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October 11, 2018

Honorable Bryant Hitchings
Montgomery County State's Attorney
Montgomery County Courthouse
120 North Main Street, Room 212
Hillsboro, Illinois 62049

RE: Investigation of Jacob Morgan, 2018-MR-113

Honorable State's Attorney Hitchings:

I have thoroughly reviewed the Illinois State Police investigation referenced above. I have also discussed the investigation with the lead investigator in the matter.

My responsibility in reviewing the file was to determine if sufficient evidence existed to charge Jacob Morgan, an officer performing his assigned duties for the Nokomis Police Department at the time, with any crime relating to the fatal shooting of David Hicks on June 15, 2018.

Based upon my comprehensive review of the thorough independent investigation by the Illinois State Police, I have determined that no criminal charges are warranted in this matter. My finding and review is limited in scope to criminal matters and is not a determination as to administrative or civil law issues.

If you have any questions please let me know.

Sincerely,

Matt Goetten
Special Prosecutor

Chief Deputy

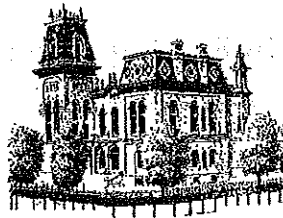
Jolitta Hill

Deputy Coroners

Chad Dooley

Justin Chappellear

Chris Nikonovich



Montgomery County Coroner's Office

Coroner Randy Leetham

120 Main

Hillsboro, Illinois 62049

(217) 532-9657

August 21, 2018

Nokomis Police Department

Chief William Kenny

22 S. Cedar St.

Nokomis, IL 62075

Re: Coroner's Investigation / Manner of Death of David L Hicks

Dear Chief Kenny,

I am formally notifying you that the Montgomery County Coroner's Office has completed its investigation into the cause and manner of death of David L. Hicks that occurred June 15, 2018. As you are aware I ordered and authorized an autopsy to help determine the exact cause and manner of death, the autopsy was performed at Memorial Medical Center by Board Certified Forensic Pathologist Dr. Nathaniel Patterson MD on June 18, 2018. Specimens were collected for toxicology testing and were sent to NMS Labs in Willow Grove, Pennsylvania.

I want to explain the role of the coroner's office in this investigation. The coroner is charged with determining the cause and manner of death, issuing and signing death certificates and issuing cremation permits. There are five manners of death;

Natural. Death is due solely to natural disease and/or the aging processes.

Homicide. Death results from an intentional or volitional act of one person against another.

Suicide. Death results from an intentional self-inflicted act intended to do self harm, cause one's own death, or put one's self at imminent risk of injury or death.

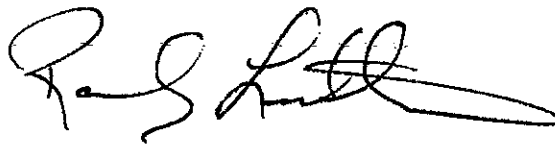
Accident. Death results from an injury, poisoning, or intoxication that was unintentional.

Undetermined (or "Could not be Determined"). Insufficient information is available to assign a manner of death or to distinguish between two or more possible manners of death.

Unfortunately the coroner's office is not able to rule an exact manner of death and will be ruling the manner of death as ***Undetermined***, with the cause of death as ***Gunshot wounds of the chest and abdomen.*** Also listing how the injury occurred: ***Shot by police officer with a pistol.***

If you have any further questions feel free to contact my office or myself at 217/851-7331.

Respectfully,

A handwritten signature in black ink, appearing to read 'Randy Leetham', with a long horizontal flourish extending to the right.

Randy Leetham

Montgomery County Coroner

INFORMATION

Officer 225 Morgan, Jacob I.

Date 06/15/2018

This report is an account of events as best I can recall but is not verbatim.

