



Illinois Conservation Police Memorandum

To: SA Morrow
From: Sgt. Anthony J. Petreikis
Date: 04-21-2017
Subject: Pending and Requested Charges Against Marc W. Mongan

I recently reviewed a published article (dated 04-19-2017) where you were summarized as stating that you will not fight the defense motion to dismiss those charges (OUI and reckless operation of a watercraft) because you do not have enough evidence to prove Mongan was drunk at the time of the crash.

Having reviewed the report myself, I do not concur with your opinion on either charge. On the charge of OUI, I base my opinion on several documented factors. These would include the fact that Mongan exhibited signs of impairment when he was first contacted by CPO Beltran, Mongan's admission to drinking six alcohol-related drinks in approximately 2.5 hours, later again admitting to having one Vodka drink, Mongan's inability to follow instruction and Mongan's documented poor performance on the field sobriety tests.

On the charge of Reckless Operation of a Watercraft, being intoxicated is not a requirement (as you stated). Depending on the reading of the statute, one can interpret it as requiring the listed acts to have been "willfully or wantonly" performed. Though we cannot definitively prove Mongan's intention prior to the accident, we can state that he willfully operated his watercraft at a speed above no-wake. We also can state that he willfully operated his watercraft after having six alcohol-related drinks in approximately 2.5 hours. And finally, we can state that Mongan (in control of his own destination) willfully operated his watercraft unreasonably close to another watercraft.

I understand that I have likely not changed your opinion in this matter. Therefore, I would like to request that you charge Mongan with Careless Operation of a Watercraft (625 ILCS 45/5-1) and the Improper Passing of another watercraft (625 ILCS 45/5-13 (A)). These are both charges that could have been charged on the night of the accident but were overlooked in favor of the elevated charges.

I would like to conclude by saying that in our society there is no greater crime than taking the life of another human being. Whether one intentionally takes the life of another or there are bad decisions (made by either party) that cause the life to be taken, there should always be accountability. The level of accountability should be based on all of the criteria of the case. If one makes a bad decision(s) that results in the loss of their own life, they have paid the ultimate level of accountability. In this case, Megan Wells' bad decision was merely being where she was and when. Mongan, on the other hand, made several bad decisions. Those decisions led to Mongan taking the life of Megan Wells. You can look at the decision to drink alcohol, the decision to operate a watercraft, the decision to travel above no-wake speed on a public body of water or the failure of Mongan to make sure that he had assured clear distance ahead. Although Mongan may not have willfully tried to take Megan Well's life, he is not absolved of accountability. We have tried to do our part to make sure Mongan has accountability for his actions. It is, however, your responsibility to ensure Mongan's accountability. Thank you for your consideration in this matter.



Charges appear headed for dismissal in boating death

Not enough evidence to convict boater of DUI, prosecutor says

Published: Wednesday, April 19, 2017 8:31 p.m. CDT

OREGON – Misdemeanor DUI and reckless driving charges filed against an Oregon businessman whose boat collided with another in June, resulting in the death of Rockford woman, likely will be dismissed for lack of evidence, Ogle County State's Attorney Eric Morrow confirmed.

Marc W. Mongan, 47, was piloting an 18-foot motorboat on the Rock River about 3 miles north of Oregon on June 24 when he collided around 8:40 p.m. with a pontoon boat driven by David D. Daily, 53, of Leaf River.

One of Daily's passengers, his niece, Megan Wells, 31, was thrown from the boat and died of blunt force trauma to the chest.

Mongan, owner of Oregon Healthcare Pharmacy Services Inc., pleaded not guilty July 6 to two misdemeanors: operating a watercraft while under the influence of alcohol and reckless operation of a watercraft.

The Illinois Department of Natural Resources issued the citations and investigated the incident. Daily was not cited.

Morrow said Tuesday that he will not fight the defense motion to dismiss those charges because he does not have enough evidence to prove Mongan was drunk at the time of the crash: Mongan refused treatment, so no blood was drawn, and he declined to submit to a blood alcohol breath test. He did submit to a field sobriety test, which he failed.

As a result, per state statute, he lost his driver's license.

Because the IDNR officer who administered the field test failed to notify Mongan in writing that refusal to take the field test would result in the loss of his license – also required by state statute – it should be reinstated, his attorney, David Tess, also argues in his motion.

In December, Morrow failed to get a grand jury to indict Mongan on more severe charges of felony operating a watercraft under the influence of alcohol and aggravated reckless operation of a watercraft. The first could have carried 3 to 14 years in prison, the second 1 to 3 years.

After listening to witness testimony, watching video statements and considering other evidence, grand jurors failed to find probable cause to charge him, which is necessary under Illinois law to bind a defendant over for trial.

Tess argues that no probable cause for the felony charges – which have the same elements as the misdemeanors, except that they also involve a death – means no probable cause for the misdemeanor charges, and therefore, no case.

As for the suspension, Morrow argues in his response that the court doesn't have the jurisdiction to reinstate Mongan's driver's license. To contest a suspension, a person must request an administrative hearing with the Secretary of State.

A pretrial hearing on the motion is set for 1:30 p.m. Tuesday.

The charges could be dismissed without prejudice, meaning they could be refiled if further investigation warrants. If dismissed with prejudice, the same charges cannot be refiled.

Although the criminal charges appear headed for dismissal, a wrongful death civil suit filed by Wells' husband, Robbie Wells, accusing Mongan and Daily of negligence and of reckless operation of a motorboat, still is proceeding in Ogle County Court.

According to the suit, each was operating in a "negligent and careless manner," by driving too fast to stop, failing to signal while approaching or passing each other's boats, failing to pass the oncoming boat without interfering with its path, and failing to take the necessary actions to avoid the collision.

Wells is suing for damages in excess of \$50,000, on behalf of himself and the couple's three minor children, two boys and a girl.

In their Oct. 14 response to the complaint, Mongan and Daily deny any negligence or recklessness.

A status hearing is set for June 16 in that case.



Illinois Conservation Police Memorandum

To: DC Joe Morelock
From: Cpt. Laura Petreikis #338 [REDACTED] #338
Date: 05/02/2017
Subject: Meeting with SA Eric Morrow- Marc Mongan Case PG 1

The purpose of this memo is to document a meeting Sgt. Tony Petreikis, CPO Steve Beltran, and I attended with Ogle County State's Attorney Eric Morrow and ASA Robert (Bob) Schuman on 4/24/2017 at 9:00 AM.

