



**OFFICE OF STATEWIDE PROSECUTION'S  
REPORT ON SEXUAL ABUSE IN THE CATHOLIC CHURCH IN FLORIDA**

**November 6, 2020**

## **EXECUTIVE SUMMARY**

In October 2018, the Office of Statewide Prosecution (“OSP”) with the assistance of the Florida Department of Law Enforcement (“FDLE”) began an investigation into allegations of sexual abuse of children in Florida by priests of the Catholic Church (the “Church”). OSP began that investigation after reviewing the findings of a grand jury report by a Pennsylvania grand jury that found sexual abuse by Church priests and wrongful actions by the Church in response to reports of that sexual abuse. This investigation did not find any instances indicating children in Florida were currently in immediate danger of sexual abuse by priests. The investigation did identify ninety-seven (97) priests against whom allegations of historical sexual abuse were made. However, after careful examination of each allegation and the relevant criminal statutes, prosecution of those allegations is barred by either the applicable statute of limitations or intervening death of the accused priest. Likewise, the wrongful actions or inactions of the Church and its personnel in connection with those depraved acts are not prosecutable because either the applicable statute of limitations has expired or the person who committed that act is deceased. This past legislative session the Florida legislature modified the statute of limitations (HB 199) that barred the prosecution of the accused priests, but that change constitutionally cannot retroactively allow prosecution of any alleged perpetrator who may still be alive. With these hurdles removed, any future, similar misconduct can be prosecuted.

## **INVESTIGATION AND FINDINGS**

### **A. Summary of the Investigation Conducted**

In August 2018, a grand jury in Pennsylvania released a report that detailed seventy (70) years of clerical sexual abuse within that state. See Report of the 40<sup>th</sup> Statewide Investigative Grand Jury (2018) (hereinafter the “Pennsylvania Report”). Over three hundred (300) priests were listed by the grand jury who were accused of sexual misconduct and instances of cover up were described, several of which had ties to Florida. *Id.* Following the Pennsylvania Report, many jurisdictions followed suit and reported their findings within their states. Across the board, jurisdictions’ conclusions were consistent: the Church placed very little focus on victims and no substantial proactive policies for protecting children existed prior to 2002.

The Church in Florida is comprised of six Florida dioceses and the Archdiocese of Miami (collectively referred to as the “Florida Province”).<sup>1</sup> After the launch of the investigation in October 2018, OSP created and placed a link on the Department of Legal Affairs’ website for victims to report information related to the investigation. The inquiry highlighted the prevalence of incidents of abuse and the response by the Church. The investigation focused on those priests accused and the viability of their prosecution. Over two hundred sixty (260) tips were submitted regarding clergy abuse. All tips were reviewed, and the individuals involved with reporting were interviewed when possible. During the informational phase, tips unrelated to the investigation of the Church were forwarded to law enforcement for response and/or follow-up investigation. Additional tips were submitted by telephone and U.S. Mail. Overall, two hundred sixty-seven (267) tips were received and reviewed by OSP and FDLE

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<sup>1</sup> Province/Diocese/Archdiocese: A diocese is a district under the jurisdiction of a bishop. An archdiocese is a very large diocese in terms of Catholic population, and it is usually based in a large metropolitan area. It is not the “lead diocese” in a province as most believe, nor does an archbishop manage other dioceses.

during the investigation. It should be noted that no tip relating to the Church involved current conduct or imminent danger.

January 1, 2018 through April 17, 2020	2018	2019	2020
Hotline Messages	24	13	3
Correspondence under <i>Priest/Priest</i>	155	47	9
Correspondence under " <i>Follow Up</i> " assigned to Church Investigation	9	6	1

Figure 1

OSP sent inquiries and subpoenas to all Florida dioceses and the Archdiocese of Miami and met with each diocese and the Archdiocese of Miami. Simultaneous to this process, OSP and FDLE met with the bishop, chancellor and legal counsel of each diocese and the Archdiocese of Miami. Initially, documents requested included personnel files from both priests whom the Church had found to be credibly accused and from priests where the Church found allegations of sexual abuse unfounded. All dioceses of the Florida Province and the archdiocese participated and provided files.

The purpose of the initial request was to create a baseline for review of forms and documents and to examine the record keeping practices utilized by the Church. Future subpoenas were based on the forms and documents observed in this initial review in addition to consultation with other jurisdictions and subject matter experts.

