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THE STATE OF NEW HAMPSHIRE

CHESHIRE, SS

SUPERIOR COURT

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THE STATE OF NEW HAMPSHIRE \*

V. \*

#93-S-0218

GORDON J. MACRAE \*

\* \* \* \* \*

TRIAL BY JURY

Volume III

Pages 1 through 127

BEFORE:

The Hon. Arthur D. Brennan  
Presiding Justice  
Cheshire County Superior Court  
Box 444  
Keene, New Hampshire 03431

DATE:

Tuesday, September 13, 1994

APPEARANCES:

For the State:

Bruce E. Reynolds, Asst. Cty. Atty.  
Robert Gainor, Asst. Cty. Atty.  
(Rockingham)

For the Defendant:

Ron Koch, Esquire (New Mexico)  
James R. Davis, Esquire

CLERK:

Stillman D. Rogers, Esquire

STENOGRAPHER:

Lorena Werner Patria, CSR  
Certificate #41

I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
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1 THE COURT: Good morning. Ladies and gentlemen of the jury.  
2 If anything has happened while you were out of court that  
3 could impact your ability to be fair in this case in any  
4 way, please let the Court know and it doesn't have to be  
5 right here that you do it. You can give a note to the  
6 bailiff and the bailiff would let me know. It would be a  
7 public record of any disclosure you made but of course you  
8 know how important it is that you be able to be fair and  
9 impartial in deciding this case. Attorney Reynolds.

10 MR. REYNOLDS: May it please the Court, ladies and gentlemen  
11 of the jury, I will remind you, Tom, you're still under  
12 oath.

13 THOMAS GROVER

14 CONTINUING DIRECT EXAMINATION: (by Mr. Reynolds)

15 Q In a minute, Tom, I am going to ask you to describe some  
16 portions of the St. Bernard's Rectory, but I will ask you  
17 some background questions. You were adopted by the Grover  
18 family at about one year?

19 A Correct.

20 Q Is it fair to say you don't have a real good recollection  
21 of being adopted at the age of one year?

22 A Correct.

23 Q Since you were adopted by the Grover family, have you had

1           any foster parents?

2   A     No.

3   Q     What's your present height and weight please?

4   A     I am about five feet ten inches and I weigh about 255  
5           pounds.

6   Q     Let me ask you, I think you indicated yesterday or maybe  
7           you didn't, when did you start drinking or experimenting  
8           with alcohol?

9   A     I think it was before -- around my 13th birthday or between  
10          the ages of 12 and 13.

11   Q     12 and 13? Was that before or after the defendant molested  
12          you in the Marlborough Rectory hallway?

13   MR. KOCH:     Object to the nature of the question. Leading,  
14                  your Honor.

15   THE COURT:     The objection is sustained. The objection is  
16                  overruled. I really don't see that as a leading question.

17   Q     Please answer the question.

18   A     I drank before.

19   Q     You drank before?

20   A     Right.

21   Q     Now was -- did you have an alcohol problem before? What  
22          was the nature of your drinking before the molestation in  
23          '79?

1 A The first time I drank and the few times after was just out  
2 of curiosity and it took place because I had older brothers  
3 that I normally hung around with and their friends and it  
4 was just, just that out of curiosity.

5 Q So it wasn't like you were a binge drinker at the age of 12  
6 or something like that?

7 A Correct.

8 Q So when -- to the best of your recollection, how old were  
9 you when alcohol started to become a problem in your life  
10 and the experimentation had stopped and you had gone on?

11 A Around the time my parents got their divorce, when they --  
12 just around the time they had their separation.

13 Q Things were kind of rough in the family around the time of  
14 the separation?

15 A Yes.

16 Q Take us -- if you will, can you give us -- to the best of  
17 your recollection, assuming your parents' separation is  
18 early in '82, take us through kind of a history of your  
19 alcohol abuse, that sort of thing up through 1983, say from  
20 early '82 into 1983 when you're 14, 15 years old to the  
21 best of your recollection?

22 A Well, I started drinking in that period of time not just  
23 out of curiosity. I started drinking because of numerous

1        problems and I just hurt a lot inside and I just drank to  
2        cover up the problems I felt and the hurt that I had  
3        inside.

4        Q     How often were you drinking in '82, '83 when you were 14,  
5        15, if you recall?

6        A     Weekly. At that age it's somewhat difficult to get alcohol  
7        so at any available moment that I could get it, I would  
8        drink; and that's how it went. And usually it was weekly,  
9        maybe a couple times a week, but it was a fairly steady  
10       pattern of -- instead of when -- I mean, I went looking for  
11       the opportunity to drink and I just took a lot of the pain  
12       away.

13       Q     So kind of catch-as-catch can for those couple years, when  
14       alcohol was available and you could get it, then you would  
15       drink?

16       A     Correct.

17       Q     You referred to some problems that you were having at the  
18       time that were causing you pain that you wanted to go to  
19       alcohol to I guess cover the pain. Any of those problems  
20       involve the defendant?

21       A     Yes, they do.

22       Q     And thinking back now, what were the problems that you were  
23       aware of then, is that what you testified to already?

1 A Yes.

2 Q In 1983 after you helped the defendant move into the St.  
3 Bernard's rectory, what was the position of your mother as  
4 you understood it concerning your contacts with Gordon  
5 MacRae and counseling, that sort of thing?

6 A You need to repeat the question.

7 Q I am sorry. Take you back. In 1983 after you helped  
8 Gordon MacRae move into the St. Bernard's rectory, what was  
9 the position of your mother in terms of Father MacRae?

10 A Well, in 1982 she had encouraged me to have counseling with  
11 him and that carried on into 1983. She really thought that  
12 he had a lot to offer and that he was more suited to deal  
13 with the types of problems I was experiencing.

14 Q And did you feel you had any choice in doing counseling  
15 with Father MacRae because of your alcohol problems?

16 A No, I didn't have -- it wasn't -- you know -- it was -- I  
17 mean, my mother wanted me to do it, so I just went ahead  
18 and did it because that's what she wanted. I mean, if she  
19 said that it was going to happen, then that was what was  
20 going to happen. I mean, if she said she wanted me to  
21 still continue to see MacRae for counseling and so I just  
22 continued to see him.

23 Q Let me ask you now. We toured the rectory the other day

1 and let me ask you about the first floor. When you come up  
2 the stairs from the back entrance -- we started to go into  
3 that the other day before we broke for the day. When you  
4 come up that back entrance and into that reception office,  
5 is there a more private office near that receptionist  
6 office?

7 A Yes, as you enter the room through the stairwell doors to  
8 the right-hand side there is a door which goes into an  
9 office. It's not very big compared to the other downstairs  
10 rooms, and that was the space that MacRae had for his own  
11 private office. He used that as his private office.

12 Q When did he use that as his office? I'm not suggesting  
13 that he was the sole user of the office, but when did he  
14 use that office to your recollection following his moving  
15 into the rectory?

16 A He used it on occasions when we went there for counseling.

17 Q Okay. Later on that summer of 1983, after he moved in, did  
18 he move into another office on the first floor of the  
19 rectory?

20 A Yes, he did. The front right-hand office -- if the  
21 building is facing the Main Street, he was in the  
22 right-hand office. If you walk down the hallway that leads  
23 from the reception area, his office is on the right-hand



1 side just in front of the walkway -- of the walkway that's  
2 on the side of the church kind of. So if the church is  
3 here and the front of the building is here, his office was  
4 the corner office.

5 Q Got it. Okay. Thank you. Let's call that the southeast  
6 corner office for want of a better term; and the first  
7 office you talked about, let's call that the southwest  
8 corner if we can.

9 A Okay.

10 Q I'm going to ask you if you're standing in the doorway of  
11 the southwest corner office, the first one that you talked  
12 about, tell me -- well, first, how long has it been since  
13 you have been in the rectory?

14 A About eight years, between seven and eight years.

15 Q And if you're standing in that doorway between the  
16 reception area and that southwest corner office, you're  
17 standing in the door, from your recollection from seven or  
18 eight years ago, please describe to me what that office  
19 looks like.

20 A Well, if you're standing in the doorway, it's kind of  
21 rectangular shaped. It's not very wide but it's longer and  
22 it has a window facing out towards the church. There were  
23 some steel cabinets in there and there was a desk and a

1 table in the corner at the time and I think at the time  
2 there were only the pull shades, the kind that are on --  
3 shades that you can just pull. I don't know what you call  
4 those.

5 Q Shades?

6 A Yeah, shades.

7 A Not really -- I think it's a tile floor and that's really  
8 about all I remember. Well, the only other thing is it  
9 seems a little colder, well, not I mean -- a little darker  
10 or -- I don't know, just something about that office  
11 compared to the other ones. It just makes it a little more  
12 clear.

13 Q When you say colder, are you referring to the style of  
14 furniture, metal file cabinets, what sorts of things give  
15 you that image?

16 A Yeah, compared to the other rooms in the downstairs or the  
17 first floor, it's just not as warm -- I mean, when you walk  
18 into the other rooms downstairs, there's lots of wood and  
19 they are well -- they are white and they look brighter and  
20 they seem a little more cheerier. This office is kind of  
21 -- I don't know, has a dreary kind of -- I don't know.

22 Q Not as plush as the other one?

23 A Yeah.

1 Q Did it look like the sort of thing that one would describe  
2 as a personal office or did it look like just sort of an  
3 extension of the secretarial area?

4 A Well, at the time he used it as his own personal office or  
5 he shared that office with Fred LaFond who's -- I am not  
6 sure exactly what his title was at the church, but he  
7 basically -- those two basically shared that office  
8 together until later on when he moved to the southeast  
9 office.

10 Q Were there any chairs in that southwest office that you've  
11 just described?

12 A Yeah, there were chairs there.

13 Q Can you describe the chairs to the best of your  
14 recollection, please.

15 A All of them? I mean, there were several different types of  
16 chairs. They weren't all the same.

17 Q Well, let me ask you this. What kind of -- style of  
18 furniture? What were the chairs made of, if you recall?

19 A They were wooden chairs. They had arms on them that came  
20 out. I'd say they were similar to that chair that's right  
21 there.

22 Q Now this is in the southwest office?

23 A Yes, correct.

1 Q And do you recall, was it that summer that Gordon MacRae  
2 moved from that office you described as the southwest  
3 office to the other office, the one you described toward  
4 the front of the building?

5 A I really can't recollect when that was that he moved from  
6 there to there. All I remember was that whoever had that  
7 office had left and that's why he made the move.

8 Q Do you recall whether or not Gordon MacRae had been at the  
9 parish very long before he switched from the first office  
10 to the second one?

11 A I don't know. I would only be guessing to say that it  
12 wasn't that long. I really don't know the timeframe of --

13 Q That's fine. Let me ask you, please, the allegations are  
14 in part that you were assaulted in both of those offices by  
15 Mr. MacRae. Can you describe for me, please, the first  
16 time that you recall you had some problems with him in that  
17 southwest corner office? Do you recall what you were doing  
18 before that day, how you got there and how things happened?