On 04/21/17 SA Morrow contacted CPO Steve Beltran regarding comments from our previous Intern Jacob Noble that were posted on facebook. The comments were in response to an article about the Fatal Boat Accident involving Marc Mongan. SA Morrow's tone was aggressive and the conversation was accusatory and threatening in nature. SA Morrow stated Noble's comments were false and should be taken down immediately. He stated he was going to take action to ensure Noble would not have employment as a police officer. He asked CPO Beltran about other cases Noble had knowledge of and insinuated the cases were likely compromised. SA Morrow requested a meeting with CPO Beltran at 9:00 AM on 04/24/17 and instructed him to "bring as much brass as possible". (See attached memo from CPO Beltran- documenting the conversation.) CPO Beltran contacted Sgt. Petreikis and myself and advised us of the situation. He was concerned and upset about the conversation and felt as though SA Morrow was threatening him and Intern Noble. He requested we attend the meeting with him.

CPO Beltran, Sgt. Petreikis, and I reviewed a news article (which indicated the case lacked sufficient evidence to prosecute and mentioned SA Morrow was not going to fight the motion to dismiss posed by the defense). Noble's postings were made in response to negative comments about the way our Agency handled the case. There were no false statements or comments made by Noble. At no time did he identify himself as a DNR Intern or Employee. Noble revealed in his comments that a request for a blood draw was made by the investigating Officer and was denied by SA Morrow. (See attached copy of the Article, SA Morrow's response to the defense's motion to dismiss, and facebook postings.)

On 4/21/17 I emailed SA Morrow requesting he advise the agenda for the meeting and list the attendees. SA Morrow did not respond to my email or my request (see attached copy of email).

During the afternoon of 4/21/17 I received a call from a subject identifying herself as Renee Daily (family of the deceased victim). She advised she was very happy with the investigation our Department conducted and the way they have been treated by the investigating Officers, Supervisors, and Springfield Staff. She stated she and the family felt SA Morrow was making CPO Beltran his "scapegoat" for the dismissal of the case. She advised they filed a FOIA and obtained a copy of the reports. She advised SA Morrow made false statements, blaming CPO Beltran for the way the case was going. She advised he made statements that directly contradicted the field reports. She advised she felt obligated to bring this to my attention.

CPO Beltran, Sgt. Petreikis, and I met SA Morrow and ASA Schuman at the Ogle County State's Attorney's Office at 9:00 AM on 04/24/17. Both introduced themselves to us. SA Morrow was friendly until he shut the door to the conference room. He asked me if I knew why were there. I advised him I had talked with CPO Beltran but would



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Office of Law Enforcement
One Natural Resources Way
Springfield, IL 62702-1271





Illinois Conservation Police Memorandum

To: DC Joe Morelock
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Date: 05/02/2017
Subject: Meeting with SA Eric Morrow- Marc Mongan Case PG 2

appreciate him filling me in on the agenda. I mentioned to him the purpose of the email I sent was to prepare for the meeting. He acknowledged he received my email. SA Morrow firmly stated, "Jake Noble. Jake Noble. Steve tell me about this Jake Noble". CPO Beltran began to explain Noble's background and internship with our agency. SA Morrow seemed aggravated at CPO Beltran's response. He began questioning CPO Beltran about his case in regards to the investigative time line. CPO Beltran began to explain himself. I stopped CPO Beltran and asked SA Morrow what specifically he was getting at. I asked him what specifically had him upset about Noble and his postings. SA Morrow stated Noble was speaking on behalf of our Agency and had posted false comments. He asked if we had read the posts. I advised him I believed I had, but would like to read what he was referring to, to ensure we were talking about the same thing. He advised he intended to provide us with copies. He left the room and returned with three packets of email postings and facebook stories from our CPO website. The facebook stories included Intern Noble (see attached copies).

We read the information SA Morrow provided. When we finished he advised there was no doubt about it, Noble was speaking on our behalf. I informed SA Morrow Noble had in no way identified himself as a DNR Employee or Intern. I advised him he was not an Intern at the time he made the posts in reference to the article. I advised him he was not speaking on our behalf. I advised him we have not played this case out in the media and had no intention of doing so. SA Morrow stated Noble was all over our Dept. Facebook page and it was common knowledge he was affiliated with our Department. He stated anyone who reads his posts will think it came from the DNR. He advised that his posts were a problem. CPO Beltran, Sgt. Petreikis, and I explained Noble is a private citizen with no police training. He has the right to express his view and speak freely. He can't be held to the same standard as a Police Officer. CPO Beltran and I explained we talked with Noble. His intention was to stand up for our Agency and our investigation. I advised him Noble was just as frustrated with the way our investigation was being portrayed in the media as we were. SA Morrow stated what Noble posted was false information.

I asked SA Morrow what part of Noble's post was false. He advised "I never denied a warrant for the blood". I advised him he did. He became visibly angry and raised his voice, telling me I was incorrect. I advised him that was absolutely what happened and asked CPO Beltran to refresh his memory. CPO Beltran stated following Mongan's refusal to submit to chemical testing, he spoke to SA Morrow and requested a warrant for a blood draw. He stated he told SA Morrow if there was any case or any time this should be done, it was for this case. CPO Beltran advised SA Morrow told him no. He advised SA Morrow told him too much time had elapsed and he was afraid the results would come in too low and he did not want to explain it to a Jury. SA Morrow stated, "That's a lie Steve. I never denied the warrant. You never asked." CPO Beltran again stated what happened and reiterated he requested a warrant and was denied. SA Morrow continued to say CPO Beltran was lying. I advised SA Morrow I was not going to sit and listen to him call my Officer a Liar. SA Morrow began to attack Steve on the time line of his investigation again. I redirected him back to the accusations he was making. I reminded him of a meeting he had with Sgt. Petreikis approximately one week after the accident.



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Illinois Conservation Police Memorandum

To: DC Joe Morelock
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Date: 05/02/2017
Subject: Meeting with SA Eric Morrow- Marc Mongan Case PG 3

I reminded him Sgt. Petreikis met with him to discuss the case, the charges, and ask him why he didn't grant a warrant. I reminded him he provided Sgt. Petreikis with an explanation to his decision and that his explanation closely resembled the reasons he provided CPO Beltran the night of the accident. I asked him if CPO Beltran was lying, why did he have that conversation with Sgt. Petreikis? SA Morrow sat there quietly. I again advised him I was not going to listen to or leave the meeting with him calling CPO Beltran a liar. I advised him our Officers conducted a thorough and complete investigation and we stood behind CPO Beltran and his case. I advised him he assured Sgt. Petreikis the case would be prosecuted. I advised him that is what we expect to happen. I told him we have been concerned about the prosecution and his decision to deny the warrant since day one of the investigation.

