

the Diocese of Manchester which was settled out of court. [REDACTED] claim in the criminal charge and lawsuit was that Scruton repeatedly invited him to work out at the Keene Family YMCA and then fondled him each time with his foot while the two were in the facility's hot tub.

86. A few months later I was also served with a lawsuit against me and the Diocese of Manchester brought by [REDACTED]. This lawsuit was also settled out of court by the Diocese and I was then dropped as a defendant. I have never learned the amount of the settlement. I suspected at that time that Detective McLaughlin's role in these lawsuits was suspicious. In convincing me in 1988 to plead guilty to misdemeanor charges, and then repeating this same process with Scruton, I suspected that his real motive was to set the stage for lawsuits against the Diocese of Manchester. Such lawsuits are a nearly guaranteed income for a plaintiff since they are almost guaranteed to be settled out of court without any in-depth discovery process.

87. Late in 1991 I became full time Admissions Director for the Paraclete's three New Mexico treatment facilities. I excelled in this ministry and knew the first happiness and peace I had experienced as a priest. For the first time in my ministry I was not at the center of a public controversy. I developed an excellent rapport with referring personnel from dioceses and religious communities throughout the United States and Canada, and the programs and I both flourished. This peace was to be short lived, however.

88. In early 1992 the Paraclete facility in Jemez Springs was thrust into the national media spotlight over their facility's treatment of Father James Porter in the late 1960's and early 1970's. The Paraclete Order and the facility were then served with dozens of lawsuits brought by adults from New Mexico, Massachusetts and Minnesota who all claimed to have been sexually abused by Porter after he completed treatment at the facility 25 years earlier and then was returned to ministry as a priest. For the third time I was thrust into the middle of a media nightmare. Over the course of 1992 and into 1993 "The Porter Case" became a cause celebre for several contingency lawyers and a scandal hungry media. "60 Minutes", CNN, "Time" and "Newsweek" all converged on the facility as it faced millions in liability lawsuits from some 80 alleged victims of Father Porter and some twenty other subsequent lawsuits generated by alleged victims of other former patients. My sense was that the entire process was an attempt to apply

insight retroactively, i.e., the media, lawyers and victims were all applying 1990's cognizance and awareness of the issues of sexual abuse to a 1960's case. Thus, those who treated Father Porter in 1968 were deemed to have exercised gross negligence in doing so. For the first time that anyone knew of a psychiatric treatment facility was being held liable for the future behavior of its former patients. As a result, insurers all over the United States began to cease liability coverage for residential centers treating sexual disorders.

89. Despite the huge number of lawsuits faced by the Paracletes, the facility continued to thrive in its current form. It had an excellent reputation as a treatment facility, however this gradually eroded with the coverage of its treatment of Porter 25 years earlier. While all this was going on, and unbeknownst to me, I continued to be investigated by Detective McLaughlin in Keene, New Hampshire where I had not set foot since 1989.

90. In October of 1992, my family in the Boston area received a telephone call from an individual identifying himself as [REDACTED]. He said that he was an old friend of mine and wanted to get in touch with me so my family gave him my address in New Mexico and then mentioned this to me the next time we spoke. Weeks later I received a brief note in the mail from [REDACTED]. It was a friendly letter in which he said that he had not heard from me since prior to his joining the navy in 1987, but that he had heard about my guilty plea in Keene. [REDACTED] was one of [REDACTED] children adopted into a family in Keene and the family were members of the Keene parish when I served there. After adopting [REDACTED] [REDACTED]. This was an extremely needy family, and I remembered them well. I responded to [REDACTED] letter because I had no reason not to. My response was simply a friendly letter in which I stated that I was unaware that he was out of the Navy, and that I was glad that he and his family were well. Early in 1993 I received a second letter from [REDACTED] which confused me greatly. In this letter, [REDACTED] said that he wanted to ask me some questions. He wrote that "the sex between us was very special to me", and he stated that he would be interested in resuming this relationship. I had no clue what [REDACTED] was talking about. He also made reference to a time in which he claimed to have visited me in my office at the parish in Keene, and stated that I then left and came back with Father Scruton who performed oral sex on [REDACTED] in my office while I watched. He said that he didn't really

mind this, but felt that I "was doing a favor for my boss at his expense". He closed the letter by asking if I indeed cared for him. Both letters were sent from a Keene post office box number. I was shocked at the content of this letter, and I responded with a terse statement that I did not believe that the letter was really from [REDACTED] since he would know that the incidents alleged in the letter never took place. I sent copies of the letters and my responses to an attorney who was advising the Paracletes since I wanted his advice. He felt, and I agreed, that [REDACTED] or someone pretending to be [REDACTED] may be capitalizing on the current publicity about priests to attempt to extort money from me. The attorney advised me to do nothing for now, and not to respond to any further letters from [REDACTED]. There were none, however. (I later learned in discovery that it was Detective McLaughlin, and not [REDACTED], who wrote these letters).

