



Office of the Kane County State's Attorney

JAMIE L. MOSSER

STATE'S ATTORNEY

FOR IMMEDIATE RELEASE

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Kane County State's Attorney Closes Investigation Into Officer-Involved Death of James Moriarty

St. Charles, Ill. – Kane County State's Attorney Jamie L. Mosser has announced that her office will not be filing criminal charges against any officers involved in the fatal shooting of James Moriarty. However, her office did find that Kane County Sheriff's Sergeant Michael Widlarz violated Sheriff's Office policy and State law regarding body worn cameras. Mosser explained the reasoning behind her decision at a [press conference](#) today.

James Moriarty, age 38, a resident of Aurora, was killed in an officer-involved shooting on May 24, 2023. A thorough investigation of his death was conducted by the Kane County Major Crimes Task Force and reviewed by [Force Science](#), an independent consultant that reviews use-of-force encounters with a focus on the scientific realities surrounding the event. Pursuant to the Police and Community Relations Improvement Act (50 ILCS 727/1-10) the completed investigation was presented to the Kane County State's Attorney to determine if any wrongdoing was committed by the involved officers.

The investigation determined that in the month leading up to his death, Moriarty had seven encounters with Aurora police. There were several warrants out for his arrest, and cautions were included in LEADS (the statewide Law Enforcement Agency Data System) that Moriarty was armed and dangerous, that he resisted and obstructed law enforcement, and that he was suicidal and may be "suicidal by cop".

At approximately 2:10 p.m. on May 24, 2023, police responded to a vehicular hijacking at a Jiffy Lube in Aurora. Officers determined that the hijacking was committed by Moriarty and that he was armed, according to the victim. At approximately 3:06 p.m., Kane County Sheriff's Deputy Eric Gustafson located the vehicle in South Elgin and attempted a traffic stop. Moriarty fled, resulting in a high-speed chase. Deputy Gustafson notified other deputies to his location and Sergeant Michael Widlarz, Deputy Alan Garcia, and Deputy Luke Weston with K-9 Hudson joined the pursuit.

As Sgt. Widlarz traveled to join the chase, he intentionally muted his squad audio and muted his body camera audio, both of which had been working and were activated prior to his joining the

chase. Neither audio recording device was turned back on during the pursuit or during the stop of Moriarty that led to the officer-involved death. Sgt. Widlarz also wore his body camera on his left shoulder and not affixed to his chest, causing an upward view instead of a straight-ahead view.

The chase lasted approximately 12 minutes and 30 seconds and went from South Elgin to St. Charles and ended in Geneva. Speeds reached up to 100 miles per hour. The pursuit was ended by Sgt. Widlarz's use of a Precision Immobilization Technique (P.I.T.) maneuver at the intersection of Randall Road and Fabyan Parkway at approximately 3:19 p.m.

After the vehicles came to a stop, Sgt. Widlarz's squad car pinned the stolen vehicle's front driver's side door closed. Moriarty exited through the rear driver's side door, holding what appeared to be a firearm in his right hand. Officers instructed Moriarty to drop the weapon, but he disregarded their commands and proceeded around his car and toward civilians in the roadway.

Kane County Sheriff's Deputy Gustafson, Deputy Garcia, and Sgt. Widlarz fired a total of eighteen rounds to stop what they assessed to be an immediate threat to officers and the community. Kane County Sheriff K-9 Hudson, who had been deployed by Deputy Luke Weston, was inadvertently hit and killed by one of the shots. EMS arrived and took over life sustaining measures of Moriarty, who was transported to a local hospital, where he was pronounced dead.

On May 26, 2023, an autopsy was performed by the Kane County Coroner's Office. The forensic pathologist made the diagnosis that there were multiple gunshot wounds to the body along with multiple abrasions and puncture wounds. The toxicology report showed the presence of cocaine in the system of Moriarty at the time of his death. The cause of death was ascribed to multiple gunshot wounds.

After reviewing the investigation report, State's Attorney Mosser determined that Sgt. Widlarz violated the Kane County Sheriff's policy on body worn cameras in three ways: turning off the audio of his body camera after turning off the audio in his squad car; not turning his audio back on when he exited his squad vehicle; and wearing his body worn camera on his shoulder and not on his chest. It is under the purview of the Kane County Sheriff to determine if Sgt. Widlarz will be disciplined and what appropriate discipline would be. The turning off of the audio to the body camera and not turning it on when he was engaged in a law enforcement related encounter also violated the Body Worn Camera Act under 50 ILCS 706/10-20. State's Attorney Mosser ultimately determined that there was not enough evidence to charge Sgt. Widlarz with Law Enforcement Misconduct under 720 ILCS 5/33-9 as there was no evidence to show that he turned off his body worn camera and failed to turn it back on with the intent to prevent the apprehension or obstruct the prosecution or defense of any person.

State's Attorney Mosser also determined that during the incident, Moriarty brandished what looked to be a handgun, although it was later found to be an airsoft gun. To law enforcement on the scene, it would have been identified as a lethal weapon. Further, the report of the aggravated vehicular hijacking informed officers that Moriarty was in possession of a firearm. Moriarty was non-compliant with the commands of the deputies and went towards civilians and law enforcement while still holding the gun. The deputies had reasonable belief that Moriarty could have fired upon the civilians or law enforcement. Based upon a review of the investigation and all evidence obtained, Sgt. Widlarz, Deputy Gustafson, and Deputy Garcia had the reasonable belief that the deadly force they employed was necessary to prevent death or great bodily harm to

themselves or other individuals. Deputy Weston, while present, did not exercise any deadly force during the incident. In conclusion, there is no evidence or indication that any police officer committed any unlawful acts.

In accordance with the Kane County State's Attorney's commitment to integrity and public transparency, the video of the incident is being made available to the public and can be found by clicking [here](#). The full report is also being made fully available and can be found [here](#). Both are located on the State's Attorney's website.

The Kane County State's Attorney's review of this matter pursuant to 50 ILCS 727/1-10 is now considered closed.

SA Mosser said: "Every officer-involved shooting must be carefully and thoroughly investigated. This level of scrutiny upholds public confidence in law enforcement and safeguards the civil rights of those involved. After a comprehensive review of this tragic incident, I have concluded that the officers should not be charged under Illinois law and that they, with the exception of Sgt. Widlarz, acted in accordance with department policy and State mandates. The evidence shows that their use of force was appropriate and justified under the circumstances. However, Sgt. Widlarz's intentional decision to violate the Sheriff's Office body-worn camera policy and the State Body Worn Camera Act is unacceptable— especially in light of the facts of this case. His failure to comply with these throughout the entirety of the encounter undermines public trust and is inconsistent with the standards expected of a deputy of the Kane County Sheriff's Office.

"I thank the Major Crimes Task Force and Force Science for their diligent and thorough work on this investigation. I also want to recognize K-9 Hudson, who courageously gave his life protecting others. His loss is a heartbreaking reminder of the risks our officers and their K-9 partners face daily. I would also like to thank the deputies of the Kane County Sheriff's Office for their work on that day and every day that they put their lives on the line to protect the people of this community. Lastly, I acknowledge the tragic loss of Mr. Moriarty and extend my sincere condolences to his family. In light of all the facts, my office has closed the investigation in this matter."

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