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STATE OF ILLINOIS  
IN THE CIRCUIT COURT FOR THE 15TH JUDICIAL CIRCUIT  
OGLE COUNTY

THE PEOPLE OF THE )  
STATE OF ILLINOIS, )  
 )  
vs. ) NO. 17 CF 168  
 )  
MARC MONGAN, ) SENTENCING  
 )  
Defendant. )

REPORT OF PROCEEDINGS of the hearing  
before ASSOCIATE CIRCUIT JUDGE JOHN C. REDINGTON on  
**JUNE 19, 2018.**

APPEARANCES:

DAVE NEAL,  
State's Attorneys Appellate Prosecutor,  
for the People.

DAVID TESS and RUSSELL CRULL,  
Attorneys at Law,  
for the Defendant.

ANGELA M. MILLER, CSR, RPR, CRR, CRC  
Official Court Reporter  
IL License No. 084-004455

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1 (WHEREUPON, the following proceedings  
2 were held in open court, commencing at  
3 9:06 a.m.)  
4

5 THE COURT: Okay. We'll go on the record.  
6 17 CF 168, People vs. Marc Mongan. The defendant is  
7 present before the Court with his attorneys, Mr. Tess and  
8 Mr. Crull. The State is represented by Mr. Neal with  
9 the Attorney General's Office as special prosecutor.  
10 Ms. Koroll is present for previously named victims in  
11 this case.

12 All right. Before I get started, Ms. Koroll,  
13 I have received filed June 15th your motion for  
14 restitution, and I'm advised by counsel that there was  
15 another motion that was filed regarding who may or may  
16 not testify perhaps? I couldn't find that in either the  
17 court file or e-filing system. Do you have a copy of  
18 that motion for me?

19 MS. KOROLL: Your Honor, my paralegal is filing it  
20 right now. There is actually an amended motion for  
21 restitution. There was an error in the original motion.  
22 So I have an amended motion for restitution. I do have a  
23 motion regarding who will -- who will testify.

24 THE COURT: Do you have a copy of that?

1 MS. KOROLL: Yes, she's filing it, sir. She'll be in  
2 in just a second. I can go grab one copy from her.

3 THE COURT: All right. I want to address that before  
4 we get started.

5 MS. KOROLL: I guess I do have it in my folder. May  
6 I approach, your Honor?

7 THE COURT: Yes, ma'am.

8 MS. KOROLL: I believe counsel already has a copy.  
9 This is my motion.

10 THE COURT: All right. So now I have before me --

11 MS. KOROLL: One more, sir.

12 THE COURT: All right. 17 CF 168, I've got an  
13 amended motion for restitution on behalf of crime  
14 victims.

15 Counsel, have each of you gotten the amended  
16 motion?

17 MR. NEAL: I would like one.

18 THE COURT: Do you have a copy for counsel?

19 MS. KOROLL: I don't, your Honor. It was emailed and  
20 electronically filed. There's just a small change in it.

21 THE COURT: All right. Highlight for me the change  
22 in the amended motion as opposed to the original motion  
23 that was filed June 15th.

24 MR. TESS: Judge, we received a copy at 3:00 o'clock

1 yesterday afternoon. I can --

2 THE COURT: The amended motion?

3 MR. TESS: Yes. I can give a copy to counsel.

4 THE COURT: You say it's a minor -- what's the --  
5 Highlight the change for me.

6 MS. KOROLL: There was a statement, your Honor,  
7 regarding the State's position on restitution.

8 THE COURT: Yes.

9 MS. KOROLL: And that has been corrected.

10 THE COURT: The State -- I did get the State's  
11 sentencing recommendations that were filed. That  
12 included a restitution request.

13 MS. KOROLL: Your Honor, I was handed that as I  
14 walked into the courtroom. The family is reviewing it  
15 right now.

16 THE COURT: Okay. All right. So ultimately my  
17 question to you, Ms. Koroll, is going to be: As it  
18 relates to the restitution, is the family seeking  
19 anything above and beyond that which is set forth in the  
20 State's sentencing recommendation as it relates to  
21 restitution?

22 MS. KOROLL: I will review that recommendation and  
23 give you an answer.

24 THE COURT: I'll give you chance to do that. As to

1 this other motion, let me read it a second. I've also  
2 received today a motion to read victim impact statements  
3 at sentencing pursuant to statute.

4 (Brief pause.)

5 THE COURT: Okay. I guess let me start out by  
6 telling all sides what I'm going to do with regard to the  
7 statements and testimony to be heard today.

8 I have received and reviewed the presentence  
9 report by the probation department that we'll talk about  
10 in a minute. That presentence report has attached to it  
11 letters of victim impact statements prepared by Robin  
12 Swaziek, David Swaziek.

13 MS. KOROLL: Swaziek.

14 THE COURT: Swaziek, excuse me. Thank you.

15 (Continuing.) Kristy Driscoll, Melissa Swaziek,  
16 Renee Daily, Philip Lukes, Brock Boss. Further, the  
17 report referred to other reports that were not included  
18 in the report -- or other statements that were not  
19 included in the report because they were not -- they  
20 didn't fall within the parameters of those which would be  
21 attached by the probation department. Those include  
22 letters from: Aaron Sturm, S-t-u-r-m, Joy Groehagen,  
23 Sherry Bushre, B-u-s-h-r-e, Annie Pruitt, Sally Baker,  
24 Ramona Roberts, Miranda Lewis, Marissa Langholth, Diane

1 Wall, and I was handed today additional statements by  
2 David Daily and I guess another one by Sherry Bushre.

3 I have also been tendered on behalf of the  
4 Mr. Mongan statements by Nick Lamb, Michelle Mongan,  
5 Darlene Nickoloff, Ronald Keith, Edward Fane, and Daniel  
6 Kline.

7 I have read all of those letters with the  
8 exception of the two that I was just handed, and I will  
9 certainly review those prior to passing sentence. It is  
10 my intention today to proceed as follows:

11 I will consid- -- First of all, as to each of  
12 the statements that I've received, I am going to -- I'm  
13 not going to consider any statements made within those  
14 statements that contain evidence outside the record. Any  
15 statements as to how this accident occurred, what anyone  
16 has observed about any party's conduct since the filing  
17 of these charges, I'm going to discont- -- I'm not going  
18 to consider any of that because it is all evidence  
19 outside the record, and I don't intend to try the case at  
20 a sentencing hearing.

21 So I'm not going to pare down -- I'm not going  
22 to redact any of the statements. I've read them all.  
23 I'm just going to discontinue those items that I don't  
24 think are relevant to this particular purpose.

1           So I think that should take care of your motion,  
2 Ms. Koroll.

3           Anyone that wants to testify personally  
4 regarding their statement, I will allow to do so. They  
5 will be limited to the exact recitation of the contents  
6 of their victim impact statement. But if anybody wants  
7 to get up and make that statement in open court, I'll  
8 allow them to do so. If anyone wants to stand on their  
9 letter, they can rest assured that that letter was  
10 received, reviewed, and will be considered.

11           MS. KOROLL: If I may, your Honor.

12           THE COURT: Yes, ma'am.

13           MS. KOROLL: As to the two statements that were  
14 received late, they were actually provided earlier.  
15 Mr. David Daily is the uncle and the driver of the  
16 pontoon. Ms. Sherry Bushre was a passenger on the boat.  
17 I've been advised that there are at least I know  
18 Ms. Bushre and maybe another who are not present today  
19 due to other scheduling. They are asking that their  
20 statements be read. I can do that if the Court will  
21 permit me, but they would like them as part of the  
22 record. I'm not certain if Mr. Lukes is available.

23           MR. SWAZIEK: No.

24           MS. KOROLL: Okay. So it would be Sherry and



1 Mr. Lukes?

2 THE COURT: I'm not going to allow the reading of any  
3 statements by anybody other than the author.

4 MS. KOROLL: Yes, your Honor.

5 THE COURT: If they're not -- If the person that  
6 wrote the statement isn't going to be here, they are  
7 going to have to live with the fact that I will read it  
8 and I will consider it as it relates to sentencing.

9 MS. KOROLL: Thank you.

10 THE COURT: All right. I think I've covered -- Oh,  
11 no. Then I've got a request for return of property.

12 MS. KOROLL: That was also my motion, your Honor.

13 THE COURT: (Viewing document.) I'm going to  
14 consider this -- This has been filed today? This is one  
15 of the motions that you said you filed today?

16 MS. KOROLL: Yes, your Honor.

17 THE COURT: I'm going to find this to be untimely at  
18 this point, Ms. Koroll. I'll take this up 31 days from  
19 today.

20 MS. KOROLL: Thank you.

21 THE COURT: Insofar as the boat that's being  
22 requested to be returned remains as evidence in this  
23 case, there is a 30-day appeal period after today's date,  
24 and I don't intend to dispose of any evidence prior to

1 the expiration of that appeal period.

2 MS. KOROLL: Thank you.

3 THE COURT: You're welcome.

4 Okay. Having said all of that, on April 19th of  
5 2018 the defendant entered an open plea to Count VI of  
6 the information that was filed on October 4th of 2017.  
7 Count VI alleges that on or about June 24th of 2016 the  
8 defendant did while acting in a reckless manner cause  
9 great bodily harm to Megan Wells in that he operated a  
10 watercraft, a 2002 DuraCraft, at approximately 3400 North  
11 River Road on the Rock River in the city of Oregon, Ogle  
12 County, Illinois, without giving the required  
13 right-of-way to another watercraft at a speed which was  
14 greater than was reasonable and proper with regard to the  
15 existing boating conditions and the safety of persons  
16 properly upon the waterway causing his watercraft to  
17 strike the person of Megan Wells, thereby causing the  
18 death of Megan Wells. That offense is a Class 4 felony.

19 Mr. Neal, on behalf of the State, would you  
20 state for the record your understanding as to the minimum  
21 and maximum penalties associated with this offense.

22 MR. NEAL: Yes, your Honor. If it pleases the Court,  
23 this defendant can be placed in the Department of  
24 Corrections for a period of not less than one year, not

1 more than three years. That would be the term at  
2 sentence. However, your Honor, this is a case that has a  
3 presumption of probation. Should the Court find that  
4 there is not enough evidence to overcome that presumption  
5 of probation, this defendant could be then placed upon  
6 probation for a period not to exceed 30 months with  
7 multiple conditions that are both statutory and  
8 discretionary by the Court.

9 THE COURT: Okay. Mr. Tess, do you agree that that's  
10 the minimum and maximum penalty range for today's  
11 purposes?

12 MR. TESS: We do, your Honor.

13 THE COURT: Mr. Mongan, do you understand that that's  
14 the minimum and maximum sentences that could be imposed  
15 upon you today?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: All right. I have, as I said earlier,  
18 received and reviewed the presentence investigation that  
19 was prepared by the probation department that was filed  
20 with the circuit clerk on June 8th of 2018. I have  
21 identified for the record the attachments that I have  
22 reviewed as it relates to impact statements.

23 Mr. Tess, have you received that report and all  
24 of its attachments?

1 MR. TESS: Yes, your Honor.

2 THE COURT: Mr. Neal, have you received the report  
3 and all of the attachments?

4 MR. NEAL: I have, your Honor.

5 THE COURT: Other than items that can be corrected  
6 through testimony, Mr. Tess, any omissions, errors, or  
7 other corrections that you believe need to be made to  
8 that report on behalf of Mr. Mongan?

9 MR. TESS: No, your Honor. The only thing, when the  
10 Court indicated the reports of the letters, we did not  
11 receive any letters other than that which were attached  
12 to the presentence investigation.

13 THE COURT: Neither did the State. I'm the only one  
14 that's reviewed those. And I presume Mr. Jones has, but  
15 that's who provided them to me, and that was done at my  
16 request.

17 And Mr. Neal, any additions, corrections, or  
18 other clarifications that you believe need to be made to  
19 the report?

20 MR. NEAL: There are none, your Honor.

21 THE COURT: Does the State have any evidence to  
22 present in aggravation?

23 MR. NEAL: No evidence outside of the presentence  
24 investigation, your Honor.

1 THE COURT: All right. Ms. Koroll, you had some  
2 individuals that wanted to come forward and present their  
3 statements in person; is that true?

4 MS. KOROLL: Yes, sir.

5 THE COURT: Who would you like to call first?

6 MS. KOROLL: I'd like to call Mr. David Swaziek.

7 THE COURT: Mr. Swaziek, step forward, please.

8 Mr. Swaziek, take the witness stand, please. Sir, could  
9 I have you state your full name and spell your last name  
10 for the record.

11 MR. SWAZIEK: David Swaziek S-w-a-z-i-e-k.

12 THE COURT: All right. Sir, state your relationship  
13 to the victim Megan Wells, please.

14 MR. SWAZIEK: I'm Megan's father.

15 THE COURT: All right. And you tendered a statement  
16 to the probation department as it relates to this -- the  
17 impact of this matter upon yourself and your family?

