

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

**VERIFIED EMERGENCY MOTION TO VACATE THE RESTRICTIONS
ENTERED JULY 31, 2026, FOR AN IMMEDIATE STAY UNDER RULE 609(A)
AND RECALL OF THE WARRANT, AND FOR AN ORDER UNDER RULE 607(B)**

*Ill. Const. 1970, art. I, § 8 · Ill. S. Ct. R. 361, 375, 607(b), 609(a), 615(b) · supporting record filed herewith under Rule
328 · Filed pro se, August 14, 2026*

**EMERGENCY MOTION. THIS COURT IS REQUESTED TO ACT ON THE CUSTODIAL
RELIEF IN PART XII, PARAGRAPH 3 IMMEDIATELY, AND ON THE REMAINDER AFTER
THE THREE-DAY RESPONSE PERIOD ALLOWED BY LOCAL RULE 109(c).** The nature of the
emergency: on **August 13, 2026** officers came to the appellant’s residence seeking him on Warrant No.
314270 while the 180-day custodial term challenged in this appeal remains unstayed. Relief sought in the
trial court, as Local Rule 109(a) requires be stated: on **June 17, 2026** the circuit court declined to quash
that warrant and lifted the stay of the custodial term — the very order from which this appeal is taken. No
further relief has been sought there because the appeal divested that court of jurisdiction over the subject
matter of the order appealed from, and because the appellant is presently unable to initiate motion practice
in either court without the direction requested in paragraph 1.

Statement required by Local Rule 102(b), and the reason it is the motion

Local Rule 102(b) provides that “[b]efore filing any motion, a party shall confer with the opposing
party and inquire as to whether the opposing party intends to file an objection,” that the results of that
inquiry shall be stated in the motion, and that “[i]f the moving party is unable to confer with the opposing
party, an explanation shall be stated in the motion.” Local Rule 109(b) further provides that the movant on
an emergency motion “shall immediately serve the motion on every other party electronically.”

The explanation Local Rule 102(b) calls for is this. **The appellant did not confer with appellee’s
counsel because the order of this Court entered July 31, 2026 directs that he “shall not communicate by
any means with appellee’s counsel.”** He has obeyed that order. He has transmitted nothing to Mr. Boose, Mr.
Psenicka or Mr. Rinehart since July 31, 2026, and he did not transmit this motion to them.

That leaves a conflict he cannot resolve by choosing, and he does not ask this Court to accept a workaround. He does not contend that selecting opposing counsel for electronic service is something other than an act of communication by him; it plainly is. **The mandatory local rules of this Court require an act that the order of this Court forbids.** Illinois Supreme Court Rule 361(b)(1) contemplates precisely this circumstance, permitting the filing and service requirements to be excused in case of necessity. Paragraph 1 of Part XII accordingly asks this Court, as a threshold matter and before anything else in this motion is reached, to specify the mechanism by which the appellant is to serve and confer — or to state that he is excused from doing so.

The appellant states plainly what he is not asking. He does not ask to be relieved of service. He asks to be told how to accomplish it. Until he is told, every motion he files in this appeal is defective under Local Rule 102(b) for a reason created by an order of this Court, and **the defect is not curable by him.**

Leave to file this motion is requested under Rule 361(a) to the extent the order of July 31, 2026 is construed to bar it. **A restriction on a litigant’s access to a reviewing court cannot be self-insulating.** A motion asking whether the movant may be heard cannot be answered by the proposition that he may not. **The appellant does not seek general hybrid representation and does not seek the discharge of appointed counsel.** He seeks limited leave to have three questions adjudicated: the scope of the July 31 restraints, the Rule 609(a) relief that remains unrequested, and the Rule 607(b) report of proceedings.

Defendant-Appellant EHAB ALLABABIDI, self-represented, moves under Illinois Supreme Court Rules 361, 607(b), 609(a) and 615(b) for the relief set out in Part XII. Every factual proposition below is either a quotation from an order of this Court, a quotation from a verified pleading of the People, or a date. Each is supported by an exhibit in the Sixth Supplemental Supporting Record filed with this motion under Rule 328. There are no adjectives in the argument and none are needed.

