

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Dale Van E. Van Slambrook, Presiding Judge

Case No. 2018-CP-10-03929
Appellate Case No. 2025-001689

John DoeAppellant.

v.

Bishop of Charleston, a Corporation Sole, and the
Bishop of Charleston, in his official capacity Respondents.

RECORD ON APPEAL
VOLUME 5 of 5

HALLER LAW FIRM, P.C.

s/ David K. Haller

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STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO.: 2018-CP-10-03929

John Doe,

Plaintiff,

v.

The Bishop of Charleston, a Corporation Sole,
and the Bishop of the Diocese of Charleston,
in his official capacity,

Defendants.

**NOTICE OF FOURTH
SUPPLEMENTAL FILING**

Plaintiff herein makes this filing and hereby submits all items attached hereto and/or filed, argued in the three related cases, or in anywise made a part of them as supplemental authority, argument, testimony, exhibits, and things to support any motions and matters herein by which Plaintiff has, does, or may hereafter seek at any time in any way affirmative relief or opposes and in any manner resists any relief sought by Defendants herein or others.

Please take notice that all filings are applicable to John Doe v. The Bishop of Charleston, a Corporation Sole, et al, Case No.: 2018-CP-10-03929 (DOE); Richard Roe v. The Bishop of Charleston, a Corporation Sole, et al, Case No.: 2018-CP-10-04206 (ROE); and John Doe 432 v. The Bishop of Charleston, a Corporation Sole, et al, Case No.: 2019-CP-10-01120 (DOE 432).

John Doe v. The Bishop of Charleston, a Corporation Sole, et al
Case No.: 2018-CP-10-03929 (DOE)

Exhibit 1 – Excerpts from John Doe’s deposition transcript

Exhibit 2 – Excerpts from Dorothy Whalen’s deposition transcript

Exhibit 3 – Excerpts from Jason Flassing’s deposition transcript

Exhibit 4 – Excerpts from Dr. Sally Duffy’s deposition transcript

Exhibit 5 – W. Ellison Thomas’ deposition transcript

Exhibit 6 – Mary Louisa Storen’s deposition transcript

Richard Roe v. The Bishop of Charleston, a Corporation Sole, et al
Case No.: 2018-CP-10-04206 (ROE)

Exhibit 7 – Mr. Richard Roe’s deposition transcript

Exhibit 8 – Mrs. Richard Roe’s deposition transcript

Exhibit 9 – Dr. Claudia Crenshaw’s deposition transcript

Exhibit 10 – Dr. Lenka Novotna’s deposition transcript

Exhibit 11 – James A. Carter’s deposition transcript

Exhibit 12 – Lawrence Bernard McNerny’s deposition transcript

Exhibit 13 – Jay Scott Newman’s deposition transcript

Exhibit 14 – Dwight Longenecker’s deposition transcript

Exhibit 15 – Reverend H. Gregory West, JCL’s deposition transcript

Exhibit 16 – Rev. Monsignor D. Anthony Droze VG’s deposition transcript

Exhibit 17 – John L. Barker’s deposition transcript

Exhibit 18 – Rev. Msgr. Charles H. Rowland, JCL, PA’s deposition transcript

Exhibit 19 – Bishop Robert Guglielmone’s 7/8/19 deposition transcript

John Doe 432 v. The Bishop of Charleston, a Corporation Sole, et al
Case No.: 2019-CP-10-01120 (DOE 432)

Exhibit 20 – Mr. John Doe 432’s deposition transcript

Exhibit 21 – Mrs. John Doe 432’s deposition transcript

Exhibit 22 – Sandra Leatherwood’s deposition transcript

Exhibit 23 - Bishop Robert Guglielmone’s 12/17/19 deposition transcript

Respectfully submitted,

THE RICHTER FIRM, LLC

By: s/Lawrence E. Richter, Jr.
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ATTORNEYS FOR PLAINTIFF

February 14, 2020
Mount Pleasant, South Carolina

EXHIBIT 1

1 STATE OF SOUTH CAROLINA) IN THE COURT OF
2 COUNTY OF CHARLESTON) COMMON PLEAS
3 CASE NO: 18-CP-10-3929

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Condensed
Transcript

DEPOSITION OF:

JOHN DOE
September 12, 2019

Given before Debbie Rayl, Court

Reporter and Notary Public in and for the State
of South Carolina, in the law offices of Turner,
Padget, Graham and Laney, Greenville, South
Carolina, on Thursday, the 12th day of
September, 2019 commencing at 2:03 p.m.

Job No. CS3521079

Page 14	Page 16 2 Q. And then you went to Sacred Heart? 3 A. Yeah, Sacred Heart. 4 Q. And was that for just sixth and 5 seventh grade or what --- 6 A. I don't remember.
Page 15 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Page 17 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

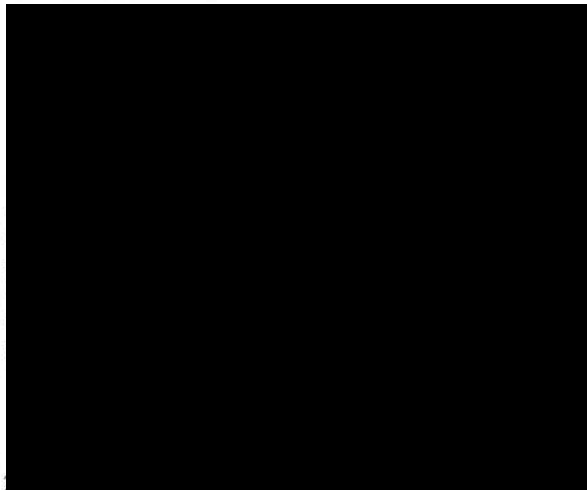
5 (Pages 14 - 17)

Page 26 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Page 28 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
Page 27 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Page 29 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 Q. Tell me about Sacred Heart School.

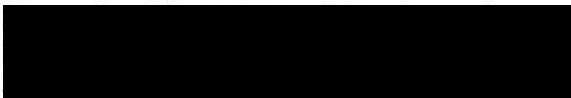
8 (Pages 26 - 29)

Page 30

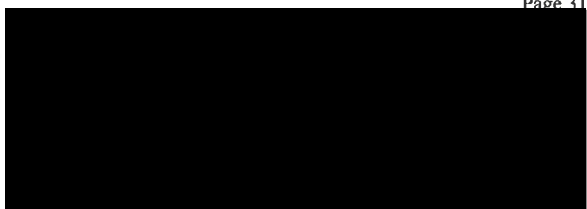
- 1 What do you remember? Let's start with the
 2 building. What do you remember about it?
 3 A. It was three story -- four story
 4 maybe. Church on the left, hall on the right.
 5 That's about it.



- 21 Q. Who was the principal?
 22 A. Ms. Runyan.



Page 31



I

- 8 never had to get into any disciplinary actions
 9 with her. So she was always real nice to me
 10 because I -- she'd make me pick up Father
 11 Manning's beer cans.

12 Q. Okay.

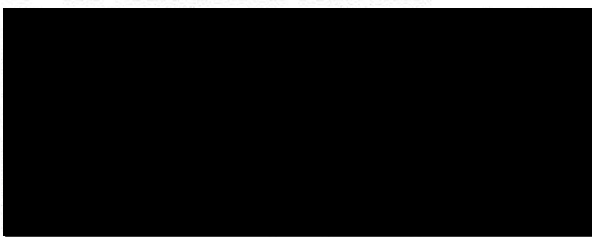
13 A. Before the students get there.

14 Q. Huh?

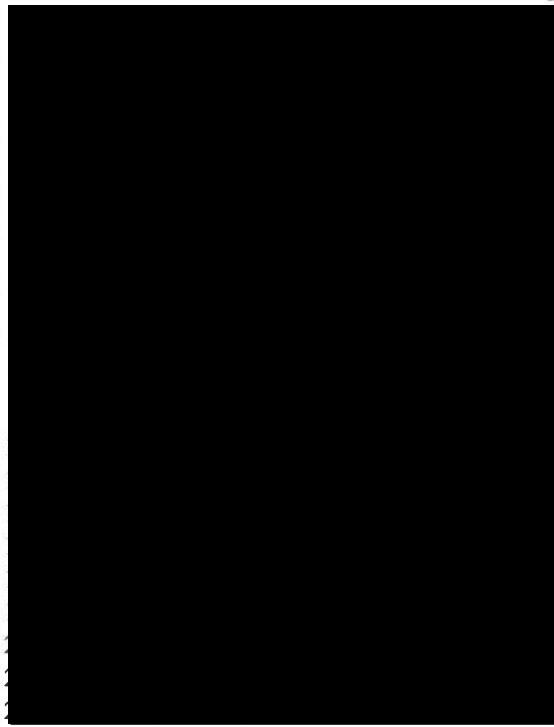
15 A. Before the students get there.

16 Q. Okay.

17 A. I would get there early, because my
 18 dad would drive me down there.



Page 32



- 23 Q. Do you remember your sixth grade
 24 teacher -- Ms. Valdives maybe?
 25 A. No. I remember Hartnett.

Page 33

- 1 Q. Right.
 2 A. I remember Parham and I remember
 3 Brooks.



9 (Pages 30 - 33)

Page 74

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8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 Is there anything else that is an
12 issue that you have to struggle with?
13 A. Other than what's going on now?
14 Q. Yes.
15 A. This is my biggest battle.
16 Q. You mean, Hartnett and Brooks or
17 your lawsuit against the church?
18 A. Hartnett and Brooks.
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

Page 77

1 [REDACTED]
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Page 87 1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]	Page 89 1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]

23 (Pages 86 - 89)

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Page 107 18 Q. All right. Let's turn to Chris 19 Hartnett and Hal Brooks. 20 A. Okay. 21 Q. And truly I do understand how hard 22 it is for you and I appreciate it. We can go 23 as slowly as you want. And we can address this 24 however we need to or you need me to, okay? 25 [REDACTED]	Page 109 8 Q. And then 1970, 1971, Chris Hartnett 9 was your seventh grade teacher. 10 A. Okay. Well, then I did go to 11 seventh grade. Hell, I didn't remember that. 12 Q. Okay. 13 A. I thought I only went as far as the 14 sixth grade. I'm just being honest with you, 15 man. [REDACTED]

28 (Pages 106 - 109)

Page 110

1 [REDACTED]
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 25 [REDACTED]

Page 111

[REDACTED]

21 Q. Okay. What was -- describe Chris
 22 Hartnett to me.
 23 A. Short, pudgy, rosy cheeks -- what
 24 do you call that when they get the red cheeks
 25 all the time? What's that called?

Page 112

[REDACTED]

4 THE WITNESS: And
 5 smiled all the time. That's about all I
 6 remember.

[REDACTED]

10 Q. Tell me about Hal Brooks.
 11 A. Brooks didn't really come into the
 12 picture until after the trip to Columbia.
 13 Q. Okay.

[REDACTED]

Page 113

[REDACTED]

2 Q. Okay. All right. When was the
 3 first time Chris Hartnett molested you?
 4 A. In school.
 5 Q. Give me a -- without describing the
 6 actions -- what, where, what time of day, that
 7 sort of thing.
 8 A. I can't remember the time of day.
 9 Might have been after school. Maybe it was
 10 during school. But it happened in the
 11 lunchroom/hallway if you want to call it.
 12 Q. If you're looking at the school
 13 from King Street ---
 14 A. To the right.
 15 Q. --- over on the right?
 16 A. Yes, sir.
 17 Q. That kind of separate building or
 18 has a breezeway over there?
 19 A. I think it is a separate building
 20 with a breezeway.
 21 Q. Yes. And what did Hartnett do on
 22 that occasion?
 23 A. Fellatio.

[REDACTED]

29 (Pages 110 - 113)

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001524

973-410-4098

Page 114

[REDACTED]

3 Q. Did he pull your pants down? How
4 did that happen?
5 A. That's the part that's a little
6 fuzzy.
7 Q. I'm sorry?
8 A. I said that's the part that for me
9 is a little fuzzy.
10 Q. Okay.
11 A. But that was just the first time.
12 Q. Okay. Is that what you remember
13 Hartnett did most often is perform fellatio?
14 A. No. It went on from there.
15 Q. Okay. How did it escalate?
16 A. In Columbia.
17 Q. All right. Was it just the one
18 time in the lunchroom and then the trip to
19 Columbia?
20 A. No. I believe it happened on the
21 side of the school after the first time.
22 Q. And what did he do?
23 A. Same thing.
24 Q. Okay. Did you resist?
25 A. No.

Page 115

1 Q. Why not?
2 A. I don't know.
3 Q. How did this trip to Columbia come
4 about?
5 A. Well, he said we were going up
6 there to see a museum or something and ended up
7 at a friend of his house and Brooks was there.
8 Q. Was it a school trip to the museum?
9 A. No.
10 Q. Okay. Did your parents ---
11 A. I was the only one.
12 Q. Did your parents know you were
13 going to Columbia?
14 A. Yes.
15 Q. And they'd given you permission to
16 go?
17 A. Yes.
18 Q. Did you want to go, not want to go?
19 Did they force you to go?
20 A. They didn't force me. No, sir.
21 Q. Okay. Where was this house?
22 A. To the best of my recollection
23 somewhere off of Gervais Street. I remember
24 Gervais Street very well.
25 Q. Okay.

Page 116

1 A. Somewhere near the college.
2 Q. Describe the house for me.
3 A. Brick, two-story, old
4 , dark brick -
5 - maybe red brick.
6 Q. What kind of car did Hartnett have?
7 A. An Impala.
8 Q. Where did you ride -- front seat or
9 back seat?
10 A. Front seat.
11 Q. Was anybody else with you?
12 A. No, sir.

[REDACTED]

19 Q. How many people were at the house
20 when y'all arrived at the party? And I say
21 it's a party -- I think you used that term.
22 A. A group.
23 Q. Okay.
24 A. I can't give you an exact number --
25 six maybe.

Page 117

1 Q. All right. What happened at that
2 party?
3 A. Oral and anal sex.
4 Q. With how many people?
5 A. Myself, Hartnett and Brooks is all
6 I know about.

[REDACTED]

11 Q. Did you know Brooks then?
12 A. He was a teacher.
13 Q. Right. But he didn't teach you;
14 did he?
15 A. I don't think so. I don't think he
16 did. If he did I don't remember. But he was
17 one of the teachers.
18 Q. Okay. Did you know Hartnett from
19 the year before when you were in the sixth
20 grade?
21 A. Yes, I believe so.
22 Q. And he didn't do anything to you
23 when you were in the sixth grade?
24 A. I don't remember. I just remember
25 it was during my time at the school.

Page 118

7 Q. What time of year did this party
8 take place?
9 A. Somewhere in the fall. I'm sure of
10 that.

13 Q. Okay. What else happened at that
14 party?
15 A. Other than the sexual part?
16 Q. Yes.
17 A. We left. I was kind of drunk. I
18 was definitely high. There was marijuana and
19 alcohol involved.
20 And we went to someplace out on --
21 someplace in between Columbia and Sumter I
22 think it was Highway 378 and went into a
23 nightclub or a bar -- whatever you want to call
24 it.
25 And I remember being kissed by

Page 119

1 another man. And I remember when the other man
2 realized that I was a male, he excused himself.
3 And by then Hartnett and Brooks
4 were gone and I ended up making my way back to
5 Charleston on my own.
6 Q. Okay. How did you -- how did you
7 get back?
8 A. Ran part of the way; hitchhiked the
9 rest.
10 Q. And how long did it take you to get
11 back?
12 A. Pretty much all night.
13 Q. When was -- during the rest of the
14 school year did you remember that as it
15 happened? Did you know what had happened?
16 A. I don't remember that either.
17 Q. Did Hartnett or Brooks molest you
18 again during that school year?
19 A. I don't remember that either.
20 Q. So after the party you just don't
21 know whether anything happened ---
22 A. Huh-uh (no).
23 Q. --- again? Did you tell anybody
24 about what had happened at that party?
25 A. This one right here and Ms. Whalen.

Page 120

1 Q. But you didn't tell -- didn't go to
2 the doctor?
3 A. Huh-uh (no).
4 Q. Didn't tell your parents?
5 A. Huh-uh (no).
6 Q. Didn't tell anybody at the school?
7 A. No. I told my brother-in-law that
8 I was having problems and -- part wise I was
9 having problems and asked if the church would
10 help me.
11 Q. And that was Thomas?
12 A. Thomas.
13 Q. ___?
14 A. Yes.
15 Q. And when did you talk to Thomas
16 about that?
17 A. I don't remember.
18 Q. Was it shortly before you called
19 Louisa Storen?
20 A. I believe that it was around the
21 same time.
22 Q. Okay. Did Thomas give you Louisa's
23 phone number or did Larry?
24 A. No, Thomas did.
25 Q. Thomas did?

Page 121

1 A. Yes, sir.
2 Q. Okay.
3 A. I do remember that.
He said he got
4 it from Peter Shahid.
5 Q. When did you begin remembering what
6 had happened to you?
7 A. Pretty close to the time I talked
8 to Thomas, but I just don't remember when that
9 was.
10 Q. Okay.
11 A. But it was after the last time I
12 sought ---
13 Q. Okay.
14 A. I just don't remember how long
15 after or -- I think it might have been a couple
16 of weeks.

31 (Pages 118 - 121)

Page 122 [REDACTED] 5 Q. Yes. How did the memories start 6 coming back? 7 A. Pretty vivid, pretty -- pretty 8 rapidly within a couple of days. I remembered 9 it all. 10 Q. Had you been reading any news 11 stories about sexual abuse or watching any 12 movies about it? I'm trying to see if there 13 was a trigger. 14 A. I don't think so. I don't know, 15 but I don't think so. [REDACTED]	Page 124 1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]
Page 123 2 BY MR. DUKES: 3 Q. Is there anything else that you 4 remember about Hartnett and Brooks? 5 A. Shame. 6 Q. Okay. 7 A. My shame. 8 Q. I understand. And I understand 9 you're working with Dr. Whalen on getting past 10 that and you hope to. And I hope you do too. 11 Because you don't have anything to be ashamed 12 of. You were just a kid. 13 A. Yeah, but I didn't say no and I 14 should have. 15 Q. Do you think you should have told 16 somebody afterwards? 17 A. Now, yeah. Yeah, I do. I think I 18 should -- I think I should have told Father 19 Manning. 20 Q. Yes. 21 A. That's who I think I should have 22 told. [REDACTED]	Page 125 1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]

32 (Pages 122 - 125)

Page 146

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[REDACTED]

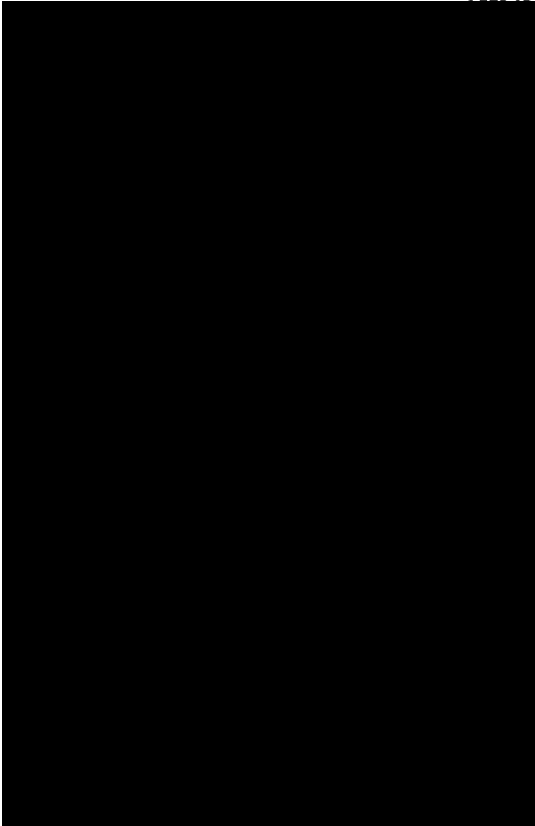
3 Q. Did you choose to go to Sacred
4 Heart or did your parents?
5 A. I think it was dad -- my dad.

[REDACTED]

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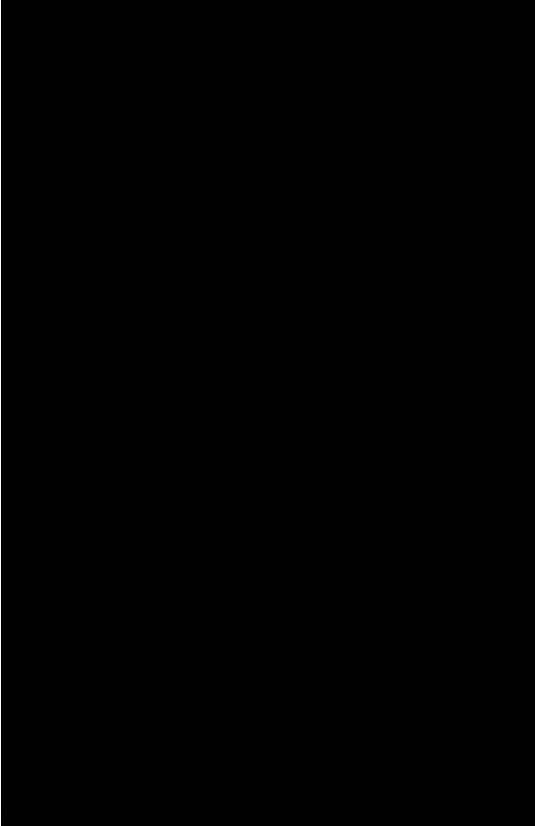
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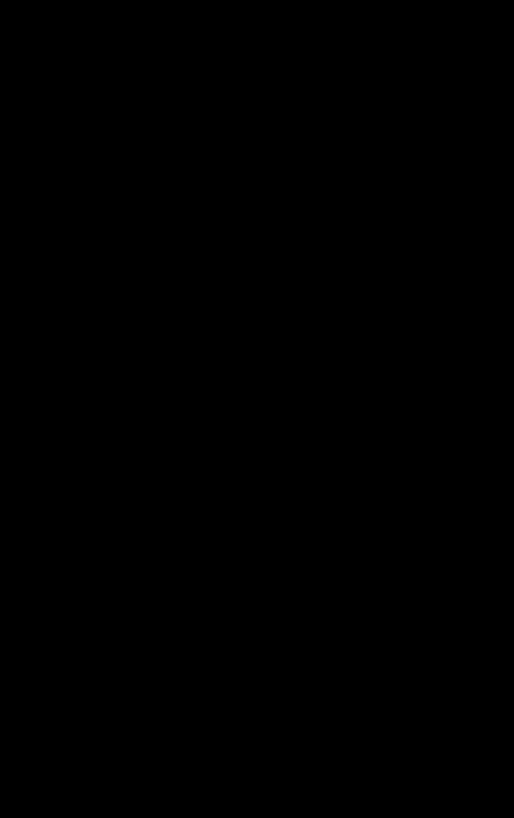
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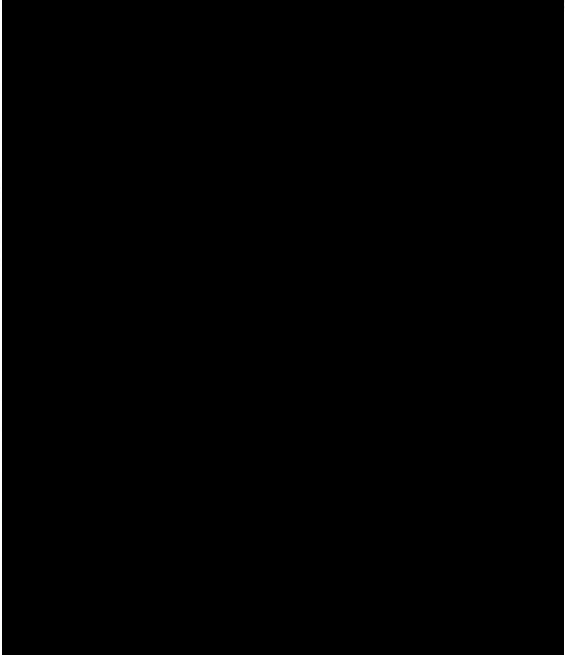
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20 Q. Are you satisfied with the care
21 you're getting from Dr. Whalen?
22 A. I think I'm getting better.
23 Q. Okay. Making progress?
24 A. I'm making progress. My battle's
25 with myself; not with her.

Page 154 1 Q. Okay. Do you know of any other 2 minors who were abused by either Chris Hartnett 3 or Hal Brooks? 4 A. I believe so. 5 Q. Who? 6 A. [REDACTED] 7 Q. Okay. Why do you believe that? 8 A. Things Hartnett said to me. 9 Q. And when did you come to know this? 10 And it was when you were in Hartnett's class? 11 A. When I was in Hartnett's class. [REDACTED]	Page 156 [REDACTED] [REDACTED] After Thomas 17 and you discussed the matter did you -- did 18 Thomas then make inquiry about what the Diocese 19 could or would offer you by way of pastoral or 20 counseling care? 21 A. He just connected me to Louisa 22 Storen. [REDACTED]
Page 155 1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] you 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]	Page 157 1 Q. Okay. So that's the way it went? 2 A. Yes. 3 Q. Thomas to Louisa through Peter 4 Shahid, then you to Louisa and Ms. Whalen -- 5 Dr. Whalen --- 6 A. That's correct. 7 Q. --- again through Louisa? And did 8 all that happen in a relatively compressed 9 timeframe? 10 A. I think so. 11 Q. Okay. 12 A. I couldn't give you exact dates but 13 that was pretty quick. [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]

40 (Pages 154 - 157)

EXHIBIT 2

STATE OF SOUTH CAROLINA) IN THE COURT OF
COUNTY OF CHARLESTON) COMMON PLEAS
CASE NO: 18-CP-10-3929

JOHN DOE,

PLAINTIFF,

VS.

BISHOP OF CHARLESTON, A
CORPORATION SOLE, AND THE
BISHOP OF THE DIOCESE OF
CHARLESTON, IN HIS OFFICIAL
CAPACITY,

DEFENDANTS.

DEPOSITION OF:
DOROTHY WHALEN

Given before Cecelia Englert, Court Reporter and Notary Public in and for the State of South Carolina, in the law offices of Turner, Padgett, Graham and Laney, Greenville, South Carolina, on Thursday, the 19th day of September, 2019 commencing at 10:00 a.m.

Job No. CS3521137

Page 10

1 A. Yes.
2 Q. And how many times have you done
3 that?
4 A. Five times.
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 Q. Okay. Has the court ever appointed
18 as a court expert witness?
19 A. I believe so.
20 Q. Okay. When did that happen?
21 A. In some of those five cases.
22 Q. Okay. Which ones?
23 A. I think in -- to the best of my
24 memory -- two of them.
25 [REDACTED]

Page 11

1 [REDACTED]
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Page 23 1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]	Page 25 1 Q. Was he running away to get away 2 from the abuse by the teachers? 3 A. That's my understanding. 4 Q. Okay. Why did he continue to run 5 away even in his teenage years? 6 A. Because of the pain of the abuse 7 and the way his life was going. 8 Q. And he has specifically attributed 9 his running away to the pain of the abuse he 10 was undergoing at the time? 11 A. That's what he told me. 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]

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5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 Q. Yes. How does his perception that
12 he is shunned by his biological family
13 contribute to his emotional state?
14 A. Yeah. I'll say it a little
15 differently. I think it's the PTSD that is
16 contributing to his shame that causes him to
17 perceive that he's being shunned by his family.
18 Q. [REDACTED]
19 [REDACTED]
20 [REDACTED]
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22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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25 [REDACTED]

Page 28

1 [REDACTED]
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3 [REDACTED]
4 [REDACTED]
5 A. I think it's a manifestation of his
6 victimization. One of the -- a symptom of PTSD
7 is that he endorses his hypervigilance in
8 waiting for something awful to happen.
9 And he sees -- he saw his bosses at
10 Publix as men who were after him, who wanted
11 him fired. He saw them as perpetrators just as
12 he saw those other perpetrators as trying to
13 victimize him.
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 Q. Let's define his paranoia.
20 A. [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 A. Paranoia. It's not clinical
25 paranoia; it's Mr. Doe's paranoia. It is

Page 29

1 intense, almost irrational worrying that the
2 worst is going to happen to him -- that his --
3 his survival is going to be threatened. It's
4 fear, it's terror.
5 Q. And you view that as a symptom of
6 his PTSD?
7 A. Yes.
8 Q. What other manifestations of PTSD
9 does he have?
10 A. Okay. He has emotional and
11 flashbacks. He has terrifying nightmares of
12 abuse and being attacked. He can't sleep.
13 He has symptoms of very distorted
14 negative thoughts of himself, negative thoughts
15 of the world, shame. He has symptoms of
16 depression, extreme anxiety and fear. I've
17 already referred to that. He has times of
18 dissociative states.
19 Q. What is that?
20 A. When things don't seem real to him
21 -- when -- it's as if he's looking at himself
22 like outside himself. That's
23 depersonalization.
24 And times in therapy when he'll say
25 I'm not here is when the anxiety and the terror

Page 34

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 A. So are you asking me how did his
 8 mental state affect his ruthlessness?
 9 Q. Yes.
 10 A. Very much so. In PTSD there's a
 11 loss of control. There's a loss of stability.
 12 So I would interpret clinically that
 13 ruthlessness as the flight that takes place
 14 after trauma -- that lack of stability and
 15 control.
 16 Q. Okay. And that was manifesting
 17 itself as early as his late teens or ---
 18 A. Even earlier when he ran away so
 19 many times.
 20 Q. Okay. And you attribute that to
 21 the abuse by the teachers?
 22 A. Yes.
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

Page 35

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 Q. What kind of questions do you ask
 13 for healing?
 14 A. In the case of Mr. Doe he had a
 15 number of distorted thoughts about the abuse
 16 and I asked questions to help him recognize the
 17 distortions of his thinking and to clarify and
 18 correct his negative distortions about the
 19 abuse.
 20 Q. What distorted thoughts did he
 21 have?
 22 A. For example, he thought he was
 23 responsible for the abuse by the teachers.
 24 Q. And how did you correct that?
 25 A. Well, first I try to understand

Page 36

1 from his perspective how he understood the
 2 abuse. What was his narrative, if you will?
 3 His understanding of what happened, why it
 4 happened, how he -- how and why he felt
 5 culpable for the -- the abuse.
 6 And then I would ask questions and
 7 actually provide education on child sexual
 8 abuse to help him understand that it's never a
 9 child's fault when adults perpetrate.
 10 Q. And that's in my list of things to
 11 ask you. When you provided information and
 12 education about sexual abuse what exactly did
 13 you provide him?
 14 A. I talked about victimization, how
 15 there is -- we call it the abuse triad -- a
 16 triangle. At one point there's the perpetrator
 17 in the triangle. In the second point of the
 18 triangle there's the victim. And the third
 19 point of the triangle is the rescuer.
 20 This is a very simple model that
 21 you can draw on a whiteboard to explain how
 22 when you're a child a child is weak and
 23 vulnerable and a perpetrator is more powerful
 24 and perpetrates and offends a child. And the
 25 goal of the treatment is to help the victim,

Page 37

1 Mr. Doe, to access his inner rescuer to begin
 2 to heal.
 3 Q. Okay. And how do you get him to
 4 access his inner rescuer?
 5 A. In the beginning it's to explain
 6 what happened, to understand the circumstances,
 7 to put it in context. Then provide education
 8 and information about, as I said before, what
 9 child sexual abuse is, to correct the distorted
 10 thoughts about how he was responsible.
 11 And for some people that's very
 12 helpful and liberating to recognize that they
 13 weren't responsible. And in the case of Mr.
 14 Doe, with that rescuer, in addition to him
 15 rescuing himself, so to speak, also used a
 16 psychological spiritual orientation to therapy
 17 where we try to access the teachings of the
 18 Catholic church, sacraments to help him heal
 19 spiritually.
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

8 Q. Your diagnosis all along has been
9 that he suffers from PTSD and major depression?

10 A. Yes.

10 Q. And you work with Louisa a fair
11 amount; don't you? Or do you?

12 A. I -- I've received referrals from
13 her in times past, yes.

14 Q. Okay. And you're Catholic; aren't
15 you?

16 A. Yes. I have a Master's degree in
17 theology.

18 Q. [REDACTED]

Page 62

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15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
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19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 Q. And that confusion existed
24 throughout his adolescents and into his
25 adulthood?

Page 64

1 A. I don't know how to answer that
2 question because for a long time those memories
3 weren't available to him.
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
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9 [REDACTED]
10 Q. What's your treatment plan for him?
11 A. I think the primary goal right now
12 is to help him -- to use a grief and loss model
13 to help him accept what happened, to forgive
14 himself and to move on with his life.
15 Q. Okay. That's -- the grief and loss
16 model is the one thing I haven't asked you
17 about. What -- explain the grief and loss
18 model and how you address it in your therapy.
19 A. Well, I could look at it both
20 clinically and spiritually. If we were to use
21 the Kubler-Ross model where there are five
22 stages of loss, he's experienced many of them --
23 - the denial, the shock.
24 We can liken that to the
25 disassociation -- the anger, the bargaining --

Page 67

1 "If only I had reported it." The depression
2 and the final stage would be the acceptance.
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
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10 [REDACTED]
11 [REDACTED]
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Page 71 1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]	Page 73 1 young child at Sacred Heart school. What is 2 happening to you? 3 A. No. 4 Q. Okay. 5 A. No. It's not the way I was 6 trained. 7 Q. Okay. And you'll agree with me 8 there are some psychotherapists who are trained 9 that way? 10 A. Yes. 11 Q. What do you think of that 12 technique? 13 A. I think it's invasive. I think 14 it's disrespectful. It doesn't treat the 15 person he -- person with dignity. The psyche 16 knows what the person needs and it will come 17 out when the space is safe. 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]

Page 74

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 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED] So I know the -- the Catholic school
 11 abuse resurfaced. I think the -- when he was
 12 six that resurfaced but it's ---
 13 Q. And those resurfacings are only his
 14 reports to you?
 15 A. That's what I understand.
 16 Q. Okay.
 17 A. But it's -- may I add one more
 18 thing?
 19 Q. Absolutely.
 20 A. It's not just the memory of the
 21 event that colors this perspective that you've
 22 just drawn; it's all the associated emotions
 23 and psychological states. It's the whole thing
 24 that has come forth.
 25 So he did "have a pretty damn good
 life until he remembered that crap." But it

Page 76

1 was only when the, you know, the wound that
 2 poked that everything came back -- the
 3 feelings, the memories, the psychological
 4 state, the visceral feelings in his body.
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

Page 77

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
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 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

13 Q. I see. Is dealing with his
14 obsessive compulsive disorder any part of your
15 therapy?

16 A. I've not diagnosed him with
17 obsessive compulsive disorder.

18 Q. He's the one who says that?

19 A. Yeah.

[illegible]

17 Q. How long -- well, tell me how you
18 got into the therapy world.

19 A. I graduated from undergraduate
20 school in 1973 and was a stay-at-home mom for a
21 while. And then when I was in my thirties I
22 decided I wanted to get a Master's degree in a
23 helping profession.

24 And I looked at a number of
25 different types of degrees that would allow me

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1 model on child sexual abuse.
 2 MR. DUKES: Used to
 3 be.
 4 THE WITNESS: As of
 5 2016 no longer. I was a trainer for it for
 6 twelve years.
 7 So they look for children who are
 8 vulnerable and they can assess that -- I think
 9 first visibly and then they do what we call
 10 grooming.
 11 They do different types of grooming
 12 -- soc -- psychologically they'll groom the
 13 child which means they'll approach the child
 14 and they will befriend the child and they'll
 15 see where the child's weaknesses are, where the
 16 strengths are. Does the child have a mother or
 17 father? Are there problems in the family?
 18 So then social -- then they'll try
 19 to endear themselves to that child. Then
 20 they'll do some social grooming where they'll
 21 groom the environment. They may befriend the
 22 parents and try to win the trust of the
 23 parents.
 24 Then they may try to physically
 25 groom the child by touching the child,

Page 87

1 caressing the child, just preparing the child
 2 for victimization.
 3 So through some very -- really
 4 accomplished social skills and psychological
 5 evaluation perpetrators know how to choose the
 6 child and groom them for perpetration.
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 Q. Do you find or can you say that
 22 abuse victims may be even more extensively
 23 impacted or permanently impacted when the abuse
 24 is at a hand -- at the hand of a particularly
 25 trusted figure such as a -- this is not a

Page 88

1 priest abuse case -- but you can plug that into
 2 the example -- or a teacher as we are dealing
 3 with ---
 4 A. I think ---
 5 MR. DUKES: I'm going
 6 to need to object to the form and I'm going to
 7 object to the admissibility of that.
 8 MR. RICHTER: Okay.
 9 Go ahead. You can answer.
 10 THE WITNESS: I think
 11 when the perpetrator is somebody who is trusted
 12 by the victim -- somebody with whom the victim
 13 has a relationship with, especially a close
 14 relationship -- I think that the impact can be
 15 very devastating -- maybe more so than a
 16 stranger.
 17 BY MR. RICHTER:
 18 Q. Thank you. When you -- in your
 19 professional status when you have been exposed
 20 to victims -- studied victims -- do you find
 21 that this self-blame by a child victim is a
 22 typical reaction by a child?
 23 A. Yes.
 24 [REDACTED]
 25 [REDACTED]

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1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 THE WITNESS: My
 5 answer is yes and I think the clinical writing
 6 points to that because of the way that
 7 perpetrators groom a child. They have a way of
 8 putting the blame on the child.
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

Page 90 1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]	Page 92 1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]
Page 91 1 [REDACTED] 2 Q. Okay. Do you know that the -- in 3 South Carolina the repressed memory syndrome 4 has been recognized in our law and that it is a 5 syndrome in South Carolina that has --- 6 MR. DUKES: Object to 7 form. 8 MR. RICHTER: --- that 9 has been a part of proof in cases for some time 10 now? 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]	Page 93 1 CERTIFICATE 2 STATE OF SOUTH CAROLINA 3 COUNTY OF HORRY 4 I, Cecelia Englert, 5 Professional Verbatim Reporter and Notary 6 Public for the State of South Carolina, certify 7 that I did have DOROTHY WHALEN to appear before 8 me at 10:00 a.m. on the 19th day of September, 9 2019, in the office of Turner, Padgett, Graham 10 and Laney, Greenville, South Carolina; that the 11 witness was duly sworn to tell the truth, the 12 whole truth and nothing but the truth; that the 13 foregoing pages constitute a true and accurate 14 transcript of the testimony given at that time 15 and place. 16 I further certify that I am not of 17 counsel or kin to any of the parties to this 18 cause of action, nor am I interested in any 19 manner in its outcome. 20 IN WITNESS WHEREOF I have hereunto 21 set my hand and seal this 22nd day of 22 September, 2019. 23 _____ 24 Cecelia Englert, Notary Public 25 My Commission expires June 6, 2028

9-19-19

1 CERTIFICATE

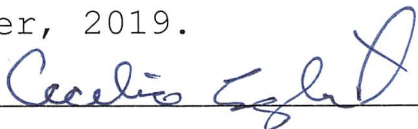
2 STATE OF SOUTH CAROLINA

3 COUNTY OF HORRY

4 I, Cecelia Englert,
5 Professional Verbatim Reporter and Notary
6 Public for the State of South Carolina, certify
7 that I did have DOROTHY WHALEN to appear before
8 me at 10:00 a.m. on the 19th day of September,
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10 and Laney, Greenville, South Carolina; that the
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21 set my hand and seal this 22nd day of
22 September, 2019.

23 
24 Cecelia Englert, Notary Public

25 My Commission expires June 6, 2028

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EXHIBIT 3

1 STATE OF SOUTH CAROLINA) IN THE COURT OF
2 COUNTY OF CHARLESTON) COMMON PLEAS
3 CASE NO: 18-CP-10-3929

4 JOHN DOE,)
5)
6 PLAINTIFF,)
7)
8 vs.)
9)
10 BISHOP OF CHARLESTON, A)
11 CORPORATION SOLE, AND THE)
12 BISHOP OF THE DIOCESE OF)
13 CHARLESTON, IN HIS OFFICIAL)
14 CAPACITY,)
15)
16 DEFENDANTS.)
17)
18)
19)
20)
21)
22)
23)
24)
25)

DEPOSITION OF:
JASON FLASSING
September 19, 2019

Given before Cecelia Englert, Court
Reporter and Notary Public in and for the State
of South Carolina, in the offices of Sherbondy
Psychiatric Services, Piedmont, South Carolina,
on Thursday, the 19th day of September, 2019
commencing at 8:05 a.m.

Job No. CS3521119

Page 6 1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]	Page 8 1 that diagnosis, that medical diagnosis? 2 A. So there's an initial psychiatric 3 evaluation where we've discussed his mental 4 health status and symptoms related to 5 depression, anxiety. 6 In his case in particular he was 7 referred by a therapist who was diagnosing him 8 with post-traumatic stress disorder in which 9 case I was also able to provide that diagnosis 10 or confirm that diagnosis through my 11 evaluation. 12 Q. And what symptoms of PTSD is Mr. -- 13 or was Mr. Doe displaying? 14 A. Major depression. Okay. So he 15 would have significant depressive symptoms, 16 severe anxiety both of which can be related to 17 PTSD. 18 Also had significant nightmares for 19 which we've provided medication management. 20 Racing thoughts -- those are the primary 21 symptoms. 22 Q. Okay. I noticed on your -- I guess 23 your intake assessment that his memory was 24 intact? 25 A. Yes.
Page 7 1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 BY MR. DUKES: 15 Q. What is your role in Mr. Doe's 16 treatment? 17 A. I am a psychiatric physician 18 assistant. So my primary role is to provide 19 medication management for symptoms related to 20 his mental health. 21 Q. Do you make a diagnosis of his 22 mental health? 23 A. I do. 24 Q. And what's the -- what is your 25 process as a physician's assistant in making	Page 9 1 Q. How did you test that? 2 A. That would be more of a direct 3 observation -- him being able to provide a 4 history of events that was accurate. I mean -- 5 - 6 Q. What history of events did he 7 provide you? 8 A. His -- basically his -- the history 9 of his own mental health. You know, he was 10 able to provide symptoms from the time he was a 11 child. He knew, you know, what year it was. 12 He was able to describe specifics 13 as it related to some trauma related to the 14 passing of his wife and kids. It's mostly done 15 by direct observation. 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 ---

1 Q. And how have you managed his
2 medical treatment for his PTSD?

2 medical treatment for his PTSD?

3 A. Well, unfortunately there's not as
4 many medications as we would like to be able to
5 treat PTSD. So we treat somewhat
6 symptomatically.

4 many medications as we would like to be able to
5 treat PTSD. So we treat somewhat
6 symptomatically.

5 treat PTSD. So we treat somewhat
6 symptomatically.

6 symptomatically.

7 But we do treat his major
8 depressive disorder. And the two are, you
9 know, a mesh. It's sometimes hard to
10 distinguish one from the other.

8 depressive disorder. And the two are, you
9 know, a mesh. It's sometimes hard to
10 distinguish one from the other.

9 know, a mesh. It's sometimes hard to
10 distinguish one from the other.

10 distinguish one from the other.

11 But basically initial visit was in
12 September of two years ago. And then seen
13 approximately every one to three months
14 depending on, you know, whether we're making
15 medication changes or not.

12 September of two years ago. And then seen
13 approximately every one to three months

13 approximately every one to three months

14 depending on, you know, whether we're making
15 medication changes or not.

15 medication changes or not.

16 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]

[illegible][illegible]

[illegible]

EXHIBIT 4 – PART 1

=====

Deposition of:

Sally Duffy

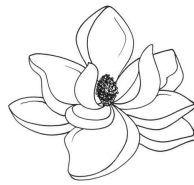
=====

**Doe
v.
Bishop of Charleston, et al**

Case #: 2018-CP-10-3929

November 26, 2019

=====



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North Charleston, SC 29419
(843) 303-9141
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STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) NINTH JUDICIAL CIRCUIT

John Doe,)
Plaintiff,)
) Civil Action No.:
) 2018-CP-10-3929
v.)
)
Bishop of Charleston, a Corporation)
Sole, and the Bishop of the Diocese)
of Charleston, in his official)
capacity,)
)
Defendants.)

DEPOSITION OF: SALLY DUFFY

DATE TAKEN: Tuesday, November 26, 2019

TIME: 2:35 P.M.

PLACE: Richter Law Firm
622 Johnnie Dodds Boulevard
Mount Pleasant, South Carolina

REPORTED BY: MARY ANN RIDENOUR, RPR, CLR, CVR-S
and Notary Public

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Sally Duffy - 11/26/2019

Page 2 1 APPEARANCES 2 3 REPRESENTING THE PLAINTIFF: 4 LAWRENCE E. RICHTER, JUNIOR, ESQUIRE 5 The Richter Law Firm 6 622 Johnnie Dodds Boulevard 7 Mount Pleasant, South Carolina 29464 8 (843) 849-6000 9 lrichter@richterfirm.com 10 11 REPRESENTING THE DEFENDANTS: 12 RICHARD S. DUKES, ESQUIRE 13 Turner Padget Graham & Laney 14 40 Calhoun Street, Suite 200 15 Charleston, South Carolina 29401 16 (843) 576-2800 17 rdukes@turnerpadget.com 18 19 20 21 22 23 24 25	Page 3 1 INDEX 2 3 Testimony of Sally Duffy 4 Direct Examination by Mr. Dukes.....4 5 Cross-Examination by Mr. Richter.....128 6 Redirect Examination by Mr. Dukes.....133 7 Recross-Examination by Mr. Richter.....135 8 Further Redirect Examination by Mr. Dukes.....136 9 10 CERTIFICATE.....137 11 12 INDEX OF EXHIBITS 13 Defendant's Exhibit No. 1 - Subpoena.....4 14 15 Plaintiff's Exhibit No. 1 - Duffy Report.....133 16 17 18 STIPULATIONS 19 It is hereby stipulated and agreed by and between 20 the parties hereto, through their respective counsel, 21 that the reading and signing of the transcript is 22 waived by the Deponent. 23 24 25
Page 4 1 (Defendant's Exhibit No. 1 marked for 2 identification.) 3 (The deposition commenced at 2:35 p.m.) 4 SALLY DUFFY, SWORN. 5 DIRECT EXAMINATION BY MR. DUKES: 6 Q. Sally, good afternoon. I'm Rich Dukes. We 7 introduced ourselves earlier and agreed to go on a 8 first name basis. 9 A. Right. 10 Q. The rules require I give you a few 11 instructions. 12 First, if you have any questions about 13 something I ask you, please let me know and I'll 14 clarify them. 15 A. Okay. 16 Q. If you answer one of my questions, I'm going 17 to assume you understood it. If you don't understand 18 it, please let me know. 19 A. I will. 20 Q. Occasionally, you will hear Mr. Richter 21 object to the form of one of my questions. That's 22 something that is legalese and the court will work out. 23 A. I'm -- 24 Q. You're to answer the question anyway. 25 A. Right.	Page 5 1 Q. Mary Ann, our court reporter, is taking down 2 everything we say. It will be helpful for her if you 3 wait for me to finish my question before you start 4 answering. And I'll wait for you to start -- I'll wait 5 for you to finish answering before I ask you another 6 question. 7 A. Fair enough. 8 Q. As Mr. Richter just said, if ever you need a 9 break, just let us know. 10 A. Okay. 11 Q. We will accommodate you however we can. 12 A. Okay. I did try to be as thorough as 13 possible in my report. 14 Q. Okay. 15 MR. RICHTER: Are you going to be able to 16 hear her okay? 17 BY MR. DUKES: 18 A. I'm going to try -- I'll try to talk up. 19 Q. I will -- 20 A. It's quiet in here. 21 Q. I will turn up my hearing aids. 22 A. I usually can talk louder than this, but... 23 Q. You've been designated as an expert witness 24 in this case? 25 A. Yes.

2 (Pages 2 to 5)

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Page 6 1 Q. And Exhibit 1 is a subpoena that we served on 2 you to appear for this deposition. And because I 3 forgot to check the box that you were to bring 4 documents -- 5 A. I brought a bunch of them. 6 Q. You did? What all did you bring? 7 MR. RICHTER: I've got some documents, I 8 haven't read them yet, that she's given to me, if 9 these are the ones you're talking about? 10 BY MR. DUKES: 11 A. I even have the drafts of the report. I have 12 some additional information that I haven't used in this 13 one. These are all the depositions, medical records. 14 Q. Okay. 15 A. I have -- I read the whole thing. 16 Q. Okay. What is that? 17 A. It's put out by APA American Psychological 18 Association. 19 MR. RICHTER: Hold on a second, please, 20 ma'am. Let him catch up with you. Tell me what 21 the -- tell us again what this is. 22 MR. DUKES: This is the Psychology and 23 Public -- Psychology Public Policy and Law, Final 24 Report of the American Psychological Association 25 Working Group On Investigation of Memories of	Page 7 1 Child Abuse. 2 MR. RICHTER: Okay. 3 BY MR. DUKES: 4 A. Like plowing a field. 5 Q. Ma'am? 6 A. Like plowing a field. 7 Q. And I've read a lot about this report. I've 8 never actually seen the report. 9 MR. RICHTER: You can get your very own 10 copy. 11 BY MR. DUKES: 12 A. Yes, you can. 13 MR. RICHTER: It's titillating, I'm sure. 14 BY MR. DUKES: 15 A. And while I was at it -- I have to always do 16 stuff on continuing education, so I did an entire -- 17 MR. RICHTER: Okay, hang on a second, please. 18 THE WITNESS: Okay, sorry. 19 MR. RICHTER: I'm just saying this for 20 generally, I'm not talking to you about a specific 21 question or a specific answer, but it's very 22 important that you listen to his question, please, 23 ma'am. And whatever the question is, answer that, 24 if you can. 25 MR. DUKES: She was in the process of
Page 8 1 answering. I asked her what all documents she 2 brought with her and she was telling us. 3 MR. RICHTER: Pursuant to the subpoena. 4 MR. RICHTER: No, no. I said because I forgot 5 to check the box commanding her to produce 6 documents -- 7 MR. RICHTER: I see. These -- I understand 8 what you're -- what you're saying. 9 MR. DUKES: I asked her what she brought with 10 her and she's telling us, so... 11 BY MR. DUKES: 12 A. I brought all the documents I could think of 13 that I used. 14 Q. Okay. So you referred to the public policy 15 and law book. You looked at Mr. Doe's medical records. 16 And just for your comfort, our -- Mary Ann is 17 going to change Mr. Doe's name to -- 18 A. To Mr. Doe. 19 Q. Yeah, throughout the deposition. It's just 20 easier to refer to him by his real name. 21 MR. RICHTER: We have done that throughout 22 and it's worked. 23 BY MR. DUKES: 24 A. And all -- all -- all of my records are 25 Mr. Doe.	Page 9 1 Q. Okay, so all of your records. Did you -- I 2 noted from your report that you met with Mr. Doe and 3 his wife a week or so ago. Did you take any notes 4 regarding that meeting? 5 THE WITNESS: I thought I gave you a copy of 6 those. 7 MR. RICHTER: I may -- they may be in this 8 stack. 9 THE WITNESS: This is my original. 10 MR. RICHTER: Well, don't give your 11 originals. Are these the copies? 12 THE WITNESS: Yeah. 13 MR. RICHTER: Is this what you're talking 14 about, right here? 15 THE WITNESS: Yeah. I always take notes. 16 MR. DUKES: Thank you. 17 MR. RICHTER: I can't believe you asked a 18 psychologist if she took notes. 19 MR. DUKES: Like asking a lawyer if he takes 20 notes. 21 BY MR. DUKES: 22 A. I mean, you can't just chat with people. 23 THE WITNESS: Did you get the other side, 24 too? I had stuff on both sides of the page. 25 MR. RICHTER: I just -- she's -- I guess

3 (Pages 6 to 9)

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Page 10 1 she's copied -- it's numbered at the top. Do you 2 have a page two, Rich? 3 MR. DUKES: Yeah. 4 BY MR. DUKES: 5 A. On the back of the pages I have stuff, too, 6 where I ran out of room. 7 Q. On the back of page one, for instance? 8 A. No, on the back -- on the back of page three 9 I have notes. 10 MR. RICHTER: She's got a 3B. Is that -- 11 THE WITNESS: It's a 3B, yeah. 12 MR. DUKES: Yeah, we don't have that. Oh, 13 yeah, we do. Yeah, we do. She copied it. 14 BY MR. DUKES: 15 Q. Okay. So you brought -- you reviewed Dorothy 16 Whelan's records, right, and Jason Flossing (ph)? 17 A. Flossing. 18 Q. He was the PA? 19 A. Okay. I got records from the VA that were a 20 mess. 21 Q. Thode? 22 A. Thode. 23 Q. I've never seen those. 24 A. They're a mess, okay? What I did was, I went 25 through -- these are deposition notes. These are --	Page 11 1 Greenville Therapy Center. 2 Q. Uh-huh, that's Ms. Whalen. 3 A. Progress notes of -- should have notes -- I 4 think the -- the notes from the hospital may be on 5 here. And I had to go through that because there was 6 so much junk in there that was not really... 7 Q. Were those records for the cardiac procedures 8 or -- 9 A. It was everything. 10 Q. Okay. 11 A. That's why she had -- that's why she had to 12 put it on a CD. 13 Q. Uh-huh. 14 A. I did print most of it out because it's 15 just -- being older, it sometimes helps to have 16 everything on paper. But here, I've got everything. 17 You can look through it, if you'd like. These are her 18 notes. 19 Q. "Her" being Dottie Whalen? 20 A. Yes. And -- 21 MR. RICHTER: Didn't you ask about Thode? 22 MR. DUKES: Yes. That's the VA. 23 MR. RICHTER: Let's -- 24 BY MR. DUKES: 25 A. I had this, too.
Page 12 1 Q. What do you have from the VA? 2 A. That's what I'm trying to find out. 3 Q. Okay. 4 A. Ferguson. Yeah, this is VA here. Rick 5 Thode. I've got Rick Thode's, too. 6 Q. May I look at those real quick? I'll hand 7 them right back to you. 8 A. Sure. 9 Q. You said those records were a mess? 10 A. I tried to not print off everything. I tried 11 to just print off some of the pertinent medical -- 12 mental health records. 13 Q. And I'll hand these back to you because those 14 are -- 15 A. They're all here. 16 Q. -- Dottie Whelan's records. 17 A. I have more of hers somewhere. Hers are hard 18 to read. Here you go, some of Dottie Whelan. 19 Q. Okay. I correct myself. These VA records I 20 have seen. 21 A. I took -- you know, I took pertinent notes on 22 everything I read, some of which were incorporated in 23 the record. 24 Q. I see. I'll hand the VA records back to you. 25 A. Yeah. Because these are just -- the VA	Page 13 1 records were like this, so I went through and just 2 printed off ones that I thought were particularly 3 pertinent. 4 Q. Okay. Who provided you those VA records? 5 A. Mr. Richter's office. 6 Q. Okay. 7 A. On here. 8 Q. Okay. I don't think I have a thick stack of 9 VA records; I have a very small section of records from 10 the VA. 11 MR. RICHTER: I don't have any idea what's on 12 that. I thought you said there were lots of 13 things on that disc. Did you say that a moment 14 ago? 15 THE WITNESS: My God, yes. 16 MR. RICHTER: And one of those things is the 17 VA records? He just wants to make sure he's got 18 or getting whatever. 19 BY MR. DUKES: 20 A. I'm sure that they -- I'm sure that they 21 could -- that they could burn one for you, which is 22 what they did for me, because it -- it was too many -- 23 there were too many records. 24 MR. RICHTER: If you need that. 25 MR. DUKES: I do. I do need a copy.

4 (Pages 10 to 13)

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Page 14 1 BY MR. DUKES: 2 A. It would take a ream and a half of paper to 3 do that. 4 Q. Okay. 5 A. Now, what is -- is this yours or mine? 6 Q. That is the exhibit. 7 A. Yes, that's the exhibit. Okay. 8 MR. RICHTER: It's No. 1, the notice? 9 MR. DUKES: Uh-huh. No. 2 is the same No. 2 10 from Ellie's, the same No. 2. 11 MR. RICHTER: What was it? 12 MR. DUKES: The answers to interrogatories 13 where you designated her. 14 MR. RICHTER: Oh, I see. 15 BY MR. DUKES: 16 A. And this is the Moriarity. 17 Q. Okay. Since you've pointed out Moriarity, 18 you've read the Moriarity cases, the Court of Appeals 19 and the -- 20 A. Yes. 21 Q. -- Supreme Court's case from 1999 -- 22 A. Yes, I have. 23 Q. -- and 2000? 24 A. Yes. 25 Q. Okay. What else have you reviewed prior to	Page 15 1 this deposition? 2 A. This is brand new. This just came out on 3 PBS. One of my psychologist friends told me about 4 that. I did not use it in here. I probably will, 5 going forward. It's a program that they instituted, I 6 think in Detroit, and they now have it in 117 schools, 7 looking at some of the horrible traumas that kids can 8 go through, which leaves them less resilient. And we 9 do know that previous trauma makes somebody more likely 10 to develop PTSD with subsequent trauma, as well as 11 potentially leading to repressed memories where they 12 end up with all kinds of health problems, job problems, 13 everything. But that's brand new, hot off the press. 14 It's got face validity, so I didn't use it because it's 15 only face validity at this point, as opposed to 16 verifiable, although that's building. I mean, 117 17 schools, the evidence is building. And we always have 18 to do -- I have to do ethics anyway every year, so did 19 that a few weeks ago. 20 Most psychologists tend to be a little on the 21 compulsive side, as well as lawyers. 22 Q. Okay. I'll give that back to you. 23 A. Okay. 24 Q. Have you been identified as an expert witness 25 in any other lawsuit?
Page 16 1 A. Many, especially in the '90s, over a hundred, 2 hundreds. I have no idea how many. And for chronic 3 pain, Workers' Comp and personal injury cases. 4 Q. Okay. How many sexual abuse cases have you 5 been identified as an expert? 6 A. Only a couple. And one of those stemmed from 7 one of my pain patients. What I noticed is that when 8 people, they're living their lives, they get hurt or 9 they get sick, they can't work, they -- you know, they 10 have stresses about jobs. They have stresses about 11 money. And I started noticing in the late '90s, early 12 2000s, that people would say, I don't know what's wrong 13 with me but, all of a sudden, I'm remembering this bad 14 stuff. And sometimes they were suppressed memories 15 where they volitionally pushed them down and other 16 times they came out of the blue in little pieces. 17 And the -- I couldn't find the research, 18 unfortunately, for this, for this deposition, somewhere 19 in my stacks of stuff. But what they have found is 20 that the additional trauma of being sick, being in 21 pain, and not being able to work can sometimes trigger 22 these repressed or suppressed memories later on in 23 life. 24 Q. And let's -- 25 A. So I became an inadvertent expert.	Page 17 1 Q. Okay. In how many cases have you been 2 qualified by a court to testify as an expert regarding 3 repressed memory? 4 THE WITNESS: Wasn't I qualified with this, 5 with Dr. M? 6 MR. RICHTER: I think so, yes. 7 THE WITNESS: Yeah, I'm almost positive I 8 was. 9 BY MR. DUKES: 10 Q. Which case was that? 11 A. Dr. M, back in 2000 -- 2000 -- what was that? 12 Got it in here somewhere. 13 THE WITNESS: Larry, you don't remember that, 14 do you, that date? 15 MR. DUKES: You don't know what year that 16 was? 17 MR. RICHTER: What case? 18 MR. DUKES: Dr. M is what she was asking 19 you. 20 MR. RICHTER: Yeah, I -- 21 BY MR. DUKES: 22 A. I've got it in here somewhere. I'm sorry. 23 Q. That's okay. 24 MR. RICHTER: 2005, 2007, something like 25 that.

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Page 18 1 THE WITNESS: 2007 rings a bell. 2 MR. RICHTER: Honestly, I don't remember. I 3 remember the name; that's the extent of it. 4 BY MR. DUKES: 5 Q. Sally -- Sally, tell me what you remember 6 about Dr. M's case. 7 A. Dr. M came to me with severe chronic pain. 8 And he had hurt his back. He had had numerous 9 surgeries. He developed camptocormia, which is an 10 inability to stand upright. 11 MR. RICHTER: Is Dr. M deceased or is he 12 alive? 13 THE WITNESS: He called me a few years ago, 14 about three years ago, in distress, even though I 15 was retired at that point. I still get calls from 16 patients all the time. 17 MR. RICHTER: Do you -- do you know if he's 18 alive or dead? 19 THE WITNESS: At that point, he was still 20 alive, I think. 21 MR. RICHTER: The reason I'm asking this 22 question is -- 23 MR. DUKES: Let's -- let's call him "Dr. M" 24 in the transcript. 25 MR. RICHTER: We're -- we're trying --	Page 19 1 we're trying to defer to anybody who wants to be 2 deferred to as best we can. 3 BY MR. DUKES: 4 Q. Just call him Dr. M. What -- he had severe 5 pain and -- 6 A. Severe pain. 7 Q. -- developed -- 8 A. He ended up in the hospital numerous times. 9 It was affecting his marriage. 10 And then his wife called me and said -- here 11 we go, 2007. His wife called me and said his behavior 12 is becoming intolerable. He's irritable. He's 13 verbally abusive. This is not like him, yada, yada. 14 So, of course, being -- I wasn't her therapist so I 15 couldn't say anything, except listen and take notes. 16 When he came in the next time, I had to tell 17 him that his wife called. 18 And he said, Well, let me tell you what's 19 going on. And that's when he related that -- he knew 20 that there had been some abuse by a -- Father Hopwood. 21 But he went into all the details at that point. Well, 22 he started with some pieces of details. Over the 23 subsequent weeks, you know, as people -- as little 24 pieces of memory become available and people start 25 talking about it, a lot of times, more and more of the
Page 20 1 pieces fall into place, especially if they feel like 2 they're in a safe place. And so that's what happened. 3 It became apparent that he had -- in his 4 case, it was hard, at times, to tell if he suppressed 5 it or repressed it. I think there was a little of 6 both. That can happen. 7 Q. I had this in my list of questions to ask 8 you, but I think it's important to get some 9 definitions. 10 A. Sure. 11 Q. By "suppressed memory" what exactly do you 12 mean? 13 A. Suppressed memory is more volitional. 14 Somebody has something bad happen -- and this is in my 15 report, very clearly written. Suppressed memory is 16 more volitional. People say, Oh, that's horrible. I 17 don't want to think about it. I don't want -- I push 18 it out of my -- I'm going to push it out of my memory 19 as much as I can, typically. 20 Q. But the memory is still accessible to them? 21 A. Most of the time, or pieces. Let's put it 22 this way. Pieces of the memory are still accessible. 23 Q. Okay. 24 A. Occasionally, they can wholly suppress it. 25 But most of the time, I think it's more pieces. Now --	Page 21 1 and it's volitional. Remember, they're willfully doing 2 this. 3 With repressed memories, the thinking is that 4 the person is so incredibly overwhelmed that -- that 5 the emotion is so dire, that they nonvolitionally 6 repress that memory. That memory goes away. It's like 7 they flush it. 8 Q. Now when, in your opinion, if it's -- if it's 9 autonomous or volitional that suppression could happen 10 anywhere all along -- anywhere along the continuum of 11 the person's life, it wouldn't be immediate? 12 A. It's more likely in childhood. It can happen 13 later in life, yes. And, in fact, we do know that if 14 somebody's in a horrible, horrific automobile accident, 15 let's say -- there have been cases where they were an 16 adult, the accident was terrible -- and in huge traumas 17 as like that, most people don't remember all of it. 18 Some parts of it are going to get suppressed or 19 repressed, probably suppressed, some of the more 20 graphic things. 21 But on the other hand -- and we know that's 22 true. I mean, we can all experience -- we can all 23 remember something in our own lives in which there was 24 a terrible trauma, you know, the death of a loved 25 parent or sister or brother, and you remember it.

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Page 22 1 Parts of it are flashback memories, flashback memories 2 being these incredibly vivid memories that Elizabeth 3 Loftus, who is a memory -- big memory person -- 4 Q. She is one of our experts. 5 A. Yeah, she's huge. And she changed her tune, 6 by the way, from the '70s to the '80s, but we won't go 7 there. 8 And I met her. She's a very great woman. 9 And -- but -- because she was a big believer 10 in repressed memories in the '70s and then she changed 11 her tune in the '80s because of the lack of 12 experimental -- the lack of experimental data, which I 13 get that. She's more of an academic researcher as 14 opposed to a clinician. 15 And, as you well know, there's a big divide 16 with -- on repressed memories between the academics and 17 the experimentalists and the clinicians. 18 Q. And let's clarify that a little bit. 19 A. Okay. 20 Q. The academics and the experimentalists, the 21 scientists -- 22 A. The scientists. 23 Q. -- what percentage of them reject Repressed 24 Memory Syndrome? 25 A. Percentage, I don't know the percentage,	Page 23 1 actually. I just know that most -- I just know that 2 many, many, many of them do. And clinicians, on the 3 other hand, most of them do not. 4 And I look at it this way. Okay. For years, 5 I did not believe in the unconscious. Most of my 6 professional life -- you know, everybody talks about 7 the unconscious. I always referred to it as a Freudian 8 fantasy, because I thought it was hoo-ha, because my 9 background is -- I mean, as a medical psychologist, I'm 10 going to be -- I'm -- I'm science. And I prefer it 11 that way. Boy, I want stuff proven. And -- and there 12 was no way to prove the existence of the unconscious, 13 so I thought it was a bunch of crap, quite frankly, 14 until a few years ago, five or six or so. They 15 actually were able to demonstrate that the unconscious 16 is, in fact, real. And they did it through functional 17 MRI. 18 Q. Okay. 19 A. And I believe that at some point we will come 20 to -- up with technology to prove the same thing about 21 repressed memories. 22 Q. But right now, you can't? 23 A. But right now, we can't. 24 Q. There's no way to do a neuropsychiatric test 25 for repressed memories, even to determine whether
Page 24 1 someone repressed their memory or whether the recovered 2 memory is true? 3 A. There is that. However, one -- keep in mind 4 that there are certain signs -- I've written in the 5 report there are some signs that suggest -- that are 6 suggestive of repressed memories, where people have -- 7 you know, we sometimes talk about phobias, but some -- 8 but they're not really phobias. They -- they -- 9 they're uncomfortable in certain situations, around 10 certain kinds of people. Like, this fellow was -- he's 11 still -- he's still uncomfortable going into a Catholic 12 school classroom, you know, for -- for no, quote, 13 apparent reason, initially. 14 So we had these signs that suggest that 15 there's something awry, that there's some kind of 16 repressed memory issue going on. And so kind of -- 17 we're kind of relying on those kinds of things now, 18 which is kind of what the -- well, that's kind of what 19 the people who were believing in unconscious stuff were 20 saying 20 years ago. And so I do believe that -- that 21 in the next -- I can't say how many years, but I don't 22 think it's going to be that many years now that they're 23 going to have the wherewithal and the technology to 24 prove that there are such things as repressed memory. 25 Q. Okay. But, again, we don't have that	Page 25 1 scientific ability now? 2 A. No, we do not. 3 Q. And we haven't had it since the '90s, when 4 the theory of Repressed Memory Syndrome came to the 5 fore? 6 A. That could be, except, like I said, I think 7 we still have signs that indicate that that -- in fact, 8 something's gone -- something's wrong. Something's 9 wrong. 10 You don't -- this kid -- this man did not 11 even remember being in seventh grade. And when you're 12 talking about a kid whose prefrontal cortex doesn't -- 13 prefrontal cortex is part of the thinking brain, the 14 part of the brain that allows us to think more like 15 adults, only starts to kick in around adolescence, with 16 hormones. It doesn't complete the job until 25-ish. 17 Girls complete it faster than boys. I don't know why. 18 Q. Because boys are idiots. I have a 19 19-year-old and an 18-year-old. 20 A. Okay. I get your point. Yeah. So I think 21 part of the problem is, when you look at it that way -- 22 I mean, so that leaves kids with fewer resources to 23 cope. I mean, adults can go -- adults are -- are more 24 verbal. They're willing to go talk to somebody. 25 They're willing to read stuff, although that current --

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Page 26 1 I can't stand that book, but anyway... 2 You know, it's -- I think it fosters -- I 3 think it fosters repressed memories that don't exist, 4 but that's another issue. 5 But kids have fewer resources to cope. I 6 mean -- and, again, like I point out in my report, I 7 mean, we're raised in church that -- that venerated 8 teachers, that venerated priests, that venerated nuns. 9 And here's a kid who had a terrible time in school, one 10 school after another, terrible relationship with his 11 abusive father. And, all of a sudden, here's this 12 teacher that comes along and takes an interest in him, 13 a male teacher. 14 Q. How do you know that? He didn't remember it. 15 A. He didn't remember it, but... 16 Q. You're just assuming, right? 17 A. Well, there is -- 18 MR. RICHTER: Please don't interrupt her 19 answer. 20 BY MR. DUKES: 21 A. There is some assumptions. But -- but he 22 implied that he was getting -- his implication was, He 23 was nice to me, initially. 24 So this guy appeared -- and, again, he's -- 25 again, we're talking about -- this happened when he was	Page 27 1 11, 12, not the most -- 11-, 12-year-olds are not the 2 most verbal kids on Earth. 3 Q. Let's correct that. He was born in 1957. 4 The abuse, if it happened, happened in 1970. 5 A. Right. And so we're saying -- 6 MR. RICHTER: Object to the form of the 7 question. Go ahead. 8 BY MR. DUKES: 9 A. But we're saying 11 to 13. He doesn't even 10 know. But, I mean, he was in seventh grade, so we're 11 making some assumptions, I admit, around -- I mean, I'm 12 not saying at 11, I'm saying 11 -- between 11 and 15 -- 13 13, whatever. 14 Q. But we know some facts. 15 A. We do know some facts. 16 Q. Let me -- and let me indicate those to you. 17 A. Okay. 18 Q. We know that one of the accused teachers, 19 Chris Hartnett, only taught at this school for the 20 1969-1970 school year -- 21 A. Uh-huh. 22 Q. -- and the 1970-'71 school year. And we also 23 know that the other accused teacher, Hal Brooks, only 24 taught at the school in the fall of 1970. 25 A. Correct.
Page 28 1 MR. RICHTER: Object to the form of the 2 question. Go ahead. 3 BY MR. DUKES: 4 Q. So we do know -- 5 A. We do know that. 6 Q. -- when it had -- when it could only have 7 happened, if it did, and that would have been in 8 1970? 9 A. And I read that. 10 MR. RICHTER: Object to the form of the 11 question. 12 BY MR. DUKES: 13 A. However, you know, some of the things don't 14 add up in terms of 1970. He would have been 13. 15 And 13 is eighth grade, not seventh. And, again, we -- 16 there are some things we simply don't know. 17 Q. Well -- 18 A. It is -- it is his opinion -- 19 Q. -- we do have his report card. 20 A. Okay. We do have his opinion -- 21 Q. Let me find that. 22 A. -- that this guy was, quote, nice to me. I 23 should have put that in the report. But this guy was 24 nice to me, this guy took an avuncular interest in him 25 when no other male in his family did. And I think you	Page 29 1 know that makes a kid vulnerable, especially when he 2 was a crummy student. Don't you think? 3 Q. Not necessarily, no. 4 A. Why not? 5 Q. Well, I'm not the one giving opinions. 6 A. Well, it's been my experience over the years, 7 being a psychologist for 40 years, that typically if a 8 child is having problems at home and there's no 9 grandparents, there's no grandfathers -- we're talking 10 boys -- no grandfathers, no uncles, no fathers, you 11 know, even brothers who take an interest in that kid, 12 and he's considered -- he always felt like kind of the 13 outcast in his family, the bad student, everything, 14 when somebody comes along who is in a place of power 15 over him, like a teacher, the male teacher, that kid is 16 going to put that guy on a little bit of a pedestal. 17 That kid is go to say, Wow, he's nice to me. 18 Q. This is just your opinion. And it's just 19 your inference, right? 20 A. It's my -- 21 MR. RICHTER: Object to the form of the 22 question. 23 BY MR. DUKES: 24 A. It's my inference based on him saying 25 something to the effect that this guy was nice to me.

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Page 30 1 Q. I could -- 2 A. That's all he could remember. 3 Q. I have -- 4 A. I mean, that's all he could -- once -- once 5 the abuse started, of course, all that came back, 6 but... 7 Q. Let me tell you, I've looked -- I've got his 8 report card on my iPad. And in the 1970-'71 school 9 year, he was in the seventh grade. 10 A. Okay. 11 Q. So he would have been 13 turning 14 in the 12 spring, in May. 13 A. And he should have been a freshman in high 14 school, agewise. 15 Q. He -- who knows? But I do know from his -- 16 A. Yeah. 17 Q. -- report card, 1970-'71 -- 18 A. What kind of grades? 19 Q. He did very poorly in the sixth grade. 20 A. Uh-huh. 21 Q. But he passed all his classes in the seventh 22 grade, except for history. No, that's a P. He passed 23 history. Did not do very well in English, but passed 24 everything else. 25 A. Uh-huh. And so he went from being a horrific	Page 31 1 student to being passable? 2 Q. Yes. 3 A. And what would -- you know, I would infer 4 from that that a teacher took an interest in him, 5 because there's no other way that would have happened. 6 He didn't get any help from home. 7 Q. And his teacher in the seventh grade was 8 Chris Hartnett? 9 A. Right. 10 Q. Okay. And even though you're saying that 11 even though he was being sexually abused by Chris 12 Hartnett during that year, his grades would not have 13 suffered? 14 A. It's possible that they would or would not 15 have. It depends on the kind of interaction that he 16 had. I mean, the interaction, of course, was -- was 17 debasing and disrespectful and abusive. However, I 18 also believe that initially the guy took an avuncular 19 interest in him, gave him a little -- maybe a little 20 extra help, I don't really know. Or the guy may have 21 even -- we don't know. Maybe because he was being 22 sexually abused the guy felt guilty and gave him better 23 grades. How do we know that? We can't. You know, 24 Mr. Doe doesn't know that. All he knows is that he 25 didn't remember being in the seventh grade. Then he
Page 32 1 saw a report card and he was like, Wow, I did better. 2 Q. Yeah, I remember that. 3 And, again, if you need to take a break at 4 some point to -- 5 A. I've still got my green tea with lots of 6 honey, so... 7 Q. Okay. 8 A. I'm not going to keel over or anything. 9 Q. Okay. 10 A. I'm kind of used to this. 11 Q. Oh, Dr. M was a Hopwood victim? 12 A. Uh-huh. 13 Q. Did you evaluate him as part of a claim in 14 the class action? 15 A. Yes, what -- see -- I gave this to you. Here 16 you go. What happened was, found out that -- through 17 Mr. M that -- that he was part of a class action suit 18 with Mr. Richter. And I wrote -- I wrote him a letter 19 about -- about it. And then I was asked to be -- I was 20 asked to be deposed. 21 Q. Okay. Were you deposed? 22 A. Yes, I was. 23 MR. DUKES: I wasn't aware y'all took any 24 depositions in the class action. 25 MR. RICHTER: I don't remember.	Page 33 1 BY MR. DUKES: 2 A. It was downtown somewhere. 3 MR. RICHTER: It was -- 4 THE WITNESS: Meeting Street? 5 MR. RICHTER: Oh, yeah, at -- 6 THE WITNESS: Meeting Street. It was where 7 the secession building was. 8 MR. RICHTER: That's right, the 134 Meeting 9 Street. 10 MR. DUKES: The Haynsworth firm? 11 THE WITNESS: Yes. 12 MR. RICHTER: Yeah. 13 MR. DUKES: That's where Marvin's office is. 14 MR. RICHTER: That may be. That may have 15 been it. I'm sorry, I just don't recall that. 16 That doesn't mean I processed it. Someone else 17 could have processed the thing. 18 Let me express a concern to y'all. In 19 terms -- I -- I don't know -- is this -- was this 20 guy an education -- 21 THE WITNESS: Yes, he's -- 22 MR. RICHTER: Okay, I know who -- 23 THE WITNESS: I can't remember if he was an 24 Ed.D or Ph.D. 25 MR. RICHTER: I know who this guy is.

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Page 34 1 MR. DUKES: I do, too. 2 MR. RICHTER: I don't remember the specifics. 3 My concern -- the Diocese knows all this 4 information. So as we're sitting in here, we're 5 talking amongst a group of people who know all of 6 the victims and know the cases that we processed 7 in the class settlement. But I'm -- I don't want 8 to take -- I don't want to identify -- I'd like to 9 pose an objection generally, Rich. 10 MR. DUKES: Well, just object to the form. 11 MR. RICHTER: Yeah, to the -- just let it run 12 is what I'm saying. 13 MR. DUKES: I would -- I'd asked her had she 14 ever been qualified as an expert in court. And 15 she talked about Dr. M. But I don't think y'all 16 ever went to court, qualifying. 17 BY MR. DUKES: 18 A. No, we did not go to court. It was a 19 deposition. But I was qualified as an expert witness 20 during the deposition. 21 MR. RICHTER: Let me -- let me tell you what 22 I'm concerned about. And I just -- I think none 23 of us want to do this. I don't know -- I don't 24 know the rules of HIPAA law or anything else. 25 THE WITNESS: Right.	Page 35 1 MR. RICHTER: I don't want to take part in 2 questioning her about patients she has treated -- 3 THE WITNESS: That's true. 4 MR. RICHTER: -- if she's not allowed to do 5 that. 6 MR. DUKES: I understand. 7 MR. RICHTER: So I object to that. 8 MR. DUKES: I didn't ask her about her 9 treatment of him. I was asking if she had been 10 qualified as an expert on repressed memory in 11 court. And the answer is, I gave a deposition -- 12 THE WITNESS: And I -- 13 MR. DUKES: -- but haven't been qualified as 14 an expert in court. 15 BY MR. DUKES: 16 A. Yes, but I do remember clearly being 17 qualified as an expert in that deposition. 18 Q. Okay. But not sitting in a courtroom -- 19 A. Not with this. 20 Q. -- with a judge? 21 A. Not with this. 22 Q. Okay. Any other times have you been 23 qualified as an expert -- 24 A. Yes. 25 Q. -- in a court?
Page 36 1 A. Yes. 2 Q. Where? 3 A. Charlotte. 4 Q. Okay. And what were you qualified as an 5 expert to testify about? 6 A. Chronic pain, disability. 7 Q. Chronic pain? 8 A. And disability and medical. 9 Q. But what about on Repressed Memory 10 Syndrome? 11 A. No. 12 Q. Okay. 13 A. Although, interestingly, the two times -- 14 well, I don't know how many times I was in court. Most 15 of the time, it was deposition and we didn't have to go 16 to court. But there were five or six times when 17 repressed memory just came up, like I said a minute 18 ago. 19 Q. Uh-huh. 20 A. And they -- they -- I don't remember at that 21 point whether they qualified me as an expert witness in 22 repressed memory or not. I don't remember. It was a 23 long time ago. 24 Q. That would have been during trial? 25 A. Uh-huh.	Page 37 1 Q. Okay. And you've indicated that you're a 2 clinician? 3 A. Well, I have been trained in the 4 scientist-practitioner model, which is what -- which is 5 what -- which is what psychologists are, unless they're 6 a side Ph.D. or trained in the scientist-clinician model 7 and they trained the science goes first and then the 8 clinician. You know, unfortunately, as life takes 9 over, we tend to veer from one to the other. But 10 we're -- we have to keep up with the science part in 11 our field. 12 Q. Okay. But you're a clinician? 13 A. I'm a clinician. 14 Q. You treat patients? 15 A. Yes. 16 Q. How many patients with Repressed Memory 17 Syndrome have you treated or how many patients have you 18 diagnosed as suffering from Repressed Memory Syndrome? 19 More than a hundred? 20 A. Maybe a little less, maybe 90. I don't 21 remember. I've -- I've been to court -- I've been 22 deposed so many times, my head -- I can't even tell 23 you. 24 Q. Of those patients you've diagnosed as 25 suffering from Repressed Memory Syndrome, how many of

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Page 38 1 those were victims of sexual abuse? 2 A. Oh, most. That's the thing, most. That's 3 the thing that blew me away. That's the thing that I 4 was not -- I'll be honest with you, I was not expecting 5 that. I was expecting to simply treat somebody, to 6 help them cope with chronic pain, chronic health 7 problems, disability. That was what I did. So to have 8 all these people, after a couple of years or so, start 9 coming with -- coming to me with these bad memories, 10 and I know something happened, and I'm like -- you 11 know, at first -- and at first -- at first, I thought, 12 Oh, this person's just suffering and they've got too 13 much time on their hands. I mean, that's a terrible 14 thing to say. But I just was kind of skeptical. And I 15 just was. And then they wouldn't let it go. It was 16 like a dog on a -- dog with a bone. And so I started 17 having to take them more seriously. And, of course, I 18 never -- I mean, you know, hypnosis, age regression, 19 all that crap, you don't want to do anything that 20 heightens suggestibility. 21 Q. Does that include EMDR? 22 A. No, EMDR is totally different. 23 Q. Okay. 24 A. I used -- I used EMDR with, like, bad 25 accident -- bad automobile accidents, for example.	Page 39 1 Q. Right. 2 A. Where the person was being tortured with 3 certain visual or sometimes auditory memories. 4 Q. Is it appropriate to treat somebody who is 5 claiming to be recovering memories or to have repressed 6 memories -- 7 A. No. 8 Q. -- with EMDR? 9 A. I don't. No, I never used that. 10 Q. That's not appropriate? 11 A. Some people might, but I tend to be pretty -- 12 I'm -- I'm pretty fact-based. I don't feel like that's 13 necessarily appropriate. I will only use it if 14 somebody's being, like I said, tortured by certain 15 visual memories or auditory memories of a car wreck. I 16 have them put that in their head and then I -- because 17 I -- when I first heard about MDR I thought it was like 18 witchcraft, and so -- and so I figured, well, if I'm 19 going to think this is stupid, I need to at least go to 20 a couple of workshops before I, you know, dis these 21 people. 22 And the physiology, the neurobiology behind 23 it is pretty impressive, actually. And it does work. 24 Now, again, I used it in very specific cases. 25 Q. And it wouldn't be appropriate to use it with
Page 40 1 somebody claiming a Repressed Memory Syndrome? 2 A. I do not think so, but that's my opinion. 3 Q. What -- 4 A. There are EMDR people that use it for 5 everything, but I don't agree with that either. 6 Q. Okay. What about a therapy called brain 7 spotting? Have you ever heard of that? 8 A. Brain spotting? 9 Q. Uh-huh. 10 A. Learn something new every day. What is that? 11 Q. I don't know. I don't know. 12 A. I have to go look that up now. Brain 13 spotting? 14 Q. Yeah. 15 A. I'll have to Google that. 16 Q. I think it's a -- it's a sub group of the 17 super EMDR people. 18 A. Oh, well, no telling. 19 Q. Okay. But you don't think that's a wise 20 treatment to use with somebody with repressed memory 21 and, as near as I can determine, Mr. Doe has never 22 undergone EMDR? 23 A. No. 24 Q. But coping -- the CBT, cognitive behavioral 25 therapy, that Ms. Whelan uses sometimes involved	Page 41 1 picturing a happy place to -- 2 A. Yeah, and that's -- that's basically a 3 coping -- that's a coping strategy, picturing a happy 4 place to get them calmed down, because you want to do 5 the whole self-soothing. They teach them how to calm 6 themselves down, the self-soothing, so that's 7 appropriate. 8 Q. And that's not EMDR? 9 A. (No verbal response.) 10 Q. One thing, Mary Ann would appreciate if you 11 answer out loud. 12 A. Oh, no. I'm sorry. No, I know. I'm sorry, 13 it's just I'm trying to save myself. 14 Q. When you're treating patients who are 15 experiencing recovered memories, what is the therapy 16 model that you follow? 17 A. I -- I'm a very -- fairly strict CBT person, 18 cognitive behavioral therapy, because that is science 19 based. You know, it might be a clinical -- clinical 20 treatment approach, but it's very science based. It's 21 based on best practices. It's taking -- it's taking 22 thoughts, it's taking disturbing memories, and it's 23 also teaching people correct ways of thinking. People 24 get depressed, they get upset about memories or what 25 have you, and then they focus on all the negative,

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Page 42 1 which makes everything worse, including pain or 2 whatever. So part of it is teaching people how to 3 think accurately. That is my thing, teaching them how 4 to think accurately and then utilizing that for problem 5 solving to help them cope. 6 Q. You talked -- 7 A. In other words, somebody comes in to me and 8 says, My life sucks. I'm going to say, Well, how? And 9 then they're going to give me a list of things. Then 10 I'm going to point out, Well, but you have a lovely 11 spouse who's been very supportive. You know, in other 12 words, I start trying to -- not -- I let them talk a 13 little bit more than that. But I try to challenge 14 their ways of thinking to make it more accurate and 15 reflective of their actual life. 16 Q. Okay. This afternoon you brought a report 17 with you and I want to ask you kind of a general 18 question of what studies or articles do you base your 19 opinions on? What peer-reviewed materials do base your 20 opinions on? 21 A. Oh, peer-reviewed materials? Well, I have an 22 entire wall of books. Thought about bringing some of 23 those in, but it would have taken two boxes. 24 Q. Right. 25 A. Those are peer-reviewed.	Page 43 1 Also, you know, of course, I'm a member of 2 APA, American Psychological Association. I have been 3 so for 29 years, so now I get to be a member for life, 4 for free, which is nice. And... 5 Q. Have you been elected to any offices with the 6 APA? 7 A. No. Those are -- I'll be honest. It 8 typically -- typically, academics are the only people 9 that have time to do that, because they're -- they're 10 supported by an institution who will give them time to 11 do that. Those of us who are clinicians, we eat what 12 we kill, kind of like y'all. 13 Q. Yeah. 14 A. So we don't typically have a whole lot of 15 time for that. I would have liked to have served on 16 that particular committee, but just -- I couldn't pull 17 it off. I couldn't go to Washington four times a year. 18 You know, I just couldn't do it. And so, no, I have 19 not done it. I've been on different -- of course, I've 20 been on the -- on committees, some of the subcommittees 21 of APA, the neuropsychological committee, the 22 neuropsychological research committee, division of 23 health psychology. Oh, Lord. And two others. Those 24 are the ones I was most active in. 25 MR. RICHTER: You asked this earlier, Rich,
Page 44 1 and I didn't write it down. I'm sorry, I missed 2 it. Do you remember, you might have asked her, 3 how many years of practice you have? 4 THE WITNESS: Okay. Got my master's degree 5 in 1979. I practiced for several years. Went 6 to -- from here, but they -- but Eastern Kentucky 7 gave me money, so -- so I went there for two 8 years, two-year master's program, 60-hour degree. 9 And then I worked in eastern Kentucky for a 10 year -- that was an eye-opener -- to have to pay 11 Kentucky back for educating me. 12 Then I worked in Louisville, at a rehab 13 hospital, for three years. And that's when I 14 found -- that's kind of my niche. 15 So -- oh, saw repressed memories there, too. 16 But at the time, I was too young and dumb to 17 recognize them. You know, people getting 18 amputations and all kinds of gross stuff in rehab 19 hospitals. 20 And so then I went back for my Ph.D. at the 21 University of Kentucky, and finally graduated 22 in -- well, not finally, but graduated in 1989. 23 And then I did a post doctoral fellowship 24 here at MUSC. So if we count that, I've actually 25 been -- I mean, I was in practice during all that	Page 45 1 time, since 1979. 2 BY MR. DUKES: 3 Q. Okay. 4 A. Which is, what, 40 years? 5 MR. DUKES: I had not asked that, Larry. 6 MR. RICHTER: I thought you asked a 7 question -- 8 MR. DUKES: No. 9 MR. RICHTER: -- in the beginning that said 10 that. 11 BY MR. DUKES: 12 Q. Are you a member of the National Science 13 Foundation? 14 A. I was, for a while. But -- I kind of liked 15 them. But I just -- the time factor. 16 Q. Okay. 17 A. So I was a member of maybe ten years or so. 18 And it didn't cover -- I mean, I was not -- I just 19 wasn't interested in physics, I'm sorry. And a lot of 20 it was physics. It was -- got to where it was more and 21 more about physics. 22 Q. Okay. You mentioned earlier Elizabeth 23 Loftus -- 24 A. Uh-huh. 25 Q. -- who is one of the eminent --

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Page 46 1 A. She's -- 2 Q. -- preeminent scholars -- 3 A. She's iconic. 4 MR. RICHTER: Object to the form of the 5 question. She's lot of things. 6 BY MR. DUKES: 7 A. I was, at one point, a big admirer of 8 Elizabeth Loftus, but not anymore. 9 Q. Why not? 10 A. Because I think she has gotten very rigid in 11 her thinking. She's -- you know, her first studies had 12 to do with eyewitness -- eyewitnesses for automobile 13 accidents, interestingly enough, or a parade, or 14 something like that, and she would ask people what did 15 they see, what did they notice? And she found -- and 16 she was -- found out that eyewitness testimony isn't 17 necessarily all it's cracked up to be because people 18 remember things differently, which I thought was 19 fascinating. 20 I read all of her early books. I read all 21 the things -- back in the '70s, I was reading 22 everything she wrote. 23 Then, in the '80s, I don't know, I don't know 24 what happened to her in the '80s. In the '80s, she 25 just kind of did a whole turnabout and said, Well, you	Page 47 1 know, this is what I'm finding. I can't -- I can't 2 find anything that really that says that repressed 3 memories even are such a thing. 4 So it's almost like she dropped it. It's 5 like she -- she got hardened in her -- this is my 6 opinion, of course. I think she got very hardened in 7 her approach and kind of refused to get out of that. 8 I mean, she still writes articles and 9 everything. And some of them -- you know, she writes 10 some stuff. I still read her stuff, not all of it, 11 like I used to. And some of it I'll say, yeah, I'll 12 give you that. I'll agree with that a little bit. 13 And then she'll turn around, though, and say 14 they just don't exist. I'm like, but you're saying 15 they don't exist because you don't have experimental 16 research. But you're not looking at -- you're not 17 looking at some of the clinical findings, because there 18 is such a thing as clinical findings that you can't 19 just ignore. 20 Q. Well, I mean, the scientific method is to 21 have a hypothesis -- 22 A. Absolutely. And you want to prove the no. 23 Q. Do research? 24 A. And prove the no. 25 Q. Prove it?
Page 48 1 A. Yes. 2 Q. And, as you discussed with subconscious -- 3 A. The unconscious, yeah. 4 Q. -- there was no way to prove it? 5 A. Right. 6 Q. And you rejected it? 7 A. I admit, I rejected it. 8 Q. And then they came up with a way of proving 9 it? 10 A. Yes. 11 Q. And now you accept it? 12 A. And I accept it because they have proved it. 13 And there are other things. I mean, back in 14 the '90s, what caused ulcers? Think about it. 15 Somebody came in with ulcers, what were they 16 automatically diagnosed with? They were diagnosed as 17 stress related. Oh, you get stress, you produce all 18 this acid in your stomach. Well, they found that that 19 was bogus because -- acid can make it worse, but ulcers 20 are -- ulcers are caused by bacteria. You give -- you 21 give somebody an antibiotic, certain antibiotic, guess 22 what happens to their ulcers? They go away. 23 So what I -- what I object to with her is 24 that she doesn't -- her thinking is inflexible. She's 25 not willing to consider some of the stuff that's coming	Page 49 1 out. 2 Q. Okay. What stuff that has come out? 3 A. Well, like I said, the signs that they're 4 looking at now. They've got a list of different signs 5 you can get. And one of them was a peer-reviewed 6 journal that I used. And -- and they're saying that, 7 okay, these are signs not -- you know, not necessarily 8 symptoms. Symptoms would be finding the -- would 9 find -- would be finding, you know, somebody has ulcers 10 because of bacteria, you know, and looking at the 11 symptoms. Okay, the signs would be indigestion, that 12 kind of thing. And she -- she just -- she just kind of 13 like got rigid about that. 14 Q. And aren't most research scientists likewise? 15 A. Yeah. Clinicians aren't so much. 16 Q. Okay. 17 A. I think clinicians -- I think we tend to be a 18 little bit more flexible in our thinking and a little 19 bit more open-minded about looking at options because 20 we see more. You know, we see people in the real word. 21 And, I'm sorry, but academics don't. 22 Q. I used to be an academic. 23 A. I was an academic, too. I was at MUSC. 24 MR. RICHTER: You know all the shortcomings. 25 BY MR. DUKES:

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Page 50 1 A. Seriously, I was trained to be -- I was 2 trained and did a post doc at MUSC. I was trained to 3 be an academic clinician. And -- well, and then the -- 4 it's a big mess. It was a big mess. 5 Back in 1990, they lost their CON, from -- 6 you know, Roper and MUSC were going to do a rehab 7 hospital. My deal was, finish my post doc and I was 8 going to be head of the psychology department in the 9 rehab hospital. They lost their Certificate of Need. 10 Everything fell through. And then the politics got so 11 horrible, I said, You know? 12 It was a very hard decision because I had 13 always wanted to be -- that was my goal, I wanted to be 14 an academic clinician at MUSC, in my hometown. And so 15 it was a very bitter pill for me to swallow because I 16 couldn't -- I couldn't do that. 17 Q. Uh-huh. With -- 18 A. So I like academia. 19 Q. Getting away from ulcers and getting to 20 Repressed Memory Syndrome, you've already said, and 21 you'll agree with me, that it's highly controversial -- 22 A. Yeah. 23 Q. -- among psychologists? 24 A. Sure. 25 Q. And those who believe it, believe in it and	Page 51 1 those who don't, don't? Is that a correct way to -- 2 A. I think that's a little stark. I believe in 3 it, but -- but I'm not going to just -- I have -- 4 somebody comes to me and says, Oh, I discovered these 5 repressed memories, do you think I'm just going to bite 6 on that and say, Oh, I'm sorry, you did? No. I'm not 7 going to accept that at face value. The academic part 8 of me, the scientific part of me, is going to say, 9 Well, what makes you think that? Or, you know, I'm 10 going to ask them questions, not leading questions. 11 I'm going to ask them questions. I'm going to get some 12 clarification. I'm not going to just swallow it whole. 13 Q. Okay. What questions did you ask Mr. Doe? 14 A. Okay. Let me see if I can find the thing. 15 Where's my original? 16 THE WITNESS: Larry, you -- can I borrow that 17 for a minute? I can't find mine. That piece. 18 No, the written -- handwritten. 19 MR. RICHTER: This? I'm sorry. Sure. 20 BY MR. DUKES: 21 A. There you go. And, again, this is face 22 value. And I am looking for better questionnaires than 23 this. But this was kind of a -- I knew I only had a 24 certain amount of time with him so I tried to make the 25 best use of my time. If you go on page five.
Page 52 1 Q. Uh-huh, I'm looking at. 2 A. Those are some of the questions I asked. I 3 also have on the side there what his wife said. There 4 were some -- there were some differences, which I 5 expected. That's why I see them separately or saw them 6 together, then him, then her. 7 Q. Uh-huh. And why would strong reactions to 8 certain people be a sign of repressed trauma? 9 A. Because that's pretty -- that's kind of -- 10 you're traumatized by a certain kind of person and -- 11 you know, but -- but if you don't remember that person, 12 you don't remember what happened, you're going to find 13 yourself feeling a little anxious, feeling a little 14 uncomfortable around that person or kinds of people. 15 And it's just like I said, it's a sign. It's not -- 16 it's a sign. It's not like this big, huge symptom. 17 So right now, as clinicians, we are trying to 18 come up with better ways of measuring some of these 19 things. 20 Q. Okay. 21 A. I mean, if you're -- he was not abused by a 22 Catholic priest. But let's say he was abused by a 23 Catholic priest and somebody walks in with a Roman 24 collar, he's not going to run screaming out of the 25 room, but the odds are he may very well be	Page 53 1 uncomfortable. 2 Q. When did Mrs. Doe report that her husband 3 began having difficulty controlling his emotions? 4 A. She said it was shortly after they moved to 5 Greenville. And I think -- 6 Q. Have you read her deposition? 7 A. Yeah. She said -- yeah, I did read it. 8 Q. She said it was while they were in 9 Charleston. 10 A. Well, she mentioned that. 11 MR. RICHTER: I object to the form of the 12 question. 13 BY MR. DUKES: 14 A. What I got from that was, yeah, he was 15 starting to change a little bit. But she -- I got from 16 the deposition and from her -- she told me that, you 17 know, everything changed when they moved to Greenville. 18 I mean, that's her deposition. Then I'm going back to 19 what she tells me. I mean, unfortunately, people are 20 not always consistent. 21 Q. And that reflects that memory isn't always 22 consistent; isn't that true? 23 A. That -- that is true. I mean -- okay. 24 Well -- and -- and a lot -- one of the things about 25 memories is state-dependent learning. That's way

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Page 54 1 important. I mean, you may not be able to tell me what 2 you had for dinner last Wednesday. However -- however, 3 if it was a special meal, your wife's birthday or your 4 anniversary, you took her to some really nice place, 5 Magnolias or whatever, white tablecloths and 6 everything, you're going to much more likelihood of 7 remembering that meal than just run-of-the-mill 8 house -- run-of-the mill house that you had last 9 Wednesday. 10 Q. Uh-huh. 11 A. Is that true? I mean, that's -- that's just 12 normal human memory. So that's -- state-dependent 13 memory is -- is -- is very important. 14 And he fell apart when he had to move to 15 Greenville without her, because he's so dependent on 16 her. And she said and he said -- he's the one that 17 also said his life fell apart when he moved to 18 Greenville. And, yeah, she said something about the 19 crying and stuff. But to me she said something -- she 20 told me that he started crying and carrying on right 21 after they moved to Greenville. 22 So, I mean, the deposition is not -- 23 that's -- that's why, yeah, I read the deposition. But 24 that's why I'm also going to talk to these people. 25 Q. The deposition is sworn?	Page 55 1 A. I know it's sworn. 2 Q. Okay. 3 A. And this isn't. I... 4 Q. Do you need a break yet? 5 A. I've just got lots of honey running down my 6 throat. 7 MR. RICHTER: She's got green tea and honey 8 in her... 9 BY MR. DUKES: 10 Q. And we can get you another glass of tea, if 11 you want. 12 A. That's okay. You could add alcohol in it, if 13 you want. But I'm teasing. Please. The problem is, I 14 don't like the way it tastes. 15 Q. If a drink would help you testify, we'll get 16 you one. I may join you. 17 A. Wish it tasted better. 18 Q. You said that you didn't have time to rise up 19 in the APA because mostly academics do that. Have you 20 ever published a peer-reviewed article? 21 A. Yeah. 22 Q. How many? 23 A. I only published a couple. One was in 24 graduate school, on values. 25 And I don't know, it was -- it was -- my
Page 56 1 social psychology professor, she was doing something 2 called a banker's model of investments in terms of 3 relationships. And she and I published something on 4 homosexuality. I don't even remember very much about 5 it; it was a long time ago. 6 And then, when I worked for HealthSouth, this 7 wasn't -- no, it ended up getting -- my dissertation 8 part of it was -- my dissertation was on narcolepsy and 9 stress. And everybody, at that point in time, was 10 saying if somebody has narcolepsy and they fall asleep 11 or whatever, don't stress them. Well, I found the 12 opposite. I found that if you stress the hell out of 13 somebody with narcolepsy, they're wide awake to enjoy 14 it. So, anyway, that was kind of a -- that got me 15 published. And a piece of it -- I didn't do the 16 whole -- just a little piece of it got me published in 17 Health Psychology or something. 18 And then -- and then I -- right after MUSC 19 fell through, I got a job in Charlotte. I was 20 recruited to HealthSouth in Charlotte. I was going to 21 be their first psychologist in all of their outpatient 22 units. And I showed that I could make the money and 23 improve patient outcomes, so then they decided they 24 were going to hire a whole bunch of psychologists with 25 their outpatient units. Unfortunately, they hired	Page 57 1 people that didn't even know what a vertebra was, so -- 2 and it's pain psychologists. That just really irked 3 me. So I had to train all these people twice a month 4 for months. I had all these different psychologists 5 come through the clinic for a whole weekend, Friday 6 night to Sunday night. And I ended up publishing a 7 manual. And it -- it was peer-reviewed and they -- 8 part of it got published. 9 Q. Have you published anything on repressed 10 memory? 11 A. No, I have not. 12 Q. What about suppressed memory? 13 A. No, I have not. 14 Q. Have you done any research on repressed 15 memory? 16 A. What do you mean? Yeah. I read constantly. 17 Q. No, no. I mean, have you conducted a 18 research study? 19 A. Have I conducted a research -- no, I have 20 not, although I've been tempted several times, 21 especially -- like, I started -- actually started doing 22 something when these people -- my pain patients and 23 sick patients started coming to me with this, you know, 24 repressed memory stuff. And, like I said, at first, I 25 was kind of skeptical and -- you know, but it came up,

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Page 58 1 over and over and over. And I actually started the -- 2 I started to develop a protocol to try to -- oh, and I 3 also did some stuff at MUSC on -- on geriatric pain, 4 but anyway... 5 That was -- part of that was published, 6 but -- well, the whole thing was published, but... 7 But I just started to develop a protocol on 8 that because it was becoming such a thing. And I 9 couldn't find anything in the literature. I mean, I 10 found, like, a blip here or a blip there. But I 11 never -- I couldn't find an actual study about that. 12 And I -- so I started developing a protocol. And 13 somebody beat me to the punch and did -- and somebody 14 else published something. 15 Q. Okay. And what was that; do you remember? 16 A. It was -- it was just what I was telling you. 17 It's something about the recovery of repressed memories 18 in people with physical trauma or something like that, 19 I think was the name of it. It got published in Health 20 Psychology. 21 Q. Okay. When was that? 22 A. Early 2000s, I think. 23 Q. Okay. 24 A. No, it was before 2010, so... 25 Q. And you didn't publish anything?	Page 59 1 A. No. I wish. They had -- they had -- they 2 even had a similar protocol. But, like I said, I 3 developed the protocol. I had the questions. I had 4 the setup. And, you know, I had a control group 5 already kind of -- who I could use in a control group. 6 I had another group that had the repressed memories 7 from this stuff. But I was just -- they were an 8 academic and had time and I was not, quite frankly. So 9 I just -- I couldn't move as fast as they could. Now 10 maybe I'm making an excuse for myself, but whatever. 11 Q. No, we have to work for a living. 12 A. Yeah. Yeah. 13 Q. What -- 14 A. Because I -- I saw ten people a day. For 15 psychologists to -- hour a clip. And then all the 16 phone calls and the writing of the report, it's a long 17 day. 18 Q. What was the protocol you developed for 19 assess -- was it a protocol to assess a repressed 20 memory patient or what? 21 A. Yeah, it was a protocol. You know, like -- I 22 like my little protocols. So I had -- you know, I had 23 demographic information, of course. Then I had 24 information about how the person -- how the person -- 25 the injury, the current symptoms, the pain, if there
Page 60 1 were other issues, surgeries and all the medical stuff, 2 had all the medical, demographic, medical stuff, and -- 3 and then how devastating was the accident or the 4 injury, how long they were out of work. 5 Because I thought that was important, because 6 people start thinking, how long they were out of work, 7 and triggers, if we could identify them, you know? 8 And, like I said, most of the time you can't. 9 Sometimes you can and -- identifying triggers for those 10 repressed or suppressed memories. 11 I did make a distinction between suppressed 12 and repressed. And -- and I actually had several -- I 13 was trying to get -- you know, you need an in of 30 for 14 something like this. And in this case, I wanted an in 15 of -- you know, a number of 30 in control and -- and -- 16 and 30 in the -- in the protocol. And I got about 15 17 people. 18 I worked on Saturdays. I'd come in and see 19 people and -- and -- who wanted to be in this thing. 20 And I was able to get about 15 people, ten from one 21 group, 15 from another, something like that, evaluated. 22 And lo and behold, I picked up a journal, 23 Health Psychology. And now there's -- some of their 24 questions were different, some of their protocol was 25 different, but it was -- I could see that I was heading	Page 61 1 in the same direction as them. And, you know, nobody's 2 going to publish a second article that is... 3 Q. It's not groundbreaking anymore? 4 A. Not groundbreaking. So it was -- I was 5 pretty upset at that point. I decided I'm not doing 6 any more -- I'm not doing that. I'm not going to do 7 any more studies. 8 Q. Okay. So your opinions regarding the 9 validity of repressed -- the theory of repressed memory 10 are based on first-hand reports from patients? 11 A. And what I've read. 12 Q. And what you've read? 13 A. I'm certainly not going to just -- like I 14 said, somebody comes in and says, Oh, I have repressed 15 memories, I am not going to just say, Oh, okay. I'm 16 not going to accept that. I can't. 17 Q. Uh-huh. 18 A. I don't think that's -- that's not 19 reasonable. 20 Q. What studies do you believe establish that 21 the theory of repressed memory has been proven to be 22 correct? 23 A. Well, to be honest, I can't cite any 24 specific. I will tell you that there's several in 25 there that do a pretty darned good job.

