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.

EXPLANATORY SUGGESTIONS IN SUPPORT OF EMERGENCY MOTION FOR A SUPERVISORY ORDER

Ill. S. Ct. R. 383(a)

INTRODUCTION

In *Get Out*, the horror is not that something is wrong. It is that everyone in the house behaves as though nothing is. *Get Out* (Universal Pictures 2017) (written and directed by Jordan Peele). The hosts smile, the household carries on, and the one person who sees what is happening is sent to the Sunken Place, where he can watch everything and no one can hear him.

Lake County runs this warrant the same way. On June 17 the prosecutor announced that "the defendant is here" and, in the same sentence, asked the court not to recall the warrant "because he hasn't shown up." (SR 31.) The judge told Movant, "I'm not hearing anything in your case," and named what he had become: "a disembodied voice on a Zoom call." (SR 33.) The Clerk's office answered a civil scheduling question from Movant in 78 minutes and has not answered his written requests to set the criminal motion. (SR 105–106; SR 99–100.) Court staff suggested he retain counsel or surrender. (SR 102–103.) Every office treats this as ordinary procedure. It is the Sunken Place, with a case number.

On August 6, 2026, in Courtroom T-611 in Waukegan, the prosecutor and the judge disagreed about whether Ehab Allababidi had been sentenced to 180 days in jail. The prosecutor said the case was "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." He then said what the warrant would do instead: "should Mr. Allababidi be taken into custody, then he should serve that stayed jail sentence." (R 171:7–14; SR 44.)

Neither statement has been corrected. The instrument that will resolve the disagreement, by being executed, is a bench warrant outstanding since May 28. The man it names lives at the address the court

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confirmed when it issued the warrant. He has been before that court twice since, and both times it declined to hear him.

The warrant has since been before four offices of the Illinois judicial branch, and none of them has heard him on it. The circuit court says it has "no jurisdiction to hear anything in this case" until the Second District acts. The Second District, told in a verified motion that the 180-day term would be served before any decision, denied a stay and wrote that if its order mooted the appeal, the appellant could move to dismiss it. The Circuit Clerk's office has not answered written requests for a hearing date. The Chief Judge, under whose circuit's rule a criminal defendant attends a motion hearing in person unless the judge orders otherwise, was asked on October 19 who would take the referral.

Movant asks this Court to do what none of them has done: vacate the stay-lift and recall the warrant itself. He asks for no order that returns him to any of them.

THE RECORD SINCE MAY 28	COUNT
Days the warrant has been outstanding	144
Days the May 14 petition has been pending without a hearing date	158
Settings since May 28 at which the clerk recorded Movant "present via video"	2
Findings of a danger of flight or of harm to others	0
New criminal offenses alleged in the petition	0
Days the file-stamped September 28 motion has waited for a setting	21
Days since the Second District reserved "any issue of its jurisdiction" (July 31)	80
Mentions of the warrant in the Second District's orders of July 31 and August 21	0
Written answers from the Circuit Clerk to Movant's presentment requests of October 8 and 13	0
Minutes the same office took on October 19 to give Movant a scheduling number in a civil case	78
Appellate districts holding that section 5-6-4(b) entitles a probationer to release pending the revocation hearing (*Basurto*, 2d; *Dyer*, 4th; *Bagby*, 1st)	3

I. WHY THIS IS THIS COURT'S CASE: FIVE OF ITS OWN INSTRUMENTS HAVE FAILED ON ONE CERTIFIED RECORD

This motion does not ask the Court to spare one probationer one warrant. It asks the Court to restore, in one county, the operation of rules the Court wrote for every county. On this record five of them have stopped working at once, each in the hands of a different office.

1. Rule 45 (Part III). A remote appearance "shall be equivalent to an in-person appearance or court proceeding for all purposes." Ill. S. Ct. R. 45(a)(1). Below, a remote appearance that the People announced and the clerk recorded was treated as a failure to appear, and the defendant was told he would not be allowed "to be a disembodied voice on a Zoom call."

2. Section 5-6-4(b), and this Court's direction in *Rowe* (Part IV). This Court directed the circuit courts "to conduct hearings consistent with Public Acts 101-652 and 102-1104." *Rowe v. Raoul*, 2023 IL 129248, ¶ 52. Public Act 101-652 is the Act that wrote "pretrial release pending the hearing" into section 5-6-4(b). *People v. Basurto*, 2024 IL App (2d) 230512, ¶ 14. Three districts of the Appellate Court, the Second among them in a case from this circuit, have read that text to require release pending the revocation hearing. Below, the warrant is described as the beginning of a 180-day term.

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3. ***General Motors Corp. v. Pappas*** **(Part V).** A notice of appeal leaves the circuit court its jurisdiction over "matters collateral or incidental to the judgment." 242 Ill. 2d 163, 173–74 (2011). Below, an appeal from one order of June 17 was treated as ending the circuit court's jurisdiction "to hear anything that you filed."

4. Rule 609(a) (Part VII). The power to stay a jail term imposed on an order "revoking or modifying the conditions attached to a sentence of probation" belongs to "a judge of the trial or reviewing court." Below, the trial court disclaimed it and the reviewing court declined to use it, telling the appellant that if its denial mooted his appeal he could dismiss it. If that disposition is the rule, a probationer whose jail term is shorter than his appeal can win the appeal only after serving the term.

5. Rule 45(b)(2) (Part VIII). A circuit may take a type of proceeding out of remote attendance only by a local rule of its Chief Judge, made after weighing "the impact that the exemption may have on the ability of all case participants to participate in court proceedings." Ill. S. Ct. R. 45(b)(2) & Committee Comments, cmt. c (rev. Mar. 1, 2026). Below, the exemption for criminal non-evidentiary hearings, joined to the rule that a defendant "shall be present in open court upon the hearing of any Motion," means that a person named in a bench warrant can be heard on a motion to quash it only in the room where it is executed, unless the judge who issued it orders otherwise. That judge has refused.

None of these instruments belongs to Lake County or to the Second District. Each is this Court's, and the way they have failed together is visible only from here. This Court has exercised its supervisory authority to "provide guidance on a matter of considerable importance to the administration of justice: the procedures that must be followed." *Vasquez Gonzalez v. Union Health Service, Inc.*, 2018 IL 123025, ¶ 18. How a person named in a bench warrant is heard on it without first being jailed on it is that kind of matter, and it recurs: since 2024 three districts of the Appellate Court have had to decide what section 5-6-4(b) requires while a revocation petition is pending.

The Federal Comity Imperative (28 U.S.C. § 2254(b)(1)(B)(ii)).

