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Conspiracy counts dismissed in case against Philadelphia priests

by Matthew Gambino by Catholic News Service

PHILADELPHIA -- For weeks the words of Msgr. William J. Lynn in testimony before a 2004 Philadelphia grand jury investigating clergy sexual abuse were used against him by state prosecutors.

They intensified their use of the testimony and a trove of hundreds of archdiocesan memos and letters, narrated by Philadelphia police detectives and assistant district attorneys along with some four dozen witnesses, to show jurors in a landmark criminal case that Lynn, 61, former secretary for clergy of the Archdiocese of Philadelphia, was part of a conspiracy to protect priests and endanger children.

In a significant decision the day the prosecution rested its case, presiding Judge Teresa Sarmina on May 17 dismissed two counts of conspiracy against Lynn and another defendant, Fr. James J. Brennan, 48.

Only two counts of endangering a child remain against Lynn: one related to former priest Edward V. Avery, who pleaded guilty to sexually assaulting a boy in 1999; and another charge related to Brennan.

The latter now faces one charge of attempted rape, downgraded from the charge of rape in the Philadelphia grand jury presentment of 2011. His only accuser has testified that as a 14-year-old, he and the priest slept clothed in the same bed in 1996.

Both Lynn and Brennan have pleaded not guilty to their charges.

At the conclusion of the eighth week of the trial at the Criminal Justice Center in Philadelphia, the state's case built to a crescendo.

The archdiocese's top lawyer, Timothy R. Coyne, currently on leave of absence, voiced frustration with

top administrators of the church concerning a list of 35 priests suspecting of child sexual abuse which was compiled by Lynn in 1994.

"Somebody lied to me," he said on the witness stand as prosecutors and Lynn's defense lawyers sought to use the same piece of evidence to their own advantage.

His defense team has contended that the priest compiled the list to identify and resolve the problem of clergy sexual abuse in the archdiocese. The prosecution has painted the list as evidence of a conspiracy to conceal the nature and scope of the same problem.

Coyne testified that when he asked archdiocesan leaders about the list in 2002, no one knew of its whereabouts. A memorandum produced at trial indicated that Cardinal Anthony J. Bevilacqua, as archbishop of Philadelphia, had ordered in 1994 that the list be shredded. But a copy of it was kept secretly by a top administrator, Msgr. James Molloy, in his personal safe at the Archdiocesan Pastoral Center.

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The safe was only opened in 2006, and the document discovered, after Molloy's death that year.

The list was turned over to the court in February of this year just weeks before the landmark trial began.

Lynn's defense has tried to show jurors that Lynn's superiors, including Bevilacqua, Molloy, then-Msgr. Edward Cullen and then-Fr. Joseph Cistone, were responsible for assigning priests with allegations of sexual misconduct or abuse, with the cardinal possessing ultimate authority for assignments and policies to deal with the priests.

The cardinal led the Philadelphia Archdiocese from 1988 to 2003 and died in January.

Now-Bishop Cullen is the retired head of the Allentown Diocese; he was a Philadelphia auxiliary bishop from 1994 until late 1997, when he was named to Allentown. Now-Bishop Cistone is the current bishop of Saginaw, Mich., and was a Philadelphia auxiliary from 2004 until his appointment to Saginaw in 2009. Neither bishop has been called to testify in the case.

Prosecutors in the case allege that Lynn, the highest ranking priest in the United States to be charged with crimes related to the clergy sexual abuse scandal, endangered children by recommending assignments where Avery and Father Brennan had access to children.

Lynn's lawyers were to begin their defense case this week.

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