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Proof of Claim form: John Doe 77

Content Notice

This item is part of the Archdiocese of Santa Fe Institutional Abuse Collection, and it may contain descriptions of physical, emotional, sexual, and religious abuse, including abuse of minors. Other potentially sensitive topics within the collection include mental health conditions, substance abuse, and other forms of violence.

Resources are available if you or someone you know needs support for any reason.

For the National Sexual Assault Hotline, call 800-656-HOPE (4673) or go to <https://hotline.rainn.org/online>

For the 988 Suicide and Crisis Lifeline, call or text 988, or go to <https://chat.988lifeline.org/>

For the Substance Abuse and Mental Health Services Administration Helpline, call 1-800-662-4357

For crisis treatment in New Mexico: <https://www.nmhealth.org/contact/crisis/>

Survivors Network of those Abused by Priests resources: https://www.snapnetwork.org/resources_for_survivors

To report abuse:

- <https://archdiosf.org/report-abuse>
- <https://www.reportbishopabuse.org/>

To report child abuse:

- <https://www.childhelpline.org/>

Keywords

child sexual abuse, church abuse, New Mexico, Archdiocese of Santa Fe

Disciplines

Catholic Studies | Ethics in Religion | Religion Law | United States History

JS77

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
at 11:26 o'clock A M

In re:

ROMAN CATHOLIC CHURCH OF THE
ARCHDIOCESE OF SANTA FE, a New Mexico
corporation sole,

Debtor.

Chapter 11

MAY 28 2019

Case No. 18-13027-11 United States Bankruptcy Court
Albuquerque, New Mexico

CORRECTED SEXUAL ABUSE PROOF OF CLAIM

This form has been corrected solely with respect to the address for hand delivery.

IMPORTANT:

**THIS FORM MUST BE RECEIVED NO LATER THAN
June 17, 2019 AT 5:00 P.M. (PREVAILING MOUNTAIN TIME)**

Carefully read Notice and Instructions that are included with this **CONFIDENTIAL PROOF OF CLAIM** and complete all applicable questions. Send together with one copy to: Clerk of the United States Bankruptcy Court, District of New Mexico at the following address: Office of the Clerk of Court-ATTN SEALED DOCUMENTS, U.S. Bankruptcy Court, District of New Mexico, Pete V. Domenici U.S. Courthouse, 333 Lomas Blvd. NW, Suite 360 Albuquerque, NM 87102. If you prefer to hand deliver the completed Confidential Proof of Claim form to the Clerk, the physical address for hand delivery is Clerk of the United States Bankruptcy Court, District of New Mexico, 333 Lomas Blvd. NW, Suite 360 Albuquerque, NM.

If you mail or deliver the Confidential Proof of Claim form it must be received by the Clerk no later than 5:00 p.m. (prevailing Mountain Time) on June 17, 2019.

YOU MAY WISH TO CONSULT AN ATTORNEY REGARDING THIS MATTER.

AND YOU MAY ALSO OBTAIN INFORMATION FROM THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS BY CALLING TOLL FREE AT 888-570-6217.

FAILURE TO COMPLETE AND RETURN THIS FORM MAY RESULT IN YOUR INABILITY TO VOTE ON A PLAN OF REORGANIZATION AND RECEIVE A DISTRIBUTION FROM THE ROMAN CATHOLIC CHURCH OF THE ARCHDIOCESE OF SANTA FE, COMMONLY KNOWN AS THE ARCHDIOCESE OF SANTA FE (THE "ARCHDIOCESE").

UNLESS YOU INDICATE OTHERWISE IN PART 1 BELOW, YOUR IDENTITY WILL BE KEPT STRICTLY CONFIDENTIAL, UNDER SEAL, AND OUTSIDE THE PUBLIC RECORD OF THE BANKRUPTCY COURT. HOWEVER, THIS PROOF OF CLAIM AND THE INFORMATION IN THIS PROOF OF CLAIM WILL BE PROVIDED

PURSUANT TO COURT-APPROVED CONFIDENTIALITY GUIDELINES TO THE ARCHDIOCESE, THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS AND TO SUCH OTHER PERSONS AS THE BANKRUPTCY COURT DETERMINES NEED THE INFORMATION IN ORDER TO EVALUATE THE CLAIM.

THIS PROOF OF CLAIM IS FOR SEXUAL ABUSE CLAIMANTS ONLY.

For the purposes of this Proof of Claim, a **Sexual Abuse Claim** is defined as any Claim (as defined in section 101(5) of the Bankruptcy Code) against the Archdiocese resulting or arising in whole or in part, directly or indirectly from any actual or alleged sexual conduct or misconduct, sexual abuse or molestation, indecent assault and/or battery, rape, pedophilia, ephebophilia, or sexually-related physical, psychological, or emotional harm, or contacts, or interactions of a sexual nature between a child and an adult, or a nonconsenting adult and another adult, sexual assault, sexual battery, sexual psychological or emotional abuse, humiliation, or intimidation, or any other sexual misconduct, and seeking monetary damages or any other relief, under any theory of liability, including vicarious liability, any negligence-based theory, contribution, indemnity, or any other theory based on any acts or failures to act by the Archdiocese or any other person or entity for whose acts or failures to act the Archdiocese is or was allegedly responsible.

For Purposes of this Proof of Claim, a **Sexual Abuse Claimant** is defined as the person asserting a Sexual Abuse Claim against the Archdiocese, or if a minor, then his parent or legal guardian.

TO BE VALID, THIS PROOF OF CLAIM MUST BE SIGNED BY YOU OR YOUR ATTORNEY. IF THE SEXUAL ABUSE CLAIMANT IS DECEASED OR INCAPACITATED, THE FORM MAY BE SIGNED BY THE SEXUAL ABUSE CLAIMANT'S REPRESENTATIVE, EXECUTOR OF THE ESTATE OR THE ATTORNEY FOR THE ESTATE. IF THE SEXUAL ABUSE CLAIMANT IS A MINOR, THE FORM MAY BE SIGNED BY THE SEXUAL ABUSE CLAIMANT'S PARENT OR LEGAL GUARDIAN, OR THE SEXUAL ABUSE CLAIMANT'S ATTORNEY.

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

PART 1: CONFIDENTIALITY

THIS SEXUAL ABUSE PROOF OF CLAIM (ALONG WITH ANY ACCOMPANYING EXHIBITS AND ATTACHMENTS) WILL BE MAINTAINED AS CONFIDENTIAL PURSUANT TO COURT-APPROVED GUIDELINES UNLESS YOU EXPRESSLY REQUEST THAT IT BE PUBLICLY AVAILABLE BY CHECKING THE BOX AND SIGNING BELOW. ONLY THE SEXUAL ABUSE CLAIMANT MAY WAIVE CONFIDENTIALITY IN THIS PART 1.

- I do not want this Proof of Claim (along with any accompanying exhibits and attachments) to be kept confidential. Please verify this election by signing directly below.

Signature: _____

Print Name: _____

PART 2: IDENTIFYING INFORMATION

A. Sexual Abuse Claimant

_____ #1
First Name Middle Initial Last Name Jr/Sr/III

_____ #2
Mailing Address (If party is incapacitated, is a minor or is deceased, please provide the address of the individual submitting the claim. If you are in jail or prison, your current address).

_____ #2
City State/Prov. Zip Code (Postal Code) Country(if other than U.S.A.)

Telephone No(s):
Home: _____ Work: _____ Cell: _____ #2

Email address: _____ #2

Social Security Number: _____ #4

If you are in jail or prison, your identification number: _____

May we leave voicemails for you regarding your claim? Yes No (Please contact my attorneys)

May we send confidential information to your email: Yes No (Please contact my attorneys)

Birth Date: _____ #2 X Male Female
Month Day Year

Any other name, or names, by which the Sexual Abuse Claimant has been known:

B. Sexual Abuse Claimant's Attorney (if any):

Hall & Monagle, LLC
Law Firm Name

Brad D. Hall
Attorney's First Name Middle Initial Last Name

320 Gold Ave SW #1218
Street Address

Albuquerque, NM 87102
City State/ Prov. Zip Code (Postal Code) Country
(if other than U.S.A.)

(505) 255-6300 (505) 255-6323 brad@hallmonagle.com

Telephone No.

Fax No.

E-mail address

PART 3: NATURE OF COMPLAINT

(Attach additional separate sheets if necessary)

NOTE: IF YOU HAVE PREVIOUSLY FILED A LAWSUIT AGAINST THE ARCHDIOCESE IN STATE OR FEDERAL COURT, YOU MAY ATTACH THE COMPLAINT. IF YOU DID NOT FILE A LAWSUIT, OR IF THE COMPLAINT DOES NOT CONTAIN ALL OF THE INFORMATION REQUESTED BELOW, YOU MUST PROVIDE THE INFORMATION BELOW.

- a. Who committed the acts of sexual abuse or other wrongful conduct?

Father Bernard Bissonnette sexually abused me in my childhood, as a direct result of the wrongful conduct of the Archdiocese of Santa Fe and the Servants of the Paraclete.

- b. What is the position, title or relationship to you (if known) of the abuser or individual who committed these acts?

I was a parishioner at Immaculate Conception, Our Lady of Sorrows, Newman Center, and a number of the mission churches in the Las Vegas area. Fr. Bissonnette was assigned to work in Las Vegas at the Newman Center and my parents were very close friends of Fr. Bissonnette. He used to come to dinner to our house all the time. My mother cleaned his apartment at the Newman Center and took us little kids with her. We would be left alone for hours with him when my mother left to do his grocery shopping and other errands.

- c. Where did the sexual abuse or other wrongful conduct take place? Please be specific and complete all relevant information that you know, including the City and State, name of the School (if applicable) and/or the name of any other location.

All of the abuse took place in the basement of Bissonnette's house in Las Vegas New Mexico. His house was behind the Newman Center, and the basement had an external entrance.

- d. When did the sexual abuse or other wrongful conduct take place?

1. If the sexual abuse or other wrongful conduct took place over a period of time (months or years), please state when it started, when it stopped, and how many times it occurred.

I believe the abuse began in approximately 1973 and ended when Fr. Bissonnette started spending most of his time in Springer, a small town about 30 miles east of Las Vegas. My best approximation is that that was 1976. I would estimate that Fr.

Bissonnette sexually abused me on hundreds of occasions, but I don't have a precise number.

2. Please also state your age(s) and your grade(s) in school (if applicable) at the time the abuse or other wrongful conduct took place.

My family knew Bissonnette even before he got assigned to Las Vegas, he would have dinner with us and spend time with us whenever he was around. I was approximately three or four years old when the abuse started. When he went to Springer I was in middle school, about ten or eleven years old.

- e. What happened (describe what happened):

My mother cleaned Fr. Bissonnette's apartment/house and ran errands, such as grocery shopping for him. She took us younger of her 11 children with her. The abuse typically consisted of Bissonnette digitally penetrating me with his fat fingers, as what he called "preparation" for future anal and oral rape, which he was doing to my older brothers at the time. Bissonnette would say that when the time came, I would participate in the same abuse, and I "would do so willingly," because he had trained me from a young age to be compliant and conditioned to the abuse. In the meantime, as a pre-school kid, he would either duct-tape me to a chair to abuse me, or put me tied up into a closet in the basement where several inches of space between the doors forced me to watch him rape my older brothers. He manipulated the doors so you could see out from in the closet like that. Eventually he got a chair that was mounted to a platform because I would tip myself over onto the floor of the basement, trying to break the chair and get free. It was all part of his sickening "training regimen." Attached is my deposition testimony describing in greater detail the abuse.

I think my brothers were drugged, in hindsight, but I don't know. I think something like that because, I remember their bodies flopping sort of lifelessly when he was raping them, like fish out of water, and I don't think they knew I was in the closet. I would start compulsively counting seconds, sometimes aloud to myself, for what felt like hours. Sometimes, when he was done with my brothers, he would put his penis near my face, covered with blood and shit. I can still remember that smell, because, I had tape over my mouth so I couldn't breathe unless through my nose. I would be crying and just sitting there, and he didn't care. He would just tell me, "Its God's will" and "your time will come" and "you're going to do this willingly" and then he would un-tape me from the chair and insert his finger in my anal cavity.

Attached also are copies of the deposition testimony of my brothers: #3 , #3 and #3 . My brother #3 was also abused by Fr. Bissonnette but he did not bring a lawsuit. Fr. Bissonnette used us and tossed us away. He was a monster.

- f. Did you tell anyone about the sexual abuse or other wrongful conduct and, if so, who did you tell and when (this would include parents; relatives; friends; the Archdiocese; attorneys; counselors; and law enforcement authorities)?

I didn't tell anyone that I had been abused by Bissonnette until 2017. In 2017, I told a number of people: my therapist #10, my wife #3 and my sons (not the details, just the 'fact of abuse' in broad terms); Fr. Vince Chavez from St. Therese Parish; a psychologist at #10 (in the summer); a psychologist at a mental health hospital called #10; and my siblings. There are some medical records that indicate I had discussed the abuse with doctors back in 2011, but they are inaccurate – I did not discuss the abuse with any doctors back in 2011. I simply told them that I had a recurring nightmare involving a priest, and that a priest had sexually abused my brothers. I did not tell the doctors that a priest had sexually abused me as well, but they must have misheard or misunderstood what I was telling them at the time.

- g. Identify any church or religious organization you have belonged to or have been affiliated with.

I was part of the Catholic church in Las Vegas New Mexico as a child, and I have remained Catholic throughout my life. The abuse from Bissonnette made it difficult for me to feel safe or comfortable in church settings, but it never broke my faith – I still pray all the time. It has sustained me when I most wanted to give up.

- h. State whether there were any witnesses to the abuse. If there were any witnesses, please list their name(s) and any contact information you have.

Fr. Bissonnette sexually abused my brothers, and possibly my sister as well. I know that I saw him abusing them, so it is possible that they saw him abusing me – although I have reason to believe that he drugged my brothers to facilitate the rapes he inflicted on them. I don't know for sure. Other than possibly my brothers, no witnesses.

PART 4: IMPACT OF COMPLAINT

(Attach additional separate sheets if necessary)

(If you are uncertain how to respond to this Part 4, you may leave this Part 4 blank, but you will be required to complete this Part 4 within thirty (30) days after a written request is made for the information requested in this Part 4)

1. What injuries (including physical, mental and/or emotional) have occurred to you because of the act or acts of sexual abuse or other wrongful conduct that resulted in the claim (for example, the effect on your education, employment, personal relationships, health, and any physical injuries)?

My understanding of my psychological injuries is still unfolding on a day by day basis now that I have been getting the professional help I've always needed. I was hospitalized for a

mental breakdown (PTSD and Depression) often during my life. My most recent hospitalization was December 2018. I was inhouse at #10

All throughout my life, I have suffered from crippling depression and anxiety, but I did not know why, and never connected the dots between the priest abuse and all those problems. My first suicide attempt was at age 6. My first "official" diagnosis of depression was at age 19. I have attached some pages of my deposition discussing my suicide attempts and hospitalizations for my breakdowns. I suffered addictions, alcohol abuse, PTSD, depression, and anger management issues.

Now that I have worked with therapist #10, Fr. Chavez, and other therapists, I am hoping to heal. I'm told 'it will get better' once I am able to find adult coping skills to replace the childhood coping skills I employed as a kid and beyond. I have to admit that I have not yet bought into the idea it will get better, and the nightmares and fear of sleep and depression is just as bad, even if I understand their source a little better. I have suffered from chronic insomnia for long stretches of my life. I was addicted to alcohol all through my twenties, which I believe now was most likely a coping device to block the torment of memories of abuse by Bissonnette – what he did to me and what he made me watch.

I have hypervigilance issues regarding the safety of my children, and I suffer from paranoia and extreme anxiety. I used to count in an obsessive compulsive manner, like while brushing my teeth for example, which probably relates back to the counting I would do to distract myself when Bissonnette would put me in the closet in the basement. From a very young age, I was filled with rage and fear, and I look back and see that I tried to solve all of my problems by fighting. There were many times that I felt suicidal. Since 2017, I have been having terrible flashbacks and nightmares of Bissonnette and his sexual abuses. The psychological collapse around the traumatic recall of the abuse has caused me to recognize the severe damage to my marriage and my relationships with my children. The ripple effects of the abuse have touched every aspect of my life, and I struggle to maintain hope. I feel I have a long ways to go in therapy.

2. Have you sought counseling or other treatment for your injuries? If so, with whom and when?

Therapy with #10 Albuquerque NM, beginning in 2017. After moving on from #10 I saw a therapist at #10 for a time, but he was overwhelmed with patients so I stopped seeing him. Now, since January 2019, I have therapy and EMDR with a therapist named #10 in Albuquerque.

PART 5: ADDITIONAL INFORMATION

1. Prior Claims: Have you filed any claims in any other bankruptcy case relating to the sexual abuse described in this claim.

Yes No (If "Yes," you are required to attach a copy of any completed claim form.)

If "Yes," which case(s):

2. Settlements: Regardless of whether a complaint was ever filed against any party because of the sexual abuse or other wrongful conduct, have you settled any claim relating to the sexual abuse or other wrongful conduct described in this claim?

Yes No (If "Yes," please describe, including parties to the settlement. You are required to attach a copy of any settlement agreement.)

3. Bankruptcy. Have you ever filed bankruptcy? Yes No (If "Yes," please provide the following information:

Name of Case: #6 _____

Court: U.S. Bankruptcy Court District of New Mexico

Date filed: #6 _____ Case No. #6 _____

Chapter: 7 11 12 13 Name of Trustee: #6 _____

4. State whether you have previously commenced any lawsuit seeking damages for the identified sexual abuse. If yes, please state: YES

a. Where and when you commenced the lawsuit:

Bernalillo County District Court 01/31/2018

b. The parties to the lawsuit:

John Doe 77 v. Archdiocese of Santa Fe, and the Servants of the Paraclete

c. The case number if any:

#6 _____

d. The result of the lawsuit:

Pending

Sign and print your name. If you are signing the claim on behalf of another person or an estate, print your title.

Under penalty of perjury, I declare the foregoing statements to be true and correct.

Date: 04-24-2019

Signature: #1 _____

Print Name _____

Relationship to Sexual Abuse Claimant: _____

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

JOHN DOE "77",

Plaintiff,

vs.

No.

#6

ARCHDIOCESE OF SANTA FE and
THE SERVANTS OF THE PARACLETE,

Defendants.

VIDEO DEPOSITION OF JOHN DOE "77"

August 8, 2018
12:53 p.m.

