

Petition to U.S. Supreme Court for Writ of Mandamus

IN THE
SUPREME COURT OF THE UNITED STATES

Case No. 12-6561

In re DR. LINDA LORINCZ SHELTON, *Petitioner*

DR. LINDA LORINCZ SHELTON,
Defendant - Petitioner,

v.

UNITED STATES SUPREME COURT CLERK,
ILLINOIS SUPREME COURT,
ILLINOIS APPELLATE COURT FIRST DISTRICT,
CIRCUIT COURT OF COOK COUNTY
AND JUDGE MICHAEL MCHALE,
Plaintiff - Respondent.

Petition for Writ of Mandamus

APPENDIX VOL 2/3

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPT - CRIMINAL DIVISION

LINDA SHELTON acting
as rel. for
vs Annabelle
Melongo

SHERIFF DART

FILED

OCT 01 2010

DOROTHY BROWN
CLERK OF CIRCUIT COURT

ON COMPLAINT FOR RELIEF
BY HABEAS CORPUS
IN HC 00012

J. BIEBEL PRESIDING

(PER CIRCUIT COURT RULE
- PRESIDING [CHIEF]
CRIMINAL COURT JUDGE
HEARS ALL HABEAS
COMPLAINTS -

Re: ACC 10003301 (COUNT 1)

ACC 10009301 (COUNT 2)

ACC 10009401 (COUNT 3)

(MISTAKENLY LABELED 3 CASES BY CLERK)

RESPONSE TO PEOPLE'S REQUEST TO MOTION TO DISMISS
PETITIONER'S REQUEST FOR HABEAS CORPUS RELIEF

PETITIONER RESPONDS AS FOLLOWS:

① #1 People's Motion states FALSE INFORMATION IN
ACT of FRAUD upon Court.

Sentence for count 1 = 120 Days CCDC

Sentence for count 2 = 180 Days CCDC consecutive

to CT1 + with NO JAIL GOOD TIME CREDIT.

Sentence for count 3 = 180 Days CCDC consecutive

to CT1 + CT2 with NO JAIL GOOD TIME CREDIT.

NOT "a sentence of 60 days for each contempt
Charge".

All charges occurred during preliminary discussion
on 2 habeas petitions (complaints) 10 HC00006 and
10 HC00007 - where Judge McHale purportedly acting
in place of J. Biebel claimed he could not hear
complaints as they were "NOT legally" filed by
Defendant or attorney. (i.e. that he had no
jurisdiction over subject matter, or petitioner
Annabelle Melongo via "rel. Linda Shelton.")

② State alleges complaint for habeas relief should
be dismissed per lack of personal jurisdiction
due to lack of service to Sheriff Dart (#3-11, People's motion)
This argument is fraudulent, irrelevant +
immaterial deserving of sanctions against
State due to following:

P 1/6

Appendix BBI

The Illinois Supreme Court in Hennings v Chandler + People v Patterson cons. ruled that:
229 Ill. 2d 18, 890 N.E. 2d 920, 322 Ill. Dec. 1 (2008)

at ~~31-32~~ 31-32
held that: "[A]rticle X ~~cont~~ [735 ILCS 5/X] contains specific procedural provisions regulating habeas corpus actions, and these sections control over the general provisions of article II, the Civil Practice Law. See 735 ILCS 5/1-103(a) (West 2002). Thus while a habeas corpus complaint is considered a "civil proceeding" under the Act, the procedure governing such action are specifically provided within article X, rather than the Civil Practice Law, ..."

any assistant state's attorney who doesn't follow such significant rules from the Illinois Supreme Court - is either incompetent or willfully and intentionally ~~is~~ committing fraud upon the court or aiding & abetting the serious judicial misconduct perpetrated upon this Defendant by Judge McHale (acting in this case after forfeiting his jurisdiction as detailed in complaint for habeas corpus in 10 Hc00006 and 10 Hc00007, as well as 10 Hc00008.)

3. State alleges in the alternative complaint for habeas corpus relief should be dismissed per 735 ILCS 5/2-615 because it is "legally insufficient." (¶ 12 of People's motion) "The court must determine whether the allegations of the complaint, when viewed in a light most favorable to the plaintiff [Defendant Shelton], are sufficient to state a cause of action upon which relief can be granted." [Citations omitted]. State alleges "[p]laintiff's claim fails to withstand scrutiny under ~~the~~ this state ~~and~~." (¶ 12, People's motion.)

4. Defendant Shelton agrees with state that there are two (2) reasons under Illinois Habeas Act to grant relief: (A) - sentence has been served or (B) - court has no jurisdiction

of the subject matter or the person of the petitioner
[or in this case ^{relator} standing in for petitioner —
Melongo]. (¶ 14₁₅ People's Motion).

5. Defendant Shelton finds state's assertion in ¶ 16 of People's Motion totally false that ~~that~~ Shelton cannot claim that the circuit court lacked jurisdiction to convict her.

Shelton agrees Judge Mettala (in place of Judge Bichel) had jurisdiction over Melongo's two (2) complaints for habeas corpus relief 10 HC 00006 and 10 HC 00007 on May 11, 2010. However Judge Mettala after offering to transfer case to Judge Bichel [set as a right] (see 5/11/10 transcript p 3 line 3-22) agreed to "have fidelity to the [habeas] law (line 16-20 5/11/10 p 3 transcript)." ^{then} Shelton agreed to let J Mettala hear Melongo's habeas petition - under this condition. (5/11/10 transcript p 3 line 14-22)

6. When J Mettala then immediately began violating law in two (2) ways.

A - Refused to allow Shelton to "make a record" to comply with Weber v Garza (1978) 570 F.2d 511 [reason for next-friend filing must be stated [here Melongo alien with unintelligible accent (French Cameroonian African/Haitian, dual citizen), confusion Roman + English law - lived in Germany, having difficulty obtaining stamps etc] - which is a federal denial of equal protection/ due process as licensed attorney counsel vs. non-attorney pro se relator can not be denied equal rights/protection to file next-friend petition/complaint. - This also violates Cook County Circuit IL Supreme Court Rule 63 - Judicial Canons 3 A1 + A4 that judges MUST follow law + allow litigants to be heard. (5/11/10 transcript p 4 line 2-4)

B - J Mettala violated IL Habeas Act 735 ILCS 5/10-103, U.S. Constitution Art I Sect 9, and U.S. Supreme Court holdings/dicta in White States ex rel Toth v Quarles (1955) 350 US 11 and Bourgeois v Bush (2003) 553 U.S. 723 FN per Justice Souter that non-attorney sister or father of defendant may

file a next-friend habeas petition - but by stating it was "threat" not legal [by implication] for a non-attorney to file a next-friend petition/complaint for habeas relief (5/11/10 transcript p4 line 4-17) then Shelton IMMEDIATELY WITHDREW HER CONDITIONAL AGREEMENT FOR J McHALE TO HEAR MELONGO HABEAS PETITIONS/COMPLAINTS + INSISTED CASE BE S DISCUSSION About legality of filing case and case be continued to J Biebel [per SOJ as right] - (5/11/10 transcript p4 line 24 - p5 line 1). J McHale illegally denied this right for SOJ as a right (5/11/10 transcript p5 line 2-3) and forced Defendant to attempt to defend the constitution. (5/11/10 transcript p5 line 4-24, p6 line 1-24, p7 line 1-3).

7. At this point J McHale forfeited his jurisdiction in this Melongo Habeas proceeding prior to finding Shelton in contempt. Per Jiffy Lube International Inc v Aganwal (1996) 277 Ill. App. 3d 722, 214 Ill. Dec 609, 661 N.E.2d 463 any judge who violates the absolute right for SOJ as a right "loses jurisdiction" and ALL subsequent orders are "VOID" not voidable.

8. Therefore due to J. McHale's violation of SOJ as a right all his orders of May 11, 2010 and in subsequent hearings on June 3, 2010, June 9, 2010, June 10, 2010, etc regarding this case + all contempt orders and refusal to hear Melongo habeas cases are VOID!

9. As state DOES NOT REFUTE THIS ALLEGATION THAT ALL ORDERS VOID DUE TO VIOLATION SOJ AS A RIGHT, THE STATE HAS WAIVED THIS POTENTIAL ARGUMENT AND COURT MUST FIND ITS ORDERS ARE VOID AND VACATE FINDINGS OF CONTEMPT AS WELL AS TRANSFER MELONGO HABEAS PETITIONS/COMPLAINTS TO JUDGE BEIBEL INSTANTER.

12. State clearly fails to grasp the legal concept that jurisdiction can be forfeited and orders may be VOID NOT voidable due to judicial misconduct.

11. Petition for writ of habeas clearly details the other ways by which J. McHale forfeited his jurisdiction in alleged contempt counts 1, 2, + 3. See (A) Habeas petition # 2 No Jurisdiction to impose more than one contempt sentence or consecutive sentences for contempt in one hearing or trial - People v Brown (1992) 235 Ill. App. 3d 945, 601 N.E. 2d 1380, 176 Ill. Dec. 682 [extensively citing IL statutes + cases].

(B) Judge violating U.S. Supreme Court holdings and law - VOIDS his orders as acts of treason - Judges may not legislate or violate Constitution (as interpreted by U.S. Supreme Court) - NO JURISDICTION TO DO THIS (Habeas petition # 2 p 1-2) Also subsequent orders resulting from void orders are void (People v Simmons (1993) 256 Ill. App. 3d 651 at 653).

12. Therefore even if allegation SCJ out right not violated then contempt counts 2 + 3 are void, 1st contempt sentence 120 days completed 7/10/2010! Shelton in that case has been held in custody illegally since 7/10/2010! (Sentence completed)!

13. Other U.S. Supreme Court decisions + IL case law also declare that: (All IL habeas petition)

A. Judges may not (no jurisdiction) to deny jail good time credits.

B. No jurisdiction to impose aggregate contempt sentences > 6 mo without trial.

C. No jurisdiction to fund contempt on one day and sentence on another day without jury trial.

D. If jury trial is held after convictions vacated J McHale must be replaced with neutral judges.

WHEREFORE, MOTION TO DISMISS HABEAS PETITION MUST BE STRICKEN AS FRAUD UPON COURT (Also not # 19 States sentences total 180 days - this is fraud - sentences total 16 months!

P 5/6

BB5

HABEAS Petition/complaint must be granted, all 3 counts vacated and jury trial must be held if judge's intent > 6 mo sentence. (Sentence completed) Aug 9, 2010 ~~etc~~ if sentenced after new hearing with new judge required by Mitlenberg + Sacher if intent. Sentence no more than 6 mo + found guilty despite lack jurisdiction).
 Regardless, sentence completed ~~in~~ July 10, 2010 on 1st count + per U.S. Supreme Court other counts void.

Would be double jeopardy if already served 1st contempt charge, charge vacated + demanded trial for sentence > than original 120 days. All sorts of other constitutional violations would be implicated + need to be litigated.

J. Melton should admit gross errors, vacated contempt convictions, transfer Melton's habeas cases to J. Biebel + secure himself from acting or deciding on any future habeas complaints, perhaps take a long vacation to study topics of contempt and U.S. Supreme Court decisions as well as responsibilities under his oath of office.

objection of
 was used as
 not in
 in to him

Shelton declares above true + accurate to best of knowledge + belief 9/30/10.
 J. Shelton

Submitted by
 Linda Shelton
 Pro Se

Note:
 Mitlenberg on 3 counts attached as supplement to habeas petition

2010 051171 8CM3E
 (illegally incarcerated)

Unable to copy, serve, file except this copy in open court 10/1/10

Due to denial access at Contempt of Sheriff staff in ignoring 6/3/10 order of ut to access law library + painful radionuropathy/neuropathy requiring AAA
 recommended for

BBB P6/b

IN THE CIRCUIT COURT OF COOK COUNTY

PEOPLE OF THE STATE OF ILLINOIS)
V.)
LINDA SHELTON)
Defendant

CASE NUMBER ACC10008301
DATE OF BIRTH 09/02/55
DATE OF ARREST 00/00/00
IR NUMBER 1527850 SID NUMBER

ORDER OF COMMITMENT AND SENTENCE TO
COOK COUNTY DEPARTMENT OF CORRECTIONS

The above named defendant having been adjudged guilty of the offense(s) enumerated below is hereby sentenced to the Cook County Department of Corrections as follows:

Count	Statutory Citation	Offense	Sentence	Class
001	720-5/1-3	DIRECT CRIMINAL CONTEMPT	MOS. _____ DAYS 120	0
	and said sentence shall run concurrent with count(s) _____			
	_____ and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:		MOS. _____ DAYS _____	
	_____ and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:		MOS. _____ DAYS _____	
	_____ and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:		MOS. _____ DAYS _____	
	_____ and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:		MOS. _____ DAYS _____	

The Court finds that the defendant is entitled to receive credit for time actually served in custody for a total credit of _____ days as of the date of this order

IT IS FURTHER ORDERED that the above sentence(s) be concurrent with the sentence imposed in case number(s) _____ AND: consecutive to the sentence imposed under case number(s) _____

IT IS FURTHER ORDERED THAT _____

IT IS FURTHER ORDERED that the Clerk provide the Sheriff of Cook County with a copy of this Order and that the Sheriff take the defendant into custody and deliver him/her to the Cook County Department of Corrections and that the Department take him/her into custody and confine him/her in a manner provided by law until the above sentence is fulfilled.

DATED MAY 11, 2010

ENTER: 05/11/10

CERTIFIED BY B KUNST
DEPUTY CLERK

M. McHale 1927
JUDGE: McHALE MICHAEL B 1927

BB7

Judge Michael B. McHale
MAY 11 2010
1927

IN THE CIRCUIT COURT OF COOK COUNTY

PEOPLE OF THE STATE OF ILLINOIS)
 V.)
LINDA SHELTON)
 Defendant:)
 CASE NUMBER ACC10009301
 DATE OF BIRTH 09/02/55
 DATE OF ARREST 00/00/00
 IR NUMBER 1527850 SID NUMBER _____

ORDER OF COMMITMENT AND SENTENCE TO
 COOK COUNTY DEPARTMENT OF CORRECTIONS
 =====

The above named defendant having been adjudged guilty of the offense(s) enumerated below is hereby sentenced to the Cook County Department of Corrections as follows:

Count	Statutory Citation	Offense	Sentence	Class
001	<u>720-5/1-3</u>	DIRECT CRIMINAL CONTEMPT	MOS. _____ DAYS 180	0
	and said sentence shall run concurrent with count(s) _____			
	_____ and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:		MOS. _____ DAYS _____	
	_____ and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:		MOS. _____ DAYS _____	
	_____ and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:		MOS. _____ DAYS _____	
	_____ and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:		MOS. _____ DAYS _____	

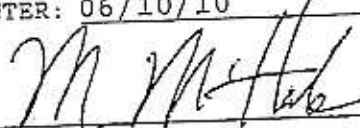
The Court finds that the defendant is entitled to receive credit for time actually served in custody for a total credit of _____ days as of the date of this order

IT IS FURTHER ORDERED that the above sentence(s) be concurrent with the sentence imposed in case number(s) _____
 AND: consecutive to the sentence imposed under case number(s) _____
 ACC10008301 ACC10009401 _____

IT IS FURTHER ORDERED THAT NO GOOD TIME CREDIT BE GIVEN _____

IT IS FURTHER ORDERED that the Clerk provide the Sheriff of Cook County with a copy of this Order and that the Sheriff take the defendant into custody and deliver him/her to the Cook County Department of Corrections and that the Department take him/her into custody and confine him/her in a manner provided by law until the above sentence is fulfilled.

DATED JUNE 10, 2010
 CERTIFIED BY M MARYANN REYES
 DEPUTY CLERK

ENTER: 06/10/10

 JUDGE: MCHALE MICHAEL B 1927

BB8 CCG N303

IN THE CIRCUIT COURT OF COOK COUNTY

PEOPLE OF THE STATE OF ILLINOIS	)	CASE NUMBER	ACC10009401
V.	)	DATE OF BIRTH	09/02/55
<u>LINDA SHELTON</u>	)	DATE OF ARREST	00/00/00
Defendant		IR NUMBER 1527850	SID NUMBER _____

ORDER OF COMMITMENT AND SENTENCE TO
 COOK COUNTY DEPARTMENT OF CORRECTIONS
 =====

The above named defendant having been adjudged guilty of the offense(s) enumerated below is hereby sentenced to the Cook County Department of Corrections as follows:

Count	Statutory Citation	Offense	Sentence	Class
001	<u>720-5/1-3</u>	DIRECT CRIMINAL CONTEMPT	MOS. _____ DAYS 180	O
	and said sentence shall run concurrent with count(s) _____			
_____	_____	_____	MOS. _____ DAYS _____	_____
	and said sentence shall run (concurrent with)(consecutive to) the sentence imposed on:			
_____	_____	_____	MOS. _____ DAYS _____	_____
	and said sentence shall run (concurrent with)(consecutive to) the sentence imposed on:			
_____	_____	_____	MOS. _____ DAYS _____	_____
	and said sentence shall run (concurrent with)(consecutive to) the sentence imposed on:			
_____	_____	_____	MOS. _____ DAYS _____	_____
	and said sentence shall run (concurrent with)(consecutive to) the sentence imposed on:			

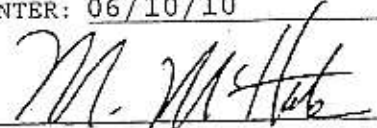
The Court finds that the defendant is entitled to receive credit for time actually served in custody for a total credit of _____ days as of the date of this order

IT IS FURTHER ORDERED that the above sentence(s) be concurrent with the sentence imposed in case number(s) _____
 AND: consecutive to the sentence imposed under case number(s) _____
 ACC10009301 ACC10008301 _____

IT IS FURTHER ORDERED THAT NO GOOD TIME CREDIT BE GIVEN _____

IT IS FURTHER ORDERED that the Clerk provide the Sheriff of Cook County with a copy of this Order and that the Sheriff take the defendant into custody and deliver him/her to the Cook County Department of Corrections and that the Department take him/her into custody and confine him/her in a manner provided by law until the above sentence is fulfilled.

DATED JUNE 10, 2010
 CERTIFIED BY M MARYANN REYES
 DEPUTY CLERK

ENTER: 06/10/10

 JUDGE: MCHALE MICHAEL B 1927

BB9 CCG N303

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CRIMINAL DIVISION

People of the State of Illinois)
)
 v.) ACC 100083-01
) ACC 100093-01
 Linda Shelton) ACC 100094-01
)

ORDER MODIFYING SENTENCES

On May 11, 2010 the court sentenced Linda Shelton to the following:

ACC 100083-01 120 days Cook County Jail

On June 10, 2010 the court sentenced Linda Shelton as follows:

ACC 100093-01 180 days Cook County Jail

ACC 100094-01 180 days Cook County Jail

All 3 sentences were ordered to be served consecutively

The court also ordered that the defendant was to receive no good time credit

This court now modifies its sentencing orders as follows:

ACC 100083-01 (120 days) and ACC 100093-01 (180 days) shall run concurrently.

ACC 100094-01 (180 days) shall run consecutively to those sentences.

It is hereby ordered that all previous orders denying the defendant credit for good behavior are vacated.

(Continued)

1 STATE OF ILLINOIS)
2 COUNTY OF COOK) SS:

3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
4 COUNTY DEPARTMENT - CRIMINAL DIVISION

5 PEOPLE OF THE STATE OF ILLINOIS)
6 Plaintiff,)
7 vs) No. AC-C1-0008301
8 LINDA SHELTON) No. AC-C1-0009301
9 Defendant.) No. AC-C1-0009401

10
11 REPORT OF PROCEEDINGS had at the hearing of the
12 above-entitled cause before the Honorable MICHAEL McHALE, judge
13 of said court, on the 1st day of October, 2010.

14
15 PRESENT: HON. ANITA M. ALVAREZ
16 State's Attorney of Cook County
17 by, MR. KURT SMITKO
18 Assistant State's Attorney,
19 on behalf of the People;
20
21 MS. LINDA SHELTON
22 appearing pro se.

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Kathie Kerns, CSR
Official Court Reporter
CSR #084-002547

APPENDIX
CC-1

1 THE COURT: All right. Let's bring out Linda
2 Shelton.

3 [PAUSE HELD]

4 THE COURT: Before the court is Linda Shelton.

5 Miss Shelton, I have suggested that they put
6 you at counsel table since we have a lot of matters to litigate.

7 DEFENDANT SHELTON: I can handle papers better
8 that way and I can see you. Otherwise I can't see you, you are
9 just a voice on top of a big blob of wood.

10 THE COURT: Feel free to put your papers out,
11 whichever you like to do.

12 DEFENDANT SHELTON: I've got plenty of papers. I
13 can quote everybody of every Supreme Court case.

14 THE COURT: Just a moment now. Let's identify
15 ourselves for the record. Miss Shelton is before the court.
16 For the State.

17 MR. SMITKO: Kurt Smitko, S M I T K O assistant
18 state's attorney.

19 THE COURT: We are here on a number of different
20 matters, literally one dozen matters which have been filed
21 before the court. Because we have so many things to litigate on
22 and there are other court calls with other judges, I will set
23 some very clear ground rules before we begin in an effort to
24 make this a smoother process.

1 I will state which motion or pleading that
2 we are proceeding on; I will then ask Miss Shelton to briefly
3 argue the motion if I feel I need to hear it; I will then ask
4 for a brief response from the State if I feel it is necessary; I
5 will then rule on the motion and I will not be interrupted.

6 In addition, I reserve the right to
7 interrupt either of the parties at anytime in order to, for
8 example, clarify your position, question you further, warn you
9 or stop you if you become redundant. And again, you do not have
10 the right to interrupt me.

11 DEFENDANT SHELTON: May I ask a question?

12 THE COURT: In a moment. You also do not have the
13 right to cause a disturbance in the courtroom. Failure to abide
14 by these ground rules could result in your removal from the
15 courtroom and me ruling on these motions in absentia or without
16 you being present. Have both sides heard what I said?

17 Mr. Smitko.

18 MR. SMITKO: Yes, Judge.

19 THE COURT: Miss Shelton.

20 DEFENDANT SHELTON: I have two questions.

21 THE COURT: Did you hear what I said?

22 DEFENDANT SHELTON: Not until I have two questions
23 answered.

24 THE COURT: No. I will let you ask whatever you

1 want, but I am asking you a question now. I just went through
2 some ground rules. Did you hear the ground rules? Do you need
3 me to repeat the ground rules?

4 DEFENDANT SHELTON: I need you to clarify two
5 questions.

6 THE COURT: Go ahead.

7 DEFENDANT SHELTON: Are you stating that we are
8 not allowed to make any objections? You said we can't talk.

9 THE COURT: This is argument. There is no
10 testimony here. No, I don't expect any objections.

11 DEFENDANT SHELTON: So you don't allow objections.
12 Okay.

13 THE COURT: Anything else?

14 DEFENDANT SHELTON: Yes. How do you define
15 *disturbance*?

16 THE COURT: I will be the judge of that. But I
17 think you should be well aware at this point, given your history
18 with this court, what a disturbance is. In order to answer your
19 question, your past behavior has been what's known as a
20 disturbance. Anything similar to that would be considered a
21 disturbance by the court.

22 DEFENDANT SHELTON: Would you please define
23 that --

24 THE COURT: No, I won't.

1 DEFENDANT SHELTON: -- because I don't consider
2 anything that I did a disturbance.

3 THE COURT: I'll be the judge of disturbance, yes.
4 And it's really not for you to decide.

5 Do you have any questions on the ground
6 rules, Miss Shelton?

7 DEFENDANT SHELTON: So you are refusing to define
8 *disturbance*?

9 THE COURT: No, I have defined it for you. Based
10 upon your past behavior, don't do anything like that again.
11 Whether you agree with me or not.

12 DEFENDANT SHELTON: So you are refusing to define
13 *disturbance*?

14 THE COURT: I have defined it for you as best as I
15 feel is necessary.

16 DEFENDANT SHELTON: Okay.

17 THE COURT: Since you are asking me these
18 questions about the ground rules, I am assuming you have now
19 heard me and we are going to move on.

20 First of all, I am going to deal with, this
21 is Case No. 10 HC 000012. This is a habeas petition filed by
22 Miss Shelton. I don't need to hear argument on this. The State
23 has filed their response, I have read it, and I have read the
24 petition and --

1 DEFENDANT SHELTON: Excuse me. I have a reply to
2 their response --

3 THE COURT: Miss Shelton.

4 DEFENDANT SHELTON: -- that I have --

5 THE COURT: Miss --

6 DEFENDANT SHELTON: -- that I have written and I
7 have not been able to copy because I don't have any access to
8 the courts because --

9 THE COURT: That's a separate motion.

10 DEFENDANT SHELTON: -- because they have not
11 enforced your order for access to the court. So I have a
12 complete response. I can read it if you want.

13 THE COURT: No. If you want to file it you may.
14 Listen --

15 DEFENDANT SHELTON: I need copies made because
16 this is the only copy I have.

17 THE COURT: Okay. We can make you copies of
18 anything you would like after this.

19 DEFENDANT SHELTON: Thank you.

20 THE COURT: I will have Mr. Smitko. Mr. Smitko,
21 any problems with that if she wants any copies?

22 MR. SMITKO: No, Judge.

23 THE COURT: After these proceedings please make
24 any copies that she wishes. You will give them to the deputy,

1 Miss Shelton, she will give them to the State, and he will copy
2 anything you like.

3 DEFENDANT SHELTON: And he will file anything that
4 needs to be filed?

5 THE COURT: Yes. So right now you are saying you
6 want to file something additional in your habeas. That's fine.

7 Now certain of these matters I will not ask
8 for argument on, and this is one of them. As the State
9 correctly points out in their response, a habeas petition falls
10 under the rules of Civil Procedure and as such requires proper
11 service of process. Under section --

12 DEFENDANT SHELTON: Excuse me, I do have to
13 object --

14 THE COURT: Listen, you are already interrupting,
15 Miss Shelton.

16 DEFENDANT SHELTON: -- because the Illinois
17 Supreme Court in Henning v. Chandler says that Article 10 --

18 THE COURT: Miss Shelton, stop. Stop, stop, stop
19 talking.

20 DEFENDANT SHELTON: -- contains specific
21 procedural provisions regulating habeas corpus actions.

22 THE COURT: Remove her from the courtroom. Remove
23 her from the courtroom. If you are going to do this you're not
24 going to get anywhere.

1 DEFENDANT SHELTON: So you are not going to let me
2 respond to this response?

3 THE COURT: No. It is my discretion whether or
4 not I need to hear argument. It's moot.

5 DEFENDANT SHELTON: This is a Supreme Court ruling
6 that says Article 2 does not apply to habeas. So you are saying
7 the Illinois Supreme Court does not apply in this courtroom?

8 THE COURT: I am not getting into the merits with
9 you. You haven't done proper service. Period. That's it. Do
10 you want to let me rule --

11 DEFENDANT SHELTON: I haven't done service because
12 you haven't allowed me to copy this.

13 THE COURT: It is your choice. Go into lockup or
14 let me talk. Which would you like to do? I've got twelve
15 matters to rule on here today.

16 DEFENDANT SHELTON: Okay. Will you allow this to
17 be copied and filed so this is filed as my response?

18 THE COURT: You know what, will you bring me what
19 it is there. We will give you a copy. Let me just look at it
20 right now.

21 DEFENDANT SHELTON: I mean, the Illinois Supreme
22 Court ruled --

23 THE COURT: I don't want to hear argument, Miss
24 Shelton. How much more clear can I be?

1 DEFENDANT SHELTON: How much more clear can I be
2 that you can't violate the law, sir? This is the Illinois
3 Supreme Court.

4 THE COURT: Your interpretation of things differs
5 from mine.

6 DEFENDANT SHELTON: No. You are violating the
7 Illinois Supreme Court says that Article --

8 THE COURT: Be quiet.

9 DEFENDANT SHELTON: 2 --

10 THE COURT: Be quiet.

11 DEFENDANT SHELTON: -- does not apply to habeas.

12 It's --

13 THE COURT: Be quiet or you will be taken out of
14 the courtroom.

15 DEFENDANT SHELTON: -- that's paragraph 2.

16 THE COURT: Out of the courtroom. Get her out of
17 here.

18 DEFENDANT SHELTON: Okay. Give me everything
19 back. And say that this judge is refusing to follow the
20 Illinois Supreme Court. That's the Illinois Supreme Court
21 ruling. Mr. Smitko didn't read it.

22 THE COURT: You can come back if you are going to
23 go by the ground rules. If not, I will make all my rulings
24 without you here, Miss Shelton. Your choice.

1 THE DEFENDANT: I am not leaving until you file
2 that with the court.

3 THE DEPUTY SHERIFF: Linda. Linda.

4 THE DEFENDANT: I am not leaving until you file
5 that with the court. You have to follow the Illinois Supreme
6 Court --

7 THE COURT: Close the door.

8 THE DEFENDANT: -- because that's what the Illinois
9 Supreme Court says. You must follow the Illinois Supreme Court.

10 THE DEPUTY SHERIFF: Got a radio, Frankie? Call.

11 THE DEFENDANT: You must follow the Illinois
12 Supreme -- You stop it.

13 THE DEPUTY SHERIFF: Calm down.

14 THE DEFENDANT: He has to follow the Illinois
15 Supreme Court.

16 THE COURT: All right. For the record
17 Miss Shelton was wheeled from the courtroom, then threw herself
18 out of the wheelchair onto the floor as she continued to scream.
19 She clearly did not want to follow the ground rules as laid out
20 by this court. She did hand to the deputy a six page
21 handwritten response to The People's response, which we will
22 copy and file for her. We will give her a copy of that in the
23 lockup and we will try to have her come out again if she wants
24 to calm down. If she does not calm down this court is going to

1 rule in her absence on all of her remaining motions. We will
2 take a brief recess to see what she wants to do. Court is in
3 recess.

4 [RECESS HELD]

5
6 (WHEREUPON, the following proceedings
7 was resumed and held as follows
8 herein:)

9 THE COURT: It is now about 10:15. Let's give
10 this another shot.

11 THE SERGEANT: Your Honor, Miss Shelton, is not
12 cooperating with us.

13 THE COURT: This is on the record. I'm sorry.

14 THE SERGEANT: Sergeant London Thomas, Star 10402,
15 Cook County Sheriff's Department.

16 Miss Shelton is not cooperating with us to
17 take off her restraints to appear in court. Would you like her
18 to appear in court with her restraints on?

19 THE COURT: Do you feel that you are adequately
20 prepared to deal with her without the restraints?

21 THE SERGEANT: We are, but she is not allowing us
22 to take them off.

23 THE COURT: Oh, I see.

24 THE SERGEANT: She is not cooperating with us.

1 THE COURT: In other words, she won't let you
2 remove the restraints but she is asking to come back into the
3 courtroom?

4 THE SERGEANT: Exactly.

5 THE COURT: Let the record reflect I typically do
6 not have defendants in restraints in court unless they present a
7 serious security risk. I will say this is the first time I have
8 had a defendant want to have the restraints on in court.
9 Nevertheless, Sergeant, if that's what she is asking for then we
10 will oblige. So if she will not let you remove the restraints
11 without any threat of physical harm to you or your men, so be
12 it. Bring her in with the restraints on. The record should be
13 clear she is only appearing in open court in restraints because
14 of her own choice.

15 THE SERGEANT: Coming out, Your Honor.

16 [PAUSE HELD]

17 THE DEPUTY SHERIFF: Coming out, Your Honor.

18 THE COURT: All right. Thank you.

19 DEFENDANT SHELTON: Those ground rules do not
20 apply because that's an act of treason. It's an act of treason
21 to say that you can't defend yourself. That judge should be
22 arrested for treason. He should be arrested for treason. The
23 Illinois Supreme Court, he is bound to follow. And so is this
24 guy and he knows he is not following it.

1 THE COURT: For the record you can put her at the
2 table, as long as you guys are comfortable with that.

3 I have allowed Miss Shelton to file what is
4 entitled Response to People's Motion to Dismiss Petitioner's
5 Request For Habeas Corpus Relief. Miss Shelton, it is filed
6 with the Clerk. We all have copies. Did you get your copy?

7 DEFENDANT SHELTON: Yes, and I would like to argue
8 it.

9 THE COURT: Yes, I am going to give you a chance
10 to argue that. I will limit you to approximately 5 minutes,
11 however, which is allowed within my discretion. Go.

12 DEFENDANT SHELTON: The State first committed
13 fraud by saying I was sentenced to three sentences of 60 days
14 each which is fraud upon the court. Of course you illegally
15 sentenced me to 120 days, then 180 days, then 180 days
16 consecutively which is 16 months without a jury trial which is a
17 violation of the United States Supreme Court rulings in
18 previously filed documents. The State has committed fraud.
19 Their motion is irrelevant and immaterial because the Illinois
20 Supreme Court says, and I quote, "in Hennings v. Chandler, 229
21 Illinois 2D18 2008, Article 10 of habeas code contains specific
22 procedural provisions regulating habeas corpus actions and these
23 sections control over the general provisions of Article 2.
24 Therefore, the entire section one of the State's response is

1 irrelevant, immaterial, and fraud upon this court. In the
2 alternative alleges that it should be dismissed because it is
3 legally insufficient." This court has, number one, violated the
4 law that says that you have to give up jurisdiction when I ask
5 for substitution of judge as a right. On May 11th, initially
6 this court in page 3 of the rulings, when I came in here, I
7 said, "Where is Judge Bieble?" You said that Judge Bieble was,
8 I think teaching something, do you want to continue with you. I
9 said, "If you follow Article 10, if you follow the law" -- I
10 gave a conditional response -- "then it's okay for you to hear
11 the habeas. If you don't follow the law, no." Then you
12 proceeded not to follow the law. You violated Illinois Supreme
13 Court rule canon, Rule 63 canon 3 A1 and A4. You refused to let
14 me make a record which is necessary to say why a next friend
15 habeas is required under Weber v. Garza. Then you said that you
16 can't file a habeas as next friend if you are a nonattorney,
17 which violates U.S. Supreme Court rulings in both Boumediene v.
18 Bush. Justice Souter's footnotes said even the father of the
19 Guantanamo's prisoner whose nonattorney can file, and a 1955
20 decision where United States, X Rel Toth v. Quarles, said that
21 the sister who was a nonattorney could file a next friend
22 habeas. Therefore, since you violated these U.S. Supreme Court
23 rulings you lost jurisdiction. You also lost jurisdiction. And
24 then when you violated my condition that I only would refuse

1 substitution of judge as a right if you followed the law then I
2 said, "Okay, then we are going on to Judge Bieble. I want
3 substitution of judge." So in two ways you lost jurisdiction
4 there.

5 Then you went on and you violated the
6 U.S. Supreme Court in a number of other decisions that are
7 written in my habeas petition, and since you are only give me
8 5 minutes I am not going to repeat them, but there are numerous
9 U.S. Supreme Court decisions that say you cannot give more than
10 one contempt sentence, uhm, violation in any trial or hearing.
11 This was one hearing on the Melunga habeas petitions. You
12 committed two counts of violation of the U.S. Supreme Court by
13 not hearing. It's still four and a half months and it's been
14 since April and the Melunga habeas petitions have not been
15 heard. That's two more counts of treason. You haven't heard my
16 two habeas petitions in forthwith. The habeas Illinois law says
17 *forthwith*. That does not mean two months, it does not mean
18 two weeks, it does not mean one week. The case law says it is
19 within 72 hours.

20 You, you, said made consecutive sentences.
21 The law says under *Brown* -- this is an Illinois decision, I am
22 not going to repeat the citation because I am using up my
23 5 minutes, it's already in my habeas -- says you cannot give
24 consecutive sentences in contempt. And then the U.S. Supreme

1 Court and numerous Illinois decisions says you cannot sentence
2 aggregate contempt of more than 6 months. You made a 16-month
3 sentence without a jury trial and that voids all of the contempt
4 rulings. So you have lost jurisdiction in a half a dozen
5 different ways. All of your orders are void.

6 Your actions, every action you've taken
7 since the page 3 of the initial hearing we had on May 11th --
8 and it wasn't even a hearing on the habeas, this was just a
9 preliminary discussion -- you were just saying, you were trying
10 to say this isn't even a legal filing. If it's not a legal
11 filing then it's not a legal hearing. So you didn't even call
12 it a hearing yet. So therefore if you read what I wrote, which
13 you're not giving me more than 5 minutes, which is not giving me
14 justice because I need more than 5 minutes to go through the
15 more than twenty acts of treason that you committed that void
16 all of your rulings. So you can't say that this habeas had to
17 be filed. You have to file the habeas on the Sheriff, you have
18 to bring the Sheriff in here, you have to read the habeas law.
19 You violated every one of the habeas law. You owe me \$2,000.
20 The State's Attorney or the Illinois Attorney General must fine
21 you \$2,000. You owe me \$2,000. You owe Miss Melunga \$2,000.
22 Kazmierski, Brosnahan -- read the habeas law. If you don't
23 grant habeas forthwith -- granting habeas means serving the
24 Sheriff, having the Sheriff bring the process and the person

1 into the courtroom, and promptly hearing the evidence as to why
2 there is no jurisdiction. You haven't done any of that. You
3 violated every part of that habeas law. You violated
4 substitution of judge as a right. All your orders are
5 completely illegal. It is all explained in my motions, and you
6 are not giving me time to do justice to my motions by explaining
7 it.

8 Then on top of that, the U.S. Supreme Court
9 in *Prater* and *Mayberry* said that, "Judges who are embroiled in
10 controversy cannot hear their own contempt. They must assign
11 another judge."

12 THE COURT: One more minute, Miss Shelton.

13 DEFENDANT SHELTON: You have not assigned another
14 judge --

15 THE COURT: One more minute.

16 DEFENDANT SHELTON: -- to hear the contempt. So
17 you have to decide, do you want me to charge me with contempt
18 more than 6 months? If so, you must have a jury trial and a
19 different judge. If you want to vacate everything and charge me
20 with contempt for less than 6 months then I've already served
21 it. Because I also have in all of my motions all the law that
22 says --

23 THE COURT: 30 seconds, please.

24 DEFENDANT SHELTON: -- you may not deny good time

1 jail credit. That is part of the U.S. Supreme Court decision
2 and --

3 THE COURT: You can argue of all of those motions,
4 Miss Shelton --

5 DEFENDANT SHELTON: -- and three other decisions.

6 THE COURT: You will get a chance to argue.

7 DEFENDANT SHELTON: I will argue every one of
8 those because you have committed twenty acts of treason.

9 THE COURT: Yes, you are. But you have 15 seconds
10 more of this one.

11 DEFENDANT SHELTON: On this one, the acts of the
12 entire motion by this state's attorney to dismiss the habeas is
13 fraud upon the court, void, and there are dozens of reasons why
14 I have already served the sentence --

15 THE COURT: We are going to deal with that.

16 DEFENDANT SHELTON: -- I've already served it,
17 number one. That's one reason to release me. The second reason
18 is you committed so many acts of treason all your orders are
19 void. You are without any jurisdiction --

20 THE COURT: Okay, time's up. Times's up. You
21 need to stop.

22 DEFENDANT SHELTON: -- therefore you have to
23 release me immediately.

24 THE COURT: And I will give you a chance to argue

1 each and every one of those other motions that you mentioned.
2 This is not the last time that I will give you a chance to raise
3 those points. I want you to know that.

4 I have read your response in the interim
5 when we took a recess. Mr. Smitko, did you get a chance to
6 review her response?

7 MR. SMITKO: Yes, Judge.

8 THE COURT: Would you like to make any statement
9 regarding the service of process issue?

10 MR. SMITKO: No, Judge, I would rest on my motion
11 to dismiss. The only thing I would add, Judge, is I would
12 correct the sentences on there. That was a typographical error.

13 THE COURT: The State acknowledges there were some
14 typos regarding the sentences, right?

15 MR. SMITKO: Yes, Judge.

16 THE COURT: For the record the sentences were 120,
17 180, 180 consecutively originally.

18 DEFENDANT SHELTON: May I reply to his response?

19 THE COURT: No, that's not part of the ground
20 rules.

21 You know what I am going to do actually? I
22 will let you know something that I think is going to make you
23 happy, Miss Shelton. I know that's probably shocking for you to
24 hear. As for the ruling on your habeas, I will set that aside

1 for a moment and I will jump to one of your other motions, just
2 to let you know I am acting in good faith today. I am going to
3 deal with your motion, Emergency 1401F Petition To Vacate Orders
4 Denying Day-For-Day Credit, et cetera, et cetera. Listen
5 carefully. I think you will like the result.

6 Defendant has moved that she is entitled to
7 receive credit in custody for good behavior. In her motion she
8 cites statute 730 ILCS 130/3, which is the County Jail Good
9 Behavioral Allowance Act. The defendant has also cited a number
10 of cases that are on point as well. The defendant is correct,
11 she is entitled to good behavior credit under this act.

12 However, in order to get good credit she must meet the statutory
13 definition of good behavior which reads as follows: "Good
14 behavior means the compliance by a person with all rules and
15 regulations of the institution and all the laws of the State
16 while confined in the county jail. Good behavior allowance
17 means the number of days awarded in diminution of sentence as a
18 reward for good behavior, commonly known as day-for-day credit."

19 Therefore, the defendant's motion to vacate all orders denying
20 good time credit by this court is granted, but only insofar as
21 she will be given credit for days in which her behavior matched
22 and will match in the future the statutory definition of
23 *good behavior.*"

24 I will sign an order modifying

1 Miss Shelton's sentences based on some other rulings today that
2 we haven't gotten to yet. I hope to get to them. The order
3 will reflect the change and vacate any order in which I said she
4 is not to get good time credit.

5 You have essentially cut your sentence in
6 half today, Miss Shelton, because you are correct. The statute
7 says there is an exception for indirect criminal contempt; it
8 does not apply to direct criminal contempt. So you are quite
9 correct you will receive --

10 DEFENDANT SHELTON: It does applies to direct
11 criminal contempt.

12 THE COURT: It does is what I'm saying, and
13 agreeing with you. Yes, it does.

14 DEFENDANT SHELTON: Yes. You were wrong. You
15 cannot, you cannot then make any order saying that you can
16 decide not to do it. Only if you are given a disciplinary
17 ticket and you are given a due process hearing can the
18 Department of Corrections take away good time credit.

