ASE

Vol. 3

TO:	FILE
FROM:	Paul E. Brodeur, Inv.
RE:	DIOCESE OF MANCHESTER Complaints re: Priest
DATE:	15 APRIL 02 1214 hrs.
This d	the late afternoon and evening.
	advised he lived in Newport, NH as a child. In 1981 or 1982 when 16 years old he was hitchhiking from Claremont to Newport and was a Fr. ROLAND COTE. COTE asked for the wanted to do
fallen trees fr died and each	E took contage in Unity, NH and he picked up brush and rom the wooded area. In the devised that his father had recently a time he went to the cottage he would receive \$40.
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number of times but did not think anything of it at the time.

Prison but they merely gave him medication. He expected to receive mental health counseling. advised that he still has nightmares and feels COTE's whiskers scrapping on his balls.

advised that his Attorney has a complete chronology that was developed and other information. Requested intact McGrath and forward a copy to our attention.

-> File Father Roland Cote

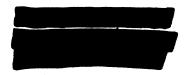
State of New Hampshire Sullivan County Attorney

1189

14 MAIN STREET
SULLIVAN COUNTY SUPERIOR COURT HOUSE
NEWPORT, NEW HAMPSHIRE 03773
603-863-7950

Marc B. Hathaway, Esq. County Attorney Alexander W. Scott, Esq. Assistant County Attorney

May 13, 2002



Peter McGrath, Esq. 20 Montgomery Street Concord, NH 03301

Re: Complaint of against Father Roland P. Cote

Dear and Attorney McGrath:

On April 17, 2002, this office received notice from N. William Delker, Senior Assistant Attorney General, Criminal Justice Bureau, of allegations by that he had been sexually assaulted by Father Roland P. Cote in 1981 or 1982. Says he was fifteen or sixteen years old when the first assault took place.

Upon receiving the complaint from Attorney Delker, I assigned this investigation to Newport Police Lt. Jim Brown and New Hampshire State Police Detective Jayson Almstrom. Lt. Brown and Det. Almstrom completed their investigation on May 2, 2002 and the final reports were filed with my office on May 6, 2002.

SUMMARY OF ALLEGATION

Cote who picked him up while hitchhiking from Newport to Claremont. Says that, on the day of their first meeting. Father Cote offered him employment at his cottage in Newport, New Hampshire hauling brush. Says that after hauling brush at the cottage, Father Cote offered him a rum and coke which he accepted. Mr.

ys that Father Cote then began touching him on the leg which progressed to Father Cote touching his genitals and then Father Cote performing fellatio oral sex on him. Mr. says that the sex acts took place in the livingroom of Father Cote's cottage. Mr. says that Father Cote paid him forty dollars for the yard work. further says that Father Cote performed fellatio on him approximately twenty times over the next five years and that all the acts took place at the cottage or in the Jacuzzi later added at the cottage. ays that he was not forced or coerced to engage in the sexual acts described.

SUMMARY OF FATHER RONALD P. COTE'S RESPONSE TO ALLEGATIONS

On May 2, 2002, Lt. Brown and Det. Almstrom interviewed Father Cote and confronted allegations. Father Cote acknowledged a sexual relationship with him with hen he picked him up hitchhiking and Father Cote said he first met accepts and subsequently performed offered him yard work. Father Cote said that various tasks for Father Cote such as hauling brush, raking and staining the house. Father Cote indicated that he started building the cottage in Newport in the fall of 1982 and had it completed in the spring of 1983. Father Cote indicated that the sexual relationship between he and Mr. tarted in 1985 or 1986 and continued over a five-year period. Father Cote stated that approximately five or six times. during that period he had sexual contact with Father Cote stated that he could not recall exactly how the relationship turned sexual but did had told him that he was willing to do more than just yard work for down and performing money. Father Cote said the sex acts included his rubbing fellatio on him. Father Cote said he believed that was eighteen years old or older at the time of their first sexual encounter. Father Cote said that he would pay hever touched him in a sexual way. or twenty dollars for the sex. Father Cote said

LAW AND ANALYSIS

New Hampshire Revised Statutes Annotated (after this RSA) 632-A:3 (Supp. 1981/1982), entitled Felonious Sexual Assault, reads in pertinent part: "A person is guilty of a class B felony... if he engages in sexual penetration with a person who is thirteen years or older and under 16 years." Thus, the elements the State must prove, in order to convict a person of the crime of Felonious Sexual Assault are: (1) that the defendant had sexual penetration with another; and (2) that the other person was thirteen, fourteen or fifteen years of age at the time.

The term "sexual penetration" as used in RSA 632-A:3 (Supp. 1981/1982) is defined in RSA 632-A:2 (Supp. 1981/1982) which reads, in pertinent part: "'(s)exual penetration' means sexual intercourse, cunnilingus, fellatio . . . or any intrusion . . . of any part of the actor's body . . . into the genital or anal opening of the victim's body."

The crime of Felonious Sexual Assault, as set forth above, is commonly termed "statutory rape." Felonious Sexual Assault differs from many of the other types of criminal sexual assault in that the consent of the alleged victim to the sexual penetration is not a defense.

The State, by enacting RSA 632-A:3, has fixed the age at which a person may consent to sexual penetration at sixteen years of age. In essence, this provision, prohibits an adult, such as Father Cote, from engaging in sexual penetration with a person who is below the fixed age of consent. This prohibition applies even if the alleged victim willingly participates in or even starts the sexual acts. The rational behind this statutory scheme are the concern that minors below a certain age are unable to make mature judgements about important matters such as when to engage in sexual penetration and the State's recognition of the vulnerability of children to such harm.

both acknowledge sexual acts between them (fellatio) Father Cote and efore sixteenth birthday, which, if committed by Father Cote on The issue thus becomes would be Felonious Sexual Assault by Father Cote upon one of determining if any of the incidents of fellatio took place before both agree that the sex acts took place at Father Cote's birthday. Father Cote and cottage on Skyline Drive in Newport, New Hampshire. While I have reviewed the entire investigative file, I find the following points particularly persuasive in reaching the conclusion that when Father Cote first performed fellatio on was sixteen years of age or older. date of birth is xteenth birthday is - Father Cote purchases the Skyline Drive property on June 3, 1982. According to the deed there was no building on the property when it was purchased by Father Cote in June of 1982. -Father Cote was issued a building permit, by the Town of Newport, for a small dwelling on the Skyline Drive property on July 29, 1982. Thus, approximately two months ixteenth birthday, construction had not yet started on the cottage before at the Cote property. in his April 25, 2002 interview with Lt. Brown and Detective Almstrom, said Father Cote asked him why he was not in school on the day of their also said first meeting/ first instance of fellatio at the Cote cottage. that he was wearing shorts on that day. cording to records from the Newport High School, left school on March 19, 1982 for placement at the Youth Development Center (after this YDC).

	-YDC records, reviewed by Lt. Brown, show that:	
	-Between March 16, 1982 and August 27, 1982, YDC.	as housed at
	-Between August 27, 1982 and September 9, 1982, extended furlough from YDC with his mother.	was on
	-Between September 9, 1982 and November 8, 1982, placed on ARP (Administrative Release and Parole) with his r	was nother.
	-Between November 8, 1982 and April 14, 1983, with his mother.	was placed
	-Between April 14, 1983 and YDC and housed at Kings Cottage until is release on his 17th bit	was returned to
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	- he met Father Cote "about a year" after he was furloughed from	n YDC.
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	-the lawn was well established around the cottage when he first Father Cote.	went there with
	-that it was summer when he first met Father Cote.	
reasonab birthday act of fel In addition	was not under construction as of July 29, 1982. The state of at the table, describes the cottage as well established, furnished and with an experience of the cottage as well established, furnished and with an experience of the cottage as well established, furnished and with an experience of the cottage as well established, furnished and with an experience of the cottage as well established, furnished and with an experience of the cottage as well established, furnished and with an experience of the cottage as well established, furnished and with an experience of the cottage as well established, furnished and with an experience of the cottage as well established, furnished and with an experience of the cottage as well established, furnished and with an experience of the cottage as well established, furnished and with an experience of the cottage as well established, furnished and with an experience of the cottage as well established.	sixteenth o on sime of the first stablished lawn. out a year" after
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•		

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During the course of this investigation as alleged that Father Cote provided him with alcohol and controlled drugs. I will not address the merits of this allegation because it is clear, irrespective of the merits of the allegation, that the alleged crime is not capable of prosecution because it is outside the applicable statute of limitations.

During the course of the investigation, the same of a sacknowledged the unlawful use of controlled drugs, alcohol and his involvement in a burglary at the residence of Father Cote. No action will be taken with respect to these matters as all are outside the applicable statute of limitations.

During the course of this investigation, Father Cote has admitted to acts of prostitution with This admission, even if true, cannot be the basis for a criminal prosecution of either Father Cote or these acts fall outside the applicable statute of limitations.

If I you have any questions or wish to further discuss this matter please contact me.

