

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 3/3



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Washington, D.C. 20201

Case No. 2006-0425 RE

April 30, 2010

Linda L. Shelton, Ph.D., M.D.
4020 W. 105th Street, 3N
Oak Lawn, Illinois 60453

Dear Dr. Shelton:

This is in response to your April 6, 2006, Freedom of Information Act (FOIA) request for the applications and re-certifications of the Illinois Medicaid Fraud Control Unit issued to the Illinois State Police Medicaid Fraud Control Unit from 2000 through 2006.

The Office of the Inspector General (OIG) performed a search and located 256 pages of records responsive to your request, of which 248 are enclosed. I have determined to withhold eight (8) of the located pages, in their entirety, including three (3) pages of pre-decisional material under FOIA exemption 5, three (3) pages containing information that could identify individuals under FOIA exemptions 6 and 7(C), two (2) pages detailing types of investigations and how the investigations were conducted under FOIA exemption 7(E); and, portions of the released pages under FOIA exemptions 6, 7(C) and 7(E).

Exemption 5 permits the withholding of intra-agency records which are predecisional and contain staff advice, opinion and recommendation. This exemption is intended to preserve free and candid internal dialogue leading to decision-making. Exemption 6 permits the withholding of information that if released would constitute a clearly unwarranted invasion of personal privacy. Exemption 7(C) permits the withholding of records compiled for law enforcement purposes when disclosure could constitute an unwarranted invasion of personal privacy. Exemption 7(E) permits the withholding of records compiled for law enforcement purposes when disclosure would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.

There are no charges for FOIA services, in this instance, because the fees are under our \$25.00 billing threshold.

Appendix RRI

requested 2006
received 5/10/10
2010



AUG - 9 2001

Don Thorpe, Director
Illinois State Police
Medicaid Fraud Control Unit
400 Isle Park Place, Suite 302
Springfield, Illinois 62718

Dear Mr. Thorpe:

As part of the recertification process, we have reviewed documentation submitted by your office including the Unit's Annual Report, the quarterly statistical reports, and the responses to the questionnaire previously forwarded to you. Also reviewed were the responses to the questionnaires submitted to the Office of Inspector General, Chicago Field Office and the Illinois Department of Public Aid, Office of Inspector General.

The information provided reflects that the Unit's activities during the last twelve month certification period have been directed towards combating fraud and abuse committed against the State's Medicaid program. The Unit has fulfilled the statutory requirement of sections 1903 (a)(6); 1903 (b)(3); and 1903 (1) of the Social Security Act, as amended by the Medicare-Medicaid Anti-Fraud and Abuse Amendments (P.L. 95-142) and section 336 of the Omnibus Budget Reconciliation Act of 1980, (P.L. 96-499).

The Illinois Unit is certified as meeting the Federal requirements applicable to the operation of a State Medicaid Fraud Control Unit (42 CFR, Part 1007). The certification period covers one year, ending June 30, 2002. In order for Federal financial participation to continue after that date, an application for recertification should be submitted for review to the State Medicaid Oversight and Policy Staff (SMOPS) no later than April 30, 2002.

If you have any questions concerning this recertification, please contact Dorothy James, Program Analyst, SMOPS, at (202) 619-2547.

Sincerely yours,

Frank J. Nahlik
Assistant Inspector General
for Investigative Oversight
and Support

RR2



ILLINOIS STATE POLICE
Office of the Director

George H. Ryan
Governor

Sam W. Nolen
Director

July 26, 2001

Mr. Joseph Prekker
Director, State Medicaid Oversight and Policy Staff
U.S. Department of Health
and Human Services
Office of Inspector General
330 Independence Avenue S.W.
Room 5451, Cohen Building
Washington, D.C. 20201

Dear Mr. Prekker:

Enclosed you will find the annual report for the Illinois Medicaid Fraud Control Unit. This report was prepared using the rules and regulations of section 1903(a) (6), 1903(q) of the Social Security Act, as amended by the Medicare-Medicaid Anti-Fraud and Abuse Amendments and as required by 42 CFR 1007.1 through 23.

The Illinois State Police hopes that this report will complete all required submissions for recertification of the Illinois Medicaid Fraud Control Unit for the period July 1, 2001 through June 30, 2002.

Respectfully,

Sam W. Nolen
Director

By: Don Thorpe
Director
Medicaid Fraud Control Unit

DJ: jg

125 East Monroe • Room 103
P.O. Box 19461
Springfield, IL 62794-9461
(217) 782-7263 (voice) • 1 (800) 255-3323 (TDD)

RR3

1. Do the Unit investigators have law enforcement authority?

Yes. The Unit has 36 sworn Illinois State Police officers who have full law enforcement authority pursuant to 20 ILCS 2620/3. However, the Unit also has 11 contractual investigators who do not possess law enforcement powers, but who may act under the direction of a sworn Illinois State Police officer.

2. Do the Unit attorneys prosecute cases, or do they refer cases to other prosecutorial authorities? If the Unit does refer cases to other authorities for prosecution, describe the relationship with those authorities? Describe any problems currently hampering prosecution of Unit cases. Do you invite the SURS staff to participate in training sponsored by the Unit?

The Unit's legal advisor, who has been designated as a Special Assistant Attorney General, works in conjunction with seven contractual Assistant Attorneys General. Five of the attorneys are based in Chicago while the remaining two are based in Springfield. The attorneys both prosecute and refer cases for prosecution depending on the circumstances. However, there exists one significant point of contention in regards to the prosecution of state cases. The Attorney General cannot take exclusive power over the prosecution of those cases over which the State's Attorney also has authority. This stems from the Illinois Supreme Court's ruling in *State of Illinois v. Buffalo Confectionery Company*, 78 Ill.2d 447 (1980). In *Buffalo Confectionery*, the court reconciled two statutes dealing with the powers and duties of the State's Attorney and the Attorney General. Despite the Attorney General's lack of independent prosecutorial authority, there have not been any serious obstacles to prosecuting Unit cases. The Unit generally refers abuse and neglect cases to the appropriate State Attorney's Office with such referrals being monitored by the Attorney General's Office. If the severity and frequency of abuse and neglect allegations concerning a particular long term care facility give rise to an overall quality of care issue, the matter will be referred to the Attorney General's Office. The Unit is a member of three health care task forces operating in the Northern, Central, and Southern Districts of Illinois. Task force cases are investigated jointly by state and federal agents, and then prosecuted by the respective U.S. Attorney's Office. Overall, the Unit enjoys a good working relationship with all prosecutorial authorities operating within the state. Surveillance Utilization Review System staff are invited to monthly meetings of the Central Illinois Health Care Task Force.

3. Describe the Unit's training program. Include a list of training conferences or programs attended by staff during the past year.

The Unit has implemented a three phased training program. The first phase is a 20-hour Basic Medicaid/Medicare Fraud, Abuse, and Neglect Course to orient new personnel. The course is taught by senior Unit investigators and prosecutors. The second phase is the Basic Investigators Course which is a six-week course taught at the Illinois State Police Academy. Newly hired, non-sworn Unit investigators are required to satisfactorily complete this training. The third phase is one-week NAMFCU Basic Medicaid Fraud Training Program. This training will be conducted during the week of June 25th in Springfield, Illinois. Additional training is provided monthly during task force meetings. During each meeting, a guest speaker addresses issues that are germane to the duties and responsibilities of the task force.

IL Policy / IL Re-employment to IL
** No Authority to prosecute*

THIS IS FRAUD - ILLEGALLY PROSECUTED MEDICAID FRAUD WITHOUT THE U.S. ATTY OR STATES ATTY

Including a case where the Ill state Police Investigator Reibel fabricated phony invoices and a case they knew was a matter of ID theft with NO PROBABLE CAUSE

RR4

Below is a list of all training conferences or programs attended by Unit personnel during the period April 1, 2000, through March 31, 2001:

<u>MONTH/YEAR</u>	<u># PERSONS ATTENDING</u>	<u>NAME OF COURSE</u>
7/00	1	HCFA 2000 Region V Fraud Conference
8/00	2	Certified Fraud Examiner's Computer Training
9/00	3	NAMFCU 2000 Annual Conference
11/00	3	National Health Care Anti-Fraud Association 2000 Annual Training Conference
2/01	38	Basic Medicaid/Medicare Fraud, Abuse, and Neglect Orientation
3/01	1	LEADS 2000 Symposium
3/01	2	NAMFCU Director's Symposium

4. Describe the accounting system controlling Federal grant funds received from the Department of Health and Human Services, and the controls used by the Unit Director to review the expenditure of funds. If any reductions in State funds have been made, or have been formally proposed, what impact will they have on the Unit's mission?

The Illinois State Police Medicaid Fraud Control Unit's personal services are funded by monies in the State's General Revenue Fund (GRF). The Governor and the Bureau of the Budget approve monies appropriated from the GRF by the Illinois General Assembly. As with all State appropriations, the Unit adheres to all State rules and regulations pertaining to fiscal matters.

The Unit uses the Uniform Statewide Accounting System and complies with the mandates of the Illinois Purchasing Act. Prior to any Unit changes, the Unit Director must initiate the change using a Merchandise Request Form which describes the transaction, identifies the appropriate account code, and indicates whether the change was budgeted for and approved by the State and federal grantor. Upon the conclusion of every quarter, all expenditures are reviewed by the Illinois State Police, Office of Finance and Budget, and a reimbursement claim is then submitted to the U.S. Department of Health and Human Services for 75 percent of all qualifying expenses. The Unit's operating lines, including expenses related to Attorney General's Office legal support staff, are federally funded. Federal draw downs are completed monthly for expenditure reimbursement. Any remaining expenses are included in the quarterly fiscal report and are reimbursed at 75 percent.

MFCU is Federally
FUNDED

RR5

E 7-2000

ILLINOIS STATE POLICE MEDICAID FRAUD CONTROL UNIT RESPONSE TO
RECERTIFICATION QUESTIONNAIRE FOR UNIT DIRECTORS

1. Do the Unit investigators have law enforcement authority?

Yes. The Unit has 13 investigators who are sworn officers with the Illinois State Police and have full law enforcement authority under 20 ILCS 2620/3. The Unit also employs eight contractual investigators who are not sworn and do not have law enforcement authority under Illinois law but who may act at the direction of a sworn Illinois State Police officer.

2. Do the Unit attorneys prosecute cases, or do they refer cases to other prosecutorial authorities? If the Unit does refer cases to other authorities for prosecution, describe the relationship with those authorities. Describe any problems currently hampering prosecution of Unit cases. Do you invite the SURS staff to participate in training sponsored by the Unit?

The Unit attorney has no independent authority to prosecute cases in Illinois courts; however, she is a Special Assistant U.S. Attorney in the Central District of Illinois and a Special Assistant Attorney General and may prosecute cases under the jurisdiction of these entities. The Unit refers cases to the Illinois Attorney General's Office, the various Illinois State's Attorneys' Offices, and the three U.S. Attorneys' Offices in Illinois.

The Unit contractually employs five Assistant Attorneys General who prosecute and/or assist in the prosecution of all Unit Medicaid fraud cases. Four of these attorneys are domiciled in Chicago, and one is domiciled in Springfield; however, they travel to the appropriate jurisdiction as necessary. Additionally, the Unit is a partner in the three district health care task forces operating in the Northern, Central, and Southern Districts of Illinois. In working with the various state and federal agencies represented on these task forces, if the Unit believes one of its cases merits federal adjudication, the prosecution of such case may be handled by the appropriate U.S. Attorney's Office. These cases are usually worked as a joint investigation with the state and federal agencies on the task force which has increased the efficiency of the Unit immeasurably. The Unit refers its health care abuse and/or neglect cases to the appropriate county's State's Attorney's Office for prosecution on a case-by-case basis, and these referrals are monitored by the Attorney General's Office. If the number of abuse and/or neglect allegations received regarding a particular facility gives rise to an overall quality of care/fraud issue, the case will first be referred to the Attorney General's Office.

The Unit training program is discussed in detail below.

3. Describe the Unit's training program. Include a list of training conferences or programs attended by staff during the past year.

The Unit has a three-part internal training program. The first part of the program is a basic investigations course. All sworn Illinois State Police personnel must satisfactorily complete

MFCU
Admits
has no
authority to
prosecute
fraud

RR6

OFFICE OF THE ILLINOIS ATTORNEY GENERAL
COOK COUNTY, ILLINOIS
CHICAGO , 60601

LISA MADIGAN
ATTORNEY GENERAL

CRIMINAL DIVISION
100 WEST RANDOLPH ST. 12TH FL
Chicago, Illinois 60601
(312) 814-5130

Linda Shelton

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RE: 04CR-17571 . .

Ms. Shelton:

Please be advised that on July 15, 2004 you were indicted by the Cook County Grand Jury, Indictment No. 04 CR-17571, charged with Vendor Fraud/False Statement \$10,000+, etc. Your courtroom assignment has been set for August 5, 2004, at 9:00 A.M. before the Honorable Paul P. Biebel Jr., Room 101, 2600 South California Avenue, Chicago. Failure to appear in assigned courtroom may result in a warrant for your arrest.

SINCERELY,

LISA MADIGAN
ATTORNEY GENERAL OF ILLINOIS

BY:
JOSEPH L. PONSETTO
CHIEF, SPECIAL PROSECUTIONS BUREAU

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

KRISTINE R. COTE, BEING FIRST DULY SWORN ON OATH DEPOSES AND STATES that she served a copy of the above letter, properly addressed and stamped to the above named by depositing same in the United States mail chute at 2600 South California Avenue, Chicago, Illinois, within five days of this indictment.

Subscribed and sworn (or affirmed) to before me July 16, 2004

by .. *Kristine R. Cote* ..

Kristine R. Cote

Denise R. Oldenburg
.....
Notary Public

RR7

COUNT II

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 oaths, aforesaid present that on or about June 2000 continuing through April 2002, at and within the County of Cook,

LINDA SHELTON

committed the offense of **VENDOR FRAUD (Class 1 Felony)**

in that the defendant, in furtherance of a single intention and design, on behalf of herself and/or Right Frame of a Mind, Inc., willfully, by means of false statements and representations, and to obtain payments under the Public Aid Code in amounts greater than that which the defendant and/or Right Frame of Mind, Inc., were entitled to, caused false billing invoices to be submitted to the Illinois Department of Public Aid, and based on said false billing invoices caused the Illinois Department of Public Aid to authorize payments to Right Frame of Mind, Inc., in a great amount than that to which the defendant and/or Right Frame of Mind, Inc., were entitled, said amount having an aggregate value in excess of ten thousand dollars (\$10,000.00), and further, that the submission of the false billing invoices consisted of a series of acts performed at different times, at least one of which acts occurred after July 31, 2001, in violation of the Illinois Compiled Statutes, Chapter 305, Section 5/8A-3(a), and contrary to the Statute and against the Peace and Dignity of the same People of the State of Illinois

Charge I.D. Code: 10236

RAS

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	William T. Hart	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	09 C 2353	DATE	Sept. 28, 2010
CASE TITLE	Shelton vs. Ruiz		

DOCKET ENTRY TEXT

Plaintiff's emergency motion is denied. This denial is without prejudice to plaintiff raising claims in an appropriate forum. The Clerk of the Court is directed to amend the docket to add the following additional mailing address for plaintiff: 2010-0511171 8CM3E; P.O. Box 089002; Chicago, IL 60608. During the pendency of this case, plaintiff should keep the court informed of any further address change.

■ [For further details see text below.]



Notices (3) mailed by Judicial staff.

STATEMENT

The present case concerns damages for an incident that occurred in 2007. Plaintiff's present conditions of incarceration and grounds for incarceration are not a subject of the present lawsuit. Denial of plaintiff's present motion is without prejudice to raising any current conditions of confinement claims in an appropriate forum. Moreover, plaintiff will not be permitted to avoid the restrictions set forth in In re Shelton, No. 10 C 1995 (N.D. Ill. April 8, 2010) (Docket Entry 15) by raising, in the present lawsuit, new claims about her present conditions of confinement. Also, to the extent plaintiff complains that her present incarceration is unlawful, she must exhaust state court remedies before bringing any such claims in a federal habeas corpus petition. Any appropriate federal habeas corpus claims must be raised in a separate case, not in the present case.

Appendix SS

Courtroom Deputy
Initials:

cw

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

August 9, 2006

Before

Hon. WILLIAM J. BAUER, *Circuit Judge*

Hon. JOHN L. COFFEY, *Circuit Judge*

Hon. FRANK H. EASTERBROOK, *Circuit Judge*

No. 06-1935

LINDA L. SHELTON,
Plaintiff-Appellant,

v.

D.L. HAYES, et al.,
Defendants-Appellees.

Appeal from the United States District
Court for the Northern District of
Illinois, Eastern Division

No. 05 C 6350

Charles P. Kocoras,
Judge.

O R D E R

Our order in this appeal directed appellant Linda Shelton to show cause why she should not be sanctioned under Fed. R. App. 38 for taking a frivolous appeal. The response shows that Shelton is unwilling or unable to accept responsibility for her actions: every adverse decision (according to Shelton) has been caused by malicious employers, adversaries, or judges.

This attitude has led Shelton to file a large number of suits against her former employer (Advocate Christ Hospital), people affiliated with it, and people who played some role in earlier suits. This is one of seven appeals that Shelton has taken to this court. She lost six of these (Nos. 04-1640, 04-3224, 04-4266, 05-3759, and 05-4497, plus the current appeal), and a seventh (*Shelton v. Knox*, No. 06-2795) remains on our docket. At least three more related civil suits are pending in the district court: *Shelton v. Madigan*, No. 04 C 1818 (N.D. Ill. filed May 6, 2004); *Shelton v. Sheahan*, No. 04 C 6825 (N.D. Ill. filed Oct. 22, 2004); *Shelton v. Pantle*, 05 C 6899 (N.D. Ill. filed Dec. 8, 2005). Shelton's complaint refers to a further three suits pending in state court; more may have been filed since then.

Appendix
TTI

This must stop. Litigants are entitled to one opportunity to have their grievances heard and resolved. The outcome is binding on both sides. Shelton surely expects the defendants to honor any order entered against them; Shelton likewise must abide by the outcome when it is against her. *See Homola v. McNamara*, 59 F.3d 647 (7th Cir. 1995).

So this appeal is doubly frivolous: first because of its total lack of merit (for reasons given in the order dated July 20, 2006), and second because it is part of a campaign of litigation that reflects misuse of the judicial system.

The district court dismissed this suit before the defendants had been served with process, so they have not incurred legal fees. But litigants in other cases, and the judicial system as a whole, have suffered through the diversion of resources to this frivolous suit. The judicial system is heavily subsidized; those who misuse it must contribute toward its costs.

Accordingly, the court makes these orders as Rule 38 sanctions:

First, Shelton's privilege of proceeding *in forma pauperis* is revoked in the federal courts of this circuit. All fees must be prepaid in this and all other suits.

Second, Shelton is fined \$2,500, payable to the Clerk of this Court. If this fine is not paid in 14 days, we will enter an order under *Support Systems International, Inc. v. Mack*, 45 F.3d 185 (7th Cir. 1995), precluding Shelton from conducting civil litigation (other than as a petitioner seeking release from confinement) in all courts within this circuit until the fine has been paid in full.

~~RRR~~
TTJ

A True Copy
Teste

Clerk of the United States
Court of Appeals for the
Seventh Circuit.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF ILLINOIS
 EASTERN DIVISION

In the Matter of)
)
 Linda Lorincz Shelton) Civil Action No.
) 10 C 1995
)
 Plaintiff, *pro se*)

EXECUTIVE COMMITTEE ORDER

Linda Lorincz Shelton has filed the following cases in the Northern District of Illinois:

CAPTION	DATE FILED	JUDGE
03 C 7434 Shelton v. cook Co. Sheriff Dept. et al	01/06/04	Lefkow
04 C 1818 Shelton v. Madigan, et al	05/06/04	Gottschall
04 C 4864 Shelton v. Bump, et al	07/28/04	Kennelly
04 C 6825 Shelton v. Sheahan, et al	03/12/04	Norgle
05 C 5955 Shelton v. Schneider, et al	11/02/05	Moran
05 C 6350 Shelton v. Hayes, et al	11/16/05	Kocoras
05 C 6899 Shelton v. Pantle, et al	12/08/05	Filip
06 C 3162 Shelton v. Knox et al	06/14/06	Kocoras
06 C 4259 Shelton et al v. Madigan, et al	10/29/07	Lefkow
08 C 4627 Shelton v. Circuit Court of Cook County	08/14/08	Coar
08 C 6216 Shelton v. Circuit Court of Cook County	10/30/08	Coar
09 C 0105 Shelton v. Montgomery, et al	01/08/09	Coar
09 C 2353 Shelton v. Ruiz, et al	04/17/09	Hart
09 C 6413 Shelton v. Wright, et al	10/13/09	Dow
10 C 1763 Shelton v. circuit Court of Cook County, et al	03/19/10	Coar

On March 19, 2010, Ms. Shelton filed 10 C 1763, *Shelton v. Circuit Court of Cook County, et al*, a Petition for Writ of Habeas Corpus, which was assigned to Judge Coar, pursuant to Local Rule 40.3: Direct Assignment of Cases. Judge Coar was the assigned judge in Ms. Shelton's three prior Habeas Corpus cases.

Ms. Shelton went to the office of the Clerk of Court, demanding to speak with him regarding interpretation of LR40.3. Because the Clerk was unavailable, Ms. Shelton stated that she would wait outside his office until he could speak with her. She was advised that she could write to the Executive Committee regarding her concerns. When Ms. Shelton refused to leave the area, a Court Security Officer (CSO) was called. Ms. Shelton argued loudly with the CSO outside of the clerk's office, thus disrupting the flow of normal clerk's office business. Ultimately, Ms. Shelton was forcibly removed from the area.

It is the judgment of the Executive Committee that reasonable and necessary security measures must be put in place for the protection of all court personnel.

TT3

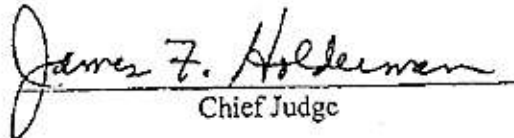
IT IS HEREBY ORDERED BY THE EXECUTIVE COMMITTEE, as the entity charged with administering and conducting the business of the Court, that:

- 1) A representative of the U.S. Marshal shall accompany Ms. Shelton at all times while she is present in the Evrett McKinley Dirksen Building at 219 S. Dearborn Street, Chicago, Illinois, 60604.
- 2) Nothing in this order shall be construed:
 - a) to affect Ms. Shelton's ability to defend herself in any criminal action;
 - b) to deny Ms. Shelton access to the United States Court of Appeals for the Seventh Circuit, though she must request an escort by a representative of the U.S. Marshal at all times during any visit, which must be confined to the 26th and 27th floors of this building.

IT IS FURTHER ORDERED that the Clerk shall cause to be created and maintained a miscellaneous file with the title "In the matter of Linda Lorincz Shelton" and case number 10 C 1995. The miscellaneous file shall serve as the repository of this order, and any order or minute order entered pursuant to this order. The Clerk will also maintain a miscellaneous docket associated with the file. All orders retained in the file will be entered on that docket following standard docketing procedures.

IT IS FURTHER ORDERED that the Clerk shall cause a copy of this order to be mailed to Ms. Shelton at 9905 S. Kilbourn, Oak Lawn, Illinois 60453, the address given by Ms. Shelton in her most recent complaint. Such mailing shall be by certified or registered mail, return receipt requested.

ENTER:
FOR THE EXECUTIVE COMMITTEE


Chief Judge

Dated at Chicago, Illinois this 31st day of March, 2010

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In the Matter of)
)
 Linda Lorincz Shelton) Civil Action No.
) 10 C 1995
)
 Plaintiff, *pro se*)

EXECUTIVE COMMITTEE ORDER

Linda Lorincz Shelton has filed the following cases in the Northern District of Illinois:

CAPTION	DATE FILED	JUDGE
03 C 7434 Shelton v. Cook Co. Sheriff Dept. et al	01/06/04	Lefkow
04 C 1818 Shelton v. Madigan, et al	05/06/04	Gottschall
04 C 4864 Shelton v. Bump, et al	07/28/04	Kennelly
04 C 6825 Shelton v. Sheahan, et al	03/12/04	Norgle
05 C 5955 Shelton v. Schneider, et al	11/02/05	Moran
05 C 6350 Shelton v. Hayes, et al	11/16/05	Kocoras
05 C 6899 Shelton v. Pantle, et al	12/08/05	Filip
06 C 3162 Shelton v. Knox et al	06/14/06	Kocoras
06 C 4259 Shelton et al v. Madigan, et al	10/29/07	Lefkow
08 C 4627 Shelton v. Circuit Court of Cook County	08/14/08	Coar
08 C 6216 Shelton v. Circuit Court of Cook County	10/30/08	Coar
09 C 0105 Shelton v. Montgomery, et al	01/08/09	Coar
09 C 2353 Shelton v. Ruiz, et al	04/17/09	Hart
09 C 6413 Shelton v. Wright, et al	10/13/09	Dow
10 C 1763 Shelton v. Circuit Court of Cook County, et al	03/19/10	Coar

It is the judgment of the Executive Committee that reasonable and necessary restraints must be imposed upon Linda Lorincz Shelton's ability to file new civil cases in this District *pro se*. Cases in existence prior to the entry of this order are not affected by this order.

IT IS HEREBY ORDERED BY THE EXECUTIVE COMMITTEE in its capacity as the supervisor of the assignment of cases, that the Clerk is directed to destroy any documents submitted either directly or indirectly by or on behalf of Linda Lorincz Shelton, and

IT IS FURTHER ORDERED That Linda Lorincz Shelton is authorized to submit to this Court, no earlier than twelve months from the date of this order, a motion to modify or rescind this order, and

IT IS FURTHER ORDERED That Clerk's Office personnel and chambers staff are relieved of the responsibility of accepting or returning phone calls or other communications from Linda Lorincz Shelton until the Executive Committee rescinds this order

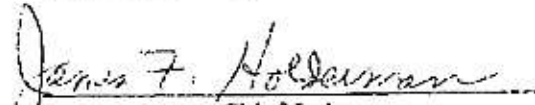
IT IS FURTHER ORDERED That nothing in this order shall be construed -----

- a) to affect Linda Lorincz Shelton's ability to defend herself in any criminal action,
- b) to deny Linda Lorincz Shelton access to the federal courts through the filing of a petition for a writ of habeas corpus or other extraordinary writ, or
- c) to deny Linda Lorincz Shelton access to file documents in the United States Court of Appeals or the United States Supreme Court.

IT IS FURTHER ORDERED That the miscellaneous file with the title "In the matter of Linda Lorincz Shelton" and case number 10 C 1995 shall serve as the repository of this order, and any order or minute order entered pursuant to this order. The Clerk will also maintain a miscellaneous docket associated with the file. All orders retained in the file will be entered on that docket following standard docketing procedures.

IT IS FURTHER ORDERED that the Clerk shall cause a copy of this order to be mailed to Ms. Shelton at 9905 S. Kilbourn, Oak Lawn, Illinois 60453, the address given by Ms. Shelton in her most recent complaint. Such mailing shall be by certified or registered mail, return receipt requested.

**ENTER:
FOR THE EXECUTIVE COMMITTEE**


Chief Judge

Dated at Chicago, Illinois this 8th day of April, 2010

TT6

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In the Matter of)
) Civil Action No.
 Linda Lorincz Shelton) 10 C 1995
)
 Plaintiff, *pro se*)

EXECUTIVE COMMITTEE ORDER

On April 5, 2010, Linda Lorincz Shelton, a *pro se* litigant who was convicted and served time in prison for the felony of aggravated battery on a correctional officer, and was diagnosed, as reported by her personal psychiatrist, as having a "psychiatric condition" resulting in an "altered mental state" and in her "misconception of ongoing events," submitted a "Petition for Adjudication of Criminal Contempt Against Unknown Complainant" for the Executive Committee's consideration and ruling.

IT IS HEREBY ORDERED BY THE EXECUTIVE COMMITTEE that Ms. Shelton's Petition for Adjudication of Criminal Contempt Against Unknown Complainant is denied. The Executive Committee has not, as of this date, entered any rule to show cause as to criminal contempt. Ms. Shelton's Petition provides no basis for the Executive Committee to conduct an evidentiary hearing. Any future conduct by Ms. Shelton that violates an order of this Executive Committee may, however, result in sanctions against Ms. Shelton.

IT IS FURTHER ORDERED that the Clerk shall cause a copy of this order to be mailed via certified mail or registered mail, return receipt requested, to Ms. Shelton at 9905 S. Kilbourn Ave., Oak Lawn, Illinois 60453, the address given by Ms. Shelton in her most recent filing.

**ENTER:
FOR THE EXECUTIVE COMMITTEE**


Chief Judge

Dated at Chicago, Illinois this 8th day of April 2010

TT7

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In the Matter of)
) Civil Action No.
Linda Lorincz Shelton) 10 C 1995
)
Plaintiff, *pro se*)

**EXECUTIVE COMMITTEE ORDER DENYING STAY
OF MARCH 31, 2010 ORDER**

On April 5, 2010, Linda Lorincz Shelton, a *pro se* litigant who was convicted and served time in prison for the felony of aggravated battery on a correctional officer, and was diagnosed, as reported by her personal psychiatrist, as having a "psychiatric condition" resulting in her "misconception of ongoing events," submitted a "Motion to Stay Order of March 31, 2010" for the Executive Committee's consideration and ruling.

IT IS HEREBY ORDERED BY THE EXECUTIVE COMMITTEE that Ms. Shelton's Motion to Stay Order of March 31, 2010 is denied.

The need and factual basis for the March 31, 2010 Executive Committee Order was corroborated by the May 18, 2007 letter Ms. Shelton submitted with her "Motion to Order of Protection Against CSO Mahon, and Deputy U.S. Marshal Wahenda [sic]," written by her personal psychiatrist Dr. Robert M. Galatzer-Levy, and fortified by Ms. Shelton's disrespectful, abusive conduct and profane verbiage on the record at the April 5, 2010 hearing before United States Judge William J. Hibbler.

The March 31, 2010 Order was factually warranted, necessary and appropriate. That Order should not and will not be stayed. It will remain in effect until further order of the Executive Committee. Ms. Shelton continues to be ordered to comply with the Executive Committee's March 31, 2010 Order.

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IT IS FURTHER ORDERED that the Clerk shall cause a copy of this order to be mailed via certified mail or registered mail, return receipt requested, to Ms. Shelton at 9905 S. Kilbourn Ave., Oak Lawn, Illinois 60453, the address given by Ms. Shelton in her most recent filing.

**ENTER:
FOR THE EXECUTIVE COMMITTEE**


Chief Judge

Dated at Chicago, Illinois this 8th day of April 2010

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In the Matter of)
) Civil Action No.
 Linda Lorincz Shelton) 10 C 1995
)
 Plaintiff, *pro se*)

EXECUTIVE COMMITTEE ORDER

On April 5, 2010, Linda Lorincz Shelton, a *pro se* litigant who was convicted and served time in prison for the felony of aggravated battery on a correctional officer, and was diagnosed, as reported by her personal psychiatrist, as having a "psychiatric condition" resulting in her "misconception of ongoing events," submitted a "Motion to Order of Protection Against CSO Mahon, and Deputy US Marshal Wahenda [*sic.*]" for the Executive Committee's consideration and ruling.

