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March 30, 2010

Special Agent John Yard
Zone 4 Investigations
801 South Seventh Street
Springfield, Illinois 62703

Re: Patrick Burns ISP Report 10-10776SP

Dear Special Agent Yard:

I have reviewed the above report. Based upon a review of the facts contained in the report and the applicable law the Sangamon County Deputies were justified in the force they used to arrest Patrick Burns.

The Law

Illinois law provides a peace officer need not retreat or desist from his efforts to effectuate an arrest. Moreover, a peace officer is justified in using any force he reasonably believes necessary to accomplish an arrest. A peace officer is justified in the use of force likely to cause death or great bodily harm to effect an arrest if such force is necessary to prevent the arrest from being defeated by resistance or escape and the person arrested has committed or attempted a forcible felony which involves the infliction or threatened infliction of great bodily harm or otherwise indicates he will endanger human life or inflict great bodily harm unless arrested without delay. 720 ILCS 5/7-5.

The Facts

January 23, 2010 Sangamon County Sheriff's Deputies were called to the 1400 block of Wesley Street where a 911 caller stated there was an Home Invasion in progress. (Home Invasion is a forcible felony 720 ILCS 5/2-8) When deputies arrived they saw a male individual matching the description of the home invader in a wet, muddy ditch located

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on the property of the victim's house. Deputies noticed the individual (later identified as Patrick Burns) to have cuts to his hands and wrists. A deputy instructed Mr. Burns to place his hands where they could be seen. When asked what happened, Burns stated, "They are trying to kill me." Burns told the deputies he had smoked marijuana and crack cocaine and was on medication. When asked what medication Burns replied, "A little of this and a little of that."

A deputy spoke to the owner of the home while another deputy stayed with Burns. The victim told the deputy around 6:00 a.m. she was in her residence with her son and her son's friend who had spent the night. Her son heard Mr. Burns banging on the door and alerted his mother. When she went to the door, Burns forced his way through the door, grabbed her by her shoulders, and pushed his way into the residence. Burns yelled, "They are trying to kill me" and kicked the victim using karate style kicks. The victim told the two boys, both age sixteen, to go into the basement and call 911. She was able to shove Burns out of her house. Burns continued to attack the residence. He beat on the front door and shattered a front window. Terrified the victim retrieved a frying pan to try to prevent Burns' re-entry and to protect the two sixteen year old occupants.

It should be noted that the home owner would have been justified in using force likely to cause death to defeat Burns' home invasion. Burns entered the victim's home in a riotous and tumultuous manner and assaulted her inside her home. 720 ILCS 5/7-2

While outside deputies stood with Mr. Burns awaiting EMS to treat his injuries. Burns attempted to stand up. Deputies instructed Mr. Burns to remain seated. Burns lunged at a deputy and struck him in the stomach. The deputies took Burns to the ground and attempted to gain control of him. This was made difficult as Mr. Burns had blood and mud on him thus as he fought the deputies his arms and legs were slippery making them difficult to control. Despite several clear verbal warnings to stop resisting Mr. Burns continued to fight and resist deputies' efforts to arrest him. Mr. Burns thwarted deputies' efforts to handcuff him.

Deputies finally warned Mr. Burns to stop resisting or he would be shot with a taser. Burns refused to stop and was shot with the taser. Deputies noticed the taser had little affect on Mr. Burns. He would lie still when the taser was administered but continue to fight when the taser application ceased. At one point, Mr. Burns said he wanted to quit fighting, but when the deputies approached to handcuff him he resumed fighting the deputies. The deputies applied the taser to Mr. Burns numerous times in an effort to bring him under arrest. It is impossible to tell how many times Mr. Burns was actually tasered as he would roll on the ground causing the taser probes to disconnect.

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Deputies had to restrain Mr. Burns by handcuffing his hands behind his back, handcuffing his legs and linking handcuffs from his hands to his legs to immobilize his movement. Even with this done Mr. Burns continued to fight with the deputies. Mr. Burns fought the deputies with such ferocity he bent the handcuffs. As Mr. Burns was placed on the ambulance stretcher he resisted the deputies and EMS personnel. He had to be restrained with straps on the stretcher to prevent him from fighting and falling off stretcher.

In sum, Mr. Burns fought with the deputies to avoid arrest from the moment he struck one of the deputies until the time he was placed into the ambulance. Moreover, at the time the deputies placed Mr. Burns under arrest they knew he had just committed a home invasion. Further, the deputies knew Burns had consumed marijuana, crack cocaine, and prescription medication. Mr. Burns ignored numerous verbal commands to stop resisting and defeated numerous attempts by the deputies to control and arrest him. The deputies used a reasonable amount of force to arrest of Mr. Burns.

Based upon the law and the facts as determined in your report the deputies were justified in their actions.

Sincerely,

A handwritten signature in blue ink that reads "John Schmidt". The signature is written in a cursive, slightly slanted style.

JOHN SCHMIDT