
IN THE
SUPREME COURT OF ILLINOIS

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

**UNOPPOSED MOTION OF THE AMERICAN CIVIL LIBERTIES UNION OF
ILLINOIS FOR LEAVE TO FILE AN AMICUS BRIEF
IN SUPPORT OF DEFENDANT-APPELLEE ANNABEL MELONGO**

Harvey Grossman
Adam Schwartz
ROGER BALDWIN FOUNDATION
OF ACLU, INC.
180 North Michigan Avenue #2300
Chicago, IL 60601
(312) 201-9740
hgrossman@ACLU-il.org
aschwartz@ACLU-il.org

Richard J. O'Brien
Sean Siekkinen
SIDLEY AUSTIN LLP
One South Dearborn Street
Chicago, Illinois 60603
(312) 853-7000
(312) 853-7036 (fax)
robrien@sidley.com
ssiekkinen@sidley.com

Attorneys for Amicus Curiae American Civil Liberties Union of Illinois

The American Civil Liberties Union of Illinois (“ACLU”), pursuant to Rules 345 and 361 of the Illinois Supreme Court, respectfully moves this Court for leave to file the attached *amicus* brief in support of defendant-appellee Annabel Melongo. In support of this Motion, the ACLU submits the attached *amicus* brief, and states the following:

1. This case involves a challenge to the constitutionality of Illinois’ Eavesdropping Act, 702 ILCS 5/2-14.
2. The ACLU of Illinois is a non-profit, non-partisan, statewide organization with more than 25,000 members and supporters in Illinois dedicated to protecting and expanding the civil rights and civil liberties guaranteed by the U.S. and Illinois Constitutions and civil rights laws. The ACLU of Illinois is the state affiliate of the American Civil Liberties Union, a nationwide organization with more than 500,000 members.
3. The ACLU is committed to protecting the freedoms guaranteed by the First and Fourth Amendments, and has appeared before this Court and the Supreme Court of the United States in cases involving free speech and privacy matters.
4. The ACLU was the plaintiff-appellant in the recent seminal decision from the United States Court of Appeals for the Seventh Circuit, *ACLU vs. Alvarez*, which curtailed the Eavesdropping Act at issue here and undergirds the parties’ constitutional arguments in this case.
5. The questions presented here are of significant concern to the ACLU because they involve the delicate balancing of free speech and privacy rights, which are of vital importance to all citizens of Illinois and the United States.

6. Few courts have squarely addressed the constitutional implications at the confluence of these competing interests in these circumstances.

7. The ACLU respectfully submits that its experience and unique perspective on these issues will assist the Court in answering the questions presented here.

8. Counsel for the State and counsel for Ms. Melongo have informed the ACLU that neither party opposes this Motion.

9. A proposed order is attached to this Motion.

WHEREFORE, the ACLU of Illinois respectfully moves this Court to file the attached amicus brief in support of Ms. Melongo.

DATED: December 6, 2013

Respectfully submitted,



Richard J. O'Brien
Sean Siekkinen
SIDLEY AUSTIN LLP
One South Dearborn Street
Chicago, Illinois 60603
(312) 853-7000
(312) 853-7036 (fax)
robrien@sidley.com
ssiekkinen@sidley.com

Harvey Grossman
Adam Schwartz
ROGER BALDWIN FOUNDATION
OF ACLU, INC.
180 North Michigan Avenue #2300
Chicago, IL 60601
(312) 201-9740
hgrossman@ACLU-il.org
aschwartz@ACLU-il.org

*Attorneys for Amicus Curiae American
Civil Liberties Union of Illinois*

IN THE SUPREME COURT OF ILLINOIS

Case No. 114852

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

[PROPOSED] ORDER

It is hereby ordered that the motion of the ACLU of Illinois for leave to file an amicus brief in support of defendant-appellee Annabel Melongo is:

[] granted / [] denied.

DATED: ___ of _____, 2013

CERTIFICATE OF FILING AND SERVICE

The undersigned, an attorney, certifies that before 4:00 PM on December 6, 2013, he caused the foregoing Motion for Leave and attached Amicus Brief to be filed with the Supreme Court of Illinois by delivering two copies of said Motion and two copies of said Brief to FedEx, with delivery charges prepaid, for next business-day delivery, addressed to:

Clerk of the Court
Supreme Court of Illinois
160 N. LaSalle Street
20th Floor
Chicago, IL 60601

The undersigned further certifies that on December 6, 2013, he delivered two copies of said Motion and eighteen copies of said Brief to FedEx, with delivery charges prepaid, for next business-day delivery, addressed to:

Clerk of the Court
Supreme Court of Illinois
200 East Capitol Avenue
Springfield, IL 62701

The undersigned also caused a copy of the foregoing Motion for Leave and three copies of the attached Amicus Brief to be served upon each counsel for Plaintiff-Appellant and Defendant-Appellee by delivering said copies to FedEx, with delivery charges prepaid, addressed to:

Lisa Madigan
Attorney General of Illinois
100 West Randolph Street
12th Floor
Chicago, IL 60601-3128
(312) 814-8812

Anita Alvarez
State's Attorney of Cook County
Alan J. Spellberg
Assistant State's Attorney
309 Richard J. Daley Center
Chicago, IL 60602
(312) 603-5496

Gabriel Bankier Plotkin
Daniel M. Feeney
Alexandra K. Block
MILLER SHAKMAN & BEEM LLP
180 North LaSalle Street #3600
Chicago, IL 60601
(312) 263-3700

A handwritten signature in black ink, appearing to read 'Sean Siekkinen', written over a horizontal line.

Sean Siekkinen