

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

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 2016-CV-52
	)	2016-CV-53
MARC MONGAN,	)	
	)	
Defendant,	)	

**REPLY TO PEOPLE’S ANSWER AND MOTION TO DISMISS  
SUPPLEMENTAL MOTION TO APPOINT SPECIAL PROSECUTOR OR IN  
THE ALTERNATIVE FOR JUDGMENT ON THE PLEADING  
PURSUANT TO 55 ILCS 5/3-9008(a-10)**

NOW COMES, DAVID and ROBIN SWAZIEK, (hereafter Intervenors) by and through their attorneys, KOROLL LITIGATION GROUP, LTD., and for their Reply to People’s Answer and Motion to Dismiss Supplemental Motion to Appoint Special Prosecutor or in the Alternative for Judgment on the Pleading Pursuant to 55 ILCS 5/3-9008(a-10), and state as follows:

1. Section 3-9008 of the Counties Code (55 ILCS 5/3-9008 (West 1996)), which governs the appointment of a special prosecutor, provides, in relevant part: "Whenever the State's attorney \* \* \* is interested in any cause or proceeding, civil or criminal, which it is or may be his duty to prosecute or defend, the court in which said cause or proceeding is pending may appoint some competent attorney to prosecute or defend such cause or proceeding \* \* \*." 55 ILCS 5/3-9008 (1996). The provision's purpose is "to prevent any influence upon the discharge of the duties of the State's Attorney by reason of personal interest." [People v. Morley, 287 Ill.App.3d 499](#), 503-04, [223 Ill.Dec. 104](#), [678](#)

[N.E.2d 1235 \(1997\)](#).

2. On May 16, 2007, Intervenors filed their supplemental Motion to Appoint Special Prosecutors asserting, among other things, the misconduct of State's Attorney Morrow in refusing the request of IDNR Officer Bertran that Morrow facilitate the process of obtaining a warrant for a forcible blood draw from Mongan.

3. On May 30, 2017 the State filed their brief and the People's Answer and Motion to Dismiss Supplemental Motion to Appoint Special Prosecutor (*sic*) or in the Alternative for Judgement On the Pleading Pursuant to 55 ILCS 5/3-9008(a-10). The Brief has a statement that is clearly in opposition to Mr. Morrow's position as documented in a recent IDNR meeting called by Morrow on this case in which he repeatedly denied that Officer Beltran requested a warrant in this case. He is quoted as saying; "That's a lie Steve. I never denied the warrant. You never asked." (See Ex. 1, FOIA Request IDNR, Page 5 of 42, para 3). "...that a request for a search warrant, **at the time it was discussed with the investigating officer**, could have been counterproductive to the investigation" (See People's Brief in Support, page 4) (emphasis added)

4. Either State's Attorney Morrow has made a misrepresentation to the tribunal in this case when his verified brief discusses the timing of a request for a warrant and a discussion with an investigating officer, or he was lying and misrepresenting when he called a meeting and demanded that IDNR "bring as much brass as possible" and he repeatedly stated that there was never a request for a warrant or any such discussion with an investigating officer. (See Ex. 1)

5. The State fails to address the very large and significant rift that is now present

between the prosecutor in this case and the Illinois Department of Natural Resources (IDNR) evidenced by FOIA documents produced after the filing of the original brief in this case.(See Ex. 1, FOIA response IDNR).

6. The rift is significant. The State will rely on IDNR Officer Beltran as their key witness. Beltran asserts that Morrow denied a request for a warrant. Morrow called a meeting with IDNR and asserted repeatedly that the Officer never made the request. The meeting was extensive, heavily documented with clear and unequivocal statements by IDNR that Officer Beltran requested the warrant and Morrow refused. IDNR went so far as to label State's Attorney Morrow as a "liar" and accused him in the face to face meeting of lying about this very important issue. (Ex. 1, Pages 4-10)

7. The documents clearly state that State's Attorney Morrow is lying about the events on the night of Megan's homicide. Namely, he lied in a 4/24/17 meeting with IDNR when he stated that he did not deny a request to facilitate a warrant for a legal blood draw from Marc Mongan. The fact that IDNR personnel are willing to author memos in which they document these lies and that they have witnesses (such as the Sheriff) to corroborate the fact that Mr. Morrow is now denying that his denial of the warrant was the sole factor that prohibited a legal blood draw which would have likely supported felony charges; clearly should disqualify State's Attorney Morrow and his office from any participation in the prosecution of Marc Mongan and should initiate an immediate investigation of Morrow and his office.

8. The documents indicate a highly charged and emotional States Attorney who is is described by IDNR officers as "wanted to attack us to avoid the fact that he was lying"

Further Mr. Morrow is reckless and willing to abuse the authority of his office in this case to the point that he has now threatened IDNR personnel including Officer Steve Beltran who is the key witness in this case. These threats can easily be used by the Defense in the trial against Mongan and do provide support for the requests for a special prosecutor in Mongan's cases. This also requires an ARDC report and a request to the Attorney General.

