

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 1/3

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS
Respondent

v.

No. 10 LC 00008

LINDA SHELTON

PETITIONER

ORDER

IT IS HEREBY ORDERED THE PETITIONER'S
PETITION FOR HABEAS CORPUS RELIEF
IS DENIED.

ENTERED
JUDGE DENNIS PORTER-1512
JUN 09 2010
DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL
DEPUTY CLERK

Atty. No.: _____

Name: _____

ENTERED:

Atty. for: COOK COUNTY STATE'S ATTORNEY

Dated: JUNE 9, 2010

Address: 2650 S. CALIFORNIA

City/State/Zip: CHGO, IL 60608

Dennis Porter 1512
Judge Judge's No.

Telephone: _____

Appendix **AI**

FILED

MAY 11 2010

DOROTHY BROWN
CLERK OF CIRCUIT COURT

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

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

PEOPLE OF THE STATE OF ILLINOIS)
)
)
)
)
)
)
LINDA SHELTON)

ACC 1000083 ^{OK} MMc
No.

-vs-

ORDER

This court finds that after making repeated efforts to conduct court proceedings on this matter, this court was prevented from doing so by the defendant's repeated interruptions and yelling. This court warned the defendant to stop the interruptions and allow the court to speak or she could be taken into custody at which time the defendant responded, "You can do whatever you want." The court again attempted to conduct a civil and professional dialogue with the defendant. Instead, the defendant again interrupted the court by yelling and accused this court of "treason". Further, the defendant turned her back to the court and faced the gallery stating, "This is treason. All of you attorneys know.....you all know.....this is the fourth judge to commit treason." The defendant's conduct was committed in open court in full view of numerous citizens and attorneys in the gallery.

Based on the defendant's disruptive behavior and statements, this court finds that her actions were an open threat to the orderly procedure of the court and caused a great indignity to the administration of justice.

Appendix B1

THEREFORE, this court finds the defendant guilty of Direct Criminal Contempt.

The defendant was advised of her contumacious conduct and was given a full opportunity to exercise her right of allocation. This court sentences the defendant to 120 days in the Cook County Jail.

Mmc

ENTERED:


JUDGE MICHAEL B. McHALE, #1927 1927

Judge Michael B. McHale

MAY 11 2010

Circuit Court-1927

2600 SOUTH CALIFORNIA AVENUE
COURTROOM 101
CHICAGO, ILLINOIS 60608
773-869-3160

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Linda Shelton
DEFENDANT

v.

Sheriff Dart
+ Judge McHale

204	FILED	AM PM
TIME _____		
MAY 26 2010		
Dorothy Brown Clerk of the Circuit Court Criminal Division		
Deputy Clerk Signature		

H.C. NO. 10 HC 00008

Re: contempt charge
of 5/11/10 (ct 1 = care #
Acc 10008301)

PETITION FOR WRIT OF HABEAS CORPUS

I Linda Shelton, defendant for this petition is filed.

The prisoner is held in the custody, confinement of Cook County Dept. of Corrections, in state of Illinois. see attached article
lack of jurisdiction

In violation of 4th Amendment probable cause, + 5th + 14th
Amendments due process, J McHale ILLEGALLY told me it was
contempt to file a habeas petition as next friend. I vigorously
told him as stated in attached news article I published via
telephone that because he BLATANTLY violated the constitution,
state law + US Supreme court that his orders were void +
according to US S. Ct he committed an act of treason
(all true of course!) Therefore he Illegally sentenced me for
contempt with a void order, without jurisdiction in retaliation for

WHEREFORE, I pray that a Writ of Habeas Corpus be issued directed to defending
Sheriff Dart, defendant commanding him to have said prisoner before myself
said Court at a time and place therein to be specified, to do and receive what against
shall then and there be considered by said Court, concerning the person so his treachery
restrained together with the time and cause of the detention, and said Writ.

Respectfully Submitted,

Linda Shelton PhD MD

Appendix C1
(+ attached article)



Published by phone
or
International
News Internet
Site.

Judge Mettale
not Mettaly

11/5/36

Examiner Jailed Defending Melongo & Bill of Rights

⊕ Note written by petitioner

May 14, 10:46 AM - Linda Shelton - Cook County Government Examiner

Dr. Linda Shelton, Cook Co. Government Examiner, was jailed May 11, 2010 when for the fourth time she attempted to present a petition for writ of habeas corpus on behalf of Annabel Melongo to the Cook County Circuit Court presiding judge of criminal court, Judge Paul Biebel, Jr.

Again, Judge Biebel was not available. Acting presiding criminal court Judge Michael ^{Mettale} illegally told Shelton that only the defendant or an attorney could file a habeas petition. This is a blatantly false statement.

The U.S. Supreme Court recently in a case involving prisoners at Guantanamo Bay ruled that even they cannot be denied the right of having their parents, non-attorneys, acting as "next-friends" file a petition for writ of habeas corpus on their behalf. Article I Section 9 of the U.S. Constitution says habeas corpus may not be suspended except in times of war.

Illinois statutes, 735 ILCS 10, state that a habeas petition can be filed by a non-attorney "on behalf of another." Dr. Shelton previously filed a petition for writ of habeas corpus on behalf of Maisha Hamilton and Judge Biebel accepted and dealt with it. Openly in court, Judge Biebel acknowledged Shelton's right to file "on behalf of another" as "next-friend."

Judge ^{Mettale} ruled May 11, 2010 that "on behalf of another" refers only to actions of an attorney and therefore it was contemptuous for Shelton to file a habeas petition on behalf of Melongo. See previous articles written by Shelton about judicial misconduct regarding cases where she was held in jail without probable cause in violation of the Fourth, Fifth, and Fourteenth Amendments.

Shelton is being illegally punished for exercising her and Melongo's Constitutional rights to redress of grievances (First Amendment), freedom of the press (First Amendment), and due process (Fifth and Fourteenth Amendment - which guarantees that laws and Supreme Court rulings will be followed).

The U.S. Supreme Court in Cooper v. Aaron (1958) ruled that where a judge violates the Constitution, statutes, or case law, he is violating his oath of office. They also stated in U.S. v. Will (1980) in a footnote that when a judge violates his oath of office and the Constitution he is "warring" on the Constitution which is an act of treason. A traitor is a person who commits treason.

The higher courts (Illinois Supreme Court and Illinois Appellate Courts) have also ruled that where a judge violates the constitution and statutes, his orders are void and of no effect. Therefore, the orders of a judge who is acting as a traitor are void, nullities, as if they never existed.

Shelton vigorously argued all the above with Judge ^{Mettale} who said this argument and calling him a traitor was contemptuous, summarily found Shelton in direct criminal contempt of court, took her into custody and sentenced her to 120 days in Cook County jail on contempt of court charge number 1.

Judge ^{Mettale} then said calling him a traitor and Shelton's argument indicated to him that Shelton was mentally impaired and ordered a fitness exam (BCX). He said he was waiting to sentence Shelton on a second contempt charge pending a fitness exam. He said the second contempt charge was for the time after Shelton was taken into custody and then brought back into the courtroom a couple of hours later for sentencing, but he couldn't sentence her because she was ranting and talking over him.

Judge ^{Mettale} brought Shelton back into the courtroom a short time later and sentenced her, but allowed her to make a statement on the record, including all of the above. Shelton also presented argument for her petition for writ of habeas corpus for Melongo as follows:

Melongo was charged with remotely accessing ^SSAIF computers and deleting financial records using a Comcast IP address (computer address analogous to a phone number) as well as using Comcast as her Internet provider. However, a subpoena to Comcast returned a letter from them that Melongo never had an account with them or Comcast computer IP address. Melongo uses SBC as an Internet provider and IP address and SBC bills attached to habeas petition prove this. So there is no probable

SAIF NOT SAIF Appendix C2

cause. The detective and prosecutor committed fraud upon the court in indicting Melongo and the court is obligated to dismiss Melongo's case under the Fourth Amendment for lack of probable cause.

Shelton is on a dry hunger strike in protest over the Court's lawlessness, illegally convicting her for contempt of court, and holding her and Melongo in jail in violation of the Constitution and their civil rights. To assist Dr. Shelton, contact her attorney, Mr. Albuquerk, at 773-847-2600.

Dictated from jail by Shelton on 05/12/2010 and typed by a friend.



Appendix C3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

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

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

THE PEOPLE OF THE)
STATE OF ILLINOIS)
) No. 10 HC 0006 (01)
Plaintiff,) 10 HC 0007 (01)
-vs-)
)
ANNABELLE MELONGO,)
Defendant.)

REPORT OF PROCEEDINGS had before the
Honorable MICHAEL B. MCHALE, Judge in Criminal
Court, heard on May 11, 2010.

APPEARANCES:

HON. ANITA M. ALVAREZ,
Attorney of Cook County, by:
MR. SAM LARRABEE,
Assistant State's Attorney,
Appeared for the People;

Yhana Wilkinson, CSR
Official Court Reporter
2650 South California, Rm. 4C02
Chicago, Illinois, IL. 60608

Appendix D1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

INDEX

PEOPLE vs ANNABELLE MELONGO

Page 1 through 31

Date of Proceedings: May 11, 2010

Reporter's CertificateP. 31

1 THE COURT: Annabelle Melongo.

2 Good morning, Ms. Shelton.

3 MS. SHELTON: Good morning. Where is
4 Judge Biebel today? I thought he would be here.

5 THE COURT: He is in a CBA meeting.

6 MS. SHELTON: I was told he would be
7 here today. I only want to be heard by Judge
8 Biebel. He is the only Judge who hasn't
9 committed treason.

10 THE COURT: Well, I don't know what time
11 he is going to be here, and I am the presiding
12 Judge in his stead today, so I am hearing your
13 petition.

14 Do you want continue this for Judge
15 Biebel?

16 MS. SHELTON: Well, if you're willing to
17 have fidelity of the law, follow Article 10 of
18 the code of Civil Procedure, I have no
19 problem.

20 THE COURT: I'm going to follow the law,
21 Ms. Shelton. Are we proceeding or not?

22 MS. SHELTON: Yes.

23 THE COURT: Are you a licensed attorney?

24 MS. SHELTON: No.

1 THE COURT: Okay.

2 MS. SHELTON: I would like to make a
3 record first though.

4 THE COURT: Well, no. We need to get
5 some things straight here. You're filing
6 something on behalf of Ms. Melongo, correct?

7 MS. SHELTON: Right.

8 THE COURT: As a friend of hers?

9 MS. SHELTON: Yes.

10 Under Article 10 of 735 ILCS a next
11 friend, it specifically says, and the habeas
12 petition has a place for other person on behalf
13 of petitioner to sign.

14 THE COURT: If I am --

15 MS. SHELTON: It's the only place in the
16 law when non-attorneys can file.

17 THE COURT: I don't read it that way.
18 It says the defendant --

19 MS. SHELTON: Oh, excuse me, the United
20 States Supreme Court reads it that way.

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

24 MS. SHELTON: Then I want to continue to

1 Judge Biebel.

2 THE COURT: No. We have already
3 started the hearing --

4 MS. SHELTON: I did this before for
5 another defendant and yet --

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

9 MS. SHELTON: You can do whatever you
10 want.

11 THE COURT: All right, be quiet.

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

15 THE COURT: Ms. Shelton, the habeas
16 petition says "the defendant or another", and I
17 take "another" to be a licensed attorney in the
18 state of Illinois. You are not -- you have no
19 right to file these things --

20 MS. SHELTON: Excuse me. Excuse me,
21 your Honor. You are committing treason. It is
22 an act of treason --

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

1 MS. SHELTON: -- for a Judge to refuse
2 to hear --

3 THE COURT: You are in contempt --

4 MS. SHELTON: -- a next friend
5 petition.

6 THE COURT: You are held in contempt of
7 court. Okay, Ms. Shelton.

8 MS. SHELTON: No.

9 THE COURT: Out.

10 Ms. Shelton, come on.

11 MS. SHELTON: This is treason.

12 All of you attorneys know that
13 Article 10 735 ILCS --

14 SHERIFF DEPUTY: Okay, come on.

15 MS. SHELTON: No. This is the fourth
16 judge to commit treason. I will not comply.

17 THE COURT. Ms. Shelton, you're making
18 this worse.

19 MS. SHELTON: Non. This is a violation
20 of the United States Supreme Court Ruling. You
21 cannot do this. A next friend --

22 THE COURT: Take her in the back.

23 MS. SHELTON: No.

24 You all know under 735 Article 10

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

habeas, a next friend can file. This is a
fourth judge to commit treason. I need someone
else?

(The above-entitled cause was
passed and later recalled.)

1 THE COURT: Bring out Ms. Shelton.

2 Let me just put on record we are
3 calling the case of Linda Shelton. The record
4 will show that she filed some things today on
5 behalf of another defendant, last name is
6 Melongo, M-e-l-o-n-g-o, first name
7 A-n-n-a-b-e-l-l-e.

8 The case numbers that are attached
9 to this are going to be habeas corpus numbers,
10 which is 10 HC 0006 and HC 0007, but the name of
11 the individual coming out now as the defendant
12 is Linda Shelton.

13 MS. D'SOUZA: I'm here on behalf of the
14 State, Geraldine D'Souza, D, apostrophe S,
15 o-u-z-a, Assistant State's Attorney for the
16 People.

17 THE COURT: Good afternoon.

18 SHERIFF: Hi, Judge. I'm Sergeant
19 Kennedy. Ms. Shelton says that she can't make
20 it unassisted, that she needs her walker.

21 THE COURT: Do we have her walker?

22 SHERIFF: Her walker is back there.

23 THE COURT: Okay. Do you see that as a
24 safety problem?

1 SHERIFF: No.

2 THE COURT: I have no objection.

3 (Defendant present in court.)

4 THE DEFENDANT: U. S. Supreme Court

5 versus Boudine, U. S. Supreme Court says that --

6 THE COURT: Good afternoon, Ms. Shelton.

7 THE DEFENDANT: Guantanamo prisoners --

8 THE COURT: I'm going to let you say

9 what you wan to say --

10 THE DEFENDANT: Guantanamo prisoners

11 have a right to habeas to be filed by next

12 friend. You committed treason. Cooper versus

13 Aaron, United States Supreme Court say when you

14 violate the law, you as a judge violated your

15 oath of office.

16 U. S. versus Will, 1980 --

17 THE COURT: Let me say a word --

18 THE DEFENDANT: U. S. Supreme Court says

19 that when a Judge --

20 THE COURT: You can say whatever you

21 want --

22 THE DEFENDANT: When a Judge violates

23 his oath of office he has committed an act of

24 treason.

1 THE COURT: Ms. Shelton --

2 THE DEFENDANT: This is a traitor. None
3 of his orders are valid. I refuse to listen to
4 this jackass who violates the law and is
5 committing treason.

6 THE COURT: Ms. Shelton --

7 THE DEFENDANT: I'm placing him under
8 arrest. It's a citizen's arrest for felony
9 violation 242, violation of civil of rights
10 under color of law.

11 THE COURT: Ms. Shelton, you have
12 already been held in contempt once --

13 THE DEFENDANT: I ask all of you to
14 arrest this man for treason.

15 THE COURT: You're getting close to a
16 second time, Ms. Shelton.

17 THE DEFENDANT: Habeas is a right
18 under --

19 THE COURT: Ms. Shelton --

20 THE DEFENDANT: Under the Constitution,
21 Article 1 Section 9 --

22 THE COURT: --contempt carries six
23 months, six months in the county jail is the
24 maximum penalty, and I have not decided what

1 your sentence is yet.

2 THE DEFENDANT: There is not going to be
3 a sentence because your orders are void. You
4 committed treason.

5 THE COURT: I'm going to say -- let me
6 talk --

7 THE DEFENDANT: You have just committed
8 treason.

9 THE COURT: Let me talk.

10 THE DEFENDANT: I'm a reporter for
11 Examiner.com. You can read my articles under
12 Cook County Government Examiner. He is the
13 fourth Judge now that I as a citizen --

14 THE COURT: Ms. Shelton, if you don't be
15 quiet and allow me to talk, I'm going to hold
16 you in contempt a second time today.

17 THE DEFENDANT: You are committing
18 treason.

19 THE COURT: You are looking at a year.
20 Are you going to let me talk or not?

21 THE DEFENDANT: Would somebody please
22 call my attorney Nick Albukirk, (773)
23 837-2600.

24 THE COURT: Ms. Shelton, I'll ask you

1 one last time to be quiet.

2 THE DEFENDANT: This man has committed
3 treason.

4 THE COURT: All right, this Court finds
5 Ms. Shelton in direct criminal contempt of Court
6 a second time today. Take her out.

7 THE DEFENDANT: It's not illegal -- I'm
8 not doing anything.

9 THE COURT: Take her away.

10 THE DEFENDANT: I am not doing anything.
11 Don't pull my right arm. I have a bad arm.
12 This is an act of treason. Somebody please call
13 Nick Albuquerk, (773) 837-2600. It's not illegal
14 -- it is not illegal to file a habeas as the
15 next friend on behalf of somebody else.

16 THE COURT: This court will be in
17 recess.

18 (The above-entitled cause was
19 passed and later recalled.)
20
21
22
23
24

1 THE COURT: Let's try this again. Linda
2 Shelton.

3 Let the record reflect Ms. --

4 THE DEFENDANT: Let the record reflect
5 that I refuse to cooperate with traitors.

6 THE COURT: Well, listen, I'm going to
7 let you say what you want --

8 THE DEFENDANT: You are committing
9 treason.

10 THE COURT: If don't let me talk -- Ms.
11 Shelton, I will let you say whatever if you let
12 me talk first, all right?

13 THE DEFENDANT: I'd like to know your
14 first so I can put in the paper.

15 THE COURT: Here it is right here. Got
16 it?

17 THE DEFENDANT: Yes:

18 THE COURT: I'm showing her my name
19 plate for the record.

20 This is how things need to work. I
21 need to make a record for legal purposes, and
22 then I will give you right to say whatever you'd
23 like to say. But if you interrupt me during
24 what I am saying I am just going to have you

1 removed from the courtroom. That will deprive
2 you of your opportunity to say what you want to
3 say which is being taken down by the court
4 reporter. It's in your best interest to let me
5 talk because I want to give you the opportunity
6 to say whatever you want to. All right?

7 Ms. Shelton, did that make sense?

8 THE DEFENDANT: As long as I can have my
9 papers when I talk.

10 THE COURT: Well, that's not up to me if
11 the Sheriffs feel it's okay.

12 SHERIFF: Yes.

13 THE DEFENDANT: They took them from me.

14 THE COURT: Do you have those papers?
15 Are they available for her to look at?

16 SHERIFF: Yes.

17 THE COURT: For the record the sheriff
18 is handing her her papers.

19 Do we have an understanding then,
20 Ms. Shelton? I am going to talk, let me talk.
21 If you interrupt me, I will have to take you out
22 of the courtroom, okay? Yes, you understand?

23 THE DEFENDANT: I don't cooperate with
24 traitors.

1 THE COURT: Okay. We are going to try
2 it anyway, all right. Here we go.

3 You have the right to be advised of
4 your contumacious conduct from earlier today.
5 Based on the spectacle that you created in this
6 courtroom this morning in front of a crowded
7 gallery, I found you to be in direct criminal
8 contempt. You refused to let me speak by
9 interrupting me and yelling over me. I gave you
10 the courtesy of a warning that if you didn't let
11 me speak I would take you into custody. You
12 showed further disrespect by flippantly
13 responding to that courtesy as you can do
14 whatever you want.

15 Even after you said that I let that
16 comment pass, and I attempted to engage you in a
17 polite manner at which point you again
18 interrupted me and accused me of treason. You
19 then turned your back on me and yelled at the
20 gallery continuing your outburst and disruptive
21 behavior.

22 Such disrespectful and volatile
23 behavior not only disrupted the orderly
24 procedure of this courtroom, but is an insult to

1 the justice system as a whole. Such behavior
2 cannot be tolerated.

3 You now have the right to say
4 whatever you would like to say, Ms. Shelton,
5 with respect to what I just said to you. Go
6 ahead

7 THE DEFENDANT: I, on April 20th, filed
8 an emergency petition for writ of habeas corpus
9 on behalf as the next friend on behalf of
10 Annabelle, A-n-n-a-b-e-l-l-e, M-e-l-o-n-g-o,
11 who is being held on a charge of computer
12 tampering without probable cause.

13 I have the documents from the police
14 officers saying she's been arrested because she
15 remotely tampered with a computer of Save a Life
16 Foundation, which is a shady nonprofit
17 corporation that filed for voluntary dissolution
18 in September that was a subject of four expose'
19 by Emmy winning ABC Chicago investigative
20 reporter Chuck Goudie.

21 Those 2006 reports have serious
22 questions about Save a Life Foundation's
23 fundraising claims and about the nearly nine
24 million in state and federal funds obtained

1 fraudulently by Save a Life Foundation to
2 provide first aide training in Chicago public
3 schools.

4 For example, Spizzirri, head of Save
5 a Life Foundation, claims she had a BS degree in
6 nursing, and she was actually a candy striper.
7 Her 2004 grant application submitted to the U.
8 S. Senate for Disease Control and Prevention,
9 where she got a three million dollar grant
10 fraudulently, she represented herself as a nurse
11 when she was a candy striper.

12 She has been declared a paranoid
13 schizophrenic by Wisconsin courts. She's a
14 master manipulator. She is the -- the
15 politicians including Lisa Madigan, Arnie
16 Duncan, Jan Shenkowski (phonetic), and many
17 others including Senator Durbin, helped her,
18 without due diligence, obtain over nine million
19 dollars fraudulently.

20 Arnie Dunkin, who was quoted by
21 Chuck Goudie, an investigative reporter, as
22 saying "yeah, we gave her fifty thousand dollars
23 a year for several years, but we don't have any
24 proof she actually used it to train children.

1 This is all in the hands of the FBI,
2 Special Agent Depooter, D-e-p-o-o-t-e-r, as an
3 investigation of massive fraud that was allowed
4 by the lack of due diligence of those prominent
5 politicians I mentioned. She should be arrested
6 for fraud.

7 Spizzirri, the head of -- CEO of
8 Save a Life Foundation shortly after Chuck
9 Goudie asked her what she did with the money,
10 she fired Ms. Melongo who was their IT
11 representative, and she went to the police and
12 said "oh, we can't show you what we did with our
13 money because she remotely erased all our
14 financial records.

15 The police said the financial
16 records were erased using a Comcast Internet
17 provider and a Comcast IP address. We
18 subpoenaed the records from Comcast. They say
19 Ms. Melongo had never had an account with them,
20 and that is not her IP address.

21 So we have absolute proof that there
22 is no probable cause that she has an SBC account
23 and never could have access to computers.

24 This is a cover up by a known liar

1 manipulator to try to hide the fact that she
2 misused nine million dollars and got it
3 fraudulently.

4 So I have written a petition for
5 writ of habeas corpus with this documentation
6 proving this corruption and fraud proving Ms.
7 Melongo is being falsely held without probable
8 cause in violation of the Fourth Amendment of
9 the Constitution.

10 I went to give it to Judge -- to
11 present it to Judge Biebel. Judge Biebel in the
12 past I presented a petition for writ of habeas
13 corpus on behalf of Myiesha Hamilton last
14 September, and Judge Biebel said yes, a
15 non-attorney can file a habeas petition, and he
16 assigned Professor Coyne from the Kent School of
17 law, and she eventually got out of jail.

18 Biebel wasn't here on April 20th, so
19 the clerk told me to go to Judge Kazmierski.
20 Judge Kazmierski refused to hear the habeas
21 petition, sent it to Judge Brosnahan who is the
22 trial Judge.

23 Judge Brosnahan said she refused to
24 hear it because she said that no non-attorney or

1 non-defendant can file a habeas petition. 735
2 ILCS Article 10 says specifically that an
3 attorney can file a habeas, the defendant can
4 file a habeas, and another person on behalf of
5 the defendant, which the U.S. Supreme Court
6 calls a next friend, can file a habeas petition.

7 So this is perfectly legal, and
8 Judge Brosnahan was wrong. Judge Kazmierski was
9 wrong. Then on April 5th, I mean, May 5, excuse
10 me, May 5th, I came back to try to present it to
11 Judge Biebel. Judge Biebel again was not
12 available. I was sent to Judge Wadas. Judge
13 Wadas, again, violated Article 5735 ILCS and
14 said oh, a non attorney/non defendant cannot
15 file a habeas petition.

16 The U.S. Supreme Court in U.S.
17 versus Boudine, B-o-u-d-i-o-u-n-e, I believe I
18 may have spelled it wrong, within the last two
19 years ruled and held on a case brought by the
20 prisoners in Guantanamo Bay that the grant writ
21 or habeas corpus Article 1 Section 9, United
22 States Constitution does -- cannot be suspended
23 on American soil. Guantanamo Bay is American
24 soil whether you're an alien like Ms. Melongo,

1 who is a dual citizen of Haiti and of Cameroon,
2 and a next friend such as the Guantanamo Bay's
3 parent, detainees parents or friend can file a
4 habeas petition.

