

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

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Plaintiff, )  
) 16-CV-52; 53  
vs. ) 17-CV-36-39  
) 17-CF-168  
MARC MONGAN, )  
)  
Defendant. )

REPORT OF PROCEEDINGS of the Hearing  
held in the above-entitled cause before the  
HONORABLE JOHN C. REDINGTON, Associate Circuit  
Judge of said Court, on the 8th day of November,  
2017, at Oregon, Ogle County, Illinois.

APPEARANCES:

DEFENDANT MONGAN, in his own proper  
person, and with counsel, DAVID D. TESS and  
RUSSELL CRULL, Attorneys at Law.

DAVID NEAL, Assistant Attorney General.

CHESTER CHOSTNER, Attorney at Law.

CYNTHIA KOROLL, Attorney at Law.

Monica Pope, C.S.R.  
Official Court Reporter  
C.S.R. Lic. #0084-001994  
106 S. 5th Street, Suite 303F  
Oregon, IL 61061

1           THE COURT: This is 17-CF-168; 17-OV--  
2 excuse me, 16-CV-52, 53; 17-CV-36, 37, 38, 39;  
3 all People vs. Marc Mongan. In each case the  
4 Defendant is present with his attorneys, Mr.  
5 Tess and Mr. Crull; Mr. Neal is present for the  
6 State; Ms. Koroll is here on behalf of, prior  
7 designated crime victims; Mr. Chostner is here  
8 today on behalf of Robbie Wells and Erik  
9 Langholf, relative to his petitions. Let me take  
10 those first. Mr. Chostner.

11           MR. CHOSTNER: Thank you, your Honor.

12           THE COURT: For the record, the motions  
13 are to appoint Erik Langholf and Robbie Wells as  
14 crime victims pursuant to 725 ILCS 120/3(a).  
15 Those are each filed in 16-CV-52 and 53. Are you  
16 desiring, Mr. Chostner, to have those filed in  
17 each pending case?

18           MR. CHOSTNER: Yes, Judge, I would move  
19 to amend the motion to include the 17-CV cases  
20 and the 17-CF case.

21           THE COURT: All right, that will be  
22 allowed. I'll ask the clerk to make those  
23 amendments to the pleadings.

24           MR. CHOSTNER: And just to clarify,

1 Judge, Mr. Wells is petitioning on behalf of  
2 himself as the spouse of the decedent, as well as  
3 the representative of the decedent, and as the  
4 representative of the decedent's child, his  
5 child as well.

6 THE COURT: Okay. Anything you want to  
7 tell me? I'll take them both up together. What  
8 do you want to tell me about the two motions?

9 MR. CHOSTNER: The motion on behalf of  
10 Robbie Wells, who was married to Megan Wells, the  
11 decedent, he has lost his wife's society, he's  
12 lost her income, he's lost the insurance that she  
13 had through her employment. He has been injured  
14 both emotionally and financially. And, of  
15 course, I think it goes without saying that a  
16 five or six year old child who loses their mother  
17 is devastated, refers to Mommy as Angel Mommy, is  
18 seeing a counselor. I believe that she has  
19 sustained the damage described in the Crime  
20 Victims Act and for which that Act was passed by  
21 the legislature.

22 On behalf of Mr. Langholf, who is the  
23 father of two children born to the decedent prior  
24 to her marriage to Robbie Wells, his children,

1 likewise, have lost their mother, have lost her  
2 society, have lost her direction. They were with  
3 her on, with frequency. They shared athletic as  
4 well as other social activities with her. They  
5 have also lost her emotional as well as financial  
6 support and insurance, and they are also engaged  
7 in counseling to deal with the loss of their  
8 mother. I believe they're also qualified as  
9 crime victims as defined by the Act.

10 THE COURT: All right. 120/3(a) of that  
11 Act defines crime victim as any natural person  
12 determined by the prosecutor or the court to have  
13 suffered direct physical or psychological harm.  
14 The petitions that are put together set forth  
15 emotional injury as allegations. I don't think  
16 the statute contemplates financial harm, I don't  
17 think the statute contemplates loss of society.  
18 I think they're very specific when they talk  
19 about direct physical or psychological harm. I  
20 don't believe the motions, as pled, set forth  
21 those particular allegations. I think, if you're  
22 going to plead direct psychological harm, that's  
23 got to be supported by affidavit of some kind.