SA Morrow stated he did not deny a warrant for Mongan's blood. He stated, "In fact, I suggested a warrant and Steve said No". I advised SA Morrow that was not accurate. I advised him he was now changing his story and was continuing to call CPO Beltran a liar. I told him I was done listening to it. I advised him there were witnesses to the conversation he had with CPO Beltran. I told him he was the one who was not telling the truth and I wasn't going to listen to it any longer. SA Morrow began to defend himself stating he was on the phone with the Sheriff since learning of the accident and had made himself readily available for Steve. He stated he was waiting up for a call and didn't get one until the early morning hours. He stated he was anticipating Steve's request for a warrant and was shocked that he didn't make one. He reiterated he suggested a warrant.

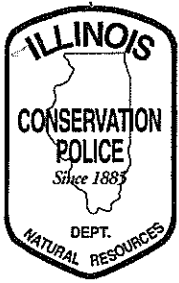
I advised SA Morrow what he just said was ridiculous and did not happen. I advised him no Police Officer in their right mind would tell a State's Attorney they didn't want a warrant in a Fatal OUI Boat Accident. I advised him CPO Beltran was not a rookie officer. I advised him he was an experienced veteran and had made numerous DUI and OUI arrests throughout his career. I told him CPO Beltran knew he needed the blood draw and he asked for it. SA Morrow continued to say CPO Beltran was lying. CPO Beltran explained he was utilizing Sheriff VanVickle's phone when they had the conversation regarding the request for the warrant. He advised SA Morrow the Sheriff and other Ogle County Police Officers were present during the conversation. CPO Beltran advised they were all shocked the request for the warrant was denied. CPO Beltran advised SA Morrow to call the Sheriff. He stated, "Get him in here. He will tell you." SA Morrow kept shaking his head repeating "It didn't happen that way" over and over. CPO Beltran, Sgt. Petreikis, and I advised him it absolutely happened that way.



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Illinois Conservation Police Memorandum

To: DC Joe Morelock
From: Cpt. Laura Petreikis #338
Date: 05/02/2017
Subject: Meeting with SA Eric Morrow- Marc Mongan Case PG 4

CPO Beltran advised there was likely video and audio recordings at the jail that they could pull since the conversation occurred inside the jail. I requested SA Morrow call the Sheriff and request that he meet with us. I told him I was confident he would clear the matter up. SA Morrow ignored the request and continued to point out things he felt CPO Beltran could have done differently. Sgt. Petreikis and I explained the process of a boat accident investigation and how difficult it can be with only one CPO on the scene. It was clear SA Morrow wanted to attack us and avoid the fact that he was lying. We repeatedly demanded he contact the Sheriff. He did not.

SA Morrow stated, "If it happened the way Steve said it did, why isn't it in the report?" I advised him that was a good question because it clearly should have been in the report. I asked CPO Beltran to explain his decision to document the conversation he had with SA Morrow in the manner he did. CPO Beltran advised he documented that he sought guidance from SA Morrow and that he refrained from documenting the warrant was denied because he didn't want to highlight the SA's poor decision. CPO Beltran stated he was confident the case would be handled properly and would be prosecuted. CPO Beltran advised he now wished he had clearly documented his request for the warrant and SA Morrow's denial of the request. He advised SA Morrow that I "admonished" him for the omission. I advised SA Morrow CPO Beltran would never make that mistake again. I advised him we would be clearly documenting any future conversations we had with him in our field reports in regards to any of our cases. I advised him all requests, approval, and denials of warrants would be clearly documented in any future reports.

SA Morrow stated, "If CPO Beltran requested a warrant, where is it? Did he write one up?" I advised him he didn't write one up because he was denied the option by him. I asked him why we would write up a warrant if he wasn't going to grant or support our application for one. SA Morrow stated he should have written one up. Sgt. Petreikis and I advised SA Morrow that we had been on several years and worked with numerous State's Attorney's. We advised him the procedure has always been to confer with the State's Attorney's Office who would be handling the request for a warrant and the case. We advised that all State's Attorneys in other areas provide support and guidance in the drafting and implementing of a warrant request. He acknowledged that his office has also assisted Officers in drafting warrants.



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Illinois Conservation Police Memorandum

To: DC Joe Morelock
From: Cpt. Laura Petreikis #338
Date: 05/02/2017
Subject: Meeting with SA Eric Morrow- Marc Mongan Case PG 5

I advised SA Morrow if we needed to present our next warrant request in writing, we would learn the format and would gladly do so. SA Morrow and ASA Schuman advised they were currently working on setting up a protocol to prevent any further issues. We welcomed their future protocol and advised we would like to be informed of it once it was finalized. SA Morrow assured us we would be included in the process.

SA Morrow was clearly uncomfortable throughout the conversation. ASA Schuman also appeared to be uncomfortable. He sat quietly for most of the meeting, interjecting on procedural issues during the conversation. I asked SA Morrow if he had ever had any issues with the CPOs in his area. I asked him if he had ever had any issues with or their field reports or cases. He stated he had never had any problems with CPO Teas or CPO Beltran. He stated he looked forward to their cases and felt they worked well together. I advised him, with the exception of this case I agreed there was a good working relationship. SA Morrow stated he looked forward to working with CPO Teas and CPO Beltran on future cases.

SA Morrow and ASA Schuman explained they had done everything they could to prosecute this case to the fullest. They expressed frustration with the accusations made by the family and the media. We advised them we were equally frustrated with the way the case was going, the fact that it appeared to be headed for dismissal, and the way our investigation had been portrayed in the media. We advised him we did not appreciate the last article and the fact that he was noted as saying the case lacked evidence. SA Morrow got defensive and stated he didn't provide that information to the media and has not idea where they got that. We advised him it was in his response to the defense's motion to dismiss the case. SA Morrow said he had no intention to dismiss the case. Sgt. Petreikis presented him with a memo (see attached) detailing the evidence and facts that supported the current charges and recommended Careless Operation and Improper Passing Charges be added to give the Judge or Jury options. His memo also detailed that we did not support his decision not to fight the dismissal of the charges. Sgt. Petreikis also included reasons this case should be prosecuted- most importantly, there is no greater crime than that which takes a life!