5 That is part of the Constitution of
6 the United States, and part of the Constitution
7 of the state of Illinois, and it is immortalized
8 in the statutes in Article 10 735 ILCS.

9 Therefore -- also 735 ILCS says if a
10 Judge does not promptly hear the habeas, which
11 the U.S. Supreme Court has ruled to be within 72
12 hours, then they are to be fined a thousand
13 dollars to be paid to the defendant. The
14 state's attorney or the Illinois Attorney
15 General is supposed to prosecute these judges.

16 Therefore, I tried again today to
17 present the habeas to Judge Biebel. When I came
18 into this courtroom Judge McHale again said that
19 since I am not an attorney I could not file a
20 habeas. Judge McHale has also violated 735 ILCS
21 Article 10 United States Constitution Article 1
22 Section 9, and the United State's Supreme Court
23 holdings, and U.S. versus Boudine.

24 United States Supreme Court in Eric

1 Cooper versus Aaron 1958 ruled that when a Judge
2 violates the Constitution, violates the law, he
3 has violated his oath of office. United States
4 Supreme Court in U.S. versus Will, 1980, ruled
5 that when a Judge violates his oath of office he
6 has committed treason.

7 The concept of voidness there is
8 plenty of case law that says when a Judge
9 violates the law his orders are of no effect.
10 They are void, and he has no jurisdiction.
11 Therefore, all four of these judges' orders are
12 void, and they have no jurisdiction. They are
13 committing treason.

14 They are traitors. Acts of traitors
15 are illegal. Any authority they have as a Judge
16 is lost when they commit treason, when they
17 consciously, knowingly violate the U.S.
18 Constitution, the laws of the state, and the
19 holdings of the United States Supreme Court.

20 Therefore, I do not recognize Judge
21 McHale's authority. He blantly in front of a
22 whole gallery, courtroom full of attorneys who
23 should under their oath of office, including the
24 state's attorneys and the public defenders,

1 should have stood up and said Judge, you cannot
2 violate the Constitution because by not acting
3 they were aiding and abetting the act of
4 treason.

5 I do not condone treason. I will
6 not cooperate with traitors. I tried to tell
7 this Judge reasonably that he was violating
8 every -- the basic, most basic aspects of
9 American law. He refuses to listen, and I have
10 no choice but to verbally as strongly as I can
11 and consistently as I can refuse to condone or
12 participate with acts of traitors. Judge
13 Michael McHale is a traitor. He should be
14 arrested and punished under the laws of treason
15 of the United States, and he should be arrested
16 and punished by the U.S. attorney and federal
17 courts for violation of 42 U.S. 1842 -- 42 USC,
18 which is -- I am not saying it right. It's
19 conspiracy to violate rights of law, conspiracy
20 to violate rights under color of law. It's
21 Paragraph 242 of the Federal Code of Criminal
22 Procedure.

23 THE COURT: Anything further?

24 THE DEFENDANT: Any of those could be 20

1 years to life. This Judge should be impeached.
2 All of these acts, all four of these judges are
3 impeachable acts.

4 I am also a reporter for
5 Examiner.com. I've written all this up in my
6 articles, so these acts are also a violation of
7 the first amendment right to freedom of the
8 press and are retaliatory acts against a member
9 of the press.

10 THE COURT: All right.

11 THE DEFENDANT: So I will not cooperate
12 whatsoever. Any officer or any court personnel
13 who participates and carries out the void orders
14 of this Judge are aiding and abetting an act of
15 treason and are subject to the same punishments
16 and penalties and sanctions that the judges are
17 punishable under under the Federal Code of
18 Criminal Procedure, the act against treason and
19 against act against conspiracy to violate rights
20 under color of law.

21 So I am being held illegally,
22 Ms. Melongo is being held illegally. This is
23 anarchy, and it's time to fight it.

24 THE COURT: All right. Thank you, Ms.

1 Shelton.

2 Let the record reflect I gave her
3 approximately 12 minutes, from 3:31 to 3:43
4 approximately for her right of allocution.

5 Under the law Ms. Shelton has been
6 advised of her contumacious conduct. She has
7 been given the right of allocution. I found her
8 in direct criminal contempt of court, and I
9 sentence you to 120 days in the Cook County
10 Jail.

11 That now leaves the second matter of
12 the second contempt from your behaviour earlier.
13 Let the record reflect that approximately 3:00
14 o'clock Ms. Shelton was brought from the lockup,
15 and she did for the record also come into court
16 with a walker this morning. She was allowed to
17 have that today when she came out here at 3:00
18 o'clock to address the first contemt proceeding.
19 I want to the record to be clear, so I am going
20 describe the behavior as recall it.

21 I heard Ms. Shelton coming because
22 she was screaming at the top of her lungs in the
23 hallway leading from the lockup to the
24 courtroom. From the moment she entered this

1 courtroom she continued to yell at the top of
2 her lungs. I repeatedly admonished her to let
3 me speak. I tried to admonish her that I would
4 let her say whatever she wanted to say before I
5 sentenced her. At no time did Ms. Shelton stop
6 yelling to allow this Court to speak. She
7 stated that this Court had no authority to
8 sentence her. She said any sentence would be
9 void, or something to that effect. She called
10 this Court a jackass and a traitor.

11 Then was completely unable to speak
12 without her yelling over me, and I asked that
13 she be removed from the courtroom. At that
14 point she resisted passively by going him limp
15 on the floor forcing the sheriffs to carry her
16 from the courtroom.

17 This Court heard her make some
18 mention of an injury to her arm, which I want
19 the record to reflect she herself said, so there
20 isn't some later allegation that she was
21 injured. I saw no injuries to the defendant as
22 a result of her being taken or carried from the
23 courtroom I should say, and she's been brought
24 back in a wheelchair at this time for what

1 reason I don't know.

2 Her behavior this afternoon differs
3 in such intensity that I believe a BCX would be
4 appropriate, and this first sentence will stand
5 of 120 days, but I want to give this a 30-day
6 status date for a return of a BCX. Let's have
7 Ms. Shelton back here -- today is the 11th,
8 let's try for June 17. I'm sorry, let's try
9 June 10th. That is approximately 30 days.

10 And I will hold off on any decision
11 regarding the second contempt charge. I will
12 wait until I see a BCX before that happens.
13 Thank you, Ms. Shelton.

14 THE DEFENDANT: You're a traitor. You
15 will be held accountable.

16 MS. D'SOUZA: Do you want to us fill out
17 a BCX request?

18 THE COURT: Would you please?

19 MS. D'SOUZA: Yes.

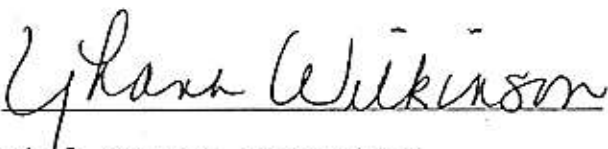
20 (The above-entitled cause was
21 continued to June 17, 2010,
22 at 9:30 a.m.)
23
24

1 STATE OF ILLINOIS)
2 COUNTY OF C O O K) SS:

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

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

I, Yhana Wilkinson, Official Court Reporter of the Circuit Court of Cook County, Criminal Division, do hereby certify that I reported in shorthand the proceedings had on the hearing in the aforementioned cause; that I thereafter caused the foregoing to be transcribed into typewriting, which I hereby certify to be a true and accurate transcript of the Report of Proceedings had before the Honorable MICHAEL B. MCHALE, Judge of said court.


Official Court Reporter

Dated this 24th day of May, 2010.

IN THE CIRCUIT COURT OF COOK COUNTY

PEOPLE OF THE STATE OF ILLINOIS)
V.)
LINDA SHELTON)
Defendant

CASE NUMBER ACC10008301
DATE OF BIRTH 09/02/55
DATE OF ARREST 00/00/00
IR NUMBER 1527850 SID NUMBER _____

ORDER OF COMMITMENT AND SENTENCE TO
COOK COUNTY DEPARTMENT OF CORRECTIONS
=====

The above named defendant having been adjudged guilty of the offense(s) enumerated below is hereby sentenced to the Cook County Department of Corrections as follows:

Count	Statutory Citation	Offense	Sentence	Class
001	<u>720-5/1-3</u>	DIRECT CRIMINAL CONTEMPT	MOS. _____ DAYS 120	O
	and said sentence shall run concurrent with count(s) _____			
	_____ and said sentence shall run (concurrent with)(consecutive to) the sentence imposed on:		MOS. _____ DAYS _____	
	_____ and said sentence shall run (concurrent with)(consecutive to) the sentence imposed on:		MOS. _____ DAYS _____	
	_____ and said sentence shall run (concurrent with)(consecutive to) the sentence imposed on:		MOS. _____ DAYS _____	
	_____ and said sentence shall run (concurrent with)(consecutive to) the sentence imposed on:		MOS. _____ DAYS _____	

The Court finds that the defendant is entitled to receive credit for time actually served in custody for a total credit of _____ days as of the date of this order

IT IS FURTHER ORDERED that the above sentence(s) be concurrent with the sentence imposed in case number(s) _____
AND: consecutive to the sentence imposed under case number(s) _____

IT IS FURTHER ORDERED THAT _____

IT IS FURTHER ORDERED that the Clerk provide the Sheriff of Cook County with a copy of this Order and that the Sheriff take the defendant into custody and deliver him/her to the Cook County Department of Corrections and that the Department take him/her into custody and confine him/her in a manner provided by law until the above sentence is fulfilled.

DATED MAY 11, 2010

CERTIFIED BY B KUNST
DEPUTY CLERK

Judge Michael B. McHale
MAY 11 2010
1927

ENTER: 05/11/10

M. McHale 1927
JUDGE: MCHALE MICHAEL B 1927

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT – CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS)
)
 -vs-)
)
)
)
 LINDA SHELTON)

ACC: 100093⁰¹

ORDER

This Court finds that after making repeated efforts to conduct court proceedings on this matter on May 11, 2010, this Court was prevented from doing so during the defendant's second appearance due to her repeated interruptions of the court and her continuous yelling.

During the second appearance before the court that day, the defendant interrupted the court (11) eleven separate times and ignored (4) four separate warnings from the court to stop yelling and allow the court to speak. The defendant refused to stop yelling over the court and created such a disturbance that she disrupted the orderly procedure of the court and caused a great indignity to the administration of justice. Further, the defendant showed great disrespect for the court by referring to it as a "jackass". All of this conduct took place in front of attorneys and spectators in the gallery of the courtroom. Therefore, the Court found the defendant guilty of direct criminal contempt for a second time on May 11, 2010.

Appendix F1

Today, the defendant has been advised of her contumacious conduct and was given a full opportunity to exercise her right of allocution. This Court sentences the defendant to (180) one-hundred eighty days in the Cook County Jail. This sentence shall be consecutive to the (120) one-hundred twenty day sentence on defendant's first contempt finding on May 11, 2010.

ENTERED:

 1927

JUDGE MICHAEL B. McHALE, #1927

Judge Michael B. McHale

JUN 10 2010

Circuit Court - 1927

2600 SOUTH CALIFORNIA AVENUE
COURTROOM 101
CHICAGO, ILLINOIS 60608
773-869-3160

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT – CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS)
)
-vs-) ACC: 10009401
)
LINDA SHELTON)

ORDER

This Court finds that during her appearance today, the defendant once again interrupted the court by yelling over him and refused to allow him to conduct court in an orderly manner. This Court warned the defendant several times to allow him to speak. The defendant ignored the court's warnings and stated, "I don't give a damn!", while she continued to yell over the court. Defendant was held in Direct Criminal Contempt by the court. The defendant then proceeded to yell at the court even louder and screamed, "fuck you judge!" As she was taken from the courtroom, all of the conduct took place in front of attorneys and spectators in the gallery of the courtroom. Based on the defendant's disruptive behavior and statements, this court finds that her actions were an open threat to the orderly procedure of the court and caused great indignity to the administration of justice.

Therefore, this Court finds the defendant in Direct Criminal Contempt.

Appendix F-3

This Court hereby sentences the defendant to (180) one-hundred eighty days in the Cook County Jail. This sentence shall run consecutive to the defendant's (2) two other sentences for contempt: ACC 10008301 (120) one-hundred day sentence on May 11, 2010) and AC10009301 (180) one-hundred day sentence.

ENTERED:



JUDGE MICHAEL B. McHALE, #1927

2600 SOUTH CALIFORNIA AVENUE
COURTROOM 101
CHICAGO, ILLINOIS 60608
773-869-3160

Judge Michael B. McHale

JUN 10 2010

Circuit Court - 1927

- 2 -

Appendix F4

IN THE CIRCUIT COURT OF COOK COUNTY

PEOPLE OF THE STATE OF ILLINOIS)
 V.)
LINDA SHELTON)
 Defendant

CASE NUMBER ACC10009301
 DATE OF BIRTH 09/02/55
 DATE OF ARREST 00/00/00
 IR NUMBER 1527850 SID NUMBER _____

ORDER OF COMMITMENT AND SENTENCE TO
 COOK COUNTY DEPARTMENT OF CORRECTIONS
 =====

The above named defendant: having been adjudged guilty of the offense(s) enumerated below is hereby sentenced to the Cook County Department of Corrections as follows:

Count	Statutory Citation	Offense	Sentence	Class
001	<u>720-5/1-3</u>	DIRECT CRIMINAL CONTEMPT	MOS. ___ DAYS 180	0
	and said sentence shall run concurrent with count(s) ___ - ___ - ___			
	_____ and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:		MOS. ___ DAYS	___
	_____ and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:		MOS. ___ DAYS	___
	_____ and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:		MOS. ___ DAYS	___
	_____ and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:		MOS. ___ DAYS	___

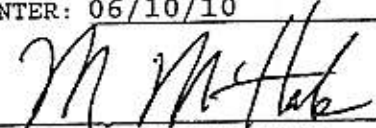
The Court finds that the defendant is entitled to receive credit for time actually served in custody for a total credit of ___ days as of the date of this order

IT IS FURTHER ORDERED that the above sentence(s) be concurrent with the sentence imposed in case number(s) _____
 AND: consecutive to the sentence imposed under case number(s) _____
 ACC10008301 ACC10009401 _____

IT IS FURTHER ORDERED THAT NO GOOD TIME CREDIT BE GIVEN _____

IT IS FURTHER ORDERED that the Clerk provide the Sheriff of Cook County with a copy of this Order and that the Sheriff take the defendant into custody and deliver him/her to the Cook County Department of Corrections and that the Department take him/her into custody and confine him/her in a manner provided by law until the above sentence is fulfilled.

DATED JUNE 10, 2010
 CERTIFIED BY M MARYANN REYES
 DEPUTY CLERK

ENTER: 06/10/10

 JUDGE: MCHALE MICHAEL B 1927

IN THE CIRCUIT COURT OF COOK COUNTY

PEOPLE OF THE STATE OF ILLINOIS)
 V.)
LINDA SHELTON)
 Defendant

CASE NUMBER ACC10009401
 DATE OF BIRTH 09/02/55
 DATE OF ARREST 00/00/00
 IR NUMBER 1527850 SID NUMBER _____

ORDER OF COMMITMENT AND SENTENCE TO
 COOK COUNTY DEPARTMENT OF CORRECTIONS
 =====

The above named defendant having been adjudged guilty of the offense(s) enumerated below is hereby sentenced to the Cook County Department of Corrections as follows:

Count	Statutory Citation	Offense	Sentence	Class
001	<u>720-5/1-3</u>	DIRECT CRIMINAL CONTEMPT	MOS. _____ DAYS 180	0
	and said sentence shall run concurrent with count(s) _____			
	_____ and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:		MOS. _____ DAYS _____	
	_____ and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:		MOS. _____ DAYS _____	
	_____ and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:		MOS. _____ DAYS _____	
	_____ and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:		MOS. _____ DAYS _____	

The Court finds that the defendant is entitled to receive credit for time actually served in custody for a total credit of _____ days as of the date of this order

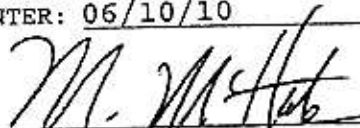
IT IS FURTHER ORDERED that the above sentence(s) be concurrent with the sentence imposed in case number(s) _____
 AND: consecutive to the sentence imposed under case number(s) _____
 ACC10009301 ACC10008301 _____

IT IS FURTHER ORDERED THAT NO GOOD TIME CREDIT BE GIVEN _____

IT IS FURTHER ORDERED that the Clerk provide the Sheriff of Cook County with a copy of this Order and that the Sheriff take the defendant into custody and deliver him/her to the Cook County Department of Corrections and that the Department take him/her into custody and confine him/her in a manner provided by law until the above sentence is fulfilled.

DATED JUNE 10, 2010

CERTIFIED BY M MARYANN REYES
 DEPUTY CLERK

ENTER: 06/10/10

 JUDGE: MCHALE MICHAEL B 1927

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS

v.

LINDA SHELTON

10HC0006

No. 10HC0007

ORDER

IT IS HEREBY ORDERED THAT IN THEIR ADMINISTRATIVE DISCRETION THE COOK COUNTY SHERIFFS DEPUTIES AND SUPERVISORS SHOULD ALLOW LINDA SHELTON PHYSICAL ACCESS TO THE LAW LIBRARY, PROVIDE HER WITH PAPER AND A WRITING INSTRUMENT AS SECURITY CONDITIONS AND MANPOWER ISSUES ALLOW IN THE SAME MANNER AS WOULD BE PROVIDED ANY INMATE IN THE GENERAL POPULATION OF THE JAIL.

Atty. No.: _____
Name: _____
Atty. for: _____
Address: _____
City/State/Zip: _____
Telephone: _____

ENTERED:

Dated: JUNE 3, 2010

M. McHale 1927
Judge Judge's No.

Appendix H

Memorandum - Denial of Access to Courts

While in jail petitioner has been denied physical access to law library as it is policy of CCDOC that inmates in infirmary where petitioner is housed may not go to law library. Due to understaffing law library will accept requests ~~but~~ for legal research by topic or keyword but has not responded to any request between 5/11/2010 and today 8/8/2010 altho she did give copies of a few cases only if full citation was given to her. CCDOC has ignored J. McTale's June 3, 2010 order to give physical law library access to petitioner - see appendix H.

All case citations petitioner received in the mail from friends.

CCDOC has also denied petitioner any large mailing envelopes or stamps from 5/11/2010 to 7/30/2010 despite 5 commissary orders & numerous requests & grievance's. She has also been denied white paper except a few sheets from law librarian. She obtained this paper illegally from medical staff. Inmates are only allowed to order yellow legal pads of paper.

Therefore petitioner is unable to fully comply with rules for preparing petition for certiorari and her petition is somewhat inadequate in terms of authorities and verbatim statements of statutes.

Petitioner prays this Honorable Court will consider this violation of her civil rights in determining whether to grant certiorari, a supervisory order or an extension of time.

Under penalty of perjury I declare the above true.

8/8/2010

Appendix I

Linda Shelton

NOTE: ~~APPENDIX I~~
DOUBLE-SIDED!

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

LINDA SHELTON

SHERIFF DART

Amended affidavits
County clerk mislabeled
3 copies instead of 3 courts HC

10-HC00012-01

Regarding ACC10009401 (CFB)
and ACC10009301 (CF2)
and ACC10008301 (CFB)

Petition for Writ of Habeas Corpus

I Linda Shelton, defendant for this petition is filed.
The prisoner is held in the custody, confinement ~~of~~ x16 months
of the Cook Co. Dept. of Corrections, in state of IL
consecutive + convictions x2 (total 360 days)

The sentence of 180 days with no good time credit on 6/10/10, ^{+120 days on 5/11/10 Also}
imposed for alleged criminal contempt should be ~~vacated~~ vacated due to lack of jurisdiction because:

① Failure to substitute judge as a right voids all subsequent orders in that cause - judge loses jurisdiction.

On May 11, 2010 Shelton tried to present next friend habeas petition on behalf of A. Melango 10 HC0000647.
Before any substantive orders Shelton asked to stop hearing and transfer to Judge Biebel (providing crim crt judge) or substitute judge [as a right]. This was denied.
(5/11/10 transcript p 29 to page 5 line 1-3)

As an absolute right if denied all subsequent orders are void as judge loses jurisdiction

Jiffy Lube International, Inc v. Agarwal, 277 Ill. App. 3d 722, 214 Ill. Dec 609, 661 NE 2d 463 (1996)

Then 3 contempt orders were issued as this now void hearing was continued through June 3, 2010 and then to June 10, 2010 this being the 3rd ^{3 separate contempt charges} ~~order~~ in this Melango habeas case.

② There is no jurisdiction to impose more than one sentence or consecutive sentences for a series of criminal contempt acts in one hearing or trial as contempt is an offense subject to statutory sentencing laws. People v Brown

235 Ill. App 3d 945, 601 NE 2d 1380 176 Ill. Dec 682 (1992)

Quoting People v Willis 204 Ill. App. 3d 590, 149 Ill. Dec 680, 561 NE 2d 1376 [referring to Ill. Rev. Stat 1987, ch 38, par 2-4 "... the imposition of consecutive sentences depends upon both the existence of separate acts and separate motivation behind those acts"]

The Brown court also quoted People v. Segura

(1988) 126 Ill.2d 70, 127 Ill. Dec 720, 533 N.E.2d 802 in their interpretation of People v King (1977) 66 Ill.2d 551, 6 Ill. Dec 891, N.E.2d 838: "If precisely same physical act then can only be prosecuted once but if distinct physical acts during episode or transaction can be convicted of both but sentence must be concurrent."

IL law requires no more than one sentence in situations where ^{there} is NO substantial change in criminal objective. Judge has NO jurisdiction to violate IL law. Ill. Rev. Stat 1991 ch 38 par 1005-8-4(a)

Judicial notice is given of this well known legal principle.

"The court shall not impose consecutive sentences for offenses which were committed as part of a single cause of conduct during which there was no substantial change in the nature of the criminal objective..."

without jurisdiction

During hearing on 10HCO0006 & 7 (which was void when J. McTale on 5/11/10 ① denied request to substitute judge [as right] and ② declared IL habeas law on a "person filing on behalf of another" [next friend] invalid saying "person on behalf of another" means "attorney")

This violation of US Constitution article 1 section 9, IL Habeas law 735 ILCS X, US Supreme court holdings in United States ex rel. Toth v Quarles (1955) 350 U.S. 11 and Boumediene v Bush (2008) 553 U.S. 723 fall upholding non-attorney next friend habeas filing & voids all orders following this ~~rule~~ ruling which US Supreme Court in Cooper v Aaron (1958) 358 U.S. 1 said a judge who violates law of US Supreme Court holdings is "waring on constitution" & "violating his oath of office" and in U.S. v Will (1980) 449 U.S. 200 in FN19 quoting Chief Justice Marshall's exposition in Cohens v Virginia 6 wheat 264, 5 L. Ed 257 (1821) that "usurping [the exercise of jurisdiction] that which is not given" would be an act of treason."

In this case J. McTale therefore per the U.S. Supreme court committed an act of treason by over-ruling their holdings & IL law. (5/11/10 transcript p 5 line p 4-5) His order about this was void as he has no jurisdiction to change law or over-rule the US Supreme Court, not voidable, Shelton was quoting law not intentionally degrading court.

he has no jurisdiction to change law or over-rule the US Supreme Court,

If underlying order is void subsequent orders resulting from void order are also void. People v Simmons (1993) 256 Ill. App. 3d 651 at 653.

Saying habeas petitions invalid voids all orders following this ruling dismissing it.

Therefore calling Shelton's legal argument that Judge McTale's conduct & rulings were void & illegal acts of treason as contemptuous is gross error & void rulings.

She was discussing the illegality "interruptions" and voidness of his ^{statement} that Shelton can't file habeas as contempt. Shelton interpreted his statement as saying the filing itself was contempt.