I. The order of July 31, 2026, and how it was entered

On July 28, 2026 the appellant filed an omnibus emergency motion. So far as it concerned counsel, it asked this Court to direct an indigency determination under Rule 607(a) and to appoint appellate counsel on that finding. It asked for nothing else about counsel, and it asked for no restriction on anyone. On July 31, 2026 this Court entered the following order, reproduced whole:

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) — Ex. XX.

The appellant states what the record shows about the second sentence, and stops there. **No party moved for either restriction.** The People had filed an objection on July 30 directed at the stay; its paragraph 13 asked that the appellant “be barred from further supplement,” but no motion was filed, no notice of any such relief

issued, no hearing was held, no finding was made, and the order cites no rule, no statute and no decision for either restriction. Rule 375 is not mentioned. The order does not describe the restrictions as sanctions, and the appellant does not assume they were meant as any.

The appellant asks this Court to notice one further feature of the order, because Part VII turns on it. The first sentence grants relief the appellant requested. The second imposes relief no one requested. Whatever else may be said about the appointment, the appellant did not seek to represent himself on July 28; he asked for a lawyer. The question *Martinez v. Court of Appeal of California* decides — whether a court must permit a litigant who asks to proceed pro se to do so — was not before this Court, because no one had asked it.

II. What has been filed in the fourteen days since

July 31, 2026	The Office of the State Appellate Defender is appointed. Nothing filed. (Ex. XX.)
Aug. 4, 2026, 3:10 p.m.	Motion to Discharge Appointed Counsel and Permit the Appellant to Proceed Pro Se , filed by counsel. It asks that counsel be discharged. (Ex. ZZ.)
Aug. 5, 2026, 1:46 p.m.	The People object to that motion, verified under 735 ILCS 5/1-109. (Ex. YY.)
Aug. 6, 2026, 11:31 a.m.	The appellant submits envelope No. 39386845, a supplement and declaration concerning the August 6 proceeding with a renewed request for a special prosecutor. (Ex. HHH.)
Aug. 7, 2026	This Court denies the motion to vacate the appointment and denies counsel’s motion to withdraw , and states that the order of July 31 “will stand.” (Ex. GGG.)
Aug. 7, 2026, 12:15 p.m.	Envelope No. 39386845 is refused at intake. The entire stated ground: “ See order of 8/7. ” (Ex. HHH.)
Aug. 10, 2026, 3:17 p.m.	Counsel advises the appellant of the August 7 denial and states that the next step is to order the record. The message does not mention a stay. (Ex. DDD.)
Aug. 11, 2026	Docketing order: report of proceedings due in the trial court September 10, 2026 ; record on appeal due September 24, 2026 . (Ex. EEE.)
Aug. 13, 2026, ~3:00 p.m.	Officers come to the door of the appellant’s residence and ask for him by name , on the warrant issued May 28, 2026. He is not there. (Ex. III.)
Aug. 13, 2026	This motion. The People’s fourteen-day window under Rule 323(c) on the proposed report of proceedings served July 30, 2026 closed yesterday, August 13, 2026. No motion to stay has been filed by anyone.

One document has been filed on the appellant’s behalf in this appeal since the appointment, and it asked to be excused from the appointment. In the same thirteen days the 180-day term activated on the June 17, 2026 order has continued unstayed, and the warrant issued May 28, 2026 has been outstanding — seventy-eight days as of the filing of this motion. Those are facts and they are dated. Part V concerns what was represented to this Court about them.

III. The order of August 7, 2026, and the one subject it does not reach

On August 7, 2026 this Court denied the appellant’s motion to vacate the appointment and denied appointed counsel’s motion to withdraw. The order is Exhibit GGG and is reproduced whole. The appellant accepts both rulings for the purposes of this motion. He is content to be represented, he has said so from the beginning, and he does not ask this Court to revisit either holding. He asks it to notice what the order settled and what it left where it was.

