IN THE SUPREME COURT OF ILLINOIS

EHAB ALLABABIDI, *Movant*, v. HON. CHRISTOPHER R. STRIDE, Judge of the Circuit Court of the Nineteenth Judicial Circuit, Lake County; HON. DANIEL B. SHANES, Chief Judge of the Nineteenth Judicial Circuit; ERIN CARTWRIGHT WEINSTEIN, Clerk of the Circuit Court of Lake County; and THE JUSTICES OF THE APPELLATE COURT OF ILLINOIS, SECOND DISTRICT, in No. 2-26-0352, *Respondents*, THE PEOPLE OF THE STATE OF ILLINOIS, *Prevailing Party Below.*	No. _____ (new case) Original Proceeding for a Supervisory Order — Ill. S. Ct. R. 383; Ill. Const. 1970, art. VI, § 16 Below: *People v. Allababidi*, Cir. Ct. Lake County, No. 23 CF 1146 (Hon. Christopher R. Stride, Judge Presiding); *People v. Allababidi*, App. Ct. 2d Dist., No. 2-26-0352

Prior proceedings in this Court, disclosed at Appendix K: Nos. 133301, 133295, 133342, and 133389 (denied June 26–July 16, 2026) and No. 133578 (denied as moot September 25, 2026). None sought an order on the warrant on the grounds presented here.

EMERGENCY MOTION FOR A SUPERVISORY ORDER CONCERNING THE MAY 28, 2026 BENCH WARRANT IN *PEOPLE v. ALLABABIDI*, LAKE COUNTY No. 23 CF 1146

Direction requested to the Circuit Court of Lake County — Ill. S. Ct. R. 383; Ill. Const. 1970, art. VI, § 16

THE ORDER REQUESTED

Ehab Allababidi asks this Court to direct the Circuit Court of Lake County to vacate the June 17, 2026 order, file-stamped June 18, lifting the stay of his 180-day jail term; to quash and recall the May 28 warrant from all law-enforcement systems; and to proceed on the May 14 probation petition on written notice, with pretrial release pending the hearing and remote status and non-evidentiary settings. The proposed order contains that direction and nothing else. Movant asks for no alternative: not a hearing in a circuit court that has disclaimed jurisdiction "to hear anything in this case," not reconsideration by a Second District that invited a stay motion and then denied it, and not a referral to a Chief Judge or a Clerk who have not answered him. Every forum below has already sent him to another. (Explanatory Suggestions, Part IX.)

NATURE OF THE EMERGENCY

Lake County has turned a bench warrant into the Sunken Place from *Get Out* (Universal Pictures 2017): Movant can watch his case proceed, and no court will hear him.

Movant cannot be heard on this warrant without being arrested on it. Three records of the Circuit Court of Lake County establish that, and he wrote none of them.

1. The motion rule. "A Defendant shall be present in open court upon the hearing of any Motion in the case unless otherwise ordered." 19th Jud. Cir. Ct. R. 9-1.06(F) (SR 117). The court has not ordered otherwise. On June 17 it said the opposite: it would not allow him to be "a disembodied voice on a

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Zoom call." (SR 33.)

2. The warrant. Issued May 28, 2026, on a single finding that Movant "failed to appear." (May 28 Tr. 6:13–15; SR 27.)

3. What the court has said execution means. "[S]hould Mr. Allababidi be taken into custody, then he should serve that stayed jail sentence that was part of the plea in this case." (R 171:12–14; SR 44.)

In *Get Out*, one tap of a spoon on a teacup sends the guest under. Here it takes one officer running Movant's name. The stayed sentence is 180 days in the Lake County Jail. The petition that would have to be proved before that term could be imposed has been pending for 158 days and has never been set for hearing. On this record a motion to quash the warrant is **extinguished by the act of presenting it**.

Every other door has been closed or left unanswered. On August 6 the circuit court ruled that it had "no jurisdiction to hear anything in this case" until the Second District acted. (R 173:4–10; SR 46.) The Second District's own order of July 31 recited "appellant's suggestion that his jail term will begin on August 6, 2026"; on August 21 it denied a stay of that term in two sentences: "Appellant's motion to stay is denied. If this order indeed moots this appeal, appellant may move to dismiss it." (SR 41; SR 50.) Appointed counsel has written that "[a]ny remedy regarding the warrant would have to be pursued in the trial court." (SR 92.)