Taken at the Offices of Stelzner, Winter, Warburton,
Flores, Sanchez & Dawes, P.A.
302 Eighth Street, N.W., Suite 200
Albuquerque, New Mexico 87102

PURSUANT TO THE APPLICABLE RULES OF
CIVIL PROCEDURE this deposition was:

TAKEN BY: ROBERT P. WARBURTON
ATTORNEY FOR DEFENDANT ARCHDIOCESE OF
SANTA FE

REPORTED BY: AUGUSTINA J. MARTINEZ, NM CCR #215
Williams & Associates Court Reporters
1608 Fifth Street, N.W.
Albuquerque, New Mexico 87102

#6

#10

1 .
2 And you say, "Prior to 2017, I had not
3 disclosed Bissonnette's sexual abuse to those people
4 or to anyone else."

5 Is that accurate?

6 A. Yes.

7 Q. Okay. The other brothers that had also been
8 sexually abused by Bissonnette were #1 ?

9 A. Yes.

10 Q. And I'm trying to remember. I should know
11 this. But who were the other --

12 A. #1 , #1 , and #1 . And -- just going
13 up -- over some documents, Brad and I, I found out my
14 brother #1 was also part of that case, which I did
15 not know.

16 Q. Okay. In describing what happened to you,
17 you indicated, initially, Father Bissonnette would
18 literally tie you to a chair and either put you in
19 some sort of a closet or a cabinet or something but
20 -- that you could see out and see what he was doing?

21 A. He manipulated the doors where they were
22 bent, so I could see out, what he was doing. And I
23 remember being in this cabinet and -- while he was
24 raping my brothers. And I would see them, while he
25 was raping them, their body would just be flopping

#6

1 back and forth, like he drugged them. And it just --
2 I could hear them moaning and crying, but it's --
3 it's just -- it was strange. They were like a fish
4 out of water, just flopping them back and forth, the
5 way he would hold them.

6 Q. Okay. As I understand it, you would be --
7 this was in, what, the basement of the house where
8 Father Bissonnette lived?

9 A. Yes, it was behind Newman Center.

10 Q. Okay. And you-all would be over there -- am
11 I correct that there -- what was it, your mother or
12 someone would be over doing some housecleaning for
13 Father Bissonnette?

14 A. Yes.

15 Q. Okay. And she would bring the kids with
16 her. And then Bissonnette would -- what, she would
17 be upstairs doing work and Bissonnette would be
18 downstairs sexually abusing your brothers?

19 A. He would take them out of the house. And
20 the house had a external entry to the basement.
21 This basement, you couldn't even hear any peep or
22 anything coming out of it. And my mom would just
23 assume we were out playing somewhere --

24 Q. Okay.

25 A. -- when this took place.

1 Q. Did your -- when you would get tied up
2 and -- or taped up and put in the closet or cabinet,
3 or what have you --

4 A. He would untape -- he would untape me from
5 the chair, and he would put me in the -- in the
6 cabinet. And before he would put me in the cabinet,
7 he would insert his fat finger up my, you know -- my
8 anal cavity.

9 And then, while doing so, he would tell
10 me, "It's God's will. Your time will come."

11 Q. Your brothers that, then, you observed him
12 sodomizing --

13 A. Yes.

14 Q. -- did -- did they know -- I mean, they --
15 there were two. They knew you were --

16 A. They didn't know I was there. Because, like
17 I said, it said -- they seemed like they were drunk
18 -- or drugged.

19 And the reason why I say that is
20 because, when this all started, it was one day that I
21 was doing stuff out in the yard, picking up trash and
22 pulling some weeds here and there.

23 And all of a sudden, I looked towards
24 the house through the window, and I saw my brothers
25 sitting on the couch, watching TV. So I went and

1 grabbed a wood crate, and I put it on the ground and
2 I stepped on top of it so I could actually see
3 through the window correctly.

4 And I saw my brothers there and they
5 were drinking beer. And what I assumed at the time
6 was that they were drinking -- I mean, smoking
7 cigarettes. But now I know it wasn't cigarettes. It
8 was marijuana that they were smoking.

9 And then while I was looking at them,
10 all of a sudden I decided to look towards the TV to
11 see what they were watching. And it was a
12 pornographic movie of individuals -- well, adults
13 having group sex.

14 Q. Was Father Bissonnette in the room at that
15 time?

16 A. No. I -- once I saw what was going on, I
17 stepped off the crate and I started throwing up. And
18 while I was throwing up, right when I finished, I
19 looked up and Father Bissonnette saw me outside the
20 window. And that's when this started again. So,
21 yeah.

22 Q. So he's -- he saw you outside the window.

23 Did he then come out and get you and
24 take you downstairs and --

25 A. No. It wasn't until one day that -- one day

1 that I saw him taking my brothers down into the
2 basement where he put them into laundry bags to make
3 it look like he was taking dirty laundry into the
4 basement, and I knew it was my brothers. And I stood
5 there arguing with him, to leave them alone to
6 release them, just leave them alone.

7 And he took them into the basement.
8 And he came back out of the basement and him and I
9 started arguing in the dirt lot there. And he got
10 close enough where he grabbed me and drug me through
11 the door.

12 And it was the first time I had ever
13 seen him rape my brothers. And he put me to a chair,
14 and -- duct taped me to the chair, put duct tape over
15 my mouth and duct tape around my wrists and legs.

16 But at that time, it was a chair
17 without no arms or anything, so I had them behind my
18 back.

19 Q. I can probably go back and figure out from
20 some of your answers, but just give me an idea.

21 Your brothers #1 , #1 , #1 , this
22 started -- you already testified, it started when you
23 were three or four years old.

24 A. I --

25 Q. How much older than that were y- -- were

1 they?

2 A. I maybe obscured on the age, and I shared
3 that with you earlier. But my brothers #1 and
4 #1 -- #1 is a -- I think a year and a half older
5 than I am. And I believe #1 is either two or two
6 and a half years older than I am.

7 Q. In terms of your abuse, you have already
8 described being forced effectively to watch what he
9 was doing to your brothers and him digitally
10 penetrating you and so forth.

11 As you got older -- as you got closer
12 to age 10 and 11, when you say it ended, did -- when
13 did he actually start abusing you in other ways? Did
14 he -- for example, he did anally sodomize you at a
15 certain point in time?

16 A. It never got that far. It's -- I remember
17 the last time I saw him, and it was a day that my
18 brothers, #1 and myself, and my brother #1 -- my
19 parents was having our family home added onto, so we
20 were living on #2 at that time. And my
21 brothers and myself decided to go back to our -- our
22 old house. And -- because we wanted to be in our own
23 yard and play on our own swing set. And, you know,
24 and all -- and the teeter-totter and stuff like that.

25 And my brother #1, was trying to talk

1 me and my brother #1 to jump off a ladder onto
2 the teeter-totter on the opposite side. And on the
3 other side, he had a bucket that was made out of lead
4 that my dad used to use to melt certain metals in.

5 And we argued for a while, and we told him
6 "No." So after a while, he got angry and he climbed
7 on the ladder himself, jumped on it, and the bucket
8 didn't do what he thought it would do. It directly
9 hit him in the forehead. It looked like somebody
10 shot him in the head, and the hole was as big as a
11 .45.

12 And me and my brother took our shirts off,
13 wrapping them around his head at the time. And
14 that's when Father Bissonnette showed up and -- out
15 of the blue. And he loaded him into his -- it was
16 either an LTD or a Crown Victorian. It was blue at
17 the time. It was a four-door. I remember that.

18 And we were telling him that we wanted to go
19 because -- we went and grabbed our jackets and put
20 them on because we didn't have a shirt anymore. And
21 he grabbed my brother and threw him in the back of
22 the car. And we told him we wanted to go, and he
23 said "No." And he drove off. And it took him a
24 while to get to the hospital.

25 And I assume he raped my brother while he

1 was in the car with him, as well, because it did take
2 him quite a while to get to the hospital.

3 Q. And I'm sorry if I missed this. Which
4 brother was this that --

5 A. #1 .

6 Q. #1 . Okay.

7 So kind of getting back to how things
8 progressed with you. You say it never got to the
9 point where he was anally sodomizing you, like he
10 had been -- like you witnessed him do with some of
11 your brothers; is that right?

12 A. Yeah.

13 Q. Okay.

14 A. He was hoping that I would be a willing
15 participant, and that what he -- that's what he would
16 tell me. "You are going to do this willingly."

17 Q. Beyond the digital penetration that you have
18 already described, what other types of sexual abuse
19 did he perpetrate on you?

20 A. Um. While he was raping my brothers, he
21 would turn around, from time to time, and shove his
22 penis in my face, and I couldn't figure out why I
23 couldn't breathe. And I just, by -- by describing
24 that, I remember the duct tape over my mouth, and I
25 remember the smell of shit and blood. And it was

1 disgusting. It just -- I would be crying and just
2 sitting there. And he didn't care.

3 Q. Okay. So anything else, like, for example,
4 did he ever try and force you to touch him or perform
5 any kind of sexual act on him?

6 A. No. He always had my -- my hands tied
7 because I was always trying to get away.

8 Q. Okay.

9 A. Like I said earlier, when he first did that,
10 it was on a chair that didn't have any arms. He had
11 my arms behind my back where he -- he would put the
12 duct tape. And then after me kicking the chair over
13 so many times, he thought, well, if he keeps on doing
14 this, there are going to be visible marks of abuse.

15 And so he went and got another chair
16 later on, and it happened to have arms on it. Well,
17 that didn't work either, because I kept on trying to
18 knock it over and break it on the -- on the floor of
19 the basement. And it finally started cracking.

20 So he decided to find another chair
21 with arms, as well, and mount it to a platform where
22 I couldn't turn it over anymore.

23 Q. Okay. Did -- so as I understand it, he
24 never -- I mean, he digitally penetrated you. He
25 would strap you or tape you to this chair or chairs

1 that he used over a period of time.

2 Did he ever, for example, like, fondle
3 your genital area?

4 A. Yes.

5 Q. And how soon after all of this started did
6 he escalate to that?

7 A. Ah. I -- I don't remember. It just -- the
8 rapes happened hundreds of times. And while I was in
9 the closet, I used to count while he was finishing up
10 raping my brothers. And I would get to 4,000 or
11 5,000 sometimes while I was in that closet.

12 Q. Uh-huh.

13 A. And even being an adult, I used to count
14 continuously when I was doing something, even
15 brushing my teeth in the mirror, and I didn't know
16 why.

17 Q. Did Father Bissonnette -- you said he --
18 there were times when he would fondle your genitals.
19 Did he ever try and masturbate you?

20 A. Yes.

21 Q. And were you old enough where --

22 A. No.

23 Q. So would you even get an erection when he
24 would try and do that?

25 A. I don't remember. I was just a child.

#6

1 Q. Did you ever have any conversations at the
2 time with your siblings, particularly the ones that
3 you were witnessing being abused, to talk about what
4 was going on?

5 A. No. Um. I assumed it was just part of
6 being a Catholic. And later on, thinking it was part
7 of being an altar boy as well. And it was just
8 something that went on in the everyday world, you
9 know.

10 It -- it was introduced to us with so
11 much violence, that that's the way the world was
12 introduced to us. So we all used to partake in
13 fighting with individuals physically, and even with
14 ourselves, against ourselves. We used to get in
15 fistfights all the time, and we never knew why.

16 Q. By the time you got married and had your two
17 sons, at that point in time, did you appreciate that
18 adults, be they priests or otherwise, should not be
19 sexually touching children?

20 A. Yes. Because it -- it seemed like every
21 single time you would turn on the TV, that's all you
22 heard about.

23 And I worked with kids there at
24 #2 , it was a treatment center, and there was
25 predators, and then there was individuals that were

#6

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#2

Q. Yeah. I have got --

THE COURT REPORTER: Say that street name
again, #2 ?

THE WITNESS: #2 #2

THE COURT REPORTER: Thank you. I will look
it up also. Thank you.

THE WITNESS: It's the correct spelling.
It's on my license.

Q. (By Mr. Jones) When Bissonnette took #1 to
the emergency room after he split open his head --

A. Uh-huh.

Q. -- you said that it took a long time for
Bissonnette to get to the hospital?

A. Yes.

Q. How do you know that?

A. Because me -- my brother and myself ran to
the house on #2 , because it wasn't that far
from our house that was being added onto. And I got
there and told my mother. And my mother called my
father, and we all went down to the hospital, waiting
for him to get there. You know, it's a small town.
It shouldn't take that long.

Q. So you guys got to the ER before
Bissonnette --

#6

1 A. Yes.

2 Q. -- got there with #1 ?

3 A. Yes.

4 Q. And you talked about being taped to the
5 chair and the -- I think I heard it called a closet
6 or a cabinet or a small space?

7 A. It was a cabinet, a metal cabinet.

8 Q. Ah. Okay.

9 A. There was also -- I forgot about this.

10 There is also a closet in the corner of the room that
11 was up against the wall. There was some drawers and
12 then open cubbies. And then the closet was right in
13 the corner of the room. And he used to throw my
14 brothers in there.

15 Q. Which ones?

16 A. My brother #1 and my brother #1 Once
17 he was done with my brother #1 -- or, no, my
18 brother #1 . He always pulled my brother #1
19 first or -- I might even be wrong. I just remember
20 all the things.

21 But once he was done with one of them,
22 he would go to the closet, throw the other one in
23 while he was pulling the other one out. And then it
24 continued while he -- to rape my other brother.

25 Q. Which ones did you -- which ones of your

1 Mexico.

2 Q. And as far as the duration of your
3 hospitalization, was that because of the suicide
4 aspect of what you had done and they were -- had you
5 under observation and going through therapy, and so
6 forth?

7 A. Yes.

8 Q. Okay. I have seen reference in your medical
9 records that you have actually suffered from
10 depression since you were a kid?

11 A. Yes. The first time I ever tried to commit
12 suicide, I was only six years old.

13 Q. Okay.

14 A. My parents were not aware of it.

15 Q. When you say you tried, what did you do?

16 A. Um. I was hanging out with a friend at his
17 house and we were doing something with the box
18 cutter. And while I was doing it, I looked at my
19 wrist and I just decided to slice it.

20 And when I did that, they believed that
21 I -- it was an accident. And his dad was a doctor,
22 so he sewed me up and just wrapped it. And my mom
23 asked about it.

24 And I said, "Oh, I just scratched
25 myself real bad." I never unwrapped it and showed

#6

1 them or anything.

2 Q. Okay. And I realize this is a long time
3 ago. But what was going through your head at the
4 time when you decided to slice your wrist with a box
5 cutter?

6 A. I really don't know. I was just a very
7 depressed kid. I was a loner. I used to -- even
8 back then, before I even entered school, I used to
9 fight with other kids in the neighborhood.

10 Q. Did -- what was the first time that either a
11 medical doctor or a mental health professional
12 actually diagnosed you with depression? Was that
13 when you were 19 that --

14 A. Yes, 19 years old.

15 Q. And at age 19, did they then prescribe some
16 antidepressant medication for you to start on back
17 then?

18 A. Yes.

19 Q. Let's see.

20 So I think, as far as I know, the
21 medical records we have been able to get on you go
22 back as far as 2004.

23 So apparently, I'm sure we must have
24 sent a release to St. Vincent's, and they didn't have
25 your records from back in --

1 A. They said they destroyed them.

2 Q. Okay. When you were in that hospitalization
3 back in the 1988, '89 time frame, were you seen by a
4 psychologist or a psychiatrist? Did you have any
5 therapy to try and figure out what was going on?

6 A. I don't remember a psychiatrist or
7 psychologist at the time. But we had groups, on and
8 off, while I was there.

9 Q. And did they -- when you were admitted there
10 and you were first meeting with whatever the medical
11 professional, be it a psychiatrist, doctor, what have
12 you, did they do some sort of an intake interview and
13 ask you about your past history?

14 A. Yes.

15 Q. And I have seen enough of these forms to
16 know that the -- typically, and particularly when
17 somebody is at that age, but even older, they will
18 ask about any past trauma in your life, such as
19 physical abuse, sexual abuse, that sort of thing.
20 Did they ask you about that at the time?

21 A. No.

22 Q. Never even asked the question?

23 A. Nope.

24 Q. When you were in these group sessions with
25 people, what was the discussion about?

#6

1 A. I don't even remember. It's been such a
2 long time.

3 Q. Okay. So at age 19 -- have you been on some
4 sort of antidepressant medication ever since then?

5 A. Um. On and off, yeah.

6 Q. After the hospitalization at age 19, when
7 was the next time that you were hospitalized or went
8 for treatment related to your depression, as opposed
9 to a physical ailment, like your rheumatoid arthritis
10 or some of these injuries that you have had over the
11 years?

12 A. I believe I landed up in the hospital again
13 here at UNM about '89, '90, I believe.

14 Q. And what was that -- what happened on that
15 occasion?

16 A. I basically had a nervous breakdown due to
17 someone hanging themselves at work.

18 Q. Okay. And which work were you at where the
19 -- this person hung themselves?

20 A. At the #6 .

21 Q. Is that the one off #6 --

22 A. Yes.

23 Q. -- north?

24 What were you -- what was your position
25 at #6 at the time?

#6

1 A. I worked in the laundry room.

2 Q. What, were you just, like, doing -- running
3 the laundry machines, the washers and dryers, to do
4 bed linens and towels, and that sort of thing?

5 A. Yes.

6 Q. And then this person that hung himself, was
7 it something where you walked in and the guy is
8 dangling from a rope, or what?

9 A. No. It's just -- I felt sort of
10 responsible. Um. There was one day where we didn't
11 have enough linens, and I knew there was enough to go
12 around, because I'm the one that separated them in
13 the morning and got them ready for everybody. And
14 this went on for several weeks.

15 So my boss, Mr. #3 asked me to go
16 look to see where his closet -- this particular
17 individual, look in his closets.

18 And the last closet I got to, it was
19 full of linens. So we knew he was taking more than
20 what he needed. And so he decided to move this
21 individual to graveyard. And by doing so, the
22 individual hung himself. So I felt guilty because I
23 was the one that was so hard on him and figured out
24 what he was doing.

25 Q. So did he hang himself at #6 or --

1 A. Yes.

2 Q. And were you the one who actually discovered
3 him first or --

4 A. No.

5 Q. -- just heard about it?

6 A. I heard about it that following morning.

7 Q. And so that -- your guilt, and so forth,
8 triggered a -- what you describe as a breakdown. And
9 you went to UNM Hospital?

10 A. Yes.

11 Q. And did you self-admit, or was it a
12 situation like the attempted suicide, where somebody
13 had to take you there?

