

34. In 1994 when Attorney Koch and I were reviewing documents and police reports in preparation for trial, we noted that in Detective McLaughlin's first reports of an interview with one of the [REDACTED] brothers McLaughlin mistakenly wrote the name [REDACTED] instead of [REDACTED] at the heading of a page of the report. [REDACTED] was the name of the boy who had allegedly been abused by Father Fleming in the Hudson rectory. The mistaken use of the name [REDACTED] on the [REDACTED] report demonstrated Detective McLaughlin's awareness of the accusations against Father Fleming at the time McLaughlin began interviewing members of the [REDACTED] family. Since the [REDACTED] case involving Father Fleming never resulted in charges or a public lawsuit, it is presumed that McLaughlin's awareness of the matter could have come from only one place: the files of the Division of Children and Youth Services where [REDACTED] was employed.

35. Father Paul Groleau, who had been Diocesan Director of Vocations and was also an associate pastor at St. John's in Hudson at the same time as Father Fleming, wrote in response to a questionnaire from Attorney Ron Koch that Father Fleming had previously been accused of sexual misconduct prior to his priesthood ordination. It was also during Father Fleming's assignment in Hudson that [REDACTED], at the age of sixteen, claimed to have been forcibly raped in the Hudson rectory by two unnamed priests fitting the descriptions of Fathers Scruton and Fleming. [REDACTED] claimed in the lawsuit that this was arranged by me. Again, I do not believe that these assaults ever took place, but rather believe that members of the [REDACTED] family, perhaps with the assistance of Detective McLaughlin and [REDACTED] access to DCYF files, carefully chose locations and scenarios in which other priests had in fact been accused. During Attorney Koch's investigation in preparation for my trial, Father Fleming refused to be interviewed and refused to respond to multiple questionnaires issued by Attorney Koch. When threatened with a subpoena, Fleming wrote that he had no

knowledge of any priest at St. John's Church in Hudson ever being accused of sexual misconduct.

36. In addition to Father Mark Gauthier and Father Mark Fleming, Father Stephen Scruton (Case History ¶4-6; ¶25ff) was also well known to the [REDACTED] family. Father Scruton was the pastor of St. Bernard Parish in Keene from 1985 until his arrest in 1987. He is the author of a series of checks discovered by my attorneys which he wrote to [REDACTED] and [REDACTED] between 1985 and 1987, and he was initially accused of sexual abuse by [REDACTED] and Detective McLaughlin in the first police report of the case written by McLaughlin in 1993. [REDACTED] accusation in that report was that Father Scruton performed oral sex on [REDACTED] in my presence in the St. Bernard Rectory office when [REDACTED] was twelve or thirteen years of age. The report also indicated that [REDACTED] had been sexually assaulted by Father Scruton "on numerous other occasions". It was later learned that Father Scruton did not arrive in Keene until June of 1985 when [REDACTED] was over sixteen years of age. All future reports then omitted Father Scruton's name and any accusations against him by [REDACTED].

37. Also in McLaughlin's first report of the case, [REDACTED] claimed that he was fondled by both Father Scruton and me in the spa of the Keene YMCA fitness center. [REDACTED] claimed that both Father Scruton and I simultaneously fondled him with our feet while all three of us were unclothed and sitting in the YMCA spa. Such an event, of course, never took place however this accusation is identical, verbatim, to an accusation brought against Father Scruton in a civil lawsuit and criminal charge in 1990 by [REDACTED], a high school classmate of [REDACTED]. Father Scruton pleaded guilty to the misdemeanor charge (brought by Detective McLaughlin) and the lawsuit was concluded with a financial settlement from the Diocese. Subsequent reports written by McLaughlin about [REDACTED] claims make no further reference to this incident

because, again, it was learned that Father Scruton was not present in Keene until [REDACTED] was sixteen years of age in 1985. All subsequent police reports and the re-drafted civil lawsuits then listed me as the sole perpetrator of abuse.

38. Father Scruton was also the pastor of St. John Parish in Hudson with Father Fleming as the associate pastor during the incidents described above in ¶33-35. Both were present at the Hudson parish at the time [REDACTED], the oldest of the three accusers, claimed to have been forcibly raped by two unnamed priests there prior to my ordination in 1982 when he was sixteen years of age. Though I do not believe these assaults actually took place, both Father Scruton and Father Fleming were investigated for sexual abuse in Hudson in the early 1980's. The investigations were conducted by the Division of Children and Youth Services, and [REDACTED] would have had access to these files when she became a DCYS social worker in 1987.

39. The accusation against Father Fleming involved Father Scruton because it was alleged that Scruton walked in on one or more incidents of sexual abuse of the [REDACTED] boy by Father Fleming, and then participated in a cover-up. This was identical to yet another accusation against me brought by [REDACTED] (see Case History ¶22-25). After reading of the [REDACTED] charges in 1993, [REDACTED] filed an immediate lawsuit and criminal charges asserting that everything the [REDACTED] brothers claimed I did to them I also did to him. His claims seemed to be taken less seriously, however, in that he continually added new and more bizarre information and changed the nature of his accusation ten times in eleven years.

