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1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF DU PAGE)

4 IN THE CIRCUIT COURT OF DU PAGE COUNTY
5 FOR THE EIGHTEENTH JUDICIAL CIRCUIT OF ILLINOIS

6 FOR THE PEOPLE OF THE)
7 STATE OF ILLINOIS,)

ORIGINAL

8 Plaintiff,)

9 vs.)

No. 02 CF 2820

10 FRED LENCZYCKI,)

11 Defendant.)

12 REPORT OF PROCEEDINGS had and testimony taken at the
13 hearing of the above-entitled cause, before the Honorable
14 ANN B. JORGENSEN, Judge of said Court, on Monday, the 12th
15 day of January, A.D. 2004.

16 PRESENT:

17 MR. JOSEPH E. BIRKETT, State's Attorney of
18 DuPage County, and
19 MR. ALEX MCGIMPSEY, Assistant State's Attorney,

20 appeared on behalf of the People of the
21 State of Illinois.

22 MR. VINCENT F. CORNELIUS,

23 appeared on behalf of the Defendant.
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1 THE CLERK: Fred Lenczycki.

2 MR. BIRKETT: Good afternoon, your Honor. Joe

3 Birkett and Alex McGimpsey on behalf of the People, your

4 Honor.

5 THE COURT: Good afternoon.

6 MR. CORNELIUS: Good afternoon, your Honor. Vincent

7 Cornelius and Mr. Lenczycki, who's present in open court.

8 MR. BIRKETT: Your Honor, this is the case, as you

9 know, comes on today for -- actually it was up for

10 motions, plea, or setting, and we do have a plea agreement

11 that we'd like to tender to the Court.

12 The defendant is charged with five counts of

13 aggravated criminal sexual abuse in the indictment.

14 Pursuant to our proposed plea agreement, the defendant

15 would be entering pleas of guilty to Counts 1, 3, and 5 of

16 the indictment, these are all Class 2 felonies punishable

17 by probation or three to seven years in the Illinois

18 Department of Corrections.

19 As the factual basis will set out, the defendant has

20 no prior criminal history, no prior convictions, but as we

21 will set out in the factual basis, he has an extensive

22 history of child sexual abuse. The agreement is that in

23 exchange for the defendant's pleas of guilty to Counts 1,

24 3, and 5, he will serve a sentence of five years in the

1 Illinois Department of Corrections, beginning today; no
2 credit for time served, statutory court costs, a DNA fee,
3 and any other costs associated with the prosecution. The
4 defendant will also be a registered child sex offender for
5 life. That is the sum and substance of the agreement,
6 Judge.

7 We do, also, after reading the factual basis, we
8 have notified all of the victims, although we did not know
9 Mr. Cornelius informs today that his client would accept
10 the offer that was conveyed. We have not had an
11 opportunity to have all of the victims here, however, one
12 victim is here. He has prepared a Victim Impact
13 Statement, and at the conclusion of the factual basis
14 before the Court, impose a sentence, assuming the Court
15 will accept this disposition. A representative from our
16 office will read the Victim Impact Statement into the
17 record. That will be Shawn McCormack and Mr. McGimpsey
18 will put her on.

19 THE COURT: Can you elaborate, for the record, all
20 the factors that went into consideration in arriving at
21 the proposed disposition?

22 MR. BIRKETT: Judge, this case has a lengthy history,
23 as you recall.

24 I caused a grand jury subpoena to be issued on the

1 Joliet Diocese in April of 2002. The records that were
2 reviewed included 29 priests, 26 of which were provided by
3 the Joliet Diocese, three of whom came forward on their
4 own, the victims involving other priests. Each case was
5 evaluated for potential prosecution, including the issues
6 concerning the Statute of Limitations. At the conclusion
7 of that investigation, one priest, the defendant who
8 stands before you today, was the only priest who fell
9 within the Statute of Limitations largely because he was
10 living outside the state of Illinois during most of the
11 entire period of time from the date these allegations
12 occurred until he was served with the indictment.

13 And we have consulted with each of the victims, both
14 charged and uncharged. And I should also say
15 Mr. Cornelius is aware of that. There is one other victim
16 who has yet to be fully interviewed, but we state, for the
17 record, that although he has not yet been interviewed, we
18 will furnish a name and a report to Mr. Cornelius, and
19 this disposition includes any allegations that could
20 possibly stem from that interview. We are aware of the
21 general nature of it, so this agreement includes that.
22 Some of the victims did not necessarily agree; they would
23 rather see the defendant receive the maximum punishment.
24 I understand that. However, other victims agree and

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1 concur that this is an appropriate disposition.