14 A. My parents finally came up from Las Vegas,
15 New Mexico, and admitted me in.

16 Q. Okay. And how long were you at UNM as a
17 result of that?

18 A. Two or three months.

19 Q. And again, were you in -- undergoing therapy
20 or group therapy, or things of that nature, during
21 that time?

22 A. We had group therapy and individual therapy,
23 as well.

24 Q. Okay. When you meet with your therapist,
25 particularly in the context of individual therapy, do

1 Q. (By Mr. Warburton) I mean, if they had
2 asked the question, would you have any reason not to
3 answer that question truthfully back in '89, '90?

4 A. I didn't know of it at that time.

5 Q. When you say you didn't know of it, help me
6 understand that. What didn't you know?

7 A. That I was a victim of abuse.

8 Q. Had you forgotten what Father Bissonnette
9 had done to you?

10 A. No. I think it -- I was using alcohol to
11 depress the memories. And then all the other
12 problems I had, at school, and -- it affected
13 everything in any life, every aspect of it.

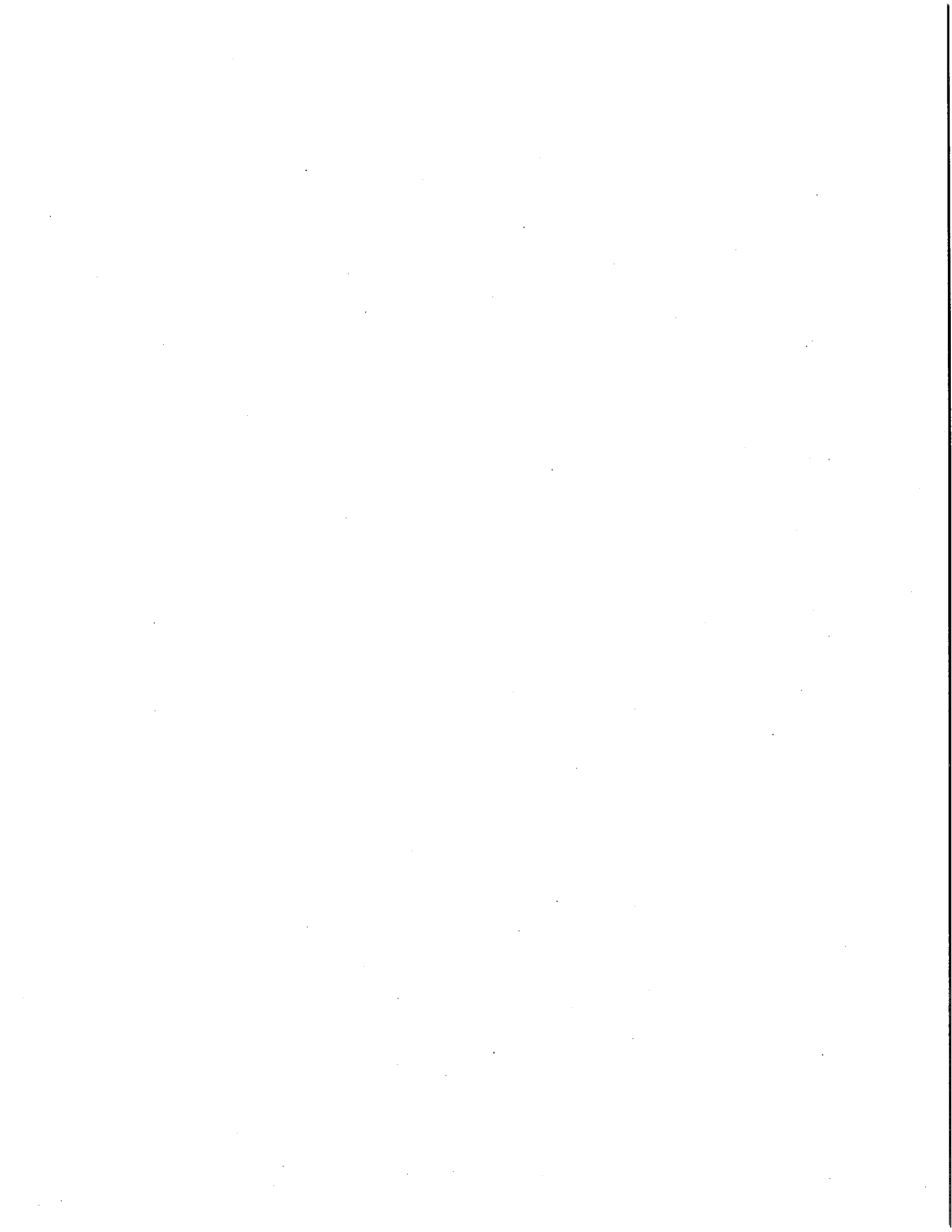
14 Q. And we started down this road when I was
15 asking you about the first time you started using
16 alcohol, and you described after the breakup, at age
17 19.

18 Q. Once you started using alcohol at that
19 point, what was your alcohol consumption like going
20 forward?

21 A. Shh, it was daily.

22 Q. Okay.

23 A. And as soon as I woke up from 7:00, 8:00 in
24 the morning, I would drink until I couldn't drink no
25 more. And if I could find a party anywhere, it



#1

4/5/96

CondenseIt™

Re: #1 & Archdiocese

Page 1

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2

3 IN THE MATTER OF:

4 #1

5 and

6 THE ARCHDIOCESE OF SANTA FE.

7

8 DEPOSITION OF #1

9 April 5, 1996

10 1:10 p.m.

11 Suite 3000, 2155 Louisiana, Northeast

12 Albuquerque, New Mexico

13

14 THIS DEPOSITION WAS:

15

16

17 TAKEN BY: ARTHUR O. BEACH, ESQ.

18 ATTORNEY FOR ARCHDIOCESE OF SANTA FE

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22

23

24

25

REPORTED BY: Ron D. Blasing, CCR #163

Blasing Court Reporters, Inc.

105 14th Street, Southwest

Albuquerque, New Mexico 87102

Page 3

1 #1

2 After having been first duly sworn under oath,

3 was questioned and testified as follows:

4 EXAMINATION

5 BY MR. BEACH:

6 Q. What is your name, please?

7 A. #1

8 Q. What is your current home address?

9 #2

10

11 Q. How long have you lived at that address?

12 A. Two months.

13 Q. How long have you been in #2

14 #2 ?

15 A. Two years.

16 Q. What I want to do, Mr. #1 is go back

17 and I want to pick up a little bit of background

18 information about you and your family, parents,

19 brothers, sisters, that type of thing; trace your

20 education through a little bit; and then employment;

21 and then I'll get into the allegations that you have

22 against the priest. All right? If at any time you

23 don't understand a question, let me know. And you

24 have to answer out loud for the court reporter. He

25 can't take down nods of the head or uh-huhs and that

Page 2

1 A P P E A R A N C E S

2

3 For Mr. #1

4 (Pro Se)

5

6 For Archdiocese of Santa Fe:

7 KELEHER & McLEOD, P.A.

8 Attorneys at Law

9 Suite 3000

10 2155 Louisiana, Northeast

11 P. O. Drawer AA

12 Albuquerque, New Mexico 87103

13 By: Mr. Arthur O. Beach

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I N D E X

EXAMINATION OF BENJAMIN JAMES ARMIJO	PAGE
By Mr. Beach	3
REPORTER'S CERTIFICATE	114

Page 4

1 kind of thing. And then, finally, since he's taking

2 down every word you say, it's very difficult for him

3 to do it if we're both talking at the same time. So

4 let me finish the question, and then I'll let you

5 finish the answer, so we don't talk at the same

6 time. Okay?

7 A. Okay.

8 Q. When were you born?

9 A. #2

10 Q. And where were you born?

11 A. #2

12 Q. Is that where your parents are from?

13 A. Yes.

14 Q. You're how old, then, at the present time?

15 A. Twenty-nine.

16 Q. What is your father's name?

17 A. #3

18 Q. Is he still alive?

19 A. No.

20 Q. When did he pass away?

21 A. Two years ago.

22 Q. So that would be about 1994?

23 A. #6

24 Q. What was his employment prior to the time

25 he died?

1 during the same time Father Cassidy was there, I
2 think. But he was right after Father Bissanette.

3 Q. Do you remember a priest by the name of
4 Jason Sigler?

5 A. No.

6 Q. Do you remember a priest by the name of
7 Sabine Griego?

8 A. Father Griego? Yes, I do.

9 Q. Any other priests that you remember,
10 though, at Immaculate Conception?

11 A. Just that one I can't remember. His name
12 was like Italian. I can't remember the one that
13 starts with a C. I can't remember what the name
14 was.

15 Q. What about Our Lady of Sorrows? Do you
16 know any of the priests there?

17 A. All I remember from there is Father
18 Griego. There was another priest, and I can't
19 remember if his name was Franco or something like
20 that -- it was something like Franco, Francisco or
21 something like that -- at Our Lady of Sorrows.

22 Q. Did you ever know a priest by the name of
23 Clive Lynn?

24 A. No.

25 Q. Now, it's my understanding that you were

1 ever again with any of the priests. And my dad was
2 very close friends with Father -- Monsignor Salas,
3 and I can't remember the other priest's name, but he
4 was friends with him, too. He was very close friends
5 with Father Jaramillo. And that just never happened
6 again.

7 Q. Was your father a deacon at the time
8 Bissanette was there?

9 A. No. He was just a -- what's it called -- a
10 layman. He used to do the liturgy. From the time I
11 can remember, he always did the liturgy in the
12 church.

13 Q. How old were you when you first remember
14 Father Bissanette?

15 A. About six years old.

16 Q. When you were six years old would be
17 approximately, what, 1973, first grade?

18 A. Yes.

19 Q. I don't want to put dates or words in your
20 mouth. I'm just --

21 A. About there. Just before I entered into
22 first grade.

23 Q. When was the last time that you saw Father
24 Bissanette?

25 A. At dinner at my house the night before he

1 molested at some point in time by a priest.

2 A. Yes.

3 Q. Which priest was it that molested you?

4 A. Father Bissanette.

5 Q. Now, did any of these other priests that
6 you've mentioned do anything at all that you consider
7 to be wrong or inappropriate to you?

8 A. No. After Father Bissanette left Las
9 Vegas, I never made -- I pretty much never really
10 stayed around the church or entered the church
11 without my mother or my father being with me.

12 Q. And why is that?

13 A. I don't know. That was what they had done.

14 Q. I'm sorry?

15 A. It seemed like they had done it.

16 Q. It seemed they had done it?

17 A. That they would keep me away. They
18 wouldn't let us stay there. Before, when Father
19 Bissanette was there, when he lived there, he was a
20 real close friend of the family's, and they would
21 leave us off at his house. He would baby-sit for
22 us. He would take care of us during the day. If my
23 mom and dad wanted to do something during that
24 evening, he would take care of us that evening. Just
25 things like that. After he left, that didn't happen

1 left town and got moved to another church.

2 Q. What year was that? Do you remember?

3 A. Around 1974 or '75. I guess '75.

4 Q. Do you know where Father Bissanette was
5 moved to?

6 A. No.

7 Q. No recollection at all?

8 A. (Witness shakes head.)

9 Q. Have you ever seen him at all since then?

10 A. No.

11 Q. Do you know why he was moved?

12 A. No.

13 Q. Do you --

14 A. I have an idea. I found out recently
15 pretty much so why he was removed.

16 Q. What's that?

17 A. Is that they had thought he was molesting
18 other boys.

19 Q. Who told you that?

20 A. My mother said she had found out something
21 to that effect, that's the reason they had moved him.

22 Q. I'm sorry?

23 A. My mother had found out that was the reason
24 to some effect, that was the reason why they had
25 moved him.

1 Q. When did your mother tell you this?
 2 A. About four or five months after I told her
 3 about me being molested by him.
 4 Q. When was it you told your mother you were
 5 molested?
 6 A. Yes. When was it?
 7 Q. Yes.
 8 A. In October of last year.
 9 Q. Let me make sure I'm understanding. In
 10 October of last year, you told your mother that you
 11 had been molested by Bissanette?
 12 A. Uh-huh.
 13 Q. And then four or five months later --
 14 A. Three or four months later. It was in
 15 December. It was just right after Christmas, so I
 16 think it was like January, because I didn't get leave
 17 for Christmas, so I came home in January, and that's
 18 when she had told me that.
 19 Q. Had you ever told anyone, before your
 20 mother in about October of 1995, that you were
 21 molested by Bissanette?
 22 A. No.
 23 Q. What was it that prompted you to tell your
 24 mother?
 25 A. I had told my ex-wife.

1 to go play in the back on the side of the house, and
 2 I stayed upstairs with him. And that's when --
 3 pretty much when he started. He would lay me on the
 4 couch and fondle me, I guess you'd say.
 5 Q. Where did this take place?
 6 A. In the living room of his quarters.
 7 Q. Is this the rectory at --
 8 A. It wasn't the rectory at IC. It was the
 9 rectory at that other church, and I can't remember
 10 the name of it. It's right by Highlands University.
 11 Q. Is that the Newman Center?
 12 A. The Newman Center, yes.
 13 Q. Was he the priest at the Newman Center or
 14 was he the priest at Immaculate Conception?
 15 A. He did Mass at both, at both places. He
 16 did the Saturday Mass at Newman Center and he would
 17 do the Sunday evening Mass at IC.
 18 Q. Were there any other priests that were
 19 associated with the Newman Center, that you know of?
 20 A. No.
 21 Q. Before Bissanette had gone to Las Vegas,
 22 did your parents know him?
 23 A. I don't know.
 24 Q. Do you know when it was that Bissanette
 25 went to Las Vegas?

1 Q. You told your ex-wife before you told your
 2 mother?
 3 A. Yes.
 4 Q. What did you tell your ex-wife? When was
 5 it?
 6 A. The first time I had told her something
 7 about it was back in '94. I told her I thought it
 8 was just nightmares, I'd wake up in the middle of the
 9 night screaming. That happened right after my father
 10 passed away.
 11 Q. Let me come back to that in just a minute.
 12 Let me go back to Bissanette and when you first met
 13 him. It appears that Bissanette was around for,
 14 what, a little over a year?
 15 A. About two years, I'd say.
 16 Q. About two years? When was it that he first
 17 did something to you that you thought was wrong?
 18 A. Just before I started school in the first
 19 grade.
 20 Q. Tell me about that.
 21 A. Me and some of my other brothers were being
 22 watched by him, and we were staying at his house.
 23 Q. He was watching all three of you?
 24 A. Uh-huh. There was me and my brother #1
 25 and my brother #1. And he sent them downstairs

1 A. I'm not even sure. All I remember is they
 2 started coming over to the house and eating dinner on
 3 the Sunday evenings, Sunday afternoons after Mass.
 4 Q. Now, you said that on this -- just before
 5 the first grade started he was baby-sitting for you
 6 and your two brothers, #1 and #1 ?
 7 A. Uh-huh.
 8 Q. Why was it that he was baby-sitting?
 9 A. That's when my mom was working part-time as
 10 a nurse's aide, as far as I remember, anyway. And
 11 there was times when my mom and my dad would go out
 12 to police functions and we would stay with him.
 13 Q. Had he ever done anything to you before
 14 that?
 15 A. No.
 16 Q. Tell me what he did that time. You said he
 17 laid you on the couch and fondled you. What do you
 18 mean?
 19 A. He had me pull down my pants and had me
 20 sprawl over a couch. And the first time he just
 21 fondled me. That's all he did the first time, was
 22 just fondled me.
 23 Q. Just fondled you with his hand?
 24 A. Yes.
 25 Q. How long did that last?

1 A. I couldn't tell you the time. It seemed
 2 like forever.
 3 Q. Did he say anything to you?
 4 A. He had me pull up my pants, and he told me
 5 not to ever tell anybody; if I ever told anybody,
 6 that no one would ever love me again, not even God.
 7 Q. Do you want to take a few-minute break
 8 here?
 9 A. Yeah.
 10 Q. Why don't we do that.
 11 (A recess was taken.)
 12 Q. You were telling me that he had fondled you
 13 when you were on the couch at the rectory at the
 14 Newman Center in Las Vegas, is that right?
 15 A. Yes.
 16 Q. And you said it was just before you started
 17 the first grade?
 18 A. Yes.
 19 Q. Which would have been in 1973?
 20 A. Yes. I think it was '73, because I didn't
 21 start when I was five years old, because I was born
 22 in January, so that -- you know how that works
 23 sometimes, you can't start when --
 24 Q. We can probably work our way back from it.
 25 Did you ever skip a grade in school?

1 Q. Is that right?
 2 A. Yes.
 3 Q. And this was just how much before you
 4 started the first grade?
 5 A. That summer, during that summer.
 6 Q. Are we talking about June? July? August?
 7 A. Probably June and August. Well, July,
 8 August.
 9 Q. July or August of 1973?
 10 A. (Witness nods head.)
 11 Q. All right. You said that he told you not
 12 to tell anyone or no one would love you, including
 13 God, is that right?
 14 A. Yes.
 15 Q. Did he tell you anything else?
 16 A. The following couple of times, he told me
 17 what had happened was between us and God, no one else
 18 was to know. And he would say it again, the same
 19 thing over again, he would tell me not to tell
 20 anybody; that if anybody ever knew that no one would
 21 ever love me again. He just continued on with that.
 22 That's probably the thing I remember the most.
 23 Q. I'd asked you how long you thought it
 24 lasted. You said an eternity. That's a long time.
 25 Or forever, whatever the word was you used. But do

1 A. No.
 2 Q. Were you ever held back a year --
 3 A. No.
 4 Q. -- anything like that? So you went
 5 straight through and graduated in 1985?
 6 A. Yes.
 7 Q. Okay. If my math is correct, you would
 8 have been in the first grade during the 1973-74
 9 school year. Does that sound right to you?
 10 A. That sounds close. You've got it there,
 11 so --
 12 Q. Okay.
 13 A. I never skipped a grade and never held
 14 back, so --
 15 Q. And you graduated in 1985?
 16 A. Yes.
 17 Q. And so if you started school -- School
 18 starts, what, about September, usually?
 19 August-September?
 20 A. August or September.
 21 Q. And so at that time you would have been --
 22 in January of '73 you would have been six, so you
 23 would have been six-and-a-half, almost seven years
 24 old when you started the first grade.
 25 A. Yes.