The record below also implicates federal-state judicial comity. Movant's filed circuit motion identifies his active federal habeas corpus proceeding, *Allababidi v. Junkin et al.*, No. 1:26-cv-01077 (N.D. Ill.), and his active federal civil-rights action, *Allababidi v. Shepherd et al.*, No. 1:26-cv-06738 (N.D. Ill.). (SR 8.) Under 28 U.S.C. § 2254(b)(1)(B)(ii), federal law excuses state exhaustion where circumstances render the available State corrective process "ineffective to protect the rights of the applicant." Where a circuit court lifts a 180-day jail stay without a hearing (SR 37), orally denies having lifted the stay while ordering the 180-day jail term executed upon arrest (SR 44), and disclaims all jurisdiction during an appeal while the Appellate Court refuses to stay the sentence and bars the appellant from filing (SR 41, 46, 50), the lower courts have constructed a procedural dead-zone that renders ordinary State process ineffective to protect Movant's liberty prior to imprisonment. Exercising supervisory authority under Article VI, Section 16 vindicates the effectiveness of Illinois's own corrective process without requiring federal intervention.

II. THE RECORD, IN THE WORDS OF THOSE WHO MADE IT

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DATE	THE RECORD	SR
May 14	The People petition to revoke probation, alleging unpaid financial obligations, a November 2025 amphetamine screen, five missed reporting dates, and no proof of public-service hours or of a victim-impact panel. No new offense is alleged. The petition asks the court "to lift the stay on any jail sentence previously imposed or issue a warrant for the arrest and apprehension of the said named defendant, who shall be brought immediately to court for the purpose of setting a date of hearing on said petition or to order a summons to the offender to appear."	SR 18–19
May 28	Arraignment on the petition. The People: Movant is "not present via Zoom." The court: "The last known address where the State sent notice was [redacted]"; "Notice was timely. The defendant's failed to appear. Bench warrant to issue instanter." Minutes: "Issue Warrant."	SR 20; SR 23; SR 27
June 17	Status call. The People: "The defendant is present via Zoom under the name Ehab Allababidi"; "Nothing has been noticed up this morning"; "now that the defendant is here, asking that Your Honor not recall the warrant because he hasn't shown up"; and that "the stay be lifted on the 180-day jail stay." The court: "So I'm going to lift the stay. The warrant is continued." "I'm not going to hear anything in your case unless it's noticed up properly." "I'm not going to allow you to be a disembodied voice on a Zoom call." Minutes: "Defendant present via video"; "WARRANT WILL NOT BE QUASHED"; "Oral Motion TO LIFT STAY ON JAIL SENTENCE Granted."	SR 31–33; SR 36
June 18	Written order, dated June 17: "The stay of the 180 day Lake County Jail term of the defendant's sentence is hereby lifted."	SR 37
July 23	Notice of appeal, dated July 10, from the "[o]rder and minute orders of June 17, 2026" lifting the stay, "declining to quash the outstanding arrest warrant," and discharging the Public Defender.	SR 39
July 30	The People, to the Second District: the notice of appeal "is not yet in effect"; the circuit court should be allowed "to clarify or confirm its factual basis for lifting the stay on his jail term"; the circuit court "is in a more appropriate, superior position to evaluate those facts."	SR 64–65; SR 67; SR 70
July 31	Second District: counsel appointed; "appellant himself shall file nothing further with this court"; the other 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."	SR 41
Aug. 6	Motion setting. The People: "the stay having been lifted." The court: "I did not lift the stay"; on custody he "should serve that stayed jail sentence"; "I don't believe I have jurisdiction over this because the Appellate Court has accepted the gentleman's omnibus emergency motion"; "When you file an appeal, sir, I lose jurisdiction over the case to hear anything that you filed"; struck "until the matter is resolved in the Second District." Minutes: "Defendant present via video."	SR 44–47; SR 54
Aug. 18	Appointed counsel moves to stay the sentence, 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." The motion recounts the case through July 31.	SR 79–81
Aug. 19–25	Appointed counsel: "there is no rule that would allow the appellate court to address the warrant"; "Any remedy regarding the warrant would have to be pursued in the trial court"; "you need to file a motion to quash the warrant in the circuit court"; "I do not plan to file a motion to reconsider the Appellate Court's August 21 order."	SR 92–93
Aug. 20	The People object: the circuit court "has not fully resolved whether and why to lift the stay"; the Second District "should therefore refrain from intervening in the middle of those proceedings"; mootness is "a potential future issue"; "the only information available to this Court is the apparent restraint by the circuit court in placing defendant into custody."	SR 87–88
Aug. 21	Second District: "Appellant's motion to stay is denied. If this order indeed moots this appeal, appellant may move to dismiss it."	SR 50

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DATE	THE RECORD	SR
Aug. 28	The certified transcript of August 6 is file-stamped.	SR 55
Sept. 3	Appointed counsel: “I do not intend to file a remand motion at this time.”	SR 93
Sept. 4	The Second District denies the People’s motion for sanctions; counsel reports that the order states “that any future violations will result in the dismissal of the appeal.”	SR 124
Sept. 25	This Court denies No. 133578 as moot. The motion to quash is e-mailed to the State’s Attorney and the Assistant State’s Attorney who appeared on August 6; a third address rejects it, and Movant discloses the rejection on September 30.	SR 120–124; SR 96–97
Sept. 28	The Circuit Clerk file-stamps the motion to quash.	SR 3
Oct. 8–13	Written requests to the Circuit Clerk for a hearing date, a curable defect, or the controlling order, asking “whether I must telephone 847-377-3250 before filing a Notice of Motion or Notice of Court Date.” No written answer.	SR 99–100
Oct. 19	Movant calls to set the motion; staff first identify the lack of a separate notice of hearing, which he offers to cure that day, then cite the June 17 refusal to quash and suggest counsel or surrender. His written demand that day, copied to the Chief Judge and Courtroom T-611, asks who will take the referral. At 12:30 p.m. he asks the same Clerk’s office a scheduling question in a civil case; at 1:48 p.m. it answers: “To schedule the emergency Motion please contact the clerk at 847-377-3354.”	SR 102–106

III. THE RESPONDENT JUDGE OPENLY NULLIFIED SUPREME COURT RULE 45(a)(1) FROM THE BENCH, DECLARING THAT A RULE 45 APPEARANCE DOES NOT COUNT IN COURTROOM T-611

When the respondent judge declared on June 17, “I’m not going to allow you to be a disembodied voice on a Zoom call and not avail yourself to this Court. I’m not doing that” (SR 33), he was not applying Rule 45; he was repealing it for his courtroom. This Court did not adopt Rule 45(a)(1) and (d)(1)(iii) effective March 1, 2026 as a suggestion that circuit judges in Waukegan may veto whenever they prefer physical surrender. Worse, the State’s own prosecutor stood in open court and uttered a sentence that belongs in a textbook on procedural absurdity: “now that the defendant is here, asking that Your Honor not recall the warrant because he hasn’t shown up” (SR 31). Keeping an arrest warrant active across Illinois law-enforcement databases (LEADS No. W26F4152) for 144 days on the theory that a defendant who “is here” under Rule 45 “hasn’t shown up” is an open mockery of this Court’s rulemaking authority.

