

Nos. 127464 & 127487 (consolidated)

In the
Supreme Court of Illinois

MARTIN KOPF,

Appellee/Cross-Appellant,

v.

BRENDAN KELLY, in his official capacity as Director of the Illinois State Police,
and State Police, KWAME RAOUL, in his official capacity as Attorney General of the
State of Illinois, and JOE McMAHON, in his official capacity as
Kane County State's Attorney,

Appellants/Cross-Appellees,

and

HAMPSHIRE POLICE DEPARTMENT,

Appellee/Cross-Appellant.

On Appeal to the Illinois Supreme Court
from the Sixteenth Judicial Circuit, Kane County, Illinois,
Chancery Division, No. 19 CH 000883.
The Honorable **Kevin T. Busch**, Judge Presiding.

**REPLY BRIEF OF HAMPSHIRE POLICE DEPARTMENT TO
APPELLEE/CROSS APPELLANT MARTIN KOPF**

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PREFATORY REMARKS

As outlined in the Hampshire Police Department's (the "Local PD") initial brief, this Court lacks jurisdiction over Kopf's cross-appeal. The Local PD was dismissed pursuant to the Circuit Court's Order on June 22, 2021 (C 588, 590). The Local PD did not appeal. In response to Kopf's attempted cross-appeal, the Local PD filed a Motion to Dismiss, on October 13, 2021, asserting a lack of jurisdiction (*see* Sup C31-44). The Local PD's Motion was ordered as taken with the case on November 3, 2021 (Sup C46).

On June 27, 2022, the Office of the Clerk of the Supreme Court communicated to the Local PD that the Court expected a supplemental brief from the Local PD. The Local PD filed that brief on July 28, 2022, and Kopf filed his brief on April 28, 2023. Kopf's brief, however, fails to address the jurisdictional issues raised by the Local PD.

ARGUMENT

Kopf never responded to the Local PD's dispositive motion in October 2021. Moreover, in his April 2023 Appellee's/Cross-Appellant's Brief, Kopf failed to address any argument raised by the Local PD in its July 2022 brief. Thus, by failing to respond, Kopf concedes that lack of jurisdiction. *Macknin v. Macknin*, 404 Ill. App. 3d 520, 528 (2010); 2 Ill. Law and Prac. Appeal and Error § 349. More damningly, under Rule 341, Kopf has forfeited this argument on appeal. *See* Ill. Sup. Ct. R. 341(i) (incorporating to appellees Rule 341(h)(7) "Points not argued are forfeited and shall not be raised in the reply brief, in oral argument, or on petition for rehearing.").

While Kopf is pro se, such status does not excuse jurisdictional errors. "Pro se litigants are presumed to have full knowledge of applicable court rules and procedures, including procedural deadlines with respect to filing motions." *Steinbrecher v.*

Steinbrecher, 197 Ill. 2d 514, 528 (2001) citing *Domenella v. Domenella*, 159 Ill. App.3d 862, 868 (1987) “constru[ing] Rule 303(a) [and] holding that pro se defendants must comply with the same rules of procedure as would be required of litigants represented by an attorney”).

The substance of this litigation centers upon portions of the Sex Offender Registration Act (“SORA”). The Local PD’s *only* role in SORA is enforcement, as objectively required by law.

CONCLUSION

For these reasons and those provided in Defendant’s initial motion and supplemental brief, the Hampshire Police Department asks that this Court find that jurisdiction is not proper to hear Kopf’s appeal of its dismissal, and that this Court dismiss Kopf’s appeal against the Hampshire Police Department.¹

Respectfully submitted,

/s/ Christian E. Ketter

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¹ All captions designating the Hampshire Police Department as an “Appellee/Cross-Appellant” have been used only at the direction of the office of the clerk. However, the Hampshire Police Department maintains that there is no such jurisdiction, and it is neither an Appellee nor Cross-Appellant.

CERTIFICATE OF COMPLIANCE

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this reply brief, excluding the pages or words containing the Rule 341(d) cover, the Rule 341(c) certificate of compliance and the certificate of service is 2 pages.

/s/ Christian E. Ketter

Christian E. Ketter

NOTICE OF FILING and PROOF OF SERVICE

In the Supreme Court of Illinois

MARTIN KOPF,)	
)	
<i>Appellee/Cross-Appellant,</i>)	
v.)	
)	Nos. 127464 & 127487
BRENDAN KELLY, in his official capacity)	
as Director of the Illinois State Police, and State)	
Police, KWAME RAOUL in his official capacity)	
as Attorney General of the State of Illinois, and)	
JOE McMAHON, in his official capacity as Kane)	
County State’s Attorney,)	
)	
<i>Appellant/Cross-Appellee,</i>)	
and)	
)	
HAMPSHIRE POLICE DEPARTMENT,)	
)	
<i>Appellee/Cross-Appellant.</i>)	

The undersigned, being first duly sworn, deposes and states that on May 12, 2023, there was electronically filed and served upon the Clerk of the above court the Reply Brief of Hampshire Police Department. On May 12, 2023, service of the Brief will be accomplished electronically through the filing manager, Odyssey EfileIL, to the following party and counsel of record:

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Within five days of acceptance by the Court, the undersigned states that thirteen copies of the Brief bearing the court’s file-stamp will be sent to the above court.

/s/ *Christian E. Ketter* _____
 Christian E. Ketter

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

/s/ *Christian E. Ketter* _____
 Christian E. Ketter