Respectfully,

Marc Hathaway
Sullivan County Attorney

cc: Phillip McLaughlin, New Hampshire Attorney General William N. Delker, Esq. (Father Roland P. Cote
Bishop John B. McCormick, Diocese of Manchester
Bradford E. Cook, Esq., Counsel for Diocese of Manchester
Lt. James Brown, Newport Police Department
Det. Jayson Almstrom, NHSP

05/13/2002 12:08 #391 P.001

Cote File

1194

FAX TRANSMISSION

SULLIVAN COUNTY ATTORNEY'S OFFICE
14 Main Street
Newport, NH 03773
603-863-7950
FAX: 603-863-0015

TO: Will Velker. EST

Date: 5/13/12

Fax # 27/-2/10

Pages: 6 Including this cover sheet

From: Melanco

Subject: Complaint of

against Father Koland Ote

COMMENTS:

Letter from County Attorney Haltmany

[&]quot;This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately."

1195

State of New Hampshire Sullivan County Attorney

14 MAIN STREET
SULLIVAN COUNTY SUPERIOR COURT HOUSE
NEWPORT, NEW HAMPSHIRE 03773
603-863-7950

Mare B. Hathaway. Esq. County Attorney Alexander W. Scott. Esq. Assistant County Attorney

May 13, 2002



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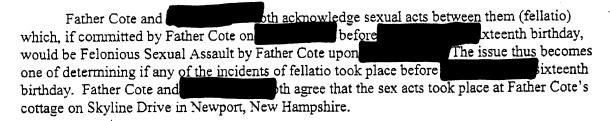
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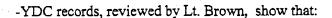
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the May 1, 2002 interview with Lt. Brown and Det. Almstrom, acknowledged that:

- he met Father Cote "about a year" after he was furloughed from YDC.
- -that the cottage had been established and furnished for a period of time when he first went there with Father Cote.
- -the lawn was well established around the cottage when he first went there with Father Cote.
- -that it was summer when he first met Father Cote.

As noted above, the investigation clearly shows that the State cannot prove-beyond a reasonable doubt- that any of the acts of fellatio took place before at exteenth birthday on the cottage where Father Cote performed fellatio on was not under construction as of July 29, 1982. The cottage at the time of the first act of fellatio, describes the cottage as well established, furnished and with an established lawn. In addition, was that the first incidence of fellatio took place "about a year" after his furlough from YDC.

was furloughed from YDC on September 9, 1982.

I have, in examining this matter, also determined that there is not probable cause to believe that Father Cote has committed the crime of Felonious Sexual Assault upon.

The fair import of the evidence in this case is that the acts of fellatio between Father Cote and look place, at the earliest, in the summer of 1983 and that the acts of fellatio were consensual.

Cote, when performing fellatio upon the state of ide so by use of force, the threat of force, coercion, the abuse of the priest/parishioner relationship, the abuse of a position of authority, or under any other circumstance prohibited by the criminal laws of New Hampshire.

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If I you have any questions or wish to further discuss this matter please contact me.

Marc Hathaway
Sullivan County Attorney

cc: Phillip McLaughlin, New Hampshire Attorney General
William N. Delker, Esq.
Father Roland P. Cote
Bishop John B. McCormick, Diocese of Manchester
Bradford E. Cook, Esq., Counsel for Diocese of Manchester
Lt. James Brown, Newport Police Department
Det. Jayson Almstrom, NHSP

TO:

FILE

FROM:

PAUL E. BRODEUR, INV.

RE:

DATE:

22 APR 02

Received call from Joyce VEON, Director of Medical Records at NH State that would show Prison. Inquired whether there was any entry in the that he had reported abuse by a Priest while at the prison.

VEON call and advised she had reviewed the file and only finds reference to eing abused by his father from the ages of 5 to 14 years. The father passed away at that time. Dr. DeNUNE was the Psychologist at the time and is currently working in MASS.

Spoke with Capt. BALLOU of the Newport NH PD. mentioned that COTE had an accident in Newport. Inquired of BALLOU if he could confirm the accident. BALLOU advised the department had gone to computer in 1993. The old paper files are supposed to be in the basement. BALLOU advised that he has been unable to locate the card file that was in existence at that time and also the police department has moved from one building to another. During the move all of the records for 1985 have been misplaced. BALLOU is unable to confirm there was an accident by COTE in the 80s.

Det. Lt. James BROWN came on the line. He was able to advise that 10 or 12 years prior there was a burglary at the COTE residence. The only items stolen were hat was responsible alcohol and he questioned whether it might have been because of his prior burglary history and alcohol use.

23 APR 02 received call from Offender Records. Requested they review the PSI to had ever mentioned anything regarding being abused by a priest. All PSIs were reviewed and there is nothing that refers to a report of being sexually abused by a priest.



STATE OF NEW HAMPSHIRE NH DEPARTMENT OF JUSTICE OFFICE OF THE ATTORNEY GENERAL CRIMINAL JUSTICE BUREAU 33 CAPITOL STREET, CONCORD, NH 03301 TELEPHONE: 603-271-3671 / FAX: 603-271-2110

FAX COVER SHEET

FROM:	PAUL F	BRUDE	EUR	4 DE	CKER	
TO:	CR MA	RK HAT	THAWA	4		
PHONE NU	MBER:	863-00	015			
# OF PAGE	S (including	cover):	6			
DATE: / 2	8 APR	02		TIME:	1250	
	REMARKS:_					

TO: FILE Paul E. Brodeur, Inv. FROM: DIOCESE OF MANCHESTER RE: Complaints re: Priest 15 APRIL 02 1214 hrs. DATE: This date received call from: afternoon and evening. employed at the tvised he lived in Newport, NH as a child. In 1981 or 1982 when he was 15 or 16 years old he was hitchhiking from Claremont to Newport and was picked up by a Fr. ROLAND COTE. COTE asked for the wanted to do some work. b a cottage in Unity, NH and he picked up brush and advised that his father had recently fallen trees from the wooded area. died and each time he went to the cottage he would receive \$40. "the money was good for the family and me." advised that the second time he went to do work COTE began by rubbing his leg and gave him a rum and coke to drink. This progressed to COTE idvised that COTE also ejaculated while dink." "sucking my this progressed to they smoking marijuana together. sucking his dink. advised that these acts took place on the couch, the bed or in the Jacuzzi. They would also watch dirty movies that only had men in them. that this took place until he was arrested and incarcerated at the Sullivan County Jail pending bail. He believes this was in 1986 when he was 19 or 20 years old. advised that there was one occasion when COTE brought him home and while returned to the cottage COTE went off the road and crashed his car on Unity Rd., Newport, NH. He advised that COTE was under the influence of marijuana at the time. advised there were two other priests there that he saw only 2 or 3 times. He did observe them kissing but nothing else. advised that the cottage is on a dead end road and the way it curves

he is not sure if the cottage is in Newport or Unity, NH.

advised that he believes Fr. ROLAND COTE was assigned to a St.
John's or something near the Canadian Border. He knows that COTE was moved a
number of times but did not think anything of it at the time.

Prison but they merely gave him medication. He expected to receive mental health counseling. Padvised that he still has nightmares and feels COTE's whiskers scrapping on his balls.

advised that his Attorney has a complete chronology that was developed and other information. Requested contact McGrath and forward a copy to our attention.

1204

Professional Association

20 Montgomery Street CONCORD, NEW HAMPSHIRE 03301 PHONE: (603) 224-7111

(800) 283-1380

FAX: (603) 228-8095

April 17, 2002

FAX# 271

Mr. Paul Brodeur, Investigator Office of the Attorney General 33 Capital Street Concord, NH 03301

Re:



Dear Mr. Brodeur:

Enclosed please find a copy of a Memorandum dated April 11, 2002 for your information. Thank you for your cooperation.

If you have any questions, please feel free to contact my office.

Sincerely,

PGM/dlt Enclosure

M: Clients

MEMORANDUM

McGrath Law FirmP.A.

TO:

PGM

FROM:

SB

DATE:

4/11/2002

RE:

Additional information of interest.

Chain of Title - Skyline Drive Property: - Sullivan County Registry Deeds

Parcel I

June 3, 1982

Warranty Deed from Bernard P. Towne and Barbara E. Towne

To Robert P. Cote c/o St. Patrick's Catholic Rectory, 32 Beech

Street, Newport, NH Vol. 701, Pg 252

Physical Address: 219 Skyline Drive, Newport, NH

November 23, 1987

Corrective Warranty Deed - Same property, grantors and grantees.

This Deed corrects discrepancy in description. New address for Roland P. Cote is given as PO Box 176 Beecher Falls, VT

Vol. 835, Pg 148

September 10, 1990

Quitclaim deed from Roland P. Cote to Roland P. Cote, Robert E.

Gorski and Paul Bouchard. Vol. 921, Pg 580

March 14, 1997

Quitclaim deed from Roland P. Cote, Robert E. Gorski and Paul

Bouchard to Roland P. Cote, Robert E. Gorski, Paul Bouchard and

Michael J. Ciullo, Vol. 1113, Pg 477

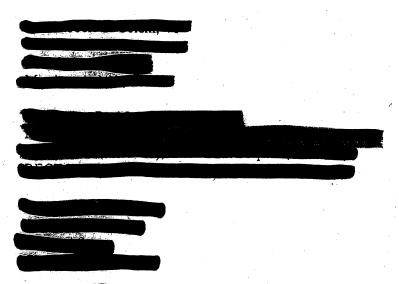
There is a house on this real estate and the land consists of 5.5 acres (Map 75, Lot 2098-The current assessed value is \$84,200.00.