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Illinois Conservation Police Memorandum

To: DC Joe Morelock
From: Cpt. Laura Petreikis #338
Date: 05/02/2017
Subject: Meeting with SA Eric Morrow- Marc Mongan Case PG 6

SA Morrow briefly skimmed the memo and said he was glad we made the suggestion of additional charges. He said he wanted justice for the victim and the victim's family. We advised him we were glad to hear him say that. We advised him there was sufficient evidence to pursue the case. He agreed and stated he was going to file for a continuance the following morning. He stated he would recommend the case go to trial. He stated he felt that was the best option. We thanked him and advised we wanted it to go to trial and supported that decision. At the end of the meeting, SA Morrow backed off from the accusation that CPO Beltran was lying and asked if we could part ways "agreeing our recollection of the events surrounding the blood draw are not the same". I advised we would leave knowing his recollection was not the same as ours, but that we stood by the fact that we requested a warrant. The meeting lasted approximately 1 1/2 hours and ended with an assurance from SA Morrow that he would fight to have the case go to trial.

Following the meeting with SA Morrow, I contacted Sheriff VanVickle. We discussed the meeting we had with SA Morrow. I advised Sheriff VanVickle we demanded he be contacted to resolve the accusations that CPO Beltran was lying and had not requested a warrant for Mongan's blood. Sheriff VanVickle stated he was standing with CPO Beltran when he requested the warrant. He stated he did not hear the entire conversation, but that there was no doubt a request for a warrant was made by CPO Beltran and was denied by SA Morrow. Sheriff VanVickle stated he would have no problem confirming those facts.



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**Illinois
Conservation
Police**

Memorandum

To Sgt. Petreikis
From CPO Steven Beltran #364
Date 4-21-17
Subject Eric Morrow - Ogle County States Attorney and Intern Jacob Noble

On Friday April 21st, 2017 while off duty at approximately 8:00 A.M. I received a text message from Ogle County States Attorney Eric Morrow on my personal phone asking if Jake Noble was the same person commenting on facebook regarding to Marc Mongan's boat accident case. I called Eric and spoke with him regarding his concerns.

Eric was very upset and inquired about Jacob. Eric had an aggressive tone and was verbally demanding. Our communication was not conversational. I advised him Jacob was an intern with our agency and left his internship approximately 1 week ago and I was unaware of any posts that he made on facebook. Eric said he wanted to know why Jacob was commenting on facebook about a case and what intimate knowledge he had regarding the case. He stated what he had done was very bad. Being that I was unaware of the posting I did not know what was being said and I advised Eric that I would research the comments. Eric said he also wanted to know what other cases he worked on in Ogle County as his conduct may negatively affect the outcome of these cases. I told Eric that Jacob had intimate knowledge all all my cases over the last 3 months which included the Mongan case. I explained that as an Intern he was with me during all my investigations.

I asked Eric what information was posted and how I could help and he said Jacob was posting false information about a case. Eric commented that Jacob is posting false information and that he should remove it. Eric also commented that he has intimate knowledge and cannot be trusted with it not to disseminate it to the public. Still not knowing what was posted I tried to understand Eric on why he was so mad.

I assured Eric that I would investigate this and have him remove any critical information exposed about case work if possible. Eric was very upset. He stated he wanted to know Jacob's intern coordinator's name and inform him of this confidentiality breach. He also said he would take action to see that Jacob would not have employment as a police officer for these postings warranted a violation. Eric said he would let everyone know what he has done as his actions should prevent him from being a police officer. I offered to have Eric conference call in with a supervisor and he agreed. I paused to look at my phone and he changed his mind to have a meeting Monday morning at 9:00 A.M. I asked him who he wanted in attendance and he said as much brass as possible. I told him I would call my Captain and Sergeant.

I asked Eric what I could do right now to make the situation better and he said nothing. I offered to come into his office today and discuss the matter with him and he said he had court all day. Not knowing what was posted Eric left me with the impression Jacob had posted something illegal or against policy. Eric was consistent with his disappointment and spoke with an admonishing tone and voice. Eric stated the public believes Jacob still works for the IDNR and stated that he believes the public believes he is speaking on our behalf. I assured him Jacobs's comments were not of those of the IDNR and that he no longer worked as an intern. Our conversation lasted 7 Minutes and 36 seconds.

Upon review of the comments I found nothing false or comments which connects Jacob to the IDNR.

Respectfully Submitted,

CPO Steven Beltran #364



Illinois Department of Natural Resources
Office of Law Enforcement
One Natural Resources Way
Springfield, IL 62702-1271

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Charges appear headed for dismissal in boating death

Not enough evidence to convict boater of DUI, prosecutor says

By **KATHLEEN A. SCHULTZ** kschultz@saukvalley.com 815-625-3600, ext. 5535
@KathleenSchul10
April 20, 2017

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As a result, per state statute, he lost his driver's license.

Because the IDNR officer who administered the field test failed to notify Mongan in writing that refusal to take the field test would result in the loss of his license – also required by state statute – it should be reinstated, his attorney, David Tess, also argues in his motion.

In December, Morrow failed to get a grand jury to indict Mongan on more severe charges of felony operating a watercraft under the influence of alcohol and aggravated reckless operation of a watercraft. The first could have carried 3 to 14 years in prison, the second 1 to 3 years.

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A pretrial hearing on the motion is set for 1:30 p.m. Tuesday.

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In their Oct. 14 response to the complaint, Mongan and Daily deny any negligence or recklessness.

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MORE INFORMATION

Go to shawurl.com/3216 to see a copy of the defense motion to dismiss charges against Marc W. Mongan.

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FILED

MAR 16 2017

[Handwritten signature]

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF OGLE

PEOPLE OF THE STATE OF ILLINOIS,)
Plaintiff,)
)
Vs.)
)
MARC W. MONGAN,)
Defendant.)

Case No. 2016 CV 52/53

COPY

MOTION TO DISMISS AND OTHER RELIEF

NOW COMES the Defendant, MARC W. MONGAN, by and through his attorneys, TESS & CRULL, LLC and for his Motion to Dismiss, states as follows:

1. That on or about June 27, 2016 the Defendant, MARC W. MONGAN, was charged with the following:
 - a. Watercraft Operating Under the Influence (Class A)
 - b. Reckless Operation of Watercraft. (Class A)
2. That on or about December 2016, the Ogle County State's Attorney's Office convened a Grand Jury relative to the incident which brought about the charges set forth hereinabove.
3. That charges presented to the Grand Jury were as follows:
 - a. Felony Operating Watercraft Under the Influence (Class 2);
 - b. Aggravated Reckless Operation of a Watercraft (Class 4).
4. That said Grand Jury did not return a true bill or indictment against the Defendant, MARC W. MONGAN.
5. That the only difference between the charges brought herein as a misdemeanor and those which could have been brought by any Grand Jury as a felony involve the same set of facts with the only additional requirement of proof being a death or great bodily harm.
6. That a death or great bodily harm is acknowledged by all parties.
7. That the only probable cause issue the Grand Jury could have found would have been that of intoxication and/or recklessness.
8. That since there was no probable cause to return a true bill or indictment herein, there can be no probable cause for the misdemeanor offenses charged as set forth hereinabove.