19 A I think -- I really don't know what led up to -- I would  
20 only be guessing to say that he was at our house in  
21 Marlborough and --

22 MR. KOCH: Your Honor, with all due respect, I would request  
23 that the witness not guess and testify to facts.

1 THE COURT: Yes. The objection is sustained.

2 A Leading up to the point of arriving at the office, I'm not  
3 sure of but I'm sure of what happened after we got there.

4 THE COURT: Okay. I'm just going to make an instruction here  
5 for the jury. The witness has testified that he really has  
6 no memory of what the events were that led up to this, so  
7 strike any reference to them coming from Marlborough.

8 Q Thank you, your Honor. Let me ask you, what's the first  
9 thing you recall about that first set of circumstances  
10 involving that office and the defendant?

11 A We were inside and we were -- as usual, I was free to roam  
12 around downstairs and stuff and we were talking and then  
13 the talking got -- it was light conversation and then it  
14 got to be more personal so we went into the southwest  
15 office and at first we were just --

16 Q Did you sit down when you went in?

17 A Yes, I sat down and he sat down. He went -- we went into  
18 the office. He sat down in his chair. I came over and I  
19 sat down in the chair. There was a desk, the office desk  
20 was in between us and he -- as the conversation got more  
21 intense, he got up and shut the door and he --

22 Q What do you recollect the conversation was about that time  
23 leading up to things? Can you describe for the jury what

1           it was about, the nature of the conversation with him to  
2           the best of your memory?

3    A    It had to do with drinking, and I think there was some  
4           discussion about the divorce and just the things that were  
5           going on in my life at that time. And those were the two  
6           things that my mother was concerned about and relayed to  
7           him, and so that's what we had been talking about and the  
8           conversation became more intense and he -- his whole  
9           mannerisms changed and he --

10   Q   Take your time. Describe for us please what his mannerisms  
11           changed to, tenor, the conversation, that sort of thing, if  
12           you recall.

13   A    He became critical of me and, uhm, started really degrading  
14           me and belittling me and kept that up until I started to  
15           cry -- started crying and I couldn't -- he just kept making  
16           comment after comment and he came over around the table and  
17           he gave me a hug like -- he just came and gave me a hug and  
18           then he got down in front of me and unzipped my pants and  
19           took my penis out of my pants and started performing oral  
20           sex on me and --

21   Q    Did he put your penis in his mouth?

22   A    Yes, he did.

23   Q    While he was doing this, what did you do?

1 A I was just sitting there. I really didn't know what to  
2 think. I just really was so upset I couldn't -- it was  
3 like I was just sitting there and then I was -- it wasn't  
4 like it was even me. I was like sitting -- I was like so  
5 upset I was just like sitting outside of my body watching  
6 what was happening. I had no control over anything. I  
7 couldn't move. I was glued to the chair. I just didn't  
8 make any effort to do anything.

9 Q Can you describe for us please how this ended, if you  
10 recall?

11 A I don't know what happened, how long it lasted. All I  
12 remember was he was standing up in front of me afterwards  
13 and he just -- I don't even know -- he was just standing up  
14 in front of me and I was still crying, and that's all I  
15 remember.

16 Q Do you need to take a break, Tom?

17 A No.

18 Q Let me ask you do you recall another time in that same  
19 office when something similar occurred?

20 A Yeah. I went back to that office and on a different  
21 occasion, uhm, and --

22 Q Now, was he still using that office again this time before  
23 he moved to the other one?

1 A Yes, we were in the southwest office on a different  
2 occasion he -- we were in the office and we were talking.

3 Q And what do you recall that conversation, this second time?

4 A I don't -- it just had to do with problems.

5 Q Problems of drinking?

6 A Yeah, there were just -- usually it was either -- had to do  
7 with drinking or I had --

8 MR. REYNOLDS: Let me withdraw the question.

9 MR. KOCH: Your Honor, I would like to hear the response to  
10 that.

11 THE COURT: Yes. I'll just remind the witness you don't have  
12 to answer immediately. You can take your time and  
13 formulate your answer. Maybe he will need the question  
14 again.

15 Q Well I was going to come at it from a different way, that's  
16 why I wanted to withdraw it. You described the first  
17 incident involving the discussion of your drinking. The  
18 second incident were you having -- around the time of that  
19 incident, were you having any problems involving your  
20 then-girlfriend as well as some drinking issues?

21 A About that time, I was dating this girl and she was a  
22 considerable amount older than me; and my mother was  
23 concerned about that, and there were a lot of arguments



1       between me and my mother about that. And once again MacRae  
2       took it upon himself to interject with the counseling; and  
3       on one occasion we went in there and we were talking about  
4       that, about the problems with my mother and the fact that  
5       she had strong opinions about me seeing this girl, and once  
6       again he started once again making me feel worthless and he  
7       continued to do basically the same thing, talking down at  
8       me and criticizing me and to the point over and over until  
9       I started crying and lost control of my emotions and once  
10      again he came over and took my penis from my pants and put  
11      it in his mouth and gave oral sex on me.

12   Q    Do you remember whether or not on this occasion that you've  
13       just described whether or not your penis was erect?

14   A    I don't recall.

15   Q    Do you recall whether or not you ejaculated?

16   A    I don't recall.

17   Q    Taking you back to the first instant just a bit, do you  
18       recall whether or not your penis was erect that first time  
19       you described for us?

20   A    Yes, it was.

21   Q    And do you recall whether or not you ejaculated that time?

22   A    No. All I remember was it starting and then him standing  
23       in front of me. I don't remember anything that happened in

1       between. I don't remember if it was a minute, ten  
2       minutes. I have no way to judge how long it was going on.

3   Q    Let me ask you this. How do you keep these two incidents  
4       separate in your mind?

5   A    Just because of the conversation and the way things were.  
6       First we were in just friendly conversation and the next  
7       time was specific, we went right to a counseling type of  
8       atmosphere. It wasn't just a friendly visit starting out  
9       to be a friendly visit like the first time was just casual  
10      conversation and then it was just right to counseling type  
11      of atmosphere.

12   Q    Go ahead and take a drink of water if you need to. How are  
13       you doing? Let's go on if we can please, Tom.

14               After these two incidents that you've just described,  
15       were there incidents that took place in the southeast  
16       office after he appeared to have moved in there?

17   A    Yes, there were other incidents in the southeast office.

18   Q    Now, let me ask you, in that office, which I guess became  
19       his personal office, was there a chess board?

20   A    In the southeast office there was.

21   Q    And do you recall a time when you or he were sitting in  
22       that office, I guess under the window playing chess?

23   A    Yes.

1 Q And can you tell us, please, how long were you into the  
2 chess game, if you remember, and how did the chess board  
3 look?

4 A We must have been quite aways into the game because I had a  
5 number of his pieces and he had a number of my pieces. I  
6 really can't put a time on how long we had been playing,  
7 but it had been a fair amount of time.

8 Q And what did the chess board look like? Can you describe  
9 the chess board for us, please?

10 A I'm not fully sure if the legs were built into the bottom,  
11 the base of the board but it was a marble board and it had  
12 stone pieces and it was to the right-hand side of his  
13 desk. It was really kind of a decorative piece of  
14 furniture.

15 Q Let me ask you to do the same thing you did with the  
16 southwest office. If you're standing in the southeast  
17 office doorway such that you're looking into the room,  
18 what's right across the office from you as you're just  
19 looking straight across from the doorway?

20 A I guess it's just a wall or there is windows on that wall  
21 but I'm not -- I really can't determine whether there is a  
22 window directly across or there is a wall directly across.

23 Q Well, let me ask you that. Is there a window on that wall?

1 A Yes, there is.

2 Q And if you look out the window, what do you see?

3 A You see the side of the church.

4 Q And as you stand in that doorway and you look across the  
5 room that way, where was Gordon MacRae's desk?

6 A To the right-hand side of the door. If you're standing in  
7 the door, it's to the right-hand side, kind of kitty-corner  
8 on the farthest wall closest to the wall that the window is  
9 on.

10 Q And if you're standing -- is it fair to say it's kind of in  
11 the corner across the room?

12 A Yes.

13 Q And if you're standing in that doorway and you put your arm  
14 out and you look to your left, what do you see over on that  
15 wall?

16 A It was a couch there and there was a book shelf. I'm not  
17 sure if it was built into the wall, but it was a wall book  
18 shelf on the wall to the left of the door.

19 Q Okay. And if you go -- now, you've described a wall right  
20 to the left of the door and you've described a wall across  
21 from the door. How about on the wall between them on your  
22 left, can you describe that to us, please?

23 A I don't understand.

1 Q Let me ask you this. You've described a window that opens  
2 onto St. Bernard's church. Any other windows in that  
3 office to your recollection?

4 A Yeah, there is a window looking out on Main Street area on  
5 the -- if you're standing in the doorway to your left, not  
6 where the book shelf is but the wall that's right -- that  
7 would be the front face of the rectory.

8 Q And that opens out onto Main Street I believe?

9 A Yes.

10 Q And so let me take you back then to the chess board. You  
11 guys are playing chess. Looks like you've been playing  
12 chess for a while because you both have a lot of pieces of  
13 the other guy. What happened during the course of that  
14 chess match?

15 A Well, just started out as just a friendly game of chess. I  
16 -- it just started out like that; and then something came  
17 up in the conversation, and he got up and was - just kept  
18 talking and walked over to the door and shut it and then  
19 came back and sat on the corner of his desk and he just  
20 once again became real critical of me. Actually, where his  
21 desk would be here, the chess board was on this side of his  
22 desk. We were pointing -- like I was sitting in this  
23 direction and the board was here, his desk was here. He

1 got up and went around and shut the door and came and sat.  
2 I repositioned the chair to see him as we talked, and then  
3 he just became really critical once again of my behavior  
4 and just once again began to belittle me and degrade me and  
5 to the point where I started -- I would start crying again  
6 and then he came over once again and got down in front of  
7 me and took my penis out of my pants and put it in his  
8 mouth and he --

9 Q Do you recall whether or not this time you had an erection?

10 A Yes, I did.

11 Q And do you recall whether or not -- this time whether you  
12 ejaculated?

13 A No, I don't recall. I think before I -- before I just  
14 blacked out or whatever happened, I remember it just for a  
15 brief second feeling somewhat pleasurable and -- do you  
16 understand why? [Witness sobbing].

17 MR. REYNOLDS: Your Honor, may we take a break, please?

18 THE COURT: Yes. We'll take 10 or 15 minutes.

19 (Break)

20 THE COURT: Attorney Reynolds.

21 MR. REYNOLDS: May it please the Court.

22 Q Tom, let me ask you, can you recall another time you were  
23 in the office in the southeast corner of the rectory and a

1 similar assault occurred different from this one, the chess  
2 board incident that you described, do you recall another  
3 incident?