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Page 62 1 Q. In the book down there? 2 A. Uh-huh. There's several in there that I 3 think do a great job of making a distinction between 4 suppressed versus repressed and for the validity that 5 they exist. 6 Q. And the A -- 7 A. That's the stuff -- and that's the stuff I've 8 read most recent. I've read other things, too. But 9 most recently I think that's probably one of best ones. 10 And also what I showed you, that recent ethics -- well, 11 fairly recent ethics course I took. 12 Q. And this APA book you have down here, that 13 was the -- was that the publication by seven national 14 scientific societies: The APA, the Council on 15 Scientific Affairs -- 16 A. Let's see -- I don't know, I just thought -- 17 Q. -- AMA -- 18 A. No, I don't think that -- this is APA stuff. 19 This is final. It's a final report of the American 20 Psychological Association Working Group on 21 Investigation of Memories of Childhood Abuse. 22 Q. What year was that? 23 A. It's old. That -- that -- that bothered me. 24 I think it's too old. But I tried to find other 25 updates and I'm -- I found one -- I found three. But I	Page 63 1 haven't gotten them yet because I couldn't get them off 2 the internet; I had to order them. 3 MR. RICHTER: I'll find the date for y'all, 4 if you want. 5 BY MR. DUKES: 6 A. Yeah, the date is 1998, which I thought was 7 too old, personally. So I'm in the process of hunting 8 down some newer ones. 9 Q. And you are aware that at least in 2012 the 10 American Psychological Association, the Australians, 11 the -- I'm trying to think who all else -- the 12 Canadians, the Australians -- 13 A. And British. 14 Q. -- the Royal -- 15 A. And the British. 16 Q. -- College, yeah, the British, said that 17 there's no general acceptance of Repressed Memory 18 Syndrome. 19 A. I did -- I do remember reading that. And 20 there's no general acceptance. But, again, they're all 21 academics. 22 Q. Okay. But still -- 23 A. Every single one of them. 24 Q. But there's still no general acceptance of 25 that theory?
Page 64 1 A. I admit that. There -- like I said, there's 2 a lot of contention in the field. And, ten years ago, 3 you would have also had people saying there's no 4 general acceptance that the unconscious exists either. 5 Q. Right. But the problem of the unconscious 6 was proved scientifically -- 7 A. Yes, it was. 8 Q. -- to exist? 9 A. And this -- 10 Q. And now it's accepted? 11 A. I think this -- I think the same thing -- I 12 think we're going to see the same thing happen within 13 the next five to ten years with Repressed Memory 14 Syndrome. 15 Q. Who's doing that research? 16 A. Of course, academics are doing it. But 17 they're also -- they're also using, like I said, the 18 fMRI with -- with repressed -- 19 Q. With the subconscious? 20 A. With the sub -- the unconscious. They used 21 that. And that was a pretty fascinating study, set of 22 study. That -- I was riveted. And most of the time 23 science is not -- you know, scientific studies like 24 that are not riveting. But I read every single one of 25 them because was I fascinated.	Page 65 1 And I think that whether the technology 2 already exists, there is something that's kind of 3 emerging that could possibly be used. And I don't 4 remember the name of it or whether they're going to -- 5 we're going to have to wait for something else. But I 6 do believe that it's going to be proven in the next 7 five to ten -- within the decade that repressed 8 memories exist with appropriate -- with appropriate 9 medical documentation. 10 I don't think it's going to be proven with 11 academics. I didn't think it's going to be proven with 12 protocols. I think it's going to have to be proven 13 based on newer diagnostics, just like unconscious 14 memories or the unconscious. 15 Q. So there's going to have to be a test that 16 you can use to prove it. And we don't have that now 17 and -- 18 A. We don't have it now. 19 Q. -- it's not on the horizon? 20 A. I read somewhere that there was an incipient 21 movement, but I don't know what that means. 22 Q. Okay. 23 MR. RICHTER: I object to this line. And I 24 won't interrupt you again to say this because it's 25 the law in South Carolina.

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Page 66 1 BY MR. DUKES: 2 A. It is a law in South Carolina, based on 3 Moriarity. 4 Q. Well, it's actually not. It has to be 5 proved. 6 A. It has to be proven, but you have to have an 7 expert witness to prove it. 8 Q. Correct. 9 A. But it is accepted in the statutes, right? 10 Q. Not in the statute. It's -- 11 A. It's not in the statutes? 12 Q. It's one case. 13 A. It's one case, that's true. But it is 14 accepted as -- 15 Q. No, they recognized that in those cases that 16 it is a hotly contested theory. 17 A. Yes, it is. 18 Q. It's not generally accepted. It was 19 described by one person, and I'm sure you can probably 20 quote it better than I, that it is the greatest debate 21 in all of the study of memory. 22 A. Right. However, it also says that it is 23 accepted in the State of South Carolina. 24 Q. But you still have to prove it. 25 A. You still have to prove it and you have to	Page 67 1 prove it through the use of an expert witness, right? 2 Q. Right. 3 A. Which I'm trying to do. 4 Q. Have you ever directed any anatomical studies 5 of repressed memories in patients? 6 A. No. 7 Q. Have you ever done any neuroimaging of a 8 repressed memory? 9 A. I'm not a physician, so I'm not allowed to. 10 Q. Have you conducted or supervised or been 11 involved in any biochemical studies? 12 A. Not on repressed memories. 13 Q. Okay. 14 A. I have, on narcolepsy and sleep disorders. 15 Q. Back when you were in graduate school? 16 A. Even after, yeah. 17 And also -- also seen -- I've taken anatomy 18 courses in terms of -- I didn't -- part of my training 19 was in med school, part of it was in psychology. I did 20 not take gross anatomy with medical students; I took it 21 with the PT students. So instead of having two persons 22 per cadaver, there were six of us. 23 Q. Okay. Any laboratory investigations or 24 neuropsychological testing? 25 A. Neuropsychological testing?
Page 68 1 Q. Uh-huh. 2 A. I've done tons of that. 3 Q. Of repressed memory patients? 4 A. Not specifically repressed memory. I was 5 more -- it was more about, you know, how is this person 6 coping after their liver failed? How is this person 7 coping after their head injury, Lyme Disease, you know, 8 spirochetes getting in your brain? You know, it was 9 more that kind of testing. 10 Q. And you didn't do neuropsychological testing 11 on Mr. Doe, did you? 12 A. No, I did not. I did not think it was 13 appropriate. 14 Q. Why not? 15 A. I just didn't. I -- because I wasn't -- 16 again, the problem is, there are no neuropsychological 17 tests for repressed memory. If there were, believe me, 18 I would have found it and used it. And I'm still 19 looking, but I haven't -- I just can't find any. 20 I mean, they are developing some things, but 21 they have not come up with that yet. Once they do, I'm 22 going to start using it. 23 Q. And that would be a tool that you could use 24 to verify -- 25 A. Yes, it would.	Page 69 1 Q. -- whether somebody is actually suffering 2 from repressed memory or whether they're malingering? 3 A. Malingering. Malingering is a big issue 4 because -- especially when you're talking about 5 Workers' Comp. And that was a huge issue that I dealt 6 with regularly with Workers' Comp and personal injury 7 cases. So usually -- I got fairly -- I mean, I'm sure 8 I was scammed a couple of times, you know? I'm human 9 and I like to help people. But a lot of times, you 10 can -- after a few sessions with somebody, they can't 11 hold it up. I also was not above watching them walk 12 out to their car after they left my office. So, I 13 mean, here they come walking with their little cane and 14 they leave my office walking to their car kind of 15 jauntily with the cane flinging on their finger. What 16 do you think I'm going to do? But we don't have that 17 for repressed memory, either. 18 Q. Okay. 19 A. I don't have these kind of observations. 20 Q. So there are no objective tests or mechanism 21 to objectively verify? 22 A. There is one. I finally found it. It's 23 pretty expensive but I think I'm probably going to 24 order it anyway. It's -- oh, crap. But it -- but it's 25 a little old, so I want to get a little bit more

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Page 70 1 information on it, a dissociative memory -- it's DES, 2 dissociative -- I'm going to try to find it. I want to 3 see if there's a -- a lot of times, they have an older 4 test and then they have ones that have been updated. 5 And that's what I'm looking for. 6 Q. And this test would -- you think would -- 7 would help you objectively verify whether someone -- 8 A. Possibly. That's why I want to -- before I 9 go and -- before I go and just spend all this money on 10 it. 11 And they have PTSD checklists. But we know 12 he has PTSD, so I'm not -- Dissociative Experience 13 Scale 2. But I'm still not a hundred percent 14 convinced. 15 And I'm going to call PAR. They have 16 different companies that publish -- publish 17 psychological tests and you have to meet certain 18 criteria before you can order them, like, you know, 19 Ph.D. that went into practice, that kind of -- so I can 20 order this. 21 But before I do, it -- I'm not sure it's 22 going to tell me enough about repressed memories, per 23 se. And that's why I haven't ordered it yet. You 24 know, it tells me about dissociative identities or 25 multiple personality disorder, but I'm not -- I don't	Page 71 1 need to know about that. Dissociative order not 2 otherwise specified, yeah. I mean, so some of this I 3 just -- I'm not sure about. 4 And I'm going to call the PAR people -- I 5 just found this out two days ago. I'm going to call 6 the PAR people and -- and -- and talk to them. PAR is 7 Psychological Assessment Research or something. 8 There's about five reputable companies out there. 9 And then there's something call a TAQ score, which 10 is, again, traumatic antecedents -- antecedents 11 questionnaire manual. And, again, it's a -- it talks 12 about -- it's a self-report instrument, gathers 13 information about lifetime experiences in ten domains, 14 you know, incompetence, neglect, whatever. 15 Q. But you didn't -- you didn't put Mr. Doe 16 through this test? 17 A. I didn't put Mr. Doe through -- 18 Q. You haven't put anybody through it? 19 A. No, I haven't put -- that's exactly right. 20 Because I'm not going to just willy-nilly use 21 something. Now, the signs that I used -- this has face 22 validity. You know, I want something with more than 23 just face validity. I mean, face validity is okay. I 24 probably am going to start using the Beck Depression 25 Scale and stuff like that. The PTSD, I -- you know,
Page 72 1 yeah, I've got several PTSD tests that I've used for 2 years. 3 Q. Is CAPS one them? 4 A. Yeah, I've used CAPS. And -- 5 Q. What do you think of CAPS? 6 A. It's not bad. 7 Q. Okay. 8 A. You know, it's not like I'm going to jump up 9 and down and say it's the best thing since sliced 10 bread, either. But I think it's pretty good. It's 11 okay. 12 So, yeah, so I'm in the process of trying to 13 find, you know, like, this signs of repressed trauma. 14 This was the best I could find right now. 15 And I'm sure there's more stuff out there. 16 Because, you know, I mean, testing is -- psychologists, 17 we like our tests. Because we -- because they are -- 18 especially verifiable tests that have been around for a 19 long time and they've had lots of studies to prove 20 they're -- to prove -- to prove their validity and to 21 prove that they actually -- you've got to look at 22 validity and reliability. You know, are they valid in 23 terms of testing what they say they're valid? And are 24 they reliable for -- in terms of result from person to 25 person?	Page 73 1 Q. And we don't have either of those for 2 repressed memory? 3 A. Not yet. We're coming close. 4 Q. Okay. 5 A. I -- I hope. I shouldn't say that. Strike 6 that. 7 Q. No, it's in there now. 8 A. I'd like to think we're coming close because, 9 like I said, I have been really, really -- the -- you 10 know, you saw that on some -- where all the hours of 11 research that I didn't charge anybody for because I 12 felt like this is my thing. I've got to get more -- I 13 mean, I'm up-to-speed. I mean, a lot of stuff I've 14 been reading it's like, yeah, I know that. But there's 15 a few -- there's some tidbits that I don't know, so 16 that's why I've been really trying to get myself up to 17 speed. 18 (Discussion held off the record.) 19 (A brief recess was taken.) 20 BY MR. DUKES: 21 Q. I think we were talking about possible 22 neuropsychiatric testing that would allow you to 23 determine whether somebody was either malingering -- 24 and I'm going to get to some differentiations between 25 memory conditions in a little bit. But right now we

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Page 74 1 don't have any test that can verify whether a person 2 has repressed memory, correct? 3 A. That's my understanding. 4 Q. And all you really have to go on is the 5 person reporting to you -- 6 A. Yeah. 7 Q. -- that they are remembering? And there's no 8 way to determine whether they're being honest or not? 9 A. No, there's no way to determine that. 10 However, I think some of the interesting questions on 11 here that I liked, the reason that I used this, was 12 that it -- it -- it doesn't come out and say, Oh, what 13 memories do you have? It looks at the signs or the 14 symptoms. And, I mean, when you first start evaluating 15 somebody for pneumonia, you have to ask questions, 16 right? You know... 17 Q. You do a differential diagnosis? 18 A. You do a differential diagnosis. And I'm not 19 saying that this is obvious. I'm not saying that this 20 is a great differential diagnosis. I'm saying we're 21 getting there. That's all I'm saying. I'm saying we 22 are -- we're getting there. And I'm -- like I said, 23 I'm spending lots of hours trying to dig up some better 24 tests. 25 Q. And I've spent lots of hours studying memory	Page 75 1 and trying -- 2 A. I bet you have. 3 Q. -- and trying to learn as much as I could 4 about it. 5 A. I bet have you. 6 Q. The one thing I've learned that I think is -- 7 that we would absolutely agree on is that memory is not 8 like a videotape? 9 A. Huh-uh. Memory is reconstructive. 10 Q. And memory is not always honest with us? 11 A. No. 12 Q. We remember things that didn't happen, 13 right? 14 A. And people can be susceptible to memory 15 changes because somebody makes -- makes a comment. 16 That's why I think it's so important for therapists to 17 know what the hell they're doing, because you don't 18 want to implant false memories, which happened to a 19 patient of mine. I won't even go there with that. 20 Q. But it's not hard to implant a false memory. 21 And that's one of the things Beth Loftus has done a lot 22 of -- 23 A. Yes, I agree. 24 Q. -- with the Lost In The Mall -- 25 A. Yes, the Lost In The Mall --
Page 76 1 Q. -- study -- 2 A. -- a famous study. 3 Q. -- or the broccoli study -- 4 A. Yes. 5 Q. -- which is my favorite? And you -- and she 6 was admittedly trying to do an ethical false memory 7 implantation -- 8 A. She was. 9 Q. -- that wasn't going to harm the person? 10 A. That wasn't going to harm someone. 11 Q. And whether -- unless you were George Bush, 12 Senior, implanting a memory that you didn't like 13 broccoli wasn't going to hurt you? 14 A. Right. 15 Q. But it's malleable, right? 16 A. It is malleable. I'm not saying it isn't. 17 And, like I said, memory is -- it's not one big chunk 18 in one part of your brain. You know, it's coded and -- 19 and it's coded in different parts of the brain. 20 It's -- and so for memory to coalesce, you've got to 21 pull these pieces back into a whole, which may or may 22 not be completely accurate, because memory is a 23 reconstructive process because it is differentially 24 stored in the brain. Smell is in one part, vision is 25 another part.	Page 77 1 Q. Music in another part? 2 A. Emotions here, vision here, motor here. 3 Q. And people forget? 4 A. Yeah. 5 Q. I've forgotten more than I know. 6 A. Sure. We all have. 7 Q. And ordinary forgetting is not equated with 8 repressed memory? 9 A. No, it isn't. But, again, you have -- you've 10 got to keep in mind that we're talking trauma in 11 memory. That's a whole different ball game. Like I 12 said, you don't -- might not remember what you had for 13 dinner last Wednesday. But if it was a special date 14 with your wife or somebody, you are going to remember 15 that. 16 Q. And trauma is -- is something that you 17 normally would remember? 18 A. It depends. Not -- that's -- see, there you 19 go. There's the rub. All right, some trauma you're 20 going to remember, especially if you're an adult, 21 because you have more coping skills. But if you're a 22 kid and your coping skills are limited, and the emotion 23 is overwhelming that a kid can't handle, they are more 24 likely to repress those memories. 25 Q. Okay. What is your basis for that opinion?

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Page 78 1 A. The basis for that opinion is developmental 2 studies. 3 Q. Which ones? 4 A. Which ones? 5 Q. Uh-huh. 6 A. Oh, Rich, I'm sorry, I've -- I've -- 7 I've read so many of those studies, I can't even tell 8 you. I mean, but it's based on -- I took a whole 9 course in development -- developmental biology and all 10 this other kind of stuff, developable -- develop -- 11 developmental neurobiology. And, I mean, the brain 12 matures in different ways. It matures in different 13 times. 14 And so, consequently, kids just don't have a 15 big repertoire of coping skills. You know, it's in my 16 report. They don't have a big repertoire. They can 17 imagine themselves somewhere else. They can numb out. 18 They can pretend it didn't happen. I mean, their -- 19 their coping skills are limited. And when it -- when 20 it gets into something like this, who are they going to 21 tell that's going to believe them? So what option -- 22 think about it, logically speaking, what option do they 23 have? 24 Q. But physiologically how does the psyche 25 repress a memory?	Page 79 1 A. Physiologically speaking? 2 Q. Uh-huh. 3 A. Well, we're still looking into that, aren't 4 we? But, again, I think -- 5 Q. We don't know? 6 A. We don't know. 7 Q. We can't describe it? 8 A. I still think it has to do with the 9 developmental, how the brain develops. Because, you 10 know, the brain just isn't very -- okay, 12-year-old 11 kid, how sophisticated is their brain going to be? Not 12 so much. They still laugh at bathroom humor. Their 13 brains are not sophisticated. Their coping skills are 14 not sophisticated. A lot of times, their parents have 15 never even taught them resilience or problem-solving. 16 And then, if you get into a situation like this, where 17 you've got a person in power over you, you're not going 18 to -- you're going to be afraid to tell on that person. 19 And that person is probably going to say, You may as 20 well not tell anybody, nobody's going to believe I did 21 anything. 22 Q. You read Mr. Doe's deposition where he 23 testified that nobody told him not to tell, right? 24 A. Right. True. Nobody told him not to tell. 25 Q. And --
Page 80 1 A. And he also figured, who was he going to 2 tell, anyway? 3 Q. And all of your comments a moment ago, that's 4 just supposition, right? 5 A. Wait a minute. No. All my comments, 6 supposition? 7 Q. Assuming that -- 8 MR. RICHTER: Let -- let her answer, please. 9 MR. DUKES: Okay. 10 BY MR. DUKES: 11 A. What comments were supposition? 12 Q. Well, you went into a long, I won't say a 13 rant, but certainly not a diatribe, but -- but you made 14 a lot of assumptions. You assumed that, that somebody 15 had power over him. You assumed that, that he was just 16 a kid with no coping skills. You assumed that this 17 happened. And you do assume that it -- 18 A. In this case, I assume it happened. In this 19 case. 20 Q. And you believe him? 21 A. I do believe him. I -- well, I don't -- I 22 believe all the stuff I read, really. If I had just 23 spoken to him, by himself, probably -- I would probably 24 be skeptical. And maybe if I -- but we have -- think 25 about it, all this information we have. I mean, yeah,	Page 81 1 was everybody accurate? I don't know. But I think we 2 have enough -- I think we have enough fact-based stuff 3 to make these suppositions stick. 4 And, like I said, I don't -- I don't know of 5 any -- my nephew is 11. His coping skills are pretty 6 terrible, even though his parents work with him and 7 he's a great kid and he's honors. But he's still 11. 8 His brain hasn't matured enough. And that's -- you can 9 look at any 11 -- you've got boys. What were they like 10 at 11? 11 Q. They were different. They were different. 12 Every individual -- 13 A. Oh, they're different. But, in general, how 14 are -- you know, how well does an 11-year-old cope? 15 They don't. They don't have those skills yet. 16 They don't have the -- they don't -- and we 17 know -- you can stick -- my nephew is in this study -- 18 well, it's a bunch of Medical University -- medical 19 hospital things. He's in the one at MUSC. It's a 20 long-term longitudinal study starting with, I don't 21 know, eight-year-olds all the way through 18. It's a 22 ten-year study looking at brain development. And it's 23 fascinating because my sister is like, Oh, you've got 24 to see this, because I can read this stuff. And she'll 25 show me the different scans, brain scans, he's going

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Page 82 1 through. And it's amazing what you can see from 2 every -- every -- every year. The brain is changing. 3 The brain is -- you know, it's developing. And 4 that's -- and we know -- I mean, there are studies. 5 There are plenty of studies out there showing that -- 6 that developmentally kids cope differently when they -- 7 as they get older. 8 Q. And so your generalizations were just 9 generalizations. They -- 10 A. They're generalizations based on -- 11 Q. But each -- 12 A. -- based on -- based on studies. 13 Q. But each person is developmentally different, 14 right? 15 A. Not as much as you think. Really, not as 16 much as you think. You scratch the surface and, yeah, 17 you've got one kid that's going to be a little more 18 mature than another kid. You've got a kid that's going 19 to be more anxious and a rule-follower than a free 20 spirit who doesn't care. You've got those differences. 21 But when it comes to brain development, until 22 they have some developmentally -- developmental 23 disable -- disabilities, the brains aren't that 24 different. I mean, you and I haven't had a stroke. 25 Our brains are going to be a lot more similar than you	Page 83 1 think. 2 Q. What kind of things affect memory? 3 A. Trauma. 4 Q. Head trauma, for instance? 5 A. Are you talking about -- are you talking 6 about -- when you say "affect memory" -- 7 Q. Your ability to remember things? 8 A. Oh, ability to remember. Yeah, head trauma 9 can do that. Trauma, in general, can do that, 10 certainly. Being overwhelmed by emotion in the -- in 11 the event somebody's -- who, like, dies in front of 12 you, it's going to affect -- you're going to remember 13 certain parts of that very vividly and other parts 14 you're not going to remember. 15 Q. That's like the example that I've seen drawn 16 in a lot of literature of the puzzling conundrum, I 17 guess, of the person who's robbed at gunpoint. And 18 they remember the gun vividly, but cannot describe the 19 assailant's face. 20 A. That is exactly right. Because -- and 21 what -- and what does that? That's emotion. That's 22 state-dependant learning because they're overwhelmed. 23 They're only going to be able to focus on one thing. 24 So that can affect it. 25 You know, dementia can affect it. Drugs can
Page 84 1 affect it. Medications can affect it. I mean, yeah, 2 there's lots of things. 3 Q. Somebody who's using drugs -- 4 A. That's what I just said. 5 Q. -- their memory is -- may not be as 6 trustworthy or it may be more suggestible than someone 7 who wasn't? 8 A. If they were under the influence of the drugs 9 at the time, yeah, not necessarily after they finished. 10 Q. And you remember that, at least with 11 Mr. Doe's discussion of the party, he had said -- 12 A. Uh-huh. 13 Q. -- he had smoked a bunch of marijuana -- 14 A. Uh-huh. 15 Q. -- and had a lot to drink? 16 MR. RICHTER: Object to the form of the 17 question. 18 BY MR. DUKES: 19 Q. Well, that's what he said, right? 20 MR. RICHTER: He didn't say that. 21 BY MR. DUKES: 22 A. That's what he -- well, I don't remember him 23 saying that in his deposition. 24 MR. RICHTER: He didn't say it. 25 BY MR. DUKES:	Page 85 1 A. He didn't say it. I don't remember that in 2 his deposition. And the thing is, all we know is that 3 he was kind of abandoned at a bar and left it at that, 4 because we don't know exactly what happened in that 5 bar. I think he was kissed by another man or 6 something. But in terms of the drugs or the alcohol, 7 whatever, all we know is that the guy was abandoned in 8 a bar and had to find his own way home to Charleston. 9 I mean... 10 Q. And that would normally be something that 11 would be memorable, wouldn't it? 12 A. That would be memorable within -- but, again, 13 one of the things that's been found -- I read this a 14 long time ago with memory. One of the things that can 15 be found is that, especially children -- as adults, we 16 have a little bit better ability to volitionally 17 suppress certain aspects. It's harder for adults, in 18 general. We just -- it's just too hard for us to 19 really suppress stuff. But -- but, still, we end up 20 suppressing certain things that are just too 21 overwhelming. But we can do it in pieces. Children 22 cannot. 23 That's one of the things that -- that was 24 found. God almighty, that was found 20 years ago, that 25 kids cannot just say, I'm not going -- I'm not going to

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Page 86 1 remember this bad thing that happened to me. What ends 2 up happening is that they don't remember a year. They 3 don't remember much of their childhood. If their 4 childhood was bad, but not all of it was, meaning, oh, 5 you know, Dad did this to me or that to me and I had 6 trouble here, I had trouble there, a lot of times 7 they'll just kind of say, I don't remember much about 8 my childhood, period. They don't have the ability 9 to -- to compartmentalize like adults do. Now, that's 10 a fact. 11 Q. And it's also a fact that people choose not 12 to report bad things that happened to them in the 13 past? 14 A. That can sometimes happen, yes. 15 Q. How do you -- how can you differentiate 16 between somebody who is choosing not to report an event 17 that happened in the past and someone who is suffering 18 from Repressed Memory Syndrome? 19 A. Well... 20 Q. You can't, can you? 21 A. Not unless you know them pretty well, not 22 unless you spend a lot of time with them. I think 23 Dorothy Whelan has come pretty close because she has 24 spent a good bit of time with him. But me -- you 25 know, me seeing him that one time, that would be hard	Page 87 1 for me to do. You know, I had to go on the existing 2 information I had and his wife. And only she -- she 3 only knows so much. But -- but in a one-shot deal, 4 I -- I admit that can be difficult. 5 But, again, you look for -- you know, okay, 6 you look for how he reported this stuff with the -- 7 when he was six, as opposed to the stuff when he was 8 older. And -- and there was a -- I don't know. Okay, 9 here's -- excuse me. Here's my clinician coming out. 10 Forgive me. It's kind of -- sometimes we do go with a 11 little bit of a gut feeling. But I don't -- I don't 12 like to rely on gut feelings. In graduate school, I 13 got accused being too much of a scientist. And that's 14 fine. But there is sometimes, if you have a little bit 15 of a gut feeling, and then you follow it up. You 16 follow it up and say, Well, how come you remember this 17 but you're not remembering that? And most of the time, 18 of course, unfortunately, most of the time you get, I 19 don't know. But -- but I try to follow some of that 20 stuff up. 21 Now, again, the fire, he was an adult. He 22 didn't -- he didn't suppress any of it. He remembered 23 all of it. Well, he remembered what he was told. He 24 wasn't there. 25 Q. Uh-huh. How do you -- is there a test or
Page 88 1 something you can do to differentiate between repressed 2 memory and ordinary forgetting or choosing -- or not so 3 much suppressing but choosing not to think about 4 something? There's not, is there? 5 A. Well, you know, I'm thinking. I remember 6 several cases in the past where I probably pushed too 7 hard. But I did know them well enough. I mean, I'd 8 seen them for a couple of years for health problems or 9 for pain or whatever. And I can remember several cases 10 where I just -- where -- where I, number one, pointed 11 out very nicely, of course -- I try to always be 12 polite, but very nicely pointed out inconsistencies. 13 Well, you know, two months ago you mentioned X, Y and Z 14 that you kind of remembered it and now you're saying 15 you don't remember it. What -- what's -- tell me about 16 that. What -- what's different? So if you know 17 somebody well enough, I -- I think that sometimes you 18 can tease it out. I can't -- I can't say you can -- 19 you can't always tease it out. And you have to have 20 very good rapport with that person and a lot of trust. 21 Q. And did you build that kind of trust with 22 Mr. Doe? 23 A. Well, not -- not in a one-shot deal. No, 24 couldn't. 25 Q. Okay. Do you give any value to the	Page 89 1 information that Chris Hartnett was a school teacher 2 for 30 years? 3 A. I thought that was kind of weird. 4 Q. And that he never had an allegation of sexual 5 abuse again? 6 A. I don't -- I didn't know what to make of 7 that, you know? 8 MR. RICHTER: I object to the form of the 9 question. Go ahead. 10 BY MR. DUKES: 11 A. I didn't know what to make of that, quite 12 frankly, because, you know, it's like -- I can't 13 help but -- I'm sorry, I can't help but believe -- I 14 can't help -- I find it hard to believe that -- that 15 Mr. Doe would have been his only -- his only victim. 16 Q. One-shot deals, not to speak lightly of -- 17 A. I know what you're saying. 18 Q. Doesn't happen? It's -- 19 A. No, it doesn't. That's what I'm saying. 20 Q. Yeah, it doesn't happen? 21 A. That's what I'm saying. That's why I find it 22 very hard to believe that Mr. Doe was the only victim. 23 Q. And Mr. Brooks denies it absolutely? 24 A. Okay. Well... 25 Q. He's alive. We've -- we've located him.

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Page 90 1 A. What about Hartnett, is he alive? 2 Q. No. He died 20 years ago. 3 A. Oh, boy. That's what I'm saying. I find it 4 very hard to believe that -- that Mr. Doe would have 5 been his only victim. I -- I -- I just don't see that. 6 And I'm -- and I'm not saying we should go beat the 7 bushes for him. I'm just saying I find it hard to 8 believe. 9 Now, again, it's -- you know, we know that 10 these guys are going to prey on vulnerable kids. And I 11 can't -- Mr. Doe could not have been the only 12 vulnerable kid that came under his tutelage. 13 Q. And Larry's good friend, Mr. Hartnett's 14 sister -- 15 A. Really? 16 MR. RICHTER: Trying to hide the sister. 17 They don't want us to get access to her. 18 BY MR. DUKES: 19 Q. Are there any studies of the rate of 20 malingering or exaggeration in people who claim to 21 suffer from repressed memory? 22 A. I've been trying to find those. I know 23 they're out there. I haven't been able to locate a 24 good one. And I'm sure they are out there. The 25 problem is, really, it's much harder to prove that than	Page 91 1 somebody with a bad back. I mean, we've got tons of 2 studies for that stuff, for malingering and everything. 3 And I'm -- 4 MR. RICHTER: Did you say bad back? 5 THE WITNESS: A bad back. 6 MR. DUKES: She said "bad back." 7 BY MR. DUKES: 8 A. In other words, I'm saying that you want to 9 know about a study about malingering with repressed 10 memories -- 11 MR. RICHTER: When you finish answering this, 12 I want to tell y'all something. Go ahead. 13 MR. DUKES: Well, let's -- let's keep 14 moving. 15 BY MR. DUKES: 16 A. You know, there's a ton of studies out there 17 showing malingering and signs of it. And, you know, 18 over the years, I've gotten pretty good at -- at -- at 19 teasing that one out. 20 Q. The dancing across the parking lot tossing 21 the cane helps, helps that determination? 22 A. Oh, my God. And some other stuff, too, is 23 pretty amazing. But, anyway -- saw one guy on the 24 lake, diving off his boat. I'm like, Seriously? Right 25 in front of me? Anyway, I was on a different boat, but
Page 92 1 he didn't know I was there. 2 So, I mean, that's pretty -- and -- and then 3 some of the stuff they say. 4 But -- but I have not been able to find one. 5 And I have -- I heard -- I was looking 6 through something, one of my stuff, one of my things, 7 and -- and it did have a -- had a reference. But I 8 found it two days ago. I didn't have time to mess with 9 it. I found a reference to a study and I'm going to 10 look it up. 11 Q. Are there any studies that examine the rate, 12 I guess, for lack of a better word, the rate of 13 repressed memory claimants who are actually only 14 suffering from the normal process of forgetting? 15 A. I'm sure it's got to be out there, but I 16 don't know. 17 Q. Okay. You don't know of any? 18 A. I don't know of any, but I can't imagine that 19 there isn't something out there. 20 Q. What about -- 21 A. But, again, I think repressed memories versus 22 forgetting is different, because -- 23 Q. I'll agree with you on that. 24 A. Because, I mean, forgetting is normal. I 25 mean, you forget stuff. But repressed memories, you	Page 93 1 don't repress memories unless there a lot of trauma and 2 emotional upheaval and emotional pain. I mean, that's 3 going to be the big sticking point. 4 Q. Okay. You will agree with me that Holocaust 5 survivors don't repress that memory, do they? 6 A. They're adults. 7 Q. There were many, many children. 8 A. There were many children. There were many 9 children. 10 Q. Who saw horrific things? 11 A. They did. And some of them did repress those 12 memories. 13 Q. What study shows that? 14 A. God, I read something back in the '80s 15 that -- that was even before -- that was just as 16 repressed memories were coming to the fore. I remember 17 it was an 11-year-old girl. And when they -- when they 18 got to the -- she was 11. When they -- when the Allies 19 came -- I can't remember -- I can't remember I can even 20 remember this little bit. She was 11 years old. That 21 stuck with me. The Allies came in which -- whichever, 22 Birkenau, whichever camp they were in. And I remember 23 them -- they said something about, How long have you 24 been here? She didn't know. What's your name? I 25 don't know. I mean, she had just completely flushed

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Page 94 1 everything. 2 Q. So she -- she suffered global amnesia? 3 A. Yeah. But -- well, she suffered dissociative 4 amnesia. 5 Q. And that global amnesia is extremely rare? 6 A. Extremely rare. 7 Q. And -- and it's almost the subject of 8 folklore, although it happens? 9 A. Well -- and, again, she was -- she was 11. 10 She was put in that camp right almost at the very 11 beginning. Parents died, everything. So she was -- 12 she was pretty small, I mean pretty young. Eleven. 13 She was in that camp three, four years. How old would 14 that make her? You know, seven. It's awfully young. 15 But that was -- that's kind of -- that was one of those 16 weird studies that just sort of struck me. 17 Although, you're right, most of those 18 Holocaust victims did remember. But part of it was 19 because they talked -- they saw horrible things, but 20 they talked to each other. They had a built-in support 21 group. You know, when we're talking about repressed 22 memories of somebody being sexually abused, where's 23 their -- where's their support group? Who are they 24 going to talk to? They aren't there. And I think 25 that's what makes that different, too.	Page 95 1 Q. Uh-huh. If you're going to construct a test 2 to determine the rate of memory repression within a 3 given cohort, how would you do that? 4 A. We talked about this a minute ago. 5 Q. Yeah. You talked about developing a program, 6 a protocol. But I want -- how would you set that test 7 up specifically for Repressed Memory Syndrome? 8 A. The test up, as opposed to pencil and paper, 9 interviewing that person? What? 10 Q. Some test that would determine within a group 11 of sexual abuse victims -- 12 A. Yeah. 13 Q. -- how many of those will suffer from 14 Repressed Memory Syndrome over time? 15 A. You mean setting -- setting a protocol to 16 find that out? 17 Q. A prospective test, not a retrospective 18 test? 19 A. A prospective test? Well, that is tough. 20 Q. And it's never been done, has it? 21 A. No, it's never been done because people don't 22 want to do it. Think about it. You know, I've never 23 had that -- somebody says, I never had that happen to 24 me. Why should I fill this out? 25 Q. Uh-huh.
Page 96 1 A. And the other problem is, most -- you can't 2 do a prospective test on someone like that because most 3 sexual abuse happens, you know, young. I mean, most 4 sexual abuse happens six, seven, eight, that kind of 5 thing. Now, with priest sexual abuse, sometimes kids 6 were older. But, still, how do you set up a 7 prospective study when the abuse is going to start at 8 six or seven? You can't do it. How could you possibly 9 set that up? 10 Q. I don't know. I was asking you if you had a 11 mechanism to set one up? 12 A. I can't think of one because, you know, we're 13 dealing with -- we're dealing with children. We're 14 dealing with parents saying, I don't want my kid 15 filling that out. We're dealing with kids that don't 16 even know what it is. You know, inappropriate 17 touching, well, you know, they teach kids about that 18 now. But what does that really -- how are they going 19 to define that? I mean, you don't want to start a 20 prospective test on a five-year-old and talk about 21 penises, okay? 22 Q. Uh-huh. 23 A. You just -- you just don't. 24 Q. Are recovered memories accurate in all 25 respects?	Page 97 1 MR. RICHTER: Object to the form of the 2 question. 3 BY MR. DUKES: 4 Q. Is there a test that can verify that? 5 A. You know, no matter what you do -- you know, 6 no matter what you do, you're going to have some -- 7 some situations that are not going to be verifiable. 8 You know, the MMPI, which is -- which is the gold 9 standard, as you probably know in terms of 10 psychological testing -- 11 Q. Uh-huh. 12 A. -- have error rates built in because we know 13 that there's going to be error rates. We know that 14 there's not going to be a perfect test, even if the 15 person is trying desperately to be honest. So can you 16 say that that's going to be a perfect outcome, that 17 this is going to be a perfectly accurate snapshot of 18 their psychological functioning when they took that 19 test? No, because they have an error rate built in. I 20 mean, so there is a problem with that. It's not like 21 testing chemistry, where you're going to put this stuff 22 together and this is going to happen. 23 Q. So there's no -- there's no way you could 24 verify that a recovered memory is accurate? 25 A. Not a hundred percent. I think that you can

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Page 98 1 verify it, up to a point. That's why you've got a 2 checklist. That's why you've got signs. So I think we 3 can verify it. 4 I hate to use my own personal statistics, but 5 I think we can verify it up to a point, let's say -- 6 not a hundred percent. Let's say -- even if we can say 7 80 percent, that's pretty good. 8 Now, of course, there's also different 9 problems with one study I read, of course, said that 50 10 percent of women have been sexually abused. Okay. 11 Then, there's another study that I think may be more 12 accurate that came out later that said it's closer to 13 25 percent. Now, so how -- you know, how do you verify 14 that? That is a problem. All we know is that it 15 happens. And at this point, we're still trying to 16 figure out how often, because a lot of times it never 17 gets reported. The people that are saying 50 percent, 18 at the time, are going to include people that have not 19 verified it. The 25 percenters are saying these are 20 people that have definitely said they've been sexually 21 abused. We probably know that's pretty accurate. But 22 the 50 percent, I don't know. The truth is probably 23 somewhere in the middle. Usually is. 24 Q. How does the brain encode memory, happy 25 memories, pleasant memories, differently than it	Page 99 1 encodes memories of trauma? 2 A. Oh, happy memories have a different 3 state-dependent emotion attached to it. Happy memories 4 are -- they're attached to feelings of happiness, of 5 joy, of, you know, being excited and positive. 6 Traumatic memories -- and -- and emotion usually isn't 7 quite as strong. 8 Although my 11-year-old nephew graduated from 9 the fifth grade a few months ago. And took him out to 10 the fun thing, took him out to lunch, this is the best 11 day of my life kind of thing. But -- but, again, for 12 him, that's a happy memory and he still talks about it. 13 That's different than traumatic memories that the 14 memory -- the -- the -- the state-dependent emotion is 15 overwhelmingly negative. 16 And, consequently, we think that those 17 memories, they're -- if they're remembered, they're 18 stronger and more vivid. But if they're so 19 overwhelming in terms of the emotion, that's when they 20 get flushed, especially if the -- if it's a kid. 21 I think you can't overestimate the whole 22 state-dependent learning thing. We can't overestimate 23 that. That's crucial. 24 Q. How do you determine with any certainty, any 25 degree of certainty, when someone begins to recover a
Page 100 1 memory? 2 A. I think, first, it's important to be 3 skeptical. Now, that might surprise you, a 4 psychologist. But I'm also -- I like science. So I 5 think initially I tend to be skeptical. And -- but I 6 don't -- I'm never going to discount it to that 7 person's face because that's very counterproductive. 8 I'm going to listen. And then I'm going to ask them 9 what -- what's caused this to come up or when did you 10 start remembering it or what pieces have you 11 remembered? I would start like that. 12 Q. And -- 13 A. And so there would be questions that are not 14 leading and they are not suggestible. They are just 15 kind of like, you know, A, B and C. 16 Q. Uh-huh. And when somebody reports that 17 several years ago I began remembering being molested, 18 is that trustworthy? 19 A. Sometimes. Sometimes it isn't. I had a 20 patient who I was convinced it was not trustworthy, all 21 of this ritual abuse, and it was just -- she was 22 just -- no offense, but she was just so psychotic. I 23 didn't -- you know, I did not -- 24 Q. Ritual, satanic ritual, baby sacrifice -- 25 A. And then she --	Page 101 1 Q. -- the horror stories. 2 A. And then -- and then -- and then you have to 3 look for confabulation because, a lot of times, the 4 memories of abuse, as they become -- they come up, they 5 become recovered, they're -- there does tend to be more 6 vividness to those recollections. However, when you're 7 talking about I think so-called recovered memories that 8 are not necessarily true, you're going to get some 9 outrageous confabulation that is kind of beyond the 10 realm of belief, like babies being killed and people 11 eating their parts. I'm sorry. 12 Q. And there -- and you'll agree with me there 13 are times when a so-called recovered memory is just not 14 true? 15 A. That's right. 16 Q. And there's no way to objectively verify -- 17 A. Yeah, except -- except how much distress the 18 person is having and if I can verify that they're not 19 psychotic, which is not that hard to do anymore. We do 20 have a lot of tests for that. 21 Q. Okay. Sometimes -- I read the term 22 dissociative amnesia. 23 A. Uh-huh. 24 Q. And that's a broader topic. 25 A. It's broader. But some of the more recent

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Page 102 1 stuff is kind of saying, well, repressed memory and 2 dissociative amnesia, sometimes they use them as equal 3 things. They're saying dissociative memory -- I mean, 4 you know, repressed memory is a form of dissociative 5 amnesia and that's kind how I look at it. 6 Q. But it's not a synonym of -- 7 A. It's not a complete synonym. But -- well, it 8 depends on what you read, actually. 9 Q. It includes global amnesia. 10 A. Well, true. 11 Q. It includes, for lack of a better word, an 12 out-of-body experience? 13 A. Well, yeah. I'm -- I'm -- I'm kind of funny 14 on that. 15 Q. You think that's -- that that happens? 16 A. I think people perceive it as happening, as 17 opposed to somebody's soul leaving their body. I've -- 18 I'm a little skeptical. 19 Q. Okay. So as a coping strategy for trauma, 20 imaging that you're -- 21 A. Imaging that your soul is leaving, imagining 22 that you're leaving that situation, sure. I'm 23 somewhere else. 24 Q. Okay. But actually -- 25 A. This isn't happening.	Page 103 1 Q. -- doing it -- 2 A. Yeah, but I'm not going to -- I don't see 3 anybody's soul floating up from their body, so... 4 Q. Okay. 5 A. I'm sorry, I didn't mean -- I hope I didn't 6 offend anybody. 7 Q. No, I'm just here to have a pleasant 8 conversation with you. 9 With repressed memory patients, is a history 10 of memory disorders an important factor to consider? 11 A. That's an excellent question. 12 Q. And Larry didn't object to the form of it. 13 A. No, he didn't. 14 MR. RICHTER: Well... 15 BY MR. DUKES: 16 A. Well, I think it's an interesting one and 17 one, you know, we can't disprove. You know, I mean, if 18 somebody's got severe organic memory loss, I don't hear 19 repressed memories from them. Somebody's got dementia, 20 I don't mean really, you know, significant dementia, 21 I've never heard repressed memories come from them. I 22 mean, they might say, Where's -- I want to go home. 23 Where my's mother? But that's not repressed memory; 24 that's disordered memory. 25 Q. Is there a way to test whether a memory that
Page 104 1 is recovered is part of a memory disorder and not 2 really a repressed memory? 3 A. Not -- not really. But I can test for memory 4 disorders. I do it all the time. Some of them -- some 5 of the tests are a little bit more involved than 6 others. 7 But sometimes I do something depending on 8 time. I do a quick-and-dirty test. It's a not a mini 9 mental status; it's a lot more of the memory stuff. 10 And I do do some those of tests to make sure that the 11 person doesn't have early dementia or that they 12 aren't -- they don't have a memory problem. And that 13 kind of helps. Because if they score okay on that, I'm 14 not saying that it gives more credence to dissociative 15 memory, but I'm saying that at least rules out organic 16 basis for memory impairment. 17 Q. When did John Doe either express or repress 18 any of his memories? 19 A. When did he do it? 20 Q. Uh-huh. 21 A. I think he did it in seventh grade. 22 Q. Okay. 23 A. Because he didn't even remember being there. 24 Q. When did he begin remembering again? Do you 25 have an opinion on that?	Page 105 1 A. That's interesting, because the depositions, 2 the notes, everything is a mess in terms of that. And 3 that's why I was also saying triggers, where I don't 4 see any triggers. 5 Q. Uh-huh. 6 A. And let me see if I can find it. He did 7 completely fall apart when he moved to Greenville 8 without his wife. I think that was a huge -- 9 Q. In 2012? 10 A. 2012. I think that was a huge, huge thing 11 for him. He -- what did he tell me? 12 Q. And Ms. Whelan's notes, her first interview, 13 did you note that, that he told her he began to 14 remember being abused several years ago, several years 15 prior to 2016? 16 A. Yeah. 17 Q. Right after he had bypass surgery? 18 A. He mentioned that, yes. He mentioned that. 19 But... 20 Q. And the bypass surgery he had was in 1999. 21 A. Yeah, he mentions that. 22 Q. And he was pretty specific with me when I 23 would say about a bypass surgery and he would say, no, 24 that was a stint. 25 A. Yeah. He did not come out to me and say that

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Page 106 1 happened right after my thing. He talked more about 2 moving to Greenville in -- 3 Q. In 2012? 4 A. In 2012. And that's when the -- that's when 5 all -- he started having all kind of problems, couldn't 6 cope and he was overwhelmed. 7 Q. And -- 8 MR. RICHTER: Please don't interrupt her 9 answer. She's got a right to give her answer. 10 BY MR. DUKES: 11 A. And let me see if I can find this thing. And 12 I got the sense that he was -- it was around 2012 that 13 he started having some -- some blips of memory. That's 14 my opinion from what -- everything I've read and from 15 what he told me, because he was completely falling 16 apart at that point and he was overwhelmed by emotion, 17 by negative emotion. But, again, it -- I mean, there 18 are so many -- I mean, think about it, these 19 depositions, the notes, everything, there were so many 20 inconsistencies. I had to make notes on everything. 21 And then I had to kind of put them together that made 22 some kind of sense to me, which was hard because there 23 were so many inconsistencies. 24 Q. I believe his wife said that before they 25 moved to Greenville, when they were still in	Page 107 1 Charleston, he began to have uncontrollable crying and 2 bouts of severe depression. That's when they quit 3 going dancing? 4 A. Yes. 5 Q. And that she would ask him, Why? And he 6 said, I can't tell you, I'm so ashamed? 7 A. Yes. And what she told me was that things 8 got bad after -- after he moved to Greenville and she 9 stayed in Charleston. And he got -- started crying and 10 he changed. He became a different man. What do we do 11 with that? 12 Q. So we really cannot pin down when Mr. Doe 13 began to remember? 14 A. Uh-uh. I think there were blips just like -- 15 recovered memories seldom come in one big tsunami. 16 They come in little blips. And I think maybe he 17 started having some tiny little blips in Charleston. 18 But, apparently, I think -- I think -- 19 personally, I think the trigger for him primarily was 20 the overwhelming negative emotions and stress 21 associated with moving to Greenville, where he didn't 22 really want to go, and having to live without his wife. 23 I think -- I don't know what -- I don't know 24 what -- I think that man would probably become overtly 25 suicidal if something happened to his wife, because he
Page 108 1 can't cope without her. 2 And that's when she told me things changed. 3 I mean, so what are we supposed to believe? I mean, I 4 don't know. And -- and, yet, I don't believe it's 5 necessarily that unusual, because I've heard it all the 6 time, you know, a little piece here, a little piece 7 there, and then... 8 Q. And if somebody came to you and said, All of 9 sudden, it came back to me like it was -- 10 A. Happening just again? 11 Q. Yeah. 12 A. I've seen that happen, but I think it's rare. 13 I think it's relatively rare. I do think it can 14 happen. I've only heard -- I heard -- I've heard of a 15 couple of people, a couple, three, four people tell me 16 that. But most people talk about it coming in bits and 17 pieces, until -- until something rips the lid off. And 18 he talked about the bomb. 19 Q. And that's usually therapy? 20 A. Often it's therapy because they start talking 21 about it and they feel a safe place. Sometimes it's 22 some other overwhelming life stressor. The negative -- 23 we go back to the state-dependent learning, where they 24 start experiencing some of the same emotions that they 25 did when they were traumatized.	Page 109 1 Q. Uh-huh. But with John Doe, there's no way 2 for us to say when he began -- when he remembered the 3 abuse? 4 A. No. Like I said, it's my opinion that he 5 started having blips after -- with the stress of moving 6 to Greenville. 7 Q. In 2012? 8 A. In 2012. And, like you said, his wife said 9 something about the -- the surgery, so I don't know. I 10 mean, I'm going by what he and his wife told me. 11 Q. Is there any more work that you want to do to 12 complete your report? 13 A. Like? 14 Q. Are you going to do any more work? 15 A. I wasn't planning to, but if y'all think that 16 that would be necessary, I'm willing to give it a shot. 17 Q. I just want to make sure there's not 18 something that you're planning to do that would change 19 the report after I finish depositing you? 20 A. Not -- not really. You know, I mean, I am 21 sort of interested in the whole idea of his lack of 22 resilience. And I have a better idea now why he was -- 23 why he lacks resilience. People who lack resilience, 24 you know, we're not -- we know that they're more prone 25 to develop PTSD, to trauma later in life, and have more

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Page 110 1 health problems, physical health problems. We know 2 that. And we know how to teach it. But I haven't been 3 able to nail down if that lack of resilience 4 contributes to repressed memory, so that's why I'm 5 not -- that's why I didn't put it in here. 6 Q. Okay. You'll agree with me that Mr. Doe has 7 had a difficult life? 8 A. Oh, yeah. 9 Q. And that there are some significant traumas 10 that -- 11 A. Uh-huh. 12 Q. -- impacted him, the sexual abuse at age six? 13 How significant do you put that in his -- 14 A. Well, that was a trauma which could set him 15 up to have more difficulties with trauma down the road. 16 However, like I said in my report, I don't -- I do not 17 think that was a proximate cause of PTSD. He did not 18 have a significant relationship with this kid. It 19 happened once or three times, whatever, a kid down the 20 street. I think it's bothered him, but I don't think 21 it was -- I think in the grand scheme of things, I 22 don't think -- I think he just went about his life. 23 Q. What about his relationship with his 24 father -- 25 A. Oh, I think that's --	Page 111 1 Q. -- which was disastrous? 2 A. It was disastrous. And I want -- I thought 3 about putting more in the report about that, and yet 4 the only reason I did not -- I mean, I think it made 5 him more vulnerable to the teacher, for sure. The only 6 reason I didn't put that in the report was because he 7 didn't repress those memories. 8 Q. Uh-huh. 9 A. You know, all that -- all that abuse and 10 trauma from his relationship with his father, none of 11 those were repressed. 12 Q. And he didn't repress memories of friends or 13 things they did when they were -- when he was a 14 teenager? 15 A. That was -- that was weird, okay? In the 16 deposition, first he says he doesn't remember having 17 friends. He doesn't remember, you know, his childhood. 18 And then, when you start -- then, when people started 19 asking him specific questions, they came back. 20 And there was a study I read a long time ago 21 that generally kids who have poor childhoods oftentimes 22 don't remember a bunch of them, don't remember a lot of 23 their childhood unless people ask them specific 24 questions. 25 Q. Uh-huh.
Page 112 1 A. But, again, I did not see that as necessarily 2 cogent to the idea of repressed memory in this case. 3 But it could have been. Could have been more 4 suppression. But after some thought, I decided, okay, 5 is that going to muddy the waters and make it more 6 difficult or not? So I -- so I opted to leave it out. 7 Q. Well, I mean, I found it interesting that he 8 says I don't remember anything about the seventh grade, 9 yet he remembers going to smoke pot with the kid -- 10 A. Yeah. 11 Q. -- across the street -- 12 A. Of course. 13 Q. -- go down to the movies -- 14 A. Yeah. 15 Q. -- walking down King Street to the movies? 16 A. Yeah. There's inconsistencies, yes. And 17 that's why I'm saying that -- that with kids, a lot of 18 times, they have a hard -- they'll just say, I don't 19 remember. I don't remember. I don't remember. But 20 then, when you ask specific questions, little pieces 21 will come up. But it's not necessarily about the 22 abuse, if you think about it. It's not about what the 23 teacher did to him. It's more about, oh, I played 24 hookie with my buddy. And, again, I -- I thought -- 25 Q. But you'll agree that that's an	Page 113 1 inconsistency? 2 A. Oh, absolutely. 3 Q. Yeah. 4 A. And one of things is, I don't like to write, 5 and Mr. Richter knows this. I mean, I was taught to 6 write reports the shorter, the better. This is one of 7 the longer reports I've written and so I was trying not 8 to add too much. 9 Q. On your opinion about the abuse at age six 10 not being traumatizing, what do you base that on? 11 MR. RICHTER: Did you say page six or age 12 six? 13 MR. DUKES: Age six. 14 BY MR. DUKES: 15 A. Oh, you mean with the -- with the -- 16 Q. With the teenager. 17 A. -- adolescent? Oh, the teenager. Well, 18 number one, you'd be surprised how often that happens. 19 Maybe you wouldn't. Probably wouldn't. I'm sure you 20 wouldn't be surprised. Because he -- like I said a 21 minute ago, he did not have a -- he did not have a 22 relationship of trust with this kid. 23 Q. But he either -- in your report you say he 24 either repressed that memory or suppressed that memory. 25 A. Yes. Yes. And I -- if you remember, I then

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Page 114 1 came back and said I believed it was more suppressed. 2 Q. Right. 3 A. Because I didn't think it was quite as 4 traumatize -- I didn't think it was nearly as 5 traumatizing as with the teacher. 6 Q. And is suppression -- I'm really interested 7 in this. Suppression is a willful putting the memory 8 out of mind? 9 A. Yeah, basically. 10 Q. And -- and is it more than just choosing not 11 to think about something? 12 A. Oh, it's probably a little bit more than 13 that, because you're going to have the negative -- the 14 negative state-dependent learning. So it's unpleasant 15 and you don't want to think about it. You don't have a 16 lot of coping skills, nobody to tell, I'm don't want to 17 think about it. I'm just going to flush that one or 18 I'm going to choose to flush that one. 19 Q. Uh-huh. And that -- 20 A. Repression is, I can't deal with this. I'm 21 overwhelmed. It's gone. It didn't happen. 22 Q. Okay. As Elizabeth Loftus says there would 23 have to be a hobgoblin in your brain that reaches up 24 and grabs your memory -- 25 A. Yeah, that's one of her little --	Page 115 1 Q. -- and hides it in a box? 2 A. Yeah. She has a way with words sometimes. 3 Q. And there's no scientific evidence that that 4 hobgoblin exists? 5 A. That's true. Like I said -- but, again, I 6 have a lot of respect for Elizabeth Loftus. She's an 7 icon in the field. 8 Q. I just liked the line. 9 A. I know. She's great with words, seriously. 10 But I also don't -- I don't agree with her 11 like I used to. Nice lady, by the way. I mean, she 12 could be. 13 Q. She is nice. She's pleasant. 14 A. Yeah, she's very pleasant, even though we 15 didn't agree with -- I met her at an APA convention. 16 And I saw her get off one of the shuttle buses and I 17 said -- I was young. I was -- I was, like, in my 30s 18 and said, Elizabeth Loftus. And so we -- she took me 19 to lunch. 20 Q. I was the same way with an historian named 21 James McPherson. 22 A. I've heard of him. 23 Q. He wrote one of the best books about the 24 Civil War. 25 A. My brother read that book.
Page 116 1 Q. I met Jim at a conference at Annapolis and he 2 took me to lunch. 3 A. Isn't that cool, when somebody does that? 4 Q. Yeah. 5 A. You're just a -- you feel like you're a lowly 6 nothing and this person takes an interest in you. 7 Q. Yeah. 8 Now, after he was molested by the teenager 9 and before you say he was molested by the teachers, 10 before age 13, between age six and age 13 -- 11 MR. RICHTER: Excuse me. I object to the 12 reference, age 13, if you are stating that that's 13 when he was abused by the preacher -- by the 14 teacher -- 15 MR. DUKES: Well, we know it had to have 16 happened in 1970. He had to be 13. He was born 17 in 1957. 18 MR. RICHTER: I made my objection. 19 MR. DUKES: Okay. 20 MR. RICHTER: I'm not arguing with you about 21 it. 22 MR. DUKES: Okay. 23 BY MR. DUKES: 24 Q. How about if I say this? Between the time he 25 was six in 1963 and in 1970, Mr. Doe was troubled. I	Page 117 1 mean, after his -- he was molested by the teenager, his 2 father took him to a psychiatrist for two years? 3 A. Uh-huh. 4 Q. He couldn't -- 5 MR. RICHTER: Is there a question? 6 MR. DUKES: I'm asking. 7 MR. RICHTER: Okay. 8 BY MR. DUKES: 9 Q. And there must have been something going on 10 there. 11 A. Well, yeah. He was a poor student. He slept 12 in class. He cut class. He didn't do well in school. 13 That -- that's what I'm hearing. 14 Are you -- are you wanting to relate that -- 15 I'm sorry, I should have let you finish. 16 Q. I'm just wondering. I mean, he had 17 discipline problems? 18 A. Uh-huh. 19 Q. He had either expelled or withdrawn from -- 20 A. Lots of schools, yeah. 21 Q. -- three schools? This is before he ever 22 arrived -- 23 A. I know. 24 Q. -- at Sacred Heart. So he had -- clearly, we 25 can infer there were behavioral problems?

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Page 118 1 A. Absolutely. 2 Q. There were -- and you met him. I've met him. 3 He is not an unintelligent man? 4 A. No, he's -- and he actually got his GED 5 without hardly studying for it, by the way. 6 Q. Yeah. 7 A. And didn't -- and didn't go to school from 8 eighth through twelfth grade, which is amazing. 9 Q. So to what trauma do you attribute the 10 behavioral problems between age six and age 13? 11 A. You know, that crossed my mind. And I didn't 12 feel like I had enough evidence to even make a 13 supposition. Yes, I think that was traumatic. But 14 we've seen a lot of kids -- we've seen a lot of boys go 15 through that kind of behavior without a trauma. So how 16 do we -- how do we really link it to that? I mean, I 17 wanted to try to -- yes, you said I made a lot of 18 suppositions and implying stuff. But I really tried to 19 put everything connected to facts as well as I could 20 get them. 21 Q. Okay. 22 A. So that's why I didn't include it. 23 Q. What do you base his running away from home 24 on? 25 A. I base that running away from home on his	Page 119 1 abusive father and on the abuse and simply wanting to 2 escape. 3 Q. Now, if -- and this is something that has 4 bugged me. And maybe you can explain it to me. If 5 somebody represses a memory, what are they running away 6 from? They have no access to the memory. 7 A. All they know is they're running away from 8 feeling bad. They're running away from being 9 depressed. They're running away from being 10 overwhelmed, being anxious, not succeeding. 11 Q. He was doing that before. 12 A. Well, he wasn't running away to California. 13 And he wasn't -- 14 Q. He tried. 15 A. I know. But, I mean, he was -- he ran away, 16 but it wasn't serious running away, like -- like -- 17 think after -- after the abuse by the teacher, that's 18 when the running away got really outrageous. Before 19 that, it was like, you know, my brother going down to 20 the -- down the street to his best friend and telling 21 his mother -- telling our mother he ran away. I mean, 22 it wasn't as serious as that. 23 Q. Well, let's see. He hitchhiked -- the first 24 time he hitchhiked, he was headed for Florida. 25 A. Yeah, but I thought that was after the abuse.
Page 120 1 Q. Huh-uh, that was before. 2 MR. RICHTER: Object to the form of the 3 question, if that is a question. I think it's 4 argumentation, but I object to it. 5 BY MR. DUKES: 6 Q. I believe that happened before and the 7 sheriff picked him up. 8 A. Okay. The sheriff picked him up. Think 9 about it. 10 Q. And brought him home. 11 A. That deposition on him was very hard to read, 12 was full of inconsistencies. So, I mean -- and I 13 went -- and I had notes everywhere. And I could not 14 make said heads or tails of some of that stuff. I 15 think I did a pretty good job, given everything. 16 Q. So you're saying that his -- his memory of 17 his childhood is convoluted, at best? 18 A. Yeah. Yes. But I also think there are 19 certain things that stand out. 20 MR. RICHTER: Certain things that what? I'm 21 sorry. 22 THE WITNESS: Stand out. 23 MR. RICHTER: Stand out, thank you. 24 BY MR. DUKES: 25 Q. Are there any opinions that you have about	Page 121 1 Mr. Doe that are not included in your report? 2 A. I think -- I think Mr. Doe, because of his 3 childhood and some of the stuff that happened to him, I 4 think he lacks resilience. I think he has a lot of 5 difficulty with authority figures. I think he 6 avoids -- well, I mean, a lot of times we'll all avoid 7 certain things we don't want to do. But I think he -- 8 I think he's socially phobic, at times. I think he 9 avoids things as much -- unpleasant things as much as 10 he can. I got this -- here -- well, there's a list of 11 some of them here. Difficulties with trust. 12 Oh, I think he has -- he -- he told -- I 13 asked him about self-sabotage. He said years ago he 14 did that but he doesn't feel like he does that now. 15 I do think that the experience at Publix was 16 pretty devastating for him. However, Earth Fare has 17 definitely been a very good salutary -- salutary 18 experience for him. He's part-time. He found a 19 full-time job. And they -- he told me that they 20 actually made arrangements for him to stay full time 21 and get benefits. And I think that's turned him around 22 in a lot of ways. It's funny how certain life 23 experiences like that can do that. 24 I -- of course, he's very reticent. He will 25 answer questions, but he is -- you know, I think he

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Page 122 1 would never just kind of -- he's not an open book. And 2 I think that that goes -- goes back to a lot of his 3 suspiciousness, his inability to trust. 4 He would call that paranoia, but it's not -- 5 like Ms. Whalen says, it's not -- it's not paranoia in 6 the clinical sense. 7 Q. It just John Doe's -- 8 A. It's just John Doe's paranoia. And a lot of 9 people have it, believe it or not. 10 He saw himself as a failure, so he wouldn't 11 go on to school, but I think that was more related to 12 the abuse. He didn't want to be put in another 13 situation like that. 14 But, again, he's -- he's -- he repressed 15 memories. So all he knew was that he was a failure. 16 And, of course, he has terrible fears of 17 abandonment. He said occasionally; his wife says no. 18 He is terrified of losing her. She can't go to the 19 store without him calling her. She can go visit a 20 grandchild without him calling her and asking him to 21 come -- asking her to come home. So it's horrible 22 feelings of abandonment. 23 And so I think there's -- yeah, there's all 24 these things that I think are going on. Did I think 25 that they were necessarily -- they can be considered	Page 123 1 signs of repressed memory. And I mentioned that. But 2 I didn't put it under impressions. 3 Q. Okay. The physical abuse of his wife -- 4 A. Yeah, okay. 5 Q. -- that was -- do you have an opinion -- 6 A. Yes, I do. 7 Q. -- on the cause of that? 8 A. Yes, I do. Because when he's awake, he does 9 not do that to her. She called it physical abuse. And 10 I questioned her a lot about that, because that's 11 really important, because I have seen people with PTSD 12 who have rages and take them out on their closest 13 people. You know, they beat up their kids and their 14 wife. And he never does that when he's awake; it's 15 only when he's having nightmares. 16 And the interesting thing is, when we -- when 17 we have a dream, we have something called sleep 18 paralysis, which keeps us from acting out our dreams. 19 Kind of handy. And, obviously, for him, the sleep 20 paralysis -- he's got a sleep disorder out the wazoo. 21 But, you know, he wouldn't get it addressed. And so 22 his sleep -- and with -- this happens sometimes. 23 People will have a failure of that mechanism. It 24 happens mostly in children, but even adults can have 25 this failure of that -- of that sleep paralysis
Page 124 1 mechanism. So they start acting out their dreams. 2 Q. Now, do you attribute this to the Trintellix 3 that he was taking at the time, that he's no longer 4 taking? 5 A. No, because she said she still sleeps in a -- 6 in a separate bedroom because she's -- she's not afraid 7 of him during the day, but she feels like it's a safety 8 issue at night. 9 Q. It started when he got on the Trintellix? 10 A. On Trintellix. And that's a possibility, 11 sure. Because, you know, medications have all kinds of 12 side effects that we don't even realize and don't get 13 into the literature when they're putting them out. So 14 that's a possibility. 15 I also think he's horribly anxious all the 16 time, including socially, including his own -- his own 17 capabilities. 18 Q. When did he learn that one of his 19 grandchildren had been abused? 20 A. My God, I don't remember. 21 Q. Was it before or after he began recalling his 22 abuse? 23 A. I think it was after. 24 Q. How long after? 25 A. I don't know, but I know it was after.	Page 125 1 Q. And how did he react to the abuse of his 2 grandchild? 3 A. Oh, he was pretty upset about it. I think he 4 would have killed the guy, if he could have. I mean, 5 not really, but... 6 Q. Uh-huh. 7 A. But I think he was extremely upset about it. 8 I just can't remember. That's all -- I don't remember 9 as much as I should have about that. 10 He also has, by the way, impulsivity, 11 compulsive behaviors, you know, the cleaning, the 12 praying, and addictions. Now, the thing is, 13 are we talking about OCD? By the way, we could be, 14 because he's got two sisters and a brother who are 15 compulsive cleaners and stuff. And OCD runs in 16 families. And OCD is an anxiety-based disorder. And 17 it can be made worse by trauma. In fact, I've seen it 18 made worse by childbirth. I mean, all kinds of things 19 can make OCD worse. But I do think he probably -- and 20 the addictions in the past. He doesn't have any now 21 except he likes coffee. But I think there is some 22 definite compulsivity stuff going on there. 23 Q. Uh-huh. You talk in your report that he and 24 [REDACTED] went to church in Charleston and went to the 25 cathedral, right?

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Page 126 1 A. Yeah. Uh-huh. 2 Q. And did he tell you anything about Monsignor 3 Roth? 4 A. No, he did not. But he did say that he was 5 involved in the men's club there and that it was 6 helpful to him. But when they moved to Greenville, he 7 just -- the men's club was -- he wouldn't tell me much 8 about it. He just said the men's club there was 9 different, it didn't meet his needs, and he was not 10 comfortable at that church and he stopped going. 11 Q. Okay. But they're going to another one now? 12 A. Yeah, they're going to another one now. But 13 he -- he only goes sometimes. He does not go like he 14 did at the cathedral. 15 Q. Okay. 16 A. Now, she does. She's -- you know, 17 she's there when the doors open and very involved. 18 Why, what about Monsignor Roth? 19 MR. RICHTER: Wait a minute now. He's got to 20 ask you. 21 THE WITNESS: I know. I'm sorry. 22 BY MR. DUKES: 23 Q. Did he mention to you that he wanted to 24 confide his abuse in Monsignor Roth? 25 A. Yeah, he did -- he -- he mentioned he wanted	Page 127 1 to confide his abuse in a priest at -- 2 Q. The cathedral. 3 A. -- the cathedral. He didn't mention his 4 name. 5 Q. Okay. And the only name I've seen about that 6 is Monsignor Roth. 7 A. Well, that would make sense, then. 8 Q. And would he have had to be have been 9 remembering -- if he wanted to confide his abuse in his 10 priest at the cathedral -- 11 A. That would have been before the -- the -- 12 that would have been before the move to Greenville. 13 Q. Yes. 14 A. But he -- he didn't exactly tell me abuse. 15 He didn't say -- he said he wanted to confide 16 something. He wanted to -- what he told me was he 17 wanted to talk to a priest at the cathedral. He never 18 mentioned abuse. He just said I want -- there was a 19 priest there I thought I could talk to. That's all he 20 told me. 21 Q. Okay. He didn't tell you any more? 22 A. He didn't tell me any more. 23 Q. Okay. 24 A. That could be anything. Again, that's why it 25 wasn't in the report that I wrote because, you know, I
Page 128 1 don't know. He didn't elaborate. 2 Q. Okay. 3 A. And when I asked him, he wouldn't elaborate. 4 Q. All right. Have we uncovered and discussed 5 all of the opinions you have in this case? 6 A. I sure hope so. 7 Q. Have we discussed the basis for all of your 8 opinions in this case? 9 A. I think so. I think I really tried very hard 10 to make connections that I thought were appropriate. 11 Q. Okay. 12 A. And I did not make connections that I did not 13 think were appropriate and I left them out, as a matter 14 of fact. 15 Q. Okay. Sally, that's all I have for you. 16 A. Okay. 17 Q. Thank you very much. 18 THE WITNESS: Larry? 19 MR. RICHTER: Yes. 20 THE WITNESS: Okay. I can do this. This is 21 a long one. Okay. 22 MR. RICHTER: Yeah. This will be very quick 23 for me, I think. 24 CROSS-EXAMINATION BY MR. RICHTER: 25 Q. I want to ask you if it is your professional	Page 129 1 opinion to a reasonable degree of medical certainty 2 within your own field that John Doe, who we've 3 identified here as John Doe, suffers from Repressed 4 Memory Syndrome? 5 A. Yes. 6 Q. Okay. 7 A. If you notice on the -- in the -- at the end 8 of my report, I wrote, I think in pretty explicit 9 language, that there -- it would appear that there's no 10 question beyond a reasonable doubt that Mr. Doe 11 repressed memories of the abuse by the teachers. 12 Q. By his teachers, did you say? 13 A. Yeah. 14 Q. Thank you. 15 A. In order to survive emotionally. 16 Q. All right. One more question, please. 17 I'd like for you to look on page six of your 18 report. 19 A. Out of curiosity, would y'all have liked me 20 to have written a longer report? 21 Q. No. I think your report is your report. 22 A. Yeah, because I don't like to -- 23 Q. We all respect your -- 24 A. I mean, I don't -- I don't believe -- 25 Q. We --

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Page 130 1 A. I don't believe in writing a 17-page report. 2 MR. DUKES: In state court, you're not 3 required to do a report at all. 4 THE WITNESS: I know. 5 MR. DUKES: So we're grateful to have one. 6 BY MR. RICHTER: 7 A. Nobody wants to read a 17-page report. Good 8 God. So I tried -- 9 Q. No. All we -- all that we ask for, and I'm 10 sure Rich joins me in saying this to you, is just 11 truthful testimony -- 12 A. That's -- which is what I've tried to do. 13 Q. -- from a professional, in your case. 14 A. That's what I tried to do. 15 Q. If you'll look, please, on page six, if 16 you're there? 17 A. Uh-huh. 18 Q. The bottom paragraph on that page. 19 A. Yeah. 20 Q. It begins, "As is." Do you see that? 21 A. Yeah. 22 Q. If you will count up from the bottom the 23 lines, please, if you'll count eight lines up from the 24 bottom. 25 A. Yeah.	Page 131 1 Q. See it begins with the word "memories"? 2 A. Memory -- wait a minute. 3 Q. First word on that line. 4 A. Oh, yeah, these life stressors, yeah. 5 Q. I would appreciate you publishing into the 6 record, that means reading, from the beginning of that 7 paragraph, the words "as is" down through the word 8 "memories." 9 A. Okay. 10 MR. DUKES: Object to the form. 11 BY MR. RICHTER: 12 Q. Go ahead. 13 A. Okay. As is usual in cases of recovered 14 repressed memories -- 15 Q. I'm sorry, I can't hear you. 16 A. I'm sorry. 17 Q. No, I'll move closer. 18 MR. DUKES: I'll loan you one of mine. 19 BY MR. RICHTER: 20 A. I usually can talk louder. 21 Q. This is the last for me. 22 A. As is usual in cases of recovered/repressed 23 memories, they came back gradually in open -- open -- 24 you know, quote, pieces of memory, end quote. He 25 cannot identify specific triggers. He said that these
Page 132 1 piece of -- pieces of memory started to return while 2 seeing Dr. Thode at VA. 3 See, that was not even in Dr. Thode's notes. 4 He told me that. 5 Q. Just -- just read -- 6 A. Okay. 7 Q. -- what I asked you, please. 8 A. He said -- he said that he had a pretty good 9 life until the memories started to surface. He was 10 involved with his children and his church and felt 11 successful in his life and had a sense of pride. He 12 said that after he stopped seeing Dr. Thode one day it 13 was like a bomb went off with emotionality he could not 14 control. No specific trigger has been identified per 15 se for the bomb or the recovered memories. However, 16 there were multiple life stressors. Such stressors can 17 serve as kindling, as in building a fire, eventually 18 resulting in severe anxiety, depression, panic attacks, 19 and, in his case, triggering repressed memories. 20 Q. Thank you. Now, is that your opinion? 21 A. Yes, it is. 22 Q. One of your opinions? 23 A. Yes, it is. 24 Q. All right. 25 MR. RICHTER: Last thing. I want to be sure,	Page 133 1 Rich. I don't know if you put the record in as an 2 exhibit. If not, I'd like to give you a clean 3 copy, Madam Reporter, and make it an exhibit, 4 please. 5 BY MR. RICHTER: 6 Q. Is your copy clean? 7 A. What do you mean "clean"? 8 Q. With no scribbles on it. 9 (Discussion held off the record.) 10 (Plaintiff's Exhibit No. 1 marked for 11 identification.) 12 MR. RICHTER: Okay, that's all I have. 13 MR. DUKES: I've got to go back, since you 14 had her read something. 15 REDIRECT EXAMINATION BY MR. DUKES: 16 Q. I want you to turn back to page three. 17 A. Okay. 18 Q. And in your discussion about his treatment at 19 the VA -- 20 A. Yeah. 21 Q. -- it says he was diagnosed with PTSD -- 22 following me? 23 A. Yes. 24 Q. You found that. And it -- 25 MR. RICHTER: Where are you, Rich?

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1 THE WITNESS: It's in the middle --
 2 MR. DUKES: Kind of the middle of --
 3 THE WITNESS: It's in the middle --
 4 MR. DUKES: -- that big paragraph.
 5 THE WITNESS: -- of that that big
 6 paragraph.
 7 MR. DUKES: Right after a parenthetical that
 8 says OCD is an anxiety-based disorder.
 9 BY MR. DUKES:
 10 Q. He was diagnosed with PTSD and it appears
 11 that the memories regarding the abuse started to be
 12 recovered during this treatment or possibly immediately
 13 prior to seeking such treatment.
 14 A. Possibly, yeah. Unclear.
 15 Q. And that was in 2014?
 16 A. Yeah.
 17 Q. And -- and you testified earlier that -- that
 18 he and his wife said that he began having massive
 19 depression back in 2012?
 20 A. Right. But do we know if that's related to
 21 the memories or not? I don't know.
 22 Q. Okay. But he -- it's your opinion that he
 23 began to recover the memories in 2014 or prior?
 24 A. I think or prior, yeah.
 25 Q. Okay.

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1 were some memories that obviously attached to it,
 2 but...
 3 FURTHER REDIRECT EXAMINATION BY MR. DUKES:
 4 Q. But you don't know what those memories were?
 5 A. No, and I'm not -- and I wouldn't -- I wasn't
 6 going to make a supposition about what they were when
 7 he couldn't tell me.
 8 Q. Okay.
 9 MR. RICHTER: You finished, Rich?
 10 MR. DUKES: Nothing more for me.
 11 MR. RICHTER: Same here. Thank you, ma'am.
 12 (The deposition concluded at 5:21 p.m.)
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1 A. I think he definitely started getting more --
 2 I think, from what I could gather from him, that's when
 3 they got bad. That's when they really started popping
 4 up.
 5 Q. Okay. That's all I have for you. Thank you.
 6 RECROSS-EXAMINATION BY MR. RICHTER:
 7 Q. And when you talked about -- and you may have
 8 said this. I'm sorry if I'm repeating something.
 9 You -- you talked about, on page six, when you were
 10 reading a portion of that paragraph, you -- like a bomb
 11 went off?
 12 A. Yeah.
 13 Q. Does -- are those your words or --
 14 A. Those are his words.
 15 Q. They're his words? Okay.
 16 A. Yeah. I have them -- I have them in
 17 parentheses -- I have them in quotes because it was his
 18 thing.
 19 But he never he -- you know, again, he tried
 20 to answer questions. But he has a hard time
 21 verbalizing his concerns. And he said "like a bomb
 22 went off." And, obviously, there was emotionality
 23 attached to it. But he could not say it was specific
 24 memories or anything; it was just overwhelming
 25 emotionality. And I think there were -- I think there

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1 C E R T I F I C A T E
 2 S T A T E O F S O U T H C A R O L I N A :
 3 C O U N T Y O F C H A R L E S T O N :
 4
 5 I, MARY ANN RIDENOUR, Registered Professional
 6 Reporter and Notary Public, State of South Carolina at
 7 Large, certify that I was authorized to and did
 8 stenographically report the foregoing deposition of
 9 Sally Duffy; and that the transcript is a true record
 10 of the testimony given by the witness, and was sworn as
 11 such.
 12 I further certify that I am not a relative,
 13 employee, attorney or counsel of any of the parties,
 14 nor am I a relative or employee of any of the parties'
 15 attorney or counsel connected with the action, nor am I
 16 financially interested in the action.
 17 WITNESS MY HAND AND OFFICIAL SEAL this 6th day of
 18 December, 2019, in the City of Charleston, County of
 19 Charleston, State of South Carolina.
 20
 21
 22
 23
 24
 25


 Mary Ann Ridenour, RPR, CLR
 and Notary Public
 My commission expires:
 March 14, 2021

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4018 Mountain Cove Dr.
Charlotte, NC 28216

11/26/19

Lawrence Richter, Esq.
622 Johnnie Dodds Blvd.
Mt. Pleasant, SC 29464

Dear Mr. Richter,

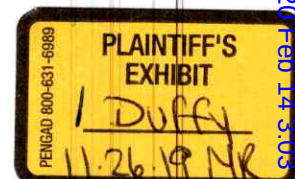
Thank you for your referral of Mr. John Doe. Documentation Review and Psychological Evaluation are included below. Between the Documentation Review and the Psychological Evaluation there is some repetition but this translates to consistency and verification of findings and therefore is important.

Documentation Review:

The various documents pertaining to Mr. John Doe, including the Complaint, the Response from the Defendant (the Diocese of Charleston), the Depositions from Mr. Doe, Ms. Doe (his wife) and his therapist, Dorothy Whalen, pertinent medical records from the VA and Dr. Thode's notes, and notes from Dorothy Whalen, have all been reviewed in detail. To briefly summarize based in these documents: John Doe was sexually abused at the age of 6 by a male adolescent neighbor on one or several occasions when the neighbor was hired to baby-sit Mr. Doe. He was sexually abused on multiple occasions by a male teacher at Sacred Heart School (now Charleston Catholic) in Charleston, SC at approximately ages 11-13, about 1970-71. He was taken to a house party by the teacher in another city where he was sexually abused by the teacher as well as by another teacher from the school and then taken to a bar and left to fend for himself and find his own way back to Charleston. [REDACTED]

[REDACTED] He was "devastated" by this, resulting in depression and 2 suicide attempts. He sought treatment at the VA in about 2015 where he was diagnosed with PTSD from this event.

It is important to note that the memories regarding the sexual abuse and assault by the baby-sitter were questionably suppressed or repressed (this is not clear and the different depositions and notes are inconsistent with each other) but were apparently recovered in full, concomitant with the recovery of the repressed memories of the teachers' sexual abuse. Memory formation is based on a process of state-dependent learning in which emotions serve as factors in mediating that learning. When a situation or trauma is emotionally overwhelming, these memories become inaccessible, either partially or entirely, to normal consciousness. This enables an individual to function in the world. When the brain is returned to a similar



emotional state, such as through serious stress and severe negative emotions, these memories can sometimes again be accessed. Memories are also stored in a distributed manner in different neural networks; consequently, when memories are recovered, they are not recovered as a whole but initially in bits. Suppression of memories and repression of memories are similar coping strategies. Suppressed memories are considered to be those memories that are consciously denied and partially or sometimes wholly lost; repressed memories refer to memories that are unconsciously, non-volitionally denied and often referred to as dissociative amnesia and the memories can be wholly lost. There continues to be considerable contention in the profession regarding suppressed memories, repressed memories, and recovered memories. Proving such memory issues scientifically has been difficult and empirical results have for the most part failed to prove the existence of repressed and suppressed memories. However, clinically there are significant findings for the existence of such memories. In the case of suppressed and repressed memories, empirical and laboratory experiments simply cannot duplicate clinical and field environments. For example, most of us scientifically minded psychologists considered the 'unconscious' a Freudian fantasy until fMRI demonstrated its existence a few short years ago. It is anticipated that the reality of suppressed and repressed memories will also eventually be proven given appropriate technical support.

Developmentally, it has been suggested that children have considerably fewer coping strategies for dealing with trauma, especially given contextual issues. During severe trauma, a child cannot escape and may be more vulnerable to memory loss. S/he can imagine that s/he is somewhere else, someone else, or simply that the trauma is not occurring. A child cannot physically escape and may numb the emotions being experienced. Although Mr. Doe was younger, at age 6, when the sexual abuse occurred by the baby-sitter, it occurred once or several times and he did not have a relationship of significant trust with that older boy. It was apparently not as traumatizing as the later abuse by the teachers and it makes sense that these memories may have been suppressed, partially or wholly, rather than repressed. However, the abuse by the teacher at a Catholic school occurred in a context of significant trust, in a setting wherein children are deemed to be safe, and by an adult man who held power over him. He had a poor relationship with his father and this teacher took an apparently avuncular interest in him which he would have valued. He had a history of school difficulties and was a poor student; to be given positive attention from a teacher, where he previously appeared to experience more negative attention, would also have been significant to him. Therefore, he was vulnerable and a target for this man. This abuse was further exacerbated by a second Catholic school teacher who sexually abused him at the above mentioned house party in addition to the primary abuser. When this trust and safety were egregiously violated, it would have been a shock rendering him incapable of coping effectively. "Flushing" these memories through repression would have been the best, albeit non-volitional, coping approach. After this abuse occurred, he did not attend high school (although he later earned his GED) and ran away from home 8 times, as a way to avoid a school setting where the abuse occurred and the place (Charleston) where it occurred without understanding why he engaged in these behaviors. He also started smoking pot at around age 12, again probably related to the abuse as well as ceasing to attend the Catholic Church which was no longer a repository of his faith.

Mr. Doe has not had an objectively happy life, despite noting to Ms. Whalen that he had a "damn good life until he remembered that crap", referring to the teachers' abuse. He never attended high school, ran away from home 8 times, went into the Marines at 17 where he was sent to rehab for drug abuse, [REDACTED] worked several different physically demanding jobs including as a butcher, truck driver and landscaper (the latter his own business). He was fired from a recent job as a butcher. He and his wife and step-children whom he has raised, moved from Charleston to Greenville in 2012 (2014 in VA notes) apparently related to financial reversals. He has had multiple health problems including a number of heart attacks and stents since 2010, a cholecystectomy, total knee replacement, kidney stones, and diabetes. He said that he "hit bottom" after he moved to Greenville. This appears related to both recovered memories and losing his job which he said related to medical issues, e.g., knee replacement. It should be noted that despite all that he has experienced, he was functional in terms of his life until the memories of abuse started to be recovered. It was during this time frame that he sought treatment at the VA because of depression. He was also given a provisional diagnosis of Obsessive Compulsive Disorder (OCD) at the VA because of compulsive praying and cleaning which appeared to calm his anxiety temporarily. (OCD is an anxiety based disorder.) He was diagnosed with PTSD and it appears that the memories regarding the abuse started to be recovered during this treatment or possibly immediately prior to seeking such treatment. However, the notes are unclear. The precipitating event/s for the recovered memories is/are never identified by him or Ms. Whalen and may not be known. Although a precipitating event or trigger is often identifiable, it is not all that uncommon for such a precipitating trigger to not be identified. He was not treated long at the VA for mental health issues although he was prescribed medications by a PA and treated by Dr. Thode. He and his wife noted that the medications were not helpful and were detrimental. He apparently contacted the Diocese or someone contacted the Diocese for him and Louise Storen, the Victim Assistance Coordinator for the Diocese, arranged treatment for him with Ms. Whalen, who started treating him in June of 2016. She notes that he worsened after he began to see her as more memories of the teachers' sexual abuse were recovered. This is not uncommon as therapy provides a safe place and his memory was being triggered by increasingly more events such as the news about Catholic priest abuse, etc. As Ms. Whalen notes, these memories are not just memories or remembrances. They are associated with emotions, psychological states, "visceral feelings", "the whole thing". These appear to be in the form of flashbacks (Ms. Whalen) in which the individual re-experiences the trauma. It should be noted that Ms. Whalen did not attempt to plant memories or suggest what may have occurred, did not use hypnosis (a poorly advised treatment strategy in these cases), did not use age regression (also contraindicated), did not use EMDR. She did utilize CBT, music, relaxation strategies, imagery for relaxation (e.g., "the lake"), and other strategies, all of which are considered to be appropriate treatment approaches in these kinds of cases.

PTSD and depression have been diagnosed secondary to the abuse and [REDACTED]. Symptoms noted by Ms. Whalen include flashbacks, nightmares, depersonalization and derealization, anxiety and fear, his idiosyncratic, non-clinical paranoia, irritability, and anger. There is also avoidance of "things that are associated with the original trauma by the Catholic teachers". He sees himself as victimized by the teachers but also by employers and even the

EXHIBIT 4 – PART 2

government (his paranoia). His wife noted in her deposition that he exhibited personality changes after they moved to Greenville and began to cry and act depressed. He was no longer happy and social. She also related the development of physical abuse toward her. All of these are consistent with worsening PTSD which can be associated with recovered traumatic memories.

The defendant's attorney has raised the issue of Mr. Doe's memory impairment. Given his cardiac issues this is a possibility. Mr. Doe himself also reports concern about memory issues. Medical notes indicate his concerns about his memory but there is no diagnosis of dementia or any related diagnoses associated with memory impairment. The recovery of past memories related to abuse, on the other hand, would suggest a lack of actual dementia and organic memory loss and impairment. Given Mr. Doe's current torment, organic memory loss and impairment could be a blessing. However, this is not the case.

Psychological Evaluation:

John Doe, a 62 year old man, and his wife, Ms. Doe were evaluated together and separately on 11/15/2019 in Mt. Pleasant, SC. As established above, he and his wife live in Greenville. They moved there in 2012 from Charleston, following financial reversals and a desire to improve their lives. He has been married to his second wife for 27 years. He has raised her 4 daughters, now grown, whom he considers to be his own children. They have 9 grandchildren. He is very close to them and noted that his wife changed his life much for the better, essentially enabling him to function effectively again. As previously noted from the documentation review, he was previously married and [REDACTED]. He also has an adult son from a previous liaison.

Reason for Referral: Mr. Doe was evaluated for evidence of trauma, sexual abuse and repressed and recovered memories and the impact on his life. Mr. Doe and his wife were well groomed and polite. His manner was subdued but he was cooperative and answered all questions to the best of his ability. Reported medical concerns include coronary problems including 2 MI's and 7 stents. He has diabetes II, has had a partial right knee replacement, a history of kidney stones, S/P cholecystectomy, and IBS, which is controlled. He also reports chronic pain in his cervical spine, pain in his left knee, and left elbow pain from an injury 2 years ago which has impacted on diminished strength in his left upper extremity. Medications include alprazolam .5 mg bid, lisinopril 2.5 mg qd, aspirin qd, metformin 500 mg qd, eszopiclone 3 mg qhs, Jardiance 25 mg qd, clopidogrel 75 mg qd, fluoxetine 20 mg qd, carvedilol 3.125 mg bid. Health behaviors are positive in that he quit smoking 20 years ago, does not drink alcohol, or engage in illicit drugs (although he did smoke pot and use cocaine many years ago), and has lost weight and weight appears to be WNL. He does "love" caffeine and drinks several cups of coffee per day.

History: In terms of family of origin, Mr. Doe was raised in Charleston, the second of [REDACTED] children. His father was an abusive alcoholic. He has [REDACTED] sisters and [REDACTED] brother but he appears to have been singled out for more abuse than his siblings. His parents are deceased. He indicated that he is fairly close to 3 sisters, but his wife later disagreed with this assertion when she was seen individually. He dropped out of school after the 7th grade which appears more causative than just correlated with the abuse he sustained from the teachers at his elementary school. However, since he did not remember the abuse or even attending 7th grade, he attributed quitting school to being a failure academically. This may well have one reason, but does not appear the primary reason. It should be noted that he did earn a GED while in the military, without any difficulties. As indicated in the documentation, he left Charleston and lived several places after his abuse and after the [REDACTED] always returning to Charleston. This is consistent with a desire to avoid places of emotional or physical injury and trauma. His work history is noted in the above documents review. He is currently employed at Earth Fare. He was initially employed part-time and gave notice when offered a full-time job elsewhere. However, this led to being asked to stay on full-time with benefits. He indicated that this helped his self-esteem and self-confidence and he is happy in this job. In addition to working full-time, he spends time with his wife, children, and grandchildren. His wife is very involved in their Catholic Church. He attended church and was involved at the Cathedral in Charleston before moving to Greenville. He sometimes goes fishing. He plays the guitar but not as much since his friend who played with him is no longer available. He is a self-described "news junkie" which studies have found to be unhealthy and only serves to reinforce his negative and suspicious world view and makes the world seem worse than it is. It also exacerbates depression and he was strongly encouraged to decrease his consumption of news to 2 hours a day from his current 6 hours per day, reported by his wife, with which he did not disagree.

Psychological Issues: At this juncture, Ms. Doe was asked to leave and Mr. Doe was seen alone/ Mr. Doe evidenced a reticent manner and somewhat flat affect. His behavior was appropriate and he was forthcoming in responding to questions. He acknowledged depression, anxiety, crying spells, anhedonia, fatigue, amotivation, social withdrawal. He does appear rather introverted by nature. There is some irritability although he noted that this has improved as well as improved frustration tolerance and emotional reactivity, which he attributes to medication. Self-esteem is diminished and he appears to be socially anxious. There is somatic anxiety and he indicated his belief that he will not live much longer because of his heart. He has burial insurance and is making arrangements to prepay for his demise. He does acknowledge some racing thoughts. There is intrusive rumination which could be an issue: he reports thoughts of "paranoia" about losing his job after his experience at [REDACTED] and engages in marked thoughts and feelings of "shame" about the [REDACTED] and the sexual abuse and the fact that his wife knows about the abuse. He is also afraid to go out a night. He has a tendency to engage in excessive, compulsive cleaning and cannot make himself stop. He notes that 2 sisters and his brother also have this OCD tendency.

