

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Court File No: 62-CR-15-4175

C. A. File No. 2139124

State of Minnesota,

Plaintiff,

v.

AFFIDAVIT OF  
THOMAS E. RING

The Archdiocese of Saint Paul and Minneapolis,  
a Minnesota corporation,

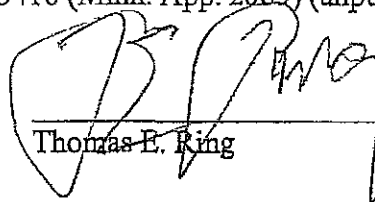
Defendant.

STATE OF MINNESOTA     )  
                                      ) ss.  
COUNTY OF RAMSEY     )

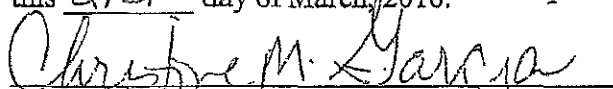
Thomas E. Ring, being first duly sworn upon oath, deposes and states as follows:

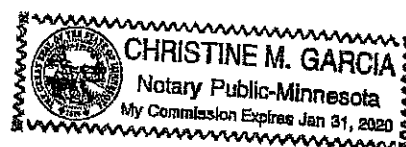
- A. I am an Assistant Ramsey County Attorney assigned to represent Plaintiff in the above-captioned matter.
- B. Attached hereto as correspondingly numbered exhibits are true and correct copies of the following documents:
1. Restated Articles of Incorporation of the Archdiocese of St. Paul and Minneapolis, dated June 12, 2003.
  2. Corporation Bylaws template for a Parish Corporation of the Archdiocese of St. Paul and Minneapolis.
  3. Excerpted report of Inv. G. Leatherman concerning interview with witness M.S.
  4. Transcript of 911 telephone call to Fillmore County Sheriff's Office on September 29, 2009.
  5. Report of Inv. G. Leatherman of follow-up interview with witness F. W.
  6. Report of Inv. G. Leatherman of interview with witness D. G., with relating documents that were provided by D. G. Redaction within these documents occurred before receipt by Leatherman.
  7. Excerpted report of Inv. G. Leatherman concerning review of affidavit of witness W. S.

8. Report of Inv. G. Leatherman concerning review of affidavit of witness J. C.
9. Report of Inv. G. Leatherman concerning interview of witness P. B.
10. Reports of Inv. G. Leatherman concerning review of affidavit of, and interview with witness E.T.
11. Report of Inv. G. Leatherman concerning review of affidavit of witness M. B.
12. Report of Sgt. E. Skog concerning interview with Archbishop John Nienstedt.
13. Excerpts of the Affidavit of Jennifer M. Haselberger, dated July 7, 2014, provided in *Doe 1 v. Archdiocese of St. Paul and Minneapolis and Thomas Adamson*, Ramsey County District Court File No.: 62-CV-13-4075; follow-up report of Inv. G. Leatherman.
14. Excerpted report of Inv. G. Leatherman concerning interview with witness T. W.
15. Excerpted report of Inv. G. Leatherman concerning interview with witness R. W.
16. Excerpted report of Inv. G. Leatherman concerning interview with witness J. H.
17. Report of Inv. G. Leatherman concerning interview with witness C. W.
18. Report of Inv. G. Leatherman concerning interview with witness M. W.
19. Letter from Curtis Wehmeyer to Archbishop John Nienstedt dated April 23, 2009.
20. Excerpts of Deposition of Andrew Eisenzimmer in *Doe 1 v. Archdiocese of St. Paul and Minneapolis and Thomas Adamson*, May 6, 2014.
21. Excerpts of Deposition of Archbishop John Nienstedt in *Doe 1 v. Archdiocese of St. Paul and Minneapolis and Thomas Adamson*, April 2, 2014.
22. Criminal Complaint in *State v. Curtis Carl Wehmeyer*, Ramsey County District Court File No.: 62-CR-12-7664, County Attorney File No.: 2113626.
23. *State v. Bussmann*, 2009 W.L. 2015416 (Minn. App. 2009) (unpublished).

  
Thomas E. Ring

Subscribed and sworn to before me  
this 21st day of March, 2016.

  
Notary Public



STATE OF MINNESOTA

DISTRICT COURT

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Defendant.  
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**EXHIBIT 1**

[Home \(/\)](#)   [Search \(/Business/Search\)](#)   [Filings \(/Business/Filings\)](#)

Search » Business Filings

Business Record Details »

[« Back to Search Results](#)

Minnesota Business Name  
The Archdiocese of Saint Paul and Minneapolis

Business Type  
General Entity

MN Statute

File Number  
CH-600

Filing Date  
07/28/1883

Status  
Active / In Good Standing

Registered Office Address  
226 Summit Ave  
St Paul MN 55102  
USA

Number of Shares  
NONE

Registered Agent(s)  
(Optional) None provided

Comments  
315

Filing History

Filing History

07/28/1883	Original Filing - General Entity
07/28/1883	General Entity Business Name
01/05/1971	General Entity Business Name
12/21/1990	Amendment - General Entity
03/28/1994	Amendment - General Entity
05/17/2004	Registered Office and/or Agent - General Entity
05/17/2004	General Entity Restated Articles

Office of the MN Secretary of State Home  
Page (<http://www.sos.state.mn.us>)

#### System Requirements

The MBLs application works with the  
following web browsers:

- Microsoft Internet Explorer  
(version 7+)
- Mozilla Firefox (version 3.5+)
- Apple Safari (version 3+)
- Google Chrome

#### Additional MBLs Information

##### Terms & Conditions

([http://www.sos.state.mn.us/index.aspx?  
page=1667](http://www.sos.state.mn.us/index.aspx?page=1667))

##### Contact Us

([http://www.sos.state.mn.us/index.aspx?  
page=42](http://www.sos.state.mn.us/index.aspx?page=42))

##### Frequently Asked Questions (FAQ)

([http://www.sos.state.mn.us/index.aspx?  
page=12](http://www.sos.state.mn.us/index.aspx?page=12))

CH-600

NP- RO/RA



9057060002

CORPORATE RESOLUTION  
OF THE  
ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

BE IT RESOLVED, That the Articles of Incorporation of the Archdiocese of Saint Paul and Minneapolis, a Minnesota corporation organized and existing under the laws of the State of Minnesota, being Section 315.16, are hereby restated to include therein all amendments made to the original Articles of Incorporation adopted on November 3<sup>rd</sup>, 1970:

RESTATED ARTICLES OF INCORPORATION

Article 1. The name of this corporation shall be The Archdiocese of Saint Paul and Minneapolis and the location of its registered office shall be 226 Summit Avenue, St. Paul, MN 55102.

Article 2. The general purpose of this corporation is to take charge of, and manage, all temporal affairs of the Roman Catholic Church to the said Archdiocese belonging or in any wise appertaining, to promote the spiritual, educational and other interests of the Roman Catholic Church in said Archdiocese, including all the charitable, benevolent, eleemosynary and missionary work of said Church in said Archdiocese and to establish and maintain Churches and Cemeteries therein and also to establish and conduct schools, seminaries, colleges and any benevolent, charitable, religious or missionary work or society of the said Roman Catholic Church within said Archdiocese, to take charge of, hold and manage, all property, personal and real, that may at any time or in any manner come to, or vest in, this corporation for any purpose whatever for the use and benefit of said Archdiocese and for the use and benefit of the Roman Catholic Church therein, whether by purchase, gift, grant, devise or otherwise, and to mortgage the same, sell or otherwise dispose of it as the necessities or best interests of said corporation in the opinion of the members thereof may require.

Article 3. The Members of this corporation shall be the Archbishop, the Vicar General and the Chancellor of the Archdiocese of Saint Paul and Minneapolis, and two other members of the Roman Catholic Church, residents of the Archdiocese of Saint Paul and Minneapolis, selected and appointed by the said Archbishop, the Vicar General and the Chancellor, or a majority of them. The term of office for each of the aforesaid two appointed members shall be for a period of two years or until his successor is chosen.

Article 4. The Board of Directors shall be composed of not less than five (5) directors. The five (5) Members of the corporation, namely, the Archbishop, the Vicar General, and the Chancellor of The Archdiocese of Saint Paul and Minneapolis and the two (2) other Members of the corporation selected and chosen as aforesaid, and their respective successors shall always be members of

the Board of Directors. The other directors shall be selected by a majority vote of the five (5) Members of the corporation at a regular meeting of the corporation, and the term of office for such elected directors shall be for a period of two (2) years or until their successors have been duly elected and qualified. The Board of Directors shall have power to transact all business of said corporation.

Article 5. The officers of said corporation shall be a President, a Vice President, a Treasurer and a Secretary and such other officers as shall be provided for in the By-Laws. The Archbishop or person appointed in his place or stead shall be ex officio President. The Vicar General shall be ex officio Vice President. The Secretary and the Treasurer shall be chosen from the Members of said corporation provided that the offices of Secretary and Treasurer may be held by the same person. The term of office of the Secretary and Treasurer and other officers provided for in the By-Laws, and the duties of each, except so far as the same are fixed by the Articles, may be prescribed by the By-Laws. The Board of Directors may at any time remove the Secretary or Treasurer if the Board of Directors shall deem that the best interests of the corporation require such removal.

Article 6. No real estate belonging to said corporation may be sold, mortgaged, encumbered or disposed of in any way without the consent of a majority of the Directors, provided such majority shall include the Archbishop or the Vicar General.

Article 7. The said Directors may by a two-thirds majority vote adopt such By-Laws, not contrary to the laws of this State and the discipline of the Roman Catholic Church and these Articles, as may be deemed necessary for the proper government of this corporation and the management of the property and business thereof and may by a like vote alter or amend the same and when so adopted such By-Laws and all amendments thereof shall be recorded by the Secretary in a book to be provided and kept for that purpose.

Article 8. To the full extent permitted by law, the Corporation shall indemnify each person who is or was a member, director, officer or employee of the Corporation for judgments, payments, costs and expenses paid or incurred by any of them as a result of any action, suit or proceeding to which such person may be a party by reason of his or her said capacity with the Corporation, unless is otherwise adjudged that such person did not act in good faith or in the best interests of the Corporation.

In criminal cases, such right of indemnification shall only apply if the person is found not guilty and only if a majority of the directors find that such person acted in good faith in the best interests of the Corporation.

The Corporation may provide and maintain insurance on behalf of any such person indemnified by the terms of this Article.

BE IT FURTHER RESOLVED, That an officer of this corporation is hereby directed to execute an appropriate certificate of Restated Articles of Incorporation for filing in the office of the Secretary of State of the State of Minnesota, and such other public offices as they deem appropriate, and the officers are directed to file and record said certificate, according to law.

1:6

DIOCESAN CORPORATION AFFIDAVIT/CERTIFICATE

BE IT RESOLVED, That the Restated Articles of Incorporation and the Restated By-Laws attached hereto are hereby approved and adopted.

The resolution following was adopted unanimously, in writing, by the members and directors of the Archdiocese of Saint Paul and Minneapolis, a Minnesota religious diocesan corporation, organized and existing pursuant to Minnesota Statutes Section §315.16 on the 7th day of November, 2002, at the annual meeting of the members and directors of said corporation.

I, William S. Fallon, the duly elected, qualified and acting Secretary of The Archdiocese of Saint Paul and Minneapolis, do hereby certify that the attached is a true copy of the resolution adopted by the members of said corporation on the aforementioned date and is now in full force and effect, and that the members of said corporation have and at the time of adoption of the said resolution had full power and lawful authority to adopt said resolution.

*W S Fallon*

William S. Fallon  
Secretary

STATE OF MINNESOTA)  
                  ) SS.  
COUNTY OF RAMSEY )

On this 12<sup>th</sup> day of June, 2003, in the said County of Ramsey, before me, a Notary Public duly commissioned and qualified, in and for the State and County aforesaid, personally known to me to be the person described in and who executed the foregoing certificate, and acknowledged to me that he executed the same; and being by me duly sworn, did depose and say that he executed the same; and being by me duly sworn, did depose and say that he is the Secretary of said corporation and a member of said corporation; that as such officer, he keeps the corporate minute books and seal of the said corporation; and that the foregoing certificate is true of his own knowledge.

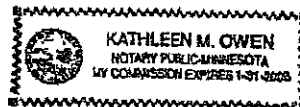
Subscribed and sworn to before me this 12<sup>th</sup> day of June, 2003.

*Kathleen M. Owen*  
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

William S. Fallon  
226 Summit Ave.  
St. Paul, MN 55102

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED



MAY 17 2004

*Mary Hoffmann*  
Secretary of State

CRK

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

-----  
State of Minnesota,

Court File No: 62-CR-15-4175  
C. A. File No. 2139124

Plaintiff,

v.

**AFFIDAVIT OF  
THOMAS E. RING**

The Archdiocese of Saint Paul and Minneapolis,  
a Minnesota corporation,

Defendant.  
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**EXHIBIT 2**

# BYLAWS

## BYLAWS

The Church of \_\_\_\_\_

- I. The Board of Directors of The Church of \_\_\_\_\_, a Minnesota Religious Parish Corporation organized and existing pursuant to Minnesota Statutes, Sec. 315.15, shall consist of the five members of the Corporation, three of whom enter into office ex officio — viz: the Archbishop of The Archdiocese of Saint Paul and Minneapolis, the Vicar General of said Archdiocese, and the canonically appointed Pastor of the Parish of The Church of \_\_\_\_\_. The other two Directors shall be lay members belonging to the Parish as above described, duly chosen by the above mentioned Archbishop of The Archdiocese of Saint Paul and Minneapolis, the Vicar General of said Archdiocese and the Pastor of the said above described Parish to be lay members of the Corporation.
- II. The election of the two lay members above mentioned shall be made at the annual meeting.
- III. The term of office of the lay members above mentioned shall be for two years from the date of their election, or until successors to them have been duly chosen and have entered upon the duties of their respective offices. The term of office of a member chosen to fill out an unexpired term of a member who has resigned or who has been removed from office shall extend to the close of such unexpired term.
- IV. The resignation of a lay member of the Board shall be offered in writing to the Vice President and shall be submitted by him for final action to a meeting of the Directors.
- V. If any member of the Board of Directors, except ex officio members, becomes unfit for the duties of the office of Director, or incapable of performing such duties, the remaining Directors shall have authority to remove the Director permanently from membership on the Board and as a member of the Corporation. Causes for which a Director may be removed from membership are: physical inability to perform the duties of the office; prolonged neglect to perform such duties, or to

perform them properly; persistent refusal to observe in the transaction of the business of the Board, the statutes and rules of The Archdiocese of Saint Paul and Minneapolis, or the rules of the general and recognized discipline of the Roman Catholic Church; or public personal conduct at variance with the laws of said Roman Catholic Church.

- VI. A majority of the Directors shall constitute a quorum for the transaction of business, and the action of said quorum shall be considered to be the action of the Board, except in those cases mentioned in the Certificate of Incorporation as requiring a unanimous vote of the Directors. Any action which could be taken at a meeting of the Board of Directors may be taken without a meeting when authorized in writing and signed by all of the Directors.
- VII. The Board of Directors should consult with the Parish Council on all important matters pertaining to the pastoral care and temporalities of the Parish, but the Parish Council shall have no legal vote in the transaction of the business of the Corporation.
- VIII. The Officers of the Corporation shall be: a President, a Vice President, a Secretary and a Treasurer. The Archbishop of the Archdiocese, or in the event of the death or incapacity of said Archbishop, the Administrator of the Archdiocese, shall be ex officio the President. The Pastor of the Parish shall be ex officio the Vice President. The Secretary and the Treasurer shall be elected by the three ex officio Directors of the Corporation and shall hold their respective offices during the term of their membership on the Board.
- IX. The President, or, in his absence, the Vice President, shall preside at all meetings of the Board. The President and the Vice President shall otherwise perform all such duties as usually appertain in corporations to the offices of President and Vice President.
- X. The Treasurer, with the Vice President (Pastor), shall provide for the orderly receiving, accounting and dispersing of all funds belonging to the Parish Corporation. They shall be responsible for the deposit of all monies belonging to the Corporation in a bank designated by the Board. All such monies shall be deposited in the name of the Cor-

poration and shall be withdrawn under the signature or signatures approved by the Board.

- XI. The Parish accounts shall be examined and approved by the Board of Directors at least once a year, and a detailed report of all receipts and expenditures of the Corporation shall be published to the congregation within forty five days of the close of the fiscal year. A copy of such report signed by the Vice President, Treasurer and Secretary shall be sent to the Archbishop.
- XII. The Secretary shall notify the Directors of the time of all meetings, and shall keep the Minutes of said meetings in the Parish Corporation Minute Book.
- XIII. Deeds, mortgages, contracts, evidences of indebtedness, documents of whatever form affecting the property of the Corporation, or entailing upon it a monetary obligation, shall when duly authorized by the Board, be signed and executed by the President, or Vice President, and the Secretary, and by none other or others in their stead, unless such other or others be duly empowered to that effect by the unanimous vote of all the Directors.
- XIV. The annual meeting of the members of the Corporation and the Board of Directors shall be held within forty five days of the close of the fiscal year. Special meetings may be called at any time by the President, or by the Vice President.
- XV. No Director, unless authorized by the Board, shall have power or authority to sign notes or other evidences of debt or to contract liabilities binding on the Corporation. No Director,

without a special authorization from the Board, shall be presumed to have the power or permission to act as agent of the Board; and no contract made and no liability assumed by a Director in the absence of such special authorization shall be other than that Director's own personal contract or liability, and no mere custom or practice of any member or any Director of the Board, separately or collectively, shall be construed as establishing a legal agency binding on the Board.

- XVI. There shall be no expenditures for equipment, repair, remodeling or new construction costing in excess of \$5,000.00, or such other amount as shall be promulgated by the Archbishop from time to time in the Clergy Bulletin, without the unanimous consent of the Board. Exempted from this expenditure limitation are the purchase of parish automobiles, the purchase or routine replacement of mechanical equipment, regular maintenance such as painting, and routine employment contracts for teachers and regular parish staff. Any indebtedness resulting from operating deficits shall not exceed 5% of the prior year's annual operating budget, without the unanimous consent of the Board.
- XVII. All action, of whatever nature, of the Corporation shall be null and void, which is not in conformity with its own Certificate of Incorporation, with the statutes and rules of The Archdiocese of Saint Paul and Minneapolis, and with the generally recognized discipline of the Roman Catholic Church.
- XVIII. These Bylaws shall not be repealed or amended except by a unanimous vote of all the members of the Corporation.

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Court File No: 62-CR-15-4175

C. A. File No. 2139124

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State of Minnesota,

Plaintiff,

v.

**AFFIDAVIT OF  
THOMAS E. RING**

The Archdiocese of Saint Paul and Minneapolis,  
a Minnesota corporation,

Defendant.  
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**EXHIBIT 3**

RAMSEY COUNTY ATTORNEY'S OFFICE  
CONFIDENTIAL

INTERVIEW OF C [REDACTED] S [REDACTED] DOB:

REDACTED

However [REDACTED] was particularly upbeat one day and told her "Father Wehmeyer took me camping, and he even hears my confession." At that time she did not put two and two together.

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

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Plaintiff,

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**AFFIDAVIT OF  
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The Archdiocese of Saint Paul and Minneapolis,  
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Defendant.  
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**EXHIBIT 4**

## STATE OF MINNESOTA

v.

The Archdiocese of Saint Paul and Minneapolis

Court File No. 62-CR-15-4175

C.A. File No. 2139124

## 911 Reporting Call

Date: September 29, 2015

September 29, 2009 0 Hours, 0 Minutes, 19 Seconds.

FILLMORE SHERIFF'S OFFICE: Fillmore County Sheriff's Office. This is Bob.

CALLER: Hi Bob, could you do me a favor? I don't know if Tim's still on duty— Could you send him to the Kwik Trip over here? I got a guy out here who's asking a lot of strange questions to the kids here.

FILLMORE SHERIFF'S OFFICE: Okay any description of the vehicle or person or?

CALLER: Uh, he's gra—, uh, salt and pepper hair, he's probably in his 40's to 50's, uh... life jacket type shirt.

FILLMORE SHERIFF'S OFFICE: Okay.

CALLER: Um, he's standing out there right now and I'm just- he- he just asked a couple questions that were not really—

FILLMORE SHERIFF'S OFFICE: Okay.

CALLER: —uh you know....

FILLMORE SHERIFF'S OFFICE: Alright, I'll send him over there; he's just out of town a little bit, but it shouldn't take him too long to get there.

CALLER: Alright.

FILLMORE SHERIFF'S OFFICE: Okay.

CALLER: I don't, I don't know what he's up to. I'm just making sure the kids stay safe.

FILLMORE SHERIFF'S OFFICE: Sure. You bet.

46  
47 CALLER: Alright.  
48  
49 FILLMORE SHERIFF'S OFFICE: Thank you.  
50  
51 CALLER: Thank you.  
52  
53 END OF TAPE  
54

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

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Court File No: 62-CR-15-4175

C. A. File No. 2139124

State of Minnesota,

Plaintiff,

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**AFFIDAVIT OF  
THOMAS E. RING**

The Archdiocese of Saint Paul and Minneapolis,  
a Minnesota corporation,

Defendant.

-----

**EXHIBIT 5**

REDACTED

## RAMSEY COUNTY ATTORNEY'S OFFICE

FOLLOW-UP INTERVIEW F [REDACTED]

W [REDACTED] DOB: [REDACTED]

On March 11, 2016 at approximately 1250 hours, Investigator Eugene Leatherman of the Ramsey County Attorney's Office spoke by phone with F [REDACTED] W [REDACTED]. The interview was not recorded.

The purpose of the conversation was to confirm information Fr. W [REDACTED] had provided in February of 2015.

Fr. W [REDACTED] stated that in late 2013 there was rumors circulating amongst priests of the Archdiocese of St. Paul and Minneapolis that Archbishop John Nienstedt had been involved in inappropriate conduct.

On December 28, 2013 at approximately 1:15 pm, Fr. R [REDACTED] T [REDACTED] phoned Fr. W [REDACTED]. Fr. T [REDACTED] had been one of several priests who had met with Abp. Nienstedt and his Vicar General in November of 2012 concerning the lack of Archdiocesan protocols that had been revealed by the Wehmeyer incident. Fr. T [REDACTED] served on the Clergy Review Board and attended meetings at the Chancery. During the phone conversation, Fr. T [REDACTED] informed Fr. W [REDACTED] that Abp. Nienstedt was homosexual/ gay. Fr. T [REDACTED] stated that Abp. Nienstedt's conduct was not illegal, though, because it involved consensual sex with seminarians and priests. Fr. W [REDACTED] asked Fr. T [REDACTED] if Fr. [REDACTED] G [REDACTED] knew. Fr. T [REDACTED] said that Fr. G [REDACTED] did know. Fr. W [REDACTED] asked if "Rome" also knew and Fr. T [REDACTED] said they did.

STATE OF MINNESOTA

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The Archdiocese of Saint Paul and Minneapolis,  
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Defendant.  
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EXHIBIT 6

REDACTED

## RAMSEY COUNTY ATTORNEY'S OFFICE

INTERVIEW OF D [REDACTED] G [REDACTED] DOB: [REDACTED]

On May 14, 2015, at approximately 1020 hours, Investigator Eugene Leatherman and Assistant County Attorney Thomas Ring conducted an interview of D [REDACTED] G [REDACTED] at the Ramsey County Attorney's Office, St. Paul, MN. The interview was digitally recorded.

D [REDACTED] G [REDACTED] is a Catholic priest in the Archdiocese of St. Paul and Minneapolis (ADSPM). [REDACTED]

In August of 2013, Fr. G [REDACTED] followed Fr. Kevin McDonough as the ADSPM Delegate for Safe Environment. Fr. G [REDACTED] continued in the position until July of 2014. Fr. G [REDACTED] stated that shortly after being appointed to the position, he realized that this position should not be filled by a priest – but rather a lay person full time. Fr. G [REDACTED] said that part of the problem the ADSPM got in was a result of not paying enough attention to the problem. Fr. G [REDACTED] stated that he advocated for a person very much like Timothy O'Malley (ADSPM Director of Ministerial Standards and Safe Environment), who has a lot of experience, knows investigations, and does not have "Chancery Legionnaire's Disease"- which was Fr. G [REDACTED]'s term for "people who breathe the oxygen of the Chancery" and their first thing is to protect the church at all costs; and they don't even know their doing it; it's just a reflexive thing. G [REDACTED] said that he is happy with O'Malley and has positive feelings about the future direction of the ADSPM.

Fr. G [REDACTED] said that Curtis Wehmeyer was one year ahead of him in the Seminary. Fr. G [REDACTED] said that Wehmeyer did not have good social skills and did not seem to be the healthiest person. Wehmeyer was known as being very morose; he did not laugh a lot. Fr. G [REDACTED] heard in 2002, that after Wehmeyer was ordained and assigned at St. Joseph's as Assistant Pastor, Wehmeyer would get drunk and yell at his pastor- Fr. Lee Piche'. Fr. G [REDACTED] out of concern, spoke with Fr. R [REDACTED] who he knew was a friend of Wehmeyer's and asked P [REDACTED] if anyone was talking with Wehmeyer and doing anything about what had been heard. Fr. R [REDACTED] told Fr. G [REDACTED] that he was talking to Wehmeyer.

After the arrest of Wehmeyer, Fr. G [REDACTED] was told by a colleague at St. Thomas University named A [REDACTED] D [REDACTED] about her experiences with Wehmeyer as assistant pastor at St. Joseph's, West St. Paul. D [REDACTED] also told Fr. G [REDACTED] that I [REDACTED] had concerns about Wehmeyer going into the boy's bathroom at the school. D [REDACTED] said that her children who attended the school called him "Father Creepy". D [REDACTED] had gone to then St. Joseph's pastor, Fr. Lee Piche', and told him her

concerns about Wehmeyer. Fr. Piche' and the Principal told staff they were not to go into the children's bathrooms according to D. Fr. G. said that from what he had found in his research, Wehmeyer had a lack of impulse control- a clear sign of issues. D. told Fr. G. she again saw Wehmeyer going into the boy's bathroom and again alerted Fr. Piche'. D. also had told Fr. G. that Wehmeyer had been arrested at Crosby Park. D. also told Fr. G. about the camper being in the church parking lot and going to meet with Archbishop Flynn.

Fr. G. stated that Fr. Piche' became the pastor at All Saints, Lakeville in 2005. Fr. G. remembered being told at that time by Fr. Piche' about Fr. Piche's experience of Wehmeyer as his assistant at St. Joseph's and Fr. Piche' having concerns about Wehmeyer. Fr. Piche' shared with Fr. G. about Fr. Piche' meeting a couple of times with Archbishop Harry Flynn over Piche's concerns about how unhealthy Wehmeyer was. Fr. Piche' was frustrated with Archbishop Flynn over it. Fr. G. said that he, Fr. T. and Fr. T. all can't understand why, when later Fr. Piche' as Bishop had authority over Wehmeyer, and Wehmeyer was still advanced. Fr. G. asked, "Why on earth would Bishop Piche' not speak out against it?"

Fr. G. said that he, Fr. R. T. and Fr. R. met in 2012 and discussed the information about Wehmeyer that each had, and came up with ideas about what would be best practices in handling allegations. They met with Bishop Piche' as a group in at that time, and shared all the collective information concerning Wehmeyer they had gathered. Fr. G. stated that Bishop Piche' said to Fr. G., Fr. T. and Fr. T. that he could not remember the information provided by D. or going to meet with Archbishop Flynn concerning D. complaints about Wehmeyer, or being told by Fr. D. that Wehmeyer was sleeping with a minor in his camper. Fr. T. concern was over the file reviews and the three-year statute of limitations approaching. In November of 2012, Fr. T., Fr. G., Archbishop Nienstedt, Andrew Eisenzimmer and Fr. Peter Laird met concerning the lack of protocols revealed by the arrest of Wehmeyer and what led up to that. Fr. T. would have attended this meeting, but was not available. Eisenzimmer was fairly defensive in his response to the information provided to him. Fr. G. said that a red flag is a red flag and speaks for itself.

Fr. G. said that the best practices they came up with are:

1. A comprehensive clergy file review- as seemingly "red flags" were being ignored and there was no idea as to "what could be out there".
2. The Church, Fr. Kevin McDonough and Fr. G. should not be in the business of conducting investigations. Fr. G. disagrees with O'Malley's use of the recently hired group of investigators. He thinks credibility of the investigators and investigations would be better with use of a totally outside firm. For reasons of perceived credibility, among others, Fr. G. indicated that he had stopped some investigations already started and became the point person for outside firms. Fr. G. indicated that the point person would meet with the independent law firm and their investigator and give the lawyer and firm investigator the allegation concerning a priest. Fr. T. was the point person on Fr. Thomas Keating's case because Fr. G. recused himself since he had been ordained with Fr. Keating. Fr. G. was the point person for allegations concerning Fr.

S. [REDACTED] B. [REDACTED], and the liaison with the Greene Espel Law Firm on its investigation of Archbishop Nienstedt.

