



# STATE'S ATTORNEYS APPELLATE PROSECUTOR

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Honorable Kimberly M. Foxx  
State's Attorney of Cook County  
Cook County State's Attorney's Office  
69 West Washington, Suite 3200  
Chicago, IL 60602

**COPY**

RE: Evanston Police Department Officer Involved Shooting of Jason Nightengale

Dear State's Attorney Foxx:

Pursuant to your request, this Agency has thoroughly reviewed the evidence provided to us by your office in the above matter.

Our goal was to address whether the fatal shooting of Jason Nightengale on January 9, 2021, by Evanston Police Officers Justin Conley #214, Adam Nawotka #243, and Karl Witt #147, warranted the filing of criminal charges, and whether the evidence was sufficient to overrule the declination of charges previously submitted by the Cook County State's Attorney's Office on or about February 6, 2023.

Based upon a comprehensive and independent evaluation of the information provided, we find that the decision by the Cook County State's Attorney's Office to decline prosecution is consistent with the evidence. This finding is strictly limited to the conclusion as to criminal charges and makes no determination regarding the existence of any administrative violations or the potentiality of civil liability.

We are returning all material sent by your Office directly to Lynn McCarthy, LEAD Supervisor, 2650 South California – Room 13 B 40, Chicago, IL, 60608.

Please let me know whenever we can be of assistance.

Very truly yours,

Patrick J. Delfino  
Director