

DIOCESE OF SCRANTON

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**IN THE COURT OF COMMON PLEAS
ALLEGHENY COUNTY, PENNSYLVANIA**

IN RE: : SUPREME COURT OF PENNSYLVANIA
: 2 W.D. MISC. DKT. 2016
THE FORTIETH STATEWIDE :
: ALLEGHENY COUNTY COMMON PLEAS
INVESTIGATING GRAND JURY : CP-02-MD-571-2016

**THE DIOCESE OF SCRANTON'S RESPONSE TO EXCERPTS OF THE FORTIETH
STATEWIDE INVESTIGATING GRAND JURY REPORT NUMBER 1**

The Diocese of Scranton (the "Diocese"), through counsel, Eckert Seamans Cherin & Mellott, LLC, pursuant to the Court's Amended Order of May 22, 2018, hereby submits this Response to Excerpts of the Fortieth Statewide Investigating Grand Jury Report Number 1 ("Report").

Introduction

The Diocese of Scranton is deeply saddened by the horrific abuse and indifference detailed in the Grand Jury's Report and fully understands the anger that will most assuredly be directed at it and the Catholic Church as a whole following the Report's publication. The purpose of this response is not to make excuses for the past, but to provide assurances that the Diocese is currently doing everything in its power to protect its children.

The sexual abuse of children is a scourge that must be eradicated and cannot be tolerated. The Catholic Church – be it in Boston, Europe, or Scranton – has frankly at times fallen short. Uncovering and analyzing those shortcomings is painful, but necessary. The Diocese of Scranton respects the work of the Fortieth Statewide Grand Jury and has cooperated fully with that work.

As the Grand Jury acknowledges in the Report, "much has changed over the past fifteen years." That is certainly true within the Diocese of Scranton. The Diocese has learned from past mistakes, continuously improved its response to allegations of child sexual abuse, committed itself

to transparency with civil authorities and congregants, and treated victims of abuse with respect and empathy. The Diocese's work will continue in earnest until that day when no child is abused and no abuser is protected.

Background on the Diocese

The Roman Catholic Diocese of Scranton was established on March 3, 1868. It is currently celebrating its 150th anniversary. The seat of the Diocese is St. Peter's Cathedral in Scranton, Pennsylvania. Some of the larger cities in the Diocese include Scranton, Wilkes-Barre, Williamsport, Hazleton, Carbondale, and Pittston. The Diocese sprawls over nearly 8,500 square miles throughout Lackawanna, Luzerne, Bradford, Susquehanna, Wayne, Tioga, Sullivan, Wyoming, Lycoming, Pike, and Monroe counties. Its nearly 250 priests (active and retired) serve approximately 250,000 Catholics in approximately 120 Parishes, 170 Churches and 19 schools.

Responding to Allegations of Abuse: Vigilance, Transparency and Healing

The Diocese of Scranton strictly adheres to a zero tolerance policy in relation to allegations of childhood sexual abuse. The Diocese has developed a comprehensive policy of best practices for dealing with allegations of abuse that mandates an immediate, vigilant and transparent response that both ensures the safety and healing of its most vulnerable and restores trust from parishioners. The policy -- called the "Policy for Response to Allegations of Sexual Abuse of Minors" -- evolved from predecessor policies dating back more than twenty-five years and has been revised twice in recent years (in 2013 and 2015). As part of its commitment to transparency, the Diocese shared both the 2013 and 2015 revisions with every State Representative, State Senator, and District Attorney representing the eleven counties in which the Diocese operates.

As mandated by the policy, within 24 hours of receiving an allegation of abuse, the Diocese vigilantly and transparently responds. First, the Diocese immediately calls law enforcement to report the allegation. That initial verbal report is followed-up by letter to the District Attorney. The Diocese also immediately reports the allegation to the appropriate child protective services agency. Where the allegation appears credible on its face, the Diocese also immediately removes the accused priest from ministry pending further investigation. The Diocese provides support and assistance to the victim, including arranging and paying for counseling from mental health professionals with no affiliation to the Diocese. Finally, when a priest is removed from ministry after investigation, the Diocese notifies the community of the allegation and the resulting removal in the following ways: (1) in person at the parish(s) or school(s) where the accused was posted; (2) in writing to the local media; and (3) by publication on the Diocese's website and in the Diocese's newspaper, the *Catholic Light*. Such broad notification serves at least two purposes. First, it effectuates the Diocese's goal of transparency. Second, it maximizes the chance that other potential victims of abuse will come forward and receive assistance.

The Diocese fully cooperates with law enforcement in the investigation once an allegation of abuse is reported. So as not to interfere in any way, the Diocese does not conduct any Church-based judicial proceedings, called "canonical proceedings," until after law enforcement has concluded its investigation. If and when canonical proceedings occur, the utmost care is taken by the Diocese to ensure the confidentiality of the victim, the victim's family, and the individual reporting the allegation (if different from the victim).

All victims that come forward are referred to the Diocese's Victim Assistance Coordinator who provides victims with support and coordinates counseling with a mental health provider of their choosing. Understanding that victims may require a lengthy period of treatment, counseling

is provided for as long as it is needed. Our Victim Assistance Coordinator, Mary Beth Pacuska, is an experienced nurse with a Master's Degree in Adult Mental Health. She has, for many years, served as a sexual assault counselor at the Victim's Resource Center in Wilkes-Barre and as a trainer with the Luzerne County Domestic Violence Task Force. She is also the Director of a Wilkes-Barre area nursing program. She tirelessly assists all victims.

Preventing Abuse: Screening, Training and Education

Properly handling allegations of abuse is one critical goal; preventing abuse altogether is another. Thus, the Diocese has taken considerable steps to make sure that its children are protected. Criminal background and child abuse clearances are required for every member of the clergy, employee, and volunteer. VIRTUS training -- designed by experts to build awareness of the signs and methods of child abuse, prevention measures, reporting policies, and victim advocacy -- has been provided to more than 28,000 adults in the Diocese since 2003. Additionally, employees and volunteers within the Diocese are trained on their obligations as mandatory reporters of allegations of abuse.

In addition, "Safe Environment" training is regularly provided to all students within the Diocese's schools and parish religious education programs with the goal to teach students to recognize and avoid situations that could lead to abuse and to encourage communication between children and parents if an incident were to occur. The Diocese has also created a Safe Environment Advisory Committee, consisting of forty committed volunteers from across the Diocese. The Advisory Committee provides feedback, support and recommendations on safe environment policies and practices. The Diocese's Safe Environment Coordinator, Kathy Bolinski, is committed full-time to the development and implementation of the Diocese's safe environment

program. This comprehensive program of screening, training and education is bringing about the Diocese's ultimate goal: that no child be abused.

Learning From Past Mistakes

As described above, the Diocese's current response to allegations of abuse is transparent and vigilant. While fully aware that further improvement is always possible, the Diocese is proud of the way that it now handles allegations of abuse and how it trains and educates in order to prevent abuse. Those current practices were forged through years of constant improvement. Yet, as the Report demonstrates, there were times when the Diocese's reaction to an allegation of abuse was inadequate. In such cases, however, the Diocese learned its lessons and improved. Thus, while not perfect, the Diocese has grown and evolved.

The Robert Caparelli case, discussed in detail in the Grand Jury's Report, exemplifies how the Diocese should have done more to safeguard children in the past. As a result of the Caparelli case, the Diocese enacted several important improvements in how it responded to allegations of sexual abuse. Specifically, after Caparelli's arrest, under the leadership of Bishop James Clifford Timlin (Bishop of Scranton, 1984-2003), the Diocese took two major steps forward. First, the Diocese adopted a policy setting forth a uniform procedure for responding to allegations of abuse (the "1993 Policy"). While not measuring up to the standards that we adhere to today, the 1993 Policy did provide a systematic method of addressing allegations of child sexual abuse. For example, the 1993 Policy required that in every credible instance of alleged child sexual abuse, an investigation into the allegation, temporary removal of the accused from ministry, and reporting to the appropriate child protection agency. The Policy ensured that needed pastoral, medical and psychological care was provided to victims. A cleric credibly accused of sexual abuse, moreover, could be returned only to a limited ministry and only under three conditions: he had to successfully

complete an appropriate treatment program; the healthcare provider had to recommend a return to ministry; and, the priest had to participate in a closely-monitored, four-year supervised aftercare program. The 1993 Policy allowed for return to full ministry in a pastoral assignment only after completion of such an aftercare program.

The Diocese also publicized its efforts to address allegations of sexual abuse. For example, the adoption of the 1993 Policy was featured in a story in the Diocese's newspaper, the *Catholic Light*. While the 1993 Policy is less robust in comparison to today's standards (e.g., it did not require notification of civil authorities or the public), the fact of the matter is that the adoption and publication of the 1993 Policy demonstrated that the Diocese learned from the Caparelli situation and placed the Diocese in the vanguard of dioceses attempting to tackle the problem of child sexual abuse.

The second significant step taken in 1993 was to establish an Internal Review Board (later referred to as the Diocesan Review Board). Coming nearly ten years before the Dallas Charter, we understand that Scranton's Review Board was one of the first in the nation. The Review Board reviews all allegations of abuse received by the Diocese and provides the Bishop with recommendations as to how to proceed. From inception, the Review Board has included an impressive assortment of respected lay professionals including college professors, psychiatrists, psychologists, other mental health professionals, attorneys, a former sexual assault prosecutor, teachers, the Executive Director of the Lackawanna County Children and Youth Services agency, and numerous other social service professionals. And, from its inception, the Review Board has been far from "a rubber stamp." Notably, since its inception in 1993, no Bishop has ignored or failed to accept a consensus recommendation from the Review Board, even in instances where the Bishop may have preferred a different approach. The Diocese has similarly fostered openness from

its senior clerics, the members of the Chancery Staff, who have been given latitude to speak their minds, even if it means disagreeing with the Bishop.

