

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

**RESPONSE TO THE PEOPLE’S OBJECTION TO THE MOTION OF THE
OFFICE OF THE STATE APPELLATE DEFENDER TO DISCHARGE
APPOINTED COUNSEL, AND, TO THE EXTENT REQUIRED, MOTION FOR
LEAVE TO FILE IT**

*Ill. S. Ct. R. 361(a) and (b) · Rules 13(c)(2), 23(e)(1), 607(a), 607(b), 366(a)(5), 775 · 725 ILCS 5/121-13(a) · 735 ILCS
5/1-109*

Defendant-Appellant EHAB ALLABABIDI responds to the Objection filed August 5, 2026 at 1:46 p.m. by Max C. Boose, Staff Attorney, State’s Attorneys Appellate Prosecutor. Nothing is characterized here that is not quoted, and every document quoted is already in this Court’s file or was attached to the Objection by the People. **No exhibits are appended, because none is needed.**

0. This filing does not violate the order of July 31, 2026, and here is every rule that says so

Appellant states this first because it is the first thing the People will say. He is not asking this Court to overlook the direction that “appellant himself shall file nothing further with this court.” **He is stating, on six independent grounds, that this document is outside it** — and, in the alternative, requesting leave under Rule 361(a), so that if the Court reads the direction differently the consequence is a denial of leave and nothing else.

- 1. The direction’s stated premise has failed.** Its reason is the six words that open the same sentence: “**Now having been appointed counsel**, appellant himself shall file nothing further.” On August 4, 2026 the appointed Office moved to be discharged. A conditional direction does not survive the condition it recites.
- 2. The order’s own channel is closed.** Everything else was denied “without prejudice to any motion filed by **his counsel**.” The order contemplates that filings come through counsel. Counsel has moved to withdraw and will not brief a question on which she has asked to be relieved. Reading the direction to bar appellant as well would mean that **no person on earth may answer the Objection**, which is not a construction any order bears.
- 3. A party against whom relief is sought may answer.** The Objection is not a passive filing: it asks this Court to deny a motion and to sustain two directions, and paragraph 13 asks the Court to weigh appellant’s correspondence, his other litigation, and his purposes. Rule 361 provides for a response, and due process does not permit a court to decide a contested characterization of a person on the say-so

of his opponent alone.

4. **Service is commanded by rule, not chosen by appellant, and the transmission is the Clerk’s act.** Rule 11(c): “Unless otherwise specified by rule or order of court, **documents shall be served electronically,**” and Rule 11(c)(1) permits service “through an approved electronic filing service provider.” Appellant’s only act is submission to the Clerk through the electronic filing manager. **The manager transmits notice to the designated service contacts upon the Clerk’s acceptance of the envelope** — so the transmission to appellee’s counsel follows from an act of the Clerk, not from any act of appellant. Appellant sends counsel nothing directly, and asks in the alternative that the Court direct the Clerk to transmit.
5. **The right of access is not read out of an order by implication.** *California Motor Transp. Co. v. Trucking Unlimited*, 404 U.S. 508 (1972): “**The right of access to the courts is indeed but one aspect of the right of petition,**” and “the right to petition extends to all departments of the Government.” **Appellant states the other half of that case rather than wait for it:** the same decision holds that sham or baseless petitioning falls outside the protection, so the principle is not absolute and does not by itself forbid every filing restriction. It bears here in the narrow way appellant uses it — an order that does not say it forecloses a response to a motion filed against the person responding should not be read to — and the exception is not in play, no court having been asked for, or having made, any finding of that kind.
6. **Leave is requested in the alternative.** Rule 361(a). If the Court concludes the direction reaches this document, appellant asks that leave be denied and the document stricken. He will comply with any clarifying order the moment it issues, and says so here so that no one has to wonder.

And if any sanction is under consideration, Rule 375(b) prescribes the procedure. The rule provides: “If the reviewing court initiates the sanction, **it shall require the party or attorney, or both, to show cause why such a sanction should not be imposed before imposing the sanction,**” and “[w]here a sanction is imposed, the reviewing court **will set forth the reasons and basis** for the sanction.” Appellant asks nothing more than the rule’s own terms. He also notes what the rule requires before a filing is sanctionable at all: it must be “**not reasonably well grounded in fact and not warranted by existing law.**” **Every factual statement in this document is a quotation from the People’s own filings, from the appointed defender’s own motion, or from this Court’s own order, and every legal statement is the text of a rule, a statute, or a published decision.**

I. The motion is counsel’s, not appellant’s, and counsel has told this Court the things the People say are missing

The Objection is captioned as an objection to “defendant’s Motion to Discharge Appointed Counsel,” and paragraph 10 recites that “defendant filed a motion to discharge OSAD as counsel.” **He did not.** The motion filed August 4, 2026 at 3:10 p.m. is captioned “Motion to Discharge Appointed Counsel and Permit the Appellant to Proceed Pro Se,” and its first line reads: “Appellant, Ehab Allababidi, **by Christopher McCoy, Deputy Defender, and Jaime L. Montgomery, Assistant Deputy Defender, Office of the State Appellate Defender,** respectfully asks this Honorable Court to discharge the Office of the State Appellate Defender as counsel on appeal.” It is signed by Ms. Montgomery. It is the appointed Office’s own motion, filed for its client,

and the People do not mention that anywhere in six pages.