All mail regarding this real estate is mailed to Roland P. Cote at

Parcel II

September 11, 1996 - Land Only. 17 acres owned by Roland P. Cote, Michale J. Ciullo and Robert E. Gorski (Map 75, Lot 2098-4). This land is current use land and the taxable rate is \$1,601.00. The market value is \$29,100.00. This real estate was acquired in 1996 from the Bernard P. Towne Trust and is held in the name of three of the four individuals who hold title to the property where the dwelling is located. This parcel is contiguous with Parcel I.

INTERESTING NOTE: All three individuals who hold title to the property with Roland P. Cote are Catholic Priests. Current affiliations are:



M: \Clients

Memo02.wp



SECRETARIAT FOR ADMINISTRATIVE AND CANONICAL AFFAIRS

Diocese of Manchester, 153 Ash Street, P.O. Box 310, Manchester, NH 03105-0310

603-669-3100

February 27, 1990

CONFIDENTIAL

FROM: Monsignor Francis J. Christian

RE; Father Roland P. Cote

On January 2nd, 1990, I received a phone call from a Colebrook. She had been referred to me by Father Marc Montminy. She had some serious concerns about Father Roland Cote. She claimed that she had become friendly with a a young man from Florida whom Father Cote had brought to Colebrook to assist him in getting rid of drug problems. He had been staying with Father Cote in the rectory. She said Father Cote became very disturbed at the friendship which developed between them, to the point where he did not let them meet one another or communicate with one another in any way. When I asked her how she explained his concerns, she said she felt that he was jealous of She continued that ultimately had moved out had moved out of the rectory, and was now living in Berlin. Father Cote, in anger at all that had happened, called her pet grooming service and left two messages on her answering machine. One of these messages was terribly vulgar. She claims to have a copy of it.

In the course of her conversation with me, she indicated that several people told her Father Cote has a serious <u>drinking problem</u>, and he also is a <u>homosexual</u>. She is concerned at his irrational behavior, allegedly because she has two children in the parish school at West Stewartstown.

On February 26th, after he returned from a winter vacation, I met with Father Cote. The meeting was affable and productive. Father Cote admits to the vulgar message. He claims it was stimulated by the scandal of the relationship between and and at his frustration at being manipulated by both of them. He claims he has written a letter of apology to admits to having received this letter). I indicated to Father Cote that my reason for talking with him was the two points was asserted in her complaint. The first of these is that he had a serious drinking problem. I indicated my concern at this statement, given a previous history of concerns in this regard by his own family. Father Cote indicated to me there is no doubt that on some occasions in the past he has drunk to excess. He indicated, however, that he does not

drink regularly, and that when his family expressed concern several years ago he went to an alcoholic counselor in the north country whose series of tests indicated he did not have a problem with drinking. Father Cote said he recognizes that drinking to excess even on occasion could be a sign of a more serious problem, but he does not believe this is inevitable and he is not psychologically disposed to seeking any further counseling at this time. I told him the Diocese valued his ministry, and we did not want him denying a problem and seeking help for it if such help was warranted. I urged him to let the Diocese assist him if that became necessary. I urged him, as well, to be honest with himself so that he would not endanger his health or his ministry.

In regard to the alleged problem of homosexuality, Father Cote denied having any such problem at all. I once again urged him not to refuse to seek help if help was warranted in this area, since it would only harm him at some point. Father Cote seemed genuinely pleased at the concern of the Diocese for him, but he does not feel that he needs any assistance at this time.

My evaluation is as follows. Having spoken with Father Robert Gorski, who is very close to Father Cote and with whom Father Cote does not know I discussed these issues, it would appear to me that Father Cote's drinking is probably not a major problem at this time, although his psychological fragility could easily lead to an abuse of alcohol on a regular basis. He needs to me monitored in this regard, and should future concerns regarding his drinking surface we would need to require professional testing at that time.

Based on previous incidents, we know that Father Cote has had some problems with homosexuality. While he does not admit to this problem, and while there was no homosexual involvement with the young man in this instance by the young man's own admission, it would appear that there is potential for a difficulty here. Father Gorski indicates he feels Father Cote has a much greater control over this area of his life now, but it was true in the past. My conclusion would be that once again, in the event of any any future documented evidence of this problem, he would need to be confronted and treated clinically. At present I feel it is sufficient that Father Cote knows of our concern in both areas, and of our desire to help him. I make this conclusion because neither of the Should such charges can be clearly documented at this point. documentation be available in the future, it will be necessary for us to insist that he receive the appropriate therapy.



SECRETARIAT FOR ADMINISTRATIVE AND CANONICAL AFFAIRS

Diocese of Manchester, 153 Ash Street, P.O. Box 310, Manchester, NH 03105-0310 603-669-3100

MEMORANDUM

DATE: 5 February 1986

RE: Fr. Roland Cote

I received a telephone call this morning from Mr. William Lovett who works at Easter Seal (home tel. # He told me that Fr. Roland Cote is having difficulty at Saint Albert Parish in West Stewartstown in relation to his alcoholism. He is drinking again. His family wants to do something about it. The family will be meeting with Bill Lovett this Friday.

Forty-five minutes after I spoke with Bill Lovett, Jim Hawkes, Fr. Cote's brother-in-law called. He wanted to fill me in on the situation as the family sees it.

There has been no blatant problems in West Stewartstown in relation to Roland's drinking. The Sisters have noticed it and so has Wendell Cross, a parishioner. The drinking started approximately one year ago and has progressed. On one occasion Roland called his mother and started to cry, expressing that he was depressed. Jim assured me that West Stewartstown has been very good

The family are suggesting that Roland go to Guest House. Fr. Dan Deveau has voluntered to take over Roland's parish duties when Roland will have to go away. Fr. Deveau has also noticed

This afternoon Fr. Dan Deveau came in to speak to me about the situation. He reiterated much of what Jim Hawkes told me. When the family goes through the intervention with Roland on Friday evening, Dan will also be there. Dan is also willing to cover in West Stewartstown on week ends.

DATE: 7 February 1986

After 9 telephone calls, I was finally able to find coverage for Dan in Henniker this week end. Marc Gagne will take his place since John McQuaid and Connie Goggin can cover St. Elizabeth Seton.

I called Jim Hawkes to bring him up to date on what has transpired since we last spoke. Jim told me that Roland's two sisters will be picking up Roland at the airport this evening and brining im to Manchester where the intervention will take place. cioned to him that all of them have our support. I asked him to keep in touch with us.

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HALL, HESS, STEWART

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> TELEPHONE 603-669-8080 WATS 1-800-343-1263 FAX 603-669-0903 WEBSITE www.80nhlaw.com

> > August 30, 2002

FAX & MAIL

MICHAEL P. HALL

EDWARD W. STEWART, JR.

FRANCIS G. MURPHY **

NICHOLAS D. BROWN *

PETER E. HUTCHINS

JOHN B. KENISON, JR.

**Also Admitted MA, NY

* Also Admitted MA

271-2110

William Delker Office of the Attorney General 33 Capitol Street Concord, NH 03301-6397

Re: 91-A Request Regarding Rev. Roland Cote

Dear Wil:

Kindly accept this letter as a formal RSA 91-A request for a copy of the entire criminal investigation file relative to Rev. Roland Cote. I understand that an investigation has been conducted this year pertaining to allegations of sexual abuse / misconduct against Rev. Cote.

Kindly advise as to your official position relative to this request. I will hold off on filing an equity petition until the end of next week, i.e., Sept. 6.

Thank-you, and I hope all is well.

eter L. Hutchins

c: Marc Hathaway, Esq.

PEH: jbd

HALL, HESS, STEWART

MURPHY & BROWN

professional Association Attorneys at Law Sighty Merrimack Street

Manchester, New Hampshire 03101

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> > September 5, 2002

FAX & MAIL

271-2110

MICHAEL P. HALL

EDWARD W. STEWART, JR.

FRANCIS G. MURPHY **
NICHOLAS D. BROWN *

PETER E. HUTCHINS

* Also Admitted MA

JOHN B. KENISON, JR.

**Also Admitted MA, NY

William Delker Office of the Attorney General 33 Capitol Street Concord, NH 03301-6397

Re: 91-A Request Regarding Rev. Roland Cote

Dear Wil:

I have had no response to my letter of August 30, 2002.

I enclose a copy of the Petition which I intend to file on Monday in the Hillsborough County Superior Court.

Kindly call to discuss if you would like prior to my filing. I hope all is going well.

Very truly yours,

Petex H./Hutchins

phutchins@80nhlaw.com

PEH:jbd

c: Marc Hathaway, Esq. (Fax: 863-0015)

abuse.

