

DEFINITIVE SENTENCE

IN THE CASE OF
THE REV. MARVIN T. KNIGHTON

CDF 

In the name of God. Amen.

This case is explicitly subject to the Pontifical Secret (*ex. 25, Graviora Delicta, Normae Processuales*); this applies to all information, processes and decisions associated with this case (*Secreta conistere*, February 4, 1974 [*AAS* 66 1974, pages 89-92]).

1 **I. FACTS SPECIES:**
2

3 The Rev. Marvin T. Knighton was ordained to the Roman Catholic priesthood for the
4 Archdiocese of Milwaukee, Wisconsin on May 24, 1975. On February 25, 2002, Mr. [REDACTED]
5 [REDACTED] accused Father Knighton [hereinafter: *reus*] of sexually abusing him
6 on a number of separate occasions. This information is found in the Sexual Abuse Intake Report
7 taken by Dr. Barbara Reinke, PhD. [Tribunal File, pages 001 & 002].
8

9 A second allegation was introduced by Attorney Nick Kostich alleging that the *reus*
10 sexually abused [REDACTED] on or about June 25, 2002. A third
11 accusation was made by [REDACTED] on or about January 17, 2003.
12 These allegations were brought to the attention of the then-Archbishop of Milwaukee, the Most
13 Reverend Rembert G. Weakland, OSB.
14

15 Following the prescribed preliminary investigation, the Diocesan Review Board and the
16 Archbishop found that none of the allegations involving these victims were either frivolous or
17 false. It was determined that the allegations carried the semblance of truth and were credible,
18 and, in accord with the norm of law, they were then referred to the Congregation of the Doctrine
19 of the Faith (hereinafter: *CDF*) for direction as to the process to be used. The *CDF* directed that
20 a penal judicial trial be conducted in the Tribunal of the Archdiocese of Milwaukee and granted a
21 derogation from prescription.
22

23 Exercising his office as Promoter of Justice for the Archdiocese of Milwaukee, on
24 February 4, 2005, the Reverend Philip D. Reifenberg, JCL, presented to the Judicial Vicar of the
25 Archdiocese of Milwaukee, the Very Reverend Paul B. R. Hartmann JCL, a libellus charging the
26 Reverend Marvin T. Knighton, a priest incardinated in the Archdiocese of Milwaukee, with
27 offenses against the sixth commandment of the Decalogue involving the sexual abuse of three
28 minors. All of the incidents are alleged to have occurred within the Archdiocese of Milwaukee.
29 In response to the libellus, a collegiate tribunal was constituted on March 21, 2005 by the Most
30 Reverend Timothy Dolan, DD, Archbishop of Milwaukee, consisting of the [REDACTED]
31 [REDACTED]
32

33 the Archdiocese of Chicago, as associate Judges. The Promoter of Justice is the Reverend Philip
34 Reifenberg, JCL; (hereinafter: Promoter"). The duly-mandated Advocate of the *reus* is Mr. J.
35 Michael Ritty, JCL, PhD, (hereinafter: "Advocate"). A penal trial against Father Knighton was
36 then begun.
37

38 It should be noted that at the start of the case, the Advocate raised objections to the role
39 that the [REDACTED] of the Archdiocese of Milwaukee would play
40 in the case because of his connection to the Archdiocesan officials and structures who are being
41 presumed as those leveling the charges against the *reus*. During the discussion of the three judge
42 panel it was noted - within the norms of Canon Law and the historic manner in which trials are
43 to be handled - a penal trial would normally be staffed by members of the local clergy as judges
44 within the local tribunal. Thus, the use of two outside judges out of the three on the collegiate
45 tribunal is itself exceptional in the eyes of the law. This exception is a contemporary
46 accommodation that is used to react to the unique circumstances of this time in history. Given

1 that there are two out of the three judges who do not have any objections raised against them by
 2 the Advocate, nor has the Promoter objected to the empanelled Tribunal, it is felt that equity and
 3 fairness could be protected and maintained. Thus, the objections of the Advocate to the role of
 4 this associate judge were set aside.

5
 6 In accord with Canon 1513, §1, the *contestatio litis* was conducted on July 1, 2005, and
 7 the doubt was formulated in the following fashion:

- 8
 9 1) Is the Reverend Marvin T. KNIGHTON guilty of offending against
 10 the sixth commandment of the Decalogue with Mr. [REDACTED]
 11 who had not completed his sixteenth year of age until the time of
 12 offense?
 13
 14 2) Is the Reverend Marvin T. KNIGHTON guilty of offending against
 15 the sixth commandment of the Decalogue with [REDACTED]
 16 who had not completed his sixteenth year of age at the time of the
 17 offense?
 18
 19 3) Is the Reverend Marvin T. KNIGHTON guilty of offending against
 20 the sixth commandment of the Decalogue with Mr. [REDACTED]
 21 who had not completed his sixteenth year of age at the time of the
 22 offense?
 23

24 Also, by the same decree the *prases* incorporated into the *acta* the Clergy Personnel File
 25 [hereinafter: Clergy File] and the Chancery File [hereinafter Chancery File] of the *reus*, and the
 26 transcript of the Civil Trial of the State of Wisconsin versus the Reverend Marvin T. Knighton
 27 [hereinafter: Civil Trial]. According to the norm of Canon 1516, by the same decree the *prases*
 28 directed that the *reus*, as well as those nominated as witness by the Advocate and the Promoter,
 29 be cited for their testimony.
 30

31 **II. IN IURE.**

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 33
 34 Mindful that this matter was similarly legislated by the 1917 Code of Canon Law in
 35 Canons 2358 and 2359, §2, the Court begins with the legislation concerning this delict from the
 36 1983 Code of Canon Law for the Latin Church:

37
 38 Can.1395. §1. A cleric who lives in concubinage, other than the
 39 case mentioned in can. 1394, and a cleric who persists with scandal
 40 in another external sin against the sixth commandment of the
 41 Decalogue is to be punished by a suspension. If he persists in the
 42 delict after a warning, other penalties can gradually be added,
 43 including dismissal from the clerical state.
 44

45 §2. A cleric who in another way has committed an offense against
 46 the sixth commandment of the Decalogue, if the delict was

1 committed by force or threats or publicly or with a minor below
2 the age of sixteen years, is to be punished with just penalties, not
3 excluding dismissal from the clerical state if the case so warrants.
4

5 The grave nature of this delict and of allegations of this delict is further indicated by the
6 derogations granted by the Holy Father on April 25, 1994. In a rescript responding to a petition
7 made by the United States Conference of Catholic Bishops [*hereinafter* USCCB], the Supreme
8 Legislator conformed the norm of Canon 1395, §2 to the norm of Canon 97, §1 so that for an
9 initial period of five years, this delict would involve offenses against the Sixth commandment of
10 the Decalogue with anyone below the age of eighteen years. In the same rescript he modified
11 prescription so that a criminal action would not be extinguished until a longer period of time had
12 passed. This particular legislation was made more explicit and extended to the universal Church
13 by *Sacramentorum Sanctitatis Tutela (Graviora Delicta)* of April 30, 2001.
14

15 Article 4 of the Substantive Norms of this *motu proprio* legislates:
16

17 §1. Reservation to the Congregation for the Doctrine of the Faith is
18 also extended to a delict against the Sixth Commandment of the
19 Decalogue committed by a cleric with a minor below the age of
20 eighteen years.
21

22 §2. One who has perpetrated the delict mention in §1 is to be
23 punished according to the gravity of the offense, not excluding
24 dismissal or deposition.
25

26 With regard to this delict, in response to a petition made by the USCCB, on December 8,
27 2002 the Apostolic See gave the *recognitio* for the Norms that upon promulgation became
28 particular law for two years for the Church in the United States of America. Upon expiration of
29 the time period, the Apostolic See gave the *recognitio* to the revised Norms; these were
30 promulgated on May 5, 2006 and became particular law for 'the dioceses, eparchies, clerical
31 religious institutes and societies of the apostolic life of the United States with respect to all
32 priests and deacons in the ecclesiastical ministry of the Church in the United States...[note #1]'.
33 In this matter, the particular law for the Church in the United States legislates:
34

35 For purposes of these Norms, sexual abuse shall include any
36 offense by a cleric against the Sixth Commandment of the
37 Decalogue with a minor as understood in *CIC*, canon 1395, §2 and
38 *CC/EO* 1453, §1 (*Sacramentorum Sanctitatis Tutela*, article 4, §1)
39 [Preamble, final paragraph].
40

41 When even a single act of sexual abuse of a minor by a priest or
42 deacon is admitted or is established after an appropriate process in
43 accordance with canon law, the offending priest or deacon will be
44 removed permanently from ecclesiastical ministry, not excluding
45 dismissal from the clerical state ... [Norm 8]
46

1 ...If the case would otherwise be barred by prescription, because
 2 sexual abuse of a minor is a grave offense, the bishop/eparch may
 3 apply to the Congregation for the Doctrine of the Faith for a
 4 derogation from the prescription, while indicating relevant grave
 5 reasons... [Norm 8A]

6
 7 Mindful of the norm of law with regard to the passage of time as it
 8 applies to this delict (Canon 1362), in view of the *recognitio* given
 9 to the above-cited legislation, it is noted that a derogation from
 10 prescription may be given.

11
 12 In understanding what constitutes a juridic offence against the Sixth Commandment of
 13 the Decalogue, the opinions of Moral Theologians are to be considered. The focus of these
 14 manualists is sacramental confession, but they provide analyses of what constitutes the act, the
 15 gravity of the act and the significance of intentionality. This enables a clearer understanding of
 16 the nature and scope of the delict. This is necessary because allegations of this delict often
 17 involve more, or actions other, than just a completed act of sexual intercourse, either
 18 heterosexual or homosexual. There are a variety of possible physical contacts as well as a
 19 complex psychological dynamic which the delict can entail. As the law simply states the name
 20 of the delict, and there is little available dicasterial jurisprudence, these analyses assist the judges
 21 in assessing whether or not a delict has been committed, and if so the magnitude of the act.

22
 23 With regard to determining the possible sexual content and moral gravity of an act which
 24 involves solely touching or other physical contact, the Reverend Henry Davis SJ, comments:

25
 26 *Si vero protrahantur sine causa et concomitante delectatione*
 27 *vererea sunt gravia peccata* (Moral and Pastoral Theology
 28 [London & New York: Sheed and Ward, 1959], vol. II, page 248).

29
 30 If the act has been protracted and lacks a justification while providing sexual
 31 gratification, then it is gravely sinful, and concomitantly a crime. In describing the nature of
 32 imperfect, that is non-consummated, same-sex acts, the Rev. Edward Genicot, SJ writes:

33
 34 *Imperfecto dicitur quando inter personis eiusdem sexus non datur*
 35 *coitus seu copula (applicatio corporum cum penetratione et*
 36 *effusione seminis) sed concubitus tantum, i.e. applicatio*
 37 *corporum et unius saltem genitalium, sine penetratione sed cum*
 38 *voluptate complecta conaturaliter sequente, ut si fit inter duas*
 39 *feminas, vel etiam inter duos viros it tamen ut effusion seminis*
 40 *extra vas posterum peragatur* (*Institutiones Theologiae Moralis*
 41 *[Bruxellis: L'Édition Universelle S.A., 1939], vol. I, page 319).*

42
 43 With regard to physical contact, if it is because of *tantum officii, aut moris patrii, aut*
 44 *amoris honesti vel benevolentiae augendae causa*, it may not be a violation of the Sixth
 45 Commandment of the Decalogue (opagecit., page 331). However, if the act is motivated by
 46 sexual pleasure, then it is a violation of the Sixth Commandment of the Decalogue:

Hoc actus ponere intendendo delectationem veneream complectam vel incomplectam, semper grave peccatum est, ex intentione luxuria directe voluntaria... (opage cit., page 329).

In Moral Theology if the intention which motivates an act is for venereal pleasure, it is grave matter: thus it would be the delict. For such gravity of matter, it is not necessary that there be complete sexual intercourse, either heterosexual or homosexual. Incomplete, that is imperfect, acts which are motivated by a desire for sexual or psychologically venereal pleasure are grave matter and consequently fit within the definitions of the delict. In determining the character and gravity of act, what is intended is of more significance than the completed emission of semen in some particular action.

With regard to physical contact, the Reverend Antonio M Arregui, SJ teaches:

Tungere ...sine justa causa morose et cum commotione venerea mortale est ...[tangere] etiam supra vestem, generalim mortale est... (*Summarium Theologiae Moralis ad Codicem Iuris Canonici accommodatum* [Bilbao: Editorial El Mensajero del Corazón de Jesús, 1952], #268).

Thus even contact over clothing may be grave matter and consequently a delict. This will be articulated clinically by the various *periti* who are quoted below. In determining the responsibility for, and the gravity of, an act, the classic Moral Theology manual by the authors H. Noldin, SJ and A. Schmitt, SJ underscores the subjective significance of the person who is acting:

Delectatio igitur venerea (vel pollutio) in causa voluta grave est peccatum, si ipsa causa ex se graviter in turpem commotionem influit (*Summae Theologiae Moralis, vol I De Principiis, De Sexto Praecepto* [Romae: Oeniponte, 1924], #13).

And more specifically with regard to personal responsibility:

Si fiunt ex prave et libidinoso affectu, licet ex se parum in libidinem influant ut aspectus mulieris, contrectatio manus etc., semper grave peccatum sunt propter intentionem gravile malam; ideo nihil refert, utrum actus ipsi magis an minus turpes sint... Si fiunt ex sola intentione delectationis sensualis leve peccatum sunt, nisi inducant proximum periculum commotionis carnalis et consentiendi in delectationem veneream, ut evenire potest, si cum aliquo affectu et mora exercentur (opagecit., #52).