9. One must question the level of emotion exhibited by State's Attorney Morrow when considering his ability to bring Mongan to justice. State's Attorney Morrow has continued to use this case to abuse the authority of his office by calling a meeting with IDNR and requiring them to bring "as much brass as possible." Morrow asserted that he would take action to see that a IDNR intern would "not have employment as a police officer" (See Ex. 1, Memo Beltran 4/21/17).

10. State's Attorney Morrow's highly emotional response as noted in IDNR records as : "aggressive" "accusatory" "threatening in nature" "visibly angry" "raised his voice" "liar" "attack" "ridiculous" "lying" "wanted to attack us and avoid the fact that he was lying" "clearly uncomfortable throughout the conversation" "defensive" "stated he did not provide info to the media and had no idea where they got that (re: Morrow saying the case lacked evidence)", "consistent with his disappointment and spoke with an admonishing tone and voice". " It was clear State's Attorney Morrow wanted to attack us and avoid the fact that he was lying" (See Ex. 1, Page 4-10)

11. The public trust in Morrow should be questioned when he would be so distraught over Facebook posts that he would threaten a young man engaged in a course of study to



become a police officer and would assert that Morrow had the authority to make certain he would not be employed as a officer. Even the suggestion by Morrow that he would have that level of political pull and influence over many police agencies in the state is highly questionable and suggests corruption. What is it about the Mongan case that causes Mr. Morrow to stoop to threatening college students for Facebook posts?

12. IDNR has recommended additional charges be brought against Mongan. However, with the conflict and obvious animosity between the SA and IDNR it is highly unlikely Mr. Morrow as the sole decision maker on whether additional charges will be added as recommended by IDNR, namely : Careless Operation of a Watercraft and Improper Passing of another Watercraft.

13. The impropriety of SA Morrow now denying that IDNR ever requested a warrant on the night of Megan's homicide, despite the many witnesses to the conversation and the new documents created by IDNR and the representation of such a request as evidenced by the People's brief mandates that a hearing be scheduled in this matter. Megan's parents, family and friends deserve to have these facts made public in order to make sense of how Marc Mongan received only a slap on the wrist for conduct that was labeled by the Coroner's Inquest as: Homicide.

#### **Conflict State v. Mongan**

14. The State insists that the relationships between Mongan and Morrow do not rise to any actual conflict and the response and memos received from a FOIA request with Illinois Department of Natural Resources (IDNR) indicates they will seeks to continue their efforts to prosecute Mongan on misdemeanor charges only.

15. State's Attorney Morrow represented to the Court that "contrary to popular belief" his office did not support a dismissal of the misdemeanor charges and he asserted he would be providing "new" case law that he asserted to the Court would be "dispositive of the Motion to Dismiss". However, no such authority has been filed with the Court. The current position in the documents filed with the Court is that the State does not have a response adequate enough in law or fact to oppose the Motion to Dismiss.

16. The State's Attorney has provided communication indicating Mongan will be withdrawing his Motion to Dismiss but there is no support for this assertion nor any indication of why Mongan's counsel would suddenly withdraw a pleading that he believed reflected a solid legal position to place before the tribunal.

#### **Warrant Argument**

17. The State asserts that Attorney Morrow has no conflict and had no role in obstructing the filing of a warrant for a legal blood draw from Mongan. Documents obtained via a FOIA request from IDNR show a factual misrepresentation by Attorney Morrow to this tribunal.

18. The State argues the State's Attorney has no authority to deny a warrant. We concede. The State's Attorney must receive the warrant request and seek a Judge to issue the warrant. However, the real facts are clearly stated in the IDNR documents in which they state that State's Attorney Morrow stated he did not deny a warrant. He stated " If CPO Beltran requested a warrant, where is it? Did he write it up". I advised him he didn't write one up because he was denied the option by him." (See Ex.1, Page 7, Cpt. Petreikis memo)

19. The People argue in their brief that State's Attorney Morrow would have become a witness to the case if he had assisted with the warrant. This is a superficial and devious argument. The Officer would have been the witness to the facts. The State's Attorney would assist. As documented in the IDNR meeting: "We advised that the State's Attorneys in other areas provide support and guidance in drafting and implementing of a warrant request. He acknowledged that his office has also assisted Officers in drafting warrants." (See Ex. 1, Page 7).

20. The People assert in their brief that a warrant was refused based on the long length of time between the accident and the request. This is also a shallow legal argument as the amount of alcohol consumed and the impairment at the time of sobriety testing clearly indicated severe intoxication. The State could have also presented an expert with testimony to that would describe the timing and break down of alcohol and could give an opinion within a reasonable degree of certainty as to the intoxication level at the time of the homicide.

#### **Conflict State's Attorney Morrow**

21. Knowing that the IDNR officer is a key witness for the state in this case, it is not logical that Morrow would "attack" "threaten" and "accuse" the Officer or IDNR of misconduct. Though their brief notably did not deny a friendship between the two despite the fact that the allegation was raised, the current controversy and demand for a meeting full of brass with a highly charged prosecutor provides an obstacle to State's Attorney Morrow obtaining the cooperation of the Officer and the department.