This investigation focused on abuses by diocesan priests and did not explore each of the religious orders. However, the Society of Jesus, commonly known as the Jesuits, released a list of their priests accused of sexual abuse. This included Jesuits in Florida, primarily from the high schools in Tampa and Miami. As a result, the investigation reviewed allegations against those listed priests and included meetings with school presidents and other leadership at each involved school.

The investigation initially examined any allegation of abuse post 2002 in the Florida province which had not been criminally charged. The focus was to quickly determine the current practices of the dioceses in the Florida Province regarding the reporting procedures (both to the Department of Children and Families and/or to law enforcement) and the internal management of sexual abuse allegations by the Church. The intention was to determine if children presently within the Church were at significant risk of sexual abuse and to determine whether and/or how the Church now and in the recent past responded to allegations and accusations of abuse.

During all phases of this investigation, the Florida Province and its respective attorneys fully cooperated and responded readily. Interviews of selected church personnel were easily accomplished, including the Bishops and Archbishops themselves. Subpoenas were used to obtain documents, but the dioceses commonly volunteered additional information. The "Secret Archived Files" held by Bishops pursuant to Canon law were provided as requested.<sup>2</sup> Any concerns relating to matters which Church

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<sup>2</sup> Every diocese maintains a secret archive where more sensitive materials are kept pursuant to Canon 487.

attorneys felt were privileged or not subject for investigative review, such as some canonical files, were satisfactorily resolved.

In addition to that mentioned above, the investigation team spoke with victims, local prosecutors, plaintiff's attorneys suing the Church on allegations of abuse, advocates, community members, other attorneys general offices, district attorneys (from other states) involved in significant investigations of the Church, and subject matter experts. The investigation reviewed published lists from other jurisdictions and dioceses, reports, databases, and public records seeking additional subjects or information that would be useful in the investigation.

Special attention was paid to: (a) the age of the victim(s); (b) the type of misconduct alleged; (c) the date of the misconduct; (d) the reporting or lack thereof of the misconduct; (e) the handling of the allegation by Church leadership; (f) the prosecution of the allegation, if any; (g) the resulting status of the accused; and (h) other relevant and case specific matters as they arose.

The investigation uncovered no allegations indicating any immediate danger or ongoing abuse. Once the concerns over immediate danger were satisfied, the investigators turned their attention to the historical sexual abuse of children within the Church and what, if any, cover ups or concealments of those criminal acts were conducted by the Church. Finally, investigators determined it prudent to examine the manner of record keeping and transparency by the Church. At each point of the investigation, attention was given to whether and for what offense a priest or the Church itself may be subject to prosecution.

Each accusation was reviewed and evaluated by the investigative team. Because the cases were either procedurally barred by the statute of limitations, the accused was deceased, or the priest was already prosecuted (or in some cases the matter was reviewed by a State Attorney's Office and it was determined that charges should not be filed), no arrests or prosecutions resulted from the course of this investigation. Any case which had been criminally charged prior to this investigation was barred from prosecution by the double jeopardy clause of the United States Constitution.

## **B. Findings**

### **1. The Church**

Since 2002, the Florida Province has taken steps to address the culture of silence and concealment that existed prior to that time. Several of these practices include adherence to the Charter adopted by the United States Conference of Catholic Bishops ("USCCB").<sup>3</sup> From interviews conducted with Church leadership, we learned that even prior to the Charter, in 1988, Bishop John Snyder of the Diocese of St. Augustine suggested to other Florida bishops that steps should be taken by the Florida Province to begin proactively addressing sexual abuse by the clergy. As a result, precursors to the

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<sup>3</sup> The Charter for the Protection of Children and Young People (the "Charter") is a set of procedures and guidelines established by the USCCB in 2002 for addressing sexual abuse of minors by Catholic clergy. It has been subsequently revised.

Diocesan Review Board system presently in place in the Florida Province were initiated and reviewed at least some allegations of abuse.<sup>4</sup>

The investigation revealed that not only had a multitude of Church priests abused children within Florida historically, but Florida was one of the states to where priests, who were accused of committing such crimes in other locations, were routinely relocated. Although the investigation revealed that historically the Florida Province had a role in the overall Church sexual abuse problem, it also determined that Florida's overall numbers of accused priests remained lower than many other states.<sup>5</sup>

Historically, when priests were relocated to Florida, the investigation discovered that they were most often sent to the Diocese of Venice or the Archdiocese in Miami. It appeared that, when accused priests were relocated to Florida, Florida bishops were not always made aware of the abusers' history.