The ruling, in full:

> “Well, Mr. Allababidi, again, **I’m not hearing anything in your case.** If you wish to file pleadings attacking the petition to revoke, I suppose you’re welcome to do that. **But you have to appear in court to do that.** I’m not going to allow you to be a disembodied voice on a Zoom call and not avail yourself to this Court. I’m not doing that. **So I’m ending this conversation.** If you wish to proceed, hire a lawyer and notice it into court and file whatever you’d like. That’s the end of the record. Thank you.”
>
> *The court, June 17, 2026 (June 17 Tr. 4:2–12; SR 33) (emphasis added).*

A failure-to-appear warrant asks whether the defendant will come before the court. The People’s petition says so in terms: it asks for a warrant so that Movant “shall be brought immediately to court for the purpose of setting a date of hearing on said petition,” or for a summons. (SR 19.) The May 28 order rests on that ground alone. No one found a danger of flight or of harm to others, the other grounds on which section 5-6-4(a)(3) permits a warrant. (SR 27.)

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Twenty days later Movant came before the court. June 17 was a status call: the minutes record "Event Type: Status," and the transcript is captioned "STATUS." (SR 36; SR 30.) Rule 45 permits a criminal defendant facing possible jail to attend a status hearing remotely "without any advance approval." Ill. S. Ct. R. 45(d)(1)(iii) (eff. Mar. 1, 2026). It provides that a remote appearance "shall be equivalent to an in-person appearance or court proceeding for all purposes." Ill. S. Ct. R. 45(a)(1). The Nineteenth Circuit's rule under Rule 45(b)(2) lists the Criminal Division events that require in-person attendance absent leave of court. Arraignments and non-evidentiary hearings are on that list. Status hearings are not. 19th Jud. Cir. Ct. R. 1-1.22(2)(d) (eff. July 24, 2023) (SR 110–111).

The People announced him: "The defendant is present via Zoom under the name Ehab Allababidi." The clerk recorded him: "Defendant present via video." (SR 31; SR 36.) In the same passage the prosecutor asked the court, "now that the defendant is here," not to recall the warrant "because he hasn't shown up." (SR 31.) The defendant was there and had not shown up. The court resolved the contradiction by calling Movant "a disembodied voice on a Zoom call" and continuing the warrant. (SR 32–33.) Rule 45 requires that a defendant waiving in-person presence be told that "the legal effect of the remote proceeding will be the same as an in-person proceeding." Ill. S. Ct. R. 45(d)(3)(iii)(E). A court may not tell a defendant the opposite and then treat his compliance as an absence.

Rule 45(b)(1) does let a judge require in-person attendance at a future proceeding "for reasons particular to the specific case," stated on the record. That power looks forward. It does not un-count an appearance the rule has already counted, and the remedy it supplies is a noticed in-person setting, not a standing arrest command. The reason given on June 17 was not particular to this case. It was an objection to the medium the rule authorizes.

Movant was before the court again on August 6, on a setting the clerk had noticed, and the minutes again list him "present via video." (SR 54; SR 46.) The court received him, addressed him, and set nothing. Twice since May 28 the purpose the People assigned to the warrant was available to the court. Twice no hearing date was set.

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.)

IV. THE WARRANT HAS BECOME A SUBSTITUTE FOR THE HEARING SECTION 5-6-4 REQUIRES

Section 5-6-4 gives the court three ways to bring a probationer before it: a notice, a summons, or a warrant, the last only on danger of flight, danger of harm, or failure to answer a summons or notice. 730 ILCS 5/5-6-4(a)(1)–(3) (West 2024). What follows is not optional. 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." *Id.* § 5-6-4(b). If an offender is nonetheless held only on

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the alleged violation, the hearing "shall be held within 14 days of the onset of said incarceration." *Id.* At the hearing "[t]he State has the burden of going forward with the evidence and proving the violation by the preponderance of the evidence," in open court, "with the right of confrontation, cross-examination, and representation by counsel." *Id.* § 5-6-4(c).

None of the five alleged violations is a criminal offense. (SR 18.) The one that sounds like one is a November 2025 amphetamine screen, and the probation officer present on May 28 told the court: "Due to the positive drop of amphetamines in November, he does have a prescription but the last update of the prescription was from 2024." (May 28 Tr. 4:12–14; SR 25.) Three districts of the Appellate Court have read the statute to require release pending the hearing, and for a petition like this one the rule is stated plainly: "if a petition to revoke probation does not allege a violation that constitutes a criminal offense, the defendant is entitled to be released from custody pending the hearing on the petition." *People v. Dyer*, 2024 IL App (4th) 231524, ¶ 21; see *People v. Bagby*, 2026 IL App (1st) 252636, ¶ 23 (release required where the alleged violation was a nondetainable offense). The Second District applied the same text to reverse a Lake County order that held a probationer pending revocation, and answered the objection that release was anomalous: "what the trial court saw as absurd is the legislature's policy preference." *People v. Basurto*, 2024 IL App (2d) 230512, ¶ 21. The warrant can lawfully do one thing: bring Movant before the court so that the hearing can be set.

On August 6 the court described a different instrument. "I issued a warrant. And on the warrant, I indicated that should Mr. Allababidi be taken into custody, then he should serve that stayed jail sentence that was part of the plea in this case." (R 171:11–14; SR 44.) That is custody first and the sentence on contact. The hearing comes, if at all, after the term it would decide has been served. Section 5-6-4 puts the hearing before the jail and allows a held offender to wait no more than 14 days for it. The August 6 transcript puts 180 days of jail in place of the hearing. The Constitution sets the same floor: a probationer "is entitled to a preliminary and a final revocation hearing." *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973).

The petition has now been pending 158 days and has never been set for hearing. The only event the warrant can produce is incarceration. This Court has exercised its supervisory authority where, in part, the length of time a case had been pending without a hearing on the merits warranted it. *Vasquez Gonzalez*, 2018 IL 123025, ¶ 17 (citing *Crane Paper Stock Co. v. Chicago & Northwestern Ry. Co.*, 63 Ill. 2d 61, 67–68 (1976)).