In discussing alternative sexual appetites, the authors comment:

1 *Peccata, quae ab iis committuntur, qui hac perversione laborant,*
 2 *sunt pollutiones per tactus provocatae et concubitus sodomitici. Si*
 3 *perversa inclinatio in pueros fertur, paederastia vocatur, ...*
 4 *(opagecit., #47).*

5
 6 With regard to actual physical contact, even over clothing, they write:

7
 8 *Tangere personam eiusdem sexus in partibus inhonestis sine iusta*
 9 *causa grave est, etsi mediate supra vestes tantum fiat, quia multum*
 10 *commovet... Tangere personam eiusdem sexus in partibus minus*
 11 *honestis exclusa prava intentione, vix erit peccatum, saltem*
 12 *grave... (opage cit., #55).*

13
 14 An external violation of the Sixth Commandment of the Decalogue can involve simply
 15 physical contact. Therefore, a complete act of sexual intercourse, either heterosexual or
 16 homosexual, is not required. If the intention of the contact is for sexual pleasure, then it is a
 17 violation of the commandment; if it involves a minor it is also a canonical delict. This is
 18 succinctly stated by a *peritus* in the law who describes in a negative fashion what constitutes the
 19 delict:

20
 21 *Non è necessario che gli atti di lussuria siano consumati, ma*
 22 *bastano anche atti non consumati, quali toccamenti o baci*
 23 *libidinosi, contatti di organi sessuali, ecc. (Antonio Calabrese,*
 24 *Diritto Penale Canonico [Città del Vaticano: Libreria Editrice*
 25 *Vaticana, 1996], page 354).*

26
 27 This juridic understanding of a violation of the Sixth Commandment of the Decalogue,
 28 based on Moral Theology, did not begin with the 1983 Code of Canon Law. Commentators on
 29 the 1917 Code of Canon Law commonly held that 'an offense against the sixth commandment'
 30 refers generically to 'crimes of lust' (Pio Ciprotti, *De consummatione delictorum attentio eorum*
 31 *elementum obiectivo: Caput IV, Apollinaris 9 [1936], pages 404-414]. Bringing together both*
 32 *the insights of Moral Theology and the juridic norms, the Catechism of the Catholic Church*
 33 *states the following:*

34
 35 The tradition of the Church has understood the sixth
 36 commandment as encompassing the whole of human sexuality (n.
 37 2336).

38
 39 Along with the teaching of moral theologians, to understand this delict, and in accord
 40 with the norm of law (e.g., Canon 1574), the researched, validated, and generally accepted
 41 insights of psychology and the mental health disciplines are quite relevant. This is important not
 42 just to provide an intellectual framework to comprehend the delict, but also to evaluate the facts,
 43 the testimony and all other evidence to determine if the clinical indicators of the delict are
 44 present. The opinions of *periti* are needed not just for the juridic theory but also for the
 45 evaluation of proofs.

46

1 Consistent with the above-quoted canonical opinion, the American Academy of Child
2 and Adolescent Psychiatry has defined sexual abuse of minors in the following manner:

3
4 Sexual abuse of children refers to sexual behavior between a child
5 and an adult or between two children whom one of them is
6 significantly older or uses coercion. The perpetrator [offender] and
7 the victim may be of the same sex or the opposite sex. The sexual
8 behaviors include touching breasts, buttocks, and genitals, whether
9 the victim is dressed or undressed, exhibitionism [indecent
10 exposure], fellatio [oral stimulation of the penis], cunnilingus [oral
11 stimulation of the female vaginal area], and penetration of the
12 vagina or anus with sexual organs or objects. Exposure to
13 pornographic material is also sexually abusive to children
14 ...(*Practice Parameters for the Forensic Evaluation of Children
15 and Adolescents who may have been physically or sexually abused,*
16 *1997*)
17

18 The literature indicates that there is no definitive indicator of a sexually abused child, but
19 there are symptoms that present frequently in young survivors; these include anxiety/numbing,
20 hypersensitivity, depression, alcohol and/or drug use, problem sexual behaviors, and aggression.
21 Another symptom is an attachment abnormality; the victim cannot give up the attachment to, and
22 involvement with, the perpetrator [Ross Colin, The Trauma Model: A Solution to the Problem of
23 Comorbidity in Psychiatry (Manitou Communications: 2000) page 286]. In defining sexual
24 abuse of a minor, the American Academy of Pediatrics notes the significance of age symmetry in
25 differentiating sexual abuse and sexual play; what may be sexual play for age-symmetrical
26 individuals is abuse for age-asymmetrical individuals:
27

28 The sexual [abuse] activities may include all forms of oral-genital,
29 genital, or anal contact by or to the child, or nontouching abuses,
30 such as exhibitionism, voyeurism, or using the child in the
31 production of pornography. Sexual abuse includes a spectrum of
32 activities ranging from rape to physically less intrusive sexual
33 abuse. Sexual abuse can be differentiated from "sexual play" by
34 determining whether there is a developmental asymmetry among
35 the participants and by assessing the coercive nature of the
36 behavior. Thus, when young children at the same developmental
37 stage are looking at or touching each other's genitalia because of
38 mutual interest, without coercion or intrusion of the body, this is
39 considered normal (i.e., nonabusive) behavior. However, a 6-year-
40 old who tries to coerce a 3-year-old to engage in anal intercourse is
41 displaying abnormal behavior, and the health and child protective
42 systems should be contacted although the incident may not be
43 legally considered an assault. Children or adolescents who exhibit
44 inappropriate sexual behavior may be reacting to their own
45 victimization. (Committee on Child Abuse and Neglect, Guidelines
46 for the Evaluation of Sexual Abuse of Children)

1
2 Echoing the teachings of the moral theology manualists, an Australian National Child
3 Protection Clearinghouse research paper spoke of sexual abuse of a minor as relating to any use
4 for sexual gratification:
5

6 Put simply, child sexual abuse is the use of a child for sexual
7 gratification by an adult or significantly older child/adolescent
8 (Tower 1989). It may involve activities ranging from exposing the
9 child to sexually explicit materials or behaviors, taking visual
10 images of the child for pornographic purposes, touching, fondling
11 and/or masturbation of the child, having the child touch, fondle or
12 masturbate the abuser, oral sex performed by the child, or on the
13 child by the abuser, and anal or vaginal penetration of the child.
14 Sexual abuse has been documented as occurring on children of all
15 ages and both sexes, and is committed predominantly by men, who
16 are commonly members of the child's family, family friends or
17 other trusted adults in positions of authority... Finkelhor (1979)
18 argued against the term sexual assault and sexual abuse because he
19 felt they implied physical violence which, it was contended, was
20 often not the case... Finkelhor favored the term sexual
21 victimization in order to underscore that children become victims
22 of sexual abuse as a result of their age, naivete and relationship
23 with the abusive adult. (Issues in Child Abuse Prevention Number
24 5 Summer 1995, Update on Child Sexual Abuse, by Adam M.
25 Tomison [Research Fellow]).
26

27 Observing the above-quoted reference to 'trusted adults in positions of authority' and
28 flowing from the juridic delineation of the delict, the Court is mindful of the issue of
29 answerability. It is the presumption of the law that the actor (in this circumstance, a cleric) is
30 responsible for his behavior, unless the opposite of this presumption of the law can be proved.
31 This is the presumption in the doctrine and jurisprudence dealing with matrimonial consent
32 (Canon 1101) and it is the presumption in penal trials as the following canon notes:
33

34 Can.1321, §3: When an external violation has occurred,
35 imputability is presumed unless it is otherwise apparent.
36

37 The Court then turns to the substantive material upon which a decision about the delicts
38 that have been alleged will be made. Direction for this judicial *munus* is provided again both by
39 doctrine and jurisprudence. The general norm is that proofs of any kind that seem useful for
40 adjudicating the case can be brought forward (c.f., Canon 1527, §1). More specifically, a norm
41 addresses the manner in which the Tribunal of judges uses the proofs:
42

43 Can. 1608 §1. For the pronouncement of any sentence, the judge
44 must have moral certitude about the matter to be decided by the
45 sentence.
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§2. The judge must derive this certitude from the acts and the proofs.

§3. The judge, however, must appraise the proofs according to the judge's own conscience, without prejudice to the prescripts of law concerning the efficacy of certain proofs.

§4. A judge who was not able to arrive at this certitude is to pronounce that the right of the petitioner is not established and is to dismiss the respondent as absolved, unless it concerns a case which has the favor of law, in which case the judge must pronounce for that.

The norm of Canon 1572 is also of significance because so much of the act is the testimony of witnesses. That Canon legislates how such testimony is to be evaluated:

Can. 1572: In evaluating testimony, the judge, after having requested testimonial letters if necessary, is to consider the following:

- 1^o what the condition or reputation of the person is;
- 2^o whether the testimony derives from personal knowledge, especially from what has been seen or heard personally, or whether from opinion, rumor, or hearsay;
- 3^o whether the witness is reliable and firmly consistent or inconsistent, uncertain, or vacillating;
- 4^o whether the witness has co-witnesses to the testimony or is supported or not by other elements of proof.

Of significance also is the norm of Canon 1579, §1 which directs the Court to consider not just the conclusions but also the other findings of the case which a *peritus* might identify. This norm, which is evident also in Rotal jurisprudence, pertains whether the *peritus* is appointed by the Court or a professional whose work is incorporated into the *acta* from previous efforts with the same party.

Given the antecedent *iter processualis* of these cases in the United States today, the norm of Canon 1536, §2 must also be noted. Because *in tempore difficile* statements may have been made, it is essential that the evidentiary weight assigned to such statements be guided by canonical doctrine:

Can. 1536: ...

§2. In cases which regard the public good, however, a judicial confession and declarations of the parties which are not confessions can have a probative force which the judge must evaluate together with the other circumstances of the case; the

1 force of full proof cannot be attributed to them, however, unless
2 other elements are present which thoroughly corroborate them.

3
4 In a further elaboration of the above-cited canonical norm, the jurisprudence teaches that
5 the truth emerges not from one or other element but from the whole complexus of the case. In a
6 decision dealing with a case of simulation, a Rotal Auditor has noted:

7
8 *Quod utem spectat pondus argumentorum, quibus iudex*
9 *requisitam moralem certitudinem sibi comparare valet, recolatur*
10 *veritatem non esse ex uno alterove elemento eruendam, sed ex toto*
11 *causae complexu (coram Rogers, 19/XII/64, #6, as found in*
12 *S.R.R.Dec. 56 [1964], page 956).*

13
14 The truth comes not from one or another element, but from all the elements taken
15 together. Similarly in a decision dealing with simulation rendered by an earlier Rotal Auditor:

16
17 *Quae etiam veritas resultat aliquando ex multis indiciis et*
18 *probationibus, quae sumpta seorsim certitudinem vix ingerunt, at*
19 *unita maxime iuvant (coram Felici, 17/VI/52, #2, as found in SRRD*
20 *44 [1952], page 418).*

21
22 This jurisprudence on the whole complexus, or constellation of facts if you will, of
23 indices underscores the significance, in the evaluation of proofs, of patterns of behavior. Again,
24 the decisions of the Rota dealing with simulation of consent, both total and partial, illustrate the
25 judicial importance of such patterns of behavior. In a decision resolving a case on the grounds of
26 simulation of consent *contra bonum fidei*, a noted Rotal Auditor wrote:

27
28 *Confessio itaque simulantis non necessario verbis factenda est:*
29 *sufficit sicut factis, quae verbis sunt aliquando eloquentiora.*
30 *Idemmodo tamen facta sint plura, sint certa, sint univoca, id nempe*
31 *in communi aestimatione demonstrent, noluisse partem*
32 *contrahentem se vinculo matrimonii obstringere (coram Felici,*
33 *24/IV/56, #3, as found in SRRD 48 [1956], p 403).*

34
35 As then Msgr. Felici noted, if the behavior is present, it is not necessary that the proper
36 words be used to respond to the question before the Court; the facts speak louder than the words.

37
38 For the finding of this Tribunal, because the presumption of the law is the innocence of
39 the *reus* (2006 Essential Norms, Norm 6), the Reverend Judges must have moral certitude to
40 overcome the presumption of the law and find for his guilt. The Code legislates this requirement
41 in Canon 1608, as quoted above. With regard to moral certitude, it must be remembered that the
42 dynamic of this canonical standard of proof differs from common law. In common law, not only
43 is believability figured into the standard, but also the quantity of evidence; thus, the language is
44 phrased as 'the preponderance of evidence' and 'beyond a reasonable doubt'. In canonical
45 doctrine, while the quantity of evidence is a consideration, the dynamic uses the quality of the
46 evidence more significantly. In the former, quantity can affect the weight of the evidence. In the

1 later, the search for truth moves toward an act of moral judgment about the quality of what has
2 been brought forth. It is the exclusion of a reasonable doubt that does admit the absolute
3 possibility of the contrary. This is significant in a case in which the evidence is the narrative of
4 the parties, along with the background, circumstances and context that surrounds them. Moral
5 certitude requires a judgment about the quality of what both parties have presented and the
6 context of the situations, which are taken as a whole. As Pius XII stated in his address to the
7 Roman Rota on October 1, 1942:

8
9 Sometimes moral certainty is derived only from an aggregate of
10 indications and proofs which, taken singly, do not provide the
11 foundation for true certitude, but which, when taken together, no
12 longer leave room for any reasonable doubt on the part of a man of
13 sound judgment. This is in no sense a passage from probability to
14 certainty through a simple cumulation of probabilities, which
15 would amount to an illegitimate transit from one species to another
16 essentially different one...; it is rather to recognize that the
17 simultaneous presence of all these separate indications and proofs
18 can have a sufficient basis only in the existence of a common
19 origin or foundation from which they spring, that is, in objective
20 truth and reality... Consequently, if in giving the reasons for his
21 decision, the judge states that the proofs which have been adduced,
22 considered separately, cannot be judge sufficient, but that, taken
23 together and embraced in a survey of the whole situation, they
24 provide the necessary elements for arriving at a safe definitive
25 judgment, it must be acknowledged that such reasoning is in
26 general sound and legitimate. (#2)

27
28 And of added relevance is the further statement of the Holy Father of the relationship of
29 procedure to the attainment of this moral certitude:

30
31 Hence you see why, in modern, even ecclesiastical, procedure, the
32 first place is given, not to the principle of juridical formalism, but
33 to the maxim of the free weighting of the evidence. (#4)

34
35 With regard to the integrity of judicial procedure, the Reverend Judges are distinctly
36 mindful of the right of defense. As the Code specifically legislates:

37
38 Can. 1620 A sentence suffers from the defect of irremediable
39 nullity if ...