2 If the defendant were to go to trial, he would be
3 eligible for probation. Mr. Cornelius and I have had many
4 conversations. He's had conversations with Alex and with
5 Alex's predecessor on the case now, Judge, Dan Guerin.

6 We do believe that probation would be inconsistent
7 with the ends of justice and would deprecate the
8 seriousness of the offense, and we would also indicate
9 that our belief is that the defendant's incarceration is
10 necessary for the public -- for the protection of the
11 public so, therefore, probation would not be an option.

12 But I have thoroughly evaluated each and every
13 factor in aggravation and mitigation. While the defendant
14 has no criminal history, there is an extensive history of
15 sexual abuse, which we'll read into the record, and this
16 is our proposed disposition, Judge.

17 THE COURT: Do you agree with the analysis?

18 MR. CORNELIUS: Well, Judge, as Mr. Birkett has
19 indicated, we've had a number of discussions, Judge, about
20 the potential dispositions of this case, Judge. And the
21 fact of the matter is it's taken a significant period of
22 time, Judge, because we found difficulty in reaching some
23 common ground and some agreement here, Judge. And the
24 fact of the matter is, obviously, we're not in absolute

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1 agreement with Mr. Birkett's analysis but the fact of the
2 matter is, it does have a seven year maximum.

3 My client is, as he stands before your Honor,
4 probation eligible at this point and time, Judge. And the
5 fact of the matter is my client has made a decision,
6 Judge, that he wants to be certain of what the sentence
7 would be in this case, Judge. Although it's
8 probationable, he knows when he steps up before your
9 Honor, that at least there's an agreement in sum and
10 substance between the two parties, Judge.

11 THE COURT: Okay. Your client also realizes that by
12 pleading guilty, of course, he waives his right to appeal.

13 MR. CORNELIUS: Absolutely.

14 THE COURT: And the Court's denial of your Motion to
15 Dismiss.

16 MR. CORNELIUS: That's correct.

17 THE COURT: I will accept the terms of the agreement.

18 Mr. Birkett, you indicated previously you had a
19 Motion to Dismiss Counts 2 and Count 4, correct?

20 MR. BIRKETT: That's correct, your Honor.

21 THE COURT: That leaves, sir, three Counts of
22 aggravated criminal sexual abuse, each of which is charged
23 as a Class 2 felony.

24 Do you understand the nature of those charges?

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1 DEFENDANT LENCZYCKI: Yes.

2 THE COURT: Do you understand what the State would
3 have to prove in order to convict you of each of those
4 three Counts?

5 DEFENDANT LENCZYCKI: Yes.

6 THE COURT: You further understand that each of them
7 is a Class 2 felony, and each of them carries it with a
8 maximum penalty of three to seven years in the Illinois
9 Department of Corrections, which would be followed by two
10 years of mandatory supervised release. However, if I
11 found that you were eligible for extended term, either
12 because of your prior criminal history or because of the
13 facts and circumstances surrounding the case, then you
14 could receive a sentence between seven and 14 years. And,
15 again, that would be followed by two years of mandatory
16 supervised release. That's the maximum penalty. Do you
17 understand that?

18 DEFENDANT LENCZYCKI: Yes.

19 THE COURT: The minimum penalty would be a term of
20 probation or conditional discharge, up to 48 months,
21 periodic imprisonment up to 30 months, and a fine up to
22 \$25,000. Do you understand the minimum range?

23 DEFENDANT LENCZYCKI: Yes.

24 THE COURT: I would also advise you that if you were

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1 on bond for another felony at the time that this offense
2 was alleged to have occurred, you're eligible for
3 consecutive sentencing. Do you understand what that
4 means?

5 DEFENDANT LENCZYCKI: Yes.

6 THE COURT: All right.

7 You have previously entered pleas of not guilty. As
8 you stand here this afternoon, you are presumed to be
9 innocent of these charges. You have the right to have a
10 trial. At the trial, you have the right to require that
11 the State prove you guilty beyond a reasonable doubt. But
12 you give up those rights when you plead guilty, sir, do
13 you understand that?

14 DEFENDANT LENCZYCKI: Yes.

15 THE COURT: Also when you plead guilty you are, in
16 effect, telling me these offenses took place and that you
17 committed those offenses. So when you make those
18 admissions, you give up your right to a trial of any kind.
19 Do you understand that?