4 A Yes, I do.

5 Q Can you tell us, please, to the best of your recollection  
6 how that started, where you were and what happened?

7 A Once again I was in the southeast corner office, and on  
8 this occasion I was sitting in the chair closest to the  
9 window which faces the Main Street. Directly up across  
10 from me I was looking at the book shelf, the one I  
11 described as possibly in the wall, and the couch which was  
12 there and we were talking and then he, MacRae, went and  
13 shut the door and locked the door and then the conversation  
14 became more intense and once again MacRae began his  
15 questioning and criticizing and basically the same things  
16 he had done earlier; and he came and was in front of me and  
17 he was really -- just over and over and over he was  
18 criticizing me and making me feel very, very -- just like I  
19 was nothing. And once again he just over and over and over  
20 did that and he just did it until the point where I lost  
21 control of my emotions and started to cry and cry and cry  
22 and I was really hurting inside; and once again he came in  
23 front of me and this time he took my penis out of my pants

1           and once again put it in his mouth and this time I felt  
2           like I was watching a movie that I was -- like it was my  
3           body but inside it wasn't really me. I was sitting kind of  
4           outside of myself watching it going on, and then I really  
5           don't recall what happened after that.

6   Q       Do you recall whether or not you had an erection this time?

7   A       I really don't recall.

8   Q       Do you recall whether or not you had an orgasm?

9   A       I don't recall.

10   Q       Let me ask you, do you recall how old you were when these  
11           four assaults you described happened?

12   A       I hadn't been -- I hadn't turned 16 yet. I don't know. I  
13           don't know my exact age.

14   Q       And your 16th birthday was November 18, 1983?

15   A       Correct.

16   Q       Let me ask you, did you ever have occasion to be up in  
17           MacRae's living quarters upstairs in the rectory?

18   A       Yes, I did.

19   Q       And do you recall a time that you stayed overnight -- I  
20           think maybe a first time you stayed overnight when he was  
21           up in the rectory?

22   A       Yes. I'm not sure of exactly why I stayed overnight, but I  
23           was there when he was up on the third floor and I don't



1 know how to describe --

2 Q Let me ask you this then, please. That first night that  
3 you stayed overnight in the rectory, do you recall what you  
4 slept on?

5 A I just slept on the couch in his -- his -- I don't know  
6 what you want to call it. It's a room attached -- or where  
7 he would have his TV and books and his exercise equipment  
8 and personal items, outside it was attached to a bathroom  
9 and then there was his bedroom.

10 Q Can you tell us, please, how old you were on this occasion  
11 when you slept on the couch? Had you turned 16 yet?

12 A No, I hadn't turned 16 when I spent that overnight.

13 Q And let me ask you, describe for us, please, you're asleep  
14 on the couch and what do you recall happening?

15 A I was asleep, I woke -- I was asleep and I woke -- I was  
16 lightly clothed and I woke up and MacRae was covering the  
17 bottom half of my body, his weight against my legs and he  
18 had taken my penis from my underwear and was had it in his  
19 mouth; and I was half asleep and just really, really scared  
20 and didn't know what to do, just froze and just really  
21 didn't know what to do.

22 Q And did he have your penis in his mouth this time?

23 A Yes, he did.

1 Q And do you recall whether or not you had an erection or  
2 whether or not you ejaculated?

3 A I don't recall.

4 Q You mentioned this time that you froze and it appears --  
5 and correct me if I'm wrong, was your response to this  
6 these times that it happened was to freeze?

7 A Yes. Every time that it took place my mind raced until it  
8 just felt like it overloaded and I couldn't make any  
9 response or do anything to prevent it from happening. I  
10 just froze up and -- and I couldn't protect myself.

11 Q Let me ask you, this summer of 1983, who was the girlfriend  
12 that you mentioned?

13 A I was dating Kathy Murray.

14 Q And she is now known as Kathy Hall I believe?

15 A Correct.

16 Q Do you recall why you -- during the course of these various  
17 assaults that you described, the four downstairs in the  
18 offices and the one upstairs, I take it these were all on  
19 different days?

20 A Yes, they all were separate occasions.

21 Q And why, do you recall, from that time did you continue to  
22 go back to the rectory to be with Gordon MacRae while these  
23 assaults were going on?

1 A Because my father was gone and I was really drinking and a  
2 mess inside and my mother wanted me to get help and just  
3 made it so I had to go. I didn't have a choice on whether  
4 I was needing counseling or not.

5 Q And during this period of time while these were going on,  
6 did you ever tell anybody else about this abuse?

7 A Before I was age 16?

8 Q Yes.

9 A No.

10 Q Why didn't you tell anybody about the abuse before you were  
11 16?

12 A Because it hurt so much inside and I was ashamed and  
13 confused and just didn't know who to turn to or trust any  
14 more.

15 Q What was the -- after this abuse happened when you were 15  
16 years old, the incidents that you were describing to us --  
17 and I thank you for doing so -- what happened in terms of  
18 drinking and drug abuse with you after that?

19 A I began drinking off and on as many occasions as I could.  
20 I went -- I went and -- and started drinking to try to take  
21 away the pain and the hurt that -- that I felt inside and  
22 just wanted -- I wanted it all to go away.

23 Q And drinking and drugs was away to make it go away at least

1           for awhile?

2   A    I just (witness nodding affirmatively) -- it just dulled me  
3           enough so I could somewhat deal with how I was feeling  
4           inside.

5   Q    Were your drinking and your drug abuse and your -- I guess  
6           some problems you were having with Kathy Murray because of  
7           the difference in your ages, were those things you were  
8           able to talk to your mother about after 1983?

9   A    No. Being from a big family, my mother had other children  
10          that also needed attention and just didn't have the time to  
11          concentrate on just one child and she just needed someone  
12          else to help her out.

13   Q    Is that why she picked Gordon to help you?

14   A    Yeah. All along he volunteered to step in and play the  
15          role of my father who no longer lived at our house.

16   Q    And did this continue with Gordon MacRae acting I guess as  
17          your substitute father right up until the time when you  
18          were going into Derby Lodge in 1987?

19   A    Yes.

20   Q    During that period of time in those years from '83 on, did  
21          you have anybody to turn to other than the defendant?

22   A    No, no. By the time I ended up going to Derby Lodge, my  
23          family had just given up hope and walked away and Gordon,

1       he became the middle man between me and my family. It was  
2       the only link I have left with them; and he continually  
3       said that if -- he just continually would say if I would  
4       listen to what he said, he -- it would make things okay  
5       between me and my family, and he would say that numerous  
6       times.

7   Q   Now, I understand that -- I think it was in the spring of  
8       1985 that you went to Beech Hill. Did Gordon assist in  
9       trying to get you a spot at Beech Hill?

10  A   Yes, he did. He and my mother discussed it. The only  
11       thing I really know, his role in that was that he said he  
12       could get a scholarship for me to go there and that  
13       decision to go there was made basically between him, my  
14       mother and I had no knowledge of whose role was what.

15  Q   Except for those two people, your mom and Gordon MacRae?

16  A   Right.

17  Q   And now Beech Hill, what kind of a facility is Beech Hill,  
18       just so the jury understands if they don't know?

19  A   It's a drug and alcohol rehabilitation facility.

20  Q   And I think it's located in Dublin, New Hampshire?

21  A   Yes.

22  Q   Were you able to complete the program?

23  A   No.

1 Q And do you recall how long the program would have been if  
2 you had completed it?

3 A No.

4 Q Since this abuse occurred, have you had trouble holding  
5 down a job as an adult?

6 A Yes.

7 Q How about the drug and alcohol programs since Derby Lodge  
8 in '85 and Derby Lodge in '87 and Beech Hill in '85, have  
9 you gone to other programs as well?

10 A Yes, I've gone to some other places to try to stop, to get  
11 ahold of the drinking and drug problem.

12 Q Has the abuse that you've talked about here today, has that  
13 been on your mind since it occurred in 1983?

14 A Yes, it has and I just tried to -- tried to bury --  
15 [witness sobbing] bury it as much as I could, but it never  
16 went away.

17 Q Do you need to take a drink of water Tom? Would that help?

18 A Sometimes, just to let you know, I get upset, it helps me  
19 to take a deep breath or something.

20 Q In 1990 you had a felony conviction to accomplice to  
21 burglary?

22 A Correct.

23 Q Can you tell us, please, what that was about?

1 A Basically it was something that happened when I was  
2 drinking and that's how much detail --

3 Q I guess what part did you play and what happened. You were  
4 an accomplice, right?

5 A Yes.

6 Q What part did you play while you were drinking?

7 A I was drunk and the person that worked for the cleaning  
8 company at 99 wanted a ride to meet his girlfriend who also  
9 worked for the cleaning company; and so I drove the car out  
10 there and whatever happened, happened and I got charged  
11 with criminal liability to burglary.

12 Q Criminal liability for their conduct?

13 A Right.

14 Q And that's because you drove them to the scene of the  
15 crime?

16 A Correct.

17 Q Between 1985 and 1987 when you went into Derby Lodge, can  
18 you give the jury some idea of the kind of quantities of  
19 drugs and alcohol you were using on a regular basis?

20 A Well, I just became a daily drinker and pretty much most of  
21 my waking hours I was in a fog and just drank and drank and  
22 things got -- would get worse. And then MacRae would like  
23 throw a rope to step in and save me; and then I would go to

1       some kind of program, and then I would get out and it would  
2       be all right for awhile and then I couldn't deal with --  
3       with -- with all the pain and the -- and I would just start  
4       drinking all over again. I just didn't want to -- I just  
5       didn't want to live with all that I felt. I really had no  
6       other way of just -- I don't know, just trying to make it  
7       go away.

8   Q   Let me take you back to Derby Lodge. Now, that's up in the  
9       northern part of New Hampshire, is it?

10  A   Yeah. It's in Berlin, New Hampshire. At the time it was  
11       in Berlin, New Hampshire.

12  Q   That's where the physical facility was at the time?

13  A   Yes.

14  Q   How did you get to Derby Lodge?

15  A   MacRae brought me there.

16  Q   And did you successfully complete Derby Lodge?

17  A   Yes, I did.

18  Q   I think then you went to, I think, Tirrell House which is a  
19       halfway house?

20  A   Yes, I did.

21  Q   And how did you leave Derby Lodge? Who took you from Derby  
22       Lodge at the end of the Derby Lodge portion of the program?

23  A   I took a bus from Berlin to Concord and my father picked me



1 up in Concord and brought me to my mother's house where I  
2 stayed for roughly a month before I had my -- before I went  
3 into Tirrell House.

4 Q During this period of time, this month or so, your mother's  
5 house was here in Keene at the time?

6 A Yes, it was.

7 Q Did you have further contact with Gordon MacRae?

8 A Some but not much at all.

9 Q How about when you went over to Tirrell House and while you  
10 were living in Manchester at the Tirrell House, did you  
11 continue to have contact with Mr. MacRae?