That matters because the Objection is built on things it says the record does not show. Counsel put every one of them in the record the day before the Objection was filed:

OSAD ¶	What appointed counsel filed on August 4, 2026	What it disposes of
¶ 13	“Mr. Allababidi’s request to represent himself is not an attempt to disrupt or delay the proceedings , but stems from honest and fundamental differences between Mr. Allababidi and undersigned counsel concerning the issues to raise in this appeal.”	Answers ¶ 13 of the Objection (“judicial economy and improper purpose concerns”) with the sworn view of the officer of the court who actually spoke to him.
¶ 14	“Undersigned counsel believes Mr. Allababidi has been properly advised regarding proceeding pro se , and that his request to proceed pro se, without the assistance of the Office of the State Appellate Defender, is knowingly and voluntarily made. ”	Supplies the central knowing-and-voluntary waiver predicate. The People do not contest it, address it, or identify contrary record evidence.
¶ 12	“ Unlike the situation in Jackson , Mr. Allababidi’s request is being made prior to any brief being filed in this case. ”	Distinguishes the People’s lead authority on the ground Jackson itself gives. Part IV shows the People never answer it.
¶ 15	“Pursuant to Local Rule 102(b), undersigned counsel notified opposing counsel of her intent to file this motion. Opposing counsel intends to object to this motion. ”	Counsel told this Court on August 4 that the prosecutor would object to a motion brought by the defense, for the defense, with the client’s consent. He did.

Both Appellant and his appointed counsel ask for the same relief. Appellant requests discharge, and the Office appointed to represent him has moved for that relief in writing as an officer of this Court. The People identify no client interest of their own in who represents their opponent. Paragraph 14 identifies convenience: the Office’s “involvement in the case” serves “judicial economy.” **The Office has moved to withdraw.** The economy said to follow from its involvement is economy in a representation that neither the client nor the lawyer seeks to continue.

II. The People’s own paragraphs 5 and 7 defeat their paragraph 10

Paragraph 10 concludes: “**As shown above, there is no legitimate dispute that defendant asserted his indigency and desire for counsel on appeal before OSAD’s appointment.**” The words “as shown above” refer to paragraphs 5 and 7, and paragraphs 5 and 7 are block quotations the People selected, with emphasis the People added. Here is what they quote:

DIRECT a Rule 607(a) indigency determination within three court days, APPOINT appellate counsel **on that finding**, and ORDER the report of proceedings under Rule 607(b).

Objection ¶ 5, quoting Appellant’s omnibus motion (emphasis in the original, added by the People).

The circuit court shall make the determination required by Ill. S. Ct. R. 607(a) within three court days of this order, and **upon a finding of indigency** shall appoint counsel on appeal.

Objection ¶ 7, quoting Appellant’s proposed order, ¶ 4.

A request that a court make a determination is not the determination. A request that counsel be appointed *on a finding* is not a request that counsel be appointed *without* one. And a request addressed to the **circuit court** is not a request addressed to this one. The conditional language is not something appellant is asserting now for advantage; **it is in the People’s brief, in the People’s block quotations, under the People’s**

own italics. Paragraph 10 states a conclusion that paragraphs 5 and 7 refute on the same page.

Paragraph 9 goes further and calls the appellant's statement a misstatement: that he "misstat[ed]" when he wrote "that relief not having been requested by any party" and "[h]e did not request counsel in this Court." **Both statements are exactly true, and the People's own quotations are the proof.** What was requested was a determination by the circuit court and appointment on a finding. What was entered was an appointment by this Court on no finding. Those are different things, and paragraph 9 accuses the appellant of misstating the difference between them.

III. The order the People defend, read against itself

The Objection defends the order of July 31, 2026 twice, at paragraphs 8 and 13. The order is one paragraph. Here it is, whole, with nothing removed:

Appellant's "omnibus emergency motion" is **granted as to its request for the appointment of appellate counsel**, and the Office of the State Appellate Defender is hereby appointed. **Now having been appointed counsel, appellant himself shall file nothing further with this court and shall not communicate by any means with appellee's counsel.** Appellant's "omnibus" motion, and his other pending motions, are **otherwise denied** without prejudice to any motion filed by his counsel, including a motion to stay. (Appellant's counsel is hereby advised of appellant's suggestion that his jail term will begin on August 6, 2026.) **This court reserves any issue of its jurisdiction.**

Order, People v. Allababidi, No. 2-26-0352 (Ill. App. Ct., 2d Dist., July 31, 2026), transmitted by the Clerk the same day, copies to Christopher Michael McCoy and Max Christian Boose.

Five things are on the face of that paragraph. Appellant asserts none of them as a characterization; each is a quotation set against a rule or against another clause of the same sentence.

1. **The condition was denied and the consequence was entered.** The motion asked for a Rule 607(a) determination, appointment *on that finding*, and a Rule 607(b) report of proceedings. The order grants the appointment and then denies the motion "otherwise." The determination: denied. The report of proceedings: denied. **The appointment: granted, on nothing.**
2. **Rule 607(b) makes that self-cancelling.** The rule reads: "**Upon finding by the court that the defendant is indigent**, the court reporting personnel as defined in Rule 46 shall transcribe, certify, and file the report of proceedings." No finding, no transcript. Counsel was appointed to examine a record that the same order refused to cause to exist — and on July 30 the People argued to this Court that the appeal fails *for want of that transcript*.
3. **The filing bar states no ground and rests on a premise that has since failed.** Its stated reason is "Now having been appointed counsel." It was entered on no motion, after no notice, and after no hearing. As of August 4 the appointed counsel has moved to be discharged. **When the premise goes, the direction has nothing left holding it up.**
4. **The order's own safety valve is closed.** Everything else was denied "without prejudice to any motion filed by his counsel, **including a motion to stay.**" The whole architecture assumes counsel will file. Counsel has instead declined the warrant relief and moved to withdraw. From July 31, 2026 to today **there has been no person who could move in this appeal:** not the appellant, who is barred, and not

counsel, who has asked to leave.