1 you have any idea how long it lasted?
 2 A. Probably until my second-grade year.
 3 Q. I'm talking about just the first incident.
 4 A. The first incident? Probably about 20
 5 minutes, 20, 30 minutes.
 6 Q. Did he do anything on that first occasion
 7 other than just fondle you with his hand?
 8 A. No.
 9 Q. Okay. Did anything ever happen after
 10 that?
 11 A. Yes.
 12 Q. Did you tell your parents or anyone else
 13 after that first incident?
 14 A. No.
 15 Q. Why was it that you did not?
 16 A. I guess I was just afraid from what he had
 17 told me before.
 18 Q. When was the next time that he sexually
 19 abused you in any way?
 20 A. Later on during that -- it was like -- the
 21 best memory I have for that time was right after that
 22 I started first grade.
 23 Q. So we're talking about sometime in
 24 September-October of 1973?
 25 A. It was during -- I remember it as being

1 just before Thanksgiving was coming up, the holidays
2 were coming around. That's all I remember, mainly,
3 was the holidays.

4 Q. It was before Thanksgiving?

5 A. (Witness nods head.)

6 Q. What do you remember about that occasion?

7 A. That's the first incident where he raped
8 me.

9 Q. Where did that happen?

10 A. At the Newman Center.

11 Q. The same room?

12 A. Uh-huh.

13 Q. You told me before it was a living room or
14 something, is that right?

15 A. Yeah.

16 Q. Was anyone else living there other than
17 Bissanette?

18 A. No.

19 Q. Where did it take place?

20 A. On the couch.

21 Q. And you said he raped you. Tell me what
22 happened.

23 A. He just -- The same-type deal. I was
24 playing in the corner with some of the trucks,
25 because he always had some trucks, Tonka toys like

1 A. No.

2 Q. Had anyone ever sexually abused you before
3 this?

4 A. No.

5 Q. Did he tell you anything before doing it?

6 A. That's probably the first time that he said
7 that "What happens between us is between us and
8 God."

9 Q. Was it painful for you? Did you cry? Did
10 you say anything to him?

11 A. I cried.

12 Q. Was it painful or --

13 A. Yes.

14 Q. What did you tell him?

15 A. Not to do it -- if he would not do it
16 again. I asked him not to do it again.

17 Q. What did he say?

18 A. He just patted me on the head.

19 Q. Did you say anything else to him?

20 A. No.

21 Q. Did he say anything else to you?

22 A. My brothers -- I remember my brothers
23 coming in later on, and I was still -- I guess I was
24 still crying. And he just told me, "Everything will
25 be all right. Everything will be all right," trying

1 things, and I was playing with them. My brothers
2 were there, and they had went downstairs to go play
3 in the yard on the side of the building. And he
4 called me over again and told me to sit down, and he
5 took off my pants that time, and then I sat on his
6 lap for awhile and he fondled me then. And that's
7 the first time I guess he -- how do I say it -- he --
8 I don't know how to say it without it sounding as
9 disgusting as it is. That's the first time he
10 penetrated, I guess.

11 Q. Okay. Where did that take place?

12 A. On the couch.

13 Q. He got on top of you on the couch?

14 A. Yeah.

15 Q. How long did that happen, did it take
16 place?

17 A. It was actually pretty quick, because one
18 of my brothers came up to the door and knocked on
19 the door, because the door was never locked, and it
20 was locked, and he knocked on the door. So it was
21 pretty -- about ten minutes, I guess.

22 Q. I take it he had an erection, is that
23 correct?

24 A. Yes.

25 Q. Did he ejaculate into you?

1 to get me to quiet down, I guess. That's what he
2 said, that's all I remember him saying that day.

3 Q. What did you tell your brothers?

4 A. That he hurt me.

5 Q. Did you tell them how?

6 A. No.

7 Q. Were you any more descriptive than he hurt
8 you?

9 A. No.

10 Q. Did you tell them where he hurt you?

11 A. No.

12 Q. Did they ask you?

13 A. (Witness shakes head.)

14 Q. Is this #3 and #3 ?

15 A. No, I think it was #3 during that time.

16 Q. You said there were brothers there. Is it
17 one brother or more than one?

18 A. #1 and #1 was there, and #1 was
19 there at that time. And I remember my brother #1
20 came and picked us up, and then I remember there
21 being an argument, some kind of argument between him
22 and Father Bissanette, and then we left.

23 Q. What do you remember the argument being
24 about?

25 A. I don't know.

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1 Q. #1 was quite a bit older than you at
 2 that time, is that right?
 3 A. Yes.
 4 Q. And was he driving a vehicle at that time?
 5 A. (Witness nods head.)
 6 Q. Do you remember anything else about that
 7 incident?
 8 A. No.
 9 Q. How many different times did Bissanette do
 10 something sexual to you?
 11 A. From then on, if we were left off or
 12 anything like that, it was every time we were left
 13 off at his house.
 14 Q. How frequently was that?
 15 A. Once a week.
 16 Q. Was he sexually abusing your brothers
 17 also?
 18 A. I didn't know about that. I didn't know
 19 about that. From what I found out now, that yes, he
 20 was.
 21 Q. Okay. Which brothers did he molest?
 22 A. #1 and #1
 23 Q. Did he molest anyone else?
 24 A. No.
 25 Q. Did you ask #1 if he was molested?

1 something on Saturday, they would leave us off
 2 there. Sometimes there would be a long time between
 3 them, I'd hope we wouldn't go over there, and my mom
 4 and dad would leave us off again. So it just all
 5 depended on what my mom and dad's schedule was.
 6 Q. How many times do you believe that
 7 Bissanette molested you?
 8 A. I'm trying to remember. Before it stopped,
 9 probably about 13.
 10 Q. A total of 13 times?
 11 A. (Witness nods head.)
 12 Q. How do you come up with that number?
 13 A. Because I've tried to pick out through
 14 counseling, because I go to counseling at Fort
 15 Carson, I try to pick out something from every
 16 incident, you know, something that stood out.
 17 Q. Okay. You've given me the first two. Are
 18 there any others that you can recount for me?
 19 A. The last one.
 20 Q. Okay.
 21 A. My mom and dad had left us off during that
 22 day. Father Bissanette was at the bottom of the
 23 stairs, waiting for us. I guess they had called him
 24 to let him know we were going to be coming over. And
 25 #1 and #1 were with me. #1 and #1

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1 A. I've asked #1 and #1 both, and
 2 they both say no.
 3 Q. How recent has it been since you asked
 4 them?
 5 A. The last time I asked them was in January.
 6 Q. You asked them last January?
 7 A. This January. This last January.
 8 Q. This past January.
 9 A. Yes.
 10 Q. They indicated they had not been molested
 11 in any way?
 12 A. Yes.
 13 Q. You said that it happened about every time
 14 you were left with Bissanette. How frequent was
 15 that?
 16 A. Usually whenever my dad had to go to a City
 17 Council meeting or something, my mom would go with
 18 him, unless my brother #3 or somebody else would
 19 watch us, then we didn't go.
 20 Q. Are we talking about once a month, or once
 21 a week, or --
 22 A. All depending. It could be a month.
 23 Sometimes it seemed like it was pretty much so, at
 24 least once a week; sometimes it would be twice in a
 25 week on like a Saturday, if my mom and dad had to do

1 were with my mom and dad and they were going to take
 2 them to my grandmother's. And when we walked up to
 3 him, he said hello to my mom and dad, stuff like
 4 that. They drove off or waved bye. Then he sent
 5 #1 and #1 to go play in the yard, and we
 6 went upstairs.
 7 Q. I take it the rectory was upstairs?
 8 A. Yes. We went upstairs and into the living
 9 room, and we started watching cartons for awhile, and
 10 that's when he continued starting back -- called me
 11 back over by the couch again, and then he molested me
 12 on the couch with the recliner. It wasn't really a
 13 recliner; it was just a chair. And he told me just
 14 to watch the fish in the fishtank. And that's when
 15 he pulled down my pants again and he penetrated
 16 again. And I guess we had watched cartoons for
 17 awhile, because all of a sudden we heard a horn
 18 honking, and it was my mom and dad, they had driven
 19 back to pick us up again. And I just remember him
 20 being real -- in a real hurry and stuff and me
 21 pulling away from him. That's the last incident.
 22 Q. On any of these incidents, did he ejaculate
 23 into you or anything of that nature?
 24 A. No, he never did. He always went to the
 25 rest room.

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1 Q. On these incidents when he was anally
 2 penetrating you, was he doing anything else?
 3 A. Playing with my genitals.
 4 Q. Anything else?
 5 A. Pushing my head down into the cushions on
 6 the couch.
 7 Q. He would be on top of you on the couch?
 8 A. Yeah.
 9 Q. How would you describe Bissanette? What
 10 did he look like at that time?
 11 A. He was balding on top, lightish brown air,
 12 fat face. He was a heavy man, heavysset man. His
 13 belt would always -- his stomach overlapped his
 14 belt. He always wore a priest uniform with a white
 15 collar. Sometimes the white collar -- most of the
 16 time the white collar would be hanging out; he didn't
 17 always button it up. Always polyester clothes. I
 18 just remember the polyester clothes.
 19 Q. I thought you said he was wearing a
 20 priest's uniform.
 21 A. It's a polyester. Do you know what I
 22 mean? Like the whole polyester.
 23 Q. It was all polyester? How tall was he? Do
 24 you remember?
 25 A. He seemed huge. I would say he was about

1 Q. Would he take them all the way off or --
 2 A. No.
 3 Q. -- just pull them down?
 4 A. Yes.
 5 Q. Would he take off anything else?
 6 A. Huh-uh. His collar. He always put his
 7 collar on the coffee table.
 8 Q. Was the collar something separate from his
 9 shirt?
 10 A. Yeah. It was a white piece that used to
 11 come out and he'd put on the table.
 12 Q. Do you remember him saying anything to you
 13 on this incident?
 14 A. I just remember what he said, and that went
 15 back -- Whenever he said to remember what he said,
 16 that meant to remember that if I told anybody that no
 17 one would ever love me again, not even God.
 18 Q. Did you tell your parents after this last
 19 incident?
 20 A. No.
 21 Q. During these times, did you ever tell your
 22 parents you didn't want to go to Bissanette's?
 23 A. Yes.
 24 Q. Did you tell them why or anything?
 25 A. I used to tell them I didn't have any fun

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1 my dad's height, about 5' 10", maybe a little
 2 shorter.
 3 Q. You said his stomach was over his belt.
 4 Does that mean he was pretty heavy?
 5 A. Yeah.
 6 Q. More or less than 200 pounds?
 7 A. Probably close to 200 pounds.
 8 Q. On this incident, the last one you
 9 described for me, do you know when that happened?
 10 A. No, I don't.
 11 Q. Do you know what grade in school you were
 12 in?
 13 A. I think it was second.
 14 Q. Do you remember what time of the year it
 15 was? Spring? Summer? Winter? Fall?
 16 A. It was spring. I'm pretty sure it was
 17 spring. I know it was warm outside.
 18 Q. So if it was the spring of your second
 19 grade, it would be the spring of 1975?
 20 A. Yeah. I just remember it being spring,
 21 because I remember he wasn't wearing long-sleeved
 22 shirts; he was wearing short-sleeved shirts.
 23 Q. Would he take off his clothes, or what
 24 would he do?
 25 A. He would unbuckle his pants.

1 over there.
 2 Q. What did they say?
 3 A. They thought it was because my two older
 4 brothers, #1 and #1, played mainly with each
 5 other and they wouldn't play with me. And they would
 6 just --
 7 Q. Did #1 and #1 ever say they didn't
 8 want to go to Bissanette's?
 9 A. No, because #1 and #1, everything
 10 they did they did together, and whenever they went to
 11 Bissanette's they could play in the yard all day or
 12 do whatever they wanted in the yard. So they liked
 13 going over there.
 14 Q. Did they ever ask you what you were doing
 15 with Bissanette?
 16 A. They always thought we were watching
 17 cartoons. Whenever we were in the apartment-type
 18 place where they lived, I was either playing with the
 19 Tonka toys or watching cartoons.
 20 Q. What did your parents say when you didn't
 21 want to go to Bissanette's because you didn't have
 22 any fun?
 23 A. They thought -- They always just told me,
 24 "Everything will be all right. We'll be back in no
 25 time at all. It will just take one minute." That's

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1 what they would always say.
 2 Q. Were you ever left to spend the night at
 3 Bissanette's, or were these all just during the
 4 daytime?
 5 A. These were all just during the daytime.
 6 The latest I think we ever stayed was like maybe 9:00
 7 at night, when a Disney -- One thing I remember was a
 8 Disney, it was on a Sunday, when a Disney -- "The
 9 Wonderful World of Disney" came on. That's the
 10 latest I ever remember staying.
 11 Q. Did he ever take you anywhere, go on any
 12 trips with him anywhere?
 13 A. There was one incident where we went up to
 14 where the old -- what's it called -- King Stadium is,
 15 it's up behind Camp Paloma, took a drive up there.
 16 And then I started -- I guess nothing happened,
 17 because he asked me to get out of the car and we went
 18 for a walk, and I didn't want to do anything, so
 19 nothing happened. That's the only time he ever took
 20 me out.
 21 Q. Where was it that he took you?
 22 A. To the old King Stadium.
 23 Q. King Stadium? What is the King Stadium?
 24 A. It's an old high school that burnt down
 25 years and years ago, and it's behind Camp Paloma.

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1 It's a little small area there in town.
 2 Q. Right there in Las Vegas?
 3 A. Yeah.
 4 Q. But nothing happened on that incident?
 5 A. No.
 6 Q. He never took you anywhere else to spend
 7 the night with him, or you didn't spend the night at
 8 the rectory?
 9 A. No.
 10 Q. Did all of the sexual incidents happen in
 11 the same room?
 12 A. Yes.
 13 Q. Did he have a housekeeper or anything like
 14 that?
 15 A. Not that I remember, no.
 16 Q. Do you know if he was circumcised or not
 17 circumcised?
 18 A. I don't remember. He was uncircumcised.
 19 Q. He was uncircumcised?
 20 A. (Witness nods head.)
 21 Q. Why do you say that?
 22 A. That's what I remember.
 23 Q. How many times did he anally penetrate
 24 you? You described two for me. Did it happen more
 25 frequently than that?

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1 A. What do you mean?
 2 Q. Well, you said that he penetrated you
 3 anally on these two occasions, the second time and
 4 then this last time. I'm wondering, did that happen
 5 on other times, too, or is that the only times there
 6 was any anal penetration?
 7 A. It happened three other times that I can --
 8 two other times that I can remember.
 9 Q. So you remember anal sex a total of four
 10 times?
 11 A. Uh-huh.
 12 Q. Tell me about the other two. When did they
 13 occur?
 14 A. One occurred -- They had a teacher's
 15 conference at school or something, so my parents had
 16 to go to the parents night or something. The kids
 17 didn't go, so we stayed at Father Bissanette's. And
 18 I remember it was kind of weird, because it was
 19 starting to get dark outside, and he still let #1
 20 and #1 stay downstairs, play in the front of the
 21 rectory. He just did the same thing, he called me
 22 over, told me to pull down my pants, and then he
 23 started talking to me, and he said like -- I think we
 24 were watching TV, cartoons at the same time. And he
 25 would like to brush my hair, like brush my hair back,

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1 I guess. And he just kept on talking to me and
 2 talking to me. And then he told me to come sit next
 3 to him, and I was trying to pull away, and I told him
 4 I didn't want to. And he said -- I can't remember
 5 what he said. He said something. He pulled me back
 6 toward him. And then he just kept on telling me to
 7 calm down, relax, that we were friends, we were the
 8 best of friends. And then that's when he pulled me
 9 back on top of his lap. And when he pulled me on his
 10 lap is when he penetrated that time.
 11 Q. Did he have his clothes off or just his
 12 pants off then?
 13 A. Just his pants. He just pulled down his
 14 pants.
 15 Q. So I take it all these events happened
 16 basically on the couch there at the rectory?
 17 A. Yes.
 18 Q. They didn't happen in the bedroom or --
 19 A. No.
 20 Q. -- any other place? What else did he do to
 21 you other than anal penetration?
 22 A. Fondled me, had me lay there, he'd take off
 23 my pants and he'd fondle me. As he'd fondle me he'd
 24 masturbate.
 25 Q. Is that what happened on this occasion

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1 you're describing, or --
 2 A. No.
 3 Q. -- did this happen on some others?
 4 A. That's what happened on other occasions.
 5 Q. Who were the brothers that were with you on
 6 this incident when you said your parents went to the
 7 teacher's conference?
 8 A. #1 and #1
 9 Q. Was it mostly the three of you that were
 10 there?
 11 A. Mostly it was #1, #1, #1. If
 12 #1 was there, though, I usually didn't get left
 13 alone.
 14 Q. Do you remember #1 being left alone with
 15 Father Bissanette?
 16 A. I remember a few times I went down, #1
 17 and I, to the front yard to go play on the side.
 18 They've got like a swing there. I remember going
 19 down there a few times with him, and #1 staying
 20 upstairs.
 21 Q. Do you ever remember #1 or #1 or
 22 #1 being left alone with Bissanette?
 23 A. No. I remember there was one incident
 24 where #1 was going to stay upstairs, and he
 25 started crying like -- I don't know, like a baby, I

1 guess, from the time I was in junior high, I started
 2 having rectal bleeding. They thought it was an
 3 ulcer, and it wasn't an ulcer. I just had rectal
 4 bleeding from the time I was a freshman in high
 5 school until now.
 6 Q. What caused that?
 7 A. They said I had fissures. I don't know if
 8 you know what a fissure is. There's scar tissue on
 9 the rectum, and whenever I have to hold, like
 10 especially since I've been in the military, whenever
 11 you have to hold being able to go to the rest room
 12 and you go after you really need to go, that's when I
 13 start bleeding.
 14 Q. Does that happen frequently or --
 15 A. Usually only when I'm in the field, because
 16 you don't have -- when you're in the field, you don't
 17 have a lot of time to go take -- to go to the rest
 18 room and have a bowel movement, so you kind of hold
 19 it as long as you can; and then when you do go, it's
 20 kind of hard to go, I guess you'd say.
 21 Q. Has anyone ever told you what caused the
 22 fissures?
 23 A. Just scar tissue. That's all I was ever
 24 told, just scar tissue.
 25 Q. Have you had a rectal exam?

