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Q. Alright. I'd like to have you tell us

17

-- Well, first of all, could you just hold up this picture, and see if you could zoom in on that,

18

19

██████████ The full one. Yeah, just the full picture.

20

Is that a picture of you at or about the time of

21

your first confession and first communion, give or

22

take some time?

23

A. Yes.

24

Q. I mean you looked like that --

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1 A. Yeah, that's --

2 Q. -- pretty close to that --

3 A. Yeah.

4 Q. -- regardless if that was taken at the  
5 same time. Alright. This one I'd like you to  
6 hold up, and I think your mom talked to us about  
7 that, but I think that's actually a picture of the  
8 day of your first communion. Is that fair?

9 A. Yeah.

10 Q. Okay. So, on the top, we have a picture  
11 of you with the -- with your cake and -- I did it  
12 in reverse. I fooled you, [REDACTED] That's a picture  
13 of your cake we're on it now, but that's your  
14 first communion --

15 A. Yeah.

16 Q. -- not your confession. And let's go  
17 back down. The bottom picture is what? Let me  
18 turn around. Is that --

19 A. That's -- That's first communion and  
20 that's receiving -- It wasn't a scapular. It was  
21 another pendant.

22 Q. Something he's putting around your neck.

23 A. Something -- Yeah, it was a little red  
24 pendant. I believe it had a dove on it, and

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1 that's what we received.

2 Q. Could we just hold it back up? And is  
3 this a picture of Father Burnett putting this  
4 around your neck?

5 A. Yes.

6 Q. Alright. So Father Burnett gave you  
7 first communion. Correct?

8 A. Yes.

9 Q. And is Father Burnett the same person  
10 that you met with during your first confession  
11 that we'll talk about later on?

12 A. Yes, he is.

13 Q. You knew him by name as well as by face.

14 A. Yes.

15 Q. Alright. You have no doubt that Father  
16 Burnett, James Burnett, administered you first  
17 communion and also met with you during a time  
18 called your first confession. Fair enough?

19 A. Yes.

20 Q. Alright. Now, the third grade math that  
21 I was a little bit mixed up about and you and I  
22 cleared up each other before today.

23 A. Yeah.

24 Q. Oh, and I show you why we cleared it up.

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1 Could you tell us what this document is? Maybe  
2 you could hold that one up.

3 A. This was -- I'm not sure what you'd call  
4 it but this is the program of the first communion.

5 Q. Communion. Okay. So this is a purple  
6 book and it says Do This In Remembrance Of Me.  
7 Right, and, [REDACTED] maybe we could come over here a  
8 little bit and zoom in on this. It says first  
9 communicants and it lists a whole lot of names

10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 A. Yes. Yeah.

14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 You would've received your first communion on one  
20 of those days. Correct?

21 A. Yes.  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]

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Q. So, when you received your first  
communion you were 8 years old.

22

23

A. Mm-hmm.

24

Q. Is that fair?

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1 A. Yes. Yeah.

2 Q. And, as best you recall, did you have  
3 your first confession scheduled with Father  
4 Burnett that same grade, third grade, when you  
5 were 8 years old?

6 A. Yeah, to the best that I can --

7 Q. It would've been before first communion,  
8 obviously.

9 A. It would've been definitely before first  
10 communion.

11 Q. And it might've been the other previous  
12 semester or sometime before April of [REDACTED] Fair?

13 A. Yes. Yes.

14 Q. Alright. You don't have a specific  
15 recollection of the -- of the date, meaning  
16 Monday, October so and so versus November.

17 A. No.

18 Q. It was sometime during the third grade  
19 school year as best you recall.

20 A. Yes.

21 Q. Alright. We were going back to your --  
22 I'm going to flip back in chronological order a  
23 little bit to your educational background. You  
24 went to college first year at [REDACTED]



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8 Q. Okay. What is your primary motivation  
9 in giving this affidavit about your recollections  
10 about the sexual misconduct that you suffered at  
11 the hands of Father Burnett? Is it money or  
12 something else?

13 A. No, it's not money. It's to make sure  
14 that this doesn't happen to anybody else and  
15 closure for myself.

16 Q. Okay.

17 A. And maybe even if somebody is out there,  
18 just sitting there kind of the same way I was, it  
19 might give them the courage to come out, too, and  
20 it would -- it would help them as well.