Implementing the Dallas Charter

While the Diocese made great strides with the enactment of 1993 Policy and the creation of the Review Board, there certainly remained room for improvement. In January 2002, the Boston Globe published a series of articles documenting widespread abuse at the hands of Catholic priests and the fact that Church leadership knew of the abuse yet failed to act. In response to the Globe's reporting, the consensus of the American Bishops was that something needed to be done and in 2002 the United States Conference of Catholic Bishops convened in Dallas and adopted *The Charter for the Protection of Children and Young People*, known today as the Dallas Charter. The Dallas Charter is a comprehensive set of uniform procedures put in place nationwide, mandating how dioceses must address allegations of sexual abuse by clergy. The Charter requires dioceses *inter alia* to make a prompt and effective response to allegations, cooperate with civil authorities, and discipline offenders.

Bishop Timlin was an active and integral part of the USCCB debate leading to adoption of the Charter. The USCCB adopted "zero tolerance," meaning that any priest against whom a credible allegation of sexual abuse of a child is levelled must be permanently removed from ministry. In response to the adoption of the Dallas Charter, Bishop Timlin vigorously implemented the "zero tolerance" provisions and made sure that those provisions were fully applied within our Diocese.

First, Bishop Timlin revised the Diocese's 1993 Policy to conform with the Dallas Charter. Second, he established an "Ad Hoc Committee" -- consisting of the Chancellor, the Vicar for Clergy, two former Vicars for Clergy, and a future Vicar General -- to perform a historical review

of all abuse allegations ever received by the Diocese. The committee drafted a Report which recommended that ten men be removed from ministry based on the "zero tolerance" policy outlined in the Dallas Charter. The Ad Hoc Committee's review was exacting and unvarnished. Its Report openly criticized how certain past allegations of abuse had been handled, demonstrating that members of the Committee had little fear in "speaking truth to power." Bishop Timlin followed each of the Ad Hoc Committee's recommendations and ensured that the Diocese properly implemented the Charter's "zero tolerance" requirement.

Post-Charter: Continuous Improvement

In 2003, Bishop Joseph Martino (Bishop of Scranton, 2003-2009) enlisted the help of Father James Conn, a Jesuit canon and civil lawyer, to again review all past allegations of abuse within the Diocese to make sure that the Dallas Charter and canonical processes were followed. That review resulted in the initiation of canonical proceedings against several priests who had already been removed from ministry. Bishop Martino also had the then-Chancellor redo the work of the Ad Hoc Committee by reviewing all priest personnel files to make sure that there were no priests in ministry against whom credible allegations of child sexual abuse had been levied. Bishop Martino wanted to ensure that, as he took over leadership of the Diocese, there were no hidden allegations or men remaining in ministry contrary to the Dallas Charter.

The Diocese has consistently improved its handling of allegations of abuse. For example, the Diocese has moved away from investigating allegations internally, instead leaving such investigations to the civil authorities. Prior to 2010, investigations into abuse allegations were conducted by the Chancellor and a former FBI agent retained by the Diocese. This was not optimal, given that the Diocese is not an investigative agency. For example, in 2006, allegations of abuse

were leveled against Father Thomas Shoback.¹ The Diocese immediately reported the allegations to civil law enforcement and it also investigated the allegations internally. After a long series of interviews (including an interview where an alleged victim flatly denied any abuse), the Diocese's investigator concluded that Shoback's accuser was not credible. Based on that determination, the Diocese allowed Shoback to return to ministry. Five years later, in 2011, the alleged victim who had previously denied abuse recanted his original statement and admitted that Shoback had in fact sexually abused him. Shoback was immediately removed from ministry, criminally charged, and sentenced to prison. That situation highlighted the fact that investigations into allegations of abuse were better left to civil authorities, which is precisely what the Diocese began doing and still does.

In 2011, at the direction of Bishop Joseph Bambera (Bishop of Scranton, 2010-today) the Diocese conducted another comprehensive review to ensure that all allegations of abuse were properly handled and that all priests against whom such allegations were made were removed from ministry and civil authorities notified. This review was carried out over a number of months and culminated with the creation of a detailed Report. The review included all priest files. As with the 2002 Ad Hoc Committee review and the reviews conducted after Bishop Martino took office, the purpose of the review was to guarantee that all priests who were credibly alleged to have sexually abused a minor were removed from ministry.

The 2011 review served another critical purpose. It identified priests living in the Diocese against whom such credible allegations had been made. Even though these men were removed from ministry they remained the Diocese's responsibility to monitor. In 2012, Bishop Bambera and Vicar General, Monsignor Thomas M. Muldowney, established the Clergy Case Management Program to monitor accused priests by conducting regularly scheduled compliance visits as well

¹ A discussion of the Shoback case is included in the Appendix to the Grand Jury's Report.

as unannounced spot checks. This program is headed by a Clergy Case Manager, Ronald McCann, who is a retired Pennsylvania State Trooper with more than twenty-five years of law enforcement experience. The Case Management Program has served as a model for other Dioceses around the country and Msgr. Muldowney regularly gives presentations on the efficacy of the program and what is required to establish similar programs in other dioceses.

Recognizing the need for transparency, in 2016, Bishop Bambera directed the Diocese to provide the District Attorneys for each of the eleven counties in which the Diocese operates a comprehensive list of all cases involving allegations of child sexual abuse against any cleric or lay employee of the Diocese. The Grand Jury commented favorably concerning the Diocese's provision of this comprehensive list to civil authorities, citing it as an example of progress in the handling of allegations of child sexual abuse. The comprehensive list (which spans the Diocese's entire recorded history) disclosed substantial relevant information about the allegations, the status of the accused and the resolution of the matter. The Diocese sent this to the District Attorneys in order to be transparent and also so that the District Attorneys could ask any questions about or follow up on any situations that involved their offices. To be clear, the list was provided by the Diocese of Scranton before it was aware of the existence of the Fortieth Statewide Investigating Grand Jury and before it had any inkling that it was to be subjected to such an inquiry. Thus, the Diocese of Scranton voluntarily and completely reported to law enforcement all but one of the offenders identified in the Grand Jury's Report (as noted in the Report, there was no mention of allegations of abuse by Joseph Hammond contained in the Diocese's file; as a result, the Diocese's repeated file reviews did not uncover any allegations, and Hammond was not included on the list of accused personnel).

Present Efforts

The Grand Jury's Report is staggering. It highlights decades of abuse and decades of indifference and/or negligence by church leaders. While the Diocese does not necessarily agree with everything in the Report, it will not and cannot refute the Report's clear message, that the Church generally, and the Diocese specifically, should have done better and must continue to improve.

At the same time, the Report also contains reason for hope. The vast majority of the abusive conduct detailed in the Report occurred prior to 2000. The Grand Jury noted as such, "the bulk of the discussion in this Report concerns events that occurred before the early 2000's."² This is because the improvements detailed above have taken hold: abuse allegations are now handled appropriately, victims are treated with compassion and care, abusers are removed from ministry, and both law enforcement and the public are informed. As the Grand Jury noted, "the church is now advising law enforcement of abuse reports more promptly. Internal review processes have been established. Victims are no longer quite so invisible." The Report demonstrates that the Diocese's efforts to identify, address, and prevent instances of childhood sexual abuse have been working. Since 2010, when Bishop Bambera assumed leadership, the Diocese has:

- Reported all allegations of abuse to the civil authorities;
- Notified the public and parishioners of all instances where priests were removed from ministry based on allegations of abuse; and
- Provided a comprehensive list of all abuse allegations (substantiated and unsubstantiated) to law enforcement throughout the Diocese.

² The Grand Jury posited that the focus on older activity was due to the fact that "the bulk of the material we received from the dioceses concerned those events," suggesting that perhaps information about additional or more recent events was not provided to the Grand Jury. That is not the case. The Diocese of Scranton provided every document in its possession concerning every allegation of abuse, both substantiated and unsubstantiated, for more than 70 years.

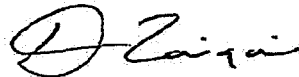
The Diocese will continue its aggressive efforts to continuously improve its handling of allegations of abuse and its treatment of victims.

Conclusion

The Diocese of Scranton grieves for the pain (both physical and mental) endured by victims of abuse and prays for their healing. The Diocese currently deals with allegations of sexual abuse with vigilance and transparency and it provides all necessary assistance to victims. The Diocese, through screening, education and training, also commits itself to eradicating abuse. While the Diocese has not been perfect in the past, it has learned from its past mistakes and constantly strives to improve.

Respectfully submitted,

**ECKERT SEAMANS CHERIN
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OFFICE OF THE BISHOP

June 20, 2018

VIA FEDEX

President Judge Norman A. Krumenacker, III
Court of Common Pleas, Cambria County
200 South Center Street
Ebensburg, PA 15931

**Re: Response to Excerpts of the Fortieth Statewide Investigating
Grand Jury Report Number 1**

Dear Judge Krumenacker:

Thank you for the opportunity to respond to the 40th Statewide Investigating Grand Jury Report Number 1. The Diocese of Scranton has responded separately to the Report. I will refrain from reiterating what is included in the Diocese's response, but instead will focus on the instances in the Report where I am mentioned personally. I respectfully request that the Court attach my Response to the Report before it is issued to the public.