18 MR. SWAZIEK: Yes, sir.

19 THE COURT: And you'd like to read that statement  
20 today; is that right?

21 MR. SWAZIEK: Yes, sir.

22 THE COURT: You may.

23 IMPACT STATEMENT BY DAVID SWAZIEK

24 MR. SWAZIEK: Megan Marie Swaziek Wells, she was born

1 on July 3, 1984, and killed by Marc Mongan on June 24,  
2 2016. Megan was 31 years old with three beautiful kids  
3 and had the right to live a full and beautiful life. The  
4 world always was and would have continued to be a better  
5 place with Megan in it.

6 This terrible nightmare began the second that  
7 the pontoon boat struck and killed our Megan. If only  
8 there were other decisions and actions made that day, we  
9 would not have been -- as parents been forced to join an  
10 unwanted club where parents bury their children due to  
11 irresponsible actions by another person.

12 I will never be able to find the words that will  
13 fully explain the emotional, mental, and physical pain  
14 and sorrow associated with losing one of your precious  
15 daughters in such a senseless and brutal way. Everything  
16 will forever be different in the hearts and minds of all  
17 those who love, miss, and continue to grieve for Megan  
18 each and every day. Because of the decisions and actions  
19 taken that night, we will never have the chance to give  
20 Megan one last hug or say love you or goodbye. To this  
21 day we are devastated and brokenhearted that we will  
22 never see Megan again.

23 It's hard to comprehend any greater crime than  
24 to take a human life. The decisions and actions had an

1 individual play judge, jury, and executioner of Megan and  
2 in one split second devastated and negatively impacted so  
3 many lives and changed everything for so many people.

4           You know, the difficult -- most difficult  
5 consideration you always ask yourself is why? Why? Why  
6 the pontoon boat? Why Megan?

7           As a parent, we all do our best to raise  
8 responsible children, only to have an irresponsible adult  
9 take their life in a split second. She did not deserve  
10 to be killed in such a brutal way. The sentence for  
11 Megan was her life, and any future impact she would have  
12 had on her three small children, family, and friends. It  
13 is extremely heartbreaking and disturbing to those who  
14 loved Megan and how the process seems to have devalued  
15 her life and disrespected her.

16           We have lost so much when we lost Megan. We  
17 lost her sweetness, her laughter, her time with us, and  
18 her children. Each and every day has become a struggle  
19 to stay above the depression and grief that slaps us in  
20 the face each morning as the reality of her absence  
21 continues to hit us. Every event, every holiday, every  
22 family gathering, is marred by a huge painful hole that  
23 will never be filled.

24           Our younger daughter got married this last

1 weekend, and Megan would have been her maid of honor.  
2 The pain of her absence at the wedding was unbearable.  
3 I'm sorry.

4 THE COURT: Don't be sorry.

5 MR. SWAZIEK: As parents, we should have had the joy  
6 of giving our daughter to a great man, but we could not  
7 fully celebrate like we should have been able to due to  
8 the loss of our daughter that you took away.

9 Megan was loved by so many, and the following  
10 indicates the impact she had on so many lives. There was  
11 675 people that attended her wake and funeral,  
12 standing-room only. 519 requests to join the Justice For  
13 Megan site. 1,322 signed up for the Stand Up For Megan  
14 petition. And the list goes on and on. Each and every  
15 day more people are contacting us and expressing their  
16 love and support and prayers regarding this criminal  
17 case.

18 One person on this earth is guilty of taking  
19 Megan from us. And as a father, I am looking at that  
20 person right now. You have taken from me forever the  
21 opportunity to hug Megan and share her life and laughter.  
22 Megan has no voice today. But I wanted to provide a few  
23 statements in the impact that you have made.

24 You took from Megan her entire future. You took



1 from Megan her dreams and future successes. You took  
2 from Megan the opportunity to laugh and feel the sun and  
3 the wind and the rain. You took from Megan the  
4 opportunity to love another and be loved. You took from  
5 Megan the opportunity to be the most unbelievably  
6 wonderful mother the world could imagine. You took from  
7 Megan the love of her family. You took from Megan the  
8 joy of watching her kids Ethan, Kaeden, and Robbie Marie,  
9 grow up to be fine, young people. You took from Megan  
10 the opportunity to share the rest of her life with  
11 Melissa, her sister and her best friend and other half of  
12 her soul.

13           You took from Megan the love of her parents.  
14 You took from Megan the love of her father who loved and  
15 respected and respect for her was deeper than she could  
16 have ever known. No amount of anger, tears and grief  
17 will alter what has happened, the heartbreaking fact that  
18 Megan is gone forever. There are no words that will ever  
19 bring Megan back.

20           Megan paid the ultimate price, and you are the  
21 one person on this planet that took her life in such an  
22 irresponsible way, in such a horrific accident. Megan's  
23 blood will forever be on your hands. Every time you look  
24 in the mirror you will see a convicted felon and a person

1 who took the life of another human being.

2 Of the Ten Commandments, Number 5 is "Thou Shalt  
3 Not Kill," and you have broken this commandment. And for  
4 those that believe there is another judgment day when you  
5 will have to stand before your maker and account for your  
6 actions that evening. And those consequences will be for  
7 eternity.

8 As a father I promise Megan to continue the  
9 fight against those who committed crimes against her and  
10 our family. The Justice For Megan journey continues so  
11 that she can truly rest in peace. We love you, Megan.  
12 Respectfully, David Swaziek plus her three small  
13 children, family, friends, and all those that love, miss,  
14 and grieve for her each and every day.

15 Thank you.

16 THE COURT: Thank you, sir.

17 Ms. Koroll?

18 MS. KOROLL: Yes, your Honor. Kristy Driscoll,  
19 Megan's sister.

20 THE COURT: Ma'am, step forward, please. You can  
21 have a seat in the witness stand, please. You good?

22 MS. DRISCOLL: Yeah.

23 THE COURT: Okay. Would you state your full name and  
24 spell your last name for us, please.

1 MS. DRISCOLL: Kristy Driscoll, D-r-i-s-c-o-l-l.

2 THE COURT: Ms. Driscoll, you've tendered a written  
3 statement to the probation department as an impact  
4 statement; is that correct?

5 MS. DRISCOLL: Yes.

6 THE COURT: And you'd like to read that today?

7 MS. DRISCOLL: Yes.

8 THE COURT: All right. You may.

9 IMPACT STATEMENT BY KRISTY DRISCOLL

10 MS. DRISCOLL: All my life I've heard time heals all  
11 wounds. It will get easier as times goes on when bad  
12 things happen. These cliches have been true for  
13 breakups, other hard times in life. What they don't tell  
14 you, though, is that there are things that never can be  
15 healed by time or anything else.

16 I learned this lesson on June 24, 2016, when my  
17 sister was ripped away from all of us with no warning.  
18 There was no time to say goodbye. No last I love you.  
19 Just gone. When you lose a piece of who you are, there  
20 is nothing on earth that can make it easier or less  
21 painful. In fact, as times goes on, the pain grows  
22 stronger. Nothing can ever be the same. Special events  
23 and holidays are harder. You try to stay strong and act  
24 happy so others can enjoy the day, but there's a huge

1 piece missing.

2 My son graduated in May after Megan was taken.  
3 It should have been one of the happiest days of my life.  
4 Even though I was over the moon proud of my son, it was  
5 so hard. Megan adored my son and would have loved to see  
6 him graduate high school. She would have had some funny,  
7 sarcastic advice for him that he would have taken with  
8 him his whole life.

9 There isn't anything that would have kept Megan  
10 from that ceremony that day. These are moments we are  
11 robbed of. This is such a huge, happy event that was  
12 burdened with grief. There will be so many more to come  
13 too. We had so many family traditions that are not fun  
14 anymore. They're just sad. We are missing Megan. We  
15 are missing her special spin she put on every one of  
16 them.

17 Megan wasn't just a woman that was killed on a  
18 boat in Oregon that day that people who don't know her  
19 refer to her as. She was a daughter, a sister, an aunt,  
20 a friend to many, a wife, but most importantly a mother.  
21 She had the most contagious smile and awesome sense of  
22 humor. It's easy for people who don't know her to chalk  
23 this up as a sad accident, but it's not just a sad  
24 accident.

1           The term accident implies it was unpreventable.  
2           That is not the case here. This tragedy was preventable.  
3           I still live with the horrific sounds of three little  
4           kids sobbing when they were told their mommy was never  
5           coming home in my head. That is a sound that is  
6           unexplainable.

7           Trying to go on without her even now is one of  
8           the most painful things we have ever had to go through.  
9           My children are not the same. Her children are not the  
10          same. Megan had special nicknames for each one of my  
11          kids. She had a close relationship with all of them.  
12          She was very involved in their lives. I've had to try to  
13          mourn her and my relationship while trying to help my  
14          kids through this nightmare that will never end.

15          June 24th is forever known to my family as the  
16          worst day ever. That day also taught me the true meaning  
17          of the ripple effect. When a person can go about their  
18          day and make poor choices that results in a tragedy,  
19          these choices affect so many more than just their life.

20          Megan's children were by two fathers. She had  
21          her boys with a long-term relationship before she found  
22          her husband and had her daughter. Those kids were so  
23          young, and that day their whole lives were uprooted. My  
24          sister was the glue that held the three of them together.

1 They lost their mommy and they ultimately split the  
2 siblings. The boys are with their dad and the daughter  
3 is with their father. They no longer live together.  
4 They will go to proms, graduate high school, get married,  
5 have their own kids, all without their mother there.

6 This is not fair. These kids should not be  
7 without their mother. She loved them dearly and would  
8 have made the decision to not be there for them -- she  
9 would never have made the decision to not be there for  
10 them. She will not be there for them because a person  
11 made poor choices on June 24th that took her from all of  
12 us.

13 As I stated above, there is nothing on earth  
14 that can make the tortuous pain go away. However, there  
15 can be justice. When Megan's story is told to her  
16 children or when they're really missing her, knowing that  
17 the person that took her is being held accountable helps  
18 us get to the next minute. Some days getting to the next  
19 minute is all we can do. And in those days if someone is  
20 not held accountable and required to pay the consequences  
21 for their actions, the pain is more than unbearable.

22 Their children deserve to know that the man had  
23 to pay consequences for robbing them of all the big and  
24 little moments of their mother's. The fact -- The facts

1 are if better choices were made that day, she would be  
2 with us. She wasn't ill. She didn't have to be taken.  
3 She was in the wrong place at the wrong time that came  
4 along -- that he came along speeding down the river after  
5 drinking and driving recklessly. The only way for  
6 everyone that loved her to have any closure is for him to  
7 pay consequences for her death. Kristy Driscoll.

8 THE COURT: Thank you, ma'am. You may step down.

9 Ms. Koroll?

10 MS. KOROLL: Yes, your Honor. Megan's aunt,  
11 Ms. Diane Wall.

12 THE COURT: Ma'am, step forward, please.

13 MS. KOROLL: Your Honor, I'm going to ask that  
14 Mr. Brock Boss be called. I need to get a copy of her  
15 statement to her.

16 THE COURT: All right. Mr. Boss, step forward,  
17 please.

18 MS. KOROLL: Oh, I'm sorry. Looks like counsel  
19 provided her with one.

20 THE COURT: All right. Ma'am, would you take the  
21 witness stand, please. State your name and spell your  
22 last name, please.

23 MS. WALLS: Diane Wall, W-a-l-l.

24 THE COURT: All right. Ma'am, you wrote and tendered

1 a statement to the probation department in this matter;  
2 is that true?

3 MS. WALL: Yes, I did.

4 THE COURT: All right. Hold on one second here. I'm  
5 having a hard time -- Oh, there we go. I've got it. And  
6 you wish to read that statement today?

7 MS. WALL: Yes.

8 THE COURT: All right. For the record, folks, this  
9 is one of the extras that I reviewed that you didn't get.  
10 All right. So you may read your statement, please.

11 IMPACT STATEMENT BY DIANE WALL

12 MS. WALL: Megan was my niece. Her and my daughter  
13 were only three months apart, so my sister Robin Swaziek  
14 and I shared our pregnancies. As they grew and became  
15 young women, both Megan and my daughter shared two of  
16 their pregnancies. I remember as Megan became pregnant  
17 for the third time she chased my daughter around one  
18 afternoon trying to make her catch it so that they would  
19 be pregnant together again.

20 That was Megan. Always joking and making others  
21 laugh. She had the gift of making everyone she knew feel  
22 as though she and they had a special bond, just the two  
23 of them. And it was no act. That's just the way she was  
24 with everyone. She made me feel so special over



1 something so small as potato salad. She loved my potato  
2 salad. It was nothing special, but she always asked for  
3 it and made me feel as though I was the world's best --  
4 it was the world's best. She just had a way about her to  
5 make you feel special.