21 Q. Has it been difficult for you to  
22 consider telling your story like we are today over  
23 the last number of months?

24 A. Extremely.

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1 Q. Alright. Have you -- Have you decided  
2 to tell all that you know about this topic, not  
3 leaving back anything, as far as you know?

4 A. Yes.

5 Q. Alright. You have had some  
6 conversations with your mother in recent months --

7 A. Mm-hmm.

8 Q. -- about what you remember and when you  
9 remembered it. Fair?

10 A. Yes.

11 Q. Alright. You understand that your mom  
12 has certain recollections that you don't have.  
13 Fair?

14 A. Yes. Yeah.

15 Q. And you understand that you have certain  
16 recollections that your mom was not present for,  
17 so she does not have. Fair?

18 A. Yes.

19 Q. Alright. I'd like to ask you a specific  
20 question.

21 A. Okay.

22 Q. Because we're submitting both of these  
23 affidavits to the Catholic Review Board.

24 A. Okay.



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1 Q. You were not here or present when your  
2 mom's affidavit was taken. Fair enough?

3 A. Correct.

4 Q. Alright. I want you to assume that your  
5 mom has testified under oath that shortly after  
6 your first confession she specifically remembers  
7 seeing you back at your house and asking you hey,  
8 Dave, how did your first confession go, and that  
9 you started to recall what happened and then your  
10 mom stated "then Father asked me to take my pants  
11 down" or to that effect. You are aware,  
12 generally, that that is what your mother  
13 specifically recalls you saying. Fair enough?

14 A. Yes. Yeah.

15 Q. Alright. You have previously told me  
16 that you do not remember making that statement.  
17 Is that a true statement?

18 A. That is a true statement. I don't  
19 remember.

20 Q. You don't remember saying that.

21 A. Yeah, I don't.

22 Q. It doesn't mean you didn't state that.  
23 It just means that you don't remember that. Is  
24 that fair?

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1 A. That's fair. Yeah.

2 Q. And I will come back to this in  
3 chronological order, but your mom also remembers  
4 being in the room where the first confession was  
5 to take place. I think on days before the first  
6 confession, being around school at St. Mary's, and  
7 she remembers, from her view, that there weren't  
8 any visible windows on the doors or in the room.  
9 Do you have such a recollection, or is that just  
10 your mom's?

11 A. I don't remember any from the hallway  
12 being able to see in the door, or no sidelights on  
13 the side. No.

14 Q. Okay. You don't remember one way or the  
15 other.

16 A. No.

17 Q. Let's go back a little bit to the time  
18 of your CCD teaching. You went to the public  
19 schools.

20 A. Yes.

21 Q. So you would be taken to church  
22 regularly by your mom or your dad.

23 A. Mm-hmm.

24 Q. Alright. You attended church at St.

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1 Mary's, in Mokena. Correct?

2 A. Yeah.

3 Q. Alright. Father Burnett was the pastor  
4 when you were going to church there?

5 A. Yes.

6 Q. Alright. Tell me a little bit about CCD  
7 -- your recollections generally in the early  
8 years. You went to CCD from first to eighth  
9 grade?

10 A. Yeah.

11 Q. Alright. And I assume that's --

12 A. It was --

13 Q. -- is most it is is for the public  
14 school kids?

15 A. Yeah.

16 Q. Yeah. Tell me a little bit about the  
17 classes, how often do you remember going, or when  
18 you would go.

19 A. It was once a week. It was typically --  
20 I recall Wednesdays going there, and it was a  
21 class of, I don't know, a handful of kids, 15,  
22 maybe.

23 Q. Yeah. And it was just -- It was -- It  
24 was just like a high school class, you know.

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1 You'd have your teacher there and we'd go through  
2 all the curriculum and --

3 A. Right. And your mom said from time-to-  
4 time, as many moms do -- as my wife does with our  
5 kids, she helped you with your homework at school  
6 but she also helped you in your CCD educational  
7 class. Is that fair?

