

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 )  
Plaintiff, )  
vs )  
ANNABEL MELONGO )  
Defendant. )

No. 08 CR 010502

DEFENDANT'S MOTION FOR SUBSTITUTION OF JUDGE

REPORT OF PROCEEDINGS had at the hearing of the  
above-entitled cause before the Honorable LAWRENCE E. FLOOD,  
judge of said court, on the 7th day of October 2009.

PRESENT: HON. ANITA M. ALVAREZ  
State's Attorney of Cook County  
by, MR. ROBERT PODLASEK  
Assistant State's Attorney,  
on behalf of the People;

MS. ANNABEL MELONGO  
appearing pro se.

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

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CIRCUIT COURT  
OF  
COOK COUNTY  
CRIMINAL COURTS  
BUILDING  
2650 S. CALIFORNIA  
ROOM 4C02  
CHICAGO, IL 60608  
(773) 890-6065

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COUNTY OF COOK ) SS:

Exhibit D

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1 THE CLERK: Add on, 08 CR 10502. Last name

2 M E L O N G O

3 MR. PODLASEK: Good morning, Your Honor. For the  
4 record Robert Podlasek, P O D L A S E K, on behalf of the State.

5 THE DEFENDANT: Annabel Melongo pro se.

6 THE COURT: I held this matter on call until today  
7 so that you could file your motion for substitution of judge.  
8 Do you have it, ma'am?

9 THE DEFENDANT: Yes. Actually, because from now  
10 on I want to put everything on the record.

11 THE COURT: Could I see the motion, please.

12 THE DEFENDANT: Okay. Can I first tell you what  
13 is inside the motion?

14 THE COURT: Ma'am, I need to see the motion,  
15 please, so I can sign it.

16 THE DEFENDANT: Okay.

17 (Document tendered to the court.)

18 THE COURT: I will sign this then. What sheet is  
19 it on?

20 THE CLERK: Add on on sheet 6.

21 THE COURT: I will assign it to Judge Kazmierski,  
22 presiding judge.

23 MR. PODLASEK: Judge, we would object to this  
24 being. I don't think she is within the timeframe to do this. I

1 don't think there is cause to do this --

2 THE DEFENDANT: Yes, there is a cause. The cause  
3 was --

4 THE COURT: Ma'am. Ma'am, now listen.

5 THE DEFENDANT: Okay.

6 THE COURT: You are to act respectfully in this  
7 court. I am treating you as a lawyer and you must act like a  
8 lawyer.

9 THE DEFENDANT: Okay.

10 THE COURT: I will send this to Judge Kazmierski.  
11 She has asked for substitution of judge.

12 MR. PODLASEK: Is that being sent down today?

13 THE CLERK: Instanter, Judge?

14 THE COURT: Instanter to Judge Kazmierski, who is  
15 my supervising judge.

16 MR. PODLASEK: I understand.

17 THE COURT: He is in room 400.

18 MR. PODLASEK: Judge, I need to go to Judge  
19 Fleming's courtroom first, so I will meet the defendant in Judge  
20 Kazmierski's court room.

21 THE COURT: Ma'am, you need to go to room 400.  
22 Judge Kazmierski will hear this motion.

23 THE DEFENDANT: Okay. What room?

24 THE COURT: Room 400.

1 THE DEFENDANT: He is the chief judge?

2 THE COURT: He is my supervising judge. That's  
3 the procedure here ma'am.

4 THE DEFENDANT: Because I want the chief judge. I  
5 am going to go to the clerk and try to find out. I want the  
6 chief judge to hear my case.

7 THE COURT: It is assigned to the judge in room  
8 400.

9 (WHEREUPON, the following proceeding  
10 was resumed and held as follows  
11 herein:)

12 THE CLERK: Recalling Melongo. Add on on sheet 6.

13 MR. PODLASEK: Your Honor, for the record  
14 Robert Podlasek on behalf of the State.

15 Judge, we were just before Judge Kazmierski  
16 in room 400, that includes Annabel Melongo and myself. Judge  
17 Kazmierski reviewed her motion and ruled on it. The ruling was  
18 it had no basis and he denied the motion. The judge then  
19 indicated he was returning the file to this room for further  
20 disposition by Your Honor or a date, whatever Your Honor's  
21 decision was. Miss Melongo was told it would be in her best  
22 interest to return to the courtroom and do whatever she was  
23 going to do after that.