20 DEFENDANT LENCZYCKI: Yes.

21 THE COURT: More, specifically, what that means is
22 that when you plead guilty, you give up your
23 constitutional right to have a trial before a jury of 12.
24 That is your right to require that 12 people from the

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1 community come into court, they would be seated in those
2 chairs behind you, those 12 people would listen to
3 everything presented, all of the evidence and arguments,
4 and then they decide whether the State had proven you
5 guilty beyond a reasonable doubt. In addition, any
6 decision that the jury makes in favor of the State, must
7 be their unanimous decision. So do you understand your
8 right to have a jury trial?

9 DEFENDANT LENCZYCKI: Yes.

10 THE COURT: And you understand that you give that up
11 when you plead guilty.

12 DEFENDANT LENCZYCKI: Yes.

13 THE COURT: Also, your attorney has handed me a
14 document entitled, Waiver of Trial by Jury. Is that your
15 signature?

16 DEFENDANT LENCZYCKI: Yes.

17 THE COURT: Did you read this before you signed it?

18 DEFENDANT LENCZYCKI: Yes.

19 THE COURT: Do you understand when you sign this,
20 you're telling me two things in writing. You're telling
21 me, first, that you understand you have the right to have
22 a jury trial; and then, secondly, you're telling me you
23 wish to give up that right and proceed without a jury. Is
24 that what you understood this to mean when you signed it?

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1 DEFENDANT LENCZYCKI: Yes.

2 THE COURT: You understand, also, implicit in all of
3 that, is you give up your right to a bench trial, as well.

4 DEFENDANT LENCZYCKI: Yes.

5 THE COURT: During the course of the trial, you would
6 have had the right to confront and cross-examine. That
7 means you have the right to question anyone who would
8 testify against you during that trial. But you give that
9 up when you plead guilty. Do you understand that?

10 DEFENDANT LENCZYCKI: Yes.

11 THE COURT: You give up your right to use the
12 subpoena powers of this Court to bring witnesses here to
13 testify for you. Do you understand that?

14 DEFENDANT LENCZYCKI: Yes.

15 THE COURT: Sir, are you taking any medication at
16 all?

17 DEFENDANT LENCZYCKI: Yes.

18 THE COURT: What do you take that medication for?

19 DEFENDANT LENCZYCKI: Depression and anxiety.

20 THE COURT: Okay. What are you taking?

21 DEFENDANT LENCZYCKI: Celexa, Trazodone, and one
22 other. I have them with me.

23 THE COURT: Would you read them into the record.

24 MR. CORNELIUS: Judge, my client has handed me one

1 prescription that has the name of looks like Celexa, 000638
2 C-E-L-E-X-A. An additional prescription that looks like a
3 TRAZODONE, T-R-A-Z-O-D-O-N-E. And a third prescription,
4 Judge, I'm not certain of the pronunciation but it's
5 spelled C-L-O-N-A-Z-E-P-A-N.

6 THE COURT: Sir, did you take those prescriptions
7 today?

8 DEFENDANT LENCZYCKI: I took this one --

9 MR. CORNELIUS: Clonazepam.

10 DEFENDANT LENCZYCKI: Yeah. And Celexa this morning,
11 yes.

12 THE COURT: Okay. And during today's proceedings,
13 that were actually had previously been on the call at 9:00
14 o'clock this morning, Mr. Cornelius, you had a chance to
15 speak to your client a couple of times during the day.

16 MR. CORNELIUS: That's correct, your Honor.

17 THE COURT: At any time, during today's proceedings,
18 because he took those prescriptions today, did you have
19 any belief that he did not fully understand the tender of
20 your conversations?

21 MR. CORNELIUS: No, your Honor.

22 THE COURT: Anything unusual about his behavior, his
23 mannerisms or conversations or appropriateness of
24 responses to inquiries made by yourself?

1 MR. CORNELIUS: Nothing out of the ordinary, your
2 Honor.

3 THE COURT: Any other medication, sir?

4 DEFENDANT LENCZYCKI: No.

5 THE COURT: Based on the nature of the charge, TASC
6 is not an issue, and I heard the terms of the agreement.
7 I'm aware of the absence of criminal history and based on
8 the proffer made earlier, the extensive nature of the
9 conduct.

