

UNITED STATES OF AMERICA

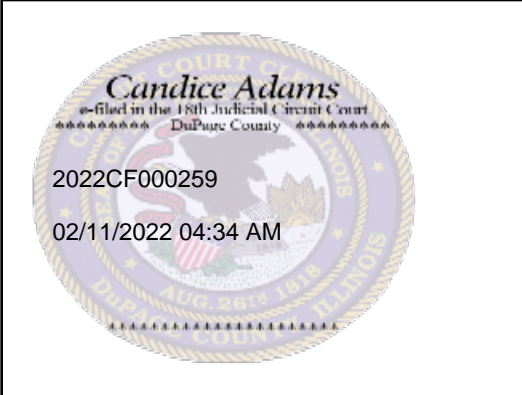
STATE OF ILLINOIS

COUNTY OF DU PAGE

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT

PEOPLE OF THE STATE OF ILLINOIS
 vs
 DANA DAVENPORT

2022CF000259
 CASE NUMBER
 OW20220000910
 COMPLAINT NUMBER



FELONY COMPLAINT

DEFENDANT

COUNT 1 CF (Class: 4) 720 ILCS 5/31-4(a)(1) - OBSTRUCTING JUSTICE - TAMPER WITH EVIDENCE/FALSE INFORMATION

In the name and by the authority of THE PEOPLE OF THE STATE OF ILLINOIS, MEAGAN MCPHERSON hereinafter called the Complainant, on oath charges that at or about the hour of 03:57 AM on or about the 11th of FEBRUARY, 2022 in the County of DUPAGE, State of Illinois, DANA DAVENPORT hereinafter called the Defendant committed the offense of OBSTRUCTING JUSTICE - TAMPER WITH EVIDENCE/FALSE INFORMATION in violation of 720 ILCS 5/31-4(a)(1), in this, to wit, that the said Defendant with the intent to OBSTRUCT THE PROSECUTION of Dana M. Davenport / SAID DEFENDANT knowingly CONCEALED PHYSICAL EVIDENCE in that said defendant refused to provide a blood sample after being served with a search warrant signed by a judge., contrary to the form of the statute in such case made and provided and against the peace and dignity of the People of THE STATE OF ILLINOIS.

COUNT 2 DT (Class: A) 625 ILCS 5/11-501(a)(2) - DUI - ALCOHOL - 1ST OR 2ND OFFENSE

In the name and by the authority of THE PEOPLE OF THE STATE OF ILLINOIS, MEAGAN MCPHERSON hereinafter called the Complainant, on oath charges that the hour of 03:57 AM on or about the 11th of FEBRUARY, 2022 in the County of DUPAGE, State of Illinois, DANA DAVENPORT hereinafter called the Defendant committed the offense of DUI - ALCOHOL - 1ST OR 2ND OFFENSE in violation of 625 ILCS 5/11-501(a)(2), in this, to wit, that the said Defendant drove and was in actual physical control of a motor vehicle within this State while under the influence of alcohol, contrary to the form of the statute in such case made and provided and against the peace and dignity of the People of THE STATE OF ILLINOIS.

COUNT 3 TR (Class: P) 625 ILCS 5/11-804(b) - FAILURE TO SIGNAL WHEN REQUIRED

In the name and by the authority of THE PEOPLE OF THE STATE OF ILLINOIS, MEAGAN MCPHERSON hereinafter called the Complainant, on oath charges that at or about the hour of 03:57 AM on or about the 11th of FEBRUARY, 2022 in the County of DUPAGE, State of Illinois, DANA DAVENPORT hereinafter called the Defendant committed the offense of FAILURE TO SIGNAL WHEN REQUIRED in violation of 625 ILCS 5/11-804(b), in this, to wit, that the said Defendant turned S/B Washington Street from Benton Avenue and failed to use a turn signal., contrary to the form of the statute in such case made and provided and against the peace

and dignity of the People of THE STATE OF ILLINOIS.