22. The representations by Morrow of the size of the fraternal organizations and his

contact and conduct at same is merely self serving and further testimony is required.

23. It is clear that Morrow and Mongan share a relationship with Serenity House. It is clear that Mongan has certain contracts the county. Each of these provides some explanation for the preferential treatment that Mongan was afforded by Morrow when he denied the request to facilitate a warrant on the day of the homicide and the current angst and upset exhibited by State's Attorney Morrow related to this case.

24. Unfortunately, the deposition of Officer Beltran was cancelled in the Wrongful Death case. A hearing before this Court would allow an opportunity to determine if he will testify consistent with his conversation with Megan's Aunt in her affidavit that Mr. Morrow told him, "I know Marc. I know the Mongan family and he is not going anywhere." (See Affidavit of Leigh Renee Daily, Exhibit B to the Supplemental Motion to Appoint Special Prosecutor Pursuant to 55 ILCS 5/3-9008(a-10)).

25. The evidence procured via the FOIA request and the question of Morrow's representation to this tribunal on the warrant discussion as well as the issues previously raised are sufficient enough to convene a hearing and seek a special prosecutor and an investigation of State's Attorney Morrow.

WHEREFORE, DAVID and ROBIN SWAZIEK, respectfully request this Court to :

1. Examine the evidence provided in the form of exhibits and to conduct a hearing in which Officer Beltran, Captain Petreikis, Sheriff Van Vickle and others can be called to testify to the conflicts apparent in Mr. Morrow's role as prosecutor in this case and to appoint an unbiased prosecutor to advance the process against Marc Mongan and to promote the justice they deserve as victims of Marc Mongan's actions.

2. To appoint an additional Special Prosecutor to investigate and proceed against State's Attorney Morrow for his obstruction of justice in this case and his preferential and unwarranted treatment of Marc Mongan by refusing to seek a warrant as indicated and required by IDNR based on the facts in this case and for his representations to this tribunal regarding a discussion with the officer on a warrant as opposed to his representations in IDNR meetings.

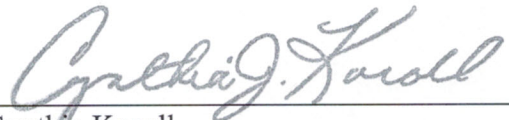
BY:   
Cynthia Koroll

Cynthia Koroll  
Koroll Litigation Group, Ltd.  
2929 N. Main Street  
Front  
Rockford, IL 61103  
Tel: 815-316-7554  
Fax: 779-423-2332  
cindi@klg-law.net

VERIFICATION

State of Illinois            )  
  )  
  )  
County of Winnebago        )

I, Cynthia Koroll, being sworn depose and say: I am an Attorney of Record in the above-entitled cause. I am authorized to make this affidavit. I have read the above REPLY TO PEOPLE’S ANSWER AND MOTION TO DISMISS SUPPLEMENTAL MOTION TO APPOINT SPECIAL PROSECUTOR OR IN THE ALTERNATIVE FOR JUDGEMENT ON THE PLEADING PURSUANT TO 55 ILCS 5/3-9008(a-10) and have knowledge of the facts stated. The matters states are true in substance and in fact, except those matters that are stated to be on information and belief, and as to those matters I believe them to be true.

  
\_\_\_\_\_  
Cynthia Koroll

Subscribed and sworn before me this  
20th day of June, 2017

  
\_\_\_\_\_  
NOTARY PUBLIC



Cynthia Koroll  
Koroll Litigation Group, Ltd.  
2929 N. Main Street, Front  
Rockford, Illinois 61103  
815-316-7554  
779-423-2332 - fax  
cindi@klg-law.net





# 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.

Ex 1



1 of 42



# 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



Additional Page

4 of 42

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







# 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 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.



Additional Page

5 of 42

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





# 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 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.



Additional Page

6 of 42

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







# 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.



Additional Page

7 of 42

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





# 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 no 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!



Additional Page

8 of 42

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





# 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.



Additional Page

9 of 42

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





**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

Printed on recycled and recyclable stock



10 of 42

# 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](mailto:kschultz@saukvalley.com) 815-625-3600, ext. 5535  
**@KathleenSchul10**  
April 20, 2017

---

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.

### **MORE INFORMATION**

Go to [shawurl.com/3216](http://shawurl.com/3216) to see a copy of the defense motion to dismiss charges against Marc W. Mongan.

---

Copyright © 2017 SaukValley.com. All rights reserved.

---

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 14<sup>th</sup> day of March, 2017.

MARC W. MONGAN, Defendant

TESS & CRULL, LLC

BY: 

for DAVID D. TESS  
Attorney for Defendant

Prepared by:  
TESS & CRULL, LLC  
Attorneys for Defendant  
P.O. Box 68  
Rochelle, IL 61068  
(815)562-8754 – phone  
(815)562-3412 – fax  
lawyers@tesscrulllaw.com  
marc mongan motion – 021517K



COURT

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

**FILED**

MAR 30 2017

*Kimberly A. Stahl*  
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

16 of 42