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1 guess you'd say, and didn't want to stay upstairs,
 2 because him and #1 did everything together.
 3 So -- and they ended up letting him go, he went
 4 downstairs.
 5 Q. Okay. You said there was a fourth incident
 6 where the anal sex took place. Tell me about that.
 7 A. This is pretty much the same as the last
 8 one except he put -- that was one of the incidences
 9 when he pushed my face into the cushion, because I
 10 started crying.
 11 Q. Why were you crying?
 12 A. Because it hurt.
 13 Q. Did you tell him it was painful for you?
 14 A. Yeah.
 15 Q. Did you ever have any rectal bleeding or
 16 anything?
 17 A. Not that I remember.
 18 Q. Did you sustain an injury to your rectum in
 19 these incidents?
 20 A. No.
 21 Q. Did you ever require any kind of medical
 22 attention for any kind of rectal injury or anything?
 23 A. Well, when I was at Walter Reed I started
 24 having rectal bleeding during that time, and they
 25 couldn't figure out why. I had been having it, I

1 A. Yeah, I had a scoping at Walter Reed.
 2 Q. Do you in any way attribute that to what
 3 happened with Father Bissanette?
 4 A. I think that's what it's from.
 5 Q. Has anyone else told you that could be the
 6 case?
 7 A. Everybody else tell me they don't really
 8 know why people get fissures; it just happens.
 9 Q. Are there any other incidents you can
 10 remember where there was any anal penetration?
 11 A. No.
 12 Q. On these incidents where there was anal
 13 penetration, you said that he would then go into the
 14 bathroom, is that right?
 15 A. Uh-huh.
 16 Q. Did he do anything else to you on those
 17 occasions?
 18 A. No.
 19 Q. Do you ever remember him telling you
 20 anything other than "Don't tell anyone or no one will
 21 love you, including God"?
 22 A. Not that I can remember. He always told me
 23 that I was his favorite.
 24 Q. Told you, you were his favorite?
 25 A. (Witness nods head.) Every time he came

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1 over to eat dinner at my mom and dad's, he would come
2 in, and -- usually, if I knew he was coming in the
3 house, I would make sure I was out of the living room
4 or in the kitchen by my mom. If I was in the living
5 room, he'd always say, "There's my #1, my
6 favorite." I just remember him always saying that.

7 Q. Why was it that you stayed away from him in
8 the living room and all?

9 A. Because I was afraid of him.

10 Q. Did you ever tell anybody you were afraid
11 of him?

12 A. No.

13 Q. Did he ever try to do anything to you while
14 you were at your home?

15 A. One time.

16 Q. What happened then?

17 A. I took off outside and went in the
18 backyard, and I guess he started to leave, and when I
19 was running to the back, he took off out the front
20 door. I don't know if he was starting to leave or if
21 he was trying to catch me on the other side of the
22 house. But I ended up cracking open my head, and I
23 had to go to the emergency room to get stitches.

24 Q. How did you crack open your head?

25 A. I smashed into a teetertotter.

1 the same time during that time, and she came in. And
2 the next thing I remember, Father Bissanette was
3 there, and he was standing over me, because I was
4 laying on the couch there in our living room. And he
5 took me to the emergency room or to Dr. -- took me to
6 one of our doctors, one of the doctors we seen when
7 we were kids. I split the whole front part of my
8 head open.

9 Q. And Bissanette took you to the doctor?

10 A. (Witness nods head.) And then my mom and
11 dad met us there.

12 Q. Did you tell the doctor how it happened?

13 A. Father Bissanette told the doctor how it
14 happened.

15 Q. Did you ever tell the doctor that

16 Bissanette was trying to molest you in any way?

17 A. I don't remember telling him anything like
18 that.

19 Q. Is that why you were running away from him,
20 you thought he was trying to molest you?

21 A. Yes.

22 Q. Any other incidents that happened away from
23 the rectory?

24 A. No.

25 Q. You've told me about five incidents, I

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1 Q. A what?

2 A. One of those teetertotters, one of those
3 metal ones that goes back and forth.

4 Q. How did that occur?

5 A. I was looking back when I was trying to see
6 if he was chasing me, and I tripped over it and
7 cracked my head on the top bar of it.

8 Q. Why were you trying to get away from him?

9 A. Because I didn't want him to touch me.

10 Q. I take it nothing sexual happened on that
11 occasion; you were just running away from him and --

12 A. Yes.

13 Q. Was he chasing you at that time?

14 A. I thought he was. I just wanted to get out
15 of the house.

16 Q. Do you know whether, in fact, he was or
17 wasn't?

18 A. All I know is I heard the front door close,
19 because I went out the back side door, and all I
20 remember is hearing the front door slam, and then he
21 wasn't there. After I tripped over the teetertotter,
22 he wasn't there, and my head was bleeding in the
23 backyard. #1 found me. I was still trying to get
24 up, I guess, near the fence. And #1 found me, and
25 #1 took me inside, and my sister #1 was there at

1 guess, the first one and then there were four that
2 you said there was some kind of anal penetration.
3 What do you remember about any of the others?

4 A. It was mainly just fondling. He'd have me
5 sit next to him and just -- he put either -- if he
6 didn't undo my pants, he'd put his hand down my pants
7 and rub my -- brush my hair back as we sat there and
8 watched TV.

9 Q. So you'd be sitting next to him on the
10 couch in the rectory, and he would then fondle you
11 either with your pants off or through your pants,
12 under your pants?

13 A. Through my pants or he would sometimes slip
14 his hand underneath my pants.

15 Q. Was anyone there these times, or just the
16 two of you?

17 A. Usually it was just the two of us, and
18 #1 and #1 would be playing downstairs. And
19 if they came upstairs, they decided to watch TV with
20 us, they would sit in front of the coffee table, and
21 he would just put his arm around my shoulders and I'd
22 sit next to him.

23 Q. Did he do anything else on these occasions
24 other than just fondle you?

25 A. Not that I remember, no.

1 Q. You've mentioned some occasions when he was
2 masturbating. Were those all occasions where he had
3 anal sex with you or what?

4 A. No, there was some times he would fondle me
5 and lay me on the couch after he pulled my pants
6 down, and he would fondle me, and at that time he
7 would masturbate.

8 Q. And you think there were a total of about
9 13 of these incidents altogether, all of them?

10 A. Yeah. There may be more.

11 Q. Spaced over a period of roughly two years,
12 year and a half?

13 A. A year and a half, I'd say.

14 Q. Any other incidents that stand out in your
15 mind?

16 A. The one that stands out -- Well, the two
17 that stands out the most is the very first and the
18 very last.

19 Q. Did you know at the time this last event
20 happened it was going to be the last time?

21 A. No.

22 Q. Did you know that he was leaving at that
23 time?

24 A. No.

25 Q. Do you know how long after that happened he

1 A. No.

2 Q. He never put your genitals in his mouth or
3 anything?

4 A. I don't know. When he'd lay me on the
5 couch, I'd always push my face into the side of the
6 couch and not look at him.

7 Q. What do you mean?

8 A. He'd lay me on my back, and I'd be facing
9 up with my head toward the big window on the end of
10 the room, and I'd push my face into the side of the
11 couch.

12 Q. You're saying that when he would be anally
13 penetrating you, you would be facing up?

14 A. When he was anally penetrating me, I was
15 usually facing down.

16 Q. Okay.

17 A. When he was fondling me or something like
18 that, he would -- I'd be facing up.

19 Q. Okay. You hedged a little bit on whether
20 there was ever any oral sex between you. Do you have
21 an actual recollection one way or the other on that?

22 A. All I remember is it being -- feeling wet
23 down on my genital area.

24 Q. Do you know what caused that?

25 A. I couldn't tell you for sure.

1 did leave?

2 A. A few months.

3 Q. Did you do anything to try to avoid
4 Bissanette?

5 A. Yes.

6 Q. What did you do?

7 A. I'd offer to go with #3 and #3 to my
8 grandmother's instead of going to his house.

9 Q. What happened on those occasions?

10 A. Most of the time, after I started --
11 because I usually didn't go over to my grandmother's
12 because my other cousins were over there, and some of
13 them were a little older than me and they would tend
14 to beat the hell out of me, I guess you'd say. So I
15 really didn't like going over to my grandmother's.
16 And then I just started volunteering to go over
17 there, and my grandmother would take -- right after
18 that, I guess, when I started offering to go to my
19 grandmother's, I would either hang around her during
20 the whole time I was at my grandma's, but whenever I
21 offered, my dad would usually take me unless my
22 grandmother had too many kids then, because they only
23 were going to bring the two.

24 Q. Were there any other incidents of any kind
25 of oral sex?

1 Q. But you have no specific recollection of
2 any oral sex?

3 A. No.

4 Q. Did he ever have you do anything to him?

5 A. Help him masturbate.

6 Q. What do you mean by that?

7 A. He'd put my hand on his penis.

8 Q. Anything else you remember?

9 A. I don't know.

10 Q. You've already commented -- and correct me
11 if I misstate this -- but that all Bissanette ever
12 did was basically pull his pants down, is that right?

13 A. Uh-huh.

14 Q. He never undressed any further. Took his
15 collar off, but --

16 A. That was it, take his collar off.

17 Q. What about you? How much of your clothes
18 did he take off?

19 A. My pants.

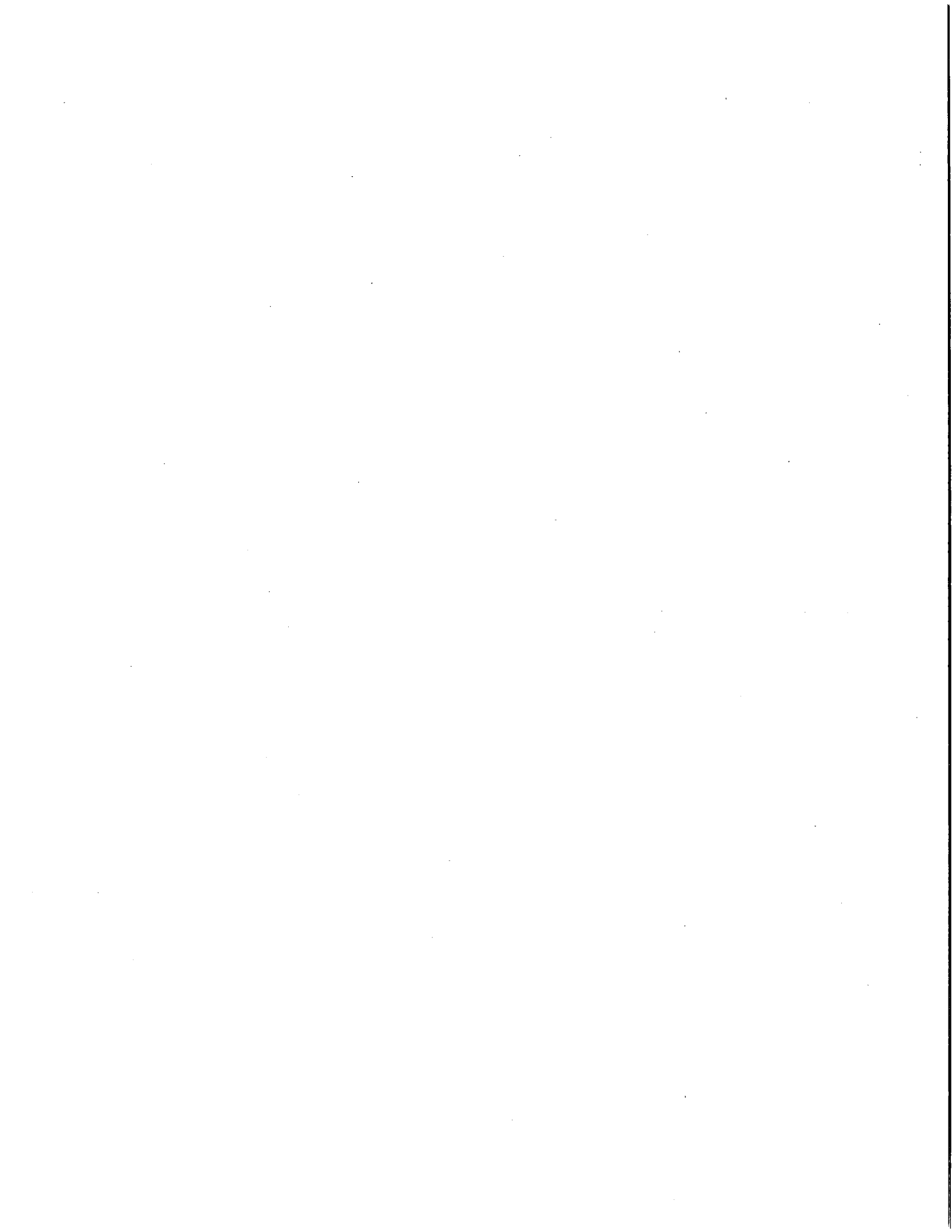
20 Q. Anything else?

21 A. (Witness shakes head.)

22 Q. Did he take them completely off or just
23 pull them down?

24 A. He'd pull them down.

25 Q. Any other incidents you have a recollection



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2

3 IN THE MATTER OF:

4 #1

5 -vs-

6 ARCHDIOCESE OF SANTA FE and
SERVANTS OF THE PARACLETE.

7

8

9 DEPOSITION OF #1
August 1, 2002
10:00 a.m.
10 Suite 700, 500 Marquette, Northwest
Albuquerque, New Mexico

11

12 PURSUANT TO THE NEW MEXICO RULES OF CIVIL
13 PROCEDURE this deposition was:

14

15 TAKEN BY: ARTHUR O. BEACH, ESQ.
16 ATTORNEY FOR THE ARCHDIOCESE OF SANTA FE

17

18

19 REPORTED BY: Ron D. Blasing, CCR #163
20 BLASING COURT REPORTERS, INC.
105 14th Street, Southwest
21 Albuquerque, New Mexico 87102

22

23

24

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Page 2

1 APPEARANCES

2

3 For #1 :

4 PASTERNAK & BLAKE, P.C.
Attorneys at Law
5 Suite 700
500 Marquette, Northwest
6 Albuquerque, New Mexico 87102
By: MR. NEIL R. BLAKE

7

8 For the Archdiocese of Santa Fe:

9 KELEHER & McLEOD, P.A.
Attorneys at Law
10 Suite 1200
201 Third Street, Northwest
11 P. O. Drawer AA
Albuquerque, New Mexico 87103
12 By: MR. ARTHUR O. BEACH

13

14 For Servants of the Paraclete:

15 MILLER, STRATVERT & TORGERSON, P.A.
Attorneys at Law
16 Suite 300
150 Washington Avenue
P. O. Box 1986
17 Santa Fe, New Mexico 87504
By: MR. JEFFREY E. JONES

18 -and-

19 MR. ALAN K. KONRAD
20 Attorney at Law
PMB 571
21 901 Rio Grande Boulevard, Northwest, #172
Albuquerque, New Mexico 87104

22

23

24 **DISK**

25 **ENCLOSED**

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I N D E X

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3 By Mr. Beach 4

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12 Deposition Exhibit:

13 1 - Drawing of Newman Center Area 70

14 2 - List of Items Desired by Mr. #1 173

15

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Page 4

1 #1

2 After having been first duly sworn under oath,
3 was questioned and testified as follows:

4 EXAMINATION

5 BY MR. BEACH:

6 Q. What is your name?

7 A. #1

8 Q. When were you born?

9 A. #2

10 Q. Where were you born?

11 A. #2

12 Q. And so how old are you at the present
13 time?

14 A. Thirty-six.

15 Q. What were your parents' names?

16 A. #3 and #3

17 Q. Are they both still alive?

18 A. No, my dad passed away.

19 Q. When did he pass away?

20 A. It's been nine years ago #6

21 Q. Nine years ago #6 . So that would
22 be 1993?

23 A. I'm not sure.

24 Q. What was the cause of his death?

25 A. Complications due to cancer.

1 Q. Okay. You say there are three times that
2 you remember. Do you believe there may be more than
3 that?

4 A. Yes.

5 Q. Why do you believe there may be more than
6 that?

7 A. For the reason that, when I do remember the
8 incidents, I become enraged, I seem to shut down.

9 Q. What is it about that, that causes you to
10 think that maybe there were other times?

11 A. Blocking everything out. I feel myself not
12 wanting to remember.

13 Q. Do you remember what year it was that the
14 first sexual contact happened?

15 A. Not exactly.

16 Q. Do you remember what grade you were in?

17 A. Fourth grade.

18 Q. Fourth grade?

19 A. Fourth or fifth, third, fourth grade,
20 somewhere around there.

21 Q. And what about the last time? Do you
22 remember when it occurred?

23 A. Fourth grade, I believe.

24 Q. Now, I know you already told me earlier
25 that you actually repeated the fourth grade. Is that

1 when --

2 A. I'm not sure.

3 Q. -- the incidents of sexual abuse occurred?

4 A. I'm not sure.

5 Q. Am I correct in understanding that the best
6 that you can tell me at this time is it was third or
7 fourth grade?

8 A. Yes.

9 Q. Do you know if it occurred over a long
10 period of time? By that, I mean did all three
11 incidents happen, say, within a week, within a month,
12 or was it within a year?

13 A. It was a long period of time. About a
14 year, probably.

15 Q. Three incidents happened over a year period
16 of time?

17 A. (Witness nods head.)

18 MR. BLAKE: You've got to say yes or
19 no.

20 A. Yes.

21 Q. Let me take the first time that you believe
22 you were sexually abused by Father Bissonnette.
23 Where did that happen?

24 A. The Newman Center. At the Newman Center,
25 in a house in the back where he lived. It happened

1 correct?

2 A. Yes.

3 Q. Was this, the sexual contact, the first
4 time you went to the fourth grade, or were you
5 repeating the fourth grade?

6 A. I don't remember.

7 Q. Years are significant to me for a variety
8 of reasons, but -- You indicated that you graduated
9 from high school in #6 ?

10 A. Yes.

11 Q. By my calculation -- I'm not sure that
12 it's -- you would have attended the third grade in
13 1973 and 1974. Do you know if that sounds right or
14 not?

15 A. Yeah.

16 Q. And you would have attended the fourth
17 grade the first time from 1974 to 1975?

18 A. Yes.

19 Q. And you would have been roughly somewhere
20 between -- if it was early in the third grade, age
21 eight -- eight to ten years old?

22 A. Sounds right.

23 Q. I don't want to put words in your mouth or
24 anything else, but I'm trying to figure out dates.

25 Does that -- Can you be any more specific as far as

1 in a basement.

2 Q. Why did you happen to be at the house where
3 Father Bissonnette lived at the Newman Center?

4 A. My mom cleaned house for him and cooked for
5 him.

6 Q. Did she take you?

7 A. Yes.

8 Q. Who was present at the time?

9 A. Just him and myself.

10 Q. Was your mother there?

11 A. Not that I remember.

12 Q. Do you remember how you got to Father
13 Bissonnette's home on the day that the sexual abuse
14 happened?

15 A. With my mother.

16 Q. Did she leave you there?

17 A. Yes.

18 Q. And why is it that she left you there?

19 A. There was times -- Apparently, there were
20 times that he was left baby-sitting us while she went
21 out shopping for him, paying his bills.

