



OFFICE OF THE STATE'S ATTORNEY
COOK COUNTY, ILLINOIS

KIMBERLY M. FOXX
STATE'S ATTORNEY

2650 SOUTH CALIFORNIA AVENUE
CHICAGO, ILLINOIS 60608

POLICE INVOLVED DEATH DECISION MEMORANDUM
DECEDENT: CORSEAN LEWIS

I. OVERVIEW

On June 2, 2017, Corsean Lewis was shot and killed by Chicago Police Officers Alexander Fuertes and Washington Mina after Lewis pointed a firearm and fired it in the direction of the officers. The Independent Police Review Authority (IPRA) / Civilian Office of Police Accountability (COPA) and Chicago Police Department (CPD) conducted an investigation into Lewis' death. During the course of the investigation, investigators interviewed numerous law enforcement and civilian witnesses, and reviewed OEMC transmissions, video, photographs of the scene, police reports, medical records and the results of forensic examinations. On October 31, 2019, COPA provided the Office of the Cook County State's Attorney its final report of investigation, pursuant to the Police and Community Relations Improvement Act (PCRIA).

The Office of the Cook County State's Attorney, as the agency responsible for making criminal charging decisions under Illinois law for incidents that occur in Cook County, reviewed the evidence collected during the investigation to determine whether there was a good-faith basis for filing criminal charges. After a thorough review, the Office has concluded that the evidence is insufficient to support criminal charges against the officers.

II. STATEMENT OF FACTS

The evidence presented at any criminal proceeding resulting from this incident would show as follows:

On June 2, 2017, at approximately 11:05 p.m., Chicago Police Officers Alexander Fuertes and Washington Mina were in uniform and assigned an unmarked Chicago Police vehicle. The officers were in the area of 58th Street and State Street in response to a 911 caller who related that three males dressed in all black clothing were running with guns in the area. The officers approached a group of males standing in an alley and approached the group to further investigate. As the officers approached

the group, Officer Mina observed Corsean Lewis standing in the alley with a black handgun in his right hand. Officer Mina announced his observation of the firearm, and Officer Fuertes stopped the vehicle. The officers exited their vehicle and approached Lewis with the weapons drawn, yelling at Lewis to drop the gun. Lewis did not comply. Instead, Lewis raised his right hand with the gun, aimed it at the officers, and fired several times in their direction. Neither officer was struck but one of the bullets fired by Lewis struck the officers' police vehicle. Officers Fuertes and Mina returned fire, striking Lewis twice, once in the chest and once in the abdomen. Lewis was transported to John H. Stroger Jr. Hospital, where he was pronounced dead at 11:54 PM.

A .45 caliber semi-automatic pistol was recovered near where Lewis collapsed. Three Remington .45 caliber cartridge cases were recovered from the alleyway near where Lewis collapsed. An Illinois State Police (ISP) Crime Laboratory analyst examined the ballistics evidence and concluded that the cartridge cases were fired from Lewis' .45 caliber pistol. Additionally, an examination of the bullet recovered from the ground beneath the bullet-hole in the officers' vehicle revealed that it had been fired from Lewis' pistol.

Approximately 22 fired Winchester 9mm Luger +P cartridge cases were found in, on, and around the police vehicle. Additionally, a fired bullet was recovered from inside a City of Chicago garbage can in the alleyway. Another fired bullet was recovered from the alley and finally a fired bullet was recovered by the ME from Lewis' back during an autopsy. An ISP analyst examined these items and concluded that fifteen were fired from Officer Fuertes' service weapon and seven were fired from Officer Mina's service weapon. The two additional fired bullets recovered in the alleyway, and the one fired bullet recovered from Lewis' body by the ME, revealed that they were not fired from Lewis' firearm but could not be forensically confirmed or eliminated as having been fired from one or both of the officers' guns.

An examination of Lewis' .45 caliber pistol, the attached magazine, and the five live cartridges contained in the magazine did not reveal any latent impressions suitable for comparison. The .45 caliber handgun was swabbed for DNA, and samples were taken from both of Corsean Lewis' hands and clothing and submitted to the ISP crime lab where an ISP analyst concluded they were negative for the presence of GSR.

The Cook County Medical Examiner's Office conducted an autopsy and examined Corsean Lewis and determined the cause of death to be multiple gunshot wounds which included one that entered the left side of the chest just below the armpit which exited the upper left back, and one that entered the lower-right abdomen and lodged.

The evidence at any trial would include evidence indicating that Lewis confronted the officers with deadly force when he fired multiple bullets in their direction and each of the officers fired in order

to prevent death or great bodily harm to themselves and each other.

III. LEGAL STANDARD

In making any charging decision, the Office of the Cook County State's Attorney is bound by the Illinois Criminal Code. The Illinois Use of Force in Defense of Person statute provides in pertinent part:

A person is justified in the use of force against another when and to the extent that he reasonably believes that such conduct is necessary to defend himself or another against such other's imminent use of unlawful force. However, he is justified in the use of force which is intended or likely to cause death or great bodily harm only if he reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or another, or the commission of a forcible felony.

720 ILCS 5/7-1 (a).

The statute regarding an officer's use of force provides in pertinent part:

A peace officer . . . need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes to be necessary to affect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using force likely to cause death or great bodily harm only when he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or such other person, or when he reasonably believes both that: (1) such force is necessary to prevent the arrest from being defeated by resistance or escape; and (2) the person to be arrested has committed or attempted a forcible felony which involves the infliction or threatened infliction of great bodily harm or is attempting to escape by use of a deadly weapon, or otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay."

720 ILCS 5/7-5.

IV. ANALYSIS AND CONCLUSION

A criminal prosecution for either first- or second-degree murder would require proof beyond a reasonable doubt that Officer Fuertes and Officer Mina were not legally justified in using deadly force against Lewis. In other words, a judge or jury would need to conclude that each of the officers did not reasonably believe that he or others were in imminent danger of great bodily harm from Lewis. The uncontroverted evidence established that the officers' use of deadly force was objectively reasonable. The weight of the evidence shows that Lewis confronted the officers with deadly force in that he was armed with a gun, which he pointed and discharged multiple times in the direction of the uniformed officers. Both officers fired at Lewis to prevent death or great bodily harm to themselves and others. Further, Lewis disobeyed verbal commands to drop the gun, which was heard by independent witnesses,

prior to the officers discharging their weapons. Accordingly, based on the evidence reviewed in this matter and the applicable legal standards, the evidence is insufficient to support the filing of criminal charges, as the officers' use of deadly force against Lewis was reasonable under the totality of the circumstances. Accordingly, the Office is not filing criminal charges in this case.

Pursuant to policies and legislation enacted at the urging of State's Attorney Foxx, after making its declination determination, the State's Attorney's Office referred the review of the case to the Office of the Illinois State's Attorneys Appellate Prosecutor (ILSAAP) for an additional review. ILSAAP has reviewed the case and has concurred that no criminal charges are appropriate.

This conclusion is based entirely on the relevant criminal laws and standards of proof in Illinois and does not limit administrative action by the Chicago Police Department or civil actions where less-stringent laws, rules, and legal standards of proof apply. The Office expresses no opinion regarding the propriety or likelihood of success of any such actions.