19 THE COURT: I agree.

20 DEFENDANT SHELTON: If you do it any other way
21 that is illegal.

22 THE COURT: I am not saying I am. I am leaving it
23 up to the Sheriff. I am just letting them know what the
24 statutory definition is under the law. So you have won that

1 motion. You have essentially cut your sentence in half today.
2 If you can manage to get through the rest of these motions today
3 you should be out pretty soon.

4 DEFENDANT SHELTON: I should be out today.

5 THE COURT: Well, we'll argue that.

6 DEFENDANT SHELTON: I should have been out the
7 first day.

8 THE COURT: We'll argue that in a minute.

9 DEFENDANT SHELTON: I should have never been
10 sentenced because everything you did was illegal.

11 THE COURT: Even when you win you can't win
12 graciously, can you?

13 DEFENDANT SHELTON: No, because you are wrong.
14 You have no jurisdiction --

15 THE COURT: Well, if I am wrong maybe I better
16 leave the sentence the way it is. But we'll leave that aside.

17 DEFENDANT SHELTON: You have no jurisdiction.

18 THE COURT: Right, no jurisdiction. Okay. So we
19 are going to continue on. I could have chosen any of these
20 motions in order but I chose to give you that one in order to
21 let you know some good news. That is if you manage to get
22 through this hearing without being held in contempt again.

23 So let's proceed accordingly. Back to the
24 habeas. Under Section 735 ILCS 5/2-203 the law requires that,

1 "Service of an individual defendant shall be made either by
2 leaving a copy of the summons with the defendant personally or
3 by leaving a copy at the defendant's usual place of abode." In
4 addition, Section 5/2-202 is entitled Persons Authorized to
5 Serve Process. "Process shall be served by a Sheriff." It also
6 states, "The court may in its discretion upon a motion order
7 service to be made by a private person over the age of 18 years
8 of age or not a party of action in court." And also in my
9 discretion I may appoint a qualified special process server.
10 The defendant has failed to abide by those rules and therefore
11 lacks proper service of process on this habeas. The defendant
12 has also not produced a proper return of service. After a
13 careful review of the files, it seems the defendant simply had
14 an individual by the name of David Cady drop off a notice on the
15 twelfth floor of the State's Attorney's office here at 26th
16 Street. That is not proper service for Sheriff Thomas Dart, who
17 is captioned as the respondent on Miss Shelton's habeas petition
18 Further, Mr. David Cady is not known to the court, was not
19 appointed as a process server, therefore this habeas ending in
20 12 is denied without prejudice. Meaning you can refile it if
21 you want to under the appropriate circumstances.

22 DEFENDANT SHELTON: May I respond?

23 THE COURT: No. That's my ruling and we are done
24 with that.

1 DEFENDANT SHELTON: I am responding. Illinois
2 Supreme Court says --

3 THE COURT: We're done, we're done, we're done.

4 DEFENDANT SHELTON: -- Article 2, Article 2 --

5 THE COURT: If you don't be quiet you are going to
6 be removed from the courtroom.

7 DEFENDANT SHELTON: -- does not apply to habeas.

8 THE COURT: Warning one. Warning one.

9 DEFENDANT SHELTON: This is Illinois Supreme
10 Court --

11 THE COURT: Warning number two.

12 DEFENDANT SHELTON: -- you cannot violate the
13 Illinois Supreme Court.

14 THE COURT: One more warning and we are done for
15 the rest of the day, Linda.

16 DEFENDANT SHELTON: -- you cannot violate the
17 Illinois Supreme Court. It says, the habeas corpus says --

18 THE COURT: Do you want to be present for the rest
19 of the ruling? If you don't --

20 DEFENDANT SHELTON: Excuse me, judge. Excuse me,
21 judge.

22 THE COURT: Good-bye. It's been nice seeing you,
23 Miss Shelton.

24 DEFENDANT SHELTON: Excuse me, Judge. Excuse me,

1 Judge. You have to follow the Illinois Supreme Court. You must
2 follow the Illinois Supreme Court. Any person who is an
3 attorney in here who -- who -- who --

4 THE DEPUTY SHERIFF: Linda.

5 DEFENDANT SHELTON: -- you must follow the
6 Illinois Supreme Court. You must follow the Illinois Supreme
7 Court. You must -- you are all committing treason. You are
8 aiding and abetting treason of this judge. You are all aiding
9 and abetting treason. You are aiding and abetting treason. You
10 are aiding and abetting --

11 THE COURT: All right. For the record I have had
12 Miss Shelton removed from the courtroom as she clearly could not
13 abide by the simple ground rules as laid out by the court. I
14 will note I gave her three warnings and she then on her own
15 threw herself out of the wheelchair. I should also note that
16 she appeared last Tuesday and again today with her hand
17 bandaged. I want it to be clear that that was some sort of
18 preexisting injury that did not occur today here in court. She
19 then passively resisted, sort of passively resisted, making it
20 difficult for I believe four to six sheriffs to pick her up
21 physically and carry her from the courtroom, screaming at the
22 top of her lungs the entire time. I can still hear her behind
23 the close door in the lockup screaming at the sheriffs. It was
24 just not possible to conduct court business with her in that

1 condition. I tried the best I could, giving her ground rules
2 and warnings and she chose not to abide by those. Therefore, I
3 am intending to rule on the remaining of her motions in
4 absentia. She was aware of that possibility and chose not to
5 join us.

6 So the next matter, Notice of Motion For
7 Rule to Show Cause Why All Jail Supervisors and Thomas Dart
8 Should Not Be Held in Contempt of Court. As with my ruling on
9 Miss Shelton's habeas petition today the same ruling applies
10 here: There has not been proper service, no proof of a proper
11 return of service has been shown to this court, and therefore
12 her motion for rule to show cause is denied.

13 Moving on. Her next motion is entitled
14 Motion to Vacate All Orders For Failure to Substitute Judge As
15 Right. With respect to that motion, defendant alleges that she
16 requested a substitution of judge as a matter of right, and
17 since her request was not granted by this court all of the
18 orders which followed must be vacated. She relies on the
19 transcript of proceedings from May 11th of this year during her
20 first appearance before this court. Upon reading that
21 transcript I find the relevant portions for this motion to be on
22 pages 3 and 4. On May 11th the defendant initially inquired as
23 to the whereabouts of Judge Biebel and stated that she wanted to
24 be heard only by Judge Biebel as he was the only judge who had

1 not committed treason. I then responded to her inquiry and our
2 dialogue was as follows:

3 *The Court: Well, I don't know what time he is*
4 *going to be here, and I am the presiding judge in his*
5 *stead today so I am hearing your motion. Do you want*
6 *to continue this for Judge Biebel? I gave the*
7 defendant a choice in that question. Her response:

8 *Miss Shelton: Well, if you are willing to have*
9 *fidelity of law follow Article 10 of the Code of Civil*
10 *Procedure, I have no problem.*

11 *The Court: I am going to follow the law. Are we*
12 *proceeding or not?" That was my second opportunity to give her*
13 a continuance. Her response: Yes.

14 The court then attempted to engage
15 Miss Shelton as to exactly what her purpose in court was at that
16 time and things quickly became problematic for her as she
17 continued to talk over and interrupt this court. After I warned
18 her not to interrupt me, she then stated that she wants to
19 continue the case to Judge Biebel. I denied that request as I
20 had already as a courtesy given her two opportunities for a
21 continuance which she had declined. She made her choice to
22 begin a hearing on her filing and we had begun to discuss that
23 filing. After I started my inquiry I was unable to get very far
24 because the defendant continued to interrupt and speak over me,

1 despite several warnings not to do so. I have already ruled on
2 the specifics of her contemptuous behavior on that date, so I
3 will not restate them here further.

4 But in summary, I find that the defendant
5 was given two opportunities to have a continuance which she
6 declined. She was not entitled to begin a hearing and then stop
7 it and then demand that a judge of her choosing hear the matter.
8 That is effectively forum shopping and she has no right to
9 expect that.

10 Further, the relevant Illinois statute here
11 is 725 ILCS, 5/114-5A, Substitution of Judge, which states:
12 "Within 10 days after a cause has been placed on a call of a
13 trial judge" -- trial call of a judge, I should say, "the
14 defendant may move the court in writing for a substitution of
15 that judge on the ground that the judge is so prejudiced against
16 her that she cannot receive a fair trial."

17 Given that the defendant had no charges
18 pending against her at the point in which I held her in contempt
19 it is doubtful that she even had a right to a substitution of
20 judge under the statute. However, assuming arguendo that she
21 did have that right, the defendant also failed to meet the
22 statutory requirements by making the motion in writing including
23 the necessary language.

24 Miss Shelton in support of her motion cites

1 Jiffy Lube International v. Agarwal. A G A R W A L. I will
2 refer to cases by name since the citations are included in her
3 motions. I find that case to be factually distinguishable as
4 the case had been pending in front of a judge for almost
5 four months when the defendant filed a written motion for
6 substitution of judge for cause under subsection D of the
7 statute.

8 Miss Shelton's argument applies to
9 subsection A, which is basically a pro forma opportunity to seek
10 a substitution of judge if done properly. As I have already
11 explained, even if she had the right to an SOJ at that time, she
12 chose to proceed with the hearing and then at best improperly
13 made an oral motion for SOJ. Thus the case cited by her does
14 not support her position. For those reasons her motion is
15 denied.

16 Next motion entitled Petition to Vacate
17 Convictions and Sentences Because of a Vigorous Defense of
18 Constitutional and Civil Rights. The defendant argues that her
19 behavior in this court was not contemptuous because she was
20 vigorously defending the Constitution. She attempts to
21 characterize her actions as an overenthusiastic and emphatic
22 defense. The defendant cites several cases in support of her
23 motion; however, I find that none of the cases are on point and
24 do not support her argument. Criminal contempt consists of

1 conduct which is calculated to embarrass, hinder, or obstruct a
2 court in the administration of justice or to diminish its
3 authority or dignity bringing the administration of law into
4 disrepute. I cite People v. Simak, S I M A K, 161 Ill. 2d at
5 297. I find that the record is quite clear that Miss Shelton's
6 behavior certainly hindered and obstructed the administration of
7 justice in this courtroom on both May 11th and June 10th, and I
8 must respectfully disagree with her characterization of her
9 conduct on those days. I also find it ironic that I might have
10 very well have entertained the merits of Miss Shelton's filing
11 on that day had she given me the chance; however, I never got
12 that chance. Miss Shelton did not even allow the court the
13 courtesy of providing me with an opportunity to finish a
14 sentence while she screamed in the court and at times screamed
15 directly at spectators in the gallery, making a complete
16 spectacle of herself. This behavior made it quite impossible
17 for me to conduct court business. Thus her motion that I vacate
18 her convictions and sentences based on her argument is denied.

19 Next motion entitled Emergency Motion to
20 Vacate Sentences Due to Void Lack of Jurisdiction, citing
21 certain sections. The gist of this motion is that I ran her
22 three sentences consecutively which was not in accordance with
23 the law. For the record again, those consecutive sentences were
24 120, 180, and 180.

1 The defendant claims my sentencing of her
2 was improper. She maintains that I must now vacate the
3 sentences for her second and third contempt convictions as they
4 should run concurrently with the first. The defendant maintains
5 that because the maximum sentence allowed is 6 months, then the
6 sentences must run concurrently. She has now served more than
7 the maximum time if good time credit is also included, which I
8 have already ruled that it is.

9 She cites statutory authority and case law
10 to support her position. She cites first an old statute from
11 1991, which was then Chapter 38 ILCS 1005-8-4, subsection A,
12 which states in her motion: "The court shall not impose
13 consecutive sentences for offenses which were committed as part
14 of a single course of conduct during which there was no
15 substantial change in the nature of the criminal objective." I
16 don't believe that our Code of Criminal Procedure even applies
17 to direct criminal contempt. There is no penal statute for that
18 charge in Illinois. It is not referenced in the sentencing
19 statute either. In addition, under the Criminal Code of section
20 720 ILCS 5/1-3 it states, "No conduct constitutes an offense
21 unless it is described as an offense in this code or another
22 statute of the state. However, this provision does not affect
23 the power of the court to punish for contempt," which is exactly
24 what I did. Direct criminal contempt and its penalties have

1 been defined by case law in Illinois. Thus the portion of the
2 Criminal Code cited by Miss Shelton I believe is inapplicable.
3 There are a number of cases supporting my power, the court's
4 power to maintain order in the courtroom and punish summarily
5 for contempt. These cases hold that when a defendant is held in
6 contempt in circumstances in which the court is restoring order
7 and is punished summarily, there is no prohibition to those
8 sentences running consecutively. A quote from a
9 U.S. Supreme Court case, it's Codispoti v. Pennsylvania. An
10 interesting first name in that case citation. But it's C O D I
11 S P O T I. I think I will just refer to it as the Pennsylvania
12 case for convenience. In that case -- the citation by the way
13 is 418 U.S. 506 -- the court there said, "There are reoccurring
14 situations where the trial judge to maintain order in the
15 courtroom and the integrity of the trial process in the face of
16 an actual obstruction of justice convicts and sentenced the
17 accused for various acts of contempt as they occur. Undoubtedly
18 where the necessity of circumstances warrants, a contender may
19 be summarily tried for an act of contempt and punished by a term
20 of no more than 6 months nor does the judge exhaust his power to
21 convict summarily whenever the punishment imposed for separate
22 contemptuous acts exceeds 6 months. That the total punishment
23 meted out exceeds 6 months in jail or prison would not
24 invalidate any of the convictions or sentences, for each

1 contempt has been dealt with as a discreet and separate matter
2 at a different point." Miss Shelton argues that her three
3 contempts were all part of a single course of conduct and
4 therefor be sentenced concurrently on all matters.

5 However, I believe the record is quite
6 clear, and based on that I conclude the defendant's three
7 contempt convictions were absolutely not part of a single course
8 of conduct. Each occasion was a completely separate episode
9 with a significant period of time elapsing between each
10 contemptuous act. On May 11th, six hours elapsed between the
11 first and the second acts, during which defendant was removed
12 from the courtroom for her disturbances. The third contempt was
13 committed an entire month later on June 10th, each instance
14 involved separate warnings from the court with possible outcomes
15 before each finding.

16 The cases cited by Miss Shelton do not
17 support her position as in each of those cases the facts
18 involved a single course of conduct which makes them
19 distinguishable from the facts here.

20 Additionally, additionally, in each instance
21 here I held her in contempt in an effort to maintain order and
22 stop a major disruption caused by her. Further, in the first
23 and third instances in contempt I punished her summarily after
24 having her removed from the courtroom and then having her

1 brought back. I sentenced her on the same day for those
2 matters. On the first contempt I gave her 120 days, sentenced
3 her on the third contempt on the same day to 180 days. Any
4 delay of sentencing on the same day was simply required, as the
5 defendant's removal was necessary to restore order each time.
6 The delays in sentencing on the first and third contempts were
7 only matter of hours. However, in support of those delays I
8 cite People v. Collins, 57 Ill. App. 3rd at 934. In that case
9 the defendant appeared in open court naked and was removed in
10 order to restore order. Approximately one and a half to
11 two hours later the judge brought him back into the courtroom
12 after he had been clothed, at which time he was held in contempt
13 and given 180 days. The appellate court found that any delay
14 between the defendant's act and the entering of contempt order
15 was reasonable under the circumstances. So too were the delays
16 here regarding Miss Shelton. So I find that because she was
17 summarily sentenced on the first and third contempt convictions
18 it is proper for those sentences to run consecutively.

19 Turning now to the defendant's second
20 contempt conviction. She committed contempt on May 11th and I
21 sentenced her on June 10th approximately a month later. I
22 delayed sentencing on the second contempt because I was awaiting
23 the return of a BCX. Behavior clinical examination. I ordered
24 that BCX on May 11th as a precautionary measure and ultimately

1 that report was not done because defendant refused to cooperate
2 with the doctors. I had the defendant's best interest in mind
3 when I took that precautionary step. Nevertheless, it is true I
4 did not summarily sentence the defendant on her second contempt
5 conviction; therefore, my sentence on her second contempt of
6 180 days will be changed to run concurrently with her first
7 contempt conviction of 120 days. The ruling will then have the
8 effect of the first and second contempt convictions running
9 concurrently. Her third conviction will still run consecutively
10 to the first two for the reasons I have outlined in my ruling.
11 As such her motion is denied in part and granted in part.

12 Next motion. Petition to Vacate Aggregate
13 Sentences Exceeding Six Months and for me to schedule a jury
14 trial. Off the record. Back on the record.

15 Defendant argues she was entitled to a jury
16 trial because her sentences were aggregate and in excess of the
17 six months maximum sentence. Her attempts to characterize her
18 three contempt convictions as part of a single course of
19 conduct; I have already ruled those were not part of the single
20 course of conduct or proceeding. In support she cites several
21 cases, which again I find to be factually distinguishable and
22 ultimately do not support her position. She cites
23 In Re: Marriage of Betts. *Betts* never actually addresses the
24 appropriateness of the sentence, rather it deals and focuses on

1 the right to counsel as a separate issue. It does spend a long
2 time describing the law of criminal contempt, but it does not
3 support her position. She also cites the *Bloom* case. In that
4 case an attorney filed a fake will, the judge found him in
5 contempt and gave him two years in jail. It was one act and one
6 sentence. Under those conditions the Illinois Supreme Court and
7 the U.S. Supreme Court, I believe, said that that defendant is
8 entitled to a jury trial because it exceeded the six months.
9 However, the *Bloom* court also distinguished those facts from
10 situations where the court finds a defendant in direct criminal
11 contempt and punishes summarily. The *Bloom* court stated
12 "criminal contempt may be punished summarily if the judge
13 certifies that he saw or heard the conduct constituting the
14 contempt and that was committed in the actual presence of the
15 court. The power of a judge to quell disturbance cannot attend
16 upon the impaneling of a jury." That's exactly the situation we
17 have here with Miss Shelton.

18 She also cites the Pennsylvania case I
19 referenced earlier, a U.S. Supreme Court case. Again, factually
20 those facts do not relate to that case. In that case a
21 defendant was on trial pro se, judge found him in contempt seven
22 separate times during the trial, and then delayed sentencing
23 until after the trial. He was not punished summarily. That's
24 not what we had here, with the exception of the second contempt,

1 which I have already run concurrently, so it keeps it within the
2 six months.

3 Under these circumstances these sentences
4 were not aggregated and thus do not total a single sentence
5 beyond the maximum sentence for a minor criminal contempt,
6 therefore she is not entitled to a jury trial under these
7 circumstances. And she spends the rest of the motion being
8 redundant and rearguing points from other motions which I need
9 not address. This motion is denied.

10 On September 3rd she filed a batch of new
11 motions which I think I can take care of fairly quickly. She
12 filed an Emergency Motion to Stay the Sentence. That was filed
13 on September 3rd. I find that to be redundant and just
14 rearguing and duplicative of other motions. That motion is
15 denied.

16 Motion For Defendant to Be Declared

17 Indigent, and there is a lengthy title afterward which I will
18 summarize. Basically complaining about late notices of appeal
19 being filed and not being given free transcripts. I find this
20 motion to be moot. First of all, notice of appeal was filed and
21 is contained in the three contempt files as I saw. Also, on
22 July 9th Judge Biebel filed three separate orders, one for each
23 contempt, ordering that the defendant be given free transcripts.
24 All of these matters with respect to her appeal are now within

1 the jurisdiction of the appellate court. I no longer even have
2 jurisdiction. This is the inappropriate venue for her to be
3 filing this motion. She has already got what she wants, whether
4 she realizes or not. She has been ordered to be given free
5 transcripts. That motion is denied.

6 She files something entitled A Memorandum of
7 Fact to Correct Judge McHale's False Defamatory Statements of
8 June 10, 2010. I don't even know what this filing is supposed
9 to be. It doesn't even move for anything. The record speaks
10 for itself, the transcripts speak for themselves. It is
11 basically a rant by Miss Shelton that goes on for nine pages.
12 This memorandum of fact, so to speak, is stricken or denied.

13 Emergency Motion to Advance and Hear
14 Instanter Five Different Issues is the other one. That's also
15 filed on September 3rd. In paragraph one she complains of the
16 continuance I gave the State responding to the habeas back on
17 August 30th, gave it a date until September 28th. She objected
18 to that continuance. Granting the State time to respond and
19 giving me time to plow through the voluminous filings of the
20 defendant was entirely reasonable. Additionally, this argument
21 is now moot since we are here today ruling on all of her
22 motions.

23 Paragraph 2 is duplicative of the separate
24 motion concerning the fining of judges, which I will address in

1 a moment.

2 Paragraph 3 seems to complain any delay of
3 her appeal on contempt charges. I have already dealt with that
4 in a separate motion. She's got her transcripts, and I no
5 longer have jurisdiction concerning her appeal.

6 Paragraph 4 also duplicates portions of
7 separate motion concerning her misplaced belief that I held her
8 past the maximum sentence allowed. I already ruled on that
9 motion. It is redundant.

10 Paragraph 5, complaints for three petitions
11 for habeas corpus still not being heard as she also argued
12 today. She uses the phrasing in her motion, and as we heard
13 today in open court, indicating she believes these are still
14 pending and waiting to be heard. The defendant is incorrect in
15 that belief and the record should be clarified on that point.
16 There are four habeas corpus petitions filed by Miss Shelton in
17 front of this court. 10 HC 0006 and 07, those habeas petitions
18 were denied by Judge Biebel on June 29, 2010; they are not
19 pending. 10 HC 00008 was denied by Judge Dennis Porter on
20 June 9, 2010; it also is not pending. 10 HC 000012 was denied
21 by me today for the reasons that I stated. All of her petitions
22 for habeas corpus are now disposed of. She can refile if she
23 wants to with proper service and she was told that. Thus her
24 emergency motion to advance and hear these various matters, that

1 is denied.

2 And last, but certainly not least, Motion
3 Filed to Fine Judges under certain sections. Miss Shelton's
4 entire motion here is premised on sections from the statute
5 concerning habeas corpus. Citing 735 ILCS 5/10-106, that's the
6 first section relied upon by Miss Shelton. The section talks
7 about the possibility of fining judges up to \$1,000. However,
8 the fines are contingent upon the following language of that
9 section, which proceeds the mentioning of fines. I find the
10 relevant portion of the section to be: "Any judge empowered to
11 grant relief by habeas corpus who shall corruptively refuse to
12 grant the relief when legally applied for in a case where it may
13 lawfully be granted or for the purpose of oppression
14 unreasonably delayed in granting of such relief is entitled to
15 be fined." I find there has been nothing corrupt or
16 unreasonable in the denial of Miss Shelton's habeas petitions.
17 The denials were not based on any oppression. I also find that
18 petitions were not legally applied for, there was insufficient
19 service, and as such could not be legally granted. As such, her
20 motion to fine judges is denied.

21 I believe that's all twelve matters. I
22 believe that is everything that she has pending before this
23 court. I won't hazard to guess as to when we will see her next
24 filing, but hopefully she will move on to the appellate court.

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Mr. Smitko, anything further?

MR. SMITKO: No. I think she said it all, Judge.

THE COURT: She sure did. Thank you.

(WHICH WERE ALL THE PROCEEDINGS HELD IN
THE ABOVE-ENTITLED MATTER.)

1 STATE OF ILLINOIS)
2) ss:
3 COUNTY OF COOK)
4

5 I, KATHERINE A. KERNS, CSR, RPR,
6 Official Shorthand Reporter of the Circuit Court of Cook County,
7 County Department - Criminal Division, do hereby certify that I
8 reported in shorthand the evidence had in the above-entitled
9 cause and that the foregoing is a true and correct transcript of
10 all the evidence heard.

11
12
13 _____
14 Official Shorthand Reporter
15 Circuit Court of Cook County

16 On this 27th day of January, 2011
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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CRIMINAL DIVISION

People of the State of Illinois)
) ACC 100083-01
 v.) ACC 100093-01
) ACC 100094-01
Linda Shelton)

ORDER MODIFYING SENTENCES

On May 11, 2010 the court sentenced Linda Shelton to the following:

ACC 100083-01 120 days Cook County Jail

On June 10, 2010 the court sentenced Linda Shelton as follows:

ACC 100093-01 180 days Cook County Jail

ACC 100094-01 180 days Cook County Jail

All 3 sentences were ordered to be served consecutively

The court also ordered that the defendant was to receive no good time credit

This court now modifies its sentencing orders as follows:

ACC 100083-01 (120 days) and ACC 100093-01 (180 days) shall run concurrently.

ACC 100094-01 (180 days) shall run consecutively to those sentences.

It is hereby ordered that all previous orders denying the defendant credit for good behavior are vacated.

(Continued)

Pursuant to 730 ILCS 130/3, defendant, Linda Shelton, shall receive any good behavior credit on the cases listed above only for which she qualifies.


Defendant is only to be given good behavior credit for days in which she has met or will meet the statutory definition for such credit as defined by 730 ILCS 130/2 as described below:

“Good Behavior means the compliance by a person with all rules and regulations of the institution and all the laws of the State while confined in a county jail.”

“Good behavior allowance means the number of days awarded in diminution of sentence as a reward for good behavior.”

The Cook County Sheriff's Office is ordered to calculate the defendant's good behavior credit in strict accordance with these statutory definitions and she is entitled to receive any credit which she has earned.

October 1, 2010


Michael B. McHale
Judge 1927

Judge Michael B. McHale

OCT 01 2010

Circuit Court-1927

PAGE 2 OF 2

DD2

To the 1st Dist Appellate Court of IL
IN THE CIRCUIT COURT OF COOK COUNTY
CRIMINAL BUREAU

People state IL
v
Linda Shelton

ACC 1000 8301
JUDGE MCHALE
PRO SE

[Should be
count 1 of 3
not
separate case]

NOTICE OF APPEAL

An appeal is taken from following order:

Name: Linda Shelton Jail ID 2010 0511171
Address: Until Nov 6, 2010 COOK CO JAIL CERAMAK 3E
After Nov 6, 2010 4905 S. KILBOURN
OAK LAWN IL 60453

Attorney: Pro Se

DATE OF ORDER: 5/11/10, affirmed 6/10/10, & modified 10/1/10
concurrent with other sentence
not consecutive
ACCE10009301 (COUNT 3)

OFFENSE: DIRECT CRIMINAL CONTEMPT

[SHOULD BE COUNT 1 NOT SEPARATE CASE] *

SENTENCE: 120 days CCDOC

APPEAL IS FROM ACC10008301 [COUNT 1 During
one hearing spread over 5 days - 5/11/10, 6/3/10, 6/9/10, 6/10/10, 10/1/10]

Also:
Verified request
for court to
order clerk
to correct as
1 case with
3 counts not
3 cases.

Appeal re: denial of multiple motions as follows
to vacate as: i.e. final orders on 10/1/10

- 1 VOID due to denial SOJ as right
- 2 VOID due to refusal to hear next friend habeas petition as violation of constitution, of state law 735 ILCS 5/102-103 + US Supreme court holdings in Boumediene v Bush (2008) 553 US 723 (South FN) U.S. et al Toth v Quarles (1955) 350 U.S. 11 making judge lose jurisdiction per Cooper v Aaron (1958) 358 US 1, U.S. v Will (1980) 449 US 200 FN 19 Cohens v Virginia (1821) 6 What 264, People v Simmons (1993) 256 Ill App 3d 651

- 3 VOID due to multiple contempt findings on one hearing or trial + consecutive (ACCE10009301) sentence People v Brown (1992) 235 Ill App 3d 945, Ill. Rev Stat 1987 ch 38 par 2-4 IL. Rev. Stat, ch 38, par 1002-1005-8-4(a)
- 4 VOID as aggregate contempt sentences > 6 mo require jury trial Codispoti v Pennsylvania (1974) 418 U.S. 506

5 Voidable as vigorous defense not contempt, Linda Shelton Appellant

APPEAL
TIMELY - NO ADMONITIONS GIVEN
VOID orders appeal while any time.

AS DENIED
ACCESS TO COURT BY
CCDOC + TO FILE APPEAL
by asking
court to declare
indigency, order
free transcripts
+ record on appeal
or to recall case on
5/30/10, 5/11/10, 6/10/10 to do so
by court report
deputies
Excluded from courtroom
10/1/10 + denied
copy of orders

VERIFIED PETITION FOR REPORT PROCEEDINGS + COMMON LAW RECORD
(1) Official court reporter transcribe original + file with clerk + requests order
Relandant of proceedings + (2) Clerk to prepare record on Appeal through 10/1/2010.
Both copies proceedings entered lettered and page numbered.
The Appellant being duly sworn at time of conviction and now is unable to pay for record or transcripts + believes above have + correct.
Subscribed + sworn to before me this 26th day of October 2010.
Linda Shelton Appellant (all dates listed above)

"OFFICIAL SEAL"
TERESA D. JONES
Notary Public, State of Illinois
My Commission Expires November 5, 2011

Notary Public
Appendix EEI

Handed to civic
ofc Oct 26 2010
for mailing
in envelope
postage
prepaid

TO THE 1ST DISTRICT APPELLATE COURT OF IL
IN THE CIRCUIT COURT OF COOK COUNTY
CRIMINAL BUREAU

People State IL
Linda Shelton

ACC10009301 [should be
JUDGE MCHALE Count 2 of ACC100083
PRO SE not
separate case]

NOTICE OF APPEAL

AN appeal is taken from following order:
Name: Linda Shelton Jail ID 2018 0511171
Address: until Nov 6, 2010 COOK COUNTY JAIL CERMAK 3E
after Nov 6, 2010 9905 S. Kilbourn
Oak Lawn IL 60453
Attorney: Pro Se
Date of order: 6/10/10 modified 10/1/10 (final order)

OFFENSE: DIRECT CRIMINAL CONTEMPT
[SHOULD BE COUNT 2 not separate case] (*)
SENTENCE: 180 days COOC concurrent with ACC10008301 (count 1)
Appeal is from ACC10009301 [count 2 during one hearing (case)]
Spread over 6 days -

5/11/10, 6/3/10, 6/9/10, 6/10/10, 8/30/10, 10/1/10

Appeal re: denial of multiple motions as follows
to vacate w/o: i.e. final orders on 10/1/10

- VOID due to denial SOJ as right making judge lose jurisdiction
- VOID due to refusal to hear next - friend
habeas petition in violation constitution,
of state law 735 ILCS 5/10-103 +
U.S Supreme court: holdings in Boumediene v Bush (2008)
553 U.S. 723 (Souter FN) U.S. v. Toltz v Quarles (1955)
350 U.S. 11 making judge lose jurisdiction per
Cooper v Aaron (1958) 358 U.S. 1, U.S. v. Will (1986)
449 U.S. 200 FNA Cohens v Virginia (1821) 6 wheat 264
People v Simmons (1993) 256 Ill. App. 3d 651
- VOID due to multiple contempt findings in
one hearing or trial + consecutive sentences
(ACC1000940) People v Brown (1992) 235 Ill App 3d 945
IL. Rev. Stat. 1987 ch 38 par 2-4 + IL. Rev. Stat.
ch 38 par 1005-8-4(a)
- VOID as aggregate contempt sentences
> 6 mo require jury trial Codispoti v Pennsylvania
(1974) 418 U.S. 506
- VOID as act one day sentenced
on another requires Linda Shelton Appellant

(*) Voidable as vigorous defense not contempt.

VERIFIED PETITION FOR REPORT PROCEEDINGS

+ COMMON LAW RECORD

Handed to CCDC
office Oct 26 2010
for mailing
postage prepaid

Under Supreme Court Rules 605-608 Appellant requests order
(1) official court reporter transcribe original + file with clerk +
copy for defendant of proceedings + (2) clerk to prepare
record on appeal through 10/1/10 - including all dates
listed above. Both copies proceedings collated numbered & page numbered.

The appellant being duly sworn at time of conviction and
now is unable to pay for record on appeal or transcripts.
and believes above true + correct.
Subscribed and sworn to before me this 26th day of October, 2010.
Linda Shelton Appellant

"OFFICIAL SEAL"
TERESA D. JONES
Notary Public, State of Illinois
My Commission Expires November 5, 2011

[Signature]
Notary Public
EE2

Also:
Verified
request
for court
to order
clerk to
correct as
1 case 3 counts
not 3 cases.

Appeal Timely as:

No admonitions
given
Void orders appealable
at any time
As denied access
to court by COOC
to file appeal
by asking court
to declare
indigency, order
free transcripts
& record on appeal
or to recall case
on 5/11/10, 6/10/10
8/30/10 to do so
by courtroom
deputies +
excluded from
courtroom on
10/1/10 + denied
copy of orders

TO THE 1ST DISTRICT APPELLATE COURT OF IL
IN THE CIRCUIT COURT OF COOK COUNTY
CRIMINAL BUREAU

People State of IL
v
Linda Shelton

ACC10009401
JUDGE McHALE
PRO SE

(should be
count 3 of 3 in
ACC100083
NOT
separate
case)

NOTICE OF APPEAL

AN appeal is taken from following order:
Name: Linda Shelton Jail ID 2010-051171
ADDRESS: until Nov 6, 2010 COOK COUNTY JAIL CERMAK 3E
after Nov 6, 2010 9905 S. Kilbourn
Attorney: Pro Se Oak Lawn, IL 60453
Date of order: 6/10/10 modified 10/1/10 (final order)
OFFENSE: Direct Criminal Contempt

[should be count 3 not separate case] *
Sentence: 180 days CCDC consecutive to ACC10009301 } counts
Appeal is from ACC10009401 [count 3 during one hearing
[case] spread over 6 days -

5/11/10, 6/3/10, 6/9/10, 6/10/10, 8/30/10, 10/1/10

Appeal re: denial of multiple motions as follows
to vacate as: i.e. final orders 10/1/10

- 1) VOID due to denial of right - making judge lose jurisdiction
- 2) VOID due to refusal to hear next - friend habeas
petition as violation of constitution, of state
law 735 ILCS 5/10-103 + U.S. Supreme Court
holdings in Boumediene v Bush (2008) 553 US 723 (Souter
FN)
U.S. ex rel Toth v Quarles (1955) 350 U.S. 11 making
judge lose jurisdiction per Cooper v Aaron (1958)
358 U.S. 1; U.S. v Will (1980) 449 U.S. 200 FN 19
Cohens v Virginia (1821) 6 Wheat 264, People v Simmons
(1993) 256 Ill. App. 3d 651
- 3) VOID due to multiple contempt findings in one
hearing or trial + consecutive (ACC10009401) sentence
People v. Brown (1992) 235 Ill. App 3d 945, IL Rev. Stat.
1987 ch 38 par 2-4, IL Rev. Stat ch 38 par 1005-8-4(a)
- 4) VOID as aggregate contempt sentences > 6 mo
require jury trial (Codispoti v. Pennsylvania
(1974) 418 U.S. 506 + contempt)
- 5) voidable as vigorous defense not Linda Shelton - Appellant

VERIFIED PETITION FOR REPORT OF PROCEEDINGS
+ COMMON LAW RECORD

Handed to CCDC
Office Oct 26 2010
for mailing
postage prepaid

under Supreme Court Rules 605-608 Appellant
requests order (1) official court reporter transcribe
original and file with clerk and one copy for Defendant
of proceedings + (2) clerk to prepare record on appeal
through 10/1/10 - including all dates listed above. Both copies
proceedings collated, lettered, and page numbered.

The appellant being duly sworn at time of conviction and
now is unable to pay for record at time of appeal
or transcripts, and believes above true + correct.

Subscribed and sworn to before me this 26th day of Oct, 2010.

"OFFICIAL SEAL"
TERESA D. JONES
Notary Public, State of Illinois
My Commission Expires November 5, 2011

[Signature]
Notary Public

EE3

Also:
Verified
request for
court order
or for
clerk to
correct
as 1 case
3 counts
NOT 3 cases.

Appeal Timely) as:
* No
admonitions
given - void
orders
appealable at
any time.
As denied access
to court by CCDC
to file appeal
by asking court
to declare indigency,
order free
transcripts
& record on
appeal or to
recall case
on 5/11/10, 6/10/10
8/30/10 to do so
by courtroom
Deputies +
excluded from
courtroom on
10/1/10 + denied
copy of orders

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CRIMINAL DIVISION

People of the State of Illinois)
Plaintiff)
v.)
Linda Shelton)
Defendant)
)
)
)
)
)
)

No. ACC 00083-01
ACC 00093-01
ACC 00094-01

Judge Biebel

FILED
DEC 13 2010
DOROTHY BROWN
CLERK OF CIRCUIT COURT

**MOTION FOR STATE TO PROVIDE FREE RECORD OF PROCEEDINGS AND FREE
RECORD ON APPEAL DUE TO INDIGENCY**

Defendant, Linda Shelton, Pro Se, requests this Court to provide free record of proceedings and free record on appeal due to indigency and in support of states as follows:

1. See attached application, affidavit and order to defend as an indigent person with attached supplement. Defendant meets criteria for *in forma pauperis* status.
2. Defendant was illegally convicted of three counts of criminal contempt (erroneously charged as three separate cases) on May 11, 2010 and on continuation of hearing on June 10, 2010, after which the sentences were modified on October 1, 2010 upon motions by defendant, after Judge McHale illegally made orders despite request for substitution of judge as a right and in violation of the United States Constitution, Illinois Statutes, and numerous United States Supreme Court Rulings as Defendant stated in court pleadings in this (these) counts (cases).
3. Appeal was timely filed on November 1, 2010, after modification of sentence(s) on October 1, 2010...
4. Judge McHale refused to allow Defendant to request indigency status or free record on appeal on any of these dates.

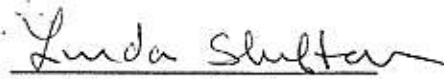
Appendix FF1

5. Cook County Jail and Sheriff staff impeded Defendant in attempts to recall case on October 1, 2010 and ask for the above or to file for indigency status or record on appeal throughout the six months of wrongful incarceration.

6. Therefore, Defendant at this time per IL Supreme Court Rule 607 petitions for indigency status, free record of proceedings (one copy court reporter to file with clerk and one copy for court reporter to give to Defendant, pro se counsel on appeal), as well as free preparation of record on appeal by court clerk. This request is necessitated due to misconduct of Judge McHale and the Cook County Sheriff staff as stated above.

WHEREFORE, defendant, Linda Shelton, prays as above.

Submitted by,


Linda Shelton, Pro Se

Linda Lorincz Shelton, Ph.D., M.D.
9905 S. Kilbourn Ave.
Oak Lawn, IL 60453
(708) 952-9040
Pro Se Defendant

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.


Linda Shelton, Pro Se

Dated: December 13, 2010

FF2

ACC 00083-01 L Shelton is eligible for SSI and food stamps which were
ACC 00093-01 cancelled during recent incarceration and are in process of
ACC 00094-01 being re-instated but it is taking a while due to difficulty
in obtaining necessary paperwork from family trust for
special needs beneficiary in the process of being set up
per will of Allan Lorincz who died on 9/7/2010 now in probate.

LIST OF MONTHLY EXPENSES FOR LINDA L. SHELTON

\$300* Food/household expenses
\$ 75* Auto Insurance
\$ 50* Auto Fuel
\$100* Auto Repair (2000 Saturn LS1 with 95,000 miles on it)
\$100* Phone, fax, internet
\$ 25* Clothing
\$ 5 Haircut

Special needs beneficiary trust set up by now deceased father, Allan Lorincz, requires me to pay the following but I can live in house owned by trust for the rest of my life rent free. Other heirs will receive remainder of trust after I die. If in future (due to progression of congenital disease) I recover from needed new neurosurgery on my neck and heart procedures planned (exacerbated by abuse including beatings and withholding of necessary medication and special diet during recent wrongful imprisonment), and if I am able to work, I will control trust. As long as I remain eligible for SSI and food stamps, a trustee controls trust and may use it for specific limited purposes to SUPPLEMENT government benefits and provide money for special diet, to find a job and provide for special needs not paid for by SSI, Medicaid, and food stamps such as special diet, and money for tools needed to find a job or education expenses to retrain in a new field such as law.

\$250* Property tax on house where I live but do not own.
\$300* Utilities (gas, electric, water/sewage and refuse disposal)
\$ 50* House insurance
(\$100,000++) Past due medical bills unable to pay them and attempting to have them written off as charity care

TOTAL

\$1255 + \$\$ medical bills past due if unable to have them written off as charity care

*estimates until I see how much these actually costs without my father present in the house – he died on 9/7/2010, after I had lived with him and cared for him over a five year period (sadistic guards at jail during recent wrongful incarceration took me to see his body, but ripped religious material from my hand and stomped on it, crumbled up letter to be cremated with his body and threw it on floor and took me away after only a few minutes because I was crying in grief)

FF3 JS

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS
or

A Municipal Corporation,
v.
Linda Shelton
Defendant/Applicant

} Case No. ACC 1000 83-01
ACC 1000 93-01
ACC 1000 94-01

APPLICATION, AFFIDAVIT AND ORDER TO DEFEND AS AN INDIGENT PERSON

FILED

I, Linda Shelton (Name) on oath state, On my own behalf, OR Parent

Guardian, Other _____ on behalf of _____ DEC 1 3 2010

OR Incompetent Adult:

DOROTHY BROWN
CLERK OF CIRCUIT COURT

- 1. I am employed as a(n) N/A by _____
- 2. My other sources of income (including spouse's income) or support are: SSI + food stamps being reapplied for - see attached Supplement
- 3. The amount of income that I expect for this year is \$ 874 x 12 = \$10,488
- 4. My income for the previous year was \$ (874 x 5) + 110 = \$4,480
- 5. The person(s) dependent on me for support are: N/A
- 6. My other sources of income are: SSI Public Aid Child Support Food Stamps Family Assistance Foster Care Aid to the Aged, Blind and Disabled Temporary Assistance for Needy Families General Assistance State Transitional Assistance State Children and Family Assistance Other: see attached \$ see attached (per month).
- 7. The nature and value of property I own includes: Real Estate (Describe property, specify address, present value and mortgage and liens outstanding.) None

Cash, bank accounts, etc. \$ \$140 Clothing and jewelry \$ _____
 Motor vehicle - Model Saturn LS1 Year 2000 Value \$ 2000 (own 10%)

8. My monthly living expenses, including payment of debts and child support, are \$ 1255 + debts see attached
9. I am unable to pay the costs of this case, and to do so would cause a substantial hardship on me and my family. attached

Name: Linda Shelton
Firm/Business Name: N/A
Address: 9905 S Kilbourn Ave
City/State/Zip: Oak Lawn IL 60453
Telephone: 708 952-9040

Under penalties of perjury and/or contempt of court, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that s/he verily believes the same to be true.