There are symptoms of PTSD. He has been exposed to at least 3 traumas: sexual abuse by a teenaged male neighbor at 6 years of age, [REDACTED] and the sexual abuse at around ages 11-13 in 7th grade. Symptoms include recurrent,

intrusive memories of the traumas. He may have partially suppressed memories of the abuse at 6 years of age; however, this can not be definitively proven. He did not suppress or repress memories of [REDACTED]

[REDACTED] However, he does clearly appear to have non-volitionally repressed memories of the abuse by the school teachers to the point of not remembering that he actually was in the 7th grade. Other symptoms include flashbacks in which the trauma is basically relived by the individual not just in memories, but including sounds, visceral responses, etc., cue sensitization (school), efforts to avoid those cues (dropping out of school), nightmares, hyper-startle reflex, hypervigilance, suspiciousness, emotional numbing, depersonalization, derealization, and a foreshortened future. This latter was noted above regarding his belief that he will not live long because of his heart, despite his wife stating that his coronary status is currently stable; consequently, this may be more related to his PTSD than to his medical status. There are signs of repressed trauma that he has experienced over the years. These include: specific places which illicit anxiety; problems with mood regulation; problems maintaining healthy relationships with people and difficulties keeping a job; fears of abandonment, previous tendency to self-sabotage; impulsivity, compulsive behaviors, and/or addictions; feeling of emotional exhaustion; chronic anxiety. When his wife was seen individually, she added that he has reactions to people in authority, avoids crowds and will not go into a mall, avoids situations in order to manage his emotions and has significant abandonment issues. When asked about anger management issues, she described him as a "wonderful man". However, when the repressed memories began to resurface, he started having severe nightmares in which he physically attacked her in his sleep. Per his therapist, she now sleeps in a separate bedroom for her own safety. He does not engage in such behaviors when he is awake and she is not afraid of him.

As is usual in cases of recovered repressed memories, they came back gradually in "pieces of memory". He cannot identify specific triggers. He said that these "pieces of memory" started to return while seeing Dr. Thode at the VA. He said that he had a "pretty good life" until the memories started to surface; he was involved with his children and his church and felt successful in his life and had a sense of pride. He said that after he stopped seeing Dr. Thode, one day it was "like a bomb went off" with emotionality he could not control. No specific trigger has been identified per se for the "bomb" or the recovered memories. However, there were multiple life stressors. Such stressors can serve as "kindling" – (as in building a fire) - eventually resulting in severe anxiety, depression, panic attacks, and in his case, triggering repressed memories. These life stressors included stress at work at [REDACTED] and serious pain in his knee, being "always worried", depressed. The move to Greenville was especially stressful for him, as described by he and his wife. He moved to Greenville without her to start a new job while she stayed in Charleston until their house there sold. He stayed with one of his daughters but he could not cope without his wife and became isolated and tearful and suicidal. There are also current triggers per his recovered memories, including news reports regarding priest sexual abuse, the "me too" movement, and going to Church, going to confession, and Catholic schools, all of which he avoids.

Sleep disturbances are problematic. In general, he does not sleep well. In the mornings, he gets up and makes his wife coffee before she goes to work and then returns to bed until he arises for work. He attributes some of his sleep problems to "odd shifts" required by his job. His sleep is unrefreshing. He has been diagnosed with obstructive sleep apnea (OSA) but said that he cannot wear the mask. This tends to lead to daytime fatigue and sleepiness. As noted above, he has violent nightmares that have resulted in his wife being physically attacked and they now sleep apart for her safety.

In terms of cognitive functioning, he reports impaired memory, impaired concentration, impaired decision-making (this appears related to anxiety), cognitive discontinuity, and word-retrieval problems. However, cognitive mapping is intact. In discussing these issues, and later with his wife, these do not appear to be associated with mild cognitive impairment (MCI) which would be indicative of organic brain involvement or incipient dementia, but rather to stress and some age-related changes.

Current stressors include finances, work, concerns about his health and a recent rupture of a Baker's cyst, and memories of the teacher abuse, although he notes that Ms. Whelan is helping in this regard. He also notes that he "just wants this to be over" and that the memories of the abuse are the most stressful.

In terms of relationships, he is exceptionally close to his wife and appears to be very dependent on her emotionally. He said that he has good relationships with his daughters with the exception of one. He is in touch with his son but they do not appear to be close.

His wife was seen individually and many of her observations and comments are noted above. She was pleasant, well-spoken, and astute. She was very forthcoming and able to effectively verbalize her concerns and observations. She related that she began to notice improvement in her husband after he was able to talk with Mr. Richter, but before the deposition. It also helped their relationship because previously he would not talk about the abuse with her or with her present. He was ashamed to talk about it with her and was fearful that she would abandon him. She has not done so, of course, but he still seeks constant reassurance. If she is out of the home, visiting children or grandchildren, or working he calls her constantly and often asks her to come home. He still does not cope well when alone. She said that "I am his life" – "his love, support, mother, wife, friend, the person he talks to". He has adjustment issues sleeping separately but she said that it is for her safety although she knows his behavior is not under his direct control. She said that it is very stressful for her and that she sees herself as a victim also. She copes through working, her children and grandchildren, involvement in her church and reads voraciously as a way to escape.

Summary:

To summarize, Mr. Doe's situation is obviously complex. He has been diagnosed with depression and PTSD by both Dr. Thode at the VA and by Ms. Whalen. He has suffered several traumas that could lead to PTSD including sexual abuse at age 6 although this does not

necessarily appear to be a proximate cause. A house fire resulting in the deaths of his estranged first wife and sons was considered a primary cause of his PTSD and depression by Dr. Thode at the VA. However, based on Ms. Whalen's findings, Mr. Doe's voiced distress, and the evaluation with him and his wife, the sexual abuse and recovered memories appear to be a primary cause of his PTSD as well as a significant exacerbator of his PTSD and depression. It is very noteworthy that the repression of his memories was so significant that he even had no recall of ever having attended 7th grade when the abuse occurred. At that time in our Church, he had no one to tell who would believe him, and he also believed that he had somehow caused it. These were male teachers who took an interest in him and who had power over him, especially the primary perpetrator. At that time in our Catholic school system male teachers were venerated to a considerable degree and he was just a powerless kid who was also a poor student. He had been sent to various schools because of his poor academic performance and problematic behaviors such as "sleeping in school" and cutting school, by an abusive, rejecting father. Why would he cause even more trouble for himself for 'telling on' these teachers, especially perceived powerful men? He certainly lost more than he gained from their disrespectful and abusive attentions. He lost his faith in our Church, his self-esteem and faith in himself, his desire to attend high school and secure an education, his belief that he could be treated fairly by others, especially those in authority. How else could he cope if not by repressing these memories? This repression enabled him to have a functional life and his belief that he had a "damned good life until he remembered that crap" and all that is associated with those recovered memories.

It would appear that there is no question beyond a reasonable doubt that Mr. Doe repressed the memories of the abuse by the male teachers in order to survive emotionally. However, there have been lifelong negative repercussions in terms of jobs, relationships, poor health behaviors, psychological and emotional challenges. However, he was functional. Recovering these memories has been another trauma in itself and has had a serious impact on his ability to function effectively in his life. It is hoped that with continuing psychological intervention with Ms. Whalen he will continue to recover and move beyond the emotional destruction wrought by the abuse and the memories of that abuse.

Sincerely,


Sally M. Duffy, PhD
Licensed Psychologist
SC # 663
NC # 1683

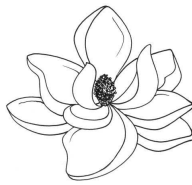
EXHIBIT 5

Deposition of:
W. Ellison Thomas

**Doe
v.
Bishop of Charleston, et al**

Case #: 2018-CP-10-3929

November 26, 2019



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STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) NINTH JUDICIAL CIRCUIT

John Doe,)
Plaintiff,)
) Civil Action No.:
) 2018-CP-10-3929
v.)
)
Bishop of Charleston, a Corporation)
Sole, and the Bishop of the Diocese)
of Charleston, in his official)
capacity,)
)
Defendants.)

DEPOSITION OF: W. ELLISON THOMAS

DATE TAKEN: Tuesday, November 26, 2019

TIME: 10:00 A.M.

PLACE: Richter Law Firm
622 Johnnie Dodds Boulevard
Mount Pleasant, South Carolina

REPORTED BY: MARY ANN RIDENOUR, RPR, CLR, CVR-S
and Notary Public

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W. Ellison Thomas - 11/26/2019

Page 2 A P P E A R A N C E S REPRESENTING THE PLAINTIFF: LAWRENCE E. RICHTER, JUNIOR, ESQUIRE The Richter Law Firm 622 Johnnie Dodds Boulevard Mount Pleasant, South Carolina 29464 (843) 849-6000 lrichter@richterfirm.com REPRESENTING THE DEFENDANTS: RICHARD S. DUKES, ESQUIRE Turner Padget Graham & Laney 40 Calhoun Street, Suite 200 Charleston, South Carolina 29401 (843) 576-2800 rdukes@turnerpadget.com	Page 3 I N D E X Testimony of W. Ellison Thomas Direct Examination by Mr. Dukes.....4 CERTIFICATE.....23 I N D E X O F E X H I B I T S Defendant's Exhibit No. 1 - Notice of Deposition and Subpoena.....4 Defendant's Exhibit No. 2 - Plaintiff's Supplemental Responses to Defendant Bishop of Charleston, A Corporation Sole's First Interrogatories to Plaintiff.....9 Defendant's Exhibit No. 3 - John Doe Class Action Settlement Account Settlement & Arbitration Agreement Dated January 12, 2007.....18 S T I P U L A T I O N S It is hereby stipulated and agreed by and between the parties hereto, through their respective counsel, that the reading and signing of the transcript is waived by the Deponent.
Page 4 (Defendant's Exhibit No. 1 marked for identification.) (The deposition commenced at 10:20 a.m.) W. ELLISON THOMAS, SWORN. DIRECT EXAMINATION BY MR. DUKES: Q. Good morning, Ellie. A. Good morning. Q. It's been a long time since we've seen each other, probably since 2007? A. Quite possibly. Q. When the class action settlement was worked out, or 2008, probably. We're here to talk about a case that Mr. Richter has brought against the Diocese of Charleston. It's brought anonymously. It's a man, I know -- we know his name, but to protect his anonymity we're referring to him as "John Doe." And I marked as Exhibit 1 a Deposition Notice and Subpoena that we've sent to you. MR. RICHTER: This is Exhibit 1? MR. DUKES: Uh-huh, yeah. BY MR. DUKES: Q. And are you here pursuant to that subpoena? A. I would have to see it. Q. Okay.	Page 5 (Discussion held off the record.) BY MR. DUKES: Q. And did you receive that subpoena or have you seen it before? A. Yes. Yes, I have. And, yes, this is the November 26, 2019, ten o'clock, date and time, yes, sir. Q. Attached to that is Exhibit A, a number of document requests. A. Yes. Q. Do you understand -- MR. RICHTER: I object to the form of the question. BY MR. DUKES: A. I see Exhibit A. Q. Okay, which is a request that you produce documents to us? MR. RICHTER: I object to the form of the question. BY MR. DUKES: A. Well, the -- the subpoena is for me to show up, and then there's nothing for me to produce on the -- on the front page. Q. Right. Do you have or do you possess any documents that would be responsive to Exhibit A?

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Page 6 1 A. I didn't bring the documents in here because 2 I'm under the understanding that there is a motion to 3 address prior subpoenas that I have received, and I 4 wasn't sure if that -- by attaching -- attaching that 5 to it was for me to bring it with the other -- with the 6 other issues at question in an outstanding motion 7 hearing. 8 Q. Okay. 9 A. So that's where I'm at. I do -- and just so 10 you know, my typical practice is, when I get a subpoena 11 for documents, I have those documents -- I prepare my 12 file and turn it over to the attorney that I'm doing 13 the work for. 14 Q. Uh-huh. 15 A. Then, that becomes -- you know, and they -- 16 some attorneys want it that way, so they can either 17 look at it to make sure I'm giving everything I'm 18 supposed to and others look at it to -- to Bates it or 19 what have you. 20 Q. Okay. 21 A. So I gave my file to Mr. Richter yesterday. 22 Q. Okay. How extensive is that file? 23 A. It's not extensive at all. 24 Q. Okay. Was that records from the class action 25 settlement?	Page 7 1 A. No, sir. My understanding of the -- you're 2 talking about the class action settlement in the state 3 of South Carolina? 4 Q. Yes. 5 A. Yeah, my records -- my understanding of my 6 records in the class action settlement are that they 7 are protected. 8 Q. Okay. 9 A. So there was an Order that was issued that 10 said that everyone that worked -- I'm going -- I'm not 11 quoting, of course, verbatim. 12 MR. RICHTER: Excuse me just a minute. I 13 don't want to interrupt. You answer as fully as 14 you need to answer, but I need to interpose an 15 objection sometimes because it is a record and 16 down the line we may -- I don't want to waive 17 that. And I'm sorry to interrupt you, as well, 18 Rich. But I want to object to any inquiry 19 concerning records that were not required to be 20 brought to this deposition today. That's point 21 number one. 22 Let me just get it all in, then I'll try not 23 to interrupt any more. Go back as far as you need 24 to. 25 Number two, I further object because I don't
Page 8 1 want to be any part of an effort to skirt and 2 avoid the due process that is provided under our 3 system of justice by seeking the same documents 4 precisely which are the subject of a Motion to 5 Quash pending before the court. I don't think you 6 can do that. But that's for somebody else to rule 7 on. But that's a second grounds. 8 And as long as this is in the record, it is, 9 number one, it's in the record, it shows 10 conclusively that there is no Subpoena Duces Tecum 11 issued for this deposition. 12 MR. DUKES: Okay. 13 MR. RICHTER: So those are the reasons. I 14 don't want to repeat those. If you don't mind, 15 let me just let that -- if it's okay, let that 16 run. 17 MR. DUKES: It can be a standing objection so 18 you don't have to interrupt me. 19 MR. RICHTER: Okay. Thank you. 20 Now, you understand, I didn't mean to 21 interrupt you, either. 22 THE WITNESS: Yeah. Yeah. 23 MR. RICHTER: Listen to his question and 24 answer his question, please. 25 BY MR. DUKES:	Page 9 1 Q. Okay. So you handed over your file to 2 Mr. Richter? 3 A. Yes, sir. 4 Q. And you are asserting a confidentiality over 5 documents regarding the class action settlement; is 6 that correct? 7 MR. RICHTER: I -- I object because you're 8 asking him to make a legal -- hang on. You're 9 asking him to make a legal position over a matter 10 that is not a part of this deposition whatsoever. 11 He's not a lawyer. I don't -- 12 MR. DUKES: Larry -- 13 MR. RICHTER: -- think it's proper, that's 14 all. 15 MR. DUKES: -- object to the form and leave 16 it at that, please. 17 MR. RICHTER: Well, that's not the rule, but 18 go ahead. 19 MR. DUKES: Let's mark this as 2, please, 20 Mary Ann. 21 (Defendant's Exhibit No. 2 marked for 22 identification.) 23 MR. RICHTER: What is this? 24 MR. DUKES: That is your plaintiff's 25 supplemental to responses the Diocese in which you

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Page 10 1 designated expert witnesses. 2 MR. RICHTER: Okay. And has the witness been 3 provided this? 4 MR. DUKES: I'm sorry, Mary Ann handed it -- 5 MR. RICHTER: No, two days before the 6 deposition, has the witness been provided this? 7 MR. DUKES: No. You can go consult with 8 him. 9 MR. RICHTER: Yeah, let's go consult about 10 this document. I've got a copy and you can just 11 leave the original right there. 12 (A brief recess was taken.) 13 BY MR. DUKES: 14 Q. Ellie, is Mr. Richter representing you? 15 A. Representing me? 16 Q. Yes. 17 A. No, sir. 18 Q. Okay. What did y'all talk about in the 19 hallway? 20 A. We talked about this document. 21 Q. And what did y'all say? What did he say to 22 you? 23 A. He said that he had identified me in here and 24 pointed to it. 25 Q. Okay. What conversations have you had with	Page 11 1 Mr. Richter about this case? 2 A. Just gotten together and talked about the 3 role that I would perform. And he gave me some 4 documents. And that's pretty much been it. 5 Q. What documents did he give you? 6 A. He's given me some documents concerning tax 7 returns. 8 Q. Okay. Whose tax returns? 9 A. Mr. Doe's. 10 Q. Okay. All right. What we'll do, just for 11 convenience sake, you can use his real name and Mary 12 Ann will change it in the transcript to read "Doe." 13 So you reviewed John Doe's tax returns; is 14 that correct? 15 A. Yes. 16 Q. Okay. 17 MR. RICHTER: That rule applies in here. 18 Please understand, we've done this throughout and 19 it's worked so far. 20 BY MR. DUKES: 21 Q. It makes it so much easier if you use the 22 real name and then change it in the transcript. 23 A. Yes, sir. 24 Q. All right. You were designated as an expert 25 to testify concerning damages and payments to sex abuse
Page 12 1 victims and cover-up by the Diocese; is that what it 2 says? 3 A. That's what it says, yes. 4 Q. And I'm going to ask you generally, first, 5 what your opinion is, then what the basis of that 6 opinion is, okay? So what are your opinions regarding 7 damages? 8 A. I haven't completed a work product regarding 9 damages. 10 Q. Okay. Where do you stand in that process? 11 A. In the early part. 12 Q. Okay. When were you retained as an expert 13 witness? 14 A. I want to say sometime in September. 15 Q. Okay. What documents have you been provided 16 to reach conclusions regarding damages? 17 A. Well, the documents that I have been provided 18 and reaching conclusions I haven't done yet. So the 19 documents that I've been provided are various tax 20 returns and form W-2s for Mr. Doe. 21 Q. Okay. 22 A. And they filed -- and the returns are filed 23 jointly. 24 Q. Okay. What conclusions are you expecting to 25 draw from those documents?	Page 13 1 A. Again, I have -- I haven't gotten into it 2 enough to know that yet. 3 Q. Okay. And you were retained back in 4 September? 5 A. Yes. 6 Q. And you haven't completed that work yet? 7 A. No, sir. 8 Q. When do you expect to complete it? 9 A. I am -- I have the understanding there's 10 going to be a mediation next week. I have been working 11 on a couple of things pretty hard. So I've had this on 12 the back burner really until I get some better 13 instruction as to necessity of a work product for after 14 the mediation next week. 15 Q. Okay. So you can't give me any guidance on 16 what your opinion will be regarding Mr. Doe's damages? 17 A. Not yet, no, sir. 18 Q. Okay. What opinions are you expecting to 19 offer regarding payments to sex abuse victims? 20 A. I have not looked at anything yet, but I 21 just -- depending upon what I'm instructed to do, 22 documents I may be instructed to look at, so I haven't 23 looked at anything yet. 24 Q. Okay. So you don't, right as we sit here 25 today, you don't have any opinions about payments to

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Page 14 1 sex abuse victims? 2 A. When you say "payments" -- 3 Q. Uh-huh. 4 A. -- I haven't looked at any documents to form 5 an opinion, no. 6 Q. Is the only time you've ever been involved in 7 payments to sex abuse victims has been in the class 8 action settlement by the Diocese? 9 A. When you say "payments to sex abuse victims," 10 I'm not sure. 11 Q. I'm just reading from what you were 12 designated as an expert in. 13 A. I have -- I have done work in other cases 14 that involve payments to victims, yes. 15 Q. Okay. Victims where the perpetrator was 16 employed by the Diocese of Charleston or otherwise? 17 A. Probably, yes, to the Diocese of Charleston 18 and probably other cases. 19 Q. Okay. What -- other than the class action, 20 what cases have you been involved in, casewise? 21 A. Well, I've been involved in a couple. But in 22 those -- I'm trying to remember, because when I'm 23 engaged as a consultant I don't know that I have the 24 liberty to discuss those cases. So I've been involved 25 that -- and I can't remember if I was named as an	Page 15 1 expert or not. But the one case I remember is the 2 Ranta case, where I think I was named as an expert. 3 Q. Okay. And that involved the Diocese of 4 Savannah? 5 A. Yes. 6 Q. Okay. So that isn't the Diocese of 7 Charleston? 8 A. Right. 9 Q. I'm asking you what other cases -- 10 A. Oh. 11 Q. -- have you been involved in regarding 12 payments to sex abuse victims whose perpetrator was 13 employed by the Diocese of Charleston? 14 A. Charleston, I'm sorry. 15 Q. That's okay. It's easy to confuse them. 16 A. I can't say that I can remember. 17 Q. Other than the class action? 18 A. Other than the class action. 19 Q. And in the class action, you were the escrow 20 agent for the settlement fund. And the process was, as 21 I remember, the arbitrator, Marvin Infinger, would make 22 an award, you'd get the Order, you'd disburse money as 23 the arbitrator's award provided? 24 A. So, I'm sorry, the first question you asked 25 me, was I the escrow agent?
Page 16 1 Q. Yes. 2 A. Yes. 3 Q. Okay. For the class action? 4 A. Yes. 5 Q. And you disbursed money from the escrow 6 account as directed by the arbitrator, correct? 7 A. As I -- I disbursed money. I'm going off of 8 ten years of memory. 9 Q. Sure. 10 A. But I disbursed money based on some Order. 11 Q. Okay. 12 A. Whether it be from the judge or whether it be 13 from Mr. Infinger. 14 Q. Okay. 15 A. That's my recollection. 16 Q. I understand. And other than the class 17 action, you haven't handled settlement payments by the 18 Diocese of Charleston to victims of sexual abuse; is 19 that correct? 20 A. To my knowledge sitting here today, no. 21 Q. Okay. Do you have any other opinions 22 regarding payments to sex abuse victims that you're 23 going to offer? 24 A. At this time, no. 25 Q. Okay. But you haven't done any work to	Page 17 1 develop those opinions and you're waiting until after 2 the mediation? 3 A. Yes. 4 Q. What opinions are you going to give regarding 5 cover-ups by the Diocese of Charleston? 6 A. Again, if I'm asked to analyze documents, I 7 will -- I will analyze those and -- but, at this point, 8 I haven't received any documents yet to address that. 9 Q. Okay. So you just don't have any opinions 10 yet -- 11 A. No, sir. 12 Q. -- in this case? 13 A. That's correct. 14 Q. Okay. 15 MR. DUKES: Larry, I was going to hand him 16 this. And I want you to tell me if you're going 17 to allow him to answer any questions about it. If 18 not, we'll stop because we're not going to be able 19 to conclude the deposition today since -- 20 MR. RICHTER: The deposition is going to end 21 today, number one. 22 Number two, I -- I don't know what this is. 23 MR. DUKES: It is the final accounting for 24 disbursements from the class action settlement. 25 MR. RICHTER: Does it identify individual

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Page 18 1 claimants? 2 MR. DUKES: They're all as John Does. If you 3 look on the second page where disbursement is made 4 for particular victims, it tells what the -- 5 MR. RICHTER: Yeah, I see the second page 6 and, well, the third, as well. 7 MR. DUKES: Yeah, all of them. 8 MR. RICHTER: And it is -- who -- did he make 9 this? 10 MR. DUKES: That's my understanding. 11 MR. RICHTER: I don't -- on the face of this, 12 I don't see anything that -- I don't think anybody 13 could claim that he violated any Order of the -- 14 of the class Order. 15 MR. DUKES: Okay. 16 Let's mark that, please, Mary Ann. 17 (Defendant's Exhibit No. 3 marked for 18 identification.) 19 BY MR. DUKES: 20 Q. Ellie, I'm showing you what we have marked as 21 Exhibit 3. 22 MR. RICHTER: Can I get a copy, please? 23 MR. DUKES: Oh, I'm sorry. There you go. 24 BY MR. DUKES: 25 Q. What I marked as Exhibit 3, which is titled	Page 19 1 John Doe Class Action Settlement Accounting Settlement 2 and Arbitration Agreement, dated January 12, 2007, and 3 then has a date in a box over to the side, March 19, 4 2009, do you recognize that document? 5 A. Here's -- here's what I'd like to say. 6 Q. Okay. 7 A. Okay. I have no idea that I can talk to you 8 about this document. There was an Order at the end of 9 this that addressed confidentiality. I understand 10 you're the attorney for the Diocese. 11 Q. Right. 12 A. I'm -- I don't know that I can -- that I'm 13 supposed to talk to you about this. And -- and, 14 furthermore, there was another -- I think it was called 15 a release or something that released me from -- from 16 whatever happened in here, not that I'm concerned about 17 it. 18 Q. Right. 19 A. But released me from what was in here, what 20 could be construed from what was in here, what may 21 possibly come out of what was in here. So I'm -- I 22 don't know that I'm supposed to talk to you about this. 23 MR. RICHTER: Let me see if I can help. 24 Nobody -- and I'm speaking for Mr. Dukes, as well 25 as for me, and for anybody else who's counsel in
Page 20 1 any way in this case. Nobody is seeking to put 2 you into any sort of violation of any sort of 3 Order. Rich can speak for himself if that's not 4 true, but I think that's true for all of us. So 5 we're not -- well, if you -- if you cannot testify 6 about this, this too is a matter that can be 7 addressed with the court and perhaps some 8 definitive judicial statement can be made about 9 that. But the idea is not to cause you to trip up 10 in any way today or any other day. 11 Fair enough, Rich? 12 MR. DUKES: You designated him as an expert 13 witness. Expert discovery is supposed -- 14 discovery in this case is closed. We, by 15 agreement, extended the deadline to take expert 16 depositions until we could work it out. 17 MR. RICHTER: And we have. 18 MR. DUKES: And we have. So this is news to 19 me that -- that your expert's testimony is going 20 to be veiled behind a curtain. And this is my 21 opportunity. And you already said on the record 22 that this deposition is going to conclude today 23 and it's not reopened, even though your expert 24 hasn't finished his work. So if we have to 25 address it with the court, we will.	Page 21 1 MR. RICHTER: Yeah. 2 MR. DUKES: And if Mr. Thomas can't talk 3 about what money was disbursed to victims of sex 4 abuse in the class action, then we can't go 5 forward with this deposition. We'll have to 6 address it with the court. 7 BY MR. DUKES: 8 Q. Ellie, are there any opinions you are 9 prepared to offer regarding this case today? 10 A. No, sir. 11 Q. Okay. And you have not -- you have not even 12 started your work on this case; is that correct? 13 A. I have -- I've done a cursory review of tax 14 returns, but have not formed an opinion. 15 Q. Okay. And you haven't formed any opinions 16 regarding cover-ups by the Diocese of Charleston or 17 opinions regarding any payments to sex abuse victim? 18 A. Not as I sit here today. 19 Q. Okay. We'll have to recess this deposition 20 until such time as the court can address your concerns, 21 which are -- I understand your concerns. 22 A. Thank you. Thank you. 23 Q. I'm not fussing with you at all. But we will 24 have to come back in and reconvene this deposition. 25 A. And...

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1 MR. RICHTER: To which we will interpose an 2 objection. 3 MR. DUKES: Okay. 4 MR. RICHTER: Everything will get fleshed out 5 ultimately and forward we'll go. 6 (The deposition adjourned at 10:45 a.m.) 7 C E R T I F I C A T E 8 STATE OF SOUTH CAROLINA: 9 COUNTY OF CHARLESTON: 10 11 I, MARY ANN RIDENOUR, Registered Professional 12 Reporter and Notary Public, State of South Carolina at 13 Large, certify that I was authorized to and did 14 stenographically report the foregoing deposition of W. 15 Ellison Thomas; and that the transcript is a true 16 record of the testimony given by the witness, and was 17 sworn as such. 18 I further certify that I am not a relative, 19 employee, attorney or counsel of any of the parties, 20 nor am I a relative or employee of any of the parties' 21 attorney or counsel connected with the action, nor am I 22 financially interested in the action. 23 WITNESS MY HAND AND OFFICIAL SEAL this 7th day of 24 December, 2019, in the City of Charleston, County of 25 Charleston, State of South Carolina.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 <i>Mary Ann Ridenour</i> Mary Ann Ridenour, RPR, C.S. and Notary Public My commission expires: March 14, 2021 

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EXHIBIT 6

1 IN THE COURT OF COMMON PLEAS
2 FOR THE STATE OF SOUTH CAROLINA
3 CHARLESTON COUNTY
4 DEPOSITION OF MARY LOUISA STOREN
5 NOVEMBER 18, 2019
6 JOHN DOE,
7 Plaintiff,
8 vs. CASE NO. 2018-CP-10-3929
9 BISHOP OF CHARLESTON, A CORPORATION SOLE, AND THE
10 BISHOP OF THE DIOCESE OF CHARLESTON, IN HIS
11 OFFICIAL CAPACITY,
12 Defendants.
13 RICHARD ROE,
14 Plaintiff,
15 vs. CASE NO. 2018-CP-10-4206
16 BISHOP OF CHARLESTON, A CORPORATION SOLE, AND THE
17 BISHOP OF THE DIOCESE OF CHARLESTON, IN HIS
18 OFFICIAL CAPACITY,
19 Defendants.
20 JOHN DOE 432,
21 Plaintiff,
22 vs. CASE NO. 2019-CP-10- 1120
23 BISHOP OF CHARLESTON, A CORPORATION SOLE, AND THE
24 BISHOP OF THE DIOCESE OF CHARLESTON, IN HIS
25 OFFICIAL CAPACITY,
26 Defendants.
27 TIME: 9:30 AM
28 LOCATION: THE RICHTER LAW FIRM
29 MOUNT PLEASANT, SOUTH CAROLINA

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1 REPORTED
2 BY: RONDA K. BLANTON, RPR
3 NCRA REGISTERED PROFESSIONAL REPORTER
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6 CHARLESTON, SC 29422
7 843-762-6294
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10
11
12 A P P E A R A N C E S
13 ON BEHALF OF THE PLAINTIFF:
14 THE RICHTER FIRM
15 BY: LAWRENCE E. RICHTER, JR., ESQ.
16 622 Johnnie Dodds Boulevard
17 Mount Pleasant, SC 29465
18 ON BEHALF OF THE DEFENDANTS:
19 TURNER PADGET GRAHAM & LANEY
20 BY: RICHARD S. DUKES, ESQ.
21 40 Calhoun Street, Suite 200
22 Charleston, SC 29401
23 ON BEHALF OF THE WITNESS:
24 BARNWELL WHALEY PATTERSON & HELMS, LLC
25 BY: M. DAWES COOKE, JR., ESQ.
26 288 Meeting Street, Suite 200
27 Charleston, SC 29401
28 - - -
29
30
31
32
33
34
35

1 MARY LOUISA STOREN,
2 having been first duly sworn, was examined and
3 testified as follows:
4 EXAMINATION
5 BY MR. RICHTER:
6 Q. Would you state your full name, please?
7 A. Mary Louisa Storen.
8 MR. RICHTER: Let's go off the
9 record.
10 (Off-the-record discussion.)
11 (Exhibit No. 01 was marked for
12 identification.)
13 Q. Miss Storen, what is your address,
14 please?
15 A. My home address or office?
16 Q. I'll get them both. Go ahead.
17 A. Home is -- it's boulevard. Johnnie --
18 my office address is 757 Johnnie Dodds,
19 Suite 100, 29464.
20 Q. And where do you live in town?
21 A. I live in Hidden Cove so the address
22 is --
23 Q. Hidden Cove.
24 A. -- Hidden Boulevard. And it's --
25 Q. That's close enough. If we need you,

1 I'll find you. All right. And if we need you --
 2 A. 517.
 3 Q. If we need you, what is the best
 4 telephone contact?
 5 A. 843-416-1103.
 6 Q. Thank you, ma'am.
 7 Now, I have to explain some things to
 8 you; and then we'll begin questioning.
 9 This is a deposition. Have you been
 10 deposed before?
 11 A. Yes.
 12 Q. Well, you know then, generally at least,
 13 the ground rules; and so I'll do what the rule
 14 requires me to tell you and nothing beyond that
 15 right now.
 16 The format is that I'll pose questions
 17 to you. I'll try to do that directly and
 18 narrowly. If you listen to those questions,
 19 please, and if you can, answer them the same way,
 20 directly and narrowly. You have the right to
 21 explain your answer as fully as you might want to
 22 or need to.
 23 If you have questions -- but if we can
 24 hit that method of communication, these things go
 25 a lot faster; and everybody's in favor of that, I

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1 think.
 2 If you have questions during the
 3 deposition, pose them to me, please, and not to
 4 your counsel or to anyone else. You're now a
 5 sworn testifying witness so you can't communicate
 6 with anyone about your testimony at this time.
 7 If you need to consult with your lawyer
 8 about something, we may be able to even ask you
 9 about that when you begin testifying again.
 10 A. You would ask me if I needed to consult
 11 my attorney? I didn't hear what you said.
 12 Q. No. If you communicate with someone,
 13 let's say your lawyer, about your testimony, we
 14 may be authorized to question you about that as
 15 well. So I don't think this is going to take
 16 long enough to be a problem for anyone.
 17 Next, if you need anything, just say so.
 18 This lady is taking down your testimony
 19 two ways. It's being recorded by an audio
 20 system; and it's also being taken down, as you
 21 can see, by a stenotype system.
 22 Neither one of those systems gets nods,
 23 however, or gestures and so you need to --
 24 A. Oh, okay.
 25 Q. -- not answer by nodding or shaking your

Page 7

1 head.
 2 A. I understand.
 3 Q. Just answer orally, directly, please.
 4 In addition to that, if you don't
 5 understand something, just ask; and I'll try to
 6 make it clear. Or, otherwise, we're going to
 7 assume you do understand; and you'll go ahead and
 8 make your answer.
 9 We'll break whenever you need to. And
 10 any questions you have or needs, I think I told
 11 you, just say so; and we'll get it done.
 12 Now, I'd like to begin by showing you a
 13 document marked Plaintiff's Exhibit No. 01 to
 14 your deposition, which you'll see bears the title
 15 "Notice of Deposition." And there's probably a
 16 subpoena attached to it, yeah, as well.
 17 I just need you to identify that that is
 18 the notice you appeared pursuant to.
 19 A. It is.
 20 Q. Thank you, ma'am.
 21 Now --
 22 MR. DUKES: Larry, was that in all
 23 three cases or --
 24 MR. RICHTER: I'm going to do it in
 25 all three. I'm debating to do it one, two,

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1 three.
 2 (Exhibits No. 02 and No. 03 were marked
 3 for identification.)
 4 Q. Currently, there are three cases in
 5 which I represent persons claiming against the
 6 Diocese and/or Bishop; and although you've been
 7 noticed separately in each of the three by
 8 agreement, all counsel see the wisdom of
 9 putting -- trying, at least, to do this in one
 10 quick sitting.
 11 And I'm going to hand you the same
 12 packet that I handed you before but in another
 13 case marked Plaintiff's Exhibit No. 02 and just
 14 ask you if you can authenticate that that's the
 15 notice to which you appeared.
 16 A. Yes.
 17 Q. Thank you.
 18 And the same thing for No. 03, please.
 19 Record should reflect that No. 02 is Richard Roe,
 20 and No. 03 is John Doe 432.
 21 A. Correct.
 22 Q. Good. Now that's out of the way.
 23 Can you tell me, please, about your
 24 personal background? And I'd really like to
 25 start with your education as you started school;

1 and let's go through that, please.
 2 A. I mean, 12 years at Ashley Hall.
 3 College was mostly at the University of South
 4 Carolina, some time at University of Maryland.
 5 Graduate school is Florida State and University
 6 of South Carolina where I got my Master's in
 7 social work.
 8 Q. And what was your undergraduate degree?
 9 A. Sociology.
 10 Q. And you obtained that degree where?
 11 A. University of South Carolina.
 12 Q. And then where does your Master's come
 13 from?
 14 A. University of South Carolina.
 15 Q. But you had interim or partial studies
 16 for those at other institutions?
 17 A. Sure, yes.
 18 Q. Thank you.
 19 Can you do the same thing with your
 20 employment history, please?
 21 A. First job was at Santee-Wateree Mental
 22 Health Center in Sumter, South Carolina. Two
 23 years. And then I worked at Sea Island
 24 Comprehensive Health Care Corporation along the
 25 sea islands of South Carolina for maybe two

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1 years. Then three years at Dialysis Clinic,
 2 Inc., as well as I did some home health, PRN,
 3 nursing home consulting. Started private
 4 practice in 1985.
 5 Q. And are you still in private practice?
 6 A. Yes. And also owned an employee
 7 assistance company for a number of years.
 8 Q. What is the name of your practice?
 9 A. Louisa Storen, LISW, LMFT.
 10 Q. Have you ever been in any other private
 11 practices?
 12 A. No.
 13 Q. Do you have partners or employees?
 14 A. No. I have an unpaid employee, which is
 15 my husband.
 16 Q. Who is your husband?
 17 A. Joseph Boyd.
 18 Q. And what is his background? Where is he
 19 from?
 20 A. He was born in Wisconsin, you mean? Is
 21 that what you mean?
 22 Q. Yeah. Where he is from.
 23 A. Yeah, yeah.
 24 Q. And what -- how long has he been here in
 25 South Carolina, and how long have you been

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1 married?
 2 A. We've been married 25 years; and he's
 3 been here 40, 50 years. Came here with the Navy.
 4 Q. I know this will be astonishing because
 5 of my youthful appearance; but my wife Anne and
 6 I, who, you know, have celebrated our 51st
 7 wedding anniversary.
 8 A. Congratulations.
 9 MR. COOKE: Congratulations.
 10 (Off-the-record discussion.)
 11 BY MR. RICHTER:
 12 Q. Anyway, are you still involved with
 13 Saint Mary's?
 14 A. No. No.
 15 Q. Can you tell me, please, what is your
 16 professional relationship with the Diocese of
 17 Charleston?
 18 A. I am an independent contractor, and my
 19 title is victim assistance coordinator.
 20 Q. And you do that by contract?
 21 A. Yes.
 22 Q. And do you remember the term? How long
 23 your contract is?
 24 A. Well, I -- I think I've been doing it
 25 about 18, 19 years; and I signed the contract

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1 then, and I quit for a year or so. And I don't
 2 know if I signed another contract or if it's
 3 verbal.
 4 Q. But you show up --
 5 A. I do.
 6 Q. -- when you're called.
 7 A. I do.
 8 Q. What did you do when you quit?
 9 A. I just needed a break. My --
 10 Q. I mean, did you do private practice?
 11 A. I've always done private practice. I
 12 still do private practice. It's along with.
 13 Q. What was that time period when you did
 14 not serve as a contractor of the Diocese?
 15 A. It's when Monsignor Carter was no longer
 16 victim assistance --
 17 Q. Vicar General?
 18 A. That. Vicar --
 19 Q. General.
 20 A. Yeah. When he -- when he resigned, I
 21 resigned. I needed a break. So I don't know
 22 what year that was.
 23 Q. Are you a member of a parish now?
 24 A. Christ Our King.
 25 Q. And is that how you came to know

1 Monsignor Carter?
 2 A. He's my cousin.
 3 Q. He was here not very long ago.
 4 A. I know. He told me that.
 5 MR. COOKE: I saw him on Friday.
 6 (Off-the-record discussion.)
 7 BY MR. RICHTER:
 8 Q. Can you tell me, please, where you are
 9 licensed to practice?
 10 A. South Carolina.
 11 Q. Where else? Anywhere?
 12 A. No.
 13 Q. Have you ever been licensed anywhere?
 14 A. No.
 15 Q. And what is it that you are licensed to
 16 practice?
 17 A. I am a licensed independent social
 18 worker; and I'm a licensed marriage family
 19 therapist, which is to say I'm a psychotherapist.
 20 Q. And does that enable you, for example,
 21 to prescribe medication?
 22 A. No.
 23 Q. And can you tell me, please, how many
 24 sex abuse claims or cases you have been -- you
 25 have handled or had reported to you with

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1 allegations against the Diocese or its employees?
 2 A. I can't.
 3 Q. Diocese of Charleston or its employees?
 4 A. I never thought to count them. I can't.
 5 Q. Are there a lot or a little bit?
 6 MR. DUKES: Object to form.
 7 A. It seems like there was a flurry of
 8 cases or, you know, before or around the class
 9 action lawsuit; and then it died down. And then,
 10 you know, it kind of -- they trickle in very
 11 occasionally.
 12 Q. What does that mean? "Very
 13 occasionally"?
 14 A. In terms of sexual abuse of children by
 15 priests currently, I haven't had any of those in
 16 years because we -- I also reach out for any
 17 victims of inappropriate sexual attention from
 18 any staff of the Diocese or volunteers or
 19 anybody. But from priests, under 18, I can't
 20 think of any.
 21 Q. When you say "under 18" you mean --
 22 A. Versus people --
 23 Q. People molested under the age of 18?
 24 A. Yeah. That are children currently
 25 versus people coming forward from when they had

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1 abuse as children, and they're coming forward as
 2 adults now.
 3 Q. And you still see that?
 4 A. I have seen that. Yes.
 5 Q. And how recently have you seen that?
 6 A. How recently have I had another victim
 7 like that?
 8 Q. An adult come forward to say, "When I
 9 was a child, I was abused by Father So-and-So"?
 10 A. Memorial Day weekend, I saw --
 11 Q. This year?
 12 A. Yes.
 13 Q. When was Memorial Day? May?
 14 A. Yes. That week. The week after.
 15 Q. And are you able to categorize the calls
 16 that you do get or put them in any kind of
 17 pattern of a -- of offense, of abuse?
 18 A. They vary. Each call is different.
 19 Q. And what do you do then? Let's take the
 20 Memorial Day -- if I can say it that way --
 21 Memorial Day example that you used.
 22 A. I met with the person and then agreed to
 23 find counselors for that person, which I did; and
 24 we've been seeing that -- counselors have been
 25 seeing that person since.

Page 16

1 Q. But you have not been seeing that
 2 person?
 3 A. I have because I have been leading the
 4 victim group, support group of victims. It's a
 5 very small group.
 6 Q. Does that mean you're counseling this
 7 person that we're talking about or not?
 8 A. It's a support group. I just facilitate
 9 the support group. I give them my office, and I
 10 let them participate in helping each other.
 11 Q. And then what do you do there?
 12 A. I -- I just -- I'm a presence, a calm
 13 presence.
 14 Q. But you don't offer any sort of advice
 15 or treatment of any kind?
 16 A. I make sure their treatment is
 17 coordinated. They have counselors. I just
 18 wanted them to meet each other and support each
 19 other.
 20 Q. I understand.
 21 But when you are there yourself, when
 22 you go to those meetings amongst these victims,
 23 do you offer guidance, counseling, direction to
 24 those people or not?
 25 A. I think I would say I'm more there to

Page 17

1 provide support and listen much -- not so much --
 2 for instance, there is a retreat happening next
 3 weekend in Atlanta for victims of sexual abuse;
 4 and I offered for both people that come to go to
 5 that, and they accepted. So that kind of
 6 facilitation of other resources I make available,
 7 but mostly I'm actively listening and supporting
 8 them.

9 Q. In that group that you're describing,
 10 does it have a name, first of all?

11 A. No.

12 Q. In that group that you're describing,
 13 how many participants are there?

14 A. There are only -- well, it's varied but
 15 three. Three or four.

16 Q. Current?

17 A. Yes.

18 Q. Today?

19 A. Today.

20 Q. And are those persons who are in that
 21 group now all victims of abuse or priests of the
 22 Diocese of Charleston?

23 A. Two of them are. One isn't.

24 Q. And as to the one who isn't, who abused
 25 him?

Page 19

1 make sure it's a good relationship. They're
 2 satisfied. I just keep making sure they get the
 3 services; and if they are somewhat dissatisfied
 4 with services, I would help them locate another
 5 therapist.

6 Q. And that happens from time to time.
 7 People relocate from one counselor to another?

8 A. Yes. That has happened before. Yes.

9 Q. And what confidentiality do these people
 10 who are victims enjoy with you?

11 A. Well, they enjoy that I'm not going to
 12 tell their story. As a contractor for the
 13 Catholic church, they know that I'm also going to
 14 get the Catholic church to pay for their bills;
 15 and so they're going to let me let the Catholic
 16 church know.

17 And also the Catholic church is audited
 18 every year, and they need to know how many
 19 victims come forward to be able to honestly
 20 answer how many new victims come forward and how
 21 we dispose of their cases.

22 Q. And can you tell me, please, why so many
 23 people have been abused by Catholic priests?

24 MR. DUKES: Object to form.

25 A. I can't.

Page 18

1 A. Her.

2 Q. Her. I'm sorry. Her.

3 A. A lot of people.

4 Q. But no one from within the Diocese?

5 A. No.

6 Q. Then how did she get to you?

7 A. She converted to Catholicism, and so she
 8 is a -- she fits nicely in with the two men that
 9 are in there.

10 Q. These are adults that you're dealing
 11 with?

12 A. Yes.

13 Q. You're talking about?

14 A. Yes.

15 Q. And do you enjoy any sort of
 16 professional relationship with the people who
 17 call in to you and say, "I'm a victim"?

18 A. I am, sort of, the gatekeeper to make
 19 sure they find a therapist that -- you know, the
 20 Diocese is the State of South Carolina. So if
 21 they need therapy elsewhere, I have a database of
 22 therapists throughout the State. So I hook them
 23 up with a therapist in another town.

24 I'm just the gatekeeper. I make sure
 25 they find somebody they like. I follow up to

Page 20

1 Q. You acknowledge that a lot of people
 2 have been abused by Catholic priests, don't you?

3 A. Yes.

4 Q. Do you know the numbers?

5 A. Not offhand.

6 Q. Do you know the numbers of dollars that
 7 the Catholic church in the United States has
 8 parted with to victims of priest sexual abuse?

9 A. No.

10 Q. Do you know -- well, do you contribute
 11 to Christ Our King through its collection process
 12 at Sunday mass?

13 A. Sometimes.

14 Q. And do you know how much of your money
 15 has been spent that you put in the collection
 16 basket for the purpose of paying sex abuse
 17 victims?

18 A. I don't know how much of my money has.

19 Q. And do you know why you don't know that?

20 A. Because I don't -- I couldn't even tell
 21 you how much I've contributed. So I can't

22 imagine how much of that contribution has gone to
 23 that.

24 Q. But the church doesn't make that
 25 available to you, does it?

Page 21

1 A. I've not asked.
 2 Q. I'm sorry?
 3 A. I've not asked. So I don't know if it
 4 it's available or not.
 5 Q. And do you know how much -- I'm sorry if
 6 I'm repeating myself. Do you know how much the
 7 Diocese of Charleston has spent on sex abuse
 8 victims?
 9 A. No.
 10 Q. And just for the Diocese, do you know
 11 how many victims there have been since, let's
 12 say, 1950?
 13 A. That information was published, and I
 14 don't remember it.
 15 Q. Where was it published?
 16 A. In the "News & Courier."
 17 Q. Published the number of victims?
 18 A. I think so.
 19 Q. Do you know how many priests of -- just
 20 of the Diocese now we're focused on. We did the
 21 church a moment ago, but just the Diocese of
 22 Charleston. How many priests have been child
 23 abusers in the Diocese of Charleston since 1950?
 24 A. I don't know. I mean, I've been told.
 25 I don't remember the --

Page 23

1 A. No, I did not. I did not.
 2 Q. Let's run through who you do know as a
 3 priest -- to be a priest abuser.
 4 A. Who was a priest abuser?
 5 Q. Who do you know who was a priest abuser?
 6 I'm just asking you the names you know.
 7 A. Well, I believe Father Condon was.
 8 Q. Eugene Condon. Is that the Condon
 9 you're referring to?
 10 A. Yes. I know Godwin. Father Godwin.
 11 Goodwin. Godwin. Father Berberich. I know
 12 these, but I'm not going to be able to recall
 13 them. I should -- I mean, I can't recall them.
 14 Q. Those are the only names you can recall
 15 who were abusers?
 16 A. Yes.
 17 Q. And are you familiar with the sex abuse
 18 advisory board?
 19 A. Yes.
 20 Q. Can you tell us what that is, please?
 21 A. It's part of the charter policies and
 22 procedures to make sure that we are following
 23 through with our policies and procedures.
 24 So if a claim comes forward, it's
 25 presented to the sexual advisory board; and their

Page 22

1 Q. Who told you?
 2 A. I think it was published in the paper,
 3 and that's where I saw it; and I don't remember
 4 it.
 5 Q. Do you remember when that was in the
 6 paper?
 7 A. Seems like it was January or February,
 8 somewhere like that. Wait a minute. No. It was
 9 March-April, I think.
 10 Q. Did you read the report that was
 11 released in the last of March of this year about
 12 the number of credibly-accused priests?
 13 A. Yes.
 14 Q. And do you know William Croghan? Did
 15 you know William Croghan?
 16 A. No.
 17 Q. The Priest William Croghan? And your
 18 answer is no?
 19 A. No.
 20 Q. Do you know about his abusive
 21 activities?
 22 A. I do not.
 23 Q. Do you know that the Diocese paid
 24 hundreds of thousands of dollars in compensation
 25 as a result of his abusive sexual --

Page 24

1 job is to determine in listening to what the
 2 investigator has come forward with as to whether
 3 the -- the claim is -- trying to remember what
 4 the word is. Possible or not.
 5 Q. Credible?
 6 A. Credible. That's the word I was looking
 7 for.
 8 Q. And what is it that makes a claim
 9 credible?
 10 A. If it could have happened. If the
 11 priest and the victim were in the same place
 12 around the same time would be one of the ways
 13 they determine credibility.
 14 Q. And do you have -- first, did you -- do
 15 you have any familiarity with the fact that
 16 William Croghan was not published in the list of
 17 some 41 or 42 priests whose names were published
 18 as being credible abusers back at the March date
 19 we referenced just a little while ago? Were you
 20 aware of that?
 21 A. I'm not.
 22 Q. Are you aware of the case even in which
 23 the Diocese paid out hundreds of thousands of
 24 dollars to a victim who I represented at the
 25 hand -- who was victimized at the hands of

1 William Croghan? 2 A. No. 3 Q. Do you know why that would not be 4 credible? 5 A. I don't know. 6 Q. Do you know why the Diocese would pay 7 out hundreds of thousands of dollars to a victim 8 and then say that the claim against William 9 Croghan is not credible? 10 A. No. And I'm not privy to the 11 conversations of the sexual advisory board on 12 when they decide whether something's credible or 13 not. I'm not part of that. 14 Q. Have you ever incurred any sanction in 15 any professional capacity, any -- 16 A. No. 17 Q. -- any licensure suspension -- 18 A. No. 19 Q. -- or anything like that? 20 A. No. 21 Q. Thank you. 22 Now, tell me, please, what your 23 relationship with a woman named Whalen up in 24 Greenville is. 25 A. She is a therapist I have sent a couple	Page 25 1 of victims to, and I admire her work and respect 2 her a great deal. 3 Q. Up through this case, not through this 4 case but through another case, I've come to know 5 her and really like her. She's a -- 6 A. Very good at what she does. 7 Q. Yes, yes. Thank you. 8 Now, when you sense -- let's use 9 Miss Whalen as an example. When you send some 10 victim who has now showed up at your front door 11 or calls you on the phone, when you send that 12 person to that counselor here -- the example is 13 Whalen -- do you, then, have hands off with that? 14 A. Initially with Ms. Whalen when I first 15 send her a case, we talked a great deal around 16 that case; and when I was in Greenville, I met 17 her in person. We had lunch. We've had many, 18 many conversations on the phone about the prior 19 victim and the current one she's seeing. 20 So she is, definitely, someone that I 21 certainly don't feel the need to double-check on 22 how she treats because I hear from the people 23 I've sent to her how well they feel like they 24 have been handled by her. 25 Q. And all whatever feedback or reports
1 back you have gotten concerning Whalen, only this 2 counselor -- 3 A. Right. 4 Q. -- have all of those been positive? 5 A. Yes. 6 Q. Thank you. 7 Now, I notice that you brought some 8 records. In those records, is there a document 9 which authorizes you to speak with anybody in 10 this example that we're using to speak with 11 Dr. Whalen about the victim's specific case and 12 circumstances? 13 A. I didn't see it in there. I did not see 14 it in there. A release. 15 Q. Yeah. And that's what I want to ask 16 you. Do you refer to it as a release or a HIPAA 17 form, or what is it? 18 A. It would be a release of information, 19 and actually I think that Dorothy would have 20 gotten it from her side because she's the one 21 releasing information to us so that she can get 22 paid by the Diocese. 23 When I initially sent her the client, I 24 probably used the first name; and so I didn't 25 disclose -- I mean, I protected the man's	Page 27 1 confidentiality until he met with her on his 2 permission and sent the letter authorizing 3 payment to Miss Whalen. 4 Q. To her? 5 A. Yeah. 6 Q. And did he also authorize you to 7 communicate with her about his care? 8 A. Yes. 9 Q. That's the document I'm looking for. 10 A. Right. 11 Q. And that's the one you don't -- 12 A. I don't see in the file. 13 Q. And in a couple of minutes -- well, in a 14 little while, we're going to mention these other 15 two claimants. 16 Is that same situation true, albeit 17 they're not counseled by this counselor Whalen? 18 The authorization is what I'm asking about. Is 19 that -- 20 A. I don't know the other two clients. 21 Q. Okay. All right. Well, we'll get to 22 that; and I'll share names with you in just a 23 moment. 24 A. Yes. 25 Q. Just a few moments.

1 Can you tell me whether the Diocese
2 requires -- in exchange for paying the costs of
3 counseling resulting from sexual abuse by the
4 Diocese is what we're talking about now. What
5 does the Diocese require the victim to do by way
6 of giving the Diocese access to his or her
7 records through counseling?

8 A. Earlier on when I began this, we
9 required more than we do now. When I first
10 began, we modeled our program after the
11 Archdiocese of Chicago; and that was, sort of,
12 managed care model in which the release asked
13 for, you know, diagnosis, how many treatment
14 sessions they thought would be authorized,
15 prognosis, that sort of thing.

16 Health care -- mental health care has
17 evolved. It's gotten away from the managed care
18 and authorizing X amount of sessions at a time.
19 Everybody that comes to me, I am assuming, has
20 Post Traumatic Stress Disorder; and I also assume
21 they will need long-term treatment. So rather
22 than saying you can have six months of treatment
23 at a time and then you can renew after that, I
24 just let them have an unspecified amount of
25 treatment.

1 Q. And what is it -- the specified amount,
2 what is that?

3 A. Unspecified.

4 Q. I'm sorry. Unspecified. What they
5 need, in other words.

6 A. Yes. Right. And the church has not
7 ever bucked how much treatment I've authorized or
8 asked me to shut it down, or this is costing too
9 much. They've allowed me to have a blank check
10 in terms of making sure people get what they need
11 therapy wise.

12 Q. Over your career, first, how many priest
13 sex abuse victims have you had dealings with?

14 A. I can't tell you.

15 Q. Can you estimate it?

16 A. I really can't. I mean, had I known
17 that was going to be a question -- maybe I should
18 have anticipated that question. I could have
19 looked back and told you, but I can't tell you.

20 Q. Is it a large number or just a few?

21 A. Depends on how you define "large" or a
22 "few." But it's more than a few, but I can't
23 estimate.

24 Q. Is it more than 100?

25 A. No. I would -- again, you're asking me

1 to guess.

2 Q. You don't know.

3 A. Right. I don't know.

4 Q. I understand.

5 How do you make a determination that
6 this Victim A, we'll pay for his counseling
7 treatment; however, Victim B, we will not? How
8 do you do that?

9 A. I haven't had to do that because on any
10 call, I am expected to reach out in a pastoral
11 way and offer counseling. So whether it's
12 credible or not, person coming forward, I want to
13 assume that they have a need; and we reach out
14 and pay for counseling, credible or not.

15 Q. Now, are you aware that for months I've
16 been asking for payment on behalf of my client,
17 Richard Roe, who I tell you is Mr. Roe, whose
18 name you were given earlier.

19 A. I heard that from Elaine Fowler last
20 week.

21 Q. Is that the first time you ever heard
22 that?

23 A. Yes.

24 Q. And what did you hear?

25 A. She asked -- she said that someone who

1 has already been receiving counseling for a
2 period of time that had not come forward to me
3 would like counseling paid for, and that is being
4 provided by a -- I think a nurse -- a Ph.D. nurse
5 in Atlanta, and that's what I heard.

6 Q. So was some question posed to you?

7 A. She didn't know that nurses were also
8 therapists. She was just verifying that a Ph.D.
9 nurse is a therapist.

10 Q. Is that the first contact you've had
11 with Miss Fowler or anybody else concerning
12 counseling payment for Mr. Roe?

13 A. Yes.

14 Q. And were -- so you weren't asked, do it
15 or don't do it?

16 A. I was not.

17 Q. Did you express your opinion as to
18 whether that person should, in fact, be treated
19 the same way as this person we're talking about
20 now, Doe? His name's --

21 A. No. I think I might have had a
22 conversation with her earlier -- I'm trying to
23 remember -- in which she had mentioned there was
24 a victim that Larry Richter wanted that victim's
25 counseling paid for; and she was trying to decide

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1 how to handle it, since, you know, normally the
2 counseling would be paid for. It comes to me
3 first, and then I authorize it; and she was
4 trying to decide whether to advise the bishop or
5 monsignor to pay for it or not.

6 And that was the conversation maybe two
7 weeks before last week. So there have been two
8 very brief conversations about it.

9 Q. Did she tell you that she had had this
10 issue presented to her or to the Diocese through
11 their counsel, one of which she is, for months
12 and hadn't done anything about it?

13 MR. DUKES: Object to form.

14 A. I haven't heard -- I had not heard about
15 it, no.

16 Q. So she didn't tell you that?

17 A. No. I heard about it last week and then
18 maybe two weeks before.

19 Q. And I take it you don't know why it was
20 ignored for such a long period of time?

21 MR. DUKES: Object to form.

22 A. No, I don't.

23 Q. Now, what do you know about the bishop's
24 sex abuse case in which he is accused of being a
25 perpetrator?

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1 Q. The only one I know about --

2 A. Same here.

3 Q. -- in which he is named.

4 A. Correct.

5 Q. Do you have any knowledge of why the
6 Diocese would claim that names of victims of sex
7 abuse are, for some reason, confidential?

8 A. Why the names of the victims or priests
9 are confidential? Because they're trying -- I
10 would think the reason is to the protect the
11 privacy of the victims.

12 Q. How about if that same person -- two
13 things. Let's assume --

14 A. What same person?

15 Q. The sex abuse victim, the person that
16 we're discussing right now.

17 A. Right.

18 Q. Let's assume two things happened to that
19 person for purposes of this question.

20 Number 1, that person gets raped by his
21 pastor.

22 A. Right.

23 Q. Then he walks out of the rectory, or
24 wherever he was raped, goes up the sidewalk; and
25 the same priest comes out and robs him with a

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1 A. I know he was accused of being a
2 perpetrator by someone in New York and that I
3 heard that the person who accused him had said to
4 his aunt, "It's worth a try." And that's about
5 the sum total of what I know.

6 Q. Who told you that?

7 A. That -- I think it was Elaine Fowler,
8 and I think that -- I think that this came about,
9 in part, because New York has for a year opened
10 up the statute of limitations. That's when I

11 first heard about it was recently. Elaine told
12 me about it. I wasn't at the meeting where the
13 staff -- but I saw her later that day, and she
14 told me --

15 Q. And are you aware that hundreds and
16 hundreds of cases were filed as soon as the State
17 of New York did open that window that you're
18 talking about?

19 A. Right. But not against the bishop.

20 Q. No. But only one against the bishop
21 that I'm aware of.

22 A. Yes. I just wanted to make sure --

23 Q. When you say bishop, you mean Richard
24 Malone?

25 A. Yes.

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1 gun. Takes all his money.

2 Is that second event confidential?

3 MR. DUKES: Object to form.

4 A. I would think not.

5 Q. Of course, it's not. He's a victim of
6 crime.

7 A. Right.

8 Q. When he's a victim, the public is a
9 victim.

10 A. He's a victim of crime twice.

11 Q. Yeah. That's what I'm trying to
12 understand what the reasoning is within the
13 Diocese, if you can help me understand it, about
14 why one kind of crime, the victim's name is not
15 confidential. Another kind of crime, the
16 victim's name is confidential.

17 MR. DUKES: Object to form.

18 Q. That's what I'm trying to understand.

19 A. Well, I think that in working with
20 victims, they feel a lot of shame, even though
21 it's not their shame; and they are very hesitant
22 to come forward. And they're very protective of
23 who knows what happened to them, in my
24 experience.

25 Q. You're talking about sex abuse

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1 victims --
 2 A. Right.
 3 Q. -- at the hands of priests; right?
 4 A. And sex abuse victims of any --
 5 Q. Well, let's -- for the moment at least,
 6 let's restrict it to victims of priests.
 7 A. Sure. I don't know --
 8 Q. They feel impacted substantially, don't
 9 they? Those victims?
 10 A. Each victim is different. As Adler
 11 said, it's not what happens to you. It's how it
 12 affects you.
 13 Q. If each victim is different, why is the
 14 Diocese's position about not revealing the names
 15 of victims uniform?
 16 MR. DUKES: Object to form.
 17 A. I don't know. I don't make Diocese
 18 policies.
 19 Q. I'm just asking you if you --
 20 A. I don't know.
 21 Q. That's fine.
 22 I asked you a moment ago about the sex
 23 abuse advisory board. How big is that board?
 24 MR. DUKES: Object to form.
 25 A. I'm not sure. 15, 20 people maybe.

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1 A. Yes, sir.
 2 Q. Can you tell me, please, whether that --
 3 what that board does?
 4 A. They are to help determine the
 5 credibility of allegations. We also have a part
 6 in tweaking policy and procedure around victims
 7 and their treatment.
 8 Q. Do they have any role in shaping matters
 9 of faith or doctrine for the Catholic church or
 10 for the Diocese of South Carolina?
 11 A. I don't think so.
 12 Q. Now, let's go specifically to John Doe.
 13 Before we do that, I want to go back to
 14 my question about the Diocese requiring that
 15 victims who had their counseling paid for by the
 16 Diocese had to give access to that counseling
 17 information to the Diocese.
 18 Do you know what I'm talking -- do you
 19 recall that discussion?
 20 A. Well, if they want the Diocese to pay
 21 for their treatment, they need to have the
 22 Diocese know who to pay and how many sessions and
 23 those kinds of things.
 24 Q. Well, what does who to pay have to do
 25 with the substance of the counseling session?

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1 Q. How many members of the clergy are on
 2 that board, if you know?
 3 A. Two. Three. I don't know.
 4 Q. Priests.
 5 A. I believe there's two.
 6 Q. And --
 7 A. Three.
 8 Q. -- who are those people?
 9 A. Who are they?
 10 Q. Yeah.
 11 MR. DUKES: I'm going to instruct
 12 her not to answer that question.
 13 MR. RICHTER: Is she your witness?
 14 Is this your witness?
 15 MR. DUKES: No.
 16 MR. RICHTER: You don't represent
 17 her?
 18 MR. COOKE: I'm going to instruct
 19 her not to answer.
 20 MR. RICHTER: That's fine. Certify
 21 the question, Miss Reporter.
 22 Q. Who else is on that advisory board?
 23 MR. COOKE: Instruct her not to
 24 reveal the names of any members of the board.
 25 Q. You're going to accept that instruction?

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1 A. Well, I'm just saying, who to pay is
 2 when the counseling happens, who do you write the
 3 check to that did the counseling, what dates, how
 4 much. All those things are important to the
 5 Diocese to know.
 6 Q. That's not what I'm asking about.
 7 A. I'm sorry.
 8 Q. I'm asking about the substance of that
 9 counseling. The Diocese required that the
 10 substance of the counseling had to be made
 11 available to the Diocese for some period of time.
 12 That was the policy, wasn't it?
 13 A. I think what I was saying in the earlier
 14 days, 18 years ago, we followed more of a managed
 15 care; and what that meant was I would ask
 16 diagnosis, prognosis, length of treatment. And I
 17 got away from that very quickly.
 18 So information that we require is who is
 19 the therapist, the dates of service, the cost of
 20 service; and then I check with the victims to
 21 make sure they're satisfied with the treatment
 22 they're getting.
 23 Q. My question to you is:
 24 A. Yes.
 25 Q. Was there ever a time that the Diocese

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1 of Charleston required that victims of priest
2 sexual abuse for whom the Diocese was paying
3 counseling costs, that that victim had to reveal
4 to the Diocese or authorize his counselor to
5 reveal to the Diocese the substance of his case?
6 Of his claim? Of his counseling?

7 A. I think I'm answering it by saying what
8 we required was dates of service, diagnosis,
9 prognosis, those questions. I have never
10 required copy of the counselor's therapy notes.
11 So I'm trying to answer your question.

12 Q. Well, I'd appreciate it if you'd answer
13 it yes or no.

14 I'm asking if the Diocese, to your
15 knowledge, has ever required the sex abuse
16 victims for whom the Diocese pays the cost of
17 counseling have been required to either
18 themselves or authorize -- by authorizing their
19 counselor to release the information of their
20 treatment, the substance of the counseling, to
21 the Diocese?

22 A. I think you instructed me earlier that I
23 could say more than just yes or no to make my --

24 Q. You can. But is there a reason why you
25 can't say yes or no to that?

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1 coordinator only; and then I turn that over to
2 the financial department so they'll pay the
3 bills.

4 MR. RICHTER: Would you restate the
5 question, please, ma'am.

6 (The pending question was read back by
7 the reporter.)

8 Q. Do you understand the question?

9 A. Well, my answer is: Someone not
10 counseling the victim is the victim assistant,
11 not just anybody on the street, is the way the
12 question sounds. It's one person. It's myself
13 who's the victim assistance coordinator. Not
14 just anyone.

15 Q. The crux of the question is the word
16 "appropriate." Is it appropriate? That exchange
17 of information that I just asked you about now
18 twice --

19 A. It is appropriate for the exchange of
20 information to happen between the therapist and
21 the victim assistance coordinator, yes.

22 Q. Who is -- and the victim assistance
23 coordinator is not the counselor or --

24 A. Right.

25 Q. -- the patient is not a -- do y'all call

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1 A. What I'm saying is -- because it sounds
2 very generalized -- that we're requiring all
3 substance of their treatment to be released, and
4 that is not the true. That is notice what we
5 have required.

6 What we have required is less than what
7 an insurance company would require; but similar
8 in terms of diagnosis, dates of treatment, name
9 of therapist, are they licensed, therapists's
10 Social Security number so we can write checks.

11 Also if a therapist feels that the
12 person is -- is needing something other than
13 they, they will contact me and say, "I think this
14 victim needs psychiatric care." And they will
15 tell me why or whom, and I will authorize that.

16 That is the extent to which the Diocese
17 has required information on the treatment of
18 victims.

19 Q. And is it your testimony under oath here
20 today that such an exchange of information is
21 appropriate between the person counseling this
22 victim and someone who is not counseling this
23 victim?

24 A. Someone who is not counseling this
25 victim is myself, who is the victim assistance

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1 them patients? I'm using that word. I don't
2 even know if that's the right reference.

3 A. Victims.

4 Q. Yeah. When you counsel somebody, do you
5 call that person a patient or --

6 A. That's when I'm counseling. That's
7 private practice. That's different than what I
8 do as victim assistance coordinator.

9 Q. When you counsel somebody --

10 A. It's a patient.

11 Q. Thank you.

12 And when you're not counseling someone,
13 is that, then, a client of yours or what?

14 A. When I'm not counseling someone as an
15 independent contractor for Diocese, I would call
16 them a victim.

17 Q. A victim.

18 A. Yes.

19 Q. So those are the two references?

20 A. Right.

21 Q. Patient or victim.

22 A. Right.

23 Q. I understand.

24 Why -- withdrawn.

25 Do you know how big a problem -- within

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1 the Catholic church first. And then I'm going to
2 ask you about the Diocese of Charleston -- priest
3 sexual abuse of minors has been?

4 MR. DUKES: Object to form.

5 A. How big a problem it's been?

6 Q. Uh-huh.

7 A. In my mind, it's a big problem, yes.

8 Q. And that's what I was trying to get to
9 with you earlier. Why is that? Why is it such a
10 big problem in the church?

11 A. I do not know.

12 Q. Have you heard people offer
13 explanations? Professional people like yourself,
14 same expertise, have you heard those persons try
15 to explain why that is?

16 A. Not to my satisfaction.

17 Q. I just want to know if you've heard them
18 try to explain it. I didn't ask you if you were
19 satisfied.

20 A. Yes.

21 Q. And who did you hear try to do that?

22 A. Probably other Catholics. And
23 professionally, I've heard -- I haven't heard
24 anything that's stuck with me as something that
25 made sense to me so I don't -- I can't tell you

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1 A. I'm not sure why there's so many
2 statements against --
3 Q. So many policies. Start with that.
4 A. Policies. I think they're trying to be
5 accountable and make right what was wrong before
6 in terms of making sure as much as they can that
7 child sexual abuse is prevented in the future --
8 now and in the future.

9 Q. Well, if it's not going on now, what are
10 the policies aimed at?

11 A. The intention is prevention and not
12 saying it will never happen again, but we're
13 trying to prevent it from happening.

14 Q. I think I understand your answer.

15 Tell me, then, when it was that the
16 church and the Diocese of Charleston did not seek
17 to prevent child sexual abuse at the hands of
18 priests?

19 MR. DUKES: Object to form.

20 A. I don't know how to answer that
21 question. Perhaps if you say it again.

22 MR. RICHTER: I can ask that it be
23 republished, if you would, ma'am.

24 (The pending question was read back by
25 the reporter.)

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1 what they were.

2 Q. And do you have your own individual
3 opinion about why there has been such a level of
4 priest sex abuse within the church?

5 A. No.

6 Q. You don't have anything in mind?

7 A. No.

8 Q. And I ask the same question. I said
9 church. Now I'm asking Diocese specifically.
10 The Diocese of Charleston, same questions.

11 A. No.

12 Q. Do you know why there are so many
13 policies now that the church is involved with
14 about we're going to do this and we're not going
15 to do that and here is the sanction and here's
16 what we're going to tolerate and here's what
17 we're not going to tolerate and there's no place
18 and it's a horrible sin and we cannot tolerate
19 this a moment longer?

20 All of those things that the church has
21 said and the Diocese of Charleston has said over
22 the last few years, why are there so many of
23 those kinds of things? Do you know that?

24 MR. DUKES: I'm going to object to
25 the form of the question.

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1 MR. DUKES: Object to form.

2 A. Well, I'm believing that many in the
3 church in the past would not have condoned or
4 wanted child sexual abuse; and yet it happened.
5 And some people were not aware that it was
6 happening; and when they became aware that it had
7 happened and was happening, that's when they
8 tried to enact these policies to help prevent it.

9 So I think the answer to the question
10 would be before the UCCB came forward with
11 standards in terms of how to prevent and be
12 transparent about what had happened going
13 forward, and I guess that was 18 years ago. I'm
14 not sure. I don't remember the date.

15 Q. Well, almost that. I think you're
16 referring to 2002, are you not? Following the
17 Boston blowup?

18 A. (Nods head.)

19 Q. Now, you said some were not aware that
20 priests were sexually abusing children.

21 A. Right.

22 Q. And does that mean that some were aware
23 that priests were sexually abusing children?

24 A. I would believe so.

25 Q. Well, what's the explanation for why

1 that was all right?
 2 A. I didn't say it was all right.
 3 Q. I'm asking you what the explanation is
 4 for why that's all right.
 5 A. I don't have an explanation. I hadn't
 6 heard an explanation.
 7 Q. There is no explanation for that, is
 8 there?
 9 A. I don't see one, no.
 10 Q. What do you -- what is it that you think
 11 should happen to priests who sexually abuse
 12 children?
 13 A. I think they should be prosecuted by the
 14 legal authorities, just as a non priest would.
 15 Q. And what about those members of the
 16 Catholic hierarchy who have covered up the sexual
 17 abuse of children at the hands of priests or
 18 bishops? What should happen to them?
 19 A. I guess the same thing. If they're --
 20 if there is, you know, enforcement by law that
 21 could happen, that should happen as well.
 22 Q. And within the Diocese of Charleston, do
 23 you know of instances in which persons -- I'll
 24 start with bishops -- were aware of child sexual
 25 abuse by priests and did not report it to

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1 authorities?
 2 A. I don't know specifically of such
 3 instances, but I'm assuming some bishops did know
 4 in the past but --
 5 Q. Did or did not?
 6 A. Did.
 7 Q. Here in the Diocese?
 8 A. Yes. But I don't know the specifics.
 9 Q. Well, I can show you some writings that
 10 will help you along with that.
 11 A. Are you going to now?
 12 Q. No, not right now.
 13 A. Okay.
 14 Q. But just to make you feel better about
 15 your own instincts, I can show you some writings,
 16 at least by three bishops --
 17 A. Okay.
 18 Q. -- as far back as 1957 or '58. That was
 19 about 50 years before the Dallas charter, wasn't
 20 it?
 21 A. Yes.
 22 Q. And as late as 1992 or '3 or so, that
 23 was before the Dallas charter too, wasn't it?
 24 A. Yes.
 25 Q. Now, we will break whenever you say you

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1 need a break; but let me tell you that,
 2 generally, we've been going an hour and 15
 3 minutes now. And, generally, every hour or hour
 4 and 15 minutes, we'll just take a comfort break.
 5 If this is a good time for you, let's
 6 just take a five-minute break. Let me -- I have
 7 to caution you that you're a testifying witness
 8 now so that you can't communicate with anyone
 9 about your testimony. Okay?
 10 A. I have one question. Do you have any
 11 idea how long this will last just in terms of my
 12 schedule for other patients?
 13 Q. It all depends on your answers. I can
 14 tell you that.
 15 A. Right. I know. I have somebody
 16 scheduled at one. Do you believe it is
 17 reasonable that I will be able to make that or
 18 not?
 19 Q. Well, we had another deposition
 20 scheduled for 1:30. So that's what I'm -- I
 21 mean, I think -- it would suit me -- the quicker
 22 we get it done will suit me.
 23 A. Sounds good.
 24 MR. RICHTER: Let's take a short
 25 break.

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1 (A recess was taken.)
 2 BY MR. RICHTER:
 3 Q. Can you tell me, please, ma'am, how a
 4 child who is sexually molested by a priest is
 5 affected by that molestation?
 6 MR. DUKES: Object to form.
 7 A. Depends on the individual child.
 8 Q. Well, let's run the range. How may they
 9 most likely be affected? Be affected, first of
 10 all.
 11 MR. DUKES: Object to form.
 12 A. I think it depends on the individual
 13 again. Some victims I have seen grow up to be
 14 high achievers, and some are not. In fact, have
 15 much -- have many damages as a result of the
 16 abuse.
 17 Q. And how is it -- strike that.
 18 What do you understand the Diocese's
 19 liability obligation -- let me rephrase it.
 20 What do you understand is the Diocese's
 21 obligation concerning children who are damaged by
 22 having been sexually abused by a priest?
 23 MR. DUKES: Object to form.
 24 A. What do I think their obligation is?
 25 Q. Uh-huh.

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1 A. I think their obligation is, of course,
2 to reach out in a pastoral way and offer
3 counseling and try to promote healing of that
4 person. The rest might be a legal question that
5 I can't address in terms of whether there should
6 be compensation or not.

7 Q. You don't have an opinion as to whether
8 a child who has been raped by his pastor when
9 he's 10 years old should be compensated for
10 having been so raped?

11 A. I have known some victims who do not
12 want that. So to say that all victims want or
13 need that, I can't say.

14 Q. I didn't ask you that.

15 MR. RICHTER: Will you read that
16 back, Madam Court Reporter?

17 (The pending question was read back by
18 the reporter.)

19 A. My opinion is that in some cases, they
20 should be compensated, and some cases certain
21 victims don't want to be. So, no. They don't
22 need to be.

23 Q. Let's talk about only those victims who
24 say they want to be compensated. Should those
25 persons all be compensated?

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1 record, among other things. So please don't
2 interrupt me. I'm not going to interrupt you.

3 A. Of course, not.

4 MR. RICHTER: Would you read back
5 the last question to her and the response from
6 her, please, where she poses a question to me and
7 then I begin answering?

8 (The requested testimony was read back
9 by the reporter.)

10 Q. And I want to answer your question.
11 "What public attitude?"

12 What is the public attitude, as you know
13 it, toward compensating the child who has been
14 raped at age 10 by having inserted into his anus
15 the fully erect penis of an -- of his pastor who
16 is an adult male fully grown?

17 A. I do not know --

18 MR. DUKES: Object to form.

19 A. -- what the public attitude is.

20 Q. And I want to ask you that same question
21 about a child who is a parochial school student
22 who was so raped by his teacher, lay teacher, in
23 that parochial school.

24 MR. DUKES: Object to form.

25 A. Are you asking me what the public

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1 MR. DUKES: Object to form.

2 A. I think it depends on the situation of
3 the abuse. It's not one size fits all. Every
4 situation's so very different.

5 Q. And let's assume for the sake of this
6 question the following, please: Assume that a
7 10-year-old child is anally penetrated by the
8 fully erect penis of his pastor, a full-grown
9 adult male, do you know how that feels to that
10 child?

11 MR. DUKES: Object to form.

12 A. Of course, not.

13 Q. And do you think that child should be
14 compensated for having been exposed to that
15 penetration?

16 MR. DUKES: Object to form.

17 A. I don't know.

18 Q. Do you know anything about what the
19 public attitude is about that?

20 MR. DUKES: Object to form.

21 A. What public attitude?

22 Q. As to whether or not a child has been
23 raped --

24 A. You're saying the public --

25 Q. You asked me a question. We're making a

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1 attitude is toward that?

2 Q. If you know.

3 A. I don't know what the public attitude
4 is.

5 Q. What about your own attitude? Should
6 that child be compensated or not?

7 A. Yes.

8 Q. To what degree? Do you know that?

9 A. I don't know.

10 Q. Now, I may be able to -- the file
11 folders that you handed me, I think there were
12 four of them.

13 A. Yes.

14 Q. Can you tell me by type of document what
15 is in each of those folders broadly first, and
16 then we'll see whether we need to --

17 A. Okay. So one is all the bills from

18 Dr. Sherbondy, the psychiatrist who saw John Doe.

19 Another is a file of all the charges --

20 billing charges from Ms. Whalen with regard to
21 John Doe.

22 One is, obviously, just the deposition
23 notices you gave me.

24 Another is a list of all the

25 prescription charges that were paid for for John

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1 Doe, and then it is what I call common file in
 2 that --
 3 Q. Your common file. Is that the word you
 4 used?
 5 A. Yes.
 6 Q. I just didn't get the word.
 7 A. June 2016 authorization letter to
 8 Dorothy Whalen in treating Mr. Doe and an intake
 9 form that just summarizes. There's some phone
 10 messages in here.
 11 Q. And that's the entire breadth of your
 12 own file about the matter?
 13 A. Yes.
 14 Q. Thank you.
 15 A. Plus the summaries of my meeting with
 16 Mr. Doe, with Mr. John Doe, directions to his
 17 home.
 18 Q. When did you come into contact with
 19 Mr. Doe? Do you recall?
 20 A. I received a phone call from him 3/16 --
 21 Q. I can't hear you while Mr. --
 22 A. That's mine. That's mine.
 23 Q. Oh. It's yours. Would you turn it off,
 24 please.
 25 A. I will when it stops.

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1 A. I think -- I don't think that was the
 2 first phone call I got because I first met him in
 3 June. So that might have been the following
 4 March.
 5 Q. Oh, I see. This is not -- you met him
 6 in June.
 7 A. Yes.
 8 Q. I think you said there are no notes on
 9 that.
 10 Now, do you know how he got to you or
 11 how you --
 12 A. I don't know.
 13 Q. And then you referred him out, I think
 14 you said, to Ms. Whalen; and that was her --
 15 A. He called me. I rode up to Greenville
 16 and met with him to his home, heard his story,
 17 and then referred him to Ms. Whalen.
 18 Q. Well, let me make sure I'm complete in
 19 what I get in here. Do you call that your common
 20 file? What do you call it?
 21 A. I was just trying to divide up all these
 22 things before on one Thursday or Friday. I just
 23 wrote that as common.
 24 Q. Just so you could find them again?
 25 A. Yeah.

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1 Q. No. I want it off before it stops
 2 'cause I can't hear you.
 3 A. I don't know how to turn it off until it
 4 stops.
 5 Q. Is it your phone? Is that what it is?
 6 A. Yes.
 7 Q. Can you tell me, please, ma'am --
 8 A. This still isn't turned off. I'm sorry.
 9 Q. Just turn it down or whatever you can.
 10 A. I'm trying.
 11 Okay. I got a phone call from him on
 12 3/16 -- 3/16.
 13 Q. March the 16th?
 14 A. I'm not sure if that's the first time
 15 because I -- that doesn't have a date as to what
 16 year it was. So -- I first heard from him in
 17 June 2016. The exact date, I don't have.
 18 Q. I can turn that back down if you need
 19 it.
 20 A. Sir?
 21 Q. I can turn that back down since you took
 22 your sweater off. Coat off.
 23 A. Oh, no.
 24 Q. Is this the note that you were looking
 25 at?

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1 Q. I understand.
 2 This letter to -- which I take it to be
 3 your first letter to Miss Whalen is dated June 20
 4 of '16. Does that help you recall the time
 5 frame?
 6 A. Yes.
 7 Q. Just generally the time that Mr. Doe
 8 contacted you?
 9 A. Yes. I had already gone up there before
 10 that.
 11 Q. I want to go into your files with you
 12 and make some entries into the record. But
 13 before we do that, I want to -- I'm trying to
 14 close the circle.
 15 You mentioned a Memorial Day contact
 16 from someone about victimization at the hands of
 17 a priest, I think.
 18 A. Right.
 19 Q. And did you say what happened? What has
 20 transpired with that particular case? Where it
 21 is or how -- was it resolved if it's resolved?
 22 A. It has not been resolved, and the
 23 gentleman is receiving counseling.
 24 Q. At your hands or someone else's hands?
 25 A. Someone else's hands.

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1 Q. Are you familiar with the counseling?
 2 A. Yes.
 3 Q. Do you --
 4 A. And he also goes to the support group --
 5 support group I mentioned.
 6 Q. Yes. You did mention a support group.
 7 So is his counseling being paid for by
 8 the Diocese?
 9 A. Yes.
 10 Q. And does that mean that his claim is
 11 credible or not?
 12 A. It doesn't matter. I don't know what --
 13 doesn't --
 14 Q. You said that actually --
 15 A. Right.
 16 Q. -- a little earlier.
 17 Well, you heard his -- whatever his
 18 story was, didn't you?
 19 A. Yes.
 20 Q. And is it credible or not, in your mind?
 21 MR. DUKES: Object to form.
 22 A. In my mind, yes.
 23 Q. So after you finished, he comes in and
 24 sits down. I don't know exactly how it works,
 25 but let's assume he calls you up. You invite him

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1 mentioned.
 2 A. Right.
 3 Q. And they begin a course of treatment --
 4 A. Correct.
 5 Q. -- with him.
 6 How does the information get up the line
 7 to the bishop if he is the ultimate authority in
 8 the Diocese?
 9 A. In that particular case, the victim and
 10 I met with the bishop.
 11 Q. Oh, you had a live meeting with the
 12 bishop?
 13 A. Yes.
 14 Q. And what was the result of that meeting?
 15 MR. DUKES: Object to form.
 16 A. A bishop heard a story and expressed
 17 regret and apologized for what happened, and that
 18 was it.
 19 Q. Did the bishop acknowledge that this
 20 individual who was accompanying you to this
 21 meeting was, in fact, a sex-abused victim by a
 22 priest of the Diocese?
 23 A. He said he was sorry what happened to
 24 him and sorry for his pain and suffering.
 25 Q. And do you take that apology to be an

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1 to come in. He comes in and sits down. He tells
 2 you his story.
 3 Is that the way that it works?
 4 A. Yes.
 5 Q. And now you've heard what you believe is
 6 a credible story of sex abuse by a priest of a
 7 minor, I take it, then -- was this person a minor
 8 at the time of the abuse?
 9 A. Yes.
 10 Q. So what happens from that point? Where
 11 does the information go about him?
 12 A. Well, the information goes to -- I
 13 contacted a therapist and the psychiatrist for
 14 him to be treated by; and I also let Monsignor
 15 Harris know that we had a new claim, and he is
 16 the vicar general. He's the person I report to.
 17 Q. He's in Columbia.
 18 A. Well, he comes down here quite a bit.
 19 Q. No. I know that.
 20 And that's the course that this
 21 particular -- I'm going to say memorial of that
 22 case, if that's all right with you.
 23 A. Yes.
 24 Q. Memorial Day case to then -- then what
 25 happens? He goes to those counselors who you

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1 apology, an expression of sorrow for this person
 2 having been sexually victimized by a priest of
 3 this Diocese?
 4 A. I don't know if that's what that means
 5 or if the bishop was saying that he was sorry
 6 that the victim perceived that he had been
 7 abused. I don't know that the bishop was saying
 8 what he was hearing was credible or not. I think
 9 he was waiting to see what the process of the
 10 investigation and the sexual advisory board was.
 11 Q. Well, the bishop didn't say that he was
 12 sorry this young man, I take it --
 13 A. Right.
 14 Q. -- that he was sorry this young man
 15 perceived that he had been abused. That's not
 16 what the bishop said, is it?
 17 A. I don't think so, but I can't really
 18 remember.
 19 Q. I understand.
 20 But you were convinced, in any event,
 21 because you thought it was credible when you
 22 first heard the story. Isn't that what you
 23 testified to a few moments ago?
 24 MR. DUKES: Object to form.
 25 A. Yes.

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1 Q. I don't -- I can't use the name of the
2 person who was the perpetrator in the Memorial
3 Day case, but I take it -- well, I shouldn't say
4 "I take it."
5 Was that person, the priest perpetrator,
6 someone who would have a file kept on him by the
7 Diocese?
8 A. Was there a file kept on the
9 perpetrator?
10 Q. Perpetrator, yeah.
11 A. Yes.
12 Q. And was that different than a straight
13 personnel file? You may have a -- I don't know
14 whether you have a personnel file. But the
15 bishop's secretary, I guess, would have a
16 personnel file on him or her.
17 Is that different? Is there some
18 monitoring or sex abuse offense-related file
19 that's kept on that person?
20 A. I don't know.
21 Q. You are not an -- well, you are an
22 officer of the Diocese, I guess. You don't have
23 access to -- do you have access to the personnel
24 files of the --
25 A. No.

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1 A. Coming forward?
2 Q. You said you referred to them as
3 victims.
4 A. Right.
5 Q. Yeah. This person, the Memorial Day
6 person --
7 A. Right.
8 Q. -- is that person seeking compensation
9 from the Diocese?
10 A. I believe so.
11 Q. You do believe so?
12 A. Yes.
13 Q. So do you know whether that person has
14 been notified that his claim or compensation from
15 the Diocese will be honored or whether that
16 person has been told his claim for compensation
17 from the Diocese for this abuse will not be
18 honored?
19 A. His claim will not be honored.
20 Q. His claim will not be honored?
21 A. Correct.
22 Q. Even though you believe it happened?
23 A. Correct.
24 Q. Do you -- can you tell me why that is?
25 A. I don't know.

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1 Q. What would you have to do to gain access
2 to the file of an accused perpetrator?
3 A. I don't know that I could gain access.
4 Q. Have you ever tried?
5 A. No.
6 Q. So is the answer you don't know what
7 you'd have to do to gain access?
8 A. Correct.
9 Q. So has that matter -- the Memorial Day
10 matter -- has it evolved to an extent that some
11 final call has been made by the bishop, this is a
12 claim we're going to honor, this is a claim we're
13 not going to honor?
14 MR. DUKES: Object to form.
15 A. I'm not sure what you're asking me.
16 When you say "a claim we're going to honor," has
17 there been a financial --
18 Q. I don't know.
19 A. I don't know either. I don't quite know
20 what you mean by "claim."
21 Q. Well, somebody calls you up. Do you
22 consider that person a claimant against the
23 Diocese or not?
24 A. A victim?
25 Q. Yeah.

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1 Q. How do you know it won't be honored?
2 A. I think he received a letter saying so.
3 Q. Not from you.
4 A. No.
5 Q. Do you know who the letter came from?
6 A. I'm not sure if -- I'm not -- I don't
7 know who it's from.
8 Q. But it's a Diocese letter; correct?
9 A. Yes.
10 Q. Yes or no?
11 A. I said yes.
12 Q. Oh, I'm sorry. I didn't hear you.
13 Now, let me put in -- was this letter to
14 Ms. Whalen a part of this file? (Indicating.)
15 A. Yes.
16 MR. RICHTER: And I've got copies
17 for y'all, whoever wants copies. Dawes, do you
18 want --
19 MR. COOKE: I want one. Thank you.
20 MR. RICHTER: Richard's going to
21 bill the Diocese by pound in this case because we
22 have so much paper going around.
23 Q. Let me ask you, ma'am, if you can verify
24 that.
25 MR. DUKES: This is four?

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1 MR. RICHTER: This will be four.
 2 MR. DUKES: And this is the common
 3 file? Is that what you're calling it?
 4 MR. RICHTER: Yeah.
 5 Q. I don't mean anything disparaging by the
 6 term "common file." That's what we're going to
 7 call it, unless that offends you in any way.
 8 A. Doesn't offend me.
 9 Q. Yes, this is the common file. Call it
 10 common file. I'm going to hand you, ma'am, what
 11 has been marked as Exhibit No. 04 to your
 12 deposition.
 13 (Exhibit No. 04 was marked for
 14 identification.)
 15 MR. DUKES: Let's make sure when
 16 the exhibit is attached to the transcript, we
 17 have to redact Mr. Doe's name on the first page,
 18 probably throughout.
 19 MR. RICHTER: We will do that. I
 20 trust the reporter implicitly.
 21 MR. COOKE: Let me point out some
 22 redactions that we've already made in the last
 23 document of that packet.
 24 MR. RICHTER: What is the last
 25 document?

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1 How is this file laid out and assembled?
 2 Does it go chronologically from back to front or
 3 front to back, or is there any methodology?
 4 A. Back to front. Well --
 5 Q. Yeah. Going from the back, the first
 6 writing I see is dated June 15 from you to Bonnie
 7 Sigers.
 8 A. Right. And also went to Monsignor
 9 Harris.
 10 Q. It's copied to him, yes. I see that.
 11 A. And the intake form is at the top. So
 12 it's not back to front. That was actually when I
 13 first had contact. I think it's 6/13/16.
 14 Q. Yeah. I see it. 6/13.
 15 A. Keep that at the top to --
 16 Q. Keep that at the top. Okay.
 17 A. Yes.
 18 Q. I will. And where does this June 20
 19 letter fall in the file?
 20 A. That's after I met with him.
 21 Q. Yeah. Where do you have it in your
 22 file? I just want to make --
 23 A. I have it on a separate side.
 24 (Indicating.)
 25 Q. Separate side. Okay.

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1 MR. COOKE: It's an email dated
 2 June 15, 2016, to Bonnie Sigers. That's actually
 3 for --
 4 THE WITNESS: Monsignor and Bonnie.
 5 MR. COOKE: Right, right. Do you
 6 see that? It's a two-page document. One, two,
 7 three, fourth paragraph, there are two names that
 8 are blacked out; and then on the very last
 9 paragraph, there's a name that's been blacked
 10 out.
 11 MR. RICHTER: Okay.
 12 MR. COOKE: And those are names of
 13 individuals other than Mr. Doe.
 14 Q. You've got that in front of you, ma'am.
 15 And let me ask you if you can identify that as
 16 being a copy of what we refer to as your common
 17 file.
 18 A. Yes.
 19 Q. And is it all-inclusive?
 20 A. Yes.
 21 Q. Okay. Thank you.
 22 MR. RICHTER: This is four in
 23 order. I want them all in the record, please.
 24 Q. Let me -- I may want to ask you a
 25 question or two about this.

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1 A. Yeah.
 2 Q. Well, I'm going to put that at the very
 3 back of -- no. I'm going to put it just in front
 4 of your June 15 letter to Bonnie Sigers.
 5 A. Right.
 6 Q. Will that be confusing in any way? It's
 7 got a sticker on it. It's going to be the first
 8 page.
 9 Now, tell me, ma'am, about what you
 10 thought of that letter as well as any -- let's go
 11 back to the June the 15th letter.
 12 Now, this was written how long after you
 13 met with Mr. Doe? Well, it says "yesterday in
 14 Greenville." So can we assume that you met with
 15 him in Greenville on June the 14th of '16?
 16 A. Yes.
 17 Q. Did he ever come to you here in
 18 Charleston?
 19 A. No. I think I must have gotten a call
 20 from him on the 13th. I went to see him on the
 21 14th.
 22 Q. And then you went to him the next day.
 23 I understand.
 24 And does it accurately represent the
 25 factual account that you received from Mr. Doe --

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1 A. Yes.
 2 Q. -- in your first meeting?
 3 Thank you. And did that ever change in
 4 any way?
 5 A. No.
 6 Q. Thank you.
 7 Let's go forward a page, which is
 8 handwritten. There are two pages of handwritten
 9 notes that I see next. One begins with Doe with
 10 a Gmail. JGJ at Gmail. Is that your note or
 11 someone else?
 12 A. Yes. Mine.
 13 Q. And what is -- what does the very bottom
 14 line of that short handwritten page read?
 15 A. Trintellix. Is that what you're
 16 referring to?
 17 Q. Yes. So that's one word; and it's a
 18 medication, is it?
 19 A. Must be.
 20 Q. And what's the word on the line above
 21 that?
 22 A. Looks like task. Tasmer (phonetic).
 23 Tapsmer (phonetic).
 24 Q. You don't know what that means?
 25 A. No.

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1 Greenville.
 2 Q. I see.
 3 Then flipping up to the phone call
 4 message that you talked about earlier dated 3/16.
 5 A. I know. That doesn't -- I don't -- I
 6 don't understand why -- I don't understand that.
 7 Q. Might it not be the year following you
 8 meeting him in June?
 9 A. But I didn't need directions to go up
 10 there in March. I had already seen him in June.
 11 Q. Well, does this say that you need
 12 directions?
 13 A. It says, "Get directions for Louisa."
 14 That's my husband's writing.
 15 Q. It says what?
 16 A. Right here, it says, "Get directions for
 17 Louisa." That's my husband's writing.
 18 (Indicating.)
 19 Q. I see.
 20 A. One mile off of 385 and then his
 21 address. So I don't know -- I can't explain that
 22 date. It seems like he would have -- that would
 23 have been a June thing for -- I don't know. I
 24 can't tell you.
 25 Q. But you didn't know Mr. Doe before the

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1 Q. Above that, are we looking at --
 2 A. Publix pharmacy phone number.
 3 Q. A phone number. I see. And what does
 4 this entry "small condo" mean on that page?
 5 A. I think he was telling me where he
 6 lived.
 7 Q. Now, let's go to the page in front of
 8 that. Tell us what information that page
 9 contains and what it means.
 10 A. His phone number, his name. I don't
 11 know why he told me his cousin was Thomas
 12 Pritchard. He went to Sacred Heart in
 13 Charleston, had two male teachers, Chris Hartnett
 14 and Hall Brooks, who molested him and others as
 15 well.
 16 Q. And do you know the others who --
 17 A. No.
 18 Q. -- Mr. Hartnett and Mr. Brooks?
 19 A. No.
 20 Q. Can you tell me, please, did you know
 21 ever either Mr. Hartnett or Mr. Brooks?
 22 A. No.
 23 Q. And then there are some -- what appear
 24 to be Google Maps. Does that --
 25 A. That's to help me get to his condo in

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1 initial contact from --
 2 A. No. No, sir.
 3 Q. And that was, clearly, June of '16.
 4 A. Yes. '13.
 5 Q. June 13 of 2016. Did you say your
 6 husband works in your office?
 7 A. He does.
 8 Q. And is it typical that he would be
 9 working in a file to this extent?
 10 A. He answers the phone. That's a phone
 11 message.
 12 Q. Yeah. But it's working the file, isn't
 13 it?
 14 A. He's, like, my admin person.
 15 Q. Then I'd like to go, please, to the next
 16 sheet, which at the top says, "As of 11/1 of '18
 17 at 5:30 p.m." What does that mean?
 18 A. I'm sorry.
 19 Q. This is the Diocese of Charleston --
 20 A. Yeah. I know. I'm just -- as of.
 21 Okay. I thought -- I was trying to go through
 22 each victim and write down how much treatment,
 23 how much we were paying, and so forth, try and
 24 get a handle on what I've done with each victim.
 25 I was doing that in every file.