3. Improvement was needed in dealing with victims. A legal defense strategy should not be in the forefront. Fr. G. [REDACTED] said the approach should be to think more with heart of pastor than the head of an attorney.
4. Safe Environment staff should be physically located completely separate and apart from the Archdiocese's location.

Former Hennepin County Attorney Tom Johnson has been an advisor to the ADSPM and said that if anything is even close concerning an allegation, it should be submitted to the police for investigation.

Fr. G. [REDACTED] said that some vehicle was needed to share known information to avoid the "silo mentality" that isolates and just stores information. Fr. G. [REDACTED] credits Fr. Peter Laird for bringing this change after Wehmeyer's arrest.

Fr. G. [REDACTED] said that the Safe Environments and Ministerial Standards Taskforce was successful. Fr. G. [REDACTED] said that preserving power at all cost must be weighed against the common good and proclamation of the Gospel. Fr. G. [REDACTED] said that the ADSPM was slow to acknowledge that it/they had made mistakes. Fr. G. [REDACTED] said that the ADSPM should early on have gone to the victims and lay people, admitted they had violated their trust, and ask for forgiveness and prayer for healing. Fr. G. [REDACTED] added that basically there is a lack of leadership and accountability at the ADSPM.

Fr. G. [REDACTED] understands the reasons that Jennifer Haselberger revealed information she possessed concerning the ADSPM response to abuse allegations. Fr. T. [REDACTED] has shared with Fr. G. [REDACTED] that Haselberger sent to him by email a number of files concerning priests within the Archdiocese that concerned her before she left employment there.

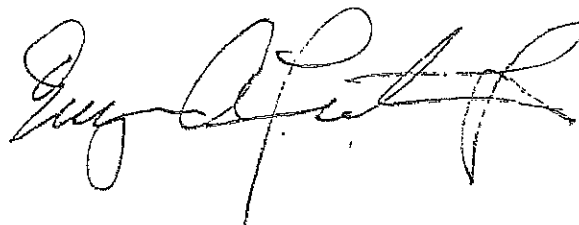
Fr. G. [REDACTED] said that Joseph Kueppers may have a copy of the Greene-Espel investigation report, as well as Bishop Piche'. Fr. G. [REDACTED] said that the client for the Greene Espel investigation was the Archdiocese of St. Paul and Minneapolis. Fr. C. [REDACTED] saw the billing submitted that names the ADSPM as client of the firm's services, and that Fr. G. [REDACTED] gave the billings to Joseph Kueppers for processing. Fr. G. [REDACTED] stated that the ADSPM cannot be a parrot for just the Archbishop's responses to the investigation findings; essentially, that the archdiocese is not the archbishop and the archbishop is not the archdiocese. In the subsequent investigation, Attorney Peter Wold has stated that his client is Bishop Piche'. Director O'Malley told Fr. G. [REDACTED] that he had clarified to Wold that the client is the ADSPM, not Bishop Piche'.

Fr. G. [REDACTED] was asked about Greene Espel's investigative facts as they concern Wehmeyer. Fr. G. [REDACTED] said that the report itself does not address issues concerning Wehmeyer. Fr. G. [REDACTED] said that the original investigative engagement of Greene Espel did not include Wehmeyer. Fr. G. [REDACTED] said that he later became aware of allegations concerning Wehmeyer and the Archbishop. Fr. G. [REDACTED] then added Wehmeyer to the allegations Greene Espel was to

investigate. Fr. G [REDACTED] clarified that he read a subsequent letter from Greene Espel which does address the investigative findings concerning Wehmeyer and Archbishop Nienstedt. Fr. G [REDACTED] said that Wehmeyer had been interviewed by the Greene-Espel investigator. Fr. G [REDACTED] recalls that the letter raises issues about an unusual relationship which was not professional, but social in nature, between Archbishop Nienstedt and Wehmeyer. Fr. G [REDACTED] said that the letter documented Archbishop Nienstedt (not in clerical clothing) and Wehmeyer meeting and often drinking together -- which is not something the Archbishop would do normally with priests. Fr. G [REDACTED] indicated this alone was troubling because Wehmeyer was struggling with alcohol abuse. Fr. G [REDACTED] has not been out socially with the Archbishop.

Fr. G [REDACTED] raised concerns in a written memo to Bishop Piche', Bishop Andrew Cozzens and Fr. Charles Lachowitz about whether the alleged past behavior of Archbishop Nienstedt (given that these behaviors had some similarities to Wehmeyer) may have affected the archbishop's decision-making in promoting Wehmeyer to pastor. Fr. G [REDACTED] said, that as the Delegate for the Safe Environment, he postulated that given his past behaviors, Archbishop Nienstedt may possibly be a threat to the safe environment of the Archdiocese.

Inv. Leatherman thanked Fr. G [REDACTED] and the interview was concluded at 1135 hours. The digital recording of the interview was downloaded to the RCAO computer for safekeeping. Refer to the recording for additional details concerning the conversation.



RAMSEY COUNTY ATTORNEY'S OFFICE

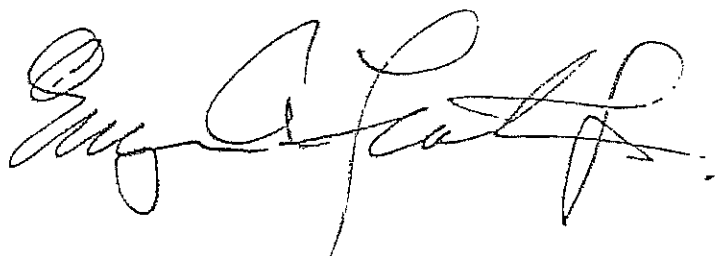
FOLLOW-UP WITH D [REDACTED] G [REDACTED]

On May 19, 2015, at approximately 1430 hours, Inv. Leatherman and ACA Ring met again with Fr. D [REDACTED] G [REDACTED] Fr. G [REDACTED] provided a one-page document entitled "Confidential Memorandum November 22, 2013" and a four-page document entitled "Confidential Memorandum" dated April 20, 2014. Inv. Leatherman dated and initialed the first page of each document. Fr. G [REDACTED] initialed the first page of each document. Fr. G [REDACTED] stated that he had authored the documents and had additional written documentation as was requested at his interview. Fr. G [REDACTED] stated again that in light of the Archdiocesan directive to be transparent and forthcoming, he felt compelled to share information with law enforcement conducting a criminal investigation. Fr. G [REDACTED] stated that in the Greene Espel document that he spoke about on May 14, 2015, he read that Curtis Wehmeyer stated that Wehmeyer felt that Archbishop Nienstedt had been "grooming" him. Additionally, Greene Espel sent a letter of disengagement to the ADSPM from the investigation of Archbishop Nienstedt. Fr. G [REDACTED] read this letter, which said, among other things, that Greene Espel stated the firm did not want to be part of perpetrating a fraud on the public and therefore disengaged.

On May 29, 2015, at approximately 0930 hours, Inv. Leatherman and ACA Ring again met with Fr. G [REDACTED] regarding a letter drafted by ACA Ring. The letter, dated May 26, 2015, was a written request for documents in Fr. G [REDACTED]'s possession. In response, Fr. G [REDACTED] provided two documents which Fr. G [REDACTED] had authored. The first, dated July 7, 2014 consists of 11 pages and is entitled "Memorandum" and was directed to Bishop Lee Piche. The second consists of 3 pages, dated February 6, 2014 and is entitled "Confidential Memorandum Allegations of Misconduct Regarding Archbishop John C. Nienstedt". Fr. G [REDACTED] and Inv. Leatherman initialed the front pages of each. Inv. Leatherman dated and placed a circled designation of the number of pages. Both of the documents are the work product of Fr. G [REDACTED] which he redacted names from in order to not victimize again those who had come forward with allegations. Fr. G [REDACTED] stated that he read a document entitled "Memorandum of Interview of Curtis Wehmeyer" produced by Greene and Espel for the Archdiocese. This is the report of the interview of Curtis Wehmeyer by Greene and Espel.

On June 23, 2015, Inv. Leatherman received by email a memorandum from Fr. G [REDACTED] concerning best practices learned from the Archdiocese of Chicago during a trip he had made there in April of 2014. The memorandum was dated September 29, 2014 and consisted of 4 pages.

All documents received are attached to this report.



6:6

CONFIDENTIAL MEMORANDUM

November 22, 2013

As Delegate for Safe Environment, a number of allegations of misconduct have recently been brought to my attention concerning Archbishop John C. Nienstedt. Other matters, which I had known about previously, I now bring forward as delegate as they potentially relate to the allegations noted below. I do not presume to have jurisdiction in this matter, nor do I judge the veracity of the allegations described below. However, in justice, these matters must be brought to the attention of Archbishop Nienstedt. I further believe that an investigation of these allegations should be conducted as they pertain to the reputation of Archbishop Nienstedt and the well-being of our local church.

- A reputable source has indicated that a priest in Detroit has alleged that while staying overnight at the rectory of the National Shrine of the Little Flower in Royal Oak, Michigan (then) Fr. Nienstedt sexually solicited him. The alleged advance was not reciprocated. In a discussion with the source, wherein the incident was recounted, the priest stated: "I know when I am being hit on."
- A priest of the Archdiocese of St. Paul and Minneapolis recently had a conversation with a former priest, J. [REDACTED] which is documented in the attached statement. The priest states that [REDACTED] told him about an incident in Michigan where Bishop Nienstedt (the year is not known) asked [REDACTED] to drive his car back to his summer home from a restaurant where they had dined. According to the priest, [REDACTED] alleges that while he was driving, Bishop Nienstedt began massaging his neck. When they arrived home, [REDACTED] asked Bishop Nienstedt to drive him to the airport the next morning. The priest also stated that when he asked [REDACTED] whether he was concerned that Archbishop Nienstedt occasionally camps with seminarians in the boundary waters, he responded, yes.
- Another priest of the Archdiocese told me a number of years ago that he was in Detroit as a presenter at a conference. The conference took place shortly after it was announced that Archbishop Nienstedt was named coadjutor archbishop of St. Paul and Minneapolis. He stated that a number of priests of the Archdiocese of Detroit spoke to him regarding what they described as Archbishop's promiscuous gay lifestyle while serving as priest in Detroit and while living in Rome.
- A reputable source from Detroit who serves on a board of directors of a Twin Cities university allegedly stated to other board members that many people from the Detroit Archdiocese knew of Archbishop Nienstedt's promiscuous gay lifestyle while he was serving there as a priest.
- Recently, the spouse of a chancery official of the Archdiocese has received a number of calls from men with whom she works in the Twin Cities Arts industry. The callers told her that they have knowledge that Archbishop Nienstedt was active in a gay lifestyle while serving as a priest in Detroit. They further told her to convey this information to her husband.
- In the last 4-5 weeks, Archbishop Nienstedt has received several anonymous letters postmarked from different cities. All of these letters reference a place called the "Happy Tap", a gay bar and strip club in Windsor, Canada. This establishment is located across the river from Detroit. The writers of these letters allege that they remember Archbishop Nienstedt and ask if he remembers them. They also state that he should "come out" and that he should resign soon.

DAH 1/1 5/19/15 [REDACTED]

CONFIDENTIAL MEMORANDUM

Allegations of Misconduct Regarding Archbishop John C. Nienstedt  
February 6, 2014

For an Internal Investigation of These Allegations  
Prepared by Fr. D. [REDACTED] G. [REDACTED] **READ**  
Delegate for Safe Environment, Archdiocese of St. Paul and Minneapolis

As Delegate for Safe Environment of the Archdiocese of St. Paul and Minneapolis, a number of allegations of misconduct have been brought to my attention regarding Archbishop John C. Nienstedt. Other matters and allegations which I had known about previously, I now bring forward as Delegate, as they potentially relate to some of the allegations noted below. I am not able to fully judge the veracity of these allegations. However, I would note that all of the allegations at least rise to the level, in my opinion, of being not frivolous or manifestly false.

A thorough and discreet investigation will help determine the credibility of these allegations and whether they can be substantiated. I have advised the Archdiocese of St. Paul and Minneapolis that an investigation of these allegations should be conducted as they may pertain to the reputation of Archbishop Nienstedt and the well-being of our local church. In the investigation of these allegations, the Archdiocese of St. Paul and Minneapolis is applying, in justice, the same standard that would be applied to priests facing similar allegations. Archbishop Nienstedt has formally authorized this investigation by decree and has appointed Auxiliary Bishop, Lee Piche as the person responsible for carrying out the investigation. I will serve, in my capacity as Delegate for Safe Environment, as the liaison between Archdiocese of St. Paul and Minneapolis and those parties retained to carry out the aforementioned investigation.

- [REDACTED] has indicated to a reputable source (Archbishop Harry J. Flynn) that while staying overnight at the rectory of the National Shrine of the Little Flower in Royal Oak Michigan (then) Auxiliary Bishop John Nienstedt sexually solicited him. The alleged advance was not reciprocated. In a phone conversation with the source, wherein the incident was recounted, the priest allegedly stated: "I know when I am being hit on."
- Fr. E. [REDACTED] T. [REDACTED] a priest of the Archdiocese of St. Paul and Minneapolis had a recent conversation with former priest, [REDACTED], which is documented in the attached statement. Fr. T. [REDACTED] states that [REDACTED] told him about an incident in Michigan where Bishop Nienstedt (the year is not known by Fr. T. [REDACTED]) asked [REDACTED] to drive his car back to his summer home from a restaurant where they had dined. According to Fr. T. [REDACTED], [REDACTED] alleges that while he was driving, Bishop Nienstedt began messaging his neck. When they arrived home, [REDACTED] asked Bishop Nienstedt to drive him to the airport the next morning. Fr. T. [REDACTED] also stated that when he asked [REDACTED] whether he was concerned that Archbishop Nienstedt occasionally camps with seminarians, he responded, yes. Fr. M. [REDACTED] B. [REDACTED], in a phone conversation, also indicated that [REDACTED] had told him that Bishop Nienstedt came onto him while at his Michigan summer home. Archbishop Nienstedt when asked about his relationship with [REDACTED] stated that they were just

JAL 5/29/15 (13)



friends and there was nothing inappropriate between them. Archbishop Nienstedt has denied the allegations that he came onto [REDACTED]

- A priest (who wishes to remain anonymous) of the Archdiocese of St. Paul and Minneapolis told me a number of years ago that he was in Detroit as a presenter for a conference. At the time of the conference, Archbishop Flynn was preparing to retire as Archbishop of St. Paul and Minneapolis and awaiting the appointment of a coadjutor archbishop. A priest of the Detroit Archdiocese came up to the presenting priest and inquired about the Archdiocese of St. Paul and Minneapolis as he was thinking about incardinating into the archdiocese. He indicated that he would certainly not incardinate into the archdiocese if Bishop John Nienstedt were named coadjutor archbishop. The priest of Detroit then described in detail John Nienstedt's promiscuous gay lifestyle while Nienstedt served as a priest in Detroit and while living in Rome.
- Sr. M [REDACTED] F [REDACTED] has lived and worked in Detroit for many years and has served as a member of the Board of Trustees of the University of St. Thomas in St. Paul. Sr. F [REDACTED] allegedly stated to other board members that many people from the Detroit Archdiocese knew of John Nienstedt's promiscuous gay lifestyle while he was serving there as a priest, including the fact that he would frequent gay bars and establishments across the border in Canada.
- This past fall [REDACTED] Joe Kueppers (Chancellor for Civil Affairs) received several calls from men with whom she works in the Twin City Arts industry. They told her that they have knowledge that John Nienstedt was active in a gay lifestyle while serving as a priest in Detroit. They further told her to tell [REDACTED] Joe Kueppers said "I know these guys, they're credible."
- This past fall, Archbishop Nienstedt received several anonymous letters postmarked from different cities. All of the letters reference a place called the "Happy Tap Tavern" a gay bar and strip club in Windsor, Canada. This establishment is located across the river from Detroit. The writers of these letters allege that they remember John Nienstedt and ask if he remembers them. They also state that he should "come out" and that he should resign soon.
- Parishioners and former staff members of Holy Spirit Catholic Church in St. Paul indicated that they found the relationship between [REDACTED] (former pastor) and Bishop Nienstedt (then bishop of New Ulm) odd. Bishop Nienstedt was a frequent overnight guest of [REDACTED] at the Holy Spirit rectory. Apparently, he would drive to St. Paul from New Ulm and stay overnight. Bishop Nienstedt indicated that he was often flying out of the Minneapolis/St. Paul airport the next day. The former trustee of Holy Spirit (now deceased) and her husband occasionally would invite Bishop Nienstedt and [REDACTED] to their home for dinner. It has been reported that the trustee and her husband became troubled by the excessive drinking of [REDACTED] and Bishop Nienstedt and the interaction between the two of them which was described as flirtatious.

- In December of 2013, a priest of the Archdiocese of St. Paul and Minneapolis who is a mandatory reporter, reported to Detective Urbanski of the St. Paul Police Department that he had learned about an incident where a minor boy alleged that Archbishop Nienstedt inappropriately touched him on the buttocks during a picture taking session following a confirmation at the Cathedral of St. Paul. The alleged incident took place in May of 2009. Archbishop Nienstedt strongly denies this allegation. The St. Paul Police Department has taken the statement of both the young man (now 19) and Archbishop Nienstedt. It is believed that the investigation is now complete and the matter has been forwarded to the Ramsey County Attorney's Office, awaiting a charging decision.
- A priest of the Archdiocese of St. Paul and Minneapolis has indicated that a number of years ago Bishop Nienstedt (then bishop of New Ulm) helped move a young priest of the Duluth diocese into his residence. Apparently, the Duluth priest was troubled by the attention being paid him by a bishop from another diocese. When the (then) bishop of Duluth heard about this, he allegedly called Bishop Nienstedt and told him to stay away from his young priests.
- Joe Kueppers indicated that [REDACTED] has been a [REDACTED] Blessed Sacrament Parish in Maplewood for the past several years. On some Sunday mornings (then pastor) Curtis Weymeyer would tell Kuepper's [REDACTED] that Archbishop Nienstedt had come over to the Blessed Sacrament rectory the prior evening to visit with Weymeyer. Curtis Weymeyer was charged and convicted of the abuse of two minor boys and the possession of child pornography in 2012 and is now serving time in prison. Archbishop Nienstedt has indicated that he has tried to be a spiritual father to Weymeyer over the years and to help him with his struggles.

Most of these allegations were presented to Archbishop Nienstedt, November 25, 2013 via an earlier memo. Archbishop Nienstedt has indicated that he is not gay and that he denies these allegations. When asked where he thought they may have come from and what might be the motive behind them, he indicated that [REDACTED] may be upset by Nienstedt's decision that he not return to the priesthood in the Archdiocese of St. Paul and Minneapolis. Regarding the allegations of a prior promiscuous gay lifestyle, Archbishop acknowledged that he has been dogged by these rumors for several years. He noted that while Auxiliary Bishop of Detroit he was given the difficult assignment of closing down the Dignity Mass there which had become a popular Mass among gay Catholics of Detroit. Archbishop has indicated that perhaps some of these rumors are the result of this decision which was unpopular in that community.

[REDACTED]

CONFIDENTIAL MEMORANDUM

To: Most Reverend Lee Piché; Most Reverend Andrew Cozzens; Very Reverend Charles Lachowitzer **RCAS**  
Fr: Reverend D [REDACTED] G [REDACTED] Delegate for Safe Environment  
Re: Archbishop John Nienstedt and the Safe Environment of the Archdiocese  
Date: April 20, 2014

Introduction

In June of 2013, Archbishop John Nienstedt asked if I would serve as His Excellency's Delegate for Safe Environment. After prayerful discernment, I accepted this assignment and was appointed Delegate for Safe Environment on August 15, 2013.

From the beginning of my work I came to a place of significant concern regarding the safe environment of the Archdiocese. These concerns were validated by the recent report of the independent Task Force. There is no doubt that we have all worked very hard in recent months to improve the safe environment of the Archdiocese and have made significant progress. We have stated that our most important goals are to create safe environments for our children and our Catholic faithful and to restore trust through consistent application of our safe environment policies and practices. To that end, as leaders we must remain vigilant with regard to any factors still present that may inhibit the safe environment of the Archdiocese and affect our credibility going forward. Given my role as Delegate, I write this memorandum to summarize my concerns regarding Archbishop Nienstedt and the safe environment of our Archdiocese. I trust you know I have not arrived at this decision lightly.

Allegations regarding Archbishop Nienstedt

As you know, an internal investigation is currently being conducted regarding allegations of misconduct by Archbishop Nienstedt. These allegations were originally presented to Archbishop Nienstedt in a memo dated November 22, 2013. Those apprised of these allegations agreed that the Archbishop, in justice, must be held to the same standard as any priest serving in this Archdiocese. Archbishop Nienstedt agreed to and authorized an internal investigation of these allegations in a January 31, 2014 letter to Bishop Lee Piché. In that authorizing letter, Archbishop Nienstedt appointed Bishop Piché as the responsible person to carry out the investigation and stated that the report should be as candid and thorough as possible so that the character of the investigation may not be impugned. Subsequently, Bishop Piché appointed me as liaison between the Archdiocese and the law firm selected to carry out the investigation. In selecting an investigator to undertake this important task, a number of lawyers were considered. The Archbishop's attorney was invited to submit a list of lawyers whom he believed could fairly, competently, and credibly carry out this work. Mr. Matthew Forsgren, was among three names provided by Archbishop Nienstedt's attorney. After speaking with Mr. Forsgren and lawyers who know him, his integrity, and his work product, we agreed to the selection of Mr. Forsgren of Greene Espel to lead the investigation of these allegations.

*GAH* 1/4 5/19/15 [REDACTED]

### The Preliminary Investigation

Matthew Forsgren and David Wallace Jackson of Greene Espel began the investigation of the veracity of these allegations in early February, 2014. In our initial meeting, I indicated to them that the sole goal of the investigation was to determine as best they could the truth or falsity of the allegations. This was not to be a white wash or a witch hunt. Rather, they were directed to discreetly and thoroughly investigate the allegations. Earlier this month, Mr. Forsgren and Mr. Wallace Jackson presented the evidence gathered thus far to the auxiliary Bishops, the Vicar General, to Mr. Brian Wenger and to me. Both attorneys clearly cautioned us that there was more investigative work to be done, including following up on at least 24 additional leads, and interviewing Archbishop Nienstedt and his selected witnesses. Please note that any significant evidence uncovered in the next phase of the investigation favorable to the Archbishop will be considered for the purposes of my safe environment analysis.

At the early April meeting, Mr. Forsgren and Mr. Wallace Jackson presented 10 affidavits and two memoranda of interviews as well as a summary of the affidavits and interviews. They noted that affidavits constitute sworn testimony and that the penalty for providing false testimony in an affidavit is a felony under federal and state law. They further noted that they found all of the individuals who signed affidavits to be credible and explained how, through their experience as lawyers, they determine credibility. In addition, they noted that many of the affiants were concerned about reprisals and some of the affiants made statements against self interest, by placing themselves in situations in which they ought not to have been as priests.

The sworn statements provided to those gathered detailed a number of allegations of misconduct by Archbishop Nienstedt, spanning many years. Allegations regarding Archbishop Nienstedt (JN) stated in the sworn statements include: JN seen at a gay bar in Windsor, Canada; JN cruising at a Detroit park known for such activity; JN seen at a gay video store in Detroit; alleged sexual harassment by JN of a Detroit priest; 3 contemporaneous reports of the alleged sexual harassment by JN of a Detroit priest; allegations of reprisals by JN against a Detroit priest; concerns raised about JN's interaction with seminarians in Detroit; alleged sexual harassment by JN of a former St. Paul priest; a contemporaneous report of the alleged sexual harassment by JN of a former St. Paul priest; allegations of reprisals by JN against a former St. Paul priest; concerns raised by a college seminary rector and another St. Paul priest regarding JN's interaction with seminarians in St. Paul; allegations of excessive drinking by JN.

It is fair to say that all gathered for the meeting found the evidence presented to be very concerning. In examining the evidence gathered thus far, I find the following compelling: nearly everyone interviewed has been willing to back up their testimony in a sworn statement; that many have done so fearing reprisals; that some affiants make statements against self interest; that much of the sworn testimony alleges similar patterns of behavior across both time and geography; and that all of the affiants were found to be credible by Mr. Forsgren and Mr. Wallace Jackson.

### Concerns Regarding the Safe Environment of the Archdiocese

As Delegate for Safe Environment for the Archdiocese of St. Paul and Minneapolis, I respectfully call your attention to concerns regarding Archbishop John Nienstedt and the safe environment of this Archdiocese. Before stating these concerns, I would like to acknowledge, in justice, that

Archbishop Nienstedt has not yet had an opportunity to formally answer the allegations against him. I understand that this opportunity is forthcoming.

My concerns regarding Archbishop Nienstedt and the safe environment of the Archdiocese are based on several factors. First, the evidence presented to the Archdiocese at this stage of the investigation is compelling, with attorneys Forsgren and Wallace Jackson indicating they have at least 24 additional leads to pursue. Presented this level of evidence against a priest, we would certainly take action.

Second, there are troubling concerns about patterns suggested by the evidence thus far: alleged unwelcome advances; inappropriate interaction with seminarians; and reprisals in response to those who do not reciprocate the alleged advances. For example, the current Rector of St. John Vianney College Seminary and the former Director of the Office for Priestly Life and Ministry both state in their affidavits their concern regarding Archbishop Nienstedt's interaction with seminarians. Both of these priests were appointed by Archbishop Nienstedt to their respective positions. The current rector further notes in his affidavit that his predecessor at St. John Vianney Seminary also had concerns regarding the Archbishop's interaction with seminarians. Archbishop Nienstedt's former vicar general recently told me that he expressed his concern to Archbishop regarding annual camping trips the Archbishop has taken with college seminarians. Both the current and former Chancellor for Canonical Affairs have noted seeing odd letters written to seminarians by Archbishop Nienstedt wherein warm and affectionate language is used. One letter alleged to have been written by Archbishop Nienstedt to a pastor in the southern metro thanking him for an overnight visit to his parish includes a comment by the Archbishop that it was fun to see the young parochial vicar the next morning in his pajamas with his messy hair.

Additionally, I recently learned that Mr. Forsgren and Mr. Wallace Jackson were contacted by an individual whom they had initially attempted to locate earlier in the investigation. This individual, now married with children and living in Oregon, alleges that when he was 18 years old and a seminarian in Detroit, he was asked by then Monsignor Nienstedt (then rector of the seminary) to accompany him on a ski trip. When the seminarian declined and stated that he thought the invitation was inappropriate, he alleges he was promptly removed from the seminary by then Monsignor Nienstedt. This individual, who described the behavior as a "kind of grooming" has now presented his testimony in the form of an affidavit.

Third, in my work as Delegate I have come across a number of decisions made by Archbishop Nienstedt that raise serious concern. These decisions relate to priest misconduct similar to Nienstedt's alleged misconduct described above. A high profile priest who was accused of an ongoing homosexual relationship with a man he was alleged to have met while cruising was given the rare opportunity to sit down with Archbishop to explain the allegation. Former Chancellor for Civil Affairs, Andy Eisenzimmer referred to this meeting as unusual. The investigation was abruptly closed before its completion and Archbishop Nienstedt told Eisenzimmer to convey to the man making the allegation that he could be sued for defamation if he did not cease with his claims. Another example concerns a priest of a diocese in Wisconsin who was seeking incardination into this Archdiocese. His file noted several reports of homosexual misconduct from his previous diocese. Former Chancellor Eisenzimmer, in a memo written to Archbishop Nienstedt, stated that it would be a grave mistake to incardinate this priest. Contrary to the advice of legal counsel, Archbishop Nienstedt moved forward with the incardination. Similarly, the current priest secretary of Archbishop Nienstedt was arrested for solicitation in a St. Paul park known for gay cruising.

After his resignation from his pastorate, Archbishop Nienstedt appointed him as his secretary and wrote on his behalf to the Court in favor of expunging his arrest. It is my understanding that Archbishop Nienstedt disagreed with the Clergy Review Board's recommendation not to return this priest to active ministry.

Finally, as you know, the case of Fr. Curtis Wehmeyer has garnered much media attention, including red flags missed by the Archdiocese and the subsequent abuse of two minor boys. What is not known by the press, the public or many in Archdiocesan leadership is that the evidence suggests Archbishop Nienstedt had an ongoing social relationship with Fr. Wehmeyer, included dining together and drinking alcohol. Fr. Wehmeyer recently conveyed this to Mr. Forsgren in a lengthy interview. Archbishop Nienstedt admitted in his recent deposition that he appointed Fr. Wehmeyer pastor contrary to the counsel of his former Vicar General and his former Chancellor for Canonical Affairs. These interactions with Fr. Wehmeyer as well as the incidents described above, raise troubling questions regarding the decision making of Archbishop Nienstedt and whether his judgment regarding these important matters may have been affected by his own alleged past misconduct.