40
41 7° the right of defense was denied to one or the other party; ...

42
43 To understand what the right of defense correctly entails in a judicial process, the
44 Reverend Judges look to the jurisprudence of the Apostolic Tribunals. In a decision of the
45 Roman Rota, the present Dean writes:

46

1 *Quare substantiali iure defensionis is certo spoliatus habetur, qui*
 2 *nec actioni a parte adversa in iudicium deductae contradicere*
 3 *valuit ob agendi rationem ipsius Tribunalis, nec probationes*
 4 *tempore instructionis collectas impugnare, nec propriam*
 5 *deklarationem iudicalem facere, nec argumenta exhibere quoad*
 6 *factum circa quod iudicium versabatur...* (coram Stankiewicz,
 7 22/XI/84, #5, as found in Monitor Ecclesiasticus 113 [1988], pages
 8 320-327).
 9

10 That is, a substantial denial of the right of defense takes place when the adversarial party
 11 is not able to offer a contradiction, or when he is not able to oppose the proofs which have been
 12 gathered, or when he is not able to present his own side of the story in court, or when he is not
 13 able to present arguments about the contested issue in court. This is further enunciated in a
 14 decree of the Apostolic Signatura:

15
 16 *Admitti nequit doctrina Tribunalis circa ius defensionis partis*
 17 *conventae, quod non solum requirit ut conventa audiatur, verum*
 18 *etiam ut iure contradicendi reopse gaudeat* (SA 19989/88 VI, art.
 19 C, n. 4).
 20

21 Foundationally, the right of defense consists not just in being heard, but in having the
 22 opportunity to contradict the evidence. However, the jurisprudence also teaches that this is not
 23 merely a formalism. In this, the Rota echoes the teaching of Pius XII that was quoted above. In
 24 assessing the integrity of a judicial process, the Rota assesses whether or not the parties know the
 25 proofs and have an opportunity to respond to them. Commenting on the difference between
 26 observing all the solemnities and the essentials of the judicial process, in a marriage case the
 27 then-Dean Pompedda observes:

28
 29 *Concludendum quapropter est defuisse quidem iudicii*
 30 *sollemnitates sed essentialia processus (actricis petitionem,*
 31 *determinationem obiecti litis, citatione malterius partis, Vinculi*
 32 *Defensoris interventum, facultatem sese defendendi utriusque*
 33 *partis) tecta servata fuisse, atque ideo processus nullitatem*
 34 *nullomodo sustineri* (coram Pompedda, 17/VI/85, #16, as found in
 35 SRRD 77 [1985], page 291).
 36

37 In understanding the right of defense, the Reverend Judges look to the opportunity to
 38 know and react to the proofs; they look to the essentials of the process. The creative innovation
 39 of non-Codal procedural steps will be understood as faux-solemnities urged upon the Court by a
 40 zealous Advocate. However, the appropriate efforts of a responsible Advocate are required by
 41 the norm of law (Canon 1723).
 42

43 Finally, the Reverend Judges recall the force of particular legislation in the application of
 44 a penalty for this delict. As cited above, Norm 8 of the 2006 USCCB Essential Norms required
 45 that if there is moral certitude about the delict having been committed, then 'permanent removal
 46 from ecclesiastical ministry, not excluding dismissal from the clerical state' is indicated.

1
2 III. *IN FACTO*.

3
4 The Tribunal first notes that with regard to the question of determining probative value,
5 the guiding principle of recent years has always been the 1942 address by Pope Pius XII to the
6 prolate auditors of the Sacred Roman Rota. In that address the Holy Father indicated that the
7 Church's Tribunal system must rest on the finding of truth wherein it is the "the aggregate of
8 proofs and indications" that lead to judge's moral certitude. This being said, it is not necessarily
9 the quantity of evidence that becomes the determinate of probative value, it is how the facts and
10 the details themselves can integrate one with another and come to form a complete picture. Thus,
11 a seeming insufficiency in a singular proof can be completed by the presence of another proof or
12 even a mere "indication."

13
14 The generally accepted commentary of the Code of Canon Law on the notion of moral
15 certitude defines said moral certitude as "the firm and unwavering assent of the mind to a
16 proposition accepted upon evidence taken from the normal mode of action and human conduct,
17 evidence which the mind finds sufficient to win its full assent." The pursuit of moral certitude
18 entails a quality and qualifiers in our thoughts and deliberations. This Tribunal has maintained a
19 good and clear notion of the standard of proof expected of it and a keen awareness of the true bar
20 to be reached in order to establish such moral certitude.

21
22 The Tribunal now addresses the argument of the Advocate for the *reus* regarding human
23 memory. The Advocate for the *reus* in this case raises in his brief questions regarding the notion
24 of a malleable "human memory." What the Advocate wishes to do is to call into question the
25 manner in which details can be conveyed to the court in the process of instructing a case after
26 some twenty or thirty years. While there is serious reason to consider these questions (such is the
27 underlying motive for the Church's rules on prescription), some of the Advocate's offerings are
28 not necessarily applicable because they can in no way, in any given case, be proved or disproved.
29

30 For example, note the list of "professionally accepted statements" (an assertion which, it
31 self, is given very limited citation and justification) about the use of "post-event information
32 (PEI)." The Advocate conveys that "it is true that such PEI does shape memory but there is no
33 way to determine whether or not 'memories can be created' nor is it possible to, on the face of
34 them, distinguish between a created memory and an actual representation of facts." Given the
35 required evaluation and use of discretion by the judges, the nature, and resolution thereof, of
36 conflicting testimony before a court remains absolutely the same in the judgment process of the
37 officers.

38
39 The Advocate also indicates that "people can fill in details of what they think they
40 remember." But here the Advocate's premise argues that there is some greater context that has
41 some degree of truth to it, and only secondary details themselves might be at variance. This
42 creates a problem for the Advocate, who on occasion, will argue that it is in the inaccuracy of
43 detail on the part of witnesses and therefore the greater picture must be called in question. But is
44 this call to the judges actually supported by his premised theory, or is it essentially undermined?
45

1 The last point to be made relates to the Advocate's own assertion that "the human
 2 memory is malleable, active and vulnerable to various influences." This should be recognized as
 3 a statement that, in essence, cuts both ways. To the same extent that whatever circumstances
 4 might cause a person to recall or to attribute recollections to the actions of another when they are
 5 in the position of alleged victim or witness, would seem to hold equally applicable to the
 6 memory of the *reus*. It seems logical to assert that after twenty or thirty years from the incident
 7 being denied, the *reus* likewise can have an equally strong belief in his own innocence. Could
 8 not his own memory of the circumstances or even the facts have been marred by this same factor
 9 of malleability. This, according to the Advocate's premise, might be the case even without
 10 broaching the possibility of intentional fabrication or obscuring of facts.

11
 12 The Advocate indicates that a person (the one making the allegation) may look at
 13 otherwise innocent behavior and attribute to it the look of sexual abuse. It would seem possible
 14 to also say that a person (the one accused) could, in retrospect, look at behaviors that might
 15 constitute sexual abuse and through the lens of their own mind and their own malleable memory
 16 see only innocent behavior on their own part, especially since it is a common human trait to
 17 rationalize one's own behavior.

18
 19 Given these preliminary observations, the Court now addresses the issue that there were
 20 other witnesses, in addition to those mentioned above, that were willing to testify to the good
 21 character of the *reus*. However, in this regard, the prosecuting attorney in the civil trial of the
 22 *reus* made the following observation:

23
 24 Nobody has gotten up and said Father Knighton is a terrible human
 25 being. Nobody's asking you to judge his worth as a human being.
 26 You're asked to decide whether or not he assaulted a person.
 27 Good people do things that are crimes. Bad people do good things.
 28 [Civil Trial, Afternoon, August 22, 2003, page 163].

29
 30 In response to the allegations, the testimony of opposing witnesses and other material in
 31 the *acta*, his Advocate presents the perspective of the *reus*. In general, this comprises
 32 reiterations of innocence and the presentation of character witnesses. The Advocate also
 33 attempts to impeach the credibility and the veracity of the accusers. The Advocate emphasizes
 34 the problems the complainants were experiencing in their lives at the time of the alleged
 35 incidents of abuse and the dysfunction in their families. But, it must be noted that conversely,
 36 the *reus*' ability to detect such dysfunction could be understood to have made them candidates
 37 for such exploitation.

38
 39 The complaints were only placed years after the alleged abuse; clinicians cited in the Law
 40 Section speak commonly of the lengthy passage of time before such behavior is shared. The
 41 Advocate used terms such as "transference" and "flashbacks" in an attempt to discredit the
 42 complainants; however, the Advocate did not develop a logical, cogent argument about these
 43 matters. The Advocate presents the verdict of [REDACTED] civil suit as a proof of the innocence of
 44 the *reus*. The Advocate has placed a great deal of evidentiary weight on letters of support, as
 45 well as the testimony of friends; while such material demonstrates that the *reus* was successful in
 46 some of his ministry, it does not directly address the issues in the formulation of the doubt

1
2 Indeed, while many of the things the *reus* has done may not be classified in the technical
3 sense as crimes either in canon or civil law, the fact is that he has demonstrated from the
4 beginning of his clerical life on March 7, 1972, that he does not feel bound to observe church
5 law and its concomitant disciplines, or be obedient to lawful church authority if that mean
6 contradicting his own wishes. His own friend, [REDACTED] candidly states:
7

8 Marv has always talked about his great love for the priesthood and
9 felt that that was his calling and his vocation. Yet at the same
10 time, he wanted to do what he felt he wanted to do. Authority is
11 one big hurdle for Marv, and that has always been a hurdle for
12 Marv [Penal Trial, Witness "K", page 18].
13

14 [REDACTED] had previously given an example of this in his testimony:
15

16 We were at the seminary at that time in the theologate. Father
17 lived at Holy Angels, as a seminarian at that time. He did not live
18 on the seminary campus which was required, and somehow he was
19 able to exceed that requirement [Penal Trial, Witness "K", page 3].
20

21 While there the *reus* gave people the impression he was a legitimately sanctioned church
22 minister. While there he committed an offense against the sixth commandment with [REDACTED]
23 [REDACTED] An offense that likely would not have occurred if he had been living at the major
24 seminary with the rest of his ordination class.
25

26 The investigator assigned to the case of the *reus*, Robert Beyer, makes the following
27 statement after reviewing Archdiocesan files of the *reus*:
28

29 His records reflect that he is an independent person. He took a job
30 at Whitnall High School, and adopted three sons without first
31 discussing the situation with the Archdiocese, and without prior
32 approval from the Archbishop. There is correspondence in his file,
33 which was written by Fr. Knighton, indicating that he does not like
34 to live in a rectory setting, but prefers to have the privacy of living
35 by himself. Fr. Knighton has not always been happy with his
36 assignments and has let the Archdiocese know about it through
37 correspondence. There is correspondence in his file indicating that
38 he has done a good job in his assignments and was well liked. But
39 there is also correspondence which is critical of his job
40 performance [Tribunal File, "Confidential Sexual Abuse
41 Investigation", page 066].
42

43 Not only Mr. Beyer, but anyone who reviewed the correspondence of the *reus* with his
44 lawful superiors, would arrive at a similar assessment. (Notable here also is the eventually lived
45 contradiction to his expressed preference to live "by himself.") The Advocate tries to rationalize
46 his behavior in relation to superiors with this defense:

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While it is admitted that Father Knighton has not always acted in accord with the wishes of his bishop, he nonetheless has acted in an upright, moral manner. He has always followed his conscience to meet the moral obligations of a priest to the needs of the Church and its people. There has never been any punishment or penal sanction placed against Father Knighton for his actions. True, Father Knighton is not a submissive, compliant, and passive priest. Yes, there are copies of letters and materials from and to Father Knighton in the acts. Father Knighton can be direct, forthright, blunt, outspoken - all good American qualities.

During his priestly career, Father Knighton kept writing to his archbishop, communicating with him, sharing with him his hopes, his goals, his convictions, his respect and affection, along with his anger and frustration about various things. It is true that Father Knighton takes initiative; therefore he is not passive and submissive. Who would want a leader or a priest who is passive and submissive? Among some clergy it has been a common saying to state, "It is always easier to ask for forgiveness than it is to ask for permission." While a canonist or a legislator might not so quickly express such a statement, the practical and pastoral minded among the clergy frequently do so. Certainly, Father Knighton seems to have held this sentiment [Defense Brief]

Unfortunately, the Advocate for the *reus*, like the *reus* himself, might desire this Tribunal to function on sentiment rather than canons and legislation. A blatant example of this is found in the September 11, 1988 letter of the *reus* in which he informs his lawful superior, Archbishop Rembert Weakland, that he is finalizing his adoption of a ten year old boy and a six year old boy [Clergy File, pages 216-217]. The Archbishop replies:

You have a pattern of doing what you please and then informing superiors. I simply want to go on record that I have not given you my permission to adopt the two children that you speak of in your letter.

You cannot continue, Marv, to go on just doing what you please and then informing the rest of us later and expect that God's blessings will be abundant on your life and on your ministry [Clergy File, pages 218].

The September 22, 1988 letter of the *reus* in reply to this letter of the Archbishop clearly demonstrates that he will accept no one's judgment of him or his ministry. He alone decides whether he is a "faithful" priest. This can be seen in the following lengthy, verbatim excerpt from that letter:

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Your last paragraph bothered me even more! "You cannot continue, Mayv, to go on just doing what you please..." Your generalities, your judgemental comments are enough to make me disgorge.