J. McTale made 3 findings of ^{direct criminal} contempt in this next friend habeas hearing on May 11, 2010 continued to June 3, 2010 then June 10, 2010:

Acc 10008301 - 5/11/10 for "repeated interruptions and yelling" + stating he committed "treason"

Acc 10009301 - 5/11/10 - defamed his ruling and sentenced on 6/10/10 - for "repeated interruptions" + stating he was acting as a "jackass" [for treason]

Acc 10009401 - 6/10/10 for "interrupted the court" and stating at the end "fuck you judge" [for committing treason + warring on the constitution] ^{while shocked by previous sent. since all illegal!}

In no way does this petition serve to admit any acts of contempt. Shelton alleges she patiently politely over days and hours tried to explain to J. McTale he cannot declare IL law illegal and over-rule the US. Supreme court because this would legally be treason to refuse to hear the habeas petition and saying it was illegal (implying contempt) for a non-attorney to file it. Only after Shelton had sustained this outrageous, unconstitutional, treasonous and illegal attacks against her with J. McTale in violation of IL Supreme Court Canons refusing (saying "be quiet") to hear her as pro se counsel/relator for petitioner Melango - with constant interruptions and derogatory comments - and after J. McTale had forfeited his jurisdiction + authority as a judge (described above) did she lose her temper with naughty language (but not contempt as J. McTale at that point was MF McTale a traitor who himself had brought the court into disrepute and no longer was acting as a judge, snubbing his nose at U.S. Supreme Court)

Shelton's state of mind and acts in "interrupting" alleged "court" were precisely the same in all 3 alleged contemptuous acts and therefore there can be only one finding of contempt and sentence (Acc 10008301 - 120 days) - completed on 7/10/10 considering good time credits ^{only} if one believes J. McTale did not lose jurisdiction for refusing so I as right or for committing treason by illegally ^{overturning law!}

Acc 10009301 + Acc 10009401 must therefore be vacated + Shelton immediately released ^{having} been confined weeks past end of sentence.

③ Judge has no jurisdiction to deny jail good time credits.
People v Prater 158 Ill. App. 3d 330 (1987)
 County jail good behavior act 730 ILCS 130/3
 applies to dept. of corrections and does not give
 judges jurisdiction over act
Kaeding v Collins (1996) 281 Ill. App. 3d 919
People v Russell (1992) 237 Ill. App. 3d 310
Codispoti v Pennsylvania (1974) 418 U.S. 506

④ Judge has no jurisdiction to impose aggregate
 sentences for contempt during one trial or
 course of criminal contemptuous conduct which
 exceed 6 mo (here 16 mo) without jury trial.
 Therefore ~~all~~ All sentences on all 3 contempt charges VOID ✖
in re Marriage of Betts (1990) Ill. App. 3d 26
Codispoti v Pennsylvania (1974) 418 U.S. 506

⑤ Judge has no jurisdiction to summarily
 pronounce contempt sentence if not done
 immediately & delayed to another day
 defendant entitled to full due process
 of jury trial (Acc10009301) Alleged act 5/11/10 sentenced 6/10/10
In re Marriage of Betts (1990) Ill. App. 3d 26

⑥ Since sentences on Acc10009301 + Acc10009401
 are clearly void and sentence on
 Acc10009301 has been completed weeks
 ago, the CEAOC is now and has been
for weeks holding Shelton illegally in
custody without legal authority. VOID

NOT voidable
 orders are
 null ab initio!

Even if court does not agree judge lost jurisdiction
 before contempt findings and Shelton resentenced
 on 1st contempt charge to 6 mo this would
 have been served and over by Aug 9, 2010.

WHEREFORE I pray writ of habeas corpus be issued
 directed to Sheriff Dart & CEAOC commanding to have
 Linda Shelton before the court of presiding criminal
 court J. Biebel at a time & place to be promptly
 specified, to do & receive what shall then & there be
 considered by said court, concerning Shelton so restrained
 together with time & cause of detention & said writ,

Written on 7/26/10 after received case law from friends in
 mail, per 1 case & paper from 4/5 law librarian denied commissary
 (large env. stamps) denied physical access to law library for 10 weeks.
 Essentially this is denial of access particularly timely to courts.

Also WHEREFORE J. McHale lost jurisdiction for failure to substitute judge as a right and for acts of treason all 3 convictions + sentences are void ab initio and must be vacated or in the alternative if court believes J McHale did not refuse to SOJ as right and did not violate IL habeas law or US Supreme court holdings in an act of treason, all 3 sentences are void ab initio for violation of rule that aggregate contempt charges with sentence > 6 mo require jury trial.

Also even if court believes 1st 120 day conviction + sentence legal and ignores above arguments 2nd + 3rd contempt findings + each 180 day sentence void as violation of one act one sentence rule.

Also at least 2nd contempt charge requires jury trial and is void due to sentence imposed on June 10, 2010 after finding contempt on a different day May 11, 2010

Voiding all 3 sentences and resentencing now ~~is~~ even for only 1 finding of contempt would require jury trial as sentence would be imposed on day other than day of contempt act. Good time credit denial must be vacated as void.

If there is jury trial Kaeding v Collins (1996) 281 Ill App-3d 919 requires judge other than J. McHale because:

"when contempt matter is not summarily decided it may be assigned to another judge... when individual reviles judge during judicial proceedings it is likely remarks left personal stings and sanctions for contempt are not immediately imposed... due process requires adjudication of contempt charges by judge other than one which presided at proceedings in which contemptuous conduct allegedly occurred."

Since appeal will take longer than sentence (unable to quote citation due to denial access to courts) stay of sentence pending appeal is required by 7th Circuit Court holdings, or appeal is moot unless due process hearing finds defendant too dangerous to release.

Also court must hear Melongo habeas cases 10 Hc00006 + 7 as filing was legal - court should schedule hearing as J. McHales refusal to hear habeas cases 5/6 is a void ruling

Appendix JS

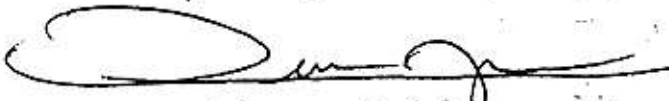
JS

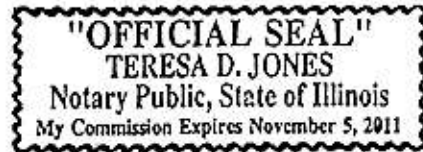
State of Illinois
County of Cook

Linda Shelton, being first duly sworn
on oath deposes and says that she has read
the foregoing petition by her signed and
that she knows the contents thereof
and that said is true in substance
and in fact.

Submitted by—
Linda Shelton

Signed + affirmed to before me
5th Day of August 2010


Notary Public



Order

Let the writ of Habeas Corpus issue
returnable before me _____ on _____ 2010

Presiding Judge Biebel

P/6/6

Appendix Jb

Jb

1st Declaration of Linda Shelton
re: Cook County Circuit
Court Case # 10 HC 00012

This case was marked to
petitioner's friend Davy Cady
and filed on Aug 16, 2010.

The Cook Co Circuit Court
Clerk scheduled it to be
heard before presiding [chief]
criminal court Judge
Biebel on Aug 23, 2010 at 9am.

The Cook County Sheriff
and his staff REFUSED
to transport petitioner -
inmate 2010-0511171 to court
for hearing on 10 HC00012
on Aug 23, 2010 and
refused petitioner's request to
contact the Cook Co States
Attorney.

This amounts to a de facto
denial of this petition for
writ of habeas corpus 10 HC00012.

I declare under penalty of
perjury the foregoing is
true + accurate + correct.

Executed Aug 23, 2010 Linda
Shelton

& Appendix K

1 STATE OF ILLINOIS)
2 COUNTY OF C O O K) SS.

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

5 THE PEOPLE OF THE)
6 STATE OF ILLINOIS)
7 vs.) ACC 100093
8 LINDA SHELTON) ACC 100094

9 REPORT OF PROCEEDINGS

10 BE IT REMEMBERED that on the 10th day of
11 June, 2010, this cause came on for hearing
12 before the Honorable MICHAEL B. McHALE, Judge of
13 said Court, upon the indictment herein, the
14 Defendant having entered a plea of not guilty.

15 APPEARANCES:

16 HON. ANITA M. ALVAREZ, State's
17 Attorney of Cook County, BY:
18 MR. SAM LARRABEE,
19 Assistant State's Attorney,
20 on behalf of the People.

21
22
23 ROBERT J. MADDOCH
24 Official Court Reporter
Circuit Court of Cook County
County Department - Criminal Division
C.S.R. 84-1194

Appendix LI

I N D E X

People v Linda Shelton

DATE: June 10, 2010

PAGES: 1 through 20

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

THE CLERK: Linda Shelton.

THE COURT: Good morning, Miss Shelton.

For the record, Miss Shelton was in front of Judge Porter yesterday on a habeas corpus petition. I see that was denied. She's back here today, on the remaining contempt matter before me.

I should also spread of record that I received a letter from the Forensic Clinical Services dated June 7th, stating the following: Pursuant to your Honor's order I attempted to evaluate the Defendant, Linda Shelton, at Forensic Clinical Services on June 2, 2010, in order to render opinions regarding her fitness to stand trial, for sentencing or sanity at the time of the alleged offense.

Due to the Defendant's refusal to cooperate with the evaluation at this time, as has been her stance on previous referrals, I am unable to offer an opinion on either of the referral issues. Signed, Dr. Roni Seltzberg, staff forensic psychiatrist.

So, the BCX has not been done, based on your refusal to cooperate, Miss Shelton. I have to ask you now, again, since you are

1 representing yourself, do you intend to cooperate
2 with the folks on the 10th floor for a fitness
3 evaluation.

4 THE DEFENDANT: The fitness statute of the
5 State of Illinois --

6 THE COURT: I'm not asking you about the
7 statute. If I send you there again, are you going
8 to answer the questions?

9 THE DEFENDANT: It is not legal for you to
10 send me there.

11 THE COURT: Is that a no?

12 THE DEFENDANT: The fitness statute says you
13 have to inform me that I have the right to refuse
14 to answer questions.

15 THE COURT: You do have the right to refuse.

16 THE DEFENDANT: The case law says that you
17 cannot continue doing that. You have to hold a
18 fitness hearing within forty-five days.

19 THE COURT: I'll decide what the law is,
20 Miss Shelton. If I send you back there, are you
21 going to cooperate with them and answer their
22 questions, yes or no?

23 THE DEFENDANT: Absolutely not.

24 THE COURT: All right then, thank you.

1 That's all I need to know.

2 Because you intend to not cooperate
3 with them, so to speak, you are presumed fit under
4 Illinois Statute 725 ILCS 5/104-10. I'll read as
5 follows: Presumption of fitness. Fitness
6 standard. A Defendant is presumed to be fit to
7 stand trial or to plead and be sentenced. A
8 Defendant is unfit if because of his or her mental
9 or physical condition he or she is unable to
10 understand the nature and purposes of the
11 proceeding against him or her, or to assist in his
12 or her defense.

13 As I sit here today, I have no bona
14 fide doubt as to the Defendant's mental fitness.
15 As I said on June 3rd, it was simply the fact that
16 I was erring on the side of caution in sending you
17 for a BCX. Based on the intensity of your conduct
18 during your second appearance in front of me on May
19 11th.

20 I have since also listened to you
21 argue to me during the last court date that you are
22 in fact fit. Because of your many victories in
23 court. In arguing your oral motion to vacate my
24 BCX order, you adamantly denied you were unfit,

1 stating to me on that date, June 3rd, to say I'm
2 unfit or even claim that it is a possibility is
3 simply ludicrous. Your words. You then detailed
4 your numerous courtroom victories. Twenty-four
5 criminal cases you said you won, and half a dozen
6 injunctive cases, as you told the court.

7 Certainly you seem very knowledgeable
8 on Illinois and federal case law and statutes, as
9 you often seem to convey to the Court. So, all
10 things considered, that being my reading of your
11 statements in court in front of me during your
12 second appearance from the transcript of May 11th,
13 your articulate arguments that you are fit, which
14 you made here on June 3rd, my continuing
15 observations of you in my courtroom, your refusal
16 to answer questions for a fitness evaluation, and
17 the statutory presumption of your fitness, I find
18 your conduct to be articulate, rational, coherent,
19 intelligent, stubborn, disrespectful and
20 disruptive.

21 As such, I have no bona fide doubt as
22 to your fitness as I sit here today. Based on that
23 finding and my own motion, I hereby vacate my
24 previous order for a BCX.

1 With that, there are a few
2 housekeeping matters we need to address. Even
3 though you fired your attorney, Mr. Albuquerk, I
4 entered and continued Section A of his motion to
5 rescind my sentence on your first contempt. Given
6 today's developments and the statutory presumption
7 of your fitness, that section of the motion is now
8 denied.

9 I previously denied Section B, C, D of
10 that motion. That motion is disposed of.

11 Also, on the last court date I entered
12 and continued your oral motion to stay my sentence
13 pending appeal. I entered and continued that as I
14 was expecting to receive a fitness evaluation
15 today. Again, given the statutory presumption of
16 your fitness, that oral motion is now denied.

17 I want to be clear on the record that
18 these rulings are in no way intended to punish the
19 Defendant for her refusal to cooperate with the
20 evaluation. It is certainly her choice whether or
21 not to cooperate. Given her choice not do so, I'm
22 simply left with following the law that she is
23 statutorily presumptively fit, as I have no bona
24 fide doubt to think otherwise, as I have already

1 stated.

2 That leaves only one remaining matter,
3 Miss Shelton. That is to sentence you on the
4 second contempt finding from May 11th. You have a
5 right to be advised of your contumacious conduct.

6 Thus, on the second appearance in
7 front of me on May 11th, after reading the
8 transcript and from my own personal recollection,
9 I find that you interrupted me eleven separate
10 times, not allowing me to speak. You ignored four
11 separate warnings from me before I found you in
12 contempt a second time that day. You yelled loudly
13 during the entire time you were out here,
14 disrupting the orderly procedure of the Court and
15 caused great indignity to the administration of
16 justice.

17 Finally, if that were not enough, you
18 referred to this Court as a jackass. Now, it is
19 your right of elocution to say what you'd like
20 before I sentence you. Go ahead.

21 THE DEFENDANT: On May 11th, for the fourth
22 time before Judge Biebel's court, who has
23 consistently refused to be here, despite me
24 motioning up this habeas on behalf of Anabel

1 Melongo, 10 AC 0006 and 10 AC 0007.

2 Judge McHale said he would follow the
3 law. Instead of following the law, Judge McHale
4 said that the hate, and I quote on the transcript
5 page five: The Court. Miss Shelton, the habeas
6 petition says that the Defendant or another, and I
7 take "another" to be a licensed attorney in the
8 State of Illinois. I said, excuse me. Excuse me,
9 your Honor. You are committing treason. U.S.
10 Supreme Court, in U.S. vs. Budine, last year ruled
11 that even prisoners in Guantanamo Bay have a legal
12 right under Article One Section Nine of the
13 Constitution, the suspension clause, to have a next
14 friend file a habeas petition.

15 For this Judge McHale to say that that
16 is contempt, which he did in this transcript, is a
17 blatant act of snubbing his nose at the United
18 States Supreme Court, the Constitution.

19 In Cooper vs. Aaron, U.S. Supreme
20 Court, 1958, ruled that any Judge who knowingly and
21 blatantly violates their rulings, Constitution and
22 laws of the land has violated his oath of office.
23 In U.S. vs. Will, in 1980 the United States Supreme
24 Court in their footnote referring to a 1870 case

1 says that a Judge who violates his oath of office
2 is warring on the Constitution and has committed an
3 act of treason. He is a traitor. Voidness laws,
4 not voidable, but voidness laws, which Judge Porter
5 was mistaken about, clearly state that a Judge who
6 is acting without judicial authority as a traitor,
7 his orders are null and void.

8 So, everything this Judge McHale said
9 after he said that I can't file a habeas petition
10 as a non attorney, it is not a matter of my
11 opinion, it is a matter of stary decisive, U.S.
12 Supreme Court precedent. This Judge as a traitor.
13 He committed treason. He has warred on the
14 Constitution. He has overturned the suspension
15 clause of the Constitution of the United States,
16 Article One Section Nine. He is warring on the
17 United States Supreme Court in snubbing their
18 decision concerning Guantanamo Bay prisoners, where
19 they clearly said no Judge, ever, can deny a person
20 a right to have a next friend file a habeas
21 petition.

22 I have a supplement, Miss Anabel
23 Melongo's habeas petition that I've been trying to
24 file for weeks that explains that the reason I

1 needed to file the habeas under Webber vs. Garza,
2 Fifth District Court in 1978 is Miss Anabel Melongo
3 is a Cameroonian citizen who speaks French and
4 Urdu, a tribal dialect. Then she went to Germany.
5 She speaks fluent German. They are under Roman
6 law. She is confused about Roman vs. English law.
7 She has a language problem and needs a French
8 translator.

9 She came to our informal pro se club
10 where we noted her language problem, have been
11 trying to coach her, because her accent is so
12 heavy she's virtually understandable. We
13 recommended an attorney to her.

14 And the reason I filed this habeas
15 comports with the Fifth Circuit U.S. Court of
16 appeals decision in Webber vs. Garza, and the
17 United States Supreme Court decisions in the past
18 concerning habeas, that it is appropriate for a
19 next friend to file a habeas petition.

20 For this Judge to say that my
21 arguments pertaining to the United States Supreme
22 Court rulings, that he refuses to comply with in an
23 act of treason is contempt. Is beyond obscene.
24 It brings the Court into disrespect, brings the

1 justice system in disrespect. It requires the
2 intervention of the United States Supreme Court,
3 federal Court and U.S. Attorney. It subjects this
4 Judge to arrest for a charge of treason.

5 I did at the last hearing announce I'm
6 making a citizen's arrest. Because as soon as he
7 said I cannot file as a next friend, he lost all
8 authority as a Judge. He is now Mr. McHale in my
9 cases.

10 Everybody in this room who is an
11 attorney, who took an oath of office to uphold the
12 Constitution should be supporting me and standing
13 up and agreeing. Every officer in this Court who
14 took an oath of office to support the Constitution
15 and the laws of this country should be agreeing
16 with me.

17 I am illegally incarcerated in
18 violation of the laws of the land. I'm a Canadian
19 citizen. For thirty days. I've been asking for the
20 assistance of the Canadian Ambassador. No one
21 informed them. I want the help of Secretary
22 Clinton, U.S. Justice Department to intervene.

23 Because when I'm being held in
24 violation of the laws of this land, by a Judge who

1 is claiming I committed contempt, because I'm
2 telling him he's violating the law and committing
3 treason, which is a legal argument, this is beyond
4 obscene.

5 Nobody in this courtroom should put up
6 with it. Everybody is aiding and abetting the
7 treasonous act of this Judge.

8 I will not follow orders of a traitor.
9 I will not kowtow to a traitor. I will support the
10 Constitution. I will support the Bill of Rights.
11 And anybody who doesn't help me and is here and
12 witnessing this today is equally liable for being
13 part of this treasonous act.

14 I support the Constitution. I defy
15 this treason. I don't care if I go down standing
16 up. I'm in a wheel chair but I will fight this to
17 my last breath.

18 My family died in Budapest, died in
19 World War II, died in Vietnam. We will not allow
20 treason. My friends walked from San Francisco to
21 the mall on the Washington Mall. As a leader of
22 Vietnam Veteran's against the war. My friends, my
23 family will fight for this country's Constitution
24 and for the laws of this land. And the Judges of

1 the Circuit Court of Cook County who defy it will
2 be held accountable eventually.

3 He can do whatever he damn pleases
4 with me today. It is illegal. Everything he's
5 done is illegal. Refused to call the Canadian
6 Ambassador. The torture I've been experiencing.
7 The denial of my medication. The denial of the
8 medical diet I can eat. I lost twenty pounds in
9 thirty days. I will remain on a hunger strike
10 until the laws of this land are followed.

11 THE COURT: Anything further?

12 Hearing nothing, thank you.

13 All right, taking into consideration
14 Miss Shelton's actions of May 11th, I also note
15 before I sentence her in aggravation that Miss
16 Shelton is now a convicted felon. You may not
17 notice, Miss Shelton, but the Appellate Court came
18 down and affirmed your aggravated battery
19 conviction this month.

20 THE DEFENDANT: I have a comment about that.
21 The Appellate Court made an anonymous attack.

22 THE COURT: Miss Shelton.

23 THE DEFENDANT: Ignored every one of my--

24 THE COURT: Miss Shelton.

1 THE DEFENDANT: I am not a convicted felon.
2 THE COURT: Miss Shelton, if you continue to
3 talk, you are risking a third contempt.
4 THE DEFENDANT: Sergeant attacked me by the
5 throat.
6 THE COURT: A third contempt.
7 THE DEFENDANT: Then he committed perjury.
8 THE COURT: That's one warning. Number One.
9 THE DEFENDANT: I don't give a damn.
10 Traitors. I don't follow traitors. You are a
11 traitor to the United States.
12 THE COURT: Number Two.
13 THE DEFENDANT: You are a traitor.
14 THE COURT: One more word --
15 THE DEFENDANT: You need to go to jail.
16 THE COURT: One more word and six more
17 months in the County.
18 THE DEFENDANT: I don't give a damn.
19 You're a --
20 THE COURT: Third contempt.
21 THE DEFENDANT: You're a traitor. You're a
22 goddamn traitor. And every one of you are defying
23 the Constitution by not supporting me.
24 THE COURT: All right.

1 THE DEFENDANT: Fuck you, Judge. You are
2 not a Judge. You are Mr. McHale, a traitor.

3 THE COURT: Thank you very much. Thank you.

4 All right, she was given her right of
5 elocution. So, under the law, I'm now going to
6 sentence her.

7 In the Appellate Court opinion, I
8 should note that the First District Appellate
9 Court, in affirming the conviction, also stated
10 that she raised eighteen baseless arguments, which
11 she apparently continues to do today.

12 I'll quote briefly from that opinion,
13 from Justice Lavin. He says the Defendant seems to
14 have mastered a wide ranging system of wreaking
15 havoc within our judicial system. And in this
16 instance she should have conclusively learned that
17 the system is flexible but firm.

18 Her method of expressing her
19 displeasure with the trial Court's finding of
20 contempt reflects a deep seated and particularly
21 malevolent mistrust of the judicial process. This
22 is ironic given that the Defendant seemed to spend
23 an inordinate amount of time in court.

24 I could not agree more with Justice

1 Lavin. I hereby sentence the Defendant to one
2 hundred eighty days on her second contempt from May
3 11th. Consecutive to her hundred twenty day
4 sentence that she is currently serving.

5 I now sentence her to a third
6 contempt. Given her language, which I'm sure was
7 noted on the record. She has forfeited her right
8 to a right of elocution on this third contempt. I
9 can still here her screaming through the door of
10 the lockup. And I don't believe she'd be in a
11 position on a safety level to give a right of
12 elocution.

13 Therefore, it is my judgment that
14 she's forfeited her right of elocution. I
15 sentence her to an additional one hundred eighty
16 days consecutive to the other two sentences for her
17 behavior in court today.

18 I'll draft the appropriate orders and
19 sign those. I believe that's all.

20 MR. LARRABEE: Judge, for the record
21 Assistant State's Attorney Sam Larrabee.

22 I'd ask a fingerprint order be
23 entered.

24 THE COURT: Let me ask you a question.

1 Have you run the criminal histories from the city
2 and state departments on her criminal history?

3 MR. LARRABEE: I have.

4 THE COURT: Do you show the aggravated
5 battery conviction that was affirmed by the
6 appellate court? Is that listed in her criminal
7 history?

8 MR. LARRABEE: I saw it, Judge, on the
9 certified copy of disposition from the clerk. It
10 is not on the Chicago rap sheet.

11 THE COURT: Okay. Do you show any contempt
12 findings? I believe there are three other Judges,
13 in addition to myself. I wouldn't expect mine to
14 be on there yet. Do you show my of the other
15 contempt sentences on any of the criminal history
16 sheets?

17 MR. LARRABEE: No. Just, again, from the
18 certified copy.

19 THE COURT: I'll make a record that I want
20 her criminal histories to be updated. I want all
21 of her convictions and all of these contempts to be
22 reflected. Any future Court or member of the law
23 enforcement community pulling her criminal history
24 should be made well aware of her past behavior.

1 So, I will sign a fingerprint order
2 for that purpose. And follow the usual procedures
3 to get her fingerprinted. And get these things on
4 her criminal background. Should she be a problem
5 with fingerprinting, please bring it to the Court's
6 attention on a rule to show cause and we'll address
7 another contempt proceeding for Miss Shelton.

8 Anything else?

9 MR. LARRABEE: No.

10 THE COURT: Thank you very much.

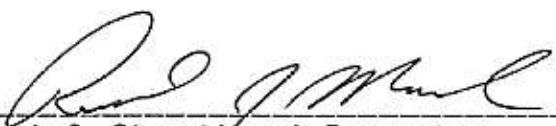
11 (Which were all the
12 proceedings had.)

