



DIOCESE OF KALAMAZOO

A Complete Accounting

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This report is for informational purposes only. It is a compilation of excerpts from the information obtained from the tip line, victim interviews, police investigations, open-source media, paper documents seized from the Diocese of Kalamazoo, and the electronic documents found on the diocesan computers, as well as reports of allegations disclosed by the Diocese.

This report contains detailed descriptions of allegations of sexual abuse or assault and other sexual misconduct (including grooming and misuse of authority) by priests who are current or former clergy for the Diocese of Kalamazoo that occurred in the Diocese from January 1, 1950, to the present. However, the Diocese of Kalamazoo was not established until 1971. Should you need assistance, please call 855-VOICES4.

A criminal charge is merely an allegation, and a defendant is presumed innocent unless and until proven guilty.

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SUMMARY

On September 21, 2018, the Michigan Department of Attorney General (AG), in partnership with the Michigan State Police (MSP), launched an investigation into clergy sexual abuse throughout the State of Michigan, focusing on the seven Dioceses of Michigan's Catholic Church. The Archdiocese is located in Detroit. The remaining Dioceses are located in Gaylord, Grand Rapids, Kalamazoo, Lansing, Marquette, and Saginaw. One purpose of the investigation is to investigate whether criminal charges can be filed against those who allegedly engaged in potentially criminal conduct or those who failed to comply with a statutory obligation to report conduct involving minors. Another purpose of the investigation is to determine if the Archdiocese and the Dioceses are complying with their statutory obligation to report sexual abuse of minors. It has been intended that the investigation and its results would be documented in written reports to be made available to the public.

This is the third of what will eventually be seven separate reports, one regarding each of the seven Dioceses. On October 27, 2022, the AG released its report regarding the Diocese of Marquette, and on January 8, 2024, the AG released its report regarding the Diocese of Gaylord. It is our intent to share what was learned during the investigation as to ensure that any past failure to report sexual abuse will never happen again.

On October 3, 2018, a search warrant was simultaneously executed on the Archdiocese and all six Dioceses in order to seize any information and records each Diocese had regarding reports of sexual abuse. A search warrant is an order signed by a judge that allows for the search and seizure of specified items when probable cause exists to establish that a crime has occurred and that the place sought to be searched is likely to yield the information. The search warrant was executed in tandem with multiple police agencies, which included 42 Michigan State police detectives and troopers, two Midland police officers, two Saginaw Township police officers, one Grand Blanc police officer, and 15 special agents. It lasted 8 hours and more than 220 boxes of documents were seized. In total, an estimated 1.5 million paper documents were seized.

At the beginning of the investigation, a tip line was created and staffed from 8 am–5 pm, Monday through Friday, to collect information on sexual abuse within the church from the community at large. To date, this tip line has generated a total of 1,137 tips throughout the State of Michigan related to abuse. We encourage anyone with information related to sexual abuse by a member of the clergy to contact the Department tip line at 844-324-3374.

In 2019, the Michigan Legislature appropriated \$635,000 to partially fund this investigation. It allotted \$400,000 to electronic document management and \$235,000 for victim advocacy. Electronic document management has cost approximately \$506,874.39 to date.

In June 2002, the United States Catholic Conference of Bishops adopted the “Charter for the Protection of Children and Young People.” In this Charter, the Dioceses and Eparchies in the United States pledged to protect children from sexual abuse. As one of the principles in Article 5 of the Charter, “Diocesan/eparchial policy is to provide that for even a single act of sexual abuse of a minor – whenever it occurred – which is admitted or established after an appropriate process in accord with canon law, the offending priest or deacon is to be permanently removed from ministry and, if warranted, dismissed from the clerical state.” (Charter, p 11.) Related to this point, “[i]f the allegation is deemed not substantiated, every step possible is to be taken to restore his good name, should it have been harmed.” (*Id.*) Also, in Article 4, “Dioceses/eparchies are to report an allegation of sexual abuse of a person who is a minor to the public authorities with due regard for the seal of the Sacrament of Penance.” (Charter, p 10.)

At the outset of the investigation, the AG’s office organized a “core group” of AG staff and MSP investigators who would work to ensure that a fair and thorough investigation was conducted into the materials that were seized as a result of a search warrant. The team includes attorneys from the Criminal Justice Bureau, including trial prosecutors and appellate specialists as well as attorneys from Licensing and Regulatory Affairs (LARA) because offenders sometimes would also possess a professional license such as counseling. It was determined that, if appropriate, action would be taken to remove professional licenses in an effort to keep the community safe.

To ensure communication with the Dioceses, the core team staff has attempted to meet quarterly with diocesan lawyers to discuss processes and procedures to streamline the investigation. All seven Dioceses have cooperated with the AG’s investigation.

In an effort to cooperate with the AG’s investigation, in addition to the required reports that they were already providing to local law enforcement, the seven Dioceses have agreed to also provide the AG with reports of possible sexual abuse that they receive during the course of the investigation. The Dioceses agreed to allow the AG’s office first to conduct a criminal investigation into the report and wait to conduct any internal investigation until the AG concluded its investigation and determined that it would not file charges. Experience indicates that victims of sexual abuse wait many years before they disclose the abuse to others. In this investigation, victims continue to report sexual abuse to the Dioceses and the Archdiocese. The AG does not wish to interfere in a victim’s spiritual relationship with the victim’s church or Diocese and encourages victims to cooperate in any subsequent canonical investigation. Finally, if the victim is interested in counseling services, the AG victim advocate works to obtain services for the survivor.

To date, the AG has received 93 referrals from the Dioceses, including the Diocese of Kalamazoo. For those reports that involve a priest in active ministry, an

investigation is initiated immediately. The Dioceses have agreed to give the AG's office appropriate time before they initiate an internal investigation. This time provides the investigators an ability to make contact with the victim, and in some cases the suspect priest. The Dioceses have typically refrained from commencing their investigation until cleared by AG staff.

Law enforcement is required to file criminal charges within a certain amount of time after the crime has been committed, commonly referred to as the statute of limitations (SOL). If the SOL has expired, Michigan law does not permit the AG or local prosecutors to pursue criminal charges. Prior to 2001, the SOL for criminal sexual conduct in the first degree (CSC 1) was six years from the date of offense, or the victim's 18th birthday day. In 2001, the Legislature eliminated the SOL for first-degree criminal sexual conduct (CSC 1), making it possible to bring criminal charges at any time. The crime of CSC 1 can be charged under a number of different theories. The most common theories are when sexual penetration occurred and the victim was under 13 years old, or the victim was forced/coerced into the sexual activity and the victim suffered from personal injury including mental anguish. For cases where the allegations are outside the SOL, the AG team members interviewed those who were reporting sexual abuse and were willing to discuss their victimization using a trauma-informed interview style. The AG/MSP conducted an investigation if the SOL had not expired, or if the alleged perpetrator appeared to have been outside of Michigan before the SOL expired which would "stop the clock" for that period of time. Where appropriate, criminal charges were brought. For the vast majority of cases in all six Dioceses and the Archdiocese, a criminal prosecution has simply not been possible either because the priest who engaged in the sexual abuse of minors was dead, the SOL had expired, the conduct did not violate Michigan law, or the person who was allegedly sexually abused by the priest did not wish to pursue criminal charges.

For Kalamazoo, the investigation yielded 65 tips to the AG tipline. 16 of those were provided directly from the Diocese of Kalamazoo. Of the 220 boxes of paper documents that were seized from the Archdiocese and the six Dioceses, 58 boxes containing approximately 145,000 documents were reviewed related to the Diocese of Kalamazoo. Of the 3.5 million electronic documents seized, 200,178 documents were reviewed related to the Diocese of Kalamazoo.

Some information contained in this report comes from the website <https://www.bishop-accountability.org/>. It defines itself as follows, and explains the basis for the inclusion of the clergy on its site:

BishopAccountability.org is the largest public library of information on the Catholic clergy abuse crisis. We are a digital collection of documents, survivor witness, investigative reports, and media coverage. We also do basic research on abuser histories and church management, and we maintain definitive databases of persons accused

in the United States, Argentina, Chile, and Ireland, with other databases in development.

We are not an advocacy organization, and we take no position on possible remedies for the crisis. We are a library open to everyone looking to understand the problem of clergy abuse of children.

The materials we have collected also provide insight into child protection generally and Catholic history beyond the abuse crisis, and they comprise a unique case study of institutional response to misconduct and demands for change.¹

* * *

Our Database of Publicly Accused does not state or imply that individuals facing allegations are guilty of a crime or liable for civil claims. The reports contained in the database are merely allegations. The U.S. legal system presumes that a person accused of or charged with a crime is innocent until proven guilty. Similarly, individuals who may be defendants in civil actions are presumed not to be liable for such claims unless a plaintiff proves otherwise. Admissions of guilt or liability are not typically a part of civil or private settlements.²

The list of priests for which there were allegations of sexual misconduct against either children or adults since January 1, 1950, for the Diocese of Kalamazoo that was established in July 21, 1971 is derived from information gleaned from a search warrant that was executed against the Diocese of Kalamazoo on October 3, 2018, and from the tip line operated by the Department of Attorney General since 2018. There are 19 priests on this list; 12 were ordained or later incardinated in the Diocese of Kalamazoo.

The allegations are summarized here, and their inclusion does not reflect a determination by the Department that the allegations are credible or otherwise substantiated nor indicative of a crime. The majority of reported allegations of sexual abuse or assault or other sexual misconduct (including grooming conduct) were against either boys or girls under the age of 16 and also under the age of 18, but there were also allegations against seven priests only related to adults (18 years or older). The John Jay College research team defined grooming as a premeditated behavior intended to manipulate the potential victim into complying with possible subsequent sexual abuse. Some of the claims allege actions by priests against adults in which there is a claim that the priests relied on their authority to engage in sexual misconduct or attempt to do so. Not all the files

¹ <https://www.bishop-accountability.org/> (last accessed May 10, 2024.)

² <https://www.bishop-accountability.org/accused/> (last accessed May 10, 2024.)

that were retrieved by search warrant are complete; as with the priest list, the information here is a reporting of the allegations either found in the seized, non-privileged documents or gleaned from the tips received. The report does not suggest that the Diocese has additional information that has not been provided. This report reflects the documents that were obtained, in some instances many years after the original documents would have been generated.

The Diocese of Kalamazoo was formed in 1971, after the Second Vatican Council. Currently, the Diocese spans 5,337-square miles over the counties of Allegan, Barry, Berrien, Branch, Calhoun, Cass, Kalamazoo, St. Joseph, and Van Buren. And, within that area, the Diocese maintains 59 parishes and missions and 21 Catholic schools.³

For the 19 priests of whom 12 were ordained or ultimately incardinated in the Diocese of Kalamazoo, the Diocese identified eleven priests on its list of those whose actions “disqualify and prohibit them from working or volunteering with children or youth,” which includes “violations of a child-protection policy after warnings” as well as “direct sexual abuse or sexual assault of minors,” among other actions for which “in the judgment of the Diocese” they have been “credibly accused”: three priests who are still living, (1) Fr. Richard Fritz, (2) Fr. Brian Stanley, and (3) Fr. Leroy White; three priests who are deceased, (4) Fr. Dennis Boylan, (5) Fr. Bernard Horst, S.M., and (6) Msgr. Jacob Vellian; as well as five other priests whose alleged misconduct occurred elsewhere, (7) Msgr. Leonard Bodgan, (8) Fr. Thomas DeVita, (9) Fr. Stanley Staniszewski, (10) former Fr. Michael Weston, and (11) Fr. Bogdan Werra. The Diocese also issued public statements independent of this listing for three of these priests, Msgr. Bogdan, Fr. Fritz, and Fr. Stanley, as well as for a twelfth priest, (12) Fr. Francis Marotti. The Department’s report includes allegations against eleven of these twelve priests, all but former Fr. Weston.

The bishop accountability list of accused priests – which includes allegations against adults and minors – identifies four priests for the Diocese in addition to Fr. Fritz, Fr. Stanley, Msgr. Jacob Vellian, and Fr. Leroy White,⁴ all of whom appear on the Diocese’s list. The bishop accountability list also includes five other priests who were not originally incardinated in Kalamazoo: Fr. Boylan (Diocese of Amarillo), Fr. DeVita (Diocese of Rockville Centre), Fr. Horst, S.M. (the Marianists); and Fr. Staniszewski (Archdiocese of Chicago), as well as one priest not listed by the Diocese, (13) Fr. Carl Peltz (Diocese of Steubenville). The Department’s report for alleged misconduct against adults and children includes this additional priest, Fr.

³ See <https://diokzoo.org/about> (last accessed May 10, 2024.)

⁴ See <https://www.bishop-accountability.org/dioceses/usa-mi-kalamazoo/> (last accessed May 10, 2024.)

Peltz, and lists eight additional ones not listed by either the Diocese or the bishop accountability list.

For the 19 priests, 12 are known or presumed to be dead. For the seven who are living or presumed to be living, none are in active ministry. The AG filed criminal charges against two priests: Fr. Brian Stanley, who pled guilty to attempt false imprisonment in January 2020 and was sentenced to 60 days in jail, probation, and sex offender registration; and Msgr. Jacob Vellian (Archdiocese of Kottayam, India) in May 2019 with two counts of rape under the old criminal sexual conduct statute. He reportedly died in December 2022 while awaiting extradition, but this has not been independently confirmed by the U.S. Department of Justice.

For the 19 priests, the majority of conduct as alleged that may have violated Michigan criminal law occurred before 2002.

**(1) MSGR. LEONARD JOACHIM-ADOLPH BOGDAN
(LISTED ON CLERGY LIST FOR THE ARCHDIOCESE OF CHICAGO, THE
DIOCESE OF KALAMAZOO, THE DIOCESE OF PHOENIX, AND THE
BISHOP ACCOUNTABILITY SITES.)**



Born: August 31, 1934

Ordained: May 3, 1960

Retired: 2000

Faculties withdrawn in 2002 (Phoenix) and 2003 (Kalamazoo)

Msgr. Leonard Joachim-Adolph Bogdan was born in Chicago, Illinois, on August 31, 1934, and was ordained to the priesthood on May 3, 1960, in Mundelein, Illinois for the Archdiocese of Chicago. (App'x LJB#1, Priest information and appointment sheet, p 1.) Msgr. Bogdan served in the Diocese of Kalamazoo from 1988 until his retirement in 2000. (App'x LJB#2, the Diocese of Kalamazoo Media Release, dated March 21, 2006.) Initially, Msgr. Bogdan was "on loan" from the Archdiocese of Chicago to establish the Diocese of Kalamazoo Marriage Tribunal, but he eventually was incardinated into the Kalamazoo Diocese in 1993. (*Id.*)

In a memorandum to file dated by hand December 17, 1991, which is apparently an internal document from the Archdiocese of Chicago, the document outlines the allegation of sexual misconduct, its recantation, and the subsequent reassertion of the accuracy of the allegation:

I finally got in touch with John Doe1 . . . the young man with whom [Fr.] Len Bogdan had formed a relationship some years back. John Doe1 says that his relationship with Fr. Len Bogdan began when he was at Quiqley [apparently referring to the Archdiocese preparatory seminary].

* * *

After these things had happened and John Doe1 had denounced Len, Len stayed away from the family for about a year. Then he started to return. John Doe1's Mother forgave Fr. Bogdan for what had happened. At that time, John Doe says both Fr. Bogdan and his Mother began to pressure him to withdraw his original complaints against Len.

So he finally signed a document drawn up by Len which stated that in fact the alleged sexual misconduct had never occurred. John Doe1 says he did it to get Len and his Mother off his back. He wanted Len to quit coming over, but a short time after that, John Doe1 moved out of his parents' home and didn't see Len again.

John Doe1 says that the sexual misconduct he had accused Fr. Len Bogdan of originally did, in fact, occur. The recanting came because of pressure from Len and John Doe1's parents.

[App'x LJB#3, Memorandum to file, dated December 17, 1991.]

In a letter dated January 3, 1992, the Archbishop of Chicago, Cardinal Joseph Bernardin, wrote to Bishop Paul Donovan of Kalamazoo indicating that "because of the incident which I described to you," he established five conditions for Fr. Bogdan:

- (1) He must be supervised. . . .
- (2) If Father Bogdan does parish work at a place other than the Cathedral the pastor or administrator should be appri[s]ed of the situation and be willing to accept him. We have found that this is a very important dimension of the policy we have developed. Perhaps it would be better if this were discontinued. There would be one less person who would have to know.
- (3) Father Bogdan should undergo some therapy or counselling. . . .
- (4) He must not be in the presence of minors under 18 without the presence of another adult.
- (5) Generally, Father Bogdan should keep a low profile.

[App'x LJB#4, "Confidential" letter from Cardinal Bernadin to Bishop Donovan, dated January 3, 1992.]

In response, in a letter dated February 1, 1992, Bishop Donovan noted that "Father Bogdan accepts the conditions deemed necessary for his continued active ministry in the Diocese of Kalamazoo." (App'x LJB#5, "Confidential" letter from Bishop Donovan (unsigned) to Cardinal Bernadin, dated February 1, 1992.)

In a document dated November 12, 1993, Bishop Donovan wrote a “highly confidential” memorandum “To My Succes[s]or as Bishop of Kalamazoo” that detailed what steps he took and his conclusions regarding the allegations against Msgr. Bogdan:

Certain accusations were made against the Reverend Leonard A. Bogdan during the 1980s while he was serving as [a] priest in the Archdiocese of Chicago. I learned of this in January of 1993 when the Archbishop of Chicago telephoned me; he indicated that he was unaware of these accusations when he gave permission for Father Bogdan to serve temporarily in the Diocese of Kalamazoo in 1988.

I personally went to Chicago on November 5, 1993, and held discussions with the Chancellor, the Reverend Thomas J. Paprocki, and the Vicar for Priests, the Reverend Patrick J. O’Malley. All perso[nnel] files pertaining to Father Bogdan, from both the Chancery and the Office of the Vicar for Priests, were given to me for my personal inspection; Father Bogdan had given me written permission to examine all files pertinent to him. I spent several hours in the above-mentioned discussions and in examining the above-mentioned files.

Because of the conversations with Father Paprocki and O’Malley, because of my own personal and thorough viewing of all files pertinent to Father Bogdan, because of the questions raised about the validity of the accusations by some of the priests involved in the investigation of Father Bogdan, and because of the testimony of two doctors who had treated Father Bogdan and said that he is neither clinically pedophilic or homosexual – I have concluded that there is no conclusive proof that Father Bogdan was guilty of the serious accusations made against him.

However, it seems that Father Bogdan was very imprudent in his dealing with young men of high school age. It seems that he became involved in their lives to an unreasonable degree. It seems that he is more comfortable, perhaps, in associating with young men than he is with his peers. It seems that he becomes possessive and is imprudent in many ways in his association with young men. It seems that it would be best that Father Bogdan limit or eliminate developing relationships with young men.

[App’x LJB#6, “Highly Confidential” memo signed by Bishop Paul Donovan to My Succes[s]or as Bishop of Kalamazoo, dated November 12, 1993.]

In 2001, the Archdiocese of Chicago Professional Fitness Review Board “conducted a First Stage Review of the oral and written reports of the allegation of sexual misconduct made by John Doe1” and Msgr. Bogdan’s response and determined “that there is reasonable cause to suspect that sexual misconduct with a minor occurred.” (App’x LJB#7, Letter from Kathleen Leggdas to Fr. Leonard Bogdan, dated September 28, 2001.) On September 24, 2001, Cardinal Francis George wrote a reply letter to Leggdas, advising that he accepted the Review Board’s determination and recommendations. (App’x LJB#8, Reply letter from Cardinal Francis George to Kathleen Leggdas, dated September 24, 2001, responding to Letter from Kathleen Leggdas, Professional Fitness Review Administrator, to Cardinal George, Archbishop of Chicago, dated September 17, 2001.) Also on September 24, 2001, Cardinal George wrote to then Diocese of Kalamazoo Bishop James Murray to advise that an allegation of sexual abuse had been made against Msgr. Bogdan by a high school boy and also to advise of the Review Board’s determination and recommendations. (App’x LJB#9, Letter from Cardinal George to Bishop Murray, dated September 24, 2001.) A copy of this letter was sent to Bishop Thomas O’Brien of the Diocese of Phoenix, the diocese in which Msgr. Bogdan resided in retirement. (*Id.*)

On March 27, 2002, Bishop O’Brien of Phoenix withdrew the priestly faculties of Msgr. Bogdan. (App’x LJB#10, Letter from Bishop O’Brien to Fr. Bogdan, dated March 27, 2002.)

On May 28, 2003, Bishop Murray sent a letter to Msgr. Bogdan in Arizona, withdrawing his faculties in the Diocese of Kalamazoo. (App’x LJB#11, Letter from Bishop Murray to Msgr. Bogdan, dated May 28, 2003.)

In 2006, a news story reported that the Archdiocese of Chicago published the names of 55 priests against whom substantiated accusations of sexual abuse existed, after an audit, apparently contracted by the Archdiocese, determined that the Archdiocese had mishandled some claims. (App’x LJB#12, “Priest linked to sex abuse was once in Kalamazoo,” *Kalamazoo Gazette*, dated March 22, 2006.) Msgr. Bogdan was one of 17 priest names appearing on the list, whose names had not been previously released. (*Id.*) The story also indicated that it was reported that “no claims of sexual abuse were made against Bogdan when he served in Kalamazoo.” (*Id.*)

On March 22, 2006 in response to this news release, the Diocese of Kalamazoo issued the following press release regarding Msgr. Bogdan’s service in its Diocese:

In April of 1983, an allegation of sexual abuse of a minor was made against Fr. Leonard Bogdan, then a priest of the Archdiocese of Chicago, to the Archdiocese of Chicago. In June of 1986 the allegation was withdrawn in writing.

In July of 1988, Fr. Bogdan was loaned to the Diocese of Kalamazoo in order to establish a formal Marriage Tribunal in the diocese. The Bishop of the Diocese of Kalamazoo was aware of the allegation, the withdrawal of the allegation, and reviewed all the relevant documentation regarding the allegation before making a determination to invite Fr. Bogdan into the Diocese of Kalamazoo. In 1993 Fr. Bogdan was formally incardinated as a priest of the Diocese of Kalamazoo.

In June of 2000, Fr. Bogdan retired from active ministry in the Diocese of Kalamazoo and moved to his place of retirement outside of the diocese.

In August of 2001, the previously withdrawn allegation of sexual abuse of a minor was remade to the Archdiocese of Chicago. In September of 2001 the Archdiocese of Chicago notified the Diocese of Kalamazoo, and the Diocese in which Fr. Bogdan resides, that the reasserted allegation had been considered by the Archdiocesan Professional Fitness Review Board and that it had determined that “there is reasonable cause to suspect that sexual misconduct with a minor occurred.” Fr. Bogdan’s faculties to assist in priestly ministry in his diocese of residence were suspended by the local Bishop in March of 2002.

Following the enactment of the Charter for the Protection of Children and Young People in November 2002, the Diocese of Kalamazoo formalized with Fr. Bogdan, the mandated restrictions on the wearing of clerical garb, presenting himself publicly as a priest, celebrating the sacraments publicly, and notification from Fr. Bogdan of any planned travel away from his diocese of residence.

[App’x LJB#2, the Diocese of Kalamazoo Media Release, dated March 21, 2006, pp 1–2.]

No other allegations of sexual abuse were found in the file of Msgr. Bogdan.

**(2) FR. DENNIS A. BOYLAN
(LISTED ON THE DIOCESE OF KALAMAZOO AND THE BISHOP
ACCOUNTABILITY SITES.)**



Born: September 1, 1947

Ordained: May 18, 1974

Removed from Ministry, Diocese of Kalamazoo: August 1988

**Excardinated from Diocese of Kalamazoo/Incardinated into Diocese of
Amarillo, Texas: 1995**

Laicized: 2005

Died: January 20, 2018

Fr. Dennis A. Boylan was born on September 1, 1947, and was ordained to the priesthood for the Pontifical Institute of Foreign Missions (P.I.M.E.). (App'x DAB#1, Fr. Dennis Boylan Obituary, *Kalamazoo Gazette*, dated January 28–February 1, 2018.) His ministry in the Diocese included service at St. Augustine Cathedral in Kalamazoo, St. Philip Church in Battle Creek, SS Cyril & Methodius Church in Gun Lake, St. Stanislaus Church in Dorr, and St. Mary Church in Niles. (App'x DAB#2, Diocese of Kalamazoo News Release, Statement on Father Dennis Boylan, dated July 8, 2002.) Fr. Boylan was removed from ministry in August of 1988 by the Diocese, after it received allegations of sexual misconduct. (*Id.*) He thereafter worked secular jobs outside of Michigan, and in May of 1995 was incardinated into the Diocese of Amarillo (Texas), where he resumed priestly ministry “under a supervised program.” (*Id.*) In 2002, Fr. Boylan was “removed” from ministry in the Diocese of Amarillo “due to sexual abuse allegations.”⁵ In November 2005, he was dismissed from the clerical state by the Congregation of the Doctrine of the Faith at the request of the Diocese of Amarillo as Fr. Boylan had been “accused of numerous instances of sexual abuse of minors, in a diocese outside of Amarillo.” (App'x DAB#2-1, “Official Statement regarding the laicization of Rev. Dennis Boylan.”) Fr. Boylan died on January 20, 2018. (*Id.*)

On April 27, 2006, Deacon Pat Hall met with John Doe² regarding sexual abuse allegations against Fr. Boylan that took place against him and other boys that he

⁵ See <https://www.bishop-accountability.org/dioceses/usa-tx-amarillo/> regarding Fr. Dennis A. Boylan Fr. Dennis A. Boylan – BishopAccountability.org (bishop-accountability.org) (last accessed May 10, 2024.)

said took place in 1981 and 1982 when he was 12- and 13-years old. (App'x DAB#3, Meeting notes of Deacon Patrick Hall, dated April 27, 2006.) The meeting notes digested the allegations of sexual abuse as follows:

JD2 [referring to John Doe2] alleges that DB [referring to Fr. Dennis Boylan] had him sleep over several times at the rectory with other boys in 1981–1982 when he was 12–13 years old. They would watch R rated movies or go to them at the theater. The boys would wander around the rectory and he remembers finding homosexually oriented books that they looked at. There was also wine around the rectory that the boys would sneak drinks of. JD2 says DB would pull all the beds into his room and some of the kids had to sleep in bed with him. During the night DB would pull down JD2's pj's and rub his partially severed finger on his anus. Then he would get right up next to him and rest his penis on his butt and grab for his genitals. He would get frustrated, rollover, and masturbate. One time JD2 was so upset that he was shaking and DB gave him two pills to calm down. JD2 only took one of the pills, which he later in life identified as Valium, and threw the other one away. JD2 says this happened to him 3–4 times. [Id.]

According to the notes from April 2006, John Doe2 indicated that he spoke with "+pvd," apparently referring to Bishop Donovan (Paul V. Donovan), in 1987, and that he was assured that "DB was not in ministry." (Id.) The notes indicate that "+pvd does not remember this conversation." (Id.) Deacon Hall also indicated that he "informed JD2 that what he is reporting is a crime and that I would help him report it to the police." (Id.) He said that "he declined to do this at this time." He also signed a document reflecting this notification. (App'x DAB#4, Diocese of Kalamazoo Notification of Freedom to Report signed by John Doe2, dated April 27, 2006.) The Diocese also offered to pay for counseling, which Doe2 accepted. (App'x DAB#3, Meeting notes of Deacon Patrick Hall, dated April 27, 2006.)

In handwritten notes dated May 30, 2006, John Doe2 stated that, when he was a student at a Catholic school, he was "repeatedly subject to sexual advances from Dennis Boylan who was our pastor at the time." (App'x DAB#5, Handwritten statement of John Doe2, dated May 30, 2006, p 1.) John Doe2 alleged that Fr. Boylan took him to "R" rated movies and put his arm around him, stroking his hair and shoulders. (Id.) He also alleged that, after swimming or taking a shower, Fr. Boylan would towel off his back side. (Id.) John Doe2 wrote the following:

On one particular night while sleeping in bed with him, (he would make us boys sleep in bed with him. He would sometimes pull an extra single size bed from one of the two spare bedrooms upstairs and set it up right next to his bed to make one king sized bed) he proceeded to curl up next to me in bed and started to caress my body. I lay there

shaking as I was scared to death and did not know what to say or do to make him stop. He kept tugging my pajama bottoms down little by little until he could reach his finger (his finger was severed at the end) down my underwear and start to rub the crack of my butt with the severed end of his fingertip. He would then continue to tug at my pajama bottoms and try to get them down further. He then proceeded to pull out his own penis and press it up against my butt. I was shaking, and scared to death. I tried to roll further away from him and I could feel his penis fall off my butt. This repeated a couple of times and he got out of bed and went into his upstairs bathroom and came back with a prescriptions bottle. He then told me to take two pills that he handed me that were small and pinkish in color along with a glass of water. He told me "these will help you fall asleep." I would later recognize these pills to be valium when I was treated for a back injury later in life. He then climbed back into bed and attempted to snuggle up next to me again. He eventually rolled back over on his back and proceeded to masturbate. I could hear the ruffle of the sheets behind me and assumed that's what he was doing but I did not want to turn around and look.

[*Id.* at 2.]

(3) FR. ROBERT E. CONSANI

Born: May 15, 1931

Ordained: June 1, 1963

Retired to senior priest status: July 30, 1997

Ministry Restricted: March 28, 2024

Fr. Robert E. Consani was born on May 15, 1931, in Franklin Mine, Michigan, and was ordained to the priesthood on June 1, 1963, in Lansing, Michigan. (App'x REC#1, Priest information and appointment sheet.) He is currently a retired priest in residence at St. Monica Parish in Kalamazoo incapable of ministry due to terminal infirmity.⁶

In a handwritten letter dated October 15, 2003, Jane Doe3 wrote to Diocese of Kalamazoo Chancellor Edward Carey and alleged that, after a funeral service that was held at the First United Methodist Church in Plainwell, in which Fr. Consani participated, Fr. Consani kissed her husband, John Doe4, on the mouth. (App'x REC#2, Handwritten letter from Jane Doe3 to Carey, dated October 15, 2003.) She further alleged that Fr. Consani sat next to her husband during the luncheon “and proceeded to grope him under the table.” (*Id.*) John Doe4 wrote a similar letter to Carey, alleging that Fr. Consani “embraced me and French kissed me several times, then while we were at [the] table he repeated the kiss and groped me in full view of the guests.” (App'x REC#3, Letter from John Doe4 to Carey, dated October 15, 2003.)

According to a November 5, 2003 narrative report, Carey met with John Doe4 and Jane Doe3, and noted that John Doe4 alleged that Fr. Consani French-kissed him three times, the first time in the church vestibule, the second time in an elevator, and the last time upstairs in the building on their way out. (App'x REC#4, Narrative of Incident re Fr. Robert Consani, dated November 5, 2003.) He also alleged that during the luncheon, Fr. Consani “placed his hand on the inside of his leg and was rubbing it.” (*Id.*) According to this narrative, Fr. Consani admitted that he and John Doe4 kissed twice, the first by accident, and the second he said was “initiated” by John Doe4. (*Id.*) Fr. Consani also claimed that he might have patted the man’s leg in “a consoling way,” but denied stroking the man’s leg in the manner John Doe4 alleged. (*Id.*) Apparently, both Fr. Consani and John Doe4 were 72 years old at the time of this incident. (*Id.*)

In the additional information section of this November 5, 2003 narrative report, the Chancellor noted that Fr. Consani had an “exemplary record,” there had been no prior complaints, and that Fr. Consani was known to be a “hugger and a kisser,”

⁶ Fr. Consani is listed as a retired priest in residence under clergy staff for St Monica’s Church. See <https://stmonicachurchkzoo.com/clergy> (last accessed May 10, 2024.)

and that since this incident the Chancellor had learned that two other individuals in “observing his past conduct” had stated that it was a “bit too much.” (*Id.*)

In a November 20, 2003 facsimile from the Diocese of St. Petersburg (Florida), Joan Morgan who was the Vice Chancellor for that diocese faxed Ed Carey a “file notation” that “we discussed today” asking for further updates on Fr. Consani if he “decides to winter here.” (App’x REC#5, Fax from Diocese of St. Petersburg to Ed Carey, dated November 20, 2003). The notation provided in full:

August 12, 2003

Msgr. Harry Bumpus called this morning about Fr. Robert Consani, a retired priest of Kalamazoo and winter resident of Sun City Center. Fr. Consani has been helping out in Prince of Peace in past years.

Msgr. Bumpus will not allow Fr. Consani to continue to help at Prince of Peace. Several reliable witnesses have complained about Fr. Consani’s inappropriate touching and kissing.

[*Id.* at 2.]

In an interoffice memorandum dated May 12, 2004, Fr. Consani was evaluated by a medical professional on October 22, 2003, and the following day October 23, 2003,⁷ he was removed from ministry. (App’x REC#6, Interoffice Memorandum from Edward Carey to Bishop Murray, dated May 12, 2004.) He was then sent to the St. Luke Institute for a one-week evaluation, after which he began weekly therapy with the medical professional and spiritual direction. (*Id.*) The following March 2004, the professional recommended to Bishop Murray that Fr. Consani be returned to active ministry. (*Id.*)

On September 1, 2006, John Doe⁵ reported to the Diocese that in 2001–2002, Fr. Consani had tried to kiss him one time and, on another occasion, tried to French-kiss him. (App’x REC#7, Handwritten notes of Ed Carey, dated September 1, 2006, p 1.) John Doe⁵ alleged that Fr. Consani also told John Doe⁵ that he had “intimacy problems.” (*Id.*) On September 8, 2006, the three men met at which Fr. Consani “apologized,” and they had a “good communication,” which appeared to have “relieved and gratified John Doe⁵.” (*Id.* at 2.)

In September 2008, Jane Doe⁶ reported that Fr. Consani had engaged in “improper conduct” toward her brother, John Doe⁷, a 71-year-old man with “mental

⁷ The Interoffice Memorandum as typewritten identifies the date of the evaluation and removal as occurring 2004, but the handwritten document identifies those dates as 2003, which is consistent with the date of the date of the memorandum in 2004.

limitations.” (App’x REC#8, Incident # 0809-2 Report of Deacon Patrick Hall, dated August 30, 2008, p 1.) During an interview with Deacon Hall, John Doe7 alleged that Fr. Consani twice tried to kiss him and put his hand on top of John Doe7’s right thigh “and creped [sic.] his hand placing it over the fly of John Doe7’s pants right over his penis.” (*Id.* at 2.) Deacon Hall found John Doe7 to be “very credible in his demeanor and reasoning.” (*Id.*) John Doe7 advised Deacon Hall that the former did not seek criminal prosecution and signed a handwritten paper declining to prosecute. (*Id.*; App’x REC#9, Handwritten statement signed by John Doe7, dated September 11, 2008.) The files indicate that there was some discussion whether Fr. Consani was suffering from dementia or some other form of diminished capacity.

In October 2008, Jane Doe8 told Deacon Pat Hall that in 2006, sometime before Fr. Consani left for his annual winter stay in Florida, she and her husband, John Doe9, went to Mass early and were greeted by Fr. Consani, with whom she and her husband were close. Jane Doe8 reported three incidents related to her husband John Doe9. (App’x REC#10, Incident # 0809-3 Report of Deacon Patrick Hall, p 2.) It was usual for Fr. Consani to greet them both with a hug and a kiss on the lips. (*Id.*) According to this report, however, her husband told her that, on this particular day (Incident #1), “Fr. Consani tried to put his tongue into John Doe9’s mouth.” (*Id.*) For Incident #2, Jane Doe8 alleged that her husband told her it happened again on another Sunday before Mass, and a third time (Incident #3), when, not only did Fr. Consani allegedly try to put his tongue into John Doe9’s mouth, but he also allegedly groped him. (*Id.*) A friend of Jane Doe8 later called her and said she witnessed the alleged incident. (*Id.*) At the time Jane Doe8 reported these incidents, John Doe9 was deceased, dying at the age of 71 in January 2008. (*Id.*)

After the interviews with Jane Doe8 and John Doe7, Deacon Hall later contacted each of them to advise that the Bishop ordered Fr. Consani to undergo a psychological examination, and further determinations regarding Fr. Consani would be made based on the results of this examination. (App’x REC#10, Incident # 0809-3 Report of Deacon Patrick Hall, p 3; App’x REC#8, Incident # 0809-2 Report of Deacon Patrick Hall, p 3.) Deacon Hall also advised that the pastor of St. Monica Parish would be monitoring Fr. Consani. (*Id.*) (“[K]eep a close eye on Fr. Consani so as to prevent any further such incidents”).

On July 2, 2018, Deacon Hall received a page on the diocesan 24-hour hot line from Jane Doe10, a St. Monica Church parishioner. (App’x REC#11, Email chain from Pat Hall to Bishop Bradley and Msgr. Osborn, starting on July 2, 2018, p 2.) Jane Doe10 alleged that she saw Fr. Consani French kiss John Doe11 in St. Monica Church after Mass and in “public view,” stating that “John Doe11 is around 60-65 years old and seemed to be mutually engaged.” (*Id.*) Fr. Consani was 87 years old on the date of this incident.

On July 6, 2018, Deacon Hall spoke to both John Doe11 and Fr. Consani about the alleged incident. (*Id.* at 1.) John Doe11 told Deacon Hall that it was usual for John Doe11 and Fr. Consani to kiss on the lips; however, during his latest encounter, he said he felt Fr. Consani's tongue. (*Id.*) John Doe11 told Deacon Hall that he did not wish to have a romantic relationship with Fr. Consani, as he did not like him in "that way." (*Id.*) John Doe11 told Deacon Hall that "he [wa]s ok, that he [wa]s not distressed over the incident, but would appreciate everyone's discretion as news of this could prove harmful." (*Id.*)

Also on July 6, 2018, Fr. Consani advised Deacon Hall that he was remorseful and had already gone to confession regarding the incident. (*Id.*) He admitted that he kissed John Doe11 with his tongue and "he vows to never allow such a thing [like that] again." (*Id.*) As a result of these meetings, Deacon Hall recommended that Fr. Larry Farrell, pastor of St. Monica's be updated, and that he contacted Jane Doe10 to let her know that "her concern was taken seriously," and that "there will be no repeat of Fr. Consani's behavior." (*Id.* at 2.)

In his July 7, 2018 email, Bishop Paul Bradly indicated to Deacon Hall that "you've covered all the bases well so far," that he "support[ed] your recommended next steps," and "will await your final recommendations." (*Id.* at 1.)

In 2023, as part of the Department's investigation, MSP Sgt. Todd Workman investigated the allegations made by John Doe4, John Doe5, Jane Doe8, John Doe7, and John Doe11 and discovered that all of the alleged victims were deceased, with the exception of John Doe7. (App'x REC#12, MSP Original Incident Report NIS-0000001-23, p 4.) According to his sister, John Doe7 was in an assisted-living home, suffering from dementia, "unable to recall historical facts," and "not well enough to be interviewed." (*Id.* at 3.) Consequently, the investigation was closed without further action.