1 Q. What inquiry did you make into the
2 abuser Hartnett -- and I'm going to ask you the
3 same thing about abuser -- I can't even say his
4 name. The second person.
5 MR. DUKES: Brooks.
6 Q. Brooks.
7 A. What inquiry?
8 Q. Yes, ma'am.
9 A. Well, the inquiry was hearing that they
10 taught him at Sacred Heart; and he just told me
11 that. I didn't inquire.
12 Q. And same thing for Brooks?
13 A. Yes.
14 Q. Now, were you -- when you met Mr. Doe,
15 were you familiar with Sacred Heart school?
16 A. Yes.
17 Q. And were you familiar with sex abuse --
18 A. Yes.
19 Q. -- occurring at Sacred Heart school?
20 A. No. Not prior to that.
21 Q. Did you know in your life ever Eddie
22 Fischer?
23 A. I never met him.
24 Q. Do you know who he is or was?
25 A. Correct, yes. I guess he was at Sacred

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1 Heart then.
2 Q. Yes, ma'am.
3 A. I had forgotten that.
4 Q. He was. And do you know anything about
5 Father Frederick Hopwood abusing students at
6 Sacred Heart?
7 A. I just didn't put together that's where
8 he was also. I didn't know where all these
9 priests were but I --
10 Q. Well, let's make the record clear.
11 A. Sure.
12 Q. Fischer was not a priest. He --
13 A. I understand.
14 Q. -- was a teacher at Sacred Heart.
15 Now, Hopwood, you're correct, was a
16 priest.
17 A. I didn't know where all Hopwood was
18 located.
19 Q. Well, you -- whether Hopwood was
20 assigned to Sacred Heart or not, that doesn't
21 keep him from going there and abusing someone.
22 A. Correct.
23 Q. You do agree?
24 A. That's a possibility.
25 Q. Thank you.

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1 And you actually made up the information
2 that's here on this victim summary sheet?
3 A. Right. Right.
4 Q. You are -- are you comfortable with the
5 basis that Mr. Doe articulated for having
6 depression and suicidal ideation?
7 A. Am I comfortable with the fact that he
8 said that or --
9 Q. I mean, is it -- yeah. What I'm trying
10 to ask you, is that what you would expect from
11 him or somebody like him?
12 A. Would I expect --
13 MR. DUKES: Object to form.
14 A. I'm sorry. He said that he was
15 depressed, and he had thoughts of suicide. Yes,
16 I believed him.
17 Q. Okay. Thank you.
18 And then that your note at the bottom of
19 the intake involving child -- incident involving
20 child, that form, indicates Dorothy Whalen as
21 being the person to whom you referred him.
22 A. Right.
23 Q. And then the next and my last page in
24 this file -- and I take it your last page in the
25 file as well -- is this June the 20th letter to

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1 Dorothy Whalen.
2 Please, what is -- what is this letter?
3 If it has a particular reference?
4 A. Authorizing her to treat John Doe and
5 have her to send the bill to us so she would get
6 paid.
7 Q. And that's your call, and that's what
8 you --
9 A. Yes.
10 Q. Your function was carried out here.
11 A. Right.
12 Q. This way.
13 A. Yes.
14 Q. I wonder if you could, please, because
15 I'm confused. If you could look down, please, to
16 the third paragraph. Second sentence in that
17 paragraph, publish it. Paragraph, publish it out
18 loud in the record, please.
19 A. If I can assist in the healing --
20 Q. If I can assist, correct, that line.
21 A. "If I can assist in the healing of our
22 mutual client, if you have concerns or need" --
23 it should say further clarification -- "you can
24 reach me at my direct phone number, which is
25 843-416-1103 or 843-856-0748."

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1 Q. And who is your mutual client?
 2 A. John Doe.
 3 Q. And that's who you told me you call a
 4 victim?
 5 A. Yes. I also --
 6 Q. You also call him a client, don't you?
 7 A. Yes. Apparently.
 8 Q. You seem to maintain that status as
 9 mutually having him as a client with Miss Whalen,
 10 don't you?
 11 A. In that, I handle her treatment request
 12 as when she called and said that he was
 13 continuing to have depression; and she wanted to
 14 refer him to Dr. Sherbondy, and so that's what I
 15 was suggesting. And that's what ended up
 16 happening when she referred him to a psychiatrist
 17 for further care.
 18 Q. Did you ever have any interaction with
 19 any of the victims of the Priest Eugene Condon or
 20 Gene Condon?
 21 A. I don't know.
 22 Q. Each person whom, among other things,
 23 had a footlocker or some photographs --
 24 A. Right.
 25 Q. -- of the boys, naked photos of boys.

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1 assistant to Bonnie Sigers, who was out on sick
 2 leave. Mr. Doe had -- there's a letter from
 3 Mr. Doe that's not --
 4 MR. DUKES: Do you have a copy of
 5 that letter?
 6 MR. RICHTER: Yeah. Well, I
 7 should. Yeah, I do.
 8 MR. DUKES: Thank you. Will you
 9 put this in the record?
 10 MR. RICHTER: I'm going to, yes.
 11 MR. DUKES: Okay.
 12 Q. I just want to understand what it is
 13 before --
 14 A. I'm trying to -- there is a letter from
 15 Mr. Doe that does not have a date on it, but he
 16 was talking about receipts for medicines and
 17 he -- here are the receipts totaling.
 18 So I think the man owed now 239. So
 19 I -- I think in view of the fact that -- I think
 20 Miss Sigers was out on sick leave, and that's why
 21 I was communicating with Rose with regard to some
 22 of the receipts on the prescriptions.
 23 Q. For reimbursement or payment to --
 24 A. Yes. And at some point he was fired
 25 from his job, and I think that we changed

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1 A. Uh-huh.
 2 MR. DUKES: And presided over Dawes
 3 Cooke's wedding.
 4 THE WITNESS: Oh, crap. Sorry.
 5 (Off-the-record discussion was held.)
 6 BY MR. RICHTER:
 7 Q. You don't know whether you had any
 8 interaction with any of those people?
 9 A. I don't know.
 10 Q. Do you know how many there were?
 11 A. I assume a lot, but I don't know how
 12 many.
 13 Q. Do you know how many photos there were?
 14 A. No, I don't. You just said a footlocker
 15 full. So I'm not sure how many that is.
 16 Q. Do you know how long his abuse went on?
 17 A. I don't know.
 18 Q. And do you know what happened -- what
 19 the bishop did when he learned of the abusive
 20 conduct of Gene Condon?
 21 A. I do not.
 22 Q. Thank you.
 23 Now, these next ones, can you tell us
 24 who Rose Bundy is, please?
 25 A. She is at the Diocese. She is an

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1 pharmacies. I think that there's a letter from
 2 my husband Joe over to Rose with regard to this.
 3 Q. I'm looking for the letter from Mr. Doe.
 4 Is that what you're referring to? (Indicating.)
 5 A. This is what it looks like.
 6 (Indicating.)
 7 Q. This one? (Indicating.)
 8 A. Yes.
 9 Q. Thank you.
 10 So, in other words, you got a request
 11 from Mr. Doe to be reimbursed for the cost of his
 12 various medications?
 13 A. Right.
 14 Q. And did you honor that request?
 15 A. Yes.
 16 MR. RICHTER: And I'm going to mark
 17 this as No. 05, please.
 18 (Exhibit No. 05 was marked for
 19 identification.)
 20 Q. Can you authenticate, please, No. 05 as
 21 being a photocopy of your file there?
 22 A. (Complies with request.) Correct.
 23 (Exhibit No. 06 was marked for
 24 identification.)
 25 Q. Next, please, I have the following

1 documents which are labeled as No. 06 in order. 2 Can you authenticate that as being a 3 copy of your full file concerning prescriptions 4 they're filling and paying for them as it relates 5 to John Doe in this case? 6 (Exhibits No. 07, No. 08, and No. 09 7 were marked for identification.) 8 A. It's not in the same order so it's 9 taking me -- 10 Q. That's all right. Take whatever time 11 you need. 12 MR. DUKES: Just so I'm clear on 13 the numbers, the set of documents regarding 14 Mr. Doe being reimbursed with a couple of 15 handwritten notes or letters in there, that is 16 Exhibit No. 05? 17 MR. RICHTER: Yeah. That's No. 05. 18 MR. DUKES: And then the file of -- 19 at the top says Diocese Prescription Charges for 20 John Doe, that's No. 06? 21 THE REPORTER: Yes. 22 MR. DUKES: And then the two-page 23 documents with Diocese Victims Cost Record, three 24 pages, is No. 07? 25 THE REPORTER: Yes.	Page 85	1 MR. DUKES: The claim forms coming 2 from Miss Whalen to Louisa is No. 08? 3 THE REPORTER: Yes. 4 MR. DUKES: And then No. 09 are the 5 Sherbondy bills. I just want to make sure I have 6 them marked correctly. 7 THE REPORTER: Yes. 8 MR. DUKES: Thank you. 9 A. These are all out of order from my -- 10 Q. It's substantively the same thing. 11 That's what I'm asking you. 12 A. Yes. 13 Q. And I'm going to ask you about these 14 other files that you handed in to me. I just 15 need to get you to authenticate that those are 16 actual copies of your file. I don't want to take 17 your file from you. 18 A. Yes, sir. 19 Q. So let's go through No. 07, No. 08, and 20 No. 09 as well. 21 A. Yes. 22 Q. Thank you, ma'am. I want to put all of 23 those in, please. 24 And now, you didn't have any part, did 25 you, in incurring the costs for or conducting the	Page 86
1 actual sessions with Dorothy Whalen that John Doe 2 attended, did you? 3 A. Could you repeat the question? 4 MR. RICHTER: Yeah. Could you read 5 it back, please, ma'am. 6 (The pending question was read back by 7 the reporter.) 8 A. Incurred the cost. I authorized the 9 cost of the sessions. I did not attend any of 10 the sessions. 11 Q. Okay. Thank you. 12 And I want to ask those same questions 13 about the insurance -- 14 A. Insurance? 15 Q. -- reimbursement forms. 16 A. Is that for Whalen? 17 Q. I can't read. 18 A. Who are those for? Was that Greenville 19 Therapy Center? 20 Q. This is -- yes. 21 A. Those aren't insurance forms. That's 22 them billing us. They're using -- they used 23 insurance forms, but insurance wasn't billed. 24 Q. This says "Insurance Claim Form" on it. 25 A. Yeah.	Page 87	1 Q. But those aren't the costs that you 2 incurred in -- 3 A. I authorized them. 4 Q. You authorized. Okay. 5 And you authenticated the accuracy of 6 those already; and then I'd like to ask you about 7 the Sherbondy packet of documents, which is 8 Exhibit No. 09. 9 A. Right. 10 Q. Same question. 11 A. Yes. 12 Q. Okay. Thank you, ma'am. 13 MR. RICHTER: Now we've got all 14 those in the record. Please put, madam reporter, 15 all of those in the record, if they're not. 16 Q. Now, I'd like to know, please, about -- 17 the questions that I have posed to you thus far 18 have been in Case No. 2018-CP-10-3929, John Doe's 19 case. 20 A. Right. 21 Q. I'm now going to ask you a few things 22 about Case No. 2018-CP-10-4206 for which you were 23 also noticed for deposition. Do you recall that? 24 A. Which one was that? 25 Q. This is -- Roe is the --	Page 88

1 A. Yes.
2 Q. And then I'm going to -- let me do that
3 first. As to Richard Roe, who we know is Richard
4 Roe. As to Mr. Roe, what has been your
5 involvement with him and his claim?
6 A. I have no involvement with him. I have
7 had no involvement.
8 Q. No involvement at all?
9 A. No.
10 Q. Did you know the Roe family here in
11 Charleston?
12 A. No.
13 Q. Did you know the Doe family here in
14 Charleston?
15 A. Some of them.
16 Q. Lot of them.
17 A. (Nods head.)
18 Q. I think I may have asked you this. I'm
19 sorry if I'm repeating myself.
20 Did you counsel Gene Condon in any way?
21 A. No.
22 Q. And the perpetrators in the Roe case,
23 I'd like to ask you about, please, Father
24 Frederick Hopwood. Did you counsel him in any
25 way?

1 A. No.
2 Q. And Reverend William Croghan, did you
3 counsel him in any way?
4 A. No.
5 Q. Did you counsel any of -- and I realize
6 how long ago this was, and I'm respectful of your
7 youth. Did you counsel any of the Eddie Fischer
8 victims from Sacred Heart school?
9 A. No, sir. Wait a minute. Wait. Yeah.
10 Yes, sir. I mean, not counsel. I didn't counsel
11 them. I met with one.
12 Q. In the same process --
13 A. Same process.
14 Q. -- that you've been describing?
15 A. Yes.
16 Q. And when was that? Do you remember?
17 A. Years ago. I don't remember when.
18 Q. I just wondered if it was at the time --
19 if you remember, if it was at the time,
20 generally, of the class action matter that --
21 A. Probably before.
22 Q. Yeah. That was not until 2006 or '7 or
23 something.
24 A. Yeah. I think that was before.
25 Q. And same question about Frederick

1 Hopwood victims from Sacred Heart school. Did
2 you have occasion to counsel any of them or deal
3 with them in any way?
4 A. I don't even know who they were.
5 Q. Okay.
6 A. I mean, I may have. I mean, I don't
7 think I counseled them about it.
8 Q. If so, likely, it was processing like --
9 A. Correct.
10 Q. -- the same way that you processed in
11 the Doe case that we've just been through?
12 A. Yes.
13 Q. And as to Roe, you don't know him
14 personally?
15 A. No.
16 Q. And have you received any information
17 concerning him?
18 A. The only information was with the
19 conversation that Elaine mentioned, that request
20 for his therapy bills. I mentioned I heard
21 briefly last week and maybe two weeks before.
22 Q. And I think you said you didn't press
23 her about why those had not been paid?
24 A. No.
25 Q. Now --

1 A. I didn't --
2 Q. Go ahead.
3 A. I don't -- I didn't know that they had
4 or hadn't been paid.
5 Q. I understand.
6 As to Roe, have you come to have any
7 knowledge concerning the degree of his injuries
8 resulting --
9 A. No.
10 Q. -- from sex abuse at the hands of
11 priests at the Diocese of Charleston?
12 A. No, sir.
13 Q. Thank you.
14 Let me ask you, please, ma'am, I asked
15 you some substantive questions, which I'd like to
16 avoid going over fully again, if we can.
17 For example, I asked you about
18 compensation for victims, that sort of thing.
19 Several things that we talked about. Do you
20 recall that?
21 A. Yes.
22 Q. If I pose those same questions to you
23 here concerning the Roe matter, Richard Roe
24 matter, would your responses be the same?
25 A. I -- I'm not sure what the questions are

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1 that -- or what the response was with regard to
2 him because I don't know anything about him or
3 his abuse.

4 Q. Well, I think you better cancel your
5 1:30 because I'm going to have to go back
6 through. We've got it all here before us and --

7 A. It's a 1 o'clock.

8 Q. Well, 1 o'clock, whatever it was.

9 A. Will I be available for my 2 o'clock?

10 Q. I don't know. We're going to have to do
11 this with Roe. Then we're going to have to do it
12 with the third.

13 MR. COOKE: For what it's worth, I
14 thought you were doing all three simultaneously.

15 MR. DUKES: The question accounts
16 for all three victims.

17 MR. COOKE: The general questions
18 you asked her weren't specific to any victim.
19 They were just questions about her knowledge
20 so --

21 MR. DUKES: About victims.

22 MR. COOKE: Yeah.

23 MR. DUKES: I think you've already
24 asked the questions sufficiently --

25 MR. RICHTER: Here's my question.

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1 A. Right.

2 Q. Are you comfortable with that?

3 A. Yes.

4 Q. Okay. Thank you.

5 Now, let's go to, please, Case
6 No. 2019-CP-10-1120, John Doe 432. And I think
7 we identified to you that that was the plaintiff
8 named Doe 432.

9 A. Correct.

10 Q. Do you know him?

11 A. I don't, although I think there were
12 some Doe 432s who grew up around Queen Street,
13 but I think they were my brother's ages; but I
14 don't know him.

15 Q. Neither did I until --

16 A. Yeah.

17 Q. -- this.

18 MR. RICHTER: Don't put this on the
19 record.

20 (Off-the-record discussion.)

21 BY MR. RICHTER:

22 Q. Ma'am, do you understand where we are
23 now? I'm asking you about Mr. Doe 432 and what
24 your contact has been with him, John Doe 432?

25 A. I've had no contact.

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1 Can we -- do y'all think we can -- if there needs
2 to be any further repetition or any further
3 examination, can we all just stipulate that one
4 examination under whatever name it occurred
5 counts for all?

6 MR. DUKES: I think your questions,
7 Larry, were general enough that, I mean, you
8 didn't ask specifically of Mr. Doe. You said
9 victims, and I think her answers to that were --
10 would be consistent depending -- for any victim
11 that you asked.

12 MR. RICHTER: And can you stipulate
13 to that?

14 MR. DUKES: Yeah.

15 MR. RICHTER: Dawes, is that all
16 right with you?

17 MR. COOKE: Sure.

18 MR. RICHTER: Okay. Thanks.
19 Probably can keep your 1 o'clock.

20 THE WITNESS: (Thumbs up.)

21 Q. Now, having heard that, do you
22 understand that we're treating your answers to
23 the general questions that I asked you about
24 things, like compensation, as being applicable
25 across the board?

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1 Q. At all?

2 A. None.

3 Q. And do you know whether the Diocese is
4 paying any counseling costs for him or
5 prescription costs or anything else?

6 A. Not that I know of.

7 Q. And you said you knew maybe some Doe
8 432s, but the brothers --

9 A. My brothers would talk about Doe 432s
10 around the corner, I think at the cathedral, when
11 we were kids.

12 Q. He did go to the cathedral, this person.

13 A. I don't know if it's the same family or
14 not.

15 Q. But in any event, you haven't had any
16 dealing with him?

17 A. No.

18 Q. Well, then I don't know that -- I can
19 tell you that his perpetrator was Frederick
20 Hopwood, and I think you indicated you knew who
21 Frederick Hopwood was; and do you know anything
22 about the degree of his career on sexual abuse?

23 A. Yes.

24 Q. What is your understanding of it?

25 A. I just know that he sexually abused

1 children, or that's what I heard. 2 Q. Did you have occasion to either counsel 3 any of those or to oversee the referral of any of 4 those people's care? 5 A. I don't know. 6 Q. And then the same. We'll treat your 7 other answers the same way that we described 8 earlier; and I think with that, I can stop. But 9 they may want to go forward. 10 MR. DUKES: I don't have anything 11 for you, Louisa. Thank you. 12 MR. COOKE: No questions. 13 MR. RICHTER: That's it. 14 (The deposition concluded at 12:04 p.m.) 15 - - - 16 17 18 19 20 21 22 23 24 25	Page 97	1 CERTIFICATE OF REPORTER STATE OF SOUTH CAROLINA 2 COUNTY OF HORRY 3 I, Ronda K. Blanton, a Registered Professional Reporter and Notary Public for the 4 State of South Carolina at Large, do hereby certify that the witness in the foregoing 5 deposition was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth 6 in the within-entitled cause; that said deposition was taken at the time and location 7 therein stated; that the testimony of the witness and all objections made at the time of the 8 examination were recorded stenographically by me and were thereafter transcribed by computer-aided 9 transcription; that the foregoing is a full, complete, and true record of the testimony of the 10 witness and of all objections made at the time of the examination; and that the witness was given 11 an opportunity to read and correct said deposition and to subscribe the same. 12 Should the signature of the witness not be affixed to the deposition, the witness shall not 13 have availed himself/herself of the opportunity to sign or the signature has been waived. 14 I further certify that I am neither related to nor counsel for any party to the cause pending 15 or interested in the events thereof. 16 Witness my hand, I have hereunto affixed my official seal on November 25, 2019, at Myrtle Beach, Horry County, South Carolina. 17 18 Ronda K. Blanton 19 NCRA REGISTERED PROFESSIONAL REPORTER, RPR 20 Notary Public, State of South Carolina at Large 21 My Commission expires: 22 May 15, 2028. 23 24 DEPONENT CORRECTION SHEET 25 I, the undersigned, MARY LOUISA STOREN, do hereby certify that I have read the foregoing deposition
1 and/or corrections, if any. 2 PAGE LINE CHANGE REASON 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 MARY LOUISA STOREN Date 19 RB 20 21 22 23 24 25	Page 99	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

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7 IN OUR MAILBOX
20-16 (> 5PM)

THE DIOCESE OF CHARLESTON

June 20, 2016

Dorothy K. Whalen, MSW
3519 Pelham Rd.
Greenville, SC 29615

Re: [REDACTED]

Dear Ms. Whalen:

The purpose of this letter is to let you know that I am referring the above named individual to you for psychotherapy. In my capacity of Victim Assistance Coordinator, I am letting you know that the Diocese of Charleston will be responsible for payment of your services.

As part of this office's stewardship and accountability, I request that all bills be submitted on a monthly basis. It is particularly important to include your social security number and license number. Our Financial Services Department requires that all bills include the provider's social security number for tax purposes prior to payment.

Your monthly bill, including your license number and tax identification number, should be mailed to Louisa Storen, LISW at 757 Johnnie Dodds Blvd., Ste# 100, Mt. Pleasant SC 29464. If I can assist in the healing of our mutual client, if you have concerns, or for further clarification, you can reach me at my direct phone number which is (843) 416-1103 or (843) 856-0748.

It is my hope that the detailed information in this letter will help you and prevent any misunderstanding of our procedures. Thank you for your willingness and professional expertise to work with this office in assisting those who have reported being hurt by a member of the church find healing.

Sincerely yours,

Louisa
Louisa Storen, LISW
Victim Assistance Coordinator

*Thanks
Dorothy!*

Child Protection Services

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Roman Catholic
DIOCESE
OF **CHARLESTON**

INCIDENT INVOLVING CHILD
INTAKE FORM

DATE REPORTED: 6/13/16

PERSON COMPLETING INTAKE FORM: Louisa Storen, LISW, VAC Diocese of Chas.

DATE OF INCIDENT: Many years ago

CALL RECEIVED FROM: [REDACTED]

WHO WAS INVOLVED IN INCIDENT: Teachers Chris Harnett & Hal Brooks (both deceased)

PARISH OF INCIDENT: Sacred Heart Elementary School

WHAT IS THEIR CONCERN: Depression. History of suicidal ideation

HAVE THEY CONTACTED ANYONE ELSE YET, IF YES, WHOM!

DO THEY KNOW IF LAW ENFORCEMENT OR DSS IS INVOLVED?

OTHER PERTINENT INFORMATION: [REDACTED] has been referred to Dorothy Whalen, LISW, for therapy.

DIOCESE OF CHARLESTON: VICTIM SUMMARY SHEET

(From: VAC Database 1)

COMPLAINANT NAME: [REDACTED]

DATE OF INITIAL COMPLAINT:

DATE FILE CLOSED:

ALLEGED ABUSER 1: Harnette, Chris ABUSER POSITION: Teacher
ABUSER STATUS: DeceasedALLEGED ABUSER 2: Brooks, Hal ABUSER STATUS: Deceased
ABUSER POSITION: 0ALLEGED ABUSER 3: , ABUSER STATUS:
ABUSER POSITION:LOCATION OF ABUSE: Sacred Heart Elementary School
DIOCESE OF ABUSE: Charleston
CURRENT DIOCESE OF COMPLAINANT: Charleston
WHEN DID ABUSE HAPPEN: Many years ago
STATUS OF CASE: In TreatmentTREATMENT ENTITY 1: Whalen, Dorothy, MSW, LISW
TREATMENT START DATE: 06/20/16
TREATMENT END DATE:
TREATMENT COST: \$3,215TREATMENT ENTITY 2: Sherbondy, Shane, MD
TREATMENT START DATE: 04/03/17
TREATMENT END DATE:
TREATMENT COST: \$1,235TREATMENT ENTITY 3: Pharmacies (Prescription Meds)
TREATMENT START DATE: 43025
TREATMENT END DATE:
TREATMENT COST: \$ 453TREATMENT ENTITY 4:
TREATMENT START DATE:
TREATMENT END DATE:
TREATMENT COST:

OTHER COST:

NOTES & COMMENTS

Depression and history of suicidal ideation.

Chas. ~~Catholic~~ ~~do~~ Sacred Heart
2 male teachers
Chris Harnett & Hal Brooks
Molested others as well

Bonnie Sigers

From: Louisa Storen <louisa@louisastoren.com>
Sent: Wednesday, June 15, 2016 1:03 PM
To: Bonnie Sigers
Subject: [REDACTED]

From: Louisa Storen [mailto:louisa@louisastoren.com]
Sent: Wednesday, June 15, 2016 12:08 PM
To: 'Msgr. Richard D. Harris, V.G.' <msgrharris@stjosephcolumbia.org>
Subject: [REDACTED]

Dear Monsignor,

[REDACTED]

[REDACTED]

stated he had a disastrous few years in elementary school at Sacred Heart in that he repeated first and second grades twice. When he was eleven years old he was repeatedly molested by two teachers – Chris Hartnett and Hal Brooks. He said that on several occasions he was taken on an outing in Columbia with Mr. Hartnett and they went to a house where there was a “party” involving Mr. Hartnett, Mr. Brooks and some other boys. [REDACTED]

[REDACTED] decided his only way to stop the abuse was to run away. At thirteen he ran away for the first time to California. The next few years consisted of his being returned home, being put in juvenile detention, being put in several different schools and running away repeatedly. [REDACTED]

[REDACTED]

Other pertinent information included [REDACTED] noted that two other boys were abused by these same teachers. Their names are [REDACTED] and [REDACTED]. As an adult [REDACTED] approached [REDACTED] about their shared experience and [REDACTED] only said “that faggot’s dead”. **Mr. Hartnett in fact did die of Aids.** [REDACTED]

[REDACTED]

During the years while in Charleston [REDACTED] was an active member of the Cathedral. He spoke fondly of Monsignor Roth. He thought about confiding in Monsignor Roth but never did. [REDACTED] wife does not know about the molestation he suffered as a child. Previously he went to a counselor at the VA outpatient clinic in Greenville. He said the counseling was devastating for him and felt the counselor dug too deeply and too quickly into these painful memories. He did not want to go back there. Since that counseling experience, he has been unable to think about anything else. He said that he had not slept for three nights prior to my visit. I have offered him counseling with an experienced therapist in

Greenville that we have used before. [REDACTED] was especially pleased that she was Roman Catholic and would like to see her.

[REDACTED] had a great deal of trouble telling me his story. Frequently, he broke down in tears and would not talk about parts of his life [REDACTED]

With your approval, I will set him up with therapist, Dorothy Whalen. Please let me know if I should ask him if he is willing to talk to Paul Buseti and also if this case and [REDACTED] need to go before the sexual advisory board. Please call me with any questions.

Sincerely, Louisa

Total Control Panel

To: bonnie@catholic-doc.org

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From: louisa@louisastoren.com

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EXHIBIT 7



Deposition of:
Mr. Richard Roe

September 13, 2019

In the Matter of:
Roe, Richard Vs. Bishop Of Charleston

Certified Copy

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STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON CIVIL ACTION NO: 2018-CP-10-4206

Richard Roe,

Plaintiff,

v.

Bishop of Charleston, a Corporation Sole,
and the Bishop of the Diocese of Charleston,
in his official capacity,

Defendants.

DEPOSITION OF: RICHARD ROE
DATE: Friday, September 13, 2019
TIME: 10:35 a.m.
LOCATION: Turner Padget Graham & Laney, P.A.
 200 East Broad Street, Suite 250
 Greenville, South Carolina
REPORTED BY: MICHELLE BAKER LEE,
 Certified Court Reporter

Mr. Richard Roe
Roe, Richard Vs. Bishop Of Charleston

September 13, 2019

Page 2 1 APPEARANCES OF COUNSEL: 2 ATTORNEY FOR PLAINTIFF: 3 The Richter Firm, LLC 4 LAWRENCE E. RICHTER, JR., ESQUIRE 5 622 Johnnie Dodds Boulevard 6 Mt. Pleasant, South Carolina 29464 7 843-849-6000 8 lrichter@richterfirm.com 9 10 ATTORNEY FOR DEFENDANT: 11 Turner Padget Graham & Laney, P.A. 12 RICHARD S. DUKES, JR., ESQUIRE 13 200 East Broad Street, Suite 250 14 Greenville, South Carolina 29601 15 843-576-2810 16 rdukes@turnerpadget.com 17 ALSO PRESENT: 18 Mrs. Richard Roe 19 20 (INDEX AT REAR OF TRANSCRIPT) 21 22 23 24 25	Page 4 1 presence will help you and make you feel more 2 comfortable. 3 A Yes. 4 Q If there -- 5 A Very much so. 6 Q -- are areas of your testimony that you 7 would prefer for her not to hear, let me know at 8 anytime and we'll ask her to step out, okay? 9 A (Nods head.) 10 Q You're in control of that. 11 A Okay. 12 Q But as long as her presence makes you feel 13 more comfortable, let's have her in here, okay? 14 I'm going to try to -- well, the rules 15 require me to instruct you that if you don't 16 understand one of my questions, you have to ask me to 17 explain it. You can't ask your lawyer or anything. 18 During the course of your deposition we'll 19 take breaks. Hopefully we won't have to take too many 20 but we'll take breaks. And during those breaks I can 21 ask you about anything you talked about with anybody, 22 including your lawyer, and I will. You can't discuss 23 the substance of your testimony with anybody until 24 we're finished with your deposition, okay? 25 A (Nods head.)
Page 3 1 PROCEEDINGS 2 ----- 3 RICHARD ROE, 4 being first duly sworn, testified as follows: 5 EXAMINATION 6 BY MR. DUKES: 7 Q Good morning, Mr. Roe. As we discussed 8 earlier, our court reporter is going to take steps to 9 preserve your anonymity in the transcript, just in 10 case we have to file it with the court for any reason. 11 We met before. I'm Richard Dukes. I 12 represent the Catholic Diocese of Charleston, and I'm 13 here to ask you some questions about the case you 14 brought against the Diocese. 15 As I told your wife, and I'm happy -- while 16 the rules would allow me to exclude her from this 17 deposition because she's a witness and not a party to 18 the lawsuit, I am going to guess that her presence 19 will make you feel more comfortable and will help you 20 through this, what shouldn't be a -- I mean, as you 21 watched me, I'm not an ogre of a questioner, I'm 22 pretty just matter of fact and ask open-ended 23 questions. But I know this is going to be a difficult 24 process for you and I appreciate that and I'm going to 25 try to be sympathetic to you. But I figure that her	Page 5 1 Q If you -- yes, sir. 2 A During this break, does that go on this 3 record? 4 MR. RICHTER: No. 5 MR. DUKES: No. 6 MR. RICHTER: I'm an English major. He was 7 just bragging about being a history major. He 8 likes to do that. I'm just ribbing him. And so 9 what he said was not what he intended to say. He 10 didn't mean to say during breaks he can ask you 11 questions about what you talked to. What he 12 meant to say was he can, after a break, ask you 13 about conversations you had during that break. 14 THE WITNESS: I see. Okay, got you. 15 MR. RICHTER: So your testimony can't be 16 discussed. You're now a sworn witness -- 17 THE WITNESS: Right. 18 MR. RICHTER: -- and will be till the end. 19 MR. DUKES: And I appreciate Larry verbally 20 diagramming my sentence. 21 MR. RICHTER: You know, we used to have to 22 do that in English. 23 MR. DUKES: I know. 24 BY MR. DUKES: 25 Q What I'm going to try my best to do is to

2 (Pages 2 - 5)

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1 break your deposition into kind of topics. And we may 2 jump around some if one thing triggers another line of 3 questioning, but I'll do my best to have a coherent 4 flow to your deposition. 5 If at anytime during your deposition you 6 remember something that you may have lost earlier, 7 please stop me and go back and say, Now I remember 8 that -- you know, the guy's name I played baseball 9 with, or whatever. Just let me know and we'll stop 10 and go back and let you flesh that out, okay? 11 A All right. 12 Q So, if you will, please state your full name 13 for the court reporter. Again, this is going to be 14 covered up. 15 A Richard Roe. 16 Q And you were born in Charleston? 17 A I was. 18 Q What year were you born? 19 A 1944. 20 Q What is your Social Security number? And, 21 again, she'll cover this up. 22 A [Redacted.] 23 Q Do you know your driver's license number? 24 A No, but I have it in my pocket. 25 Q Would you pull it out and look at it?	1 know, small town atmosphere. The big important things 2 were the Navy base and the Air Force base and stuff 3 like that, high school football, Bishop England. All 4 the little Catholic kids, you know, we'd hike over to 5 Johnson Hagood Stadium. That's where they used to 6 play. 7 Q Okay. 8 A It was a real safe place, at least we 9 thought it was. 10 Q Mr. Richter played football for Bishop 11 England. 12 A Yeah. 13 Q And he always brags, we weren't big but we 14 sure were slow. 15 A Yeah, I know the feeling. 16 Q And I don't know if you know, if you ever 17 knew Monsignor Roland, who is now Monsignor Roland, he 18 was Charlie Roland. 19 A Lived a half a block away. Grew up with 20 him. 21 Q I was absolutely astounded that that little 22 guy played on both sides of the ball. I hope he was 23 fast. 24 A He was pretty quick. 25 Q What part of town --
Page 7	Page 9
1 A It's somewhere here. This coat's got more 2 pockets than a magician's. 3 It is Georgia driver's license [redacted]. 4 Q Have you taken any medications today? 5 A I have. 6 Q What medications have you taken? 7 A I take a blood pressure medicine and I take 8 a mood enhancer, and it makes -- Effexor is the drug. 9 Q Effexor? 10 A Right. And I should have brought my list of 11 meds. I have about six or seven prescription meds, 12 most of which deal with blood pressure, and one is for 13 prostate. 14 Q Do any of these medications affect your 15 mental acuity or ability to testify? 16 A No. 17 Q Do you feel like you're able to testify 18 today? 19 A I do. 20 Q Let's start -- I want to talk to you for a 21 little bit about growing up in Charleston. Your first 22 memories would be in the late '40s probably, and 23 through the, you know, early '60s, what was it like to 24 grow up in Charleston? 25 A It was an out-of-the-way place then, you	1 MR. RICHTER: That's a survival skill when 2 you're that size. 3 BY MR. DUKES: 4 Q What part of town did you grow up in? 5 A Middle of the peninsula. You know where the 6 Crosstown Expressway is? 7 Q Yeah. 8 A Our house used to be in that lane right 9 there, extreme right lane. 10 Q Okay. 11 A Going east. 12 Q So when you say you lived in the Crosstown, 13 you literally grew up in the Crosstown? 14 A Yes. 15 Q What was the address? 16 A [Redacted.] 17 Q And did y'all live there the entire time you 18 were growing up? 19 A Pretty much. 20 Q Do you remember your phone number? 21 A 723, I remember that much. I don't remember 22 the last four digits. 23 Q Okay. What are your brothers' and sisters' 24 names? 25 A My oldest brother is John and my sister is

Page 10	Page 12
1 Jean, Harry, myself, and younger brother Steve. There 2 were five of us. 3 Q Okay. And I know that your brother Harry is 4 gone. Are any of your other siblings still alive? 5 A None. 6 Q When did John die? 7 A Sometime in the '90s, the end of the '90s, 8 '99, '98, '99, somewhere in there. 9 Q And what did he die of? 10 A Heart. 11 Q What about Jean? 12 A Heart. She died this year, just two months 13 ago. 14 Q I'm sorry for your loss. 15 A Thank you. 16 Q And then Harry died about three years ago? 17 A Two. 18 Q What did Harry die of? 19 A Heart. 20 Q I'm seeing a trend here. And Richard -- 21 well, that's you. 22 A Steve? 23 Q Steve, yeah. 24 A Heart. 25 Q So obviously y'all have cardiac problems in	1 A Not a mean, pound you drunk but kind of was 2 a happy, sleepy drunk. But nevertheless, you never 3 knew when he had a job or not, you know. Very 4 unstable in that regard. 5 Q Okay. What did your mother do? 6 A She worked as a nurse's aide, Roper 7 Hospital. 8 Q Did she work full time? 9 A Yes. 10 Q What kind of things did your father do for a 11 living? 12 A Well, he drove a laundry truck for Superior 13 Laundry for years, and that sort of laundry business 14 just disappeared because everybody got washers and 15 dryers. So that really wasn't his fault, and his pay 16 just kept getting smaller and smaller. But he sold 17 what they called debit insurance. 18 Q Uh-huh. 19 A You know, he'd go out with a big book and 20 collect little nickels and dimes, mostly blacks. It 21 basically was a burial benefit. They wanted to make 22 sure they got buried properly. 23 Q Okay. Was your father physically abusive? 24 A No. 25 Q How about verbally?
Page 11	Page 13
1 your family? 2 A In the family. 3 Q Are there any other medical conditions that 4 run in your family? 5 A I'm amazed we don't have diabetes, 6 especially me. 7 Q No diabetes? 8 A (Shakes head.) 9 Q What about your depression or any mental 10 disabilities, any of that run in your family? 11 A I mean, just kind of garden variety 12 depression, is all, you know. People get up, they get 13 down, they get disappointed, that sort of thing. 14 Q Not clinical depression? 15 A No, I don't remember anybody being 16 hospitalized or anything like that. 17 Q Okay. When did your father die? 18 A 1980. 19 Q What did he die of? 20 A Heart attack. 21 Q What was it like growing up in your home? 22 A Extremely dysfunctional. 23 Q How so? 24 A My father was a drunk. 25 Q Uh-huh.	1 A That, yes. Could be, on occasion. 2 Q What else do you remember about your father? 3 A Let me think. He was a non-presence in my 4 life as a child. I mean, we didn't seem to have much 5 contact. I mean, you know, even in the same room. 6 But later I realized how difficult his life must have 7 been because he was extremely smart, he was trapped 8 with a houseful of kids and a crummy job. And I might 9 have drank myself. Matter of fact, I did until Mrs. 10 Roe came along. 11 Q How else did your father have a difficult 12 life? 13 A His father was first generation 14 American-German and they were really into -- they were 15 rough. They really disciplined children. They would 16 slap you silly. That's one of the reasons I think he 17 never hit any of us. 18 Q Okay. Did he grow up in Charleston as well? 19 A No, he was from Philadelphia, Pennsylvania. 20 Q How did he wind up in Charleston? 21 A Bad luck. He had a job working there and 22 with some kind of company. And he was in Charleston 23 and the company went broke and he was stranded there. 24 And he was living in some sort of a shelter or 25 something. And that's how he wound up there, he got

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1 stranded there, didn't have the money back to Philly. 2 Q I've seen a note that your father's 3 alcoholism began to progress when you were in about 4 the fifth grade. Tell me about that. 5 A He just got out of control. He drank all 6 the time. Couldn't hold a job for a long time. He 7 drank himself sick, actually, damn near killed 8 himself. 9 Q And he couldn't hold a job? 10 A No, not for long. 11 Q And he and your mother separated? 12 A Later. He was also a serial philanderer. I 13 mean, he just wasn't a presence in my life. He was 14 just gone most of the time or if he was there he 15 wasn't functioning at a very high level. 16 Q Did you know he was a philanderer when you 17 were growing up? 18 A Yep. 19 Q How did you know? 20 A Just kind of leaked out here and there. 21 Q When you were in grade school, was he 22 involved in your life at all? 23 A Not much. 24 Q And then he left -- they separated when you 25 were in about the ninth grade?	1 BY MR. DUKES: 2 Q Okay. And how would I get in touch with 3 Tommy Coffee? 4 A I'm not quite certain. He's probably in the 5 phone book down in Charleston. 6 Q Okay. He is in Charleston? 7 A Yes. 8 Q When did you start playing football? 9 A The eighth grade. 10 Q What other sports did you play? 11 A That's pretty much it. 12 Q Did you play baseball or anything when you 13 were younger? 14 A Playground ball. Wasn't very good at it. 15 Q Do you remember any of your coaches from 16 when you were in third grade, fourth grade, fifth 17 grade, middle school? 18 A There was a guy named George Shire 19 (phonetic). 20 Q Okay. And what did he coach and when? 21 A He coached football down on Mitchell 22 playground. 23 Q How old were you when that -- 24 A Eight, nine, something like that. Ten, 25 maybe.
Page 15	Page 17
1 A Eighth grade. 2 Q Eighth grade. How did your family life 3 change after he left? 4 A Let me think for a second. Better, I think. 5 There was a lot less contention in the home. 6 Q Who were your best friends when you were in 7 grade school? 8 A Best friends? Well, Joe Capitan (phonetic) 9 was one, and Tommy Coffee. I'm trying to think. 10 Those are two that stand out. 11 Q And are you still in touch with either of 12 them? 13 A Yeah, I am on occasion. Not regularly but, 14 yes, on occasion. 15 Q Where does Joe Capitan live? 16 A He used to live here and then we saw more of 17 each other, but he has since relocated to Charleston. 18 Q And how would I get in touch with him if I 19 wanted to? 20 A I can give you a phone number. 21 Q Okay. 22 MR. RICHTER: While he's looking up that 23 number, why don't we just talk a minute. 24 (Off-the-record discussion.) 25 THE WITNESS: It's 864-505-2976.	1 Q And that was at Mitchell Park? 2 A Yes. 3 Q During those middle school years, and they 4 may not have called them middle school -- 5 A They didn't but I know what you're talking 6 about. 7 Q What did you do for fun? 8 A That's a good question. I've always been a 9 reader. Also, we'd get a bunch of boys together and 10 we'd play football, you know, tag football. And we 11 used to go around and see how much trouble we could 12 stay out of. We'd go over to The Citadel and play 13 over there. They had a couple football fields over 14 there, things like that. 15 Q Okay. What other things did you do? 16 A We used to, in the summer, swim at the old 17 municipal pool. 18 Q Okay. 19 A And we used to go see movies, matinees, in 20 the summer. 21 Q Down on King Street? 22 A Uh-huh. 23 Q How did y'all get around town, walk? 24 A Walked, took the bus, bicycle. 25 Q Where'd you go to church?

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1 A Sacred Heart.
2 Q And you received your first communion,
3 confirmation, all that at Sacred Heart?
4 A Right.
5 Q What priest do you remember most?
6 A Father Adair, A-D-A-I-R, I think is the way
7 he spelled it. Very -- he was a good man.
8 Q When was he at Sacred Heart?
9 A It seemed like he was always there to me. I
10 mean, he was there a long time and then he got very
11 sick, almost died. He did die fairly young. But he
12 was at St. Johns in North Charleston for a long time,
13 I think. Father Manning was also at Sacred Heart.
14 Q Uh-huh.
15 A Old stone drawers. He was tough. God, he
16 was tough.
17 Q I've heard stories about Father Manning.
18 I've heard that they had to recruit young boys to go
19 pick up all his beer cans every day.
20 A I don't doubt it. If you give up on sex,
21 you've got to do something.
22 Q What were the nuns like?
23 A Well, some were okay. We had a couple of
24 them that should have been in padded rooms, but most
25 of them were pretty decent, good teachers.

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1 Q Which ones stand out?
2 A Sister Michael Joseph. She has since passed
3 away.
4 Q Uh-huh.
5 A She was my second grade teacher. I really,
6 really vividly remember her. She was one of the
7 kindest people I've ever known. And what none of us
8 knew then was that she had terminal cancer that whole
9 year, and she died in the summer after our second
10 grade year. I don't know how she did it. Sister
11 Martha was real good.
12 Q And when did she teach?
13 A Sixth grade. And Sister Maria, Sister Mary
14 Maria, she was a fourth grade. She was real good. I
15 don't actually remember a lot about the third grade
16 and the fifth grade, if you want to know the truth.
17 It's kind of blank.
18 Q Okay.
19 A Sister Mary James was the seventh grade.
20 She was all right. She used to keep me and make me
21 sing.
22 Q Now, I located in the archives your report
23 card.
24 A From Sacred Heart?
25 Q From Sacred Heart.

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1 A Must have been awful.
2 Q And for a small monetary contribution to the
3 University of Alabama Alumni Association, I'll refrain
4 from showing it to your wife.
5 MR. DUKES: Let's mark that as one, please.
6 (Exhibit 1 was marked for identification.)
7 BY MR. DUKES:
8 Q And I'll show it to you. It's not the
9 best --
10 A Well, it's better than I thought it would
11 be.
12 Q It's not the best copy in the -- but do you
13 remember Sister Therese Marie?
14 A Uh-huh.
15 Q Okay.
16 A Do I remember -- I remember a Sister Marie.
17 Tall, kind of lanky gal, real tall.
18 Q Uh-huh.
19 A That's what she looked like?
20 Q I'm not sure.
21 A Yeah, I remember a Sister Marie. I don't
22 remember a Sister Therese Marie.
23 Q Okay.
24 A Why, she signed this?
25 Q Up at the top they list your teachers every

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1 year.
2 A Yeah.
3 Q Do you remember when you had a Ms. Jaques?
4 A Jaques, yeah.
5 Q Jaques?
6 A Yeah, vaguely. She was fifth grade, I
7 think. Fifth grade, yeah, I think so. Yeah,
8 that's -- I don't remember a lot about that grade.
9 Q Okay. And you mentioned Sister Mary Martha?
10 A Yeah, she was great.
11 Q And what about Sister Mary James?
12 A She was all right. She was okay. I mean,
13 she wasn't -- she wasn't -- she was a good person.
14 She was a little stiff but she wasn't abusive like
15 Sister -- Sister Ignacius was abusive.
16 Q Okay. What about Sister Christine, do you
17 remember her?
18 A That's the one. Christine Marie, right?
19 Q Yeah.
20 A That's who she was. I couldn't remember
21 that first name. Yeah, I remember her. That was the
22 tall, skinny one. She just died a couple years ago,
23 still a nun.
24 Q Okay. And you repeated the fourth grade?
25 A I am not sure. Third or fourth, maybe.

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1 Q Well, I'm looking at your school achievement
2 record, and it says that in -- you were in the fourth
3 grade in 1953 to '54, I think, and then you were in
4 the fourth grade again '54/'55.
5 A That would have been the year. I was sick
6 and missed a lot of school. I had an extremely bad
7 case of scarlet fever.
8 Q The first time or the second time?
9 A The first time. And then I repeated the
10 grade because I missed so much time.
11 Q The weird thing is down at the bottom of the
12 left-hand column it says "Days Absent" and "Days
13 Late," and they only have you down for missing 11 days
14 in that first time you were in fourth grade.
15 A How about the second time? There was one of
16 them that I missed a lot of time.
17 Q Yeah, it was 11 days the first time and ten
18 days the second.
19 A I think that might be an error.
20 Q Okay. I mean, that happens.
21 A Because I was out a long time with that, I
22 remember.
23 Q Do you think -- well, it would have been --
24 wouldn't it have been the first time you were in
25 fourth grade or did you --

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1 A Yes, I'm sure. I remember that.
2 Q Okay. Tell me about when you got scarlet
3 fever.
4 A I just -- you know, you come home one
5 afternoon, you don't feel so hot, and then the next
6 day you're burning up. And somebody called
7 Dr. Reynolds and he came by and he made a diagnosis of
8 scarlet fever. And everybody in the house had to be
9 quarantined for a few days.
10 Q I was going to ask you that. My mother had
11 scarlet fever when she was about the same age as you
12 had it. And her brothers -- she had six brothers and
13 sisters, and all of her brothers and sisters were
14 furious at her because they were all quarantined.
15 A Yeah. It didn't last too long. I think you
16 get past a certain point and it's not infectious to
17 other people. But I missed so much time, I remember,
18 I was really sick. Also, I think I was avoiding
19 school.
20 Q Okay. Because you weren't doing well?
21 A No.
22 Q Okay.
23 A I started out liking school.
24 Q Uh-huh, okay. And we'll come to that part
25 of it.

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1 I saw a notation that when you had scarlet
2 fever you really had a lot of time with your mother.
3 I guess she had to stay home with you?
4 A (Nods head.)
5 Q And one thing, our court reporter needs you
6 to you answer out loud.
7 A Oh, I'm sorry. Yes, she stayed home.
8 Q Describe for me the time you got to spend
9 with your mother. I guess your brothers and sisters
10 were off at -- went back to school and you were home
11 sick. Tell me about that.
12 A It was nice being the center of attention,
13 of her attention.
14 Q Okay.
15 A Yeah. Being a middle child, the middle
16 child, I was generally very healthy but my older
17 brother and my younger brother had a lot of -- seemed
18 like they had kind of a lot of problems, health
19 problems when they were children. They grew out of
20 them, but they -- it was very nice having her
21 undivided attention, which was good.
22 Q Okay. And I guess with five of you --
23 A That's tough.
24 Q Yeah, lost in the shuffle sometimes?
25 A Yeah, yeah. Yes.

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1 Q I forgot to ask, did any of you -- have any
2 of your siblings, did they ever show any signs of
3 Alzheimer's?
4 A No.
5 Q And you don't have any symptoms of it?
6 A (Shakes head.)
7 Q Have you ever been tested?
8 A Yeah, actually, I have, I think.
9 Dr. Novotna did that because I told her, I said, You
10 know, I barely remembered to get here on time and get
11 to this appointment. No, I don't think so. Nobody
12 said anything, if they did, or there's no record of
13 it, if they did.
14 Q Okay. So just your mom?
15 A Yeah, and she died at 86.
16 Q Okay. Looking back over your life, what
17 sort of traumas can you identify that affected your
18 outlook on life?
19 A That's a tough question. I mean, everybody
20 gets banged around. I got thrown out of Bishop
21 England.
22 Q When did that happen?
23 A At the end of my sophomore year.
24 Q What did you do?
25 A Went to Rivers High School, finished there.

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1 Q No, what did you do to get thrown out?
2 A Oh, you know, demerits. One died, you know,
3 of a thousand cuts, kind of thing with those demerits,
4 and there was no way to work them off once you had
5 them.
6 Q Okay. What did you get in trouble for in
7 school?
8 A Stuff, you know, nowadays you'd laugh at.
9 You know, talking in class, you know, not turning in
10 homework on time, stuff like that.
11 Q How did you do at Bishop England?
12 A How did I do?
13 Q Uh-huh.
14 A Pretty average, I think. I remember having
15 trouble with Algebra II and also with Sister Amelia in
16 Latin.
17 Q Okay. What's your -- that gives me a good
18 transition to what your educational background is.
19 Where did you go to college?
20 A Charleston Southern.
21 Q Okay. And any graduate education?
22 A I have a master's.
23 Q Where did you get your master's?
24 A The Citadel.
25 Q What's your master's in?

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1 A Health and physical education.
2 Q And your wife outlined for us that you were
3 a teacher and coach your entire career?
4 A Pretty much, yeah.
5 Q What was your -- what was your teaching
6 responsibilities? What --
7 A When I was a senior at Charleston Southern,
8 I was -- you had to go in for a graduation check. And
9 this lady said, yeah, you got that, got that, got
10 that. And she said, you know, if you take one more
11 physical science course, you can be science certified.
12 So I took a physics course and I was science
13 certified.
14 And then I mostly taught science all my
15 career. There was always a shortage of science
16 teachers somewhere, and mostly I taught biology. I
17 taught physical science some but not much. I wasn't
18 real comfortable with that.
19 Q When I was asking your wife about y'all's
20 moves, is there anything you want to add to that,
21 where you lived and what you taught?
22 A Let me think. When we left Charleston in
23 '80, I got into a doctoral program at SUNY Buffalo,
24 and we lived there for a little over a semester. And
25 then we weren't sure where we were going to land. We

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1 knew we weren't staying in Buffalo. Then Mrs. Roe got
2 a job in Columbia working for the university doing
3 that Movietone collection. So we went to Columbia.
4 When I was -- when we went -- let me think. We went
5 to Buffalo first before we went to --
6 MRS. ROE: I forgot to mention Buffalo.
7 THE WITNESS: Yeah. And from Buffalo I went
8 to High Hills Middle School in Sumter, South
9 Carolina, and we lived in Columbia and I
10 commuted. It's about 25 miles. And I was there
11 five years, I think. And then we moved to
12 Washington, D.C., and I worked at two Catholic
13 schools up there, St. Anselm's Abbey School and
14 St. John's College and Prep School.
15 BY MR. DUKES:
16 Q Okay.
17 A And I coached the wrestling team at St.
18 Anselm's to the only championship they ever won in
19 wrestling.
20 Q And she said you coached at Bishop England,
21 too, right?
22 A I did.
23 Q How long did you coach at Bishop England?
24 A Two years. The two years I worked there.
25 Q When was that?

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1 A '72 through '74.
2 Q What did you teach at BE?
3 A Let me think for a second. Sociology and
4 then history. World history and U.S. history,
5 sociology.
6 Q Do you remember who the rector was?
7 A At that time I think it was Father Kelly,
8 Robert Kelly. But they had -- Nick Theos (phonetic)
9 was there the first year I was there. And then Nick
10 left and then it was just Father Kelly then.
11 Q Okay.
12 A And then the year I left they hired some
13 guy. His name was Calabrese (phonetic) or something
14 like that.
15 Q Uh-huh. Okay. Have you experienced, I
16 guess, serious depression or anxiety over your life?
17 A Yes.
18 Q When did that start?
19 A Really in high school. Not before high
20 school.
21 Q Okay. What triggered it?
22 A Well, you know, changing of schools is kind
23 of a traumatic thing. It kind of threw things and
24 kind of stripped your gears a little bit. You've got
25 to start over and make all new friends, things like

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1 that.
2 Q Anything else affect you or cause depression
3 when you were in high school?
4 A Yeah. Being poor, not having a car.
5 Q What other things have triggered depression
6 for you or anxiety, for that matter?
7 A I'm not sure I know what the triggers were,
8 but I can -- a lot of times I couldn't do it during
9 the week, but I'd just stay in bed all day Saturday
10 and Sunday, never hardly get out of the bed. And I
11 know that's a depression thing.
12 Q Okay.
13 A But exactly what triggered it -- before I
14 met Mrs. Roe, I was dating a girl in college and we
15 broke up. That was a gigantic downer. You know, but
16 like they say, we've all gone down in flames.
17 Triggers, man that's tough. I can't think
18 of specific triggers. We may be able to come back to
19 that.
20 Q Okay.
21 A Let me cogitate on that a little bit.
22 Q Sure. Did you ever seek counseling or
23 treatment?
24 A I did once when we were living in
25 Washington.

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1 Q Tell me about that.
2 A Well, I just -- I had a very good GP, and I
3 got in touch with her recently. She moved from
4 Washington to Oregon. I can't see her in Oregon. A
5 little Connecticut Yankee girl and she'd fit in with
6 all those coloreds down there and everyone
7 touchy-feely.
8 Q What was her name?
9 A Dr. Connie Hume-Rodman. And she was
10 concerned about my mental state, that's why she
11 referred me --
12 Q What was that last name?
13 A Connie Hume-Rodman, R-O-D-M-A-N.
14 Q Okay.
15 A And she works at the University of Oregon.
16 She's a staff physician there. She runs all the
17 health services. She remembered me but she said all
18 the records had been -- after so many years up there
19 they just destroy them.
20 Q Okay.
21 A Because I was trying to get ahold of the
22 records for Mr. Richter.
23 Q Uh-huh.
24 A But I went to this woman a few times. And
25 she was -- I don't know, wasn't a good match or

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1 something. Also at the time, I have to admit, I was
2 somewhat ignorant in that, you know, I thought that
3 was a stigma, meaning something there was wrong
4 mentally, and I know that's not true now. But at the
5 time I thought, yeah, that's all you need.
6 Q I saw a notation in I think your
7 psychologist's records that you've suffered many
8 losses in your life. What are those?
9 A You know, relationships that I value have
10 ended.
11 Q Which ones?
12 A Good friend just recently, in fact. He was
13 in a writers' group with me and he just quit coming,
14 quit answering phone calls. And I never have gotten
15 to the bottom of what got under his skin or what drove
16 him out. That kind of bothered me a lot.
17 Losing a job. I've been fired from a couple
18 of jobs. They don't exactly call it firing. You
19 know, they say, Well, we've got a reduction in force.
20 But you got fired.
21 Q Uh-huh.
22 A And --
23 Q Where were those?
24 A St. Anselm's Abbey.
25 Q Why do you think they let you go?

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1 A Good question. I have -- all right. From
2 looking at it from an administrative point of view,
3 they would classify it as I identify too much with my
4 students. My point of view was I thought part of my
5 job was to protect my students.
6 Q Okay.
7 A And I had some rubs there. And I wasn't
8 fired from the job, I retired from the job, public
9 school in Georgia. But to give you an example what
10 I'm talking about, they would -- they had these Coke
11 machines all over the school and kids could buy Cokes
12 anytime they wanted, 24 ounces of Coke. But then it
13 was against the rules for them to be sent out to the
14 bathroom. How in the hell can you drink a 24-ounce
15 Coke and not go to the bathroom? That's like some
16 kind of Draconian punishment or something. And I
17 caught a certain amount of flack about that.
18 This young girl left my class. I told her,
19 you know, if you go, I have to report you. She said,
20 I've got to go or I'm going to wet myself. So she
21 went. And I told the principal and they suspended
22 her. Then the parents came in and I didn't know what
23 they were expecting. They had the principal and
24 assistant principal and all of her teachers, and that
25 kind of -- and I introduced myself. I don't know if

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1 anybody else did. I shook their hands and then told
2 them -- well, we started talking and I told them what
3 happened, exactly how it had happened. And then I had
4 to go, I had a class.
5 And so I told them, you know, we have the
6 same goal here, we want your child to succeed, you do
7 and I do. I said, you know, if I could help, call me,
8 and then I went back to my classroom. I never heard
9 anything about it, anymore about it.
10 But I know a little while later I heard that
11 kind of pissed off some people, that I should have
12 been a united front with them, that this girl's bad.
13 And she's not a bad kid at all. So things like that.
14 I always erred on the side of the kid.
15 Q Uh-huh.
16 A And that's not necessarily a good thing from
17 the point of view of the school administration.
18 Q Okay. What have you been doing for the last
19 20 years since you've retired?
20 A Taking care of my wife and my baby. And
21 I've written some books, had three books published,
22 middle school fiction. I've been published in -- I've
23 had two short stories published in a Saturday Evening
24 Post, and I've written other books. They aren't
25 published yet. They really aren't finished, just

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1 first draft. I spend a lot of time doing that. And I
2 do all the cooking. I like to cook and stay busy. I
3 mean, yeah, mostly writing in terms of outside
4 professional stuff like that. And I had a few
5 part-time jobs. I work with a thing called --
6 THE WITNESS: What's that thing for the
7 older people? What the hell was the name of that
8 thing?
9 MRS. ROE: I'm not supposed to help you.
10 Can I say the name?
11 MR. DUKES: Yeah.
12 MRS. ROE: Legacy Link.
13 THE WITNESS: Legacy Link. And would give
14 older people part-time jobs. And, you know, like
15 answering the phone at the rec center or
16 something like that. I did some of that, yeah.
17 And then I taught at -- I volunteered and taught
18 in the GED -- taught science and math in the GED
19 program at the local tech school.
20 BY MR. DUKES:
21 Q Okay.
22 A Things like that.
23 Q Keeping yourself busy?
24 A And I served on a church council, which was
25 for four years. That was fairly involved sometimes.

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1 Q For the Lutheran church where y'all go now?
2 A Yeah, the Lutheran church.
3 Q Okay. What makes you happy now?
4 A Mrs. Roe and [redacted], my family first.
5 And then I like to -- I really feel good when I write
6 something really, really good. And I had done some
7 things recently and I feel like I'm sort of hitting my
8 stride. Maybe my brain is matured enough that I can
9 see the whole picture or something. I don't know
10 exactly how to express that.
11 But I was writing a theme on the topic of we
12 seldom -- people seldom recognize the major events in
13 their life when they're happening. It's only in
14 retrospect that you see it. It just turns your whole
15 life a different way.
16 Q Okay. Flesh that out a little bit for me.
17 I'd like to know.
18 A Well, what I perceived as heartbreaking,
19 breaking up with this girl in college, looking back
20 over it I would have never met Mrs. Roe, you know, and
21 she's been the biggest blessing of my life.
22 I was drinking heavily when I met her. I
23 don't know what the hell she ever saw in me. And, you
24 know, when we got married, it got to a point and
25 basically she said, you know, you can have me or the

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1 booze, but I'm leaving if you don't quit drinking. So
2 I quit drinking. I haven't had a drink in years and
3 glad, too, because I was rapidly spinning out of
4 control with that liquor.
5 Q Okay.
6 A But that's an event, you know, you see it as
7 a tragedy at the moment, but in the long run it turns
8 out to be a blessing. And it can be vice versa, too.
9 People suffer losses or setbacks. You've got two
10 people competing for a position in an organization.
11 One gets it, the other one doesn't. And that can be a
12 turning point for both of their lives. The guy that
13 got it goes on to concentrate on career and
14 achievement, and the guy that didn't get it, now he
15 can be bitter about it or he can turn his energies a
16 different way, become more involved with his family,
17 his church, community, things like that.
18 Q Is sexual abuse coming up in your writing
19 along those lines?
20 A Only in one regard. I did write a prayer
21 about it.
22 Q Uh-huh.
23 A I have not gotten the courage to write about
24 that yet. What's the guy's name? Leon Harris, got a
25 chance to meet him, hear him speak. And he said that

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1 there are dark rooms in everybody's life and it takes
2 a lot of courage to go into those dark rooms. And he
3 said Hemingway went into his dark rooms and came out
4 and put a shotgun in this mouth and pulled both
5 triggers.
6 Q He also had a brain -- a big brain tumor
7 that was going to kill him.
8 A And also meds were -- he was off of blood
9 pressure at the time and they didn't know if they
10 pulled those were extremely depressing. He had a lot
11 of -- you know, the doctors helped kill him.
12 Q Yeah.
13 A But still the point I guess he was making is
14 that we all have rooms, you know, and memories live in
15 those rooms. Some of those memories are very
16 sorrowful.
17 I can remember something very -- it hurts me
18 to this day. The day President Kennedy was killed,
19 assassinated. And I was -- and this little black kid
20 was crying. And I said -- I smiled at him and I
21 said -- I smiled at him and said, It's going to be
22 okay. And he thought I was laughing at him. And then
23 he ran away. And I've never been able to fix that. I
24 don't know what kind of mark that made on his little
25 soul. I was probably 18. Honestly, you know, I know

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1 he was hurt so badly already and then I compounded it.
2 And I felt really, really bad about that and I
3 couldn't fix it, nothing I could do to fix it.
4 Q Yeah. What regrets do you have?
5 A Man, what regrets do I have? I regret not
6 buying Casio stock when it was real cheap.
7 Q I had the chance to buy Apple at a dollar.
8 A Oh, kick yourself.
9 Regrets? I'm trying to think. I had a
10 really, really good friend that I lost over an
11 argument that we had. I'd like to -- I tried to fix
12 it years later. Wrote him a letter, long letter,
13 apologized, because it was at least 50 percent my
14 fault. And I never got an answer so I guess he's
15 satisfied with the way it ended. I didn't like it.
16 Disappointments? I have written two really
17 good books. One of them is called The Lost Champion.
18 And we were --
19 THE WITNESS: What was the name of that
20 publisher? Do you remember who they are? Little
21 Brown, or something like that. Anyway, they
22 publish a lot of children's books and middle
23 school books. And they were this close to taking
24 The Lost Champion. And there was the argument
25 going on in their staff about some of them

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1 thought it was too sentimental and some thought
2 it was fine like it was. It was kind of an Old
3 Yeller kind of dog story and the dog dies in the
4 end. But it did get published by somebody else.
5 And that was disappointing. That really would
6 have been great if a big major publisher like
7 that had grabbed it.
8 And I had a same experience with another
9 book which is still unpublished, but I've had to
10 update it a lot. It's called The Maltese Mullet.
11 It's a tongue-in-cheek kind of romp through
12 adventureland and I have a hero who's a Marine,
13 retired from the Marines. He lost an eye, and
14 instead of having a regular pupil, he's got the
15 Marine Corp symbol in his glass eye. Things like
16 that.
17 BY MR. DUKES:
18 Q Uh-huh.
19 A And that got very close. I was back and
20 forth with some publishers on that. The people that
21 liked it didn't have enough umph to get it past
22 everybody. But the way big publishing houses work,
23 you know, it goes to a -- it gets a literary review
24 first. And if they like it, then they set up a
25 committee reading. And the committee that reads it is

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1 mostly made up of marketing and business people and
2 there's -- what they need to decide is can we market
3 this book? Can we make money on it? Because their
4 profit margin is very thin.
5 Q Yeah. What other traumatic things in your
6 life have had a long-term effect on you?
7 A I'm trying to think. Can we come back to
8 this maybe?
9 Q Sure, sure, just don't let me forget.
10 A Okay.
11 MR. DUKES: We've been going about an hour.
12 Why don't we take a quick break.
13 THE WITNESS: All right. That'd be good.
14 MR. DUKES: We'll come back and kind of
15 shift gears a little bit.
16 (A break was taken.)
17 BY MR. DUKES:
18 Q Let's get you back on the record.
19 A Okay. You ready?
20 Q (Nods head.)
21 A I had this girl and she wound up in my
22 class, a class in environmental science. And she
23 shouldn't have been in there. She was just a
24 freshman. But, boy, just smart off the scale. She
25 was a really good student.

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1 And as I'd gotten to know her a little
2 better, she had a tough life. Her mother was going to
3 prison. And she came and asked me, she said, the
4 mother was trying to get money from her, should she
5 give it to her? And I said absolutely not.
6 Q Uh-huh.
7 A I said that's her job to take care of you,
8 not the other way around. You're only 15 years old.
9 But, anyway, I got her into a science camp at the
10 University of Kentucky. And they pay everything.
11 They were going to pay her flight there and back. I
12 gave her a list of the stuff she was going to need
13 when she got there and I told her, you need that
14 stuff. I said, my wife will take you shopping and
15 we'll get it for you, if you need it, and anything you
16 don't have, we'll make up the difference.
17 And I thought, man, boy, this is -- I said,
18 and when you get there, don't pay attention to what
19 the kids around you are doing, you make an impression
20 on those people at Kentucky and they'll get you there.
21 They'll get you all the scholarships and everything
22 you need. And I said, and that's what this is about
23 as much as anything else is you impressing them
24 because they're looking for students. That's why they
25 sponsor camps like this.

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1 Q Right.
2 A And so when we came back in the fall, the
3 first thing I said to her, Tell me about the camp.
4 She didn't go. And then she came up and started
5 telling me about her grandfather got -- she lives with
6 her grandparents. Her grandmother got sick and -- and
7 now she's married to some hick living in a trailer in
8 Franklin County. And I'm thinking, Jesus, what a
9 waste. What a waste. That really got me down because
10 I hate to see really smart students kind of throw
11 their lives away like that. I mean, she can always
12 recover and she can always go on, but, you know, when
13 you start having kids, that takes care of the next 20
14 years.
15 Q Yeah.
16 A So that really -- that really got me down
17 that she didn't take that thing.
18 Q Okay. And how long ago did that happen?
19 A That was about right before I retired, about
20 20 years now.
21 Q Okay. Let's turn to talking about Sacred
22 Heart.
23 A Okay.
24 Q What do you remember about the school?
25 A It was crowded, a lot of kids.

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1 Q I think at that time there was probably 200
2 kids, 330?
3 A It was a bunch. And when I started
4 originally, I really liked school, I liked going.
5 Q Uh-huh.
6 A I even -- I'm sure it's just a child's --
7 MR. RICHTER: Let me -- I need to put into
8 the record, I've been letting this go but I need
9 to put in the record, I object to the form of the
10 question because I don't think it's a question.
11 That having been said, I will now quit saying.
12 MR. DUKES: Okay.
13 BY MR. DUKES:
14 Q Go ahead.
15 A It became kind of a non-presence in my life
16 after about the fourth grade or so. I didn't want to
17 go anymore, I knew that, and whereas before that I had
18 really liked going to school. And I became very
19 antagonistic, very aggressive.
20 Q Uh-huh.
21 A And Sister Mary Ignatius and I got into it a
22 couple of times, and it was decided it would be better
23 for everybody involved if I transferred to The
24 Cathedral School. And I went the eighth grade at The
25 Cathedral School.

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1 Q Okay. That was one of the things I was
2 going to ask, if you -- because I only see grades
3 through the seventh grade.
4 A Right. I went to the eighth -- The
5 Cathedral School in the eighth grade, and I had a very
6 good year there, wonderful teacher, Sister Mary Cyril
7 (phonetic). She was tough, man.
8 Q And Sister Ignatius was the principal?
9 A At Sacred Heart.
10 Q At Sacred Heart, yeah. And you got into it
11 with her?
12 A (Nods head.)
13 Q What was the controversy between y'all?
14 A When I think back on it, it seems so
15 trivial. She didn't like how much noise I made when I
16 walked. That's the honest to God truth. So I said,
17 Well, I can try crawling. I was a smartass, too. But
18 it was just everything we did seemed to rub each other
19 wrong.
20 Q Uh-huh.
21 A So, you know, I had an aunt that was a nun
22 and so she thought -- and had consultations with my
23 mother and everything and they thought I'd be better
24 off if I went to The Cathedral. And I'm amazed that I
25 didn't object at all. I was ready to get out of

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1 there.
2 Q Okay. And why didn't you object to going to
3 The Cathedral?
4 A I was ready to leave Sacred Heart. I don't
5 think I could have lasted the year with Sister
6 Ignatius unless one of us had a major change of heart,
7 and that didn't seem very likely.
8 Q And it was really just a personality
9 conflict?
10 A I don't know. I'm seemed like from the
11 second I set foot in that class she was always on me
12 about something, and I just don't understand what
13 happened there. I really don't.
14 Q And when did -- when did she come to Sacred
15 Heart?
16 A When did I come there?
17 Q When did he -- she, Sister Ignatius.
18 A She was always there, as far as I knew.
19 Q Okay.
20 A Seemed like she was there forever. May not
21 have been, I don't know, but it seemed like she was
22 there a long time.
23 Q Uh-huh.
24 A Had a very stable group of people that were
25 the faculty there and they seemed like they stayed a

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1 long time. I think Sister Mary Williams left but she
2 came out of the convent and got married.
3 Q Uh-huh. That taught you in the first grade?
4 A Yeah, she was a good teacher.
5 Q And you remember her well?
6 A Yeah, I do. Sister Michael Joseph in the
7 second grade was very good, too. I remember her.
8 Third grade, I almost don't remember.
9 Q Sister Mary Paul?
10 A Yeah, I remember that name. I remember what
11 she looked like but I don't remember anything that
12 happened in there.
13 Q Okay.
14 A And, you know, those schools are structured
15 so that you do new material in the first grade, then
16 you do review stuff in the second, new material in the
17 third grade, review stuff in the fourth, like that.
18 Q Uh-huh.
19 A And you reinforce the learning. That's kind
20 of how it works. But I don't remember the fifth grade
21 at all, almost virtual blanks. Ms. Jaques, is that
22 her name?
23 Q Yeah, Ms. Jaques.
24 A Yeah. I can remember what she looked like.
25 I remember a tiny little bit of it.

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1 Q What did she look like?
2 A She was a little old lady, real small, kind
3 of squeaky voice. But I just don't remember anything
4 that ever happened in there. It's like it's a blank.
5 Q Okay. You did okay in school that year.
6 A Did I?
7 Q Yeah. You had a C in religion, C in math, a
8 high B in reading, which since you were a reader that
9 would fit. A 76 in English, 85 in writing. You did
10 okay.
11 A I remember early in Sacred Heart I had even
12 entertained the idea of, you know, going into one of
13 the religious orders.
14 Q When did you entertain that?
15 A The second grade. I was really fascinated
16 with monastic life. I thought that was something
17 really interesting, unique about that. But I hadn't
18 considered any of that later. You know, we did -- I
19 remember a story about St. Bernard and the St. Bernard
20 dogs and the rescues and --
21 Q Uh-huh.
22 A The last place I'd want to be is trapped in
23 a snowstorm in a monastery in the mountains with a
24 bunch of monks.
25 Q And your family attended Sacred Heart

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1 church?
2 A They did.
3 Q What was the church like then?
4 A I didn't have any point of comparison
5 because we didn't go to any other churches.
6 Q Okay.
7 A But it was very -- it was a big parish, a
8 lot of people and -- but also all through that decade
9 of the '50s it kind of bled off, people moving to the
10 suburbs and stuff like that and becoming more
11 prosperous. They were starting to develop Charleston
12 and had its first waves of suburbs and things like
13 that. But it's still there and still functioning as a
14 parish.
15 Q It is.
16 A Which is quite amazing. But that whole area
17 north of Huey (phonetic) Street, there's a lot of
18 Catholics live there. And then I don't know where the
19 cutoff line was but we were in that -- they used kind
20 of a geographic thing, I think.
21 Q Uh-huh.
22 A And we were in that parish. My mother had
23 grown up in that parish so she was real satisfied
24 being there.
25 Q Okay. Were you an altar boy?

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1 A Yeah, for a little while.
2 Q When was that?
3 A I don't remember exactly.
4 Q What priests at Sacred Heart do you
5 remember? Father Adair you talked about.
6 A Right, and Father Manning. And they had so
7 many masses there on Sunday, Father Hopwood used to
8 come there on Sundays and help with the masses. And
9 he was also there sometimes during the week.
10 Q When would he come during the week?
11 A I don't remember specific times but it
12 seemed like he was always hanging around towards the
13 end of school and stuff.
14 Q And this would have been when you were in
15 the third grade or fourth grade?
16 A Yeah, it seems -- actually, I think I was
17 around ten, so that would have been in what, fifth
18 grade?
19 Q Yeah, fifth grade.
20 A That's when I became conscious of him being
21 around. I hadn't noticed him before.
22 Q And that would have been the year you had
23 Ms. Jaques as your teacher?
24 A Uh-huh.
25 Q 1954/55?

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1 A Sounds right.
2 Q Okay. How long did you serve as an altar
3 boy?
4 A Really less than a year.
5 Q Okay.
6 A Probably a semester. I had trouble with the
7 Latin. I've always had difficulty with languages.
8 Q Were there any priests at Sacred Heart that
9 you didn't like at the time?
10 A Father Manning can be awful abrupt and short
11 with people, but I didn't have any real -- like hate
12 him or anything. I just avoided him if I could.
13 Q How did you get to school every day?
14 A Walked.
15 Q You and your brothers and sisters all walk
16 together?
17 A (Nods head.)
18 Q How far was it? Couldn't have been very
19 far.
20 A No. It was six blocks maybe, seven.
21 Q Okay. And when you -- when you failed the
22 fourth grade the first time, that was because you got
23 the scarlet fever?
24 A Yeah.
25 Q How often during those years did you go down

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1 to The Cathedral?
2 A You mean the convent?
3 Q Yeah.
4 A That was Saturday school.
5 Q Okay. What was Saturday school?
6 A Well, if you'd gotten in any trouble,
7 misbehaved, you could get Saturday school. And you'd
8 have to go down to the convent and serve Saturday
9 school on Saturday morning. Usually it ran from 9:00
10 to 12:00.
11 Q And how often did you get sent to Saturday
12 school?
13 A I don't remember. Seems like often enough.
14 It was enough that it stands out. But I couldn't give
15 you a number.
16 Q Okay. And the convent is no longer there?
17 A That's correct.
18 Q I think it was on the corner of Queen Street
19 and Legare?
20 A Yeah, pretty much, and it was right behind
21 The Cathedral down there on Archdale Street.
22 Q There's some apartments there now, I think.
23 A They're very expensive townhouses, yeah.
24 Q Because I don't -- I haven't been in
25 Charleston long enough to remember what the convent

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1 looked like.
2 A Big gray building, multi-story, big
3 four-stories. And the first floor, it has steps going
4 up to -- the front of the building faced Archdale
5 Street.
6 Q Okay.
7 A And they had these big steps that went up.
8 And under the steps was like -- they called it the
9 basement but it really wasn't a basement because it
10 was aboveground. You don't have basements in
11 Charleston.
12 Q Right.
13 A You know, you dig two feet and you're in
14 water.
15 Q Depends on the street. Some of them you
16 don't even have to dig that far.
17 A And you would go down there and ring the
18 bell and somebody would let you in. They had a
19 classroom set up and they'd give you work to do and
20 you sat in there and did the work.
21 Q And it was on the first floor, which isn't
22 the first floor; the first floor was on the second
23 floor?
24 A Right.
25 Q But in there they had a classroom set up and

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1 you would do your punishment work? 2 A Uh-huh. 3 MR. RICHTER: "Punishment work," I remember 4 that phrase. 5 MR. DUKES: Punishment work? 6 MR. RICHTER: Punishment work. Let me just 7 tell you, as a matter of -- I don't know if 8 you've seen pictures of the old convent or not, 9 I'm surprised that you didn't use the word 10 "haunted." It always had -- as a child I can 11 remember, I guess you're so small looking up, you 12 know, and looking up to The Cathedral, it had 13 sort of a haunting air to it. 14 THE WITNESS: Seriously ugly building. 15 MR. RICHTER: Thanks. I even know more than 16 you do. 17 THE WITNESS: Actually, that convent thing 18 is what started all this because my brother Harry 19 and I would go down to Florida and visit my 20 sister. It was kind of a regular thing, the day 21 after Christmas, and we'd stay down there until 22 the 2nd of January. And we'd pig out on football 23 and lots of holiday food and stuff. 24 And they would talk and they had memories of 25 things that had happened, and I had no memory of	1 Q And when did this -- can you pin down a year 2 when that conversation about the dog took place and 3 triggered you beginning to suspect something? 4 MR. RICHTER: Object to the form of the 5 question. He didn't say anything about -- 6 MR. DUKES: He said -- 7 MR. RICHTER: I object to the form. 8 THE WITNESS: I don't know. We hadn't gone 9 down there in a while because Harry was very sick 10 for a long time. 11 BY MR. DUKES: 12 Q Uh-huh. 13 A And so Mrs. Roe and I used to go down once 14 in a while after Christmas and -- but exact time 15 frame, I don't know. 16 Q Was it before or after you retired? 17 A No, it was both. Both. 18 Q Both before and after? 19 A Yeah. 20 Q And what had you begun to suspect? 21 A I asked my sister, I said, Do you have any 22 reason to believe I might have been bothered by one of 23 those priests or something? 24 Q Uh-huh. 25 A And she said, I don't know. You know, and I
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1 those things. So, you know, there was a big 2 blank in there somewhere for some reason. And I 3 can remember going into the convent and coming 4 out of the convent, but I don't remember anything 5 that happened inside until later I had started to 6 remember it. 7 BY MR. DUKES: 8 Q Okay. 9 A And an example of that is we had this old 10 dog and he was just -- I mean, that dog was just as 11 mean as a junkyard dog. I mean, with other dogs. He 12 wasn't bad with people. And he was always getting in 13 fights and stuff. 14 And Harry and Jean were talking about he 15 came home one Sunday morning and they found him on the 16 porch. He'd been shot. The bullet went through his 17 neck and came out under his arm here. Never hit 18 anything vital and it was -- they said they took him 19 to the vet and all that. And I had no memory of that. 20 I couldn't remember -- I don't remember that ever 21 happening. And I started thinking, you would remember 22 something like that, blood and everything. But I had 23 no memory of that. And that was kind of -- I began to 24 suspect that it was some -- why were these holes in my 25 memory?	1 said, Because you and Harry remember things that 2 happened, and I said, I have no memory of them at all. 3 I said, I wonder why there are these blanks in my 4 memory? Because generally I have a pretty good 5 memory. 6 Q Uh-huh. 7 A And as a teacher, I learned to use pneumatic 8 devices and I used them a lot with my students. And 9 if I really need to remember something, I create 10 something to remember it by. You know, like trying to 11 teach a kid division, you know, Does McDonald's Serve 12 Cheeseburgers, you know, divide, subtract, carry. 13 Q You know how they teach math now? 14 A I have no idea. 15 Q Just drives me crazy. 16 A No idea. 17 Q They say use rounding and estimate the 18 answer to a multiplication problem. 19 A Why don't you just learn the damn tables? 20 Q Well, they don't do that anymore. And I 21 always -- my kids' teachers must have hated me because 22 I would say, you know the one thing you get when you 23 estimate the correct answer in math? The wrong 24 answer. Drives me crazy. 25 A Yeah.

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1 Q But you were talking about -- sorry I
2 interrupted you.
3 A That's okay.
4 Q You were talking about pneumonics and
5 memory.
6 A Right. But I can't put an exact figure on
7 that or an exact date for when those things -- but it
8 was a pretty regular -- we enjoyed it. It was a good
9 time. And what was -- you know, all right, let me
10 think. I think maybe we started going down there
11 after John and Steve died. We figured, you know, who
12 knows what's next.
13 Q Uh-huh.
14 A And we would go down there. And then my
15 sister has an extended family down there now. She has
16 three children they all have children and blah, blah,
17 blah.
18 Q Uh-huh. So if it was after John died, it
19 would have been sometime in the '90s?
20 A He died in '96. When did Steve die, around
21 2000? Steve would be -- my brother Steve was only 51
22 when he died of a heart attack and that was a big
23 shock. But --
24 MR. RICHTER: I'm sorry, but I've lost the
25 question. I need to ask you or you what you

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1 asked or ask you to read it back, please.
2 MR. DUKES: I asked him when he started
3 suspecting that something had happened to him.
4 MR. RICHTER: Was that the question?
5 MR. DUKES: Yeah.
6 THE WITNESS: (Nods head.)
7 MR. RICHTER: Okay. I'm sorry I missed it,
8 missed the question.
9 THE WITNESS: And it just kind of gradually
10 started -- little pieces started drifting back.
11 BY MR. DUKES:
12 Q Okay. What was the first piece that you
13 remembered?
14 A I had a horrible nightmare. Somebody was on
15 top of me and they were just trying to ring my
16 testicles off. I didn't have any clothes on. I
17 wasn't even sexually mature in this dream.
18 Q Do you remember when that happened?
19 A The dream?
20 Q Yeah.
21 A About two years ago when Harry died.
22 Q And what was the next piece that came back?
23 A Let me think. What was the next piece?
24 It's hard to sequence and make it linear.
25 Q Uh-huh.

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1 A But it's -- because it certainly comes back
2 in spurts, like something will just pop up and trigger
3 it or something, and I don't know exactly why it works
4 like that.
5 Q Does anything in particular trigger
6 something coming back?
7 A I've gotten -- let me think. I don't know
8 how to phrase this. I can't look at a Catholic priest
9 without wondering if he's not wearing panties.
10 Q Uh-huh.
11 A And that would -- I think that might have
12 had something to do with it because I began to
13 suspect -- and I began getting a piece of a memory
14 where there were two priests involved.
15 Q Okay.
16 A And that kind of gradually came out and that
17 was very surprising to me what had happened and where
18 it had happened and how it had happened. There were
19 two priests.
20 Q Okay.
21 A And I have identified the second one.
22 Hopwood was always there. And some of these things
23 happened up at Sacred Heart.
24 Q Okay.
25 A And some of them happened down at the

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1 convent.
2 Q Uh-huh.
3 A And I don't know if this is even related but
4 I often wondered how those nuns couldn't hear what was
5 going on or they just chose not to hear it because I
6 know I was screaming my head off at times.
7 Q Okay. We'll move into this aspect of my
8 questioning now.
9 Tell me what you remember about Fred
10 Hopwood.
11 A He was a mean little SOB. He slapped me
12 often.
13 Q Physically describe him to me.
14 A He was not a big guy. He was kind of an
15 average-sized fellow. He had real blond hair, as I
16 remember. He wore glasses. He was a pretty
17 ordinary-looking fellow. There wasn't anything
18 spectacular-looking about him. He was real fast
19 mentally, he was a sharp guy, you could tell that, but
20 also he had a real mean streak in him.
21 I mean, you know, as these memories
22 gradually came back, man, they were overwhelming. I
23 mean, Jesus Christ, I was sitting here shaking. I
24 actually got sick and threw up. In fact, I wondered
25 how far we were going to get in here. I was looking

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1 around for a thrash can in case we needed it.
2 Q There's one right behind you, if you need
3 it.
4 A But he was real vindictive and cruel, he
5 was. It's like he was a masochist. I mean, he would
6 slap me and kick me, just really rough, rough, rough.
7 And I was raped.
8 Q Uh-huh.
9 A And I had to stuff toilet paper in my butt
10 to keep from staining my pants.
11 Q How do you remember that?
12 A I don't know how I remember it. I just
13 remember it. I remember being scared shitless that
14 somebody was going to see that I had -- my butt was
15 bleeding and then they -- oh, wow, it was terribly --
16 I was terribly ashamed, I was.
17 Q And you told your brother Harry about it --
18 A I did, I told Harry.
19 Q -- at the time?
20 A I didn't get into a lot of detail. I said
21 this priest is messing with me, he's putting his hands
22 on me in places he shouldn't. See, Hopwood threatened
23 to -- and I didn't know any different. You know, he
24 said, I'm going to excommunicate your whole family and
25 everybody will go to hell, and I believed that, if I

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1 told anybody.
2 And Harry's advice was if you see him, run,
3 just run. He said, he ain't going to catch you. He
4 said just stay away from him. And sometimes he would
5 come up to Sacred Heart. He would be there and right
6 just before the bell would ring, he'd grab me out of
7 class.
8 And then some of those assaults -- there was
9 a Sacred Heart auditorium. It's different now because
10 they've remodeled and everything. But up in the --
11 there was an upstairs to that in front of the building
12 towards King Street and there were some rooms up there
13 where they held meetings like CYO and Boy Scouts, Cub
14 Scouts, that kind of thing.
15 Q That was off to the -- facing the building
16 on King Street off to the right?
17 A Yeah, correct. And I still -- I'm sure I
18 don't have all of it yet but it has come back in
19 squirts and starts and things like that.
20 And one thing that has come back very
21 clearly to me is at the convent I was taken to some
22 sort of an apartment. It looked like an apartment or
23 something, like somebody -- you know, like nuns live
24 in a cell and, you know, back then that was old brown
25 boot days for the convent. That place wasn't even

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1 heated in the winter. It definitely didn't have any
2 air conditioning. But it was -- there was an
3 apartment in there somewhere.
4 Q Uh-huh.
5 A I don't remember the exact location of it
6 but it was, you know, a couple of three, four rooms
7 strung together and a living room and bedrooms and
8 things like that. And that's where I was taken.
9 Q Okay.
10 A And there was another priest involved also.
11 Q And what did that other priest look like?
12 A He was to me -- and you've got to realize I
13 was a kid. He looked really big to me, kind of a
14 little overweight. Hopwood was very, very much in
15 shape kind of looking guy. He didn't have any extra
16 poundage on him or anything. This guy was kind of
17 soft, a little overweight. And for the longest time
18 the only thing I could see was the black pants and he
19 was wearing a white t-shirt, didn't have on cleric
20 stuff.
21 Q Okay.
22 A And that has kind of gradually come back to
23 me and I've been able to identify that man.
24 Q And when were you molested? Start with
25 Hopwood.

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1 A He was the first, yeah. Seems like around
2 fifth grade. I was about ten, 11, something like
3 that.
4 Q What about in the third grade?
5 A I don't know but, see, that's the funny
6 thing about that. I don't have any memory of the
7 third grade and I don't know why. Could it have
8 happened then? It might have.
9 Q But you don't have any memory of it now?
10 A No, I don't remember anything about the
11 third grade. If you hadn't have mentioned Sister Mary
12 Paul, I wouldn't even have remembered her.
13 Q Uh-huh.
14 A And it's like this slot there that's just
15 blank.
16 Q Okay. And do you remember -- the first time
17 were you in fourth grade you got scarlet fever.
18 A Yes.
19 Q And then the second time you were in the
20 fourth grade, do you remember that year?
21 A Yeah.
22 Q When you were ten or 11?
23 A Yeah, Sister Christine Marie. Right, yeah.
24 You know what I remember about her? She used to read
25 stories to us after lunch, and I love stories. I just

Page 66 1 remember that. And, yeah, she used to read to us 2 after lunch and I loved that. That was just an 3 absolute joy for me. 4 Q Okay. And then you don't have any 5 recollection or a solid memory of the fifth grade? It 6 would have been 1955 or '56. 7 A That's correct. 8 Q And that was when you had Ms. Jaques? 9 A Right. 10 Q And when did it start with Hopwood and when 11 did it end? 12 A That's hard to say exactly. It ended when I 13 finally got into a major avoidance routine. And if I 14 had any idea he was there, I would go out a different 15 door. And I used to hit the -- if you were to go look 16 at that old school, they had fire escapes, these 17 metal, self-standing fire escapes. And I would charge 18 down the fire escape in case he was out in the hall, 19 if I had any idea he was out there. And then I would 20 cross Madison Street and go to the railroad tracks and 21 I would walk home on the railroad tracks. 22 Q Okay. 23 A Because it's not easy to follow somebody 24 down the railroad tracks. 25 Q Uh-huh.	Page 68 1 my own behavior. I had no idea. 2 Q Okay. So when it ended, when Hopwood 3 stopped molesting you and you were avoiding him, was 4 that in fifth grade? 5 A I don't know for sure. I honestly don't 6 remember. I don't have a good timeline. I can't seem 7 to put that right in my own head about the timeline. 8 It's like explosions, you know, and the only thing 9 you're paying attention to is the explosion and you're 10 trying to get away from it and you're not paying much 11 attention to the calendar. 12 Q Sure. I understand. Let's talk about the 13 other priest. And I've seen in some of the records 14 and in some of your discovery responses, you think it 15 may have been William Croghan? 16 A Yeah. 17 Q Why do you think that? 18 A I actually kind of had a -- gradually had a 19 face come back to me of who he was. And I had this 20 memory come back where he was on top of me and Hopwood 21 was in front of me, and they damn near suffocated me 22 except Hopwood noticed that I had turned blue. And 23 that's about as horrible as it can get for a kid, 24 you've got two grown men assaulting him. 25 Q Okay.
Page 67 1 A And then I got this German Shepherd dog 2 around that time, too, and a big German Shepherd. And 3 he made me feel real secure, too, because he would rip 4 your throat out if you bothered me. He was very 5 protective of me and the rest of the family. 6 Unfortunately, he died real young from heart worms. 7 Nobody knew about it then. 8 Q How old were you when you got that dog? 9 A Around fifth or sixth grade, somewhere in 10 there. 11 Q Okay. 12 A And he died right about the time I was a 13 sophomore in high school. 14 Q Okay. 15 A But I could take care of myself physically 16 by then. You would get seriously hurt if you messed 17 with me then. 18 I'm afraid I got in trouble, same thing 19 about the fighting. It didn't take much to set me 20 off. Looking back on it now, of course, it was a very 21 stupid thing to do, but I was very touchy and I got 22 a -- especially about people putting their hands on me 23 so -- and I didn't know why. I didn't have a clue. 24 Somebody would touch me from behind and I literally 25 would almost uncork on them. And I didn't understand	Page 69 1 A And they changed places. I remember that 2 because Croghan was a big guy and weighed a lot more 3 than Hopwood did. 4 Q Okay. And when did -- how certain are you 5 that you think it was William Croghan? 6 A I'm pretty much a hundred percent certain it 7 was him. For the longest time -- and something else 8 that I associated with him now, too, I don't think the 9 guy washed very carefully. He smelled bad. 10 Q Okay. 11 A And that's something that, you know, they 12 say smell will trigger memories. 13 Q Yeah. 14 A And whenever I've got to get around somebody 15 that's really sweaty and dirty or something like 16 that -- I mean, not that -- you know, some people 17 can't help it. 18 I thought of this kid that didn't have any 19 real way to wash, so I worked it out with the coaches 20 that he could use the showers at school. And good 21 kid, didn't know he was doing anything wrong, and I 22 told him, You aren't. You can't -- if you've got to 23 heat water in a number three wash tub, you aren't 24 doing anything wrong. 25 But it came back just like an explosion and

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1 I can see. And he had kind of a funny voice, kind of
2 a whiny voice, and Hopwood had a totally different
3 sound to his voice.
4 Q What was the sound of Hopwood's voice?
5 A It was forceful, authoritative.
6 Q Okay.
7 A Yeah. He really didn't take crap off of
8 nobody. He was a very strong personality in that
9 regard. As messed up as he was, and he was messed up,
10 he wasn't -- he didn't seem to be afraid of much.
11 Q Okay. What happened with the other priest?
12 You mentioned that he and Hopwood molested you
13 together?
14 A That's correct.
15 Q Was that the only time?
16 A That's the only time I can remember. I
17 don't know if it happened more than once or not, but I
18 had that one thing and there it was, you know.
19 Q And was it at the convent or at Sacred
20 Heart?
21 A Convent.
22 Q Was it on a Saturday?
23 A Yep. And you know something else that I
24 remember about that? It was cold. And when I went to
25 leave, it was pouring down a cold rain. And I asked

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1 one of them guys can you give me a dime to catch the
2 bus home and they said, no, go on home, it'll be good.
3 Q Uh-huh.
4 A That's some sick bastards. Wouldn't even
5 give a kid a dime to ride the bus.
6 Q The reason I'm asking you about Croghan
7 specifically is I looked at his appointments.
8 A Uh-huh.
9 Q And I know that he was out at Stella Maris
10 between 1952 and 1954, but then in '54 he got assigned
11 to Our Lady of the Valley.
12 A Where is that?
13 Q I think it's in Aiken County somewhere.
14 Now, Croghan was from Charleston so he could have come
15 back to visit or something --
16 A Right.
17 Q -- but I'm trying to -- but, I mean, one of
18 the things that I have to do in my job is occasionally
19 present an allegation to the Sexual Abuse Advisory
20 Board so they can determine whether somebody's
21 credibly accused or not. And I'm trying to figure out
22 what I need to tell them.
23 A Uh-huh.
24 Q So anything you can help me out with about
25 Croghan and how he came to be in Charleston on a cold,

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1 rainy day --
2 A On a Saturday.
3 Q -- on a Saturday --
4 A Yeah. I don't but I only remember him one
5 time. I have multiple memories of Hopwood. It might
6 have only been one time.
7 Q Okay.
8 A But I definitely got his face. I mean, it
9 was him and --
10 Q Have you seen a picture of Croghan?
11 A Yeah, I know who he was.
12 Q Okay. How did you know who he was?
13 A He was the rector of the high school when I
14 went there.
15 Q At BE?
16 A Yeah.
17 Q Okay. Is there anything else you can tell
18 me about your abuse at the hands of both Hopwood and
19 Croghan?
20 A I think it -- it did a hell of a lot of
21 damage to me in terms of my personality and how I
22 acted, and it took me a long time to get over it, if
23 you ever get over it. I don't know that you do.
24 I know that one avenue that I took for a
25 while as a kid was to be very, very aggressive. I

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1 mean, really aggressive. And I remember at a football
2 practice --
3 THE WITNESS: Were you there that day I hit
4 Baron (phonetic) on the mouth?
5 MR. RICHTER: Yeah.
6 THE WITNESS: I punched this guy in the
7 mouth, knocked him stone cold at football
8 practice. It was kind of a drizzly, wet day, and
9 I put 16 stitches in his lip.
10 BY MR. DUKES:
11 Q You two were in high school together?
12 A Yeah. And when I saw him -- I mean, they
13 rolled him over in practice. When they rolled him,
14 all this blood had rolled down from his lip into his
15 eyes and he looked like night of the living dead. It
16 scared the absolute bejesus out of me. I thought I'd
17 killed him. And somebody said you should have hit him
18 below the belt, that way he wouldn't have been able to
19 reproduce. I cleaned that up for the court reporter
20 and my wife.
21 But when I saw Jerry the next day, God, I
22 was horrified at what I'd done. I mean, his lip was
23 sticking out like a Coke bottle and it had all these
24 stitches in it and everything. And I knew that it
25 was -- you know, it was bad and it had escalated right

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1 into -- Father McQueen was our homeroom teacher and he
2 started in on me about Baron the first minute I walked
3 into the room.
4 And I think -- and when I look back on that,
5 I wasn't normally an aggressive person. I was turned
6 into that. I was a sweet kid. I can tell you the
7 first book I ever read by myself. It was Thanksgiving
8 Wednesday evening, first grade. I read a little book
9 called The Grocer's Pink Puppy.
10 Q Okay.
11 A And I loved reading. I loved going to
12 school. Boy, I'm telling you what, not afterward. I
13 hated every second of it. Dreaded going.
14 Q After the fifth grade?
15 A Yeah, or thereabouts, yeah.
16 MR. DUKES: Okay. Why don't at this point
17 we break and maybe get lunch.
18 MR. RICHTER: Well --
19 MR. DUKES: It's noon -- it's after noon.
20 We've been going another hour.
21 MR. RICHTER: I understand. How -- I don't
22 know where you are. How much longer do you need?
23 MR. DUKES: I'm going to have to go through
24 in some pretty detailed examination about his
25 therapy with Dr. Crenshaw, and then I've got to

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1 go through some of the allegations in his
2 Complaint and his discovery responses. Then
3 we've got to talk about other doctors and there's
4 an authorization to sign. I can do it in a
5 couple hours probably.
6 MR. RICHTER: I guess that really is my
7 question. Do you want to get a sandwich brought
8 in and keep going?
9 MR. DUKES: This doesn't have to be on the
10 record.
11 (Off-the-record discussion.)
12 (A break was taken.)
13 BY MR. DUKES:
14 Q What do you think was a trigger for the
15 memories to start coming back to your conscious brain?
16 A The death of my brother.
17 Q Okay.
18 A Because I had a memory of him telling me to
19 stuff it.
20 Q Okay.
21 A And when he died, maybe some level of me
22 felt like I was released from that, I don't know, but
23 after that conversation I don't remember much. My
24 life just continued on and those memories got sort of
25 stuffed down, pushed down. I don't understand it. I

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1 mean, I don't know the psychology of it or the
2 physiology of it.
3 Q So at the time you were being molested, you
4 told your brother Harry?
5 A I did.
6 Q And was it still going on when you told him
7 or had it stopped?
8 A I'm not sure. But he -- I think it might
9 have still been going on, but I was responding
10 differently. I was not getting trapped so easily at
11 one point.
12 Q Did you tell anyone else?
13 A Not that I can remember.
14 Q When you went to The Cathedral for Saturday
15 school, did you ever meet Father Bernardin?
16 A I knew who he was and I had met him, yeah.
17 Q Did you -- I think Father Lanning (phonetic)
18 was down there as well.
19 A I know the name but I can't remember him
20 because I haven't met him.
21 Q Okay.
22 A I knew Father DuMouchel.
23 Q Okay. How'd you know DuMouchel?
24 A He used to come over to The Cathedral School
25 every day at lunch and he would take the seventh grade

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1 boys and stand them up against the eighth grade boys
2 in whatever sports season it was.
3 Q Okay. What did you think about DuMouchel?
4 A I liked him. At least he wasn't bugging
5 the altar boys.
6 Q That's a high standard. And I say that
7 jokingly. I shouldn't have said that.
8 A He was a -- he was very much a man's man.
9 He had been a Marine in World War II. And in eighth
10 grade I was playing high school ball and I knocked him
11 once one day. And when he got his breath back, the
12 first thing he said -- don't put this on the record.
13 The first thing he said was, Where is that little son
14 of a bitch?
15 Q And your suspicions that you had been
16 molested, that arose earlier but were not fully
17 formed --
18 A I don't know. I was trying to figure out
19 why I was missing pieces of my collective history with
20 my family.
21 Q Sure.
22 A And I still -- you know, it just was these
23 blanks and it just didn't make sense.
24 Q But did you consider any other reasons for
25 those blanks?