- 2. During his investigation on behalf of his clients, including but not limited to a deposition taken of Rev. Robert E. Gorski in the pending case of Murray v. Robichaud, Belknap County Superior Court (02-C-085), Petitioner has developed information leading him to understand that the Attorney General's Office and the Sullivan County Attorney's Office, including any other state or local police department or law enforcement agency, conducted an investigation into allegations of sexual abuse against Rev. Roland P. Cote, recently reassigned from Nashua, NH to St. Patrick's parish in Jaffrey, NH.
- 3. Petitioner believes the information contained in this investigative file(s) is relevant to his ongoing work on behalf of his clients, including particularly the plaintiff in the Murray case, even though under RSA 91-A, no showing of relevance or need is required.
- 4. The defendants, and these records, fall within the purview of the Right-to-Know law. RSA 91-A:1-a, IV.
- 5. These records are public records of agencies covered by the statute. RSA 91-A:4, I.
- 6. The only information likely contained in defendants' files which may arguably be exempted from production would be the identity of the alleged victim. The Petitioner would agree, at this time, that the identity of the alleged victim may be redacted from the materials sought.
- 7. "To advance the purposes of the Right-to-Know Law, [the court] construe[s] provisions favoring disclosure broadly and exemptions narrowly." *Union Leader Corp. v. City of Nashua*, 141 NH 473, 475 (1996).
 - 8. Any confusion regarding whether the contents of police investigative files are

subject to the Right-to-Know law was put to rest by the Supreme Court over 20 years ago in Lodge v. Knowlton, 118 NH 574 (1978).

- 9. In *Lodge*, the Court adopted the federal six-prong test contained in the Freedom of Information Act, 5 U.S.C. § 552(b)(7) (Supp. 1975).
- 10. To find law enforcement investigatory records exempt from production, the defendant must prove one of the following "six statutory adverse results-" that production would:
 - A) interfere with enforcement proceedings;
 - B) deprive a person of a right to a fair trial or an impartial adjudication;
 - C) constitute an unwarranted invasion of privacy;
 - D) disclose the identity of a confidential source, etc.;
 - E) disclose investigative techniques and procedures; or
 - F) endanger the life or physical safety of law enforcement personnel.
 - 11. None of these facts exist in this case.
- 12. It is the understanding of Petitioner, which was further confirmed by the sworn deposition testimony of Rev. Robert E. Gorski mentioned above, that the investigation into these specific allegations by the defendants has been concluded.
- 13. Accordingly, under the law of New Hampshire, the file of the defendants, must be produced pursuant to the Right-to-Know law.
- 14. A letter formally requesting production of the files was faxed to the defendants (or their representatives) by Petitioner on August 30, 2002. See letter attached to Petition.
 - 15. Petitioner has received no response.
- 16. Petitioner has forwarded a copy of this Petition, by fax this day, to both defendants.

5 : (

17. Petitioner would request the scheduling of an expedited hearing within two (2)

weeks since the matter is straight forward, and since the materials sought are important to the

continuing ongoing investigation by Petitioner of legal matters for his clients. RSA 91-A:7.

There is no need to delay the hearing until after a return date, etc.

WHEREFORE, the Petitioner requests the following relief:

A. That this Court order the defendants to produce their entire investigative files,

omitting nothing, with regard to allegations of sexual abuse made against Rev. Roland P. Cote

earlier this year;

B. That an expedited hearing on this matter be scheduled within the next 2 weeks

as the Court's calendar permits; and

C. For other such relief as may be just.

Respectfully Submitted, Peter E. Hutchins, Esq.

Petitioner

Date: September 9, 2002

Hall, Hess, Stewart, Murphy & Brown 80 Merrimack St.

80 Merrimack St.

Manchester, NH 03101

(603) 669-8080 Fax: (603) 669-0903

phutchins@80nhlaw.com

Certification

I hereby certify that this was sent this day by fax to both defendants named herein, and that a hard copy was forwarded this day by first-class mail.

Peter E. Hutchins, Esq.

INTERVIEW

PERSON INTERVIEWED:

PERSONS INTERVIEWING: Lt. Jim Brown, Newport Police Department

Detective Jason Armstrong, NH State Police

PLACE OF INTERVIEW: New Hampshire State Police Headquarters

DATE OF INTERVIEW: April 25, 2002

This is Lt. Brown at the Newport Police Department. I'm at State Police Headquarters with Trooper Detective Jason Armstrong and also here with The date is April 25, 2002. The time is about 1:55 p.m. You know that you're being audio recorded right now, is that right?

Yes.

Okay. And we had asked to meet with you here today 'cause we wanted to discuss with your some of the information that we've received about something that's happened to you in the past. Um, first let me ask you, we wanna talk a little bit about the chronology of events. About when certain things happened. Let's go back to um, the first time that you met this person. Tell us who, who we're talking about and when ah, how long ago, you think, we're talking or an event or something like that that may have been in your life if you remember something um, or just tell us about this person in general when you first met him, how you came about to meet this person and who we're talking about.

Okay. Um, we're talking about Father Roland Cote, as I got to know him by. Um, first time I met him, I was hitchhiking from Claremont, New Hampshire, into Newport 'cause I was seein' a girl by the name of who lived over there with her stepmother, and um, I was hitchhiking back. He picked me up hitchhiking, Father Cote did and asked me if I was interested in doing some work, yard work, and I says yeah. And he took to a cottage up off from Unity Road and I know it's Skyline Drive and I did some work out in his yard. I hauled some brush out of the woods. He asked me if I wanted something to drink. I'm like yeah. I believe I was fifteen or sixteen, I'm not exactly sure as to my age. A lot's transpired in my life since then. Um, asked me if I wanted somethin' to drink. I said sure. He came out and gave me a rum and coke and had a drink himself and we sat on a picnic table and then he asked if I wanted to go inside and cool off a little bit, that it was cooler inside. I went inside. He started rubbin' my leg. Worked his way up my leg to my penis, my dick. Huh, sorry about, I might use some bad language or somethin'-

JB That's all right. Feel free to talk openly with us.

And um, he, he started suckin' my dink. I asked him if it was all right, you know, 'cause it's a bad thing for a priest to do that. He had a collar on and stuff. And we had a conversation that it, it wasn't a sin in God's eyes to do that. It wasn't wrong for him to do that. And I had, boy or boy or boy, I had, I grew up all my life huh, huh, on there and, Catholic Church. I didn't go to church the way I should've after my father passed away but, as a child I went and, there were dou-, I, I was all mixed up because I wasn't huh, I got one, one of the men from the cloth that I go in to confess to tellin' me that it's all right to do what he was doin', you know? And so he did it and paid me 40 dollars. He said it was for the yard work.

JB And where did this take place?

Where? In a cottage on Skyline Drive.

JB Where at the cottage?

At that time the cottage only was like, two rooms, the living room part.

JB Okay. And that was the first time that you had met him?

Yes.

JB Did you meet him after that?

Yes.

JB Can you tell us about that?

Whenever he was at the cottage he would get in touch with me, call me at, I was livin' on the control of the country of the co

JB So he was touching himself at the same time as he was touching you?

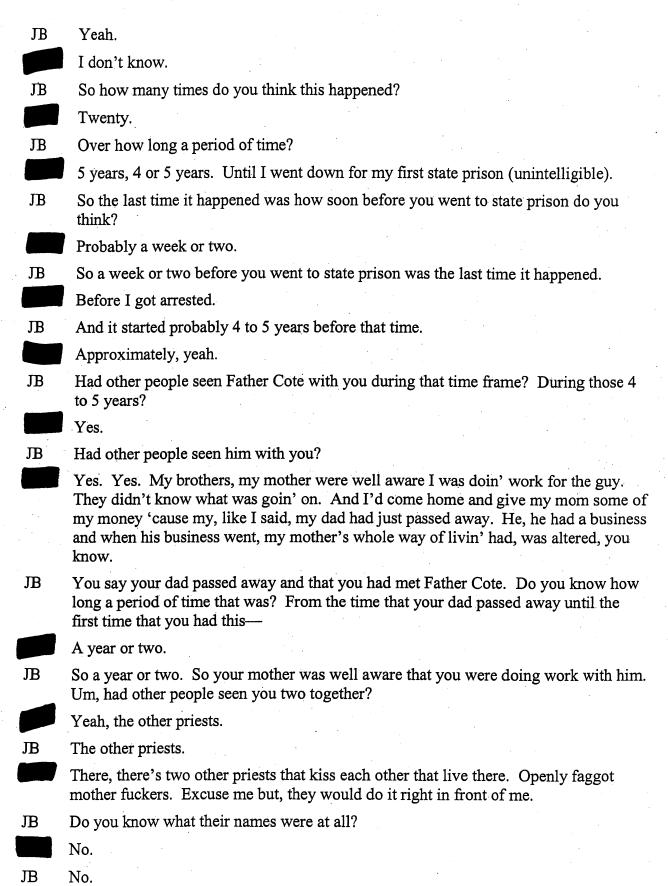
No, he wasn't touching himself.