5. **“This court reserves any issue of its jurisdiction.”** The order silences a litigant and appoints a lawyer for him while expressly declining to decide whether it has power over the case. On July 30 the People told this Court it has *no* jurisdiction, citing Rule 303(a)(2). **On the People’s own theory this Court had no power to enter either direction — and the People now ask it to sustain both.**

Paragraph 13 of the Objection says the order “is further justified by” the appellant’s July 30 letter. **A justification supplied by a party five days after entry is an acknowledgment that the order supplied none.** The People are entitled to defend the result. They are not able to add a finding the order does not contain, and this Court cannot review a ground that was never stated.

IV. Jackson’s two stated barriers are absent here

Paragraph 12 quotes *People v. Jackson*, 362 Ill. App. 3d 1196, 1199 (4th Dist. 2006), for a sentence that is appellant’s proposition, not the People’s:

Thus, the appointment of counsel—and, arguably, the counsel’s continuing tenure—is **conditional on the defendant’s desire for such counsel**. Also, if one interpreted Rule 651 to forbid self-representation by indigent defendants, this interpretation might put Rule 651 at odds with section 121-13(a) of the Code, **which conditions the appointment of OSAD on the indigent defendant’s “desire[] [for] counsel on appeal.”**

Jackson, 362 Ill. App. 3d at 1199.

The People then write that “the analysis of Jackson went further,” and pivot to Martinez. What Jackson actually says **in the very next sentence** is this:

These are all, as we said, reasonable arguments, but the time for making these arguments was earlier, in the motions to proceed pro se.

Jackson, 362 Ill. App. 3d at 1199.

Jackson denied the request for two reasons and stated both. Neither exists here. They are set out below beside this record, and the third column is not argument — it is the docket.

Jackson	What the case actually holds	This appeal, on this docket
Timing	“At this time, the argument for self-representation comes too late. The attorneys have filed their briefs. To grant defendant’s request to proceed pro se at this late date, we would have to issue a new briefing schedule, and defendant and the State would have to draft and file new briefs.” <i>Jackson</i> , 362 Ill. App. 3d at 1200.	The record on appeal has not been filed. No briefing schedule exists. No brief has been drafted by anyone. Appointed counsel said so on August 4: the request “is being made prior to any brief being filed in this case.” Granting it costs this Court nothing it has not already spent.
Jackson	What the case actually holds	This appeal, on this docket
Grounds pleaded	“Illinois Supreme Court Rule 361(a) requires that such motions state not only ‘the relief sought’ but also ‘the grounds therefor.’ ... In his motions, defendant never cited, for instance, Rule 651(d), Rule 607, or section 121-31(a) [sic] of the Code , and never made the arguments grounded on those authorities.” <i>Id.</i> at 1199. (Jackson’s reference to “section 121-31(a)” appears to be a transposition;	The motion before this Court cites Rule 607(a), 725 ILCS 5/121-13(a) , and Jackson itself , and states the ground: the appointment is conditional on a desire the appellant does not have. It pleads the exact authorities whose absence sank the Jackson movant.

Jackson	What the case actually holds	This appeal, on this docket
	the provision is 725 ILCS 5/121-13(a), which Jackson cites correctly earlier in the same paragraph. Appellant quotes the sentence as printed.)	
The standard	“Even when defendants have a constitutional right to represent themselves, they must assert that right in a timely (and, we might add, effective) manner. ” <i>Id.</i> at 1200.	Timely: five days after the appointment, before the record. Effective: brought by appointed counsel, on cited authority, with the client’s consent and counsel’s statement that the waiver is knowing and voluntary. Both halves of the People’s own test are met.

The People cite Jackson four times and do not quote either of the two passages in which it states its reasons. **Jackson is not authority that an appellant may never be relieved of appointed appellate counsel. It left the statutory arguments unresolved because the movant raised them too late and without stating the required grounds. Neither defect exists here.** Jackson is also the decision that identifies § 121-13(a) as the provision conditioning OSAD’s appointment on the defendant’s desire for counsel.

Jackson recounts, at 1198–99, the authorities the movant there relied on — it does not adopt them as its own holdings, and appellant does not present them as such. Jackson reports that “the Supreme Court of Illinois has granted motions by indigent defendants to represent themselves in appeals from postconviction proceedings,” citing *People v. Harrison*, 46 Ill. 2d 159, 161 (1970), *People v. Korycki*, 45 Ill. 2d 87, 89 (1970), and *People v. Southwood*, 49 Ill. 2d 228, 229 (1971); and it recounts the movant’s reliance on *People v. French*, 210 Ill. App. 3d 681 (1991), and *People v. Williams*, 185 Ill. App. 3d 840 (1989), for the waiver of appointed counsel, and on *People v. Bowman*, 40 Ill. 2d 116, 123 (1968) (“It has been found to be reversible error to refuse a criminal defendant’s **timely** request for self-representation.”). **What Jackson does hold about that cluster is the sentence quoted above: “These are all, as we said, reasonable arguments.”** They failed on timing and on the movant’s failure to plead them — the two defects this record does not have.

V. The statute the People cite is the statute that decides this

Paragraph 10 cites 725 ILCS 5/121-13(a) against the appellant. Its operative clause:

In any case wherein the defendant was convicted of a felony, **if the court determines that the defendant desires counsel on appeal but is indigent** the Public Defender or the State Appellate Defender shall be appointed as counsel...

725 ILCS 5/121-13(a).

... 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.

