

FOUR CATHOLIC MEN FRAMED

One of the most outrageous miscarriages of justice ever witnessed has been taking place right before us in Philadelphia. Three Catholic priests, and one Catholic layman, have been railroaded by an ambitious D.A. That the media have failed to report fully and accurately on this story is also a disgrace. But it is not too late to set the record straight. It may even provoke a second look at what really happened.

On March 22, 2012, Edward Avery, a former priest who had a record of sexual abuse, pleaded guilty to abusing “Billy Doe” and was sent to prison. On January 17, 2013, he appeared in court as a witness and was asked, “Did you do it?” He said he never touched “Doe.” So why did he plead guilty? Because he and his lawyers were convinced that if he was found guilty, he was facing more than 20 years in prison; he was offered a plea bargain on the eve of his trial, and he took it. Thus, his sentence was reduced to a maximum of five years, and at age 69, that matters.

This was the first time Avery was asked by the District Attorney’s prosecutors whether he committed the crime. Why wasn’t he asked prior to this time? No one has offered an explanation.

Avery had reason not to mess with Judge M. Teresa Sarmina. After all, she showed her bias when she made a patently false statement against the Catholic Church, and then after I called her out, she walked it back; defense attorneys followed through, asking her to recuse herself. She said she misspoke.

Sarmina didn’t misspeak when Msgr. William Lynn was on trial for conspiracy: to show a pattern of misconduct, she allowed into evidence 21 cases of sexual abuse dating back to 1948, three years before Lynn was born. She misspoke again on June 14, 2012 when she instructed the jury that Lynn did not have to act with criminal intent in order to be found guilty of conspiring to endanger the welfare of a child; the next day she reversed herself, confusing the jury. The jury found Lynn innocent of conspiracy but guilty of endangering the welfare of a child.

Lynn’s alleged guilt is tied to Avery’s alleged crime. If Avery is innocent, so is Lynn. Moreover, so are Fr. Charles Engelhardt and Bernard Shero, both convicted of raping “Billy Doe”; they are in jail and will be sentenced June 12. The priest faces 37 years in prison, and Shero is looking at 57.

How did we get to this stage? In the grand jury report of September 26, 2001, the grand jury was charged “to investigate the sexual abuse of minors by individuals associated with religious organizations and denominations.” The D.A. at the time was Lynne Abraham. After the second grand jury was convened, I decided to challenge her on how she initially reacted. On March 31, 2011, I sent her a letter in the overnight mail asking her to identify which “religious organizations and denominations” she pursued, other than the Roman Catholic Church. Not surprisingly, she did not reply: in other words, she cherry-picked the Catholic Church.

No matter, in 2005, Abraham came up empty. She knew she couldn’t prosecute old cases, and that is why not a single priest was prosecuted. The big losers were the taxpayers—they got ripped off by having to fund this wild goose chase.

In 2011, the new D.A., Seth Williams, tried to outdo Abraham. He set his sights on the hierarchy, hoping to nail a bishop. He failed. The best he could do was to get Msgr. Lynn, a top aide to Philadelphia Archbishop Anthony Bevilacqua. Williams was assisted by the grand jury: it never once asked anyone from the Philadelphia Archdiocese Review Board, which polices these matters, to testify. Ana Maria Catanzaro, who chaired the panel, said she was “shocked at the sweeping statements that were made.” Indeed, there are more than 20 factual errors in the grand jury report, misrepresentations that have yet to be corrected.

No one has explained why Williams could exploit the very same law found wanting by Abraham. How could it be that in 2005 when Abraham looked at the state statute for endangering the welfare of children, she concluded that Bevilacqua and Lynn could not be charged under that law, but Williams found the identical statute perfectly applicable in 2011?

The key witnesses for Williams in the four cases—Avery, Lynn, Engelhardt and Shero—were the alleged victims, “Billy Doe” and Mark Bukowski.

Bukowski went AWOL shortly after joining the Marines and got a less than honorable discharge. Arrested three times, he is known for deceiving law enforcement. His own mother has accused him of stealing from her husband. He testified before the grand jury that Fr. James Brennan attacked him when he was fully clothed at the age of 14. *But then someone rewrote the grand jury testimony to say he was raped 11 times!*

It is not easy to see how this might have happened since he testified that neither of them was naked when the alleged rape took place. He also told the grand jury that Brennan exposed himself to him, but at the trial he said he wasn’t sure this happened. Furthermore, Bukowski recanted this accusation during an archdiocese inquiry.

The jury was deadlocked on two charges against Brennan. Bukowski has been in prison for drugs, theft, identify theft, filing a false report, running a stop sign, and driving without a license. There will be a retrial.

