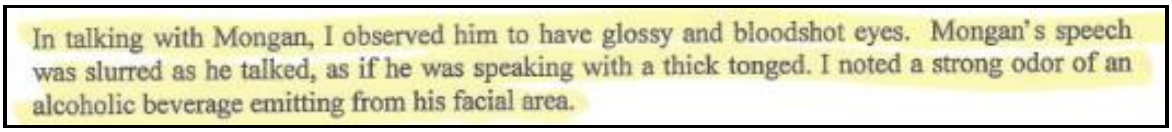
People vs. Mongan Case #2016CV52
WATERCRAFT OUI/ALCHOL

The following statements and information was extracted from the FOIA Ogle County Sheriff's Department & IDNR Accident and Crash Re-Enactment redacted Reports. A corresponding "Screen Shot" has been included after each statement to verify its origin.

==========

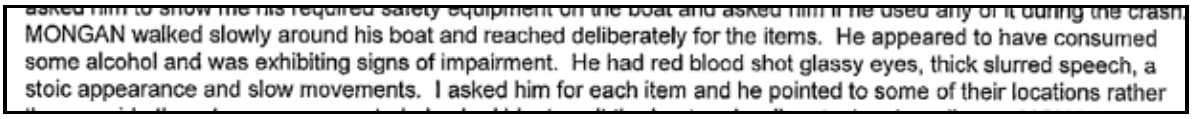
1. Ogle County Sheriff's Deputy Theil Narrative report statement (immediately on the scene of the crash):

a. "In talking with Mongan, I observed him to have glossy and bloodshot eyes. Mongan's speech was slurred as he talked, as if he was speaking with a thick tonged. I noted a strong odor of an alcoholic beverage emitting from his facial areas".


In talking with Mongan, I observed him to have glossy and bloodshot eyes. Mongan's speech was slurred as he talked, as if he was speaking with a thick tonged. I noted a strong odor of an alcoholic beverage emitting from his facial area.

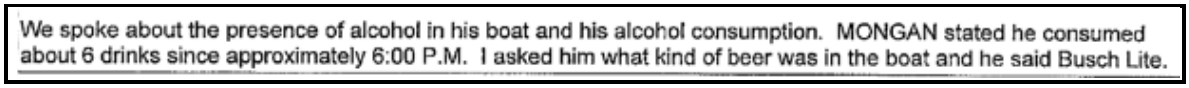
==========

2. He (Mongan) appeared to have consumed some alcohol and was exhibiting signs of impairment. He had red blood shot glassy eyes, thick slurred speech, a stoic appearance and slow movement.


MONGAN walked slowly around his boat and reached deliberately for the items. He appeared to have consumed some alcohol and was exhibiting signs of impairment. He had red blood shot glassy eyes, thick slurred speech, a stoic appearance and slow movements. I asked him for each item and he pointed to some of their locations rather

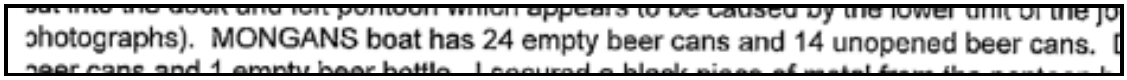
==========

3. Mongan stated he consumed about 6 drinks since approximately 6:00 P.M. (Crash at 8:33PM).


We spoke about the presence of alcohol in his boat and his alcohol consumption. MONGAN stated he consumed about 6 drinks since approximately 6:00 P.M. I asked him what kind of beer was in the boat and he said Busch Lite.

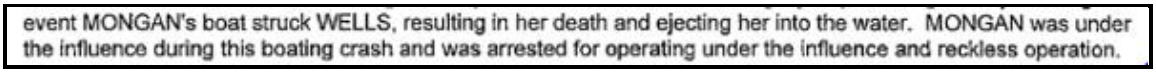
==========

4. Mongan's boat has 24 empty beer cans and 14 unopened beer cans.


photographs). MONGANS boat has 24 empty beer cans and 14 unopened beer cans.

==========

5. Mongan was under the influence during the boating crash and was arrested for operating under the influence and reckless operation.


event MONGAN's boat struck WELLS, resulting in her death and ejecting her into the water. MONGAN was under the influence during this boating crash and was arrested for operating under the influence and reckless operation.