8 A. Yeah.

9 Q. I'd like to turn specifically to the day  
10 of your first confession. Okay?

11 A. Okay.

12 Q. So that's when you're in third grade and  
13 you're 8 years old. Right?

14 A. Mm-hmm.

15 Q. Would you tell me specifically what you  
16 remember today of, you know, that day? What did  
17 you do that day? Do you have any recollections  
18 before you go to St. Mary's for your first  
19 confession? Tell me a little bit about that.

20 A. I don't recall getting there or, you  
21 know, being driven there. I recall being in a  
22 line. You know, just all the kids were lined up  
23 outside the door and --

24 Q. Tell me where that was.

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1 A. That was in -- in St. Mary's and it  
2 wasn't in the church part. It was in more of the  
3 -- the school part.

4 Q. Okay. Was it in close proximity to  
5 where the church was?

6 A. Yeah. Yeah. Real close.

7 Q. So you're in a line waiting to go into  
8 the confessional room one-by-one?

9 A. Yeah, it was an office room. It wasn't  
10 the typical confessional that, you know, the  
11 father's on one side and then there's the divider  
12 and then there's -- It's not the typical one that  
13 would be in a church. This was in a -- in an  
14 office.

15 Q. Okay.

16 A. You know, with a desk. You know, a big  
17 office.

18 Q. Okay. And you were to -- Had you  
19 practiced to where you were going to go? Do you  
20 remember at all about what room. Had you  
21 practiced?

22 A. No. I don't recall practicing.

23 Q. Okay.

24 A. I just remember, okay, being in line

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1 and, you know, you'd go in and do your -- do your  
2 confession and come out.

3 Q. Alright. Tell me specifically about  
4 what you remember that day, when you're 8 years  
5 old with Father Burnett, in the room for first  
6 confession. Tell me as you progress through the  
7 line what do you remember and take me through that  
8 in your own words, and I want you to be very  
9 careful about what you say and be careful about  
10 this is your memories, not anybody else's. Fair  
11 enough?

12 A. Sure. Fair enough.

13 Q. Alright.

14 A. I remember standing in the line -- or  
15 being in the line, in the front part of it. I'm  
16 not sure how many kids were in front of me. When  
17 it was my turn to go in, I remember walking in,  
18 and as you walk in to the left side, there was a  
19 chair -- there was two chairs. There was a chair  
20 here and then Father was in another chair, and I  
21 --

22 Q. By father, you mean Father Burnett?

23 A. Father Burnett. Yes.

24 Q. Father Jim Burnett.



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1 A. Jim Burnett.

2 Q. Right. Okay.

3 A. And I remember walking into the room and  
4 then I don't know how I got to the next point. I  
5 don't remember walking or if I was helped up, but  
6 I remember sitting on Father Jim's lap.

7 Q. Okay. Back then did you call him Father  
8 Jim or Father Burnett?

9 A. I believe it was Father Jim.

10 Q. Okay. And you said you remember sitting  
11 on his lap. Right?

12 A. Yes.

13 Q. Do you specifically remember your  
14 orientation? Meaning which way were you facing  
15 and which way was he facing, and if you can  
16 remember that, could you show us on the videotape?

17 A. Yeah. Yeah. If -- I don't know how to  
18 do this, but okay. This would be the -- I'm  
19 sitting in the chair that --

20 Q. You're Father Burnett?

21 A. -- that Father Jim was sitting in.

22 Q. Okay.

23 A. As myself, I would be sitting on his  
24 right knee.

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1 Q. Could you pull back a little bit, Mr.  
2 Video Operator? I want to see his -- It's okay;  
3 you stay there.

4 A. Okay.

5 Q. I just want to see what he's referring  
6 to. That's all. That's good. A little bit -- A  
7 little bit farther back. That's fine. Just, you  
8 know, we've got a glass table here what you're  
9 saying, but I can see your --

10 A. Okay.

11 Q. I want to see his lap, [REDACTED] You can't  
12 zoom out?

13 THE REPORTER: That's because of the  
14 closeness.

15 MR. JOHNSON: Oh.

16 THE REPORTER: You can't zoom. The zoom  
17 lens is already out as far as it goes.

18 MR. JOHNSON: Fair enough. There you  
19 go. That's good. I just want to see his knee.  
20 There you go. Fair enough.