10 Now, sir, has anyone promised you something other
11 than what was specifically stated here in open court?

12 DEFENDANT LENCZYCKI: No.

13 THE COURT: Is anyone threatening you or forcing you
14 to plead guilty to any of these counts?

15 DEFENDANT LENCZYCKI: No.

16 THE COURT: Is anyone forcing you or threatening you
17 to make you accept the terms of this agreement?

18 DEFENDANT LENCZYCKI: No.

19 THE COURT: Is there a factual basis for Count 1, 3,
20 and 5?

21 MR. BIRKETT: Yes, there is, Judge. And, also, your
22 Honor, I would just indicate that I discussed with
23 Mr. Cornelius, pursuant to People versus Donoho,
24 D-O-N-O-H-O, 204 Il. 2d, 159, a 2003 case; and 725 ILCS

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1 5/115-7.3, it is our position that the other crimes in
2 evidence, which I am about to read into the record, would
3 be admissible against the defendant, should this case
4 proceed to trial.

5 Your Honor, if this case were to proceed to trial,
6 the evidence would show that the defendant, Fred
7 Lenczycki, was born on June 12th, 1944, and at all
8 relevant times was a Roman Catholic Priest of the Diocese
9 of Joliet, Illinois. Reverend -- Bishop Joseph Imesch,
10 Bishop of Joliet, assigned the defendant to a number of
11 different assignments over the years. The evidence would
12 show that he resided in a number of locations.

13 And, Judge, for your convenience, we can mark this
14 as People's Exhibit No. 3. That's a typed factual basis,
15 which I will read into the record.

16 THE COURT: You have previously reviewed this
17 document?

18 MR. CORNELIUS: I have previously reviewed it, your
19 Honor, and we would offer a continuing objection, Judge,
20 to those issues that are not relevant. We trust the Court
21 to sort those out, Judge, and Mr. Birkett is going to read
22 those into evidence.

23 MR. BIRKETT: Understood, your Honor.

24 Judge, the defendant's assignments, as reflected in

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1 the factual basis we tendered to the Court:

2 March of 1972 through 1975, St. Peter and Paul of
3 Naperville, Illinois.

4 June 1975 through June of 1980, St. Charles
5 Borromeo, Romeoville, Illinois.

6 1980 -- June 1980 to December 1984, St. Isaac
7 Jogues, Hinsdale, Illinois.

8 St. Mary's of Beaverville, Illinois, one month
9 period of time.

10 Then December 1984, the House of Affirmation,
11 located in Webster Grove, Missouri.

12 January 1985 through May 1985, Our Lady of Lourdes
13 Church in Columbia, Missouri.

14 March '85 through January of '86, House of
15 Affirmation, Montara, California.

16 January 1986 through March 1986, Our Lady of Pillar
17 Church, Half Moon Bay, California.

18 March of 1986 through August of '91, St. Peter
19 Catholic Church, Pacifica, California.

20 August 1991 through July of 1992, Pastoral Center,
21 Belleville, Illinois.

22 1992, St. George Catholic Church, St. Louis,
23 Missouri.

24 1993, the Church of North America Martyrs,

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1 Florissant, Missouri.

2 1995, St. Blaise Parish, Maryland Heights, Missouri.

3 1992 through 2002, DePaul Health Center, located in
4 Bridgeton, Missouri; St. Louis Archdiocese.

5 April 2002 to the present, he's been located here in
6 DuPage County with a P.O. Box of 5068, Wheaton, Illinois.

7 Judge, if this case were to proceed to trial, the
8 evidence would should that, throughout his career, the
9 defendant had a close relationship with Bishop Imesch,
10 evidenced by numerous letters the two exchanged over the
11 years, many of which touched upon the defendant's
12 misconduct with young boys, following the discovery of the
13 defendant's child sexual abuse while assigned to St. Isaac
14 Jogues Parish, Hinsdale, DuPage County, Illinois.

15 The evidence would show that the defendant was
16 assigned at St. Isaac Jogues, effective June 19, 1980.

17 The evidence would show that JOHN DOE S..., with a
18 date of birth of [REDACTED] was a seventh grade
19 student at St. Isaac Jogues Grammar School in 1984.