13
14
15
16
17
18
19
20
21
22
23
24

1 STATE OF ILLINOIS)
2 COUNTY OF C O O K) SS.

3
4
5 IN THE CIRCUIT COURT OF COOK COUNTY
6 COUNTY DEPARTMENT - CRIMINAL DIVISION
7

8
9 I, ROBERT J. MADDOCH, Official
10 Shorthand Reporter of the Circuit Court of Cook
11 County, County Department-Criminal Division, do
12 hereby certify that I reported in shorthand the
13 evidence had in the above-entitled cause and that
14 the foregoing is a true and correct transcript of
15 all the evidence heard.
16
17

18 
19 _____
20 Official Shorthand Reporter
21 Circuit Court of Cook County
22 County Department-Criminal Division
23 Dated: 7 9 10
24 C.S.R. 84-1194

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

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

PEOPLE OF THE STATE)
OF ILLINOIS)
Plaintiff)
)
)
vs)
LINDA SHELTON)
)
Defendant)

amended 9/16/10
Melton 9^o via retractor
Linda Shelton
✓ Sheriff Dept
(Number 10 CR 00006)
10 Cr 00007)
4 Acc 10008301

REPORT OF PROCEEDINGS, taken in the
above-entitled cause, taken before the HONORABLE
MICHAEL MC HALE, Judge of said Court, taken on the 3rd
day of June, A.D., 2010.

APPEARANCES:

HONORABLE ANITA ALVAREZ
Cook County State's Attorney
BY: MR. SAM LARRABEE
Assistant State's Attorney
Appeared on behalf of the People

MR. NICK ALBUKERK
Attorney At Law
Appeared on behalf of the Defendant
Linda Shelton

VERNITA HALSELL-POWELL, CSR
Official Court Reporter
2650 South California Avenue
Chicago, IL 60608

Linda Shelton
then appearing
more
amended
9/16/10

I N D E X

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

PROCEEDINGS

PAGE

m2

1 THE COURT: Linda Shelton.

2 THE COURT: Good morning, Ms. Shelton.
3 Good morning, Mr. Albuquerk.

4 MR. ALBUKERK: For the record, Nick
5 Albuquerk A L B U K E R K. For the record, I was hired
6 by Dr. Shelton's father to represent her. I did have
7 an opportunity to speak with Dr. Shelton a few weeks
8 ago. I went and visited. I tried to visit her two
9 days ago, but unfortunately I was unable to. They
10 basically told me I could not see her at Cermak. The
11 sheriffs over there, they said there were issues.

12 THE COURT: There were issues. They
13 didn't give any specifics.

14 MR. ALBUKERK: Not anything in great
15 specifics, no. They just said there were issues right
16 now with security is all they told me.

17 THE COURT: Okay.

18 MR. ALBUKERK: But in any event, Judge,
19 I did file an emergency motion to be heard today and
20 that would be an emergency motion to rescind sentence
21 and to grant my client bond. I provided a memorandum
22 of law which I believe your Honor has.

23 THE COURT: I will comment on the motion
24 and memorandum, it's very thorough. I spent a great

1 deal of time reading it, reading the cases that you
2 cited, and am prepared to listen to anything in
3 addition that you'd like to say. Then we'll address
4 your motion.

5 MR. ALBUKERK: Judge, the only thing I
6 would add is that Judge this is a fundamental due
7 process issue before the court and that the case law
8 is fairly clear, which I know you've already read,
9 you've taken into account and all that which is that
10 my client's intent cannot be gauged and certainly
11 cannot be seen beyond a reasonable doubt. If, in
12 fact, there is any question as to whether or not my
13 client possesses the competency before the court which
14 of course the court also indicated he had a question
15 about sanity, sent my client for a--

16 THE COURT: BCX.

17 MR. ALBUKERK: BCX examination for
18 mental fitness. Because of that, Judge, we don't
19 believe that the elements of direct contempt can be
20 reached, it's an impossibility. And, therefore Judge
21 we are simply asking that my client be granted, if
22 nothing else, be granted a bond or that the case
23 against her, essentially the judgment against here be
24 rescinded pending the outcome of a fitness exam.

M4

1 Judge, we believe this is the only way to
 2 fundamentally fairly do this. We also point out in
 3 our motion the basis upon which and the circumstances
 4 surrounding her being found in direct contempt.
 5 Judge, there is legal basis for her filing a habeas
 6 corpus on behalf of another individual, that
 7 individual being Anabelle Melongo.

8 THE COURT: I don't mean to cut you off
 9 there; however, I am going to address Sections B and
 10 C. Those are actually dealing with the merits of her
 11 filing and her attempt to argue that.

12 MR. ALBUKERK: Okay.

13 THE COURT: I would rather you not go to
 14 those points, as I will explain in my decision.

15 MR. ALBUKERK: Very well. So B and C
 16 stay away from, please?

17 THE COURT: If you would, please.

18 MR. ALBUKERK: Judge, anyway B and C
 19 we've already filed this and the court is well aware
 20 of it.

21 THE COURT: Yes.

22 MS. ALBUKERK: So, Judge, I would then
 23 keep my comments confined to A in that, Judge, the
 24 element of intent cannot be reached. And therefore,

M5

1 Judge, we think it's only fair that this court grants
2 the bond and allow my client to be free while this
3 court further considers whether or not Dr. Shelton
4 either; A. Did, in fact, commit direct contempt or B,
5 had the intent to commit direct contempt.

6 THE COURT: Okay, thank you very much,
7 Mr. Albuquerk. As I said I read all of your motion and
8 your memo, including the sections I've asked you not
9 to argue, that will become clear in a moment. But I
10 did read it all. It was very well-written and I do
11 have a number of things to say about that. The
12 defendant argues through her attorney a number of
13 different point as to why I should rescind my sentence
14 of 120 days for direct contempt of court and grant
15 bond. Unfortunately, I find these arguments are based
16 on a number of faulty premises which I need to
17 address. First, the defendant alleges that my finding
18 of direct contempt was due to several factors, the
19 first of which was, "Dr. Shelton's attempt to file and
20 have heard a petition for Habeas Corpus on behalf of
21 Anabelle Melongo, M E L O N G O ". I want to make the
22 record very clear that the mere act of coming into
23 court filing and attempting to argue the Habeas Corpus
24 Petition in no way whatsoever influenced my decision

MB

1 to hold Ms. Shelton in contempt that day. Rather, it
2 was the manner in which she chose to conduct herself
3 that led to that finding. I had barely begun to
4 address the merits of the issue of her filing and
5 speaking to that petition. We never got very far on
6 that topic because the defendant chose to repeatedly
7 interrupt and yell over me in an extremely disruptive
8 and disrespectful manner. Having now read the
9 transcript from her appearance here that morning, it
10 is clear to me that I gave Ms. Shelton a number of
11 chances to conduct herself more appropriately before I
12 found her in contempt. Upon reading of the
13 transcript, I find in total the defendant interrupted
14 me four times during her first appearance. The second
15 interruption she changed from speaking to the court to
16 yelling at the court and continued to yell throughout
17 the remainder of that first appearance. After the
18 second interruption I cautioned the defendant not to
19 do so again. She chose to ignore that advice and
20 interrupted me a third time. I then warned the
21 defendant that if she did not let me talk that I would
22 take her into custody. Her response was, "you can do
23 whatever you want." I even let that flippant and
24 disrespectful comment pass and again tried to politely

M7

1 engage her on the merits of what she was trying to do.
2 Instead the defendant interrupted me a 4th time, and
3 at that point was when I held her in direct contempt.

4 She then aggravated her situation
5 when, after I advised her she would be held in
6 contempt, she continued to yell, turned toward the
7 crowded gallery, turned her back on the court and
8 yelled at the spectators and other attorneys that what
9 I was doing was illegal, making a complete spectacle
10 of herself and creating a circus-like atmosphere in
11 this courtroom. She even briefly resisted efforts by
12 the sheriff's deputies to remove her from the
13 courtroom at that time. This summary of her behavior
14 during her first appearance is what led to the finding
15 of direct contempt and not the acts of her filing
16 anything or her attempts to argue the Petition for
17 Habeus Corpus.

18 Second, in your motion the defense
19 argues the legal merits of her right to file and argue
20 the Petition for Habeus Corpus, stating that her use
21 of the word "traitor" and "treason" were legal
22 arguments not meant to offend the court. I understand
23 that argument. Those are contained in Section B and C
24 which counsel referenced. However, these arguments

M8

1 are irrelevant as they have nothing to do with my
2 finding of contempt. As I mentioned before it was the
3 manner in which the defendant conducted herself in
4 open court that led to her contempt, not the nature of
5 the filings.

6 Assuming arguendo that the
7 defendant is one hundred percent correct about her
8 right to file the petition and her right to argue it
9 in this court, it still would have no bearing
10 whatsoever on the reasons that I found her in
11 contempt, and as such I'm not going to address those
12 points further because they're not relevant.

13 Third, the defense argues that I
14 cannot hold the defendant in contempt because, "not
15 all of the relevant facts for a finding of direct
16 contempt were before the court." This is Section A of
17 the defendant's legal memo attached to the motion.
18 The defense argues that by ordering the defendant to
19 undergo a mental fitness evaluation, this court
20 admitted that there was a significant question as to
21 whether or not the defendant's actions that day were
22 willful or knowing. The defense further argues that
23 those same actions also left Judge McHale questioning
24 the mental fitness of the defendant.

M9

1 At this point I think it is
2 important to clarify the three different appearances
3 the defendant made in this courtroom on May 11th.
4 I've already described her initial appearance where I
5 found her in direct contempt the first time.
6 Approximately five hours later at 3:00 o'clock, the
7 defendant came out for a second appearance from the
8 lock up. During the second appearance the defendant's
9 behavior seemed much more intense and markedly
10 different. The defendant never stopped yelling from
11 the hallway adjoining the lockup while she was in the
12 courtroom and during the entire time she was here
13 before she was removed, despite my repeated efforts
14 and warnings. Contrasting this with her morning
15 appearance at this second appearance, the defendant
16 interrupted me eleven times and received four separate
17 warnings from me before I held her in contempt a
18 second time. Her verbal behavior during the second
19 appearance escalated dramatically when she referred to
20 this court as a "jackass". I don't believe you'll
21 find any legal arguments there as for that word. She
22 declared that she was placing me under arrest and
23 asked the courtroom spectators to assist her in my
24 arrest.

M10

1 After my second finding of
2 contempt, the defendant dropped to the floor, went
3 limp in an act of passive resistance, and had to be
4 carried from the courtroom by the deputies.

5 Approximately one hour later at
6 4:00 o'clock, at her third and final appearance, she
7 was much more reserved, not yelling, although she did
8 interrupt me again twice and was still disrespectful,
9 in my opinion; however, there was not a third finding
10 of contempt during that appearance.

11 Nevertheless, as I sit here today
12 and I reflect on the defendant's three appearances, I
13 can say that I had no reason to believe that the
14 defendant was unfit during her first appearance.
15 Although much of the time she was yelling, she was
16 articulate. She was citing Illinois statutory law,
17 she seemed to understand what I was saying, although
18 she clearly didn't like what I was saying. I observed
19 her at her first appearance to be articulate,
20 passionate, stubborn and disrespectful. From time to
21 time during my 20 years in these courts I've seen this
22 same type of behavior from attorneys who have no
23 fitness issues. So as to the defendant's first
24 appearance, I saw no evidence at that time that she

ml

1 was unfit. I should also mention as an aside that the
2 defense raised the question of sanity in their motion
3 and I will state for the record that at no time did I
4 see any evidence that the defendant's behavior rose to
5 the level of insanity.

6 As I've already contrasted in my
7 earlier statement, the defendant's second appearance
8 was remarkably different from her first and third
9 appearances. That is why I chose to sentence her on
10 the first finding of contempt and reserve any sentence
11 on the second contempt finding until we had the
12 results from the defendant's fitness examination.
13 Still the defense argues that I did not have all the
14 relevant facts and asserts in their motion that a
15 substantial question exists as to her mental capacity.
16 However, the defense does not know if Ms. Shelton has
17 fitness issues. She is presumed fit at this point?
18 All anyone can say at this time is that there may or
19 may not be a fitness issue here. The defendant may
20 simply be an outspoken, over zealous activist who took
21 things too far on May 11th, or maybe she does have
22 some issue regarding her fitness. The bottom line is
23 we don't know if the defendant being unfit is a fact
24 at all and therefore the defense cannot argue at this

M12

1 juncture that I lacked all of the relevant facts
2 before I found her in direct contempt on May 11th.
3 The defense cites a number of cases in support of
4 their position, but I find them to be factually
5 distinguishable or actually in support of my rulings.
6 I'll mention two that I find significant; People
7 versus Meyers. It's an odd case in which a judge
8 initially says he's concerned that this defendant has
9 a fitness issue due to his odd behavior in open court.
10 The court ordered a fitness exam which was conducted
11 by a doctor. The doctor then testified that this
12 defendant was, in fact, unfit. The court made it's
13 own finding that the defendant was unfit. A mere four
14 weeks later in that case the defendant got a new
15 attorney who informed the court he believed the
16 defendant was fit and three weeks later they
17 inexplicably proceeded to a jury trial, despite the
18 early finding that the defendant was unfit. He was
19 found guilty of aggravated battery. After the jury
20 verdict he lashed out at the judge saying among other
21 things to him, kiss my ass. At that point the judge
22 held him in direct contempt. Of course the Appellate
23 Court from the Second District reversed that
24 conviction and vacated the funding of contempt because

M13

1 due to the earlier finding that the defendant was
2 unfit, in that case the trial judge should have held a
3 hearing on the issue of his fitness before either
4 proceeding to trial or finding him in contempt.
5 However, that is not the situation we have here. We
6 have no fitness evaluation results or expert opinion
7 testimony from a doctor. A mere concern on my part
8 that the defendant might have a fitness issues does
9 not rise to a bona fide question as to her fitness.
10 As the court found in that Meyers case. In fact, in
11 her three appearances before me, only the second
12 appearance made me wonder whether there might be a
13 fitness issue. Again, that is why I reserved sentence
14 on the second contempt and sent her for a fitness
15 evaluation. In doing so I'm erring on the side of
16 caution and we will proceed accordingly once we get
17 the results. If the defendant is found unfit, that
18 could have a dramatic effect on how we proceed and may
19 possibly effect the sentence on the first contempt,
20 but at this point we just don't know.

21 The defense also cited People
22 versus Wilson. The facts of Wilson are very similar
23 to this case. The defendant in Wilson was appearing
24 in front of a judge for a number of criminal charges.

M14

1 During that appearance the defendant repeatedly
2 interrupted the judge, and after unsuccessfully
3 warning the defendant of what would happen if he
4 didn't stop the interruptions, the judge found him in
5 direct contempt and gave him 6 months in the County
6 Jail. The defense attorney then asked the court to
7 order a fitness exam. The judge granted the request.
8 After receiving the results of that exam, the trial
9 court subsequently found the defendant was unfit to
10 stand trial on the original charges. The defendant
11 then appealed the court's finding of contempt. The
12 Appellate Court, this was the 3rd District, again used
13 the same phrasing and held that since there was a bona
14 fide question of the defendant's fitness, the court
15 could not summarily determine he was capable of
16 forming the requisite intent to commit direct
17 contempt. That's what the defense is arguing at this
18 point. But in that same opinion, the court went on to
19 say, I'm quoting now "However, we do not agree with
20 the defendant's position that the court's subsequent
21 determination of his unfitness precludes a finding
22 that the defendant was guilty of direct contempt. The
23 defendant's unfitness simply delays the proceedings
24 until such time as the defendant is found to be fit.

M15

1 When he is, the contempt matter may be set for a
2 hearing and the defendant may if he chooses, present a
3 defense based on his mental capacity at the time of
4 the alleged contemptuous conduct."

5 So, based on my reading of the
6 Meyers and Wilson cases, my concern that there might
7 be a fitness issue with Ms. Shelton does not rise to
8 the level of a bona fide question of fitness since we
9 don't have any results from the BCX which I ordered.
10 Wilson also holds that even if the results of a
11 fitness evaluation show Ms. Shelton is unfit, I'm not
12 precluded from having found her in direct contempt of
13 court. And if she is found to be unfit, she would
14 then be entitled to a hearing once she has been
15 restored to fitness. Thus, any further proceedings
16 with any of these contempt matters at this point I
17 find would be premature until we have the results of
18 the BCX which I ordered on May 11th and is set to be
19 back here on June 10th.

20 Finally, as to the remaining
21 portion of the defense motion in Section D which talks
22 about the hardship this will cause to her father and
23 her siblings. I can quickly respond to that by saying
24 if this is truly such a hardship, the defendant should

M16

1 have been mindful of that when she acted the way she
2 did in court throughout the entire day on May 11th.
3 Having toured the facility twice during my career this
4 court is well aware that going to the Cook County jail
5 is not a pleasant experience, nor is it intended to
6 be. Certainly it causes hardship for any person that
7 has to spend time there.

8 I would also note on that topic,
9 that one of the arguments made in this section of the
10 motion is that the defendant holds power of attorney
11 for her father's finances. I will also note that last
12 week the defendant filed a pro se habeus corpus
13 petition on her own behalf. While I'm not going to
14 address that, as she's represented by counsel, I did
15 note however that she attached to her file a copy of a
16 document showing she has transferred power of attorney
17 to a trusted friend who can now handle those financial
18 affairs.

19 MS. SHELTON: No, she can't.

20 THE COURT: So, at this time I'm denying
21 Sections B, C, and D of the defense motion and I will
22 enter and continue Section A dealing with the fitness
23 issue until we have the results back from the BCX. As
24 to the issue of bond, since the defendant is currently

M17

1 serving her sentence on the first contempt finding, I
2 find that setting bond would be inappropriate. That
3 request is denied.

4 MS. SHELTON: Your Honor, I would like
5 to fire my attorney. This is not the motion that I
6 wanted filed. I've been denied paper, pen, envelopes.
7 That habeus had to be handed to a friend. I want an
8 order from the court that I can have paper, envelopes,
9 stamps, that I can go to the law library. I want Mr.
10 Albuquerk removed. I move for a Stay of Sentence
11 Pending Appeal. I move for a Stay of Sentence Pending
12 Hardship. The power of attorney does not apply to
13 Maisha in regards to a health care power of attorney
14 over my father. There are great difficulties going
15 on, bills are not being paid.

16 THE COURT: Ms. Shelton --

17 THE DEFENDANT: In addition -- may I
18 finish, please?

19 THE COURT: Before we go much further, I
20 need to determine the attorney situation. If you're
21 going to represent yourself or if you want time for
22 another attorney. Are you -- you no longer wish to be
23 represented by Mr. Albuquerk?

24 THE DEFENDANT: I did not want him to

MIS

1 file this. I never saw this. This is the first time
2 that I've seen this motion. He hasn't come in and
3 talked to me about it, so this is not something that I
4 would have filed like this.

5 THE COURT: All right. I understand
6 what you're saying. My question though is, now I need
7 to know how to proceed. Is Mr. Albuquerk going to
8 speak for you --

9 MS. SHELTON: No.

10 THE COURT: --Or are you going to speak
11 for yourself?

12 MS. SHELTON: No.

13 THE COURT: You seeking leave to
14 withdraw, Mr. Albuquerk?

15 MR. ALBUKERK: Judge, well, given the
16 situation, I don't think I have a choice. I,
17 therefore, would seek leave to withdraw.

18 THE COURT: Granted. Thank you very
19 much.

20 THE DEFENDANT: I want my habeus to be
21 heard before Judge Biebel. I have a right to be heard
22 before Judge Biebel. It was filed how many days ago?
23 The law says it has to be heard promptly, which most
24 of the higher courts have said within 72 hours. It

M19

1 hasn't been heard.

2 THE COURT: Ms. Shelton, okay, I have it
3 right here.

4 THE DEFENDANT: You can't hear it. It
5 has to be heard by Judge Biebel only.

6 THE COURT: Well, I don't know if that's
7 proper. You don't necessarily get to form shop at
8 this point and pick your own Judge, that's not
9 generally how things work. I want to go back to the
10 issue--

11 THE DEFENDANT: The law in Illinois,
12 the law in the county says--

13 THE COURT: Ms. Shelton, let me first
14 address the issue of --

15 THE DEFENDANT: --that the presiding
16 judge--

17 THE COURT: I'm not saying I won't
18 listen or we'll deal with that issue, but I want to
19 make sure I'm clear on the issue of representation at
20 this point. You basically just fired Mr. Albuquerk,
21 not happy with his representation. Is it your
22 intention now that you wish to represent yourself or
23 do you want time to have an attorney, a different
24 attorney?

M20

1 THE DEFENDANT: I represent myself.

2 THE COURT: Okay. I'm sure other judges
3 will have probably said this to you, but representing
4 one's self in court is not the best of ideas.
5 Generally it's better to have an attorney. I assume
6 you don't have a law degree and you haven't been to
7 law school. Not that you can't represent yourself,
8 but do you understand the rules of evidence and things
9 of that nature?

10 THE DEFENDANT: I have a won 24 criminal
11 cases, bench trials, jury trials. I have a case I
12 just won against the State of Illinois that the
13 Attorney General lost. I've won cases against Sheriff
14 Sheehan, that Dick Devine has lost. I have three
15 cases I'm litigating now before the federal court
16 against Judges Alonso and Judge Pantle, and Attorney
17 General Lisa Madigan, and on the basis of their
18 absolute lack of jurisdiction. I now have just
19 received, after a 4 year request, a FOIA that
20 documents from the Department of Health and Human
21 Services absolutely support my position that all the
22 cases of Medicaid vendor fraud prosecuted by Lisa
23 Madigan were fraudulently done and the Medical Fraud
24 Control Unit of the State of Illinois has been

1 fraudulently certified.

2 THE COURT: All right. Ms. Shelton, do I
3 take that to mean that you feel very confident in
4 representing yourself?

5 THE DEFENDANT: I do feel very
6 confident. I just finished writing my appeal on the
7 only conviction I had.

8 THE COURT: I just want to do it one
9 step at a time. You made it very clear you want to
10 represent yourself. you're confident. You have been
11 in many court proceedings. You're comfortable doing
12 that, so despite my advise to the contrary, I will
13 allow you to represent yourself pro se.

14 THE DEFENDANT: I do generally ask,
15 when I represent myself pro se, that I have a standby
16 counsel. Because if you're incarcerated, they don't
17 let you use the law library. That's the only way I
18 can get legal research.

19 THE COURT: Well, its one or the other.
20 I don't do standby counsel. So you can represent
21 yourself or you can have an attorney represent you,
22 confer with that attorney`who will speak for you in
23 court. But I'm not going to do standby counsel. If
24 you want to represent yourself, that's the way it is.

M22

1 THE DEFENDANT: I'll represent myself.

2 THE COURT: So be it. I'm not sure what
3 the issues are with the law library. I see no reason
4 why you couldn't be granted access, as long as you're
5 not a security problem and you're cooperating.

6 THE DEFENDANT: Let me tell you the
7 issue and ask you to write an order to it. The
8 sheriff has band all the persons who are incarcerated
9 at Cermak from using the law library. This is an act
10 of, a violation of equal protection. It's an act of
11 discrimination, not done on a case by case basis.
12 It's just a blanket order, and that's because they're
13 short of manpower. They said they have a law
14 librarian who will come and get things for you. The
15 law librarian came once the first week. I asked for a
16 habeus form. The next week she came with an article
17 on contempt, so I asked for a habeus form again. The
18 next week she came with a habeus form, and I asked for
19 some articles. A week later she still has not
20 produced any articles. So essentially I've been
21 denied access to the court.

22 THE COURT: What I tell you I will do,
23 Ms. Shelton. I'll draft an order, but it will have to
24 be contingent upon the fact that if it's, possible

M23

1 given manpower situations and you're cooperating that
2 you should be granted access to the law library in the
3 same fashion that any other inmate should be granted
4 access. Okay? That's the best I can do.

5 THE DEFENDANT: Not any other inmate.
6 In Cermak, all inmates in Cermak are barred from the
7 law library. So if you could please write that I have
8 the same access as anybody in the general population
9 in Division 4, two or three times a week. Please tell
10 them that I've ordered twice from commissary paper. I
11 have no paper except this piece of paper that an
12 inmate gave me that I wrote two motions a week ago
13 that they didn't give me any stamps or a way of filing
14 this with the court.

15 THE COURT: Okay. I'll draft an
16 order--

17 THE DEFENDANT: --If you could.

18 THE COURT: -- I'll give you what you
19 want.

20 THE DEFENDANT: --that I have paper,
21 envelopes, stamps. I have access to a notary.

22 THE COURT: I don't know about that.
23 I'm not going to fo too far afield in telling the
24 sheriff what to do.

M24

1 THE DEFENDANT: That's what the law
2 says they have to do.

3 THE COURT: If that is typically given
4 to inmates at Cook County Jail, then you should be
5 receiving that. I don't know exactly what the
6 policies are, but we'll look into it.

7 THE DEFENDANT: I have been for, totally
8 for three weeks essentially denied access to the
9 court. So I'm just going to ask to make a couple of
10 oral motions today because I have no way of making
11 written motions.

