

# Judge Rules It Was Too Late To Charge Priest With Rapes

By PAM BELLUCK

BOSTON, March 7 — The most serious criminal charges against a priest who is accused of molesting nearly 200 children over three decades were thrown out today by a judge who said too much time had elapsed since the accuser first reported the incidents.

The defrocked priest, John J. Geoghan, 66, was charged with two counts of raping a child. The authorities said he molested the child, a boy, from 1980 to 1984, while taking him out for ice cream, taking him swimming, showering with him, visiting him in his bedroom at bedtime, holding him on his lap in the driver's seat of a car and even while visiting Mr. Geoghan's mother's house.

Mr. Geoghan's lawyer, Geoffrey Packard, had argued that the 10-year statute of limitations for child rape had expired by the time Mr. Geoghan was indicted by a grand jury in 1999. Prosecutors had argued that while the accuser reported sexual abuse by Mr. Geoghan earlier, he reported the rape accusations three years later. Using that later report as the starting date for the statute of limitations, they argued, meant the case fell within the 10-year limit.

Judge Margaret Hinkle of Suffolk Superior Court said in her ruling that the prosecution had not proved beyond a reasonable doubt that the rape accusations had been reported within the statute of limitations.

She said that statute was intended to be "strictly construed against" prosecutors and "liberally interpreted in favor" of a defendant.

Mr. Geoghan's case has ignited a scandal over pedophile priests in the Boston archdiocese and other dioceses around the country. Documents released in 84 civil suits filed against Mr. Geoghan and the archdiocese showed that church officials, including Cardinal Bernard F. Law, shuffled Mr. Geoghan from parish to parish though they knew about his admitted pedophile past.

The cardinal has publicly apologized twice, and the archdiocese has given prosecutors the names of nearly 90 priests accused of sexually abusing children. Ten of those priests were in active ministry and have been suspended.

Mr. Geoghan was convicted last month of indecent assault and battery for fondling a 10-year-old boy in a pool, and he was sentenced to 9 to 10 years in prison. He faces another trial, as yet unscheduled, on similar charges of assaulting a 10-year-old boy.

Today's decision demonstrates the difficulties prosecutors face with child abuse cases in which accusations are reported too late or it takes years for accusers to agree to go through a trial. Prosecutors have said it may be difficult to prosecute many of the 90 priests whose names they have received because of the

statute of limitations.

In this case, the accuser first told his mother in February 1986 that Mr. Geoghan had molested him. The boy, then 11, also told a psychologist he was seeing because he had become suicidal, was having trouble in school and had been found molesting his 8-year-old brother.

Mr. Packard argued that the 10-year clock should start then. But prosecutors and the accuser's mother said the accuser reported only that Mr. Geoghan had fondled him in 1986, and did not report that he had raped him until 1989, which would make the 1999 indictment legal.

Prosecutors said that even if the judge found that the clock started in 1986, it should not start until May, because the clock stops when a defendant moves out of state, and Mr. Geoghan was out of state for several months receiving treatment for pedophilia. If the clock started in May 1986, the case would have been covered by a law passed in May 1996 that extended the statute of limita-

## A ruling suggests difficulties ahead for prosecutors.

tions to 15 years, giving prosecutors until 2001 to get an indictment.

Prosecutors were not able to seek an indictment before 1999 because the accuser's mother would not allow her son to testify in court.

The prosecution's case was also complicated by the fact that the accuser, now a 27-year-old mechanic in Quincy and a father of two sons, testified that he told his mother about the rapes in 1986, not in 1989. Prosecutors could not bolster their arguments from police records, because the original 1986 police report could not be found.

"This is the result you can get," said Mitchell Garabedian, a lawyer for scores of people who claim that Mr. Geoghan molested them, including the accuser. "Time elapses, cases get dismissed, prosecutions do not take place. The victim, in essence, is revictimized."

A spokesman for the Suffolk County district attorney said prosecutors had not decided whether to appeal.

Mr. Geoghan's lawyer, Mr. Packard, said he had spoken with his client's sister, Catherine, who said, "This was the only good news that we've had in a long time."

The archdiocese has settled about 100 lawsuits against Mr. Geoghan for \$15 million, including one filed by the accuser in the case thrown out today, and is close to settling 84 other suits for \$20 million to \$30 million.

The New York Times

National Report

FRIDAY, MARCH 8, 2002