## 2. *Historical Abuse by Priests in Florida*

From the tips received, the documents reviewed, and our investigation, we were able to identify ninety-seven (97) priests that were accused of committing sexual abuse in Florida.<sup>6</sup> The cases of each identified victim were reviewed to determine whether criminal charges could be brought. OSP's conclusion was that none of the identified priests could be prosecuted because of one of several legal issues.

One of the issues faced by the investigative team in conducting its historical review was the statute of limitations. Florida, like many states, has statutes of limitations that apply to criminal actions which outline the time period within which a prosecution may be commenced. These time periods vary from state to state. The crime charged in a criminal case, determines the statute of limitations applicable and the statute of limitations that would apply to the conduct would be the law which was in effect at the time of the crime's commission. *Brown v. State*, 674 So.2d 738, 741 (Fla. 2d DCA 1995). The statute of limitations presented a challenge in this case because, much like reports from other jurisdictions, many alleged offenses occurred during the time when the statute of limitations provided a very narrow window for prosecution of these crimes. This narrow window, coupled with the common occurrence of delayed reporting by victims, barred many prosecutions from moving forward.

Additionally, the law pertaining to sex crimes has morphed historically because of advances in science and more familiarity with the actual crime itself. For example, there was a time when Florida law did not recognize underage males as victims of "forced carnal knowledge." Fla. Stat. § 794.01 (1971).

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<sup>4</sup> The Diocesan Review Board is an advisory committee that assists the bishop of a diocese in examining and assessing allegations of sexual abuse of minors by clergy or other church personnel. The Diocesan Review Board may also review and propose revisions to policies and procedures of the dioceses "Safe Environment" program.

<sup>5</sup> This may be attributed to Florida's demographics that show its Catholic population (approximately 25%) is much smaller than other states, particularly in the northeast United States. In addition, most of the Florida dioceses were established much more recently compared to other provinces. (<http://www.catholic-hierarchy.org/country/spcus1.html>)

<sup>6</sup> As detailed below, a more stringent analysis criteria was utilized to identify those priests who warranted documentation in this Report than may have been applied in prior investigations or reviews. As a result, the below list of priests may not include names of priests against whom the Church found credible allegations had been levied, but, did not meet the heightened level of scrutiny the investigation applied. Therefore, it is possible that the names of priests not documented within the instant Report have been included in a previous diocesan listing or may be listed in the future if more credible information becomes available.

This applied to a number of the accusations against priests, thus precluding prosecution then, and precluding prosecution now.

Another issue that the investigative team took into consideration was the Diocesan standard of “credibly accused.” This standard is challenging in it is lacking a uniform application and there is no generally accepted definition. The result has been a discretionary application by the Church. Some dioceses consider credible accused to mean an allegation could have taken place in terms of individuals involved, location, date, and plausibility while others find an accusation if it is more likely true than not true. (Keane, 2018) This broad discretion is an area in which the USCCB has sought guidance. (Keane, 2018) Because of the fluidity of the definition of credible accused within the Church, investigators reviewed each case of suspected abuse with a criminal standard, which is: a reasonable likelihood that a jury could return a verdict of guilt if there was sufficient admissible evidence of the criminal conduct, notwithstanding the statute of limitations or the death of the offender. This higher standard is that which prosecutors abide by when charging a criminal action.

In reviewing cases during this investigation, great weight was placed on evidence such as the existence of multiple victims who were abused at different times, multiple allegations made at different times, the verifiable conduct of the victims after the abuse that shows a detrimental effect, verbal admissions by the priest, admissions in court pleadings or other writings by the priest, criminal prosecutions against the priest, out of state conduct by the priest that could show a common scheme, plan, intent, modus operandi, intended victim and outcome, treatment at the various mental health facilities that occurred close in time to the allegation’s disclosure, and multiple assignment rotations after the abuse was alleged to have taken place. *Williams v. State*, 621 So.2d 413 (Fla. 1993).