Linda Shelton
Signature of Applicant

ORDER

It is hereby ordered:

- The applicant is permitted to defend without payment of fees, costs or charges.
- The application is denied.

ENTERED

Dated: _____

Judge

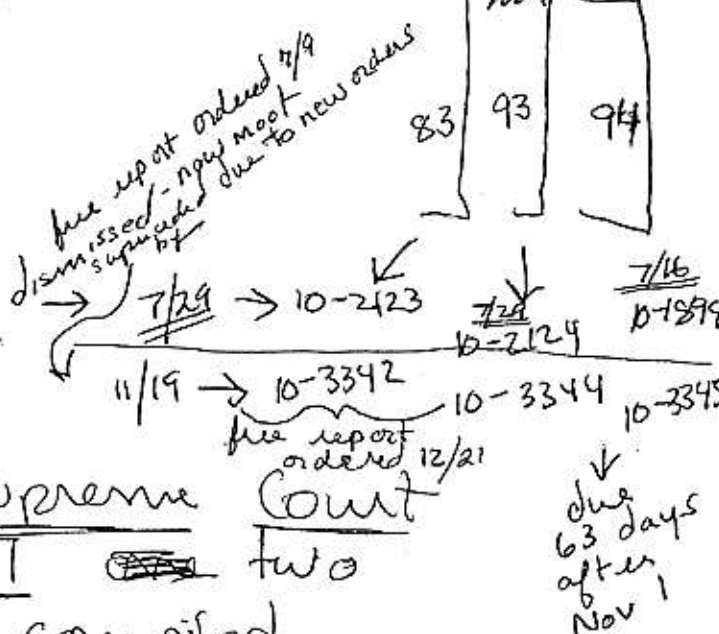
FF4

Judge's No.

12/21/10

Count Dates: ACC 100083, ACC 100093, ACC 100094
for 3 appeals

	<u>Court Date</u>	<u>Judge</u>	<u>Judge</u>
May 24,	May 11	McHale	}
June 1,	June 3	"	
7 continuances	June 9	" + Porter	
Aug 23	June 10	"	
Sep 10 special order	Oct 1	"	
Sep 22 continuance			
Sept 28			



not needed irrelevant

Need per IL Supreme Court

Rule 60T ~~two~~ two copy of compiled, lettered + number record of proceedings to be filed in each of three cases with

IL App. & Cook Co. Court Clerk BY Court Reporter

due 63 days after Nov 1

Linda Shelton
9905 S. Kilbourn
Oak Lawn IL
60453

708 952-9040

or
708 952-0040

(phones may get cut off)

Can leave message with Atty Albukerk's office
773 847-2600
if phones don't work

Linda Shelton

FF5

NOTIFICATION OF MOTION

Dated Received 12 - 13, 2010 Date to be Heard 12 - 21, 2010 ^{9:00 am}

Def't's Name Linda Shultz

Case No. ACC100083-01 Charge contempt
ACC100093-01
 Before Judge ACC100094-01 Nature of Motion Indigence
~~Biebel~~ petition for appeal

FILED

DEC 13 2010

DOROTHY BROWN
CLERK OF CIRCUIT COURT

Atty. No.: 99500

Name: Linda Shultz

Address: 2905 Kilbourn Ave

City/State/Zip: Oak Lawn IL 60453

Telephone: 708 952-2040

Completed Dec 13, 2010

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

FF6

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS,)
Plaintiff, Appellee)
)
-vs-) No. ACC 10009401.
)
LINDA SHELTON,)
Defendant, Appellant)
)
)
)

WHEREAS: On June 18, 2010, a notice of appeal having been filed in the above named case from a final judgment order entered against defendant on June 10, 2010,

IT IS HEREBY ORDERED:

Defendant is proceeding pro se on appeal. Free report of proceedings is allowed.

The Clerk of the Circuit Court is directed to transmit the notice of appeal to the Clerk of the Appellate Court and to notify defendant of this order.

ENTERED

 1688
JUDGE PAUL P. BIEBEL, JR.

DATE: June 25, 2010

Appendix GG

ENTERED

JUN 25 2010

DOROTHY BROWN
CLERK OF CIRCUIT COURT

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS,)
)
)
-VS-) No. ACC - 100083,93,94
)
)
LINDA SHELTON,)
)
) Defendant.) Hon. Michael B. McHale
) Judge Presiding.
)

WHEREAS: On November 1, 2010, a notice of appeal having been filed (timely due to the fact that the 30th day fell on a Sunday) in the above named case from a final judgment order entered against defendant on October 1, 2010 and defendant testifying today under oath that she is now indigent and is proceeding pro se on appeal,

IT IS HEREBY ORDERED:

Pursuant to Illinois Supreme Court Rule 607, Defendant is allowed 1 original and 1 copy of the report of proceedings free of charge.

ENTERED:

 1927
JUDGE MICHAEL B. MCHALE

DATE: DECEMBER 21, 2010

Appendix HHH)

ENTERED

DEC 21 2010

DOROTHY BROWN
CLERK OF CIRCUIT COURT

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS

Linda Shelton
Defendant/Applicant

Case No. ACC 1000 83-01
ACC 100093-01
ACC 100094-01

APPLICATION, AFFIDAVIT AND ORDER TO DEFEND AS AN INDIGENT PERSON

I, Linda Shelton on oath state, On my own behalf, FILED

Guardian, Other on behalf of DEC 21 2010

OR Incompetent Adult: DOROTHY BROWN CLERK OF CIRCUIT COURT

- 1. I am employed as a(n) N/A
2. My other sources of income (including spouse's income) or support are: SSI + food stamps being supplied for - see attached supplement
3. The amount of income that I expect for this year is \$ 874 x 12 = \$10,488
4. My income for the previous year was \$ (874 x 5) + 110 = \$4,480
5. The person(s) dependent on me for support are: N/A
6. My other sources of income are: SSI Public Aid Child Support Food Stamps Family Assistance Foster Care Aid to the Aged, Blind and Disabled Temporary Assistance for Needy Families General Assistance State Transitional Assistance State Children and Family Assistance
Other: see attached \$ see attached (per month).
7. The nature and value of property I own includes: Real Estate (Describe property, specify address, present value and mortgage and liens outstanding.) None

Cash, bank accounts, etc. \$ 140 Clothing and jewelry \$
Motor vehicle - Model Saturn LSI Year 2000 Value \$ 2000 (own 10%)

8. My monthly living expenses, including payment of debts and child support, are \$1255 + debts see attached

9. I am unable to pay the costs of this case, and to do so would cause a substantial hardship on me and my family.
Name: Linda Shelton
Firm/Business Name: N/A
Address: 9905 S Kilbourn Ave
City/State/Zip: Oak Lawn IL 60453
Telephone: 708 952-9099

Under penalties of perjury and/or contempt of court, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that s/he verily believes the same to be true.

ORDER DEC 21 2010 Linda L. Spitta Signature of Applicant

It is hereby ordered: The applicant is permitted to defend without payment of fees, costs or charges. The application is denied. DOROTHY BROWN CLERK OF CIRCUIT COURT

ENTERED 12/21/10 Judge Judge's No. 192

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

APR 20 2010

Annabel Melongo by next friend
Linda Shelton Petitioner
v.
State of Illinois Respondent

DOROTHY BROWN
CLERK OF CIRCUIT COURT

H. C. NO. 10 HC00007-01
Re: case # 1010498-01
CCR 10502-01

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS

The Petitioner respectfully represents to this Honorable Court that s/he is in the custody of Cook County Department of Corrections/Sheriff- Cook County Courts, Arresting Agency, and the cause of the arrest and detention is a supposed warrant issued by Cook County Courts.

The Petitioner further represents that s/he is entitled under the law to a hearing on Habeas Corpus to test the legality of said arrest and detention. In support of the request for a hearing, the Petitioner claims as follows:

There is NO PROBABLE CAUSE as she is charged with remote computer tampering and the Internet provider for which she has a contract to use the Internet sent her records when subpoenaed that reveal that she did not access the complainant's computer. Like phone companies with telephone numbers, Internet providers keep records of computers accessing other computers with computer addresses. Comcast sent records after subpoena that reveal that Defendant's computer NEVER accessed remotely complainant's computer. See attached evidence.

Wherefore, the Petitioner requests that a Writ of Habeas Corpus issue directed to the Respondent, so that the said Petitioner may be forthwith brought before this Honorable Court and that upon the return of the Writ a day be fixed for a hearing to the end that the legality of said arrest and detention may be inquired into and determined.

Linda Shelton
Petitioner, Attorney, or other person on behalf of Petitioner

Linda Shelton having examined the attached evidence to her best knowledge and belief, being first duly sworn on oath deposes and says that s/he has read the foregoing petition signed by her/him and that s/he knows the contents thereof and said is true in substance and in fact.

N/A
Attorney Atty. No.

Signed and sworn to before April 20, 2010



Notary Public [Signature]
ORDER

Let the Writ of Habeas Corpus issue returnable before me _____
on _____

Atty. No.: 99509
Attorney for: Next friend of Annabel Melongo
Name: Linda Lerner Shelton, Ph.D., M.D. Presiding Judge Judge's No.
Address: 9905 S. Kilbourn Ave
City/State/Zip: Oak Lawn, Illinois 60453
Telephone: (708) 952-9040

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

APPENDIX II I

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS,)

Plaintiff,)

v.)

ANNABEL K. MELONGO)

Defendant.)

No. 08 CR-10502

FILED

MAR 03 2010

DOROTHY BROWN
CLERK OF CIRCUIT COURT

**Memorandum On The Oral Argument On The Amended Motion To
Dismiss Indictment On 03/03/2010**

Introduction: Your Honor I'm going to tell you the bottom line conclusion you're going to arrive at, at the end of the Defendant's Argument. The conclusion is due to lack of probable cause, the State used perjuries and failed to disclose exculpatory evidence to the Defendant to secure and indictment. I'm going to put the present case in an analogy, Consider the Defendant is charged with phone harassment. A subpoena is sent to the phone company and that subpoena returned with no records. Consequently the State doesn't have probable cause. Nevertheless the State will use perjuries and prosecutorial misconduct to secure an indictment. Your Honor if you understand this simple scenario, then you'll also going to understand the present case as the Defendant introduces the concept of an IP Address.

1. Defendant ~~was~~ A Full-time Employee Hired By Save-A-Life Foundation

Perjury: Your Honor Defendant wasn't a full-time employee hired by Save-A-Life Foundation. The police report (Exhibit 'A') and the complainant's letter (Exhibit 'B') to the IRS testify to this.

Prejudice: The computer tampering law has a rebuttal presumption on "without authorization" . For an access to be considered unauthorized, the accessed computer has to require a confidential or proprietary code which shouldn't has been issued to or authorized for use by the offender. (Exhibit 'C'). Given that the Defendant has access to the company's entire computer system without a confidential agreement, it means, those computers didn't require a confidential code. Detective Martin statement that the Defendant was a full-time employee **HIRE**d by Save-A-Life Foundation greatly prejudiced her. By stating that the Defendant was hired, the Grand Jury assumed that paperwork were signed and among them a confidential agreement. On the other hand, if Detective Martin would have told to the Grand Jury that the Defendant was **NOT** an employee hired by Save-A-Life Foundation, then the Grand Jury would have asked was there a contract? Was there a confidential agreement between the two parties? The Grand Jury would have dig further and it would have found there was **NONE**. Absent such a legal document, the Grand Jury wouldn't have issued 3 counts of 'Unauthorized access' without a legal document justifying those statements.

Summary: The State avoid to be challenged on the existence of a confidential code by lying on the Defendant's employment status.

II 2

2. A Comcast IP Address Billed To Defendant and assigned to Defendant's Modem

Perjury: Your Honor, before I present the perjuries, let me first explain the concept of an IP Address. An IP address is to a computer what a phone number is to a phone device. As such, it uniquely identifies a user's experience throughout the Internet. Moreover, there's a one to one binding between an IP Address and an Internet Company. The same goes for a modem. Which means, if I have Internet through Comcast, I can't not use an AT&T or SBC IP Address or if I have Internet through Comcast, I can't use an AT&T or SBC modem. Detective Martin statement to the Grand Jury that the Defendant has a Comcast IP Address billed to her and assigned to her modem greatly prejudiced her. At the time of the incident, the Defendant has Internet through SBC Yahoo . (Exhibit 'D') . Furthermore, the Detective OWN subpoena to Comcast returned stating that the Defendant didn't have an Internet account with Comcast(Exhibits 'E').

Prejudice: Those two perjured statements led the Grand Jury to believe in the Defendant's guilt, a conclusion the Grand Jury would have come to if the facts were accurately presented.

Summary: No information returned by Comcast making the Defendant guilty.

3. Able To Determine Where The Defendant Accessed the Computer on April 28th and May 1st 2006

Perjury: Your honor the subpoena sent to Comcast in regard to these two days revealed that Comcast was unable to provide any information (Exhibit 'E').

Prejudice: Your Honor this statement prejudiced the Defendant in that the Grand Jury was led to believe in the defendant's guilt. A decision which would have been if the detective told the truth.

Summary: No information returned by Comcast making the Defendant guilty.

4. Experts Identified Defendant as being the Intruder

Perjury: Your Honor Save-A-Life Foundation hired two companies at the wake of the incident: True Consulting and Critical Technology (Exhibit 'F'). Unlike Critical Technology which recovered data and provided the technical evaluation of the incident, True Consulting was just a liaison between Save-A-Life Foundation and Critical Technology(Exhibit 'F'). The company that actually performed the technical evaluation of the incident is Critical Technology. Both True Consulting and Critical Technology (Exhibit 'F') went on record stating that the couldn't identify the cause of the incident.

Prejudice: Detective Martin statement to the Grand Jury prejudiced the Defendant in that he stated facts that were contrary to his OWN investigation. The Grand Jury would have hardly returned an indictment if the facts were accurately presented.

Summary: Experts couldn't determine the cause of incident.

5. Defendant's Termination

Perjury: Detective Martin lied regarding the facts surrounding the defendant's termination. The email sent by the defendant to the company's president one day prior to her termination

9.

Exculpatory Evidence: State failed to tell the Grand Jury that a comcast subpoena on the Defendant regarding the IP address, times of intrusion and account information returned negative (Exhibit 'E').

Prejudice: If the Grand Jury knew that the defendant didn't have a comcast account and that the date and times of the intrusion were inconclusive in the comcast's subpoena, it's hard to believe how an indictment would have been returned.

Summary: State hides important evidence that showed Defendant's innocence.

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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

The MAY 2008 Grand Jury of the
Circuit Court of Cook County

The Grand Jurors chosen, selected and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oath present that from on or about April 28, 2006 and continuing to on or about May 1, 2006, at and within the County of Cook, Illinois.

ANNABEL K. MELONGO

committed the offense of **COMPUTER TAMPERING**

in that SHE, KNOWINGLY, AND WITHOUT THE AUTHORIZATION OF THE COMPUTER'S OWNER, ACCESSED OR CAUSED TO BE ACCESSED A COMPUTER OR ANY PART THEREOF, AND DAMAGED OR DESTROYED THE COMPUTER, WITH THE INTENT TO COMMIT AN OFFENSE ESTABLISHED UNDER THE ILLINOIS COMPUTER CRIME LAW (720 ILCS 5/16D), TO WIT: THAT ON OR ABOUT APRIL 28, 2006 ANNABEL K. MELONGO ACCESSED SAVE A LIFE FOUNDATION, INC.'S (N.F.P.) COMPUTER DATA SERVER LOCTED IN SCHILLER PARK, ILLINOIS AND PERMANENTLY DELETED, REMOVED AND/OR ALTERED HUNDREDS OF COMPUTER FILES CRITICAL TO SAVE A LIFE FOUNDATION, INC.'S (N.F.P.) OPERATIONS AND IN THE PROCESS PERMANENTLY DESTROYED THE COMPUTER. THESE ACTS WERE DONE WITHOUT THE AUTHORIZATION, KNOWLEDGE OR CONSENT OF THE COMPUTER'S OWNER.

IN VIOLATION OF CHAPTER 720, SECTION 5/16D-3(a)(3) OF THE ILLINOIS COMPILED STATUTES 2006 AS AMENDED AND

Contrary to the statute, and against the peace and dignity of the same people of the state of Illinois.

Criminal Code: 1066300

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COUNT 2

The Grand Jurors chosen, selected and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oath present that from on or about April 28, 2006 and continuing to on or about May 1, 2006, in and within the County of Cook, Illinois,

ANNABEL K. MELONGO

committed the offense of COMPUTER TAMPERING

in that SHE, KNOWINGLY, AND WITHOUT THE AUTHORIZATION OF THE COMPUTER'S OWNER, ACCESSED OR CAUSED TO BE ACCESSED A COMPUTER PROGRAM OR DATA, AND DELETED A COMPUTER PROGRAM OR DATA, WITH THE INTENT TO COMMIT AN OFFENSE ESTABLISHED UNDER THE ILLINOIS COMPUTER CRIME LAW (720 ILCS 5/16D), TO WIT: THAT ON OR ABOUT APRIL 28, 2006 ANNABEL K. MELONGO ACCESSED SAVE A LIFE FOUNDATION, INC.'S (N.P.F.) COMPUTER DATA SERVER LOCTED IN SCHILLER PARK, ILLINOIS AND PERMANENTLY DELETED, REMOVED AND ALTERED HUNDREDS OF COMPUTER FILES CRITICAL TO SAVE A LIFE FOUNDATION, INC.'S (N.P.F.) OPERATIONS. THESE ACTS WERE DONE WITHOUT THE AUTHORIZATION, KNOWLEDGE OR CONSENT OF THE COMPUTER'S OWNER.

IN VIOLATION OF CHAPTER 720, SECTION 5/16D-3(a)(3) OF THE ILLINOIS COMPILED STATUTES 2006 AS AMENDED AND

Contrary to the statute, and against the peace and dignity of the same people of the state of Illinois.

Criminal Code: 1066300

II6

COUNT 3

The Grand Jurors chosen, selected and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oath present that from on or about April 28, 2006 and continuing to on or about May 1, 2006, at and within the County of Cook, Illinois.

ANNABEL K. MELONGO

committed the offense of COMPUTER TAMPERING

in that SHE, KNOWINGLY, AND WITHOUT THE AUTHORIZATION OF THE COMPUTER'S OWNER, ACCESSED A COMPUTER PROGRAM AND DATA OR ANY PART THEREOF, AND ALTERED THE COMPUTER PROGRAM AND DATA, WITH THE INTENT TO COMMIT AN OFFENSE ESTABLISHED UNDER THE ILLINOIS COMPUTER CRIME LAW (720 ILCS 5/16D). TO WIT: THAT ON OR ABOUT MAY 1, 2006 ANNABEL K. MELONGO ACCESSED SAVE A LIFE FOUNDATION, INC.'S (N.F.P.) FOUNDER'S COMPUTER EMAIL, THROUGH HER COMPUTER, WHICH WAS PHYSICALLY LOCTED IN SCHILLER PARK, ILLINOIS AND ACCESSED THE EMAILS OF CAROL SPIZZIRRI, SAVE A LIFE FOUNDATION, INC.'S (N.F.P.) PRESIDENT AND FOUNDER. THESE ACTS WERE DONE WITHOUT THE AUTHORIZATION, KNOWLEDGE OR CONSENT OF THE COMPUTER'S OWNER.

IN VIOLATION OF CHAPTER 720, SECTION 5/16D-3(a)(3) OF THE ILLINOIS COMPILIED STATUTES 2006 AS AMENDED AND

Contrary to the statute, and against the peace and dignity of the same people of the state of Illinois.

Criminal Code: 1066300



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OFFENSE OR SUBJECT	41. OFFENDER / SUSPECT NAME: (Last, First, Middle) Melongo, Annabel			42. ADDRESS: (Street, City, State) Unk						
	43. DOB: Unk	44. AOE: Unk	45. SEX: <input type="checkbox"/> MALE <input checked="" type="checkbox"/> FEMALE	46. RACE: W <input type="checkbox"/> WHITE I <input type="checkbox"/> INDIAN B <input type="checkbox"/> BLACK A <input type="checkbox"/> ASIAN H <input type="checkbox"/> HISPANIC U <input type="checkbox"/> UNKNOWN	HIGHT: Unk	WEIGHT: Unk	HAIR: Unk	EYES: Unk	CLOTHNG: Unk	
WITNESS OR CONTACT	47. NAME: (Last, First, Middle)			ADDRESS: (Street, City, State)		SEX / RACE	DOB:	HOME TX:	WORK TX:	
	#1)									
	#2)									
	#3)									

48. NARRATIVE: Describe incident in logical order. Include description of evidence or property found not otherwise listed. Summarize statements of victim, complainant, or witness. List hospital victim taken to and who transported, where vehicle/s are impounded, etc.

R/o was dispatched to 9950 Lawrence Avenue suite #300 for a report of computer tampering. Upon arrival R/o spoke to the reverse listed complainant / victim / company president Carol J. Spizziri who stated the following in summary but not verbatim: On Thursday, 27 April 06, Spizziri, President and Founder of Save A Life Foundation, fired the above listed employee / suspect Annabel Melongo for performance and attitude problems. Melongo had been contracted as an I.T. employee from the firm Robert Half International.

On Friday, 28 April 06 between the hours of 0100-0300, an unknown offender hacked into the computer server for SALF and deleted all of the files in the server including financial records and account numbers. The offender then entered Spizziri's personal email account, pulled out two emails, sent them to a Yahoo.com email address and responded to them from said address.

On Friday, 28 April 06, Spizziri recieved a phone call from Melongo stating " I heard you have some computer problems. I can help "

Spizziri had the new I.T. employee contact the web server and do a trace on the evidence (see attached documents). The trace shows the Yahoo email account belonging to Melongo.

Three separate firms have been hired by Spizziri to attempt to retrieve the lost files. As of the time of this report SALF has recovered 90 percent of the files.

Spizziri stated she believes Melongo is a flight risk due to the fact she is not a U.S. citizen.

R/o contacted Robert Half International in an attempt to obtain personal information on Melongo ie: birthdate, last known address and telephone number. Customer service informed R/o that a written request would need to be faxed over and then after 72 hours, they would provide such information.

Complaints will be signed.

(A)

Carol Spizzirri

Subject: FW: Follow Up

312 616 8200.

Sincerely,

Steve Kass

Steve Kass
District Director
Robert Half International
205 North Michigan Avenue
Suite 3301
Chicago, IL 60601
steve.kass@rhi.com

Fax: 847 719 4016

312.616.0038

888.744.9202 WASH. SEWING

MICHELLE

LOAN-GOS. ZIMAROG → DATES of Employment

NEED A FAXED REQUEST

OF LKA AND BIRTHDATE INFO

FROM INVEST. OFC.

TURN AROUND TIME IS 72 Hours.

ANNABEL MELONGO

Handwritten initials/signature

Handwritten notes: NY TR, JTB, Paul W...

(B1)

II9



SALF

Save A Life Foundation

National Headquarters

9950 W. Lawrence Ave Ste 300
Schiller Park, Illinois 60176-1216
Ph: (847) 928-9683
Fax: (847) 928-9684
Toll Free: (888) 892-6606
Website: www.salf.org

Carol J. Spizzirri
Founder / President

April 16, 2007

Internal Revenue Service
P. O. Box 9019
Holtsville NY 11742-9019

RE: 0135771673 Letter Number LTR0063C

Dear Sirs:

We are in receipt of your letter dated April 10th, 2007 requesting tax forms for Annabel Melongo. Annabel was a temporary employee of Robert Half International therefore; we do not have any tax forms for her. Also please note that we believe this is an attempt from her for retaliation against Save A Life Foundation, Inc. due to a pending criminal case against Annabel for computer tampering and credit card fraud. We have attached copies of the police reports for the pending criminal charges.

If you have any questions or require additional information please call 847-928-9683.

Sincerely,

Linda B. Reyna
Director of Accounting & Administration



B2

II10

(720 ILCS 5/16D-7) (from Ch. 38, par. 16D-7)

Sec. 16D-7. Rebuttable Presumption - without authority. In the event that a person accesses or causes to be accessed a computer, which access requires a confidential or proprietary code which has not been issued to or authorized for use by that person, a rebuttable presumption exists that the computer was accessed without the authorization of its owner or in excess of the authority granted.

(Source: P.A. 85-926.)

©

III

MUTUAL CONFIDENTIALITY AGREEMENT

_____ ("Customer") and Shredderhotline.com Company
Inc. ("SHL") hereby agree as follows:

1. "Confidential Information" includes, but is not limited to, trade secrets, know-how, inventions, techniques, processes, algorithms, software programs, schematics, designs, contracts, and other proprietary information that derives independent economic value from not being generally known, gives either party an advantage in the market place and the party protects from dissemination to the general public by reasonable measures of secrecy.
2. During the course of this Agreement, a Party ("Disclosing Party") may disclose its Confidential Information to another Party ("Receiving Party").
3. Each party acknowledges that either party may reveal Confidential Information to the other party prior to entering into and during the course of an agreement between the parties.
4. Receiving Party will, at all times, keep in confidence and trust all of the Disclosing Party's Confidential Information. Receiving Party will take reasonable steps to prevent unauthorized disclosure or use of Disclosing Party's Confidential Information and to prevent it from falling into the public domain or into the possession of unauthorized persons, including, but not limited to: (a) storing the Disclosing Party's Confidential Information segregated and apart from its own files; (b) releasing the Disclosing Party's Confidential Information only to employees, consultants, subcontractors and agents of Receiving Party who have a need to know and who agree to be bound by these confidentiality provisions; (c) prohibiting the reproduction of the Disclosing Party's Confidential Information, including, but not limited to, videos, drawings or photographs without the expressed written consent of the Disclosing Party.
5. Receiving Party will immediately give notice to the Disclosing Party of any unauthorized use or disclosure of the Disclosing Party's Confidential Information. Receiving Party agrees to assist Disclosure Party to remedy such unauthorized use or disclosure of Disclosing Party's Confidential Information.

EXAMPLE OF A
CONFIDENTIALITY
AGREEMENT p/2

II12

6. Confidential Information will not include: (a) information which is: (i) now or hereafter, through no unauthorized act or failure to act on a party's part, in the public domain; (ii) known to the other party without an obligation of confidentiality at the time the party receives the same from the other party, as evidenced by written records; (iii) hereinafter furnished to SHL or the Receiving Party by a third party as a matter of right and without restriction on disclosure; (b) furnished to others by the other party without restriction on disclosure; or (c) independently developed by a party without use of the other party's Confidential Information.

7. Upon termination of this Agreement or any other Agreement entered into by the parties whichever occurs first, Receiving Party will return to Disclosing Party all such Confidential Information, including technical information and data, whether in written, documentary or other form, as well as computer programs, software and technical drawings and all digitally stored Confidential Information belonging to Disclosing Party will be deleted from Receiving Party's storage medium including, but not limited to, computer hard drives, floppy disks, CDs or DVDs. Within 10 days of the termination of this Agreement, Receiving Party shall provide Disclosing Party with a written certification that all stored data containing Disclosing Party's Confidential Information in Receiving Party's possession or control have been destroyed, removed from a digital storage device or returned to Disclosing Party.

8. Receiving Party shall not in any manner disclose to third parties, advertise or publish the fact it has entered into the terms of this Agreement, except with the expressed written consent of Disclosing Party or if required to do so by a governmental agency or a code of law with proper jurisdiction.

9. This Agreement will be governed by the laws of the State of Illinois.

10. The persons signing this Agreement have the authority to bind the parties as identified herein.

11. The parties' obligations under paragraphs 3, 4, 5 and 8 shall remain in full force and effect after the termination of this Agreement;

COMPANY INC
(Receiving Party)

Signature: _____

Name: _____

SHREDDERHOTLINE.COM

Signature: _____

Name: _____

2/3

II13

Title: _____

SHL Reference No. (if known) _____
(e.g., quote, job, vendor, customer)

Dated: _____

Send two originals signed by the Recipient to our company and we will return one document signed by our group. In addition confirm via e mail that you have been in receipt of this document and that you agree to the terms and conditions of this agreement. Both E Mail and Signed Agreements are binding on their own. This is to help expedite the paperwork process so that we do not delay moving forward in this process as time is of the essence. Consideration is considered by our acceptance of your time and its value to our group, for this to be in effect after written confirmation by E mail and/or Written Signed documents.

DAN BURDA
SALES@SHREDDERHOTLINE.COM
815-674-5802

3/3

II 14

Dear Annabel Melongo:

DSL Telephone Number: 847 506-0973
Service Activation Date: March 15, 2006

WELCOME TO SBC YAHOO! DSL!

Congratulations on your decision to get SBC Yahoo! DSL. You've made a great choice.

Thank you for your recent SBC Yahoo! DSL order. You're probably like millions of other SBC Yahoo! DSL subscribers, and are eager to get started.

If you believe this order was processed in error or is unauthorized, please refer to the "Terms of Service/Order Cancellation" section of the enclosed "Important Information about your new SBC Yahoo! DSL Service" document for instructions.

Soon you will receive your self-installation kit. To make sure your installation is smooth and trouble-free, please set aside about an hour to go through the installation and registration. Follow the easy, step-by-step instructions and you should be online in no time. The self-installation kit will include your high-speed modem or home/office gateway and a form you can mail in for a rebate if you qualify, as well as the SBC Yahoo! DSL Feature Guide. The feature guide has the installation CD and written instructions. To start, **please refer to the instructions on Page 1 first.** A few things to keep in mind:

Your new SBC Yahoo! DSL service will be activated on the Service Activation Date noted above. Billing for your new service begins on that date as well, so we encourage you to start using the service as soon as you can. On your first bill, you will see an equipment charge. If you purchased DSL as part of a promotion, you may qualify for an equipment rebate. To redeem your rebate, be sure to affix the rebate activation sticker from your packing slip to the back of the mail-in rebate postcard. Both are included in your self-installation kit. For all the details, please refer to your postcard.

If you need help, our team at the Help Desk is available at *no charge* 24 hours a day, 7 days a week:

Call us at:

1-877-SBC-DSL5 (1-877-722-3755)

Visit us online via e-mail or live chat at:

<http://help.sbcglobal.net>

(select sbcglobal.net as the email domain)

For questions about your mail-in rebate:

visit www.sbcdslrebate.com or call 1-800-228-5015

If you'd rather have a technician come to your home and install your service, simply call the Help Desk, where the charges for a home visit will be fully explained. We recommend technician assistance if you have a home security alarm or health monitoring alarm due to certain technical issues that may arise during installation. For any issues unrelated to SBC products, such as with your computer manufacturer, hardware or software, you can call on a Support+ technician, who will assist you. For additional details, visit sbc.com/supportplus (additional fees apply).

During the registration process, you'll be presented with the Terms of Service, which you must accept in order to complete registration and begin using SBC Yahoo! DSL. The Terms of Service are available for review on our web site at <http://sbc.yahoo.com/terms>.

Your SBC Yahoo! DSL experience is much more than high-speed access. You also receive premium products, at *no additional charge*. For instance:

- **Online Protection.** Protect yourself from online threats and nuisances with this all-in-one security software suite while enjoy what you love about the Internet. Learn more at onlineprotection.yahoo.com
- **Enhanced Email.** Enjoy up to 2GB of storage for your main account, and 2GB of storage for up to 10 subaccounts.
- **Personalized Homepage.** Easily tailor your own home page, with content and applications that you use the most.

Thank you again for choosing the number one DSL Internet access provider in the nation, and welcome to the SBC family. We are committed to providing you with an unmatched broadband experience and making you a "very satisfied" customer for years to come. Have fun!

Sincerely,
SBC Yahoo! DSL Team

01

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(Please read the following IMPORTANT INFORMATION ABOUT YOUR NEW SBC YAHOO! DSL SERVICE.)

IMPORTANT INFORMATION ABOUT YOUR NEW SBC YAHOO! DSL SERVICE. PLEASE READ.

Installation Tips

Completing Registration After Hardware/Software Installation. If you install your equipment prior to your Service Activation Date, you will not be able to complete the Registration portion of the installation. Once your service is activated, re-insert the Installer CD and click through the screens which you have already completed. When you reach the Registration portion of the installation, answer the questions and you are ready to go! Once online, you can safeguard yourself with the all-in-one security suite included with your service. Learn more at <http://onlineprotection.yahoo.com>.

Technician Installation Charges. If you have received your modem kit, but are unable to complete the installation on your own, the charge for a technician visit is approximately \$150, unless the issue is related to the SBC network, in which case you will not be billed. Other charges incurred during a technician visit will be billed to your SBC telephone bill. When you call to schedule a technician visit, be sure to ask about current pricing. Additional charges may apply if jack installation is required.

Additional Hardware. In some cases, additional hardware will be required. For instance, it is important you install a filter on every phone jack where your DSL telephone number is connected and you have an active device (telephone, fax, cable/satellite connection, security system). If you have a 2-line phone, you will need a 2-line filter. Also, some customers may need to purchase an Ethernet card (NIC). (The installation CD will notify you if you need to install an Ethernet card.) This additional hardware can be found at most electronics retailers or by visiting the SBC on-line store at sbcdslstore.com. Allow 7-10 days for delivery. Expedited shipping options are also available.

Re-Registering your Service After a Move/Disconnect. If you move your SBC Yahoo! DSL service to a new number or new location (even within the same residence), you must re-register your service. If you fail to re-register your account within 60 days of your move, you will lose your existing Member ID and ALL of the contents of your email account. *This data loss is permanent.* To re-register, have your Member ID and password ready and call us at 1-877-722-3755.

Service Terms and Conditions

Disconnection of SBC Telephone Service. If you disconnect your SBC local telephone service, we will no longer be able to support SBC Yahoo! DSL and it will be disconnected. Please keep this in mind, should you make changes to your SBC phone service.

Early Termination Fees. If you purchased the service as part of a term contract, your term begins on your service activation date. If you disconnect your service prior to the end of the term contract, you will be charged an Early Termination Fee of \$200. During your contract, if you move your service to an area where SBC provides service and we are unable to provide SBC Yahoo! DSL to you, your early termination fee

will be waived. If you move to a non-SBC territory or do not keep your SBC Yahoo! DSL service for the full length of your term agreement, you will be charged the early termination fee.

Terms of Service/Order Cancellation. During installation, you will be asked to accept the Terms of Service (<http://sbc.yahoo.com/terms>) which you must accept in order to use the SBC Yahoo! DSL service. If you decline to accept the Terms of Service or wish to cancel your order for any reason, you must call 1-877-SBC-DSL5 prior to registration or your Service Activation Date (whichever comes first) to cancel the service and return any DSL equipment using the return address label (provided). Simply returning your equipment will not automatically cancel your order. To avoid paying the hardware costs for the DSL equipment, plus tax, the equipment must be received by us within 30 days of the Service Activation Date. Once billing begins (on your Service Activation Date), you will be responsible for any applicable termination charges.

Unable to Activate Service. In the event of unforeseen technical issues there is a possibility we may not be able to complete this order. If that happens, we will credit your account for any SBC Yahoo! DSL fees charged.

Information about your Bill, Discounts, and Additional Fees and Taxes

Billing Cycles. Differences in billing cycles between your SBC telephone service provider and SBC Internet Services (the provider of your new SBC Yahoo! DSL Internet service), may create unexpected variances on your first few DSL bills. For example, your first bill may include charges for the initial partial month of service - from your service activation date to your first bill date - plus, charges for your first full-month of service charged in advance. These prorated charges may cause your monthly rate to look lower or higher than actual rate at which you joined. These prorated charges should even out within the first couple of months of service and you will begin to see the monthly rate at which you signed up.

SBC Discounts. If you purchased SBC Yahoo! DSL service as part of an SBC package, you may be receiving a discount on the basis of combined purchase. If you change any required component of the package for any reason, you will no longer qualify for the special monthly rate and will lose the discount. We may access your customer records to verify that you still qualify for the special rate.

Additional Fees and Taxes. SBC Internet Services charges a Federal Universal Service Fund (FUSF) cost recovery fee to help cover charges from our data transport supplier pursuant to state and federal telecom regulations. This fee is not a tax or government required charge. Other charges affecting your monthly rate include applicable taxes, fees and surcharges. If you received a modem or a Home Networking/Office gateway with an integrated modem, a \$12.95 shipping and handling fee applies.

SBC Yahoo! DSL is an information service that combines DSL transport, Internet access and applications from SBC Internet Services, with customized content, services, and applications from Yahoo! Inc. This product is protected by US Patent 5,956,491. SBC, the SBC logo and other product and service names are trademarks and/or registered trademarks of SBC Knowledge Ventures, L.P. Yahoo!, the Yahoo! logo and all other Yahoo! logos and product and service names are the trademarks and/or registered trademarks of Yahoo! Inc. © 2005 SBC Knowledge Ventures, L.P. and Yahoo! Inc. All rights reserved.

02

IT 16



ANNABEL MELONGO
 APT 3A
 1218 LONG VALLEY DR
 PALATINE, IL 60074-3379

Page 1 of 3
 Account Number 847 506-0973 601 B
 Billing Date Mar 16, 2006

Web Site www.sbc.com

Monthly Statement

Feb 17 - Mar 16, 2006

Bill-At-A-Glance

Previous Bill	.00
Payment	.00
Adjustments	.00
Balance	.00
Current Charges	83.25
Total Amount Due	\$83.25
Current Charges Due in Full By	Apr 14, 2006

Billing Summary

Questions? Call:

Plans and Services	83.25
1-800-244-4444	
Repair Service:	
1-888-611-4466	
Automated Billing/Payment Arrangements:	
1-800-873-5501	
Total of Current Charges	83.25

News You Can Use - Summary

- PREVENT DISCONNECT
 - LONG DISTANCE INFO
 - RATE CHANGE
 - SPECIAL NEEDS
 - PAY BILLS ONLINE
 - LOCAL TOLL INFO
 - WELCOME MESSAGE
 - BEST TIMES TO CALL
 - DIGITAL FUND
- See "News You Can Use" for additional information.

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Return bottom portion with your check in the enclosed envelope.

SBC Benefits

Welcome to SBC ConnectionsSM! SBC ConnectionsSM members are our most valued customers that subscribe to an SBC local services package and SBC Long Distance services. Watch for upcoming special offers from SBC Long Distance, SBC Yahoo!®, and Cingular Wireless.

Thank you for being an SBC ConnectionsSM customer, featuring savings from:

- SBC Illinois
- SBC Long Distance

Your SBC ConnectionsSM monthly savings: \$11.15

Plans and Services

Monthly Service - Mar 16 thru Apr 15

Service is billed in advance from the 16th of each month

Personal Choice SM	27.95
Residence Usage Serv	
Line Charge	
Caller Identification	
Calling Name Display	
Call Waiting	
Three Way Calling	
Call Waiting ID	
Local Saver Pack Unlimited Plan	
LINE-BACKER®	

By choosing Personal ChoiceSM, you are saving \$11.15 over the cost of the same services purchased separately.

Non-Published Service	1.20
Federal Access Charge	4.50
Total Monthly Service	33.65

Additional Charges to Service

This section of your bill reflects charges and credits resulting from account activity. A breakdown of monthly service charges is included.

Item No.	Description	Quantity	Monthly Rate	Amount Billed
One-Time Charge(s)				
1.	Charges for Establishing New Service on Mar 13, 2006			18.90
2.	Line Connection Charge			20.50
Services Established: (Monthly Charges are Prorated from Mar 14, 2006 to your Billing Date, Mar 16, 2006)				
3.	Personal Choice SM	1	27.95	1.87
4.	IL Telecom Relay Svc and Eqp	1	.08	.01
5.	Infrastructure Maintenance Cr	1	.79	.05CR
6.	Non-Published Service	1	1.20	.08

Local Services provided by SBC Illinois, SBC Indiana, SBC Michigan, SBC Ohio or SBC Wisconsin based upon the service address location.

U.S. Pat. 0410,950 and D414,510

IF 17

DUE BY: Apr 14, 2006 \$83.25

LATE: After Apr 14, 2006 \$84.41



ANNABEL MELONGO
APT 3A
1218 LONG VALLEY DR
PALATINE, IL 60074-3329

Page 1 of 3
Account Number 847 506-0973 601 8
Billing Date Jun 16, 2006

Web site att.com

Monthly Statement

May 17 - Jun 16, 2006

Bill-At-A-Glance

Previous Bill	226.58
Payment - Thank You!	226.58CR
Adjustments	59.40
Balance	59.40
Current Charges	58.63
Amount to be Debited	\$118.03
Debiting Credit Card 5 Days Prior to	Jul 13, 2006

Billing Summary

Questions? Call:

Plans and Services 1-800-244-4444 Repair Service: 1-888-611-4488 Automated Billing/Payment Arrangements: 1-800-873-5501	38.10
AT&T Long Distance 1-800-244-4444	4.69
AT&T Internet Services 1-877-722-3755	15.84
Total of Current Charges	58.63

News You Can Use - Summary

- PREVENT DISCONNECT
 - LOCAL CALLING RATES
 - PAY BILLS ONLINE
 - CARRIER INFO
 - BEST TIMES TO CALL
- See "News You Can Use" for additional information.