COUNT 4 TR (Class: P) 625 ILCS 5/11-306 - DISOBEYED TRAFFIC CONTROL SIGNAL

In the name and by the authority of THE PEOPLE OF THE STATE OF ILLINOIS, MEAGAN MCPHERSON hereinafter called the Complainant, on oath charges that at or about the hour of 03:57 AM on or about the 11th of FEBRUARY, 2022 in the County of DUPAGE, State of Illinois, DANA DAVENPORT hereinafter called the Defendant committed the offense of DISOBEYED TRAFFIC CONTROL SIGNAL in violation of 625 ILCS 5/11-306, in this, to wit, that the said Defendant was stopped on Washington Street past the stop line for a red light at Jefferson Avenue (in the intersection)., contrary to the form of the statute in such case made and provided and against the peace and dignity of the People of THE STATE OF ILLINOIS.

COUNT 5 TR (Class: P) 625 ILCS 5/11-709(a) - IMPROPER LANE USAGE-CROSSING LANE BOUNDARY UNSAFELY

In the name and by the authority of THE PEOPLE OF THE STATE OF ILLINOIS, MEAGAN MCPHERSON hereinafter called the Complainant, on oath charges that at or about the hour of 03:57 AM on or about the 11th of FEBRUARY, 2022 in the County of DUPAGE, State of Illinois, DANA DAVENPORT hereinafter called the Defendant committed the offense of IMPROPER LANE USAGE-CROSSING LANE BOUNDARY UNSAFELY in violation of 625 ILCS 5/11-709(a), in this, to wit, that the said Defendant traveled over the lane markers multiple times while traveling S/B Washington Street between Jefferson Avenue and Hillside Avenue., contrary to the form of the statute in such case made and provided and against the peace and dignity of the People of THE STATE OF ILLINOIS.

VERIFICATION ON LAST PAGE

DANA DAVENPORT

DEFENDANT NAME

CITY, VILLAGE TOWNSHIP

OF

NAPERVILLE

2022-001302

Originating Agency No.

Document Control No.

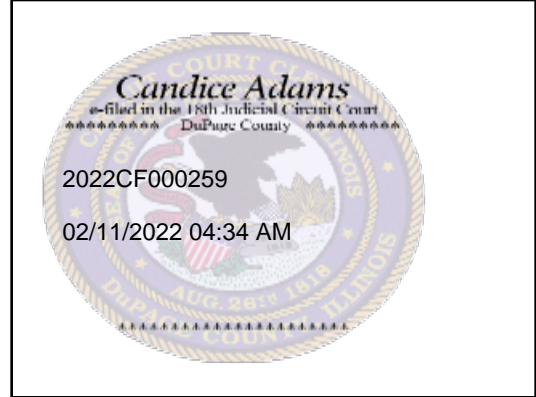
VERIFICATION

2022CF000259

CASE NUMBER

OW202200000910

COMPLAINT NUMBER



I have read this complaint containing 5 count(s) and under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

COMPLAINANT

Meagan McPherson, 10165

DATE 02/11/2022

S.A. Approval: Denis Cahill

Copy of Complaint delivered to said defendant this ____ day of _____

Delivered By: _____

DEFENDANT INFORMATION

On View Arrest

YES

NO

DANA DAVENPORT

DL :

SID :

STATE : IL

FBI :

MALE

DOB :

HAIR : BLACK

HEIGHT : 5' 03" Telephone

FEMALE

RACE : BLACK

EYES : brn

WEIGHT : 150 Email :

WITNESS INFORMATION

COMPLAINING WITNESS INFORMATION

Name: MEAGAN MCPHERSON, 10165

Address: 1350 AURORA AVE NAPERVILLE IL 60540

Phone #: 630-420-6666

Email: _____

ADDITIONAL WITNESS INFORMATION

Name: _____

Address: _____

Phone #: _____

Email: _____

**Intox EC/IR-II
Subject Test**

NAPERVILLE
POLICE DEPARTMENT
Serial Number: 012241
Test Number: 3049
Test Date: 02/11/2022
Test Time: 01:30 CST
Operator Name
MCPHERSON
Operator ID: 10165
Subject Name
DAVENPORT, DANA M
[REDACTED]
Subject Sex: Female
[REDACTED]
Drivers License State: IL
Arresting Officer
MCPHERSON
Arresting Officer ID: 10165
Arresting Department
NAPERVILLE
County Name: DUPAGE
Citation Number: 2022-1302
System Check: Passed