**a. Alleged Priests in Florida and reason for impossibility of a criminal prosecution**

**A**

Jorge Acosta (*barred by statute of limitations*)

Richard Allen (*deceased*)

Russell Appleby (*previously prosecuted; deceased; part of Missionaries of the Holy Family*)

Arnulfo Arandia (*barred by statute of limitations*)

William Authenreith (*barred by statute of limitations*)

**B**

Donald Baier (*deceased*)

Norman Balthazar (*barred by statute of limitations*)

Arthur Bendixon (*barred by statute of limitations*)

Poliento Bernabe (*deceased*)

Laurence Boucher (*deceased*)

Richard Bowles (*deceased*)

Giles Brault (*deceased*)

George Brennan (*deceased*)

William Burke (*barred by statute of limitations; Salesian brother*)

## C

Francisco Carrera (*barred by statute of limitations*)

Charles Cassetta (*barred by statute of limitations*)

Richard Castellano (*barred by statute of limitations*)

Richard Castillo (*barred by statute of limitations*)

John Casula (*deceased, Salesian*)

Michael Cherup (*barred by statute of limitations; previously investigated*)

Benjamin Cieply (*barred by statute of limitations*)

Charles Cikovic (*previously prosecuted*)

Joseph Cinesi (*barred by statute of limitations*)

Innocente Clemente (*deceased*)

Edwin Collins (*barred by statute of limitations*)

James Coyle (*deceased*)

Timothy Crandall (*barred by statute of limitations; previously prosecuted for child pornography*)

## D

Rocco D'Angelo (*deceased*)

Neil Doherty (*previously prosecuted*)

John Dux (*barred by statute of limitations; previously referred to SAO*)

## E

Richard Emerson (*barred by statute of limitations*)

Thomas Engbers (*barred by statute of limitations*)

Rafael Escala (*deceased*)

## F

Miguel Fernandez (*deceased*)

Romano Ferraro (*barred by statute of limitations*)

Neil Flemming (*barred by statute of limitations*)

Frank Flynn (*previously investigated-in Ireland*)

Jonathan Franklin (*deceased*)

## **G**

Emilio Garcia (*deceased*)

Ernesto Garcia-Rubio (*deceased*)

Rolando Garcia (*barred by statute of limitations*)

Vijay Bhaskar Godugunuru (*previously prosecuted*)

Augustin "Gus" Griffin (*barred by statute of limitations*)

Joaquin Guerrero (*deceased*)

Alvaro Guichard (*barred by statute of limitations*)

Elias Guimares (*previously prosecuted*)

## **H/I/J/K**

Thomas Hidding (*deceased; Jesuit*)

Robert Huneke (*deceased*)

Jean Ronald Joseph (*barred by statute of limitations*)

Pedro Jove (*barred by statute of limitations*)

## **L**

Gerald LaCerra (*deceased*)

William Lau (*barred by statute of limitations*)

Ronald Luka (*barred by statute of limitations*)

## **M/N**

Jon Maliki (*barred by statute of limitations*)

William Malone (*deceased*)

Frances Maloney (*barred by statute of limitations*)

Otto Martinez (*barred by statute of limitations*)

Richard McCormick (*previous allegation was civil not criminal; deceased*)

David McCreanor (*barred by statute of limitations*)

John McCullen (*barred by statute of limitations*)

Edward McLaughlin (*barred by statute of limitations*)



Nicholas McLaughlin (*barred by statute of limitations*)

Thomas McNamara (*deceased*)

Anthony Mercieca (*barred by statute of limitations*)

Gustavo Miyares (*barred by statute of limitations*)

Michael Morse (*barred by statute of limitations*)

Juan Pablo Nickse (*deceased*)

## **O**

Terrence O'Donnell (*barred by statute of limitations; Salesian*)

Eamon O'Dowd (*deceased*)

Juan Ramon O'Farrill (*deceased*)

## **P**

Thomas James Pagni, III (*deceased*)

Anthony Parlangeli (*deceased*)

Jose Palimatton (*previously prosecuted*)

John Powell (*barred by statute of limitations; Jesuit*)

Cristobal DeJesus Puertas (*barred by statute of limitations*)

## **Q/R**

Lawrence Redmond (*deceased*)

Hubert Reason (*deceased*)

Michael Rhodes (*barred by statute of limitations*)

Harry Ringenberger (*barred by statute of limitations*)

Phillip Rigney (*deceased*)

Norman Rogge (*deceased; previously prosecuted; Jesuit*)

William Romero (*barred by statute of limitations*)

James Russo (*barred by statute of limitations*)

## **S/T**

Oscar Salazar (*barred by statute of limitations*)

Jan Sanders (*barred by statute of limitations*)

Robert Schaeufele (*previously prosecuted*)

Joseph Schneider (*deceased*)  
Trevor Smith (*previously prosecuted*)  
Edward Sokol (*previously prosecuted*)  
Arthur Van Speybroek (*deceased-1902 allegation no diocese*)  
Jeremiah Spillane (*previously prosecuted*)  
Thomas Sykes (*deceased*)  
Joseph Keith Symons (*barred by statute of limitations*)

#### **U/V/W/X/Y/Z**

Vernon Uhan (*barred by statute of limitations*)  
Donald Walk (*barred by statute of limitations*)  
J. Flanan Walsh (*barred by statute of limitations*)  
William Weinheimer (*barred by statute of limitations*)

#### ***b. Examples of Criminal Conduct that Occurred in Florida***

A simple list seemed insufficient to detail the depravity, abuse, and criminal conduct that occurred in Florida, and the investigative team thought it important to provide a couple examples, so that the public could understand what historically occurred in Florida.

