

Msgr. Lynn appeal moves before Pennsylvania Superior Court

Brian Roewe | Sep. 17, 2013 NCR Today

Update: Arguments in the appeals process for Msgr. William Lynn have concluded.

The *Philadelphia Inquirer* reported that the arguments in Pennsylvania Superior Court lasted 30 minutes, and as expected, Lynn's defense lawyer Thomas A. Bergstrom challenged the priest's conviction on the grounds of the 2007 revision to Pennsylvania's child endangerment law.

Bergstrom argued that Lynn was a "supervisor of a supervisor" and that by the time the revision took effect, Lynn was already three years removed from his position as secretary of clergy for the Philadelphia archdiocese. Assistant District Attorney Hugh Burns countered that the endangerment law allows for broader interpretation that extends to areas of not just supervising a child, but "supervising the welfare of children," according to the *Inquirer*.

The panel of three judges did not indicate when a decision may come.

[Read the *Inquirer's* full report](#) [1].

The case of Msgr. William Lynn returns to court Tuesday, though the priest himself will not.

Lynn will remain in prison while his legal team appeals his conviction before a three-judge panel in Pennsylvania Superior Court in Philadelphia.

Thomas Bergstrom, Lynn's attorney, told *NCR* on Monday afternoon they are basing the appeal on a number of grounds, including that the child endangerment statute did not apply to Lynn as an archdiocesan official. In 2007, an amendment to the state's child endangerment law extended its scope from parents, guardians and those supervising a child to include supervisors of such individuals. In its report, the 2011 grand jury determined the monsignor fell under the new statute, but Lynn's defense team has argued that that application violated the ex post facto clause.

"In other words the alleged crime here occurred in 1998, and they charged him with a statute that was enacted in 2007. So there's a constitutional issue, there's a statutory issue, and there's any number of issues that relate to the trial judge's handling of the evidence," he said.

The appeals process allows each side about 20 minutes to make their argument. A ruling from the panel of judges could take anywhere from a week to a couple of months.

If Lynn wins the appeal, he could be entitled to bail, Bergstrom told *NCR*. But however the judges rule, the losing side could choose to appeal the case to the Pennsylvania Supreme Court.

In June 2012, a jury [found Lynn guilty](#) [2] of child endangerment for his handling of claims regarding sexual

abuse of minors by clergy. He was the first U.S. church official charged along such lines and is currently serving a three- to six-year prison sentence. Lynn acted as secretary of clergy for the Philadelphia archdiocese from 1992 to 2004, primarily for the late Cardinal Anthony Bevilacqua.

In the past, the Philadelphia archdiocese covered Lynn's legal fees. For the appeal, Bergstrom said his firm is "grinding this one out on our own" but acknowledged the archdiocese is paying them to handle related civil cases. The archdiocese declined comment on the appeal because it is an ongoing judicial process.

Since Lynn's conviction and sentencing, a religious order priest and school teacher originally scheduled to stand trial alongside the monsignor both received prison sentences, and a former priest recanted his original admission of guilt.

In June, Fr. Charles Engelhardt of the Oblates of St. Francis de Sales and Bernard Shero [were handed](#) [3] six-to-12- and eight-to-16-year prison sentences, respectively, for abusing the same former altar boy, known as "Billy Doe." During the trial, former priest Edward Avery, who pleaded guilty of abusing the boy before Lynn's trial began, [testified](#) [4] he never assaulted Doe and said so only to avoid a longer sentence.

In April, *NCR* [reported on Doe's role in the trial](#) [5] and his credibility as the district attorney's star witness in both trials and a center figure in the 2011 grand jury report that led to charges. The report found Doe's story often changed in its retellings and revealed other holes that cast doubt in his allegations.

When asked if Doe's credibility would factor into Lynn's appeal, Bergstrom said Lynn's name never arose in the witness's allegations.

"It just wasn't an issue for us. It's a big issue for Avery, it's a big issue for Engelhardt and Shero, because the allegation is that they abused him directly, and as I said, Msgr. Lynn never even met the kid," Bergstrom said.

[Brian Roewe is an *NCR* staff writer. His email address is broewe@ncronline.org.]

Source URL (retrieved on 03/03/2015 - 11:46): <http://ncronline.org/blogs/ncr-today/msgr-lynn-appeal-moves-pennsylvania-superior-court>

Links:

- [1] http://www.philly.com/philly/news/breaking/20130918_Convicted_priests_lawyer_questions_law_s_application.html
- [2] <http://ncronline.org/news/accountability/guilty-verdict-philadelphia-first-sex-abuse-cases>
- [3] <http://ncronline.org/blogs/ncr-today/judge-sentences-priest-former-teacher-latest-chapter-philadelphia-abuse-scandal>
- [4] <http://ncronline.org/news/accountability/renege-guilty-plea-latest-philadelphia-trial-could-impact-lynns-fate>
- [5] <http://ncronline.org/news/accountability/philadelphia-lynn-sex-abuse-trials-star-witness-big-lie-story>