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No charges for St. Paul-Minneapolis archdiocese in sex abuse cases

Brian Roewe | Jan. 30, 2014

Prosecutors in two Minnesota counties announced Wednesday that they will not pursue criminal charges against the St. Paul-Minneapolis archdiocese for failure to report clergy sex abuse allegations of two priests.

The investigations pertained to whether the archdiocese fulfilled its mandatory reporter duties in regard to two much-publicized cases: Fr. Curtis Wehmeyer and Fr. Jonathan Shelley. Details related to both men surfaced through documents and files provided to Minnesota Public Radio by former archdiocesan chancellor Jennifer Haselberger.

According to the Minneapolis *Star-Tribune* [1], Washington County Prosecutor Pete Orput said at a press conference he has closed the investigation into whether Shelley's computer contained pornographic images of minors after determining that none of the files met the statutory definition of what constitutes "pornographic work involving a minor." The investigation, which had previously closed in February 2013, reopened in October when the parishioner who originally reported the files to the archdiocese provided police an additional cache of photos.

It was Haselberger who had alerted police and who, in February 2012 and again that May, urged the archdiocese [2] to report to police the files on Shelley's computer that a private investigator in 2004 had determined "could be considered borderline illegal, because of the youthful male image." The archdiocese has contended that the images in question were unsolicited pop-up ads that attached to the hard drive without permission [3].

As for Wehmeyer, who pleaded guilty in November 2012 for sexually abusing two boys and possessing child pornography, Ramsey County Attorney John Choi and his office determined that the archdiocese did not violate the mandatory reporting requirement in relation to the case that led to his arrest. The law requires that alleged abuse be reported within at least 24 hours, but it omits information received by clergy during confession or from someone seeking spiritual advice.

In a letter made public [4] by the *Star-Tribune*, Choi said the investigation revealed that the mother of one of the alleged victims told a priest in confession June 5, 2012, that one of her sons had inappropriately touched his sisters. The priest advised the mother to notify the police; in a conversation later that day with a relative -- a former law enforcement officer -- the child said Wehmeyer had abused him.

Again in confession, the mother informed the priest of her child's revelation but gave him permission to contact the archdiocese. Between June 18 and June 20, 2012, a church victim's advocate contacted and met with the mother and the alleged victim. In a June 20, 2012, email, Deacon John Vomastek contacted a police commander in the family and sexual violence unit, informing him of the allegation and that Wehmeyer would be removed from ministry the next day.

From that information, Choi said, his office "concluded that we cannot prove beyond a reasonable doubt that a member of the Archdiocese violated the Reporting of Maltreatment of Minors Act." However, he indicated that an aiding-the-offender charge remains "on the table."

After the news conference, MPR News produced a document [5] that suggests the archdiocese sat on the

allegations for two days before alerting police June 20, 2012, via Vomastek's email. In the document labeled "decree," Archbishop John Nienstedt notes that on June 18, 2012, the archdiocese received a complaint that Wehmeyer had supplied alcohol and pornography to a minor and attempted to abuse the child; on June 20, the date the decree was written, Nienstedt said he concluded the allegation met the canon law standards to begin a preliminary investigation and assigned his vicar general at the time, Msgr. Peter Laird (who resigned in October 2013 as the scandal broke), to head the investigation.

An archdiocesan spokeswoman told MPR the document "can be easily misinterpreted."

Responding to the prosecutors' decisions, the archdiocese said it was "grateful" for the investigations and subsequent "clearing of the archdiocese in cases involving Curtis Wehmeyer and Fr. Jonathan Shelley."

"We have a shared interest with all civil authorities and our communities for the protection of children, and we remain in complete solidarity with both Ramsey County Attorney John Choi and Saint Paul Police Department Chief Tom Smith in calling for all victims of any form of abuse to immediately come forward to civil authorities," Jim Accurso, archdiocesan director of communications, said in a statement Wednesday.

Jeff Anderson, who has represented plaintiffs in the Wehmeyer case, criticized the Wehmeyer decision and at a press conference Thursday announced a new lawsuit against the priest and the archdiocese.

In the meantime, Nienstedt remains out of public ministry while a St. Paul police investigation explores an allegation of inappropriate touching by the prelate. In mid-December, a mandated reporter alerted police to a 2009 incident where Nienstedt allegedly touched the buttocks of a minor during a confirmation photo.

The St. Paul police chief indicated at the press conference that the investigation is near completed.

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