In a letter dated March 28, 2024, Bishop Edward Lohse wrote to Fr. Consani about issuing a "penal precept," recognizing that his "health situation is such that you are no longer able to function in priestly ministry, but justice and the good order of the Church require that I not permit this matter to go unaddressed." (App'x REC#13, Letter from Bishop Edward Lohse to Fr. Consani, dated March 28, 2024.) In the penal precept, Bishop Lohse issued a decree that Fr. Consani is "prohibited from engaging in any inappropriate conduct with adult men, indeed with anyone," and that he was "permitted to celebrate Mass with no other member of the faithful present." (App'x REC#14, Decree imposing a Penal Precept, dated March 28, 2024.)

**(4) FR. THOMAS FRANCIS DEVITA
(LISTED ON THE DIOCESE OF KALAMAZOO AND THE BISHOP
ACCOUNTABILITY SITES.)**



Born: April 8, 1947

Ordained: March 18, 1978

Suspended and Voluntary Administrative Leave: June and July 2002

Died: December 13, 2013

Fr. Thomas Francis DeVita was born on April 8, 1947, in Brooklyn, New York, and was ordained to the priesthood on March 18, 1978, in Rockville Centre, Long Island, New York. (App'x TFD#1, Priest information and appointment sheet, p 1.) Fr. DeVita was incardinated into the Diocese of Kalamazoo on August 28, 1999, resigned on September 29, 2003, and died on December 13, 2013. (*Id.* at 1–2.)

In a letter dated August 16, 2002, Bishop James Murray of Kalamazoo explained that Fr. DeVita was initially ordained for the Diocese of Rockville Centre (New York), and, later in that same year of ordination, he allegedly engaged in a short sexual relationship with a 16-year-old male in 1978 while he was 30 years old, having terminated the relationship within a month. (App'x TFD#2, Letter from Bishop James Murray of Kalamazoo to Cardinal Joseph Ratzinger, Prefect of the Congregation for the Doctrine of the Faith, dated August 16, 2002, p 1.) In 1993, the mother of the 16-year-old male, who was then 31 years old, reported the relationship to the Rockville Diocese and demanded \$300,000.00. (*Id.*)

According to this letter, the bishop of Rockville Centre advised Fr. DeVita that, because of adverse publicity, he could not provide Fr. DeVita with an assignment within that diocese, but he permitted Fr. DeVita to seek an assignment in another diocese. (*Id.*) Fr. DeVita thereafter served in the Diocese of Venice (Florida) for 14 months; however, the bishop of that diocese would not incardinate him because negative comments were being made among the presbyterate regarding the New York allegation and “some of his personal actions while in the diocese.” (*Id.*) Fr. DeVita next served in the Diocese of Palm Beach (Florida) for five months, after which he was dismissed because a member of the presbyterate there threatened to make the New York allegation public. (*Id.* at 1–2.)

The August 2002 letter further explained that after his dismissal from the Diocese of Palm Beach, it was recommended to Fr. DeVita that he approach then Bishop

Alfred Markiewicz of the Diocese of Kalamazoo, because Bishop Markiewicz had served as an auxiliary bishop in the Rockville diocese and was aware of Fr. DeVita's situation. (*Id.* at 2.) In 1995, Bishop Markiewicz welcomed Fr. DeVita into the Kalamazoo Diocese and appointed him to serve as administrator of St. Mary of the Lake Parish, located in New Buffalo, Michigan. (*Id.*)

In 1997, Bishop Markiewicz passed away, and Bishop Murray succeeded him, and he noted in this August 2002 letter that he was "fully informed of Father DeVita's situation," and that he accepted him "as a candidate for incardination." (*Id.*)

In 1998, one of Fr. DeVita's parishioners discovered the New York allegation made against him and wrote an anonymous letter to all of the parishioners regarding the prior incident. (*Id.*) In response, and with Bishop Murray's permission and presence, Fr. DeVita told his parishioners, at every weekend Mass, about his brief relationship with a 16-year-old male in 1978. (*Id.*) Fr. DeVita also disclosed that he had undergone three psychological evaluations that determined he was fit to minister and asked for the forgiveness from the parishioners and their approval for him to continue in his assignment as administrator of the parish. (*Id.*) At each Mass, Fr. DeVita received a standing ovation, and the parish council supported him unanimously. (*Id.*) Consequently, Fr. DeVita was incardinated into the Diocese of Kalamazoo on August 28, 1999, and appointed pastor of the parish. (*Id.*)

On June 14, 2002, the United States bishops approved the Charter for the Protection of Minors and Young People, which required priests who had ever engaged in sexual misconduct with a minor be removed from public ministry. (*Id.*) On June 19, 2002, Fr. DeVita was placed on administrative leave. (*Id.* at 2.) Bishop Murray indicated that he was "committed to remove Fr. DeVita from active ministry." (*Id.*) On August 16, 2002, Bishop Murray wrote to Cardinal Joseph Ratzinger, seeking instruction as to whether Fr. DeVita "should be restored to active ministry." (*Id.* at 3.) Bishop Murray indicated that because Fr. DeVita having been forthcoming about his "sinful and criminal actions," having three positive evaluations, having showed great courage to his parishioners, and having ministered "fruitfully and conscientiously," Bishop Murray opined that "[i]t would seem that his case is one in which compassion, mercy and reconciliation should be exercised." (*Id.* at 3.)

On June 19, 2002, Bishop Murray executed a decree in which he suspended Fr. DeVita from public ministry, taking effect on July 31, 2002, leaving Fr. DeVita with the right to celebrate Mass privately. (App'x TFD#3A, Decree of June 19, 2002.) The action was taken "[o]ut of pastoral concern for Father DeVita and the faithful of his parish." (*Id.*; App'x TFD#3B, Letter from Bishop Murray to Fr. DeVita indicating his suspension from public ministry, dated June 19, 2002.)

On July 8, 2002, Fr. DeVita wrote a letter to Bishop Murray requesting that he revoke his June 19, 2002 decree, indicating that he was going to pursue an appeal to Rome to vindicate “my canonical right to due process.” (App’x TFD#4, Letter from Fr. DeVita to Bishop Murray, dated July 8, 2002.)

On July 29, 2002, Bishop Murray rescinded the suspension, accepting his “voluntary administrative leave” in which he agreed not to “publicly exercise” his ministry as a priest. (App’x TFD#5, Letter of Bishop Murray to Fr. DeVita, dated July 29, 2002.)

Four years earlier, in September 1998, Bishop Robert Lynch, acting as Apostolic Administrator of the Diocese of Palm Beach, wrote Bishop Murray to inform him that a seminarian alleged that Fr. DeVita had “inappropriately touched him” when the two were serving at Our Lady Queen of Apostles Parish in Royal Palm Beach. (App’x TFD#6, Letter from Bishop Lynch to Bishop Murray, dated September 8, 1998.) On October 14, 1998, after Bishop Murray followed up with the Chancellor of the Palm Beach Diocese, Fr. Michael Edwards advised that the seminarian and his counselor reported that “he was the object of a sexual encounter with Father Thomas DeVita.” (App’x TFD#7, Letter from Fr. Michael Edwards to Bishop Murray, dated October 14, 1998.) No details of the alleged sexual misconduct were provided. Chancellor Edwards wrote that the counselor said she had no reason to doubt the truthfulness of the seminarian; however, there was “no record of an investigation.” (*Id.*)

In a handwritten letter dated October 21, 1998, Fr. DeVita denied having said or done anything inappropriate to the seminarian, contending that “I never did or said anything which was inappropriate or compromising”; “If that is the claim or accusation, it is false and untrue.” (App’x TFD#8, Handwritten letter from Fr. DeVita to Bishop Murray, dated October 21, 1998, p 5.) In letter dated November 4, 1998, Bishop Murray thanked him for the letter and indicated his “continuing trust in you.” (App’x TFD#9, Reply letter from Bishop Murray to Fr. DeVita, dated November 4, 1998.)

Just a few months before Bishop Murray issued his suspension decree in 2002, in a May 2002 letter, then Fr. James Murtagh who was the Apostolic Administrator of the Diocese of Palm Beach wrote in response to Bishop Murray’s April 24, 2002 inquiry that the 1998 allegation against Fr. DeVita had been “verbally” made, and “never investigated” because Fr. DeVita left the Diocese of Palm Beach. (App’x TFD#10, Letter of Fr. James Murtagh to Bishop Murray, dated May 7, 2002.)

In response to Bishop Murray’s 2002 request for guidance, in a letter dated February 10, 2003, the Congregation for the Doctrine of the Faith determined that Fr. DeVita could continue to “exercise public ministry” in a letter marked “confidential”:

Having examined the case in question, it has been judged that no useful purpose would be served by initiating a penal process against Rev. DeVita since the demands of Canon 1341 have already been sufficiently satisfied. Consequently, the cleric is to be allowed to exercise public ministry, on condition that your Excellency is satisfied that he does not constitute a risk to minors and that his ministry, far from causing scandal, would actually be beneficial to the faithful.

[App'x TFD#11, Letter from Archbishop Angelo Amato, SDB, to Bishop James Murray, dated February 10, 2003.]

In a letter dated September 29, 2003, Fr. DeVita resigned his position as pastor of St. Mary of the Lake Church, and his resignation was accepted by Bishop Murray by letter dated October 13, 2003. (App'x TFD#12, Letter from Fr. DeVita to Bishop Murray, dated September 29, 2003; App'x TFD#13, Letter from Bishop Murray to Fr. DeVita, dated October 13, 2003.)

On July 29, 2004, Bishop Murray notified the Congregation for the Doctrine of the Faith that he “concluded that allowing Fr. DeVita to exercise public ministry at this time would not be ‘far from causing scandal’ and would not ‘actually be beneficial to the faithful.’ ” (App'x TFD#13.5, Letter from Bishop Murray to Archbishop Angelo Amato, SDB, dated July 29, 2004.) This letter was written in response to a July 5, 2004 letter from the Congregation asking that it be “apprised of any progress” in Fr. DeVita’s case in light of Fr. DeVita’s “communication.” (*Id.*) The July 5, 2004 letter from the Congregation is not in the file.

On June 13, 2013, Fr. DeVita wrote a letter to Pope Francis upon his election, asking to be returned to priestly ministry. (App'x TFD#14, Letter (unsigned) from Fr. DeVita to Pope Francis, dated June 13, 2013.) In the letter, he acknowledged that 35 years earlier in 1978 “he briefly acted improperly with a sixteen year old teenage boy,” but he said that “feeling guilty” and that this “sin and crime was never repeated with him or any other child or teenager ever again.” (*Id.* at 1.) He also reiterated that he had “three major psychological tests – all showing that I am not a threat or danger to anyone.” (*Id.*) He noted that in 2003 the Congregation had granted his appeal for reinstatement but that “I was not returned to ministry upon the advice of two diocesan priest canon lawyers.” (*Id.*) He asked for “a second chance.” (*Id.*)

On June 14, 2014, Bishop Paul Bradley also wrote a letter enclosing Fr. DeVita’s letter and he indicated that he met with the other bishops in Michigan about his possible reinstatement given his view that Fr. DeVita as a man “who loves the Church and loves his priesthood”:

I have discussed Tom’s situation with the Metropolitan of the Province of Michigan, Archbishop Allen Vigneron, and my brother Bishops here

in Michigan. Due to the clear provisions of the *Charter for the Protection of Children and Young People* published by the United States Bishops, they do not see any way that Thomas DeVita can be returned to ministry, even in limited ways.

[App'x TFD#15, Letter from Bishop Paul Bradley to Pope Francis, dated June 14, 2013.]

Further in this June 14, 2013 letter, Bishop Bradley explained that he had “tried to explain all the reasons why he cannot be returned to ministry” to Fr. DeVita, but that he had asked the bishop as a “last resort” to ask the Pope “directly if you would grant this request” and that he would “comply” if he granted the request or help Fr. DeVita to accept the decision if denied. (*Id.* at 2.) In a second June 14, 2013 letter, Bishop Bradley asked the papal nuncio, Archbishop Carlo Maria Viganó, to convey these letters to Pope Francis. (App'x TFD#16, Letter from Bishop Bradley to Archbishop Carlo Viganó, dated June 14, 2013.)

No response to those letters was found in the file. Fr. DeVita was not returned to ministry, and he died in December 2013. (App'x TFD#1, Priest information and appointment sheet, p 1.)

**(5) FR. RICHARD A. FRITZ
(LISTED ON THE DIOCESE OF KALAMAZOO AND THE BISHOP
ACCOUNTABILITY SITES.)**



Born: May 29, 1947

Ordained: May 23, 1975

Retired to Senior Priest Status: 2017

Faculties withdrawn: February 21, 2020

Fr. Richard Fritz was born on May 29, 1947, in Detroit, Michigan, and was ordained to the priesthood on May 23, 1975, for a religious order. (App'x RAF#1, Priest information and appointment sheet.) Fr. Fritz was incardinated into the Diocese of Kalamazoo on November 24, 1981. (App'x RAF#2, Diocese of Kalamazoo press release, "Father Fritz Joins Diocesan Clergy," dated February 1, 1982.) Fr. Fritz was formerly a member of the Pontifical Institute of Foreign Missions (P.I.M.E.). (*Id.*) In 2017, Fr. Fritz was charged with embezzling more than \$100,000.00 from two churches, but those charges were ultimately dismissed.⁸ Fr. Fritz retired to senior priest status, effective January 1, 2017. (App'x RAF#3, Letter from Bishop Paul Bradley to Tim Schab of the Michigan Catholic Conference, dated January 11, 2017.) On February 21, 2020, the Diocese announced that it had received an allegation of sexual abuse against Fr. Fritz from the late 1970s to early 1980s that the Diocesan Review Board deemed "credible," and, as such, Fr. Fritz's priestly faculties were withdrawn. (App'x RAF#4, Diocese of Kalamazoo statement regarding Fr. Richard Fritz, dated February 21, 2020.)

In a letter dated September 24, 2004, Jane Doe12 wrote to Bishop James Murray and alleged that Fr. Fritz sexually abused her from the time she was 13 years old to the age of 18, while Fr. Fritz was the associate pastor of St. Philip's Church in Battle Creek. (App'x RAF#5, Letter from Jane Doe12 to Bishop Murray, dated September 24, 2004.) Later, in 2019, Jane Doe12's attorney advised that Jane Doe12's September 2004 letter mistakenly stated that the alleged sexual abuse occurred when she was 13 years old, clarifying that he did "not believe that she was under 16" years of age when it began. (App'x RAF#15, Audio recording of Special

⁸ See <https://www.mlive.com/news/kalamazoo/2020/02/southwest-michigan-retired-priest-under-investigation-for-sex-abuse-diocese.html> (last accessed May 10, 2024.)

Agent Standfest's interview with Jane Doe12's and her attorney, August 8, 2019, p 31.⁹ Jane Doe12 was born September 1961. (*Id.* at 9.)

Attached to Jane Doe12's September 2004 letter were a four-page handwritten letter purported to have been penned by Fr. Fritz and a 1981 letter from Fr. Fritz to Bishop Donovan. (App'x RAF#6, a four-page handwritten letter to Jane Doe12, dated November 11, 1981; App'x RAF#7, Letter from Fr. Richard Fritz to Bishop Paul Donovan, dated November 12, 1981.)

In the four-page handwritten letter from November 11, 1981, Fr. Fritz directed the letter to "Jane Doe12," but the letter was addressed to God and referred to Jane Doe12 in the third person. (App'x RAF#6, Four-page handwritten letter, p 1.) The letter included statements of his love for her and sexual attraction to her:

Jane Doe12 is a very attractive young woman, Lord, fine body and excellent mind.

* * *

I cannot tell you enough, Lord, how deep is my love for that young woman. However, you, Lord, have helped me overcome my deeper feelings for her. It is merely a sexual attraction now because I know there can be no more than that ever. [*Id.* at 1–2.]

In this same November 1981 letter, it indicated that Fr. Fritz had "kissed" her, and with regard to his sexual attraction to her, the letter noted that God had "asked me to cool it and I have":

When I have kissed her lately, Lord, it has only been in good friendship and honest [vision]. I don't feel that deep ingrained love that once was before but a sexual attraction that comes merely from her outer beauty and feminine perceptual qualities. Lord, I could love her more deeply, but you have asked me to cool it and I have. [*Id.* at 3.]

With respect to the letter dated November 12, 1981, which was addressed to Bishop Donovan, it indicated that Fr. Fritz was "seeking dispensation from the priesthood in order to marry," stating that "[s]exuality is not really the problem," but that "love for another is." (App'x RAF#7, Letter addressed to Bishop Donovan, dated November 12, 1981.) It is not clear whether this letter was actually sent to the bishop, and JaneDoe12 does not think Fr. Fritz sent it to bishop.

In a letter dated September 28, 2004, Bishop Murray replied to Jane Doe12's letter and asked for her telephone number, so that he could call her and speak to her

⁹ The transcript and audio indicate that the interview occurred on August 8, 2013, Tr, p 2, but this would appear to be an inadvertent error.

directly. (App'x RAF#8, Letter from Bishop Murray to Jane Doe12, dated September 28, 2004.) Bishop Murray also wrote that he would like to talk to her about having Ed Carey, his delegate, visit her personally, where she lived, to obtain more information regarding the matter. (*Id.*)

In a letter dated October 8, 2004, Bishop Murray again wrote to Jane Doe12, having not heard from her, reiterating what he wrote in his first letter and also letting her know that she could contact Carey directly, if she happened to call during the bishop's upcoming vacation. (App'x RAF#9, Letter from Bishop Murray to Jane Doe12, dated October 8, 2004.) There was no record in the file as to whether Jane Doe12 replied to Bishop Murray's letters or whether she spoke with Bishop Murray or Carey.

A few weeks earlier, according to a September 29, 2004 memorandum, Edward Carey spoke with Msgr. William Fitzgerald, the pastor to whom Jane Doe12 and her sister allegedly reported the alleged sexual abuse. (App'x RAF#10, Interoffice Memorandum of Edward Carey, dated September 29, 2004.) Carey wrote that he met with Msgr. Fitzgerald, and the latter told him that he did not recall meeting with Jane Doe12 and her sister, although he did state that he knew Jane Doe12 and her family well. (*Id.*) Carey also wrote that Msgr. Fitzgerald did not recall discussing the matter with Fr. Fritz or Bishop Donovan. (*Id.*) Msgr. Fitzgerald also told Carey that he had no reason to believe that Fr. Fritz had been transferred to Coldwater for any reason other than the pastoral needs there. (*Id.*)

In a statement handwritten by Fr. Fritz that apparently was from October of 2004,¹⁰ he wrote the following regarding his relationship with Jane Doe12:

As I came over [to the Jane Doe12 family home] more and more in late 1980 into 1981, I found myself kissing her more often. She did not back away nor did she feel threatened in any way. I did not date her nor was I ever outside the home when this occurred. One or both parents were always at home. In 1981 I wrote Jane Doe12 a letter telling her that it was impossible for us to be together. I had hoped this would stop our seeing each other. It did not.

[App'x RAF#10-1, Undated handwritten three-page letter from Fr. Richard Fritz to "To Whom it May Concern," p 2.]

¹⁰ The letter was apparently written by Fr. Fritz in or about October of 2004 because notes written by Edward Carey, dated October 13, 2004, regarding a meeting he and Bishop Murray had with Fr. Fritz, refer to the Fr. Fritz letter as being attached ("his summary of the situation"). (App'x RAF#10-2, Handwritten notes by Edward Carey from meeting with Fr. Fritz, dated October 13, 2004.)

Fr. Fritz also noted that this relationship developed in 1980 after he “started to counsel her,” as she “began to show signs of deep depression,” felt “worthless” and had become bulimic. (*Id.* at 1.)

According to the October 13, 2004 notes of Carey, Fr. Fritz denied “any touching” of Jane Doe12. (App’x RAF#10-2, Handwritten notes from meeting with Fr. Fritz, dated October 13, 2004.)

In May 2005, the bishop’s legal counsel, Michael Chojnowski, wrote to Jane Doe12’s attorney, and advised that Fr. Fritz had not been assigned to St. Philip until August 1, 1978, at which time Jane Doe12 would have been nearly 17 years old,¹¹ and Jane Doe12 alleged that the sexual abuse commenced when she was 12 years old, five years before Fr. Fritz was at St. Philip, which was his first assignment in the Diocese of Kalamazoo. (App’x RAF#11, Letter from Michael Chojnowski to Jane Doe12’s attorney, dated May 26, 2005, p 1.) (The list of appointments for Fr. Fritz indicated that he became associate pastor of St. Philip’s Church on August 1, 1978, p 2.) He also wrote that Fr. James O’Meara was the pastor during the time Fr. Fritz was at St. Philip, not Fr. Fitzgerald as Jane Doe12 had claimed. (*Id.*) Chojnowski further wrote that, because of the discrepancies and inaccurate information provided by Jane Doe12 and her attorney, the “veracity of the allegations” against Fr. Fritz was “questionable.” (*Id.*) In closing, Chojnowski wrote the following:

Bishop Murray has authorized us to renew his invitation to have Mr. Carey meet privately with Jane Doe12. We do not, however, accept as a condition precedent to such a meeting, the Diocese furnish the documents that you have requested [in a letter Jane Doe12’s attorney previously wrote to Bishop Murray]. We believe that it would also be helpful, prior to such a meeting taking place, that you attempt to clarify with Jane Doe12 the discrepancies, as referred to above. If you are able to furnish any more detail with respect to allegations of abuse, and clarify the apparent inaccuracies with regard to when events are alleged to have occurred, and, consequently Jane Doe12’s age at the time, please advise me. [*Id.* at 2.]

On June 1, 2005, Chojnowski emailed the Calhoun County Sheriff’s Office, informing it of the allegation made by Jane Doe12 about sexual abuse that she claimed occurred when she was 12 years old. (App’x RAF#11-2, Calhoun County Sheriff’s Office Incident Report No. 05-0005729, dated September 11, 2018.) Chojnowski forwarded the letters the Diocese had received from Jane Doe 12’s attorney, as well as its letters to Jane Doe12 and her letters to the Diocese. (*Id.* at 1, 2.) The report noted that the Calhoun County Prosecutor indicated that “the statute of limitations had expired in regard[] to any criminal conduct” as alleged.

¹¹ Jane Doe12 turned 17 years old in September 1978.

(*Id.* at 2.) For this reason, the complaint was “closed” and stated that there would be “no further investigation.” (*Id.* at 2–3.)

On August 11, 2005, Chojnowski wrote a follow-up letter to Jane Doe12’s attorney, having not received a reply to his May 26, 2005 letter. (App’x RAF#12, Letter from Michael Chojnowski to Jane Doe12’s attorney, dated August 11, 2005.) Chojnowski wrote to inquire “as to whether Jane Doe12 has been able to clarify any of the apparent discrepancies” and wrote that “[i]f I do not hear from you shortly, I will assume that Jane Doe12 has no further information to provide, and that she also has no interest in meeting with Mr. Carey.” (*Id.*) No record of any reply or follow up from Jane Doe12’s attorney or Jane Doe12 was found among the documents seized in this investigation in 2018.

A few weeks earlier, on July 12, 2005 Carey prepared a written memorandum, summarizing the substance of a meeting that took place on May 23, 2005, among Fr. Fritz, Gerry Alexander, and himself, in relevant part:

Fritz was a little confused as to when he first met JD12 [referring to Jane Doe12]. He does remember that he got to know her better as his friendship with the family grew and after she began working in the rectory on weekends answering the phones. (Payroll records indicate that JD12 began working in the rectory around Nov. 1978.) She was hired by Fritz at the request of the pastor to get someone to answer the phones on weekends.

Fritz said that it was about a year to a year and a half after meeting JD12 that their friendship reached a point where he would give her a supportive hug and a kiss. He is firm that this only happened at the family home and that the nature of the kiss was not sexual. He denied “making out[,]” “French kissing[,]” or any touching of a sexual nature. He did admit to eventually being infatuated with her and struggling with this. At some later time after leaving Battle Creek[,] he did discuss with her possibly leaving the priesthood. He does not remember writing the letters provided by Jane Doe12 in her letter to +JAM. [referring to Bishop James A. Murray.] He readily admits that he was heavily drinking at the time since this was before he was treated for alcoholism.

Fritz was transferred to Coldwater in July 1980. After his transfer[,] he saw Jane Doe12 when he visited the family home and[,] occasionally he would meet Jane Doe12 for a lunch or dinner out. She visited Coldwater once to go out for dinner. Jane Doe12 continued to spiral down into a depression in the fall of 1980. In 1981 Fritz began to try to stop their seeing each other. This was finally accomplished in the spring of 1983 when he transferred to Bridgman. At this time[,] Jane Doe12 would call him repeatedly[,] and he really felt harassed by the calls.

Fritz does not remember ever discussing any of this with Bishop Donovan, Fr. O'Meara, or Fr. Fitzgerald. When he was in Bridgman[,] Fr. Fitzgerald visited him[,] and at the end of the visit told Fritz "you are a good priest and you are going to stay a priest." Fritz isn't sure if this was referring to this relationship with Jane Doe12 or his alcohol problem.

Fritz went to Guest House¹² for treatment of his alcoholism in Feb. 1985. He said he discussed his questions about his sexuality while there and gave me a release to get his records from that time. It seems that the issue was principally about his worry about his sexual orientation. There is no mention of any relationships with women, especially Jane Doe12.

During our interview Fritz was relaxed and very open. He genuinely struggled to place events in the proper time by trying to remember other events at the time (e.g. cars he sold/bought, helping re-roof a Jane Doe12 family barn, his assignment location, other clergy he lived with at the time, etc.)

Although there are several concerns about the inappropriateness of the relationship of Fritz and Jane Doe12[,] of most importance is the question of whether Jane Doe12 was a minor during the time. There is a window of time[,] 11/78- mid 9/79[,] during which Jane Doe12 would have been 17 years old. I do not get the impression from talking with Fritz that his memory of the timeline is manufactured[,] and it seems to hold up under very close questioning. If this is the case[,] then Jane Doe12 would have been 18 when the events in question occurred.

[App'x RAF#13, Memorandum by Edward Carey, dated July 12, 2005, pp 1-2.]

In July 2019, consistent with the Attorney General's investigation, Special Agent Steven Standfest interviewed Jane Doe12's attorney, regarding her allegations of sexual abuse against Fr. Fritz. (App'x, RAF#14, Department of Attorney General Criminal Division Incident Report, Atty Gen Legal Files No. 2019-0227975-A, dated July 16, 2019, pp 1-2.) On August 8, 2019, Special Agent Standfest interviewed both Jane Doe12 and Jane Doe12's attorney regarding these allegations. (App'x RAF#15, Audio recording of Special Agent Standfest's interview with Jane Doe12 and her attorney, August 8, 2019.) During this interview, Jane Doe12 reported that Fr. Fritz visited her family home often and befriended her mother and grandmother

¹² According to its website, Guest House is a treatment center that provides "the information, education, treatment and care needed to assure that Catholic clergy, men and women religious, and seminarians suffering from alcoholism, addictions, and other behavioral health conditions have the best opportunity for quality recovery and overall health and wellness." <https://guesthouse.org> (last accessed May 10, 2024.)

and was instrumental in having her father convert to Catholicism. (*Id.* at 12.) As such, the family considered Fr. Fritz to be a “member of the family.” (*Id.*)

During the August 2019 interview, Jane Doe12 explained that she “believed it was in ‘78’” when Fr. Fritz first came to St. Philip’s Church. (*Id.* at 7.) She alleged that he would “wrestle” with her, and that Fr. Fritz hired her to work in the rectory on weekends in 1978, which was where the first sexual encounter allegedly occurred, (*Id.* at 7, 13–15), and when she would have been 16 or 17 years old.¹³ Jane Doe12 explained that shortly after she started working at the rectory, Fr. Fritz ran into the rectory and kissed her on the lips, startling her. (*Id.*) Jane Doe12 said that the alleged kissing progressed into him hurrying into her office and pushing her up against the wall as he rubbed himself against her. (*Id.* at 15–16.) Jane Doe12 described that when Fr. Fritz rubbed himself against her, he could not control his orgasms, ejaculating very quickly, sometimes in his own pants. (*Id.*) Jane Doe12 further explained that the rubbing contact graduated into Fr. Fritz having her performing oral sex on him, and, on one occasion, he tried, unsuccessfully, to perform anal sex on her. (*Id.* at 17–18.) Jane Doe12 alleged that no vaginal penetration ever occurred; but she stated that more than 50 sexual acts occurred over the years – starting “oral sex at the rectory . . . within three months to the time of his transfer” – with either Fr. Fritz “rubbing” himself against her or having her perform fellatio on him with in-mouth ejaculations. (*Id.* at 17–18, 21, 29–30.) She reported that the alleged sexual abuse made her “feel dirty,” and she started suffering from anorexia and bulimia. (*Id.* at 21.) She also alleged that the sexual abuse continued after Fr. Fritz was transferred from St. Philip’s Church in Battle Creek to St. Charles Church in Coldwater in 1980, which was near her home. (*Id.* at 10–11.) Fr. Fritz was 31 years old when assigned to St. Philip’s on July 1, 1978, and Jane Doe12 was 16, turning 17 on September 1978. (*Id.* at 6, 9.)

Finally, during this August 2019 interview, Jane Doe12 alleged that Fr. Fritz played “mind games” with her and told her she was sent by the devil to tempt him. (*Id.* at 18.) She also alleged that Fr. Fritz wrote a letter to the bishop, as noted above, seeking dispensation from the priesthood so he could marry her, but that he never actually gave it to the bishop, but rather just gave her a copy, so she would think that he did. (*Id.* at 26.) After she could not take any more of the alleged sexual abuse, Jane Doe12 told her sister, Jane Doe13, who made her report it to Fr. William Fitzgerald, who was then pastor of St. Philip Parish. (*Id.* at 17, 19–20.) Jane Doe12 alleged that Fr. Fitzgerald told her and her sister to tell their parents immediately, and Fr. Fitzgerald called her parents to let them know that their

¹³ According to her employment records as cited by Carey in his July 12, 2005 memorandum (App’x RAF#13) Jane Doe12 started in the rectory in November 1978, when she would have been 17 years, and Fr. Fritz was assigned as associate pastor of St. Philip in Battle Creek in August 1978. (App’x RAF#1.)

daughters were on their way home, and the parents needed to listen to what the girls had to say. (*Id.* at 22.)

Trooper Standfest's detailed interview with Jane Doe12 was thereafter provided to the Diocese of Kalamazoo and its Review Board. On February 21, 2020, the Diocese of Kalamazoo withdrew Fr. Fritz's priestly faculties, after finding Jane Doe12's allegations of sexual abuse to be "credible." (App'x RAF#4, Diocese of Kalamazoo statement regarding Fr. Fritz, dated February 21, 2020.)

**(6) FR. ROBERT R. GERL
(DIOCESE OF LANSING’S STATEMENT OF CREDIBLE ALLEGATION.)**



Born: February 10, 1951

Ordained: February 10, 1979

Faculties removed by Diocese of Lansing: October 2018

Fr. Robert R. Gerl was born on February 10, 1951, in Milwaukee, Wisconsin, and was ordained to the priesthood on February 10, 1979, at St. Mary Cathedral in Lansing. (App’x RRG#1, Priest information and appointment sheet, p 1.) He was a priest of the Diocese of Lansing, who had his priestly faculties removed by that diocese in October of 2018, as a result of “a credible allegation of sexual assault of an adult male which occurred decades ago.” (App’x RRG#2, Diocese of Lansing Statement on Fr. Robert Gerl, dated October 5, 2018.) Fr. Gerl was never incardinated into the Diocese of Kalamazoo, but he resided within the Diocese and worked as a professional educator and psychologist for the Allegan Intermediate School District. (App’x RRG#3, Diocese of Kalamazoo Statement, dated April 10, 2002.) Fr. Gerl also assisted at Sunday Masses for parishes within the Kalamazoo Diocese and provided counseling services for Catholic Family Services. (*Id.*) Fr. Gerl was never provided “an official assignment” within the Diocese of Kalamazoo. (App’x RRG#13, Letter from Bishop Paul Bradley to Bishop Earl Boyea of Lansing, dated December 22, 2009.)

In 1985, Fr. Gerl was arrested “for soliciting an undercover police officer for sex at a truck stop near Lansing.” (App’x RRG#4, “Parents learn about priest’s criminal record,” News 3, WWMT-News, dated April 10, 2002.) On January 24, 1986, Fr. Gerl’s no-contest plea to the lesser crime of disorderly conduct was entered via a “Plea by Mail” form. (App’x RRG#4-1, *People of the State of Michigan v. Robert Raymond Gerl*, Plea by Mail, Ingham County District Court Case No. 85-3397, dated January 24, 1986.) On October 4, 2001, Fr. Gerl moved to set aside his conviction, and on October 11, 2001, his conviction was expunged. (App’x RRG#5, Application to Set Aside Conviction, 55th District Court Case No. 85-3397-SM, dated August 15, 2001; App’x RRG#6, Order on Application to Set Aside Conviction, dated October 11, 2001.)

In September 1989, in an undated letter, Fr. John Grathwohl wrote to Bishop Paul Donovan, at the request of a parishioner, to report that Fr. Gerl allegedly had “openly so[licit]ed homosexual involvement at parties and other places.” (App’x RRG#7, Undated letter to Bishop Donovan from Fr. John Grathwohl.)

In June of 1997, Msgr. James Murray, then Moderator of the Curia for the Diocese of Lansing,¹⁴ wrote to Msgr. Eugene Sears, Administrator of the Diocese of Kalamazoo, to confirm that Bishop Carl Mengeling of Lansing agreed to an assignment of Fr. Gerl to St. Thomas More Student Parish in Kalamazoo and also to confirm that Msgr. Sears had “been fully informed of Father Gerl’s history,” including his arrest and conviction in 1986, referred to as “a charge of disorderly conduct in a public place.” (App’x RRG#8, Letter from Msgr. James Murray to Msgr. Eugene Sears, dated June 13, 1997, p 1.) Msgr. Murray also wrote that Fr. Gerl had undergone a psychological assessment and was found to be a “fine priest” who had not been, nor would he become, a pedophile, and who was “in no sense a predator.” (*Id.*) According to the priest information and appointment sheet, Fr. Gerl was appointed as parochial vicar (assistant pastor) at St. Thomas More Student Parish in Kalamazoo on July 1, 1997. (App’x RRG#1, Priest information and appointment sheet, p 2.) On that date, he was also appointed as “Pastoral Care” part-time, at St. Mary’s Medical Center in Grand Rapids, Michigan. (*Id.*) In addition, Fr. Gerl served on “St. Tom’s Pastoral Team in Kalamazoo” from 1997 through 2000. (*Id.*)

On June 5, 2002, St. Thomas More Catholic Student Parish received a prayer request through its website from John Doe14 for the “ ‘victims’ of Robert Gerl.” (App’x RRG#9, Email prayer request from John Doe14, dated June 5, 2002.) John Doe14’s stated reason for the prayer request was “[t]o help us move on with our lives with a sense of security, and dignity!” (*Id.* at 1.) The following was also stated:

I know that I’m not the only one. He used his lies, and false information to manipulate and abuse. He is not a man of god! Please, please stop him from hurting other[s], and being in a position to do so.

[*Id.* at 1.]

Sister Sue McCrery, SSJ, replied to John Doe14 and asked if he had more to say and offered her assistance. (*Id.*) John Doe14 replied to her as follows:

Thank you! I had struggled with the issue of Robert Gerl for several years. I was a young gay man that should never had any involvement with him. To this day, I am still trying to forgive myself for being so

¹⁴ Msgr. Murray became the Bishop of Kalamazoo in 1998.

[naive]. I've dealt with much mental anguish regarding what he put me through. He is a very sick man with sadistic fetishes.

It is my hope that he will not be in a position to work with or supervise individuals in a therapeutic or educational level again.

It is truly a time of moving on and healing. Thank you for acknowledging my prayer request! Saint Thomas M[o]re is a wonderful place!

[*Id.* at 2.]

In a June 18, 2002 email response, Sister McCrery told John Doe14 that if he wished to ensure that Fr. Gerl not provide therapeutic or educational assistance again, that he should inform Bishop Mengeling of the Diocese of Lansing, as Fr. Gerl was “a diocesan priest from the Diocese of Lansing.” (*Id.*)

In a letter dated June 18, 2002, to Bishop Mengeling advising of the prayer-request email from John Doe14, Sister McCrery wrote that Fr. Gerl worked with the pastoral team of St. Thomas More Catholic Student Parish with her from 1997 to 2000. (App'x RRG#10, Letter from Sister Sue McCrery, SSJ, Pastoral Team, St. Thomas More Catholic Student Parish, to Bishop Carl Mengeling, dated June 18, 2002, p 1.) No other information is contained within the file regarding the allegations made by John Doe14.

In an October 3, 2002 memorandum written by Ed Carey to Bishop Murray, Carey reported that a neighbor of Fr. Gerl's told an unnamed police officer “that there is a priest living next door to him who receives adult male visitors at all hours of the day and night.” (App'x RRG#11, Memorandum from Ed Carey to Bishop Murray, dated October 3, 2002.) The neighbor also allegedly stated that “this situation is the next bombshell that is going to hit the Church in Kalamazoo.” (*Id.*) Believing that Fr. Gerl was “a scandal waiting to happen,” Carey wrote the following:

While this information, alone, doesn't seem to require any action I think that it is another bit of information in a series [of] things that we know or have been told about and it is time that we do take some action. You are aware of the trouble you had to deal with while Fr. Gerl was in Lansing. There are questions about Fr. Gerl's time at the college he worked at down south. The staff of St. Thomas More ha[s] related to you questions about the authenticity of some of Fr. Gerl's resume, their concern over a possible theft of offertory while at St. Tom's, and rumors of his activities at his residence.

I think that Fr. Gerl is a scandal waiting to happen and a possible threat to vulnerable adult males who trust him as [a] priest. Presently Fr. Gerl is not officially employed within the diocese. However, he does

cover parishes frequently throughout the diocese during pastors' vacations and he does speak on a variety of topics at parish workshops/classes within his area of expertise. I know we can't throw him out of the diocese but we can prevent him from being in front of the faithful. I think you should revoke permission for him to assist at any of our parishes as well as forbid him to appear as a speaker at parish workshops/classes. I think this could be accomplished if he agrees to turn down any requests. Otherwise, the only option is to notify the presbyterate. I also think that you should notify Bishop Meng[e]ling of your actions.

[*Id.*]

In a letter dated July 7, 2004, Fr. Gerl requested to be incardinated into the Diocese of Kalamazoo, and Bishop James Murray denied that request in his response sent on September 7, 2004. (App'x RRG#12A, Letter from Fr. Robert Gerl to Bishop Murray, dated July 7, 2004; App'x RRG#12B, Letter of Bishop Murray to Fr. Gerl, dated September 7, 2004.)