IT IS HEREBY ORDERED BY THE EXECUTIVE COMMITTEE that Ms. Shelton's Motion to Order of Protection Against CSO Mahon, and Deputy US Marshal Wahenda [*sic.*] is denied. There is no factual basis for such an order as requested by Ms. Shelton.

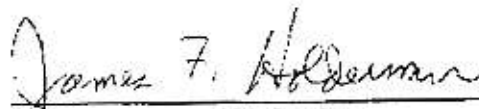
FURTHERMORE, the May 18, 2007 letter from Dr. Robert M. Galatzer-Levy, attached to Ms. Shelton's Motion provides support that Ms. Shelton has a mental disorder resulting in loud and obstinate behavior. This type of conduct has been exhibited by Ms. Shelton when Ms. Shelton has been in the E.M. Dirksen United States Courthouse. This type of conduct by Ms. Shelton is not consistent with the decorum and civil demeanor required of people in the United States Courthouse. Additionally, Ms. Shelton has telephoned the Clerk's Office and the Chief Judge's Chambers a number times and has been abusive to court personnel during those calls.

Consequently, by separate order of the Executive Committee this 8th day of April 2010, Ms. Shelton has been barred from entering the Dirksen U.S. Courthouse in Chicago, Illinois, unless she is required to be physically present in the Courthouse for proceedings scheduled by a Court.

It has been further ordered that court personnel are authorized not to take Ms. Shelton's telephone calls and are authorized to terminate telephone calls from Ms. Shelton and not accept her calls if she becomes repetitive, abusive or profane in her remarks.

IT IS FURTHER ORDERED that the Clerk shall cause a copy of this order to be mailed via certified mail or registered mail, return receipt requested, to Ms. Shelton at 9905 S. Kilbourn Ave., Oak Lawn, Illinois 60453, the address given by Ms. Shelton in her most recent filing.

**ENTER:
FOR THE EXECUTIVE COMMITTEE**



Chief Judge

Dated at Chicago, Illinois this 8th day of April 2010

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In the Matter of)
)
 Linda Lorincz Shelton) Civil Action No.
) 10 C 1995
)
 Plaintiff, *pro se*)

EXECUTIVE COMMITTEE ORDER

Pro se litigant Linda Lorincz Shelton ("Ms. Shelton") on April 5, 2010, submitted a "Motion to Vacate Void Order of March 31, 2010 Due to Fraud Upon the Executive Committee by Judge Holderman" for consideration and ruling by the Executive Committee. The motion is denied for the reasons stated in this order.

On March 31, 2010, this miscellaneous civil case file, 10 C 1995, was opened with regard to the conduct of Ms. Shelton, a convicted felon, who has been diagnosed by her personal psychiatrist as having a "psychiatric condition" resulting in her "misconception of ongoing events." Ms. Shelton has filed several cases in this court over the past several years. On March 31, 2010, the Executive Committee issued an order requiring Ms. Shelton's escorted movement in the E.M. Dirksen United States Courthouse. That March 31, 2010 order was signed by Chief Judge James F. Holderman and entered on the docket in this case.

On April 5, 2010, Ms. Shelton entered the E.M. Dirksen United States Courthouse and sought to move to different locations in the Courthouse. Ms. Shelton while accompanied by a Deputy U.S. Marshal went to the Clerks' Offices located on the 20th and 27th floors of the Courthouse. After that, Ms. Shelton appeared before the Honorable William J. Hibbler, United States District Judge, who heard Ms. Shelton's arguments without interrupting her.

At the April 5, 2010 hearing, both Ms. Shelton and Deputy U.S. Marshal Paul Banos were heard by Judge Hibbler in open court on the record. When Judge Hibbler tried to articulate his findings and rulings on the matter, Ms. Shelton interrupted him several times with verbal outbursts and profanity. The transcript of the final part of that hearing starting at page 12, line 18 through page 16, line 8 states as follows:

THE COURT: There is an order of the - -

MS. SHELTON: Remove yourself from the bench.

THE COURT: There is an order - -

MS. SHELTON: Recuse yourself.

THE COURT: - - of the Executive Committee now which restricts Ms. Shelton's access to this building. She has apparently filed some document contesting that order of the Executive Committee. But until that Executive Committee issues an order either clarifying or changing the order which is now in effect, you are required to comply with that order.

MS. SHELTON: I'm coming to this building - -

THE COURT: In compliance - -

MS. SHELTON: - - every single day until everything is resolved. I'm coming to this building every single day to use the law library, and I will be filing a number of suits. And don't you dare tell me I can't.

THE COURT: You are instructed, ma'am, to leave the premises immediately and not return unless - -

MS. SHELTON: I will - -

THE COURT: - - for a scheduled - -

MS. SHELTON: - - every single day.

THE COURT: - - for a court proceeding - -

MS. SHELTON: With a photographer.

THE COURT: - - or you have received further order from the Executive Committee setting forth - -

MS. SHELTON: I'm not obeying this bullshit.

THE COURT: - - the conditions and circumstances under which your re-admission will be allowed.

MS. SHELTON: I'm coming - -

THE COURT: If you refuse - -

MS. SHELTON: - - every single day.

THE COURT: If you refuse to leave the premises - -

MS. SHELTON: I am leaving right now, and I'm coming back tomorrow.

THE COURT: Ma'am, ma'am.

DEPUTY U.S. MARSHAL: Do you want her to stay?

THE COURT: I want her to stay until I finish talking to her.

DEPUTY U.S. MARSHAL: He is not finished speaking with you.

THE COURT: Ma'am, you --

MS. SHELTON: You're acting illegally. I do not recognize you, Judge.

THE COURT: Ma'am, do you realize --

MS. SHELTON: You are restricting my rights to file -- First Amendment right to file suits, and I will not have you do that. How dare you.

THE COURT: Ma'am, I have a right right now to take you into custody if I want to.

MS. SHELTON: You can do whatever you damn please.

THE COURT: I am not going to do that.

MS. SHELTON: -- crimes against the Constitution. That's called treason. You know first -- you know full well, United States Supreme Court says, if you war on the Constitution by knowingly making orders against the Constitution, you have committed treason. I'm charging you with treason right now.

THE COURT: Ma'am, you are ordered to leave the building. If you attempt to reenter the building without some further order from the Executive Committee --

MS. SHELTON: I am entering every single day.

THE COURT: -- the staff of this building will be ordered to deny you admission to the building.

MS. SHELTON: I am going to attempt --

THE COURT: If you --

MS. SHELTON: -- enter this building every single day --

THE COURT: If you --

MS. SHELTON: -- law library --

THE COURT: -- persist --

MS. SHELTON: -- because I need to research my cases that are presently before Judge Lefkow against Lisa Madigan, the criminal, and against the sheriff in Judge Hart and in Judge Dow's room.

THE COURT: Your behavior, ma'am, suggests to me now that --

MS. SHELTON: I am going --

THE COURT: -- the marshal acted --

MS. SHELTON: -- to the law library every single day that I need to. If you try to interrupt me, I will make hay.

THE COURT: Ma'am, the order of the Court will stand. You will not reenter the building absent some further order from the Executive Committee.

MS. SHELTON: I am not listening to you. You are making an illegal order. Warring against the Constitution means that your orders are null and void ab initio.

THE COURT: Have a good afternoon, ma'am. That's the order of the Court.

MS. SHELTON: Go to hell, you jackass.

(Which were all the proceedings had at the hearing of the within cause on the day and date hereof.)

Based upon Ms. Shelton's conduct before Judge Hibbler on April 5, 2010, based upon her previous behavior as stated in the March 31, 2010 Executive Committee Order, and based upon her diagnosed psychiatric condition set forth in Dr. Robert M. Galatzer-Levy's May 18, 2007 letter attached to Ms. Shelton's "Motion to Order of Protection Against CSO Mahon and Deputy U.S. Marshal Wahenda [sic],"

IT IS HEREBY ORDERED that the March 31, 2010 order of the Executive Committee shall remain in effect and is supplemented by this order of the Executive Committee that Ms. Shelton will be permitted to enter the E.M. Dirksen United States Courthouse in Chicago, Illinois or any other U.S. Courthouse in the Northern District of Illinois only when she is required to be present physically in the Courthouse for proceedings scheduled by a Court, and then she may enter the Courthouse no earlier than fifteen (15) minutes before the scheduled time of the proceedings. Upon entering the Courthouse, she first must report to the officer at the lobby desk by identifying herself. She shall then identify the Court proceeding she is required to attend naming the judge presiding at the proceeding before she will be allowed through the security check point in the Courthouse lobby. She is to be accompanied in the Courthouse to and from the proceedings by a Deputy United States Marshal or another representative of the United States Marshal, and Ms. Shelton must leave the Courthouse no later than five (5) minutes after her scheduled proceedings in Court are completed.

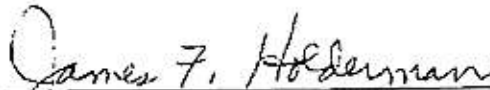
IT IS FURTHER ORDERED that Ms. Shelton may not enter the E.M. Dirksen U.S. Courthouse other than as stated above and may not use the William J. Campbell Library in the Courthouse, see *In Re: Kevin J. Long*, 475 F.3d 880 (7th Cir. 2007), until further order of this Executive Committee or another Court conducting proceedings in this Courthouse.

IT IS FURTHER ORDERED that all Court filings that Ms. Shelton desires to make must be made by mail or by a person other than Ms. Shelton who is authorized to file materials with the Court on her behalf.

IT IS FURTHER ORDERED that because Ms. Shelton has telephoned the Clerk's Office and the Chief Judge's Chambers a number of times and has been verbally abusive to court personnel, court personnel are authorized to terminate calls and not accept Ms. Shelton's calls if her calls become repetitive, abusive or profane.

IT IS FURTHER ORDERED that the Clerk shall cause a copy of this order to be mailed to Ms. Shelton at 9905 S. Kilbourn, Oak Lawn, Illinois 60453, the address given by Ms. Shelton in her most recent court filing. Such mailing shall be by certified or registered mail, return receipt requested.

ENTER:
FOR THE EXECUTIVE COMMITTEE


Chief Judge

Dated at Chicago, Illinois this 8th day of April 2010

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In the Matter of)
) Civil Action No.
 Linda Lorincz Shelton) 10 C 1995
)
 Plaintiff, *pro se*)

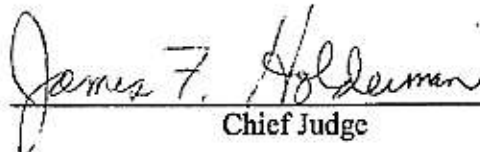
EXECUTIVE COMMITTEE ORDER

On April 5, 2010, Linda Lorincz Shelton, a *pro se* litigant who previously was convicted and served time in prison for the felony of aggravated battery on a correctional officer, and was diagnosed, as reported by her personal psychiatrist, as having a "psychiatric condition" resulting in her "misconception of ongoing events," submitted her "Motion to Define Term 'Custody' in LR 40.3" for the consideration of and ruling by the Executive Committee.

IT IS HEREBY ORDERED BY THE EXECUTIVE COMMITTEE that Ms. Shelton's Motion to Define Term "Custody" in LR 40.3 is denied. The fact that Ms. Shelton says she is unable to find a definition of the word "custody" is not a basis for the court to define it in an advisory manner for her with regard to this motion, other than to say the word "custody" as used in Local Rule 40.3 is used in its common and ordinary meaning in the law.

IT IS FURTHER ORDERED that the Clerk shall cause a copy of this order to be mailed via certified mail or registered mail, return receipt requested, to Ms. Shelton at 9905 S. Kilbourn Ave., Oak Lawn, Illinois 60453, the address given by Ms. Shelton in her most recent filing.

**ENTER:
FOR THE EXECUTIVE COMMITTEE**


Chief Judge

Dated at Chicago, Illinois this 8th day of April, 2010

TT17

Robert M. Galatzer-Levy, M.D., S.C.
122 South Michigan Avenue, Suite 1407
Chicago, Illinois 60603

Telephone 312-922-5077, Facsimile 312-922-5084, E-mail gala@uchicago.edu, www.galatzerlevy.net

May 18, 2007

Re: Linda Shelton, M.D., Ph.D.

To Whom It May Concern:

I am a psychiatrist with over 35 years experience who serves on the faculties of the University of Chicago and the Chicago Institute of Psychoanalysis. I have written extensively in my field (a copy of my *curriculum vitae* is available on request) and have been qualified as an expert witness on numerous occasions by state and federal courts.

Dr. Linda Shelton has been my patient since October 2006. She suffers from post-traumatic stress disorder exacerbated and precipitated by police actions surrounding her being held and then released on March 4-5, 2006. Dr. Shelton is a physically vulnerable woman who suffers from asthma, neurological, and cardiac disorders. The prior history of several episodes of her suffering untreated episodes of asthma with the accompanying terror of feeling like she was suffocating, at the same time that she was physically restrained or attacked, in combination with being forcibly restrained, being denied needed medication while in the process of being released, and then again being forcibly restrained on March 4, 2006, profoundly traumatized her.

As a result she is suffering recurrent episodes known in psychiatry as "flashbacks" where she acts, feels, and believes as if a past traumatic event is recurring in the present, often accompanied by misperceptions of ongoing events. As a result she involuntarily pulls away, resists, and attempts to protect herself by holding up her arms if approached by uniformed individuals (especially large males) during these panicked and confused states. Attempts to restrain her or even talk to her from a short distance worsen the situation. This even may trigger behavior of hiding under a table or running out of the room.

Dr. Shelton's post-traumatic state makes court appearances very difficult as she may experience anxiety and feel extremely threatened during attempts by court personnel to approach her, or if she feels the situation is escalating to the point they may approach her, even if the intent is to assist her. It would help if the court would recognize that soft, calm, and measured responses to her would go far in preventing such episodes, much as the manner one would approach a rape victim. Her standard self-defense mechanism, prior to full blown episodes when she is beginning to feel threatened and doesn't yet recognize her early symptoms, is to become loud and verbally defensive.

With therapy she is learning to recognize the onset of these states, maintain a quiet demeanor, and institute strategies to lessen the intensity of her attacks and maintain awareness of her surroundings when the episodes are triggered. Triggers of these episodes include, but are not exclusively: threatening, loud, and forceful actions by uniformed officers (particularly large

Appendix UUI

males); restraints particularly when feeling faint or breathless; small hot or crowded rooms or spaces such as elevators, crowded cars or buses, and small windowless interview rooms; discussions about events surrounding traumatic past incidents; attempts to have her describe and discuss these incidents; and circumstances where she feels over-heated and breathless (including asthma attacks, crowds, and hot-flashes).

Post-traumatic-stress disorder is a well recognized psychiatric condition. As it affects her in courtroom situations its symptoms include intense fear, partly based on intrusive thoughts of bad experiences; flashbacks where she may not be fully responsive to others; and physical responses such as light headedness, shaking, unsteadiness, difficulty breathing, and a racing pulse. Others may mistakenly confuse these episodes with hyperventilation, anxiety attacks, or obstinate non-cooperation. These episodes usually abate within 5 to 15 minutes.

When she goes into this altered mental state and appears fearful, confused, out of touch with the situation, or upset, this is best managed by giving her some time either alone or at least undisturbed to recover her equilibrium. Attempts to have court personnel intervene will very likely worsen the episode or precipitate another post-traumatic state. Her requests to be left alone and to have people stay back from her should be honored and regarded as an appropriate accommodation due to her vulnerable psychological state. It would help if uniformed personnel would maintain a quiet and non-threatening demeanor during these episodes, and if the court would simply order a brief recess.

It should not be presumed that she becomes violent during these episodes. I have assessed her to have a minimal potential for violence, due to her physical disabilities, poor balance, and weakness, as well as her innate character and personality.

Sincerely,

 M.D.

Robert M. Galatzer-Levy, M.D.

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PHYSICIANS MANAGEMENT - JUSTICE

5060 W. 81st Avenue
2nd Floor
Justice, IL 60468

Phone: 708-924-0311
Fax: 708-924-0772

HERMAN P. LANGNER, M.D.

Specialty: Psychiatry
License: 036-042305
Expiration Date: 7/31/2011
Board Certified

Psychiatric Evaluation
For the
Bureau of Disability Determination Services

Claimant: Linda Shelton
Exam Date: December 10, 2008

SSN: 355-50-3166
Claim No: N56730

I reviewed the information sent to us by the Bureau of Disability Determination Services. The duration of the interview with the claimant was 40 minutes.

GENERAL OBSERVATIONS: The claimant came to the examination alone. She drove. She was on time for her appointment.

GENERAL APPEARANCE: The claimant appears to be a 53-year-old white female. She is about 5'6" and slender. She was dressed nicely in slacks and matching top and blouse. She wears glasses. She makes an intelligent appearance. Grooming and hygiene were appropriate. Eye contact was appropriate.

ATTITUDE AND DEGREE OF COOPERATION: The claimant was cooperative.

POSTURE AND GAIT: The claimant walks with the assistance of a walker.

HISTORY OF PRESENT ILLNESS: Chief Complaint; Reason for this examination: Information was obtained from the claimant. This was considered on the whole to be reliable. Present Illness: The claimant indicates that she suffers from physical and not psychiatric disability. She indicates that she has neurocardiogenic syncope. She indicates that it is a congenital defect. It affects her when she stands up, when she becomes dizzy and has fainting spells. She also has spinal problems between C3 and C7. She had to have laminoplasty. She indicates this was also congenital. She also indicates that she suffers from asthma. This was aggravated when a tanker car by her office (the claimant is a physician) spilled gasoline. She inhaled the fumes. She indicates that she suffers from severe balance problems as a consequence. The claimant denies serious psychiatric problems, although she has seen a psychiatrist in the past because of stress. On one occasion, she indicates that she was in the emergency room of a hospital. The emergency room doctor claimed that she was delusional and gave her psychotropic medications, which she was sentenced to and the doctor apparently almost killed her. On one occasion, the claimant was put in prison. She was accused of kicking an officer. She was in prison for two years. The claimant indicates that a lot of her problems with the law are that she is an advocate against corruption and this has gotten her into trouble with people in authority.

003

Linda Shelton
SSN: 355-50-3166
Claim No: N56730
December 10, 2008
Page 3

Memory: Recent: She knew how she got here today.

Memory: Remote: The claimant remembered the name of her high school. She said "Bush" was the current President. When asked who his predecessors were, she said, "Clinton".

INFORMATION/Fund of Knowledge: When asked to name five large cities in the United States, she indicates "Budapest, Paris, Munich, New York, and Los Angeles." How many weeks in a year, she said "52".

Calculations: (4×9) equals "36". $(5+3)$ equals "8". She could do serial sevens to 86.

Abstract Thinking: When asked the meaning of the saying, "Don't cry over spilled milk", she said "It is done."

Similarities and Differences: When asked how a bush and a tree are alike, she said, "They are both plants." When asked how they are different, she said "The tree is taller."

Judgment and Insight: What would she do if she discovered a fire in a movie theater; she said "Leave."

RESPONSIBILITY: The claimant is able to handle her own funding.

DIAGNOSIS:

Axis #1: Anxiety disorder/Dysthymic disorder.

Axis #2: Deferred.

Axis #3: By history, neurocardiogenic syncope, spinal pathology at the C3 to C7 level, for which she had laminoplasty, and asthma.

Axis #4: Deferred.

Axis #5: GAF=40.

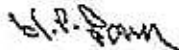
SUMMARY: The claimant is a 53-year-old female born in Washington DC. She grew up in the Chicagoland area. She graduated high school. She graduated college with a PhD and MD degree. She is married and has one child. She denies alcohol and drug abuse. She has had interest in advocacy problems stamping out corruption, which has gotten her in trouble with people in authority. She indicates that this is why she was arrested and put in prison. She applies now for disability primarily on the basis of physical disability.

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Linda Shelton
SSN: 355-50-3166
Claim No: N56730
December 10, 2008
Page 4

Thank you for referring this claimant to us. Should you have any further questions, please do not hesitate to contact me.

Sincerely,



Herman P. Langner, M.D.
License: 036-042305
Expiration Date: 7/31/2011

HPL/jiv
DD: 12/10/08
DT: 12/10/08

005

RICHARD G. RAPPAPORT, M.D., INC.

FORENSIC PSYCHIATRY

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San Diego
La Costa
Cherry Hill
Orange
Palm Desert
Fountain

December 22, 2005

Heather Ast, Esq.
Illinois Department of Professional Regulations
100 W. Randolph St.
Chicago, Illinois 60601

CONFIDENTIAL

Re: Linda L. Shelton, Ph.D., M.D.

Dear Ms. Ast,

Dr. Linda Shelton requested a psychiatric evaluation which could be presented to the Court regarding charges filed against her license by the Illinois Department of Professional Regulations (IDPR) based on their claim that she is not psychologically fit to practice medicine.

I did conduct a psychiatric examination of Linda Lillian Shelton in her home in Oak Lawn Illinois on November 29th and 30th, 2005 which took approximately 14 hours. The examination consisted of questions and answers as well as my observation of her behavior. In addition, I reviewed the voluminous records which she had supplied to me, some of which will be referred to under the record review.

Prior to the interview I informed the patient that the interview would not be confidential in that I would be free to discuss the examination with the various attorneys involved in her cases, write a report about it and testify in court if necessary.

IDENTIFYING DATA AND BACKGROUND INFORMATION

This patient was born in Washington, D.C. on September 2, 1955 and is now fifty years old. She was the second of three children, having a brother Don, two years older, and a sister Alice, four years younger. Her father at that time was working at Walter Reed Hospital in Washington, so they lived there for two years. When he moved to the University of Chicago, the family moved with him, the patient was two years old at that time. She has lived in the Chicago area since then except for the time she was away in graduate school.

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11. Document of a diagnostic evaluation done at the Department of Psychiatry University of Chicago written by Steven H. Dinwiddie, M.D. 12/05/02.
12. Shelton Medical History Chronology as of 11/2/05.
13. Individual psychiatric clinic treatment notes from Dr. Leo Weinstein from 2/28/03 to 10/09/03.
14. An extensive medical record from Christ Hospital and Medical Center.
15. Summary of Legal Issues concerning Dr. Linda Shelton as of 7/25/05.
16. Amended Complaint for Injunction, done in 12/01.
17. Group of records involving the Illinois Department of Professional Regulation (IDPR), which involves references to Dr. Robinson's evaluation of the patient.
18. Medical executive committee's offer of proof in relationship to summary suspension of Dr. Linda Shelton.

PSYCHIATRIC DIAGNOSIS (ACCORDING TO DSM-IV)

- AXIS I: 1. Posttraumatic Stress Disorder (309.81)
2. Dysthymic Disorder (300.4)
- AXIS II: Compulsive traits not rising to the level of a disorder
- AXIS III: Asthma, basilar migraines, and cardiac, neurological and orthopedic conditions
- AXIS IV: Physical disorders, legal and political obstructions to practice of pediatrics
- AXIS V: Current GAF: 70

SUMMARY

Linda Shelton is a 50 year old divorced woman with one child who was the second of three children born into a family where her father was a very accomplished physician and medical school professor. She grew up in an academic and intellectual environment which she found to be exciting as well as challenging and where she was very successful because of her exceptional intellect and curiosity. However, she suffered from two problems beginning when she was a very young child; a number of significant physical disorders and a social shyness and awkwardness.

The medical issues in her life have been a continuous interference in her comfort but otherwise added to her scientific interests and motivation to become a physician. Her

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empathic identification with disabled children led to her specializing in pediatrics as well as developing into a child advocate.

Her early awkwardness and shyness was at first overcome in part by her academic achievements, tutoring her peers and superiors and then the support of some of her teachers. Then she developed communication skills to help bring forth her thinking and counter those who attempted to obstruct her in her battles to gain rights and justice where she believed they did not exist.

In recent years her motivation to treat her patients has been exceptional as she sometimes provided free care or treated children who were not able to obtain treatment from other physicians. Her advocacy for their plight led her to becoming more vocal. As she met greater levels of opposition to her criticisms of those in authority she took on legal representation for herself. At the same time her manner of presentation became a source of irritation to the courts and other institutions which she began attacking.

The current situation shows a woman primarily occupied with numerous legal battles, several arrests and experiences of being incarcerated in jail. She has suffered repeated medical complications at least partly due to the stress of fighting her battles and partly from the environment of the jails and/or her confrontations with police. As a pro per she has created a significant amount of animosity in the courts where they react harshly to her personality/presentations and do not seem to hear or care about most of her arguments. She is regarded by some as sick and not competent to practice as a physician.

Her mental status examination gave no evidence of a psychotic illness and only minimal evidence of a low level depression. Psychological testing showed her to have an above average intellect.

CONCLUSIONS

This is a psychiatric report and thus the focus is on the mental state of Linda Shelton. This is not to be a legal brief and as such will not be an attempt to take a position on any of the legal charges against Linda; the many defenses offered by her nor the rebuttals by others. Hopefully the following will be seen as insight into the psychodynamics of some of her life for the purpose of helping the court gain perspective on their mutual involvement.

My examination of Linda took place over the course of two days and took approximately fourteen hours. At no time during this examination was there any indication of psychotic thinking, either presently or from her past. There were no pathological speech signs, no reports of hallucinations and no ideas of reference which could be defined as delusions either bizarre or non-bizarre.

Psychotic disorders are typically defined by the presence of delusions and/or hallucinations. There was also no disorganization of her person, her behavior or her home, in fact all were very well organized. There was also no evidence of a bi-polar disorder, although it is recognized at times that her volatility of emotions has been interpreted as a mania and she

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does admittedly have periods of depression. However, I do not see either of these moods as fitting the diagnosis of bipolar disorder.

The question of Linda's mental state has been a major point of contention throughout the voluminous documents supplied to me and particularly as reported by Stephen Robinson, M.D. (9/4/03) and Maisha Hamilton, PhD (8/04). These two reports are significant for their attempts to review all of Linda's history, her diagnoses and the legal arguments proffered by and against her. The conclusions of these two reports are essentially diametrically opposed and contentious on numerous points. In addition, the rebuttal to the Hamilton report is evidence that these arguments have the potential for endless cycling.

To determine whether or not Linda is delusional about any of the beliefs that she espouses requires proof of the invalidity of such beliefs. This examiner cannot prove the validity for either Linda, her supporters or her accusers. Since the protracted legal battles surrounding Linda are largely based on what each side believes happened, did not happen, was said, or was not said the arguments have become so redundant and intertwined that the whole truth will likely never be an outcome.

Most likely each stage of the legal process is apparently going to bring new charges, counter charges and another cycle of the same dissatisfaction. For example, note the rebuttal to the testimony submitted by Dr. Maisha Hamilton put forth by the "Medical Executive Committee of Christ Hospital". Part of the reason for this endless morass is the human tendency for each individual to become part of a position, to hold that position regardless and to hear only that which supports that position, a phenomenon known as "confirmatory bias".

The court is not likely to see itself as in error and for reasons to be explained below, neither is Linda. The various examiners, commentators, witnesses, etc. also have become entrenched in their biases. No one is likely to change positions unless a much broader and total understanding of what has taken place can be appreciated. The following is meant to bring psychological insight into the legal arena to replace the courts' anguish in dealing with Linda and their consequent judgment of her as sick and intolerable.

For Linda, presently a victim in relationship to her medical practice situation, her behavior has been determined by her history and complicated by her personality. All those reacting to and mystified by what they face when dealing with her are either unaware of these elements or indifferent to them. Nevertheless, these factors need to be known and found relevant in order to interrupt the cycle of destructiveness toward and by her.

Linda's history includes an extensive list of academic and practical accomplishments as listed in the above report. It also includes an extensive list of medical problems as listed above. Here I wish to emphasize some of the critical personality traits, which have made this a contest between those that believe in her and those who do not. These traits also have led to her legal activities and the response by those against her. These many legal suits have ultimately resulted in her lost opportunity to practice medicine at Christ Hospital and perhaps elsewhere.

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Linda Shelton does not have a mental condition which makes her unable to treat patients properly or be a productive hospital staff member. It does appear that Linda's opportunity to practice medicine at least at Christ Hospital is based on the notion that she is unfit mentally. This examiner does not support that notion which follows first from my own psychiatric examination of Linda, which shows her to be mentally competent and free of any interfering mental disorder or defect, as well as my insight into the conflict in which she has been engaged.

The diagnosis of posttraumatic stress disorder (PTSD) should be considered ancillary to the issue of her ability to practice medicine. This diagnosis involves the subjective symptoms of repeated intrusive thoughts (flashbacks) and nightmares of the original trauma (emergency room experience which she perceived as life threatening) feelings at times that the event is actually taking place again, hyperalertness, etc. It is a disorder which is not visible on physical exam or observation and thus cannot be denied by an outsider (such as Dr. Robinson did in his report).

But, PTSD also cannot be materially substantiated by the patient who reports such symptoms. Assuming any patient to be truthful about their symptoms one must take them at their word unless it can be proven that they are confabulating or malingering. Given the history of the etiology of the PTSD in this case there is every reason to believe such a condition does exist in Linda and that the condition is prone to reactivation by similar circumstances.

What might also be done for those disbelievers is to observe the patient's behavior over an extended period of time and see if the symptoms in any way are interfering with her behavior or performance of duties. What is important here is that Linda's PTSD symptoms did have some treatment with Dr. Weinstein and accordingly have decreased in frequency and intensity and are not disabling in the least. There is no evidence that because of PTSD or its remnants that she cannot practice medicine or the many tasks she is involved with in her legal and political battles.

PTSD should not be an issue with Linda as a physician unless there are recurring triggers; if she is terrorized and if she feels her life is threatened. If she were to be restrained on a gurney or injected with drugs against her will again there would almost certainly be a re-exacerbation of the PTSD and the various symptoms then would have to be evaluated.

Also, there was no evidence of a depression found during my examination except for the existential self-observation she made about her total life. Admittedly, Linda has had variable levels of depression over the years. The presence of a dysthymic disorder, which is a very low level of depression characterized by sadness and feelings, at times, of helplessness is understandably connected with the major disappointments in her life. These symptoms have never risen to the level of a major depressive disorder and have never interfered with her practicing medicine or required hospitalization. It should thus not be used as a deterrent to allowing her to practice medicine. Many physicians and attorneys who carry on their practices do so despite having some periods of low-level depression.

The past history of Linda Shelton's life has been shaped by three major elements.

1. Numerous physical illnesses or conditions existing since (if not before) birth.

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2. Academic abilities and achievements.
3. A personality with both positive and negative components.

1. Linda's earliest memory from the age of two or three is of an illness, which terrorized her. Illness is a theme which she told Dr. Hamilton has "dominated her life". Her father, a physician also, was her savior at that instance and it has been his supportive image that she has hoped to find whenever she seeks help and support. The incessant search for such a supportive figure can be characterized as a "repetition compulsion". In Linda's case she apparently repeatedly places herself in a treacherous position unconsciously looking to be reacted to with the same support originally obtained from her father.

When Linda places herself in harm's way this kind of dynamic is at work. Because her father cannot truly be her savior now this does not work for the immediate situation. Rather, the potential rescuers become confused, turned off, rendered ineffective, or even counter-therapeutic. In turn Linda sees no gratification and becomes enraged, antagonistic, accusatory and essentially self destructive as far as having her real needs met.

But most observers particularly the Court and the hospital Board of Directors, do not understand this internal dynamic, and see her only as belligerent and defiant. They become as entrenched as she is in their non-forgiving positions. Linda appears "crazy", uncooperative, unreasonable, unlikable, delusional and wrong. They have no patience for her nor are they inclined to study the merits of her arguments and the positions she takes. Function is overcome by form.