Written requests to the Circuit Clerk on October 8 and 13 for a hearing date, a curable defect, or the controlling order have not been answered; on October 19 the same office answered a civil scheduling question from Movant 78 minutes after he asked it. (SR 99–100; SR 105–106.) When Movant called on October 19 to set the motion, court staff first noted that he had not filed a separate notice of hearing, which he offered to file that day; after reviewing the file, they cited the June 17 refusal to quash and suggested that he retain counsel or surrender. (SR 102–103; verified below.) The June 17 ruling they cited had told him to "notice it into court and file whatever you'd like." (SR 33.) His written demand that day was copied to the Chief Judge and asked whether the Chief Judge's office or Courtroom T-611 would take the referral. (SR 102; SR 104.) No answer had been received when this motion was filed.

For 144 days Movant has been on the run. **He has run nowhere.** He has spent every one of those days at [redacted] in Chicago: the address on every filing he has made, the address the court read into the record when it issued the warrant, and the address on the Second District's order of July 31. (SR 27; SR 41.) He has not been arrested. The prosecutor who asked for the warrant has been harder to reach: on September 25 Lake County's own mail server rejected his address. (SR 96–97.) *The warrant has outlasted its prosecutor's e-mail account.*

Movant has been before that court twice since May 28. Both times it declined to hear him: "I'm not hearing anything in your case" (June 17); "I'm not going to hear anything today" (August 6). (SR 33; SR 46.)

THE RESPONDENTS AND THE ACTS AT ISSUE

Rule 383(c) provides that "[a] person whose act is the subject of this proceeding shall be designated as a respondent." Each respondent below is here for a recorded act. The order is directed to the circuit court; the acts of the others are why nothing less will do.

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RESPONDENT	ACT AT ISSUE	SR	ORDER ¶
Hon. Christopher R. Stride, Judge of the Circuit Court (Courtroom T-611)	Issued the warrant on May 28; on June 17 continued it, declined to quash it, and lifted the stay of the 180-day term at a status call; on August 6 disclaimed jurisdiction "to hear anything in this case" and said that custody means service of the term.	SR 27; SR 31–37; SR 44–47	1
The Justices of the Appellate Court, Second District, in No. 2-26-0352	On August 21 denied a stay of the 180-day term, answering counsel's verified mootness showing with "If this order indeed moots this appeal, appellant may move to dismiss it," after its own July 31 order had recited that the jail term would begin on August 6; on July 31 granted the omnibus motion only as to counsel and reserved "any issue of its jurisdiction," an order the circuit court read as having "accepted" the motion.	SR 41; SR 45; SR 50	—
Hon. Daniel B. Shanes, Chief Judge of the Nineteenth Judicial Circuit	Holds the power Rule 45(b)(2) gives only to a Chief Judge, to make a type of proceeding in-person by local rule (here, every criminal non-evidentiary hearing), and the power to assign judges (Rule 21(e)); copied on October 19 and asked whether his office or Courtroom T-611 would take the referral.	SR 110–111; SR 102; SR 104	—
Erin Cartwright Weinstein, Clerk of the Circuit Court of Lake County	Her office file-stamped the motion on September 28; the written requests of October 8 and 13 for a hearing date, a curable defect, or the controlling order have not been answered.	SR 3; SR 99–100	—
The People of the State of Illinois	Prevailing party below; may file objections within seven days and documents for the respondents.	—	R. 383(c), (d)

GROUNDS

No ruling below is owed deference. Whether section 5-6-4(b) lets a warrant begin a jail term before the hearing is a question of statutory construction, reviewed *de novo*; the Second District says so itself. *People v. Basurto*, 2024 IL App (2d) 230512, ¶ 15. There is no finding on the petition to defer to. No court has heard it.

1. **The warrant's only predicate has been answered.** The May 28 order rests on one finding: "Notice was timely. The defendant's failed to appear. Bench warrant to issue instanter." (SR 27.) No one found a danger of flight or of harm to others. 730 ILCS 5/5-6-4(a)(3). On June 17, at a status call that this Court's Rule 45 opens to remote attendance "without any advance approval," the People announced that "[t]he defendant is present via Zoom" and the clerk recorded him "present via video." (SR 31; SR 36.) A remote appearance "shall be equivalent to an in-person appearance or court proceeding for all purposes." Ill. S. Ct. R. 45(a)(1), (d)(1)(iii) (eff. Mar. 1, 2026). The court called him "a disembodied voice on a Zoom call" and continued the warrant. (SR 32–33.)