6 There has been a hole left in our family that  
7 can never be filled. As I look at her kids, my heart  
8 breaks for them to think that they will have to grow up  
9 without the mothering that only Megan could have given  
10 them. She had a special and different bond with each of  
11 her children.

12 As I watch her mother and father trying to go on  
13 without her, I weep for their pain. The loss to her  
14 sisters is unspeakable. Their sister has to get married  
15 without her by her side, which is where she would have  
16 been. Only God will get you through that day that should  
17 be filled with only joy and not unbearable pain as we  
18 will all miss the part Megan would have played on that  
19 day. Her best -- would have played on that special day  
20 watching her sister and best friend. All of us aunts,  
21 cousins, grandmothers, and friends deal with our grief as  
22 best we can.

23 (Unintelligible) that life is so precious and  
24 that it can be taken in a second that I have become

1 overprotective and scared for all of my loved ones,  
2 especially my daughter that shared pregnancies -- that I  
3 shared pregnancies with Robin. I look at her and think  
4 that could have been her. And as I watch her with her  
5 children and know Megan will never be there with her  
6 children again, I just want to put her in a protective  
7 bubble.

8 I'm back to asking her to text me when she gets  
9 home or whenever she is going as I did when she was a  
10 teenager because I'm so scared of something happening to  
11 her. The impact of losing Megan is life-changing for  
12 everyone whose lives she touched will never be the same.

13 I hope the Court will see fit to give Marc  
14 Mongan the harshest penalty possible for the life he has  
15 taken and all the lives that have forever been changed.  
16 Thank you for letting me share my thoughts and grief.  
17 Diana Wall, Megan's aunt.

18 THE COURT: Thank you very much, ma'am. You may step  
19 down.

20 MS. KOROLL: Yes, your Honor. Bystander Brock Boss.  
21 Oh, he's not here? Megan's uncle, David Daily.

22 THE COURT: Mr. Daily, step forward, please.

23 That would be the statement that I just got  
24 today, Ms. Koroll?

1 MS. KOROLL: Yes, your Honor. We tendered it  
2 earlier but ...

3 THE COURT: That's fine.

4 Mr. Daily, step forward and take the witness  
5 stand, please. All right. Sir, would you state your  
6 name and spell your last name for the record.

7 MR. DAILY: David Dean Daily, D-a-i-l-y.

8 THE COURT: All right. And you prepared an impact  
9 statement in this case and tendered that to the probation  
10 department; is that right?

11 MR. DAILY: Yes, your Honor.

12 THE COURT: All right. Do you wish to read that  
13 today?

14 MR. DAILY: Yes, sir.

15 THE COURT: You may.

16 IMPACT STATEMENT BY DAVID DAILY

17 MR. DAILY: Your Honor and the Court, my wife has  
18 explained to me what an impact statement is and how I  
19 should put down my feelings. I don't even know how you  
20 would go about saying that or putting it in words.

21 That one day has destroyed everything. What  
22 that man did has ruined my life, my marriage, my boat,  
23 killed my niece. He took away the person who always made  
24 me smile. He took away my happiness.

1           I spent years trying to build a life, a loving  
2 wife, a nice boat, a spot on the river, a place to have  
3 my family visit. No one gave me those things. I worked  
4 for them. I had goals of where I wanted to go from  
5 there, and in one instant it was all gone.

6           How are you supposed to explain how eight  
7 seconds changed everything you've worked for and ruined  
8 it? When we saw that boat coming towards us and we  
9 couldn't get his attention or make eye contact with him,  
10 I was scared as hell. I can't even remember being that  
11 scared in my life.

12           I turned hard to the right and gunned the boat.  
13 It was my only chance. I thought for sure we were all  
14 going to die. Then there was a huge explosion and a  
15 crash sound. The next thing I knew, I was on the floor  
16 kind of pushed up between the seat and counsel and had a  
17 table and other debris covering me. I felt like, What  
18 just happened? Did this just happen?

19           I stood up and looked to the front of the boat.  
20 I saw Phil and Sherry were okay. It was probably only a  
21 second, but I seemed -- it seemed like forever. I  
22 couldn't look towards the back of the boat. Then I felt  
23 my dog's nose against my leg, and I looked down at him,  
24 and he looked up at me, back at the whole back of the

1 boat was gone. Either in a pile or completely gone. I  
2 thought I was going to throw up. I couldn't see Megan  
3 anywhere. I started pulling up the boat pieces and  
4 looking for her. When we couldn't see her, we tried  
5 looking in the water. I just kept hoping she was just in  
6 the water but okay.

7           We still didn't see her, but my bimini top was  
8 in the water, so I pulled that up so I could get the boat  
9 to go and quit going in circles. We were all hollering  
10 her name. I thought I saw a bucket or something in the  
11 water that was mine, but it turned out to be Megan. At  
12 the same time our friends on another boat saw her and  
13 dove in to get her. I saw her get pulled up on the boat.  
14 I saw them start CPR. The whole time I just kept  
15 thinking she was going to be okay like in the movies. I  
16 saw her arm was wrong, hurt bad, but I kept hoping she  
17 was okay. I don't know what I felt. I just couldn't  
18 believe this had happened. I was angry at the man for  
19 hitting us, for not looking out.

20           By the time I finally got back to shore, it was  
21 like a bad dream. I talked to the police and then  
22 started throwing up. It was horrible. It was a really  
23 bad nightmare. I felt like I was -- there was screaming  
24 in my head.

1           It happens all over when I pass another car on  
2 the road head-on or another boat on the river. I think  
3 they're going to hit us. I know it's not right, but the  
4 fear just keeps getting more and more. I don't like  
5 driving my boat that much anymore. I don't have as much  
6 fun at the campground. Instead of feeling better, I'm  
7 just getting more scared. It's worse.

8           I watch the strain it's put on my marriage. I  
9 see the look in my wife's eyes when she wishes this would  
10 stop, but I can't make it stop. I can't stand to see my  
11 sister and brother-in-law hurt when I see them. I don't  
12 know what to say to them. I feel like everyone thinks it  
13 was my fault, but I can't find any way that I could have  
14 done anything any different.

15           I feel like I can't make decisions anymore, like  
16 I need to always ask someone else before I make them. I  
17 can make it through the day at work, but when I get home,  
18 I just want to not think. I just want it to be like it  
19 was before. I just want to be me again. I want Megan  
20 back again. And I can't make either thing happen.

21 Sincerely, David Daily.

22           THE COURT: Thank you very much, sir.

23           Before we call the next witness, I do want to  
24 make for the record, of the two letters I was tendered,

1 Mr. Daily just read one of them. And the other from  
2 Ms. Bushre is a duplicate of one that was actually  
3 attached to the presentence investigation. So I'm just  
4 going to set that aside because I've already considered  
5 that once.

6 Ms. Koroll?

7 MS. KOROLL: Megan's aunt, Renee Daily.

8 THE COURT: Ms. Daily, step forward, please. You can  
9 take the witness stand, please. Thank you. Are you  
10 comfortable, ma'am?

11 MS. DAILY: Yes, sir.

12 THE COURT: Okay. Would you state your name and  
13 spell your last name for the record.

14 MS. DAILY: Leigh Renee Daily, D-a-i-l-y.

15 THE COURT: And ma'am, you have prepared and tendered  
16 to the probation department an impact statement in this  
17 case; is that right?

18 MS. DAILY: Yes, your Honor.

19 THE COURT: And I apologize. As soon as I can find  
20 it, I'm going to let you go ahead and read it. There we  
21 go. You'd like to read that today?

22 MS. DAILY: Yes, your Honor.

23 THE COURT: You may.  
24

1                    IMPACT STATEMENT BY LEIGH RENEE DAILY

2            MS. DAILY: Your Honor and the Court, I'm a little  
3            unsure how to begin this letter or what to say. I guess  
4            I will begin with that every morning I wake up and  
5            remember once again that everything has changed. Megan  
6            is not coming to see us this weekend. She can't have my  
7            grandkids over to play. She won't be texting me silly  
8            questions about cooking like, What's a green onion? You  
9            would think I would remember this from the night before  
10           as my last thought every day is that nothing will ever be  
11           the same as I have to give my husband the pills he hates  
12           to take because they make him feel different, but it's  
13           the only way he won't remember the dreams, the  
14           nightmares, and that they'll be lessened in severity. He  
15           still has the nightmares, but in the morning he won't  
16           remember them unless they were very severe that night.  
17           If he doesn't take the pills, my night will also be  
18           ruined.

19                    I should remember that everything changed  
20                    because the pills have changed my husband along with the  
21                    PTSD. We sleep with pillows between us to protect me  
22                    when he's dreaming he's pulling the debris off the boat  
23                    to find Megan. Sex is definitely out of the question  
24                    along with most forms of intimacy, you know, cuddling,



1 just laying next to each other in quiet space and time.  
2 Now unless he's asleep, he's always moving, fidgeting,  
3 squirming, itching his face, running his hands through  
4 his hair. He's constantly running that day through his  
5 mind trying to figure out a way he could have done more  
6 than save three people and a dog from dying, a way that  
7 he could have saved everyone.

8           He cries a lot when he thinks I'm not looking at  
9 night before he falls asleep. He says over and over  
10 again, "What if you" -- me -- "had been on the boat and  
11 the only thing I could have done differently was not take  
12 the boat out that day?" Did I mention that he fights  
13 sleep as if it's going to kill him? We have constant  
14 arguments about his needing sleep, that he has to work  
15 the next day, fights over his medication, fights over his  
16 going to counseling. And yet, through all of this, it's  
17 an improvement over what it was immediately after the  
18 accident. And so I'm grateful.

19           I would have never thought in a million years I  
20 would say I was grateful for our marriage being in this  
21 spot. Sometimes I think I can't stand one more minute of  
22 this. It's like we're stuck in a variation of Groundhog  
23 Day, you know, the movie. Every single day going through  
24 the same memories, saying the same things, listening to

1 the same sentences, feeling the same feelings. We're  
2 stuck, and it may always be this way.

3 We personally haven't taken our boat out on a  
4 major holiday since the crash, not any day that there are  
5 a lot of boaters that maybe aren't experienced. We've  
6 learned the hard way no matter if you do everything  
7 correctly, someone else can ruin your life. It haunts me  
8 that we had seen Mongan race up and down the river all  
9 the time. We had commented on his excessive speed and  
10 watched out for him on a regular basis. We had seen him  
11 swamp or sink his boat on his own ramp, probably from not  
12 putting the plug in. He was someone who made amateur  
13 mistakes in our opinion, and we watched for him when we  
14 were out.

15 Back to my days, though. You would think that I  
16 would not have to remember each morning because of my  
17 dog, the one who we've had to retrain to ride in any  
18 moving vehicle, who piddles if we go under a bridge  
19 because now he's afraid of anything going over or above  
20 him. We had to unplug our surround sound for several  
21 months because any loud crashing noise from the TV would  
22 send him in shakes and drooling and panting. Kind of how  
23 my husband shakes and pales if someone comes close to the  
24 middle line of the road when we're driving. How do you

1 tell your dog, "It's over; you're all right."

2 Our friends Phil and Sherry, they used to go out  
3 on a boat ride every weekend with us. I can count on one  
4 hand how many times they've been out since the accident.  
5 And I overheard telling Sherry telling Phil when someone  
6 else asked them to go with them, "No, I'll only go on the  
7 boat with Dave." Can you imagine spending thousands of  
8 dollars to have a spot on the river to camp and now being  
9 afraid to go out on the water? That's all of us now.

10 I know none of this sounds fun, but this isn't  
11 the worst of it for me. The worst of it happened right  
12 after the accident. I was in Texas visiting my  
13 grandmother with dementia. Dave had gone through a phase  
14 of dropping his cell phone in the water, so he no longer  
15 took his phone with him on the boat. Phil and Sherry had  
16 their phones but were in shock. I don't know if Megan's  
17 was on the boat or not. But no one knew how to get ahold  
18 of Megan's parents except for Dave and I, and Dave was  
19 sick with shock.

20 So I get a phone call. Renee, please sit down.  
21 Dave, Megan, Phil and Sherry went out for a little ride.  
22 I knew immediately something had happened. I demanded  
23 that I not be told a story and that she tell me who was  
24 hurt, Dave or Megan. I was praying, Please God let Dave

1 be okay. I should have prayed for Dave and Megan to be  
2 okay, but I didn't.

3 She said, "It's Megan, and I don't think she's  
4 going to make it." My stomach hit my feet. And I think  
5 she told me quickly that someone had hit our boat and  
6 that Megan was in an ambulance and that they were  
7 performing CPR on her. I just hung up the phone. My  
8 only thought was as a parent was to get ahold of Megan's  
9 parents as quickly as I could. If they could just be at  
10 the hospital when Megan got there. If there was only one  
11 breath left in Megan, that she could see her parents and  
12 hear them tell her one more time that they loved her. If  
13 they could only get the opportunity to say to her one  
14 more time while she could still hear them that they loved  
15 her.