12 A Yes, I did.

13 Q At Derby Lodge, did you tell anybody whether or not you had  
14 been sexually abused?

15 A Yes, I did. I told my counselor.

16 Q And who was that?

17 A That was Deborah Collett.

18 Q Would you describe to the jury please what the  
19 circumstances were of that conversation, how it took place?

20 A Well, we have two types of sessions. We have group  
21 sessions and then we have one-on-one counseling. And I got  
22 there and she was assigned as my counselor; and we were in  
23 her office talking one day and I was really hurting inside

1 and I had nothing to cover the pain up, and she was talking  
2 about some forms of abuse and she was talking about sexual  
3 abuse and I told her that I had been sexually abused and,  
4 uhm, she inquired a little bit but not much and just told  
5 me some more about sexual abuse. And then I told her who  
6 it was, and she wouldn't -- she just looked at me in  
7 disbelief and wouldn't believe me and that's pretty much  
8 all I remember of it, of the conversation. She just would  
9 not believe that a priest would do something like that.

10 Q When you told her who had sexually abused you, what name  
11 did you tell her?

12 A I told her Gordon -- Father MacRae. She already knew who  
13 he was. I had -- one of the conditions -- one of the  
14 requests that Father MacRae had made was that I sign a  
15 release of confidentiality so he could keep track of my  
16 progress or what was going on while I was there at Derby  
17 Lodge, and so she knew who he was. She was the director at  
18 the time and was the one that he had had called to make  
19 arrangements for me to go there.

20 Q When -- did you later find out whether or not Gordon MacRae  
21 found out that you had disclosed to Debbie Collett?

22 A Yes, I did.

23 Q How did you find that out?

1 A It was after I got -- it was after I was done at the  
2 Tirrell House. I moved to Union Street in Manchester and  
3 MacRae was coming to my house there; and he found out about  
4 it, and he told me that if I ever tried to tell anybody  
5 that he would get me and then he threatened me and then he  
6 just lightened up a little and said, besides, no one would  
7 ever believe you anyway, so -- and then that was how I  
8 found out that because I had never told anybody before and  
9 he said that he knew I had told somebody.

10 Q So the only person you had ever told basically turned you  
11 in to your abuser?

12 A Correct.

13 Q Did you tell Deborah Collett that you were a young child  
14 when this abuse happened? Imply to her at all that you  
15 were a young child?

16 A She was so turned off that I would make a statement like  
17 that that she just really ended the conversation at that  
18 point. She refused to believe that and no other talk was  
19 made about it. She just was really -- she just thought --  
20 I don't know what she thought but she looked at me like  
21 there was something seriously wrong with me by saying  
22 that.

23 Q Did you ever disclose this abuse that you've talked about

1 with Debbie Collett? Did you ever disclose that in a group  
2 discussion at Derby Lodge?

3 A No. It was only a one-time conversation that only lasted a  
4 few moments. That's how quickly she cut me off from saying  
5 anything more. She just didn't want to hear it. She just  
6 refused to hear it.

7 Q Mr. Koch in his opening statement basically said that  
8 you're suing Gordon MacRae. Is that right?

9 A Yes, I am.

10 Q Can you tell the jury why you're suing Gordon MacRae?

11 A Basically the reason is because I need to see a therapist  
12 and I didn't have any insurance to cover that and I was  
13 paying for it out of my own pocket and I just really just  
14 -- that's about the only reason in the beginning. That's  
15 what I had talked to my attorney about.

16 Q I won't ask you what you talked with your attorney about  
17 but do you need this counseling to get well?

18 A Yes. I -- since -- for the last two years I have been with  
19 the same counselor and have been able to talk about this.

20 Q Let me ask you this. When you first decided to come  
21 forward, did you go to the police before you sued Mr.  
22 MacRae?

23 A Yes, I had already talked to Detective McLaughlin.

1 Q And if you had your choice right now, whether to send him  
2 to prison or to have a million dollars, what would you want  
3 to do?

4 A I think he deserves to be taken out of society for the  
5 safety of all the other people and for --

6 Q Because of the abuse on you?

7 A And I would never want anything to happen to someone else  
8 and I would just feel as responsible if it did because of  
9 the information I have.

10 Q After you had spoken with Detective McLaughlin, did you in  
11 the presence of Detective McLaughlin in the Keene Police  
12 Department place a telephone call to Gordon MacRae where he  
13 was living or working in New Mexico?

14 A Yes.

15 Q And that was back on April 30 of last year I believe?

16 A Yes.

17 Q Let me ask you to just look at that document, look it over  
18 please, take your time. Are you familiar with the contents  
19 of that document?

20 A Yes.

21 Q And let me ask you, to the best of your recollection, is  
22 that a true and accurate transcript of that telephone  
23 conversation you had with Gordon MacRae back on April 30 of

1 1993?

2 A Yes, it is.

3 Q And was that conversation tape-recorded with your  
4 permission?

5 A Yes, it was.

6 MR. REYNOLDS: Your Honor, I ask that this document be marked as  
7 State's 1 for identification, please.

8 THE COURT: It may be marked.

9 (State's Exhibit 1 marked for ID)

10 Q Bear with me just for a moment. I want to check my notes.  
11 Since 1988 or so, when -- before this court proceeding  
12 began and the things concerning the court proceeding, when  
13 did you last have contact with Mr. MacRae, not what you did  
14 but when did you last have contact with him?

15 A Before '88.

16 Q I guess the last time you had contact with him before we  
17 started the trial process here. Do you remember when that  
18 was?

19 A Yeah, that was in the summer of '87.

20 Q Summer of '87? And so you hadn't seen him during that  
21 period of time?

22 A Correct.

23 Q Until, what, just a couple days ago?

1 A Correct.

2 Q Describe for the jury, please, what you felt when you first  
3 saw him in and around the court house in the last couple  
4 days.

5 A I saw him on Monday and we were getting ready to leave the  
6 court house and just was walking up the stairs from the  
7 bottom floor, the basement floor and were walking up the  
8 steps; and he and his attorneys were walking on the walkway  
9 and the wall was just like this and we -- my family and me  
10 were walking up the stairs. And he came -- he was there  
11 and I saw him and I just ran back down the stairs because I  
12 was so afraid, and he just turned and made this smiling  
13 face at us; and I really had second thoughts about wanting  
14 to come in here in the same room as him and -- and just  
15 really, really -- just feel -- feel a lot of shame and just  
16 really a lot of shame and guilt and I -- and I just really  
17 hurt inside, just even seeing him there and I don't even  
18 want to look at him. He makes me feel -- it makes me hurt  
19 inside just to have him in this room; and I wish he didn't  
20 have to be in here, but I have no say over that. [witness  
21 sobbing]

22 Q Is this something you have to do?

23 A Yes.

1 Q For yourself?

2 A Yes. I just can't go on my life being the way it is just  
3 going down -- downhill all the time and just feeling  
4 suicidal at times and just really not knowing how to deal  
5 with life. I don't have any trust in anybody. I just  
6 don't let people get close to me. I just really don't want  
7 -- I don't know how to let anybody get close to me the  
8 way I used to and don't feel things in my heart the way I  
9 used to when I was a boy. Everything, every day -- every  
10 hour, every day since that stuff, I have to try to do  
11 something to deal with all the things that just rip at my  
12 heart every night and every day. I cry myself to sleep. I  
13 take four or five showers a day trying -- to try to feel --  
14 to try to feel clean again. Nothing I do -- nothing I do  
15 can ever -- ever -- ever makes me feel like a whole  
16 person. It's just ripping my life apart. [witness  
17 sobbing]

18 Q Tom, have you been able to go back to the Catholic Church  
19 after this abuse?

20 A No, I just really have given up on any forms of religion.  
21 It was important to me for a long time in my life and it  
22 was a part of my life, and now I don't have that piece of  
23 my life anymore. And I just -- like a lot of other pieces



1 I don't have in my life are -- they will never be replaced  
2 or feel the same. All those feelings are just all covered  
3 up with pain and hurt.

4 Q Is the person who took that piece away from you in this  
5 courtroom?

6 A Yes, he is.

7 Q What's his name?

8 A His name is Gordon MacRae.

9 MR. REYNOLDS: I have no further questions. I request a break.

10 THE COURT: Yes. We'll break now for 10 or 15 minutes

11 (Recess)

12 HEARING OUT OF THE PRESENCE OF THE JURY

13 THE COURT: Attorney Koch?

14 MR. KOCH: Yes, your Honor, I'm wondering if I can make this  
15 argument outside the presence of the witness or does it  
16 matter?

17 THE COURT: I don't see where it would matter. I guess unless  
18 you want to approach and explain why it might.

19 MR. KOCH: I will address it now. I would like the Court to  
20 reconsider its sealing of the records of Tom Grover with  
21 respect to his counseling with Dr. Yaditi and with Pauline  
22 Goupil. He made that a central issue right at the end of  
23 Mr. Reynolds examination where he was going on and on about

1 his counseling, that the only reason he went into  
2 counseling was that he needed -- the only reason he sued  
3 was he needed money to pay for the counseling bills, that  
4 he paid for them out of his own pocket and he finally had  
5 to bring a suit to get those bills paid, that he would  
6 rather have Mr. MacRae in prison rather than a million  
7 dollars and talked about how stressed he was and how he had  
8 to have this therapy to put his life back in order and just  
9 on and on and on ad infinitum, your Honor.

10 I think I should be entitled to see two things: one,  
11 the records of Pauline Goupil with respect to that  
12 counseling. The second thing, your Honor, is I would like  
13 to have production of those bills because my sense is and  
14 experience in the past in dealings with sex abuse cases  
15 those medical bills, if they are being paid at all, are  
16 being paid by counsel for Mr. Grover and not by Mr. Grover  
17 and that's my request to the Court before I begin my exam.

18 MR. REYNOLDS: The last portion of Mr. Koch's argument is a  
19 fishing expedition without factual basis to back it up,  
20 plain and simple. I would ask the Court to recall the  
21 information and ask the Court to determine if, on the basis  
22 of the testimony that we've heard, that there is anything  
23 exculpatory or potentially exculpatory in the documents

1 reviewed; and I suspect, based on your Honor's prior order,  
2 that there is not and I request that the seal remain.

3 THE COURT: Of course I have examined the documents and I talked  
4 with the witness. What I found was nothing that has  
5 already been covered by this time in the trial by the  
6 witness himself during examination on direct, that is about  
7 his treatment, the form of treatment. There was nothing  
8 about Mr. MacRae in those records and there was nothing  
9 that would lead anyone to any exculpatory evidence of any  
10 kind, any evidence that might assist Mr. MacRae in his  
11 defense in any way, and I think that the defendant is  
12 adequately protected by the defendant's right of  
13 cross-examination and during cross-examination, defendant's  
14 attorney can inquire of the witness as to whether or not he  
15 has paid all of the bills and we'll see where we end up  
16 from there. So I think at this point at least I'm going to  
17 deny your motion and we'll see how things develop in the  
18 trial, though, Attorney Koch. Is there anything further  
19 from counsel?

20 MR. DAVIS: No, your Honor, not on this point.

21 MR. REYNOLDS: Thank you.

22 THE COURT: Then the jury can come on up.

23 (Jury brought up to the courtroom)

1

OPEN COURT

2

THE COURT: The State has finished with its examination of the witness.

3

4

MR. REYNOLDS: Thank you, your Honor.