20 He was 12-years-old when the defendant sent a note
21 to him in a class, saying that he wanted to see him. The
22 boy went and met with the defendant in the back of the
23 church. The defendant told Doe that one of his friends
24 was throwing a school play, and he wanted Doe to try on

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1 a costume. He then directed [REDACTED] to completely disrobe
 2 in his presence while he watched. The defendant then
 3 produced a purported costume that consisted of strips of
 4 material that were not even sufficient to cover Doe's
 5 genitals. The defendant seated immediately in front of
 6 Doe After the victim put on the costume, the defendant
 7 then adjusted the costume, coming in direct contact with
 8 the victim's genitals and buttocks. The defendant fondled
 9 the victim's penis and buttocks. This event lasted about
 10 15 minutes. The defendant then asked the victim if he
 11 could send someone else, meaning another boy. This event
 12 took place approximately two weeks before a school
 13 assembly, that from our information took place in the
 14 school gymnasium on or about December 5th or 6th of 1984.
 15 At that assembly, the school principal, Mr. Bill Clark,
 16 told the student body that Father Lenczycki had been
 17 removed because of inappropriate contact with some of the
 18 boys.

19 The evidence would show that another student, JOHN
 20 Doe-13 had complained to the principal. The principal
 21 told Doe to report the incident to his parents. Doe
 22 was an eighth grade student whom the defendant used the
 23 same scheme on. The event took place in the defendant's
 24 bedroom in the rectory. He had Doe disrobe and fondled

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1 Doc buttocks. The defendant placed a wet rag over the
2 boy's genitals. The boy then resisted and a struggle
3 ensued with Doc fleeing and going to the principal.
4 When Doc told his parents what had occurred, his
5 father immediately went to the rectory to confront the
6 defendant. Mr. Doc waited for hours for the defendant
7 to arrive. He spoke to Father Kocher, who was the pastor,
8 and to the defendant. The defendant told Ms. Doc quote,
9 "Don't worry, kids are resilient."

10 That same night, the defendant sat down with Father
11 Kocher and admitted he had inappropriate contact with
12 several boys. No report was ever made to the Department
13 of Children and Family Services or any law enforcement
14 that's official despite the fact that the defendant listed
15 13 boys to Father Kocher that he had this inappropriate
16 contact with.

17 And, Judge, we will tender to the Court, a copy for
18 counsel that original list that we obtained through the
19 grand jury subpoena, People's No. 1, for identification.

20 MR. CORNELIUS: Note our further objection, your
21 Honor.

22 THE COURT: Mr. Birkett, you have already indicated
23 that the -- this list was People's Exhibit No. 1. You
24 want to make this 1A?

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1 MR. BIRKETT: Yes. Actually, I think I said 3 for
2 that, Judge.

3 THE COURT: My mistake.

4 MR. BIRKETT: That's okay. This is 1.

5 THE COURT: So the record is clear.

6 MR. BIRKETT: That is our understanding, Judge, the
7 original hand-prepared list that the defendant prepared
8 along with Father Kocher.

9 After the meeting with Father Kocher, Father Kocher
10 and the defendant went to see Bishop Imesch the next day,
11 and the defendant was formally removed. Eventually, he
12 was sent to the House of Affirmation in California to
13 undergo counseling for having abused sexually abused
14 children.

15 The parish, through Bishop Imesch and Father Kocher,
16 retained an attorney. The attorney, Mr. Botti, Aldo
17 Botti, discouraged parents from going forward with civil
18 or criminal actions.

19 The evidence would show that during the period, he
20 abused Doc-13 and AGE 5 the defendant also sexually ^Y
21 abused [REDACTED] who was a 10-year-old student at St. ^x
22 Isaac Jogues, when he was first abused. The defendant
23 employed a similar scheme to seduce [REDACTED]. During this
24 encounter, the defendant fondled [REDACTED] penis, back,

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1 chest, and legs.

2 During the same period, from October 1 to December
3 4, 1984, the defendant used the same scheme to seduce
4 Doe - D -e, with a date of birth of [REDACTED] X
5 1972. He was a seventh grade student at St. Isaac Jogues.
6 The defendant issued a pass for the victim to come and see
7 him. Using the same costume story, the defendant had
8 Steve disrobe and try on a "costume." The defendant then
9 fondled the victim's buttocks and waist.

10 In virtually all of these encounters, your Honor, if
11 this case were to proceed to trial, the victims would
12 testify that the defendant became excited, breathing
13 rapidly, and often perspiring during the abuse.