Get Out has a garden party at which the guests talk about the man in front of them as though he were not in the room. Lake County held its own on June 17:

> "Your Honor, I'm asking to -- **now that the defendant is here**, asking that Your Honor not recall the warrant **because he hasn't shown up**."
>
> *The prosecutor, June 17, 2026 (June 17 Tr. 2:13–15; SR 31) (emphasis added).*

He was there. The clerk wrote it down, and the warrant stayed. (SR 36.)

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Even assuming *arguendo* that Movant's 2:00 a.m. written submission on May 28 objecting to the petition's false amphetamine allegation (SR 23–24) did not substitute for logging into the 9:00 a.m. call later that morning, a failure-to-appear bench warrant under 730 ILCS 5/5-6-4(a)(3) is coercive process to secure attendance, not a summary punishment for a prior absence. Once Movant appeared via video on June 17 at a status call that Rule 45(d)(1)(iii) opens to remote attendance without advance approval—and again on August 6—the People announced his presence, the Clerk recorded him "present via video," and under Rule 45(a)(1) those appearances were equivalent to in-person appearances "for all purposes," extinguishing the sole statutory predicate for the May 28 warrant. (SR 23–27; SR 31–36; SR 54.)

2. The warrant now stands in place of the hearing section 5-6-4 requires. The petition charges no new offense. (SR 18.) For such a petition the statute is mandatory: the court "shall conduct a hearing of the alleged violation" and "shall admit the offender to pretrial release pending the hearing unless the alleged violation is itself a criminal offense." 730 ILCS 5/5-6-4(b). An offender held only on the alleged violation must be heard "within 14 days of the onset of said incarceration." *Id.* The Second District has read that text to mean what it says, in a case from this circuit: a probationer facing revocation "was entitled to pretrial release as contemplated in article 110 of the Criminal Code pending his hearing on the State's petition to revoke his probation." *People v. Basurto*, 2024 IL App (2d) 230512, ¶ 21; accord *People v. Dyer*, 2024 IL App (4th) 231524, ¶ 21; *People v. Bagby*, 2026 IL App (1st) 252636, ¶ 23. The circuit court has described a different sequence: arrest, then the 180-day term. (SR 44.) Section 5-6-4 puts the hearing before the jail. **The August 6 transcript puts the jail in place of the hearing.**

3. The circuit court has the jurisdiction it disclaimed. A notice of appeal reaches "only the judgments or parts of judgments specified" in it, and the circuit court "retains jurisdiction after the notice of appeal is filed to determine matters collateral or incidental to the judgment." *General Motors Corp. v. Pappas*, 242 Ill. 2d 163, 173–74, 176 (2011). The appeal in No. 2-26-0352 is taken from the June 17 order. (SR 39.) The unadjudicated petition, the warrant issued on it, and the power to stay a sentence pending appeal, which Rule 609(a) gives to "a judge of the trial or reviewing court," remained below. The People told the Second District that the notice of appeal was "not yet in effect" and that the circuit court "has not fully resolved whether and why to lift the stay." (SR 64–65; SR 87.) The circuit court's contrary ruling rested on its statement that the Second District had "accepted the gentleman's omnibus emergency motion." (SR 45.) The Second District had denied that motion except as to appointment of counsel. (SR 41.) And the June 17 refusal to quash was interlocutory and open to reconsideration. *People v. Mink*, 141 Ill. 2d 163, 171 (1990).

4. The record cannot say what the warrant does when it is executed. The written order file-stamped June 18 states that the stay of the 180-day term "is hereby lifted." (SR 37.) On August 6 the prosecutor described the case as "in PTR warrant status with a Lake County Jail sentence, the stay having been lifted." The judge's next words were "I did not lift the stay." (SR 44.) On either reading of the record, executing the warrant now delivers Movant to 180 days in jail before any court has heard the petition or decided the appeal.

5. The Second District invited the stay motion, then denied it. Appointed counsel filed the motion to stay that the July 31 order had expressly left open to him, verifying that decision "will take more than six months" and that "[i]f a stay is not granted, the entire 180-day term will be served before the appeal is decided." (SR 81.) The People answered that mootness was "a potential future issue" and pointed to

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"the apparent restraint by the circuit court in placing defendant into custody." (SR 88.) The Second District denied the stay the next day and told the appellant that if the denial mooted his appeal he could move to dismiss it. (SR 50.) Neither order, as transmitted, bears the name of a justice; each is a notice signed by the Clerk. (SR 41; SR 50.) A stay exists "to preserve the status quo pending the appeal and to preserve the fruits of a meritorious appeal where they might otherwise be lost." *Stacke v. Bates*, 138 Ill. 2d 295, 302 (1990). The trial court has disclaimed the jurisdiction to grant one; the reviewing court declined to, after its own July 31 order had recited that the jail term would begin on August 6. (SR 41.)