First, I want to provide some background on me. I am the tenth Bishop of the Diocese of Scranton, having been appointed to the post in April 2010. I was born in Carbondale, Pennsylvania on March 21, 1956. I attended Saint Rose of Lima Elementary School and graduated from Saint Rose of Lima High School in 1974. Following graduation, I enrolled in the University of Pittsburgh and was awarded a Bachelor of Arts degree in 1978. I then entered the seminary, was awarded a Master of Divinity degree in 1982, and was ordained to the Priesthood on November 5, 1983. I have held a variety of jobs during my 35 years of service to the Diocese, most notably as Assistant Pastor or Pastor of numerous parishes throughout the Diocese, including Church of Saint Mary of the Assumption, Scranton, the Cathedral of Saint Peter, Scranton, the Church of the Holy Name of Jesus, Scranton, the Church of Saint John Bosco, Conyngham, the Church of the Visitation of the Blessed Virgin Mary in Dickson City, the Church of Saint Thomas Aquinas, Archbald, and the Church of Saint Mary of Czestochowa, Eynon. I have also served the Diocese in a variety of roles, such as Diocesan Director of Ecumenism and Interfaith Affairs, Vicar for Priests, Director of Continuing Education for Priests, Director of Formation at Saint Pius X Seminary, moderator of The Diocesan Annual Appeal, as well as many other administrative and consultative roles.

Second, I want to provide some background on my and the Diocese's view of the work being done by the 40th Statewide Investigating Grand Jury. The sexual abuse of children is a scourge that must be eradicated and cannot be tolerated. The Catholic Church – be it in Boston, Europe, or Scranton – has frankly at times fallen short. Uncovering and analyzing those shortcomings is painful, but necessary. My Diocese and I respect the work of the 40th Statewide Investigating Grand Jury and we have cooperated fully with that work. We have also learned from past mistakes, continuously improving our response to allegations of childhood sexual abuse, committing ourselves to transparency with civil authorities and congregants, and treating victims of abuse with respect and empathy. We look forward to the day when no child is abused and no abuser is protected.

The Report addresses dark and difficult times in the Diocese of Scranton's 150 year history. The abuse cases included in the Report are disturbing to say the least. Equally disturbing are instances where church leaders made decisions that placed children in harm's way. Clearly, the general public and the faithful have every right to be angry. I'm angry, too. While such behavior is unacceptable in any element of society, it is particularly abhorrent in the Church, which calls us all to something better.

The Diocese of Scranton has made changes to be better. For example, since I became Bishop in 2010, the Diocese continued to implement many changes to improve how we handle allegations of abuse.

- We strictly adhere to a zero tolerance policy on abuse.
- We immediately notify law enforcement of all allegations of abuse.
- We notify Pennsylvania Child Line.
- We remove abusers from ministry and immediately notify the parish and the public.
- And we provide all necessary support to victims, knowing that the healing process can be difficult and lengthy.

In addition, to demonstrate our commitment to transparency, long before we were made aware of the Grand Jury investigation, we provided a comprehensive list of all accused members of the clergy and their current status to every District Attorney in each of the eleven counties in which the Diocese operates.

Of course, while properly handling such allegations is critical, our utmost goal is stopping abuse altogether and protecting the children in our Diocese. All volunteers, employees, and members of the clergy must have criminal background and child abuse clearances. Every person is trained extensively on sexual abuse prevention, reporting, victim advocacy and more. Since 2003, we have trained more than 28,000 adults in child protection awareness. We also teach our children in grades K-12 how to recognize and report inappropriate behavior.

As the Bishop of Scranton, I am deeply sorry for the hurt that this scandal has brought to our church and am heartbroken for the victims who have suffered so much. I promise that I have worked every day – and will continue to work every day – to make sure that the children and youth of the Scranton Diocese are safe and that abusers are removed, reported and punished.

Finally, those few cases in which I am mentioned in the Report demonstrate that the changes discussed in this letter have taken hold and have resulted in better handling of allegations, more compassionate treatment of victims, and proper notification concerning and punishment of abusers.¹ For example, in the Altavilla matter, which first came to light when the priest was arrested in April 2014, the Diocese responded immediately by both removing the priest from ministry and by placing notices in the bulletins in all parishes in which Altavilla served inquiring into whether anyone had been sexually abused and encouraging them to immediately report such abuse to law enforcement. The fact that charges against Altavilla were subsequently dropped did not impact the fact that he has been permanently removed from ministry.

In the Boylan matter, again, the priest was removed immediately upon the Diocese's receipt of an allegation of child sexual abuse (and despite the priest's vehement denial of the allegation). The Diocese also immediately notified the Wayne County District Attorney's Office of the allegation. Finally, as with Altavilla, Boylan will permanently remain out of ministry even though civil authorities have declined to file charges against him.

In 1996, when I served as Vicar for Priests, I learned that the Director of Formation at the Diocesan Seminary, Albert Liberatore, was exhibiting problematic behavior, such as missing mass and engaging in an inappropriate relationship with an adult male seminary employee (at that time, neither I nor the Diocese were aware of any allegations of sexual abuse of minors). I put my concerns in writing in a memo addressed to Bishop Timlin. Years later, allegations of child sexual abuse were raised against Liberatore which resulted in Liberatore's criminal conviction and the payment of a large civil settlement by the Diocese. The memo that I wrote to Bishop Timlin (which again did not involve child sexual abuse) turned out to be an important piece of evidence at the civil trial against the Diocese. I have no doubt that Bishop Timlin would have acted differently (and I would have acted more decisively) if when I wrote that memo we even suspected that Liberatore was sexually abusing minors. Nonetheless, the incident shows that the Chancery Staff generally, and me specifically as Vicar for Priests, felt free to challenge Bishop Timlin. That openness to input and, at times, challenge, helped the Diocese evolve and improve its handling of child sexual abuse allegations in the more than 20 years since I wrote that memo.

¹ Several of the instances where I am mentioned in the Report merely note that I sent the comprehensive list of abuse allegations to each of the District Attorneys for the eleven counties in which the Diocese operates. That list is discussed elsewhere in the letter, so I will not re-address it here. In other instances, my name is mentioned in relation to purely administrative actions (e.g. that I issued a decree, received an email, or sent a letter, *etc.*).

Finally, in the McAuliffe case, the Diocese responded immediately and decisively when an unknown person in 2010 placed an advertisement in the newspaper inquiring into whether anyone who served as an altar boy with McAuliffe had been abused. The Diocese placed announcements in the bulletins circulated in all parishes in which McAuliffe had been assigned requesting that any victims of sexual abuse come forward for treatment and assistance. The Diocese also notified law enforcement of the advertisement and of allegations of abuse as victims came forward. I met personally with a victim who had been abused in 1963 and explained how McAuliffe had been returned to ministry after a former Bishop who had refused to place him back into ministry (even though the mental health professionals recommended that he be reinstated) died unexpectedly, and offered a sincere apology.

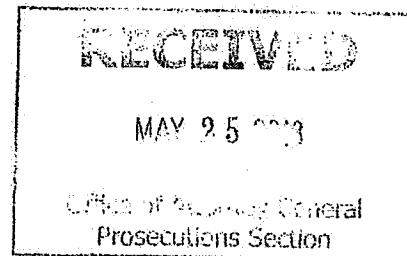
I do not mean to argue or to imply that the Diocese handled these matters flawlessly. Clearly, it did not. These specific cases, however, support my overall point: that the Diocese has striven to do better and that it currently responds to allegations of abuse with vigilance, transparency and healing. I promise that, for as long as I am its Bishop, the Diocese of Scranton will continue to provide empathy and healing to the victims of child sexual abuse, to notify civil authorities of allegations of abuse, to remove abusers from ministry and to notify the public and parishioners of such removal.

Sincerely yours,



Joseph C. Bambera
Bishop, Diocese of Scranton

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May 23, 2018

Daniel J. Dye
Senior Deputy Attorney General
Criminal Law Division

Re: The 40th Statewide Investigating Grand Jury

Dear Attorney Dye:

Please be advised that I represent Father Martin Boylan. I am in receipt of your Order and Notice together with a portion of the above-captioned report, specifically, pages 486 and 487. Grand Jury proceedings are secret for the express purpose of protecting people against whom accusations have been made that cannot be substantiated. Why should Father Boylan be named when no charges have ever been presented.

It should first be noted the Order and Notice, reference that the Grand Jury is critical of certain individuals. It should be further noted that the "Court finds that these individuals may be characterized as: having engaged in child sexual abuse."

The first paragraph of the summary of this report references an allegation of something that was alleged to have occurred in April 1993 with a graduate student at Marywood University. Obviously, a graduate student could not be labelled as a "child" who was subjected to abuse and this gratuitous statement could not be characterized as anything other

than character assassination. While admitting no wrong-doing, Father Boylan did apologize to the accuser for any misperceived contact, as well as to the Bishop and President of the college. These allegations have no place in a report on allegations of child sex abuse.

The directive from the diocese was that Father Boylan undergo cautionary therapy while in care of ministry and that directive was fulfilled.