12 THE COURT: Okay, go ahead. What's your
13 first oral motion?

14 THE DEFENDANT: My oral motion is for a
15 Stay of Sentence Pending Appeal, and the reason is the
16 7th Circuit Court -- I can't cite the case because
17 it's not in my memory, but I know it exists --the 7th
18 Circuit Court of Appeals in United States has ruled in
19 the past that if a sentence is shorter than the time
20 it takes to appeal, it's a denial of due process. It
21 makes the appeal moot if you don't stay the sentence
22 unless there's a reason, such as extreme dangerousness
23 or you've held a hearing. So this would be -- I note
24 7th Circuit doesn't absolutely apply here, but it sure

M25

1 is instructive, and I think it's pretty clear that
2 denying a Stay of Sentence Pending Appeal is not a
3 constitutional thing to do in this instance.

4 THE COURT: All right. My ruling on
5 that will be that I'll enter and continue your motion.
6 I won't rule on it because we have a BCX pending; that
7 is a mental fitness evaluation, which I need to have
8 the results on. Until I have those results, your
9 motion is entered and continued.

10 Any other oral motions?

11 THE DEFENDANT: I have a Motion to
12 Vacate that BCX as res judicata and I'll give you the
13 reason. I have just finished filing with the Illinois
14 Court of Appeals my reply brief on the only major
15 conviction that I have. Therefore, they have de facto
16 declared me fit. I am representing myself as
17 Plaintiff on three federal civil rights lawsuit at the
18 moment before Judge Cart, Judge Dowd, and Judge Lefkow
19 in federal court. One is about the sheriffs illegally
20 injecting people with psycho-tropic drugs when they
21 don't need it in order to shut off their grievances.

22 THE COURT: I don't need to hear the
23 particulars of those cases. Just tell me why, what
24 your motion is. Please don't go into the facts of

M26

1 those cases that you're litigating.

2 THE COURT: The simple fact that three
3 federal judges have allowed me to represent myself as
4 Plaintiff against two judges, the Illinois Attorney
5 General, and Linell (phonetic) claim against the
6 county and the sheriff is de facto representation that
7 they consider me fit. Otherwise, they wouldn't be
8 able to do that. I also just won a case against the
9 Illinois Department of corrections which is before
10 Judge Mackie and he is now enforcing it. I've won 24
11 criminal cases, half a dozen injunctive cases. So to
12 say that I am unfit or even claim that's a possibility
13 is simply ludicrous.

14 THE COURT: Okay. I understand the
15 nature of your motion; however, based on an argument
16 based on res judicata and the fact that Judges are
17 allowing you to represent yourself in other cases,
18 contrasts with the fact that none of those people were
19 here on May 11th when I observed your behavior, that
20 motion is denied.

21 Any other oral motions?

22 THE DEFENDANT: The other oral motion
23 is to vacate everything you've ordered because your
24 initial act -- and it says in the transcript which

M27

1 Nick just gave me, the first couple of pages of
2 stating that a next friend cannot file for a habeus on
3 behalf another. Stating that Illinois law, your
4 interpretation on behalf of another is only being
5 attorney is a violation--

6 THE COURT: Ms. Shelton, I'm going to
7 have to cut you off there because I've already ruled
8 today that the merit of what you were trying to do
9 that day had nothing to do with my finding. You might
10 have been a hundred percent correct--

11 THE DEFENDANT: That's not what I'm
12 saying. Let me finish my argument.

13 THE COURT: Please don't go into the
14 merits.

15 THE DEFENDANT: You're jumping the gun.

16 THE COURT: All right. I'll give you a
17 chance. Go ahead.

18 THE DEFENDANT: When the U.S. Supreme
19 Court has ruled in Cooper versus Aaron and U.S. versus
20 Will, which I cited, that when a judge blatantly,
21 knowingly violates U.S. Supreme Court holding which
22 they had a holding in U.S. versus Buteneau (phonetic),
23 that next friends such as family and parents can even
24 file for habeus for prisoners at Guantanamo Bay.

1 That's a U.S. Supreme Court holding. You are
2 violating, knowingly and purposely. And when there's
3 extensive case law that in Illinois you can file a
4 next friend. And when Judge Biebel allowed me to file
5 as next friend for Maisha Hamilton a couple of months
6 ago, that proves that it's clear cut law you are
7 knowingly violating. There's no excuse for you not to
8 know this law, so you must be doing it knowingly. And
9 when a Judge does that, knowingly violates U.S.
10 Supreme Court, the Constitution, the law of the state,
11 and the case law of the state, his orders are void.
12 And I have the case law of that, but it's at home. I
13 haven't been able to access it, that the Judge
14 viciates the entire proceedings. All the orders of
15 that Judge past that point are void, period. So your
16 order sentencing me for contempt is void because of
17 your act of treason. That's the reason.

18 THE COURT: Your Motion to Vacate all of
19 my orders is denied. Anything else?

20 MS. SHELTON: No. That's what I need to
21 argue at a habeus before Judge Biebel. The habeus
22 cannot be heard by the judge that violated the law.
23 It has to be heard by the presiding Judge.

24 THE COURT: I'll enter and continue your

M29

1 habeus until June 10th. That's the next date I'm
2 going to see you.

3 THE DEFENDANT: When can I have Judge
4 Biebel hear it? I'm asking. I have been trying to
5 file this motion to have my habeus motioned up and
6 heard before Judge Biebel only.

7 THE COURT: I'll look into it. I'm not
8 sure you get to choose your Judge.

9 THE DEFENDANT: It's not choosing the
10 Judge. You can't hear it. You're the judge that
11 committed treason.

12 THE COURT: There's 30 other judges in
13 this building.

14 THE DEFENDANT: You can't hear this.

15 THE COURT: That may or may not be true.

16 THE DEFENDANT: I also have to motion
17 to hear my habeus on Anabelle Melongo.

18 THE COURT: That's not happening today.
19 We'll enter and continue that.

20 THE DEFENDANT: It was void. All the
21 orders is void.

22 THE COURT: Ms. Shelton, I have to
23 question you now since you're representing yourself.
24 Have you been' contacted about a fitness evaluation.

M30

1 THE DEFENDANT: I went yesterday.

2 THE COURT: Yes?

3 THE DEFENDANT: And I answered no
4 comment on every question. So you will GET a report
5 saying they could not determine fitness.

6 THE COURT: So you did not cooperate
7 with the mental fitness evaluation, is that correct?

8 THE DEFENDANT: No, I refuse to answer
9 any questions. Now as you know, the fitness law says
10 the judge must inform the defendant they have a right
11 to refuse to answer questions, and there can be no
12 punishment for refusing to answer questions. That's
13 the statutory right. That's what I invoked because I
14 considered your order for BCX void; therefore, I will
15 not cooperate with any void orders.

16 THE COURT: All right, Ms. Shelton. I
17 just want to let you know that since you're not
18 cooperating, the law presumes you're fit, mentally
19 fit. And you are saying that you believe you are
20 mentally fit if you're not going to cooperate, that
21 leaves you in a legal presumption of fitness. You're
22 serving a 120 day sentence I. Suppose on this 10th of
23 June we'll have to possibly address the sentence on
24 the second contempt.

M31

1 MS. SHELTON: Actually you're
2 incorrect, your Honor. I have the case law, it is not
3 with me, but it's at home that says if the judge
4 orders a fitness exam, you are presumed unfit, and
5 it's State's responsibility at that point to prove
6 you're fit. The State's Attorney is going to have to
7 prove me fit.

8 THE COURT: You're agreeing with him
9 apparently since you were telling me earlier you were
10 fit. If you're not going to cooperate with the
11 fitness evaluation folks, then you are deemed fit.

12 THE DEFENDANT: You're withdrawing your
13 BCX order?

14 THE COURT: Order of court 6-10-10. See
15 you then.

16

17

18

19

20

21

22

23

24

M32

1 STATE OF ILLINOIS)
) SS
2 COUNTY OF COOK)

3

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

11

12

13

14

Vernita Halsell Powell

Official Shorthand Reporter
Circuit Court of Cook County
County Department - Criminal Division

15

16

17

18

DATE:

June 9, 2010

19

20

21

22

23

24

M33

2nd Declaration of Linda Shelton re: Cook

County Circuit Court Case # 10 HC 00012 (Pet. for writ habeas on Cts 2+3 + new issue mistakenly labeled center on ct 1 Acc10009301 + Acc10009401 + Acc10008301)

1. Linda Shelton, swear & declare:

1- This petition for writ of habeas corpus on cases Acc10008301, Acc10009301 + Acc10009401 was filed on Aug 16, 2010.

(actually 3 counts, 1 case mistyped by Cook Co Circuit Court clerk as 3 cases)

2- By Law 735 ILCS 5/10-103 must be heard "forthwith".

3- Scheduled by Clerk for Aug 23, 2010 Sheriff REFUSED to take me to Court Clerk later admitted her junior clerk messed up

(Asst supervising clerk Peggy Anderson)

So she personally "walked papers through" on Aug 23, 2010 + judge McHale scheduled 8/30/10 [obviously NOT "forthwith"]

4- Judge McHale then continued habeas until 9/28/10 illegally (again not "forthwith") despite state being served 8/16/10 - because "you quoted so many U.S. Supreme Court cases they need time to prepare"

[Note: I am one (1) Non-Attorney - they have 400 attorneys + assistants to say can't be prepared "forthwith" - it is disingenuous]

5- I refiled several motions with very limited authorities + several not involving state such as motion for rule to show cause as jail some order of 6/3/10 was ignoring order to bring me to law library, + 2nd emergency motion for stay + sentence, filed on 9/3/10 by friend by hand and hand walked through by senior supervising clerk for 9/8/10 hearing with Asst SA promising I would be writ into court to Davy Cady. Motion to fine 4 judges per 735 ILCS 5/10-106 for "not forthwith" hearing McHale or Shelton habeas petitions.

6- 9/8/10 Sheriff refused to take me to court. SA admitted due to request of J. McHale he refused to writ me into court or hear ANY motions I filed pro se + motioned up including petition for habeas until 9/28/10 - DE FACTO denying habeas #2 being heard "forthwith".

This amounts to DE FACTO denial of 2nd Petition for writ Habeas corpus for count 1 + 1st petition for count 2+3 as NOT "forthwith."

I declare under penalty of perjury the foregoing is true + accurate + correct.

Executed 9/16/2010 Linda Shelton

I am requesting U.S. Supreme Court enforce this law!

735 ILCS 5/10-106 mandates that judges who refuse to hear habeas petitions "forthwith" or delay them shall be fined \$1000 by the Atty Gen or Co States atty and pay this to defendant.

Verbatim quotation IL statutes

735 ILCS 5/10-103 Application. Application for the relief shall be made to the [IL] Supreme Court or to the circuit court of the county in which the person in whose behalf the application is made, is imprisoned or restrained, or to the circuit court of the county from which such person was sentenced or committed. Application shall be made by complaint signed by the person for whose relief it is intended, or by some person in his or her behalf, and verified by affidavit....

735 ILCS 5/10-106 Grant of relief- Penalty. Unless it shall appear from the complaint itself, or from the documents thereto annexed, that the party can neither be discharged, admitted to bail nor otherwise relieved, the court shall forthwith award relief by habeas corpus. Any judge-empowered to grant relief by habeas corpus who shall corruptly refuse to grant the relief when legally applied for in a case where it may lawfully be granted, or who shall for the purpose of oppression unreasonably delay the granting of such relief shall, for every such offense, forfeit to the prisoner or party affected a sum not exceeding \$1000.

735 ILCS 5/10-133 - Penalties - How recovered. , , , and shall be sued for and recovered with costs by the Attorney General or state's attorney, in the name of the State, by complaint; and the amount, when recovered, shall without deduction, be paid to the party entitled thereto,

FILED

MAY 20 2010

DOROTHY BR
CLERK OF CIRCUIT

STATE OF ILLINOIS
IN THE CIRCUIT COURT FOR THE COUNTY OF COOK, ILLINOIS
CRIMINAL DIVISION

THE PEOPLE OF THE
STATE OF ILLINOIS
v.
LINDA SHELTON

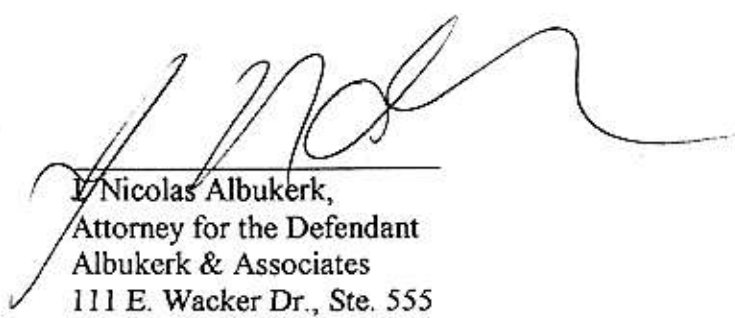
)
)
)
)
)
)
)

Acc 1000 8301
~~10 HC 00006-01~~
~~10 HC 00007-01~~

EMERGENCY MOTION TO RESCIND SENTENCE AND GRANT BOND

NOW COMES the Defendant, LINDA SHELTON, through her attorneys,
Albukerk & Associates, and moves this Court to rescind its judgment against Defendant
for direct contempt of court, and to grant Defendant bond pending a trial. In support
thereof, Defendant has attached Defendant's Memorandum in Support of Defendant's
Emergency Motion to Rescind Sentence and Grant Bond.

Respectfully Submitted,



Nicolas Albukerk,
Attorney for the Defendant
Albukerk & Associates
111 E. Wacker Dr., Ste. 555
Chicago, IL 60601
773-847-2600 (t)
773-847-0330 (f)

Appendix P1

FILED

MAY 20 2010

STATE OF ILLINOIS
IN THE CIRCUIT COURT FOR THE COUNTY OF COOK, ILLINOIS
CRIMINAL DIVISION

DOROTHY BROWN
CLERK OF CIRCUIT COURT

THE PEOPLE OF THE
STATE OF ILLINOIS
v.
LINDA SHELTON

)
)
)
)
)
)
)

ACC 1000831

~~10 HC 00006-01~~
~~10 HC 00007-01~~

**MEMORANDUM IN SUPPORT OF DEFENDANT'S MOTION TO RESCIND
SENTENCE AND GRANT BOND**

In support of Defendant's Motion to Rescind Sentence and Grant Bond,

Defendant states as follows:

RELEVANT FACTS

[The transcript of the events that led to Dr. Shelton's arrest has been ordered, Defense counsel is currently awaiting arrival of that transcript and makes the following statement of facts on information and belief] On May 11, 2010, Defendant LINDA SHELTON appeared before this court to file a petition for habeas corpus on behalf of an individual named Annabel Melongo. Dr. Shelton hoped to have Chief Judge Beible hear the habeas for Ms. Melongo because several judges in the building had already refused to hear the habeas and Judge Bieble had, on at least one other occasion heard other habeas petitions filed by Dr. Shelton. When Dr. Shelton arrived at Court, after submitting the habeas to the clerks, she was told instead that Judge McHale would hear the habeas. During said proceedings Judge McHale found the Defendant to be in direct criminal contempt of court. As a result of his finding of contempt, Judge McHale sentenced the Defendant to 120 days in jail, denied her bail, and ordered that she undergo a mental fitness evaluation.

On information and belief, the basis for Judge McHale's finding of direct contempt and sentence of 120 days was due to several factors:

- a. Dr. Shelton's attempt to file and have heard a petition for habeas corpus on behalf of Annabel Melongo,
- b. Dr. Shelton's use of the terms "traitor" and "treason" in reference to the Court upon denying Defendant the right to file a petition for habeas corpus on behalf of Ms. Melongo.
- c. The perception that Dr. Shelton raised her voice and/or spoke out of turn, or when the Court was trying to make its record.

On information and belief, Judge McHale denied Defendant Shelton the right to file the petition for habeas because she is "[not an attorney]" and "[only attorneys are allowed to file petitions for habeas corpus in the state of Illinois.]" Upon informing the Defendant of this, Defendant began to accuse Judge McHale of committing treason and of being a traitor to the Constitution because of his failure to exercise the Court's proper jurisdiction in violation of the Constitution. In response to the Defendant's behavior, Judge McHale found the Defendant to be in contempt of Court, ordered her to be held for 120 days without bond, and to undergo a mental fitness evaluation.

A. **DEFENDANT SHOULD BE GRANTED LEAVE TO PRESENT A DEFENSE TO HER CONTEMPT CITATION AS NOT ALL OF THE RELEVANT FACTS WERE BEFORE THE COURT**

As a substantial issue exists as to the Defendant's mental capacity, not all of the relevant facts for a finding of direct contempt were before the Court or within the judge's

personal knowledge. Therefore, Defendant should be granted leave to present a defense of mental incapacity to the charge of contempt against her.

While all courts have the inherent power to punish contempt, the power to punish individuals for direct criminal contempt is limited to “acts and facts seen and known by the court. . . Direct criminal contempt may be found and punished summarily because all elements are before the court and, therefore, come within its own immediate knowledge.” *People v. Simac*, 161 Ill. 2d 297, 306 (1994). While it is true that whether or not a direct contempt has been committed “depends upon the act and not upon the alleged intention of the offending party,” *Kneisel v. Ursus Motor Co.*, 316 Ill. 336, 342 (1925), that act “must be volitional, such that it can be said to require a willful or knowing state of mind.” *Shehan*, 150 Ill. App.3d at 574, citing *People v. Ziporyn*, 121 Ill. App.3d 1051, 1057 *rev'd on other grounds* (1985). When there is a significant question as to the mental fitness of the Defendant, “it cannot be said that all of the relevant facts are before the court.” *People v. Meyers*, 352 Ill. App. 3d 790, 182 (2004). *See also People v. Sheahan*, 150 Ill. App.3d 572 (1986). In such situations, it is “incumbent on the court to afford the Defendant an opportunity to fashion a defense based upon an affirmative defense of insanity.” *People v. Willson*, 302 Ill. App.3d 1004, 1006 (1999).

The Defendants actions on May 11, 2010, led Judge McHale to find the Defendant to be in contempt of court. Those same actions also left Judge McHale questioning the mental fitness of the Defendant to the extent that he ordered her to undergo a mental fitness evaluation. By ordering the Defendant to undergo a mental fitness evaluation, this Court admitted that there was a significant question as to whether or not Defendant's actions that day were in fact willful or knowing. Therefore, not all of

the relevant facts needed for a court to make a finding of direct criminal contempt were before the court. By ordering Defendant to undergo a mental evaluation, this court acknowledged that there was a substantial question as to the Defendant's mental capacity for the intent needed to be in contempt of court, and in doing so this court also acknowledged that it lacked all of the relevant facts needed for a finding of direct criminal contempt. Despite these facts, Judge McHale found the Defendant to be in contempt of court, a violation of the Defendant's civil rights under the circumstances.

The Court's ruling that Dr. Shelton is in direct criminal contempt, and its admission that it has a bona fide doubt as to the Defendant's sanity, cannot logically or legally stand. The Court cannot find Dr. Shelton in direct contempt of Court because it has admitted that it lacks all of the elements of the offense of direct criminal contempt. At this stage therefore, the Court has inadvertently denied Dr. Shelton her right to due process. Dr. Shelton is entitled to a hearing on whether she is mentally fit for trial. Dr. Shelton is also entitled to a trial to determine if all of the elements of contempt have been met; at this stage the Court has admitted that there is a doubt as to whether Dr. Shelton can or did form the requisite intent to commit the offense for which she has been sentenced.

Wherefore, Dr. Shelton asks that this Court particularly the element of intent and therefore without having first exercised her right to due process, including a hearing and a right to present a defense. As the Defendant has not been allowed to exercise her right to due process, her civil rights have been violated. Therefore, Defendant must be granted leave to present a defense of mental incapacity to the charge of contempt against her.

B. THIS COURT'S HOLDING THAT DEFENDANT LACKED THE STANDING NECESSARY TO BRING A HABEAS CORPUS PETITION ON BEHALF OF A 3RD PARTY WAS NOT LEGALLY JUSTIFIED

On May 11, 2010, the Defendant came before the Chief Judge in Court Room 101 hoping to have her Writ of Habeas Corpus on behalf of Annabel Melongo heard. However, even though she had been told otherwise by the clerks, Judge Biebel did not hear the Habeas. Instead, Judge McHale, heard the Petition. This was at least the third attempt by Dr. Shelton to have this particular Writ of Habeas Corpus heard by a court at 26th and California. On each occasion she was told that a non-attorney could not file a Writ of Habeas Corpus. However, when Dr. Shelton filed other habeas petitions that were personally heard by Chief Judge Biebel, the writs were heard. On information and belief On May 11, 2010 Judge McHale found the Defendant to be in contempt of court, in part, because "[only Attorneys]" could bring habeas corpus claims on behalf of 3rd parties.

Both Illinois and Federal Habeas Corpus Statutes and case law specifically allow for a non-attorney to bring a petition for a writ of habeas corpus on behalf of a 3rd party. The Illinois' Habeas Corpus Statute is substantially similar to the Federal Government's Habeas Corpus Statute. Illinois' states that "[a]pplication [for relief] shall be made by complaint signed by the person for whose relief it is intended, *or by some person in his or her behalf...*" See 735 ILCS 5/10-103 (emphasis added). The Federal Habeas Corpus Statute in turn states "[a]pplication for a writ of habeas corpus shall be in writing signed and verified by the person for whose relief it is intended *or by someone acting in his behalf.*" See 28 USC 2242 (emphasis added). Consequently, there exists a long history under both Illinois and Federal case law where courts have routinely allowed petitions for

writ of habeas corpus to be filed by "next friends" of incarcerated individuals. (*For Illinois, see Mahon v. People*, 218 Ill. 171 (1905) (petition for writ of habeas corpus filed by "next friend," allowed); *People ex rel. Houghland v. Leonard*, 415 Ill. 135 (1953) (petition for writ of habeas corpus filed by "next friend," allowed); *Yiadam v. Kiley*, 204 Ill. App. 3d 418 (1990) (allowed "friend" to bring proceeding for habeas corpus). *For Federal cases, see Wilson v. Dixon*, 256 F.2d 536 (1958); *Evans v. Bennett*, 467 F.Supp. 1108 (1979); *Ali v. Ashcroft*, 213 F.3d 390 (2003) (all holding that "next friends" may file petitions for habeas corpus of a 3rd party)).

Courts at the 2600 S. California Court House that have ruled Dr. Shelton is barred from filing a writ or petition for habeas corpus on behalf of another contradict both the plain meaning of the Statute as well as years of legal precedent, both state and federal. Under both Illinois and Federal law, Defendant was entitled to file a petition for habeas corpus on behalf of a 3rd party on May 11, 2010.

Judge McHale's ruling that Defendant, as a non-attorney in the state of Illinois, could not legally file a petition for habeas corpus on behalf of a 3rd party was legally incorrect. Therefore, to the extent that Defendant was found to be in contempt of court for her filing of said petition, the charge of contempt against the Defendant should be dismissed.

C. **TO THE EXTENT THAT DEFENDANT WAS FOUND TO BE IN CONTEMPT OF COURT FOR HER USE OF THE TERM "TRAITOR," A LEGAL ARGUMENT, THE CHARGE OF CONTEMPT SHOULD BE DISMISSED**

On information and belief On May 11, 2010 Defendant used the term "traitor" or "treason" while making legal arguments to the Court. Because these terms were used while making legal arguments, and are based on case law, was the Court should not find

that the use of the terms "traitor" or "treason" were calculated to embarrass, hinder or obstruct this Court's administration of justice. The charge of contempt against the Defendant, to the extent it was premised on Dr. Shelton's use of these allegedly offending terms, should be dismissed.

When a judge declines the exercise of jurisdiction that it is given, or exercises jurisdiction that is not given, that judge commits an act of treason. *United States v. Will*, 449 U.S. 200 (1980) (see Fn.19, citing *Cohens v. Virginia*, 6 Wheat. 264 (1821)). To argue that a judge has either exceeded or failed to exercise his jurisdictional reach is to therefore argue that he is a traitor, as he has committed an act of treason upon the Constitution.

While an individual's use of the terms "traitor" or "treason" in reference to a presiding judge would normally constitute contemptuous conduct, when those terms are used as legal arguments, with specific reference to case law, they do not constitute contemptuous conduct. Viable legal arguments supported by case law are intended to aid the administration of law, and not to embarrass, hinder or obstruct a court in its administration of justice. Therefore, legal arguments cannot form the basis of contemptuous conduct.

On information and belief the Court partially based its contempt on Defendant's use of the terms "traitor" and "treason" during court proceedings. On information and belief Defendant was prompted to make said statements when Judge McHale incorrectly ruled that as a non-attorney, Defendant could not legally a habeas corpus writ for a 3rd party. As was explained and detailed herein, this ruling was incorrect and was arguably a failure by the Court to exercise the jurisdiction granted to the Court. It was therefore

justified for the Defendant to make a record regarding the Court's failure to exercise its jurisdiction over her claim. In using the terms "traitor" and "treason," Defendant was simply making the legal argument made in *Will*, that the Court had failed to exercise its jurisdiction by denying her the right to file a claim of habeas corpus and therefore, he was committing an act of treason as defined by case law.

