Koch, using the police reports, prepared over one hundred questionnaires which he sent to priests, former priests, parish employees and others in an attempt to either corroborate or refute the [redacted] claims. Not one of the respondents to these questionnaires was ever interviewed by Detective McLaughlin, and not one of them could corroborate even the slightest details about the [redacted] claims. [redacted] for example, claimed that he was raped in a first floor bedroom at the Hudson parish by the two unnamed priest assailants. Seventeen priests and former employees of that parish responded to attorney Koch that the rectory never had a first floor bedroom. Though they all recalled my ordination, and some even recalled seeing the [redacted] family there, not one of them ever saw [redacted] inside that rectory at any time. [redacted] no one seemed to ever remember seeing them in these rectories, with the exception of [redacted] and [redacted] in the Keene rectory. [redacted]. There were several payroll checks written to both of them, but these were in addition to the checks written to them by Scruton for fixed amounts.

110. Questionnaires to officials of the Diocese of Manchester were not as successful. Attorney Koch had sent them copies of the "Florida Letter" by Sylvia Gayle of DCYS and also copies of sections of Mclaughlin's police reports which made reference to a priest being sent from Florida to New Hampshire. He also sent them questionnaires about the police report statements of [redacted] regarding father Scruton and he indicated his wish to interview Scruton. Suddenly the Diocese became very uncooperative. If questionnaires were responded to at all it was minimal, and only after threats of issuing subpoenas by Attorney Koch. At one point the attorney for the Diocese wrote to Koch instructing him to have no further contact with his client, the Diocese of Manchester. I responded to this myself with a statement that under canon law I was entitled to have access to my bishop and diocesan personnel and could ask

them whatever I wanted to ask them. In the weeks that followed, the diocese canceled my health insurance and auto insurance and ceased to have any further contact with me.

111. Questionnaires to Father Scruton were equally unsuccessful. He did not respond at all to the eight questionnaires Attorney Koch had sent him. Prior to trial, however, we did locate him and asked him if he would voluntarily cooperate. He stated that he would speak with his attorney and then get back to us. The next day he fled the state and we were unable to locate him before the trial. He is now living in Massachusetts just over the New Hampshire line. To this date no one, to the best of my knowledge, has ever questioned Father Scruton about the [redacted] claims against him or about his involvement in this case. He has successfully evaded any explanation, even a denial, of the fact that initially he was accused by the [redacted]s well. I have always presumed that he, too was falsely accused by them for monetary gain, but he has not even attempted to deny their claims.

112. At some point in our preparation for trial I approached Attorney Koch about taking voluntary polygraph examinations. New Mexico happens to be the only state that allows polygraph evidence in a criminal court so the technique is often used, and the state had several licensed polygraph examiners. Attorney Koch arranged for me to be tested by a polygraph examiner who was utilized in several state and local police departments in New Mexico. The examiner reviewed the discovery and then set up three separate polygraph sessions for each of the three [redacted] brothers' allegations. The result was that I was conclusively truthful in regard to my denial of the allegations brought by [redacted] and [redacted]. The outcome of the polygraph regarding [redacted] was inconclusive, but also was not an indication that I was lying. I had no idea why this was inclusive, and I made arrangements to repeat the examination. The second one was also inconclusive, but again leaned toward truthfulness on my part. Attorney Koch then contacted the Cheshire County prosecutor handling the case, Bruce Reynolds, to discuss the polygraph results. Reynolds merely stated that they are not admissible in New Hampshire and that he was not interested in the results. Attorney Koch offered to send the results, but Reynolds refused to look at them. Attorney Koch then asked that the [redacted] also take polygraphs, but they and their attorneys refused. At this point, however, the prosecution began to offer plea bargains.

113. Their first was an offer of 7.5 to 15 years which Ron Koch flatly rejected. A few months later they offered another of 3.5 to 7 years which was also rejected. It took 18 months from the time of the indictments until this case went to trial. A month before trial, the prosecution offered a final plea bargain of one to three years in exchange for a guilty plea to just one of the charges and the dismissal of all others. I rejected this as well. During the trial, immediately following the incredible testimony of [redacted], Prosecutor Bruce Reynolds asked Attorney Koch if I would again consider a negotiated plea. He asked that we make a counter offer to his earlier plea offer of 1 to 3 years. Mr. Koch met with me about this, but I could not force myself to stand in that court room and admit to something I had not done. I rejected the fourth offer of a plea bargain. This seemed to infuriate Reynolds and Detective Mclaughlin, and from this point forward in the trial they sought a conviction at any cost. I do not believe that they, themselves, believed [redacted] testimony.