The second paragraph of your summary suggested that additional evaluations were necessary in 1994, 1997 and 2004. Nothing could be further from the truth. These evaluations were periodic follow-up and consistent with new appointments and to satisfy any lingering concerns. None of these evaluations raised any concerns and quite frankly don't belong in a public report.

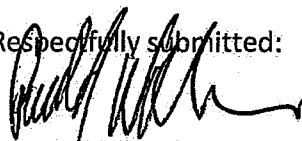
In your summary, you reference a report of March 31/April 1, 2016 wherein 18-year-old male reported abuse when he was 8 years old, at St. Vincent's Camp in Honesdale. While the details of this allegation were sparse, Father Boylan was able to point out many factual inaccuracies about this allegation. The first of which was that there was not a St Vincent's Camp in Honesdale. Further, Father Boylan's investigation revealed that no person who would have had information even recall Father Boylan being at any such event, including the sixteen Chaperones who were regularly present. Father Boylan has consistently and emphatically denied these allegations and was fully prepared to defend against them, when they were withdrawn.

Your report also references subjective statements from a member of an Independent Review Board. Father Boylan has always dutifully obeyed the directives of the church and fulfilled his obligations. Whatever objections an anonymous member of the Board had, Father Boylan was appointed pastor, and did make public appearances as is consistent with his position within the Diocese.

The remainder of the report is a regurgitation of the previously discussed incident.

While representing Father Boylan, no less than 75 letters of reference were provided to me attesting to his good character. This allegation has cost him dearly and has caused him to contemplate retirement from the Ministry.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Paul J. Walker", written in a cursive style.

Paul J. Walker, Esq.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY, PENNSYLVANIA

IN RE: : **CP-67-MD-571-2016**
:
THE FORTIETH STATEWIDE :
:
INVESTIGATING GRAND JURY : **Norman A. Krumenacker, III, Judge**

RESPONSE TO GRAND JURY REPORT #1

To the Honorable, the Judges of the said Court:

AND NOW, this 4th day of June, 2018, comes Virgil Bradley Tetherow, by and through his attorney, Marc J. Semke, Esquire, who respectfully represents:

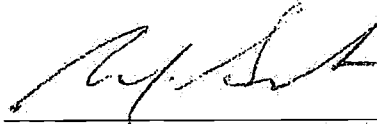
1. On or about May 6, 2018, Respondent received a from the Office of Attorney General, dated May 4, 2018, notifying him that he was named in Grand Jury Report No. 1 and informing that he had 30 days from the date of the letter to respond. *See Copy of the Letter from the Office of Attorney General dated May 4, 2018, attached hereto and made hereof as Exhibit "A."*
2. The third paragraph of the report indicates that he "admitted to downloading the child pornography. Tetherow was arrested and removed from ministry on March 24, 2005. He pled guilty to criminal charges and received a probationary sentence.
3. Respondent respectfully submits the following correction and clarification to the report.
 - a. The report gives the impression that the Respondent pled guilty to Possessing Child Pornography.
 - b. However, on or about October 18, 2005, Respondent pled guilty to only one count of Criminal Use of Communication graded as a Felony of the 3rd degree.

See Copy of the Criminal Docket, CP-45-0404-2005, attached hereto and made hereof as Exhibit "B."

- c. All other charges including all ten (10) counts of Possession of Child Pornography were nolle prossed by the Commonwealth. *See Copy of the Courts Order dated November 25, 2005, attached hereto and made hereof as Exhibit "C."*
- d. Further, Respondent respectfully requests the final paragraph be amended as follows:
 - e. The report states "Tetherow was thereafter dismissed from the clerical state by the Holy Father on January 23, 2015."
 - f. Respondent submits that on January 23, 2015, he was dismissed from the clerical state by Francis I.

WHEREFORE, Respondent respectfully requests this Honorable Court to allow the above response to be attached to the report as part of the report pursuant to 42 Pa.C.S. 4552(e).

Respectfully submitted,



Marc J. Semke, Esquire
Attorney I.D. # 93166
11 E. Market Street, Suite 202
York, PA 17401

Exhibit A



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

JOSH SHAPIRO
ATTORNEY GENERAL

16TH FLOOR
STRAWBERRY SQUARE
HARRISBURG, PA 17120
(717) 783-6273 (desk)
(717) 705-7246 (fax)
ddye@attorneygeneral.gov

May 4, 2018

**RE: The 40th Statewide Investigating Grand Jury
REPORT No. 1**

Dear Sir:

You have been named in a grand jury report. Please find enclosed the portion of the report which I have been authorized to release to you by the Supervising Judge of the 40th Statewide Investigating Grand Jury pursuant to 42 Pa. C.S. § 4552(e). You will also find the Court's order providing thirty (30) days to respond from today's date. Please be advised any response may be made public.

This matter may be discussed with your attorney. However, any additional disclosure may be subject to criminal penalties enumerated within the Grand Jury Act or applicable Pennsylvania law.

Regards,

A handwritten signature in black ink, appearing to read "D. J. Dye", written over a horizontal line.

DANIEL J. DYE
Senior Deputy Attorney General
Criminal Law Division
Criminal Prosecutions Section

CC: File; OAG CPS; OAG BCI
The Honorable Norman A. Krumenacker, III

copy

Exhibit B

COURT OF COMMON PLEAS OF MONROE COUNTY

DOCKET



Docket Number: CP-45-CR-0000404-2005

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Virgil Bradley Tetherow

Page 1 of 10

CASE INFORMATION

Cross Court Docket Nos: CP-58-MD-0000125-2006

Judge Assigned: Vican, Ronald E.

Date Filed: 03/18/2005

Initiation Date: 03/18/2005

OTN: K 005382-6

LOTN:

Originating Docket No:

Initial Issuing Authority:

Final Issuing Authority: C. W. Dennis

Arresting Agency: Pocono Mt Regl Police Dept

Arresting Officer: Lenning, Kenneth E. III

Complaint/Incident #: Unknown

Case Local Number Type(s)

Case Local Number(s)

Legacy Docket Number

2005-404

STATUS INFORMATION

Case Status: Closed

Status Date

Processing Status

Arrest Date: 03/17/2005

11/07/2006

Completed

10/21/2005

Sentenced/Penalty Imposed

10/20/2005

Awaiting PSI

10/20/2005

Awaiting Sentencing

08/17/2005

Awaiting Sentencing

05/09/2005

Awaiting Formal Arraignment

04/25/2005

Awaiting Pre-Trial Conference

03/18/2005

Migrated Case

Complaint Date: 03/17/2005

CALENDAR EVENTS

<u>Case Calendar</u>	<u>Schedule</u>	<u>Start</u>	<u>Room</u>	<u>Judge Name</u>	<u>Schedule</u>
<u>Event Type</u>	<u>Start Date</u>	<u>Time</u>			<u>Status</u>
Formal Arraignment	05/09/2005	1:30 pm	Courtroom 1	Senior Judge Ronald E. Vican	Scheduled
Call/Guilty Plea/ARD	06/15/2005	9:00 am	Courtroom 1	Senior Judge Ronald E. Vican	Scheduled
Call of the List	07/06/2005	9:00 am	Courtroom 3	Senior Judge Jerome P. Cheslock	Scheduled
Call of the List	08/16/2005	9:00 am	Courtroom 1	Senior Judge Ronald E. Vican	Scheduled
Sentencing	10/18/2005	9:00 am	Courtroom 3	Senior Judge Ronald E. Vican	Scheduled

DEFENDANT INFORMATION

Date Of Birth: 08/25/1964

City/State/Zip: Scranton, PA 18505

Alias Name

Tetherow, Bradley

CASE PARTICIPANTS

Participant Type

Name

Defendant

Tetherow, Virgil Bradley

COURT OF COMMON PLEAS OF MONROE COUNTY

DOCKET



Docket Number: CP-45-CR-0000404-2005

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Virgil Bradley Tetherow

BAIL INFORMATION

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Tetherow, Virgil Bradley

Nebbia Status: None

<u>Bail Action</u>	<u>Date</u>	<u>Bail Type</u>	<u>Percentage</u>	<u>Amount</u>	<u>Bail Posting Status</u>	<u>Posting Date</u>
Sel	03/17/2005	ROR		\$0.00	Posted	03/17/2005