24 The last time I saw Miss Melongo, for the

1 record, was she was standing on the fourth floor talking to  
2 another individual, and that's where it stands.

3 THE COURT: Let the record reflect it is  
4 approximately 11:32. This matter has been called. The motion  
5 was denied. She was here earlier. I will give it a date.

6 I am not going to issue a bond forfeiture  
7 warrant. I will give her a next date. Make sure she gets a  
8 copy of the order the next date. What date would you like?

9 MR. PODLASEK: Today is the 7th. Would the 27th  
10 or 28th be all right? Whatever is not too crowded for you.

11 THE COURT: October 28th.

12 MR. PODLASEK: Motion defendant? By agreement?

13 THE COURT: Make it by agreement.

14 MR. PODLASEK: That's fine, Judge.

15 THE COURT: By agreement then to October 28th.  
16 And if you could make sure she gets a copy of the order for the  
17 next court date.

18 The record should reflect she was here  
19 earlier before the matter was sent to Judge Kazmierski.

20 MR. PODLASEK: Judge, just for the record, if I  
21 may go back. I don't believe I have a current address for  
22 Miss Melongo and there is no address or telephone number on this  
23 motion.

24 THE COURT: What about the bond? Can I see the

1 court file, please.

2 MR. PODLASEK: Is there a bond slip?

3 THE COURT: No, there is no bond slip --

4 THE COURT REPORTER: She is here, Judge.

5 (Ms. Melongo now present.)

6 THE COURT: The matter is back before the court.

7 The matter was called while you were gone.

8 The date of October 28th --

9 THE DEFENDANT: Judge, I went to the clerk and  
10 then I filed a motion for substitution of judge to be heard by  
11 Judge Biebel and they gave it a date of October 14th.

12 THE COURT: Your matter before me: One motion for  
13 substitution of judge was denied by Judge Kazmierski and I had  
14 set this matter before me on October 28th.

15 THE DEFENDANT: Okay. So I have to talk to  
16 Judge Biebel because my request, my motion was to the chief  
17 judge, and Judge Biebel is the chief judge not Judge Kazmierski.

18 THE COURT: Ma'am. Ma'am, you are going to follow  
19 procedures here just like every other person does.

20 THE DEFENDANT: Okay.

21 THE COURT: The matter before me is set for  
22 October 28th. The motion before Judge Kazmierski was denied.

23 THE DEFENDANT: Okay.

24 THE COURT: The matter was sent back to me. Now



1 whatever you do, you do on your own. I don't have any comment  
2 regarding that. I will tell you this. This case that is now  
3 before me will be back here on October 28th. You are expected  
4 to be back here on October 28th. Now, on your motion you need  
5 to include a telephone number and address.

6 THE DEFENDANT: I put a telephone number and  
7 address.

8 THE COURT: No, there is none on the motion.

9 THE DEFENDANT: Okay.

10 THE COURT: You need to indicate it to the state's  
11 attorney so he has it. I will see you back here on the 28th.

12 MR. PODLASEK: It's a P.O. box number, Judge.

13 THE COURT: Pardon me?

14 MR. PODLASEK: It is a P.O. box number.

15 THE COURT: Phone number?

16 THE DEFENDANT: Phone number is there.

17 THE COURT: Your phone number needs to be there.  
18 I will see Judge Bieble October 14th. That's who I want to see.

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(CONTINUED TO OCTOBER 14, 2009)

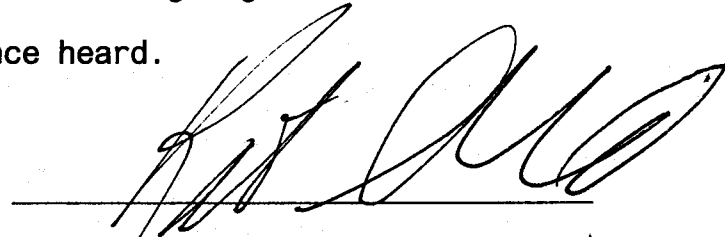
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1 STATE OF ILLINOIS )  
2 ) ss:  
3 COUNTY OF COOK )  
4

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

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12 \_\_\_\_\_

13 Official Shorthand Reporter  
14 Circuit Court of Cook County

15  
16 On this 13th day of October 2009  
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