The real star witness is “Billy Doe.” D.A. Williams had been looking for a case that fell within the statute of limitations so he could prosecute Lynn for child endangerment, and now he struck gold. The hunger to get Lynn led prosecutors to accuse him of “supplying” Avery “with an endless amount of victims.” This monstrous charge—that Lynn operated a conveyor belt of boys readied to be molested—has never been substantiated. It is an outrageous lie.

“Billy Doe” says it was the D.A.’s office that secured a civil attorney for him to sue the Archdiocese of Philadelphia. If so, it raises serious questions about an attorney referenced by the D.A.’s office who stands to make millions if his client prevails. I have asked the Disciplinary Board of the Supreme Court of Pennsylvania to launch an investigation.

Avery took a lie detector test and passed. Engelhardt also took a polygraph and passed. Engelhardt and Shero have no prior arrests. Now compare them to “Billy Doe.”

“Billy Doe” has a long record of drug abuse, ranging from marijuana to LSD and heroin. He has been kicked out of two high schools, and has been arrested time and again for drugs and theft. Indeed, his revolving door lifestyle has subjected him to drug rehabilitation 23 times. He never stops: even after he became the number-one witness, he was arrested twice for drugs, including intent to distribute 56 bags of heroin.

Whether it was due to drugs, or is just a reflection of who he is, is unclear, but we know one thing for sure: this guy has a real problem keeping his stories straight.

“Billy Doe” says he was raped by Fr. Engelhardt. If this were true, his story would at least be consistent. It is not. He told an archdiocese social worker that the priest forced him to engage in oral sex, and then anally raped him for five straight hours. He told the D.A.’s office he had two encounters with the priest, both involving masturbation. He told the grand jury he had one session, and it involved oral sex. So which is it?

According to his own brother, the rape couldn’t have happened since it allegedly took place in the sacristy at a time when several other males were going in and out. Indeed, the doors were open.

When “Billy Doe” was asked about these stories during the trial, he said he was high on heroin when he spoke to the social worker and therefore couldn’t remember what he said to her. However, he managed to remember everything else that happened that day.

“Billy Doe” told the grand jury that when he was a fifth grader, Fr. Avery pulled him aside while he was putting away some choir bells; Avery supposedly told him he was going to do to him what Fr. Engelhardt allegedly did. But the bell story is not believable. At the trial of Engelhardt and Shero, three teachers, including the music director, testified that only eighth grade boys were allowed to help the maintenance crew. That’s because the bell cases weighed more than 30 pounds; Billy weighed only 63.

More important, “Billy Doe” told the social worker that he was assaulted, and then anally raped—twice—by Fr. Avery; he said he “bled for a week.” But when he spoke to the police, he reported no violence: there was no punching and no anal sex. He told Detective Andrew Snyder he was abused four times, but was *never raped*.

“Billy Doe” said he was also raped by Shero. Predictably, he shifted his story three times. He gave the social worker two different locations where it allegedly took place, and then he came up with an even different location when he spoke to the cops. The details of what supposedly happened also kept evolving.

After he was allegedly raped by Engelhardt and Avery, “Billy Doe” said he avoided them by switching Masses. But that contradicts what his own mother said: she kept a calendar of his activities, and her son’s story doesn’t jive. The priests at the parish also refute “Billy Doe’s” account.

The alleged rapes supposedly traumatized “Billy Doe” to such a degree that he said he began smoking pot at age 11, and experienced massive personality changes after being raped twice when he was 10, and once when he was 11. But his mother, a registered nurse, disputes this: She testified to a grand jury that there weren’t any personality changes until he was booted from a Catholic high school at age 14. By the way, he was kicked out for drugs and carrying brass knuckles.

“Billy Doe” also claimed that he missed a lot of school after he was raped during the fourth quarter of the 1999-2000 school year. But his report card shows he was never absent.

Lynn, Avery, Engelhardt and Shero are sitting in jail because of charges made by “Billy Doe”; the latter two will soon be sentenced. Besides the accuser’s testimony, which is riddled with inconsistencies, there were no corroborating witnesses or physical evidence to back his story. Furthermore, his account was contradicted by at least eight witnesses interviewed by detectives: priests, nuns, teachers, the music director, his former drug counselor, and his older brother. His mother’s understanding of events, as evidenced by the calendar she kept, also differs from his testimony, as do church records.

Is it any wonder that the D.A.’s office was stunned when the jury found Father Engelhardt and Mr. Shero guilty? Why did Williams deem “Billy Doe” a credible witness when he was never vetted? Everyone knew he was saddled by so much baggage that he wouldn’t qualify for a ten cent loan. So why was he accepted to finger these men?

Four Catholic men have been framed. The media have definitely dropped the ball on this story. But it is not too late to ask some tough questions. This colossal injustice cannot stand.

[Note: The most authoritative account of what happened can be found at Ralph Cipriano’s blog, bigtrial.net.]



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