Appellant clearly made multiple requests for counsel, which this court could grant. Appellant’s indigency was established by his application to waive court fees ... In any event, however, this court could appoint counsel even without appellant’s requests, and it can now maintain that appointment over his objection. As appellee notes, appellant has no constitutional right to represent himself. ... Here, the number and nature of appellant’s filings make very clear that the appointment of counsel, **which appellant again repeatedly requested**, is necessary to maintain the integrity and efficiency of the appellate process. **Accordingly, this court’s order of July 31 will stand.**

Order, People v. Allababidi, No. 2-26-0352 (Ill. App. Ct., 2d Dist., Aug. 7, 2026) — Ex. GGG.

Every sentence of that reasoning is addressed to **the appointment of counsel** — whether this Court could appoint, whether it needed a request, whether it may maintain the appointment over objection. The appellant contests none of that here. But the second sentence of the July 31 order is not an appointment. It is a restraint on filing and a restraint on communication, and it is the subject of this motion. The appellant respectfully asks this Court to read its own order of August 7 for any sentence that addresses it. There is none. The order does not mention the filing bar, does not mention the communication bar, does not mention Rule 375, makes no finding, and identifies no authority for either restriction.

So the restraint has now been left standing twice and examined once — which is to say, never. Twice this Court has been asked to look at the second sentence of the July 31 order, and twice it has written about the first. That is why this motion is directed at the second sentence alone and asks for nothing touching the appointment: the question has never been presented to this Court in a form that isolated it. It is presented that way here, and it cannot be answered by another paragraph about counsel.

Three further features of the August 7 order bear on the relief requested, and the appellant states them as observations about the text rather than as arguments about the panel:

1. **The order’s own finding removes the premise of the authority it invokes.** The order states that the appellant “clearly made multiple requests for counsel” and that the appointment was one “which appellant again repeatedly requested.” The proposition that follows — that he “has no constitutional right to represent himself” — comes, as the order says, from what “appellee notes,” and appellee’s note is *Martinez*. *Martinez* decides whether a court must let a litigant **who asks to represent himself** do so. This Court has found that this appellant asked for the opposite. **On this Court’s own finding he never raised the question *Martinez* answers.** A case about a man who insists on being his own lawyer supplies no rule for a man who asked for one, was given one, and was then ordered to be silent.
2. **The efficiency rationale is a rationale for appointing counsel, not for silencing a party.** “[T]he integrity and efficiency of the appellate process” is the interest *Martinez* weighs when deciding who writes the brief. Appointed counsel now writes the brief; that interest is fully served by the appointment this motion does not disturb. Nothing in that interest is served by a rule forbidding the appellant to serve a pleading under Rule 361(c), to answer the prosecutor in a live circuit-court case, to make a request under 5 ILCS 140, or to write to the Commission. Part VI sets those out one at a time.

3. **Article I, section 8 is not mentioned.** The order construes Rule 607(a) with care and concludes, correctly, that the rule does not say a court may appoint counsel *only* if the appellant desires it. The appellant agrees. But the Illinois Constitution provides that the accused “shall have the right to appear and defend **in person and by counsel**,” and no order in this appeal has yet construed that clause, cited it, or explained why the conjunction does not mean what it says. Part VII asks for that and nothing more.

The appellant states, because it matters and because he will not have it said that he concealed it, that the August 7 order is signed “**Jeffrey H. Kaplan, Clerk of the Court.**” He does not suggest the Clerk decided anything. A clerk transmits what the panel enters, and the appellant treats the order as the panel’s in every line of this motion.