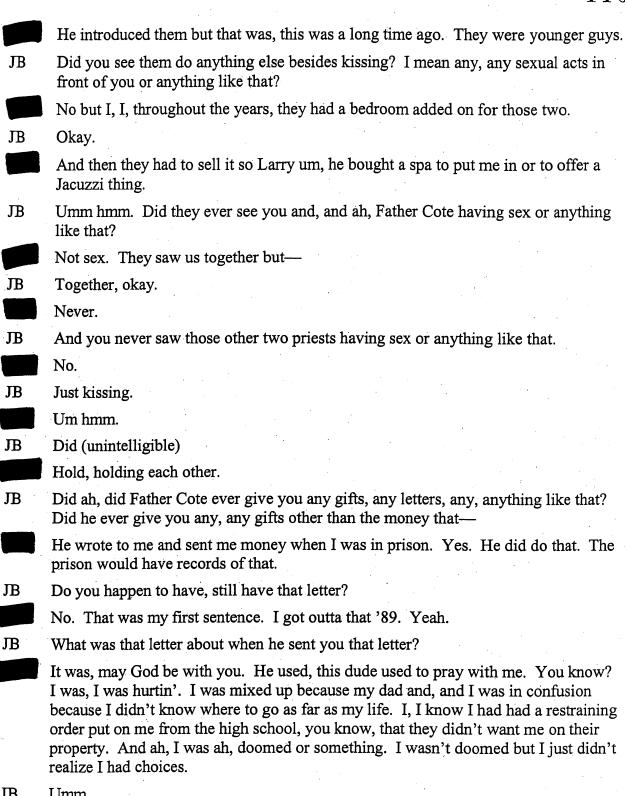
JB No?

Because he had, no, he, he would have, like, it'd be by my boobies, my tits.

JB Yeah.

And stuff like that because, his hands weren't free to touch himself. He just got off.

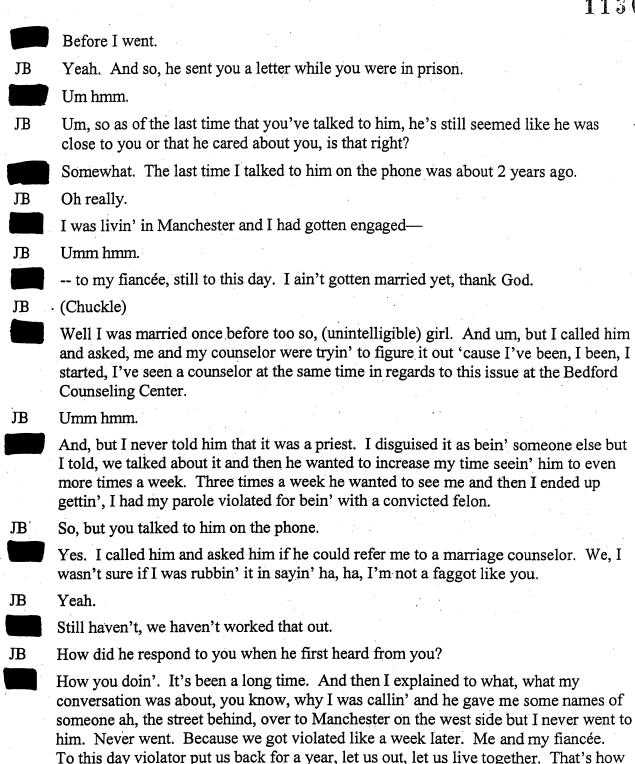




JВ Umm.

That I could a reached out to people but I just didn't.

ЛВ So the whole time and, the last time that he saw you you said was, was when you went, that was the last time you saw him was when you went to state prison?



it went. Because we didn't have permission. Now I ask permission for every little

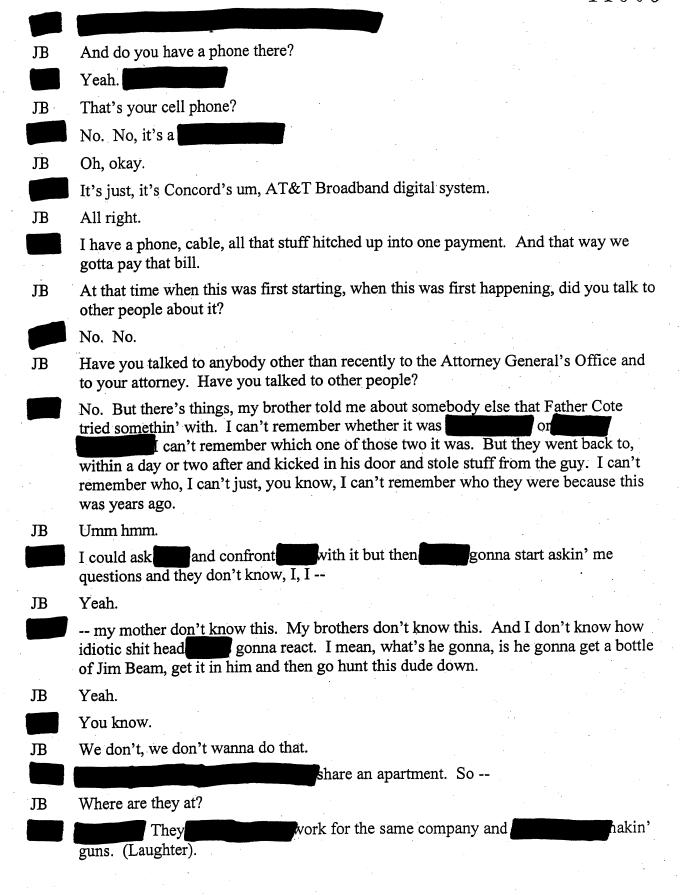
thing I gotta do.

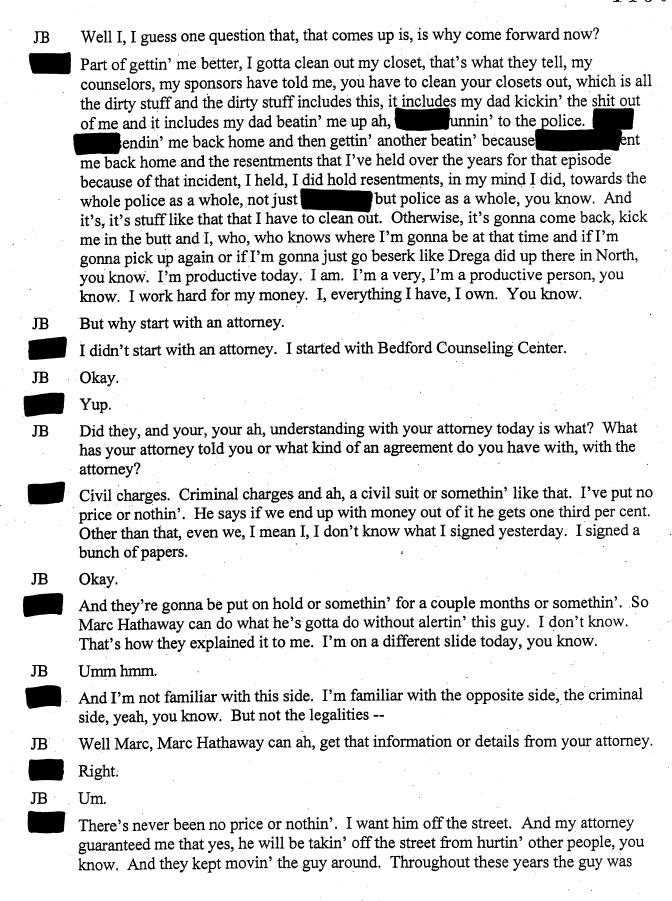
What, what's your date of birth

And your address now is what?

JВ

JB





moved like three different times. I remember him bein' at three different areas throughout New Hampshire, Vermont and Massachusetts, you know. And now he's sittin' there, king stylin' in the middle of Nashua New Hampshire which is one of the biggest cities in the state and who knows how many children he's hurt already and could end up like I ended up. (Laughter). That's devestatin' to think about if you look at my track record. My past, yeah. It's, it's a devestatin' thing. And if I can stop that from happenin' to another child, I would, I would love to. I'll tell, I told the Attorney General, I'll tell everybody yeah, I think about puttin' a slug in the guy's head. Of course, the thought comes to my mind but that's wrong. I could never do that, you know. I could never do that. He has a disease. See, livin' with pedophiles in state prison, 'cause they don't have a PC no more.

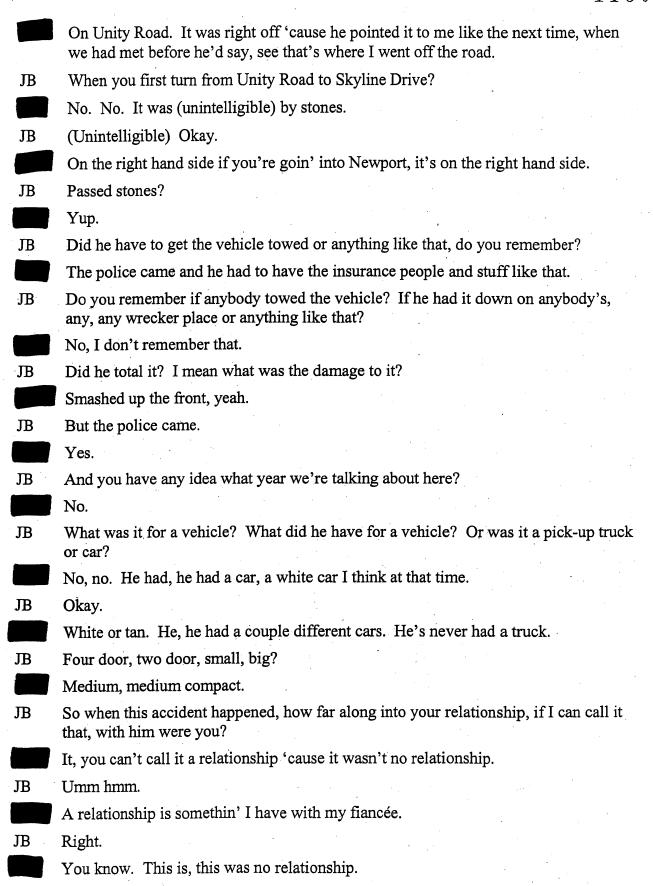
JB Umm hmm.