Set side by side, the two orders read:

> "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**.)"
>
> *Order of July 31, 2026 (SR 41) (emphasis added).*

> "Appellant's motion to stay is denied. **If this order indeed moots this appeal, appellant may move to dismiss it.**"
>
> *Order of August 21, 2026 (SR 50) (emphasis added).*

The court invited the motion, was told the term would be served before the appeal could be decided, and denied it. The second order does not dispute the mootness showing. It plans for it.

6. No ordinary remedy remains. Counsel has declined to move to reconsider the August 21 order or for a remand, and Movant may file nothing in the Second District. (SR 93; SR 41.) That is the circumstance for which this Court's supervisory authority exists: "the normal appellate process will not afford adequate relief and the dispute involves a matter important to the administration of justice." *Vasquez Gonzalez v. Union Health Service, Inc.*, 2018 IL 123025, ¶ 17.

WHY THIS COURT

Five instruments of this Court, each binding in every county, have failed together on one certified record: Rule 45, which makes a remote appearance "equivalent to an in-person appearance or court proceeding for all purposes"; the rule of *Pappas* that the circuit court keeps jurisdiction over matters collateral to the order on appeal; Rule 609(a), which gives the power to stay a jail term pending appeal to "a judge of the trial or reviewing court"; Rule 45(b)(2), which entrusts a circuit's in-person exemptions to its Chief Judge; and this Court's direction that the circuit courts "conduct hearings consistent with Public Acts 101-652 and 102-1104." *Rowe v. Raoul*, 2023 IL 129248, ¶ 52. Public Act 101-652 wrote "pretrial release pending the hearing" into section 5-6-4(b). *Basurto*, 2024 IL App (2d) 230512, ¶ 14. For this probationer that command has been replaced by a warrant that begins a jail term on contact. Part I of the Explanatory Suggestions sets out each failure on the record.

The last time Movant asked this Court to look at No. 2-26-0352, the Second District acted within a week. Movant filed No. 133578 on August 28, seeking directions concerning the People's motion for sanctions; on September 4 the Second District denied that motion; on September 25 this Court denied No. 133578 as moot. (SR 8; SR 120–124.) Nothing about the warrant has moved since. This motion asks the Court to look again, and this time to act itself.

On August 7, 2026, the Attorney General of Illinois, who represents the People before this Court, moved to dismiss Movant's federal habeas petition for want of exhaustion, and told the federal court

SUBMITTED - 40575020 - Ehab Allababidi - 10/20/2026 4:01 PM

this:

> "[T]o the extent petitioner contends that he may be detained pursuant to the outstanding warrant for his arrest and petition to revoke his probation, see Docs. 10 & 16, **that would not render the State corrective process ineffective**."
>
> *Mot. to Dismiss at 12, Allababidi v. Junkin, No. 1:26-cv-01077 (N.D. Ill. Aug. 7, 2026), Dkt. 51 (emphasis added).*

The State is referring Movant to itself. In federal court, its Attorney General says the Illinois process is open. In the Illinois courts, every forum has sent him to another. (Explanatory Suggestions, Part IX.) This motion is that process, and the choice it presents is binary. If the Court enters paragraph 1, the warrant is recalled, the stay is restored, and Movant answers the May 14 petition at a noticed hearing in the circuit court; he asks nothing further of this Court. If the Court denies it, the order denying it is what the Attorney General's representation will be measured against in No. 1:26-cv-01077, under 28 U.S.C. § 2254(b)(1)(B)(ii). If the Court denies relief, Movant asks that its order state the ground.

Movant is not asking this Court to get him out of anything. He is asking it to let him in: to the hearing section 5-6-4 has promised him since May 14.

RELIEF

Movant asks the Court to enter the accompanying order: vacatur of the June 17 stay-lift, quashal and recall of the warrant from every system that holds it, and proceedings on the May 14 petition on written notice, with pretrial release pending the hearing and remote status and non-evidentiary settings. He asks for no alternative order. He asks that the warrant and the disputed jail term be stayed while this motion is pending. The grounds appear in the Explanatory Suggestions and the Supporting Record. Ill. S. Ct. R. 383(a).

VERIFICATION BY CERTIFICATION UNDER 735 ILCS 5/1-109

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 Emergency Motion for a Supervisory Order 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.

/s/ Ehab Allababidi
EHAB ALLABABIDI, Movant, pro se
[redacted]
Dated: October 19, 2026

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