24 MR. CHOSTNER: Very good.

1 THE COURT: All right. So I'm going to  
2 deny, but I'll give you leave to refile.

3 MR. CHOSTNER: Thank you.

4 THE COURT: All right. Now, as I review  
5 the file, I still have pending three Defendant's  
6 motions in limine that were filed on July 21st;  
7 four State's motions in limine that were filed  
8 July 21st. I still have pending the motion to  
9 appoint David Dailey, Philip Lukes and Sherry  
10 Bushre -- I apologize if I'm butchering that  
11 name, as crime victims. Do you want to take  
12 those up? I've given you leave to supplement  
13 your pleadings before and you haven't done it.

14 MS. KOROLL: I'll withdraw those  
15 motions.

16 THE COURT: Those motions will be  
17 withdrawn. All right. So that leaves me with  
18 the issues of a trial date and motions in limine,  
19 correct?

20 MR. TESS: Judge --

21 MR. NEAL: Your Honor -- Go ahead.

22 MR. TESS: As to the motions in limine,  
23 Judge, that we noticed up for today's date,  
24 counsel had indicated, in the last court order he

1 indicated he would be supplementing discovery, he  
2 had ten days to do that, he's contacted me and  
3 indicated that he would be doing that today, so  
4 as to those motions, we noticed them up for  
5 today, anticipating we would have discovery, we  
6 don't, and I appreciate that, there's no issue on  
7 that. He's going to deliver it today, but we are  
8 not withdrawing those motions, but, at this time  
9 we're not going forward on those motions until we  
10 have an opportunity to look at the further  
11 discovery.

12 MR. CRULL: And Judge, Attorney Neal did  
13 hand me that discovery today and I acknowledge  
14 receipt of same.

15 THE COURT: Fair enough. Last time we  
16 broke we talked about setting the matter for  
17 trial. Is that still where we stand?

18 MR. NEAL: Judge, it is. We do have a  
19 motion to make first, Judge. I would be moving  
20 to nolle prosque all of the CV cases, that, my  
21 record it would be 2017-CV-36 through 39 and  
22 2016-CV-52 and 53. So we would be asking now to  
23 go forward on 2017-CF-168.

24 THE COURT: All right. For the record,

1 16-CV-52 and 53, as well as 17-CV-36, 37, 38, 39  
2 will be dismissed on motion of the State. That  
3 leaves us with just the felony case. And are we  
4 ready to set it down for trial?

5 MR. NEAL: Yes, Judge. And I need to  
6 speak with counsel, but it would be the People's  
7 position that, with the misdemeanors gone and the  
8 speedy trial demand that was made on the last  
9 court date, which I think was October 18th, 2017,  
10 that the speedy trial term commences on that date  
11 and we would be seeking to set the trial within  
12 the 160 days from that date.

13 THE COURT: Well, I mean, I've got some  
14 dates I want to suggest that are within the  
15 speedy trial on the original, the August speedy  
16 trial date. I'm going to start with the one that  
17 is the absolutely easiest for me, because I've  
18 been told, the last time we were in court it was  
19 suggested to me that at least a week is what is  
20 anticipated, correct?

21 MR. NEAL: I would think so, Judge.

22 THE COURT: All right. How about we try  
23 January 22nd through January 30th?

24 MR. NEAL: Judge, I do have a murder

1 trial that's presently set on that date in  
2 Jackson County. Now, on Monday, this coming up  
3 Monday, there's a status date on that murder  
4 case, and I believe that the murder case that I  
5 have is going to be continued at the request of  
6 the defense. I, I, I would be happy to set it  
7 for that date if that's a good date for the  
8 Court, but I would be asking for a status date --

9 THE COURT: Soon.

10 MR. NEAL: Soon, so I could let you  
11 know, because that case does involve a defendant  
12 who is in custody, but that would be a date that  
13 I have blocked off a week.