I have been a priest for this Archdiocese for thirteen years. I was ordained by the late and loving Archbishop William E. Cousins. I served at St. Anne's parish on the north side for one year. I was then assigned to Pius XI High School in 1976 and remained there until 1987. Now, could you please have the courtesy of being specific how I have been doing as I please?

When I sought to look for a job in the public school, I came to you seeking your opinion. Sure I sent out applications, but I was open to your opinions and would have respected it.

As priest, I haven't been charged with any legal offense in this city nor state that would cause embarrassment to the priesthood. As priest I have not done anything against the Code of Canon Law that would cause me to be tagged as "doing as I please." I have in my estimation have been faithful as a servant; people would vouch for that!

Maybe the difficulties doesn't lie with me Rembert. Maybe the difficulty is with you and your uncomfortableness of dealing with me and anyone who strive to be free in living the Gospel. By free, please don't interpret it doing what I damn well please. Maybe your uncomfortableness of relating with those who disagree with you is your problem. It seems that one can never disagree with you or be their own person. If they choose to do so, they are left in the cold! This has been my experience with you in the past and I choose not to allow that as an hindrance to my growth as person and priest.

If I am such a problem to you as you mentioned; I am willing, and this I mean I am most willing to leave and go elsewhere. I don't need this rash judging that I have received from you or anyone else because they fail to know who I am really am. I am tired of being judged from afar.

I gather you are under much stress with this event of Mr. [REDACTED] and now the passing of a good man, Archbishop William E. Cousins. Whatever is going with you; you must realize that I am not a lap dog and such unfounded comments and criticism I don't appreciate. I find it most uncharitable, offensive and totally unfair

1 to me and how I've served in this diocese [Clergy File, pages 224-
2 225].

3
4 By comparing this letter to the fullness of material in his Clergy File, it can be noted that
5 the *reus* apparently glosses over both the abrupt ending of his multi-year assignment to St.
6 Ann's parish, and the manner in which he was "assigned" to Pius XI High School. The *reus*
7 sent a copy of this letter to the auxiliary bishop, the Most Reverend Richard J. Sklba, who sent a
8 reply dated October 13, 1988. In this reply Bishop Sklba notes: "I do know that a vast number of
9 priests feel that you have charted your own course without much prior consultation." [Clergy
10 File, pages 229]

11
12 A review of the Chancery File clearly indicates that the *reus* had conflicts with this same
13 Archbishop William E. Cousins, whom he tries to portray as understanding him so much better
14 than Archbishop Weakland. In his letter dated July 13, 1975 (barely nineteen days after he was
15 ordained a priest by this same Archbishop Cousins) the *reus* writes the following:

16
17 To go to St. Ann's on a full-time basis at this point would be unfair
18 to the people, to the Team and to myself, my heart is not there and
19 would not be there. To go there by force would be done out of
20 Blind Obedience and that I don't believe in. [Chancery File, page
21 023].

22
23 In his reply, Archbishop Cousins reminds the *reus* of the promise of obedience that he
24 had publicly made in his recent ordination ceremony:

25
26 The question now concerns your carrying out of the promise of
27 obedience you made upon the occasion of your Ordination. You
28 say in your letter, "I promised obedience to you and your
29 successors. I promised these vows, and by the Grace of the Father,
30 I will keep them". This is all that is being asked of you. Your
31 implied insistence upon an appointment to Pius XI High School is
32 at variance with your consistent statements that it is your desire to
33 serve. You must immediately recognize that service cannot be
34 confined or restricted to personal preference [Chancery File, page
35 024].

36
37 Even his friend and classmate, [REDACTED], states: "I think Marv has always found it
38 relatively easy for him to exceed regulations and discipline that did not suit his purpose" [Penal
39 Trial Testimony, Witness "K", page 5].

40
41 Having established that the *reus* alone decides for himself what his proper actions are, the
42 Tribunal notes the following defense statement of the Advocate:

43
44 In the case at hand, Father Knighton has a long history of
45 involvement with both the education and pastoral care of young
46 people. Indeed, many years ago a number of boys went swimming

1 together with Father Knighton. Three of the boys from that long
2 history now accuse Father Knighton of sexual misconduct. The
3 three accusers seem each to come from troubled backgrounds.
4 There seems to be some interconnection between or among them,
5 though it seems the accusers deny it. The issue of their motivation
6 in bringing forward these allegations is questionable. It would be
7 expected that many accusers would have emerged if Father
8 Knighton were really a predator of 13 and 14 year olds. It would
9 also be expected that an adoption agency or child protective
10 services would have discovered something in its examination of
11 Father Knighton's readiness to adopt. Given that no other accusers
12 have come forward and given that no adoption agencies or child
13 protection services have made any allegations, all the more it
14 would seem that Father Knighton is innocent of the allegations
15 made by these 3 individuals [Advocate's Brief]
16

17 The Tribunal gives no weight to this defense, since the allegations set before this
18 Tribunal do not include one that designates the *reus* as a "predator of 13 and 14 year olds".
19 What is at issue is whether or not a delict against the Sixth Commandment of the Decalogue was
20 committed by the *reus* with one or more minors. Since there are no direct witnesses to what took
21 place other than the *reus* and his accusers, the Tribunal carefully sets forth in the following
22 arguments concerning two accusers of the *reus* why it questions the credibility of the *reus* and
23 not that of his accusers.
24

25 The Tribunal will address the accusations in chronological order to show that the same
26 attitude motivated the conduct of the *reus* with all his accusers, namely that each was to give him
27 what he wanted, when he wanted, because of his sense of entitlement. The Tribunal begins with
28 the allegation of [REDACTED]. The Advocate insisted this allegation be dropped since it was evident
29 that this incident took place before the *reus* became a deacon. This Advocate argues:
30

31 It is not an incidental matter whether Father Knighton was
32 ordained a deacon at the time of the alleged events. The crime of
33 which he has been *reus* is that of sexually abusing a minor -- not
34 while as a lay person, but while a cleric in major orders. If Father
35 Knighton was not yet ordained a deacon, then the *gravius delictum*
36 of which he has been *reus* could not have taken place. According
37 to the terms of The Essential Norms and of *Sacramentorum*
38 *sanctitatis tutela*, it is a constitutive element of this *gravius*
39 *delictum* that the act of sexual abuse of a minor be committed by
40 one who is a priest or deacon. As will be explained below, for
41 reasons of law this allegation should not be included in this
42 proceeding [Advocate's Brief]
43

44 While acknowledging most of the above as accurate, the Tribunal distinguishes by noting
45 that "the crime of which he has been accused is that of sexually abusing a minor -- not while as a
46 lay person, but while a cleric." The advocate carries his sentence too far by adding that the *reus*

1 was not "a cleric in major orders". It is indisputable that this delict took place under the norms
2 of the 1917 Code of Canon Law (CIC). By the terms of that same CIC, Marvin T. Knighton was
3 admitted to the clerical state by the act of tonsure (1917 CIC, Canon 108 §1), which he received
4 on March 7, 1972. The *Motu Proprio* of Pope Paul VI, *Ministeria quaedam* — redefining
5 admission to the clerical state as ordination to the diaconate — was issued on August 15, 1972.
6 This document does not specify that those already admitted to the clerical state by tonsure were
7 no longer to be regarded as clerics until their ordination to the diaconate.

8
9 The question of one's state in life at a given moment in time is mere fact and not a matter
10 of penal law. Thus, it is documentary and not open to broadened or narrowed interpretation.
11 Furthermore, the distinction that has occurred since 1972 when tonsure was still the initiating
12 point of one's cleric state and the present, is the fact that under the old system (long pre-dating
13 the socio-pastoral milieu of the 1970's) there was not perceived to be any likelihood in the
14 seminary system of the day for any "ministry" entailing interactions with vulnerable persons
15 being performed by persons other than deacons or priests. But, the *reus*, in retrospect, with his
16 rather consistent desire to go against the systematic formation process expected of him by lawful
17 superiors, decided of his own accord that he was ready to perform public ministry. He was
18 presumably ready also to take on that public authority, or at least the airs of it, that comes from
19 being a seminarian living outside the seminary community. It seems that the *reus* intentionally
20 created the circumstance where he went beyond the situation anticipated by law, and placed
21 himself in the role previously expected of only priests or deacons. By doing this he himself
22 created the circumstance where he could possibly then have taken advantage of some imputed
23 "position" in order to commit this delict.

24
25 The Promoter addresses this question with precision. He indicates that a distinction needs
26 to be made between canons 2358 and 2359 in the 1917 CIC. Canon 2358, which has no parallel
27 in the 1983 Code, applies to those in minor orders the norms of canon 2357. This means that a
28 sin against the sixth commandment of the Decalogue can occur. But the parallel drawn into the
29 1983 Code, that of Canon 2359 §2, is the first to introduce the notion of a crime against a minor
30 below the age of 16. The problem with the argument of the Advocate for the *reus* is that the
31 narrowness that he seeks is based on a presumption within the law and within the formation
32 structures of the Church at that time that those in minor orders would not be placed in any
33 circumstances where they interacted with minors under the age of 16. It seems disingenuous for
34 the *reus* to wish to avail himself of the distinction which becomes a protection, when he was
35 unwilling at the time to adhere to the formational parameters that would not have allowed this
36 circumstance to have arisen in the first place.

37
38 In asking the learned opinion of Bishop Thomas Doran, DD, JCD, on this matter, Bishop
39 Doran stated that Canon 1395, as interpreted by the American Procedural Norms -- which
40 Bishop Doran helped to draft and finalize, envisions that offenses before ordination to the
41 diaconate be included. Bishop Doran also indicated that clerical status is not affected by penal
42 law, nor by the subsequent restructuring of how one enters the clerical state. If a person was a
43 cleric under the Pio-Benedictine Code, he does not lose that status simply because under the
44 current code a man does not become a cleric until he is ordained to the diaconate.

45

1 The Promoter notes the following regarding this allegation, which this Tribunal judges to
2 be an accurate assessment of the credibility of [REDACTED] and the guilt of the *reus* (the Tribunal
3 excerpts at length):
4

5 [REDACTED] is hazy about some of the details of date and physical
6 location, but he is very clear in his recollection of the incident,
7 itself: "Father got into the same bed with me. It was just the two of
8 us. There was just the one bed...[Father was] naked from the waist
9 down. . . . I was laying next to him. He turned on his side, and
10 almost in a spooning type fashion with me behind him. He took my
11 hand, placed it on his penis and as it got erect, his hand was on top
12 of my hand in a masturbating function until the act was complete."
13 [Penal Trial, Witness "G" pages 5 & 20-21]

14 [REDACTED] said that after the event was over, he was not particularly
15 bothered by what had happened and that, at the time, he did not
16 feel it had been inappropriate behavior; rather, "from that time
17 forward, that essentially ended the relationship I had with Father
18 Marvin, and he's the one that ended the relationship, which was
19 probably the most devastating part of all that occurred with him
20 was the fact that, for whatever reason, I was being discarded by
21 him and no longer considered a friend. He no longer took me to
22 movies or any of those things. He just pretty much threw me out"
23 [Penal Trial, Witness "G" pages 5 & 12]. [REDACTED] contends that he
24 never suffered from "repressed memory" concerning Father
25 Knighton's actions, but that it was not until he underwent therapy
26 for [REDACTED] that he came to appreciate the long-term
27 impact which the sexual abuse had on him. [Penal Trial, Witness
28 "G", page 11]

29
30 In his testimony, [REDACTED] referred to Father Knighton's "constant
31 hugging and kissing," [Penal Trial, Witness "G", pages 10 & 20]
32 but cited no other actions which he would describe as "grooming"
33 or sexually inappropriate behavior, and he is unequivocal in his
34 insistence that this occurrence was a one-time event. He does,
35 however, testify that a [REDACTED] [REDACTED] who
36 [REDACTED] "had a very similar
37 relationship with Father Marvin," and he insinuates that [REDACTED] may
38 have been abused by Father Knighton, as well. [Penal Trial,
39 Witness "G", pages 8]

40
41 [REDACTED] is very candid about his own troubled background, which
42 included [REDACTED] and the
43 [REDACTED] at his public
44 high school teachers [Penal Trial, Witness "G", pages 28-29]. Yet
45 there is nothing in his testimony to suggest that he is either
46

1 embellishing or overly dramatizing his story, nor is there any
2 indication that he harbors a lingering hostility toward either Father
3 Knighton or the Church [Penal Trial, Witness "G", pages 41-42].
4

5 It is unfortunate that medical circumstances prevented [REDACTED]
6 from appearing in person to give his testimony inasmuch as
7 observing his "body language" might have been helpful to the
8 members of the Tribunal in assessing his credibility. Still, in
9 recalling the tone and content of his telephonic responses to the
10 judges' questions and in reading the transcript of that session, I
11 cannot detect even the slightest basis for challenging his integrity
12 or credibility.
13

14 For his part, Father Knighton acknowledged that there was an
15 occasion on which [REDACTED]s, along with [REDACTED] [REDACTED], may
16 have stayed overnight with him; but he contended that, if such a
17 visit had happened, it would have taken place at the parish rectory
18 and the boys would have stayed in one of the guest rooms [Penal
19 Trial, Witness "A", pages 5-10]. Father Knighton vaguely
20 remembered the boys, but was unable to recall much detail,
21 maintaining that contact with these boys had occurred early in his
22 stay at Holy Angels and long before his ordination to the diaconate
23 [Penal Trial, Witness "A", pages 8-9 & 17]. He admitted that it
24 was "part of my nature" to hug people, provided they are
25 comfortable with such gestures [Penal Trial, Witness "A", pages
26 17-18].
27

28 While Father Knighton's poor recollection of details is
29 understandable, given that the events in question transpired more
30 than thirty years ago, the Tribunal does have access to
31 documentary evidence which could be held to constitute a recent
32 admission on Father Knighton's part that some manner of
33 inappropriate behavior involving [REDACTED] had, indeed, occurred.
34 The admission was reported by Dr. Barbara Reinke (Director of
35 *Project Benjamin* -- the office created by the Archdiocese of
36 Milwaukee in 1989 to respond to incidents of sexual abuse -- in a
37 log entry dated April 11, 2002, and entitled: "Addendum to the
38 note about Father Marv Knighton." The note reads in part:
39 "During this conversation [a telephone call from Father Knighton
40 to Dr. Reinke] Father Marv admitted that he had 'made a mistake'
41 in the incident with [REDACTED], but he insisted that this
42 incident occurred in 1973, prior to his being ordained a deacon,
43 and thus his behavior does not concern us" [Chancery File, page
44 344].
45