People vs. Mongan Case #2016CV52
WATERCRAFT OUI/ALCHOL

==========

6. He (Lamb) also stated they had been drinking vodka and beer. Lamb also stated he was unaware of how the boats collided as he was not facing forward.

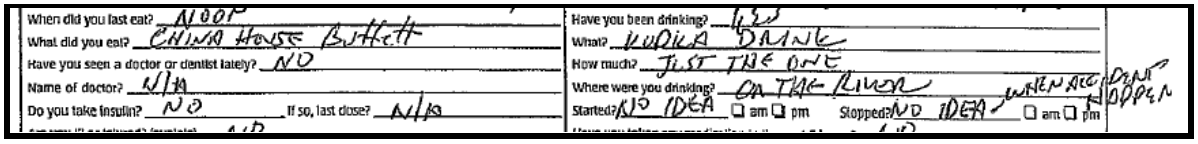
> the pontoon boat. LAMB stated he was rocked to the left side upon impact (audio recording is attached). He also stated they had been drinking vodka and beer. LAMB also stated he was unaware of how the boats collided as he was not facing forward. LAMB stated he could not write out a statement because of his condition and reluctantly provided one (written statement attached).

==========

7. Mongan's responses during DNR Interview:

a. Started Drinking NO IDEA

b. Stopped Drinking NO IDEA + When the Acccident Happened.



==========

8. The following was extracted from the FOIA DNR Report regarding the Field Sobriety Test conducted by Steve Beltran, DNR Officer. The crash occurred at 8:33 PM and by the time DNR arrived and began the testing it was 9:55 PM (1 Hr. 22 Min Later).

This verifies that Mongan failed the following evaluations conducted at that time:

	Evaluation Criteria	Mongan Score
Horizontal Gaze Nystagmus	4 or more clues	6 which Failed the Test
Alphabet Test	Mongan did not complete the test as instructed.	
Finger Count	4 or more clues	6 which Failed the Test
Palm Pat	2 or more clues	4 which Failed the Test
Walk and Turn	2 or more clues	7 which Failed the Test
One Leg Stand	2 or more clues	3 which Failed the Test

In all of these Mongan failed to complete and/or scored above the mentioned Evaluation Criteria prompting the DNR to place him Under Arrest for being under the influence and subsequent OUI charge.

People vs. Mongan Case #2016CV52
WATERCRAFT OUI/ALCHOL

The descriptions of Mongan's performance in the Horizontal Gaze Nystagmus, One Leg Stand and Walk and Turn evaluations provides a clearer picture of how/why Mongan failed these evaluations.

HORIZONTAL GAZE NYSTAGMUS

I am going to check your eyes. Please remove your glasses. Are you wearing contacts? ☐ Y ☒ N
Please look at the top of the stimulus. Keep your head still, and follow the top of the stimulus when I move it. Only move your eyes, not your head. Do you understand? *(Response)*
[Check for equal tracking and equal pupil size.]

Clues	Left	Right
Lack of smooth pursuit	✓	✓
Distinct & sustained nystagmus at max. deviation	✓	✓
Onset of nystagmus prior to 45-degrees	✓	✓
Total Clues		6

Vertical nystagmus: Yes___ No✓ *Evaluation Criteria: 4 or more clues*

ONE LEG STAND:
I read the instructions from the preprinted form and demonstrated as noted on the form. He said "yes" when I asked if he understood the instructions but could not remain in the position demonstrated. During the counting phase MONGAN counted very slow, he stopped twice and looked at me confused and asked if he should continue. He appeared dazed and confused. MONGAN started with his hands to his side and swayed while balancing, he raised his arms more than 6 inches, he held them out as far wide as they could go. He put his foot down several times and reached 10-19 after a 30 second period had passed. His body was loose and flaccid with varying posture. MONGAN set his foot down 2 times and looked at me as if the test had stopped. He started back up as I continued to watch him. I stopped the test at this time. He showed great signs of intoxication.
CLUES: 3 (Evaluation Criteria 2 or more).