As Defendant's use of the terms "traitor" and "treason" were legal arguments supported by legal precedent, her conduct was not contemptuous. To the extent that Judge McHale found the Defendant in contempt because she used the terms "traitor" and "treason" in a legal argument, the charge of contempt against the Defendant should be dismissed.

**D. CONTINUING TO HOLD THE DEFENDANT IN CONTEMPT
WILL CAUSE MULTIPLE, UN-PAID BILLS TO SUFFER GREAT
HARDSHIP**

The Defendant lives with, and cares for her extremely frail and sick father Dr. Lorencz. Dr. Shelton exercises power of attorney over her father, Dr. Lorencz's personal and financial concerns. Dr. Lorencz is very sick and requires care around the clock. This care costs money, money that only the Defendant has the power to disperse. The expenses of her father's care are only paid in full until the end of this month, at which point payment will be required to continue that care and potentially, keep him alive. Unless the Defendant is released from prison prior to the end of this month, her father's bills will not be paid and he will not receive the medical care and attention he needs.

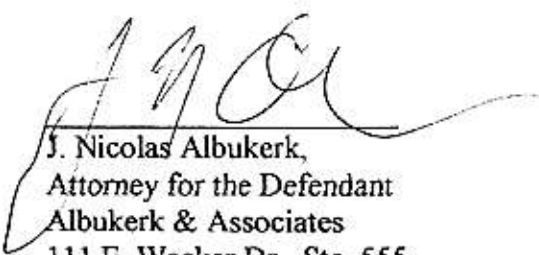
Furthermore, the Defendant's siblings are also dependent upon Dr. Lorencz's money and unless the Defendant is released from prison so that she may properly

disperse said funds, those that rely upon Dr. Lorecz for material support will suffer great hardship, including the loss of their homes.

Because of the great hardship the Defendant's continued incarceration has inflicted upon multiple innocent parties, the Defendant prays that this court grant her bond so that she may care for her father and siblings that depend upon her.

WHEREFORE, the Defendant, LINDA SHELTON, for all the reasons listed herein, moves this Court to rescind its judgment against Defendant for direct contempt of court, and to grant Defendant bond pending a hearing.

Respectfully Submitted,



J. Nicolas Albuquerk,
Attorney for the Defendant
Albuquerk & Associates
111 E. Wacker Dr., Ste. 555
Chicago, IL 60601
773-847-2600 (t)
773-847-0330 (f)

IN THE CIRCUIT COURT OF COOK COUNTY

People of the State of Illinois,

vs.

Linda Shelton

Defendant

) Judge Michael McHale
) District 18th Room 101
) Case No. ACC-10-0083(01)
) Charge Direct Criminal
) Contempt

CONSOLIDATED REFERRAL ORDER

It is hereby ordered by the Court that Forensic Clinical Services of the Circuit Court of Cook County, Illinois, examines the above named defendant, as to:

- a. Fitness to stand trial /sentencing
- b. Fitness to stand trial with medication
- c. Sanity
- d. Ability to understand Miranda
- e. Other: _____

Judge Michael B. McHale

MAY 11 2010

Circuit Court-1927

Is defendant on bond? Yes _____ No Alias _____

Address of Defendant: CCJ City _____ State _____

Zip _____ Phone _____ Sex _____ DOB _____

Name of Next of Kin: _____

Address: _____ City _____ State _____

Zip: _____ Phone _____ Relationship to Defendant _____

It is further ordered that Forensic Clinical Services make a report to the Court, including psychological/psychiatric summaries, on or before the next court date of:

11 May, 2010, to;

Attorney: Sam Larrabee

Address: CCSAO

City, State, Zip:

Telephone: 2763 12040

Attorney Code No:

ENTER:

DATED 5-11-2010

Appendix Q
M. McHale 1927
JUDGE JUDGE'S NO.
00000

FORENSIC CLINICAL SERVICES

State of Illinois
Circuit Court of Cook County
Criminal Courts Administration Bldg.
2650 S. California Avenue, Room 1001
Chicago, IL 60608

Timothy C. Evans
Chief Judge

Mathew S. Markos, M.D.
Director

Phone 773-869-6100
Fax 773-869-2371
TDD 773-869-7605

June 7, 2010

FILED

JUN 10 2010

DOROTHY BROWN
CLERK OF CIRCUIT COURT

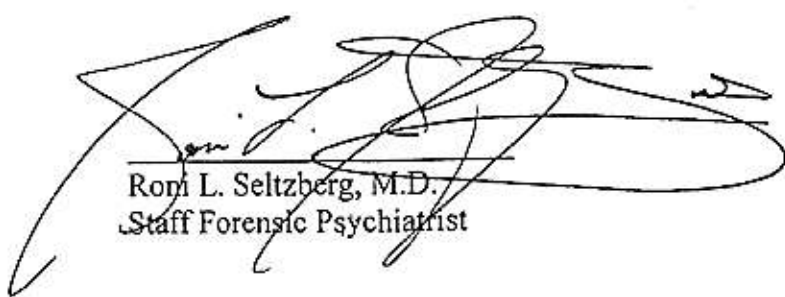
The Honorable Michael B. McHale
Judge of the Circuit Court of Cook County
Criminal Courts Building, Room 101
2600 S. California Avenue
Chicago, IL 60608

RE: People of the State of Illinois
vs.
LINDA SHELTON
Case No.: ACC 10-0083 01
Due Date: June 10, 2010

Dear Judge McHale:

Pursuant to Your Honor's Order, I attempted to evaluate the defendant, Linda Shelton, at Forensic Clinical Services on June 2, 2010 in order to render opinions regarding her fitness to stand trial or for sentencing, and her sanity (at the time of her alleged offense). Due to the defendant's refusal to cooperate with the evaluation at this time, as has been her stance on previous referrals, **I am unable to offer an opinion on either of the referral issues.** Direct psychiatric examination is required, particularly in light of the lengthy and complex nature of her medical/psychiatric/legal history. Please do not hesitate to contact me if you have any further questions in this regard.

Respectfully submitted,



Roni L. Seltzberg, M.D.
Staff Forensic Psychiatrist

RLS:ajh

Appendix R

000099

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

People of the State of Illinois)
)
 v.) ACC100083-01
) ACC100093-01
) ACC100094-01
 Linda Shelton)

FILED

AUG 16 2010

DOROTHY BROWN
CLERK OF CIRCUIT COURT

NOTICE OF EMERGENCY 1401f PETITION TO VACATE SENTENCES
AS VOID DUE TO LACK OF JURISDICTION

To: The Assistant State's Attorney who works in Room 101, Judge Bibel's courtroom
Room ~~526~~ 12D400
2600 S. California
Chicago, IL 60608

Please take notice that Linda Shelton by virtue of a Writ, which must be obtained by the Cook County State's Attorney, shall appear in Judge Bibel's courtroom on August 23, 2010 at 9:30 a.m. or as soon thereafter as this case may be heard in order to present her subject filing, a copy of which is attached and hereby served upon you.

Linda Shelton R
Linda Shelton

CERTIFICATE OF SERVICE

I, David Cady, as a hired filer and process server for Linda Shelton, do hereby certify, pursuant to 735 ILCS 5/1-109, that before 4:30 p.m. on August 16, 2010, I caused a copy of this Notice and of the above referenced subject filing to be personally delivered to the office of the above-referenced Assistant State's Attorney.

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

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

Appendix 51

STATE OF ILLINOIS
COOK COUNTY CIRCUIT COURT
CRIMINAL DIVISION

PEOPLE STATE IL

✓

LINDA SHELTON

ACC10009301
ACC10009301
ACC10009401

EMERGENCY ^{1401 Petition} MOTION TO VACATE ALL
ORDERS DENYING DAY FOR DAY CREDIT
AS VOID DUE TO LACK OF JURISDICTION - 1401 Petition (f?)

Now comes Linda Shelton pro se who moves to vacate all orders denying day for day credit as void due to lack of jurisdiction & in support states:

"Challenges to void judgments may be raised at any time irrespective of principle of waiver." People v Simmons 256 Ill. App. 3d 651.

* "trial court is in ordering that defendant not receive any credit for good behavior on contempt sentence, People v Proctor 158 Ill. App. 3d 330, 511 NE 2d 842, 110 Ill. Dec 665 (1987) ^{exceeded its authority.}

[COUNTY jail good behavior act 730 ILCS 130/3 applies to department of corrections and does not give judges any jurisdiction over this act.]

Four exceptions to 730 ILCS 130/3 (1-physical harm, 2-serving mandatory minimum 3-felony probation sentence or conditional discharge + periodic imprisonment 4-civil contempt) do not apply in this case.

Kaeding v Collins (1996) 281 Ill. App. 3d 919, 668 NE 2d 512, 218 Ill. Dec. 88

* Failure to credit for good behavior is "plain error." The "trial judge had no authority to deny defendant's credit for good behavior while serving jail term." People v Russell (1992) 237 Ill. App. 3d 310, 604 NE 2d 420, ~~604~~ 178 Ill. Dec 166. [Appellate court ruled judge has no jurisdiction over good time credits.]

Without jurisdiction order must be vacated as void ab initio. Codispoti v Pennsylvania (1974) 418 U.S. 506 94 S. Ct 2687, 41 L. Ed. 2d 912

WHEREFORE orders denying day for day credit are VOID & must be vacated as null ab initio & prays as above.

LINDA SHELTON
2010-0511171
PO BOX 087002
Chicago IL 60608

Verified as true to
best of knowledge
& belief, per
civil code 1-109

Submitted by
Linda Shelton
pro se

S2

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

People of the State of Illinois)
)
 v.) ACC100083-01
) ACC100093-01
) ACC100094-01
 Linda Shelton)

FILED
AUG 16 2010
CLERK OF COURT

NOTICE OF EMERGENCY 1401f PETITION TO VACATE ALL ORDERS
FOR FAILURE TO SUBSTITUTE JUDGE

To: The Assistant State's Attorney who works in Room 101, Judge Bibel's courtroom
Room ~~526~~ 12D40
2600 S. California
Chicago, IL 60608

Please take notice that Linda Shelton by virtue of a Writ, which must be obtained by the Cook County State's Attorney, shall appear in Judge Bibel's courtroom on August 23, 2010 at 9:00 a.m. or as soon thereafter as this case may be heard in order to present her subject filing, a copy of which is attached and hereby served upon you.

Linda Shelton @
Linda Shelton

CERTIFICATE OF SERVICE

I, David Cady, as a hired filer and process server for Linda Shelton, do hereby certify, pursuant to 735 ILCS 5/1-109, that before 4:30 p.m. on August 16, 2010, I caused a copy of this Notice and of the above referenced subject filing to be personally delivered to the office of the above-referenced Assistant State's Attorney.

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

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

Appendix T1

State of Illinois
Cook Co Court
Crim Div

people
v
Linda Shelton

)
)

Acc 1000 83⁰¹
Acc 1000 93⁰¹
Acc 1000 94⁰¹

17017 Petition
MOTION TO VACATE ALL ^{VOID} ORDERS 5/11/10 + 6/10/10
FOR FAILURE TO SUBSTITUTE
JUDGE AS RIGHT AND
TRANSFER 10 HC 0000 6 + 7
to J BIEBEL

Now COMES Linda Shelton moves
to vacate all orders 5/11/10 + 6/10/10
as on transcript 5/11/10 p 4
line 24 to p 5 line 1 Shelton
requested substitution of judge
(as right) and before any
substantive orders this was
denied (transcript p 5 line 2-3)

This is an absolute right
to SOS as right + voids all
orders if denied. Jiffy Lube

International, Inc v Agarwal 277 Ill App 3d
722 214 Ill Dec 609, 601 NE 2d 463 (1996)

WHEREFORE Defendant prays as above used to
vacate cases Acc 600 83⁰¹, Acc 600 93⁰¹ + Acc 600 94⁰¹ and transfer
10 HC 0000 6 + 10 HC 0000 7 to Judge Biebel by presiding crim. court judge

L Shelton

Linda Shelton

2010-051171
PO BOX 084002
Chicago IL 60608

verified as
true by
civil court 735-1005
5/1-109 T2

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

FILED
AUG 16 2010
DOROTHY J. [unclear]
CLERK OF CIRCUIT COURT

People of the State of Illinois)
)
 v.) ACC100083-01
) ACC100093-01
) ACC100094-01
 Linda Shelton)

NOTICE OF MOTION FOR SUBSTITUTION OF JUDGE

To: The Assistant State's Attorney who works in Room 101, Judge Bibel's courtroom
Room ~~526~~ (ZD4) @
2600 S. California
Chicago, IL 60608

Please take notice that Linda Shelton by virtue of a Writ, which must be obtained by the Cook County State's Attorney, shall appear in Judge Bibel's courtroom on August 23, 2010 at 9:00 a.m. or as soon thereafter as this case may be heard in order to present her subject filing, a copy of which is attached and hereby served upon you.

Linda Shelton @
Linda Shelton

CERTIFICATE OF SERVICE

I, David Cady, as a hired filer and process server for Linda Shelton, do hereby certify, pursuant to 735 ILCS 5/1-109, that before 4:30 p.m. on August 16, 2010, I caused a copy of this Notice and of the above referenced subject filing to be personally delivered to the office of the above-referenced Assistant State's Attorney.

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

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

Appendix U1

State of Illinois
Cook County Court
Criminal Division

People) Acc 00083⁰¹
v) Acc 00093⁰¹
Linda Shelton) Acc 00094⁰¹

Motion for Substitution of Judge
for Cause

Now comes Linda Shelton Pro se who
moves for SOJ for cause & states in support
as follows:

J. M. McHale 5/11/10 & violated in acts of bias:
1- In Supreme Court Canon that litigants
should be heard; fraudulently interpreting
every "~~interruption~~ objection" ~~as~~
violation of law by judge or statement
pointing out he was violating law
or a ~~is~~ US Supreme court holding as
a "contemptuous interruption"

2- Failed to substitute judge [as a right]
when asked to do so (5/11/10 transcript
p4 line 24 to p5 line 1) - see denial
of SOJ by J. McHale (5/11/10 transcript
p5 line 2-3) - showing bias.

3- One act one sentence law violated blatantly
(Ill Rev Stat 1987 ch 38 par 2-4
(Ill Rev Stat 1991 ch 38 par 1005-8-4(a))

ⓐ One criminal objective during single
cause of conduct with multiple
acts requires concurrent sentences, violated blatantly.

ⓑ Same act done multiple times
during one trial or course of conduct
or transaction can only be prosecuted one, violated
blatantly.

4- Judge has no jurisdiction to deny
good time credits 130 hrs 130/3 - violated
blatantly.

5- Appropriate sentences for contempt in
one trial > 6 mo require jury trial violated blatantly.
In re Marriage of Bitts (1990) 111 App 3d 26
Cocispati v Pennsylvania (1974) 418 U.S. 506

6- Legal arguments that violation of law & U.S. Supreme court holdings is treason [per Cooper v Aaron (1958) 358 US 1 + US v Will (1980) 449 US 200 FN 19] stated vigorously as a defense to Judge illegally ruling filing next friend habeas petition is illegal (implying contempt as threat) is not a basis for contempt charge.

7- Contempt finding on one day sentenced on another day requires jury trial (Acc 000930) violated blatantly. In re Marriage Betts (1990) 111 App.3d 26

As an aggregate of acts in gross violation of multiple well known criminal laws and U.S. Supreme court holdings it is obvious that a senior judge such as Judge Mittale was not simply violating All these & laws, canons, higher case law out of simple error or ignorance.

One has to assume such multiple blatant and grossly unfair and unconstitutional acts treating a pro se civil rights activist so unlawfully & differently than licensed attorneys (who are routinely allowed to interrupt with objections and/or interrupt to point out errors of law) is an act of bias & that this gross blatant and unconstitutional violation of law through bias will not allow J. Mittale to make fair rulings on motions to correct these ~~and~~ violations and dismiss charges. wherefore defendant prays for SOJ for cause.

L. Shelton
2016-0511171
PO Box 059002
Chicago IL 60608

verified
as true
by 735
lcs 5/1/109

by
Lunch
Shelton

U3 p2/2

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

People of the State of Illinois)

v.)

Linda Shelton)

ACC100083-01

ACC100093-01


ACC100094-01

FILED

AUG 16 2010

DOROTHY BROWN
CLERK OF CIRCUIT COURT

NOTICE OF EMERGENCY 1401f PETITION TO VACATE CONVICTIONS/SENTENCES
BECAUSE OF VIGOROUS DEFENSE OF CONSTITUTION AND CIVIL RIGHTS

To: The Assistant State's Attorney who works in Room 101, Judge Bibel's courtroom
Room ~~226~~ 1204 
2600 S. California
Chicago, IL 60608

Please take notice that Linda Shelton by virtue of a Writ, which must be obtained by the Cook County State's Attorney, shall appear in Judge Bibel's courtroom on August 23, 2010 at 9:00 a.m. or as soon thereafter as this case may be heard in order to present her subject filing, a copy of which is attached and hereby served upon you.

Linda Shelton 
Linda Shelton

CERTIFICATE OF SERVICE

I, David Cady, as a hired filer and process server for Linda Shelton, do hereby certify, pursuant to 735 ILCS 5/1-109, that before 4:30 p.m. on August 16, 2010, I caused a copy of this Notice and of the above referenced subject filing to be personally delivered to the office of the above-referenced Assistant State's Attorney.

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

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

Appendix VI

State of Illinois
Cook County Circuit Court
Criminal Division

People State of IL

✓
Linda Shelton

)
)
)

ACC10008301

ACC10009301

ACC10009401

petition 1401F

EMERGENCY MOTION TO VACATE SENTENCES + CONVICTIONS
Because vigorous defense of constitution
and civil rights is not contempt ? 1401 petition
because of lack of INTENT

NOW COMES Linda Shelton pro se who moves to vacate
convictions as vigorous defense of constitution and
civil rights is not contempt.

Motion is timely because CCOEC has illegally impeded
Defendants access to courts through no fault of
Defendant. Because her access to legal materials has
been miniscule at best except for material sent her
this week in mail by friend Defendant reserves the
right to amend + resubmit this motion when she
obtains reasonable access. June 3, 2010 order of
this court for access to law library continues to be
defied by CCOEC.

As explained in memorandum in concurrently
filed motion to vacate aggregate sentences as void due
to no jurisdiction to give 16 mo sentence without jury
trial, which Defendant fully incorporates in this motion,
Defendant's intent was to uphold her responsibilities
as a US citizen to defend the constitution against attacks
foreign or domestic.

J. McHale on May 11, 2010 + continuing thru
resulting void orders on June 10, 2010 according
to holdings of U.S. Supreme Court by violating
their decisions that next friend non attorney habeas
filings are legal - and telling Defendant they are
illegal (transcript May 11 2010 p 3-7) as well as
refusing to substitute judge as a right (transcript May 11 2010
p 3-5); LOST HIS JURISDICTION AS JUDGE ON 10HC00086+7
(next friend habeas petition filed by relative Shelton/Defendant
in behalf of Melonzo) and therefore all his orders
are void after he made this statement and
before he found Defendant in contempt on these
3 cases including all his orders on May 11 2010 + June 10 2010.

1/3

V2

After J McHale lost his jurisdiction because he issued a void ruling violating US Supreme Court holding and after he refused to substitute judge as a right Defendant was no longer talking to a judge in court but was talking to Mr McHale a traitor who had attacked the US Supreme Court and therefore attacked the constitution.

~~It is impossible~~ Mr McHale had due to his atrocious, illegal, unconstitutional statements brought the court into disrepute and caused the court to lose subject matter and personal jurisdiction over 10 H000067 as well as over alleged defendant, Shelton.

Shelton alleges these three contempt cases are therefore void and in defending herself is not implying that Mr McHale's orders about contempt have any legitimacy whatsoever.

Shelton is being held in contempt and serving jail time without probable cause or a legal conviction in violation of the Bill of Rights and the laws of the United States.

Her overblown emotional statements ~~can~~ induced by Mr McHale's atrocious attack on the constitution and laws of the state of Illinois may have been excessive partly because Shelton has been very ill since 1/2010 and is on strong medications until she can undergo neurosurgery to control severe constant headache, vertigo, neuropathic pain in hands & arms and chronic back pain from extensive cervical spine surgery 10 years ago to correct congenital defects causing progressive disabilities. Her excessive verbose personality and training/career as a medical crisis team leader further make it difficult for Shelton to shut up when she feels threatened by illegal or outrageous conduct of others concerning serious matters.

V3

Regardless of Shelton's over enthusiastic and emphatic defense of the constitution and US Supreme court rulings this does not cloak a court that has made itself go into disrepute and lose authority or jurisdiction on the issue before it with jurisdiction!

"Void orders do not cloak us with jurisdiction."

To-Tan Corp v Brent (1999) 307 Ill. App. 3d 496, 240 Ill. Dec 900, 718 N.E. 2d 539

Contempt, especially by a court which through its illegal acts lost jurisdiction, when ~~it~~ is not an appropriate charge against counsel (pro se) acting in good faith to defend the constitution, US Supreme court and laws of the state of Illinois, on behalf of an innocent person jailed without probable cause!

People v Siegel (1983), 94 Ill. 2d 167, 445 NE2d 762;

People v Kuelper (1977), 46 Ill. App. 3d 420, 361 N.E. 2d 291;

People v Knoppel (1978), 65 Ill. App. 3d 1022, 383

N.E. 2d 244, People v Toomin (1974), 18 Ill. App. 3d 824, 310 N.E. 2d 707.

A vigorous defense, although loud, astonished, and excessive in front of a court without jurisdiction through its own outrageous acts does not constitute contempt. Defendant reserves right to add references/citations when she obtains access to courts ^{as} amendment

WHEREFORE SHELTON PRAYS ALL CONTEMPT FINDINGS be vacated and expunged and habeas cases transferred to J. Biebel so he can appoint an attorney to represent Melongo.

Linda Shelton
2010-051171
PO Box 089002
Chicago, IL 60608

verified as
true to best
of knowledge
& belief
per
73511453/1-10-17

Submitted by
Linda Shelton
Wrongfully incarcerated
victim of lawlessness

3/3

V4

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

FILED

AUG 16 2010

DOROTHY F. ...
CLERK OF CIRCUIT COURT

People of the State of Illinois)
)
 v.) ACC100083-01
) ACC100093-01
) ACC100094-01
 Linda Shelton)

MEMORANDUM OF LAW IN SUPPORT OF MOTION
TO VACATE SENTENCES AND SCHEDULE JURY TRIAL

To: The Assistant State's Attorney who works in Room 101, Judge Bibel's courtroom
Room ~~526~~ 12D40
2600 S. California
Chicago, IL 60608

Please take notice that Linda Shelton by virtue of a Writ, which must be obtained by the Cook County State's Attorney, shall appear in Judge Bibel's courtroom on August 23, 2010 at 9:00 a.m. or as soon thereafter as this case may be heard in order to present her subject filing, a copy of which is attached and hereby served upon you.

Linda Shelton @
Linda Shelton

CERTIFICATE OF SERVICE

I, David Cady, as a hired filer and process server for Linda Shelton, do hereby certify, pursuant to 735 ILCS 5/1-109, that before 4:30 p.m. on August 16, 2010, I caused a copy of this Notice and of the above referenced subject filing to be personally delivered to the office of the above-referenced Assistant State's Attorney.

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

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

Appendix W1

State of Illinois
Cook Co Circuit Court
CRIMINAL DIVISION

PEOPLE STATE IL

v

LINDA SHELTON

Acc 1000 8301

Acc 1000 9301

Acc 1000 9401

FILED

2010

BROWN
CIRCUIT COURT

MEMO IN SUPPORT VACATE SENTENCES
+ SCHEDULE JURY TRIAL

A. Basic relevant case law:

COURT HELD in re Marriage of Betts (1990)

200 Ill. App. 3d 26, 146 Ill. Dec. 441, 558 N.E. 2d 404

"when the aggregate punishments for a particular course of criminally contemptuous conduct committed in the presence of a judge exceed the parameters of punishments normally imposed for misdemeanors ~~for~~ the punishments are not imposed immediately after occurrence of the contemptuous conduct, the contemnor is entitled to a jury trial as to the contempt charges." [parameters defined in case as fine > \$500 or sentence (aggregate) > 6 mo]

U.S. Supreme court made same holding in Codispoti v. Pennsylvania (1974)

418 U.S. 506, 94 S.Ct 2687, 41 L.Ed. 2d 912

[Aggregate contempt sentences > 6 mo during the course of one criminal trial requires jury trial + full due process. Sentences must be vacated as no jurisdiction to impose them + case remanded for jury trial.]