14 THE COURT: Mr. Tess?

15 MR. TESS: I'm not available that week,  
16 Judge, frankly, I'm, I'm not available that week  
17 or the first week in February.

18 THE COURT: That week doesn't work  
19 anyway. January 9th through the 18th?

20 MR. TESS: I'm not available the month  
21 of January, Judge, that was my point, I'm not --

22 THE COURT: February 13th through  
23 February 22nd?

24 MR. NEAL: That works for the People,



1 Judge.

2 MR. TESS: Works for, it works --

3 THE COURT: I lied, February 14th, we'll  
4 start.

5 MR. NEAL: Okay.

6 MR. TESS: That's fine with us, your  
7 Honor.

8 THE COURT: All right. We'll set the  
9 case to start February 14th, which is allegedly a  
10 Tuesday -- No, it's a Wednesday because the 13th  
11 is a pretrial date, so we're going to start on  
12 Wednesday, the 14th, I'll give you Wednesday,  
13 Thursday, Friday of that week and then, let's  
14 see, hold on, 14, 15, 16, the 19th of that next  
15 week is a holiday, so then we'd start up again on  
16 the 20th, 21st, 22nd. I'll just give you the  
17 rest of that week.

18 MR. NEAL: That works for the People,  
19 Judge.

20 THE COURT: All right.

21 MR. TESS: Fine with us, your Honor.

22 THE COURT: All right. Now, so that  
23 will be for trial. When do we want to come back  
24 and hash out these motions in limine? Come back

1 and do it, some time in December?

2 MR. TESS: I think that's fine, Judge.

3 MR. NEAL: Judge, I am blocked out  
4 during the week -- well, it starts on Friday,  
5 December 8th, all the way through the 15th, the  
6 week that starts, like the 19th, 20st, 21st, 22nd  
7 are all good days.

8 THE COURT: I can give you either the  
9 morning or the afternoon on the 19th.

10 MR. CRULL: You said the afternoon on  
11 the 19th, Judge?

12 THE COURT: If you'd like.

13 MR. NEAL: That's good for the State.

14 THE COURT: All right. We'll start at  
15 1:30, I'll give you the rest of the afternoon if  
16 you need it.

17 MR. NEAL: Thank you, Judge.

18 THE COURT: Anything else for the good  
19 of the cause today?

20 MS. KOROLL: Yes, your Honor, if I may?

21 THE COURT: Yes, ma'am.

22 MS. KOROLL: Under the Crime Victims  
23 Act, I'm supposed to be receiving notice of  
24 motions and actual motions to be served and

1 filed, and I have not received the motions in  
2 limine, and I'd like to make certain that I'm on  
3 the service list and I get all pleadings.

4 THE COURT: It's not my service list, so  
5 if you're not getting things your suppose to get  
6 and you want me to do something about it, put it  
7 in writing, notice it in, I'll be happy to  
8 address it, otherwise all the motions are in the  
9 court file. All right. So put together an order  
10 with those, all those dates.

11 MR. NEAL: Judge, I just did an order  
12 regarding speedy trial, can I just add it to this  
13 order?

14 THE COURT: Sure. Add the jury trial  
15 date and the hearing on the motions in limine,  
16 please. All right, anything else, folks?

17 MR. NEAL: I think that's it.

18 MR. TESS: Nothing, your Honor.

19 THE COURT: All right, thank you very  
20 much.

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23

(end of hearing)

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CERTIFICATE

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I, Monica Pope, an Official Court Reporter for the Circuit Court of Ogle County, Fifteenth Judicial Circuit of Illinois, do hereby certify that I transcribed the proceedings had in the case of **People of the State of Illinois vs. Marc Mongan, 2016-CV-52; 2016-CV-53; 2017-CV-36; 2017-CV-37; 2017-CF-38; 2017-CV-39; 2017-CF-168;** which I hereby certify to be a true and accurate transcript of the proceedings had before the HONORABLE JOHN C. REDINGTON, Associate Circuit Judge of said Court.

\_\_\_\_\_  
MONICA POPE, C.S.R.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.