Test	g/210L	Time
BLK	.000	01:33
SUBJ	.***	01:36

Test Status
Breath timeout - No
sample provided

[REDACTED]
Operator Signature

=====

**Intox EC/IR-II
Scheduled
Certification**

NAPERVILLE
POLICE DEPARTMENT
Serial Number: 012241
Test Number: 3045
Test Date: 02/01/2022
Test Time: 07:00 CST
Dry Gas Target: .079
Lot Number: AG126402T011
Exp Date: 09/21/2023
System Check: Passed

Test	g/210L	Time
BLK	.000	07:01
CHK	.079	07:01
BLK	.000	07:03
CHK	.079	07:03

**Intox EC/IR-II
Scheduled
Certification**

NAPERVILLE
POLICE DEPARTMENT
Serial Number: 012241
Test Number: 3045
Test Date: 02/01/2022
Test Time: 07:00 CST
Dry Gas Target: .079
Lot Number: AG126402T011
Exp Date: 09/21/2023
System Check: Passed

Test	g/210L	Time
BLK	.000	07:01
CHK	.079	07:01
BLK	.000	07:03
CHK	.079	07:03

Test Status: Success

**Intox EC/IR-II
Subject Test**

NAPERVILLE
POLICE DEPARTMENT
Serial Number: 012241
Test Number: 3049
Test Date: 02/11/2022
Test Time: 01:30 CST
Operator Name
MCPHERSON
Operator ID: 10165
Subject Name
DAVENPORT, DANA M

Subject Sex: Female

Drivers License State: IL
Arresting Officer
MCPHERSON
Arresting Officer ID: 10165
Arresting Department
NAPERVILLE

IR# 2022-1302

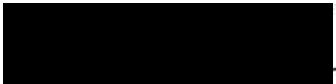
Statement of Miranda Rights

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to talk to a lawyer and have one present with you while you are being questioned.
4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.
5. You can decide at any time to exercise these rights.

I have read the above statement and I understand each of those rights.

Refusal to sign

Witnessed by:

 #10165

Officer's Name

Naperville

Officer's Department

Date: 02/11, 2022

Time: 01:18 AM

Naperville Police Department

Incident Case Number: 2022-001302

Reporting Agency: Naperville Police

Print Date/Time: 02/16/2022 12:09:36

Disclaimer: The information contained within this report is reflective of the investigation at the date and time of its printing.

INCIDENT/INVESTIGATION REPORT

I N C I D E N T D A T A	Agency Name <i>Naperville Police Department</i>			Case# <i>2022-001302</i>			
	ORI <i>IL 0221400</i>			Date / Time Reported <i>02/11/2022 00:24 Fri</i>			
	Location of Incident <i>720 S WASHINGTON ST/MARTIN AV, Naperville</i>			Gang Relat <i>NO</i>	Premise Type <i>Highway/road/alley/st</i>	Beat/Tract <i>05</i>	Last Known Secure <i>02/11/2022 00:24 Fri</i>
				At Found <i>02/11/2022 00:24 Fri</i>			
D E T A I L	#1	Crime Incident(s) <i>Driving Under The Influence - Alcohol 2410</i>	(Com)	Weapon / Tools			Activity
				Entry	Exit	Security	
	#2	Crime Incident <i>Obstructing Justice 3730</i>	(Com)	Weapon / Tools			Activity
				Entry	Exit	Security	
	#3	Crime Incident <i>Failure To Signal / Improper Signal 7731</i>	(Com)	Weapon / Tools			Activity
				Entry	Exit	Security	

MO						
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V I C T I M	# of Victims <i>1</i>		Type: <i>SOCIETY/PUBLIC</i>		Injury:						
	V1	Victim/Business Name (Last, First, Middle) <i>City Of Naperville/state Of Il</i>			Victim of Crime # <i>1,</i>	DOB Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
	Home Address					Email			Home Phone		
	Employer Name/Address					Business Phone			Mobile Phone		
	VYR	Make	Model	Style	Color	Lic/Lis	VIN				
	CODES: V- Victim (Denote V2, V3) WI = Witness IO = Involved Other RP = Reporting Person (if other than victim)										

O T H E R S	Type:		Injury:								
	Code	Name (Last, First, Middle)			Victim of Crime #	DOB Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
	Home Address					Email			Home Phone		
	Employer Name/Address					Business Phone			Mobile Phone		
	Type:										