CHARGES

<u>Seq.</u>	<u>Orig Seq.</u>	<u>Grade</u>	<u>Statute</u>	<u>Statute Description</u>	<u>Offense Dt.</u>	<u>OTN</u>
1	1	F3	18 § 6312 §§D1	Possession Of Child Pornography	01/01/2005	K 005382-6
2	2	F3	18 § 6312 §§D1	Possession Of Child Pornography	01/01/2005	K 005382-6
3	3	F3	18 § 6312 §§D1	Possession Of Child Pornography	01/01/2005	K 005382-6
4	4	F3	18 § 6312 §§D1	Possession Of Child Pornography	01/01/2005	K 005382-6
5	5	F3	18 § 6312 §§D1	Possession Of Child Pornography	01/01/2005	K 005382-6
6	6	F3	18 § 6312 §§D1	Possession Of Child Pornography	01/01/2005	K 005382-6
7	7	F3	18 § 6312 §§D1	Possession Of Child Pornography	01/01/2005	K 005382-6
8	8	F3	18 § 6312 §§D1	Possession Of Child Pornography	01/01/2005	K 005382-6
9	9	F3	18 § 6312 §§D1	Possession Of Child Pornography	01/01/2005	K 005382-6
10	10	F3	18 § 6312 §§D1	Possession Of Child Pornography	01/01/2005	K 005382-6
11	11	F3	18 § 7512 §§A	Criminal Use Of Communication Facility	01/01/2005	K 005382-6
12	12	F3	18 § 7512 §§A	Criminal Use Of Communication Facility	01/01/2005	K 005382-6
13	13	F3	18 § 7512 §§A	Criminal Use Of Communication Facility	01/01/2005	K 005382-6
14	14	F3	18 § 7512 §§A	Criminal Use Of Communication Facility	01/01/2005	K 005382-6
15	15	F3	18 § 7512 §§A	Criminal Use Of Communication Facility	01/01/2005	K 005382-6
16	16	F3	18 § 7512 §§A	Criminal Use Of Communication Facility	01/01/2005	K 005382-6
17	17	F3	18 § 7512 §§A	Criminal Use Of Communication Facility	01/01/2005	K 005382-6
18	18	F3	18 § 7512 §§A	Criminal Use Of Communication Facility	01/01/2005	K 005382-6
19	19	F3	18 § 7512 §§A	Criminal Use Of Communication Facility	01/01/2005	K 005382-6
20	20	F3	18 § 7512 §§A	Criminal Use Of Communication Facility	01/01/2005	K 005382-6
21	21	F3	18 § 7512 §§A	Criminal Use Of Communication Facility	01/01/2005	K 005382-6
22	22	F3	18 § 7512 §§A	Criminal Use Of Communication Facility	01/01/2005	K 005382-6

DISPOSITION SENTENCING/PENALTIES

Disposition

<u>Case Event</u>	<u>Disposition Date</u>	<u>Final Disposition</u>	
<u>Sequence/Description</u>	<u>Offense Disposition</u>	<u>Grade</u>	<u>Section</u>
<u>Sentencing Judge</u>	<u>Sentence Date</u>	<u>Credit For Time Served</u>	
<u>Sentence/Diversion Program Type</u>	<u>Incarceration/Diversionary Period</u>	<u>Start Date</u>	
<u>Sentence Conditions</u>			

GUILTY PLEA

Recent entries made in the court filing offices may not be immediately reflected on these docket sheets. Neither the courts of the Unified Judicial System of the Commonwealth of Pennsylvania nor the Administrative Office of Pennsylvania Courts assume any liability for inaccurate or delayed data, errors or omissions on these reports. Docket Sheet information should not be used in place of a criminal history background check which can only be provided by the Pennsylvania State Police. Moreover an employer who does not comply with the provisions of the Criminal History Record Information Act may be subject to civil liability as set forth in 18 Pa.C.S. Section 9183.

COURT OF COMMON PLEAS OF MONROE COUNTY

DOCKET



Docket Number: CP-45-CR-0000404-2005

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Virgil Bradley Tetherow

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DISPOSITION SENTENCING/PENALTIES

Disposition

Case Event

Sequence/Description

Sentencing Judge

Sentence/Diversion Program Type

Sentence Conditions

Disposition Date

Offense Disposition

Sentence Date

Incarceration/Diversionary Period

Final Disposition

Grade Section

Credit For Time Served

Start Date

<u>Case Event</u>	<u>Disposition Date</u>	<u>Final Disposition</u>
<u>Sequence/Description</u>	<u>Offense Disposition</u>	<u>Grade Section</u>
<u>Sentencing Judge</u>	<u>Sentence Date</u>	<u>Credit For Time Served</u>
<u>Sentence/Diversion Program Type</u>	<u>Incarceration/Diversionary Period</u>	<u>Start Date</u>
<u>Sentence Conditions</u>		
Sentencing	10/18/2005	Final Disposition
1 / Possession Of Child Pornography	Nolle Prossed	F3 18 § 6312 §§ D1
Vican, Ronald E.	10/18/2005	
2 / Possession Of Child Pornography	Nolle Prossed	F3 18 § 6312 §§ D1
Vican, Ronald E.	10/18/2005	
3 / Possession Of Child Pornography	Nolle Prossed	F3 18 § 6312 §§ D1
Vican, Ronald E.	10/18/2005	
4 / Possession Of Child Pornography	Nolle Prossed	F3 18 § 6312 §§ D1
Vican, Ronald E.	10/18/2005	
5 / Possession Of Child Pornography	Nolle Prossed	F3 18 § 6312 §§ D1
Vican, Ronald E.	10/18/2005	
6 / Possession Of Child Pornography	Nolle Prossed	F3 18 § 6312 §§ D1
Vican, Ronald E.	10/18/2005	
7 / Possession Of Child Pornography	Nolle Prossed	F3 18 § 6312 §§ D1
Vican, Ronald E.	10/18/2005	
8 / Possession Of Child Pornography	Nolle Prossed	F3 18 § 6312 §§ D1
Vican, Ronald E.	10/18/2005	
9 / Possession Of Child Pornography	Nolle Prossed	F3 18 § 6312 §§ D1
Vican, Ronald E.	10/18/2005	
10 / Possession Of Child Pornography	Nolle Prossed	F3 18 § 6312 §§ D1
Vican, Ronald E.	10/18/2005	
11 / Criminal Use Of Communication Facility	Guilty Plea	F3 18 § 7512 §§ A
Vican, Ronald E.	10/18/2005	
Probation	Min of 2.00 Years Max of 2.00 Years 2 Years	

Sexual Offender Evaluation - Defendant shall undergo a sexual offender's evaluation and comply with all treatment recommendations, and pay the costs associated with those requirements.

Pay Costs of these proceedings.

Upon parole defendant shall make a payment of thirty-five dollar (\$35.00) per month supervisory fee.

COURT OF COMMON PLEAS OF MONROE COUNTY

DOCKET



Docket Number: CP-45-CR-0000404-2005

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

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DISPOSITION SENTENCING/PENALTIES

Disposition

Case Event

Sequence/Description

Sentencing Judge

Sentence/Diversion Program Type

Sentence Conditions

Disposition Date

Offense Disposition

Sentence Date

Incarceration/Diversionary Period

Final Disposition

Grade

Section

Credit For Time Served

Start Date

<u>Act 185 of 2004. Monroe County Probation Department shall obtain a DNA blood sample and fingerprints from the Defendant.</u>				
12 / Criminal Use Of Communication Facility	Nolle Prossed	F3	18 § 7512 §§ A	
Vican, Ronald E.	10/18/2005			
13 / Criminal Use Of Communication Facility	Nolle Prossed	F3	18 § 7512 §§ A	
Vican, Ronald E.	10/18/2005			
14 / Criminal Use Of Communication Facility	Nolle Prossed	F3	18 § 7512 §§ A	
Vican, Ronald E.	10/18/2005			
15 / Criminal Use Of Communication Facility	Nolle Prossed	F3	18 § 7512 §§ A	
Vican, Ronald E.	10/18/2005			
16 / Criminal Use Of Communication Facility	Nolle Prossed	F3	18 § 7512 §§ A	
Vican, Ronald E.	10/18/2005			
17 / Criminal Use Of Communication Facility	Nolle Prossed	F3	18 § 7512 §§ A	
Vican, Ronald E.	10/18/2005			
18 / Criminal Use Of Communication Facility	Nolle Prossed	F3	18 § 7512 §§ A	
Vican, Ronald E.	10/18/2005			
19 / Criminal Use Of Communication Facility	Nolle Prossed	F3	18 § 7512 §§ A	
Vican, Ronald E.	10/18/2005			
20 / Criminal Use Of Communication Facility	Nolle Prossed	F3	18 § 7512 §§ A	
Vican, Ronald E.	10/18/2005			
21 / Criminal Use Of Communication Facility	Nolle Prossed	F3	18 § 7512 §§ A	
Vican, Ronald E.	10/18/2005			
22 / Criminal Use Of Communication Facility	Nolle Prossed	F3	18 § 7512 §§ A	
Vican, Ronald E.	10/18/2005			

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COURT OF COMMON PLEAS OF MONROE COUNTY

DOCKET



Docket Number: CP-45-CR-0000404-2005

CRIMINAL DOCKET

Court Case

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Commonwealth of Pennsylvania

v.