In a letter dated December 22, 2009, after being installed as the fourth bishop for the Diocese of Kalamazoo, Bishop Paul Bradley wrote to Bishop Boyea of Lansing to request clarification as to whether Fr. Gerl was a priest in good standing and whether Bishop Boyea would recommend Fr. Gerl as a good candidate to minister in the Kalamazoo Diocese. (App'x RRG#13, Letter from Bishop Bradley to Bishop Boyea, dated December 22, 2009.) Bishop Bradley explained that he was attempting to "sort out [Fr. Gerl's] circumstances" for "consideration whether or not to grant him faculties to function in Kalamazoo in the future." (*Id.*) Pending clarification of Fr. Gerl's status, Bishop Bradley withdrew Fr. Gerl's priestly faculties within the Kalamazoo Diocese. (*Id.*)

In a response dated January 2010, Msgr. Steven Raica, the then chancellor of the Diocese of Lansing, wrote on behalf of Bishop Boyea and advised that, except for the 1985 arrest for the accosting and soliciting incident that occurred at a rest stop, "[t]here has never been any further episode of indiscretions." (App'x RRG#14, Letter from Msgr. Steven Raica to Bishop Paul Bradley, dated January 2010, p 1.) Msgr. Raica further wrote that "the fact remains that there is no transgression against a minor or vulnerable person in his record" and there were "no violations of a sexual nature in his personnel file." (*Id.*) Msgr. Raica also stated that there were "no reservations on the part of the Bishop's Office and the Diocese of Lansing about his priestly service." (*Id.*)

On a sticky note dated January 23, 2010, attached to the Msgr. Raica letter, Bishop Bradley wrote by hand that he spoke directly to Bishop Boyea and recorded the following marked as “CONFIDENTIAL”:

I spoke directly w/ Bishop Boyea in [illegible] on 1/7/10. I gave him additional info about 2nd hand reports I’ve rec’d about Fr. Gerl allegedly soliciting homosexual contacts over the internet. No proof – but more than 1 2nd hand report. He agreed that based on that information, his opinion changes + would not give him an assignment. Neither would I.

[*Id.*]

In an email dated April 21, 2018, John Doe15, a priest of the Diocese of Lansing, emailed the Diocese of Lansing, alleging that “[t]he Diocese failed in May, 1980 when Bob Ger[l] had his way with me when I was 18.” (App’x RRG#15, Email from John Doe15 to Cheryl Williams-Hecksel, dated April 21, 2018.)

On the same day, April 21, 2018, Bishop Boyea emailed John Doe15 in response and advised that there was no mention of any allegation in 1980 in his file or Fr. Gerl’s file and requested that John Doe15 send the bishop a written report of what happened. (*Id.*) In response, John Doe15 provided a copy of a written recitation of the allegations that he had submitted previously in 2004 and also advised Bishop Boyea that there were three priests from the Diocese of Lansing in addition to Bishop Kenneth Povish (bishop of Lansing from 1975 to 1995)¹⁵ who knew about the alleged sexual abuse. (*Id.*) He then noted that the “[a]ttached you will find what I typed up in 2004.” (*Id.*)

In a five-page typed statement, which is noted to have been received on April 23, 2018, John Doe15 alleged that, on or about May 23, 1980, as part of a seminarian retreat, he and other seminarians were assigned to stay the night at Resurrection Parish in Lansing, where Fr. Gerl was assigned. (App’x RRG#16, “Allegation Against Fr. Bob Gerl,” signed by John Doe15, dated April 21, 2018, p 1.) Fr. Gerl provided the seminarians wine during “happy hour” in the living room, after which he provided the young men with their “room assignments.” (*Id.*) John Doe15 noted that he was 18 years old when this happened. (*Id.*) All of the other seminarians were given a bed to sleep on, and John Doe15 was given a sleeping bag so that he could sleep on the floor in Fr. Gerl’s bedroom. (*Id.*) According to John Doe15, the following thereafter allegedly occurred:

¹⁵ <https://dioceseoflansing.org/office-bishop/history-lansings-bishops> (last accessed May 10, 2024.)

After a while, Fr. Bob Gerl asked me if the sleeping bag and floor w[ere] comfortable. Honestly, I answered “no.” Fr. Bob Gerl then told me that I could share his own bed if I wanted to. Since I had shared a full size bed with cousins and even my dad several times, I thought nothing of it. So, I lay down in Fr. Bob Gerl’s full size bed and started to fall asleep.

A little while later, I became fully awake when a sensation in my genitals stirred me. I awoke to find Fr. Bob Gerl’s mouth and hand upon my now erect penis and testicles. My pajama bottoms were pulled down past my knees. My pajama top was pulled up above my belly button. As I began to object, Fr. Bob Gerl “swung” his body around, straddled my face between his legs, and forced his erect penis into my mouth. I tried the best I could to remove him off from me—but he weighed too much for me to have any luck in removing him. In just a short time, he ejaculated into my mouth against my will. As soon as he finally removed his body from pinning me down, I spit out his ejaculate upon myself. . . . He went into the bathroom, fully naked, grabbed a towel, and proceeded to clean up the ejaculate. He then returned to the bed. I told him that I wanted to go back and sleep on the floor. He told me no – stay here because it is more comfortable. I fell asleep on the edge of the bed, with one eye open.

[*Id.* at 1.]

For this May 1980 incident, John Doe15 alleged that, the following morning, he left the retreat and drove to Flint, and walked along the Flint River, feeling “dirty” and “used,” but also “guilty for some odd reason.” (*Id.* at 2.) Feeling as though he needed to talk to someone about the incident, he drove to Flushing, and, after walking around in a park for a while, he went to Fr. John Klein at St. Robert Church and asked him to hear his confession, after which Fr. Klein advised John Doe15 that he did not do anything wrong. (*Id.*) Fr. Klein then asked John Doe15 to release him from the seal of confession, so that Fr. Klein could report the alleged sexual abuse to Bishop Povish, and John Doe15 ultimately agreed. (*Id.*)

According to John Doe15’s account, a few weeks later, Fr. Klein told John Doe15 that Bishop Povish directed that John Doe15 go back to Resurrection Parish, so that Fr. Gerl could apologize to John Doe15. (*Id.* at p 3 of attachment.) Shocked that the bishop wanted him to go back to the very place where he was sexually abused, John Doe15 refused to go. (*Id.*) But Fr. Klein advised John Doe15 that he needed to trust and obey the bishop, and John Doe15 relented and went to Lansing where Fr. Gerl apologized to him and told him “I thought you wanted it.” (*Id.*) John Doe15 then provided a list of 13 questions about the response of the Diocese of Lansing, which supported his heading “Gross Negligence on the part of the Diocese of Lansing.” (*Id.* at 5.)

In the final email from “EB,” apparently indicating Bishop Earl Boyea in this April 2018 email chain, Bishop Boyea thanked John Doe15 for the report and apologized for the pain he had suffered:

Dear John Doe15, thanks for the report; as I wrote, I did not find this anywhere, so thanks. I will speak with Bob about this. As you know, since you were 18 at the time, and this is not to justify in any way Bob’s abominable behavior, it did not fall under the charter or the other events in 2002. This does not explain why there is no record of your report, as least that I can find. All the reports of Bob’s psychologicals and supervisors for years after this and the rest area indicate a reformed person. Nonetheless, I can see that this would still cause you tremendous grief and again I apologize for the pain you have suffered. From you 2004 report, I presume you do not want him to apologize to you or contact you in any way. Know of my prayers. + EB

[App’x RRG#15, Email chain, dated April 2021, p 1.]

In an email dated April 27, 2018, Bishop Boyea emailed John Doe15 indicating that he “met with Bob Gerl and had him read your 2004 report,” and that the bishop “asked him as an act of penance to refrain from attending the Chrism Mass and he said he would.” (App’x RRG#17, Email from Bishop Boyea to John Doe15, dated April 27, 2018.)

On October 5, 2018, more than five months later and two days after the Department of Attorney General executed its search warrants against the seven dioceses, including the Diocese of Lansing, the Diocese of Lansing issued the following statement regarding the 2018 removal of Fr. Gerl’s priestly faculties:

Rev. Robert Gerl, a Senior Priest of the Diocese of Lansing has had his priestly faculties removed due to a credible allegation of sexual assault of an adult male which occurred decades ago. Fr. Gerl served as a court expert for annulment cases at the Diocesan Tribunal from June, 2014 to October, 2018.

[App’x RRG#2, Diocese of Lansing Statement on Fr. Gerl, dated October 5, 2018.]

Six days later on October 12, 2018, the Diocese of Kalamazoo released a statement due to “rampant misinformation” regarding Fr. Gerl and his relationship to the Diocese of Kalamazoo from a statement it issued one day earlier, on October 11, 2018. It clarified its October 11, 2018 statement as follows, including the point that the Diocese of Kalamazoo was not informed of the 1980 allegation until October 5, 2018:

Fr. Bob Gerl came to the Diocese of Kalamazoo in 1986. He served at (now closed) Nazareth College, St. Thomas More Parish and St. Catherine of Siena.

Fr. Gerl was not appointed by the Bishop of Kalamazoo to a Parish assignment. His ministry work at both parishes was arranged through the pastors of those parishes. This was appropriate given that Fr. Gerl was a priest in good standing.

On October 5, 2018, the Diocese of Lansing announced that due to a credible allegation of sexual assault against an adult male which allegedly occurred in 1983, they had suspended Fr. Gerl’s priestly faculties.

Priestly faculties are a set of permissions, granted by a diocesan bishop to a priest within that diocese, allowing the priest to publicly minister. Among those permissions are: presiding or concelebrating at Mass; hearing confessions; witnessing marriages; baptizing; anointing the sick and dying. Without those faculties, or permissions, a priest may not publicly minister.

Fr. Gerl has not had priestly faculties in our Diocese since December 2009.

The credible allegation referenced in the statement from the Diocese of Lansing occurred prior to Father’s arrival in the Diocese of Kalamazoo and was made known to us by the Diocese of Lansing on October 5, 2018.

The allegation does not involve a minor.

[App’x RRG#18, Diocese of Kalamazoo Statement on Fr. Gerl, dated October 12, 2018.]

(7) FR. JEROME M. HEYMAN, O.S.A.



Born: June 25, 1931

Ordained: 1961

Died: February 19, 2023

Fr. Jerome M. Heyman, O.S.A., a priest of the Augustinian Order, was born on June 25, 1931, and was ordained to the priesthood in 1961.¹⁶ He died on February 19, 2023, at the age of 91 years old.

Fr. Heyman was a religious order priest and was never incardinated into the Diocese of Kalamazoo; however, he did serve within the Diocese for 15 years, commencing on August 12, 1991, when he was appointed pastor of a parish, and continuing until his retirement in 2006. (App'x JMH#1, Letter (unsigned) from Bishop Paul Donovan to Fr. Jerome Heyman, O.S.A., dated July 22, 1991, p 1; App'x JMH#2, Letter from Bishop James Murray to Bishop J. Peter Sartain of the Diocese of Joliet, dated July 25, 2006.)

In a letter dated August 18, 2004, Fr. Jerome Knies, O.S.A, vicar provincial and personnel director for the Province Of Our Mother Of Good Counsel, informed Bishop Murray that parishioners had complained that Fr. Heyman was exhibiting “seeming inappropriate behavior” toward women. (App'x JMH#3, Letter from Fr. Jerome Knies, O.S.A., Vicar Provincial and Personnel Director, to Bishop James Murray, dated August 18, 2004.) The letter did not provide any details regarding the alleged inappropriate behavior, nor did it identify any alleged victims.

In a letter stamped “CONFIDENTIAL” that appears to be in late 2005, Jane Doe16 wrote to Bishop Murray to inform him of alleged inappropriate behavior of Fr. Heyman toward her and her granddaughter. (App'x JHM#4, Undated letter from Jane Doe16 to Bishop Murray.) Jane Doe16 wrote that Fr. Heyman handled her annulment, and, during that process, she had disclosed that she had been physically and sexually abused by three different family members. (*Id.* at 1.) According to

¹⁶ See <https://www.curleyfuneralhome.com/obituaries/Rev-Jerome-M-Heyman-OSA?obId=27336459> (last accessed May 10, 2024.)

her, Fr. Heyman asked her if she ever confronted any of her abusers, and she confided that she had been unable to do so. (*Id.*) Shortly thereafter, Fr. Heyman offered Jane Doe16 employment, which she accepted. (*Id.*)

In this 2005 letter, Jane Doe16 explained that Fr. Heyman later asked her to handle the finances for a project, and she agreed to do so. (*Id.*) The two then began to have private “business” meetings, during which Fr. Heyman allegedly would kiss her hello or goodbye and “would always try to touch [her],” including as she wrote “putting a hand on [her] thigh” or attempting to hold her hand. (*Id.*) On one occasion, while she was recuperating from surgery, Fr. Heyman visited her at her home and asked her “to let him take me upstairs and put me to bed.” (*Id.*) She alleged that he told her it would be okay, and that she noted that it “scared” her; however, she “managed to tell him no.” (*Id.*) On another occasion, Fr. Heyman allegedly “came over one day and put his hands in the small of my back and pulled me into him. He gave me a kiss that only a husband should give a woman.” (*Id.*) She reported these allegations to Fr. Turcich, who subsequently reported them to the Augustinian Province. (*Id.*) She alleged that “[t]he Province talked to him, and a letter was written. Nothing more.” (*Id.*)

Further in this 2005 letter, Jane Doe16 stated that she asked other people to accompany her to the “business” meetings with Fr. Heyman in public places. (*Id.*) On one such occasion, her sister-in-law and granddaughter accompanied her. (*Id.*) Jane Doe16 reported that, at the end of the meeting, Fr. Heyman “crawled into the back seat of [her] vehicle to kiss” her 12-year-old granddaughter, stating that “he wished he was 60 years younger.” (*Id.*)

In a second undated letter, apparently from 2005, Jane Doe16’s sister-in-law, Jane Doe17, wrote a letter to Bishop Murray, noting that she saw Fr. Heyman “lean[] over so he could give [her] godchild a kiss” (i.e., Jane Doe16’s granddaughter) and make the comment that “he wished that he was 60 years younger.” (App’x JHM#5, Undated letter from Jane Doe17 to Bishop Murray.) She also stated that, during an earlier visit, Fr. Heyman had disclosed information to her regarding Jane Doe16 that was under the seal of confession. (*Id.*)

In a letter dated September 15, 2005, Jane Doe17’s husband, John Doe18, also wrote Bishop Murray to advise that he had accompanied Jane Doe16 to luncheon meetings with Fr. Heyman because, according to the letter, she did not want to be alone with Fr. Heyman. (App’x JHM#6, Letter from John Doe18 to Bishop Murray, dated September 15, 2005.) On such occasions, Fr. Heyman was allegedly “irritable” at the fact that he was present. (*Id.*)

In a letter that is hand-dated September 25, 2005, Fr. Heyman denied the allegations Jane Doe16 made against him, calling them “suggested half truths, rash judgments, and in some instances, bald face lies.” (App’x JHM#7, Letter from Fr. Jerry Heyman to Bishop Murray, dated September 25, 2005, p 1.) Fr. Heyman

wrote that Jane Doe16 “misrepresented and misinterpreted all of these actions, and seemed to be doing them all with a vengeance.” (*Id.*) He also wrote: “It is inconceivable that I would have to face the injustice of being forced out of here because of a disturbed woman’s manipulations.” (*Id.* at 3.)

In a letter dated March 28, 2006, Bishop Murray wrote to Fr. David Brecht of Fr. Heyman’s religious order, indicating that he “mediated” the situation between Jane Doe16 and Fr. Heyman by allowing Fr. Heyman to resign after reaching his 75th birthday later that year, thus retiring in the “normal course.” (App’x JMH#8, Letter from Bishop Murray to Fr. David Brecht, O.S.A., dated March 28, 2006.) He noted that this solution was “accepted by each of them as fair to each of them” and that he had met with the Jane Doe16 family as recently as February 10, 2006. (*Id.*) Fr. Heyman was also told not to have any contact with the Jane Doe16 family. (*Id.*)

In July 2011, while Fr. Heyman was in retirement, Jane Doe19 contacted the Diocese of Kalamazoo to report allegations of misconduct on his part. (App’x JMH#9, “Incident Report Regarding a Priest to an Adult” by Jane Doe19, dated July 19, 2011.) Specifically, Jane Doe19 alleged that Fr. Heyman befriended her at St. Margaret’s Parish. (*Id.* at 1.) Jane Doe19 alleged that they started going to breakfast or lunch at restaurants, and he hugged and kissed her on the lips. (*Id.*) Jane Doe19 also alleged that Fr. Heyman called her often at work and on her cell phone and started attending Eucharistic Adoration at the same time she attended. (*Id.*) She reported that he bought her chocolates for no particular reason, and she was starting to feel uncomfortable around him, because she said he was kissing her and that “the kisses were longer than appropriate.” (*Id.* at 1–2.)

In this July 2011 report, Jane Doe19 indicated that, on one occasion, she met Fr. Heyman for breakfast at a Big Boy restaurant, during which time she said that Fr. Heyman put his hand on top of hers on the table, causing her to move her hand away. (*Id.* at 2.) After they left the restaurant, he walked her to her car, “putting her arm in his arm” and then attempted to kiss her “with an open mouth” when they reached her car. (*Id.*) She explained that she turned her face away, and then he allegedly placed his hands on her shoulders and pulled her toward him, “trying to kiss her again.” (*Id.*) Jane Doe19 described that she told him “No!” (*Id.*) The following day, he called her and acted like nothing ever happened. (*Id.*)

On the day before she contacted the Diocese on July 18, 2011, Jane Doe19 wrote Fr. Heyman a letter, noting his “inappropriate” actions, and telling him “do not contact me.” (App’x JMH#10, Letter from Jane Doe19 to Fr. Heyman, dated July 18, 2011.)

In a follow-up report from the Diocese dated July 28, 2011, Deacon Pat Hall indicated the synopsis of the events he received from a staff member that Fr. Heyman’s conduct “could be construed as a battery,” and that he informed Jane Doe19 she “had the right to file a criminal complaint” with the local police Department. (App’x JMH#11, Follow-Up Report by Deacon Pat Hall, dated July 28,

2011.) Jane Doe19 declined to pursue criminal charges. (*Id.*) Jane Doe19 was also given an opportunity to review the incident report that was prepared by the Chancellor for the Diocese, Mike Emmons, “for accuracy.” (*Id.*)

In a letter dated September 14, 2011, the allegations made by Jane Doe19 were reported by the Diocese to the Augustinian Province Offices; Michael Emmons indicated that “[b]ased on Fr. Heyman’s past in the Diocese of Kalamazoo, and previous allegations, we continue to have serious reservations regarding his trips in our Diocese.” (App’x JMH#12, Letter from Michael Emmons, Chancellor/Executive Director, to Fr. Bernard Scianna, O.S.A., Prior Provincial, dated September 14, 2011.) Thus, he requested that the Provincial request Fr. Heyman “to curtail his trips to the Diocese of Kalamazoo” and to undergo counseling. (*Id.*)

On December 22, 2022, as part of the Attorney General investigation Sgt. Todd Workman of the MSP interviewed Jane Doe19 regarding the allegations of inappropriate behavior she reported to the Diocese concerning Fr. Heyman. (App’x JMH#13, MSP Incident Report No. NIS-0000003-22, p 2.) The substance of that meeting was consistent with what she had reported to the Diocese in 2011. (*Id.*) Jane Doe19 informed Sgt. Workman that she knew Fr. Heyman was very old, and she was “not interested in pursuing criminal charges.” (*Id.*)

On January 5, 2023, Sgt. Workman interviewed Jane Doe16 regarding the allegations she reported to the Diocese in 2005. (*Id.* at 3.) Initially, Jane Doe16 hesitated to discuss the matter, because she had signed a nondisclosure agreement (NDA) with the Diocese and was paid “around \$50,000 at the time of the incident.” (*Id.*) After being assured that the NDA was not binding with regard to this criminal investigation, Jane Doe16 agreed to answer Sgt. Workman’s questions. (*Id.*)

In this January 5, 2023 interview, Jane Doe16’s description of the alleged incidents with Fr. Heyman were consistent with the allegations she made in 2005; however, she provided additional details. She stated that Fr. Heyman stalked her at work and at her home, including coming inside of her home unannounced. (*Id.*) She also reported that Fr. Heyman “corner[ed]” her at work and gave her “long kisses on the lips.” (*Id.*) On another occasion, when Fr. Heyman was at her home, he “ground his hips into her which caused his genitals to touch her body, over their clothing.” (*Id.*) She further alleged that he “would touch her on her butt[ocks]” and “her inner thigh” when he was seated next to her. (*Id.*) She informed the bishop when she reached the point of not being able to take it anymore, after which the contact stopped. (*Id.*) Jane Doe16 told Sgt. Workman that she did not wish to pursue criminal charges, because “she has moved on and he is very old.” (*Id.* at 4.) She indicated that “finally talking about this with law enforcement has brought her closure that she has always been wanting.” (*Id.*)

**(8) FR. BERNARD L. (“BUD”) HORST, S.M.
(LISTED ON THE DIOCESE OF KALAMAZOO AND THE MARIANIST
PRIEST LIST, THE ARCHDIOCESE OF CINCINNATI, AND THE BISHOP
ACCOUNTABILITY SITES.)**

Born: August 4, 1915

Ordained: February 24, 1945

Retired: February 1994

Died: 2001

Fr. Bernard L. (“Bud”) Horst was born on August 4, 1915, in Cleveland, Ohio, and was ordained to the priesthood on February 24, 1945. (App’x BLH#1, Diocese of Kalamazoo information and appointment sheet, p 1.) Fr. Horst was a member of the Society of Mary (Marianists), Province of Cincinnati, who ministered in the Diocese of Kalamazoo, at St. John Bosco Parish in Mattawan, Michigan, from September of 1984 to February of 1994, when he retired. (*Id.* at 2.) Fr. Horst’s name appears on the Marianist credibly-accused list of priests who have sexually abused minors.¹⁷

In a letter dated August 12, 1985, John Doe²⁰ wrote Bishop Paul Donovan, advising that he and his wife invited Fr. Horst to their daughter’s 10th birthday pool party. (App’x BLH#2, Letter from John Doe²⁰ to Bishop Paul Donovan, dated August 12, 1985.) John Doe²⁰ alleged that, when Fr. Horst was in the pool with the John Doe²⁰’s daughter and three of her girlfriends during a water-balloon-toss game, Fr. Horst began to put the balloons “down the front of his trunks with the girls right in front of him in the pool.” (*Id.*) “Then he started putting them down the girls’ suits.” (*Id.*) There is no other mention of this allegation in the Fr. Horst priest file.

According to a police report, on April 18, 1986, two nine-year-old girls, Jane Doe²¹ and Jane Doe²², alleged that after school they rode their bikes behind the St. John Bosco school to watch a hot-air balloon ascend. (App’x BLH#3, Mattawan Police Department Complaint Report No. 564-234-86, initial report dated April 21, 1986, pp 2, 3.) Other people were also there watching the balloon. (*Id.*) When everyone left, the police report stated that “Buddy” came from the house by the church and stayed with them and took pictures of them and asked for a hug. (*Id.*) Jane Doe²¹ said that during her hug, “Buddy” “put his hand on her bottom and between her legs from the back.” (*Id.* at 4.) She said “Buddy” touched both girls in the “wrong place,” and pointed to the area between her legs. (*Id.*) She further explained that, when they reached the parking lot, he did it again. (*Id.*) Jane Doe²² also said that, during the hug, Fr. Horst “squeezed” her butt. (*Id.* at 3.)

¹⁷ See also <https://www.marianist.com/wp-content/uploads/2020/06/List-of-Marianist-members-found-to-have-sexually-abused-a-minor.pdf> (last accessed May 10, 2024.)

On May 1, 1986, in response to the claims, Fr. Horst told the investigating officer that he was unaware of the girls' names, but that they would often go to the rectory. (*Id.* at 4.) He also claimed that the girls called him "Buddy" because he told them to call him "Fr. Bud." (*Id.*) Fr. Horst claimed that he took pictures of the air balloon that day, but he did not recall being alone with the two girls or hugging them. (*Id.*) ("I may have given them the customary hug but I really don't remember.") The reported noted that Fr. Horst claimed it was a "misunderstanding" and wanted to talk to the parents of the girls saying, "I would like to have the parents drop everything." (*Id.*) The police officer interviewing Fr. Horst indicated that "he will take a polygraph," which was set for June 18, 1986. (*Id.*)

According to the handwritten notes of apparently Bishop Donovan dated October 2, 1986, the results of Fr. Horst's polygraph were "inconclusive," i.e., he "did not pass" and he "did not fail." (App'x BLH#4, Handwritten notes of Bishop Donovan, dated October 2, 1986.) The notes also stated that the "prosecutor is awaiting contact from [the] parents since July" and that the city attorney "isn't going to pursue unless parents pursue." (*Id.*)

In a later handwritten noted, this one dated November 14, 1986, again apparently from Bishop Donovan, the notes record that "the chief of police in Mattawan said that since the polygraph results were inconclusive," if Fr. Horst was "transfer[red] by 1st of January, all would be dropped." (App'x BLH#5, Handwritten notes of Bishop Donovan, dated November 14, 1986.) In a subsequent set of notes dated November 29, 1986, Bishop Donovan noted that if Fr. Horst was not transferred by January 1, 1987, the chief "would go to [the] prosecutor." (App'x BLH#6, Handwritten notes of Bishop Donovan, dated November 29, 1986.)

In a handwritten noted dated January 14, 1987, Bishop Donovan recorded that Jane Doe21's parents "never went to [the] police" and "filed no complaint." (App'x BLH#7, Handwritten notes of Bishop Donovan, dated January 14, 1987, p 1.) The notes finished with the statement that "I told Fr. Horst that I was dropping the whole matter and hoping it was all over" and that "no further reference would be necessary." (*Id.* at 2.)

In a letter dated June 10, 1992, Fr. James Fitz, S.M. wrote to Bishop Donovan informing him that Jane Doe23 alleged that Fr. Horst committed "a serious incidence of inappropriate sexual behavior" when she was 13 years old. (App'x BLH#8, Letter from Fr. James Fitz, S.M., Provincial of the Society of Mary (Marianists), Province of Cincinnati, to Bishop Donovan, dated June 10, 1992.) The letter does not state where the alleged incident took place; however, the letter indicated that Jane Doe23's current address was in New York.

According to this June 10, 1992 letter, Jane Doe23 was concerned that Fr. Horst would "repeat" the alleged sexual abuse and wanted him to receive an evaluation and possible treatment if he were to continue ministering. (*Id.* at 1.) Fr. Fitz wrote

that Fr. Horst was evaluated at the Isaac Ray Center in Chicago, and it was recommended that “Fr. Horst receive further evaluation of his alcohol use and that he totally abstain from alcohol.” (*Id.*) Based on that recommendation, Fr. Horst was to be sent to Guest House or Borgess Hospital for the alcohol evaluation. (*Id.*) Fr. Fitz further wrote that, “[b]ased on Fr. Horst’s promise to abstain from alcohol and to be evaluated concerning a serious problem with alcohol, I would recommend that he continue in his present pastoral position. I believe he is making a sincere effort to respond to the situation.” (*Id.*) Jane Doe23 was copied on the correspondence. (*Id.* at 2.)

In a response marked “Personal and Confidential” and dated September 9, 1992, to Fr. Fitz’s recommendation, Bishop Donovan wrote the following, in part pertinent:

In view of my earlier report of inappropriate sexual behavior on Father Horst’s part at Mattawan, a report which was shared with your predecessor in the Provincial office and which you are not aware of, I see a possible pattern in Father Horst’s behavior which gives me great pause. However, I accept your recommendation (based on Father Horst’s promise to abstain from alcohol and to be evaluated concerning a serious problem with alcohol and based on your judgment that he is making a sincere effort to respond to the situation) that Father Horst continue in his present pastoral position. I must tell you, however, that if I have any reports that he is drinking or engaging in any kind of inappropriate sexual behavior whatsoever. I will be obliged to ask for his immediate removal from Mattawan.

[App’x BLH#9, Letter (unsigned) from Bishop Paul Donovan to Fr. James Fitz, S.M., Provincial, dated September 9, 1992.]

On the same date, September 9, 1992, Bishop Donovan also sent Jane Doe23 a letter, acknowledging that Fr. Fitz advised him of her allegation of “inappropriate sexual behavior” and assuring her that Fr. Horst would be “carefully monitored.” (App’x BLH#10, Letter (unsigned) of Bishop Paul Donovan to Jane Doe23, dated September 9, 1992.)

In a handwritten note dated December 30, 1993, apparently from Bishop Donovan, Bishop Donovan noted that he called Fr. Fitz and met with “Bud” yesterday, and recorded the following information:

- 1965

- ✓ girl ^got in Dec. 20 touched her in private parts;
claimed same thing happened to her sis
- he didn’t remember but knew the family

...

- Bud asked if he could talk to bp
- he would want to say why he was resigning
 - ✓ he does not want to resign; he wants to stay at Mattawan
- asked why he couldn't be forgiven for mistakes of long ago.
- (ped is a disease)

[App'x BLH#11, Handwritten note of Bishop Donovan, dated December 30, 1993.]

In another handwritten note dated January 5, 1994, apparently from Bishop Donovan, it noted that the "Council feels it best for Bud to step down[.]" (App'x BLH#12, Handwritten note of Bishop Donovan, dated January 5, 1994.) The second handwritten paragraph reads as follows in full:

Maybe live (at least temporarily) at Clinton St. & be available in D of K for daily or weekend Masses only. No living in parish for vacation relief. Fr. Templin would have to ok every assignment.

[*Id.* (underscore in original).]

In a document date-stamped January 27, 1994, and titled "Agreement for Assignment to Clinton Avenue Marianist Community," the following seven points governed the parameters of permitted priestly services by Fr. Horst:

1. Fr. Bernard Horst will be a member of the Clinton Ave. Marianist community and will be a full participant in the life of the community according to the Rule of Life of the Society of Mary.
2. Fr. Kenneth Templin, S.M., as local director of the Marianist Community on Clinton Avenue, will be informed of the allegations of inappropriate behavior on the part of Fr. Horst and the recommended treatment and follow-up after the first allegation. Fr. Templin will monitor Fr. Horst's behavior.
3. Fr. Horst will not be involved in any programs with youth under the age of 18. He will not be assigned to any pastoral duties where he would be in close contact with youth under the age of 18. He is to have **no** personal meetings with youth.

4. Fr. Horst will not make any pastoral visits or visit any families with children under 18 years of age. He is not to entertain any families as guests at the community residence unless other members of the community are present. He is not to have any families with children under 18 as guests overnight. When traveling, he is not to stay overnight with any families with children under 18 years of age.
5. Fr. Horst will continue to abstain from the use of alcohol and follow the other recommendations from treatment following the first report of inappropriate behavior.
6. Fr. Horst will be permitted to celebrate the Eucharist. Celebration of the eucharist will normally be done in the community residence. Acceptance of a eucharistic celebration outside of the community must be cleared with the local director.
7. All travel is to be cleared with the local director. When traveling a great distance, he may stay overnight in a rectory or community residence. However, he is not to stay at a parish rectory or community residence where he would be present to children for any period of time.

[App'x BLH#13 "Fr. Bernard Horst, S.M., Agreement for Assignment to Clinton Avenue Marianist Community," date-stamped January 27, 1994 (bold emphasis in original).]

In a typed note addressed to the bishop from February 9, 1994, Jane Doe²⁴ called the Diocese of Kalamazoo and alleged that, when she was in the fifth grade at St. Therese in Wayland, Michigan, from many years earlier Fr. Horst "made some improper gestures toward her." (App'x BLH#14, Typewritten telephone message, dated February 9, 1994.) Jane Doe²⁴ stated that the alleged incident occurred after one of the school Masses in the sacristy. (*Id.*) She reported that it had "bothered her for the rest of her life" and was concerned now that she had a five year old daughter stating that "too often she has heard where church people cover up things that happen." (*Id.*)

(9) FR. THOMAS G. LAPINE, C.S.C.

Born: July 24, 1920

Ordained: 1949

Retired: 1992

Died: June 17, 1994

Fr. Thomas G. LaPine was born in Danbury, Connecticut, on July 24, 1920, and died on June 17, 1994, in Notre Dame, Indiana. (App'x TGL#1, Allegation of Sexual Abuse of a Minor by Clergy, prepared by Deacon Patrick Hall, dated August 23, 2016, p 4.) Fr. LaPine was a member of the Holy Cross Community and served as a chaplain at Borgess Hospital from about 1969 through 1981.¹⁸ (*Id.* at 5.) However, Fr. LaPine was a religious order priest and never incardinated into the Diocese of Kalamazoo. (*Id.* at 4.) He took his first vows in 1944 and was ordained in 1949. From the year 1944 through the year 1964, Fr. LaPine served at Columbia Preparatory School and the University of Portland in Oregon. And, from 1964 through 1984, he served as a chaplain in several hospitals, including St. Joseph Hospital in Mishawaka, Indiana. Fr. LaPine retired in 1992.¹⁹

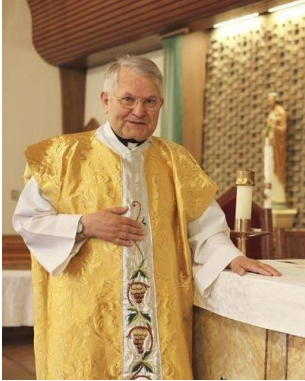
On August 3, 2016, during a meeting with Deacon Patrick Hall, an investigator for the Diocese of Kalamazoo, John Doe25 alleged that more than 40 years earlier, when he was a fifth-grade student at St. Mary School in Kalamazoo in 1973, Fr. LaPine helped with Masses. (*Id.* at 2.) During that timeframe, John Doe25 liked to sneak into the church during the school's noon recess period for "quiet space." (*Id.*) On one such occasion, Fr. LaPine, who had celebrated Mass that morning, was in the church. (*Id.*) John Doe25 followed Fr. LaPine outside the church and through a side entrance that led to a basement bathroom. (*Id.*) John Doe25 alleged that, immediately outside of the bathroom, Fr. LaPine grabbed him, pulled him into the bathroom, and slammed the door. (*Id.*) John Doe25 alleged that Fr. LaPine then "put his dick into my mouth." (*Id.*)

Also in this August 2016 meeting, John Doe25 told Deacon Hall that the alleged sexual abuse happened one time, after which his family moved to a different part of the city the following school year. (*Id.* at 3.) Deacon Hall thereafter tried to identify who Fr. LaPine was (as John Doe25 only knew his surname,) and discovered that he was a priest from the Holy Cross Community and not a diocesan priest. (*Id.* at 5.) As a result, the allegation was referred to the Holy Cross Community, which agreed to continue the investigation. (*Id.* at 6.) The matter was also reported in 2016 to the Kalamazoo Department of Public Safety by Deacon Hall and John Doe25. (*Id.*)

¹⁸ Ascension Borgess Hospital is located in Kalamazoo, Michigan.

¹⁹ www.ingenweb.org/instjoseph/obits/l/lapinerevthomasg.htm (last accessed May 10, 2024.)

(10) FR. WIESLAW LIPKA



Born: January 12, 1941

Ordained: June 13, 1965

Died: January 3, 2018

Fr. Wieslaw Lipka was born on January 12, 1941, in Gasewo, Poland, and was ordained to the priesthood in Makow, Mazowiecki, Poland, on June 13, 1965. (App'x WL#1, Diocese of Kalamazoo News Release, "Rev. Wieslaw Lipka passes away," dated January 3, 2018.) Fr. Lipka died on January 3, 2018. (*Id.*; App'x WL#2, Letter from Bishop Paul Bradley to diocesan priests, dated January 3, 2018). Fr. Lipka served in Poland from 1965 through 2000, and he thereafter served in the Diocese of Kalamazoo as parochial vicar at St. Monica Parish, Kalamazoo, from 2001 through 2016. (App'x WL#1, Diocese of Kalamazoo News Release, "Rev. Wieslaw Lipka passes away," dated January 3, 2018, at 2.) He also served as parochial vicar at Holy Family Parish in Decatur in 2016 and had other various overlapping, temporary assignments within the Diocese. (*Id.*)

By letter dated March 8, 2005, Fr. Kevin Covert, pastor of St. Catherine's Church in Portage, wrote to Bishop James Murray regarding Fr. Lipka's request for incardination into the Diocese to advise that he had concerns about Fr. Lipka's alcohol consumption and questioned "the appropriateness of some of his signs of affection to women of our parish." (App'x WL#3, Letter from Fr. Covert to Bishop James Murray, dated March 8, 2005.) Fr. Covert stated that, initially, he thought Fr. Lipka's affectionate behavior was a cultural difference; however, it did not change over time, thus causing him to wonder "how much was cultural and how much was an expression of a deeper problem perhaps associated with alcoholism." (*Id.*)

In a letter dated August 11, 2005, Jane Doe27, a member of the St. Thomas More Catholic Student Parish Pastoral Team, wrote to Bishop Murray to inform him that Fr. Lipka was asked to be a confessor at a college retreat held at Sherman Lake in February of 2004, and she was asked to give him a ride back to St. Monica's (where he was stationed) later that evening. (App'x WL#4, Letter from Jane Doe27 to Bishop Murray, dated August 11, 2005.) She alleged that, from the moment he met

her, he continually invited her to come into his room at St. Monica's, "astound[ing]" her, and making her feel uncomfortable. (*Id.*) She further alleged that, earlier that evening when the students were sitting in prayer, some of whom opted to go to confession, Fr. Lipka approached the students and "went to a specific girl, took her hand and invited her to come over to his area to go to confession." (*Id.*)

In 2006, Jane Doe28, an approximately 40-year-old adult female, alleged that Fr. Lipka came to her home to visit the older woman who lives with her and babysits Jane Doe28's children. (App'x WL#5, Memorandum to Bishop Murray from Edward Carey, dated April 27, 2006.) The elder woman, Jane Doe29, was a friend of Fr. Lipka's. (*Id.*) Jane Doe28 alleged that, during his visit, when Jane Doe29 was not in sight, he "French-kissed" Jane Doe28 and touched her breasts and kept trying to hold her hand. (*Id.*) Jane Doe28 stated that she pushed him away, and believed there was no possible way his conduct was an accident. (*Id.*) Fr. Lipka denied the accusation. (*Id.* at 3.) However, Ed Carey believed Jane Doe28 was telling the truth and advised the bishop to consider "severing our ties" with Fr. Lipka, writing the following:

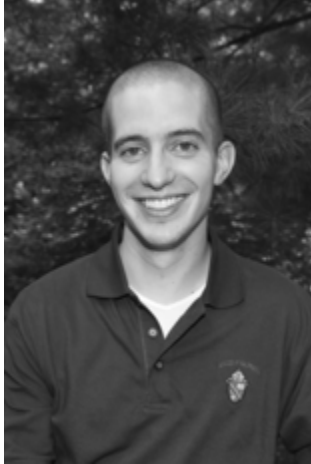
My conclusion is that, as wild as it seems, I believe that Jane Doe28 is telling the truth.

I believe that information gathered in my conversations regarding this recently reported incident, when considered with previous information from the St. Monica confessional incident, the St. Thomas More staff observations and concerns, and [a parish] family experience and concerns, indicates that there is a gross failure of Fr. Lipka to observe appropriate boundaries with women (and this after he twice talked with you about this kind of behavior and had similar conversations with Fr. Farrell). I believe that Fr. Lipka poses a risk to the good name of the priests of our diocese and the emotional and spiritual welfare of a trusting faithful. I think we should consider severing our ties with Fr. Lipka.

