

The Legal Intelligencer

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Lynn Sentenced to Three to Six Years in State Prison

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Monsignor William J. Lynn, the first Catholic Church official in the country to be charged with harming sexual-abuse victims whose abuse he was responsible for investigating, was sentenced Tuesday to three to six years in state prison.

Prosecutors had sought the maximum of seven years, while the defense sought for Lynn to be sentenced to probation or a shorter amount of jail time that would result in a county jail term.

After 13 days of deliberation, more than two months of testimony and almost 1,900 documents admitted into evidence, 12 Philadelphia jurors said in a June 22 verdict they were firm in finding Lynn had endangered the welfare of a 10-year-old altar boy, D.G., when he was sexually assaulted by a priest who Lynn recommended for his clerical assignment.

Lynn was acquitted of conspiring with that boy's abuser, defrocked priest Edward V. Avery, to endanger the welfare of D.G. or other minors. *The Legal* is not naming the known and alleged victims.

Lynn received a report in 1992 that Avery had touched a man's genitals when the man was 15 years old and again when he was 18 as he slept in the same bed as Avery. That man, R.F., followed up with Lynn throughout the years on Avery's status.

In 1996, R.F. wrote an email to Lynn, asking: "Will the diocese vouch for the safety of its children?"

But D.G. testified that, at the age of 10, when he was an altar server at St. Jerome Parish in Philadelphia, he was not warned that Avery was a danger to him.

When Avery pled guilty to abusing D.G., he was sentenced to 30 to 60 months in prison.

One of Lynn's attorneys, Jeffrey Lindy of Lindy & Tauber, said in an interview that he told Lynn to expect to be sentenced to two-and-a-half to five years in prison or three to six years in prison, especially in light of the penalties levied Monday by the NCAA against Pennsylvania State University because leaders inside and outside the football program concealed information that could have stopped former assistant football coach Jerry Sandusky from sexually abusing youths.

"I don't think it's a just sentence," Lindy said. "Father Avery, who was a co-defendant who pled guilty to raping an altar boy and had at least five other sexual assaults, got less time."

In a prepared statement read from the bench, Philadelphia Court of Common Pleas Judge M. Teresa Sarmina said Lynn had the best intentions when he first became the secretary for clergy for the Archdiocese of Philadelphia in 1992, a role he held until 2004. In that role, he was the human resources director for priests and he also investigated allegations of sexual abuse, including by meeting with alleged abuse victims and allegedly abusive priests.

When Lynn prepared a list of all the priests included in the archdiocese's secret archives because of alleged sexual abuse or other improprieties, the monsignor was acting in good faith, Sarmina said.

But when the late Cardinal Anthony J. Bevilacqua and other church leaders chose not to remove those priests and ordered the list shredded, it was wrong for Lynn to simply decide to obey his bishop, Sarmina said.

Many people wrote letters to the judge saying that, when they reported their abuse to Lynn, he had been sympathetic but did nothing, or that he was callous, or that there were long delays in actions being taken, and that their experience dealing with him was as traumatic as being abused, the judge said.

"Because he was going to obey his bishop, he had to erect a wall to seal himself against their pain and turmoil," Sarmina said.

Sarmina said that Lynn did not hear the suffering of child-abuse victims and did not minister to their needs.

Lynn protected "monsters in clerical garb ... who destroyed the souls of children to whom you turned a hard heart," the judge said.

When Lynn spoke in his own defense, he said he apologized in 2005 to his parishioners for how he handled sex-abuse complaints, and that he still feels the same regrets.

"I didn't want any harm to come to [D.G.] or any child," Lynn said.

The trial took a long time because, at the request of prosecutors, Sarmina ruled pretrial that all but six instances of priests who were reported to have committed sexual abuse or other improprieties could be admitted to provide the jury evidence from which they could draw inferences about how Lynn handled sexual-abuse allegations levied against Philadelphia-area priests.

Defense attorney Thomas A. Bergstrom, of Buchanan Ingersoll & Rooney, said in several of those cases it was Bevilacqua who made the assignment.

While Lynn testified that he did the best he could within the parameters given to him by Bevilacqua, prosecutors focused on Lynn's agency in gathering information from alleged victims and their alleged priest abusers.

Lynn testified that Bevilacqua would not remove a priest from ministry unless he had been diagnosed as a pedophile — a person who prefers children sexually to adults — or as an ephrophile — a person who prefers adolescents sexually over adults.

Lynn testified that, under his watch, priests were no longer just reassigned without supervision, which used to be done after clerics were accused of sexually abusing children. Instead, they were sent for mental-health evaluations, inpatient treatment and put into ministry with an aftercare team and as little contact with children as possible, Lynn testified.

Prosecutor Patrick Blessington said Tuesday that "Lady Justice" is depicted with a sword in one hand.

"There is a time for mercy and there is a time for justice. This is a time for justice," the prosecutor said.

Justice is necessary for not only the sex-abuse victims but for the Catholic Church community, particularly the congregants who lost their faith, Blessington said.

Bergstrom said in Lynn's defense regarding D.G. that Lynn directed that Avery enter treatment, that Lynn set up an aftercare treatment team after Avery left inpatient treatment and that Lynn had never met D.G.

Lindy said it would satisfy the four traditional goals of sentencing — deterrence, retribution, protection of society and rehabilitation — to have Lynn serve work-release or probation because there is no risk he could endanger more children because he has been out of the capacity as secretary for clergy for almost eight years.

Matthew Coyne, a Downingtown, Pa., resident who was a congregant when Lynn was the pastor for St. Joseph Church in Downingtown, said that his wife, Lisa, had a "nasty" pastor when she was growing up. But Coyne said because of what Lynn's pastorship has meant to his wife, he has never seen her cry more than in the past year.

There are "very, very few people we let close to our children and Monsignor Lynn is one of them."

Coyne was one of several witnesses who testified in favor of Lynn during his sentencing.

Blessington said Lynn had been a good parish priest, but was a "criminal" secretary for clergy and that "but for his actions these people [Lynn's supporters] wouldn't suffer."

Sarmina said in her prepared statement that more of the letters she received in support of Lynn were from St. Joseph Church parishioners and that, in the wake of the first investigating grand jury, perhaps Lynn "thought he had a second chance" by giving as much as he did to that parish.

Lynn was not able to provide the same love and support when he was secretary for clergy, Sarmina said.

The Philadelphia District Attorney's Office has decided to retry James J. Brennan, the former priest who was tried along with Lynn.

The jury was hung on whether Brennan had attempted to rape a teenager and endangered the welfare of that teenager and other youths. One juror said they were 11-1 in favor of acquitting Brennan.

The case will return to court in August for Sarmina to decide if Lynn can be out on bail while his appeal is pending.

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