91. In March of 1993 a series of strange events began to occur. The Paracletes began receiving calls from individuals who would not identify themselves, but asked questions about my employment there and my status as a priest. In April of 1993, I received a message from my secretary that an individual named [REDACTED] was trying to reach me by telephone, but would not leave a number to call back. [REDACTED] was another member of the same family, two years older than [REDACTED] and also of [REDACTED] descent. Many years earlier I had admitted [REDACTED] to a drug and alcohol facility on a scholarship since his family could not afford his treatment. [REDACTED], I was then told, was one of 13 children to an impoverished family in the mid-west and was born with fetal alcohol syndrome then placed for adoption. [REDACTED] is now 31 years of age and [REDACTED] is 29.

92. After the letters from [REDACTED] I was suspicious of [REDACTED] calls. I maintained a "Personal '800'" number with MCI so that my family could call me and the charges would appear on my bill instead of theirs. I gave this number to my secretary and asked her to inform [REDACTED] should he call again, that I can only be reached at this number. I knew that even if my answering machine answered and they left no message the charges would still appear on my monthly bill along with the number the call was originating from. Days later my secretary informed me that [REDACTED] called and she gave him the "800" number as I requested. At the end of the month there were four calls on two dates from a New Hampshire number on my phone bill. I called the number, and it was answered by the Law Offices of Upton, Sanders and Smith in Concord, New Hampshire. (This later was to become an important piece of information.

In discovery McLaughlin wrote in his police report that he obtained approval for a "one-party intercept" to tape a telephone call between me and [REDACTED]. He wrote that on specific dates and times he arranged to have [REDACTED] call me from McLaughlin's office at the Keene Police Department. He wrote that he placed four calls, but that he only received an answering machine. The dates and times in McLaughlin's report coincided with those on my telephone bill, however the number of origin on the bill was not the Keene Police Department, but the personal injury law firm of Upton, Sanders and Smith in Concord, 60 miles from Keene).

93. On May 3, 1993, a few days after I learned of the calls on my phone bill, the local police arrived at my home in New Mexico with a warrant for my arrest from the state of New Hampshire. The warrant said that I had been indicted in New Hampshire on charges of aggravated felonious sexual assault against [REDACTED] and [REDACTED] sometime between June of 1982 and November of 1983. I was taken to the Sandoval County Jail where I spent two days, and then was released at a court hearing in New Mexico on a \$10,000 signature bond which my employers at the Paraclete center signed for. This was arranged by attorney Ron Koch, a friend and prominent New Mexico criminal attorney. Ron advised me not to waive extradition to New Hampshire since doing so would require that I remain in jail in New Mexico until New Hampshire transported me. If I did not waive extradition then I was entitled to a bond hearing within 48 hours under New Mexico law. Ron informed me that this infuriated McLaughlin who protested my being able to remain in New Mexico pending arraignment in New Hampshire. McLaughlin then informed the New Hampshire press that I was fighting extradition. attorney Koch arranged with the Cheshire County prosecutor's office in New Hampshire to accompany me to Keene for arraignment sometime in June of 1993.

94. In the days following my release from the New Mexico jail the Paracletes and I agreed that I would be placed on administrative leave pending the outcome of the case. I continued to live with them, and they were uniformly deeply supportive of me. they also had their own nightmare to contend with, however, due to the continued publicity over developments in the "Father Porter case" and resultant scores of lawsuits. On May 14, 1993, Attorney Koch called me. He said that he received a call from a friend at one of the two major Albuquerque newspapers who told me that Detective McLaughlin in New Hampshire had faxed to the paper some forty pages of police reports about the [REDACTED] case, and the [REDACTED] case from five years earlier.