[*Id.* at 1.]

In an email dated June 11, 2010, four years later, while still serving in the Diocese, the director of spiritual care at Borgess Medical Center, wrote to Msgr. Tom Martin that she and her supervisor had asked Bishop Murray to remove Fr. Lipka from serving at the medical center because she caught him drinking wine out of the bottle in the sacristy and because two "highly-respected" women alleged that he got into their personal space and touched their breasts. (App'x WL#6, Email from Jane Doe30 to Msgr. Tom Martin, dated June 11, 2010.) According to Fr. Lipka's assignment record, he served at Borgess Medical Center in 2010 as an emergency, on-call chaplain. (App'x WL#1, Diocese of Kalamazoo News Release, "Rev. Wieslaw Lipka passes away," dated January 3, 2018, p 2.)

(11) FR. FRANCIS MAROTTI



Born: December 19, 1984

Ordained: June 23, 2012

Personal Leave of Absence: 2019

Faculties Withdrawn: April 3, 2020

Faculties Suspended: August 12, 2021

Fr. Francis Marotti was ordained to the priesthood on June 23, 2012 for the Diocese of Kalamazoo.²⁰ He took a personal leave of absence in early November of 2019 “to attend to personal matters and spend time in prayer and reflection.” (App’x FM#1, Saint Philip Roman Catholic Church bulletin, dated November 10, 2019, p 2.)

In 2018, Jane Doe³¹, an adult woman who suffered from “clinical depression and anxiety,” reported to the Diocese that, in 2017, she and Fr. Marotti had a friendship that became “a sexual relationship.” (App’x FM#2, Report of Deacon Patrick Hall regarding “Relationship Involving Clergy,” dated January 15, 2018, pp 1, 2.) During an interview with Deacon Hall, Jane Doe³¹ stated that she moved to Kalamazoo in 2017 and became involved with a diocesan young-adult program, through which she met Fr. Marotti. (*Id.* at 2.) The two became friends and started to meet for dinner somewhere, or Fr. Marotti would bring dinner to her apartment. (*Id.*) He then started to bring wine and gin with dinner, and they would drink together. (*Id.*) The relationship allegedly became sexual to the point that they texted each other nude pictures of themselves. (*Id.* at 1.) Jane Doe³¹ told Deacon Hall that, although she developed “real feelings for Fr. Marotti,” she felt guilty, and, over time, she was able to “separate herself from the relationship.” (*Id.* at 2.)

²⁰ <https://www.thomasaquinas.edu/alumni/rev-francis-marotti> (last accessed May 10, 2024.)

According to this 2018 report, in September 2017 Jane Doe31 began to date someone else, and Fr. Marotti found out and allegedly became angry and threatened to “ruin her life if she told about his and her relationship.” (*Id.*) He continued to text her, and she mostly did not respond to the texts. (*Id.*) Jane Doe31 alleged that, in mid-December, Fr. Marotti texted her that he was going to kill himself. (*Id.*) She reported that she replied and asked if she should call 911, to which he said “no,” he was all right, causing her to believe he only sent the text so she would reply. (*Id.*)

Further, in this 2018 report Jane Doe31 told Deacon Hall that she felt Fr. Marotti “took advantage of her vulnerable condition.” (*Id.* at 3.) She also told Deacon Hall that she wanted Fr. Marotti to be ordered to not have any further contact with her and that she would contact the police if he came to her home or place of employment. (*Id.*) Fr. Marotti admitted to the “general assertions” in Deacon Hall’s report and said that he was “seeking recovery through spiritual direction[.]” (*Id.* at 4.) Deacon Hall and Msgr. Michael Osborn advised Fr. Marotti not to have any contact with Jane Doe32, to which he agreed. (*Id.*)

On February 28, 2020, legal counsel for the Diocese of Kalamazoo advised the Department of Attorney General that Fr. Marotti had resigned from St. Ann Parish in Augusta “because of violations of the priestly code of conduct,” concerning inappropriate text messages he sent to Jane Doe32. (App’x FM#3, Email from Kalamazoo Legal Counsel to Department of Attorney General, dated February 28, 2020.)

On April 6, 2020, Sgt. Todd Workman of the Michigan State Police interviewed Jane Doe32. (App’x FM#4, MSP Original Incident Report No. NIS-0000012-20, p 2.) Jane Doe32 stated that she commenced working at a school in the area in August of 2019. (*Id.*) In September 2020, Fr. Marotti overheard her talking to another employee about hockey. (*Id.*) Later that evening, Jane Doe32 received a text message on her personal cell phone from Fr. Marotti, informing her of his favorite hockey team and showing her a photo of his dog. (*Id.*) Jane Doe32 alleged that, about a week later, the communication started to become inappropriate with Fr. Marotti disclosing that “he often pleased himself while thinking of her and asked her if she wanted proof that he was aroused and masturbating.” (*Id.*) She declined. (*Id.*) Jane Doe32 explained that Fr. Marotti began to compliment her body and sent her text messages saying he loved her as a friend. (*Id.*) Jane Doe32 left the school in October of 2019 because she said that Fr. Marotti “turned ‘cold’ ” on her after she declined receiving the photographs, and the staff became distant toward her after discovering that she reported Fr. Marotti’s conduct to the Diocese. (*Id.*)

On April 4, 2020, the Catholic Diocese of Kalamazoo released the following statement regarding Fr. Marotti:

On April 3, 2020, the Diocese of Kalamazoo received an allegation of inappropriate conduct with an adult regarding Rev. Francis Marotti. The Diocese immediately began an investigation. Bishop Bradley has withdrawn Father Marotti's priestly faculties and he is restricted from all public priestly ministry, until such time as the investigation is concluded.

[App'x FM#5, Diocesan Statement, dated April 4, 2020.]

In 2020, the Diocese's legal counsel also provided the Department with the names of Jane Doe33, Jane Doe31 (referenced earlier), and Jane Doe34, as adult women who also came forward with allegations of inappropriate behavior by Fr. Marotti. (App'x FM#6, MSP Supplemental Incident Report 0001, No. NIS-0000012-20, p 1.)

On April 20, 2020, Sgt. Workman interviewed Jane Doe33, who stated that she first met Fr. Marotti about five or six years earlier when she wanted to get her daughter baptized. (*Id.* at 1–2.) About two or three years later, Fr. Marotti contacted her via Facebook and they became friends. (*Id.* at 2.) At the time, she was in a “low place,” going through a divorce. (*Id.*) She alleged that Fr. Marotti invited her over for dinner and red wine, texted her while hearing confessions, and called her a “beautiful badass.” (*Id.*) She felt he acted inappropriately, so she stopped communicating with him and reported him to another priest. (*Id.*)

On April 21, 2020, Sgt. Workman interviewed Jane Doe31, the substance of which was generally as described above, and a copy of Deacon Hall's report was attached. (*Id.*)

On April 28, 2020, Sgt. Workman interviewed Jane Doe34, and she stated that Fr. Marotti and she started texting after he baptized her daughter in the Spring of 2019. (*Id.* at 3.) She alleged that, within a week, he started asking her to come over to dinner and texted her pictures of his bedroom. (*Id.*) Jane Doe34 also alleged that he also texted her “you're fucking hot.” (*Id.* at 3–4.) She explained that she declined his advances, which caused him to become cold toward her, and they stopped communicating. (*Id.* at 4.) Jane Doe34 advised the detective that she had written a letter to the Diocese and requested the letter be used as her statement regarding the incident. (*Id.*)

In the late Spring of 2019, I approached Fr. Marotti about getting my daughter and I baptized, as well as getting my daughter counseling for past traumas. We confided in him and I thought I had found a priest whom was caring, humorous and faithful. He was also great with my daughter, and she absolutely adored him. He agreed to the baptism and said he would check in on my daughter weekly.

That day after meeting with him, we were at home and I received a text message from him. It was in the evening and I thought he was just reaching out. I have never had experiences with Catholic priests before and I thought he just cared enough to check on us. His onslaught of texts began to get very personal. Within a week he started texting me at inappropriate hours.

It really caught me off guard and I was in a fragile emotional and vulnerable state. I started receiving texts of a sexual nature as well as texts when he was “drinking red wine” which he liked to say. I did receive a picture of him in plain clothes, as well as pictures of his house including his bedroom. There were times he would text and ask me the same questions, and I could tell he was drinking heavily. He wanted to get together out-of-town for a date. He told me he did things to himself when he thought of me.

[*Id.* at 4.]

The Diocese released the following statement in 2021, after its investigation was completed:

The Most Reverend Paul J. Bradley has canonically suspended the Reverend Francis Marotti from the public exercise of priestly ministry and from presenting himself as a priest. The suspension comes as a result of a thorough investigation and extensive assessment of inappropriate conduct. Fr. Marotti has been on a leave of absence since October of 2019, and subsequently resigned as Pastor of St. Ann Parish, Augusta, in March of 2020.

We continue to pray for the grace and healing of the Holy Spirit for all who have been affected by this situation.

[App’x FM#7, Diocesan statement of Fr. Francis Marotti, dated August 12, 2021.]

That suspension is still in force. On February 3, 2021, the Diocese of Kalamazoo forwarded an allegation it received through its legal counsel to the Department of Attorney General. (App’x FM#8, Email from Kalamazoo Legal Counsel to the Department of Attorney General, dated February 3, 2021.) The report was made by a priest from the Diocese of Lansing who was told by a man he had been spiritually counseling that Fr. Marotti allegedly raped the man’s ex-girlfriend, Jane Doe35. (*Id.*)

On February 9, 2021, Sgt. Todd Workman and AG Victim Advocate Rebekah Snyder together interviewed Jane Doe35. (App’x FM#9, MSP Supplemental Incident Report 0003 No. NIS-0000012-20, p 2.) Jane Doe35 stated that, during the Summer

of 2017 when her boyfriend was away on a lengthy trip, she became lonely and started going to Mass at St. Augustine Church in Kalamazoo where Fr. Marotti was serving. (*Id.*) She went to him for confession, and, afterward, asked him if he would be her spiritual director. (*Id.*) Jane Doe³⁵ stated that she and Fr. Marotti began to meet every other week at St. Augustine Cathedral offices during the day, with an emphasis on God. (*Id.*) Over time, the meetings became “less and less about God,” and they developed a close friendship. (*Id.*) They began to text message each other, and when her boyfriend returned from his trip – at Fr. Marotti’s encouragement – she told her boyfriend she needed some space. (*Id.*) She and Fr. Marotti continued to “hang out,” and she realized that she had developed a crush on Fr. Marotti. (*Id.*) She shared this with Fr. Marotti, who told her that he was in love with her. (*Id.*) “She stated that after Fr. Marotti told her he loved her she explained how it wouldn’t work between them because she still had a boyfriend and he had also made a vow of celibacy, so they just returned to their normal friendship and nothing really changed.” (*Id.*)

During this February 2021 interview, she said that sometime later after her family member passed away, Fr. Marotti allegedly told her that he wanted to comfort her. (*Id.* at 2–3.) So, he picked her up and took her back to the parish that night. (*Id.* at 3.) At this point during the interview, Jane Doe³⁵ told Sgt. Workman and Snyder that she did not wish to tell them what happened that night. (*Id.*) She stated that she was “not comfortable speaking about it and did not wish to pursue any criminal charges since he had been defrocked already.” (*Id.*) She stated that she ended up breaking up with her boyfriend because “she was having trouble dealing with what happened.” (*Id.*) However, she eventually told her boyfriend what had happened that night with Fr. Marotti. (*Id.*) When asked whether she noticed any changes in herself after what had happened on the night with Fr. Marotti, “[s]he stated that she lost her faith in the church, broke up with her boyfriend, went into a depression which caused her to stay in bed and sleep ‘all the time.’” (*Id.*) She also avoided eye contact with herself when looking into mirrors, and her future relationships were affected, particularly regarding intimacy. (*Id.*) When asked again if she wished to report what happened on that last evening with Fr. Marotti, she declined, saying she was not ready to talk about it. (*Id.*)

(12) FR. DAVID C. OTTO



Born: March 1, 1950

Ordained: June 17, 1977

Retired: 2014

Died: August 27, 2019

Fr. David C. Otto was born on March 1, 1950, in Minneapolis, Minnesota, and was ordained to the priesthood for the Diocese of Kalamazoo on June 17, 1977. He retired in 2014 and died on August 27, 2019.²¹

In 2018, Jane Doe36 alleged that, in the 1980s, Fr. Otto “molested” her, her sister Jane Doe37, and a “handful of girls who were active participants in CCD and church activities.” (App’x DCO#1, Sexual abuse of a minor by clergy, report of Deacon Pat Hall, dated August 1, 2018, pp 1–2.) Jane Doe36 specifically alleged that on numerous occasions Fr. Otto had her older sister, Jane Doe37, sit on his lap when he was only wearing a towel. (*Id.* at 2.) Jane Doe36 told Deacon Hall that the alleged sexual abuse affected “every aspect” of her sister’s life. (*Id.* at 3.) Her sister blocked some memories of the alleged sexual abuse, and, in some instances, only remembered the beginnings of incidents and not the endings of them. (*Id.*) Jane Doe36 stated that “it became general knowledge among parishioners that Fr.’s hands wandered and touched girls inappropriately.” (*Id.* at 3.) She told Deacon Hall that she was worried that her younger sister, Jane Doe38, might also have been sexually abused by Fr. Otto. (*Id.*)

In his 2018 report, with regard to the alleged sexual abuse Jane Doe36 suffered at the hands of Fr. Otto, Deacon Hall summarized her allegations as follows:

Jane Doe36 went on to say all the girls at CCD were touched inappropriately. When starting to talk about herself, she elaborated that Fr. would touch her on the buttocks, grope and fondle. He would leave his hands linger on her buttocks for far too long. He would grab

²¹ <https://diokzoo.org/news/in-memorialiam-rev-david-otto> (last accessed May 8, 2024.)

her around the buttocks like other people grab someone around the shoulders. Fr. would hug and move her buttocks around rubbing them.

At this point, Jane Doe³⁶ began sobbing. She said that she can no longer go into a Catholic Church. She said everyone came to know of this in the parish and she thinks that is when Fr. Otto was transferred to [another parish].

[*Id.*]

According to Jane Doe³⁶, upon hearing these allegations the Diocese offered to arrange for the sisters to meet with the bishop, advised that it would file a report with the local law enforcement agency, and offered to help coordinate the provision of victim services. (*Id.*)

On July 27, 2018, Deacon Hall and Msgr. Michael Osborn met with Fr. Otto and questioned him about the allegations. (*Id.* at 4.) Fr. Otto said he was assigned to the parish from 1983 to 1988. (*Id.*) He denied the towel allegation and claimed that he did not remember inappropriately touching the girls. (*Id.* at 4.) He did admit to tickling the children and commented that he wished he had the sexual-abuse “programming” back then that the Diocese currently had. (*Id.*) When he was asked how he could explain the allegation that he hugged the girls around their buttocks, Fr. Otto claimed that, during that time period, he was unable to raise his arms “above his chest level.” (*Id.*) He said he would hug the girls around their ribs. (*Id.*) Fr. Otto claimed that the allegations were “exaggerated.” (*Id.* at 5.)

On July 31, 2018, Deacon Hall next interviewed Witness 1 who was the volunteer CCD teacher during Fr. Otto’s tenure at St. Ambrose Parish. (*Id.*) Witness 1 said she ran the high school CCD classes in the basement of the rectory that took place before the 11:00 a.m. Masses. (*Id.* at 5.) She said Fr. Otto did not have much time to visit with the high school CCD students, and she could not recall a time that he did. (*Id.*) She said Fr. Otto lived upstairs, and the classes were held in the basement, but that Fr. Otto could not physically negotiate the stairs. (*Id.*) Witness 1 said that she and Fr. Otto were both huggers and did hug the children. (*Id.*) She also stated that Fr. Otto was about the same height as most of the girls, but that she never saw him hug any of the girls around the buttocks. (*Id.* at 6.) She told Deacon Hall that she never heard of any rumors about Fr. Otto being inappropriate and believed she would have heard them, if that were the case. (*Id.*) She stated that “everyone trusted” him. (*Id.*)

Deacon Hall reported the allegations to the Barry Township Police Department, and Detective Jenny Johnson was assigned to investigate. (*Id.* at 7; App’x DCO#2, Supplemental Report of Deacon Hall, dated August 8, 2018, p 1.)

On August 8, 2018, Deacon Hall received a telephone call from the mother of Jane Doe36 and 37, after she had been contacted by Detective Johnson. (*Id.* at 2.) In part relevant, Deacon Hall wrote:

Mom said her trust with the Church has been strained because of her daughters' experience. She had Fr. David [Otto] over often to their house including playing Monopoly with her daughters. She remembers telling Fr. David, "You need to keep your hands off my girls." Mom says it was not sexual, adding she also said to Fr. David, "You can't do that anymore." [*Id.*]

As part of her investigation in 2018, Detective Johnson interviewed Jane Doe36, the substance of which was consistent with what she had told the Diocese. (App'x DCO#3, Barry Township Police Department Incident/Investigation Report Case No. 18-01567, pp 3–5.) Detective Johnson also interviewed Jane Doe37, who confirmed the initial allegations made by her sister. (*Id.* at 9.) Jane Doe37 said she remembered fragments of the towel incident. (*Id.*) She recalled that Fr. Otto came out of the bathroom with just a towel on him, but she could not remember what occurred next. (*Id.*) According to the police report, she did recall that, after the two of them went on a bike ride on another occasion, she complained that her legs hurt, and he proceeded to rub them, making her very uncomfortable. (*Id.*) Jane Doe37 also said that Fr. Otto's hand would "slip[] on her butt" or he would kiss her goodbye on the lips "with his tongue coming out." (*Id.*) Later in the interview, she reiterated that she vividly remembered Fr. Otto "kissing her good bye on the lips and putting his tongue into her mouth." (*Id.* at 10.) She also stated that she told her mother that Fr. Otto was doing "weird stuff" to her, but her mother kept taking her and her sister to his home. (*Id.* at 9–10.) She could not understand how or why the adults let things happen to her and did not do anything. (*Id.* at 10.)

In 2018, Detective Johnson was informed by the Michigan State Police that it and the Department of Attorney General would be taking over the investigation, and her report was thereafter transferred to MSP. (*Id.* at 10–11.) Thereafter, Sgt. Todd Workman interviewed Jane Doe36 to advise her that the matter had been turned over to MSP and the Department. (App'x DCO#4, MSP Original Incident Report NIS-0000042-19, p 2.) Jane Doe36 and her sister both decided not to be a part of this investigation, and they requested that the statements provided to Detective Johnson be used for Sgt. Workman's report. (*Id.*) During the course of his investigation, Sgt. Workman discovered that Fr. Otto died on August 19, 2019, about a week before he took over the investigation. (*Id.* at 7.)

(13) FR. GARY WILLIAM PAMMENT

Born: February 21, 1937

Ordained: June 1, 1963

Retired: August 6, 2003

Died: June 10, 2008

Fr. Gary William Pamment was born on February 21, 1937, in Lansing, Michigan, and was ordained to the priesthood in Lansing on June 1, 1963. (App'x GWP#1, Priest information and appointment sheet.) He retired on August 6, 2003, and died on June 10, 2008. (*Id.*)

On April 13, 1999, John Doe44 and Jane Doe45 wrote to Bishop James Murray to advise that they had concerns regarding Fr. Pamment's behavior with their nine-year-old son, John Doe46. (App'x GWP#2, Letter from Jane Doe45 and John Doe44 to Bishop James Murray, dated April 13, 1999.) They claimed that John Doe46 was "terribly uncomfortable in the classroom and at church because of the pressure to be Fr. Gary's 'Special Pal.'" (*Id.*) Jane Doe45 and John Doe44 requested the bishop's assistance to intervene in the matter. (*Id.*) Jane Doe45 worked with Fr. Pamment at St. Therese Parish in Wayland, Michigan, and stated that she had worked there for 22 years with several different priests. (*Id.*) Bishop Murray replied by letter, asking their permission to discuss the matter with Fr. Pamment. (App'x GWP#3, Letter from Bishop Murray to Jane Doe45 and John Doe44, dated April 23, 1999.) The file does not contain a reply letter from the John Doe46 family; however, "May 14 – 3:30" is handwritten on the bishop's letter. (*Id.*)

On May 7, 1999, Fr. Chuck Fischer wrote to the bishop to provide background information regarding the matter, after learning that Jane Doe45 and John Doe44 had made an appointment to meet with the bishop. (App'x GWP#4, Letter from Fr. Chuck Fischer to Bishop Murray, p 1.) Fr. Fischer's "letter is a character reference for Jane Doe45, and a request to take this matter very seriously." (*Id.*) Fr. Fischer worked with Jane Doe45 for ten years when he was the pastor at St. Therese and found her to be "reticent, placid, calm side," and not a person to become unsettled or troubled by something, as she was about Fr. Pamment. (*Id.*)

By letter dated May 27, 1999, Bishop Murray wrote to John Doe44 and Jane Doe45 and thanked them for meeting with him and sharing their concerns with him. (App'x GWP#5, Letter (unsigned) from Bishop Murray to John Doe44 and Jane Doe45.) Bishop Murray also advised that he met with Fr. Pamment regarding the concerns, and the latter agreed to "change whatever needs to be changed with respect to the parish in general and your son, John Doe46, in particular." (*Id.*)

Also contained in the Fr. Pamment file concerning the John Doe46 family are nine emails from Fr. Pamment to Jane Doe45, from July of 1997 through May of 1999, that appear to have been provided to Bishop Murray during his meeting with John

Doe44 and Jane Doe45. (App'x GWP#6, Emails from Fr. Pamment to Jane Doe45, dated July 29, 1997; July 31, 1997; August 7, 1997; September 3, 1997; January 4, 1998; April 8, 1999; April 11, 1999; April 23, 1999; and May 2, 1999.) Fr. Pamment wrote "Special hugs, kisses, and caresses for my 'little pal.'" (App'x GWP#7, Email from Fr. Pamment to Jane Doe45, dated July 31, 1997.) He also wrote "[A] Special Hug and Kiss to my Special Pal who is so filled with love We must find more time for my 'Quality Time' with him." (App'x GWP#8, Email from Fr. Pamment to Jane Doe45, dated August 7, 1997.) And he wrote "I love John Doe46 so much and enjoy his company" and "Special hugs, kisses and caresses for my 'little pal.'" (App'x GWP#7, Email from Fr. Pamment to Jane Doe45, dated July 31, 1997.)

In many of these emails, Fr. Pamment wrote to Jane Doe45 that he loved her and wanted "quality time" with his "Special Pal" or "little pal." (App'x GWP#9, Emails from Fr. Pamment to Jane Doe45 dated August 7, 1997; September 3, 1997; January 4, 1998; and April 11, 1999.) Later, he wrote that he wanted to take Jane Doe45 and the children out to lunch once in a while (not just Jane Doe45 and another adult) and also suggested that he and John Doe46 resume having ice cream together. (App'x GWP#10, Email from Fr. Pamment to Jane Doe45, dated April 8, 1999.) He went on to remind her that he had "changed a long-standing policy of mine in letting John Doe46 serve in the second grade (and thus other second-graders as well)" and that he "would never have done such a thing were it not for my affection for you, John Doe46 and Jane Doe47. Can you at least think about my requests?" (*Id.*) There is no mention of the John Doe46 family or their son John Doe46 in the Fr. Pamment file after John Doe44 or Jane Doe45 met with the bishop.

In 2014, Jane Doe48, LLSW, ACSW, contacted the victim assistance-coordinator for the Diocese of Grand Rapids on behalf of her patient, John Doe49, to report an allegation of sexual abuse. (App'x GWP#11, Diocese of Grand Rapids Allegation Intake Form, p 1.) Because the sexual abuse was alleged to have taken place in two parishes, one located within the Diocese of Grand Rapids and the other located within the Diocese of Kalamazoo, the Grand Rapids Diocese's VAC shared her report with Deacon Pat Hall, of the Diocese of Kalamazoo. (*Id.* at 4; App'x GWP#12, Report prepared by Deacon Hall, dated October 21, 2014.)

In this 2014 report, John Doe49 alleged that, when he was an altar boy at St. Mary's Visitation Church, he was sexually abused by a "Fr. Don" multiple times, a priest different from Fr. Pamment, commencing at the age of seven years old in or about 1983 or 1984,. (App'x GWP#13, Attachment dated September 10, 2014, to Report prepared by Deacon Hall with a submission date of October 21, 2014, p 1.)

John Doe49 alleged that, shortly after he made his first confession and communion, Fr. Don left, and another priest became the pastor of St. Mary's Visitation, and the sexual abuse continued and worsened with that priest. (*Id.*) John Doe49 identified that priest as Fr. Pamment through a photo lineup conducted by Detective Martin Mendell of the Allegan County Sheriff's Office. (App'x GWP#14, Allegan County

Sheriff's Office Summary, Case No. 2014-00015013, p 4.)²² Fr. Pamment served as pastor of St. Mary's Visitation Church from September 13, 1984, through sometime in 1992. (App'x GWP#1, Priest information and appointment sheet, p 2.) John Doe49 described the sexual abuse he allegedly suffered by Fr. Pamment as follows:

Things did not start with Fr. [Pamment]²³ like they did with Fr. Don, it was like he already knew I was the boy to go to who wouldn't say anything and let it happen because he was too scared and too stupid. I let them do this to me because I thought I needed or wanted affection from them, they made it seem like I couldn't go without it or I wouldn't make it through life or something. I'm not sure now if that was specifically what it was or not but that is the impression I am left with today.

The first time Fr. [Pamment] got me alone he forced me to perform oral sex on me and then sodomized me. He did it up against the credenza or large dresser? In the sacristy, I remember my face and arms being up against it, the contour of the wood, the texture, the finish and the way it smelt. I remembered vividly sobbing uncontrollably while he did it to me, at first he tried to penetrate me dry or with spit but after I couldn't relax or he couldn't force it in he found some sort of lubricant. I prayed like hell he wouldn't find something and hopefully the thought would leave his mind but he was able to produce it faster than that thought left my head. I was devastated because I knew what was about to happen and I couldn't believe it and I couldn't stop sobbing. It hurt so fucking bad, I bled, I screamed, he didn't let me scream again, he was huge, a very fat man, he was disgusting, and stinky, and gross. He was very mean to me, he did not tolerate anything other than silently weeping while he finished raping me. He came in me and when I wiped I remember it was semen and blood and there was a lot of it.

This happened on a regular basis. He almost got caught with me a few times in the rectory but made me hide and keep my mouth shut. I knew every time I had to see him, or go to confession to him that I had to make him cum in some way. He was very greedy and very pushy. He also made me swallow his semen and would get upset if I spit it out

²² It should be noted that John Doe49 initially, in his written statement, did not remember the correct name of the new pastor who came to St. Mary's Visitation; however, when he saw Fr. Pamment's photograph in the photo lineup of six photographs, he said he was positive that he was the priest.

²³ The statement references a different priest, but as noted above, John Doe49 later identified this priest as Fr. Pamment. See n 22 above.

or puked it up. If I cried while he raped me or while forcing me to suck his dick it had to be silently and could not affect his erection or he would be sure to take extra-long or make me work extra hard to end the encounter.

He would sodomize me at almost every encounter as long as he knew he had the time, he did not kiss on me like Fr. Don, he would force me to play with his nipples or suck on them or put his testicles in my mouth. He was very fat and nasty and I was completely mortified of him naked and up against me. He would rape my [sic.] from behind and because of how large he was would pummel me into whatever he had me up against. I bled constantly from my rectum during these years. I had irritable bowel syndrome during these years, and my only goal in life was to some-day hang myself up in the steeple off the choir loft at some point to pay them back for the agony they did to me.

[App'x GWP#13, Attachment dated September 10, 2014, to Report prepared by Deacon Hall with a submission date of October 21, 2014, p 2.]

In this 2014 letter, John Doe49 alleged that as a result of the sexual abuse, he has suffered from irritable bowels, hemorrhoids, severe diverticulitis, anal leakage, colon-resection surgery, removal of his sigmoid colon, and many hospital stays “with pain, bleeding, infections, and surgeries.” (*Id.*, section of typewritten, hand-dated note titled, “What this has done to me... How this has affected me....” dated September 10, 2014.) When John Doe49 came forward with his allegations through his counselor, it was the first time he had ever told anyone about the sexual abuse, including his wife and close friends. (*Id.*)

In 2014, Detective Mendell closed his investigation regarding Fr. Pamment because he died in 2008, and, therefore, could not be prosecuted, and because, according to diocesan records, none of the priests serving at St. Mary's Visitation included a “Fr. Don.” (App'x GWP#14, Allegan County Sheriff's Office Summary, Case No. 2014-00015013, pp 4–5; App'x GWP#15, Undated email memo of Pat Hall to Bishop Paul Bradley, Mike Emmons, and John Doe49.) John Doe49's allegation regarding a priest of the Diocese of Grand Rapids was referred to MSP for investigation. (App'x GWP#14, Allegan County Sheriff's Office Summary, Case No. 2014-00015013, p 5.)

In an email chain dated October 30–31, 2014, John Doe49 wrote to Deacon Hall and advised that he would like the Diocese to pay him \$750,000.00; pay for residential treatment; and help him find a local support group. (App'x GWP#16, Email from John Doe49 to Deacon Hall, dated October 30, 2014; App'x GWP#17, Email from Deacon Hall to John Doe49, dated October 31, 2014, and email from John Doe49 to Deacon Hall, dated October 31, 2014.) The file does not contain any evidence that the Diocese paid any sum of money to John Doe49; however, Deacon Hall had

previously told John Doe49 that the Diocese would pay for counseling. (App'x GWP#12, Report of Deacon Hall, dated October 21, 2014, p 4.)

On July 9, 2015, the Diocese of Kalamazoo Review Board reviewed the John Doe49 allegations and noted that John Doe49 was advised that the Diocese did not have a “policy regarding settlements” and that the Diocese asked John Doe49 for his assistance with the investigation. (App'x GWP#18, Minutes of the Diocese of Kalamazoo Review Board, dated July 9, 2015, p 2.) The Review Board determined that there was not enough evidence to find the allegation credible; however, it decided that a follow-up letter to John Doe49 should be sent, offering to further investigate the matter. (*Id.*) In August 2015, a letter to that effect was sent to John Doe49 by Deacon Hall, noting that “[w]e need your assistance.” (App'x GWP#19, Letter from Deacon Patrick Hall to John Doe49, dated August 20, 2015.) No other documents regarding that request or further contact exists in the Fr. Pamment file.

**(14) FR. CARL FRANKLIN PELTZ
(LISTED ON BISHOP ACCOUNTABILITY SITE.)**



Born: April 1, 1951

Ordained: May 13, 1977

Died: December 26, 2015

Fr. Carl Franklin Peltz was born in Martins Ferry, Ohio, on April 1, 1951, and was ordained to the priesthood on May 13, 1977, in Steubenville, Ohio for the Diocese of Steubenville. (App'x CFP#1, *Curriculum Vitae* of Fr. Carl Peltz.) Fr. Peltz was invited to serve in the Diocese of Kalamazoo in 1997 and later was incardinated into the Diocese in 2000. (*Id.*; App'x CFP#2, Draft Diocese of Kalamazoo News Release, dated April 3, 2002, p 2.) Fr. Peltz died in Kalamazoo on December 26, 2015. (App'x CFP#3, Obituary of Fr. Carl Peltz.)

In December 1990, John Doe⁵⁰ alleged that, in the Fall of 1985, when he was 12 years old, Fr. Peltz anally raped him on a naval base in Keflavik, Iceland, when Fr. Peltz was a Navy chaplain. (App'x CFP#4, Fact Sheet; App'x CFP#5, Typewritten statement signed by John Doe⁵⁰, dated December 8, 1990.) Fr. Peltz denied that the incident, "or any like it" took place, as well as ever being alone with John Doe⁵⁰ or any other children during his three years in the Navy. (App'x CFP#4, Fact Sheet; App'x CFP#6, Confidential handwritten statement of denial by Fr. C. F. Peltz, dated September 9, 1990.) According to Naval records, Fr. Peltz was not stationed in Keflavik, Iceland, in the Fall of 1985, but rather left on May 14, 1985, at the end of his tour of duty. (App'x CFP#4, Fact Sheet; App'x CFP#2, Draft Diocese of Kalamazoo News Release, dated April 3, 2002, p 1.) No criminal charges were brought against Fr. Peltz. (*Id.*)

In 1991, a civil suit was filed by John Doe⁵⁰ and his parents against the Diocese of Steubenville and Fr. Peltz, and the same settled while an appeal was pending. (*Id.*) Fr. Peltz denied the allegations, and underwent psychological testing, the results of which did not "indicate that he was predisposed to have engaged in the type of conduct that has been alleged[.]" (*Id.*)

Prior to his service in the Diocese of Kalamazoo in 2000, the Diocese was "fully aware" of the 1990 allegation and the 1991 lawsuit and was privy to Naval records and psychiatric evaluations of Fr. Peltz. (App'x CFP#2, Draft Diocese of Kalamazoo News Release, dated April 3, 2002, p 2.) The Diocese stated that "Father Peltz has

our complete support and we reiterate that we consider the allegation against him to be unsubstantiated and false.” (*Id.*)

In 2002, Bishop James Murray because of the recent adoption of the “Charter for the Protection of Children and Young People,” referred the allegation made by John Doe50 to the Diocese of Kalamazoo Review Board Allegations Committee. The Committee determined that there was insufficient evidence to substantiate the allegation, summarizing as follows:

Therefore, this Board considering all the evidence, including the extensive file on the priesthood of Father Peltz, and considering that the only allegation of abuse was contained in John Doe50’s statement of December 8, 1990, and considering that John Doe50 chose not to fully explain that statement or talk about the alleged abuse, and considering the discrepancy in dates as outlined above, and considering the physical set up of the place of the alleged abuse, it is the conclusion of the Board that there is insufficient evidence to substantiate that Father Peltz sexually abused John Doe50, as alleged.

[App’x CFP#7, Minutes of the Diocese of Kalamazoo Review Board Allegations Committee, dated January 30, 2003; App’x CFP#8, Diocese of Kalamazoo Review Board Proposed Findings and Conclusions Re: Father Carl Peltz, dated January 30, 2003, p 5.]

(See also App’x CFP#15, Minutes of the Diocese of Kalamazoo Review Board Allegations Committee, dated January 16, 2003, with attachments; dated December 17, 2002, with attachments; dated November 14, 2002; and dated October 31, 2002; App’x CFP#6, Confidential handwritten statement of denial by Fr. C. F. Peltz, dated September 9, 1990; and App’x CFP#16, Letter from MFS to “Whom it May Concern,” regarding Fr. Peltz’s arrival in Norfolk, Virginia, dated March 1, 1995.)

In a letter dated May 24, 2003, Bishop Murray prepared a letter that was read to the parishioners of St. Ambrose Parish, where Fr. Peltz served as administrator, advising that the Review Board found the allegation against Fr. Peltz to not be supported by “any credible evidence.” (App’x CFP#9, Letter from Bishop James Murray to “My Brother[s] and Sisters in Christ,” dated May 24, 2003.)

In January 2008, the principal of St. Mary Catholic School in Niles, Michigan, received an email from Jane Doe51 who alleged that in or about 1981 in Marietta, Ohio, “Father Peltz had made improper advances toward my son. Luckily, he was old enough and strong enough to fend him off but I do feel a responsibility to notify you that Father Peltz has this aberrant personality and should not be allowed around young boys.” (App’x CFP#10, Email from Jane Doe51 to the principal, dated January 4, 2018, p 1.) Jane Doe51 further stated that her son claims he was not

sexually molested, but “was approached with that in mind.” (*Id.*) She also claimed that Fr. Peltz gave her son alcohol and drank heavily himself. (*Id.* at 2.)

On the bottom of the January 2008 email, a handwritten note from the file appears as follows: “glad his mom sent letter, but doesn’t want to come forward with anything specific.” (*Id.*) Another paper with handwritten notes reads that the son did not want to get “involved, nothing happened.” (App’x CFP#11, Undated, unsigned paper of handwritten notes.) There is also an unsigned and undated letter from Mary Jane Doerr, Victim Assistance Coordinator for the Diocese of Kalamazoo, addressed to John Doe⁵² advising of his mother’s contact with the Diocese; however, no reply was located in the file. (App’x CFP#12, Undated, unsigned Letter from Mary Jane Doer.) According to an older *Curriculum Vitae* of Fr. Peltz found in the file, he served as the associate pastor of St. Mary Church in Marietta, Ohio, in 1982. (App’x CFP#14, *Curriculum Vitae* of Fr. Carl Franklin Peltz, p 1.)

During his time in the Diocese of Kalamazoo, Fr. Peltz served at St. Ambrose Parish, Parchment (1998–2003); St. Ambrose Parish, Delton (2003–2004); Our Lady of Great Oak Mission Parish, Lacey (2003–2004); St. Mary of the Immaculate Conception, Niles (2004–2005); St. Gabriel Mission, Berrien Springs (2004–2005); Holy Family Parish, Decatur (2006–2008); St. John Parish, Albion (2008–2011); St. Anthony, Buchanan (2011–2013); and St. Catherine of Siena, Portage (2013–2014). (App’x CFP#1, *Curriculum Vitae* of Fr. Carl Peltz.) Fr. Peltz retired to senior priest status in 2014 and died the following year. (*Id.*)

Fr. Peltz remained a priest in good standing within the Diocese of Kalamazoo until his death in 2015.

**(15) FR. STANLEY T. STANISZEWSKI
(LISTED ON ARCHDIOCESE OF CHICAGO, DIOCESE OF GARY INDIANA,
DIOCESE OF KALAMAZOO, AND THE BISHOP ACCOUNTABILITY
SITES.)**



Born: October 8, 1943

Ordained: June 1, 1974

Terminated from the Diocese of Kalamazoo: December 22, 1997

Died: April 2, 2016

Fr. Stanley T. Staniszewski was born in Poland on October 8, 1943, and was ordained to the priesthood on June 1, 1974, in Coventry, England, as a priest of the Diocese of Warsaw, Poland. (App’x STS#1, Diocese of Kalamazoo information sheet.) Fr. Staniszewski ministered in the Diocese of Kalamazoo from September 1, 1994, through May of 1998, although he was never incardinated into the Kalamazoo Diocese. (*Id.* at 2; App’x STS#2, Letter from Archbishop Kazimierz Nycz of Warsaw to Bishop James Murray, dated December 4, 2007.) Fr. Staniszewski died on April 2, 2016.²⁴

In a letter dated September 9, 1994, Fr. Robert Morlino, executive assistant to Bishop Paul Donovan, wrote to Fr. Thomas Paprocki, chancellor of the Archdiocese of Chicago, advising that Fr. Staniszewski had requested to be incardinated into the Diocese of Kalamazoo, and requesting Fr. Paprocki to advise Bishop Donovan of the “character and ministry” of Fr. Staniszewski, during his time serving in the Archdiocese of Chicago. (App’x STS#3, Letter from Fr. Robert Morlino to Fr. Thomas Paprocki, Chancellor for the Archdiocese of Chicago, dated September 9, 1994.) In reply, Fr. Paprocki advised that Fr. Staniszewski had been relieved of his most recent assignment there because he refused to return to Guest House. (App’x STS#4, Letter from Fr. Thomas Paprocki to Fr. Robert Morlino, dated September 20, 1994.) Fr. Paprocki further wrote that “[i]t is our strong sense here that Father Staniszewski not return to priestly ministry until he has adequately addressed the issues of alcohol abuse.” (*Id.*)

²⁴ <https://mersonlaw.com/indiana-catholic-diocese-priest-sex-abuse-list/> (last accessed May 10, 2024.)