The present evidence of misconduct, sexual harassment, past and continuing inappropriate interaction with seminarians, and of reprisals, raise concerns of scandal, loss of credibility, and the deleterious effect on the safe environment of the Archdiocese. At the outset of this memorandum, I noted the important goals of this Archdiocese of ensuring a safe environment and of restoring the trust of our Catholic faithful. Sound judgment, leadership and credibility are critical if we are to move forward along a path of healing and health. I write this memorandum as a matter of conscience and pursuant to the responsibility entrusted to me as Delegate for Safe Environment.

6:14

MEMORANDUM

To: The Most Reverend Lee A. Piche

Fr: Reverend D. [REDACTED] G. [REDACTED] Delegate for Safe Environment

Re: Archbishop John Nienstedt Investigation

CC: The Most Reverend Andrew Cozzens

Date: July 7, 2014

I was very saddened to learn July 3, 2014 that Matthew Forsgren and David Wallace-Jackson have withdrawn as counsel to the Archdiocese in the matter of the investigation of Archbishop John C. Nienstedt. This is not a step that lawyers take lightly and they indicated in their letter believed they had little choice. Ultimately, lawyers only take this step when they believe they would violate their own personal ethics or the ethical rules of professional responsibility. As I indicate in more detail at the conclusion of this memo, I urge you Bishop Piche on behalf of the Archdiocese to reengage Greene Espel to complete its important work. Below, I will outline from my perspective the process that led to the investigation of Archbishop Nienstedt, the investigation itself and the events leading up to the resignation of Mr. Forsgren and Mr. Wallace-Jackson. My analysis will include attendant issues that are concerning to me and should be concerning to our Catholic faithful and to the Archdiocese. I will also provide you soon with an updated memorandum related to the Safe Environment of the Archdiocese and Archbishop John Nienstedt.

In the fall of 2013, two main streams of information converged regarding allegations of misconduct by Archbishop John C. Nienstedt. The first was a memo given to me by Fr. E. [REDACTED] T. [REDACTED] who had recently met with [REDACTED] wherein [REDACTED] recounted an unwanted touch that had occurred while [REDACTED] was a priest serving in the Archdiocese of St. Paul and Minneapolis. Fr. T. [REDACTED] also referenced that [REDACTED] told a second priest about this unwanted touch, Fr. M. [REDACTED] B. [REDACTED]. The second source of information was Joe Kueppers who told me he had received letters this past fall from the "Happy Tap" (a gay bar and strip club in Windsor, Ontario) in which the writers alleged they knew Archbishop Nienstedt and intimated that he had spent time in their establishment. Joe also told me that some of his [REDACTED] colleagues with whom she worked in the Twin Cities arts industry indicated to her that they had knowledge that Archbishop Nienstedt had led a promiscuous gay lifestyle while living and working as a priest in Detroit. Previously, I had heard from a priest of this Archdiocese who wishes to remain anonymous that Archbishop Harry Flynn had conveyed his concerns in this regard to Cardinal Giovanni Battista Re, then Prefect for the Congregation for Bishops in Rome. Archbishop's concerns were based on a prior conversation that Flynn had with a Detroit priest who confirmed to him that then Monsignor Nienstedt had "come on to" him while he was at a parish in suburban Detroit. Earlier this year, Archbishop Flynn confirmed that he had both a conversation with the Detroit priest a number of years ago and a subsequent conversation with the aforementioned Cardinal in Rome. This same priest also told me that Sr. M. [REDACTED] F. [REDACTED] a St. Thomas University Board Member, had indicated

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to other board members that people in Detroit knew that Archbishop Nienstedt was gay and that he had lived a promiscuous gay lifestyle. Another priest of our Archdiocese who also wishes to remain anonymous told me that while he was giving a program in Detroit, a priest of the Archdiocese of Detroit expressed similar concerns regarding Archbishop Nienstedt and his past.

Given the above, a group of chancery officials met in November of 2013 to discuss these allegations. Present at this meeting were Joe Kueppers, Susan Mulheron, Sara Mealey, Brian Wenger, and myself. (There may have been one or two others that I cannot recall.) At that meeting it was decided that these allegations should be investigated and that I would write up a memo which would be presented to Archbishop Nienstedt. Further, there was consensus that the Archbishop should be encouraged to allow these allegations to be investigated in the form of an internal investigation. I remember Susan Mulheron stated an objection and advocated for someone outside the Archdiocese to conduct the investigation. Why an investigation of the allegations against Archbishop Nienstedt? First, in justice, it was the right thing to do. If similar allegations had come into the chancery regarding any priest, there is no doubt we would investigate them. We believed that these allegations at least rose to the level of credible, meaning that they were not frivolous or manifestly false. Second, the decision to investigate these allegations against the Archbishop is an important statement to victims of clergy abuse and misconduct that we do indeed take these matters seriously and that everyone is held accountable for their behavior, no matter their rank or status.

Third, at a time when we were attempting to restore trust among our important constituencies, it would have been unconscionable and unjust to do nothing in light of what we had learned. Had we not moved forward with an investigation, our Catholic faithful and the general public would be rightly perturbed and their trust further undermined. Regarding the nature of the allegations, it did not matter whether the behavior was of a homosexual or heterosexual character. Sexual misconduct is a violation of the moral law and the code of canon law, and it did not matter in the present case of the Archbishop what type (gay or straight) of alleged misconduct was involved. Thus, given the emerging consensus to look into these matters, I wrote a November 22, 2013 memorandum outlining the allegations and advocating that, in justice, these claims must be investigated as they pertained to the reputation of the Archbishop and the good of the Archdiocese. Bishop Piche and Mr. Brian Wenger presented the memorandum to Archbishop Nienstedt on Monday November 25, 2013. Archbishop Nienstedt took the next several weeks to decide whether to submit to an internal investigation of these claims. In December of 2013, I had a conversation with Brian Wenger. He told me he would strongly encourage Archbishop Nienstedt to agree to the investigation, and that if he didn't, Brian would consider stepping down as outside counsel to the Archdiocese. I told Brian that if Archbishop Nienstedt did not agree to have these allegations investigated, I would consider moving the matter beyond the Archdiocese to an appropriate authority. I believe Archbishop Nienstedt was aware of both Brian and my respective positions and it may have in part informed his decision to agree to the investigation.

On December 23rd, Mr. Jon Hopeman, the Archbishop's attorney, called me at Our Lady of Lourdes. He aggressively demanded the names of the individuals making the allegations and referred to the matter as a witch-hunt. Presumably, he wanted to call those alleging the misconduct and confront them. It would have been highly inappropriate of me to give him these names, and certainly not in keeping with proper protocol for an internal investigation. In mid-

January of 2014, Mr. Kueppers informed me that Archbishop Nienstedt had agreed to the investigation of the allegations. The Archbishop acknowledged recently in his interview with Mr. Forsgren and Mr. Wallace-Jackson that it was a possible MPR story regarding [REDACTED] that prompted his decision. Archbishop Nienstedt has recently stated, after the story of the investigation broke, that he agreed to the investigation because he decided he must submit himself to the same standard he would submit any priest under similar circumstances.

During the second half of January, I worked diligently with Mr. Kueppers to find a lawyer who could ably and confidentially undertake this important work. After Mr. Hopeman rejected several names of prominent and skilled attorneys, we arrived at the name of Mr. Forsgren. Mr. Kueppers told me that an email he had received from Mr. Hopeman included Mr. Forsgren's name as one of three possible attorneys for the investigation. (In the earlier debate regarding the possibility of an investigation, one of the concerns that many had was the possibility the investigation could be made public by any of the interviewees who would be approached in an interview. Despite that risk, many believed that an investigation was necessary.)

Regarding the possibility of Mr. Forsgren as lead investigator, I called Brian Wenger to inquire about Matt Forsgren as they had worked together for a number of years at Briggs and Morgan. Brian told me that Matt had handled several sensitive matters very well and was both a discreet and able lawyer. Brian believed Matt was the right man for the job. When I later learned about Matt's support of Lawyers United for All Families, I called Brian again, this time to inquire of his feelings regarding Matt's affiliation with this group, and whether this would affect his ability to conduct the investigation. Brian told me that it would not, and that Matt was a person of integrity who would not be biased because of this issue. I also raised this question with Mr. Forsgren in a late January phone call and he indicated he had clients on both sides of this issue and that it would not affect his ability to fairly conduct the investigation. I believe that Mr. Forsgren has more than adequately addressed this issue in a recent letter written to Mr. Hopeman, in which you were cc'd. In that same late January conversation with Mr. Forsgren, I asked him whether his professional relationship with Mr. Hopeman, which he described as friendly, would influence his ability to conduct a fair and partial investigation. He said it would not.

On January 31<sup>st</sup>, 2014 Archbishop Nienstedt signed a letter authorizing the investigation of these allegations and appointed you, Bishop Piche, as the person responsible to carry out the investigation. You in turn authorized me via email letter to serve as the liaison between the Archdiocese and the law firm selected to carry out the investigation. In that January 31<sup>st</sup> authorizing letter, Archbishop Nienstedt stated that the investigation of these allegations should be thorough and conducted in a manner in which the integrity of the investigation could not be impugned. In early February of 2014, the Archdiocese hired Greene Espel of Minneapolis to conduct the investigation of Archbishop John Nienstedt. At my initial meeting with Greene Espel, I told Mr. Forsgren and Mr. Wallace-Jackson that their sole objective was to discover, as best they could, the truth or falsity of these allegations. I indicated that this was not to be a witch-hunt or a white-wash. I provided them with a memorandum detailing these allegations, which they regarded as the road map for their work.

In that memo, I included concerns that Archbishop Nienstedt may have had a social relationship with Fr. Curtis Weymeyer, which may have affected his judgment regarding Weymeyer's past misconduct, as well as the Archbishop's controversial decision to name him Pastor of Blessed Sacrament. Given the significant judgment errors in the Weymeyer case, I believed this to be one of the most serious issues of the investigation, a conclusion also reached by our investigators prior to their withdrawal as counsel. I included this possible relationship with Weymeyer in my memo to Greene Espel because Mr. Kueppers had told me that [REDACTED] is a [REDACTED] at Blessed Sacrament and, in that capacity, had heard Wehmeyer comment on more than one occasion that he had had dinner the previous evening with Archbishop Nienstedt. Had the Archdiocese not followed through with its investigation of the Wehmeyer connection, we could be seen by others as covering up this potentially explosive issue.

The Task Force, in its separate unpublished document, indicated all the things that went wrong in the Wehmeyer case. Neither the Task force, nor the media, nor the Catholic faithful knew of this potential connection. Thus, as I believed that one of the most important dimensions of the Weymeyer case was the possibility of a social relationship between the two and whether this may have affected the Archbishop's judgment regarding Wehmeyer, I asked our investigators to look into this. What Greene Espel discovered regarding Archbishop Nienstedt's possible past misconduct, also raised the question of whether alleged sexual misconduct on the part of the Archbishop further affected his judgment regarding Wehmeyer. Again, to not investigate this possible connection and its import for the Archdiocese would have been tantamount to malpractice on the part of Greene Espel and dereliction of duty on the part of me, the Archdiocesan Delegate for Safe Environment.

With their memorandum in hand, Mr. Forsgren and Mr. Wallace-Jackson began their work of investigating the allegations of misconduct by Archbishop Nienstedt. Shortly after they began their work, the two lawyers met with you and me at the chancery. This was a productive meeting wherein you told them "to follow the facts wherever they may lead." You also told Mr. Forsgren and Mr. Wallace-Jackson to do their work as quickly and thoroughly as possible and to issue a report to you of their findings when they had completed their investigation. In response to these February meetings, Mr. Forsgren and Mr. Wallace-Jackson set out to determine as best they could the truth or falsity of the claims against Archbishop Nienstedt. Mr. Forsgren and Mr. Wallace-Jackson worked diligently, thoroughly. The investigation took them to Detroit at least twice and they interviewed several individuals both in Detroit and in Minnesota. They asked me to make introductory calls prior to their calls as they believed that this was the only way that individuals would agree to talk to them. Those whom they interviewed needed to know that this was a legitimate investigation and not a perfunctory exercise, or worse, a white-wash. I made the calls that Mr. Forsgren and Mr. Wallace-Jackson asked me to make and that helped pave the way for their subsequent calls and interviews.

Mr. Forsgren and Mr. Wallace Jackson were surprised by what they gathered in terms of evidence. Mr. Forsgren, conveying surprise, described the experience as akin to stepping on a rake. At no time, did I see either of them gleeful or euphoric as Mr. Hopeman wrongly conveyed. Rather, as experienced investigators, they realized that they may have uncovered serious behavior or misconduct on the part of the Archbishop. At no time did they prejudge the investigation as they knew that Archbishop would have an opportunity to respond thoroughly to

all of the allegations as well as the evidence they had gathered. After Mr. Forsgren and Mr. Wallace-Jackson had obtained 10 affidavits, sworn statements of misconduct by Archbishop Nienstedt across both time and geography, I contacted you and Bishop Cozzens to alert you both of what our investigators had gathered thus far. In summary, Mr. Forsgren and Mr. Wallace-Jackson had gathered evidence in the form of sworn statements of the following regarding Archbishop Nienstedt: sexual misconduct; sexual harassment; reprisals in response to the rejection of unwelcome advances; and excessive drinking. Mr. Forsgren and Mr. Wallace-Jackson stated that they found all of the affiants to be credible and noted that many of their statements were against self interest and noted that in some cases the affiants put themselves in places they ought not to have been as priests.

April 10, 2014 you, Bishop Cozzens, Fr. Lachowitzer, Brian Wenger and I gathered at Mr. Wenger's home to hear the evidence gathered thus far by Mr. Forsgren and Mr. Wallace-Jackson. Many of us read through the affidavits and heard the preliminary findings presented by the two lawyers. Our investigators clearly stated that this was a preliminary stage and that Archbishop Nienstedt would be given an opportunity to respond during his interview near the close of the investigation. I think it is fair to say that everyone believed that the evidence presented at the April 10th meeting was compelling. Near the close of the meeting, Brian went around the room to take a poll of the folks present and whether they believed that Archbishop Nienstedt should resign given the nature of the evidence gathered thus far. Everyone present, except the investigators of course, answered in the affirmative. Brian stated that even if the Archbishop was innocent, the evidence was damaging enough that it would render him incapable of leading the Archdiocese. With that consensus, the decision was made that the two auxiliary bishops would fly to Washington D.C. Saturday, April 12 to meet with the Apostolic Nuncio, Archbishop Carlo Maria Vigano. Archbishop Nienstedt was invited to join the auxiliary bishops and in fact did so, on their trip to Washington. The hope was to reach a pastoral resolution for the good of the Archdiocese, given the compelling evidence gathered thus far. As Mr. Forsgren and Mr. Wallace-Jackson stated they had at least 24 more leads to pursue, the decision was made to stop and assess the situation and to assess the options available to resolve the matter. After your meeting with Archbishop Vigano, you called me from the airport to say that you believed a resolution of the matter was on the horizon.

What ever occurred between your call to me on April 12th and a later call you received from Archbishop Vigano, I believe to be the turning point in the investigation and has put the Archdiocese in the very difficult position it finds itself today. I understand Archbishop Nienstedt had a conversation with the Nuncio after his meeting with you and Bishop Cozzens. In that meeting, he may have convinced the Nuncio that the allegations against him were all false and part of the conspiracy that Archbishop Nienstedt recently referenced last week as the news of the investigation broke in the media. As I further understand, the Apostolic Nuncio believed that the allegations were not as serious as you and Bishop Cozzens had indicated at your meeting and ordered you to have the lawyers quickly interview Archbishop Nienstedt and wrap up the investigation. The Nuncio said that the lawyers were not to pursue any further leads, including an allegation referenced by many of the affiants in Detroit that Archbishop Nienstedt may have had sexual relations with a Swiss Guardsman in Rome. In response to the Apostolic Nuncio's directives, you and Bishop Cozzens sought counsel and responded to the Nuncio, in letter form, stating that both of you disagreed with his decision to shut down the investigation, noting that

this would rightly be seen as a cover-up. In that same letter to the Nuncio, you and Bishop Cozzens further suggested that another bishop, one outside the Archdiocese, be appointed to oversee the completion of the investigation, as you had been put into a position that amounted to a conflict of interest. I agreed wholeheartedly with the decision of you and Bishop Cozzens to push back and to express your disagreement with the decision of the Nuncio in the form of a letter.

I conveyed the directive of the Apostolic Nuncio to Mr. Forsgren and Mr. Wallace-Jackson as well as your request for them to pause in their investigation. Mr. Forsgren and Mr. Wallace-Jackson noted to me that this decision was not in keeping with the original mandate to conduct a thorough investigation, the integrity of which cannot be impugned. The work that was done after your request, was done either in preparation of their interview of Archbishop Nienstedt or in following up and closing out current or previous matters they had been pursuing. On April 17, a man whom Mr. Forsgren and Mr. Wallace-Jackson had contacted via email weeks before, responded to their original inquiry. This correspondence resulted in an eleventh affidavit wherein the man alleged that then Monsignor Nienstedt promptly dismissed him from the seminary in Detroit after the then 19 year old seminarian turned down as inappropriate, Nienstedt's invitation to join him and two other seminarians on a ski trip.

After Easter, Mr. Wallace-Jackson and I met with you at your office in the chancery. At that meeting, you told both of us that the attorneys were to narrow the focus of their investigation to the questions of whether a crime or a grave delict had been committed by Archbishop Nienstedt and that their interview of the Archbishop should likewise focus on these questions. When Mr. Wallace-Jackson asked whether they could do more investigative work and to pursue further leads to determine these answers, you stated that he would have to get the permission of the Nuncio; permission, you stated that you believed would be denied. At this same meeting, I raised the issue of the two potential cases of sexual harassment presented in the evidence. I noted that these were serious claims and that the one involving [REDACTED] presented potential liability for the Archdiocese as well as the Archbishop. You agreed to allow the investigators to cover this area as well, but not as their main focus. In response, both David and I stated that this further narrowing of the investigation was not in keeping with the original January 31st letter calling for a thorough investigation the integrity of which cannot be impugned. In the presence of Mr. Wallace-Jackson, I said that these two lawyers worked at a very well respected law firm and were well respected in their own right. I further stated that I could not imagine that they would be party to a white-wash, effectively allowing themselves to be patsies in a cover-up. I further indicated to you that your directive (or perhaps the Nuncio's) not to investigate other alleged misconduct clearly applied a different and more permissive standard to the Archbishop than would be applied to priests serving in the Archdiocese. You did not disagree with this assessment.

At that same post-Easter meeting, you gave Mr. Wallace-Jackson a correspondence which you later took out of his hand as he was reading it, saying that he could not read it, nor could he be given a copy of this and that you should not have given it to him in the first place. Mr. Wallace-Jackson was very concerned by this and asked me to follow up to obtain a copy. In a subsequent conversation with you, I asked you if the investigators could see the letter and you said no. At this same meeting, you indicated to Mr. Wallace-Jackson and me that after you and Bishop

Cozzens had sent your April letter to the Apostolic Nuncio, the Nuncio in response asked you to take back the letter and destroy it. You did not indicate whether you had complied with this request, or perhaps it was a directive. I would like to pause for a moment and visit the gravity of what you conveyed to Mr. Wallace-Jackson and me in your office at the chancery. The destruction of evidence is a crime under federal law and state law and the fact that this request was made of you by a papal representative to the United States is most distressing. I sincerely hope and trust that you and/or Bishop Cozzens did not comply with this shocking request/directive made of you by the Apostolic Nuncio to the United States. I would advise you that if you have not done so already, to report this request (or perhaps directive) made by the Nuncio to destroy evidence to an appropriate authority in the Vatican.

Regarding the decision to interview Ms. Haselberger, this decision was in keeping with a thorough investigation, the integrity of which could not be impugned. Both the Task Force and Kinsale Management reached out to Ms. Haselberger for an interview, and were denied. Everyone who knew of the investigation knew that there was a risk that any of those interviewed could go to the press. I believe this risk was one of the reasons Archbishop Nienstedt took so long to agree to the investigation. Our investigators did stress confidentiality as I did in my introductory phone calls. I would note here that I did not contact Ms. Haselberger prior to her conversation with Greene Espel because I believed it would have been inappropriate given her pending matter with the Archdiocese. I thought it best to have our independent investigators contact her. Mr. Forsgren and Mr. Wallace-Jackson laid out well their rationale in contacting Ms. Haselberger as her interview potentially pertained to concerns regarding a possible relationship between Archbishop Nienstedt and Curtis Wehmeyer. I would like to correct the record regarding one point in Mr. Forsgren and Mr. Wallace-Jackson's July 3rd letter in regards to the interview of Ms. Haselberger. I did not specifically instruct them to interview Ms. Haselberger. Rather, they made the case to me that in their professional judgment it was absolutely necessary to interview Ms. Haselberger. As this was to be a thorough and independent investigation and as Mr. Forsgren and Mr. Wallace-Jackson are skilled investigators, I relied on their professional judgment and allowed the interview to proceed. Given the number of those interviewed and given the number of sworn statements obtained, I have no doubt that this matter was going to be made public eventually. I do regret that the investigation was made public, especially prior to conclusion of the investigation. Although, as it turns out, that point is now moot as our investigators have now withdrawn given the inhibiting restrictions placed on the independent investigation.

Regarding the decision to not publicize the investigation, I agree with this decision. There is no way that Mr. Forsgren and Mr. Wallace-Jackson would have been able to conduct the investigation they did and gather the evidence they did if the investigation was announced before hand. Further, the Archbishop is entitled to his good name and to make the investigation public would have unjustly tarnished his reputation prior to the findings of the investigation. The decision of whether the Archbishop should have stepped down during the investigation is his to make in consultation with the Apostolic Nuncio. Bishop Cozzens noted that when we were presented with compelling evidence gathered during the preliminary stage of the investigation, this would have been an appropriate time to ask the Archbishop to temporarily step down. But, as the Archbishop had just returned to ministry, we were presented with a difficult dilemma. To

my knowledge, this dilemma further prompted the decision of you and Bishop Cozzens to fly to Washington D.C. to advocate for a pastoral solution.

Obviously, when the story broke Tuesday of the existence of the investigation, the Archdiocese found itself in a difficult decision. Still, there was the possibility that some semblance of a credible investigation and report could be salvaged, notwithstanding the Nuncio's unfortunate interventions. As you know, I counseled strongly this past Tuesday that due to the public revelations of the investigation, the interests of the Archdiocese and the Archbishop were not in total concert. Thus, I argued that the Archdiocese should be very careful to make neutral statements regarding the Archbishop and the investigation as this would be in keeping with its future interests as well as the integrity and independence of the investigation. It is very unfortunate that your statement was not provided to Commonweal, nor was it included in the Catholic Spirit. In my opinion this was a significant communications error. The only response from attributed to the Archdiocese were the vigorous denials of the allegations by the Archbishop. The Archbishop certainly has the right to publically express his denials, but the Archdiocese also has a right, and in fact a duty, to express its neutrality in response to an ongoing independent investigation.

Additionally, the Archbishop's statements that he had called for the investigation were at best misleading. As we know, he only agreed to it after pressure from some in the chancery, including from Brian Wenger and me. As the Archbishop indicated to Mr. Forsgren and Mr. Wallace-Jackson in his interview, he agreed to the investigation because there was a possible MPR story on the horizon. Archbishop Nienstedt's comments that his alleged behavior did not implicate anything illegal is not accurate as the Archdiocese and the Archbishop face possible exposure regarding sexual harassment, related to his alleged unwelcome touch of [REDACTED]

Rarely, have I been more stunned than when I read the letter written by Mr. Forsgren and Mr. Wallace-Jackson July 3, 2014 withdrawing as counsel to the Archdiocese in the investigation of Archbishop Nienstedt. In working with both of them, I found them to be highly competent, professional and exhibiting consistent integrity. The fact that they were able to gather the evidence they did is remarkable especially given the secretive culture of the Church which is replete with fear of reprisals. They were asked to complete a very difficult and sensitive task for the Archdiocese. Along the way, they were insulted and swore at by Mr. Hopeman, unjustly accused of investigative bias and euphoria at their results, and hamstrung in their work as the ground-rules and scope kept changing. Bishop Piche, I assume you received counsel in the July 2nd letter you sent to Mr. Forsgren and Mr. Wallace-Jackson. I have not seen the letter, but I can only conclude by the response of Greene Espel and their description of its contents, that you received very poor counsel in the drafting and sending of the July 2nd letter. Although I am liaison between the Archdiocese and Greene Espel, I was not consulted regarding the July 2nd letter and have heard nothing from you since our lawyers withdrew as counsel.

This letter and the understandable, and predictable, response from Greene Espel has now put the Archdiocese in a very difficult position. First, as stated above, I strongly advise the Archdiocese to contact Greene Espel in an effort to reengage them to complete this investigation. If that route is not pursued, I strongly advise the Archdiocese to make known to the public immediately Greene Espel's decision to withdraw as counsel to the Archdiocese. It only takes one reporter's

question or one affiant or interviewee to call and inquire of Greene Espel regarding the investigation. Their truthful and appropriate response will be "we no longer represent the Archdiocese." This fact will be known soon and if the Archdiocese does not disclose this before it becomes public, we will look even worse than we otherwise would have if we fail to disclose that Greene Espel's withdrawal as our attorneys. The decisions made subsequent to your April visit to the Apostolic Nuncio to comply with his request to narrow the scope of the investigation, to quickly bring the matter to a close despite at least 24 leads, and now to further inhibit the work of our lawyers in this so called independent investigation have made the Archdiocese complicit in a white-wash and a cover-up. I believe there still exists a principle of Catholic moral theology that one's conscience is not bound by something immoral or unjust. There is still the possibility to allow Greene Espel to complete this investigation consistent with the January 31<sup>st</sup> letter and in furtherance of both truth and justice.

Regarding Greene Espel's decision to withdraw and their July 3rd letters addressed to you, I cannot find fault with their decision, as regrettable as it is for the Archdiocese. As indicated in their letter, they were not willing to sacrifice the hard won reputation of their firm by agreeing to perpetuate the myth that this was truly an independent and thorough investigation. Sadly, this investigation could have been both had Greene Espel been allowed to follow the original January 31<sup>st</sup> mandate. Greene Espel had all but concluded its investigation as they had interviewed Archbishop Nienstedt twice and were now circling back to affiants one more time. To my knowledge, they were already drafting their final report. To limit Greene Espel to present only factual findings as the July 2nd letter apparently conveyed is not only inconsistent with normal protocol for internal investigations, it also inconsistent with the original January 31<sup>st</sup> mandate authorizing the investigation. In an unrelated matter I recently received a detailed 43 page report from another reputable and prominent Minneapolis law firm. In its report, the firm presented its findings, an evaluation of the credibility of witnesses, the judgment of the investigators, and their conclusions, all of which are standard protocol for internal investigations. Was the Archdiocese anticipating a final report that might have been unfavorable to the Archbishop? Did this possibility prompt this ill advised decision, one that has now put the Archdiocese in a most difficult position? Whatever the answer to these questions may be, the Archdiocese should endeavor to find a solution to its untenable position.

In response to the difficult situation that the Archdiocese now finds itself in, I offer a few suggestions by way of counsel. If the Archdiocese chooses not to reengage Greene Espel in this matter as I recommend, I strongly advise the Archdiocese not to hire another law firm to complete the investigation. This would be rightly seen by the public and our Catholic faithful as not credible and thus unworthy of trust. I have little doubt that it will eventually come out that Greene Espel withdrew because they were not allowed to do their work consistent with the original charge of a thorough and independent investigation. I would advise the Archdiocese to send the affidavits and any work product of Greene Espel, along with original memos to the Congregation for Bishops. This was originally Susan Mulheron's suggestion as she voiced prescient concern that the Nuncio would bury the findings of an investigation. The Congregation can do what it chooses with the information it receives. This course of action is proper as the Archdiocese is taking the step of advancing issues of serious concern to an appropriate authority. The Archdiocese should prepare for the eventuality that any or all of the affidavits may be made public and/or may be compelled through discovery. Accordingly, the Archdiocese ought to be

very careful not to make any statements inconsistent with information contained in these affidavits. Archbishop Nienstedt has already made several comments in response the Commonweal story that are concerning at best and some which are factually wrong. It is important to also know that any of the affiants are free to do what they wish with their affidavits, including giving them to the press. Our ill advised decision to further inhibit the investigation at this eleventh hour may just prompt them to do so.

### Conclusion


The Archdiocese was on the verge of an unprecedented moment in the history of the Church in the United States. In an attempt to turn the page and begin to restore trust in an Archdiocese that was presently in crisis, some in the Archdiocese insisted in justice that the Archbishop be held to the same standard as priests serving in the Archdiocese. In addition to conducting this investigation, the Archdiocese also decided to disclose the matter of this investigation to the St. Paul Police and the Ramsey County Attorney's Office. This decision represents a positive step forward. Additionally, upon the wise counsel of Mr. Forsgren, I informed one of the former members of the Task Force of the investigation by way of a courtesy call. Simply put, this investigation was the right thing to do and the Archdiocese took a number of correct steps in the past several months. However, as was revealed in the course of the investigation, sometimes the right thing to do is also the hardest thing to do. I commend Archbishop Nienstedt for agreeing to this investigation and for authorizing a thorough and independent investigation, the integrity of which could not be impugned. I commend you and Bishop Cozzens for going to Washington D.C. to meet with the Nuncio and for your letter of disagreement with Archbishop Vigano. Both of these decisions were also positive steps forward and examples of integrity in the face of challenging circumstances.