9. That as a result of the above incident, the Defendant, MARC W. MONGAN, received a Statutory Summary Suspension of his driving privileges.

10. That based upon the finding of the Grand Jury as set forth hereinabove, there was no probable cause to compel the Defendant, MARC W. MONGAN, to submit to testing.

11. That the police officer failed to properly warn the Defendant, MARC W. MONGAN, that a refusal to submit to field test may result in the suspension of his privilege to operate a motor vehicle.

12. That the Defendant, MARC W. MONGAN, did not refuse to submit to field tests.

13. That pursuant to *People v. O'Neil*, 329 Ill. App.3d 213 (2d Dist. 2002), the ninety (90) days period to file a Petition to Rescind the Statutory Summary Suspension does not start until Defendant is given written notice from the Secretary of State of his right to file a Petition to Rescind.

14. That said written notice has never been given to the Defendant, MARC W. MONGAN, by the Secretary of State.

WHEREFORE, the Defendant, MARC W. MONGAN, prays that this Court dismiss all charges herein, rescind the Statutory Summary Suspension and for such other relief as equity requires.

Respectfully submitted this 14th day of March, 2017.

MARC W. MONGAN, Defendant

TESS & CRULL, LLC

BY: 

for DAVID D. TESS
Attorney for Defendant

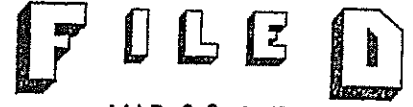
Prepared by:
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Attorneys for Defendant
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Rochelle, IL 61068
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(815)562-3412 – fax
lawyers@tesscrulllaw.com
marc mongan motion – 021517K



STATE OF ILLINOIS
 IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT
 COUNTY OF OGLE

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Plaintiff,)
)
 vs.)
)
)
)
 MARC W. MONGAN,)
)
)
 Defendant.)

No. 2016-CV-52
 2016-CV-53



MAR 30 2017

Kimberly A. Hall
 CLERK OF THE CIRCUIT COURT
 OGLE COUNTY

PEOPLE'S ANSWER AND MOTION TO STRIKE PORTIONS OF DEFENDANT'S MOTION TO DISMISS AND OTHER RELIEF

ANSWER
(Paragraphs 1-8)

NOW COME the People of the State of Illinois, by and through their attorney, Eric D. Morrow, Ogle County State's Attorney, and for their Answer to Paragraphs 1-8 of Defendant's Motion to Dismiss and Other Relief state as follows:

1. The People admit the allegations contained in Paragraphs 1-8 of the Defendant's Motion to Dismiss and Other Relief.

MOTION TO STRIKE
(Paragraphs 9-14)

NOW COME the People of the State of Illinois, by and through their attorney, Eric D. Morrow, Ogle County State's Attorney, and for their Motion to Strike Paragraphs 9-14 of Defendant's Motion to Dismiss and Other Relief state as follows:

1. Defendant's driving privileges are suspended based upon his refusal to submit to breath or other chemical testing after his involvement in a fatal boating crash.
2. Pursuant to the Boat Registration and Safety Act, "[a]ny person who operates or is in physical control of a motorboat within this State and has been involved in a fatal boating accident is deemed to have given consent to a breath test using a portable device as approved by the Department of State Police or to a chemical test or tests of the blood, breath, other bodily substance, or urine for the purpose of

determining the content of alcohol or other drug or drugs, or intoxicating compound or compound person's blood if arrested as evidenced by the issuance of a uniform citation for a violation of Registration and Safety Act or similar provisions of a local ordinance..." 625 ILCS 45/5-16c

3. Refusal to submit to the required test or tests results in the suspension of the person's privileges as outlined in Section 6-208.1 of the Illinois Vehicle Code regarding statutory suspension suspensions. 625 ILCS 45/5-16c(e).

4. A person may contest a suspension, such as the one imposed on the Defendant, by an administrative hearing with the Secretary of State in accordance with Section 2-118 of the Vehicle Code as their sole remedy. 625 ILCS 45/5-16c(e).

5. The Circuit Court of Ogle County does not have jurisdiction to adjudicate a challenge suspension of the Defendant's driving privileges based upon his refusal to submit to chemical this matter.

WHEREFORE, the People of the State of Illinois request that the Court enter an order follows:

A. Striking paragraphs 9-14 of the Defendant's Motion to Dismiss and Other Relief and no relief thereon.

B. Granting other further relief as the Court deems equitable and just.

Respectfully submitted this 30th day of March, 2011

People of the State of Illinois

By 

Eric D. Morrow
Ogle County State's Attorney

Eric D. Morrow
Ogle County State's Attorney
106 S. 5th Street
Suite 110
Oregon, Illinois 61061
Phone: (815) 732-1170
Fax: (815) 732-6607

Petreikis, Laura

From: Petreikis, Laura
Sent: Friday, April 21, 2017 10:56 AM
To: emorrow@Oglecounty.org
Cc: Petreikis, Tony; Morelock, Joe
Subject: Requested Meeting

SA Morrow,

CPO Steve Beltran advised you requested a meeting with him and his Supervisors Monday morning at 9AM. We intend to honor your request. Please provide me with an agenda and advise who will be present during the meeting.

Thank you & Have a good day.

Captain- Region I

Laura A. Petreikis #338

Illinois Conservation Police

Cell (309) 230-7033

Edit History

██████████ Jake Noble The investigators didn't drop the ball. Please FOIA the report.
11 hours ago

██████████ Jake Noble The investigators didn't drop the ball, it wasn't on them. Please FOIA the report.
11 hours ago

██████████ Jake Noble The investigators didn't drop the ball, it wasn't on them. Please FOIA the report. Im not agreeing with the decision to drop this by any means, please don't think that.
11 hours ago

██████████ Jake Noble The investigators didn't drop the ball, it wasn't on them. Please FOIA the report. Im not agreeing with the decision to drop this by any means, please don't think that. As you can see in other comments, Morrow refused to allow a blood draw when the investigator asked.
11 hours ago

Edits to comments are visible to everyone who can see this comment.





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Nicole Rutherford This happens too often. In serious or deadly accidents it should be mandatory for all person involved to be alcohol or drug tested.

Like · Reply · 5 · 21 hrs

Christina Taylor Couldn't agree more - it should be standard procedure!

Like · Reply · 21 hrs

Jake Noble Actually, it's up to the SA if they want to do a forced blood draw. Ask Morrow why he didn't.

Like · Reply · 1 · 18 hrs

Robin Dally-Swazek Not when a death occurs it's suppose to be automatically we have found out.