Virgil Bradley Tetherow

COMMONWEALTH INFORMATION

Name:

Supreme Court No:

ATTORNEY INFORMATION

Name: Mark Steven Love
Private

Supreme Court No: 024844

Rep. Status: Active

Phone Number(s):
570-629-6322 (Phone)
062-963-22 (Phone)
570-629-6322 (Other)

Address:
Route 611
PO Box 349
Tannersville, PA 18372

Representing: Tetherow, Virgil Bradley

ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	03/18/2005		Unknown Filer
Original Papers Received from Lower Court			
2	03/18/2005		Migrated, Filer
MOTION & ORDER TO SET BAIL FILED			
MOTION & ORDER TO SET BAIL FILED			
3	03/18/2005		Migrated, Filer
OTN FROM MAGISTRATE, FILED.			
OTN FROM MAGISTRATE, FILED.			
1	04/25/2005		Love, Mark Steven
Waiver of Appearance at Arraignment			

COURT OF COMMON PLEAS OF MONROE COUNTY

DOCKET

Docket Number: CP-45-CR-0000404-2005

CRIMINAL DOCKET

Court Case



Commonwealth of Pennsylvania

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Virgil Bradley Tetherow

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ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
2	05/09/2005		Monroe County District Attorney's Office

Criminal Information Filed

- Count 1: Possession of Child Pornography. (18 Pa.C.S. 6312D) F3
- Count 2: Possession of Child Pornography. (18 Pa.C.S. 6312D) F3
- Count 3: Possession of Child Pornography. (18 Pa.C.S. 6312D) F3
- Count 4: Possession of Child Pornography. (18 Pa.C.S. 6312D) F3
- Count 5: Possession of Child Pornography. (18 Pa.C.S. 6312D) F3
- Count 6: Possession of Child Pornography. (18 Pa.C.S. 6312D) F3
- Count 7: Possession of Child Pornography. (18 Pa.C.S. 6312D) F3
- Count 8: Possession of Child Pornography. (18 Pa.C.S. 6312D) F3
- Count 9: Possession of Child Pornography. (18 Pa.C.S. 6312D) F3
- Count 10: Possession of Child Pornography. (18 Pa.C.S. 6312D) F3
- Count 11: Criminal Use of Communication Facility. (18 Pa.C.S. 7512A) F3
- Count 12: Criminal Use of Communication Facility. (18 Pa.C.S. 7512A) F3
- Count 13: Criminal Use of Communication Facility. (18 Pa.C.S. 7512A) F3
- Count 14: Criminal Use of Communication Facility. (18 Pa.C.S. 7512A) F3
- Count 15: Criminal Use of Communication Facility. (18 Pa.C.S. 7512A) F3
- Count 16: Criminal Use of Communication Facility. (18 Pa.C.S. 7512A) F3
- Count 17: Criminal Use of Communication Facility. (18 Pa.C.S. 7512A) F3
- Count 18: Criminal Use of Communication Facility. (18 Pa.C.S. 7512A) F3
- Count 19: Criminal Use of Communication Facility. (18 Pa.C.S. 7512A) F3
- Count 20: Criminal Use of Communication Facility. (18 Pa.C.S. 7512A) F3

1	05/19/2005		Love, Mark Steven
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Motion for Discovery

COURT OF COMMON PLEAS OF MONROE COUNTY

DOCKET



Docket Number: CP-45-CR-0000404-2005

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Virgil Bradley Tetherow

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ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	05/23/2005		Miller, Linda Wallach

Order Granting Motion

AND NOW, this 23rd day of May, 2005, upon consideration of the attached Motion, a Rule is issued upon the Commonwealth of Pennsylvania to show cause why the Defendant's Motion to Compel Discovery and to Extend Time for Filing of the Omnibus Pretrial Motion should not be granted.

RULE RETURNABLE for Answer in the Office of the Clerk of Courts of Monroe County on or before the 13th day of June, 2005 at 9:30 a.m.

If an Answer to the Rule is filed, either party may file a Motion for a hearing or praecipe the case for Argument, as appropriate. If no Answer is filed on or before the return date, the moving party may file a Motion to Make the Rule Absolute. A Motion to Make the Rule Absolute shall evidence compliance with the service requirements of 43 J.D.R.C.P. 206 (4,5). It is further Ordered that the Counsel for Defendant is hereby granted an extension of thirty (30) days from the date the District Attorney provides discovery in which to file an Omnibus Pretrial Motion pursuant to Pa.R.Crim.P. No. 306.

By The Court:
Linda Wallach Miller, Judge

CC: District Attorney; Mark S. Love, Esq.

2	07/06/2005		Cheslock, Jerome P.
---	------------	--	---------------------

Order Call of the List

AND NOW, to wit this 6th day of July, 2005 upon motion of Mark S. Love, Esquire, Attorney for Defendant this matter is continued from the July 2005 Criminal Trial Term until the September 2005 Criminal Trial Term. Defendant is directed to attend the Call of the September Criminal Trial List scheduled for Tuesday, August 16, 2005 at 9:00 a.m. Courtroom No. 1, Monroe County Courthouse, Stroudsburg, Pennsylvania.

BY THE COURT:
JEROME P. CHESLOCK, JUDGE

cc: Mark S. Love, Esq; District Attorney; Probation; Court Administrator

1	08/16/2005		Tetherow, Virgil Bradley
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Written Guilty Plea Colloquy Filed

COURT OF COMMON PLEAS OF MONROE COUNTY

DOCKET



Docket Number: CP-45-CR-0000404-2005

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Virgil Bradley Tetherow

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ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	08/17/2005	08/16/2005	Vican, Ronald E.

Order/Guilty Plea/Sentence Deferred

AND NOW, this 16th day of August, 2005, the Defendant having entered a plea of guilty to Count XI, Criminal Use of Communications Facility, a felony of the third degree, imposition of sentence is deferred pending a presentence investigation report. The Defendant is continued at liberty on bail.

BY THE COURT;
RONALD E. VICAN, PRESIDENT JUDGE

cc: District Attorney; M Ventrella, Esq;; Probation; Court Administrator; Sheriff; MCCF; S. Kern, RPR

1	10/18/2005		O'Brien, Peter J.
---	------------	--	-------------------

Guilty Plea

2	10/18/2005		O'Brien, Peter J.
---	------------	--	-------------------

Disposition Filed

1	10/21/2005	10/18/2005	Vican, Ronald E.
---	------------	------------	------------------

Order - Sentence/Penalty Imposed

AND NOW, this 18th day of October 2005, the Defendant having entered a plea of guilty on Count XI, Criminal Use of Communication Facility, a felony of the third degree, it is the sentence of this court that the Defendant, Virgil Bradley Tetherow, be placed on probation for a period of two (2) years, which shall included the payment of a thirty-five dollar (\$35.00) per month supervisory fee pursuant to Act 35 of 1991, undergo a sexual offender's evaluation and comply with all treatment recommendations, plus pay the costs associated with those requirements, pluse pay the costs of these proceedings. The Monroe County Probation Department shall obtain a DNA blood sample and fingerprints from the Defendant pursuant to Act 185 of 2004.

BY THE COURT: RONALD E. VICAN, PJ

cc: D.A.
M. Ventrella, Esquire
Probation
Sheriff
MCCF
Court Administrator
S. Kern, RPR

1	11/04/2005		Vican, Ronald E.
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Guideline Sentence Form

1	11/28/2005		Unknown Filer
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Motion for Nolle Prosequi

COURT OF COMMON PLEAS OF MONROE COUNTY

DOCKET



Docket Number: CP-45-CR-0000404-2005

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

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Virgil Bradley Tetherow

ENTRIES

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<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	11/30/2005	11/29/2005	Vican, Ronald E.
Order Granting Motion for Nolle Prosequi			
AND NOW this 29th day of November, 2005 the Commonwealth is granted leave to enter a nolle prosequi in the above captioned case to:			
Count 1, Possession of Child Pornography; Count 2, Possession of child Pornography; Count 3, Possession of Child Pornography; Count 4, Possession of Child Pornography; Count 5, Possession of Child Pornography; Count 6, Possession of Child Pornography; Count 7, Possession of Child Pornography; Count 8, Possession of Child Pornography;			
Count 9, Possession of Child Pornography; Count 10, Possession of Child Pornography; Count 12, Criminal Use of Communication Facility; Count 13, Criminal Use of Comunication Facility; Count 14, Criminal Use of Communication Facility; Count 15, Criminal Use of Communication Facility; Count 16, Criminal Use of Communication Facility; Count 17 Criminal Use of Communication Facility; Count 18, Criminal Use of Communication Facility; Count 19, Criminal Use of Communication Facility; Count 20, Criminal Use of Communication Facility			
BY THE COURT;			
RONALD E. VICAN, PRESIDENT JUDGE			
cc: District Attorney; Mark S. Love, Esq; MCCF			
1	02/21/2006		Court of Common Pleas - Monroe County
Penalty Assessed			
1	03/15/2006		Court of Common Pleas - Monroe County
Delinquency Notice Filed - 105 Days Overdue			
1	05/05/2006		Tetherow, Virgil Bradley
Penalty Satisfied			
1	11/07/2006		Unknown Filer
Transferred to Another Jurisdiction			

COURT OF COMMON PLEAS OF MONROE COUNTY

DOCKET



Docket Number: CP-45-CR-0000404-2005

CRIMINAL DOCKET

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Commonwealth of Pennsylvania
v.
Virgil Bradley Tetherow
CASE FINANCIAL INFORMATION

Last Payment Date: 09/22/2015

Total of Last Payment: -\$1.00

Tetherow, Virgil Bradley Defendant	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary Payments</u>	<u>Total</u>
Costs/Fees					
Automation Fee (Monroe)	\$5.00	-\$5.00	\$0.00	\$0.00	\$0.00
State Court Costs (Act 204 of 1976)	\$10.77	-\$10.77	\$0.00	\$0.00	\$0.00
Commonwealth Cost - HB627 (Act 167 of 1992)	\$16.16	-\$16.16	\$0.00	\$0.00	\$0.00
County Court Cost (Act 204 of 1976)	\$23.57	-\$23.57	\$0.00	\$0.00	\$0.00
Crime Victims Compensation (Act 96 of 1984)	\$35.00	-\$35.00	\$0.00	\$0.00	\$0.00
Domestic Violence Compensation (Act 44 of 1988)	\$10.00	-\$10.00	\$0.00	\$0.00	\$0.00
Victim Witness Service (Act 111 of 1998)	\$25.00	-\$25.00	\$0.00	\$0.00	\$0.00
Firearm Education and Training Fund	\$5.00	-\$5.00	\$0.00	\$0.00	\$0.00
Judicial Computer Project	\$8.50	-\$8.50	\$0.00	\$0.00	\$0.00
ATJ	\$1.50	-\$1.50	\$0.00	\$0.00	\$0.00
DNA Detection Fund (Act 185-2004)	\$250.00	-\$250.00	\$0.00	\$0.00	\$0.00
Court Costs (Monroe)	\$75.00	-\$75.00	\$0.00	\$0.00	\$0.00
OSP (Monroe/State) (Act 35 of 1991)	\$420.00	\$0.00	-\$420.00	\$0.00	\$0.00
OSP (Monroe/State) (Act 35 of 1991)	\$420.00	\$0.00	-\$420.00	\$0.00	\$0.00
Judgment Fee (Monroe)	\$29.50	-\$29.50	\$0.00	\$0.00	\$0.00
Copy Costs (Monroe)	\$1.00	-\$1.00	\$0.00	\$0.00	\$0.00
Costs/Fees Totals:	\$1,336.00	-\$496.00	-\$840.00	\$0.00	\$0.00
Grand Totals:	\$1,336.00	-\$496.00	-\$840.00	\$0.00	\$0.00

** - Indicates assessment is subrogated

Exhibit C

COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

: No. 404-2005 CRIMINAL

vs.