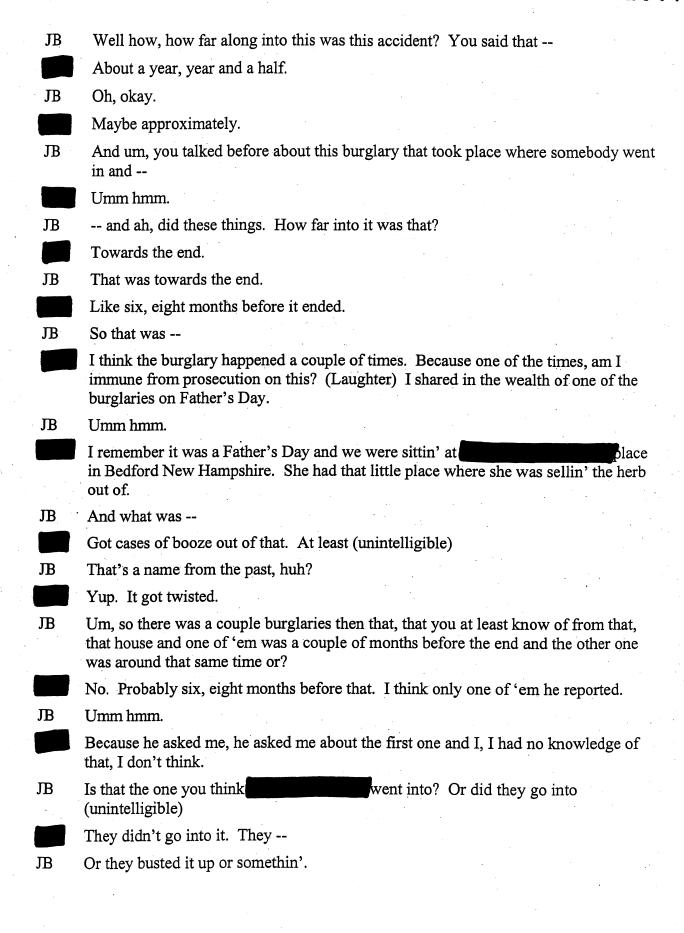
You live with 'em. You inter react with 'em. And livin' with them, I realize, it is, it is a disease, it's a disease. Just like my substance abuse problem was a disease. Alcoholism is a disease. Pedophilia is what they call, I worked with two of 'em that I was in prison with right now at the 99, you know. And that, I've gotta keep my personal vendettas 'cause I, I hate 'em for what they done but not who they are, you know. They, they did bad things. They took somethin' from people. It was like, for me, it caused me mass confusion because I just didn't know, I used to go and talk to Father Savage when I was real young, real, real young at, at St. Mary's and it was, I don't know, years and years ago and I, I could confess to him and tell him things and clarify my, purify myself. After my nana died we went, like a lot. Sunday school, we were catechism and all that stuff, us boys did. And I felt relieved but I, I, I couldn't, I haven't been near a catholic church since. I won't, since this stuff started.

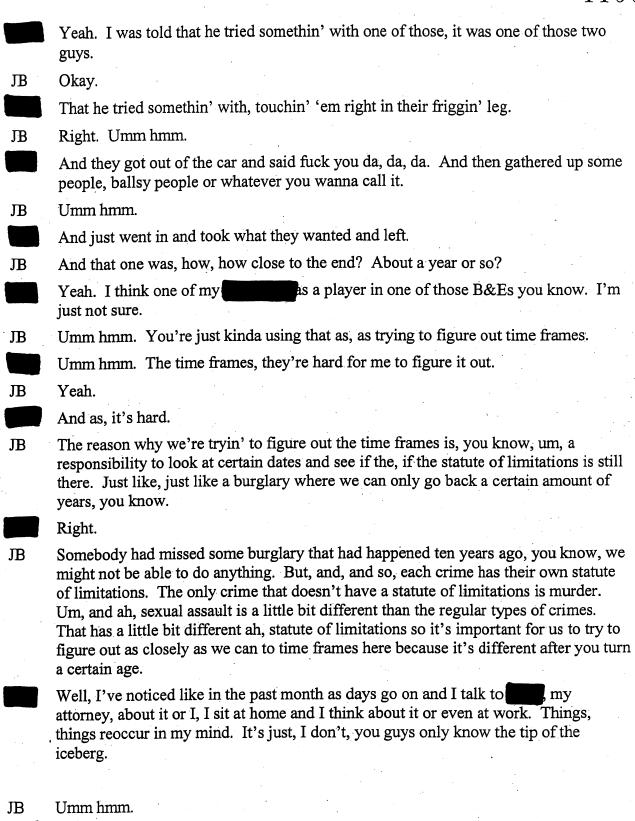
JB You mentioned something about an accident. Can you tell us about that?

Yeah. One, one, one of the times we were, I got up and do, done work for him. After I, I never, I never finished the job. The job never got finished to this day that I know of. Clearing out those, 'cause that's what he had me doin' was clearin' out his woods and he had miles and miles of woods if you ask me. I don't know exactly how many acres he has but there was a lot of woods there. I mean, goin' in there, pullin' brush out, bringin' it out, stickin' it in a pile. And I, okay, I did. He gave me money for it and after a while I, I grew a dependency upon smoking marijuana but one day he introduced, ah, when we were sittin' around, asked me if I wanted to smoke a joint. Sure. And I smoked a joint of marijuana with him. 'Bout an hour after that, I don't know exactly how long, he brought me home. He dropped me off and I found out, the next time I went and saw him, which was like a week or two later, I had found out he'd crashed his car on his way back home that day, that evening. It was later on in the evening. He'd gone off the road and drove into a ho-, a tree, a white birch 'cause he told me he had to buy white, excuse me, replace a white birch or somethin', on someone's lawn 'cause he was so stoned.

JB You don't know, do you know where that was?



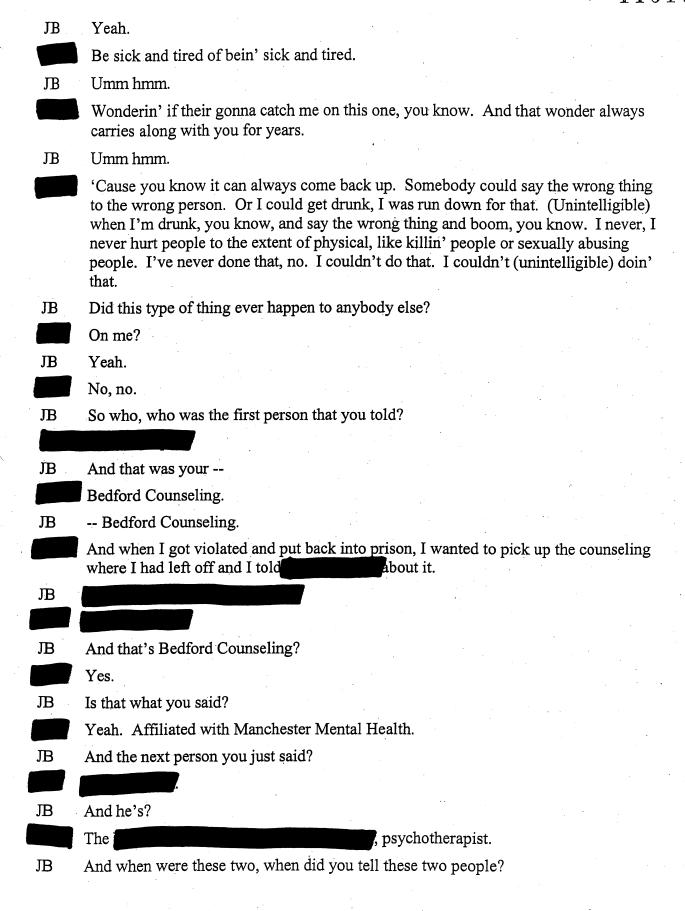




Of the substances like, I married the girl. I met the girl (unintelligible). She was (unintelligible) AC/DC concert and she was sellin' LSD. I fell in love with her acid. And I was buyin' a thousand hits at a time in New Haven Connecticut you

know and, I don't know how many, hundreds of, I mean, I need twenty hits of acid at a time and just, and just, I lost it. I can't get it back. They told me that. My counselors have told me brain cells don't come back, you know. But you can get strength in what you have, you know.

