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FOR IMMEDIATE RELEASE

I, Whiteside County State's Attorney Terry A. Costello, have completed my review of the investigation of the incident wherein on January 26, 2018, Rock Falls Police Officer Jonathan Cater fired shots resulting in the death of Nathaniel T. Edwards.

This incident was independently investigated by the Illinois State Police. The investigation included, but was not limited to, interviews of on scene law enforcement officers and civilian witnesses, interviews conducted during a neighborhood canvas, collection, preservation, and review of law enforcement squad car videos, and law enforcement radio traffic, and scene investigation and analysis.

A summary of this investigation is as follows:

On January 26, 2018, Rock Falls Police Officer Dustin Sugars, while wearing his full Rock Falls Police Department patrol uniform, was on patrol in a fully marked Rock Falls Police vehicle with an operating dash camera. At approximately 7:40 p.m., while eastbound on Dixon Avenue approaching Avenue B in Rock Falls, Officer Sugars observed a white Cadillac turn onto Dixon Avenue. While behind the Cadillac, Officer Sugars observed the vehicle weave back and forth between the center line and the right curb. Near the intersection with Avenue E, Dixon Avenue changes into a four lane roadway with two lanes for eastbound traffic and two lanes for

westbound traffic. The traffic lanes going eastbound are divided by a dashed white line. The traffic lanes going westbound are also divided by a dashed white line. The eastbound lanes and westbound lanes are divided by double solid yellow lines. Officer Sugars' Rock Falls Police vehicle dash camera video began recording near the intersection with Avenue E. Shortly after Dixon Avenue transitioned into a four lane roadway, the Cadillac, while traveling in the eastbound lane nearest to the center yellow line, drifted across the dashed white line dividing the eastbound lanes. Shortly thereafter, the Cadillac drifted back across and drove upon the double solid yellow lines separating the eastbound and westbound lanes. Officer Sugars also paced the Cadillac using the Rock Falls Police vehicle's speedometer. By the time the Cadillac reached Emmons Avenue, it was traveling at approximately 41 miles per hour in the 30 miles per hour speed zone.

Officer Sugars activated the Rock Falls Police vehicle's emergency lights in an attempt to make a traffic stop on the Cadillac. The Cadillac slowed down, and after signaling, turned left onto Martin Road. As the Cadillac failed to stop for the emergency lights, Officer Sugars activated the Rock Falls Police vehicle's siren. Rather than stopping, the Cadillac continued traveling northbound on Martin Road at approximately 21 miles per hour. Whiteside County Sheriff's Deputy Sean Coutts, while wearing his Whiteside County Sheriff's Office uniform and while driving a fully marked Whiteside County Sheriff's Office vehicle, which was equipped with a functioning dash camera, joined the slow speed pursuit of the Cadillac on Martin Road. The dash camera video in Deputy Coutts' Whiteside County Sheriff's Office vehicle was recording when Deputy Coutts joined the pursuit. Deputy Coutts' vehicle was behind Officer Sugars' vehicle. Deputy Coutts had activated the emergency lights on the Whiteside County Sheriff's Office vehicle. The Cadillac continued northbound on Martin Road and turned right onto Franklin Street. Officer Sugars remained in pursuit with his vehicle's emergency lights and siren activated. The Cadillac continued eastbound on Franklin Street. Franklin Street transitions into Ann Street. The Cadillac continued onto Ann Street without stopping for either law enforcement vehicle.

The Cadillac turned left onto Sycamore Drive. Approximately 100 feet east of the intersection of Sycamore Drive and Martin Road, a fully marked Rock Falls Police vehicle with

its emergency lights and siren activated was positioned at an angle across Sycamore Drive, blocking the roadway. This Rock Falls Police vehicle was occupied by Rock Falls Police Officer Ethan Riley and his Field Training Officer, Rock Falls Police Officer Jonathan Cater. Both Officer Riley and Officer Cater were wearing their full Rock Falls Police Department patrol uniforms. This Rock Falls Police vehicle was not equipped with a dash camera. The Cadillac approached the police vehicle that was blocking the roadway, slowed, and drove through a drainage ditch to get around the police vehicle. Officer Cater was able to see that the Cadillac was occupied by only the driver, an African American male, later identified as Nathaniel T. Edwards. Officer Riley saw that Mr. Edwards, while driving the Cadillac, was talking on a cellular telephone.

