



Written discharge of appointed counsel · No. 1-26-0055

Written answer required by 5:00 p.m. Friday, August 7, 2026

Withdraw From This Appeal. I Never Asked for a Lawyer, and Yours Is Now the Reason I Cannot File.

Douglas R. Hoff, Deputy Defender · Office of the State Appellate Defender, First Judicial District
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Copy: James E. Chadd, State Appellate Defender · 400 West Monroe Street, Suite 202, Springfield, Illinois 62704
Delivered by electronic mail and facsimile on August 5, 2026. No paper copy is sent.

MATTER

People v. Allababidi, No. 1-26-0055 (Ill. App. Ct., 1st Dist.) — Cook County No. 23 CR 0241301

Office appointed July 31, 2026 on no party's motion · emergency motion submitted August 2, rejected August 4, 2026 with the direction to "[c]ontact your attorney" · written discharge delivered August 5 · Rule 9(f)(1) window closes Tuesday, August 11, 2026

Mr. Hoff:

I did not ask for a lawyer. On July 31, 2026 this Court appointed your Office to represent me in this appeal — on my own motion asking for the *record*, which is what the order says on its face. Four days later the Clerk rejected my emergency motion and told me to contact you. **So an appointment I never requested is now the reason I cannot file in my own appeal.** This letter discharges your Office and asks it to make that official before Tuesday, August 11, 2026.

On August 2, 2026 at 1:46 p.m. I submitted an emergency motion in No. 1-26-0055, envelope No. 39310613. On August 4, 2026 at 3:49 p.m. the Clerk rejected it. The Rejection Reason reads "Rejection by Clerk." The Rejection Comments read, in full:

Rejection comment, envelope No. 39310613, August 4, 2026

[Contact your attorney at the State Appellate Defenders office.]

The document the Clerk returned is Exhibit C, and it is enclosed in full. It is eight pages, and its caption reads: "Emergency Motion to **Vacate the Appointment of Counsel Entered on the Court's Own Motion**, for Reconsideration of the Denial of Record Relief, and to Key the September 9, 2026 Deadline to Transmission of the Record." Its prayer opens:

Exhibit C, prayer for relief, paragraph 1

[VACATE so much of the order of July 31, 2026 as appoints the Office of the State Appellate Defender, that relief not having been requested by any party...]

and paragraph 7 asks, in the alternative, that the Court "CONFIRM that Appellant may file and be heard on this motion notwithstanding the appointment." **So the motion asking a court to undo the appointment was refused because of the appointment, and the motion asking whether the appointment bars him from filing was answered at intake by barring him from filing.** That loop does not open from my side. It opens from yours. I ask you to read Exhibit C before you decide what to do with this letter — not because I expect the Office to adopt it, but because it is eight pages of record mechanics and rule citations, and it will take you six minutes to see that the question it raises is a real one.



The order, beside the comment

What the Court ordered on July 31, 2026 (Exhibit B)	What happened at intake on August 4, 2026 (Exhibit A)
Gives “ Defendant-Appellant Ehab Allababidi ” — me, by name — an extension of time to September 9, 2026 “to properly file the record in this Court.”	Directed me to “[c]ontact your attorney” instead of filing, and returned the document unfiled.
Contains no direction that I file anything less , no restriction on my appearing or being heard, and no limitation of any kind on what I may submit.	Operated as a complete bar on my submitting anything, applied at intake, before any judge saw the document.
Names me as the person the September 9 deadline runs against.	Treats me as a person who may not put a document before this Court at all.
Appoints the Office to represent me.	Uses that appointment as the reason to refuse the motion that asks to undo it.

One provision of the Supreme Court Rules tells the clerk of a reviewing court what to do when a defendant is represented by court-appointed counsel. It is Rule 607(c), and it reads in full:

III. S. Ct. R. 607(c) — Filing Fees Excused

*[If the defendant is represented by court-appointed counsel, the clerk of the reviewing court **shall docket the appeal and accept documents for filing** without the payment of fees.]*

The only rule on the subject commands the clerk to **accept**. There is no rule that makes appointed counsel a reason to refuse.

