

[REDACTED] home and discovered their youngest child, [REDACTED], unconscious next to the back yard pool. He had been discovered unconscious in the pool by [REDACTED] and [REDACTED] and pulled from the pool. At the time I was driving by [REDACTED] [REDACTED] was in the street in front of his house trying to flag down a car. I stopped, went to the yard, and performed CPR on [REDACTED] for nearly fifteen minutes before he was revived. [REDACTED] survived, but with some minimal brain damage.

22. Following this incident I spent time with [REDACTED] on occasion. [REDACTED]

For several years [REDACTED] had been very involved in the Church on the parish, deanery and diocesan levels. [REDACTED] had served on the Deanery Pastoral Council, the Diocesan School Board, and the School Board for St. Joseph Regional Catholic School (where her children attended) which was on the grounds of St. Bernard Parish in Keene, the deanery's largest parish. Our conversations were memorable because of the anger [REDACTED] often expressed about Diocesan politics, the Church in general, and especially many of the priests of the Diocese and the life of privilege which she seemed to feel many of them were living. Given the degree to which she was involved in the life of the Church I always considered this to be a dramatic contradiction.

23. [REDACTED] was especially hostile toward Father Denis Horan who had been pastor of the deanery's largest parish, St. Bernard in Keene, and became her pastor at Sacred Heart Parish in Marlborough around 1978. She spoke of Marlborough as being a political punishment for Father Horan since it was much smaller and poorer than his previous parish, and she attributed the move to his inability to work with other priests who had been assigned over the years as associates. [REDACTED] also often spoke of what she perceived to be Father Horan's [REDACTED]

[REDACTED] She

often spoke bitterly about her conviction that Father Horan looked down on her and her family and treated them with disrespect on occasion. She gave many examples, and yet my perception of Father Horan at the time was that he welcomed her family's presence and felt close to [REDACTED] and her family.

24. Much of [REDACTED] animosity toward Father Horan seemed to stem from her relationship with another priest, Father Mark Gauthier who had served for several years as associate pastor of St. Bernard Parish with Father Horan when several of [REDACTED] children attended St. Joseph Regional Catholic School in Keene. In the Summer of 1980, following [REDACTED] near drowning incident, [REDACTED] conversed with me at length about her relationship with Father Gauthier who was then on leave of absence.

25. I recall [REDACTED] asking me if I knew Father Gauthier, and I told her that he and I had never met. She told me that she and Mark had become close friends during the years he was at St. Bernard Parish, and she seemed to blame Father Horan for his taking a leave from the priesthood. She said that when Father Gauthier was Father Horan's "curate" he found the pastor to be impossible to work with. [REDACTED] and her children always referred to Father Gauthier as "Mark" and she said that he remained in close contact with her and her family during his leave from ministry.

26. [REDACTED] called me often in the Summer of 1980 though I was then assigned as a seminarian intern at a neighboring parish (St. Margaret Mary's in West Keene) a few miles away. Often in the evening [REDACTED] invited me for coffee. She was a highly intelligent person and I enjoyed my discussions with her. She often challenged my studies for priesthood and seemed to spend a lot of time trying to talk me out of being a priest, yet at the same time she seemed to give me the impression that I was "saving her faith". [REDACTED] knew many priests of the diocese, but

said that she did not know any who were happy. One evening [REDACTED] asked me if I was "gay". I was shocked at the question, and at the openness with which she asked it, and I told her that I was not. I then inquired why she would ask such a question and she said that many of the priests she knew were "either drunks, or gay, or both" and she stated her belief that the priesthood served to shelter men with such proclivities. I often challenged [REDACTED]'s views, but on a few occasions I suspected that [REDACTED] had developed sexual or romantic feelings for me and this was behind her rather dismal view of priesthood. [REDACTED] was about fifteen years older than I and I dismissed my instinct then as questionable at best.

27. [REDACTED] seemed to speak of Mark with an odd mixture of great fondness and anger and at one point she told me that she had developed very strong feelings for Father Mark, and was very disturbed to learn that he was gay. I asked [REDACTED] then how she knew this and she struggled with whether or not to tell me. Finally she confided this story to me: [REDACTED] said that two years earlier there was an incident involving one of her sons and Father Gauthier. She said that she had taken in an older foster child, a fifteen year old boy, who then repeatedly sexually molested one of her adopted sons who was then about ten or eleven years old. She did not indicate which of her sons was involved. She said that she discovered this behavior by walking in on it one day, and she was so shocked by it that she called Father Mark to discuss what she should do. Father Mark, she said, then offered to talk with both boys. She said that this turned out to be "a disaster" because several months later she learned that Father Mark had also engaged the older boy in a sexual relationship, and, she suspected then, one of her older sons, [REDACTED], who was then seventeen and who she also thought to be gay. [REDACTED] said that she confronted Father Mark about this and this was what eventually led Mark to take a leave of absence.