1 Not only did he make this statement to [REDACTED] but he was quizzed about it by Mr.
2 Beyer

3
4 When I asked Fr. Knighton if the allegation was true, he stated,
5 "There was inappropriate behavior". When questioned further Fr.
6 Knighton responded, "No comment", and told me that he had
7 nothing else to say about it. Fr. Knighton acknowledged that the
8 inappropriate behavior was with [REDACTED]. I asked Fr. Knighton if
9 the inappropriate behavior was of a sexual nature. He again told
10 me that he had nothing more to say about it [Tribunal File,
11 "Confidential Sexual Abuse Investigation", pages 55-56].
12

13 The Court does not find convincing the Advocate's attempt to change the meaning of this
14 remark of the *reus* by stating the following:
15

16 According to diocesan notes, Father Knighton was said to have
17 "made a mistake" about the incident in later contact with the
18 archdiocese. This misinterpretation by diocesan officials stems
19 from the fact that Father Knighton only indicated that he was at
20 Holy Angels Church in 1972 and 1973. The "mistake" was about
21 the years being discussed. The alleged incident could not have
22 taken place in winter 1975-76 when [REDACTED] was 15 years old
23 since Father Knighton was not at Holy Angels at the time. He also
24 admitted knowing [REDACTED], but denied anything occurred and
25 refused to discuss the matter with any diocesan official due to
26 concerns about his rights which up to that point he felt had been
27 trampled [Advocate's Brief].
28

29 This directly contradicts the testimony of [REDACTED] in her exchange with Judge [REDACTED]
30

31 Q. And in the second thing with [REDACTED], I take it he
32 was just as vocal at denying stuff?

33
34 A. Well, no, as I said, that one he -- the argument was about
35 the date it occurred. He wasn't denying it. He was saying
36 it occurred before I was ordained [Penal Trial, Witness "J",
37 pages 16-17].
38

39 In addition, one of the friends of the *reus* -- principal of Pius XI High School at the time
40 the accusations against the *reus* became public -- was told at that time that the *reus* admitted to
41 this allegation, although he did not know that this particular allegation came from [REDACTED]. This
42 friend states the following in an exchange with Judge [REDACTED] concerning the fact that the *reus* was
43 angry with him for not publicly defending him when the allegations became publicly known:
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45 A. We were told that the Diocese had two situations, one of
46 which he admitted but it was beyond the statue of

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limitations, and the other one he said didn't happen, and that was going to trial. And I was, therefore, given the information that he admitted one of the allegations, and then the question was how could I defend him, and it's like I can't defend him. Now I've never heard that brought up again since, so I don't know if that's true or not

Q. That Mary admitted it?

A. That's what I was told by an Archdiocesan representative back then. [Penal Trial, Witness "H", page 39].

Moreover, if the interpretation of the Advocate were valid, then the Tribunal would expect that the *reus* would have "set the record straight" when he was later interviewed by Mr. Beyer. Instead, the nature of his response above indicates that he acknowledges wrongdoing but does not want to specify the nature of his "mistake" [Tribunal File, pages 55-56].

In view of all of the above, the Judges concur with the Promoter that [REDACTED] statements are credible. Moreover, they are consistent with those of the other accuser, [REDACTED] who testified to the Court about the *modus operandi* of the *reus*. Notwithstanding the hints of the Advocate to the contrary, there is absolutely no evidence of collusion between the two gentlemen. It is clear to the Judges that the event concerning [REDACTED] took place and it certainly fits into the category of an offense against the Sixth Commandment of the Decalogue.

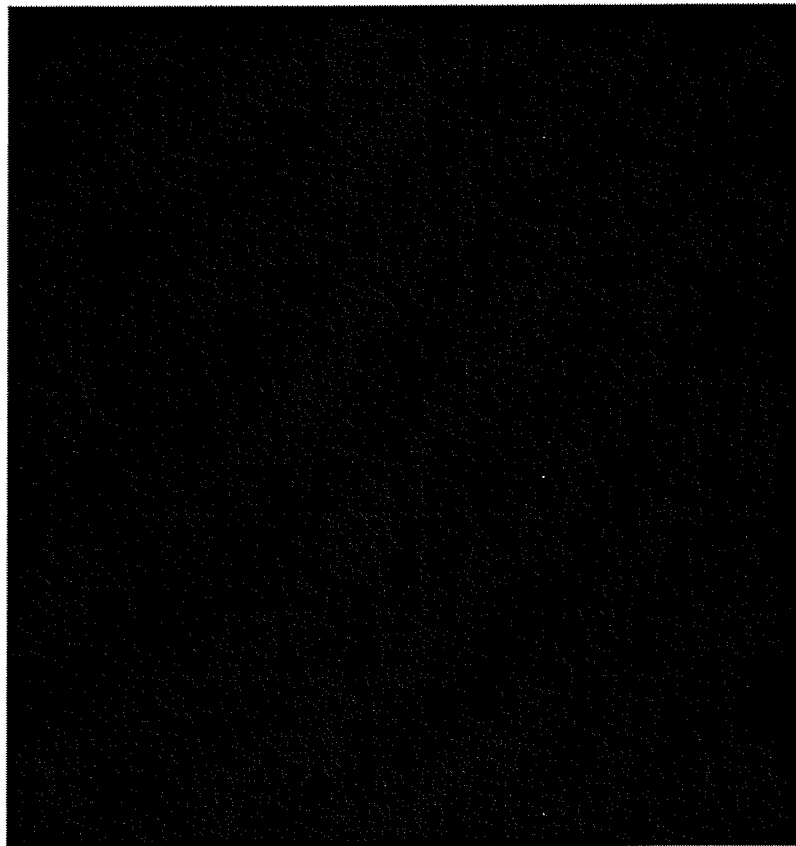
With respect to the second allegation, this is the most problematic of the three because of [REDACTED] significant and willing involvement in this process and the degree and intensity that he brings to his testimony. It can be noted that both the Promoter and the Advocate resort, in a number of circumstances, to the possibility that [REDACTED] misunderstood the actions of the *reus*. All of this set a stage for boundary issues, both physical and emotional, with minors that seem consistent throughout the ministerial life of the *reus*. What is in question is whether there are sufficient proofs to indicate that what might otherwise be inappropriate and immature or merely "wrestling and horseplay" can be elevated to the point of being a delict, that is to say a violation of the sixth commandment of the Decalogue with a minor. Both the Promoter and the Advocate raise questions about the nature of the testimony and the overall credibility of [REDACTED] in this case, which the Tribunal will now address.

[REDACTED] the clinician to whom [REDACTED] referred him and who began counseling [REDACTED] on a weekly basis in November of 2001, submitted a claim for services twenty weeks later which included an [REDACTED] [REDACTED] [Chancery File, pages 301-302]. The judges of this tribunal possess a certain familiarity with the diagnostic criteria of [REDACTED] and their associated features from their work with marriage nullity cases. Having been presented no reason to question the accuracy of Mr. [REDACTED] diagnosis, and understanding from the testimony of [REDACTED] father, [REDACTED] that [REDACTED] erratic behavior pre-dates any of the alleged occurrences of sexual abuse (indeed, [REDACTED] has testified that his relationship with his son was "stormy" even prior to the [REDACTED] [Penal Trial

1 Testimony, B:20-25, Jury Trial Transcripts Vol III:8,12,18,29], it is plausible that the [REDACTED]
2 [REDACTED] or his antecedent condition(s) had been a primary determinant of [REDACTED]
3 behavior and perceptions long before Father Knighton entered his life. In view of this the
4 Promoter questions whether this disorder may have impacted the nature of [REDACTED]'s testimony.
5

6 In this regard the Court notes that lying, or the inability to discern right from wrong or
7 truth from fiction, are not characteristics of the [REDACTED]. Moreover, the
8 following characteristics are not inconsistent with those who are sexually abused and then
9 abandoned. They also account for what the Advocate of the *reus* says in an attempt to
10 undermine [REDACTED] credibility: "[REDACTED] had a troubled and problematic youth" [Advocate's
11 Brief]. The DSM-IV [REDACTED] notes the following diagnostic criteria:
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13 The diagnostic criteria for a [REDACTED] are:
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42 Certainly, if lying, or the inability to discern right from wrong or truth from fiction, were
43 characteristics of the [REDACTED] the Defense Lawyer of the *reus* in the
44 secular court action would definitely have mentioned this when he attacked the credibility of
45 [REDACTED]. However, neither in his opening remarks [Civil Trial, Morning of August 21, 2003,
46 pages 12-17] nor at the time in which this Defense Lawyer of the *reus* questions [REDACTED]

1 does he mention that ██████████ personality disorder made him incapable of telling the truth [Civil
2 Trial, Morning of August 21, 2003, pages 80-128; Afternoon of August 21, 2003, pages 21-72;
3 Afternoon of August 22, 2003, pages 109-112].
4

5 The Advocate of the *reus* and the Promoter of Justice question ██████████ credibility
6 because of inconsistency in some details of his account of what happened. The Advocate says:
7

8 In the case at hand, it is clear that the testimony of the accusers is
9 not reliable. There is confusion in the content of the testimony.
10 Whether the testimony of the witnesses has been corrupted by
11 memories shaped by post event information or whether the
12 testimony has been corrupted by collusion and conspiracy, the
13 testimony clearly is not reliable [Advocate's Brief]
14

15 The Promoter of Justice questions the veracity of ██████████ stating:
16

17 Not only does the testimony appear to be laced with contradictions,
18 it also appears in some respects to undergo embellishment with the
19 passage of time. While it could be argued that this reflects an
20 emerging clarification of detail as a victim-witness plumbs the
21 depths of his memory, I suspect that it could be maintained with
22 just as much validity that we are simply witnessing a
23 demonstration of the adage "practice makes perfect" as applied to
24 the task of crafting one's testimony in order to put forward the
25 most convincing argument [Promoter's Brief]
26

27 However, the key details that support the substance of ██████████ accusation of sexual
28 misconduct against the *reus* are the same in all of his accounts. The Court does not accept the
29 theory of the Promoter of Justice that the contradictions result from "crafting one's testimony in
30 order to put forward the most convincing argument", since that would mean that the testimony
31 given by ██████████ in the Penal Trial would not omit earlier details that strengthened his case.
32 Nor does the Court accept the arguments of the Advocate that ██████████ testimony "has been
33 corrupted by memories shaped by post event information" or "has been corrupted by collusion
34 and conspiracy." Instead, the Court believes that ██████████ experienced in his delayed puberty
35 sexual actions by the *reus* that became the criteria for understanding the sexual nature of past
36 actions by the *reus* that were not perceived as such at the time when they occurred.
37

38 Moreover, the Assistant District Attorney, Tiffin [hereinafter: Tiffin], states to the Jury:
39

40 ██████████ has been very consistent. He's been very consistent in
41 what happened to him. He's been very consistent when he told
42 Detective Hoppe. He's been very consistent, he didn't tell a lie to
43 his stepmother and his father. He wasn't ready.
44

1 He said, I didn't tell the counselors. He didn't. He wasn't ready.
 2 He just told you the truth. He's hid nothing. ... He had no motive
 3 to lie [Civil Trial, Afternoon August 22, 2003, pages 163-164].
 4

5 The Tribunal concurs with this previously quoted assessment again quoted immediately
 6 above. The Tribunal further notes that there is no financial motivation for [REDACTED] to make such an
 7 accusation, since he has not asked the Archdiocese of Milwaukee for any further funds but only
 8 for justice. The following exchange with [REDACTED] father and the associate judge, the Reverend
 9 [REDACTED], confirms this:

10
 11 Q Has there been a lawsuit against the diocese at all?
 12 A [REDACTED] has made a settlement with the diocese.
 13 Q But there's nothing open or outstanding at this point from
 14 your perspective.
 15 A No.
 16

17 In his interview with this Tribunal, [REDACTED] was rational, lucid and was able to logically
 18 form his thoughts. There was no evidence when he appeared personally before this Tribunal, at
 19 the Civil Trial of the *reus*, or in any other context that [REDACTED] is a delusional person unable to
 20 discern truth from lies or fact from fiction.
 21

22 By contrast, the Court finds that the *reus* definitely lies about key details in order to
 23 absolve himself of any blame. He also claims those in authority did not respect his rights. When
 24 questioned by his Defense Lawyer in his Civil Trial concerning whether he kissed [REDACTED] on the
 25 lips, the *reus* replied unequivocally:
 26

27 I don't kiss people on the lips. I never kissed [REDACTED] on the lips.
 28 [Civil Trial, Morning August 22, 2003, page 143].
 29

30 However, [REDACTED] father directly witnessed the contrary as can be seen in the following
 31 exchange with the associate judge, the Reverend [REDACTED]:
 32

33 Q Did you observe any of this hugging or kissing that [REDACTED]
 34 seems to describe?
 35 A No. I would observe Marvin Knighton kissing women on
 36 the lips as a greeting [Penal Trial, Witness "B", page 13].
 37

38 The *reus* shows a pattern of being unequivocal about details when it suits his goal, and
 39 equivocal with details when that suits him. Another example of this is the refusal of the *reus* —
 40 barely nineteen days after his ordination to the priesthood in which he promised obedience to
 41 Archbishop Cousins and his successors — to accept the parish assignment given to him by
 42 Archbishop Cousins. The *reus* stated to the Tribunal: "I don't ever recall where I said, 'No, I'm
 43 not going there.' I think the assignment that I finally got was St. Anne's, and that's where I went
 44 for a year, and then I went into education after that" [Penal Trial, Witness "A", page 77]. While
 45 he may not have said the exact words he states, the words he used in his letter of July 13, 1975 to
 46 Archbishop Cousins are clear in their implication and intent:

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To go to St. Ann's on a full-time basis at this point would be unfair to the people, to the Team and to myself, my heart is not there and would not be there. To go there by force would be done out of Blind Obedience and that I don't believe in. [Chancery File, page 023]

His account of a preliminary meeting on February 28, 2002 with Fr. Hornacek, and Dr. Barbara Reinke states the following in his formal complaint against Dr. Barbara Reinke to the Department of Regulation and Licensing of the State of Wisconsin:

Throughout this process, Fr. Joseph Hornacek and Dr. Barbara Reinke abused their specific roles and responsibilities. It was obvious to me that they both had taken on a prosecutor's role against me." [Clergy File, page 345].