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1 A I'm not -- if I did, I'm not aware of it
2 now. They -- in connection with the blanks, one of
3 the memories that came back was going down to the
4 convent and coming out of the convent, not being able
5 to remember anything that happened in there. Other
6 than the fact that somebody sat at the piano and
7 played Old Black Joe forever over and over again.
8 One of the things I did, and I was shaking
9 when I did it, was to go on the Internet on YouTube
10 and put on Old Black Joe. And that was like getting
11 slammed in the face. It just really -- I mean, I
12 didn't have all the pieces. I didn't even have the
13 clear picture, but boy that rang my bell. And I was
14 shaking when I did it. I didn't want to do it but
15 when something interferes with your life, the way you
16 relate to people, especially the people you love and
17 care about, and you do stupid things and you don't
18 know why you do stupid things, you know, you get to a
19 point where you've got to start thinking. It took me
20 a long time to get there. Like I said, at one point I
21 thought it was pretty much of a stigma to see a
22 therapist.
23 Q Uh-huh.
24 A You know, Looney Tunes kind of thing. It
25 was head shrink and all -- I mean, a real negative

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1 connotation to it. So it was a long time before I
2 actually sought any help.
3 Q Okay. But the only reason that you
4 considered for why you had these gaps in your memory
5 was that you had been molested?
6 MR. RICHTER: Say that -- I'm sorry.
7 BY MR. DUKES:
8 Q The only reason for the gaps in your memory
9 that you considered was that you had been molested?
10 MR. RICHTER: Object to the form of the
11 question.
12 THE WITNESS: I don't know how I came to
13 that rationale. I honestly don't. I don't think
14 I just said, Well, that must have happened. But
15 I don't honestly know how I came to that. I just
16 don't know. It just kind of worked itself out.
17 And then with the realization of so many
18 active homosexuals in the priesthood, I said,
19 Well, what are the odds I've been exposed to a
20 lot of these people? I knew their names when
21 they printed them in the paper.
22 BY MR. DUKES:
23 Q Uh-huh.
24 A So two plus two equals four.
25 Q And what names did you know when they

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1 printed them in the paper?
2 A I knew Father Gene Condon, I knew Father
3 Howard, I knew -- who else was on that list? It was
4 quite an extensive list. I knew Hopwood. Of course
5 his name was on that list. I don't ever remember
6 seeing Croghan's name on there but --
7 Q It's not.
8 A I'm trying to remember. But I remember
9 recognizing a lot of those names, not necessarily
10 knowing them well but I knew who they were and I had
11 known them or met them, had them for a teacher or
12 something like that.
13 Q Uh-huh.
14 A Yeah. I knew Further Vernon when he was at
15 The Cathedral. I didn't -- strange how he turned out.
16 I'm sorry. Father Vernon.
17 MR. RICHTER: I'm sorry to say this to
18 y'all, I'm diabetic and I'm in need of -- I'm
19 getting something of what I need right here, but
20 I am going to either need to go dig my insulin
21 out of the car or get the food to come in, which
22 I --
23 MR. DUKES: Well, they just placed the order
24 so you might want to go take your insulin and
25 we'll take a quick break.

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1 MRS. ROE: (Inaudible).
2 MR. RICHTER: Please let me finish.
3 MRS. ROE: Oh, I'm sorry.
4 MR. RICHTER: It's more than that.
5 MR. DUKES: Okay.
6 MR. RICHTER: These answers, I can't tell
7 him to say yes or no and limit your answer to yes
8 or no. You have a right to answer as fully as
9 you need to.
10 THE WITNESS: Uh-huh.
11 MR. RICHTER: But each answer has become a
12 speech and it's --
13 MR. DUKES: Well, Larry, just because --
14 MR. RICHTER: Let me just finish because I
15 want to get this clear in the record. And it's
16 because the questions that I've been tolerant of
17 have been such things as tell me about John
18 Brown, and off he goes. I don't think that's an
19 appropriate question and I've objected to a few
20 of them.
21 MR. DUKES: Absolutely an appropriate
22 question. Open-ended questions are appropriate
23 and I disagree with you.
24 MR. RICHTER: Okay. Well, the answer is
25 we're not going to finish today because I've got

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1 a good two hours of cross-examination. And at
2 this pace it's impossible for us to get it all in
3 today.
4 MR. DUKES: I get to ask my questions.
5 MR. RICHTER: You absolutely do. Fire away.
6 MR. DUKES: And I will move as fast as I
7 can.
8 MR. RICHTER: Okay. Just do the best you
9 can. That's all you can do.
10 MR. DUKES: And if we finish, we finish; if
11 we don't, we don't.
12 MR. RICHTER: Okay. That's the way it goes.
13 THE WITNESS: Could Mrs. Roe go get that out
14 of your car for you?
15 MR. RICHTER: No, it's fine. I'll just wait
16 till the food comes. And all I can do is ask
17 that you listen to the questions and answer them.
18 THE WITNESS: All right.
19 BY MR. DUKES:
20 Q Did you -- after or around the time you told
21 Harry that Hopwood and the other priest had molested
22 you, did you go to a doctor?
23 A No.
24 Q You didn't tell anybody else?
25 A No.

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1 Q Since you began remembering, who have you
2 told?
3 A My wife.
4 Q Okay. Anybody else?
5 A I'm trying to think.
6 Q Dr. Crenshaw, obviously?
7 A Right, yeah.
8 Q What about Dr. Novotna?
9 A She knows.
10 Q Anyone else?
11 A I think I might have mentioned this to Joe
12 Capitan, a friend, but nobody else.
13 Q Have you ever used illegal drugs?
14 A No.
15 Q And you just drank for several years but
16 after you met Mrs. Roe you stopped?
17 A After we were married I stopped.
18 Q Let's turn now to talking about your therapy
19 with Dr. Crenshaw. My understanding is that
20 Mr. Richter referred you to her?
21 A That's correct.
22 Q When did you first reach out to
23 Dr. Crenshaw?
24 A About this time two years ago, September.
25 It would have been 2017.

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1 Q I have very few records from her and we have
2 requested them from her. But I think the first note I
3 see is from May of 2018. Were you talking to her
4 before then?
5 A I thought I was. She's just moved her
6 office.
7 Q And this is when she was in Decatur?
8 A Correct.
9 Q Were you talking with her informally before
10 then?
11 A No, it was always in the organization of her
12 being a therapist and me a patient.
13 Q In June of 2018 I have y'all talking about
14 she tried to get you to somebody closer to her. Do
15 you remember that?
16 A Correct, yeah, and nobody was available.
17 Q And had you engaged in any counseling with
18 her before she tried to get another counselor for you?
19 A I really don't remember. I didn't keep a
20 record of it or -- I didn't keep a calendar of it. I
21 really don't remember, to tell you the truth.
22 Q Okay. Do you remember the first time you
23 actually met with her?
24 A Yeah.
25 Q And tell me what -- it's important for me to

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1 understand how she conducted her therapy sessions with
2 you. So I want you to try and explain to me what kind
3 of questions she asked you and how she asked them.
4 A Let me think. It was sort of an informal
5 setting, like very relaxed. And she started asking me
6 what I could remember about it and what had happened
7 and we would talk about it. And she started giving me
8 some strategies to work on.
9 Q What strategies did she give you?
10 A What's the name of this thing? It's fairly
11 commonly used. Don't hold me to this, it's something
12 like -- something to do with -- the word "mind" is in
13 it. It's like you go back and kind of comb through
14 all your memories and stuff. There's a funny word --
15 a funny sound -- it has an odd sort of title to it but
16 it's a fairly common therapy. What's the name of
17 that?
18 Q EMDR?
19 A What does that stand for?
20 Q Eye movement --
21 A No, this was something --
22 Q Brainspotting?
23 A Yeah, something like that.
24 Q Okay. I'm not familiar with that so tell me
25 what that entails.

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1 A Well, basically you just get relaxed and try
2 to clear your mind. And she would talk about -- sort
3 of lead things with questions about what -- like this,
4 what I could remember, how much I could remember. And
5 the fact that it would come in -- it was more like a
6 mosaic than a picture of a guy fly fishing. It was
7 kind of a hit-and-miss. I could remember this, I
8 could remember that, but it was never really organized
9 in terms of me being able to put it on a timeline.
10 Q And how did she conjure these memories for
11 this mosaic of memories?
12 A Well, let me think for a second. Can we
13 come back to that?
14 Q Yeah, yeah. Did she ever hypnotize you?
15 A No.
16 Q On her letterhead it says she engages in
17 feminist psychotherapy. What is that?
18 A That beats me. We haven't talked about it.
19 I think she is a big feminist. Come to think of it,
20 it never entered the conversation.
21 Q Okay.
22 A She's very objective.
23 Q Do you know what EMDR is? It's eye
24 movement, disassociation and re something.
25 A I did do -- she did talk about cognitive

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1 disassociation.
2 Q Uh-huh.
3 A And she did talk about that and how that is
4 a protection for a person against trauma.
5 Q What did she tell you about that?
6 A Well, just something that was so bad at the
7 time, you could not have functioned if it had stayed
8 up in your conscience. You had to stuff it somewhere
9 to get rid of it until you either were mature enough
10 or settled enough or grown enough to possibly deal
11 with it, and some people are never able to deal with
12 it. But it has to do with trauma and also the
13 post-traumatic stress of trauma.
14 Q Did she ever ask you to -- and this is a
15 layperson's kind of summary on this -- to focus on an
16 image and then she would move in a certain way and
17 have you follow her hand or her --
18 A (Shakes head.)
19 Q No?
20 A (Shakes head.)
21 Q Okay.
22 A No.
23 Q Did she ever ask you to focus on a statement
24 about yourself?
25 A I don't remember, no.

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1 Q Did she ever ask you to focus on an image or
2 a memory?
3 A Yeah.
4 Q And how did she go about doing that?
5 A Just that she said I should think -- she
6 said at the time that this happened, I was pretty much
7 a defenseless little kid. And she said I should
8 picture myself as an adult in there where I could do
9 something and where I could protect that child.
10 Q Okay.
11 A And so I've worked on that and it actually
12 helps. You know, you're able to avoid it as an adult
13 because you have this knowledge of what's going to
14 happen. You didn't at the time, of course. Well,
15 after the first time you did but -- and that's
16 basically sort of how that worked, take care of the
17 child and the damage to the injured child that's
18 living inside.
19 Q And what other techniques did you use -- has
20 she used to help you along in your therapy?
21 A Forgiveness. And it's not easy but as long
22 as you're angry about it, still angry about it,
23 they've got ahold of you and you are still a victim
24 and you can't move away from it. And then you can
25 release it. And maybe you'll never get completely rid

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1 of it. She said, you know, what happened to me was
2 pretty -- I was really brutalized.
3 Q Uh-huh.
4 A And she said -- and I believe this, too, you
5 know, and even dovetailed it into Christianity.
6 That's why I think I finally figured out why Jesus
7 kept saying forgive people, forgive people, because
8 otherwise they can live in your head for a long time
9 if you stay angry about it. And that hasn't been easy
10 and I'm sure it's not complete, but I have really
11 worked toward forgiving Father Hopwood.
12 Q Uh-huh.
13 A I mean, he's dead now, there's nothing can
14 be done, and Father Croghan is dead, there's nothing
15 that can be done there. But I worked towards
16 forgiving them for whatever they did to me.
17 Q Okay. How does she -- how does Dr. Crenshaw
18 help you on the road to forgiveness? What does she
19 ask you? What does she recommend?
20 A Less specifics and more in generalities.
21 She said, you know, just visualize them as the broken
22 people they were and probably still are, if they still
23 exist in some spiritual dimension, and how broken they
24 were and forgive them. They were terrible people and
25 they hurt me, but they're going to continue to hurt me

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1 if I can't get rid of them.
2 Q And how does she -- does she coach you in
3 how to get rid of them?
4 A Basically just like my seeing them and even
5 incorporating them into a prayer of some sort. Like,
6 you know, I --
7 Q You said you had drafted a prayer. Do you
8 remember it?
9 A Yeah, I've got a lot of prayers I've written
10 over the years. Yeah, basically the gist of it is if
11 Jesus could forgive the murderers at the foot of his
12 cross, I could do no less.
13 Q Uh-huh. Before your initial meeting with
14 her, she asked you to send her some stuff?
15 A Did she?
16 Q I see prior to the appointment -- and it's
17 redacted so I don't know who -- so and so and I spoke
18 on the phone and he emailed me his CV, or curriculum
19 vitae, or resume --
20 A Right, I remember that.
21 Q -- his family history --
22 A Right.
23 Q -- his memory of the abuse and some
24 writings. What writings did you send her? Because
25 it's not in the file she sent to me.

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1 A I wrote a story called The Graduation which
2 is actually not fiction, it's posed as fiction but
3 it's the truth about the day I graduated from the
4 eighth grade and the events of that day. Another one
5 of those moments that you don't know is going to
6 change your life forever.
7 Q And how did it change your life forever?
8 A Well, it changed my view of my father
9 because the night before I had to have him arrested
10 for breaking into the house. They were separated and
11 he was drunk. And then the next day as we were going
12 out to a party on -- what's the name of that island
13 out at the end of Stono Road? I can't remember.
14 But a boy lived there and he had some of us
15 over for barbecue and swim. And as we were getting
16 ready to go to -- his dad had to go by -- the old
17 Charleston boatyard used to be where the aquarium is
18 now.
19 Q Uh-huh.
20 A And get some part for his boat. And this
21 guy stepped off the curb and we almost ran over him.
22 And he turned and looked into the car and it was my
23 father.
24 Q Okay. And that was on the day you graduated
25 from the eighth grade?

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1 A Yeah.
2 Q You were driving?
3 A No, I wasn't driving.
4 Q Okay.
5 A I was a passenger.
6 Q Okay.
7 A Ronnie Abbott's (phonetic) father was
8 driving.
9 Q Got you. Have you ever had a manic episode?
10 A Like really happy happy?
11 Q No, really sad.
12 A Oh, sad? I thought manic was the happy
13 part. Shows you what I know.
14 Yeah.
15 Q And when did those happen?
16 A I don't know that I can put a date on it but
17 I've been way down at times, even suicidal, even
18 though I wouldn't say it -- not in the sense that I
19 wanted to take a gun and shoot myself but, you know,
20 you sit there and sometimes you just wish you could
21 drift away and go someplace better.
22 Q Okay. When's the last time you had a manic
23 episode?
24 A I don't know. I can't -- I don't know. I
25 can't answer that. It's been pretty good for a while.

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1 But every once in a while it will sneak up on me and
2 I'll just be very lethargic and not have any ambition,
3 don't want to do anything, and hard to make myself
4 focus.
5 Q Have you talked about your manic -- or any
6 manic episodes with Dr. Crenshaw?
7 A I don't know if I have or not. I don't
8 remember.
9 Q How many times have you seen her?
10 A Total, I don't know. Couple of times a
11 month. Sometimes once a month, sometimes -- in the
12 beginning it was every two weeks.
13 Q Okay.
14 A And then it leveled off to once a month, and
15 we still meet once a month.
16 Q And do y'all meet in person or over the
17 phone?
18 A Both. Both. She has moved her office to
19 Madison. And it's just a lot easier for me to go to
20 Madison than it is to deal with Atlanta. Atlanta's a
21 freaking nightmare.
22 Q I won't disagree with you.
23 A Traffic-wise.
24 Q Yeah. One of her notes indicates that she
25 diagnosed you with explosive disorder in remission.

Page 94 1 Do you have any idea what that means? 2 A (Nods head.) 3 Q Tell me, please. 4 A I guess pissed off really easy. And when I 5 do, I really get very close to out of control very 6 quickly. I just had it happen this week. 7 Q What triggers it? 8 A When I feel like I'm being wronged. Like 9 the telephone here. The damn telephone wasn't -- my 10 telephone wasn't working right and all they want to do 11 is put you through a bunch of hoops at the Verizon 12 store. They don't do service anymore, they just sell 13 phones and then they won't service what they have. 14 And they couldn't diagnosis anything about it. And I 15 took it to Radio Shack and they fixed it in five 16 seconds practically. And I got real pissed off at 17 Verizon and the volume got raised really quickly. 18 Q I'm just looking at Dr. Crenshaw -- the 19 records from Dr. Crenshaw that I have. I suspect she 20 didn't send us her whole file, but maybe she did. 21 A If I think something's going to be a 22 problem, I'll ask Mrs. Roe -- if I'm going to get 23 really pissed about something and I feel like I'm 24 getting cheated, I'll ask Mrs. Roe to handle it 25 because she's a lot better at that. I mean, she can	Page 96 1 A Yeah. And it's more like trauma than it is 2 a sequence of events. It's like something bam, like a 3 car wreck. 4 Q Okay. And how does she -- what types of 5 questions does she use to help you figure out that the 6 mint jar was in the cupboard, as you moved mint tins 7 around, or the association with the memory you're -- 8 A Yeah. To go back and reexamine the events 9 that I do have control over and I do have a good 10 memory of and then try to bring those forward and 11 create some kind of an environment for them to be in 12 or a sequence for them to be in. 13 Q And how exactly does she do that? 14 A She asked me to do it, just like that. 15 She'll tell me to try to remember how things happened, 16 an order in which they happened. And that's -- and 17 quite oftentimes I don't so -- I don't know, did that 18 make any sense? 19 Q Sort of. I'm just trying to get more 20 information about how she's treating you and your 21 perception of what she's doing. 22 A A lot of it has to do with just getting the 23 memories up and out, sort of like if it's -- if it's 24 pressed down, it's sort of like a sore that needs to 25 be lanced that's got a covering over it or scab over
Page 95 1 negotiate a lot better than I can because she doesn't 2 get mad. 3 Q How do you -- how did Dr. Crenshaw 4 evaluate -- and I'm just looking at her notes. How 5 did she evaluate your associations? 6 A Can you say that again, please? 7 Q How did she evaluate your associations? Her 8 note says, "His associations are tight although 9 sometimes he gets scattered as he pulls together his 10 memories." And I'm trying to figure out what she's 11 doing to determine both pulling together your memories 12 and what you associate one thing with the other and 13 what process you went through. 14 A Yeah. It's like you'll remember something 15 or you'll see something, and then you'll start taking 16 a look at that. 17 For instance, you're looking at this whole 18 thing here and it's a little tin can. And then you 19 remember that you left this tin can in the cupboard. 20 It kind of leads and sequences off of that, kind of a 21 segue into other things, and you -- I can remember one 22 man bringing it out and, you know, I think, well, 23 could have -- I don't -- but sometimes it just stands 24 alone and -- 25 Q The memory?	Page 97 1 it or something like that, but it's still a sore. 2 Even though you can't see that thing anymore, it's 3 still a problem, and it's going to have an impact and 4 an effect whether you realize it or not. And it works 5 on one level to a great extent, as long as I can keep 6 it up between my ears. 7 Q Okay. 8 A When it gets down into my emotional body, 9 it's a different story. 10 Q Does she suggest what you should be looking 11 for in your memories to bring forward? 12 A No, just I'm to -- I'm trying to think. I 13 mean, we sit there and we talk and she asks me 14 questions, like what went on and I describe it, which 15 at first I couldn't really. Well, I just knew that 16 thing hurt. I remember a lot of physical pain. And 17 then we kind of gradually worked into that to where I 18 could actually face it, what was new. 19 Q What kind of questions does she ask you to 20 enable you to do that? 21 A She would ask me can I remember or can I 22 recall where this happened or how it happened or when 23 it happened and what were the events surrounding 24 something, questions like that, and kind of gradually 25 peeling pieces away as she went. It was it happened

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1 at school, it happened up in that old auditorium front
2 room, or it happened at the convent.
3 Q Okay. An then what's the next step after
4 you have isolated the place, what does she ask you
5 about whether at the room at Sacred Heart or the room
6 at the convent?
7 A I should have taken notes because a lot of
8 them was just a matter of feeling better when we were
9 done so much as paying much attention to her method or
10 her technique. But I knew it felt like things were
11 being lifted off of me. But actually remembering the
12 precise words she uses, something like that, I really
13 don't.
14 Q Okay. Fair enough. Are you still
15 experiencing symptoms of PTSD?
16 A (Nods head.)
17 Q What symptoms are those?
18 A The phone store two days ago.
19 Q Okay. That anger disorder?
20 A (Nods head.)
21 Q What other symptoms of PTSD do you
22 experience?
23 A I'm generally a happy person and sometimes
24 I'll just sit in the car in the driveway and think
25 about how nice it would be just to float away, have no

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1 energy, no desire to do anything. And that's
2 depression. You don't feel like getting up and doing
3 anything. Or I sleep half the day away, which now I'm
4 retired, it doesn't interfere so much with things, but
5 if I were trying to hold down a job, it would be a
6 hell of a mess. Wouldn't have the job for long.
7 Q You asked that we come back to the
8 brainspotting.
9 A Yeah.
10 Q Flesh out a little bit for me, if you can --
11 A Yeah.
12 Q -- what that is because I've never heard of
13 it.
14 A Yeah. It's a technique they use to get
15 people back into those different parts of their life,
16 different memories in life. And, honestly, I'm not
17 quite sure I understood what she was doing either.
18 Q Okay. All right.
19 A She seemed to think that it would be a good
20 idea and we tried a little bit of it. Exactly what I
21 did, I don't remember, but I don't remember it having
22 great results either so she left that.
23 Q Oh, so she's no longer doing the
24 brainspotting?
25 A Not like she did for a while, no.

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1 Q Okay. What brainspotting techniques is she
2 still doing?
3 A Well, I haven't seen her in a while. It's
4 been about a month so the -- she uses a lot of
5 visualization things where you visualize the child and
6 the adult, and the adult being able to take care of
7 the child, my adult self now who would not allow
8 anyone to do some of those things to a kid.
9 Q Uh-huh.
10 THE WITNESS: Somebody knocked at the door.
11 MR. DUKES: Why don't we adjourn for lunch a
12 little bit.
13 (A break was taken from 1:27 p.m. until 1:47
14 p.m.)
15 BY MR. DUKES:
16 Q I've seen some of Dr. Crenshaw's notes, and
17 her handwriting's not very good, I'll tell you that.
18 More me movies. Have you ever heard her talk about
19 that or is that something that the two of you had
20 talked about?
21 A Say that again, please.
22 Q The note says, "Life is now more me movies."
23 A (Shakes head.)
24 Q No?
25 A I don't know what that means.

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1 Q Okay.
2 MR. RICHTER: What is that word you're
3 saying?
4 THE WITNESS: "Me movies".
5 MR. DUKES: Me movies and movies about me.
6 MR. RICHTER: Oh, me movies.
7 MR. DUKES: Yeah, me movies.
8 MR. RICHTER: I got you.
9 BY MR. DUKES:
10 Q And she may just have some sort of
11 shorthand. Has she ever asked you to picture your
12 life as if it were a movie?
13 A Not exactly in those terms, but, yes.
14 Q What terms did she use?
15 A The visualization.
16 Q Okay.
17 A Especially in terms of dealing with the
18 abuse and as me being an adult dealing with the abuse,
19 being able to stop it or impact it as I watch myself
20 as a child. I'm not sure I understand everything that
21 she's doing, but I do know that it has made me feel
22 better to a great extent.
23 Q Okay. So whatever she's doing is working?
24 A Yeah.
25 Q What are the many losses you perceive in

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1 your life because of the abuse?

2 A Lack of confidence, lack of ego in some

3 regards. Like, I've followed a normal pattern in

4 education. As a career in education, I would have

5 gone into administration but I was afraid to go into

6 administration because I didn't have enough control

7 over myself and also I viewed administrators as the

8 enemy.

9 Q And was that because you identified more

10 with the kids and wanted to protect them or bolster

11 them?

12 A Yeah. I also really liked teaching. I

13 didn't want to give that up. But I should have, you

14 know. A normal progression of events is I should have

15 gone into administration and gone on up that route,

16 and I would have certainly made a lot more money. But

17 I didn't because I lacked confidence.

18 It took me a long time to believe that I

19 could be a good writer. You know, I thought, well,

20 I'm messing around, just wasting time, but I am a good

21 writer. I think that held me back. And writing, you

22 think about that, that's like a supreme act of ego to

23 think that you could sit down and write something and

24 somebody's going to spend money to read it.

25 Q Uh-huh. Well, that somebody would even

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1 care?

2 A (Nods head.)

3 Q What is the Michael Voris or Noris website?

4 A Oh, Michael Voris. He's founded an

5 organization called Church Militant and they are

6 working to try to restore the Catholic church. And he

7 has a blog on YouTube.

8 Q And do you pay attention to the Church

9 Militant?

10 A I do sometimes. Some of the stuff he's a

11 little nutty about. But I think the only cure for

12 what's wrong with the Catholic church is to -- the

13 only way they're going to -- the lay people have no

14 authority, no say in anything, and he pushes real hard

15 to get people to close their wallets and not give.

16 And he gets into the finances of the church, which

17 they have RICO investigations going on, the Catholic

18 church now, in different parts of the country. And

19 they -- and he just spotlights these things and brings

20 out things that probably a lot of people don't know

21 are going on, a lot aren't aware of. I certainly

22 didn't know. I mean, a percentage of Catholic priests

23 are actively homosexual which is very high. I had no

24 idea it was that high. It's over 50 percent.

25 Q When did you start following Mr. Voris's

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1 website?

2 A Oh, I don't know, six months, maybe, a year

3 at the most. Maybe six, nine months, something like

4 that.

5 Q Now, during your wife's testimony, she

6 talked about -- and this is a good segue into some of

7 your concerns about the Catholic church. When did you

8 start becoming concerned about homosexuals in the

9 priesthood of the Catholic church?

10 A It seemed to me there was a big flurry

11 with -- but the Boston Globe did it.

12 Q In 2002?

13 A Right. And then it just seemed to sort of

14 fade away. You didn't hear anything about it, didn't

15 see any concrete evidence of anything going on. And

16 at the time we were going to St. Mary's in Toccoa, had

17 a priest named Father Darragh Griffith who came from

18 Ireland. And he had disguised -- was passing himself

19 off as a deacon. As it turned out later, he wasn't

20 actually an ordained deacon and he was a child

21 molester and he got busted for it.

22 And then I found out that in Ireland they

23 had quite a few priests who were about ready to be

24 charged with crimes, and they packed them all up and

25 sent them here.

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1 Q Here South Carolina here or here --

2 A No, United States.

3 Q -- United States?

4 A I had a friend of mine tell me that. And,

5 you know, this -- and when I had that dust-up with the

6 make-believe deacon and then the priest joined on his

7 side, I just wanted to know what was going on. I

8 mean, what kind of system had been set up to deal with

9 this. And they didn't have any answers except to

10 accuse me of a loss of faith. I haven't lost my

11 faith, I lost faith in the Catholic church. And I

12 actually loved the church. I loved mass but I can't

13 go there now. And it's not a -- it's just -- unless

14 they fix it. I'd go back in a minute if they fixed

15 it.

16 Q What would it take to fix it?

17 A You're going to have to get rid of a lot of

18 priests and bishops, cardinals. You've got to get

19 some sane -- some sanity back into it. A person

20 cannot help probably being a homosexual, but they

21 don't have to act on it. And the first thing would be

22 get rid of the celibacy requirement, allow married men

23 to become priests. You'd have a lot better quality of

24 priests.

25 Q What other -- well, let me ask you about

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1 this reported deacon, the non-deacon. What was his
2 name?
3 A Oh, God, I can't remember. He was in the
4 paper and all.
5 THE WITNESS: Do you remember his name?
6 MRS. ROE: (Shakes head.)
7 THE WITNESS: No?
8 BY MR. DUKES:
9 Q And he got arrested for molesting children?
10 A Yep, he did.
11 Q All right. What other concerns do you have
12 about the Catholic church?
13 A That's the biggest one right there, that and
14 the money. They should be just more open and
15 forthcoming.
16 Q In what way?
17 A Making their accounts available to the
18 laity. After all, it is their money. They're the
19 ones that took it out of their wallet and put it in
20 the plate. You know, something that probably not
21 common knowledge is that ten percent of every
22 collection out of every church in South Carolina goes
23 to the Bishop, and that's standard practice all around
24 the country. I just think it needs to be a time for
25 honesty and clarity and a sincere attempt to clean

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1 things up. That's all.
2 Q And you would be in favor of defrocking or
3 relieving any homosexual priests?
4 A If he's acting on it.
5 Q Okay. But if he's celibate you'd be okay
6 with it?
7 A (Nods head.)
8 Q You have to answer out loud for her.
9 A Yes. Sorry. Yes.
10 Q You were nodding your head.
11 A Sorry. Yeah. I'm not antihomosexual, no.
12 I mean, I feel sorry for them actually.
13 Q What triggered you at Christmas of this
14 year -- of last year, 2018?
15 A Christmas is a trigger. I used to like
16 Christmas but it makes me very sad now.
17 Q Why?
18 A Don't know. Unfulfilled -- an expectation
19 that can never be fulfilled.
20 Q What expectation could never be fulfilled?
21 A A promise of joy, happiness, peace on earth.
22 Childish expectations, I suspect.
23 Q Okay. Is there anything more you can tell
24 me about your therapy with Dr. Crenshaw?
25 A Not really.

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1 Q Is she involved in determining what
2 medicines you're prescribed?
3 A No, she does not prescribe medicines.
4 Q Right.
5 A But she knows what I'm taking.
6 Q Does she consult with Dr. Novotna to
7 decide --
8 A Not as far as I know.
9 Q Okay. How much do you describe of your
10 medical condition to Dr. Novotna do you describe to
11 Dr. Crenshaw?
12 A Not much.
13 Q Okay. What does -- tell me what your -- I
14 do not have Dr. Novotna's records at all, so I don't
15 know what is in his records. What do you go and talk
16 to him about?
17 A She.
18 Q She, okay. I'm sorry.
19 A She's my general practitioner. She's my
20 primary care physician, and she treats my blood
21 pressure and, you know, makes sure I get a flu shot
22 and general maintenance, you know. She deals with my
23 physical health. And she also deals with my mental
24 health in that she referred me to a therapist that I
25 never went to, a Dr. Patel. And then I told her, I

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1 said, if you can just give me the referral, I'd like
2 to find my own, which she does do.
3 Q Okay. And what doctors have you found?
4 A Well, and then that's when I asked
5 Mr. Richter about did he know someone who kind of
6 dealt with this.
7 Q And don't go any farther. The conversations
8 between you and Larry are between you and Larry.
9 A Right. I got you.
10 Q It's none of my business. So you asked him,
11 he told you to call Crenshaw, that's --
12 A Right.
13 Q I'm not entitled to know any more than that.
14 Did you do any research into Crenshaw's
15 qualifications?
16 A No.
17 Q Have you looked into her success rate or her
18 abilities?
19 A No.
20 Q And she's now moved to Madison?
21 A Yes.
22 Q Okay. All right. Is there -- well, let's
23 do this: I'm going to -- I'm winding down on my part
24 of this. I'm looking at your answers to
25 interrogatories and -- how much have you talked to Joe

Page 110 1 Capitan about -- 2 A Not a lot in terms of what actually 3 happened, just more of I told Joe about going to the 4 convent and not being able to remember anything that 5 happened there. And he said -- and he suggested that 6 maybe something had happened and I needed to dig into 7 it a little bit further. And then I kind of lost 8 contact with Joe for a while. He was having his own 9 battles. He was going through a divorce I didn't know 10 about. 11 Q Okay. And when did you tell Joe about the 12 gaps in your memory? 13 A I don't know, a couple years ago, maybe. 14 Probably two years, a little over two years ago, 15 maybe. Around two years. 16 Q Have you talked to your sister Jean about 17 any of this? 18 A I did. 19 Q When did you talk to her? 20 A Off and on over the last two years. 21 Q But not before -- not contemporaneous when 22 it happened like you did with Harry? 23 A No. 24 Q Nor anytime since? 25 A No.	Page 112 1 timeline on it in terms of when he did it. 2 Q But you do remember Sister Christine? 3 A I do. 4 Q And that she was your teacher? 5 A Right. 6 Q And you have memories of some of that fourth 7 grade -- that first fourth grade year? 8 A I do. 9 Q What do you know about the relationship, if 10 any, between Father Bernardin and Father Hopwood? 11 A I have read some things but I have no 12 personal knowledge. 13 Q Okay. And those would be the things on the 14 Catholic Militant? 15 A Also from Father Malachi. What's his name, 16 Martin? 17 Q Uh-huh. 18 A Irish priest who wrote about this, about 19 Father Bernardin. And he didn't name specific names 20 but made it pretty clear who he was talking about. 21 But I have no direct knowledge of that, no. 22 Q Okay. Are you still taking oxycodone? 23 A No. I just take that once in a rare while 24 when my arthritis is acting really bad. 25 Q Okay. Don't take that stuff.
Page 111 1 Q Have you always remembered that you had 2 scarlet fever? 3 A Yeah. 4 Q This may be just a typo, I'm not sure. When 5 I asked -- or when we asked the dates of the 6 molestation, the answer we got back was, "During the 7 school year of 1953 and '54, and '55/'56. That would 8 have -- 9 MR. RICHTER: Can I get a copy of the 10 answer, please? 11 MR. DUKES: Yeah. 12 MR. RICHTER: Thanks. Which one are you on? 13 MR. DUKES: Right here. 14 MR. RICHTER: Oh, I see. 15 BY MR. DUKES: 16 Q Was there a year break? 17 A I don't remember. 18 Q Okay. 1953 you would have been -- 19 A I would have been nine years old. 20 Q Yeah, you would have been in fourth grade 21 the first time. That's when you had scarlet fever? 22 A Right. 23 Q Was Hopwood touching you during the school 24 year when you had scarlet fever? 25 A I don't remember. I don't have a real clear	Page 113 1 A No, I don't. In fact, I have the mildest, 2 lowest dose you can possibly get and I don't have a 3 lot of pills. Novotna will give me those ten at a 4 time as I need them, and sometimes that will last a 5 year. No, I'm scared to death of that stuff. 6 Q What's the spironolactone for? 7 A That's blood pressure. And why I don't -- 8 some of that's like alpha-blockers and stuff like 9 that. 10 Q Got you. What's the Cardura for? 11 A That's also cardiac stuff. That's also -- 12 but it's also -- it's get a combined use that it's -- 13 also has an effect on the prostate, positive effect. 14 Q Have you ever entered into a contract with 15 the Diocese of Charleston? 16 A When I taught at Bishop England High School 17 I guess you could call it I had a contract. 18 Q And they paid you for that? They paid you 19 when you taught there? 20 A Right, yes, of course. 21 Q Okay. Nothing else? 22 A No. 23 Q Did you choose to go to Sacred Heart and The 24 Cathedral or did your parents? 25 A My parents.

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1 Q Did they -- I bet they didn't even have
2 tuition back then, did they?
3 A They did not. It was free.
4 Q Do you know who -- strike that.
5 Are you aware of any agreement between the
6 Diocese of Charleston and somebody else to harm you?
7 A No.
8 Q There was a document attached to your
9 Complaint that's titled The Instruction. Have you
10 ever read that?
11 A I don't think so.
12 Q Okay.
13 A If I did, I don't remember it.
14 MR. DUKES: I think I'll hand you over and
15 let Mr. Richter ask any questions he has of you
16 now. Thank you so much.
17 EXAMINATION
18 BY MR. RICHTER:
19 Q Do you suppose -- well, strike that.
20 Mr. Roe, did you consent to Frederick
21 Hopwood inserting his erect penis into your anus when
22 you were a young child?
23 A No.
24 Q Did he do that?
25 A Yes.

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1 Q Did you consent to any of the other sexual
2 perversions or depredations he worked upon you when
3 you were a young child?
4 MR. DUKES: Object to the form.
5 THE WITNESS: No.
6 BY MR. RICHTER:
7 Q Were you harmed by the insertion of
8 monsignor -- of the priest Frederick Hopwood's penis
9 into your anus?
10 A Physically or mentally?
11 MR. DUKES: Object to the form.
12 BY MR. RICHTER:
13 Q First I want to do physically.
14 A Yes.
15 Q And secondly were you also harmed --
16 A I was terrified.
17 Q -- mentally? Thank you.
18 All right. I want to ask you those same
19 questions concerning William Croghan. Did he insert
20 his erect male, full-grown man's penis into your anus?
21 MR. DUKES: Object to the form.
22 THE WITNESS: Yeah.
23 BY MR. RICHTER:
24 Q And did you -- did it hurt?
25 A Yeah.

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1 Q And did he perform other sex acts on you or
2 compel you to perform such on him?
3 A Yeah.
4 Q And did all of that occur when you were a
5 young child?
6 A Yes, it did.
7 Q Now, you described being with both William
8 Croghan and Frederick Hopwood at the same time and
9 place when they inflicted certain sexual abuse upon
10 you. Do you recall that?
11 A Yes.
12 Q And were you harmed by their acts of abuse?
13 A Yes, I was.
14 Q Do you know that in the Diocese's own
15 records there exists reports of at least 32 persons
16 who claim -- who notified the Diocese of sexual abuse
17 at the hands of Frederick Hopwood?
18 A I didn't know that.
19 Q And do you know that William Croghan, whose
20 name you noticed did not appear on the list of
21 perpetrator priests, that there exists -- there exists
22 records in the Diocese's possession which evidence the
23 payment of hundreds of thousands of dollars to one or
24 more victims of William Croghan's sexual abuse to
25 minor children?

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1 MR. DUKES: Object to the form.
2 THE WITNESS: I did not know that.
3 BY MR. RICHTER:
4 Q When you talked about homosexual priests in
5 your direct examination as being an objectionable
6 consideration as to your opinion of the Roman Catholic
7 church currently, did you include in that the acts of
8 sexual abuse perpetrated upon young children and the
9 acts of cover-up on the part of the perpetrators and
10 the Roman Catholic clergy in a more broad sense and --
11 well, just those two for now.
12 MR. DUKES: Object to the form.
13 THE WITNESS: I don't know if I actually
14 sequenced it out like that, but one of my
15 objections is as a Catholic and also as a
16 Lutheran, because as part of the Missouri Synod
17 we believe it is the actual body and blood of
18 Christ under the form of the host. And the
19 thought of to me a priest that's involved in this
20 sort of thing is committing blasphemy and
21 sacrilege to our Lord and Savior Jesus Christ.
22 BY MR. RICHTER:
23 Q Have you been completely forthcoming with
24 Dr. Crenshaw in her effort to treat you?
25 A I have tried to be, yes.

Page 118 1 Q And have you been completely forthcoming 2 here with opposing counsel today? 3 A I have tried to be, yes, not intentionally 4 misleading or giving misinformation, although that can 5 happen by mistake. It's kind of hard to keep it from 6 jumbling up in your head sometimes. 7 Q Can you tell me, again, please -- I think I 8 simply missed this. I want to be certain that I have 9 the name, if you recall it, of the priest or deacon 10 who informed you that you were having a crisis of 11 faith and that you should leave the premises. 12 A I don't remember now but I can get it for 13 you. 14 Q All right. Thank you. 15 MR. RICHTER: That's all I have. 16 MR. DUKES: Nothing more from me. 17 MR. RICHTER: Thanks very much, everybody. 18 THE COURT REPORTER: Are you ordering the 19 transcript? 20 MR. DUKES: Yeah. If you could expedite it 21 for me, I'd appreciate it. 22 THE COURT REPORTER: How soon do you want 23 it? 24 MR. DUKES: Early next week, if you can. 25 THE COURT REPORTER: Okay. And do you want	Page 120 1 CERTIFICATE OF REPORTER 2 I, MICHELLE BAKER LEE, Certified Court Reporter and 3 Notary Public for the State of South Carolina at Large, 4 do hereby certify: 5 That the foregoing deposition was taken before me on 6 the date and at the time and location stated on page 1 of 7 this transcript; that the deponent was duly sworn to 8 testify to the truth, the whole truth and nothing but the 9 truth; that the testimony of the deponent and all 10 objections made at the time of the examination were 11 recorded stenographically by me and were thereafter 12 transcribed; that the foregoing deposition as typed is a 13 true, accurate and complete record of the testimony of 14 the deponent and of all objections made at the time of 15 the examination to the best of my ability. 16 I further certify that I am neither related to nor 17 counsel for any party to the cause pending or interested 18 in the events thereof. Witness my hand, I have hereunto 19 affixed my signature this 18th day of September, 2019, at 20 Taylors, Greenville County, South Carolina. 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 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Mr. Richard Roe
Roe, Richard Vs. Bishop Of Charleston

September 13, 2019

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Pursuant to Rule 30(7)(e) of the Federal Rules of Civil
7 Procedure and/or OCGA 9-11-30(e), any changes in form or
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South Carolina Rules of Civil Procedure

Part V. Depositions and Discovery

Court Rule 30

(e) Submission to Witness; Changes; Signing.

When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness within 30 days of its submission to him, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed unless on a motion to suppress under Rule 32(d)(4) the court holds

that the reasons given for the refusal to sign
require rejection of the deposition in whole or in
part.

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ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.
THE ABOVE RULES ARE CURRENT AS OF APRIL 1,
2019. PLEASE REFER TO THE APPLICABLE STATE RULES
OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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EXHIBIT 8



Deposition of:
Mrs. Richard Roe

September 13, 2019

In the Matter of:
Roe, Richard Vs. Bishop Of Charleston

Veritext Legal Solutions

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Page 1

STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON CIVIL ACTION NO: 2018-CP-10-4206

Richard Roe,

Plaintiff,

v.

Bishop of Charleston, a Corporation Sole,
and the Bishop of the Diocese of Charleston,
in his official capacity,

Defendants.

DEPOSITION OF: MRS. RICHARD ROE
DATE: Friday, September 13, 2019
TIME: 9:07 a.m.
LOCATION: Turner Padget Graham & Laney, P.A.
 200 East Broad Street, Suite 250
 Greenville, South Carolina
REPORTED BY: MICHELLE BAKER LEE,
 Certified Court Reporter

Page 2	Page 4
1 APPEARANCES OF COUNSEL: 2 ATTORNEY FOR PLAINTIFF: 3 The Richter Firm, LLC 4 LAWRENCE E. RICHTER, JR., ESQUIRE 5 622 Johnnie Dodds Boulevard 6 Mt. Pleasant, South Carolina 29464 7 843-849-6000 8 lrichter@richterfirm.com 9 10 ATTORNEY FOR DEFENDANT: 11 Turner Padget Graham & Laney, P.A. 12 RICHARD S. DUKES, JR., ESQUIRE 13 200 East Broad Street, Suite 250 14 Greenville, South Carolina 29601 15 843-576-2810 16 rdukes@turnerpadget.com 17 ALSO PRESENT: 18 Richard Roe 19 20 (INDEX AT REAR OF TRANSCRIPT) 21 22 23 24 25	1 legal rights concerning responding or not 2 responding to the question. 3 BY MR. DUKES: 4 Q Right. And Mr. Richter will jump in and 5 every now and again you'll hear Mr. Richter say he 6 objects to the form of the question. That's really 7 about all we're allowed -- he's allowed to say during 8 a deposition that I'm taking or I'm allowed to say 9 during a deposition he's taking. And that could be 10 anything, just a preservation of an evidentiary matter 11 for the trial judge to deal with, it could be that 12 it's a stupid question, and that happens more often 13 than you would expect, it could be a confusing 14 question, it could be anything. He just protects his 15 record for later. You still have to answer the 16 question, okay? 17 If at anytime you need to take a break, 18 please let me know. We'll take a break and you're in 19 control of that. We'll try to take a break every hour 20 anyway, but I don't anticipate we're going to go all 21 that long but just let me know, okay? 22 MR. RICHTER: Anything you need, is what 23 he's saying, just say it. 24 MR. DUKES: Yeah. 25 MR. RICHTER: If you need aspirins or water
Page 3	Page 5
1 P R O C E E D I N G S 2 - - - - - 3 MRS. RICHARD ROE, 4 being first duly sworn, testified as follows: 5 EXAMINATION 6 BY MR. DUKES: 7 Q Mrs. Roe, we met a few minutes ago. I'm 8 Richard Dukes and I represent the Diocese of 9 Charleston in this action that your husband's brought. 10 I have some questions to ask you and hopefully it 11 won't take very long. 12 This is a deposition. This is where I get 13 to ask witnesses questions about what they know about 14 the case and about the facts. The rules require that 15 I tell you that now that your deposition has begun, if 16 you have a question about something I've asked you, 17 you have to ask me to clarify. Back in the old days a 18 lot of times a witness would turn to their lawyer and 19 say, What's he asking me? And then the lawyer would 20 say, Well, he's asking you this, and suggest the 21 answer. We don't do that anymore in South Carolina 22 and that makes for a cleaner transcript and it makes 23 for a better deposition. So just direct any questions 24 to me. 25 MR. RICHTER: Except questions about your	1 or coffee or anything else, just make it known. 2 BY MR. DUKES: 3 Q Yeah. What's your full name? 4 A [Redacted.] 5 Q [Redacted.] 6 A Yes. 7 Q And where do you live? 8 A Toccoa, Georgia. 9 Q What's the address? 10 A [Redacted] Toccoa, Georgia 30577-1416. 11 Q You're the first person I've ever found who 12 knew those last four digits of their address. 13 MR. RICHTER: I couldn't tell you if my life 14 depended on it. 15 BY MR. DUKES: 16 Q Is there a street address? 17 A [Redacted.] 18 Q And how long have you lived at [redacted]? 19 A Twenty years. 20 MR. ROE: Yeah, this year will be 20 years. 21 MR. RICHTER: The other thing he didn't 22 say -- 23 MR. ROE: Sorry. Sorry. 24 MR. RICHTER: He didn't say I understand 25 y'all are husband and wife and speak for each

Page 6	1 other in a daily manner, but here you can't 2 speak. And it'll be your turn not to speak when 3 your husband's deposed. 4 BY MR. DUKES: 5 Q And one of the things I've done when I've 6 deposed husbands and wives and they're in the same 7 room, and oftentimes for me the husband goes first, 8 and the first question I'll ask the wife is, Is there 9 anything that he said that you've got to correct? 10 That goes on for a while, a lot of times. 11 MR. RICHTER: You don't need to put this 12 down. 13 (Off-the-record discussion.) 14 BY MR. DUKES: 15 Q Where did you live before that? 16 A Lavonia, Georgia. 17 Q How long did you live in Lavonia? 18 A One year. 19 Q And where did you live before Lavonia? 20 A Suwannee, Tennessee. 21 Q How long did you live in Suwannee? 22 A Six years -- excuse me, five years. 23 Q And is Suwannee, Tennessee where the 24 university is -- where the college is? 25 A Yes.	Page 8
Page 7	1 Q And where did you live before Suwannee? 2 A Washington, DC. 3 Q And how long were you in DC? 4 A Eight years. 5 Q Okay. Where before that? 6 A College Park, Maryland. 7 Q And for how long? 8 A Two years. 9 Q Okay. We've gone back almost 35 years. 10 Where did you live before College Park? 11 A Columbia, South Carolina. 12 Q And how long were you in Columbia? 13 A Four years. 14 Q Four years. What part of Columbia did you 15 live in? 16 A Downtown. 17 Q What was the address? 18 A I don't remember. 19 MR. RICHTER: You've reached your limit. 20 BY MR. DUKES: 21 Q What part of downtown? 22 A Near the University of South Carolina. 23 Q And what -- why were you -- presumably you 24 and your husband lived there since y'all have been 25 married for how long, 45 years?	Page 9
	1 A Forty-six. 2 Q Where were you married? 3 A Charleston, South Carolina. 4 Q And where did you get married in Charleston? 5 A St. Mary's Roman Catholic Church. 6 Q On Hasell Street? 7 A (Non-verbal response.) 8 Q Okay. And why were you in Columbia? 9 A To work for the University of South 10 Carolina. 11 Q Were you working for USC or was your 12 husband? 13 A I was. 14 Q What did you do for USC? 15 A Movietone News cataloger. 16 Q What did you do for the Movietone News 17 library at USC? 18 A Cataloged Movietone News footage from the 19 years 1931 to 1940 -- 1939, excuse me, to 1941. This 20 was outtake footage. 21 Q How long has USC had that catalog? 22 A Since 1981. 23 Q Okay. And that's when you lived in 24 Columbia, in 1981? 25 A Yes.	

Page 10	Page 12
1 Q What took you to College Park? 2 A University of Maryland. I was earning my 3 master's at the University of Maryland at College 4 Park. 5 Q When you were in Columbia, what did your 6 husband do for a living? 7 A He was a school teacher. 8 Q Where? 9 A I do not remember the school. 10 Q Was it a public school? 11 A Yes. 12 Q What grade level? High school? Middle 13 school? 14 A Let's see. 15 Q Don't -- he's from Charleston. He doesn't 16 know anything about the schools in Columbia. 17 MR. RICHTER: Don't beat yourself up, is 18 what I was going to say. 19 THE WITNESS: I don't remember. 20 MR. DUKES: That's okay. 21 MR. RICHTER: You're not supposed to be 22 encyclopedic in your recall, and he doesn't mean 23 to press -- 24 MR. DUKES: Right. 25 MR. RICHTER: -- and be critical in any way	1 A I first worked for the National Archives, 2 and then I worked for National Geographic Society. 3 Q Okay. Now, I will tell you that I'm a 4 triple history major so working at the Archives and 5 working for National Geographic fascinates me. So I'm 6 just going to have to ask you what you did and what 7 was interesting about it. 8 A National Archives I worked with the -- it 9 was a -- let me go back. It was a promotional film 10 series to promote the United States, and I cannot 11 remember the name of it exactly but I was cataloging 12 that footage. 13 Q And then you went over to National 14 Geographic? 15 A Right. And that was cataloging the outtake 16 footage of the movie specials, the television movie 17 specials. 18 Q Okay. And I can hear the National 19 Geographic theme in my head as we speak. And how long 20 were you with National Geographic? 21 A Eight years. 22 Q Okay. Why did y'all move to Suwannee? 23 A Richard was offered a position teaching and 24 coaching and as a librarian. 25 Q And was that in the high school level?
Page 11	Page 13
1 about it. That's okay not to remember. 2 Sorry. Thanks for letting me -- 3 BY MR. DUKES: 4 Q And I was about to say in a more eloquent 5 manner, all I can ask you is what you remember. And 6 if at anytime during your deposition you remember 7 something, because this happens all the time, people 8 will go two hours later and they'll go, Oh, my gosh, 9 I've just remembered the answer, because it comes to 10 you. Stop, you can go back and clarify it, and then 11 we'll pick up again, okay? 12 A (Nods head.) 13 Q But this isn't a jeopardy contest. So all I 14 can ask is what you know, and you answered it. I just 15 happened to be interested in the Movietone News part 16 of things because I thought that -- I remember when 17 they got that database and I thought it was pretty 18 interesting, and I guess they're still working through 19 cataloging all that they've got. 20 Okay. So after College Park when -- and was 21 your husband a school teacher in College Park as well? 22 A Yes. 23 Q Okay. Y'all moved to D.C.? 24 A Uh-huh. 25 Q What did both of you do in D.C.?	1 College level? What? 2 A Well, his responsibility of the library went 3 from seventh through twelfth. 4 Q Okay. So -- 5 A And his sports teams, which was mainly 6 wrestling, I guess, ninth through twelfth. 7 Q Did y'all ever live in Charleston? 8 A Oh, yes. 9 Q How long did you live in Charleston? 10 A From 1973 to 1981. 11 Q Where did y'all live? 12 A We lived on Lime Street -- Limestone. 13 MR. ROE: Limehouse. 14 THE WITNESS: Limehouse. And we also lived 15 west of the Ashley, but I don't -- I consider 16 that Charleston, Mr. Dukes. Maybe west of the -- 17 y'all don't consider west of the Ashley 18 Charleston but I do. 19 BY MR. DUKES: 20 Q I'm a come-be-here, Larry's a been-here. 21 Larry was born and raised in Charleston. And 22 Charlestonians, most don't consider West Ashley to be 23 part of Charleston. Not being a native, I consider it 24 to be part of Charleston, but that's just the 25 prejudices of those who were born and bred downtown.

Page 14	Page 16
1 MR. RICHTER: I wasn't born and bred 2 downtown. 3 MR. ROE: I was. 4 BY MR. DUKES: 5 Q And what did y'all do when you lived in 6 Charleston? 7 A What did I do? 8 Q Yeah. 9 A I was a social worker for Charleston County, 10 I was an addictions counselor, and I also worked for 11 DuPont, Cooper River Plant in their lab. 12 Q Okay. 13 A And I was quality control. 14 Q Okay. And what did your husband do? 15 A He taught. 16 Q Where? 17 A Bishop England High School. He taught -- 18 Q And I'll ask him the same question. He'll 19 be able to answer it, okay? 20 A In a country school. That's all I can say. 21 Another one was a country school. 22 Q And did he also coach? 23 A Not at the country school, not at Bishop 24 England -- well, yes, at Bishop England he did coach. 25 THE WITNESS: High Hills Middle School?	1 A Well, there's [redacted]. 2 Q And who is he? 3 A He is our nephew. His wife Debbie. 4 Q Okay. 5 A [Redacted.] 6 Q Uh-huh. 7 A His wife Kimberly. 8 Q Okay. 9 A [Redacted.] 10 Q Uh-huh. 11 A [Redacted.] 12 Q Okay. 13 A [Redacted.] 14 Q Uh-huh. 15 A And our two great-nieces. I can't remember 16 the one -- I can't remember the great-nieces' names. 17 Q Okay. What are their last names? 18 A [Redacted.] 19 Q Do you have any relatives in Charleston 20 County who have a last name other than [redacted]? 21 A Not that I know of. Not that I know of. 22 Q Okay. So after Suwannee y'all moved to 23 Lavonia. That's outside of Atlanta, I think? 24 A No. 25 Q Oh, it's not? Okay.
Page 15	Page 17
1 MR. ROE: That was Sumter. 2 BY MR. DUKES: 3 Q What did he coach at BE? 4 A Bishop England? 5 Q Uh-huh. 6 A He coached football. That's what I 7 remember. 8 Q Okay. 9 A He worked at East Cooper School for a while 10 where he coached soccer. 11 Q Okay. And when you were in Suwannee, 12 Tennessee, just going back, what did you do? 13 A Was preparing for the birth of our daughter. 14 Q And your daughter was born in Tennessee? 15 A Yes, she was. 16 Q Where does she live now? 17 A She lives with us in Toccoa, Georgia. 18 Q And what's her name? 19 A [Redacted.] 20 Q Do y'all have any relatives living in 21 Charleston County? 22 A Several. 23 Q Okay. The easiest way, for the most part, 24 is to give me last names of the family members who 25 live in Charleston County.	1 A Northeast Georgia. 2 Q Okay. My mistake. What were y'all doing in 3 Lavonia? 4 A Richard was teaching. 5 Q Okay. And you were raising your daughter? 6 A Stay-at-home mother. 7 Q And then after Lavonia you moved to Toccoa? 8 A Yes. 9 Q And were either of you working in Toccoa? 10 A Richard was working for Stephens County High 11 School at the time. 12 Q And is he retired now? 13 A Yes. 14 Q When did he retire? 15 A Let me think. I have to think. He was 57 16 years old, so 19 -- I don't remember. I don't 17 remember. 18 Q That's okay. Was it in the last -- well, it 19 would have been in the last 15 or 20 years? 20 A Twenty years. Twenty years or so. 21 Q All right. You and your husband have been 22 married a long time. Congratulations on that. I'm 23 going to ask you kind of a question that might seem 24 odd, but how would you characterize your husband's 25 emotional state generally, just on a day-to-day

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1 average basis, with one being very happy and ten being 2 suicidal. And let's go over the years. So I'll just 3 put you in -- let's start when you lived in 4 Charleston. How was your husband's emotional state? 5 A Mr. Dukes, I would say five throughout the 6 entire marriage. 7 Q Okay. 8 A And that -- I would say five. 9 Q Five? 10 A Throughout the entire marriage. 11 Q Okay. Were there ups and downs in his 12 moods? 13 A That's why I'm saying five because it would 14 average out to five. 15 Q Okay. Were there times when he was very 16 happy? 17 A Yes. 18 Q What made him happy? 19 A The birth of his daughter. 20 Q And she was very late coming to y'all, 21 right? 22 A (Nods head.) 23 Q And prior to her birth, what made him happy? 24 A When his students succeeded on the sports 25 field as well as in the classroom.	1 A He had left the Catholic church. 2 Q Why? 3 A I don't know. 4 Q Did you bring him back? 5 A Yes, when our daughter was born. 6 Q But for the first 20 years of your marriage, 7 roughly, he did not -- 8 A Occasionally he would go to mass, especially 9 in Columbia, South Carolina. 10 Q Where did y'all go to church in Columbia? 11 A Father Byrd (phonetic) was the minister -- a 12 priest. That's all I remember. 13 Q There was St. Peter's on Assembly Street, 14 St. Joseph's over on Divine Street. 15 A It was St. Joseph's. 16 Q Okay. Why did he quit going to mass? 17 A I don't know. 18 Q Had he stopped going to mass before he met 19 you? 20 A Yes. 21 Q So it would have been in the late '60s or 22 early '70s? 23 A Yes. 24 Q What other things got your husband down? 25 Lying politicians, the Catholic church. And let me
Page 19	Page 21
1 Q Okay. And what made him sad? 2 A The Gamecocks losing. 3 Q Okay. Tomorrow's going to be a very, very 4 sad day. 5 MR. RICHTER: Had a lot of that. 6 MR. DUKES: I went to the University of 7 Alabama so I'm looking forward to tomorrow. 8 MR. RICHTER: I think you can. 9 BY MR. DUKES: 10 Q What other things made him sad? 11 A When his students missed opportunities that 12 he tried his very best to provide for them. 13 Q Okay. Were there things that made him 14 depressed? 15 A Yes. 16 Q And what would that be? 17 A Political events. 18 Q What sorts of political events? 19 A When there were politicians that he felt 20 that weren't being truthful or honest, and also the 21 Catholic church. 22 Q Okay. When did the Catholic church begin 23 making him depressed? 24 A From the very beginning of our marriage. 25 Q Okay. And why was that?	1 ask, if he wasn't going to mass and wasn't 2 participating as a Catholic, why would anything that 3 went on in the Catholic church make him depressed? 4 MR. RICHTER: Object to the form of the 5 question. 6 THE WITNESS: I'm at a loss here. What 7 should I say? Because I don't know. 8 MR. RICHTER: You can answer the question. 9 BY MR. DUKES: 10 Q Okay. 11 A I really don't know the specifics. 12 Q What things that the church did or didn't do 13 would get him upset or depressed? 14 A Homosexuality in the Catholic church. And I 15 really didn't know that much about the Catholic church 16 and that problem until he would tell me different 17 things about it. 18 Q Okay. And what about homosexuality in the 19 church got him upset? 20 A Different priests making the headlines that 21 something had happened. 22 Q What else did he say about homosexuals in 23 the church? 24 A That it was wrong. 25 Q What else did he think -- what else did he

Page 22	Page 24
1 express to you about problems in the Catholic church 2 that he did not like? 3 A That was it. 4 Q Okay. So it was homosexual priests? 5 A The fact that the Catholic church wasn't 6 dealing with it, I think. There's going to -- that's 7 what I think it was, the fact that the Catholic church 8 was not dealing with this situation. 9 Q With homosexual priests or -- 10 A Yes, with -- 11 Q -- pedophile priests? 12 A -- homosexual priests. 13 Q How did he want the church to deal with it? 14 A I don't know. 15 Q Okay. What other things bothered him? 16 A About the Catholic church? 17 Q Uh-huh. 18 A That is it. 19 Q Okay. 20 A That is it. 21 Q So the ordination of homosexual priests was 22 his issue? 23 MR. RICHTER: Object to the form of the 24 question. 25 BY MR. DUKES:	1 A Richard loves football and he will express 2 anger when he sees coaches making mistakes. So that 3 is the angriest I have seen him. 4 Q And I can tell you that I have yelled and 5 screamed at the television on Saturday afternoons. 6 Okay. In your husband's family -- and 7 you've known all of his siblings and his parents? 8 A Yes. 9 Q Did anybody have problems with depression 10 that you know of? 11 A Not that I know of. 12 Q Did anybody have memory problems like 13 Alzheimer's or dementia or -- 14 A Richard's mother had that toward the end of 15 her life. She died at 81 or 82. Maybe for the last 16 three years of her life she had a very hard time 17 remembering people. 18 Q Has anybody in Mr. Roe's family been 19 diagnosed on the autism spectrum, Asperger's Syndrome 20 or autistic or -- 21 A No. 22 Q They have -- and I don't even know the 23 degrees on the autism spectrum. 24 Has your husband had any memory problems? 25 A Recently, sense of direction. He used to
Page 23	Page 25
1 Q You can answer. 2 A Homosexuality in the Catholic church is the 3 answer to that question. 4 Q Okay. What other things outside of the 5 Catholic church got your husband down? 6 A That's it. 7 Q All right. When he was depressed what 8 would -- describe to me what he was like when he was 9 depressed. 10 A He didn't talk. He was quiet. 11 Q Okay. Anything else? 12 A Nothing else. 13 Q Did he -- do you know what a manic episode 14 is? 15 A No. 16 Q Okay. Did he become angry at times? 17 A Are you asking is that a part of depression, 18 Mr. Dukes? 19 Q I'm just trying to get a picture of your 20 husband's mental state. 21 A Not during depression. 22 Q Okay. 23 A Anger would be a separate issue. 24 Q Okay. And what anger issues did your 25 husband have?	1 have a good sense of direction. 2 Q Okay. 3 A We should get a GPS, I think. 4 Q As I told Mr. Richter yesterday, the Waze 5 app, W-A-Z-E, is fantastic. Gets me everywhere I need 6 to go. 7 What other -- well, let's see. Did you do 8 anything to prepare for today's deposition? 9 A I prayed. 10 Q Okay. Anything else? 11 A I asked others to pray for us all, for us 12 all. 13 Q Okay. But nothing -- you didn't review any 14 documents or go back and study anything? 15 A (Shakes head.) 16 Q Okay. Meet with anybody? 17 A Well, we saw Mr. Richter in Charleston and 18 he told us -- 19 Q I can't ask about that. 20 A Oh, okay. 21 Q When -- 22 A Then the answer is no. 23 Q Okay. When did y'all meet with Larry? 24 MR. RICHTER: I don't -- 25 MR. DUKES: Okay. I'll withdraw it. I'll

Page 26 1 withdraw it. 2 MR. RICHTER: Just -- I'm not going to 3 object to it anyway, if you -- 4 MR. DUKES: Fair enough. 5 BY MR. DUKES: 6 Q Other than Mr. Richter and any of his staff 7 people, have you discussed this deposition with 8 anyone? 9 A Not other than asking them to pray for us. 10 Q Okay. And I take it y'all go to a Catholic 11 church in Toccoa? 12 A No, it's a Lutheran church, and that hurts 13 my heart that we had to leave St. Mary's to go to a 14 Lutheran church. 15 Q Okay. Why did y'all have to leave St. 16 Mary's? 17 A Richard was talking to what we considered 18 one of the deans of St. Mary's. And he was asking 19 about what is the church doing about homosexuality in 20 the church. And he was told by this person that he, 21 Richard, was having a crisis of faith and he was asked 22 to leave St. Mary's. He was a CCD teacher, to leave 23 the CCD room because he was having a crisis of faith 24 by asking this question. And he never returned. 25 Q Okay. When did that happen?	Page 28 1 A No, it was what we considered -- I married 2 into the Catholic church and I would consider this man 3 a dean -- what would I consider him? 4 MR. ROE: Deacon. 5 THE WITNESS: A deacon of the Catholic 6 church. 7 BY MR. DUKES: 8 Q Okay. 9 A He and the CCD director joined together and 10 asked Richard to leave because Richard was having a 11 crisis of faith to ask about why the Catholic church 12 wasn't addressing the issue of homosexuality. That 13 was his question. 14 Q And did this deacon -- what was the deacon's 15 name? 16 A I don't remember. 17 Q Okay. And he asked Richard to leave the 18 CCD -- 19 A Area. 20 Q -- area? 21 A Because Richard was having a crisis of 22 faith. And he never returned to the Catholic church. 23 Q What was the crisis of faith? 24 A That's what the deacon said. I don't know 25 what he meant.
Page 27 1 A Oh, let's see. 2001, approximately. 2 Approximately. 3 Q So y'all were living in Toccoa and -- 4 because they are St. Mary's all over the place. Where 5 was the St. Mary's? 6 A In Toccoa. 7 Q Who was the priest? 8 A There were two. The one that I remember was 9 Father Dick. 10 MR. RICHTER: I'm sorry, but I missed the 11 name. Hick or Dick? 12 THE WITNESS: Dick. Let's call him Father 13 Richard. That was his nickname. 14 BY MR. DUKES: 15 Q Okay. 16 A Let's call him Father Richard. 17 Q And what was Father Richard's last name? 18 A I do not remember that. 19 Q Okay. 20 A He would prefer Father Richard. And he was 21 a good man. I thought he was. 22 Q And Father Richard asked your husband to -- 23 A No, no, no. 24 Q Oh, okay. It wasn't Father Richard, it was 25 the other priest?	Page 29 1 Q And has -- is it only homosexual priests 2 that bother your husband or is his issue -- or is it 3 how the church addresses homosexuality? I'm just 4 trying to understand more deeply what -- 5 A Both. 6 Q Okay. And your husband doesn't approve of 7 homosexuality in the church? I just want to make sure 8 I understand the -- 9 A I feel he does not. 10 Q Okay. And as long as you've known him he 11 has opposed that? 12 A It never was an issue until it became 13 prevalent. 14 Q And when did that happen? 15 A I would say the last 15 years. 16 Q Okay. Since the early '90s or so? 17 A Excuse me, 20 years. 18 Q So back to the late '80s? 19 MR. RICHTER: I'd object as being mis -- I 20 object to the form of the question. 21 THE WITNESS: So I need to answer this 22 question? 23 BY MR. DUKES: 24 Q Well, I'm just trying to -- 25 A I have to do the mental math.

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1 Q Late '90s, I guess. My math was off. 2 MR. DUKES: Thank you, Larry. Remember, I 3 was a history major not a math major. 4 BY MR. DUKES: 5 Q I mean, I recall back in the '70s a lot 6 of -- the church ordained a lot of homosexual men as 7 priests. Even back that far, was your husband 8 concerned about it or -- 9 A Not late '70s. It had to be the late '90s. 10 Q Okay. What triggered that concern? 11 A It was in the -- as far as I knew until very 12 recently, it was because it was in the media. 13 Q Okay. And what -- 14 A And I had an experience and he experienced 15 that through me in Washington, D.C. 16 Q What happened? 17 A He would attend Our Lady of Victory in 18 Washington, D.C. and occasionally mass. And I was 19 fascinated with the singing of Latin. And I joined -- 20 I went with him and I have to say it was so I could 21 sing Latin more than it was the actual structure of 22 the mass, but I grew to love the structure of the 23 mass. As you all may or may not know, the Lutheran 24 faith is very, very similar. 25 Q Uh-huh.	1 And when he did go to Our Lady of Victory, I went to a 2 different church. I could not go back to the Catholic 3 church. 4 Q Okay. 5 A Not after that. 6 Q Who was the priest, if you remember? 7 A I don't remember his name but he was like 8 another good man. Father -- Richard may know. 9 Q And that was when you lived in D.C.? 10 A In D.C. So he experienced that in the '80s 11 for me -- from my experience. 12 Q How did your husband react to that priest 13 being sent to prison who molested -- 14 A I don't remember actually. I just -- I 15 think both of us were in a state of shock, so I don't 16 remember exactly what we said other than I left the 17 church. I mean, we visited -- we attended mass 18 occasionally because we liked that particular priest, 19 but even he couldn't pull me back to that church, not 20 after what I had experienced. 21 Q Okay. Have you ever become a Catholic? 22 A No. 23 Q Okay. All right. Let's change topics a 24 little bit. I want to ask about what doctors your 25 husband has seen. Let's limit it to when you've lived
Page 31	Page 33
1 A But one of the choir members -- and Richard 2 experienced my pain with this situation. One of the 3 choir members when we were singing Latin, she said, 4 You're not a Catholic, are you? Well, I wasn't. I 5 was born and reared a Quaker but I had been baptized a 6 Lutheran so I could marry Richard in a Catholic church 7 named St. Mary's in Charleston, South Carolina. But I 8 would attend mass occasionally with his mother and I 9 attended mass occasionally but I wasn't a Catholic. 10 Well, this choir member, Theresa, picked up 11 on that because I must have asked some questions about 12 the translation. We were singing Latin. She said, 13 You're not a Catholic? And I said, No. And she said, 14 Well, you need to take instruction lessons so you 15 really understand why we're singing this. And she was 16 very serious, very devout, and very Catholic. 17 So I was assigned a priest. And maybe a 18 week before I was to begin my Catholic instruction, he 19 was sent to prison for child molestation. 20 Q Okay. 21 A And Richard experienced that. 22 Q Uh-huh. And how did -- 23 A Through me. 24 Q How did he react? 25 A He didn't know how to react, I don't think.	1 in Toccoa and for what. 2 A Well, we'll start with Dr. Crenshaw, Claudia 3 Crenshaw. He has been under her care and it was for 4 this deposition situation. 5 Q And she's a psychologist, right? 6 A She may have more advanced degrees than that 7 but it is Dr. Claudia Crenshaw. 8 Q Okay. Who else has he -- has he seen anyone 9 else for his mental health? 10 A No. 11 Q Over the course of your marriage has your 12 husband ever sought counseling or psychological 13 treatment, psychiatric treatment? 14 A No. 15 Q Okay. What other doctors has your husband 16 seen? 17 A He has a very good general practitioner. 18 Dr. Lenka Novotna has been his physician for years and 19 years and years and years. 20 Q Okay. Who else? 21 A He has osteoarthritis so so many doctors 22 have been working with him on that. He has had joint 23 replacement surgery, both knees and a shoulder. He is 24 a cancer survivor so he was treated for prostate 25 cancer for years but he is a survivor for that. He

Page 34 1 had a tumor in his mouth and he was treated for that. 2 It was benign. So he has had so many doctors. Those 3 are the main ones. 4 Q Okay. Has he seen anybody for anxiety or 5 depression? 6 A Dr. Lenka Novotna I believe has him on a 7 medication for -- you'll have to ask him. 8 Q Okay. 9 A For that matter. 10 Q Okay. What about earlier in your marriage, 11 did your husband express that he was suffering from 12 anxiety or depression? 13 A No, no. 14 Q Did that -- did he ever go into periods of 15 depression? 16 A No. 17 Q When did he start becoming depressed? 18 A He hasn't. 19 Q Okay. So you wouldn't characterize him 20 as -- 21 A No. I should say no. 22 Q Okay. What about anxiety? 23 A No. 24 Q Can you identify any symptoms of 25 post-traumatic stress disorder?	Page 35 1 A No. 2 Q How did he tolerate the treatments for 3 prostate cancer? And I mention that because I've seen 4 reference to he was suffering from complications from 5 the prostate cancer treatments. I wondered what those 6 complications were. 7 A He has seed implants which has affected his 8 urinary tract. 9 Q Did your husband -- and I'm going to move 10 into an area that's a little sensitive and I 11 understand that and I will try to be compassionate 12 about it. But did your husband discuss with you his 13 remembering that he had been molested by a priest? 14 A Yes. 15 Q When did he first mention that to you? 16 A I don't remember. It's been a series of 17 revelations not all at one time. 18 Q Okay. And how long ago was the first 19 revelation? 20 A About two years ago. Within the last two 21 years. 22 Q And what happened? 23 A Richard's brother died and that seemed to 24 change his understanding of life, living, and the 25 world.	Page 36 1 Q How so? Explain that to me. 2 A I believe that memory that he had when he 3 was eight years old became more real and he was 4 dealing with it. 5 Q Okay. And you said there's been a series of 6 revelations. 7 A Yes. 8 Q Walk me through that, please. 9 A It first started when I overheard him 10 talking with Joe Capitan (phonetic). And he was 11 explaining what he thought was some kind of dream, but 12 the way he talked about it, it didn't sound like a 13 dream to me. It seemed like he was reliving some kind 14 of event. 15 And I cannot tell you exactly the time 16 period but one night he -- and I never had heard this 17 and this has been within the last two years, a deep, 18 deep cry during his sleep that was -- I describe it, 19 it came from the depths of his soul. And I heard that 20 cry one more time, but I haven't heard it since then. 21 And I think Dr. Claudia Crenshaw has been a 22 great healer in his dealing with his situation when he 23 was eight years old. That happened when he was eight 24 years old. And I was not made aware of this until the 25 last two or -- approximately two years. And because	Page 37 1 of his experience, I understand a lot of his feelings 2 toward life and living. 3 Q And what -- describe those feelings that you 4 now understand, I guess. 5 A Richard loves the Catholic church still, and 6 he looks at it as an institution that is damaged. 7 Q Okay. 8 A That's my answer. 9 Q Okay. How has this process appeared to you? 10 Explain to me your experience of his remembering. 11 A Well, as broken in some ways as Richard's 12 situation has caused me to feel the Catholic church 13 is, I still see her beauty as reflected in the 14 Lutheran service. 15 Q Okay. 16 A So that is making my strength in my faith as 17 a Christian stronger, having seen what he has gone 18 through. And I think it's made his faith as a 19 Christian stronger, though I still think he loves the 20 Catholic church. 21 Q Okay. Since he began remembering -- or 22 since he told you he was remembering what happened 23 when he was eight, has he told you anything else about 24 it? 25 A His actions have told me that he seems to be
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Page 38 1 healing, and that's a good thing. 2 MR. RICHTER: Did you say "healing"? 3 THE WITNESS: Healing, and that's a good 4 thing. And he had a struggle. And I love this 5 because it meant a lot to me because in my way I 6 love the Catholic church, too, even though I'm 7 attending a Lutheran church. He made this for 8 me. 9 BY MR. DUKES: 10 Q It's lovely. 11 A It's a rosary. 12 Q Uh-huh. 13 A And to me this represents a lot of the 14 goodness of the Catholic church. He's healed to the 15 point -- and he made this within the last few months. 16 He made this for me. 17 Q Okay. And it's beautiful. 18 A His love for his love. So he is healing and 19 Dr. Crenshaw has had a lot to do with this. 20 Q How often does he see Dr. Crenshaw? 21 A They have telephone conversations I think 22 once a month. 23 Q Is that because she's down near Atlanta and 24 it's hard to get to? 25 A It's just easier for us. And, everyone,	Page 40 1 Q Okay. 2 A All I know, I'm seeing there is a healing 3 and he's able to talk about what happened. And it's 4 more of a this happened to me and I acknowledge it and 5 I am moving on. And that is good. That is good. 6 There are no more cries in the night. 7 Q Uh-huh. 8 A And he just acknowledges what's going on in 9 the media when there is a media story about a priest 10 that is a homosexual or there's a problem with 11 homosexuality in a certain diocese, he's just sort of 12 looking at it and says, Yes. But it's not as -- it 13 doesn't seem to -- he's looking at the full picture 14 now, is all I can say. 15 Q Okay. Changing topics a little bit. What's 16 your daughter do for a living? 17 MR. RICHTER: Can we take a break? 18 MR. DUKES: Oh, sure, yeah. 19 THE WITNESS: Yeah, I'd love to take a 20 break. 21 MR. RICHTER: Well, all you need to do is 22 say so. 23 MR. DUKES: Yeah. Let's take a break and 24 I'll come back to that. 25 (A break was taken.)
Page 39 1 thank you for having this meeting in Greenville. It's 2 so much easier for us. 3 Q Okay. 4 A Because we know Greenville more than we do 5 Atlanta. 6 Q Yeah. Since your husband began telling you 7 about what happened to him when he was very young, how 8 would you characterize his -- and, again, I'll use 9 that one-to-ten scale, his emotional state, with one 10 being very happy, euphoric, and ten being suicidal? 11 A He's five. 12 Q Five. 13 A He's always five. It just balances off that 14 way in my mind. 15 Q Okay. And are there ups and downs in that? 16 A No, it's pretty stable five. He's -- I 17 would love him to be one, happy with the Catholic 18 church, but the church is going to have to change. 19 Q And how do you think the church would need 20 to change for your husband to be happy? 21 A I don't know. You'd have to ask him. 22 Q Okay. Do you know anything about how 23 Dr. Crenshaw's treating your husband? 24 A No, I don't. I've left that with her and 25 Richard.	Page 41 1 MR. DUKE: We can go back on. 2 BY MR. DUKES: 3 Q Mrs. Roe, we're almost done. I had asked 4 you right before we took a break what your daughter is 5 doing now. 6 A She is an assistant librarian at the 7 Toccoa-Stephens County Library, and she's also working 8 on her graduate degree in library science from 9 Valdosta State University. She's very active in a 10 theater group called the Parish Players and she likes 11 square dancing. 12 Q Okay. What do you and your husband enjoy 13 doing other than football? 14 A We like watching old movies. 15 Q Okay. Anything else that makes y'all happy? 16 A Watching birds. We watch birds out of our 17 window. We have a back window that has a gourd. We 18 watch the birds. 19 Richard loves to tell me what he's reading 20 and I try to listen as best I can and comment as best 21 as I can because he loves fiction and I'm non-fiction. 22 He reads to me his writing and he's working on a 23 really nice story called The Rose of Charleston. You 24 heard it here, if it makes the movies. 25 Q Okay.

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1 A You heard it here. 2 Q Okay. 3 A We enjoy our daughter's successes and we 4 consider life good and to be lived as best we can at 5 our ages. We do the best we can. 6 Q And you're a good bit younger than he is, 7 aren't you? 8 A Eight years. 9 Q You look younger than that. 10 A Well, thank you. 11 Q Was there anything in particular that you 12 remember standing out as triggering your husband's 13 concerns about homosexuality in the Catholic church? 14 A That experience I went through in 15 Washington, that was troubling to both of us. 16 Q Okay. Had he ever expressed concerns about 17 the homosexuals in the church before that? 18 A No, not that I remember. 19 Q What else can you tell me about the process 20 of his remembering what happened to him? 21 A Now, this is what he told me. When his 22 brother Harry died, he felt some kind of release, 23 relief, and that it was Harry who had years before 24 told him, Don't say anything. Just whatever happened, 25 just don't say anything.	1 Catholic church. 2 I'd like to ask you specifically, please, is 3 part of his disaffection with the activities of the 4 Roman Catholic church molestation of children? 5 A I am afraid I'm going to have to ask you to 6 repeat that. 7 Q Yes. Does your husband disagree with the 8 church in its -- the Roman Catholic church in its 9 activities of molesting children? 10 A Yes. 11 Q Does your husband disagree with the Roman 12 Catholic church and its activities of covering up 13 child sexual abuse? 14 MR. DUKES: Object to the form. 15 THE WITNESS: Yes. 16 BY MR. RICHTER: 17 Q Does your husband disagree with the church 18 moving a sexual offending priest from one parish to 19 another? 20 MR. DUKES: Object to the form. 21 THE WITNESS: Yes. 22 BY MR. RICHTER: 23 Q Does your husband disagree with the Roman 24 Catholic church activity in not informing the 25 parishioners, the faithful, the people in the pews,
Page 43	Page 45
1 Q Okay. 2 A And when Harry died it was like something 3 did happen, Harry's gone, and the whole journey began 4 since Harry's death. And we're about two years into 5 it. 6 Q Okay. 7 MR. DUKES: All right. Ma'am, I think 8 that's all I have for you. I really appreciate 9 it. 10 THE WITNESS: You're welcome. 11 EXAMINATION 12 BY MR. RICHTER: 13 Q A couple of things that I need to clarify. 14 I want to make sure I understand your background 15 fully. Do you have any medical training of any sort? 16 A Candy striper but I was a dropout. 17 Q Do you have any training in the differential 18 diagnosis and treatment of disease? 19 A No. 20 Q Thank you. You talked to the -- you made 21 over and over references to homosexuality within the 22 church. I want to make sure I understand what you 23 include in that. And this is when you were asked 24 about your husband's complaints, if I can say it that 25 way, I guess, against the Catholic -- the Roman	1 which priests are molesting children and which are 2 not? 3 A Yes. 4 MR. DUKES: Objection to form. 5 BY MR. RICHTER: 6 Q Does your husband disagree with the Roman 7 Catholic church's activities in sending priests for 8 treatment to facilities and in taking part in the 9 masking of the activities by an alternate diagnosis? 10 MR. DUKES: Object to the form. 11 THE WITNESS: I don't know about treatment. 12 BY MR. RICHTER: 13 Q Okay. Okay. Does your husband disagree 14 with the church's policy of paying accused and 15 admitted and/or convicted sexual abusing priests for 16 the duration of their lives? 17 MR. DUKES: Object to the form. 18 THE WITNESS: You'd have to ask Richard on 19 that. 20 BY MR. RICHTER: 21 Q Okay. Okay. But the point I'm trying to 22 make and I'll stop -- I can do a lot of this but I'll 23 stop. 24 A Yes, because a lot of this -- 25 Q Are you encompassing all of that when you

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1 say "homosexuality" -- 2 A Yes, what I've said yes to. 3 MR. DUKES: Form. 4 MR. RICHTER: Thank you. That's all I 5 wanted to clarify. Thank you, ma'am. 6 MR. DUKES: That's it. You're done. Thank 7 you. 8 THE COURT REPORTER: Are they going to read 9 and sign or waive? 10 MR. RICHTER: We're going to read and sign. 11 (The reading and signing were reserved.) 12 (The deposition concluded at 10:21 a.m.) 13 14 15 16 17 18 19 20 21 22 23 24 25	1 I N D E X 2 Page Line 3 MRS. RICHARD ROE 3 3 3 EXAMINATION 4 By Mr. Dukes 3 5 4 By Mr. Richter 43 11 CERTIFICATE OF REPORTER 47 1 5 ERRATA SHEET 49 1 6 7 E X H I B I T S 8 (None) 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
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1 CERTIFICATE OF REPORTER 2 I, MICHELLE BAKER LEE, Certified Court Reporter and 3 Notary Public for the State of South Carolina at Large, 4 do hereby certify: 5 That the foregoing deposition was taken before me on 6 the date and at the time and location stated on page 1 of 7 this transcript; that the deponent was duly sworn to 8 testify to the truth, the whole truth and nothing but the 9 truth; that the testimony of the deponent and all 10 objections made at the time of the examination were 11 recorded stenographically by me and were thereafter 12 transcribed; that the foregoing deposition as typed is a 13 true, accurate and complete record of the testimony of 14 the deponent and of all objections made at the time of 15 the examination to the best of my ability. 16 I further certify that I am neither related to nor 17 counsel for any party to the cause pending or interested 18 in the events thereof. Witness my hand, I have hereunto 19 affixed my signature this 18th day of September, 2019, at 20 Taylors, Greenville County, South Carolina. 21 22 23 24 25  MICHELLE BAKER LEE Court Reporter Notary Public State of South Carolina at Large My Commission Expires: October 29, 2028	1 TO: Lawrence Richter Jr. 2 Re: Signature of Deponent Mrs. Richard Roe 3 Date Errata due back at our offices: 10/27/2019 4 5 Greetings: 6 The deponent has reserved the right to read and sign. 7 Please have the deponent review the attached PDF 8 transcript, noting any changes or corrections on the 9 attached PDF Errata. The deponent may fill out the 10 Errata electronically or print and fill out manually. 11 12 Once the Errata is signed by the deponent and notarized, 13 please mail it to the offices of Veritext (below). 14 15 When the signed Errata is returned to us, we will seal 16 and forward to the taking attorney to file with the 17 original transcript. We will also send copies of the 18 Errata to all ordering parties. 19 20 If the signed Errata is not returned within the time 21 above, the original transcript may be filed with the 22 court without the signature of the deponent. 23 24 25 26 Please send completed Errata to: 27 Veritext Production Facility 28 20 Mansell Court 29 Suite 300 30 Roswell, GA 30076 31 (770) 343-9696

Page 50 1 ERRATA for ASSIGNMENT #3521096 2 I, the undersigned, do hereby certify that I have read the transcript of my testimony, and that 3 4 ___ There are no changes noted. 5 ___ The following changes are noted: 6 Pursuant to Rule 30(7)(e) of the Federal Rules of Civil Procedure and/or OCGA 9-11-30(e), any changes in form or substance which you desire to make to your testimony shall be entered upon the deposition with a statement of the reasons given for making them. To assist you in making any such corrections, please use the form below. If additional pages are necessary, please furnish same and attach. 10 11 Page ___ Line ___ Change _____ 12 _____ 13 Reason for change _____ 14 Page ___ Line ___ Change _____ 15 _____ 16 Reason for change _____ 17 Page ___ Line ___ Change _____ 18 _____ 19 Reason for change _____ 20 Page ___ Line ___ Change _____ 21 _____ 22 Reason for change _____ 23 Page ___ Line ___ Change _____ 24 _____ 25 Reason for change _____	
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[& - aware]

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South Carolina Rules of Civil Procedure

Part V. Depositions and Discovery

Court Rule 30

(e) Submission to Witness; Changes; Signing.

When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness within 30 days of its submission to him, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed unless on a motion to suppress under Rule 32(d)(4) the court holds

that the reasons given for the refusal to sign
require rejection of the deposition in whole or in
part.

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OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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EXHIBIT 9



Deposition of:
Claudia Crenshaw , PH.D, RN
September 27, 2019

In the Matter of:
Roe, Richard v. Bishop of Charleston

Certified Copy

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800.808.4958 | calendar-atl@veritext.com | 770.343.9696

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON
IN THE COURT OF COMMON PLEAS

Richard Roe,

Plaintiff,

v.

CIVIL ACTION NO.:

Bishop of Charleston, a

2018-CP-10-4206

Corporation Sole, and the Bishop

of the Diocese of Charleston, in

his official capacity,

Defendants.

DEPOSITION OF CLAUDIA CRENSHAW, PHD, RN

DATE: Friday, September 27, 2019

TIME: 1:44 p.m.

LOCATION: Office of Claudia Crenshaw, PhD, RN

315 West Ponce de Leon Avenue

Conference Room 820

Decatur, GA 30030

REPORTED BY: Daniel Almekinder, Notary Public

Page 2

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Page 4

1 PROCEEDINGS
2 COURT REPORTER: Good afternoon. My
3 name is Daniel Almekinder. I am the reporter assigned
4 by Veritext to take the record of this proceeding. I
5 am a Notary authorized to take acknowledgements and
6 administer oaths in Georgia. We are now on the
7 record.
8 This is the deposition of Claudia
9 Crenshaw, taken in the matter of Richard Roe vs.
10 Bishop of Charleston, a Corporate Sole, and the Bishop
11 of the Diocese of Charleston, in his official
12 capacity. This proceeding is being digitally recorded
13 at 1:44 p.m. on September 27, 2019, at 315 West Ponce
14 de Leon Avenue, Conference Room 820, Decatur, Georgia
15 30030.
16 The parties agree that the record of
17 this proceeding is being captured via high-quality
18 digital audio. A certified transcript produced from
19 this proceeding is intended for the purpose of
20 discovery, possible use at trial, and for all other
21 uses permitted under applicable procedural rules.
22 Please note that the microphones are
23 sensitive to touch, whispering, and cell phone noises.
24 We will remain on the record unless all parties agree
25 to go off the record.

Page 5

1 At this time will everyone in
2 attendance please identify yourself for the record,
3 beginning from my left.
4 MR. DUKES: Richard Dukes. I represent
5 the Diocese of Charleston.
6 MR. RICHTER: I'm Lawrence Richter. I
7 represent the plaintiff in this matter, and I'll be
8 defending Dr. Crenshaw's deposition here today.
9 DR. CRENSHAW: And I'm Dr. Claudia
10 Crenshaw, psychiatric nurse practitioner.
11 COURT REPORTER: Thank you. Please
12 raise your right hand.
13 WHEREUPON,
14 CLAUDIA CRENSHAW, PHD, RN,
15 called as a witness, and having been first duly sworn
16 to tell the truth, the whole truth and nothing but the
17 truth, was examined and testified as follows:
18 COURT REPORTER: Thank you. You may
19 proceed.
20 EXAMINATION
21 BY MR. DUKES:
22 Q Good afternoon, Dr. Crenshaw. As you just
23 heard, I'm Richard Dukes, and I represent the
24 Diocese -- the Catholic Diocese of Charleston. We're
25 here to talk about your patient Richard Roe.

Page 6	Page 8
1 Now, one of the conventions we have because 2 in South Carolina victims of sexual abuse have the 3 right to bring their action anonymously, what we're 4 going to do is our court reporter will redact his name 5 from the transcript to preserve that anonymity. 6 However, I'm going to refer to him as Mr. Roe. You 7 can too. 8 A Okay. 9 Q But it's going to be stricken from -- it's 10 going to be taken out of the official record. Okay? 11 A Okay. 12 MR. RICHTER: And Roe will be 13 substituted throughout for his name. 14 BY MR. DUKES: 15 Q There are a few rules I have to give you. 16 One thing that is helpful -- it's not as critical 17 since the court reporter's not typing everything out 18 but is recording everything -- but if you would please 19 wait for me to finish my question before you start to 20 answer, and I'll wait for you to finish answering 21 before I ask you another question. 22 Another thing that is particularly important 23 because we're only being recorded is you have to 24 answer out loud. And I'll remind you. Everybody 25 falls into a habit of shaking their head or saying	1 A I've asked to do an evaluation and then an 2 updated evaluation. 3 Q A what? 4 A An evaluation and then an updated 5 evaluation. 6 Q Okay. What communications have you had with 7 Mr. Richter's office? 8 A Sending notes via email to his secretaries. 9 Q And are those emails just about scheduling 10 or -- 11 A No. Just attaching the same notes you have 12 and sending them on. 13 Q Okay. So they're just transmittal letters 14 or transmittal emails. Okay. Have you been provided 15 with any documents from elsewhere? 16 A No. 17 Q And you haven't been provided any of the 18 deposition transcripts in the case? 19 A No, sir. 20 Q Okay. Have you met with Mr. Richter? 21 A No. 22 Q Mr. Richter, at least from your records, it 23 appears that Mr. Richter referred Mr. Roe to you, 24 correct? 25 A Correct.
Page 7	Page 9
1 uh-huh or uh-uh. Everybody does it, but I'll remind 2 you if you do. 3 If you have any questions about some 4 question I've asked you, you have to direct your 5 question to clarify to me and you can't turn to 6 Mr. Richter and ask him. 7 Anything -- I'm not anticipating that this 8 will take too terribly long. We should be finished by 9 nine or ten tonight. 10 MR. RICHTER: That's before I cross. 11 BY MR. DUKES: 12 Q Just to allow Mr. Richter to get to -- for 13 the rush-hour traffic to be done and then he can get 14 back -- 15 A Oh, definitely. 16 Q -- to Charleston. If you take -- if we take 17 a break -- and we can take one whenever you want -- 18 anything you talk to Mr. Richter about, I can ask you 19 about. I can do that anyway. 20 But, so, you've been designated as a 21 potential expert witness in this case. Have you been 22 retained as an expert? 23 A Not as an expert witness. 24 Q Okay. Have you been asked to provide any 25 particular opinions for this case?	1 Q How do you know Mr. Richter? 2 A Through prior work together. 3 Q Okay. When have you worked with him? 4 A Somewhere about five or eight years ago. 5 Q Was that on a case? 6 A Yes. 7 Q What case? 8 A I'm not in a position that I can tell you. 9 Q Okay. Ma'am, I'm entitled to know. 10 A But I'm not in a position that I can reveal 11 my client's name to you, but it was a case coming out 12 of Savannah, not out of Charleston. 13 MR. DUKES: Let's go off the record for 14 just a second. 15 COURT REPORTER: We are off the record. 16 The time is 1:49 p.m. 17 (Off the record.) 18 COURT REPORTER: We are back on the 19 record. The time is 1:50 p.m. 20 BY MR. DUKES: 21 Q What services did you provide in the case in 22 Savannah? 23 A I'm trying to remember how many years I 24 worked with him. I actually did a lot of 25 psychotherapy and referral to inpatient units. I

Page 10	Page 12
1 actually coordinated with -- there was someone in 2 Savannah who coordinated with me and paid for the 3 treatment as we went along. 4 Q Was that treatment paid for by the Diocese 5 of Savannah? 6 A By the Diocese of Savannah. 7 Q And you were that plaintiff's treating 8 therapist, right? 9 A Uh-huh. 10 Q You have to answer out loud. 11 A Oh, yes, sir. 12 Q See, I caught you. 13 A You did. Thank you for correcting me. Yes. 14 Q Okay. Did you treat any other victims of 15 the Diocese of Savannah or did they refer any other 16 victims of sexual abuse to you? 17 A I've had one or two people come forward 18 but -- that were not actually well enough to get into 19 treatment, but they were not referred by anybody. 20 They just found me. 21 Q Okay. So the Diocese hasn't referred any 22 others to you? 23 A No. 24 Q Did you treat a gentleman named Chris 25 Templeton?	1 a victim of sexual abuse to determine whether their 2 repressed memory was really a repressed memory or 3 whether they just forgot? 4 A No, there isn't. 5 Q Is there any objective way to test the 6 truthfulness of the patient's memory or recollection? 7 MR. RICHTER: Object to the form of the 8 question. 9 I have to say that from time to time 10 for the record, or something like that. Unless I 11 say -- instruct you not to answer something, please go 12 ahead and follow up with your answer. 13 THE WITNESS: There isn't. 14 BY MR. DUKES: 15 Q And the only reason I ask that is memory is 16 malleable, isn't it? 17 A Yes, sir. 18 Q There are probably millions of people who 19 distinctly remember being at Woodstock, except for 20 those who were actually there, right? 21 A I don't know. 22 Q Okay. But people remember things and have 23 real memories of it that they didn't actually do or 24 participate in. Isn't it true? 25 A No. I mostly find that people don't
Page 11	Page 13
1 A No. 2 Q Were you deposed in the Savannah case? 3 A Yes. 4 Q Do you have a copy of that transcript? 5 A No, sir. 6 Q Where would I get a copy? 7 A I don't know. 8 Q Okay. How many victims of sexual abuse have 9 you treated over the years? 10 A I've been in private practice 30 years. The 11 first thing that comes to my mind is probably 12 hundreds. 13 Q Of those hundreds of victims, how many were 14 men? 15 A I would say maybe 10 percent. 16 Q And how many were sexually abused as minors? 17 A All. 18 Q All of the men? 19 A Yeah. And all of the women. 20 Q Of those -- let's talk about the men first, 21 the 10 percent. How many claim to have suffered from 22 repressed memory syndrome? 23 A Let me just -- let me think about this for a 24 minute. Maybe 20 percent. 25 Q Is there an objective test that you can give	1 remember things and then they remember it later. So, 2 no, I don't experience what you're talking about. 3 Q Okay. And memory can be altered by 4 suggestion, can it? 5 A I haven't experienced that so I don't know. 6 Q Have you read any studies about that? 7 A In the '80s, there was a lot of critique 8 from a feminist perspective in that dominant culture 9 was saying there's no such thing in the 1980s. So 10 that's 30 years ago. And it pretty much has been 11 debunked. 12 Q What's been debunked? 13 A That repressed memory doesn't exist. 14 Q What studies have debunked that? 15 A I don't know. That was in the 1980s so 16 it's, like, 30 years ago. 17 Q Okay. But have you read any recent studies 18 regarding -- 19 A None that I could give you a reference. 20 Q Have you done any research on your -- of 21 your own on repressed memory syndrome? 22 A I've done clinical work on my own in that 23 area. 24 Q But have you done any peer -- have you 25 published any peer-reviewed studies?

4 (Pages 10 - 13)

Page 14

1 A No, sir.
2 MR. RICHTER: Rich, let me put an
3 objection into the record, please, as to your
4 question.
5 You used the word "studies" earlier
6 concerning repressed memory. That's -- I didn't want
7 to interrupt you if I could avoid it, but I don't
8 think I can avoid it so that's why I've now
9 interrupted you.
10 I want to object to the extent -- I'm
11 just concerned what you include in that. If you're
12 including the opinions of the South Carolina Supreme
13 Court or the South Carolina Court of Appeals in any
14 way which, as you know, have declared that there is
15 repressed memory in South Carolina, I don't want her
16 to be --
17 MR. DUKES: Larry, that's enough.
18 MR. RICHTER: No, no, no.
19 MR. DUKES: I was asking her if she --
20 if she has conducted any studies.
21 MR. RICHTER: And by "studies" you're
22 talking only -- believe me, that issue was studied in
23 South Carolina but --
24 MR. DUKES: Okay. I'll clarify.
25 MR. RICHTER: -- by study you don't

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1 mean --
2 MR. DUKES: I'm not talking about the
3 Moriarty case. I'm talking about whether she's done
4 research.
5 MR. RICHTER: That's all I'm concerned
6 with.
7 BY MR. DUKES:
8 Q You haven't published any peer-reviewed
9 articles?
10 A Correct.
11 Q And you're a nurse, right?
12 A I'm a psychiatric nurse practitioner.
13 Q Okay. What is your license?
14 A I'm licensed as a psychiatric nurse
15 practitioner. It's on my CV.
16 Q Okay. Is your -- does your licensure give
17 you the authority to make medical diagnoses?
18 A Yes. I actually have two licensures. I'm a
19 licensed professional counselor also, and they both
20 allow me to make medical diagnosis.
21 Q In many states nurses are not allowed to
22 make medical diagnoses.
23 A I think there's a -- there's a distinction
24 between a nurse and an advanced practice nurse.
25 Q Okay.