22 Q. Do you know specifically why it was she
23 left you there on that day?

24 A. No.

25 Q. Or where she went or what she did?

1 A. No.
 2 Q. Only you and Father Bissonnette were
 3 present then?
 4 A. Yes.
 5 Q. Tell me what happened.
 6 A. I went -- I remember playing, and then I
 7 had wandered down into the basement and I seen
 8 this pool table that was down there, and I went up
 9 there -- upstairs and asked him whose it was and if
 10 it was for sale or anything. He asked me if I wanted
 11 to go down there and look at it. So we went down to
 12 the basement, and he was standing behind me, forced
 13 me to the floor, took my clothes off.
 14 Q. Did he take all of your clothes off or only
 15 part of them?
 16 A. Part of them.
 17 Q. What part?
 18 A. Pants, my underwear, my shoes.
 19 Q. Your pants and underwear?
 20 A. And my shoes.
 21 Q. How was Bissonnette dressed at the time?
 22 A. Black. Black shirt and black pants.
 23 Q. Did he have a priest's collar on?
 24 A. Yes.
 25 Q. Did he undress at all?

1 grabbed the towel from me and he cleaned me.
 2 Q. Okay. How was he -- Had he pulled his
 3 pants up by then or what was he doing?
 4 A. He had already pulled his pants up.
 5 Q. Did he completely take your pants and
 6 underwear off or just pull them down?
 7 A. He took them off.
 8 Q. And how did they get back on?
 9 A. I put them back on.
 10 Q. Was the floor -- did it have any kind of a
 11 floor covering on it or --
 12 A. It was like dirt.
 13 Q. It was like dirt?
 14 A. Dirt or dust, massive dust. A lot of fine
 15 dust.
 16 Q. Did it have a concrete floor or a tile
 17 floor?
 18 A. Concrete, but a lot of dust. I mostly
 19 remember -- something else that I remember from that
 20 day is a real strong smell of like musk or mold, a
 21 musky smell.
 22 Q. What was it coming from?
 23 A. I don't know.
 24 Q. Was it coming from Bissonnette, or from the
 25 room, or --

1 A. He pulled his pants down.
 2 Q. Tell me in your own words what happened.
 3 A. He forced me to the floor, removed my
 4 clothes, my pants and my underwear and shoes, and
 5 proceeded to have anal intercourse with me while
 6 holding me down. Afterwards, when he finished, he
 7 got a towel out of the washing machine and he used it
 8 to clean me. I remember there being blood on the
 9 towel.
 10 Q. Did he say anything to you?
 11 A. Not to tell anybody because I would get in
 12 trouble.
 13 Q. Did he say anything else to you?
 14 A. Not that I remember.
 15 Q. Did he tell you what he was doing to you?
 16 A. I remember him yelling. That was it.
 17 Q. You remember you yelling?
 18 A. Him yelling, myself yelling. It hurt. I
 19 was in pain.
 20 Q. What was he yelling?
 21 A. I can remember him yelling, "Stay still,
 22 brat."
 23 Q. Do you remember him yelling anything else?
 24 A. First he handed me the towel. I remember
 25 him yelling at me to clean myself. I didn't, so he

1 A. From the room.
 2 Q. How long after you first recall seeing
 3 Bissonnette at your family home for dinner was it
 4 that this event happened?
 5 A. I don't know.
 6 Q. More or less than a year?
 7 A. Less than a year, probably. I don't know
 8 exactly.
 9 Q. What happened after -- You said he gave you
 10 a towel to clean up with, and you didn't, so he
 11 cleaned you up. What happened next?
 12 A. I got dressed and I took off outside, I
 13 went outside after he -- while he went upstairs, went
 14 into the house, and I went outside. I remember being
 15 behind the house, hiding behind the house, crying.
 16 Q. What did you do behind the house?
 17 A. I just sat there on the ground.
 18 Q. Did your mother return?
 19 A. Yeah.
 20 Q. Tell me anything else you remember
 21 happening on that day.
 22 A. I remember going home. That was it.
 23 Q. Did you tell your mother what had
 24 happened?
 25 A. No.

1 Q. Why was that?
 2 A. I couldn't tell you. I don't know why.
 3 Q. Did your mother ask you if anything had
 4 happened to you?
 5 A. No.
 6 Q. Do you recall whether you were acting
 7 unusual or different?
 8 A. Very withdrawn.
 9 Q. Did anybody ask you about that?
 10 A. No.
 11 Q. When you got home, did you tell any of your
 12 brothers and sisters what happened?
 13 A. No.
 14 Q. Or your father?
 15 A. No.
 16 Q. Anybody? Friends?
 17 A. No.
 18 Q. Had you ever been sexually abused by anyone
 19 before?
 20 A. No.
 21 Q. Is there anything else that you remember
 22 about this first incident that you haven't told me
 23 about?
 24 A. No.
 25 Q. Did you see Bissonnette later that same

1 ask you to draw several things: where the rectory is
 2 and where the Newman Center is and possibly where a
 3 roadway is or something like that. And then I'd also
 4 like to have you point out where some rooms in the
 5 house were, you know, bedroom, that kind of thing.
 6 With that thought in mind, why don't you
 7 draw where the Newman Center was and where the
 8 rectory house was.
 9 A. This is Eighth Street right here. There's
 10 the church. Behind the church, there's a house right
 11 here. And there's an apartment, a bunch of
 12 apartments here; they're like an "L" shape. These
 13 are all apartments. His house was right here. I
 14 remember you walked in the kitchen -- he used to have
 15 some big fish tanks -- the kitchen and the living
 16 room. This corner, the bedroom. The entrance to the
 17 basement was right here. I remember this part being
 18 a bedroom -- or kitchen area and a bedroom right
 19 here.
 20 Q. Let me ask you to label a few things.
 21 First of all, you've got sort of an "L" shaped
 22 structure, and you said that was apartments. Is that
 23 all apartments?
 24 A. Yes.
 25 Q. Why don't you write "Apartments" on it.

1 day?
 2 A. When we were leaving, standing at the
 3 back -- at the door.
 4 Q. Did he say anything to you?
 5 A. No.
 6 Q. Did you say anything to him?
 7 A. No. I just remember him glaring at me.
 8 Q. What was the second time?
 9 A. It was in the house in the bedroom, in his
 10 bedroom inside the house.
 11 Q. The same house?
 12 A. Yes.
 13 Q. Who was present?
 14 A. Just him and myself. I know my brothers
 15 were outside playing around the grocery store, around
 16 the university, riding bikes.
 17 Q. Where was this house in relation to the
 18 Newman Center?
 19 A. The Newman Center church is on the corner.
 20 There's a --
 21 MR. BLAKE: Hold on. I think Mr.
 22 Beach may have you --
 23 Q. Why don't we do it this way: Let me give
 24 you a sheet of paper and ask you to basically -- why
 25 don't you put on the sheet of paper -- I'm going to

1 I think you said there was the church
 2 there, and that's the Newman Center church?
 3 A. Yes.
 4 Q. Why don't you label that "Newman Center."
 5 All right. Now, then, the other building
 6 is the rectory, the house where the priest lived. Do
 7 you know whether more than one priest was living
 8 there at that time?
 9 A. He was the only one.
 10 Q. I think you've drawn in a little box in the
 11 upper corner of that, you said that was the bedroom.
 12 Why don't you draw a little line off of that and
 13 label that "Bedroom" so we know what that is.
 14 Were the living room and the kitchen
 15 separated? Were they different rooms?
 16 A. It was like -- What I remember, it was an
 17 open --
 18 Q. Open living room/kitchen area?
 19 A. (Witness nods head.)
 20 Q. Why don't you designate where that is.
 21 Do you remember any other rooms being on
 22 that floor?
 23 A. I don't remember.
 24 Q. I assume there was a bathroom or
 25 something.

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1 A. Yeah. The bathroom might have been over
 2 here or over here, but I don't remember.
 3 Q. Do you remember if it had more than one
 4 bedroom on that floor?
 5 A. I don't remember.
 6 Q. Any kind of an office or anything like
 7 that?
 8 A. I don't remember.
 9 Q. Now, you said the building had a basement,
 10 and you pointed out the, I guess, doorway, stairway
 11 to the basement. Is that correct?
 12 A. Yeah.
 13 Q. Did the basement have to be accessed from
 14 outside?
 15 A. Yes.
 16 Q. You couldn't get to the basement from
 17 inside?
 18 A. Not that I know.
 19 Q. Why don't you put -- mark where the
 20 basement door is there. Was this a one-story
 21 building with a basement door, or did it have more
 22 stories?
 23 A. It looked like it had an attic. I was
 24 never upstairs.
 25 Q. You were never in the attic?

1 remember if #1 and #1 was with my mom that day,
 2 but I know me, #1 and #1 were on bikes.
 3 Q. You think you, #1 and #1 rode your
 4 bicycles, and you're not sure about #1 and #1 ?
 5 A. I'm not sure whether they --
 6 Q. Was anybody in the bedroom other than you
 7 and Father Bissonnette?
 8 A. No.
 9 Q. Do you know how you happened to end up in
 10 the bedroom?
 11 A. No.
 12 Q. After the first incident where he sexually
 13 abused you, did you try to stay away from Father
 14 Bissonnette?
 15 A. I -- I'm not sure. I remember being around
 16 him a lot, though. A lot. He was in my mom and
 17 dad's home all the time. We were always at the
 18 rectory, at the church.
 19 Q. You don't have any recollection of whether
 20 you tried to avoid him or you didn't try to avoid
 21 him?
 22 A. No.
 23 Q. When you were in the bedroom at the
 24 rectory, where were #1 and #1 ?
 25 A. Outside, riding their bikes.

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1 A. Never.
 2 Q. Now, as I understand it --
 3 MR. BEACH: Let me mark that as
 4 Exhibit 1 to this deposition.
 5 (Deposition Exhibit 1 was marked
 6 for identification.)
 7 Q. As I understand it, the second incident of
 8 sexual contact occurred in the bedroom that you
 9 designated at the Newman Center. Is that correct?
 10 A. Yes.
 11 Q. How long after the first incident was it
 12 that this second one happened?
 13 A. I'm not sure.
 14 Q. Do you know if it was fairly quickly after
 15 it, or was it a long time after it?
 16 A. I'm not sure.
 17 Q. How did you happen to be at the rectory in
 18 the Newman Center on that day?
 19 A. My mom had been cleaning house for him that
 20 day, and we went down there -- or, actually, we rode
 21 our bikes down there, and we were outside riding the
 22 bikes, and I don't know why -- how or why I ended up
 23 in the house, but I did.
 24 Q. Who rode bikes down there?
 25 A. Me, #1, #1, #1 and #1. I don't

1 Q. What about #1 and #1 ?
 2 A. I'm not sure.
 3 Q. Do you know where your mother was?
 4 A. I'm not sure. Probably out -- I was by
 5 myself. All I can figure out, probably shopping for
 6 him.
 7 Q. Tell me what happened.
 8 A. Well, he forced me to take off my clothes
 9 and proceeded to have sexual intercourse with me,
 10 anal intercourse.
 11 Q. What clothes did he force you to take off?
 12 A. All of them.
 13 Q. So you were completely naked?
 14 A. Yes.
 15 Q. How was he dressed?
 16 A. In a T-shirt and black dress pants.
 17 Q. Did he take off any of his clothes?
 18 A. Yes, all of them.
 19 Q. I'm sorry?
 20 A. All of his clothes.
 21 Q. So he was completely naked also?
 22 A. Yes.
 23 Q. What happened?
 24 A. He forced me to get on the bed and had anal
 25 intercourse with me, and all the meanwhile yelling at

1 me, screaming. And apparently, I was hollering. I
 2 know I was hollering.
 3 Q. I'm sorry?
 4 A. I was hollering.
 5 Q. You were hollering?
 6 A. Yeah. Then, afterwards, he forced me to
 7 clean myself with the sheets. I also remember while
 8 it was happening, when it first started, when we
 9 first were in the bedroom and I was undressing, he
 10 put a cigarette, a lit cigarette, on an ashtray on
 11 the nightstand, and it fell while it was happening,
 12 that cigarette fell and burned the nightstand.
 13 Q. The cigarette fell out of the ashtray on
 14 the top of the nightstand and burnt the nightstand?
 15 A. Well, it was burning. I remember watching
 16 it, focusing on it, actually.
 17 Q. Did it start a fire or just burn the top of
 18 it?
 19 A. It just burned the top of it.
 20 Q. Did Bissonnette do anything to stop that?
 21 A. No.
 22 Q. You said that he was yelling. What was he
 23 yelling?
 24 A. "Stay still and shut up." Afterwards, he
 25 was yelling at me to clean myself.

1 A. A white T-shirt.
 2 Q. How did you happen to end up in the
 3 bedroom?
 4 A. I don't know.
 5 Q. Do you know if he took you in there or you
 6 went on your own?
 7 A. I don't know. I've tried to remember it
 8 myself. I don't.
 9 Q. How long did this incident last?
 10 A. I don't know.
 11 Q. You said after he was finished he told you
 12 to clean up with the sheets?
 13 A. Yes.
 14 Q. And did you do so?
 15 A. Yes.
 16 Q. What happened then? Describe what happened
 17 next.
 18 A. I remember him yelling at me, hollering at
 19 me to clean myself. Then he yelled at me to get
 20 myself dressed and get out of there. Like I said,
 21 when I was walking out the door, he told me to keep
 22 my mouth shut or I'd get in trouble.
 23 Q. I take it you put your own clothes back
 24 on?
 25 A. Yes.

1 Q. Do you remember him saying anything else?
 2 A. He said again, when I was walking out of
 3 the room, he told me -- he says to keep my mouth shut
 4 or I would get in trouble.
 5 Q. What were you yelling? Did you yell
 6 anything?
 7 A. I was yelling at him, "Stop."
 8 Q. Did you -- Do you remember what time of
 9 year this was? Was it like summertime? Wintertime?
 10 A. It was during the -- I remember it being
 11 good weather. I don't remember it being cold.
 12 Q. Other than what you've already told me, any
 13 recollection of which grade in school you were in?
 14 A. No. Around the fourth grade.
 15 Q. I'm sorry?
 16 A. Other than around the third or fourth
 17 grade, that was it.
 18 MR. BLAKE: Can I interrupt for just a
 19 second? Do you remember if you had jeans or shorts
 20 on?
 21 THE WITNESS: Jeans.
 22 Q. How were you dressed?
 23 A. Jeans and a T-shirt.
 24 Q. You've already told me that Bissonnette was
 25 dressed in black dress pants and a T-shirt.

1 Q. How did your clothes get off? Did he take
 2 them off or did you take them off?
 3 A. He took them.
 4 Q. Because I think on the first time --
 5 A. He told me to start getting undressed. I
 6 took off my shirt and he took my pants off.
 7 Q. Did your shoes also come off or --
 8 A. Yes.
 9 Q. By the time you left the room, had
 10 Bissonnette dressed?
 11 A. No.
 12 Q. He was still undressed?
 13 A. Yes.
 14 Q. Did you see Bissonnette any more during
 15 that day?
 16 A. No.
 17 Q. Did your mother return?
 18 A. I don't know if she returned to the
 19 rectory. I went home.
 20 Q. How did you get home?
 21 A. My bicycle.
 22 Q. Did anybody go home with you?
 23 A. No. #1 and #1 came home later on,
 24 and my mom did.
 25 Q. Did anybody ask you why you had gone home?

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1 A. I don't remember.
 2 Q. Did you tell anybody what had happened?
 3 A. No.
 4 Q. Did you tell #1 and #1 that you were
 5 leaving?
 6 A. No.
 7 Q. How far was your home from the rectory?
 8 A. It was about, approximately, a mile. Mile
 9 or mile and a half. I'm not sure.
 10 Q. Where did you live at this time? What was
 11 your address?
 12 A. #2
 13 Q. Do you remember anything else about that
 14 day?
 15 A. When I had the memories, I experienced the
 16 smell of the incense that he burned.
 17 Q. The smell of incense?
 18 A. Yes.
 19 Q. Was he burning incense at that time?
 20 A. Yes.
 21 Q. Who was smoking the cigarette?
 22 Bissonnette?
 23 A. He was, yes.
 24 Q. Did he smoke at that point in time?
 25 A. Yes.