16 I called Megan's mom and it went into voicemail.  
17 I called her dad and it went into voicemail. I called my  
18 other two sister-in-laws, went into voicemail on one and  
19 finally got ahold of Dee. I told her to get to Robin's  
20 house, Megan's mom, and get her into a car, there had  
21 been an accident and it didn't look like Megan would make  
22 it and she needed to drive Robin.

23 By that time Robin called me back. I told her  
24 Megan had been hurt and that Dee was on her way and it

1 was bad. She calmly asked me, "How bad is it?" I said,  
2 "They're doing CPR." I'll never forget her scream for as  
3 long as I live. I told her I would try to find out which  
4 hospital, and by then Swaz, Megan's dad, was calling me  
5 back. He was, like, seven hours away in Wisconsin. I  
6 told him, "Get back. Megan's been hurt. It's bad.  
7 She's on her way to the hospital." I didn't know which  
8 one. I was trying to find out. Swaz exploded at me,  
9 "You find out where my daughter is and tell me right  
10 now." For the first time I felt a little scared of Swaz,  
11 but I understood where he was coming from. I told him I  
12 would.

13 No one at the campground knew where they were  
14 taking Megan. Finally I called the sheriff's department  
15 and found out where they were going and let everyone  
16 know. At this time I still hadn't been able to even talk  
17 to my husband or Phil and Sherry. All of this only took  
18 a few minutes, but it seemed like a whole day to me.  
19 These few minutes replay over and over again in my head  
20 day after day. The day I had to break my sister and  
21 brother-in-law's hearts. The day I had to start the  
22 process of sisters losing a sister, babies losing a  
23 mommy, cousins losing a cousin, grandparents losing a  
24 granddaughter, aunts and uncles losing a niece. Myself

1 and hundreds of other people losing not only a family  
2 member but a close friend. The rest was just a blur  
3 trying to change my airplane and flight. Trying to find  
4 someone who would take their phone to Dave. Trying to  
5 understand in his shock what he saw. Fielding questions  
6 from the family about what had happened. Trying to find  
7 out what had happened. And I have been picking up the  
8 pieces ever since then.

9           Throughout all of this, I have had faith in our  
10 justice system. I live in Ogle County. I voted for our  
11 state's attorney, our sheriff. We're a small community  
12 and we should rise together to confront whomever was at  
13 fault for this horrific accident. And you see, no one  
14 could tell me what had happened. Clearly I knew a boat  
15 hit our boat, but I didn't know the circumstances. We  
16 didn't know if Megan had drowned or had been killed by  
17 the impact. But I was willing to meet whatever had  
18 happened head-on. Whomever was at fault would accept  
19 responsibility for their actions, and we would go from  
20 there.

21           But then things changed, and the person at fault  
22 was well liked and well off. And as you know, a long two  
23 years of court hearings followed. Now Mr. Mongan has  
24 plea bargained to one felony. This plea bargain does not

1 contain wording that he was drunk. It does address that  
2 he murdered Megan by his actions. I understand the  
3 sentence for this could be just probation. I know that  
4 this is the first time Mr. Mongan was involved with a  
5 serious offense. I understand that no sentence, no  
6 matter how harsh or not, will bring Megan back.

7 But we have a community duty here to address.  
8 In my opinion, no one gets caught driving DUI the very  
9 first time they do it. And if Mr. Mongan has as much  
10 boating experience as we are led to believe, then  
11 certainly his behaviors on the water that I witnessed  
12 prior to the crash may have been due to being DUI too.

13 So this was no accident. This was a calculated  
14 risk that he was willing to take. I believe that  
15 probation only sends a very poor message to our community  
16 in this case. I also would feel personally better if I  
17 knew that he was not going to be able to operate his boat  
18 on our river again.

19 This crash has torn our community and my family  
20 apart. I see no remorse on Mr. Mongan's behalf, in his  
21 actions, or how he addresses the court. It was a very  
22 sad day for me two weeks when on a ride on a friend's  
23 pontoon boat, we saw a large party at Mr. Mongan's summer  
24 cottage on the river. He and his friends robustly waved

1 at our boat as we went by. Everyone on the boat sat in  
2 stunned silence and no one waved back.

3 At the same time Megan's favorite song came on  
4 the radio, Don't Stop Believing by Journey. I guess I'd  
5 like to believe that this man will not be able to do this  
6 to another family. I thank you for your time and  
7 consideration. Renee Daily.

8 THE COURT: Thank you, ma'am. You may step down.

9 Ms. Koroll?

10 MS. KOROLL: Melissa Swaziek, Megan's sister.

11 THE COURT: Ma'am, step forward, please. Take the  
12 witness stand for me, please. Ma'am, would you state  
13 your full name and spell your last name for the record.

14 MS. MELISSA SWAZIEK: Melissa Swaziek, S-w-a-z-i-e-k.

15 THE COURT: And you are related to Megan in what  
16 fashion?

17 MS. MELISSA SWAZIEK: Her sister.

18 THE COURT: All right. And you tendered a written  
19 impact statement to the probation department in this  
20 matter?

21 MS. MELISSA SWAZIEK: Yes.

22 THE COURT: And you'd like to read that today?

23 MS. MELISSA SWAZIEK: Yes.

24 THE COURT: All right. You may.





1           Think about any of your daughters, Marc Mongan.  
2 Think about all of these people or just one, specifically  
3 the one that's most important to you.

4           Now imagine them being taken from you. Imagine  
5 that they were enjoying a night on a boat, and then  
6 imagine a man running into that person head-on, full  
7 speed, killing them on impact. This is what happened to  
8 my family, to Megan's family because of this man, Marc  
9 Mongan.

10           Here's the last thing I want you to imagine.  
11 Imagine that the person responsible for taking your loved  
12 one, whether they were your best friend, mother,  
13 daughter, niece, whoever, imagine that they didn't even  
14 spend a whole night in jail and they have not in almost  
15 two years since this has happened been held accountable.

16           How would you feel, Marc Mongan, if someone was  
17 taken from you that you loved and the person who was  
18 responsible for it had zero accountability? I'm not  
19 saying that you did this on purpose, by any means. But  
20 the matter of the fact is that you -- that your actions  
21 killed my sister. You were the one driving the boat that  
22 night that hit her with such force that she flew from the  
23 boat and was killed on impact.

24           Do you even feel remorseful? Because I'm a firm

1 believer of actions speak louder than words, and your  
2 actions during all of these court dates that I have been  
3 to have shown zero remorse.

4 I've talked to a lot of people about what  
5 happened to my sister, and they told me stories of other  
6 people being put away in jail for less or for the same  
7 actions. And yet here you are, enjoying holidays,  
8 enjoying time with your loved ones. And here we are  
9 shattered from what you did that night.

10 I got married last Saturday. It was supposed to  
11 be the best day of my life. However, I was grieving  
12 during this day as well because my maid of honor could  
13 not be there because of you.

14 Don't get me wrong, it was a great day, and I'm  
15 so happy to have been married. But I kept looking for  
16 Megan and wanting to celebrate with her because I knew  
17 she would be so happy for me. She was not there, though.  
18 She missed my wedding day and she will miss so many  
19 important dates because of you, and for that reason I  
20 think you should be held accountable by receiving the  
21 maximum penalty for your reckless conduct charge.

22 You are receiving reckless conduct for taking a  
23 person's life. What is reckless conduct under the State  
24 of Illinois? Reckless conduct by the Illinois General

1 Assembly is described as follows:

2 A person commits reckless conduct when he or she  
3 by any means, lawful or unlawful, recklessly performs an  
4 act or acts that, one, causes bodily harm to or endanger  
5 the safety of another person; or, two, cause great bodily  
6 harm or permanent disability or disfigurement to another  
7 person.

8 The second one is a Class 4 felony, which is  
9 what you have pleaded to. So this is saying that you  
10 caused great bodily harm to Megan. Harm? You harmed  
11 her? No, you killed her. You killed a person, and I  
12 hope you feel remorse and have to live with that for the  
13 rest of your life. I hope you have to answer to this one  
14 day or another because so far you have not.

15 Maybe you will today, maybe a few weeks down the  
16 road or maybe years down the road, but one day I hope  
17 somehow you pay for this and you feel remorse for our  
18 family and her kids. You ruined our lives. I just hope  
19 you realize that and that you have to pay some  
20 consequences for your actions. Because if you don't and  
21 you get away with killing a person with no consequences,  
22 why should anyone have consequences for anything that  
23 they do?

24 Megan deserved so much more than being killed

1 and having the man who killed her walk free. Please,  
2 Judge, do not allow this to happen. Megan deserved to  
3 live a long and happy life. Marc Mongan's sole actions  
4 took that away from her. He deserves the maximum penalty  
5 for his actions.

6 Thank you. Melissa Swaziek.

7 THE COURT: Thank you, ma'am. You may be seated.

8 MS. KOROLL: Thank you, your Honor. Megan's mother,  
9 Robin Swaziek.

10 THE COURT: Ma'am, step forward, please.

11 Ma'am, would you state your full name and spell  
12 your last name for the record, please.

13 MS. ROBIN SWAZIEK: Robin Swaziek, S-w-a-z-i-e-k.

14 THE COURT: And you are Megan's mother; is that  
15 right?

16 MS. ROBIN SWAZIEK: Yes.

17 THE COURT: And you prepared and tendered to the  
18 probation department an impact statement in this  
19 particular case; is that right?

20 MS. ROBIN SWAZIEK: Yes.

21 THE COURT: And you'd like to read that today?

22 MS. ROBIN SWAZIEK: Yes.

23 THE COURT: Okay. Whenever you're ready, you may.  
24

1                                    IMPACT STATEMENT BY ROBIN SWAZIEK

2            MS. ROBIN SWAZIEK: The night of June 24th my  
3 daughter was doing something she loved. She was raised  
4 on her papa's pontoon. She was on a pontoon on the river  
5 before she could walk. So of course it continued with  
6 her uncle's boat. My dad always had a boat. I loved  
7 boating on the river.

8            Your irresponsible actions that day took so much  
9 from us. My daughter, my love for the water, my life as  
10 I knew it before that horrible day. I was blessed with  
11 three beautiful daughters who I love dearly. I was a  
12 stay-at-home mom because I didn't want to miss a minute  
13 of their precious childhoods. They're all special, but  
14 when you lose one it tears a huge hole in your heart.  
15 Your life is destroyed beyond repair. You have three  
16 daughters. Which one could you live without? You may as  
17 well have took me that night also. You chose to drink  
18 that day and get behind the wheel of a boat driving  
19 recklessly and so far -- and so fast that you couldn't  
20 even control it enough to avoid this collision. Why?

21            Because of your actions my beautiful daughter is  
22 gone. She left behind three children without their mom.  
23 I look into their faces, and it hurts that they are  
24 missing their mother raising them, her love for them. We

1 are a torn family, and it's all because of you. I asked  
2 your attorney one time after court in the hallway how he  
3 sleeps at night. He replied that he has no problem  
4 sleeping. We have so many sleepless nights. So many  
5 tears. What about you?

6 You should have had to look at her pictures in  
7 the morgue of what you had done to her. You should have  
8 had to come to her service which was standing-room only  
9 and seen the overwhelming love for Megan that was so  
10 obvious and felt the pain that you caused. You should  
11 have had to witness the horrible moment when we had to  
12 tell her three young children that they would never see  
13 their mom again. Hear their cries. You should have had  
14 to witness how the smallest thing can now paralyze us in  
15 everything we do. It's so obvious that Megan is not  
16 there.

17 Her witty comments, always up to something. Her  
18 smile. Now we feel the absence of Megan all because of  
19 you. Our family functions are unbearable. The last  
20 picture I have of me and Megan are on that boat a few  
21 weeks before enjoying ourselves. How dare you take all  
22 that away from us.

23 Even her wish for when she died you took. Ever  
24 since she was old enough to understand, she wanted to be

1 an organ donor. You took that also. Her major organs  
2 were so damaged from your boat that crashed into her that  
3 they could not be used. This was no accident. Her death  
4 certificate says homicide. You should be held  
5 accountable for that. Not probation. Jail time for you  
6 to have to really think about what you did that day in  
7 June.

8 It took us four years to conceive and have  
9 Megan. She was so loved and wanted, and you took that in  
10 a blink of an eye from us. You took our child. The  
11 mother of our grandkids. A sister, a granddaughter, a  
12 niece, a cousin, a friend who was loved by so many. And  
13 what did you lose?

14 We've lived every hour, every day, trying to  
15 cope and have some kind of life while you have never even  
16 seen the inside of a jail cell. You bonded out that  
17 night for \$200 and went home.