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1 A That's the distinction.
2 Q Do you have an RN?
3 A I have an RN and a master's that allows me
4 to make diagnoses and treat people with mental
5 problems.
6 Q Do you have any graduate education in
7 psychiatry?
8 A I do.
9 Q And what -- and you're licensed as a
10 clinical psychologist or what? I'm sorry.
11 A No, sir. My PhD is a PhD in nursing, and
12 I'm required to do at least 15 hours of graduate study
13 every year for 30 years in this field.
14 Q Okay. Have you ever had your license
15 suspended?
16 A No.
17 Q Have you ever been sued?
18 A No, sir.
19 Q How many patients of yours overall have you
20 diagnosed as having dissociative amnesia?
21 A I would probably say -- I'm just thinking
22 over all these years. Gosh, maybe 30.
23 Q And then how many with PTSD?
24 A I would say at least 60 percent of all the
25 patients I have ever seen.

Page 17

1 Q And what about MDD or its major depressive
2 disorder. Is that right?
3 A Yes. I would probably say, again, another
4 60 percent.
5 Q And are all -- are these percentages all
6 regarding abuse victims or I noticed that you've
7 spoken or written a lot about eating disorders or do
8 they go together?
9 A Actually, earlier in my career I did a lot
10 of work with addiction and eating disorders, and now
11 my specialty is trauma. And I actually conceptualize
12 it and most of the psychiatric difficulties, anxiety
13 and depression, are related to trauma. And so what I
14 do is I clear the trauma, and people's anxiety and
15 depression clear and their PTSD.
16 Q So it's your opinion that most psychiatric
17 problems result from trauma?
18 A Yes, sir.
19 Q Have you treated any veterans of wars?
20 A I have.
21 Q And how does their -- how does that trauma
22 compare to trauma of sexual abuse or trauma of
23 Holocaust victims?
24 A Same thing, parallel process.
25 Q I'm sorry, what?

Page 18 1 A Same thing, a parallel process, just a 2 different content. 3 Q And you're a gentle speaker, so I'm going to 4 turn my ears -- 5 A Go for it. 6 Q I'm able to do that. 7 How many veterans in your treatment who were 8 trauma victims have experienced repressed memory 9 syndrome? 10 A Most of my veterans with trauma difficulties 11 have been through my prison work, and I haven't seen 12 any with repressed memories. Most of them have a lot 13 of memories they will not talk about. 14 Q What about among your nonsexual abuse victim 15 trauma victims, what percentage of them have you seen 16 that experience repressed memory syndrome? 17 A It's interesting, when you asked that 18 question what that triggered for me is every client 19 I've ever worked in anywhere has had some memory they 20 hadn't put together about anything they're working on 21 in therapy. 22 Q Okay. But that doesn't equate to 23 dissociative amnesia or repressed memory syndrome, 24 although they're two different things, right? 25 A Right. Right. In the 1980s, I actually	Page 20 1 brother about what had happened, his brother had said 2 to him that, look, nobody will believe you. We'll be 3 excommunicated. You better shut your mouth up. And 4 then he remembers the exact family fight where he made 5 a decision to not remember it anymore. 6 And after that it seems like he was 7 pretty much hell on wheels. And actually, when I 8 first met him, I thought he was hell on wheels. He's 9 doing a lot better. 10 BY MR. DUKES: 11 Q Okay. So how often can somebody decide to 12 disremember something? 13 A I don't know -- I'm not sure that people 14 decide to disremember something. He just remembered 15 exactly when the memory -- that he realized that he 16 was going to get screwed up if he went in that 17 direction. Children and adolescents use denial as 18 their main defense mechanism and so it's very easy, 19 very easy. 20 Q So does denial equate to repression of a 21 memory? 22 A Yes, sir. 23 Q And when somebody's in denial, is the memory 24 available to them at all? 25 A If they're in denial of the whole memory,
Page 19 1 treated a number of people with what they called a 2 multiple personality, which was a lot about the 3 depressed amnesia and all. I'm not even sure if 4 that's what I would call that now because that's like 5 30 -- you know, 30, 40 years ago. 6 But as far as repressed memory, I mean my -- 7 I mean, I can't answer it in any other way, but my 8 experience is that every human being has repressed 9 memory. 10 Q Can you explain for me scientifically how a 11 memory can be repressed? 12 A Sure. 13 Q Or let me -- can you explain to me 14 biologically how a memory can be repressed? 15 MR. RICHTER: Well, if she wants to 16 answer the first question, I think she has a right to 17 answer that as well. 18 MR. DUKES: Sure. 19 THE WITNESS: The particular case we're 20 working on, Mr. Roe was really clear about trying to 21 get some help with what had happened and particularly 22 talking to his older brother, who was his buddy, and 23 because his parents were tied up with a lot of other 24 kids and stuff, he was his person. 25 And when he talked as a child to his	Page 21 1 no. You know, I'll add something for you. It is 2 visible to me because how someone's life isn't 3 working, I'll know there's something going on. 4 Q Tell me, what is the -- what criteria do you 5 use -- did you rely on in diagnosing dissociative 6 amnesia? 7 A DSM-III, IV, V. 8 Q Specifically, what are the criteria? What 9 are the requirements? 10 A That there be a period of time of no memory 11 and then the beginning of the memory come back. 12 Q Anything else? 13 A That's it. 14 Q What's the diagnostic criteria for PTSD? 15 A The main thing is that the trauma was six 16 months ago and that it goes round and round and keeps 17 coming up. Either it can come up consciously or 18 unconsciously. 19 Q Okay. You lost me there for a second. Can 20 you explain that a little? 21 A Yeah. The diagnosis of PTSD is if you have 22 reaction to a stressor. Like, if you had a bad car 23 wreck a month ago and you got sequelae from that, it's 24 not PTSD because it hasn't been six months since the 25 accident. It's normal to be freaked out after a bad

Page 22 1 car wreck. 2 But if it persists after six months it's -- 3 it's memories, flashbacks, dysfunctional behaviors 4 that keep repeating themselves. Oftentimes, people 5 hear voices or they see things and it gets 6 misdiagnosed as schizophrenia. It's not. 7 Q Now, explain to me if somebody has been in 8 some traumatic event, they're in denial about that 9 event, how do the dysfunctional behaviors relate to a 10 memory that they have repressed? 11 A Well, when you're over here talking about 12 denial, it's what's -- the denial that it happened, 13 the denial of the feelings of it, and the denial of 14 the implications for the person in their life. 15 And then I would say for my prison work -- 16 and I see a lot of people in prison -- I would say the 17 major diagnosis, if I was giving the diagnosis, would 18 be a very bad childhood. 19 And so a good way to go to prison is to have 20 a very bad childhood, and it's just a series of 21 dysfunctional behaviors and decisions such that they 22 got there. But it's a good population to think about. 23 Q Okay. What qualifies to you as a very bad 24 childhood? 25 A Lack of connection to someone who provides	Page 24 1 A The two that I use a lot are EMDR and 2 brainspotting. 3 Q And we're going to come to those. I know a 4 little bit about EMDR. I've never heard of 5 brainspotting so I'm going to have to get you to walk 6 me through that, but we'll come to that. 7 What about for major depressive disorder, 8 what are the treatment -- the evidence-based 9 treatments for that? 10 A Medication and psychotherapy. Medication 11 alone does not treat it, and it usually involves 12 healing from trauma. 13 Q And then I didn't ask you about this, but 14 you've also diagnosed Mr. Roe as having general 15 anxiety disorder. First, what are the diagnostic 16 criteria for general anxiety disorder? 17 A Mainly having anxiety that doesn't seem to 18 have an etiology and interferes with functioning. 19 Nothing is a disorder unless it interferes with 20 functioning. 21 Q And then what's the evidence-based treatment 22 for general anxiety disorder? 23 A Medication and psychotherapy. 24 Q What's the etiology for dissociative 25 amnesia?
Page 23 1 care in all the levels that provide -- care is 2 provided. And then also trauma, deaths, abuse. 3 Q Having a drunk of a father who had trouble 4 holding a job? 5 A What about it? 6 Q Would that add into having a very bad 7 childhood that would relate to PTSD? 8 A I don't know because probably 10 percent of 9 the population have a drunk father who has trouble 10 holding a job and many people don't realize there's a 11 connection to it. So I don't know. Not everyone who 12 has a drunk father who can't hold a job has PTSD. 13 Q Okay. Do you help patients bring back 14 memories from their long past trauma? 15 A I don't. 16 Q Okay. Tell me what the evidence-based 17 treatments for dissociative amnesia are. 18 A Probably the -- well, first off, everyone 19 agrees is no one helps anyone bring back memories. 20 And then it's really around coping with the memories. 21 I mean the work that I do is to heal from whatever you 22 remember. It's not about helping anybody have 23 memories. That would be mean. 24 Q And what are the evidence-based treatments 25 for PTSD?	Page 25 1 A I sure wish I knew. 2 Q Does anybody know? 3 A I don't think so. I think it's any defense 4 mechanism -- and that's a defense mechanism -- is an 5 attempt to try to keep yourself whole. 6 Q Well, back in the '80s when there was -- you 7 had patients with multiple personalities, that they 8 would divide their personalities as a defense 9 mechanism? 10 A Actually, the literature now is that -- is 11 that even the four of us sitting in this room have 12 multiple personalities. We have multiple ego states 13 minimally, but, yeah, the whole multiple -- I mean 14 they call that dissociative identity disorder. 15 It was very interesting 30 years ago when 16 that was all popular, very convoluted, and I'm 17 completely blocking -- I think it's in my phone -- the 18 book and the gal who's the expert about working 19 with -- and actually it's how I work with trauma -- 20 working with trauma in terms of healing the part of 21 you that went through the trauma. 22 For instance, if you had a car wreck when 23 you were 50 and you still were afraid of going on the 24 interstate, I could help you with that by healing that 25 guy when he was 50 and had the car wreck.

7 (Pages 22 - 25)

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1 Q Do you see many people anymore expressing
2 multiple personality disorder?
3 A I see someone right now -- and it's not the
4 languaging I use anymore.
5 Q What language do you use?
6 A Dissociative identity disorder, talk about
7 parts. Multiple personality disorder is not
8 languaging that exists right now in the clinical
9 literature.
10 MR. RICHTER: Did you say dissociative
11 identity disorders?
12 THE WITNESS: DID is what it's called
13 now.
14 MR. RICHTER: Okay.
15 BY MR. DUKES:
16 Q What's the etiology of major depressive
17 disorder?
18 A I would definitely say trauma.
19 Q Trauma.
20 A And there's some biology to it.
21 Particularly, I would say the two diseases that have
22 the most biology are schizophrenia and bipolar, but
23 not major depressive disorder.
24 Q Would the schizophrenia be excluded from
25 depression disorder?

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1 A No. Many schizophrenic -- many folks with
2 schizophrenia have major depression. It's
3 undertreated and it's amazing what you -- how you can
4 help somebody with schizophrenia with an
5 antidepressant.
6 Q And what was the other biological --
7 A Bipolar.
8 Q Bipolar.
9 A Bipolar actually should not be treated in
10 psychiatry. It's actually a neurological situation,
11 and it's connected to ADD. I've never met anyone who
12 had bipolar who wasn't first diagnosed with ADD, but
13 not everybody with ADD ends up with bipolar diagnosis.
14 It's neurological but it has -- as in many things, it
15 has behavioral parts to it so they threw it over at
16 psychiatry.
17 Q Okay. And you don't think bipolar disorder
18 should be treated with psychiatry?
19 A We're probably the only one who have any
20 skills. But, I mean, what we know about any
21 psychiatric illness is pathetic. It's pathetic. We
22 know very little.
23 Q Let's turn for a minute to what I've marked
24 as Exhibit 1, which are these invoices that
25 Mr. Richter sent to me. I'm going to ask you a little

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1 bit about them.
2 A Sure.
3 MR. DUKES: And I gave you a copy,
4 Larry.
5 (Exhibit 1 was marked for
6 identification.)
7 BY MR. DUKES:
8 Q Your medical record on Mr. Roe is not very
9 big. You've treated him for, what, a year and a half?
10 Two years?
11 A I haven't seen him too many times.
12 Q Right. I think it's 18 total times you've
13 seen him. And your total record -- and that's Exhibit
14 2 -- is like 23 pages or something like that.
15 (Exhibit 2 was marked for
16 identification.)
17 BY MR. DUKES:
18 Q On May the 2nd, you had two hours for
19 review. What were you reviewing?
20 A He prolifically sends a lot of materials
21 that he's written as far as sent me his CV, stories
22 he's written, short stories, stories of what had
23 happened.
24 Q You say he's written about being sexually
25 abused?

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1 A He's -- the early stuff, over the course of
2 working with him, he's remembered a lot more. I don't
3 know if he's written about that, but his early stuff
4 was really around remembering being abused.
5 Q And you don't put that stuff in your chart?
6 A I don't. I don't have a computer in my
7 office.
8 Q And on May the 3rd, you have two hours for
9 email?
10 A Well, all three of those say review email
11 and materials.
12 Q Ah, got you. So you got seven hours of
13 reviewing emails and materials?
14 A Correct.
15 Q And then on May the 18th, you did an hour of
16 research?
17 A Uh-huh.
18 Q What were you researching?
19 A The first appointment he came in and just
20 out of materials in the first appointment I was able
21 to write a report of what was going on.
22 And he didn't want to continue seeing me
23 just because the drive to Atlanta and the traffic, and
24 so I spent these hours researching resources, trying
25 to find anybody in Athens, Greenville, who could help

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1 him or had any experience. He also wanted to use his
2 Medicare and nobody had any experience in this area.
3 Nobody was taking Medicare.
4 Q Okay. Then what was the two hours on June
5 the 27th, 2019?
6 A Oh, this just took hours of doing this, of
7 following leads, calling people, finding out do you
8 know somebody, all that.
9 Q All right.
10 A And then he re-contacted me the next time I
11 saw him and decided to work with me.
12 Q Now -- but in May and June of 2019 --
13 A Yep.
14 Q -- he was back to -- you were treating him
15 by phone, I think, at that point?
16 A Yes.
17 Q His request to be referred to somebody
18 because he didn't want to drive down here, that
19 happened back in 2018?
20 A Correct.
21 Q So why are you doing this research in May
22 and June of 2019?
23 A I'm sorry. It's an error in the -- oh,
24 actually, all six of these. These are all 2018. Yes.
25 My error. These are all -- these six here are

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1 supposed to be 2018.
2 Q Okay.
3 A Excellent question.
4 Q You can understand my confusion.
5 A Absolutely.
6 Q Okay.
7 MR. RICHTER: She helps people
8 understand their own confusion. That's what she does.
9 THE WITNESS: Yeah. I do apologize.
10 MR. DUKES: That's okay. That's why
11 I'm free to ask questions.
12 THE WITNESS: Good job. Good job.
13 BY MR. DUKES:
14 Q When you wrote that first report -- and
15 we're going to come to that in a minute.
16 A Yeah, sure.
17 Q Had you actually met with Mr. Roe?
18 A Absolutely.
19 Q And how long had you met with him?
20 A I had reserved an hour and a half, but he
21 covered everything he wanted to in an hour and so I
22 met with him for an hour.
23 Q And then you read some of the materials he
24 sent you?
25 A Right.

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1 Q But you didn't put those materials in your
2 chart?
3 A No.
4 Q Do you still have those materials?
5 A I doubt it because my computer is pretty
6 rough.
7 Q Okay. And then the next page of your bill
8 is for 17 sessions that are documented in the chart.
9 A Right. And, you know, basically I was
10 tasked to writing an evaluation, and I had, and then I
11 let him know that I couldn't find anybody and then a
12 little while later he asked if he could come back and
13 see me. And then we did some work together.
14 Q Okay. I'll go in and hand you your Exhibit
15 2, which is the chart. And I had put a little Bates
16 number on the bottom. That's what --
17 A Move your finger off of it.
18 Q I'm sorry.
19 A Okay.
20 Q That's a way that --
21 A Yeah.
22 Q -- law offices will identify for themselves
23 where they got a document.
24 A Sure.
25 Q And it always -- I'll tell you, for years

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1 and years I practiced -- I defended medical
2 malpractice cases --
3 A Cool.
4 Q -- when I was starting out. And there was a
5 notorious plaintiffs' lawyer who would cover up the
6 Bates number that we put on there and put his own.
7 And then we would have the same page with six
8 different Bates numbers on there and nobody could
9 figure out where any of it came from.
10 A Right.
11 Q Hopefully, we won't have that problem.
12 A Okay.
13 Q But when I ask you to turn to a particular
14 page, I'll just tell you the number on the bottom.
15 A I got it.
16 Q Okay. But we're going to come -- we're
17 going to come to that as we move forward today.
18 MR. RICHTER: Are you through with
19 these things? I'm asking because I see you put yours
20 aside. I'm going to put mine aside if you are.
21 BY MR. DUKES:
22 Q And you explained to me the chart is for
23 the -- for getting the chart to me by FedEx. And I
24 take it you live in Madison?
25 A Yes.

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1 Q Which Larry will pass by about midnight
2 tonight.
3 A Yeah. I actually live in Buckhead, which is
4 like 25 miles south of Madison on the lake.
5 Q Okay. All right. Lake Oconee?
6 A Yep.
7 Q Okay. So all of these charges are relating
8 to your treatment of Mr. Roe?
9 A Correct.
10 Q Okay. All right. We can put that one
11 aside.
12 A Do you want to take these copies back?
13 Q He's going to take those copies.
14 A Okay. So I should give them to him?
15 Q Yes.
16 A Okay.
17 MR. RICHTER: One exhibit --
18 THE WITNESS: I just want to make
19 sure -- I just want to make sure everything gets
20 destroyed.
21 MR. RICHTER: Did that go in as one
22 exhibit?
23 MR. DUKES: One, yeah.
24 //
25 BY MR. DUKES:

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1 Q Okay. Are you certified in EMDR?
2 A Yes.
3 Q Explain to me how EMDR works in a
4 therapeutic context.
5 A Sure. And actually just to help you for a
6 minute, brainspotting is just more advanced EMDR. And
7 once you start doing something a little different by
8 someone who invented something, they kick you out.
9 And so -- so the more advanced EMDR went in the
10 direction of brainspotting.
11 And Frances Shapiro, who developed EMDR,
12 actually was pretty good friends with David Grand.
13 And then David Grand is who I mainly trained with
14 after I trained the basic EMDR. Go back to your
15 question.
16 Q Okay. Explain what EMDR is in the
17 therapeutic context.
18 A Sure. What EMDR is, they actually have no
19 idea how it works, but I can tell you that the first
20 time I trained in it, it knocked my socks off and it
21 completely changed my practice.
22 I was able to do in three to five sessions
23 what would have taken me three to five years and maybe
24 I never would have even in three to five years done as
25 well as I did in three to five sessions.

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1 And it involves just asking somebody to
2 picture what's bothering them. And I mean even if
3 someone came in and said, you know, I'm grumpy and I
4 twisted my ankle, and I'll say, well, let's just start
5 with that. So they start with a picture of the ankle
6 and then I just ask them, you know, you know what are
7 you thinking about next?
8 When we first get started, we used our hands
9 to help people. And I started in 2002 and this is how
10 we were doing it, used our hands to move in front of
11 people's eyes to allow their eyes to move back and
12 forth thinking that somehow this is related to REM
13 sleep. We do a lot of clearing in REM sleep, and now
14 we use music that goes in one ear and out the other.
15 The actual founder of EMDR sadly just died
16 this year, Frances Shapiro, and she developed it out
17 of -- I think it was in '89 she was at Stanford
18 working on her PhD, developed cancer, went home to Los
19 Angeles and was walking around a lake and realized as
20 her eyes went back and forth things cleared and then
21 she developed a whole -- a whole methodology and there
22 was lots of research done. And it's really helped a
23 lot of people throughout the world.
24 Q And you no longer use the bilateral
25 movements?

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1 A Well, actually, the point of the bilateral
2 movements is just movements across the brain. So the
3 music that I use goes in one ear and then out the
4 other. So we create the movement across the brain
5 with music. So where I would sit like this for 45
6 minutes is tiring, plus your eyes going back and forth
7 is tiring, it's gentler and easier on the client and
8 on the therapist.
9 Q What music do you use?
10 A I use -- David Grand developed pieces
11 himself that -- that go in one ear and out the other.
12 And there's no songs or anything like it. It's just
13 in one ear and out the other.
14 Q And how -- physically, how does it go in one
15 and out the other?
16 A Well, one day they're going to stop selling
17 them. I had a little CD player. David Grand still
18 uses a little CD player. And then it has headphones.
19 So you put in one headphone here and one headphone
20 here until some of the music comes here and then some
21 of it comes here, so the effect is it goes across your
22 brain.
23 Q Okay. So it's like the -- how Led Zeppelin
24 used to record some of their music in stereo where
25 they would have the right speaker going and the left

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1 speaker going?

2 A It could possibly be, could possibly be.

3 Q Okay. What else is involved in treating

4 someone with EMDR.

5 A Okay. You just ask them what picture you

6 want to begin with and then you -- you -- I often will

7 say, you know, if you could have thought yourself out

8 of this, you would have. And so I want you to just

9 relax and don't try to judge or control or whatever,

10 but tell me whatever comes to your mind.

11 So it's a sense of allowing more parts of

12 your body -- actually, a lot about EMDR and

13 brainspotting says the body never lies. Allowing more

14 parts of your body and actually there's a lot of

15 memory throughout your whole body and a lot of

16 feelings, memory -- actually, memories are stored by

17 feelings actually.

18 And so you just start with whatever the

19 picture is. And then they'll start talking and

20 invariably there will be something they'll say that

21 just seems, to me, like unique. Like nobody else

22 would say that. It seems off the wall.

23 And so I might say, well, when's the first

24 time that you had that sort of feeling or experience.

25 And they'll go back to a story. And it's so funny

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1 I'll -- and I'll say to them, you know, even if you

2 were three years old and fell off a bicycle, whatever

3 it is that comes to your mind, you know, let's go to

4 that.

5 And then maybe they fell off the bicycle.

6 So I say, "Go pick up that little guy who fell off the

7 bicycle." And basically tell him it's over now

8 because you're right there with them.

9 This is what I do with all trauma. I'm just

10 using an easy one. It's over now because I'm right

11 here with you, and I'm not going to let this happen

12 again. I love you. You're perfect just the way you

13 are. None of this is your fault. And that's how you

14 work with trauma. And it takes years of education and

15 experience to do it.

16 Q And you're -- you're suggesting to the

17 patient what picture they should look at?

18 A No. You say what do you want to start with

19 today?

20 Q Okay. And how do you get to the patient

21 picturing the traumatic event?

22 A They just go there. They just go there. I

23 mean, I can think of some people I've worked with who

24 hi, these are the three traumas I want to work on, and

25 they come in and they said I had this big fight with

Page 40

1 my husband. Oh, you know, you want to start with

2 that? Yeah, because that's the thing that's most on

3 her mind. And then it ends up going to whatever it's

4 supposed to go to.

5 Q Okay. And then do you suggest to the

6 patient that they develop that technique of it's over

7 now, I'm here to protect you, telling themselves at

8 another time and place that they are there to protect

9 them. Is that part of it?

10 A No. There are just four parts to it. It's

11 over now. See, PTSD, things are never over. But the

12 reason it's over now is because people tend to not --

13 you know, if I said it's over now, they'll say you're

14 lying. It's not over now because they've been

15 suffering for years. It's over now because I'm right

16 here with you. You're not going to have to be alone

17 with this.

18 Q And who is the I? Is I you Claudia Crenshaw

19 or is I --

20 A You.

21 Q -- the patient?

22 A It's the patient. The patient -- and this

23 gets back to parts and back to multiple personalities.

24 And that the theory now is that we spin off parts

25 because we don't want to deal with the time we fell

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1 off the bike or the time that, you know, the sexual

2 abuse happened.

3 And so we reiterate things by actually -- if

4 I was Johnny, I would say, Johnny, you know, pick you

5 up, say it's over now because me, the big person who

6 has actually been able to cope in life, but when I was

7 three I couldn't cope with it. It's over now because

8 I'm right here with you. That's one part.

9 The next part is I love you. And you'd be

10 surprised how people have trouble connecting with just

11 some different parts on that one, and so I'll do some

12 work with them on that.

13 And then the third part is you're perfect

14 just the way you are. And as you can imagine, we

15 don't live in a society that's accepting of people,

16 and it usually can be a problem.

17 And then the last one it's not your fault,

18 because everyone feels like everything's their fault.

19 And, actually, small children always feel that

20 everything's their fault and so a lot of trauma goes

21 back to kids and adolescents.

22 Q Is EMDR appropriate when there's a

23 possibility of a repressed memory?

24 A It's appropriate for anything and

25 everything. And it doesn't -- the issue isn't

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1 repressed memory. The issue that I'm helping with is
2 healing. You can use it to heal anything.
3 Q Now, I've read that there's -- that the EMDR
4 Institute, I guess, where you studied, has developed a
5 form that they recommend that you use when you employ
6 EMDR therapy. Do you use that form?
7 A No, because actually what I do is more
8 advanced, and it's more brainspotting. And they're
9 not as concerned about anything like that.
10 Q Okay. Your business card says that you are
11 a feminist consultation in psychotherapy. Explain
12 that feminist psychotherapy is.
13 A Sure. I'm a post-modern radical feminist.
14 Post-modern means that there's not any particular
15 truth. Your truth is different than mine and his and
16 his and whatever.
17 Radical feminist is I don't want to just
18 stick women in things that men have been doing, but it
19 means I want to move everything as possible to caring
20 and community.
21 Q Okay.
22 A And feminist has to do with working with
23 junctures of power over male/female, rich/poor,
24 educated/not educated.
25 Q How does feminist psychotherapy play in your

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1 practice?
2 A It absolutely does. I would say I probably
3 have the most -- I have a very unique practice in
4 Atlanta. And I'm pretty well known in helping in
5 impossible situations.
6 And part of it is that I think differently,
7 and I think much more systemically. I'm not just
8 looking at the person and the presenting problems and
9 let's give them drugs. And I do prescribe drugs. I
10 didn't prescribe medications. He was happy with what
11 he was taking from his GP.
12 Q And that was the Effexor?
13 A Yeah. His GP was prescribing that. I did
14 notice in my notes at some point I wrote Wellbutrin,
15 but it is Effexor.
16 And so I'm always looking at the power over
17 issues including the fact if I'm called the therapist
18 and you're called the patient, that's a power over
19 issue. I got all my degrees on the wall, you know,
20 that's a power over issue.
21 But more than that, I mean, you think about
22 children and adults, teachers/children,
23 priest/children, there's an element of power over in
24 all those divisions. And so I can think about things
25 in a different sort of way and help people come to

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1 understand things in a way that allows them to heal.
2 Q And how did your ideas on feminist
3 psychotherapy impact your therapy with Mr. Roe?
4 A It's interesting is that I got a PhD in my
5 40s and I never was able to study feminism in an
6 academic setting until I did my PhD. And I would say
7 that it starts with being nonjudgmental and allows me
8 to care in a way that I know very few people are able
9 to care the way I care in terms of not getting
10 involved, but knowing everyone is in their own story.
11 And, you know, being willing to see what I can do to
12 help.
13 And also, historically, I'm 68. Mr. Roe is
14 75. I'm Catholic, and I know about Catholicism now
15 and Catholicism then. And I remember the whole issue
16 as a kid that the last thing you want to do is get
17 excommunicated.
18 And the second-to-last thing you want to do
19 is eat a hamburger on Friday or you'd go directly to
20 hell. And so just understanding that people's
21 difficulties are couched in the times.
22 You know, I think of how many young women I
23 have are mad at their mothers, but they don't
24 understand that their mothers lived in different times
25 and the constructs of what women could or couldn't do

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1 are different. And that comes from a feminist
2 perspective and understanding that all information is
3 embedded in experience.
4 Carol Gilligan wrote a book in the '80s, In
5 a Different Voice, and this is kind of when feminist
6 theories and understanding how you help is so
7 different from a feminist perspective.
8 They had girls and boys who were 10 to 12
9 and they said a man has a wife and she has cancer, but
10 the man can't afford the drugs for the cancer. And so
11 what should they do?
12 So the boys basically said I guess they're
13 just going to have to let -- going to have to let her
14 die. But the girls were, like, problem-solving and
15 coming up with different angles, like, could he --
16 even the girls were, like, could he break into the
17 pharmacy, could he get somebody to help, could he do
18 different things.
19 And so that was the beginning of the
20 literature that men and women think differently and
21 that there's some -- there's many advantages to the
22 differences between men and women and there are many
23 advantages to understanding the differences and how
24 you can solve problems. There are a multitude of
25 ways. If you don't know how to solve a problem maybe

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1 you need to change the question so that there is a
2 solution.
3 Q What neurocognitive disorders did you find
4 Mr. Roe displayed?
5 A The same ones that you, I, and Larry have
6 just in terms of aging, not being as fast as we used
7 to be. He's an incredibly intelligent guy. But, I
8 mean, none of us are as fast as we used to be.
9 And the best way of explaining it is a young
10 person is like a new computer and now you know how
11 your computers are when they get old. But other than
12 that, he's very intact, just normal issues of aging.
13 Q Did you explore with Mr. Roe all the traumas
14 he experienced in his life?
15 A He's given me a pretty good life history,
16 yeah.
17 Q Okay. What all traumas have you identified
18 that he underwent?
19 A He particularly came to see me to work on
20 the sexual abuse with the priest, so most of the work
21 was there. But the other traumas, they were white,
22 they were poor, and that's tough in Charleston. And
23 there were multiple kids.
24 I kind of think one of the -- one of the
25 siblings had some sort of difficulty that took

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1 attention because you'll see in the notes he talks
2 about when he was sick with scarlet fever.
3 MR. RICHTER: Hang on a minute, please.
4 (Off the record.)
5 BY MR. DUKES:
6 Q Okay. You were saying other traumas in
7 the --
8 A Yeah. And by the way, parenting was
9 different back then. It's not the hyper focus it is
10 now. So his parents were busy with their lives, busy
11 with the other kids.
12 And he talked about when he had the scarlet
13 fever, and he actually had some alone time with his
14 mom because he couldn't go to school and she would
15 read to him and how nice that was.
16 And then also he talked a lot about how
17 angry he was in going from being a very happy, loved
18 school kid to hating school, being hateful, purposely
19 trying to hurt people out on the football field. I
20 mean, he'd probably be the first to tell you he was a
21 bit of a son of a bastard.
22 And he got put out -- let's see. He got put
23 out of school in eighth grade. And then I think he
24 got put out of school again in tenth grade. And
25 that's always a trauma.

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1 Q Okay. What other traumas have you
2 identified that he experienced?
3 A Those were the ones back then. He developed
4 alcoholism, and he was a very severe nicotine addict.
5 His wife helped him with both of that. He had
6 performance -- performance issues with jobs in that
7 his anger would get him in trouble. He might lose
8 jobs because of that, although he did have a fairly
9 successful career.
10 And he had sexual performance issues that he
11 didn't understand what they were. Those are the main
12 ones that come to my mind.
13 Q Okay. Do you do EMDR with Mr. Roe at every
14 session?
15 A No. No. And, actually, I do the more
16 advanced EMDR, brainspotting.
17 Q And we're going to come to that in a
18 moment --
19 A Yeah, yeah.
20 Q -- because I really do want to understand
21 it.
22 A Absolutely, yeah.
23 Q Can --
24 A No, no. But on every session I do help him
25 with -- and what's remarkable about him, he was very,

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1 very screwed up when I met him.
2 What's remarkable was how quickly he could
3 take suggestions of how to heal himself and
4 particularly around doing the work that is the most
5 popular and not known by people right now about just
6 going into the picture and, you know, saying it's over
7 now. I'm right here with you. You're perfect just
8 the way you are. I love you. It's not your fault.
9 And so he actually started doing that on his
10 own, and it was very, very helpful as he also
11 developed memories. So go ahead.
12 Q Can you do EMDR with a phone?
13 A Yes.
14 Q And how do you accomplish that?
15 A Well, because I do more advanced EMDR, tell
16 me when you want to hear about the more advanced EMDR.
17 Q You've been wanting to go there. Let's go
18 to brainspotting.
19 A Yeah, sure.
20 Q First, explain to me the theory of
21 brainspotting.
22 A It's just completely EMDR taken to another
23 level and involved working with your eyes. So if you
24 call me and you're really distressed about something,
25 I would say, well, look on the wall.

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1 And if you're in my office I actually have
2 a -- I have chemistry lab glasses -- if you're at home
3 you don't -- that cover one eye and then the other.
4 But I actually have a pointer. And so if you're in my
5 office, I have you look at a pointer and say where in
6 your line of vision do you feel the most distressed
7 about what we're talking about.
8 And then I would have you look -- let's
9 suppose it was right here. And I would just have
10 you -- you're not going to be looking at me. You're
11 going to be looking at this. And it allows you to go
12 to inside in some way. They have no idea how any of
13 this works.
14 So at home I can say just look on the wall
15 or in my office -- like, I don't have any of these
16 materials at the prison. Look at the wall and where
17 on the wall when you're looking do you feel the most
18 distressed.
19 And I don't cover one eye and cover the
20 other because they don't have a way to do that, but
21 oftentimes if they're in the office we'll cover an eye
22 and they'll work with one eye.
23 And then I just -- I just say start telling
24 me about what you're thinking about, what sort of
25 physical sensations, what sort of feelings, and what's

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1 coming up. And we just -- I just help them go to
2 wherever they need to go to heal.
3 Q And how does that help them go where they
4 need to go to heal?
5 A Okay. Suppose somebody said I'm a jerk. So
6 if someone says I'm a jerk, I know right now it's some
7 sort of trauma-based thing.
8 So I'll say tell me some more about that.
9 Where do you feel that in your body? And then I'll
10 usually say tell me the first time you felt like you
11 were a jerk.
12 And it might have been in fourth grade and
13 they weren't allowed to go to the bathroom and he peed
14 in his pants. So then I'll say go to that little guy
15 in fourth grade and put your arms around him and let
16 him know it's over now. You're right there. He's
17 perfect just the way he is. You love him. And we'll
18 do a little bit more.
19 It's not that -- quite that fast, you know,
20 but these are the basic things I do. And that it's
21 not your fault, you know. The teacher didn't let you
22 guys go. You didn't have a voice to say you need to
23 go to the bathroom. You know, whatever it is. I use
24 simple examples for you.
25 Q Yeah. So walk me through how you've used

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1 brainspotting with Mr. Roe.
2 A Initially, much more when he came to the
3 office. And once he got how to go into these pictures
4 and how to nurture himself, he just pretty much
5 preferred to do that and did that. And so once it
6 became much more phone sessions, did not do any sort
7 of that structured brainspotting.
8 Q Did you do any sort of forensic examination
9 on Mr. Roe when he first came in?
10 A What are you asking about?
11 Q An assessment? Any kind of testing?
12 A No, no. I don't do testing. I'm not a
13 psychologist.
14 Q What kind of assessment did you do?
15 A Clinical interview.
16 Q Huh?
17 A A clinical interview.
18 Q Okay. And walk me through your clinical
19 interview. What kind -- what questions did you ask?
20 A Well, first, I'm going to make sure you're
21 comfortable. Yeah. Do you need a glass of water? Do
22 you want to go to the bathroom? What brings you in
23 and essentially you're going to hear the story.
24 And then I'll do a mental status examination
25 during the interview. I just need to make -- the only

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1 two questions I ever have to ask as I observe the
2 mental status while I'm talking is are you having any
3 thoughts about hurting yourself or anybody else and
4 because people just won't just naturally tell you
5 that. And are you hearing voices. And often because
6 voices -- people hear voices are not schizophrenic,
7 because of PTSD.
8 And so, yeah, so I tell -- tell the story.
9 I ask them questions. I do a mental status
10 examination. I ask about health problems. I ask
11 about prior history.
12 Q How could you get through his health
13 problems in just an hour?
14 A I don't want to get into a lot of details.
15 I mean, I just want to get the nature of the health
16 problems. When he came in initially, he was just
17 finishing up some prostate cancer treatment.
18 Q Have you gotten any of the records from his
19 GP, Dr. Novotna?
20 A No.
21 Q Have you -- I really do want to understand
22 brainspotting as fully as I can.
23 A Cool.
24 Q So how does it work?
25 A Do you know, they don't have any idea how

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1 any of this stuff works, not at all. They have zero
2 idea of how it works. Isn't that amazing? But it
3 works.
4 Q Okay. Has it ever not worked?
5 A I have worked with some people who got too
6 afraid and weren't ready yet. And if I'm chatting
7 with somebody and they very quickly -- I'll say, well,
8 tell me about the first time. And they say "I don't
9 know" really fast, I say my experience, when you say I
10 don't know, you might not be ready to know. And
11 that's okay, you know.
12 And then often if they're paying me money
13 and they want to see, you know, how to get better,
14 then they'll -- you know, if you want to, you could
15 just slow it down.
16 And when you very quickly say to yourself I
17 don't know, you usually do know but you don't want to
18 know. And that's not just in therapy. That's in
19 life. And so -- go ahead.
20 Q Okay. The Roes have had two experiences as
21 adults with clergy getting apprehended or getting
22 arrested for abusing children and both times it has
23 been very traumatic for them, I think.
24 A I didn't know that.
25 Q Okay. Would -- and one was in the late

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1 '90s, I think, and one was in the last 20 years when
2 they've lived in Toccoa. Both were ministers in the
3 church where they went. But that has not come out in
4 your therapy sessions at all?
5 A No.
6 Q Have you discussed with Mr. Roe his concerns
7 about homosexuals in the priesthood?
8 A No. He did -- no. He -- most men who are
9 sexually abused by men get worried that maybe it
10 happened because they were gay so we have talked about
11 that. And he's not gay and he came to that
12 conclusion.
13 But, no, not about his concerns about
14 homosexuality in the priesthood. And by the way, no
15 abuse is about -- is about sex or homosexuality or
16 heterosexuality. It's about power and control.
17 Q I do understand that. In his -- and you
18 haven't read his deposition? You have to answer out
19 loud.
20 A Yes, sir. No, I have not. He did his
21 deposition just recently, and he told me it was longer
22 than he thought it would be.
23 Q Because he and I got into a conversation.
24 A Uh-huh.
25 Q Okay. How -- how do you handle doing --

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1 well, why do you say brainspotting is a more advanced
2 EMDR?
3 A It is. It is.
4 Q How?
5 A How. In that it involves the -- using the
6 eyes a lot more in terms of actually -- David Grand
7 would say, you know, you don't even need to have the
8 music or anything like that but if you just -- and,
9 actually, I found it's true.
10 If I just tell you find the spot on the wall
11 and just sit at that spot where you feel the most
12 activated, the most distressed by what we're talking
13 about, we can go at it.
14 I mean, what I like about it is I don't have
15 to have any tools or anything. I mean, in my office I
16 love using the music and all I do. But, yeah, it's a
17 lot like this eye goes to that side of the brain and
18 this eye goes to that side of the brain. For some
19 bizarre reason, things get caught in places, almost
20 like gummied up [ph].
21 And what EMDR does, although I think
22 brainspotting does it quicker, is it just clears that
23 up so you don't keep -- the PTSD it keeps going round
24 and round and round. So you don't keep going round
25 and round to it.

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1 Q Okay. And just because pointing to one eye
2 on one side of the head --
3 A And that's so funny.
4 Q -- doesn't come across in a transcript very
5 well --
6 A Yeah.
7 Q -- you were saying your right eye goes to
8 the left side of your brain and your left eye goes to
9 the right side of the brain?
10 A Correct.
11 Q And sometimes your perceptions get turned up
12 in the middle somewhere?
13 A No. I mean it's -- I have actually called
14 brainspotting brain surgery but no knives. As to how
15 something so imprecise could help so largely, it's
16 amazing. All I can tell you is it's amazing, but they
17 have no idea why it works. They have no idea. But it
18 works.
19 Q How did you first come to appreciate
20 brainspotting as a therapeutic technique?
21 A I was within the EMDR community. And David
22 Grand at that point was within the EMDR community. At
23 his first work he called it natural flow EMDR. And I
24 went to one of his trainings in Nashville.
25 And he's just one of the kindest, gifted,

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1 smartest guys I've ever met. I love what he did. And
2 so I did a lot of training with him over -- over the
3 years.
4 And then -- then he got kicked out of EMDR
5 because he was, like, creating new things, but that's
6 how life works. And so he had to call -- he would
7 have stayed in EMDR if they would have been okay with
8 that. But he's -- both the EMDR people and the
9 brainspotting have worked internationally.
10 He worked with the people -- he's up in New
11 York so he worked with, like, the parents and the
12 community of the Sandy Hook kids who got murdered, and
13 he's done a lot of international stuff. He started
14 doing his trauma work with -- and it's interesting to
15 think how it's so different in the north.
16 But when people want to commit suicide in
17 the north, they'll, like, jump out in front of a
18 train. And so this is extremely traumatic for the
19 train conductor. And so he started doing trauma work
20 with them first and then things evolved for him.
21 That's how he got -- got interested.
22 But once -- once I did EMDR, I was like, oh,
23 my God. This is incredible. And once I started
24 working with David, he brought something to it that
25 was much more connected, much more human, much more

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1 caring, and so it was a better fit for me. So I've
2 done the training in that direction.
3 Q Okay. Do you ever use neuropsychological
4 assessments?
5 A No. I mean besides a clinical interview.
6 Q Okay.
7 A I'm going to be honest with you, I work at
8 the prison and in clinical interview I pick up a lot
9 of stuff that the psychologist didn't pick up who do
10 the testing.
11 Q Let's look at your treatment record for a
12 minute or for a little while. And you first saw
13 Mr. Roe in May of 2018, right?
14 And in looking at your notes, he reported
15 that he began suspecting he was sexually abused by a
16 priest, or priests, a few years prior to his brother's
17 death in September 2017. This is back on page 20.
18 A Right.
19 Q What did he report about that?
20 A Here you've got page 1. Oh, here we go.
21 Q And there's a typewritten initial
22 evaluation --
23 A Yeah, sure.
24 Q -- back on page 20.
25 A I'm just looking through your pages. "I

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1 have memories and dreams that I was sexually abused by
2 a priest or priests that start with my brother's
3 death."
4 He reports he began suspecting he was
5 sexually abused by a priest or priests a few years
6 prior to his death, and he found his brother and
7 sister just remembered a whole lot of things he never
8 did.
9 Q Right, but why did he -- what triggered the
10 suspicion?
11 A I don't think he went very far with it. I
12 mean, he just said, you know, that's all he said. It
13 wasn't any big deal for him, and so I didn't go that
14 direction with him.
15 Q I see. And you didn't use your
16 brainspotting techniques to have him --
17 A No, because that would be creating memories
18 and you --
19 Q I see.
20 A -- don't use any of these techniques to
21 create memories. You use the techniques to create
22 healing.
23 Q When your patients, the 30 or so, who have
24 reported suffering from repressed memory syndrome over
25 the years, when they have begun recovering their

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1 memories, how does it come back?
2 A Very similar to Mr. Roe. It -- you know, he
3 talked about -- Mr. Roe, he talked about after his
4 brother died just a few days later he started throwing
5 up and all of these memories just kind of came back.
6 And they kind of come back like photographs,
7 like pictures. They don't come out like -- they don't
8 come back like a movie. They usually come back as
9 screenshots. And that's kind of like how your brain
10 works. And so it's a process. If you're afraid and
11 don't want to remember, you don't have to.
12 But then oftentimes -- and I tell people, if
13 you're at a point in life where these things are
14 coming up it's because -- because you're probably
15 ready, you know, to deal with it. But, you know,
16 you -- you know, I tell people, you weren't -- you had
17 no control during the abuse, but you have all the
18 control over recovery.
19 You can choose to remember things. You can
20 choose not to. You can choose to heal from it. You
21 can choose not to heal. You have all the choices now,
22 but back then you had no choices.
23 And so they come up as screenshots and then
24 they -- if it's in a safe place. I would say probably
25 the things that Mr. Roe talked to me about that were

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1 really hard is when he started remembering the actual
2 sexual acts.
3 And I think he was really glad he had his
4 therapist because it wasn't anything he wanted to talk
5 to his wife about or people who were important to him
6 about, about what had happened.
7 Q Did he ever tell you that the medications he
8 was taking were not having their -- the effect any
9 longer?
10 A No. I actually really like Effexor because
11 it works with your neurotransmitters and it looked
12 like a good choice. It looked like a good dose, and
13 so I didn't --
14 Q Well, he's at the maximum dose, isn't he?
15 A Is he at 225?
16 Q Uh-huh.
17 A No. No. No. A lot of people do 300, but
18 225 is usually the maximum dose I would use.
19 Q Okay. And that's the maximum dose that
20 Dr. Novotna would use.
21 A Yeah. I mean you can use more. There are
22 lots of people who take a lot more than that, but I
23 like 225. I often use 150. And 300 is unusual, but
24 some people benefit from 300. So 225 is good too.
25 Q And after his brother died, he went to

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1 Dr. Novotna. And she prescribed the Abilify for him,
2 but he declined to take it. Did you know about that?
3 A I didn't know about that.
4 Q What does Abilify -- how does it work with
5 the Effexor?
6 A Yeah. It's very interesting. I don't know
7 if she did 2 or 5 milligrams. Do you know what she
8 did or --
9 Q Uh-uh.
10 A Yeah.
11 Q No, I don't.
12 A It can potentiate the antidepressants, but
13 it also -- if people -- when you lose someone you feel
14 like you're falling apart. And so if you feel like
15 you're falling apart, just a little bit of an
16 antipsychotic, like Abilify, will help you just kind
17 of hold yourself together. But when people are really
18 grieving, I'm all about them going through the natural
19 process of it being okay to fall apart.
20 Q How did his -- how did he sometimes get
21 scattered as he was pulling together his memories?
22 A He would start talking over here, talking
23 over here, talking over here.
24 Q Okay. I'm not quite sure what you mean but
25 give me --

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1 A He might talk about this one and not finish
2 the thought. Then talk about this one, not finish the
3 thought. And then maybe talk about this one and then
4 he might go back over here. And that's pretty normal.
5 Q Is it typical for someone who represses
6 memory to remember it for a time after the trauma and
7 to tell other people about it?
8 I mean, Mr. Roe said, "I told my brother.
9 And he told me not to tell anybody, so I stuffed it."
10 Is that something that is typical or atypical?
11 A Yeah. You've got to understand is that his
12 brother was his person. And what I mean by that is
13 his brother was who he always checked with, who he
14 trusted, who he could tell anything to, more than his
15 parents.
16 And to tell you the truth, his brother was
17 completely right. You would not have been believed.
18 And I don't know if they would have been
19 excommunicated, but they sure couldn't continue in
20 that community. They would have been put out of that
21 community at that time.
22 Q Why do you say that?
23 A Because I am of that generation and I
24 know -- I've been around -- I mean, I've been around
25 when nobody was sexually abused because nobody ever

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1 talked about it. And then when all of this other
2 stuff came up and -- yeah. No. No. He definitely
3 would not be able to continue in that community. And
4 he definitely would not be -- be believed.
5 Q And the --
6 A So his brother was very smart and very
7 right.
8 Q How do you know that?
9 A Because he was able to continue in that
10 community. His brother didn't tell him to forget
11 about it, but his brother was, yeah, I really don't
12 think you should go there and telling people about --
13 his brother didn't say forget about it. But it wasn't
14 a good idea to tell people.
15 Q Okay. And that was how things were in the
16 '50s and '60s and '70s?
17 A Yeah. Let's see, because he's -- you're
18 probably pretty close to my age. You're in your 60s,
19 I'm guessing, correct? And he's in his 70s, so he's
20 got some --
21 Q I'm 53.
22 A Are you really? You know what, you're
23 working too hard.
24 Q I'm going on vacation this afternoon.
25 A I know you are. I know you are. I saw that

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1 when something came back. Yeah, okay. Yeah. So
2 okay. So you -- so what year were you born? Let me
3 think about it because I want to go back to all of
4 this. I was born in '50s. So you were born in the
5 '60s, correct?
6 Q '65, yeah.
7 A '65, okay. Yeah, so you missed all the
8 '50s. And you were too little to go to Woodstock,
9 which is too bad. I didn't go to Woodstock, but the
10 father of my kids, my ex-husband, did. And it was,
11 like, the defining moment of his life. Yeah. So how
12 it was back then is -- wow. I even wonder if you ever
13 had a black and white TV. Did you ever have a black
14 and white TV?
15 Q Yes.
16 A Yeah, you did. Okay. Yeah. So there was
17 very little information, as you know.
18 Q And didn't have cable until I was in
19 college.
20 A Yeah. Right. Right. Right. Yeah. So
21 there just wasn't very much information that got
22 anywhere. You answered your own questions. You
23 didn't --
24 And if in society, separate from priest and
25 churches, and I often tell people is that if somebody

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1 was sexually abusing someone, they would just say --
2 they'd say don't let the kids near Uncle Johnny
3 because, you know, he's kind of got a problem.
4 And so there was no sense of that was going
5 to screw up the kid or anything like that. But also,
6 at the time, it was much more that children should be
7 seen and not heard.
8 And, you know, I would say we live in a
9 society now that's really hyper focused on kids where
10 a lot of people -- a lot of adults lose their identity
11 with their kids now. But that's how it was.
12 And, you know, and so if people were
13 predators, they didn't realize this was a very serious
14 problem, and it was more than just being odd or weird
15 but that something should happen.
16 So like here in Atlanta, it wasn't until
17 1976, of which you're still a kid, like ten or so.
18 I'm out in the world at that point as an adult. It
19 was in 1976 that the first battered women's shelter
20 started in Cobb County.
21 And before anyone ever talked about sexual
22 abuse, the first thing that got talked about was
23 battered women. And here in Atlanta, it wasn't until
24 the 1980s that anyone started talking about sexual
25 abuse.

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1 Q Or anybody in the psychological community?
2 A Exactly, exactly, exactly. And so, I mean,
3 I feel really gifted for having -- and one of the
4 advantages you're going to enjoy -- you know the '60s
5 are the happiest decade so hang tight, okay.
6 And I've really enjoyed seeing how things
7 have changed every decade and what we've come to learn
8 and know. So I don't hang my hat too much on much of
9 anything because it might be something is going to
10 change, you know.
11 MR. DUKES: Do you want to take a break
12 or keep going? It's been a little more than an hour.
13 THE WITNESS: Let's see. Yeah, let me
14 use the restroom.
15 MR. DUKES: Okay. Let's go off for a
16 few minutes.
17 COURT REPORTER: We are off the record.
18 The time is 3:07 p.m.
19 (Off the record.)
20 COURT REPORTER: We are back on the
21 record. The time is 3:15 p.m.
22 BY MR. DUKES:
23 Q Okay. We had a short break and told some
24 stories. I want to go back to some of the things
25 Mr. Roe related to you. And in your August 1st entry

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1 in your typewritten notes --
2 A What -- what page are we on?
3 Q It is 19.
4 A Okay.
5 Q You have some notes -- some typewritten
6 notes --
7 A Sure.
8 Q -- regarding a handful of sessions. And on
9 August the 1st, you say he shared several connected
10 incidents from Saturday school and regular school.
11 And I wonder what those were?
12 A Okay. "Mr. Roe shared he is remembering
13 more about the abuse. He shared several connected
14 incidents from Saturday school and regular school. He
15 also shared many of his difficulties and cruelty
16 experienced throughout Catholic school."
17 I'll be honest with you, that was 8/1/2018.
18 I'm not quite sure the connected incidents. As time
19 went on, he felt like most of the abuse happened at
20 Saturday school.
21 I mean he never talked about abuse happening
22 at regular school besides this one little part when I
23 first met him. So I don't know what the connected
24 incidents -- connected incidents of abuse.
25 Q Okay. All right. What -- you gave him some

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1 reference to look up treatments on EMDR and
2 brainspotting. This is now going backwards in your --
3 A What page are we on?
4 Q The same page, but up on the June 27th. I
5 guess that's the first session he came to you, I
6 think. At least that's where your initial evaluation
7 was on June.
8 A Okay.
9 Q What materials or what references did you
10 give him to look up?
11 A Yeah. I just want to answer your question
12 correctly to see what this says. "Let him know I
13 wanted to do EMDR brainspotting to help with the
14 nightmares, the memories, the depression, the anxiety,
15 and PTSD, and gave him references to look this up." I
16 did no other than giving him websites. That's what I
17 did.
18 Q Okay. And what websites did you recommend
19 to him.
20 A EMDR.org and I think Larry Grand has
21 changed. I think he's now just brainspotting. I'm
22 not quite sure. He was something else. But I told
23 him to look up brainspotting and look for David Grand.
24 I don't even know if he ever looked this stuff up
25 because he was still debating if he could find

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1 somebody closer.
2 Q What losses does Mr. Roe grieve over that
3 he --
4 A What page are you on?
5 Q Oh, I'm -- I've just skipped up to 16.
6 A Wait a minute. I guess we're going to back
7 up.
8 Q And it's in your handwritten notes --
9 A Yeah.
10 Q -- from a session I think it's going to be
11 from August the 1st.
12 A Okay. Yeah. So -- so summary of those
13 visits there, beginning to shift with -- on page 16,
14 right?
15 Q Yes.
16 A Beginning to shift with these appointments,
17 giving more history both then and life now, more
18 memories, feeling more empowered. Are you on the
19 right page?
20 Q Yeah, you're on the right page.
21 A I'm trying to find where you're asking.
22 Q When I -- when you said more memories --
23 A Yeah.
24 Q -- my reading of your handwriting --
25 A Was what?

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1 Q More me movies. And I was going to --
2 A It does look like more we movies, not me
3 movies.
4 Q Yeah.
5 A You didn't pay attention --
6 Q And what's why I was going to ask you
7 specifically, but that's memories?
8 A More memories, yeah.
9 Q Okay.
10 A But you asked something else and where is it
11 on the page?
12 Q Yeah. Down -- down at the bottom. He's
13 grieving many losses he perceived in his life.
14 A Okay. Hold on a sec.
15 Q What were those losses?
16 A Yeah, hold on. Grieving the -- last
17 sentence, grieving the many losses he perceives in his
18 life because of the abuse. His main thing was that he
19 thought he could have been a famous writer.
20 And also that he was really upfront that he
21 was a son of a bitch for most of his life and pretty
22 disagreeable to be with. And he felt very -- very
23 grateful that Terry didn't kick him to the curb and so
24 just his behaviors and his anger. And he's very, very
25 smart and just that he might have accomplished more.

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1 He might have been more kind. He might have been more
2 loving.
3 Q Now, on this same page you have sessions
4 four, five, six, and seven, and the dates, but no
5 notes whatsoever.
6 A Actually, these little things -- this is
7 what four, five, six, and seven look like. Beginning
8 to shift --
9 Q I see.
10 A See, that's the only time I saw four really
11 close like that.
12 Q Why did you go to once a week?
13 A I just did that for a minute right then, he
14 was having a hard time, I think. I know he stopped,
15 right, and then I --
16 Q Right.
17 A -- get a recontact on 1/8. Yeah. So at
18 this point he was feeling more empowered. He was
19 dealing with his memories, and he wasn't in distress.
20 Q And it was far for him to drive down to your
21 office?
22 A Yeah. And so he took a break. And I see
23 him on 1/8. I say, "Recontacted, wanted to come for
24 more sessions, issues came up over the holidays," and
25 then I scheduled him.

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1 Q What issues came up over the holidays, do
2 you know?
3 A Yeah. Let's go to the next page on page 14.
4 Okay? Okay. This was -- this was a big one. He
5 says, "Put a piece together. I told my brother as a
6 kid I remember" -- and when he says I remember, he
7 remembers now. That he didn't -- prior to that he
8 didn't remember that he had told his brother, and his
9 brother had said keep a lid on it. And so at this
10 session he's talking about nun knew, but they didn't
11 say anything. Let me see.
12 Q Well, he had told -- he had told you he had
13 told his brother about it.
14 A As a kid, no.
15 Q No? On 8/1/2018, on page 17 at the
16 bottom --
17 A Okay. Let's see. Yeah. Okay. Yeah,
18 right. He did. He did. Yeah. Something came up
19 that he really -- I don't know if he remembered --
20 because actually memories kind of show up as
21 screenshots and then you kind of remember it and it
22 becomes more like a motion picture.
23 If he remembered it -- if he remembered
24 I -- okay. Put a piece together. I told my brother
25 as a kid I remember nurses knew, but they did not say

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1 anything. He felt like that -- the nuns knew.
2 Hostility from nuns. And I don't know what this
3 website and all this was about, because he kind of
4 digressed for a minute.
5 Then Harry's wife died -- oh, okay. Harry,
6 his wife died over the holiday, over New Year's Eve,
7 and I think that probably triggered stuff. So I feel
8 better overall. Moving past, amazing what I was able
9 to accomplish despite all the abuse.
10 Yeah. So there's, you know, the stages of
11 grief, shock, anger, depression, bargaining, and so
12 it's beginning to work through. There's so many
13 levels of remembering and so many levels of healing,
14 beginning to work through.
15 Contacted me last month, more dreams, shadow
16 memories have settled back down. Works with trauma
17 memories with a technique of his adult self-caring for
18 the young, abused self, which is the technique I've
19 told you about.
20 Q Okay.
21 A So he's doing a lot of self-care here. He's
22 writing a novel, next page, page 13.
23 Q What physically or biologically, how did he
24 stuff the memory? How can you willfully --
25 A You mean as a kid?

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1 Q Yeah.
2 A You just -- you cannot pay any attention to
3 it.
4 Q Okay. How is Mr. Roe doing now?
5 A Excuse me?
6 Q How is he doing now?
7 A I often say if I don't see eight miracles a
8 day it's a slow day. He's absolutely a miracle. He's
9 a whole different person. His -- I mean I'm just --
10 because I was prepared for a long haul and not all
11 that much fun.
12 But -- and I think part of it is being
13 older, that you have more skills for processing and
14 you don't have as much time and so you process. And
15 so he's been able to put these things in places and
16 grieve and support himself.
17 He came in to see me and I didn't -- he came
18 in to see me. I didn't send you a copy. He came on
19 9/18 just, you know, right after he had done his --
20 Larry doesn't have a copy of it. I'm sorry. Do
21 you -- you don't have 9/18? Yeah, just after. You
22 know, I hadn't seen him in a while before that where
23 I've seen him, 9/9, yeah.
24 And, yeah, he just came in, just kind of --
25 nothing -- didn't do much. But on 9/8 when I saw him

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1 he actually -- and I think it was beautiful, is -- you
2 know, there's so many levels to spiritual losses, he
3 might have become a priest because I do find these
4 folks who are abused by religious people are often
5 very, very spiritual people and maybe that's why they
6 connected up with a provider. And so, you know, and
7 basically he just wanted to kind of just say hi after
8 the deposition.
9 Q Did you evaluate whether there are any
10 alternate causes for Mr. Roe to develop dissociation?
11 A I didn't see any. I'm not quite sure --
12 except it was in his best interest to -- to not go
13 there about having these memories back then.
14 And I think it's no accident, just a theory,
15 that once his brother died and his brother was the one
16 who had said, hey, be careful, that then he was able
17 to have the memories.
18 And I do see that a lot if someone has been
19 abused by somebody significant, when that person dies
20 a lot of times the abuse comes up, or if someone who
21 was a caretaker who protected them from the abuse died
22 so, you know --
23 Q Is there any possibility that these are just
24 images and not actual memories?
25 A No, there's not. I mean, when you're

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1 sitting with someone and they are physiologically,
2 psychologically, and spiritually in the depth of the
3 experience of this, yeah, no.
4 And I'll actually -- and also watching him
5 go through -- whenever you have any change you have to
6 go through a grief process. So all the edges of this
7 he's had -- he's had to grieve.
8 Q What are the, I guess, symptoms that you've
9 identified of his dissociative amnesia diagnosis?
10 What symptoms is he manifesting?
11 A Well, he's actually, I would say, in
12 remission. He's remembering now so it's in remission.
13 Q Okay. When I -- when I took his deposition,
14 he remembered football coaches. He remembered his
15 phone number, his address.
16 How is it that you -- again, biologically,
17 how is it that you selectively unremember certain
18 aspects of a period of time?
19 MR. RICHTER: Just object to the form
20 of the question.
21 BY MR. DUKES:
22 Q You can answer.
23 A Oh, yeah. I mean, I have to chuckle because
24 I happen to know that there's probably some things
25 that you've chosen not to remember yourself and we're

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1 all that way. We're all that way. It's a part of
2 being human.
3 Q And all of that you would classify as
4 dissociative amnesia?
5 A Something only becomes a diagnosis when it
6 becomes a problem. Such as everybody in this room is
7 a little OCD, but we don't have -- I don't think we
8 have those diagnoses but it helps us with our work.
9 But when we just have to sit and count all the tiles
10 and, you know, put the corner on the bed, then it
11 interferes. But we all have a level of dissociative
12 amnesia.
13 Q And what symptoms of the general anxiety
14 disorder is Mr. Roe displaying?
15 A He's still fairly anxious. And a lot of it
16 is his health difficulties. And I know he told me
17 that maybe he had a spot on his lung. I'm not sure
18 that that developed. You all haven't heard anything
19 that that developed into anything or not. But, you
20 know, people do worry about things. But, you know,
21 you've met him. I mean, he's very large.
22 When he said something about stuffed, you
23 can see he stuffed a lot in his life because he's so
24 large and because the body never forgets. The body is
25 a metaphor for your life. And so -- you know, I don't

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1 know. I don't know.
2 You know, as far as anxiety, I think he
3 still has anxiety. He talked a little bit. He can
4 get anxious at night. And some of that can just be
5 some of the -- you know, it's like peeling an onion
6 working with these issues.
7 I don't know if you ever quite all the way
8 get over it, but you still may have a little bit of
9 remnants that you're working on. And I didn't get
10 much into how he felt about his health, but I do know
11 as we get older and have health problems -- I mean, he
12 has said, you know, he hopes this gets finished while
13 he's still alive. And I don't think he's dying
14 imminently.
15 But I also know -- and I'm going to guess
16 that probably everybody here might be a parent or know
17 somebody who's a parent. That his concern, you know,
18 is that if he doesn't live through all this and if
19 there's some sort of settlement that his daughter
20 could benefit.
21 Q Do you ever do cognitive behavioral therapy
22 on a patient?
23 A Sure.
24 Q But not Mr. Roe?
25 A Yeah. I mean, all it is is changing how

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1 you're thinking. All the techniques I'm using are
2 within the context of cognitive behavioral --
3 Q Okay.
4 A -- because they allow him to change how he's
5 thinking.
6 Q So you didn't perform a neurological exam on
7 him, right?
8 A No.
9 Q And you didn't get any kind of brain study,
10 a CAT scan --
11 A No.
12 Q -- or MRI?
13 A No.
14 Q You didn't test his cognitive abilities,
15 right?
16 A I did through the interview. I mean, you
17 know, I don't have to ask you if you know where you
18 are if you indicate as you're talking you know where
19 you are.
20 Q Okay. Is he having current memory problems?
21 A No more than someone who is 75. You just
22 kind of have a memory blip, but not much. He stays
23 very psychologically active. He's in a writer's group
24 and that really helps your mind stay sharp.
25 Q How is his emotional responsiveness?

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1 A What do you mean by that?
2 Q What do you think it means?
3 A I have no idea. I have no idea.
4 Q All right. To what do you attribute his
5 life-long history of depression?
6 A When you have these things percolating
7 inside, they take a toll. They take a toll. And
8 that's what I would attribute it to is the trauma that
9 has been -- been inside.
10 Q He said that a nun, when he got expelled
11 from the one school and he went to the Cathedral
12 school, that one nun saved his life.
13 A Sister Mary.
14 Q Yeah.
15 A Yeah.
16 Q Do you know how?
17 A Yes. She paid him special attention. She
18 related to him. She was there for him. She presenced
19 [ph] him.
20 Q And you realize that the school where the
21 nun saved his life was on the same property as where
22 he believes he was abused?
23 A Yeah. And I want to think that's downtown,
24 is it?
25 Q Uh-huh.

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1 A Yeah. And where he was beforehand was more
2 uptown or more where he was living --
3 Q Right.
4 A -- which is -- yeah, yeah. Oh, yes,
5 definitely.
6 Q And he didn't have any reaction to the place
7 where he had been abused when he went to school there.
8 A From -- if I've got it right, because he was
9 not doing well in school, you have to go to Saturday
10 school. And Saturday school was there.
11 And the abuse was completely repressed, and
12 it happened when he was, you know, eight or nine, he
13 thinks, for about a year and a half. And so he had no
14 memory that anything had happened there, you know.
15 But, you know, I don't know.
16 I don't know -- I mean, the picture I have
17 in talking with him is the abuse often happened
18 downstairs in the basement, and I don't know where the
19 school is in relation to that. But, yeah, at that
20 point he was plugging through life probably pretty
21 angry and hard to reach, and she spent some time
22 reaching him.
23 MR. DUKES: Give me just a minute. I
24 may be winding up so that everybody can get on the
25 road.

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1 BY MR. DUKES:
2 Q When you're doing the brainspotting, and I
3 understand you differentiate that from the EMDR,
4 although it's similar.
5 A I don't.
6 Q Okay.
7 A But probably the EMDR people, they did,
8 that's why -- yeah. No, I don't differentiate it.
9 Q Okay.
10 A I often interchangeably use those words.
11 Q What statements does Mr. Roe focus on about
12 himself, I guess?
13 A It's not statements about yourself. It's
14 just stories. It's memories. It's actually all this
15 stuff lives in the feelings more than in statements or
16 in your brain.
17 Q Okay. And I understand the bilateral
18 movement part from the old EMDR days where you wore
19 your arm out doing this.
20 A Yeah.
21 Q And how you have a pointer that you point at
22 the wall and say stare at that.
23 A Well, you're using the music to move across
24 the brain.
25 Q Right. But in the brainspotting you're

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1 focused on --
2 A You got -- you've got more eyes going. And,
3 actually, David Grand doesn't even think you have the
4 music, but I love using the music and so that's kind
5 of from my EMDR days. But, yeah, it's -- that's what
6 I understand is how David Grand got added.
7 He was doing some EMDR with a dancer in New
8 York City. She was 16 and she could do -- let's see
9 if I can tell it right. She could do the single twist
10 jump and the three-twist jump, but she couldn't do the
11 two-twist jump. And she was seeing him to see why she
12 couldn't do the two.
13 And he just -- I don't know, he just got the
14 idea of like, you know, he couldn't help her, you
15 know, so that's how things are invented. So he just
16 had her watch, watch, and then when he got right here
17 say -- her eyes start fluttering and he knew something
18 was up.
19 So he just stopped right there and then
20 she -- something about the second one was connected to
21 some trauma that she processed out, a trauma that
22 she'd remembered but had no idea was connected to this
23 dance thing, and he helped her clear it up. And then
24 she could do all three of the dance things.
25 And so it knocked his socks off and that's

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1 how he started doing more with the eyes. And that's
2 probably why he got kicked out of the EMDR because --
3 because once you establish something -- EMDR used to
4 be very avant-garde.
5 Then it got established and so then the
6 dialect, then someone else comes and improves it and
7 they kick him out and tell him to have their own
8 thing, even though brainspotting is just a more
9 advanced EMDR.
10 MR. DUKES: Okay. I think that's all I
11 have for you, ma'am. Thank you very much.
12 THE WITNESS: Oh, come on.
13 MR. RICHTER: I've got a few.
14 THE WITNESS: I'm just warming up.
15 I've had a snack. I'm booked as yours until five,
16 please.
17 EXAMINATION
18 BY MR. RICHTER:
19 Q I want to -- the first thing I want to do is
20 make sure -- the copy of the records that I have been
21 supplied with is not Bates stamped. So I have been
22 unable to keep up with --
23 A Oh, right.
24 Q -- you all when you referred to the various
25 page 19, page 20, whatever it was. So I want to go

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1 back and clarify a couple of things about your office
2 record.
3 Secondly, I don't understand how many
4 documents have been put in the record of this
5 deposition. I thought -- I've only written down one
6 exhibit.
7 MR. DUKES: And her medical record is
8 2.
9 MR. RICHTER: So two documents to this
10 are multi-page exhibits. Okay. And those were her
11 statements or invoices, I guess what you call it, and
12 her records.
13 MR. DUKES: Yeah.
14 MR. RICHTER: So there's two and those
15 are in the record. All right. So my only -- the only
16 thing I'm missing is a Bates-stamped record and so I
17 apologize before I go over any plowed ground. I don't
18 need that.
19 THE WITNESS: Would it be helpful for
20 you to have a copy?
21 MR. RICHTER: Maybe, yeah.
22 THE WITNESS: Can he have this or he
23 can't?
24 //
25 BY MR. RICHTER:

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1 Q Let me tell you and you can probably turn
2 right to it from the -- a few things. I hate to --
3 A Go ahead.
4 Q I hate to ask you -- I hate to ask you this.
5 You're no different than anybody else, are you?
6 Sometimes you write a wrong word or spell it wrong or
7 something else?
8 A Yeah.
9 Q Okay. I ask you because you said a couple
10 of things --
11 A Okay.
12 Q -- I think referring to your record --
13 A Go ahead.
14 Q -- that are contradictory, and I want to
15 make sure I'm straight on them.
16 A Sure.
17 Q And those are as follows. As I
18 understand -- and we have taken Mr. Roe's deposition,
19 as you know.
20 As I understand it, Mr. Roe was molested by
21 one or two priests of the Diocese of Charleston, South
22 Carolina, back when he was a boy. Is that accurate so
23 far?
24 A Yes. And as I work with him over time and I
25 spelled Hopp and I probably got close, but Crogan I

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1 had several different spellings. Toward the end of
2 the time of this, he felt for sure that he had
3 memories about both of those priests. In the
4 beginning, he wasn't sure. He wasn't sure.
5 Q This is -- I've had a hundred conversations
6 with him. I know exactly what you're talking about.
7 A Yeah, sure.
8 Q He's -- he is very firm in his conviction
9 about --
10 A Yeah.
11 Q -- that now, I guess, you know. But what
12 I'm trying to ask you is, this happens when he's a
13 boy. He's nine, ten years old, approximately, at the
14 time that he is molested and he's molested a few --
15 multiple times. All right.
16 He goes to his big brother, Harry, and says
17 to Harry, a priest is messing with me or words to that
18 effect, priests are messing with me, plural maybe. I
19 don't know. I wasn't there. I don't know how he
20 worded it.
21 A I have a correction, if you want to hear it,
22 if you want to say the rest, because that's not what
23 he said.
24 Q I'm sorry, what?
25 A I'd like to correct something you're saying,

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1 but do you want to finish what you're saying?
2 Q No. No, I don't want to say anything
3 incorrect.
4 A My understanding is it wasn't ongoing at
5 that point. It was over with.
6 Q That's right.
7 A It wasn't ongoing.
8 Q Yeah. I didn't mean to imply -- I'm sorry.
9 A It wasn't -- but the way you said it --
10 Q Well, maybe I said it --
11 A -- it sounded like it was no longer ongoing.
12 Q My point is, he did that as a boy --
13 A Yes.
14 Q -- recent abuse victim --
15 A Yes.
16 Q -- at the hands of adult priests of the
17 Dioceses. That's his mindset --
18 A Correct.
19 Q -- when he goes to his big brother because
20 he's got a big brother. Fair enough or not?
21 A Yes. Yes.
22 Q All right. Time goes on and his -- and life
23 passes by and his big brother, Harry, is ill and they
24 are close and have been throughout life, right?
25 A Correct.

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1 Q Harry dies.
2 A Correct.
3 Q Mr. Roe -- we call him Mr. Roe. I don't
4 know if he's ever told you that his nickname was
5 Mr. Roe.
6 A I did. I called him Mr. Roe.
7 Q He reacts to his brother's death in an
8 emotional way, does he not?
9 A Correct.
10 Q All right. And it's around the time of his
11 brother's death, is it not, that he begins getting
12 these memories and dreams that scare him to death and
13 he comes to you?
14 A From how I remember is within several days
15 of his brother's death --
16 Q Within several days, yes.
17 A Within several days he just started
18 vomiting.
19 Q That's right.
20 A And then all the memories and this happens.
21 It's not like they just kind of came back. They
22 flooded him, and it makes sense to me in that when I
23 say his brother was his person, his brother was the
24 most connected person he was in life, until probably
25 his wife. More than his parents.

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1 Q I understand.
2 A And so he didn't even know that he was -- he
3 had no idea unconsciously he was following what his
4 brother suggested is keep your mouth shut. And then
5 once his brother died, he just opened his mouth,
6 started throwing up physically and emotionally and
7 with all these memories.
8 Q It's amazing to me the way you clarify that.
9 I -- and Rich is a history major times three. I'm an
10 English undergraduate major, and what you said, your
11 usage of the words -- I don't know if you caught this,
12 Rich -- his brother told him as a child, shut your
13 mouth.
14 A Right.
15 Q And his brother died and Mr. Roe opened his
16 mouth and threw up.
17 A And all this memory came back, exactly, all
18 at the same time.
19 Q Amazing.
20 A I mean over several hours he was
21 completely -- because he told me in detail about how
22 he was completely overwhelmed.
23 Q Well, I ask you all of that because you
24 made -- there's an entry somewhere, and I can't tell
25 you exactly where it is, where you say a few years ago

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1 or something, I think it's early in your notes, you
2 use a term like a few years ago --
3 A Yeah, go ahead.
4 Q -- or something like that. I just want to
5 make sure that my understanding as just recounted, and
6 you re-affirmed, is accurate.
7 A Yes. And actually, Richard had asked me
8 earlier about -- because he did say that he -- he
9 reports he began suspecting the sexual abuse a few
10 years prior to his death mainly because he wasn't
11 remembering some things in the family, and I don't
12 know why, of everything to suspect, he didn't --
13 wasn't saying that he was sexually abused, why he was
14 suspecting that. I mean, you know, for whatever
15 reason I didn't go into that.
16 Q He told us, and Rich may remember this, he
17 told us in his deposition that they came home from
18 church or something and his dog had been shot and was
19 laying bleeding on the front porch.
20 A Yeah.
21 Q I don't know if he recounted that to you.
22 But he marked that as a profound experience in his
23 life.
24 A Well, he said -- he said he didn't remember
25 it, but his other siblings remembered it, yeah.

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1 Q But it was a big deal to him at the time --
2 A Yeah.
3 Q -- to find his dog in a pool of blood.
4 A Right.
5 Q And he was a boy, of course. But then he
6 couldn't remember it is what he told us in his
7 deposition.
8 A Yes. Exactly.
9 Q All right. I think I -- I think I
10 understand then -- then the other thing I want to
11 clarify, just so that we're all on the same sheet of
12 music here, do you recall that in the beginning -- and
13 I put that in quotes -- maybe not the first day, but I
14 asked you to -- and we may not have used the word
15 screen. I asked you to do an assessment so I could
16 know whether this was a legitimate claim of repressed
17 memory syndrome or not. And you did that and --
18 A I sent you his evaluation.
19 Q Based off that, evaluation.
20 MR. DUKES: Objection to form.
21 THE WITNESS: Sure. That's right.
22 MR. RICHTER: That's right, evaluation.
23 I used another word, but evaluation, I think, is the
24 proper word. Okay. That's -- so that's what I asked
25 you to do and was charged for the initial evaluation.

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1 But I accepted the case and went forward with it.
2 All right. We're all straight. I'm
3 sorry I'm slow on the uptake sometimes, but I think
4 we're --
5 THE WITNESS: It could be your age.
6 I'm just teasing you.
7 MR. RICHTER: Listen, you don't know
8 how close to the truth that is.
9 THE WITNESS: Do you want these
10 numbered pages? If he does want them, can he have
11 them?
12 MR. DUKES: I'll give them to him.
13 MR. RICHTER: Just when you can.
14 THE WITNESS: You'll send him some.
15 Okay.
16 MR. RICHTER: But these have to go back
17 to the reporter.
18 THE WITNESS: I don't need it. They go
19 back to you.
20 MR. DUKES: Yeah, give them to him.
21 THE WITNESS: Okay. Okay.
22 MR. DUKES: Off the record, Larry?
23 MR. RICHTER: Yes.
24 COURT REPORTER: We are off the record.
25 The time is 3:48 p.m.

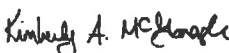
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1 (Signature reserved.)
2 (Whereupon, at 3:48 p.m., the
3 proceeding was concluded.)
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1 CERTIFICATE OF NOTARY PUBLIC
2 I, DANIEL ALMEKINDER, the officer before
3 whom the foregoing proceedings were taken, do hereby
4 certify that any witness(es) in the foregoing
5 proceedings, prior to testifying, were duly sworn;
6 that the proceedings were recorded by me and
7 thereafter reduced to typewriting by a qualified
8 transcriptionist; that said digital audio recording of
9 said proceedings are a true and accurate record to the
10 best of my knowledge, skills, and ability; that I am
11 neither counsel for, related to, nor employed by any
12 of the parties to the action in which this was taken;
13 and, further, that I am not a relative or employee of
14 any counsel or attornies
15 hereto, nor financial in the
16 outcome of this a
17
18 DANIEL ALMEKINDER
19 Notary Public in and for the
20 State of Georgia
21 [X] Review of the transcript was requested.
22
23
24
25

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1 CERTIFICATE OF TRANSCRIBER
2 I, KIMBERLY A. McGONAGLE, do hereby certify
3 that this transcript was prepared from the digital
4 audio recording of the foregoing proceeding, that said
5 transcript is a true and accurate record of the
6 proceedings to the best of my knowledge, skills, and
7 ability; that I am neither counsel for, related to,
8 nor employed by any of the parties to the action in
9 which this was taken; and, further, that I am not a
10 relative or employee of any counsel or attorney
11 employed by the parties hereto, nor financially or
12 otherwise interested in the outcome of this action.
13
14
15 
16 KIMBERLY A. McGONAGLE
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1 LAWRENCE E. RICHTER, JR.
2 lrichter@richterfirm.com
3 October 2, 2019
4 RE: Roe, Richard v. Bishop Of Charleston
5 9/27/2019, Claudia Crenshaw , PH.D, RN (#3559943)
6 The above-referenced transcript is available for
7 review.
8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.
12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 <Email address for Errata Return>
16
17 Return completed errata within 30 days from
18 receipt of testimony.
19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.
21
22 Yours,
23 Veritext Legal Solutions
24
25

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1 Roe, Richard v. Bishop Of Charleston
2 Claudia Crenshaw , PH.D, RN (#3559943)
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21 REASON _____
22 _____
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24 Claudia Crenshaw , PH.D, RN Date _____
25

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1 Roe, Richard v. Bishop Of Charleston
2 Claudia Crenshaw , PH.D, RN (#3559943)
3 ACKNOWLEDGEMENT OF DEPONENT
4 I, Claudia Crenshaw , PH.D, RN , do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.
10
11 _____
12 Claudia Crenshaw , PH.D, RN Date _____
13 *If notary is required
14 SUBSCRIBED AND SWORN TO BEFORE ME THIS
15 _____ DAY OF _____, 20____
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South Carolina Rules of Civil Procedure

Part V. Depositions and Discovery

Court Rule 30

(e) Submission to Witness; Changes; Signing.

When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness within 30 days of its submission to him, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed unless on a motion to suppress under Rule 32(d)(4) the court holds

that the reasons given for the refusal to sign
require rejection of the deposition in whole or in
part.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES
ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.
THE ABOVE RULES ARE CURRENT AS OF APRIL 1,
2019. PLEASE REFER TO THE APPLICABLE STATE RULES
OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.

EXHIBIT 10



Deposition of:
Lenka Novotna , M.D.

September 27, 2019

In the Matter of:
Roe, Richard v. Bishop of Charleston

Certified Copy

Veritext Legal Solutions
800.808.4958 | calendar-atl@veritext.com | 770.343.9696

STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON

Richard Roe,

Plaintiff,

v.

CASE NO.:

Bishop of Charleston, a Corporation

2018-CP-10-4206

Sole, and the Bishop of the Diocese

of Charleston, in his official

capacity,

Defendants.

TELEPHONIC DEPOSITION OF LENKA NOVOTNA, MD

DATE: Friday, September 27, 2019

TIME: 9:28 a.m.

LOCATION: NE Georgia Physicians Group

58 Big A Road Avenue

Toccoa, GA 30577

REPORTED BY: Daniel Almekinder, Notary Public

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Page 4

1 PROCEEDINGS
2 COURT REPORTER: Good morning. My name
3 is Daniel Almekinder. I am the reporter assigned by
4 Veritext to take the record of this proceeding. I am
5 a Notary authorized to take acknowledgements and
6 administer oaths in Georgia. We are now on the
7 record.
8 This is the deposition of Lenka
9 Novotna, taken in the matter of Richard Roe vs. Bishop
10 of Charleston, a Corporate Sole, and the Bishop of the
11 Diocese of Charleston, in his official capacity. This
12 proceeding is being digitally recorded at 9:28 a.m. on
13 September 27, 2019, at 58 Big A Road, Toccoa, Georgia
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25 At this time will everyone in

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1 attendance please identify yourself for the record,
2 beginning from my left.
3 MR. DUKES: Richard Dukes. I represent
4 the Roman Catholic Diocese of Charleston.
5 DR. NOVOTNA: Lenka Novotna. I am
6 Mr. Roe's physician.
7 COURT REPORTER: And, Counsel,
8 attending remotely --
9 MR. RICHTER: Yes.
10 COURT REPORTER: -- would you please
11 introduce yourself.
12 MR. RICHTER: Yes. I am Lawrence
13 Richter, R-I-C-H-T-E-R. I represent Richard Roe in
14 this matter.
15 And the only thing I would add,
16 Mr. Reporter, is that other than the form of the
17 questions, we reserve all objections and the
18 deposition is useable for all purposes permitted under
19 the rules.
20 COURT REPORTER: Thank you.
21 Doctor, at this time would I ask you to
22 please raise your right hand.
23 //
24 //
25 //

Page 6 1 WHEREUPON, 2 LENKA NOVOTNA, MD, 3 called as a witness, and having been first duly sworn 4 to tell the truth, the whole truth and nothing but the 5 truth, was examined and testified as follows: 6 COURT REPORTER: Thank you. You may 7 begin. 8 EXAMINATION 9 BY MR. DUKES: 10 Q Dr. Novotna, I'm Richard Dukes. I represent 11 the Roman Catholic Diocese of Charleston, who is the 12 defendant in a lawsuit brought by one of your patients 13 named Mr. Roe. 14 We have a convention, I guess, Mr. Roe is 15 allowed to file his lawsuit anonymously, and that's 16 why the caption of the case is styled Richard Roe. 17 For sake of convenience between you and me and 18 Mr. Richter, we're going to refer to him as Mr. Roe -- 19 A Okay. 20 Q -- throughout. However, our court reporter 21 is going to redact his name from the transcript so 22 that his anonymity is preserved. 23 A Okay. 24 Q In front of you I have marked as Exhibit 1, 25 which are the medical records, the chart, provided to	Page 7 1 us by your office. 2 A Okay. 3 (Exhibit 1 was marked for 4 identification.) 5 BY MR. DUKES: 6 Q And the chart goes back to 2013. Have you 7 treated Mr. Roe longer than that? 8 A I will have to refer to my computer for 9 that. 10 Q Okay. 11 A And although I may be able to see if I have, 12 I may not have access to records beyond then. Let 13 me -- 14 Q My understanding was that your office began 15 digitizing your records in 2013 or they go back to 16 2013 in electronic form. 17 A That is possible. They may go back a little 18 bit further. So I have a view of the schedule going 19 back to 2006, and my name is associated with those 20 scheduled visits. 21 In fact, one of them is labeled as a new 22 patient visit. That may be when I first met Mr. Roe. 23 That would have been in March of 2006. However, I am 24 not able to view those records. 25 Q I understand. So your first contact with	Page 8 1 him would have been in March of 2006? 2 A As best as I can tell. 3 Q Okay. The plaintiff has designated you as a 4 potential expert witness in this case to testify at 5 trial, perhaps. Have you been retained as an expert 6 witness? 7 A No. 8 Q Have you developed any opinions about 9 Mr. Roe's case against the Diocese of Charleston? 10 A No. 11 Q Okay. Have you been provided by -- any 12 documents by Mr. Richter's office? 13 A Not to my knowledge. 14 Q Okay. Have you ever been deposed before? 15 A Yes. 16 Q When was that? 17 A Oh, I couldn't tell you. Not in this case. 18 Q Right. 19 A In random cases, maybe four or five times 20 over the course of my career here, which is about 16 21 years. It's been at least, I would say, a couple of 22 years since the last deposition. 23 Q Have you ever testified at trial? 24 MR. RICHTER: -- and -- 25 THE WITNESS: No. No. Page 9 1 BY MR. DUKES: 2 Q How long have you -- let's turn to Mr. Roe. 3 At least in 2013, he has a number of medical 4 conditions, right? 5 A Right. 6 Q And in -- at least in 2013, in the problems 7 you reviewed with him, I note that you have depressive 8 disorder, not elsewhere classified. And if you want 9 to look at Exhibit No. 1, on the bottom of the page, 10 there is a Bates number. It says Novotna or 11 Roe-Novotna and then a page number. 12 A Uh-huh. 13 Q I'm looking at page 145. 14 MR. RICHTER: 147? 15 MR. DUKES: 145. 16 MR. RICHTER: 145. I'm sorry. 17 THE WITNESS: Okay. 18 BY MR. DUKES: 19 Q And I guess over -- I see depressive 20 disorder, not elsewhere classified. But up in your 21 narrative I see he reports no depression. Can you 22 reconcile that for me? Explain what -- what you 23 meant? 24 A So I think you're looking at the problem 25 list when you're looking at the depressive disorder.
--	--	--

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1 So at some -- what that means is that at some point we
2 diagnosed him with depression and looking at his
3 medication list from that visit, he is on
4 antidepressant.
5 But in the narrative, like the history of
6 present illness, that wasn't what we were
7 predominantly talking about at that visit.
8 Q In that visit you were talking about lower
9 back pain?
10 A Yeah, that's what it states, lower back
11 pain, some spots in his mouth, asking about
12 testosterone. Those were the things that the patient
13 brought up at that visit.
14 Q Okay. And what did you do for the
15 testosterone?
16 A Sorry. I'm trying to see here. We checked
17 the level. We ordered a level at that time.
18 Q Okay. And were his levels low?
19 A I will refer to my computer. It will be
20 easier to --
21 Q Sure.
22 A -- find that in there than -- because it
23 wouldn't be resulted in that same visit so if you
24 pardon me. So the level from that visit was within
25 normal range.

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1 Q Okay. Over on -- on page 148, I think you
2 noted that his depression had worsened?
3 A Pardon me?
4 Q Item number ten on page 148.
5 A Yeah, you're correct. I just need to look
6 through the record.
7 Q And this is in March of 2013.
8 A Yes. It's that same visit we were looking
9 at. And it appears that we added additional Effexor
10 at that time.
11 Q Okay. Did you -- how long had you treated
12 Mr. Roe for depression?
13 A Well, being that I don't really have access
14 to those older notes, I cannot answer that question.
15 In my memory, I would say that probably as long as he
16 was seeing me.
17 But I cannot look back beyond the digitized
18 records so I can't tell you precisely when he was
19 first on an antidepressant. I can try to see how far
20 back it goes.
21 The venlafaxine prescriptions go as far back
22 as 2011 that I can see, but that doesn't mean that he
23 wasn't on anything before. I just cannot see those
24 records.
25 Q How did you go about diagnosing his

Page 12

1 depression?
2 A I am not sure that I did. It may have well
3 been a diagnosis that he came to me with. And, again,
4 I do apologize for not being able to really verify or
5 clarify that. Yeah, the last record I can look at is
6 one from 2012. He's already on the antidepressant.
7 That's all I can tell you.
8 Q Okay. Did you investigate at all what was
9 the trigger for his depressive state?
10 A No. As he at times complained of the
11 depression being worse, I encouraged him to seek more
12 appropriate help such as from counselor or from a
13 psychiatrist, which at some point he did start seeing
14 a counselor. But, no, I did not investigate with him
15 what the trigger for his depression might be.
16 Q Did you refer him to a local psychiatrist or
17 counselor?
18 A I believe he was referred somewhere several
19 times, but the -- or it was discussed several times.
20 The only referral I can see is from 2018, from January
21 29, 2018. I don't believe that he ended up seeing
22 anybody as a result of that referral, but that's when
23 a referral was made.
24 Q Okay. What referral was that? To whom?
25 A So going through the notes on the referral,

Page 13

1 which are lengthy, it seems that we first tried to
2 refer him to Dr. Wirth, whose response was that she
3 was not taking new patients at the time.
4 Then we tried to refer him to NGPG
5 Psychiatry, who may have talked to the patient because
6 their response returned stating that they do not see
7 patients with repressed memory syndrome. Then we
8 tried a Dr. Brogdon, who notified he was no longer in
9 practice.
10 Then we tried a practice called Psychiatric
11 Professionals, who notified us they had difficulty
12 getting in touch with the patient and that's where the
13 trail ends.
14 This is very typical for patients with
15 depression in this area. Psychiatric services are
16 extremely underserved and difficult to obtain. We
17 have a hard time with referrals. So this alone is not
18 unusual. We oftentimes have to try many places and
19 oftentimes do not succeed at all.
20 Q What was your treatment modality for his
21 depression? Just the antidepressants?
22 A He was on antidepressants, counseling for
23 the most part is not available in our office. It had
24 been available briefly here and there over the years,
25 but never on a real consistent basis. Again, very

Page 14 1 underserved type of service in this area. 2 Q And how did the Effexor manage his 3 depressive state? 4 A I would say that it allowed him to function, 5 but the degree of that varied. At times he had 6 complained that he had a hard time getting out of bed 7 or getting on with his day, that he didn't want to do 8 anything. At times he did better. He was working on 9 his book. But he always said he was depressed to some 10 extent or another. 11 Q Did you -- 12 A So partially, I think, would be the answer, 13 perhaps. 14 Q I noted -- and this goes to page 135 in the 15 records -- you discussed atypical antipsychotics with 16 him. 17 A So we sometimes use atypical antipsychotics 18 to augment antidepressants when the response to the 19 antidepressants is not satisfactory to the patient. 20 As stated in that note, the patient did not wish to 21 pursue that and so we didn't. 22 Q Why not? 23 A Atypical antipsychotics can have some 24 significant side effects, including weight gain, which 25 Mr. Roe already struggles with his weight, including	Page 16 1 yes. 2 Q Okay. 3 MR. RICHTER: I'm sorry. That -- would 4 you say that again, please. 5 THE WITNESS: The referral as it goes 6 through the different staff members in our practice is 7 annotated as we are trying to get the patient to be 8 seen. And whenever a referral is out for, say, 30 9 days and we don't receive a notification back that the 10 patient was, in fact, seen, then we need to follow up 11 on it. 12 And one of these follow-up notes 13 where a staff member called the office where the 14 patient was referred to find out was he seen, was he 15 not seen, what happened, the response that the staff 16 member typed into the referral states, "NGPG 17 Psychiatric called back to let us know that they do 18 not see patients with repressed memory syndrome. He 19 will need to be referred elsewhere." My -- 20 MR. RICHTER: Thank you. Go ahead. 21 THE WITNESS: My take on that is that 22 they must have spoken with the patient because that 23 practice usually schedules appointment by contacting 24 the patient themselves. And after discussion with the 25 patient, this was the conclusion that they reached
Page 15 1 metabolic effects such as sugar and cholesterol 2 levels. They're not necessarily harmless medications 3 in that sense. So there are some benefits, but there 4 are some drawbacks. So, on balance, he did not wish 5 to pursue that medication. 6 Q Okay. And by that time -- and this is 7 sometime later -- your diagnosis had changed to 8 moderate recurrent major depression. 9 A That may have simply been a matter of push 10 to more specific coding than any actual change in 11 diagnosis. 12 Q I see. Just the insurance or Medicare's 13 billing codes -- 14 A Correct. 15 Q -- may have changed? 16 A So, you know, in the past we would have just 17 scribbled in a paper chart depression and that would 18 have been that. Over the years, the push was more and 19 more toward specific codes which then creates more 20 specific labels for the diagnoses. I would not take 21 this as a change in diagnosis. 22 Q I see. You mentioned that at least one of 23 the psychiatric groups you referred him to did not see 24 patients with repressed memory syndrome. 25 A That's what the note says on the referral,	Page 17 1 because that was not a diagnosis that went to them 2 from us. 3 MR. RICHTER: Thank you for repeating 4 that. 5 BY MR. DUKES: 6 Q You'll agree with me that Mr. Roe has a lot 7 of health problems? 8 A He does. 9 Q And what -- what factors do you think play 10 into his ongoing depression? 11 A Could you state that more clearly? 12 Q Sure. Would the low testosterone -- has his 13 testosterone ever dropped or have you ever tested it 14 again? 15 A We did, and it did become low. 16 Q And does that play in -- is one of the side 17 effects of low testosterone malaise and depression? 18 A It could be, and fatigue, although he was 19 depressed before he, in fact, was determined to have 20 low testosterone. 21 Q Okay. Did you ever determine what caused 22 his depressive -- his ongoing depression? 23 A No. And I would say -- add to that that 24 while occasionally patients will come in and say such 25 and such is happening in my life and I have never been

5 (Pages 14 - 17)

Page 18

1 depressed before and now I am and that's why, that is
2 not always the case. People are simply depressed,
3 oftentimes report depression for years. We don't
4 always search or attempt to uncover one specific
5 cause.
6 I'm not saying that he doesn't have one.
7 I'm not saying that he does have one. We just never
8 really searched for that, because we usually don't.
9 Q Okay. So it would not be your practice to
10 engage in, I guess, almost counseling?
11 A Correct. I am not a counselor. I am not a
12 psychiatrist. I believe he came to me already with a
13 diagnosis of depression and treated, and I just
14 continued in that.
15 Q So when -- you think -- it is your
16 recollection that he came to you and he was already
17 taking antidepressants?
18 A I wish I could be certain of that. I
19 cannot. I do not have access to that record, and I
20 would not want to state that as a certain thing. I
21 just -- he has had depression as long as I can
22 remember.
23 Q Okay.
24 A I cannot say for sure that he was already
25 treated when I first met him.

