

Prot. No. 287/18

Mendoza, August 17, 2018

**His Eminence Right Reverend Prefect of the
Supreme Tribunal of the Apostolic Signatura
Cardinal Dominique Mamberti**

Most Reverend Eminence,

I am honored to write to you with regard to the imminent beginning of a penal court case for which the preliminary investigation was processed in this Archdiocese of Mendoza.

I wish to submit to your consideration and the consideration of the honorable Dicastery presided by Your Reverend Eminence, the desirability and opportunity to grant to our Tribunal site at the Archbishopric of Mendoza a change of venue for holding the aforementioned penal court case, in view of the following reasons:

- a. The hostile, negative atmosphere surrounding canonical judicial work conducted in the Archdiocese of Mendoza as a result of past and present social and media attention regarding the penal court case before the ordinary state courts for the case “Instituto Antonio Próvolo” (educational institution for the hard of hearing which was directed by the priests of said Congregation).
- b. The need to provide the most absolute independence and impartiality to the accused and to those persons within the Archdiocese of Mendoza who hold him in high esteem and personal and spiritual consideration. This is in consideration of him being a priest who belongs to a public association of the faithful which was duly established by the archdiocesan authority and works under its aegis and senior management (cfr. canons 305 and 315 CDC).
- c. Considering existing precedents with negative outcomes in the Archdiocese of Mendoza, the need to avoid the possibility of the proceedings of our tribunal being taken to state courts. Although these actions are contrary to the Concordat signed by the Argentine State with the Holy See, they are usually upheld in the sphere of local ordinary courts.
- d. To avoid *strepitum fori* (legal scandal) that could be generated in the sphere of the Archdiocese by a sensitive case that affects a work beloved to and valued by many of the faithful.

Due to the above, I submit my plea to the Apostolic Court so honorably presided by Your Eminent Reverence, to grant the change of venue requested, as provided in article 124, part 3 of the *Apostolic Constitution Pastor Bonus*, so that the aforementioned case may be conducted at another Tribunal site, for example, in the neighboring Archdiocese of San Juan de Cuyo.

Having provided context and illustrated the request submitted herein, I inform you that the imminent penal court case (canonical) was the corollary of a preliminary investigation conducted in accordance with canon 1717 CDC regarding Diego Roqué Moreno, Priest (Prot. No. 117/18). This investigation was performed correctly, as stated in the report submitted to me by Monsignor Dante Braida, former Apostolic Administrator *sede vacante* of the Archdiocese of Mendoza.

ARCHBISHOPRIC OF MENDOZA
Catamarca 98 - M5500CKB – Mendoza – ARGENTINA
Phone/Fax [52-261] 4250916 – 4233862 - 4295415

Moreover, in my capacity as new Archbishop, and having proceeded to ponder on the aforementioned investigation together with two advisors, in accordance with canon 1718, §3, I understand that as a result of all the action taken, the conditions are in place to establish penal proceedings pursuant to canon 1718 §1, 1 and 2.

With nothing further to add, I express to you my most sincere esteem and consideration in Christ, just Judge.

[seal: ARCHBISHOPRIC OF MENDOZA – Republic of Argentina] [signature]
+ Marcelo Daniel Colombo
Archbishop of Mendoza