The Rock Falls Police vehicle being driven by Officer Riley moved to allow the other two law enforcement vehicles to maintain the pursuit. Officer Riley's vehicle then joined the pursuit behind the Whiteside County Sheriff's Office vehicle.

The Cadillac continued on Sycamore Drive. Prior to the intersection of Sycamore Drive and Martin Road, Officer Sugars blasted his police vehicle's horn. The Cadillac, which still had not stopped for the law enforcement vehicles, turned left onto Martin Road. In an effort to stop the Cadillac, Officer Sugars passed the Cadillac and positioned his police vehicle in front of the Cadillac, gradually reducing his speed in an attempt to stop the Cadillac. At the intersection with Franklin Street, Mr. Edwards drove the Cadillac inside of Officer Sugar's police vehicle, left the roadway, and traveled through the northwest ditch turning into the wrong lane on Franklin Street.

The Cadillac continued eastbound on Franklin Street at a slow speed. Anticipating that the driver of the Cadillac might flee on foot, Officer Sugars opened the door of his police vehicle to be ready for a foot pursuit. Whiteside County Sheriff's Deputy Coutts was advised by his supervisor to pull off the pursuit. Deputy Coutts did so. The Cadillac turned into the driveway for 1304 Franklin Street, drove past another car parked on the driveway, and stopped in an area near the residence. While pulling into the driveway, the right rear tire dropped into the drainage ditch beside the driveway. The Cadillac was still running.

Officer Sugars stopped his police vehicle at an angle on Franklin Street at the end of the drive way of 1304. From this position, the Cadillac driven by Mr. Edwards drove out of view of the Rock Falls Police vehicle's dash camera. The police vehicle driven by Officer Riley, pulled around Deputy Coutts' vehicle and stopped at an angle on Franklin Street beside Officer Sugars' vehicle. Deputy Coutts' vehicle was parked parallel to Franklin Street. From this location, the Cadillac driven by Mr. Edwards drove out of view of the dash camera in Deputy Coutts' Whiteside County Sheriff's Office vehicle.

Officer Sugars exited his police vehicle with his weapon drawn. Before Officer Riley's vehicle came to a complete stop, Officer Cater exited the police vehicle in anticipation of a foot pursuit. As Officer Sugars approached the Cadillac, he observed a female, approaching the Cadillac from the side of the residence. Officer Sugars gave the female three commands to get away from the car. She complied and went inside the residence.

Officer Sugars indicated he approached the driver's side of the Cadillac. Officer Cater indicated he approached the passenger side taillight area of the Cadillac. Officer Riley advised he was positioned directly behind the Cadillac on the driver's side. Deputy Coutts, from his vantage point, saw Officer Sugars standing at the driver's side door of the Cadillac, Officer Riley was standing 45 degrees off the rear driver's side and Officer Cater was standing directly behind the passenger side rear taillight. Deputy Coutts saw that Officers Cater and Riley had their firearms out.

A series of commands were given to the driver, Nathaniel T. Edwards, initially to not move and later to get out of the car. Mr. Edwards did not comply. Mr. Edwards was then ordered to open the door of the car. Mr. Edwards responded with an expletive. Further commands to open the door were given. Mr. Edwards did not open the door of the Cadillac. A further command was made to open the door. According to Officer Sugars, he drew his service pistol and pointed it at the driver (Mr. Edwards). Officer Sugars indicated in an attempt to gain the driver's (Mr. Edwards) compliance, he stated, "you're going to get shot." The driver (Mr. Edwards) stated in response, "Kill me bitch. Fuck you." According to Officer Sugars, the driver (Mr. Edwards) put his head against the driver side window where the pistol was pointing.