In a letter dated September 27, 1994, in response to a similar request made by the Kalamazoo Diocese, Fr. Thomas Balys of the Discalced Carmelite Fathers in Munster, Indiana, wrote to Bishop Donovan and advised that, during his contact with Fr. Staniszewski, he had not observed any problems with celibacy, sexual conduct, or alcohol abuse; however, his contact with Fr. Staniszewski was limited to mostly monastery visits. (App'x STS#5, Letter from Fr. Thomas Balys, O.C.D., to Bishop Paul Donovan, dated September 27, 1994.)

On July 20, 1995, Fr. Paprocki wrote Bishop Alfred Markiewicz, advising that it had come to his attention that Fr. Staniszewski had recently concelebrated a funeral Mass in the Archdiocese of Chicago, notwithstanding the fact that his faculties were revoked by the archdiocese in May of 1994. (App'x STS#6, Letter from Fr. Thomas Paprocki to the Bishop Alfred Markiewicz of Kalamazoo, dated July 20, 1995.) Fr. Paprocki also enclosed a copy of the letter that he wrote to Fr. Morlino, discussed above [p 71], in which he “strongly” advised Fr. Morlino that Fr. Staniszewski should not return to priestly ministry until his alcohol-abuse issues were addressed. (App'x STS#7, Letter from Fr. Paprocki, Chancellor, to Fr. Robert C. Morlino, dated September 20, 1994.)

In a letter dated August 1, 1995, Fr. Morlino replied to Fr. Paprocki's letter on behalf of Bishop Markiewicz and advised that former Bishop Donovan had considered Fr. Paprocki's 1994 letter, regarding Fr. Paprocki's concerns and also considered the observations “of a well-respected member of the hierarchy in Poland, who knows Father Staniszewski quite well and was willing to speak strongly in Father Staniszewski's favor.” (App'x STS#8, Letter of Father Robert Morlino, Executive Assistant to the Bishop, to Fr. Thomas Paprocki, dated August 1, 1995, p 1.) Fr. Morlino also wrote that Fr. Staniszewski was doing well in the Kalamazoo Diocese and “received strong positive commendation in a very consistent way both from priests and people alike.” (*Id.*) He further explained that Fr. Staniszewski had lived with pastors during his assignments, and no problems of alcohol or anything else “had revealed itself to the slightest degree.” (*Id.*) Finally, Fr. Morlino stated that he and Bishop Markiewicz believed that Fr. Staniszewski “probably honestly believed that the faculties granted to him by this Diocese somehow superseded or canceled out the removal of faculties which had been effected in the Archdiocese of Chicago.” (*Id.*) Fr. Morlino stated that, if Fr. Staniszewski continued to “perform in a stellar manner in the Diocese of Kalamazoo,” perhaps the Archdiocese would reconsider “the prohibition placed on Fr. Staniszewski.” (*Id.* at 2.)

In a letter dated August 10, 1995, in reply to Fr. Morlino's August 1, 1995 letter Fr. Paprocki wrote that, “[r]egarding Father Staniszewski's prohibition from exercising public ministry in the Archdiocese of Chicago, please be advised that our concerns about Father Staniszewski extend beyond the issue of alcohol abuse.” (App'x STS#9, Letter from Fr. Thomas Paprocki to Fr. Robert Morlino, dated August 10, 1995.) Fr. Paprocki invited Fr. Morlino to contact him “[i]f you are interested in

knowing more about this[.]” (*Id.*) There is nothing in the Fr. Staniszewski file, or in any other file found among the documents seized from the Kalamazoo Diocese, that describes what the other concerns were, nor is there any record of whether Fr. Morlino contacted Fr. Paprocki. When Fr. Morlino first contacted the Archdiocese to inquire about Fr. Staniszewski, no other concerns, aside from the alleged alcohol abuse, were disclosed in Fr. Paprocki’s letter.

In a file document dated December 22, 1997, and signed by then Diocese-of-Kalamazoo Administrator, Fr. Eugene Sears, Fr. Sears stated: “Father Stanley Staniszewski has been asked to leave the Diocese of Kalamazoo permanently.” (App’x STS#10, One-sentence typewritten note, signed by Fr. Eugene Sears, dated December 22, 1997.) In a letter dated January 12, 1998, i.e., a few weeks after writing that file note, Fr. Sears wrote to Monsignor Michael Foley of the St. Michael’s Community, and advised that, after receiving Msgr. Foley’s report concerning Fr. Staniszewski’s stay at St. Michael’s Community, Fr. Staniszewski was terminated by the Diocese of Kalamazoo. (App’x STS#11, Letter from Fr. Eugene Sears to Monsignor Michael Foley, dated January 12, 1998, p 1.) Fr. Sears explained that he met with Fr. Staniszewski regarding Msgr. Foley’s report, and Fr. Staniszewski told Fr. Sears that Msgr. Foley gave Fr. Staniszewski a “a very positive report and said nothing that would indicate there were any problems with him and his personal life.” (*Id.*) Fr. Sears also wrote that, “[i]t was only after rather direct challenges and questions did he finally say that your evaluations were not true.” (*Id.*) Thus, Fr. Staniszewski was terminated by the Diocese, “[b]ecause of his complete lack of integrity[.]” (*Id.*)

In May 1999, Fr. Staniszewski wrote to Bishop Murray, Bishop Markiewicz’s successor, and asked if he could return to minister in the Diocese of Kalamazoo. (App’x STS#12, Typewritten note from Fr. Stanley Staniszewski to Bishop James Murray, dated May 26, 1999.) Bishop Murray replied and advised Fr. Staniszewski that no openings were available “for which you would qualify.” (App’x STS#13, Letter from Bishop James to Fr. Stanley Staniszewski, dated June 9, 1999.)

Several years later, in July 2007, the bishop of the Diocese of Gary (Indiana) wrote to Bishop Murray and advised that the Diocese of Gary had received a sexual-misconduct allegation against Fr. Staniszewski that its Diocesan Response Team found credible. (App’x STS#14, Letter from Bishop Dale Melczek of Gary to Bishop James Murray, dated July 2, 2007.) Fr. Staniszewski served in the Gary Diocese from 1974 through 1983. (*Id.*) In July 2007, after the Kalamazoo Diocese received this information, a notice was published four times in the parish bulletins where Fr. Staniszewski served during his time in the Kalamazoo Diocese, which read:

A credible report of sexual misconduct against Fr. Stanley Staniszewski has been filed with the Diocese of Gary. Fr. Staniszewski served in the Diocese of Kalamazoo from 1994-1998. If anyone has any concerns[,] please call [KF] of the Diocese of Gary at [phone number.]

[App'x STS#15, Diocese of Kalamazoo Safe Environment Fax from Mary Jane Doerr, Director, dated July 11, 2007.]

In August 2007 after this notice was published, two boys alleged that they had been sexually abused by Fr. Staniszewski in the 1990s.

The first allegation was initially made by the father of John Doe75. (App'x STS#16, Letter from John Doe75's father to "To Whom it May Concern," dated August 3, 2007.) John Doe75's father alleged that his son, John Doe75, had told him that he had been sexually molested by Fr. Staniszewski. (*Id.* at 1.) He wrote that he then realized "how methodically Father Stan befriended those he wanted to disbelieve these rumors if they ever came out against him." (*Id.*) He further wrote that Fr. Staniszewski gave him "a personalized pen set, of which had my first and last name engraved on them, as a gesture of thanks for working in the church, while choosing my son as one of his victims." (*Id.*) He wrote that he notified the bishop's office about the alleged sexual abuse and he spoke to the bishop, the substance of which he described as follows:

I made several calls to the office of the bishop in Kalamazoo. My first two contacts were with his assistant. Finally I had a one on one conversation with the bishop. He listened to what I had to say and then told me I should bring the other family with me to his office with the two boys for a meeting. He told me we would find out if they were lying and what the actual truth was. Also, we would pray together for Father Stan's well being. He told me the priest had been taken out of contact with children and sent back to Italy. I could see the smoke screen starting to build.

A short time later, after I declined the bishop and verbally gave him a piece of reality, my oldest son told us one of his friends' had a detective agency and wanted to help by trying to track this priest down. He followed a trail for sometime that finally went cold, I believe, in Minnesota. He said questioning was being met with closed door responses and could go no further. Obviously the priest was not out of [the] country. The church was covering for him.

[*Id.* at 1–2.]

On August 6, 2007, John Doe75 was interviewed by Mary Jane Doerr, director of the Diocese of Kalamazoo Safe Environment Office. (App'x STS#17, Diocese of Kalamazoo Statement of Allegation regarding John Doe75, dated August 6, 2007, p 1.) He alleged that, when he went to Fr. Staniszewski for confession at Immaculate Conception in Hartford, Fr. Staniszewski always told him to choose face-to-face confession, during which Fr. Staniszewski would touch his knee and hold him by the neck "in order to get the full extent of God." (*Id.* at 2–3.) John

Doe75 also alleged that Fr. Staniszewski told him he “liked” him, and asked whether John Doe75 also liked the priest. (*Id.* at 2.) After one of his confirmation classes, Fr. Staniszewski allegedly told him to stay and took him into the sacristy and started hugging and kissing him and rubbed himself against John Doe75. (*Id.*) Fr. Staniszewski allegedly told John Doe75 that where Fr. Staniszewski came from, it was okay to hug and kiss. (*Id.*) John Doe75 also alleged that Fr. Staniszewski invited him over to visit and play games and watch movies. (*Id.*) He also allegedly encouraged him to bring his friend and told John Doe75 that they were “good looking boys.” (*Id.*) Fr. Staniszewski also allegedly told John Doe75 not to tell anyone about these incidents. (*Id.*) John Doe75 alleged that he was 14 years old at the time the alleged sexual abuse occurred. (*Id.* at 3.)

On August 7, 2007 regarding the second allegation, Doerr interviewed John Doe76, who alleged that, in or about 1997, when he was around 15 years old, he went to Fr. Staniszewski for confession at Immaculate Conception in Hartford and confessed that he had masturbated. (App’x STS#18, Diocese of Kalamazoo Statement of Allegation regarding John Doe76, dated August 7, 2007, pp 1–3.) The first time he went to confession with Fr. Staniszewski, he went behind the screen, but on subsequent occasions, Fr. Staniszewski allegedly “brought him around face to face[.]” during which Fr. Staniszewski put a hand on John Doe76’s knee and touched his head, praying. (*Id.* at 2.) John Doe76 alleged that Fr. Staniszewski “brought up the masturbation outside of the confessional” at least three times, one time asking him where he put his semen. (*Id.*) John Doe76 also alleged that the priest kissed him in the sacristy more than once, and John Doe75 witnessed one of those incidents. (*Id.*) Fr. Staniszewski allegedly told John Doe76 that it was “not gay for 2 men to kiss and hug” each other. (*Id.*) John Doe76 alleged that Fr. Staniszewski invited him to come to his house, but John Doe76 never went. (*Id.*) John Doe76 thereafter told his parents about the alleged conduct, and they “met with someone,” and Fr. Staniszewski denied everything. (*Id.*)

It is not clear whether the allegations were reported to the Diocese at that time in the 1990s; however, the following undated handwritten notes were found in the Fr. Staniszewski priest file:

Msgr. Sears

July

...

Accused by parent of taking advantage of kid during confession
“unproveable but obviously true.” Worked with parents about
situation. Doesn’t remember name of family.

8-6-

One came forward, other accusations (innuendos)

Mother demanded we do something; he was kicked out

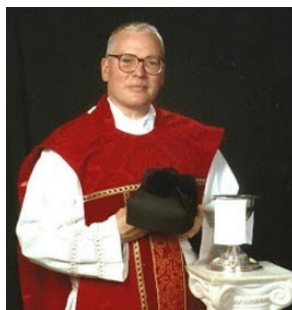
(issues: money, drinking, sex) another Bishop called for a reference,

He did not give a good one.

[App'x STS#19, Handwritten notes on wide-ruled, yellow legal pad paper.]

In a letter dated October 9, 2007, Bishop Murray wrote to the Archbishop of Warsaw, Kazimierz Nyrz, to inform him that “two credible allegations [were] made against Fr. Stanley Staniszewski regarding the sexual abuse of minors.” (App'x STS#20, Letter from Bishop James Murray to Archbishop Kazimierz Nyrz, dated October 9, 2007.) Bishop Murray also advised Archbishop Nyrz that these allegations against Fr. Staniszewski would be included within his 2007–2008 report to the United States Conference of Catholic Bishops. (*Id.*)

**(16) FR. BRIAN LYNN STANLEY
(LISTED ON THE DIOCESE OF KALAMAZOO AND THE BISHOP
ACCOUNTABILITY SITES.)**



Born: August 1, 1962

Ordained: June 29, 1996

Removed from ministry: January 13, 2017

Convicted: November 20, 2019, Attempted Unlawful Imprisonment

Fr. Brian Lynn Stanley was born on August 1, 1962, in Watervliet, Michigan, and was ordained to the priesthood at St. Augustine Cathedral, in Kalamazoo on June 29, 1996. (App'x BLS#1, Priest information and appointment sheet, p 1; App'x BLS#2, *Curriculum Vitae* of Fr. Brian Lynn Stanley.) "In light of the very serious concerns raised and credible claims made with regard to inappropriate relationships and actions with certain parishioners[,] Fr. Stanley was removed from public ministry on January 13, 2017. (App'x BLS#3, Letter from Msgr. Michael Osborn, Vicar General, to Fr. Brian Stanley, dated January 13, 2017.)

On October 24, 2013, the associate director of the Office of Safe Environment, Diocese of Kalamazoo, called Deacon Pat Hall to advise that she had been contacted by Jane Doe19, secretary at St. Margaret Church in Otsego, Michigan, who reported that Fr. Stanley had been engaging "in grooming behavior of a 17-year[-]old boy, John Doe54." (App'x BLS#4, Report written by Deacon Pat Hall titled, "Inappropriate behavior with Minors by Clergy," at 1–3.)

Hall interviewed Jane Doe19 later that day. (*Id.* at 3.) She told him that Fr. Stanley and John Doe54 worked out several times a week together to help Fr. Stanley prepare for a "drill weekend" in the National Guard. (*Id.*) Fr. Stanley hired John Doe54 to "coach" him. (*Id.*) Jane Doe19 stated that Fr. Stanley bought John Doe54 gifts, such as a Notre Dame jersey as a result of a lost bet, a couple of pairs of sweatpants, and minutes for his cell phone. (*Id.* at 4–5.) Jane Doe19 also stated that John Doe54 was "especially vulnerable," had a history of "chronic marijuana use," and had "hit rock bottom." (*Id.*) John Doe54 was "in a lot of trouble with his parents," and it was his mother who brought him to Fr. Stanley to help him. (*Id.*)

In this October 2013 interview, Jane Doe19 also told Deacon Hall that on one occasion, an employee the director of religious education, heard a noise and voices

coming from the mechanical room and tried to open the door with her key, but she could not open the door, as if something inside the room was blocking it, so she, instead, went to the exterior door and, when she opened it, Fr. Stanley was there, blocking her view to the inside of the room. (*Id.* at 1, 4.) She asked him whether anyone else was in the room, and she said that Fr. Stanley told her that everything was “all right” and closed the door. (*Id.*) On another occasion, the church maintenance man asked Jane Doe19 why there were mats in the mechanical room. (*Id.*) Jane Doe19 recalled Fr. Stanley and John Doe54 using mats in the church and assumed them to be the same. (*Id.*)

Also in this October 2013 interview, Jane Doe19 told Deacon Hall that she told Fr. Stanley that she had concerns that his interactions with John Doe54 looked like “grooming” behavior and “that it looked bad for him, the parish and the Church.” (*Id.* at 6.) Jane Doe19 alleged that Fr. Stanley told her that he had a contract with John Doe54 and paid him for his help. (*Id.*) Fr. Stanley allegedly became “defensive” and told her that “there were others who didn’t follow the child safety rules.” (*Id.*)

Finally in this October 2013 interview, in addition to the alleged interactions with John Doe54, Jane Doe19 also told Deacon Hall that she was concerned about Fr. Stanley’s treatment of John Does77 and 78, who were two male students who attended the parish school and were altar servers. (*Id.* at 7.) Jane Doe19 stated that Fr. Stanley had also trained the boys to serve at funerals and took them out of school for the previous two funerals and then paid them out of his personal funds, telling them they were “professional altar servers.” (*Id.*)

Based on the interview with Jane Doe19, in 2013 Deacon Hall spoke to Diocesan Chancellor Michael Emmons, who directed Deacon Hall to advise Fr. Stanley to refrain from contact with John Doe54 and to not “act in retribution against any possible witness,” or attempt to identify any witnesses. (*Id.* at 7–8.) Deacon Hall also advised Fr. Stanley that the Diocese would have the matter investigated. (*Id.* at 8.) Gerald Alexander and Kenneth Colby were thereafter assigned to investigate the matter. (*Id.*) During the course of their investigation, they discovered that Fr. Stanley did meet with John Doe54 in the church mechanical room, and both Fr. Stanley and John Doe54 told investigators that, as part of a “corrective[-]action plan being enforced by Fr. Stanley, that Fr. Stanley wrapped John Doe54 like a mummy in saran wrap on one occasion and with athletic tape on two additional occasions.” (*Id.*) “John Doe54 was wrapped to the point of being completely immobile and defenseless except for breathing.” (*Id.*)

Based on this information, on November 6, 2013 Deacon Hall verbally reported the matter to the State of Michigan, Children’s Protective Services (CPS). (*Id.*) Deacon Hall subsequently faxed his report and the investigators’ report to CPS. (*Id.*) In the interim, Deacon Hall advised John Doe54’s mother of the CPS referral and also offered “diocesan services for counseling for John Doe54.” (*Id.*) CPS referred the

matter to the Otsego Police Department (OPD), and Deacon Hall sent a copy of both reports to the officer assigned to investigate the matter. (*Id.* at 9.)

On November 18, 2013, OPD Officer B. Beckman met John Doe54 and his parents at the Safe Harbor Children's Advocacy Center, where a forensic interview of John Doe54 took place. (App'x BLS#5, OPD Report, Case No. 2013-00001700, p 4.) The interview was summarized as follows:

John Doe54 started off by saying that he was at memorial Park with his mother on a Thursday. He was upset with his life, his [g]irlfriend was leaving him, he had no job, no car, smoking pot, drinking and partying. He told his mother that he was going to go over to the church, he stated that he went inside and started talking to the almighty and was tearing up over why his life was such a mess. His mother had come into the church and asked Father Stanley to speak with her son.

Father Stanley did speak with John Doe54 they both talked about their problems; John Doe54 spoke about no job and no money. Father Stanley spoke about having to get into shape for the National Guard PT test. Father Stanley offered to hire John Doe54 and pay him for getting Father Stanley into shape. A 5 page contract was drawn up between father Stanley and John Doe54 and John Doe54s parent's approval. The contract spoke to the effect that John Doe54 had responsibilities of maintaining a grade point average, no drinking or drug use and making a work out regimen to get Father Stanley in shape for the National Guard. Father Stanley would in turn pay John Doe54 for his services at a set rate of pay. There was a Corrective Prescriptive Action (CPA) for John Doe54 if he didn't meet his responsibilities.

When asked about the CPA's John Doe54 stated these were punishments if he didn't maintain his grades or start drinking and smoking pot, being disrespectful. He states that these were written out onto index cards and he would have to do the task on the card. John Doe54 states that they were talking about his past drug use and partying and failing at school and it was determined that he would take a CPA for what he had done in the past.

It was determined that he would be wrapped head to toe in plastic wrap. John Doe54 states that it was his choice to do it, that it was a physical challenge to prove something to Father Stanley. John Doe54 states that he has been wrapped before with friends. Father Stanley would talk to him while he was wrapped up. His nose wasn't covered so he could breathe easily. John Doe54 stated that he initially didn't tell his parents about this but that they did find out.

John Doe54 did state that he made about \$700 by training Father Stanley. Stanley did come over to their house for dinner on occasion. John Doe54 paid for his Metro PCS phone with the money earned from working with Father Stanley.

John Doe54 stated that he and Father Stanley did go shopping at Dunham's, this is where he got his running shoes, 3 pair of shorts, 3 sets of sweat pants and shirts along with work out equipment.

John Doe54 stated that the time he was wrapped up [a school employee] did start to enter the maintenance room and Father Stanley stopped her before she entered. John Doe54 felt it would be embarrassing if she would have seen him like that. John Doe54 states that all of the workouts in the church were in the McGuire Room or the front entrance of the church.

John Doe54 states that there was another time that Father Stanley was using tape and this was when they were working on a Halloween costume and wrapping his extremities, head, and chest.

John Doe54 discloses no sexual contact between him and Father Stanley. He is very appreciative of what Father has done for him. John Doe54 believes the plastic wrap was a test and he proved to Father Stanley he is able to take anything physical. There was no other CPA's imposed on John Doe54 during their 2 month training.

[*Id.* at 4–5.]

Officer Beckman interviewed John Doe54's mother. (*Id.* at 5.) Jane Doe55 told Officer Beckman that "Pastor Stanley has done more for her son in the past 2 months then she and her husband could do in the last 3 years." (*Id.*) "He is getting better grades in school and is more outgoing." (*Id.*)

Officer Beckman met with an assistant prosecuting attorney, who determined that there was not sufficient evidence of criminal activity on the part of Fr. Stanley. (*Id.* at 6.) As a result, no charges were brought against him.

Beginning on October 30, 2013, the Diocese of Kalamazoo also separately investigated Fr. Stanley's relationship with John Doe54, hiring GBA Investigation and Security Services, of Kalamazoo. (App'x BLS#6, Report of GBA Investigation and Security Consulting Services.) That investigation was specifically handled by Gerard Alexander and Kenneth Colby, licensed private investigators and former law-enforcement officers. (*Id.* at 10.) Their investigation ended on November 6, 2013. (*Id.*)

In 2013, with regard to the incident that occurred in the mechanical room of the church, John Doe54 told these investigators for the Diocese that, just after he and Fr. Stanley signed the trainer-client contract, John Doe54 advised Fr. Stanley that he had violated the terms of same by having then recently smoked marijuana and drunk alcohol with friends. (*Id.* at 21.) In response, Fr. Stanley told John Doe54 that the latter “would have to take the Corrective and Prescriptive Action (CPA) as defined in Section B of their Contract.” (*Id.*) Page 4 of the contract defines a CPA as “a physical task/challenge selected blindly and randomly by the Trainer [John Doe54], for the purpose of amending Trainer’s behaviors, attitudes or actions.”²⁵ (*Id.* at 41.)

Also in 2013, John Doe54 told the investigators that he and Fr. Stanley went into the church mechanical room for the CPA. (*Id.* at 21.) The investigators summarized John Doe54’s description of the incident as follows:

They went to the mechanical room of the church where Fr. Stanley had a rol[l] of plastic cellophane and some duct tape. Fr. Stanley proceeded to wrap him in this cellophane from head to toe. It covered his eyes. Fr. Stanley cut holes in the cellophane for him to breathe. He laid him on the mats that were in the room and while this process began John Doe54 was thinking “this was it, Fr. Stanley is going to sexually assault me.” He could only mumble yes and no and shake his head because his arms were on top of his chest and he was wrapped tightly in the cellophane.

While on the floor, Fr. Stanley was consistently talking to him and lecturing him on how he had to change his life. During this event, John Doe54 explained he heard a knock on the door and John Doe54 said he heard [a school employee’s] voice. She inquired with Fr. Stanley about the voices and asked if everything was ok, he said yes and she told him she was leaving for the night. John Doe54 advised she did not see him nor did he see her. He remained quiet during this conversation.

John Doe54 explained that during this event there was no talk or any type of sexual activity at all. Nothing happened. John Doe54 explained he could not move because he was completely immobile. His

²⁵ It should be noted that the contract identifies the following as the objectives being pursued for John Doe54: “[to] earn a regular income, rebuild character, reform his social behaviors and attitudes, train for the rugby and track season, and develop self-control.” And, the objectives being pursued for Fr. Stanley were identified as: “[to] improve his health and fitness for service in the Michigan Army National Guard (MIARNG) to the specific objectives of the US Army Physical Fitness Test (APFT) and body measurement standards[.]” (*Id.* at 38.)

arms were across his chest and he believes he lay in this position for about 1 hour. Fr. Stanley when the session was over “cut me out of the plastic wrap.” John Doe⁵⁴ advised he was “a little terrified” but again Fr. Stanley did not say or do anything of a sexual nature.

John Doe⁵⁴ explained he was dressed in shorts and t-shirts and Fr. Stanley was dressed as well. Fr. Stanley told him that concerning this wrapping technique that he learned it through his military training. The same thing happened to him while training in the military and it is the training procedures of the military to have soldiers go through this treatment to help them survive being taken captive and tortured. John Doe⁵⁴ explained he did think of his life while laying there listening to what Fr. Stanley was telling him.

[*Id.* at 21–22.]

The investigators Alexander and Colby also interviewed Fr. Stanley. (*Id.* at 23.) With regard to Fr. Stanley’s explanation regarding the contract with John Doe⁵⁴ and alleged CPA event, the investigators wrote the following:

Father Stanley was advised an investigation was being conducted at the request and direction of the Diocese of Kalamazoo, MI. He agreed. The interview took place at the Rectory of St. Margaret Church.

Fr. Stanley was told this interview was being conducted to further explain his relationship with John Doe⁵⁴ a member of the parish. He was asked if he had a contract with John Doe⁵⁴. He said he did. He was offered to see a copy which was in the possession of this investigator, he declined, he said he knows the contract well and does not need to see it. Father Stanley was asked if he could further explain what the CPA term used in the contract meant. Fr. Stanley explained it stands for Corrective and Prescriptive Action, a term used in the National Guard. It means that it is an action that you have to do something that you would rather not do. He further explained it by things like pushups, sit ups, wearing clothing, etc. Father Stanley was advised that the investigators spoke with John Doe⁵⁴ who informed them that a CPA action was taken by you.

The action occurred on Labor Day in the evening in the mechanical room of the church. John Doe⁵⁴ explained it involved him being completely wrapped up in cellophane from head to toe and the use of duct tape. He was laid on a mat in the room. He was completely immobile. Father Stanley acknowledged that this is what happened and further stated he cut holes in the cellophane so John Doe⁵⁴ could breathe though his mouth and nose. He did put tape over his eyes so

he could not see. Father Stanley advised that John Doe⁵⁴ could “break out at any time.” Father Stanley stated he did have a pair of scissors with him in case there was any type of panic on the part of John Doe⁵⁴.

Father Stanley stated that he received training in the National Guard under the SERE Program. This stands for Survival Evasion Resistance and Escape. This is a training exercise where soldiers are completely wrapped up and possibly tortured if captured by the enemy. He went through this training without much stress. He did hear however those other soldiers when going through the training did have panic attacks because of the immobilization. It is not comfortable by any means. It also goes along the lines of torture and water boarding.

Father Stanley stated he first interacted with John Doe⁵⁴ at the request of his mother in late August. John Doe⁵⁴ was “not doing very well” and went to church to try and find out why it was not going well for him and he thought he would ask God. Several things were going on in his life, he missed the football signup program, he was using illegal drugs, drinking alcohol and earlier in the month ran away from home. He wanted to ask God why this was happening to him. He spoke with John Doe⁵⁴, told him he had a similar situation. Father Stanley also was not feeling good about himself. They both agreed that they could maybe help each other. Father Stanley stated that John Doe⁵⁴ needed something to do and Father Stanley said he needed to work out to prepare for an upcoming physical fitness test with the National Guard in December 2013. Father Stanley stated he wrote a detailed contract (see attached) and both began working out around August 29, 2013. They worked out in the church, started around 3:00 p.m. and lasted until 5 or 6:00 p.m. in the evening. They were alone at all times during this workout session.

On Labor Day, he learned from John Doe⁵⁴ that he was out partying and using marijuana. It was then Father Stanley told John Doe⁵⁴ he would be using CPA. Father Stanley began wrapping plastic cellophane around John Doe⁵⁴ during the evening of Labor Day. He made John Doe⁵⁴ lay on the floor where he counseled him about his life.

While in the mechanical room and John Doe⁵⁴ on the mat, an employee . . . Youth Director, knocked on the outside door of the mechanical room, he opened it and said she heard voices and Father Stanley responded that “everything was ok.” Father Stanley stated that he did not want her to see John Doe⁵⁴ nor John Doe⁵⁴ to see her. Father Stanley stated after he finished his session with John Doe⁵⁴,

John Doe54 released himself from the wrappings. John Doe54 was probably wrapped up for maybe an hour. Father Stanley said he was not sure. During the hour[-]long time Father Stanley said he was going over what John Doe54 was doing wrong in his life and suggested corrective steps.

[*Id.* at 23–24.]

As part of this 2013 investigation, the investigators asked Fr. Stanley if any other CPA events occurred with John Doe54, and, after some hesitation, Fr. Stanley replied in the affirmative. (*Id.* at 25.) The investigators wrote the following in their report:

Father Stanley was asked if there were any other CPA inflicted on John Doe54 during these training sessions. After a long and serious pause and with an emotional response, [F]ather Stanley admitted he had wrapped John Doe54 up in a mummified state with athletes tape again from head to toe; he also used masking tape on his head. Father Stanley made sure John Doe54 could breathe during these sessions.

At first Father Stanley stated that this was a costume for Halloween but he retracted that statement. Father Stanley stated he believes that the dates the second and third incident[s] occurred on October 21 and 22, 2013. Father Stanley stated that John Doe54 agreed to be wrapped up and maybe he was wrapped up no more than 10 minutes on each occasion. Father Stanley stated that on each of the three occasions he purchased the cellophane, athletic tape and duct tape prior to each incident. He had the materials in the mechanical room before the incidents occurred on each occasion.

* * *

Father Stanley stated that he [had] absolutely no sexual contact in any form with John Doe54. He derived no sexual enjoyment from wrapping John Doe54 on any of these occasions. Father Stanley stated that it was a “good feeling.” When asked to further explain this, Father Stanley explained this feeling was because of his personal inadequacies he felt a sense of superiority over John Doe54 and that he was keeping him from using illegal drugs or other substances. Father Stanley continued by stating that he did not have any type of sexual arousalment [sic.] during these sessions, it was the fact that he feels he was helping John Doe54 and the fact that he had to take this type of action to help him.

[*Id.*]

As part of this 2013 investigation, in response to questions posed regarding the brothers, who served as altar servers, Father Stanley stated that he called on them first because of their availability. (*Id.*) However, he stated that there was absolutely no inappropriate interaction between him and the two boys. (*Id.*)

At the end of the interview, Fr. Stanley admitted to the investigators that he violated several diocesan policies. (*Id.*) He also expressed remorse for his actions and stated that he intended to take full responsibility for them. (*Id.* at 26.)

By letter dated November 6, 2013, Bishop Bradley wrote to Fr. Stanley that, “[d]ue to allegations that have been made against you regarding violation of the Norms for Protecting God’s Children, I am placing you on administrative leave effective immediately.” (App’x BLS#7, Letter from Bishop Paul Bradley to Fr. Brian Stanley, dated November 6, 2013.) Bishop Bradley advised that, during leave, Fr. Stanley was “prohibited from the public celebration of the Sacraments.” (*Id.*)

On November 13, 2013, the matter was reviewed by the Diocese of Kalamazoo Review Board. (App’x BLS#8, Minutes of the Diocese of Kalamazoo Review Board, dated November 13, 2013.) The Review Board determined that the allegation was “deemed to be credible, and accordingly the priest violated the Diocese of Kalamazoo’s ‘Ethical Standards with Regard to the Ministry to Minors,’ specifically sections 1.2, 1.3, 1.4, 1.6, 1.7, 1.8, 1.10, 1.14, 1.17, 2.4, 2.5, 2.6 and 2.9 thereof.” (*Id.* at 2.) “Review Board members determined that no sexual abuse had been determined per se,” but that the violations of the ethical standards were “serious.” (*Id.*) The Review Board recommended the following to Bishop Bradley:

The priest’s administrative leave should remain in place, and the priest should not be allowed to publicly celebrate the sacraments or reside in a parish.

The priest’s return to ministry should be conditioned upon, amongst other considerations, a psychological evaluation to (i) gauge his fitness for ministry and (ii) determine the priest’s culpability. The diocese should offer support to the priest via the provision of an escort to the treatment facility.

A review of the canons should occur to determine potential canonical penalties, including possible violations of cc. 1389 and 1397. A determination should also be made as to whether to report this matter to the CDF.^[26]

²⁶ CDF is the acronym for Congregation for the Doctrine of the Faith.

The priest should be informed of his right to obtain civil and/or canonical counsel in the case that charges are brought (either civilly or canonically).

The priest should not engage in any contact with the minor or his family in any manner, including through third parties or social media.

The priest should not have any contact with parish staff or parishioners of the parish were the incidents occurred.

[*Id.*]

With regard to John Doe⁵⁴ and his family in its 2013 recommendation, the Review Board made the following recommendations:

Therapy should be offered to (i) the victim (individually); (ii) the mother of the victim (individually) and (iii) the family of the victim, with the cost of therapy or co-pays to be covered by the Diocese.

Support should be provided to the staff of the parish to reinforce the appropriateness of the reports that were made.

The board is supportive of Bishop Bradley's scheduling of a meeting with the mother of the victim. Board members recommended communicating that the allegation has been found to be credible and that the priest has been found to have violated the Diocese of Kalamazoo's Ethical Standards with Regard to the Ministry to Minors.

[*Id.* at 3.]

On November 18, 2013, Bishop Bradley met with John Doe⁵⁴ and his mother, Jane Doe⁵⁵ (App'x BLS#9, Memorandum of Bishop Bradley, dated November 18, 2013.) During the meeting, Bishop Bradley offered counseling services to John Doe⁵⁴, his mother, and to their family. (*Id.* at 2.) Jane Doe⁵⁵ thanked the bishop, but declined, stating that they did not have such a need. (*Id.*)

In 2013, Bishop Bradley memorialized the substance of the discussion that took place during his meeting with John Doe⁵⁴ and Jane Doe⁵⁵, a portion of which is as follows:

After some initial conversation about the Confirmation on Saturday, during which one of her younger sons was confirmed, Jane Doe⁵⁵ began by stating that she and her husband wanted me to know that they held no bad feelings toward Father Brian Stanley. In fact, Jane Doe⁵⁵ went on at some length to describe what a great influence he had been on her son, and the very positive effects he was able to bring

about in the life and behavior of her son John Doe⁵⁴. Jane Doe⁵⁵ indicated that she was fully aware that Father Stanley had made some poor decisions; that she realized that “the end does not justify the means,” but that in this case, since the “end” was so positive, neither she nor her husband were upset about the “means” – even though, as she stated more than once, she fully understands that the judgment was flawed. In fact, Jane Doe⁵⁵ truly believe[s] that Father Stanley was a “gift from God.” John Doe⁵⁴ verified and confirmed that statement, and he also went on at some length to be nothing but positive about Father Stanley.

After they both appeared to be finished with what they wanted to say, I briefly thanked them for their comments, and assured them that I was very happy that the outcome had not appeared to be negative in any way toward John Doe⁵⁴, nor for their family. However, I emphasized that Father Stanley’s judgment was not only bad and imprudent; it was wrong, and possibly illegal. I explained that in light of the nature of the allegation, that this matter had to be turned over to the civil authorities, and that we would need to await the outcome of that process. I further explained that Father Stanley has admitted that he violated our own diocesan policies (“Ethical Standards with Regard to the Ministry to Minors”), and that in light of the seriousness of that transgression in addition to the civil process, the Church would need to go through various processes, including the possibility of professional help for Father Stanley.

Jane Doe⁵⁵ seemed reluctant to admit the seriousness of what Father Stanley had done in regard to the so-called “CPA.” That is, wrapping John Doe⁵⁴ in cellophane from head to foot and berating him for almost an hour. I asked her if father Stanley had asked her and her husband for permission to do that to their son before doing so, if they would have given permission? She hesitated a bit, and then said that they were so much at their “wits’ end” that they were willing to take drastic measures. I assured her that if she and her husband had done that to their son, they would probably have been accused of child abuse and risked having CPS take their son from their care. She seemed to have a different attitude after that. She also seemed to be under the impression that this so-called “CPA” had only happened one time; I did not say anything to change her of that opinion.

[*Id.* at 1–2.]

In a letter dated December 10, 2013, Fr. Stanley thereafter “agreed to enter a treatment program sponsored by the Religious Sisters of Mercy at their Sacred Heart Mercy Health Care Center in Alma[,] Michigan.” (App’x BLS#10, Letter from

Bishop Paul Bradley to Archbishop Timothy Broglio, Archbishop for the Military Services.) As such, his “Ecclesiastical Endorsement of the Archdiocese for the Military Services” continued to be withdrawn. (*Id.*)

In his letter to Sister Gabrielle Mary Braccio, RSM, Bishop Bradley thanked her for accepting Fr. Stanley into the program at Sacred Heart. (App’x BLS#10-1, Letter from Bishop Paul Bradley to Sister Gabrielle Mary Braccio, RSM, dated December 2, 2013, p 1.) Bishop Bradley also advised Sister Braccio that Fr. Stanley had served three years in the United States Army as a chaplain, with time spent in Germany and tours in Iraq and Afghanistan. (*Id.*) Initially authorized to serve a five-year term in the military by Bishop Murray, Bishop Bradley’s predecessor, Fr. Stanley was recalled to the Diocese after three years of service, with the condition that he concurrently serve in the National Guard for the remaining two years. (*Id.*) In light of Fr. Stanley’s CPA action against John Doe⁵⁴ as something he learned while in the military, “clearly classified by the U.S. Military in its own materials as ‘torture,’” Bishop Bradley raised his concern to Sister Braccio that Fr. Stanley might have been suffering from post-traumatic stress disorder. (*Id.* at 2.)

In 2014, Fr. Stanley was appointed Administrator of St. Agnes and St. Mary of the Assumption. (App’x BLS#11, Letter from Michael Emmons, Chancellor/Executive Director, to Fr. Brian Stanley, dated July 7, 2014.) Emmons explained the difference between the position of administrator versus that of a pastor, as follows:

You have all the rights and responsibilities of a Pastor, and need to present yourself as Pastor to your people in everything but name. The title “Administrator” implies something less than the more permanent title of Pastor. As you and Bishop discussed at the time of your appointment, this approach will allow you and the Bishop to evaluate how things are going over the next period of time, at which point some further determinations can be made.