114. Sometime prior to the trial, which was receiving a great deal of publicity, I became aware of a meeting between Detective McLaughlin, County Attorney Reynolds, and officials of the Diocese of Manchester. I do not know the substance of this meeting, but after it the Diocese issued an extremely damaging press release which was printed throughout New Hampshire. The release stated that "The Church, too, has been a victim of the actions of Gordon MacRae just as these individuals have been. It is clear that he will never again function as a priest. We support his victims in their courage in bringing these charges forth at this time ....etc.". Attorney Koch vehemently protested this saying that after such a pronouncement prior to trial there was little left for a jury to do. McLaughlin and Reynolds also were castigated by the trial judge for attaching to a nonsense motion all of McLaughlin's police reports containing vast amounts of unfounded innuendo and uncharged allegations by unnamed "subjects". This served to thrust all of this into the public record, and into the press just prior to jury selection in the trial. Attorney Koch then sought a change of venue which was denied.

115. Attorney Koch at some point filed a motion to sever the complaints. This may have been a mistake in hindsight. The motion was granted and a trial date was set in the allegations by [redacted] only. On the surface this was a victory for the defense, but a mixed one for it meant that we now had to try this case in a vacuum. Only the time period between June and November of 1983 could be addressed. The trial commenced on September 12, 1994, eleven years after [redacted] allegations. I

had no defense witnesses other than some members of my family who testified that [redacted] never spent a night at their home as he alleged in one of the police reports. [redacted] also testified that in 1983 at the time he claimed he was raped, he saw an expensive marble chess set and inlaid marble board in my office. I produced a witness, a priest, who testified that he and I vacationed together in Bar Harbor, Maine in the Spring of 1987 and that I purchased that chess set then when [redacted] was twenty years of age. [redacted] may have seen it when he was working for Scruton in the parish at that time. There were no other defense witnesses.

116. [redacted] testimony was simple, but it took days to elicit it as each time he could not answer a question he would begin crying. His attorney handling his civil lawsuit, Attorney Robert Upton from the Law Firm of Upton, Sanders and Smith, was present in the court room and was permitted to consult with [redacted] during breaks in his testimony. (Attorney Upton was allowed to be present despite the fact that he was on the list as a potential defense witness. Attorney Koch and I were prepared to call him for an explanation of why several calls to my home claimed in police reports to have been made from Detective McLaughlin's office during his investigation actually originated from Attorney Upton's lawfirm.)" A woman working with his attorney was also present, and several friends of mine complained to Attorney Koch that each time [redacted] was unable to answer a question she would give him a signal to begin sobbing, at which point the judge would declare a break. [redacted] eventually testified that in the Summer of 1983 he was sent to me for counseling by his mother. He stated that he had five appointments a week apart, and that at each one of the sessions he was forcibly raped in my office. When the fact that even at the age of 15 he was much larger than me was revealed by my attorney [redacted] just cried and spoke of some mysterious mental power I had over him because I was a priest. In answer to the question of why he returned for four subsequent sessions after each time he was raped, [redacted] answered that each time he repressed the memory of the rape and remembered only the counseling. He added that from week to week he was in a trance, and that he has no memory of how he came to be there, or how he left each time. [redacted] also testified that he has been in six alcohol and drug treatment programs since the age of 15. This fact was freely offered by the State as "proof" that he must have been sexually abused by someone. The State then produced an expert witness, Dr. Leonard Fleischer, a psychologist who never met either [redacted] or me. Dr. Fleischer testified that 80% of male patients in drug

treatment centers have been sexually abused as children. He also testified that [redacted] claims of repressed memory and out of body experiences during the abuse are typical. [redacted] then stated that he had no knowledge of any civil lawsuit brought against the Church, and that he went to Detective McLaughlin first, then to an attorney. McLaughlin testified, and wrote in police reports, that [redacted] went to a lawyer first. Finally, [redacted] expressed anger at having to have a trial. He said that McLaughlin assured him that I was being offered a plea bargain that I couldn't possibly refuse and there would never be a trial.