IV. What became of the last document the appellant tendered

This motion asks in paragraph 6 of Part XII for confirmation that it is properly before the Court. That request would be pedantic but for what happened to the document before it, and the appellant sets the sequence out in the two timestamps the electronic filing manager printed on its own notice (Ex. HHH):

Submitted	August 6, 2026, 11:31 a.m. CST — envelope No. 39386845, described on the face of the submission as “Supplement & Declaration re Aug. 6 Proceeding; Renewed Special-Prosecutor Request.”
Refused	August 7, 2026, 12:15 p.m. — Rejection Reason: “Rejection by Clerk.” Rejection Comments, in their entirety: “ See order of 8/7. ”

He has put his questions to that office directly, in writing, in a letter of this date. Three facts govern the sixth paragraph of his prayer. **First**, the document was submitted on the sixth and the order invoked to refuse it was entered on the seventh. **Second**, the order of the seventh (Ex. GGG) contains no reference to a supplement, a declaration, a special prosecutor, the August 6 proceeding, or the intake of any document. **Third**, the consequence of an intake refusal is that no judge of this Court is told the document was tendered and no order issues that anyone can review.

That is why this motion is accompanied by a request for leave under Rule 361(a) and why the banner on its first page says so. The appellant would rather be told by this Court, in an order he can read, that he may not file, than have the question answered where no order is generated. **He is asking for a ruling, including an adverse one.**

V. The motion this Court named, and the willingness the People certified

The July 31 order denied the appellant’s pending motions “without prejudice to any motion filed by his counsel, including a motion to stay,” and then, in a parenthesis, advised counsel of the date the jail term was said to begin. This Court identified the instrument. A motion under Rule 609(a) does not require a prepared record: the rule’s first sentence provides that a sentence imposed on the revocation or modification of the conditions of probation may be stayed by a judge of the trial court or of the reviewing court, and attaches no condition about the state of the record.

Five days later the People told this Court the following, under verification:

Defendant otherwise has not established grounds for rejecting counsel’s appointment on appeal, as **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.**

On August 7 this Court denied withdrawal with that certification in front of it. As of the filing of this motion no motion to stay has been filed by anyone. The appellant asserts no false statement and does not know what passed between the two offices; he does not need to. A representation about what counsel was willing to seek was made to this Court under section 1-109. This Court acted on the question that representation addressed. **Eight days later the thing described has not occurred, and yesterday afternoon officers came to the appellant's door on the warrant the stay would have reached.** Paragraph 4 of Part XII asks for the narrowest order capable of resolving it: that counsel state on the record, within seven days, whether the stay will be sought.

VI. The communication restriction, and the five duties it makes impossible

The filing restriction is at least bounded: it names this Court. The second restriction is not. It is not limited to this appeal, is not limited to this Court, names a category of person — “appellee’s counsel” — and forbids communication with that person *by any means*. Appellee’s counsel are the Lake County State’s Attorney and the Office of the State’s Attorneys Appellate Prosecutor. Each row below is a duty imposed on the appellant by a rule or a statute, not a preference of his:

WHAT A RULE OR STATUTE REQUIRES OF THE APPELLANT	WHAT THE ORDER OF JULY 31, 2026 FORBIDS
Ill. S. Ct. R. 361(c) and R. 12 require that every motion and notice be served on appellee’s counsel, with a certificate of service.	A litigant who may not communicate with opposing counsel cannot serve a pleading. The certificate accompanying this motion states the difficulty and how it was resolved.
Lake County No. 23 CF 1146 remains pending in the circuit court , with a warrant outstanding, an activated custodial term, and settings at which the State and the defendant are the two parties present.	The prosecutor in that live case is “appellee’s counsel” here. The order carves out nothing, and no appeal is pending in the circuit court.
Fed. R. Civ. P. 5 requires service of every paper on every party in <i>Allababidi v. Shepherd</i> , No. 1:26-cv-06738 (N.D. Ill.), in which Lake County Assistant State’s Attorneys are defendants in their individual capacities.	A state-court order cannot excuse a federal filer from Rule 5, and the appellant does not suggest this order was meant to reach a federal docket. It does not say so, and he bears the risk of guessing.
5 ILCS 140 gives every person the right to request public records of the Lake County State’s Attorney and to seek review of a denial.	The order does not mention the statute and does not say whether making a request is “communicating.”
Ill. S. Ct. R. 763 through 775 govern communications to the Attorney Registration and Disciplinary Commission; Rule 775 immunises them from civil liability.	The respondents in a pending disciplinary matter sit in appellee’s counsel’s offices. See Part IX.