##### ***i. Father Rocco D'Angelo***

In 1967, Father Rocco D'Angelo (D'Angelo) admitted that he sexually molested at least four boys between the ages of nine and fourteen while assigned to the Archdiocese in Miami. The families of the victims asked the Church to remove D'Angelo and were assured that D'Angelo would be sent to residential treatment and then removed. The Archdiocese did not contact authorities, nor did it notify the Church community, but sent D'Angelo to therapy to address his "'disease' of 'homosexuality' with young boys."

After D'Angelo's brief time in therapy, the Archdiocese took D'Angelo back to serve in the exact same parish in which he assaulted the young boys. When the victim's families discovered that the Archdiocese did not remove D'Angelo they complained to the Archbishop. Rather than removing D'Angelo, the Archbishop transferred him to the Diocese of Saint Petersburg where he continued to victimize children.

Records pertaining to D'Angelo revealed a memorandum in which one victim expressed feelings of hurt, shame, nervousness, and fear. Additionally, the files contained written admissions by D'Angelo and internal diocesan correspondence by the Archdiocese leadership confirming their knowledge of D'Angelo's conduct. There was also information to confirm that the diocese of St. Petersburg was aware of the sexual misconduct by D'Angelo prior to accepting him to serve.

At no time was law enforcement involved or even notified, and at no time was D'Angelo restricted from having contact with minors. D'Angelo was finally "retired" by the Church in 1994 after his last accusation came to light. He died in 2005.

**ii. Father Ernesto Garcia-Rubio**

Ernesto Garcia-Rubio, (Garcia-Rubio), was a Cuban priest who was sent to serve in the Archdiocese in Miami in 1968. Shortly after his arrival, the Apostolic Nuncio (Nuncio) sent confidential correspondence to the Archbishop about Garcia-Rubio.<sup>7</sup> He indicated that Garcia-Rubio was expelled from Cuba for "serious difficulties of a moral nature (homosexuality)." The Nuncio informed the Archbishop that he was being given this information so that the Archbishop could take whatever steps necessary to protect Garcia-Rubio with all "paternal charity."

The Archbishop responded in a letter that he was unaware of Garcia-Rubio's past abuses, but "I assure you that I will do what I can in every way to protect him and also to do so with charity in my heart." No mention was made in either letter of Garcia-Rubio's victims or the protection needed for any other children who may encounter him. He was known for befriending teens in need and convincing them that he could assist them. He would provide financial assistance, immigration documentation, and other necessities in exchange for sexual favors.

Archbishop Carroll allowed Garcia-Rubio to continue within the Archdiocese under supervision which loosely occurred for a short time after. During his time in Miami, Garcia-Rubio served the Hispanic communities, mostly immigrant families. It was from those communities that Garcia-Rubio chose his victims, which were estimated at over eleven. Garcia-Rubio would coerce the children for sexual favors, and if they did not agree, he would withhold aid to them.

In early March 1988, one of his parish's sisters wrote to then Bishop Norbert Dorsey about Garcia-Rubio's "preference" and the potential scandal that could ensue. In May 1988, the Archdiocese was provided statements and witnesses corroborating the abuse. Eight months later, in November of 1988, the Archdiocese authored a letter to parishioners in which it called Garcia-Rubio a dedicated and self-sacrificing priest whose reputation and ministry was in jeopardy because of unverified gossip and rumors. This was in response to a very damning article exposing Garcia-Rubio and the Archdiocese. In late 1988, the Archdiocese sent him to St. Luke's Hospital for treatment. Prior to his admission, correspondence from the Archdiocese leadership was sent to St. Luke's regarding Garcia-Rubio's evaluation, stating:

Over the years on and off there have been rumors and inuendos (sp.) concerning relationships with young boys. ...  
When granted Sabbatical to study at CELAM, his absence from the parish occasioned many more charges.  
He has now requested to serve in Central America. The Archbishop will not permit this until questions regarding orientation and possible correctness of pedophilia charges are revealed.