The reality of this current matter demonstrates that as the evidence began to come into the Archdiocese from our skilled and independent investigators, apparently some in the Archdiocese and some beyond the Archdiocese were not able to face the reality of emerging truth and its attendant call for accountability. What has unfolded in the face of compelling evidence amounts to a good old fashioned cover-up to preserve power and avoid scandal and accountability. As a result, the Archdiocese and the wider Church is now facing a much more significant scandal. At each stage of the investigation, as more and more evidence was gathered, the reigns on our investigators tightened and they were inhibited from carrying out their original charge. At each stage of the investigation, the decision to narrow the scope of the investigation and to quickly bring it to a close should be noted for its stark inconsistency with the original mandate. Now, given the decisions made subsequent to the April 12th meeting with the Apostolic Nuncio as well as the July 2nd letter inhibiting the work of our investigators, the Archdiocese is complicit in a cover-up, and, in part, responsible for the coming scandal and further loss of trust of our Catholic faithful. In addition, scandalous too is the amount of money spent (approximately \$400,000) on an aborted investigation.

To be sure, this will all come out and it will take many years to repair the breach of trust that has resulted from this sad chapter in the life of our local Church. I love my Catholic faith and the Catholic Church and I want her to be more like Christ her spouse. I am by no means a perfect priest, nor is my judgment perfect. In one of my recent meetings with Bishop Cozzens I told him

that his generation of bishops must work hard to hold their brother bishops accountable. This is an area that needs serious reform throughout the Catholic Church. There is an ugly clericalism on full display in this present matter, the type of which Pope Francis is trying to purge from the Church. Our bishops must be held accountable for their decisions, their behavior, and their performance. Our Catholic faithful deserve better and will demand better in the coming years. Please do not take the above as anything other than an honest and thorough account of this investigation from my perspective and what I see as the potential consequences of the decisions that have been made. It may have seemed that I was harsh in my assessment, but I would prefer the term honest. I am certainly not without fault in my role as liaison and would have done some things differently if I had them to do over again. I can say with honesty that none of my decisions were made in bad faith and none inhibited the pursuit of truth in this matter. Bishop Piche, I don't believe your decisions were made in bad faith either and as I indicated above, you were placed in an untenable position.

As the liaison between the Archdiocese and Greene Espel, I told our investigators at the outset of their investigation that their sole goal was to discover the truth as best they could. They diligently and skillfully pursued that aim. Truth was my sole goal as well in my role as liaison. The truth will indeed come out and when it does, the Archdiocese will have to answer for it and the decisions made in regard to this investigation. I have respect for both you and Bishop Cozzens and know that you were put in a very difficult position. You both did the right thing by seeking to achieve a pastoral solution in April and you both did the right thing by writing your response letter to the Apostolic Nuncio wherein you stated your objections to his directives. These decisions showed courage. However, more needed to be done after the April 12<sup>th</sup> meeting to ensure the integrity of this investigation and the pursuit of truth in this matter. I will continue to pray for a just resolution of this matter, one that is consistent with truth and integrity. Please know of my prayers in the coming years for both of you and my gratitude for your episcopal ministry. Mary, Mother of the Church pray for us! St. Paul intercede for us!



STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Court File No: 62-CR-15-4175

C. A. File No. 2139124

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State of Minnesota,

Plaintiff,

v.

**AFFIDAVIT OF  
THOMAS E. RING**

The Archdiocese of Saint Paul and Minneapolis,  
a Minnesota corporation,

Defendant.  
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**EXHIBIT 7**

## RAMSEY COUNTY ATTORNEY'S OFFICE

CONFIDENTIAL

ATTEMPT TO INTERVIEW W [REDACTED]

S [REDACTED] DOB [REDACTED]

Investigator Leatherman saw an affidavit provided to Greene Espel by W [REDACTED] S [REDACTED] DOB [REDACTED] who resided at [REDACTED] S [REDACTED] is a priest in the Detroit Diocese. [REDACTED] S [REDACTED] stated that he had first met John Nienstedt when he was a student in 1979. S [REDACTED] stated that in December of 1981 or 1982 he was in Palmer Park on Woodward Ave. in Detroit. S [REDACTED] was there as this was known to be a homosexual men's meeting spot. Around 11:00 PM Nienstedt drove into the area driving a green Cadillac and asked S [REDACTED] if he had any "poppers". S [REDACTED] stated he did. Nienstedt parked and S [REDACTED] got into his car. At that point Nienstedt recognized S [REDACTED]. S [REDACTED] said that Nienstedt looked shocked and awkward. Nienstedt asked S [REDACTED] if he was still at [REDACTED] S [REDACTED] did not give Nienstedt any "poppers" and left the car.

REDACTED



STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Court File No: 62-CR-15-4175

C. A. File No. 2139124

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State of Minnesota,

Plaintiff,

v.

AFFIDAVIT OF  
THOMAS E. RING

The Archdiocese of Saint Paul and Minneapolis,  
a Minnesota corporation,

Defendant.  
-----

EXHIBIT 8

REDACTED

## RAMSEY COUNTY ATTORNEY'S OFFICE

## INVESTIGATOR'S NOTES OF THE AFFIDAVIT OF J. C. [REDACTED]

On August 12, 2015 Investigator Leatherman read the affidavit of J. C. [REDACTED] and took the following notes from the document:

J. C. [REDACTED] stated that:

[REDACTED]

I enrolled at St. John Vianney College Seminary [REDACTED] I studied in Rome for four years. When in Rome then Monsignor now Cardinal Timothy M. Dolan was my rector at the Pontifical North American College. I was ordained into the priesthood [REDACTED] My first pastoral assignment was as an associate pastor at [REDACTED] In 2001 I was assigned to serve as associate pastor at [REDACTED] the pastor at [REDACTED] was there.

The following information is true to the best of my knowledge and submitted in good faith. It is not my purpose to cause hurt to anyone. I simply hope that by speaking now the truth this might be helpful to those who read this. J. C. [REDACTED] states that:

I met then Bishop John Nienstedt for the first time in July of 2002. I was involved in a trip to the World Youth Day Event which was held in Toronto that year. Two buses of attendees went to Toronto. I met Bishop Nienstedt at a Mass before World Youth Day began. He approached me. When we first met I was 35. I understood then Bishop Nienstedt to be in his middle 50s. Not long after meeting then Bishop Nienstedt, my photograph appeared in an issue of the Catholic Spirit. Then Bishop Nienstedt subsequently sent me a handwritten letter. In the letter he noted that he had seen my photograph in the Catholic Spirit and congratulated me. I responded by asking if he would like to have lunch with me- just as I would with others who would write to me when I was in private business or church capacity as I was when Bishop Nienstedt wrote to me. We had our first lunch together at Kincaid's in Bloomington, MN. After the lunch, for the next several years then Bishop Nienstedt and I had what I considered to be a friendship. We communicated almost daily. In private, then Bishop Nienstedt told me to call him John- which I did. In public settings though I called him by his official title. Then Bishop Nienstedt went snowmobiling with me and my parishioners. It seemed to me that then Bishop Nienstedt was not one who regularly snowmobiled. Then Bishop Nienstedt joined me and my family for a deer hunting trip near [REDACTED] where I was born and raised. It did not seem to me that then

Bishop Nienstedt regularly hunted. Then Bishop Nienstedt frequently made trips to the Minneapolis- St. Paul area while he was the Bishop of New Ulm. Then Bishop Nienstedt joined me and sometimes Fr. T [REDACTED] K [REDACTED] or others for dinners in the Minneapolis- St Paul area. We often drank alcohol. He would stay overnight in a separate bedroom. Then Bishop Nienstedt visited my family and occasionally stayed with us. He helped me and certain members of my family build a 7,000 square foot resort structure [REDACTED] We went to the theatre and symphony. I joined him when he asked me to do so. I was not personally interested but did not know what else to do. I did not understand my relationship with then Bishop Nienstedt to be anything other than plutonic. I had no romantic interest in then Bishop Nienstedt. I am heterosexual. At one point in time, before and after the Michigan incident (which is described below), then Bishop Nienstedt told me that rumors were spreading among priests in New Ulm that he and I were involved in a homosexual relationship. He informed me that I was to deny that if asked. I would have denied it in any event since we were not involved in a homosexual relationship. To the contrary, I was surprised that anyone would think that we were. I was concerned about the rumor and how that would affect my reputation in the priesthood.

Prior to July of 2004, when I was about to begin serving as pastor for [REDACTED] in St. Paul, MN., then Bishop Nienstedt called me and said that he intended to spend a month at his house in Michigan and invited me to spend some time. I initially declined, as I was going to begin serving at [REDACTED] I had other reasons for declining. I had a project that I was working on in [REDACTED] I was not interested in taking vacation time in July, as I liked to take it in the fall and winter. I did not have an interest to take vacation with one man when I would otherwise take it with family. I also did not want to travel alone with then Bishop Nienstedt because I felt that it seemed unusual- especially in the light of the rumors that he had shared with me. I explained to then Bishop Nienstedt that I could not leave for vacation when I was about to begin my duties at [REDACTED] I stated that I did not want to go several times. Then Bishop Nienstedt was insistent. He specifically explained that it would not be a problem for me to join him in Michigan- despite the fact that I was about to begin my pastoral work at [REDACTED] I finally agreed to go to then Bishop Nienstedt's Michigan home in July of 2004- but I did not want to go.

Then Bishop Nienstedt and I drove to Michigan. Arrangements were made for a dinner in Milwaukee, Wisconsin with then Archbishop Timothy Dolan of the Archdiocese of Milwaukee and M [REDACTED] S [REDACTED]- the latter whom I knew from my employment at Catholic Knights Insurance. Archbishop Dolan was well respected in the Church and I knew him from my 4 years studying in Rome. S [REDACTED] was well respected in private business. I wanted them to know that I was traveling with Archbishop Nienstedt. We stopped in Milwaukee and had dinner with then Archbishop Dolan and S [REDACTED]. Then Archbishop Dolan and I ended the evening smoking cigars and we spent the night and slept in separate bedrooms at then Archbishop Dolan's home. Then Bishop Nienstedt and I left the next day for his home in Michigan. The home is located approximately 60 miles away from Detroit near Lake Huron. I felt that my time at the home with then Bishop Nienstedt was awkward. I noted that the home was not a cabin or cottage, there was no acreage, it was not in a wooded setting and it was not on the lakeshore. I did not know why this would be regarded as a spot for me to vacation. Being alone with then Bishop Nienstedt was uncomfortable because I assumed that he might be interested in more than a friendship with me. I attempted to remove myself from the situation as much as I reasonably could without causing offense. For example, I often would go on long bike rides. One evening after then Bishop

Nienstedt and I had a drink he suggested that we stay in his house that night. I did not want to stay in with him. I suggested that we ride bikes into town to a local bar where we would be in public and where I would feel more comfortable. We rode bikes and stopped at a nearby park on the shore of Lake Huron. Then Bishop Nienstedt fell and gashed his knee. In my view he appeared intoxicated. He fell because he neglected to put a foot on the ground for balance when we came to a stop. I said we should go to the bar for a Band-Aid. I asked the female server for a Band-Aid and asked her to put the Band-Aid on then Bishop Nienstedt's knee. I did so that then Bishop Nienstedt would not think that I wanted to be physically in contact with him. I did not want him to misinterpret the gesture.

On the last night of my stay in Michigan then Bishop Nienstedt and I went to an event held at the Detroit home of the family that owned Chicken Shack restaurants in the Detroit area. Toward the evening then Bishop Nienstedt and I were getting set to leave. I knew that then Bishop Nienstedt had more to drink than I did. I was not intoxicated. Although Bishop Nienstedt always drove when we were together I proposed that I drive home as I thought it would be safer. He agreed. I believe that I was scheduled to leave the next day. During the drive, Bishop Nienstedt expressed to me how thankful he was that I had spent time with him at his home and that I was driving. I sensed that he was watching me. He was warm and affectionate in his remarks to me. Then Bishop Nienstedt placed his hand on my neck and began massaging my neck. I leaned forward to break his contact then he withdrew his hand. I felt extremely awkward and did not know what to do. The rest of the drive to his home was quiet and felt uncomfortable to me. I felt that the physical contact in light of what he had said about his appreciation of my time spent with him clearly was a sexually oriented advance and was unwelcome by me. I began to think about my career and wondered what I was going to do given that I was relatively recently ordained. I worried about future opportunities given what had just happened. The next morning I asked then Bishop Nienstedt if he would administer the sacrament of confession to me. In my remarks to him I communicated facts that indicated that my sexual orientation was heterosexual. I wanted to communicate it as gently as possible but in a way that then Bishop Nienstedt could not mistake that I was not sexually interested in him. Then Bishop Nienstedt listened and gave me some form of penance. I flew home later that day.

Upon returning to my home I told my brother [REDACTED] what then Bishop Nienstedt did to me in Michigan. I physically demonstrated to [REDACTED] how then Bishop Nienstedt massaged my neck. In the last two years I told Fr. T [REDACTED] K [REDACTED] as well. I have also told Fr. E [REDACTED] and Fr. M [REDACTED].

Then Bishop Nienstedt continued to come to the St. Paul-Minneapolis area and ask to have dinner with me. Yet, I did not want to be alone with him if possible. If then Bishop Nienstedt proposed a dinner I took measures to assure that Fr. K [REDACTED] or others would be present. If I knew that then Bishop Nienstedt was coming to town I would sometimes set up large dinner parties to assure that I would not be alone with him. I felt safer in doing so. I did not refuse to have dinners involving then Bishop Nienstedt as I did not want him to be angry with me as I was only a priest and he was at that time a bishop.

On one occasion when then Bishop Nienstedt came from New Ulm (after the Michigan incident), a dinner took place at [REDACTED], MN. This was the church

where Fr. K [REDACTED] presided at that time. Fr. K [REDACTED] then Bishop Nienstedt and I shared dinner then we drank alcohol. It appeared that then Bishop Nienstedt consumed more alcohol than either of us. Later in the evening Fr. K [REDACTED] and I observed then Bishop Nienstedt walk up the stairs. Then Bishop Nienstedt fell at the large landing at the top of the stairs. He fell right over and Fr. K [REDACTED] and I thought that then Bishop Nienstedt was intoxicated. Fr. K [REDACTED] and I spoke with then Bishop Nienstedt about the fall. We learned from him that he intended to drive home to New Ulm. Fr. K [REDACTED] and I were concerned as we felt that then Bishop Nienstedt was in no condition to drive due to his intoxication as exhibited by his fall on the landing. To avoid then Bishop Nienstedt driving under the influence of alcohol Fr. K [REDACTED] and I proposed that I drive then Bishop Nienstedt to New Ulm while Fr. K [REDACTED] followed. Because I did not want to stay in New Ulm, Fr. K [REDACTED] would drive me back to Immaculate Conception where my car was located. I was assigned to [REDACTED] at the time of this incident. Then Bishop Nienstedt took a seat in the front passenger seat of his car. Having placed my backpack in the rear I seated myself in the driver's seat and turned on the car to warm it up. I stepped out of the car to insure that Fr. K [REDACTED] was set to follow. The next thing that I saw was the driver's side door slam shut. Then Bishop Nienstedt backed up and began to speed away in his car. Frantic that then Bishop Nienstedt was driving under the influence of alcohol, Fr. K [REDACTED] and I began to drive toward New Ulm. We repeatedly called Bishop Nienstedt's cell phone- but the calls went unanswered. We left messages urging him to stop. Although we drove a significant distance we gave up. About two weeks later I obtained my backpack when then Bishop Nienstedt was in the St. Paul- Minneapolis area.

At one point, then Bishop Nienstedt and Fr. K [REDACTED] proposed that the three of us take a trip to India. Fr. K [REDACTED] had a wedding there and it was offered to me that my travel expenses would be covered. Fr. [REDACTED] was going to be in India before Bishop Nienstedt and I arrived. That meant that we would be traveling together alone. I had no desire to do that. Although I was urged to go, I elected not to join the trip after I understood that they had purchased their tickets.

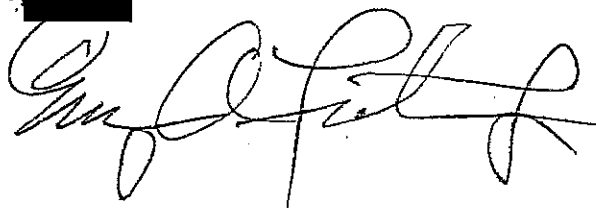
I sensed that Bishop Nienstedt began to understand that I had tried to create distance between us, but I still wanted to maintain a friendly relationship- as I did not want a Bishop even from a different Diocese to be angry with me because of possible repercussions. When I realized that Bp. Nienstedt was to be the Archbishop of St. Paul and Minneapolis (ADSPM) I felt the situation had become untenable. I could not imagine continuing as a priest when I had rejected the advances of the soon to be Archbishop. The boundaries between personal and workplace that exist in private business do not apply in the Church. The Archbishop in my view would have influence in total on my work and too many aspects of my personal life. I eventually applied for laicization. I wrote to then Archbishop Harry Flynn on October 24, 2007 requesting to begin the process. The explanation that I gave for seeking laicization were nonsense- but nobody asked if there was more to the story. I think that none of the persons involved at the time understood what was actually happening. I decided during and after laicization to keep quiet to protect the Church. Then Coadjutor Nienstedt asked me why I wanted to leave the ministry. I told him that I wanted to leave as I wanted to spread Divine Mercy- which was again nonsense. Coadjutor Nienstedt suggested that I have an evaluation in Michigan. I complied but when I returned he chastised me in a letter which was copied to other priests about submitted expenses for food and mileage- which had been approved prior. I replied to him with the same persons copied. He then told me that I was to communicate with him privately, i.e. - I was not to copy others in our

communications. It was clear to me that a friendly relationship had ended and clear what my life in ministry would be like under him. I did not want any part of that abuse. In my current position with [REDACTED] we treat people with dignity and respect which would not be my future in the Church. I did not want to overtly disclose in the laicization process the actual reason I was seeking to leave but hoped that it would be investigated. I said that I wanted to get a job (I was a priest already) or marry a woman already married- again all nonsense. I was trying to signal everyone to investigate without actually saying what I had experienced. After a few years had gone by I decided to approach Archbishop Nienstedt by letter to see if we could reconnect. My thoughts were that he would see this as a business letter concerning my priestly vocation versus connecting personally and wanting to hang out with him. He responded with a letter saying that he felt somewhat burned, was not interested in reconnecting and told me to have a good life. I spoke with my brother about the letter and showed it to him. He said that he felt the Archbishop was acting scorned by our former friendship. I wrote back to Archbishop Nienstedt saying if not personally, how about ecclesiastically- meaning him being the Archbishop and me being a former priest. My thought was to talk with him about me being reinstated into the ministry or get his blessing to approach another Bishop- since there would first be a courtesy conversation to him about me. There was no response in regards to my last letter and I have not heard from him since.

In about 2012 I spoke with Bishop Richard Pates in the Diocese of Des Moines, Iowa about possibly returning to the ministry- but not in the ADSPM. I ultimately decided that the Diocese of Des Moines was too close to the ADSPM.

In 2013 I again decided to pursue the ministry. I wrote to Cardinal Timothy Dolan in New York about returning to the ministry there. I received a warm letter in response from Cardinal Dolan. After further communications, I eventually went to New York and met with Cardinal Dolan. I had company business in Boston and used personal reasons to fly to and from New York to meet with him. In my view, Cardinal Dolan seemed positive about my return to the ministry. Cardinal Dolan told me that he had done this many times before and that it would be easier since he knew me from our time in Rome together. Cardinal Dolan informed me that he would need to contact Archbishop Nienstedt as a courtesy. Thereafter I received a short letter from Cardinal Dolan which stated that it would be best if I not return to the ministry in New York at that time. He mentioned that he had received word from Archbishop Nienstedt. I do not know what Archbishop Nienstedt told Cardinal Dolan- but know that Archbishop Nienstedt said something very personal against me.

This affidavit was signed on March 23, 2014 by J. C. [REDACTED]



STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Court File No: 62-CR-15-4175

C. A. File No. 2139124

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State of Minnesota,

Plaintiff,

v.

**AFFIDAVIT OF  
THOMAS E. RING**

The Archdiocese of Saint Paul and Minneapolis,  
a Minnesota corporation,

Defendant.  
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**EXHIBIT 9**

REDACTED

## RAMSEY COUNTY ATTORNEY'S OFFICE

INTERVIEW OF P [REDACTED]

B [REDACTED] DOB [REDACTED]

On December 29, 2015 at approximately 08:05 hours, Investigator Eugene Leatherman, Assistant County Attorney Stephanie Wiersma and Assistant County Attorney Thomas Ring conducted an interview of P [REDACTED] B [REDACTED] at the Ramsey County Attorney's Office. The interview was recorded.

B [REDACTED] stated that he grew up in the Diocese of New Ulm. Archbishop John Nienstedt was the Bishop of New Ulm and B [REDACTED] knew him. B [REDACTED] attended St. John Vianney Seminary (SJV) from 2008 to 2010. Fr. William Baer was the rector at that time. B [REDACTED] stated that he lived at the seminary. Also, a priest lived on each of the floors at the seminary residence dorm. The priest would run weekly meetings of the seminarians and be the formator for the students. Fr. John Klockmann was the formator for B [REDACTED]'s floor.

B [REDACTED] said that most seminarian candidates from the new Ulm Diocese attended St. Meinrad Seminary in Indiana. B [REDACTED] said that when Bp. Nienstedt was appointed Archbishop of the Archdiocese of St Paul and Minneapolis (ADSPM), the archbishop sent seminarians from New Ulm to study in Rome instead. B [REDACTED] recalled that Fr. Matt Weiring and Fr. Aaron Johanneck were among the first to go.

B [REDACTED] had written an article describing his experiences at St. John Vianney Seminary which he submitted and was published in the Commonweal Magazine. B [REDACTED] said that everything he wrote in the article was truthful.

B [REDACTED]'s younger brother [REDACTED] also attended the St. John Vianney Seminary- overlapping part of the time [REDACTED] was there. [REDACTED] did not continue to the priesthood either.

B [REDACTED] related that the seminarians attended a sexual ethics conference at the seminary early on in the program. B [REDACTED] said that he feels that it was to fulfill "Dallas Charter" requirements and directed more at formation issues. The training was provide by the Theology of the Body Institute and was very strange according to B [REDACTED]. B [REDACTED] described it in detail in his article. B [REDACTED] felt uncomfortable with the sessions and met with Fr. Paul Gitter about his feelings. Fr. Gitter informed B [REDACTED] that it may be that B [REDACTED] was being attacked by the Devil or demons and suggested B [REDACTED] discern which demon it was that was tempting B [REDACTED] to distrust the priests conducting the program. B [REDACTED] said that the same sexual ethics training with the same speakers is still being given at SJV.

VIRTUS training was the only formal training given or discussed at the seminary concerning sexual attraction to children. However, B [REDACTED] said that the VIRTUS training was really directed at ethical action and professional boundary issues. Pedophilia was only mentioned at the seminary as an extreme perversion and not really talked about or addressed as a formation issue.

Fr. Baer had said that if a seminarian is a pervert the seminary would know and find the seminarian and get them out. Basically, B [REDACTED] said that it seemed that fear and intimidation was used to deal with the issue of sexual abuse of minors in the Church.

B [REDACTED] said that Abp. Nienstedt typically would come to St. John Vianney Seminary late on Sunday for "Last Chance Mass" at 9:30 PM and B [REDACTED] assumed that Abp. Nienstedt stayed overnight in a guest room there.

B [REDACTED] said that Fr. Baer ran the seminary through intimidation. Fr. Baer would hand pick certain seminarians to be in charge of individual groups. B [REDACTED] said that there was a sense that you could not ask for explanations or question what was done. B [REDACTED] said that sometimes seminarians would discern that they were not interested in continuing to the priesthood and leave. However, some left unannounced with little explanation. B [REDACTED] described one such seminarian who had been a close friend or in an actual relationship with a priest [REDACTED] who had been charged with sexual abuse of a minor. B [REDACTED] said that it was unclear if this seminarian had been involved also in the sexual abuse or had to testify against the priest. Through further investigation, Inv. Leatherman has identified this priest as [REDACTED]

B [REDACTED] said that the phrase a "Vianney Man" was used to describe how the seminarian should act or look- physical and clothing wise. B [REDACTED] said that the body shape of being slim was the desired profile- being heavy or overweight was negative. As a result, a number of seminarians tried to lose weight. B [REDACTED] thought that one seminarian was even kicked out of the seminary for being overweight.

B [REDACTED] said that he was confused by the blurred boundaries of priests who would visit alone one on one with the seminarians at all hours- even late at night. B [REDACTED] said that prior to Fr. Baer being the rector, he heard there were rumors concerning inappropriate relationships between priests and seminarians.



B [REDACTED] said that he was also troubled by Fr. Michael Keating. B [REDACTED] said that Fr. Keating was put in charge of the men's group which consisted of seminarians and football players interacting. The group's goal was to minister to football players as a means of influencing other students- since the football players were held in high regard on campus. B [REDACTED] stated that [REDACTED] a friend from New Ulm, also studied at SJV. Fr. Keating was accused as an abuser of [REDACTED] [REDACTED] complained to Fr. Baer questioning how Fr. Baer could

place Fr. Keating in the group when there are allegations against Fr. Keating. Fr. Baer became angry at [REDACTED] questioning Fr. Baer's decision and also supported the integrity of Fr. Keating. Several seminarians left after that semester over the incident. [REDACTED] left the SJV seminary without going on to become a priest. B [REDACTED] said that a couple years back his brother [REDACTED] was dating a college woman named [REDACTED] who stayed at a "Catholic Woman's House". The women of the house would invite guests for dinner. Fr. Keating was a regular dinner guest at this house after Fr. Keating had been removed from St. Thomas and the ADSPM had stated that his faculties had been suspended and restrictions placed. B [REDACTED] thought that it was not appropriate and disturbing for Fr. Keating to have access to college women- so B [REDACTED] contacted the ADSPM Director of Ministerial Standards and Safe Environment through the ADSPM website in approximately November of 2014. B [REDACTED] was contacted and spoke by phone with this person who he thought was Timothy O'Malley to report what he learned about Fr. Keating.

B [REDACTED] requested a break at approximately 924 hours. ACA Ring left the interview. ACA Wiersma and Inv. Leatherman resumed the interview of B [REDACTED]

B [REDACTED] stated that 1-2 months prior to the interview he spoke again with [REDACTED]. B [REDACTED] said that after hearing some of the allegations in the press concerning Abp. Nienstedt he and [REDACTED] questioned the appropriateness of some of the interactions they both had with the Abp. Nienstedt and boundary issues. [REDACTED] and B [REDACTED] went to the Archbishop's residence in St Paul for dinner once or twice. B [REDACTED] noticed that [REDACTED] and Abp. Nienstedt had a close relationship. B [REDACTED] said that [REDACTED] told him that [REDACTED] had a close relationship since high school with Nienstedt when he was Bishop of the New Ulm Diocese. [REDACTED] shared with B [REDACTED] that he would stay with Bp. Nienstedt at his residence in New Ulm while in high school. [REDACTED] told B [REDACTED] that he now questioned whether there was more behind this with Abp. Nienstedt- such as grooming him.