[*Id.*]

On January 14, 2015, after having heard from second- and third-hand sources that Fr. Stanley had been in contact with John Doe⁵⁴, Bishop Bradley met with Fr. Stanley to discuss the matter directly with Fr. Stanley. (App’x BLS#12, Memorandum of Bishop Paul Bradley, dated January 14, 2015.) Fr. Stanley told the bishop that John Doe⁵⁴ contacted Fr. Stanley and was “in desperate need” and “had nowhere to go[.]” (*Id.* at 1.) Fr. Stanley also told Bishop Bradley that John Doe⁵⁴ said that Fr. Stanley was the only person who could help him, and, because of that, Fr. Stanley agreed to let him stay in the rectory, even though Bishop Bradley had previously told him not to have any contact with John Doe⁵⁴. (*Id.* at 1–2.) Fr. Stanley admitted that he used “bad judgment,” but also felt that he had no choice under the circumstances. (*Id.* at 2.) At the end of their meeting, Bishop Bradley reminded Fr. Stanley to refrain from having any contact with John Doe⁵⁴, and Fr. Stanley agreed to do so. (*Id.* at 4.)

In a January 16, 2015 email correspondence to Bishop Bradley, Deacon Hall shared a pre-military experience regarding Fr. Stanley:

My only other contact with Fr. Stanley was before his military service. That involved an incident of a minor having been sexually assaulted by her high school choir director. The high school director was also the parish choir director. The minor was also a parishioner choir member.

Fr. Stanley had felt no need to suspend his choir director pending the law enforcement investigation nor did he feel a need to inform the Diocese of the situation. The prosecutor refused charges for lack of corroborative evidence and the minor lived a terrible year of exclusion as she had to readjust her life and goals to avoid her perpetrator at school and church.

It was only after the Diocese was informed by another party a year later, that the case was reopened, corroborative evidence obtained and the choir director dismissed from the high school and parish.

One cannot say that had Fr. Stanley not taken upon himself the decision to support his choir director and declining to inform the Diocese, that the injustice would have been resolved sooner, but then the minor never had that chance. This was a situation in which Fr. Stanley felt he knew best.

This is a pre-military example of Fr. Stanley being self-sufficient, ignoring his responsibility to his bishop and making a decision with major consequences for the minor.

[App'x BLS#13, Email from Deacon Pat Hall to Bishop Paul Bradley, dated January 16, 2015, pp 1–2.]

In this 2015 email, Deacon Hall opined that Fr. Stanley needed post-military healing. (*Id.* at 2.) He also wrote that “[s]ome accountability and communication system for Fr. Stanley needs to be established or I fear the potential for repeated incidents.” (*Id.*) Bishop Bradley “mostly” agreed and believed “that we need to develop some kind of care-plan for Fr. Brian.” (*Id.* at 1.)

In June 2016, Bishop Bradley appointed Fr. Stanley to “Dean of Western Deanery.” (App'x BLS#14, Timeline – Brian Lynn Stanley WM 08/01/1962, 2018-0227975-A, p 2.) According to the Diocese of Kalamazoo Diocesan Directory, the Western Deanery includes 17 parishes and six collaboratives. (See Diocesan Directory at 21.)²⁷

²⁷ <https://diokzoo.org> (last accessed May 10, 2024.)

In January 2017, Fr. Daniel Doctor contacted Deacon Hall to advise that John Doe56 alleged that when he was about 16 or 17 years old and worked for Fr. Stanley, Fr. Stanley had tied him to a chair in the basement of the rectory, put a hat on his head, and placed duct tape over his head, “and left him in the dark.” (App’x BLS#15, Report of Deacon Patrick Hall, submitted January 13, 2017, p 2.) Fr. Doctor also told Deacon Hall that, in June of 2009, Fr. Stanley told Fr. Doctor that he could not move into the rectory because Fr. Stanley had three boys living with him, and Fr. Stanley “needed time to get them out.” (*Id.* at 1.)

On January 11, 2017, Deacon Hall interviewed John Doe56 and summarized the interview as follows:

John Doe56 said he had worked for Fr. Stanley when he was 16 or 17. At first it was during his Junior year in high school (October 2002 which would make John Doe56 (17) in making decorations for Halloween. Fr. Stanley wanted to make life-size mummy manikins for their Trick or Treat Haunted House.

John Doe56 volunteered to be wrapped up like a mummy. The process was for John Doe56 to be first wrapped up toe to head with Saran wrap, leaving only a breathing hole for his mouth. He was then wrapped up in masking tape and gauze. This was done while lying on boards placed across a couple of saw horses. Once he was all wrapped, Fr. Stanley would slice open the wrappings down the back (board side), peel off the split wrap and would end up with a stiff mummy manikin that could be stood up for the Haunted House.

This all occurred in the basement of the rectory. It happened around 5-6 times when John Doe56 was not in school (week nights and weekends). John Doe56 continued to work for Fr. Stanley part-time doing odds and ends and then worked full time for Fr. Stanley during the summer after his Junior year.

John Doe56 said there had been other mummy subjects. One he remembers by name, John Doe57. John Doe57 was a little older, a Senior in high school and was living with Fr. Stanley at the time. Sometimes there were other subjects helping make mummies by being wrapped by Fr. Stanley and sometimes he was alone in helping Fr. Stanley make mummies.

John Doe56 said that the wrappings continued during the summer (2003) employment with Fr. Stanley. This occurred not less than 10 times. The context for this had nothing to do with mummy making. Fr. Stanley said this had to do with Lazarus. Fr. Stanley said that if

John Doe56 was all wrapped up, he could repent to God without any outside influences.

The wrappings became increasingly disturbing. Fr. Stanley started by adding more and more extra layers of wrappings up to 7 layers. Fr. Stanley would keep pushing the limits for more layers. John Doe56 would yell at him to stop, but sometimes Fr. Stanley would not and keep on adding layers telling John Doe56 to suck it up or something similar. Fr. Stanley would stop when John Doe56 would yell and swear at him.

Fr. Stanley said this would help John Doe56 with his problem with authority, something Fr. Stanley brought up from his knowledge of John Doe56's sacramental confessions regarding his relations with his mother. Fr. Stanley said the goal was for John Doe56 to become helpless.

John Doe56 told Fr. Stanley that he did not want to do the wrapping anymore. Fr. Stanley told John Doe56 it was a condition of employment. After that, John Doe56 did not report to work for the rest of that summer.

The following summer after John Doe56 graduated from high school in 2004, John Doe56 again worked full-time for Fr. Stanley. He said the wrappings resumed, possibly 5 times that summer.

The last time it occurred, the wrapping was done in the rectory garage. The wrapping started with him standing and then continued with John Doe56 on the floor. After John Doe56 was wrapped up, Fr. Stanley told him that Fr. Stanley had to leave and go to a funeral. He left John Doe56 wrapped and immobile on the floor by himself for 1-1 ½ hours. Fr. Stanley returned to find John Doe56 struggling to get out and released John Doe56.

John Doe56 stopped working for Fr. Stanley right after that incident. Fr. Stanley called John Doe56 offering more wrapping sessions, but John Doe56 said no more.

John Doe56 said he would continue to see Fr. Stanley at church. John Doe56 said he continued to go to Fr. Stanley for confessions, but now opted to do so from the others side of the screen as opposed to face-face as he had before.

Around a year later, John Doe56 asked Fr. Stanley for a job again. Fr. Stanley told John Doe56 that the wrappings were a condition of employment. John Doe56 decided not to work for Fr. Stanley.

John Doe56 said he had shared his experiences with his mother just after the summer after his junior year. John Doe56 did not share the following summer experiences with his mother.

John Doe56 said he was never abused in any of these experiences. Nothing criminal ever happened. John Doe56 said he gave his consent. There was arguing for Fr. Stanley to stop who would keep on going, but if John Doe56 kept yelling louder to the point of swearing, Fr. Stanley would stop. John Doe56 said Fr. Stanley made him believe that God wanted him to do this.

John Doe56 said there were 2-3 others who were subject to the wrappings in the summer after his senior year. He doesn't know who they are. He thinks they may have been living with Fr. Stanley. One he thought might have been 16 years old, the others between 17-20. John Doe56 added that while he and another subject had been wrapped, Fr. Stanley had brought down some other kids who were known to be troubled to see John Doe56 and the other one wrapped as some type of object lesson.

[*Id.* at 2–4.]

On January 13, 2017, Deacon Hall and Msgr. Osborn met with Fr. Stanley. (*Id.* at 5.) Deacon Hall summarized the discussions during that meeting as follows:

Fr. Stanley was advised of the concern, I quoting this report's statement.

Fr. Stanley replied, “[t]he mummy Halloween thing – yes.” “The penitential thing...” [and then paused for many long seconds as if searching for the right words], “It happened.” [Then another pause of seconds], “And that was it.”

Fr. Stanley gave some justification that he was acting out of PTSD acquired from his formational experience at the Holy Cross Fathers, that they had unhealthy penance practices.

Fr. Stanley was asked if [he] had ever wrapped up other people besides the Halloween volunteers, John Doe54 and John Doe56 since he was a priest. Fr. Stanley said, “no.”

Fr. Stanley was advised that if later he were to remember someone else that he had wrapped that he should notify me right away, that it would be better if it came from him than be revealed by another source. Fr. Stanley understood.

Fr. Stanley was advised the following:

You or your agents shall not contact or attempt contact with John Doe56 or his family. John Doe56 has been advised of his right to notify the police for harassment should he be subject to any contact or attempt contact by you or your agent. Do you understand?

To which Fr. Stanley replied, “I won’t do that.”

[*Id.* at 5 (bracketed comments in second paragraph in original, emphasis in original.)]

Effective January 27, 2017, Fr. Stanley was placed on administrative leave as a result of the John Doe56 allegation. (App’x BLS#16, Official Announcement of the Diocese of Kalamazoo.)²⁸ At that time, Fr. Stanley had been serving as Pastor of Ss. John and Bernard Parish in Benton Harbor and as Dean of the Western Deanery of the diocese. (*Id.*) The John Doe56 incident was alleged to have occurred prior to Fr. Stanley’s stint in the military. (*Id.*) Pending further investigation by law enforcement, Fr. Stanley’s public ministry was restricted. (*Id.*) And, on March 13, 2017, at the request of Bishop Bradley, Fr. Stanley resigned his pastorate position, deanship, and membership on the Presbyteral Council. (App’x BLS#17, Letter of Fr. Brian Stanley to Bishop Paul Bradley, dated March 13, 2017.)

On October 3, 2018, shortly after the Department and MSP seized documents from the Diocese of Kalamazoo, the Department commenced investigating Fr. Stanley. (App’x BLS#18, Department of Attorney General, Criminal Division, incident report by Special Agent Steven Standfest, AG Legal Files No: 2018-0227975-A, dated March 8, 2019, p 1.) Special Agent Standfest interviewed John Doe54 and his mother, as well as Jane Doe19 and John Doe56, who provided substantially the same accounts as they did during the Diocese’s investigation. (App’x BLS#19, Department of Attorney General, Criminal Division, incident report by Agent Steven Standfest, AG Legal Files No: 2018-0227975-A, dated July 23, 2019, pp 1–2; App’x BLS#20, Department of Attorney General, Criminal Division, incident report by Agent Steven Standfest, AG Legal Files No: 2018-0227975-A, dated April 25, 2019, p 1; App’x BLS#21, Department of Attorney General, Criminal Division, incident report by Agent Steven Standfest, AG Legal Files No: 2018-0227975-A, dated April 18, 2019, pp 1–3; App’x BLS#22, Department of Attorney General, Criminal Division, incident report by Agent Steven Standfest, AG Legal Files No: 2018-0227975-A, dated September 4, 2019, pp 1–2 of attachment.)

²⁸ See also <https://diokzoo.org/news/diocese-releases-statement-regarding-father-brian-stanley> (last accessed May 10, 2024.)

In 2019, Special Agent Standfest also interviewed Jeffery Fiely, “a civilian criminal investigator for the United States Army[,]” who advised that Fr. Stanley served in the U.S. Army as a chaplain from August of 2009, through August of 2013; however, Fr. Stanley “did not have any SERE training, and was not exposed to any Special Ops type of training.” (App’x BLS#23, Department of Attorney General, Criminal Division, incident report by Agent Steven Standfest, AG Legal Files No: 2018-0227975-A, dated April 2, 2019, p 1.) Fr. Stanley was honorably discharged, and there was no evidence of disciplinary action in his military personnel file. (*Id.*) Other than two speeding tickets, there was no negative information in his file, including performance evaluations. (*Id.* at 1–2.)

On August 22, 2019, Fr. Stanley was arrested and transported to the Allegan County Jail. (App’x BLS#24, Department of Attorney General, Criminal Division, incident report by Special Agent Steven Standfest, AG Legal Files No: 2018-0227975-A, dated August 27, 2019, p 2.) The Department was assisted by the Coloma Township Police Department. (*Id.*) Fr. Stanley was charged with one count of Unlawful Imprisonment, a 15-year felony, pursuant to MCL 750.349b, for allegedly secretly confining and knowingly restraining a 17-year-old child. (App’x BLS#25, Warrant Felony, dated August 21, 2019, *People v. Stanley*, 57th District Court Case No.2019-901194.)

On August 22, 2019 (the day Fr. Stanley was arrested), the Diocese of Kalamazoo released the following statement:

The Diocese of Kalamazoo learned this morning that Fr. Brian Stanley has been criminally charged by the Michigan Attorney General. The incident alleged in the Attorney General’s complaint was reported to the Diocese in 2013. In accordance with the 2002 Charter for the protection of Children and Young People, the Diocese promptly reported the allegation to Child Protective Services, who referred the matter to the Otsego Police Department for investigation.

We promptly placed Fr. Stanley on administrative leave pending the outcome of the police investigation. According to the Otsego Police Department, “the complaint was not criminal and there would be no charges.’”

Four years later, the Diocese learned of additional allegations involving Fr. Stanley. We reported these incidents to the Coldwater Police Department; no charges were filed by law enforcement. We placed Fr. Stanley on administrative leave from active ministry in January 2017. He remains on administrative leave and is prohibited from public ministry.

We remain steadfast in our commitment to promote greater protection and safeguards of all people, particularly for children and vulnerable adults. We adhere to the National 2002 Charter for the protection of Young People, which guides all that we do.

We continue to cooperate with the Office of the Michigan Attorney General in its ongoing investigation. We encourage the reporting of clergy sex abuse to the Attorney General's office by calling the established hotline at 844.324.3374.

[App'x BLS#26, Diocese releases statement regarding Fr. Brian Stanley, dated August 22, 2019.]

The allegations to which the August 22, 2019, diocesan statement referred were reported to Deacon Pat Hall in February of 2017 by Jane Doe79. (App'x BLS#27, Inappropriate Behavior of Clergy toward a Minor report of Deacon Patrick Hall, No. 1617-3, submitted on March 30, 2017, and April 24, 2017.) Jane Doe79 told Deacon Hall that, in 2001, she and her husband enrolled their son, John Doe80, into the second grade at St. Charles Borromeo and were planning to have him baptized that Spring. (*Id.* at 1.) Jane Doe79 stated that, as a parent, she became involved in school activities and often saw Fr. Stanley there. (*Id.*) She alleged that Fr. Stanley "would always end up in John Doe80's room and by John Doe80." (*Id.*) She started to become suspicious of Fr. Stanley after she allegedly saw him "often putting hands on her son's shoulder, massaging them and running his hands down the outside of John Doe80's arms." (*Id.* at 1-2.) Jane Doe79 alleged that, during those occasions, Fr. Stanley shot her "snotty looks." (*Id.* at 2.)

In this 2017 report, Jane Doe79 further alleged that Fr. Stanley often invited John Doe80 to attend altar-server training after school, but Jane Doe79 would not allow it. (*Id.*) "She repeatedly advised John Doe80 to never go to the rectory and to never go anywhere alone with Fr. Stanley." (*Id.*)

In her 2017 interview, Jane Doe79 further alleged that when John Doe80 was in fourth grade, he was sent to the principal's office for drawing inappropriate pictures, but he resisted, and then was allegedly dragged to the office over the stairs. (*Id.* at 3.) It is not clear who dragged him, but it was not alleged to have been Fr. Stanley. (*Id.*) Jane Doe79 went to the principal's office and found out that John Doe80 had been locked into a room in the office. (*Id.*) When she asked to see the pictures John Doe80 allegedly drew, she was refused. (*Id.*) Jane Doe79 soon thereafter withdrew John Doe80 from School. (*Id.* at 3.) She met with Fr. Stanley to ask him to help her obtain the pictures, and, during the meeting, Fr. Stanley advised her that she owed the school \$61.43, and she was not going to get away without paying it. (*Id.*) Jane Doe79 advised that she would pay it at the end of the month when it was due and told Fr. Stanley she wanted to talk with him regarding the pictures John Doe80 was accused of drawing. (*Id.*) This eventually led to an

argument between the two, during which she alleged that Fr. Stanley “grabbed her by the shoulders and shoved her against the wall, she banging her head against the wall.” (*Id.*) She later filed a lawsuit to obtain the pictures, and, “when she received them, she saw them to be pictures of Army men and nothing more than that.” (*Id.* at 4.)

According to the 2017 report, Jane Doe79 decided not to press charges against Fr. Stanley, but did ask Deacon Hall, in reply to his offer to assist her, to provide a copy of his report to the Coldwater Police Department, which he did. (*Id.*; App’x BLS#28, Assault and Battery report of Deacon Patrick Hall, Nos 1617-4, App’x BLS#29, Email chain between Deacon Pat Hall and Joe Scheid; Deputy Director of Public Safety, dated April 17, 2017; App’x BLS#30, Email from Deacon Hall to Bishop Bradley, dated March 30, 2017.)

As part of the Attorney General investigation, in 2019 Special Agent Steven Standfest of the Department, interviewed John Doe81, who advised Agent Standfest that he first met Fr. Stanley in 2000, when he was a sophomore working at St. Charles Borromeo Church. (App’x BLS#31, Department of Attorney General, Criminal Division, incident report, No. 2018-0227975-A, dated April 2, 2019, p 1.) John Doe81 told Agent Standfest that he had been wrapped by Fr. Stanley, which Agent Standfest summarized in his report as follows:

Between the ages of 15 and 16 until approximately age 20 (2001 – 2004 or 2005), John Doe81 was wrapped in Saran Wrap and then paper mache by Stanley in order to make mummies for a haunted house that was made in either the youth activity center at the church or in the church basement. Others who participated in this activity were his older brother, his friend, and another friend John Doe56. John Doe81 could not recall any other names of individuals involved in this type of activity.

[*Id.* at 2.]

In this April 1, 2019 interview, John Doe81 also told Agent Standfest that, after he graduated high school in 2003, he moved into the rectory with Fr. Stanley, until 2005 when he joined the U.S. Army. (*Id.* at 1.) There was no sexual interaction with Fr. Stanley, nor were sex-related topics discussed. (*Id.*)

On August 25, 2019, after reading about Fr. Stanley’s arrest, the Department received an email from John Doe58, who alleged that Fr. Stanley wrapped him when he was in sixth and seventh grade. (App’x BLS#32, Department of Attorney General, Criminal Division, report No. 2018-0227975-A, dated August 27, 2019, p 1.) Agent Standfest interviewed John Doe58 and wrote the following in his report:

John Doe58 stated that the wrappings occurred three to four times between 2000 and 2003 when he was in 6th and 7th grade,

approximately 13-14 years old. John Doe58 was suspended from school for 3 days for a minor prank of poking holes in another student's water bottle, and was sent to Stanley's residence. Stanley would have John Doe58 do his school work, then took him to the basement and wrapped him using ace bandages while made to lay on a table. While John Doe58 could hear Stanley breathing, he was never touched. There were times when he was left alone for approximately 20 minutes. John Doe58 believes Stanley may have been masturbating while doing this, but was unable to point out anything specific that indicated he was doing it.

John Doe58 stated he was given no way to signal that he wanted out of the wrappings and that he always felt something bad was going on.

When Stanley did speak to John Doe58 while being wrapped, it was about being wrapped up in his own sins.

[*Id.* at 1–2.]

In 2019, John Doe59 also contacted the Department after he learned of Fr. Stanley's arrest. (App'x BLS#33, Department of Attorney General, Criminal Division, File No. 2018-0227975-A, dated August 27, 2019, p 1.) Agent Standfest summarized the substance of his interview with John Doe59, in part as follows:

The wrappings experienced by John Doe59 occurred between 2 and 4 times, between the dates of September or October of 2003 or perhaps 2004 and 2005, while he was working as an evening janitor at the St. Charles Borromeo school. John Doe59 was approximately 15 or 16 years of age.

The wrappings occurred in the basement of Stanley's residence under the guise of Stanley needing casts for mummies to be used at his Halloween party. After being wrapped and not being able to see due to the wrappings, Stanley would talk of being held by bondages of sin and turn the action into a religious lesson. Stanley specifically stated "I know you are uncomfortable." He would leave the room for approximately 20-30 minutes with only nose holes for John Doe59 to breathe through. He struggled to get out, but could not and Stanley would release him by cutting up the back of the wrapping with scissors.

On one occasion, John Doe59 felt the weight of Stanley leaning into him and Stanley's face was so close he could smell alcohol on it. There was no physical sexual contact, but John Doe59 believes it is entirely possible that Stanley would masturbate, however, there was never any evidence of such.

Stanley was always sweaty when John Doe⁵⁹ was being cut out of the wrappings. John Doe⁵⁹ saw approximately 10 different casts of all sizes, which led him to believe Stanley was doing this to other boys.

[*Id.*]

On August 28, 2019, Jane Doe⁶⁰ contacted the Coldwater Police Department to report that Fr. Stanley had wrapped her son, John Doe⁶¹, in Saran Wrap and some kind of white tape to the point where John Doe⁶¹ was completely immobilized for an hour or more while alone in a basement. (App'x BLS#34, Coldwater Police Department report No. 2019-006365, p 3.) Jane Doe⁶⁰ stated that Fr. Stanley allegedly told her sons that it was an initiation. (*Id.*) She reported that both of her sons told her that nothing sexual occurred. (*Id.*) She believed this occurred in 2005 or 2006. (*Id.*) CPD referred the matter to the Department. (*Id.*)

On November 20, 2019, pursuant to a plea agreement with the Department, Fr. Stanley pleaded guilty to the lesser-included offense of Attempted Unlawful Imprisonment, a five-year felony, and, in January of 2020, was sentenced to 60 days in the Allegan County Jail, with credit for two days served, and five years of probation. (App'x BLS#35, Plea.)

On November 20, 2019 (the day that Fr. Stanley pleaded guilty to Attempted Unlawful Imprisonment, i.e., his date of conviction), the Diocese of Kalamazoo released the following statement:

The Diocese of Kalamazoo learned this afternoon that Fr. Brian Stanley, who has been and remains on administrative leave from active ministry since January of 2017, pleaded guilty to one felony count of Attempted False Imprisonment. The incident referenced was reported to the Diocese in 2013, and was promptly reported to Child Protective Services, which referred the matter to the Otsego Police Department for investigation. We continue to cooperate with the office of the Attorney General of the State of Michigan throughout its ongoing investigation. We continue to pray for all victims and remain steadfast in our commitment to promote greater protection and safeguards of all people, particularly for children and vulnerable adults.

[App'x BLS#36, Diocese releases statement regarding Father Brian Stanley, dated November 20, 2019.]

On January 27, 2020, the Diocese of Kalamazoo released a third statement on the day Fr. Stanley was sentenced:

The Diocese of Kalamazoo continues to pray for all survivor-victims as well as all those impacted by this situation, including members of our Catholic faithful whose faith and trust may be shaken. We remain steadfast in our commitment to promote greater protection and safeguards of all people, particularly for children and vulnerable adults. Anyone with information related to misconduct should call the reporting number set up by the Attorney General's office at: 844.324.3374. For any victim of childhood abuse or neglect seeking healing, comfort and support, we invite them to learn more about the Diocesan Trauma Recovery Program at 269.459.2121; or www.TraumaRecoveryAssociates.com.

[App'x BLS#37, the Diocese of Kalamazoo statement, dated January 27, 2020.]

**(17) MSGR. JACOB VELLIAN
(LISTED ON THE DIOCESE OF KALAMAZOO AND THE BISHOP
ACCOUNTABILITY SITES.)**



Born: September 16, 1934

Ordained: April 19, 1961

Died: December 2022

Msgr. Jacob Vellian was born on September 16, 1934, and was ordained to the priesthood on April 19, 1961, for the Archdiocese of Kottayam in India. (App'x JV#1, Table for the Notification Packet to be Sent to the Congregation for the Doctrine of the Faith, p 1.) Although never incardinated into the Diocese of Kalamazoo, Fr. Vellian served in the Diocese at St. John Church in Benton Harbor in 1973 and 1974. (*Id.*) He also served in 1971, when the Diocese was first established, assisting on weekends, before ministering full time. (App'x JV#2, Letter from Bishop Paul Donovan (unsigned copy) to Fr. Adrian Bowlin, O.S.B., dated May 13, 1974, pp 1–2.) In addition to serving at St. John, he also ministered at St. Joseph Church in Watervliet, Michigan, in the early 1970s. (*Id.*)

In a letter received June 6, 2002, Jane Doe62 wrote to Bishop James Murray and alleged that, when she worked as a volunteer in the St. John Parish rectory on Saturdays, she was sexually abused by “Fr. Francis” when she was 15 and 16 years old in 1972 and 1973. (App'x JV#3, Letter of Jane Doe62 date-stamped June 6, 2002, to Bishop James Murray, p 1.) When she again reported the alleged sexual abuse to the Diocese in 2010, she identified the priest as Fr. Vellian with a time of occurrence from the Fall of 1973 to the Fall of 1974. (App'x JV#4, Twelve-page report of Deacon Patrick Hall, “Diocese of Kalamazoo Reference Benton Harbor Police Department criminal complaint number: 10-3996,” p 1.)

In Jane Doe62's 2002 letter to Bishop Murray, she wrote that “Fr. Francis” was a priest from India who stayed and ministered at St. John's while on leave from India “to receive some medical treatment in the states.” (App'x JV#3, Letter of Jane Doe62 date-stamped June 6, 2002, to Bishop Murray, p 2.) Jane Doe62 alleged that she and the priest became friends, and he came into her office to talk often and brought her gifts. (*Id.*) The priest “was very kind” to her, telling her she was “beautiful” and “smart.” (*Id.*) Jane Doe62 wrote:

Over time he would rub my shoulders, rub my back, etc. Eventually he asked me to come into his office with him, which was in the back of the rectory – mine was up front, right across the hall from Fr. White’s. While back there, he would give me gifts, and talk to me and then the hugging and kissing started. Shortly, (whew, this is hard to write about – very shaming and embarrassing) it progressed to “roving hands” – across my chest, and eventually down the inside of my shirt or dress. I remember trying, though somewhat meekly to stop him, but he said it was OK, he was a priest, and worked with a medical mission, and wanted to see if American women were built the same as Indian women. Shortly after that the roving hands moved down to more intimate places.

At that point I went home and told my mother that Fr. Francis had touched me inappropriately. She replied, “Oh honey, you must have misunderstood the touch, he’s a priest and would never do such a thing.” I felt shame, and decided not to say anything to anyone else. My parents and relatives all thought it rather neat, that a priest had taken a personal interest in me and was my friend.

[*Id.*]

In her 2002 letter, Jane Doe62 explained that she was an “emotionally needy” girl, having been sexually abused by her best friend’s father from the age of four years to the age of twelve years old. (*Id.*) And, from the time she was born, her mother struggled with depression and “suicidal tendencies,” necessitating her grandmother and aunts to help care for her often. (*Id.*) Jane Doe62 opined that perhaps those experiences justified why, at the ages of 15 and 16 years, she never told anyone else about the alleged sexual abuse or why she “let the incidences occur more than once.” (*Id.*)

With regard to Fr. Leroy White, see entry no. 19, the then pastor of St. John Parish, Jane Doe62 wrote the following:

Now, to the part that Fr. White played. While I said he was always professional and business like with me – that was true. However, one day, Fr. Francis had me pushed back against his desk – and he was basically laying on top of me, I’ll remember this moment forever, because I was looking up, past Fr. Francis’ shoulder to a picture of Jesus hanging on the wall, feeling dirty, disgusting and afraid. At this moment, Fr. White walked in. He looked at me as I jumped up and smoothed my clothing, back in place, and barked out, “What are you doing back here? Why are you in this office? You work for ME, not for him. You go back to your office and stay there, and never come back in here again.” He left the room. Neither of us had time to respond to his questions.

[*Id.* (capital for emphasis in original).]

In her 2002 letter, Jane Doe62 also wrote the following:

I further justified not reporting the incident to anyone because Fr. White, had not “actively, physically abused me” but rather inflected the abuse in a passive/aggressive manner, by not only not protecting or defending me – but in fact, shifting the blame and responsibility to me as a 15 year old girl. I don’t think I have truly comprehended the effects of his response to me on an emotional and spiritual level. Anyway, hence my silence to date.

[*Id.* at 3.]

As part of the Attorney General’s investigation, Sgt. Todd Workman of the Michigan State Police interviewed Jane Doe62 in 2018, and she told him that, after receiving her letter, Bishop Murray called her to schedule a meeting at the Diocese. (App’x JV#5, MSP Original Incident Report, Incident No. NIS-0000010-18, dated Oct 18, 2018, p 3.) During the meeting with Bishop Murray, Jane Doe62 explained that she told Bishop Murray about the alleged sexual abuse by Fr. Vellian and also about one such occurrence when Fr. White allegedly walked in on them. (*Id.*) Jane Doe62 also told Detective Workman that Bishop Murray confronted Fr. White, and Fr. White “denied any knowledge,” but the bishop did not believe him, saying “he is a liar.” (*Id.*) Jane Doe62 said that at the time she “did not wish to make ‘a formal report’” about the alleged sexual abuse and was unsure whether anything further was done by Bishop Murray. (*Id.*) Jane Doe62 advised Detective Workman that Fr. White’s priestly faculties had been removed as a result of “other allegations against him,” and he retired to Davison, Michigan. (*Id.*) See entry no. 19 for a summary of the allegations and resulting consequences regarding Fr. Leroy White.

In 2010, Jane Doe62 again contacted the Diocese of Kalamazoo, to make a formal report of her allegations against Fr. Vellian. (App’x JV#4, Twelve-page report of Deacon Patrick Hall, “Diocese of Kalamazoo Reference Benton Harbor Police Department criminal complaint number: 10-3996,” p 1.) Jane Doe62’s allegations were substantially the same as she had alleged in 2002, except that, after learning from St. John Parish records that Fr. Vellian served at St. John Parish from September of 1973 to Fall of 1974, and Fr. Francis Olikal served there from October 1974 through March of 1976, “Jane Doe62 stated that the perpetrator was definitely Jacob Vellian and not Francis Olikal.” (*Id.* at 5.) During Deacon Hall’s investigation, no diocesan records regarding Fr. Vellian could be found. (*Id.*)

In this 2010 report, however, Jane Doe62 discovered via the Internet that a Fr. Jacob Vellian was the then-current director of the Knanaya Catholic Mission of San Jose, California, which was under the jurisdiction of St. Thomas Diocese of Chicago, Syro-Malabar Church, which is part of the Eastern-Rite Catholic Church. (*Id.*) Consequently, Deacon Hall contacted his counterpart, Fr. George Madathiparampil, who advised that their Jacob Vellian was Msgr. Jacob Vellian, who only recently

came to the United States in the later part of the preceding year and who was still incardinated in India. (*Id.* at 6.) Fr. Madathiparampil also advised Deacon Hall that he did not have Msgr. Vellian's assignment record, but he provided the contact information for the Archdiocese of Kottayam, Msgr. Vellian's home diocese. (*Id.*)

On April 29, 2010, Deacon Hall contacted Archbishop Mar Matthew Moolakkatt, of the Archdiocese of Kottayam, to ascertain whether the "Msgr. Vellian" who served in San Jose was the same "Fr. Vellian" who served at St. John Parish in Benton Harbor, Michigan, in 1973 and 1974. (*Id.*) Archbishop Moolakkatt advised Deacon Hall that there was only one Jacob Vellian, and he likely served in Benton Harbor in 1974. (*Id.*) Deacon Hall also contacted the Diocese of San Jose and was told that Msgr. Vellian was in India but expected to return to San Jose in six weeks. (*Id.* at 7.)

On April 30, 2010, Jane Doe62 informed Deacon Hall that she wanted to file a report with the Benton Harbor Police Department (BHPD). (*Id.*) To assist her in that regard, Deacon Hall contacted the BHPD captain, who agreed to assign a detective to the matter, and, on May 14, 2010, a criminal complaint was made against Msgr. Vellian. (*Id.* at 8.) Deacon Hall notified the Diocese of San Jose and the Archdiocese of Kattayam about the criminal complaint and emailed a copy of same to Archbishop Moolakkatt. (*Id.*) However, the Berrien County Prosecutor's Office subsequently declined to prosecute, based on its conclusion that the matter was time-barred by the applicable statute of limitations. (*Id.*)²⁹

On May 24, 2010, Jane Doe62 informed Deacon Hall that she saw an update on the San Jose mission's website that Msgr. Vellian retired, effective May 1, 2010. (*Id.*)

In June 2010, Archbishop Moolakkatt advised Deacon Hall that Msgr. Vellian went to the United States in September 1973, but that archdiocesan records did not show the exact place of residence or service. (*Id.*) The archbishop also stated that Msgr. Vellian retired, effective May 15, 2010, and was "not continuing in ministry." (*Id.*) In response to additional questions raised by Deacon Hall, Archbishop Moolakkatt advised that Msgr. Vellian denied the allegations made by Jane Doe62, and he was not suspended from priestly ministry. (*Id.* at 9.) The archbishop also advised that, according to "the records kept in this Curia, Msgr. Vellian went to USA on 1 Sept 1977[.]" and he served "as Vicar in a parish here on 14 April 1978." (*Id.*) However,

²⁹ On May 10, 2010, Deacon Hall also spoke to Fr. White, and the latter said he had "no memory of walking in on Jane Doe62 and any associate pastor engaged physically with each other." (*Id.*) In addition, Fr. White told Deacon Hall that he had "no memory of the name Jacob Vellian although parish records show[ed] Jacob Vellian to have been Leroy White's associate from the Fall of 1973 through the Fall of 1974." (*Id.*)

the records did not specifically state where Msgr. Vellian served when he was in the United States. (*Id.*)

In a letter dated June 18, 2010, Fr. Vellian wrote the following to Deacon Hall, denying the allegations of sexual abuse:

Dear Deacon Patrick Hall,

I am writing to you as requested by my Archbishop Mar Matthew Moolakkat [sic]. I am a retired priest of 75 years. On the 10th of this month my Archbishop informed me that I was accused of some sexual misconduct in the Diocese of Kalamazoo and asked me to give a response to you and to the Diocese of San Jose.

I was indeed shocked by this allegation. I remember that I had done pastoral ministry in St. John's church Kalamazoo for a short period in 1973-74. I do not remember any body [sic.] in Kalamazoo except Fr. Leroy White, with whom too I did not have any continuous contact since I left Kalamazoo. I do not remember how many and who all worked in the parish office. The name Jane Doe62 does not ring familiar to my ears.

I strongly believe that the allegations made are baseless, false and defaming and cooked up. I have never done any such things as accused by Jane Doe62. Before God I am not guilty of any such accusation, and I do not even remember such a person by name.

Yours sincerely in Our Lord,

Fr. Jacob Vellian

[*Id.* See also App'x JV#6, Letter from Fr. Jacob Vellian to Deacon Patrick Hall, dated June 18, 2010.]

In 2010, through Internet searches and information gathered by Jane Doe62 and shared with Deacon Hall, the latter summarized Msgr. Vellian's presence in the United States as follows:

September 1973-Fall of 1974

- St. John Church, Benton Harbor, MI
- Served at various unknown Lake Michigan summer missions
- Helped out at St. Joseph Church, Watervliet, MI

1973-77

- St. Patri[c]k Seminary, Menlo Park, CA

September 1, 1977 until sometime before April 14, 1978

- Somewhere in the US

August 14, 2001

- Societas Liturgica, University of Santa Clara, CA

(have yet to obtain the confirming web citation)

October 2009 through May 2010

- Knanaya Catholic Mission of San Jose, CA

May 26, 2006

- Knanaya Catholic Mission, Chicago, IL

- OLV Church, Chicago, IL

October, 2009

- Sacred Heart Knanaya Catholic Church, Marywood, IL

- St. Mary's Knanaya Catholic Parish Unit, Chicago, IL

March 2010

- Sacred Heart Knanaya Catholic Mission of Tampa, FL

Unknown dates

- University of Notre Dame, IN

- Assumption Seminary, San Antonio, TX

[App'x JV#4, Twelve-page report of Deacon Patrick Hall, "Diocese of Kalamazoo Reference Benton Harbor Police Department criminal complaint number: 10-3996," pp 11-12.]

On August 10, 2010, Deacon Hall forwarded the out-of-state history of Msgr. Vellian's whereabouts to the BHPD and requested that the prosecutor re-evaluate whether prosecution of the alleged crimes was time-barred by the statute of limitations. (*Id.* at 12.) On September 13, 2010, Detective Wesley Smigielski of the

BHPD advised Deacon Hall “that the additional information received did not alter the prosecutor’s final determination that the case exceeded the statute of limitations for prosecution.” (*Id.*)

On September 15, 2010, the Diocese of Kalamazoo Review Board found Jane Doe62’s allegations to be credible and made the following recommendations to Bishop Paul Bradley:

- That the accusations leveled by the alleged victim seemed probable on their face, and were found credible by the Review Board.
- That appropriate communications with due regard to the alleged victim as well as the accused’s privacy be made to appropriate authorities. The Board was in disagreement over whether the USCCB [United States Conference of Catholic Bishops] should be notified of the accusations leveled against the accused (and that the accusations were found to be credible), the Board submitted the matter to vote: 7 members approved of such communication while 2 members did not.

The Review Board made the recommendation that the Bishop provide a follow-up communication with complainant indicating that her accusations were found to be credible, that the priest would be prohibited from engaging ministry in the Kalamazoo Diocese, and attempts would be made to notify other survivors. It should be noted, as discussed at the meeting, Review Board members felt it appropriate that postings be made in Benton Harbor parishes notifying the public that accusations were brought alleging abuse of a minor in 1973-1974. There were two dissenters who expressed due process concerns and favored not naming the accused. The majority was concerned that not naming the accused might cast unwarranted suspicion on other priests serving during that time. It is the advice of the Review Board that the accused be mentioned by name.

[App’x JV#7, Minutes, Diocese of Kalamazoo Review Board, September 15, 2010, pp 1–2.]

In a letter dated October 20, 2010, Bishop Bradley wrote the following to Jane Doe62:

I want to thank you for your courage in coming forth and reporting the incidents involving Monsignor Jacob Vellian. I have received the Review Board’s report on their deliberations and recommendations. I have also reviewed the investigation report provided by Deacon Patrick Hall and a copy of your own notes which guided your personal testimony before the Board.