The court and the police make the mistake of diagnosing her. They incorrectly interpret her anger and vehemence as a mental illness.

Linda's list of medical conditions is unusually long, unusually complex and in some cases is just "unusual", or at least unfamiliar to the non-physician. There is almost some medical condition associated with each major organ system for her. Thus, she is vulnerable to numerous stressful circumstances and almost inevitably will be adversely affected by any change in her physical position, environment or stressful situation.

On the other hand her sense of vulnerability has led to her identification with children and becoming a pediatrician for she empathizes with their helplessness, with their mistreatment and their being disregarded.

Linda has thus extended herself to the point of treating poor children without remuneration, seeing patients in their homes and taking care of serious illnesses that most other doctors would not touch. The parents of such children are her greatest and most vocal supporters. It was in fact an issue over the proper care of children, which began some of the legal problems, which have been so detrimental to her.

And yet Linda's medical conditions have led to far more pain than reward. She has not only suffered physical and emotional pain at various times and in various parts of her body, but these conditions repeatedly interfere with whatever activity in which she is involved. She is very vulnerable to the stressful circumstances of adverse reactions to her in a courtroom, to the jails and to certain medically related situations. For example, in jail she has exacerbations of

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asthma and other pulmonary conditions due to disinfectants or to smoke. Elsewhere she is liable to have syncopal attacks, or orthopedic, neurological, gastrointestinal or cardiac related symptoms.

It is important to note that these conditions are rarely symptomatic or exacerbated without the element of stress or mismanagement of needed treatment. Practicing medicine is not stressful for her. She thrives on it particularly the intellectual aspects, the science and the ability to help others, as she has since she was a young girl.

For those in her midst when these medical conditions are manifest Linda becomes an enigma, a mysterious burr in their environment. They do not understand, nor do they recognize her as suffering from medical illnesses. There is thus no desire to help her. Those who are mystified cannot deal with that which they do not understand, that which makes them feel helpless or feel inadequate to cope with such unrecognizable complexity. Thus, they try to separate themselves from the mysterious and their own helplessness and they yell at her, reject her, sometimes incarcerate her and even beat her as was done in a time when medical knowledge was primitive.

To complicate her situation Linda repeatedly interjects the details of these medical conditions into her legal writings and reproduces the same effect on the reader (which could be the Court) which is that last place that she would actually want it to be a factor. Those who need to assess the merits of her legal arguments are thus confused by the inappropriate interjection of these medical incidents, reminding them of her physical inadequacies and likely generalizing that she is mentally ill, too. This results in a loss of her credibility and invites intolerance by the outsider. The plethora of such experiences becomes compounded by all those that she confronts and they see her as "off the wall" or just wrong in whatever she stands for or says.

Despite the fact that Linda may have sound and correct legal positions on all of those issues in which she is involved, she is often not heard, not cared about, or vehemently disliked and disapproved. How can this be explained? Why are her assets appreciated rather than disregarded?

Most non-medical people do not react well to medical problems and even some persons in one medical specialty become intolerant or unsympathetic to patients with conditions outside of their specialty. This is particularly apparent with patients with medical conditions compounded by emotional elements as is the case when Linda is excited, agitated, or in any way non-cooperative. For example, nurses on a medical ward do not react well to psychiatric patients and vice versa.

A non-cooperative state will be induced in Linda when she sees the potential treatment to be different than desired, to be incorrect according to her understanding, or she becomes mistrustful of the intent of the medical provider. Such a state of uncooperativeness will often cause the medical provider to think she is psychiatrically impaired and consequently to treat her with psycho active medication, forcefully restrain and detain her and inject her with medications against her will using the excuse that she is incompetent to give and informed consent.

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This sequence of events then enhances the belief that she is a psychiatric case when in fact she knows her medicine and her body better than those examining her. In considering this dynamic it is crucial to recognize that Linda is not only a physician, but is a very accomplished scientist. She is thus able and entitled to her own opinion as to what treatment is best for her, what treatment to accept and what treatment may be harmful or contraindicated by her other medical conditions or medications.

Failure to adhere to her wishes may thus result in adverse medical reactions making things worse for her. In addition, antagonizing her to the point of inducing her to fire her physicians and/or sue them, creates a cycle which becomes self destructive as well as adding to the image of her as someone to be shunned.

2. The second major element in Linda's life is her intellectual assets, academic achievements and scientific orientation. From adolescence on she has been recognized as above average intellectually as demonstrated by her precocious learning, her superior grades, her comprehension of more advance concepts, and the appointment by her teachers to tutor her peers and the independent research work for which she was publicly recognized. The psychological testing done by Dr. Hamilton also supports these intellectual assets. These qualities were important in providing self esteem and confidence as well as alleviating some of the negative self image resulting from her shyness, social awkwardness and medical disabilities.

Her knowledge of medicine has served to provide her with direction in her self-treatment, her treatment of others and also has alerted her to the maltreatment by other professionals. Thus, she has treated many where others feared to tread and she is extremely watchful as to how others might treat her. However, she will usually be acutely aware and mistrusting of others who do not do as she expects medically and she is inclined to reject them summarily.

Linda's scientific acumen was that which initially prevented her gaining entrance to medical school. Her research work as an assistant which she did for those in academia, led to her mentors wanting to have her continued presence in their "stable" of assistants while disregarding her desire to be a physician. Her eventual awareness of this scenario as being responsible for denial of her medical school acceptance led to her feeling manipulated by those in authority and forever after being alert to other practitioners of manipulation.

She considered this revelation a turning point in her life. Her father who taught her to run away from trouble and pacifist grandfather, were no longer able to dictate their ideas. She was not just going to be tactful as she was in writing in the school newspaper.

Thus, Linda has a high index of suspiciousness when she senses manipulations of herself or those whom she feels are dependant on her or those who are in a vulnerable position. The validity of these circumstances are not often easily verifiable and thus others seeing her questioning the motives of those she feels are manipulative, counter by accusing her of being delusional.

It is important to note that "paranoia" means unreasonable suspiciousness. So if there is objective information for being suspicious or doubting, then one is not clinically paranoid. As

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far as this examiner can determine those areas of Linda's suspiciousness about manipulation and ulterior motives do not appear to be bizarre, impossible or even highly unlikely including the references made about political persons or others with their own agendas.

In two instances in which professors tried to take advantage of her sexually the dean of the medical school knew Linda's reporting such behavior to be believable because he was familiar with the behavior of those professors whom she accused and that gave her failing grades. Linda was recognized as being truthful, had her grades corrected and she was never subjected to a diagnosis of paranoia or being delusional for reporting those professors. The fact that she does not now have the same response from the courts et al, likely comes from their unfamiliarity with her intellect and abilities nor do they consider the validity in her arguments.

In recent years however, Linda has had to fight such accusations and their consequences by herself while often seeking justice via the courts. So the question becomes why she cannot find the same level of success in the courts, assuming she is just as right as she was about those professors who failed her for not allowing them to have their way with her sexually.

One answer is the lack of appreciation for Linda's professional and intellectual accomplishments, especially because she has challenged the legal profession without attorney representation. She has been operating in the courts pro per and this is almost always resented by those in the legal profession. It is a fact of human nature that we all do not want those outside of our inner circle, be it medical, legal or economic acting as if they know as much as, if not more than, we who have been trained and experienced in our areas of expertise.

We all want to protect our turf and our identities and be appreciated for our special talents. We do not want to be outshined by an "amateur". Linda's going forth pro per is not evidence of incompetence mentally, but she certainly is meeting resistance as if it is. Going pro per has become a liability for Linda especially in the style with which she expresses herself. This brings us to the third major element in Linda's life.

3. Linda's personality has become a liability for her in the legal arena. As she grew up she overcame her shyness and learned that she had to defend herself, to support her philosophical positions and to stand up against adversity, to speak her mind and to do so forcefully. However, as time has passed the style of Linda has evolved into one, which is difficult for others to accept or even tolerate. She is compulsive about detail and having things correct. She is relentless in the pursuit of truth as she sees it yet this trait is seen by her opponents as pertinacious [obstinate, stubborn and bullheaded].

Several doctors at Christ Hospital who were interviewed by Dr. Hamilton were for the most part accepting of Linda despite those traits, which may be considered as distasteful. The most comprehensive and insightful critique was offered by Dr. Wendall Wheeler. He said that Linda gets along well with others, but can be argumentative and does not like to hear the other side of the story. He states that the strength of her beliefs is "within normal limits, non excessive, but significant. She argues her point of view, she does not back down, she is

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opinionated which does not interfere with patient care." He says, the others at Christ Hospital however, are not ready for Linda; they are extremely conservative where she is extremely liberal. They think she is off her rocker because she has a reputation for giving free care.

He also said the doctors who know Dr. Shelton also agree it's outrageous what happened to Dr. Shelton and it happened because she did not comply with request of the medical executive committee. He said that though Linda's letters are accurate he believes they are rambling and most doctors are intolerant of long letters. He questions her political judgment for taking protective custody of two children and bringing them to Christ Hospital Emergency Room, and says she does not pick her battles well. He does think that she has jeopardized her life and livelihood by bringing the children to the hospital.

George Smolka, Linda's former companion said that Linda expects people to admit when they have made a mistake and be thoughtful and judicious, (which appears to be unrealistic). He describes her also as very robust and says that other people believe that she is attempting to befuddle them when she uses words and concepts that they do not understand. Her speech is often too high level for the people she is addressing.

He also states that Linda tries to be too friendly and police become hostile and defensive to that behavior. He believes that the hospital was predisposed to be against Linda because D.C.F.S. is against Linda and the hospital is allied with D.C.F.S. He believes that the doctors at the hospital would rather not be involved where something seems to be trouble for them. He says also that there is retaliation because of Linda's testimony against D.C.F.S. He feels that her judgment is excellent with one exception, that is that she expects people to be better than they are, she is too optimistic.

Finally, This examiner believes that the plight of Linda Shelton is the result of an intellect which makes others feel intimidated or resentful, a perseverance that causes others to be worn down and lose their patience and a personality which can be irritating because she does not take "no" for an answer, does not relent just because she is being out-shouted, does not let any defeat occur no matter how trivial and because she has a knack for showing up her opponent's weaknesses. None of these qualities are indicative of an individual with psychosis or incompetence to practice medicine.

Linda is willing to go to the mat on almost any subject which she cares about and knows about. Her persistence causes frustrations to others and sometimes the only answer to that frustration is for her opponent to get rid of her if they have the power to do so as is true of the police or the Court. Unfortunately, Linda is often unable to relent before this happens because she has the fear that her entire being will be discounted if she loses her argument. It is as if she is fighting for her life, just like she started out by fighting for the lives of her pediatric patients. Her crusade is at stake and she cannot see the value in just picking a few areas to promote rather than every little issue, which becomes so frustrating to the ordinary individual.

However, Linda is by no means ordinary. She has survived many medical conditions, has been outstanding as a scientist and physician, learned a good deal of legal procedure on her own and with these qualities is motivated toward enhancing the welfare of others at her own expense and often without remuneration. How many others can say the same thing

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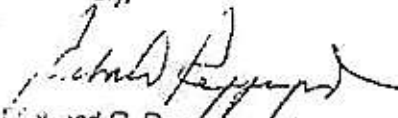
especially in this very mercenary world where so many are indifferent to those who are suffering in their lives?

It will take a Court with compassion rather than anger, a Court that does not mistake her vehemence for mental illness and perhaps a Court that is as courageous as she is in advocating for those not politically or financially connected to accept Linda and treat her with the dignity which all those who go before it deserve.

There are many people in our history who have fought for their principles and found great resistance before eventually being recognized as heroes of a kind. Rosa Parks, Nelson Mandela, and Mahatma Gandhi are only a few of such people who met similar rejections when they advocated positions which those in authority found to be threatening. One must hope that the same appreciation of Linda's value to her profession will eventually be recognized by valuing the many positive qualities she offers and that her opponents will agree that though her style is not easy to live with it, "there is gold in them there hills."

Thank you very much for your assistance in this case. If I can be of further help, please do not hesitate to call upon me.

Sincerely,



Richard G. Rappaport, M.D.

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CURRICULUM VITAE

EDUCATION

University of Pennsylvania, 1958
B.A. in Philosophy

Chicago Medical School
Fellowship in Neurophysiology, 1958-1959
M.D. (Class President), 1963

Internship - Michael Reese Hospital
Mixed Medicine, 1963-64

Residency - Michael Reese Hospital - PPI
Psychiatry, 1966-69

LICENSES

California Medical License (G 14011)

MILITARY

Captain, U.S. Air Force, 1964-1966

PRACTICE

Forensic Psychiatry Practice, 1969-Present

Expert witness in civil and criminal legal matters in private, state and federal cases.

personal injury	product liability	criminal issues of sanity
malpractice	wrongful termination	competency
workers' compensation	job discrimination	capital sentencing
child custody	sexual harassment	serial crime
testamentary capacity	PTSD	eyewitness identification

Most notable criminal cases include:

John Wayne Gacy (Chicago, IL)
Ricky Green (Ft. Worth, TX)
James Marlow (San Bernardino, CA)

Nathaniel Code (Shreveport, LA)
Robert Hendricks (Bloomington, IL)
Toufic Naddi (San Diego, CA)

Consultant to Commissioner of Special Task Force in Atlanta, Georgia regarding child murders

Private Treatment Practice, 1969-1986
Analytic Orientation - Group Psychotherapy Sub-Specialty

Consultant to Corporations and Industry, 1976-Present
For executive evaluations, trouble-shooting and crisis management

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MEDICAL SCHOOL AFFILIATIONS	Associate Clinical Professor of Psychiatry, University of California San Diego (UCSD) Medical School, San Diego, California, 1986-Present Associate, Psychiatry Department, Northwestern University Medical School, Chicago, Illinois, 1970-85
HOSPITAL AFFILIATIONS	Kaiser Permanente, Psychiatry Department, San Diego, California, 2001-Present Scripps Memorial Hospital, Psychiatry Department, La Jolla, California, 1986-Present Sharp Memorial Hospital, San Diego, California, 1991-Present Northwestern Memorial Hospital, Chicago, Illinois, 1969-1985 Highland Park Hospital, Chicago, Illinois, 1972-1986
CONSULTANT POSITIONS	Ethics Committee, Highland Park Hospital, 1984-1986 Representative to the American College of Sports Medicine, American Psychiatric Association, 1986 The President's Council on Physical Fitness and Sports, 1985 Member of Advisory Board, <u>Journal of Psychiatry and Law</u> , 1974-1994 Initiated Group Therapy Project at Statesville Prison, Illinois Department of Corrections, 1967-1972
PROFESSIONAL SOCIETIES	American Psychiatric Association American Academy of Psychiatry and Law American College of Forensic Psychiatry American Academy of Forensic Sciences San Diego Psychiatric Society San Diego Psychology and Law Society Forensic Consultants Association (FCA), San Diego and Orange County
PUBLICATIONS	<ol style="list-style-type: none"> 1. "Is There Any Reason You Cannot Give Your Best Testimony Today?" <u>The Gavel</u>, Volume 7, Number 3, Summer 2004 2. "I Don't Care if the Evidence Shows He's Innocent (Truth or Consequences)," <u>The Gavel</u>, Volume 4, Number 1, Winter 2001 3. "The Psychiatrist as an Expert Witness," <u>Medi-Legal Links</u>, Volume 10, No. 4, September-October, 1998 4. "Eyewitness Identification in Civil Cases," <u>California Journal of Law and San Diego Journal of Law</u>, June, 1998 5. "How to Use Medical Experts," <u>Medi-Legal Links</u>, Volume 10, No. 3, June, 1998 6. "Substance Abuse and The Law: It's Not Only Their Problem," The Orange County Trial Lawyers Association, <u>The Gavel</u>, Spring, 1998 7. "Opportunism or Enlightenment: The Sexual Harassment Revolution," <u>The Orange County Lawyer</u>, October 1995 8. "The Emotional Component of Medical Malpractice," <u>Experts-At-Law</u>, September-October 1990 9. "Transportation Trauma," <u>Experts-At-Law</u>, May-June 1990 10. "The Serial and Mass Murderer: Patterns, Differentiation, Pathology," <u>The American Journal of Forensic Psychiatry</u>, Volume IX, No. 1, 1988

0018

11. "Secondary Gain and Other Terms You Need to Know," San Diego Trial Bar News, February 1987
12. "The Psychiatrist on Trial," The Journal of Psychiatry and Law, Winter 1979
13. "Group Therapy in Prison - A Strategic Approach," a chapter in a book on group counseling by Seligman, 1977
14. "Crisis in Confidentiality, Ethics and Legality for a Psychiatrist," The Journal of Psychiatry and Law, Fall 1977
15. "Group Therapy in Prison," The International Journal of Group Psychotherapy, Volume XXI, No. 4, October 1971
16. "Follow-up of Therapeutic Abortion," (with Patt & Berglow), Archives of General Psychiatry, April 1969
17. Also authored several book reviews, including "Belli for the Malpractice Defense," in The Journal of Psychiatry and Law

PRESENTATIONS

1. "How To Avoid Lawsuits & How To Testify"; Medicine Grand Rounds, Scripps Memorial Hospital, La Jolla, California, September 21, 2004
2. "What You Need to Know Before You Take the Stand as an Expert Witness," Witness In Mock Cross-Examination; Forensic Consultants Association of Orange County, Newport Beach, California, October 25, 1999
3. "The Ten Commandments of Ethical Practices in the Attorney-Expert Relationship" and "Substance Abuse and The Law: It's Not Only Their Problem," Procrastinators' Program for The San Diego County Bar Association, San Diego, California, January 28, 1999.
4. "Ethical Issues in The Attorney/Expert Witness Relationship," Desert Bar Association, Rancho Mirage, California, December 18, 1998.
5. "Eyewitness Identification; The Crucial Elements in Civil & Criminal Cases," Nevada Trial Lawyers Association 22nd Annual Convention/Seminar, La Jolla, California, October, 1998
6. "Ask The Shrink - A Potpourri of Psychiatric/Public Concerns," Heritage Pointe, Newport Irvine Chapter, Newport Beach, California, February, 1998
7. "Breaking the Cycle of Family Violence," Junior Leagues of San Diego, San Diego, California, April, 1997
8. "The Ethical Minefield Underlying the Attorney-Expert Relationship," American Academy of Forensic Sciences, 49th Annual Meeting, New York, New York, February, 1997
9. "Communications & Miscommunications in Sex Harassment Cases," A Psychiatric Workshop, The National Forensic Center 12th Annual National Conference of Expert Witnesses, Litigation Consultants and Attorneys, San Diego, California, November 2-5, 1995
10. "Sexual Harassment in the Workplace: Treatment Issues," San Diego Chapter of California Association of Marriage and Family Therapists, Forensic Committee, San Diego, California, October 27, 1995

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11. "Assessing Credibility & Determining Emotional Damages in Sexual Harassment Cases," Meeting of the Labor and Employment Law Section, San Diego County Bar Association, San Diego, California, September 13, 1995
12. "Eruption of Violence: Recurrent But Intermittent Eruption of Violence: The Sine Qua Non of the Serial Killer and Mass Murderer," International Congress of Law and Mental Health, Montreal, Canada, June 1994
13. "Stalking Killers and Random Massacres," We Tip Crimefighting Conference, Riverside, California, April 1994
14. "Experts on Experts - Forensic Medicine in Focus," University of San Diego School of Law, San Diego, California, January 1994
15. "Expert Witnesses: When and How to Use Them to Win Your Case," Desert Bar Association, Rancho Mirage, California, March 1993
16. "How to Use Expert Witnesses," Hawaii Trial Lawyers Association, Honolulu, Hawaii, February 1993
17. "Medical Workshop: Exposing Fraud and Malingering for Forensic Experts," The National Forensic Center 9th National Conference of Expert Witnesses, Litigation Consultants and Attorneys, Nashville, Tennessee, December 1992
18. "Mass and Serial Murder, Similarities and Differences," 8th Biomedical Conference, The Association of Australian and Pacific Area Police Medical Officers, Hong Kong, October 1992
19. "Forensic Psychiatric Practice in the United States," Forensic Committee, Forensic Psychiatric Association of Thailand, Bangkok, October 1992
20. "Attorneys and the Expert Witness: How to be Compatible," Desert Bar Association, Palm Springs, California, December 1991
21. "Friend, Lover, Spouse, Client...Killer? The Psychological Profile of Violent Relationships," San Diego Chapter of California Association of Marriage and Family Therapists, Forensic Committee, San Diego, California, July 1991
22. "How to Present or Defend Against a Psychiatric Diagnosis of Post-Traumatic Stress Disorder (PTSD)," Gray, Cary, Ames & Frye (law firm), San Diego, California, April 1991; Shifflet, Sharp and Walters (law firm), San Diego, California, April 1991
23. "What a Psychiatrist Can Do for You" and "Prolonged Disabilities," American Association of Legal Nurse Consultants, San Diego, California, June 1991; Barnhorst, Bonar, Incorvais & Glancy (law firm), San Diego, California, April 1991
24. "Know Thyself - A Psychiatrist's Understanding" and "Malpractice and the Good Guys," Seminar, San Diego Trial Lawyers Association, San Diego, California, May 1990
25. "Mass and Serial Murder," Pine Forest Institute Annual Conference of Psychopathy, Criminality and Violence, Los Angeles, California, July 1989

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26. "Common Traits of the Serial Sadistic Murderer," Forensic Mental Health Services of San Diego, San Diego, California, April 1989
27. "Serial Crime - The Concept," Annual Meeting, American Academy of Forensic Sciences, Las Vegas, Nevada, February 1989
28. "The Impact of Psychological Factors on Wrongful Termination Cases" and "The Impact of Psychological Factors on Prolonged Disability Cases," Seminar at California Western School of Law, San Diego, California, September 1988
29. "The Serial and Mass Murderer: Patterns, Differentiation, Pathology," Mid-Hudson Psychiatric Center and Kirby Psychiatric Center (New York State Office of Mental Health), New York, September 1988; and 50th Annual Symposium in Psychiatry and Law, American College of Forensic Psychiatry, April 1987
30. "Psychological Ramifications in the Use of Reproductive Options," Seminar, Reproductive Options and Fetal versus Maternal Rights, Ethical and Legal Issues, June 1987
31. How to Use Medical Experts - A Symposium, "The Psychiatric Expert as a Witness," San Diego Trial Lawyers Association, San Diego, California, April 1987
32. "What To Do For Your Addict-Client," Sports Law Class, California Western School of Law, San Diego, California, November 1986
33. "How to Use a Forensic Psychiatrist," North County Defense Bar, San Diego, California, November 1986
34. "Differentiation of Serial and Mass Murder," San Diego Psychology and Law Society, San Diego, California, October 1986
35. "How You Can Help Your Client-Addict," Seminar, Sports Lawyers Association, San Francisco, California, 1984
36. "The Athlete - Inside and Out," 1983 Sports Law Seminar, Sports Lawyers Association, Fort Lauderdale, Florida, 1983
37. "Psychiatric Ethics and Technique: A Potential for Malpractice Liability," American Academy of Psychiatry and Law, Montreal, Canada, 1978
38. "Crisis in Confidentiality, Ethics and Legality for a Psychiatrist," American Psychiatric Association Conference, Toronto, Canada, 1977
39. "Analytic Group Therapy - A Treatment Technique - More Than an Experience," Illinois Group Psychotherapy Society, Chicago, Illinois, 1973

Other papers have been presented locally, nationally and internationally on the following subjects:

Adaptation to Aging Changes
Criminology
Drug Abuse
Individuality in Marriage
Prolonged Disability

Psychiatric Emergencies
Psychiatric Problems in
Medical Practices
Rehabilitation in Prison
Sexual Inadequacies

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SPORTS ARTICLES

"The Best Kept Secret in Sports"
"The Football Strike: Psychological Impact Immense"
"A Fighter Lives with Death"
"The Pressures of Being a Professional Athlete"

TELEVISION
INTERVIEWS

KFMB (TV and Radio-San Diego), Cunanan spree murder and suicide
WLAC (Nashville)
WJR (Detroit)
KGTV and KFMB (San Diego) Numerous interviews on mass and serial murders,
violence and spousal abuse
KUSI (San Diego), Stanley Tonight, "Medical Malpractice"
KCST (San Diego), Evening News, "Munchausen's by Proxy"
CNN, "Mob Violence in Sports"
KYW (Philadelphia), twice, "Serial Murders"
NBC, City Desk, "Tylenol Murders and Copycat Syndrome"
CBS, Morning News, Interviewed on Tylenol and copycat murders
ABC, NBC, CBS News, Interviewed on Tylenol and copycat murders
CBS, News, Patty Hearst Case
WGN, News, "Child Custody"
ABC, News, "Rape"
ABC, AM Chicago, "Infidelity"
ABC, AM Chicago, "Infertility"
CBS, News Special, "Group Therapy in Prison"

PRINT

San Diego Union, article by Rex Dalton concerning "Right to Die" case
Washington Post, article printed in the San Diego Union by Eleanor Smith, Health
Editor, concerning "Munchausen's Syndrome," January 26, 1987
Time Magazine, quoted on mass and serial murders, July 30, 1984
Newspapers: Los Angeles Times, Washington Post, New York Times, Wichita Globe
(Kansas), Chicago Tribune, and Boston Herald

HONORS

American Medical Association Physician's Recognition Award: 1978, 1988, 1991,
1994, 1998
Named in "Top 25 Physicians Practicing Sports Medicine," Runner's World Magazine, 1984
First prize for two research papers:
Michael Reese Medical Research Council Award, 1968 and 1969
Michael Reese Hospital Resident's Prize, 1968 and 1969
Illinois Psychiatric Society Research Prize, 1969 and 1970

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ADMINISTRATIVE

Course Provider and Enrichment Lecturer - Cruise lines, 1996-Present

Member of the Sexual Harassment Committee, County of San Diego Commission on Status of Women, 1994-1996

Representative to AAPC Board of Directors, Forensic Consultants Association, San Diego, 1994-1996

Member of Citizens Review Board on Police Practices, Prospective Member's Status, 1994

Forensic Psychiatric Review Course Lecturer, Osler Institute, 1994

Chairman, Quality Assurance Committee, Psychiatric Department, Scripps Memorial Hospital, 1988-1990

Member of the Board of Directors, Family Service Association of San Diego County, 1989

Member of the Forensic Committee, Public Relations Committee, San Diego Society for Psychiatric Physicians, 1987-

Chairman of Continuing Education Committee, Department of Psychiatry, Highland Park Hospital, 1983

Chairman of local arrangements for annual convention, American Academy of Psychiatry and Law, 1980

Organized and moderated:

"Experts on Experts," Seminar, University of San Diego School of Law, January 28, 1994

"Malpractice and the Good Guys," Seminar, San Diego Trial Lawyers Association, May 8, 1990

"The Impact of Psychological Factors on Wrongful Termination and Prolonged Disability Cases," Seminar, California Western School of Law, September 7, 1988

"Reproductive Options and Fetal versus Maternal Rights," Symposium, San Diego Medical-Legal Society and San Diego Bioethics Group, June 6, 1987

"The Use of Medical Expert Witnesses," Seminar, San Diego Trial Bar Association, April 4, 1987

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Losing Your Rights: Complications of Misdiagnosis

Richard G. Rappaport, MD

J Am Acad Psychiatry Law 34:436-8, 2006

NOTE: AZ=DR. LINDA SHELTON

Violation of civil rights, forced treatment, and commitment under the guise of psychiatric care occurred in two cases involving women who became "patients" in nonmedical situations in different states. They were both violently victimized and at some point in their cases acted on their own behalf. One case will be described herein.

In both cases the victims were denounced in court as malingers after a misdiagnosis of psychosis and dangerousness was used to justify police action, incarceration, restraint, and forced injections of psychotropic drugs to incapacitate these women.

In addition, my role as a forensic psychiatrist and expert witness in each of these cases was markedly handicapped by the court's prosecutorial favoritism and prejudicial attitude against such "mentally ill" persons.

The specific effect of the many injustices in these two very similar cases was to negate the freedom of these women and the overall effect was to discredit psychiatry while justifying the powers of courts and police.

The current level of antipsychiatric bias and the role of a psychiatrist in the legal system is shown to be as great as ever.

Case Summary

AZ was, at the time of my psychiatric examination, a middle-aged physician who had become a child advocate for those in need of care by the

County and Child Protective Services. I found her to be a very bright woman affected by several medical illnesses since childhood.

AZ's motivation in her medical life was combined with a strong identification with the injustices experienced by the poor, blacks, and especially children with illnesses that no other doctors wanted to treat. Thus, she took on the task of challenging the "system," which consisted of hospitals and the political bureaucracy at the county and state levels.

Not only did AZ gain attention for her treatment of those with unusual or exotic disorders whom others would not accept as patients, she also made house calls, often provided treatment without payment, and was available to parents with concerns at all hours of the day and night. She drew a lot of attention for these reasons alone. Then, when she proceeded to act on her desire to treat some of her patients in a hospital setting without going through the proper, but intolerable, administrative admission procedures, the hospital balked at allowing her to function outside of their prescribed structure and suspended her from practicing there.

AZ's unconventional medical practice style, wherein she also enabled her staff to provide for her impoverished clinic children psychotherapy that was not covered by insurance, led to her being regarded unfavorably by her own hospital administration.

She once treated a sexually abused child who was in some way related to a city government official, who apparently felt threatened by the matter. This official later became a member of a known law firm, and it is believed that he sparked a broader legal community antipathy toward her.

Dr. Rappaport is Associate Clinical Professor of Psychiatry, University of California San Diego, La Jolla, California. Address correspondence to: Richard G. Rappaport, MD, 7401 Via De Fortuna, La Costa, CA 92009. E-mail: witness@psychexpert.com

While in a hospital emergency room for treatment of a personal medical problem, AZ was deemed delusional because she spoke of details of a case that involved a political figure. She was then inappropriately forced into restraints and, despite her protestations, was injected with Haldol and Ativan. The experience was so stressful that she developed post-traumatic stress disorder.

AZ then began a series of administrative attempts to gain reprimands toward the emergency room doctor. She later sought psychiatric treatment.

After she had undergone several months of care, the emergency room episode led to her hospital's demanding that she be evaluated by a forensic psychiatrist to determine her competency to practice medicine. In my opinion, the report authored by the examining psychiatrist was quite pejorative, and it characterized AZ's complaints, allegations of defamation, and reports of attacks on her person as "histrionic descriptions." The forensic psychiatrist's conclusions were that AZ was psychotic and had a personality disorder (with histrionic features). I did not find these conclusions to be supported by the facts or by my own observations of her over many hours.

This biased report, however, led to her losing face, and she could gain no credibility in court, in subsequent emergency room visits, or with law enforcement officers or the police department. Political ramifications developed into a personal antagonism toward her by some major political figures.

The patient felt forced by bias and finances to defend herself in court without legal assistance. Not only did she provide her own defense in a very professional manner, but she also felt it necessary to initiate actions against those whom she saw as adversaries in her campaign to practice better medicine. What started as actions on behalf of those patients who were the primary victims of a dysfunctional medical system then became a protracted defense of her mental state and an attack on those whom she saw as guilty of malpractice or violation of her civil rights.

The courts saw AZ as an irritant and treated her as if she were an escapee from a psychiatric unit, despite her logical, coherent, and accurate legal arguments. They tried to avoid her political charges by referring to her as delusional when, in my opinion, she had never had any true symptoms of a psychosis.

