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## SHERIFFS ASSOCIATION CALLS FOR GREENE COUNTY, ILLINOIS SHERIFF ROB MCMILLEN TO RESIGN

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by [Larry Diffey](#) , [October 30, 2014](#)

Richard Mack

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By: Tim Starks

The Constitutional Sheriffs and Peace Officers Association (CSPOA) has called for the resignation of Greene County, Illinois Sheriff Rob McMillen after he personally initiated an unsubstantiated felony charge against Luke Lamb, who is his opponent in the upcoming election. Lamb is campaigning as a “constitutional sheriff’s candidate” and is a member of CSPOA. The case, which involved alleged jury tampering, was resolved in court on October 24<sup>th</sup>, with a unanimous jury verdict of acquittal.

The charge of jury tampering involved Lamb’s Facebook chat with a close friend who had been called to jury duty earlier that morning. This discussion took place before the juror was assigned to a particular case, so he knew nothing about the specific type of trial that would take place later in the day. Lamb referred his friend to the website of the Fully Informed Jury Association (fija.org), which educates citizens about the recognized right of a juror to judge both the law and the facts of the case. According to recognized legal authorities, including US Supreme Court justices, the juror has the power to acquit if he or she believes that the law under which the defendant is charged is itself unjust. And any citizen has a

First Amendment right to express his views about this topic, which is often called “jury nullification”.

Sheriff McMillen apparently was contacted by one of his deputies and informed of the Facebook conversation, whereupon McMillen personally obtained copies of that conversation from a friend who was a chief of police. McMillen then, without any investigation at all, and without assigning someone else to investigate, personally wrote a departmental report and sent the information to the state’s attorney’s office, under his signature. The state’s attorney then assigned it to a special prosecutor. To date, CSPOA is unable to find any report on an investigation by the special prosecutor.

Eventually the charge, a class 4 felony under Illinois law, was filed. According to Lamb, after the depositions and case preparation for trial, the prosecution offered several plea deals, the last of which amounted to something akin to texting while driving, a misdemeanor of negligible import. Lamb refused them all and took his case to trial.

According to Sheriff Richard Mack (Ret.), Founder and President of CSPOA, “This case has all the markings of a political hit. If it wasn’t so serious it would be hilarious.” Said Mack, “Sheriff McMillen, to avoid the appearance of a conflict of interest, could have, and should have recused himself, referring the information to an outside agency from the very start, if he thought there was any basis for charges. Looking at the Facebook posts, I don’t think any investigator who didn’t have a political motive, would have brought charges against Luke Lamb.”

After reviewing the facts, documents and published reports in this case, including Sheriff McMillen’s testimony and media interviews after the verdict, it’s clear that this is an example of Unconstitutional misconduct by an official who has sworn an oath to protect citizen’s rights, according to Sheriff Mack. “Sheriff McMillen has violated his oath, his constituent’s rights, and tarnished the badge of a peace officer. We therefore call for Sheriff McMillen to resign his position immediately. Further, if he does not, we urge the voters of Greene County to remove him from office at the ballot box in the upcoming election.”

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