I N V O L V E D	Type:		Injury:								
	Code	Name (Last, First, Middle)			Victim of Crime #	DOB Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
	Home Address					Email			Home Phone		
	Employer Name/Address					Business Phone			Mobile Phone		
	Type:										

P R O P E R T Y	1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown ("OJ" = Recovered for Other Jurisdiction)											
	VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description			Make/Model		Serial Number
		PASS	TOWD	\$0.00		1	2013 GRY/GRY [REDACTED] IL			TOYT Highlander		[REDACTED]

Officer/ID#	<i>MCPHERSON, M. (10165)</i>			Supervisor	<i>GIBLER, E. L. (4957)</i>		
Invest ID#	<i>(0)</i>			Case Status	<i>Cleared By Arrest</i>		
Status	Complainant Signature			Case Disposition:	<i>02/16/2022</i>		

Incident Report Additional Offense List

Naperville Police Department

OCA: 2022-001302

Offense List (Continued)

Page 3

Counter	Offense Description	Fel/Misd	Statute	Completed/Attempted
# 4	<i>IMPROPER LANE USAGE</i>		7734	<i>Com</i>
# 5	<i>LIGHT VIOLATIONS</i>		7741	<i>Com</i>

INCIDENT/INVESTIGATION REPORT

Naperville Police Department

Case # 2022-001302

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

	IBR	Status	Quantity	Type Measure	Suspected Type	
D R U G S						

Assisting Officers
PLUMTREE, C. (10266), MCDERMOTT, B. (10339)

Suspect Hate / Bias Motivated:

INCIDENT/INVESTIGATION REPORT

Narr. (cont.) OCA: 2022-001302

Naperville Police Department

NARRATIVE
 DUI

REPORTING OFFICER NARRATIVE

Naperville Police Department

		OCA 2022-001302
Victim Society	Offense DRIVING UNDER THE INFLUENCE -	Date / Time Reported Fri 02/11/2022 00:24

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

On 02/11/22 at about 0023 hours, I (Officer McPherson) while on routine patrol in the area of Benton and Main Street, observed a gray 2013 Toyota vehicle, traveling E/B Benton Avenue from Main Street in the W/B lane of traffic and moved to the left side of the road while passing my parked squad car. I turned my head to watch the vehicle continue E/B to Washington Street and turn S/B Washington Street without signaling. I made a U-Turn to catch up to the vehicle and found the vehicle stopped in the intersection on Washington Street at Jefferson Avenue. The vehicle continued S/B Washington Street and I observed it make multiple lane violations between Jefferson Avenue and Hillside Avenue. I activated my emergency lights prior to reaching Martin Avenue, the vehicle continued slowly and turned W/B Osler Drive blocking the ambulance bay to Edward Hospital. I had the driver move forward to not block the ambulance bay. See squad video to view driving violations.

The following happened in summary, please view squad video for the full and exact conversation. I made contact with the driver, Dana Davenport, and could smell a strong odor of an alcoholic beverage. She was able to provide her driver's license and valid insurance card. Officer McDermott arrived on scene. I asked Davenport where she was coming from, she stated, "Sullivan's." When I asked how much she had to drink, she stated, "Not a lot." She then admitted to consuming one alcoholic beverage containing pineapple vodka. I confirmed Davenport knew the English language and had finished high school and college. She stated she was a lawyer. I asked her five times to place both her pointer and middle fingers up on her steering wheel and demonstrated what I was asking. She was unable to follow my instructions and was instead holding the steering wheel with her thumbs, ring fingers, and pinkies. I asked Davenport to recite the alphabet starting at the letter "D" and ending at "W" without singing. I repeated the instructions a second time. She sang starting at the letter "D" and ended at "Y". I asked Davenport if she remembered what I had asked her to do. She did not remember what letter she was supposed to stop at or that she was not supposed to sing. I re-explained the instructions and asked Davenport if she could try again without singing. She stated, "Yea." Davenport proceed to sing the alphabet starting at the letter "A" and ending at "W".

At this time, I asked Davenport to step out of her vehicle. She responded to my request by saying, "Could you please promise me, that you won't shoot me or anything else?" I reassured Davenport that we had not had any issues up to this point and that should not be a concern for her. Davenport turned off her vehicle and walked with me into the Edward Hospital Ambulance Bay. It should be noted the traffic stop occurred directly next to the Ambulance Bay and was a warm and dry environment to complete SFSTs.