The fact that AZ suffered emotional reactions of anxiety and depression that resulted from her medical illnesses as well as from the abuse by the emergency room doctor, the hospital administration, the police who arrested her, the jail guards who watched over her, and the court personnel who rejected her was used to relegate her to the not-to-be-taken-seriously psychiatric patient category.

AZ was also victimized by the police action and incarceration, which sometimes did not allow for her to receive emergency medical treatment. Her medication was occasionally withheld, and at times they did not recognize her right to refuse treatment when she asserted that certain drugs were contraindicated by her medical condition and/or her other medications.

Finally, when I was asked to be a witness for AZ, to testify about her mental competency, the court would not allow her to have such a witness. This was the ultimate censure and denial of her legal as well as civil rights.

Discussion

"Psychiatry has been criticized for ethical abuses in every sphere of its activity."¹ This is especially so with its ability summarily to cancel a person's freedom through its power to commit that person against his or her will. At the base of this power is the psychiatric act of diagnosing, which may have immediate as well as lifelong consequences.²

The women in the two cases in which I consulted, each in somewhat different initial circumstances but both asking for help in some form, were incorrectly diagnosed as psychotic and thereafter mistreated. They were both abused physically and rendered helpless by neuroleptic medications. Then when they complained about their maltreatment they were regarded as psychotic or malingering and their complaints were not acknowledged as being valid.

Neither woman was psychotic, malingering about the abusive consequences, or otherwise not entitled to the right to refuse treatment or the right to resist abuse.

Labeling them as mentally ill led to their being apprehended by the police who treated both of them as if they were criminals, rather than patients, as those in charge assumed the women's protestations were evidence that they needed to be restrained and tranquilized. The courts in turn disregarded their

complaints because of the diagnosis of psychosis, and thus the abuse continued from one venue to another.

In each case, these women sought restitution of their good names and their rights and compensation for the abuse suffered. Both attempted to do so without the use of lawyers.

AZ's victimization appeared to be the result of her being considered psychotic and her fighting a system that was undermined by politics and politicians. This power was vested in AZ's hospital board of directors as well as city and state officials. It is thus not surprising that the courts in turn were influenced adversely against her.

Because she would not just accept the adverse rulings, in attempting to make things right, she irritated and alienated all those whom she was asking to correct the system. There was no give on her part, and she was not tolerated; her message went unanswered, and she was repeatedly sent to jail, made miserable

while there, and forced to suffer numerous exacerbations of her many medical conditions.

Psychiatry should not be taken lightly as a critical specialty in the medical field, nor should it be used as a weapon by physicians or the legal or political system against individuals who are different, sound strange, or are nonconforming. Accurate diagnosis with thoughtfulness as to the many consequences arising from the diagnosis is a requirement of all physicians and must represent the standard of care.

The ethics we need to operate a reliable and safe society depend on rectifying the kinds of abuses to which these two physicians were subjected.

References

1. Rutkowski R, Gordon T: The crisis in psychiatry and the protection of the civil rights of mentally ill patients. *Psychiatry Pol* 28:301-12, 1994
2. Reich W: Psychiatric diagnosis as an ethical problem, in *Psychiatric Ethics* (ed 3). Edited by Bloch S, Chodoff P, Green SA. New York: Oxford University Press, 1999, pp 193-224

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FILED

SEP 28 2010

DOROTHY BROWN
CLERK OF CIRCUIT COURT

STATE OF ILLINOIS)
)
COUNTY OF COOK) SS

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

PEOPLE OF THE STATE OF ILLINOIS)
 Respondent – Defendant,)
)
) No. 10 HC 00012
) Hon. Michael McHale,
) Judge Presiding
LINDA SHELTON)
 Petitioner – Plaintiff.)

**THE PEOPLE’S MOTION TO DISMISS PETITIONER’S REQUEST FOR HABEAS
CORPUS RELIEF**

NOW COME the People of the State of Illinois, by their Attorney, ANITA ALVAREZ, State’s Attorney of Cook County, Illinois, through his Assistant, Kurt Smitko, and respectfully request that this Honorable Court deny Petitioner’s request for Habeas Corpus relief. In support thereof, the People state the following:

- Plaintiff has failed to properly serve defendant with notice of the habeas.
- Plaintiff has failed to state a valid cause of action under the habeas statute.

1. On August 16, 2010, plaintiff filed a petition for Habeas Corpus relief. Plaintiff has named Sheriff Dart as the defendant/respondent. Plaintiff is currently incarcerated in the Cook County Department of Corrections based on three separate contempt of court charges. Plaintiff received a sentence of 60 days for each contempt charge.

2. Plaintiff is alleging that 1) this Honorable Court lost jurisdiction when plaintiff’s motion to substitute judge was denied; 2) this Honorable Court lacked jurisdiction to impose consecutive

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sentences for contempt charges; 3) this Honorable Court had no jurisdiction to deny good time credits; 4) this Honorable Court had no jurisdiction to impose aggregate sentences without a jury trial; 5) this Honorable Court had no jurisdiction to pronounce contempt charges on another day; and lastly 6) the CCDOC has been holding plaintiff illegally since August 9, 2010.

I. Motion to Dismiss Under 735 ILCS 5/2-301 For Lack Of Personal Jurisdiction

3. Plaintiff's pro se habeas complaint should be dismissed pursuant to 735 ILCS 5/2-301, because plaintiff did not effect proper service of process on defendant, and this Court therefore lacks personal jurisdiction over her.

4. Pursuant to section 735 ILCS 5/1-108 (West 2010), the procedures contained in Article II of the Code govern proceedings established by Articles III through XIX of the Code, including habeas actions under Article X. Further, because habeas corpus actions are considered civil in nature, *see Alexander v. Pearson*, 354 Ill.App.3d 643, 645 (1st Dist. 2004), the procedures for initiating such a suit are necessarily governed by the Code.

5. Section 2-201 of the Code sets forth the manner of commencing a civil action, providing that upon the filing of a complaint initiating the action, and upon the request of the plaintiff, the court shall issue a summons. *See* 735 ILCS 5/2-201 (West 2010). The section also states that the summons shall be served in accordance with the rules. *Id.* Section 2-203(a)

provides two methods of effecting service of process: (1) by leaving a copy of the summons with the defendant personally, or (2) by leaving a copy of the summons at the defendant's usual place of abode, with a resident at least thirteen years of age, and informing the resident of the contents of the summons, and mailing an additional copy to that location. 735 ILCS 5/2-203(a) (West 2010). Pursuant to section 2-202(a), process must be served by a sheriff or other authorized individual. *See* 735 ILCS 5/202(a) (West 2010).

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6. In a habeas corpus action, the proper defendant is the person or officer having custody of the plaintiff. See 735 ILCS 5/10-104, 10-105, 10-108, 10-111, 10-113 (West 2010); *Hennings v. Chandler*, 229 Ill.2d 18, 24 n.2 (2008). This is consistent with both the purpose and sole relief possible in a habeas action. See *Faheem-El v. Klinicar*, 123 Ill.2d 291, 295 (1988) (sole remedy authorized in habeas proceeding is plaintiff's immediate release from custody); *Adcock v. Snyder*, 345 Ill.App.3d 1095, 1098 (4th Dist. 2004) (same); *People ex rel. Burbank v. Irving*, 108 Ill.App.3d 697, 700 (3d Dist. 1992) (same).

7. Here, because plaintiff is incarcerated at Cook County Department of Corrections, her current custodian (and thus the proper defendant) is Sheriff Dart. But defendant Dart has no record of having been served with a summons or plaintiff's habeas complaint; and counsel for defendant has confirmed that no proper proof of service has been accomplished, or even attempted, on defendant. Indeed, plaintiff's pro se complaint reveals nothing suggesting that plaintiff properly effected service of the complaint upon Sheriff Dart.

8. A plaintiff must exercise due diligence to obtain service of process, "for it is the sole legally sufficient means of alerting defendants to the pendency of a civil suit." *O'Connell v. St. Francis Hosp.*, 112 Ill.2d 273, 282 (1986). "[P]roper service of summons is a necessary element to obtaining jurisdiction over a party." *Home State Sav. Ass'n v. Powell*, 73 Ill.App.3d 915, 917

(1st Dist. 1979). It is essential to the validity of a judgment that the court have both jurisdiction of the subject matter of the litigation and jurisdiction over the parties. . . . [P]ersonal jurisdiction can be acquired only by service of process in the manner directed by statute. . . . A judgment rendered without service of process . . . where there has been neither a waiver of process nor a [waiver of jurisdiction] by the defendant, is void regardless of whether the defendant had actual knowledge of the proceedings. *State Bank of Lake Zurich v. Thill*, 113 Ill.2d 294, 308 (1986)

(internal citations omitted); *see also* 735 ILCS 5/2-301(a-5) (West 2010) (party forfeits all objections to the court's personal jurisdiction over the party by filing "a responsive pleading or a motion (other than a motion for an extension of time to answer or otherwise appear) prior to the filing of a motion" objecting to personal jurisdiction); *Ryburn*, 349 Ill.App.3d at 994 ("For a court to acquire personal jurisdiction over the defendant, the defendant must be served, waive service, or consent to jurisdiction.") (citation omitted).

9. Moreover, a court must have both subject matter and personal jurisdiction to take action against a defendant. *Thill*, 113 Ill.2d at 308; *People v. Grau*, 263 Ill.App.3d 874, 877 (2d Dist. 1994). Absent the filing of a responsive pleading or a motion (other than a motion for extension of time to answer or otherwise appear) by a defendant before the court, proper service of summons is a prerequisite for personal jurisdiction. *Ryburn*, 349 Ill.App.3d at 994; *see also Thill*, 113 Ill.2d at 308; *KSAC Corp.*, 364 Ill.App.3d at 596-97; *Grau*, 263 Ill.App.3d at 877; *Charter Bank and Trust of Illinois v. Novak*, 218 Ill.App.3d 548, 551-52 (2d Dist. 1991). This is true even when a defendant has actual knowledge of the proceeding, and any orders entered against a defendant in the absence of service are void *ab initio*. *Charter Bank*, 218 Ill.App.3d at 551-52.

~~10. Defendant has not waived objection to this Court's jurisdiction. Prior to the present~~

motion, defendant has filed neither a responsive pleading nor any other motions in this Court on this case, and therefore did not waive a jurisdictional objection. *See* 735 ILCS 5/2-301(a-5) (West 2010); *compare KSAC Corp.*, 364 Ill.App.3d at 596-97, *with Johnson v. Ingalls Mem. Hosp.*, No. 1-09-0422, 2010WL2635824 (Ill. App. June 29, 2010). The filing of the present motion to dismiss also does not submit defendant to this Court's jurisdiction. *See* 735 ILCS 5/2-301(a-5) (West 2010); *Ryburn*, 349 Ill.App.3d at 992-94. 7

11. In sum, this Court never acquired jurisdiction over defendant because defendant was never properly served. Defendant never waived objection to this Court's lack of jurisdiction. Thus, this Court lacks personal jurisdiction over defendant and the complaint should be dismissed on that basis.

II. Motion To Dismiss Under 735 ILCS 5/2-615.

12. In the alternative, plaintiff's complaint should be dismissed with prejudice because it is legally insufficient. A motion to dismiss under section 2-615 attacks the legal sufficiency of a complaint based upon defects apparent on its face. *Beacham v. Walker*, 231 Ill.2d 51, 57 (2008). In ruling on such a motion, a court must accept as true all well-pleaded facts in the complaint and draw all reasonable inferences there from in favor of the non-moving party. *Id.* at 58. The court must determine whether the allegations of the complaint, when viewed in a light most favorable to the plaintiff, are sufficient to state a cause of action upon which relief can be granted. *Id.*; see also *Canel v. Topinka*, 212 Ill.2d 311, 317 (2004). Plaintiff's claim fails to withstand scrutiny under this standard.

13. Pursuant to the habeas corpus statute, the circuit court is required "to conduct an initial review of the sufficiency of the complaint and to grant an order of *habeas corpus* if the complaint, with its attached documentation, establishes a question as to the legality of the plaintiff's detention or imprisonment." *Hennings v. Chandler*, 229 Ill.2d 18, 26 (2008); see 735 ILCS 5/10-106 (West 2010). However, "if it is clear from a review of the complaint that the plaintiff is not entitled to the relief of *habeas corpus*, the order shall be denied." *Hennings*, 229 Ill.2d at 26 (citation omitted).

14. Habeas corpus is an extraordinary and extremely narrow remedy for state prisoners. *Id.*; *Faircloth v. Sternes*, 367 Ill.App.3d 123, 125 (2d Dist. 2006). "It is well established that an

order of habeas corpus is available only to obtain the release of a prisoner who has been incarcerated under a judgment of a court that lacked jurisdiction of the subject matter or the person of the petitioner, or where there has been some occurrence subsequent to the prisoner's conviction that entitles him to release." *Beacham*, 231 Ill.2d at 58 (citing *People v. Gosier*, 205 Ill.2d 198, 205 (2001)); see also *Barney v. Prisoner Review Bd.*, 184 Ill.2d 428, 430 (1998). "A complaint for order of habeas corpus may not be used to review proceedings that do not exhibit one of these defects, even though the alleged error involves a denial of constitutional rights." *Beacham*, 231 Ill.2d at 58 (citing *Gosier*, 205 Ill.2d at 205). Additionally, habeas corpus cannot be used as a substitute for direct appeal, or to correct mere judicial errors that might have occurred at trial. *Baker v. Dep't of Corr.*, 106 Ill.2d 100, 106 (1985); see also *People v. Tiller*, 361 Ill.App.3d 803, 806 (5th Dist. 2005) ("*Habeas corpus* is not an available remedy to review errors of a non-jurisdictional nature.>").

15. When the convicting court's jurisdiction is not challenged, the only permissible inquiry is whether the time during which the prisoner may be legally detained has expired. *Pardo v. Chrans*, 174 Ill.App.3d 549, 551 (4th Dist. 1988) (citing *People ex rel. Castle v. Spivey*, 10 Ill.2d 586, 593-94 (1957), and *Tiller*, 361 Ill.App.3d at 806). Indeed, "[t]he sole remedy or relief authorized * * * is the prisoner's immediate release from custody." *Faircloth*, 367 Ill.App.3d at

125. Consequently, "where the *habeas corpus* complaint d[oes] not allege that the circuit court lacked jurisdiction, and there [i]s no claim that any event ha[s] occurred since the judgment of conviction by which the plaintiff ha[s] become entitled to discharge," the court may dismiss the habeas corpus complaint. *Hennings*, 229 Ill.2d at 30-31 (citing *People ex rel. Haven v. Macieiski*, 38 Ill.2d 396, 398 (1967)).

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16. Plaintiff cannot, claim that the circuit court lacked jurisdiction to convict her. The jurisdictional power of the Illinois trial courts flows from the state constitution. *People v. Gilmore*, 63 Ill.2d 23, 26 (1976) (jurisdiction of trial courts is conferred by article VI, § 9 of the Illinois Constitution, which provides that the circuit courts have “original jurisdiction over all justiciable matters”); *see also Belleville Toyota, Inc. v. Toyota Motor Sales, U.S.A., Inc.*, 199 Ill.2d 325, 334 (2002). There can be no doubt that the Circuit Court of Cook County obtained subject matter jurisdiction over this justiciable matter when plaintiff came to court to file her initial habeas corpus petition, and personal jurisdiction over plaintiff when she physically appeared. *See People v. Woodall*, 333 Ill.App.3d 1146, 1156 (5th Dist. 2002). Accordingly, plaintiff’s complaint fails to state a colorable cause of action with respect to the proper jurisdiction of the Circuit Court of Cook County.

17. With regard to the substantive portion of the petition, it too must be dismissed. Plaintiff is incarcerated on three separate counts of contempt of court. “Criminal contempt is described as conduct which is calculated to embarrass, hinder or obstruct the court in its administration of justice or to derogate from its authority or dignity.” *People v. Siegel*, 94 Ill.2d 167 (1983).

Indirect contempt of court occurs outside the presence of the court and must be established by the evidence while direct contempt of court involves conduct occurring within the presence of the court and may be punished summarily. *Allen v. Duffie*, 127 Ill.App.3d 820 (1984); *People v. Romanski*, 155 Ill App 3d 47 (1987) To sustain a finding of direct contempt of court it must be shown that the particular conduct was calculated to embarrass, hinder or obstruct the court in its administration of justice or to lessen its authority or dignity, or to bring the administration of law into dispute. *People v. Toomin*, 18 Ill.App.3d 824 (1974), *People v. Stewart*, 58 Ill.App.3d 630 (1978). Findings of direct contempt have be upheld for accusing a trial judge of being racist and

a member of the Klu Klux Klan; *People v. Minor*, 281 Ill.App.3d 568 (1996) and stating that the trial judge was part of a criminal conspiracy to find him guilty. *People v. Baxter*, 50 Ill.2d 286 (1972) Clearly, plaintiff's outbursts in court, use of foul language, and accusing this Honorable Court of treason fall directly under the direct contempt of court guidelines and as such, plaintiff was properly convicted.

18. Plaintiff's claim that her sentence of 180 days for the three counts of contempt must also fail. Petitioner's belief that the acts of contempt stem from the one incident is misplaced. Each time petitioner appeared in court and became disruptive, she was held in direct contempt. These three instances are separate and distinct crimes and as such may be sentenced accordingly. *See People v. Phelps*, 211 Ill.2d 1 (2004)

19. Plaintiff's belief that she is entitled to a jury trial is also without merit. It has been held that the United States Constitution only requires jury trials in direct contempt proceedings if the actual sentence imposed exceeds six months imprisonment. *Bloom v. Illinois*, 391 U.S. 194 (1968). The Illinois Supreme Court has granted the right to a jury trial under the same circumstances. *County of McLean v. Kickapoo Creek, Inc.*, 51 Ill.2d 353 (1972); *People v. Collins*, 57 Ill.App.3d 934 (1978). Plaintiff's three sentences total 180 days in the CCDOC, therefore, she is not entitled to a jury trial.

20. Plaintiff alleges that this Honorable Court had no jurisdiction to deny her good time credits. Good time credit is given to promote discipline in prison. It is not given randomly but must be earned. *People v. Maury*, 287 Ill.App.3d 77,82, (1st Dist.1997) Good time credit is earned by the inmate and given by the jail authorities when deemed appropriate. In the case at bar, this Honorable Court sentenced plaintiff to three separate counts of direct contempt totaling 180

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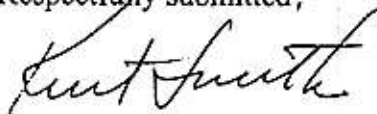
days incarceration. Should plaintiff be awarded good time credit, it would be a matter for the Cook County Department of Corrections to determine.

21. Plaintiff is merely substituting the habeas corpus statute with an appeal. When this Honorable Court did not grant plaintiff leave to file her habeas petition, her correct remedy would have been to file a notice of appeal with the appellate court. Instead, plaintiff chose to lash out verbally which landed her in her present situation. Plaintiff is in lawful custody in the Cook County Department of Corrections.

22. In sum, because plaintiff's complaint fails to assert any claims implicating the convicting court's jurisdiction or alleging any event entitling her to immediate release, it does not provide grounds for relief under Illinois's habeas corpus statute. Therefore, the complaint should be dismissed with prejudice under 735 ILCS 5/2-615. *See Gosier*, 205 Ill.2d at 206.

WHEREFORE, the People respectfully request that this Honorable Court deny the petitioner's request for habeas corpus relief based upon the reasons stated above.

Respectfully submitted,



Kurt Smitko
Assistant State's Attorney

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APPENDIX XX

In case number 06 C 4259 before the Federal District Court Northern District of Illinois, Shelton who was found not-guilty of Medicaid Vendor Fraud in 2009 by a jury and now deceased co-defendant Vernon Glass sued Illinois Attorney General Lisa Madigan and Judge Pantle for fraudulent indictment and charges of Medicaid Fraud under § 1983 of the Civil Rights Code. The dismissal of this suit claiming they had absolute immunity was belayed by the following and that is why Shelton is preparing a Petition for Writ of Mandamus before this Honorable Court, to re-instate this suit.

Four years after a 2006 FOIA request and one (1) year after trial, Shelton received documents from the U.S.- DHHS, applications from the Illinois Medicaid Fraud Control Unit ("MFCU") for funding and certification by DHHS. In these documents State officials admitted that the Illinois Attorney General had no legal authority or jurisdiction to charge anyone with Medicaid fraud and they claimed all such prosecutions were referred to the U.S. Attorney. (SCA RR)

Yet Shelton and Glass were indicted for Medicaid Fraud by Illinois Attorney General Lisa Madigan in 2004 and found not guilty in 2009. Shelton in pre-trial motions that were summarily dismissed had alleged that the Illinois Attorney General had no legal authority or jurisdiction quoting the same case law that the State quoted in their MFCU application to the U.S. – DHHS.

Therefore, in 2010 Shelton had absolute proof of the State's fraud upon the trial court and felony federal funding fraud upon the U.S. government by Illinois Attorney General Lisa Madigan and Judge Pantle's (and later Judge Alonso's) knowing and willing violation of this case law and Shelton and Glass' civil rights.

Yet Judge Joan Lefkow, in view of the above, upon motion to reconsider her dismissal of the tort against Judge Pantle and Lisa Madigan for again, but this time erroneously citing absolute immunity refused to reverse her dismissal, claiming that despite no personal or subject-matter jurisdiction as proven by the State's admission in their MFCU application to the U.S.-DHHS (SCA RR) that these offenders (IL AG Madigan and Judge Pantle) still had absolute judicial immunity.

Due to the fact that the Federal District Court for the Northern District of Illinois has barred indigent Shelton from appealing in forma pauperis, Shelton was denied access to the courts to appeal Judge Lefkow's unconstitutional and wrongful dismissal of this suit. Due to the unlawful incarcerations of Shelton in 2007-2008 and 2010, as well as due to her multiple disabilities, indigency, and family

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situation, Shelton has been unable to bring this outrageous denial of justice before this Honorable Court and is only preparing another Petition for Writ of Mandamus in this regard. Judicial notice is given, of which Petitioner is sure this Honorable Court is aware – void orders can be appealed at any time in any court.

Of Note: in violation of U.S. Supreme Court holdings that issues remaining in cases of acquittal are not moot and can be appealed if double jeopardy is not invoked, the Illinois Appellate Court illegally dismissed Shelton's appeal of the denial of her pre-trial motion to dismiss the Medicaid Fraud case against her for lack of jurisdiction. Therefore, they violated this Honorable Court's previous rulings and that forms a basis for Petition to file a Petition for Writ of Mandamus on this issue which is in preparation

The United States Supreme Court in several cases granted certiorari after not guilty verdicts and ruled that issues in cases where there were not guilty verdicts were appealable if they met two tests: 1) there remained a controversy, and 2) when there is no threat of either multiple punishments or successive prosecutions as a result of overturning the decisions of the trial court; in essence that as long as the double jeopardy clause is not offended the appeal is not barred. *United States v. Jenkins*, 420 U.S. 358, 95 S.Ct. 1006, (1975); *Serfass v. United States*, 420 U.S. 377, 95 S.Ct. 1055 (1975); *United States v. Wilson*, 420 U.S. 332, 95 S.Ct. 1013 (1975); *United States v. Martin Linen Supply Co.*, 430 U.S. 564, 97 S.Ct. 1349 (1977); and *United States v. Ceccolini*, 435 U.S. 268, 98 S.Ct. 1054 (1978). The case is not moot as if the trial court on this Medicaid Fraud case had no jurisdiction at any time then Judge Lefkow's ruling is incorrect and in fact void. This controversy remains and the issue of whether the trial court's ruling summarily dismissing Shelton's pre-trial motion to dismiss the case for lack of jurisdiction was an error has significance for the case that was before Judge Lefkow. If it was error, than both IL Ag Madigan and Judge Pantle had NO judicial or prosecutorial immunity and the suit must go forward with Judge Lefkow vacating her dismissal of this suit. A case is only moot when it involves no controversy. *Hynde v. Hopper*, 56 Ill.App.2d 152, 205 N.E.2d 647 (1965)

XX2

APPENDIX YY

Wrongful conviction for battery of an officer which resulted in a two (2) year sentence in violation of the U.S. Supreme Court holdings in *Cunningham v. California*, 127 S. Ct. 856 (2007), was alleged as follows:

Incident of alleged battery occurred in jail while Plaintiff was illegally jailed for contempt because Plaintiff told Judge Pantle she had no jurisdiction on a case of Medicaid Fraud brought in 2004 by the IL Attorney General against Shelton. Shelton was found NOT GUILTY in 2009 by a jury of Medicaid fraud.

Shelton has now received proof from US-DHHS (SCA RR) that Judge Pantle did not have jurisdiction -received May 2010 regarding a 2006 FOIA request for re-certification and funding application to US-DHHS from IL Medicaid Fraud Control Unit – finally received due to executive order from Pres. Obama that agencies must answer FOIA requests, which overturned Pres. Bush's previous order to ignore them. The proof is the MFCU application where the State in a sworn statement says that Illinois is one of six (6) states where the State Attorney General (AG) has no authority or jurisdiction to prosecute Medicaid fraud and the MFCU claims that they turn all such prosecution over to U.S. Attorney – yet IL AG illegally violated what they swore to, thus fraudulently obtaining millions from US-DHHS, and fraudulently without jurisdiction indicted Plaintiff and at least three other people (Shelton's deceased co-defendant, Vernon Glass; Maisha Hamilton Bennett; Naomi

YYI

Jennings – all legitimate mental health providers who also were whistle blowers with evidence against corrupt friends of IL AG Lisa Madigan – documents available for anyone to see – please contact Shelton) for Medicaid fraud. Judge Pantle held this true statement of lack of jurisdiction to be an act of contempt summarily sentencing Shelton to 30 days,

Cook County Jail Correctional Officer Sgt. Anthony Salemi, while Shelton was severely dehydrated, due to a dry hunger strike of six (6) days protesting refusal of jail to provide appropriate medications and diet, and severely weak in a wheelchair, sent away a female unit guard and entered Shelton's cell alone stating "I'm going to make a case so you don't get out." This was a retaliatory statement as Shelton four weeks prior had won a complaint for injunction against the then Cook County Sheriff Sheahan for failure to respond to a FOIA request; the court ordered response was that the Sheriff was in violation of federal law and did not have a compliance plan for courthouses as required by the ADA.

Then Salemi grabbed Shelton by the neck and attacked her, stumbling and skinning his shin when the wheelchair lurched backwards with the forced of him lunging at Shelton and grabbing her neck.

Salemi then ripped the wheelchair out from under Shelton while he flipped her onto the floor attacking and injuring her.

YY2

Salemi then falsified his records and said, after he entered the cell six (6) inches, while he was staring at Shelton who was sitting in her wheelchair in the middle of the cell four (4) feet away in a dead stop Shelton accelerated the wheelchair [using her congenitally weak arms and the broken wheelchair] caught him "off guard" and "bounced the wheelchair against him" – [inconsistent with his injury of a vertical scrape at the top half of his shins, which is consistent with Shelton's story]. This 5' 10" 190lb healthy male claims he was too surprised as a trained correctional officer and Sergeant to defend himself against a 140lb dehydrated wheelchair confined weak female with congenitally weak arms and a broken wheelchair, to stop her from accelerating from a dead stop four (4) feet away while he was staring at her to prevent her from getting up to "ramming speed" and "bumping" him with the wheelchair. What an obvious false statement!!

Conviction occurred despite the fact Shelton's physicians, the only physician witnesses, said this was impossible due to her weakness and neurological disorder [including a partial right hemiparesis and congenital damage to nerves to arms and hands making them weak]. This was due to an extremely biased jury who was led on a leash by a corrupt prosecutor and judge.

In incident and arrest reports [which court illegally refused to allow Shelton's attorney to discuss via the witnesses that prepared them in front of the jury] Salemi

YY3

said Shelton then kicked him with her Right leg in the chest [despite the fact that Plaintiff's Right leg is impaired and partially paralyzed, preventing her from raising it with force above her waist], but he testified differently, that Shelton raised both legs up and kicked him in the chest [again the neurologist testified this is physically impossible for Shelton to do, due to a long standing spinal cord injury (congenital and acquired)].

Shelton was illegally convicted of felony battery to an officer due to this perjury, prosecutorial misconduct, and judicial errors that did not allow Shelton to present all evidence and witnesses to impeach sole inculpatory witness, the alleged victim, as well as due to the resulting bias of the jury.

You can read Shelton's appeal on line at:

<http://www.scribd.com/doc/16301520/Appeal-of-Wrongful-Conviction-Battery-IL-Appellate-Court-073386-Shelton-Illinois-2009>

You can read the Illinois Appellate Court void, unconstitutional, malicious opinion (<http://www.scribd.com/doc/47936762/Shelton-Proof-IL-Courts-Corrupt-Corrupt-IL-Appellate-Court-Decision-Affirmed-Conviction-for-Battery-5-14-2010>) affirming the verdict, void because of judicial misconduct because the Illinois Appellate Court based their opinion on a purposely fraudulent ad hominem attack on Shelton's character which they delusionally or intentionally falsely claim is demonstrated by

YY4

her several criminal contempt convictions [shown to be absolutely illegal, unconstitutional and malicious in this Petition for Writ of Mandamus] and multiple torts against State and County corrupt officials and police, and in which the Appellate Court of Illinois completely ignores and trivializes Shelton's multiple legitimate arguments of legally insufficient indictments, bias, prosecutorial misconduct, judicial misconduct, refusal to allow offers of proof, denigration of Plaintiff's physician witnesses, destruction of exculpatory evidence in their State's control along with failure to allow jury instructions about this (broken wheelchair), ineffective assistance of counsel, failure of court to enforce orders to preserve evidence and produce evidence, etc.

YY5

APPENDIX ZZ

THE FRAUDULENT CASES WITHOUT PROBABLE CAUSE OF EAVESDROPPING AND COMPUTER TAMPERING AGAINST ANNABEL MELONGO AND MELONGO'S RELATIONSHIP WITH SHELTON

Annabel Melongo ("Melongo"), who had been hired through a temporary agency as the Information Technology Officer at SALF had been fired from SALF shortly after she discovered questionable financial records at SALF suggesting felony federal funding fraud as they had received some funding from Homeland Security facilitated by government officials, which FOIA requests to these agencies proved had not been used for the alleged purpose of training children and first responders in CPR (SCA NN). Emmy Award winning investigative reporter Chuck Goudie at the same time had a series of interviews with the CEO of SALF, Carol Spizzirri, trying to find out what SALF did with more than \$6 million in government funds given to SALF in the form of grants to train children and first responders in CPR (SCA NN). The CEO stopped the last interview by running off (SCA NN). Melongo went to the FBI with her evidence of funding fraud, but the FBI to date has done nothing and Ms. Spizzirri, has not been held accountable for this funding fraud, including an application to the federal government by Spizzirri claiming she was a trained nurse (despite the fact she never went to nursing school) (SCA NN). FBI Special Agent Depooter testified at Melongo's eavesdropping trial, witnessed by Shelton, which ended with a hung jury, that Melongo did present some evidence about SALF to the FBI.

There are very serious questions brought by an Emmy award winning reporter, Chuck Goudie, concerning the use of government grants to Melongo's former employer, Save-A-Life Foundation ("SALF") who fired her after she discovered irregularities amounting to felony federal funding fraud by Carol Spizzirri. Melongo gave this information to the FBI, Special Agent Depooter, including documentary evidence that there has not been adequate accounting for funds provided SALF by Illinois Attorney General Lisa Madigan, Homeland Security, the State of Illinois, and other government agencies, where the grants were facilitated by Senators Durbin and Kirk, Representative Jan Schankowsky, and Secretary of Education Arne Duncan (former CEO of the Chicago Public Schools) (SCA NN).