Ill. S. Ct. R. 607(a).

“Desires counsel on appeal” is not decorative language, and this Court is not free to read past it. Principles of statutory construction govern the reading of a Supreme Court rule. *People v. Abdullah*, 2019 IL 123492, ¶ 25. And on that reading, “[e]ach word, clause, and sentence of a statute [or rule] must be given a reasonable meaning, if possible, and **should not be rendered superfluous.**” *Id.* (quoting *People v. Clark*, 2019 IL 122891, ¶ 20). As to the rules themselves, the Supreme Court has been explicit:

[O]ur rules are not mere suggestions. Rather, **they have the force of law, and the presumption must be that they will be obeyed and enforced as written.**

People ex rel. Alvarez v. Skryd, 241 Ill. 2d 34, 39 (2011), citing *People v. Houston*, 226 Ill. 2d 135, 152 (2007), and *People v. Campbell*, 224 Ill. 2d 80, 87 (2006).

The People’s position requires the opposite. It requires that “desires counsel on appeal” govern whether an appointment may *begin* and then cease to mean anything at all — that a condition stated in a rule and repeated in a statute becomes, at the instant of appointment, permanently spent. **That is not a construction of the condition. It is its deletion**, and Abdullah forbids reading a rule so that a clause does no work.

Nor does granting this motion require this Court to recognize any federal constitutional right, which is the answer to Part VI as well. The narrower question is whether an Illinois statutory appointment continues after a clear, knowing and voluntary relinquishment. The Supreme Court has held that a statutory entitlement to appointed counsel may be relinquished where the waiver is voluntary, knowing and intelligent. *People v. Lesley*, 2018 IL 122100, ¶¶ 34, 50. **Appellant states the limit of that authority himself: Lesley arose under the Post-Conviction Hearing Act, not on direct appeal, and it is cited for its waiver principle rather than as a case deciding this posture.** The principle is what matters — a statutory entitlement to counsel does not become irrevocable merely because counsel was once appointed — and the factual predicate Lesley requires was supplied not by appellant but by the appointed Office: the request is “knowingly and voluntarily made,” counsel “believes Mr. Allababidi has been properly advised,” and it “is not an attempt to disrupt or delay.”

Two conditions, in both instruments, joined by “and.” **No order in this appeal expressly identifies either Rule 607(a) determination.** The order of July 31, 2026 recites no finding of indigency and no finding that Appellant desired counsel. Nor is this a silent record: the motion asking that the **circuit court** make the determination within three court days was denied by that same order, which granted the appointment and denied the motion “otherwise.” **The determination was not omitted. It was requested and refused.**

The People treat the two conditions as though asking for them satisfied them. They do not, and the point is now moot in the only direction that matters: **whatever the appellant wanted on July 23 or July 28, he does not desire counsel today, he has said so in a certified instrument, and the appointed Office has told this Court the same thing in a motion of its own.** A condition that is not satisfied at the moment the Court rules is not satisfied. Jackson calls this the “continuing tenure” question and answers it: tenure is conditional too.

VI. Martinez decides a question no one has asked, and the People’s own quotation of it concedes the motion

Paragraph 11 offers *Martinez v. Court of Appeal of California, Fourth Appellate District*, 528 U.S. 152 (2000), for the proposition that “there is no constitutional right to appellate self-representation.” That is what Martinez holds, and appellant does not dispute it. **It is also not the question.** Martinez decides whether a State *must* permit self-representation on appeal. It says nothing about whether a State *may*, and it holds nothing about whether a court may relieve appointed counsel on counsel’s own motion. Martinez says so itself:

Our holding is, of course, narrow. **It does not preclude the States from recognizing such a right under their own constitutions.**

Martinez, 528 U.S. 152.

Illinois has answered the question Martinez left open, and it answered it by rule and by statute: Rule 607(a) and § 121-13(a) condition appointment on the defendant's desire, and Rule 13(c)(2) supplies the machinery by which an appearance ends — "an attorney may not withdraw his or her appearance for a party **without leave of court** and notice to all parties of record." **A rule that prescribes how counsel is relieved presupposes that counsel can be relieved.** That motion for leave is on file. It was filed by the attorney.

And the People's own sentence gives the answer away. Paragraph 11: "It explained that **courts have discretion allowing a person to proceed pro se**, and that individual autonomy principles are outweighed by governmental interests..." **An objection that establishes this Court has discretion has not opposed a motion that asks this Court to exercise discretion.** The People close paragraph 11 with "defendant has not established a legal right to it." No right is claimed. Leave is requested, from a court the People concede may grant it, on a motion brought by the lawyer the People want kept in the case.

One sentence of paragraph 11 answers a request that is not before this Court, and appellant removes it from the case rather than leave it to be argued. The People write: "To the extent defendant seeks to relegate OSAD to being 'standby or consulting counsel only,' ... defendant has not established a legal right to it." **That is correct, and appellant does not seek it.** There is no absolute right to hybrid representation, and whether to allow it rests in the court's discretion. *People v. Pecoraro*, 175 Ill. 2d 294, 333 (1997) (a defendant "has no absolute right" to serve as co-counsel; "[t]he decision to grant or deny 'hybrid representation' lies solely within the discretion of the trial court"). **The motion before this Court asks for full discharge of the Office and nothing else.** Appellant does not ask that the Office be retained in any reduced capacity, does not ask to share the representation with it, and withdraws any request that could be read that way.