On Friday, June 15, 2018 at approximately 7:00 PM, I, Officer Jacob Morgan of the Nokomis Police Department (NPD), was dispatched by Montgomery County Sheriff's Office (MCSO) Dispatch to [REDACTED] Frederick St. in Nokomis for a reported disturbance between a father and his son. MCSO Dispatch

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Case Number: 18-06-082

advised there was no known weapons involved but the caller was advising his son had been drinking and was pushing him around. I arrived in full dark blue police uniform driving a marked police SUV with no emergency lights activated during the daylight. Upon arrival, I pulled partially into the driveway of [REDACTED] Frederick St., an address I have come to know through previous calls for service. Once I was parked, the house was on my right and the driveway lead north to a two-car garage toward the rear of the house. The garage faced south (direction approximated by street name directions) and the east overhead door was open while the west one was closed. A vehicle was parked in front of the west door. David L. Hicks, a 44 year old white male approximately 5'11" tall and weighing approximately 275 pounds, was standing in the open east doorway with what appeared to be a bottle in his right hand. David's brother, [REDACTED] Hicks Jr. and David's father, [REDACTED] W. Hicks Sr. were both walking around in the driveway. A female, whom I believe to be David's mother, [REDACTED] Hicks was seated on the stoop at the front of the house.

As I was exiting my patrol car, I was approached, on the driver's side, by [REDACTED] who began speaking to me. [REDACTED] came up behind him. They were trying to explain the situation and how David was intoxicated and causing a scene. At about the same time, I could hear David also yelling from the garage but I could not hear or make out what he was saying. I began walking toward David as he stood in the open garage doorway. At some point, David must have set the bottle down because his hands now appeared empty. David yelled at me to stop and not come any closer. Around this time, I was advised by either [REDACTED] and/or [REDACTED], David possessed a gun. I placed my right hand on my sidearm and asked David if he had a gun. David did not answer. I was familiar with David from his past interactions with the NPD and I was concerned he was mentally unstable. I reached across with my left hand and activated the in-car camera remote microphone on my right shoulder with my left hand. I could still see David's hands and did not yet see a firearm. I told [REDACTED] and [REDACTED] to move to the house with David's mother so they would stay clear. I tried approaching David and he reached under the front of his shirt with his right hand and placed his right hand approximately where the waistband of his shorts would fasten, and his un-tucked shirt was draped over covering his hand. My training and experience led me to believe this action represented a threat to my life and the safety of those around me. I drew my sidearm and pointed it at David. I commanded David to show me his hands. I radioed to MCSO Dispatch I needed assistance as David was non-compliant and rapidly escalating the situation. I also advised Dispatch 10-32, a police radio code meaning someone has or is believed to have a firearm. David raised his open, empty left hand but kept his right hand in his waistband. I re-iterated to David he

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must show me both hands empty. After many commands for David to show me his hands, I also tried to defuse and de-escalate by asking David what had brought on this incident. David said he was done with everything and said I might as well kill him. David referenced earlier incidents where he claimed to have been wrongfully incarcerated by police. Throughout this conversation, I tried several times to convince David to show me his hands. David said I was going to have to shoot him. I said no to David and told him I was not here to shoot him. David said it was my job and I advised, no, my job was to talk to him. I told David I was here to listen to him and figure out the problem. David argued with me saying if he complied, all I would do is take him to the ground and put him in the back of my car to take him to jail. I told David, I did not have to, and it didn't need to be this way. I continued to plead with David to show me his hands. David said he did not want to shoot me but he would if I did not shoot him first. David said "at any second, I could pull this fucking gun out and fucking shoot you". At this time, I felt my life and the lives of others was in danger. David said I needed to get back in my car and leave. I told David I wanted to and would leave as soon as I could.

