

1201

AGREEMENT

Agreement made this 13th day of September, 1984
between Reverend Mark Fleming, hereinafter "defendant", and the Hillsborough
County Attorney for the State of New Hampshire, hereinafter "the State".

IN CONSIDERATION of certain information and evidence in the
possession of the State that form the basis of numerous offenses of
Aggravated Felonious Sexual Assault that occurred approximately from
January 1983 to October 1983, and involving the defendant and three (3)
children, to wit: [REDACTED] (age 11), [REDACTED] (age 12), and
[REDACTED] (age 9), all of Hudson, New Hampshire, and other valuable
consideration, the parties agree as follows:

1. TERM

The agreement shall be construed to have commenced on [REDACTED]
and shall continue in force for the remainder of the defendant's natural life

The State agrees not to seek indictments for the acts of defendant
described above, nor to prosecute the defendant for any alleged criminal
conduct arising out of the described acts known to the State, during the
performance of the agreement by the defendant.

Defendant expressly waives his Constitutional Right to Speedy
Indictment and Speedy Trial during the term of this agreement.

2. CONDITIONS

Defendant agrees to continue the program of therapy and counselling
which he has voluntarily commenced with the House of Affirmation, Incorporated
in the vicinity of St. Louis, Missouri. Defendant will successfully complete
this program to the satisfaction of its directors and administrators and will
attend such appointments and sessions as deemed appropriate by
Roger L. Gemari, Ph.D., Sister Kathleen E. Kelley, SND, and all other

administrators and directors of the institution, during the term of this agreement.

The parties agree that the defendant's compliance with the requirements of his program of counselling and therapy will be monitored by officials of the Diocese of Manchester and progress reports shall be made on a regular basis by the Diocese of Manchester to the Hillsborough County Attorney.

The administration of the House of Affirmation shall notify officials of the Diocese of Manchester of any failure on the part of the defendant to comply with the requirements of their program, including absence for a scheduled appointment. The Diocese of Manchester will notify the Hillsborough County Attorney of any such failure or delinquency.

After successful completion of the aforementioned program the defendant expressly agrees to refrain from teaching or in any way participating in, any future religious, educational, or organized social programs which involve children under the age of sixteen (16), and which would involve his contact with such children. The defendant agrees that this condition shall remain in effect for the remainder of his natural life.

The defendant further agrees to be of good behavior in any future contact or relationships with children that occur outside any religious, educational, or organized social programs.

3. TERMINATION

In the event that the defendant fails to comply with the conditions of this agreement, said agreement will terminate. The State will then seek to secure the defendant's indictment, trial and conviction for the offenses alleged above. The defendant expressly waives any and all rights to speedy trial or speedy indictment with regard to these offenses.

It is further agreed and understood by the parties that if the defendant fully performs this agreement the State will not attempt to further prosecute the defendant for the above-described offense.

4. MODIFICATION

No terms or conditions of this agreement shall be modified except upon bilateral agreement of the parties in writing.

5. CONFIDENTIALITY

The State hereby agrees to hold in confidence this agreement, unless the defendant shall breach the conditions of said agreement and, upon his prosecution, assert a violation of his Constitutional Right to Speedy Indictment and/or Speedy Trial.

Paul M. Gagnon, Esquire
Hillsborough County Attorney

Mark P. Fleming (Rev.)
Reverend Mark Fleming

Roger L. Gennari Ph.D.
~~Sister Kathleen E. Kelley, SND~~
Director
House of Affirmation, Inc.

John P. Quinn
~~Bishop Odore Cendron~~ Rev. John P. Quinn
for the Diocese of Manchester

Clinical Psychologist
Ms. Laine # R0034