The mercurial manner of the *reus* also raises some question. In the aforementioned formal complaint the *reus* asserts that, after agreeing at this meeting to meet with his "accuser", he had second thoughts after consulting with the Diocesan Lawyer and his own attorney. He only went ahead with the meeting because Fr. Hornacek and Dr. Reinke accused him of trying to "hide something" [Clergy File, page 345]. Fr. Hornacek's log confirms that the *reus* had second thoughts but states that he and Dr. Reinke explained this was only a "fact-finding meeting". Later Fr. Knighton phoned to ask that ██████████ be present at this meeting and there were no objections to this [Clergy File, page 072].

This "fact finding" meeting took place on March 8, 2002. The Vicar of Clergy's log regarding this meeting states the following:

March 8, 2002 - Vicar joins Dr. Barbara Reinke in a fact-finding meeting between Fr. Marv Knighton alleged perpetrator and ██████████ alleged victim of inappropriate physical contacts from approximately '86 to '91 when ██████████ was between 13 and 18 years old. Marv's Advocate: ██████████ who also tutored ██████████ was present as were ██████████ therapist Dr. ██████████ stepmother (██████████) and ██████████'s cousin ██████████. ██████████ was focused, forthright and specific about his allegations. Marv has denied all except what he claims was consensual hugging and kissing [Clergy File, page 072].

Dr. Reinke's log of this same event states:

Fr. Joe Hornacek, ██████████, ██████████ (psychotherapist), ██████████ (██████████ stepmother), ██████████ (cousin of ██████████ and family friend to ██████████) and I met as scheduled with Fr. Marv Knighton for the purpose of confronting him with ██████████

1 account of molestation. (Also present was [REDACTED]
 2 [REDACTED] (?spelling?) who was brought as a support person by Fr.
 3 Marv but also knew [REDACTED] well through tutoring at the end of high
 4 school). [REDACTED] presented himself in a compelling manner. Fr.
 5 Marv continued to deny these events, casting [REDACTED] as someone
 6 who would regularly lie and accuse others falsely. When Fr. Marv
 7 brought up events, [REDACTED] acknowledged some wrongdoing on his
 8 part (getting caught drinking with friends, participating in Marv's
 9 sons' usage of offensive words in Korean, though he denied
 10 teaching them American slang words). Several persons attempted
 11 to ask Fr. Marv why [REDACTED] would make these allegations now if
 12 they were not true. [REDACTED] had an outburst in which he called
 13 Fr. Marv a liar. The meeting ended when it became clear that
 14 nothing more could be accomplished [Tribunal File, page 003].

15
 16 [REDACTED] corroborates [REDACTED] "outburst" [Penal Trial, Witness "C", page 16].
 17 Dr. Reinke on March 9, 2002 notes the following:

18
 19 Fr. Joe and I conferred. Neither Fr. Joe nor I doubt the truth of
 20 [REDACTED] story. Joe does not find Fr. Marv amenable to treatment
 21 and I questioned what its value would be. Joe and I discussed as
 22 next steps that he would make Maureen Gallagher aware of these
 23 allegations as she is Fr. Marv's current supervisor, and that he
 24 would discuss appropriate restrictions with the Archbishop. Both
 25 Fr. Joe and I believe Fr. Marv should not have any one-on-one
 26 contact with minors, with the potential that this would make moot
 27 his current interest in obtaining a position as a principal [Tribunal
 28 File, page 003]

29
 30 The *reus* gives this account of that meeting in his formal complaint — dated July 12,
 31 2004 — against Dr. Barbara Reinke for unprofessional conduct to the Department of Regulation
 32 and Licensing of the State of Wisconsin:

33
 34 Friday, March 8, 2002 was the day that I met with my accuser. At
 35 the end of that meeting, Dr. Barbara Reinke asked my accuser if I
 36 had ever touched him or him me inappropriately. His response to
 37 that question was, "No, in no way did Marv ever do anything like
 38 that." The tragedy following that meeting was, that my accuser
 39 must have spoken with someone following that meeting, for when
 40 he later met with the District Attorney, the information he gave to
 41 him or her is quite different. In substance, he changed his story
 42 about three times. [Clergy File, page 345-346].

43
 44 Fr. Knighton repeats this rather unique interpretation of what happened at that meeting
 45 when giving his testimony to this Tribunal on September 21, 2006: "In relationship to [REDACTED]
 46 [REDACTED] when I had to meet with him, he was specifically asked whether or not I ever touched him

1 or made him touch me inappropriately, and he flatly said no" [Penal Trial, Witness "A", page
 2 67]. At the time this statement was made, the Judges did not have available to them the above
 3 logs or the above mentioned letter to the Department of Regulation and Licensing of the State of
 4 Wisconsin. Thus, the truthfulness or falsity of this statement could not be challenged at that
 5 time.

6
 7 It is conceivable that such a statement may have been omitted by one but not by four
 8 different participants in that same March 8, 2002 meeting. For not only the logs of the Vicar of
 9 Clergy and Dr. Reinke quoted above, but also the testimony of ██████████ and that of his
 10 stepmother make no mention of this admission by ██████████ that the *reus* was innocent of any
 11 delict against the sixth commandment of the Decalogue.

12
 13 Even if there was some kind of conspiracy on the part of the staff of the Archdiocese and
 14 ██████████ and his witnesses to conceal this alleged exonerating of the *reus* — which there is
 15 no shred of evidence to support — certainly the Defense Lawyer of the *reus* would have
 16 mentioned such a powerful piece of evidence during the civil trial proceedings of August 21-22,
 17 2003 to support his client's innocence. However, there is no record of this alleged statement of
 18 ██████████ in Defense Lawyer's cross examination of Dr. Barbara Reinke, who was present at
 19 that March 8, 2002 meeting [Civil Trial, Afternoon of August 21, 2003, pages 21-31]. Nor was
 20 this brought up in the cross examination of ██████████ by this same Defense Lawyer of the *reus*
 21 [Civil Trial, Afternoon of August 21, 2003, pages 32-73]. Most of all it was not part of the
 22 extensive examination of the *reus* by his own Defense Lawyer [Civil Trial, Morning of August
 23 22, 2003, pages 117-145 and Civil Trial, Afternoon of August 22, 2003, pages 3-61]. The Court
 24 can only conclude that this is a lie on the part of the *reus* to cast doubt on the veracity of ██████████ or
 25 an attempt to support his allegation that the Archdiocese did not respect his rights.

26
 27 Another crucial detail is whether the *reus* was ever alone with a minor that he brought to
 28 the Archbishop Cousin's Center to play basketball or go swimming. Hartmann questioned the
 29 *reus* on September 21, 2005:

30
 31 Q. So it was always during the day that you brought kids?

32 A. Yes.

33 Q. Did you have access to the building at night?

34 A. No. And, again, I want to emphasize that there was always
 35 usually another adult with me in a group
 36 [Penal Trial, testimony of Witness "A", page 41].

37
 38 However, from personal knowledge and direct observation, one of the associate judges —
 39 who attended St. Francis de Sales Seminary for nine years adjacent to the Archbishop Cousins
 40 Catholic Center, and having used these same facilities in question with regularity during that
 41 time and, following on that, having worked at the Archbishop Cousin Catholic Center for the last
 42 nine years with access to these same facilities — informed the *procurator* and the other associate
 43 judge that on more than one occasion he personally witnessed the *reus* alone with a minor, or
 44 minors at these facilities. Consequently, it is a lie that the *reus* was never alone with "kids" as
 45 the *reus* alleges above.

46

1 A further instance of what the Tribunal can only conclude is another deliberate lie on the
 2 part of the *reus* is his testimony that ██████████ called him "gay" at their first meeting [Civil Trial,
 3 Afternoon August 22, 2003, pages 163-164; and [Penal Trial, Witness "A", page 50]. When
 4 questioned about this at the Penal Trial, ██████████ had this exchange with the *praeses*:

5
 6 Q. Okay. Do you recall was it either at that point or shortly
 7 after that you were dismayed by his touching and accused
 8 him of being gay?

9
 10 A. Never once did I ever accuse him of being gay. Yeah, I
 11 have a lot of feelings and emotions that — This is intense.
 12 You know, and that's something that came up during the
 13 trial that I heard of for the first time [Penal Trial, Witness
 14 "D", page 6].

15
 16 If ██████████ actually stated that the *reus* was "gay", as the *reus* alleges above, why would the
 17 *reus* risk possible future charges of sexual misconduct by allowing ██████████ to stay alone at his
 18 house with no other person present on some fourteen separate days from June 22, 1987 to May
 19 18, 1989 [Civil Trial, Afternoon of August 22, 2003, pages 7-11] during a time in which he had
 20 not yet adopted his children, who came on July 3, 1989 at 7:24 in the evening [Civil Trial,
 21 Afternoon August 22, 2003, page 11]? However, if ██████████ never said this and made no
 22 allegations to anyone about inappropriate conduct by the *reus* before 1993, then the following
 23 question proposed by the Advocate is answered:

24
 25 If Mr. ██████████ was so uncomfortable with what he perceived to be
 26 Father Knighton's sexual misconduct, why did Mr. ██████████ keep
 27 returning to Father Knighton's home? It might be understandable
 28 that he returned a couple of more times. But if he were truly
 29 uncomfortable, surely he would have found an excuse not to return
 30 so many times as he says [Advocate's Brief].

31
 32 Essentially, the logic of the *reus*' own advocate once again cuts both ways. Furthermore,
 33 in regards to the number of visits made by ██████████ to the home of the *reus*, the Tribunal notes that
 34 the first characteristic of the ██████████ noted above is "frantic efforts to
 35 avoid real or imagined abandonment". ██████████ was emotionally tied to the *reus* and did not want
 36 the *reus* to abandon him as he perceived his ██████████
 37 Moreover, ██████████ had not yet had the therapy that enabled him to identify that he had been used
 38 for the sexual gratification of the *reus*.

39
 40 Given that there were no formal charges made against him, the Tribunal questions why
 41 the *reus* — shortly after his encounter with ██████████ father and after his meeting with the
 42 Archdiocesan lawyer — would write a letter (dated November 15, 1993) to the Vicar of Clergy,
 43 informing the Vicar that the *reus* was going to work in Phoenix, when he had given the
 44 Archdiocese no previous notification that he was considering moving there [Clergy File, # 974,
 45 page 067]. In responding to the March 23, 1994 letter of the *reus* to move to Phoenix,
 46 Archbishop Weakland, in his letter of March 28, 1994, stated the following:

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I would like to state in writing what I said in our conversation. I do not want at this point of history to give permission for anyone to be on loan to another diocese. If you wish to make that change, then you must do so with the intention of incardination into Phoenix [Clergy File, page 249].

The *reus*, however, gives the impression in the following response during his Civil Trial that the Archbishop did not want him to incardinate in the Diocese of Phoenix and that was why he was unable to do so. The *reus* states the following:

I stayed in Milwaukee until 1994. And I went to Phoenix to work in a public school. I wanted to work for the Diocese in Phoenix, but there were some things that happened that I was not able to work, because the bishop here at the time did not want me to go, and wanted me to stay here. And he just said, fine, if you want to go there and work just work, but I really don't want you to leave. So I took a semester — I mean I took a personal leave [Civil Trial, Morning August 22, 2003, page 124].

In point of fact, in seeking incardination the *reus* gave permission — in his letter of June 6, 1994 -- for his Clergy Personnel File to be sent to the Bishop of Phoenix [Clergy File, page 253]. This file held no record of any accusations of sexual impropriety but it did clearly delineate that the *reus* had his own understanding of what obedience to his Bishop means. Following reception of this information, the Bishop of Phoenix told the *reus* he could not accept him into the incardination process for his diocese [Clergy File, page 256].

From 1994 until 2000, the *reus* went back and forth between assignments in Milwaukee and positions in various public school systems within the Diocese of Phoenix. These relocations seem to have been made in an attempt to change the mind of Bishop O'Brien and enter the incardination process for the Phoenix Diocese. His last attempt in this regard was to secure a position in a Diocesan High School in Phoenix, which he was able to do only after the following recommendation in the June 5, 2000 letter of the Vicar of Clergy in Milwaukee to the vicar for Clergy in Phoenix:

There has never been cause to withdraw Father Knighton's faculties nor to curtail his ministry in the Archdiocese of Milwaukee. He is not now, and has not been, under any ecclesiastical penalty. There is nothing in his background that would require us to limit any ministry with children. To the best of our knowledge, he does not suffer from any untreated substance abuse problem [Clergy File, page 299].