5

THE COURT: Attorney Koch?

6

MR. KOCH: Thank you. If it please the Court, ladies and gentlemen of the jury.

7

8

CROSS-EXAMINATION: (by Mr. Koch)

9

Q Mr. Grover, my name is Ron Koch. I have not met you before. Do you understand what my role is here in this trial?

10

11

12

A Yes, I do.

13

Q Do you understand I am Gordon MacRae's attorney?

14

A Yes, I do.

15

Q Mr. Grover, I notice that several times you seemed to be breathing heavily during the proceedings?

16

17

A Yes, I was.

18

Q Sort of an anxiety or panic attack, would that be a fair statement?

19

20

A Yes.

21

Q And you're very nervous, is that correct, sir?

22

A Yes.

23

Q Now, you understand I have to ask you a lot of questions,

1           don't you, sir?

2    A     Correct.

3    Q     And what I want you to do if at any point in time during my  
4           questioning you feel you need to take a break or you need  
5           to stop, please let me know.

6    A     Okay.

7    Q     Because it's going to take a while to get through this. Is  
8           that fair enough to start?

9    A     Yes.

10   Q     Now, Mr. Grover, let me ask you this as we start out.  
11           You're capable of lying, aren't you, sir?

12   A     Yes.

13   Q     And you will lie if it serves your purposes or meets your  
14           ends, isn't that true?

15   A     It's possible.

16   Q     And if, for instance, you need to get something or  
17           accomplish something that you want to get and you can't get  
18           it by any other means, you will lie to do that, isn't that  
19           true, sir?

20   A     It's possible.

21   Q     And you were saying here today that what you are telling  
22           the ladies and gentlemen of the jury has been the truth  
23           about the abuse of Gordon MacRae of you?

1 A Correct.

2 Q And you have no alterior motive or other motive than to see  
3 that Gordon MacRae is punished?

4 A Correct.

5 Q And I think in fact you said, sir, that if they gave me a  
6 choice between a million dollars and sending Gordon MacRae  
7 to prison, I would take Gordon MacRae going to prison?

8 A Correct.

9 Q Isn't that correct?

10 A Yes.

11 Q Now, Mr. Grover, I noticed during your testimony several  
12 times, sir, that you became emotional and broke down and  
13 cried. Is that a fair observation on my part?

14 A Correct.

15 Q One other thing I want to ask you. A lot of times lawyers  
16 use words that are very familiar to us and if I use any  
17 words that you don't understand, please tell me because I'm  
18 not trying to use language that you may or may not  
19 understand, but if there is something I say, just say, Mr.  
20 Koch, I don't know what you mean or what you're asking me.

21 How do you feel right now?

22 A A little bit more relaxed.

23 Q You were worried about beginning this cross-examination

1           process, weren't you, sir?

2   A       Well, I was having a real hard time breathing and felt  
3           dizzy and just wanted to take my medication and have that  
4           start to have its effect on me.

5   Q       I see, sir. And what medication is that, please?

6   A       I'm not exactly sure the exact name of it.

7   Q       Is it a prescription medication?

8   A       Yes, it is.

9   Q       And is that something that you take during your breaks?

10   A       No, I used it Monday night. I went to the hospital because  
11           I had a severe anxiety attack.

12   Q       Yes, sir.

13   A       And they gave me medication to help ease -- help me with  
14           the nervousness and like that; and I hadn't taken it until  
15           just after we had broke at 11:00 or 11:30, whatever time it  
16           was there. I took a pill and I wanted to have it be able  
17           to have the effects begin before the cross-examination  
18           because I was very upset.

19   Q       So now to go back and answer the question that I asked you,  
20           you were apprehensive or nervous about beginning this  
21           process of me questioning you?

22   A       No.

23   Q       Now, sir, I want to go back kind of to the beginning of

1       this entire scenario if we could and retrace through some  
2       of these incidents; and one of the ways I want to do that  
3       is -- your Honor, may I use the chart behind Mr. Grover?

4   THE COURT:     Yes.

5   Q     Mr. Grover, can you start out first of all by telling me  
6       the approximate ages of your siblings as you call them,  
7       your brothers and sisters? You're 26 today?

8   A     Right.

9   Q     And your oldest brother is?

10  A     I think he is 30 or 31.

11  Q     Do you know what year he was born in, sir?

12  A     No, I don't know.

13  Q     And how about -- who would that be?

14  A     That would be Christopher.

15  Q     And beneath him?

16  A     Would be Jay Grover.

17  Q     And how old is Jay?

18  A     He is a year younger than Chris.

19  Q     So he is either 29 or 30, would that be fair to say?

20  A     Yes.

21  Q     If Chris is 30 or 31 and he is a year younger, then 29 or  
22       30 would be the correct age?

23  A     Yes.



- 1 Q Is that from your memory or are you guessing?
- 2 A Well, if I'm inaccurate on the first answer, then I would  
3 be inaccurate on the second answer, so I really am just  
4 trying to remember how old my oldest brother is.
- 5 Q So would it be fair to say you don't know how old your  
6 oldest brother is?
- 7 A No. I gave you an answer of what I thought.
- 8 Q And what is that based on?
- 9 A Based on my recollection of how old he would be.
- 10 Q All right. How about after Chris and your next oldest  
11 brother, who's next in line?
- 12 A Chris, Jay and then I have a brother David.
- 13 Q How old would David be?
- 14 A A year younger than Jay.
- 15 Q And then next in the order of sequence?
- 16 A I have a sister Suzanne who's approximately a year and  
17 maybe a year and a half or maybe a year younger than David  
18 is.
- 19 Q Do you know what her current age is since she is closer in  
20 time to you, sir?
- 21 A I think she is probably around 28.
- 22 Q And then you would be next in line?
- 23 A Correct.

1 Q And then I believe you said you had younger brothers and  
2 sisters?

3 A Correct.

4 Q Now Mr. Grover, you grew up in Marlborough area, is that  
5 correct?

6 A That's correct.

7 Q And you know at what age you were adopted by your parents?

8 A Yeah, around the age of one.

9 Q As an infant?

10 A Correct.

11 Q And was that by Elmer and Pat Grover?

12 A Correct.

13 Q Was your father also sometimes called as a nickname, an  
14 endearing nickname, if you would?

15 A Yes, he was.

16 Q How did you refer to him?

17 A As Dad.

18 Q Now where did you live in Marlborough, sir, basically just  
19 growing up?

20 A Well, we had two different residences. We lived in two  
21 different places in Marlborough.

22 Q And where were those, sir, please?

23 A We lived on the Jaffrey Road in Marlborough and we also

1           lived on the corner of Frost and School Street.

2   Q       Do you have a memory today of when you moved from one  
3           residence to the other, sir?

4   A       From which -- I don't understand.

5   Q       I'm sorry, in Marlborough, I think you indicated you had  
6           two different residences. In what year did you move from  
7           the residence in the first one to the residence of the  
8           second one?

9   A       I don't have any recollection.

10  Q       All right. Do you have any idea of how old you were, sir?

11  A       No, I don't have any idea of that either.

12  Q       Do you know when you moved to Keene?

13  A       It was around 1983.

14  Q       In 1983?

15  A       Around, meaning it could have been late '82 or early '83.  
16           I am not sure of that correct date.

17  Q       So your memory is you moved to Keene sometime in '82 or  
18           '83?

19  A       It could have been later. I really don't have --

20  Q       When you say it could have been later, sir, it could have  
21           been later than '83?

22  A       I really don't recall.

23  Q       Sir, if -- maybe so you and I can have an understanding,

1       if I ask you a question that you're not sure of, please  
2       tell me that instead of --

3   MR. REYNOLDS: Your Honor, I object. If Mr. Koch wants to ask  
4       questions I think he ought to. This lecturing following  
5       defendant's response to a question I think is  
6       inappropriate.

7   THE COURT: I'm going to sustain the objection. I understand  
8       what Attorney Koch has done up to this point; however, I  
9       thought the witness had answered that he didn't recall and  
10      I thought that was an adequate answer in that particular  
11      circumstance.

12   Q   Thank you, your Honor. Is it fair to say that you do not  
13       know when you moved to Keene?

14   A   Right. I don't know of the exact date.

15   Q   It could have been 1982, it could have been 1983 or it  
16       could have been later?

17   A   Correct.

18   MR. REYNOLDS: Objection. Asked and answered.

19   THE COURT: The objection is overruled.

20   Q   Now, sir, are you fairly certain that it wasn't before '82  
21       that you moved to Keene?

22   A   I'm not certain of that. I don't know what time or what  
23       year it was. I'm not sure of the -- so I can't really --

1 I don't know.

2 Q But as you think back today, there is no question at some  
3 point in time you moved from Marlborough to Keene?

4 A Correct.

5 Q And when you got to Keene, sir, where did you reside or  
6 where did you live?

7 A We moved to 77 Butternut Drive.

8 Q And basically have remained in that house or at least your  
9 mother has since that time of the move?

10 A No.

11 Q How long did you stay at the Butternut Drive address?

12 A She brought -- she has moved houses since then. I don't  
13 recall. It was after 1987.

14 Q It was after 1987?

15 A Right.

16 Q Now, Mr. Grover, one other thing I wanted some  
17 clarification on was when your father left your home. Do  
18 you have any recollection here today of when that was, sir?

19 A What year it was?

20 Q Yes, sir, if you know, please.

21 A No. To be honest, I really would be guessing the exact  
22 date.

23 Q Now, sir, it would seem to me -- and correct me if I'm

1           wrong, but when Mr. Reynolds was asking you questions  
2           during his direct examination, you were fairly certain  
3           about dates and times and events, weren't you?

4    A     Yes.

5    Q     And some of those dates, times, and events are the same  
6           ones I am asking you about now, aren't they, sir?

7    A     No.

8    Q     Mr. Grover, do you remember how old you were at the time  
9           your father left home?

10   A     I was in my early teens.

11   Q     And, sir, early teens to you means what? 13, 14, 15?

12   A     Yes.

13   Q     Were you living in Marlborough at that time, sir?

14   A     What time was that?

15   Q     I'm sorry. I was asking you about the time your father had  
16           left.

17   A     Yes, we were living in Marlborough.

18   Q     So you had not moved to Keene yet?

19   A     Correct.

20   Q     Now, sir, isn't it true that when your father left the  
21           home, the divorce didn't occur until a considerable period  
22           of time after that?

23   A     I would say it was close to or more than a year.

1 Q And I think you described to the jury that that was an  
2 extremely traumatic event for you, was it not?

3 A Correct.

4 Q Because you felt at that age in your life that your  
5 father's leaving was directly attributed to your having  
6 found a note in or a bill I think -- a receipt I think you  
7 said that somehow led to the conclusion that your father  
8 was buying gifts for another female friend. Is that  
9 correct?

10 A Excuse me?

11 Q Is that correct, sir?

12 A Yes, it is.

13 Q Now -- and those events of that day you remember very  
14 clearly in your mind, is that true, sir?

15 A Yes, it is.

16 Q Mr. Grover, has it been your experience in the past that  
17 when an event like that occurs you can remember almost  
18 every detail about it?