After a while, David stepped toward me out of the garage doorway and began side stepping to his right. David went between the garage and the car parked in the driveway and walked backwards, still facing me, as I followed. David walked backwards, north, between the garage and a row of trees. At some point, David again said I would have to kill him, he did not want to kill me, but he would if I didn't kill him first. I continually said "STOP", "it does not have to be this way" and "just show me your hands, empty". David began walking faster and the distance between us increased. I followed David as he walked out into the alley and proceeded west. In the alley, David bladed his right side away from me so I could not see his right hand. For a while, he turned and walked with his back to me as well. The position of David's arm led me to believe his hand remained under his shirt the entire time. David went north on Williams St., then turned and headed west on Lincoln St. I continually plead with David to stop and show me his empty hands. Fearing I would lose sight of David due to him going around corners with trees, shrubs and buildings, I cut across the corner of a yard and jog lightly for a moment to catch back up to him. I was afraid David was a danger to myself or the public and could not be left alone. While facing away from me, David told me to not sneak up on him. I was afraid at any moment David might turn around and shoot at me so I tried to maintain as close a distance as possible so to be able to accurately engage him if necessary. David reached the intersection of Lincoln St. and N. Spruce St., which is a two-lane marked highway, and appeared he would walk out into traffic. I quickly moved up close and tried

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to move around and get in front of David to stop his movement.

At the intersection, David continued to blade himself to me which placed me momentarily out in the highway. I noticed [REDACTED] had been following us and he approached and tried to talk to David. This divided my attention further and fearing for [REDACTED]'s safety, I asked him to stay back. [REDACTED] complied with my request. During this time, David moved to stay bladed away from me through all my attempts to get squarely in front of him. While bladed away from me, David told me "It's pointed right at you". I asked David what kind of gun he had, and he was quiet for a moment before saying again "It's pointed right at you". I took his statement to mean the firearm he was concealing under his shirt was pointed at me and I feared for my life. While at the intersection, David's shirt slightly raised and I could clearly see his right hand grasping the handle of a black handgun and I could make out it had a rear sight.

David then proceeded west across N. Spruce St. and began veering south through an open lot parallel to N. Spruce St. I continued to follow and try to head David off, telling him to "Stop", "Show me your hands.", "Drop the gun.", and "It does not need to be this way." over and over. When David reached Sherman St., he walked west. I got him to stop momentarily near the driveway to 115 Sherman St. where we discussed getting him help. David seemed upset things in his life were not going well and said the help he had sought did not work. David's tone and demeanor coupled with my training and experience led me to believe his situation was becoming desperate. I said we needed to try something different. If one thing did not work then instead of trying it again, we needed to try another. For a moment, I thought I might have been getting through to David because he asked me if I was really going to get him help, to which I replied "Yes". However, David then indicated he did not believe me and turned to walk away.

I walked fast and got up around and tried to cut him off. David stopped in front of [REDACTED] Sherman St. I continually plead with him to drop the gun. David said to leave him alone while he went down the road and made peace with himself. I took David's statement to mean he intended to harm himself or someone else. I said there was no need for that. I plead with David to drop the gun and show me his hands. David was quiet for a moment and then charged at me. I took several steps back to match his charge and screamed at him to STOP. David stopped momentarily. His hand, still on the gun in his waistband, was shaking and jerking in a manner I believed he was trying to draw the gun out to hurt me.