B [REDACTED] went on the 2005 World Youth Day trip to Ulm and Cologne in Germany with a group of high school age youth and adult chaperones from the New Ulm Diocese. B [REDACTED] identified himself and [REDACTED] in a picture with Bp. Nienstedt taken at the time. B [REDACTED] stated that both he and [REDACTED] were around 15-16 years old at the time and the only male high school students in their group on the trip. In Cologne, at the actual World Youth Day event, Bp. Nienstedt invited and gave only B [REDACTED] and [REDACTED] tickets to an event designated for priests and seminarians to attend a Mass and a talk given by Pope Benedict. Neither B [REDACTED] nor [REDACTED] were seminarians or priests and B [REDACTED] is not sure why they received tickets. Bp. Nienstedt did not have a ticket for himself as a result. Afterward, B [REDACTED] and [REDACTED] met up with Bp. Nienstedt outside the event. B [REDACTED] said that it was raining hard and all three ran to a nearby pub and had lunch. After lunch, Bp. Nienstedt suggested that since they were done lunch and wet, they should go back to Nienstedt's hotel room. Neither B [REDACTED] nor [REDACTED] had complained about being wet. B [REDACTED] said that since Bp. Nienstedt was such an authority figure he would not have been comfortable complaining or questioning Bp. Nienstedt. B [REDACTED] and [REDACTED] were not staying at the same hotel as Bp. Nienstedt. All three walked to Bp. Nienstedt's hotel room which was nearby. Bp. Nienstedt took off his wet clothes and changed into dry ones in the main room in the presence of B [REDACTED] and [REDACTED]. B [REDACTED] said that Bp. Nienstedt's dress shoes were soaking wet and he put

on tennis shoes. B [redacted] and [redacted] also removed all their clothes in the presence of Bp. Nienstedt and put on hotel room robes. All were in the main room and no one changed in the room's bathroom. B [redacted] appeared troubled as he related the incident. B [redacted] does not recall what they did while waiting for the clothes to be dried. B [redacted] said that after a couple hours the clothes were brought back to Nienstedt's room by the hotel staff. B [redacted] and [redacted] changed into their clothes and went to meet up with the main group and eventually to where they were staying. B [redacted] said that he and [redacted] did not talk about the incident afterward. B [redacted] said that he had only met [redacted] on the trip and they were not that close. B [redacted] shared the incident in Nienstedt's room with his mother when he returned to Minnesota from the trip as he felt that it was inappropriate and made him feel uncomfortable. B [redacted] has never spoken with Abp. Nienstedt again about the incident. B [redacted] said that Abp. Nienstedt casually mentioned to B [redacted]'s family about having to wear non dress shoes to an event at World Youth Day. B [redacted] said that his family was close to Bp. Nienstedt when he was in New Ulm.

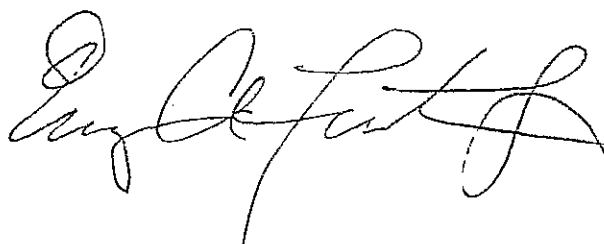
B [redacted] said that he was aware from a friend of his from Joliet, Illinois who as a child in 2nd or 3rd grade would be taken to his priest's cabin to stay for a couple nights along with one or two other children of his same age group - without any other adults present. This friend related to B [redacted] that this priest would not act "priest like". The priest would tell inappropriate jokes and show the children "R" rated movies with sex scenes. The priest would rewind the movie back to the sex scenes and replay them over for the children laughing and acting like a child. B [redacted] told this friend that it needed to be reported- as the priest may very well be a pedophile. B [redacted] said that the priest was still a priest in the Diocese of Joliet, Illinois and told his friend that if it happened to his friend it could be happening to other children. B [redacted] did not reveal the name of his friend nor know the name of the priest -but said that his friend had reported the priest.

B [redacted] stated that as priests are held in a position of being like family members and allowed to interact freely with the family's children. Thus it would not surprise B [redacted] if others upon hearing of the clothes changing incident or the taking of youth to a cabin unchaperoned would not be troubled by it or recognize the inappropriateness. B [redacted] said that inappropriate actions would be characterized by priests in general as "unwise".

Inv. Leatherman thanked B [redacted] and ended the interview at approximately 1020 hours. Refer to the recording of the interview for further details concerning the conversation.

#### ADDITIONAL

After the interview, B [redacted] emailed Inv. Leatherman a copy of the handout for the sexual ethics workshop he spoke of entitled "Freedom and Victory Workshop". It is an attachment to this report.



STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Court File No: 62-CR-15-4175  
C. A. File No. 2139124

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State of Minnesota,

Plaintiff,

v.

**AFFIDAVIT OF  
THOMAS E. RING**

The Archdiocese of Saint Paul and Minneapolis,  
a Minnesota corporation,

Defendant.  
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**EXHIBIT 10**

## RAMSEY COUNTY ATTORNEY'S OFFICE

## INVESTIGATOR'S NOTES OF THE AFFIDAVIT OF E [REDACTED] T [REDACTED]

On August 12, 2015 Investigator Leatherman read the affidavit of E [REDACTED] T [REDACTED] and took the following notes from the document:

E [REDACTED] T [REDACTED] is a Catholic priest of the Archdiocese of St. Paul and Minneapolis, ordained in 1972. Fr. T [REDACTED] states the following about his communications with [REDACTED] in early Spring 2011:

Fr. T [REDACTED] indicated that a priest who had been on retreats for the past few years had expressed concerns about Archbishop Nienstedt's frequent visits to the Seminary and his rather obvious and awkward relationships with those men who show promise for the future of the Church.

The primary question asked of [REDACTED] - Do you have any concerns about the Archbishop's expressed and continued interest in the junior and senior men who are currently studying for this Archdiocese? Without any hesitation, [REDACTED] stated yes that he has concerns.

[REDACTED] related two different incidents. The most significant took place on the way to the Archbishop's summer house in Michigan. [REDACTED] was driving as he had less alcohol to drink than Nienstedt. Nienstedt reached over and began to massage [REDACTED] neck asking [REDACTED] how he felt. This continued until they arrived at the Archbishop's summer house. When they had unpacked, [REDACTED] asked Nienstedt to drive him to the airport in the morning- as [REDACTED] wanted to fly home. Archbishop Nienstedt objected but later on the next day took [REDACTED] to the airport.

Fr. T [REDACTED] again spoke with [REDACTED] after the incident was first told. [REDACTED] said that he wanted to consult with an attorney so as to not expose himself to any liability.

Fr. T [REDACTED] stated that in his opinion there was more to the relationship than [REDACTED] was willing to share at the time. Fr. T [REDACTED] conducts annual retreats for St. John Vianney. Fr. T [REDACTED] was aware of Archbishop Nienstedt's particular and expressed interest in [REDACTED] throughout the past few years. Fr. T [REDACTED] now had deep concerns about the junior and senior class at St. John Vianney and the Archbishop's ability to groom these young men for reasons that have a lot to do with [REDACTED] personal history with Archbishop Nienstedt.

This sworn statement was signed on April 9, 2014 by Fr. E [REDACTED] T [REDACTED]



REDACTED

## RAMSEY COUNTY ATTORNEY'S OFFICE

INTERVIEW OF E [REDACTED] T [REDACTED] DOB: [REDACTED]

On June 4, 2015, at approximately 0917 hours, Investigator Eugene Leatherman and Assistant County Attorney Stephanie Wiersma conducted an interview of E [REDACTED] T [REDACTED] at the Ramsey County Attorney's Office, St. Paul. The interview was recorded.

Prior to the start of recording, Fr. T [REDACTED] indicated that he had a stroke in early 2010. Fr. T [REDACTED] said that he has made a miraculous recovery. Fr. T [REDACTED] indicated that he may pause during the interview or need a question repeated to finish his thought. Fr. T [REDACTED] wanted Inv. Leatherman and ACA Wiersma to know about his stroke so that he not appear on tape as being guarded in his response. Inv. Leatherman asked Fr. T [REDACTED] if it was okay to note that information on the recording. Fr. T [REDACTED] indicated that he was fine with that being done.

E [REDACTED] T [REDACTED] is a Catholic priest ordained in 1972 into the Archdiocese of St. Paul and Minneapolis (ADSPM). Fr. T [REDACTED] is currently the Associate Pastor at [REDACTED]

Fr. T [REDACTED] has been the Director of Senior Retreats at St. John Vianney Seminary for the past 25 years. Fr. T [REDACTED] first met Curtis Wehmeyer when Wehmeyer was in pre-theology at St. John Vianney. Fr. T [REDACTED] said that this would have been about 4 years prior to Wehmeyer's ordination- which would place it in 1997.

Fr. T [REDACTED] shared his feelings about Wehmeyer with Fr. Phillip Rask about six months prior to Wehmeyer's ordination. Fr. Rask was the St. Paul Seminary Rector at the time, and a classmate of Fr. T [REDACTED] at the Seminary. Fr. T [REDACTED] observed Wehmeyer was secretive, had anxiety and nervousness, and a past delicate family issue- which Fr. T [REDACTED] opined that Wehmeyer was sexually abused as a minor. Fr. T [REDACTED] said that if you did not ask Wehmeyer the right question, Wehmeyer would not offer more. Fr. T [REDACTED] was not sure if Fr. Rask knew a lot about Wehmeyer and expressed to Fr. Rask that Wehmeyer's ordination would possibly result in issues later on. Fr. T [REDACTED] said that there were a number of St. Paul seminary graduates in the 2-3 year range of Wehmeyer that he felt also should not have been ordained.

Fr. T [REDACTED] kept track of Wehmeyer out of concern. At the request of Fr. Lee Piche', Fr. T [REDACTED] went and met with Fr. Piche' at St. Joseph's, West St. Paul. Fr. Piche' shared with Fr. T [REDACTED]

1. Wehmeyer was utilizing the student boy's bathroom at the school.
2. Wehmeyer's anger issues.
3. Wehmeyer ignored what Fr. Piche' directed him to do.
4. Wehmeyer selectively chose to do what Fr. Piche' asked Wehmeyer to do.
5. Wehmeyer would leave around 10:30 to 11:00 PM and not return until around 1:30 AM- and then fail to conduct the morning Mass.

Fr. T [redacted] said that in his opinion, Fr. Piche' is a mild person, hates adversity and was intimidated by Wehmeyer's anger outbursts- and thus unable to correct Wehmeyer. Fr. T [redacted] was asked why Fr. Piche', who was not a strong supervisor, was chosen to be Wehmeyer's first assignment pastor. Fr. T [redacted] said he did not know why. Fr. T [redacted] said that if Fr. T [redacted] was in Fr. Piche's situation, Wehmeyer would have been sternly dealt with. Fr. T [redacted] said that he did not have any particular authority at that time.

Fr. T [redacted] wrote a memo to Archbishop Flynn and also met with him concerning issues with Wehmeyer, and told him about what Fr. Piche' had revealed. Fr. T [redacted] does not know what Archbishop Flynn did with the memo. Fr. T [redacted] asked Fr. Piche' to personally share the boy's bathroom incident with Archbishop Flynn. Fr. Piche' assured Fr. T [redacted] that he would do so.

Fr. T [redacted] said that Fr. Piche' never quite put it together and had no capacity to interpret what was right in front of him concerning Wehmeyer. Fr. T [redacted] acknowledged that later on, Fr. Piche', as Auxiliary Bishop, had all kinds of knowledge and evidence concerning Wehmeyer.

Fr. T [redacted] became the Director of the ADSPM Office of Priestly Life and Ministries in 2010. Fr. T [redacted] feels that Wehmeyer became emboldened by being given a pastoral assignment and having his ministry affirmed. Fr. T [redacted] said that Wehmeyer never should have been made a pastor. Fr. T [redacted] had shared with Archbishop Nienstedt about Wehmeyer's secretiveness- and how that concerned Fr. T [redacted]. Fr. T [redacted] went and met with Wehmeyer a number of times at Blessed Sacrament. Fr. T [redacted] asked Wehmeyer directly if his life troubles had been resolved and if Wehmeyer had any problems. Wehmeyer assured Fr. T [redacted] that all was well.

Fr. T [redacted] was concerned over Wehmeyer having the camper at Blessed Sacrament parking lot. Fr. T [redacted] learned about Wehmeyer going camping with children and sleeping with them "to give them comfort". Fr. T [redacted] is not sure who actually told him nor how it was phrased- as he characterized the information as being masked in conversation.

Fr. T [redacted] took a phone call and the recording was stopped to allow him privacy.

Fr. T [redacted] said that when there was a significant/high profile person in the ADSPM with allegations or issues, Archbishop Nienstedt would have Andrew Eisenzimmer (ADSPM Chancellor of Civil Affairs) and Timothy Rourke (POMS) handle the case. Fr. T [redacted] stated that as Director, he would formulate a plan to deal with the priest, but was not allowed to advance it. Fr. T [redacted] stated that he wrote negative memorandums about Wehmeyer, hand delivered to Archbishop Nienstedt. Fr. T [redacted] said that in the 3 to 4 years that he was Director, Fr. T [redacted] was allowed only a total of approximately 2 ½ hours of time with Archbishop Nienstedt, concerning all the priests with issues. Fr. T [redacted] said that as Director he should have been able to spend as much time personally meeting with Archbishop Nienstedt as required to correct issues.

Fr. T [redacted] requested a bathroom break and the recorder was paused for a short time.

Fr. T [redacted] said that Archbishop Nienstedt stayed overnight at St. John Vianney Seminary- when he only lived a couple of miles away at the Chancery. Fr. T [redacted] said that this is not something that the Archbishop should be doing.

Fr. T [redacted] said that when Wehmeyer was pending trial after his arrest concerning the sexual abuse of minors, Wehmeyer was invited to Archbishop Nienstedt's attorney's home for dinner and cocktails with the Archbishop. Fr. T [redacted] feels that Archbishop Nienstedt and Wehmeyer both had alcohol abuse problems. Fr. T [redacted] said that he himself had dealt with alcohol abuse issues years ago and recognized the signs.

Fr. T [redacted] said that when he raised concerns over a priest's conduct, Fr. Kevin McDonough characteristically would say that "it is being taken care of". Fr. T [redacted] said that Archbishop Nienstedt knew all the information about Wehmeyer.

Prior to then Bishop Nienstedt coming in as the Archbishop, Fr. T [redacted] spoke with [redacted] [redacted] from New Ulm. [redacted] was a former classmate of Fr. T [redacted] in the St. Paul Seminary. Fr. T [redacted] learned from [redacted] what he characterized as "odd things" concerning Archbishop Nienstedt. Fr. T [redacted] shared the information which he had learned from [redacted] with Archbishop Flynn- out of concern for the ADSPM. The information eventually leaked back to Archbishop Nienstedt. Fr. T [redacted] feels that Archbishop Nienstedt put Fr. T [redacted] in a position located in the Chancery so as to exert control.

Fr. T [redacted] related that former ADSPM priest [redacted] did not petition for laicization until Archbishop Nienstedt was appointed Archbishop of St. Paul and Minneapolis. [redacted] had shared parts of his experiences concerning Archbishop Nienstedt directly with Fr. T [redacted]

Inv. Leatherman thanked Fr. T [redacted] and ended the interview at approximately 1047 hours. The digital recording was downloaded to the Ramsey County Attorney's Office computer for storage. Refer to the recording for additional information concerning the interview.

#### ADDITIONAL

As Fr. T [redacted] was leaving, he said that Archbishop Nienstedt was fastidious about keeping paper-all memorandums, documents and notes. The recorder was turned on again at approximately 1049 hours to record a statement made by Fr. T [redacted] that Archbishop Nienstedt kept his own files on priests located in the Archbishop's office.

Fr. T [redacted] agreed to provide documents in which he had recorded his recollections and also memorandums which Fr. T [redacted] had sent. Inv. Leatherman met with Fr. T [redacted] on 06/05/2015 at approximately 0830 hours and obtained the 9 documents. Fr. T [redacted] initialed each as did Inv. Leatherman. They are as follows:

1. Memorandum dated October 10, 2008 from Fr. T [REDACTED] to Archbishop Nienstedt consisting of 2 pages.
2. Memorandum dated January 14, 2010 from Fr. T [REDACTED] to Archbishop Nienstedt, Bishop Piche', Fr. Peter Laird and Deacon Russ Shupe consisting of 5 pages.
3. Memorandum dated March 5, 2010 from Fr. T [REDACTED] to Archbishop Nienstedt consisting of 2 pages.
4. Memorandum dated January 9, 2012 from Fr. T [REDACTED] to Archbishop Nienstedt consisting of 11 pages.
5. Memorandum undated from Fr. T [REDACTED] consisting of 2 pages.
6. Memorandum undated from Fr. T [REDACTED] titled "My conversation with [REDACTED]" consisting of 5 pages.
7. A 3 page document undated and unsigned which starts with "The silence of Archbishop John Nienstedt".
8. A 1 page document undated and unsigned which starts "Archbishop John Nienstedt".
9. A 2 page document undated and unsigned which starts "The Archbishop makes".

All the documents are attached to this report.



STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Court File No: 62-CR-15-4175

C. A. File No. 2139124

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State of Minnesota,

Plaintiff,

v.

**AFFIDAVIT OF  
THOMAS E. RING**

The Archdiocese of Saint Paul and Minneapolis,  
a Minnesota corporation,

Defendant.  
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**EXHIBIT 11**

## RAMSEY COUNTY ATTORNEY'S OFFICE

## INVESTIGATOR'S NOTES OF THE AFFIDAVIT OF M [REDACTED] B [REDACTED]

On August 12, 2015 Investigator Leatherman read the affidavit of M [REDACTED] B [REDACTED] and took the following notes from the document:

M [REDACTED] B [REDACTED] is an ordained priest in the Archdiocese of St. Paul and Minneapolis and is the [REDACTED] St. Paul, MN.

Fr. M [REDACTED] B [REDACTED] states the following:

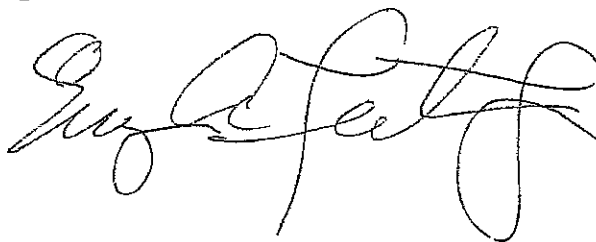
In 2013 I had a telephone conversation with [REDACTED]. The conversation concerned an interaction that [REDACTED] reported having had with Archbishop John Nienstedt. I understood that the incident to which he was referring had occurred years before. [REDACTED] informed me that he had stayed as a guest at Archbishop Nienstedt's home in Michigan. It was my sense from [REDACTED] that Archbishop Nienstedt owned the home- but I do not know that to be a fact. [REDACTED] said that Archbishop Nienstedt had said that he was going to be at that home for a month that year and [REDACTED] was expected to stay there for a certain duration as well. [REDACTED] informed me that while on the drive from one place to another in Michigan, Archbishop Nienstedt massaged his neck for a brief period of time and patted him on the head. [REDACTED] said that he was driving and Archbishop Nienstedt was in the passenger seat and that the touching made [REDACTED] feel uncomfortable. Prior to the touching, Archbishop Nienstedt had consumed alcohol and was inebriated according to [REDACTED]. [REDACTED] reported to me that the Archbishop had made certain intimations- but I do not recall what they were. I do recall that [REDACTED] said that the reported intimations, coupled with the neck massage that [REDACTED] said he terminated, was a sexualized advance. I also recall that [REDACTED] attempted to let Archbishop Nienstedt know that the touching and sexual advances were unwanted. [REDACTED] did this primarily by confessing his sins to the Archbishop the next morning in which he purposely revealed the sin of heterosexual lust as opposed to homosexual lust so as to let the Archbishop know his true sexual orientation. It is my personal sense that [REDACTED] was being honest with me about this account and I do not have any reason to believe otherwise.

Archbishop Nienstedt met with me a month later and brought up the topic of [REDACTED] telephone call. Archbishop Nienstedt stated that he felt the [REDACTED] was motivated by revenge. [REDACTED] had spoken with Archbishop Timothy Dolan (his former rector in major seminary) about re-entering the priesthood in Archbishop Dolan's diocese. Archbishop Dolan in turn had contacted Archbishop Nienstedt who had recommended against it. Archbishop Nienstedt also has testified (although he stumbled when doing so) that he was of a heterosexual orientation. I do believe that is some measure he deals with same sex attraction.

I have been asked if I have any discomfort with Archbishop Nienstedt's interaction with seminarians and young priests. The answer is that "I do have a concern". I have not witnessed any clear boundary violations, but do observe his affinity for the young men and some priests,

which has resulted at times with his spending excessive or special time with some, either into the late hours or early morning. I have been asked if any others in the Archdiocese have expressed views to me that Archbishop Nienstedt had unusual interactions with or attractions to young seminarians and priests. The answer is "yes". Both Fr. E [REDACTED] T [REDACTED] and Fr. M [REDACTED] [REDACTED] B [REDACTED] [REDACTED] have expressed such a concern to me as well.

This affidavit was signed by Fr. M [REDACTED] B [REDACTED] on April 16, 2014.



STATE OF MINNESOTA

COUNTY OF RAMSEY

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State of Minnesota,

Plaintiff,

v.

The Archdiocese of Saint Paul and Minneapolis,  
a Minnesota corporation,

Defendant.

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DISTRICT COURT

SECOND JUDICIAL DISTRICT

Court File No: 62-CR-15-4175

C. A. File No. 2139124

**AFFIDAVIT OF  
THOMAS E. RING**

EXHIBIT 12

## Saint Paul Police Department

## SUPPLEMENTAL OFFENSE / INCIDENT REPORT

Complaint Number Reference CN

13225491

Date and Time of Report

05/27/2015 16:53:00

Primary offense:

ADMIN-INVESTIGATE, ADMINISTRATIVE RECORD

Primary Reporting Officer: Skog, Eric J

Name of location/business:

Primary squad:

Location of incident: 367 GROVE ST

Secondary reporting officer:

ST PAUL, MN 55101

Approver:

District: Central

Date &amp; time of occurrence: 10/18/2013 11:58:00 to

Site:

10/18/2013 11:58:00

Arrest made:

Secondary offense:

Police Officer Assaulted or Injured:

Police Officer Assisted Suicide:

Crime Scene Processed:

## NARRATIVE

On 5/27/2015 sqd 726 (Sgt. Skog) met with Archbishop NIENSTEDT, his attorney, and KUEPPERS at the chancery of the Archdiocese of Saint Paul and Minneapolis (ASPM), 226 Summit Ave., Saint Paul, MN. The following is a summary of the interview:

- NIENSTEDT recalled being told by PICHE about the bathroom incident involving WEHMEYER at St. Joseph's parish, but it was after WEHMEYER was arrested in June 2012
- NIENSTEDT also was aware of the 2004 bookstore incident with WEHMEYER, but felt he was evaluated properly for that
- He said he had 3 dinners with WEHMEYER and one luncheon and that they were always professional in nature
- NIENSTEDT said the first dinner was after he conducted a "blessing of the altar" at Blessed Sacrament and WEHMEYER asked him to stay for dinner
- the other two dinners were at Chianti grill and Green Mill and that both were wearing their "collars" when at dinner
- NIENSTEDT said one of the times WEHMEYER drank only Coca-Cola, but the other times he consumed alcohol
- he didn't see the alcohol consumption as a problem as WEHMEYER was evaluated and NIENSTEDT was told his self reported alcohol consumption was not considered problematic
- NIENSTEDT said his reasons for meeting with WEHMEYER were due to the merger of Blessed Sacrament and St. Thomas
- he felt since he was asking WEHMEYER to take on such a task that he should be available to support him
- as for making WEHMEYER a pastor overseeing the merger, NIENSTEDT said he felt he had gone 4 years without an incident and there was nothing else that gave him reason to hold WEHMEYER back from the position
- NIENSTEDT said he felt his evaluation by St. Lukes was adequate and the only issue he saw as concerning was his temper tantrums that he was having over the merger
- NIENSTEDT said at one of the dinners he told WEHMEYER that the merger didn't need to happen if it was too stressful for WEHMEYER, but WEHMEYER assured him he was capable of it

## Saint Paul Police Department

## SUPPLEMENTAL OFFENSE / INCIDENT REPORT

Complaint Number      Reference CN

13225491

Date and Time of Report

05/27/2015 16:53:00

Primary offense:

ADMIN-INVESTIGATE,ADMINISTRATIVE RECORD

- 
- NIENSTEDT also said it was not uncommon for him to meet privately with priests who are having struggles and he named Monsignor CALLAHAN, Father DEBURKER, and Father BAKATOS as examples
  - I asked about Father LAIRD's statement that WEHMEYER was not fit for ministry and NIENSTEDT said he met weekly with LAIRD and every time WEHMEYER's name came up LAIRD would roll his eyes, so he felt it was just a personal conflict
  - NIENSTEDT said there was nothing he knew about WEHMEYER that indicated he was a danger to children

I ended the interview with NIENSTEDT and asked KUEPPERS about the letter written by Green Espel that alleges to describe the relationship between NIENSTEDT and WEHMEYER, but KUEPPERS stated it was considered attorney-client privileged information. I then informed KUEPPERS I had a search warrant for the letter. KUEPPERS indicated they did not want a warrant to be served as it would give the impression they are not cooperating. I agreed to give him time to confer with his staff and get back to me. KUEPPERS contacted me a short time later and asked me to meet at the Chancery on 5/28/15.

I went to the Chancery on 5/28/15 and met with KUEPPERS and PETER WOLD. WOLD stated he would provide me with a redacted copy of the letter, but that I first needed to sign a confidentiality agreement stating I would not disclose the contents. I explained I could not sign the agreement, but that I would consult counsel and get back to them. I consulted a representative of the St. Paul City Attorney's Office who advised me not to sign the agreement. I contacted KUEPPERS and advised him I will not sign the agreement and we set up to meet on 6/1/15. I went to the Chancery on 6/1/15 along with Cmdr. Sass and met again with KUEPPERS and WOLD. They stated they would allow us to look at the redacted copy of the letter, but that it could not leave the building. I then advised them I would be executing the search warrant at this time and provided them with their copy and receipt. I agreed, however, to allow the letter to be sealed in an envelope and presented to Judge Warner for in camera review. I attempted to contact Judge Warner by phone, but she was unavailable. WOLD sealed the letter in an envelope I provided and we both signed the seal. I then transported the envelope to SPPD Headquarters and placed it in the property room.

I was then contacted by Judge Warner and I advised her of the situation and she agreed to meet in her chambers on 6/2/15. I then contacted WOLD and KUEPPERS and advised them. On 6/2/15 I retrieved the envelope from property and met at Judge Warner's chambers along with WOLD, KUEPPERS, STEPHANIE WIERSMA (RCAO), and TOM RING (RCAO). The matter was set for hearing on 6/4/15.

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PUBLIC NARRATIVE

STATE OF MINNESOTA

COUNTY OF RAMSEY

DISTRICT COURT

SECOND JUDICIAL DISTRICT

Court File No: 62-CR-15-4175  
C. A. File No. 2139124

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State of Minnesota,

Plaintiff,

v.

The Archdiocese of Saint Paul and Minneapolis,  
a Minnesota corporation,

Defendant.  
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**AFFIDAVIT OF  
THOMAS E. RING**

**EXHIBIT 13**

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Case Type: Personal Injury

File No. 62-CV-13-4075

Doe I,

Plaintiff,

v.

AFFIDAVIT OF  
JENNIFER M. HASELBERGER

Archdiocese of Saint Paul and Minneapolis,  
Diocese of Winona, and Thomas Adamson,

Defendants.

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF RAMSEY )

Jennifer M. Haselberger, JCL, PhD, being duly sworn, on oath, deposes and states as follows:

1. The statements made herein, unless stated otherwise, are only to be considered as reflective of the situation and circumstances of the Archdiocese of Saint Paul and Minneapolis. These statements should not be understood to be representative of the practices of other Catholic dioceses in the United States, of the universal Catholic Church, or of the Holy See.

2. I am a Canon Lawyer having received my licentiate (J.C.L.) from the Catholic University Leuven, Belgium, in 2004. I also have a Doctorate in Philosophy (Ph.D.) from the University of London, England. I have been a member of the Canon Law Society of

report may not have been handled in a satisfactory way from the victim's perspective, the latter was as, if not more, important than the former. I have met with victims everywhere from military bases to free needle clinics, wherever they felt comfortable. I don't recall ever approaching a complainant exclusively by email. The way in which the Archdiocese sought information from potential complainants was one factor that led me to the opinion, which I shared on several occasions with Chancery leadership, that when the Archdiocese of Saint Paul and Minneapolis 'investigated' something, it was always done in such a way as to ensure that we concluded the investigation with less clarity than we began with. This opinion is based not only on my review of the investigations that had been conducted, but also based on conversations I had with Andy. In my experience, not only did Andy avoid looking in priest personnel files, as he testified, he actively discouraged me from doing so<sup>19</sup>. He always told me to 'stop looking under rocks', knowing how upset it made me to see how things had been mishandled, not to mention because of the difficulties that often resulted from following through on a line of inquiry<sup>20</sup>. For instance, Andy testified that he thought that the Grieman matter had been reviewed by the Review Board<sup>21</sup>. That was a misconception that I also had for a period of time. I believe there was a note in the Grieman file indicating that it had been sent for review, and based on that information other dioceses were advised that the Review Board had been consulted and found no reason for concern. However, to its credit, the Diocese of Phoenix was not satisfied with this, but demanded a

<sup>19</sup> Eisenzimmer, p. 39.

<sup>20</sup> Andy had another expression that I heard often. Whenever a matter arose involving Father McDonough, he would say that there was no point in trying to make sense of it, because with McDonough everything was 'smoke and mirrors'.