Like · Reply · 2 · 16 hrs

Renee D Dally Jake Noble is right. Eric Morrow was asked to get a warrant to draw blood and he declined. Christina Taylor, my husband and I sure WSH they HAD drawn blood from both drivers. Then we wouldn't have to listen/read moronic comments like your initial one. Lol.

Like · Reply · 3 · 15 hrs

Amy Michelle Oh did they kill someone too?

Like · Reply · 14 hrs

Chris Russell Why didnt Eric Morrow draw blood? Cause he parties at the Mongans river property with them.. Fact, not fiction.

Like · Reply · 3 · 12 hrs

Renee D Dally Amy Michelle, I guess I don't get your question.

Like · Reply · 10 hrs · Edited

Renee D Dally Chris Russell, do you know that for a fact, yourself personally?

Like · Reply · 10 hrs

Write a reply...

Stephanie Robinson Ogle county is messed up!!!!

Like · Reply · 1 hr

Mark Imfeld I total agree with Kevin deep pockets and close friends.

Like · Reply · 5 · 19 hrs

Ashley Bragg Lack of evidence because they didn't collect any!

Like · Reply · 1 · 22 hrs

3 Replies · 11 hrs

Christy Rowe Kelley This is beyond disgusting!!!

Like · Reply · 9 hrs

SeanMarie Parks Broughton Wow!

Like · Reply · Yesterday at 8:15am

Krissie Cooper lack of evidence ?? was more like being paid off

Like · Reply · 5 · 21 hrs

AJ Lopez Street Justice!

Like · Reply · 15 hrs

Kevin Kaecker I smell (paid off)

Like · Reply · 5 · 23 hrs

Jessica Betts Reed Why didn't the police get a warrant to draw blood?

Like · Reply · 14 hrs

Sandy Nealon This is just horrible. Prayers for this woman's family.

Like · Reply · 15 hrs

Lori Zeman What a load of crap. Sorry to be blunt.

Like · Reply · Yesterday at 8:48am

1 Reply

Anthony K Furniss

Like · Reply · Yesterday at 8:41am

Jennifer Palmer Renee Paul

Like · Reply · Yesterday at 8:03am

Renee Paul ya I heard that. So sad for her family..

Like · Reply · Yesterday at 8:43am

Write a reply...

YOUR GAMES



Newspaper in Sterl

RECOMMENDED GAMES



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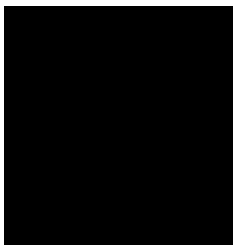
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www.saukvalley.com

It looks like charges filed against an Oregon businessman whose boat collided with another boat in June, resulting in the death of Rockford woman, will be dismissed for lack of evidence, Ogle County State's Attorney Eric Morrow confirmed.



Charges appear headed for dismissal in boating death

saukvalley.com



0 reactions · 1 comment · 1 share



Like



Comment



Share



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www.saukvalley.com

Robin Daily-Swaziek

Well I do know that my daughters life was taken that night by mongan. She has 3 little kids we are devastated. How do you not see a pontoon boat in board daylight. His words from the report. He's the reason my daughter is not with us. He was going so fast he didn't just hit the pontoon boat he went up on the boat made contact with my daughters chest n threw her 30 feet into the water. Even if not drunk definitely reckless how do I live with this.

12/22/2015 12:45 PM Edited Like 2
Reply

View 3 previous replies

Jasmine Fichtenmueller So sorry for yo...

Renee Cardott Lederer

I know it won't bring her back but I would sue the hell out of him keep him busy in court for awhile

12/22/2015 12:45 PM Edited Like 1
Reply

Maurisa Langholf

ABSOLUTELY DISGUSTING! There was



Maurisa Langholf

ABSOLUTELY DISGUSTING! There was immediate talk about case being moved because of the relationship between Mongan and Morrow, people in the Lee County courthouse knew it should have been moved. Obviously it wasn't, ask Mr Mongan it's great to have friends in high places. I know people in ogle county who have crashed on 4-wheelers, only hurt themselves, and they faced stiffer penalties than Marc Mongan who's reckless behavior killed a young mother of 3. I hope Marc Mongan is haunted for the rest of his life, I hope when he looks at the faces of his wife and children he sees Megan and the 3 young children he left without a mother.

[View 1 more comment](#) [Like](#) [4](#) [Reply](#)



Nicole Rutherford

Absolutely horrendous. Sounds like on scene investigators dropped the ball. So sad

[View 1 more comment](#) [Like](#) [10](#) [Reply](#)

View 9 previous replies



Nicole Rutherford

This happens too often. In serious or deadly accidents it should be mandatory for all person involved to be alcohol or drug tested.

Yesterday at 11:17 AM · Like · 6



Christina Taylor

Couldn't agree more - it should be standard procedure!

Yesterday at 11:34 AM · Like



Jake Noble

Actually, it's up to the SA if they want to do a forced blood draw. Ask Morrow why he didn't.

Yesterday at 2:54 PM · Like · 1



Robin Daily-Swaziek

Not when a death occurs it's suppose to be automatically we have found out.

Yesterday at 4:51 PM · Like · 2



Renee D Daily

Jake Noble is right. Eric Morrow was asked to get a warrant to draw blood and he



Maurisa Langholf

Yes, please tell us all what happened Jake Noble, I would love to have an explanation to give to my 2 young nephews about why their mother is dead and how Marc Mongan life should go on with zero responsibility.... please do tell

Yesterday at 6:57 PM · Like



Jake Noble

The investigators didn't drop the ball, it wasn't on them. Please FOIA the report. Im not agreeing with the decision to drop this by any means, please don't think that. As you can see in other comments, Morrow refused to allow a blood draw when the investigator asked.

Yesterday at 9:21 PM · Edited · Like



Nicole Rutherford

Correct me if I Am wrong but aren't the investigators the ones who gather n collect all the necessary evidence for the states attorney to prosecute? Clearly many people failed to give this woman and her family

10/20/2017 11:17 AM Edited Like



Nicole Rutherford

Correct me if I Am wrong but aren't the investigators the ones who gather n collect all the necessary evidence for the states attorney to prosecute? Clearly many people failed to give this woman and her family justice. Including the state's attorney. From the sounds of things a certain office needs investigated.

10/20/2017 11:20 AM Edited Like 1



Nicole Rutherford

Ultimately the blame rests on the drivers of the boats

10/20/2017 11:23 AM Edited Like



Robin Daily-Swaziek

Jake if you know something please share we are devastated first by the loss of our daughter then by the way this whole case has been mishandled. Her death certificate says cause of death HOMICIDE to me someone should be held accountable for this



Jake Noble

Not what happened.

