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Statute of limitations has expired on abuse allegation against Omaha priest

By Nancy Gaarder and Alia Conley World-Herald staff writers
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Donald Cleary

No charges are planned against the priest at the center of a child sexual abuse allegation from the 1980s in Wayne, Nebraska.

Wayne County Attorney Michael Pieper said he is not in a position to file charges against the Rev. Donald Cleary because the statute of limitations has expired. Pieper declined to reveal the details of the allegation.

On Sunday, the Archdiocese of Omaha announced that Cleary has been permanently removed from public duties after he did not contest an allegation that he sexually abused a minor. Cleary did not admit or deny the allegation, said Deacon Tim McNeil, chancellor of the archdiocese.

At the time of the alleged incident, Nebraska had a statute of limitations that required prosecution of the charge of sexual assault of a child within seven years of the offense or seven years after the victim's 16th birthday, whichever was later.

A new law that took effect April 15, 2004, ended that statute of limitations. The new law was retroactive to some extent: Cases for which the statute of limitations was still running when the law went into effect could be prosecuted at any time later.

The allegation against Cleary dates to the mid-1980s, when Cleary was a pastor at St. Mary's Catholic Church in Wayne. He served there from 1986 to 1998.

McNeil declined to detail the nature of the abuse, saying "abuse is abuse." Cleary was not told who the accuser was, McNeil said.

McNeil said the archdiocese had never previously received an allegation of sexual misconduct against Cleary.

Cleary is still an ordained priest, McNeil said. The archdiocese will be sending information about the allegation to the Vatican to receive direction on how to proceed, McNeil said.

The current priest at St. Mary's, the Rev. Jeff Mollner, told parishioners about the allegation Sunday during Mass. He said they responded with a mixture of shock and sadness.

Mollner encouraged other victims to report abuse either to the archdiocese or to law enforcement. He also told people that their good memories of Cleary can still be true.

"But this is a very serious allegation, and our concern is for the victim and potential victims," Mollner said. "We must support any victims coming forward or anyone that needs to be healed through this."

Mollner has been at the parish for three years and has never met Cleary.

Cleary could not be reached for comment.

The archdiocese says the allegations came to light this month. They provided this timeline for events in the case:

- » Saturday and Sunday, Oct. 6 and 7: The victim's mother contacts the archdiocese, then the victim does. They detail the allegation.
- » Saturday, Oct. 6: Cleary is suspended from ministerial duties.
- » Monday, Oct. 8: The Wayne County attorney is notified.
- » Friday, Oct. 12: The archdiocese is notified by the Wayne County attorney that it can proceed with its internal investigation.
- » Monday, Oct. 15: The archdiocese's internal investigation begins.
- » Friday, Oct. 19: Meeting with Cleary and attorney. Cleary does not contest the allegation. He is removed from his assignment, restricted from wearing clerical garb and told that he can't reside on archdiocese property.

Cleary, 73, lived at St. Elizabeth Ann Seton in Omaha after his 2015 retirement and continued to celebrate Masses at St. Elizabeth Ann and St. James. He moved out of the rectory shortly after the allegation was reported, McNeil said.

The archdiocese released a list of places where Cleary has served (all in Nebraska): Holy Cross (Omaha), 1971-75; Christ the King (Omaha), 1975-78; St. Peter (Omaha), 1978; Paul VI High School (Omaha), 1978-79; St. Patrick (O'Neill), 1979-82; St. Joseph (Constance), St. John the Baptist (Fordyce), 1982-86; St. Mary's (Wayne), 1986-98; St. Peter (Fullerton), St. Peter (Clarks), 1998-2006; St. Charles Borromeo (North Bend), St. Leo (Snyder), 2006-15.

World-Herald staff writer Martha Stoddard contributed to this report.

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