<sup>21</sup> Eisenzimmer, p. 40.

conversations about the disclosures that had not been made which came to light after Father Wenthe's arrest<sup>36</sup>. At that time, it was discovered that the Archdiocese had not done disclosure on Father Gallatin. I put Gallatin's personnel file, or documents from his personnel file, before Archdiocesan officials, especially Father Laird. I can recall multiple occasions where I would raise the issue of Father Gallatin with Father Laird (they were classmates in seminary). I believe he testified that he was informed that it was not a Charter violation, but my experience was the opposite<sup>37</sup>. In fact, I believe that if plaintiff's counsel has received all the information from the Gallatin file, they will note certain documents where the statements regarding the sexual nature of his contact with the boy in West Virginia and his admitted sexual attraction to boys as young as twelve are highlighted. I highlighted those statements because Father Laird refused to read the whole reports, saying something to the effect that he did not have time to review past decisions, and that he had been assured by others that there were no grounds for concern. I literally followed Father Laird out of the building one evening with those highlighted documents in my hands, saying that if he didn't have time to read the whole documents, he could at least read the highlighted remarks. He refused.

33. I went to such great lengths to try and draw attention to this issue because I considered it to epitomize the Archdiocese's cavalier attitude towards the safety of other people's children. Father Gallatin was appointed as pastor of a parish, and also as canonical

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<sup>36</sup> When Father Christopher Wenthe was arrested in February of 2011, complaints emerged from the Delano parishes where he was assigned because the Archdiocese had failed to disclose Father Wenthe's history to the parishioners, and also had failed to alert the parishes that he was under investigation. This led to a review of all cases requiring disclosures, to determine in which other cases we had been negligent. Wehmeyer and Gallatin are two obvious examples that were identified as part of that review.

<sup>37</sup> Laird, p. 75.

monitoring programs with which I was familiar, Father McDonough's program was based on a 'probationary' model', and involved infrequent, often quarterly or less, meetings with the priests<sup>51</sup>. Instead of making an effort to limit or track the movements of the POMS priests, Father McDonough's program relied heavily on the self-reports of the priests enrolled in POMS, with very little effort made to verify if those reports were accurate. If the priest was enrolled in a SA program (Sex Addicts Anonymous), the monitor might verify that he was attending meetings, and the monitor generally verified that the priest was meeting with a spiritual director, although no effort was made to establish the credentials of the director or to frame the nature of the direction. Outside from that, nothing much was done to keep tabs on the priests in POMS. Hence Father Kapoun is technically enrolled in the monitoring program, but no active monitoring takes place during the winter months when he resides in Florida. Beginning in 2008 I had discussions with Tim Rourke regarding the lack of any appropriate means of monitoring internet usage within the POMS program, to which Tim agreed. In fact, he told me that he had also raised this issue, only to discover that the Archdiocese was unwilling to provide additional funding to allow for more sophisticated monitoring technology to be employed. Tim's work was further complicated by the 'relationships' that existed between Father McDonough and the priests being monitored. A review of the documents from the beginning of the program should show a number of memos from Tim Rourke in which he attempted to take some action against a monitored priest, only to have the priest complain to Father McDonough, following which

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<sup>51</sup> I believe that other deponents discussed alcoholism in relation to the POMS program. However, no one was ever assigned to the POMS program because he was an alcoholic. Priests identified for POMS had all engaged in sexual misconduct. They might also suffer from alcoholism or a form of mental illness, but that would not be the precipitating reason for them to be incorporated into the program. I should also note that the POMS program was not employed for priests who had engaged in financial misconduct or exploitation.

that in the late 1990s the Archdiocese received a report that Father Moudry had inappropriately touched male high school students when, prior to entering the Saint Paul Seminary, he was teaching in the Saint Cloud public schools. Father McDonough's opinion was that the report was a hoax, but since we had an abundance of information in our files demonstrating that Father Moudry was unable to control his sexual urges, I didn't think that report or other concerns should be dismissed so easily. Andy's concerns, which I included in my memo to Father Laird, centered around reports of inappropriate conduct taking place in 2008, which had led to a recommendation being made that Father Moudry undergo a comprehensive assessment. This was never done, and Andy was uncomfortable with the files reflecting that such a recommendation had been made without any action being taken<sup>85</sup>. Again, Father Laird was fully informed of these concerns via my memo. I recall his exact response: Father Laird didn't think an assessment or therapy was useful in the case of Father Moudry, because he didn't think there was anything for treatment to 'stick to' (meaning that he didn't feel that Father Moudry had the intelligence to benefit from psychological treatment). Father Moudry apparently took a voluntary leave of absence in November of 2013. I was surprised that the Archdiocese stated in its public announcement, 'His decision is as a result of prior misconduct which occurred many years ago and did not involve members of any parish in which Fr. Moudry has served. This misconduct did not involve a violation of the Charter for the Protection of Children and Young People'. It should be noted that Father Moudry was identified by Father McDonough as requiring monitoring in the

<sup>85</sup> It is a principle of the Catholic Church that no one can be forced to undergo a psychological evaluation. Hence Article 7 of the *Essential Norms* states, "The alleged offender may be requested to seek, and may be urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to diocese/eparchy and to the accused". Since this principle is based on the fundamental dignity of all persons, the right to refuse such an evaluation is not limited to clergy.

POMs program in 2005, but Father Moudry refused to participate and so Father McDonough and Archbishop Flynn exempted him from the program.

69. During the last few months of my employment in the Archdiocese, I sent a very high volume of emails to Father McDonough and memos to Father Laird and others, rehashing the details of decisions that had been taken regarding clergy misconduct, often with a significant amount of detail and often with documents attached. The memos about Father Laird's involvement in the Shelley and Wehmeyer decisions are one example of this, Father McDonough's statements about Father McConville and the monitoring program are another, as are the emails between Father McDonough, Father Laird, and myself regarding the death of Monsignor Jerome Boxleitner. Since the latter demonstrates where the Archdiocese was at in terms of 'best practices' and 'constant innovation' in March of 2013, I will describe what occurred at some length.

70. The situation involving Monsignor Boxleitner was something that I had been involved in almost from the beginning of my tenure as Chancellor, since Boxleitner generally attended the annual Saint Nicholas Ball of Catholic Charities held each December, and his presence at this event always resulted in complaints to the Chancery. The complaints stemmed from the fact that Monsignor Boxleitner had engaged in acts of sexual misconduct with young men who were seminarians, and this fact was fairly widely known. Therefore, there was justified resistance in some circles to the hagiology of Boxleitner's work with Catholic Charities. In some cases, Boxleitner's critics were successful- I believe the new housing facility Higher Ground was at one point going to be named after Boxleitner, but his critics were successful in derailing that plan. In general, however, I found Chancery officials

adult men during Archbishop Nienstedt's time as a priest in the Archdiocese of Detroit, as Bishop of New Ulm, and while Archbishop of Saint Paul and Minneapolis. When I was interviewed by the attorneys at Greene and Espel on April 16, 2014, I was shown the document from the Archbishop authorizing the investigation (dated January 31, 2014) and also an email entrusting to Father Daniel Griffith the responsibility for liaising with the attorneys. I was told that one of the issues under investigation by Greene and Espel is whether the Archbishop had a personal and distinctly unprofessional relationship with Father Wehmeyer that may have influenced the Archbishop's decision to discard my warnings about Father Wehmeyer's prior conduct and the risk he posed.

95. My opinion has also changed as a result of statements that either he or his agents have made since late October of 2013. I believe I first came to doubt that the Archbishop and his staff were being honest regarding their knowledge and handling of sexual abuse around October (as a result of comments made at a public event for clergy) and that conclusion was only strengthened by the email announcement from the Archdiocese regarding the Thurner lawsuit filed on October 29, 2013 (the Archdiocese's announcement implied that it was aware of only one previous victim), and December statements made in Court by attorneys for the Archdiocese who stated that there had only been one case of sexual abuse of a minor by a priest since 2004<sup>114</sup>. The final straw for me was when the Archbishop himself stated in December of 2013 that he believed that the issue of clergy sexual abuse had been taken care of when he became Archbishop in 2008, and that he was

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<sup>114</sup> I would note that after seeing this statement, as well as the Archdiocese's statements about their inability to produce information within the timelines established by the Court, and in response to pressure I was receiving from priests who felt I needed to do more than just to identify the problem, but needed to help solve it as well, I offered to return to my former position for the purpose of assisting them in compiling the necessary information. My offer was declined, although the Archdiocese did express an interest in learning with which priests I was still in contact.

## RAMSEY COUNTY ATTORNEY'S OFFICE

## FOLLOW-UP PHONE CONVERSATION WITH JENNIFER HASELBERGER

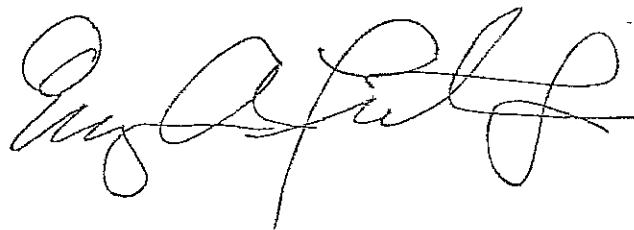
On March 18, 2016 at approximately 1030 hours, Investigator Eugene Leatherman spoke by phone with Jennifer Haselberger to confirm details of information learned earlier. The conversation was not recorded.

Haselberger was asked concerning Archbishop John Nienstedt attempting to visit with Curtis Wehmeyer after he plead guilty and had voluntarily entered an in-patient sex offender treatment program.

Haselberger stated that she remembers that Wehmeyer pled guilty in November of 2012. On the advice of his lawyer, Wehmeyer voluntarily checked himself into an in-patient sex offender treatment program prior to being sentenced in February of 2013.

Haselberger stated that Andrew Eisenzimmer, the Chancellor for Civil Affairs of the Archdiocese of St. Paul and Minneapolis (ADSPM) shared with Haselberger that Abp. Nienstedt asked Eisenzimmer to arrange for Abp. Nienstedt to visit with Wehmeyer while he was at the treatment program. Haselberger was told this around the time that Eisenzimmer was leaving his position at the ADSPM, approximately January of 2013. Eisenzimmer expressed to Haselberger that he was upset with Abp. Nienstedt over this. Eisenzimmer stated that the ADSPM was in settlement negotiations with the family of Wehmeyer's victims and Abp. Nienstedt had not visited with them- yet wanted to visit Wehmeyer. Haselberger does not believe that Eisenzimmer facilitated this for Abp. Nienstedt.

Haselberger added that Abp. Nienstedt never made an effort to go and visit Christopher Wenthe after he was convicted and in prison.



STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Court File No: 62-CR-15-4175

C. A. File No. 2139124

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State of Minnesota,

Plaintiff,

v.

**AFFIDAVIT OF  
THOMAS E. RING**

The Archdiocese of Saint Paul and Minneapolis,  
a Minnesota corporation,

Defendant.  
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**EXHIBIT 14**

RAMSEY COUNTY ATTORNEY'S OFFICE

CONFIDENTIAL

INTERVIEW T [REDACTED] W [REDACTED] DOB:

REDACTED

14:2

REDACTED

14:3

REDACTED

W [REDACTED] related that he would be at the church at many different times and days due to his interest in keeping up the garden and grounds. W [REDACTED] said that about 15 to 20 times between 2009 and 2012, he saw Archbishop Nienstedt, in civilian clothes, at Blessed Sacrament with Wehmeyer. W [REDACTED] saw the Archbishop come out of the rectory and go to his car at 0630 hrs when W [REDACTED] arrived to work. W [REDACTED] saw the Archbishop walking around the garden with Wehmeyer in the evening and with Wehmeyer at lunch time. W [REDACTED] said this was in addition to normal parish functions such as Mass and meetings. At the time, W [REDACTED] did not think much about it.

REDACTED

14:5

*Eng. A. F. H.*

REDACTED

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Court File No: 62-CR-15-4175

C. A. File No. 2139124

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State of Minnesota,

Plaintiff,

v.

**AFFIDAVIT OF  
THOMAS E. RING**

The Archdiocese of Saint Paul and Minneapolis,  
a Minnesota corporation,

Defendant.  
-----

**EXHIBIT 15**

Exh. 15:1

RAMSEY COUNTY ATTORNEY'S OFFICE

CONFIDENTIAL

INTERVIEW OF R [REDACTED] W [REDACTED] DOB [REDACTED]

REDACTED

Wehmeyer told W [REDACTED] that he was close with Archbishop Nienstedt and that the Archbishop was "very fond" of Wehmeyer. W [REDACTED] said that he witnessed the Archbishop there at times with only Wehmeyer. At other times, Archbishop Nienstedt would be there to attend meetings and church services.

REDACTED

*Engelhardt*

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Court File No: 62-CR-15-4175

C. A. File No. 2139124

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State of Minnesota,

Plaintiff,

v.

**AFFIDAVIT OF  
THOMAS E. RING**

The Archdiocese of Saint Paul and Minneapolis,  
a Minnesota corporation,

Defendant.  
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**EXHIBIT 16**

Exh. 16:1

RAMSEY COUNTY ATTORNEY'S OFFICE  
CONFIDENTIAL

INTERVIEW OF J [REDACTED] 'H [REDACTED] DOB: [REDACTED]

REDACTED

REDACTED

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16:3

REDACTED

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16:4

REDACTED

H [REDACTED] said that Archbishop Nienstedt had Wehmeyer over to the Archbishop's residence for dinner and Archbishop Nienstedt came to Wehmeyer's rectory for dinner. H [REDACTED] said that none of the priests she had worked with before had been invited for dinner with the Archbishop nor had the Archbishop come to their rectory for dinner. Wehmeyer said that Archbishop Nienstedt really liked him. H [REDACTED] said that she, as well as the other staff, had received calls from Archbishop Nienstedt's office setting up dinner plans. H [REDACTED] [REDACTED] and [REDACTED] noticed the amount of attention Wehmeyer was getting from the Archbishop and discussed that Wehmeyer was possibly being groomed for a position downtown in the Archdiocese.

16:5

REDACTED

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16:6

REDACTED

16:7

REDACTED

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16:8

REDACTED

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16:9

REDACTED

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*Eugene A. Smith*

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Court File No: 62-CR-15-4175

C. A. File No. 2139124

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State of Minnesota,

Plaintiff,

v.

**AFFIDAVIT OF  
THOMAS E. RING**

The Archdiocese of Saint Paul and Minneapolis,  
a Minnesota corporation,

Defendant.  
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**EXHIBIT 17**

REDACTED

## RAMSEY COUNTY ATTORNEY'S OFFICE

INTERVIEW OF C [REDACTED] W [REDACTED] DOB: [REDACTED]

On May 28, 2015, at approximately 0920 hours, Investigator Eugene Leatherman met with C [REDACTED] W [REDACTED] in an interview room at the MN Department of Corrections Lino Lakes facility where W [REDACTED] was incarcerated. Inv. Leatherman had arrived at the facility at approximately 0905 hours.

Inv. Leatherman wanted to start recording initially. W [REDACTED] wanted clarification first as to what the interview concerned. Inv. Leatherman explained to W [REDACTED] that the interview was part of the investigation by the Ramsey County Attorney's Office and St. Paul Police Dept. into the Archdiocese response to abuse of minors by priests. Inv. Leatherman said that W [REDACTED] was being interviewed as a witness and should W [REDACTED] want to tell in his own words his impressions and knowledge it would become a public record. W [REDACTED] indicated that he was tired of news reporters putting his face on TV as it created issues for him in prison with other inmates- and also re-victimized the children. W [REDACTED] expressed sadness toward the children he had abused. Inv. Leatherman told W [REDACTED] that by law there was information that must be released to the public and the interview would be at some point. Inv. Leatherman informed W [REDACTED] that he would put on the record a statement that the interview concerned W [REDACTED] as a witness. W [REDACTED] agreed to be recorded. The interview recording was started at approximately 0930 hours.

W [REDACTED] said that he was ordained a Catholic priest in 2001 into the Archdiocese of St. Paul and Minneapolis (ADSPM). W [REDACTED] said that he had returned to the Church after alcohol abuse issues and being sober for several years. W [REDACTED] said that he became involved in approximately 1994 with the Little Brothers of Carmel at St. Michael's Church. Fr. Gerald Dvorak formed the group. W [REDACTED] said that he met Archbishop Harry Flynn at a number of Catholic events and expressed an interest in the priesthood. W [REDACTED] then met monthly with Archbishop Flynn for about a year discussing the priesthood. W [REDACTED] then applied to the Seminary. W [REDACTED] said that on the application for the Seminary, he listed one prior DWI in Michigan, marijuana use and experimenting with other drugs such as cocaine. W [REDACTED] did not consider alcohol to be an issue for him. W [REDACTED] spent one year in the minor Seminary. W [REDACTED] learned that there were two Vocation Directors at that time. W [REDACTED] said that one of the Vocation Directors was concerned about W [REDACTED] entering the Seminary. However, Wehmeyer said he was accepted and entered the Seminary. W [REDACTED] said that the teaching staff at the Seminary were extremely dysfunctional- and W [REDACTED] said he had some differences with them.

W [REDACTED] was first assigned to St. Joseph's West St Paul and lived with the pastor Fr. Lee Piche' at the rectory. Concerning conflicts with Fr. Piche', W [REDACTED] acknowledged that he had come in late once and was drinking alcohol (mainly in the rectory). W [REDACTED] said that there was mainly a personality difference between himself and Fr. Piche'.

W█████ stated that he was arrested for loitering at Crosby Park. W█████ stated that the ticket was dropped due to insufficient evidence. W█████ said that he did not give his father's name when he was ticketed. W█████ acknowledged that he was at the location open to meeting up with another male for sex. Fr. McDonough found out about the citation and W█████ met with him. W█████ told Fr. McDonough that he was at the park to check his phone messages and played off the homosexual aspect. W█████ said he feels that Fr. McDonough suspected that W█████ was at the park for other reasons.

W█████ said that his personal policy was to never go into the school bathrooms at St. Joseph's. One day he went in to wash his hands and some boys were in there. W█████ said that a female staff member made a big deal about it, and was the driving force behind the issue. W█████ said that there were no thoughts in his mind concerning minors then. W█████ met with and talked to Archbishop Flynn about the bathroom incidents. Archbishop Flynn told W█████ that W█████ cannot make that mistake again. W█████ said that he had witnesses at the time who would have spoken out for him on the issue.

W█████ explained his side of the Barnes and Noble bookstore incident. W█████ knew that the bookstore was a place to meet other homosexuals and was there for that reason. W█████ said that he met with Archbishop Flynn and Fr. McDonough over the incident. W█████ went to St. Luke's Institute for an evaluation at Archbishop Flynn's request. W█████ said that it was explained that sending him really was an effort to show something had been followed through.

W█████ did not know that there had been any youth restrictions placed on him. W█████ did not meet with D█████ and G█████ B█████ regarding the lifting of youth restrictions. W█████ also does not recall a meeting with Fr. McDonough, Fr. Piche', School Principal J█████ N█████ and himself concerning any issues.

W█████ said that he knew he was homosexual- but was "conflicted". W█████ clarified that the "confliction" began when statements were put out by the Roman Catholic Church that same sex attraction was an internal flaw. W█████ was bothered by this and tried to keep his sexuality secret. W█████ stated that he tried to deal with his sexual identity through being celibate.

W█████ said that after being an assistant to a pastor, priests routinely are reviewed for moving up to be a pastor. W█████ said that was his case.

W█████ said that he was never before the Clergy Review Board. W█████ said that because of his behavior in the bookstore and Crosby Park he was put on POMS monitoring. W█████ said that many priest on POMS had computer monitoring. W█████ knew he was on computer monitoring as part of POMS and watched Timothy Rourke put a USB into his computer at the office. W█████ does not know what the process was that Rourke utilized. W█████ admitted that the POMS did not keep him from doing anything. W█████ admitted that he had pornography and was looking at pornography at the time he was being POMS monitored. W█████ acknowledged that he was on POMS right up until he was arrested.

W [redacted] said that his relationship with Archbishop Nienstedt was basically professional. W [redacted] said that Archbishop Nienstedt liked W [redacted]'s ministry style. W [redacted] met with Vicar General Fr. Paul Sirba and Archbishop Nienstedt concerning the DWI arrest in 2009. Inv. Leatherman asked what W [redacted] had told to Archbishop Nienstedt about himself. W [redacted] said that he had also told Archbishop Nienstedt about the older DWI in Michigan. W [redacted] paused and asked for the recorder to be turned off. W [redacted] said that he had to use the bathroom. The time was approximately 1014 hours.

W [redacted] was in the bathroom for a noticeably long period of time with the sink running. When W [redacted] came out he acted differently- as if he had "steeled himself". W [redacted] brought up that he had charges pending in Wisconsin, and inferred that he wanted to try and obtain some consideration concerning information about Archbishop Nienstedt. Inv. Leatherman told W [redacted] that no consideration would be given for any information. W [redacted] agreed to continue and the recorder was restarted at approximately 1024 hours.

W [redacted] said that he cooked a dinner for Archbishop Nienstedt at the Blessed Sacrament rectory. W [redacted] said that he had dinner with the Archbishop at Archbishop Nienstedt's residence in the Chancery. W [redacted] said that he and Archbishop Nienstedt did consume alcohol together. W [redacted] said that he and Archbishop Nienstedt also went out to restaurants and had dinner and drinks together. W [redacted] denied that Archbishop Nienstedt had ever stayed overnight or arrived very early in the morning at the Blessed Sacrament rectory. W [redacted] said that he had gone to the Chancery without clerical clothes to meet with Archbishop Nienstedt. W [redacted] said that also Archbishop Nienstedt had gone to visit W [redacted] at the Blessed Sacrament rectory without clerical clothes.

W [redacted] said that the staff at Blessed Sacrament would have known about him camping alone with the children. Neither Fr. Piche' nor Fr. Sirba ever spoke with him about the issue. D [redacted] P [redacted] had told him that he should not be camping alone with children. W [redacted] said that eventually, Fr. Sirba did discuss the issue with W [redacted] and J [redacted] H [redacted].

W [redacted] said that looking back in hindsight the ADSPM could have done things differently. W [redacted] admitted that there was a lot that was overlooked. W [redacted] said that Archbishop Nienstedt appreciated his work and saw his leadership potential- but does not feel the he was treated special.

W [redacted] said that the ADSPM could have sent him for inpatient treatment- which would have been helpful. W [redacted] was aware that inpatient treatment had been recommended for him by St. Luke's Institute if W [redacted] did not follow the program directions. W [redacted] admitted that he did not follow the treatment plan. If inpatient treatment program would have been offered to him in the past, W [redacted] said that possibly the victimization would not have occurred. W [redacted] said that the current sex offender treatment program was working for him at Lino Lakes.

Inv. Leatherman thanked W [redacted] and ended the interview at approximately 1055 hours. As soon as the recorder was turn off, W [redacted] said in a loud and lamenting voice-"They

abandoned me". Investigator [REDACTED] Murphy came to escort W [REDACTED] back to the secure area. In front of Inv. Murphy, W [REDACTED] said- "So this won't be shared with the news will it?" Inv. Leatherman stated to W [REDACTED] "as had been explained before, the release of information was required by law, and at some point the recorded interview would be made public." W [REDACTED] nodded and left. Inv. Leatherman left the facility at approximately 1105 hours.

The digital recording was downloaded to the RCAO computer for safekeeping. Refer to the recording for additional information concerning the conversation.

A handwritten signature in cursive script, appearing to read "Emy A. Fent". The signature is written in dark ink and is positioned to the right of the typed text.

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Court File No: 62-CR-15-4175  
C. A. File No. 2139124

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State of Minnesota,

Plaintiff,

v.

**AFFIDAVIT OF  
THOMAS E. RING**

The Archdiocese of Saint Paul and Minneapolis,  
a Minnesota corporation,

Defendant.  
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**EXHIBIT 18**

REDACTED

## RAMSEY COUNTY ATTORNEY'S OFFICE

INTERVIEW OF M [REDACTED] W [REDACTED] DOB [REDACTED]

On July 7, 2015, at approximately 1120 hours, Investigator Leatherman RCAO met with and interviewed M [REDACTED] W [REDACTED] at a common room in her apartment building. The interview was not recorded.

M [REDACTED] W [REDACTED] has been a congregation member at Blessed Sacrament for 55 years. The church is physically now located at the former site of the Church of St. Thomas the Apostle. In 2004 W [REDACTED] took the position of Pastoral Ministry Coordinator and the Adoration Chapel Coordinator. W [REDACTED] had an office at the original Blessed Sacrament location. W [REDACTED] stated that she was at the office itself only on Thursdays. W [REDACTED] coordinated the ministry for the homebound parishioners.

W [REDACTED] also monitored and kept up the Adoration Chapel at Blessed Sacrament. W [REDACTED] would go to the chapel on Mondays from 8 to 9 PM to perform her duties there. W [REDACTED] stated that in the summer of 2007 or 2008 she was at Blessed Sacrament with another parishioner [REDACTED]. They were leaving the Adoration Chapel at about 915 PM and noticed Curtis Wehmeyer and Archbishop John Nienstedt coming out of the rectory. She believes they were wearing their black clothing. Wehmeyer noticed W [REDACTED] and [REDACTED]. Wehmeyer only introduced W [REDACTED] and not [REDACTED] to the Archbishop. Wehmeyer told W [REDACTED] that he and the Archbishop had dinner together. W [REDACTED] and [REDACTED] left.

W [REDACTED] stated that she was not aware that Wehmeyer had a handgun at Blessed Sacrament. W [REDACTED] said that since she is only at the office on Thursdays, she feels that she missed a lot of what the other staff saw and knew.

W [REDACTED] was present on the Thursday morning when she took a call from Fr. Kevin McDonough who asked if Wehmeyer was there. W [REDACTED] told Fr. McDonough that she thought Wehmeyer was away on vacation. W [REDACTED] was not aware that Wehmeyer had returned. Later that morning Fr. McDonough accompanied by Deacon Vomastek came to Blessed Sacrament and met with Wehmeyer. W [REDACTED] said that [REDACTED] was crying and Wehmeyer went into her office and spoke with her. W [REDACTED] was not aware what was happening. W [REDACTED] was shaken by the incident and went home early in the afternoon.

Inv. Leatherman thanked W [REDACTED] and ended the interview at approximately 1215 hours.

STATE OF MINNESOTA

COUNTY OF RAMSEY

DISTRICT COURT

SECOND JUDICIAL DISTRICT

Court File No: 62-CR-15-4175

C. A. File No. 2139124

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State of Minnesota,

Plaintiff,

v.

The Archdiocese of Saint Paul and Minneapolis,  
a Minnesota corporation,

Defendant.  
-----

**AFFIDAVIT OF  
THOMAS E. RING**

**EXHIBIT 19**



*Church of the Blessed Sacrament*

1801 LaCrosse Avenue  
Saint Paul, Minnesota 55119-4807

---

April 23<sup>rd</sup>, 2009

Archdiocese of Saint Paul & Minneapolis  
Archbishop John C. Nienstedt  
226 Summit Avenue  
Saint Paul, Minnesota 55102-2197

Dear Archbishop Nienstedt,

Thank you so much for joining me at Chianti's Grill for a wonderful meal and conversation. [REDACTED] address is: [REDACTED] It is always a pleasure to visit with you and I look forward to preparing a meal with you for [REDACTED] and his family.

During our conversation I had mentioned that Bishop Pates came to the parish on Saturday, December 15<sup>th</sup>, 2007 to install me as the parish's pastor and you requested that I send you a letter that you may look into this matter. Since the time of the event in December there has been confusion around his intention and/or the recording of the event at the chancery. The language he used during the Mass was specifically around me as the newly installed pastor. Following the homily we stood before the congregation and I responded to specific questions he asked me pertaining to the role of pastor.

Our Business Administrator, Trustees and I, just attended the Parish Task Force seminar and found it to be very well presented and truly an inspiration and motivation to begin doing some serious work in getting a better handle on the stewardship of our finances and our commitment to the Archdiocese with finances. Thank you for providing such a focused and instrumental means of helping us with this task. I sensed very strongly an excitement and enthusiasm from both my Trustees and Business Administrator in beginning the good work of a deeper spirit of stewardship.

Sincerely, in Christ,

Rev. Curtis C. Wehmeyer  
Pastor

Tel: (651) 735-3707 • Fax: (651) 578-1125

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Court File No: 62-CR-15-4175

C. A. File No. 2139124

-----  
State of Minnesota,

Plaintiff,

v.

**AFFIDAVIT OF  
THOMAS E. RING**

The Archdiocese of Saint Paul and Minneapolis,  
a Minnesota corporation,

Defendant.  
-----

**EXHIBIT 20**

1 STATE OF MINNESOTA IN DISTRICT COURT  
2 COUNTY OF RAMSEY SECOND JUDICIAL DISTRICT

3

4 - - - - -

5 DOE 1,  
6 Plaintiff,

7 vs.

8 ARCHDIOCESE OF ST. PAUL AND  
9 MINNEAPOLIS, DIOCESE OF WINONA  
and THOMAS ADAMSON,

10 Defendants.

11 - - - - -

12

13 Videotape deposition of ANDREW  
14 EISENZIMMER, taken pursuant to Notice of  
15 Taking Deposition, and taken before Gary W.  
16 Hermes, a Notary Public in and for the County  
17 of Ramsey, State of Minnesota, on the 6th day  
18 of May, 2014, at 366 Jackson Street, St. Paul,  
19 Minnesota, commencing at approximately 10:01  
20 o'clock a.m.