21 BY MR. JOHNSON.

22 Q. Now we got you in full frame. Okay.

23 A. Okay.

24 Q. Alright. Just take your time.

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1 A. Alright. So I'm sitting in the chair  
2 that Father Jim was in. Myself, as if I was  
3 Father Jim right now. Myself, I would've been  
4 sitting facing -- My body -- My legs would've been  
5 draped over --

6 Q. You're saying you would be sitting on  
7 his right knee?

8 A. On his right -- On his right knee, his  
9 right thigh.

10 Q. Right.

11 A. And my -- my feet would be like dangling  
12 right here, so --

13 Q. And you would be facing to your left as  
14 you're --

15 A. -- I would be facing -- I would've been  
16 facing here as Father Jim is facing towards you.  
17 So now I would be sitting on his -- his lap or  
18 that one knee and looking at him as he's right  
19 here.

20 Q. Okay. He's -- Father Burnett's face is  
21 to your left?

22 A. Yes.

23 Q. Okay.

24 A. So --

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1 Q. And obviously you're quite a bit smaller  
2 than he is. You're the 8-year-old as we see in  
3 the picture. Fair enough?

4 A. Yes.

5 Q. Alright.

6 A. So, yeah, I'm looking up --

7 Q. Up at him. Right. Tell me what you  
8 specifically remember next.

9 A. Okay. What I remember -- I don't recall  
10 any dialogue or what he said or what I said. All  
11 I can remember is his right hand was -- was  
12 sitting here on top of his knee and my -- I was  
13 sitting on his hand, and --

14 Q. Okay. You're motioning to his right  
15 hand.

16 A. His right hand. Yeah. So, he's sitting  
17 here. His hand is down on his leg and I am  
18 sitting on top of that, so --

19 Q. Let me stop you there. You have no  
20 doubt that this is a true and accurate  
21 recollection of what happened on the day of your  
22 first confession?

23 A. Oh, yeah.

24 Q. You have no doubt. Is that a fair

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1 statement?

2 A. No doubt. Yeah, it's a very fair  
3 statement.

4 Q. Tell me what, if anything, happened with  
5 Father Burnett's hand as you are sitting there, as  
6 you're sitting on his hand.

7 A. As I was sitting on his hand, he was  
8 caressing, rubbing his hand on my buttocks, on my  
9 butt.

10 Q. On the underneath of your butt.

11 A. Yes.

12 Q. Buttocks. Right.

13 A. And it would've -- As I was sitting  
14 there, it was more specifically my right side.

15 Q. Okay. And is the area that he was  
16 caressing or feeling, is that around your butt as  
17 well as your genitals?

18 A. Yeah, it was just basically the -- your  
19 whole -- my whole underside.

20 Q. Okay. That would include your butt,  
21 your anus, and your scrotum area, your penis, and  
22 your gonads, to the extent that you had them at  
23 that age?

24 A. Yes.

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1 Q. Alright. Alright. Do you have any  
2 recollection about what, if anything, you were  
3 saying and what, if anything, Father Burnett was  
4 saying at that time?

5 A. No, I don't have -- I can recall -- I  
6 mean, I remember looking at him, but I don't -- I  
7 cannot recall anything that he had said to me or  
8 anything that I had said back to him.

9 Q. You're -- You have a recollection of a  
10 visual image of being in close proximity to Father  
11 Burnett's face and looking up at him?

12 A. Oh, yeah. I mean, as I'm sitting here,  
13 just basically looking back at him, but I can't  
14 remember any dialogue that was there.

15 Q. Do you remember any prayers or any  
16 specifics of any first confession you might've  
17 said that day?

18 A. No. After, you know -- And I can't  
19 recall how long the duration of this whole thing  
20 was. I don't know if I was in there for 2  
21 minutes, 1 minute, 10 minutes. I don't -- I don't  
22 recall because I don't recall any of the dialogue  
23 as well. I can remember leaving the door and  
24 then, you know, looking back down the hallway and



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1 that's -- that's about it. I don't remember going  
2 back to a classroom or going back -- or going to  
3 the church to say any prayers or --

4 Q. Alright. Let me take you back inside  
5 that room for a little bit. I think your mom told  
6 us, in her deposition at another time, that she  
7 believed there were two chairs that were supposed  
8 to be in the room, one for the priest and one for  
9 the child, boy or a girl, who was going to say  
10 confession. Alright? Do you recall if there were  
11 two chairs that were in there that were supposed  
12 to be used for that purpose?