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AT&T Benefits

• Thank you for being a SBC Premier ConnectionsSM customer, featuring savings from:

- AT&T Illinois
- AT&T Long Distance
- SBC Yahoo!®

Your SBC Premier ConnectionsSM monthly savings: \$28.19

Detail of Payments and Adjustments

Item No.	Date	Description	Adjustments	Payments
1	6-01	Payment		164.21
2	6-02	Adjustment-AT&T LD	2.97CR	
3	6-13	Payment		62.37
4	6-13	Payment Adjustment	62.37	
		Totals	59.40	226.58

Plans and Services

Monthly Service - Jun 16 thru Jul 15	27.96
Personal Choice SM	
Residence Usage Serv	
Line Charge	
Caller Identification	
Calling Name Display	
Call Waiting	
Three Way Calling	
Call Waiting ID	
Local Saver Pack Unlimited Plan	
LINE-BACKER®	

By choosing Personal ChoiceSM, you are saving \$13.19 over the cost of the same services purchased separately.

Non-Published Service	1.20
Federal Access Charge	4.50
Total Monthly Service	33.65

Local Calls

Local Saver Pack Unlimited
5 Call(s) were placed this month

1118

Local Services provided by AT&T Illinois, AT&T Indiana, AT&T Michigan, AT&T Ohio or AT&T Wisconsin based upon the service address location.
U.S. Pat. D410,950 and D414,510

Your Credit Card will be

Amount to

\$118.03

Schiller Park Police

FELONY MINUTE SHEET
FORM 101

Grand Jury Subpoena Request

BINDER MARGIN (DO NOT WRITE ABOVE THIS LINE)

(For State's Attorney Use)

MAY 2531

ASSISTANT STATE'S ATTORNEY:

Enter each continuance here. In cases of multiple defendants indicate which defendants, if any, did not join in the continuance. Also indicate dates of all demands for trial, and by whom demands were made.

COURT: District #3, Rolling Meadows

I.R. NUMBER	DEFENDANTS	AGE	DATE OF ARREST	CHARGE
	John/Jane Doe	Unk		720 ILCS 5/16D-3(a)(3) Computer Tampering

Date of offense 4/28/2006 Time 0100 ~ 0330 CT Place Cook County, Illinois

The facts briefly stated are as follows:

The defendant went online using Internet Service Provider (ISP) Comcast cable services, and accessed the computer network of Save-A-Life Foundation. During the listed dates and times, the person permanently deleted, removed, and/or altered hundreds of computer files critical to Save-A-Life's operations. On 1 May 06 at 2030-2031 hrs.MT, the defendant then accessed the email account of Carol Spizzirri, President and Founder of Save-A-Life, without the knowledge or permission of Carol Spizzirri. The person then used Ms. Spizzirri's email account to forward the contents of Ms. Spizzirri's email account to the email account melongo_annabel@yahoo.com. On 2 May 06 at 2301-2302 hrs. MT, numerous Save-A-Life employees received emails from that Yahoo email account. Those emails included content from the previously mentioned forwarded emails of Carol Spizzirri's email account. All of these incidents occurred on the Internet using the Internet Protocol (IP) address of 24.15.202.102 at the above listed times. The IP address of 24.15.202.102 belongs to Comcast cable company.

FILED GRAND JURY

MAY 29 2006

DATE

Items Needed: The subscriber information to include name, address, phone number, status of the account, date the account was opened and/or closed, for the subject using the IP address of 24.15.202.102 on 28 APR 06, 1 MAY 06, and 2 MAY 06 at the above listed times.

To whom addressed: Detective William Martin 9526 W. Irving Park Rd. Schiller Park,

IL 60176

ASST. STATE'S ATTY.

DATE

(Do Not Write In This Space--For State's Atty. Use Only)

(E1)

II19

Comcast

CONFIDENTIAL

Comcast IP Services
850 Centerton Road
Moorestown, NJ 08057
856.317.7272 Tel
856.317.7319 Fax

June 5, 2006

VIA FACSIMILE

Detective William Martin
Schiller Park Police Department
9526 W. Irving Park Road
Schiller Park, IL 60176
Fax: 847-671-9465

Re: Subpoena
Our File #: 1520619

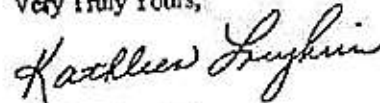
Dear Detective Martin:

The Subpoena dated May 25, 2006 with respect to the above-referenced matter has been forwarded to me for a reply. The Subpoena requests Comcast to produce certain internet subscriber account records pertaining to the following person: Annabel Melongo, 1218 East Long Valley Drive, Apt. 3A, Palatine, IL.

Based on the information provided pursuant to the Subpoena, we are unable to find any information responsive to the request.

If I can be of further assistance, or if you have any questions regarding this matter, please feel free to call me at 856.638.4022.

Very Truly Yours,



Kathleen Loughrin
Legal Response Center, Legal Analyst

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GRAND JURY SUBPOENA DUCES TECUM IN THE CIRCUIT COURT OF COOK COUNTY THE PEOPLE OF THE STATE OF ILLINOIS (2-81) CR 34 A

May 2532

TO: Comcast IP Services 650 Centerton Road Mooretown, New Jersey 08057 856-317-7319 (fax)

GREETINGS:

WE COMMAND YOU, that all business and excuses being laid aside, you and each of your attend before the Grand Jury of our Circuit Court of Cook County, June 2, 2006 at 9:00 AM, at the Circuit Court House in Chicago, 26th and California Avenue, in said Cook County, to give evidence and the truth to speak concerning a certain complaint made before said Grand Jury, in a JOHN/JANE DOE INVESTIGATION and that you also diligently and carefully search for, and examine and inquire after and bring with you and produce at the time and place aforesaid.

Any and all records regarding the identity of the subscriber(s) or customer(s) associated with the use of the following Internet Protocol addresses on specified dates and times:

Table with 4 columns: IP Address, Date, Time, Timezone. Rows include 24.15.202.102 for April 28, 2006 and May 1, 2006.

including, whether such records or other evidence are in electronic or other form, the following:

- 1. name(s); 2. address(es) including, email, mailing, residential, business or other contact information; 3. records of session times and durations; 4. length of services (including start dates) and types of services utilized; 5. subscriber number or identity, including user name(s) and screen name(s); and 6. billing records and the means and source of payment for such services including any credit card, or bank account number)

FILED GRAND JURY MAY 25 2006

- AND -

The below identified records and information for the Comcast Internet Services customer:

Annabel Melongo, 1218 East Long Valley Drive, Apartment 3A, Palatine, Illinois

including, whether such records or other evidence are in electronic or other form, the following:

- 1. other name(s) associated with the customer's account; 2. address(es) including, email, mailing, residential, business or other contact information; 3. records of session times and durations; 4. length of services (including start dates) and types of services utilized; 5. subscriber number or identity, including user name(s) and screen name(s); and

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II 21

May 25 31

- 6. billing records and the means and source of payment for such services (including any credit card, or bank account number)

Compliance with this subpoena may be made by tendering the aforesaid documents to Detective William Martin, Schiller Park Police Department, 9526 West Irving Park Road, Schiller Park, Illinois 60176-1984, 847/678-4794 (voice); 847/671-9389 (fax). You are not to disclose the existence of this request as such disclosure may impede the investigation and compromise the enforcement of the law. And this you will in no wise omit under penalty of the Law.

Witness, DOROTHY BROWN Clerk of our said Court,

And the Seal thereof, at Chicago, in said County, DOROTHY BROWN



DIRECT INQUIRIES TO:

CLERK OF THE CIRCUIT COURT CRIMINAL DIVISION

Thomas Burn
Assistant State's Attorney

STATE OF ILLINOIS } SS.
COOK COUNTY

being duly sworn, an oath says that he served the within Writ by reading the same to the within named _____ on the _____ day of _____ 2006, in said Court.

Sworn to me before this _____ day of _____ 2006

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

FILED GRAND JURY
MAY 25 2006
DATE

E4

II 22

Comcast

CONFIDENTIAL

VIA FACSIMILE

Detective William Martin
Schiller Park Police Department
9526 W. Irving Park Road
Schiller Park, IL 60176
Fax: 847-671-9465

Comcast IP Services
650 Centerton Road
Moorestown, NJ 08057
856.317.7272 Tel
856.317.7319 Fax

June 5, 2006

Re: Subpoena
Our File #: 1506260

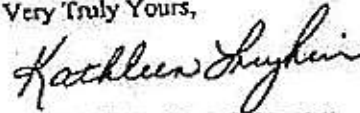
Dear Detective Martin:

The Subpoena dated May 25, 2006 with respect to the above-referenced matter has been forwarded to me for a reply. The Subpoena requests Comcast to produce certain subscriber account records pertaining to the following IP address: 24.15.202.102 on April 28, 2006 between 01:17:00 and 03:25:00 (Central), and May 1, 2006 between 20:31:40 and 20:31:41 (Mountain), and between 23:01:31 and 23:01:35 (Mountain).

Based on the information provided pursuant to the Subpoena, we are unable to find any information responsive to the request. Upon receipt of the Subpoena we initiated our investigation. We discovered that the log files we use to make subscriber account identifications were either incomplete or contained an error associated with the registration of the cable modem or other device in question. Therefore, Comcast cannot identify the subscriber account associated with this request.

If I can be of further assistance, or if you have any questions regarding this matter, please feel free to call me at 856.638.4022.

Very Truly Yours,



Kathleen Loughrin
Legal Response Center, Legal Analyst

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SALF

Save A Life Foundation

National Headquarters

9530 W. Lawrence Ave. Ste 300
 Schiller Park, Illinois 60176-1216
 P: (847) 922-9683
 Fax: (847) 922-9684
 Website: www.salff.org

Carol J. Spizzleri
 Founder / President

Monday, May 08, 2006

Richard A. Devine State's Attorney of Cook County
 Illinois State Attorney of Cook County
 % Jinx Kotowski Administrative Assistant
 2650 S. California
 Chicago, IL 60608

Dear Honorable Devine:

It is unfortunate I need to bring this matter to your attention but both Mayor Rita Mullins and I felt it necessary since the following has caused irreversible damage to SALF.

Several months ago we contacted Robert Half Technology, a temporary IT employment agency, to subcontract technicians for our computer and web site needs after the death of our IT Director. December 2005, Robert Half subcontracted Annabel Melongo to provide programming, network support and maintain our hard and software. From the beginning Ms. Melongo had difficulty working with fellow employees, but we disregarded in lieu of her computer skills. March 27th, 2006 Robert Half terminated Melongo as their contractor and since Melongo was in the midst of a important project we retained her full time. Her malevolens towards colleagues intensified until April 27th when Vince Davis, Director of Military Affairs, felt it necessary to terminate Ms. Melongo from SALF.

As a standard termination policy, Mr. Davis accompanied Ms. Melongo while she collected her belongings, verified our computer passwords and exit her to the door. Since Ms. Melongo had knowledge to all our passwords our Web Designer Mr. Christian Sass immediately changed as many passwords he knew to secure entry into our computer system from the outside, but failed to remember our DSL line and web/emails sites.

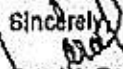
The following morning, Friday April 28th, our employees were unable to access their computer files. With further investigation we uncovered that all our files, data bases, etc., had been deleted. Throughout the day Ms. Melongo came to the office, totally three times, and phoned, totaling four times, wanting to see only me. From Friday through Sunday morning Mr. Davis and outside vendors True Consulting and Critical Technology Solutions worked continually to recover the missing computer files unsuccessfully.

May 2nd, several employees alerted me that they received a disturbing e-mail from Ms. Melongo. Her e-mail indicated she was responding to an emailed I sent to Brian Salerno, Pres. True Consulting that had been forward to her. May 4th we contacted our web and e-mail provider, WebHSP in Colorado, who was able to foot print Ms. Melongo's actions from entry into SALF's e-mail system through Snailmail by using my password, retrieve and forward two of my personal emails to her account and then e-mail back to several of our employees with a personal message (see attached).

May 5th we filed a complaint with the Schiller Park Police Department # 08-3219 of which Officer Marrazzo stated he would forward to their Detectives.

This afternoon I and my staff received another lengthy e-mail from Ms. Melongo. Apparently she is not satisfied with our lack of response. Ms. Melongo is not a U.S. Citizen but has a student Visa from Cameroon Africa and lives in Palatine which all concerns Mayor Mullins.

We would appreciate your advise in this sensitive matter.

Sincerely,

 Carol J. Spizzleri
 President/Founder
 encl.



II 24

critical technology SOLUTIONS

1247 Warren Avenue
Downers Grove, Illinois 60515-3548
630.737.1082

January 11, 2009

In response to the Subpoena Duces Tecum, Case No. 08 CR-10502:

The following is a description of the activities performed at the offices of Save a Life Foundation in the months of April and May 2006 to the best of our ability to recollect. All services were rendered at the Save a Life Foundation offices located at 9950 W. Lawrence Avenue, Suite 300, Schiller Park, Il. 60176 and at the offices of Critical Technology Solutions, Inc. located at 825 N. Cass Avenue, Suite 308, Westmont, Il. 60559.

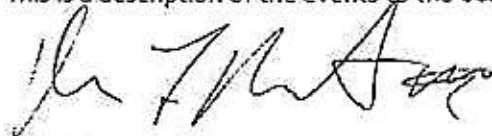
The offices of Critical Technology Solutions, Inc. received a telephone call from Brian Salerno, a person having a business relationship with Save a Life Foundation and Critical Technology Solutions, Inc. in late April 2006. Mr. Salerno provided contact information for the Save a Life Foundation and recommended that we make contact to assist this organization with their technology services needs. Contact was made and a site visit was schedule to assist with data recovery efforts and other typical information technology assistance.

The site visit occurred on Monday, May 1, 2006 and the Save a Life Foundation staff requested assistance with the recovery of data from multiple storage devices. Our examination identified thousands of files which appear to have been deleted on April 28, 2006 between the hours of 01:20 hours and 03:01 hours, Central Standard Time. File recovery was completed on two of the three storage devices and all property and recovered data was returned to the Safe a Life Foundation staff on May 2, 2006. One storage device was not able to have its contents recovered utilizing typical data recovery techniques due to recovery efforts by other persons prior to the involvement of Critical Technology Solutions, Inc.

I received a telephone call from Detective Martin at the Schiller Park Police Department on May 17, 2006 requesting technical information related to the Save a Life Foundation requested data recovery services. I provided a brief overview of our findings and told Detective Martin that I would transmit a copy of our report, and associated documentation, per his request to do so. Documents were transmitted via email and facsimile on or about May 18th. This communication has been included with this document.

In concert with our recommendation, a limited audit of technology assets and security measures was performed on May 5, 2006 and the analysis returned to the Safe a Life Foundation.

This is a description of the events to the best of my ability to recollect.



Donald F. Peters III

President

Critical Technology Solutions, Inc.

(F2)

II 25

Donald Peters

From: Donald Peters [dpeters@thinkcritical.com]
Sent: Thursday, May 18, 2006 11:02 AM
To: bmartin@villageofschillerpark.com
Subject: Save A Life Foundation Information
Attachments: Letter to Carol RE Recovery Efforts 05 11 2006 SCAN.pdf; SALF Recovery.pdf
Importance: High

Detective Martin,

It was good to speak with you yesterday regarding your efforts to assist the Save A Life Foundation. As per our discussion, I have attached the letter I sent to Carol providing a rough overview of the discovery and actions taken by Critical Technology Solutions. When I was first introduced to Carol, and apprised of the situation and actions taken prior to my arrival, we discussed the next steps required for recovery vs. preservation of evidence. There was an uncertainty as to the catalyst for data loss as several maintenance actions were performed just prior to the discovery of the problem. I advised the group that with multiple personnel attempting recovery on the drives over the previous days, and no clear chain of custody, the quality of any evidence discovery would be questionable at best. Carol's decision was to move forward with recovery efforts when it was learned that the previous backups were incomplete or missing.

In addition to the overview letter, I have attached 28 screenshots created during our recovery process. Upon review, you will note that much of the "deleted" date and time stamps indicate the period of activity appears to be April 28, 2006 from 1:20 A.M. - 3:01 A.M. CST. I can also provide you with a copy of the recovered data if requested to do so by the Save A Life Foundation. Please do not hesitate to telephone me if I can provide additional assistance.

Regards,

Donald Peters
Critical Technology Solutions, Inc.
(630) 455-0522

This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this facsimile. Please notify the sender immediately by telephone if you have received this transmission by mistake and destroy this document. Electronic transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of transmission. If verification is required please request verbal confirmation of the authorization code located below. Critical Technology Solutions, Inc., 825 N. Cass Avenue, Suite 308, Westmont, Illinois 60559 ---
Authorization Code: 0518061101DP

(F3)

II26

AnnabelMelongo

----- Forwarded Message -----

From: cspizzirri@salf.org
To: melongo_annabel@yahoo.com
Sent: Monday, May 1, 2006 8:31:40 PM
Subject: [Fwd: RE: downed system]

----- Original Message -----

Subject: RE: downed system
From: "Brian J. Salerno" <Brian.Salerno@True-Consult.com>
Date: Mon, May 1, 2006 7:58 pm
To: "'Carol Spizzirri'" <cspizzirri@salf.org>

Wow.....and still wow. Why doesnt she just mail in a confession.

Sorry for how far behind you are. The permissions are clearly the obstacle now--given the fact that some people can see the data and some can't. I'll talk to Don tomorrow and figure out our game plan for it.

Thanks for the follow up.....still, wow.

Brian.

-----Original Message-----

From: Carol Spizzirri [mailto:cspizzirri@salf.org]
Sent: Monday, May 01, 2006 6:04 PM
To: Brian Salerno
Subject: RE: downed system

Think we found who -
Annabell called x4 and stopped in three - left message on my cell offering to fix our problem. Very similar to former IT who corrupted system. Have not spoke with her - she refused to speak with Christian - go figure!
Tks much for your followthrough - we are so behind it hurts.

-----Original Message-----

From: Brian Salerno [mailto:brian.salerno@true-consult.com]
Sent: Saturday, April 29, 2006 2:22 PM
To: carol
Subject: RE: quick update from John Reeg

Thanks carol...we will put everything back later, once we recover the data. For now, we need to just use a box that we know is clean--free of any admin issues.

Thanks Carol,
Brian.

Sent with Wireless Sync from Verizon Wireless

----- Original Message -----

From: "carol" <cspizzirri@salf.org>
Date: 4/29/06 10:18 am

(F4)

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To: "Brian Salerno" <brian.salerno@true-consult.com>
Subj: Re: quick update from John Reeg
Just an FYI - the DELL server they are moving everything to - never had anything on - we need for the SCANTRON system-web- That Sony they cleaning off - is our back up server - there are two servers -one smaller Dell - one not - that holds daily word - the Sony is only backup at night and holds everything - that is at least what its supost to do, everything should go back on Sony once everything is recovered - let me know. Carol Sent from my BlackBerry wireless device from U.S. Cellular

-----Original Message-----

From: "Brian J. Salerno" <Brian.Salerno@True-Consult.com>
Date: Sat, 29 Apr 2006 09:06:02
To: "'carol'" <cspizzirri@salf.org>
Subject: RE: quick update from John Reeg

No problem Carol--sorry that I couldn't be there. My wife is a committed member for the Infant Welfare Society and their big event is today, so she was setting up all last night. My apologies for what happened. I'm not sure what happened, but it doesn't sound like the data is at risk. Data is lost b/c of something malicious--a virus, a data erase sweep, etc.

I still can't get a hold of Don Peters, but I called a firm called Midwest Data Recovery who is calling me back to set up a time to get into Salf this morning. I talked to Vince who is going to be there soon, and Christian and I will be there also. They have a Disc Recovery system and a Raid (backup) recovery system...and they have a policy of No Data, No Charge. But I'm sure that between the backup and disc, we'll get this done today. The good news is that the guys rebuilt another server last night which will be stable moving forward that we can move all the data to.

Thanks for the note. We'll give you updates later today.

Brian.

-----Original Message-----

From: carol [mailto:cspizzirri@salf.org]
Sent: Saturday, April 29, 2006 8:05 AM
To: Brian Salerno
Subject: Re: quick update from John Reeg

Thks you for all your help last evening especially for you're concern and follow through. Carol
Sent from my BlackBerry wireless device from U.S. Cellular

-----Original Message-----

From: "Brian J. Salerno" <Brian.Salerno@True-Consult.com>
Date: Thu, 27 Apr 2006 15:39:46
To: "'Carol Spizzirri'" <cspizzirri@salf.org>, "'Vince Davis'" <vdavis@salf.org>
Subject: quick update from John Reeg

Hello to both,

Quick note about John Reeg's session this morning at SALS.

He is comfortable being able to go back into the system and understanding all of the critical areas of application and data layers (in other words getting back into the system and getting it fixed). He and

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Christian also spoke about passwords and are confident that they have everything that is needed moving forward.

Couple other quick points:

We'll push through the SQL Server proposal? let me know if you see anything glaringly wrong in it. but given the interface issues and the rework on the DB, we are basically looking at 6 months of work. we'll get that structured in a proposal for you for your legal issue, but I wanted to get that to you so that you know what to roughly expect. John, btw, is available to start on the project May 8th, so I'll get all of that to you by Monday in a proposal.

Finally, John said that the instructor issue that Annabelle is working on won't be difficult to fix. Per our conversation, it's just a scripting issue. But you are both correct in that it's not working right now and will take a special script to build to run it, fyi.

Hope this all makes sense. Call me with any questions. Thanks for spending time with John today, Vince. Carol, hope that central IL is treating you well.

Brian.

Brian J. Salerno

True Consulting, Inc.

700 Commerce Drive, Suite 500

Oak Brook, IL 60523

630.288.3590 Office

312.882.0102 Cell

Brian.Salerno@True-Consult.com: <mailto:Brian.Salerno@True-Consult.com>

www.true-consult.com

Roosevelt University, Chicago and Schaumburg, Illinois
<http://www.roosevelt.edu>

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Ms. Melongo also admitted to accessing the server to get her emails for up to two weeks, 27 Apr 06 to 14 May 06, after her exit interview on 27 Apr 06. Ms. Melongo claimed she was checking only her SALE email account and did not change any settings or system passwords. Ms. Melongo also admitted to viewing Ms. Spizziri's emails in which Ms. Spizziri blamed Ms. Melongo for the problems SALE was having with their computer systems. After she viewed those emails, Ms. Melongo then forwarded those emails to her yahoo email account melongo_annabel@yahoo.com. Ms. Melongo stated that no one else accesses her yahoo account but her.

On Monday, 1 May 06, Ms. Melongo spoke with Vince Davis from SALE, and again offered to fix the network problem. Ms. Melongo was informed that SALE was in the process of fixing the problem and that they no longer needed her services. On 3 May 06, Ms. Melongo stated she sent an email to Ms. Spizziri in response to Ms. Spizziri blaming Ms. Melongo for the system problems. Ms. Melongo stated that she had access to SALE's entire computer system and was responsible for everything computer related. Ms. Melongo stated that her replacement, Christian, was hired three weeks before she was fired. She believes that she was fired because Christian agreed to work for less money to do the same job as she but that he did not have the same networking skills as she did. When asked about her residency, she claimed that she has lived in Palatine for approximately 18 months and initially had Comcast as her Internet service provider until about four months ago when she switched to SBC Yahoo DSL as her current ISP. Prior to moving to Palatine, she lived in Willowbrook and Naperville.

When asked if she knew a Tanya Spears, Ms. Melongo stated that a Tanya Spears used to work for SALE at the front desk. Ms. Melongo also stated that she had spoken with Ms. Spears approximately two weeks ago in reference to a computer problem Ms. Spears had at her house. Ms. Melongo stated that she had yet to call Ms. Spears back about assisting her.

When asked about SALE and their company purchases, Ms. Melongo stated that company procedure was that all purchases are made through requisitions to Ms. Spizziri and no one else. Ms. Melongo stated that SALE's servers contained business forms, pictures, etc., and that they were all divided up by department. Even though she was the system administrator, she claimed that she could not access anything in the accounting or executive file tree. Ms. Melongo stated that she was the one who designed the file security system for SALE from input and authorization of Ms. Spizziri. Ms. Melongo also stated that she never had any access to SALE bank accounts or credit card numbers. That information was only accessible by those employees in the accounting department. Ms. Melongo stated that the only employees who had that information were Dane, Ms. Spizziri, and Bruce Nawara, of Nawara Financial Advisors (708-448-7100). Ms. Melongo showed R/I a business card from Mr. Nawara and claimed that she was told by Ms. Spizziri to give him a password to access the accounting files on the SALE servers and that he was allowed to remotely access the servers for the accounting files. Ms. Melongo claimed that when she found that he had been remotely accessing the servers on 25 Apr 06, she immediately notified Ms. Spizziri.

When asked if she knew a Saquan Gholar, Ms. Melongo stated that Mr. Gholar was an employee at SALE in the education department. Ms. Melongo stated that he was only an acquaintance and that she had no contact with him since she had been fired.

After R/I concluded the interview, R/I advised Ms. Melongo that she was not under arrest at that time and that R/I would be in contact with her after all of the evidence had been processed. All of the evidence that had been seized was brought back to SPPD where it was inventoried and placed in the evidence locker for safe keeping.

21 Jul 06- R/I along with Det Koch #11, collected the electronic/computer evidence and brought it to 188 E. Randolph, Chicago, IL, The Regional Computer Forensics Lab, to be processed by a certified computer evidence recovery technician. R/I's met with Ms. Monge and Ms. Haqqani there.

Name

Melongo

Star 29

Date/Time 30 Oct 06/1530

Schiller Park Police 2000

Case # 06-3219

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AnnabelMelongo

Date: Tue, 15 Aug 2006 16:37:54 -0500
From: Annabel Melongo <AMelongo@mail.roosevelt.edu>
Subject: FWD: [Fwd: To Carol]
To: annabel.melongo@myemail.roosevelt.edu

>----- Original Message From cspizzirri@salf.org -----
----- Original Message -----

Subject: To Carol
From: amelongo@salf.org
Date: Wed, April 26, 2006 3:18 pm
To: cspizzirri@salf.org
vdavis@salf.org
csass@salf.org
amelongo@roosevelt.edu

Dear Carol!

I told you today that I know you don't like me and if so, I can stop working for you, to which you reply I always bring that up whenever I'm wrong, but unfortunately that's not true. Whenever I'm wrong, I always apologize to the issue and if I haven't apologize about that fact, it's because I truly believe what I'm saying...Let's go into the details:

-When Edgar was here, you took his side on all issues even on those I stepped up to save money for the company, but when the first occasion presented itself, that same Edgar let you standing, I stood up for your interests.

-Edgar is gone, but the same thing is now being done with Christian. Presently you happily welcome anything Christian is telling you just to try to put me into shame. I don't think Christian can really challenge me in networking, web design and programming. If Christian is your person of choice, well, I'm happy to give him my place and we will see. If you want to transfer the networking to Christian, by all means, that's your company, you can do whatever you want. I just don't want the backstabbing game, when Christian comes and tell you something, you take it as the biblical word and try to use it to show me how unimpressed you feel about me. Christian might be a UNIX person, what's still to be checked, but he can't challenge me on a Windows network. I'm going to school for that, I'm Cisco certified for that, I'm spending all my time on books to get as much knowledge I can on that, I'm spending sleepless night on that, why? because I want to be on of the best in that field. I'm a double minority in my field of interest, a woman and black, so I can't afford to be average otherwise, I won't get a job. So if Christian has something to say, I will recommend he comes and challenge me and I will defend any decision or configuration I made for the company. I still stand for the fact that this company doesn't need two DSLs. The phone number for SBC is 1-877-722-3755. We currently have a plan that allocates us the capacity of a T1, but it's not a dedicated bandwidth as a T1, but rather the bandwidth is allocated on demand, if we ever get to need a T1 bandwidth, then we will get that bandwidth, but as long as we don't need it, the capacity is reduced. That's the plan we are on, and SBC will tell you the same thing. So please Carol, I really don't know what Christian told you, but before trying to discredit me, come and ask me and I will tell you why I choose a network configuration over another one. So if you want to waste your money ordering another DSL line because Christian told you so, well, you're welcome to do so.

-You told me you're paying me to do my job, well Carol, since I'm under your payroll, I can't really say that my life has changed to its best. You pay me 60K yearly, out of which the federal government is taking 20K, my school is taking another 20K and I'm left which 20K to live, that's not

(92)

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really a happy life. I know I can be making more with other companies, but I prefer to stay at SALF because with my current schedule, I can be managing my classes. I'm not here for the money, I'm here to build a portfolio and I'll be proud of myself to have helped you along. I'm not at SALF for a career, I'm here to put my knowledge into practices and SALF is the best place for me, because it combines all my areas of interest. Unfortunately, if the climate becomes unbearable, then I will have no choice but to look somewhere else. I don't recall having intentionally done or caused any kind of harm to you Carol, on the contrary, I've made you save hundreds or even thousands of dollars both by challenging expensive decisions and by working at my current rate, but unfortunately on your side, the first opportunity that presents itself, you take it and try to put cold water on whatever I've done for you. It seems, you're an obstacle to yourself, you're harming more SALF than harming me. I do hope you're going to find that "perfect" person for your company. I try to wonder about all the persons that came before me and slowly, I can't help but think that they might not have been as "diabolic" as always depicted, the problem is elsewhere. I guess, the problem is that you try to focus too much on the kind of person you "want" instead of the person doing the right job. -I told you once I don't have a boyfriend, well, I have one now, one who, in my wildest dreams, was never my first choice, but while dealing with him, to my amazement, he's the person I really need in my life. The lesson? Sometimes we try to focus too much on what we want and fail to see what we need under our nose, and, when we get what we supposedly "wanted", then we find out that we can't deal or live with the object of our yearning... strange... God always put in our way what we really need, but our emotions or inner tendencies always choose to oversee those gifts, but rather search for what pleases or flatters those inner tendencies, and as it always occurred, in the silence of a sleepless night, our soul will come to us and will present to us the mirror of Truth on which the following words are engraved : " We never know the value of things, unless we loose them..."

May God bless,
annabel.

Roosevelt University, Chicago and Schaumburg, Illinois
<http://www.roosevelt.edu>

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critical technology SOLUTIONS

825 N. Cass Avenue, Suite 308
Westmont, Illinois 60559
630.455.0522

PERSONAL AND CONFIDENTIAL

May 11, 2006

Save A Life Foundation, Inc.
Ms. Carol Splizzini
9950 W. Lawrence Avenue
Suite 300
Schiller Park, Illinois 60176

Carol,

As per our discussion, I have provided an overview of the actions taken by Critical Technology Solutions, Inc. to identify and recover any lost, missing, destroyed or altered data files from equipment owned by SALF. Critical Technology Solutions, Inc. was requested to examine the environment on Monday, May 1, 2006.

Dell Server

A total of 9,378 files, residing in 1025 folders, were recovered occupying a total of 3,315,040 Megabytes of disk space. As identified in the attachments to this document, the majority of the files were lost due to deletion on April 28, 2006 between the times of 1:20 A.M. and 3:01 A.M. Following the file deletion activity, the recycle bin was emptied to further obscure the recoverability of data.

Sony NAS

Upon examination of the hard disk drive from the Sony NAS appliance no usable data was located. The only intact files or file remnants on the disk were provided by Sony during a partition restore. Consultation with on-site IT personnel at SALF indicated that the appliance was "reset" due to password unavailability. Following research with Sony and in accordance with the operating manual for the NAS, the "reset" procedure undertaken will replace the contents of the drive with that of the image stored in flash memory. This action completely obliterated any data existing at the time of the procedures undertaken. In addition, the Sony NAS utilizes a proprietary disk operating system and format structure known as FAT12. The nature of this structure inherently makes file recovery very difficult at best.

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IF 33

It is important to note that following the discovery of data loss on April 28th, many technical personnel attempted to perform recovery procedures on the Dell and Sony systems. These actions were appropriately matched to the technician's skill sets and we apparently carried out in a good faith effort to provide recovery. With the number of personnel involved and the amount of time prior to our examination, it is not possible to state with complete certainty that the file tag information (dates, times, etc.) is accurate. Let me clarify that no less than an extraordinary effort would be required to modify this tag information. However, I am unable to speak to any actions taken or not taken prior to the arrival of Critical Technology Solutions, Inc.

I look forward to discussion several preventative measures and disaster management policies which will benefit the Save A Life Foundation in the years to come. Please do not hesitate to telephone me if I can provide additional assistance.

Regards,



Donald Peters
President
Critical Technology Solutions, Inc.

(65)

II34

Donald Peters

From: Carol Spizzirri [cspizzirri@salf.org]
Sent: Wednesday, May 17, 2006 9:27 PM
To: Brian Salerno; dpeters@thinkcritical.com
Cc: Vince Davis; rbarnes@salf.org
Subject: RE: Thank you!

Importance: High

Dear Brian and Don - Update - Det.'s here today - AttyG and State Atty (Dick Devine is a personal friend) - keeping close tabs on progress - Please keep all docs available - they will need - need your audits Don asap - could you forward here to Vince or Robert our Acct?

I want to thank you Brian! Robert told me of your generosity -

Det's also stated they feel confident we can retrieve data off SONY and would like for you Don to contact them to walk you through how.

Learned much from them - FYI - if ever you are faced with anything like happened to us - THEY WILL COME IN IMMED. AND DO COMPUTER AUDITS AT NO COST!
THEY WILL ALSO KEEP ALL DOCS AS EVIDENCE FROM THOSE AUDITS. So it's better to do nothing - call police first!!!
Kind of like a 9-1-1 for computer tampering.

Carol

(G6)

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BINDER MARGIN (DO NOT WRITE ABOVE THIS LINE)

ISTANT STATE'S ATTORNEY:

(For State's Attorney Use)

JUN 25 07

Enter each continuance here. In cases of multiple defendants indicate which defendants, if any, did not join in the continuance. Also indicate dates of all demands for trial, and by whom demands were made.

COURT: District #3, Rolling Meadows

I.R. NUMBER	DEFENDANTS	AGE	DATE OF ARREST	CHARGE
	<u>John/Jane Doe</u>	<u>Unk</u>		<u>720 ILCS 5/16D-3(a)(3)</u>
				<u>Computer Tampering</u>
				<u>720 ILCS 5/16G-15(a)(1) Identity Theft</u>
Date of offense	<u>5/22/2006</u>	Time <u>Unk</u>	Place <u>Cook County</u>	<u>Illinois</u>

The facts briefly stated are as follows:

The defendant went online using Internet Service Provider (ISP) Comcast cable services, and accessed the computer network of Save-A-Life Foundation. The defendant then removed, deleted and/or altered hundreds of computer files critical to Save-A-Life's operations. Of those files that were manipulated, was Save-A-Life's Chase Bank account #641934526. That account number was used to make a Automated Clearing House (ACH) Debit to Comcast Cable Company on the above date in the amount of \$200.00. This debit was done without the knowledge or permission of Carol Spizziri, the president and founder of Save-A-Life.

FILED GRAND JURY

JUN 29 2006

DATE

FILED
CR-406
JUN 29 2006
DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL

WITNESSES: SPELL OUT FIRST AND LAST NAME; FIRST NAME FIRST
ALSO FURNISH ADDRESS AND PHONE NUMBER OF EACH WITNESS

Items Needed: The subscriber information to include the name, address, phone number, status of the account, date the amount was opened and/or closed, for the subject who made the above listed payment.
To Whom Addressed: Detective William Martin 9526 W Irving Park Rd. Schiller Park, IL 60176

ASST. STATE'S ATTY.

DATE

(Do Not Write In This Space—For State's Atty. Use Only)

(GT)

FI 36

Comcast

Comcast NE&O
650 Centerton Road
Morton, IL 61557
859.317-7214 Tel
859.317-7319 Fax

CONFIDENTIAL

July 13, 2006

VIA FACSIMILE

Schiller Park Police Department
Attention: Detective William Martin
9526 West Irving Park Road
Schiller Park, IL 60176
FAX: (847) 671-9389

Re: Subpoena
Our File #: 1604354

Dear Mr. Martin:

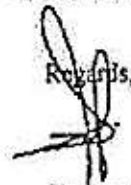
The Subpoena dated June 29, 2006 with respect to the above-referenced matter has been forwarded to me for a reply. The Subpoena requests Comcast to produce certain subscriber records pertaining to the following: Identify person who made a payment from a Chase Bank Account # 641934526 on May 21, 2006 in the amount of \$200.00.

Based on the information provided pursuant to the Subpoena, the subscriber information obtained has been provided below:

Subscriber Name:	ANDREA SMITH
Address:	229 S. 14 th Avenue, Apt. 1 Maywood, IL 60153 (This address is the subscriber's service address)
Telephone #:	(708) 369-2968
Type of Service:	Residential High Speed Internet Service
Start of Service:	March 30, 2006
Account Status:	Active
IP Assignment:	Dynamically Assigned
Account Number:	8798200010470727
E-mail User Ids:	<u>hspears4@comcast.net</u> (Deleted) & <u>wookie91@comcast.net</u>
Method of Payment:	Statement sent to above address (No credit card numbers or bank account numbers on file)

If I can be of further assistance, or if you have any questions regarding this matter, please feel free to call me at (856) 317-7214.

Respectfully,



Sharma Austin, Legal Analyst
Comcast Legal Response Center

GS

II37

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CRIMINAL DIVISION

Annabel Melongo by next friend)
Linda Shelton)
Plaintiff Petitioner) No. 10 HC 00007-01
v.)
State of Illinois Cook Co Dept Corrections/Sheriff)
Defendant - Cook Co Courts) Judge Paul P. Biebel Jr.
Respondent) Presiding

FILED
MAY 07 2010
DOROTHY BROSNAN
CLERK OF CIRCUIT COURT

AMENDED EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS

Defendant, Annabel Melongo, by next friend Linda Shelton, presents this amended petition as follows:

1. Original petition and all exhibits are adopted as if fully incorporated into this amended petition.
2. Petitioner is also entitled to a writ of habeas corpus because Judge Brosnahan has no legal authority or jurisdiction to hold petitioner on an excessive bail, in violation of the Eighth Amendment, of \$300,000 for computer tampering, or to deny petitioner counsel as guaranteed under the Sixth amendment, for the following two reasons as stated on the record: 1) because she holds dual passports from Haiti and Cameroon; and 2) because next friend, as a reporter acting under the First Amendment right to Freedom of the Press wrote articles stating that Melongo's supporters are soliciting donations for Melongo's legal defense. (Exhibit A-C).
3. Penalizing Melongo's rights under Article I, Section 9 of the Illinois Constitution and the Sixth and Eighth Amendments to the U.S. Constitution for reasonable and not excessive bail, as interpreted by the United States Supreme Court in Stack v. Boyle, 342 U.S. 1 (1951), as well as suspending her right as an indigent person to have appointed

counsel, as interpreted by the United States Supreme Court in Argersinger v. Hamlin, 407 U.S. 25 (1972), Scott v. Illinois, 440 U.S. 367 (1969), Gideon v. Wainwright, 372 U.S. 335 (1963), as a penalty for Next Friend's writings as a reporter, is an **Illegal Penalty on the Exercise of Next Friend's and petitioner's constitutional rights** and is likely a federal felony crime – Conspiracy to Violate Civil Rights Under Color of Law and Violation of Civil Rights Under Color of Law: 18 U.S.C §§ 212- 242.

A. § 241. Conspiracy against rights

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State . . . in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or . . .

They shall be fined under this title or imprisoned not more than ten years, or both; . . . or if such acts include kidnapping [which includes unlawfully being jailed] or an attempt to kidnap, . . . they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

§ 242. Deprivation of rights under color of law

Whoever, under color of any law, statute, . . . , willfully subjects any person in any State, . . . to the deprivation of any rights, . . . secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; . . . or if such acts include kidnapping [which includes unlawfully being jailed] or an attempt to kidnap . . . shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death. [emphasis added by writer]

The Assistant States Attorney and Judge Brosnahan conspired together by agreeing that holding dual passports (being an alien) is a reason to impose excessive bail barred by the Eighth Amendment, and seeking donations to help pay for a legal defense should deny a person the right to counsel guaranteed by the Sixth Amendment!

They both have violated their oaths of office knowingly and willingly which is an impeachable offense for a judge and reason for disbarment for an attorney.

WHEREFORE, Petitioner, by and through her Next Friend, hereby presents this

Amended Petition

Respectfully Submitted,



Linda Shelton, Pro Se
Next Friend of Annabel Melongo

Linda Lorinez Shelton, Ph.D., M.D.
9905 S. Kilbourn Ave.
Oak Lawn, IL 60453
(708) 952-9040
Pro Se Next Friend of Annabel Melongo

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.



Linda Shelton,

Dated: May 7, 2010



Melongo denied Constitutional rights, court retaliates against reporter for criticism

May 6, 9:19 AM - Linda Shelton - Cook County Government Examiner



Stop Illinois Corruption Lega -

by permission, copyrighted 2010

Judge Mary Margaret Brosnahan, in the criminal courts of Cook County, Illinois May 5, 2010 continued her unconstitutional, incompetent, malicious conduct by setting a grossly excessive and unreasonable bail for Annabel Melongo, a computer expert being held on computer tampering charges without probable cause. She reduced bail from \$500,000 to \$300,000 for this indigent dual citizen from Haiti and Cameroon. This ensures she will not be released from jail prior to her trial 3-6 months from now.

One of Judge Brosnahan's stated reason for this excessive bail is that Annabel Melongo holds dual passports from Hait and Cameroon and is therefore a flight risk as a potential illegal alien. The States Attorney claimed that holding dual passports is suspicious and suggests she is an illegal alien. This is the first time I ever heard that dual citizenship is a reason to set excessive bail or declare a person a potential illegal alien!

This is clearly an unconstitutional act by Brosnahan and prosecutorial misconduct. Melongo is clearly not a flight risk as she has been religiously attending the court hearings for three years while out on a \$10,000 personal recognizance bail (I-Bond). Why does dual citizenship suddenly require bail to be raised from \$10,000 I-Bond to a \$ 1/2 million and then \$300,000 D-Bond? (10% or \$30,000 must be paid to be released from jail on Bond)

Attorney J. Nicolas Albukerk, representing Melongo, also requested the court appoint him and pay him to represent Melongo as Melongo is indigent due to this prolonged three year legal case that prevents her from obtaining employment as a computer consultant and IT expert while she's under indictment for computer tampering.