21

22

23

24 AFFILIATED COURT REPORTERS  
25 2935 OLD HIGHWAY 8  
ST. PAUL, MN 55113 (612) 338-4348

COPY

1       hasn't anybody ever sat down to prepare a list  
2       for anyone of the incoming archbishops newly  
3       appointed to this geographical area of those  
4       priests who have been accused, so that that  
5       incoming archbishop, be it Nienstedt, Flynn,  
6       can know who it is they have to be aware of?

7    A.   The only -- the only experience I had was when  
8       Archbishop Nienstedt came in and I'm not aware  
9       whether anybody prepared a list for him. I  
10      never saw a list.

11   Q.   And nobody asked you, as far as you know,  
12      asked you to do that or, as far as you know,

13      ~~Archbishop Nienstedt never asked that it be~~  
14      done?

15   A.   Nobody ever asked me to prepare any kind of  
16      list. And I'm not aware of Archbishop  
17      Nienstedt asking anybody for such a list.

18   Q.   Did Archbishop Nienstedt ever ask you, given  
19      your history, both as the chancellor and your  
20      history with this archdiocese, to brief him  
21      fully on who the priests were that had been  
22      accused of offenses and who may pose a risk of  
23      harm?

24   A.   No. He never asked me for that information.

25   Q.   Do you know if he asked anybody?

1 A. Well, I -- I -- I'm aware that in his  
2 deposition testimony he --

3 Q. Well, now I don't want you to go to his  
4 deposition. I'm talking about your personal  
5 experience now.

6 A. No.

7 Q. So let's get the question --

8 A. Okay.

9 Q. -- so we get on the same page.

10 A. Okay. I just want to clarify that. He said I  
11 was in such a meeting with him and I was not.

12 Q. Okay. Well, I was going to go there but I  
13 wanted to find out first.

14 A. No. I'm not aware of he ever asking anybody  
15 to brief him.

16 Q. Let me ask the question and then I'll let you  
17 answer it.

18 A. Okay.

19 Q. My question is this, to your knowledge, has  
20 any official of the archdiocese, including  
21 yourself, at Archbishop Nienstedt's request or  
22 for any reason, ever sat down with him and  
23 identified for him who the potential risks  
24 are, including those accused of sexual abuse  
25 of minors, including those credibly accused of

1 sexual abuse of minors or anything like that,  
2 to your knowledge?

3 MR. HAWS: Object to the form, it's  
4 multiple, involves all kinds of people, other  
5 than Mr. Eisenzimmer. I think he can testify  
6 to his knowledge.

7 A. Let me see if I can respond to it in a  
8 responsive manner. I'm not aware of anyone  
9 doing that with him and I'm not aware of him  
10 ever requesting that somebody do that with  
11 him.

12 BY MR. ANDERSON:

13 Q. And then the next question is, because I think  
14 you answered it, but I want to get it in  
15 question and answer form, next question is,  
16 did Archbishop Nienstedt ever sit down with  
17 you shortly after his installation here and  
18 ask you to identify for him the potential  
19 risks in the archdiocese of priests sexually  
20 abusing kids and who had a history or anything  
21 like that?

22 A. No.

23 (Discussion out of the hearing of  
24 the court reporter)

25 BY MR. ANDERSON:

1 Q. What is Archbishop Nienstedt's management  
2 style? Is he a -- he's been described by a  
3 number of folks as very hands-on, micro  
4 manager-type. How would you have described --  
5 how do you describe his management style of  
6 the archdiocese?

7 A. I wouldn't describe him as a micro manager nor  
8 would I necessarily describe him as hands-on.  
9 In his view, he is the archdiocese. You  
10 worked with him largely by written memorandum.  
11 If he wanted some information, he would write  
12 you a memorandum, you would be expected to  
13 respond in memorandum.

14 At least with my work, he largely  
15 let me do my work in an unfettered fashion,  
16 but he certainly had high expectations for the  
17 work I would do for him and that I would keep  
18 him briefed. And it was also clear that  
19 Archbishop Nienstedt was a guy that you didn't  
20 want to hear him say, "Nobody ever told me  
21 that," or, "You never told me that." So I  
22 would always try to keep him abreast of  
23 matters of particular importance that he was  
24 seeking from me.

25 Q. Is sexual abuse by the clerics in the

1 BY MR. ANDERSON:

2 Q. Are you aware that the police determined and  
3 that Setter determined that Shelley was the  
4 only one that had exclusive use of that  
5 computer?

6 A. I'm not -- I am -- that's not true. I -- I  
7 never heard the police say that and that  
8 wasn't Setter's position, either.

9 Q. So that's news to you, if it's true?

10 A. Well, I think Mr. Johnson expressed a view  
11 about that, I don't know that Mr. Setter did.

12 Q. What was Johnson's view?

13 A. In his opinion, that only Father Shelley had  
14 access to some of those sites because he had a  
15 password.

16 Q. Okay. I'm going to turn to Keating and we've  
17 made some reference to that earlier.

18 (Discussion out of the hearing of  
19 the court reporter)

20 BY MR. ANDERSON:

21 Q. Before I do, there's some reference somewhere  
22 to the archbishop's council and that was not a  
23 term that I had seen before. What was the  
24 archbishop's council?

25 A. Well, it's the archbishop and some of his

1 advisors, the chancellors, the vicar general.  
2 The council has also included at times the  
3 regional vicars, the finance officer,  
4 auxiliary bishops, I think that's it.

5 Q. Is that something that was constituted by  
6 Archbishop Nienstedt under his --

7 A. There was also an archbishop's council under  
8 Archbishop Flynn as well.

9 Q. I just haven't seen that term before. Do you  
10 know what the council is used for? Are they  
11 like consultants or any specific purpose, do  
12 you know?

13 A. Well, we start out with a song and a prayer  
14 and then the archbishop normally reports on  
15 certain matters. And then anybody else, if  
16 they've put something on an agenda, can raise  
17 an issue that would be helpful for the council  
18 to hear or know about or some of it's FYI  
19 stuff.

20 Q. Is there anything in the archbishop's council  
21 meetings that have been discussed by those in  
22 attendance pertinent to the whole question of  
23 sexual abuse of minors by the clerics in or  
24 out of ministry and --

25 A. I don't think so. I don't recall a meeting

1       ever discussing that subject.

2   Q.   Is that something that gets recorded by  
3       minutes or notes or is it --

4   A.   The council meeting?

5   Q.   Yes.

6   A.   There's -- at times there was an agenda that  
7       if you wanted something to -- to be brought up  
8       at council they wanted you to put it on an  
9       agenda, but there's no minutes of the  
10       meetings, as far as I know.

11   Q.   Okay. I'm going to go to Keating, and we'll  
12       talk about the girl, I refer to her as Doe 20.

---

13   A.   Yeah.

14   Q.   Do you know if anybody from the archdiocese  
15       ever asked Father Keating his account of the  
16       events pertaining to Doe 20 or any of the  
17       other possible encounters?

18   A.   The clergy review board did. I don't know  
19       about anybody else.

20   Q.   The clergy review board is constituted by the  
21       archbishop to help make a determination --  
22       help the archbishop make a determination about  
23       whether Keating should be continued in  
24       ministry, correct?

25   A.   Well, the clergy review board exists for two

STATE OF MINNESOTA

COUNTY OF RAMSEY

DISTRICT COURT

SECOND JUDICIAL DISTRICT

Court File No: 62-CR-15-4175

C. A. File No. 2139124

-----  
State of Minnesota,

Plaintiff,

v.

The Archdiocese of Saint Paul and Minneapolis,  
a Minnesota corporation,

Defendant.  
-----

AFFIDAVIT OF  
THOMAS E. RING

EXHIBIT 21

1 STATE OF MINNESOTA IN DISTRICT COURT  
2 COUNTY OF RAMSEY SECOND JUDICIAL DISTRICT

3  
4  
5 DOE 1,

6 Plaintiff,

7 vs.

8 ARCHDIOCESE OF ST. PAUL AND  
9 MINNEAPOLIS, DIOCESE OF WINONA  
and THOMAS ADAMSON,

10 Defendants,

11  
12  
13 Deposition of ARCHBISHOP JOHN  
14 NIENSTEDT, taken pursuant to Notice of Taking  
15 Deposition, and taken before Gary W. Hermes, a  
16 Notary Public in and for the County of Ramsey,  
17 State of Minnesota, on the 2nd day of April,  
18 2014, at 30 East 7th Street, St. Paul,  
19 Minnesota, commencing at approximately 9:05  
20 o'clock a.m.

21  
22  
23  
24 AFFILIATED COURT REPORTERS  
25 2915 OLD HIGHWAY B  
ST. PAUL, MN 55113 (612) 338-4348

3

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10  
11 \* \* \*

2

## 1 APPEARANCES:

2 JEFFREY R. ANDERSON, ESQ., MICHAEL G.  
3 FINNEGAN, ESQ., SARAH ODEGAARD, ESQ., and ELIN  
4 LINDSTROM, ESQ., Attorneys at Law, 366 Jackson  
5 Street, Suite 100, St. Paul, Minnesota 55101,  
6 appeared for Plaintiff.

7 DANIEL A. HAWS, ESQ., Attorney at  
8 Law, 30 East 7th Street, Suite 3200, St. Paul,  
9 Minnesota 55101, appeared for Archdiocese of  
10 St. Paul and Minneapolis.

11 THOMAS B. WIESER, ESQ., Attorney at  
12 Law, 2200 Bremer Tower, 445 Minnesota Street,  
13 St. Paul, Minnesota 55101, appeared for  
14 Archdiocese of St. Paul and Minneapolis.

15 THOMAS R. BRAUN, ESQ., Attorney at  
16 Law, 117 East Center Street, Rochester,  
17 Minnesota 55904, appeared for Diocese of  
18 Winona.

19 JOSEPH F. KUEPPERS, ESQ., Chancellor  
20 for Civil Affairs, 101 East 5th Street, Suite  
21 800, St. Paul, Minnesota 55101, appeared for  
22 Archdiocese of St. Paul and Minneapolis.

## 23 ALSO PRESENT:

24 Dean Hibben, videographer

25 \* \* \*

4

## 1 PROCEEDINGS

2 \* \* \*

3 MR. ANDERSON: Okay. Let's start  
4 the record for purposes of the deposition, and  
5 before we begin the actual deposition of the  
6 archbishop, there are a few matters that we  
7 need to put on the record.

8 The first pertains to the disclosure  
9 or, more accurately, the lack of disclosure as  
10 we interpret the order of the court. It was  
11 our understanding and belief that Judge Van de  
12 North ordered the archdiocese to produce the  
13 documents and the files that we requested, at  
14 least for purposes of Archbishop Nienstedt's  
15 deposition, and we did not receive anything  
16 until 5:45 p.m. on Monday. When we did, it  
17 was formatted, I think, in disk and --

18 MR. FINNEGAN: USB drive.

19 MR. ANDERSON: -- or a zip drive,  
20 and contained in that were some materials, but  
21 far from what had been requested, far from  
22 what had been required, in our view. It was  
23 not only thus incomplete, there were  
24 redactions and deletions and omissions that we  
25 believe are not in compliance with the order

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1 besides yourself and Father McDonough made a  
2 party to such a practice of not recording  
3 sensitive meetings such as that?  
4 A. Not to my knowledge.  
5 MR. HAWS: Same objections.  
6 (Discussion out of the hearing of  
7 the court reporter)  
8 BY MR. ANDERSON:  
9 Q. Archbishop, did you review any materials in  
10 preparation for your deposition today?  
11 A. I did.  
12 Q. What?  
13 A. I reviewed the Charter for the Protection of  
14 Children and Young People. I reviewed a  
15 summary of the Adamson case. And I reviewed  
16 the case of Father Montero.  
17 Q. Anything else?  
18 A. No, sir.  
19 Q. Okay. When you're saying you reviewed a  
20 summary of the Adamson case, what was that  
21 that you looked at?  
22 A. It -- it was a summary of his particular file  
23 that we had.  
24 Q. Prepared by whom?  
25 A. By Mr. Kueppers.

42

1 Q. And when was it prepared and was it for your  
2 review in this deposition?  
3 A. I beg your pardon?  
4 Q. When was it prepared?  
5 A. I believe it was in the last two to three  
6 weeks.  
7 Q. And for this deposition to help you?  
8 A. Yes.  
9 Q. And was the same kind of thing prepared for  
10 Montero, that you reviewed?  
11 A. No. It wasn't as extensive.  
12 Q. But was that also prepared by Mr. Kueppers for  
13 you in preparation for this deposition?  
14 A. Correct.  
15 Q. Anything else that you reviewed?  
16 A. No, sir. I did review the names of the 43  
17 priests that are on our website.  
18 Q. That's it in terms of review?  
19 A. Correct.  
20 Q. Did you learn anything in your review of the  
21 Montero summary prepared for you in this  
22 deposition -- in preparation for this  
23 deposition that you had not known before about  
24 Montero and his history?  
25 A. I did. I learned that the charges against him

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1 had been dropped before he left the country.  
2 Q. Did you not know that until you reviewed the  
3 summary?  
4 A. That -- that happened before I became  
5 archbishop.  
6 Q. Had Montero ever been on your radar as a  
7 priest who had been accused of offending and  
8 had left the country and the archdiocese?  
9 A. Yes, I was aware of that.  
10 Q. How did you become aware of that?  
11 A. I believe at the time that -- at the time that  
12 he had left and a letter was sent from Bishop  
13 Pates to the bishop in Mexico, explaining to  
14 him the situation that we had experienced  
15 here.  
16 Q. Did you, yourself, ever request or demand that  
17 any of your subordinates and those in the  
18 inner circle, the chancellors or the vicar  
19 generals or auxiliary bishops, ever retrieve  
20 any files of those who had been accused so  
21 that you could make an independent decision to  
22 review those files yourself?  
23 A. Could you repeat the question?  
24 Q. Had you ever reviewed any of the files, except  
25 for what you just described involving Adamson

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1 and Montero prepared for you, have you,  
2 yourself, ever reviewed any of the priest  
3 files personally so that you could be  
4 satisfied that you were making the right  
5 decisions concerning that priest?  
6 A. Well --  
7 MR. HAWS: Object to the form, it's  
8 compound and --  
9 A. We've had in -- since December a complete  
10 review of the files by an outside company  
11 called Kinsale.  
12 BY MR. ANDERSON:  
13 Q. Okay. That's something you delegated, though,  
14 isn't it, to somebody else?  
15 A. Something that we hired a group, outside  
16 company for, yes.  
17 Q. Now, I'm asking you personally. Have you ever  
18 said, "I want to review the file of Father X,"  
19 and have that file produced to you in its  
20 entirety so you could make a fully informed  
21 decision about what to do or not to do? Have  
22 you personally ever done that?  
23 A. I don't recall that I have.  
24 Q. And until recently, you had delegated that  
25 responsibility, then, to whom?

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- 1 general, yourself and the monitors, correct?
- 2 A. At the time I don't believe so. If that were
- 3 to happen today, we would disclose to the
- 4 trustees.
- 5 Q. We're talking about in 2009 now, okay?
- 6 A. Uh huh.
- 7 Q. Is that correct?
- 8 A. Correct.
- 9 Q. In April of 2009, do you recall receiving
- 10 information from Haselberger about concerns
- 11 about a change in Wehmeyer's status from being
- 12 the business administrator to being the
- 13 pastor?
- 14 A. Well, that would -- would have happened, I
- 15 think, in 2008, if I'm not mistaken.
- 16 Q. Yeah, but she raised concern in 2009 to you is
- 17 my question. Do you remember, you know, you
- 18 made that decision in 2008?
- 19 A. I thought I had. Could have been 2009.
- 20 Q. Okay. Let's assume, then, that you made the
- 21 decision in 2008, do you recall Haselberger
- 22 bringing the concern to you about why that was
- 23 done?
- 24 A. She brought the concern to me that he -- about
- 25 the incident that I told you about in the book

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- 1 store and that he was same-sex attracted.
- 2 (Discussion out of the hearing of
- 3 the court reporter)
- 4 BY MR. ANDERSON:
- 5 Q. And she also raised with you the concerns
- 6 about the St. Luke's findings that had been
- 7 made and in the file, correct?
- 8 A. She may have. I don't recall that.
- 9 Q. You recall that he had been diagnosed with
- 10 having sexual compulsion or sexual addiction
- 11 and unable to control his sexuality?
- 12 A. No. I don't remember that at all.
- 13 Q. Did you read the St. Luke's report?
- 14 A. I believe I did, yes.
- 15 Q. When?
- 16 A. At that time before I made him pastor.
- 17 Q. When you made him pastor and changed his
- 18 status from business administrator to pastor,
- 19 did you know that he was a risk of harm?
- 20 A. I did not know. I would have not have made
- 21 him pastor if I'd known.
- 22 Q. He proved to be, didn't he?
- 23 A. Unfortunately (Nods head).
- 24 (Discussion out of the hearing of
- 25 the court reporter)

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- 1 BY MR. ANDERSON:
- 2 Q. Did Father Laird warn you against making him
- 3 pastor?
- 4 A. He did.
- 5 Q. And he told you that there were questions
- 6 about his fitness to be in ministry, much less
- 7 to be a pastor, didn't he?
- 8 A. He thought he was somewhat unstable.
- 9 Q. And in -- was that a yes?
- 10 A. That's what he told me. I -- he said he had
- 11 an unstable personality, but Father Laird
- 12 clearly didn't like Father Wehmeyer and there
- 13 was a -- I think a bias there.
- 14 Q. So you thought it was a personality conflict
- 15 between Laird and Wehmeyer?
- 16 A. I thought to a certain extent, yes.
- 17 Q. And so you didn't think about the fact that
- 18 Laird was speaking for the safety of the
- 19 potential children where he was serving as
- 20 pastor?
- 21 A. Well, there was no indication that he had
- 22 interest in -- in sexually abusing children,
- 23 there was no indication at all.
- 24 (Discussion out of the hearing of
- 25 the court reporter)

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- 1 BY MR. ANDERSON:
- 2 Q. When you read the St. Luke's report and
- 3 received the other information you've
- 4 described at the time you made him pastor and
- 5 continued him in ministry, did you tell
- 6 anybody at the parish what you knew about his
- 7 history as reported in St. Luke's, as raised
- 8 by Father Laird or as raised by Jennifer
- 9 Haselberger?
- 10 A. At the time I believed that that was the
- 11 responsibility of Father McDonough. I found
- 12 out subsequently that he did not inform the
- 13 trustees, but normally in those situations at
- 14 that time we would have informed the trustees
- 15 of the parish.
- 16 Q. So when did you learn that McDonough had not
- 17 done what --
- 18 A. I think it was in the last week of September.
- 19 Q. Of what year?
- 20 A. Of 2013.
- 21 Q. Did anyone ever tell you or did you ever learn
- 22 from review of the file that Curtis Wehmeyer
- 23 had been restricted from working with youth in
- 24 2004?
- 25 A. No.

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1 Q. Had you ever heard that before I made that  
2 assertion today?

3 A. I had not.

4 (Discussion out of the hearing of  
5 the court reporter)

6 BY MR. ANDERSON:

7 Q. Did you learn that Curtis Wehmeyer had gotten  
8 a DUI in 2009?

9 A. I did.

10 Q. How?

11 A. It was reported to us. It was after I had  
12 made him pastor and it was reported to us, I  
13 think, through Father McDonough.

14 Q. And did you also learn that as a part of that  
15 arrest relating to the DUI, he had been trying  
16 to solicit some young people to a party with  
17 him?

18 A. I don't recall that as part of the DUI.

19 Q. What do you recall as a part of the DUI,  
20 either what you were told or learned?

21 A. I learned that he was on a camping trip and  
22 that he went into kind of a 7-11-type place  
23 and they noticed that he was unstable in his  
24 walk and someone called the police and they  
25 came and -- and stopped him from driving and

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1 gave him the citation.

2 Q. Were you aware that when he was arrested for  
3 the DUI, that he called Joe Kueppers as his  
4 criminal lawyer?

5 A. I was not aware of that. I knew that he was  
6 friendly with the Kueppers, so it doesn't  
7 surprise me.

8 Q. Were you aware that at the time of that he was  
9 still on monitoring?

10 A. I was aware of that, yes.

11 Q. Did you ever see the report or get informed by  
12 any of your -- any of your officials that the  
13 report says that he was trying to pick up  
14 teenagers to go back to the campground to  
15 party?

16 A. No, sir.

17 Q. Having heard that, is that the first time  
18 you've heard that?

19 A. I believe so, yes. I didn't know that.

20 Q. Does that alarm you?

21 A. It does.

22 Q. And would it have alarmed you if you had been  
23 told that back then?

24 A. Certainly would have, yes.

25 Q. You didn't know he was on monitoring, you

123

1 didn't know --

2 A. No. I didn't know he was on monitoring.

3 Q. I said you didn't know that, you didn't know  
4 about the other things. At that time after  
5 the DUI, did you call Curtis Wehmeyer and say,  
6 "I need to get to the bottom of this," and ask  
7 him if he had been engaging in inappropriate  
8 sexual contact of any kind with anybody?

9 A. During that time period, I called him in four  
10 times from reports that I had gotten in the  
11 parish about his anger management or  
12 mismanagement, I would say, but I didn't have  
13 the knowledge at that time to question him on  
14 his -- on any sexual activity.

15 Q. Well, you knew about the St. Luke's report, he  
16 was a sexual addict, you knew that?

17 A. But that -- I hadn't had any -- but that had  
18 been five years before and he had been in  
19 therapy and he had been in spiritual direction  
20 and St. Luke's report indicated that he was  
21 fit to go back into ministry.

22 Q. Well, if you had reason to call him in on four  
23 different times and ask him about certain  
24 things not pertaining to his sexuality, why  
25 didn't you ask him about his sexual conduct or

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1 possible misconduct? Didn't you want to know?

2 A. Well, those were not things that had been  
3 reported to me. There's nothing of a sexual  
4 nature that had been reported to me except the  
5 St. Luke's remarks and the report of the 2004  
6 incident.

7 Q. But sometimes the way you get information,  
8 Archbishop, is to ask; and why didn't you ask  
9 him?

10 A. Because there was no reason to.

11 Q. The St. Luke's report gave you reason, didn't  
12 it?

13 A. It did, but that had already been a matter of  
14 at least a year and -- that I had received  
15 that report -- no. That would -- that would  
16 have been in 2004. I'm getting confused here.  
17 And I had to deal with the situation of what  
18 was current in his administration and that  
19 happened to be the question of his getting  
20 along with staff, his anger mismanagement,  
21 those were the -- the topics that were on the  
22 table.

23 Q. Scerbo was urging you to not continue him in  
24 ministry because of his sexual issues, wasn't  
25 he?

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Court File No: 62-CR-15-4175

C. A. File No. 2139124

-----  
State of Minnesota,

Plaintiff,

v.

**AFFIDAVIT OF  
THOMAS E. RING**

The Archdiocese of Saint Paul and Minneapolis,  
a Minnesota corporation,

Defendant.  
-----

EXHIBIT 22



FILE COPY

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

REDACTED

SECOND JUDICIAL DISTRICT

COURT FILE NO.:  
PROSECUTOR FILE NO.: 2113626

State of Minnesota,

Plaintiff,

v.

Curtis Wehmeyer  
(DOB:  
1912 Granite Ave. N.  
Oakdale, MN 55112,

FELONY  
CRIMINAL COMPLAINT

☒ Summons ☐ Warrant  
☐ Order of Detention

☐ Amended  
☐ Certified Juvenile  
☐ EJJ

Defendant.

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s):

COUNT 1

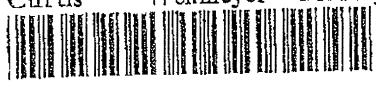
On or about the 1st day of June, 2010 to the 21st day of August, 2010, in Ramsey County, Minnesota, the defendant, CURTIS WEHMEYER, did unlawfully engage in sexual contact with another person, ), under the age of 13 years, and the defendant was more than 36 months older than the victim.

Said acts constituting the offense of Criminal Sexual Conduct in the Second Degree in violation of MN Statute: §609.343.1(a); 609.343.2(a)  
Maximum Sentence: 25 years or \$35,000.00 fine, or both.

COUNT 2

On or about the 1st day of June, 2010 to the 21st day of August, 2010, in Ramsey County, Minnesota, the defendant, CURTIS WEHMEYER, did unlawfully engage in masturbation or lewd exhibition of the genitals in the presence of a minor under the age of 16 years. ( ), knowing or having reason to know the minor is present.

Said acts constituting the offense of Criminal Sexual Conduct in the Fifth Degree in violation of MN Statute: §609.3451.1(2); 609.3451.2  
Maximum Sentence: 1 year or \$3,000.00 fine, or both.



COUNT 3

On or about the 1st day of June, 2010 to the 21st day of August, 2010, in Ramsey County, Minnesota, the defendant, CURTIS WEHMEYER, did unlawfully engage in masturbation or lewd exhibition of the genitals in the presence of a minor under the age of 16 years, (d.o.b. ), knowing or having reason to know the minor is present.

Said acts constituting the offense of Criminal Sexual Conduct in the Fifth Degree in violation of MN Statute: §609.3451.1(2); 609.3451.2  
Maximum Sentence: 1 year or \$3,000.00 fine, or both.

REDACTED

## STATEMENT OF PROBABLE CAUSE

REDACTED

The Complainant states that the following facts establish probable cause:

Your complainant is an investigator with the St. Paul Police Department and he bases this complaint upon a review of reports and upon his own investigation.

On June 21, 2012, the St. Paul Police took a report from the mother of a 14-year-old boy, identified as d.o.b. . That mother informed police that S. H. disclosed that an adult male, identified as the defendant, CURTIS WEHMEYER, D.O.B. has been sexually abusing him. Wehmeyer was the family's parish priest at The Church of the Blessed Sacrament, located at 1081 Lacrosse Avenue in St. Paul, Ramsey County, Minnesota. went on to report that the defendant had accompany him to a camper trailer owned by the defendant and parked in the church parking lot. In that camper, the defendant displayed pornographic videos and images to while he touched on his penis. also stated that the defendant would provide alcoholic beverages and marijuana to during these visits to the camper.

The mother contacted church authorities, who in turn contacted the police. During the morning hours of June 21, 2012, church authorities went to the rectory at The Church of the Blessed Sacrament and advised the defendant that he was immediately relieved of his duties and he was instructed to leave the premises. Upon his departure, the defendant went The defendant told the mother, " doesn't lie, I intend to plead guilty and spare you family the embarrassment."

Further investigation revealed that as the defendant was leaving the premises on June 21, 2012, he spoke with another church employee, identified as D. P., d.o.b. . He apologized to her for disappointing her and for the people that he had hurt. He then said, "You need to know there was nothing oral that happened and no penetration happened."

On June 22, 2012, went to Midwest Children's Resource Center in St. Paul for an interview. During that interview, reported that the sexual contact with the defendant began in the summer of 2010 and continued throughout the summer. said that the defendant provided him with beer and marijuana and he showed pornographic images and videos on a laptop computer in the camper trailer. said that while doing so, the defendant had remove his pants and underwear. The defendant then touched s penis with his hand. The defendant also exposed his penis and touched his own penis during the viewing of the pornographic images. stated that the defendant told him if he told anyone he would no longer be able to be a priest and the parish would fall apart without him. also said that he worried about his mother losing her job if he reported the abuse. reported that his older brother, , d.o.b. , was present during some of these visits to the defendant's camper trailer.

reported that the last incident occurred one week before his 13<sup>th</sup> birthday. He stated that during that episode, in addition to the defendant's hand touching s penis, the defendant also gave a hug while his pants and underwear were still down. During that hug the defendant reached and grabbed 's butt with his hand.

On July 5, 2012, this investigator interviewed . During that interview stated that he and his brother did go to the defendant's camper trailer parked in the church parking lot. He stated that the defendant did show them pornographic images. He stated the defendant would try to get him to take his pants off. He stated he would not take his pants down. He did state that the defendant removed his own pants and that he would touch his own penis and masturbate during the pornographic movies. stated that he saw the



defendant's penis during these episodes. [redacted] also reported going on a camping trip with the defendant and his brother. He stated during one camping trip near Big Sandy Lake in Aiken County, Minnesota, in July or August 2010, the defendant provided them with beer and cigarettes and offered them pot. He stated that the defendant told them to measure their penises. When his brother was measuring his own penis the defendant told him he was doing it incorrectly and then the defendant began to measure his brother's penis. During that incident the defendant's hand touched his brother's penis. He stated that during the nights he would share a bed with the defendant. He stated he would put up a barricade of pillows and blankets to separate himself from the defendant while they slept. He said when he woke up he would find the barricade removed and the defendant's arms and hands placed across his chest.