VII. Thomas is nonprecedential by the terms of the rule the People cite, and its facts run the other way

Paragraph 12 relies on *People v. Thomas*, 2022 IL App (4th) 210746-U, ¶ 36, expressly "cited as persuasive authority pursuant to Ill. Sup. Ct. R. 23(e)(1)." That citation is proper and appellant does not object to it. He asks only that the rule be read whole:

An order entered under subpart (b) or (c) of this rule **is not precedential** except to support contentions of double jeopardy, res judicata, collateral estoppel or law of the case. However, a nonprecedential order entered under subpart (b) of this rule on or after January 1, 2021, may be cited **for persuasive purposes.**

Ill. S. Ct. R. 23(e)(1).

So the People's answer to Jackson's timing holding is a decision that binds no one. It also does not persuade, because the People describe its facts themselves: "**the Thomas defendant moved to withdraw after the People's response and before his reply,**" and "that defendant challenged his counsel's discretion in proceeding on some but not all of his claims." Mid-briefing, over claim selection, opposed by his own lawyer. Here: before the record, on counsel's own motion, with counsel stating the waiver is knowing and voluntary. **In both of the People's authorities appointed counsel opposed the request. Here appointed counsel made it.**

VIII. The verification, and why the People have contradicted nothing

The Objection carries a page headed VERIFICATION. It reads: "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.” The statute invoked prescribes something different:

Whenever any such pleading, affidavit or other document is so certified, the several matters stated shall be stated **positively or upon information and belief only, according to the fact...** “Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument **are true and correct, except as to matters therein stated to be on information and belief** and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.”

735 ILCS 5/1-109.

The statute requires each matter to be stated positively *or* on information and belief “according to the fact,” and permits the belief qualifier only for matters **identified in the instrument** as resting on it. The Objection identifies none. It applies one belief qualifier to all six pages, including paragraphs 9, 10 and 13, which are the paragraphs that make factual assertions about the appellant. **Appellant does not ask this Court to strike the Objection and does not suggest any offense.** He asks the Court to notice the consequence, which is narrow: **the form used does not identify any matter as resting on information and belief, so the instrument does not do what the section’s prescribed form does — distinguish what is asserted positively from what is not.**

Appellant is careful about what follows from that, and it is less than it may appear. Section 1-109 governs how verified matters are stated and what happens if a certification is false. **It does not convert a defectively worded verification into an admission of anything, and appellant does not argue that it does.** The point about the Objection’s content is separate and does not depend on the verification at all: **read the Objection for a denial of a fact and there is not one.** There is a dispute about what a request meant (§§ 5, 7, 10), about what a letter was for (§ 13), and about what two cases hold (§§ 11, 12). Those are arguments, every one of them is answered above out of the People’s own documents, and none of them is a denial of anything appellant certified. **Appellant’s certified statements therefore stand uncontradicted because nothing in the Objection contradicts them — not because of any consequence section 1-109 attaches to the People’s signature.**

IX. Paragraph 13 attaches the letter it describes, and the three pages it cites say the opposite

Paragraph 13 asks this Court to sustain a prior restraint on the ground that it is “further justified by defendant’s **harassing** ‘Notice of Disciplinary Referral’ dated July 30, 2026... See Defendant’s July 31, 2026, Letter, attached as Exhibit 1, **pp. 7-9.**” The People attached the letter themselves. It is dated July 30, 2026 on its face — the same sentence gives both dates — and pages 7 through 9 contain the following, which the People read and did not quote:

1. A table disclosing that **all four of appellant’s prior ARDC files were closed at intake without investigation**, with the file numbers and dates, offered against his own interest.
2. The Commission’s own two closure letters, quoted, including its written instruction: “If, in the future, any court finds that the State ... acted improperly in connection with your case, **we invite you to send us a copy of the court’s decision.**”
3. **“None of this is an offer. There is nothing in this letter to trade and no consideration proposed. I am not offering to withhold a referral in exchange for the withdrawal demanded in Part VII ...**

bargaining over whether a false statement of law stays in front of a reviewing court would be its own violation, for both of us.”

4. **“If you do withdraw or correct the six representations, I will say so to the Administrator, in the referral itself, in the same paragraph.** ... because Rule 3.3 treats a timely correction as the remedial measure the rule exists to produce.”
5. A citation of the rule that answers paragraph 13 before paragraph 13 was written: “Supreme Court Rule 775 immunizes that communication from civil liability.”

Any person who submits a claim to the Client Protection Program **or who communicates a complaint concerning an attorney** ... to the Attorney Registration and Disciplinary Commission, or its administrators, staff, investigators or any member of its boards, **shall be immune from all civil liability** which, except for this rule, might result from such communications or complaint.

Ill. S. Ct. R. 775.

Appellant does not suggest the People misread the letter deliberately. He asks the Court to do the one thing the Objection invites: **read pages 7 through 9 of the People’s Exhibit 1.** A document that discloses its author’s four prior failures, quotes the Commission’s refusal, expressly refuses to trade anything, and promises to report a correction in the complainant’s favor is not the document paragraph 13 describes. **And the proposition paragraph 13 asks this Court to adopt — that a litigant may be barred from filing in a reviewing court because he communicated with the Commission — is one the People do not support with any authority, because Rule 775 runs the other way.**

X. Paragraph 13 asks this Court to do four things the law does not permit, and cites nothing for any of them

Paragraph 13 asks this Court to weigh, against the appellant, (i) a communication to the Attorney Registration and Disciplinary Commission, (ii) “the litigation strategy of filing numerous lawsuits as — to date — ‘seven’ or ‘five’ coordinated proceedings,” and (iii) “varying demands and vexatious litigation tactics.” **It cites no rule, no statute, and no decision for any of it.** That is not an oversight of draftsmanship. There is no authority to cite, because each of the four things the paragraph asks for is foreclosed by a rule the People do not mention.

