

Published on *National Catholic Reporter* (<https://www.ncronline.org>)

June 15, 2012 at 4:11pm

Latest hearing in case against Kansas City diocese, Bishop Finn

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NCR Today

KANSAS CITY, Mo. -- The latest pre-trial hearing in the first criminal case against a sitting bishop in the decades-long clergy sex abuse scandal was held Friday afternoon, with attorneys for Bishop Robert W. Finn and his diocese arguing with prosecutors mainly over issues of discovery.

Both Finn and his Kansas City-St. Joseph, Mo., diocese face trial this September in Jackson County, Mo., over separate criminal misdemeanor charges of failure to report suspected child abuse concerning their actions regarding a priest arrested last year for possession of child pornography.

Friday's hearing before Jackson County, Mo., Judge John Torrence concerned a number of motions filed by attorney's in the cases over the past months.

Primarily before the court was a motion filed by prosecutors requesting discovery of a large number of diocesan files regarding its handling of a number of other priests who have been previously accused of sexual misconduct.

Trisha Lacey, an assistant prosecuting attorney with the Jackson County, Mo., prosecutor's office, argued those files could be relevant to the prosecution's rebuttal in the case at hand, should the diocese or Finn's defense argue they had procedures in place that show it acted appropriately in the case.

Prosecutors, said Lacey, should be allowed to see what the nature of the previous allegations were, what steps were followed in those cases, and how they compare to the steps that were followed in the case at hand.

The case against Finn and the diocese stems from their actions regarding diocesan priest Fr. Shawn Ratigan, a local pastor who was arrested on child pornography charges in May 2011. Prosecutors say both Finn and the diocese should have reported Ratigan to police as early as December 2010, when they acknowledge becoming aware of lewd images of children on his laptop.

Jean Bradshaw, a lawyer with the Lathrop & Gage law firm who is one of several representing the diocese, responded to Lacey's arguments Friday by calling the request for documents a "red herring" that does not get to what he said was the root of the case at hand, whether Finn or the diocese should be considered "mandated reporters" in the Ratigan case.

Prosecutors' request, said Bradshaw, is "completely irrelevant and immaterial."

Citing the need to look into the issues involved, Torrence said attorneys could expect it to take about ten days before he reaches a decision on the matters at hand.

Also at issue in Friday's hearing was whether prosecutors should have access to the transcripts of people interviewed for a report funded by the diocese on its handling of the Ratigan case.

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That report, conducted by former U.S. attorney Todd Graves, found that in its handling of the case, "individuals in positions of authority reacted to events in ways that could have jeopardized the safety of children in diocesan parishes, school, and families."

Also at issue in Friday's hearing was whether prosecutors will be able amend their original charges against Finn and the diocese to include an additional count against each of failure to report suspected child abuse.

Also present at the hearing today was diocesan pastor Fr. Patrick Rush, who Finn announced in May had been given a special role in the diocese as "Episcopal Vicar with Special Mandate." In that role, a May announcement said, Rush is to be responsible for the ultimate decision making regarding the diocese's legal options in the Ratigan case.

Rush, said the announcement, "will provide 'independent representation, deliberation, and decision-making with executive power' concerning the criminal charge against the Diocese."

"Bishop Finn's letter of appointment stated that the decision to create an Episcopal Vicar with Special Mandate will 'avoid even the appearance of conflict concerning the juridical affairs of the diocese,'" the announcement continued. "The appointment carries the authority to make decisions independently of the bishop and will expire upon resolution of the case involving the Diocese."

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