The appellant has complied. He has transmitted nothing to Mr. Boose, Mr. Psenicka or Mr. Rinehart since July 31, 2026. Paragraph 2 of Part XII asks, in the alternative to vacatur, only that the restriction be construed as not reaching the five rows above. That is a narrower order than the one entered and it disturbs nothing this Court decided on the merits.

VII. Article I, section 8, and Martinez at the People’s own valuation

The appellant states the adverse authority first, in the People’s words rather than his own, so that this Court has it in its strongest form before it reads the answer:

The Supreme Court of the United States has established that there is no constitutional right to appellate self-representation. *Martinez v. Ct. of Appeal of California, Fourth App. Dist.*, 528 U.S. 152, 163 (2000). **It explained that courts have discretion allowing a person to proceed pro se**, and that individual autonomy principles are outweighed by governmental interests in ensuring the integrity and efficiency of the appellate process.

People’s Objection, ¶ 11, verified August 5, 2026 — Ex. YY.

The appellant accepts that statement for the purposes of this motion and asks this Court to assume it is right. It does not support the second sentence of the July 31 order, for three reasons.

1. **Their own sentence concedes discretion.** A holding that a court is not *required* to permit self-representation is not a holding that a court may impose the opposite, and it says nothing about how a discretion is to be exercised in a particular case. It supplies no standard, no procedure, and no substitute for a motion, notice, hearing or finding.
2. **The question was not presented.** Martinez concerns a litigant who asked to represent himself. On July 28 the appellant asked for counsel under Rule 607(a) and this Court granted it. The restriction answered a question no party had put.
3. **Illinois has its own text.** Article I, section 8 of the Illinois Constitution of 1970 provides: “In criminal prosecutions, the accused shall have the right to appear and defend **in person and by counsel**.” The conjunction is the Constitution’s. Whatever Martinez settles about the federal floor, it does not construe the Illinois charter, and the People cite no Illinois authority holding that section 8 permits what was entered here.

And Martinez does not reach the second restriction at all. It concerns who may write a brief. Neither the People nor the order suggests it is authority for forbidding a litigant to serve a pleading under Rule 361(c), to answer the prosecutor in a live circuit-court case, to make a request under 5 ILCS 140, or to communicate with the Commission. Not one sentence of the opinion addresses any of those, and no authority at all is cited for that half of the order.

VIII. The order measured against the Illinois Constitution

The appellant now states the ground on which the second sentence of the July 31 order cannot stand. He states it as a legal conclusion, because that is what it is. Three provisions of the Illinois Constitution of 1970 are set out below in full, exactly as ratified. Not one of them has been cited, quoted, distinguished, or acknowledged in any order entered in this appeal.

In criminal prosecutions, the accused shall have the right to appear and defend **in person and by counsel** ...

Ill. Const. 1970, art. I, § 8.

The conjunction is the Constitution’s. It is not *in person or by counsel*, and it is not *by counsel once counsel is appointed*. The second sentence of the July 31 order operates on the premise that the appointment of counsel extinguishes the first half of that clause — that a defendant who has a lawyer no longer has the right to appear. **The Illinois Constitution does not say that, and no order in this appeal has explained how it can be read to.** The order of August 7 construes the word “desires” in Rule 607(a) across a full paragraph. It does not

1 mention section 8. A Supreme Court Rule cannot narrow a constitutional guarantee, and no one contends it can;
2 the point is simply that the guarantee was never reached.