1. **It asks the Court to treat as misconduct a communication the Supreme Court has singled out for protection.** Appellant states the rule’s reach precisely rather than broadly: Rule 775 provides that a person who “communicates a complaint concerning an attorney ... to the Attorney Registration and Disciplinary Commission ... shall be immune from **all civil liability**.” By its terms it confers immunity from civil liability; **it does not by its terms decide every procedural use to which such a communication might be put**, and appellant does not claim otherwise. What the rule does establish is the Supreme Court’s judgment that reporting an attorney to the Commission is protected conduct rather than wrongful conduct — which is why treating the bare fact of a report as evidence of improper litigation purpose requires authority. **Paragraph 13 offers none, does not cite Rule 775, and does not argue it away.**

2. **It asks for a sanction while skipping the rule that governs sanctions.** To the extent paragraph 13 asks this Court to sustain or extend the filing bar **as a consequence of alleged harassment, improper purpose, or vexatiousness**, the bar would operate as a sanction. Rule 375(b) then requires two things the July 31, 2026 order does not contain: a **rule to show cause before imposition**, and **reasons set forth** where a sanction is entered. The People supply a reason five days after entry. Rule 375(b) does not provide for an appellee to furnish the reasons an order omitted.
3. **It asks this Court to condition its own process on the appellant’s use of other forums.** Three of the proceedings paragraph 13 counts are federal actions. This Court has no power over any of them; they are governed by federal rules, before federal judges, with federal sanctions available if anything filed in them is improper. Nobody has asked those courts for such a sanction. Under *California Motor Transport*, access to a court is an aspect of the right to petition, and “the right to petition extends to all departments of the Government.” **Counting a litigant’s petitions in other forums as a reason to close this one inverts the rule.**
4. **It asks for a characterization, not a ruling — and the characterization is the point.** Paragraph 13 seeks no relief that turns on the number of appellant’s cases. What it seeks is a sentence in an order of this Court describing him. Part XIII explains where such a sentence goes and what it does when it gets there.

One further fact the People omit, and it disposes of the “judicial economy” premise underneath all of this: **the appointed Office cannot appear in any of the proceedings paragraph 13 counts.** Its mandate runs to representation “on appeal ... when appointed to do so by a court” — 725 ILCS 105/10(a) — in this appeal alone. The appointment the People defend therefore produces no representation in the forums the People invoke, while the direction the People defend produces silence in the one forum where it operates.

X-A. What is actually being asked of this Court, named precisely

Appellant states what he is not asserting. **He does not accuse Mr. Boose, Mr. Psenicka, or Mr. Rinehart of any crime, and he asks this Court to find no criminal conduct by anyone.** He does not ask this Court for disciplinary relief, which is not this Court’s business on this motion. What he identifies are three rules with names, so that the Court can see the shape of the request it has received:

Provision	What it governs	How it bears on paragraph 13
Ill. R. Prof. Conduct 3.3(a)(1)–(2)	Candor to the tribunal, and the duty to disclose directly adverse controlling authority.	The People’s Exhibit 1 is a Rule 3.3 notice identifying six representations and demanding their withdrawal by 5:00 p.m. August 4, 2026. None was withdrawn. The August 5 Objection does not mention any of them. Appellant seeks nothing on that account in this Court; he notes only that the document the People ask the Court to read as harassment is a compliance notice under a rule.
Ill. S. Ct. R. 775	Immunity from all civil liability for communications to the Commission. By its terms it addresses civil liability, not every procedural consequence.	Paragraph 13’s premise is that such a communication supports a filing bar. The rule reflects the opposite judgment about the conduct, and the People neither cite it nor supply any authority in its place.

Provision	What it governs	How it bears on paragraph 13
Ill. S. Ct. R. 375(b)	Sanctions; show cause required before a court-initiated sanction; reasons required when one is imposed; and the rule reaches “any party or the attorney or attorneys of the party. ”	Appellant does not move for sanctions and asks that none be imposed on anyone. He cites the rule for its procedure, which protects him, and notes that it is symmetric, which is why he declines to invoke it.

XI. The five days the appointment has produced, and the People’s paragraph 14

Paragraph 14 says the appointment should stand because “OSAD counsel has explicitly confirmed their willingness to seek the relief they may ethically pursue: a stay on the circuit court’s June 17, 2026 order.” That is a description of an email sent August 3. **On August 4 the same lawyer moved to withdraw.** The People argue from the email and do not mention the motion. Here is the interval, in dates, all of them from documents in this Court’s file:

July 31, 2026	Counsel appointed. The same order bars appellant from filing. Nobody yet knows the Office has been appointed.
August 3, 2026	The Office learns of the appointment — day three of the bar. Counsel telephones appellant the same day and confirms in writing that she will seek a stay of the sentence but cannot reach the warrant.
August 4, 2026, 3:10 p.m.	Counsel files the motion to be discharged , stating the waiver is knowing and voluntary and the request is not for delay.
August 5, 2026, 1:46 p.m.	The People object — not to a motion of the appellant’s, but to a motion of the appointed defender’s, arguing that the defender should be kept on the case for reasons of economy.
Tomorrow	The circuit court call at 9:00 a.m. on August 6, 2026, at which appellant is informed his 180-day term is to begin, and as to which no motion has been filed by anyone.