14 The evidence would show that in addition to the boys
15 he abused at St. Isaac Jogues, the defendant sexually
16 abused several other boys over, virtually, the entire
17 period of time he was a Catholic parish priest up to the
18 period and including 1986 to 1991, following his
19 counseling at the House of Affirmation, when he was
20 assigned to St. Peter's Church in Pacifica, California.
21 With these other boys, the defendant employed three basic
22 schemes: The costume story, also a psychological test,
23 followed by a naked massage; and a scheme to take
24 photographs of the boys in the similar costume for quote

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1 "a school project."

2 In 1995, the Catholic Priest, Father Rev Doe, *
3 wrote to Bishop Imesch and informed him that the defendant
4 had sexually abused Doe in 1979 when the defendant was
5 assigned to St. Charles Borromeo High School. Doe was
6 14-years-old at the time. This abuse consisted of
7 fondling the victim's penis, during what the defendant
8 said was a research project. The "research" consisted of
9 a questionnaire, followed by naked massages.

10 Three victims from California, Doe I, Doe II
11 Doe III, and Doe IV, who were all teenage boys,
12 would testify to abuse by the defendant from 1986 to 1991.

13 In his correspondence to Bishop Imesch on February
14 (sic) 27, 1985, while at the House of Affirmation, the
15 defendant wrote and I quote, "I have already discovered
16 I'm not the lone ranger." He said that he had feelings of
17 quote, "guilt and humiliation". Bishop Imesch replied to
18 virtually all of the defendant's letters. The two would
19 meet when Imesch would travel to California. Imesch told
20 the defendant that he feared the defendant's return to
21 Illinois would create considerable quote, "tension and
22 apprehension." He said that in a letter, dated June (sic)
23 15, 1986, that the defendant, when I say he, I mean Bishop
24 Imesch, said in a letter dated July 15th, 1986, to the

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1 defendant that you should stay away "at least three and
2 possibly four years."

3 When rumors began that there might be a civil case
4 filed, the defendant wrote the following letter to Bishop
5 Imesch quote, and this, your Honor, is People's Exhibit
6 No. 2 for identification.

7 THE COURT: Thank you.

8 MR. BIRKETT: Copy for counsel. This is also
9 People's Exhibit No. -- or People's Discovery No's. 415
10 through 417.

11 The defendant said and I quote: "If there has been
12 any good for me that's come out of this situation, it's
13 this. When I was at the House of Affirmation, one thing I
14 was told was that I'd never know how I affected the
15 individuals I had contact with. Recently, however, with
16 the threat of this going to court, my attorney suggested I
17 have an independent expert witness, a psychologist from
18 Ann Arbor, Michigan, whose dealt with cases like mine,
19 interview the guy who brought the complaint, the complaint
20 against me. The rest of the quote is in the letter.

21 Again, it goes on. "His rather lengthy report
22 states that ultimately I did no permanent damage to
23 Mr. [REDACTED].

24 Quote: "The threat of my case going to court is

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1 still there. But at least through my actions, though
2 wrong, in this case, seemingly inflicted no lasting harm.
3 For this I'm grateful to God.

4 Continuing the quote: "My prayer now is that there
5 be a resolution to all this without the case going to
6 court."

7 These letters and other correspondence are referred
8 to or obtained from the Diocese of Joliet, pursuant to the
9 grand jury subpoena issued upon them in April of 2002.

10 Judge, that's the factual basis and before formally
11 imposing sentence, we'd ask that Mr. McGimpsey introduce
12 the Victim Impact Statement.

13 THE COURT: Okay.

14 MR. MCGIMPSEY: Can I do so, Judge?

15 THE COURT: Well, this is the factual basis?

16 MR. BIRKETT: Right.

17 THE COURT: Counsel, would you stipulate that if
18 called to testify, that's what the State's witnesses would
19 have testified to?

20 MR. CORNELIUS: Judge, we would stipulate ~~that~~
21 there's sufficient factual basis. There are, as I've
22 indicated to the Court, some things that we don't
23 necessarily agree with in the factual basis, Judge. But
24 the sum and substance of what the State is required to

1 prove their case, Judge, we stipulate there's sufficient
2 factual basis. And that the testimony would be such that
3 would suffice to that end.

4 THE COURT: All right.

5 Then what is your plea to Count 1, Count 3, and
6 Count 5? Guilty or not guilty.

7 DEFENDANT LENCZYCKI: Guilty.

8 THE COURT: Based on what I've heard, I'll make the
9 finding that there is a factual basis to support your
10 pleas. They are being made knowingly and voluntarily.
11 Prior to the imposition of sentence, is there anything
12 else that the State would wish to present, by way of
13 aggravation?

