



**OFFICE OF THE STATE'S ATTORNEY  
COOK COUNTY, ILLINOIS**

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**POLICE INVOLVED DEATH DECISION MEMORANDUM**  
**DECEDENT: ANTONIO CALMESE**

**I. OVERVIEW**

This matter involved the fatal shooting of Antonio Calmese by Chicago Police Officer Jarron Jefferson. During the course of the investigation, investigators interviewed civilian and law enforcement witnesses and reviewed OEMC transmissions, photographs of the scene, police reports, medical records, the Cook County Medical Examiner Post-Mortem Report, the results of forensic examinations, and video footage.

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 Officer Jefferson.

**II. STATEMENT OF FACTS**

The evidence presented at any criminal proceeding resulting from this incident would show as follows: On October 2, 2022, at about 4:50 a.m., Antonio Calmese approached Chicago Police Officer Jarron Jefferson and his partner in their marked Chicago Police vehicle to ask them for directions. Officer Jefferson gave him the directions, and Calmese walked away. Shortly after Calmese left, two women approached the officers, and said that the man the officers just spoke to

had just pointed a handgun at the women. A separate group of two women in a minivan approached the officers and said that the same man pointed a gun at them as well.

Both officers exited the car and chased Calmese, who fled upon seeing them. Officer Jefferson eventually found Calmese, and chased him to Blackhawk Street, where he attempted to place Calmese under arrest. Calmese and Officer Jefferson were walking at a quick pace. Officer Jefferson commanded Calmese to stop walking several times, but he refused. Officer Jefferson deployed his taser twice at Calmese, but neither seemed to have any effect.

Calmese then turned and fired a single shot from his handgun at Officer Jefferson. Calmese then sprinted into an alley on his right-hand side. Officer Jefferson ran into the alley, where he saw Calmese standing on the right side of the alley. Officer Jefferson fired several shots at Calmese, then repositioned himself to the left side of the alley behind a building for cover. Officer Jefferson re-entered the alley and saw Calmese was still holding a gun. He fired several more shots at Calmese. Officer Jefferson repositioned himself behind the same building to the left of the alley, saw that Calmese was still standing holding a gun, and fired another volley of gunshots. Calmese slumped to the ground, bleeding from his head and Officer Jefferson approached him. Officer Jefferson's partner arrived about a minute later in his police vehicle. Officer Jefferson's handgun was in slide-lock, indicating he had fired all his available bullets. Calmese's weapon was recovered.

The Illinois Forensic Science Unit matched one spent bullet casing to Calmese's gun, and 18 casings to Officer Jefferson's weapon. Calmese was not breathing and had no heartbeat when the paramedics arrived and was pronounced dead at Northwestern Memorial Hospital. A post-mortem examination revealed that Calmese was shot three times, once in the right calf, once in the right bicep, and once in the head. The medical examiner determined that Calmese died of multiple gunshot wounds, and his manner of death was homicide.

### **III. LEGAL STANDARD**

In making any charging decision, the Office of the Cook County State's Attorney is bound by the Illinois Criminal Code in effect at the time of the incident. The Illinois Use of Force in Defense of Person statute provided 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) (West 2018).

The statute regarding an officer's use of force provided 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, based on the totality of the circumstances, to be necessary to effect the arrest and of any force which he reasonably believes, based on the totality of the circumstances, 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: (i) he reasonably believes, based on the totality of the circumstances, that such force is necessary to prevent death or great bodily harm to himself or such other person, or (ii) when he reasonably believes, based on the totality of the circumstances, both that:

(1) Such force is necessary to prevent the arrest from being defeated by resistance or escape and the officer reasonably believes that the person to be arrested is likely to cause great bodily harm to another; 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.

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A peace officer is not justified in using force likely to cause death or great bodily harm when there is no longer an imminent threat of great bodily harm to the officer or another.

720 ILCS 5/7-5(a) (2021)

#### **IV. ANALYSIS AND CONCLUSION**

A criminal prosecution for either first- or second-degree murder would require proof beyond a reasonable doubt that the involved officer was not legally justified in using deadly force against Antonio Calmese. In other words, a judge or a jury would have to find that Officer Jefferson's belief that he or others were in imminent danger of great bodily harm or death -- was not reasonable. In this case, however, the evidence shows that Officer Jefferson did have a reasonable belief that Calmese put him in imminent danger of great bodily harm or death.

In this case, Officer Jefferson was justified in his use of deadly force because he had a reasonable belief that Calmese was threatening death or great bodily harm to him. After a

prolonged chase, Calmese turned around and fired a shot at Officer Jefferson. Calmese then fled into an alleyway and took cover, continuing to hold his gun. Officer Jefferson was then faced with an armed assailant, who had just attempted to shoot him, and was continuing to hold his weapon and was not surrendering. Therefore, Officer Jefferson had legal justification to use deadly force against Calmese.

The physical evidence and video surveillance footage support the witness accounts of the shooting. Home security footage taken from a residence across the street from the shooting demonstrates that Calmese fired his gun at Officer Jefferson during the chase shortly before Officer Jefferson fired at Calmese, and the Illinois State Police forensic laboratory matched a fired cartridge case to Calmese's weapon.

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 use of deadly force by Officer Jefferson against Calmese was not unreasonable based on the totality of the circumstances. Therefore, the Cook County State's Attorney's Office will not pursue 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 on October 16, 2023, 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.