- JB Had you been using marijuana before you, you met this priest?
- No. I had been drinkin' alcohol. No, I'd been drinkin' alcohol since I think I was 6 years old.
- JB Hmm.
- I'd take drinks off my, when I lived on to live years and years ago.
- JB So the first time you had marijuana was, was with him?
 - I believe so. I'm not exactly sure but it made it feel better, believe it or not. It made, 'cause I could relax. (Unintelligible) and that what happens to this day. (Unintelligible) been counseling. I mean I'm not a fuckin' nut. I'm not a nut. And I don't need to see where they send all these patients from the state nut house you know but, because, people, I have nightmares. I have dreams, yeah. Not, not about this, yes, but about other things that I've done in my life, you know, that keep comin' back to haunt me. Some day, when I know ten years has transpired through I ever done, I will come up and say listen to this stuff and I will tell you everything I ever did just to clear it off the records or whatever it may be done but I'm not, I don't belong in state prison no more. You guys got what you wanted, you know. You, you wanted me rehabilitated and they succeeded. It took twelve, fourteen years and what, YDC, county jails, two stints in state prison but I got it, you know. I'm, you know, bull headed or somethin' but it finally kicked in, you know.
- JB Well, we are glad to hear that. That, that you're doin' good.
- And even if my (unintelligible) did not have a restraining order against me or whatever, you know, sayin' that I can't go to Newport.
- JB Yeah.
- I have nothin' there. I have bad memories. What, you know, what, what am I gonna go hug all those potheads and drug addicts up there? 'Cause I, I ask questions. I talk to my brother the bone in the phone. I haven't seen him, but I talk to him on the phone and the same people are still doin' the same fuckin' shit that they were doin' --
- JB Years ago.
 - -- Yeah. Back then and, I don't know, they can't look and see where drugs and behaviors like that get people, by lookin' a people or the many of other people who have come out of Newport and got put in prison, you know, 'cause there are a few.
- JB They have to come to their own reality, huh, and their own --
- Hit bottom. You gotta hit bottom.



was about two years ago.

JB Umm hmm.

And was after the so that was about a year and a half ago. 'Cause I, I, went they put me back in it stopped my counseling and through the meetings that I had had with the solution with the solution of the this and this and this macho image all my life, you know. The party (unintelligible). I ain't suppose to cry. I ain't suppose to have feelin's. I ain't suppose to feel my feelins. But you know, he made me cry a lot. He brought a lot of shit out of me but he did it in a, in a gentle fashion sort of say. He, he wasn't makin' fun of me and that's what I always scared to love was a, no one's gonna believe me because a priest is higher than a priest. Okay? Especially sittin' in the town of Newport New Hampshire where you got Judge John Fairbanks puttin' my ass in prison or in jail for doin' wrong when he's doin' wrong himself. You know? (Unintelligible) think of that on the criminal mind, you know? Who, who is this guy? It's like the bible, judge not and thou shall not be judged. This guy's judgin' me but look, take a look in the mirror brother. You know?

JB And, but was it just that you (unintelligible)

And I never told them it was a priest.

JB Neither one of them?

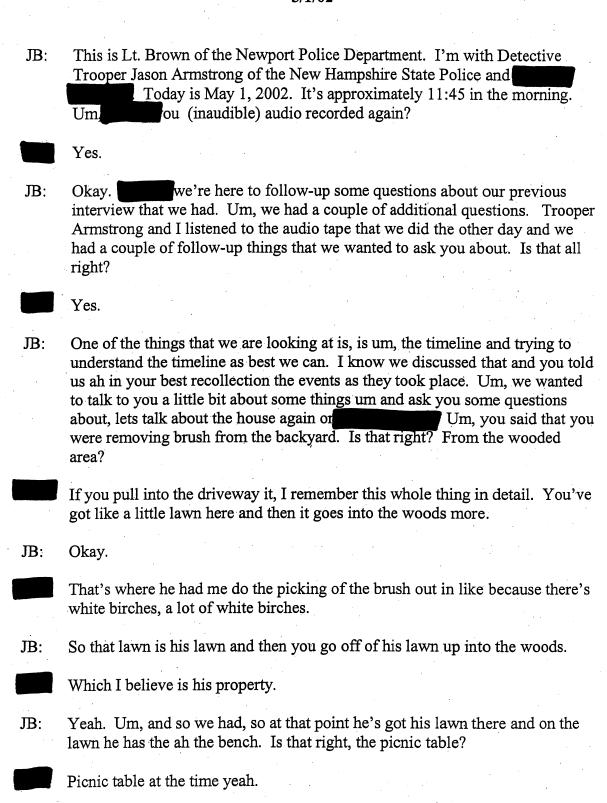
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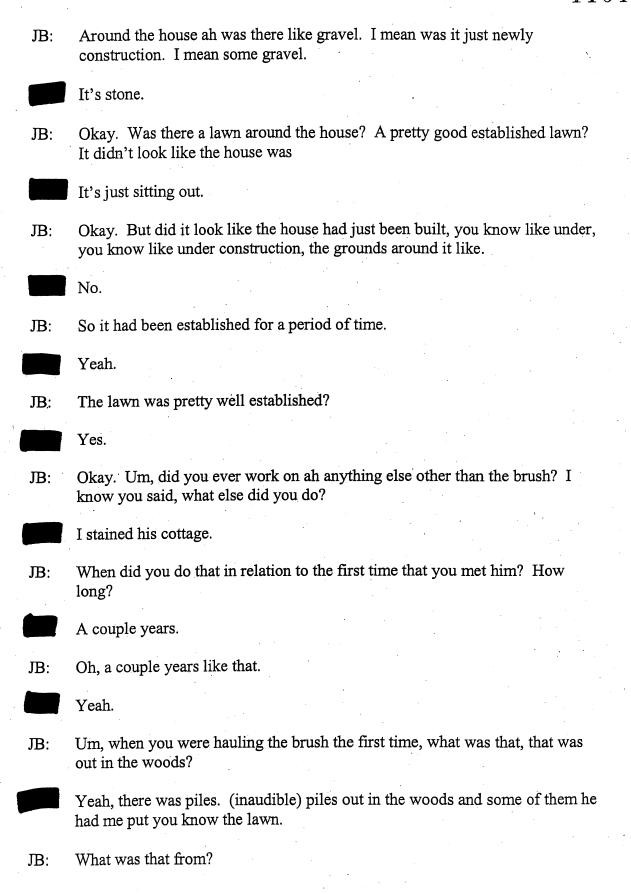
JB Okay.

I told 'em an, an uncle. But none of my uncles would ever, ever think of touchin' me because a priest is high up there, you know what I mean? People gotta laugh, back then, people would laugh in your face. They honestly would. They would laugh at you if you made an allegation of somethin' like that. Um, I was abused by a priest.

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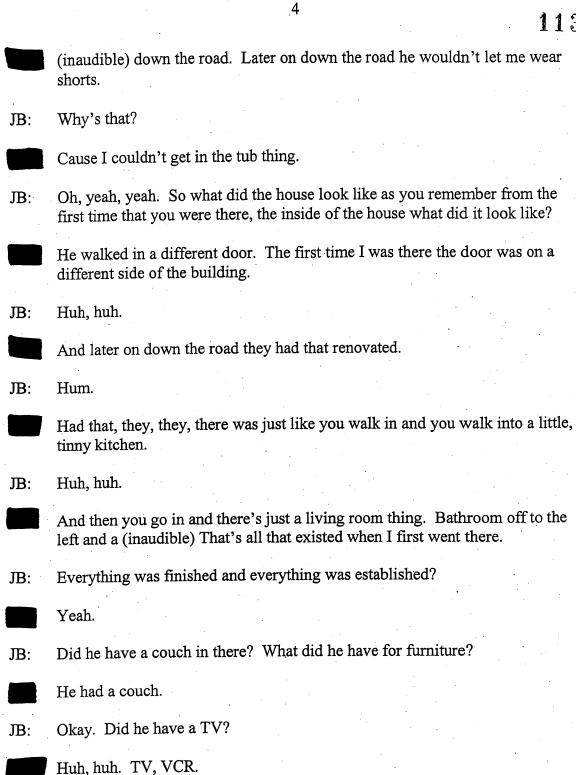




Out in the woods. JB: Yeah I know, but had they been doing a logging operation out there? No he wanted to clear out cause he wanted nothing but white birches. Did you have a chain saw or did you have a saw? ЈВ: No clippers, clippers. JB: Clippers. Clippers. It was only nothing JB: Yeah, small saplings. And the stuff that was dead had fallen down. You know because he wanted white birches. Was there leaves on these, the brush and stuff like that? I mean you know was JB: it, was it. We're trying to figure out a time of the year maybe. They were dead. It was summer. It was summer. It was summer, but everything was dead? JB: The stuff that was on the ground. Oh, okay. The stuff that was there, but you remember it being summer the ЈВ: first time that you were there? Huh, huh. Cause I know you had said that you were wearing shorts and ЈВ: Huh, huh. JB: And ah. I couldn't (inaudible)

JB:

And that he was wearing shorts.