40. Having first claimed in 1983 that I hugged and kissed him during a counseling session, [REDACTED] now claimed that I held a gun to his head, raped and fondled him, orally fondled the gun while forcing him to masturbate in my presence, and other

bizarre reports. [REDACTED] also claimed, in a police report written by McLaughlin, that Father Gerard Boucher, the Hampton pastor in 1983, walked in on and witnessed these assaults and then participated in a cover-up. This was identical to an earlier accusation against Father Scruton and Father Fleming. [REDACTED] had previously accused me four times of either sexually harassing, molesting or stalking him. In 1985, following two years of investigation, [REDACTED] reports were investigated and ruled "unfounded" by the Hampton police and the Division of Children and Youth Services. The Hampton Police also generated reports in which [REDACTED] claimed to have been sexually assaulted by a male teacher at St. Thomas Aquinas High School, and stalked by a male student. Previously he claimed to have been the victim of sexual advances by another male teacher in a public school and by a coach. When he first came to see me in 1983 he claimed that another priest had made a sexual advance to him in the confessional, and he once wrote me a letter claiming that his own father was sexually abusing him. [REDACTED] lawsuit was dismissed by the courts in 1996 and [REDACTED] has not been heard from again. The most bizarre aspect of this matter, however, is that Father Boucher reported to me at the prison in 1996 that no one, other than my attorneys, ever asked him whether the allegation that he walked in on and witnessed such behavior by me was true or untrue.

41. Father Boucher responded to a questionnaire from Attorney Koch in 1994 that [REDACTED] claim was entirely untrue, and that there was never an incident in which Father Boucher had observed inappropriate behavior by me. The fact that the claim is identical to an earlier claim involving two other priests (Father Scruton and Father Fleming) is again indicative of the fact that McLaughlin used elements of previous unpublicized cases and insinuated those elements into his case against me. My only defense against the criminal charges, and the Diocese's only defense against the lawsuits, would have been to expose

all those other cases, a step which the attorneys for the Diocese were not about to take.

42. I believe that Detective McLaughlin's inclusion of elements of other claims against priests of the Diocese by weaving these elements into his police reports in the [REDACTED] case was deeply intimidating to both diocesan officials and the priests involved, and I believe that it was for this reason that both withheld cooperation from my defense of these accusations. Father Scruton, for example, was an easy target for such intimidation. He was involved in the Littleton affair (reported in my Case History in ¶ 4-6)* during which Father Joseph Sands was killed while replacing Father Scruton. .

43. Father Scruton was moved one year later, in 1981, to St. John the Evangelist Parish in Hudson. He was investigated there in 1983 by DCYS when Father Fleming was removed, and Father Scruton was arrested there in 1984 following a highly publicized incident of sexual misconduct at a highway rest area. Father Scruton took a leave for eighteen months, and in January of 1985 he was assigned to St. Patrick Parish in Bennington as administrator while the pastor was on sick leave. In June of 1985 Father Scruton left Bennington. While there Father Scruton was arrested again for sexual misconduct at a highway rest area in Massachusetts. There was no publicity. He had been accused of embezzlement by the returning pastor and left St. Patrick's in Bennington in June of 1985. It was then that he was assigned with me at St. Bernard Parish in Keene. Following several incidents of sexual misconduct at the Keene rectory (described in the Case History in ¶29-47) Father Scruton was arrested again on sex charges at a highway rest area just outside of Keene. In 1990 he was arrested and charged by Detective McLaughlin for the sexual abuse of [REDACTED] alleged to have occurred in 1986-87. A resultant civil lawsuit was settled between the Diocese and [REDACTED]. When the charges against me

surfaced in 1993, and the police reports made multiple allegations against Father Scruton as well, he refused to be interviewed by my attorneys, refused to respond to a series of questionnaires, and fled the state just prior to being subpoenaed for my trial.

44. Attorney Joseph McKittrick, who had represented Father Scruton on previous occasions, contacted my attorneys prior to trial and said that we were to have no further contact with Father Scruton. Attorney McKittrick added that Father Scruton would not cooperate with my defense on the advice of counsel, and would assert his Fifth Amendment rights against self-incrimination if we attempted to force the issue by subpoena. No one involved in my defense has ever had a conversation with Father Scruton. Though I do not believe he sexually assaulted members of the [REDACTED] family, his was not the behavior of a man with nothing to hide.

*(The Case History in ¶4 erroneously states that the murder of Father Sands in Littleton occurred in 1979. I now believe that it occurred in 1980 during Governor Hugh Gallen's first and only term of office which commenced in January of 1980. The Case History in ¶6 also erroneously indicates that Governor Gallen died of cancer while in office. He died months after an unsuccessful bid for re-election)

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45. There was another incident in 1987 which may explain some of [REDACTED] anger toward me and other priests of the Diocese. In June of 1987 I began a leave of absence from diocesan ministry. The circumstances of this leave are described in detail in the Case History (¶50 - ¶51). While on leave I served as Executive Director of Monadnock Region Substance Abuse Services, a drug and alcohol treatment agency. During this time I lived in West Keene which was in St. Margaret Mary Parish several miles from St. Bernard's in downtown Keene. The agency I worked for maintained a pager service which was