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<sup>7</sup> An Apostolic Nuncio serves as an ecclesiastic ambassador to the Holy See.

Notations in Garcia-Rubio's file indicate that "great caution and monitoring" was necessary. When the media became involved, the Archdiocese leadership wanted to all "be on the same page" regarding the movement of Garcia-Rubio. Documents suggest the Church made concerted efforts to deny any wrongdoing to the public, while internal documents showed otherwise. It was not until 1989 that the Archdiocese finally notified the prosecuting authority in Miami of the allegations against Garcia-Rubio but no prosecution occurred due to the statute of limitations having run.

Garcia-Rubio serves as a vivid example of the historic problem of child sex abuse in the Church and the unacceptable reaction to its discovery by the Archdiocese and the Vatican.

***c. Credibly Accused Priests Relocated to Florida by the Church***

In addition to the ninety-seven (97) priests listed above in this Report, this investigation identified eighty-one (81) priests who are listed as having been credibly accused based upon allegations made outside the State of Florida, but whom were transferred into, relocated to, or retired to the State of Florida subsequent to the date of the accusation. This number includes those priests who were transferred from out of the state, those who retired to the state, resigned or were given a leave of absence, or who took a sabbatical from the Church, or priests who were laicized. Consequently, these identified out-of-state priests were not necessarily part of any local diocese, but, may have merely lived within the territorial boundary of a local diocese. This investigation did not uncover that any of these priests committed any illegal act in Florida. This list demonstrates the Church's practice of relocating accused priests to Florida.

**A/B**

Susai Arul

Daniel Babis

Mark Balczeniuk

Charles Bartles

Donald Becker

John Bench

Hugh Behan

Thomas Benestad

Matthew Berko

Donald Bolton

Robert Bond

Claude Boudreaux

Robert Brague

Giles Brault

William Burke

Ronald Burt

**C**

Cornelius Carr

Guido Caverzan

Michael Cody

Walter Coleman

Norman Connelly

Absolom Coutinho

Thomas Creagh

Samuel Curry

**D**

Edward Derussy

Thomas Devita

Vincent Dilorenzo

Peter Duveldorf

John Dwyer

**E/F**

Anthony Failla

Richard Farwell

Matthew Fitzgerald

Martin Fleming

James Forsythe

Gregory Furjanic

**G/H/I**

Stanley Gana

Richard Giuliani

Lewis Hamm

Kenneth Hasselbach

Thomas Hatrel

George Hiland

**J**

Richard Johnson

Richard Jones

Edward Junquist

Michael Juran

**K**

John F. Keane

Anthony Keil

Timothy Kelley

John Kennington

Sean Kerins

Dennis Killian

**L/M/N**

Francis Landwermeyer

Marshall Larriviere

Marciel Maciel

Felix Maguire

Martin McCamley

John McMahan

Daniel McSheffery

James McSorley

Brian Mead

Salvatore Miraglia

Thomas Naughton

**O/P**

Anthony O'Connell

Thomas O'Donnel

Arthur O'Leary  
Vincent Orlando  
Patrick O'Toole  
Anthony Palmese  
Austin Park

**Q/R/S/T**

Raymond Rhoden  
Robert Spangenberg  
Timothy Sperber  
Thomas Squires  
Stanley Staniszewski  
John Sutton

**U/V/W/X/Y/Z**

William Wert  
William White  
John Whitely  
Thomas Zedar  
George Zirwas

***d. Concealment by the Florida Province***

The investigation also investigated for potential acts of criminal concealment or other criminal conduct by the Church and Church personnel, including bishops and archbishops. Much like the other states who undertook this review, the investigation examined historical records indicating that priests were repeatedly relocated after allegations arose in order to protect the offender or prevent public knowledge of the allegation. Historically, authorities were not notified of abuse. The investigation did not reveal current incidents of any misconduct, but there was evidence of past instances of misconduct. The investigation uncovered that in response to events elsewhere in the United States some bishops in the Florida Province, began taking action, protecting victims, and treating allegations of sexual abuse by priests seriously in the mid to late 1980s. Those efforts became more uniform after the 2002 Boston Globe's Spotlight series, which detailed sexual abuse in the clergy. The investigation found that since 2002 the Florida Province has taken action to deal with sexual abuse including adhering to the USCCB Charter.