117. The judge then instructed me not to take the stand in my own defense. He warned that if I did so, he would be forced to "open the door" and allow [redacted] and [redacted] to testify about their claims of abuse. We were never able to make any mention of their relationship with Father Scruton, his history, the fact that they first accused him as well, and the checks which we found by Scruton. We could not have access to [redacted] treatment records, and we could not mention his extensive criminal record as a juvenile and as an adult. The jury never heard any reference to Father Scruton's presence in police reports, nor the fact that initially the first of the [redacted] brothers to come forward had simultaneously accused Father Scruton as well. Despite his presence in Detective McLaughlin's initial police reports on the [redacted] case, Father Scruton's name never surfaced in connection with this case in any public forum.

118. One of the defense witness was supposed to be a Ms. Debbie Collet, a former counselor at Derby Lodge, one of the six drug and alcoholism treatment facilities in which [redacted] had been a patient. In the 1993 police reports [redacted] reported that in 1987, when he was a patient at Derby Lodge, he told his counselor, Ms. Collet, that he was sexually abused and that he named me as his abuser. For [redacted] lawsuit against the Diocese of Manchester to be successful, he could not claim that he was unaware of the abuse from 1983 until 1993. He had to have claimed that he was aware of it and even revealed it to someone by 1987. Under the "Discovery Rule" in the New Hampshire Rules of Civil Procedure, [redacted] had to demonstrate that he discovered that he was injured within six years of the claimed abuse. Stating, therefore, that he revealed this to Ms. Collet at Derby Lodge in 1987 satisfied the Discovery Rule. I am certain, however, that those coaching [redacted] did not think that we would be able to find Ms. Collet and produce her as a witness.

119. In 1993 Ms. Collet was working as a school counselor in the State of Vermont, and attorney Koch located her. She remembered the case well, and she told attorney Koch that [redacted] did claim that he was sexually abused, told her that the abuser was a "clergyman", but did not name me as his abuser. In fact, she pointed out, [redacted] claim of having been abused came within the last few days of his treatment. Ms. Collet produced a document from [redacted] treatment file. The document was dated two days before [redacted] discharge. In this document [redacted] had to outline his discharge plan which required that he name a person to be his sponsor and contact person to monitor his attendance at A.A. and N.A. meetings, and to monitor his sobriety. In this document, [redacted] icated that he planned to ask me to be his temporary sponsor until he could locate someone in A.A. and N.A. to sponsor him. Ms. Collet pointed out to Attorney Koch that it would seem very strange if [redacted] accused me to their staff of sexually abusing him, and then choosing me to be his sponsor. She said that it would also have been impossible that the staff would have approved this plan under such circumstances. Ms. Collet offered to testify for the defense and produce [redacted] treatment file, including this document, but that she could only do so if [redacted] signed a release. [redacted], who was being heavily coached throughout the trial by Reynolds, McLaughlin and the attorney representing him in his lawsuit, refused to sign the release. Attorney Koch then had to present in Court a justification for the Court's ordering these treatment files and Ms. Collet's testimony. Before the next day of trial, the prosecutor, Bruce Reynolds, contacted Ms. Collet, bullied her, threatened her with arrest, and ordered her to appear as a prosecution witness. Ms. Collet, it turned out, had been fired from the treatment facility for unknown reasons. Reynolds threatened her with media exposure of these reasons. By the time Ms. Collet appeared in court she was totally emotionally disabled. Her therapist contacted the Judge and said that testifying would be too threatening for Ms. Collet. She agreed to testify, but not in open court and not in the presence of reporters. By the time she actually did testify her emotional state was obviously extremely strained. She still testified that [redacted] did not name me as his abuser, and stated that the only time he did mention my name was when he said that he planned to ask me to be his sponsor while developing his discharge plan. She produced the document in which [redacted] wrote my name as his choice of sponsor and contact person at discharge. The document was signed by [redacted] and Ms. Collet. This document was then circulated for the jury to examine. At