WALK AND TURN:
MONGAN was comfortable and had on flip flops for footwear. I asked him if he wanted to perform the next test with his flip flops on or off and he chose to take them off. He said he was able to perform this test. MONGAN stood in front of me so I could get a clear view of his feet. The area did not have a visible line so I instructed him to simulate one on the road. It was free from debris and properly lit. I read him the instructions from a preprinted card and demonstrated them. He said he understood the directions. MONGAN lost his balance during the instruction phase. During the performance phase he stopped while walking, did not touch heel to toe, stepped off line, used his arms to maintain balance (more than 6 inches), performed an improper turn, and took the wrong number of steps. MONGAN also failed to count his steps out loud, his gate was wide and little success was obtained from his efforts. MONGAN walked with his arms extended with great effort trying to perform the test.

MONGANS efforts on this test showed him placing his arms out and wobbling as he walked, stepping off the line wide footed on almost every step in an effort to remain standing. His turn was quick and he appeared confused as he walked back wide footed, stepping off the line again several times, never touching heal to toe.
CLUES: 7 (Evaluation Criteria 2 or more).

The remaining documented comments on the other tests is included at the end of this document.

==========

9. He (Nicolas Lamb - other occupant in Mongan's boat) stated they had been consuming alcohol and met with some friends on the river where they made additional drinks before traveling north toward the River Road Campground.

met with LAMB again at his residence to get a video statement. He recalled the events and stated they were fishing and began to travel upstream. He stated they had been consuming alcohol and met with some friends on the river where they made additional drinks before traveling north toward the River Road Campground. LAMB identified the friends as Jennifer and Matthew Kirchner of Oregon. LAMB seemed very reserved and limited on his recollection.

==========

People vs. Mongan Case #2016CV52
WATERCRAFT OUI/ALCHOL

10. When asked about the collision Mongan mentioned he did not know there was a crash until after it happened. He did not know how it happened and only recalled that he was on the river doing some fishing.

> the other boat. When asked about the collision MONGAN mentioned he did not know there was a crash until after it happened. MONGAN stated he was driving north (upriver) in the Oregon area with his friend Nicholas Lamb. He did not know how it happened and only recalled that he was out on the river doing some fishing. MONGAN described his events on the video statement.

==========

11. Bushre (occupant on pontoon boat) added that she was struck by a drinking cup that came from Mongan's boat.

> statements given. BUSHRE added that she was struck by a drinking cup that came from MONGANS boat. She wanted it entered into evidence (43198).

==========

12. Occupants of pontoon boat waved hands and called out in an effort to get Mongan's attention.

> I met with the passengers of the DAILY boat. Each gave a video statement. Philip Lukes and Sherry Bushre (married but with separate last names) stated they were driving south on the rock river and MONGAN was driving north at a high rate of speed. BUSHRE stated she notified DAILY of MONGANS approach and he acknowledged. LUKES states he waved his hands and called out in an effort to get MONGAN's attention. LUKES stated he fell from his seat into BUSHRE's lap upon impact. Both LUKES and BUSHRE declined medical attention at the scene. Written statements on the night of the accident by the county police by LUKES and BUSHRE are similar to the video statements given. BUSHRE added that she was struck by a drinking cup that came from MONGANS boat. She wanted it entered into evidence (43198).

==========

Other statements, information and evidence is being research and will be presented.

People vs. Mongan Case #2016CV52
WATERCRAFT OUI/ALCHOL

Field Sobriety Test (Marc Mongan)

Crash occurred on 6/24/2016 at 8:33 PM

Test administered on 6/24/2016 at 9:55 to 10:14 PM (1 hr. 22 min after crash)

Illinois Conservation Police

FIELD REPORT

FIELD REPORT NUMBER: 2016-1-364-005BU

Reporting Officer and ID: CPO Steven Beltran #364

Mongan had slurred speech and seemed confused. I told him I felt he may be under the influence and requested testing.

I asked MONGAN to perform field sobriety testing. I asked him the standard questions on the field sobriety test instructions and he answered "NO" to all of the following.

- Do you have any physical defects
- Do you have any defects with your eyes
- Are you sick or injured
- Are you under the care of a doctor or dentist
- Are you taking any medication or drugs

Mongan affirmed "NO" to these questions and stated he had Lasik surgery 2-3 years ago.