Page 19

1 Q Why did you choose Effexor?
2 A Again, I cannot say for certain that I chose
3 it. If I did choose it, it would have been probably
4 because it's one of the more energizing
5 antidepressants as opposed to being a more sedating
6 antidepressant.
7 He always complained of low energy, so that
8 would have been a good choice for him. But I cannot
9 say for certain that I was the one who chose it. I
10 may have been. I might not have been.
11 Q Okay. Have you ever communicated with a
12 Dr. Claudia Crenshaw in Atlanta?
13 A Not to my knowledge.
14 Q Okay.
15 A Do you have anything indicating that I did?
16 Q No.
17 A Okay. I don't recall. It is not entirely
18 frequent that we speak with other doctors on the
19 phone. It's usually at some more or less extreme
20 situation. I don't recall speaking with her.
21 Q And she hasn't consulted with you? You
22 haven't provided medical records to her? She hasn't
23 provided any reports to you?
24 A So as far as us providing medical records to
25 her, I wouldn't necessarily know. If a record request

Page 20

1 comes in and it's appropriately signed, the staff will
2 release it. I have nothing to do with that process --
3 Q I see.
4 A -- so I do not know.
5 Q If there was a release, would it be included
6 in the chart?
7 A It should be in some area of record
8 requests. But I can look if I have anything from her.
9 What type of a doctor is she?
10 Q She's actually a doctor of nursing, and
11 she's his -- providing some counseling services for
12 him.
13 A Do you have an idea of when?
14 Q I believe he began seeing her in the spring
15 of 2018.
16 A Okay. I don't have any consult notes, but
17 it would be unusual to have consult notes from a
18 counselor. Because of the patient confidentiality
19 issues, we generally don't receive consult notes from
20 counselors.
21 The most we might receive is a notification
22 that patient is being seen. I do not have any consult
23 notes from any behavioral health provider at any time
24 on Mr. Roe in the chart. That's all I can say.
25 Q In October of 2017 -- and I'll point you to

Page 21

1 page 69 in the printed out records -- Mr. Roe reported
2 that he remembered being sexually abused by a priest
3 and had depression because of it and you prescribed
4 Abilify.
5 A Okay. Let me read over this. Yeah, I think
6 this refers back to perhaps a previous visit even
7 before the one I'm looking at. And so Abilify was
8 prescribed for him.
9 That is the augmentation we had talked about
10 previously when the depressive symptoms are not
11 adequately controlled on an antidepressant. That's
12 one of the medications we can use to augment the
13 antidepressant therapy.
14 Q So where you discussed the atypical
15 antipsychotics but he wasn't interested, that's over
16 on page 135?
17 A So that was sometime prior to that. I do
18 not recall what the date was of that visit. We added
19 the Abilify during a visit in October of '17. It
20 looks like --
21 Q But you discussed the atypical
22 antipsychotics back in 2014?
23 A It's possible that we did, yes. And at that
24 time, as you pointed out in the record, the patient
25 declined. But apparently we discussed it again in

Page 22 1 2017 and at that time the Abilify was prescribed. 2 That's in -- that's on page 75. 3 Q Did you ask him any additional questions 4 about his being sexually abused by a priest as a 5 child? 6 A I don't think I asked him any questions. He 7 sort of freely talked about it at that time and about 8 how his depression was worse. I didn't document 9 details of that conversation as you probably see on 10 page 74, just mentioned that I -- that he told me 11 about it. That's all I can tell you. 12 Q Okay. 13 A We also suggested psychiatric referral to 14 him at that time. One wasn't made because he declined 15 outright at that time. That was in October of '17. 16 Q Has his mental health improved any over the 17 years? Has his depression gotten better? 18 A Overall, I don't think so. 19 Q Has it gotten worse? 20 A Possibly. 21 Q And what do you attribute the cause of any 22 worsening? 23 A That would be hard to tell. I mean, this 24 recollection of the abuse, the poor sleep. 25 Additionally, he is living in chronic pain due to his Page 23 1 back issues. That certainly does not help depression. 2 It would be impossible -- 3 MR. RICHTER: Could you tell me, 4 please, the page that y'all are referring to on the 5 exhibits on the records? 6 THE WITNESS: So what I was looking at 7 most recently was page 74 and 75. 8 MR. RICHTER: Yes. Thank you. 9 THE WITNESS: But can I pinpoint one 10 reason why his depression is worse? No. 11 MR. DUKES: Okay. All right. Ma'am, I 12 think that's all I have for you. Mr. Richter may have 13 some questions. 14 MR. RICHTER: I just have a few things. 15 EXAMINATION 16 BY MR. RICHTER: 17 Q I've noticed your accent, Doctor. It's 18 pretty when you talk. Can you tell me, please, where 19 you're from, who you are, how you were educated, some 20 of that information? 21 A I'm from the Czech Republic. I attended 22 medical school in Prague. I then subsequently did a 23 master of public health program in Albany, New York at 24 State University of New York. I did my residency in 25 family practice at what was then called the Medical	Page 24 1 Center of Central Georgia in Macon, Georgia. And not 2 relevant to this case, I then did a women's health 3 fellowship in Rhode Island, but that's not really 4 relevant here. 5 Q Okay. And so how long have you been in 6 private practice? 7 A Since the fellowship ended in 2003 is when I 8 came here to Toccoa clinic, and I've been here ever 9 since. 10 Q Okay. Well, I'll share something with you, 11 which you probably already know. The best beer in the 12 world I had in Prague and had a fair share of it, so I 13 verified that my initial reaction was corrected and 14 I'm absolutely wedded to that opinion. 15 A Well, good. 16 Q I would like to ask you, please, if you can 17 help us with this. If a child, let's say a male 18 child, is 10, 11 years old, and he is raped forcibly, 19 is forcibly raped by a full-grown man who is his 20 priest, his pastor, or his confessor, or a priest of 21 his faith, who penetrates him with a fully erect adult 22 male penis in his rectum, in his anus, is that a 23 painful occurrence for that child? 24 MR. DUKES: Object to form. 25 THE WITNESS: Extremely. Page 25 1 BY MR. RICHTER: 2 Q I'm sorry, say again, please, Doctor. 3 MR. DUKES: Object to the form. 4 MR. RICHTER: No, I heard that. I 5 couldn't hear her answer because of the objection. 6 THE WITNESS: Extremely. 7 BY MR. RICHTER: 8 Q And is that the kind of an intrusion that 9 would tear the tissue of the anus? 10 MR. DUKES: Object to the form. 11 THE WITNESS: I would presume, yes, 12 absent of any, of course, records from that time 13 but -- 14 BY MR. RICHTER: 15 Q I understand. No, I understand that. And 16 is that tearing likely to cause bleeding of that 17 child's anus? 18 MR. DUKES: Object to the form. 19 THE WITNESS: Yes, it would be likely. 20 BY MR. RICHTER: 21 Q And subsequently if the child was penetrated 22 again by the same original rapist and that event was 23 supplemented by another priest at the same time and 24 place, full-grown man with a fully erect male adult 25 penis, would this injury be just even exacerbated?
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7 (Pages 22 - 25)

Page 26 1 MR. DUKES: Object to the form. 2 THE WITNESS: Yes. 3 BY MR. RICHTER: 4 Q If that's a fair way to say it. If not, 5 please correct me. I'm not medically trained. All 6 right. I understand your answer. 7 Now, when does that leave a child, that 8 trauma? When is it out of his life and out of his 9 head and when does he -- well, just those questions. 10 I've asked you two. When is it out of his life? When 11 is it out of his head? 12 MR. DUKES: Object to the form. 13 THE WITNESS: I would say never. 14 BY MR. RICHTER: 15 Q And that is not your area of practice, is 16 it? 17 A No. 18 Q In fact, in the particular case we're 19 talking about, because of your concerns about 20 depression, you made efforts to refer Mr. Roe to those 21 who are more appropriately medically educated to deal 22 with that, fair enough? 23 A Correct. 24 Q Thank you. Did you find him to be a 25 compliant patient? Did he follow your instructions?	Page 28 1 understand. 2 MR. RICHTER: That you -- I'm told that 3 you're pregnant. Is that correct? 4 THE WITNESS: Pregnant? 5 MR. RICHTER: Yes. 6 THE WITNESS: No. 7 MR. RICHTER: That's what Mr. Dukes was 8 spreading around to try to distract me and put me off 9 on some -- some tangent. 10 THE WITNESS: But I'll take the wishes 11 for my family. Thank you. 12 MR. RICHTER: Okay. Well, thank you 13 again for your cooperation. 14 And, Rich, thanks for dialing me in and 15 letting me produce -- letting me participate this way. 16 MR. DUKES: No problem. 17 MR. RICHTER: And I'll see you, Rich, 18 this afternoon in Atlanta. 19 MR. DUKES: Okay. Bye, Larry. 20 MR. RICHTER: Thanks very much, Doctor. 21 Bye-bye. 22 THE WITNESS: Bye. 23 COURT REPORTER: All right. We are off 24 the record. The time is 10:07 a.m. 25 (Signature waived.)
Page 27 1 A Not always, and I think his depression was a 2 part of that problem. He would, in my memory -- I 3 could verify this -- but in my memory fairly 4 frequently miss appointments. He would come when he 5 felt the need to come. You know, I've seen him many 6 times over the years. But he would not always follow 7 through with advice or follow-ups. 8 Q I understand. Now, have you found that to 9 be a -- I don't want to use the word common -- but 10 have you found that to be a manifestation that you 11 have seen in other of your patients who are suffering 12 from depression over the years of your practice? 13 A The lack of compliance due to depression? 14 Q Yes, yes. 15 A Yes. 16 MR. RICHTER: Thank you. I don't think 17 we need to question you any further at this time. I 18 want to thank you. 19 And I want to tell you that there's a 20 story out about you that says you're very pregnant. I 21 hope that's true. I hope you're well, and I hope you 22 have a happy birthing and addition to your family. 23 THE WITNESS: That I'm very what? 24 MR. RICHTER: Sorry. 25 THE WITNESS: I'm sorry. I didn't	Page 29 1 (Whereupon, at 10:07 a.m., the 2 proceeding was concluded.) 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

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CERTIFICATE OF NOTARY PUBLIC

I, DANIEL ALMEKINDER, the officer before
whom the foregoing proceedings were taken, do hereby
certify that any witness(es) in the foregoing
proceedings, prior to testifying, were duly sworn;
that the proceedings were recorded by me and
thereafter reduced to typewriting by a qualified
transcriptionist; that said digital audio recording of
said proceedings are a true and accurate record to the
best of my knowledge, skills, and ability; that I am
neither counsel for, related to, nor employed by any
of the parties to the action in which this was taken;
and, further, that I am not a relative or employee of
any counsel or att ies
hereto, nor financ. in the
outcome of this ac



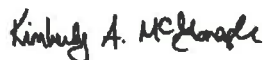
DANIEL ALMEKINDER

Notary Public in and for the
State of Georgia

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CERTIFICATE OF TRANSCRIBER

I, KIMBERLY A. McGONAGLE, do hereby certify
that this transcript was prepared from the digital
audio recording of the foregoing proceeding, that said
transcript is a true and accurate record of the
proceedings to the best of my knowledge, skills, and
ability; that I am neither counsel for, related to,
nor employed by any of the parties to the action in
which this was taken; and, further, that I am not a
relative or employee of any counsel or attorney
employed by the parties hereto, nor financially or
otherwise interested in the outcome of this action.



KIMBERLY A. McGONAGLE

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South Carolina Rules of Civil Procedure

Part V. Depositions and Discovery

Court Rule 30

(e) Submission to Witness; Changes; Signing.

When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness within 30 days of its submission to him, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed unless on a motion to suppress under Rule 32(d)(4) the court holds

that the reasons given for the refusal to sign
require rejection of the deposition in whole or in
part.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES
ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.
THE ABOVE RULES ARE CURRENT AS OF APRIL 1,
2019. PLEASE REFER TO THE APPLICABLE STATE RULES
OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.

EXHIBIT 11

Page 1

1 IN THE COURT OF COMMON PLEAS
2 FOR THE STATE OF SOUTH CAROLINA
3 CHARLESTON COUNTY

4 DEPOSITION OF JAMES A. CARTER

5 RICHARD ROE,
6 Plaintiff,
7 vs. CASE NO. 18-CP-10-4206

8 THE DIOCESE OF CHARLESTON, A CORPORATION SOLE,
9 AND THE BISHOP OF THE DIOCESE OF CHARLESTON, IN
10 HIS OFFICIAL CAPACITY,
11 Defendants.

12 DEPONENT: JAMES A. CARTER

13 DATE: AUGUST 15, 2019

14 TIME: 1:43 P.M.

15 LOCATION: RICHTER LAW FIRM
16 MOUNT PLEASANT, SC

17 REPORTED BY: RUTH L. MOTT, RPR, CRR
18 CLARK & ASSOCIATES, INC.
19 P.O. BOX 73129
20 CHARLESTON, SC 29415
21 843-762-6294
22 WWW.CLARK-ASSOCIATES.COM

1 A P P E A R A N C E S

2 ON BEHALF OF PLAINTIFF:

3 RICHTER LAW FIRM
4 BY: LAWRENCE E. RICHTER, JR.
5 622 Johnnie Dodds Boulevard
6 Mount Pleasant, SC 29464

7 ON BEHALF OF DEFENDANT:

8 TURNER PADGET GRAHAM & LANEY
9 BY: RICHARD S. DUKES, JR.
10 40 Calhoun Street
11 Suite 200
12 Charleston, SC 29401

13 ---

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1 I N D E X

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3 WITNESS	PAGE
4 JAMES A. CARTER	4
5 BY MR. RICHTER	68
6 CERTIFICATE OF REPORTER	69
7 DEPONENT CORRECTION SHEET	

8 EXHIBITS

9 EXHIBIT	DESCRIPTION	PAGE
10 EXHIBIT NO. 01	NOTICE OF DEPOSITION	13
11 EXHIBIT NO. 02	COPY OF TRANSCRIPT	16
12 EXHIBIT NO. 03	REPORT ON DIOCESAN PRIESTS	20
13 EXHIBIT NO. 04	INSTRUCTION	56

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1 JAMES A. CARTER,
2 being first duly sworn, testified as follows:

3 EXAMINATION

4 BY MR. RICHTER:

5 Q. Would you state your full name, please.

6 A. James A. Carter.

7 (Discussion off the record.)

8 Q. Now, I am Lawrence Richter and I will be
9 taking your deposition today. I know that you've
10 been deposed previously because I deposed you
11 previously and I still have to tell you a few rules
12 of the road, rules of Court about the deposition
13 process.

14 You are now a sworn testifying witness,
15 which precludes you from talking to anybody about
16 your testimony. If you need to consult with your
17 lawyer and you discuss your testimony, we may have
18 a right to examine you even about your discussions
19 with your lawyer, which would otherwise typically
20 be private.

21 I will try to pose direct, narrow questions
22 to you. Please listen to them, then if you can
23 respond similarly in a direct and narrow way, you
24 can explain your response as fully as you want to
25 or need to. But if we can hit upon that method,

1 we'll fall in a track and it will go a lot faster,
 2 which everybody will be happy about.
 3 In addition to that, I have to ask if you
 4 are able to be deposed today. Are you influenced
 5 by any medication or are you unable for any health
 6 reason, for example, not to testify?
 7 A. No.
 8 Q. Okay. All right. If you have any
 9 questions, just say so. We'll try to make it
 10 clear. And if you have any needs, including
 11 bathroom breaks, just say that, and we'll quit
 12 about every -- break about every hour and 15
 13 minutes or so anyway, but I don't think it's going
 14 to take us real long to do this.
 15 So you also have the right to either read
 16 and sign your deposition when it is handed up for
 17 your review, or you can waive that and your lawyer
 18 will express his preference.
 19 MR. DUKES: I'll probably have him read
 20 and sign, but let's see how it goes. We may not
 21 need it.
 22 Q. Okay. Well, I'll try to shortcut some
 23 stuff, and let me see if we can do this. Let's
 24 quickly run through, first, please, your personal
 25 background. By that I mean where you're from, date

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1 of birth, Social Security number, driver's license
 2 number, where you grew up, that sort of thing.
 3 Then we'll do education in a similar way.
 4 A. I grew up in Charleston. I was born here,
 5 and that was in 1939. We lived west of the Ashley
 6 I guess until I was about five. Then we moved to a
 7 home on Broad Street and that's where I essentially
 8 grew up.
 9 Q. What number were you?
 10 A. 169, I think, 167. 167. I don't remember
 11 exactly. But I went to Cathedral School, and then
 12 my parents objected to, I guess, the education of
 13 the nuns at the Cathedral School, so I went to
 14 St. Patrick's, graduated from there and went to
 15 Bishop England.
 16 After Bishop England I went to college,
 17 Mount St. Mary's College in Emmitsburg, Maryland
 18 for two years and I kept getting this idea about
 19 the seminary. And I really didn't want to be a
 20 priest, so I figured I would ask the bishop if I
 21 could go to the seminary to get it out of my mind
 22 so that I could become an attorney, which you know
 23 that I did not. But anyhow, so then I stayed and I
 24 was ordained in 1966.
 25 Q. Here in Charleston?

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1 A. Mm-hmm.
 2 Q. You're being taken down by a stenotype
 3 method. You're also being recorded, so we can't
 4 talk over each other because the reporter can only
 5 get one of us at a time, so we just need to be
 6 mindful.
 7 She also can't get gestures, so you can't
 8 nod. You have to say yes or no, that sort of
 9 thing, okay? It's a little stilted process, but
 10 we'll get through it easily enough.
 11 A. Is that enough?
 12 Q. That's enough.
 13 Well, yes, what is your Social Security
 14 number? And let me tell you this won't be
 15 published. Last four digits are all that will be
 16 published.
 17 A. 8772.
 18 Q. Okay. Now, do you have any military
 19 background?
 20 A. No.
 21 Q. Do you have any criminal background?
 22 A. No.
 23 Q. Do you have any history of litigation? Have
 24 you been parties in lawsuits, been a party in a
 25 lawsuit?

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1 A. No.
 2 Q. Okay. Have you been witness -- a witness
 3 before in a lawsuit, any lawsuits?
 4 A. No, other than your time.
 5 MR. RICHTER: That was a short
 6 deposition we had. I deposed him.
 7 MR. DUKES: I know, I read it.
 8 MR. RICHTER: Okay. In the class
 9 matter, I want to say.
 10 MR. DUKES: It wasn't in the class
 11 matter.
 12 MR. RICHTER: Yes, I think you're
 13 right. It was in --
 14 MR. DUKES: It was Ranta.
 15 MR. RICHTER: That's right. That's
 16 exactly right. Well, I don't remember, to tell you
 17 the truth, but it was in some case.
 18 MR. DUKES: Yes, it was in that one.
 19 Q. Now, have you ever been a victim of priest
 20 sexual abuse?
 21 A. No.
 22 Q. Have you ever been accused of being a
 23 perpetrator of any kind of priest sexual abuse?
 24 A. No.
 25 Q. And have you ever functioned within the

1 diocese in any capacity which dealt in any way with
 2 those kinds of issues: Priest sex abuse
 3 allegations or issues?
 4 A. I was vicar general of the diocese.
 5 Q. That's right, yes. And what years were you
 6 vicar general?
 7 A. I think it had to be in the late '90's, I
 8 think. Sam Miglarese was vicar general. When he
 9 left, I took over.
 10 Q. Okay. Is he still at Duke, do you know?
 11 A. Yes.
 12 Q. Good. Is he happy?
 13 A. I think so.
 14 Q. Okay.
 15 A. He was at a funeral and he came up to me.
 16 He was with his wife and he said hello and he said
 17 something about we were about the same age. I
 18 said, no, Sam, we're not. I said, I'm, you know,
 19 whatever, 78 or -- and he said, oh, I didn't know
 20 that, but, yes, I took over from him.
 21 Q. Yes, you look younger than your
 22 chronological age. You have nice -- your skin
 23 looks nice.
 24 A. Well, it's from, I guess, Edisto. It's
 25 Edisto skin.

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1 (Discussion off the record.)
 2 Q. Anyway, I'm glad we got -- all got through
 3 that. I get checked now. I use dermatologists as
 4 I thought I never would in my life, but I do.
 5 A. Yes, I've got things all over me.
 6 Q. Yes, well, they whack everything off. I've
 7 never had any problem with anything, but they're
 8 quick to whack it off now.
 9 A. Yes.
 10 Q. Let's go forward then. I'd like to ask you,
 11 please, if you -- do you have any -- was there a
 12 position specifically devoted to or a task
 13 specifically devoted to a sexual abuse issue or
 14 multiple sexual abuse issues while you were vicar
 15 general that you had to deal with? Not concerning
 16 you, but was that part of your job description?
 17 A. I don't think I dealt directly with them. I
 18 was aware perhaps, but I -- I don't recall dealing
 19 directly.
 20 Q. Okay. Well, when you say you were aware,
 21 you mean you were aware of allegations or acts or
 22 sex abuse?
 23 A. Yes, because that came into the purview of
 24 the vicar general.
 25 Q. Okay. What was your relationship with

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1 Frederick Hopwood?
 2 MR. DUKES: Object to the form. You
 3 can answer.
 4 Q. Yes, I'm not implying any inappropriate
 5 relationship. I'm trying to ask you did you know
 6 him, how close were you all.
 7 A. I did because we lived in the cathedral
 8 parish down Broad Street and he was at the
 9 cathedral, I was told, from '52 to '55 or something
 10 like that. And I really didn't have any direct
 11 contact with him except once he was in the
 12 cathedral yard washing his Studebaker and I went
 13 and asked him how he liked his Studebaker. And
 14 that was the extent of my...
 15 Q. He's not going to know what you drove --
 16 A. I know exactly what I drove.
 17 Q. Do you still have that, the same car, the
 18 same kind of car?
 19 A. No.
 20 Q. You used to have that SL.
 21 A. I had an SL, and then I got Porsches and
 22 BMWs. I had them all. Now I've got a Subaru.
 23 It's an Edisto Island car.
 24 Q. I always drove foreign cars and I used to
 25 enjoy driving diesel Mercedes Benz because I worked

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1 on them. I just -- it was fun for me. It was
 2 simple enough that I could do it, and I enjoyed
 3 doing that.
 4 And -- but I've had, you know, high-powered
 5 foreign cars as well. And I've paid service bills
 6 that would just bring tears to your eyes.
 7 And so I went some years ago, got outside of
 8 Mercedes and bought a Chrysler when the style
 9 changed and it was wonderful. And since then I've
 10 stayed. I've got a GMC Yukon is what I have been
 11 driving for many years now and, you know, I go in
 12 and it cost me \$54 or something like that to get
 13 serviced.
 14 A. I had three diesel Mercedes, but I would
 15 change every three years so that it would still be
 16 under warranty.
 17 Q. Yes. I really enjoyed them. We have three
 18 daughters, you might remember, and we put each of
 19 our daughters in a nice, heavy used slow diesel
 20 Mercedes, talking with 240s. Then they moved up to
 21 300s. But each one of my daughters came to me and
 22 said, Daddy, this car is slow and it's real heavy
 23 to move.
 24 A. That's right.
 25 Q. There's something to that.

1 Anyway, and I apologize for reminiscing with
 2 you on the record. What I think we can do, there's
 3 some things I have to put in the record, and I'm
 4 going to --
 5 MR. RICHTER: Mark this as No. 1,
 6 please.
 7 (Exhibit No. 01 marked for
 8 identification.)
 9 Q. Let me ask you, Monsignor Carter, if you
 10 recognize the document that has been marked as
 11 Plaintiff's 1 to your deposition as being, you'll
 12 see this typed on the front page, notice of
 13 deposition of Reverend Monsignor James A. Carter,
 14 and attached to it as an exhibit, the last three or
 15 so pages, four pages, being a subpoena duces tecum
 16 and the last page of the subpoena requiring you to
 17 bring certain documents set forth there on what's
 18 called Exhibit A to the subpoena. Do you recognize
 19 all of that?
 20 A. As you pointed it out I do.
 21 Q. Yes, yes. You weren't just in the
 22 neighborhood and stopped by to say hello. I
 23 understand.
 24 What I want to ask you is, as to the
 25 documents that were requested, have you produced

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1 with you here today any of those documents?
 2 A. No.
 3 Q. Okay. Do you have any such documents?
 4 A. No.
 5 Q. It's right at the bottom if you look at the
 6 last just one little paragraph.
 7 MR. DUKES: The next page.
 8 MR. RICHTER: Yes, very last page, got
 9 a typographical error.
 10 MR. DUKES: This whole paragraph
 11 (indicating).
 12 THE WITNESS: I don't have any of those
 13 documents.
 14 Q. Okay. Thank you.
 15 Let me just ask a few questions about your
 16 knowledge of gambling activities in the various
 17 parishes and schools of the diocese over the years,
 18 let's say from 1950 to date. Are you aware of such
 19 activities having taken place?
 20 A. Yes, I'm aware.
 21 Q. And were those things like bingos, drawings,
 22 paddle wheels, different forms of gambling,
 23 raffles?
 24 MR. DUKES: Object to the form.
 25 Q. Is that what you are referring to that you

Page 16

1 recall?
 2 A. I -- yes.
 3 Q. Okay. All right. Now -- thank you.
 4 Did there come a time when one of the
 5 bishops of the diocese said we've got to stop doing
 6 that?
 7 A. Yes.
 8 Q. All right. And was that Ernest
 9 Unterkoefer?
 10 A. It was.
 11 Q. And since that time, to your knowledge, has
 12 that practice now been discontinued?
 13 A. Yes.
 14 Q. Okay. Thank you.
 15 MR. RICHTER: You know what I can do,
 16 Rich, that'll save us a lot of time?
 17 Q. You recall, Monsignor, that your
 18 deposition -- yes, it was in the case of Ranta --
 19 was taken in another matter back in 2009 by me?
 20 A. I recall that.
 21 Q. Yes. I'm going to hand you what I represent
 22 to you to be --
 23 MR. RICHTER: And I'll ask you to mark
 24 that as No. 2, please.
 25 (Exhibit No. 02 marked for

Page 15

1 identification.)
 2 Q. I'll ask you if you recognize this as being
 3 a copy of that brief deposition.
 4 MR. DUKES: And I'll just object to the
 5 admissibility of that document.
 6 MR. RICHTER: Yes, well, I understand
 7 if you want to do that. What I was going to
 8 suggest to you is that I think -- you know, I think
 9 I don't need to go over the same questions that I'd
 10 asked him before if his answers would be the same
 11 now, and I trust that they would be.
 12 THE WITNESS: Yes.
 13 Q. Let me pose that question to you. If I went
 14 from top to bottom, question by question,
 15 everything we did before, would you answer the same
 16 way that you did then?
 17 A. Yes.
 18 Q. Okay. Well, then, I'm not going to do that.
 19 If we could agree that this --
 20 A. If I remember now.
 21 Q. Yes.
 22 A. Because then...
 23 Q. Sure.
 24 MR. RICHTER: Does that trouble you,
 25 Rich? Do you still want to object to that?

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1 MR. DUKES: I'll just reserve my
2 objection to the admissibility of a deposition
3 transcript in an entirely different case about
4 different issues and a different -- and a case
5 involving a priest from the Diocese of Savannah. I
6 think -- you know, I think you probably have to
7 just ask him your questions. You need to.

8 MR. RICHTER: Okay. All right.

9 Q. All right. We'll proceed. I want to ask
10 you, please, what part, if any, you have taken in
11 making payments to or for the benefit of any
12 victims of priest sexual abuse in the diocese of
13 South Carolina.

14 A. Can you state that more directly?

15 Q. I don't know.

16 MR. RICHTER: Can you read it?

17 (The court reporter read back as
18 requested.)

19 Q. So what do you not understand about that,
20 Monsignor?

21 A. I'm trying to think now. When I was pastor
22 in Aiken, there was a priest by the name of Bill
23 Richardson and he abused a kid. And that kid -- he
24 was -- he had a single parent, a mother, and I
25 think he had an uncle that was a Jesuit.

Page 19

1 A. Yes.

2 Q. In fact, that's in that deposition. I
3 thought --

4 A. Is the guy's name in here?

5 Q. I don't -- yes, you may have said his name
6 in there.

7 A. Because I don't remember it now.

8 MR. RICHTER: Let's go off the record.

9 (Discussion off the record.)

10 Q. Can you tell me, please, what -- I think you
11 said that was in the '80s or something.

12 A. It might be.

13 Q. Approximately.

14 A. Probably around '85 or '86 maybe.

15 Q. When did you come to Christ Our King?

16 A. '89.

17 Q. Yes, and so you had left -- that's right,
18 and you left Aiken, came up here. That's when you
19 did the --

20 A. Yes, that's when he --

21 Q. Fronted the payments.

22 A. Mm-hmm.

23 Q. Okay. I understand. Thank you.

24 How about -- I want to jump forward and just
25 get this in the record so I can get the documents

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1 Nevertheless, they moved away and I -- I
2 moved on. So that was -- that had to be in the
3 '80s that there was this abuse.

4 And when I became pastor of Christ Our King,
5 I got a letter from him. He was living in Atlanta.
6 He had exhausted all of his savings by going to a
7 psychiatrist. And I -- he said could I help in any
8 way and I said yes. I said you get the
9 psychiatrist to send me your bills.

10 And then I went to Sam Miglarese who was
11 vicar general and I told him that I had this
12 request. I don't remember the kid's name now. But
13 anyhow, he said, well, he would reimburse the
14 parish for whatever we paid.

15 Q. Monsignor, then Monsignor Miglarese?

16 A. Yes, for whatever we paid for -- it lasted I
17 think about two years.

18 Q. So you paid the bills from Christ Our King
19 parish.

20 A. The parish. And he reimbursed.

21 Q. And you got -- in a circular way, you got
22 reimbursed from the diocese. That's the limit of
23 your involvement.

24 A. Yes.

25 Q. Okay. Thank you. I remember that.

Page 20

1 out of the way and then we'll come back and discuss
2 it.

3 (Exhibit No. 03 marked for
4 identification.)

5 Q. You have been handed what has been marked,
6 Monsignor, as Plaintiff's No. 3 to your deposition.
7 I want to ask you if you recognize that as being a
8 copy of the report on diocesan priests with a
9 credible allegation of child sexual misconduct or
10 abuse within the Diocese of Charleston. And it's
11 broken into subparts. This is the March 31st
12 report. Are you familiar with it?

13 A. I am.

14 Q. Okay. What I'd like to do --

15 A. I saw it in the paper.

16 Q. Yes, yes. What I'd like to do, and we can
17 do this very quickly, I think, I'd like to just go
18 down the list and if you could quickly tell us how
19 many of these people you know and whether or not
20 you were aware of their abusive conduct, I think we
21 can get through the about 40 names on this list.

22 MR. DUKES: And just to clarify, are
23 you asking if he knew about their abusive conduct
24 when it was taking place or later?

25 MR. RICHTER: Well, I will ask him

1 that.
 2 MR. DUKES: Okay. Fair enough.
 3 MR. RICHTER: I don't know, may be
 4 there are none that he knew about the conduct.
 5 Maybe there are two, maybe there are 30. Let's
 6 just see if that becomes a problem.
 7 THE WITNESS: I didn't know -- I wasn't
 8 aware of the abuse of any of these people.
 9 Q. Okay. How about go down the list, please.
 10 Did you know -- do you know, or did you know, he's
 11 deceased now, Roy Aiken?
 12 A. I did.
 13 Q. All right. And were you aware of any --
 14 A. No.
 15 Q. -- during his life of any abusive conduct by
 16 him?
 17 Okay. John Bench?
 18 A. You know, I know the background of some of
 19 these people, but I -- I didn't...
 20 Q. Well, do you know the abuse background or do
 21 you know just the personal background of these
 22 people?
 23 A. No. Like when I was vicar general, I think.
 24 Q. Oh, that's right, yes.
 25 A. I knew the background of some of these

Page 21

1 people. I did not know Aiken. Bench, I did know
 2 about that case. Vaverek I did not know. Burn I
 3 did not know. Condon I -- I did know Condon
 4 because I was vicar general when that -- when that
 5 case broke, I think.
 6 Q. Did you know him personally, any of these
 7 people that you knew personally too?
 8 A. Yes, well, you know, professionally more
 9 than anything else.
 10 Q. Yes, I said personally. I really mean
 11 professionally.
 12 A. Yes, but -- and Congro, I didn't know
 13 anything about any abuse, but I knew him.
 14 DuMouchel I knew, but -- Evatt I knew. I just
 15 didn't know any of these people were doing any
 16 abuse things. The Hopwood thing was notorious.
 17 Q. If you don't -- we'll come to that in just
 18 one minute. Let me just ask you please to knock
 19 out the names prior to Hopwood, Evatt and Goodwin.
 20 I just want to run down the list so we can say
 21 we've touched everybody.
 22 Thomas Evatt, did you know him?
 23 A. Yes.
 24 Q. And any knowledge of his activities?
 25 A. No.

Page 24

1 Q. All right. Justin Goodwin?
 2 A. No. Oh, wait a minute, I -- there were some
 3 allegations that came in, and I can't tell you
 4 when, but it seemed like it was about three kids or
 5 something like that. Something, but I didn't think
 6 it was credible, so...
 7 Q. Okay. And you were not involved in it as a
 8 case or anything like that?
 9 A. No, no, no.
 10 Q. Okay. Now we're down to Hopwood. Well, did
 11 you know Fred Hopwood and did you --
 12 A. I knew him, like, to the extent that I told
 13 you about his Studebaker.
 14 Q. He was a distinct personality is about as --
 15 A. Yes.
 16 Q. -- gently and accurately as I can say it.
 17 A. I just -- I just would never have suspected
 18 it for any of these people. You know, abuse was
 19 not a word we ever used because I -- I'm not aware
 20 of it.
 21 Q. Well, about Hopwood, when did you come to
 22 know of his abusive activities?
 23 A. I think when he was at St. Mary's.
 24 Q. In Greenville?
 25 A. Yes.

Page 23

1 Q. I don't remember the years.
 2 A. Yes, but -- yes, but he had been abusing
 3 people before that, but that's when it all came
 4 out, I guess.
 5 Q. Yes, and that's when you came to know of his
 6 history?
 7 A. Yes.
 8 Q. Do you remember how early his abusive
 9 activity began?
 10 A. I think it began when he was at the
 11 cathedral.
 12 Q. So back in the '50s, really?
 13 A. Yes.
 14 Q. Okay. Have you -- I failed to ask you this
 15 a moment ago. Let me just inject it. Have you
 16 ever served as a notary for any proceeding within
 17 the diocese?
 18 A. No.
 19 Q. Okay. Have you ever been part of any effort
 20 at laicization of any priest of the diocese?
 21 A. No.
 22 Q. Thanks. Anything else about Hopwood that
 23 you can offer us testimonially as to his history of
 24 abuse?
 25 A. That's about it, no, yes.

1 Q. How did you learn it? How did you learn
2 about him?
3 A. I was going to say probably how I learned
4 about the allegations against the bishop, I read it
5 in the paper.
6 Q. And that was really at the end of his active
7 service in the diocese because he was moved out.
8 A. Yes, he was -- yes. He's dead now.
9 Q. All right. And having learned about it, did
10 you then have any involvement beyond that?
11 A. No.
12 Q. Okay. Thank you, sir.
13 How about Walter Pringle Lee; did you know
14 that person or anything about him?
15 A. I knew him. He was a strange guy. Again, I
16 wouldn't know whether he abused anybody.
17 Q. Okay. I'm not -- you may have knowledge,
18 you may not have knowledge. We just need to rule
19 you in or out as to various people as we go
20 through.
21 A. Okay.
22 Q. Next McLean, Frederick McLean?
23 A. No.
24 Q. I don't know Walter Pringle Lee, didn't know
25 Walter Pringle Lee. He's deceased I see here.

Page 25

1 Same thing McLean, I never knew him.
2 A. I think he was a convert, Walter Pringle
3 Lee.
4 Q. Did you even know the McLean guy?
5 A. No.
6 Q. Nor did.
7 What about George Frederick Moynihan?
8 A. Moynihan was my parochial vicar when I was
9 in Spartanburg.
10 Q. Okay. I went to school with someone or few
11 of the Moynihan family at Bishop England.
12 A. I think that's right, yes.
13 Q. I don't know if it's the same family or not.
14 A. I think it probably is. Big family.
15 Q. Okay. Daniel Francis Murphy?
16 A. Murphy, Frank Murphy, no.
17 Q. All right. Joseph Murphy?
18 A. I think he taught at Bishop England, didn't
19 he?
20 Q. Joe Murphy was at --
21 A. Oh, wait a minute, no, no, Joseph Murphy.
22 Q. Joe Murphy --
23 A. Daniel Francis Murphy taught at Bishop
24 England. I think he got killed.
25 Q. I don't know. I didn't know him and can't

Page 28

1 ever remember.
2 A. He got killed.
3 Q. How did he get killed?
4 A. I think he went over a railroad tracks and a
5 train hit the car.
6 Q. Oh, my Lord.
7 A. And he was -- it was wild. He was teaching,
8 I think, at Bishop England.
9 Q. He may have -- I just didn't know him.
10 A. Joe Murphy I did know.
11 Q. Yes, as I did.
12 A. Mm-hmm.
13 Q. Did you have any knowledge of his abusive
14 activities?
15 A. No, I didn't. Later on it was kind of
16 revealed and I -- it didn't surprise me.
17 Q. Yes. I -- I hate to say the term old man in
18 the presence of people my age and yours, but I came
19 to know Joe Murphy and who he was, but I came to
20 know him. We spent 25 years at St. Mary's and
21 he -- you know, he served at St. Mary's on Hasell
22 Street and he lived around the corner from us in
23 the village for -- in his sister's house I think --
24 A. Yes, yes.
25 Q. -- for a really good long time. But I

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1 only -- didn't know anything about his personal
2 life at all. Surprised me to see his name.
3 A. It didn't surprise me.
4 Q. Yes. Why do you say that?
5 A. Just the way he acted.
6 Q. Just did a read?
7 A. Yes, I didn't feel comfortable around him.
8 Q. I understand. I hate to talk about the dead
9 this way. I always thought Joe Murphy would be
10 glad to take a drink, you know, if he -- if you
11 offered.
12 A. He'd be what?
13 Q. Glad to take a drink.
14 A. Oh, yeah, I imagine he would.
15 Q. But I never had any reason to suspect
16 anything else about him.
17 Owens Howard, James Robert Owens Howard?
18 A. I know the name. That's all.
19 Q. All right. And Gerald Ryfinski?
20 A. Jerry Ryfinski.
21 Q. Oh, he was laicized, I see. Okay. Did you
22 know him?
23 A. Yes. I think -- I think he did something on
24 computers.
25 Q. Oh, that's right. There's a footnote by his

1 name that says his case involves possession of
2 child pornography.
3 A. Yes.
4 Q. Which I can't quite understand because if
5 you know anything about Gene Condon's case, there
6 were lots and lots of photographs of boys.
7 A. There was a trunk full of them.
8 Q. That's right. That's exactly right. Man
9 oh, man.
10 A. Seitz, Paul Seitz, he's still alive.
11 Q. I don't know him, never met him. Any
12 knowledge of his background or activities?
13 A. There was an allegation. I wasn't aware
14 that he got intimately involved with a kid, but I
15 think he -- I think it was that he saw a kid who
16 was taking -- changing from maybe clothes to a
17 bathing suit and he said something about his
18 genitals. That was the extent that I knew of that.
19 Q. Okay. That's Paul Seitz you're talking
20 about?
21 A. Yes.
22 Q. Okay. Charles Sheedy, he was at the orphan
23 house, if you remember.
24 A. I didn't remember. He had a sister.
25 Q. Yes.

1 A. Played the organ over at -- on Folly Beach.
2 Q. I don't remember that, but I do know that he
3 was at the orphan house. This is a lot of years
4 ago.
5 A. I didn't realize he was at the orphan house.
6 I do know that he became a priest and --
7 Q. No, no, he was at the orphan house during
8 his service, not as a resident.
9 A. Oh, oh, I thought you meant as a kid.
10 Q. I don't know where he was a resident, but he
11 served there.
12 A. He may have been there.
13 MR. DUKES: Try not to talk over each
14 other, please.
15 THE WITNESS: He -- he had a problem
16 with alcohol.
17 Q. Yes, yes.
18 A. And Tom Duffy was vicar general, and so they
19 were going to send him off somewhere in Georgia for
20 rehab and Duffy took him there. And Duffy said he
21 wanted to stop a couple times along the way and he
22 knew he was going to try to get a drink or
23 something like that.
24 Well, anyhow, they got to the facility and
25 Sheedy went in, ran in ahead of Tom Duffy and told

1 the people that he was Tom Duffy and Duffy was
2 Sheedy. And Tom Duffy said he had a terrible time
3 trying to explain to them that was not the case.
4 Q. Oh, man. I thought you were going to say he
5 went in ahead of Duffy and bought up all the big
6 stogie cigars.
7 A. Oh, no, no. He went in and told them he was
8 Duffy and not Sheedy.
9 Q. Okay. Who else is on this first page?
10 A. Simonin, I knew Simonin.
11 Q. Oh, Jack Simonin.
12 A. Yes.
13 Q. Who --
14 A. He was at Camp St. Mary's and all that
15 stuff.
16 Q. I knew, I can't tell you how many years, you
17 know, the whole family, the whole Simonin family.
18 A. Yes.
19 Q. Went to school with some and just knew the
20 whole Simonin family.
21 A. I think some of these names are a little
22 surprising.
23 Q. That one surprised me.
24 A. Yes.
25 Q. Did you have any prior knowledge of any

1 activity on his part?
2 A. No.
3 Q. Are you aware of what that was? We learned
4 this from the bishop when we took his deposition.
5 I didn't know any details, never heard, never heard
6 anything except praise for Jack Simonin.
7 A. Yes, yes.
8 Q. And he was very close to our family. The
9 bishop was going to offer his funeral mass and the
10 phone rang. Someone else answered it and it was
11 someone calling up the day of Monsignor Simonin's
12 funeral to say I had a relationship with
13 Monsignor Simonin many years ago. It was a woman
14 is what the bishop told us. But it just surprised
15 me.
16 A. Was that an abuse thing?
17 Q. That was abuse.
18 A. Saying as a child, she was younger?
19 Q. No, I don't know. He -- I say that. I
20 don't know anything about the actual -- if there
21 was actual abuse. We didn't learn anything about
22 that from the bishop. We just learned that an
23 adult woman called up.
24 A. Well, if we're talking about abuse, aren't
25 we talking about adults abusing children?

1 Q. Yes. Yes.
 2 A. And so this child must have been a girl.
 3 Q. Clearly an adult, though, when she called
 4 in.
 5 A. Oh, when she called. Okay.
 6 Q. But whatever, they included him on this
 7 list.
 8 Vaverek, Hayden Vaverek, did you know him?
 9 A. Yes.
 10 Q. He was laicized also.
 11 A. He was.
 12 Q. But you were not a part of any of that
 13 process in any way.
 14 A. No.
 15 Q. Okay.
 16 A. Although I did know that it was not -- he
 17 was laicized not because of a sexual abuse
 18 allegation but because he broke the seal of the
 19 confessional.
 20 Q. I didn't know. I didn't know anything about
 21 him or that.
 22 A. I understand that that was an easier way to
 23 go with that case to get him laicized.
 24 Q. I'm sorry, say that again?
 25 A. It was an easier way to go to incriminate

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1 him with this breaking the seal of the confessional
 2 than --
 3 Q. The abuse.
 4 A. -- the abuse thing.
 5 Q. Yes. Wow, and you -- I take it that was
 6 true that the seal of confession was broken by him.
 7 Do you know?
 8 A. I don't know that, but I -- that's what I
 9 heard that that was the way they went with his
 10 laicization.
 11 Q. That's amazing. 16 -- well, that would be
 12 16 would have been Bishop --
 13 MR. DUKES: Guglielmone.
 14 MR. RICHTER: No, yes, since '09 it
 15 would have been.
 16 THE WITNESS: Yes.
 17 Q. Wow.
 18 A. Yes, he...
 19 Q. Okay. Let's turn the page, quickly, please.
 20 That was the only page that has a lot of names on
 21 it. I'd like to do the same thing.
 22 A. Are you aware that as far as Hayden Vaverek
 23 is concerned that --
 24 Q. I'm sorry, I couldn't hear you.
 25 A. Are you aware that as far as Hayden Vaverek

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1 is concerned that there was a pending allegation
 2 against him.
 3 Q. I am aware of that, but only by a third --
 4 A. By a priest who is no longer a priest.
 5 Q. No. Oh, yes, yes.
 6 MR. DUKES: He's still a priest.
 7 THE WITNESS: Well, forever.
 8 MR. DUKES: Yes, he hadn't been
 9 laicized yet.
 10 THE WITNESS: Oh, yes.
 11 MR. DUKES: But he will be.
 12 THE WITNESS: Yes. Yes.
 13 Q. And I don't want to confuse this with
 14 somebody else.
 15 A. He's not an acting priest.
 16 MR. DUKES: It's Michael Cassabon.
 17 MR. RICHTER: Michael?
 18 MR. DUKES: Cassabon.
 19 Q. Yes, I know that. But this is an upstate
 20 matter.
 21 Did you know the Tawes family?
 22 A. The what?
 23 Q. Tawes, T-A-W-E-S?
 24 A. Tawes, yes, Creston Tawes.
 25 Q. Yes.

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1 A. Yes. He was also at camp. He was Jack
 2 Simonin's replacement there.
 3 Q. Yes, I know.
 4 A. Okay. That was a surprise to me too. Was
 5 he on here, Tawes?
 6 Q. Yes, you'll see it. We'll get to it in a
 7 minute. Let's run through this.
 8 A. I don't know the first one.
 9 Q. Juan Carlos?
 10 A. No.
 11 Q. Roger Collettert?
 12 A. No, I don't know him.
 13 Q. Anthony William Johnson?
 14 A. No.
 15 Q. And James Nyhan. Nyhan was nativity. He
 16 came down from Massachusetts for awhile.
 17 A. Yes, just what I read about him, that's all
 18 I know.
 19 Q. Okay. I know something about those cases.
 20 But beyond that, you didn't have any involvement
 21 with it, just read it in the paper?
 22 A. Hm-mm.
 23 Q. Okay. Cesare Palatore --
 24 A. No.
 25 Q. -- Belfiore?

1 And James Sharples?
 2 A. No.
 3 Q. Next page, please. Robert Joseph Kelly,
 4 now, there's a footnote. That's not Robert Justin
 5 Kelly; that's Robert Joseph Kelly.
 6 A. No, I didn't know him.
 7 Q. Robert Justin Kelly at one point preceded
 8 you at Christ Our King.
 9 A. Yes, he did. He was the first pastor there.
 10 Q. Yes, I guess he was because
 11 Father McLaughlin sort of troubleshooter for -- that's
 12 a long time ago. Wow.
 13 A. Yes.
 14 Q. So you didn't know Robert Joseph Kelly in
 15 any way?
 16 A. No.
 17 Q. Okay. Robert Justin Kelly was a dear friend
 18 of mine, dear friend of mine.
 19 A. Oh, he was a character.
 20 Q. Oh, man. You know, he -- I don't know if he
 21 ever did this to you: He loved to touch somebody
 22 here on their chest and when you looked down to see
 23 what had touched you, he would catch you, you know,
 24 with his finger coming up and hit you in the nose.
 25 A. The other thing he liked to do was come up

1 and say, your fly is unzipped.
 2 And you'd say, well, you shouldn't be
 3 looking there anyhow.
 4 Q. That's a great response.
 5 A. But he always -- he was always a character.
 6 He was always doing something.
 7 Q. Yes, he was -- he was very close to me and I
 8 to him. He -- I was too smart for him to pull that
 9 trick on me --
 10 A. Oh, yeah.
 11 Q. -- but -- hitting my nose. But in the
 12 hallway at Bishop England High School, the new
 13 Bishop England High School when he was confined to
 14 a wheelchair, he called me over and I had to lean
 15 down because he was sitting in a wheelchair and I
 16 leaned down --
 17 A. He got you then.
 18 Q. And sure enough he got me good. And he was
 19 not well enough to be doing that, you know?
 20 A. He was rector of Bishop England and I was
 21 rector of Cardinal Newman, so we...
 22 Q. How long were you at Cardinal Newman?
 23 A. Just a couple of years.
 24 Q. Okay. Let's run through the rest of these.
 25 Landwermeier, Francis Landwermeier?

1 A. I didn't know him.
 2 Q. John Mitchell?
 3 A. Nope.
 4 Q. Austin Park?
 5 A. No, but he was at Christ Our King with
 6 Burt Connor. They were both Jesuits, before I --
 7 when I came.
 8 MR. DUKES: Now I'm going to tell a
 9 story. You all have been telling stories. Burt
 10 Connor --
 11 MR. RICHTER: Father Connor.
 12 MR. DUKES: He was my parish priest in
 13 Mobile, Alabama when I was probably six or seven.
 14 I served mass for him many times, and at
 15 St. Ignatius in Mobile there was a Jesuit parish
 16 and it was much like Christ Our King, plenty of
 17 people with plenty of money, but the Jesuits were
 18 so cheap that they would not build a church until
 19 they had collected enough old bricks from torn down
 20 schools or buildings and Father O'Neal had this
 21 enormous brick pile, it was the size of this
 22 building, sitting out in the parking lot.
 23 And we had to -- we had mass all
 24 growing up until I was in the ninth grade, we
 25 had -- the altar boys had to go and crank the

1 basketball goals up for mass. We had mass in the
 2 gym, but Burt Connor was my childhood parish
 3 priest.
 4 THE WITNESS: Isn't that something.
 5 Q. You know, we used to have mass in the hall
 6 at Christ Our King.
 7 A. Yes.
 8 Q. And Chuck Dawley was telling somebody, maybe
 9 Greg West about this, but Chuck Dawley was a member
 10 of the Church and active in the community and chief
 11 of police ultimately over here and sheriff
 12 ultimately.
 13 Anyway, he had a little crew that he called
 14 every -- I was on the crew and if they had bingo
 15 the night before, you'd get a late call, a late
 16 assignment to go take down the bingo and set up the
 17 church for mass, you know, Sunday morning. We've
 18 come a long way since then.
 19 A. Yes.
 20 Q. Okay. Let's scoot on. So who got us off
 21 there?
 22 MR. DRAKE: We were on Landwermeier.
 23 Q. Or Park, Park, yes.
 24 But beyond that, nothing about Park, just
 25 cheap Jesuits is what that led into.

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1 How about Gabe Smith?

2 A. I knew something.

3 Q. He was at St. Joseph most recently, west of

4 the Ashley.

5 A. I know. There was an allegation I think

6 that came in against him. He was raised in an

7 orphanage and he went back there once he was

8 ordained a priest and was the priest there at the

9 orphanage and it was supposedly during that time

10 that he abused a kid.

11 Q. Okay. Where was that? Not here.

12 A. No. It was in Pennsylvania somewhere, I

13 think.

14 Q. Yes, yes. And he has reached retirement age

15 and tendered his letter, which the Bishop accepted,

16 and we talked with a couple of people who I refer

17 to as a flap. A flap developed about all that,

18 within the parish at least. I don't know about

19 within the diocese, but there were -- there were

20 quite upset parishioners because he had come with

21 whatever that allegation was or that offense was,

22 he had come with that when he came down here and

23 apparently his parishioners loved him very much

24 and...

25 A. He was -- he was also in Spartanburg.

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1 A. Oh...

2 Q. Go ahead.

3 A. He was at Blessed Sacrament, I think.

4 Q. Hubacz was, that's right.

5 A. And then he went to St. John's in North

6 Charleston.

7 Q. North Charleston, that's exactly right.

8 A. Because the bishop transferred him there. I

9 don't know whether you remember. He had a -- a

10 girlfriend and she lived over opposite the crescent

11 over there, in whatever that area was. And he had

12 a -- he would stay over at her house, I think, and

13 he had the telephone transferred, the rectory

14 telephone transferred over there so he could answer

15 the phone.

16 Q. As if he --

17 A. As if he was in the rectory.

18 And they had -- it was a child, and the

19 child was named Leona, after Leon, I guess. And

20 the bishop, I guess, got wind of this or whatever

21 and transferred him from there to St. John's, and

22 he objected to it. So he got one of those big

23 signs out front and said the bishop was unfair and,

24 you know, those things that -- on two wheels.

25 Q. Yes, I know what you're talking about.

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1 Q. I didn't remember that.

2 A. Yes, I attended Spartanburg and he was there

3 in Spartanburg, but that's the only thing I know

4 about him.

5 Q. I don't really know him. I've met him and

6 that's all.

7 Robert Spangenberg?

8 A. I don't know him.

9 Q. And Thomas Tierney?

10 A. Nope.

11 Q. He was a Paulist. We've come to learn that

12 the Paulists were at Clemson up there.

13 A. That's right, yes.

14 Q. And this is the last page, just a few names

15 on it. John Eccleston?

16 A. No.

17 Q. I think John Eccleston served at Blessed

18 Sacrament at one time.

19 A. Did he?

20 Q. And he was a choir master or a music teacher

21 or something beyond something like that?

22 Leon Joseph Hubacz?

23 A. Leon Hubacz, I just know the name.

24 Q. Yes, I know the name too. I don't know

25 Hubacz, but I do know the name from other --

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1 A. Yes, yes.

2 Q. I didn't know that story and I don't

3 remember anything about that event.

4 A. He also -- after he left St. John's, he went

5 up to somewhere around -- oh, it was in the upper

6 part of the state. Anyhow, he was in a parish

7 there. She was with him. And the bank account was

8 depleted and the bishop found out -- the bank

9 people called the bishop and asked if they were

10 unhappy, he was unhappy with them to take all the

11 money out. So he had taken all the money. And it

12 was during the time that I was in Spartanburg

13 because he no longer was a priest, but he would

14 come to church in Spartanburg sometime.

15 Q. Wow. Never heard those stories before, but

16 that's a good example of why the bishop said the

17 other day, you said it the other day, we were

18 asking the bishop his age and his retirement date

19 and that -- his 75th birthday and Rich commented,

20 the bishop didn't even correct this. He said he

21 can tell you the number of days and to the hour.

22 A. Yes, yes.

23 Q. Now I -- now, I didn't know anything about

24 the other stuff that's in the paper.

25 A. This was Joanna is where he was up around

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1 Joanna.
 2 Q. Joanna, yes. All that area up there, I
 3 don't know if you go upstate anymore, but, man,
 4 it's unbelievable what the growth is. You think we
 5 see growth here? They see industrial growth as
 6 well as just growth of the populus and it's
 7 prosperous looking and they have good roads and
 8 it's -- it's quite a difference than what the
 9 upstate used to be.
 10 Okay. Let's run on down to the rest of
 11 them. So I've got to ask you about Leona. Did she
 12 stay or did she go?
 13 A. I don't know what happened to Leona or the
 14 wife. I don't know what happened to them.
 15 Q. Ernie Kennedy, did you know -- I knew him.
 16 Did you know him?
 17 A. I knew Ernie, yes.
 18 Q. Yes, he --
 19 A. Yes, he sent me -- when I was ordained, he
 20 sent me a letter and he said -- and you just use
 21 the enclosed however you see fit, but there was
 22 nothing enclosed.
 23 Q. Well, I guess you keep looking. He -- I
 24 want to say, I can't keep it quite straight, he was
 25 apart from the Church for a considerable time.

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1 in a while around -- I held court a fair amount in
 2 Berkeley County and I would run into him up there
 3 over the years as well.
 4 A. Yes.
 5 Q. Anyway --
 6 A. He was always very affable, in my
 7 relationship with him.
 8 Q. I knew only -- I knew about an allegation, I
 9 don't know how it -- I do know how it was resolved.
 10 In any event --
 11 A. I didn't know anything about that.
 12 Q. I'm not surprised. And he was away for a
 13 good little while.
 14 Okay. Let's do McElroy, James McElroy?
 15 A. I don't know him.
 16 Q. All right. And Anthony Plikunas?
 17 A. Plikunas.
 18 Q. Yes, Plikunas. I want to say Plikunas was
 19 somewhere like Divine Redeemer or somewhere, but
 20 I'm not sure of that.
 21 A. I don't know.
 22 Q. I don't know him either, but I remember his
 23 name.
 24 A. Yes.
 25 Q. Bill Richardson is the guy you were just

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1 A. He got very angry with the bishop and I
 2 think it was Unterkoeffer.
 3 Q. He's probably the only guy who did.
 4 A. Yes, right. Yes.
 5 But, no, he -- and he just dropped out, but
 6 he was -- he would go to the monastery and help out
 7 at the monastery --
 8 Q. Yes.
 9 A. -- working in the garden and all that sort
 10 of stuff because he lived --
 11 Q. In Moncks Corner.
 12 A. Yes.
 13 Q. Or in that area, anyway.
 14 A. Yes.
 15 Q. I had in my mind, I mean, I knew him from
 16 here, from the island and I had in my mind that he
 17 did some kind of either counseling or set up a
 18 center or did something about drug abuse.
 19 A. Alcohol.
 20 Q. Alcohol abuse. Okay.
 21 A. There's a facility named after him.
 22 Q. That's right. That's right.
 23 A. Because he worked with -- he worked with
 24 alcoholics, I guess. That's right.
 25 Q. Yes, I mean, I would still run into him once

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1 talking about.
 2 A. Yes. Yes.
 3 Q. In Aiken.
 4 A. Mm-hmm. I think he might be dead now, but I
 5 don't know that.
 6 Q. I don't know.
 7 A. I don't know why I would say that because
 8 when he left he became -- worked at the hotel down
 9 in Florida.
 10 Q. I never knew him.
 11 MR. DUKES: Last I heard he was still
 12 alive, but...
 13 THE WITNESS: You did?
 14 MR. DUKES: Mm-hmm.
 15 Q. Frederick Suggs?
 16 A. Suggs. I knew him. He was kind of a
 17 strange character, little man.
 18 Q. You're the third person who said he was this
 19 little squirt of a guy.
 20 A. And collected all sorts of things, like
 21 Gene Condon collected insulators.
 22 Q. Electrical insulators?
 23 A. Oh, I mean, he had a whole bunch of them.
 24 And this guy would have -- he'd have furniture, I
 25 mean, he collected just everything.

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1 Q. Yes. Where did he serve, do you know?

2 A. He ended up there in -- outside of Columbia

3 or in Columbia right there. I forget the parish,

4 but he...

5 Q. We've got one more name to do, Tawes,

6 Creston Tawes, did you know him?

7 A. I knew him.

8 Q. And did you know, during his lifetime, did

9 you know about the difficulties, I mean about his

10 improper activities?

11 A. No.

12 Q. Okay. Now, there are I'll tell you if you

13 read this thing, you know, critically you'll see

14 that there are a number of priests who are not

15 dealt with, I want to say it's seven or eight, I

16 don't remember, we've totaled it up from time to

17 time, who have either pending actions or matters

18 still under investigation or whatever, so there may

19 be some supplement to this.

20 Do you have any knowledge that you can share

21 with us of anybody else that we need to know about?

22 A. No, all I know is the ones I read here

23 (indicating).

24 Q. What was your relationship with

25 William Croghan?

1 A. I was his parochial vicar.

2 Q. Where?

3 A. In Columbia.

4 Q. At St. Peter's?

5 A. Yes.

6 Q. Okay.

7 A. Yes, when I left Cardinal Newman. And I

8 left Cardinal Newman because of conflict with some

9 of the teachers. I had just been ordained and I

10 was somewhat progressive and they were very

11 conservative and then so we got into a big row.

12 Q. Yes. Lay people?

13 A. Lay people.

14 And so the bishop came to me and he said, if

15 you resign, you can come down here at the chancery

16 and that will indicate my support of you.

17 And I said, no, I don't want to do that.

18 And I said, I will resign, but I don't want to come

19 down to the chancery.

20 So Duffy, I think, was head of the priest

21 personnel board and he said, well, why don't you

22 just go on vacation and then when you come back, we

23 can decide where you'll go, what you'll do,

24 whatever.

25 So I went on vacation. So then I came back

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1 and I said, I went on vacation and I'm back.

2 And they said, well, why don't you take

3 another vacation.

4 Q. Little longer.

5 A. I said I don't want to take another

6 vacation. And by that time Croghan had been very

7 much a defender of me at Cardinal Newman and there

8 was St. Peter's versus St. Joseph's. They're two

9 different parishes and I had those --

10 Q. Oh, I know that.

11 A. Yes, it was St. Joseph's teachers and all

12 that got after me.

13 And so anyhow, I said that I wanted to go to

14 St. Peter's and they said, no, the bishop doesn't

15 want you to go there. This is when I'm on the

16 second vacation. And so I went to Croghan and I

17 said, I think I'll just move in, and I did.

18 And the bishop wasn't very happy and I guess

19 it was six weeks after that that he belatedly

20 assigned, belatedly assigned me to St. Peter's. So

21 I knew Croghan there and I found him delightful.

22 Of course I knew the family --

23 Q. Yes, here.

24 A. -- here.

25 Q. Who was the bishop in those years?

1 A. Cardinal Unterkoefler.

2 Q. I don't know why I have in my mind that

3 Unterkoefler came later.

4 A. No, he was there because of the other thing

5 that we did too was Croghan went to him and asked

6 him if we could move out of the rectory and get our

7 own places and he begrudgingly, after Croghan went

8 to him three or four times, said okay. It was

9 Lehocky and Croghan, myself, we moved out and --

10 Q. Lehocky, boy, I haven't thought about him in

11 a long time.

12 A. Yes. And I had an apartment and I bought a

13 dozen eggs and we were there for a year and we got

14 ready to go back into the rectory, I still had

15 those dozen eggs. They were a year old.

16 Q. Well, that's a good -- I'm glad I asked you

17 about that. That's a good story.

18 Croghan, and I can't remember the details of

19 it, but he didn't delight over something like music

20 or vestments or the trappings of the Church after

21 Vatican II or something. Do you know what I'm

22 talking about?

23 A. He was at St. Peter's.

24 Q. Yes.

25 A. And he redid the entire church, he kind of

1 gutted the thing, and it looked like a -- it looked
2 like a spaceship.
3 And then Lehocky went in after that. He was
4 assigned as pastor there years later and took it
5 all back to what it was.
6 The people ought to be so confused by us.
7 One goes in and changes it. Another one comes in.
8 Yes, he was -- he was avant-garde.
9 Q. That's the word I was looking for. That's a
10 good way to say that.
11 A. He didn't want anything to do with the
12 Latin. He wanted it in English because they said
13 it was in English now.
14 Q. You're not a canon lawyer, are you?
15 A. No, I'm not. Thank God I'm not.
16 Q. Have you studied Latin?
17 A. Yes.
18 Q. Just in the seminary or otherwise?
19 A. In the seminary because our books were in
20 Latin.
21 Q. Yes. What about in high school; did you
22 study?
23 A. Yes, I took some Latin.
24 Q. When did you finish?
25 A. I finished in 1957.

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1 Q. Okay. I finished in '64.
2 A. You're just a kid.
3 Q. Glad to hear you say that.
4 MR. DUKES: You're not hearing that
5 from me.
6 Q. The reason I asked you if you -- do you
7 consider yourself fluent in Latin?
8 A. No.
9 Q. Are you...
10 A. And I've forgotten most of it.
11 Q. Did you study Greek as well?
12 A. Yes, and Hebrew.
13 Q. Oh, boy. Oh, boy. Now, had you become a
14 canon lawyer, would you have had to study even more
15 Latin to become more proficient in it?
16 A. Probably. And I wanted to be a canon
17 lawyer. I asked Unterkoefer at one point if I
18 could go and study canon law. He said no.
19 Q. Your timing was bad, that's all.
20 A. Yes. And the other thing was that I wanted
21 to be chaplain at the University of South Carolina.
22 We had some priests that came in from, I forget,
23 the Redemptorists or something that had the -- took
24 care of the chaplaincy.
25 Q. At the campus?

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1 A. Mm-hmm. So he said no to that too.
2 Q. Did you have -- when you were at
3 Cardinal Newman, did you have parish duties as
4 well?
5 A. No.
6 Q. Okay. So where did you live then?
7 A. I lived in the convent.
8 Q. I don't even know where it is.
9 A. It was right behind the school.
10 Q. Okay. All right.
11 A. They had priest quarters there in the
12 convent.
13 Q. Well, William Croghan used to live in the
14 convent behind the cathedral, if you can remember
15 that old wooden --
16 A. Mm-hmm.
17 Q. -- structure, spooky-looking kind of. Do
18 you know what I'm talking about?
19 A. Yes.
20 Q. The spooky-looking structure.
21 A. That's where the Carteret Home started too,
22 right there on the side of there.
23 Q. I didn't realize that.
24 A. That's my grandmother.
25 Q. Well, that's a few years ago.

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1 The reason I asked you about the Latin, just
2 so you can understand where we're coming from, I
3 want to ask you if you're familiar with a document
4 commonly referred to as the instruction, dealing,
5 it's often said, with -- it's also sometimes
6 referred to as Crimen Sollicitationis. Are you
7 familiar with that at all?
8 A. No.
9 Q. Okay. Let me -- I've got two copies. The
10 difficulty -- I've got a Latin copy here. How long
11 would it take you to read this thing, explain to us
12 what it...
13 A. About the rest of my life.
14 Q. Then I'll give you the English version.
15 (Exhibit No. 04 marked for
16 identification.)
17 Q. All I want to do is ask you if -- I'm going
18 to lead you here a little bit and go faster. Let
19 me ask you if you recognize document labeled
20 Plaintiff's 4 to your deposition as being a copy of
21 what is titled at the top Instruction.
22 A. Patriarchs, archbishops, bishops.
23 Q. I'm sorry?
24 A. In the manner concerning cases of
25 solicitation.

1 Q. That's right. And I want to --
 2 A. Is this in the confessional, solicitation?
 3 Q. What do you mean by that?
 4 A. One of the things that in the seminary was
 5 brought up was that it was criminal or whatever if
 6 there was solicitation in the confessional.
 7 Now, why they would have brought that up
 8 then, I don't know, unless they -- I mean, this is
 9 years ago -- unless they were aware that priests
 10 were doing that. I don't know. But solicitation
 11 otherwise, I don't know in what context that is.
 12 Q. I think your understanding of the act of
 13 solicitation --
 14 A. Right.
 15 Q. -- is that I think I hear you saying that
 16 that is the act of a priest soliciting a sexual
 17 favor from a penitent.
 18 A. And it could be sexual. It could be
 19 otherwise I guess, yes.
 20 Q. Soliciting something?
 21 A. Yes.
 22 Q. Yes, we deal with it normally in the context
 23 of sexual relationships.
 24 A. Yes.
 25 Q. But yes, I mean, it could be money,

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1 whatever.
 2 A. Right, yes.
 3 Q. Okay.
 4 A. Dealing, making deals in the confessional.
 5 Q. That's it. I don't want to go through this
 6 with you and I don't want to certainly argue it
 7 with you, but I will tell you that there are, as
 8 about other things in life, there are other views
 9 about what the ban on solicitation extends to in
 10 the confessional, outside the confessional, before
 11 confession, after confession, at other times.
 12 All of those things are -- if you're a
 13 reader and you want to stay up some night, reading
 14 some of that literature will make you dose off.
 15 A. Make you go to sleep?
 16 Q. Yes, I think. It won't --
 17 A. Keep you awake.
 18 Q. -- keep you awake, yes.
 19 All right. Now, I think I can quit.
 20 Oh, I do want to ask you something else.
 21 Let's talk about a victim of priest sexual abuse.
 22 I'd like to pick your brain a little bit, if you
 23 don't mind. I'd really like to know if you can say
 24 it, why is -- why are there so many cases of priest
 25 sexual abuse of particularly young boys?

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1 A. I -- I don't know. You know, I think a
 2 person from the beginning may be oriented in that
 3 direction. I don't know how to account for it
 4 otherwise. And they just, like, you know, if I
 5 would find a woman attractive, they would find
 6 little boys attractive, little girls or whatever, I
 7 mean little people.
 8 Q. Yes, I understand what you're saying exactly
 9 and let me -- you'll, I think, understand this as
 10 well, with the same parochial educational
 11 background and history that I have, just separated
 12 by a few years. I know what we learned and I want
 13 to ask you, did you learn to respect and defer to
 14 and really revere the clergy, the hierarchy within
 15 the Church?
 16 A. Yes, yes.
 17 Q. We -- when we finish, I'll tell you about
 18 being in politics, a couple of funny stories. Good
 19 stories.
 20 What do you understand ontological to mean?
 21 MR. DUKES: When was the last time the
 22 word ontological was used anywhere on Edisto?
 23 THE WITNESS: Or anywhere where I was.
 24 Q. What I'm referring to is the process of
 25 ordination, lifting up or separating or enhancing

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1 the stature, the status, the being of the person
 2 then ordained so as to make that ordained person
 3 somehow --
 4 A. Untouchable.
 5 Q. That or -- and clericalism comes -- you know
 6 what I'm referring to?
 7 A. Mm-hmm.
 8 Q. I just wonder in this whole abuse thing, I
 9 wonder if that also -- that mindset doesn't also
 10 plug in with the other factors like parochial
 11 education. We were learning so that -- and the
 12 mere separation of power position versus the
 13 nonpower position of a child and the age, age
 14 differences, as well as perhaps even the perceived
 15 power that a child has about forgiveness of sin,
 16 and I guess the other side of that being damnation
 17 being some sort of a power that a perhaps children
 18 perceive a priest as having. I don't know the
 19 answer to all of this.
 20 MR. DUKES: And I'd just object to the
 21 form generally.
 22 Q. Wasn't really a question, yes, we're just
 23 kind of talking, but I mean that as an inquiry, if
 24 it makes any sense to you.
 25 A. Yes. I think, as I look back on my growing

1 up, a priest was on the pedestal. We've since
2 fallen off of the pedestal with the things that
3 have happened. And we did it -- I think we did it
4 more than anything trying to become one with the
5 laity, to show them we were like them, we were
6 human like them.

7 Because as a child growing up, the priest,
8 you know, if there were an accusation of sexual
9 abuse, or if there were in fact sexual abuse, the
10 kid wouldn't -- 8- or 9- or 10- or 12-year-old kid

11 in those days wouldn't tell a parent about it
12 because the priest, you're going against a priest?
13 So, you know.

14 Q. Yes, I understand your explanation. Thank
15 you for having such a succinct response to that not
16 very succinct question I tried to frame for you.

17 MR. DUKES: I'll agree that was not a
18 succinct question.

19 Q. Guys our age sort of communicate on
20 wavelengths anyway, you know?

21 I can wind up by asking you just a couple of
22 things and I wanted to kind of read your mind a
23 little bit as I indicated, because I want to ask
24 you, we've got it, it's upon us, it's been as
25 widely exposed and written about and covered and

1 fussed over and everything else, priest abuse, sex
2 abuse cases, particularly with boys. It's not
3 strictly with boys but particularly with boy
4 victims.

5 So you've indicated at least your idea of
6 where it comes from at least in part where it comes
7 from. How do we stop it?

8 A. Are you speaking of specifically in the
9 Church?

10 Q. Yes, yes, yes, I mean to confine this to the
11 Church.

12 A. I don't know how we stop it other than
13 being -- monitoring more the candidates for the
14 priesthood, but I think that a person who is a
15 pedophile would be very clever and would be able to
16 defeat some of the systems that we would use.

17 Q. The effort to detect.

18 A. Yes. I think what we have to do is come
19 down hard on it so that it would deter maybe
20 somebody who is inclined to become a priest to see
21 what the consequences would be, and we'd have to
22 have some very severe consequences.

23 Q. Did you ever report to any civil authority
24 any abusive activity that you learned of during
25 your years as an active priest?

1 A. No.

2 Q. Okay. The last thing I want to ask you
3 about is, if you can articulate this, what is --
4 one of the things we have to do is measure what it
5 does to -- let's use that same little boy example,
6 10-year-old altar boy who gets raped by his pastor.
7 Do you agree, first of all, that he is harmed by
8 that?

9 A. Of course.

10 Q. Yes. Then what do we -- I say we, what does
11 the Church do to make that child -- to compensate
12 that child for what he has now been through?

13 MR. DUKES: Object to the form.

14 Q. You understand what I'm trying to ask you?
15 Go ahead and answer it, please.

16 A. You know, you can talk about monetary,
17 giving them money for what they've suffered, but
18 how do you measure that? How do you -- and is
19 money going to make that all right? I think we
20 have to do something, just the same way I did with
21 Richard, in that case with Richard, Wayne Morris.

22 We certainly have to give them help
23 psychologically so that they might overcome some of
24 the suffering, some of the abuse that they've
25 suffered, but I'm not sure that just giving them

1 money is going to do it and I think how do you
2 determine anyhow this versus the money.

3 Q. Yes, and the depth of the injury.

4 A. Yes. I don't know how you do that.

5 Q. To do that, somebody's going to ask you,
6 well, what's the value of a childhood, you know,
7 happy childhood?

8 MR. DUKES: Object to the form.

9 Q. These are hard -- these are hard questions
10 to answer. I'm not suggesting I know the answer to
11 all of the questions by any means. I can tell you
12 this that will help you, and I'll make it into a
13 question so your lawyer can relax a little over
14 there before we quit: At our system of justice, we
15 only allow one form of damages, one form of
16 compensation, and it's a monetary form.

17 The idea that it's based on, the broad
18 concept, we don't -- you do me wrong, I don't call
19 you out into the street and we have a gunfight, you
20 know. We have a process that allows compensation
21 in a deliberate, measured and uniform and fair way
22 is what we're shooting for under our system of
23 justice.

24 Now, I don't remember who we did this with,
25 Rich, but I explained to somebody in one of these

1 depositions that if -- and this will help you
 2 understand why you can't just spout out the
 3 definitive answer most precisely reached: If I cut
 4 your finger off, just half of your index finger, by
 5 something I do wrong to you, you have the right to
 6 have me compensate you for that loss. You've lost
 7 half a finger, but I can't give you half a finger.
 8 I can only give you the monetary compensation for
 9 what you've lost. Here it's measurable as half a
 10 finger. If I made you lose your mind, that's, you
 11 know, another thing altogether.
 12 But we can do that and we don't fight in the
 13 street. We do that in a civil way and that's what
 14 you're entitled to be compensated for.
 15 But I do the same thing to your brother,
 16 maybe simultaneously and same half of an index
 17 finger, now, you make your living one way so that
 18 that finger perhaps doesn't impact you so fully as
 19 it would your brother who is a concert pianist,
 20 let's say.
 21 So it's not an -- I mean, I want to tell you
 22 that we all acknowledge we wish you could just say
 23 the precise answer, but it takes a little more
 24 analysis than that. So if you ever figure out the
 25 answer, my question is will you call us and tell us

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1 that?
 2 Now it's a question. He hasn't said a word.
 3 MR. DUKES: And I'll just object to the
 4 form. Any question that takes more than two pages
 5 in a transcript is per se objectionable.
 6 Q. See, he's lost sight of the fact that we've
 7 known each other since we both had dark hair. If
 8 he'd realize that, he'd understand the exchange.
 9 A. You know, I think you can go back to the old
 10 testament, an eye for an eye and a tooth for a
 11 tooth. And they came up with that remedy, if you
 12 will, because the tendency was in human nature if
 13 you cut off my finger, I'll cut off your arm. So
 14 that was the measure.
 15 Q. The finger, we limit it to the --
 16 A. You could not do any more retaliation than
 17 cut off -- I could cut off your finger because you
 18 cut mine off.
 19 Q. I understand.
 20 A. And that's the way that they measured
 21 justice.
 22 Q. Mm-hmm.
 23 A. I think that it's become very complicated
 24 with us. And you're right, you know, a concert
 25 pianist that loses a finger or whatever it is, is

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1 going to indeed need to be compensated more than a
 2 day laborer that loses a finger, but, again, I
 3 don't know -- it's like in the confessional and
 4 somebody comes in and confesses a sin and you try
 5 to decide what an equal penance would be for that.
 6 You can't do it. You can't do it.
 7 And one of the things that I did, you know,
 8 I always would be very gentle with penitents and
 9 let God take care of the rest.
 10 Q. That's the wisest and safest bet I've heard
 11 about that.
 12 I don't think I need to examine about
 13 anything else. Do you want to at all?
 14 MR. RICHTER: Thank you.
 15 (Deposition concluded at 3:14 p.m.)
 16 ---
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1
 2 CERTIFICATE OF REPORTER
 3 I, Ruth L. Mott, Registered
 4 Professional Reporter, Certified Realtime Reporter,
 5 and Notary Public for the State of South Carolina,
 6 do hereby certify that the witness in the foregoing
 7 deposition was by me duly sworn to testify to the
 8 truth, the whole truth and nothing but the truth in
 9 the within-entitled cause; that said deposition was
 10 taken at the time and location therein stated; that
 11 the testimony of the witness and all objections
 12 made at the time of the examination were recorded
 13 stenographically by me and were thereafter
 14 transcribed by computer-aided transcription; that
 15 the foregoing is a full, complete and true record
 16 of the testimony of the witness and of all
 17 objections made at the time of the examination; and
 18 that the witness was given an opportunity to read
 19 and correct said deposition and to subscribe the
 20 same.
 21 Should the signature of the witness not
 22 be affixed to the deposition, the witness shall not
 23 have availed himself of the opportunity to sign or
 24 the signature has been waived.
 25 I further certify that I am neither
 related to nor counsel for any party to the cause
 pending or interested in the events thereof.
 Witness my hand, I have hereunto
 affixed my official seal on September 9, 2019 at
 Charleston, Charleston County, South Carolina.
 18
 19 Ruth L. Mott,
 20 Registered Professional Reporter
 21 Certified Realtime Reporter
 22 and Notary Public
 23 My Commission expires
 24 February 23, 2025
 25

1 DEPONENT CORRECTION SHEET
2 I, the undersigned, JAMES A. CARTER, do hereby
3 certify that I have read the foregoing deposition
and wish to make the following clarifications
and/or corrections, if any.

4 PAGE LINE CHANGE REASON

5

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20 JAMES A. CARTER Date

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	CA No. 2018-CP-10-4206
	)	
Richard Roe,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	NOTICE OF DEPOSITION OF
	)	REV. MSGR. JAMES A. CARTER PA
	)	
The Diocese of Charleston, a Corporation	)	
Sole, and The Bishop of the Diocese of	)	
Charleston, in his official capacity,	)	
	)	
Defendants.	)	

TO: Rev. Msgr. James A. Carter PA c/o Richard S. Dukes, Jr., Esq., attorney for Defendants

PLEASE TAKE NOTICE that the attorneys for Plaintiff will take the oral testimony by deposition of the below named individual at the time and date listed below. Said deposition will be taken before a qualified notary public in the offices of **The Richter Firm, LLC, 622 Johnnie Dodds Blvd., Mt. Pleasant, SC 29464**. This deposition is to be taken pursuant to Rule 30 of the South Carolina Rules of Civil Procedure.

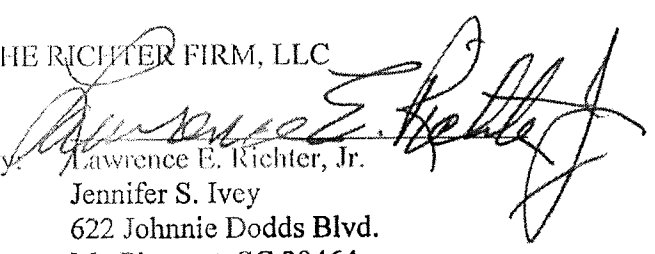
Said deposition is being taken for pre-trial discovery, for use at trial and for such other purposes as may be permitted by law. The deposition will continue from day to day until completed.

Rev. Msgr. James A. Carter PA
August 5, 2019 at 2:00pm

Signature block to follow on next page



THE RICHTER FIRM, LLC

By:  Lawrence E. Richter, Jr.

Jennifer S. Ivey
622 Johnnie Dodds Blvd.
Mt. Pleasant, SC 29464
(843) 849-6000

ATTORNEYS FOR PLAINTIFF

2-19, 2019
Mt. Pleasant, South Carolina

STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF CHARLESTON

Richard Roe, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

The Diocese of Charleston, a Corporation Sole, and
the Bishop of the Diocese of Charleston, in his official
capacity, Defendants

Case Number: 2018-CP-10-04206

Pending in Charleston County

TO: Rev. Msgr. James A. Carter PA
c/o Richard S. Dukes, Jr.
Turner Padgett Graham & Laney, P.A.
40 Calhoun Street, Suite 200
Charleston, SC 29401

☐ YOU ARE COMMANDED to appear in the above named court at the place, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME , AM

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION The Richter Firm, LLC 622 Johnnie Dodds Blvd. Mt. Pleasant, SC 29464	DATE AND TIME August 5, 2019, 2:00PM
---	--------------------------------------

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents or objects:

See attached Exhibit A.

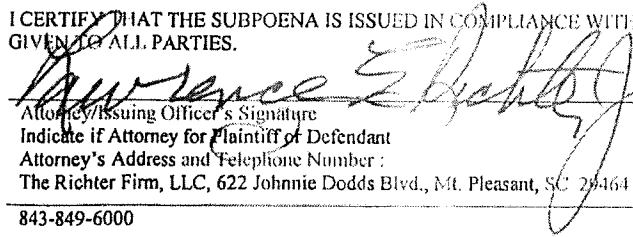
PLACE The Richter Firm, LLC 622 Johnnie Dodds Blvd. Mt. Pleasant, SC 29464	DATE AND TIME August 5, 2019, 2:00PM
---	--------------------------------------

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME , AM
----------	--------------------

ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS IS HEREBY DIRECTED TO RULE 30(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF, SHALL SET FORTH, FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED TESTIFY AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1), AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

 7/19/19 Lawrence E. Richter, Jr.
Attorney/Issuing Officer's Signature Date Print Name
Indicate if Attorney for Plaintiff of Defendant
Attorney's Address and Telephone Number :
The Richter Firm, LLC, 622 Johnnie Dodds Blvd., Mt. Pleasant, SC 29464
843-849-6000

Clerk of Court/Issuing Officer's Signature Date Print Name
Pro Se Litigant's Name, Address and Telephone Number :

PROOF OF SERVICE

SERVED	DATE	FEES AND MILEAGE TO BE TENDERED TO WITNESS UPON DAILY ARRIVAL ☐ YES ☐ NO AMOUNT \$
	PLACE	
SERVED ON		MANNER OF SERVICE
SERVED BY		TITLE

DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedures, Parts (c) and (d):

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time in the court that issued the subpoena for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance; or

(ii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or

(iii) requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena:

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(III) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1)(A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(6)(B). The court may specify conditions for the discovery.

(2)(A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, the receiving party must take reasonable steps to retrieve the information. The person who produced the information must preserve the information until the claim is resolved.

EXHIBIT A

The following definitions apply to the requests below:

The term "document(s)" shall mean all writings, including all handwritten, typed, printed, or photocopied matter, all recordings, and graphic matter of any kind, including the originals and all the duplicates, carbon copies or any other nonidentical copies, whether different from the originals by reason of any notations or changes made on such copies, or otherwise, including, without limitation, correspondence, memoranda, notes, diaries, calendars, applications, statistics, letters, telegrams, minutes, contracts, agreements, reports, studies, computations, checks, statements, receipts, returns, summaries, pamphlets, books, interoffice and intraoffice communications, resumes, notations of any sort of conversations, telephone calls, meetings or other communications, bulletins, printed matter, computer printouts, teletypes, telefax, invoices, worksheets, all drafts, alterations, modification changes and amendments of any of the foregoing, graphic or oral recordings or representations of any kind, (including, without limitation, photographs, charts, graphs, microfiche, microfilm, video tapes, e-mails, recordings, motion pictures), and any electronic, mechanical or electrical records or representations of any kind, (including, without limitation, tapes, cassettes, disks, recordings, computer memories), or any other recorded information of any kind whatsoever, within the knowledge, possession, custody, control or subject to the control of, or accessible to you.

The term "electronically stored information" shall mean information recorded in a form that requires a computer or other machine to process it and that otherwise satisfies the definition of a record, and should be afforded the broadest possible definition.

Documents Requested:

1. Any and all documents in your possession or control or that of your counsel evidencing gambling operations promoted or sponsored by any affiliate of the Diocese of Charleston, including, without limitation, any such relating to any bingo, lotter, drawing or any other game of chance.

Transcript of Monsignor James Carter

Page 1

1 IN THE COURT OF COMMON PLEAS
2 FOR THE STATE OF SOUTH CAROLINA
3 JASPER COUNTY

4 DEPOSITION OF MONSIGNOR JAMES CARTER

5
6 ALLAN CARL RANTA,

7 Plaintiff,

8 vs.

CASE NO. 2006-CP-27-143

9 THE ROMAN CATHOLIC DIOCESE OF
10 SAVANNAH, A CORPORATION SOLE;
11 MOST REV. RAYMOND W. LESSARD;
12 J. KEVIN BOLAND, IN HIS
13 CAPACITY AS THE BISHOP OF THE
14 ROMAN CATHOLIC DIOCESE OF
15 SAVANNAH, A CORPORATION SOLE;
16 AND WAYLAND YODER BROWN,
17 Defendants.

COPY

18 -----
19 DEPONENT: MONSIGNOR JAMES CARTER

20 DATE: JULY 28, 2009

21 TIME: 10:00 A.M.

22 LOCATION: THE RICHTER FIRM
23 622 Johnnie Dodds Boulevard
24 Mount Pleasant, South Carolina 29464
25 -----

26 REPORTED BY: TERI L. HORIHAN
27 NCRA Registered Professional Reporter
28 CLARK & ASSOCIATES, INC.
29 P.O. Box 73129
30 North Charleston, SC 29415
31 (843) 762-6294
32 WWW.CLARK-ASSOCIATES.COM

Clark & Associates, Inc.
843.762.6294

001878



Transcript of Monsignor James Carter

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1 APPEARANCES
 2
 3 ON BEHALF OF THE PLAINTIFF:
 4 THE RICHTER FIRM
 5 BY: LAWRENCE E. RICHTER, JR.
 6 622 Johnnie Dodds Boulevard
 7 Mount Pleasant, SC 29464
 8
 9 ON BEHALF OF THE DEFENDANTS:
 10 SHAHID LAW OFFICE
 11 BY: A. PETER SHAHID, JR.
 12 89 Broad Street
 13 Charleston, SC 29401
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 MONSIGNOR JAMES CARTER,
 2 being first duly sworn, was examined and testified as
 3 follows:
 4 EXAMINATION
 5 BY MR. RICHTER:
 6 Q State your full name, please.
 7 A James A. Carter.
 8 Q I have to explain, pursuant to our rules,
 9 a few things to you. Have you ever been deposed
 10 before?
 11 A I think I have, yeah.
 12 Q The rules require that we tell you
 13 certain things. This is a deposition. I will
 14 direct questions to you. I'll try to do that
 15 narrowly and in an understandable way. If you can
 16 respond the same way, it makes things go faster.
 17 You have a right to explain, you know, as fully as
 18 you want to any answer.
 19 Are you under the influence of any drugs
 20 or alcohol today?
 21 A Huh-uh.
 22 Q Taking any kind of medication that would
 23 impair you in any way, keep you from understanding
 24 this process?
 25 A No.

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 2 EXAMINATION
 3 By MR. RICHTER
 4
 5
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 7 Certificate of Reporter 30
 8
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 11 EXHIBITS
 12 (There were no exhibits marked.)
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Page

4

Page

1 Q In addition to that, you have the right
 2 to read and sign your deposition prior to it being
 3 submitted in this case or any case, and you also
 4 have the right to waive that. This lady is an
 5 independent court reporter, and it's entirely up to
 6 you. Do you want to read and sign it?
 7 A No.
 8 Q If you need anything, just say so, and
 9 your needs will be met. I don't think we're going
 10 to be here long enough for you to need much.
 11 Can you tell me, please, your date of
 12 birth?
 13 A March 1st, 1939.
 14 Q Place of birth?
 15 A Charleston.
 16 Q What is your current address?
 17 A 1149 Russell Drive, Mount Pleasant.
 18 Q 29464?
 19 A Right.
 20 MR. SHAHID: She may need you to
 21 speak up just a little bit.
 22 Q Yeah. I didn't tell you one thing I
 23 should have. Everything's being recorded. She also
 24 takes it down by stenotype, so one of the things we
 25 have to be careful of is not to talk over each other

2 (Pages 2 to 5)

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Transcript of Monsignor James Carter

Page 6

1 because she can only get one of us at a time. And
 2 do speak loud enough for her.
 3 And don't -- the other thing I didn't
 4 tell you, don't use gestures like nods. You have to
 5 say yes or no because she is taking it down.
 6 A Okay.
 7 Q What is your current position?
 8 A Pastor of Christ Our King Church.
 9 Q How long have you been in that position?
 10 A 20 years.
 11 Q When were you ordained as a Catholic
 12 priest?
 13 A 1966.
 14 Q Place of ordination?
 15 A Charleston.
 16 Q Who ordained you in '66?
 17 A Unterkoefler, Bishop Unterkoefler.
 18 (Off-the-record discussion.)
 19 Q So you were ordained in 1966 here in
 20 Charleston. Since that time, have you been
 21 continuously active in your role as a Catholic
 22 priest?
 23 A Yes.
 24 Q Okay. Has all of your service been in
 25 the Diocese of Charleston?

Page 7

1 A Yes.
 2 Q Can you tell me, please, your history of
 3 assignments? Do you remember? Just go backwards, I
 4 guess.
 5 A My first assignment was at St. Mary's in
 6 Greenville. My second assignment was St. John's in
 7 North Charleston. My third assignment was director
 8 of Cardinal Newman High School in Columbia. Fourth
 9 assignment was St. Peter's in Columbia. Fifth
 10 assignment was Holy Spirit on Johns Island. Sixth
 11 was St. Paul's in Spartanburg. Seventh was
 12 St. Mary's in Aiken. And the eighth was here at
 13 Christ Our King.
 14 Q So you've been here from '89 or so till
 15 now?
 16 A Uh-huh.
 17 Q How long were you at St. Mary's?
 18 A Nine years. From '80 to '89.
 19 Q In the role of pastor?
 20 A Uh-huh.
 21 Q Did you have -- in Aiken, did you have a
 22 support staff? Did you have other priests available
 23 to you?
 24 A Yes. Ray Sommerfeldt was one -- well,
 25 there were a number of them. But yeah, there was

Page 8

1 also an associate.
 2 Q Were you ever in Aiken when Father Roy
 3 Aiken was there?
 4 A No. I replaced Nick Biod who replaced
 5 Roy Aiken. And Nick Biod was only there a year.
 6 (Off-the-record discussion.)
 7 Q What is your educational background,
 8 please?
 9 A You mean graduate education?
 10 Q Well, if you mind --
 11 A Bishop England High School.
 12 Q What year?
 13 A I graduated '57. Went to Mount
 14 St. Mary's College in Emmitsburg for two years. I
 15 was prelaw and was transferring to Dartmouth, and
 16 then I thought, well, I am -- I had this notion
 17 about being a priest but I didn't really want to.
 18 So I figured that would be the opportunity to get it
 19 out of my mind. So I went and asked the Bishop if I
 20 could go in the seminary, and I did. And I never
 21 went to Dartmouth.
 22 Q Didn't get it out of your mind?
 23 A No. And he sent me to St. Mary's in
 24 Kentucky. It was a year -- it was more than a year,
 25 but I went there especially for Latin 13 times a

Page 9

1 week, Latin, Greek, and Hebrew. After I went there,
 2 then I was at St. Mary's University in Baltimore.
 3 Q Is that where you actually matriculated?
 4 A That's right.
 5 Q With what degree?
 6 A I had an undergraduate degree with a
 7 major in -- minor in Latin and a major in -- I guess
 8 it was a degree in theology from St. Mary's.
 9 Q Do you have any military background?
 10 A No.
 11 Q Do you have any criminal background?
 12 A No. Other than speeding tickets.
 13 Q Have you got any history of litigation?
 14 Have you been involved in lawsuits?
 15 A Huh-uh.
 16 Q All right. I'd like to go back to the
 17 time period, please, when you were at St. Mary's and
 18 ask you if during your time of service there you had
 19 under your supervision a man named William
 20 Richardson?
 21 A Yes.
 22 Q Where is he now?
 23 A I don't know. The last I heard he was in
 24 Florida, I think.
 25 Q Has he been laicized?

3 (Pages 6 to 9)

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Transcript of Monsignor James Carter

Page 10

1 A I don't know.
 2 Q When you last had contact with him, was
 3 he still an active priest?
 4 A Yes.
 5 Q Did you have him as a deacon first and
 6 then as --
 7 A Yes.
 8 Q And then he become -- when he was
 9 ordained, I guess, he became your assistant pastor?
 10 A Right, yeah.
 11 Q How long was he there while you were
 12 there in Aiken?
 13 A Two years. Because he was there a year
 14 as a deacon and then a year as a priest.
 15 Q Do you remember what years he was there?
 16 A It was the early '80s, but I
 17 specifically -- maybe -- it could have been '81 and
 18 '82 or something.
 19 Q All right. Did you have any difficulty
 20 with any of his activities while he was at
 21 St. Mary's in Aiken?
 22 A Yes, I did.
 23 Q What was the nature of that difficulty,
 24 please?
 25 A Bishop Unterkoefer had sent him to me

Page 11

1 because he had reservations about ordaining him, and
 2 he wanted me to observe him. At the conclusion of
 3 his year of diaconate, the bishop asked me what I
 4 thought. And I said, I don't have anything factual,
 5 but there's something about him that I can't put my
 6 finger on.
 7 Well, he went and ordained him anyhow.
 8 It was a year later that Tom Duffy of the personnel
 9 board came to visit Richardson about a move, and I
 10 confronted Duffy. I said, why are you moving him?
 11 I mean, what is it? And he said, he's asked for a
 12 move. I said, oh. It surprised me because I
 13 thought we got along well.
 14 So after they left, I said to him, I
 15 said, it surprises me that you are requesting a
 16 leave from here. And he said he thought that it was
 17 time for him to leave.
 18 So he got an assignment, and the
 19 assignment was St. Joseph's in Columbia. And then a
 20 lady in the parish who was a single mother called me
 21 up and said she needed to see me.
 22 Q Was that Ms. Thomas?
 23 A No. Her name was Morris.
 24 Q Morris. I'm sorry. I said Thomas. I
 25 meant to say Morris.

Page 12

1 A Morris. And then she went into the fact
 2 that her son had been abused.
 3 Q Sexually abused?
 4 A Yes. And I guess it didn't astound me
 5 because he was in charge of altar boys and whatever
 6 it was, and he seemed to get along with them well.
 7 But I guess I was shocked because he tried to -- he
 8 tried to tell the kid -- to keep the kid away from
 9 me, and disclosing this to me -- he told the kid
 10 what a wretched person I was.
 11 And his mother said that when I was ever
 12 away that he would bring the kid into the rectory.
 13 Well, I called up the bishop, and I said, you know,
 14 he can't have another assignment.
 15 And so we got all that -- and the bishop
 16 called him in, said, you know, you go to the
 17 monastery and you stay there for six weeks or
 18 whatever it is, or you can just leave. So he left.
 19 That was my last connection with him, and that's why
 20 I said my last connection with him was as a priest.
 21 Q Yeah. When he left, he left the Diocese
 22 or the priesthood?
 23 A He left the priesthood. He had
 24 already -- his things had already been taken to
 25 St. Joseph's and so forth, but he never got there.

Page 13

1 Q Who was the pastor of St. Joseph's then?
 2 Do you remember?
 3 A No, I don't. No, I don't remember.
 4 Q Okay. Did you confront -- he was then
 5 Father Richardson. He wasn't Deacon Richardson, was
 6 he?
 7 A He was Father.
 8 Q Did you confront Father Richardson about
 9 his transgression or transgressions?
 10 A I did, but I did it with Duffy because
 11 Duffy was the emissary of Unterkoefer in this
 12 matter.
 13 Q Okay. What response did you get from
 14 Father Richardson?
 15 A I don't remember. I think he was -- I
 16 think he couldn't refute it, but I don't remember
 17 what he said.
 18 Q Do you know whether he had any sexual
 19 relationship with any priest of the Diocese of
 20 Charleston?
 21 A No, I don't.
 22 Q Do you know whether he had any sexual
 23 relationship with priests of any other Diocese?
 24 A No, I don't.
 25 Q Do you have any reason to suspect that he

4 (Pages 10 to 13)

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Transcript of Monsignor James Carter

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1 did?
 2 A No. Because I saw him as a pedophile,
 3 and I thought that was probably his interest. I
 4 mean, he could have, but I'm --
 5 Q When you use the term pedophile, do you
 6 limit that in any way, such as to prepubescent
 7 victims?
 8 A No. Because this kid -- it seems to me
 9 this kid was like 14 or 15, the Morris kid.
 10 Q Okay. Did you ever have an occasion to
 11 have priests from the Diocese of Savannah either --
 12 well, perform any religious services in Aiken at
 13 St. Mary's or on behalf of St. Mary's?
 14 A No. I didn't really know -- while they
 15 were right across the border, I didn't know many of
 16 the priests there. And I can't remember bringing
 17 anybody in.
 18 Q I realize this was 19 -- the early 1980s.
 19 A Yeah, yeah.
 20 Q Let me ask you, please -- let me ask you
 21 if you recognize the people in those photographs.
 22 A This is Gorski.
 23 Q I'm sorry?
 24 A Father Gorski.
 25 Q Do you know how to spell that?

Page 15

1 A G-o-r-s-k-i. This is Richardson. This
 2 is Bill Richardson here. And this could be Wayne
 3 Morris.
 4 Q The victim?
 5 A I think so, yeah.
 6 Q Now, did you ever have any interaction
 7 with Mr. Morris, who I realize then was a minor
 8 still? Did you have any interaction with him
 9 concerning his abuse by Father Richardson?
 10 A I did.
 11 Q What was the nature of that interaction?
 12 A When I got here in 1989, I had a letter
 13 from Wayne Morris, who as I recall was at the -- he
 14 was in college in Georgia, in Atlanta, I think.
 15 And he wrote me a letter and identified
 16 himself and said that his life had been just a mess
 17 as a result of Richardson. And he had, I think,
 18 used all of his funds with counseling and so forth,
 19 and could I help him? So I wrote him back and told
 20 him how sorry I was for the whole matter, and yes, I
 21 would help him.
 22 And if he would give me the name of the
 23 doctor that was counseling him and have the doctor
 24 send me the bills, and I would take care of that,
 25 which I did.

Page 16

1 Sam Miglarese was the Vicar General, and
 2 I -- the letter that I wrote, I remember I gave Sam
 3 a copy of it. And he checked with an attorney to
 4 make sure that I had been appropriate in my
 5 response, which he said it was very appropriate.
 6 And Sam said that he would reimburse me,
 7 the Diocese would reimburse me. Not me personally
 8 because I took it out of an account I had, a charity
 9 account.
 10 Q At the parish?
 11 A At the parish. And I paid the doctor
 12 that would send the bills, and I think it lasted for
 13 two years. And finally I said, you know, we'd have
 14 to terminate that.
 15 Q When you quit paying, did the Diocese
 16 then pick up payments directly?
 17 A No, I don't think. I think that was the
 18 end of it, but they reimbursed me.
 19 Q So the payments that you made were to
 20 health care providers, not to Mr. --
 21 A No, no, not to Morris.
 22 Q -- Mr. Morris.
 23 Okay. Did you get reimbursed?
 24 A Yes.
 25 Q Now, how is -- so that was payment to a

Page 17

1 victim of sex abuse?
 2 A Uh-huh.
 3 Q Or on behalf of a victim of sex abuse?
 4 A Uh-huh.
 5 Q How does that get declared in the
 6 financial declarations of the Diocese?
 7 A I suppose it would be the same way that
 8 they would declare any assistance given to somebody
 9 as far as sexual abuse is concerned.
 10 Q Well, is it declared? I mean, is it
 11 identified in that way?
 12 A Oh, yeah. I would think it would be.
 13 Again, that would be one of Sam's responsibilities.
 14 Q You may find yourself surprised.
 15 A Is that right?
 16 Q Can't find it, yeah.
 17 A Well, now, I don't know -- I don't even
 18 know what account that would have come out of, but I
 19 just know that I was reimbursed.
 20 Q Let me tell you that I have your records.
 21 I do not have at this point the diocesan
 22 reimbursement records, but I have your own.
 23 A Okay.
 24 (Off-the-record discussion.)
 25 Q Okay. Now I'd like to please show you a

5 (Pages 14 to 17)

Transcript of Monsignor James Carter

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1 letter, a copy of a letter, signed by then Father
 2 Wayland Brown and ask if you've ever seen that
 3 before.
 4 A '82. No, I have not seen this.
 5 Q Okay. Having read it now, can you tell
 6 us substantively what the letter is about or what it
 7 says?
 8 A Well, he said he had mass noon at
 9 St. Mary's. I don't know whether he means
 10 St. Mary's on the Hill in Augusta, but he does
 11 identify evening confessions and mass Saturday at
 12 St. Mary's in Aiken and the 10:45 and 12:15 mass at
 13 St. Mary's.
 14 Q Again, I understand this was 1981 or '82
 15 when this is. I'm not -- I don't mean to challenge
 16 your memory as to mass times and those things. I
 17 know what my memory is good for. Can I see it back
 18 for a minute?
 19 A Uh-huh.
 20 Q Thank you. My question is, ultimately,
 21 do you recall Wayland Brown, a priest of the Diocese
 22 of Savannah, coming over and helping or covering or
 23 whatever it was?
 24 A I do not.
 25 Q Okay. And you don't know him?