While this recommendation is itself questionable in many ways, it is hard to reconcile this letter with the allegation of the *reus* that this particular Vicar of Clergy was a racist. In fact, when ██████████ was asked about this specific allegation, he replied: "I've known Fr. ██████████

1 ██████████ as long as I had been in Milwaukee. I've never know him to be racist or accused of
2 any racist practices" [Penal Trial, Witness "K", page 2].
3

4 Following the reception of the above letter from the Vicar of Clergy, Bishop O'Brien —
5 in a letter dated August 21, 2000 — granted faculties to the *reus* and stated: "I wish you well in
6 your important ministry to our youth as the Campus Minister at St. Mary's High School" [Clergy
7 File, page 301]. Apparently, the *reus* decided that Bishop O'Brien still would not change his
8 mind about the process of incardination, so the *reus* returned to Milwaukee, once again seeking
9 another assignment. At that time the Archbishop appointed the *reus* as "a consultant in the
10 Office for Child, School and Youth Ministry" effective September 1, 2001 [Clergy File, p. 316].
11 This position was only funded for a year, so the *reus* would again be seeking another educational
12 assignment on February 20, 2002 [Clergy File, page 071]. On February 25, 2002 ██████████ brings
13 his accusations to the Archdiocese of Milwaukee in an interview with Dr. Barbara Reinke, the
14 head of *Project Benjamin* [Tribunal File, pages 001-002].
15

16 Given all of the above, the Tribunal judges that the *reus* had a sexual encounter with the
17 sixteen year old ██████████ just prior to the arrival of his adopted children, some time during May 15-
18 18, 1989 when ██████████ stayed with the *reus*. This fits all the facts in this case. The basement was
19 remodeled [Civil Trial, Morning August 22, 2003, p. 11] and had the sofa bed that ██████████
20 consistently refers to in all his accounts. The *reus* admitted that he had such a sofa bed in 1989
21 [Civil Trial, Afternoon August 22, 2003, p. 16]. This is also the last time the *reus* admits that
22 ██████████ stayed overnight at his house before his two adopted sons came to live with him and
23 occupy the first floor sleeping arrangements [Civil Trial, Afternoon August 22, 2003, p. 11].
24

25 The *praeses* knows from personal experience that a traumatic event can cause the mind to
26 focus on a particular detail to the exclusion of other details, even ones that would help others to
27 see the truth of the event. As context, what happened is that the *praeses* was involved in a car
28 accident caused by someone becoming impatient and moving into the intersection before they
29 had a green light. Even to this day, the *praeses* vividly recalls seeing the car in the middle of the
30 intersection waiting to turn left because traffic was coming from the opposite direction in which
31 the *praeses* was proceeding and only registering the fact that the light was green and that car
32 should not have been in the intersection. In explaining to the Police Officer what happened the
33 detail that the *praeses* focused on was the green light, excluding the important detail that traffic
34 was coming from the opposite direction and that traffic prevented the car situated in the
35 intersection from turning or the *praeses* from swerving into the opposite lane to avoid hitting that
36 same car.
37

38 In the same way, the Tribunal judges that since the most traumatic event that happened to
39 ██████████ — once he had the awareness of puberty — while staying overnight with the *reus* took
40 place on the sofa bed in the basement. The Tribunal can only surmise that the imminent arrival
41 of his adopted children made the *reus* aware that this would be the last time he had ██████████ alone
42 with him in the house, the last time he could go beyond grooming behavior with no other
43 witnesses present. Since this was a much longer relationship with more of himself invested that
44 in his brief encounter with ██████████, the *reus* was ambivalent about ending his relationship with
45 ██████████ so he did not bring himself to climax since, unlike ██████████ ██████████ did not indicate a
46 willingness to be an object of self-gratification for the *reus*.

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Even though the *reus* did not ejaculate on [REDACTED], this "humping", or frottage, became the defining detail -- the archetypal event divorced from a specific date [Civil Trial, Afternoon August 21, 2003, pages 51-53] --- that [REDACTED] mind focused on as his basic frame of reference to identify past events of a sexual nature with the *reus*. Concerning the shower and the pool, this Tribunal views these as grooming behaviors, whose content may have been heightened by being filtered through the episode in the basement. Adminalar proof of this is that it is only after this event that [REDACTED] shows signs of [REDACTED] and other behaviors often seen in victims of sexual abuse [Penal Trial, Witness "B", pages 8-12 & 20; Witness "C", pages 6-7 & 29] --- especially those with [REDACTED] who often use [REDACTED]

Nevertheless, the Tribunal again stresses the fact that the full significance of this encounter, however traumatic it may have been, only became apparent to [REDACTED] in 2002 in his counseling with [REDACTED] [Penal Trial, Witness "D", pages 36-37]. Prior to that time he was unable to articulate, even to his family, what exactly happened with the *reus* [Civil Trial, Morning of August 21, 2003, pages 120-123], [REDACTED] [Civil Trial, Afternoon of August 22, 2003, page 44]. [REDACTED] [Civil Trial, Afternoon of August 22, 2003, pages 43-44].

It was following this [REDACTED] --- with prompting from his future stepmother --- that [REDACTED] first indicated to his father that the *reus* had acted improperly toward him. This in turn triggered the hostile encounter attested to by [REDACTED] father and stepmother [Penal Trial, Witness "B", pages 39-30 & Witness "C", pages 29-30] and by the *reus* himself [Civil Trial, Afternoon August 22, 2003, pages 53-54; and Penal Trial, Witness "A", page 78]. This hostility warned the *reus* that [REDACTED] was beginning to recall improper conduct on the part of the *reus*. Not knowing if [REDACTED] or his family had already contacted the Archdiocese with accusations against him, the *reus* immediately took steps to counter these accusations by contacting his classmate, the current Bishop Perry, asking advice on what to do, then contacting the Vicar of Clergy and the Archdiocesan Civil Attorney [Civil Trial, Afternoon August 22, 2003, pages 55-58; Penal Trial, Witness "A", pages 78-82]. All of these actions are used by the *reus* with the help of his Defense Lawyer to convey to the jury in his civil trial that the *reus* was an innocent person seeking to defend his reputation but that the Archdiocese did not defend or support him when this issue first surfaced in 1993:

I couldn't get the Archdiocese to tell me what was going on. I mean, I couldn't get the support from the Archdiocese to deal with this issue and to be proactive. And so I was - - I was left with --- with nothing. And now I'm dealing with a mess [Civil Trial, Afternoon August 22, 2003, page 58].

In point of fact, however, the practice of the Archdiocese at that time was not to act on any rumors or anonymous accusations but to intervene only when a definite accusation was

1 presented to the Archdiocese by a definite person. This did not happen in person until February
2 25, 2002.

3
4 The evidence demonstrates that [REDACTED] had not yet reached the stage where he was
5 emotionally ready to present such an accusation of his own accord. At the urging of his
6 stepmother, [REDACTED] did consult a civil attorney, Nick Kostich in 1993. However, the Defense
7 Attorney's detailed examination of why [REDACTED] did this shows that by that time [REDACTED] was able to
8 tell Kostich only the same vague information that [REDACTED] had previously told his stepmother and
9 father [Civil Trial, Afternoon August 21, 2003, pages 58-66]. [REDACTED]

10 [REDACTED] had fifteen sessions with a psychotherapist. Yet despite this therapeutic
11 environment, [REDACTED] was still not yet ready to discuss the actions of the *reus* [Civil Trial, Morning
12 of August 21, 2003, pages 127-129; Civil Trial, Afternoon August 22, 2003, page 105-108]. In
13 fact in an interview — appearing in the *Milwaukee Journal Sentinel* on June 19, 2002, prior to
14 the Civil Trial of the *reus* — Marie Rohde, a staff member of that local newspaper, records in the
15 course of her interview with [REDACTED] the following incident that took place at the March 8, 2002
16 meeting:

17
18 At the meeting, Knighton denied any misconduct, [REDACTED] said. A
19 woman who was a teacher at the school came with Knighton and
20 asked [REDACTED] why he hadn't come to her if he had been abused.

21
22 "I told her that she didn't know how many times I sat outside her
23 house, but I couldn't tell anyone about it," [REDACTED] said [Tribunal
24 File, page 238].

25
26 Despite the attempts of the Defense Lawyer for the *reus* to present [REDACTED] as telling
27 different versions of his accusations [Civil Trial, Afternoon August 22, 2003, pages 152-154];
28 Tiffin rightly presents to the jury that [REDACTED] accusations only changed by becoming more
29 detailed as he came to greater awareness through therapy of the true meaning of what actually
30 was done to him by the *reus* and was enabled to speak more openly about it to others:

31
32 [REDACTED] didn't tell inconsistent stories. An inconsistent story
33 is somebody saying, X, Y and Z happened to me, and my brother
34 was there and the brother getting on the witness stand and saying, I
35 wasn't there, it didn't happen. That's an inconsistent story. [REDACTED]
36 [REDACTED] has been very consistent. He's been very consistent in what
37 happened to him. He's been very consistent when he told
38 Detective Hoppe. He's been very consistent, he didn't tell a lie to
39 his stepmother and his father.

40
41 He wasn't ready. He said, I didn't tell the counselors. He didn't.
42 He wasn't ready. He just told you the truth. He's hid nothing.
43 And the State does bear the burden of proof. And it comes down
44 to whether or not you believe [REDACTED] and watching him and
45 what he has told you, he told the truth in going through this. He

1 had no motive to lie. He had no motive to come forward in 2002.
2 to go to the Catholic Church and say this. He was telling the truth.
3 [Civil Trial, Afternoon August 22, 2003, pages 163-164].
4

5 This Tribunal judges that ██████████ is telling the truth concerning his sexual abuse by the
6 *reus*. The law section above makes clear that an offense against the Sixth Commandment of the
7 Decalogue is not confined to genital contact leading to orgasm. What ██████████ describes in the
8 Civil Trial of the *reus* as “humping” [Civil Trial, Morning August 21, 2003, page 52] and before
9 this Tribunal as “grinding” [Penal Trial, Witness “D”, pages 12-13] are acts of frottage which fit
10 the descriptions given in the law section above for a delict against the Sixth Commandment of
11 the Decalogue
12

13 This Tribunal judges that the *reus* was so psychologically and sexually driven that he
14 believed that he was somehow invincible in regard to any possible accusation of wrong doing.
15 Not only did he feel invincible, but he truly rationalized his behavior as something that was
16 normal or acceptable. He definitely did not, and does not, take into consideration the
17 consequences of his decisions. If he feels that some sort of physical contact is called for in a
18 situation, he will do it no matter how inappropriate it may be. The evidence shows that there is a
19 long standing continuous thread of this type of behavior throughout his interactions with male
20 minors. The Tribunal judges that the evidence is sufficient to lead to an affirmative finding as
21 regards this second allegation.
22

23 Regarding the third allegation, both the Promoter and the Advocate in this case make
24 appropriate note of the fact that ██████████ has not provided a formal, sworn statement either
25 through written rogatory or verbal testimony within the context of these canonical proceedings.
26 In fact, it is the case that ██████████ himself never lodge a formal complaint of sexual abuse
27 against the *reus* with the Archdiocese of Milwaukee. The court does have information indicating
28 that there was discussion between ██████████ and two investigative persons 1) a detective working
29 for the district attorney of Milwaukee County, Wisconsin and 2) an investigator retained by the
30 Archdiocese of Milwaukee to consider a preliminary investigation into information that had been
31 brought before archdiocesan and/or civil authorities by an attorney who is related to another
32 accuser in this case through the accuser’s stepmother. While the information gathered by these
33 two detectives is compelling and worthy of note, the fact that there is no primary accuser before
34 this Tribunal, nor within the instruction of this case, deprives the judges of the ability to attain
35 any sense of proper moral certitude regarding this allegation. Therefore, the decision will have
36 to be designated as negative.
37

38 Thus, having reached moral certitude on the first two allegations and in accord with the
39 norm of law, canonical doctrine and the constant jurisprudence of the Roman dicasteries,
40 considering the facts, the circumstances, the testimonies and the arguments as a whole, this
41 Tribunal of Judges responds affirmatively to the first two questions. Imputability is presumed
42 when there is an external violation of the law.
43

44 Norm 8 of the 2006 USCCB Essential Norms requires that if there is moral certitude
45 about the delict having been committed, then ‘permanent removal from ecclesiastical ministry,

1 not excluding dismissal from the clerical state' is indicated. In accord with the norm of law, the
2 penalty of permanent removal from ecclesiastical ministry is imposed.
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6 DISPOSITIVE

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8 ARCHDIOCESE OF MILWAUKEE
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10 In view of the foregoing, and with due consideration to the law and its application to the
11 particular circumstances, We, the undersigned Judges of the Metropolitan Tribunal of the
12 Archdiocese of Milwaukee, Wisconsin, acting as the judges in this case, do before God, hereby
13 decree, declare and pronounce the following definitive sentence:
14
15

16 To the question "Is the Reverend Marvin T. KNIGHTON guilty of
17 offending against the sixth commandment of the Decalogue with
18 Mr. [REDACTED], who had not completed his sixteenth year of
19 age at the time of this offense?",

20 *we respond IN THE AFFIRMATIVE.*
21

22
23 To the question "Is the Reverend Marvin T. KNIGHTON guilty of
24 offending against the sixth commandment of the Decalogue with
25 Mr. [REDACTED] who had not completed his sixteenth year of
26 age at the time of this offense?",

27 *we respond IN THE AFFIRMATIVE.*
28

29
30 To the question "Is the Reverend Marvin T. KNIGHTON guilty of
31 offending against the sixth commandment of the Decalogue with
32 Mr. [REDACTED], who had not completed his sixteenth year of
33 age at the time of this offense?",

34 *we respond IN THE NEGATIVE.*
35

36
37 Further, attentive to Norm 8 of 2006 USCCB ESSENTIAL NORMS, we impose on the
38 Rev. Marvin T. E. Knighton the perpetual penalty of permanent removal from all
39 Ecclesiastical Ministry with the admonition that he is to lead a life of prayer and penance.
40

41 In accord with the particular law currently in force, this includes:

- 42
- 43 ◦ not celebrating Mass publicly,
- 44 ◦ not administering the sacraments (with due regard for canon 976),
- 45 ◦ not wearing clerical garb and
- 46 ◦ not presenting himself publicly as a priest.

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Given the nature of the delicts and the pattern of behavior, the Court further imposes on the Rev. Marvin T. E. Knighton the restriction that, with the exception of persons with whom he has a legal relationship by virtue of full and legal adoption, he never be alone with anyone who is below the age of 18. It is for his Ordinary, the Archbishop of Milwaukee, to determine if further specifications are indicated which may be necessary to implement this penalty and to oversee the cooperation of Fr. Knighton with it.

