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VICAR FOR ADMINISTRATION

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Bishop Law.

OFFICE OF THE SECRETARY

I am writing to you, to tell you that I am about to file a lawsuit, involving the Archdiocese of Boston, Sacred Heart Church, Weymouth, the Sisters of St Joseph and Fr Harold Johnson.

Roughly forty years ago, I was seduced by Fr Johnson. He was my confessor. He took advantage of my adolescent confusion and loneliness. He took advantage of information gained thru the confessional to satisfy his carnal needs.

I attended Sacred Heart School, Weymouth, for twelve years. I was also during that time an altar boy, choir boy and substitute organist.

I first contacted Fr Johnson, before Thanksgiving '91, to tell him of my pending lawsuit - and, to give him an opportunity to settle with me - out of court.

He has failed to contact me, even though, I told him I would contact you, as a last resort, before filing what could be a multimillion dollar lawsuit.

Two priests, possibly three and a nun, possibly a second, knew what was happening and did nothing to stop it.

My life has been pure hell, at times, because of Fr Johnson.

In January the enclosed news clipping made the Worcester Telegram. That abuse happened in Iowa, imagine what the local scandal will pat in the newspapers.

It is not my intention to cause the Catholic Church harm. It is my intention that Fr Johnson be exposed for what he has done to me and God only knows how many other young boys. It is also my intention to be compensated for what he has done to me.

I wonder how many other cases will come to light when the lawsuit is filed?

I hope and pray, you won't let this injustice be ignored, now, as it was ignored 40 years ago.

Court says landfill use wasn't larceny

A recent case involving a Leicester landfill attests to the proposition that the term "property" can throw you a curve.

It's like many words we think we can define until required to in some meaningful way. Much of the case law on the subject has involved the defining of property for tax purposes. Then you can plunge into distinctions between the tangible and intangible.

In the Leicester case, the Massachusetts Appeals Court says a defendant's unauthorized use of a landfill site without paying town fees should not have been the subject of a larceny complaint. The reason was that the landfill is not "property" under common law or the state larceny statute.

The result was that on Dec. 17 the court reversed the larceny conviction of Robert F. Rivers and ordered a judgment entered in his favor. Justice Raya Dreben wrote that Rivers' motion for a required finding of not guilty should have been allowed on the district court level. Also hearing the case were Justices Edith W. Fine and George Jacobs.

The court rejected the prosecution view that the property was the money owed the town for use of the landfill. "To consider the price or value of what is taken or used as 'money' would be a substantial departure from the concept of common law larceny, which was limited

to the taking of tangible personal property," wrote Justice Dreben. She referred to Blackstone's Commentaries on the Laws of England, as well as other legal texts and case law.

The court also took a dim view of the prosecution's alternative argument — that the subject of the larceny was "the value of the part of the landfill filled by the defendant."

Justice Dreben continued: "The theft of services or the unauthorized use of property was not ordinarily considered a criminal offense in the absence of special legislation." She said the prosecution's "all-inclusive" definition of property "ignores the historical development of larceny from its common law origins to its ever-widening statutory base." She said the prosecution definition also "defies our traditional policy of construing criminal statutes narrowly against the commonwealth (prosecution)."

The case summary says Rivers was charged with larceny and conspiracy to commit larceny in Spencer District Court on Oct. 11, 1988. The case was later tried before a six-member jury in Central District Court, Worcester. Judge Thomas F. Sullivan Jr. presided. Rivers was acquitted on the conspiracy count, which the Appeals Court said should not have been tried with the larceny charge without Rivers' consent.



Billings B. Kingsbury
Society and the Law

"The problem arises," the Appeals Court said, "because certain hearsay statements attributed to a deceased town official, which were admitted solely on the conspiracy charge ... may have contributed to the verdict on the larceny complaint." That could have happened, the court said, even though Judge Sullivan instructed the jury to keep the evidence separate.

The court said its reversal of the larceny conviction made it unnecessary to pursue the question of whether trying the two charges together, in the absence of Rivers' consent, risked a miscarriage of justice.

The decision says that Geoffrey E. Spofford represented Rivers before the Appeals Court and that Assistant District Attorney Claudia R. Sullivan appeared for the prosecution.

The case history says the town of Leicester operated a landfill where commercial haulers could deposit material for a price determined by the material's composition and quantity. The decision says the jury convicted Rivers of larceny on the basis of evidence he used the landfill without paying the amounts due. The complaint alleged larceny of property with a value exceeding \$250.

Sex-abuse suit against priest seeks \$17M

DES MOINES, Iowa (AP) — A \$17 million lawsuit brought by a former altar boy accuses a Rhode Island priest of sexually abusing at least 15 boys in the 1960s and claims church officials were aware of it.

Craig Perrin, now a 31-year-old Houston resident, first sued the Rev. Robert A. Marcantonio in June 1990. Perrin accused the priest of sexually abusing him while both were in Ames from 1973 to 1975.

The suit, refiled in U.S. District Court to take advantage of a change in Iowa's statute of limitations, seeks damages from Marcantonio and five Providence, R.I., church officials.

'FAILING TO SCREEN'

Both suits accuse the officials of failing to screen clergy properly and of breaching a duty to protect parishioners from known sexual abusers.

According to the suit, Roman Catholic Diocese officials were told in a 1970 letter from Providence psychiatrist Dominic L. Coppolino that Marcantonio was a homosexual who had been sexually involved "with a number of youngsters between the ages of 12 and 14."

Previously, Marcantonio "had been involved with from 10 to 15 different boys" in Rhode Island, Coppolino's letter said.