Melongo has written in a letter to supporters from jail that

"in that way, the story is above politics and addresses a real Illinois disease - corruption. In doing so, all the political figures associated with SALF will have some explaining to do. For instance Mark Kirk will have to explain why he sponsored a bill that financially benefited SALF without checking the organization's accomplishments. IL Sen. Emil Jones will have to explain why he became instrumental in putting SALF in Illinois' budget. U S. Sen. Dick Durbin will have to explain why, long after the ABC reports, he was still in touch with SALF sponsoring a bill to front the organization money. The same goes with Congresswoman Jan Schakowsky. Finally the Madigans will have some explaining to do. First, IL Speaker of the House Mike Madigan will have to explain why the \$200,000 he helped SALF acquire was never used toward its intended real estate purpose. IL Attorney General Lisa Madigan will have to explain why she never bothered to investigate the fact that most money given to SALF by Illinois agencies has turned out to be without supporting records, including within her own agency. Also, why did she never bother to investigate all the lies that SALF put in its IRS returns; lies about corporate board members not being paid, when it turned out that those members were paid employees; lies about SALF not paying lobbyists when there are records that Illinois Consulting Group, John Burke and a DC-based law firm were all lobbyists helping and facilitating political contracts and

bills on behalf of SALF. What has a company which covered up SALF's financial scam by filing misleading IRS returns never been investigated? That's another question the Illinois Attorney General will have to explain. If the story is put in that light, it will work its way towards exposing political figures and remain un-stained by SALF's ties to political parties. In that way the general public will see the truth in it and will be attracted by the story. "

Melongo had been given an I-Bond (personal recognizance), six (6) years previously when she was first indicted, on the felony charge of computer tampering, a violation of 720 ILCS 5/17-51. The charges were dropped and then re-instated with a new case number.

Shelton is a self-made paralegal and experienced pro se litigant, who participated in an informal pro se club, where members shared knowledge about court procedures, advocacy, and legal research. This club helps other pro se litigants find legal materials and examples of legal pleadings, as well as helps others understand the legal process. Melongo wanted Shelton to review her written legal pleadings and help her prepare for presenting her defense case in chief in the courtroom.

Melongo an acquaintance of Shelton's who had come to her as a confused foreigner concerning representing herself pro se on false charges against her by the CEO of a now defunct and clearly questionable agency now known to have fraudulently obtained government funding, Save-A-Life-Foundation ("SALF"), who had accused her of remotely tampering with their computer to delete their financial files, just as an investigative reporter was questioning how they spent their government grants. (SCA NN)

It was clear to Shelton, after viewing a few of Melongo's court proceedings that the judge on the case had great difficulty understanding Melongo's heavy French Cameroonian accent, influenced by her second language, German. English is her third language . It was also clear to Shelton that Melongo, a dual citizen from (French) Cameroon and Haiti, who had been educated in Germany, had some language difficulties, was confusing Roman law and English law, and was confusing civil law and criminal law. Shelton and others then assisted her in obtaining a better understanding of our legal process and coached her as to how to verbally advocate before the bench.

It was also clear to Shelton after reviewing the charging documents and evidence that Melongo had subpoenaed, been given by activists, or prepared that Melongo was totally innocent,, that the Illinois eavesdropping law was unconstitutional, that the exception to the eavesdropping law in Illinois (a belief that she was recording evidence of a crime) applied and there was no probable cause for the charge of eavesdropping, and that the charge of computer tampering was also wrongful and without probable cause, as the Internet provider had provided Melongo with evidence that her IP address did not have any communication with SALF computers after Melongo had left SALF (SCA II).

Melongo was then charged with eavesdropping, a violation of 720 ILCS 5/14-2, under Illinois law for recording a phone conversation with a court reporter that Melongo suspected had altered one of her transcripts in the criminal case. In Illinois eavesdropping is a felony crime. However, Melongo thought the court reporter

would admit a crime, altering the transcript, and therefore under the exemptions to the eavesdropping law, 720 ILCS 5/14-3, she was exempt from the charges.

When arrested for eavesdropping, the Cook County State's Attorney ("SA") asked for and was granted an increase in Melongo's bail, who had no other previous criminal history, from a personal recognizance bail (I-Bond) to \$500,000 bail (D-Bond = 10% required payment in order to bail out of jail) solely because the SA claimed that because Melongo held two (2) passports and that this made her a flight risk. Judge Brosnahan granted the increase in bail without regard to Melongo's ability to pay bail as well as without regard to requirement that she hold an evidentiary hearing to determine her "dangerousness". Clearly there was no argument whatsoever that she was "dangerous" and the bail was extremely excessive. On motion to reduce bail, Judge Brosnahan reduced it to a still extremely excessive \$300,000. So Melongo remained jail now for two (2) years, still pretrial. A \$30,000 D-Bond was set on the eavesdropping charge. As Melongo did not have resources to pay this excessive bail she was remanded to Cook County Jail.

McHale continued to ignore the petitions for Melongo. Two years later, Melongo is still in custody, though released on bail in July 2012 (after two years), and the petitions have still not been heard. A few weeks ago, after a new judge was appointed for Melongo for unknown reasons, the new judge on Melongo's motion declared the eavesdropping charge "unconstitutional" and dismissed that case (SCA JJ), allowing him to lower the bail back to an I-Bond on the computer tampering charge.

Melongo is now out of jail on bond awaiting trial on the computer tampering charge. The court is scheduled to hear a motion, filed in 2010 (SCA KK) from Melongo prepared by an attorney, whom she has since being incarcerated hired then fired, which she will argue herself that there is no probable cause as all evidence from the computer experts hired by SALF and the Illinois Attorney General, as well as evidence that Melongo subpoenaed prove that she did not have any access to the SALF computers, the SALF computers had been accessed by someone inside the organization on site, and that Melongo's IP address was not listed on any records as having accessed SALF computers, as well as that the allegation in the indictment that financial records were permanently deleted was false as the records were found after a computer expert examined the SALF computers and found that there was a technical problem that needed to be fixed. All of the documents and evidence proving the above are open to the public on Melongo's web site or have been posted by others including: Attorney J. Nicolas Albuquerk's 2010 Motion to Dismiss Computer tampering charge due to lack of probable cause: <http://www.scribd.com/doc/34348958/IL-v-Annabel-Melongo-7-6-10-Defendant-s-Motion-to-Dismiss-Exhibits> (SCA KK) Also see Melongo's web site containing all documents from the case: <http://www.illinoiscorruption.net/>

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SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

August 17, 2010

Linda Shelton
2010-0511171 8CM3E
P.O. Box 089002
Chicago, IL 60608

RE: Shelton v. Illinois

Dear Ms. Shelton:

The above-entitled petition for a writ of certiorari was postmarked August 9, 2010 and received August 17, 2010. The papers are returned for the following reason(s):

Your case must first be reviewed by a United States court of appeals or by the highest state court in which a decision could be had. 28 USC 1254 and 1257.

Sincerely,
William K. Suter, Clerk

By:

S. Elliott
(202) 479-3025

Enclosures

AAA1

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

August 17, 2010

Note: In Cook
Co Circuit Court
ACC = contempt case
HFC = habeas case

Linda Shelton
2010-0511171 8CM3E
P.O. Box 089002
Chicago, IL 60608

~~Person~~ per Mr Elliott 9/16/10-ys

appeal is from
2 habeas petitions
on 1st + 1st, 2nd, 3rd of
3 counts
erroneously
labeled 3 cases
by County
Clerk!

RE: Shelton v. Illinois Cook Co Dept of Corrections
ex Dir Godinez et al
re: 10 HC00008 (ACC 10008301)

Dear Ms. Shelton:
note should be 3 counts
not cases ->

(Cook Co Circuit Court cases) + 10 HC00012 (ACC 10009301 + ACC 10009401 + ACC 10009501 - new issue sentence expired)

The above-entitled petition for a writ of certiorari was postmarked August 9, 2010 and received August 17, 2010. The papers are returned for the following reason(s):

Your case must first be reviewed by a United States court of appeals or by the highest state court in which a decision could be had. 28 USC 1254 and 1257.

↑ (ERROR BY MR ELLIOTT AS US Supreme Court
says Appeals in IL to US S. Ct can come from
EITHER IL S. Ct OR COUNTY COURT!
Sincerely,
William K. Suter, Clerk
By:

Please see
~~at~~ letters, petition
~~at~~ supplements
+ appendices

↑ considered
highest court
if filed with
them as
NO appeal
permitted in
IL from County
Court to IL
Supreme Court
on denial of
petition for
Writ of Habeas Corpus!
- PER UNITED STATES
SUPREME COURT HOLDING

⊗ U.S. Supreme Court ⊗
decision in
Woods v Niershner (1946)
328 U.S. 211
66 S.Ct. 996
90 L.Ed 1177

↑ Please
instruct Mr Elliott
that IL rules +
statutes unique!
in this regard!

HELD ↓ ⊗

[There is no appeal of habeas petitions
by rule or statute in ILLINOIS
which may be filed in
either County Court or
IL Supreme Court by statute/rules
(IL App. Court has NO jurisdiction) -
Appeal from either Co. Court OR
IL Supreme Court can
ONLY Go to US Supreme Court]

Enclosures

COPY

AAA 2

Also see: People v Loftus (1948) 400 IL. 432, 81 N.E. 2d 495
[if errors prove lack jurisdiction habeas = appropriate remedy]

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

October 8, 2010

Linda Shelton
2010-0511171
P.O. Box 089002
Chicago, IL 60608

RE: Shelton v. Illinois


Dear Ms. Shelton:

The above-entitled petition for a writ of certiorari was originally postmarked and received again on October 5, 2010. The papers are returned for the following reason(s):

Your papers are again returned for the reason set forth in Ms. Elliott's letter dated August 17, 2010, copy enclosed.

Sincerely,
William K. Suter, Clerk

By:


Ruth Jones
(202) 479-3022

Enclosures

AAA 3

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

August 17, 2010

Linda Shelton
2010-0511171 8CM3E
P.O. Box 089002
Chicago, IL 60608

RE: Application for Stay

Dear Ms. Shelton:

Your application for stay of sentence, received August 17, 2010 is herewith returned for the following reason(s):

You failed to comply with Rule 23.3 of the Rules of this Court which requires that you first seek the same relief in the appropriate lower courts and attach copies of the orders from the lower courts to your application filed in this Court.

You failed to identify the judgment you are asking the Court to review and to append a copy of the order or opinion as required by Rule 23.3 of this Court's Rules.

In accordance with Rule 23.3 of this Court's Rules you must set forth with particularity why relief is not available from any other court and why a stay is justified.

You are required to state the grounds upon which this Court's jurisdiction is invoked, with citation of the statutory provision.

Sincerely,
William K. Suter, Clerk

By: *Danny Bickell*

Danny Bickell
(202) 479-3024

Enclosures

*Resent
with answers
- in previous
supplements
+ new
supplement
8/25*

AAA4

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

LINDA SHELTON — PETITIONER
(Your Name)

VS.
COOK COUNTY DEPARTMENT OF CORRECTIONS
EXECUTIVE DIRECTOR GONINEZ — RESPONDENT(S)
+ COOK COUNTY SHERIFF DART +
COOK COUNTY STATES ATTORNEY ANITA ALVAREZ
MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s): regarding this case

CIRCUIT COURT OF COOK COUNTY - Note: Heard petitions for writ of HC but never ruled on indigency, but no fee paid or demanded.
Judges McHale and Porter ignored indigency application

Petitioner has not previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Linda Shelton
(Signature)

BBB1

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, Linda Shelton, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>12</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Self-employment	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Gifts	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Alimony	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Child Support	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Public-assistance (such as welfare) ^{SSI + food stamps} _(cancelled since jailed)	\$ <u>874</u> *	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Total monthly income:	\$ <u>886</u> *	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>

Note: * Prior to incarceration on 5/11/2010

BBB2

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
Examiner.com (Clarity Digital Group) N/A	Colorado N/A N/A	9/09 - present N/A N/A	\$ 0 (on ave \$12/mo paid per piece of work) N/A

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	\$ N/A
N/A	N/A	N/A	\$ N/A
N/A	N/A	N/A	\$ N/A

4. How much cash do you and your spouse have? \$ 0
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
Chase Bank	checking	\$ 100 ?	\$ N/A
CC DOC Trust Acct	trust	\$ 243.61	\$ N/A
N/A	N/A	\$ N/A	\$ N/A

(Note: TRUST ACCT WAS MONEY I HAD from SSE to be used for rent which remains unpaid for last 3 months)

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home Value N/A

Other real estate Value N/A

Motor Vehicle #1 I own 10%
Year, make & model Saturn IS1 2000
Value \$ 200 ?

Motor Vehicle #2 Value N/A
Year, make & model

Other assets Description N/A
Value

Note: ? = since have no access to documents this is best guess from memory

BBB3

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
<u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
<u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <u>500</u>	\$ <u>N/A</u>
Are real estate taxes included? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>200 ?</u>	\$ <u>N/A</u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>N/A</u>
Food	\$ <u>0</u>	\$ <u>N/A</u>
Clothing	\$ <u>0</u>	\$ <u>N/A</u>
Laundry and dry-cleaning	\$ <u>0</u>	\$ <u>N/A</u>
Medical and dental expenses	\$ <u>0</u>	\$ <u>N/A</u>

Note: ? = best guess as have no access to documents

BBB4

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$ N/A
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0	\$ N/A
Life	\$ 0	\$ N/A
Health	\$ 0	\$ N/A
Motor Vehicle	\$ 10	\$ N/A
Other: _____	\$ 0	\$ N/A
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ 0	\$ N/A
Installment payments		
Motor Vehicle	\$ 0	\$ N/A
Credit card(s)	\$ 50 ?	\$ N/A
Department store(s)	\$ 0	\$ N/A
Other: _____	\$ 0	\$ N/A
Alimony, maintenance, and support paid to others	\$ 0	\$ N/A
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$ N/A
Other (specify): _____	\$ 0	\$ N/A
Total monthly expenses:	\$ 760 + medical debt	\$ N/A

Note: ? = best guess as no access to documents

>\$100,000 payments

BBB5

I claim the "victim" was a witness against Sheriff - he falsified report + falsely claimed I attacked him
 won injunction against Sheriff - he falsified report + prosecutorial misconduct
 there was extreme judicial + prosecutorial misconduct
 note: my doctors testified it was physically impossible for me to commit crime
 will continue to appeal
 entire story published on Internet including my appeal posted on Scribd.com under Linda Shelton - documents

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes No If yes, describe on an attached sheet.
 Father in hospice may die.
 Will have inheritance, but debts may be greater than inheritance

10. Have you paid - or will you be paying - an attorney any money for services in connection with this case, including the completion of this form? Yes No

If yes, how much? N/A

If yes, state the attorney's name, address, and telephone number:

N/A

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes No

If yes, how much? \$10

If yes, state the person's name, address, and telephone number:

Cook County Department of corrections
 2700 S. California, Chicago IL 60608
 for copying and mailing and pen and envelopes

12. Provide any other information that will help explain why you cannot pay the costs of this case.

Severe multiple medical problems, disabilities, ^{the falsified records + perjury}
 (Wrongful) conviction in 2007 for aggravated battery
 officer ("rammed him with wheelchair, kicked his chest with right leg causing abrasions up shins") - 2 yr sentence.
 Despite spinal cord injury (congenital + acquired) causing weak arms + hands + hemiparesis (can't raise leg above waist) + pro se
 I declare under penalty of perjury that the foregoing is true and correct. defense over
 Petitioner prevailed pro se, sole or nolle prosequi in jury bench trials all other cases so far last 8 yrs against ~~30~~ 30
 with 7 pending. false arrests in retaliation against corrupt officials + police who then fabricated false charges against petitioner which petitioner documented as reporter + blogger on Internet at:
 Examiner.com (petitioner = Linda Shelton)

"Cook County Government Examiner" (Signature)
 cookcountyjudges.wordpress.com/7thcircuitcourts.wordpress.com
 cookcountysheriffdeputies.wordpress.com/prosechicago.wordpress.com
 illinoiscorruption.blogspot.com/drindashelton.wordpress.com

BBB6

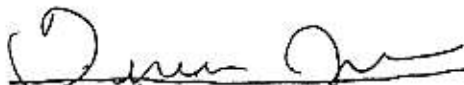
Courty of cook)
State of Illinois) CC

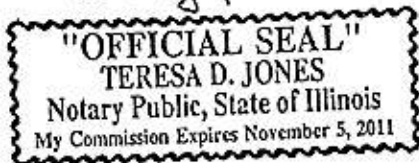
Affidavit

I, Linda Shelton, affirm and declare
under penalty of perjury that to the
best of my knowledge and belief
all information I wrote in
attached MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS
is true and accurate.

Linda Shelton

Sworn to and affirmed before
me this 9th day of August 2010


notary public



BBB7

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

LINDA SHELTON — PETITIONER
(Your Name)

VS.
COOK COUNTY DEPARTMENT OF CORRECTIONS
EXECUTIVE DIRECTOR GONZALEZ — RESPONDENT(S)
and COOK COUNTY SHERIFF DEPT +
COOK COUNTY STATES ATTORNEY ANITA ALVAREZ
ON PETITION FOR A WRIT OF CERTIORARI TO

COOK COUNTY CIRCUIT COURT, ILLINOIS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

LINDA SHELTON
(Your Name)

2010-0511171 8CM 3E
PO BOX 089002
(Address)

CHICAGO IL 60608
(City, State, Zip Code)

N/A
(Phone Number)

BBB8

QUESTION(S) PRESENTED

- 1) May an Illinois County Court hold a next-friend/relator in Contempt for arguing to the court that its refusal to hear a next-friend filed petition for writ of habeas corpus because it was filed by a non-attorney is an illegal act voiding the judge's order and subjecting ~~to~~ the judge to arrest and punishment for willful violation of United States Supreme Court holdings, Illinois statute and the United States Constitution, as well as violation of the 4th, 5th, + 14th Amendments?
 - 2) Does the fact that there is no statute or rule in Illinois allowing direct appeal of denial of a petition for writ of habeas corpus require that the only appeal available goes directly to the United States Supreme Court^{FNI}? (Note by rule in Illinois petition may be filed either in County Court OR in Illinois Supreme Court) - Per due process under 5th + 14th Amendments
 - 3) If a judge^{knowingly} issues an order violating United States Supreme Court holdings, the U.S. Constitution Art. I section 9, and Illinois Habeas statute does he immediately^{under 5th + 14th A} forfeit his jurisdiction, causing that order and subsequent orders to be void in that proceeding and collateral proceedings?
 - 4) May an Illinois County Court cloak itself with jurisdiction to deny automatic statutory jail good time credits when statutes deny him this jurisdiction? ^{in violation} - in violation of previous U.S. Supreme Court holdings. 5th + 14th Amendments
 - 5) May an Illinois court overturn United States Supreme Court holdings and issue three (3) contempt convictions with an aggregate sentence of 16 months during one hearing continued over three (3) days for three (3) similar acts without a trial as a summary judgment? ^{in violation U.S. Supreme Court holdings Illinois statutes + 5th + 14th Amendment due process rights}
 - 6) May an Illinois court increase a sentence a month after issuing the sentence? - in violation of 5th + 14th Amendment due process rights.
 - 7) Is a contempt finding made after judge improperly denies request to substitute judge [as a right] void? ^{5th + 14th A due process}
- FNI - Previously affirmed *Ex parte* statement or opinion of United States Supreme Court in *Ex parte* (1958?); that petitioner represented by Edward Levi in case previously read by this petitioner but ~~not~~ not available to her due to gross lack of access to courts - see attached memorandum verifying lack of access.

BBB9

LIST OF PARTIES

- All parties appear in the caption of the case on the cover page.
- All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

BBB10

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APPENDIX B	Decision of Trial Court - order Acc10008301 contempt #1
APPENDIX C	State Habeas Petition 10H00008 + Attached Internet Article from Examiner.com
APPENDIX D	Transcript Trial Court 5/11/2010
APPENDIX E	Trial Court Order of Commitment + Sentence Acc10008301 contempt #1
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BBB11

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<u>Boumediene v Bush</u> (2008) 553 US 723	4, 9, 12, 13
<u>Jiffy Lube International, Inc v. Agarwal</u> (1996)	
277 Ill. App. 3d 722, 214 Ill. Dec 609, 661 N.E.2d 463	5, 11
<u>COOPER v Aaron</u> (1958) 358 U.S. 1	6, 12, 13
<u>UNITED STATES v WILL</u> (1980) 449 U.S. 200, FN19	6, 9, 12, 13
in "FN19" <u>Cohens v Virginia</u> 6 Wheat 264 (1821)	9, 12, 13
<u>People v Meyers</u> (2004) 352 Ill. App 3d 790	8
<u>People v Sheahan</u> (1986) 150 Ill. App. 3d 572	8
<u>People v Wilson</u> (1999) 302 Ill. App. 3d 1004	8
<u>People v Simmons</u> 256 Ill. App. 3d 651	11
<u>ex rel. Toth v Quarles</u> (1955) 350 U.S. 11	13
<u>Codispoti v. Pennsylvania</u> (1974) 418 U.S. 506	13

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735 ILCS 10/10-103	4, 5, 8, 12
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BBB12

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the TRIAL COURT court appears at Appendix B to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A .

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was June 9, 2010. A copy of that decision appears at Appendix A .

N/A A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

N/A An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A .

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

Note: There is no rule or statute in Illinois permitting appeal of denial of petition for writ of habeas corpus, which by rule may be filed in County Court or in Illinois Supreme Court. Therefore appeal of denial in either court may ONLY go to United States Supreme Court.

BBB14

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

* see Memorandum on denial of access to courts [law resources] Appendix F

U.S. Constitution Art I Sect 9 -

Right to petition for writ of habeas corpus may not be suspended except in times of war

5th + 14th Amendments

all persons have a right to due process including that the rule of law be followed

1st Amendment

reporters are free to write without reprisal by government officials

Equal protection clause -

one group (pro se counsel) may not be denied privileges afforded another group (attorney counsel) under same circumstances

4th Amendment

probable cause is required before arrest (so legal argument based on law cannot be basis for contempt - all elements of crime must be alleged before arrest)

735 ILCS 10/16-103 - IL code civil procedure

habeas statute article X

petition for writ of habeas corpus

may be filed by [non-attorney]

on behalf of another

735 ILCS 5/2-1001(a)(2) - substitution

of judge as a right is mandatory

if no substantive rulings have

been made in cause -

request immediately removed

judge's jurisdiction in the case

28 U.S.C. 2242 - habeas petition may be

filed by non-attorney on

behalf of another.

*

Due to lack of access to courts petitioner is unable to set out verbatim the provisions - only her memory and some case law provided by friends were used to prepare this - petitioner requests leave to amend this when access to legal resources is granted or sentence is stayed

BBB15

STATEMENT OF THE CASE

Petitioner was ~~star~~ found in contempt twice in a hearing before acting presiding [Chief] criminal court Judge McHale 5/11/2010 during a hearing where petitioner acting as a next-friend relator tried to present ^{two} petitions for writ of habeas corpus on behalf of Cook County Department of Corrections ("CCDC") detainee Annabelle Melongo (an alien dual citizen of French Cameroon and Haiti who has a nearly unintelligible accent when she speaks English and confuses Roman + English law).

Presiding [Chief] criminal court Judge Biebel in the Circuit Court of Cook County ("CCC") had accepted a similar petition from petitioner in 9/2009 on behalf of Maisha Hamilton and assigned Ms Hamilton an attorney so the senior judges of the CCC criminal division are not ignorant of this important constitutional right.

Petition for writ was filed 4/20/2010 and as J. Biebel was not available the criminal clerk called acting presiding Judge Kazmierski who first sent petitioner to Melongo's trial Judge Brosnahan who refused to hear the petition because it was filed by a non-attorney (petitioner), then when petitioner went to Judge Kazmierski's courtroom he on the record refused to hear petition also because it was filed by a non-attorney.

On 5/5/2010 petitioner again motioned up for hearing before J. Biebel the habeas petition but J. Biebel again was not available. Acting presiding Judge Wadas refused to hear argument and denied both petitions because they were filed by a non-attorney.

Both Judges Kazmierski + Wadas allowed petitioner to object on record stating they were violating the Habeas statute 735 ILCS 5/10-103 and the U.S. Supreme court holding in Boumediene v Bush (2008) 553 U.S. 723 as well as the Constitution Art. I Section 9.

Petitioner presumed J. Wadas' orders were void due to violation of law and again motioned up petitions for writs to be heard ONLY by [Chief] presiding J. Biebel on 5/11/2010. Upon arrival in J. Biebel's courtroom on 5/11/2010, acting presiding Judge McHale was on the bench.

J. McHale asked if petitioner was an attorney and she said "No". Then petitioner asked to make a record [in order to state why a next-friend needed to file Melongo's two habeas petitions in order to aid court in quickly understanding the issue before it].

Unlike with attorneys who are routinely allowed to make a record to aid the court J. McHale cut

BBB16

petitioner off saying "we need to get some things straight here," - an equal protection violation.

Petitioner quickly stated that art 10 of 735 ILCS specifically allowed petition for writ to be filed by an "other person on behalf of petitioner," and that this is the "only place in the law when non-attorneys can file [on behalf of other persons]."

J. McHale said: "I don't read it that way," and by this time worn down by the lawlessness of the judges of the CCC interrupted politely saying: "Oh, excuse me, the United States Supreme Court reads it that way."

The following discussion then was recorded on the transcript:

THE COURT: whoa, whoa. We are not going to get very far if you're going to interrupt me.

MS SHELTON: Then I want to continue to Judge Biebel. [A poorly worded request for substitution of judge as a right]

which under Illinois law immediately removes jurisdiction of the judge except to transfer the case to the (chief) presiding criminal court judge (here Judge Biebel for re-assignment) FNI [due process issue]

THE COURT: No, we have already started the hearing --

MS Shelton: I did this before for another defendant and yet --

THE COURT: Ms. Shelton, if you don't let me talk I'm going to take you into custody. Now be quiet.

MS. Shelton: You can do whatever you want.

THE COURT: All right, be quiet.

MS Shelton: You can't violate the law. Then, you know, I have to come back to Judge Biebel this afternoon.

THE COURT: Ms Shelton, the habeas petition says "the defendant or another" and I take "another" to be a licensed attorney in the state of Illinois. You are not --

you have no right to file these things --

MS SHELTON: Excuse me, excuse me, your Honor, you are committing treason. It is an act of treason --

THE COURT: Take her in the back. Take her in the back.

MS SHELTON: -- for a Judge to refuse to hear --

THE COURT: You are in contempt --

MS SHELTON: -- a next friend petition.

(transcript 5/11/10 p 4 line 21 to p 6 line 5)

735 ILCS 5/2-1001(a)(2) (West 2006) - IL state for SOJ as right
FNI - Citation for IL statute not available due to denial of timely access to court for petitioner by CCBAC - see attached memorandum about denial of access to court. But see Tiffy Lube International Inc. v Aguiar 277 Ill App 3d 722, 727, 214 Ill Dec 609, 661 NE 2d 463 (1996)

88817

Petitioner was taken into custody and placed in lock-up. Five (5) hours later, when she was convinced she was found in contempt simply for filing a next-friend habeas petition, and this was an illegal act of treason by a rogue judge Petitioner was brought back to courtroom.

Petitioner immediately firmly stated that: 1) even the U.S. Supreme Court allows Guantanamo prisoners to have next friends file habeas petitions, and 2) due to U.S. Supreme Court rulings in Casper v Aaron, 1958 [358 U.S. 1] and U.S. v Will 1980 [449 U.S. 200 FN 19] a judge who knowingly violates the law and U.S. Supreme Court holdings ~~is~~ violating his oath of office and committing an act of treason.

J. McHale said petitioner could say whatever she wants.

Petitioner stated orders of traitors are invalid and as a citizen she was obligated to protect the constitution and therefore she was obligated to say that without jurisdiction due to his treason she was placing Mr. McHale under a citizen's arrest for violation of civil rights under color of law.

A short heated discussion took place where petitioner re-emphasized that J. McHale was acting illegally, his acts were treason thereby voiding his orders and removing his jurisdiction as judge on the case and J. McHale saying three times either "I haven't yet decided your sentence" or "let me talk!" Both Petitioner and J. McHale spoke rapidly, loudly, passionately and interrupted each other. (See 5/11/2016 transcript p 8-12).

Petitioner again was removed to the lock-up and one (1) hour later brought back into the courtroom. After statements by J. McHale asking petitioner if she would be quiet and petitioner responding that she doesn't cooperate with traitors in a sort of angry truce type atmosphere J. McHale stated he held petitioner in contempt for interrupting him and calling him a traitor on 1st contempt charge. J. McHale then let petitioner speak.

Petitioner stated that: 1) she had tried to present petition to three (3) other judges who all refused to hear it or denied it with void orders;

- 2) specific case law she quoted requires judges to hear next friend habeas petitions, which is one of the most important rights in the constitution, or they were violating law, the United States Supreme Court, and the constitution in acts of treason; (violating due process)
- 3) J. McTale had also violated the U.S. Supreme Court, State law, and the constitution in an act of treason, and
- 4) J. McTale's treasonous acts forfeited his jurisdiction and voided his orders.

Petitioner also gave a brief summary of documents and evidence that she had attached to Melongo habeas petition proving ~~that~~^{there} was no probable cause to arrest, charge or detain Ms. Melongo, per 4th Amendment.

Finally, petitioner explained that J. Biebel, J. McTale's supervisor had eight (8) months earlier allowed her to file a similar petition for writ of habeas corpus as a next friend for Ms. Hamilton and that as a result J. Biebel appointed Hamilton an attorney who eventually helped to win Ms. Hamilton's freedom.

J. McTale then summarily sentenced petitioner to 120 days in CCDOC, ^(APP. B, E) without admonishment as to right to appeal sentence or conviction, ^{due process violation} as required by state statutes and petitioner too stunned to request court to file notice of appeal.

J. McTale then said the 2nd contempt finding was for during 2nd appearance "interrupting" him and not allowing him to speak, yelling, saying his orders were void and calling him a traitor and a jackass for committing treason. (APP F)

He then ordered a fitness exam ("BCX") stating petitioner's 2nd appearance was so more intense and passionate that he questioned her fitness and "held off" on deciding 2nd contempt sentence until fitness exam results received. Hearing continued to 6/10/2010.