1 year ago at 10:15 PM Like



Nicole Rutherford

Then what happened? I wasn't there. If he had failed a sobriety test why wasn't he escorted to a hospital for a blood test

1 year ago at 10:13 PM Edited Like 3



Nicole Rutherford

I guess thats where the laws are slacking.

1 year ago at 10:13 PM Like



Nicole Rutherford

Maybe investigators did all they could by what the law allows. But too many people are walking away from accidents with minimal or no punishment for causing harm or death to others.

1 year ago at 10:14 PM Like 2



Amy Michelle

Really?? Come on dude

1 year ago at 10:17 PM Like 1

Renee D Daily

Jake Noble is right. Eric Morrow was asked to get a warrant to draw blood and he declined. Christina Taylor, my husband and I sure WISH they HAD drawn blood from both drivers. Then we wouldn't have to listen/read moronic comments like your initial one. Lol.

Yesterday at 5:03 PM · Like · 3

Amy Michelle

Oh did they kill someone too?

Yesterday at 6:48 PM · Like

Chris Russell

Why didnt Eric Morrow draw blood? Cause he parties at the Mongans river property with them.. Fact, not fiction.

Yesterday at 8:39 PM · Like · 3

Renee D Daily

Amy Michelle, I guess I don't get your question.

Yesterday at 10:03 PM · Edited · Like

to get a warrant to draw blood and he declined. Christina Taylor, my husband and I sure WISH they HAD drawn blood from both drivers. Then we wouldn't have to listen/read moronic comments like your initial one. Lol.

Like 3

Amy Michelle

Oh did they kill someone too?

Like

Chris Russell

Why didnt Eric Morrow draw blood? Cause he parties at the Mongans river property with them.. Fact, not fiction.

Like 3

Renee D Daily

Amy Michelle, I guess I don't get your question.

Edited Like

Renee D Daily

Chris Russell, do you know that for a fact, yourself personally?



Jake Noble

If you were there and saw that, you shoulda said something! You coulda helped! Or were you not there, and just assuming?

Yesterday at 3:14 PM · Like



Ashley Bragg

Apparently you seem to have been there. Fill us all in Jake. Tell us why he's getting away with murdering a great friend!

Yesterday at 4:14 PM · Like · 🌟 1




Jake Noble

There is some comments in this thread that point to why.. And it's not a good reason..

Yesterday at 9:23 PM · Like

Maurisa Langholf

ABSOLUTELY DISGUSTING! There was immediate talk about case being moved because of the relationship between Mongan and Morrow, people in the Lee County courthouse knew it should have been moved. Obviously it wasn't, ask Mr Mongan it's great to have friends in high places. I know people in ogle county who have crashed on 4-wheelers, only hurt themselves, and they faced stiffer penalties than Marc Mongan who's reckless behavior killed a young mother of 3. I hope Marc Mongan is haunted for the rest of his life, I hope when he looks at the faces of his wife and children he sees Megan and the 3 young children he left without a mother.

Like  7 Reply

Screen shot from
4/23/17 - "Like" still present

Nicole Rutherford

Absolutely horrendous. Sounds like on scene investigators dropped the ball. So sad

Like 10 Reply

View 8 previous replies



Nicole Rutherford

Add Friend



Renee D Daily

1 mutual friend

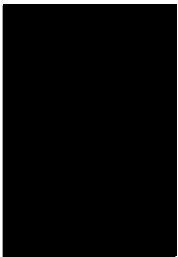
Add Friend



Beth Gilhoun

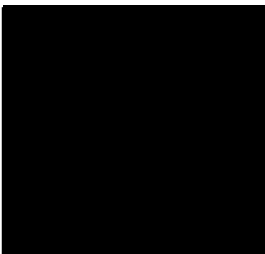
14 mutual friends

Add Friend



Karmie Rapp

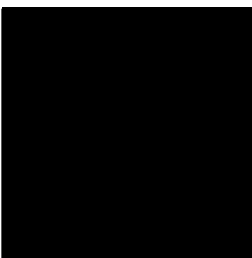
Add Friend



Jake Noble

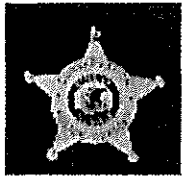
3 mutual friends

Add Friend



Renee Cardott Lederer

Add Friend

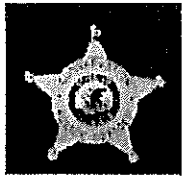


Illinois Department of Natural Resources Conservation Police added 4 new photos.

CPO Beltran and Intern Jacob Noble (Dixon II) were dispatched to Rural Stephenson County to respond to a dead Bald Eagle in a tree. After Noble recovered the animal it was discovered that there were burn marks on the beak and several power lines overhead.

The bird will be sent to US Fish and Wildlife Bald Eagle repository (<https://www.fws.gov/eag...>





Illinois Department of Natural Resources Conservation Police added 3 new photos.

[View photos from this album](#)

A day in the life of an IDNRCP Intern~ Jacob Noble (Dixon, IL) continues his internship in Northern Illinois (WIU Student) with CPO Beltran where he assisted in teaching several local youth at a hunter safety class.

Interested in becoming a CPO consider an internship. Contact you university coordinator.

Want to take a hunter safety class? [Visi...](#)

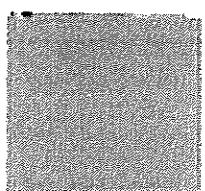




Illinois Department of Natural Resources Conservation Police

1,234 members · 123 posts

Stories of The Noble Intern~CPO Beltran and Intern Jacob Noble (Dixon II) were investigating a social media post about a man who claimed to confirmed a cougar in a tree in Northern Illinois. The man posted several pictures and stated the cougar was near a small town. A short time after the post, CPO Beltran received calls from concerned parents a...

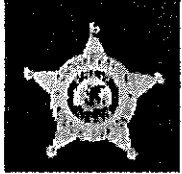


added 5 new photos.

February 1 at 8:34 PM

Little feller was just hanging around!!!! Here your pics



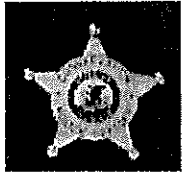


Illinois Department of Natural Resources Conservation Police

Wednesday, February 11, 2015

The Noble Intern~CPO Beltran and Intern Jacob Noble (Dixon, II) stopped by Groenewold Fur and Wool (<http://gfwco.com>) in Forreston to check on fur buying trends. Guy Groenewold was able to share his expertise about the industry. Our stop allowed Intern Noble the chance to learn more about trapping and hunting laws and their relationship to commer...



