

EHAB ALLABABIDI, Defendant-Appellant

By: Office of the State Appellate Defender
Counsel for Appellant

PROPOSED ORDER

PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff-Appellee,

v.

EHAB ALLABABIDI,
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APPELLATE COURT OF ILLINOIS
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The People's First Motion for Sanctions filed August 25, 2026, is **DENIED**.

Appellant is directed to route communications concerning this appeal to appellee's appellate counsel through appointed counsel unless otherwise authorized by order of this Court.

No finding of continuing or prospective defiance is made on the present record.

ENTERED: _____

BY THE COURT