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7 MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

8 STATE OF MONTANA,
Plaintiff,
9 -vs-
10 MEGAN CHRISTINE BEARD,
11 Defendant.

Dept. No. _____
Cause No. DC-21-

**MOTION AND AFFIDAVIT FOR
LEAVE TO FILE INFORMATION**

12 STATE OF MONTANA)
13 :ss
14 County of Missoula)

15 MAC BLOOM, Deputy County Attorney of Missoula County, Montana,
16 being first duly sworn, moves the Court for leave to file an Information
17 charging the above-named Defendant with allegedly committing the
18 offense(s) in Missoula County of COUNT I: VEHICULAR HOMICIDE
19 WHILE UNDER INFLUENCE, a Felony, in violation of Montana law, namely:
20 Mont. Code Ann. 45-5-106; COUNT II: NEGLIGENT VEHICULAR
21 ASSAULT - RESULTING IN SERIOUS BODILY INJURY, a Felony, in
22 violation of Montana law, namely: Mont. Code Ann. 45-5-205(1)[2]; COUNT

1 III: CHILD CRIMINAL ENDANGERMENT, a Felony, in violation of Montana
2 law, namely: Mont. Code Ann. 45-5-628(1)(e); COUNT IV: CHILD
3 CRIMINAL ENDANGERMENT, a Felony, in violation of Montana law,
4 namely: Mont. Code Ann. 45-5-628(1)(e); COUNT V: CRIMINAL
5 ENDANGERMENT, a Felony, in violation of Montana law, namely: Mont.
6 Code Ann. 45-5-207.
7

8 The Motion is based upon the following facts which have been
9 obtained from reports of the law enforcement officers which, if true, I believe,
10 constitute sufficient probable cause to justify the filing of the charges. The
11 facts from those reports are as follows:

12 On February 15, 2021, at approximately 11:35 a.m., Dustin Olson called
13 911 to report a multi-vehicle crash on Highway 93 S. Law enforcement and
14 medical arrived on scene. Trooper Whitlatch then assumed the role of lead
15 investigator.
16

17 Trooper Whitlatch determined that a Mazda minivan was travelling
18 southbound on Highway 93 near mile marker 87. Megan Beard was identified
19 as the driver. Also inside the Mazda were John Doe, Jane Doe, and Charlie
20 Doe (ages 10, 8, and 6 respectively). As Beard entered a left curve, she lost
21 control of the Mazda and crossed the centerline and drove into oncoming
22 traffic. Beard collided with a Chevy work van, driven by Preston Frye. She

1 then collided with a Chevy sedan, driven by Nicholas Webster.

2 Beard's minivan exited the roadway and overturned. Beard was not
3 wearing her seatbelt and was ejected. John Doe died from injuries sustained
4 during the crash. The other two children sustained minor chest injuries from
5 their seatbelts. Beard was seriously injured and was transported to St. Patrick
6 Hospital and then Spokane for treatment. Webster suffered a broken arm that
7 required surgery, a bruised liver, and damage to his carotid artery. He also
8 reported severe back pain.
9

10 Trooper Whitlatch observed that neither Frye nor Webster exhibited
11 signs of impairment. Both provided blood samples for substance testing.
12 Beard also provided a blood sample for testing. The results of Beard's blood
13 test established that her BAC was .221 GM/100ML. Trooper Whitlatch noted
14 that this is nearly three times the per se limit of .08.
15

16 On February 19, 2021, Trooper Whitlatch applied for a search warrant of
17 Beard's minivan. He searched it on February 24, 2021. Inside, he located
18 eight empty two-ounce bottles of baking extract in the glove box. He also
19 located five full two-ounce bottles of baking extract in a bag on the middle
20 floorboard. The minivan's speedometer needle was stuck at approximately
21 72 miles per hour.
22

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1 Beard has two prior DUI convictions. Her parents stated that she drinks
2 assorted flavors of baking extracts to get drunk. Trooper Whitlatch spoke with
3 Elizabeth Smalley at the State Crime Lab. Smalley explained that alcohol
4 from baking extracts would appear as ethanol on a toxicology screen—the
5 same as wine, beer, or liquor.
6

7 Trooper Whitlatch learned that on the day of the crash, Beard loaded the
8 three minors and two dogs into her minivan. She drove to Missoula and
9 dropped one of the dogs off at the vet. She then dropped the three minors off
10 with her boyfriend. She returned approximately one hour later and picked up
11 the children. Beard's boyfriend reported that she appeared tired but nothing
12 out of the ordinary.
13

14 Beard drove towards Florence. She sped past a witness, Brenda Duffy.
15 The minors informed Beard that she was driving too fast. At some point,
16 Beard lost control of her minivan and overcorrected, resulting in the death of
17 John Doe and serious bodily injury to Nicholas Webster. Her conduct caused
18 a substantial risk of death or serious bodily injury to Jane Doe, Charlie Doe,
19 and Preston Frye.
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