The Irreparable Federal-Court and Commercial Obstruction Wrought by the Warrant.

The circuit court's May 28 remark characterizing Movant by a "history of noncompliance" (SR 26)—uttered to justify a bench warrant on a technical petition whose sole drug allegation the probation officer admitted was covered by a medical prescription (SR 25)—cannot be reconciled with the record. Movant is a lifelong Chicago resident living at the exact Winona Street address verified by the circuit court on May 28 (SR 27), the principal systems engineer of a federally registered defense and software firm (Dark Deck LLC, CAGE Code 16QC7), and the pro se plaintiff actively prosecuting screened federal litigation in the Northern District of Illinois, including *Allababidi v. Tencent Cloud LLC et al.*, No. 1:26-cv-03204 (N.D. Ill. Apr. 22, 2026) (Dkt. 9) (Hon. Sunil R. Harjani) (finding Movant's Computer Fraud and Abuse Act, Defend Trade Secrets Act, and Illinois Computer Tampering Act claims sufficient under 28 U.S.C. § 1915(e)(2)(B) and appointing the U.S. Marshals Service to serve process), alongside *Allababidi v. Shepherd et al.*, No. 1:26-cv-06738 (N.D. Ill.), *Allababidi v. Junkin et*

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al., No. 1:26-cv-01077 (N.D. Ill.), *Allababidi v. Advocate Health & Hospitals Corp. et al.*, No. 1:25-cv-15800 (N.D. Ill.), and related state record-administration actions (Nos. 2026 MR 348 and 2026 MR 471). Executing a summary, pre-hearing 180-day jail sentence upon arrest on an unproved technical petition not only violates 730 ILCS 5/5-6-4(b) and moots Appeal No. 2-26-0352 before it can be heard (SR 81), but inflicts immediate, irreparable collateral harm by incapacitating a federal plaintiff in the middle of active federal proceedings.

Add to that list the civil RICO actions in the Southern District of New York (No. 1:26-cv-05881) and the District of Delaware (No. 1:26-cv-00908), which, with No. 1:25-cv-15800, Movant has prosecuted in three federal districts through the whole life of this warrant. **These are not lightweight racketeering cases.**

V. THE CIRCUIT COURT HAS THE JURISDICTION IT DISCLAIMED, AND EVERY PARTY HAS SAID SO

The ruling of August 6 was categorical:

> "When you file an appeal, sir, **I lose jurisdiction over the case to hear anything that you filed.** So unless and until the Appellate Court rules on your motion or remands the matter back to this court, **I have no jurisdiction to hear anything in this case.** So I'm not going to hear anything today."
>
> *The court, August 6, 2026 (R 173:4–9; SR 46) (emphasis added); see R 172:22–24 and R 173:21–R 174:1 (SR 45; SR 46–47).*

That ruling applies the first half of a two-sentence rule. "Once the notice of appeal is filed, the appellate court's jurisdiction attaches instanter, and the cause of action is beyond the jurisdiction of the circuit court." *General Motors Corp. v. Pappas*, 242 Ill. 2d 163, 173 (2011). The second sentence is the one the circuit court did not apply: "[t]he circuit court, however, retains jurisdiction after the notice of appeal is filed to determine matters collateral or incidental to the judgment." *Id.* at 173–74. "A notice of appeal confers jurisdiction on a court of review to consider only the judgments or parts of judgments specified in the notice of appeal." *Id.* at 176 (citing *People v. Lewis*, 234 Ill. 2d 32, 37 (2009)). This Court has "specifically recognized that a stay of judgment is collateral to the judgment and does not affect or alter the issues on appeal." *Id.* at 174 (citing *Steinbrecher v. Steinbrecher*, 197 Ill. 2d 514, 526 (2001)). And Rule 609(a) provides that when an appeal is taken "from an order revoking or modifying the conditions attached to a sentence of probation or conditional discharge and imposing a sentence of imprisonment," the sentence may be stayed "by a judge of the trial or reviewing court." Ill. S. Ct. R. 609(a) (eff. Feb. 6, 2013). This Court's rule assigns the trial court a role during exactly this kind of appeal.

The order on appeal is the June 17 order. (SR 39.) The May 14 petition has never been adjudicated, and the warrant is process issued on it. Neither is "the judgment." The notice of appeal does list the June 17 refusal to quash, but listing an order does not make it appealable. Rule 604(b) allows a probationer to appeal "from an order modifying the conditions of or revoking such an order or sentence"; a refusal to quash a bench warrant is neither. Ill. S. Ct. R. 604(b) (eff. Apr. 15, 2024). Movant's appointed appellate counsel agrees: "there is no rule that would allow the appellate court to address the warrant. The fact that it is listed in the notice of appeal does not in itself give the appellate court jurisdiction to address it." (SR 92.) And whatever the June 17 refusal decided, it was interlocutory. "A court in a criminal case has inherent power to reconsider and correct its own rulings,"

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and that power "extends to interlocutory, as well as final, judgments." *People v. Mink*, 141 Ill. 2d 163, 171 (1990). The September 28 motion asks the circuit court to do exactly that, on grounds that arose after June 17: the August 6 appearance, the August 6 disavowal of the stay-lift, and the August 6 ruling on jurisdiction. (SR 3–9.)

The ruling also rested on a misreading. The court said it lacked jurisdiction "because the Appellate Court has accepted the gentleman's omnibus emergency motion." (R 172:22–24; SR 45.) The July 31 order, which the court read into the record moments earlier, granted that motion "as to its request for the appointment of appellate counsel" and stated that the motion and Movant's other motions "are otherwise denied." It reserved "any issue of *its* jurisdiction" (emphasis added), meaning the Second District's. (SR 41; R 172:3–21, SR 45.)