Judge Brosnahan refused to pay him, but is also refusing to allow him to withdraw as an attorney due to lack of being paid. This is forced slave labor by Attorney Albukerk in violation of law. Brosnahan told Albukerk she was denying an order for the court to pay for his services representing the indigent Melongo because this writer has written an article that says Melongo's supporters are asking citizens to donate money to Melongo's legal defense fund. This fund has of this date collected \$0. As of this date Albukerk has been paid \$0 for his services representing Melongo.

Every defendant has a right to the appointment of an attorney and payment of his fees by the court if the defendant is indigent. There is no constitutional provision or legal authority that permits a judge to deny payment to an appointed attorney because the defendant has requested persons to donate to a legal defense fund. There is no constitutional provision or legal authority that requires an attorney to work for the court for free.

Judge Brosnahan is retaliating against this writer with an illegal penalty on the exercise of her constitutional rights under the Freedom of the Press clause of the First Amendment. That illegal penalty is the suspension of Melongo's constitutional rights and the denial of payment to Attorney Albukerk. Of note: Attorney Albukerk has also represented this writer recently.

(AI)

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Judge Brosnahan is suspending Melongo's constitutional rights to an attorney in a criminal case under the Sixth Amendment in retaliation for this writer's exercise of her right to Freedom of the Press. Judge Brosnahan has set excessive bail in violation of the United States Supreme Court's orders in Stack v. Boyle 342 U.S. 1(1951) which bars excessive bail.

Judge Brosnahan has trashed the constitution intentionally and willingly. She has committed numerous unconstitutional acts that are grounds for impeachment.

I call for the impeachment of Judge Mary Margaret Brosnahan due to numerous intentional unconstitutional rulings in this and several other cases that reveal she is unfit to be a judge either through arrogance and ignorance or through malicious misconduct. I call for the assistance of any journalists, attorneys, or citizens to defend Melongo's and my constitutional rights.

To donate to Melongo's legal defense send a check made out to Albuquerk & Associates with a statement "for Melongo legal defense" to:

Albuquerk & Associates, 111 E Wacker Drive, Suite 555, Chicago, IL 60601

You may contact Mr. Albuquerk at 773 847-2600 for more information. You may contact this writer at picepil@aol.com.

For more information see:

Melongo's web site

Shelton's detailed article about this case

Shelton's detailed update about this case 5/6/10

Chuck Goudie's ABC report about SALF and the timing of this indictment

SALF Exposed

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Author



Linda Shelton is an Examiner from Chicago. You can see Linda's articles at: "<http://www.Examiner.com/x-24257-Cook-County-Government-Examiner>"

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examiner.com
INSIDE COURTS AND EVERYTHING IN BETWEEN

Judges commit treason, cover-up fraud by SALF, suspend Constitutional rights including Habeas Corpus

April 21, 4:26 PM · Linda Shelton - Cook County Government Examiner

On April 20, 2010, in the Circuit Court of Cook County criminal court building, right to habeas corpus, guaranteed by the United States Constitution, was suspended by acting presiding criminal court Judge Joseph Kazmierski and Judge Mary Margaret Brosnahan.

The constitutional suspension clause bars anyone from removing the constitutional right to obtain habeas corpus relief for unlawful detention. The U.S. Supreme Court recently reaffirmed this right by declaring that even prisoners at Guantanamo have a right to a habeas corpus hearing before a court to determine if they are being legally detained.

Dr. Linda Shelton on behalf of the falsely accused Cameroonian and information technology expert, Annabel Melongo, filed two petitions for a Writ of Habeas Corpus. Melongo is wrongfully charged with computer tampering and eavesdropping.



Photo via license agreement with iStockphoto

The United States Constitution article I, section 9 specifies that the "Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it."

The habeas corpus petitions allege that Melongo was wrongfully charged with remote computer tampering after she was fired from Safe-A-Life-Foundation in 2006. The State alleges she remotely gained access to SALF computer financial records and deleted them. Internet computer access records which record Melongo's computer activities reveal that she did not access the SALF computers. All the evidence is available to the public on Melongo's web site.

Shelton's petitions for writ of habeas corpus were not heard. Judge Kazmierski, sitting in as the acting presiding judge in place of Judge Biebel simply refused to hear them, falsely saying he had no authority. Yet Circuit Court of Cook County rule 15.2 states that the presiding judge hears habeas petitions. Kazmierski said only Judge Brosnahan who is hearing the computer tampering case had authority. Shelton went to Brosnahan's courtroom. Brosnahan refused to hear Shelton and kicked her out of the courtroom stating that only an attorney or the defendant can file an habeas petition. The law states that "a person appearing on behalf of another" may file for the defendant and appear before the court. Judge Brosnahan refused to open the statute book and read the statute. 735 ILCS 5/10, CCCRule 15.2, See detailed article quoting statutes.

Both judges clearly violated the law and violated Melongo's civil rights under the United States Constitution. The United States Supreme Court ruled that any judge who violates the laws or the constitution knowingly, commits the act of treason as they are "committing war on the constitution." Cooper v. Aaron, 358 U.S. 1, 78 S.Ct. 1401 (1958)

The law, 735 ILCS 5/10 also states that judges who violate the law and refuse to act on the habeas petition are to be prosecuted by the Illinois Attorney General or the States Attorney. The punishment is a \$1,000 fine to be paid to the defendant. Shelton will motion Judge Biebel when he returns to hear the habeas petitions and to refer the matter to the prosecuting authorities to prosecute Judges Kazmierski and Brosnahan. However, Judge Biebel has refused to do his job in this regard in the past so don't hold your breath! When have we last seen the laws of Illinois upheld in holding judges accountable for their actions?

Without evidence that Melongo accessed the SALF computer files on the date in question, the State has no probable cause. The U.S. Constitution Fourth Amendment declares arrest and prosecution to be unconstitutional if there is no probable cause. Judge

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Mary Margaret Brosnahan is refusing to hear Melongo's motions to dismiss the case for lack of probable cause and for the State to produce any evidence they may have that links Melongo to remotely accessing the SALF computers.

Melongo was arrested and released on a \$10,000 personal recognizance bond three years ago. Her case was withdrawn for lack of evidence and then she was re-indicted.

SALF whose mission purportedly was to train schoolchildren in first aid, has been under media scrutiny by Chicago TV investigative reporter Chuck Goudie and others and is now out of business. They don't seem to be able to account for millions of dollars of grant money from the Federal government, Chicago Public Schools, the State of Illinois and other entities. How convenient that their financial records appear to be "lost." See: SALF Exposed.

SALF CEO, Carol Spizzirri, signed the complaint against Melongo.

Spizzirri claims she was a nurse on her applications for grants. Melongo from Goudie discovered the nursing school had no record of her as a student or of her graduating. It is fraud to lie on applications for government grants. Melongo gave this information to the FBI in Chicago, but there have been no indictments.

Spizzirri is a twice convicted shoplifter. She is divorced from Gordon Pratt. Their deceased daughter previously took out an order of protection against her from the Wisconsin courts. Spizzirri has been declared by the Wisconsin court system after a court ordered psychological evaluation to be a paranoid schizophrenic, pathological liar and child abuser. She also appears to have been a master at manipulation of politicians in order to obtain grant money fraudulently, money she used to pay herself \$120,000 per year with a large expense account. This was documented by education reporter Gerald Bracey just before he died last November 2009. Yet she has not been indicted.

The Attorney General office, which is assisting the Cook County States Attorney in this prosecution knows she doesn't have a case, but keeping her away from a financial investigation, saves many political lives both in Illinois and Washington. Carol Spizzirri's circle was made of people like Dick Durbin, Arnie Duncan, Emil Jones, Donne Trotter, Jan Schakowsky, Lisa Madigan, Anita Alvarez, Rita Mullins, the Chief Judge... to name a few. How did a 13th grader achieve such a remarkable political and social ascension to the point, she has hijacked Illinois' elites? Melongo believes she has those answers.

When Melongo was re-indicted the court with her then attorney present held an arraignment hearing. Melongo was not informed about this and was at a job interview. However the court transcript states that Melongo was present.

When Melongo found this out she confronted Pam Taylor the supervisor of the court reporter on the phone. She recorded the conversation because she suspected they might admit this adulteration of court records.

Under Illinois eavesdropping laws, it is illegal to record a conversation without the other party's permission, although this is not a crime in most states. The one exception to this law is if the person recording the conversation has a good faith belief they may be documenting criminal activity. Melongo believed she was recording evidence about court transcripts being adulterated. She stated this concern publicly on her web site and posted the recordings and transcripts of the recordings for the public to see.

On April 13, 2010 Melongo was indicted by the Cook County States Attorney for this eavesdropping. Again since it is documented that she had a good faith belief she was recording evidence of a criminal act, there is no probable cause. The exception to this crime of eavesdropping applies.

The States Attorney then filed a motion for violation of bail and Melongo's bail was on the eavesdropping charge was set by the judge issuing the arrest warrant at \$30,000 and she was arrested and is presently a detainee at the Cook County Jail. She was being held on a "no bail" order until she appeared before Judge Brosnahan on the new charge and the violation of bail complaint.

Melongo was arraigned before Judge Brosnahan on April 20, 2010 on the class 4 felony charge of eavesdropping. Her bail on the computer tampering charge was increased from \$1,000 I-Bond to a \$500,000 D-bond (10% required to walk). She is in shock. It is impossible for her to make bail. It is unheard of and considered grossly unfair and unconstitutional to set excessive bail without evidence of dangerousness, likelihood of flight, or the crime being extremely serious.

Her friends are dismayed and her attorney J. Nicolas Albuquerk is stunned. They all believe this is grossly excessive bail in violation of the constitution. Albuquerk plans to ask the court to reconsider motion to reduce bail and allow him to argue the motion to quash the charges for lack of probable cause.

These are not crimes of violence. She has no previous criminal record. She is a legal foreign worker with a visa, although it is

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likely that this prolonged legal situation may jeopardize her legal status. The State says she is a "flight risk" and "dangerous" and therefore bail should be high. Where is there any evidence of dangerousness? She has been coming to court monthly for three years. Where is the "flight risk"? The State says that since she has dual passports from Cameroon and Haiti, she must be illegal. When was dual citizenship declared a crime or proof of being a flight risk?

Habeas Corpus, the Eighth Amendment right to be free of excessive bail, the Fourth Amendment right to be free of arrest without probable cause, the Fifth and Fourteenth Amendment rights to due process, all appear to have died in Cook County this past week. Melongo's friends believe their Constitutional rights are in grave jeopardy in Illinois.

Melongo's friends are asking for donations to Melongo's legal defense fund. She has been unable to gain employment for several years due to the indictment hanging over her. She has very little assets. Her family is in France (mother-Haitian) and Cameroon and with modest assets. These donations are not tax deductible and can be sent to Melongo legal defense fund, J. Nicolas Albuquerk, 111 East Wacker Drive, Suit 555, Chicago, IL 60601. For more information contact Albuquerk at Albuquerk & Associates 773 847-2600.

Melongo is being held at the Cook County Department of Corrections, Division 4. Visiting day is Thursday from 9 am to 8:30 pm, enter through big white gate to guard house just south of 2650 S. California Ave in Chicago.

The public can write her in English only at:

Annabel Melongo

inmate no. 2010-0414060

PO Box 089002

Chicago, IL 60608

USA

You may NOT send her any gifts, but you can send her no more than 3 Soft cover books, magazines, and newspapers per mailing. She must buy stamps, paper, envelopes, underwear, socks, supplemental food from the jail commissary. If you want to donate her money send a money order to her in the jail, or donate to her legal defense fund.

For more information see:

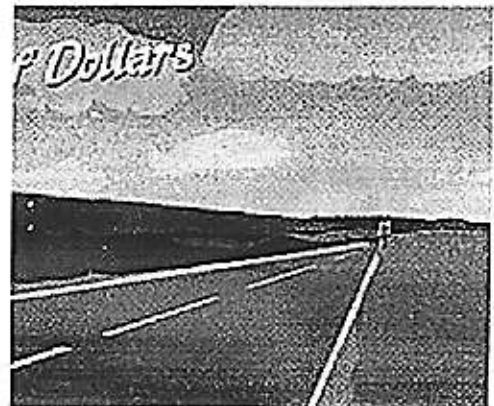
[Melongo's web site](#)

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Author



Linda Shelton is an Examiner from Chicago. You can see Linda's articles at:
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THE ONE SOURCE FOR EVERYTHING LOCAL

Alvarez & Madigan target IT specialist to cover-up massive fraud - \$500,000 bail for eavesdropping

April 26, 12:31 PM • Linda Shelton - Cook County Government Examiner

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SALF whistleblower jailed on "eavesdropping" charge; \$500,000 bond?

Posted by The Dean of Cincinnati

As Beacon readers may recall, in 2007 I was named as a defendant in a lawsuit filed by the Chicago-area Save-A-Life Foundation, a "shady nonprofit" according to this Democratic Party press release. Apparently SALF targeted me because the Beacon had been asking questions about their organization and its founder/president, Carol J. Spizzirri. My co-defendants included ABC-TV and Emmy-winning investigative reporter Chuck Goudie, who did four hard-hitting exposes that raised serious questions about the organization's claims and its finances.

As reported by CityBeat, last July SALF dropped their specious case and a few months later the organization went belly up. Defunct or not, SALF's at the center of another Illinois legal squall, but this one's being played out in Cook County Criminal Court. A website called Illinois Corruption is tracking the case:

Annabel Melongo is a computer professional, born in Cameroon, who has lived and worked in the Chicago area since 2003. From December - April, 2006, she worked for the Save-A-Life Foundation (SALF), a nonprofit whose charter was to teach first aid to children in public schools.

Founded in 1993, SALF was a member organization of the Federal Emergency Management Agency and over the years received close to \$9 million in federal and state funding. Since November 2006, SALF has been the subject of about a dozen news reports around the country that raise serious concerns about the organization's claims, activities, and finances.

In October 2006, Annabel was charged with destroying SALF's files, among them financial records. Those charges were entirely based on claims made by SALF's founder/president Carol J. Spizzirri of Grayslake, IL. According to multiple news reports, Spizzirri has a history of serious fabrications, including the false claim that she is a Registered Nurse; that she worked as a renal transplant nurse in a Milwaukee hospital; and that she earned a BSN degree from a Wisconsin college whose name she misspelled on her CV. According to a recent sworn affidavit, in 1985 a Milwaukee court-ordered psychologist, Dr. Burton S. Silberglitt, diagnosed Spizzirri as "paranoid schizophrenic."

A column last October by the late Gerald Bracey reported that Ms. Spizzirri is also a convicted shoplifter.

For a look at Spizzirri in action, here's a clip of her freaking out and exiting mid-interview with ABC's Chuck Goudie after he questioned her about claims on which she'd built her organization:

(C)

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From the same broadcast:

According to state officials, the now-defunct Wisconsin college where Spizzirri claims to have received a nursing degree never awarded her a degree of any kind, and government records show she has never been registered as a nurse in either Wisconsin, as she told the I-Team she was, or in Illinois...Officials at the Milwaukee hospital where she claims to have been a transplant nurse say she had a paid job for a couple of years, as a patient care assistant akin to a candy striper.



Photo from Cincinnati Beacon with permission

Despite these contradictions, IL Attorney General Lisa Madigan & Cook County State's Attorney Anita Alvarez (pictured above) launched the criminal case against Melongo based on Spizzirri's claims and have been pursuing it vigorously ever since. Representing herself in the case (she recently secured counsel), Melongo has

(c2)

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challenged them every step of the way.

On her website, Melongo claims she's being railroaded and that her prosecution is a set-up designed "to cover-up SALF's longstanding relationships with powerful political cronies and funders."

Some of the officials with ties to SALF include - click the names for documents - IL Attorney General Lisa Madigan (whose office awarded a \$25,000 contract to SALF, but now can't produce any supporting records); her father Mike Madigan (the powerful IL Speaker of the House); US Senator Dick Durbin; Secretary of Education Arne Duncan; retired IL Senate president Emil Jones Jr. (Barack Obama's political mentor); Congresswoman Jan Schakowsky; Congressmen John Shimkus, Mark Kirk, Tim Johnson, and others. Click here for a Flickr photostream showing Carol Spizzirri hobnobbing with political high-rollers like Senator John McCain, Rudi Giuliani, visiting the White House, etc.

In October the Chicago *Tribune* reported that over the years at least \$8.6 million of public money was awarded to SALF. Questions have been asked about how the money was spent, but so far no public officials have called for an investigation. Instead, the State of Illinois seems to have made going after Melongo their priority.

Last week the writ hit the fan. Prosecutors tacked-on an "eavesdropping" felony charge because Melongo had uploaded recordings of a couple phone conversations on her website. Judge Mary Margaret Brosnahan then ordered Melongo to be jailed and set bail at \$500,000. For over a week, Melongo (who says she has very little money) has been living in a cell in one of the country's toughest jails. Courtesy of Judge Brosnahan, presumably that's where she'll stay until she comes up with 50 grand. These are not violent crimes and according to this blog written by a supporter, Melongo has no prior criminal record. Melongo's attorney Nick Alburkerk told the Beacon, "I do think that bail for Ms. Melongo is excessive and I will be filing a motion to reconsider the amount of her bail."

Interestingly, computers and files around Carol Spizzirri seem to have a way of going missing. In addition to her claims that SALF's office computer files were destroyed by Melongo, last summer Spizzirri claimed her home computer was stolen by an ex-husband who divorced Spizzirri 30 years ago and lives in another state. The home computer theft accusation was just one of a string of outlandish allegations in a protective order she filed against the ex last year. That case was dispensed by a Lake County judge who listened to Spizzirri for just a few minutes, then swiftly dismissed her case.

For more information see:

Daily Kos

Examiner.com - Cook County Government Examiner

Next court date for Ms. Annabel Melongo is on 5/5/10 in rm 303 before Judge Mary Margaret Brosnahan at 26th and California criminal courthouse, Chicago.

Dr. Shelton will try again to present, on behalf of Melongo, the petition for writ of habeas corpus to presiding criminal court judge Biebel this week, maybe tomorrow, after 10:00 a.m. in room 101 criminal courthouse at 26th and California. She will ask the judge to appoint Attorney J. Nicolas Alburkerk to represent Melongo on the habeas petition, as Melongo has run out of money.

Donations for Melongo's legal defense made out to "Alburkerk & Associates" with a notation "For Melongo legal defense" are accepted at:

Melongo legal defense fund

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C/O Albuquerk & Associates

111 East Wacker Drive, Suite 555

Chicago, IL 60601

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Author



Linda Shelton is an Examiner from Chicago. You can see Linda's articles at:
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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CRIMINAL DIVISION

Annabel Melongo by next friend)
Linda Shelton)
Plaintiff) No. 10 HC 00007-01
v.)
State of Illinois)
Defendant) Judge Paul P. Biebel Jr.
Presiding

NOTICE OF SERVICE AND FILING

To: ASA Courtroom 101
2600 California Avenue
Chicago, IL 60608

On May 7, 2010 at 10:00 a.m. or as soon thereafter as counsel may be heard, I shall appear before the Judge Biebel or any Judge sitting in his stead, in courtroom 101, usually occupied by him, located at 2600 S. California Ave, Chicago, Illinois and present attached Amended Petition.

I, Linda L. Shelton certify that I served this notice and attached Motion by hand delivery to the above named on the 7th day of May, 2010, and filed it with the Clerk of the Circuit Court of Cook County at 2600 S. California Ave, Chicago, Illinois.

Under penalties as provided by law pursuant to 735 ILCS 5/109-1 I certify that the statements set forth herein are true and correct.



Linda L. Shelton

May 7, 2010

Linda Lorincz Shelton, Ph.D., M.D.
9905 S. Kilbourn
Oak Lawn, IL 60453
708 952-9040 or cell 708 952-0040
Next Friend of Annabel Melongo Pro Se

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS APR 20 2010

Annabel Melongo by next friend Linda Shelton Petitioner
State of Illinois Respondent

DOROTHY BROWN CLERK OF CIRCUIT COURT

H. C. NO. 10HC00006-01
Re: Case # 101110976-C1

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS

The Petitioner respectfully represents to this Honorable Court that s/he is in the custody of Cook County Department of Corrections/Sheriff - Cook County Courts, Arresting Agency, and the cause of the arrest and detention is a supposed warrant issued by Cook County Courts

The Petitioner further represents that s/he is entitled under the law to a hearing on Habeas Corpus to test the legality of said arrest and detention. In support of the request for a hearing, the Petitioner claims as follows:

There is no probable cause for eavesdropping charge as she clearly documented in attached evidence taken from her web site that she is using the exception to the charge of eavesdropping - she believes she recorded a phone conversation for the purpose of documenting criminal conduct of another person and only for that reason. See attached.

Wherefore, the Petitioner requests that a Writ of Habeas Corpus issue directed to the Respondent, so that the said Petitioner may be forthwith brought before this Honorable Court and that upon the return of the Writ a day be fixed for a hearing to the end that the legality of said arrest and detention may be inquired into and determined.

Linda Shelton
Petitioner, Attorney or other person on behalf of Petitioner

Linda Shelton having examined the attached evidence to her best knowledge and belief, being first duly sworn on oath deposes and says that s/he has read the foregoing petition signed by her/him and that s/he knows the contents thereof and said is true in substance and in fact.

N/A
Attorney Atty. No.

Signed and sworn to before



April 20, 2010
Notary Public Victoria Esparza

ORDER

Let the Writ of Habeas Corpus issue returnable before me on

Atty. No.: 99500
Attorney for: Next Friend of Annabel Melongo
Name: Linda Lornier Shelton, Ph.D., M.D.
Address: 9205 S. Kilbourn Ave
City/State/Zip: Oak Lawn, Illinois 60455
Telephone: (708) 952-9030

Presiding Judge Judge's No.

IISZ



- Welcome
- How It All Started
- The Investigation
- The Charges
- Timeline With ABC Report
- Rolling Meadows Court
- Chicago Courthouse
- Federal Courthouse
- Where's Shabba G. Monge
- Wife's Carol Spizziri
- Lisa Madigan Should Go
- Final Thoughts
- Acknowledgment
- Related Links
- Search

Chicago Courthouse

After the case was dismissed in Rolling Meadows, Annabel was indicted January 17th, 2007 in Chicago with two counts of computer tampering. The court transcript is available here. The first day in court, the state offered her a deal through her public defender. She turned the deal down. When she refused to take the deal, her public defender became disinterested and the case stalled. She decided to hire a private lawyer. In April 2008, this new lawyer told the judge, then Judge Scheier, that the second count of the indictment didn't warrant a felony under Illinois' law. Judge Schreier agreed and asked the state to re-indict. Thus the second indictment in May, 2008 and its transcript. Strangely though, instead of correcting the indictment's count to reflect a felony, the state used the opportunity to revise all the statements, false and inconsistent, that were made in the first

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through the Illinois Justice System. It was also revealed that day that Robert Podlasek is actually a financial prosecutor. What an irony!!! A financial prosecutor assigned to a computer tampering case, when his expertise should be used to prosecute Carol J. Spizzirri!!! And what about Mary M. Brosnahan? Nothing alarming about her on the internet. The only thing transpiring is that, she's a good Democrat and donates frequently.

Tired by the events of the day, Annabel took a bus to get to the train station. That's when she was first contacted by a dramatic creature; a creature that might well have existed in the Precambrian Era and who, by some strange natural factors, made it through the Modern Era. But before introducing you to this living, yet undiscovered and 'rare specimen' known as Ms. Pamela Taylor, a little background would be helpful in understanding why she contacted Annabel:

- ◊ To file her 'Notice Of Removal' to Federal Court, Annabel gathered all the information and statutes needed to start the removal.
- ◊ She learned that a removal

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ought to be filed 30 days after arraignment or before the start of the trial. Knowing that she has never been arraigned in the superceding indictment, she called her friend and discussed this on the phone. Her friend asked her to go pronto to court and get the certified clerk and docket files and to order the 06/18/09 transcript. The next day, she went to the courthouse and did exactly that. She got a certified clerk file, a certified docket file and ordered the transcript. The clerk and the docket files confirmed the fact that she was NEVER arraigned.

- o She anxiously awaited the transcript and surely enough, on December 1st, 2009, she get a call from the court reporter informing her that the transcript was

IISS

- ready to be picked up. The transcript of that voicemail can also be viewed here.
- o December 4th, 2009: Annabel rushed to the courthouse to pick up the transcript; to her surprise, the transcript contained an arraignment she wasn't aware of. At first, she believed, her former attorney arraigned her without her being present, opinion reflected in her 'Notice Of Removal', but she later realized, the arraignment was made up. The transcript was re-created to reflect an event that NEVER happened. The transcript was not only contradicting the other certified records, but it was in contradiction with itself.
 - o December 5th, 2009: Annabel called Ms. Laurel Laudien, the court reporter, and left a

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- message telling her she believed the transcript to be a forgery. She also told Ms. Laudien that she will file a complaint against her and take her to court for having falsified the transcript.
- o December 6th, 2009: Ms. Laurel Laudien returned the phone call and stated that Annabel was in court that day since she couldn't be arraigned without being present. When Annabel asked about the contradiction with the other court records, she hanged up not before Annabel re-affirmed her intent to file a complaint against her.
 - o **Note:** Due to Annabel's accent, all her phone conversations with Ms. Pamela Taylor have corresponding transcripts. We recommend you read the transcript while listening to the conversations.

IIS7

The Illinois Eavesdropping Law provides an exemption at Sec. 14-3(i) which was the basis used by Annabel to tape the conversations. This exemption is further explained by Jim Ryan, the former Illinois Attorney General, in this document.

- o Then came Ms. Pamela Taylor. On December 10th, 2009, while riding the bus. Annabel received a phone call from her. Without letting Annabel speak, she re-hashed Ms. Laudien answers and forced Annabel to believe those facts to be the **TRUTH**. Annabel hanged up. Some minutes later, Ms Pamela Taylor called back with precise instructions on how Annabel ought to handle the situation. The transcribed version of her voicemail can be viewed here

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o Having had one of her crucial transcript changed before, this time, Annabel decided to handle the situation differently. She went to her house, got a voice recorder and called back Ms. Pamela Taylor. Her plan was to play the naive and ignorant immigrant who didn't know about American Laws. In doing this, she played a reverse psychology on Ms. Taylor. She said to herself, if Ms. Taylor give her misleading answers, then Ms. Taylor had something to hide, otherwise, the fault might be on Ms. Laudien. We will NOT tell you our opinions of the conversation, make your own opinions. Here is the conversation and the accompanying transcript

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- o Smelling blood in the water, Annabel wanted to get to the SOUL of Ms. Taylor. December 15th, 2009, Ms. Taylor next business day, Annabel called again. Unfortunately, that day either she didn't have time for a lengthy conversation OR she was afraid to be caught off guard. Nevertheless, they exchanged the following words and the phone conversation was postponed for the next day. The transcript of the conversation can be viewed here.
- o December 16th, 2009: Here's the phone conversation and its transcript. Though we can't comment on the conversation, nevertheless, consciously falsifying court transcripts is not only a felony but it's the HIGHEST

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TREASON a court official can perform. The FBI actually investigates such situations. The last time it happened in Cook County, it was called Operation Greylord. The biggest story behind these falsified transcripts is that, the very persons that are supposed to uphold the Law, Lisa Madigan and Anita Alvarez, won't hesitate to transgress the same Law to win bogus cases that personally benefit them. A lack of an arraignment is ground to TERMINATE Annabel's case. There are only three persons in the entire world who had a vested interest in that transcript. Lisa Madigan, Anita Alvarez and Annabel Melongo. Since the transcript was changed against Annabel's

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interest. then
the ONLY
persons who
might have
ordered such a
despicable act,
using Ms.
Taylor and
Laudien as
pawns, are
Lisa Madigan
OR Anita
Alvarez.
There's no
word
imaginable to
describe such
an abuse of
power and the
hypocrisy
surrounding it.
Because
there's no such
word, let's just
lend a word
created by one
of our friends
and let's call
the present
situation, a
Wowie-
Kazowie.

- c) A complaint
will be filed at
the FBI office
and subpoenas
will be issued
to get the court
reporter's
notes and the
audio of the
hearing. Next
court date is
January 12th,
2010

January 12th, 2010:
Annabel filed a motion to
withdraw the motion to
dismiss and filed an
amended motion to
dismiss. Pamela Taylor
was also present in court
in response to this

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Hello, uh... this is Laurel Laudien official court reporter. I'm calling regarding the case that you ordered. Uh...Annabel Melongo, the date of 06/18/08 is ready and the amount is 15 dollars and 75 cents. If you can come to the fourth floor at 26th and California and pick it up, it will be filed under your name. And my name is Laurel l-a-u-r-e-l. last name is Laudien l-a-u-d as in david-i-e-n. The telephone number is 773-869-6065. Thank you.

Dec 1, 09 Volkman

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Hello, Ms. Melongo this Pam Taylor from the court reporter office, the person that you hanged up from. So I will say this: You will have to present your papers stating that you weren't there and we have the transcript stating that you were there. You have to take that up before the judge. You have what you have, we have what we have. But, do not contact the court reporter again, in fact, do not contact anyone from the court reporter office. The only person you have to speak to regarding June 18th of 08 is myself. My name is Pam Taylor and I can be reached at 773-869-6065. It's approximately 10 min. after 12. I will be at this number until approximately 4 o'clock today. I will be off a couple days and I will be back on the 15th of December. I am the only one you are to speak about this but quite frankly, there's nothing else to say. I told you what our office has and you told me what you have. And now it needs to go before a judge. So please, do not contact Ms. Laudin, do not talk to any of my clerical staff about this particular date. And again, I can be reached at 773-869-6065. Before 4 O'clock today or December 15th. Bye.

Dec 10, 09 voicemail

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Dec 10, 09

Conversation Pamela - Annabel

Receptionist: What do you want?

Annabel: Uh, may I talk to Pamela Teller? tell her this is Annabel.

Receptionist: Uh, you want Ms. Teller?

Annabel: yes.

Receptionist: Ok, just a moment, please.

Pamela: Pam Teller. may I help you?

Annabel: Hey Pam this is Annabel and I'm so sorry for being like emotional the first time you call. Can we just do it this time in a civilized way? You tell me the version of your story and then...

Pamela: I think I came across my computer Ms. Laudien brought it to my attention and what happened is that, she told me that, uh when you request transcript from her from that day you were confused but you say....

Annabel: Pam, Pam...

Pamela: ... and evidently she had you speaking and when I looked on the clerk computer, I did see where they say that, uh you were not present but that was in the first courtroom...

Annabel: Pam, Pam... that's why I don't want... if you start again that way, I hang up. So I came to talk like civilized persons but if you cut my words, I swear to you I'm going to hang up and please don't call me anymore.

Pamela: Uh?

Annabel: So, First I want to know what is your relationship to Laudien, are you her manager or supervisor or what?

Pamela: Yes, I am. I'm assistant administrator.

Annabel: Ok. So tell me now why... what you tried to tell me when you called before; because I hanged up and I'm sorry for that. Tell me now what happened?

Pamela: What happened, according to the clerk computer and according to Ms. Laudien's notes, the case O8CR10502 was uh, on the arraignment call. That's a call that's at 9 O'clock in the morning. It's a massive court...a very much courtroom and they call cases like every second; and if you don't answer it immediately, the court will say, you're not present. But what they do state in open court is where the case has been transferred to. The case... your case was called and I guess you didn't answer so the clerk of that court room reassigned the call saying defendant not present. But the case was transferred to Judge Schreier in that same building on that same date. Now the transcript that you got is from the court reporter that was in Judge Schreier's courtroom.

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Annabel: Ok, now can I tell you my version of the story, now?

Pamela: Sure.

Annabel: Ok, in the clerk file that I have, there are two cases like you say. One before Paul Biebel and the only thing it says is case assigned Paul Biebel and then the case is sent to Judge Schrei...To Judge...

Pamela: Schreier.

Annabel: No, it's not Judge Schreier. It's Judge Flood.

Pamela: Flood, right.

Annabel: Ok.

Pamela: Ok, uh...

Annabel: and...

Pamela: and that's in the same courtroom

Annabel: uh, Pam? Please....

Pamela: Oh, ok. I'm sorry, go ahead.

Annabel: and then in front of Judge Flood, they say 'Defendant Not In Court'. 'Defendant Not In Court' is not in front of Paul Biebel, it's in front of, uh Judge Flood, defendant....

Pamela: Correct.

Annabel: It's in front of Judge Flood. 'Defendant Not In Court'.

Pamela: Correct.

Annabel: and the second, the other thing I have, that day I had a job, uh, interview at 10 am and I can show you the documents. I also have an email that I sent from my house, that day June 18th at 11.55 am and I call, uh, AT&T and I actually asked them, is it a way that you see an email sent from my cellphone June 18th at 11.55, they say no and they also say, there's actually been quite a time since I even sent an email from my cellphone. So the only case that, that email was sent, is if I was at my house; and there's no way since Laudien's transcript say I was... the, the arraignment took place around 11 am, there's no way I could have been in California at 11 am and sent that email from my house at 11.55. I live in Des Plaines and it takes me two hours to get to my house from the courthouse because I take public transportation. So, there's kind of inconsistency. The clerk file, the docket, my, uh, uh, my papers and all the, the things I have prove that I was not in court that day. The only thing that is inconsistent is the transcript. And in my former file, in my former case, the 07CR..., the one that this case superseded, all the three files are consistent. The docket, the clerk and the transcript. They all say, an arraignment took place that day. But for the O8CR10502, the docket doesn't mention an arraignment, the clerk file doesn't mention an arraignment. I have documents to prove that I was uh, not in the court that date, the only thing that is inconsistent is the transcript. So, please just tell me?

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Pamela: Just tell you what?

Annabel: Tell me why is it, the only thing that's inconsistent is the transcript?

Pamela: Well, I'm, I'm listening to exactly what you're saying. and again, my suggestion is that, uh, if you have, uh, problems with the transcript, then you need to motion your case up before the judge and... (cough)...show him all the documentation that you have. and he will make that decision; but I have to stay by my court reporter who, uh, number one has this transcript and number two notes it's arraigned because you were arraigned that day. No defendant is arraigned and there's not present. You have to be present to be arraigned.

Annabel: Ok, talk, talking about the arraignment, I also call... I also email the lawyer and I have that email. You know what my lawyer said? He said, I didn't need to be in court to be arraigned. I have that email and I can show it to you if you want to.

Pamela: Oh, you need to show that to the judge, because, I don't think at law, they wouldn't have, have to have stated... that's not the law in Illinois. Show the judge that email. I'm sure he would be very angry, you know, want to see a lawyer saying that you don't need to be present to be arraigned.

Annabel: What, what judge do I have to show the email? Because I actually changed the judge, uh it's because I'm not under judge Flood anymore.

Pamela: What Judge are you with?

Annabel: Uh, Bros...Brosnahan. Mary M. Brosnahan.

Pamela: Brosnahan?

Annabel: Hmm.

Pamela: Ok, well you know what. In the date, on top of that, whatever in your file, all of those papers and in everything be there, she will still be able to make uh, uh, an intelligent decision about that.

Annabel: Uh, I also have a question. Is it? You don't have audio versions of those transcripts?

Pamela: I don't have what? Version?

Annabel: Audio. The audio. So that you can listen to it, what was actually said in court.

Pamela: Oh no, we don't keep that. That's, that's...uh, that's, that's the personal property of the court reporter. That's not, uh, uh, that our product. It's almost like if you were to use, uh, a pen or pencil. Uh, it that's. it's simply to say no...(inaudible)...But sometimes we do court sheets. that's our product. Nothing that we have, you know, give to people. That's our product.

Annabel: So you have the audio version but you can't...

Pamela: Oh, oh, I have not. Some court reporters do and some court reporters don't.

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Annabel: And do you know if she has that file?

Pamela: No, no, I'm not sure.

Annabel: Uh?

Pamela: I'm not sure. I would have uh. (cough)...excuse me I'm getting cold. There's like 50 reporters here and I can't tell you. who makes what.

Annabel: But I think....

Pamela: I mean, I can ask her but... uh, uh, if she does, then that would prove definitely whether you were there or not if you're in the audio.

Annabel: Ok, and that's why I say, is it a way, because if you call to talk about this case, at least you have to have all the de... details of the case. So I want to know, do you know if there's an audio version of that transcript available?

Pamela: Oh, there's no such thing. An audio version transcript. No, there's no such thing. You were just wondering if there were some sort of audio. That was taken...

Annabel: Yes.

Pamela: Uh...uh at the time. I would like to ask. But let me tell you this, uh, let me ask you this, I'm sorry. I said that wrong. What if there's uh, before I ask her if she does have it and you're on there, then what?

Annabel: Then...then everything is fine. But I want to have the audio version.

Pamela: But that's what you could not have the audio version. Like what I've said I think that what you need to do... the thing to do you don't hang over uh...uh...uh...the file what you do is that you have to motion it before the court and the... everything is presented before the court. That's how it has to be done. Uh... the court...the only thing she can give to you is what you have already, is the transcript...

Annabel: so....

Pamela: But anything else, she doesn't have to hand over to you but as I said, I think that this will best be before judge Brosnahan. Where you can present to judge Brosnahan where, what you have and then the court reporter in turn can present what she has and then judge Brosnahan will make that decision.

Annabel: Ok. Uh...uh Pam, please help me here, you know I'm not an American so I really don't know how those things go. Can I subpoena that information from the court reporter office?

Pamela: What you can uh...uh.. what you can do is you can go back to the clerk's office and they can motion and they'll show you papers to fill out to motion up the case.

Annabel: To motion what case? I, I, I don't want to motion a case....

Pamela: Judge Brosnahan so that you can let her know that uh, you have this transcript that says you

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were there and it isn't and that's the proof you have and uh...uh... and that the transcript is wrong; and she then, she in turn would probably ask the court reporter what other things do you have besides... because reporter office on the court....

Annabel: So, I, I....

Pamela: Another thing you have saying that this woman was there and she'll make the decision from there.

Annabel: You know, what should I have to go to the judge? I think this something... a meeting I've attended, don't you think I have any right to that information if the information that was given to me is kind of questionable? Do you think I have the right....

Pamela: No, the reason why I can't give this to you is because this is what I'm saying...you are the defendant, she is the court reporter and the relationship that you have, or even if you were a...a lawyer. The only relationship you have with the court reporter is to order a transcript and you have already done that but because you feel that the transcript is not correct, then you have to present that to a judge. That's how that works. There's no uh...uh...uh....

Annabel: No subpoena?

Pamela: No court reporter giving you her notes, showing you her notes or showing you her audio or you... or the court reporter looking at your papers. It doesn't work that way. It has to go before an independent arbitrator who is the judge.

Annabel: Uh... another question? Like I...first before I go to the judge, I first need all the evidence so I would need to know did somebody, gave us... because what I want to subpoena, I want to subpoena the audio version if it exists and I also want to subpoena the transcript itself in its original form and give it to another court reporter to translate it. Can I do that?

Pamela: You can subpoena anyone you want. But again when you subpoena people you still have to subpoena them before the court and you have to have a court date or date that subpoena and which is why I say you have to motion the case up before the court. You, you got the clerk file office and say I want to motion my case up to go before judge Brosnahan and I guess you'll pick a date or something but I really don't know that works in the clerk office. Man there will put your case on judge Brosnahan call for that day. You then in turn, if you want to, you can subpoena anyone you want and to have them come to court on that particular day but you, but again, I'm, I'm...you know... we're just the court reporter office, we're going through transcripts. That's it.

Annabel: So you can only bring the transcript to court even if subpoenaed?

Pamela: If you subpoena her to court to bring the transcript she will do that.

Annabel: But she can not bring the audio, she can not bring the originals?

Pamela: She has to bring the original transcripts that uh...uh because you have the transcripts....

Annabel: No. I'm not talking about the transcripts....

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Pamela: It's already right there....

Annabel: I'm not talking about the transcripts I already have. I'm talking about the transcript... you know when she... they're writing on some kind of a ...a roll paper and I want to have that paper and give it to an independent court reporter that is not even a cook county court reporter. And see....

Pamela: But first of all, we're not allowed to uh...uh I can't have someone uh...if it's a court reporter who is not a cook county court reporter take her notes into a transcript. That's just...that's not done. We don't uh...uh let her notes stay here in cook county. If you want an independent person to uh...look at her notes then, again like I said uh...uh....Ms. Melongo this thing has to go before a judge and the judge has to decide whether this is the way it has to go. The judge has to make those decisions. That's why I said you need to motion your case up before the judge and let them know what is going on and then the judge probably will guide you because it sounds like you're Pro Se as to what to do.

Annabel: No is no that... but I already know what to do but the only thing I wonder is why is it the things I want can't be subpoenaed? That's the thing I wonder about....

Pamela: I'm sorry can you repeat that?

Annabel: I say the things... the only thing I...I all...I already know what to do. I don't need to you to give me some legal advice.

Pamela: Ok.

Annabel: What I need... what I wonder is, about that, the things I want I can not subpoena them? Because... I want the original audio file, the original roller that the court reporter is using but you told me....

Pamela: You want the originals...cause you're breaking up... you say you want to originals what court reporter?

Annabel: I say I want the origin...you know when they are in the court they some kind of paper and they put it in the machine and then they type on that paper?

Pamela: Ok. Again maybe between the language barrier and uh... and maybe misunderstanding... let me...let's me start from the beginning.

Annabel: Ok.

Pamela: This is the court reporter office and the only thing, the only obligation we have as court reporters is if you order a transcript from us, we're obligated to transcribe that transcript. We have already completed our obligations. There's nothing else we're obligated to do. The only thing we will have to be obligated to do is if we got a court order and a judge... a court order stating that we have to do X, Y and Z or whatever but...the transaction between this office and you has been completed and there's nothing else without a court order that we can or will do.

Annabel: So I say (inaudible) I say the subpoena is a court order, right?

Pamela: I'm sorry say that again?

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Annabel: A subpoena is a court order, right?

Pamela: I can under... I probably didn't understand that. I hear plus...(inaudible)... and right but I didn't...

Annabel: I say a subpoena, when you subpoena someone... is...a court....

