

No. 114852

IN THE
SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the Circuit Court
)	of Cook County, Illinois
Plaintiff-Appellant,)	
)	
v.)	Cir. Ct. No. 10CR-8092
)	
ANNABEL MELONGO,)	Honorable
)	Steven J. Goebel,
Defendant-Appellee.)	Judge Presiding
)	

PEOPLE'S MOTION FOR AN EXTENSION OF TIME FOR THE FILING OF THE RECORD

The People of the State of Illinois, by their Attorney, ANITA ALVAREZ, State's Attorney of Cook County, Illinois, through ALAN J. SPELLBERG, Assistant State's Attorney, pursuant to Supreme Court Rule 608(d), ask this Honorable Court for an extension of time, to and including January 7, 2013, for the filing of the Record. The People state the following in support of their Motion.

1. On December 13, 2010, Judge Mary Margaret Brosnahan denied defendant's motion to declare the Illinois Eavesdropping Statute to be unconstitutional. On November 14, 2011, defendant filed an amended motion to declare the Eavesdropping Statute unconstitutional. On February 14, 2012, the People filed a response in opposition to

defendant's motion. On June 19, 2012, Judge Steven J. Goebel granted defendant's motion to declare the Illinois Eavesdropping Statute, 720 ILCS 5/14, unconstitutional. On June 22, 2012, defendant filed an emergency motion requesting that the trial court amend its June 19, 2012, order declaring the Illinois Eavesdropping Statute unconstitutional in order to comply with Supreme Court Rule 18. On July 26, 2012, the trial court issued an order finding that the Illinois Eavesdropping Statute, 720 ILCS 5/14, is unconstitutional. The court specifically stated the following "Under Illinois Supreme Court Rule 18, the court finds the Illinois Eavesdropping Statute is unconstitutional on its face and as applied to defendant. The court holds that the Illinois Eavesdropping Statute lacks a culpable mental state, subjects wholly innocent conduct to prosecution, and violates substantive due process under the Fourteenth Amendment to the United States Constitution (U.S. Const. Amend. XIV) and Article I, Section 2, of the Illinois Constitution (Ill. Const. 1970, Art. I, Sec. 2). The court further finds that the statute cannot be construed in a manner that would preserve its validity and judgment cannot rest upon an alternative ground. Notice under Illinois Supreme Court Rule 19 was given."

2. The People filed their Notice of Appeal on August 9, 2012. The Clerk's Office of the Supreme Court of Illinois received the People's Notice of Appeal on August 31, 2012.

3. The record is due on November 26, 2012.

4. This is the People's second request for an extension of time to file the record in this matter.


5. The People have requested and are in the process of obtaining from the Official Court Reporter's Office the numerous necessary transcripts for this appeal. The People are currently in possession of two volumes of common law record in this case.

6. The People submit that they are diligently working to perfect the record for this appeal in order to provide this Court with a complete

record of proceedings.

THEREFORE, the People of the State of Illinois respectfully request an extension of time to and including January 7, 2013, for the filing of the Record.

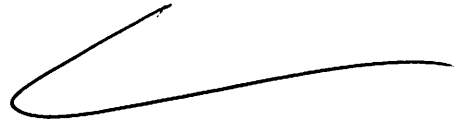
ANITA ALVAREZ
State's Attorney of Cook County
309 Richard J. Daley Center
Chicago, Illinois 60602
(312) 603-5496

BY: 
ALAN J. SPELLBERG, Supervisor
Criminal Appeals Division

STATE OF ILLINOIS)
) SS
COUNTY OF C O O K)

AFFIDAVIT


ALAN J. SPELLBERG, being first duly sworn on oath, deposes and says that affiant is a duly appointed and acting Assistant State's Attorney of Cook County, Illinois; that affiant has read the foregoing Motion by him subscribed; that affiant knows the contents therein; and that upon information available to him the same is true in substance and in fact.



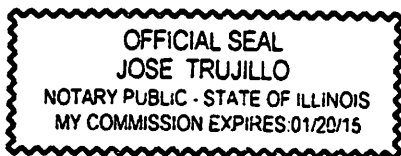
ALAN J. SPELLBERG, Supervisor
Criminal Appeals Division

STATE OF ILLINOIS
COUNTY OF COOK
Signed or Attested Before Me
on the 20th day of November, 2012,
ALAN J. SPELLBERG
Assistant State's Attorney.

(SEAL)



Signature of Notary Public



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ANNABEL MELONGO,)	Honorable
)	Steven J. Goebel,
Defendant-Appellee.)	Judge Presiding
)	

NOTICE AND PROOF OF SERVICE

TO:

TIMOTHY STORM
Storm Law Office
227 N. Main Street
Wauconda, Illinois 60084-1756

LISA MADIGAN
100 West Randolph Street, Suite 1200
Chicago, Illinois 60601

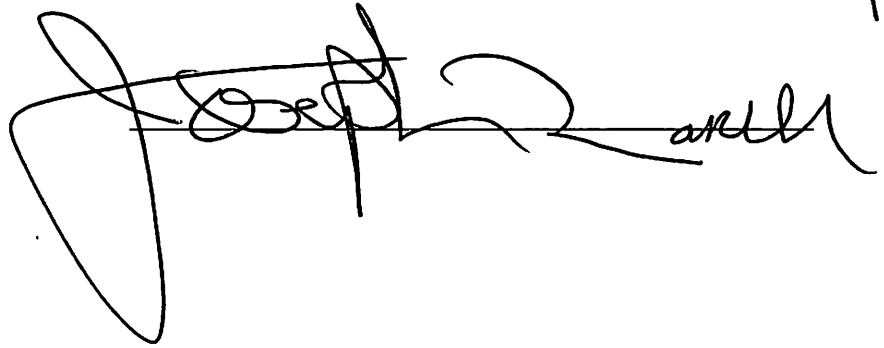
PLEASE TAKE NOTICE that on November 20, 2012, we shall serve by mail the above-named defense counsel and serve by mail the Illinois Attorney General and file in the Office of the Clerk of the Supreme Court of Illinois, in Chicago the attached Motion, Affidavit, and Draft Order.

ANITA ALVAREZ
State's Attorney of Cook County
309 Richard J. Daley Center
Chicago, Illinois 60602
(312) 603-5496

BY: _____
ALAN J. SPELLBERG, Supervisor
Criminal Appeals Division

STATE OF ILLINOIS)
)
) SS
COUNTY OF C O O K)

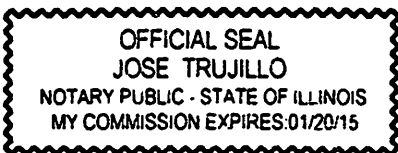
JOSEPH LANIER, being first duly sworn on oath, deposes and says that he served by mail the above-named defense counsel and served by mail Illinois Attorney General’s Office the above-mentioned papers and this Notice on November 20, 2012.



STATE OF ILLINOIS
COUNTY OF COOK
Signed or Attested Before Me
on this 20th day of November, 2012,
JOSEPH LANIER.

(SEAL)



Signature of Notary Public

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ORDER

This Cause Coming Before This Court on Motion of The People of the State of Illinois, and all parties having been notified, and the Court Being Fully advised in the premises,

IT IS HEREBY ORDERED that the People's Motion to Extend the Time for filing of the Record to and including January 7, 2013, is granted/denied.

ENTER:

JUSTICE OF THE SUPREME COURT OF ILLINOIS

Date