For three of the six days between the appointment and this filing there was no person on earth who could file a motion in No. 2-26-0352. The appellant was barred by the order. The appointee did not know it had been appointed. That is not a complaint about counsel, who acted on the day she was told and has behaved throughout as the rules require. It is an observation about the order, and it bears on paragraph 14’s judicial-economy argument: **in the six days since the appointment, the only motion filed in this appeal by any person is the appointed Office’s motion to be discharged.**

XII. What the People placed in this Court’s record when they attached Exhibit 1

Appellant states the limits of this section before its content. **He seeks no discipline in this Court, requests no finding against any lawyer, and asks for no relief of any kind under this heading.** He notes only that the People elected to file the July 30 letter as their own exhibit, and that the letter demanded the withdrawal of six representations from the July 30 Objection by 5:00 p.m. on August 4, 2026. **The August 5 Objection withdraws none of them and does not mention any of them.** The six, as the letter states them:

Obj. ¶	What the July 30 Objection asserted	What the authority or record says
¶¶ 5, 10, 15	Ill. S. Ct. R. 303(a)(2) cited as a jurisdictional bar in a criminal appeal.	Rule 303 is captioned “Appeals from Final Judgments ... in Civil Cases,” and its text provides that a premature notice “ becomes effective. ” Rule 612(b), the closed list of civil rules reaching criminal appeals, does not list it.

Obj. ¶	What the July 30 Objection asserted	What the authority or record says
¶ 9	Rule 615(a) cited for “the general requirement that errors must be ‘brought to the attention of the trial court.’”	The eight quoted words appear in the rule once — inside the clause providing that plain errors “ may be noticed although they were not brought to the attention of the trial court. ”
¶¶ 6, 15	“Good cause” assigned to the appellant as his burden, four times.	Rule 609(a), sentence one, governs this posture and imposes no such condition. “Good cause” appears in sentence two, which governs a motion to revoke a stay already entered. No party has filed one.
¶¶ 8, 11, 12	The record is incomplete and the incompleteness is charged to the appellant under <i>Foutch</i> .	Both minute sheets cited name an ECR Specialist on their face; Rule 607(b) commands transcription and gives it without charge in this posture; and the Rule 323(a) designation window the People held expired August 4, 2026 with nothing designated.
Footnote 1	“While the People cannot verify the accuracy of all records provided by defendant, the records are cited to resolve facts...”	A disclaimer of the accuracy of the record, inside an instrument certified under § 1-109, supporting a request that the appeal be dismissed on that record .
¶ 7	The appellant “has not factually or legally supported that the People in fact refused payment from his insurance company.”	Allstate to the Illinois Department of Insurance, July 20, 2026: counsel retained to pay, and “ no one from the State Attorney’s Office will give any information to Allstate or its counsel. ”

Appellant raises this only because paragraph 13 puts the letter in issue and asks the Court to read it. The foregoing is what the letter contains.

XIII. Why a characterization entered here does not stay here, and why any order should state its grounds

Appellant raises this because paragraph 13 asks for a characterization rather than a ruling, and because the consequence is a matter of federal statute rather than of anyone’s intention:

In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, **a determination of a factual issue made by a State court shall be presumed to be correct.** The applicant shall have the burden of rebutting the presumption of correctness by **clear and convincing evidence.**

28 U.S.C. § 2254(e)(1).

Appellant states the statute’s limits. **Section 2254(e)(1) applies in federal habeas proceedings, and it attaches to a state court’s “determination of a factual issue” — not to every adjective, characterization, or unexplained disposition.** Whether a given sentence qualifies is itself contestable. That is precisely the difficulty. A finding that appellant’s filings are “harassing,” or that his purposes are improper, or that he “asserted his indigency and desire for counsel” where the People’s own block quotations show a conditional request, **could later be asserted to be a state-court factual determination entitled to the presumption** — producing an avoidable collateral fight about its scope and its factual basis, in a forum where the order is a public record any party may download and file. Appellant has proceedings pending in federal court in which his conduct and the conduct of officers of the State are at issue.

Appellant does not say that to press this Court, and he does not suggest that any judge would decide differently for it. **He says it because it is the reason he asks for one thing and not another.** He is not asking this Court to make findings in his favor. He is asking that whatever this Court decides, **the order say on what**

ground — which Rule 366(a)(5) permits, which Rule 375(b) requires if any sanction is involved, and which the July 31, 2026 order did not do. A stated ground can be reviewed, answered, and if wrong, corrected. An unstated one is adopted by every court that reads it afterward and cannot be addressed by anyone.

One related matter, stated once. Paragraph 13 characterizes appellant’s other proceedings as a “litigation strategy.” Those proceedings include requests for public records, referrals to regulators with jurisdiction over the entities involved, and claims arising out of the same events as this case. **Whether they succeed is for the courts that have them.** That they exist is not a fact this Court is asked to weigh, because Rule 375(b) fixes the test as whether **this** action is “not reasonably well grounded in fact and not warranted by existing law” — and the answer to that question is contained entirely in the four documents quoted above, three of which the People and this Court produced.

XIV. The two positions the People are holding at once

What the People asked this Court to hold on July 30, 2026	What the People ask this Court to hold on August 5, 2026
On July 30 the People asked this Court to dismiss for want of jurisdiction , citing Rule 303(a)(2), and argued that the circuit court is the finder of fact and this Court should not intervene.	On August 5 the People ask this Court to exercise its discretion to keep counsel appointed, and to sustain a filing bar, in an order that states: “This court reserves any issue of its jurisdiction.”
The People argued that the appeal fails because there is no report of proceedings .	The People defend an order that denied the Rule 607(b) report of proceedings by denying the indigency finding that Rule 607(b) makes the trigger.
The People say the appointment is proper because the appellant requested counsel .	The People quote the request themselves, and the request they quote is for a determination by the circuit court and an appointment on a finding — neither of which happened.
The People say the appointment serves judicial economy because counsel will act.	The appointed counsel moved to withdraw the day before , and the People’s own paragraph 15 records that they told her they would object.