18 We left the hospital and morgue without our  
19 precious daughter. Justice? I think not. How would you  
20 feel if this happened to one of your daughters? I  
21 promise you one thing, Megan will never be forgotten as  
22 long as I live. It will not be forgotten why or who is  
23 the reason she's not here. 31 years old. She deserved  
24 to live her life to the fullest. You had no right taking



1 that from her, no right to drink and drive recklessly  
2 that day or any day. You shouldn't be above the law.  
3 You deserve to be held accountable for Megan not being  
4 here. You deserve to go to jail.

5 On June 24, your action gave us a life sentence  
6 of always feeling this horrible heartache of not having  
7 Megan here with us, her kids, and everyone who loved her.  
8 I hope and pray you get the punishment that is due to you  
9 for taking our beautiful child Megan. Robin Swaziek.

10 THE COURT: Thank you, ma'am.

11 MS. KOROLL: I believe that completes it. That is  
12 all, your Honor. Thank you.

13 THE COURT: Okay. We're going to take a ten-minute  
14 recess and we'll come back.

15 (Recess taken.)

16 THE COURT: We'll back on the record in 17 CF 168,  
17 People vs. Marc Mongan. The defendant is present before  
18 the Court with his attorneys, Mr. Tess and Mr. Crull.  
19 Mr. Neal is here for the State. Ms. Koroll for the crime  
20 victims.

21 Mr. Neal, anything else on behalf of the State  
22 in aggravation?

23 MR. NEAL: Your Honor, at this time the People would  
24 simply just request the Court consider two aggravating

1 factors, especially over all of the other aggravating  
2 factors.

3 THE COURT: I'll take your argument after I've heard  
4 from Mr. Tess's folks.

5 MR. NEAL: Sure.

6 THE COURT: Any other evidence in aggravation?

7 MR. NEAL: No evidence.

8 THE COURT: Mr. Tess, evidence in mitigation?

9 MR. TESS: We do have one witness, your Honor.

10 THE COURT: Okay.

11 MR. CRULL: Your Honor, if we could call Mr. Ed Fane.

12 THE COURT: Mr. Fane, step forward, please. Take the  
13 witness stand, please, sir. Mr. Fane in possession of  
14 his letter?

15 MR. CRULL: Your Honor, I'll likely just be  
16 questioning him a little bit.

17 THE COURT: I'm not going to accept his impact  
18 statement and allow you to question him.

19 MR. CRULL: Then I would rely on his testimony today.

20 THE COURT: All right. So you want to withdraw his  
21 letter?

22 MR. CRULL: Yes, your Honor.

23 THE COURT: All right. The letter of June 15th by  
24 Edward Fane will be withdrawn and will not be considered

1 by the Court.

2 MR. CRULL: Thanks, your Honor.

3 (Oath administered.)

4 WHEREUPON:

5 EDWARD FANE,

6 called as a witness on behalf of the Defendant, being  
7 first duly sworn, was examined and testified as follows:

8 DIRECT EXAMINATION

9 BY MR. CRULL:

10 Q. You're Mr. Edward Fane, F-a-n-e; is that  
11 correct?

12 A. That's correct.

13 Q. And you know Mr. Marc Mongan; is that correct?

14 A. That is correct.

15 Q. Can you tell me a little bit about how you came  
16 to know Mr. Mongan?

17 A. Oh, probably been about 10, 12 years ago. Marc  
18 bought a piece of property out by where I live. He had a  
19 wildlife habitat on it, and he was calling me for some  
20 advice on how to maintain it. And I'm -- I've been  
21 president of Pheasants Forever for 25 years in Ogle  
22 County, so he was just looking for some expertise on how  
23 to work -- maintain his property, plant his food plots,  
24 things like that. That's how we first met.

1           Q.    And that was to help with wildlife or something  
2 on that property?

3           A.    That's correct.  It's a wildlife, annual food  
4 plots and annual burnings and things like that.  I mean,  
5 it's for wildlife.

6           Q.    Have yourself and Mr. Mongan continued to be  
7 involved in those types of activities?

8           A.    Yes.  We've continued to plant his food plots  
9 annually and do prescribed burns when needed.  And we've  
10 got him actually involved with the National Wild Turkey  
11 Federation, done some activities with them on -- they  
12 have a handicapped youth hunt in the spring that Marc and  
13 I have both made our properties available to them for  
14 that.

15          Q.    Can you tell me a little bit about that,  
16 yourself and Mr. Mongan's involvement with that?

17          A.    The Wild Turkey Federation has a youth hunt in  
18 the spring, and they -- a lot of times it's youth that  
19 have never hunted before and will have a handicap of some  
20 sort.  And they look for properties that have a turkey  
21 population where people are willing to let them come out  
22 and set up their ground lines.  And the hunt is mentored  
23 by an adult and someone from the National Wild Turkey  
24 Federation.  So Marc and I have gotten involved and allow

1 them to use our properties.

2 Q. Other than through the National Wild Turkey  
3 Federation and Pheasants Forever, have yourself and  
4 Mr. Mongan engaged in any other activities?

5 A. Yes. We golf. We've done a lot of boating over  
6 the years. I retired about six years ago. I've had the  
7 opportunity to spend more time on the river. I don't own  
8 a boat myself, so quite often went with Marc. We've  
9 camped. We've gone on family outings and dinners and  
10 things like that.

11 Q. If you could describe Marc as a boater, how  
12 would you describe him?

13 A. In all my experience with Marc, he's a very  
14 conservative boater. I've probably been on the river  
15 with him 100 times. Quite often fishing but just  
16 sometimes just pleasure cruising up and down the river.  
17 And we're not -- quite frequently -- Always aware of his  
18 surroundings. Always very courteous and follows boating  
19 regulations and rules. Quite often we would just drop a  
20 line in the water and float down the river. It wasn't  
21 always about getting from Point A to Point B.

22 Q. After the incident that took place on -- the  
23 accident that took place on June 24th of 2016, have you  
24 remained friends with Mr. Mongan?

1           A.    Yes, we have.

2           Q.    Have you had the opportunity to discuss that  
3 accident with him?

4           A.    Yes.

5           Q.    Can you describe those conversations or things  
6 that have happened?

7           A.    When the accident first happened, I found out  
8 the next day. A mutual friend called me, and I knew at  
9 that time -- I gave Marc a day to just be with his family  
10 and get his thoughts and stuff together. It was a really  
11 long night after the accident and things. And the second  
12 day after I called him up and asked if I could come up  
13 and see him, if he was willing to seek comforting. And  
14 we did, and he told me what happened and total remorse  
15 and -- I've been to just about all the court proceedings  
16 since. And anytime Marc and I do talk about it, it's --  
17 it's tough. It's emotional to him. It's emotional to  
18 me. He is remorseful for it.

19          Q.    And that's what he's expressed to you?

20          A.    Absolutely.

21          Q.    Have you guys talked about the responsibility  
22 for the accident?

23          A.    I'm sorry?

24          Q.    Have you talked about any of the responsibility

1 for the accident?

2 A. Marc's responsibility?

3 Q. Just about the responsibility of how the  
4 accident occurred.

5 A. It was an accident. I'll guarantee ya. I  
6 don't -- I know Marc telling me early on that he didn't  
7 see that boat. There was more going on on the river that  
8 night than I think any of us know. And like I say, in my  
9 experience with Marc, a very responsible person on the  
10 river. Not careless. This wasn't a careless act. It  
11 was a tragic accident.

12 Q. Back to yourself and Mr. Mongan's relationship.  
13 Has there been a time when he's been -- like, I guess,  
14 you've been a friend to him, you've been there for him to  
15 discuss different things. Has he ever been a friend like  
16 that to you?

17 A. Oh, greatly. My family went through a period  
18 where we had an illness that had to be treated at a  
19 remote location, and I would ask Mark, you know, hey,  
20 we're going to be out of town for a period of time, and  
21 it was a number of days in a row and sometimes overnight  
22 stays. And Marc would very willingly come and take care  
23 of my house, take care of my pets, feed them, walk them,  
24 keep me updated every day on how things were around the

1 house. And that was above and beyond taking care of his  
2 own family and his own business and other things. It was  
3 never -- There was never any question. He was always  
4 there, willing and able.

5 Q. Aside from what he's done for you, are you aware  
6 of anything else he's done for people in the community?

7 A. Yeah. He's -- He and his wife both through  
8 their business and individually are very generous  
9 contributors to a lot of organizations. He has a drawing  
10 over the holidays down at his business where one of his  
11 employees gets to choose a non-for-profit that they make  
12 a generous donation to. I know Marc and Michelle have  
13 probably donated \$100,000 to charities over the last  
14 maybe ten years.

15 Q. Just in the time that you've known him?

16 A. Just in the time I've known him.

17 Q. Do you know anything about Marc as a business  
18 owner?

19 A. I know when he graduated pharmacy school, he  
20 started working for a pharmacy and in several different  
21 locations I think. Then he found an opportunity and  
22 created his own business and then has been very  
23 successful at it. It wasn't given to him. It wasn't  
24 inherited. It was something he built and earned.



1 Q. You stated earlier that you've been to every  
2 court appearance; is that correct?

3 A. As far as I know, yes. From very early on.

4 Q. And at all of those, have you ever seen Marc do  
5 anything other than follow the instruction of the bailiff  
6 or one of his attorneys?

7 A. No. I think all the court proceedings have been  
8 pretty straight, and when completed we follow the bailiff  
9 out and usually leave the premises.

10 Q. Since June 24th of 2016 have you been boating  
11 with Mr. Mongan?

12 A. No.

13 Q. Have you seen him boating?

14 A. No.

15 MR. CRULL: May I have a moment, your Honor?

16 THE COURT: Yes, sir.

17 (Brief pause.)

18 MR. CRULL: I don't have anything further, your  
19 Honor. Thank you.

20 THE COURT: Mr. Neal?

21 MR. NEAL: Briefly.

22 CROSS-EXAMINATION

23 BY MR. NEAL:

24 Q. First of all, thank you for your service to

1 Pheasants Forever and with the conservation.

2 Sir, you've been friends with Mr. Mongan for a  
3 long time, correct?

4 A. Correct.

5 Q. And you remain friends with him?

6 A. Yes, sir.

7 Q. You have not been on the river with him since  
8 the day of this -- the collision which --

9 A. That's correct.

10 Q. Have you been with him socially since then?

11 A. Yes.

12 Q. Have you seen Mr. Mongan consume alcohol since  
13 then?

14 A. Yes.

15 MR. NEAL: No further questions.

16 THE COURT: Mr. Crull, anything else?

17 MR. CRULL: I don't have anything further, your  
18 Honor. Thank you.

19 THE COURT: You may step down, sir. Thank you very  
20 much.

21 THE WITNESS: Thank you, sir.

22 (Witness excused.)

23 THE COURT: Mr. Tess, call your next witness.

24 MR. TESS: No further evidence, your Honor. Argument

1 only.

2 THE COURT: All right. Is Mr. Mongan going to make a  
3 statement of allocution? And if so, does he want to do  
4 that prior to or following argument?

5 MR. TESS: I think it's most appropriate after  
6 argument, your Honor.

7 THE COURT: Fair enough. Mr. Neal, I'll take  
8 argument as to recommendations.

9 MR. NEAL: Your Honor, the -- if it please the Court  
10 and counsel, the family, I think the day we first met I  
11 told you the People were sorry for your loss. There  
12 probably can't be anything any of us can think of any  
13 worse than the loss of a child, so I would like to  
14 conclude letting the family know that the People are very  
15 sorry for their loss.

16 The Court is aware of all the statutory  
17 aggravating and mitigating factors, and I'm not going to  
18 recite them again. I do want to tell the Court that the  
19 People have focused on two of the statutory aggravating  
20 factors in our thought process regarding an appropriate  
21 sentence.

22 The first is that the defendant's conduct caused  
23 or threatened serious harm. His conduct did. And it  
24 resulted in the death of another person. He killed a

1 girl on the river.

2           And Number 7, your Honor, is that the sentence  
3 is necessary to deter others from committing this same  
4 offense. The rivers are supposed to be a place of  
5 recreation. The People are painfully aware that this  
6 type of conduct is not the -- this is not the first  
7 person who has engaged in this kind of conduct on the  
8 river.

9           I believe the Illinois General Assembly, in  
10 enacting stricter and stricter laws, are trying to send a  
11 message this is not permissible in the state of Illinois.  
12 The People believe that obviously this is the most  
13 serious form of reckless conduct, the loss of a life, and  
14 in such the People have consistently believed that a  
15 determinate sentence in the Illinois Department of  
16 Corrections is an appropriate sentence in this case.

17           The People do, though, acknowledge, that your  
18 Honor has a tough decision because there's a presumption  
19 of probation, and we have argued the two what we believe  
20 most serious aggravating factors, but there are other  
21 aggravating factors and mitigating factors that your  
22 Honor must consider.