Pamela: You can subpoena anyone you want to and you can... you can do whatever that you can do... but you know... but like I said our office has done what we're supposed.... we're obligated to do and if you want to subpoena people to court, you have that right to do that.

Annabel: Ok, Pam, uh, let's go over this...uh...if there's any agreement because I don't want to harm Laudien because tampering with records is kind of a felony and the only thing I want is kind of consistency of my records. So if there's an agreement....

Pamela: And you know what Ms. Melongo... I totally understand... you want a consistency of your records... you do not think you have a proper transcript. I totally understand that. I really do. I'm just saying that there's nothing that this office can do because we feel that we have given you the proper transcript, you feel that you don't have the proper transcript and I'm saying that in order to rectify the situation the only thing left to do is to bring it before a judge. That's the only thing that's left to do. There's nothing else that this office can do or give you. In... we have giving you, we have... done our obligations. We have done the transcript to the best of our abilities and you're saying that it's wrong. It has to... the best decision that has to be made before a judge. There's really no other contact that you...uh...me have to have with the court reporter. If you feel she made the wrong thing, have to bring it before the judge.

Annabel: So can you explain the inconsistency then, why is the former case....

Pamela: I can't explain, I really can't, I see, I fully...(inaudible)...from my end you're not satisfied with my explanation now, there's not enough I can say that showing that you were not even near 26th California. We have a transcript that says you are, were here, in fact I believe that you were even speaking so there's nothing that I can explain to you that's going to convince you of that. So that's why it has to go to a third person who is the judge. That's pretty much it.

Annabel: Ok and I... I also have a question, why is it Laudien didn't call me herself to explain all this?

Pamela: Why? 'cause you were so upset.

Annabel: Why is it, the court reporter Laudien, didn't call me...

Pamela: You know what? I have no idea. Your situation was presented to me day. I've been off for two weeks. Unfortunately, it's taken the whole time...(inaudible)...This particular situation was presented to me today and that's why I try to rectify...(inaudible)

Annabel: How many people call you about this case? Hello?....

Pamela: I'm sorry Ms. Melongo. You know, I don't know. That's why it was presented to me and that's why...

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Annabel: How, how...

Pamela: You know, I don't know and that's why it was presented to me and that's why I pretty much took over and I understand what you say. You have stuff saying you weren't there. I understand that Ms. Laudien says she has a transcript and a record that states that you were and one, is the only way this is going to be resolved is before a judge. So, you uh...know hopefully again, the other transcripts that you have ordered be much smoother... but if you're positive...uh positive about the situation, if you feel strong about it then I suggest you motion the case up before the judge and have them make a decision.

Annabel: Uh, I say how many persons besides of me contacted you about this case, this particular transcript?

Pamela: Oh, no one has contacted me but Ms. Laudien about this case.

Annabel: So anybody ever paid Ms. Laudien to change the transcript?

Pamela: Oh...(cough)...does someone ask...(inaudible)...no one has ...(inaudible)...to change, if that's what you ask. No, no one has ever asked that.

Annabel: Ask what?

Pamela: Pardon?

Annabel: I say, no, no one ever asked what?

Pamela: No, no, we don't change transcripts, we don't do that. Ms. Melongo you have to do what you think is best for you and I totally understand that. Uh...I'm gonna go. I...(inaudible)...I have to take this phone call. Ok?

Annabel: Ok.

Pamela: Thank you. Bye bye.

Annabel: Bye.

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Annabel's Phone is ringing....

Dec 15, 09

Annabel: Annabel?

Pamela: Hi Anna, this is Pam Taylor, how can I help you?

Annabel: Hey Pam Taylor this is Ms. Melongo, I don't remember... I talk to you last week?

Pamela: Yeah, I remember.

Annabel: Ok. Actually uh.... I think I have... like I told you I'm going to find out and ...learn more about what happened. I think I have a pretty good idea of what happened.

Pamela: Ok.

Annabel: Uh, do you have the transcript in front of you?

Pamela: No, I don't.

Annabel: Uh, because you can not... can I email it to you? And then I call you back? We can not discuss it if you don't read the transcript. There's something there that will show you what I'm going to talk about.

Pamela: Ok. Do you have a fax number? A fax machine, can you fax it?

Annabel: No, I don't have a fax machine. Can I email it to you? What's your...

Pamela: Sure. Ok. This is... this is...uh... what we're going to do; because I'm looking at the time and uh...uh I don't think I'm have time to do this today. What's the good time for you?

Annabel: When?

Pamela: Uh, tomorrow.

Annabel: In the morning?

Pamela: In the mor... it would have to be...uh...after 10 O'clock.

Annabel: Ok.

Pamela: Because I have to come from my courtroom. So...(cough)...take down my email number.

Annabel: Ok.

Pamela: The email address is: p-a-t-a-y-l-o@cookcountygov.com...(cough)...I repeat that: p as in pam-a-t as in taylor-a-y-l-o@cookcountygov g-o-v and that's all one word . com

Annabel: Ok, uh.. can you repeat the: p like in pam, t like in tom, y like what? y like yellow...

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Pamela: hm

Annabel: I like larry

Pamela: hm

Annabel: o like orange

Pamela: hm

Annabel: @cookcountygov.com

Pamela: right, but it p-a

Annabel: p-a?

Pamela: t-a-y-l-o

Annabel: y? no t? no t?

Pamela: No, no, no. Let me start all over again.

Annabel: Ok.

Pamela: p as in pam

Annabel: yes

Pamela: a as in apple

Annabel: yes

Pamela: t as in tom

Annabel: yes

Pamela: a as in apple

Annabel: yes

Pamela: y as in yellow

Annabel: hm

Pamela: l as in long

Annabel: hm

Pamela: o as in oven

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Annabel: yes

Pamela: @cookcountygov.com

Annabel: Ok. Thank you.

Pamela: Ok. Bye bye.

Annabel: You say tomorrow at 10 O'clock?

Pamela: Yeah, give me a call about 10.30

Annabel: Ok.

Pamela: Ok, thank you.

Annabel: Bye.

Pamela: Bye bye.

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Dec 15, 09

Pamela's phone is ringing....

Pamela: Official court reporter, this is Pam Taylor.

Annabel: Uh, might I talk to Ms. Taylor?

Pamela: Oh Hi, how are you, I didn't get your email?

Annabel: Ok. So how is the Christmas shopping going?

Pamela: Oh, I'm not Christmas shopping. I'm working. But what did you...uh...you said that you're going to email me the transcript it's something you're going to go over with, with me and I didn't get the email.

Annabel: You...you haven't got the email, yet?

Pamela: No, I haven't got it. When did you send it?

Annabel: Check. I actually sent it like 5 minutes ago.

Pamela: Well, let me double check again...No, I still haven't gotten it.

Annabel: Anyway, maybe I...it shows that I've sent it. Maybe it's just...just keep on refreshing and it's going to be there; because I have it here, it sent...it has been sent.

Pamela: Ok, updated it. It isn't there. Well, I tell you what I have your number. I'll call you when I get the... the...uh...email. But...uh...one of the court reporter said the date of 10-6-09 that you ordered, she said the transcript has been ready and it's just ready for you to pick it up; and it's 15 dollars and 75 cents.

Annabel: Yes, I'm going to come there like next week, I'm not going to be in court like this week. Just try to refresh it. I can't imagine you haven't have it yet.

Pamela: I still don't have it. I ...I still don't have it. I keep updating and ...uh...because that's what I have to hit on this particular one and it is not here. So why don't I give you...uh...uh... a call because I was...uh... in the middle of making some more calls; and I call you. I keep refreshing it and as soon as I get it, I'll give you a call. Ok?

Annabel: Ok.

Pamela: Ok. Bye bye.

Annabel: Bye.

Intermission.....Some hours later, Pamela Taylor called Annabel.

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Dec 16 2009

Annabel phone ringing.....

Annabel: Yes, Annabel?

Pamela: Ms. Melongo?

Annabel: Yes?

Pamela: Hi, this is Pam Taylor.

Annabel: Ok. Uh...you have the... the email now?

Pamela: Right, I have the email and what is it you want me to look at?

Annabel: Ok, can you go to line like 16?

Pamela: On what page?

Annabel: I think the first page.

Pamela: Line 16 on the very first page says 'Present'

Annabel: Hold on, hold on. The...the first page, uh...the first page where I say 'I understand this morning'...

Pamela: Uh...The second page line 16 says ' Mr. Flood: We've got it'. The third page line 16 says ' Mr. Flood: Correct' .The fourth page line 16 says ' The Court: Thank you'

Annabel: And that's what...that...

Pamela: And the fifth page line 16 has...uh...Ms. Laudien's signature

Annabel: The...the second page line 6.

Pamela: line 6? Ok.

Annabel: Hm. Can you....?

Pamela: 'This morning I understand they re-indicted my client and the new complaint is before you for arraignment.'

Annabel: Ok. When you read that line what did you...I...I just want your opinion, what...what does it mean?

Pamela: Well, is Mr. Flood still your attorney? Because he really should be explaining that to you.

Annabel: No, I say...no...I...I...it's not...it has nothing....

Pamela: Because it is...It looks like he, Mr. Flood your attorney and he says this morning I understand

FI??

they re-indicted my client and the new complaint is before you for arraignment and the re-indictment....and I'm just a court reporter I'm not a lawyer and really Mr. Flood should be explaining to you...

Annabel: No...

Pamela: Evidently, you were indicted under 07...number...07... I don't remember the rest of the number and...and what....sometimes what they do is...(cough).... re-indict but they re-indict under a different number. I don't know if...uh...there was another crime committed or if they found...(cough)...something else, I don't know that's best explain by your lawyer.

Annabel: No...uh...uh... Pam it has nothing to do with that, just tell me in plain English, it says 'This morning they re-indicted the client.' It means the...the indictment was that morning, right? When you read that line. It has nothing to do with any kind of legal aspect....

Pamela: No, 'This morning' sounds like he found out that morning that you were re-indicted. Damned, it don't stand the re-indictment happen that morning. He found out that day...

Annabel: And...

Pamela: The re-indictment could have happened...could have been before. The could have taken your case before a Grand Jury and re-indicted you and then the State Attorney told your lawyer we re-indicted her and he found out that day...

Annabel: Ok.

Pamela: That morning...

Annabel: Exactly. That's what I wanted to see. So my lawyer...

Pamela: You really can't quote me. I mean Ms. Melongo, what I'm telling you, I don't want you to think that it's the Gospel, I'm just a court reporter. I think that any of these legal things that you need to know, you need to either talk to Mr. Flood or talk to another attorney and they can best explain to you... I was...I do not want you to think that what I'm saying is something that you can...like say for instance go before the court and say, well, I talked to Pam Taylor from the court reporter office and they're gonna say who is Pam Taylor from the court reporter office? She's just a court reporter...(cough)...

Annabel: Pam, can you cool off, please? Please just cool off.

Pamela: Oh, no, I'm not a fed up. I'm just explaining the situation, I'm...you know...

Annabel: Ok. Now from line 6, the same person says 'This morning they re-indicted...' and then line 6, line 12, they say, he has received it over the mail and then he got it. Can you read like... from line 12 to line 16?

Pamela: 'We did have something came in the mail on the case. It was a Grand Jury transcript.' which is exactly that I've just said. They probably got... they had a Grand...they took your case before a Grand Jury, they re-indicted you, they go... they sent your attorney the transcript...uh...whoever is Mr. Podlasek "...had both copies. I'm sure he will be mailing it to counsel.'

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Annabel: And then he said ' We've got it.'

Pamela: Right, your attorney said ' We've got it'. Which....makes sense what he says earlier 'This morning I understand they re-indicted my client.' because he got the transcript stating that they re-indicted you..

Annabel: Ok. Pam don't you see there's kind of a contradiction?

Pamela: Oh, no, no, no. It's not up to me to see anything.

Annabel: There's, there's a...

Pamela: It's not up to me to see anything. I see exactly what I read and quite frankly it makes perfectly good sense to me. And It doesn't....it....it....it doesn't matter what I think.

Annabel: Ok. let me expl...

Pamela: It really doesn't....It doesn't matter what I think. It looks like my court reporter heard what she heard, wrote down what she heard and it sounds perfectly fine to me.

Annabel: Ok. Uh...let me see...uh...let me tell you now what I told you, I know exactly what happened. The same lawyer can not say 'This morning I understand they re-indicted...' for him he thinks the re-indictment happened that morning and then the same person can not say at line 16, that 'he got it' in the past. That the...the transcript was sent to him in the past. It doesn't make sense because on the transcript there's a day...the date when the...the....that...the thing happened. There's no way the same person can say something like that because those two statements are contradictory.

Pamela: Well, that's something you have to put before a judge Ms. Melongo

Annabel: Ok.

Pamela: It's something you have to. I've said this before.

Annabel: Uh...Pam....

Pamela: It's something you have to put before a judge if you feel this doesn't make any sense. Then that's something you have to take before the judge that's hearing your case. This is something you have to take before a lawyer and present to him and tell him this doesn't make sense. There's...there's absolutely nothing that I or this office can do for you. The transcript is what it is.

Annabel: Uh...Pam...now can you give me some...now because of this trans...uh...uh...contradiction, I re-read the transcript and I tell you, Pam, I have an excellent memory. I remember things that happened 15 years ago. So when I read that transcript my first...uh...reaction was. I was not there. But when I read the transcript over and over and over again, then I found out that the transcript itself is a forgery. Lines 6 to 8 have been added to the transcript and that's why lines the...6 and 8 is a contradiction with line 16 and then....

Pamela: I can tell you on behalf of the official court reporter office that every court reporter in

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this...that works in this office. It's not our business to add anything. Because we are...not only are we officers of the court, we are...we are completely...uh...uh...not for or against anybody. We are not for the state, we're not for the defense, we're not there to...to...uh...we're just there to do our job...which is to take down what you hear regardless of what it says or how it says it. There's no...uh...there would be nothing for her or a court reporter. there would be no reason for a court reporter to add in, anything. That...because that's not their job. Our job is to simply take down what we hear regardless of who said it or how they said it or what they say. We're not there on anybody's side. We're the impartial person of the records. We're just there to make the records. And take down what we hear and put it down. So Ms. Melongo I... that's really...no...uh...there's really nothing else I can do for you as far as this transcript, I think I've given you all the advice I can possibly give you. I think that if you have a problem with the transcript, cause I'm going to stand by this reporter, stand by this transcript and if you really think there are flaws and things in this transcript, like I told you previously, I really think you need to motion your case up before the court and explain it to the court and...and go from there. But other than that, I'm...uh...Ms. Laudien has transcript, the transcript to the best of her ability and what she fills in her notes, she puts a certificate to that effect and I'm not going to her to take anything or take anything out or put anything in. Because she has already done what she feels she had had.

Annabel: Ok.

Pamela: Ok, well, thank you so much Ms. Melongo. You take care.

Annabel: Ok. Byc.

Pamela: Byc. Byc.

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(720 ILCS 5/14-3)

(Text of Section from P.A. 96-425)

Sec. 14-3. Exemptions. The following activities shall be exempt from the provisions of this Article:

(a) Listening to radio, wireless and television communications of any sort where the same are publicly made;

(b) Hearing conversation when heard by employees of any common carrier by wire incidental to the normal course of their employment in the operation, maintenance or repair of the equipment of such common carrier by wire so long as no information obtained thereby is used or divulged by the hearer;

(c) Any broadcast by radio, television or otherwise whether it be a broadcast or recorded for the purpose of later broadcasts of any function where the public is in attendance and the conversations are overheard incidental to the main purpose for which such broadcasts are then being made;

(d) Recording or listening with the aid of any device to any emergency communication made in the normal course of operations by any federal, state or local law enforcement agency or institutions dealing in emergency services, including, but not limited to, hospitals, clinics, ambulance services, fire fighting agencies, any public utility, emergency repair facility, civilian defense establishment or military installation;

(e) Recording the proceedings of any meeting required to be open by the Open Meetings Act, as amended;

(f) Recording or listening with the aid of any device to incoming telephone calls of phone lines publicly listed or advertised as consumer "hotlines" by manufacturers or retailers of food and drug products. Such recordings must be destroyed, erased or turned over to local law enforcement authorities within 24 hours from the time of such recording and shall not be otherwise disseminated. Failure on the part of the individual or business operating any such recording or listening device to comply with the requirements of this subsection shall eliminate any civil or criminal immunity conferred upon that individual or business by the operation of this Section;

school bus is being used in the transportation of students to and from school and school-sponsored activities, when the school board has adopted a policy authorizing such recording, notice of such recording policy is included in student handbooks and other documents including the policies of the school, notice of the policy regarding recording is provided to parents of students, and notice of such recording is clearly posted on the door of and inside the school bus.

Recordings made pursuant to this subsection (m) shall be confidential records and may only be used by school officials (or their designees) and law enforcement personnel for investigations, school disciplinary actions and hearings, proceedings under the Juvenile Court Act of 1987, and criminal prosecutions, related to incidents occurring in or around the school bus; and

(n) Recording or listening to an audio transmission from a microphone placed by a person under the authority of a law enforcement agency inside a bait car surveillance vehicle while simultaneously capturing a photographic or video image.

(Source: P.A. 95-258, eff. 1-1-08; 95-352, eff. 8-23-07; 95-463, eff. 6-1-08; 95-876, eff. 8-21-08; 96-425, eff. 8-13-09.)

(Text of Section from P.A. 96-547)

Sec. 14-3. Exemptions. The following activities shall be exempt from the provisions of this Article:

(a) Listening to radio, wireless and television communications of any sort where the same are publicly made;

(b) Hearing conversation when heard by employees of any common carrier by wire incidental to the normal course of their employment in the operation, maintenance or repair of the equipment of such common carrier by wire so long as no information obtained thereby is used or divulged by the hearer;

(c) Any broadcast by radio, television or otherwise whether it be a broadcast or recorded for the purpose of later broadcasts of any function where the public is in attendance and the conversations are overheard incidental to the main purpose for which such broadcasts are then being made;

(d) Recording or listening with the aid of any device to any emergency communication made in the normal course of operations by any federal, state or local law enforcement agency or institutions dealing in emergency services, including, but not limited to, hospitals, clinics, ambulance services, fire fighting agencies, any public utility, emergency repair facility, civilian defense establishment or military installation;

(e) Recording the proceedings of any meeting required to be open by the Open Meetings Act, as amended;

(f) Recording or listening with the aid of any device to incoming telephone calls of phone lines publicly listed or advertised as consumer "hotlines" by manufacturers or retailers of food and drug products. Such recordings must be destroyed, erased or turned over to local law enforcement authorities within 24 hours from the time of such recording and shall not be otherwise disseminated. Failure on the part of the individual or business operating any such recording or

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(i) Recording of a conversation made by or at the request of a person, not a law enforcement officer or agent of a law enforcement officer, who is a party to the conversation, under reasonable suspicion that another party to the conversation is committing, is about to commit, or has committed a criminal offense against the person or a member of his or her immediate household, and there is reason to believe that evidence of the criminal offense may be obtained by the recording;

(j) The use of a telephone monitoring device by either (1) a corporation or other business entity engaged in marketing or opinion research or (2) a corporation or other business entity engaged in telephone solicitation, as defined in this subsection, to record or listen to oral telephone solicitation conversations or marketing or opinion research conversations by an employee of the corporation or other business entity when:

(i) the monitoring is used for the purpose of service quality control of marketing or opinion research or telephone solicitation, the education or training of employees or contractors engaged in marketing or opinion research or telephone solicitation, or internal research related to marketing or opinion research or telephone solicitation; and

(ii) the monitoring is used with the consent of at least one person who is an active party to the marketing or opinion research conversation or telephone solicitation conversation being monitored.

No communication or conversation or any part, portion, or aspect of the communication or conversation made, acquired, or obtained, directly or indirectly, under this exemption (j), may be, directly or indirectly, furnished to any law enforcement officer, agency, or official for any purpose or used in any inquiry or investigation, or used, directly or indirectly, in any administrative, judicial, or other proceeding, or divulged to any third party.

When recording or listening authorized by this subsection (j) on telephone lines used for marketing or opinion research or telephone solicitation purposes results in recording or listening to a conversation that does not relate to marketing or opinion research or telephone solicitation; the person recording or listening shall, immediately upon determining that the conversation does not relate to marketing or opinion research or telephone solicitation, terminate the recording or listening and destroy any such recording as soon as is practicable.

Business entities that use a telephone monitoring or telephone recording system pursuant to this exemption (j) shall provide current and prospective employees with notice that the monitoring or recordings may occur during the course of their employment. The notice shall include prominent signage notification within the workplace.

Business entities that use a telephone monitoring or telephone recording system pursuant to this exemption (j) shall provide their employees or agents with access to personal-only telephone lines which may be pay telephones, that are not subject to telephone monitoring or telephone recording.

For the purposes of this subsection (j), "telephone solicitation" means a communication through the use of a

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OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Jim Ryan
ATTORNEY GENERAL

December 3, 1996

FILE NO. 96-036

CRIMINAL LAW AND PROCEDURE:
Licensed Private Detective
Recording Conversation Under
Exemption to Eavesdropping Statute

Honorable James W. Glasgow
State's Attorney, Will County
14 West Jefferson Street
Joliet, Illinois 60432

Dear Mr. Glasgow:

I have your letter wherein you inquire whether, pursuant to subsection 14-3(i) of the Criminal Code of 1961 (720 ILCS 5/14-3(i) (West 1994), as amended by Public Act 89-452, effective May 17, 1996), a licensed private detective may lawfully stand in for or otherwise participate with a person to record a conversation under the reasonable suspicion that another party to the conversation is committing, is about to commit or has committed a criminal offense against the person or a member of his or her immediate household, and there is reason to believe that evidence of the criminal offense may thereby be obtained. Specifically, you have asked whether a private detective may:

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- 1.) Take the place of a person who would be statutorily authorized to tape record a conversation with another for the purpose of confronting the suspected perpetrator and recording the conversation? Or,
- 2.) Accompanying a person who is statutorily authorized to tape record a conversation for the purpose of operating a device or devices for the recording of a conversation between that person and the suspected perpetrator?

For the reasons hereinafter stated, it is my opinion that a licensed private detective may not stand in for, but may otherwise assist a person to record a conversation under such circumstances without violating section 14-2 of the Criminal Code (720 ILCS 5/14-2 (West 1994)).

Section 14-2 of the Criminal Code of 1961 defines the offense of eavesdropping, in pertinent part, as follows:

" * * *

A person commits eavesdropping when he:

(a) Uses an eavesdropping device to hear or record all or any part of any conversation unless he does so (1) with the consent of all of the parties to such conversation or (2) in accordance with Article 108A of the 'Code of Criminal Procedure of 1963', approved August 14, 1963, as amended; or

(b) Uses or divulges, except as authorized by this Article or by Article 108A or 108B of the 'Code of Criminal Procedure of 1963', approved August 14, 1963, as amended, any information which he knows or reasonably should know was obtained through the use of an eavesdropping device.

* * *

"

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Section 14-1 of the Criminal Code of 1961 (720 ILCS 5/14-1 (West 1994)) defines the terms "eavesdropping device" and "eavesdropper" as follows:

"(a) Eavesdropping device.

An eavesdropping device is any device capable of being used to hear or record oral conversation whether such conversation is conducted in person, by telephone, or by any other means; Provided, however, that this definition shall not include devices used for the restoration of the deaf or hard-of-hearing to normal or partial hearing.

(b) Eavesdropper.

An eavesdropper is any person, including law enforcement officers, who operates or participates in the operation of any eavesdropping device contrary to the provisions of this Article.

* * *

The term "conversation" was not defined in section 14-1 until the enactment of Public Act 88-677, effective December 15, 1994, which added the following definition:

" * * *

(d) Conversation.

For the purposes of this Article, the term conversation means any oral communication between 2 or more persons regardless of whether one or more of the parties intended their communication to be of a private nature under circumstances justifying that expectation."

Section 14-3 of the Criminal Code of 1961 enumerates activities which are exempt from the purview of the eavesdropping

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statute. Subsection 14-3(i) of the Act, which was also added by Public Act 88-677, provides as follows:

"* * * The following activities shall be exempt from the provisions of this Article:

* * *

(i) Recording of a conversation made by or at the request of a person, not a law enforcement officer or agent of a law enforcement officer, who is a party to the conversation, under reasonable suspicion that another party to the conversation is committing, is about to commit, or has committed a criminal offense against the person or a member of his or her immediate household, and there is reason to believe that evidence of the criminal offense may be obtained by the recording." (Emphasis added.)

Prior to the addition of the statutory definition of "conversation", the Illinois Supreme Court, in People v. Beardsley (1986), 115 Ill. 2d 47, had held that a party to a conversation, or a person whose presence was known to the conversing parties, could record the conversation without violating the statutory prohibition against eavesdropping. In that case, an uncooperative subject of a traffic stop tape-recorded two police officers' conversation while seated in the back of the squad car. The police officers were sitting in the front seat of the car and knew that the defendant had a tape recorder. The court relied not so much upon the issue of consent, but on whether the parties to the conversation "* * * intended their conversation to be of a private nature under

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circumstances justifying such expectation * * *. People v. Beardsley (1986), 115 Ill. 2d at 54.

The Illinois Supreme Court ruled on the issue again in People v. Herrington (1994), 163 Ill. 2d 507. In People v. Herrington, an alleged victim of sexual abuse called the defendant at the request of the police department. The conversation was recorded by the police with the consent of the alleged victim. No court order was obtained to record the conversation and no emergency circumstances existed. Reaffirming its holding in People v. Beardsley, the Illinois Supreme Court held that the eavesdropping statute did not prohibit a party to the conversation from recording that conversation. According to the court, no expectation of privacy could be found when a party to the conversation recorded it. People v. Herrington (1994), 163 Ill. 2d at 510-11.

Against this background, the purpose and intent of Public Act 88-677 must now be considered. The law is presumed to be changed when the General Assembly enacts material changes thereto. (Board of Trustees of Southern Illinois University v. Department of Human Rights (1994), 159 Ill. 2d 206.) As noted previously, the 1994 amendment to the eavesdropping statute defined the term "conversation" and exempted additional activities from the purview thereof. Subsection 14-1(d) now defines "conversation" differently from the interpretation of that term by the court in People v. Beardsley. A conversation

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occurs, as defined by the eavesdropping statute, whether or not the parties intended that it be private. It is apparent that this statutory definition and the additional exemptions were intended to modify the law as interpreted in People v. Beardsley and People v. Herrington.

Furthermore, the legislative history of Public Act 88-677 supports this conclusion. For example, Senator Dillard, during the Senate debate on Senate Bill 1352 (which subsequently became Amendment number four to House Bill 356, which was enacted as Public Act 88-677), stated that this definition of conversation "* * * restores an all-party consent provision to our law in Illinois, regardless of whether the parties really intended their conversation to be private or not." (Remarks of Sen. Dillard, April 21, 1994, Senate Debate on Senate Bill No. 1352, at 139.) Further, Senator Dudycz, explaining the addition of Senate Bill 1352 as Amendment four to House Bill 356, described the Bill as one which was intended "* * * to reverse the Beardsley eavesdropping case * * *". Remarks of Sen. Dudycz, May 18 and 20, 1994, Senate Debate on House Bill No. 356, at 56 and 42.

While providing that all parties must consent to the recording of a conversation, the amendment also carved out three additional exemptions permitting one party consent to recording in certain situations. Two of the three exemptions involve specific law enforcement activities. (See 720 ILCS 5/14-3(g),

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(h) (West 1994)). The third exemption, incorporated as subsection 14-3(i) of the Act, permits persons who are not law enforcement agents to record conversations which may produce evidence of criminal activity directed at those persons or members of their households. The following example was given during Senate debate regarding Senate Bill 1352 which illustrates the General Assembly's intent: " * * * if a stalking victim has someone call them up on the telephone, they can clearly record that to help them in the prosecution of that crime against them, if they believe that--the recording will help them obtain evidence that can be used to--to prevent offenses." Remarks of Sen. Dillard, April 21, 1994, Senate Debate on Senate Bill No. 1352, at 139-140.

Statutory language should be given its plain or ordinary and popularly understood meaning, as well as the fullest possible meaning. (Collins v. Board of Trustees of Firemen's Annuity & Benefit Fund of Chicago (1993), 155 Ill. 2d 103, 111.) While no statute may be construed more broadly than its express language and reasonable implications permit, any such implications are as much a part of the statute as the express language thereof. (Baker v. Miller (1994), 159 Ill. 2d 249, 260.) Subsection 14-3(i) of the Act allows the recording of a conversation "made by or at the request of" a person who has reasonable suspicion to believe that another party to the conversation has committed, is committing or will commit a crime

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against the person or a member of the person's immediate household, where there is reason to believe that the recording will capture evidence of the crime. The person recording the conversation may not, however, be a law enforcement officer or agent.

Licensed private detectives are regulated by statute and licensed by the Illinois Department of Professional Regulation. (225 ILCS 446/1 et seq. (West 1994).) It is unlawful for a private detective to imply that he or she is part of government or to have any identification that contains the words "law enforcement". (225 ILCS 446/85 (West 1994).) One can conclude, therefore, that a licensed private detective is not considered to be a law enforcement officer or agent. Nevertheless, a licensed private detective, even though working for a person who is permitted to record, is not the victim or potential victim or a member of the victim's immediate household. Consequently, it is my opinion that a licensed private detective cannot substitute for a person who is permitted to record a conversation because that person must be a party to the conversation in order for subsection 14-3(i) to be applicable.

Subsection 14-3(i), however, also permits the recording of a conversation made "at the request of" a person who has reasonable suspicion to believe that another party to the conversation has committed, is committing or will commit a crime against the person or a member of the person's immediate

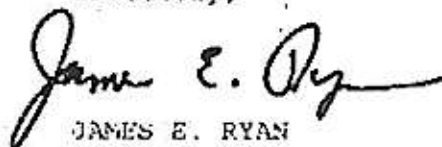
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household. That language implies that another person may participate in the recording of a conversation that could result in obtaining evidence of a crime. A licensed private detective would not be in violation of the statute by assisting a participant to record a conversation because he or she would not be participating in the operation of an eavesdropping device contrary to the statute.

While certain criteria must be met in order for a crime victim or potential victim to record without the consent of all parties to the conversation, the intent of the General Assembly in creating this exemption was clearly to allow persons to record conversations in order to gather evidence against the perpetrators of crime and to aid in the prosecution or prevention of crime. Therefore, it is my opinion that a licensed private detective may not stand in for, but may otherwise accompany and participate with or assist a person to tape record a conversation under the reasonable suspicion that another party to the conversation is committing, is about to commit, or has committed a criminal offense against the person or a member of his immediate household and there is reason to believe that evidence of the criminal offense may be obtained by the recording.

Sincerely,



JAMES E. RYAN
Attorney General

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, CRIMINAL DIVISION

ENTERED
 JUDGE STEVEN J. GOEBEL 1954
 JUL 26 2012
 DOROTHY BRUNN
 CLERK OF THE CIRCUIT COURT
 OF COOK COUNTY, IL
 DEPUTY CLERK

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Plaintiff)	
)	
v.	)	10 CR 8092
)	
ANNABEL K. MELONGO,)	
)	
Defendant.	)	Honorable Steven J. Goebel Judge Presiding

ORDER

On June 19, 2012, this court granted defendant, Annabel K. Melongo's, motion to declare the Illinois Eavesdropping Statute (720 ILCS 5/14-2) unconstitutional. Defendant has now filed an emergency motion requesting that this court amend its June 19, 2012 order declaring the Illinois Eavesdropping Statute unconstitutional in order to comply with Supreme Court Rule 18.

BACKGROUND

Defendant was charged with six counts of eavesdropping in violation of 720 ILCS 5/14-2(a)(1)(a)(3) (West 2008). Count I alleged that defendant "knowingly and intentionally used an eavesdropping device...for the purpose of recording a conversation...between [defendant] and Pamela Taylor...and without the consent of all parties such conversation." Counts II and III alleged the same acts against the same victim on two other occasions. Counts IV, V and VI alleged that defendant "used or divulged any information which she knew or reasonably should have known was obtained through the use of an eavesdropping device...an audio recording of a conversation between [defendant] and Pamela Taylor...knowing that such a recording was obtained without Pamela Taylor's consent."

Appendix II/

PROCEDURAL HISTORY

On December 13, 2010, Judge Brosnahan denied defendant's motion to declare the Illinois Eavesdropping Statute to be unconstitutional based on *People v. Bearsley*, 115 Ill. 2d 47 (1986).

On November 14, 2011, defendant filed an amended motion to declare the Illinois Eavesdropping Statute unconstitutional, arguing that the Statute is unconstitutional on its face and as applied to defendant and violates substantive free speech, freedom of the press, petition and due process guarantees.

On February 14, 2012, the State filed a response in opposition to defendant's motion to declare 720 ILCS 5/14 unconstitutional, arguing that the Eavesdropping Statute: (1) does not violate the first amendment; (2) does not violate due process; and (3) is constitutional as applied to defendant.

On June 19, 2012, this court granted defendant's motion to declare the Illinois Eavesdropping Statute (720 ILCS 5/14-2) unconstitutional.

On June 22, 2012, defendant filed an emergency motion requesting that this court amend its June 19, 2012 order declaring the Illinois Eavesdropping Statute unconstitutional in order to comply with Supreme Court Rule 18.

ANALYSIS

All statutes are presumed to be constitutional, and the burden of rebutting that presumption is on the challenger, who must clearly establish a constitutional violation. *People v. Greco*, 204 Ill. 2d 400 (2003).

The Illinois Eavesdropping Statute (the "Statute") provides:

"A person commits eavesdropping when he:

(1) Knowingly and intentionally uses an eavesdropping device for the purpose of hearing and recording all or any part of any conversation or intercepts, retains, or transcribes electronic communication unless he does so (A) with the consent of all of the parties to such conversation or electronic communication ***

(2) Uses or divulges *** any information which he knows or reasonably should know was obtained through the use of an eavesdropping device.”

720 ILCS 5/14 *et seq.*

The Statute allows citizens to make silent video of police officers performing their duties in public. 720 ILCS 5/14 *et seq.* However, the Statute elevates this conduct to a class 1 felony when a person audio records all or any part of any conversation unless all parties to the conversation give their consent. 720 ILCS 5/14 *et seq.* The Statute applies to all oral communication regardless of whether the communication was intended to be private. 720 ILCS 5/14 *et seq.* A party’s consent may be inferred from the surrounding circumstances indicating that the party knowingly agreed to the surveillance, but express disapproval defeats any inference of consent. 720 ILCS 5/14 *et seq.*

In the instant case, defendant argues that the Statute is unconstitutional on its face because it violates her First Amendment and due process rights. Defendant also argues that the Statute is unconstitutional as applied to her because Ms. Pamela Taylor was a willing speaker during the conversation and defendant had the right to receive the information and record its protected content if she so wished.

The State asks this court to interpret the court’s ruling in *ACLU* as a limited ruling. Specifically, the State contends that the *ACLU* court only addressed the section of the Statute that

applies to audio recordings of police officers in a public place where others can see and hear them. The State argues that the facts in the instant case are distinguishable from those in *ACLU* and that the case should therefore move forward and go to trial.

As noted above, this court issued an oral opinion granting defendant's motion to declare the Illinois Eavesdropping Statute (720 ILCS 5/14-2) unconstitutional on June 19, 2012. In making this decision, this court relied on a recent decision by the United States Court of Appeals for the Seventh Circuit where the court held that the Statute was likely unconstitutional based on First Amendment considerations and the issues presented in that case. The court subsequently issued a preliminary injunction enjoining the State's Attorney from applying the Statute against the ACLU and its employees or agents. *ACLU v. Alvarez*, 679 F.3d 583, 608 (7th Cir. 2012).

In *ACLU*, the court noted that the Statute is not closely tailored to the government's interest in protecting conversational privacy. Rather, "the gravamen of the Illinois eavesdropping offense is not the secret interception or surreptitious recording of a private communication. Instead, the statute sweeps much more broadly, banning *all* audio recording of *any* oral communication absent consent of the parties regardless of whether the communication is or was intended to be private." *Id.* at 595. The court went on to note that:

"Of course, the First Amendment does not prevent the Illinois General Assembly from enacting greater protection for conversational privacy than the common-law tort remedy provides. Nor is the legislature limited to using the Fourth Amendment "reasonable expectation of privacy" doctrine as a benchmark. But by legislating this broadly – by making it a crime to audio record *any* conversation, even those that are *not* in fact private – the State has severed the link between the eavesdropping statute's means and its end. Rather than attempting to tailor the

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statutory prohibition to the important goal of protecting personal privacy, Illinois has banned nearly all audio recording without consent of the parties – including audio recording that implicates *no* privacy interests at all.”

ACLU, 679 F. 3d at 606. Although the *ACLU* court did not find make a specific finding that the Statute was unconstitutional, the court concluded that the ACLU has a “strong likelihood of success on the merits of its First Amendment claims.” *Id.* at 608.

Additionally, this court relied on Associate Judge Stanley Sacks’ recent opinion in *People v. of the State of Illinois v. Christopher Drew*, case number 10 CR 00046 (March 2, 2012) where the court ruled that the Illinois Eavesdropping Statute was unconstitutional on its face and as applied to the defendant. *Drew*, at p. 12. In *Drew*, the court stated that, although the Statute clearly sets forth the prohibited physical acts, the fault of the Statute is that it does not require an accompanying culpable mental state or criminal purpose for a person to be convicted of a felony. *Drew*, at p. 11.

Here, this court also finds that the Statute appears to be vague, restrictive and makes innocent conduct subject to prosecution. At this stage, this court will not conduct any fact-finding nor will this court filter the Statute and deem certain sections to be constitutional and others to be unconstitutional.

Therefore, based on the foregoing discussion, this court finds that the Illinois Eavesdropping Statute is unconstitutional on its face and as applied to defendant pursuant to Illinois Supreme Court Rule 18. This court holds that the Illinois Eavesdropping Statute lacks a culpable mental state, subjects wholly innocent conduct to prosecution, and violates substantive due process under the Fourteenth Amendment to the United States Constitution (U.S. Const. Amend. XIV) and Article I, Section 2 of the Illinois Constitution (Ill. Const. 1970, Art. I, Sec. 2).

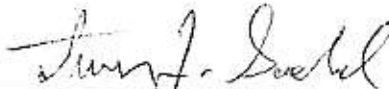
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This court further finds that the statute cannot be constructed in a manner that would preserve its validity, and judgment cannot rest upon an alternative ground. Notice under Illinois Supreme Court Rule 19 has been given.

CONCLUSION

Based upon the foregoing discussion, this court grants defendant's motion to declare the Illinois Eavesdropping Statute (720 Il.CS 5/14-2) unconstitutional.

ENTERED:


Hon. Steven J. Goebel
Circuit Court of Cook County
Criminal Division

DATED:

7-26-12

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STATE OF ILLINOIS
IN THE CIRCUIT COURT OF COOK COUNTY, CRIMINAL DIVISION

PEOPLE OF THE)	
STATE OF ILLINOIS)	
)	
Plaintiff,)	
	)	No. 08 CR 1050201
v.)	
)	
ANNABEL MELONGO)	
Defendant.)	

MOTION TO DISMISS

ANNABEL MELONGO, by and through her attorneys, ALBUKERK AND ASSOCIATES moves this Court to Dismiss the charge of Computer Tampering pending against her because the indictment was procured through fraud and perjury given by the State's witness, Detective William Martin, during the Grand Jury proceeding, and the State has failed to tender or preserve potentially exculpatory evidence. In support Defendant states:

1. ANNABEL MELONGO was arrested and charged with the offense of Computer Tampering in May of 2006 .
2. ANNABEL MELONGO was originally indicted on January 17, 2007, and then re-indicted May 28, 2008.
3. At both the original January 2007 indictment and the subsequent May 2008 indictment, Schiller Park Police Officer William Martin offered material testimony that he knew to be untrue. Ms. Melongo was therefore denied fundamental due process and as a result, the charges should be dismissed. *People v. Rivera* 72 Ill.App.3d 1027, 390 N.E.2d 1259 (1st Dist. 1979).
4. In May 2008, Officer Martin stated or affirmed under oath that "computer experts" hired by Save a Life Foundation (SALF) found that "their computers had been

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accessed by the outside or intruded upon from the outside . . . someone had accessed the servers from Save a Life Foundation. . . [and] during the access of the servers . . . files [were] deleted or destroyed.” (p.6, line 22 – p. 7 line 4 of the May '08 Grand Jury Transcript). “These experts that were hired by Save a Life, . . . your investigation reveal[ed] that they were able to trace the individual responsible for intruding on the system? Yes.” (p.8, line 15 of the May '08 Grand Jury Transcript). When explaining how the data had allegedly been deleted, Officer Martin stated that “*someone* had changed the password and therefore the administrators had to enter in a master password, reset. In doing so this caused the server to automatically initiate a program that cleaned out and wiped out the whole hard drive and every file that was located on it.”(p. 8, lines 9-14, May '08 Grand Jury Transcript).

5. However, Officer Martin’s investigation, as detailed in his police report, had already revealed that after Ms. Melongo’s employment with Save a Life ended she had no access to the computers because “an employee named Christian [Sass] *had changed all of the pass codes* to each of the servers after she [Melongo] left the building . . . [An Employee at SALF] was unsure as to how this [loss of computer data] may have occurred because the DSL [internet connection] lines were disconnected from the servers after [Melongo’s] employment was terminated.” (See Exhibit #1, Officer Martin’s supplementary police report p.2, 2nd paragraph). Officer Martin also knew that Brian Salerno, another computer consultant at SALF, had, in the first hours after the data had become inaccessible but before the data was destroyed, indicated that the data was not lost. Officer Martin knew this because he had reviewed emails sent from Mr. Salerno as part of his investigation into the matter. One such email read by Officer Martin sent by

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Mr. Salerno stated that: "*The permissions are clearly the obstacle now—given the fact that some people can see the data and some can't.*" (Exhibit #2, May 1, 2006 7:58pm e-mail from Salerno to Spizziri). Later, Don Peters of Critical Technology Solutions, an expert in data recovery, was hired by SALF and sent the following e-mail to Officer Martin:

"When I was first introduced to Carol [Spizziri], and apprised of the situation and actions taken prior to my arrival, we discussed the next steps required for recovery vs. preservation of evidence. *There was an uncertainty as to the catalyst for data loss* as several maintenance actions were performed just prior to the discovery of the problem. I advised the group that with multiple personnel attempting recovery on the drives over the previous days, *and no clear chain of custody, the quality of any evidence discovery would be questionable at best.* Carol's decision was to move forward with recovery efforts . . . [as opposed to preserving any evidence of how the data loss occurred]." (Exhibit #3, May 18, 2006 e-mail to Officer Martin of the Schiller Park Police Dept).