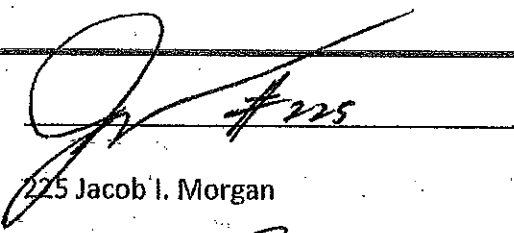
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or someone else. David then charged me again. Having been told he has a gun, seeing a gun in his grasp, his statements to me about wanting me to shoot him or he would shoot me, constantly blading away from me, disobeying my commands to show me his hands, I feared for my life and the safety others in the vicinity including [REDACTED] who had been following us. I fired my sidearm three times while pointed at his chest. At this point, David was within approximately five feet of me and closing the distance rapidly. I saw bullet strikes on his upper torso, then he fell to the ground while twisting to his left and falling on his back. As he fell, his right hand drew a black handgun from his waistband. The gun fell from his hand and landed a few inches from his left hand on his left side. I moved around his feet and lightly kicked the gun away from his hand several more inches as [REDACTED] approached. I radioed MCSO Dispatch shots had been fired. I told Larry to stay back and give room. I radioed MCSO Dispatch to send EMS, the subject was down. By now I could hear sirens in the distance from approaching officers. When the first officers arrived, I holstered my sidearm and stepped back. Coffeen Police Chief Rachel Sneddon immediately began CPR on David. MCSO Captain Bruce Sanford approached and I asked him to have Dispatch contact my chief and sergeant. I was then lead away from the scene by Hillsboro Officer Gary Mellor.

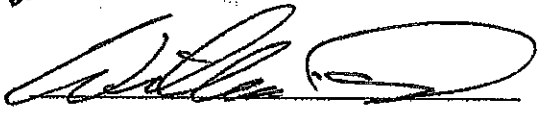
Reporting Officer


225 Jacob I. Morgan

Reported

06/15/2018

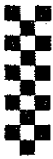
Approved By


209 William L. Kenny

Approved

07/20/2018

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Coffeen Police Department

CASE REPORT # 100-18-016

Date Reported: 06/15/2018 Time Reported: 1900

Date of Event: 06/15/2018 Time of Event: 1900

Person Reporting: Officer Rachel Sneddon

Phone #: [REDACTED]

Offense (s): Officer Involved Shooting

Location: [REDACTED] Frederick St.

Nokomis, IL

Location Type: Roadway

On 6/15/18 at appx 1900, I, Chief Rachel Sneddon of the Coffeen Police Department (Montgomery County 68-100) and paramedic with Nokomis/Witt Area Ambulance Service, was on a motorist assist on Chapman T Trail just south of E 18th Rd when I heard 68-98 get dispatched to [REDACTED] Frederick St for a domestic disturbance. Caller was the father and advised that:

David L. Hicks

M/W DOB: [REDACTED]

Nokomis, IL 62075

Had been drinking and pushing him around. 68-98 responded to the residence. Several minutes later, I heard 68-98 say over the radio 10-32 and he needed help. I immediately went en route to Nokomis. 68-98 was not answering status checks for 13 minutes. It was advised on the radio 68-98 was on Sherman St. West of N. Spruce St. and shots were fired.

Upon arrival, 68-98, identified as Officer Jacob Morgan, was standing on Sherman St. facing the ditch south of the road. I asked Officer Morgan if he was hit. Officer Morgan said, "no." I saw HICKS lying in the ditch south of the road in a supine position with his head turned to the right. HICK'S was lying at the bottom, west to east along the ditch. I walked over to HICKS and observed blood coming from his nose and mouth. HICK'S eyes were open and pupils constricted. I assessed HICK'S head for gun shot wounds and found none. I saw blood on HICK'S shirt and chest so I pulled his shirt up to find a gunshot wound to the sternum that was bleeding, a gunshot wound appx 2 inches to the left of the gunshot wound to the

sternum that was not bleeding, and a gunshot wound to the right upper quadrant of the abdomen that was not bleeding. I assessed that HICKS was not breathing and I could feel no pulse on his carotid artery. Cardiopulmonary Resuscitation (CPR) was initiated.

I looked up to witness Officer Morgan standing there. I asked Officer Beckman of the Fillmore Police Department to get Officer Morgan out of the immediate area because he didn't need to see CPR being done and for his safety. I saw Officer MELLOR of the Hillsboro Police Department pick up the weapon that was lying on the shoulder of the road next to HICKS and clear the weapon to make it safe. The weapon was a black semi-auto pistol with a magazine in the gun. Magazine did not have any ammunition in it.