It is clear to me that the accusations presented are credible and as such I am making the following determinations:

- Monsignor Jacob Vellian is prohibited from engaging in ministry in the Diocese of Kalamazoo.
- We will attempt to notify any other survivors.
- We will publish notifications in the bulletins of SS. John and Bernard Parish, St. Joseph Parish in St. Joseph and St. Joseph Parish in Watervliet that accusations had been brought against Monsignor Vellian of abuse of a minor during 1973-1974 and that we are requesting any information regarding Monsignor Vellian's ministry during that time. Be assured that your name will not be mentioned in these bulletin notifications.
- I will also notify the United States Conference of Catholic Bishops (USCCB) that a credible accusation of abuse of a minor has been presented against Monsignor Vellian. In this way every bishop in the nation will be subsequently informed of the accusation.
- I will inform the Congregation of the Doctrine of the Faith (CDF) that there is sufficient evidence that sexual abuse of a minor has occurred. The CDF has jurisdiction for the universal Roman Catholic Church in these matters.

On a personal note, I wish to convey my heartfelt sorrow for the pain and injury that has been wrought by a member of the clergy. My deepest hope is that we can be of some help in reconciling the breach of trust between you and the servants of your Church. Jesus said, "Let the children come to me and do not prevent them; for the kingdom of heaven belongs to such as these." (Mt 19:14)

I encourage you to utilize the services of our assistance coordinator, Deacon Pat. Please, feel free to contact me with any concern. I pray that you will continue to allow us to serve you.

[App'x JV#8, Letter from Bishop Paul Bradley to Jane Doe62, dated October 20, 2010, pp 1-2.]

Bishop Bradley also hand-penned the following note at the bottom of his typewritten letter: "You have been, and continue to be in, my daily prayers." (*Id.* at 2.)

In early December 2010, Bishop Bradley wrote to the Congregation for the Doctrine of the Faith to advise of Jane Doe62's allegations against Monsignor Vellian and the determination made by the diocesan review board that her allegations were credible. (App'x JV#9, Letter from Bishop Paul Bradley to Cardinal William Levada, Prefect, Congregation for the Doctrine of the Faith, dated December 2, 2010, p 1.) Bishop Bradley also informed the Congregation that he believed Jane Doe62's allegations had "merit" and that she filed a criminal complaint with the local police department, but the prosecutor declined to prosecute, because the applicable statute of limitations had run. (*Id.* at 1.) Bishop Bradley also wrote the following:

Monsignor Vellian is presently retired and living as a priest at his home in the Archeparchy of Kottayam, India of the Syro-Malabar Church. Monsignor Vellian has denied the truth of the accusations. Monsignor Vellian's bishop, Archbishop H.G. Mar Matthew Moolakkatt, has been advised of the investigation. It has been reported to me that Archbishop Moolakkatt has chosen to accept Monsignor Vellian's denial and feels no need to pursue the allegation. It is my understanding that Monsignor Vellian continues to serve in several capacities in Archdiocese of Kottayam.

[*Id.*]

In his December 2010 letter requesting direction or assistance from the Congregation, Bishop Bradley provided a copy of the Diocese's "preliminary investigation, the alleged victim's personal testimony notes and the review board's recommendations." (*Id.*) Jane Doe62 also wrote a letter to the Congregation, requesting that the matter be reviewed and also requesting that she, as well as Msgr. Vellian, be allowed the opportunity to personally present their testimony to the Congregation. (App'x JV#10, Letter from Jane Doe62 to Msgr. Charles Scicluna, Promoter of Justice, Congregation for the Doctrine of the Faith, dated November 17, 2010, pp 1-2.)

In addition to notifying the USCCB of the credible allegation of sexual abuse of a minor against Msgr. Vellian, in a letter dated February 28, 2011, Bishop Bradley also wrote the Archbishop of Kottayam, Mar Matthew Moolakkatt, the following:

As you know, the Diocese of Kalamazoo has been reviewing a case of alleged abuse of a female minor. The accused is a priest of your Archeparchy of Kottayam, Msgr. Jacob Vellian. I realize that the Director of our Diocesan office of Safe Environment, Deacon Patrick Hall, has been in touch with you about this matter, and I am grateful for your cooperation with him and your kindness in this matter.

You may recall that the incident under review occurred in this diocese in the years 1973-1974 when the victim was sixteen years old. It allegedly took place at St. John Church in Benton Harbor, Michigan where then Father Vellian was temporarily providing pastoral ministry. Deacon Hall sent you a copy of the investigation. We have received Msgr. Vellian's letter of denial. A criminal case has been filed with the Benton Harbor Police Department where the alleged incident took place.

I convened my Diocesan Review Board on December 7, 2010, to examine all evidentiary materials of this incident. After receiving their recommendations, I have determined that the allegation has merit, and I will be notifying all relevant parties of this determination, including the United State Conference of Catholic Bishops (USCCB), as well as all parishes where Msgr. Vellian served. My staff has also conducted an internet search to determine any diocese in the United States where Msgr. Vellian might have visited, and we will also be in contact with them. Most importantly, Your Excellency, I want you to know that I have determined that this case must be sent to the Congregation for the Doctrine of the Faith in Rome, and I have forwarded all materials to Cardinal Levada on December 6, 2010.

It is my understanding that Msgr. Vellian is now retired in your archdiocese, but that you have not suspended him from ministry, pending the results of the investigation. While I cannot understand what your reasons are, it does seem to me that in light of all the evidence, you may want to reconsider your decision. I say that very respectfully, dear Brother in the Episcopacy.

[App'x JV#11, Letter from Msgr. David Malloy, General Secretary, to Bishop Paul Bradley, dated February 28, 2011; App'x JV#12, Letter from Bishop Paul Bradley to Bishop Mar Matthew Moolakkatt, dated January 21, 2011.]

By letter dated May 18, 2011, the Congregation for the Doctrine of the Faith notified Bishop Bradley that it decided not to commence a penal trial against Msgr. Vellian. (App'x JV#13, Letter from Archbishop Luis Ladaria, S.J., to Bishop Paul Bradley, dated May 18, 2011.) Specifically, Archbishop Ladaria wrote:

Having considered the delicate nature of this case along with the present status of the cleric (the lapse of 38 years since the delict, the cleric is currently retired from public ministry and resident in a retirement home for priests, the poor health of the cleric and the lack of any other accusation), this Dicastery has decided not to initiate a penal trial in this case.

However, in consideration of the allegation, the Congregation requested on 18 May 2011 that the Archbishop of Kottayam, *onerata coscienza*, ensure that Monsignor Vellian is monitored so that he does not constitute a risk to minors or create a scandal among the faithful. Furthermore, Monsignor Vellian has been requested to offer Holy Mass every Friday in reparation for the sins of abuse committed by clerics against minors.

[*Id.*]

In a letter dated June 6, 2011, Bishop Bradley replied to Archbishop Ladaria, acknowledging receipt of the Congregation's decision and thanking him and the Congregation for the assistance. (App'x JV#14, Letter from Bishop Paul Bradley to Archbishop Luis Ladaria, S.J., dated June 6, 2011.) Archbishop Moolakkatt also acknowledged his receipt of the Congregation's decision in a letter he wrote to Bishop Bradley, stating the following:

Thank you for your letter dated 21st January 2011. In that letter you had told me that the matter was referred to the Holy See, and therefore I was waiting for the direction of the Holy See in this regard. As per the directions given by the Congregation for Faith, I have given direction to Msgr. Vellian to refrain from any activity which may constitute a risk to the minors or create a scandal among the faithful. As you know Msgr. Vellian is already a retired priest and is not involved in active ministry. However, he is asked to offer Holy Mass every Friday in reparation for the sins of abuse committed by the clerics against minors.

[App'x JV#15, Letter from Archbishop Mar Matthew Moolakkatt to Bishop Paul Bradley, dated June 20, 2011.]

In a letter dated September 10, 2012, Archbishop Moolakkatt again wrote to Bishop Bradley, advising that the Congregation for the Doctrine of the Faith sent him a copy of a letter Jane Doe62 wrote to the Congregation. (App'x JV#16, Letter from Archbishop Mar Matthew Moolakkatt to Bishop Paul Bradley, dated September 10, 2012, p 1.) Archbishop Moolakkatt also advised that the Congregation "underscored" his obligation to protect minors and to insure against public scandal and further directed the archbishop to inform Bishop Bradley of the means the former had taken to achieve those ends. (*Id.*) Archbishop Moolakkatt wrote the following in that regard:

The normal age of retirement in our archdiocese for priests in [s]eventy. If the priest can continue services after this age, we often request them to continue their services after seventy as long as their health conditions allow.

Fr. Jacob Vellian was asked by me to continue his ministry after seventy. When one of our priests who was serving the Knanaya mission in San Jose had to go back to Rome to finish his research and to submit his doctoral thesis, in October 2009, I asked Fr. Vellian to take up the San Jose mission for a time being. Although he had reservations due to his poor eyesight and inability to drive a vehicle, understanding the necessity of the Archdiocese he agreed to go over to San Jose. He returned to India in April 2010 for an Ayurvedic treatment of his knee, and expressed his disability to continue his services in San Jose and requested me to allow him to retire from active ministry. Accordingly he was relieved from all his duties and ministries in the Archdiocese of Kottayam and allowed to retire on 15th May 2010, the usual general transfer date in the Archdiocese.

It is true that it does not reflect in the [w]ebsite of the Archdiocese. Due to some technical problems, the website could not be updated from 2010. You can verify it from the website itself. We are trying to get it corrected and will update it at the earliest. We humbly request the understanding of all in this regard.

As I have written to Your Excellency on 20th June 2011, Fr. Jacob Vellian is a retired priest with no official duties or ministry in the Archdiocese of Kottayam with effect from 15th May 2010. He is leading a retired life according to the instruction given by the Congregation for the Doctrine of [the] Faith on 18th May 2011. If needed, Your Excellency can verify the veracity of the facts stated above through the Father and Head of our Church, the Major Archbishop of the Syro-Malabar Church or through the Apostolic Nuncio.

[*Id.* at 1–2.]

In a letter dated February 18, 2013, Bishop Bradley replied to Archbishop Moolakkatt's letter, advising that, in the letter written by Jane Doe62 to which the archbishop referred, she had informed the Congregation that she found a posting on the Internet that "made it clear to her that Msgr. Vellian was acting in a public ministerial setting." (App'x JV#17, Letter from Bishop Paul Bradley to Archbishop Mar Matthew Moolakkatt, dated February 18, 2013, p 1.) Bishop Bradley also advised Archbishop Moolakkatt that, since that time, Jane Doe62 again found evidence of Msgr. Vellian's public ministry on the Archdiocese of Kottayam website, which had an article posted that "dealt with Msgr. Vellian's participation in the prayer service called 'Purathunamaskaram' which, reportedly, was attended by a gathering of thousands," including Archbishop Moolakkatt. (*Id.* at 2.) Bishop Bradley further wrote the following:

This public venue in which Msgr. Vellian concelebrated is a cause of great concern for Jane Doe62, and is the reason why I need to once again contact you. As you recall, the reason why the Congregation for the Doctrine of the Faith chose **not** to pursue a penal case against Msgr. Vellian was because he is retired from public ministry, residing in a retirement home and is in poor health. However it does not appear to be the case based on the information posted on the internet regarding the continuing public ministerial appearances of Msgr. Vellian.

The pain this causes to Jane Doe62 is deep and real. Her trust in the Church was violated when she was sixteen years old. She is desperately trying to have her trust in the Church restored. A major demonstration of that trust is belief that the remedies that have been put in place in response to abuse by clergy will be honored. I am quite sure that if she believes that the Church has broken this promise, she will almost certainly take her story into the public arena.

Please, Your Excellency, I ask for your assurance that Msgr. Vellian's retirement will keep him from any public ministry of any sort. I know of no other way to make sure that the "scandal" that the Congregation instructs you to avoid can be achieved.

[*Id.* (emphasis in original).]

In a letter dated March 8, 2013, Archbishop Moolakkatt replied to Bishop Bradley's letter with the following:

As I had written earlier, Fr. Jacob Vellian has no official ministry in the Archdiocese and he is retired from active ministry. Usually the retired priests are invited by friends and relatives to participate in some of their functions and they can attend as far as their health allows. They also celebrate the holy Mass daily and the retired priest can be a concelebrant or even the main celebrant as the occasion demands. Fr. Vellian also is invited for some functions, but as a retired priest. His participation in the liturgical celebration does not create any scandal here.

However, respecting the sensitivity involved in this matter, and considering your request, I have asked Fr. Vellian not to officiate any public ministry of any sort in the future.

[App'x JV#18, Letter from Archbishop Mar Matthew Moolakkatt to Bishop Paul Bradley, dated March 8, 2013.]

In a letter dated April 2, 2013, Bishop Bradley wrote to Archbishop Moolakkatt in response to the foregoing and thanked him for his letter. (App'x JV#19, Letter from Bishop Paul Bradley to Archbishop Mar Matthew Moolakkatt, dated April 2, 2013.) Bishop Bradley also asked the archbishop to “follow through, as you promised, with ensuring that ‘Fr. Vellian (will) not officiate in any public ministry of any sort in the future.’” (*Id.*)

In 2014, Bishop Bradley again wrote to the Congregation for the Doctrine of the Faith and to Archbishop Moolakkatt, as a result of Jane Doe62's finding of Internet evidence of Msgr. Vellian concelebrating a public Mass. In his letter to the Congregation, Bishop Bradley summarized the correspondence that he had regarding the “ongoing concern,” including a reference that he personally visited the Congregation in February of 2012, when he was there for his Ad Limina visit, and provided a copy of a photograph of Msgr. Vellian concelebrating Mass with Internet links to an article and video regarding same. (App'x JV#20, Letter of Bishop Paul Bradley to Msgr. Robert Oliver, Secretary of the Pontifical Commission for Protection of Minors, Congregation for the Doctrine of the Faith, dated October 15, 2014, pp 1–2, with attached photograph and links; App'x JV#22, Letter from Bishop Paul Bradley to Archbishop Mar Matthew Moolakkatt, dated October 15, 2014.) Bishop Bradley wrote:

Jane Doe62 is at the “end of her rope.” She has lost trust in the Church and she is threatening to take her story to SNAP and the media, which would be a cause of great scandal to the Church. I continue to urge her to be patient and to be assured that we are taking every step possible. However, I too am very concerned that the Archbishop appears not to be taking this matter seriously. I have written to him yet again, and I enclose a copy of that letter here for your information.

In light of the continued scandal and inability, or unwillingness, on the part of Archbishop Moolakkatt to ensure that Msgr. Vellian cease and desist from all activities that could even be perceived that he could be a threat to children or cause scandal among the faithful, I respectfully petition that either a penal case be initiated in this matter or that another suitable means of definitely ending this scandal be found.

[*Id* at 2.]

The same day, October 15, 2014, Bishop Bradley wrote the following to Archbishop Moolakkatt:

. . . [R]ecently it has been brought to my attention that Msgr. Vellian continues to serve in a very public way as evidenced by information that has been posted on the internet. These internet sites contain

references to a number of activities that make it clear that Msgr. Vellian is indeed active in public ministry. Some of these examples include the following: Msgr. Vellian's video series on the liturgy in the Syro Malabar Rite, his acting on behalf of the Church in announcing at Mass that the Syro Malabar Church has decreed that all bishops must learn the East Syriac language and understand how to fully celebrate the Syro Malabar Qurbana in East Syriac, and his appointment to the Presbyteral Council of the Archeparchy.

All this information regarding Msgr. Vellian's public ministry has been a source of great distress for the Victim. She has conveyed her feelings of victimization and has lost trust in any efforts to monitor Msgr. Vellian's ministry so he does not constitute a risk to minors. Sadly, and most troubling, she has also expressed her loss of faith in the Church for what she perceives as a lack of authority on the part of the Vatican's Congregation for the Doctrine of the Faith to hold accountable those it directs.

While I can understand that some who know Msgr. Vellian may assert his innocence in relation to this serious charge, the Congregation for the Doctrine of the Faith did not issue such a verdict of innocence. The Congregation for the Doctrine of the Faith recognized that these were very serious allegations against Msgr. Vellian, but chose not to go forward with a penal trial because of extenuating circumstances other than the veracity of the charge. Some of those extenuating circumstances were that Msgr. Vellian was said to be in poor health, retired and in a retirement home. However, when he appears to be vital and active as seen on the internet, representing your Archeparchy, very serious questions are raised about Msgr. Vellian's true status.

Because of all of the above concerns, I ask for your immediate assurances that Monsignor Vellian will be prohibited from further public ministry in representing the Church, and that he be monitored so that he does not constitute a risk to minors or create a scandal among the faithful. I have also once again written the Congregation for the Doctrine of the Faith to ask them for their intervention in this matter.

[App'x JV#22, Letter from Bishop Paul Bradley to Archbishop Mar Matthew Moolakkatt, dated October 15, 2014, pp 1-2.]

In response, in a letter dated November 1, 2014, Archbishop Moolakkatt wrote the following:

I am in receipt of your letter dated October 15, 2014. I can understand very well your concern regarding the matter involving with Msgr. Jacob Vellian. I assure that I will do everything possible so that the female victim of this alleged crime may be relieved and find peace and healing.

Msgr. Jacob Vellian is now 80 years old and is mostly restricted to the priests' Retirement home. One year ago he was admitted to hospital for cardiac complications and he has four major blocks for which they could not do angioplasty due to his advanced age and medical ill health.

The video series you mention in your letter is done years ago and maybe it is still in the Net used by some liturgists. He was elected for the Presbyteral Council as the retired priests' representative two years ago and he is no more attending any meetings. Once more, I assure you that I will do whatever possible so that Msgr. Jacob Vellian is prohibited from any public ministry and will be monitored by the Director in charge of our Vianney Retirement Home.

[App'x JV#23, Letter from Archbishop Mar Matthew Moolakkatt to Bishop Paul Bradley, dated November 01, 2014.]

In June 2015, Jane Doe62 wrote to Bishop Bradley, "asking for an \$80,000.00 financial settlement" in exchange for her promise that she "will never in my lifetime pursue a lawsuit against the church, Bishop Paul Bradley and/or the Diocese if Kalamazoo, or any other representative affiliated with the Catholic Church regarding my abuse, or the negligence I have endured over the last 6 ½ years" and a promise to never ask SNAP to assist in settling or disseminating any information regarding her "situation." (App'x JV#24, Letter from Jane Doe62 to Bishop Paul Bradley, dated June 12, 2015, p 5.) Jane Doe62 wrote that, because the ongoing, unresolved matter was affecting her mental and physical well-being and ability to heal, she needed closure to the matter, and, because she could not achieve her initial goals of obtaining a guarantee that actions of Msgr. Vellian and Fr. White would be monitored and evidence that the Congregation for the Doctrine of the Faith would assure that Msgr. Vellian be prohibited from public ministry, she had to seek the alternative plan of a financial settlement to hold the church accountable. (*Id.* at 2–6.) In addition, Jane Doe62 asked that the Diocese to continue to provide her with spiritual direction and to pay for her out-of-pocket therapy and medication expenses. (*Id.* at 6.)

In a letter dated June 29, 2015, Deacon Hall replied to Jane Doe62's letter on behalf of Bishop Bradley and advised that the Diocese would continue to assist her as it had done for the previous five years, but it would not agree to pay her \$80,000.00 or any other amount. (App'x JV#25, Letter from Deacon Patrick Hall to Jane Doe62, dated June 29, 2015, p 2.) Deacon Hall wrote:

In your particular circumstance, the diocese responded promptly to your allegation, assisted in the reporting to law enforcement, worked with you in obtaining a number of spiritual directors, provided a regular and available liaison and reported the matter to the appropriate canonical authority – the Congregation for the Doctrine of the Faith. Prior to Bishop Bradley's most recent request to the CDF, he paid a personal visit to their office at the Vatican concerning your circumstance.

Bishop Bradley, like you, is waiting for a response from the CDF. Unfortunately we, like all entities, are limited in what we can achieve. We can neither make a determination on behalf of the CDF nor can we control and monitor Msgr. Vellian, who continues to reside in India.

In response to your letter, we offer you support consistent with what has been provided in the past. Over the past five years the Diocese of Kalamazoo has provided you with payment of co-pays, assistance with payment for retreats and other therapeutic aids. The diocese will continue to provide similar support to you going forward and continued spiritual direction, as a commitment to your emotional and spiritual well-being. We are not in a position to comply with your request for \$80,000, nor any other amount beyond what we have expended, and will continue to expend, on your behalf for your healing and well-being.

Jane, I want to assure you that the Diocese of Kalamazoo and Bishop Bradley is committed to doing everything in their power to create a safe environment for children and youth. Unfortunately there are actions and desired results that are outside of our control and authority. This realization is often a difficult one for both institutions and individuals.

[*Id.* at 1–2.]

It is unclear from the documents available whether or what response the bishop received from the Congregation for the Doctrine of the Faith to his last letter that requested a penal trial.

Several years earlier, on December 15, 2010, in response to a notice that had been published in the bulletin of the St. Joseph Church in Watervliet that Msgr. Vellian had been accused (by Jane Doe62) of sexually abusing a minor in 1973–1974,

Deacon Hall received a telephone call from a woman who alleged that Msgr. Vellian had touched her daughter's breasts when she was about 11 years old. (App'x JV#26, Initial report of Deacon Patrick Hall regarding sexual contact of a minor by clergy #1011-1, p 1.) At the time of the report, the woman refused to provide her name or her daughter's name. (*Id.*) She alleged that, when her daughter was about 11 years old, around 1967, she went to use the bathroom in the rectory, and, when she returned to the church, she was visibly shaken. (*Id.*) In a more recent time, during an argument, the daughter told her mother that an Indian priest touched her breasts. (*Id.*) The woman told Deacon Hall that the Indian priest who was there at the time was Msgr. Vellian (then Fr. Vellian). (*Id.*) She stated that she was sure it was Msgr. Vellian, and the alleged incident occurred in 1966 or 1967 and that Fr. Adoph Nadrach was the pastor, and Fr. Vellian was a priest who was visiting. (*Id.*) Deacon Hall asked the mother of the alleged victim to reconsider her anonymity and advised her of the victim assistance that could be provided by the Diocese, and the mother refused. (*Id.*)

In response to this 2010 allegation and based on his investigation into Jane Doe62's allegation, Deacon Hall had no information to indicate that Msgr. Vellian had been in the Diocese prior to 1973. (*Id.*) Deacon Hall contacted Jane Doe62 to ask whether she had any knowledge of Msgr. Vellian being in the Diocese in the 1960s, and she stated that she had no information from any of her research that he had been in the Diocese prior to 1973; however, she said she would ask her cousin who served as an altar boy at St. Joseph Church. (*Id.* at 2.)

In 2015, the unidentified woman again contacted the Diocese to report that Msgr. Vellian touched her daughter's breasts when she was 11 years old, this time identifying herself as Jane Doe63 and her daughter as Jane Doe64. (App'x JV#27, Continued Investigation #1011-1, p 1.) Jane Doe63 alleged that she also had sexual contact with the priest. (*Id.*) Specifically, she alleged that, when she was in the sacristy, Fr. "Jacobs" walked in with his penis out, "and so she touched it." (*Id.*) She said he asked her to do it again, but she refused. (*Id.*) On another occasion, Msgr. Vellian allegedly "asked her to be with him, but she refused." (*Id.*) Jane Doe63 told Deacon Hall that she remembered that "Fr. Jacobs" was the first Indian priest at St. Joseph Church, who had been serving in the St. Joseph Church in St. Joseph, Michigan, and then served at the St. Joseph Church in Watervliet for about a month. (*Id.* at 2.)

In this 2015 allegation, Jane Doe63 alleged that, on the day her daughter, Jane Doe64, was sexually abused by Msgr. Vellian, she and her daughter were working in the church, and her daughter needed to use the restroom. Because the closest bathroom was located in the rectory, Jane Doe64 went to the rectory, and, when she returned, she "was visibly upset, but she wouldn't say why." (*Id.*) Years later, when Jane Doe64 was in her 20s, "Jane Doe64 blew up in a conversation with her mother saying, '[h]ow would you feel if some Indian priest touched your breasts.'" (*Id.*)

In 2015, after Deacon Hall reviewed his report with the Diocesan Review Board, it could not find the allegation credible because there were no church records verifying that Fr. Vellian was at St. Joseph Church in the years the alleged victim's mother claimed the incident occurred; however, the Review Board recommended that Deacon Hall check with the Diocese of Lansing to ascertain whether Msgr. Vellian served in the 1960s and to send a letter to Jane Doe64 to offer diocesan services and to ask Jane Doe64 for her assistance with the investigation. (*Id.* at 3; App'x JV#28, Minutes of Diocese of Kalamazoo Review Board, April 23, 2015, p 2; see also App'x JV#29, Letter from Deacon Patrick Hall to Jane Doe64, dated June 3, 2015.) In the letter, Deacon Hall offered his assistance "towards healing any injury or harm that may have been sustained by you or any other victim." (*Id.*) In response, Deacon Hall received a letter on June 16, 2015, without a date, salutation, or addressee, that read as follows:

My mother & I were cleaning the church in the 1960s, or 1970? I don't think. There was a priest filling in, short, dark skinned, he felt my chest, near the confessionals.

I do not wish to talk about this to you because I'd prefer not to feel uncomfortabl[e].

Now that you have sent me a letter, I am occupying my brain with this, which is a waste of my time, again! [A sad face is drawn here]

P.S. You are welcome to send me a check for damages!

Or payment for cleaning, etc..... [A smiley face is drawn here.]

[App'x JV#27, Continued Investigation #1011-1, pp 3-4; App'x JV#30, unsigned and undated, two-page, handwritten letter.]

The Diocese of Lansing was unable to locate any records that verified that Msgr. Vellian served in the Diocese at any time from 1969 through 1972. (App'x JV#31, Email from Deacon John Cameron, JCL, Chancellor of the Diocese of Lansing, to Deacon Pat Hall, dated June 2, 2015.)

However, in 2019, Jane Doe62 sent an email to Deacon Hall and Sgt Workman to advise that she found an old newspaper clipping from 1971 that had a photograph of Msgr. Vellian in Watervliet, Michigan. (App'x JV#32, Email from Jane Doe62 to Sgt. Todd Workman and Deacon Patrick Hall, dated August 28, 2019, p 2.) In addition, during the Department's review of diocesan documents during this investigation, a 1974 character-reference letter written by then Bishop Paul Donovan was found, in which he wrote that he had known Fr. Jacob Vellian since the Summer of 1971, when the Diocese of Kalamazoo was established, and that Fr. Vellian had worked with two pastors, Fr. Reynold Thelen at St. Joseph Church in Watervliet, Michigan, and Fr. Leroy White, at St. John Church, in Benton Harbor, the former being the church Jane Doe64's mother alleged the sexual abuse occurred, and the latter being the venue Jane Doe62 alleged her sexual abuse occurred.

(App'x JV#33, Letter from Bishop Paul Donovan to Fr. Adrian Bowlin, O.S.B., dated May 22, 1974, p 1.)

As part of the Attorney General investigation, on October 18, 2018, Sgt. Workman interviewed Jane Doe62. (App'x JV#34, MSP Original Incident Report, Incident No: NIS-00000-10-18, p 1.) Jane Doe62's allegations regarding Msgr. Vellian were consistent with her report made to Deacon Hall in 2010. (*Id.* at 2–3.)

In 2020, Jane Doe65 called the Department's tipline and alleged that, around 1971 or 1972 when she was 13 years old, Msgr. Vellian touched her breasts while he was babysitting her and her younger brother. (App'x JV#35, MSP Supplemental Incident Report 0003, Incident No: NIS-0000010-18, p 1.) In response, Sgt. Workman interviewed Jane Doe65 on July 20, 2020. (*Id.* at 2.) Jane Doe65 alleged that then Fr. Vellian was a priest from India who was a student at Notre Dame in the early 1970s. (*Id.*) Growing up in Watervliet, she attended St. Joseph Church where visiting priests from Notre Dame would often come. (*Id.*) Jane Doe65 stated that her parents volunteered to drive the priests back and forth to Notre Dame. (*Id.*) In 1971 or 1972, her parents took her and her brother to Notre Dame to visit her older brother. (*Id.*) While there, her parents attended a football game, during which time Fr. Vellian babysat Jane Doe65 and her younger brother in a place on campus that she believed was his room in the priest dorms. (*Id.*) Jane Doe65 alleged that, after her parents dropped her and her brother off, Fr. Vellian put his arms around both of their shoulders and then he slipped his arm down and touched her right breast and then her left breast. (*Id.*) She has no other memory of the time there, except that she recalls her brother looking out a window and wanting to go home. (*Id.*) Jane Doe65 stated that, at that time, she thought of priests as "gods," and, therefore, did not question what had happened and never told anyone of the alleged incident. (*Id.*) Jane Doe65 advised that she was in poor health and did not wish to seek prosecution, but she was relieved to know that others came forward against Msgr. Vellian. (*Id.*)

On May 23, 2019, Detective Workman, with the assistance of the United States Secret Service, Paris field office, and the United States Department of State, located Msgr. Vellian at the Vianney Home, Caritas, Thellakom, P.O. Kottayam Kerala, India.

Also on May 23, 2019, Msgr. Vellian was charged in Berrien County Circuit Court with two counts of rape as a felony warrant in connection with the alleged rape of Jane Doe62 when she was a minor. (App'x JV#36, MSP Supplemental Incident Report 0002, Incident No: NIS-0000010-18, p 1; App'x JV#37, Felony Complaint, *People v. Vellian*, 5th District Court Case No. 2019-07670-FY.)

While awaiting extradition of Msgr. Vellian from India, Msgr. Vellian died in December 2022.

**(18) FR. BOGDAN WERRA
(LISTED ON THE DIOCESE OF LA CROSSE, THE DIOCESE OF
KALAMAZOO AND THE BISHOP ACCOUNTABILITY SITES.)**



Born: Unknown

Ordained: May 7, 1981

Suspended from Ministry: November 14, 1994, Diocese of La Crosse (WI)

Incardinated: December 20, 2000, Diocese of Kalamazoo

Convicted: Embezzlement, March 10, 2005, Van Buren County, Michigan

Died: September 9, 2017

Fr. Bogdan Werra was ordained to the priesthood on May 7, 1981, in Poland.³⁰ He died on September 9, 2017. (App'x BW#1, Letter from Monsignor Stefan Wylezek to Bishop Paul Bradley, dated September 12, 2017.)

In July of 1986, Fr. Werra was a priest from the Diocese of Chelmno (Poland) who visited friends in Rosholt, Wisconsin, after which he remained serving in the Diocese of La Crosse (Wisconsin), initially without request or approval from his home diocese. (App'x BW#2, Letter from Bishop Raymond Burke to Fr. Eugene Sears, Diocesan Administrator of the Diocese of Kalamazoo, dated March 10, 1997, p 1.) In 1986, Bishop Marian Przykucki of Chelmno wrote to then Bishop of La Crosse, John J. Paul, declining permission for Fr. Werra to remain and serve in the Diocese of La Crosse, stating in part that he was “of the opinion that an arbitrary decision in matters concerning the place of priestly ministry is unacceptable and might create a precedent justifying further excesses of this kind. Besides, I do not want to give Your Excellency a priest towards whom I have reservations.” (App'x BW#3, Letter from Bishop Marian Przykucki to Bishop John J. Paul, dated October 9, 1986.) Enclosed with that letter was another letter written to Fr. Werra, demanding his return to Poland, and a letter “from [Fr. Werra’s] last pastor, prelate John Kahl, showing that he was not a valuable priest.” (*Id.*; App'x BW#4, Letter from Bishop Marian Przykucki to Fr. Bogdan Werra, dated October 1, 1986; App'x BW#5, Letter from Jan Kahl to the Bishop of Chelmno, dated September 26, 1986.)

In March 1987, Bishop Przykucki wrote to Bishop Paul, providing his permission for Fr. Werra to stay “in the States” for “a period of five years.” (App'x BW#6, Letter

³⁰ <https://diolc.org/non-diocesan-clergy/bogdan-werra/> (last accessed May 10, 2024.)

from Bishop Marian Przykucki to Bishop John J. Paul, dated March 4, 1987; App'x BW#2, Letter from Bishop Raymond Burke of La Crosse to Fr. Eugene Sears, Diocesan Administrator of the Diocese of Kalamazoo, dated March 10, 1997, p 1.)

In 1997, Bishop Burke wrote in his letter to Fr. Sears that "Father Werra was sent to Guest House in Rochester, Minnesota, for the treatment of alcoholism." (App'x BW#2, Letter from Bishop Raymond Burke to Fr. Eugene Sears, Diocesan Administrator of the Diocese of Kalamazoo, dated March 10, 1997, p 1.) He was later sent to Saint Michael's Institute in St. Louis, Missouri, in 1994, "because of continued problems of alcohol abuse and also because of sexual misconduct with a then seminarian of the Diocese, John Doe66, who subsequently left the seminary and married." (*Id.* at 2.) "There were also serious questions of mismanagement of funds." (*Id.*) Bishop Burke wrote that "[i]t was the conclusion of my predecessor [Bishop John J. Paul] that for Father Werra's good, he should return to Poland and begin to deal honestly with his serious personal difficulties." (*Id.*)

In his 1997 correspondence, Bishop Burke included a copy of a letter his predecessor sent to Fr. Werra that in September of 1994 more specifically described Fr. Werra's alleged "difficulties," including unauthorized use of substantial sums of money from the Diocese of La Crosse. (App'x BW#7, Letter from Bishop John Paul of La Crosse to Fr. Bogdan Werra, dated September 21, 1994, p 1.) Finding Fr. Werra not "to be trustworthy," Bishop Paul wrote that "I must tell you directly that you have no future in the Diocese of La Crosse." (*Id.* at 2.)

In another letter included in this 1997 correspondence, this one dated November of 1994, Bishop Paul wrote to Fr. Werra's home bishop to advise that the former instructed Fr. Werra to return to his home diocese, stating that "[d]uring the past five years, it has become evident that Father Bogdan has had difficulty with alcoholism, homosexuality and dishonesty in handling parish funds." (App'x BW#8, Letter from Bishop John Paul to Bishop Jan Bernard Szlaga, dated November 14, 1994, p 1.) Bishop Paul also advised that Fr. Werra's "problems" developed before he entered the United States, explaining as follows:

Unfortunately one year ago a related but more serious problem was discovered. We learned from a Polish seminarian who had come to the United States and was studying for our diocese, that he had been sexually molested by Father Bogdan in Poland and that this activity was continuing here. This seminarian reported that Father Bogdan was also drinking heavily on these occasions. When confronted with these allegations, Father Bogdan denied them; but further investigation convinced me the allegations were true and we learned that another young American man had become the recipient of sexual advances from Father Bogdan. I ordered Father Bogdan to enter another treatment program. Denial eventually turned into admission, but not to the extent that Father Bogdan would accept total

responsibility for his actions; consequently, I cannot trust him in any future priestly ministry in the diocese.

[*Id.* at 2.]

Also included within this 1997 correspondence, in June 1995, with a Chicago, Illinois, return address, Fr. Werra wrote to Bishop Burke, recently after his installation as successor bishop to Bishop Paul, requesting permission to return to ministry within that Diocese. (App'x BW#9, Letter from Fr. Bogdan Werra to Bishop Raymond Burke, dated June 7, 1995.) Bishop Burke declined the request "because of the seriousness of the reasons for which Bishop Paul" asked Fr. Werra to return to his home diocese. (App'x BW#10, Letter from Bishop Raymond Burke to Fr. Bogdan Werra, dated June 23, 1995.)

In March 1997, all of these letters were provided to Fr. Sears, the then Diocesan Administrator for the Diocese of Kalamazoo, with Diocese of La Crosse Bishop Burke's letter to Fr. Sears. (App's BW#2, Letter from Bishop Raymond Burke of La Crosse to Fr. Eugene Sears, Diocesan Administrator of the Diocese of Kalamazoo, dated March 10, 1997, pp 1–2.) Fr. Sears replied to Bishop Burke and wrote the following:

The information concerning Father Werra arrived today – St. Patrick's Day no less. Some type of action certainly will have to be taken. It is with some embarrassment to admit that there was, apparently, not much done in looking into Father's background and life before he was assigned to a parish here.

It certainly will require some praying and dialogue. If you desire I will keep you informed as to the direction we take. Otherwise I will inform his Diocese in Poland.

[App'x BW#11, Letter from Fr. Eugene Sears, Diocesan Administrator to Bishop Raymond Burke, dated March 17, 1997.]

In a 1998 memorandum to Diocese of Kalamazoo Bishop James Murray, Fr. Michael Osborn (now Msgr. Michael Osborn) provided his opinions regarding those priests who Bishop Murray was considering for incardination into the Diocese. (App'x BW#12, Memorandum from Fr. Michael Osborn to Bishop Murray, dated July 2, 1998, pp 1–2.) Regarding Fr. Werra, Fr. Osborn wrote the following "Objection":

I have some very serious concerns that I shall leave with you to find and know sufficient resolution to about Bogdan. I did some of the initial investigation on him when he first wrote to Bishop Markiewicz. There have also been some peculiar incidences with some young men at both St. Monica's and from Hackett/Mattawan, in which invitations were made which made the young men uncomfortable. These young

people shared their experiences with us (Fr. Brian [Stanley] [see entry no. 16 above] and me) either themselves or through their parents. While these were dismissed as being cultural misunderstandings, my concern springs from the next piece of information.

About eight months ago, I was asked by Msgr. Koper, Rector of Orchard Lake, to inquire about the possibility of our hosting some of their seminarians in summer parish placements. In the midst of our conversation, Fr. Werra's name was raised as a possible "sponsor" of a Polish seminarian. Fr. Koper seemed shocked that he was functioning here and said that under absolutely no circumstances are any of his seminarians to have any contact with Werra whatsoever. If they did, they would be recalled to the seminary.

Evidently, Msgr. Koper has had extensive dealings with Werra, especially when he first arrived from Poland. I asked about the problem and he indicated that there have been very serious questions and one grave incident involving abuse while Werra was somehow around the seminary at Mundelein. He also indicated he would be happy to talk to you about it. I did share this with Fr. Morlino at the time and I understand Fr. Sears was alerted to the problem.

If the latter is substantiated and true, I vehemently object to his incardination. Personally, I do not trust him and find his behavior since coming here "creepy" at times.

[*Id.*]

In a letter dated July 27, 1998, former Bishop Paul Donovan also wrote to Bishop Murray, at the latter's request, recommending against incardinating Fr. Werra, as follows:

I am privy to the fact that Father Werra has a homosexual orientation and that he has acted out this orientation in the past as a priest; I am not aware of any problems since he came to the Diocese of Kalamazoo.

May I strongly recommend that three steps be taken, if they have not already been taken:

1. The Bishop of Pelplin, Poland be consulted about the life and morals of Father Werra (Canon 269,2);
2. That Bishop Burke of La Crosse, Wisconsin, be consulted; Father Werra served as a priest in La Crosse for some time before coming to the Diocese of Kalamazoo;

3. That Father Consani and Father Morlino be consulted.

From the input I have, it seems that parishioners of Mattawan and Marcellus are pleased with Father Werra and the service he gives them.