Page 19

1 A I know -- I met Wayland Brown, and the
 2 reason I remember is because his name Wayland was
 3 kind of strange. I will tell you what I know about
 4 him.
 5 Q Okay. Thank you.
 6 A He liked trains, and he was constantly
 7 riding trains because his father had been a
 8 conductor or something on trains, and I just thought
 9 that really strange. I mean, of course we all have
 10 different hobbies, but that's --
 11 Q Was that the limit of your knowledge?
 12 A Yeah.
 13 Q How did you meet him?
 14 A Pardon?
 15 Q How did you meet him?
 16 A I don't even know. It could have been --
 17 I don't know.
 18 Q Does Aiken have a train yard?
 19 A Yeah. As a matter of fact, the train --
 20 Roosevelt, when he would go south, he had a
 21 paramour, the woman in Aiken, and he would get off
 22 the train there.
 23 (Off-the-record discussion.)
 24 Q Other than having met Wayland Brown and
 25 recalling the little you've indicated, have you had

Page 20

1 any other interaction with him, or do you know
 2 anything more about him?
 3 A Yes. First of all, let me respond to
 4 that, the fact that if he said he was in Aiken. It
 5 could have been that I wasn't there and Richardson
 6 may have been there, and Richardson may have engaged
 7 him, but I don't know that.
 8 Q Nor do I, definitively.
 9 A There was a kid in the parish, Dougie
 10 Turno, T-u-r-n-o. His mother's name was Carol.
 11 Dougie was 11 years old and had cancer. He'd had
 12 cancer for a couple of years maybe.
 13 Wayland Brown was a friend of the Turno
 14 family, and he used to, I think, come visit them. I
 15 don't know how frequently. I know they had -- all
 16 of their children were boys, and I don't even know
 17 whether Wayland Brown -- I don't know whether
 18 Wayland Brown was a chaplain at the hospital or
 19 whether Wayland Brown was assigned to Holy Trinity
 20 Church. I don't even know where he originated in
 21 Augusta.
 22 But I do know he was friends of the
 23 Turnos because she would come to me frequently and
 24 having said that this priest was a friend of theirs.
 25 Q No indication -- she made no indication

Page 21

1 to you, Mrs. Turno, of any abuse to her children by
 2 Wayland Brown?
 3 A No, she did not.
 4 Q Okay. Do you know where in Florida
 5 Richardson may be now, Bill Richardson?
 6 A No. He could be dead for all I know. He
 7 remained in contact with some friends of mine, the
 8 Barhytes. She was a secretary at St. Mary's in
 9 Greenville. They're both dead now, the Barhytes.
 10 But they used to tell me -- that's how I knew he was
 11 in Florida because he would make contact somehow
 12 with them.
 13 Q Let me ask you about the name of a person
 14 who was your assistant, clerical staff, while you
 15 were at St. Mary's. Do you remember a woman by the
 16 name of Mary Mulvihill?
 17 A Mulvihill, right. She was my director of
 18 religious education.
 19 Q Did she have any conversation with you
 20 concerning Bill Richardson abusing anyone?
 21 A I don't think so. I think after
 22 Richardson -- you know, they had a community there
 23 called Alleluia Community, and there was a guy there
 24 by the name -- the head of the Alleluia Community,
 25 Bill VanAlstine. And after Bill Richardson left,

6 (Pages 18 to 21)

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Transcript of Monsignor James Carter

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1 and it kind of got out a little bit, he came to me
 2 and kind of indicated that he was wary of
 3 Richardson.
 4 Q Anyone else so indicate to you?
 5 A No.
 6 Q Okay. When you say the Alleluia
 7 Community --
 8 A It's a community in Augusta, but they had
 9 externs that lived in Aiken and --
 10 Q Is that a gypsy community?
 11 A Oh, no. It's charismatic.
 12 Q Okay. What do you -- I can't say the
 13 name. I'm sorry. Closest I can say is Joe Murphy.
 14 A Joe Murphy.
 15 Q Murphy's Village, yeah.
 16 Okay. Now, when Bill Richardson left the
 17 Diocese of Charleston, did the Diocese continue to
 18 pay him?
 19 A Oh, I have no idea.
 20 Q Is there any reason why the Diocese would
 21 continue to pay him?
 22 A The Diocese has a responsibility for
 23 priests that have been incardinated.
 24 Q By incardinated you mean ordained?
 25 A Ordained for the Diocese. And canon law

Page 23

1 is very specific about, you just can't throw them
 2 out on the street. But what happened there, I don't
 3 know.
 4 Q You were not involved in any of that
 5 process, if there was a process?
 6 A No. I became later when I was Vicar for
 7 Clergy, but that was '92 or '93 or something like
 8 that.
 9 Q Are priests who leave the priesthood for
 10 the sake of a woman, either for the sake of marrying
 11 a woman or simply having a relationship with a
 12 woman, are those priests paid after they leave the
 13 active priesthood?
 14 A Once they're married?
 15 Q Well, before they're married or once
 16 they're married. I'd like to ask the question both
 17 ways. Before they're married, if they leave --
 18 A Again, I don't know. If they leave, it
 19 would be the same answer, that the Diocese would
 20 have a responsibility for them. To what extent, I
 21 don't know. Certainly, I would think if they got
 22 married, the Diocese would not have any
 23 responsibility.
 24 Q Why would that be any different than
 25 someone leaving the active ministry because of

Page 24

1 having sexually abused young boys?
 2 A I think if somebody abused young boys,
 3 they would be -- that would be a criminal act, I
 4 guess; whereas, marriage would be a statement that
 5 you no longer want to associate, I guess, with the
 6 church, I suppose. I mean, it is against the law of
 7 the church that a priest marry. So the church would
 8 cease --
 9 Q I understand. Is it against the law of
 10 the church that a priest have sexual relations with
 11 a young boy?
 12 A Uh-huh. But again, I think one is -- one
 13 is in the external form very openly. The other is
 14 not. So I would think that when the Diocese became
 15 aware of, for instance, somebody being a pedophile
 16 that they would certainly continue to pay for the
 17 person's treatment or whatever it would be to try to
 18 get the person settled.
 19 Q Do you know whether the Diocese would
 20 continue to pay the person's normal salary or
 21 stipend and living expenses?
 22 A I don't know that.
 23 Q Okay. Are you -- do you have
 24 knowledge -- let me ask it in a general way first.
 25 Do you have knowledge of the problem of priest abuse

Page 25

1 within the Catholic Church in current times?
 2 A You know, what I read and what I hear, I
 3 have that knowledge.
 4 Q Have you expressed any opinion about how
 5 you personally, Monsignor Carter, feel about the
 6 abuse of young boys by priests?
 7 A You're asking me what my opinion is of
 8 that?
 9 Q I'm asking if you've expressed it first.
 10 And then I'm going to ask you what it is if you
 11 haven't expressed.
 12 A I'm sure that I have expressed it in my
 13 time with the Diocese because it's morally wrong and
 14 the person is ill.
 15 Q It's legally wrong as well, I think you
 16 said a moment ago?
 17 A Yes.
 18 Q If it is a crime, can you tell me why the
 19 Diocese does not report in many instances the
 20 commission of that crime to the prosecutorial
 21 authorities or law enforcement authorities?
 22 MR. SHAHID: Object to the form of
 23 the question.
 24 A I think the Diocese does.
 25 Q What is your basis for thinking that?

7 (Pages 22 to 25)

Transcript of Monsignor James Carter

Page 26

1 A With my association with the Diocese in
 2 the past Vicar General and Vicar for Clergy.
 3 Q I meant to ask you --
 4 A We worked very diligently to develop
 5 guidelines for how that was managed. And by that, I
 6 mean, that right away we would report whatever we
 7 heard to the authorities.
 8 Q Did you report Bill Richardson?
 9 A No. I wasn't with the Diocese then. I
 10 reported Bill Richardson to the bishop.
 11 Q Do you know whether the bishop reported
 12 Bill Richardson to the law enforcement authorities?
 13 A I do not know that.
 14 Q All right. Now, where did you grow up?
 15 What part of town did you grow up in?
 16 A Broad Street.
 17 Q Did you go to Cathedral Elementary
 18 School?
 19 A (Witness nodded.)
 20 Q And then Bishop England High School, you
 21 said. Are you familiar with the church or its
 22 schools or parishes or organizations conducting any
 23 form of gambling operation?
 24 A You know, in the past there was some of
 25 that, but then that was -- Unterkoefer was the one

Page 27

1 who eliminated that.
 2 Q When you say eliminated it, did he
 3 prohibit games of chance?
 4 A Yes, yes.
 5 Q Subsequent to Bishop Unterkoefer leaving
 6 the Diocese of Charleston, have there been games of
 7 chance conducted here, to your knowledge?
 8 A No.
 9 Q By parish --
 10 A No. I think each bishop has kept the
 11 same. No, I don't know.
 12 Q How about in the church that you are the
 13 pastor of currently, Christ Our King Church, have
 14 there been gambling operations conducted there?
 15 A No.
 16 Q Did you ever have any drawings, for
 17 example -- let me say that by gambling operations I
 18 want you to understand I mean by that game of
 19 chance, that is to say any undertaking in which
 20 chance outweighs skill. Do you understand that?
 21 A Uh-huh.
 22 Q So drawing out of a hat would be a
 23 lottery or a raffle or that kind of thing.
 24 A No.
 25 Q So your testimony today under oath is

Page 28

1 that none of that's happened under your term here at
 2 Christ Our King?
 3 A If it happened under my term, I did not
 4 know about it.
 5 Q Do you ever have any involvement about
 6 awarding free tuition as a result of a drawing?
 7 A No. That was suggested, and I said no.
 8 Q What you said -- do you remember what you
 9 said?
 10 A About that?
 11 Q Yeah.
 12 A I didn't object to it on the grounds that
 13 I thought it was gambling. I objected to the fact
 14 that I didn't -- I just didn't think that that was a
 15 way to go about granting free tuition. If people --
 16 and I've just had somebody there today, as a matter
 17 of fact, who interviews people who want tuition
 18 assistance, and that's the way we work that. If
 19 people need help --
 20 Q Need-based?
 21 A Uh-huh.
 22 Q Sure. I understand.
 23 A The other way, drawing out of a hat,
 24 people could get it that certainly do not need it.
 25 Q Did you ever take any part in devising a

Page 29

1 plan or scheme which involved the purchase of
 2 magnets for a sum?
 3 A Magnets?
 4 Q Uh-huh.
 5 A No. I don't know what you mean by that.
 6 Q Do you ever remember an occurrence where
 7 magnets were sold to parents who needed to pay
 8 tuition, and the magnets were put in a hat or a box,
 9 and one was drawn at random for free tuition?
 10 A I've never heard of that.
 11 Q You never were any part of that?
 12 A No.
 13 MR. RICHTER: Okay. I don't have any
 14 more questions. Thank you very much.
 15 MR. SHAHID: I don't have any
 16 questions either.
 17 (The deposition was concluded at
 18 11:34 a.m.)
 19
 20
 21
 22
 23
 24
 25

8 (Pages 26 to 29)

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Transcript of Monsignor James Carter

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1 STATE OF SOUTH CAROLINA)
2 COUNTY OF CHARLESTON)
3

4 I, Teri L. Horihan, Registered Professional
Reporter and Notary Public for the State of South Carolina
5 at Large, do hereby certify that the witness in the
foregoing deposition was by me duly sworn or affirmed to
6 testify to the truth, the whole truth, and nothing but the
truth in the within-entitled cause; that said deposition was
7 taken at the time and location therein stated; that the
testimony of the witness and all objections made at the time
8 of the examination were recorded stenographically by me and
were thereafter transcribed by computer-aided transcription;
9 that the foregoing is a full, complete and true record of
the testimony of the witness and of all objections made at
10 the time of examination; and that the witness was given an
opportunity to read and correct said deposition and to
11 subscribe to the same.

12 Should the signature of the witness not be affixed
to the deposition, the witness shall not have availed
13 himself/herself of the opportunity to sign or the signature
has been waived.
14

I further certify that I am neither related to nor
15 counsel for any party to the cause pending or interested in
the events thereof.
16

Witness my hand, I have hereunto affixed my
17 official seal, this 12th day of August, 2009, at Charleston,
Charleston County, South Carolina.
18
19

20 Teri L. Horihan
21 NCRA Registered Professional Reporter
22 My Commission Expires 1/17/2017
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**Diocesan Priests with a Credible Allegation¹ of
Child Sexual Misconduct or Abuse² within the Diocese of Charleston**

<i>Last Name</i>	<i>First Name</i>	<i>Ordination Date</i>	<i>Status</i>
Aiken	Roy	06/15/1946	Deceased - 07/04/2006
Bench, Jr.	John	05/09/1964	Deceased – 06/06/2009
Berberich	Peter	03/22/1947	Deceased – 03/20/1997
Burn	William	05/25/1956	Deceased – 05/29/2009
Condon	Eugene	05/26/1956	Deceased – 05/24/2014
Congro	Basil	06/10/1978	Placed on administrative leave 09/23/2002 and not allowed to function as a Catholic priest
DuMouchel	Raymond	05/10/1956	Deceased – 09/10/2006
Evatt	Thomas	12/18/1976	Deceased – 07/18/2003
Goodwin	Justin	06/10/1940	Deceased – 12/25/1995
Hopwood	Frederick	06/09/1951	Deceased – 04/30/17
Lee	Walter Pringle	05/19/1962	Deceased – April 1981
McLean	Frederick	05/18/1944	Deceased – 08/26/2010
Moynihah	George Frederick	12/07/1974	Deceased – 08/30/2004
Murphy	Daniel Francis	12/08/1945	Deceased – 07/21/1980
Murphy	Joseph	04/24/1943	Deceased – 08/24/1998
Owens-Howard	James Robert	06/12/1957	Deceased – 12/01/2015
Ryfiniski ³	Gerald	04/7/1990	Laicized – April 2007
Seitz	Paul	05/17/1958	Retired 06/01/2002 – under restrictions
Sheedy	Charles	05/16/1937	Deceased – 07/06/1989
Simonin	John	05/25/1947	Deceased – 07/15/2010
Vaverek	Hayden	07/02/1994	Laicized – May 2016

¹ According to the Diocese of Charleston's *Policy Concerning Allegations of Sexual Misconduct or Abuse of a Minor by Church Personnel (2012)*, a credible allegation is defined as "an accusation which at least seems to be true (Canon 1717, Section 1), and/or offers reasonable grounds for being believed. A credible allegation is not manifestly false."

² According to the Diocese of Charleston's *Policy Concerning Allegations of Sexual Misconduct or Abuse of a Minor by Church Personnel (2012)*, "Sexual misconduct or abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. Consequently, any act or attempt to commit any act of incest, rape, or a sexual offense in any degree, sodomy, or any unnatural or perverted sexual practice, lewd or indecent acts or proposals, including indecent touching or fondling, exploitation, or permitting, encouraging, assisting, or aiding a minor to participate in such acts, constitutes sexual misconduct or abuse of a minor. Sexual misconduct or abuse of a minor includes conduct or interaction with a minor that is external and an objectively grave violation of the Sixth Commandment. Such conduct does not need to be an act of intercourse involving force, physical contact or a discernable, harmful outcome."

³ Unlike others on the list, this case involved possession of child pornography.



**Religious Order or Visiting Priests with a Credible Allegation of
Child Sexual Misconduct or Abuse within the Diocese of Charleston**

<i>Last Name</i>	<i>First Name</i>	<i>Ordination Date</i>	<i>Affiliation</i>	<i>Status</i>
Castano - Mejia	Juan Carlos	01/25/1991	The Oratory of St. Philip Neri in Ipiales, Colombia, S.A.	Served prison sentence and was then deported
Collerett	Roger	06/19/1943	Missionaries of Africa (White Fathers) - Canada	Unknown - believed to have returned to Canada
Johnson	Anthony William	1962	Visiting priest from the Diocese of Camden (NJ)	Deceased – 03/01/2012
Nyhan	James	1973	Visiting priest from the Archdiocese of Boston	Dismissed from ministry by the Archdiocese of Boston
Palatore Belfiore	Cesare	12/03/1967	Visiting priest from the Diocese of San José (Costa Rica)	Unknown – believed to have returned to Costa Rica
Sharples	James	05/30/1946	The Oratory of St. Philip Neri in Rock Hill, SC, USA	Deceased – 11/28/1974

**Diocesan or Order Priests with a Credible Allegation of Child Sexual Misconduct
or Abuse Outside the Diocese of Charleston⁴**

<i>Last Name</i>	<i>First Name</i>	<i>Ordination Date</i>	<i>Affiliation</i>	<i>Status</i>
Kelly ⁵	Robert Joseph	07/13/1974	Visiting priest from the Diocese of Altoona- Johnstown	Unknown
Landwermeier	Francis	1966	Society of Jesus Order (Jesuit)	Deceased – 09/05/2018
Mitchell	John	05/24/1938	Paulist Fathers Order	Deceased – 12/18/1996
Park	Augustine “Austin”	06/14/1955	Society of Jesus Order (Jesuit)	Deceased - 2013
Smith ⁶	Gabriel “Gabe”	12/12/1982	Diocesan priest	Retired from active ministry – 12/31/2018
Spangenberg	Robert	06/15/1974	Congregation of the Holy Spirit Order	Deceased – 12/23/2006
Tierney	Thomas	09/20/1924	Paulist Fathers Order	Deceased – 12/24/1972

⁴ Priests who served in the Diocese of Charleston, with no accusations within this Diocese, but who have credible allegations of sexual abuse of minors that occurred in another jurisdiction.

⁵Not Monsignor Robert Justin Kelly, who was a Diocesan priest

⁶ The allegation against Father Smith occurred eight years prior to his ordination and did not involve touching the minor. Father Smith voluntarily accepted administrative leave and removal of his ability to act as a priest pending final resolution of the matter. A subsequent decision by the Holy See in March 2004 concluded that Father Smith was not a risk to minors and required that he be returned to ministry.

**Priests who are Listed by Virtue of a Class Action Settlement
Payment as Determined by an Arbitrator**

<i>Last Name</i>	<i>First Name</i>	<i>Ordination Date</i>	<i>Affiliation</i>	<i>Status</i>
Eccleston	John	06/04/1955	Visiting priest from the Archdiocese of Washington, DC	Deceased – 02/09/2012
Hubacz	Leon Joseph	11/13/1943	Diocesan priest	Deceased – 06/28/1999
Kennedy	Ernest	05/26/1956	Diocesan priest	Deceased – 06/09/2017
McElroy ⁷	James	06/06/1920	Diocesan priest	Deceased – 07/05/1971
Plikunas	Anthony	06/10/1933	Diocesan priest	Deceased – 11/28/1973
Richardson	William “Bill”	12/12/1982	Diocesan priest	Left the Catholic priesthood in June 1983
Suggs	Frederick	06/09/1946	Diocesan priest	Deceased – 08/26/1998
Tawes	Creston J.	05/16/1959	Diocesan priest	Deceased – 08/04/1980

⁷ The abuse asserted in this claim occurred in the 1940’s.

Footnotes

The list of names is a result of allegations received by the Diocese and a review of priest personnel files, as well as relevant diocesan clergy or other files (including any files classified as confidential) to search for possible allegations of sexual misconduct or abuse of a minor. The period covered is 1950 to the present.

Priests who had credible claims against them in addition to class action claims are included on sections of the list other than the one entitled “Priests who are Listed by Virtue of a Class Action Settlement Payment as Determined by an Arbitrator.”

There are two priests not included on the list by virtue of class action settlement payments although settlement payments were made to claimants:

- (1) Two claims against a priest were made in connection with the 2007 class action settlement. The Diocese objected to the claims, but the arbitrator elected to award settlements over the Diocese’s objections. The independent Sexual Abuse Advisory Board reviewed the details of the claims and determined them not credible.
- (2) An allegation against another priest was received after the priest’s death. Because the priest was deceased and not a threat to children, the allegation was not initially taken to the independent Sexual Abuse Advisory Board. The Board members reviewed the details of the claim and deemed it not credible.

Also omitted from the list are:

- (1) Three priests who are the subject of litigation in currently pending civil lawsuits
- (2) One priest who is the subject of an ongoing criminal investigation
- (3) Two priests as to whom further review will done by the independent Sexual Abuse Advisory Board

Of the eight omitted priests, all are deceased except for two; one is on administrative leave pending resolution of criminal charges, and an investigation is still pending against the other person, who is no longer a Catholic priest.

This list will be updated as additional investigation and a review and determination of credibility are completed.

FROM THE SUPREME AND HOLY CONGREGATION OF THE HOLY OFFICE

FOR ALL PATRIARCHS, ARCHBISHOPS, BISHOPS AND OTHER DIOCESAN ORDINARIES "EVEN
OF THE ORIENTAL RITE"

INSTRUCTION

CONFIDENTIAL

ON THE MANNER OF PROCEEDING IN CASES OF SOLICITATION

The Vatican Press, 1962

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INSTRUCTION

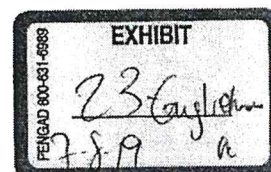
On the manner of proceeding in cases of the crime of solicitation

[This text is] to be diligently stored in the secret archives of the Curia as strictly confidential. Nor is it to be published nor added to with any commentaries.

PRELIMINARIES

1. The crime of solicitation takes place when a priest tempts a penitent, whoever that person is, either in the act of sacramental confession, whether before or immediately afterwards, whether on the occasion or the pretext of confession, whether even outside the times for confession in the confessional or [in a place] other than that [usually] designated for the hearing of confessions or [in a place] chosen for the simulated purpose of hearing a confession. [The object of this temptation] is to solicit or provoke [the penitent] toward impure and obscene matters, whether by words or signs or nods of the head, whether by touch or by writing whether then or after [the note has been read] or whether he has had with [that penitent] prohibited and improper speech or activity with reckless daring (Constitution Sacrum Poenitentiae, § 1).

2. [The right or duty of addressing] this unspeakable crime in the first instance pertains to the Ordinaries of the place in whose territory the accused has residence (V. below, numbers 30 and 31), and this not to mention through proper law but also from a special delegation of the Apostolic See; It is enjoined upon these aforementioned persons to the fullest extent possible, [in addition to their being] gravely encumbered by their own consciences, that, after the occurrence of cases of this type, that they, as soon as possible, take care to introduce, discuss and terminate [these cases] with their proper tribunal. However, because of particular and serious reasons, according to the norm of Canon 247, § 2, these cases can be directly deferred to the Holy Congregation of the Holy Office or be so ordered. Yet [the right of] the accused respondents ++S++ remains intact in any instance of judgment to have recourse to the Holy Office. However, recourse thus interposed does not suspend, excluding the case of an appeal, the exercise of the jurisdiction of the judge who has already begun to accept the case; and he can therefore be able to pursue the judgment up to the definitive decision, unless it has been established that the Apostolic See has summoned the case to itself (Cfr. Canon 1569).



3. By the name of Ordinaries of the place are understood to be, each for his own territory, the residential bishop, abbot or prelate nullius, the administrator, any vicar or Prefect Apostolic, [and, in the absence of these aforementioned (dignitaries), those who succeed them in power in the meanwhile by the prescription of law or from approved constitutions (Canon 198, § 1); [This norm does not apply], however, to the vicar general, except from his [having been] specially delegated.

4. The Ordinary of the place in these cases is the judge even for regulars [religious], even though exempt. It is indeed strictly prohibited for their superiors to interpose themselves in cases pertaining to the Holy Office (Canon 501, § 2). However, having safeguarded the right of the Ordinary, there is nothing to prevent superiors themselves, if by chance they have discovered [one of their] subjects delinquent in the administration of the sacrament of Penance, from being able and having the obligation of being diligently watchful over those same persons, and, even having administered salutary penances, to admonish and correct, and, if the case demands it, to remove him from some ministry. They will also be able to transfer him to another [assignment], unless the Ordinary of the place has forbidden it because he has already accepted the denunciation and has begun the inquisition.

5. The Ordinary of the place can either supervise these cases himself or commit their acceptance to an ecclesiastic who is serious and of a mature age. But [they may not [commit such cases] on an habitual basis or for the entire group of these cases, but must delegate as often as needed (toties quoties) for cases taken singly and through writing, saving the prescription of Canon 1613, § 1.

6. Although, as a rule, a single judge, by reason of its secrecy, is prescribed for cases of this type, it is not forbidden, however, for the Ordinary in the more difficult cases to approve one or two assessors and counsellors, selected from the synodal judges (Canon 1575); or even to three judges, likewise chosen from the synodal judges, to hand over the case to the judges to be handled with the mandate of proceeding collegially according to the norm of Canon 1577.

7. The promoter of justice, the defender of the accused and the notary, priests who are fittingly serious, of mature age, of integrity, doctors in canon ++7++law or otherwise skilled [in canon law] and worthy because of their zeal for justice (Canon 1589), and not found to be at any disadvantage toward the accused, which Canon 1613 treats, are to be nominated in writing by the Ordinary. The promoter of justice, however (who can be different from the promoter of justice of the Curia) [can be appointed] for the entire series of cases. The defender of the accused, however, and the notary are to be appointed each time for each case (toties quoties). Nor is the accused prohibited from proposing a defender seen as favorable to him (Canon 1655), who, however, is to be a priest and approved by the Ordinary.

8. Sometimes (this refers to his own location), the intervention [of the promoter of justice] is required, and, in the case where he has not been cited, unless by chance even if not cited he is still present [at the process], the Acts must be considered [totally] invalid. But, if, however,

he has been legitimately cited and is not present at some [parts of the] Acts, the Acts indeed are valid, but afterwards [those Acts] will be totally subject to his examination so that he is able to comment upon all of them either in words or in writing and to propose what he has judged to be necessary or opportune" (Canon 1587).

9. It is fitting that the notary, on the other hand, be present at all the Acts under pain of nullity and to note down with his own hand or at least to affix his signature [to the aforesaid Acts] (Canon 1585, § 1). Because of the special character of these procedures, however, it is necessary for the Ordinary to dispense from the presence of the notary, though because of a reasonable excuse in the acceptance, as will be noted in its own place, of the denunciations and also in the expenditure of the degrees of attention or care expected of a notary in a given situation, as they say, in pursuing and in examining the witnesses inducted [into the case].

10. Minor helpers are to be used for nothing unless it is absolutely necessary; and these are to be chosen, in so far as possible, from the priestly order; always, however, they are to be of proved faithfulness and mature without exception. But it must be noted that, if, when necessity demands it, they can be nominated to accept certain acts, even if they are non-subjects living in another territory or the Ordinary of that territory [can] be interrogated (Can. 1570, § 2), observing, of course, all of the cautions treated as above and in Canon 1613.

11. Because, however, what is treated in these cases has to have a greater degree of care and observance so that those same matters be pursued in a most secretive way, and, after they have been defined and given over to execution, they are to be restrained by a perpetual silence (Instruction of the Holy Office, February 20, 1867, n. 14), each and everyone pertaining to the tribunal in any way or admitted to knowledge of the matters because of their office, is to observe the strictest ++7++ secret, which is commonly regarded as a secret of the Holy Office, in all matters and with all persons, under the penalty of excommunication latae sententiae, ipso facto and without any declaration [of such a penalty] having been incurred and reserved to the sole person of the Supreme Pontiff, even to the exclusion of the Sacred Penitentiary, are bound to observe [this secrecy] inviolably. Indeed by this law the Ordinaries are bound ipso jure or by the force of their own proper duty. The other helpers from the power of their oath which they must always take before they undertake their duties. And these, then, are delegated, are interpolated, and are informed in their absence by means of the precept in the letters of delegation, interpellation, [or of] information, imposing upon them with express mention of the 'secret of the Holy Office and of the aforementioned censure.

12. The aforesaid oath, the formula for which is to be found in the appendix of this instruction (Form A), must be used (by those, obviously, who will use it habitually, once for all; by those, however, who are deputed only for some determined piece of business or case, as often as required (toties quoties), in the presence of the ordinary or his delegate done upon the Gospels of God (also by priests) and not otherwise and with the added promise of fulfilling faithfully their duty, to which, however, the excommunication, mentioned above, is not extended. There must be an

avoidance, moreover, by those who are set over those involved in this cases, lest anyone be admitted to a knowledge of the matters from helpers, unless in some way a party or an office to be performed by that person necessarily requires a knowledge of these matters.

13. The oath of keeping the secret must be given in these cases also by the accusers or those denouncing [the priest] and the witnesses. To none of these, however, is there subjection to a censure, unless by chance toward these same persons some censure has been expressly threatened upon the person himself, for his accusation, his deposition or of his violation (Excommunication?) [of such] by act. The accused, however, should be most seriously warned that even he, with all [the others], especially when he observes the secret with his defender, is under the penalty of suspension a divinis in case of a transgression to be incurred ipso facto.

14. Finally, as for the publishing, the language, the confirmation, the custody of and the accidental nullity, in every way [these matters] must be observed which are prescribed by Canons 1642-43, 379-80-82 and 1680 respectively.

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TITLE NUMBER ONE

THE FIRST KNOWLEDGE OF THE CRIME

15. Since the crime of solicitation takes place in rather rare decisions, lest it remain occult and unpunished and always with inestimable detriment to souls, it was necessary for the one person, as for many persons, conscious of that [act of solicitation], namely, the solicited penitent, to be compelled to reveal it through a denunciation imposed by positive law. Therefore:

16. "According to the Apostolic Constitutions and especially of the Constitution of Benedict XIV Sacramentum Poenitentiae of June 1, 1941, the penitent must denounce the accused priest of the delict of solicitation in confession within a month to the Ordinary of the place or to the Holy Congregation of the Holy Office; and the confessor must, burdened seriously in conscience, to warn the penitent of this duty." (Canon 904).

17. Moreover, according to the mind of Canon 1935 anyone of the faithful can always denounce the delict of solicitation, of which he will have had a certain knowledge; also, the obligation of denunciation urges as often as the person is bound to it from the natural law itself because of the danger to faith or religion or other imminent public evil.

18. "The faithful, however, who knowingly have disregarded the obligation to denounce the person by whom he was solicited, against the prescription (related above) of Canon 904, within a month, falls into an excommunication reserved latae sententiae, not to be absolved unless after he has satisfied the obligation or has promised seriously that he would so" (Can. 2368, § 2).

19. The duty of denunciation is a personal one and is to be fulfilled regularly by the person himself who has been solicited. But if he is prevented by the most serious difficulties from doing this, then either by

latter or by another person favorable to him should approach the ordinary or the Holy Congregation of the Holy Office or the Sacred Penitentiary, revealing all the circumstances (Instruction of the Holy Office, February 20, 1967, n. 7).

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20. Anonymous denunciations generally must be rejected. However, they can have supportive force or give the occasion for further investigations, if the particular circumstances of the matters involved render an accusation probable (Cfr. Can. 1942, § 2).

21. The obligation of denunciation on the part of the solicited penitent does not cease because of a spontaneous confession by the soliciting confessor done by chance, nor because of his being transferred, promoted, condemned, or presumably reformed and other reasons of the same kind. It ceases, however, at his death.

22. Sometimes it happens that the confessor or another ecclesiastic man is deputed to receive some denunciation, together with an instruction concerning the acts to be assumed for a judicial reason. Then that person is to be expressly warned that he should tell everything to the Ordinary or to the person whom he deputed, keeping no example or trace of it to himself.

23. In receiving the denunciations, this order is to be regularly observed: First, an oath to tell the truth while touching the Holy Gospels is to be given to the person making the denunciation; he should be interrogated according to the formula (Formula E), circumspectly, so that he narrates each and every circumstance briefly, indeed, and decently, but clearly and distinctly, pertaining to the solicitations he has suffered. In no way, however is it to be extracted from him whether he had consented to the solicitation. Rather, he should be expressly advised that he is not bound to manifest his consent which he perhaps gave. The responses [in uninterrupted fashion], not only as to what pertains to the substance but even to the words themselves of the testimony (Canon 1778) should be consigned to writing. The entire instrument [of the testimony] should be read in a clear and distinct voice to the one denouncing [the priest], giving [the one denouncing the priest] the option of adding, suppressing, correcting, or varying [his testimony]. His signature is then to be exacted [from him], or, if he does not know how to write, or cannot, the sign of the cross. And with him still being present, there should be added the signature of the person receiving the testimony, and if he is present (Cfr. n. 9), of the notary. And before he is dismissed, there should be presented to him, as above, an oath of observing the secret, threatening him, if there is a need, with an excommunication reserved to the Ordinary or to the Holy See (Cfr. n. 13).

24. Even if, sometimes, for grave obstructing reasons always to be expressed in the acts, this ordinary practice cannot be observed, it is permitted that one or the other form from the prescribed forms, saving however the substance, ++11++be omitted. Thus, if the oath cannot be taken upon the holy Gospels, it can be given with some notion and also with words only. If the instrument of denunciation cannot be put into writing in an uninterrupted fashion, it can be written down at a more opportune time and place by the interviewer (the recipient of the denunciation) and then

confirmed and signed by the person who is denouncing in the presence of the one receiving the denunciation; if the instrument itself cannot be read to the denouncer, it can be given to him to read.

25. In more difficult cases, however, it is also permitted for the denunciation (the previous permission of the denunciator having been given, lest the sacramental seal seemingly be violated, and on a day convenient to each party and in the confessional itself, it is to be read or given to read, and is confirmed with an oath and with one's proper signature or the sign of the cross (unless to do this is in every way impossible). Concerning all of these things, as has been said in the number above, an express mention must always be made in the Acts.

26. Still, if an entirely serious case also that is also clearly extraordinary urges, then the denunciation can also be done through a written account by the one denouncing, as long as, however, it is before the Ordinary of the place or his delegate and notary, if he is present (cfr. n. 9), and afterwards confirmed by an oath and signed. The same must be said concerning an informal denunciation, through a letter, for example, or given orally in an extrajudicial manner.

27. Any denunciation once accepted, the Ordinary is bound most gravely to communicate this as soon as possible to the promoter of justice who must declare in writing, whether the specific crime of solicitation in the first sense is present in the case or not, and whether the ordinary disagrees with this or not. Within ten days he must submit the matter to the Holy Office.

28. If, on the other hand, the Ordinary and the promoter of justice agree together, or in some way the promoter of justice does not make his recourse to the Holy Office, then the Ordinary, if he has decreed that the specific delict of solicitation was not present, should order the Acts to be put into the secret archives, or he should use his right and duty according to the nature and gravity of the things that have been denounced. If, however, he believed that they were present, then he should proceed to the inquisition (Cfr. Can. 1942, § 1).

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TITLE NUMBER TWO

THE PROCESS

Chapter I - The Inquisition

29. When the knowledge concerning the crime of solicitation is known first through the denunciations, a special inquisition must be pursued "so that it may become clear whether and on what foundation the imputation rests" (Canon 1939, § 1); and this by the fact or even more so, since a crime of this type, as has already been stated above, is usually done in secret, and direct testimonies concerning [solicitation], especially from the hurt party, can only rarely be obtained.

Once the inquisition is open, and if the denounced priest is a religious, the Ordinary can prevent him from being transferred before the conclusion of the process.

For the most part, there are three areas which such an inquisition must cover, and they are:

- a) the past history of the denounced person;
- b) the consistency of the denunciation;
- c) other persons solicited by the same confessor or, however conscious of the crime, whether any of them, as not rarely happens, have been persuaded [to make the denunciation] by those denouncing.

30. Therefore, as to what pertains to the first letter (a), the Ordinary at the same time as he has accepted some denunciation of the crime of solicitation, if the one denounced, whether from the secular clergy or is a regular (cfr. n. 4), with residence in his territory, should try to find out from the archives whether other accusations against him are on record, even of a different type; and, if by chance he had previously been living in other territories, he should seek, even from the respective Ordinaries, and, if [he is a] religious, also from the regular superiors, whether they have anything which can aggravate the situation in any way. But he will accept these documents, referring to them in the Acts as accumulated together whether for a judgment, by reason of content [continentia] or association of causes [connexio] (cfr. Canon 1567), and thus all the matters will be brought forward together; ++13++ for the establishment and consideration of an aggravating circumstance of recidivism according to the sense of Canon 2208.

31. If the whole matter concerns a denounced person who does not have residence in his territory, the Ordinary should transmit all the acts to the Ordinary of the one who has been denounced, or, if he does not know who this might be, [he will transmit all the acts] to the Supreme Holy Congregation of the Holy Office, reserving the right, in the meanwhile, to deny to the denounced priest the faculty of exercising the ecclesiastical ministries in his own diocese or of revoking them already by chance conceded to him, in the event that he approaches [the Ordinary for these faculties] or returns [to the diocese of the Ordinary].

32. As to what pertains to the second letter (b), the importance of each denunciation, of their qualities and of the circumstances must be weighed seriously and accurately so that it is evident how they themselves merit belief. It is not sufficient that [this be done] in any way whatsoever, but it is necessary that this become known by means of an established and a judicial form; this customarily is signified in the Tribunal of the Holy Office by the phrase "diligentias peragere" [to undertake all the required formalities].

33. In order to arrive at this purpose [of undertaking all the required formalities], as soon as the Ordinary shall have accepted any denunciation of the crime of solicitation, either personally or through a priest, he will summon, either personally or through a priest specially delegated to do so, two witnesses (he summons them separately and with appropriate circumspection) and with appropriate circumspection two witnesses, in so far as it is possible, from the ranks of the ecclesiastics. But it is far better, above any exception, to summon persons, who are familiar with both the one denounced and the one denouncing. These persons, with the notary present (cfr. n. 9), who is to put the interrogations and responses in writing, [are put] under the sanctity of an oath to tell the truth and to observe its secret nature, accompanied by the threat, if it seems necessary, of excommunication reserved to the Ordinary of the place or to the Holy See (cfr. n. 13). He will interrogate them (Formula G), concerning the life, morals and public reputation both of the one denounced and of the one denouncing. [They will be asked] whether they think that the one denouncing is worthy of credence; or whether, on the other hand, that person is capable of lying, of calumniating and of perjuring himself; and whether these persons know whether there has ever been any case of hatred, grudge or reason for enmity between the one denouncing and the denounced person.

34. If the denunciations are many in number, there is nothing to prevent the same [character] witnesses to be used for all or [to use different] witnesses, always being careful to have a double testimony as to the denounced and any denouncer.

35. If two witnesses cannot be found where each individual knows both the denounced and the denouncer, or if they cannot be interrogated at the same time without the danger of scandal ++14++ or without detriment to the good name concerning him, then arrangements to be made, so that two persons, by means of a divided [dimidiatae] [testimony], namely, interrogate two witnesses only about the denounced and another two only about the individual denouncers. In this case, however, it will be necessary to inquire elsewhere as to whether hatred, enmity or any other human disaffection against the denounced [priest] was the case.

36. If not even the divided efforts cannot be pursued, or because capable witnesses cannot be found or because scandal or detriment has to be feared and rightly so, there is the possibility of substituting, cautiously, however, and prudently, [for the witnesses] with extrajudicial information about the denounced and the ones denouncing and their mutual personal relationships, with [all of this] put into writing; or [the same results can come about] also through supportive proofs which corroborate or weaken the accusation.

37. This [article], then, pertains to the third letter (c). If in the denunciations, which happens not rarely, some persons are influenced, perhaps also solicited, or others who can [simply] bring forward testimony concerning for some type of reasons. All of these people must be examined severally (that is, separately) according to the judiciary formula [below.] (Formula I). First of all, they must be interrogated through general matters, and then, by degrees, as the matter evolves, arriving at the particulars, whether and how they had really been solicited, or did they know or hear that other persons had been solicited (Instruction of the Holy Office, February 20, 1867, n. 9).

38. The greatest circumspection must be used in inviting these persons to this interview; for it will not always be opportune to bring them to a public place such as the chancery, especially if these are girls who are being subjected to the examination, married women, or those who are domestics. If those to be examined live either in monasteries, in hospitals or in pious homes for girls, then, the particular [persons] should be summoned with great diligence and on different days according to circumstances (Instruction of the Holy Office, July 20, 1890).

39. What was said above about the way to receive the denunciations, will also be applied, changing what has to be changed (mutatis mutandis), to the examination of persons who have been brought forward.

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40. [If the examination of these persons, who corroborate each other by positive evidence, and because of which examinations there exists [therefore] either an arraigned priest or another person weighed down [with some accusations], then the denunciations that are true and strictly speaking denunciations and all the rest of the information about these [denunciations] are pursued regarding the qualification of the crime, regarding the resumption of the preceding acts and of the resumption of the efforts to be taken in accordance with what is prescribed above.

41. Once, however, all these matters are taken care of, the Ordinary is to communicate the Acts to the promoter of justice, who will see now whether all the procedures [actions] have been performed correctly or not. And, if he thinks that there is nothing against their acceptance, he should declare the inquisitorial process closed.

Chapter II : Canonical Directives and the Admonition of the Accused.

42. When the inquisitorial process has been closed, the Ordinary, having heard the promoter of justice, should proceed as follows, namely:

a) if it is evident that the denunciation totally lacks a foundation, he should order this to be declared in the Acts, and the documents of the accusation should be destroyed;

b) if the indications of the crime are vague and indeterminate or uncertain, he should order that the Acts be put into the archives, to be taken up again if something else happens in the future;

c) if, however, there are indications of a crime serious enough but not yet sufficient to institute an accusatorial process, as especially in the

case where only one or two denunciations are had, where, indeed, [the regular process was followed] with diligence but were not corroborated by any or insufficient proofs (cfr. n. 36), or even many [proofs] but with uncertain procedures or procedures that are deficient, he should order that the accused be admonished according to the different [types of] cases (Formula M) the first or second [time?], paternally, seriously or most seriously according to the norm of Canon 2307, adding, if necessary, an explicit threat of the trial process, should some other new accusation is laid upon [the accused]; the Acts, as above, should be kept in the archives and in meanwhile a check should be kept on the morals of the accused (Canon 1946, § 2, n. 2):

d) If then certain or at last probable arguments to institute the accusation are present, he should order the accused to be cited and be subjected to the matters [which are prescribed for this trial].

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43. The admonition, concerning which treatment is made in the preceding number with the letter (c), is always to be given secretly; it can be done, however, through a letter or by an intermediary, but in each case, it must be clear from some document to be kept in the secret archives of the Curia (cfr. Canon 2309, § 1 and 5), adding the information about the manner in which the accused accepted it.

44. If, after the first admonition, other accusations against the same accused take place concerning solicitations, preceding the admonition itself, the Ordinary should see, according to his own choice and conscience, whether the first admonition should be considered sufficient or whether he should proceed to a new admonition or even to further measures (Ibidem, § 6).

45. It is the right of the Promoter of Justice to appeal and to have recourse for a accused against the canonical prescriptions of this kind to the Holy Congregation of the Holy Office within ten days from their dissemination or intimation. In this case, the Acts of the case will have to be transmitted to the same Holy Congregation according to the preprescription of Canon 1890.

46. These actions, however, even if put into effect, do not extinguish the penal action. and therefore, when other accusations by chance take place, a method will be followed concerning those matters which also have given cause to the said canonical instructions.

Chapter III - The decrees for the accused persons

47. When once there is a sufficiency to institute an accusation, as was said above in number 42 (d), arguments should be made openly, and the Ordinary, having heard the promoter of justice and having observed everything, in so far as the peculiar nature of these cases allows, which is stated concerning the citation and denunciation of judicial acts in Book IV, Title VI, Chapter II, of the code, shall issue a decree (Formula O) concerning the accused in the presence of the Ordinary or before a judge delegated by himself (cfr. n. 5), citing [him] for crimes introduced and brought against him, which in the forum of the Holy Office are said in

unclassical parlance "Reum constitutis subiicere" [to subject the accused to an indictment]; and he will take care to bring this information to the accused himself in accordance with canonical principles.

48. The judge should paternally and gently exhort the accused, who has now been cited, when he appears, and before the indictments are formally begun, to confession, and, when he has consented to these exhortations, the judge, having summoned the notary or ~~++17++~~even, if he has found it more opportune (cfr. n. 9) without his intervention, can receive the confession.

49. In this case, if the confession is found corroborated by the Acts and substantially complete, a vow first having been taken, the Promoter of Justice puts the case in writing, omitting the other formalities (See below, in Chapter IV), and he will be able to conclude [all of this] with a definitive decision, having given, however, to the accused the option of accepting the decision itself or of petitioning to have the regular and complete process carried out to the end.

50. If, however, on the other hand, the accused has denied the crime, or has made a confession that is not substantially integral, or even has summarily refused the decision in view of his confession, the judge, with the notary present, should read him the decree by which he declares, concerning which paragraph 47 speaks, and the deliberations are then opened.

51. The trial opened, the judge can, having heard the Promoter of Justice according to the mind of Canon 1956, suspend the accused respondent either from exercising any sacred ministry at all or only from hearing the sacramental confessions of the faithful up until the time of the judgment. If, however, by chance he thinks that [the accused] can impose fear upon the witnesses or secretly instigate them [to thwart the trial] or in any way impede the course of justice, he can also, having also heard the promoter of justice, order that he go to a predefined location and remain there under special vigilance (Canon 1957). And, on the other hand, [however], each decree of this type is not given a remedy in law (Canon 1958).

52. These things having been taken care of, there should be a procedure to present the accusation to the person accused, according to formula P, being cautiously and most diligently made sure that the persons of the accused and especially of those denouncing him be not revealed, and, on the part of the accused, that he in no way violate the sacramental seal. Now if something in the surge of speech slips out which seems to savor of either a direct or indirect violation of the seal, the judge should not permit this to be referred to in the Acts by the notary; and if, by chance, it has been considerably [put into the Acts], he should order, as soon as he notices, to be completely deleted. In every way the judge is to remember that it is never right for him to bind the accused by an oath to tell the truth (cfr. Canon 1744).

53. The indictment of the accused having been completed in all matters of the Acts having been seen and approved by the Promoter of Justice, the judge is to issue a decree concerning the conclusion of the case (Canon 1959), and, if by chance he is a delegated judge, he should transmit all the papers of the proceedings to the Ordinary.

++18++

54. If it happens, however, that the accused remains contumacious, or, for some grave reasons the indictments cannot be pursued in the diocesan Curia, the Ordinary, saving to himself the right of suspending the accused a divinis, should defer the entire case to the Holy Office.

Chapter IV - The Discussion of the Case, the Definitive Decision, and the Appeal

55. The Ordinary, having received the Acts, unless he wishes himself to proceed to the definitive decision, should delegate the judge (cfr. n. 5), another one, in so far as it can be done, different from the one who conducted the inquisition or the indictment (cfr. Canon 1941, § 3). The judge, however, whoever he is, whether the Ordinary or his delegate, should designate, according to his prudent decision a space of time for the defender to prepare a defense and to tender this in a double copy, one copy to be given to the judge himself and the other copy to the Promoter of Justice (cfr. Canons 1862-63-64). However, the promoter of justice, within a time period likewise previously established by the judge, should tender in writing his own inquiry (requisitoriam), as they now call it.

56. Still, a congruent time having been interposed (Canon 1870), the judge, according to his conscience informed from the Acts and from the proofs (Canon 1869), will pronounce a definitive decision, either a condemnatory decision, if he is certain of the crime, an acquittal, if he is certain of his innocence; or an abandonment of the charges, if he is invincibly doubtful because of the lack of proofs.

57. The decision is rendered according to the respective formulas connected to this Instruction and will have been to put in writing, with the addition of an executory decree (Canon 1918). First of all, the Promoter of Justice having been notified beforehand, the decision must be solemnly made known to the accused, who has been cited for this by the judge who is presiding at the Tribunal, with the notary present. If, however, the accused, rejecting the citation, has not appeared, the intimation of the decision should be made through letter, having obtained exact testimony of its reception through the public post office.

58. Both the accused, if he thinks that he has been [wrongly treated], and the promoter of justice have the right of appealing from this decision to the Supreme Tribunal of the Holy Office, according to the prescription of Canon 1879 and following within ten days from the solemn notification of the same; and the appeal of this type has the effect of suspending the decision [suspensive], but not so, if it is given (Cfr. n. 51) for a suspension from the hearing ++19++of sacramental confessions or from exercising a sacred ministry.

59. The appeal having been made, the judge must transmit an authentic copy or the original itself of all the Acts of the case to the Holy Office, as quickly as it can be done, adding information as necessary or as he has judged to be opportune (Canon 1890).

60. As for the complaint, then, of nullity, as sometimes might occur, let those details prescribed by Canons 1892-97 be observed to the last detail.

However, what pertains to the execution of the decision, those prescriptions should also be observed, according to the nature of these cases, as is found in Canons 1920-24.

++20++
TITLE NUMBER THREE

PENALTIES

61. "He who has committed the crime of solicitation..., should be suspended from the celebration of Mass and from the hearing of sacramental confessions or even, according to the gravity of the delict, should be declared incapable of accepting them. He should be deprived of all benefices and dignities, of his active and passive voice, and be declared incapable for all these [honors and capacities], and in the more grievous cases also be subjected to reduction [to the lay state]. Thus states the Code in Canon 2368, § 1.

62. For a correct and practical application of this canon, in penalties decreed against priests convicted of the crime of solicitation with an equal regard for the mind of Canon 2218, § 1, these matters, especially for estimating the gravity of the crime, should be kept before one's eyes, namely: the number of persons solicited and their condition, as, for example, if they are minors in age or especially consecrated through religious vows to God; the form of solicitation, if perhaps, especially, it is joined with false teaching or false mysticism; the turpitude of the acts not only formal but also material and especially the connection of solicitation with other delicts; the length of the obscene conversation [between the parties involved]; the repetition of the crime, the recidivism after his admonition, and the obstinate malice of the solicitor.

63. To the greatest penalty of degradation, there can be added for a religious who is accused the reduction to the status of a lay-brother. This is only then imposed when, having weighed everything, it evidently appears that the accused, immersed in the depths of malice in the abuse of his sacred ministry, combined with the grave scandal that is harmful to the faithful and their souls, exists to such a degree of foolhardiness and habit, so that there is no hope, humanly speaking, or almost no hope, of his amendment that is evident any more.

64. On top of the penalties properly imposed, in order to obtain the effect of these penalties more fully and securely, there will be supplementary sanctions in cases of this type, namely:

++21++

a) Upon all accused persons judicially convicted there should be interposed congruous, to the degree of the faults, and salutary penances, not in substitution for the penalties properly speaking in the sense of Canon 2312, § 1, but as a complement [to them], and among these (cfr. Canon 2313) especially spiritual exercises for some days in some religious house to be performed with a suspension, during these times, from the celebration of Mass.

b) Upon the accused convicted who has confessed, moreover, there should be imposed an abjuration, according to the different cases, if there is a light or a strong suspicion of heresy into which because of the nature of the crime soliciting priests fall into, or even of formal heresy if by chance the crime of solicitation has been joined to false dogma.

c) Those who are in danger of falling back [into their former ways], and therefore of becoming greater recidivists should be submitted to particular vigilance (Canon 2311).

d) As often as, in the prudent judgment of the Ordinary, it seems necessary for the amendment of the delinquent, for the removal of the near occasion [of soliciting in the future], or for the prevention of scandal or reparation for it, there should be added a prescription for a prohibition of remaining in a certain place (Canon 2302).

e) Then, when concerning the absolution of an accomplice, as this is outlined in the Constitution Sacramentum Poenitentiae, there is no indication at all in the external forum, and, therefore, of the sacramental seal, there can be reason to add at the end of the condemnatory sentence an admonition to the accused that, if he has by chance absolved his accomplice, he should quiet his conscience by having recourse to the Sacred Penitentiary.

65. According to the norm of Canon 2236, § 3, all of these penalties, as they have been applied once by the judge ex officio, cannot be remitted except by the Holy See through the Supreme and Sacred Congregation of the Holy Office.

++22++

TITLE IV

OFFICIAL COMMUNICATIONS

66. Whenever an Ordinary immediately accepts a denunciation of the crime of solicitation, he should not omit telling this to the Holy Office. And if by chance he treats of a priest whether secular or religious having residence in another territory, he should transmit at the same time (as already has been stated above, n. 31) to the Ordinary of the place, where the denounced actually is staying, or, if the address is not known, he should send to the Holy Office an authentic copy of the denunciation itself with the procedures, in the best manner possible, and with opportune information and declarations.

- 67. Any Ordinary who has proceeded correctly against some priest who is soliciting, should not omit informing the Holy Congregation of the Holy Office, and, if it is a matter in which a religious is involved, also the General Superior concerning the outcome of the case.

If any priests condemned of the crime of solicitation, or even only admonished, should transfer his residence to another territory, the Ordinary a quo should immediately warn the Ordinary ad quem of the things that preceded that person and of his juridical status.

69. If any priest suspended in a case of solicitation from hearing sacramental confessions but not from sacred preaching happens to go to another territory to preach, the Ordinary of this territory should be reminded by the prelate of the accused, whether secular or religious, that he cannot be utilized for hearing sacramental confessions.

70. All these official communications shall always be made under the secret of the Holy Office; and, since they concern the common good of the church to the greatest degree, the precept of doing these things obliges under serious sin [sub gravi].

++23++

TITLE V

THE WORST CRIME

71. By the name of the worst crime is understood at this point a signification of any obscene external deed, gravely sinful, in any perpetrated by a cleric or attempt with a person of his own sex.

72. Those things that have been stated concerning the crime of solicitation up to this point are also valid, changing only those things necessary to be changed by their very nature, for the worst crime, if someone by chance in the presence of the Ordinary of the place, concerning which (which may God prevent) happens to be accused, having accepted the obligation of the denunciation from the positive law of the Church, unless

perhaps it has been joined with the crime of solicitation in sacramental confession. In decreeing penalties, however, against delinquents of this type, besides those which are found spoken of above, and they should also be kept before one's eyes (Canon 2359, § 2).

73. To have the worst crime, for the penal effects, one must do the equivalent of the following: any obscene, external act, gravely sinful, perpetrated in any way by a cleric or attempted by him with youths of either sex or with brute animals (bestiality).

74. Against accused clerics for these crimes, if they are exempt religious, and unless there takes place at the same time the crime of solicitation, even the regular superior can proceed, according to the holy canons and their proper constitutions, either in an administrative or a judicial manner. However, they must communicate the judicial decision pronounced as well as the administrative decision in the more serious cases to the Supreme Congregation of the Holy Office.

++24++

FROM THE AUDIENCE OF THE HOLY FATHER, MARCH 16, 1962

Our Most Holy Father: John XXIII, in an audience granted to the most eminent Cardinal Secretary of the Holy Office on March 16, 1962, deigned to approve and confirm this instruction, ordering upon those to whom it pertains to keep and observe it in the minutest detail.

At Rome, from the Office of the Sacred Congregation, March 16, 1962.

Place of the seal

A. Cardinal Ottaviani

++25++

APPENDIX

FORMULAS TO BE USED ACCORDING TO THE CIRCUMSTANCE

(Omitting other matters which are found in various places among the authors)

++27++

THE FORMULA FOR TAKING AN OATH TO EXERCISE ONE'S OFFICE FAITHFULLY AND TO OBSERVE THE SECRET OF THE HOLY OFFICE	FORMULA A
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In the name of the Lord.

I...appearing before....and touching the most holy Gospels of God placed before me, swear and promise to exercise my duty faithfully....Likewise, under the pain of excommunication late sententiae ipso facto and to be incurred without any declaration, from which outside of the moment of death, I can be absolved by no one except by the Holy Father, excluding even the Cardinal of the Penitentiary, and, under other most serious penalties, at the disposition of the Supreme Pontiff to be inflicted upon me in the case of transgression, I promise sacredly, vow and swear, to observe inviolably the secret in all matters and details which will take place in exercising the aforesaid duty, excepting precisely those matters at the end and at the completion of this negotiation [or of these negotiations] which can be legitimately published. Further, I shall observe this secret absolutely and in every way with all who have no legitimate part in the treatment of this same matter [or, who are not constricted by the same sworn bond]; nor [will I ever], directly or indirectly, by means of a nod, or of a word, by writing, or in any other way and under whatever type of pretext, even for the most urgent and most serious cause [even] for the purpose of a greater good, commit anything against this fidelity to the secret, unless a particular faculty or dispensation has been expressly given to me by the Supreme Pontiff.

++28++

Formula of Renunciation (Abjuration)

FORMULA B

I (name, family name, etc. of the one abjuring, which, if he is a religious, he should add his name, etc. which he used in the world) the son of (name of the father), being ...years of age, and personally brought to trial [arraigned], and, having genuflected before you (name, family name, qualities, etc. of the person who is to receive the abjuration), and having before me and touching with my hand the most holy Gospels and knowing that no one can be saved unless he believes what the Holy Catholic and Apostolic Roman Church holds, believes, preaches, professes and teaches, I confess and I am sorry that I have erred seriously against [that church] through the abuse and profanation of the sacrament of penance [and through the profession and doctrine of false dogma].

Now, sorrowful and penitent for the aforesaid [errors and heresies, persuaded about their falsity and of the truth of the Holy Catholic faith], I abjure all the same [errors I made] with a sincere heart and a real faith and I detest [in the same way in general all other errors and heresies contrary to the Holy Catholic and Apostolic Roman Church] and at the same time humbly accept and promise faithfully to implement all the penances given to me by R.P.D. [The reverend dignitary?...] that have already been imposed or will be disposed: and if I have not stood firmly in some matter despite these promises and oaths of mine (May God prevent this) I subject myself to all the penalties and castigations which have been stated and promulgated by the sacred canons and other general constitutions against delinquents [who have acted] in this way. Thus, may God help me and these Holy Gospels of His, which I touch with my hands.

I...the aforesaid have abjured, sworn, promised and obligated myself as above, and in testimony [of my good faith] in this matter I have signed with my hand this written promise of my abjuration ++29++which I have related orally with words (here is noted the place in which the abjuration has been made).

On this ...day of the month of...in the year...

Signature

After the absolution has been imparted, the one who received the abjuration and gave the absolution will put his signature here in the way it is noted in Formula C, which follows.

++30++

FORMULA C

The Formula of Absolution

Once the penitent, kneeling on both knees and having first touched the Holy Gospels of God, has read and signed the formula of abjuration, [the bishop or his delegate] absolves him, wearing at least the purple stole, and, while sitting, will recite the psalm Miserere or De Profundis with the Gloria Patri.

Then, standing, he will say:

Kyrie, eleison, Christe eleison, Kyrie, eleison.
 Pater noster, secretly up to
 And lead us not into temptation.
 But deliver us from evil.
 Save your people, Lord.
 My God, they are hoping in you.
 Lord, hear my prayer.
 And let my cry come unto you.
 The Lord be with you.
 And with your spirit.

Let us pray

God, of whom it is proper always to have mercy and to treat with forbearance, we supplicantly beseech you, that the compassion of your holiness absolve with clemency this servant of yours whom the shackle of excommunication binds. Through Christ our Lord. Amen.

Then, again sitting down, he should absolve the penitent still kneeling before him with these words:

By the Apostolic authority which I exercise in this matter, I absolve you from the bond of excommunication, which you [perhaps] have incurred, and I restore you ++31++to the holy sacraments of the church, to the communion and unity of the faithful, in the Name of the Father + and of the Son, and of the Holy Spirit. Amen.

With these acts, the one who has imparted the absolution should impose the salutary penances (for the most part [a penance] of reciting determined prayers, of performing some pious pilgrimage, of accomplishing other works of piety, of observing a particular fast, or of dispensing alms in pious causes, etc.), and finally, then, the formula of abjuration and he signs below in this way:

[In the execution of the orders of R.P.D. (the reverend superior) (the name, etc. of the one delegating him)] the aforesaid (name, etc., of the penitent) was administered by myself [the delegate] the abjuration concerning (e.g. formal, or grave or light) ... and the salutary penances in the usual form of the church, these on the day and year given above.

So be it. I (the signature of the person absolving the other)

[The delegate will transmit the formula [evidently this means the document itself] directly to him from whom he has received his delegation together with the instruction, and other letters also received, if he has any, keeping nothing at all for himself].

++32++

FORMULA D

The Formula of Delegation to Receive a Denunciation

The ... day of the month of ... in the year ...

We...delegate with these letters...to receive [without the intervention of the notary], under the secret of the Holy Office and according to the attached instruction, the denunciation which the named person intends to make.

L. S.

The signature of the Ordinary of the place who is delegating

(Formula E is connected to the letter).

++33++

FORMULA E

The Manner of Receiving the Denunciation Pertaining Particularly to
Solicitation

[Note 1. Whatever words are included within the brackets are valid in the case in which the denunciation is received by the delegate, or, respectively, without the intervention of a notary.]

If the the delegate, however, having signified a serious reason, cannot observe this manner of receiving the denunciation, he should make recourse for some instruction from whom he has received the delegation.]

The notary, if he is present, or he who is to receive the denunciation will begin with these words or in words similar to these:

On the...day of the month of...in the year...

On my own accord I personally appeared before the undersigned (there should be written the name, the family name, etc. of that person who is to receive the [denunciation], who, if the notary is not present, should write: before me the undersigned) taking place in (here there are noted the place and the diocese where the person who is to receive the action [that is, the denunciation] lives) (Delegated specially only for this action by R.P.D. [The reverend person delegating?])..., as [will be seen] from his letter directed [to me] and given under the date (Let there be expressed on what day the letter itself was written) applying to the present situation] N.N. (there should be written the name, family name, the name of the father, the country of origin [that is, nationality], age, situation [no doubt the type of work the person does] and the home address of the person denouncing; and if this person is a religious, also the name the person was called by in the world) to whom, having made an oath to speak the truth, which he took having touched the Holy Gospels of God (which he must touch with his hand, even a priest) it was explained as below, that is:

This person denouncing in ordinary language [he must declare that he knows that this faculty was obtained from the ordinary of the place to receive without the intervention of the notary what he is about to relate to exonerate his conscience, and therefore because he cannot present himself to the Most Reverend Bishop concerning the just causes: then] he must continue to narrate, in words, however, discrete and contracted [brief] what pertains to the solicitations made to him or what ++34++were the words, the writings, or the acts, accurately describing the place, time, occasion, times and singular circumstances, and whether in the act of confession either before or after the sacramental absolution these things took place. He must identify the confessional seat and the soliciting confessor himself, and in so far as he either does not know his name and family name or has forgotten it, he shall describe accurately the person of that man, noting distinctly all his characteristics, so that he might be recognized. He should note who receives the denunciation, that he should avoid interrogating the denouncing person whether he gave consent to the obscene deed in any way or refused, since the witness is not bound to manifest his defects; nay, the one denouncing is expressly advised that he is not bound to manifest consent if perchance he gave it. With these words written as they as they are

narrated, and, in so far as possible, in the same words of the one denouncing, what follows here, nor is anything more required.

The interrogation: Whether he knows or heard it said, that said N.N. (naming the person), the confessor, solicited other penitents to obscene things?

He responds: (If the response was affirmative, he will seek the name and family name of the persons and the source (cause?) of the knowledge).

The interrogation: Concerning the good name of the aforesaid confessor N.N. with you yourself as with others?

He responds:...

The interrogation: Whether he made the declarations from hate or from love, and from enmity or other general reasons, etc.

He responds: Correct (if he will say that he had denounced in order to exonerate his own conscience.)

If more than one month had passed since the solicitation, moreover, there should be added:

The Interrogation: Why then did you delay the denouncing of the aforesaid matters to your Ordinary and the exoneration of your conscience?

He responds:

All of these matters having been absolved, there should read to the denouncing person everything which was given in writing, or, having given a just reason in writing, a just cause in writing, the instrument should be given to him so that he may read it in the presence of him who receives the denunciation; all of these matters proved and accepted, together with the corrections, additions and erasures, if there are some, ++35++he is invited to write his signature below, and, having given an account of his taking an oath to observe the secret, he should be dismissed.

All of these matters will be described in these words:

Having these matters and having accepted them, the one denouncing having been dismissed has sworn to observe the secret, again touching the Holy Gospels of God (he swears an oath upon the Gospel again); and in confirmation of what has been testified by word he writes his signature (or, if he cannot write: since he cannot write, as he asserted, (let the cause be noted), he made the sign of the cross).

After the one denouncing here has signed or made the sign of the cross, the notary should sign, if he is present, in this way:

These are the Acts signed by myself, the notary (and if he has been assumed only for this act: assumed only for this act).

Finally, he signs who receives the denunciation.
L. X S.

If, however, the notary was not present, then the one who receives the denunciation signs in this way:

These Acts are signed by myself, N.N. [specially delegated only for this act by R.P.D. (the reverend delegating person) N.N.].

[The delegate then delivers the entire act directly to him from whom he has received the delegation together with the instruction and the letters received, keeping nothing for himself].

++36++

FORMULA F

Formula of Delegation to Undertake the Investigation

A) TO UNDERTAKE THE COMPLETE INVESTIGATION

The...day...of the month of...in the year....

We...ask you that you will take the customary diligence in pursuing [this investigation] according to the affixed instruction about a false denunciation made by (for example, a woman or women)..... against the priest.....by interrogating [them] separately, formally and under oath to tell the truth and observe the secret, two witnesses, in so far as is possible from the ecclesiastical body, but more important than anything else [to interview somebody], who knows well both the denounced person and the one denouncing (or, if the denouncing are many in number, one and all denouncers). If you cannot find only two witnesses who know together the one denounced and each and every one denouncing, you will call many, as many, namely, as it will be fitting so that there will be a double testimony as to the denounced and each one denouncing. An authentic copy of the Acts, however, you shall transmit to us directly and in a safe way, together with the instruction and these letters, retaining nothing for yourself.

L.X S. The Signature of the Ordinary of the place, the one delegating
(Formula G is joined to the letter)

B) TO UNDERTAKE A PARTIAL INVESTIGATION

On the...day of the month of... in the year....

We...ask you to undertake the investigation according to the affixed instruction.....++37++by interrogating [them] separately, formally and under an oath to speak the truth and of observing the secret, two witnesses, in so far as is possible, from the group of ecclesiastics, as greater than any exception, who (e.g. the woman or women) know [them] more closely.

You will transmit an authentic copy, however, of the acts to us directly and in a safe way, together with the instruction and this letter, keeping nothing for yourself.

L.X S. Signature of the delegating Ordinary of the place

(To the letter is joined Formula H)

++38++

FORMULA G

Way of Undertaking the Entire Investigation (Note 1)

[Note: Whatever is included between the brackets is valid in the case in which the work is done by a delegate.]

On the...day of the month of...in the year of....

Having been summoned, this person personally came into the presence of myself, the undersigned, (let there be written the place and diocese where he is located) [for this act only specially delegated by R.P.D.... as [is evident] from the letters of the same person delegating directed and given to me on this date...(there should be expressed on what day the letter was written) binding to the present position].

N...N...(the name, family name and qualities of the Respondent witness) who, having reported his taking his oath to tell the truth, which he gave (even if a priest), having touched the holy Gospels of God, was by myself:

1. The Interrogation: whether he knew the priest N.. N... (name, family name and qualities of the person denounced).

He responded:....(let there be written the language that the witnesses use and his response).

2. The Interrogation: what is the lifestyle of this priest, what are his morals, what is the opinion of people [about him]?

He responds:....

3. The Interrogation: Whether he knew N....N... (name, family name, and qualities of the one denouncing, or, if there are many, of each one of them).

He responds:...

4. The Interrogation: What is his (each one of them) life-style, morals, and his opinion among the people?

++39++

He responds:...

5. The Interrogation: Whether he thought that he or she is worthy of faith or capable, on the other hand, of lying, calumniating in court and even of perjury?

He responds:...

6. The Interrogation: Whether he knows whether perhaps between him and the aforesaid priest there ever existed any reason for hate or enmity?

He responds:...

Then, have duly read the work and brought him to take the oath of observing the secret, which he took as above, he is dismissed and, before he goes away, signs in confirmation of what has been stateda (or, if he cannot write: when he asserted that he cannot write (let the reason be noted), he makes the sign of the cross).

After the witness has signed here or made the sign of the cross, he signs that he received the testimony in this way:

These acts are signed by myself, N.N., [specially delegated only for this act].

L.X S.

[The delegate then directly transmits the act to him from whom he has received delegation together with the instruction and the letter he received, keeping nothing at all with himself].

++40++

FORMULA H

The Way of Undertaking Partial Investigations (Note 1)

(Note 1. Anything included in brackets is valid in the case where the investigation is done by a delegate).

On the...day of the month of...in the year...

Having been called personally there appeared before me the undersigned (let there be written the name, family name, etc., of the person who is to do the activity) taking place in (let there be noted the place and diocese where he is to be found) [specially delegated only for this act by R.P.D....., as [can be seen] in the letter of that same person directed and given to me on this date (let there be expressed on what exact day the letter was written) attached to the present document. N...N...(name, family name and qualities of the respondent witness) who, having been brought to take the oath to tell the truth, which he does (even a priest) having touched God's holy Gospels, performed this for me.

1. Interrogation: whether he knew (for example, the woman) N...N...? (name, family name and qualities of the indicated person).

He responded:...(this should be written in the same language the witnesses uses for his response).

2. The Interrogation: what is his lifestyle, what are his morals, what is his reputation among the people?

He responded:...

3. Interrogation: Whether he thinks that he [or she] is worthy of credence or on the other hand thinks that he or she is capable of lying, calumniating in court and even of committing perjury?

He responded:...

4. The Interrogation: Whether he knows whether perhaps between him or her and the priest there exists or has existed a cause for hate or enmity?

He responded:...

Then, the act duly read to the witness, having signified his taking an oath to observe the secret, which he does as above, the witness will be dismissed, ++41++ and before he leaves, signs as a confirmation of what has preceded (or, if he cannot write: when he cannot write, as he asserted (let the cause be noted), he made the sign of the cross).

After the witness signed here or made the sign of the cross he who received the testimony signed himself in this way:

These are acts done through me N...N... [especially delegated only for this act].
L.X.S.

[Then the delegate will transmit the act directly to him from whom he received the delegation together with the instruction and letter keeping nothing for himself].

++42++

FORMULA I

Way of Conducting an Examination Through Generalities

Note: Whatever appears within the brackets is valid in the case where the examination is by the delegate, or respectively, without the intervention of a notary.

If the delegate, however, having given a grave reason, cannot observe this way of administering an examination, he should recur to him from whom he received the delegation for [further] instructions.

The notary, if he is present, otherwise, he who is to undertake the examination will begin the procedures in these or in similar words:

On the...day of the month of...in the year...

By force of the decree of R.P.D. [The Most Reverend Bishop] (let there be written the name, etc. of the Ordinary of the place) given on the date of having been summoned there appeared before the undersigned (let there be written down the name, the family name, etc. of the person who is to receive the act, and who, if the notary is not present, will write: in the presence of myself the undersigned), taking place in (let there be noted the place and diocese where he is to bound who is to receive the action) (especially delegated only for this action by R.P.D....., as appears from his letter directed to me and given to me on the date (let there be expressed on what precise day the letter was written), this parson, N.N. (here there should be written the name, family name, father's name, homeland, age, condition and address of the person summoned; and, if he is a religious, also the name by which this person is known in the world), having been brought to take an oath to tell the truth, which he does touching God's holy Gospels (which he must touch with his hand), was:

Asked: Whether he knows or imagines the reason for his being called for the present examination?

He responded: ... (let there be written his response in that language which the summoned person uses).

Asked: ... For how many years have you been approaching the sacrament of penance?

He responded: ...

Asked: Whether he always went to receive the sacrament of penance from the one and same confessor ++43++ or whether from many priests: moreover, whether he always went to receive the sacrament of penance in the one and same church?

He responded: ...

Aske: Whether from each of the priests to whom this person confessed he received holy admonitions and opportune instructions, which gave edification to the person being examined, and kept him from evil.

He responded: ...

If the response was affirmative, that is, if he says that he had always been directed well, then he will be interrogated in the following manner:

Asked: Whether he knows or remembers if at any time it was said or heard that a certain confessor had not acted in such a holy and honest manner toward penitents, so that murmurs or even contemptible words against the confessor had been proffered: for example, had the person being examined heard similar things from one or from many penitents, and over the past year or over four or three months?

He responded:...

If after this interrogation and commentary the person being examined continues to deny, let the action be concluded with the usual formula, which appears at the bottom of this instruction.

But if there had appeared to be something against any confessor, according to those things concerning which he is being asked, then he will be interrogated further as follows:

Asked: That he tell the name, family name, office, and age of the confessor, and the place or seat of his confession; or whether he was a secular or a religious priest, etc.

He responded:...

Asked: That he tell, in order, sincerely and clearly, using, however, discrete and constricted words, all of those things less than honorable which he had heard in the sacramental confession either before or after or on the occasion of confession: whether there had been something performed with him less than honest by nods, touches or action, etc., by the priest.

He responds:...

At this point, the judge solicitously will take care that the description is in the same words which the confessor used, the obscene words, the seductions, the invitations to meet in some place for an immoral purpose, and all the other things which constitute the crime of solicitation, using the vernacular language for the answers which are to be sedulously and truthfully recorded++44++ and, in so far as possible, with the same words in which they were offered; he should add the temperament of the person examined, if he notices that he seems impeded by too much fear or bashfulness from telling the truth, assuring him that everything will be kept under an inviolable secret. Then he should ask him the time from which the solicitations began, how long they perdured, how often they were repeated, in what words or acts smacking of an immoral purpose they had been expressed. He will diligent avoid asking about the consent of the person himself being examined with regard to the solicitation, and, even more, he should advise him expressly that he is not bound to manifest whether by chance he gave consent. Likewise, he will avoid any interrogation which he give evidence of a desire to know the sins of that person.

Asked: Whether he knows or heard it said that the aforesaid confessor had solicited other penitents toward obscenities; and if affirmative, he should name them (and he will help give the name, family name, etc., or at least the better indications by which the other solicited persons can be detected).

He responded:...

Asked: Whether the aforesaid person being examined, had given testimony out of a love for justice and truth, or rather from another motive of enmity or of hate, etc.?

He responded:...

With all of this taken care of, there should be read to the person being examined everything that has been put down in writing, or, for a just cause expressed in the notes, the instrument (that is, the document upon which the notary has written the answers) should be given to him so that this person may read it to himself in the presence of the one who accepted the examination; then, everything that has been approved and accepted by that person, together with the corrections, additions and erasures, if there are any, he should be invited to sign and led to take an oath to observe the secret, and then he should be dismissed. All of these matters shall be described in this words:

The accused, having received and accepted all these matters, was dismissed, having sworn to observe the secret, once again touching God's holy gospels (He will swear again on the Gospel book) and, in attestation of what he had stated, he signed it (or, if he cannot write: when he asserted that he could not write (let the cause be noted)), he made the sign of the cross).

After the person being examined has signed here or has made the sign of the cross [on the document], the notary will sign, if he is present, in this way:

These acts are signed by myself, N.N., Notary (and if he has been authorized only for this action: authorized only for this action).
L.X S.

Finally, he who been administered the examination will sign it. If, however, the notary was not present, then the one who accepted the examination will sign in this way:

These acts are signed by myself, N.N., [specially delegated for this act only by R.P.D., N.N.].

[The delegate will then transmit the action (documentation for the lawsuit) directly to him from whom he received his delegation together with the instruction and the accepted letter, keeping nothing at all for himself].

++46++

FORMULA L

FORMULA OF THE PROPOSAL TO BE MADE BY THE PROMOTER OF JUSTICE; THE COMPLETE INQUISITION

Having made a brief summary and inquiry about the reasons of law and fact, the conclusion comes about through the promoter of justice, for example, as followed, however, according to the circumstances:

Having considered everything, I think it must be decided that the priest ...be warned (simply or correctly) - or - let the case be constituted in the Curia, that is, the diocesan Curia, and let the case be undertaken according to law (meanwhile, however...and here there are added the canonical opportune provisions, if there are some that seem to need to be proposed to the promoter).

On the ... day of the month of ... in the year

The signature of the Promoter of Justice

++47++

FORMULA M

FORMULA OF THE DECREE TO CONSTITUTE A PENAL REMEDY

We (name, and so on, qualities, etc., of the Ordinary of the place), having weighed the actions against the priest, N. N. (our diocese, abbacy, prelature, etc.) about whom there is reported the crime of solicitation, we decree that the aforesaid priest, N.N. : be admonished (paternally, gravely, etc. according to the diversity of cases) under the secret of the Holy Office.

If some resolution has to be added, and there is added:

And according to the resolution, the resolution is that...

These are the acts of... (the address of the Ordinary of the place) on the...day of the month...of the year...
L. X. S.

Signature of the Ordinary of the Place

Signature of the Notary

++48++

FORMULA N

The Method For Warning About the Crime of Solicitation

Concerning those who have been denounced once or twice concerning the horrible crime of solicitation for the most part, having taken the opportune efforts, it is decreed that: They should be warned (simply or correctly) under the secret of the Holy Office. The person to whom belongs or is assigned the duty of imparting an admonition of this type, will summon the denounced priest, with the proper circumspection, and he is to impress upon him with serious words, more or less according to the circumstances and the tenor of the decision, but in a paternal and fatherly way, avoiding lest in any way, whether directly or indirectly, he reveal the ones denouncing him, in these words: "It has come to the ears of the Ecclesiastical authority that he, within the sacred tribunal of penance, not always acted as was befitting prudence and holiness, so that not without merit it must be feared lest he, with a rash effort, attempted to convert the sacrament itself of reconciliation into the ruin of souls: It is therefore greatly to his interest that he carefully avoid these things in the future, lest the ecclesiastical authority be compelled to proceed to more serious matters".

Let there be observed, moreover, the secret of the Holy Office regarding all the matter and with everyone to the greatest extent.

If the admonition is done through letter, the method of admonishing should be done in this way.

[The delegate, however, is to give this admonition, at an opportune time, informs him from whom he receives his delegation of the results, at the same time transmitting to him all documents, if he has any, and not keeping anything for himself.]

++49++

The Form of the Decree for the Arraignment

The formulas proposed here are not, as is evident, definitive: they can and must be varied according to the different circumstances. They are proposed therefore as an example.

A) TO INDICT SIMPLY

The Reverend... to be indicted in the diocesan Curia about all the matters deduced against him and there should be a case according to law.

These are the Acts [signed at] (the address of the Ordinary of the place)

On the ... day of the month of... in the year of....

Signature of the Ordinary of the place

Signature of the notary

B) TO INDICT, HAVING ADDED CANONICAL PROVISOS

The Reverend... is to be indicted in the diocesan Curia about all the matters brought up against him and let there be a trial according to law. Meanwhile, however (for example, let him remain suspended from the celebration of Mass, or of exercising the sacred ministries and spiritual offices; he should leave this place... and go to that place... where he should remain under special vigilance, etc.).

These acts are signed (as above) on the ... day of the month of... in the year...

L.X. S.

Signature of the Ordinary of the Place

Signature of the Notary

++50++

Way of Indicting

FORMULA P

N.B., according to the norm of article 52 he is not to bind the accused to take an oath to tell the truth.

The notary will begin the action:

"On the ... day of the month of ... in the year ...

Having been summoned, The Reverend N.N. personally appeared before the undersigned (let there be written the name, family name, etc. of that person who is doing the indicting) [especially delegated for this action], who was:

Interrogated about his name, family name, parents, homeland, age, condition, etc.

He answered:.. (The Notary will write in the native language, and, in so far as he can, in the same words which the accused uses, his answers.)

Interrogated: Whether he knows or perhaps imagined the reason of his having been summoned?

He answered:...(and it will be continued in this way up until the end, noting down the single questions and his answers to them)."

If the answer according to this interrogation has been affirmative, the judge will invite the accused to explain everything separately and sincerely; otherwise, he will admonish him gravely, in order that, having been stricken by his own conscience, he would say whether perhaps he felt that he was burdened by any crime. And, if he then should respond affirmatively that he, as above, will invite him to confess his own fault with appropriate humility and sincerity, expressing the names of those who were delinquent with him and the words or facts and other circumstances of the matters which constitute the matter and individuality of the impetrated crimes.

And because it is difficult for him to be able to remember everything from the beginning, the judge will be able to put aside the space of two or three days, during which the accused person can diligently examine in prayer and tears his own conscience, giving him the option of giving his confession in writing as well, which in the following indictment ++5l++the judge will formally receive, or, if it is given in writing, he will accept from his hands the notebook in which it is contained and will give it to the notary who will make a note of the matter, for example, in this way: The accused gave [me] a notebook [containing] his confession, as he asserted, having done it in writing, which he began...(he will note the first words of the document), and finished with...(he will note the last words), and which I, accepting it, sign with the letter A (he marks the page with this or another letter of the alphabet) and I have put it into the Acts." This method must be observed always as often as any document of any type received from the accused has to be inserted into the Acts.

After these, the directing judge will compare the confession that has been made either verbally or in writing with the denunciations existing in the Acts, and, if he shall find in it nothing that is omitted or left out, having omitted the affirmations, he shall proceed to the last questions; if, however, he finds anything in these which the accused either did not confess at all or lacked integrity in his confession, he will only make mention of it, as will be stated below.

If, however, the matter still remains negative against the accused, the judge will interrogate him further whether he knows against what delicts the supreme tribunal is proceeding; if he does not know, he will enumerate the crimes of this type (heresy, solicitation to grave matter, the worst crime [of

pediastroy], the violation of the seal, etc.) Then he will ask him whether he impetrated any of these crimes: if he responds affirmatively, he will invite him to a spontaneous confession, as before; otherwise, he will read to him the decree by which a mandate has been issued that he be indicted. Then he will order him to relate the story of his own life and career; where he was born, where he had been educated, whether he was promoted to any academic grades or other signs of honor, where he lives, what offices and duties he had been assigned and other matters of a similar nature. Finally, he will ask of him whether he has any enemies, who they are and what is the cause of their enmity.

Having premised these general questions, the judge, before he addresses the single denunciations with the summoned accused, he will ask him about the particulars of the persons, places, and circumstances of the times brought out in the denunciation and what can demonstrate its probable truth or falsity: For example, where the place of the confessional is in the church or the rooms in the home of the priest; whether he receives the penitents before or after confession at home so that ++52++ he may impart counsel; whether he put books at their disposal, etc.; whether this took place that he would speak a long time with a woman at home or in the sacristy after confession and this with closed doors, whether it took place on such and such a day and in such a town or city, etc.

Then the judge will state to the accused -- always keeping secret the name of the one denouncing him -- each denunciation. But he will not, indeed, do so in a global or combined manner. He will bring up each and every denunciation distinctly in parts by reading them to the accused so that he first presents the whole denunciation before the accused and then singly in sections such as has been revealed in each denunciation.

The judge will begin from the less serious words and deeds and slowly proceed to the more serious; nor will he omit proving also some saying or deed that is not criminal, if there is something borne out by the denouncers, so that, once the accused has admitted that, if perhaps then the accused is tainted, he can be shown that the criminal words or deeds have been so joined that the public authority of the church cannot consider some of these criminal words or deeds as true and others as false. These words and deeds will be brought forth to confirm each of the denunciations, and, should there be any, those the earnest efforts [diligentiae], "favorable to the one denouncing and not favorable to the one being denounced; "Information" that is not favorable to him should not be thrown up against him. 'information', which is not held to be favorable to him.

By reason of association [connexio] or content [continentia], the judge will also bring up to the accused the crimes not pertaining to the Holy Office, for which the accused has been denounced and for which he has not yet gone into judgment.

Simultaneously, the counter arguments upon which the accused perhaps has relied, whether [based] upon subterfuges, evasions and meaningless responses, must be proved.

The declarations of all the denunciations having been completed, if there are indeed more denunciations and the accused remains negative, the

judge should not omit to declare to the same accused that, not in conformity with his denials there stand more denunciations in number, distinct in time and reported by different persons, who, from reliable testimony, are of good name, in every way worthy of credence; they are incapable of calumniating or of committing perjury; they are indeed unknown to each other, and hence conspiracy is impossible. Nor has enmity or any other human pathological state been adduced as the reason to accuse [this priest]. It is only in order to satisfy the ineluctable obligation that they have taken the counsel of their own conscience.

++53++

These things having been brought up, the judge will interrogate the accused as to what he himself feels about the sixth precept of the decalogue and the sacrament of penance; whether he thinks it is licit for the confessor to act in such a way with penitents, so that, from certain documents (or, if he has confessed, from his own confession) it was proved that he had himself acted [in this way], whether he perhaps thinks that all [his actions were] in no way sinful; whether he was familiar with the Apostolic Constitution of s.m. Benedict XIV, which begins: "The sacrament of penance", and with the penalties which this Constitution and the holy canons threaten against the confessors in the sacred ministry who have abused their sacred ministry to the ruin of souls; and finally whether he can offer anything to exonerate himself.

After this, the judge will ask him whether he should continue this process here and now as being legitimate or on the other hand does the accused have an exception to make against it; whether he would be content to be assisted by a defender ex officio [from the tribunal] or whether he would wish to name his own defender for himself and, if he insists on some exception, whether he wants perhaps to have the examination of the denunciators repeated.

If he gives an affirmative answer to this last question, or, if in some way he has some [fact] to offer in his own defence because of which the witnesses must be heard (as, moreover, if a serious and sometimes unexpected difficulty comes up), the arraignment should be suspended. It should be reconvened after the denouncing persons have been examined once more or the witnesses have been heard. From these persons the judge will elicit new depositions, and, having formally made the [second] inquisition, formerly begins anew the arraignment.

The attestations of the denunciations having been taken care of, the text of the denunciations must be given to the promoter of justice, who will scrutinize it and declare whether he has any notes to make about it or whether there are new statements or new steps that ought to be taken.

The arraignment will not be concluded by the judge, unless there has first been an express consent by the promoter of justice.

At the end of each session there shall be read to the accused everything that has been presented and in written form is read to the accused by the notary, and, once the accused has approved and accepted these statements, together with any corrections, additions and erasures, if there are any, he will be invited to write his signature; and, having been gravely warned

about keeping the secret, the accused will be dismissed. The notary will describe all of this in these words: "After having received and accepted all of this, the accused, before being dismissed, was warned about keeping the secret and before he was to leave, he was to sign in confirmation of what had been stated."

++54++

After the accused respondent has signed, the notary will sign in this way: "these Acts are signed by myself, N.N., notary (and if he has been authorized solely for this act: authorized only for this act)". Then the indicting judge will sign.

Since, however, there is a need for not only one single arraignment session to bring the many matters to their successful completion, but for many sessions, each one of these sessions should be opened and closed in the same way. At each session, at the bottom of every page, there should be the signatures of the accused, the notary and the judge, and, at the end of each session the judge will cite the accused, indicating the date for the following session which the notary will note in this way: "Having been informed of and having accepted all of these matters, the accused has now been cited for the ... day of the month of... to appear again, and he was dismissed after having been admonished, etc." as above. However, in the following session, the first question will be: Whether to those things which were treated in the preceding sessions the accused has anything to add, remove or correct on his own", and, after his answer has been transcribed, the sessions will then be continued, from that point at which the previous interrogation ended.

N.B. -- It would be superfluous to note that the judge, before he comes to the indictment, must accurately subject the whole informative process to his examination, --obviously all the denunciations both informal and formal and also of the material not pertaining to the Holy Office; his examinations about the morals and the veracity of the ones denouncing, and the investigations and information about the life, morals and good name of the one denounced, plus love letters perhaps written by him, etc. -- so that the same judge has at hand all the elements with which to weaken the denials of the accused, and with which to rebut his arbitrary affirmations. From the partial concessions of the accused he can force him to admit more matters.

++55++

FORMULA Q

The Formula for a Petition by the Promoter of Justice

A) IN THE CASE OF PROPOSING AN ADJOURNMENT

Once there is premised a brief summary and inquiry about the reasons of law and fact, there is this conclusion; for example

Having taken everything into consideration, I think it should be decided that the Reverend be dismissed with a grave admonition, the process remaining in force. And for the same reason and purpose. The purpose is (for example) that he be watched most diligently: that he be kept from any familiarity with women, also using ecclesiastical censures, and, if anything

obscene (or, if anything not in keeping with the sacerdotal state, etc.) is observed in his life-style, then he will be brought to the tribunal immediately.

On the...day of the month of...in the year...

Signature of the Promoter of Justice

B) IN THE CASE OF PROPOSING A CONDEMNATION

What has been premised above, etc.

...I think that it should be decreed that, having imposed congruent (or grave) and salutary penances, among which there would be spiritual exercises for ...days to be done in a religious house, during which he will remain suspended from the celebration of the Mass, the Reverend... should be dismissed with (here there should be expressed according to the prescription of Canon 2368 § 1 and also the supplementary sanctions which seem to need to be inflicted). If he has by chance absolved his accomplice, he should heal his conscience by a recourse to the Sacred Penitentiary.

On the ... day of the month of ... in the year ...

Signature of the Promoter of Justice

C) IN THE CASE OF PROPOSING ABSOLUTION

...I think it should be decreed: that the innocence of the charged person is evident from the Acts; and therefore the Reverend... should be dismissed once he has been absolved.

++56++

FORMULA R

The Manner of Rendering a Condemnatory Sentence in Cases where
the Accused Remains Negative

We (There should be noted the name, family name, qualities, etc., of the Judge-Ordinary or the one delegated).

Since...(the name, family name, father's name, age, condition, etc. of the accused, and, if he is a religious, there should also be added the name he used in the world) was not afraid to abuse the sacrament of penance by words and acts concerning which there is treatment in the Pontifical Constitutions and especially in the Constitution of Benedict XIV, which first words are Sacramentum Poenitentiae, by saying and doing these things...(here, summarily, and in prudent and discrete words, there should be told how, how often, etc. the accused committed the fault);

And, since, because of all these matters he has been denounced to our tribunal, he has been duly cited on this day (let there be noted the day and month of citation), with a proper process having been constituted against him, he has now been indicted on these days (state on which days); however, he remains negative. Nevertheless he has been convicted of the matter.

Therefore, although he has affirmed that he feels that he has acted correctly concerning the faith and Catholic doctrine (having supposed, evidently that the matter was truly so), and the defender for the court action was not remiss in his duty of promoting and sustaining the proper defenses for the accused;

Nevertheless, having correctly and seriously weighed everything, we the Judge-Ordinary or his delegate, on this day (let there be noted the day on which the sentence is given), from the acts and proofs, believe and are convinced that the sentence which follows ought to be rendered.

Therefore, having invoked the name of God, and that of the most blessed and ever virgin Mary the Mother of God and of our Lord Jesus Christ, we issue this our definitive sentence which we, seated for the tribunal, issue, with these pages, in the cause which has been brought before us between D.....(name, family name, etc. of the Promoter of Justice) the promoter ++57++ of justice at this tribunal and ...(name, family name, etc. of the accused, as above), we say, decree and declare and hold that...(the name, family name, etc. of the accused is repeated), because of those matters of which he has been convicted, has been judged guilty of the crime of solicitation toward obscene matters (and of false dogma) and therefore has merited the censures and penalties which have been stated, legislated and promulgated against such delinquents.

Lest, therefore, the above mentioned errors and faults remain unpunished, and in order that the accused will hasten to live in the future more cautiously and be an example to others, we will therefore condemn him...(there should be added the dispositive part of the decision.)

Likewise we impose upon him these salutary penances...(and let it be said what penances are imposed).

And thus we say, discern, declare and order and definitively believe and we do intend and wish to order its execution, as we order concerning the fact in this way and with that form which by law we can and must (decree), at the same time mandating for this purpose with the present letter that the accused on this date.... will be cited to hear the reading and conveyance of this our decision.

Thus we pronounce (and the act should be closed with an indication of the place and day in which it is to be published).

L.X S.

Signature of the Judge the Ordinary or of his delegate

Signature of the notary

++58++

FORMULA S

Manner of Delivering a Condemnatory Sentence in Cases Where
the Accused has Confessed His Crimes

We (Let there be noted the name, family name, qualities, etc., of the judge-Ordinary or his delegate).

Since...(name, family name, father's name, age, condition, etc. of the accused, and, if he is a religious, let there be added also the name by which he is known in the world) was not afraid to abuse the sacrament of penance by words and actions concerning which treatment was given in Pontifical Constitutions and especially in the Constitution of Benedict XIV, whose opening words are SACRAMENTUM POENITENTIAE, saying and doing these things...(here in a summary fashion and with prudent and discrete words, it should be indicated how, how often, etc. the accused has been at fault).

Since, because he has been denounced for all these matters to our tribunal, and a regular process has been set up at this tribunal against him and he was duly cited on this date (here should be noted the day, and the month of the citation), he was arraigned on these days (let it be said on what days); he confessed this and this (here should be summarized his confession).

Although, therefore, he has affirmed that he felt that he was correct in matters of faith and Catholic doctrine (and with the supposition, evidently, that this is truly the case), and his defending advocate, in keeping with his duty, was not remiss in his promotion and sustaining the due defences.

Nevertheless, having weighed everything correctly and seriously, we the judge-Ordinary or his delegate, on this day (let there be noted the day on which the sentence is given) from the acts and proofs think and retain that the sentence which follows ought to be rendered.

Therefore, having invoked the name of God, and that of the most blessed and ever virgin Mary, the Mother of God and of our Lord Jesus Christ, with this definitive sentence which we publish seated here for the tribunal on this public record in the case which was processed in our presence between D...(name, family name, etc. of the Promoter of Justice) the Promoter of Justice ++59++ in this tribunal and.... (name, family name, etc. of the accused, as above), we say, decide, declare and believe that ... (name, family name, etc. of the accused is repeated), because of those things which he has confessed, has been judged guilty of the crime of solicitation to obscene matters (and of false dogma), and, moreover, that he has merited the censures and penalties which have been put forth, stated and promulgated against such delinquents by the holy canons.

Lest the aforesaid errors and faults remain without penalty, and in order that the accused should hasten to live more cautiously in the future, and be an example to others, we condemn him in this way ...(here there should be added the dispositive part of the sentence).

Likewise for salutary penances, we impose... (here are indicated the penances which are imposed).

Because, however, the accused has spontaneously confessed the aforesaid errors and faults and he humbly asked forgiveness for them, we wish, moreover, to absolve him from any excommunication he perhaps incurred, as long as he first given evidence that, with a sincere heart and faith that

are real he first abjures those errors and detests his faults; thus we ordain by this our sentence that he act in accordance with the manner and form stated by us.

And thus we say, decree, declare, order and definitively believe and intend and wish to command to execution, as concerning the fact, we order in a better way and according to that form which we can and must use by law, at the same time ordaining with the present letter that the accused on this day...will be cited to hear the reading and being informed of this our sentence.

Thus we pronounce (and the act should be closed with an indication of the place and day on which it was made known).

L. X S.

Signature of the Judge-Ordinary or his Delegate
Signature of the Notary

++60++

FORMULA T

Manner of Declaring Solemnly about the Promulgation and Intimation
of the Sentence in the Cases of Solicitation

The notary should begin the act with these words:

By force of the decree of this date (let the day be noted on which the sentence was given) given by...(name, family name, etc. of the judge), in the presence of the same person at (the location ought to be noted), with the notary present, N.N. appeared personally (name, family name, father's name, age, condition, etc. of the accused, and, he was a religious, there should also be added the name which he used in the world), to whom by the aforesaid judge seated for the tribunal there were read the following matters:

Here the document is read completely word for word by which the sentence has been given.

Then there is added:

On the...day of the month of... in the year... with these writings there has been promulgated the aforesaid sentence through the above mentioned person (name, etc. of the judge) seated for the tribunal (let there be said in what place), and by his reading in a high and intelligible voice, to the present person (the name, etc. of the accused) listening to him and not contradicting; (if he had confessed, there should be added: being willing, genuflecting before the judge, touching the holy Gospels of God placed before him, he abjured the aforesaid errors (and heresies and generally all the other errors and heresies contrary to the Holy, Catholic and Apostolic Roman Church), as in the schedule of his abjuration, by which he undertook his abjuration, still kneeling, was absolved in the customary form of the church from the sentence of excommunication and was reconciled to the Holy Mother the Church, having undertaken prayers and usual and customary ceremonies) -- and there having been enjoined upon him salutary penances

contained in said sentence. Having received all these things, he was dismissed, sworn to observe the secrecy at the touch of the ++61++holy Gospels and previously, in confirmation of what was presented before, of his and my signature.

Signature of the Accused

These Acts have been signed by myself, N.N. the notary (and if he has been authorized only for this act: authorized only for this Act).

Finally, the judge signs.