13 A. I recall two chairs, and I would assume  
14 that that's --

15 Q. Right.

16 A. -- what the purpose was. Yes.

17 Q. Do you ever recall sitting on the other  
18 chair, or do you only recall sitting on Father  
19 Burnett's lap?

20 A. I only recall sitting on the lap.

21 Q. Your mother testified that you came home  
22 -- And I asked you this before, but I want to  
23 specifically ask you a follow-up question.

24 A. Sure.

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1 Q. That Father Burnett, at some point in  
2 time, during the course of the first confession  
3 said -- You said then Father asked me to take my  
4 pants down or off -- same difference. You don't  
5 remember saying that. Correct?

6 A. Correct, I don't remember that.

7 Q. You don't remember father Burnett saying  
8 that in the first confession time period. Fair?

9 A. No. Yeah, I don't.

10 Q. Tell me what, if any, recollections you  
11 have of sitting on Father Burnett's lap as to  
12 whether or not your pants were on or off.

13 A. I recall them being on.

14 Q. Okay. Alright. And how do you recall  
15 that?

16 A. Because this memory, as it has come  
17 back, some parts of it have become very vivid and  
18 some parts of it haven't. Like I can't recall the  
19 conversations or what was said back and forth but  
20 specifically, I mean, I can remember the -- the  
21 feeling of, you know, his hand and my, you know,  
22 my pants.

23 Q. Right.

24 A. And I can remember that.

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1 Q. Okay. Again, as you described under  
2 your buttocks and genital area.

3 A. Yes.

4 Q. And, in your mind, that's consistent  
5 with having -- Your recollection is consistent  
6 with having your trousers or pants on as well as  
7 your pants off. Right?

8 A. Yes.

9 Q. Step back a little bit -- a little  
10 easier question. I saw in the first communion  
11 picture that you had a white shirt on and it  
12 looks, on the top, when you're looking at your  
13 cake, you've got a -- you've got a pair of dark  
14 pants on, and I'd like to ask you to take a look  
15 at the top of that picture and if you could tell  
16 me what you believe -- the best you remember what  
17 -- how you were dressed compared to how you looked  
18 in your first communion picture.

19 A. I would probably say identical.

20 Q. Okay.

21 A. I mean, black dress pants, white --

22 Q. Perhaps a white shirt and dark -- dark  
23 dress pants.

24 A. Yeah.

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1 Q. Long dress pants. Right, not shorts?

2 A. Probably had a tie on at the time and --

3 Q. Took it off.

4 A. Took it off.

5 Q. Okay. Alright. Fair enough. Alright.

6 Are there any other recollections that you have at  
7 the time of your meeting called this first  
8 confession with Father Jim Burnett, other than  
9 what you've told us already?

10 A. No.

11 Q. Alright. I'm not trying to put words in  
12 your mouth, I'm just trying to get that you don't  
13 remember actually how you get off his lap and get  
14 out of the room --

15 A. No.

16 Q. -- but you have a recollection of seeing  
17 the line approaching or --

18 A. Yes.

19 Q. And do you have any other -- You don't  
20 recall saying any prayers after -- after your  
21 first confession?

22 A. No, I don't recall any prayers. No.

23 Q. Do you recall any other -- any other  
24 things about the day of your first confession

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1 while you were still at St. Mary's?

2 A. No, it's brief. It's -- You know, the  
3 line. I don't remember walking to the line. You  
4 had to get there somehow but I don't remember  
5 walking to the line, but I remember being in the  
6 line. I remember going into the room. I remember  
7 the orientation of the room. I'm not sure how I  
8 got onto his lap, whether he said hop up here or  
9 whether he placed me up there. I don't know, and  
10 I don't know how I got off of his lap. I just --  
11 I don't know and I don't remember where I went  
12 after confession.