6. What Officer Martin's investigation revealed was that when Christian Sass changed all the passwords to the computer system at SALF to protect the system from Ms. Melongo, the SALF staff disabled their own computers and then, in the process of trying to get the data back, destroyed the data themselves. Officer Martin wrote in his police report that the "someone" who changed the passwords was not Ms. Melongo, it was Christian Sass. Telling the Grand Jury then that it was the Defendant who changed the passwords and not Christian Sass was a knowing and material misrepresentation to the Grand Jury by Officer Martin, such that Officer Martin deprived the Defendant of her right to due process.

7. Furthermore, implying that it was Ms. Melongo who deleted the allegedly missing data is also a material misrepresentation. Officer Martin explicitly stated in his Grand Jury testimony that it was SALF computer consultants that deleted the data when

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they tried to fix the system's problem with the passwords. Officer Martin then knowingly and materially misrepresented to the Grand Jury by implying that Ms. Melongo had deleted the data from SALF computers herself. The State has tendered no discovery showing that it was Ms. Melongo who deleted the computer files. At best the State has only alleged that Ms. Melongo moved around some e-mails and that in the aftermath of Ms. Melongo's termination, SALF deleted their own data from their computers.

8. Officer Martin had no information from any computer experts hired by SALF that "their computers had been accessed by the outside or intruded upon from the outside." (p.6, line 22 – p. 7 line 4 of the May '08 Grand Jury Transcript). Officer Martin's investigation showed that exactly the opposite was true. The experts hired by Save a Life, Brian Salerno and Don Peters of Critical Technology Solutions, only stated that there was "uncertainty as to the catalyst for data loss." (Exhibit #3, May 18, 2006 e-mail to Officer Martin of the Schiller Park Police Dept). Employees of SALF told Officer Martin that the internet connection (DSL) was detached from the servers. (See Exhibit #1, Officer Martin's supplementary police report p.2, 2nd paragraph). Officer Martin materially and knowingly misrepresented these facts to the Grand Jury such that the Defendant's right to due process was violated.

9. No where in the discovery provided by the State does anyone from Critical Technology Solutions, Brian Salerno, or any other entity hired by SALF state that they "trac[ed] the individual responsible for intruding on the system." Officer Martin brought in a computer expert through the police department or Attorney General, a Ms. Monge, to perform a forensic examination on Ms. Melongo's computer. Ms. Monge was not

brought in by SALF. Her examination generated 555 pages of data history. It is claimed by the State that this expert will link the Defendant to the servers that were allegedly tampered with. However, the Defense can not cross examine or investigate these claims without a) a computer expert of its own, and b) information as to the whereabouts of Ms. Monge. It has been four years since this alleged crime took place and the State has yet to provide any information for this witness.

10. In any event, it was either a discovery violation or a material misrepresentation to the Grand Jury to say that the experts hired by SALF traced the deletion of data back to the Defendant. The State has never tendered an explanation or any documentation showing that any of the SALF computer experts traced anything to Ms. Melongo. This was a knowing material misrepresentation by Officer Martin such that Ms. Melongo's due process rights were violated.

11. Det. Martin also materially misrepresented the alleged connection that existed between Ms. Melongo and the SALF servers:

“Q: During your investigation were you able to determine from what location Ms. Melongo accessed the computer on both April 28th of 2006 and May 1st 2006?

A: Yes. It was a Comcast IP address that was billed to and was assigned to the modem at Ms. Melongo's address in Palatine.” (p.11, G.J.T, lines 12-17).”

Again, this was a material and purposeful misrepresentation to the Grand Jury. Therefore, the charges against Ms. Melongo should be dismissed. Officer Martin knew that Comcast could not find anyone named Annabel Melongo listed as a customer at the

time in question; that Comcast had no Comcast account billed to Ms. Melongo's address for the dates in question; Comcast had no record of any Comcast Modem being active at Ms. Melongo's address on the dates in question; and finally, that Comcast could not tell Detective Martin if the IP address in question was assigned to, or in any way associated with either Ms. Melongo or her home address. (See Exhibit #4 return of Detective Martin's Comcast subpoena).

Discovery Violations

12. To date the State has failed to tender:
 - a. The names and addresses of the other individuals who Carol Spizziri and others at SALF have accused of accessing her computers, such as her ex-husband or the name and address of the former "IT [professional] who corrupted [the] system." (See Exhibit 2, e-mail from Spizziri to Salerno 5/1/06, 6:04 pm);
 - b. The name, address, date of birth and C.V. of Ms. Monge. As well as an expert report that complies with Illinois Supreme Court Rule 411(a)(iv), as defined in case law. The current report does not specifically delineate the expert's findings or how the expert came to those findings. The current report only delineates what actions Ms. Monge took in her investigation.

13. The State has, on information and belief, not properly preserved either the computer servers in question, or Ms. Melongo's lap top computer so that they may be examined by the Defense's computer expert. Don Peters, of Critical Technology Solutions, has already opined that because of the actions of SALF employees immediately after the data loss, the information on the computers is not accurate and

lacks a proper chain of custody. (Exhibit #3, May 18, 2006 e-mail to Officer Martin of the Schiller Park Police Dept).

Wherefore, for the foregoing reasons, ANNABEL MELONGO respectfully requests that the Court dismiss the Grand Jury Indictment charging her with Computer Tampering as the State's witness knowingly misrepresented many facts of material importance such that Ms. Melongo was denied due process. Furthermore, Defendant respectfully requests that the Court dismiss all charges against the Defendant because the State did not properly preserve material evidence for examination by the Defense, nor have they properly disclosed exculpatory material or expert reports.

Respectfully submitted,



Attorney for Defendant

J. Nicolas Albuquerk
111 E. Wacker, Suite 555
Chicago IL 60601
773 847 2600
Fax: 773 847 0330
Attorney # 37955

Schiller Park Police Department

1. DATE/TIME OF REPORT 30 Oct 06/1530		2. DATE/TIME OF ORIGINAL REPORT 5 May 06/0947		3. CASE NUMBER 06-2219	
4. ORIGINAL OFFENSE OR INCIDENT Computer Tampering		5. CLASSIFICATION Felony		6. OFFENSE CHANGE TO ITL Same	
7. VICTIM NAME Save-A-Life Foundation		8. VICTIM ADDRESS 9950 Lawrence Av. #300 SP		9. PHONE (HOME) (WORK) 847-928-9684	
10. DEFENDANT'S NAME McLongo, Annabel K.		11. DEFENDANT'S ADDRESS 1218 Long Valley Dr.		12. PHONE (HOME) (WORK) 630-220-4132 Unk	
13. IF ARREST MADE PHOTO <input type="checkbox"/> PRINTS <input type="checkbox"/>		14. COURT DATE/LOCATION			
15. PROPERTY RECOVERED		16. AMOUNT		17. CLAIM NUMBER	
18. CLEARED		19. RADIO OPERATOR		20. INSTR AND TIME	
21. STATUS CLEARED <input checked="" type="checkbox"/> UNFOUNDED <input type="checkbox"/> ADMIN CT.PARD <input type="checkbox"/> FAIL TO PROSECUTE <input type="checkbox"/> FURTHER ACTION YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>					
22. NARRATIVE					

5 May 06- R/I was assigned the initial case report 06-3219 reporting an incident of Computer Tampering. R/I received copies of the emails that had been sent to and from Carol Spizzini's email account. The headers on the emails showed that the offender had forwarded the suspected emails from Ms. Spizzini's account to the Yahoo email account of melongo_annabel@yahoo.com. R/I then contacted Yahoo Subpoena Compliance Department and left them a message to contact R/I in reference to this investigation.

8 May 06- R/I received a message from Michelle at Yahoo Legal Department, who advised R/I to fax a preservation letter to Yahoo asking for a snapshot of the Yahoo account at the time the fax was received and to advise them that a subpoena will be forthcoming.

9 May 06- Det. Hean, #22, faxed the preservation letter to Yahoo asking Yahoo to preserve the account records of melongo_annabel@yahoo.com and take a snapshot of the account for the last thirty days and all days that follow until they receive the subpoena.

15 May 06- R/I spoke with Comcast Cable Services Legal department about how to obtain the necessary account information related to the IP address that was found in the header of the emails that were forwarded to the Yahoo account in question and was assigned to the offender's computer at the time of the intrusion to Save-A-Life's computer. R/I was advised that R/I would need to fax them a preservation letter also and then a subpoena to follow in order for Comcast to release any information to R/I.

16 May 06- R/I and Lt. Schulze, #30, met with Kyle French of the Illinois Attorney General's Office in reference to this investigation. Mr. French advised that he was available to assist with the investigation and had already sent preservation requests to Yahoo, Comcast, and Roosevelt University. Mr. French, after searching the Internet found that the suspect, Ms. Annabel McLongo, was currently a student at Roosevelt University and that she had an email account issued to her by the University. Mr. French felt that it may be necessary for R/I to send another preservation letter to Comcast. Therefore, R/I prepared the letter and faxed it to Comcast.
R/I and Lt. Schulze went to the listed address for Ms. McLongo, 1218 East Long Valley Dr., Apt. #3A, in Palatine, IL. Ms. McLongo's name was on the mailbox but her vehicle was not in its assigned parking space.

17 May 06- R/I and Lt. Schulze met with Robert Barnes and Vincent Davis of Save-A-Life.

Name <u>W. R. I.</u>	Star 29	Date/Time 30 Oct 06/1530
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Investigative Follow Up Report

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EXHIBIT

#1

tabbies

2 pages
missing p. 7 of report

Foundation (SALF). Both men were able to give R/I more information about Save-A-Life and their computer system. Mr. Barnes informed R/I that the times noted on the server logs are local times and that the system has automatic daylight savings time adjustment. Mr. Barnes also gave R/I more information on the suspect, Ms. Melongo. Mr. Barnes stated that Ms. Melongo had no prior knowledge that she was being traced on 27 Apr. 06. Once her employment was terminated, Ms. Melongo had no further access to the computers from within the building and that an employee named Christian changed all of the pass codes to each of the servers after she left the building. Mr. Barnes stated he had no knowledge of Ms. Melongo having any other email accounts other than the yahoo mail account, but stated that she does have a laptop that she uses from time to time. Mr. Barnes also stated that he knew the suspect was a student at Roosevelt University. Mr. Barnes also believed the intrusion to the computer system occurred somehow through the web via the company's email server but he was unsure as to how this may have occurred because the company disconnected the DSL lines from the servers after the suspect's employment was terminated. Mr. Barnes advised R/I that the computer system's auto backup program was scheduled to begin at 0325 hours and may have kicked the suspect out of the server at that time.

Mr. Davis stated that only four employees at SALF knew about the trial that SALF is currently involved in with Robert Hoff and that the suspect was not one of them that he knew of. Mr. Davis believed the suspect had been monitoring SALF management's email for some time. Mr. Davis also gave R/I the name of the person who they called to repair the server on 1 May 06, Critical Technology Solutions.

R/I returned to SPPD and called Critical Technology Solutions and spoke with Don Peters, the president of the company. Mr. Peters stated that on 1 May 06, he was contacted by SALF to attempt to perform data recovery procedures on SALF's two computer servers. Mr. Peters advised R/I that he was told by Ms. Spizziri that multiple personnel attempted recovery on the drives prior to him being contacted. Mr. Peters advised her that any evidence discovery would be questionable due to there being no clear chain of custody. Mr. Spizziri's decision was to move forward with the recovery efforts when it was learned that the previous backups were incomplete or missing. R/I asked if Mr. Peters would fax R/I the letter he sent to Ms. Spizziri, advising her of his recovery findings. Mr. Peters also sent an email to R/I, documenting the conversation he had with Ms. Spizziri and her employees about the recovery vs. evidence preservation.

R/I then contacted Roosevelt University. R/I spoke with the CIO of the University, who advised R/I that the suspect is a student there and that she does have an email account, smelongo@roosevelt.edu. He did state that he could not provide R/I with any other information about their email system.

R/I then contact Web HSE in Colorado, the web host for SALF's email server. R/I was advised to speak to Mike, the owner of the company. Mike informed R/I that the company should have the IP addresses of any computer accessing his company's servers and that he would send R/I the information collected for the dates of the intrusions.

18 May 06- R/I received the fax from Mr. Peters, which was a copy of the recovery overview that he sent to Ms. Spizziri on 11 May 06. The overview showed the amount of files recovered from the Dell server and described the reasons for the inability to recover any files from the Sony server.

At 1700 hrs, R/I was contacted by Ms. Spizziri who stated that she was informed about some unauthorized charges on the company's American Express account. Ms. Spizziri advised R/I that SALF's bank account and credit card account information was contained on the server prior to the

Name *[Signature]* Star 29 Date/Time 30 Oct 08/1530

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intrusion. R/I then sent a patrol officer to S.A.I.E. to take the report from Ms. Spizziri. Refer to report #06-3214.

19 May 06: R/I received a copy of the report made by Ms. Spizziri on 18 May 06. R/I then contacted American Express Fraud Department. R/I spoke with Bob Curran who stated he would fax R/I a copy of the account activity for the dates of 13 May 06 to 18 May 06.

R/I then contacted eBay's Fraud Investigation Team about the charge to the S.A.I.E. AmEx account. R/I was advised that Ms. Melnong did have an account with them but there have been no purchases over \$14 made on the account.

R/I then sent an email to Amazon.com's Fraud Department asking for information about the transaction that occurred on 18 May 06 involving S.A.I.E.'s AmEx account. R/I was later faxed a copy of the transaction record which showed all of the information the offender had to enter in order to complete the transaction, along with the list of items the offender attempted to purchase from Amazon.com.

R/I then attempted to contact all of the merchants listed on the AmEx account activity statement that R/I received from Mr. Curran. R/I was able to reach a customer service representative at Eastbay, Inc. The representative, Amanda, advised R/I that she had no record of any transactions involving S.A.I.E.'s account number dating back to 2001. R/I then called and spoke to Tasha at Old Navy's customer research department. Tasha was able to provide R/I with the ship to name and address of Toni Smith, 700 Cynthia Ln., Glendale Heights, IL, and a phone number of 630-369-5489. The bill to name was Carol Spizziri with a phone number of 847-829-2968. Tasha stated that the offender purchased 13 items that were expedited via Fed Ex and according to Old Navy's records, the package was left at the door for pickup and not signed for. Tasha further stated that four of the items purchased were gift cards that for some unknown reason, were never activated by the shipper and will never be able to be activated. Tasha stated that if R/I needed more information about the transaction, R/I would have to fax a subpoena to the charge back department of Old Navy.

R/I then contacted United Airlines, but got no answer at their fraud department. R/I then attempted to contact Triple Crown Publishing, Gift Certificates Center, E-Fashion Consultants, Bakers Footwear, and Carson Pirie Scott in reference to the fraudulent transactions. R/I was only able to leave messages with these merchants.

R/I then contacted Ms. Spizziri and asked if she knew a Toni Smith in Glendale Heights, which she did not, and whether or not she recognized any of the phone numbers that were associated with the fraudulent transactions.

22 May 06: R/I spoke with Susan Bostick of Bakers Shoes about the fraudulent transaction that had occurred online on 17 May 06 at 13:38:05 PDT on their website. Ms. Bostick stated she would fax R/I a copy of the order detail form showing the items purchased along with billing and shipping information. Ms. Bostick also advised R/I that the shipment had not yet been shipped to the customer because her fraud department flagged the order as possibly being fraudulent. R/I then asked for her contact information so that R/I could contact Fed Ex in an attempt to set up a controlled delivery. Ms. Bostick stated that she would have to speak to her superiors before she could authorize the use of the merchandise for the delivery.

R/I then called Consumerinfo.com's customer service department and spoke with a representative named Rose. Rose advised R/I that the \$1 charge on the S.A.I.E. AmEx account was a

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preauthorization charge and the \$5 charge was for a credit score for a particular individual. Risc claimed she could not give R/I any further information but she could give it to the customer (i.e. SALE), without a subpoena. R/I then left a message for Ms. Spizziri requesting that she contact Consumer Info asking for any and all information that was disseminated to the offender.

R/I again left messages with the other merchants requesting they contact R/I in reference to the fraudulent charges involving SALE's AmEx account. R/I, using various databases, was able to research the address of 706 Cynthia Ln. in Glendale Heights, along with the phone numbers given to Amazon and Bakers Shoes as contact numbers and the name Toni Smith. R/I found no connection to SALE at that time.

21 May 06: R/I received an email from Mr. French that contained the Grand Jury Subpoena request for Comcast and Yahoo.com. R/I then converted the files into the proper forms and printed them out so that R/I could fax them to the state's attorney's office to be processed for court on 25 May 06.

25 May 06: R/I spoke with Brian Henry, an investigator for Experian Credit Bureau. Mr. Henry stated he was contacting R/I on behalf of Ms. Spizziri, who had contacted Experian in reference to the charge to Consumer Info, which is owned by Experian. Mr. Henry explained the charges to R/I and the reasons for the two different amounts. Mr. Henry also gave R/I the name of the person whose credit score was purchased. Mr. Henry gave R/I the name of Saqun Gholar and advised R/I that the subject lives in Illinois. Mr. Henry could not give R/I any further information without a subpoena. Mr. Henry explained that with a subpoena, R/I could obtain more demographic information about Mr. Gholar such as email address, physical address, his mother's maiden name and his actual date of birth. R/I did a search through SOS and was able to obtain a photo of Mr. Gholar.

31 May 06: R/I received the response to R/I's request for the Grand Jury subpoenas. R/I then faxed the subpoena to Comcast cable services requesting information on the assigned Internet account of two of their IP addresses for the dates of the intrusion and the purchase from Amazon.com. A second subpoena was sent to Comcast requesting any account information for Ms. Melongo and her address of 1218 East Long Valley Dr., Apt. #3A, in Palatine, IL.

R/I also went in front of Judge Tobin who signed a request for a search warrant to be served on Yahoo.com requesting subscriber information and email account contents. R/I then faxed the search warrant to Yahoo legal compliance.

5 Jun 06: R/I received a response from the subpoenas sent to Comcast. Comcast claimed that their records for the IP address of 24.15.202.102 for the dates and times requested by R/I were incomplete or contained an error associated with the cable modem or other device. Therefore, they could not give R/I any information as to which of their customers had that IP address at the times of the intrusions into SALE's servers. In response to the subpoena for account information for Ms. Melongo at 1218 East Long Valley Dr., Apt. #3A, in Palatine, IL, Comcast stated they have no information responsive to R/I's request. In response to the subpoena asking for account information for IP address of 71.57.72.196 on 17 May 06 at 20:11:42 PDT, Comcast gave R/I the name on the account as Andrea Smith, with an address of 229 S. 14th Ave, Apt. #1, Maywood, IL, 60153, a telephone number of 708-369-2968, along with email addresses of ttppearl@comcast.net and wankie91@comcast.net, and a Comcast account number of 8798260010470727.

2 Jun 06: R/I contacted Comcast IP Services about them not having any information for Ms. Melongo or the listed address for her. R/I was advised that Comcast needed two separate subpoenas in order for them to search just the name and/or just the address. R/I then prepared those subpoenas.

Name *[Signature]*

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ax requested and faxed them to the State's Attorney's Office so that they could go in front of the Grand Jury on 8 Jun 06.

R/I, along with Det. Koch #11, went to 229 S. 19th Ave. in Maywood, IL, and rang the bell but got no answer. R/I wrote down several license plates of vehicles parked in front of the building. R/I later ran those plates but none came back to Andrea Smith. R/I did a check of Andrea Smith through various databases and found a photo of an FBI that had an address of 134 S. 12th St. in Maywood, IL. The phone number given by Comcast came back to a cell phone owned by a Betty Spears.

R/I was contacted by Mr. Barnes from SALP. Mr. Barnes stated that the company found an unauthorized automated clearing house (ACH) debit on the company's Chase Bank account monthly statement. The ACH debit was to Comcast in the amount of \$200.00 on 22 May 06. Mr. Barnes then faxed R/I a copy of the bank statement showing the debit in question along with the form sent to him by Chase showing the disputed charge. R/I contacted Chase Bank's Fraud Department in order to obtain more information about the transaction. R/I spoke to Terry Working who advised R/I that she could not tell for sure whether it was a check by phone transaction or if the offender actually made the payment in person at the Comcast Bill Payment Center. Ms. Working did state that the bank was in the process of refunding the money to SALP's account.

R/I then contacted Comcast Customer Service. The representative that R/I spoke with claim that she too could not give an indication how the bill was paid but did state the account that the payment was applied to was in the name of Andrea Chase at 229 S. 19th Ave. in Maywood, IL.

9 Jun 06- R/I went back to Ms. Melongo's address in Palatine but again got no answer at the door and there was no vehicle in her assigned parking space.

14 Jun 06- R/I and Det. Koch went to 229 S. 14th Ave. in Maywood, IL, but again got no answer at the door.

15 Jun 06- R/I and Det. Koch went to the address of 700 Cynthia Ln., in Glendale Heights. R/I wrote down several license plates of the vehicles in the driveway at that location and parked in front of the home.

20 Jun 06- R/I again went to Ms. Melongo's apartment building in an attempt to speak with her, but again got no answer.

23 Jun 06- R/I did a check of the license plates obtained from the address in Glendale Heights. One of the plates registered to a Reachelle Spears at that address. Ms. Spears has an extensive criminal background.

R/I also contacted the State's Attorney's office in reference to the last subpoena request that were faxed to them on 7 Jun 06. R/I was advised that they never received those documents and therefore R/I had to re-submit them.

R/I received the response from the Yahoo search warrant. Yahoo's login tracker captured the IP address for Ms. Melongo's Yahoo account login at 21:46:03 GMT on 27 Apr 06 as being 24.15.202.102. Each time Ms. Melongo's yahoo account was logged into from that time to 2 May 06 at 16:47:23 GMT, it had that specific IP address.

Yahoo's account management tool showed all the information pertaining to Ms. Melongo's account along with its creation date, 7 May 2000, and the dates and times that her password was

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occurred on 4 May 06 at 22:46:04 PST and the IP address assigned at that time was 24.15.202.102. Also included in the response (on CD-R) was the contents of the account's briefcase and a snapshot of the email accounts contents at the time the preservation letter was received.

One of the files recovered from the Yahoo briefcase was Ms. Melongo's resume, showing her work history up to September of 2005. Another file recovered was a letter that appeared to be written as a response to an investigation into some X-rated emails being sent to a Professor Oguz. The investigation was being performed by a Zanyah Waite. The letter was signed by Annabel, and in it she wrote that she blames Ms. Waite for being bias and personality conflicts for her being accused of sending the emails to the Professor.

R/I contacted Roosevelt University to verify whether or not they had a Professor Oguz on staff. R/I was informed that they did not have a Professor by that name. R/I then contacted the University of Missouri-Kansas City, where Ms. Melongo's resume stated she attended from January 2000 to March 2002. R/I spoke with Sgt. Leach at the U of M-KC Campus Police Department. Sgt. Leach advised R/I that the university did have a Professor Oguz and he was somewhat familiar with the investigation R/I had spoke to him about. Sgt. Leach stated that he would fax R/I a copy of the reports for the incident and also have the professor contact R/I for further information.

At approximately 1930 hours, R/I was contacted by Professor Oguz. Professor Oguz remember the incident and claimed that the reason Ms. Melongo was not charged with a crime was because the Campus Police could determine for sure that she had sent the emails because both she and her roommate at the time were both signed in to the University's email server at the exact time that the emails were sent anonymously to the professor.

28 Jun 06: R/I faxed Yahoo's response to the search warrant to Mr. French. Later that day, R/I spoke to Mr. French who stated that he reviewed the information that R/I had sent him with his boss. After reviewing the information, both he and his boss believed that with this new information, there was enough evidence against Ms. Melongo for a search warrant for her home could be issued. Mr. French stated he would send R/I the request for the search warrant by 30 Jun 06 so that R/I could get it signed by a judge on 5 Jul 06. If the warrant was signed, Mr. French would arrange for R/I to be accompanied by Immigration Customs Enforcement and personnel from the Attorney General's Office Computer Potensics Team when serving the warrant on 6 or 7 Jul 06.

5 Jul 06: R/I received the subpoena signed by the Grand Jury on 29 Jun 06. R/I then faxed them to Comcast requesting account information for the ACH debit transaction.

R/I also had not received the search warrant from Mr. French, so R/I contacted him and left him a message to contact R/I.

10 Jul 06: R/I called Mr. French in reference to the search warrant for Ms. Melongo's apartment. Mr. French stated that his boss reviewed his initial draft and stated that it needed more information in it. R/I then emailed Mr. French a copy of this report for him to refer to for the required information. Mr. French stated that he would attempt to get R/I the search warrant by 14 Jul 06.

12 Jul 06: R/I received a call from Sharna Austin at Comcast Cable. Ms. Austin stated that there records showed the date of the ACH debit was on 21 May 06 and not 22 May as stated in the subpoena she received. R/I explained to her that the Chase Bank statement showed the ACH debit posted to the account on 22 May and that was the reason 22 May was written on the subpoena. Ms.

Name *W. Waite*

Star 29

Date/Time 30 Oct 08/1530

Schiller Park Police 2008

Case # 06-3219

Page 6

KK13

Ms. Melongo also admitted to accessing the server to get her emails for up to two weeks, 27 Apr 06 to 14 May 06, after her exit interview on 27 Apr 06. Ms. Melongo claimed she was checking only her SALF email account and did not change any settings or system passwords. Ms. Melongo also admitted to viewing Ms. Spizziri's emails in which Ms. Spizziri blamed Ms. Melongo for the problems SALF was having with their computer systems. After she viewed those emails, Ms. Melongo then forwarded those emails to her yahoo email account melongo_sarah@yahoo.com. Ms. Melongo stated that no one else accesses her yahoo account but her.

On Monday, 1 May 06, Ms. Melongo spoke with Vince Davis from SALF, and again offered to fix the network problem. Ms. Melongo was informed that SALF was in the process of fixing the problem and that they no longer needed her services. On 3 May 06, Ms. Melongo stated she sent an email to Ms. Spizziri in response to Ms. Spizziri blaming Ms. Melongo for the system problems. Ms. Melongo stated that she had access to SALF's entire computer system and was responsible for everything computer related. Ms. Melongo stated that her replacement, Christian, was hired three weeks before she was fired. She believes that she was fired because Christian agreed to work for less money to do the same job as she but that he did not have the same networking skills as she did.

When asked about her residency, she claimed that she has lived in Palatine for approximately 18 months and initially had Comcast as her Internet service provider until about four months ago when she switched to SBC Yahoo DSL as her current ISP. Prior to moving to Palatine, she lived in Willowbrook and Naperville.

When asked if she knew a Tanya Spears, Ms. Melongo stated that a Tanya Spears used to work for SALF at the front desk. Ms. Melongo also stated that she had spoken with Ms. Spears approximately two weeks ago in reference to a computer problem Ms. Spears had at her house. Ms. Melongo stated that she had yet to call Ms. Spears back about assisting her.

When asked about SALF and their company purchases, Ms. Melongo stated that company procedure was that all purchases are made through requisitions to Ms. Spizziri and no one else. Ms. Melongo stated that SALF's servers contained business forms, pictures, etc., and that they were all divided up by department. Even though she was the system administrator, she claimed that she could not access anything in the accounting or executive file tree. Ms. Melongo stated that she was the one who designed the file security system for SALF from input and authorization of Ms. Spizziri. Ms. Melongo also stated that she never had any access to SALF bank accounts or credit card numbers. That information was only accessible by those employees in the accounting department. Ms. Melongo stated that the only employees who had that information were Dane, Ms. Spizziri, and Bruce Nawara, of Nawara Financial Advisors (708-648-7100). Ms. Melongo showed R/I a business card from Mr. Nawara and claimed that she was told by Ms. Spizziri to give him a password to access the accounting files on the SALF servers and that he was allowed to remotely access the servers for the accounting files. Ms. Melongo claimed that when she found that he had been remotely accessing the servers on 25 Apr 06, she immediately notified Ms. Spizziri.

When asked if she knew a Saqun Gholar, Ms. Melongo stated that Mr. Gholar was an employee at SALF in the education department. Ms. Melongo stated that he was only an acquaintance and that she had no contact with him since she had been fired.

After R/I concluded the interview, R/I advised Ms. Melongo that she was not under arrest at that time and that R/I would be in contact with her after all of the evidence had been processed. All of the evidence that had been seized was brought back to SPPD where it was inventoried and placed in the evidence locker for safe keeping.

21 Jul 06- R/I along with Det. Koch #11, collected the electronic/computer evidence and brought it to 188 E. Randolph, Chicago, IL, The Regional Computer Forensics Lab, to be processed by a certified computer evidence recovery technician. R/Ts met with Ms. Melongo and Ms. Haqqani there.

Name *[Signature]* Star 29 Date/Time 30 Oct 06/1530

KK14

and released the items to Ms. Monge, so that she could process the items for any evidence relating to this incident. R/I had her sign the Schiller Park Property Inventory Control Sheet showing the chain of custody of the evidence.

28 Sep 06- R/I was contacted by Ms. Monge, who advised that the forensic analysis on the items submitted was complete and the report and the items were ready to be returned to R/I. R/I and Det. Koch went to the RCEL in Chicago and recovered the items from Ms. Monge. R/I then brought the evidence back to SPPD where it was returned to the evidence locker for safe keeping.

R/I then made a copy of Ms. Monge's cover letter and forensic report summary from the CD she provided R/I. The summary showed that Ms. Melongo did access the SALT server remotely, had a Comcast IP address of 24.15.202.102 on 28 Apr 06, having access to Mr. Spizzirri's email account and password, emails on her Roosevelt University email account with references to individuals at SALT, a word document containing the name Sagun Ghilar, IP addresses associated with SALT Scantron System, images from the SALT website, database items from the SALT server.

13 Oct 06- R/I spoke with Mr. French from the Illinois AG's Office. Mr. French advised that he has coordinated a meeting between himself, ASA Biestek, and R/I, so that ASA Biestek could review all of the evidence and to determine if there is enough evidence to charge Ms. Melongo with a felony in this case.

30 Oct 06- R/I, along with Mr. French and Ms. Monge, met with ASA Biestek in reference to this case. After reviewing all of the events related to this case, ASA Biestek approved two counts of Computer Tampering against Ms. Melongo. ASA Biestek also stated that he would continue to look into other charges that could be filed in this case (i.e. eavesdropping). R/I prepared complaints against Ms. Melongo, which were reviewed for accuracy by ASA Biestek. ASA Biestek advised R/I to attempt to make contact with Ms. Melongo some time today. If R/I is unable to make contact with her, ASA Biestek asked to be notified and he would make arrangements to have an arrest warrant sworn out against Ms. Melongo on 31 Oct 06.

R/I and Det. Koch then went to Ms. Melongo's apartment but were unable to make contact with her there. R/I's did however speak to her landlord, Chin, Hing C., who stated that Ms. Melongo had recently informed him that she was moving out at the end of the month and that she was currently three months behind on her rent. Mr. Chin also stated that he knew that Ms. Melongo had a part-time job at a place called Children's World in Barrington. R/I attempted to locate Children's World, but were unsuccessful. R/I then contacted ASA Biestek and informed him of R/I's results. ASA Biestek advised R/I to bring Ms. Spizzirri to court on 31 Oct 06 in order for Ms. Spizzirri to sign the complaints and have an arrest warrant issued for Ms. Melongo. R/I then contacted Ms. Spizzirri and made arrangements with her to go before a judge on 31 Oct 06 to sign the complaints.

Case closed.

Name: *[Signature]* Stat 29 Date/Time: 30 Oct 06/1530

KK15

AnnabelMelongo

----- Forwarded Message -----

From: cspizzirri@salf.org
To: melongo_annabel@yahoo.com
Sent: Monday, May 1, 2006 8:31:40 PM
Subject: [Fwd: RE: downed system]

----- Original Message -----

Subject: RE: downed system
From: "Brian J. Salerno" <Brian.Salerno@True-Consult.com>
Date: Mon, May 1, 2006 7:58 pm
To: "'Carol Spizzirri'" <cspizzirri@salf.org>

Wow.....and still wow. Why doesnt she just mail in a confession.

Sorry for how far behind you are. The permissions are clearly the obstacle now--given the fact that some people can see the data and some can't. I'll talk to Don tomorrow and figure out our game plan for it.

Thanks for the follow up.....still, wow.

Brian.

-----Original Message-----

From: Carol Spizzirri [mailto:cspizzirri@salf.org]
Sent: Monday, May 01, 2006 6:04 PM
To: Brian Salerno
Subject: RE: downed system

Think we found who -
Annabell called x4 and stopped in three - left message on my cell offering to fix our problem. Very similar to former IT who corrupted system. Have not spoke with her - she refused to speak with Christian - go figure!
Tks much for your followthrough - we are so behind it hurts.

-----Original Message-----

From: Brian Salerno [mailto:brian.salerno@true-consult.com]
Sent: Saturday, April 29, 2006 2:22 PM
To: carol
Subject: RE: quick update from John Reeg

Thanks carol...we will put everything back later, once we recover the data. For now, we need to just use a box that we know is clean--free of any admin issues.

Thanks Carol,
Brian.

Sent with Wireless Sync from Verizon Wireless

----- Original Message -----

From: "carol" <cspizzirri@salf.org>
Date: 4/29/06 10:18 am



Donald Peters

From: Donald Peters [dpeters@thinkcritical.com]
Sent: Thursday, May 18, 2006 11:02 AM
To: bmartin@villageofschillerpark.com
Subject: Save A Life Foundation Information
Attachments: Letter to Carol RE Recovery Efforts 05 11 2006 SCAN.pdf; SALF Recovery.pdf
Importance: High

Detective Martin,

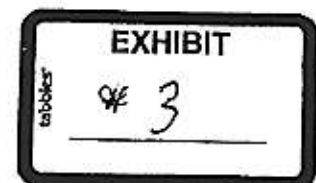
It was good to speak with you yesterday regarding your efforts to assist the Save A Life Foundation. As per our discussion, I have attached the letter I sent to Carol providing a rough overview of the discovery and actions taken by Critical Technology Solutions. When I was first introduced to Carol, and apprised of the situation and actions taken prior to my arrival, we discussed the next steps required for recovery vs. preservation of evidence. There was an uncertainty as to the catalyst for data loss as several maintenance actions were performed just prior to the discovery of the problem. I advised the group that with multiple personnel attempting recovery on the drives over the previous days, and no clear chain of custody, the quality of any evidence discovery would be questionable at best. Carol's decision was to move forward with recovery efforts when it was learned that the previous backups were incomplete or missing.

In addition to the overview letter, I have attached 28 screenshots created during our recovery process. Upon review, you will note that much of the "deleted" date and time stamps indicate the period of activity appears to be April 28, 2006 from 1:20 A.M. - 3:01 A.M. CST. I can also provide you with a copy of the recovered data if requested to do so by the Save A Life Foundation. Please do not hesitate to telephone me if I can provide additional assistance.

Regards,

Donald Peters
Critical Technology Solutions, Inc.
(630) 455-0522

This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this facsimile. Please notify the sender immediately by telephone if you have received this transmission by mistake and destroy this document. Electronic transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of transmission. If verification is required please request verbal confirmation of the authorization code located below. Critical Technology Solutions, Inc., 825 N. Cass Avenue, Suite 308, Westmont, Illinois 60559 --- Authorization Code: 0518061101DP



Comcast.

CONFIDENTIAL

Comcast IP Services
650 Centerton Road
Moorestown, NJ 08057
856.317.7272 Tel
856.317.7319 Fax

June 5, 2006

VIA FACSIMILE

Detective William Martin
Schiller Park Police Department
9526 W. Irving Park Road
Schiller Park, IL 60176
Fax: 847-671-9465

Re: Subpoena
Our File #: 1520619

Dear Detective Martin:

The Subpoena dated May 25, 2006 with respect to the above-referenced matter has been forwarded to me for a reply. The Subpoena requests Comcast to produce certain internet subscriber account records pertaining to the following person: Annabel Melongo, 1218 East Long Valley Drive, Apt. 3A, Palatine, IL.

Based on the information provided pursuant to the Subpoena, we are unable to find any information responsive to the request.

If I can be of further assistance, or if you have any questions regarding this matter, please feel free to call me at 856.638.4022.

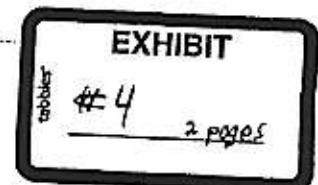
Very Truly Yours,

Kathleen Loughrin

Kathleen Loughrin
Legal Response Center, Legal Analyst

Exhibits

KK18



Comcast

CONFIDENTIAL

VIA FACSIMILE

Detective William Martin
Schiller Park Police Department
9526 W. Irving Park Road
Schiller Park, IL 60176
Fax: 847-671-9465

Comcast IP Services
650 Centeron Road
Moorestown, NJ 08057
856.317.7272 Tel
856.317.7319 Fax

June 5, 2006

Re: Subpoena
Our File #: 1506260

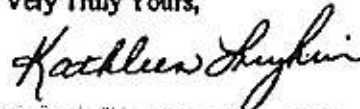
Dear Detective Martin:

The Subpoena dated May 25, 2006 with respect to the above-referenced matter has been forwarded to me for a reply. The Subpoena requests Comcast to produce certain subscriber account records pertaining to the following IP address: 24.15.202.102 on April 28, 2006 between 01:17:00 and 03:25:00 (Central), and May 1, 2006 between 20:31:40 and 20:31:41 (Mountain), and between 23:01:31 and 23:01:35 (Mountain).

Based on the information provided pursuant to the Subpoena, we are unable to find any information responsive to the request. Upon receipt of the Subpoena we initiated our investigation. We discovered that the log files we use to make subscriber account identifications were either incomplete or contained an error associated with the registration of the cable modem or other device in question. Therefore, Comcast cannot identify the subscriber account associated with this request.

If I can be of further assistance, or if you have any questions regarding this matter, please feel free to call me at 856.638.4022.

Very Truly Yours,



Kathleen Loughrin
Legal Response Center, Legal Analyst

ES

KK19

Nos. 10-3342, 10-3344, 10-3345

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

PEOPLE OF THE STATE OF ILLINOIS	)	Appeal from the Circuit Court
	)	of Cook County, Illinois
Plaintiff-Appellee)	
)	
-vs-	)	No. ACC 100083, 93, & 94
)	
LINDA L. SHELTON)	
	)	Michael McHale
Defendant-Appellant	)	Judge Presiding

ORDER

This cause coming before the court on defendant's, pro se, petition for indigency status, the Court being aware of the premises and with due notice being given to the parties;

IT IS HEREBY ORDERED:

Motion is ALLOWED DENIED

Further, Appellant may NOT file any further documents in regard to her appeals 10-3342, 10-3344 and 10-3345 until she has paid the \$25.00 docketing fee FOR EACH SUCH APPEAL

Michael J. Gallagher
Justice

Teresa L. ...

Aurelia ...

ORDER ENTERED

JAN 20 2011

APPELLATE COURT, FIRST DISTRICT

Steven Ravid, Clerk of the Appellate Court of Illinois, First Judicial District

Appendix LL



SUPREME COURT OF ILLINOIS
SUPREME COURT BUILDING
SPRINGFIELD 62701

JULEANN HORNYAK
CLERK OF THE COURT
(217) 782-2035

FIRST DISTRICT OFFICE
20TH FLOOR
160 N. LASALLE ST.
CHICAGO 60601
(312) 793-1332

TELECOMMUNICATIONS DEVICE
FOR THE DEAF
(217) 524-8132

April 15, 2010

TELECOMMUNICATIONS DEVICE
FOR THE DEAF
(312) 793-8185

Ms. Linda Shelton
9905 So. Kilbourn Ave.
Oak Lawn, IL 60453

← Docket fees were required to be waived due to indigency! 9/16/10 JS

Re: Three Unpaid Docket Fees in three cases:

- 1) L. Shelton, Movant, v. Hon. S. O'Brien, Justice of the Appellate Court, First District, et al., respondents. Supervisory Order, Appellate Court, First District., Case No. 108695;
- 2) L. Shelton, Movant, v. Hon. W. Maddux, Judge of the Circuit Court of Cook County, et al., etc., respondents. Supervisory Order, Appellate Court, First District., Case No. 108696;
- 3) L. Shelton, Movant, v. Hon. W. Maddux, Judge of the Circuit Court of Cook County, et al., etc., respondents. Supervisory Order, Appellate Court, First District., Case No. 108757

Ms. Shelton:

↑ All orders denying my these motions for supervisory orders violation of U.S. S. Ct IL holdings, statutes & rules for retaliation for whistle blowing and exposure of these judges' corruption my or blogs linked with wikipedia.com
9/16/10 JS

On June 24, 2009 in one case, and on July 6, 2009 in the two other cases, you entered your appearance, *pro se*, filed a motion in each case, and you were billed the statutory \$25.00 docket fee in each of the three cases. On July 18, 2009, August 18, 2009, and, again, on September 1, 2009, this office sent you additional letters, notifying you that the fees remained unpaid and that they had not been received in the above three cases, and requested payment. Additionally, the Court's orders denying motions to waive fees also stated that the docket fees were due and owing. Further, the Court considered additional motions which you filed in the cases, with the latest motions considered at the January 2010 Court Term, in which the Court denied without prejudice two motions in Case No. 108695 on January 12, 2010.