28. What I found bewildering, however, was that [REDACTED] and Father Mark Gauthier continued to be close friends, and [REDACTED] continued to blame Father Horan for Mark's leave from ministry, but for reasons I never understood. Mark often visited her home, even while on leave, and on several occasions had spent the night there. I asked [REDACTED] if any form of report was made when the events involving her son and foster child transpired, but she never gave a complete answer. She then sternly cautioned me that she intended to tell me this in confidence and I was not to repeat it. [REDACTED] told me that Father Gauthier had purchased an empty convent building in Manchester, had converted it into apartments, and had no intention of returning to active ministry so she did not want to cause problems for him. She said that she was well aware of his homosexual lifestyle, and though she did not approve of it they remained close friends.

29. Several years later, in 1987, [REDACTED] completed her degree in social work and was employed by the NH Department of Children and Youth Services as a child abuse investigator in the [REDACTED] area. I did not hear of Father Mark Gauthier again until several years later when I was working for the Servants of the Paraclete program in Jemez Springs, New Mexico. Auxiliary Bishop (then Msgr.) Christian, while making a referral to the center in 1992 or 1993, told me in a telephone conversation that Father Mark Gauthier had advanced symptoms of AIDS, and Bishop O'Neil (now deceased) had decided to reinstate Father Gauthier so that he would be eligible for the diocesan health insurance plan for priests.

30. At the time of my trial in 1994 I did not have access to many documents including discovery between the accusers and Diocesan officials which took place in answer to the civil lawsuits which were filed against the Diocese of Manchester before my criminal trial. One document, which I did not know existed at the time of trial, was a series of interrogatories

to [REDACTED] propounded by Attorneys Bradford Cook and James Higgins, the attorneys for the Diocese of Manchester. In one set of these interrogatories [REDACTED] responded to a question asking him to list the professionals from whom he had received counseling as a child and adult. Though he accused me of sexually assaulting him during five consecutive counseling sessions at St. Bernard Rectory in 1983, he did not put my name on the list in answer to the question.

31. In fact, I did not have five counseling appointments with [REDACTED] in 1983, nor at any other time. I did intervene in 1985 when [REDACTED] was seventeen and his drug and behavior problems were out of control. At [REDACTED] pleading, I arranged a scholarship for [REDACTED] to be treated at Beech Hill Hospital, a local private alcohol and drug addictions treatment center. I scheduled an "intervention" which included other members of his family, but I never had a series of private counseling appointments with [REDACTED]. In his answer to the interrogatories posed to him by the diocesan attorneys, however, [REDACTED] included in the list several drug treatment centers at which he was a patient as a young adult and adult. He also listed Dr. John Raasoch, a Marlborough psychiatrist he saw as a child because of a compulsive stealing problem, and he listed "a priest at St. Bernard's who was there with Father Horan." Attorney Koch, my defense counsel, sent several questionnaires to Father Mark Gauthier before my trial, but, like those sent to Father Scruton as detailed in the Case History, Father Gauthier would not respond to them and declined to be interviewed by my attorney. Father Gauthier died in 1998 of complications secondary to HIV infection.

32. The above account about Father Mark Gauthier brings to three the number of priests who served in St. Bernard Parish in Keene at the time the [REDACTED] family was involved there, and whom I now know to have been suspected or accused of sexual misconduct with adolescent males. All three were well known to

the [REDACTED] family, and [REDACTED] received counseling from at least one of the three (Father Gauthier) and knew all three quite well. I do not present this information because I believe that one or more of these three priests engaged in sexual misconduct with members of the [REDACTED] family. In fact, I continue to believe that [REDACTED], [REDACTED] and [REDACTED] fabricated their claims of being victims of sexual abuse, and I believe that they did so for money. The demeanor of each of these three priests prior to my trial, however, is suspect in that each refused any form of cooperation with my attorneys' requests for an interview. Each also had a history of sexual misconduct which was either known to [REDACTED] [REDACTED] and Detective McLaughlin or was available to them through access to the files of prior DCYS investigations. One of the three priests is Father Mark Gauthier as described above. The following is a summary of the history of the other two, Father Mark Fleming and Father Stephen Scruton.

33. Father Mark Fleming had been a seminarian and transitional deacon at St. Bernard Parish between 1979 and 1981. He was well known to the [REDACTED] family because a part of his ministry was involvement in the Regional Catholic School on the grounds of St. Bernard Parish. Several of the [REDACTED] children attended school there. [REDACTED] also served on the school board at that time and was a volunteer at the school. Father Fleming was ordained in 1981 and his first assignment as a priest was with Father Stephen Scruton at St. John the Evangelist Parish in Hudson. While there Father Fleming was investigated by the Division of Children and Youth Services for the repeated sexual abuse of an eleven-year-old boy (see Case History ¶21, ¶46, and ¶108). There were no charges or publicity involved with this investigation, but Father Fleming quietly left ministry in the Diocese at that time and a financial settlement was arranged between the Diocese and the boy's family. The purpose of the settlement was to pay for the boy's counseling expenses.