The command "Do not back up!" was given to Mr. Edwards. Another command to "open the door" was given to Mr. Edwards. Still not receiving compliance from the driver, Mr. Edwards, Officer Sugars, with the intent of breaking the vehicle's window, inquired of the other officers who had a baton. Officer Cater retrieved his baton and rolled it across the roof of the Cadillac to Officer Sugars. The baton rolled across the roof, down over the front of the Cadillac's hood, and came to rest near the driver's side front tire. Officer Sugars bent down to pick up the baton. At this point, Mr. Edwards revved the Cadillac's engine and the vehicle began moving in reverse. Deputy Coutts saw the Cadillac back up as Officer Sugars bent down to retrieve the baton. Officer Sugars heard the Cadillac's engine accelerate and saw the vehicle begin to move in reverse. Officer Cater indicated he was one foot or less behind the vehicle at the time the vehicle began moving backwards. Officer Riley indicated that upon hearing the Cadillac's engine rev, and seeing it accelerate in his direction, he had to take evasive action to move out of the path of the vehicle, which he feared was going to strike him. Officer Riley was also aware that Officer Cater was last positioned near the right side of the rear bumper on the Cadillac.

Officer Cater indicated as the Cadillac moved back toward him, he feared for his life, as well as the life of Officer Riley. As a result, Officer Cater fired his weapon. The Cadillac's back window shattered creating a hole in the glass through which Officer Cater fired shots. Officer Cater also moved to the right in an effort to remove himself from the path of the Cadillac. Officer Cater fired a total of six shots into the Cadillac from his weapon. Officer Cater saw the driver of the vehicle (Mr. Edwards) reach up and put the vehicle in park, stopping the vehicle. Officer Sugars indicated he heard between three and five shots as the Cadillac was moving backwards. Officer Riley indicated that after he moved out of the path of the Cadillac, he lost view of Officer Cater. Officer Riley, indicated he feared for his safety and that of the other officers, and considered firing his weapon, but did not do so because he did not have a clear line of fire due to Officer Sugars' location. Officer Riley saw the Cadillac come to a stop after the shots were fired. Deputy Coutts indicated that he believed Officer Cater was going to be run over by the Cadillac. Deputy Coutts, after the shots were fired, saw the driver of the Cadillac (Mr. Edwards) grab his chest and later go limp. After the shots were fired, the back end of the

Cadillac rolls partially in to view on Officer Sugars' Rock Falls Police vehicle dash camera video. After the shots were fired, the back end of the Cadillac also rolls partially in to view on Deputy Coutts' Whiteside County Sheriff's vehicle dash camera video.

Whiteside County Sheriff's Deputy Rollie Elder, while wearing his Whiteside County Sheriff's Office uniform and while driving a fully marked Whiteside County Sheriff's Office vehicle, which was equipped with a dash camera, had been monitoring radio traffic regarding this pursuit. Deputy Elder activated his vehicle's emergency lights and siren and initially headed in the direction of the Dixon Avenue and Martin Road. While Deputy Elder was heading that way, he was advised by his supervisor to not get directly involved in the pursuit. Deputy Elder later heard radio traffic indicating that the suspect vehicle had turned into a residence off Franklin Street. As Deputy Elder turned his vehicle onto Franklin Street, he thought he saw a muzzle flash to the rear of the suspect vehicle. Deputy Elder heard a radio call that shots were fired. Deputy Elder's Whiteside County Sheriff's Office vehicle dash camera video picked up the shots fired incident from a distance. The video becomes clearer as Deputy Elder's vehicle approaches 1304 Franklin Street. This dash camera video shows Officer Cater, moving toward the right, extricating himself from behind the Cadillac. It also shows Deputy Coutts on the lawn in front of 1304 Franklin Street. Deputy Elder parked his Sheriff's vehicle behind Deputy Coutts' vehicle, and got out of his vehicle. From this vantage point, the dash camera in Deputy Elder's vehicle is primarily blocked by the back of Deputy Coutts' vehicle, however, the back of the Cadillac is visible from approximately the back half of the rear passenger side door to the end of the vehicle.