VIRGIL BRADLEY TETHEROW

PETITION TO NOLLE PROSEQUI

TO THE HONORABLE RONALD E. VICAN, PRESIDENT JUDGE OF THE SAID
COURT:

MONROE COUNTY, PA
2005 NOV 28 P 3:25
CLERK OF COURTS

COMES NOW The Commonwealth of Pennsylvania, by and through Robert A. Saurman, Assistant District Attorney and respectfully requests that a nolle prosequi be allowed in this case as follows:

1. Charges for nolle prosequi:

- Count 1, Possession Of Child Pornography; Count 2, Possession Of Child Pornography; Count 3, Possession Of Child Pornography; Count 4, Possession Of Child Pornography; Count 5, Possession Of Child Pornography; Count 6, Possession Of Child Pornography; Count 7, Possession Of Child Pornography; Count 8, Possession Of Child Pornography; Count 9, Possession Of Child Pornography; Count 10, Possession Of Child Pornography; Count 12, Criminal Use Of Communication Facility; Count 13, Criminal Use Of Communication Facility; Count 14, Criminal Use Of Communication Facility; Count 15, Criminal Use Of Communication Facility; Count 16, Criminal Use Of Communication Facility; Count 17, Criminal Use Of Communication

Facility; Count 18, Criminal Use Of Communication Facility; Count 19,
Criminal Use Of Communication Facility; Count 20, Criminal Use Of
Communication Facility

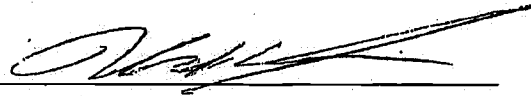
2. Reason for nolle prosequi: Defendant pled guilty on August 16, 2005 to the
related charge(s) of:

Count 11, Criminal Use Of Communication Facility

3. Defendant was sentenced before the Honorable Ronald E. Vican, President
Judge in the above-captioned case on October 18, 2005.

WHEREFORE, your Petitioner respectfully requests that this Honorable Court
grant permission to enter a nolle prosequi to the above-stated charges.

Respectfully submitted,



Robert A. Saurman
Assistant District Attorney
Monroe County Courthouse
Stroudsburg, PA 18360

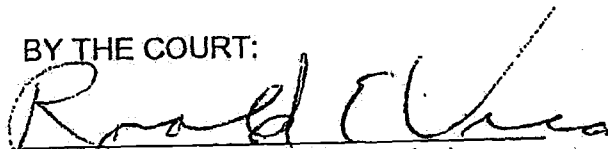
AND NOW, this 29th day of November, 2005,

the Commonwealth is granted leave to enter a nolle prosequi in the above-captioned
case to:

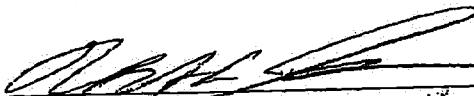
Count 1, Possession Of Child Pornography; Count 2, Possession Of
Child Pornography; Count 3, Possession Of Child Pornography; Count
4, Possession Of Child Pornography; Count 5, Possession Of Child

Pornography; Count 6, Possession Of Child Pornography; Count 7,
Possession Of Child Pornography; Count 8, Possession Of Child
Pornography; Count 9, Possession Of Child Pornography; Count 10,
Possession Of Child Pornography; Count 12, Criminal Use Of
Communication Facility; Count 13, Criminal Use Of Communication
Facility; Count 14, Criminal Use Of Communication Facility; Count 15,
Criminal Use Of Communication Facility; Count 16, Criminal Use Of
Communication Facility; Count 17, Criminal Use Of Communication
Facility; Count 18, Criminal Use Of Communication Facility; Count 19,
Criminal Use Of Communication Facility; Count 20, Criminal Use Of
Communication Facility

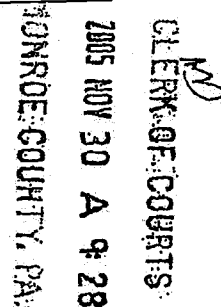
BY THE COURT:


Ronald E. Vican, President Judge

I hereby enter a nolle prosequi on the charge(s) designated above.

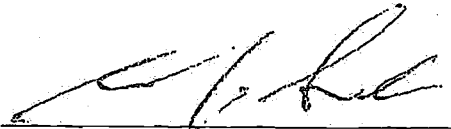

Robert A. Saurman
Assistant District Attorney
Monroe County Courthouse
Stroudsburg, PA 18360

cc: District Attorney, RAS/amb
Mark S. Love, Esq.
MCCF


CLERK OF COURTS
MONROE COUNTY, PA
2005 NOV 30 A 9:28

VERIFICATION

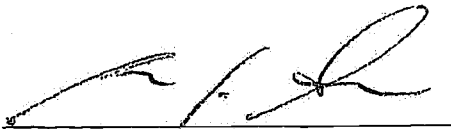
I verify that the statements made in this motion are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.



Marc J. Semke, Esquire
Attorney I.D. # 93166
11 E. Market Street, Suite 202
York, PA 17401

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.



Marc J. Semke, Esquire
Attorney I.D. # 93166
11 E. Market Street, Suite 202
York, PA 17401

**IN THE COURT OF COMMON PLEAS
ALLEGHENY COUNTY, PENNSYLVANIA**

IN RE: : SUPREME COURT OF PENNSYLVANIA
: 2 W.D. MISC. DKT. 2016
THE FORTIETH STATEWIDE :
: ALLEGHENY COUNTY COMMON PLEAS
INVESTIGATING GRAND JURY : CP-02-MD-571-2016

**RESPONSE TO THOSE EXCERPTS OF THE FORTIETH STATEWIDE GRAND JURY
REPORT NUMBER 1 PROVIDED TO BISHOP EMERITUS JAMES CLIFFORD
TIMLIN**

James Clifford Timlin (“Bishop Emeritus Timlin”), through his counsel, Pietragallo Gordon Alfano Bosick & Raspanti, LLP, pursuant to the Court’s Amended Order of May 22, 2018, hereby submits his Response to Excerpts of the Report of the Fortieth Statewide Investigating Grand Jury Report Number 1 Related to Bishop Timlin (“Report”).¹

Preliminary Statement

While Bishop Emeritus Timlin does not agree with all of the conclusions and opinions expressed by the Grand Jury in these excerpts, he finds it disheartening to review the sins of the clergy over such an extended period of time. Bishop Emeritus Timlin is grateful that so much has been done to prevent these evils in the future and to better respond to, and care for, the victims of such abuse.

In August of this year, Bishop Emeritus Timlin will be 91. He has served the majority of his adult life in the community of the Diocese of Scranton. During his tenure as Bishop, the Diocese of Scranton engaged in serious and evolving efforts to address child sexual abuse by its priests. Bishop Emeritus Timlin has reviewed the excerpts of the Grand Jury Report provided to him – including references to Caparelli and Skotek - and the summary information about other

¹ Bishop Timlin received a large excerpt of the Report dealing with the Diocese of Scranton, but did not receive the full Report Number 1.

Diocesan priests who were accused of child sexual abuse before, during and after he served as Bishop.

Respectfully, the Diocese of Scranton was, in many ways, in the forefront of the Church's response to these concerns. As early as 1993, Bishop Emeritus Timlin established an Independent Review Board, composed of lay people, to advise him in responding to allegations of sexual misconduct by priests. In addition, in 1993 he created a uniform procedure for addressing allegations of child sexual abuse. As the Diocese reviewed allegations pursuant to the 1993 Policy (and subsequent versions), and as it gained greater experience in doing so, the Bishop's and the Diocese's processes evolved and improved.

Bishop Emeritus Timlin sadly acknowledges that his and the Diocese's efforts were imperfect. Bishop Emeritus Timlin acted with his best judgment, informed by his then-existing understanding of medical science's ability to identify and treat offenders, and based (at times) on legal advice he received from Diocesan counsel. Over the course of his tenure, as he personally gained greater experience in handling allegations of child sexual abuse by priests, and as his personal understanding of, and the understanding of medical science about, child sexual offenders evolved, Bishop Emeritus Timlin's handling of these allegations also evolved and continued to improve. Bishop Emeritus Timlin recognizes that some of his past decisions regarding offenders were imperfect, and in hindsight regrets that his past judgments at the time caused a single day of pain to any victims.