FIELD SOBRIETY TEST PERFORMANCE REPORT:
At 9:55 P.M., I started the Field Sobriety Test Performance Report from the preprinted form and began.
HORIZONTAL GAZE NYSTAGMUS:
MONGAN was positioned on the gate of my truck so I could see clearly into his face and eyes. I wanted to give him some time to have his legs settle and relax. I illuminated his face with indirect light I could get a clear view of his eyes. I gave him the instructions. He said "yes" when I asked if he understood the instructions. MONGAN's eyes tracked equally and his pupils were of equal size. Both eyes showed a lack of smooth pursuit. Both eyes showed a distinct and sustained nystagmus at maximum deviation. Both eyes showed onset of nystagmus prior to 45 degrees in which there was some white showing in the corner of the eye and my pen had not passed his shoulder. I checked for vertical nystagmus and none was present.
CLUES: 6 (Evaluation Criteria 4 or more).

ALPHABET TEST:
I asked MONGAN if he knew the English alphabet and he said "yes". I continued with the instructions. When I asked do you understand, he said yes. He began the test. MONGAN recited slowly and then began to sing despite being instructed not to. MONGAN reached the letter W,,X,Y *and* ,Z, and had slurred speech did not complete this test as instructed.

FINGER COUNT:
MONGAN sat next to me so I could get a clear view of his fingers. I gave him the instructions and demonstrated. He was confused and asked for clarification on the number of sequencies and how to perform the test. I asked him if he would like me to read him the instructions again and demonstrate the test again and he said yes. I re read the test and re demonstrated the test and he said "yes" when I asked if he understood the instructions. He performed this test slurred speech and had an improper finger touch by not touching the tip of his finger to the tip of his thumb. MONGAN did not follow the instructions for this test.

PALM PAT:
MONGAN sat next to me so I could get a clear view of his hands. I read the instructions from the preprinted form and demonstrated as noted on the form. He said "yes" when I asked if he understood the instructions. During the instruction phase he was unable to follow instructions and remain in the position as I demonstrated and instructed. During the performance stage he did not count as instructed, rolled his hands, and did not increase speed
CLUES: 4 (Evaluation Criteria 2 or more).

This document contains neither recommendations nor conclusions of the agency listed above. It and its contents are not to be disseminated.

Illinois Department of Natural Resources

364JJMM/2015FRr274

Illinois Conservation Police

FIELD REPORT

FIELD REPORT NUMBER
2016-1-364-005BU

Reporting Officer and ID
CPO Steven Beltran #364

WALK AND TURN:
MONGAN was comfortable and had on flip flops for footwear. I asked him if he wanted to perform the next test with his flip flops on or off and he chose to take them off. He said he was able to perform this test. MONGAN stood in front of me so I could get a clear view of his feet. The area did not have a visible line so I instructed him to simulate one on the road. It was free from debris and properly lit. I read him the instructions from a preprinted card and demonstrated them. He said he understood the directions. MONGAN lost his balance during the instruction phase. During the performance phase he stopped while walking, did not touch heel to toe, stepped off line, used his arms to maintain balance (more than 6 inches), performed an improper turn, and took the wrong number of steps. MONGAN also failed to count his steps out loud, his gate was wide and little success was obtained from his efforts. MONGAN walked with his arms extended with great effort trying to perform the test.

MONGANS efforts on this test showed him placing his arms out and wobbling as he walked, stepping off the line wide footed on almost every step in an effort to remain standing. His turn was quick and he appeared confused as he walked back wide footed, stepping off the line again several times, never touching heal to toe.
CLUES: 7 (Evaluation Criteria 2 or more).

ONE LEG STAND:
I read the instructions from the preprinted form and demonstrated as noted on the form. He said "yes" when I asked if he understood the instructions but could not remain in the position demonstrated. During the counting phase MONGAN counted very slow, he stopped twice and looked at me confused and asked if he should continue. He appeared dazed and confused. MONGAN started with his hands to his side and swayed while balancing, he raised his arms more than 6 inches, he held them out as far wide as they could go. He put his foot down several times and reached 10-19 after a 30 second period had passed. His body was loose and flaccid with varying posture. MONGAN set his foot down 2 times and looked at me as if the test had stopped. He started back up as I continued to watch him. I stopped the test at this time. He showed great signs of intoxication.
CLUES: 3 (Evaluation Criteria 2 or more).