The People have twice taken the opposite position in the Second District. On July 30 they said the notice of appeal "is not yet in effect, this Court lacks jurisdiction," and that "[t]he circuit court is in a more appropriate, superior position to evaluate those facts." (SR 64–65; SR 70.) On August 20, fourteen days after the circuit court struck the matter "until the matter is resolved in the Second District," they told the Second District that the circuit court "has not fully resolved whether and why to lift the stay" and that the Second District "should therefore refrain from intervening in the middle of those proceedings." (SR 87.) The circuit court is waiting for the Second District. The Second District was told the circuit court was still deciding. Every way of reading the record returns the question to the circuit court:

IF THE NOTICE OF APPEAL IS	THEN THE CIRCUIT COURT	SOURCE
not yet effective (the People's position, July 30)	kept all of the jurisdiction it had, including over the petition, the warrant, and the motion to quash.	SR 64–65; SR 68
effective as to the June 17 order	kept the unadjudicated petition, the process issued on it, and the power to stay, none of which is the June 17 order.	*Pappas*, 242 Ill. 2d at 173–74, 176; R. 609(a)
effective, and read to include the refusal to quash	still kept the warrant, because a refusal to quash is not appealable under Rule 604(b), as Movant's own appellate counsel has written.	R. 604(b); SR 92

One more feature of the August 6 ruling settles the point. A court with no jurisdiction "to hear anything in this case" has none to keep a warrant in force in it either. The circuit court has kept the warrant in force and has described the sentence it will carry. It cannot hold the warrant on jurisdiction it disclaims when asked to recall it.

The People Are Judicially Estopped From Contradicting Their Verified Appellate Representations (*People v. Runge*).

Under the doctrine of judicial estoppel, a party who assumes a factual position in a legal proceeding and succeeds in maintaining that position cannot assume a contrary position simply because its litigation interests have changed. *People v. Runge*, 234 Ill. 2d 68, 132 (2009); *Seymour v. Collins*, 2015 IL 118432, ¶ 36. In two separate pleadings verified under 735 ILCS 5/1-109 on July 30 and August 20, 2026, the People defeated Movant's stay motions in the Second District by representing that: (1) "[t]he circuit court is in a more appropriate, superior position to evaluate those facts, including through the ongoing proceedings therein" (SR 70, 88); (2) "the circuit court has not fully resolved whether and why to lift the stay" (SR 87); and (3) the circuit court was exercising "apparent restraint by

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the circuit court in placing defendant into custody" (SR 88). Having prevailed on those verified representations to defeat a stay on August 21 (SR 50), the People cannot now come before this Court in an original Rule 383 proceeding to defend either the circuit court's refusal to exercise jurisdiction or the execution of a 180-day jail term prior to a section 5-6-4 hearing.

VI. THE AUGUST 6 REPUDIATION ("I DID NOT LIFT THE STAY") ENGINEERED AN UNCONSTITUTIONAL CATCH-22: UNAPPEALABLE ON PAPER, YET SELF-EXECUTING IN THE CELLBLOCK

Compare the signed written order file-stamped June 18 ("The stay of the 180 day Lake County Jail term of the defendant's sentence is hereby lifted", SR 37) with the respondent judge's words on August 6 after Movant appealed that exact order: "I did not lift the stay. I issued a warrant. And on the warrant, I indicated that should Mr. Allababidi be taken into custody, then he should serve that stayed jail sentence that was part of the plea in this case. So I never sentenced him to jail" (SR 44).

If that maneuver is permitted to stand, this Court's appellate rules and 730 ILCS 5/5-6-4 are dead letters. By signing an order lifting the stay on June 18 and then orally denying on August 6 that he lifted the stay while embedding the 180-day jail term directly into the execution of a bench warrant, the respondent judge created a heads-I-win, tails-you-lose trap:

- **In the Appellate Court**, the August 6 disclaimer ("I never sentenced him to jail") allows the State to argue that the appeal is premature or that there is no executed sentence to stay (SR 87–88);
- **In the Circuit Court**, the existence of the appeal is used to disclaim all jurisdiction "to hear anything in this case" (SR 46); and
- **In the Lake County Jail**, the warrant functions as a summary 180-day commitment order upon arrest, bypassing the mandatory pretrial release of 730 ILCS 5/5-6-4(b) (*Rowe*; *Basurto*) and the constitutional right to a pre-revocation hearing under *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973).

The judge's own words and orders, in the order he produced them:

> "So I'm going to lift the stay. The warrant is continued."
> *The court, June 17, 2026 (June 17 Tr. 3:2–3; SR 32).*
>
> "Oral Motion TO LIFT STAY ON JAIL SENTENCE Granted"
> *Minutes of June 17, 2026 (SR 36).*
>
> "The stay of the 180 day Lake County Jail term of the defendant's sentence is hereby lifted."
> *Order dated June 17, file-stamped June 18, 2026 (SR 37).*
>
> "Let me start by clarifying that. **I did not lift the stay.**"
> *The court, August 6, 2026 (R 171:10–11; SR 44) (emphasis added).*

On July 30 the People had objected to appellate relief that would come "before allowing the circuit court to clarify or confirm its factual basis for lifting the stay on his jail term." (SR 67.) Seven days later the circuit court clarified: it had not lifted the stay. On August 20 the People told the Second District the question remained unresolved below. (SR 87.)

Each reading of that record leads to the same place.

1. **If the stay was lifted,** it was lifted as relief the People's petition requested ("to lift the stay on any jail sentence previously imposed"), granted on an oral motion at a status call where, in the prosecutor's

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words, "[n]othing has been noticed up this morning," with no evidence, no witness, and no finding of a violation. (SR 19; SR 31–32.) The statute permits the conditions of probation to be modified only "after notice and a hearing." 730 ILCS 5/5-6-4(f) (West 2024). That order is the subject of No. 2-26-0352, and executing the warrant now serves the term before the appeal is decided. (Part VII.)

2. If the stay was not lifted, there is no sentence for the warrant to deliver Movant to. The warrant can only bring him before the court, where section 5-6-4(b) requires his release pending a hearing. He has been before the court. The warrant has nothing left to do.

3. If the record is left as it is, no officer executing the warrant can know whether he is delivering Movant to a hearing or to a sentence. On this record, neither can the court.

Under every reading, executing the warrant now imposes a disputed 180-day term before any court has heard the petition or decided the appeal. Paragraph 1 of the proposed order ends it: it vacates the order that lifted the stay and recalls the warrant that carries the term.

VII. THE SECOND DISTRICT INVITED THE STAY MOTION BY NAME, DENIED IT IN TWO SENTENCES, AND INVITED THE APPELLANT TO DISMISS HIS OWN APPEAL

Four entries in the record trace No. 2-26-0352 from July 31 to August 21.

1. It kept the stay question for counsel. On July 31 it granted Movant's motion "as to its request for the appointment of appellate counsel," ordered that "appellant himself shall file nothing further with this court," denied his other motions "without prejudice to any motion filed by his counsel, including a motion to stay," and advised counsel "of appellant's suggestion that his jail term will begin on August 6, 2026." It reserved "any issue of its jurisdiction." (SR 41.)

2. It received the motion it had kept for counsel. On August 18 counsel moved to stay the 180-day term, verifying that the record was not due until September 24, 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 80–81.)