An ambulance was requested. Officer Sugars using the baton, broke out the rear driver's side window of the Cadillac to unlock the door. Realizing he could not gain access to the driver (Mr. Edwards) from this position, Officer Sugars proceeded to break out the front passenger side window of the vehicle and unlocked the front passenger door. Deputy Elder entered the front passenger side of the Cadillac and shut off the ignition. Deputy Elder and Officer Sugars removed Mr. Edwards from the Cadillac. Mr. Edwards was carried to the rear of the Cadillac. An AED (Automated External Defibrillator) was requested. Deputy Elder could not detect a pulse in Mr. Edwards. Deputy Elder began performing CPR (Cardiopulmonary Resuscitation). An

AED was retrieved. The AED's pads were placed on Mr. Edwards' chest. The AED identified no pulse, so no shock was given. Deputy Elder and Deputy Coutts continued administering CPR until the Rock Falls EMS arrived on scene and took over care for Mr. Edwards and ultimately transported him to CGH Medical Center. Mr. Edwards was pronounced dead on January 26, 2018, at 8:48 p.m.

The Illinois State Police with initial assistance from the Sterling Police Department, conducted a neighborhood canvas and interviewed multiple persons in an effort to find witnesses to the incident. Some witnesses were closer to the scene of the incident than others. It is not unusual with cases involving multiple witnesses, to have individual recollections differ in some details, however, a commonality develops. This incident is no different. The common theme, which developed through the multiple neighborhood witnesses that were interviewed and actually observed the incident, is: there was at least one law enforcement officer standing behind the vehicle Mr. Edwards was driving when the vehicle started backing up; the law enforcement officer behind the vehicle was either struck by the vehicle or in jeopardy of being run over by the vehicle; multiple gun shots were heard; and a law enforcement officer fired multiple shots.

The Illinois State Police also interviewed two witnesses who were in the house at 1304 Franklin Street when this incident transpired. One witness acknowledged it was dark outside without exterior house or garage lights illuminated. This witness advised that she has Glaucoma and difficulties seeing in the dark. That being said, this witness advised she saw, from the side window of the residence, three Rock Falls Police Officers run to Mr. Edwards' vehicle. She heard the officers, use an expletive while directing Mr. Edwards to get out of the car. She then relocated to the front door of the residence. She stated Mr. Edwards did not move and she heard three gun shots. She shut the front door after hearing the first shot. She didn't see the car moving when shots were fired. Upon opening the door again, she saw two officers removing Mr. Edwards from the car. This witness was interviewed by the Illinois State Police during the early morning hours of January 27, 2018. Sterling Police Officer Mendoza had earlier contact with this witness. Officer Mendoza did not conduct any questioning about the incident. According to Officer Mendoza, during that contact, this witness volunteered that she never saw what happened and only heard the gun shots.

The other witness who was inside the house at 1304 Franklin Street was interviewed. She stated that she was Mr. Edwards' girlfriend. She indicated she was home when she received a phone call from Mr. Edwards. Mr. Edwards advised her he was being stopped by the police. Mr. Edwards wanted her to come get the keys as he was going to jail. She went outside to get the keys but was told by an officer to go back in the house, which she did. The witness indicated she looked out the east facing window and saw the same officer (the one who told her to go back in the house) shoot Mr. Edwards and drag him from the car. She acknowledged that the car was running at the time. She also advised she did not see a muzzle flash. She later indicated she was unsure as to which officer fired as it was dark.

On January 29, 2018, Forensic Pathologist, Mark Peters, M.D. performed an autopsy on Mr. Edwards at the Winnebago County Coroner's facility. Dr. Peters identified five gunshot wounds. One gunshot wound was found in the right posterior shoulder. This wound tracks back to front and downward. There were four other gunshot wounds on the right side of Mr. Edwards' upper back. The wounds track back to front. Dr. Peters' opinion was, "Death is attributed to four gunshot wounds of the back involving the chest."

The laboratory findings of Mr. Edwards' blood revealed a blood alcohol concentration .189 g/100 mL and Delta-9 THC 11 ng/ml. THC is tetrahydrocannabinol. Per the Mayo Clinic website, Delta-9-tetrahydrocannabinol is the active agent of marijuana.
www.mayomedicallaboratories.com/test-catalog/Clinical+and+Interpretive/8898.

Under Illinois law, a person shall not drive a vehicle while the alcohol concentration in the person's blood is .08 or more based on the definition of blood units. 625 ILCS 5/11-501 (a)(1) (West 2018). Alcohol concentration means grams of alcohol per 100 milliliters of blood. 625 ILCS 5/11-501.2(a)5 (West 2018).