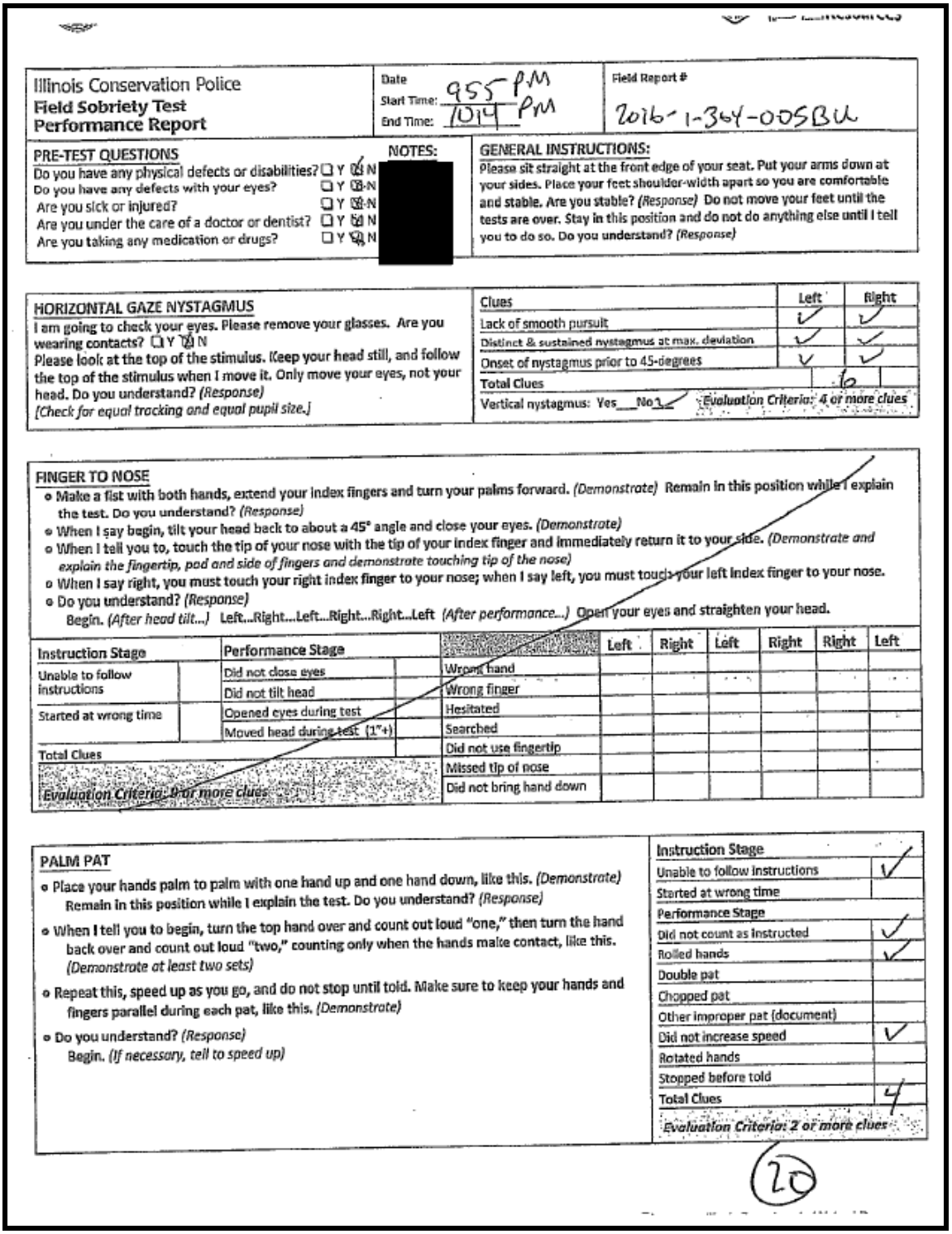
UNDER ARREST:
Based on MONGANS confusion, statements of alcohol consumption, presence of alcohol, and appearance of nsobriety I believed MONGAN to be under the influence. At approximately 10:15 P.M. I advised MONGAN he was under arrest for operating under the influence of alcohol. Placed him in handcuffs, checked for fit and double locked, and seat belted him in the front seat of my squad. MONGAN stated he was claustrophobic and I assured him he was not going to be placed in the back seat. He asked to have the handcuffs in front and I advised him they were to remain behind his back.