I performed CPR as the ambulance arrived on scene. The ambulance was Nokomis/Witt Area Ambulance 3L63. EMT's Elizabeth Vincent and Jillian Quinn stepped out of the ambulance. EMT Quinn immediately approached the airway. I asked EMT Vincent to grab a bag valve mask (BVM). EMT Vincent brought a BVM to EMT Quinn and applied the fast patch for the Automated External Defibrillator (AED) as I continued CPR. EMT Hill, EMT Gasparich, and EMT Goldsmith arrived on scene. EMT Hill took over compressions and I connected the fast patches to the AED. Registered Nurse Shona Edwards also came from her residence to help. [REDACTED] arrived on scene and said David was his brother and we were not going to make him step back. [REDACTED] then asked, "which one of you mother fuckers shot him?" The AED analyzed HICKS's heart beat and advised EMS to shock. HICKS was shocked with 200 Joules from the AED. Compressions resumed. I advised EMS the scene was no longer safe and we needed to get HICKS out. HICKS was placed on a backboard, secured with spider straps, and moved to the stretcher. HICKS was secured x3 and loaded into ambulance. Intravenous access attempted with 18 gauge on left antecubital vein without success. Suctioning performed to clear HICKS's airway. 15gx4.5cm intraosseous (IO) access attempted on left proximal tibia with success. 1mg of epinephrine administered via IO along with normal saline running wide open. CPR continued. AED analyzed and no shock advised. CPR continued. 1 mg of epinephrine given 3 minutes after the first one. CPR continued. 3L63 went enroute and arrived on scene at Memorial Park Helipad. I got out of 3L63 to make sure the helipad was secure. CPR continued until ARCH landed on scene. ARCH flight nurse advised CPR had been performed for 27 minutes, 2 rounds of epinephrine, and 1 shock had been administered. ARCH flight nurse called medical control at St. John's Hospital in Springfield and advised them of the situation and medical control gave permission to stop CPR and call time of death.

I went back to the scene on Sherman with Officer Beckman at 20:06. Chief William Kenny of the Nokomis Police Department asked myself and Officer Mellor to walk the path HICKS and Officer Morgan took from the house to the crime scene. We walked down southbound on N. Spruce and turned eastbound of Frederick to [REDACTED] Frederick St. Upon arrival to [REDACTED] Frederick St, a male identified as [REDACTED] approached Mellor and I to ask if his brother was ok. We told [REDACTED] we didn't know anything about HICKS condition. We spoke to [REDACTED], who lives at [REDACTED] Frederick St. [REDACTED] stated she heard yelling outside. When she looked, Officer Morgan had his gun drawn at HICKS. HICKS was in the garage at the time. HICKS walked out of the garage and walked through the back yard to the alley where he started walking westbound. [REDACTED] stated she couldn't see them anymore but heard the gunshots a short time later. Officer Mellor wrote down [REDACTED] information and told her that an Illinois State Police Investigator would come talk to her at some point. Officer Mellor and I walked to the garage, in between the houses, through the alley in between Frederick and Lincoln St but found nothing of evidentiary value.

I secured the crime scene perimeter until 2300. At 23:17, ISP Investigators released the scene. I called the Montgomery County Sheriff's Office Dispatch to advise them the crime scene had been released and to contact the Nokomis Fire Department to come to the scene to wash the blood out of the ditch.

At 23:22, all officers on scene relocated to [REDACTED] Frederick St. for the death notification. EMT Hill is also the deputy coroner assigned to the task of the death notification. Hill and I went into the residence at [REDACTED] Frederick St to advise the family HICKS was dead. This notification happened with little incident. Officers stayed on scene until I was released from scene at 00:28. I dropped Hill off at the Nokomis/Witt Area Ambulance shed on Brandon Ln and cleared the call and enroute back to Coffeen at 00:46. EOR

RACHEL SNEDDON