Indeed, subsequent events demonstrated that while the Bishop's and Diocese's earnest efforts during Bishop Emeritus Timlin's tenure aided greatly, those efforts sadly did not stop altogether the sexual abuse of children by clergy. Bishop Emeritus Timlin offers his sincere apology to all victims of sexual abuse by priests of the Diocese of Scranton. He regrets the pain

suffered by those victims and prays that they will find peace, healing and some measure of closure.

After Bishop Emeritus Timlin stepped down in 2003, the Diocese continued to evolve and improve under the guidance of succeeding Bishops. The Diocese of Scranton remains firmly committed to immediately and transparently addressing child sexual abuse by any clergy member.

Background Concerning Bishop Emeritus James Timlin

Bishop Emeritus Timlin served as a priest in the Diocese of Scranton (“Diocese”) for the past sixty-six years, nineteen of which he served as the Eighth Bishop of the Diocese. At the age of 90, Bishop Emeritus Timlin continues to do his best to minister to congregants, even if only on a limited basis. Bishop Emeritus Timlin was born in Scranton, grew up in Scranton, and has ministered to members of the Scranton Diocese most of his adult life. He served as a priest in several locations in the Scranton Diocese both before and after his tenure as Bishop. Bishop Emeritus Timlin has always enjoyed direct ministry with members of the Church and the community at large.

When Bishop O’Connor was elevated to Cardinal and transferred to the Archdiocese of New York in March of 1984, Bishop Emeritus Timlin was elected Diocesan Administrator by the Diocesan Board of Consultors. The Diocesan Administrator serves as interim leader of the Diocese until a new Bishop is appointed by Our Holy Father, the Pope. On April 24, 1984, Bishop Emeritus Timlin was appointed Eighth Bishop of Scranton by His Holiness, Pope John Paul II and was installed on June 7, 1984.

Bishop Emeritus Timlin served as the Bishop of the Diocese of Scranton for almost twenty years. Due to his advancing years, he stepped down on July 25, 2003, at 75. Bishop Emeritus Timlin returned to ministry approximately six months later. On February 4, 2004, he was appointed Administrator of Saint Joseph's Church, in Wilkes-Barre. On July 6, 2004, he assumed new duties as rector of Villa St. Joseph in Dunmore, Pennsylvania. Bishop Emeritus Timlin continues to provide temporary coverage for priests within the Diocese as he is needed.

How The Diocese Of Scranton Responded To Allegations Of Abuse Under Bishop Emeritus Timlin's Tenure

During Bishop Emeritus Timlin's tenure, the Diocese of Scranton addressed allegations of child sexual abuse guided by a number of principals: 1) compassion for the victim; 2) an open dialogue with the victim, whom Bishop Emeritus Timlin would often directly contact and with whom he would meet whenever requested; 3) a frank and direct discussion with the accused; 4) an "open door" policy for anyone who wished to discuss their concerns; 5) fair treatment of all parties; and 6) a commitment that those individuals who reported that they were victims of child sexual abuse received all necessary medical, psychological and pastoral care.

As a result of the Caparelli incident, Bishop Emeritus Timlin recognized that the Diocese's then-existing system of addressing allegations of abuse by clergy needed substantial review, modification, and improvement. The Diocese of Scranton, at Bishop Emeritus Timlin's direction, established a policy setting forth a uniform procedure for responding to allegations of abuse ("1993 Policy"). The 1993 Policy provided a systematic method of addressing allegations of child sexual abuse. For example, the 1993 Policy required, in every credible instance of

alleged child sexual abuse, an investigation into the allegation, temporary removal of the accused from ministry, and reporting of the incident to the appropriate child protective agencies.

The 1993 Policy required that all available resources be provided to victims, including pastoral, medical, and psychological care. The Policy also detailed how a priest who was credibly accused of sexual abuse would be handled by the Diocese. To Bishop Emeritus Timlin's knowledge, this was one of the earliest policies in effect in the country concerning a diocesan response to allegations of child sexual abuse. Bishop Emeritus Timlin ensured that the 1993 Policy was openly communicated to all members of the Diocese, as it was a feature story in the Diocesan newspaper, *The Catholic Light*. The 1993 Policy evolved constructively over the course of his tenure as Bishop, and was revised further by the Diocese in the years following the Dallas Charter.

Further, during Bishop Emeritus Timlin's tenure, and at his specific direction, in 1993 the Diocese of Scranton established an Internal Review Board (now known as the "Diocesan Review Board"). Bishop Emeritus Timlin notes that he took these actions nine (9) years before the adoption of the Dallas Charter. While not perfect, the Diocese of Scranton was in the vanguard of many religious organizations addressing the serious concerns related to child sexual abuse by members of the clergy. Bishop Emeritus Timlin appointed to the Internal Review Board ("IRB") a cross section of lay people, including leaders of the Scranton community and esteemed professionals with a wide range of expertise.

The IRB included: former members of law enforcement; a former prosecutor; psychiatrists, psychologists and other mental health professionals; social service professionals; as well as other respected community members. The purpose of the IRB was to gather a diverse group of individuals with a wide range of expertise who could assist in the independent review of

cases involving allegations of child sexual abuse by priests and who would recommend an appropriate course of action based on the IRB's determination about the credibility of the allegations.

Bishop Emeritus Timlin believed such an independent body of experienced lay people was an important step in improving the Diocese's process for responding to allegations of child sexual abuse in the Diocese. Similarly, Bishop Emeritus Timlin encouraged open communication from other members of Diocesan leadership, and welcomed input from others within and outside the laity on the best way to proceed concerning allegations against clergy.

Both the Policy and the IRB were part of Bishop Emeritus Timlin's and the Diocese of Scranton's constructive and continuing efforts to address credible allegations of child sexual abuse against clergy. Like the 1993 Policy, the Diocese of Scranton's IRB process and the IRB's recommendations evolved over the years, informed by experience and a growing awareness that individuals who sexually abused children could not be successfully cured through medical science.

Implementing The 2002 Dallas Charter in the Diocese of Scranton


In 2002, the United States Conference of Catholic Bishops convened in Dallas, Texas and adopted the Charter for the Protection of Children and Young People, which became known as the "Dallas Charter." The Dallas Charter is a comprehensive set of uniform procedures put in place nationwide, mandating how dioceses must address allegation of sexual abuse by clergy. The Charter requires prompt and effective responses to allegations, cooperation with civil authorities, and the immediate discipline of offending clergy. Bishop Emeritus Timlin participated in the United States Conference of Catholic Bishops in Dallas and played an active

role in the debate which led to the adoption of the Dallas Charter. In sum, the Dallas Charter required zero tolerance, meaning that all priests credibly accused of child sexual abuse must be permanently removed from ministry.

Upon Bishop Emeritus Timlin's return to Scranton from this significant Dallas meeting, he did all he could to ensure that the Diocese of Scranton's policies, practices, and procedures were in full accord with those set forth in the Dallas Charter. He also ensured, that going forward, the Diocese of Scranton fulfilled the zero tolerance policy endorsed by the Dallas Charter. Further, Bishop Emeritus Timlin established an "Ad Hoc Committee," consisting of the Diocesan Director of Ecumenism and Interfaith Affairs, the Chancellor, the Vicar of Clergy, and a future Vicar General, in order to perform a historical review of all of the allegations received by the Diocese. The Ad Hoc Committee's review was comprehensive. This Committee drafted a report which recommended that ten (10) men be removed from ministry based on the zero tolerance policy outlined in the Dallas Charter. Bishop Emeritus Timlin followed each of the Ad Hoc Committee's recommendations and insured that the Diocese enforced the Dallas Charter's zero tolerance requirements.

After Bishop Emeritus Timlin's retirement, the Diocese of Scranton continued to vigorously implement the policies of the Dallas Charter and enforce its zero tolerance mandate.

PIETRAGALLO GORDON ALFANO
BOSICK & RASPANTI, LLP

By: 

Marc S. Raspanti, Esquire(#41350)
Kevin E. Raphael, Esquire (#72673)
1818 Market Street, Suite 3402
Philadelphia, PA 19103
(215) 320-6200

*Counsel for Bishop Emeritus
James Timlin (Retired)*

3595108v1

IN THE COURT OF COMMON PLEAS OF
ALLEGHENY COUNTY, PENNSYLVANIA

IN RE: : SUPREME COURT OF PENNSYLVANIA
: 2 W.D. MISC. DKT. 2016
:
THE FORTIETH STATEWIDE : ALLEGHENY COUNTY COMMON PLEAS
INVESTIGATING GRAND JURY : CP-02-MD-571-2016
:
: NOTICE NO. 1

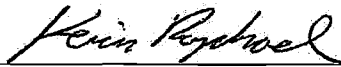
CERTIFICATE OF SERVICE

I, Kevin E. Raphael, Esquire, hereby certify that a copy of the foregoing Response to Excerpts of Fortieth Statewide Grand Jury Report No. 1 Provided to Bishop Emeritus James Clifford Timlin was served on June 18, 2018 *via* overnight mail upon:

The Honorable Norman A. Krumenacker, III
Supervising Judge, 40th Statewide Investigating Grand Jury
Cambria County Court of Common Pleas
Cambria County Courthouse
200 South Center Street
Ebensburg, PA 15931

Daniel J. Dye
Senior Deputy Attorney General
Criminal Law Division
1600 Strawberry Square
Harrisburg, PA 17120

PIETRAGALLO GORDON ALFANO
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*Attorney for Bishop Emeritus
James C. Timlin (Retired)*