Just before transport MONGAN requested his handcuffs be adjusted. I had him step out of the vehicle and adjusted them again. We then drove to the Ogle County Jail. En-route to the jail I was advised a passenger on the other vessel had died from the collision. I requested both boats be seized and secured pending the investigation. Ogle County Sheriff's department facilitated the transfer of both boats to secure storage (evidence 43129 and 43109). Ogle County also secured names, passenger locations and statements from other persons involved.

At the jail I read MONGAN his warning to motorist (10:55 P.M.) and had him sign a handwritten line at the bottom of he form indicating I read it to him. I waited a period of no less than 20 minutes and requested a breath test.

This document contains neither recommendations nor conclusions of the agency listed above. It and its contents are not to be disseminated.

People vs. Mongan Case #2016CV52
WATERCRAFT OUI/ALCHOL



Illinois Conservation Police
Field Sobriety Test Performance Report

Date
Start Time: 955 PM
End Time: 1014 PM

Field Report #
2016-1-364-005BU

PRE-TEST QUESTIONS

Do you have any physical defects or disabilities?	☐ Y	☒ N
Do you have any defects with your eyes?	☐ Y	☒ N
Are you sick or injured?	☐ Y	☒ N
Are you under the care of a doctor or dentist?	☐ Y	☒ N
Are you taking any medication or drugs?	☐ Y	☒ N

NOTES: [redacted]

GENERAL INSTRUCTIONS:
Please sit straight at the front edge of your seat. Put your arms down at your sides. Place your feet shoulder-width apart so you are comfortable and stable. Are you stable? *(Response)* Do not move your feet until the tests are over. Stay in this position and do not do anything else until I tell you to do so. Do you understand? *(Response)*

HORIZONTAL GAZE NYSTAGMUS

I am going to check your eyes. Please remove your glasses. Are you wearing contacts? ☐ Y ☒ N
Please look at the top of the stimulus. Keep your head still, and follow the top of the stimulus when I move it. Only move your eyes, not your head. Do you understand? *(Response)*
[Check for equal tracking and equal pupil size.]

Clues	Left	Right
Lack of smooth pursuit	✓	✓
Distinct & sustained nystagmus at max. deviation	✓	✓
Onset of nystagmus prior to 45-degrees	✓	✓
Total Clues		6

Vertical nystagmus: Yes ___ No ✓ *Evaluation Criteria: 4 or more clues*

FINGER TO NOSE

- Make a fist with both hands, extend your index fingers and turn your palms forward. *(Demonstrate)* Remain in this position while I explain the test. Do you understand? *(Response)*
- When I say begin, tilt your head back to about a 45° angle and close your eyes. *(Demonstrate)*
- When I tell you to, touch the tip of your nose with the tip of your index finger and immediately return it to your side. *(Demonstrate and explain the fingertip, pad and side of fingers and demonstrate touching tip of the nose)*
- When I say right, you must touch your right index finger to your nose; when I say left, you must touch your left index finger to your nose.
- Do you understand? *(Response)*
  Begin. *(After head tilt...)* Left...Right...Left...Right...Right...Left *(After performance...)* Open your eyes and straighten your head.

Instruction Stage		Performance Stage			Left	Right	Left	Right	Right	Left
Unable to follow instructions		Did not close eyes		Wrong hand						
		Did not tilt head		Wrong finger						
Started at wrong time		Opened eyes during test		Hesitated						
		Moved head during test (1"+)		Searched						
Total Clues				Did not use fingertip						
Evaluation Criteria: 0 or more clues				Missed tip of nose						
				Did not bring hand down						

PALM PAT

- Place your hands palm to palm with one hand up and one hand down, like this. *(Demonstrate)* Remain in this position while I explain the test. Do you understand? *(Response)*
- When I tell you to begin, turn the top hand over and count out loud "one," then turn the hand back over and count out loud "two," counting only when the hands make contact, like this. *(Demonstrate at least two sets)*
- Repeat this, speed up as you go, and do not stop until told. Make sure to keep your hands and fingers parallel during each pat, like this. *(Demonstrate)*
- Do you understand? *(Response)*
  Begin. *(If necessary, tell to speed up)*