And Rule 607(c) is not doing any work here in any event, which disposes of the one practical objection to the Office’s withdrawal. **This Court entered a full waiver of appellate fees in my favor on July 20, 2026** — eleven days before the appointment. I filed without fees before the Office was appointed and I will file without fees after it withdraws. **Withdrawal costs me nothing that the appointment was giving me.**

You are discharged, and Rule 1.16(a)(3) does the rest

This is the written discharge, and it is effective on delivery: **I do not want the Office of the State Appellate Defender to represent me in No. 1-26-0055, and I discharge it.** I say so on the record so that no one has to infer it, and so that the Office is not put to the position of guessing at its client’s wishes. Illinois Rule of Professional Conduct 1.16(a)(3):

III. R. Prof. Conduct 1.16(a)

*[Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, **shall withdraw from the representation of a client if: ... (3) the lawyer is discharged.**]*

Comment [4] to that Rule states that “[a] client has a right to discharge a lawyer at any time, with or without cause.” Comment [5] adds that where appointed counsel is discharged the consequences “may include a decision by the appointing authority that appointment of successor counsel is unjustified, **thus requiring self-representation by the client.**” **That is not a warning to me. That is the outcome I am asking for,** and I ask the Office to say so in its motion



rather than treat it as a risk to be managed on my behalf.

The discharge ends the Office’s authority to act for me. It does not, by itself, end the Office’s appearance — and that is the entire reason this letter needs an answer rather than merely a reading:

III. S. Ct. R. 13(c)(2) — Notice of Withdrawal

*[Except as provided under paragraph (c)(7), an attorney **may not withdraw his or her appearance for a party without leave of court** and notice to all parties of record.]*

And the Committee Comment to Rule 13 (rev. June 14, 2013) puts it in one sentence: an attorney’s appearance “before any court in this State **binds the attorney to continue to represent that client in that cause until the court, after notice and motion, grants leave for the attorney to withdraw.**” So the Office remains counsel of record in an appeal whose client has discharged it, in which it has never spoken to that client, and in which that client is being turned away at intake in its name. **Only the Office’s motion ends that.** It is drafted, and it is Exhibit D.

No court has ever found that I want counsel

Rule 607(a) commits the appointment decision to a particular court and conditions it on two findings. In its own words: “the **circuit court** shall determine whether the defendant is represented by counsel on appeal. If not so represented, and the court determines that the defendant is **indigent and desires counsel on appeal**, the court shall appoint counsel on appeal.”

No court has made the second finding, because it is not true, and the motion the order of July 31, 2026 ruled on did not ask for counsel — its title is printed on the face of the order: “Motion to Direct Immediate Preparation and Transmission of the Record, to Direct Settlement of the Rule 323(c) Report, for Leave to Accept the Record Instantly Upon Transmission, and to Reset Briefing.” That motion made eight requests. **Every one of them is record mechanics, and the words ‘counsel,’ ‘appointment of counsel,’ ‘appellate defender’ and ‘indigent counsel’ appear nowhere in its prayer.** All eight were denied. The one thing granted was the one thing no party had asked for, and the order states no ground for either half. **I asked for a record and was given a lawyer.** The Office’s own mandate runs no further: under 725 ILCS 105/10(a) it “shall represent indigent persons on appeal ... **when appointed to do so by a court under a Supreme Court Rule or law of this State.**” I am not asking the Office to litigate my indigency. I am supplying, in writing, the one finding Rule 607(a) requires and no court has made.

What I am asking for, in order

- 1 File the motion to withdraw.** Exhibit D is drafted, cited, and unsigned. I consent to it on the face of this letter, I waive notice of the time and place of its presentation, and the Office may attach this letter as its exhibit. **This is the relief I am asking for.**
- 2 If the Office will not withdraw, then file the Rule 9(f)(1) motion before Tuesday, August 11, 2026.** Until leave to withdraw is entered, the Office is counsel of record in an appeal with a five-court-day deadline running against it. Rule 9(f)(1)(B) provides that the court “**shall grant**” a timely motion that satisfies the rule. One of those two things has to happen; the Office picks which.
- 3 Either way, confirm in one sentence that the Office does not object to my filing on my own behalf in No. 1-26-0055.** It commits the Office to no position on any issue, requires review of nothing I have written, and takes a paragraph — and it is the only document that answers the Clerk, whose stated objection is not to what my motion said but to who submitted it.