13 Q. Okay. From what you know now and from  
14 what you remember now, do you believe you were the  
15 victim of sexual misconduct and sexual abuse at  
16 the literal hands of Father Jim Burnett when you  
17 were in third grade as an 8-year-old?

18 A. No. I mean --

19 Q. Let me back track. Do you believe this  
20 conduct was inappropriate --

21 A. As an 8-year-old?

22 Q. Oh, no. As you sit here today.

23 A. As I sit here today?

24 Q. Right. I'm trying to -

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1 A. Oh, okay.

2 Q. You know, lawyers always make bad  
3 questions. That was a bad question. In your view  
4 today -- [REDACTED]

5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED] do you believe that Father Jim  
8 Burnett sexually abused you when you were 8 years  
9 old?

10 A. Yes, I do.

11 Q. Alright. And those are -- That belief  
12 and opinion is from the facts as you remember them  
13 that you've told us so far today.

14 A. Yes. That's correct.

15 Q. Do you have any doubt that what you have  
16 told us today that happened in that room with  
17 Father Burnett is a fabrication, a false  
18 recollection, or do you believe it's actually  
19 true?

20 A. I believe it's true.

21 Q. Okay. Now, I'd like to ask you a couple  
22 of questions about when in 2005 you first thought  
23 or recalled about this sexual abuse, this incident  
24 that you've just described, and I'm going to ask



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1 you a couple of leading questions to get you to a  
2 point of reference. Then I want to ask you in  
3 your own words.

4 A. Okay.

5 Q. I believe you told us that you had had  
6 some conversation with your wife during the spring  
7 or summer of 2005 about this issue.

8 A. Yes.

9 Q. And then at some point later on in the  
10 summer or fall of 2005 this conversation came up  
11 between first your wife [REDACTED] and your mom. Is  
12 that fair?

13 A. Yes.

14 Q. Meaning your wife and your mom had a  
15 conversation about the sexual abuse before you and  
16 your mom did. Is that fair, and in 2005?

17 A. Oh, that her and my mother talked before  
18 myself and my mother did?

19 Q. Yeah.

20 A. No. It was -- It was all three of us --

21 A. Okay.

22 A. -- sitting down at the same time. I was  
23 present when the whole thing came off.

24 Q. Okay. Fair enough. Could you tell us

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1 when you first had a recollection of being abused  
2 by Father Burnett, in the year 2005. In the year  
3 2005. We're in 2006 now, but --

4 A. Sure.

5 Q. -- approximately what time and how did  
6 that come about in the year 2005?

7 A. I couldn't tell you how it came about.  
8 It's just something that kept coming back into my  
9 memory. I don't even know why I was thinking  
10 about it or what I was thinking about and then all  
11 of a sudden I've got a -- this memory of back to  
12 being 8 years old in my first confession, and then  
13 it just kept coming in my head.

14 Q. Did you tell your wife right away or did  
15 it fester for awhile?

16 A. Oh, no, I didn't tell her right away. I  
17 kept it to myself for a while.

18 Q. Okay. At some point in time, did you  
19 have a conversation with your wife in the spring  
20 or summer of 2005 about your remembering of being  
21 sexually abused by Father Burnett at your first  
22 confession?

23 A. Yeah.

24 Q. Alright. And sometime thereafter your

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1 mom, and you and your wife [REDACTED] were present,  
2 where all three of your discussed it. Is that  
3 fair?

4 A. Yes.

5 Q. And that would've been perhaps somewhere  
6 in the --

7 A. Late -- Late summer, fall.

8 Q. -- summer or fall, or fall of 2005?

9 A. Yeah. Yeah.

10 Q. When -- At this time in the spring,  
11 summer, fall of 2005, had you heard of any  
12 allegations of any sexual abuse at the hands of  
13 Father Burnett from any other source?

14 A. No.

15 Q. Had you heard of any allegations by [REDACTED]

16 [REDACTED]  
17 A. No.

18 Q. You know of some of the [REDACTED] that  
19 grew up around the area that you did. Fair?

20 A. Yeah. Yeah.

21 Q. Alright. And have you spoken with any  
22 of the [REDACTED] in the last year, two years, five  
23 years, ten years?

