

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS**

CALEB BARNETT, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 23-cv-209-SPM
	)	
KWAME RAOUL, et al.,	)	
	)	
Defendants.	)	
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DANE HARREL, et. el.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 23-cv-141-SPM
	)	
KWAME RAOUL, et. al.,	)	
	)	
Defendants.	)	
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JEREMY W. LANGLEY, et. el.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 23-cv-192-SPM
	)	
BRENDAN KELLY, et. al.,	)	
	)	
Defendants.	)	
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FEDERAL FIREARMS LICENSEES	)	
OF ILLINOIS, et. el.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 23-cv-2015-SPM
	)	
JAY ROBERT “JB” PRITZKER, et. al.,	)	
	)	
Defendants.	)	

**DEFENDANTS, JAMES KELLY, IN HIS OFFICIAL CAPACITY AS STATE’S  
ATTORNEY OF RANDOLPH COUNTY, ILLINOIS AND  
JARROD PETERS, IN HIS OFFICIAL CAPACITY AS SHERIFF OF  
RANDOLPH COUNTY ILLINOIS RESPONSE TO PLAINTIFFS’  
MOTION FOR PRELIMINARY INJUNCTION**

COMES NOW, Defendants, James Kelly, in his official capacity as State's Attorney of Randolph County, Illinois, and Jarrod Peters, in his official capacity as Sheriff of Randolph County, Illinois, ("Randolph County Defendants"), by and through their undersigned counsel, and for their Response to Plaintiffs' Motion for Preliminary Injunction, and states as follows:

The Randolph County Defendants were named as defendants solely in *Harrel et al v. Kwame Raoul*, Case No. 23-cv-141-SPM. The Court consolidated the *Harrel* case with the other above referenced cases and designated *Caleb Barnett et al. v. Kwame Raoul*, Case No. 23-cv-209-SPM as the lead case. Further, the Court directed that all Defendants respond to Plaintiffs' Motion for Preliminary Injunction on or before March 2, 2023. See Doc. 32 in *Barnett et al. v. Kwame Raoul*, Case No. 23-cv-209-SPM. Pursuant to those Court orders the Randolph County Defendants file this response.

The Attorney General for the State of Illinois is constitutionally regarded as the chief law official of the state. While Illinois courts have consistently recognized the State's Attorneys for the individual counties as "constitutional officers who enjoy rights and duties analogous to the Attorney General", it is the Office of the Attorney General that represents the utmost legal authority of the state. *People ex rel. Kunstman v. Shinsaku Nagano*, 389 Ill. 231, 250, 59 N.E. 2d 96 (1945). The powers of a State's Attorney are granted, in part, by and through 55 ILCS 5/2-9005, which outlines the duties of the position as including, among other things, the defense of all actions and proceedings brought against the county, or against by county State officer. Likewise, 55 ILCS 5/3-6021 codifies the duties of a sheriff of each county as including prevention of crime, maintenance of safety, and order of the citizens of the county. Each of these

positions, then, are performed with service to the counties in which they represent, and in accordance with the State of Illinois.

The Randolph County Defendants note that as County level officials they have no role in the drafting and passage of legislation including the Protect Illinois Communities Act, (P.A. 102-1116) at issue in *Harrel*. Likewise, the Randolph County Defendants have had no role in the formulation of the legal challenges that have been presented by Plaintiffs in the *Harrel* case or any of the other consolidated cases.

The Randolph County Defendants' position in regards to the pending motion for preliminary injunction in the *Harrel* case is that said motion will be decided by this Court based upon the facts and arguments presented by the Plaintiffs and the State of Illinois Defendants. The Randolph County Defendants are obligated to enforce the laws of the State of Illinois as well as honor the Constitutional Rights of its citizens. The fulfillment of these duties includes the exercising of prosecutorial discretion which is endowed in the Randolph County Defendants. In order to perform their duties, the Randolph County Defendants must have a clear understanding of the laws of the State of Illinois.

To that end, the Randolph County Defendants take the position that the matter of the preliminary injunction is a matter best litigated between the named Plaintiffs in this case and the Office of the Attorney General, and therefore these Defendants adopt neither the position of the Plaintiffs nor the position of the other Defendants in this case. However, to the extent that this Honorable Court finds that the matter of the preliminary injunction requires a response from the Randolph County Defendants, these Defendants hereby restate and reincorporate the arguments set forth in the Brief of the Attorney General, Defendant Kwame Raoul, and adopts its Response to Motion for Preliminary Injunction as their own.

The Randolph County Defendants will abide by any order that this Court enters in regards to the motion for preliminary injunction. The Randolph County Defendants request clarity of the current state of the law so that they may perform their duties under the Constitution and laws of the State of Illinois.

WHEREFORE, Defendants, JAMES KELLY, in his official capacity as State's Attorney of Randolph County, Illinois, and JARROD PETERS, in his official capacity as Sheriff of Randolph County, Illinois, respectfully pray that this Honorable Court enter an order in regards to Plaintiffs' Motion for Preliminary Injunction, and for such further relief as this Honorable Court deems just and proper.

Respectfully Submitted,

**EVANS & DIXON, L.L.C.**



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*Attorneys for Randolph County Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on March 2, 2023, I electronically filed this document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ James E. Godfrey, Jr.