1 him, what he looked like, or about how tall he was,
 2 or how heavy, or --
 3 A. No.
 4 Q. Anything else you can recall about that
 5 second incident?
 6 A. No.
 7 Q. I think you said that you recalled a third
 8 incident.
 9 A. Yes.
 10 Q. Where did that happen?
 11 A. Inside the Newman Center church.
 12 Q. Inside the Newman Center church?
 13 A. Yes.
 14 Q. How long after the second did the third
 15 happen?
 16 A. I don't know.
 17 Q. Where inside the Newman Center?
 18 A. Back in the room where he used to get
 19 dressed.
 20 Q. The sacristy?
 21 A. Yes, I guess that's what you call it,
 22 yeah.
 23 Q. How did you happen to be inside the Newman
 24 Center church?
 25 A. That day, I guess my mom had been cleaning

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1 Q. How would you describe Bissonnette back
 2 then? What did he look like?
 3 A. He had black hair; sort of like a wrinkly
 4 face, his face was sort of wrinkled; a little heavy,
 5 heavysset.
 6 Q. What do you mean by "heavysset"?
 7 A. A belly.
 8 Q. Was he fat or --
 9 A. Fat.
 10 Q. Do you remember anything else about him?
 11 A. I remember his hands. His hands were
 12 stained from cigarettes, they smelled really strong.
 13 I do remember something else in that
 14 incident. He was holding my mouth -- his hand over
 15 my mouth at one point there. I remember the smell.
 16 I remember, like I said, his hands were stained, like
 17 real brown.
 18 Q. From the cigarettes?
 19 A. (Witness nods head.)
 20 Q. Do you know if he was circumcised or
 21 uncircumcised?
 22 A. I don't know.
 23 Q. If he wore glasses?
 24 A. I don't remember. Not that I remember.
 25 Q. Anything else at all you remember about

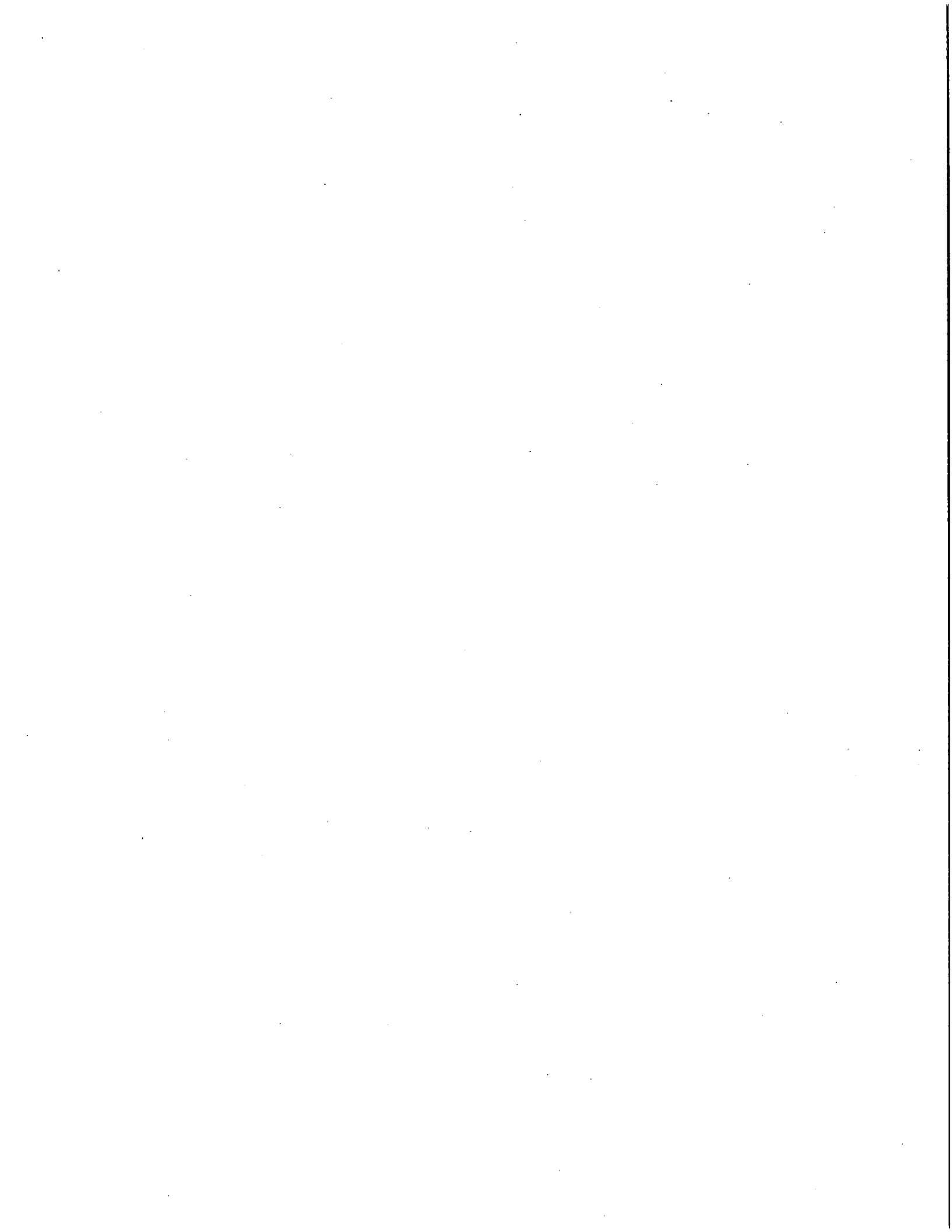
1 it, and I went in there looking for her. She wasn't
 2 in there, he was, as I was walking back into the
 3 sacristy looking for her. And I remember -- I'm not
 4 sure at that point of walking into the back end of
 5 the church there to the time that -- I was
 6 masturbating him and he forced me to give him head.
 7 And I remember screaming, and I broke away from him,
 8 and I was screaming. I ran out of the church that
 9 day. I ran from the church all the way home.
 10 Q. Do you know how you got to the church that
 11 day?
 12 A. As far as I can figure out, with my mom.
 13 Q. You didn't ride your bicycle or something?
 14 A. No, I did not.
 15 Q. And you said you were looking for your
 16 mother, you ended up in the sacristy in the church?
 17 And where was Bissonnette?
 18 A. He was in the sacristy.
 19 Q. And then what happened?
 20 A. From that point that I walked in there, he
 21 was in there, all I remember is I was masturbating
 22 him and he forced me to give him a blow job or
 23 whatever you want to call it. And I was screaming
 24 afterwards.
 25 Q. Did he take any of your clothes off?

1 A. No.
 2 Q. How was he dressed when you saw him?
 3 A. A black shirt, black pants, when I walked
 4 in there.
 5 Q. How did he force you to do something to
 6 him?
 7 A. I don't remember the -- from the point that
 8 I walked in there to the point that I was
 9 masturbating him and I gave him a blow job or
 10 whatever the fuck you want to call it. That period
 11 of time, I don't remember.
 12 Q. And then you know that --
 13 A. I remember hollering --
 14 Q. Screaming?
 15 A. I remember screaming. I broke loose from
 16 him, because he was holding me. I broke loose from
 17 him, and I ran out of the church and I ran home.
 18 Q. Did he say anything to you that you know
 19 of?
 20 A. I don't remember.
 21 Q. Did you say anything to him?
 22 A. I don't remember what exactly I said. I
 23 know I was screaming.
 24 Q. Did you see your mother or anybody else
 25 around the church at that time?

1 had happened?
 2 A. No.
 3 Q. And why was that?
 4 A. I don't know.
 5 Q. Do you recall --
 6 A. I've asked myself that question many times
 7 lately.
 8 Q. Do you recall any other sexual contact at
 9 all with Father Bissonnette?
 10 A. No.
 11 Q. You said earlier that you thought there may
 12 have been some other contacts.
 13 A. Yes.
 14 Q. Do you know whether this one, where you
 15 screamed and broke away and ran out, is the last
 16 time?
 17 A. The last time I remember.
 18 Q. The last time you remember? Do you recall
 19 seeing Father Bissonnette after this third time?
 20 A. Yes.
 21 Q. Where did you see him?
 22 A. At church. In my parents' home.
 23 Q. What would you do when he would come to
 24 your home for dinner or something?
 25 A. All I remember is staying outside and

1 A. No.
 2 Q. Do you know where she had gone?
 3 A. No.
 4 Q. When you got home, what did you do?
 5 A. Went into the bedroom and hid in the
 6 closet, cried, and that's where I fell asleep.
 7 Q. Did somebody find you in the closet?
 8 A. No.
 9 Q. Did you tell anybody about this?
 10 A. No.
 11 Q. Do you have any idea of -- again, I'm
 12 asking you sort of the same question -- but what year
 13 this was, what grade you were in?
 14 A. The same year, I figure. It was
 15 wintertime.
 16 Q. This was winter?
 17 A. Yes.
 18 Q. Do you remember wearing a coat or
 19 anything?
 20 A. I don't remember. I do remember it being
 21 cold.
 22 Q. But the best you can do on grade is it was
 23 third or fourth grade.
 24 A. Yeah.
 25 Q. Is that correct? Did you tell anybody what

1 playing outside a lot.
 2 Q. Did you try to avoid him?
 3 A. I don't know.
 4 Q. Did your parents ever try to get you to
 5 spend more time with Father Bissonnette or try to get
 6 you to come in from outside or --
 7 A. I remember we had to go in for dinner or
 8 lunch. I know he was there for a lot of different
 9 times for different meals.
 10 Q. Did you discuss with any of your brothers
 11 or sisters what was going on with Father
 12 Bissonnette?
 13 A. No.
 14 Q. Did they tell you that anything was
 15 happening to any of them?
 16 A. No.
 17 Q. What else do you recall about Father
 18 Bissonnette? Did he stay around Las Vegas? Did he
 19 leave? What recollection do you have?
 20 A. I just remember him suddenly not being
 21 there, you know.
 22 Q. Do you remember how long it was after this
 23 third incident that Bissonnette was no longer there?
 24 A. No.
 25 Q. Do you remember anybody saying why he had



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CONFIDENTIAL INTERVIEW OF #1

July 14, 1994
1:00 p.m.
1701 Old Pecos Trail
Santa Fe, New Mexico

PURSUANT TO THE NEW MEXICO RULES OF CIVIL PROCEDURE this deposition was:

TAKEN BY: DEBRA J. MOULTON, ESQ.
Attorney for the Archdiocese of Santa Fe

REPORTED BY: Anne E. Dehon, NM CCR #263
Hughes Southwest Court Reporters
121 Tijeras, Northeast
Albuquerque, New Mexico

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Anne E. Dehon, CCR
(505) 843-8211

1 pain medications -- and forget what the hell I went for. I don't
2 like taking drugs, medication.

3 Q: When you were getting your hip worked on, did you feel
4 like you became addicted to your medication?

5 A. No.

6 Q. You were concerned?

7 A. I was concerned, kind of scared of it, you know.

8 Q. Do you drink now?

9 A. Very seldom. I'll have a beer or a couple of beers
10 every now and then.

11 Q. Has the amount of your drinking ever been a problem
12 between you and your wife?

13 A. No.

14 Q. Does she drink?

15 A. No.

16 Q. When you were growing up, where did your family attend
17 church?

18 A. Immaculate Conception in Las Vegas.

19 Q. Was going to church a family affair?

20 A. Yes.

21 Q. Everybody went?

22 A. Yes.

23 Q. Who was your pastor?

24 A. We had different ones. Let's see, there was Monsignor
25 Salas, Father Galli, Clarence Galli, Father Jaramillo. That was

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1 wear outside?

2 A. Right.

3 Q. Not briefs or underwear?

4 A. Right, on top of my underwear.

5 Q. Would he reach into your pants --

6 A. Yes.

7 Q. -- and touch your skin, or would he reach through your
8 underwear or would he reach through your shorts?

9 A. He did all of that. It was progressive. He'd just try
10 reaching in my shorts or my underwear or, you know, whatever he
11 could.

12 Q. All right. You said that the trips happened over a
13 one-year period and that the latest trip or, perhaps, I guess, the
14 last trip you took with him was just a little bit before the
15 occurrence of anal penetration; is that right?

16 A. Correct.

17 Q. So would it be fair to say, then, that the one-year
18 period was 1974 to 1975?

19 A. Yes. Probably '75, '76. The reason I remember that
20 is -- why I still remember that, I don't know, but I do. I recall
21 him and my dad and I going to the Archbishop's ordination in
22 Albuquerque, and after that trip, it seemed that he got more
23 aggressive. I don't know. I don't know. I remember that. I
24 don't know why I remember it, but I do.

25 Q. And the ordination would have been in 1974?

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1 was not far from the hotel. And we went back there the following
2 night and they told us -- you know, we got to be pretty good
3 friends of one of the waiters there, a bartender there, and we
4 went back and found out it was gay night. And it was like, oh,
5 God, yuck.

6 Q. And that was in 1982?

7 A. '82, '83, something like that.

8 Q. What did you think?

9 A. Sick. You know, if I had known that, I wouldn't have
10 been in the place. You know, that's kind of how I felt.

11 Q. Did you stay then?

12 A. No, we left. We didn't -- we left.

13 Q. Did you think, at that time, about Bissonette?

14 A. No.

15 Q. Did you make any association?

16 A. I don't recall doing so.

17 Q. I'm trying to get a handle on when you and #1 talked
18 about it, and would it have been, you know, 1992 when you talked
19 about it? Was it sometime before that? When did you come to the
20 realization that you weren't the only #1 involved?

21 A. Well, I knew he had tried to molest #1, as well.

22 After the incident with #1, I guess we really started
23 seriously started talking to each other about what had happened
24 and what was going on and stuff.

25 Q. And when, in your mind, was that?

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1 A. No, not really as far as work is concerned. I know
2 that -- I remember one time, I was commuting back and forth from
3 Vegas over here, before we moved, and I remember one time there
4 were a couple of extra people on the van that needed a ride back.
5 And they got on the van, and I was in one of the seats where they
6 put, I think it was three people to a seat, and I swore I was
7 going to go insane. But I just kind of -- that was the longest
8 trip to Vegas I've ever taken. You know, you can't tell the
9 person next to you get away or something like that. You can't be
10 rude or anything.

11 Q. Yes.

12 A. But that was a very bad experience. I almost felt like
13 hitting somebody, you know, and just held myself.

14 Q. All right. You also said that sometimes you can't
15 sleep. Do you dream about or imagine -- you said you had
16 thoughts. What are your thoughts?

17 A. Well, there's times --- the times I get claustrophobic,
18 I think about what he did to me.

19 Q. Any other nightmares that you have, other than having
20 that nightmare about being crushed?

21 A. It's that and being held down.

22 Q. Is that what happened when he raped you?

23 A. Yes.

24 Q. Tell me how it happened.

25 A. I just recall being asleep on the bed. I was on my

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1 Q. What did he do then, roll over on the bed?

2 A. Yes, and I started hitting him.

3 Q. And you hit him in the face?

4 A. Yes, I did. I hit him in the face and stomach.

5 Q. And what did he say?

6 A. He laughed at me, like I told you before, just laughed
7 at me.

8 Q. He did not say anything then, didn't verbalize anything?

9 A. No, I don't recall him doing that. I guess, in a way, I
10 do. I remember him saying, "Nothing is wrong. Everything is
11 okay. Nothing is wrong. Everything is okay," something to that
12 effect.

13 Q. Did you clean up then or did you just put on your
14 clothes?

15 A. I went in the bathroom and cleaned up some and went
16 home. I got dressed and went home.

17 Q. And you were bleeding?

18 A. Yes.

19 Q. How long did you stay after he rolled over?

20 A. Probably not even ten minutes.

21 Q. And then you just left the bathroom and walked out of
22 the house?

23 A. (Witness nods head yes.)

24 Q. Did he try to stop you?

25 A. No.

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1 conversations at work about sort of news stories --

2 A. Yes.

3 Q. -- of which the priest abuse was one?

4 A. Yes.

5 Q. And that was creating some anxiety for you?

6 A. Yes, it was.

7 Q. "He has issues and concerns surrounding his brother."

8 A. The concern I have with #1 is that I think he should
9 go to talk to somebody about it, get some counseling. I think you
10 have encouraged him, as well. He's drinking too damn much. That
11 worries me.

12 Q. Okay.

13 A. I guess he's communicated with you guys and stuff, and
14 from the very beginning, when we talked to Father Wolf, we kind of
15 both agreed that we would not get a lawyer unless we had to. As I
16 told Father Wolf and I told Dr. #10, I don't want anything in
17 the news media. I don't want -- maybe it's selfish of me or
18 something. I don't know. People look at it different ways. But
19 I don't want somebody else profiting from my bad experiences, and
20 #1 feels the same way.

21 Q. Okay. Have you felt, you know, that he's had a drinking
22 problem in the past or is this something new?

23 A. It's off and on, and it is. It's off and on that he
24 drinks.

25 Q. August 24, 1993, "He states that his parents, even

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1 Q. Were you present during that conversation?

2 A. I don't believe so. I don't believe I was. I heard
3 about it. I don't believe I was present at the time.

4 Q. Who told you about it?

5 A. I believe it was #3 , my sister.

6 Q. And do you recall what she said?

7 A. I don't recall exactly what she said, no.

8 Q. And did this occur to #10 after it occurred to you?

9 A. Yes.

10 Q. So it was prior to #1 ?

11 A. I don't know if it was prior to #1 or after #1 ,
12 but I know it was --

13 Q. It was after your situation?

14 A. Yes, it was after my situation. It happened to #1
15 after me, that he tried molesting #1 . It was after myself.

16 Q. Did your parents talk to you at this time when they
17 heard from #10 ?

18 A. I don't recall saying anything to my parents at that
19 time. I don't recall anything.

20 Q. And you do not recall what year it was?

21 A. No.

22 Q. Was it prior to him going to the boys' school?

23 A. Yes, I believe so.

24 Q. Was he still in --

25 A. He was still in Vegas, I believe.

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(505) 843-8211

INTERVIEW WITH #1
April 5, 1994
2:05 p.m.
6400 Uptown Boulevard, Suite 630-E
Albuquerque, New Mexico 87110

REPORTED BY: KIM KAY SHOLLENBARGER, NM CCR #137
Proctor & Davidson, Inc.
300 Central, Southwest, Suite 1500-E
Albuquerque, New Mexico 87102

RECEIVED APR 20 1994

1 (Brief Recess)

2 MS. MOULTON: Let's go back on the record. I would like
3 you to tell me, #1, in whatever way is most comfortable for
4 you, what happened between you and the father and I'd ask that
5 you be as specific as you can about dates and what you remember
6 about each of the incidents.

7 A. The first time it happened is -- was probably the
8 winter of '93.

9 Q. You said, "'93," do you mean '73?

10 A. '73, I'm sorry.

11 Q. That's okay.

12 A. He had -- he had fish tanks and all and my dad had
13 some fish tanks, and he asked me if I would go over and help him
14 clean them, so I went over and helped him clean them. And then
15 he called and asked if it would be all right if I could spend
16 the night, being that it was getting late, so I went ahead and
17 spent the night. In the middle of the night I woke up and he
18 was -- he was fondling me, and I began fighting with him and
19 he -- and he told me if I didn't be quiet that I would get in
20 trouble. And I continued to fight and continued to fight and he
21 finally stopped after he had -- after he had ejaculated on me,
22 and after that he -- I just -- he came back a couple of minutes
23 later and I continued to fight until I -- I -- I guess he left
24 me alone or -- I don't know. I just don't remember anything
25 after -- after a while, after fighting, pushing him and kicking

1 him.

2 Q. You remember that to be the winter and you said, I
3 think earlier, that --

4 A. Right.

5 Q. -- you thought it was after Christmas?

6 A. Right, and the second time it was -- like I said, we
7 were supposed to be back the same day. Go to Mountainair, come
8 back, and he was going -- he would let me drive so I could get
9 some more practice driving. I had just learned how to drive,
10 and I agreed to it, then we ended up spending the night. And
11 that time he -- the same thing happened. I woke up in the
12 middle of the night and he was fondling me, and I fought and
13 fought and he wouldn't let me loose until he finally ejaculated.
14 And I got -- that time I got away from him and I curled up in a
15 corner of these people's bedroom of their house and that's where
16 I woke up in the morning. Then he came -- probably a month
17 later he wanted me to go with him again and I refused, and my
18 parents couldn't understand why, and I refused, and I refused,
19 and they kept insisting that I go. And the day before I got my
20 dad up, we went shooting, and I still had my pistol in my room.
21 And I finally said, okay, and agreed. I looked at him and said,
22 "I'll go with him," and he kind of snapped something was going
23 on there and he backed off and left without me. I remember that
24 it was -- it was kind of weird, the way he did that. He just --
25 he turned -- I looked at him and I just said, "I'll go with

1 him," but it's not going to happen again.