14 MR. BIRKETT: Only the Victim Impact Statement from
15 one victim, your Honor.

16 THE COURT: Do you wish to read --

17 MR. MCGIMPSEY: Do you wish to call the witness up
18 and have her sworn.

19 THE COURT: Sure. Please step forward.

20 THE CLERK: Would you raise your right hand, please?

21 (The oath was thereupon duly
22 administered to the witness by the
23 Clerk.)

24 THE WITNESS: Yes.

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EXAMINATION

000651

1

2

By: MR. MCGIMPSEY

3

Q. Ma'am, could you please state your name?

4

A. Shawn McCormac, M-C-C-O-R-M-A-C.

5

Q. And you work for the state's attorney's office;

6

is that correct?

7

A. Yes.

8

Q. You work with our victims in our Victim Witness

9

Unit; is that correct?

10

A. Yes.

11

Q. Did you, in preparation for this afternoon's

12

proceeding, have occasion to consult with a victim in this

13

case, [REDACTED]?

14

A. Yes.

15

Q. And [REDACTED] is here in court today; is

16

that correct?

17

A. Yes.

18

Q. Pursuant to your conversations with him, did he

19

prepare a Victim Impact Statement in anticipation of this

20

plea proceeding going this afternoon?

21

A. Yes.

22

Q. And did you assist him in preparing that?

23

A. Yes.

24

Q. And did you also work in conjunction with

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1 myself and Mr. Birkett to review that Victim Impact

2 Statement pursuant to law?

3 A. Yes.

4 Q. I'm going to show you what's been marked as
5 People's Exhibit No. 4. I have already tendered a copy of
6 this to counsel, just so the Court is aware.

7 Ms. McCormac, is that the original Victim Impact
8 Statement of [REDACTED], spelled [REDACTED]?

9 A. Yes.

10 Q. Would you be -- in your conversations with
11 Mr. [REDACTED], did he indicate to you that he did not wish
12 to read it himself but wished you to read it in his place?

13 A. That's correct.

14 MR. MCGIMPSEY: At this point, Judge, I'd ask the
15 witness to read the Victim Impact Statement for the
16 Court's benefit.

17 THE COURT: You may proceed.

18 THE WITNESS: Imagine being violated by the very
19 person who is there to teach morals, ethics, and religion.
20 One may ask how it is possible. We all know this is very
21 rampant in our society today and has been for years in
22 churches everywhere.

23 Being a former student at St. Isaac Jogues of
24 Hinsdale, Illinois, I never imagined such a scenario.

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1 After the last six to seven years of this case, it is
2 still extremely difficult to understand and or comprehend
3 what has happened to myself and several other boys.

4 I will never live a day, week, month, or year
5 without recalling the events of such a sick individual. I
6 ask myself repeatedly, "how could the Catholic church
7 allow such vigilant acts?" There was a time when sleep
8 was impossible and although it may be easier today, it
9 will never be without the weight of this act from Fred
10 Lenczycki and the Diocese of Joliet/St. Isaac Jogues of
11 Hinsdale, Illinois.

12 People have asked what a fair sentence might be. "I
13 ask is five, ten, 15-plus years equal to the torture he
14 has caused eight to nine young men for the remainder of
15 their lives?" Obviously, in our eyes it will never be
16 justified.

17 Growing up in the Catholic church, we have always
18 been taught to "trust" others and ourselves. Presently,
19 it has been impossible to "trust" anyone, outside of
20 immediate friends and family. Although I am the only
21 victim present today and not a devout Catholic. I speak
22 for all victims past, present, and future when I say
23 "trust me," he absolutely is not getting what he deserves
24 and the defendant's ultimate fate lies in the hands of

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1 God.

2 MR. MCGIMPSEY: At this point, Judge, we'd ask that
3 the Victim Statement be received by the Court for its
4 consideration.

5 THE COURT: Do you have any objection as it being
6 made part of the court file?

7 MR. CORNELIUS: No objection, Judge.

8 THE COURT: Is there anything else the State wishes
9 to present?

10 MR. BIRKETT: No, your Honor.

11 THE COURT: Is there anything else that you wish to
12 say?

13 MR. CORNELIUS: No, your Honor.

14 I would indicate to the Court that there is, as the
15 Court has indicated, an absence of criminal history here,
16 Judge.

