

1 MR. PODLASEK: Good morning, your Honor.

2 THE COURT: Good morning.

3 Your name, please?

4 THE DEFENDANT: Annabel Melongo. Pro se.

5 MR. PODLASEK: For the record, Robert Podlasek on
6 behalf of the state.

7 THE COURT: Miss Melongo, you filed a motion for
8 substitution of judge that was before Judge Flood, is
9 that right?

10 THE DEFENDANT: Yes.

11 THE COURT: And this is the motion you filed?

12 THE DEFENDANT: Yes. And my motion was to have
13 the Chief Judge Biebel hear my motion and then he send
14 us to this.

15 THE COURT: When motions are filed for
16 substitution of judge before one of the other judges in
17 the building, that motion is sent to one of the
18 supervising judges, who I am. And that was the
19 procedure followed in this case as it is on every case
20 when that happens, okay?

21 I've read for motion for substitution
22 of judge. Also, is this -- the motion to dismiss the
23 indictment that's attached to your motion, that's the
24 motion that Judge Flood ruled on?

1 THE DEFENDANT: Yeah. He didn't want me to argue
2 that.

3 THE COURT: I'm just asking. And everything
4 attached to that was also part of your motion to
5 dismiss?

6 THE DEFENDANT: Yes.

7 THE COURT: I read all that as well. Did you want
8 to say anything about your motion, your motion for
9 substitution of judge?

10 THE DEFENDANT: Yes. Because what I want to say,
11 I have been in the case for three years and six month.
12 That has been no evidence. The case has never been
13 challenged in a court of law.

14 And I don't know. My motion was
15 actually to expose the corruption of the Attorney
16 General Office and the State's Attorney, because this is
17 a political corruption case.

18 And I don't know why Judge Flood never
19 heard my argument. He actually asked me the date to set
20 for my argument, and I told him the date. And he
21 actually asked me again, "Do you really want to argue?"
22 I told him I really want to argue my case.

23 So the day I came for argument, he
24 told me he will not hear my argument. And then I asked

1 him why. He said he has the right to do so. That's
2 not -- your Honor, I'm pro se, but I've attended a lot
3 of motion. When the judge make a ruling, actually
4 explain why he made the ruling, but the judge cannot
5 just say because he has right to do so.

6 I asked him why is it he doesn't want
7 to hear my argument even though I already set an
8 argument, to argue. I already set a date to argue my
9 motion. But he told me he has the right to do so.

10 And I was just like, your Honor, you
11 have no idea what this case has done to me. It has been
12 six years -- three years, six months. No evidence, just
13 coming to court every time. And I really want this case
14 to be over.

15 THE COURT: Well, you want to say anything?

16 MR. PODLASEK: No.

17 THE COURT: All right. Well, I looked at your
18 motion. And the fact that Judge Flood did not allow you
19 to argue your motion, the reason for that is that there
20 are certain times when judges have discretion to hear
21 argument or not. The reason you file a written argument
22 is everything you want to put before the court should be
23 in writing. That's what the court reads and considers.

24 That's what the appellate court then

1 would review given the more, given whatever ruling is
2 done on a particular case.

3 But I don't see that there are grounds
4 set forth in your motion for substitution of judge that
5 would warrant the granting of that motion.

6 If it's your belief that there is no
7 evidence in your case, well, that's what trials are for.
8 And it may be incumbent upon the parties in this case to
9 get the matter to trial as soon as possible. So if
10 there is no evidence presented against you, well, then
11 the trier of fact, whether it be a jury or a judge, will
12 make that determination. That's not necessarily a
13 ground that can be put forth in a motion to dismiss
14 either.

15 But I've read your motion for
16 substitution of judge. I don't think it properly lies
17 today, so your motion for substitution of judge is
18 denied, and the matter will be returned to Judge Flood
19 instanter for whatever further proceedings are warranted
20 in your case.

21 So the matter will go back to room
22 704, okay?

23 THE DEFENDANT: Can I say something, Judge?

24 THE COURT: Yeah.

1 THE DEFENDANT: Is there a way I want to appeal?
2 Because I really want Judge Biebel to hear my case. I
3 went to the clerk. They show me a motion. I want to go
4 and file that motion, because that motion will go
5 directly to Judge Biebel.

6 THE COURT: You're your own attorney, so you
7 consider the course of action you want to do.

8 THE DEFENDANT: I want to do that, please.

9 THE COURT: Right now the matter is going to Judge
10 Flood.

11 THE DEFENDANT: I want to go to the clerk and file
12 that motion.

13 MR. PODLASEK: So we're going back to Judge Flood?

14 THE COURT: This file is going back to room 704
15 right now.

16 MR. PODLASEK: Judge, should I walk it up as I
17 walked it down?

18 THE COURT: If you want to do that.

19 THE DEFENDANT: Judge, can I go to the clerk and
20 file that motion and --

21 THE COURT: You're our own attorney. You make the
22 determinations.

23 THE DEFENDANT: Okay. I'm going to do that.

24 THE COURT: Okay. But this matter is going right

1 before Judge Flood right now, so I would suggest you may
2 want to go back there first before you do anything else.

3 THE DEFENDANT: Okay, okay. Thank you.

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5 (WHICH were all the proceedings had
6 in the hearing of the above-entitled
7 cause.)

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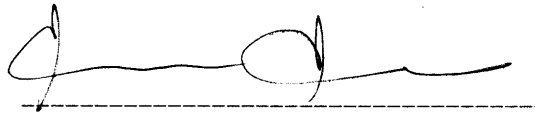
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1 STATE OF ILLINOIS)
) SS:
2 COUNTY OF C O O K)
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4 I, Susan M. Sychta, do hereby certify that
5 I am a Certified Shorthand Reporter doing business in
6 the City of Chicago; that I reported in shorthand the
7 proceedings at the hearing in the above-entitled cause;
8 that I further reduced said shorthand to typewriting,
9 and that this transcript is a true and accurate record
10 of my shorthand notes so taken at said hearing before
11 Judge Joseph Kazmierski, Judge of said court, on the 7th
12 day of October, A.D. 2009, and contains all of the
13 evidence had and testimony taken on said date.

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