24 A. No.

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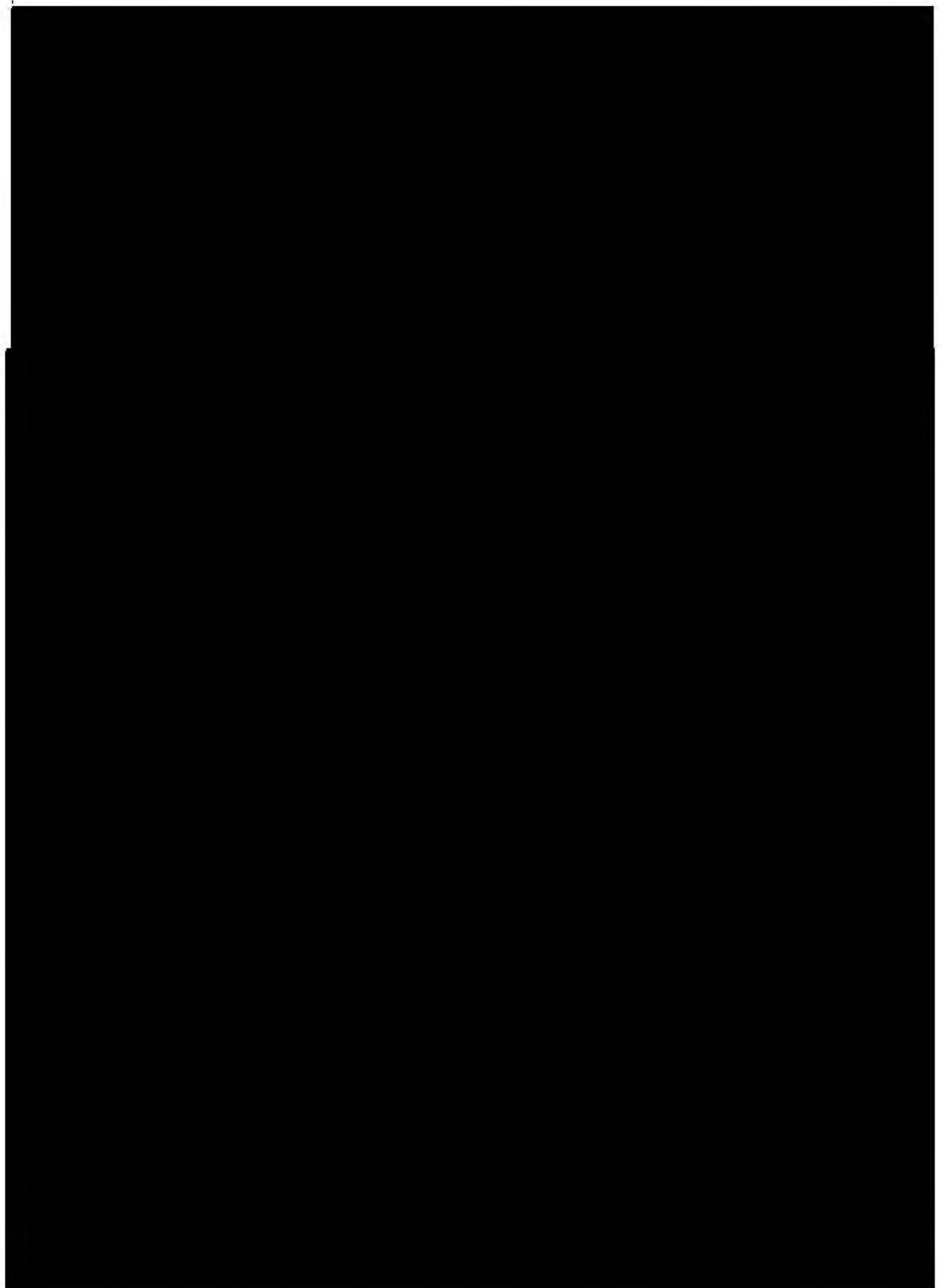
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Q. Alright. Was there ever a time during  
your sophomore year that you said something to the  
effect that, gee, this might've happened to me,  
referring to sexual abuse by a clergy?