The following happened in summary, please view video from the ambulance bay and audio from the squad video for the exact events.

While conducting the Horizontal Gaze Nystagmus test I observed six clues: a lack of smooth pursuit in both the left and right eyes, distinct and sustained nystagmus at maximum deviation in both the left and right eyes, and onset prior to 45 degrees in both the left and right eyes. I observed Davenport had glassy and blood shot eyes. I could also smell the odor of an alcoholic beverage emanating directly from her person. Davenport was swaying during the test and I had to remind her to keep her head still and follow with only her eyes four times.

Before starting the Walk and Turn Test, Davenport asked if there was a Cardi B test she could complete.

While conducting the Walk and Turn Test I observed five clues: she couldn't keep balance while listening to instructions (feet broke apart), started too soon, missed heel-to-toe, stepped off the line, and took the incorrect number of steps. Davenport was unable to follow the instructions after she verbally confirmed she understood. She failed to count her steps out loud, took 17 steps and stopped walking. I gave Davenport the opportunity to start the test over. On her second attempt she took 10 steps and turned incorrectly. I asked Davenport if she remembered how she was supposed to turn. She stated I never gave her instructions on how to turn. She then stated she would take another 9 steps forward without issue. She started walking again and took 15 steps. When I asked her why she took

REPORTING OFFICER NARRATIVE

Naperville Police Department

OCA
2022-001302
Date / Time Reported
Fri 02/11/2022 00:24

Victim
Society

Offense
DRIVING UNDER THE INFLUENCE -

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15 steps she stated, "I wanted to show you."

While conducting the One Leg Stand Test I observed three clues: she swayed while balancing, used her arms for balance, and put her foot down. I repeated the instructions multiple times for Davenport after she stated she understood them. Davenport was unable to follow the instruction to keep her leg straight and to count out loud as I instructed (one thousand one, one thousand two, one thousand three).

I offered Davenport the opportunity to provide a breath sample in my PBT which she refused. Based on my training and experience, her admitting to consuming an alcoholic beverage, the strong odor of an alcoholic beverage, glassy and blood shot eyes, her inability to follow instructions, and her performance on SFSTs I believed her to be DUI. I advised Davenport she was under arrest for DUI and instructed her to place her hands behind her back. Davenport stated, "Please don't do that" while tensing up her arms to prevent Officer McDermott and I from putting her hands behind her back. I instructed Davenport to stop and calmly put her hands behind her back. She started to comply but then pulled her left hand away from me. I advised I would charge her with resisting arrest if she continued. Officer McDermott placed her in handcuffs, checked for proper fit and double locked them in place. Davenport stated, "I don't want to go to jail. What can I do to like fix this?"

I searched Davenport prior to placing her in the rear of my squad car. Davenport repeatedly apologized and asked if I could let her go. She also stated she was overserved tonight.

Officer McDermott completed the tow inventory and collected her personal belongings from the vehicle. An administrative and 12-hour hold were placed on the vehicle.

I transported her to the Naperville Jail. I read Davenport the Warning to Motorist at 0111 hours. I read her the Statement of Miranda Rights from the NPD preprinted form at 0118 hours. Davenport did not sign either document when asked to. At one point she grabbed onto both documents and I had to firmly tell her to let go. I then advised I would be writing refusal to sign on both forms because she was not cooperating. She became belligerent while speaking with me for a short period of time.

I asked Davenport if she was willing to speak with me. She stated she understood each of her rights and agreed to speak with me. In summary, she advised she had last eaten a sandwich at 1800 hours. She advised she had not been at Sullivan's but at a Chamber event at Jacob's BMW. Davenport was insistent that I saw her driving on Aurora Avenue. I advised I saw her driving in downtown Naperville on Benton Avenue. Her first response was that was not true. Eventually she stated she had driven another Chamber member home who lives above Giordano's in downtown.

I gave Davenport the opportunity to provide a breath sample in the Jail. She refused to give a sample and let the machine time out at 0136 hours. She argued that she was not refusing but wanted to discuss what her options were. I informed her she could either give a breath sample or not. I advised I was willing to set the machine up for a second time but I needed her to say she was willing to provide a breath sample first. She stated she wanted to discuss her options first before she decided. At this time, I advised this would be considered a refusal because she was not stating yes or no.