The investigation found no act by the Church or other Church personnel that was prosecutable largely because, like the abuse itself, such acts were barred by the applicable statute of limitations or the person who committed the act is deceased. Two notable historical examples illustrate the Church's actions and inactions in Florida:

*i.* **Fathers Rolando Garcia, Alvaro Guichard, Richard Castellanos, Miguel Fernandez, Gerald Lacerra**

One of the most disturbing examples of the victimization of a young teen in Florida occurred in the early 1980s. At that time, the victim, who had entered the United States in 1980 during the Mariel Boat Lift, was living at a refugee facility operated by the Church. While there, he was victimized by a cook at the facility. The victim disclosed that abuse to the administrator, but nothing occurred after this disclosure.

The abuse got worse. While at the facility, the victim became acquainted with Rolando Garcia (Garcia) who at the time was a seminarian. Garcia befriended the victim and even took him to his parents' home. During one of their conversations, Garcia asked the victim to show him how he had been abused by the cook. It was shortly after this that Garcia molested the victim.

Because of the history of abuse, the victim began to suffer from violent episodes, and was sent to the Dodge Memorial Hospital for psychological counseling. It was there that the victim met Father Alvaro Guichard (Guichard) who worked at the facility. Guichard befriended the victim and transported him from the hospital to the rectory of the Church of the Little Flower where he served. He, too, sexually battered the victim. The next morning Guichard gave the victim money to silence him.

Throughout the course of his relationship with Guichard, the victim met several people including a Father Hector Gonzalez-Abreu (Gonzalez-Abreu). Gonzalez-Abreu was kind to the victim, and even introduced him to other priests who worked with the refugee population. One of those priests was Richard Castellanos (Castellanos). After meeting the victim through Gonzalez-Abreu, Castellanos began to socialize with the victim, and even offered to drive the victim home, which at the time was a foster care facility, after dinners out with other priests. It was during one of those commutes that Castellanos stopped at the rectory and engaged the victim in conversation about his prior abuse. He took advantage of the victim's vulnerability and sexually battered him and told him he would take care of him including giving him money and stability as a refugee.

While still being abused by Castellanos, the victim was then brought to Our Lady of Divine Providence because there was a program for Cuban teenagers. He met Garcia-Rubio (detailed in Section B(2)(b)(ii) above) there who also sexually battered him.

During these times, the victim told Gonzalez-Abreu of these abuses. It was not long after that the victim was invited to a Thanksgiving dinner where Monsignor Gerald Lacerra (Lacerra), who at the time was the Chancellor of the Archdiocese in Miami, was present. In the victim's presence Gonzalez-Abreu informed Lacerra of the abuses committed against the victim. Lacerra asked the victim to speak privately and when they went into another room, Lacerra asked the victim to show him how he was abused. Lacerra began to molest the victim. During his time in the Miami area, the victim was taken to West Palm Beach by Lacerra, and while there, he met Father Miguel Fernandez who also took liberties with the victim.



When Gonzalez-Abreu learned of this, he made efforts to have the victim relocated for his protection. He was sent out of state but fell into the hands of yet another abusing priest.

As tragic as this victim's abuse was, there was only one priest who tried to help him. Gonzalez-Abreu tried to no avail to let Lacerra know about the abuse on at least two separate occasions. Lacerra told Gonzalez-Abreu that he would investigate the matter, but nothing was done. Further, Gonzalez-Abreu learned from Castellanos and Garcia-Rubio that they had sexually battered the victim when they bragged to him about their conquests. Gonzalez-Abreu also let the Church know that he witnessed Guichard destroy an audiotape that purportedly contained the confessions of the priests on it.

## **ii. Father Neil Doherty**

Father Neil Doherty (Doherty) was considered one of the most prolific child abusers in the history of the Florida Province. His history of abuse shows 30 years of allegations made against him all following the same pattern. In fact, new allegations were made during the course of this investigation. Doherty was tasked with providing counseling to troubled boys from eight (8) years old to seventeen (17) years old. After gaining their trust, he gave them alcohol, money, and gifts in exchange for sex. Victim after victim complained throughout the course of his time at the Archdiocese, but Doherty had very powerful friends in church leadership willing to turn a blind eye to his abuse.

As early as 1968 when Doherty was undergoing the process of becoming incardinated in the Archdiocese in Miami, the Church had indications that he lacked some qualities to be a good priest. After a psychological evaluation, his record showed that he was deemed unsatisfactory, yet the Church continued to put him on track to become a priest.

His conduct raised suspicions in 1971 when he ran a teen drug rehabilitation facility that was raided for its criminal activity. Other priests let church leaders know that Doherty should not be placed in such positions. But the Church did not heed that warning.

