

DIOCESE CITED FOR WITHHOLDING EVIDENCE FEDERAL MAGISTRATE IMPOSES SANCTIONS IN SEXUAL-ABUSE CASE

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ABSTRACT (ABSTRACT)

The diocese violated a court order by failing to tell Frank Martinelli, 50, who claimed to have been abused as a teenager by the Rev. Laurence Brett, that it had settled two other similar claims against Brett. Despite not learning of the other claims until shortly before trial, Martinelli won a \$750,000 damage award against the diocese last summer. Coincidentally, a federal judge Tuesday denied a long-pending motion to overturn the award.

A jury last summer found that the diocese fraudulently concealed evidence that Brett had abused boys during the 1960s while a priest in Stamford and then at Fairfield University and in Sacramento, Calif. It awarded \$750,000 in damages and recommended that the judge also award Martinelli attorney fees.

FULL TEXT

The Roman Catholic Diocese of Bridgeport must pay \$33,195 in sanctions for withholding evidence about a priest during a sexual-abuse case last year, a federal magistrate ordered Tuesday.

The diocese violated a court order by failing to tell Frank Martinelli, 50, who claimed to have been abused as a teenager by the Rev. Laurence Brett, that it had settled two other similar claims against Brett.

Despite not learning of the other claims until shortly before trial, Martinelli won a \$750,000 damage award against the diocese last summer. Coincidentally, a federal judge Tuesday denied a long-pending motion to overturn the award.

The original case and Martinelli's call for sanctions revolved around the same question: Did the Diocese of Bridgeport conceal a priest's sexual abuse of boys – both as it was occurring in the 1960s and then again in the 1990s as a court sought the truth?

A jury last summer found that the diocese fraudulently concealed evidence that Brett had abused boys during the 1960s while a priest in Stamford and then at Fairfield University and in Sacramento, Calif. It awarded \$750,000 in damages and recommended that the judge also award Martinelli attorney fees.

U.S. Magistrate Judge Thomas P. Smith on Tuesday concluded that the diocese or its lawyers disobeyed his order to share all documents relating to Brett, but he did not say if he believed the concealment was deliberate. To order sanctions, the magistrate only had to find that there was negligence.

Smith said the late disclosure caused a delay in the trial and forced Martinelli's lawyers to quickly conduct depositions with Brett's other victims in California and New Jersey. The \$33,195 in sanctions will reimburse Martinelli's lawyers for the extra expenses incurred.

Martinelli was led to the other victims by other documents that the diocese did disclose, but those documents did not include details on the church's settlements.

"It was certainly not a willful act on the part of the diocese, and we think the magistrate saw that," said Tom Drohan, a public relations consultant hired by the diocese. Its lawyers, Robert C. Danaher Sr., Matthew G. Conway and Joseph T. Sweeney, did not return calls for comment.

Smith did not address Martinelli's claim that the diocese's failure to promptly disclose the other settlements caused a judge's pretrial ruling that limited what the jury could consider against the diocese. That is left to the trial judge, U.S. District Judge Janet B. Arterton.

Drohan said that the church accepts the sanctions ordered by Smith, but that it will appeal Arterton's separate affirmation of the \$750,000 award.

"We are clearly disappointed with Judge Arterton's ruling and, quite frankly, very surprised," Drohan said.

Arterton upheld the jury's verdict and damages in a 53-page ruling that rejected various claims by the diocese, including that it has no relationship of trust with its young parishioners.

The diocese also claimed that the statute of limitations had passed for Martinelli, who did not file suit until 1993, and that the First Amendment right to religious freedom barred the court from exploring its fiduciary relationship with the faithful. Arterton rejected those claims.

Martinelli, now living in Milwaukee, could not be reached for comment Tuesday night.

In 1962, Martinelli was a teenager thinking of becoming a priest; Brett was a newly ordained and charismatic priest assigned to Martinelli's parish, St. Cecilia Church in Stamford.

He said that Brett, who led a close-knit group of boys who called themselves "Brett's Mavericks," seduced him into having oral sex.

"It's OK," the priest said, according to Martinelli. "It's another way of receiving Holy Communion."

Martinelli said he suppressed the memories of three sexual encounters until 1991, when an old friend from Stamford mentioned that he had been abused by Brett.

It turned out that Brett had acknowledged to the diocese that he had abused boys. The church told him to feign hepatitis and ordered him to a facility in New Mexico. Diocesan officials never tried to determine how many boys had been affected, Martinelli said.

Martinelli said he suffered a loss of faith and many other problems. During the trial, he testified, "The big deal is I'll never really know what my life could've been -- and would have been like if Father Brett hadn't abused me as a kid."

DETAILS

Publication title:	Hartford Courant; Hartford, Conn.
Pages:	A1
Number of pages:	0
Publication year:	1998
Publication date:	Apr 1, 1998
Section:	MAIN (A)
Publisher:	Tribune Publishing Company LLC
Place of publication:	Hartford, Conn.
Country of publication:	United States, Hartford, Conn.
Publication subject:	General Interest Periodicals--United States
ISSN:	10474153

Source type: Newspapers

Language of publication: English

Document type: NEWSPAPER

ProQuest document ID: 256041358

Document URL: <https://search.proquest.com/docview/256041358?accountid=10341>

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Last updated: 2011-09-19

Database: Hartford Courant

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