TRIAL required for contempt sentence

> 6 mo per courts in Bloom v Illinois (1968)

391 U.S. 194, 88 S.Ct. 1477, 20 L.Ed. 2d 522 and County of McLean v. Kickapoo Creek, Inc. (1972)

51 Ill. 2d 353, 282 N.E. 2d 720 and

People ex rel. Illinois State Dental Society v Taylor

131 Ill. App. 2d 492, 268 N.E. 2d 463

2/11

W2

cont. < ACC 10008301
ACC 10009301
ACC 10009401

IL Appellate Court in People v Simmons (1973) held that a "judgment is 'void' where court lacks inherent power to make or enter particular order involved (256 Ill. App. 3d 651, 628 N.E. 2d 759, 195 Ill. Dec 295)

The court in Tojan Corp v. Brent (1999) 307 Ill. App. 3d 496, 240 Ill. Dec 906, 718 N.E. 2d 539 ruled that "void orders do not cloak us with jurisdiction."

The court in Kaeding v Collins (1996) 281 Ill. App. 3d 919, 668 N.E. 2d 572, 218 Ill. Dec. 88 made three holdings relevant to this case.

"Trial judge in civil matter acted appropriately in referring case to separate judge after finding litigant in direct criminal contempt of court based on allegations of improper conduct directed toward court which included personal attacks on integrity of judge." [Habeas is a civil matter]

"When contempt matter is not summarily decided, it may be assigned to another judge... where individual reviles judge during judicial proceedings, it is likely remarks left personal stings, and sanctions for contempt are not immediately imposed... due process requires adjudication of contempt charges by judge other than one which presided at proceedings in which contemptuous conduct allegedly occurred."

"730 ILCS 130/3" County Jail Good Behavior allowance Act does not give judges jurisdiction to remove day for day good time credits.

If punishment [for direct contempt] not imposed immediately after occurrence of contemptuous conduct contemnor is entitled to procedural rights that conform to constitutionally mandated procedures required in other criminal proceedings [trial].

Winning Moves Inc. v Hi. Baby Inc. 238 Ill. App. 3d 834

(see Betts 200 Ill. App. 3d at 49-52.

W3

B. FACTS OF CASE + ARGUMENT

NOTE: EXACT DATES, spelling of names and case law, local court rules and state law not exactly quoted or fully available as defendant has been denied access to courts. CDOE staff including officers, social worker + law librarian have defied this court's June 3, 2010 order for access to paper, pens, ~~stamps~~ + physical access to law library + defendant's due process rights to access court cases legal research, mailing, ~~writing~~ + copying supplies + methods since incarcerated May 11, 2010. Paper has been obtained from medical staff, cases mailed to defendant by friends except ~~one~~ a couple cases brought to defendant by law librarian - most research + case requests ignored, pens supplied by inmates + a couple by social worker.

Therefore defendant reserves right to re-write and re-submit this motion in amended fashion when and if she gains access to courts.

This ^{etc} motions ~~are~~ being ~~mailed to a visiting attorney~~ ~~mailed to a friend~~ ~~for copying~~ and filing with the clerk due to unavailability of copying + forms needed to motion up motion with court, ~~or envelopes + stamps large enough for copies.~~ (envelopes + stamps received July 30 2010 for 1st time)

Jan or Feb 2010 - Def. filed next friend habeas petition on behalf of Annabel Melongo
" Despite Cook Co local court rules requiring presiding criminal court judge to promptly hear habeas and IL habeas statute 735 ICS article X allowing non-attorney next friend to file "on behalf of another," Judge Kaymeriski (acting presiding crim court judge) refused to hear petition + transferred it instantly to Melongo's trial court judge. Judge Brosnahan refused to hear it falsely stating non-attorneys may not file next friend habeas petitions.

[NOTE:

In Sept 2009 Defendant filed next friend habeas petition on behalf of Marsha Hamilton and presiding criminal court judge Beibel acknowledged in open court on the record that Defendant's filing was legal and consistent with state law.]

In United States ex rel. Toth v Quarles (1955) 350 U.S. 11, 76 S.Ct 1 the U.S. Supreme Court held that a sister non-attorney filing a next friend habeas petition was a legal filing and the court acted on it.

In Boumediene v Bush (2008) 553 U.S. 723, 128 S.Ct 2229 the U.S. Supreme Court held that even prisoners at Guantanamo Bay as enemy combatants had the right to file petition for habeas corpus even by a next friend such as family member (see footnotes Justice Souter)

In March or April 2010 defendant again motioned up habeas petitions for Melnyk to be heard before Judge Beibel. J Beibel again failed to appear & acting presiding Judge Wadas (sp?) said he was denying petitions 10 Hc00006 +7 because he also [falsely & illegally] claimed non-attorneys cannot file next friend petitions for habeas corpus. Order void as it violates law.

As a reporter for international news agency Defendant ["Cook County Government Examiner" for Examiner.com] published the above as several stories describing these acts of these judges as acts of treason per holdings of U.S. Supreme Court. These contempt charges are therefore, also an attack on freedom of press!

U.S. Supreme Court held in Cooper v Aaron (1958) 358 U.S. 1, 78 S.Ct. 1401 that "NO state legislator or executive or judicial officer [emphasis added] can war against federal constitution without violating his undertaking to support constitution." quoting Chief Justice Marshall in United States v Peters 5 Cranch 115, 136, 3 L.Ed 53 who speaking for a unanimous court said "If the legislatures of the

Several states may, at will annul the judgments of the courts of the United States, and destroy the rights required under those judgments, the constitution itself becomes a solemn mockery ... In 1803

Chief Justice Marshall in Marbury v Madison 1 Cranch 137, 177, 2 L.Ed 60 emphasized that the federal judiciary is supreme in the exposition of the law of the constitution. This has been respected by all courts since that time per Cooper ~~358 U.S. 871~~ 78 S.Ct at 1409. The Cooper court emphasized that all judges are "solemnly committed by oath" to support the constitution [and therefore the U.S. Supreme Court's interpretation of it.]

* The Cooper court therefore held that violating U.S. Supreme Court holdings amounts to a judge "warring" on the constitution & violates a judge's oath of office - his order is void, not voidable.

The U.S. Supreme Court quoting Chief Justice Marshall's exposition in Cohen's v. Virginia, 6 Wheat. 264, 5 L.Ed 257 (1821) that "warping [the exercise of jurisdiction] that which is not given, ... would be an act of treason." (U.S. v. Will 8449 U.S. 200, 101 S.Ct 471 FN 19 (1980))

* THEREFORE ANY JUDGE WHO OVER-RULES A U.S. SUPREME COURT HOLDING, LAWS OF THE LAND or THE CONSTITUTION COMMITS AN ACT OF TREASON, his order is void

Since judges are bound by their oath of office to obey laws & US Supreme court rulings they lack the inherent power to enter any order overturning law or US Supreme court holdings

"A judgment is "void" where court lacks inherent power to make or enter particular order involved"
People v Simmons (1993) 256 Ill.App. 3d 651, 628 N.E. 2d 759, 195 Ill. Dec. 295.

"Challenges to void judgments may be raised at any time, irrespective of principle of waiver."
Simmons 256 Ill.App 3d at 653.

If underlying order is void subsequent orders resulting from void order are also void.

Simmons 256 Ill.App 3d at 653, I McTate's statement 5/14/10 next friend not attorney habeas filing illegal voids orders of contempt concerning argument by Stulton that such was a judicial act of treason. 6/11

WB

"Void orders do not cloak us with jurisdiction!! Jo Jan Corp v Brent (1999) 307 Ill App.3d 496, 240 Ill. Dec 906, 718 N.E. 2d 539.

A void judgment is defined in part as "one which from its inception is and forever continues to be absolutely null, without legal efficacy." Black's Law Dictionary 1574 (6th ed 1990)

As Toth 350 US 11 + Boumediene 553 US 723 as well as constitution article I section 9 and IL Habeas statute 735 ICS article X firmly establish a non-attorney next friend may file a habeas petition on behalf of another. Judge McHale's ruling on May 11, 2010 ^{that it's illegal} ~~that~~ filing a habeas petition as next friend + non-attorney (transcript p 4-5) is VOID. As such when Defendant then requested substitution of Judge - "Ms Shelton Then I want to continue to Judge Biebel" (transcript p 4 line 24 to p 5 line 1) no substantive orders had been made + Defendant had an ABSOLUTE RIGHT for substitution of judge at that point. J. McHale violated that right + continued. ⊗

⊗ THEREFORE ALL ORDERS of JUDGE MCHALE after THAT point are VOID as he violated law permitting substitution of judge in a civil case as a right + he made a void order that filing the habeas petition was not legal. J. McHale further violated his oath of office by ignoring IL Supreme Court Canon (IL S. Ct Rule) requiring judges to allow counsel to be heard.

Immediately after J. McHale promised to have "fidelity of the law" (transcript p 3) he violated IL S Ct Canon requiring judges to permit counsel to be heard (Defendant was pro se counsel) by cutting her off when she tried to make a record (transcript p 4 line 2-3) in compliance with Weber v Garza (1978) 570 F.2d 511.

Defendant later gave an attorney who visited her in jail a written amendment to habeas petitions 10 HC0000 6+7 (using paper obtained from inmates) which defendant can only assume has been filed (due to ccoc denial of her access to courts).

⊗ Defendant stated in this amendment what she had verbally tried to make a record about on

7/11

W7

May 11 2010 that the reason a next friend habeas petition was filed was because Melargo was an alien French Cameroonian who spoke fluent french and German but altho she spoke English her heavy African French accent made her nearly unintelligible. In addition she had sought assistance from an informal pro se club in Chicago (which included defendant and others speaking German) and it was clear she was confusing Roman + English law as well as civil + criminal law.

club members were convinced she was charged without probable cause after reviewing evidence making a habeas petition appropriate for lack of jurisdiction due to no probable cause.

*
*
* Defendant was shocked, astonished + appalled at the injustice perpetrated on her immediately by J. Mettale in violating local court IL S Court canons in not allowing her to be heard and in over-ruling U.S. Supreme Court holdings in both Ibid + Boumediene (Ibid) as well as IL Habeas law + the Constitution as described above.

* Defendant therefore immediately objected to J. Mettale's VOID ruling that next friend habeas petitions are not legal by making the immediate astonished + true statement that J Mettale was committing an act of treason (transcript p 5 lines 15-22). She then went on to quote Cooper v Aaron 358 US 1 and US v Wills 449 US 200 where the US Supreme Court defined such lawless acts of a judge as treason (and therefore void) ^{done without jurisdiction} - but was immediately cut off by J. Mettale + taken into custody and placed in lock-up for 5 hours (transcript p 5-7).

* Defendant interpreted this act of taking her into custody as the judge charging her with contempt for filing a next friend habeas petition (transcript p 5-7 and page 9-12) was violating law which he did not have jurisdiction to do, and tried to object by stating this to him. She was shocked in lockup for 5 hrs thinking about this treachery!

when defendant was brought back into court live

(*) Judge who had committed treason (a traitor) in overturning 11 Habeas statute and the US Supreme Court rulings on habeas filings by next friends, that J McHale would refuse to allow her to make a clear record of these facts and that she needed to speak quickly, loudly & ~~clearly~~ clearly to make the record clear that all J McHale's orders after he committed treason as described above were void, she was illegally & unconstitutionally arrested & held in contempt and was being illegally summarily sentenced by a man who lost his jurisdiction as a judge in her case when he committed treason!

(*) As well as when he refused to substitute judge as a right and transfer the case to J Biebel - who had & mo previously affirmed in another case in open court Defendant's right to file a next friend habeas petition]. J McHale lost jurisdiction here too!
(transcript p. 45)

It is now clear after reading the transcripts that Defendant did not understand J McHale was only concerned with Defendant obeying his illegal void order that the habeas petition was not allowed and he ignored all the clear US Supreme Court rulings and law quoted by Defendant including the CLEAR FACT that his acts were treasonous as DEFINED by the US Supreme Court AND

that J McHale did not understand at the time or appreciated Defendant's clear understanding of these Supreme Court holdings and her obsession with getting this now fourth judge who was violating law and the Supreme Court to follow the law and Supreme Court canons and allow her to be heard on the valid habeas petition.

(*) (grasp the situation or understand what the other was stating in view of the law.) (*) W9

J McHale's assertion that he took her into custody for contempt #1 is disingenuous & inconsistent with the record (transcript p15). He said he took her into custody because she spoke over him and said he committed treason.

⊗
an appropriate legal action for counsel (pro se)

Defendant was trying to make a record and object to J McHale's lawless statements that non attorneys may not file next friend habeas. Non attorney pro se counsel have the right to be heard & make a record as well as to object to judge's lawless statements as any attorney would do in legal argument. Vigorous defense is not contempt (but defendant is unable to lack of access to court to get these cases ^{due} from the home or law library, altho she has ~~be~~ published it on Scribd.com under "Linda skellan documents" + under "vigorous defense is not contempt," on the Internet.) ^{she reserves right to add references later.}

Legal arguments aid the court and therefore cannot be considered contempt. Defendants statements on p 4-5 of transcript were legal arguments for substitution of J as a right, and for following local court rules that the presiding chief criminal court judge hear habeas petitions ~~and~~ for supreme court rules that counsel be heard (allowed to make a record and object to void/lawless rulings, and than declaring filing a next friend habeas petition was illegal amounted to a lawless act of treason (a true statement) which voids that order & all orders resulting from it.)

Defendant can only assume J McHale's statement on transcript p 15 reveals incompetence of a senior judge or that judge McHale intentionally committed treason.

⊗ IF J. McHale withdrew this contempt finding it would prove he instead made an ERROR
⊗ recognized it & corrects it. These motions would then be moot. 10/11

⊗
WIO

Delaying sentencing on contempt #2
to another day requires a jury trial per
above case law and sentences for
contempt #2 + #3 must be vacated
as one state of mind during one trial
(one act one sentence) requires that only
one sentence be pronounced per above case law

⊗ All Sentences #1, #2 + #3 are therefore ⊗ ⊗
void and made without jurisdiction - must be vacated,
per above case law, including U.S. Supreme
court ruling in Codispoti 418 U.S. 506. A
jury trial must be granted if J McTale
wants to ~~is~~ after vacating sentences resentence
defendant to > 6 mo either as single
sentence or aggregate sentence.

All of Defendant's statements
about treason + J McTale losing his
jurisdiction after page 5 of May 11 2010
transcript are therefore and including NOT
contemptuous and were an appropriate
resistance to a Mr McTale who had
forfeited his jurisdiction and was
warning on the constitution. ⊗ U.S. law + constitution. ⊗

⊗ Of course if J McTale acknowledges
he made an error and withdraws
his rulings that habeas filing was
illegal as well as vacates all
⊗ contempt findings, defendants
legal arguments would be moot
and J McTale could substitute
himself as a right with another
judge on the habeas petition. Defendant could
then apologise for her overly vigorous + enthusiastic
defense of the constitution ~~is~~ induced by the
⊗ drugs she takes that control pain, vertigo and
shakes but which dis-inhibit her, - as she
is trained to lead, teach, + control discussions. // 11

⊗ Verified as true to best of
knowledge + belief per 735 ICS 5/1-109

W 11

IN THE CIRCUIT COURT OF COOK COUNTY
CRIMINAL DIVISION

PEOPLE OF STATE OF ILLINOIS

V

Linda Shelton

Acc 10008301 10 # 20008
Acc 10009301 10 # 200012
Acc 10009401 10 # 200006
10 # 200007

Judge McTale

204 **FILED** AM PM
TIME _____
SEP 03 2010
Dorothy Brown
Clerk of the Circuit Court
Criminal Division
Deputy Clerk Signature

To: Asst SA Kurt Sunko
2650 S. California 12th Flr
Chicago IL 60607

Notice of Motions

Please take notice that Linda Shelton
by virtue of writ that must be obtained
by you, will appear before J. McTale
no later than 3 days after receipt of
this document in courtroom 101, 2600 S.
California at 9:00 am or such time
as Judge requires to present following motions
instanter which you should be prepared to
answer:

- 1- 2nd Emergency Motion for Stay of Sentence
- 2- Motion for Defendant to be declared indigent...
- 3- Emergency Motion to Advance...
- 4- Motion Filed to Fine Judges...
- 5- Memorandum of Fact ^{hand delivery}
Filed by mail ~~postage prepaid by hand delivery~~
to ~~correctional officer~~ on Sept 3, 2010.

Certificate of Service

I Linda Shelton certify per 735 ILCS 5/1-109
that on Sept 3 2010 I handed this
notice plus copy of above motions/memo to
^{Dorothy Brown} ~~correctional officer~~ in envelope, postage
prepaid for delivery by ~~us mail~~ hand delivery
on Sept 3, 2010.

Submitted by
Dr. Linda Shelton
2010-0511171 8CM3E
PO BOX 089002
Chicago IL 60608

Appendix XI

IN THE CIRCUIT COURT OF COOK COUNTY
CRIMINAL DIVISION

PEOPLE OF THE STATE
OF ILLINOIS
V
Linda Skilton

ACC 10008301 104C00
ACC 10009301 104C0012
ACC 10009401 104C0006
104C0007

SEP 03 2010
Dorothy Brown
Clerk of the Circuit Court
Criminal Division
Deputy Clerk Since

Judge Maltale

2nd Emergency Motion Stay of Sentence
Instantly

Now comes Linda Skilton pro se who moves
court to instantly stay sentence pending appeal
and states as follows:

1. Both US Supreme Court in Codispoti v Pennsylvania (1974) 418 US 506 and IL App Court in in re Marriage Betts (1990) 200 Ill. App. 3d 26 unequivocally held that aggregate contempt sentences > 6 mo in one trial or hearing REQUIRE a jury trial and summary sentences are VOID NOT voidable. Thus Defendant is entitled under the constitution to immediate release, on bail ONLY IF court intends to demand jury trial and sentence > 6 mo aggregate
2. Judges without question have NO JURISDICTION to deny Jail good time credits except for certain violent crimes, mandatory minimum sentences, conditional sentences of specific sorts, or civil contempt per 730 ILCS 130/3 as interpreted by many higher courts including Kaeding v Collins (1996) 281 Ill. App 3d 919.
3. Consecutive sentences for contempt are prohibited by law per S.H.A ch 38 §§ 10005-1-15, 1005-8-4(a) and Visc.A. const. Amend 6 as interpreted by many courts including People v Brown (1992) 235 Ill. App. 3d 945.
4. ANY COMPETENT responsible judge or prosecutor could verify above with modern legal research services such as Westlaw or Lexus-Nexus in an hour or two and certainly within a day or two
5. Defendant has therefore now served 1 mo past MAXIMUM LEGAL SENTENCE WITHOUT JURY TRIAL assuming any conviction is NOT VOID WHEREFORE
6. Harm to Defendants Family is now beyond words as father is in hospice refusing his condition now irreversible brought on by his depression over loss of defendant

p 1/3

X2

food as he is so distraught, has refused physical therapy and is contracted into a fetal position and sister is being evicted from her home due to lack of assistance from Defendant.

The violation of law by this court acting without jurisdiction with total disregard for the humane and respectful treatment of others is unethical beyond words and the flippant comment of judge that Defendant should have thought of this before committing contempt reveals a total lack of empathy, respect, and ability to be humane by this court towards human beings.

WHEREFORE Defendant pleads for this court to immediately prove above statements about character of J. Mittale exaggerated and prove this court has a modicum of respect for his oath of office and the constitution as well as higher courts by answering prayer for immediate release of Defendant on stay of sentence so she can say good bye to her beloved father, arrange the funeral, and assist her sister in relocating her family as well as possible, ~~at~~ and then attend to her own urgent health needs including neurosurgery and work-up for placement of pacemaker as her condition is worsening in jail and she is having increasing episodes of collapse, confusion, and hours of dysfunction of her hands and arms.

verified as
true & correct
to best of Skilton's
knowledge &
belief
9/1/10

Submitted by:
Linda Skilton
2010-0511 171 PCM3E
PO Box 089002
Chicago IL 60608

X4

IN THE CIRCUIT COURT OF COOK COUNTY
CRIMINAL DIVISION

PEOPLE STATE ILLINOIS

V
Linda Shelton

ACC10008301

ACC10009301

✓ ACC10009401

10 HC00009

10 HC00012

10 HC00006

10 HC00007

JUDGE McHALE

TO: ASST SA Kurt Smiko
2650 S California 12th Flr
Chicago IL 60608

FILE
SEP 03 2010
Dorothy Brown
Clerk of the Circuit Court
Criminal Division
Deputy Clerk Signature

NOTICE OF MOTIONS

Please take notice that Linda Shelton
Ⓢ by virtue of writ that must be obtained
by you will appear before J. McHale
no later than 3 days after receipt of Sept 22, 2010
this document in courtroom 101, 2600 S
California at 9:00 am on such time
as Judge requires to present following motions
instantly which you should be prepared to
answer:

1. 2nd Emergency Motion for Stay of Sentence
2. Motion for Defendant to be declared indigent...
3. Emergency Motion to Advance...
4. Motion Filed to Fine Judge
5. Memorandum of Fact

Filed by ~~mail postage prepaid~~ ^{hand delivery} by ~~handing~~
to ~~correctional officer~~ on Sept 3 2010.

Certificate of Service

I Linda Shelton certify per 735 ILCS 5/1-109
that on Sept 3 2010 I handed this
notice plus copy of above motions/memo to
^{Davy copy} ~~correctional officer~~ in envelope, postage
prepaid for delivery by ~~U.S. mail~~ - hand delivery
on Sept 3, 2010

Submitted by
Linda Shelton
2010-051171 8CM3E
PO BOX 089002
Chicago IL 60608

Appendix X1

IN THE CIRCUIT COURT OF COOK COUNTY
CRIMINAL DIVISION

FILED
SEP 9 2010
Dorothy Brown
Clerk of the Circuit Court
Criminal Division
Deputy Clerk Signature

PEOPLE STATE ILLINOIS
v
LINDA SHELTON

Acc 10008301 10 HC000001
Acc 10009301 10 HC000012
Acc 10009401 10 HC000006
10 HC000007

JUDGE METCALÉ

- EMERGENCY MOTION TO ADVANCE AND HEAR
INSTANTER ① MOTION FOR RULE TO SHOW CAUSE,
② 2nd MOTION FOR STAY OF SENTENCE PENDING APPEAL,
③ MOTION FOR DEFENDANT TO BE DECLARED INDIGENT, ...
④ MOTION TO FINE JUDGES + ⑤ 10 HC000006 + 10 HC000007

NOW COMES Linda Shelton pro se who moves
Court per title of motion + in support states!

① There is no reason to give state a month
to prepare answer to motion for rule to show cause.
For > 10 wks the cc doc Deputies and
Supervisors have ~~def~~ DEFIED this Court's June 3, 2010
order and refused to bring Defendant to law
library, in violation of 5th & 14th Amendment
due process rights + 1st Amendment access clause
Defendant has been denied legal resources to
defend herself and has been greatly delayed
& impeded in her defense waiting for friends
to slowly mail her case law and having
insufficient postage to mail her pleadings due
to grossly insufficient law library and social worker
staff, violation of equal protection (entire
intimacy population in jail denied access without
legal justification) and commissary non-responsive
to request for postage for weeks to months
at a time. Defendant also requests order to supply stamps

② 735 ICS 5/10-106 is not complicated and
needs minimal time of 1-2 days to research.
It is clear that judges who do not "forthwith"
deal with habeas petitions are in violation
law and "shall" be fined. Historically the
right to petition for writ of habeas
is one of the most respected and
rapidly dealt with constitutional rights
respected by all courts.

1/2

12

That is why this provision in 735 ILCS 10/10-106 was written to punish judges who have such disrespect for this highest of constitutional rights which brings the courts into disrespect. Delay in hearing this ~~motion~~^{petition} is equivalent to a Defendant refusing to appear in court. It clearly states the judge holds himself above the law,

③ Motion to be declared indigent and obtain Notice of Appeal & transcripts is between court and Defendant. State has no role or right to respond. Delay in hearing this motion is clearly a purposeful and unconstitutional act of judge which can only be interpreted as act of court to delay appeal. This should be considered interference with constitutional rights and brings the court into disrepute as judges are sworn to defend NOT ignore the constitution.

④ 2nd M for stay of sentence clearly documents Defendant has now been held 1 month past maximum possible sentence. To delay release is despicable and proves this court has no respect for the laws of the United States as stated & held by the U.S. Supreme court. The harm to Defendant's family due to misconduct of this court is beyond words. The 4 cases/authorities referenced are clear and take no more than a day or two for a lawyer to respond to.