In 1972, Doherty went through the extraordinary measure of "adopting" one of the troubled teens he worked with. Witnesses observed Doherty taking the teen into his bedroom, where they slept. Archbishop Carroll was notified of this but turned a blind eye to Doherty's conduct. The only action that the Church took was relocating Doherty to a Ft. Lauderdale church.

While there, he continued to befriend young troubled children through his counseling, some young enough to still be in elementary school. He encouraged them to call him "Gus," talked about sexual activities, gave them alcohol and drugs, and did not conduct the counseling session. He often took them on car rides or trips where alcohol and drugs and pills were given to them. Victims passed out or fell asleep only to be awoken by Doherty performing sex acts on them or with them.

Victim after victim reported similar conduct at the hands of Doherty. Church officials had plenty of warnings. Accusations were levied against Doherty early and were in his diocesan file. Yet no action was taken against him, nor was that conduct reported to law enforcement as required by law.

This inaction continued throughout Doherty's checkered career. In 1983, one of Doherty's victims disclosed the abuse to a mental health counselor who contacted then Bishop Edward McCarthy. He too failed to act. No investigation, no interviews, no statements were taken. The victim became addicted to drugs and his life spiraled out of control. Several years later, the victim went back to the

Church trying to get money for drugs from Doherty. He was given money from a petty cash fund, and an investigation was opened by Monsignor Gerald Lacerra. However, it led to nowhere.

Shortly thereafter, a different victim's family came forward to Lacerra. This time, during the investigation, Lacerra sent Doherty to the Institute of Living in Connecticut. In one of the most damning pieces of evidence showing the leadership's negligence was a letter from Lacerra to the Institute's officials in which he stated "[i]f perchance your report would ever be placed under subpoena, the archdiocese could look quite negligent for not having immediately removed Fr. Doherty from his pastoral assignment."

Time and time again, Church leaders dismissed the mounting allegations, including the new Bishop, John Favalora (Favalora), who had replaced the deceased Bishop McCarthy and Monsignor Tomas Marin who had replaced Lacerra when he passed away in 2000.

But this changed in 2002. Like many dioceses around the nation who felt the shockwave of the 2002 Boston Globe's Spotlight series, the Archdiocese in Miami reacted. Monsignor Marin catalogued all current priests with allegations of abuse, and finally, Doherty was removed from his position, well over twenty years and countless victims later. He resigned shortly thereafter.

Finally in 2011, Doherty faced criminal charges for sex crimes which fell within the statute of limitations. Other victims of Doherty would not have their cases prosecuted because of the statute of limitations. In 2013, Doherty pleaded guilty and received fifteen years in the Florida Department of Corrections where he remains today.

### **CONCLUSION**

This investigation did not uncover any current or ongoing, unreported sexual abuse by priests or criminal conduct by the Church. It did uncover historical criminal allegations in Florida against ninety-seven (97) priests. None of those priests could be prosecuted because the priests are either dead or the statute of limitations ran before this investigation began. This investigation also uncovered that the Church frequently relocated priests to Florida from elsewhere after they were accused of sexually abusing children outside of Florida. Often the Church did so without providing notice to anyone, including officials in the new diocese or archdiocese of the prior accusations of sexual abuse of children. This potentially placed Florida's children at a higher or heightened risk. Finally, this investigation uncovered historical acts by the Church and its personnel that enabled sexual abuse of minors in Florida by its priests and prevented or obstructed discovery, investigation, and prosecution of such crimes. The Church and its personnel cannot be prosecuted for such acts because of the statute of limitations that applies to such crimes, which ran before this investigation began.

This investigation uncovered that in the mid to late 1980s the Florida Province began to take allegations of sexual abuse more seriously and over time that seriousness that it took against such depraved acts increased and culminated when the Florida Province adopted the Charter in 2002. From the investigation, it appeared that the Florida Province is notifying appropriate authorities in writing of every allegation made against a priest. The Province cooperated fully in this investigation, including the bishops and archbishops. The Province seems committed to righting past wrongs, practicing zero-tolerance, and complying fully and timely with Florida's reporting requirements in every instance of suspected abuse.

Last year, Florida changed its statute of limitations (HB 199) with respect to sexual abuse. Florida law also has evolved with respect to how sexual abuse is defined. Both these legal hurdles prevented this investigation from resulting in any prosecutions. With these hurdles removed, any future, similar misconduct should be able to be prosecuted.