Instruction Stage	
Unable to follow instructions	✓
Started at wrong time	
Performance Stage	
Did not count as instructed	✓
Rolled hands	✓
Double pat	
Chopped pat	
Other improper pat (document)	
Did not increase speed	✓
Rotated hands	
Stopped before told	
Total Clues	4
Evaluation Criteria: 2 or more clues	

20

People vs. Mongan Case #2016CV52
WATERCRAFT OUI/ALCHOL

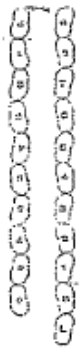
- Make fists with both hands, place your left fist at the center of your chest and your right fist against your left fist, like this. *(Demonstrate)*
- Remain in this position while I explain the test.
  Do you understand? *(Response)*
- When I say begin, you must perform four tasks.
- The first task is to count out loud from one to four while you move your fists in a step-like fashion, making contact between your fists at each step. *(Demonstrate while counting out loud 1, 2, 3, 4)*
- The second task is to memorize the position of your fists after you have counted to four, clap your hands three times and return your fists to the memorized position. *(Demonstrate)*
- The third task is to move your fists in a step-like fashion in reverse order; counting out loud from five to eight and returning your left fist to your chest. *(Demonstrate while counting out loud 5, 6, 7, 8)*
- The fourth task is to open your hands with palms down and place them in your lap. *(Demonstrate)*
- Do you understand? *(Response)*
  Begin.

Unable to follow instructions	
Started at wrong time	
Performance Stage	
Task 1 – Forward Steps	
Improper count	
Improper touch	
Did not perform	
Task 2 – Hand Clapping	
Improper count	
Improper touch	
Improper return	
Did not perform	
Task 3 – Return Steps	
Improper count	
Improper touch	
Did not return left fist to chest	
Did not perform	
Task 4 – End position	
Improper position	
Did not perform	
Total Clues	

Evaluation Criteria: 3 or more clues

WALK AND TURN

- Please put your left foot on the line. Now put your right foot in front of your left foot, with your right heel touching your left toe. *(Demonstrate)*
- Do not begin until I tell you to.
- When I say "Begin", take nine heel-to-toe steps down the line, turn around and take nine heel-to-toe steps back.
- Make your turn by keeping your front foot on the line, and then use your other foot to turn yourself around with several small steps. *(Demonstrate)*
- Keep your arms at your sides at all times. Watch your feet at all times, and count your steps out loud.
- Once you begin, do not stop until you have completed the test.
- Do you understand?
  Begin.



Instruction Stage	
Loses balance during instructions	✓
Starts before told	
Performance Stage	
Stops while walking	✓
Does not touch heel-to-toe (1/2"+)	✓
Steps off line	✓
Uses arms to balance (6"+)	✓
Improper turn	✓
Wrong number of steps	✓
Total Clues	7
Cannot perform test (explain)	

Evaluation Criteria: 2 or more clues

ONE LEG STAND

- Please stand with your heels and toes together, and your arms at your sides. *(Demonstrate)*
- Do not begin until I tell you to.
- When I tell you to begin, raise either foot approximately six inches off the ground, keeping the raised foot parallel to the ground.
- Keep both of your legs straight with your arms at your sides.
- Hold that position while you count out loud in the following manner: "1001, 1002, 1003" and so on, until I tell you to stop.
- If you put your foot down, immediately lift it back up and continue counting.
- Watch your raised foot while you are counting, and keep your arms at your sides. *(Demonstrate)*
- Do you understand? *(Officer times the test and stops it at 30 seconds.)*
  Begin.

Clues	
Sways while balancing	✓
Uses arms to balance (6"+)	✓
Hopping	
Puts foot down	✓
Total Clues	3
Cannot perform test (explain)	

Evaluation Criteria: 2 or more clues

Operator Name: MARC C. MONGAN	Date of Birth: 05-14-70
Testing Officer: STEVEN BELTRAN	ID#: 364
Environmental Conditions: CALM WEATHER, PROPER LIGHTING	(21)