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Guilty verdict in Philadelphia a first in sex abuse cases

Brian Roewe | Jun. 22, 2012

After 13 days of deliberation, the jury in the landmark Philadelphia sex abuse trial has found Msgr. William J. Lynn guilty on one charge of child endangerment, making him the first U.S. church official convicted for the handling of abuse claims.

Lynn, 61, was acquitted on a second endangerment charge and on one count of conspiracy. He faces up to seven years in prison.

District Attorney Seth Williams called the verdict in the 10-week trial ?a victory for all named and unnamed victims of child sexual abuse.?

?This trial was not about a specific religion. It was about evil men that did evil things to children they should have protected, but people were more concerned about the institution than those victims or future victims,? he said at a press conference Friday.

Lynn was accused of helping to cover up priest sex abuse during his tenure as secretary of clergy for the Philadelphia archdiocese from 1992 to 2004.

?There was mounds and scores of documents that we believe showed this conspiracy of silence, and why Msgr. Lynn knew of these predators and didn?t do enough to prevent them from assaulting future victims,? Williams said. ?And that?s what the crux of this case was, that?s what the lead charge was all about, and we received a guilty verdict on that.?

Officers took Lynn into custody immediately following the verdict. One of his lawyers, Thomas Bergstrom, said he intends to file a motion Monday to place the priest under house arrest until his Aug. 13 sentencing.

Bergstrom said he was disappointed in the conviction but said he and his team will ?continue to fight the battle.? He said an appeal is likely, but said nothing can happen before the sentencing.

The jury declared itself hung on charges of attempted rape and child endangerment against Lynn?s co-defendant, Fr. James J. Brennan, 48, who had been accused of abusing a 14-year-old boy in 1996.

Before the trial began, a third defendant, defrocked priest Edward Avery, pleaded guilty to charges of conspiracy and sexual assault of a 10-year-old altar boy. Avery is serving a two-and-a-half to five-year prison sentence.

When asked about a possible retrial for Brennan, his lawyer, William Brennan, who is not related to his client, said, ?I would think that if a conviction can?t be attained after that length of time ... it?s not going to get any better in the future.?

Defendant Brennan said he was ?very tired? and ?very grateful? when he heard the jury?s decision. He said he

relied on his religious beliefs to get him through the trial ?every day, more so than ever before. And my faith is what got me through all this.?

He said he had ?no idea? about his future with the church.

A statement from the Philadelphia archdiocese did not address either defendant directly, focusing instead on apologizing to victims and improving its track record on reporting abuse:

> This has been a difficult time for all Catholics, especially victims of sexual abuse. The lessons of the last year have made our Church a more vigilant guardian of our people's safety. The Archdiocese of Philadelphia is on a journey of reform and renewal that requires honesty and hope. We are committed to providing support and assistance to parishioners as they and the Church seek to more deeply understand sexual violence, and to create an environment that is safe and welcoming to all, including past victims.
>
> The Archdiocese of Philadelphia offers a heartfelt apology to all victims of clergy sexual abuse. Now and in the future, the Church will continue to take vigorous steps to ensure safe church environments for all the faithful in Philadelphia.

When asked for further comment, a diocesan spokesperson said the statement will stand on its own for the time being.

Despite only one conviction on five charges, victim advocate groups viewed the verdict as a significant moment. Terence McKiernan of BishopAccountability.org called the Lynn conviction ?a watershed moment in the Catholic abuse crisis.?

Calling the day of a verdict ?long overdue,? Barbara Dorris, victims outreach director for the Survivors Network of those Abused by Priests, said Lynn?s conviction ?sends a strong and clear message that shielding and enabling predator priests is a heinous crime that threatens families, communities and children, and must be punished as such.?

?It is also the criminal justice system's ?shot across the bow? sending a clear signal to all institutions: ?Protect kids, oust predators or go to jail,? ? she said in a statement released minutes after the verdict.

The National Survivor Advocates Coalition issued a statement saying it was grateful that ?the jury in Philadelphia has heard the cry of unprotected children.?

Jeff Anderson, who represents several clients with cases against the Philadelphia archdiocese, said the trial was unprecedented and ?has set a pathway and a standard for prosecutors across the United States and made it less likely for the secrets, patterns and practices of the past to be repeated.?

Earlier in the week, it was unclear if a decision on any of the charges against the two defendants would be made.

On Wednesday, the jury informed Common Pleas Court Judge M. Teresa Sarmina it had reached a unanimous decision on only one count and was at a stalemate on the remaining four against Lynn and Brennan.

Reports from inside the courtroom said Sarmina urged the jury to continue deliberating, offering to allow them to rehear testimony if necessary.

After an off day Thursday so a juror could attend to a family matter, the jury reconvened Friday morning, notifying Sarmina they had reached a verdict in the early afternoon.

The trial saw more than 60 witnesses and almost 1,900 documents presented over the course of its 10 weeks. Much of the evidence focused upon 22 previous cases of abuse by priests that the prosecution presented as a result of a pre-trial ruling. Although the statute of limitations had expired on the cases, Sarmina ruled them were relevant to the current case so the jury could better understand the history behind the charges.

The result was a parade of witnesses talking about past allegations, including accounts of a priest having boys strip and suffer whip lashings in a passion play and a another priest molesting two sisters and raping their cousin.

During the trial, Lynn?s defense lawyers argued he did what he could to address abuse in the archdiocese but that he ultimately lacked the authority to take action. That power, they said, belonged to then-archbishop Cardinal Anthony J. Bevilacqua, who died shortly before the trial began.

When he took the stand, Lynn faced a barrage during the prosecution?s cross-examination, which focused significantly on a list Lynn compiled in 1994 of priests suspected of abusing minors. Lynn testified he only compiled the list and was unaware that Bevilacqua had ordered it shredded, which a memo locked in an archdiocesan safe stated.

Trial observers have said that no matter the decision the jury reached, it held significance for bringing public attention to the archdiocese?s past handlings of abuse allegations.

?The most important thing, I think, is that this monumental case, in many ways, will change the way business is done in many institutions, be they religious institutions, educational institutions, day camps, whatever, where people will not protect predators any longer,? District Attorney Williams said.

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