19 A The event -- maybe not the date or -- I don't know -- yeah,  
20 I can remember events, things that happened but -- and the  
21 -- I guess things surrounding things -- I can pinpoint all  
22 kinds of -- in order of how things went along in my life  
23 but as you're asking me, I don't really have -- it seems

1       like you're jumping around.

2       Q     I'm sorry, sir. I'm having trouble hearing you.

3       A     I guess that question you're asking me you're jumping  
4       around. I have an order in my mind whereas I can remember  
5       how things were and the turn of events were and things like  
6       that.

7       Q     Correct me if I'm wrong, but so when Mr. Reynolds was  
8       asking you and he was asking you in sequence, in other  
9       words, starting from point A and going to Z, it was much  
10      easier for you to relate A to Z than if he would ask you  
11      about K?

12      A     Right.

13      Q     Is that what you're trying to say?

14      A     Correct.

15      Q     And if I move around on you, it's causing you a little bit  
16      of problem in terms of time sequence, would that be fair?

17      A     Yes, I have a harder time because there's so much  
18      information. It takes a little bit longer to figure out  
19      the dates.

20      Q     Mr. Grover, you've talked to a lot of people about the  
21      allegations of abuse involving Mr. MacRae, haven't you?

22      A     I don't really understand what you mean by a lot of people.

23      Q     Well, you've talked to Mr. Reynolds?



- 1 A Correct.
- 2 Q Have you ever talked to Mr. Gainor?
- 3 A Yes.
- 4 Q Have you talked to Pauline Goupil?
- 5 A Correct.
- 6 Q Have you talked to Mr. Yaditi?
- 7 A Correct.
- 8 Q Have you talked to Robert Upton?
- 9 A Correct.
- 10 Q Have you talked to William Cleary?
- 11 A I spoke with him but not about specific things. He just  
12 made a reference -- he gave me a reference to see somebody  
13 else.
- 14 Q I see. And who did he give you to see, sir?
- 15 A He gave me a reference to speak to someone at the Nourie  
16 and Wiggin [sic.] firm in Manchester.
- 17 Q I'm sorry. I didn't hear the name of the firm?
- 18 A Nourie and Wiggin.
- 19 Q And who did you see at Nourie and Wiggin?
- 20 A I saw Peter -- I don't recall his last name.
- 21 Q And, sir, was that particular reference -- now that you  
22 mentioned it, was that as a result of possibly bringing a  
23 suit for damages against Gordon MacRae?

- 1 A No, just to talk over options.
- 2 Q The options being whether or not you could bring a suit  
3 against Gordon MacRae; isn't that true, sir?
- 4 A Yes, that's fair to say.
- 5 Q And whether or not you could also bring a suit against the  
6 Diocese of Manchester. Isn't that true, sir?
- 7 A I don't think the Diocese really had anything to do with it  
8 at that point.
- 9 Q I see. Have you sued the Diocese of Manchester, sir?
- 10 A Yes, I have.
- 11 Q And have you sued Gordon MacRae?
- 12 A Yes.
- 13 Q When you went to Mr. Cleary, the reason for doing so was to  
14 see about the possibility of a cause of action, wasn't it,  
15 sir?
- 16 A Yes, it was.
- 17 Q And he referred you to another lawyer who then referred you  
18 to a third lawyer, is that kind of the way the scenario  
19 goes?
- 20 A Correct.
- 21 Q And you did obtain the services of an attorney in Concord,  
22 did you not, sir?
- 23 A Yes, I did.

1 Q What's the name of that attorney, sir?

2 A His name is Robert Upton, II.

3 Q In fact, Mr. Grover, one of the first people that you spoke  
4 to about the alleged abuse by Gordon MacRae was Mr. Cleary,  
5 was it not?

6 A No. I had called Detective McLaughlin and I had spoken to  
7 him a little bit about what I knew.

8 Q So your testimony is that you talked to Detective  
9 McLaughlin before you talked to Mr. Cleary?

10 A Yes, I called Jim McLaughlin on the phone before I spoke to  
11 anybody.

12 Q And did Mr. McLaughlin give you Mr. Cleary's name?

13 A No, I know him from another --

14 Q Sir, would it be fair to say that one of the first people  
15 you spoke to was Detective McLaughlin?

16 A Yes.

17 Q I'm talking in recent history?

18 A Yeah.

19 Q Let me trace back for a moment so I don't confuse you. I  
20 think you said that you never told anyone about the alleged  
21 abuse of Gordon MacRae until you made a comment to Debbie  
22 Collett at Derby Lodge in 1986?

23 A That's correct.

1 Q Is that correct? And then from 1986 until we trace forward  
2 in time until this decade in the '90s, you had not talked  
3 to any other person, is that correct?

4 A Until the point I talked to Jim McLaughlin?

5 Q Yes, sir.

6 A That's correct.

7 Q Okay. So if I want to trace an approximate decade period  
8 of time from the time of the alleged abuse until the time  
9 it took to talk to Detective McLaughlin, the only person  
10 you ever made mention of from your testimony would have  
11 been Debbie Collett?

12 A Correct.

13 Q Now, when you talked to Detective McLaughlin, sir, was it  
14 your intent to be truthful with him?

15 A Yes, it was.

16 Q And was it your intent to be honest about what you were  
17 relating to him?

18 A Yes, it was.

19 Q And when Detective McLaughlin talked with you, sir, did he  
20 take notes of what you were telling him?

21 A Offhand, I really don't recall.

22 Q Well, sir, you talked to Detective McLaughlin on many  
23 occasions, didn't you?

1 A Yes, I -- on the first occasion I'm not sure if he took  
2 notes or if he just listened but later on on other  
3 occasions he had taken notes.

4 Q Isn't the normal practice or at least the practice you were  
5 experienced with in dealing with Detective McLaughlin that  
6 he would come to you and ask you for additional bits of  
7 information to try to clarify certain things that you had  
8 told to him?

9 A Yeah, I suppose after the first several meetings he -- on  
10 the first meeting I'm not aware if Detective McLaughlin  
11 made notes. I'm aware that he made notes and then later on  
12 asked me -- contacted me and wanted to clarify some things  
13 with me.

14 Q Have you ever seen a -- what I want to call an offense  
15 incident or a police report prepared by Detective  
16 McLaughlin about your statements to him, sir?

17 A I don't believe so.

18 Q Now, to go back to clarification in my mind, you would talk  
19 to him and give him certain information that he may or may  
20 not write down, is that correct?

21 A I said on the first occasion when I went and talked to him.

22 Q So on every time you talked to him thereafter would he  
23 write down what you said?

1 A Well, some of the conversations were over the phone, so I  
2 really have no way of telling if he took notes at that  
3 time. When we met in person, he would write down notes;  
4 but we always did not meet in person. He might call me on  
5 the phone and ask me something over the phone, ask me a  
6 question about what I had said maybe the meeting before and  
7 I would just explain to him what exactly I meant by such  
8 and such.

9 Q Do you feel he was fairly thorough in his questioning of  
10 you, sir?

11 A Yes, I believe that.

12 Q Now, do you remember the first time you spoke to him, Tom,  
13 approximately? I mean the year for instance?

14 MR. REYNOLDS: Your Honor, may we approach please?

15 (Discussion held off the record.)

16 Q This has really nothing to do with the questions I'm asking  
17 you. I momentarily lapsed and addressed you as Tom instead  
18 of Mr. Grover. Mr. Reynolds called you Tom. Do you have a  
19 preference as to how I should address you because I can  
20 call you Mr. Grover or Tom, whatever?

21 A I'd rather be referred to as Mr. Grover.

22 Q All right. Then accept my apology if I slip and sometimes  
23 say Tom. Now let me go back to what I was asking you in

1 terms of Detective McLaughlin. Do you remember the year  
2 you first talked to him, sir?

3 A In the early '90s?

4 Q In the early '90s?

5 A Correct.

6 Q Tom, is it fair to say that you really have no idea about  
7 dates and time sequences at all?

8 A No, that's not fair to say.

9 Q Well, sir, I have an offense incident report that's given  
10 to me relating to the very first contact that Mr.  
11 McLaughlin had with you. It indicates the date was March  
12 19 of 1993 at 3:00 in the afternoon. Now, sir, would you  
13 have any reason to dispute that time, that day?

14 A No.

15 Q Now, when you say early '90s, what do you mean by that?

16 A Well, from the time -- I guess from the time that I came  
17 forward.

18 Q Well, sir, to you, if I say early '90s does that mean 1990,  
19 1991, 1992, 1993, 1994 or does it have a meaning at all?

20 A Well, you asked me a question and I answered it the best I  
21 could. Early '90s. I mean, it wasn't really exactly a day  
22 I marked on my calendar so I really don't know. I mean, it  
23 was just a meeting. I mean, it wasn't anything more than

1       that; and I've had plenty of meetings since then, and I  
2       don't know the exact dates of those meetings.

3   Q    Mr. Grover, that was the first time, though, you had ever  
4       come forward in ten years other than Ms. Collett to make  
5       any mention at all about Gordon MacRae abusing you; isn't  
6       that true?

7   A    Yes, that is.

8   Q    Wasn't that an extremely traumatic event for you, sir?

9   A    Yes, it was; but I also at the time was still drinking and  
10      so though it may have been, because of the drinking I may  
11      have just not remembered that date.

12   Q    But I think you said you didn't write it down on a calendar  
13      or something?

14   A    I don't usually. I mean, the only way I can really tell of  
15      certain things is by association with other things and  
16      there are things that I can associate that date with but  
17      --

18   Q    All right. Now, Mr. Grover, I want to get back to a  
19      question I had asked you earlier when we were talking about  
20      Mr. Cleary and Mr. Upton and Detective McLaughlin in terms  
21      of the sequence. You remember saying, sir, that you talked  
22      to Detective McLaughlin first and then to Attorney Cleary?

23   A    Correct.



1 Q The -- would you have reason to dispute Detective  
2 McLaughlin's notes that say that Detective McLaughlin got  
3 your name from William Cleary, an attorney and long time  
4 friend of the Grover family?

5 A Yeah, that may be, but the way I interpreted you asking me  
6 is when I sat down and talked -- I never sat down and  
7 talked to Bill Cleary in any detail of what had happened.  
8 Jim McLaughlin was the first person outside of Deborah  
9 Collett that I sat down and actually talked to and went  
10 into detail about that -- the incident. I can't discuss  
11 any other reasons why. It just wouldn't be appropriate.

12 Q When you contacted Mr. Cleary, though, or talked to him,  
13 sir, was it in part to let him know what the situation was  
14 about?

15 A No, he had been my lawyer a few -- in a few other incidents  
16 and I called him and -- much as a personal friend and a  
17 former lawyer to ask him his advice; and, no, I did not go  
18 into any detail about anything, just basically asking --

19 Q But did he at least know the reason you were there was  
20 because you were claiming that Gordon MacRae had sexually  
21 abused you?