Petitioner in CCDOC has had great difficulty accessing the courts or communicating with anyone - see attached memorandum about denial of access to courts, ^(APP. B, E) Despite no access to law library or legal research material she was able to obtain a blank one (1) page petition for writ of habeas corpus after two+ weeks, fill it in out of memory about habeas issues and pass it to Attorney Albukerk, a friend who came

to visit petitioner to ask what had occurred to cause her to be jailed. Since petitioner was denied envelopes, stamps, and paper until late July 2010 - she asked Albuquerque to have a friend copy file and motion up habeas petition^(EXH C) and attach an article^{FN2} she~~the~~ Petitioner had dictated by phone and had published on an International news ~~web~~ Internet site, for which Petitioner is an independent contractor hired as a citizen reporter to write as their "Cook County Government Examiner [reporter]" to report news about corruption in Cook County. This in detail described this case and the treasonous actions of J. McHale in illegally jailing petitioner. Most judges in the CCC criminal division are aware of petitioner's writings on Examiner.com and on several blogs including Cookcountyjudges.wordpress.com where incompetent or criminal acts of judges including Judges Kazmierski and Brosnahan are described and published in detail. This ~~is~~ is the basis for most of the CCC criminal judges to be biased against petitioner - a known activist and whistle blower. [1st A free press issue]

Petitioner's family hired Attorney Albuquerque to make a motion to try to free petitioner. Without transcript (ordered but not available and without consulting further with petitioner Albuquerque wrote an emergency motion to grant bail and rescind sentence. He argued that: 1) since contempt requires intent the judge's order for fitness exam admits the court had significant questions as to if petitioner's acts were willful and knowing so summary finding of contempt is incompatible with the court not having all relevant facts before it and this is a denial of due process (People v Meyers, 352 Ill. App. 3d 790 (2004) See also People v Sheahan, 150 Ill. App. 3d 572 (1986), and it is "incumbent on the court to afford the defendant [petitioner] an opportunity to fashion a defense based upon an affirmative defense of insanity." People v Wilson 302 Ill. App. 3d 1004, 1006 (1999); 2) the court's holding was legally in error ~~per~~ per 735 ILCS 5/10-103 [IL habeas statute] + federal law 28 USC 2242 that it was
FN2 - attached to Appendix C

illegal for a non-attorney to file a next-friend habeas petition-
Albuquerque expressed the belief of petitioner that this was
the court's basis for the contempt finding; 3) the court's
holding that petitioner's use of the words traitor and treason
was an act of contempt should be dismissed as these
terms were used to make legal arguments based on case
law and therefore was not meant to embarrass, hinder, or
obstruct the court - petitioner quoted in open court
United States v. Will 499 U.S. 200 (1990) see FN 19, citing
Cohens v. Virginia 6 Wheat. 264 (1821) [To argue a judge
has knowingly exceeded his jurisdiction, as petitioner
said happened when J McHale over-ruled IL Habeas law
Constitution Art. I, sect 9, and U.S. Supreme Court dicta/holding
in Boumediene v Bush (2008) 553 U.S. 723, is to argue
a judge is a traitor and committed treason in an
act of knowingly violating law,]; and 4) continuing
to hold petitioner in jail for contempt will cause
multiple non-parties great hardship - as petitioner's
father is dying, petitioner had POA and family affairs
and bills would not be cared for in her absence with
the potential loss of a home;

J. McHale heard this motion on 6/3/2010 and
denied arguments #2 + 3 stating he did not hold ^(App B)
petitioner in contempt for filing the habeas petition
but because she "interrupted me four times during
her first appearance [a statement NOT compatible with
transcript 5/11/2010 p 4-5] and "the manner in which
the defendant [petitioner] conducted herself in open court
that led to her [2nd] contempt [finding]" (transcript
~~6/3/2010 p 8-9~~) [referring to his previous statement that
defendant yelled to the gallery and attorneys in the room
that the judge's actions were "illegal" thus making
"a complete spectacle of herself and creating a
circus-like atmosphere in the courtroom."] (transcript
6/3/2010 p 8-9). (App. F)

He continued argument #1 as to fitness because
"a mere concern on my part that the defendant might
have a fitness issues does not rise to a bona fide
question as to her fitness." (transcript 6/3/2010 p 14).

J. McHale as to argument #4 said petitioner
if she had concerns for her family should have thought

of that before committing contempt, also stating he understood from a POA attached to habeas petition by friend filing it that petitioner gave POA to a friend so this was not an issue [this was a false statement by J. Meltale as friend only had POA over personal and not family affairs.]

Petitioner then on 6/3/2010 said she wished to fire her attorney [for lack of funds] and Albuquerk was granted leave to withdraw, Petitioner had said she had not seen or discussed motion before argument and wanted to file a different motion but was denied access to the courts by CDOC including legal research, paper, stamps, + envelopes. She moved orally for an order from the court granting her physical access to the law library and these materials and it was granted. (EXHIBIT H)

Faretta admonitions were not given by court in granting self-representation even with fitness exam pending. Petitioner moved for standby counsel due to lack of access to law materials. This was denied.

She then orally moved for a stay of sentence pending appeal + due to family hardship noting her friend did NOT have POA over family affairs. She stated that the 7th circuit court had held that a stay of sentence is mandatory unless there was an issue of dangerousness when the sentence was shorter than the time it takes to appeal or the appeal is moot, [Appeals in Cook County are known to take > 2 years - judicial notice]. This motion was entered and continued due to fitness exam pending.

~~Defendant~~ Petitioner moved to vacate the fitness exam saying it was res judicata. Motion denied.

Petitioner moved to vacate all J. Meltale's orders as his act of treason made all subsequent orders void stating she could not give authorities due to lack of access to courts. Motion denied.

J. Meltale entered and continued Petitioner's petition for writ of habeas corpus^(APP # C) and entered and continued Petitioner's oral motion to schedule hearing on her Melongo habeas petition.

Hearing continued to 6/10/2010.

On 6/9/2010 petitioner's habeas petition (EXHIBIT C) for 1st contempt conviction was presented before substitute acting presiding criminal court Judge Porter.

J Porter denied it stating that in IL habeas law is very limited and habeas petition can only be granted if sentence completed and defendant still in custody or if judge had no jurisdiction to convict defendant. J. Porter ruled that even if J. McHale made an error in refusing to hear Melango habeas petition, his error did not cause him to lose jurisdiction for finding defendant in contempt. Petitioner objected stating that due to J McHale's violation of IL law, constitution, and U.S. Supreme court holdings that next-Friend non-attorney habeas petition filings are legal, J. McHale's order was void and all subsequent orders were void and not voidable, as a judge who commits treason immediately loses jurisdiction. [due to lack of access to legal resources except those mailed to her by a friend + ~~two cases~~ out of a few cases brought to her by ccoc law librarian - who only gives inmates cases if she gets full citation - in 3 mo she has refused to respond to ANY request for legal research by keywords or topic without explanation - ccoc by policy denies physical access to all inmates housed in infirmary - petitioner is disabled and housed in infirmary - top officer for infirmary Supt. Martinez ^{(Appellate #7) H} has refused to obey J. McHale's written order to give petitioner physical access to law library - - petitioner can only state an authority for a distantly related issue. In IL in a civil case if ^{option to substitute judge} ~~change of venue~~ is ^{improperly} denied despite mandatory statutory requirement for compliance - all subsequent orders of that judge are void (Tiffy Lube International, Inc v Agarwal 277 Ill. App.3d 722, 727, 214 Ill. Dec. 609, 661 N.E.2d 463 (1996))

Although petitioner did not mention J McHale Denied substitution of judge [as a right] (transcript 5/11/10 p4 line 24 to p5 line 1-3) as a reason J McHale lost jurisdiction in habeas petition before Judge Porter or 1st contempt ~~conviction~~ waiver of this issue on appeal does not apply as this involves fundamental due process constitutional rights not subject to waiver and the fact it would be a grave miscarriage of justice to allow a judge who lost jurisdiction to deny constitutional right to liberty without due process. Also "challenges to void judgments may be raised at any time irrespective of principle of waiver." People v Simmons 256 Ill. App.3d 651.

On 6/10/2010 petitioner was brought before J. McHale and found to be fit without psychiatrist's report. Petitioner refused to answer psychiatrist's questions because "she will not cooperate with traitors." She considered order for fitness exam void as she considered all J. McHale's orders after he in acts of treason refused to hear Melongo habeas petition and refused to transfer case to [Chief] presiding criminal court J. Biebel on 5/11/2010 in violation of 735 ILCS 5/2-1001(a)(2) [law for substitution of judge as a right], [violation due process]

J. McHale then sentenced petitioner to 180 days in CCOC consecutive to 1st contempt sentence. [Due process violation] J. McHale said this was for "interrupting" him and saying he was a "jackass" for his treasonous conduct. He allowed petitioner to make a statement, before sentencing. (Appendix F+G)

Petitioner made essentially the same statement that she presented on 5/11/2010 that J. McHale's refusal to hear Melongo habeas petition was an act of treason for violating knowingly and willfully the constitution Art I sect 9 IL Habeas law 735 ILCS Article 10 and United States Supreme Court holdings [+ dicta] in Boumediene v Bush (2008) [553 U.S. 723], again citing Cooper v Aaron (1958) [358 U.S. 1] and U.S. v Will (1980) [449 U.S. 200] FN 19 [Chief Justice Marshall's exposition in Cohens v Virginia (1821) 6 Wheat. 264 that "usurping [the exercise of jurisdiction] that which is not given" [by a judge] would be an act of treason." [Due process violation]

A heated discussion followed with both petitioner and J. McHale interrupting each other and talking over each other.

J. McHale then summarily found petitioner in contempt a 3rd time ~~and~~ for "interrupting" him and a comment as she was led out of the courtroom to 180 days CCOC consecutive to other contempt sentences (total 16 mo sentence). [consecutive sentences violated due process]

(see Appendix F+G)

He then modified all 3 sentences by ordering that mandatory statutory day for day good time jail credits be denied. [violation due process]

Each contempt conviction is listed as a separate case.
Acc0008301, Acc0009301, 2 + Acc0009401

BBB24

REASONS FOR GRANTING THE PETITION

Failure to grant certiorari would encourage and condone systemic violation of U.S. Supreme court holdings, state statutes and constitutional rights, as well as de facto suspension of right to petition for writ of habeas corpus now and in the future because:

Five (5) mostly senior judges in the CCC violated repeatedly & blatantly one of the most fundamental constitutional rights - to petition for writ of habeas corpus. They see each other daily and may have decided together to act in this manner - essentially snubbing their noses knowingly at U.S. Supreme court holdings in Boumediene v Bush (2008) 553 U.S. 723 and ex rel Toth v Quarles (1955) 350 U.S. 11, openly violated IL statute 735 ILCS 10/10-103, and trashed the suspension clause Constitution Art I sect 9. No judge, let alone five (5) senior judges can claim mere error or ignorance of such an important right and violate due process this grossly.

Then for this court to also ignore violation of their ruling in Codispoti v Pennsylvania (1974) 418 U.S. 506 and statutes which deny jurisdiction to judges regarding good time jail credits, as well as ignore violation of this court's ruling in Codispoti (Id) regarding due process right to jury trial if aggregate contempt sentences in one trial or proceeding exceed 6 mo (along with IL case law in re Marriage of Belts (1990) Ill. App. 3d 26) and in addition condone blatant violation of IL statutes voiding orders of judges who ignore request/motion for substitution of judge as a right would give license to all courts to ignore higher court holdings, law, & the Constitution.

Such a situation is incompatible with the role of the U.S. Supreme Court in defending the constitution, upholding state decisis, & would overturn de facto previous rulings in Cooper v Aaron (1958) 358 U.S. 1, U.S. v Wills (1990) 449 U.S. 200 and Cohens v Virginia (1821) 6 wheat. 264.

Chief Justice Marshall's words that it is treason for a judge to usurp jurisdiction when none is given as well as to refuse to follow law would be sent to the trash heap.

Judges would be given license to wholesale deny pro se litigants equal protection - the right to argue & present their case to the courts. Valid legal argument would be used as basis for contempt findings.

This case has wide-reaching national implications. Such blatant, systemic, and grotesque lawlessness by senior judges in the largest county court system in the U.S. should be promptly with great urgency quashed to preserve the constitution and the rule of law.

J. Porter's denial of habeas petition saying essentially that a judge that knowingly and blatantly, particularly in view of a published set of articles by petitioner who had criticized this lawlessness and treason in the exact same manner by three (3) of his colleagues, does NOT lose jurisdiction in the face of an act of CLEAR treason is an insult to our system of justice and brings the courts into disrepute, even implying retaliation against critics.

It is time for the U.S. Supreme Court to make a strong clear, prompt statement, perhaps as a supervisory order that this systemic lawlessness in the largest county court system in the U.S. will not be tolerated. All orders of contempt against petitioner ~~and~~ as well as denial of a hearing on next-friend habeas petition are VOID. To set a clear example that such extreme lawlessness will not be tolerated perhaps the Court should refer this matter to the DOT for investigation of treason and retaliation against a federal witness as petitioner has several federal civil rights suits pending against corrupt officials and sheriff deputies in the justice system in Cook County including friends of the judges who have convicted and sentenced petitioner or who have illegally refused to hear her next-friend habeas petition for Melango (herself a whistle blower against corrupt officials.)

CONCLUSION

All orders of Judge McHale are void due to knowing violation of statutes, Constitution + U.S Supreme court holdings. Conviction is void. Integrity of U.S law is at stake. The petition for a writ of certiorari should be granted.

Respectfully submitted,

Linda Shelton

Date: August 8⁹, 2010
ma
to

Placed in mail
at ce doc by
giving it to officer

No. _____

amended
12/14/10
LJS

See
typewritten
amendment
12-26-10

IN THE
SUPREME COURT OF THE UNITED STATES

LINDA SHELTON — PETITIONER
(Your Name)

VS.
COOK COUNTY DEPARTMENT OF CORRECTIONS
EXECUTIVE DIRECTOR GODINEZ — RESPONDENT(S)
+ COOK COUNTY SHERIFF DART +
COOK COUNTY STATES ATTORNEY ANITA ALVAREZ
MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

[X] Petitioner has previously been ^{de facto} granted leave to proceed *in forma pauperis* in the following court(s): regarding this case

CIRCUIT COURT OF COOK COUNTY - Note: Heard petitions for writ of HC but never ruled on indigency, but no fee paid or demanded.
Judges McHale and Porter ignored indigency applications in Melanço Habeas cases 101100006 + 101100007 - in which contempt found - Indigency in [] Petitioner has not previously been granted leave to proceed *in forma pauperis* in any other court.
Indigency granted on appeal - motion granted to change sentence → These 2 habeas petitions applied on behalf of petitioner's affidavit or declaration in support of this motion is attached hereto. ^{relater} _{Shelton}

Linda Shelton
(Signature)

BBB28

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, Linda Shelton, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	^{amended 11/25/10} \$ <u>1/2</u> [Ⓟ] 0	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Self-employment	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Gifts	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Alimony	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Child Support	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	^{SSI + food stamps cancelled since jailed} \$ <u>874</u> ^{amended 11/25/10} [Ⓟ] 0	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Other (specify):	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Total monthly income:	\$ <u>874</u> ^{amended 11/25/10} [Ⓟ] 0	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>

Note: [Ⓟ] Prior to incarceration on 5/11/2010 cancelled since jailed even though incarceration illegal - unable to cont. job as reporter in jail - ^{amended 11/25/10} fired as reporter 6/10 due to wrongful conviction **BBB29**

I am reapplying for SSI + Food stamps ^{11/25/10}

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
Examiner.com (Clarity Digital Group) N/A	Colorado N/A N/A	9/09 - present 6/10 N/A N/A	\$0 (on ave \$12/mo paid per piece of work) N/A

fired 6/10 due to wrongful conviction amended 11/25/16

amended 11/25/16

hits on Internet used in form to pa

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	\$ N/A
N/A	N/A	N/A	\$ N/A
N/A	N/A	N/A	\$ N/A

4. How much cash do you and your spouse have? \$ ~~0~~ \$167 amended 12/12/10 \$54
 Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
Chase Bank	checking	\$ 100 ? 101 0	\$ N/A
CC DOC Trust Acct	trust	\$ 243.64 ? 5150	\$ N/A
N/A	N/A	\$ N/A	\$ N/A

amended 11/25/16

12/12/10

(Note: TRUST ACCT WAS MONEY I HAD from SSI to be used for rent which remains unpaid for last 3 months) - using for rent/personals

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

- Home N/A Value _____
- Other real estate N/A Value _____
- Motor Vehicle #1 I own 100%
Year, make & model Saturn I51 2000
Value \$ 200 ?
- Motor Vehicle #2 N/A
Year, make & model _____
Value _____
- Other assets N/A
Description _____
Value _____

Note: ? = since have no access to documents this is best guess from memory

amended 11/25/16

BBB30

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
N/A	\$ N/A	\$ N/A
N/A	\$ N/A	\$ N/A
N/A	\$ N/A	\$ N/A

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	0 \$ 500 past due X 5 mo now	\$ N/A
Are real estate taxes included?	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is property insurance included?	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Utilities (electricity, heating fuel, water, sewer, and telephone)	300 \$ 200 past due 5 mo now	\$ N/A
Home maintenance (repairs and upkeep)	\$ 0	\$ N/A
Food	\$ 0	\$ N/A
Clothing	\$ 0	\$ N/A
Laundry and dry-cleaning	\$ 0	\$ N/A
Medical and dental expenses	Debts > \$100,000 \$ 0	\$ N/A

12/12/10
 amended 12/12/10
 99% ownership
 amended 11/25/10
 Note: ? = best guess as have no access to documents of ↓
 father died 9/7/10 - all inheritance (house, money, car) put in special needs Trust - Petitioner has no control over money - so still eligible for SSI + food stamps (unknown amounts - father's estate in court for next 6 mo)
 Trust says petitioner must pay utilities, insurance + property tax + upkeep
 BBB31

You ^{(B) amended 11/25/11} Your spouse
Transportation (not including motor vehicle payments) \$ ~~0~~ 400 \$ N/A

Recreation, entertainment, newspapers, magazines, etc. \$ 0 \$ N/A

Insurance (not deducted from wages or included in mortgage payments)

Homeowner's or renter's ^{(B) amended 11/25/10} \$ ~~0~~ ~ 70 \$ N/A

Life \$ 0 \$ N/A

Health \$ 0 \$ N/A

Motor Vehicle ^{(B) amended 11/25/10} \$ 10 ~ 100 \$ N/A

Other: _____ \$ 0 \$ N/A

Taxes (not deducted from wages or included in mortgage payments)

(specify): property taxes ^{(B) amended 11/25/10} \$ ~~0~~ 250 \$ N/A
per mo.

Installment payments

Motor Vehicle \$ 0 \$ N/A

Credit card(s) ^{(B) amended 11/25/10} \$ ~~50~~ 99 \$ N/A

Department store(s) \$ 0 \$ N/A

Other: repay SSI - given ^{(B) amended 11/25/11} \$ 0 50 \$ N/A
while in jail

Alimony, maintenance, and support paid to others \$ 0 \$ N/A

Regular expenses for operation of business, profession,
or farm (attach detailed statement) ^{(B) amended 11/25/10} \$ ~~0~~ 200 \$ N/A

Other (specify): _____ ^{(B) amended 12/12/10} \$ 0 \$ N/A

Total monthly expenses: ^{(B) amended 11/25/10} \$ 1209 + medical debt \$ N/A
^{(B) amended 9/16/10} \$ 3500 + past due >\$100,000 payments

Note: ? = best guess as no access to documents

(B) Father died 9/7/10 - inheritance (house, money + 90% car) put in special needs trust - petitioner has NO CONTROL over money + must pay utilities, insurance, some court fees still eligible for SSI + food stamps ^{(B) amended 11/25/10} property taxes

^{(B) amended 12/12/10} ^{(B) amended 11/25/10} ^{(B) amended 12/12/10}
BBB32

12/19/10 JS

⊗ see typewritten next page amended 11/25/10 - which is easier to read JS

I claim the 'victim's' husband Sgt Salami attacked me 4 wks ago. I was instructed against Sheriff - he falsified report + falsely claimed I attacked him. There was extreme judicial + prosecutorial misconduct. Note: my doctors testified it was physically impossible for me to commit crime - no rebuttal of this will continue to appeal entire story published on Internet including my appeal posted on scribd.com under Linda Shelton - documents Battery Appeal

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes No If yes, describe on an attached sheet.

Father in hospice may die. Will have inheritance, but debts may be greater than inheritance

Amended 9/16/10 JS Father died 9/7/10 inheritance unknown at this time - likely a house worth \$300,000 +

10. Have you paid - or will you be paying - an attorney any money for services in connection with this case, including the completion of this form? Yes No

If yes, how much? N/A

If yes, state the attorney's name, address, and telephone number:

N/A

Amended 11/25/10 JS inheritance special needs placed in trust - petitioner does NOT have control over money etc. JS

debts likely + still disabled, no income + 6 more bogus criminal cases to defend

11. Have you paid - or will you be paying - anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes No

If yes, how much? \$10

If yes, state the person's name, address, and telephone number:

Cook County Department of corrections 2700 S. California, Chicago IL 60608

for copying and mailing and pen and envelopes

against her in retaliation for whistle blowing + activism (have won 25 cases pro se - criminal, lost 1, + these 3 bogus contempt cases)

12. Provide any other information that will help explain why you cannot pay the costs of this case.

Severe multiple medical problems, disabilities, (the falsified records) [Wrongful] conviction in 2007 for aggravated battery officer ("rammed him with wheelchair, kicked his chest with right leg causing abrasions up shins") - 2 yr sentence. Despite spinal cord injury (congenital + acquired) causing weak arms + hands + hemiparesis (can't raise leg above waist) + pro se

I declare under penalty of perjury that the foregoing is true and correct. Petitioner prevailed pro se, 300 or more all other cases far last 8 yrs against 30 defense over injury or bench trials with 7 pending

Executed on: August 5, 2010 false arrests in retaliation against corrupt officials + police who then fabricated false charges against petitioner which petitioner documented as reporter + blogger on Internet at: Linda Shelton PhD MEd

Examiner.com (petitioner = "Cook County Government Examiner") (Signature) cookcountyjudges.wordpress.com/7thcircuitcourts.wordpress.com cookcountysheriffdeputies.wordpress.com/prosechicago.wordpress.com illinoiscorruption.blogspot.com/drindashelton.wordpress.com

Need to file several more cases in jeopardy due to + misconduct Executive Committee + Easternbrook/Kokorus/Holderman + Hibler in 7th Circuit

several civil rights cases pending in fed ct in jeopardy due to lack of access + dozen civil cases for mandamus + injunction in public interest pro se

Need DOJ investigation, executive committee retaliation against whistle blowers in 7th Circuit

BBB33

Amended 12/14/10 39

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

[X] Yes – I have been declared disabled and eligible for SSI by the government in 2008. I hope to get my SSI and food stamps re-instated which were canceled during this illegal incarceration which is the subject of this petition (\$674 and \$200 per mo).

My father died on 9/7/2010. He set up a special needs beneficiary trust for me so I can live in his house owned by the trust for the rest of my life rent free, but I must pay utilities, repairs, upkeep, property taxes (about \$3000 per year). The trust will pay for specific items allowed that the government benefits do not pay for such as experimental medical treatments, some travel, some things to make me more comfortable, things I need to retrain for another type of job or equipment I need to obtain a job. I am NOT the trustee as long as I am eligible for government benefits.

I still owe > \$100,000 in medical debts (deductibles, copays even when I had insurance, and money during time between insurance and when I obtained Medicaid)

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case.

[X] No

11. Have you paid – or will you be paying – anyone other than an attorney (such as a paralegal or typist) any money for services in connection with this case, including the completion of this form?

[X] Yes – I paid the Cook County Dept. of Corrections about \$10.00 for copying, mailing, pen and envelopes.

12. Provide any other information that will help explain why you cannot pay the costs of this case.

Severe multiple medical problems (I need another neurosurgery on my neck right now), multiple disabilities, [wrongful] conviction defaming me and preventing me from working.

[I claim "victim" Sheriff Sgt. Salemi attacked me while unlawfully jailed for criminal contempt in 2005 – see other petition for certiorari for details – 4 weeks after I won an injunction against the Cook County Sheriff for failure to

BB34

answer a FOIA request which the Sheriff was later ordered by the court to answer and he had to admit that the Sheriff's office had NO COMPLIANCE PLAN with the ADA for more than 10 years regarding courthouses. Salemi sent the female guard away, came into my cell saying "I'm going to make a case so you don't get out", while I was right in front of him at the door grabbed me by the neck in my wheelchair, stumbled as the wheelchair reeled backwards scraping his shins on the footrests, flipped me out of the chair while snatching it out from under me [it had no armrests] and then he falsified his records said from the door a few inches away, while he was looking at him, I surprised him and accelerated the chair and rammed him with the wheelchair "bumping" his shins and then raised my right leg [the partially paralyzed one] and kicked him in the chest [although at trial he stated I was in the center of the room when I accelerated the chair from a dead stop and raised both legs and kicked him in the chest knocking him several feet against a closed door that he testified three times earlier in the testimony stayed open on its own - although other witnesses such as officers and nurses at sentencing said the jail doors do not stay open by themselves and have heavy door closing mechanisms].

[I was wrongfully convicted despite my doctors testifying that due to a congenital spinal cord injury I had arms and hands and a hemiparesis making me too weak to push the wheelchair forcefully, I was too severely dehydrated from a hunger strike to stand up, I can't raise my right leg above my waist, and there was no prosecution witness refuting these facts except the Sgt. Salemi and the prosecutor in his closing argument where he stated that I could walk to the witness stand with my cane.]

In violation of *Cunningham v. California*, 127 S. Ct. 856 (2007) I was sentenced to two years in prison instead of probation.

During the last eight years, for the first time in my life, I was arrested for a total of about 35 times, in retaliation for my whistle blowing (almost always in police stations when I was making complaints or courthouses or jail charged with trespassing, contempt, disorderly, battering an officer, resisting arrest - all bogus charges). I represented myself and won all cases including jury and bench trials or the cases were SOL or nolle prosequed, except for this one felony battery case and the 7 cases of contempt of court (two now overturned by IL Appellate court, two which I claim are void ab initio and I am still trying to get overturned, three which should be 3 counts not cases are the issue in the case before this Court. Five misdemeanor cases still pending).

For details of these cases you can read them on line at my blog: <http://drlindashelton.wordpress.com> and click the link on the right "History of Fraudulent Arrest Dr Shelton in Retaliation for her Whistle Blowing". You can also

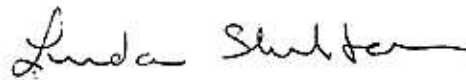
B B B 35

read my other blogs: <http://cookcountyjudges.wordpress.com> and
<http://cookcountysheriffdeputies.wordpress.com> and
<http://illinoiscorruption.blogspot.com>, which describe in detail the criminal acts of
judges and police against me to defame me and shut me up as a whistle blower.
Please note I have won a ½ dozen or so other mandamus and injunctions which
were later dismissed or the court orders not carried out because of the fact I was
jailed and denied communication with the courts both in IL DOC and Cook County
DOC as described in my previous motion to this court for access to the courts.

Therefore, I am indigent and cannot afford legal fees due to the tremendous illegal
legal siege I am under, my multiple disabilities, and the civil death I have suffered
due to this severe defamation of my character and loss of medical license as a result
of these fraudulent arrests.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 12-14-2010



Linda Shelton

38836

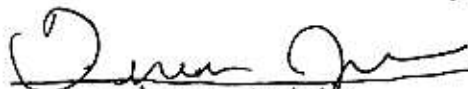
Courty of cook)
State of Illinois) CC

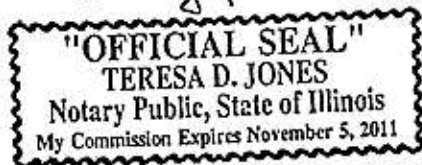
Affidavit

I, Linda Shelton, affirm and declare under penalty of perjury that to the best of my knowledge and belief all information I wrote in attached MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS is true and accurate.

Linda Shelton

Sworn to and affirmed before me this 9th day of August 2010


notary public



98037

IN S Ct of US
Shelton v Gomez
et al

Pet for writ cert.
re 10 HC00008
10 HC00012
(Cook Co 1K cases)
Petition for in forma
pauperis
supplement

AFFIDAVIT

I, the undersigned Affiant, being 18 years of age or over, of sound mind, a credible person, prepared (if some day sworn as a witness) to competently and publicly testify to the matters related in this instrument, attesting to the best of my remembrance to the facticity of all facts that are related herein, which I relate on the basis of my personal knowledge, and being first duly sworn on oath, do hereby depose and state as follows:

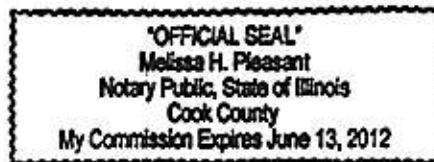
1. On or about August 25, 2010 I called the clerk's office of the Illinois Supreme Court in Springfield and inquired whether Linda Shelton-- on account of her present status as a detainee in the Cook County, IL Jail and of her unchanged financial condition as possessing zero assets and income, as before,-- could obtain a waiver of its recent but unexplained ruling that she may no longer file as a pauper and must pay the filing fees from three previous filings that she had done as a pauper before she would be permitted to file anything new in that court.
2. After several telephone messages left and callbacks, I spoke with a 'Melissa' in that office on or about August 26, 2010, who informed me that the Illinois Supreme Court would not change its recent order denying her pauper status or waive its demand for back payment of filing fees prior to any new filing-- even in the face of Linda Shelton's present status as a detainee in the Cook County, IL Jail and of her unchanged financial condition as possessing zero assets and income, as before.
3. Further Affiant sayeth naught.

David Cady

David Cady
P.O. Box 6169, Chicago, IL 60680

Subscribed and sworn to before me, this 31st day of August, 2010

Melissa H. Pleasant
[signature of Notary]



Supplemental
Appendix to File in
Forma Pauperis

BBB38

AMENDED
9/16/10-
PLEASE
READ
3 supplements
+
amendments

Amended
12/14/10
SS

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

LINDA SHELTON — PETITIONER

(Your Name)

vs.
COOK COUNTY DEPARTMENT OF CORRECTIONS
EXECUTIVE DIRECTOR GONINEZ — RESPONDENT(S)
and COOK COUNTY SHERIFF DART +
COOK COUNTY STATES ATTORNEY ANITA ALVAREZ
ON PETITION FOR A WRIT OF CERTIORARI TO

COOK COUNTY CIRCUIT COURT, ILLINOIS

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

LINDA SHELTON

9905 S Kilbourn Ave (Your Name)

Oak Lawn, IL
60453

2010-051171

8CM 3E

PO Box 089002

(Address)

CHICAGO IL 60608

(City, State, Zip Code)

N/A

(Phone Number)



BBB39

amended 11/25/10 emphasis added as amendment on 9/16/10-11 for clarification to emphasize

Please note all questions concern violations previous U.S. Supreme court holdings.

these questions previously decided by US Supreme Court in other cases - requiring supervisory order as better choice than granting certiorari although either is acceptable

QUESTION(S) PRESENTED

1) May an Illinois County Court hold a next-friend/relator in Contempt for arguing to the court that its refusal to hear a next-friend filed petition for writ of habeas corpus because it was filed by a non-attorney is an illegal act voiding the judge's order and subjecting the judge to arrest and punishment for willful violation of United States Supreme Court holdings, Illinois Statute and the United States Constitution, as well as violation of the 4th, 5th, + 14th Amendments?

amended 9/16/10-11 from County court

2) Does the fact that there is no statute or rule in Illinois allowing direct appeal of denial of a petition for writ of habeas corpus, require that the only appeal available goes directly to the United States Supreme Court? (Note by rule in Illinois petition may be filed either in County Court OR in Illinois Supreme Court) - Per due process under 5th + 14th Amendments

Amended 9/16/10-11 Answer = Yes per previous U.S. Ct holding FNI

3) If a judge knowingly issues an order violating United States Supreme Court holdings, the U.S. constitution Art. 1 section 9, and Illinois Habeas statute does he immediately forfeit his jurisdiction, causing that order and subsequent orders to be void in that proceeding and collateral proceedings?