2 Q. You were shooting with your dad?

3 A. Yeah.

4 Q. And --

5 A. And -- you know, my dad was a police officer. We
6 were always -- we would go out to the firing range or the ranch
7 and kill rabbits or something. For some reason I still had the
8 pistol in my room and ammunition and all.

9 Q. So you told your dad you would go with him and you
10 had a look --

11 A. Yeah.

12 Q. An exchange between you?

13 A. Yeah, exactly.

14 Q. And the look seemingly indicated to you that he
15 knew --

16 A. Yeah.

17 Q. -- what you meant?

18 A. Uh-huh.

19 Q. And --

20 A. He backed off.

21 Q. Okay.

22 A. And he just left on his own.

23 Q. Who left on his own then?

24 A. Father Bissonnette.

25 Q. So he was there in the --

1 A. In the room. He wanted me to go with him, and
2 kept -- you know, he kept insisting and my parents kept
3 insisting, go with him, go with him. And he was going on
4 another trip out of town and I just said, "no way." Finally
5 when I said, "okay, I'll go," that's when he backed off and he
6 just left by himself.

7 Q. Do you think he knew what you meant?

8 A. Yeah, because -- because, you know, when he would
9 come over he would try to grab me and hug me and I was always
10 pushing him away, get away from me. You know, leave me alone,
11 and he -- I gave him -- I think from just the way I looked at
12 him and the way I answered, I think he got the hint that it
13 wasn't going to happen again.

14 Q. Did that happen before or after he made the comment
15 about you having questions about your sexuality?

16 A. It was probably -- I think it was after. The second
17 incident would have taken place probably in the summer of '74.

18 Q. Let's talk about the first incident. Back in the
19 winter of 1973 you would have been at that time 12; is that
20 correct?

21 A. Yeah.

22 Q. Because you wouldn't have yet been 13. Had you
23 known him for a while at this point?

24 A. Probably -- I don't know, maybe four months, five
25 months.

1 A. In the room. He wanted me to go with him, and
2 kept -- you know, he kept insisting and my parents kept
3 insisting, go with him, go with him. And he was going on
4 another trip out of town and I just said, "no way." Finally
5 when I said, "okay, I'll go," that's when he backed off and he
6 just left by himself.

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9 come over he would try to grab me and hug me and I was always
10 pushing him away, get away from me. You know, leave me alone,
11 and he -- I gave him -- I think from just the way I looked at
12 him and the way I answered, I think he got the hint that it
13 wasn't going to happen again.

14 Q. Did that happen before or after he made the comment
15 about you having questions about your sexuality?

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17 incident would have taken place probably in the summer of '74.

18 Q. Let's talk about the first incident. Back in the
19 winter of 1973 you would have been at that time 12; is that
20 correct?

21 A. Yeah.

22 Q. Because you wouldn't have yet been 13. Had you
23 known him for a while at this point?

24 A. Probably -- I don't know, maybe four months, five
25 months.

1 Q. And he had been to your family's home?

2 A. Right. He was there every night. I can remember he
3 was there for supper. He was there for lunch. He was there all
4 the time.

5 Q. Where did he live?

6 A. Where did he live?

7 Q. Uh-huh.

8 A. The Newman Center Chapel is around the Highland
9 campus and he lived in an apartment behind the chapel there.

10 Q. Had you ever been to his apartment before?

11 A. Yeah, he had my mom -- my mom would do his
12 housecleaning for him and I would go and help her once in a
13 while, help her straighten up.

14 Q. And how many times, approximately, have you been
15 there?

16 A. Maybe ten times.

17 Q. Have you ever been there alone?

18 A. No, not until that first time that happened.

19 Q. And he asked you to come over and clean the fish
20 tanks?

21 A. Right.

22 Q. And how did it happen that he came to ask you to
23 spend the night again, please?

24 A. It was getting late and he had asked me, being that
25 it was so late, that I was going to be a while longer, why don't

1 I just go ahead and sleep there the night and I didn't see any
2 harm in it, then I went ahead and agreed on it.

3 Q. Did he call your parents?

4 A. Yes.

5 Q. Where was his bedroom in the apartment?

6 A. It was in the southwest corner of the apartment.

7 Q. And were you sleeping in his bedroom or were you
8 sleeping --

9 A. In his bedroom.

10 Q. You were sleeping in his bedroom, okay. So when you
11 went to bed, the two of you got in bed together?

12 A. I climbed in bed and I fell asleep, and then I
13 remember waking up when he came in the bedroom and then got in
14 bed and I fell back to sleep.

15 Q. So you didn't go to bed together?

16 A. No.

17 Q. You went to bed first?

18 A. (Nonverbal response.)

19 Q. Do you recall what side of the bed you were sleeping
20 on?

21 A. It would have been the far side closest to the wall
22 to where it would have been on the right-hand side of the bed.

23 Q. Did he tell you to go in there and go to sleep?

24 A. Yeah, he told me, "go ahead, go climb in bed, go to
25 sleep," and I did. And I just --

1 Q. Do you recall what time it was then?

2 A. It was probably about eleven, 11:30.

3 Q. And was it a weeknight?

4 A. No, it was -- I think it was a Friday night. Yeah,
5 it had to have been like a Friday or Saturday night, then it was
6 Sunday -- it was either Friday or Saturday night.

7 Q. Did you get up and go to church the next day?

8 A. No, that's why I knew it had to have been a Friday
9 or Saturday. It had to have been a Friday night, because it
10 was -- let me think, I didn't go to church the next day, so it
11 had to be Friday night, because come Sunday morning the house
12 was always a madhouse, everybody trying to get ready to go to
13 church. And at the same time I just -- it got wild to where it
14 had to be a Friday night.

15 Q. So you went back to sleep, do you remember him
16 getting in bed with you?

17 A. I remember waking up when he came in. I just fell
18 back to sleep. I woke up and fell back to sleep.

19 Q. Then you woke up in the middle of the night and he
20 was fondling you, tell me what he was doing?

21 A. He was -- he was trying to -- he was fondling me on
22 my penis and I was trying to -- I don't know, he had his -- his
23 hands -- his hands -- he had his penis and my penis in his hands
24 at the same time and he continued -- and continued to -- until
25 he ejaculated, then he had one arm wrapped around me and -- you

1 know, I probably weighed 90 pounds and he was probably 260
2 pounds and he probably was about six four and he was overweight
3 and all.

4 Q. So you were laying in bed facing each other?

5 A. When I woke up.

6 Q. When you woke up. And he had both your penis and
7 his penis in his hand?

8 A. Right.

9 Q. And was he masturbating you then?

10 A. Yeah.

11 Q. Had you ever masturbated before that?

12 A. Not that I remember.

13 Q. Then he continued this. When you woke up, what did
14 you do?

15 A. I began fighting with him. I pushed him, pushed him
16 away and he told me to be quiet or I would get in trouble, to
17 where I just continued kicking, pushing, kicking, and pushing
18 until he -- until he finally, you know, masturbated all over me,
19 and I got away from him. And when he told me that -- he told me
20 he was sorry. And a little while later he was trying to get --
21 grabbing me again and that's -- I just kept fighting.

22 Q. Where did you go when you ran away from him?

23 A. I just went -- I stayed -- I just moved away from
24 him, stayed there. And I sat on the edge of the bed until I had
25 fallen asleep. I remember falling asleep sitting on the edge

1 the bed, and I just couldn't believe it happened. You know, I
2 couldn't believe what was going on.

3 Q. What was he doing while you were sitting on the edge
4 of the bed?

5 A. I don't know, I just -- I just -- I can't remember.
6 I don't know what he was doing. I don't know. I don't remember
7 if he got up and he left the room or -- I don't remember.

8 Q. And he had one arm around you?

9 A. Yeah.

10 Q. Would that have been his left hand or his right
11 hand?

12 A. Hum, I can't remember. It might have been -- I'm
13 trying to think. I can't -- it's just awful, you know, trying
14 to remember this stuff after I've put it out of my mind for so
15 long. It was probably his right hand, I don't remember.

16 Q. Do you remember how long it happened, how long it
17 took?

18 A. No, I remember it felt like it took forever, but it
19 probably -- I don't know, five, ten minutes, I don't know.

20 Q. And were you fighting with him the whole time?

21 A. Yeah, pushing him, trying to get away.

22 Q. What did you have on?

23 A. I remember just a T-shirt and shorts.

24 Q. Had he removed your shorts?

25 A. Yes.

1 Q. So your shorts were on the bottom of the bed?

2 A. Right.

3 Q. Did you feel him taking them off?

4 A. No.

5 Q. Did you still have your T-shirt on?

6 A. Yeah.

7 Q. When you were facing him, which side were you laying
8 on, your right or your left?

9 A. I was on the opposite side of the bed to where I
10 would have been laying on my left side. When I fell asleep I
11 was laying on the right-hand side of the bed. When I woke up I
12 was on the left-hand side of him.

13 Q. So you were sleeping on the left arm?

14 A. Yeah.

15 Q. And with what hand was --

16 A. He had his hand over me, so that would have been --
17 his left hand would have been over me, that's what he was
18 holding me down with, that's the one.

19 Q. He was -- how was he holding you down?

20 A. He had his arm around me and he just had a tight
21 clutch around me.

22 Q. Around your shoulders?

23 A. Right, around my -- around my area in here.

24 Q. Upper body?

25 A. Right.

1 Q. Around your shoulders?

2 A. (Nonverbal response.)

3 Q. So he was holding you so you wouldn't move?

4 A. Right.

5 Q. Okay.

6 Q. If you were facing each other that wouldn't have
7 been his left hand, would it?

8 A. See, that would have been the -- on the -- opposite
9 side of the bed. I would have been on my left side. I would
10 have been laying on my left side. His left arm would have been
11 over me.

12 Q. So he was using his right hand to masturbate you and
13 he was masturbating himself at the same time?

14 A. Right.

15 Q. Was there ever any oral contact?

16 A. No.

17 Q. Ever any anal contact?

18 A. Not that I remember.

19 Q. Okay.

20 A. Like I say, when he came back, I remember fighting
21 and telling him, "just leave me alone, leave me alone," and I
22 just -- to tell you the truth, I don't even remember the next
23 morning. I just -- I don't remember a few days after that. I
24 just couldn't -- you know, it's just like they blocked out.
25 Like I lost them.

1 Q. Did you ever talk to him about it?

2 A. To him about it?

3 Q. Yeah.

4 A. No.

5 Q. After it happened, after he ejaculated, did he clean
6 himself up?

7 A. That's when I was on the edge of the bed, and I
8 don't remember.

9 Q. Did he ejaculate on you?

10 A. Yeah, because I was all full of junk all over me.

11 Q. Did you clean yourself up?

12 A. No, not until, I guess, the next day.

13 Q. Did you have an erection?

14 A. Yeah, when I woke up I did.

15 Q. And you don't remember if you ejaculated?

16 A. No, I didn't.

17 Q. Is that the first time you had done that?

18 A. Yeah.

19 Q. You said that you thought it was near Christmas, do
20 you have any recollection of why you thought it was near
21 Christmas?

22 A. I remember there being snow on the ground. It was
23 cold and -- I don't know, I -- just for some reason -- for some
24 reason I just got in my mind that it was. I can't remember why,
25 but it just stuck in my mind.

1 Q. Had he been there long? You said about four or five
2 months?

3 A. Right.

4 Q. So you --

5 A. It might have been longer than that.

6 Q. Did you know him the whole time he was there?

7 A. Yeah, pretty much. He -- my dad was pretty active
8 in the church and he got -- he got to know my dad. And then
9 before long he was at the house all the time. It was right
10 after he went to Vegas.

11 Q. Anything else about that evening that you remember,
12 did he talk to you at all?

13 A. He said he was sorry and -- no. Like I said, a
14 little while later he was trying to grab me again.

15 Q. When you were fighting him, were you hitting him
16 with your fist?

17 A. He had my arms pinned to where I was trying to
18 pinch. I was trying to kick. I was trying to do anything I
19 could do and I couldn't do anything, I guess.

20 Q. Did he continue to masturbate himself while you were
21 fighting?

22 A. Yes.

23 Q. Did he continue to fondle you?

24 A. He was trying.

25 Q. How successful was he in doing that, when you were

1 fighting?

2 A. I remember getting pinched quite a bit.

3 Q. Can you tell me how?

4 A. He was grabbing -- trying to grab my penis. Again,
5 I would pull away and he would grab, and I would get pinched.

6 Q. He would pinch your penis?

7 A. Right.

8 Q. How many times did that happen?

9 A. I don't know, probably five times, ten times.

10 Q. And when he ejaculated, did he still have his hand
11 on your penis or was it just on his own?

12 A. I think it was just on his own.

13 Q. And after that he apologized?

14 A. Yeah, he apologized, and then -- I don't know, a
15 while later -- it wasn't right away, it was a little while
16 later, then I remember sitting on the edge of the bed. You
17 know, I was already trying to just -- I couldn't believe what
18 happened. I was falling sleep again on the edge of the bed,
19 sitting on the edge of the bed. And then I remember him
20 grabbing me, trying to grab me again. Or he grabbed my arm, I
21 remember pulling away, and I don't know -- I just -- I blacked
22 out from there on. Like I say, I can't remember the next
23 morning. I can't remember getting up the next morning and going
24 home.

25 Q. Did you immediately get out of the bed?

1 they -- the second time that I went with him, you know, they
2 insisted and I finally -- then he offered -- he tells me, we'll
3 be back this afternoon, you can drive. And I finally agreed.
4 And I kind of felt like them insisting -- there for a while, you
5 know, I thought like, you have to go with him, you messed up, or
6 something, and it was weird. I felt I had to go with him. It
7 was like a punishment to me that he was -- the way I felt for a
8 long time, I had resentment towards them because they pushed me
9 to go with him.

10 Q. Do you think they had any idea?

11 A. No, they had no idea.

12 Q. Let's talk about the second time, did anything
13 happen between the first time and the second time? Did you have
14 contact with him? Did you see him? Was he at your home?

15 A. He was in the house. The same way, like nothing
16 happened, you know, to him. Nothing happened, it was just like
17 an everyday thing, I guess, to him and it really bugged me and I
18 just -- he just kept on. You know, he would come up and he
19 would try hugging me and I would push him away all the time
20 and -- you know, he just -- they kept pressuring me. He would
21 ask me all the time to go with him, you know, here or there. He
22 was always making trips all over the place to go visit friends
23 and, you know, I just turned him down. And I remember one time
24 that my dad, Allen, and somebody else, one of my other brothers,
25 went with us and him. We went to -- we went to do something and

1 A. Right.

2 Q. Do you recall what the trip was for?

3 A. He was going to visit some friends. He had to pick
4 something up or take something to them.

5 Q. And you recall it being in the summer?

6 A. Yeah.

7 Q. It was warm out?

8 A. Yeah.

9 Q. What kind of car did he have?

10 A. It was a great big Chevy Impala, about a '72,
11 something around there.

12 Q. Fairly new?

13 A. Yeah, then it was.

14 Q. Automatic, standard?

15 A. Automatic.

16 Q. Did he let you drive?

17 A. Yeah.

18 Q. Whose house did you spend the night at?

19 A. I don't remember who the people were.

20 Q. Do you remember where it was? Was it in
21 Mountainair?

22 A. No, I think it was in Belen. I think Belen, where
23 we finally stayed.

24 Q. And you slept in the same bed?

25 A. When -- I first went to sleep before him again, and

1 then it -- yeah, I woke up and he was -- and the same thing.
2 Same thing again, and I -- it didn't last as long as -- to
3 where -- I got away from him. Like I said, I curled up in a
4 corner in that bedroom and I stayed there. And I remember a
5 light coming on in the hall in the house and, you know,
6 that's -- it stayed on all night after that.

7 Q. Was that after your -- was that after your struggle?

8 A. Right, right.

9 Q. Do you remember the next day?

10 A. No, I don't remember driving back.

11 Q. You don't?

12 A. No.

13 Q. You said that it happened the same way, were you in
14 the same bed?

15 A. Yeah.

16 Q. Or --

17 A. When I woke up I was in the same bedroom.

18 Q. Did you know he was going to sleep with you?

19 A. No, because when the lady took me in she told me,
20 "you go ahead and sleep in here." And he was in talking with
21 her husband in the kitchen area and they were watching T.V. or
22 something, I can't remember for sure. No, they were -- it was a
23 kitchen like with a nook and they were sitting there watching
24 T.V. and -- and I went ahead -- and I was sleepy and they could
25 tell I was already falling sleep and she showed me where the

1 Q. When you woke up the second time and he was fondling
2 you, did he have his hand on your penis as well as his own
3 penis?

4 A. Yep.

5 Q. And did you have an erection?

6 A. I can't remember.

7 Q. Did he have an erection?

8 A. Yes.

9 Q. Did he ejaculate?

10 A. Yes.

11 Q. Okay.

12 A. That's afterwards when he let me loose. Like I say,
13 it wasn't -- it was just very little time when I woke up and
14 I -- I began fighting him, and I remember him letting me go and
15 I got got off that bed and I just -- I think -- I don't remember
16 if I knocked something over or something in getting away. I
17 remember finding a corner and I just curled up in the corner.

18 Q. Did you make any verbal sound when you were in bed?

19 A. No. Yeah, then I did. I was pushing away.

20 Q. Were you hollering or anything?

21 A. No, he told me the same thing, be quiet or you'll
22 get in trouble, but I didn't. I was saying, "leave me alone,
23 leave me alone," so -- I don't remember yelling or hollering,
24 but I just remember, you know --

25 Q. Were you whispering, talking?

1 A. I think I was talking. I think it was probably in a
2 loud tone of voice.

3 Q. So conceivably someone could have heard you?

4 A. It's -- the light came on to where somebody heard
5 something.

6 Q. You don't remember anybody mentioning anything?

7 A. No. Like I say, I don't remember getting up. I
8 don't remember the next morning. I don't remember leaving that
9 place. I don't remember driving back to Vegas.

10 Q. And after that you refused to go anywhere?

11 A. Yeah, after that -- a while later, that's when he
12 tried talking me to going again, and my parents were insisting,
13 insisting, and I remember that I still had the pistol and I was
14 going to take it with me.

15 Q. Did your dad know you were going to take the pistol
16 with you?

17 A. Did who?

18 Q. Your dad.

19 A. At that time, no. We got in that night before. We
20 had gotten in kind of late and he went in and put everything up
21 and I was supposed to put the pistol up, I didn't. I just left
22 it in the bag and it was in my room still so -- where he didn't
23 even know I still had it. And I never discussed it with him, it
24 seems, or I haven't discussed that part with him at all. But I
25 think I would have used it, I really do.