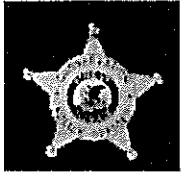


Illinois Department of Natural Resources Conservation Police added 2 new photos.

[View all photos](#) [View all videos](#)

The Noble Intern- CPO Beltran and Intern Jacob Noble (Dixon, IL) investigated an illegal dumping case in rural Ogle County. Intern Noble's investigative skills afforded him this unique opportunity to find mail left behind in the trash with a suspect's address and other personal information. This discovery allowed Officer Beltran to issue a citation...





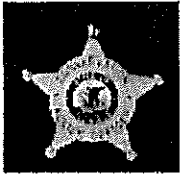
Illinois Department of Natural Resources Conservation Police

11/11/2014 11:00 AM

The Noble Intern- CPO Beltran and Intern Jacob Noble (Dixon, IL) investigated a 27 year old Madison Wisconsin Man for a deer permit violation in Stephenson County. During the investigation it was discovered a buck was taken unlawfully. Intern Noble enters the information for the evidence seized from a local taxidermy shop.

Interested in working...





Illinois Department of Natural Resources Conservation Police added 5 new photos.

[View all photos from Illinois Department of Natural Resources Conservation Police](#)

Please assist us in solving this crime~~.

CPO Beltran and Intern Jacob Noble are investigating criminal damage to state supported property at White Pines Forest State Park near Polo Illinois (Ogle County). Park staff were notified of graffiti on one of the foot bridges over Pine Creek. Several parts of this foot bridge were defaced with paint marki...



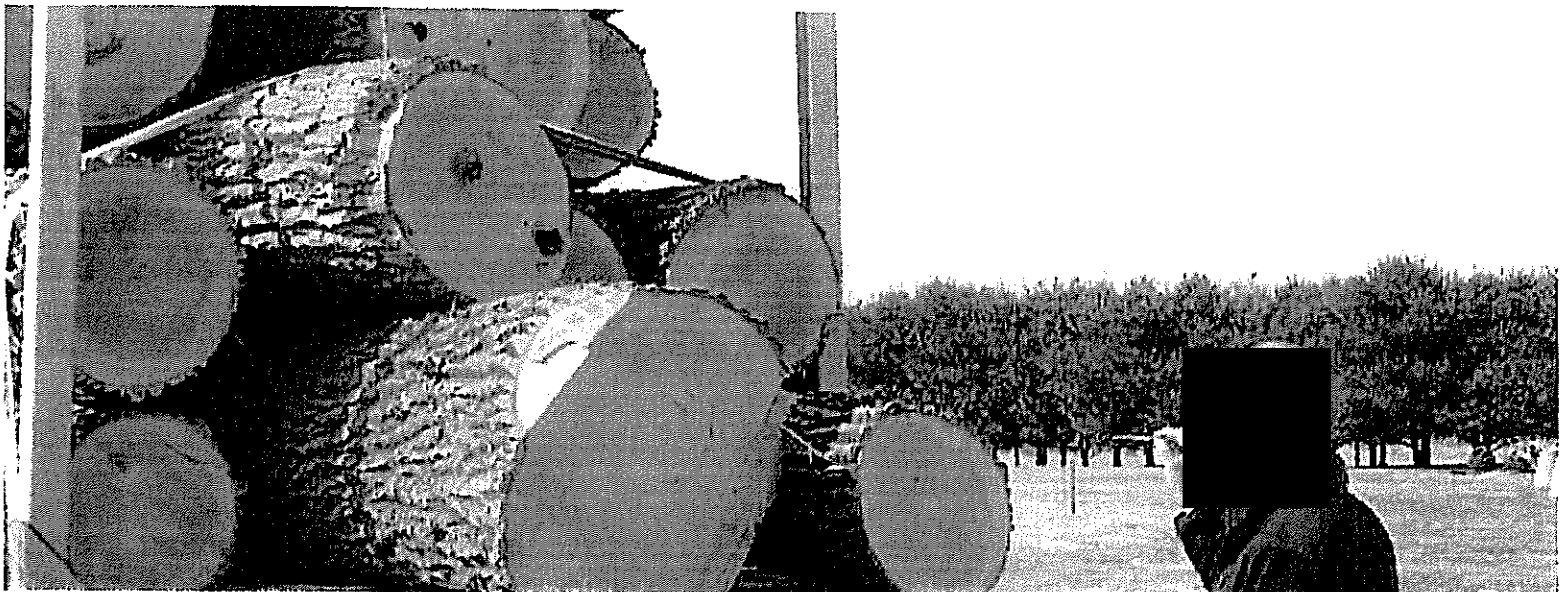


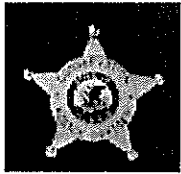
Illinois Department of Natural Resources Conservation Police added 2 new photos.

Mar 21 at 10:23am · 🌐

The Noble Intern- CPO Beltran and Intern Jacob Noble (Dixon, II) inspected a timber truck hauling logs for compliance in Carroll County. Transportation records are required to be kept with owner information and log information. This batch was on the way to the saw mill. Can you identify these types of logs?

Interested in LOGGING some intern hours...



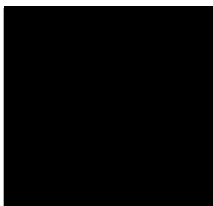


Illinois Department of Natural Resources Conservation Police shared Kimberly Watley's video.

March 21, 2017 10:00am

Its cleaned up and the offenders have been identified. CPO Beltran and Intern Jacob Noble completed a week long investigation regarding the graffiti at White Pines State Park

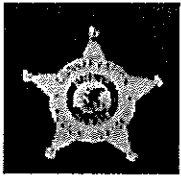
The Juvenile offenders are being referred to the states attorneys office. Clean up efforts took place. A local resident Kimberly Watley recorded these efforts and posted t...



Kimberly Watley at White Pines Forest State Park.

March 21, 2017 10:00am

Great news, everyone! The offenders who are juveniles, have been identified and referred to the states attorney's office (3/21/17) by **Illinois Department of Natural Resources Conservation**



Illinois Department of Natural Resources Conservation Police

Monday, April 1, 2013

The Noble Intern- CPO Beltran and Intern Jacob Noble (Dixon, IL) work early season fisherman observing a locally stocked trout stream. Officers efforts are to determining if people are keeping trout before season. The season opens 5 AM April 1st. For more information visit <https://www.dnr.illinois.gov/news/Pages/Illinois-Spring-Trout-Fishing-Sea...>