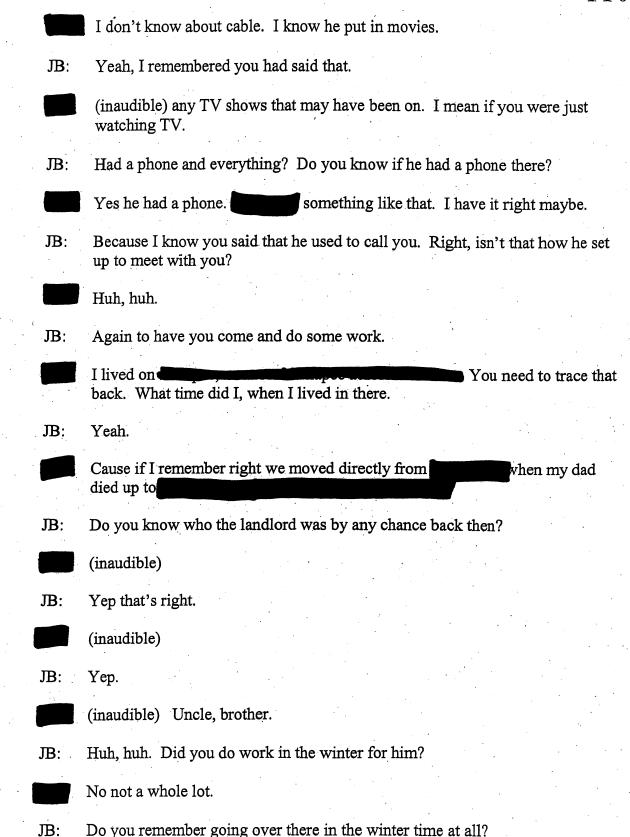
Okay. Was any, was the TV ever on?

He had cable and everything and he was?

ЛВ:

ЈВ:

Yeah.



Yeah. Later on I remember going there and pulling snow off the, the (inaudible)

JB: Okay. How long and we might have already went over this, but how long after when you guys first met um did he have the solarium and the jacuzzi in?

Probably three years.

JB: Three years, okay. And so

Three years yeah.

JB: Okay, so you would come over and, and that's when you would pull the glass was off the solarium?

Pulling snow off.

JB: Pulling the snow.

Right. Right. And it was (inaudible) or something because he had this big flowering planter groomed once a day and

JB: Huh, huh.

And stuff like that.

JB: Okay.

In the winter we would, (inaudible) we'd drink and drink. I know I can't blame him for my, my addictions.

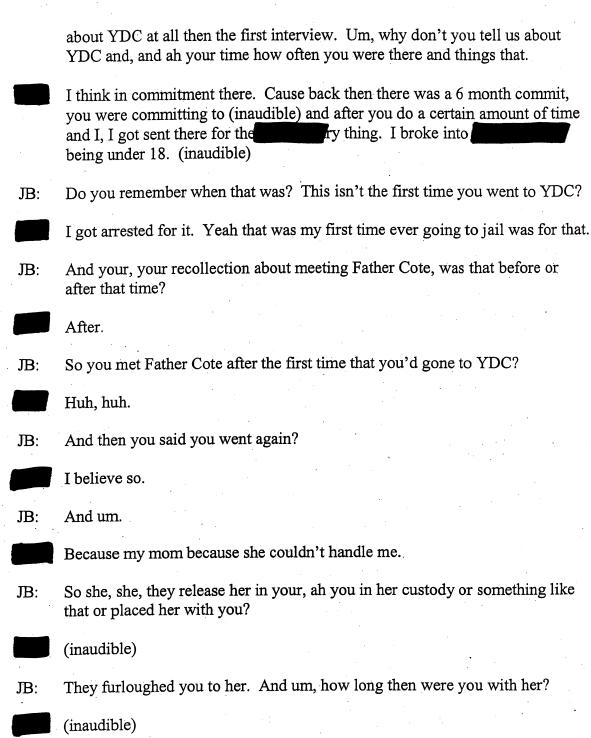
JB: Huh, huh.

And I can't because I was, everybody has a choice and eventually in life you have a choice. Pick up or don't want to pick up, right.

JB: Yeah.

Just that I was kind of young then to understand the choice thing. I never really understood it until I was 32 years old.

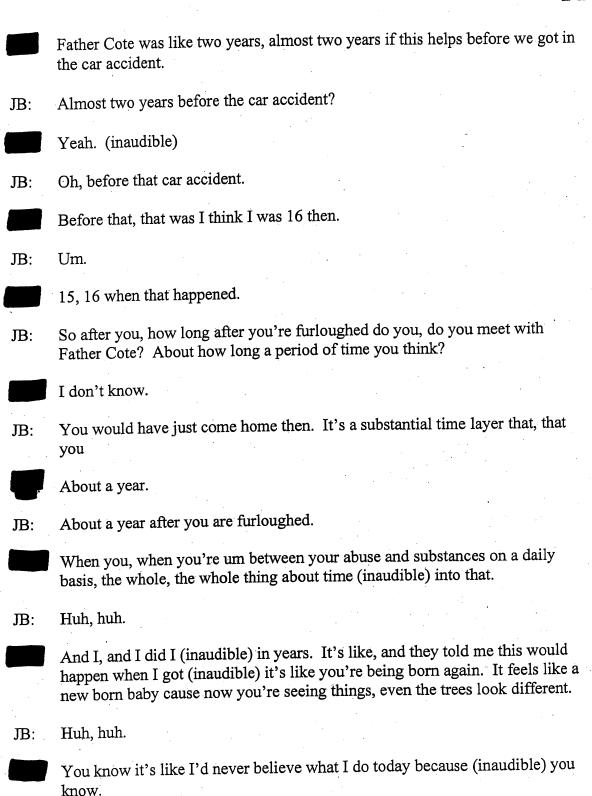
JB: Listening to, to the tape ah we were listing to it some on the way down here, ah from our previous talk you had mentioned that a lot had happened to you then and you had gone through a lot in your life and you talked about your time in jail and you talked about YDC. You mentioned YDC. We didn't talk



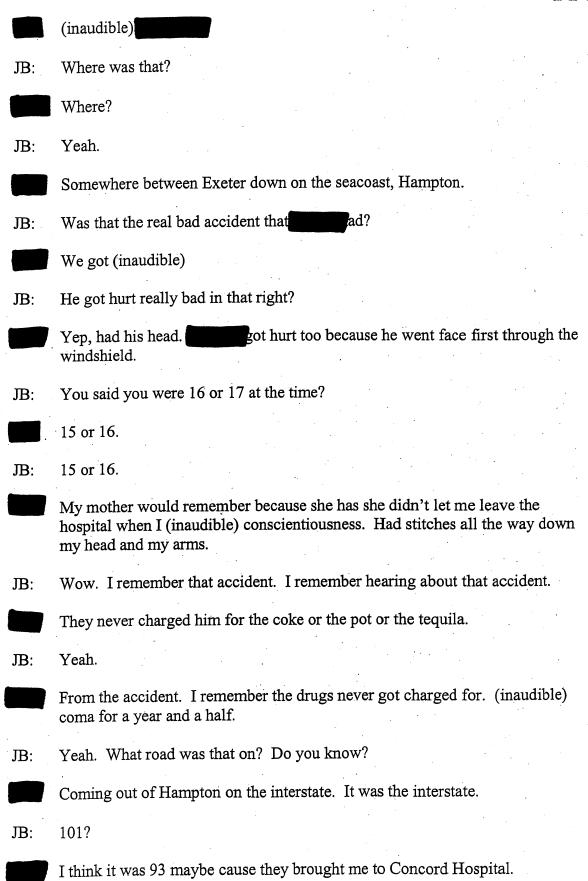
JB: And then did they eventually place you with her or did they place you somewhere else?

Yeah, they let me back out with her.

JB: And how long.



JB: I just, I want to touch on something you just said. Um, you said Father Cote was two years after you gotten into the car accident with the guys there. Who, who are the two guys you got into the accident with?



JB: Okay. So you said.
Conscientiousness in a coma.
JB: So after this, so after this accident takes place you said then, then you met Father Cote about two years after that?
(inaudible)
JB: Is that what you said?

About a year. You know I believe I knew him before that though.

JB: Okay.

(inaudible) Years and years of substance abuse will affect you.

JB: Um, I know you said you could only meet with us for a few minutes and so we don't want to hold you up. For one thing that ah we'd like to do if it's all right by you is ask you to sign a ah, an authorization for us. Actually I have two of them. One is an authorization for us to ah speak with anybody from about when you left school and, and anything like that about records and things like that. Um, I'll let you take a look at that. Just a hand written one. We didn't have time enough when we were coming up with the car. We wanted to get right up here for you. Um, it's just so that we can look back and find out any dates that you may or may not have been at school. And ah why don't you just sign right down below there if you would. Just print your name underneath it. The other one I, I typed up before I ah we came down here and this is for so that we can look at any records that may be at Okay. Thank you

I started counseling tomorrow with ah Town Family Services.

JB: Oh yeah.

I work for \$40.00 a week. The other one was \$200.00.

JB: What's that going to do now?

Help me deal with this.

JB: Child and Family Services you said?

NH Town & Family Services.

JB: Huh, huh.

Because without insurance it's expensive.

JB: Oh yeah

That's why, to have my tooth pulled I (inaudible)

JB: Yeah.

\$238.00 I had to come up with before they'd do it and I was (inaudible) paying and my sick puppy mind (inaudible) I'm going to go get fuckin' trashed out of my mind. I'll take care of the payment JD while we work. That's when I said nope, nope.

JB: Yeah.

Went to the bank, got the money, emergency appointment and had it done because that's a terrible feeling.

JB: Huh.

To deal with straight.

JB: You'd still be in pain if you did it yourself.

Loose more teeth then do it that way.

JB: Can you think of anything else to put on the tape. Anything else you can think about, tell us? Okay, we'll shut the tape off. It's right now is 12:03.

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