22 A I'm not sure.

23 Q Well, sir, Mr. Cleary is the one who made a referral to the

1 attorney before Mr. Upton for purposes of bringing the  
2 civil suit, didn't he? Isn't he the one who gave you those  
3 other names?

4 A In that first conversation, none of that was brought up.  
5 Not until after I had talked to Jim and Detective  
6 McLaughlin and had our first meeting and he asked me  
7 questions and I answered them and then later on after that  
8 I called Bill Cleary back and then he made the referral to  
9 -- he just didn't make a referral for just -- I mean, I  
10 hadn't gone and done anything yet, so he didn't just make a  
11 referral out of the blue like that. I hadn't even talked  
12 to Jim yet, so how was I to know about any of those?

13 Q Excuse me. You hadn't even talked to Jim yet, is that  
14 correct?

15 A Right.

16 Q So, sir, from my understanding of your earlier testimony,  
17 you talked to William Cleary before you talked to Detective  
18 McLaughlin, not vice versa, isn't that true?

19 A No, you asked me -- whatever your question was, who I  
20 talked to about the incidents. Deborah Collett in '86 and  
21 next who did I talk about, and I said I talked to Jim  
22 McLaughlin in detail about what happened. I talked to Bill  
23 Cleary -- maybe it was before I talked to Jim, but it was

1           only out of a friendship and as my former lawyer to ask for  
2           his advice. You have to understand there were other  
3           circumstances going on at the time which aren't able to --

4   Q       Yes. But would you agree with me you talked to Bill Cleary  
5           before you talked to Detective McLaughlin as McLaughlin  
6           indicates?

7   MR. REYNOLDS: I object. This has been asked and answered. We  
8           have the sequence down pat. This is going to badger the  
9           witness.

10   THE COURT:    Objection sustained.

11   Q       Now, Mr. Grover, when are you alleging the incidents of  
12           abuse took place by Mr. MacRae as contained in the  
13           indictments in this cause?

14   A       I don't understand what you're asking.

15   Q       Well, sir, there are formal charges been brought against  
16           Gordon MacRae called indictments. Do you understand that?

17   A       Yes.

18   Q       And they are charging Gordon MacRae with having committed  
19           certain sexual acts involving your person. Do you  
20           understand that?

21   A       Correct.

22   Q       What is your understanding of when those were to have  
23           occurred?

1 A When did they occur?

2 Q Yes, sir.

3 A Well, one, when he was an intern at Sacred Heart Church.

4 Two, in 1982 when he was coming back and forth from

5 Hampton; three, was around the time my brother was going

6 into the Air Force; four, was when he first got to the

7 parish in 1987, and, you know, just in that time period

8 before the winter.

9 Q Do you know when Gordon MacRae came to the parish in Keene?

10 A In 1983.

11 Q Do you know when, though, sir, in 1983?

12 A I don't recall in 1983 when that was.

13 Q Do you know if it was in the spring of 1983?

14 A I don't believe I do know when it was in 1983.

15 Q As you sit here today, sir, under oath, you have no idea of

16 when Gordon MacRae came to the Keene rectory other than it

17 was sometime in 1983. Would that be a fair statement?

18 A No.

19 Q Okay. All right. Then why don't you explain to me so I  
20 understand.

21 A I know he came in the first half of 1983. But -- and

22 within the first six months of 1983.

23 Q Now, sir, in your mind when you say the first six months of

1           1983, what are you talking about?

2   A       Well, there are 12 months in a year, so within the first  
3           six months that would be 4/6/83.

4   Q       Tom, when you talked about these counseling sessions that  
5           you had gone into with Gordon MacRae, was there any  
6           particular time of the day that these would occur?

7   A       There was never -- except for on occasion, there were  
8           never any set times. There was never any -- it was just  
9           kind of an open-ended type of deal. I mean, it wasn't  
10          always a professional setting. Like it wasn't like, okay,  
11          at 1:00 I have a counseling session with him. It was -- I  
12          mean, he was in and out of my life every day so whenever  
13          there was a spare moment or whenever an incident that  
14          happened that I needed to be counseled on and he would do  
15          that. So at any given moment.

16   Q       Do you have a memory today of was it morning, afternoon,  
17           evening?

18   A       Yeah, it was in the daytime.

19   Q       Okay. During work hours?

20   A       It's possible it was in the summer time so -- or -- yeah,  
21           it was around summer time.

22   Q       And sometime during the day as far as you remember?

23   A       Right.

1 Q Would that be true with respect to each of the incidents  
2 which were alleged to have occurred in the offices at the  
3 rectory, sir?

4 A I don't understand your question.

5 Q Okay. Thank you. I think you testified to the ladies and  
6 gentlemen of the jury that there were four times that  
7 Gordon MacRae performed fellatio on you in the rectory in  
8 Keene?

9 A Correct.

10 Q Okay. What I was asking is for those four times that  
11 you're talking about -- and you also said those occurred in  
12 an office. Would that be a fair statement?

13 A Yes, it would.

14 Q So what I'm asking about those four incidents there that  
15 you're talking about, did those all occur during the day  
16 hours?

17 A No, they didn't.

18 Q When did the other ones occur? Why don't you just tell me?

19 A Well, the first two in the southwest office occurred during  
20 the daytime hours. One of the ones in the southwest  
21 office, or southeast office, the one that's closest to Main  
22 Street, happened at roughly dusk time because when I left  
23 there it was not quite dark but it was late afternoon.

1 Q Do you have an independent memory today, sir, of how long  
2 these counseling sessions would last?

3 A Like I said, there was no time limit. There was no -- I  
4 didn't go in there for an hour or any set time. It was  
5 just -- normally what would happen would be he would come  
6 by, pick me up, we'd ride around or do something, get  
7 something to eat, go back to the rectory and so that there  
8 was no -- I can't say there was any beginning and end  
9 because I would still be there sometimes after.

10 Q Well, let's talk about the first one you said. Do you have  
11 any idea how much time you spent with Gordon MacRae on that  
12 particular day?

13 A No.

14 Q Mr. Grover, do you remember the other individuals who were  
15 living in St. Bernard's rectory in 1983?

16 A I believe Father Houle was still at St. Bernard's at that  
17 point in 1983. There might have been one more, but I'm not  
18 sure if there was another priest or -- I'm not really sure  
19 about that. I know Father Houle was there at that time.

20 Q In 1983, sir, were you attending Mass?

21 A Yes, I was.

22 Q And were you attending Mass at St. Bernard's?

23 A Well, not always.

1 Q You were living in Keene then or not?

2 A Yes, we were living in Keene.

3 Q When you did attend Mass, other than St. Bernard's, where  
4 did you go to Mass, sir?

5 A Sometimes we went out whatever the church is on -- the  
6 church in West Keene.

7 Q The church -- I'm sorry?

8 A The Catholic church that's in West Keene. The only other  
9 Catholic church in Keene.

10 Q And that name escapes you at the moment?

11 A Right because I haven't been there very often, maybe just a  
12 handful of times.

13 Q Now, who was the priest that would give or serve Mass or  
14 how many of them, if you remember?

15 A There?

16 Q No, sir, I'll come back to Keene. The St. Bernard's --

17 THE COURT: I think he is waiting for the question, counsel.

18 Q I'm sorry. I asked you who were the priests that served  
19 Mass at St. Bernard's.

20 A I'm sorry, who were they?

21 Q Yes, sir.

22 A Father Houle said Mass at St. Bernard's, Father MacRae said  
23 Mass at St. Bernard's, and those are the only two that I



1           remember at the time.

2   Q   Did you know basically the people that worked around the  
3       rectory?

4   A   Yes, I did.

5   Q   How about Fred LaFond. Did you know Mr. LaFond?

6   A   Yes, I did.

7   Q   And, in fact, you worked for St. Bernard's rectory for a  
8       period of time, didn't you, sir?

9   A   Yes, on and off I had been employed by St. Bernard's.

10   Q   Working I believe at St. Joseph's Cemetary?

11   A   Correct.

12   Q   And from time to time you had have to come to the rectory  
13       to take care are of certain duties on behalf of the  
14       cemetary wouldn't you, sir?

15   A   That's correct.

16   Q   And, therefore, you were in the rectory in part as a result  
17       of your job duties?

18   A   No, I believe that one time that we were up there at the  
19       rectory and not down at the cemetary on South Main Street  
20       or wherever the location of the cemetary is, we were there  
21       on one occasion. Let's see. Somebody else was not --  
22       there were two other people working with us. We were  
23       outside cutting the lawn and trimming the bushes and it was

1       around lunch time; and Father MacRae and I'm not sure who  
2       else, one of the secretaries was over there, invited us  
3       down and we all sat down and ate dinner at the table -- at  
4       the dining table in the rectory so that was the only one  
5       time I was working there did that occur, that I did go into  
6       the rectory while working out.

7   MR. KOCH:       Your Honor, may I approach for a moment please?

8   THE COURT:      Yes.

9   Q   Mr. Grover, let me ask you this. You said you hadn't been  
10       in the rectory I think in eight years, is that correct?

11   A   Yes.

12   Q   Have you viewed any diagrams of the rectory in eight years?

13   A   Yes.

14   Q   Have you looked at any photographs?

15   A   No.

16   Q   And you remember the diagrams that you viewed?

17   A   Yeah, but I didn't think they were accurate.

18   Q   And who showed those to you?

19   A   I saw them in the press and Jim McLaughlin and Bruce  
20       Reynolds and Robert.

21   Q   Mr. Gainor?

22   A   Yes.

23   Q   Has that just been in the past few days, sir?

1 A Yes.

2 Q Okay. At any rate, you looked at the diagrams that have  
3 been drawn of the rectory. Do you think you could recreate  
4 the first floor of the directory on this sheet for me?

5 A Yes.

6 Q Or try to?

7 A Yes.

8 Q What I'm really looking for is just kind of a general  
9 layout of the rooms, not in a lot of detail or anything but  
10 sort of if I was looking at a blueprint.

11 A Um-hmm.

12 Q If I could, sir.

13 MR. REYNOLDS: Your Honor, I may offer we have a diagram if he  
14 would prefer to use that.

15 MR. KOCH: I think I will have him draw, but I would like  
16 to look at the diagram.

17 THE COURT: That's fine. I'm wondering if we have anything  
18 better than that sheet of paper. Bailiff, do we have an  
19 easel?

20 THE BAILIFF: Yes, we do.

21 THE COURT: Let's get that. Why don't we take ten minutes.

22 (Recess)

23 Q Mr. Grover, I think when we broke I was going to have you

1 kind of do a diagram of the rectory of the first floor as  
2 basically as you can remember in 1983. Try to fill as much  
3 as you can of the page. Do you understand what I mean?  
4 I'd sort of like a big diagram that we can see. So please,  
5 sir, if you would.

6 A Okay

7 (Witness drew a diagram).

8 Q Thank you, Mr. Grover. Now, what you've drawn there will  
9 be a schematic or a diagram of the first floor of St.  
10 Bernard's based upon your memory, sir?