The dates



DATE	WHAT RUNS OUT
5:00 p.m. Friday, August 7, 2026	The answer I am asking for. It is set early enough that a motion to withdraw can be on file before the Rule 9(f) deadline, and not for any other reason.
Tuesday, August 11, 2026	Five court days from the August 4, 2026 notice of rejection. Rule 9(f)(1)(A) permits a motion to have the rejected document deemed filed as of August 2; Rule 9(f)(1)(B) says the court “ shall grant ” it. After that date the August 2 submission date is gone and cannot be recovered.
September 9, 2026	The date the order gives for the record. The record has been prepared — the circuit docket has read “Common Law Record Prepared” since February 5, 2026 — and under Rule 608(a) only the circuit clerk may transmit it. That is what the rejected motion was about.
Today	The Office has been counsel of record in this appeal for five days.

A written answer by 5:00 p.m. Friday, August 7, 2026

Any of the three. If the answer is none of them, say that in one sentence, so that I can tell the Court what the Office’s position is instead of leaving the Court to guess at it. Reply to **defcon5ready@gmail.com** and **ehabhilfiger@gmail.com**, the two addresses I monitor; the second is the one the electronic filing manager uses. I am filing the Rule 9(f) motion on or before Tuesday, August 11, 2026 in either event, because that deadline does not wait for either of us.

If the Office intends to stay on the case instead

Then these are the obligations it took on when the order was entered, and I set them out here so that no one has to reconstruct them later. I am not suggesting the Office is unaware of them. I am recording that on August 5, 2026 it was told.

- 1 Tuesday, August 11, 2026 — the Rule 9(f)(1) motion.** Five court days from the notice of rejection is the entire window. The rule contains no provision for enlarging it, and the August 2 submission date cannot be recovered afterward by any other means.
- 2 September 9, 2026 — the record, which neither of us may transmit.** Rule 608(a): “**The clerk of the circuit court shall prepare the record on appeal** upon the filing of a notice of appeal as directed by the appellate court docketing order,” and it “shall be compiled and transmitted to the clerk of the appellate court.” The Cook County docket has read “Common Law Record Prepared” since February 5, 2026 and the record has not been transmitted. The order runs the deadline against the one participant the rule gives no power to meet it.
- 3 Exhibit C itself.** It is still unfiled. Nothing in this appeal has been decided on it, and the questions it raises — the Rule 608(a) transmission, the unsettled Rule 323(c) report, and whether the appointment displaces my right to file — are in front of the Office now rather than behind it.

Two things this letter is not

- **It is not a disciplinary referral, and it is not a predicate for one.** None is threatened or contemplated against your Office, against any attorney or employee of it, or against the Clerk of the First District or any deputy clerk. I am asking a lawyer to file a one-page motion, not asking anyone to answer for anything.
- **It is not a request that the Office take a position on any issue in this appeal.** Not on the record, not on the July 31 order, not on the merits. I am asking the Office to stop being on the case.

What was sent, and how



Delivery	August 5, 2026, by electronic mail to 1stDistrict@osad.state.il.us and 1stdistrict.eserve@osad.state.il.us , and by facsimile to (312) 814-1447 . Copy by electronic mail to the State Appellate Defender. No paper copy is sent , and no reply by mail is requested or required.
Enclosures	Seventeen pages, Bates-stamped at the foot of each page. Exhibit A , OSAD1-000001 to 000003 — the notice of rejection. Exhibit B , OSAD1-000004 to 000005 — the order of July 31, 2026. Exhibit C , OSAD1-000006 to 000014 — the rejected motion, in full. Exhibit D , OSAD1-000015 to 000017 — the draft motion to withdraw, unsigned.
Reply to	defcon5ready@gmail.com and ehabhilfiger@gmail.com. A reply to either is a reply to both.

Neither of us chose this. Your Office was handed an appeal it never asked for; I was handed a lawyer I never asked for. The difference is that your Office can end it with a one-page motion and I cannot end it at all — as of August 4, 2026, every document I submit to this Court comes back with your Office’s name on the reason. **File the motion.**

Respectfully and without waiver of any right or remedy,

/s/ Ehab Allababidi

EHAB ALLABABIDI | *Pro Se*

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