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Northwest suburbs

FRIDAY, DECEMBER 5, 2003

## Biker can't be charged again in crash that killed Des Plaines woman

BY JOHN PATTERSON  
*Daily Herald State Government Editor*

SPRINGFIELD — The Illinois Supreme Court ruled Thursday that a motorcyclist involved in a July 2000 crash in Gurnee that killed his passenger cannot be charged with reckless homicide.

The reason, the justices said, is he has already been convicted of reckless driving. The court ruled both charges were based on the same incident. So, when the driver was convicted of one, he could no longer be tried for the other. The Constitution protects people from being tried twice for the same crime.

"Defendant's prosecution for reckless homicide is barred by the prohibition against double jeopardy," Justice Thomas L. Kilbride wrote in the opinion published Thursday.

The case dates to July 16, 2000, when Mariusz Sienkiewicz of Berwyn lost control of his Kawasaki Ninja on the off ramp of northbound I-94 to westbound Grand Avenue in Gurnee. The motorcycle collided with the side of a Ford conversion van. Sienkiewicz suffered serious injuries. His passenger, Anna Jaruga of Des Plaines, suffered severe head injuries and died later that day.

State and Gurnee police investigated.

Sienkiewicz was ticketed for reckless driving, a misdemeanor crime punishable by up to a year in jail. Under the terms of a plea bargain, he paid a \$250 fine and was placed on supervision. A month later, prosecutors indicted Sienkiewicz on reckless homicide charges, setting off the legal battle that ended up before the Illinois Supreme Court.

Prosecutors argued the charges stemmed from two individual criminal acts and that there were no constitutional problems. Lake County

Circuit Court Judge Christopher C. Starck agreed, but a state appeals court threw the case out, leading to the appeal to the Illinois Supreme Court, which upheld the appeals court.

Lake County State's Attorney Michael Waller called the ruling unfortunate but not unexpected. He said it was a result of a communication breakdown

between police and prosecutors, and steps have been taken to ensure it doesn't happen again.

The problem was the conflict between the ticket police wrote for reckless driving and the homicide charges prosecutors sought after completing their investigation.

Waller said that no longer are

charges or tickets filed in such cases until the investigations are complete.

Attorney Peter C. Wachowski of Bellas & Wachowski in Park Ridge represented Sienkiewicz. He said he was happy with the ruling not just because he won, but also because it clarified double jeopardy rulings in Illinois.