

## Office of the Kane County State's Attorney



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### **KANE COUNTY STATE'S ATTORNEY COMPLETES REVIEW OF OCTOBER 22, 2018, OFFICER-INVOLVED SHOOTING IN AURORA OFFICER JUSTIFIED IN NON-LETHAL SHOOTING OF GIOVANNI PADILLA**

December 7, 2018

On October 22, 2018, just before 6 p.m., an officer-involved shooting occurred near East Indian Trail and North Farnsworth Avenue in Aurora, in which **Giovanni A. Padilla** of Aurora was shot and wounded.

Mr. Padilla suffered a gunshot wound to his arm. He was treated at a local hospital and released that evening. Police recovered a loaded firearm from the ground next to Padilla after he was shot and taken into custody.

The Aurora Police Department conducted an internal investigation of the officer-involved shooting. Although no deaths occurred in this case, Kane County State's Attorney Joe McMahon reviewed the incident in accordance with the Police and Community Relations Improvement Act.

After completing its investigation, Aurora police submitted the investigation to the Kane County State's Attorney's Office for review. After applying the relevant laws to the facts discerned in those materials, State's Attorney McMahon determined that the use of deadly force was legally justified.

The incident began when a citizen called 911 to report that a man was yelling that he had just been robbed at gunpoint. Aurora police officers were dispatched to the scene, which is an apartment complex just east of the Aurora police station. One of the officers was in the police station parking lot when he heard the call. He was dressed in full uniform and responded in a marked police vehicle. When he arrived at the 1900 block of East Indian Trail the officer saw a male who matched the description of one of the reported offenders, noticed that the subject seemed to be out of breath, and confronted him. The officer pulled his vehicle into the parking lot and exited the vehicle. The individual, whom the officer later identified as Giovanni Padilla of Aurora, immediately ran away through the parking lot.

As Padilla was fleeing the officer heard something drop at Padilla's feet and saw Padilla kick it under the car. The officer believed the object was a gun. After the

officer requested assistance via his radio he saw Padilla go to the front of the vehicle and pick up the object. Padilla stood again and the officer could see that Padilla had a gun in his hand. Padilla again began to run. The officer then saw Padilla raise the gun, get into a shooting stance and point the gun at him. The officer, believing his life was in danger, drew his gun and fired four times. The officer then approached Padilla, who was lying on the ground face-down. The officer saw the gun near Padilla and kicked it away, radioed that shots had been fired and requested medical assistance for Padilla, who had been shot once in the arm.

Additional officers arrived and assisted in securing and detaining Padilla, and administering first aid to him. Officers searched Padilla and found in his pocket a clear plastic bag containing pills. Medical personnel took Padilla to the hospital.

The handgun found near Padilla was a .380-caliber semiautomatic Jennings with five bullets in the magazine and one in the chamber. Two other individuals were arrested near the apartment complex where the initial alleged armed robbery took place, and police recovered an additional handgun.

The Kane County State's Attorney's Office reviewed the incident and subsequent investigation and determined there was reasonable belief on the part of the officer that it was necessary to use force intended to cause death or great bodily harm to prevent death or great bodily harm to the officer.

As a result of the investigation following the initial 911 call from the uninvolved citizen and the confrontation with the officer, Mr. Padilla is charged with the offenses of:

- Armed violence, Class X felony
- Armed robbery with a firearm, Class X felony
- Aggravated unlawful use of a weapon, Class 2 felony
- Unlawful use of a weapon, Class 2 felony
- Possession of a firearm without a FOID card, Class 3 felony
- Unlawful possession of a weapon by a felon, Class 3 felony
- Aggravated unlawful use of a weapon without a FOID card, Class 3 felony
- Aggravated unlawful use of a loaded weapon on his person without a Concealed Carry permit, Class 4 felony
- Unlawful possession of cannabis, Class 4 felony

His next court appearance is set for 9 a.m. Jan. 16, 2019, in Courtroom 313 at the Kane County Judicial Center.

The charges against Padilla are not proof of guilt. Padilla is presumed innocent and is entitled to a fair trial in which it is the state's burden to prove guilt beyond a reasonable doubt.

**Giovanni A. Padilla:** Age 26 (d.o.b. 1-22-1992), of the 300 block of Brown Court, Aurora, Illinois. Case No. 18CF2111.