3. It received the People's answer. On August 20 the People called the appeal premature, said the circuit court "has not fully resolved whether and why to lift the stay," called mootness "a potential future issue," relied on "the apparent restraint by the circuit court in placing defendant into custody," and asked the Second District to "refrain from intervening in the middle of those proceedings." (SR 87–88.) Fourteen days earlier the circuit court had struck the matter "until the matter is resolved in the Second District." (SR 46–47.) The proceedings the People asked the Second District not to interrupt had been suspended to await it.

4. It denied the stay in two sentences. "Appellant's motion to stay is denied. If this order indeed moots this appeal, appellant may move to dismiss it." (SR 50.)

The second sentence is the order's only reasoning, and it contemplates the very result the motion asked the court to prevent. Counsel's verified showing was that without a stay the appeal would be moot before it could be decided. The order does not dispute that. It tells the appellant what to do afterward. This Court has said what a stay pending appeal is for: it "is intended to preserve the status quo pending the appeal and to preserve the fruits of a meritorious appeal where they might otherwise be lost," and "whether a stay is necessary to secure the fruits of the appeal in the event the movant is successful" is a factor the court weighs. *Stacke v. Bates*, 138 Ill. 2d 295, 302, 305 (1990) (stay under Rule 305(b)). The August 21 order acknowledges the risk that factor measures and states nothing that

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outweighs it. Rule 609(a) supplies the same power in a criminal appeal, by name, for an appeal "from an order revoking or modifying the conditions attached to a sentence of probation or conditional discharge and imposing a sentence of imprisonment."

Neither order, as transmitted, bears the name of a justice. The July 31 order that barred the appellant from filing and named the motion it expected from his counsel, and the August 21 order that denied that motion and pointed the appellant toward dismissing his own appeal, each reached him as a notice signed by the Clerk. (SR 41; SR 50.) The disposition that leaves a 180-day jail term unstayed through an appeal the court itself expected to become moot carries no justice's signature and one sentence of reasoning.

The Second District did not deny the stay in ignorance of what would follow. Its own July 31 order had recited "appellant's suggestion that his jail term will begin on August 6, 2026" and addressed that recital to counsel. (SR 41.) It then denied the motion it had invited, with counsel's verified mootness showing in hand. (SR 81; SR 50.) The certified transcript of August 6, in which the judge who entered the order on appeal said "I did not lift the stay," ruled that he had "no jurisdiction to hear anything in this case," and struck the matter to await the Second District, was file-stamped a week after the denial and now sits in the record on appeal at R 170–175. (SR 55; SR 44–47.) The record shows no reconsideration since it arrived.

The Second District's own law pointed the other way. In *People v. Basurto* it reversed an order of the Circuit Court of Lake County that had held a probationer pending a revocation hearing, holding that section 5-6-4(b) entitled him to "pretrial release as contemplated in article 110 of the Criminal Code pending his hearing on the State's petition to revoke his probation." 2024 IL App (2d) 230512, ¶ 21. On August 21 it left unstayed a 180-day term that, as the transcript then still uncertified shows, the issuing judge treats as beginning on arrest, before any hearing, on a petition that alleges no criminal offense.

Since August 21 the appellate channel has closed completely. Counsel has written that he does "not plan to file a motion to reconsider the Appellate Court's August 21 order" and does "not intend to file a remand motion at this time." (SR 93.) Movant may file nothing. (SR 41.) And on September 4, denying the People's motion for sanctions, the Second District stated, as counsel reported it, "that any future violations will result in the dismissal of the appeal." (SR 124.) The court that holds the appeal will not stay the term, cannot reach the warrant on counsel's reading of the rules, and has barred the appellant from filing.

Movant asks for no order sending the stay back to the Second District. That court invited the motion, received the verified showing that the appeal would be mooted, and answered with the dismissal option. Paragraph 1 restores the stay by vacating the order that lifted it, which is where Rule 609(a) and *Stacke* say a term belongs while an appeal tests it: unexecuted.

VIII. THE CHIEF JUDGE AND THE CIRCUIT CLERK EACH HOLD A KEY, AND NEITHER HAS TURNED IT

A. The Chief Judge.

Rule 45 lets a circuit take a type of proceeding out of remote attendance in one way only: "the Chief Judge shall by local rule exempt the case type or proceeding type from offering the option to appear remotely without any advance approval." Ill. S. Ct. R. 45(b)(2). The Nineteenth Circuit's rule lists "Non-evidentiary hearings" among the Criminal Division events at which case participants "must

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appear in-person." (SR 110–111.) Its standard for an exception and this Court's cannot both be applied:

> "Case participants may ask the court for permission to appear remotely. The court in its discretion may **for good cause shown** permit such remote appearance."
>
> *19th Jud. Cir. Ct. R. 1-1.22(2)(d) (SR 111) (emphasis added).*

> "[A]n approval should be liberally granted **without requiring a showing of good cause** or any particular level of hardship, unless otherwise provided by Supreme Court Rule (for example, Rule 241, on the use of remote appearances in civil trials and evidentiary hearings)."
>
> *Ill. S. Ct. R. 45, Committee Comments, cmt. d (rev. Mar. 1, 2026) (emphasis added).*

Local Rule 9-1.06(F) adds that a defendant "shall be present in open court upon the hearing of any Motion in the case unless otherwise ordered." (SR 117.) Together they place the hearing on a motion to quash a warrant in the room where the warrant is executed, unless the judge who issued the warrant orders otherwise. That judge has said he will not. (SR 33.)

The Chief Judge holds the other key as well. "Subject to the authority of the Supreme Court, the Chief Judge shall have general administrative authority over his court." Ill. Const. 1970, art. VI, § 7(c). He may enter general orders "providing for assignment of judges." Ill. S. Ct. R. 21(e). Movant's demand of October 19 was copied to the Chief Judge and asked whether his office or Courtroom T-611 would take the referral. (SR 102; SR 104.) No answer had been received when this motion was filed.

Movant asks for no order directed to the Chief Judge. An assignment order would send the motion back into the same circuit, under the same in-person rule, to be heard in the room where the warrant is executed.