23           If after determining all the facts based upon  
24 all the evidence and this specific offense, your Honor,

1 you believe that this defendant should be placed upon  
2 probation, the People want to make multiple  
3 recommendations of conditions of probation.

4           The People would believe that should your Honor  
5 place this defendant on probation, the defendant should  
6 be on maximum probation. And by maximum probation, the  
7 People are recommending first the maximum amount of time  
8 of probation, which is 30 months, but also maximum  
9 probation regarding contact, et cetera, with the  
10 probation department. I'm not here to tell the probation  
11 department how to do their job. They do it very well.  
12 But we do believe that as intensive a probation as Ogle  
13 County could place upon this defendant would be  
14 appropriate if that is the sentence.

15           The People do believe that incarceration in the  
16 Ogle County jail would be an appropriate sentence. As  
17 the Court knows, I hesitate to use the words "for a  
18 period of not more than six months" because it sounds  
19 like we're asking for a short time, but that's the  
20 statutory amount of time.

21           We believe that this defendant should be  
22 required to do community service work. Our suggestion is  
23 300 hours of the community service work because that  
24 would be -- in our hopes that should you determine

1 probation is an appropriate sentence, that's ten hours  
2 each and every month.

3 The People recommend that this defendant be  
4 required to go through the Ogle County Victim Impact  
5 Panel. While the defendant's plea did not involve the  
6 offense of DUI on the river, this is clearly an event  
7 where there have been allegations throughout that the  
8 consumption of alcohol was a factor in this offense.

9 The People are asking the Court, and we know  
10 that you will, to consider restitution to the victim's  
11 family. We have submitted Exhibit A to you, your Honor.  
12 The People specifically note that of all these  
13 suggestions, the two most common that we would see in a  
14 case would be regarding funeral expenses and crisis  
15 counseling. The People would recommend perhaps that the  
16 Court consider either the family or the victim advocate  
17 if they want to argue further regarding these suggestions  
18 that they have made.

19 Judge, this defendant, I believe, has gone  
20 through an alcohol evaluation. The People are  
21 recommending that he would go through the same alcohol  
22 evaluation and treatment and follow-up that would be  
23 recommended on any DUI in Illinois.

24 Judge, we're asking that the defendant be

1 prohibited from consuming alcoholic beverages during  
2 the period of probation unless and of course if he's  
3 participating in an organized religious ceremony. One of  
4 the most troubling things that the People saw in a  
5 presentence investigation, which does not have, as we can  
6 all see, a series of -- series of violent crimes or  
7 anything of that nature, is that this defendant has  
8 indicated, quite truthfully and he should be commended  
9 for that, that he still will socially drink two to six  
10 drinks. It is the People's position that he should not  
11 be consuming alcoholic beverages. And to the extent if  
12 the Court would deem that's an appropriate condition of  
13 his probation, we would ask that the defendant be  
14 required to wear a SCRAM device. And the People's  
15 recommendation would be that he wear that SCRAM device  
16 until he's gone through 12 consecutive months of no  
17 alcoholic beverages.

18 Judge, we're asking that this defendant be  
19 ordered not to enter any establishment, if he's placed on  
20 probation, whose primary purpose is the sale of alcohol  
21 be consumed on the premises. And I know the Courts have  
22 found this to be a difficult position, and we're not  
23 recommending that this defendant be prohibited from going  
24 to a restaurant that serves alcohol, but we're certainly

1 recommending that this condition, and as clearly as we  
2 could work together with counsel and the Court, if that's  
3 a condition that he's not going into taverns during the  
4 period of probation.

5 Your Honor, the People are recommending that  
6 should you place this defendant on probation that he be  
7 prohibited from operating any watercraft on any navigable  
8 waterway in the United States of America during the time  
9 of his probation. This defendant should not be operating  
10 a boat.

11 Your Honor, and again, this is something that is  
12 certainly not a standard condition of probation, but the  
13 People would recommend that this defendant be prohibited  
14 from recreational activities on the Rock River during the  
15 period of probation, including being a passenger on a  
16 watercraft during the probation. We're not suggesting  
17 that he cannot be involved in shore lunch or barbecues,  
18 et cetera, but we believe that an appropriate condition  
19 of probation would be that this defendant not be allowed  
20 to be on the river during that period of probation.

21 Judge, we'd be asking for a no-contact order  
22 with David and Robin and their daughters if this  
23 defendant is placed upon probation. We believe it's best  
24 that they stay away from the family.



1           Judge, I'm not making a recommendation to the  
2 Court -- and the Court in your wisdom can determine  
3 whether or not a fine is appropriate -- as to a fine  
4 because it would be the People's preference that any  
5 available funds go first to restitution before they go to  
6 a fine. We would ask, of course, that the defendant be  
7 ordered to pay whatever the appropriate court costs, that  
8 we would try to sit down with the clerk and be assessed  
9 on a crime of this nature in Ogle County.

10           And Judge, finally, if this Court does determine  
11 that this defendant should be placed upon probation, we  
12 would ask that this defendant be admonished clearly that  
13 any violation of probation, of any term of the probation,  
14 would certainly result in a petition to revoke, at which  
15 time the People would come back to this Court and once  
16 again ask for a sentence in the Illinois Department of  
17 Corrections. I understand that probation can do internal  
18 discipline and they can make changes internally, but we  
19 would be requesting probation, if there's any violation,  
20 to notify the People. And I would not want this  
21 defendant to leave court today wondering what would be  
22 the outcome of that.

23           THE COURT: I'd be happy to admonish him that any  
24 violation could result in a petition. I suppose as to

1 whether it would is up to you.

2 MR. NEAL: Yes, it is. And that's the admonishment  
3 we'd be asking for, your Honor.

4 THE COURT: Okay.

5 MR. NEAL: And Judge, finally -- I'm going to go in a  
6 complete circle -- I don't want the fact that I recommend  
7 all of these conditions of probation to be considered  
8 that the People are recommending probation. It is the  
9 People's position that, especially as to Number 1 and  
10 Number 7 of the aggravating factors, that an Illinois  
11 Department of Corrections sentence would be appropriate  
12 and could be considered by this Court in this case.

13 THE COURT: Thank you, Mr. Neal.

14 Ms. Koroll, are you okay with the  
15 recommendations as to restitution made by the State, or  
16 do you wish to make further argument as to restitution  
17 only?

18 MS. KOROLL: Your Honor, in our amended petition for  
19 restitution we did ask for some time to put together  
20 figures. The Exhibit A that is attached is not fully  
21 itemized, and I had some concerns with that. It was my  
22 understanding that under the Crime Victims Act we could  
23 submit our detailed requests for restitution --

24 THE COURT: I don't intend to reserve restitution.

1 MS. KOROLL: Yes, sir. Okay. Then what I'm seeking  
2 in Exhibit A that has been provided, we are aware that --  
3 This is an exhibit put together by Megan's father. We  
4 can provide an itemization of the cost of the attendance  
5 for Court. As this Court can see, the family has been  
6 here for every court appearance. That has involved  
7 travel into this county. That has also involved some  
8 time off of work for both of the crime victims and  
9 additional family members.

10 The family has done some extensive and expensive  
11 research in looking at this case, gathering information,  
12 conducting interviews with different offices and such.  
13 And as such -- And they have also utilized newspaper  
14 resources in the form of ads. That is also listed and  
15 some research recommendations.

16 The Crime Victims Act asks that this Court  
17 require Mr. Mongan to establish a memorial fund in honor  
18 of Megan and that they're asking that the Court ask that  
19 that memorial fund be in the sum of \$50,000. The exhibit  
20 also has a provision placed by the crime victims as an  
21 addition, and I'll leave that to the Court to review.

22 The funeral expenses are listed as \$1,289. My  
23 understanding is that may not include all of the  
24 expenses. And that the crisis counseling is an ongoing

1 process for the crime victims. They have set a dollar  
2 amount, which they can further itemize if needed.

3 Your Honor, we believe that restitution is a  
4 very important part of this. We also believe that  
5 Mr. Mongan has very adequate resources, not only in his  
6 employment and hourly wage, also in the pharmacy company  
7 that he runs is also known that he has acquired quite a  
8 bit of property in this county, and we believe that he  
9 certainly is able to pay the restitution amount and would  
10 ask that the Court consider that as listed in our petition.

11 THE COURT: Thank you very much.

12 Mr. Tess? Mr. Crull?

13 MR. TESS: Thank you, your Honor.

14 May it please the Court, counsel, and both of  
15 the families that are involved herein.

16 What a horrible, sad day this is for everyone.  
17 Certainly once again, on behalf of the Mongan family, on  
18 behalf of Mr. Crull and myself, we wish to extend our  
19 condolences and our sympathies to Mr. and Mrs. Swaziek  
20 and the rest of Megan Wells' family.

21 Marc Mongan has pled guilty to reckless conduct.  
22 In doing so he has acknowledged certainly the death of  
23 Megan Wells in operating a watercraft without giving a  
24 right-of-way and at a speed not proper for the boating

1 conditions. It's been a lot of talk about alcohol. But  
2 there is no evidence before the Court, there's no  
3 allegations that have been substantiated before the Court  
4 regarding alcohol. The grand jury refused to return such  
5 an indictment, and all such charges have been dismissed.

6 MR. NEAL: Objection, your Honor. That is improper  
7 argument.

8 THE COURT: I'll sustain the objection. I'll  
9 disregard the question about the grand jury.

10 MR. TESS: The Court has had an opportunity to read  
11 all the letters on behalf of both parties, both families.  
12 My heart, and I know the heart of Mr. Mongan and  
13 Mr. Mongan's family, hurts for all of them and goes out  
14 to them. Our prayers go out to them.

15 But there are facts that need to be cleared up  
16 again. Alcohol consumption on behalf of Mr. Mongan  
17 played no part in this incident. Mr. Mongan has not  
18 acted above the law. He has not been given preferential  
19 treatment by this Court or the court system in Ogle  
20 County. He's come and left the courthouse as directed  
21 each time and as instructed.

22 Mr. Mongan is not a speed racer on the river as  
23 evidenced by the testimony of Mr. Fane and the various  
24 letters that have been provided to the Court. As

1 Mr. Fane indicated, he's always cautious and never in a  
2 hurry.

3 It would be easy to get into a blame game and  
4 talk about the nature and specifics of the event and  
5 about other people involved in the accident, but none of  
6 that will bring back Megan. At this point Mr. Mongan has  
7 accepted his responsibility for this accident and for  
8 this incident.

9 Mr. Mongan is a lifelong resident of Ogle  
10 County. He's a graduate of Oregon High School and then  
11 St. Louis University. He came back to this area to  
12 practice his trade in pharmacy. He's been married to  
13 Michelle, and they are looking forward to their 17th  
14 anniversary upcoming. His mom, three daughters, and  
15 Michelle and the rest of their family are here in court  
16 today.

17 Mr. Mongan is the owner of Oregon Healthcare  
18 Pharmacy Services, Inc., and prior to that worked at  
19 Dixon Pharmacy. It is significant that subsequent to  
20 this incident Mr. Mongan as to his health history  
21 suffered a hip replacement and most importantly sought  
22 counseling as a result of this incident.

23 His criminal history is also significant in that  
24 it is uneventful. There's two, illegal transportation of

1 alcohol when he was 20 years of age, some 27 years ago,  
2 speeding ticket the last of which was ten years ago.  
3 It's important to note for the Court that although the  
4 presentence report did not mention it, Mr. Mongan did  
5 receive a statutory summary suspension as a result of  
6 this incident, lost his driver's license and privilege to  
7 drive for one year, which was not BAIID eligible.

8 He will also lose his FOID card. You heard  
9 Mr. Fane testify Mr. Mongan is an avid hunter, been  
10 involved in activities for Pheasants Forever. There's  
11 letters indicating that he has taken his grandkids  
12 hunting and other kids hunting and been very involved  
13 with that. That will cease, and that will cease forever  
14 for Mr. Mongan.

15 Although as indicated, alcohol is not related to  
16 this incident, Mr. Mongan did complete an alcohol  
17 assessment by Dr. Jayne Braden, a licensed clinical  
18 psychologist. Counsel indicated that he would ask the  
19 Court to complete a DUI-type assessment, and the Court  
20 should be aware that Dr. Braden is so licensed by DASA  
21 courts subparts thereafter.

22 I think it's important to realize that her  
23 report is consistent with the letters provided on behalf  
24 of Mr. Mongan. It indicates in summary, quote: "A low

1 probability of having a substance abuse disorder."

2 And recommendation of, quote: "No treatment required."

3 We ask the Court to look at all these factors,  
4 the letters, and as it has to by statute look at the  
5 factors in aggravation and mitigation. As counsel has  
6 indicated, there are two factors in aggravation that  
7 apply here. But it's also important for everyone to know  
8 and the Court to understand that there are 30 factors in  
9 aggravation but only two apply here.