I walked Davenport to the restroom prior to turning her over to Detention Officer Jessen for processing. I completed a search warrant for Davenport's blood and it was signed by Judge Joseph Bugos at 0303 hours. I called Illinois Phlebotomy Services and requested a phlebotomist to respond to the Naperville Jail.

Upon the arrival of the phlebotomist, Annette Osias, I brought Davenport to room 154 and served her with the search warrant at 0341 hours in the presence of Sgt. Keating. At 0347 hours, Davenport drank water from the water

REPORTING OFFICER NARRATIVE

Naperville Police Department

OCA 2022-001302
Date / Time Reported Fri 02/11/2022 00:24

Victim <i>Society</i>	Offense <i>DRIVING UNDER THE INFLUENCE -</i>
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fountain and returned to room 154 at 0349 hours. At 0357 hours, I advised Davenport she needed to decide if she was going to comply with the search warrant. Davenport refused to give a yes or no response and wanted to discuss what her options were. I advised I had already explained her options multiple times and allowed her ample time to review the search warrant. Davenport continued to refuse to give a yes or no response. I advised this was now considered her refusing to comply and asked her to stand up to return to her cell. Sgt. Keating and I had to tell Davenport multiple times to stand up and walk back to her cell. She complied and returned to her cell.

I received felony approval from ASA Cahill for Obstructing Justice. Davenport was also charged with failure to signal when required, disobeying a traffic control signal, improper lane usage, and one count of DUI.

Officer Plumtree and I transported Davenport to the DuPage County Jail.

I completed the proof of service for the search warrant.

On 02/15/22 I collected a copy of the video from the Edward Hospital Ambulance Bay.

I submitted the breath ticket, Miranda form, video, search warrant, and proof of service into evidence.

I have noting further. Cleared by arrest.

Incident Report Suspect List

Naperville Police Department

OCA: 2022-001302

1	Name (Last, First, Middle) <i>DAVENPORT, DANA MICHELLE</i>					Also Known As					Home Address <div style="background-color: black; width: 100%; height: 20px;"></div>				
	Business Address <i>EXENTURE, LAWYER</i>														
	DOB <div style="background-color: black; width: 100%; height: 15px;"></div>	Age <i>43</i>	Race <i>B</i>	Sex <i>F</i>	Eth <i>N</i>	Hgt <i>503</i>	Wgt <i>150</i>	Hair <i>BLK</i>	Eye <i>BRO</i>	Skin <i>MBR</i>	Driver's License / State. <div style="background-color: black; width: 100%; height: 15px;"></div>				
Scars, Marks, Tattoos, or other distinguishing features															

<i>Reported Suspect Detail</i>		Suspect Age			Race	Sex	Eth	Height		Weight		SSN
Weapon, Type		Feature		Make		Model		Color		Caliber	Dir of Travel Mode of Travel	
VehYr/Make/Model			Drs	Style		Color		Lic/St			VIN	

Notes

Physical Char

*Build, MEDIUM
Hair Length, Long*

Incident Report Related Vehicle List

Naperville Police Department

OCA: 2022-001302

1	VehYr/Make/Model <i>2013 TOYT, Highlander</i>		Style <i>SUV</i>		Color <i>GRY/GRY</i>		Lic/Lis [REDACTED] <i>IL 2016</i>		VIN [REDACTED]			
	IBR Status <i>Towed</i>		Date <i>02/11/2022</i>		Location <i>720 S WASHINGTON ST/MARTIN AV, NAPERVILLE IL</i>							
	Condition		Value <i>\$0.00</i>		Offense Code <i>90D</i>		Jurisdiction <i>Locally</i>		State #		NIC #	
	Name (Last, First, Middle) <i>Davenport, Dana Michelle</i>				Also Known As				Home Address [REDACTED]			
	Business Address <i>EXENTURE, LAWYER</i>											
	DOB [REDACTED]	Age <i>43</i>	Race <i>B</i>	Sex <i>F</i>	Hgt <i>503</i>	Wgt <i>150</i>	Scars, Marks, Tattoos, or other distinguishing features					

Notes