Under Illinois law, a person shall not drive a vehicle while the person has, within two hours of driving a vehicle, a tetrahydrocannabinol concentration in the person's whole blood. 625 ILCS 5/11-501 (a)(7) (West 2018). Tetrahydrocannabinol concentration is defined to

include 5 nanograms or more of delta-9-tetrahydrocannabinol per milliliter of whole blood. There is an exception for registry card holders under the Compassionate Use of Medical Cannabis Pilot Program Act, in which case impairment by cannabis must be shown. 625 ILCS 5/11-501 (a)(7) (West 2018).

The State's Attorney's Office has the duty to see that justice is done. This responsibility requires the State's Attorney to determine whether it is proper to initiate a criminal prosecution in a given situation. Charges may be initiated through a Grand Jury indictment or by the filing of a document called an information. In either case, the State's Attorney should thoroughly review all of the evidence before making a charging decision.

The duty to seek justice dictates that the State's Attorney should pursue charges only when the evidence would indicate a crime was committed and that the evidence, which would be admissible under the law, is sufficient to prove beyond a reasonable doubt that a crime was committed and the person charged committed the crime. The duty to seek justice also dictates that the State's Attorney should not pursue charges if the evidence, which would be admissible under the law, fails to prove beyond a reasonable doubt that a crime was committed.

Under Illinois law,

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 First District Appellate Court of Illinois, in regard to the evidentiary proof required to establish self-defense has stated, “Thus, a person acts in self-defense where: (1) force was threatened against defendant; (2) defendant was not the aggressor; (3) the danger of harm was imminent; (4) the force threatened was unlawful; (5) defendant actually believed a danger existed and the use of force was necessary to avert it; and (6) defendant’s belief was reasonable.” People v. Lewis, 2012 IL App (1st) 102089 ¶17 (2012).

By his actions, Mr. Edwards threatened the use of force against Officer Cater. Officer Cater was behind Mr. Edwards’ vehicle when Mr. Edwards revved the engine and began moving the vehicle backwards. Officer Cater indicated he was one foot or less behind Mr. Edwards’ vehicle at the time the vehicle began moving backwards. A vehicle moving as slowly as three miles per hour covers 4.4 feet per second. Tolliver v. City of Chicago, 820 F.3d 237, 245 (7th Circ. 2016). Also, Officer Riley had to take evasive action to move out of the path of the vehicle, which he feared was going to strike him.

Officer Cater was not the aggressor. Officers Cater, Riley and Sugars were law enforcement officers attempting to gain control of a driver who failed to respond to police lights and sirens, who drove off the roadway twice to avoid stopping for the police, and who refused to comply with commands to open the door of the vehicle and to get out of the vehicle. There were multiple police officers around the vehicle executing their duties.

Mr. Edwards’ actions of revving the engine of his vehicle and reversing it while Officer Cater was behind it made the danger of harm imminent. Common sense tells us that a motor vehicle that strikes a person can cause death or great bodily harm. The First District Appellate Court of Illinois found that “There is no question that an automobile can be used as a deadly weapon.” People v. Belk, 326 Ill. App. 3d 290, 295 (1st Dist., 2001). Officer Cater indicated he was one foot or less behind the vehicle at the time the vehicle began moving backwards. Mr. Edwards had no lawful justification to rev the engine and reverse the Cadillac he was driving toward Officer Cater.

Officer Cater indicated as the Cadillac moved back toward him, he feared for his life, as well as the life of Officer Riley. As a result, Officer Cater fired his weapon. Officer Riley, indicated he feared for his safety and that of the other officers, and considered firing his weapon, but did not do so because he did not have a clear line of fire due to Officer Sugars' location. One of the commonalities of the neighborhood canvas interviews was the law enforcement officer behind the vehicle was either struck by the vehicle or in jeopardy of being run over by the vehicle.

Having reviewed the evidence submitted and the law, Officer Cater's actions in discharging his weapon resulting in the death of Nathaniel T. Edwards is valid as self-defense. Considering the totality of the circumstances Officer Cater faced, he reasonably believed that his and Officer Riley's lives were in danger.

The Whiteside County State's Attorney's Office will not be pursuing any charges against Rock Falls Police Officer Jonathan Cater as a result of this incident.