3 Every person shall find a certain remedy in the laws for all injuries and wrongs which he receives
4 to his person, privacy, property or reputation. He shall obtain justice by law, **freely, completely,**
5 **and promptly.**

6 *Ill. Const. 1970, art. I, § 12.*

7 Measure the record against those three adverbs. **Freely:** the appellant is forbidden to file, and the last
8 document he tendered was stopped at an intake window with a five-word comment naming an order entered the
9 day after he submitted it. **Completely:** the only lawyer authorised to speak for him has, in fourteen days, filed
10 one document, and it asked to be relieved of the appointment. **Promptly:** this Court named a motion to stay on
11 July 31; the People certified on August 5 that counsel was willing to seek it; this Court acted on that
12 certification on August 7; and on August 13 the motion has not been filed, the 180-day term runs, and officers
13 came to the appellant's door. A remedy that no one may ask for is not a certain remedy, and justice that arrives
14 after the sentence has been served is not prompt.

15 No person shall be deprived of life, liberty or property without due process of law ...

16 *Ill. Const. 1970, art. I, § 2.*

17 The restriction was entered on **no motion** by any party seeking it, on **no notice** that it was under
18 consideration, after **no hearing**, upon **no finding** of fact, and with **no authority cited** — not a rule, not a
19 statute, not a decision. Rule 375 is the provision under which a reviewing court sanctions a litigant, and it
20 appears nowhere in either order. Whatever process is due before a court forbids a person to address it, the record
21 shows that none of it occurred. The appellant is not required to prove that a hearing would have changed the
22 outcome; the absence of one is the defect.

23 One further provision governs Part IV. Article VI, section 1 vests the judicial power of this State in the
24 courts. A clerk exercises none of it. Deciding that an order forbidding a litigant to file operates as a standing
25 instruction to an intake desk, and deciding that it reaches a supplement, a declaration, and a request for a special
26 prosecutor that the order never names, are constructions of a judicial order. **They were made by someone. This
27 Court did not make them, because the order that is said to authorise them says nothing about any of it.**

28 Every proposition above is the text of the Constitution, the text of a Supreme Court Rule, or a
sentence from this Court's own orders. None of it depends on anyone's intentions, and none of it can be
answered by describing the appellant. The order either squares with article I, sections 2, 8 and 12, or it does not.
It does not.

VIII-A. The restrictions are either case management or they are sanctions

The appellant does not assert that the restrictions entered July 31, 2026 were imposed as sanctions. He
asks this Court to determine which of two things they are, because the answer governs what follows and
because the record supports the question being asked.

THE FIRST CHARACTERIZATION	WHAT FOLLOWS FROM IT
IF THEY ARE CASE-MANAGEMENT MEASURES incident to the appointment of counsel, entered to prevent duplicative substantive advocacy in this appeal.	Then they should be construed no more broadly than that rationale requires. Preventing two sets of briefs does not require forbidding service that Rule 361(c) commands, communications in a live circuit-court case, requests under 5 ILCS 140, or communications with the Commission. Part VI sets those out one at a time, and none of them is appellate advocacy.
IF THEY ARE PUNITIVE — justified, as the People’s verified Objection of August 5 expressly urged, by conduct said to be “harassing” and by “vexatious litigation tactics.”	Then Rule 375 supplies the framework: reasonable notice and an opportunity to respond before a sanction for a rule violation; an order to show cause where the court acts on its own motion; and, where a sanction is imposed, the reasons and basis stated in the opinion or in a separate written order. The record shows none of those occurred.

The appellant is content with either answer. Under the first, he asks only for the narrowing in paragraph 2. Under the second, he asks for the procedure Rule 375 provides, and he will answer whatever is put to him. What he cannot do is comply with a restriction whose legal character is undetermined, because the two characterizations imply different scopes and he is guessing at which one governs every time he is required to serve a paper.