All related attempts to collect the docket fees owed have been unsuccessful. Our records indicate that the docket fees have not been received in the above three causes,

NOTE: 9/16/10 JS

the S. Ct denied waiver of fees in violation of their own IL S. Ct rule mandating waiver of fees for those on SSI + foodstamps

EXHIBIT A2 without explanation + then on motion to explain refused to give reasons

Appendix MA1 these are facts of treason + discrimination against me!

DoJ investigation needed
try to pay individual
as best belief to defendant!

False - motions
to reconsider -
give reason for
denial - ps 9/16/10

the fees remain unpaid, and you have subsequently failed to respond to our letters and requests for payment. We now must advise that, pursuant to an order of this Court, we will no longer accept any papers or documents from you for filing. A copy of that order is enclosed.

Very truly yours,

Julianne Hornyak

Clerk of the Supreme Court

Enclosure
JH:JMB

MM2

A2-2

State of Illinois Supreme Court

At a Term of the Supreme Court, begun and held in Springfield, on Monday, the thirteenth
day of May, 19 91.

Present: Ben K. Miller, Chief Justice

Justice William G. Clark
Justice Horace L. Calvo
Justice James D. Heiple

Justice Thomas J. Moran
Justice Michael A. Bilandic
Justice Charles E. Freeman

In re:

Unpaid Fees

)
) M.R. 7576
)
)

ORDER

Effective immediately, the Clerk of the Supreme Court is directed to refuse to file any documents tendered by an attorney or party if that attorney or party is in arrears in paying to the Clerk of this Court any fee required by statute.

FILED

MAY 23 1991

IN WITNESS WHEREOF, I have hereunto
subscribed my name and affixed the
Seal of said Court this 23rd day
of May 1991.

Gulann Hornyak Clerk, MM3

SUPREME COURT CLERK

Supreme Court of the State of Illinois.

HOME

Sul

Chicago's Political Prisoner Partially Released and Then Gagged

Share / Save

Thomas Barton, *Illinois Pay-to-Play* Political Commentator

On October 19 last, you read [here](#) of the continuing incarceration of former Save-A-Life Foundation (SALF) employee Annabel Melongo in the Crook County Jail. There's been a new development in her case.

After 18 months in the slammer, Ms. Melongo has been released under house arrest. But she's forbidden to speak to the media. *Illinois Pay-to-Play* has made no effort to contact her, not wishing to endanger her semi-freedom from jail, if not her freedom under the First Amendment to the US Constitution.

The website *Sidebar* posted a [thank you note](#) she sent to several bloggers who kept her case alive during the last 16 months.

Allegedly, Illinois Attorney General Lisa Madigan's office continues to "investigate" the \$853,709 state and federal dollars in grant monies received by the SALF, but not reported on their Form 990 to the state. Nor, presumably, reported to the IRS's via the federal 990. If you think there's a real AG investigation underway into the matter, then check the classified ads for cheap Florida swamp land.

Hey, what's less than a million missing government dollars in the greater scheme of the national version of Illinois' Pay-to-Play metastasizing throughout the United States of America? Billions are slipping away in various green, GM, Fannie & Freddie, and other schemes. The redistribution of wealth is in full throttle – but not going to the poor, but to the players. But that's another story.

One wonders: What's the Court afraid that Ms. Melongo might say about what she witnessed at SALF before it went belly-up in 2009? What names of prominent pols (at the state and federal levels) might she mention? And where did unaccounted for government grant monies representing nearly 10% of SALF's receipts go over the years of its operation?

Melongo was in a position to see where the money went; now she's gagged. After being framed for corrupting their computer system. It's the Chicago Way.

These are questions that the relentless investigative reporters at the Chicago Tribune and Sun-Times are probing even as you read this – ah...well, no they're not.

Fact is, we'll never know where the money went. But, look, it's chump change. Unfortunately, the citizens of Crook County and Illinois are the chumps.

Categories

[General Politics \(58\)](#)

Links

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Calendar

SEPTEMBER 2012

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24	25	26	27	28	29	30

[« Jun](#)

Appendix
NNI

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Tagged as: [Annabel Melongo](#), [Attorney General Lisa Madigan](#), [chicago](#), [Chicago Sun Times](#), [Chicago Tribune](#), [Crook County Jail](#), [Illinois Attorney General Lisa Madigan](#), [IRS](#), [Lisa Madigan](#), [Ms. Melongo](#), [SALF](#), [Save-A-Life Foundation](#), [Sidebar](#)

No Comments

Annabel Melongo, the Machine's Political Prisoner For Over 18 Months

Share / Save

Thomas Barton, *Illinois Pay-to-Play Political Commentator*

Annabel Melongo has been locked-up in the Crook County Jail since April 10, 2010. Yet, she's been convicted of no crime. Her bail, originally set at \$500,000 (!), is now \$300,000.

Annabel's a single, legal immigrant from Cameroon. She has no family here. She can't make bail.

Melongo's a political prisoner.



Her story, and the saga of the now-defunct *Save A Life Foundation (SALF)* where she was once employed as a computer specialist, has been covered by several new media outlets including the *American Thinker*, Andrew Breitbart's *Big Government* and *Big Journalism*, the *CincinnatiBeacon.com* and the *Chicago Daily Observer*.

Melongo's problems with the Cook County State's Attorney began back in 2006. The *Cincinnati Beacon* summarized the beginning of her ordeal.

"Annabel Melongo is a computer professional, born in Cameroon, who has lived and worked in the Chicago area since 2003. From December - April, 2006, she worked for the Save-A-Life Foundation (SALF), a nonprofit whose charter was to teach first aid to children in public schools.

Founded in 1993, SALF was a member organization of the Federal Emergency Management Agency and over the years received close to \$9 million in federal and state funding. Since November 2006, SALF has been the subject of about a dozen news reports around the country that raise serious concerns about the organization's claims, activities, and finances.

In October 2006, Annabel was charged with destroying SALF's files, among them financial records. Those charges were entirely based on claims made by SALF's founder/president Carol J. Spizzirri of Grayslake, IL. According to multiple news reports, Spizzirri has a history of serious fabrications, including the false claim that she is a Registered Nurse; that she worked as a renal transplant nurse in a Milwaukee hospital; and that she earned a BSN degree from a Wisconsin college whose name she misspelled on her CV. According to a recent sworn affidavit, in 1985 a Milwaukee court-

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NN2

ordered psychologist, Dr. Burton S. Silbergliitt, diagnosed Spizzirri as 'paranoid schizophrenic.'"

SALF collapsed in 2009. Spizzirri moved to California. And, after being made aware that the organization failed to account for \$853,709 in state and federal (CDC) grant money, the granting of which was facilitated by several Illinois politicians – mostly Democrats – the Illinois Attorney General's Office is supposedly investigating the organization's finances. Raise your hand if you believe there's a real investigation underway.

The missing money is approximately 10% of government monies received by SALF during its lifetime. Can we say *Pay to Play*?

Melongo was originally arrested on a complaint from Spizzirri that Melongo corrupted the organization's computer records from off-site, after she'd been fired. Those charges have been put in legal limbo. Then she was arrested for audio-taping two brief innocuous, procedural conversations with a court clerk pertaining to questions she had about her case, and for posting those conversations on her website. Not smart, for sure. Annabel went to trial and the result was a hung jury. The Cook County States Attorney's Office has decided to go to a re-trial on those charges. Why would they do that ?

Meanwhile, she's been sitting in the Crook County Jail now for over 18 months.

The mainstream Chicago media isn't interested in her story.

In July 2010, a writer of the aforementioned *Big Journalism* article reported this comment from a *Sun Times* investigative reporter.

"My bosses aren't interested in tackling the story [of Melongo]. That's what a top investigative reporter at a major Chicago newspaper said when I asked why the story of Annabel Melongo – former Save A Life Foundation employee – wasn't being covered. 'We'd have to spend a lot of time to get it right.' The reporter explained how, with a limited staff of investigative reporters tasked to write one 'investigative story' each week, there aren't enough resources to focus on the Melongo case."

Of course they aren't interested in Melongo's story. Just too many well-connected Chicago area pols were associated with the SALF.

Meanwhile, Joseph Cari was sentenced to three years probation for attempting to extort millions from a state pension fund for school teachers. Go figure.

According to the on-line Crook County Jail's Inmate Report, Melongo comes before a judge again on October 25. Stand-by.

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Tagged as: [Annabel Melongo](#), [Cameroon](#), [Carol J. Spizzirri](#), [Crook County Jail](#), [Federal Emergency Management Agency](#), [SALF](#), [Save-A-Life Foundation](#)

1 Comment

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NN3

HOME

Su

Is the Illinois AG Pretending to Investigate the Defunct Save A Life Foundation?

Share / Save

Hugo Floriani, Investigative Reporter

About five years ago, Chicago ABC7 I-Team reporter Chuck Goudie, in a series of investigative reports, exposed the questionable veracity of the founder of the Save A Life Foundation (SALF) and the organization's claimed achievements. Here is the first of Goudie's reports.



That was the beginning of the end for the "charity" founded in 1993. During its lifetime, the SALF received millions of dollars (\$7,856,869 to be exact) in federal (\$2.6 million alone from the Centers for Disease Control) and state grants from several Illinois agencies.

SALF lived off the state and federal largess by enjoying the advocacy of a host of state and federal officials, including, but not limited to, Arne Duncan, who ran the Chicago Public Schools then and is now the Secretary of Education, Illinois State Democrat Senators Emil Jones and Donnie Trotter, plus U.S. Senator Dick Durbin (D), and U.S. Rep. Jan Schakowsky (D) – a very active promoter for SALF.

It wasn't all Democrats, though, who hyped SALF. Former Senator Norm Coleman (R. MN) tried, but failed, to get millions more for SALF from the federal treasury. And, current Illinois

Categories

[General Politics \(58\)](#)

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Calendar

SEPTEMBER 2012

M	T	W	T	F	S	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

[« Jun](#)

NN4

Republican Senator Mark Kirk openly supported SALF and once accepted an award from the "charity". But the majority of the pols promoting SALF were Democrats.

About three years after Chuck Goudie poked a hole in the SALF balloon, it closed up shop in 2009. But that's not the end of the story.

A writer for the conservative website, *American Thinker*, gathered all the Illinois Form 990's – the annual forms that all charities are required to submit reporting their receipts to the Illinois Attorney General's Office. When the grant monies that SALF reported having received over the years were compared to what the various granting agencies reported they'd given SALF over those same years, there was a discrepancy. SALF had not accounted for having received \$853,709. Oops!

In July 2010, this discrepancy was brought to the attention of Attorney General Lisa Madigan's office – where apparently math is not a strong suit since they never noticed the discrepancy – and the AG's Charitable Trust Bureau, the department responsible for monitoring Illinois charities, allegedly began an investigation of SALF's finances.

It's been nearly a year-and-a-half now, and the "investigation" is still... "open." Of course, "open" doesn't necessarily mean being pursued. In only means...not closed. It could stay open for...well, indefinitely. That would be The Chicago Way.

So what happened to the missing money? Can we say – *Illinois Pay-to-Play?*

Share / Save

Tagged as: [ABC7](#), [ABC7 I-Team](#), [American Thinker](#), [Arne Duncan](#), [Centers for Disease Control](#), [chicago](#), [Chicago Public Schools](#), [Chuck Goudie](#), [Dick Durbin](#), [Donnie Trotter](#), [Emil Jones](#), [I-Team](#), [Illinois Republican](#), [Illinois Republican Senator Ron Kirk](#), [Illinois State Democrat Senators Emil Jones](#), [Jan Schakowsky](#), [Lisa Madigan](#), [Norm Coleman, Rep.](#), [Jan Schakowsky](#), [Ron Kirk](#), [SALF](#), [Save-A-Life Foundation](#), [Secretary of Education](#), [Senator Dick Durbin](#), [Senator Norm Coleman](#), [Senator Ron Kirk](#), [U.S. Rep. Jan Schakowsky](#), [U.S. Senator Dick Durbin](#)

1 Comment

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NNS

THE PEOPLE OF THE STATE OF ILLINOIS VS.

CASE NO.

10 HC 00007⁰¹

ANABEL MELONGO

PAPERS FILED

DATE

INDICTMENT/INFORMATION FILED IN THE CLERK'S OFFICE

PRES. JUDGE ASSIGNMENT DATE: _____

BAIL PREVIOUSLY SET \$

DATE

JUDGE

ORDERS ENTERED

NO ARRAIGNMENT

ASSIGNED TO JUDGE _____

5/20/10

Redman

lit to file/denied
Not Heard / g/f call

5/17/10

WADAS

Disc Motion For Habeas
Corpus Petition
DENIED DENIED

Appendix
00

1 STATE OF ILLINOIS)
2 COUNTY OF COOK) SS:

3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
4 COUNTY DEPARTMENT-CRIMINAL DIVISION

5 PEOPLE OF THE STATE OF ILLINOIS,)
6 -vs-) No. 10HC00008
7 LINDA SHELTON,)

8 REPORT OF PROCEEDINGS had at the
9 hearing of the above-entitled cause before the Honorable
10 DENNIS PORTER, one of the Judges of said Division, on June 9,
11 2010.

12
13 PRESENT:
14 HON. ANITA ALVAREZ, Cook County State's Attorney by
15 MR. KURT SMITKO, Assistant State's Attorney,
16 on behalf of the People;

17 MS. LINDA SHELTON, appearing pro se,
18 on her own behalf.

19
20
21
22 REGINA A. CLEMMER
23 OFFICIAL COURT REPORTER
24 084-004002

Appendix
PPI

1 THE CLERK: Linda Shelton.

2 THE COURT: Linda Shelton.

3 THE DEFENDANT: Yes. Dr. Linda Shelton, sir.

4 THE COURT: Yes. Dr. Linda Shelton. Pro se habeas
5 corpus petition to conduct here?

6 THE DEFENDANT: Yes.

7 THE COURT: I have read it.

8 THE DEFENDANT: Uh-huh.

9 THE COURT: Is there you want anything you want to say
10 about it?

11 THE DEFENDANT: Yes. I also have the transcript from
12 the hearing before Judge McHale. And in the transcript,
13 Judge McHale said --

14 THE COURT: This is from?

15 THE DEFENDANT: From May 11th.

16 THE COURT: I've got a copy of it hear as well.

17 THE DEFENDANT: Where I told Judge McHale I was filing a
18 habeas petition as a next friend on behalf of Annabel
19 Melonga. Now for over thirty days, I have been not able to
20 filing anything much else other than a habeas because they've
21 denied me stamps, transfer things, despite a court order from
22 Judge McHale.

23 I have a supplement to that habeas on behalf of
24 Annabel Melonga which explains under Weber versus Garza,

PP2

1 5th District Circuit Court of Appeal, where they explain --
2 you have to explain why you need a next friend and I haven't
3 been able to file this but it essentially -- I wanted to tell
4 him but he --

5 THE COURT: You are going to get a chance to talk to
6 him.

7 THE DEFENDANT: Judge McHale would not allow me to
8 because he said -- he says right here after he said, no, you
9 can't file a habeas as a next friend, I said, yes, you can.
10 This is Page 4 and Page 5. The last half of Page 5, the
11 Court is saying, "The habeas petition says the defendant or
12 another" and I take another to be a licensed attorney in the
13 State of Illinois. You are not. You have no right to file
14 these things.

15 And I said, excuse me, sir, excuse me. You are
16 committing an act of treason. It's an act of treason. Take
17 her in the back. Further up he says that filing a habeas as
18 a next friend is an act of contempt. And I later, when he
19 brought me back, told him that the US Supreme Court in
20 US versus Louisiana, I think it's a 2009 case, ruled that
21 even the prisoners in Guantanamo Bay have a right to the
22 grand writ suspension clause can not be suspended and their
23 next friends, whether it's their parent or whatever, can file
24 a habeas petition.

PP3

1 So, Judge, McHale said he is holding me in
2 contempt because I filed a habeas as a next friend and on
3 behalf on another in Illinois law says that it's -- it can't
4 be, that's contempt. So when a judge violates the United
5 States Supreme Court and the Constitution Article 1, Section
6 9, the suspension clause, the US Supreme Court ruled in
7 Aaron versus Cooper 1958 that that violates the oath of
8 office.

9 And the United States Supreme Court ruled in
10 US versus Will 1980. In their footnote, they referred to a
11 1800 case that when a judge purposely violates the law and
12 his oath of office, he's committed an act of treason.

13 There is further case law which I haven't been
14 able to go to the law library to and which is on my computer
15 off home and I don't recall off the top of my head that when
16 a judge commits treason, his orders are void, annulled and
17 have no effect.

18 The bottom line is, I was sent to jail by a judge
19 committing treason, violating Constitution Article 1, Section
20 9, violating the US Supreme Court Rule in US versus
21 Louisiana, trying to overrule the US Supreme Court and the
22 Constitution; and just off the top of his head, Judge McHale
23 says it's contempt to file a habeas petition as next friend;
24 therefore, I am sentencing you to 120 days.

PP4

1 His orders are void. This incarceration is
2 illegal. He has committed an act of treachery and I have a
3 right under the 4th Amendment not to be held without probable
4 cause or prosecuted without probable cause. There is no
5 probable cause here.

6 I followed 735 ILCS 10 which is the civil code,
7 habeas act, which says I can file on behalf of another. The
8 court form even says signed defendant, attorney or a person
9 on behalf of another. This judge committed treason. I am
10 illegally being held in jail. I object. This is outrageous.
11 He should be arrested and I should be freed.

12 Anything else is aiding and abetting treason,
13 punishable by ten to twenty years, ten years to life under
14 US Code of Felony Civil Rights Violation, 242 US Code.

15 THE COURT: Mr. Smitko:

16 MR. SMITKO: Judge, I don't believe Ms. Shelton has
17 presented a proper habeas corpus petition for you. I believe
18 Judge McHale has held Ms. Shelton in contempt and I don't
19 believe she's shown how that is an illegal contention
20 based on her actions in court. I ask that you dismiss
21 Ms. Shelton's habeas corpus.

22 THE COURT: Anything else that you want to say before
23 I --

24 THE DEFENDANT: Well first of all, this gentleman, I

PP5

1 presume he is part of the state's attorneys office and
2 representing the state?

3 THE COURT: He handles special remedies for their
4 office.

5 THE DEFENDANT: I don't even know his name. What was
6 his name perhaps?

7 THE COURT: Mr. Smitko.

8 THE DEFENDANT: Smitko. S-m-i-t-c-o?

9 THE COURT: No. K-O?

10 MR. SMITKO: K-O.

11 THE DEFENDANT: He hasn't stated a valid reason to hold
12 me in contempt. He hasn't said what he is supporting in the
13 contempt charge. Judge McHale took me in the back. He said
14 it's illegal. It's contempt to file habeas petition as a
15 next friend. I mean, you can't violate the US Supreme Court.
16 This is incredible. You can't do that.

17 If you do that as a judge, you've lost
18 jurisdiction. Your orders are void. So any order after that
19 first couple of pages when he says you can't file as next
20 friend is void, period.

21 US Supreme Court has spoken repeatedly and I
22 quoted him. Any other decision other than to vacate his
23 orders and agree to hear my petitions for habeas on behalf of
24 Annabel Melonga and file this supplement that I was

PP6

1 explaining why because she is a Cameroonian citizen. She
2 doesn't speak English. She is an alien.

3 She doesn't understand the difference between
4 Roman English law because she needs a little help to get it
5 filed which under Weber versus Garza 1978, 5th District, you
6 have to show that which I have.

7 I mean, there is been no argument by the judge
8 that is valid holding me in contempt, a lot of argument where
9 he has simply committed treason. He violated his oath of
10 office, his orders are void so none of this charges of
11 contempt are valid. Period.

12 THE COURT: All right. Your habeas corpus petition,
13 Dr. Shelton, is denied for the following reasons. Habeas
14 corpus is a remedy that either something has happened over
15 the passage of time that justifies your release which usually
16 shortens your sentence; or 2, the issuing court did not have
17 jurisdiction. That is your --

18 THE DEFENDANT: That's my argument. No jurisdiction
19 which is supported by the US Supreme Court.

20 THE COURT: I follow you. That's your argument in this
21 case. Your complaint, however, is that you don't agree with
22 Judge McHale's orders that he entered.

23 THE DEFENDANT: No. It's not that I don't agree.

24 THE COURT: That does not make them -- you say they are

PP7

1 wrong. That doesn't make them void. That makes them
2 voidable.

3 THE DEFENDANT: No. No. No.

4 THE COURT: Your remedy is corrected.

5 THE DEFENDANT: That's not what I said, Your Honor. I
6 didn't say are voidable. I said the US Supreme Court and
7 other case law has ruled that they are void period, no
8 effect, annulled, because a judge can not make a ruling in
9 violating the law. He would be legislating.

10 THE COURT: I understand what you are saying but you are
11 wrong on the law. They are voidable.

12 THE DEFENDANT: You are totally wrong. Now, I can go to
13 the US Supreme Court. Just give me a copy of the order.

14 THE COURT: Your remedy is direct appeal basically.

15 THE DEFENDANT: Direct appeal. Since there are no
16 appeal of habeas in Illinois, you go directly from the local
17 court on a habeas to the US Supreme Court which I will be
18 happy to do.

19 THE COURT: Your motion for habeas corpus is denied.
20 This is transferred back to Judge McHale instanter.

21 THE DEFENDANT: Judge, can I have a copy of the order
22 today so I can file immediately with the US Supreme Court? A
23 written.

24 THE COURT: I suppose that you can write up a order

PP8

1 saying that the motion for habeas corpus is denied.

2 THE DEFENDANT: Yes. And, Judge, could you please make
3 another order to the Department of Corrections that I have
4 access to law library enforcing Judge McHale's order? They
5 are in contempt. It's been a week since he wrote the order.

6 I have been in jail a month on this void,
7 unconstitutional, treacherous charge. I have not been given
8 envelopes so I can't have access to the court. Someone just
9 mailed me the federal habeas petition for the US Supreme
10 Court which I will be filing. I can't file without envelopes
11 and stamps and I can't file without going to the law library
12 at least looking up a couple of cases.

13 And it's totally illegal to be -- to be refusing,
14 you know, follow a court order of Judge McHale. So either
15 hold the Department of Corrections in contempt or order them
16 to -- I am asking for a rule to show cause really.

17 THE COURT: Well, you have to take that up with Judge
18 McHale.

19 THE DEFENDANT: He is not going to do anything. He is a
20 treasonous.

21 THE COURT: That's his order. It's not my order. I am
22 not going to order them to do anything.

23 THE DEFENDANT: I am just telling you and I want to say
24 on the record. Judge McHale has no jurisdiction or authority

PP9

1 over me. He refuses to do anything. He is a traitor. He
2 should be arrested.

3 And everybody in this room who is an attorney who
4 has taken the oath to support the constitution should be
5 going to the US Attorney and telling them that Judge McHale
6 needs to be arrested and I need to be freed and they need to
7 support the constitution. And anybody who doesn't is aiding
8 an abetting treason.

9 THE COURT: Court will be in recess for five minutes.
10 You will get your copy of the order.

11 THE DEFENDANT: Thank you.

12 THE COURT: Ms. Shelton, we will get you copy of the
13 order tomorrow.

14 THE DEFENDANT: If I can get it within a day or two.

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PP10

1 STATE OF ILLINOIS)
2 COUNTY OF C O O K) SS.

3 IN THE CIRCUIT COURT OF COOK COUNTY
4 COUNTY DEPARTMENT-CRIMINAL DIVISION

5 I, REGINA A. CLEMMER, an Official Court
6 Reporter of the Circuit Court of Cook County, County
7 Department - Criminal Division, do hereby certify that I
8 reported in shorthand the proceedings had in the
9 above-entitled cause and that the foregoing is a true and
10 correct transcript of all the proceedings heard before the
11 HONORABLE DENNIS PORTER, Judge said court.

12

13

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21 REGINA A. CLEMMER

22 084-004002

23 Dated this 11th day

24 of June, 2011.


REGINA A. CLEMMER

P PV

Filed 7/21/09 in Criminal Division After Court Clerk
 lost Originals + Their File on 2009 CH 12736 when
 Emergency Petition for Writ of Habeas Corpus transferring it to Crim. Division
 (10/15/08) CCC R 0103 § 81/2

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Maisha Hamilton Bennett }
 Petitioner
 v.
Sheriff Thomas Dart }
 Respondent
 By NEXT FRIEND Linda Sheltan

09 MR 00025
 09 CH 12736
 Re: H. C. NO. 05 CR 26027-01
02 CR 16455-01

**AMENDED
 EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS**

The Petitioner respectfully represents to this Honorable Court that ^{Petitioner} s/he is in the custody of Sheriff
Thomas Dart, Arresting Agency, and the cause of the arrest and detention is a supposed
 warrant issued by Judges Gorman + Bronaugh

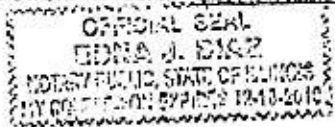
The Petitioner further represents that s/he is entitled under the law to a hearing on Habeas Corpus to test the legal-
 ity of said arrest and detention. In support of the request for a hearing, the Petitioner claims as follows:
UnFitness decide against the manifest weight of the evidence, no jury
lack of jurisdiction Double jeopardy
legally insufficient indictments Case dismissed/withdrawn
Supremacy clause violation by States Attorney
Fraud upon the court jurisdiction prosecution + therefore court
No crime alleged (16455) / lack of
 Wherefore, the Petitioner requests that a Writ of Habeas Corpus issue directed to the Respondent, so that the said
 Petitioner may be forthwith brought before this Honorable Court and that upon the return of the Writ a day be fixed for a
 hearing to the end that the legality of said arrest and detention may be inquired into and determined.

Linda L Sheltan
 Petitioner, Attorney, or other person on behalf of Petitioner

_____, being
 first duly sworn on oath deposes and says that s/he has read the foregoing petition signed by her/him and that s/he knows
 the contents thereof and said is true in substance and in fact.

Linda Sheltan 99500
 Attorney Next Friend pro Atty. No.

Signed and sworn to before Edna J. Dore 7/21/09



Notary Public [Signature]
 ORDER

Let the Writ of Habeas Corpus issue returnable before me _____
 on _____

Atty. No.: 99500
 Attorney for: Next Friend of Ms Bennett
 Name: Linda Sheltan
 Address: 9905 S. Kilbourn Ave
 City/State/Zip: Oak Lawn IL 60453-3539
 Telephone: 708 952-9040

 Presiding Judge Judge's No.

Appendix 991

Filed 7/2/12

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

CLERK OF COURT

Maisha Hamilton Bennett

Petitioner

Sheriff Thomas Dart

Respondent

By Next Friend Linda Shelton

CA CH 12736

Re case #s 05 CR 26027-01
02 CR 16455-01

Hon. Judge Stuart Palmer

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS

The Petitioner respectfully represents to this Honorable Court that s/he is in the custody of Sheriff Thomas Dart, Arresting Agency, and the cause of the arrest and detention is a supposed warrant issued by Judge Mary M Brosnahan - Judge Toomin
present presiding judge

The Petitioner further represents that s/he is entitled under the law to a hearing on Habeas Corpus to test the legality of said arrest and detention. In support of the request for a hearing, the Petitioner claims as follows:

Warrant for Violation of Probation - but NEVER arrested, tried or convicted! Never sentenced!
Lack of Jurisdiction
Lack of Probable Cause
Actual Innocence
Defective indictment

regarding fraudulent perjury charge & fraudulent arrest warrant
05 CR 26027-01

Wherefore, the Petitioner requests that a Writ of Habeas Corpus issue directed to the Respondent, so that the said Petitioner may be forthwith brought before this Honorable Court and that upon the return of the Writ a day be fixed for a hearing to the end that the legality of said arrest and detention may be inquired into and determined.

Linda Shelton

Petitioner, Attorney, or other person on behalf of Petitioner

Linda Shelton

being first duly sworn on oath deposes and says that s/he has read the foregoing petition signed by her/him and that s/he knows the contents thereof and said is true in substance and in fact.

Attorney Pro Se

99500
Atty. No.

Signed and sworn to before _____

Notary Public _____

ORDER

Let the Writ of Habeas Corpus issue returnable before me _____

on _____

Atty. No.: 99500
Attorney for: Next Friend of Maisha Hamilton Bennett
Name: Linda Shelton
Address: 9905 S. Killebrew Ave
City/State/Zip: Oak Lawn IL 60453-3539
Telephone: 708 952-9040

Presiding Judge

Judge's No.

992

Court Clerk's Computer Docket 8/19/12

CASE: 09MR0002501 DEFENDANT: MAISHA BENNETT

PAGE: 001

renumbered after transfer from Chancery 09-CH-12736

GENERAL INFORMATION

CB: IR: 0000000 SID: FBI: RD

ATTORNEY INFORMATION -- NO ATTORNEYS ASSOC W/CASE --

CHARGE INFORMATION

NBR A TYPE CLASS CHAPTER/SECTION DESCRIPTION
001 F 0 NOT APPLICABLE MISCELLANEOUS REMEDY

DISPOSITION INFORMATION

072109 SPECIAL ORDER MOTION TO RECONSIDER MOTION FOR LEAVE TO FILE INSTANTER SUPPLEMENTAL TO CLERK'S OFFICE 26TH CALIFORNIA

072109 SPECIAL ORDER PETITION FOR WRIT OF HABEAS CORPUS OR LEAVE TO FILE AS AMICUS BRIEF CLERK'S OFFICE 26TH CALIFORNIA

082709 CONTINUANCE BY ORDER OF COURT 090209 1701
BIEBEL, PAUL JR 0930 AM
ROOM 101 26TH CALIFORNIA

090209 CONTINUANCE BY AGREEMENT 091709 1701
BIEBEL, PAUL JR 0930 AM
ROOM 101 26TH CALIFORNIA

101309 CASE ASSIGNED 101309 1730
BIEBEL, PAUL JR 0930 AM
ROOM 101 26TH CALIFORNIA

101309 DEFENDANT ON BOND 000000
GAINER THOMAS V JR
ROOM 302 26TH CALIFORNIA

101609 CONTINUANCE BY AGREEMENT 101909 1701

8/19/12 Dates & entries missing!
8/9/09 - PNIC Shelton next friend appeared
M to Reconsider
M for leave to file
Instanter Supplement
to Petition for writ
of Habeas Corpus or
for leave to file
as an Amicus
Brief Denied
- Biebel

8/14/09 Defendant Not in Court.
Shelton appeared as next-friend presented Habeas Petition - continued
8/17/09 Continued

Note: Clerk's office informed Shelton Habeas file from Chancery Court lost - case renumbered from 2009-CH-12736 to 09MR00025-01 (misc. Pleading)

8/19/12 JS

8/27/12 Kent School of Law Prof Coyne appointed as Hamilton's next-friend for Shelton's habeas petition JS

993

CASE: 09MR0002501 DEFENDANT: MAISHA

BENNETT

PAGE: 002

101909

SPECIAL ORDER

000000

MOTIONS/DENIED

BIEBEL, PAUL JR

ROOM 101 26TH CALIFORNIA

120109

NOTICE OF MOTION/FILING

121109

1701

PETITION FOR ATTORNEY S FEES AND COST

CLERK'S OFFICE 26TH CALIFORNIA 0930 AM

END OF FILE

994

cell phone
708
952-0040

Linda Shelton PhD MD
9905 S. Kilbourn
Oak Lawn IL 60453
708 952-9040
July 10, 2009

7/10/09

Hon Judge Kinnaid:

I am writing to bring to your attention that it is inappropriate for you to approve the transfer of this ~~by~~ case to criminal court 09 CH 12736 (Judge Palmer) for the following reasons:

- 1- Petitioner Dr Maisha Hamilton Bennett file this Petition for writ of Habeas Corpus in chancery because it is a CIVIL matter in Maisha?
- 2- Petitioner has not been transported to chancery court, no one has responded to the petition, no hearing has been scheduled and the jail is inhibiting petitioner's communications with the court per petitioner.
- 3- Petitioner filed a complaint for mandamus on ? with the IL S. Ct asking them to order chancery to hear her petition. The IL S. Ct transferred ~~the~~ the mandamus to chancery per petitioner's statement to me.
- 4- Petitioner wrote an affidavit appointing me, a non-attorney as "next friend" per statute to represent her in chancery and ask for a transport order.
- 5- I filed the attached.
- 6- J. Palmer today said ~~that~~ there is no such thing as next friend (blatantly violating statute) and he was transferring this civil matter to 996 criminal court - he said he spoke to J Breble.

How do I get this heard by you as administrator of chancery
of ... U.S. Ct? ... do sheltan

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STATE OF ILLINOIS)
) SS.
COUNTY OF C O O K)

PEOPLE OF THE STATE OF ILLINOIS,)
) Plaintiff,)
))
) vs.)
))
MAISHA HAMILTON BENNETT,)
) Defendant.)

09 MR 00025

REPORT OF PROCEEDINGS had at the hearing
of the above-entitled cause, before the Honorable,
PAUL P. BIEBEL, Judge of said court, on the 27th
day of AUGUST, A.D. 2009.

PRESENT: HONORABLE ANITA M. ALVAREZ,
State's Attorney of Cook County, by
KRYSTYN DILILLO, PATRICK TURNOCK,
Assistant State's Attorneys,
on behalf of the People;

Ann Marie Payne, CSR, RPR
Official Court Reporter
2650 South California Avenue -- Room 4-C02
Chicago, Illinois 60608
(773) 869-6065
CSR No. 084-001645

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INDEX

Case Name: People vs. Maisha Hamilton Bennett

Case Number: 09 MR 00025

Date of Hearing: AUGUST 27, 2009

Pages: 1 through 11

Continuation of proceedings

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P R O C E E D I N G S

THE COURT: Maisha Hamilton Bennett.

MS. DILILLO: Ms. Shelton is here.

MS. SHELTON: Your Honor, I have an amended petition for habeas. This is on Dr. Hamilton. I am Dr. Linda Shelton.

Dr. Hamilton was declared unfit illegally by Judge Gainer and ordered to Elgin Mental Health Center.

I also have a copy of the statute -- made an error of law last time saying a non-attorney could not testify or speak at an evidentiary hearing. Habeas petition specifically says non-attorneys can speak in Section 735 ILSC 5/10-120. I have a copy for you if you would like it.

And so I am asking leave to amend the complaint because of the declaration of unfitness. Judge Gainer ruled Dr. Hamilton unfit because he --

THE COURT: Ma'am, just me be a second.

MS. SHELTON: The case is void --

THE COURT: Ma'am, please give me a second. You are speaking over me, and I want to

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1 read at least what you gave me.

2 (WHEREUPON, a brief pause
3 was taken.)

4 THE COURT: All right. You indicated to
5 me -- let's get on the record and we haven't heard
6 from the State.

7 MS. DILILLO: Assistant State's Attorney
8 Krystyn Dilillo.

9 MS. SHELTON: Dr. Linda Shelton next
10 friend of Dr. Maisha Hamilton Bennett,
11 B-E-N-N-E-T-T.

12 THE COURT: You have indicated to me,
13 Ms. Shelton, today that Ms. Bennett was found
14 unfit by Judge Gainer since we here last? Is that
15 what you are telling me?

16 MS. SHELTON: In a bench trial.

17 MS. DILILLO: Excuse me. Should we
18 bring the defendant out?

19 MS. SHELTON: Yes.

20 THE COURT: Is she here?

21 MS. DILILLO: She is here.

22 THE COURT: I thought she had been moved
23 already.

24 MS. DILILLO: She is here.

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MS. SHELTON: May I hand you post amended complaint, sir?

THE COURT: Wait until everybody is here.

MS. SHELTON: Okay.

(WHEREUPON, a brief pause was taken.)

THE COURT: Good morning, Ms. Hamilton Bennett, is that right?

THE DEFENDANT: Yes.

THE COURT: I was informed that since you were here last week that Judge Thomas Gainer found you unfit, is that right?

THE DEFENDANT: That is correct, and that is one of the reasons why I am here today.

THE COURT: If he found you unfit, then under the circumstances, I can proceed no further today except to appoint counsel on your behalf.

THE DEFENDANT: Your Honor, I have a motion for expungement nunc pro tunc and also as of today --

THE COURT: I am not hearing anything from you because another judge, at least at this stage of the proceeding, has found you unfit; and

1 under the circumstances, I cannot proceed further.

2 MS. SHELTON: Your Honor, I have a
3 proposed amended emergency petition for habeas
4 corpus that the statute allows me to file with
5 your leave.

6 THE COURT: Ma'am --

7 MS. SHELTON: Your Honor, can I give it
8 to you?

9 THE COURT: Just wait for a second.
10 Your statute -- the statute you make reference to
11 which is 735 ILCS 5/10-120 makes reference to hear
12 evidence produced by any person interested or
13 authorized to appear.

14 It doesn't state that that person
15 can act as an attorney, and I think I am
16 relatively cognizant of the laws with regard to
17 the practice of law.

18 This is what I am going to do.
19 Since Ms. Hamilton Bennett has been found unfit by
20 another judge in this building, I cannot proceed
21 further unless there is a representative made in
22 this regard.

23 And I am going to appoint counsel
24 to represent Ms. Bennett. And I have just been

1 informed of this a minute ago, but I am going to
2 appoint Professor Daniel Coyne from the Chicago
3 Kent Law School to look at this and to represent
4 you on this behalf.

5 I am making a finding today that
6 the statute does not allow you, Dr. Shelton, to
7 appear as next of friend or as, in effect, a
8 lawyer in this case.

9 And I will allow a lawyer to
10 represent Ms. Bennett and somebody who is known to
11 this Court and somebody who is respected by this
12 Court.

13 Under the circumstances today since
14 there is an unfit finding, I am proceeding no
15 further in this case other than to indicate I am
16 appointing Professor Daniel Coyne. And somebody
17 of my staff will so inform him, and that is all I
18 am going to do today.

19 MS. SHELTON: Your Honor, the statute
20 says next friend can file a complaint. Statute
21 also says the next friend that -- complaints can
22 be amended at any time. I am just simply asking
23 you today to allow me to amend the complaint.

24 THE COURT: Ma'am, I am not --

1 MS. SHELTON: That is not being a
2 lawyer. It says in the statute next friend. It
3 says on the habeas petition person on behalf of
4 the petitioner. It is part of the law, Your
5 Honor. I don't think you want to file violate the
6 law. Please read the law and follow the law.

7 THE COURT: Ma'am, I am cognizant of the
8 law. I read the statute today. I have made a
9 ruling that I will appoint counsel for
10 Dr. Bennett, and that counsel will review this
11 case.

12 I am not accepting any other
13 pleadings today because it is a critical change in
14 this from last week.

15 MS. SHELTON: So you have denied leave
16 for next friend to file an amended complaint?

17 THE COURT: I have denied leave at this
18 stage to do --

19 MS. SHELTON: Okay. This is going
20 directly to Federal District Court. Thank, Your
21 Honor. Have a nice day.

22 THE DEFENDANT: May I ask a question?

23 THE COURT: I am also making the finding
24 that there is a critical change in this case, and

1 there is no indication that there has been
2 communication between them and us. That is all.

3 THE DEFENDANT: May ask a question,
4 please?

5 THE COURT: Yes.

6 THE DEFENDANT: Okay.

7 THE COURT: No. Tell you what, no. I
8 don't want you to ask anything. I think it is to
9 your detriment to be asking questions in view of
10 what is going on here.

11 With that in mind, I am going to
12 set this for a short period. Please notify
13 Professor Coyne to come in on this case to get a
14 hold of Ms. Maisha Hamilton Bennett. She has been
15 found unfit. Where is she have being kept? Here
16 in County Jail?

17 MR. TURNOCK: Yes.

18 THE DEFENDANT: Do I have a right to
19 file a habeas on my own behalf in regard to this
20 whole fitness issue?

21 THE COURT: No. I am not allowing to
22 you file anything because you have been found
23 unfit. I will hold this for September 2nd, which
24 is next week I believe.

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MS. SHELTON: Your Honor, for information of the court, Judge Gainer has ordered that she be sent to Elgin immediately.

THE COURT: If it is up on September 2nd, continue your writ to be here on September 2nd.

THE CLERK: 101, Judge?

THE COURT: Yes, 101. By agreement September 2nd. That is going to be order of court, order of court.

All right. You will be writted back here, Ms. Hamilton, from the Cook County Jail.

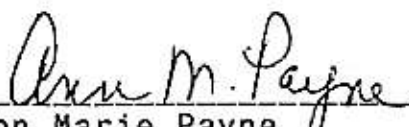
(WHEREUPON, the case was continued to 9/2/09.)

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STATE OF ILLINOIS)
) SS.
COUNTY OF C O O K)

I, ANN MARIE PAYNE, Official
Shorthand Reporter of the Circuit Court of Cook
County, County Department - Criminal Division, do
hereby certify that I reported in shorthand the
evidence had in the above-entitled cause and that
the foregoing is a true and correct transcript of
all the evidence heard.



Ann Marie Payne
CSR. No. 084-001645
Official Shorthand Reporter
Circuit Court of Cook County
County Department - Criminal Division

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Count Sheet for Room 101 2600 S. California, Chicago, IL Room 101
 Judge Paul P. Bubel 8/27/09

MT Call 1 CIRCUIT COURT OF COOK COUNTY, ILLINOIS 2

READING OR BANNER	ROOM OR BANNER	DATE	DATE	DATE	DATE	DATE	DATE
1	14111231	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09
2	921190326	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09
3	921356448	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09
4	951315223	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09
5	951198757	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09
6	014002710	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09
7	080708319	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09
8	951379156	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09
9	921510821	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09
10	931245020	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09
11	951201731	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09
12	Responsible Sealing	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09
13	080808080	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09
14	Case 080808080	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09
15	Case Higgins - Anthony T. Roberts	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09
16	Case 080808080	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09
17	Case 080808080	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09
18	Case 080808080	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09
19	Case 080808080	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09
20	Case 080808080	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09
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22	Case 080808080	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09
23	Case 080808080	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09
24	Case 080808080	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09
25	Case 080808080	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09	08/27/09



 Paul P. Bubel

 JUDGE

 COMPUTATION COURSE / STATISTICAL

 8/27/09