10 First: "The defendant's conduct caused or  
11 threatened serious harm." It certainly did that. And  
12 Mr. Mongan has acknowledged that.

13 Second, Number 7: "The sentence is necessary to  
14 deter others from committing the same crime." This  
15 factor in some way applies to all sentencing and requires  
16 the Court to really look at the totality of the  
17 circumstances. Those circumstances not only include the  
18 how and the why of this incident but also the character  
19 of the defendant. I'd ask to address those issues by way  
20 of the mitigation arguments.

21 There are 16 statutory mitigation arguments for  
22 the Court to review. Seven of those apply here.

23 Number 2: "The defendant did not contemplate  
24 that his criminal conduct would cause or threaten serious



1 physical harm to another." Two men got off work. As  
2 they do weekly, sometimes more than once a week they went  
3 fishing. If you look at Nick Lamb's letter who was a  
4 passenger on the boat, his fishing partner, Marc was in  
5 total control, he was handling difficult maneuvers while  
6 they were putting out bait lines, changing complicated  
7 hooks on bait lines while --

8 THE COURT: Mr. Tess, I don't mean to interrupt you,  
9 but I'm not going to consider any evidence or argument  
10 today as it relates to how this accident occurred.

11 MR. TESS: It is, I think, your Honor, important for  
12 the Court to at least consider these actions in the sense  
13 that Mr. Mongan's actions are not such that it would  
14 continue.

15 Number 6: "The defendant has compensated or  
16 will compensate the victim." We certainly understand  
17 there's a loss of life here, and no such compensation can  
18 be given for that. But as an officer of the Court, I can  
19 advise the Court that there is a substantial insurance  
20 policy available, that that is being litigated currently,  
21 and that Mr. Mongan will be required, pursuant to that,  
22 to pay \$100,000 of that coverage himself up front before  
23 the coverage starts. He is making those financial  
24 arrangements and doing so through the civil court.

1           Number 7: "The defendant has no criminal  
2 history or criminal activity or has led a law-abiding  
3 life for a substantial period of time." We've indicated  
4 already, speeding ticket ten years ago.

5           Number 8: "The defendant's criminal conduct was  
6 a result of circumstances unlikely to reoccur." Again, I  
7 ask the Court to consider Ed Fane's testimony. They've  
8 been out on the boat hundreds of times together. Nick  
9 Lamb, out on the boat many times. Nick indicates in his  
10 letter that Mr. Mongan and he would often take Mr. Lamb's  
11 son with them. Mr. Fane's comment, very conservative,  
12 very careful.

13           Michelle Mongan's letter to the Court, cautious  
14 to the point of being obsessed with it.

15           Nick Lamb's letter, never irresponsible, never  
16 at a high rate of speed.

17           This was an unusual nature of events that  
18 occurred. And as such, I think this factor is important  
19 for the Court to consider in mitigation.

20           Number 9: "Character and attitude of the  
21 defendant indicate he is unlikely to commit another  
22 crime." It is interesting how the letters on behalf of  
23 Marc Mongan in different ways all talk about his  
24 character.

1 Ron Keith, a business employer, first hired Marc  
2 Mongan, saw great things in him 20 or 30 years ago,  
3 talked about him being a good man, talked about how he  
4 cared about his patients, took time to counsel doctors  
5 and nurses who were treating his patients, saw him as a  
6 successful employee, a successful father, a successful  
7 son and husband, said he was sensitive and caring and  
8 noted he will carry this incident with him the rest of  
9 his life.

10 Darlene Nickoloff, an employee of Marc's, said  
11 totally dependable. Words she used were grace, dignity,  
12 integrity, honesty, kindness, he would not hurt anyone.

13 Ed Fane, a man who he helped in a time of need.  
14 He indicated that he had accepted responsibility in their  
15 private conversations and was remorseful. And noted his  
16 heavy charitable actions over his life, well prior to  
17 this incident.

18 Michelle Mongan, a man of integrity.

19 Number 10: "The defendant is particularly  
20 likely to comply with the terms of probation."  
21 Mr. Mongan's followed all the pretrial orders. He 's not  
22 missed a court appearance. His character has been  
23 attested to, as we've just indicated. He's a lifelong  
24 resident of the community and has a multitude of family

1 and friend support.

2 No. 11: "The imprisonment of the defendant  
3 would entail excessive hardship." Both Michelle Mongan's  
4 letter and Nicholas -- Ms. Nickoloff's letter indicate  
5 that, yes, Mr. Mongan's business has 30 employees that  
6 rely upon him. Imprisonment would entail likely the loss  
7 of his pharmacy license or at least the potential of  
8 that. He has a wife and two daughters at home. One is  
9 still in high school. Grandkids. And a requirement to  
10 contribute substantial funds to the civil matter.

11 We ask the Court to recall that the Illinois  
12 statute, as Attorney Neal has pointed out, indicates that  
13 a sentence of probation or conditional discharge is a  
14 presumptive favor unless the nature and circumstances of  
15 the offense or the character of Mr. Mongan require  
16 otherwise.

17 We don't believe that's necessary. We believe  
18 we've clearly shown that the nature and circumstances and  
19 the character of Mr. Mongan do not require imprisonment  
20 and that a term of probation or conditional discharge, as  
21 the statute sets forth, is appropriate.

22 No sentence will bring Megan back. No sentence  
23 will change what happened on the river that night.

24 We ask the Court to sentence Mr. Mongan to

1 24 months conditional discharge. We ask the Court to  
2 follow the recommendations of the presentence report that  
3 he maintain his employment and that he seek personal  
4 counseling for the incident involved herein.

5           These SCRAM device, alcohol restrictions, those  
6 things here are not necessary. We have an alcohol  
7 assessment by a clinical psychologist who has indicated  
8 they're not necessary. If they're not necessary for  
9 treatment, then they just become punishment. That's not  
10 the issue here.

11           Public service work as the Court deems  
12 appropriate.

13           As to restitution, the statute provides for  
14 certain things. In this particular case certainly the  
15 funeral expenses are appropriate. They will be handled  
16 through the Wrongful Death Act in the civil proceeding by  
17 statute. Although restitution does not provide for pain  
18 and suffering, we believe that counseling to some extent  
19 is appropriate. We have not seen any of those reports,  
20 any of those things, but we do believe that some of that  
21 counseling could be appropriate.

22           In reviewing the Ogle County sentencing order,  
23 we would continue to recommend that in addition to a term  
24 of conditional discharge for 24 months, the defendant be

1 required not to violate any statute of the jurisdiction,  
2 report to the probation office as requested and follow  
3 their directions, to cooperate and satisfactorily  
4 complete any counseling that the probation department  
5 deems appropriate pursuant to the recommendations that's  
6 previously made or the recommendations of Dr. Braden,  
7 permit home visits by the probation office as it  
8 requests, inform the probation office of any change of  
9 address as required.

10 We would join with the State in requesting no  
11 fine so that the Court can in its discretion utilize some  
12 funds towards restitution. Again, we haven't seen those.  
13 We would suggest that the fine, costs and restitution be  
14 capped at \$5,000.

15 Again, your Honor, on behalf of Mr. Mongan and  
16 my office, we extend our condolences to the family. No  
17 sentence can bring Megan back. We understand that.  
18 Thank you, your Honor.

19 THE COURT: Thank you, Mr. Tess.

20 Mr. Neal, I'll give you the last word prior to  
21 Mr. Mongan.

22 MR. NEAL: Very briefly.

23 Your Honor, very briefly, there has been  
24 argument that alcohol did not play a role in this and

1 there's no evidence of alcohol, but your Honor -- and  
2 that was bolstered by the sentence that I objected to  
3 that a grand jury made a finding. I think I need to  
4 clarify the record on this. This case was brought by  
5 information. There was never a grand jury indictment in  
6 this matter. This case was brought by information and a  
7 finding of probable cause as to all seven counts. So  
8 there was a finding of probable cause regarding alcohol  
9 in there, by way of clarification.

10 The argument that no alcohol is designed to  
11 punish, while the People clearly believe that punishment  
12 is in order for a crime of this nature, I want to be  
13 clear that the issues of no alcohol are designed more to  
14 protect the public than to punish this defendant.

15 And finally, Judge, the only other thing I'd  
16 like to address is in all of these issues in mitigation  
17 that are argued by counsel -- and he did a good job and  
18 we're not quarreling with most of them -- but he cites  
19 Number 2, that "The defendant did not contemplate that  
20 his criminal conduct would cause or threatened serious  
21 physical harm to another." And I believe he's telling  
22 the truth about this defendant. But your Honor, that  
23 goes directly to Aggravating Factor Number 7, we need to  
24 deter this offense from coming again. We need to make

1 sure that other people in the community that are on boats  
2 on the Rock River know that this type of conduct would  
3 certainly, certainly threaten serious physical harm to  
4 another. And for that we would ask that the Court  
5 consider strong penalties.

6 THE COURT: Thank you very much.

7 Mr. Tess, does Mr. Mongan wish to make a  
8 statement in allocution?

9 MR. TESS: He does, your Honor.

10 THE COURT: You may.

11 STATEMENT OF ALLOCUTION

12 THE DEFENDANT: To Megan's parents, David and Robin,  
13 I am sorry for what I have put you through. To Megan's  
14 two sisters, Kristy and Melissa, I am sorry. To Megan's  
15 other family and friends, I am sorry. To Megan's husband  
16 Robbie, I am sorry.

17 I am mostly sorry to the ones that seem to have  
18 been missed throughout all this, Megan's three children.  
19 They'll have to grow up without their mother. This is  
20 the one thing that I deal with every day from the most  
21 horrific thing I've ever been part of.

22 To my wife and three daughters and my mother, I  
23 am sorry you've had to be part of this and what I've put  
24 you through. My family and friends, I am sorry.



1 I'm not the evil person that you want me to be,  
2 which might make this easier. I'm sorry that you feel I  
3 have no regard for others. If you take my silence as a  
4 lack of remorse and disregard the circumstance, you do  
5 not know me very well. I'm a person who is very well and  
6 respectful of others. The fact that I have defended my  
7 rights did not indicate any lack of remorse.

8 The guilt and anxiety associated with all of  
9 this over the last two years has been overwhelming. It's  
10 something I will live with forever regardless of any  
11 social media blasts and assumptions. I am sorry and hurt  
12 for Megan's loss.

13 I'm sorry that the activity that I enjoyed and I  
14 did several times a week, boating on the river, has  
15 brought about such a terrible accident. I remain to this  
16 day unable to drive or even ride on a boat.

17 I do not think I'm better than anyone. I've  
18 cried with my family, and I've cried with my friends, and  
19 I've cried with people I work with. I've cried alone as  
20 I live my own personal battle and punish myself daily. I  
21 have moved through this a lot in check. Ultimately there  
22 are three children that will grow up without a mother.  
23 That is the one thing that I deal with every day and the  
24 most horrific thing I've ever been part of. It will

1 continue long after all of the legal issues are over.  
2 Again, I'm sorry.

3 THE COURT: Thank you very much.

4 All right. Ladies and gentlemen, I'm going to  
5 stand down for about 15 minutes. I want to review my  
6 notes and look over the factors again. I'll come back  
7 and announce my decision in 15 minutes.

8 (Recess taken.)

9 THE COURT: All right. We'll go back on the record  
10 in 17 CF 168, People vs. Marc Mongan. The defendant is  
11 present before the Court with his attorneys, Mr. Tess and  
12 Mr. Crull. Mr. Neal is here for the State. Ms. Koroll  
13 is here for the crime victims family.

14 The Court has heard the evidence presented  
15 today. The Court has reviewed the presentence  
16 investigation, taken into account all of the letters that  
17 were submitted in support of both sides, reviewed the  
18 statutory factors in aggravation and mitigation.

19 And I'm going to say a couple of things. At  
20 first it's going to sound almost ridiculously simplistic,  
21 all right, but this is an extremely, extremely emotional  
22 case, on both sides, and I can't throw a rock at anybody  
23 from either side for feeling the way that they feel.

24 I have two sons myself. My sons are 19 and

1 17 years old. I couldn't imagine having to bury either  
2 one of them. What I can imagine is if I had to do that,  
3 I would want the absolute worst possible thing that could  
4 happen to the person that causes me to have to do that to  
5 happen. That's a human reaction. I'd be amazed at a  
6 parent that didn't have that reaction. All right?

7           And I get all that. And that in and of itself  
8 is a very good reason why it would be inappropriate for  
9 me to sentence that person.