B. The Circuit Clerk.

The clerks of the circuit courts "are nonjudicial members of the judicial branch of State government." *Drury v. County of McLean*, 89 Ill. 2d 417, 420 (1982). This Court's supervisory authority extends to "all courts." Ill. Const. 1970, art. VI, § 16. The Clerk's office file-stamped the motion on September 28. (SR 3.) On October 8 Movant asked it in writing for one of three things, a hearing date, the curable defect, or the order preventing a setting, and asked "whether I must telephone 847-377-3250 before filing a Notice of Motion or Notice of Court Date." (SR 99.) He renewed the request on October 13. (SR 100.) Neither request has been answered. On October 19, when he called to set the motion, court staff first identified the missing notice of hearing, which he offered to cure that day, and then gave the June 17 refusal to quash as a reason the motion could not be set. (SR 102–103.) That afternoon the same office answered a written scheduling question from him in a civil case 78 minutes after he sent it: "To schedule the emergency Motion please contact the clerk at 847-377-3354." (SR 105–106.)

Movant put the call in writing the same day:

> "I stated I was prepared to obtain an available date, file the notice, and serve the State. **After looking at the case,** I understood staff to invoke Judge Stride's prior refusal to quash the warrant as a separate reason the September 28 motion could not be scheduled, and to suggest **retention of counsel or surrender**. I explained that the September filing asserts distinct record facts and legal grounds. An attempted transfer to higher-level management terminated in voicemail."

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Movant's written demand to the Circuit Clerk, October 19, 2026 (SR 103) (emphasis added).

The scheduling problem was curable until someone looked up the name on the case. Then it became the judge's ruling, and then it became surrender. The Sunken Place, it turns out, has voicemail.

Either the only obstacle to a setting is a notice of hearing, or it is the June 17 ruling. If it is the notice, Local Rule 9-1.06(B) already directs that the motion be scheduled ("all motions shall initially be scheduled before the Court for presentment"). (SR 117.) It cannot legitimately be the ruling. The June 17 ruling directs the very step Movant offered to take: "I'm not going to hear anything in your case unless it's noticed up properly," and "notice it into court and file whatever you'd like." (June 17 Tr. 3:8–10, 4:10–12; SR 32–33.) Asked in writing on October 8, 13, and 19 to identify any order that prevents a setting, the office has identified none, and none appears in this record. A ruling that invites notice is being applied outside the courtroom to refuse it, against a motion that asks the court to reconsider that ruling. The warrant carries a local and a State number (314270; W26F4152). (SR 102.) Paragraph 1 orders it recalled from every system that holds it; an order that never leaves the courtroom does not reach the officer who executes the warrant.

IX. NO ORDINARY REMEDY REACHES THIS WARRANT

Each forum below has sent Movant somewhere else.

FORUM	ITS WORDS OR SILENCE	SENDS MOVANT TO	SR
Circuit court (Aug. 6)	"unless and until the Appellate Court rules on your motion or remands the matter back to this court, I have no jurisdiction to hear anything in this case"	The Second District	SR 46
The People (July 30, Aug. 20)	"The circuit court is in a more appropriate, superior position to evaluate those facts"; the Second District "should therefore refrain from intervening"	The circuit court	SR 70; SR 87–88
Second District (July 31, Aug. 21)	"appellant himself shall file nothing further with this court"; stay denied; "If this order indeed moots this appeal, appellant may move to dismiss it"	Dismissal of his own appeal	SR 41; SR 50
Appointed appellate counsel (Aug. 19–Sept. 3)	"Any remedy regarding the warrant would have to be pursued in the trial court." No motion to reconsider; no remand motion.	The circuit court	SR 92–93
Local Rules 1-1.22(2)(d) and 9-1.06(F)	"A Defendant shall be present in open court upon the hearing of any Motion"	The courtroom, where the warrant is executed	SR 110–111; SR 117
Circuit Clerk (Oct. 8, 13)	No written answer	Nowhere	SR 99–100
Court staff (Oct. 19, verified account)	Counsel or surrender	Custody	SR 102–103
Chief Judge's office (Oct. 19)	Asked who would take the referral; no answer when this motion was filed	Nowhere	SR 102

A notice of hearing would not change any of this. The circuit court struck Movant's last noticed setting for want of jurisdiction, and nothing in the record indicates that its view of its jurisdiction has changed. (SR 46–47.) Rule 9-1.06(F) would require him to attend the next setting in open court. And on October 19 court staff, after he offered to file the notice that day, gave the June 17 refusal to quash as a separate reason the motion could not be set. (SR 102–103.)

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Even the route to a lawyer runs through the courtroom door. On June 17 the court told Movant, "you need to hire a lawyer, or you need to appear in court and ask this Court to reconsider the appointment of the public defender." (June 17 Tr. 3:4–7; SR 32.)

This Court's supervisory authority "is unlimited in extent and hampered by no specific rules." *Vasquez Gonzalez*, 2018 IL 123025, ¶ 16. "It is bounded only by the exigencies which call for its exercise." *Id.* (quoting *In re Estate of Funk*, 221 Ill. 2d 30, 97–98 (2006)). An order "need not be final and appealable in order that this court exercise its supervisory authority." *Id.* (quoting *People v. Heddins*, 66 Ill. 2d 404, 406 (1977)). *Heddins* was a criminal case in which this Court entered a supervisory order directing a circuit court to vacate a clearly erroneous interlocutory order. *Id.* The authority is reserved for "exceptional circumstances" and is exercised "only if the normal appellate process will not afford adequate relief and the dispute involves a matter important to the administration of justice, or where intervention is necessary to keep an inferior court or tribunal from acting beyond the scope of its authority." *Id.* ¶ 17 (quoting *People v. Salem*, 2016 IL 118693, ¶ 21, quoting *In re J.T.*, 221 Ill. 2d 338, 347 (2006)). A warrant that its issuing court has said will begin a jail term on arrest, in a case that every forum below has handed to another, is an exceptional circumstance, and both branches are met.

1. **The normal process cannot afford relief, and the question matters beyond this case.** The appellate route is closed by order, by counsel's written refusals, and by the denial of a stay that counsel verified was "necessary so as not to render this appeal moot." (SR 81; Part VII.) The circuit court has disclaimed jurisdiction and requires in-court presence that executes the warrant. The questions are this Court's statewide rules and a statute three districts have had to construe since 2024. (Part I.)

2. **The circuit court is acting beyond its authority.** Section 5-6-4(b) requires that a probationer charged only with technical violations be released pending the hearing. It does not permit arrest on such a petition to begin service of a sentence, and no rule permits a court to keep a warrant in force while disclaiming jurisdiction to hear a motion to quash it.

Every lesser order this Court could enter would return Movant to one of the forums in the table above. He asks for none of them.

X. THE PRIOR PROCEEDINGS AND THE RELATED CIVIL ACTIONS DO NOT REACH THIS

Movant discloses five prior proceedings in this Court and reproduces each disposition. (SR 120–124.)