Attorney Koch and I had not yet even received any of this information in discovery when it all appeared on the front pages of The Albuquerque Journal and Albuquerque Tribune. It appeared that McLaughlin did this for no other reason than to embarrass the Paracletes who were supporting me. The next morning the front page headline of the Journal was "Paraclete Official Indicted for Rape". This was devastating to both me and my employers, and because of the link with the Paracletes, who were receiving national news coverage, the news of my arrest circulated on the AP wire all over the country.

95. I could do nothing to combat the vast circulation of news reports about this case which had no basis in reality. I became deeply depressed and made a terrible mistake. I had been taking a large daily dose of a drug, Tegretol, to control epileptic seizures, and I stopped taking the drug. On a Friday evening in mid-May, 1993, while alone in my office, I had an epileptic seizure. When I regained consciousness I was disoriented and panicked. I consumed some 30,000 milligrams of Tegretol and eventually lost consciousness. I have no idea what transpired after that, but I was found three days later, in my truck in the garage of my former apartment near Albuquerque with the engine running. My next memory after taking the drug was awakening in a hyperbaric chamber at an Albuquerque hospital. I spent the next four days in intensive care, then was transferred to the psychiatric ward of another hospital for two weeks, then to a facility in Hartford, Connecticut, the Institute of Living, which the Paracletes had arranged. The Institute's diagnosis was that I suffered a major depression induced by a seizure. I do not recall ever consciously wanting to, or making a decision to, take my own life. I do recall that I was devastated by the feeling that I had unjustly lost everything, and seemed to have no recourse to address it.

96. I was released from the Institute of Living in Hartford near the end of August, 1993, and returned to New Mexico to begin reviewing discovery in the [REDACTED] case with Attorney Ron Koch. I continued to live with the Paraclete community, but I had no money, no job, and no way to fund a defense. I had exhausted my savings on a retainer for attorney Koch and the many medical bills which were not covered by my health insurance. Attorney Koch agreed to continue working on the case and deal with the issue of funding a defense later. While I was hospitalized he received discovery in the case from the Cheshire county attorney's office, and we began to review this discovery. It consisted of police reports of Detective McLaughlin's interviews with each of the [REDACTED] brothers, and his police reports from the 1988 [REDACTED] case which I had

never before seen. The current accusers were [REDACTED] (then age 25), [REDACTED] (then age 27), and [REDACTED] (then age 30). All three had by this time already filed civil lawsuits for monetary damages against me and the Diocese of Manchester. Criminal charges were brought in the allegations by [REDACTED] and [REDACTED], but not [REDACTED] was claiming in a civil suit that when he was 12 Years of age I sexually assaulted him when I invited him to spend a weekend with me at the rectory in Keene. I arrived in Keene in 1983, two weeks before [REDACTED] 18th birthday and a month before he joined the U.S. army. [REDACTED] also alleged that when he was 16 in 1982 I brought him to another rectory in Hudson, NH where he claimed to have been raped by two unknown priests with my knowledge. McLaughlin's reports consisted of two or three separate interviews with each of the three [REDACTED] brothers, and with their mother, [REDACTED]

97. As background information, I had first met the [REDACTED] family when I was a ministerial intern at a parish in Marlborough, NH, during two months in the Summer of 1979. [REDACTED] their mother, kept in contact with me by writing and an occasional phone call. I visited them in Marlborough once or twice for dinner when I was back in New Hampshire during a Summer break from school in Baltimore. I never stayed overnight at their home, nor did any of them ever accompany me overnight to any other place.

98. I became close to this family because of an incident in the Summer of 1979 when I was at their parish in Marlborough for the Summer. One afternoon I was driving to Manchester some fifty miles away and the drive took me past the [REDACTED] residence. [REDACTED] was in front of the house and visibly upset. He flagged me down and I pulled into their driveway. The [REDACTED] had an above ground swimming pool in their yard which was about four feet deep. [REDACTED] explained that the youngest of them, [REDACTED] who was then 5 years old, was found unconscious in the pool by one of his older brothers. [REDACTED] said that his mother was not home, and that [REDACTED] was on the ground in the yard and was still unconscious. When I went into the yard, [REDACTED] who was about 14 then, was shaking [REDACTED] and was panicked. Some of the other [REDACTED] children and some neighbor children were there, but no adults. I instructed them to call the ambulance and to go to the home of a neighbor and bring them out to the yard. [REDACTED] was not breathing and I detected no pulse so I began CPR. [REDACTED] had been at a neighbor's home so she showed up and she, too, was frantic. Marlborough had a volunteer fire