10           The matter cannot be decided on emotion. The  
11 easiest thing in the world is for me to look at all you  
12 folks and having listened to you and read your  
13 heart-wrenching stories and say, You've lost your  
14 daughter, you've lost your sister, you've lost your  
15 niece, you've lost your friend, and this guy needs to  
16 just go away for as long as I can possibly send him away  
17 because you had to suffer that. The law doesn't allow me  
18 to decide this case on emotion. In fact, I'm precluded  
19 from deciding this case on emotion.

20           I also can't decide this case based upon what  
21 I'll refer to as apples and oranges. I know that in a  
22 couple of the letters I heard references to other people  
23 have told me that somebody else in a similar sort or  
24 situation got a pretty hefty sentence for doing something

1 else.

2 Inevitably when I hear those sorts of statements,  
3 it's an apples and oranges situation. I can't -- There's  
4 always something about each case that is different or  
5 sets it apart from other matters. So I can't decide this  
6 case based on apples and oranges.

7 I can't decide this case based upon compensation.  
8 I think Mrs. Daily said it best, I mean, you can't be  
9 compensated, you know. If Mr. -- If Mr. Mongan went to  
10 prison for three years, he's going to come out in three  
11 years and a day and you're still going to be missing your  
12 daughter and you're still going to be missing your sister,  
13 and you're still going to be missing your family members  
14 and your friends. So you can never be compensated for  
15 that. And I think everybody agrees, and that's why I say  
16 it may sound ridiculously simplistic. But I understand  
17 that.

18 I can't decide this case based upon revenge. He  
19 did this to us, therefore the judge should do something  
20 to him to make him suffer like we are suffering.  
21 Because, first of all, there's nothing I can do to him  
22 that's going to make him suffer the way that you're  
23 suffering. I can't do that.

24 There is a book that talks about an eye for an

1 eye. Unfortunately, that book is not the Illinois  
2 Criminal Code which I am sworn and bound to use as my  
3 guide as it relates to the passing sentence in this case.

4 Many of the letters that I read refer to justice  
5 and accountability in this case. And those are words  
6 that are subject to a lot of different interpretations  
7 depending on which side of the table you're sitting on.  
8 Justice and accountability I will guarantee means a  
9 completely different thing to Megan's family and friends  
10 than it does to Mr. Mongan's family and friends.

11 One can be punished and made accountable for  
12 their actions without going to prison. And that is  
13 recognized by the Illinois Legislature when they set  
14 forth the guidelines that I'm required to follow in  
15 passing sentence in this case.

16 The penalty range in this case is probation up  
17 to three years in the Department of Corrections. It's a  
18 large range. So the law sets out what I'm required to  
19 review and what I am required to consider in passing  
20 sentence in this case.

21 As both Mr. Neal and Mr. Tess have acknowledged,  
22 the law states at 730 ILCS 5/5-6 -- or 6-1(a): The Court  
23 shall -- and "shall" has a very specific meaning in the  
24 law -- impose a sentence of probation or conditional

1 discharge upon an offender unless having regard to the  
2 nature and circumstances of the offense and to the  
3 history, character, and condition of the offender, the  
4 Court is of the opinion that his imprisonment or periodic  
5 imprisonment is necessary for the protection of the  
6 public; or, two, probation or conditional discharge would  
7 deprecate the seriousness of the offender's conduct and  
8 would be inconsistent with the ends of justice.

9 I cannot find that either of those things have  
10 been presented to me sufficiently by the record.

11 I'm also required to pass sentence in this case  
12 based upon the charge that Mr. Mongan has pled guilty to,  
13 which is reckless conduct. I cannot decide this case  
14 based upon charges that were dismissed or charges that  
15 other people think he should have pled to or he should  
16 have been charged with. I have only the record before me  
17 to present.

18 And as both parties have stated, I'm required to  
19 consider certain factors. Required by the law. I do  
20 find that as far as aggravating factors under the  
21 statutes, specifically A-1, that the defendant's conduct  
22 caused or threatened serious harm. There's obviously no  
23 way to -- there's no way to question that. That factor  
24 does, in fact, apply.

1           Also Factor A-7, that the sentence is necessary  
2 to deter others from committing the same crime. I do  
3 find that applies. It gets a little questionable for me  
4 when I'm dealing with a charge that carries with it a  
5 reckless mental state as opposed to a knowing or an  
6 intentional mental state.

7           And I do agree with Mr. Tess, in some way all  
8 sentences fit under that category, again depending on  
9 which side of the table you happen to be sitting on.

10           I do find that the defense has set forth an  
11 accurate statement as to the factors in mitigation that  
12 apply that I'm required to consider. That the defendant  
13 did not contemplate that his criminal conduct would cause  
14 or threaten serious physical harm to another. I don't  
15 believe that Mr. Mongan went out that day and did  
16 something with a conscious contemplation that what he was  
17 doing was a serious risk to other people. Now in  
18 hindsight it was.

19           I do find Factor A-6, the defendant has  
20 compensated or will compensate the victims for the damage  
21 or injury that was sustained, and we'll talk more about  
22 that in just a minute.

23           I'll find the defendant has no history of prior  
24 delinquency or criminal activity or has led a law-abiding

1 life for a substantial period of time before the  
2 commission of the present crime. Our law allows for the  
3 concept that a person can commit an offense that is an  
4 aberration to his or her proven character over time and  
5 have that considered, and I do consider that.

6 Factor A-8 states that the defendant's criminal  
7 conduct was a result of circumstances unlikely to  
8 reoccur. I do believe that that's been shown.

9 Factor A-9, I do believe that the character and  
10 attitude of the defendant indicate that he is unlikely to  
11 commit another crime.

12 Factor A-10, I find the defendant is particularly  
13 likely to comply with the terms of probation.

14 And Factor A-11, I find the imprisonment of the  
15 defendant would entail excessive hardship to dependents.

16 Having reviewed all of the evidence, the report,  
17 the letters, and all of the statutory factors that I'm  
18 required to consider, it is the sentence of this Court  
19 that:

20 Mr. Mongan, you'll be placed on a period of  
21 probation for 30 months until December 19th of 2020.  
22 Conviction will enter on this felony, and whatever  
23 consequences that come with that come with that.

24 You'll be subject to the general supervision of



1 the probation department. You will not violate any  
2 criminal statute of any jurisdiction. You will report to  
3 and personally appear before the probation officers or  
4 this Court -- or of this Court, excuse me. You will not  
5 possess any firearms or dangerous weapons. You will  
6 permit home visits and other probation officer inquiries  
7 to discharge their duties. You will not leave the state  
8 of Illinois without the consent of the Court or, in an  
9 emergency, its probation officers. You will inform the  
10 probation office of any change of address or place of  
11 employment within seven days of today's date -- or seven  
12 days of that change, excuse me.

13 You will, upon committing a technical violation  
14 of the sentencing order, be subject to the administrative  
15 sanctions program. I will tell you, Mr. Mongan, that it  
16 is my hope, because the probation department really  
17 doesn't work for me, that that administrative sanction  
18 program would be for only the most minor of violations,  
19 that anything above and be- -- I'm going to direct that  
20 the probation department forward any report of any  
21 violation to the State, the State will certainly have the  
22 ability to override the probation department's decisions  
23 regarding administrative sanctions and file their own  
24 petition should they feel it's necessary.

1           Mr. Neal has correctly stated, and I will  
2 admonish you, Mr. Mongan, that any violation of any terms  
3 as I've set forth in this probation order and the State  
4 could, in fact, file a petition to revoke this probation.  
5 Now, as I've stated, this probation is being put forward  
6 based upon the record suggesting that you are of the  
7 character and the mind-set that you will be following all  
8 of the terms and conditions of the probation.

9           If, in fact, it's brought back before the Court  
10 that you haven't done that, now I've got to take another  
11 look at it to determine if, in fact, you're the person  
12 that you presented yourself to be today; and if not, all  
13 of the sentencing ranges as were available today would be  
14 available at that time.

15           Do you understand?

16           THE DEFENDANT: Yes, your Honor.

17           THE COURT: You will refrain from using cannabis or  
18 controlled substances unless prescribed by a physician.  
19 You will submit to random drug testing at the direction  
20 of the probation department. You will commit -- or  
21 excuse me -- you will consume no alcohol during the  
22 course of this probation. You will submit to random  
23 Breathalyzer testing at the direction of the probation  
24 department to ensure compliance with that condition.

1           You'll submit to DNA testing within 45 days as  
2 directed by the probation department, pay the appropriate  
3 collection fee. You will attend the Victim Impact Panel  
4 as directed by probation. You will cooperate with and  
5 satisfactorily complete psychological or substance abuse  
6 assessments or treatment as directed by the probation  
7 department. You'll execute all releases of information  
8 requested by the probation office.

9           So I'm going to leave it to the probation folks  
10 to determine if, in fact, they're convinced that you do  
11 or don't need any further treatment. If they decide that  
12 you do, you do it, all right?

13           You will perform 300 hours of community service  
14 work. That will be performed at a rate of no less than  
15 ten hours each month. Now, because of the large amount  
16 of public service that we have and the lack of places to  
17 do so, our probation department has from time to time  
18 allowed people to satisfy their hours by donation of  
19 canned goods or blood to various charities. I do not  
20 want those options to be utilized as it relates to  
21 Mr. Mongan. All of these 300 hours shall be hours  
22 actually served by Mr. Mongan.

23           You will have no contact directly or indirectly  
24 during the period of probation with David or Robin

1 Swaziek. You will not operate a motorized watercraft at  
2 any time during your probation.

3 As to the restitution, I find appropriate for  
4 today restitution in the amount of \$8,548 to David and  
5 Robin Swaziek as it relates to counseling. \$1,289 to the  
6 same folks as it relates to the funeral expenses. For a  
7 total restitution number of \$9,837. I believe the  
8 remaining of the expenses that are being sought are more  
9 appropriate for the civil litigation, and I'll let the  
10 civil court take care of that.

11 You'll pay \$50 a month in probation service fees  
12 for a total of \$1,500. Your fines and court costs and  
13 restitution will total \$11,908. I want that paid by  
14 November 26th at 9:00 o'clock. If you do that,  
15 Mr. Mongan, you don't have to come back to court that  
16 day. If you don't do that, you have to be here at  
17 9:00 o'clock on November 26th with a ridiculously good  
18 reason why you did not get it paid. Do you understand me?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: All right. Any questions about the  
21 sentence from the State?

22 MR. NEAL: Nothing, your Honor.

23 THE COURT: Defense?

24 MR. TESS: No, your Honor.

1           THE COURT: Mr. Mongan, you do have the right to  
2 appeal the judgment and sentence of this Court. However,  
3 prior to taking an appeal, you must file in this court  
4 within 30 days of today's date a written motion asking to  
5 have the Trial Court reconsider the sentence or have the  
6 judgment vacated and for leave to withdraw your plea of  
7 guilty setting forth your grounds for doing so in that  
8 motion.

9           If that motion is allowed, the sentence will be  
10 modified or the plea of guilty, sentence, and judgment  
11 will be vacated and a trial date will be set on the  
12 charges to which the plea of guilty was made. Upon the  
13 request of the People, any charges which may have been  
14 dismissed as part of the plea agreement would be  
15 reinstated and would also be set for trial.

16           You're further advised if you are indigent, a  
17 copy of the transcript of these proceedings will be  
18 provided to you without cost, and counsel will be  
19 appointed to assist you in the preparation of these  
20 motions. In any appeal taken from the judgment on your  
21 plea of guilty, any issue or claim of error not raised in  
22 the motion to reconsider sentence or to vacate the  
23 judgment and withdraw your plea of guilty shall be deemed  
24 waved on appeal.

1 Do you understand your appellate rights?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: Do you have any questions whatsoever?

4 THE DEFENDANT: No, your Honor.

5 THE COURT: All right. Thank you very much, folks.

6 I'll give you a copy of this order, Mr. Mongan.

7 Your next stop is going to be downstairs in Room 100.

8 You're going to meet with the probation department and

9 you're going to fill out all their paperwork, you're

10 going to meet with everybody they want you to, you're

11 going to follow all of their directions for the next

12 30 months. Do you understand that?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: All right.

15 (End of proceedings.)

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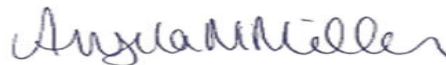
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1 STATE OF ILLINOIS  
2 IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT  
3 OGLE COUNTY  
4

5 I, ANGELA M. MILLER, CSR (084-004455), RPR, CRR,  
6 CRC, an Official Court Reporter for the Circuit Court of  
7 Ogle County, 15th Judicial Circuit of Illinois, reported  
8 in machine shorthand the proceedings had in the hearing  
9 in the above-entitled cause and transcribed the same by  
10 Computer-Aided Transcription, which I hereby certify to  
11 be a true and accurate transcript of the proceedings had  
12 before Associate Circuit Judge John C. Redington.  
13  
14

15 

16 \_\_\_\_\_  
17 Official Court Reporter

18 Dated: This 17th day of July, 2018  
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23  
24