

STATE OF ILLINOIS)

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COUNTY OF COOK)

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

PEOPLE OF THE STATE OF ILLINOIS,)

) **Judge: John J. Fleming**

Plaintiff,)

)

v.)

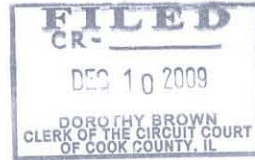
No. 08 CR-10502

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ANNABEL K. MELONGO)

)

Defendant.)



**MOTION FOR SUBSTITUTION OF NEWLY ASSIGNED JUDGE AS A RIGHT
MOTION PETITIONING CHIEF JUDGE TO KEEP OLD JUDGE**

COMES NOW the defendant, ANNABEL K. MELONGO, Pro Se, and respectfully moves this court to substitute the newly assigned Judge John J. Fleming as a right and keep the old Judge, Judge Lawrence E. Flood. In support of these motions Defendant states:

A) 725 ILCS 5/114-5(a) of the Code of Judicial Conduct states:

“ Within 10 days after a cause involving only one defendant has been placed on the trial call of a judge the defendant may move the court in writing for a substitution of that judge on the ground that such judge is so prejudiced against him that he cannot receive a fair trial. Upon the filing of such a motion the court shall proceed no further in the cause but shall transfer it to another judge not named in the motion. The defendant may name only one judge as prejudiced, pursuant to this subsection; provided, however, that in a case in which the offense charged is a Class X felony or may be punished by death or life imprisonment, the defendant may name two judges as prejudiced. “

- Judge John J. Fleming is known as the poster child of corruption and the embodiment of hypocrisy of Illinois' Cook County legal system. <http://swwside.blogspot.com/2009/06/fire-judge-john-j-fleming-and-jail.html>
- Judge Fleming is notorious for having sentenced a Chicago Police officer, found guilty of aggravated battery, home curfew and 130 hours of “community service”. Simply because the victim was an immigrant with a heavy accent and Judge Fleming 's father was a Chicago Police officer. The same judge later went on a rampage of excuses justifying the police officer's behavior and explaining his sentencing that otherwise should have carried a maximum of five years and fines.
- Considered that the defendant, an immigrant with an accent, filed a motion to dismiss the indictment based on false allegations committed by Detective William Martin, she believes that she can't have a fair process under Judge John J. Fleming because of the not-so-flattering reputation surrounding him.
- Furthermore, when the defendant inquired about her courtroom assignment, she was surprised to see that Judge John J. Fleming wasn't a random pick, rather a manually one. Next to the number that should have been assigned to her, Judge John J. Fleming's name was hand written; **adding yet another twist to this corrupted case whose main players have been Lisa Madigan, Anita Alvarez and Judge Paul Biebel. Using Judges as pawns to cover up their allegiance with Carol Spizzirri, Save A Life Foundation Inc. Founder, after the later has misused state and federal money entrusted to her.**

B) Pursuant to 725 ILCS 5/114-5(d) **ONLY** the state **OR** the defendant can substitute a judge after one such judge had made substantial rulings in the case:

“In addition to the provisions of subsections (a), (b) and (c) of this Section the State or any defendant may move at any time for substitution of judge for cause, supported by affidavit. Upon the filing of such motion a hearing shall be conducted as soon as possible after its filing by a judge not named in the motion; provided, however, that the judge named in the motion need not testify, but may submit an affidavit if the judge wishes. If the motion is allowed, the case shall be assigned to a judge not named in the motion. If the motion is denied the case shall be assigned back to the judge named in the motion. “

- There's nothing on file showing that the state made a motion to have Judge Lawrence E. Flood substitute. Furthermore, Judge Flood, isn't in any way physically incapacitated, rather, he was just assigned another room. Assigning a new judge to a case that's almost 3 years old will result in substantial prejudice to the defendant. Considered the fact that English isn't her native language and that she has issues being understood because of her accent; an accent that the old judge and his staff was already accustomed to and as a result, facilitated her communication and boosted her confidence in expressing herself. Assigning a new judge now, will not only shatter that confidence but also prevent her of having a fair trial. No fair trial can ever be achieved when one isn't understood, frustrated of having to repeat herself every time in front of a legal system she's not accustomed to, while at the same time facing three prosecutors well versed in English and in matter of law.

THEREFORE, in consideration of the premises, said defendant requests that the Chief Judge substitute Judge J. Fleming because she believes he's so corrupt and prejudiced against her that she cannot receive a fair trial and keep the old judge for fairness.

Respectfully submitted,



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