1. **No. 133301** (supervisory; denied June 26) sought a stay of the June 18 order and nonexecution of the warrant pending a substitution-for-cause motion under 725 ILCS 5/114-5(d). It did not present Rule 45, section 5-6-4(b) and (c), or any question of jurisdiction during appeal.

2. **No. 133295** (mandamus; leave denied July 6) was directed to the Circuit Clerk.

3. **Nos. 133342 and 133389** (denied July 16) were directed to the Chief Judge of the Nineteenth Judicial Circuit and concerned assignment of the substitution motion.

4. **No. 133578** (supervisory; denied as moot September 25) sought directions concerning the People's sanctions motion in No. 2-26-0352. The Second District denied that motion on September 4. (SR 120–124.)

5. **Related civil actions.** Movant is plaintiff in three pending civil actions concerning law-enforcement records of the warrant: *Allababidi v. Idleburg*, No. 2026 MR 000471 (Cir. Ct. Lake County), against the

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Sheriff of Lake County; *Allababidi v. Kelly*, No. 2026 MR 000348 (Cir. Ct. Sangamon County), against the Director of the Illinois State Police; and a Freedom of Information Act action against the Illinois State Police, No. 2026 CH 09142 (Cir. Ct. Cook County). None asks any court to quash, recall, or stay the warrant. That relief belongs to the court that issued the warrant and to this Court.

The first four were decided before the July 31 appellate order, the August 6 ruling, the certification of the transcripts, and the September 28 motion. None asked for an order on the warrant on the grounds stated here, and none was directed to the Appellate Court. This is the first time the certified record of this warrant has been before the Court.

XI. ONE ORDER, AND NO ALTERNATIVE

Movant asks for paragraph 1 and nothing else: vacatur of the June 17 stay-lift, recall of the warrant from every system that holds it, pretrial release pending the revocation hearing, and remote status and non-evidentiary settings.

He asks for no alternative order. He does not ask to be returned to the circuit court for a hearing it has refused to set, to the Second District for reconsideration of a stay it invited and then denied, or to a Chief Judge or a Clerk who have not answered him. Each of those orders would deliver him back to a forum that has already sent him somewhere else (Part IX), with the 180-day term beginning on contact. The People keep their petition and their burden; paragraph 1 sends both to the noticed hearing section 5-6-4 required from the start.

XII. COMPLIANCE WITH RULES 383, 361, AND 328

1. Rule 383(c) requires that "[a] person whose act is the subject of this proceeding shall be designated as a respondent." The respondents and their acts are: the circuit judge (the orders of May 28 and June 17 and the ruling of August 6); the Justices of the Second District in No. 2-26-0352 (the orders of July 31 and August 21); the Chief Judge (the circuit's in-person exemption and the assignment of judges); and the Circuit Clerk (the handling of the presentment requests and the transmission of any recall). The People of the State of Illinois are the prevailing party below and may file documents for the respondents; a respondent need not respond unless instructed. Ill. S. Ct. R. 383(c) (eff. July 1, 2017).

2. The motion, these suggestions, and all supporting documents are served on each respondent and on the People, through the State's Attorney of Lake County and through the Attorney General, who represents the People before this Court. Ill. S. Ct. R. 383(b); 15 ILCS 205/4 (West 2024). The Justices of the Second District are served through the Clerk of that court; that service is made under Rule 383(b) in this Court and is not a filing in No. 2-26-0352. Nothing is sent to the State's Attorneys Appellate Prosecutor, the People's counsel in No. 2-26-0352, because the Second District's orders of July 31 and August 21, 2026 bar Movant from communicating with appellee's appellate counsel. (SR 41; SR 50.) Movant asks that the Clerk of this Court transmit the filing to that office if the Court considers it necessary. Service is made through eFileIL's electronic service function on acceptance and docketing. Ill. S. Ct. R. 11(c).

3. The People may object within seven days after e-mail service. Ill. S. Ct. R. 383(d). The nature of the emergency and the grounds for the specific relief are stated in the motion, in the form Rule 361(g) prescribes for emergency motions. A proposed order marked "Allowed" or "Denied" accompanies the motion. Ill. S. Ct. R. 361(b)(2).

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4. The Supporting Record contains the lower-court records and other material that present the issues, authenticated by Movant's certification under section 1-109 of the Code of Civil Procedure and paginated in one continuous series. Ill. S. Ct. R. 383(a); R. 328 (eff. July 1, 2017). Facts that do not appear of record, including the October 19 call, are verified below. Ill. S. Ct. R. 361(a).

CONCLUSION

Since May 28 the Circuit Court of Lake County has had Ehab Allababidi before it twice and has twice declined to hear him. It has told him that it lacks jurisdiction to hear him, that he must stand in open court to be heard, and that if he is taken into custody he will serve 180 days. The Second District has told him that if its refusal to stay that term moots his appeal, he may dismiss it. The Clerk's office has not told him how to get a date. Together those answers leave one way out of the warrant, and it runs through the jail. Section 5-6-4, Rule 45, and Rule 609(a) say there must be another. Movant asks this Court to order it.

The warrant has not stayed in Courtroom T-611. It now runs through a federal habeas case the Attorney General is defending (No. 1:26-cv-01077); a federal civil-rights action against the Assistant State's Attorneys who obtained it, with Lake County joined to indemnify them (No. 1:26-cv-06738); a records action against the Director of the Illinois State Police (No. 2026 MR 000348); a Freedom of Information Act action against the Illinois State Police (No. 2026 CH 09142); a records action against the Sheriff of Lake County (No. 2026 MR 000471); an appeal the Second District will not protect (No. 2-26-0352); and this proceeding. (SR 8; Part X.) **One warrant from one courtroom now runs through seven proceedings.** Paragraph 1 ends the warrant where it started.

Movant has come to this Court five times since June. (Part X.) None of those applications put this certified record before it. This one does. A summary denial will not leave the question open; it will answer it: in Illinois, a probationer charged with no new offense may be heard on a bench warrant only after serving the 180-day term the issuing judge has attached to it. That answer completes the State corrective process that the Attorney General told the federal court on August 7 remained effective notwithstanding "the outstanding warrant for his arrest." Mot. to Dismiss at 12, *Allababidi v. Junkin*, No. 1:26-cv-01077 (N.D. Ill. Aug. 7, 2026), Dkt. 51. Movant will file it in that case the day it issues. If this Court denies relief, Movant asks that its order state the ground.

For 144 days Lake County has told Movant, politely and in every voice it has, that all of this is normal. It is not. Movant asks this Court to say to the warrant what the title of the film says to its hero: ***get out***.

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 these Explanatory Suggestions 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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