He notes that the second characterization is not his suggestion. It is the People’s. Paragraph 13 of their verified Objection states that the July 31 order “is further justified by defendant’s harassing ‘Notice of Disciplinary Referral’ ... as well as varying demands and vexatious litigation tactics.” (Ex. YY.) **A party has asked this Court, under section 1-109, to sustain a restraint on the ground of misconduct.** If this Court accepts that ground, Rule 375 attaches to it. If this Court does not, the appellant asks that the order say so, and Part IX explains why that particular ground carries a further difficulty.

IX. Paragraph 13, and Supreme Court Rules 766 and 775

The People have stated in writing, under verification, what the restrictions rest on in part:

This Court’s July 31, 2026 Order – to appoint counsel and refrain from filing documents with this Court or communicate with appellee’s counsel – **is further justified by defendant’s harassing ‘Notice of Disciplinary Referral’ dated July 30, 2026, detailing his four prior, as well as future, intended ARDC claims against various representatives of the People including the undersigned,** as well as varying demands and vexatious litigation tactics for these and other proceedings.

People’s Objection, ¶ 13, verified under 735 ILCS 5/1-109, August 5, 2026 — Ex. YY.

The appellant does not ask this Court to characterise that sentence and does not characterise it himself. He asks the Court to notice three things about the rules it implicates, all of which are the Supreme Court’s own. Rule 775 provides that communications to the Commission are immune from civil liability. Rule 766 keeps a Commission file confidential until a complaint is voted and filed with the Hearing Board. Rule 8.3(a) of the Rules of Professional Conduct makes such a report mandatory for a lawyer in defined circumstances. The Supreme Court adopted all three to make the communication safe to make.

A restraint on a litigant’s access to a court and on his communications, resting in part on his having made such a communication, sits uneasily with each of those rules, and the People cite no authority reconciling them.

The appellant asks this Court, in vacating or construing the order, to state that the restrictions do not rest on that ground. That is the whole of the relief sought on this point.

X. Rule 607(b): the recordings exist and the transcripts do not

Both minute sheets on which the People and appointed counsel rely — May 28, 2026 and June 17, 2026 — name an **ECR Specialist, Lake County Court Reporters** in the appearance block. The proceedings were electronically recorded and the audio is in the custody of a county office. No transcript has been prepared. Rule 607(b)(1) directs that the report of proceedings be prepared **without charge** to a defendant appealing from a hearing resulting in the revocation or modification of the conditions of probation, on the filing of the notice of appeal, as directed by the docketing order of the reviewing court. The docketing order of August 11, 2026 fixes September 10, 2026 for the filing of the report in the trial court (Ex. EEE).

The appellant is forbidden to file. Appointed counsel has advised that the record will be ordered (Ex. DDD) and has not stated when. Paragraph 5 of Part XII asks this Court to direct the preparation of the two reports and to fix a date, which removes the question from anyone’s discretion and costs the People nothing they are entitled to keep.

XI. August 13, 2026, at approximately three o’clock

The appellant has kept this motion to quotations and dates, and he keeps this part to them too. At approximately 3:00 p.m. on the day before this motion was filed, officers came to the door of his residence at 8516 West Winona Street, Chicago, and asked for him by name. He was not there. The declaration at Exhibit III states that on information, names the household member who was present as its source, states that the doorbell camera was not charged and that **no recording exists**, and states expressly that **no officer is alleged to have done anything improper**. The appellant repeats that here. An officer executing a facially valid warrant is doing his job. **The warrant is the subject of this Part. The officers are not.**

He asks it to notice one thing only, which is a matter of arithmetic. On July 31 this Court denied his motions without prejudice to a motion to stay filed by counsel, and added, in a parenthesis, that counsel was “advised of appellant’s suggestion that his jail term will begin on August 6, 2026.” On August 5 the People certified that counsel had “explicitly confirmed their willingness” to seek that stay. On August 7 this Court denied withdrawal with that certification before it. **Fourteen days have passed since the Court named the motion. Eight days have passed since the People certified the willingness. Six days have passed since the Court acted on that certification. No motion to stay has been filed.** Today they came to the door.