In my opinion, Father Werra tends to be imprudent and compulsive. He is openly critical of his predecessor. The criticism, I believe is correct, but prudence would seem to call for silence on Father Werra's part.

[A witness and the spouse of that witness], would probably be in a position to speak to the spiritual service and the administrative approach of Father Werra. They seemed, at least in the past, to be pleased with him. [They] are parishioners at St. John Bosco, Mattawan.

I am sorry to say that I do not find it possible to recommend Father Werra for incardination.

[App'x BW#13, Letter from Paul Donovan, former Bishop of Kalamazoo, to Bishop James Murray, dated July 27, 1998, pp 3-4.]

In May 1999, Bishop Murray wrote to Bishop Jan Sziaga, Diocese of Pelpin (Poland) requesting "a letter of recommendation from you as to [Fr. Werra's] life, morals and studies[.]" to which the latter replied:

According to the can. 268 § 2[,] I am sending the opinion about Father Bogdan Werra. He has started his pastoral work in USA in diocese La Crosse without permission from my predecessor. The permission granted him only after a few years. I have found the difficult situation in his present diocese in which he was worked, as far as I am aware, since 1986. Bishop of La Crosse has raised objections to him with scandalize relations with boys and addiction to alcoholism. When I was in USA three years ago I have spoken to F. Bogdan Werra. He assured me that changing diocese and his personal conversion in the future is the guarantee of his serious priestly work. Father Gowin from Chicago, parish priest of polish Holy Trinity Parish, has mediated in this matter. I do not know very well Father Werra to give guarantee of his conversion. Two short meetings, one in States and second in my office in Poland, are giving me hope of his change and to intercede for him. In my opinion more important is opinion of Bishop of La Crosse.

[App'x BW#14, Letter from Bishop Jan Bernard Szlaga of Pelplin to Bishop James Murray, dated May 22, 1999; App'x BW#15, Letter from Bishop James Murray to Bishop Jan Szlaga, dated April 28, 1999.]

In a September 1999 memorandum, Fr. Osborn, who had interviewed persons having knowledge of Fr. Werra's past conduct, wrote to Bishop Murray, summarizing what he was told:

Shortly after ordination, Fr. Bogdan Werra was assigned to a parish in his home Diocese of Posnan, Poland (early 1980s). While there, he developed a relationship with one of the parish altar boys, John Doe66, then an early adolescent minor. At some point, the relationship took on an abusive nature, in which Werra sexually molested him. This continued until December of 1992, into John Doe66's early 20s.

Werra left Poland around 1984 and went to the Diocese of La Crosse under Bishop John Paul. He was sent to [O]rchar Lake to work on his English and enculturation. He later returned to La Cros[s]e for a parish assignment, arranging for John Doe66 to come here to study for the Priesthood. Around this same time, Werra was also fostering other relationships of a homosexual nature with young men, whom he had living at his rectory. He hosted social events frequently, at which alcohol was served to underaged persons. He was also treated for chemical dependency (alcohol) once during this period, but relapsed into his former habits.

Once John Doe66 arrived, Werra took him under his wing, resuming the relationship and behavior begun in Poland. It was particularly sad, sordid, and torrid; Werra bought many gifts for John Doe66. John Doe66 was enrolled at Mundelein and finally broke the truth of the relationship to the faculty there shortly after declaring Candidacy in December of 1992. He subsequently left Mundelein.

Once the news broke, Werra pursued John Doe66, who sought the help of La Crosse for protection, as he feared for his life due to Werra's violent temper. Werra stalked him and eventually discovered his whereabouts, culminating in an episode of yelling and pounding on John Doe66's apartment door. The police were called and a restraining order had to be issued against Werra. Werra underwent a lie-detector test, the results of which backed the veracity of John Doe66's story.

Werra left the Diocese of La Crosse in 1994, working as a "free-lance" chaplain at a Chicago medical facility until his arrival in Kalamazoo that same year.

All of the persons interviewed concurred in the basic facts of the case. Parr and Biernbaum asked that John Doe66's name be kept out of any discussion with Werra. All strongly recommended that he be immediately removed and not allowed to function in the Diocese of Kalamazoo. Werra is a very serious risk and danger and should be returned to Poland.

[App'x BW#16, Memorandum of Fr. Michael Osborn to Bishop Murray, dated September 9, 1999, pp 1–2.]

In January 2000, Fr. Osborn wrote another memorandum to Bishop Murray, advising that he had consulted “those trained in civil law, as well as in canon law” regarding Fr. Werra, and “[w]ithout exception, those whom I consulted regarding the civil legal implications indicated that we would probably lose (and lose badly) any suit brought against the Diocese should Werra even be accused of anything.” (App'x BW#17, Memorandum of Fr. Michael Osborn to Bishop Murray, dated January 3, 2000, p 1.) Fr. Osborn wrote in this 2000 memorandum that “[w]e have a very high risk situation in Werra, and one which there is little to no way to clear him from allegations of a sexual psychosis, potentially criminal sexual abuse, active homosexual behavior, and alcohol abuse.” (*Id.* at 2.) He further wrote that the situation “is exacerbated by the fact that no amount of psychotherapy, analysis, treatment, medication, or whatever has proven clinically to be even a deter[re]nt, let alone a ‘cure’ for such problems.” (*Id.*) Fr. Osborn also wrote: “My point is that the psychoanalysis which you have required of him really does not mean a whole lot and does not absolve the Diocese of responsibility for what could be alleged as informed neglect at this point.” (*Id.*)

Fr. Osborn, at the end of his 2000 memorandum, listed his conclusions as follows:

- a. We have a high risk situation in which there is no real way to authenticate the person in question. We must trust in blind faith in his word, to which there is more than a reasonable doubt regarding personal honesty. In sum, he is accused of potentially criminal activity and we have more evidence than not to suggest that it is accurate.
- b. Incardination requires a positive reason, which, in light of the above, is seriously lacking.
- c. His personal, private good does not justify morally the risk of injury to the common good of the Faithful.
- e. All of those with whom I have consulted strongly advised the Diocese to not accept him and have been surprised that he is still here, knowing what we know. I must admit that I am a bit perplexed as well.

- f. Please know of my prayers as you wrestle with this case. I am well aware that you “inherited” Fr. Werra and are not responsible for his coming to the Diocese. I reiterate my opinion that Fr. Werra should under no circumstances, save his exoneration of allegations, be incardinated into the Diocese of Kalamazoo. I am at a loss as to how our need for priests has been so expanded to even consider priests in such situations, let alone trying to explain such consideration to the faithful. It would seem that prudence and common sense would dictate against this.

[*Id.* at 2–3.]

On December 20, 2000, Bishop Murray incardinated Fr. Werra into the Diocese of Kalamazoo. (App’x BW#18, Letter from Bishop James Murray to Bishop Ian Murray, Bishop of Argyll and the Isles, dated December 15, 2006, p 1.) In a June 12, 2001, letter from Bishop Murray to Bishop Raymond Burke of La Crosse, Bishop Murray wrote that, “[p]rior to incardinating Fr. Werra into this diocese I obtained psychological evaluations from [a physician], who is a former staff psychologist for the Michigan State Police and whom I know and respect – and from the Isaac Ray Center. The later was an intensive 3 day evaluation. In their report to me, they state: ‘We see no overt evidence of him posing a risk to parishioners.’” (App’x BW#19, Letter from Bishop James Murray to Bishop Raymond Burke, dated June 12, 2001.)

On March 10, 2005, Fr. Werra pleaded guilty to embezzling \$224,450.00 from St. John Bosco Parish in Mattawan and St. Margaret Mary Mission in Marcellus, and on April 26, 2005, he was sentenced to 300 days in jail, with credit for one day served; five years of probation; and ordered to pay fines, costs, and restitution in the total amount of \$246,070.24. (App’x BW#20, Judgment of Sentence, Commitment to Jail, *People v. Werra*, 36th Judicial Circuit Court Case No. 04-014208-FH-B; App’x BW#18, Letter from Bishop James Murray to Bishop Ian Murray, Bishop of Argyll and the Isles, dated December 15, 2006, p 1.) At some point thereafter, Fr. Werra was deported by the United States government; however, in the interim, both as part of a work-release program while serving his jail time and after his release from jail, Bishop Murray permitted him to minister in the Diocese, as he explained as follows:

Fr. Werra did not have to serve the entire 300 days of his sentence and during the last months of his confinement was permitted to leave jail during the day to help in a parish and return to jail at night. Following his jail release I assigned Fr. Werra as a parochial vicar [assistant pastor] to Sts. John and Bernard Parish in Benton Harbor. If Father had not been deported he would have continued to serve as an associate pastor, or chaplain, but never as a pastor. Our insurance

covered the parish's loss of embezzled funds but following Fr. Werra's conviction, any future losses by him would not have been covered.

[*Id.*]

In a letter dated December 14, 2006, Bishop Murray wrote to Bishop Ian Murray in response to the latter's request for more information regarding Fr. Werra and whether Fr. Werra would have been suitable for an appointment within that Diocese. (App'x BW#21, Letter from Bishop Ian Murray, Bishop of Argyll & the Isles, to Bishop James Murray, dated December 14, 2006.)

In a letter dated December 15, 2006, Bishop Murray wrote that it was his "opinion that Fr. Bogdan Werra is a very gifted and talented priest. However, he should not have access to the administration of Church funds." (App'x BW#18, Letter from Bishop James Murray to Bishop Ian Murray, Bishop of Argyll and the Isles, dated December 15, 2006, p 1.) Ten months prior to Bishop Murray's letter, an employee within the Office of Fiscal management, Diocese of Kalamazoo, advised Bishop Murray that he discovered several pornographic and gambling website cookies on the computers used by Fr. Werra at two parishes where he served. (App'x BW#22, Memorandum from employee to Bishop James Murray, dated February 23, 2006, p 1, together with attached printout of cookie files.) The employee wrote: "I am confident after talking with Fr. Jacobs, that there could not be another individual other than Fr. Werra who was viewing this pornographic material." (*Id.*)

Fr. Werra is on the Diocese of La Crosse list of clergy who "have had a substantiated allegation of child sexual abuse."³¹ He was suspended from the Diocese of La Crosse on November 14, 1994.

³¹ <https://diolc.org/non-diocesan-clergy/bogdan-werra/> (last accessed May 10, 2024.)

**(19) FR. LEROY EDWARD WHITE
(LISTED ON THE DIOCESE OF KALAMAZOO AND THE BISHOP
ACCOUNTABILITY SITES.)**



Born: November 6, 1929

Ordained: June 2, 1956

Suspended from priestly ministry: December 2002

Fr. Leroy Edward White was born on November 6, 1929, in Flint and was ordained to the priesthood on June 2, 1956, in Lansing for the Diocese of Lansing. (App'x LEW#1, Priest information and appointment sheet.) Fr. White was initially a priest of the Diocese of Lansing, and, in 1971, became a priest for the Diocese of Kalamazoo, when the Diocese was established. (App'x LEW#2, Letter from Bishop James Murray to Cardinal Joseph Ratzinger, dated September 17, 2003, p 1.)

In 1991, several women and one teenage girl alleged that Fr. White had inappropriately touched their breasts. (App'x LEW#3, Letter from Bishop Paul Donovan to a physician, dated August 29, 1991, p 1.) In a 1991 memorandum, Bishop Paul Donovan wrote that, during a telephone conversation with one of the alleged victims, the following allegations were reported to him:

- a) [T]he inappropriate use of touch with females, on Father White's part, has been going on for some years;
- b) Father White, the person feels, really needs help;
- c) the inappropriate use of touch with females, on Father White's part, is quite a "large problem";
- d) a daughter of this person was touched on the breasts in a blatant manner by Father White;
- e) most of the office staff at St. Mary Rectory has experienced Father White having "direct contact with their breasts";
- f) there have been several women and 14-15 [year] old girls who have experienced inappropriate touches, especially in the breast area, on the part of Father White; a lot of people have been affected;

- g) women are staying away from Father White and some are attending Mass other than in St. Mary Church;
- h) some young girls, at least one for sure, indicate that they are afraid to bring girl friends to St. Mary Church for fear that Father White “will touch them”;
- i) feels that other (many) women besides herself feel “he means to do this” i.e. touch them in the breast area; “maybe he doesn’t intend to do this ahead of time but he certainly seems to intend it at the time he does it. He must know that it is ‘not just an accident’”;
- j) “lots of examples can be given by me and others”;
- k) she would be willing to sit down with me as would her daughter and there are other people who would be willing to give their names;
- l) she and other women and young girls have/are experiencing confusion, anger, fear, pain, and hurt, a sense of being violated and betrayed by Father White who should be trustworthy; they also have to struggle with guilt feelings, asking themselves “did I say something or do something in some way that prompted Father White to touch me inappropriately”; they feel scarred by what he did;
- m) the inappropriate touches are in public and take place quickly and shockingly (in the vestibule, in the sacristy, or outside the Church).

[App’x LEW#4, “Memorandum for the Secret Archives” from Bishop Donovan, dated August 10, 1991, p 2 (lettering, emphasis, and parenthetical comments in original).]

In his 1991 memorandum, Bishop Donovan also memorialized allegations reported to him by another woman regarding Fr. White:

- 1) [T]he touching of women and girls on the breasts “does not seem to be an accident”;
- 2) three or four adult women, perhaps more[,] have discussed the inappropriate touches (with this person);
- 3) no one seems to have confronted Father White but he has been “doing things” with high school girls who seem hurt, confused and utterly surprised; especially because of what he has done to young girls, it seems necessary that the matter be brought to the Bishop’s attention;

- 4) inappropriate touching of female staff has occurred, especially to Jane Doe67;
- 5) Jane Doe67 has left the staff at St. Mary Parish, part of the reason she discontinued was Father White's behavior; very offensive things were done to her by Father White with relation to her breast area; Jane Doe67 plans to write or phone the Bishop because she feels Father White needs help;
- 6) "my concern is for Father White and a lot of folks";
- 7) Father White's behavior seems to be a pattern and leads one to think that something is going on within him'.

[*Id.* at 2–3 (numbering in original).]

In his 1991 memorandum, Bishop Donovan recorded that a couple of days later, the same woman called him again, and reported more specific allegations, which the bishop summarized as follows:

- a) Father uses inappropriate touches with regard to the breast area so fast that one can hardly believe what has happened;
- b) he sometimes pokes one in the breast rather than in the ribs or elsewhere as some people do when joking;
- c) he sometimes grabs the arm of women but in such a way that his hand touches the breast;
- d) those who have experienced his inappropriate touch simply try to "stay out of his reach";
- e) at a parish picnic two years ago, a young girl about 16 years old*(name not given here but can be found in notes made during the telephone conversation) reported to an adult woman that Father White came up from behind her and put his hands on her breasts. "I shall never forget the look on her face when she told me this" was the statement of the adult woman;
- f) in front of Jane Doe67 and another adult woman, when a young girl (see *) was eating a powdered donut at a coffee and donut gathering in the parish hall after Mass and wearing a black blouse on which the powdered sugar had fallen, Father White "brushed her chest off"; the adult woman said "You should have seen the look on the girl's face";
- g) a young girl (*) experienced two very shocking incidents of inappropriate touching by Father White of her breast area – one was at a public meeting and related to a necklace or medallion she was wearing and another was on the second Sunday of June, 1991 (exact area was not mentioned but presumably in the

Church area) when “Father White put his hand on a pocket in the breast area and pulled out the shirt pocket.”

- h) “I probably should have reported Father White to Child Services but instead I made the report to the diocesan staff member”;
- i) “I do not want to hurt Father White, I do not want a scandal, I do not want to hurt the Church. But, this man definitely needs help.”

[*Id.* at 3 (lettering, asterisks, and parenthetical comments in original).]

Finally, in this 1991 memorandum, Bishop Donovan noted that a couple of days after the foregoing report was made to him, he spoke to Jane Doe⁶⁷ and included the substance of her allegations in the memorandum, as follows:

- 1) “I was a victim” of Father White;
- 2) “his abuse of me was ongoing for a couple of years”;
- 3) At first, Jane Doe⁶⁷ said, she could not admit to herself that Father White would/could do the things she experienced. She tried to explain away, she said, why he poked her on the breast area with his hand or elbow;
- 4) A couple of times, Jane Doe⁶⁷ said, his inappropriate touches of her breast area were so blatant she could not excuse him on any grounds. One incident was with reference to: - a jacket she was wearing; he folded the jacket back (perhaps with the excuse of seeing the lining) and touch her breast; - another time, she had been on a camping trip and on her return said she had a lot of mosquito bites; Father White started pounding on her breasts, she said, and pulled out her blouse from her neck, all the time saying “did you get mosquito bites?”
- 5) “I feel strange talking about it”;
- 6) She witnessed, she said, Father White “brushing sugar off breasts” of a teen-ager [sic.] at coffee and donuts
- 7) “I don’t want such things to happen to other people”;
- 8) “I like Father White and don’t want to cause him any trouble”;
- 9) “You can mention my name to Father White if you feel it is necessary”;
- 10) “I did not confront him due to my feelings”.

[*Id.* at 3–4 (numbering and parenthetical comment in original).]

On July 16, 1991, Bishop Paul Donovan met with Fr. White, and again on August 5, 1991. (*Id.* at 1 and 4.) Bishop Donovan summarized the statements Fr. White made to him during the first meeting as follows:

- 1) That he had never deliberately or out of curiosity made the advances alleged;
- 2) That whatever was perceived must have been accidental;
- 3) That he sees himself as an affectionate person but not a “dirty old man”;
- 4) That he appreciated our bringing the allegations to his attention and our handling of the matter;
- 5) That he realizes now his need to be very conscious of the perceptions and misunderstanding of others;

That he will be very careful in the future.

[*Id.* at 1–2.]

With regard to the second meeting held about one week later in 1991, Bishop Donovan wrote the following:

- a) [H]e was upset that his staff did not mention to him any of the allegations about inappropriate touches;
- b) that when the incident with the young girl took place with regard to her necklace/medallion, he had only touched her breast(s) with the “back of the knuckles”;
- c) he had not been aware that touching the staff in the breast area “bothered women”;
- d) that 3 times in 9 years, 3 women told him they were offended so he never was “friendly” with them again;
- e) “now that I am aware of what people perceive, I will stop”;
- f) that he was angry/mad at me for bringing the matter up again after our first meeting of July 26.

[*Id.* at 4 (lettering in original).]

Bishop Donovan also wrote in his 1991 memorandum that he was angered by the statements made by Fr. White during their second meeting:

My reaction was one of strong anger that he would question the necessity I experienced to discuss the allegations with him. I indicated to him, in effect, that the allegations were very serious, that there might possibly be criminal action taken against him with all the concomitant harm to the Priesthood, to both the Catholic and civil community, to the persons who felt violated by him, and that there was possible danger of liability civil action and that we had no insurance to cover any financial damages which might be assessed. In anger, I also pointed out that I would not tolerate him lashing out at me, that he had created the problems being discussed and not the persons making the allegations nor his bishop. I indicated that there was further consultation I needed to undertake and that I would find it necessary to weight the necessity of asking him to be tested and evaluated in the area of sexuality. I asked him to ponder and pray about the entire matter, especially the testing and evaluation, and to get back to me within a week.

[*Id.*]

Three days after the second meeting in the summer of 1991, the Chancery received a cover note and document titled, "Self Reflection Aug. 91," from Fr. White, regarding the allegations Bishop Donovan and Fr. White had discussed. (*Id.*; App'x LEW#5, undated typewritten note from Fr. White to Bishop Donovan and one-page typewritten document titled "Self Reflection Aug. 91.") In the latter, Fr. White wrote the following, quoted in its entirety:

FACTS:

Physical contact with females in the presence of others was perceived as an intentional act of indulging in illicit or improper pleasure from such touches, particularly in the breast area. It appears that some women felt attacked and/or have been emotionally traumatized by this experience.

REFLECTION/UNDERSTANDING

Being an affectionate person and coming from a family where family members and friends frequently and readily embrace one another it seemed only natural to touch those I dealt with in an effort to show caring concern. Unaware that my actions were offensive, threatening, or hurtful, at times I touched the breast area briefly but inappropriately and unnecessarily.

There was an obvious lack of understanding of how sensitive women are to this kind of contact or how incapable they are of defending or expressing themselves (e.g. Why an adult, like Jane Doe67, was unable

to express dissatisfaction, or that the staff would not share this knowledge since I have made every effort to be open, honest and invite criticism and have made several efforts to establish vehicles of confrontation and dialogue). Not long ago, an older parishioner, was doing the same thing that I am accused of doing and when complaints came to me, I confronted him and stopped, or at least altered, the conduct. Still no one even hinted that I might be doing the same thing or affecting people in a similar manner. (This not intended to excuse or cast blame; but, only to illustrate how hard it is for me to understand how the female thinks or feels.)

Since my efforts over the past 10-12 years have been primarily an effort to survive the stress of ministry, I may well have been giving the attention and affection to others that I myself felt a need of and consequently let my feelings get away from my better judgement.

CONCLUSION

Having this brought to my attention in such a striking fashion as left me with deep [scars]. Hurt by the realization that I have hurt others unwittingly, something that I would NEVER consciously do. I am disappointed that I cannot depend on anyone to alert me to my own failings before they reach this stage. The lesson learned many times in my priesthood is once more brought home: prayerful reflection on how to discipline myself so that, as St. Paul said, no one may be scandalized by any of my actions.

Since there are obviously many women talking to each other about what has happened and drawing their own conclusions, it seems necessary to make some public statement of acknowledging wrongdoing on my part, no matter how unintentional, and apologizing for any misunderstanding, harm or embarrassment that I might have caused, followed with the intention of limiting my physical contact with women to a handshake. This could be done effectively in the PENANCE RITE of the Mass this Sun.

I cannot believe that my ca[s]ual or brief contact has so traumatized someone that they would take this to court. Also I can see no reason for outside help to become more aware of what I have done or why. I believe that I can change my behavior to avoid whatever actions are offensive. I am therefore asking you to drop any plans of further action.

[App'x LEW#5, One-page typewritten document titled, Self Reflection Aug. 91 (emphasis in original).]

According to a July 5, 1991 memo in the Fr. White file, Tom Everson advised Bishop Donovan that Jane Doe68 called and subsequently met with Everson to report her concerns about Fr. White's "inappropriate use of touch with females." (App'x LEW#6, "Important Memo" from Tom Everson to Bishop Donovan, dated July 5, 1991.) Jane Doe68 alleged that Fr. White had inappropriately touched her, as well as some of the teenage girls in the parish. (*Id.*) Jane Doe68 further alleged that "several people" had told her about their concerns about the way in which Fr. White touches females. (*Id.*) A postscript at the bottom of the "Important Memo," reads: "Jane Doe69 called me after Jane Doe68 and I met to express concern about this same issue in reference to her own experience as well as that of her daughter, Jane Doe70." (*Id.*) Everson also wrote that Jane Doe69 was open to having her name given to the bishop "because she would like to see Fr. White get help to deal with this problem." (*Id.*) Bishop Donovan wrote a note back to Everson, thanking him for the memo and advising that he was "dealing with" the matter. (App'x LEW#7, Handwritten note from +PVD to Tom, dated July 16, 1991.)

In a handwritten letter dated in August 1991, Jane Doe71 wrote to Bishop Donovan, alleging that, "over the past 3-4 years[,] there have been several instances with Fr. Leroy White where he has touched and played with my blouse buttons and pockets or necklaces when upon releasing them has allowed his hand to drop noticeably across my breasts." (App'x LEW#8, Handwritten letter from Jane Doe71 to Bishop Donovan, dated August 1991.) Jane Doe71 asked that her name be kept in confidence. (*Id.*)

In a letter dated August 12, 1991, Jane Doe72 alleged that Fr. White deliberately touched her breast during a church event. (App'x LEW#9, Handwritten letter from Jane Doe72 without an addressee (copy), dated August 12, 1991.) Jane Doe72 specifically alleged:

In the fall of 1989, I had stopped for coffee in the church hall after Sunday morning Mass. Father White approached me, said something like "what's this?" and reached toward me supposedly to inspect a necklace I was wearing. Instead, he felt my breast, turned, walked away, and continued to greet other people. I was shocked and did not respond.

[*Id.*]

On January 7, 1992, according to a telephone message and notes written by Bishop Donovan, Jane Doe73 called the bishop, and alleged that, seven years prior, when she was in the hospital after having a baby, "he touched her on the breasts; it happened so quickly while we were conversing." (App'x LEW#10, Handwritten notes of Bishop Donovan regarding telephone call with Jane Doe73, dated January 7, 1992.) Jane Doe73 told the bishop that she confronted Fr. White about it just before he left St. Mary Parish, and "in his own way he apologized." (*Id.*) Jane Doe73 had asked if counseling would be available to her regarding the alleged

incident, and the bishop gave her the phone number of a counselor for her to call. (App'x LEW#11, Pink telephone note with handwritten notes, dated January 7, 1992.) The bishop also called a doctor to advise that Jane Doe73 would be contacting her. (App'x LEW#12, Rapid Note with handwritten notes, dated January 6, 1992.)

In October 1993, Jane Doe69 and her daughter, Jane Doe70, reported their alleged sexual abuse by Fr. White to the Kalamazoo Department of Public Safety, but ultimately decided that they did not wish to pursue prosecution. (App'x LEW#13, Kalamazoo Department of Public Safety Report No. 93-35904, p 4.) Jane Doe69 alleged that Fr. White first assaulted her about six years earlier by touching her breasts through her clothing. (*Id.* at 2.) She alleged that during a two-year period, Fr. White assaulted her four times. (*Id.*) Jane Doe69 alleged that, each time he touched her, it was in public and with a “nonchalant” attitude. (*Id.*) On one such alleged occasion, Fr. White put his hands on her chest over a fur coat she was wearing, telling her the fur was “very nice.” (*Id.*) On another occasion, Fr. White allegedly touched a necklace she was wearing and fondled her breasts while he commented about the necklace. (*Id.*) Jane Doe69 alleged that Fr. White had also assaulted other women. (*Id.*)

Also in this October 1993 report, Jane Doe69 further alleged that she saw Fr. White touch her daughter's breast, while she, her husband, and her daughter were outside of the church talking. (*Id.*) She alleged that Fr. White commented about a label on the pocket of Jane Doe70's blouse and then put his hand inside the pocket and fondled her breast while he was talking about the label. (*Id.*) Jane Doe69 alleged that her daughter told her about a second incident during which Fr. White fondled Jane Doe70's breasts while commenting on the necklace she was wearing at the time. (*Id.*) The detective who handled the investigation also interviewed Jane Doe70, and her version of the alleged incidents were the same as her mother had reported. (*Id.* at 4.) Jane Doe70 advised that she wanted her allegations on file, but did not wish to prosecute. (*Id.*) There is a letter in the file signed by John Doe74, husband of Jane Doe69 and father of Jane Doe70. (App'x LEW#14, Letter from John Doe74 to “To Whom it May Concern,” dated August 13, 1991.) In the letter, John Doe74 alleges that he witnessed Fr. White touch women inappropriately, including the first alleged incident with Jane Doe70. (*Id.*)

On November 22, 2002, the Diocese of Kalamazoo Review Board Allegations Committee concluded that there was “credible and sufficient evidence that Father Leroy White committed, on at least one occasion, an act of sexual abuse, as defined in the proposed revised *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, dated October 29, 2002” and that there was “credible and sufficient evidence that Father Leroy White committed several other acts of sexual abuse of adult women while Pastor at St. Mary's Parish in Kalamazoo.” (App'x LEW#15, Diocese of Kalamazoo Review Board Allegations Committee resolution, dated November 22, 2002.) The allegations that

were the subject of the Review Board's conclusions were those made against Fr. White in 1991, above discussed, having again received media attention in 2002, "as a result of the unfolding sexual abuse scandal in the Church in the United States." (App'x LEW#2, Letter from Bishop James Murray to Cardinal Joseph Ratzinger, dated September 17, 2003, p 2.)³² Soon thereafter, then Bishop James Murray, issued the following Precept:

Because of renewed allegations of past moral offenses committed by Reverend Leroy White, it has been mutually agreed by Father White and Bishop James A. Murray that Father White place himself on voluntary administrative leave. This agreement includes the following points: that Father White will not celebrate any sacraments publicly, that he will not dress as a cleric or present himself as a cleric or publicly exercise the power of Orders in any way. He is given the right to celebrate the Mass privately and he maintains the rights mentioned in Canon 976. This agreement is in accord with Canon 1722.

If Father White fails to observe the terms of his administrative leave it will be considered a grave violation of his obligation under Canon 1371.2. Such a violation will render Reverend Leroy White liable to an ecclesiastical penalty up to and including dismissal from the Clerical State.

[App'x LEW#17, Precept, dated December 20, 2002.]

Also on December 20, 2002, Bishop Murray entered a decree, closing the preliminary investigation. (App'x LEW#18, Decree Closing the Preliminary Investigation, dated December 20, 2002.) The following year, in 2003 Bishop Murray wrote to The Congregation for the Doctrine of the Faith, "as directed by Norm 6 of the essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of sexual Abuse of Minors by Priests or Deacons," recommending that he "complete, through administrative processes, the formal restrictions on Fr. White which I have outlined in my December, 2002 precept." (App'x LEW#2, Letter from Bishop James Murray to Cardinal Joseph Ratzinger, dated September 17, 2003, pp 1, 3.)

³² It should be noted that in the first sentence of the first full paragraph on the second page of Bishop Murray's letter to Cardinal Ratzinger, the year is erroneously written as 1992, rather than 2002; however, throughout the balance of that paragraph, the year 2002 is correctly cited.

In his September 17, 2003 letter, Bishop Murray wrote that, in 1991, several women and one 14-year-old girl alleged that Fr. White had inappropriately touched them on their breasts through clothing. (*Id.* at 1.) Thereafter, Fr. White was “sent to a residential treatment program for evaluation from October 1991 through March 1992.” (*Id.*) Bishop Murray also wrote:

Father White resigned as pastor in January 1992 [while in treatment]. Fr. White was asked to leave the residential treatment program “due to his willful noncompliance with established policy and the violation of certain confidences”. The discharge summary to the bishop provided the following evaluative note: “I believe that he (Fr. White) presents a significant risk for engaging in the same type of inappropriate sexual touching which had affected so many of the faithful in the past. Without a commitment to therapy and ongoing involvement in SA, SAA, or SLA groups, I would predict th[at] he could very well find himself and/or the diocese facing liability and scandal. Fr. White must be monitored and his access to females should be limited.” Father White returned to the diocese in April 1992 and was placed in a supervised position as associate pastor with the condition that he continue psychological counseling, participate in sex addiction meetings, and regularly meet with a spiritual director. Father White served in this assignment until March 1994. Having attained the age of 65 years, Father White chose to retire from assigned ministry and moved from the diocese. While residing outside of the diocese Father White provided priestly sacramental ministry in a local parish. It is unclear to what extent the nature of the prior accusations against Father White were known to the diocese in which he was assisting with sacramental ministry.

[*Id.* at 1–2.]

By document dated March 29, 2004, the Congregation for the Doctrine of the Faith declined to authorize an administrative penal process against Fr. White; however, it did provide Bishop Murray with an alternative way to restrict Fr. White’s ministry:

After a careful study of the facts, I wish to inform Your Excellency that this Congregation does not see the necessity of proceeding with a penal process. Therefore, it has decided not to grant a derogation from the law of prescription and not to authorize an administrative penal process as envisioned by can. 1720 CIC.

Given Fr. White’s age, this Dicastery is of the opinion that he may be restored to whatever faculties he enjoyed when he retired in 1994, which permitted him to exercise limited pastoral activity in the Diocese of Lansing, to where he transferred. With regard, however, to the Diocese of Kalamazoo, Your Excellency, if necessary, may avail

yourself of can. 223 § 2 CIC³³ with regard to Fr. White and his ministry.

[App'x LEW#19, Letter titled, "Confidential," from Archbishop Angelo Amato, SDB, Secretary of the Congregation for the Doctrine of the Faith, to Bishop James Murray, dated March 29, 2004.]

On April 23, 2004, after receiving the Congregation's decision, Bishop Murray revoked the December 20, 2002 Precept, but also simultaneously invoked Canon 223 § 2, which prohibited Fr. White from exercising priestly ministry within the Diocese of Kalamazoo. (App'x LEW#20, Letter from Bishop James Murray to Fr. Leroy White, dated April 23, 2004.) As such, although a derogation from the law of prescription³⁴ to allow a penal process to permanently revoke Fr. White's priestly faculties was not allowed by the Congregation, Canon 223 § 2 did provide Bishop Murray with the same result; it just only applied within the Diocese of Kalamazoo. (App'x LEW#21, Interoffice Memorandum from Bishop James Murray to Clergy, Parish Coordinators, and Diocesan Staff, dated April 27, 2004.) As such, Bishop Murray provided a copy of his letter to Fr. White to Bishop Carl Mengeling of the Diocese of Lansing, within which Fr. White resided, and Bishop Carl Mengeling of the Diocese of Lansing also invoked Canon 223 §2, prohibiting Fr. White from ministering within that Diocese, within which Fr. White resided. (App'x LEW#23, Letter from Bishop Carl Mengeling, Bishop of Lansing to Fr. Leroy White, dated June 15, 2005.) In a 2005 letter to Fr. Douglas Terrien of the Immaculate Conception Parish, within the Archdiocese of Detroit, who Fr. White was assisting, Bishop Walter Hurley, Delegate of Cardinal Maida of the Archdiocese, wrote that Fr. White was not permitted to exercise "any public priestly ministry within the Archdiocese of Detroit." (App'x LEW#24, Letter from Bishop Walter Hurley, Delegate of Cardinal Maida to Fr. Douglas Terrien, dated July 26, 2005.)

In May 2011, Bishop Paul Bradley, successor to Bishop Murray, and Bishop Earl Boyea, successor to Bishop Mengeling, also invoked Canon 223 § 2 for the same reasons as their predecessors. In addition, Bishops Bradley and Boyea dispensed Fr. White from the obligations under Canon 284 that would otherwise require him to wear clerical dress and urged him to put that dispensation to use when in their respective dioceses. (App'x LEW#25, Letter from Bishop Paul Bradley of

³³ Canon 223, § 2 provides that "Ecclesiastical authority is entitled to regulate, in view of the common good, the exercise of rights which are proper to Christ's faithful." Code of Canon Law Annotated, Wilson & Lafluer, 1993, p 197 (English translation).

³⁴ Requesting a derogation from the law of prescription is requesting the Congregation for the Doctrine of the Faith to provide an exemption from the otherwise applicable canon law counterpart to a statute of limitation. (App'x LEW#21, Interoffice Memorandum from Bishop James Murray to Clergy, Parish Coordinators, and Diocesan Staff, dated April 27, 2004.)

Kalamazoo, to Fr. Leroy White, dated May 18, 2011, p 1; App'x LEW#26, Letter from Bishop Earl Boyea of Lansing to Fr. Leroy White, dated June 7, 2011.) Bishop Lohse renewed the prohibition.

An undated envelope was found in the Fr. White file, and the name of Jane Doe82 was written on it, together with the following notation: "Submits this photo as 'credible evidence' of abuse." (App'x LEW#27, White letter-size envelope with the name of Jane Doe82 handwritten on the top left corner.) Inside the envelope was a photograph of a woman in a white wedding dress, with Fr. White embracing her with his hand on her left breast. (*Id.* at photograph inside of envelope.)

See also the Msgr. Jacob Vellian summary, entry no. 17 above, regarding Jane Doe62's allegation that Fr. White walked into Msgr. Vellian's office during which time Msgr. Vellian was allegedly sexually assaulting Jane Doe62 when she was a minor, and Fr. White allegedly yelled at Jane Doe62 for being in Msgr. Vellian's office, instead of protecting her from Msgr. Vellian and/or reporting the sexual abuse.

CONCLUSION

The AG work on the clergy abuse investigation continues. All paper documents have been reviewed. All electronic documents have been reviewed.

To date, eleven cases have been brought by the Department of Attorney General for all seven dioceses. Nine have resolved with convictions. Of these eleven cases, two are related to priests who ministered in the Diocese of Kalamazoo, Frs. Stanley and Vellian.

1. *People v. Vincent DeLorenzo* – He pled guilty to attempt criminal sexual conduct first degree and was sentenced on June 13, 2023, to 5 years probation, first year in the Genesee County Jail, sex offender counseling and registration.
2. *People v. Joseph “Jack” Baker* – He was found guilty at a jury trial of one count of criminal sexual conduct first degree. He was sentenced on March 1, 2023, to 3-to-15 years in the Michigan Department of Corrections and to lifetime sex-offender registration.
3. *People v. Neil Kalina* – He was found guilty at a jury trial of two counts of criminal sexual conduct in the second degree in June 2022. He was sentenced to 7–15 years in the Michigan Department of Corrections.
4. *People v. Gary Berthiaume* – In October 2021, he pled guilty to two counts of criminal sexual conduct in the second degree and no contest to one count of gross indecency. He was sentenced in January 2022 to 17 months–15 years and 17 months–5 years to be served concurrently in the Michigan Department of Corrections.
5. *People v. Gary Jacobs* – April 2021 he pled guilty to one count on each of his four Ontonagon County cases, with a total of three counts of criminal sexual conduct first degree and one count of criminal sexual conduct second degree. He was sentenced on these cases to 8–15 years in the Michigan Department of Corrections, along with lifetime sex offender registration and counseling. In Dickinson County, in May 2021, Jacobs pled guilty criminal sexual conduct second degree. He was sentenced on this case in July 2021 to 8–15 years in prison, with lifetime sex offender registration to be served concurrently.
6. *People v. Joseph Comperchio* – In June 2021 he pled guilty to one count of criminal sexual conduct in the first degree and three counts of criminal sexual conduct in the second degree. These represented complaints made by four separate victims. He was sentenced to 10–20 years in the Michigan Department of Corrections.

7. *People v. Brian Stanley* – He pled guilty to attempt false imprisonment and in January 2020 was sentenced to 60 days in jail, probation and sex offender registration. As a consequence of an unrelated case ruling, the MSP removed Stanley from the registry after his initial registration.
8. *People v. Patrick Casey* – He was charged with one count of criminal sexual conduct in the third degree. While a jury was deliberating, he pled guilty to aggravated assault. In November 2019 he was sentenced to 45 days in the Wayne County Jail and one year of probation.
9. *People v. Timothy Crowley* – Crowley pled guilty to two counts of Criminal Sexual Conduct Second Degree. He was sentenced to 5 years’ probation with the first year in the Washtenaw County Jail, sex offender registration and counseling.
10. *People v. Roy Joseph* – Charged in January 2020 with one count of criminal sexual conduct first degree. He is awaiting extradition from India.
11. *People v. Jacob Vellian* – Charged in May 2019 with two counts of rape under the old criminal sexual conduct statute. He was awaiting extradition from India when it was reported that Msgr. Vellian died in December 2022, but this has not been independently confirmed by the United States Department of Justice.

It should be again noted that a criminal complaint is merely an allegation unless and until the defendant is found guilty.