XV. A question about the record, asked because paragraph 13 raises it

Appellant does not assert that any communication occurred outside his presence, and he asks this Court to find none. He asks a question, and he asks it in the only form the rules provide, because two facts on the face of the record put it in issue and he cannot resolve them himself.

1. The order of July 31, 2026 was entered **on no motion**. No party asked that appellant be barred from filing, and no party asked that he be barred from communicating with appellee’s counsel. The order recites no ground for either direction.
2. Five days later the People wrote that the order “is **further justified by**” matters appearing in a letter addressed to counsel and not, so far as appellant can determine, filed in this Court before July 31, 2026.

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 or impending matter, except as follows: (1) When circumstances require it, ex parte communication for scheduling, administrative, or emergency purposes, which does not address substantive matters, is permitted, provided ... (b) **the judge makes provision promptly to notify**

all other parties of the substance of the ex parte communication and gives the parties an opportunity to respond.

Ill. Code of Judicial Conduct R. 2.9(A).

Appellant asks only for the disclosure the rule itself prescribes. He alleges neither misconduct, nor bias, nor that any communication occurred. The limited purpose of the request is to ensure that, if a communication concerning the two unrequested directions was received outside his presence, its substance is placed on the record and the parties are afforded the opportunity to respond that Rule 2.9(A)(1)(b) expressly guarantees. If the answer is that there was none, appellant will accept it without further inquiry and says so now.

He notes one asymmetry, and stops there. The direction runs in a single direction: it forbids *him* to communicate with appellee’s counsel, and places no restriction on anyone communicating about him.

XVI. What this response does not ask for

- A. It does not ask this Court to discipline anyone or to find that anyone acted in bad faith.** No referral is sought here and none is requested of this Court. Every point above is a document read against its own source.
- B. It does not ask this Court to disturb the circuit court call at 9:00 a.m. on August 6, 2026.** Appellant will appear at that call by video. He asks that the stay question be taken up **after** it, on what it produces, rather than treated as spent because it occurred.
- C. It does not ask this Court to reconsider the merits of the July 31, 2026 order beyond the two directions at issue** — the appointment, which counsel has moved to end, and the filing bar, whose stated premise ended with it.
- D. It does not assert that appointed counsel failed in any duty.** Ms. Montgomery acted on the day her Office was told, gave a reasoned legal limit in writing, and filed the motion her client asked for within a day of the request. Nothing here is offered against her or her Office.
- E. It does not move for sanctions against any party or attorney**, and asks that none be imposed on anyone. Rule 375(b) is cited twice above — once for the procedure it guarantees before a court-initiated sanction, and once for the standard by which a filing is measured. It is cited for neither purpose against the People.
- F. It does not assert that any communication occurred outside appellant’s presence.** Part XV asks a question and undertakes to accept the answer.

XVII. Relief requested

WHEREFORE, Defendant-Appellant EHAB ALLABABIDI respectfully asks that this Court:

- 1. GRANT** the motion of the Office of the State Appellate Defender, filed August 4, 2026, to discharge the Office as appointed counsel and permit Appellant to proceed pro se, and **VACATE** so much of the order of July 31, 2026 as appoints the Office;
- 2. VACATE** the direction that “appellant himself shall file nothing further with this court,” its stated premise — “Now having been appointed counsel” — having failed, and enter that vacatur **in the same**

order as the discharge, so that no interval exists in which Appellant is both unrepresented and barred;

3. **TAKE UP** the stay of sentence and the outstanding warrant **after the circuit court call of 9:00 a.m. on August 6, 2026**, at which Appellant will appear by video, and on a schedule short enough to be useful — Appellant does not ask this Court to disturb that call and does not ask it to act before it;
4. **DENY** the relief requested in the Objection, the motion objected to being the motion of Appellant’s own appointed counsel with Appellant’s express concurrence;
5. **STATE**, if any communication concerning the directions entered July 31, 2026 was received outside Appellant’s presence, its substance on the record, with an opportunity to respond, as Ill. Code of Judicial Conduct R. 2.9(A)(1)(b) provides;
6. **STATE THE GROUND** of whatever order issues, so that it is reviewable — Rule 366(a)(5) permitting any order the case may require, and Rule 375(b) requiring that reasons be set forth wherever a sanction is involved;
7. **DECLINE** to enter any sanction without first proceeding under Rule 375(b) — a rule to show cause, and an opportunity to be heard — Appellant having requested leave in the alternative and having undertaken to comply immediately with any clarifying order; and
8. **GRANT** such other and further relief as the case may require under Rule 366(a)(5), including leave to file this response to the extent leave is required.

Verification

Under penalties as provided by law pursuant to section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109), I certify that the statements set forth in this instrument are true and correct, except as to matters stated on information and belief, and as to those matters I certify that I verily believe them to be true. **No matter in this instrument is stated on information and belief.** Every quotation is taken from one of five documents: the order of July 31, 2026 transmitted by the Clerk of this Court; the People’s Objection filed August 5, 2026, and Exhibit 1 attached to it by the People; the Motion to Discharge Appointed Counsel filed by the Office of the State Appellate Defender on August 4, 2026; the published reports and the official text of the rules and statutes cited; and the People’s Objection filed July 30, 2026. **Each is already of record in this appeal or was placed there by the People, and no exhibit is appended to this Response.**

Respectfully submitted,

/s/ Ehab Allababidi

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Dated: August 5, 2026