4) May an Illinois County Court cloak itself with jurisdiction to deny automatic statutory jail good time credits when statutes deny him this jurisdiction? in violation of previous U.S. Supreme Court holdings. 5th + 14th Amendments

5) May an Illinois Court overturn United States Supreme Court holdings and issue three (3) contempt convictions with an aggregate sentence of 16 months during one hearing continued over three (3) days for three (3) similar acts without a summary judgment? - in violation U.S. Supreme Court holdings Illinois statutes + 5th + 14th Amendment due process rights

6) May an Illinois court increase a sentence a month after issuing the sentence? - in violation of 5th + 14th Amendment due process rights (considering 3 cases actually 3 counts in 1 case)

amended 11/25/10

7) Is a contempt finding made after judge improperly denies request to substitute judge [as a right] void? 5th + 14th A due process.

also see: People v Lopez (1948) 400 Ill. 432, 81 NE 2d 495

FNI - Previously affirmed Bas dicta statement or opinion of United States Supreme Court in ? v ? (1958?), that petitioner represented by Edward Levi in case previously read by this petitioner but not available to her due to gross lack of access to courts - see attached memorandum verifying lack of access.

BBB40

(amended 9/16/10-11 Woods v Niersteimer (1946) 328 U.S. 211, 66 S.Ct. 996, 90 L.Ed. 1177

LIST OF PARTIES

- All parties appear in the caption of the case on the cover page.
- [] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

88841

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Amended 9/16/10

BB42

TABLE OF AUTHORITIES CITED

CASES		PAGE NUMBER
<u>People v Loftus</u> (1948) 400 Ill. 432, 81 N.E.2d 495	_____	p 1, 2
<u>Boumediene v Bush</u> (2008) 553 US 723	_____	4, 9, 12, 13, App J p 2
<u>Jiffy Lube International, Inc v. Agarwal</u> (1996)	_____	5, 11 App J p 1
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<u>COOPER v Aaron</u> (1958) 358 US. 1	_____	6, 9, 12, 13
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<u>ex rel. Toth v Quarles</u> (1955) 350 U.S. 11	_____	13, App J p 2
<u>Codispoti v. Pennsylvania</u> (1974) 418 U.S. 506	_____	13, App J p 4
<u>Woods v Nierstheimer</u> (1946) 328 US. 211, 66 S.Ct 996, 90 L Ed 1177	_____	2, Questions
in re: marriage of <u>Betts</u> (1990) Ill. App. 3d 26	_____	1st, suppl - p 1 2nd suppl p 2 3rd suppl p 2
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735 ILCS 210-103 735 ILCS 5/10-106	_____	App N, 0
28 USC § 2101 (F)	_____	App N, 0
1987 Ill. Rev. Stat. ch 38 par 2-4 + 1991 ch 38 par 1005-8-4(a)	_____	suppl. for emergency w/ for stay p 1
1991 ch 38 par 1005-8-4(a)	_____	App J p 1 + 2
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<u>Sacher v United States</u> (1952) 343 US 1	_____	1ST SUPPLEMENT p 2+3
<u>People v Brown</u> (1912) 235 Ill. App 3d 945, 601 N.E.2d 1380, 176 Ill. Dec 682	_____	App J p 1
<u>People v Willis</u> (8) 204 Ill App 3d 590, 149 Ill Dec 680, 561 N.E.2d 1376	_____	App J p 1
<u>People v Segara</u> (1988) 126 Ill. 2d 70, 127 Ill. Dec 720, 533 N.E.2d 802	_____	App J p 2
<u>People v King</u> (1977) 66 Ill. 2d 551, 6 Ill. Dec. 891, N.E.2d 838	_____	App J p 2
<u>People v Prafer</u> (1987) 158 Ill. App. 3d 330	_____	App J p 4, 5
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<u>People v Russell</u> (1992) 237 Ill App 3d 310	_____	App J p 4
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Canons 3 A3 + 4	_____	

BBB43

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[] For cases from federal courts:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- [] reported at _____; or,
- [] has been designated for publication but is not yet reported; or,
- [] is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- [] reported at _____; or,
- [] has been designated for publication but is not yet reported; or,
- [] is unpublished.

For cases from state courts: *Under IL law petition for writ habeas corpus denied by County Court MAY NOT be appealed to ILLINOIS SUPREME COURT!*

The opinion of the highest state court to review the merits appears at Appendix A1 to the petition and is *and #2 is order denying access to IL Supreme Court (illegally)*

- [] reported at _____; or,
- [] has been designated for publication but is not yet reported; or,
- is unpublished.

The opinion of the TRIAL COURT court appears at Appendix B to the petition and is

- [] reported at _____; or,
- [] has been designated for publication but is not yet reported; or,
- is unpublished.

amended 2/16/10 JS

See U.S. Supreme Court holding in Woods v Neistheimer

*(1946)
328 U.S. 211,
66 S.Ct. 996
90 L.Ed. 1177*

People v Loftus (1948)

*400 F.11, 432
81 N.E.2d 495*

BBB 44

[if errors on record prove lack of jurisdiction, appropriate remedy under IL law = habeas in County or IL Supreme

** amended 11/25/10 JS
Note: in cases referenced →
US Supreme court held in Illinois
due to unique habeas law if habeas
petition filed in local court this is
"highest court" in state.*

JURISDICTION

[] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

[] No petition for rehearing was timely filed in my case.

[] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

~~28~~

For cases from **state courts**:

look to circuit Ct
see ~~28~~ below

habeas 10 HC0008 (Ct) case
(DENIED)

Also see Appendix #2

The date on which the highest state court decided my case was June 9, 2010. A copy of that decision appears at Appendix A1.

A copy of decision N/A - not heard de facto denied → case Aug 23, 30, Sept 8, 2010 see Appendix N

N/A [] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

scheduled BUT NOT heard!

N/A [] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

Note: There is no rule or statute in Illinois permitting appeal of denial of petition for writ of habeas corpus, which by rule may be filed in County Court or in Illinois Supreme Court. Therefore appeal of denial in either court may ONLY go to United States Supreme Court.

amended 9/16/10 JS
Also see: People v Loftus (1948)
400 Ill. 432, 81 NE 2d 495
[If error on record proves lack of jurisdiction - appropriate remedy = habeas]

Amended 9/16/10 JS
PER HOLDING UNITED STATES SUPREME COURT
Woods v. Nienström (1946) 328 U.S. 211, 66 S. Ct. 996, 90 L. Ed. 177

BB345

amended 11/25/10 ~~75~~
see next page typewritten

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

* see Memorandum on denial of access to courts [law resources] Appendix F

U.S. Constitution Art I Sect 9 -
Right to petition for writ of habeas corpus may not be suspended except in times of war
5th + 14th Amendments
all persons have a right to due process including that the rule of law be followed

1st Amendment
reporters are free to write without reprisal by government officials

Equal protection clause -
one group (pro se counsel) may not be denied privileges afforded another group (attorney counsel) under same circumstances

4th Amendment
probable cause is required before arrest (no legal argument based on law cannot be basis for contempt - all elements of crime must be alleged before arrest)

735 ILCS 5/10-106 - Judges not hearing habeas "forthwith" fined \$1000.

735 ILCS 5/10-103 - IL code civil procedure habeas statute article X

petition for writ of habeas corpus may be filed by [non-attorney] on behalf of another - must be heard "forthwith"

735 ILCS 5/2-1001(a)(2) - substitution of judge as a right is mandatory if no substantive rulings have been made in cause - request immediately removed judge's jurisdiction in the case

28 U.S.C. 2242 - habeas petition may be filed by non-attorney on behalf of another

735 ILCS 5/10 - No appeal of Habeas in Illinois if filed in County Court
735 ILCS 5/19-133 - SA or AG must judge for penalties - late hearing habeas

* Due to lack of access to courts petitioner is unable to set out verbatim the provisions - only her memory and some case law provided by friends were used to prepare this - petitioner requests leave to amend this when access to legal resources is granted or sentence is stayed

amended 2/16/10/11
see Appendix
- Some verbatim quotes now available

BBB46

Amended 11/25/10 -

see attached eason to read
typewritten version immediately
following written version

preliminary discussion before
on 2 meetings next friend
regarding habeas
petitions
Melon
11/25/10

STATEMENT OF THE CASE

illegally
Petitioner was ~~char~~ found in contempt twice in a hearing before
acting presiding [Chief] criminal court Judge McHale 5/11/2010
during a hearing where petitioner acting as a next-friend relator
tried to present ~~the~~ ^{two} petitions for writ of habeas corpus on behalf
of Cook County Department of Corrections ("CCDC") detainee
Annabelle Melonzo (an alien dual citizen of French Cameroon
and Haiti who has a nearly unintelligible accent when
she speaks English and confuses Roman + English law).

Acting presiding [Chief] criminal court Judge Biebel in the
Circuit court of Cook County ("CCC") had accepted a
similar petition from petitioner in 9/2009 on behalf of
Maisha Hamilton and assigned Ms Hamilton an attorney so
the senior judges of the CCC criminal division are not
ignorant of this important constitutional right.

Petition for writ was filed 4/20/2010 and as J. Biebel
was not available, the criminal clerk called acting presiding
Judge Kazmierski who first sent petitioner to Melonzo's trial
Judge Brosnahan who refused to hear the petition because
it was filed by a non-attorney (petitioner), then when
petitioner went to ~~the~~ Judge Kazmierski's courtroom he
on the record refused to hear petition also because it
was filed by a non-attorney.

On 5/5/2010 petitioner again motioned up for hearing
before J. Biebel the habeas petition but J Biebel again
was not available. Acting presiding Judge Wadas
refused to hear argument and denied both petitions
because they were filed by a non-attorney.

Both Judges Kazmierski + Wadas allowed petitioner
to object on record stating they were violating
the Habeas statute 735 ILCS 5/10-103 and the U.S.
Supreme court holding in Boumediene v Bush (2008)
553 U.S 723 as well as the Constitution Art. I Section 9.

Petitioner presumed J. Wadas' orders were void due
to violation of law and again motioned up petitions for
writs to be heard ONLY by [Chief] presiding J Biebel on
5/11/2010. Upon arrival in J. Biebel's courtroom on
5/11/2010, acting presiding Judge McHale was on the bench.

J. McHale asked if petitioner was an attorney and
she said "No". Then petitioner asked to make a record
[in order to state why a next-friend needed to file Melonzo's
two habeas petitions in order to aid court in quickly
understanding the issue before it].

Unlike with attorneys who are routinely allowed
to make a record to aid the court J. McHale ^{cut}

BB47

petitioner off saying "we need to get some things straight here," - an equal protection violation - which prevented habeas hearing!

Petitioner quickly stated that art 10 of 735 ILCS specifically allowed petition for writ to be filed by an "other person on behalf of petitioner," and that this is the "only place in the law when non-attorneys can file [on behalf of other persons]."

J. McHale said: "I don't read it that way," and by this time worn down, shocked, and astounded by the lawlessness of the judges of the CCC interrupted politely saying: "Oh, excuse me, the United States Supreme Court reads it that way."

The following discussion then was recorded on the transcript:

THE COURT: Whoa, whoa. We are not going to get very far if you're going to interrupt me.

MS SHELTON: Then I want to continue to Judge Biebel.

[A poorly worded request for substitution of judge, as a right due to violation of conditions of request which under Illinois law immediately removes jurisdiction of the judge except to transfer the case to the (chief) presiding criminal court judge (here Judge Biebel for re-assignment) FNI [due process issue]

THE COURT: No, we have already started the hearing.

MS Shelton: I did this before for another defendant and yet.

THE COURT: Ms. Shelton, if you don't let me talk I'm going to take you into custody. Now be quiet.

MS. Shelton: You can do whatever you want.

THE COURT: All right, be quiet.

MS Shelton: You can't violate the law. Then, you know, I have to come back to Judge Biebel this afternoon.

THE COURT: Ms Shelton, the habeas petition says "the defendant or another," and I take "another" to be a licensed attorney in the state of Illinois. You are not--

you have no right to file these things --

MS SHELTON: Excuse me, excuse me, your Honor, you are committing treason. It is an act of treason --

THE COURT: Take her in the back. Take her in the back.

MS SHELTON: -- for a Judge to refuse to hear --

THE COURT: You are in contempt --

MS SHELTON: -- a next friend petition.

(transcript 5/11/10 p 4 line 21 to p 6 line 5)

735 ILCS 5/2-1001(a)(2) (West 2006) - IL state statute

FNI - Citation for IL statute not available due to denial of timely access to court for petitioner by CODOC - see attached memorandum about denial of access to court. But see Tiffy Lube International Inc. v Aganwal 277 Ill App 3d 722, 727, 214 Ill. Dec. 609, 661 NE 2d 463 (1996) [All orders after SOJ as right denied are void]

BBB48

amended 9/16/10
Note: Not true as no discussion about McElango habeas petition - just procedural issue if filing was legal!

amended 9/16/10
Judge McHale clearly implied it was contempt for non-attorney to file petition

note: amended 9/16/10
at beginning of discussion, McHale offered to transfer to Biebel but Shelton said no consent if McHale followed habeas law transcript 5/11/10 App D lines 3-22

amended 9/16/10

statute

Petitioner was taken into custody and placed in lock-up. Five (5) hours later, when she was convinced she was found in contempt simply for filing a next-friend habeas petition, and this was an illegal act of treason by a rogue judge Petitioner was brought back to courtroom.

Petitioner immediately firmly stated that: 1) even the U.S. Supreme Court allows Guantanamo prisoners to have next friends file habeas petitions, and 2) due to U.S. Supreme Court rulings in Cooper v Aaron, 1958 [358 U.S. 1] and U.S. v Will 1980 [449 U.S. 200 FN 19] a judge who knowingly violates the law and U.S. Supreme Court holdings ~~is~~ violating his oath of office and committing an act of treason.

J. McHale said petitioner could say whatever she wants. Petitioner said what needed to be preserved on record.

Petitioner stated orders of traitors are invalid and as a citizen she was obligated to protect the constitution and therefore she was obligated to say that without jurisdiction due to his treason she was placing Mr. McHale under a citizen's arrest for violation of civil rights under color of law.

A short heated discussion took place where petitioner re-emphasized that J. McHale was acting illegally, his acts were treason thereby voiding his orders and removing his jurisdiction as judge on the case and J. McHale saying three times either "I haven't yet decided your sentence" or "let me talk!" Both Petitioner and J. McHale spoke rapidly, loudly, passionately and interrupted each other. (See 5/11/2010 transcript p 8-12).

Petitioner again was removed to the lock-up and one (1) hour later brought back into the courtroom. After statement by J. McHale asking petitioner if she would be quiet and petitioner responding that she doesn't cooperate with traitors in a sort of angry truce-type atmosphere J. McHale stated he held petitioner in contempt for interrupting him and calling him a traitor on 1st contempt charge. J. McHale then let petitioner speak.

Petitioner stated that: 1) she had tried to present petition to three (3) other judges who all refused to hear it or denied it with void orders;

amended 11/25/10
12 Supreme
Ct canons
for judges
require
them to
"hear"
litigants
(12 S. Ct
rule 63)

staff refused
to arrest judge
amended 9/10/10

refusing to
hear
petition

without ANY
Hearings on
Melango
Petition
amended 9/10/10

BBB49

2) specific case law she quoted requires judges to hear next friend habeas petitions, which is one of the most important rights in the constitution, or they were violating law, the United States Supreme Court, and the constitution in acts of treason; (violating due process)

amended 7/16/10-11
see may 11 transcript
(Appendix D)
p12-27

- 3) J. McHale had also violated the U.S. Supreme Court, State law, and the constitution in an act of treason; and
- 4) J. McHale's treasonous acts forfeited his jurisdiction and voided his orders.

Petitioner also gave a brief summary of documents and evidence that she had attached to Melongo habeas petition proving ~~that~~ ^{there} was no probable cause to arrest, charge or detain Ms. Melongo, per 4th Amendment.

Finally petitioner explained that J Biebel, J McHale's Supervisor had eight (8) months earlier allowed her to file a similar petition for writ of habeas corpus as a next friend for Ms. Hamilton and that as a result J. Biebel appointed Hamilton an attorney who eventually helped to win Ms. Hamilton's freedom.

J McHale then summarily sentenced petitioner to 120 days in CCDOC, ^(App. B, E) without admonishment as to right to appeal sentence or conviction, ^{educ process violation} as required by state statutes and petitioner too stunned to request court to file notice of appeal.

J. McHale then said the 2nd contempt finding was for during 2nd appearance "interrupting" him and not allowing him to speak, yelling, saying his orders were void and calling him a traitor and a jackass for committing treason. (APP F) Melongo habeas petitions ignored!

He then ordered a fitness exam ("BCX") stating petitioner's 2nd appearance was so more intense and passionate that he questioned her fitness and "held off" on deciding 2nd contempt sentence until fitness exam results received. Hearing continued to 6/10/2010. ^{Shouldn't defending habeas rights be passionate?}

Petitioner in CCDOC has had great difficulty accessing the courts or communicating with anyone - see attached memorandum about denial of access to courts, ^{Appendix F} Despite NO access to law library or legal research material she was able to obtain a blank one (1) page petition for writ of habeas corpus after two+ weeks, fill it in out of memory about habeas issues and pass it to Attorney Albuquerk, a friend who came

amended 7/16/10-11
friend now informs Shelton evidence documents now missing from Melongo habeas file!
although she has copies at home and gave copies to an attorney

BBSU

to visit petitioner to ask what had occurred to cause her to be jailed. Since petitioner was denied envelopes, stamps, and paper until late July 2010 - she asked Albuquerque to have a friend copy file and motion up habeas petition^(FN2) and attach an article^(FN2) she^(FN2) petitioner had dictated by phone and had published on an International news ~~web~~ Internet site, for which Petitioner is an independent contractor hired as a citizen reporter to write as their "Cook County Government Examiner [reporter]" to report news about corruption in Cook County. This in detail described this case and the treasonous actions of J. McHale in illegally jailing petitioner. Most judges in the CCC criminal division are aware of petitioner's writings on Examiner.com and on several blogs including Cookcountyjudges.wordpress.com where incompetent or criminal acts of judges including Judges Kazmierski and Brosnahan are described and published in detail. This ~~is~~ is the basis for most of the CCC criminal judges to be biased against petitioner - behind the scenes a known activist and whistle blower. [1st A free press issue]

{ annotated
9/16/10-SS
J. McHale
misspelled
McHale in
article)

Petitioner's family hired Attorney Albuquerque to make a motion to try to free petitioner. Without transcript (ordered but not available and without consulting further with petitioner Albuquerque wrote an emergency motion to grant bail and rescind sentence. He argued that: 1) since contempt requires intent the judge's order for fitness exam admits the court had significant questions as to if petitioner's acts were willful and knowing so Summary finding of contempt is incompatible with the court not having all relevant facts before it and this is a denial of due process (People v Meyers, 352 Ill. App. 3d 790 (2004) See also People v Sheahan, 150 Ill. App. 3d 572 (1986), and it is "incumbent on the court to afford the defendant [petitioner] an opportunity to fashion a defense based upon an affirmative defense of insanity." People v Wilson 302 Ill. App. 3d 1004, 1006 (1999); 2) the court's holding was legally in error ~~per~~ per 735 ILCS 5/10-103 [IL habeas statute] + federal law 28 USC 2242 that it was FN2-attached to Appendix C

illegal for a non-attorney to file a next-friend habeas petition -
 Atbukerk expressed the belief of petitioner that this was
 the court's basis for the contempt finding; 3) the court's
 holding that petitioner's use of the words traitor and treason
 was an act of contempt should be dismissed as these
 terms were used to make legal arguments based on case
 law and therefore was not meant to embarrass, hinder, or
 obstruct the court - petitioner quoted in open court
United States v. Will 499 U.S. 200 (1980) see FN 19, citing
Cohens v. Virginia & Wheat, 264 (1821) [To argue a judge
 has knowingly exceeded his jurisdiction, as petitioner
 said happened when J McHale over-ruled IL Habeas law.
 Constitution Art. I, sect 9, and U.S. Supreme Court dicta/holding
 in Boumediene v Bush (2008) 553 U.S. 723, is to argue
 a judge is a traitor and committed treason in an
 act of knowingly violating law,]; and 4) continuing
 to hold petitioner in jail for contempt will cause
 multiple non-parties great hardship - as petitioner's
 father is dying, petitioner had POA and family affairs
 and bills would not be cared for in her absence with
 the potential loss of a home. (Death occurred 9/7/10 - home being lost!

No orders
 were given
 to
 petitioner
 concerning
 contempt/
 finding/
 - in
 writing

amended 9/16/10
 immediate
 stay
 needed!

J. McHale heard this motion on 6/3/2010 and
 denied arguments #2 + 3 stating he did not hold
 petitioner in contempt for filing the habeas petition
 but because she "interrupted me four times during
 her first appearance [a statement NOT compatible with
 transcript 5/11/2010 p 4-5] and "the manner in which
 the defendant [petitioner] conducted herself in open court
 that led to her [2nd] contempt [finding]" (transcript
 6/3/2010 p 8-9) [referring to his previous statement that
 defendant yelled to the gallery and attorneys in the room
 that the judge's actions were "illegal" thus making
 "a complete spectacle of herself and creating a
 circus-like atmosphere in the courtroom." (transcript
 6/3/2010 p 8-9). (App. F) (petitioner alleges judge brought court into disrepute!
 + his orders void) ← amended 9/16/10

He continued argument #1 as to fitness because
 "a mere concern on my part that the defendant might
 have a fitness issues does not rise to a bona fide
 question as to her fitness." (transcript 6/3/2010 p 14), (But does Also
 NOT allow
 sentence
 without
 jury trial!)

J. McHale as to argument #4 said petitioner
 if she had concerns for her family, should have thought

9
 (in a snide, disrespectful spectacle
 unheeding a judge -
 Petitioner's father DIED 9/7/10 +
 sister's home being lost
 in foreclosure!)
 - family desperately needs
 to meet to solve problems now!

BB52
 amended 9/16/10

of that before committing contempt, also stating he understood from a POA attached to habeas petition by friend filing it that petitioner gave POA to a friend so this was not an issue [this was a false statement by J. Meltale as friend only had POA over personal and not family affairs.]

Amended 9/16/10
Father DIED - 9/7/10 + Defendant + Family in great distress
Urge review M to stay sentence requested!
PLEASE

Petitioner then on 6/3/2010 said she wished to fire her attorney [for lack of funds] and Albuquerk was granted leave to withdraw. Petitioner had said she had not seen or discussed motion before argument and wanted to file a different motion but was denied access to the courts by CCOE including legal research, paper, stamps, + envelopes. She moved orally for an order from the court granting her physical access to the law library and these materials and it was granted. (EXHIBIT H) - but > 10 weeks later still denied access to law library. Judge delaying hearing rule to show cause!

amended 9/16/10

Faretta admonitions were not given by court in granting self-representation even with fitness exam pending. Petitioner moved for standby counsel due to lack of access to law materials. This was denied.

She then orally moved for a stay of sentence pending appeal + due to family hardship noting her friend did NOT have POA over family affairs. She stated that the 7th circuit court had held that a stay of sentence is mandatory unless there was an issue of dangerousness when the sentence was shorter than the time it takes to appeal or the appeal is moot. [Appeals in Cook County are known to take > 2 years - judicial notice]. This motion was entered and continued due to fitness exam pending - in a heartless unethical act by J. Meltale.

Petitioner moved to vacate the fitness exam saying it was res judicata. Motion denied.

Petitioner moved to vacate all J. Meltale's orders as his act of treason made all subsequent orders void stating she could not give authorities due to lack of access to courts. Motion denied.

J. Meltale entered and continued Petitioner's petition for writ of habeas corpus and entered and continued Petitioner's oral motion to schedule hearing on her Melongo habeas petition.

Hearing continued to 6/10/2010.

On 6/9/2010 petitioner's habeas petition (EXHIBIT C) for 1st contempt conviction was presented before Substitute acting presiding criminal court Judge Porter. J. Biebel AGAIN NOT AVAILABLE! (only of Acc1000830)

amended 9/16/10
lack of hearing of habeas "forthwith" by Violator IL Habeas law
735 ILCS 5/10-103

requires Judge to be Fined \$1000 735 ILCS 5/10-106

33353

J Porter denied it stating that in IL habeas law is very limited and habeas petition can only be granted if sentence completed and defendant still in custody or if judge had no jurisdiction to convict defendant. J. Porter ruled that even if J. McHale made an error in refusing to hear Melango habeas petition, his error did not cause him to lose jurisdiction for finding defendant in contempt.

Judge Porter ruled orders are most voidable and not void.

Petitioner objected stating that due to J McHale's violation of IL law, constitution, and U.S. Supreme court holdings that next-Friend non-attorney habeas petition filings are legal, J. McHale's order was void and all subsequent orders were void and not voidable, as a judge who commits treason immediately loses jurisdiction. [due to lack of access to legal resources except those mailed to her by a friend + two cases out of a few cases brought to her by ccroc law librarian - who only gives inmates cases if she gets full citation - in 3 mo she has refused to respond to ANY request for legal research by keywords or topic without explanation - ccroc by policy denies physical access to all inmates housed in infirmary - petitioner is disabled and housed in infirmary - top officer for infirmary Supt. Martinez ^(Appellate #11) has refused to obey J. McHale's written order to give petitioner physical access to law library - petitioner can only state an authority for a distantly related issue. In IL in a civil case if ^{option to substitute judge} ~~change of venue~~ is ^{improperly} denied despite mandatory statutory requirement for compliance - all subsequent orders of that judge are void (Tiffy Lube International, Inc v Agarwal 277 Ill. App.3d 722, 727, 214 Ill. Dec. 609, 661 N.E.2d 463 (1996))

Although petitioner did not mention J McHale Denied substitution of judge [as a right] (transcript 5/11/10 p4 line 24 to p5 line 1-3) as a reason J McHale lost jurisdiction in habeas petition before Judge Porter or 1st contempt ~~conviction~~ conviction waiver of this issue on appeal does not apply as this involves fundamental due process constitutional rights not subject to waiver and the fact it would be a grave miscarriage of justice to allow a judge who lost jurisdiction to deny constitutional right to liberty without due process. Also "challenges to void judgments may be raised at any time irrespective of principle of waiver." People v Simmons 256 Ill. App.3d 651.

BBB54

On 6/10/2010 petitioner was brought before J. McHale and found to be fit without psychiatrist's report. Petitioner refused to answer psychiatrist's questions because "she will not cooperate with traitors." She considered order for fitness exam void as she considered all J. McHale's orders after he in acts of treason refused to hear Melongo habeas petition and refused to transfer case to [Chief] presiding criminal court J. Biebel on 5/11/2010 in violation of 735 ILCS 5/2-1001(a)(2) [law for substitution of judge as a right]. [Violation due process]

J. McHale then sentenced petitioner to 180 days in CCOC consecutive to 1st contempt sentence. [Due process violation] J. McHale said this was for "interrupting" him and saying he was a "jackass" for his treasonous conduct. He allowed petitioner to make a statement, before sentencing. (Appendix F+G)

Petitioner made essentially the same statement that she presented on 5/11/2010 that J. McHale's refusal to hear Melongo habeas petition was an act of treason for violating knowingly and willfully the constitution Art I sect 9, IL Habeas law 735 ILCS Article 10 and United States Supreme Court holdings [+ dicta] in Boumediene v Bush (2008) [553 U.S. 723], again citing Cooper v Aaron (1958) [358 U.S. 1] and U.S. v Will (1980) [449 U.S. 200] FN 19 [Chief Justice Marshall's exposition in Cohens v Virginia (1821) b wheat. 264 that "usurping [the exercise of jurisdiction] that which is not given... [by a judge] would be an act of treason." [Due process violation]

A heated discussion followed with both petitioner and J. McHale interrupting each other and talking over each other. ^{J. McHale had forfeited his authority as Judge.}

J. McHale then summarily found petitioner in contempt a 3rd time and for "interrupting" him and a comment as she was led out of the courtroom to 180 days CCOC consecutive to other contempt sentences (total 16 months sentence). [consecutive sentences violated due process]

He then modified ^{in absence petitioner} ~~all 3~~ ^{last} sentences by **BBSS** ordering that mandatory statutory day for day good time jail credits be denied. [Violation due process] + previous US S. Ct holding. Cadizotti v Pennsylvania (1974) 418 US 506

Each contempt conviction is listed as a separate case, but

this is erroneous - should be 3 counts in 1 case

See Appendix F+G

see: 2nd supplement

10/10/02 and pet. for writ habeas on Acc0008301 (sentence completed) + Acc0009301 or Acc0009401, de facto denied - filed 8/10/10 amended 9/16/10 JS

violated both IL law + previous US S. Ct holding

violated both IL law + previous US S. Ct holding. Cadizotti v Pennsylvania (1974) 418 US 506

Ⓟ Please see following amended
typewritten version 11/25/10

REASONS FOR GRANTING THE PETITION

For Certification of
Supervisory order
amended
3/16/10-15

Failure to grant certiorari would encourage and condone systemic violation of U.S. Supreme court holdings, state statutes and constitutional rights, as well as de facto suspension of right to petition ^{as next friend} for writ of habeas corpus now and in the future because! (U.S. Supreme Court holdings would be worthless!)

Five (5) mostly senior judges in the CCC violated repeatedly & blatantly one of the most fundamental constitutional rights - to petition for writ of habeas corpus. They see each other daily and may have decided together to act in this manner - essentially snubbing their noses knowingly at U.S. Supreme court holdings in Boumediene v Bush (2008) 553 U.S. 723 and ex rel Toth v Quarles (1955) 350 U.S. 11, openly violated IL statute 735 ILCS 10/10-103, and trashed the suspension clause Constitution Art I sect 9. No judge, let alone five (5) senior judges can claim mere error or ignorance of such an important right and violate due process this grossly, integrity of U.S. law at stake!

Then for this court to also ignore violation of their ruling in Codispoti v Pennsylvania (1974) 418 U.S. 506 and statutes which deny jurisdiction to judges regarding good time jail credits, as well as ignore violation of this court's ruling in Codispoti (Id) regarding due process right to jury trial if aggregate contempt sentences in one trial or proceeding exceed 6 mo (along with IL case law in re Marriage of Belts (1990) Ill. App. 3d 26) and in addition condone blatant violation of IL statutes voiding orders of judges who ignore request/motion for substitution of judge as a right would give license to all courts to ignore higher court holdings, law & the Constitution - Anarchy would be encouraged, lawlessness becomes standard!

Such a situation is incompatible with the role of the U.S. Supreme Court in defending the constitution, upholding state decisions, & would overturn de facto previous rulings in Cooper v Aaron (1958) 358 U.S. 1, U.S. v Wills (1980) 449 U.S. 200 and Cohens v Virginia (1821) 6 wheat. 264.

Chief Justice Marshall's words that it is treason for a judge to usurp jurisdiction when none is given as well as to refuse to follow law would be sent to the trash heap. U.S. Supreme court holdings would be meaningless! Lawlessness would RULE in the U.S.

defining
Hanson -
amended
3/16/10-15

amended
3/16/10-15

BB56

Judges would be given license to wholesale deny pro se litigants equal protection - the right to argue & present their case to the courts. Valid legal argument would be used as basis for contempt findings.