In a subsequent interview at Midwest Children's Resource Center, [redacted] stated that he would wake up during the night on this camping trip and feel the defendant's hands touching him on his private parts.

The defendant was initially arrested and booked for this offense on June 22, 2012. At that time, he asked to speak to his attorney so no formal interview with the defendant occurred.

REDACTED



Complainant requests that Defendant, subject to bail or conditions of release, be:

- (1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or  
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

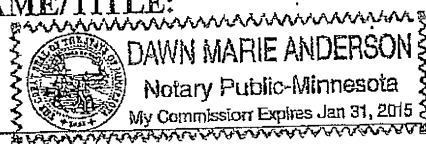
COMPLAINANT'S NAME:

William Gillet

COMPLAINANT'S SIGNATURE:

Subscribed and sworn to before the undersigned this 20th day of Sept, 2012.

NAME/TITLE:



SIGNATURE:

Being authorized to prosecute the offenses charged, I approve this complaint.

Date: 09/20/2012

PROSECUTING ATTORNEY'S SIGNATURE:

Name: Steven R. Pfaffe  
Assistant Ramsey County Attorney  
50 West Kellogg Blvd, #315  
St. Paul, MN 55102  
651-266-3222/da  
Attorney Registration #169274

REDACTED



## FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense.

☒ SUMMONS

THEREFORE YOU, THE ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on the 10th day of October, 2012 at 1:20 PM before the above-named court at Ramsey County Law Enforcement Center, 425 Grove Street, St. Paul, MN 55101 to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

☐ WARRANT

☐ Execute in MN Only ☐ Execute Nationwide ☐ Execute in Border States

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I hereby order, in the name of the State of Minnesota, that the above-named Defendant be apprehended and arrested without delay and brought promptly before the above-named court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

☐ ORDER OF DETENTION

Since the above-named Defendant is already in custody, I hereby order, subject to bail or conditions of release, that the above-named Defendant continue to be detained pending further proceedings.

Bail:

Conditions of Release: No contact with S H. ) and L. H. ( No unsupervised contact with minors.

This complaint, duly subscribed and sworn to, is issued by the undersigned Judicial Officer this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

JUDICIAL OFFICER:

SIGNATURE:

NAME:

TITLE:

Sworn testimony has been given before the Judicial Officer by the following witnesses:

COUNTY OF RAMSEY  
STATE OF MINNESOTA

Clerk's Signature or File Stamp:

STATE OF MINNESOTA

Plaintiff,

vs.

CURTIS

WEHMEYER

Defendant.

## RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this COMPLAINT upon the Defendant herein named.

Signature of Authorized Service Agent:

REDACTED



FINDINGS OF FACT

Probable cause found that defendant committed the offenses charged.

Ordered defendant's motion to dismiss denied.

Plea of not guilty to all counts entered.

Trial and hearing on all issues set.

Dated: \_\_\_\_\_

\_\_\_\_\_  
JUDGE OF DISTRICT COURT

REDACTED

Curtis Wehmeyer Co. Atty. Complaint No.: 2113626-1 Court File No.:



DEFENDANT DATA / CHARGE SHEET - ATTACHMENT A

DEFENDANT NAME: CURTIS WEHMEYER		DOB:
Defendant alias name(s):		Alias DOB(s):
Defendant last known address:	1912 Granite Ave. N. Oakdale, MN 55112	
State ID:	MN09CF4882	
Fingerprint ID:	291997	
FBI ID:	966965ED8	
St. Paul PD ID:		
Offender ID:		

OTHER DEFENDANT / CASE IDENTIFIERS:		
Fingerprinted?	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Handgun permit?	<input type="checkbox"/> No	<input type="checkbox"/> Yes (Issuing Agency: )
Location of violation:		
IF DRIVING OFFENSE:		
Driver's License	Number:	Issuing State:
License Plate	Number:	Issuing State:
Accident Type:	<input type="checkbox"/> No injury/no damage	<input type="checkbox"/> Property Damage
check all that apply	<input type="checkbox"/> Personal Injury	<input type="checkbox"/> Fatality
Blood Alcohol Concentration (BAC):		

REDACTED

22:9



FELONY SUMMONS COMPLAINT

CT NO	OFFENSE DATE	STATUTE TYPE	STATUTE NBR	STATUTE DESCRIPTION	OFFENSE LEVEL	MOC	G O C	AGENCY ORI CN NBR FUNCTION
1	06/01/2010 to 08/21/2010	Charge	609.343.1(a)	Criminal Sex Conduct-2nd Degree-Victim Under 13-Actor > 36m Old	F	L31A2	N	St. Paul Police Dept. ORI - MN0620900 CN - 12145585 Charging
		Penalty	609.343.2(a)	Criminal Sexual Conduct-2nd Degree-Penalty-Stat. Max.				
2	06/01/2010 to 08/21/2010	Charge	609.3451.1(2)	Criminal Sex Conduct-5th Degree-Lewd Exhibition-Under 16 Present	G	LACA2	N	St. Paul Police Dept. ORI - MN0620900 CN - 12145585 Charging
		Penalty	609.3451.2	Criminal Sex Cond-5th Deg-Nonconsensual Sexual Contact-Penalty				
3	06/01/2010 to 08/21/2010	Charge	609.3451.1(2)	Criminal Sex Conduct-5th Degree-Lewd Exhibition-Under 16 Present	G	LACA4	N	St. Paul Police Dept. ORI - MN0620900 CN - 12145585 Charging
		Penalty	609.3451.2	Criminal Sex Cond-5th Deg-Nonconsensual Sexual Contact-Penalty				

REDACTED

STATE OF MINNESOTA

COUNTY OF RAMSEY

---

State of Minnesota,

Plaintiff,

v.

The Archdiocese of Saint Paul and Minneapolis,  
a Minnesota corporation,

Defendant.

---

DISTRICT COURT

SECOND JUDICIAL DISTRICT

Court File No: 62-CR-15-4175  
C. A. File No. 2139124

AFFIDAVIT OF  
THOMAS E. RING

EXHIBIT 23

2009 WL 2015416

Only the Westlaw citation is currently available.

NOTICE: THIS OPINION IS DESIGNATED AS  
UNPUBLISHED AND MAY NOT BE CITED EXCEPT  
AS PROVIDED BY MINN. ST. SEC. 480A.08(3).

Court of Appeals of Minnesota.

STATE of Minnesota, Respondent,

v.

John J. BUSSMANN, Appellant.

No. A08-0858.

July 14, 2009.

Review Denied Sept. 29, 2009.

## West KeySummary

## 1 Criminal Law

↳ Letters and telegrams

## Rape

↳ Personal relations of parties

Love letters written by a woman to a priest were not relevant to the issue being tried. The priest was convicted of third degree sexual conduct because he intentionally sexually penetrated the woman while he was a member of the clergy and they were not married. While the letters showed that the two had a consensual sexual relationship, they were not relevant to any other fact of consequence or element of the charge being tried. It was undisputed that the two had a sexual relationship, and the letters did nothing to prove or disprove that sexual penetration occurred.

Cases that cite this headnote

Hennepin County District Court, File No. 27-CR-04-011306.

## Attorneys and Law Firms

Lori Swanson, Attorney General, St. Paul, MN and Michael  
O. Freeman, Hennepin County Attorney, Thomas A.

Weist, Assistant County Attorney, Minneapolis, MN, for  
respondent.

John G. Westrick, Westrick & McDowall-Nix, St. Paul, MN,  
for appellant.

Considered and decided by MINGE, Presiding Judge;  
WORKE, Judge; and COLLINS, Judge.

## UNPUBLISHED OPINION

COLLINS, Judge. \*

\*1 Appellant challenges his conviction of third-degree criminal sexual conduct, arguing that the district court abused its discretion by (1) permitting testimony that unnecessarily entangled church doctrine with civil law; (2) excluding letters written by the complainant to appellant; and (3) denying appellant's proposed modifications and supplements to 10 *Minnesota Practice*, CRIMJIG 12.35 (1999) when instructing the jury on the elements of the offense. Appellant also challenges the sufficiency of the evidence to support his conviction and asserts that the prosecutor committed misconduct by impermissibly shifting the burden of proof on an element of the offense to appellant. We affirm.

## FACTS

In the fall of 2001, then-Father John Bussmann (appellant) was assigned as the pastor of St. Walburga's Catholic Church in Hassan and St. Martin's Catholic Church in Rogers.<sup>1</sup> Appellant's responsibilities included sacramental duties at both churches and counseling parishioners. It was by virtue of his counseling role that appellant met and began a relationship with D.I.

In early 2002, after returning from a spiritual retreat, D.I. discussed with appellant what she believed was her calling from God to teach. Appellant encouraged D.I. to pursue this calling, and shortly thereafter he employed D.I. as the director of youth ministries at St. Martin's even though she had no training, education, or experience in youth ministries. Although D.I. and appellant worked together in close proximity, initially they had minimal interaction. But after her mother became ill, D.I. consulted with appellant more frequently.

D.I. sought counsel from appellant when, after her mother's death, she became very lonely, depressed, and scared. D.I. testified that she went to appellant because a friend suggested that she speak with a "spiritual director." Between November 2002 and March 2003, D.I. and appellant met regularly to discuss D.I.'s emotional well-being and her mother's death. Over time, appellant and D.I.'s relationship intensified and included sexual activities. It was not until March 2004 that D.I. reported the sexual incidents.

On March 18, 2004, the state charged appellant with multiple counts of offenses. The original complaint was amended several times, and appellant moved to sever the counts for separate trials. The district court granted appellant's motion in part, and in May 2005, appellant was tried for and convicted of theft by swindle over \$500, theft over \$500, and fifth-degree criminal sexual conduct. In July 2005, appellant was tried for and convicted of the remaining two counts of third-degree criminal sexual conduct.

Appealing his convictions from the July 2005 trial, appellant argued in part that the district court abused its discretion by admitting evidence that entangled religious doctrine with civil law. In September 2006, this court affirmed appellant's conviction. *State v. Bussmann*, A05-1752, 2006 WL 2673294 (Minn.App.2006), review granted (Dec. 12, 2006). On review, the Minnesota Supreme Court held that the clergy criminal sexual conduct statute, as applied, violated the Establishment Clause, reversed appellant's convictions, and remanded the case to the district court for a new trial. *State v. Bussmann*, 741 N.W.2d 79, 94-95 (Minn.2007) (*Bussmann I*). In February 2008, appellant was retried and convicted of one count of third-degree criminal sexual conduct.<sup>2</sup> Appellant was sentenced to 48 months of imprisonment, and he appeals.

## DECISION

### I.

<sup>\*2</sup> The Minnesota Supreme Court reversed appellant's first conviction because the state introduced excessive testimony relating directly to Catholic Church doctrine, Roman Catholic duties, and Archdiocesan procedure, which violated the Establishment Clause. *Bussmann I*, 741 N.W.2d at 94. On remand, the district court was conscious of the supreme court's excessive-entanglement ruling and made a diligent

effort to avoid permitting the introduction of any evidence that may run afoul of that ruling.

Father Kevin McDonough from the St. Paul Archdiocese of the Roman Catholic Church had testified as a state's witness in *Bussmann I*. In response to appellant's pretrial motion in limine to exclude "any and all religious or non-secular evidence and testimony from being presented [on retrial]," the district court stated:

Reading the Supreme Court Opinion, they are very, very, cautious about having anything of a religious nature seem[ing] to impinge into the secular question of the guilt or innocence under Minnesota statute. Pretty clearly Father McDonough can testify ... as to whether or not [appellant] was a member of the clergy at the time, [and] what his assignment was.... Once he starts getting into, as he did, as I understand in the first trial, of the religious nature, how the Church ... reviews the relationships, the actions that the diocese took at the time, their investigation, their concerns and their conclusion pretty clearly that would not be allowed.

At trial, the district court significantly limited the scope of Father McDonough's testimony, allowing him to only testify about his role and responsibilities within the church, the process of assigning priests to parishes, appellant's employment with the church, and generally about the confidential nature of clergy-parishioner counseling, the formalities and locations of counseling sessions, and the process by which parishioners can report problems, concerns, or believed abuses. Despite the significantly reduced scope of religion-related testimony, appellant contends that the district court erred by permitting evidence of "Catholic beliefs, including the relationship ... between a priest and parishioner in the view of the Catholic Church."

The Establishment Clause provides that "Congress shall make no law respecting an establishment of religion[.]" U.S. Const. amend. I. Whether a government action violates the Establishment Clause is controlled by the three factors set out in *Lemon v. Kurtzman*, 403 U.S. 602, 612-13, 91 S.Ct. 2105, 2111, 29 L.Ed.2d 745 (1971). The state action must have a secular purpose, must neither inhibit nor advance

religion in its primary effect, and "must not foster excessive governmental entanglement with religion." *Odenhal v. Minn. Conference of Seventh Day Adventists*, 649 N.W.2d 426, 435 (Minn.2002).

Unlike the first trial, on retrial there was no testimony regarding Catholic Church doctrine, the power that priests have traditionally had over parishioners, or internal church procedures regarding allegations of abuse. Because the charging statute requires proof of certain elements that directly touch and concern religious practices, it is impossible to prove the charged offense without some religion-related testimony. After reviewing the limited religion-related testimony from Father McDonough, we are satisfied that the district court carefully adhered to the *Bussmann* admonitions and admitted only such religion-related testimony as was necessary for the state to prove the charged offense. We conclude that the religion-related testimony did not excessively entangle church doctrine with civil law.

## II.

\*3 Appellant next asserts that the district court erred by excluding love letters written by D.I. to appellant, arguing that the letters were relevant to show the jury "the true nature of their relationship" and the "depth of emotion, intimacy and passion" in their "deeply personal sexual affair."

We will not reverse an evidentiary ruling absent a clear abuse of discretion, and the appellant has the burden to show that he was prejudiced by such an abuse of discretion. *State v. Amos*, 658 N.W.2d 201, 203 (Minn.2003). Under this standard, "[r]eversal is warranted only when the error substantially influences the jury's decision." *State v. Nunn*, 561 N.W.2d 902, 907 (Minn.1997). We will reverse when there is a reasonable possibility that, had the erroneously excluded evidence been admitted, the verdict might have been more favorable to the defendant. *State v. Post*, 512 N.W.2d 99, 102 (Minn.1994). The harmless-error analysis, however, applies when evidence is excluded in violation of a defendant's constitutional right to present a defense. *State v. Blom*, 682 N.W.2d 578, 622 (Minn.2004); see also *Post*, 512 N.W.2d at 102 (holding that in determining whether district court's exclusion of defense evidence constituted prejudicial error, this court must evaluate whether error was harmless beyond a reasonable doubt). We will affirm the conviction if there is no reasonable possibility that the evidence would have changed the verdict. *Blom*, 682 N.W.2d at 623.

Evidence must be relevant to be admissible. *State v. Quick*, 659 N.W.2d 701, 713 (Minn.2003). Relevant evidence is "evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Minn. R. Evid. 401. However, otherwise relevant evidence may be excluded by other rules or statutes. Minn. R. Evid. 402; see also, e.g., Minn. R. Evid. 403 (stating that "evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence").

To convict appellant of third-degree criminal sexual conduct, it was the state's burden to prove beyond a reasonable doubt that (1) appellant intentionally sexually penetrated D.I.; (2) at the time of the sexual penetration, appellant was a member of the clergy; (3) at the time of the sexual penetration, appellant and D.I. were not married; and (4) the sexual penetration occurred during a period of time in which D.I. was meeting with appellant on an ongoing basis for the primary purpose of seeking or receiving religious or spiritual advice, aid or comfort, in private. Minn.Stat. 609.344(1) (2002). Consent is not a defense. *Id.* Therefore, relevant evidence must address, directly or indirectly, one of these elements. And because it is undisputed that appellant and D.I. had a sexual relationship while appellant was a member of the clergy and that the two were not married, the issue before us is whether the district court abused its discretion by ruling that the letters were not relevant to prove or disprove that sexual penetration occurred during a time in which D.I. was meeting with appellant on an ongoing basis for the primary purpose of seeking or receiving religious or spiritual advice, aid or comfort, in private.

\*4 The letters written by D.I. during the course of her relationship with appellant clearly establish that a sexual relationship existed and that the relationship was consensual. But it is undisputed that a sexual relationship existed and, as a matter of law, consent is not a defense. The letters are not relevant to any other fact of consequence or element of the charge being tried; thus, the district court did not abuse its discretion by excluding them.

## III.

Appellant proposed jury instructions on the elements of third-degree criminal sexual conduct, modifying and supplementing CRIMJIG 12.35 with language drawn from *Bussmann I*. The state opposed the proposed instructions, and the district court ultimately rejected them and instructed the jury on the elements of the offense strictly pursuant to CRIMJIG 12.35. Appellant contends that the district court thereby abused its discretion.

The district court has broad discretion in crafting jury instructions. *State v. Broulik*, 606 N.W.2d 64, 68 (Minn.2000). The instructions must define the elements of the crime charged, and "it is desirable for the court to explain the elements of the offense rather than simply to read statutes." *State v. Kuhnau*, 622 N.W.2d 552, 556 (Minn.2001). A jury instruction is erroneous if it materially misstates the law. *State v. Moore*, 699 N.W.2d 733, 736 (Minn.2005); see also *State v. Peou*, 579 N.W.2d 471, 475 (Minn.1998) (holding that if jury instructions correctly state the law in language that can be understood by the jury, there is no reversible error). Jury instructions are viewed in their entirety to determine whether they fairly and adequately informed the jury on the law of the case. *State v. Flores*, 418 N.W.2d 150, 155 (Minn.1988).

"We evaluate the erroneous omission of a jury instruction under a harmless error analysis." *State v. Lee*, 683 N.W.2d 309, 316 (Minn.2004). In doing so, we "examine all relevant factors to determine whether, beyond a reasonable doubt, the error did not have a significant impact on the verdict." *State v. Shoop*, 441 N.W.2d 475, 481 (Minn.1989). If the error might have prompted the jury to reach a harsher verdict than it might otherwise have reached, the defendant is entitled to a new trial. *Id.*

The jury instruction at issue was the same instruction on the elements of the offense given at the first trial, and the law has not changed. While the modifying and supplemental language proposed by appellant was drawn from *Bussmann I*, the supreme court did not disapprove of CRIMJIG 12.35 or change the law in any way in relation to the pattern instruction. See *Bussmann*, 741 N.W.2d at 90-92. Therefore, we conclude that the district court did not abuse its discretion by relying on CRIMJIG 12.35 when it instructed the jury on the elements of the offense.

#### IV.

Although appellant concedes that he had a sexual relationship with D.I., he contends that there is insufficient evidence to establish criminal liability, arguing:

\*5 This sexual penetration did not take place either during a session where the primary purpose of the session was religious or spiritual aid, advice or comfort. Nor did the penetration take place while he was providing continuing religious or spiritual counseling.... [And] many of the alleged counseling sessions took place in public places, and do not fall within the purview of the statute's "private" requirement.

When we review a claim of insufficiency of the evidence, our review is limited to a painstaking analysis of the record to determine whether the evidence, when viewed in the light most favorable to the conviction, was sufficient to permit the jury to reach its verdict. *State v. Webb*, 440 N.W.2d 426, 430 (Minn.1989). On appeal, we assume that the jury believed the evidence supporting the verdict and disbelieved any contrary evidence. *State v. Moore*, 438 N.W.2d 101, 108 (Minn.1989). The jury determines the credibility of the witnesses and the weight of their testimony, and we assume that the jury believed the state's witnesses and disbelieved the defendant's witnesses. *State v. Bolstad*, 686 N.W.2d 531, 539 (Minn.2004). The verdict will not be overturned if, giving due regard to the presumption of innocence and the prosecution's burden of proving guilt beyond a reasonable doubt, the jury reasonably could have found the defendant guilty of the charged offense. *Id.*

Appellant appears to argue that in order to violate the statute, sexual penetration must occur during or immediately following a private meeting in which the primary purpose was religious or spiritual aid, advice or comfort. However, the statute does not impose such a constrained requirement. The statute proscribes a sexual relationship between a member of the clergy and a parishioner if "the sexual penetration occurred *during a period of time*" in which the parishioner and the member of the clergy were meeting on an ongoing basis and the parishioner was seeking or receiving religious or spiritual advice, aid or comfort. Minn.Stat. § 609.344, subd. 1(l) (ii) (2002) (emphasis added). Moreover, if the purpose of the statute is to protect vulnerable parishioners, allowing a sexual relationship to occur during the same

period in time, even if not at the same moment in time, as counseling, is contrary to that purpose. Even if not every contact between a clergy member and a parishioner involves counseling, it is up to the jury to decide whether the facts in this case support finding an ongoing clergy-counselee relationship. *Bussmann I*, 741 N.W.2d at 83 ("Whether a clergy-counselee relationship was established, whether an established clergy-counselee relationship actually continued, and whether the proscribed sexual conduct occurred during that ongoing clergy-counselee relationship are factual matters for the jury to decide....").

On this record, there is abundant evidence from which a reasonable jury could conclude that D.I. and appellant had an ongoing clergy-counselee relationship. The two often discussed how she was dealing with her mother's death, her fear of death, and the stresses of her new job within the church. D.I. relied on appellant when she needed comfort and support and when she had questions about her faith and her new calling to teach. Even if, as appellant contends, the statute requires each meeting to have some counseling aspect, a reasonable jury could find that each time D.I. and appellant were together, he provided comfort and guidance, which is the very cornerstone of the clergy-counselee relationship.

\*6 Appellant also argues that there is insufficient evidence to prove that any clergy-counselee relationship was in private. *Bussmann I* does not define "in private." But the dictionary defines "private" as "[o]f or confined to the individual; personal.... Undertaken on an individual basis." *The American Heritage Dictionary* 1442 (3d ed.1992). Therefore, the "in private" requirement is intended to ensure the confidentiality or privacy of conduct or communications; "in private" is not synonymous with "in secret."

Here, D.I. testified that her first meeting with appellant after her mother's death was in private at the church and then the two of them, privately, went to her mother's gravesite. D.I. testified that after that first meeting, the two continued to meet privately to discuss the grieving process and how she was coping. The first time appellant kissed D.I. was as she was leaving his private quarters after she had consulted with him because she was having a bad day. Other sexual contact occurred in a private room at the church, in appellant's private home, and in his private living quarters in the church rectory. This is sufficient for a reasonable jury to conclude that the "in private" element of the statute was satisfied.

## V.

Although appellant did not object at trial, he now contends that the prosecutor committed misconduct by impermissibly shifting the burden of proof to him on the issue of whether the clergy-counselee relationship had been terminated prior to the occurrence of any sexual activity.

Unobjected-to prosecutorial misconduct is waived, but we may review an alleged error according to the plain-error standard. *State v. Ramey*, 721 N.W.2d 294, 797, 299 (Minn.2006). Plain error exists if there is an error that is plain and that affects the defendant's substantial rights. *State v. Washington*, 725 N.W.2d 125, 133 (Minn.App.2006), *review denied* (Minn. Mar. 20, 2007). An error is plain if it is clear or obvious under current law. *Johnson v. United States*, 520 U.S. 461, 467, 117 S.Ct. 1544, 1549, 137 L.Ed.2d 718 (1997). An error is clear or obvious if it "contravenes case law, a rule, or a standard of conduct." *Ramey*, 721 N.W.2d at 302. An alleged error does not contravene caselaw unless the issue is "conclusively resolved." *State v. Jones*, 753 N.W.2d 677, 689 (Minn.2008).

If misconduct is found, a conviction will be reversed only if the misconduct impaired the defendant's right to a fair trial. *State v. Powers*, 654 N.W.2d 667, 678 (Minn.2003). The defendant bears the initial burden of demonstrating plain error, but upon satisfying this obligation, the burden shifts to the state to show that the error did not affect the defendant's substantial rights. *Ramey*, 721 N.W.2d at 302. If the defendant satisfies his burden of proving that "the prosecutor's actions constitute plain error, and the state is unable to meet the burden of showing that there is no reasonable likelihood of a significant effect, the appellate courts then assess whether the error should be addressed to ensure fairness and the integrity of the judicial proceedings." *Washington*, 725 N.W.2d at 133-34 (quotation omitted).

\*7 "The prosecutor is an officer of the court charged with the affirmative obligation to achieve justice and fair adjudication, not merely convictions." *State v. Fields*, 730 N.W.2d 777, 782 (Minn.2007). A prosecutor commits misconduct when he or she engages in acts that "undermin[e] the fairness of a trial," or "violat[e] ... clear or established standards of conduct, e.g., rules, laws, orders by a district court, or clear commands in this state's case law." *Id.* Throughout a criminal trial, the state has the burden to prove all elements of the crime beyond a reasonable doubt, and the burden

of proving innocence cannot be shifted to an accused. *State v. Race*, 383 N.W.2d 656, 664 (Minn.1986); *see also*, e.g., *State v. Coleman*, 373 N.W.2d 777, 782 (Minn.1985) (stating that "misstatements of the burden of proof are highly improper and constitute prosecutorial misconduct"); *State v. Thomas*, 307 Minn. 229, 231, 239 N.W.2d 455, 457 (1976) (condemning prosecutor's suggestion that burden of proof is meant to protect the innocent, not shield the guilty); *State v. Trimble*, 371 N.W.2d 921, 926 (Minn.App.1985) (holding that prosecutor's argument suggesting that presumption of innocence disappears when large amount of evidence of guilt exists is improper), *review denied* (Minn. Oct. 11, 1985). But in the context of comments made during closing argument that may operate to shift the burden of proof, courts will also consider any mitigating statements that correctly lay the burden on the prosecution. *State v. Tate*, 682 N.W.2d 169, 178-79 (Minn.App.2004), *review denied* (Minn. Sept. 29, 2004). For example, when the district court properly instructs the jury after the prosecution misstates the burden of proof, the misconduct will typically not require reversal. *See id.*; *State v. McDonough*, 631 N.W.2d 373, 389 n. 2 (Minn.2001); *Race*, 383 N.W.2d at 664; *Coleman*, 373 N.W.2d at 782-83.

Here, the first two instances of alleged misconduct are similar. First, the prosecutor argued: "If the victim was meeting on an ongoing basis with the defendant to seek or receive religious or spiritual advice ... unless and until that pastoral counseling relationship ended, it was a crime for the defendant to have sex with the victim[.]" Second, the prosecutor argued: "When a parishioner has met with a member of the clergy and a pastoral [counseling] relationship has been established, then that relationship, that pastoral counseling relationship, must be terminated. It must be terminated before a sexual relationship can begin." Neither of these statements misstates the law. *See* Minn.Stat. § 609.344, subd. 1(e) (requiring that sexual conduct occur during "period of time" when counseling meetings were occurring "on an ongoing basis").

Appellant next contends that the prosecutor committed misconduct when she asserted that

[t]he [counseling] relationship that [D.I.] established with the defendant was never terminated. [D.I.] continued to seek and receive pastoral [counseling] from the defendant with regard to these issues all during the time period the defendant was having sex with her. This relationship was never terminated. The defendant never

told [D.I.] that he had to terminate their [counseling] relationship because he wanted to have sex with her. The defendant never told [D.I.] she should seek or receive spiritual [counseling] from another priest since he was having sexual relations with her and the defendant never told [D.I.] that he could no longer hear her confession because he wanted to have a sexual relationship with her and she never did. She never went to anyone else. That [counseling] relationship was never terminated. [D.I.] continued to meet with the defendant on an ongoing basis to seek or receive religious spiritual advice aid or comfort from her priest, her counselor. The defendant.

\*8 This argument does not shift any burden of proof to appellant, it simply reiterates the state's theory of the case that (1) a clergy-counselee relationship existed, (2) the relationship needs to be terminated before a sexual relationship can legally occur, and (3) the relationship was never terminated. The prosecutor made a similar plea during her rebuttal argument, stating: "[W]e submit that we have proven that there was [a clergy-counselee relationship] ..., [and] if there was, that relationship has to be terminated. That has to end before there can be a sexual relationship under the law and it simply did not terminate." A prosecutor must be allowed reasonable latitude in arguing the state's case before the jury.

Finally, appellant complains of another part of the prosecutor's rebuttal argument in which she stated:

And once that relationship was set up ... he is [counseling] her with regard to her mother's death with regard to her fear of death, regard to heaven, regard to hell.... Once that relationship was set up, when did it terminate? It did not.... That relationship never terminated and for that reason, it was illegal.

Again, this statement does not argue that it is appellant's burden to prove that the clergy-parishioner relationship had been timely terminated, the argument is simply that it had not. Nothing in this record leads us to conclude that the prosecutor

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impermissibly shifted any burden of proof from the state to appellant.

All Citations

Affirmed.

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Footnotes

- \* Retired judge of the district court, serving as judge of the Minnesota Court of Appeals by appointment pursuant to Minn. Const. art. VI, § 10.
- 1 In 2002, the two churches were consolidated to become St. Mary Queen of Peace Catholic Church at the Rogers location.
- 2 Appellant was acquitted on the charge of third-degree criminal sexual conduct stemming from his relationship with another individual.

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