WHEREFORE Defendant prays as above for court to hear these motions no later than 3 days past receipt of this motion by clerk.

Verified as true
& correct to best
of Shelton's knowledge
& belief per 735 ILCS 1-109
9/1/10

Submitted by
Linda Shelton
2010-0511171 8cm 35
PO Box 089002
Chicago IL 60608

⑤ 10HCC00006
10HCC00007
NEVER
heard in
violation law
Must be
heard
- writ
Melongo into
court so
Shelton
can explain
it better &
give her
opportunity
to sign
them.

IN THE CIRCUIT COURT OF COOK COUNTY
CRIMINAL DIVISION

PEOPLE OF STATE OF ILLINOIS
V
Linda Shelton

Acc 10009301
Acc 10009301
Acc 10009401
10 #cc00098
10 #cc00012
10 #cc00006
10 #cc00007
Judge Meltale

204
FILED
TIME
SEP 03 2010
AM
PM
Dorothy Brown
Clerk of the Circuit Court
Criminal Division
Deputy Clerk Signature

To: Asst SA Kurt Sumko
2650 S. California 12th Flr
Chicago IL 60608

Notice of Motions

Please take notice that Linda Shelton
(*) by virtue of writ that must be obtained
by you, will appear before J. Meltale
no later than 3 days after receipt of Sept 2, 2010
this document in courtroom 101, 2600 S.
California at 9:00 am or such time
as Judge requires to present following motions
instanter which you should be prepared to
answer:

- 1- 2nd Emergency Motion for Stay of Sentence
- 2- Motion for Defendant to be declared indigent...
- 3- Emergency Motion to Advance...
- 4- Motion Filed to Fine Judges...
- 5- Memorandum of Fact

Filed by mail postage prepaid by ^{hand delivery}
to correctional officer on Sept 3, 2010.

Certificate of Service

I Linda Shelton certify per 735 ILCS 5/1-109
that on Sept 3 2010 I handed this
notice plus copy of above motions/memo to
^{Day Lady} ~~correctional officer~~ in envelope, postage
prepaid for delivery by us mail - hand delivery
on Sept 3, 2010

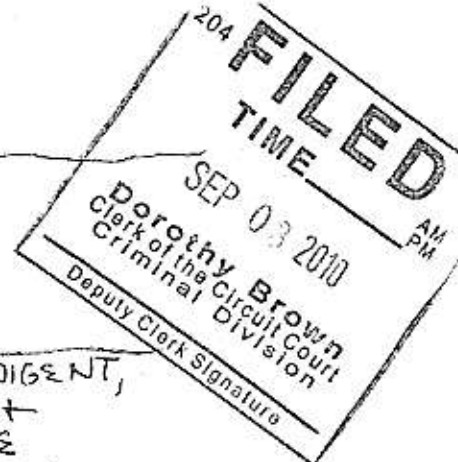
Submitted by
Dr. Linda Shelton
2010-0511171 8CM3E
PO Box 089002
Chicago IL 60608

Appendix Z1

IN THE CIRCUIT COURT OF COOK COUNTY
CRIMINAL DIVISION

People of the State of Illinois
v
Linda Shelton

Acc 10008301
Acc 10009301
Acc 10009401
JUDGE McHALE



? 1401(f) MOTION FOR DEFENDANT TO BE DECLARED INDIGENT,
FOR CLERK TO FILE LATE NOTICES OF APPEAL, +
FOR COURT REPORTER TO BE ORDERED TO FILE
SET OF FREE TRANSCRIPTS WITH CLERK FOR APPEAL
+ TO PROVIDE SET OF TRANSCRIPTS TO DEFENDANT
+ FOR CLERK TO PREPARE RECORD ON APPEAL

Now comes Linda Shelton pro se, who moves
Court as states in title above and in support states
as follows:

1. Defendant convicted May 11, 2010 + JUNE 10, 2010
of 3 counts of contempt in hearing on Defendant's
petitions for writ of habeas corpus on behalf of
A. Melongo, which are yet to be heard. Hearing
continued from May 11, 2010 to ^{June 3, 2010} June 9, 2010, to June 10, 2010,
to Aug 23, 2010 (Defendant through error of clerk + court not
brought to court), to Aug 30, 2010 and now to Sept 28, 2010
2. Defendant alleges all actions after ~~May~~ May 11, 2010
transcript p 5 line 3 are null in void for lack
of jurisdiction for failure to substitute judge as a right
and for the judge's knowing violation of IL habeas
habeas statute 735 ILCS 10/10-103, the U.S Constitution's
suspension clause art 1 Sect 9, and U.S Supreme
Court holdings in Boumediene v Bush (2008) 553 U.S. 723
and United States ex rel Toth v Quarles (1958) 350 U.S. 11
per U.S Supreme Court holdings/dicta in Cooper v Aaron
(1958) 358 U.S. 1, United States v Will (1980) 449 U.S. 200
FN 19 referring to Cohens v Virginia (1821) 6 Wheat 264, as well as
People v Summers (1993) 256 Ill. App. 3d 651, Jiffy Lube
International Inc v Agarwal (1996) 272 Ill. App. 3d 722
3. Defendant alleges all actions are voidable on appeal
due to holdings in Welch v The City of Evanston (1989)
181 Ill. App. 3d 49, Sacher v. United States (1952) 343 U.S. 1
4. Defendant alleges judges actions regarding contempt
findings + denial good time credits are also void
due to People v Brown (1992) 235 Ill. App. 3d 945

Ill. Rev. Stat 1987 ch 38 par 2-4 and 1991 par ch 38
par 1005-8-4(a), Codispoti v Pennsylvania (1974)
418 U.S. 506, in re. Marriage Betts (1990) 200
Ill. App. 3d 26, People v Prater (1987) 158 Ill. App. 3d 330
Kardung v Collins (1996) 281 Ill. App. 3d 919,
Winnipeg Moves Inc. v Hi! Baby, Inc (1992) 238 Ill. App. 3d 834,
United States v Mme Workus of America (1947)
330 U.S. 258, People v Russell (1992) 237 Ill. App. 3d 310.

5. Fr 2-4 expressing facts:

- A. Violation of request set as right voids subsequent orders.
- B. Violation US Supreme Court holdings, laws, and Constitution of a judge knowingly removes jurisdiction and voids subsequent orders.
- C. Adequate contempt sentences > 6 mo in one trial/hearing voids all orders in summary.
- D. Contempt sentence imposed after day of contempt act summarily voids orders.
- E. Denial good time jail credits by judge outside of statutory authority voids orders.
- F. Orders made without jurisdiction can be disregarded without fear of contempt - therefore contempt findings void.

6. At hearings on 5/11/10 + 6/10/10 Defendant was forcefully rushed out of courtroom by judge who was intent on ignoring legal arguments and angered by fact that cases quoted proved his orders were void as an act of treason that his emotions + bias would not allow him to calm down and hear Defendant pro se per ethical rules of judges - IL Supreme Court Canon 3A4 + 3A1 so Defendant was DEPRIVED of opportunity to request indigency funding, clerk to file Notice of appeal + request for free transcripts.

7. Upon leaving courtroom Defendant immediately requested deputies to ask clerk to recall case to request above as pro se counsel, but deputies in act of obstruction

justice and denial of equal protection, as attorney/counsel are routinely afforded this procedural method when through errors of lawyer or court there is unfinished business from the hearing, refused to respond to Defendants request. Thus Defendant was denied access to Courts on both 6/10/10 and 8/30/10 when deputies interfered with her rights as pro se counsel.

8. CCDOC has interfered with Defendants Rights to make written notice of appeal between 5/11/10 to 7/30/10 and still by refusing access to white paper, envelopes +/or stamps until 7/30/10 and is still in defiance of this court's 6/3/10 order to allow Defendant to go to law library (contempt, obstruction of justice, and denial equal protection - not allowing any inmate in infirmary for any condition to go to library discriminating against entire class of people). Social worker + law librarian staff at CCDOC so understaffed that denial access to Courts is a systemic civil rights violation.

9. Therefore through acts of court and Sheriff Defendant has been denied right to timely file notice of appeal and obtain transcripts properly compiled + numbered by court reporter and suitable for filing with court for purpose of appeal. Clerk will NOT accept transcripts not compiled by court reporter for appeal.

10. Defendant's friends generously paid for transcripts from 5/11/10, 6/3/10, + 6/10/10 but these are not lettered + compiled by court reporter.

11. Defendant is prepared to fill out affidavit of assets and indigency when brought to court or provided forms by Clerk.

WHEREFORE Defendant moves Court to grant leave to file late notices of appeal, to fill out affidavit of assets in court, to declare indigency, and to order Clerk to prepare notices of appeal (Defendant declines appt. state Appellate Defender) and to order Court Reporter to prepare two⁽²⁾ compiled numbered & lettered records of proceedings and file one with Clerk of court ASAP, as Defendant is seeking expedited appeal, and also order Clerk to prepare record on appeal without cost.

Verified as true & correct to best of Shelton's knowledge & belief

9/1/10 per
735
UCS 1-109

Submitted by

Lurda Shelton PhD MD
Pro Se

2010-051117/ 8CM3E
PO Box 089002
Chicago IL 60608

In addition one set of record on appeal & record of proceedings (including proceedings of 9/28/10) should be forwarded or delivered to Defendant at jail ASAP for purpose of expediting appeal!
If 9/28/10 documents are not available other documents should be forwarded & 9/28/10 documents sent as supplement when available

4
P 8/34

25

IN THE CIRCUIT COURT OF COOK COUNTY
CRIMINAL DIVISION

PEOPLE OF STATE OF ILLINOIS
V
Linda Shelton

~~Acc 10008301~~ 10 Acc 60008
~~Acc 10009301~~ 10 Acc 600012
~~Acc 10009401~~ 10 Acc 60006
10 Acc 60007
Judge Metta

To: Asst SA Kurt Sumko
2650 S. California 12th Flr
Chicago IL 60607

Deputy Clerk Signature
Dorothy Brown Clerk of the Circuit Court Criminal Division
SEP 03 2010
TIME
FILED 204

Notice of Motions/Memo

Please take notice that Linda Shelton
by virtue of writ that must be obtained
by you, will appear before J. Mettala
no later than 3 days after receipt of
this document in courtroom 101, 2600 S.
California at 9:00 am or such time
as Judge requires to present following motions
instanter which you should be prepared to
answer:

Sept 22, 2010

- 1- 2nd Emergency Motion for Stay of Sentence
- 2- Motion for Defendant to be declared indigent...
- 3- Emergency Motion to Advance...
- 4- Motion Filed to Fine Judges...
- 5- Memorandum of Fact

Filed by mail postage prepaid by hand delivery
to correctional officer on Sept 3, 2010

Certificate of Service

I Linda Shelton certify per 735 ILCS 5/1-109
that on Sept 3 2010 I handed this
notice plus copy of above motions/memo to
Davy Lady ~~correctional officer~~ in envelope, postage
prepaid for delivery by us mail hand delivery
on Sept 3, 2010

Submitted by
Dr. Linda Shelton
2010-051171 8CM3E
PO BOX 089002
Chicago IL 60608

Appendix A1

IN THE CIRCUIT COURT OF COOK COUNTY
CRIMINAL DIVISION

People State Illinois
v
Linda Shelton

~~Acc 100085~~
Acc 10009301
Acc 10009401
JUDGE McHALE
ACTING WITHOUT JURISDICTION



MEMORANDUM OF FACT TO CORRECT
JUDGE McHALES FALSE DEFFAMATORY
STATEMENTS OF 6/10/2010

NOW COMES Linda Shelton who presents the following statements of verifiable fact to correct on the record Judge McHale's false, malicious, and ignorant statements of 6/10/2010 which ~~new~~ herein document his bias, and clear bias of other criminal court judges including judges Alonso, Partle, Schultz, Gainer, Brosnahan, Bieble, Kazminski, and others against Defendant for her exposure of their acts of violating U.S. Supreme court holdings, Constitution of U.S. + Illinois + state statutes against mainly whistleblowers concerning corrupt officials in Cook County and Illinois.

As defendant has several blogs documenting some of their criminal and unconstitutional acts as well as is an independant contractor reporter for International news agency Examiner.com and has published as the "Cook County Government Examiner" and on her blogs: cookcountyjudges.wordpress.com, cookcountysheriffdeputies.wordpress.com, prosechiago.wordpress.com, illinoiscorruption.blogspot.com, chicagofbi.wordpress.com, and dr.lindashelton.wordpress.com — J. McHale's illegal findings of contempt against Shelton, refusal to hear Shelton's next friend habeas petitions ~~agai~~ on behalf of A. Melongo and wrongful incarceration, despite J. McHale being fully informed of laws, holdings and his obligations, can therefore be assumed to be an illegal retaliation against a federal witness to official corruption and against a reporter in violation of the the 1st Amendment (free press), 4th Amendment (no arrest without probable cause), 8th Amendment (right against cruel + unusual punishment) and 5th + 14th Amendment (rights to due process) as well as 1st Amendment right (redress of grievances

and 5th + 14th protection (rights to equal protection).

① Judge Meltale displayed his gross ignorance of the purpose and construction of rap sheets by ordering the State's attorney to make sure all criminal contempt findings are on the record.

IL + Federal law require that all felonies and IL class A misdemeanors are reportable crimes for the ISP + FBI criminal databases.

Petty offenses, class B + C misdemeanors or any crimes with sentences no more than 6 mo are NOT reportable and NOT on rap sheets. Criminal contempt is a class "O" petty offense or misdemeanor under all state + federal law and as such is NOT-reportable.

J. Meltale's order to ~~state~~ Asst. State's Atty Sam Lanabee to fingerprint defendant and make sure all contempt charges are on her rap sheet is outside of jurisdiction, official misconduct, and wastes time and resources of the office of SA. If Mr Lanabee makes any effort to follow this void order he is aiding and abetting the misconduct and criminal acts of Judge Meltale. A senior judge can be assumed to be knowledgeable of these facts and J. Meltale's order can therefore be assumed to be malicious acts of bias attempting to further defame, harass, and harm defendant and in view of the following could be considered a felony retaliatory act against a federal witness (defendant)

② Judge Meltale is conspiring with the IL Appellate Court to defame me and affirm a wrongful conviction of an innocent person concerning conviction in Dec 2007 of aggravated battery of Sgt Anthony Salemi at CCOC ^{as well as defame Shelton} further wrongfully convicted of contempt for telling judge Pantle she had NO jurisdiction to allow a prosecution by the IL Atty Gen for alleged Medicaid Fraud - Defendant not guilty by July 2/2009.

The Appellate court illegally and unconstitutional claimed Shelton made 18 baseless arguments.

This is a false and unconstitutional statement by J. Meltale + IL Appellate Court. The case is still on appeal in higher courts and still subject to a Gov's declaration for clemency due to actual innocence, concerning battery conviction

Some of the legitimate arguments include

- A- Legally insufficient indictment
- B- Brady violation requiring dismissal due to loss of "weapon" - broken wheelchair in immediate custody of state in small 12 bed secure medical unit where investigator from Sheriff's office immediately investigated
- C- Clear lack of any inculpatory evidence
 - i- injury to alleged victim ~~was~~ abrasions of upper shins falsely described by appellate court as "cuts" not compatible with stated attack ("bouncing wheelchair footrests against officer's legs" & would have resulted in horizontal bruises lower shins - injuries compatible (including huge contusions Defendant's interior and posterior thighs) compatible with Defendant's story that Salemi attacked her after sending female unit officer away.
 - ii - statements of only inculpatory witness in testimony three (3) times that cell door remained open on it's own (all witnesses at sentencing & officers & nurses confirmed this is false) - then statement that Defendant in wheelchair forcefully with both legs kicked him in chest several feet into now mysteriously closed cell door - with nurse who claimed she was witness denying she saw any kicking, ramming of wheelchair or falling against door!
This was self impeachment invalidating only inculpatory witness
 - iii - Physicians who had treated Defendant for years testified ~~she~~ Shelton had congenital spinal injury prevented her from pushing extra wide wheelchair with force, spinal injury prevented Shelton from raising right leg above waist & fact she was on sixth day of dry hunger strike confirmed by laboratory tests and unable to stand confirmed she was too weak (along with spinal cord injury) to commit crime as stated, State had no expert witness to refute these facts
 - iv - J. Kazmierski illegally refused to allow further impeachment of Salemi with inconsistent arrest report (with testimony) & other exculpatory

evidence.

v. Only "evidence" presented to jury that doctors were lying was impermissible "expert witness" testimony by prosecutor in closing,

D. ~~As~~ ^{Ad} hominem false statement attack by App court on Skilton that she had history of "wrecking havoc with the courts" and with multiple contempt convictions and criminal cases.

J McTale falsely stated this meant defendant had "deep seated and particularly malevolent mistrust of the justice system" (page 16 6/10/10 transcript). He used this as an excuse to give maximum 6 mo sentences on 2nd + 3rd contempt counts (mistakenly labeled as separate cases ^{NOT COUNTS} by court). These statements of malevolent acts and extensive contempt convictions are false as follows.

③ Defendant in 2004 was charged along with Co Defendant Vernon Glass for allegedly submitting false bills for psychiatric care to be submitted to Medicaid. Skilton was found NOT GUILTY by jury 2/2009. Glass' trial was separated & delayed due to a liver transplant which weakened his spirit & mental & physical abilities to fight these false charges. When he was suffering a severe rejection reaction and told he needed a 2nd transplant in 9/2009 J. Alonso (who replaced Pantle) maliciously in violation of law told him he wouldn't permit any more delay of trial & despite his grave appearance, yellow greyish, swollen belly weak in wheelchair threatened to have him arrested if he didn't come to trial in 2 weeks over the vigorous objection of his attorney & physicians.

Glass then told Skilton "I no longer have the mental & physical strength to deal with this stress and I'm going to stop my meds & die - promise me to go after & get those 'sobs' who

made these false charges in retaliation for our whistleblowing about corruption at DCBS and -- don't let them get away with destroying and bankrupting us - promise me!" Shelton made this solemn promise + Glass died two weeks later. Alonso committed murder through violation of law and harassment of Glass

Judges in sequence Fox, Pantle, and Alonso refused to take seriously or fully read Shelton's pre-trial motions to dismiss for lack of jurisdiction IL Atty Gen to prosecute Medicaid Fraud (extensive, scholarly motions citing federal + state law + cases), failed to enforce discovery orders (Shelton never received ANY relevant inculpatory evidence), and illegally barred Shelton from introducing federal law at trial (despite this being joint federal/state Medicaid system). Pantle ignorantly + falsely stated that the IL Atty Gen per constitution is chief law enforcement officer of state and therefore can prosecute any crime (ignoring constitution, statutes and case law saying she cannot prosecute anything but \approx 6 crimes - not including Medicaid Fraud - and only Co States Atty can evaluate evidence, decide charges and invite Atty Gen to consult)

Pantle alleged Shelton committed contempt three (3) times, filing formal charges once for stating she had claimed Pantle had no jurisdiction + was committing a crime.

Pantle alleged contempt another time illegally when Pantle was 3 hrs late for court, Shelton was in federal court on a habeas petition having given Pantle due notice and Glass' attorney agreed \approx with States Attorney to cont. case to another day. When Shelton finished federal court Shelton called Glass' attorney who told her case was continued for a month so Shelton didn't

go to Pantle's court & went home, Pantle in court 3 (three) hrs later asked if Shelton showed up and in collusion with State's attorney ex parte made all sorts of defamatory statements against Defendant ignoring notice of federal hearing and lateness of Pantle and issued arrest warrant.

Shelton was arrested, with no formal charges and no chance to explain anything and jailed for three (3) weeks until she was able to get paper & pen and smuggle out of jail emergency motion to appellate court to review bail. In violation constitution Pantle set bail at "no bail" and issued no sentence. IL Appellate court overruled Pantle, reduced bail to original I-Bond & released Shelton. Pantle jailed her with no probable cause.

One week later Pantle had a temper tantrum in court stated Shelton must have lied to IL App. Court to get out, again took Shelton into custody & removed her from courtroom setting bail at \$500,000 and then with Asst State's Atty Fearon on the record ex parte again weaved false defamatory statements against Shelton with no opportunity to refute them as excuse to hold Shelton in contempt. Pantle jailed her with no probable cause & no sentence.

IL App Court again overruled Pantle after three (3) weeks upon receiving emergency motion for review of bail reducing bail and freeing Shelton.

Judge Alonso who took over from Pantle on 1st hearing with Shelton held her in contempt and jailed her for stating the truth that Pantle had acted dishonorably, the court had ^{NO} jurisdiction, the charges were baseless and the whole case was "bullshit!" He only sentenced Shelton after consulting with Pantle who was in his chambers hearing discussion and waiting

6/9

AA7

to finish a case from previously. This gives the appearance of bias and retaliation against Shelton, as well as a conspiracy. Alonso gave Shelton no opportunity to in detail explain what she said.

Now SHELTON HAS ABSOLUTE SWORN PROOF THE COURT NEVER HAD JURISDICTION IN MEDICAID FRAUD CASE. Shelton has filed a civil rights suit against AG Madigan, her assistants, Judges Pantle & Alonso & the County, and members of the ~~Med~~ ISP Medicaid Fraud Control Unit, ^(MFCU) for unlawful arrest, malicious prosecution, official misconduct etc. Judge Lefkow has dismissed counts against AGs & judges as frivolous due to absolute immunity. The U.S. Supreme Court & several Dist. Courts have ruled judges and prosecutors can only be sued if they had absolutely No jurisdiction.

SHELTON NOW HAS THIS PROOF and Judge Lefkow once motion is filed will have to vacate dismissal of these counts.

In May 2010 due to Pres. Obama's executive order that agencies must answer FOIA requests overturning Pres. Bush's previous order to NOT answer requests, received from the U.S. - DHHS in response to her 2006 FOIA request & sworn documents from the Dir. of the ISP on behalf of the ISP MFCU and the AG staff working with them ~~in~~ - applications to be and re-applications to be federally funded MFCUs where they swear & affirm that IL is one of six (6) states where the State Atty Gen has NO JURISDICTION OR AUTHORITY to prosecute Medicaid Fraud. Therefore indictments were VOID!

Therefore the ISP and the IL AG have for over a decade fraudulently obtained millions of dollars to make fraudulent prosecutions against providers of mental health services to needy Medicaid patients

7/9

AA8

Notably ~~For~~ former AG Tim Ryan and now AG Madigan have mainly prosecuted whistle blowers against corrupt officials particularly ~~of~~ ^{against} DCFS. These whistle blowers include Vernon Glass, Maisha Hamilton, Naomi Jennings & Defendant all of whom were innocent of Medicaid Fraud although Hamilton & Jennings were wrongfully found guilty without sufficient evidence. Notably all of us were quality mental health care providers who refused to participate in false DCFS actions or pay-to-play corruption. We vigorously defended our clients in court against DCFS.

The convictions of Hamilton & Jennings by Judges Schultz, Garner, & Egan will now have to be vacated and as these judges had no jurisdiction, they are subject to civil suit for civil rights violations and allegations of official misconduct.

As contempt can not stand in the face of hearings where judges were acting without jurisdiction and Defendants were only in court under duress & coercion, as well as the statements of Shelton were true & legal argument there last two contempt convictions must also be vacated. All hearings were nullities as void.

The civil suits against Madigan, Pantle, and Alonso who therefore were acting without jurisdiction as individuals and not prosecutor & judges then will proceed.

So in fact ~~there are~~ NO legitimate ~~pro~~ convictions of Shelton for contempt.

McTales findings of contempt are also without jurisdiction & illegal as stated in previous motions & will be overturned & vacated.

Judge McTales vicious, malicious, and baseless attack on Shelton with wrongful

Findings of contempt & wrongful incarceration amounting to 13 counts of violating law, the constitution, and numerous US Supreme court holdings as explained in previously filed motions and habeas petitions, is ~~unexcusable~~ along with this ad hominem attack and violation of FL Supreme Court judicial canon 3A1+4 in violating law & refusing Defendant a chance to be heard to defend herself as above against this grotesque and unethical, biased verbal attack by T. McHale is atrocious, unconstitutional, malicious official misconduct of a judge deserving nothing less than removal from the bench and civil suit.

Verified as true & correct
to best of Shultz's
knowledge & belief
per 735
ILCS 1-107 8/31/10

submitted by:
Linda Shultz
2010-0511 171
PO Box 089002
Chicago IL 60608

The only thing Shultz has ever done is vigorously defend her clients/patients, whistleblowers, & herself against officials who have violated the law, the constitution, & Supreme court holdings, participated in pay-to-play corruption, destroyed families, businesses, and individuals for profit, and deserved to be impeached and arrested in accordance with the laws of the United States. Until citizens stand up against this tyranny America will continue to degenerate in comparison to other countries, and the sacrifices of our forebearers and founding fathers will be in vain. Freedom is lost.

AR10

9/9