This case has wide-reaching national implications. Such blatant, systemic, and grotesque lawlessness by senior judges in the largest county court system in the U.S. should be promptly with great urgency quashed to preserve the constitution and the rule of law. ^{It would be disgraceful for this court to refuse to enforce its holdings!} ← amended 9/16/19

J. Porter's denial of habeas petition saying essentially that a judge that knowingly and blatantly, particularly in view of a published set of articles by petitioner who had criticized this lawlessness and treason in the exact same manner by three (3) of his colleagues, does NOT lose jurisdiction in the face of an act of CLEAR treason is an insult to our system of justice and brings the courts into disrepute, even implying retaliation against critics is OK!

It is time for the U.S. Supreme Court to make a strong clear, prompt statement, perhaps as a supervisory order that this systemic lawlessness in the largest county court system in the U.S. will not be tolerated. All orders of contempt against petitioner ~~are~~ as well as denial of a hearing on next-friend habeas petition are VOID. To set a clear example that such extreme lawlessness will not be tolerated perhaps the Court should refer this matter to the DOT for investigation of treason and retaliation against a federal witness as petitioner has several federal civil rights suits pending against corrupt officials and sheriff deputies in the justice system in Cook County including friends of the judges who have convicted and sentenced petitioner or who have illegally refused to hear her next-friend habeas petition for Melango (herself a whistle blower against corrupt officials.)

CONCLUSION

All orders of Judge McHale are void due to knowing violation of statutes, Constitution + U.S. Supreme court holdings. Conviction is void. Integrity of U.S. law is at stake.

The petition for a writ of certiorari should be granted.

or a strong and prompt supervisory order with stay of sentence should issue!

-EVEN IF REMANDED TO IL SUPREME COURT- which would be violation of IL law.

Respectfully submitted,

Linda Shelton

Date: August 9, 2010
msc
to

Placed in mail at ccroc by giving it to officer

Matter is of great urgency due to damage to petitioner's family + to MS. Melongo (now 5 mo + has petition still NOT heard!)

amended 9/16/10

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Linda Shelton — PETITIONER
(Your Name)

COOK COUNTY DEPARTMENT ^{VS.} OF CORRECTIONS
EXECUTIVE DIRECTOR Godinez — RESPONDENT(S)
COOK COUNTY SHERIFF DART and
COOK County States Attorney Anita Alvarez
PROOF OF SERVICE

I, Linda Shelton, do swear or declare that on this date,
August 8, 2010, as required by Supreme Court Rule 29 I have
served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*
and PETITION FOR A WRIT OF CERTIORARI ^{+ Motion for stay of sentence} on each party to the above proceeding
or that party's counsel, and on every other person required to be served, by depositing
an envelope containing the above documents in the United States mail properly addressed
to each of them and with first-class postage prepaid, or by delivery to a third-party
commercial carrier for delivery within 3 calendar days. ^{+ Emergency Motion for access to courts}

The names and addresses of those served are as follows:

COOK COUNTY STATES ATTORNEY ANITA ALVAREZ
50 W. Washington, Suite ~~500~~ 300
Chicago, IL 60602

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 8, 2010

Linda Shelton **88859**
(Signature)

RECEIVED
AUG 17 2010
OFFICE OF THE CLERK
SUPREME COURT ILL

IN THE SUPREME COURT OF THE UNITED STATES

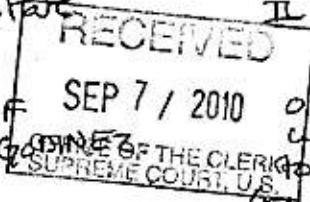
Linda Shelton
Petitioner/Movant

ON MOTION FOR EXTENSION
OF TIME TO FILE PETITION
FOR WRIT OF CERTIORARI
or in the Alternative...

The People of the State
of Illinois

IL App. Court # 1-07-3386

COOK COUNTY DEPT OF
CORRECTIONS EX DIR
ET AL



ON PETITION FOR
WRIT OF CERTIORARI
Cook Co Circuit Court
(Acc 10008301) 10 HC0008

Emergency Motion FOR the US Supreme COURT CLERK
TO COPY, STAPLE & SERVE ENCLOSED DOCUMENTS
DUE TO PAINFUL DISABILITY & LACK OF ACCESS
TO PAPER & COPY SERVICE OR STAPLER AS WELL AS ANY
FUTURE DOCUMENTS IN THIS CASE WHILE AT CCDOC

Now comes, Linda Shelton pro se who respectfully
moves court to grant above titled motion and
in support states as follows:

At Cook Co Dept corrections (CCDOC) where petitioner
is housed under an illegal incarceration order:

- 1- petitioner has been unable to illegally obtain more white paper for last month, the commissary at CCDOC does NOT supply white paper - only yellow legal pad, and law librarian supplies only small quantities white paper but has REFUSED to respond to requests since Aug 12, 2010. Inmates at CCDOC are NOT allowed to receive blank paper in the mail or from medical staff.
- 2- copy & staple service only available at CCDOC from law librarian & social worker but they have REFUSED to respond to requests since Aug 12, 2010.

3- Petitioner/Movant has painful neuropathic pain in (R) hand from C7 neuropathy requiring neurosurgery despite pain meds and even word she has handwritten this Hon Court causes great pain & discomfort - so handwriting several copies of everything is torturous, CCDOC will NOT allow respondent/movant to use a computer (less painful to type). Accomodations requested under ADA!

service in both
cases is to,
Cook Co. States
50 W. Washington
Chicago IL 60608
Attorney Anita Alvarez
Suite 300

WHEREFORE Petitioner/Movant ~~pro~~ moves this
Hon court for the relief stated in above title
of Motion. It is emergency because enclosed
documents are emergency motions (partly).

I declare under penalty
of perjury that the
foregoing is true & correct
Executed Aug. 23, 2010

Respectfully submitted
Linda Shelton
2010-0511171
PO Box 089002
Chicago IL 60608

B8860

No

IN THE
SUPREME COURT OF THE UNITED STATES

Linda Shelton

v

Cook Co Dept. of Corrections
Ex. Dir. Godinez et al

ON PETITION FOR
WRIT OF HABEAS
CORPUS
TO PREPARE
COOK COUNTY
CIRCUIT COURT
ACC10008301

EMERGENCY MOTION FOR STAY OF SENTENCE

Now comes Linda Shelton prose who moves this Honorable Court for a stay of sentence pending appeal of denial of habeas petition and in support states as follows:

On May 11, 2010 after petitioner attempted to present next-friend habeas petition to Cook Co Circuit court judge McHale and he refused to hear it calling it "illegal" for a non-attorney to file it, petitioner was found in contempt for vigorous legal argument that the judge's ruling was a violation of his oath of office and an act of treason voiding all his orders. Judge McHale clearly violated law.

After this argument was described as contempt and petitioner responded in allocution that his contempt finding was void as judges who commit treason lose jurisdiction. Judge McHale issued a 2nd contempt finding, sentenced petitioner to 120 days CCOC and ordered fitness exam before pronouncing 2nd sentence. Petitioner found fit.

On June 10, 2010 after Judge McHale found petitioner fit he said 2nd contempt charge was also for interrupting him and calling him a traitor. Petitioner made same argument in allocution that his acts were treason for violating US Supreme Court holdings, IL law & the constitution.

Judge McHale sentenced petitioner to 180 days for 2nd contempt consecutive to 120 days + without allowing allocution + without admonishment about appeals

BBB61

sentenced petitioner to a 3rd count of contempt for interrupting him, saying his orders were void and after saying she doesn't cooperate with traitors in great frustration after being in jail for a month as a result of a void order by a rogue judge for trying to help a person whose civil rights were violated, with her father gravely ill, being denied proper medication while in jail for her multiple medical disorders and disabilities having lost 20 lbs in 30 days on a hunger strike in protest of above & because the jail refused to provide a medical diet & she could not eat the regular diet, saying as ~~the~~ the hearing ended "fuck you judge" and "you're a traitor".

The 3rd sentence was 180 days consecutive to 1st 2 sentences - total of 16 mo. & judge also ordered no good time credits.

Petitioner has now served 3 months of this illegal sentence aggregate despite the orders being void; 2) it being illegal to summarily sentence a person for > 6 mo without jury trial; 3) judges in IL by statute have no jurisdiction to deny good time credits; and 4) judge also illegally denied substitution of judge as a right which also voids his orders. Appeals in IL take 2 years - longer than sentence

Petitioner is suffering greatly with improperly treated medical conditions including a need for neurosurgery and her family needs her now as matriarch during the last days of her father's life.

She is likely to win on appeal & is not a danger to society or flight risk.

wherefore ~~pe~~ movant request stay of sentence pending appeal on emergency basis.

Linda Shelton
2010-0511171 CC00C
PO Box 089002
Chicago IL 60608

Respectfully Submitted

Linda Shelton
petitioner declares above
true under penalty perjury
9/8/2010 Linda Shelton

2/2

BBB62

No

IN THE SUPREME COURT OF THE UNITED STATES

Linda Shelton
Cook Co Dept of Corrections
Ex Dir Godinez et al

On Petition for Writ of Certiorari to Cook County Circuit Court (re ACC10008301) 10 HC 00008

or in the alternative motion for supervisory order (amended 9/16/10)

SUPPLEMENT TO EMERGENCY MOTION FOR STAY OF SENTENCE (mailed 8/9/10)

amended 9/14/10 received Aug 17, 2010

Due to lack of access to courts and delay in receiving U.S. Supreme Court Rules from U.S. Supreme Court Clerk, Linda Shelton petitioner now comes to supplement her motion for stay of sentence with more details per requirement in U.S. Supreme Court Rules.

Under 28 USC § 2101(F) this Hon. Court has jurisdiction to stay sentence.

Due to lack of access to courts petitioner is unable to attach order of court, denying motion for stay of sentence pending appeal.

Note: Despite filing < 10 days before 90 day filing deadline, there is good cause for failure to file more timely - CDOC had denied access to courts as detailed in "emergency motion for access to courts" as filed in this case - mailed 8/9/10

Therefore petitioner declares under penalty of perjury that on June 3, 2010 petitioner made an oral Motion to Judge McHall for stay of sentence pending appeal and he entered and continued motion. Then on June 10, 2010 without explanation Judge McHall summarily DENIED Motion for Stay of Sentence of 16 mo for 3 findings of contempt during hearing on petitioner's/defendant's 2 petitions as next-friend to Ms Melargo by Shelton to have petitions heard in May 11, 2010 continued to June 3, 2010, continued to June 10, 2010. There was NO jury trial. Sentence was summarily condition + lack of access to courts and fact she has served 3+ months of unlawful sentence.

Motion is emergency due to movant's deteriorating medical condition + lack of access to courts. Respectfully submitted Linda Shelton 2010-0511171 CDOC PO Box 089002 Chicago IL 60608
Petitioner declares above true under penalty of perjury. 8/21/10 Linda Shelton

Amended 9/16/10 - no longer executor, but Alia Daley sister + executor, in desperate assistance Defendant with

amended 9/16/10 transcripts now available address as appendix L+M sec PTAL

amended 9/16/10 Defendant wt 5' 9" wt 191 lb 12/09 wt 179 lb 5/8/10 jail wt 137 lb 9/13/10

16 mo BBB63

set and case in for ext time 10/1/10
due to wrongful felony conviction - alleged "harmless" OTC with which

as well as due to fact movant's father is dying in hospice and she is executor of estate. Movant needs neurosurgey pt/1 + possible pacemaker (cardiology care) Also

No

IN THE SUPREME COURT OF THE UNITED STATES

LINDA SHELTON
PETITIONER

ON PETITION FOR WRIT
OF CERTIORARI to

COOK CO DEPT CORR.
EX DIR RODRIGUEZ

COOK COUNTY COURT
(re ACC10004301
10 HC00008)

(amended 9/16/10) or in alternative motion for supervisory order
COUNTS 2+3

ACC10009301
ACC10009401
10 HC00012

amended 9/16/10
3rd

3rd? 2nd? Supplement to Emergency motion for stay sentence

I am unable to append copy of judgment in a timely fashion due to denial of access to courts. (but to transcript) I appended in previous supplement my declaration that Motion in County Court for Stay Denied. Appendix I now have further transcripts - enclosed proving Stay denied in trial court. (Appendix L+N) IL law has no statute or rule allowing appeal of habeas or motion for stay on habeas in IL App. Court per US Supreme Court holding in Woods v Nierstheimer 328 US 211 66 S.Ct. 996 (1946).

amp appendix L

Also as stated in previous supplements with attached orders, US & IL Supreme Court has barred me from filing ANY documents whatsoever, de facto denying stay.

I know state in IL there is no statute or rule allowing IL App. Court ANY jurisdiction on habeas petitions, so there is NO opportunity to obtain stay from them.

emphasis amended 9/16/10

So I did get denial of stay from highest court.

A stay is justified as ALL orders of trial court are violations of US Supreme Court holdings, I am likely to prevail, I have served max allowable sentence if conviction upheld or resentenced - 6 mo with day for day credit 3 mo - I have served 2+ weeks past 3 mos, due to circumstances of deteriorating health, dying father + my family's need for leadership at home, retaliation by CDOC staff by physical abuse and medical neglect/battery for pursuing civil rights suits or in the alternative as requested in previously mailed supplements grant supervisory order to vacate convictions as all orders trial court are violate US Supreme Court holdings, - as referenced in petition + supplements.

amended 9/16/10
now 4 weeks

amended 9/16/10
father died 9/7/2010
family in great need of assistance Defendant

I declare under penalty perjury above is true + correct
Executed Aug 25, 2010

respectfully submitted
Linda Shelton
2010-0511171
PO Box 0890002
Chicago, IL 60608

BB664

No
IN THE
SUPREME COURT OF THE UNITED STATES

Linda Shelton
Petitioner
v
Cook Co. Dept. Corrections
Exec. Dir. Godner et al.

ON Petition for
Writ of Certiorari
to
COOK CO. CIRCUIT COURT
ILLINOIS
re: 10 HC 00008
(COUNT 1 ACC1000930)

see #3 amended 9/16/10 or in the Alternative Motion for Supervisory Order

and counts 2+3 "cases" ACC1000930 + ACC1000940 10 HC 00012

(1st) SUPPLEMENT TO PETITION FOR WRIT OF CERTIORARI

Due to lack of access to courts and delay in receiving U.S. Supreme Court Rules from US Supreme Court Clerk, Linda Shelton, petitioner pro se now comes to supplement her petition with more details not previously available to her and per requirement of U.S. Supreme Court Rules.

Denial of access to courts is clearly detailed in previously filed "Emergency Motion for Access to Courts." Extraordinary circumstances detailed:

amendment approved 9/16/10 U.S. Supreme Ct Rules Not received until Aug 17, 2010 weeks AFTER forms received!

- ① Authority now available to replace FN1 on page "Questions Presented" and to Supplement "Note" bottom of page 2.
= Woods v. Nierstheimer (1946)

328 U.S. 211, 66 S.Ct. 996, 90 L.Ed. 1177

- ② Correction p5 at FN1
IN Statute NOT "IL state"

amendment 9/16/10 hand corrected now an original Petition

- ③ This Petition for writ of Certiorari ~~should be~~ ^{is hereby} retitled "Petition for Writ of Certiorari or in the Alternative Motion for Supervisory Order." Petitioner asks leave to make this change and to allow this court to decide if it would rather handle the issues as a systemic violation of multiple different holdings of this court concerning next-friend habeas filings and multiple sentencing issues previously well settled by this Hon. Court, because the case represents an astonishing and intolerable number of violations of long-settled legal issues, which senior criminal court judges have no excuse to violate, rather than representing a need to clarify or establish new guidelines or interpretations of existing law.

Jurisdiction for a supervisory order would lie under 28 U.S.C. 1651(a)

BBB65

A supervisory order would aid this Hon. Court's appellate jurisdiction by strictly enforcing the holdings of this court over the past decades giving a crystal clear message that such blatant, systemic, and numerous violations of the Constitution and its Bill of Rights through disregard of U.S. Supreme Court rulings will not be tolerated, especially in the largest county court system in the country (Cook County) - already tainted by operation Grayford 20 years ago, which changed nothing.

This is especially true considering that since petitioner is a "citizen" reporter ^{and whistleblower} specifically publishing on an international Internet news site reports about corruption in Cook County and Illinois, this case involving 5 of the most senior and experienced judges in Cook County, has the appearance of retaliation ^{for} against the press and a whistleblower (petitioner) for reporting corruption among themselves ^{judges, police, prosecutors} and their colleagues on Examines.com, cookecountyjudges.wordpress.com, and Scribd.com, as well as in drindashelton.wordpress.com, illinoiscorruption.blogspot.com, and prosechicago.wordpress.com where petitioner publishes ~~her~~ ~~at~~ news articles and blogs.

Retaliation against the press and a whistleblower is suggested by the out~~er~~rageous conduct of these judges regarding this case and the ~~the~~ breadth + depth of their constitutional violations in total disregard of this Hon. Court's holdings.

⊕ The integrity of this Court's holdings must be preserved aggressively. The contempt findings are void, extremely excessive and a direct contempt on this Hon. Court multiple ways!

This Hon. Court in issuing a prompt and firm supervisory order would be honoring and confirming ~~its~~ its holdings in Sacher v United States (1952) 343 U.S.1,

72 S.Ct. 451, 96 L.Ed 717, where it said:

"That contempt power over counsel ... is capable of abuse is certain, men who make their way to the bench sometimes exhibit vanity, irascibility, narrowness, arrogance and other weaknesses to which human flesh is heir. Most judges, however, recognize and respect courageous, forthright lawyerly ~~conduct~~ conduct. They rarely mistake overzeal or heated words of a man fired with a desire to win, for the contemptuous conduct which defies rulings and deserves punishment." at 12

"We make it clear that this Court, if its aid be needed, will unhesitatingly protect counsel in fearless, vigorous and effective performance of every duty pertaining to the office of advocate on behalf of any person whatsoever." at 13-14

amended 9/4/10
Note: this Hon. Court is solemn promise to uphold Law!

Clearly petitioner is NOT an attorney, but as pro se counsel/relator she was and is acting as an advocate and in violation of the most fundamental right in the Constitution (to petition for writ of habeas corpus) her ^{for writ of habeas corpus} petition ~~is~~ done to aid the court and protect the civil rights of Annabelle Melongo filed in April 2010 - 4 MONTHS later has still NOT be heard and this relator/petitioner remains illegally jailed in violation of the laws of this land, in retaliation for filing ~~it~~ them ~~+~~ attempting to uphold + preserve the Hon. Court in an act of pure patriotism!

This is truly an extraordinary ~~circumstance~~ circumstance that cannot be tolerated and cries out for intervention by this Hon. Court.
Petitioner prays as above.

Petitioner declares above true under penalty of perjury
8/2/10
Linda Shilton

Respectfully Submitted
Linda Shilton, Pro Se
2010-0511171
PO Box 089002
Chicago IL 60608

LINDA SHELTON
Petitioner
COOK CO DEPT CORRECTIONS
EX DIR GARDNER et al

on petition for writ of certiorari - ^{or in the alternative for motion for supervisory order}
to Cook Co circuit court ILLINOIS
re: 10 HC0008 + 10 HC0012
(count 1 = case Acc10008301) (counts 2+3 = cases Acc10009301 + Acc10009401)
↑ (amended 9/16/10)

2nd Supplement to Petition for Writ of Certiorari

Now comes Linda Shelton with the following:

Due to denial of access to courts (copy service stapling serve, access to paper) it has taken > 1 mo to obtain copies of, staple + file my ~~petition~~ state petition for writ of certiorari in Cook County circuit court contempt counts 2+3 in case Acc10008301 (count 1 is habeas petition in this case 10 HC0008). Counts 2+3 were incorrectly given separate case numbers Acc10009301 and Acc10009401. The attached ^{state} petition (Appendix I) for writ of ~~certiorari~~ ^{habeas corpus} is 10 HC0012 + refers to these latter 2 cases (counts) - fully described with attached court orders in filed petition for writ of certiorari mailed 8/9/10 to this court in Cook Co Circuit Court case # 10 HC0008 (see exhibits F + G and statement of the case).

amended 9/16/10
Appendix I

This habeas petition on counts 2+3 was scheduled ^{state} to be heard today Aug 23, 2010 after proper filing with court and proper notice to Cook Co States Attorney to writ me into court. It is already an injustice to delay filing + hearing 2 mos.

However the Cook Co Sheriff REFUSED to transport me to court today so 10 HC0012 has been de facto DENIED. It was filed on Aug 16, 2010 and NOT scheduled in a timely fashion (72 hrs) required by case law.

Amended 9/16/10
+ "not on the with" law
735 ILCS 10-70-103

Questions in petition for writ of certiorari ~~AND~~ STATEMENT OF CASE and REASONS TO GRANTING CERTIORARI ALL equally apply to 10 HC0012.

As there is no appeal of habeas in IL by rule or statute if filed in local county court per ruling of this Hon Court

In Woods v Nierstheimer (1946) 328 U.S. 211, 66 S.Ct 996, 90 L.Ed. 1177, state remedies have been exhausted and the local county court for purposes of jurisdiction for U.S. Supreme Court became the highest court in the state. Therefore on 10 HC00012 the de facto denial of petition for writ of habeas corpus occurred on Aug 23, 2010, and this Hon Court now has jurisdiction on a petition for writ of certiorari or in the alternative a supervisory order.

As a new petition for writ of certiorari re 10 HC00012 would be a duplicate of this above entitled petition for writ of certiorari, re 10 HC00008, it would be appropriate due to judicial economy to add on 10 HC00012 to this case simply by adding the attached exhibits - petition for writ of Habeas Corpus re: ACC100083⁰¹, ACC100093⁰¹ & ACC100094⁰¹ to this petition for writ of certiorari as Exhibit J, and affidavit petitioned Ex K.

The only changes requested would be to change the following:
 p1 - opinions - ~~Note order of~~ Opinion of highest state ct
 Cook Co Circuit Court on habeas petitions - see ~~Exhibit~~ A and K
 Appendix

amended 9/16/10-35
 Added to original petition
 "Index to Appendixes"

- J- ^{state} Index of Appendixes
- J- Petition for writ of Habeas corpus 10 HC00012 re: ACC100093⁰¹ + ACC100094⁰¹
- K- Declaration Petitioner that Sheriff REFUSED to take her on Aug 23, 2010 for hearing on habeas petition resulting in de facto denial.

Jurisdiction

Date on which highest court denied petition on 10 HC00012 = Aug 23, 2010
 see appendix K.

(Cook Co Circuit Court - per U.S. Supreme Court decision in Nierstheimer supra)
 amended 9/16/10-35
 also Aug 30, 2010 & Sept 8, 2010 both de facto

WHEREFORE PETITIONER prays as requested above, I declare under penalty of perjury that the foregoing is true and correct
 Executed Aug 23, 2010

Respectfully submitted
 Linda Sheltan
 2010-0511171
 PO Box 089002
 Chicago IL 60608

BBB69

IN THE SUPREME COURT OF THE UNITED STATES

LINDA SHELTON
PLAINTIFF
v
COOK CO DEPT. CORRECTIONS
EX DIR GODINEZ et al.

On Petition for
Writ of Certiorari
to Cook County
Circuit Court, Illinois
10 HC00008
(re: Acc10008301)

or in the
alternative

in re: Linda Shelton
Plaintiff

+
10 HC00012
(re: Acc10008301
Acc10009301
Acc10009401)

or in the Alternative
Motion for Supervisory Orders

4th or (5thth) Supplemental Brief of Plaintiff/Petitioner

On 9/28/2010 then continued to 10/1/2010 Cook County
Circuit Court Judge McHale decided to hold hearing
on 2nd habeas petition 10 HC 00012 (to give himself time to
read state's motion to dismiss habeas petition)

Despite and in Violation of Illinois Supreme
Court holding in Hennings v Chandler and People v
Patterson cons. 229 Ill. 2d 18, 31-32, 890 N.E. 2d 920,
322 Ill. Dec. 1 (2008) that:

"[A]rticle X [735 ILCS 5/X - IL Habeas Act]
contains specific procedural provisions regulating
habeas corpus actions, and these sections
control over the general provisions of Article
II [which mandate service on opposing party
for any complaint] the Civil Procedure Law,
see 735 ILCS 5/1-108(a) (West 2002). Thus while
a habeas corpus complaint is considered
a "civil proceeding" under the Act, the
procedures governing such action are
specifically provided within article X, rather than
the civil practice law..."

[Article X of 735 ILCS 5/X requires that:
735 ILCS 5/10-103 "application for the relief shall
be made to the Supreme Court or circuit court of
the county..." [Note: NO requirement for service to
anyone else]

735 ILCS 5/10-105 "Any sheriff... having custody...
who shall neglect to give such prisoner a copy of

⊕ Due to lack of access to courts you have my ONLY copy -
as well as due to painful neuropathy - need
neurosurgery - difficult to write (copy illegally
made by nurse)
for my

the process or order of commitment within 6 hours after demand... shall forfeit to the prisoner... not exceeding \$500."

735 ILCS 5/10-106 "Penalty, Unless it shall appear from the complaint itself, or from the document thereto annexed, that the party can neither be discharged, admitted to bail or otherwise relieved, the court shall forthwith award relief by habeas corpus. Any judge... who shall corruptly refuse to grant relief... or who shall for the purpose of oppression unreasonably delay the granting of such relief shall... forfeit to the prisoner... a sum not exceeding \$1,000." (Source PA, 83-707) [Since 3? law > 25 yr old should sum be increased due to inflation?]

735 ILCS 5/10-109 "Subpoena - service... a subpoena shall issue to summon the witnesses..."

735 ILCS 5/10-110 "Service of order, The habeas corpus order may be served by the sheriff... or any person appointed by that purpose by the court..."

[on the person holding person in custody]

Note: No appeal of denial habeas in County Crt allowed in IL!

Judge Mettala dismissed habeas petition 10HC00012 illegally, stating it was not served on Ex Dir, Jail or Sheriff Dept as required by Article II, [in violation of Supreme Court holding - Hemmy (supra)]

He also announced that all "13 motions & habeas petition would be decided by him, J. Mettala, quickly as room was needed for other purposes and he would not allow argument, presentation or objection on the motions, except in a few cases for 5 minutes, at his discretion."

Defendant objected to this denial of due process then made a quick and therefore inadequate hurried presentation in 5 min of 10HC00012 after J. Mettala 1st announced he was granting motion by Defendant Shelton to vacate denial of good time jail credits on motion for such thus reducing time to be served on counts 2+3 (Acc10009301 and Acc10009401) from 12 to 6 months.

Then Defendant tried to object to J. Mettala's ruling to ignore Defendant's response to state's motion to dismiss 10HC00012 based on lack of service per article II as explained in above

IL Supreme Court holding (Henning (supra))

as another act of treason by J. McHale voiding his orders for violating law and higher court rulings as well as object to J McHale's denial of due process under 5th and 14th Amendments regarding 10HC00012 and the other 11 motions. As noted NO objections were allowed.

J. McHale then because defendant objected ordered defendant removed from courtroom and in absentia, according to hearsay obtained on phone from jail by Defendant from person who had been in gallery, ruled denying Defendant's habeas arguments and motions to: ① fine judges for violation of 735 ILCS 5/10-106 [not hearing Melang habeas petitions "forthwith" - (now 5 mo after filing and still no hearing) + not hearing Shelton habeas petitions "forthwith" (> 1 wk and > 45 days); ② (2nd motion to) stay of sentence pending appeal; ③ vacate all sentences as void because aggregate contempt sentences were summary and 16 mo (16mo) without jury trial; ④ vacate 2nd contempt count and allow jury trial as sentence pronounced one (1) month after alleged contempt act; ⑤ void all orders for violation of substitution of judge as a right; and ⑥ vacate 3rd Ct as consecutive + change to concurrent; but did allow the following: ① made count 2 (Acc10009301) concurrent rather than consecutive to count 1 (Acc10008301) and ② did allow Defendant to be declared indigent, for notices of appeal to be filed, for common law record to be ordered, and for free record of proceedings to be prepared. Informant did not remember decision on Rule to Show Cause against Sheriff + DOC staff for defying J. McHale's 6/3/10 order to give Defendant access to law library which has still been denied, with law librarian also refusing over 4 1/2 mo to do ANY legal research by keyword or short topic! All citations sent to Shelton by friends in mail.

all blatant violations of law + U.S. or IL Supreme Court holdings done knowingly + willingly as motions and habeas were well reference!

Informant also did not remember J. McHale's comments on Defendant's "Memorandum of Fact to Correct J. McHale's False Reframatory Statements of 6/10/2010" (attached as Exhibit A).

Defendant in lock-up then demanded at 10:45 A.M. orally that Courtroom services Sheriff Sgt. Thomas provide her copy of all orders and mittimus from Oct 1, 2010 hearing within 6 hrs per 735 ILCS 5/10-105. She made same oral and written demand to Lt. Blunt, a CCDC officer by 11:00 a.m. 10/1/10. Lt Blunt informed Defendant by next day that she had "forwarded" her oral and written requests to "records department" and to "Sgt. Thomas." Please note Defendant orally read 735 ILCS 5/10-105 in front of a deputy witness to Lt. Blunt and wrote this statute on her written demand.

As of 11 p.m. 10/5/2010 Defendant has not received an answer to her demand as required by statute + therefore cannot append orders.

Therefore Shelton is unable due to illegal acts of court, Sgt. Thomas and Lt. Blunt from attaching ~~or~~ orders and mittimus to this supplement.

Shelton remains jailed now illegally for nearly five (5) months with great harm to her and her family and her father committing suicide by starvation due to his distraught condition and CCDC officers who took Shelton to see his body after refusing to allow her to talk to him for 4 mo grabbing her religious books, throwing them on floor and stomping on them during viewing causing Shelton indescribable distress on 9/11/2010, along with other acts too disturbing to describe. The judge had ordered Defendant to be taken to her father's corpse-order not available due to lack of access to courts. Her father was high ranking military whose research helped save thousands of lives in Korea and later.

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BBB73

WHEREFORE, Defendant/Petitioner again urgently requests this Honorable Court to grant immediate stay of sentence and certiorari or in the alternative a supervisory order ASAP vacating ALL ORDERS OF J. McHale in 10 Hc00006, 10 Hc00007, 10 Hc00008, 10 Hc00012, Acc100083⁰¹, Acc100093⁰¹, + Acc100094⁰¹, issued by the Circuit Court of Cook County between 4/20/2010 up to and including 10/1/2010 and ordering presiding ~~or~~ (chief) criminal court judge Bichel of the Circuit Court of Cook County to hear next-friend habeas petitions 10 Hc00006 & 10 Hc00007 within 72 hrs with appointment of J. Nicolous Albuquerk to represent Ms. Melange and be paid by the court. (He has agreed to do so.)

This is necessary due to blatant and systemic violation of the U.S. Constitution, U.S. Supreme Court rulings and IL and Federal statutes as clearly described in all petitions and motions that have been filed in these cases and with this Honorable court thus far. Referral to DOJ is also indicated! These are clear acts of treason by judge + refusal Cook County States Attorney to prosecute judge + Sheriff.

Without immediate intervention and encouraging Court would be condoning and encouraging violation of the rule of law in the United States and would bring this court into great disrepute, make all holdings of this court meaningless + all rights under the Bill of Rights and U.S. Constitution unenforceable. Justice delayed in this case has already grossly denied justice. This should NOT be the law of the land!

Verified as true & correct
to best of Shelton's
knowledge and belief per
735 ILCS 5/1-109
in lieu of affidavit - not
available due to lack of timely
access to courts, and
law resources per declaration
Linda Shelton 10/6/10
under penalty of perjury.
P5/5

Respectfully submitted,
Linda Shelton Pro Se
2010-051171 8CM3E
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