17 There is, and my client has elected not to move
18 forward in that direction, Judge, but there is, as the
19 Court might imagine, more mitigation I've ever encountered
20 as a defense attorney and maybe the Court may have ever
21 encountered as well, Judge, because attendant to what he
22 has done in his life as a Catholic priest.

23 And, Judge, he has also made a decision that one of
24 the reasons that he wanted to take this plea agreement

1 today, Judge, was to allow some closure for the victims in
2 this case, Judge. Additionally, to prevent those victims
3 from having to take the witness stand, in either a
4 sentencing hearing or a trial in this matter, Judge. And
5 I'd ask the Court to bear those matters in mind.

6 THE COURT: Is there anything you would like to say?

7 DEFENDANT LENCZYCKI: No.

8 THE COURT: All right. Then pursuant to the
9 agreement, as I indicated to the parties, I would accept
10 the terms of the agreement.

11 There will be a concurrent sentence of five years in
12 the Illinois Department of Corrections on Count 1, Count
13 3, and Count 5.

14 The Court will also impose costs, require the
15 defendant to submit to a DNA sample, and pay the \$200
16 assessment associated with that.

17 Upon your release from the Department of
18 Corrections, you will be obliged to register as a child
19 sex offender. And it's contemplated by the parties that
20 there will be a surrender this afternoon.

21 MR. CORNELIUS: That's correct, Judge.

22 THE COURT: Okay.

23 Sir, you do have the right to appeal, even though
24 this was an agreement. But before you could successfully

1 appeal, you would first have to file a written motion,
2 asking me to vacate everything that was done that I am
3 allowing you to withdraw your plea of guilty. That motion
4 must be in writing, filed within 30 days, and it must set
5 forth all the grounds or reasons why it should be granted.
6 If it's granted, I would modify or change your sentence in
7 some form.

8 If you were indigent, copies of transcripts would be
9 given to you without cost, counsel would be appointed to
10 assist you, and, finally, any issue or claim of error or
11 anything you think was done wrong, you must reduce that to
12 writing and include it in your motion. Otherwise, the
13 appellate court would consider that you've waived those
14 issues.

15 Do you have any questions about anything that's
16 happened this afternoon?

17 DEFENDANT LENCZYCKI: No, I don't.

18 MR. BIRKETT: Judge, also, so it's clear. If the
19 defendant were allowed to withdraw his plea, we could
20 reinstate those counts that were nolle prosequi.

21 THE COURT: Sure.

22 MR. BIRKETT: And also bring the charges on the, yet,
23 unnamed victims, who we are aware of.

24 THE COURT: You just said victims. You had indicated

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1 earlier there was one individual.

2 MR. BIRKETT: Victim. There's one. And while there
3 are others, but one that we learned of today. This
4 contemplates all of the victims that Mr. Cornelius is
5 aware of.

6 MR. CORNELIUS: And the State has made that
7 representation to me that this contemplates all victims --

8 MR. BIRKETT: It does.

9 MR. CORNELIUS: -- known to the State.

10 THE COURT: In such that if your client seeks to
11 withdraw his plea of guilty and that it would be granted,
12 then all of the issues that were part of this agreement
13 would also be withdrawn by the State, which means
14 reinstatement of Count 2 and other charges, which you have
15 made part of this agreement, you will not pursue.

16 MR. BIRKETT: As to Count 2 and Count 4, correct,
17 your Honor. And, I believe, the defendant understands
18 that.

19 MR. CORNELIUS: That's correct, Judge.

20 THE COURT: All right, sir. Have a seat with the
21 deputy.

22 People's Exhibit 1 through 4 will be made part of
23 the court file.

24 MR. BIRKETT: Make it part of the record, your Honor.

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Thank you, Judge.

(Which were all the proceedings had
at the hearing of the above-entitled
cause, this date.)

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1 STATE OF ILLINOIS)
2 COUNTY OF DU PAGE) SS:

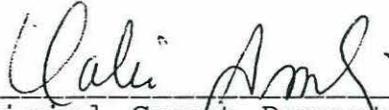
3

4 I HEREBY CERTIFY that I reported in shorthand the
5 proceedings had at the hearing of the above-entitled
6 cause, and that the foregoing Report of Proceedings,
7 consisting of Pages 1 to 31, inclusive, is a true, correct
8 and complete transcript of my shorthand notes so taken at
9 the time and place hereinabove set forth.

10

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Official Court Reporter
Dalia Ambriz, CSR Lic. No. 084-004530
Eighteenth Judicial Circuit of Illinois,
DuPage County.

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