Further, it is hereby directed that the sentence is to be published according to the norms of law (c. 1615);

In accord with Canon 1628, the Rev. Marvin T. Knighton and the Promoter of Justice are to be instructed that they have a right to appeal to the Congregation for the Doctrine of the Faith against both the Definitive Sentence and the penalty;

- i) in accord with Canon 1630, any appeal must be introduced within fifteen (15) days of the publication of this Definitive Sentence, and that any appeal is to be communicated to the Judicial Vicar of the Archdiocese of Milwaukee who will transmit it to the Congregation for the Doctrine of the Faith; in accord with Canon 1633 and SST article 23, any appeal must be pursued within one month (30 days) from the date of the introduction of the appeal; for the Rev. Marvin T. Knighton, his Advocate may pursue the appeal in his name;
- ii) this decision and the complete *acta* are to be transmitted to the Congregation for the Doctrine of the Faith.

BE IT KNOWN TO ALL

that this case is explicitly subject to the Pontifical Secret (art. 25, *Graviora Delicta, Normae Processuales*); this applies to all information, processes and decisions associated with this case (*Secreta continere*, February 4, 1974 [AAS 66 1974, pages 89-92]).

CDF [REDACTED]

Signed, decreed, witnessed, notarized and published on the 27th day of July, 2007, at the Archdiocese of Milwaukee, U.S.A.

[REDACTED]

Very Rev. [REDACTED]
Præses and Ponens

[REDACTED]

[REDACTED]
Associate Judge

[REDACTED]

Rev. [REDACTED]
Associate Judge

Christine Ellison

Eccelesiastical Notary
July 27, 2007

Seal



ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

Prot. No. 325/200 - 18478

March 24, 2004

Most Reverend Angelo Amato, SDB
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Excellency:

Thank you for your inquiry regarding the matter of Reverend Marvin T. Knighton. As I indicated in my previous correspondence, the preliminary investigation in this case was particularly challenging. The original investigator was not able to complete the task satisfactorily to the Diocesan Review Board's standards. A second investigator was then assigned and he completed the task and sent the report to the Diocesan Review Board last week. I have now received their recommendation.

While Father Knighton is referring to one situation in which a criminal trial resulted in an acquittal, there are actually three separate allegations against him by three different alleged victims and a fourth reported second hand by an alleged victim's mother. The attached report outlines the circumstances of those allegations. After preliminary investigation, I am satisfied that these have the semblance of truth to them. You will note that there was no collusion in the presentation of the three reports, that Father admits to one allegation of inappropriate conduct, and that the pattern of behavior described is consistent.

I am enclosing the standard reporting form for these allegations. Given Father Knighton's assignment in or independent employment at high schools over the years, I would not be surprised to learn of additional allegations. Father Knighton has a long history of being extremely independent and not accountable for his actions. His personnel file reveals that he would regularly leave a place of assignment on his own initiative and find employment on his own, only later informing diocesan officials. Against explicit directives, he adopted two children and later, again with no consultation or permission, adopted a third child. He has moved out of and back into the diocese frequently, often with no prior notice.

Given the nature of the alleged and admitted sexual abuse, along with the serious abuse of office, I have pondered long and hard to arrive at an opinion about the most appropriate action to be taken. In order that justice may be made manifest and healing of the victims and the Church may proceed, I am asking that Reverend Marvin Knighton be dismissed *ex officio* from the clerical state. Whatever financial needs he may have can be negotiated in justice.

Prot. No. 325/200 - 18478

p. 2

If the judgement of Your Excellency is that this case should proceed to a dismissal by decree of your Congregation, I would cede to that judgement. Furthermore, if it is your judgement that this case should proceed through a canonical penal process, I humbly request a dispensation from prescription as well as a sanation of any procedural errors that may have occurred during the time this case was under investigation. The severity and frequency of the offenses are such that it is my opinion that these requests are justified. I look forward to your further instructions in this matter.

With sentiments of deepest esteem, I am,

Sincerely yours in Christ,

A handwritten signature in black ink, appearing to read "Timothy M. Dolan". The signature is written in a cursive style with a large initial 'T' and a cross at the end.

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

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ADOM052751

ARCHDIOCESE OF MILWAUKEE

Prot. No. [REDACTED]

Reverend Marvin T. Knighton

Date of Birth: [REDACTED]

Age: 54

Presbyteral Ordination: May 24, 1975

Years of Ministry: 29

Diocese of Incardination: Milwaukee

Ministry in other Diocese: Phoenix

Address: [REDACTED]

Phoenix, Arizona 85028

ASSIGNMENTS:

Year	Assignment	Location	Appointment
August 1975 - June 1976	St. Anne Parish	Milwaukee	In solidum team member
June 1976 - August 1987	Pius XI High School	Milwaukee	Faculty
August 1987 - August 1988	Leave of Absence	- <i>Whitetail</i>	
August 1988 - November 1991	Pius XI High School	Milwaukee	Faculty
November 1991 - July 1992	Unassigned	- <i>Temp Admin at St. Fred's</i>	
July 1992 - July 1994	Mt. Mary College	Milwaukee	Campus minister
July 1994 - June 1995	Leave of Absence	# 4	
June 1995 - December 1995	St. Martin de Porres Parish	Milwaukee	Pastor
December 1995 - July 1997	All Saints Parish	Milwaukee	Associate pastor
July 1997 - August 1998	Leave of Absence	- <i>Schooling</i>	
August 1998 - July 2000	Dominican High School	Whitefish Bay	Asst Principal
August 2000 - June 2001	St. Mary High School	Phoenix, AZ	Campus minister
August 2001 - April 2002	Archdiocese of Milwaukee		Education consultant

ACCUSATIONS:

Year	Victim	Age	Alleged acts	Denunciation
1974 /75	[REDACTED]	15	Hugging, kissing, forced masturbation at priest's residence; one time; priest admits "inappropriate conduct"	March 28, 2002
1974/75	[REDACTED]	?	Not specified beyond "sexual abuse" as reported to the mother and handed on to the Archdiocese	March 3, 2004
1988/89	[REDACTED]	15	Genital touching; one time; in swimming pool at diocesan pastoral center	July 1, 2002
1989-92	[REDACTED]	13-15	Hugging, kissing, fondling in priest's residence and in swimming pool at diocesan pastoral center	February 25, 2002

CIVIL PROCEEDINGS

Year	Type/case	Conviction	Sentence
2003	Criminal trial – two counts second degree sexual assault	Acquittal	

MEASURES ADOPTED BY THE DIOCESE

Year	Action
2002	Requested his resignation from position in Education Office; resignation accepted Precept issued (April 1, 2002)
2003	Canonical investigation begun upon completion of criminal trial Precept re-issued (September 5, 2003)
2004	Case referred to the Congregation for the Doctrine of the Faith

SUSTENANCE PROVIDED BY THE DIOCESE

Father Knighton is provided with the monthly equivalent of a pensioned priest, \$1,250. He is also provided with health and dental coverage.

RESPONSE / RECOURSE BY THE CLERIC

Year	Action
2002	Denies [REDACTED] and [REDACTED] allegations, admits to "inappropriate conduct" with [REDACTED] but states that because it occurred prior to ordination it is not an issue
2003	Sought hierarchical recourse against "administrative decisions" (not specified to the Archdiocese); continues to threaten legal action against the Archdiocese



CONGREGATIO
PRO DOCTRINA FIDEI

00120 Città del Vaticano,
Palazzo del S. Uffizio

15 June 2004

Prot. N. 325/2003-19268
(In response to *hot mentis huius numeri*)

CONFIDENTIAL

Your Excellency,

The Congregation for the Doctrine of the Faith has received the requested documentation you sent on 24 March 2004 regarding the Reverend Marvin T. KNIGHTON, a priest of your archdiocese who has been accused of sexual abuse of minors.

After a careful study of the facts, this Dicastery at its Particular Congress of 29 May 2004 decided to grant a derogation from the law of prescription and hereby authorises and instructs Your Excellency to conduct a judicial penal process against delicts allegedly committed by Fr. Knighton after his diaconal ordination, that is to say, only those delicts he is alleged to have committed while in the clerical state. Enclosed is a copy of the *motu proprio Sacramentorum sanctitatis tutela* which contains, apart from particular law for the United States of America, the norms governing such a penal process. Your Excellency is reminded that the acts of the process should kindly be forwarded to this Dicastery upon its completion at first instance.

I take this opportunity to thank Your Excellency for the vigilance that you keep over these serious matters and to offer you my sincere respects. With every best wish, I remain,

Yours devotedly in the Lord,

* Angelo Amato, SDB
Titular Archbishop of Sila
Secretary

Enclosure

His Excellency
The Most Reverend Timothy M. DOLAN
Archbishop of Milwaukee
3501 South Lake Drive, P.O. Box 070912
Milwaukee, WI, 53207-0912
U.S.A.

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ADOM052757

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ARCHDIOCESE OF MILWAUKEE
DEPARTMENT FOR CLERGY

August 13, 2007

Marvin T. Knighton


Phoenix, AZ 85028

Dear Marv,

I am sorry to be the one that needs to affirm the fact that the penal trial called for by the Congregation for the Doctrine of the Faith has been completed. The decision of the Tribunal found that crime was committed in two of the three counts presented. The judges have imposed the penalty of permanent restriction from ministry. I presume that you received this information and have discussed it with your canonical advocate.

Given this situation, I am writing to ask you if you would prefer to seek a voluntary laicization from the clerical state. Such a decision on your part may help to bring closure to this experience and help you to move on to a new leg in your life's journey.

Would you kindly respond to this letter in writing by the end of August, 2007? If you should decide to seek voluntary laicization, someone at the archdiocese would be happy to help you with the process.

Thank you for the consideration, Marv. Please know that you are in my prayers daily.

In the Lord Jesus,



Very Reverend Curt J. Frederick
Vicar for Clergy

C: Dr. J. Michael Ritty, advocate



CONGREGATIO
PRO DOCTRINA FIDEI

00120 Città del Vaticano,
Palazzo del S. Uffizio

BAC

31 January 2009

Prot. N. 325/2003-28756
(In response fiat mentio huius numeri)

CONFIDENTIAL

Your Excellency,

I am writing to you regarding the case of Rev. Marvin KNIGHTON, a priest of your Archdiocese who has been accused of the sexual abuse of minors. This Congregation has received from Rev. Knighton an appeal against the sentence, given on 27 July 2007, in the Penal Process carried out at First Instance by the Metropolitan Tribunal of Detroit. Your Excellency has also requested that a more severe penalty be imposed on Rev. Knighton than that given in the Tribunal of First Instance.

The Congregation has authorized the Tribunal of the Archdiocese of Cincinnati to carry out a Penal Process at Second Instance and would therefore kindly request that Your Excellency ensure that all of the *Acta* pertaining to this case are forwarded to the said Second Instance Tribunal. Your own concerns regarding the penalty imposed should also be included. Your request should be construed as a petition that the Promoter of Justice in Second Instance file for a *dimissio in poenam*.

Thanking you for your assistance in this matter, with prayerful support and best wishes, I remain

Sincerely yours in Christ,

+

✠ Luis F. LADARIA, S.J.
Titular Archbishop of Thibica
Secretary

His Excellency
Most Rev. Timothy M. DOLAN
Archbishop of Milwaukee
P.O. Box 070912
Milwaukee, WI 53207-0912
UNITED STATES OF AMERICA

ADOM041990

DISPOSITIVE

CONGREGATION OF THE DOCTRINE OF THE FAITH

This Court of Appeal of the Congregation of the Doctrine of the Faith upholds the findings of the Court of First Instance of the Archdiocese of Milwaukee in the AFFIRMATIVE as to the proven guilt of Marvin T. Knighton as a cleric of the allegations of the sexual abuse of a minor by a cleric presented by Mr. [REDACTED] and Mr. [REDACTED]. This Court also uphold the finding of that same Court of First Instance in the NEGATIVE as to the guilt of Marvin T. Knighton of the allegation of the sexual abuse by a cleric of a minor presented by Mr. [REDACTED].

As a penalty for his violations of the obligations of the clerical state, this Court furthermore dismisses Marvin T. Knighton from the clerical state. He is permanently removed from the exercise of any ecclesiastical ministry except as provided in the Code of Canon Law and any faculties or privileges or compensation that would accompany the clerical state from the date of the execution of this decision unless it be part of the severance agreement reached by the Archdiocese of Milwaukee in view of justice due to his past service to the people of God.

This decision is to be published to Mr. Michael Ritty as Advocate "for his eyes only". It is to be published to the Archbishop of Milwaukee for the purposes of a review by Marvin T. Knighton without his receiving a copy. All are to be reminded of the Pontifical Secret in these matters.

As a decision of the Congregation for the Doctrine of the Faith acting on behalf of the Supreme Pontiff, this Decision is not subject to appeal.

RE: Rev. Martin T. Knighton
CDF Num. Prot. [REDACTED]

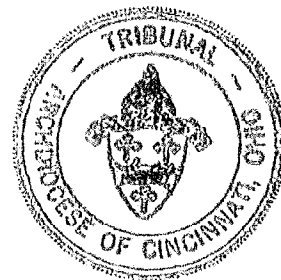
Signed, decreed, witnessed, and published on this 13th day of January 2011 at the Tribunal Office of the Archdiocese of Cincinnati, Ohio, U.S.A.

[REDACTED]
Reverend [REDACTED], JCD, STD
Presiding Judge

[REDACTED]
Reverend [REDACTED], JCL
Associate Judge

Joseph R. Binzer
Reverend Joseph R. Binzer, JCL
Notary

[REDACTED]
Reverend [REDACTED]
Associate Judge and Ponens



BE IT KNOWN TO ALL

that this case is explicitly subject to the Pontifical Secret (art 25. *Gravior Delicta. Normae Processualis*); this applies to all information, processes and decisions associated with this case (*Secreta continere*, February 4, 1974 [AAS, 66 1974, pages 89-92]).