



OFFICE OF THE STATE'S ATTORNEY  
COOK COUNTY, ILLINOIS

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**POLICE INVOLVED DEATH DECISION MEMORANDUM**  
**DECEDENT: DONTE JONES**

**I. OVERVIEW**

On October 2, 2016, Donte Jones was shot and killed by Markham Police Department Officer Carl Wright after Jones discharged his weapon at civilians and ran towards officers while holding his gun at his side. The Illinois State Police Public Integrity Task Force (PITF) conducted an investigation into Jones' death. During the course of this investigation, investigators interviewed numerous law enforcement witnesses and civilian witnesses and reviewed surveillance video footage, photographs of the scene, police reports, medical records and results of forensic examinations. On February 15, 2018, PITF provided the Office of the Cook County State's Attorney its final report of investigation, pursuant to the Police and Community Relations Improvement Act.

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 October 2, 2016, at approximately 2:30 a.m., multiple groups of patrons at the Stadium Club, 16300 South Dixie Highway, Markham, Illinois, were removed from the nightclub by security. These groups, totaling between fifty to one hundred people, converged in the rear parking lot and began fighting. Stadium Club security attempted to break up the fights but ultimately called 911 for assistance. Markham Police officers dressed in full uniform, including Officer Carl Wright, as well as officers from surrounding towns responded to a call of numerous fights in progress in the rear parking lot. When the officers arrived, there was a large crowd of between fifty and 100 people fighting in the rear parking lot of the club. Donte Jones was one of the individuals in the group. The officers attempted to break up the fights physically and through the use of oleoresin capsicum (OC) spray.

The crowd converged on the officers, from the back and front, and threw debris including bricks, bottles, rocks, and parking cones at the officers, some of which hit the officers. An officer standing near Officer Wright was punched in the head by a person from the crowd. The crowd shouted angry obscenities at the officers. The officers on scene called for backup and again utilized OC spray.

Minutes later, Donte Jones fired one shot from a handgun while in the parking lot. Video surveillance footage from the rear parking lot of the Stadium Club showed a muzzle flash come from Jones' gun as he discharged his weapon in the direction of a crowd of civilians. No one was struck by the shot. Officer Wright and another Markham officer took cover next to a parked car. Jones began to run toward the officers with the gun in his hand. Officer Wright rose and fired multiple times at Jones and Jones fell to the ground near the officers. A black semi-automatic handgun fell from Jones' right hand and was recovered by officers.

Emergency Medical Services (EMS) arrived on scene and found Jones lying unresponsive on the sidewalk at the rear of the building. Due to the chaotic scene, officers formed a security barrier around the EMS personnel to allow them access to Jones. EMS determined that the scene was not safe to administer treatment on Jones so he was taken to the ambulance where EMS began performing advanced life support. Jones was then transported to Ingalls Hospital in Harvey, Illinois, where he was pronounced dead at 3:29 a.m.

The Cook County Medical Examiner's Office performed a postmortem examination of Donte Jones. The examination revealed gunshot wounds to the chest, back, right thigh, right arm and left hand. Toxicology testing indicated the presence of alcohol in Jones' blood.

Investigators recovered a fired shell casing near where Jones fired his handgun. Forensic ballistic testing revealed that the casing was fired from Jones' gun. Swabs taken from the back of Jones' left hand tested positive for Gunshot Residue.

The evidence at any trial would include evidence indicating that Officer Wright reasonably believed that Jones was trying to kill, or cause great bodily harm, to Officer Wright, other officers or other individuals when Jones discharged his handgun at civilians and then ran toward Officer Wright.

### **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 Wright was not legally justified in using deadly force against Jones. In other words, a judge or jury would need to conclude that Officer Wright did not reasonably believe that he or others were in imminent danger of great bodily harm from Jones. The uncontroverted evidence established that Officer Wright's use of deadly force was objectively reasonable. The weight of the evidence shows that Jones confronted Officer Wright and others in the area with deadly force and committed a forcible felony when he discharged his weapon in the direction of a crowd of civilians. Jones then ran toward Officer Wright while still holding the gun at his side. Officer Wright then fired his weapon multiple times at Jones. 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 officer's use of deadly force against Jones 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 Markham 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.