The appellant does not say that anyone intended that result and he does not know that anyone did. He says that the interval between an order that routes all relief through counsel and the filing of the relief so routed is not an abstraction to the person the warrant names, and that the interval is now measurable at the doorstep. **This is the whole of the reason paragraph 3 asks this Court to act itself rather than direct someone else to act.** Rule 609(a) provides that a sentence imposed on the revocation or modification of the conditions of probation may be stayed “by a judge of the trial court or of the reviewing court.” This Court is a reviewing court. It needs no record to enter the stay, no hearing, and no one’s cooperation. It needs a sentence.

XII. Relief requested

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

1. **VACATE** the second sentence of the order of July 31, 2026 in its entirety.
2. **In the alternative, CONSTRUE** that sentence as not reaching (a) service required by Rules 361(c) and 12; (b) communications with the Lake County State’s Attorney concerning Lake County No. 23 CF 1146 in the circuit court; (c) service and communications required in *Allababidi v. Junkin*, No. 1:26-cv-01077, *Allababidi v. Shepherd*, No. 1:26-cv-06738, and *Allababidi v. Advocate Health and Hospitals Corp.*, No. 1:25-cv-15800 (N.D. Ill.); (d) requests under 5 ILCS 140; and (e) communications with the Attorney Registration and Disciplinary Commission under Rules 763 through 775.
3. **STAY**, under Rule 609(a), the 180-day condition of imprisonment activated by the circuit court’s order of June 17, 2026, pending this appeal. **This relief is requested immediately.**
4. **As to Warrant No. 314270, which is separate:** the warrant issued **May 28, 2026**, and on **June 17, 2026** the circuit court separately declined to quash it. The appellant does not contend that recall follows automatically from a stay under Rule 609(a), and he does not ask this Court to treat the two as one act. He asks this Court either to **SUSPEND enforcement** of that warrant pending determination of the June 17 refusal to quash — a proceeding “subsequent to or dependent upon” the order appealed from within Rule 615(b)(2) — or to **DIRECT expedited briefing** during the Local Rule 109(c) response period on the relief available to this Court as to that warrant.
5. **In the alternative to paragraph 3, DIRECT** appointed counsel to state on the record, within seven days, whether a motion under Rule 609(a) will be filed and, if not, the ground on which it is declined — the representation at paragraph 14 of the People’s Objection having been made to this Court and acted upon.
6. **ORDER**, under Rule 607(b), that court-reporting personnel **transcribe, certify and file** the report of proceedings for **May 28, 2026 at 9:00 a.m.** and **June 17, 2026 at 9:00 a.m.**, Courtroom 611, Nineteenth Judicial Circuit, from the electronic court recording, by a date certain, and that a copy be furnished to the appellant **without charge** under Rule 607(b)(1).
7. **DECLARE** that the appointment of counsel does not of itself extinguish the appellant’s right under article I, section 8 of the Illinois Constitution to appear and defend in person, and **CONFIRM** that this motion is properly before the Court.
8. **STATE**, in vacating or construing the order, that the restrictions do not rest on the appellant’s communications to the Attorney Registration and Disciplinary Commission.
9. **GRANT** such further relief as the case may require under Rule 615(b), which empowers this Court to modify the judgment or order appealed from and to **“set aside, affirm, or modify any or all of the proceedings subsequent to or dependent upon”** it.

This motion asks this Court to abandon nothing it decided on the merits. It asks that a restriction entered on no motion, on no notice, after no hearing, without findings and without cited authority be vacated or bounded; that the motion this Court itself named be filed or declined on the record; and that a report of proceedings a rule already requires be prepared. The appellant is content to be represented. He is not able to be

represented and silent at the same time on a record that is due in forty-two days while a custodial term runs.

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. Every description of a court record in this instrument is drawn from the document identified for it in the supporting record filed herewith.

Respectfully submitted,

/s/ Ehab Allababidi

EHAB ALLABABIDI

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Dated: August 14, 2026