11 A Correct.

12 Q How many times do you think in your life you've been in St.  
13 Bernard's? Is there any way to guesstimate?

14 A In the rectory itself?

15 Q Yes, sir, not in the church.

16 A Hundreds of times.

17 Q Hundreds of times over what length of time?

18 A From the time MacRae was transferred into St. Bernard's  
19 until the time that he left.

20 Q Now -- and during that time, sir, you've basically been, as  
21 I understand your testimony, on all -- I mean from the top  
22 to the bottom of the rectory, would that be fair to say?

23 A Correct.

1 Q I think you have been on the third floor?

2 A Yes.

3 Q Second floor?

4 A Yes.

5 Q The first floor here and even the basement garage area?

6 A Yes.

7 Q If you would, Mr. Grover, if you don't mind, would you  
8 identify those rooms for us, how you would describe them  
9 and maybe just write -- for instance, if you wanted to call  
10 it the living room, put living room; if you want to call it  
11 kitchen, put kitchen; however, you use the terminology.  
12 Could you help me with that please, sir?

13 Mr. Grover -- I'm sorry, sir, could I ask you to use a  
14 black pen. I can't quite read --

15 A (Witness complied).

16 Q Thank you, Mr. Grover. Now I -- your Honor, may I  
17 identify that as Defendant's B?

18 THE COURT: Yes.

19 MR. REYNOLDS: For identification purposes at this time

20 (Defendant's Ex. B marked for ID)

21 Q Mr. Grover, would you do me a favor and stick that sticker  
22 behind you anywhere, it doesn't really matter. Now,  
23 looking at that diagram, sir, when you described the

1 offices as the southeast and southwest offices, do you  
2 remember when Mr. Reynolds was asking you those questions,  
3 show the ladies and gentlemen of the jury what offices are  
4 the southeast and southwest and please write SW and SE to  
5 designate each.

6 A (Witness complied).

7 Q On your diagram, Mr. Grover, where would Main Street be?

8 A (Witness indicated on diagram).

9 Q Would you please write in, if you can, somewhere Main  
10 Street so we can get an orientation.

11 A (Witness indicated).

12 Q Thank you, sir. You can go ahead and have your seat  
13 please. In the area, sir, you have marked on the diagram  
14 as the entry office, what was that used for?

15 A Well, there was a secretary's desk in there, usually a  
16 secretary was in that but it also served other purposes.

17 Q Okay. What other purposes, sir, to the best of your  
18 memory?

19 A Well, they had a lot of stuff -- that was kind of like a  
20 mail room, too. They had stuff that was going to go in --  
21 in the mail, where the mail came and -- I don't know.

22 Q Mr. Grover, let me ask you this. You've been in other  
23 buildings and businesses obviously throughout your life,

1       haven't you?

2       A     Correct.

3       Q     In any kind of an office setting there is generally a  
4           central area where most of the activity takes place, you  
5           know, receptionists, secretaries, all the kinds of clerical  
6           support that runs a business. Would that be a fair  
7           statement based on your experience?

8       A     That area was used for that?

9       Q     Yes, sir.

10      A     Yeah.

11      Q     And, in fact, were a person to come into St. Bernard's to  
12           make contact as a general rule with an individual, some of  
13           the first people that they would come into contact with  
14           would be the people in that entry office?

15      A     There wasn't always a full-time secretary there and, no,  
16           that wasn't true. Up there at the front door there is a  
17           buzzer, and the general public usually used that  
18           entranceway the majority of the time. The priests and I  
19           guess some other people -- I guess some other people used  
20           this area right here. There is a door, this has a stairway  
21           that goes down like that and then it comes down like this  
22           and there is a door here, and there is -- it comes like  
23           that, and there is a doorway that's right there that goes

1           into where -- into where they park their cars in the garage  
2           area.

3   Q       Yes, sir. Now, did you ever have contact with the people  
4           that were in the entry office area?

5   A       Did I?

6   Q       Yes, sir.

7   A       Yes.

8   Q       Speak to them?

9   A       Yes.

10   Q       Did you ever work with them or for them or assist them in  
11           any way?

12   A       Yes, I did.

13   Q       Doing what kinds of things?

14   A       I don't know. I brought stuff from the rectory to the  
15           church, stuff from the church back to the rectory, things  
16           like that and -- I don't know, I knew the secretaries and  
17           they just --

18   Q       Do you remember today, Tom, as you think back -- I mean,  
19           Mr. Grover -- as you think back to 1983 who those people  
20           were?

21   A       Yes. One of the secretaries that was there was Mrs.  
22           Lindgren.

23   Q       Mrs. Lindgren?



- 1 A Yes, I think that's her name. Mrs. Lindgren.
- 2 Q Do you remember any other?
- 3 A Yes, there was Gina. She lived at the rectory also.
- 4 Q Okay. And?
- 5 A Basically those two were, I would say, paid secretaries  
6 most of the time.
- 7 Q Now, Mr. Grover, you were a fairly familiar figure, for  
8 lack of a better word, at St. Bernard's rectory?
- 9 A Yes.
- 10 Q In other words, everyone there knew you?
- 11 A Yes.
- 12 Q Because you were in and out, as you said, hundreds of times  
13 over that timeframe; would that be correct to say, sir?
- 14 A Yes, and -- in those four years.
- 15 Q I want to take you back if I can help refresh your  
16 recollection. Do you remember a Father Dupuis,  
17 D-U-P-U-I-S?
- 18 A No, not right offhand.
- 19 Q That name doesn't ring any bells for you right now?
- 20 A No.
- 21 Q Do you remember a Father Bombardier?
- 22 A Yes, I do.
- 23 Q Now, thinking back to 1993, was Father Bombardier in the

1           rectory at the same time as Gordon MacRae?

2   A    Yes. I thought there was. I think I stated that there  
3       might have been another priest but I wasn't sure who it was  
4       at the time.

5   Q    All right. And how about, I think we mentioned earlier,  
6       Frederick LaFond?

7   A    Yes.

8   Q    And I think you indicated that Mr. LaFond had an office  
9       there?

10   A   Not an office per se. He used this office which MacRae  
11       used as his office but he also -- when he had work to do  
12       pertaining to the church, he also used that office from  
13       time to time. Okay.

14   Q   And sir, what office did Father Bombardier use?

15   A   I think -- I thought there might have been -- I didn't draw  
16       it on here because I'm not sure that if there was an office  
17       here or he could have had that office that's up on the top  
18       left-hand corner.

19   Q   Okay. Sir, well, do you know which office was the office  
20       of the main pastor in the building, that being Father  
21       Houle?

22   A   I believe it was the southeast office which was the biggest  
23       office of them all.

1 Q Now, thinking back to 1983 when you say that these  
2 counseling sessions took place, do you have an independent  
3 memory today of what office Pastor Gabriel Houle would have  
4 been utilizing?

5 A Been using? You're going to have to repeat that question.

6 Q I'm sorry. What I would like you to do, Tom, is go back in  
7 your mind, please, to 1983 and this is the time when you  
8 say that Gordon MacRae was performing fellatio against you  
9 in the offices at St. Bernard's rectory. Are you back  
10 there with me?

11 A Yes, I am.

12 Q Now, what I want you to do, if you could, sir, is, based on  
13 your memory at that time from having gone in and out of the  
14 rectory, where was Gabriel Houle's office?

15 A That I'm not sure of.

16 Q Okay. Do you have a memory of Gabriel Houle being the  
17 pastor then, though?

18 A Yes. He was a pastor there.

19 Q And as a typical rule, a pastor is the head of the entire  
20 rectory, is he not?

21 A Yes.

22 Q I guess, for lack of a better word, just kind of the main  
23 man, do you have a main person like a president and then

1       you have sort of subordinates?

2       A     I don't know. Whether it was that way or not, it never  
3       appeared that way. They all just did what they basically  
4       wanted to do and however -- whatever space was available  
5       and whoever got that, I don't know how that was determined.

6       Q     Sir, was your memory that Gabriel Houle was there before  
7       Gordon MacRae came to St. Bernard's?

8       A     I believe so.

9       Q     Now, with respect to Father Bombardier, you don't have any  
10      independent recollection today of what office he would have  
11      been assigned; is that a fair statement?

12      A     I could tell you the offices he didn't have. I couldn't  
13      tell you which one was exactly his office.

14      Q     Mr. Grover, let me ask you this. Isn't, as a normal rule  
15      in any business, say for instance a law firm or a doctor's  
16      office or any kind of business, that generally people have  
17      assigned offices?

18      A     I suppose.

19      Q     For instance, when you went to Derby Lodge in 1986, would  
20      Debbie Collett have an office that she generally used?

21      A     Yes, she had her own office. She was the director at the  
22      time so --

23      Q     And isn't it true, sir, that when Gordon MacRae came to St.

1 Bernard's for a period of several months in 1983, he had no  
2 office?

3 THE WITNESS: I have a request.

4 THE COURT: Yes.

5 THE WITNESS: Attorney -- I forgot what his name is.

6 MR. KOCH: It's Koch.

7 THE WITNESS: As he is talking to me, he makes his way over  
8 towards behind MacRae and I can't follow him in that  
9 direction and when he is talking to me I can't look.

10 THE COURT: You don't have to ask me. I'm sure Attorney Koch  
11 will understand.

12 THE WITNESS: I wish you would stay behind the podium such as  
13 Mr. Reynolds did if you would, please.

14 Q All right. Now, would you please be kind enough to answer  
15 my question, sir.

16 A If you would repeat it, I would.

17 Q Would the court reporter, with all due respect, repeat the  
18 last question.

19 (The preceding question was read back.)

20 A That's not correct.

21 Q He was stationed to a particular office, sir?

22 A Whether he was stationed to that office, I can't say, but I  
23 know he used this area right here right off the -- I call

1           it the entry office or secretary's office or whatever word  
2           you want to use.

3   Q       Yes, sir.

4   A       He used this as an office along with Freddy LaFond who also  
5           used that office.

6   Q       Wasn't that, sir, Father Bombardier's office?

7   A       It could have been. He could have used it also from time  
8           to time. It was not any -- like I've said, it wasn't a --  
9           it was an office but he used that office just like anybody  
10          else in the rectory could have used that office.

11   Q       Well, sir, has it been your experience that when someone  
12          gets assigned an office and they actually set it up, they  
13          bring in personal momentos and that kind of thing to  
14          personalize their office, in other words, make it their  
15          office?

16   A       Yes.

17   Q       The office in front of the -- that you refer to as being  
18          the southeast, was that not Father Dan Dupuis' office in  
19          the summer of 1983?

20   A       It very well may have been.

21   Q       And, sir, the office that's to the front, the one that's  
22          closest to Main Street, next to the hallway, I'm talking  
23          about in this upper corner, wasn't that Pastor Gabriel

1           Houle's office?

2    A     That may have been, too.

3    Q     And, sir, isn't it true that when Father MacRae first came  
4           to St. Bernard's in 1983, that those offices that you've  
5           referred to were occupied by Gabriel Houle, Dan Dupuis,  
6           Father Bombardier and Fred LaFond?

7    A     The offices on the first floor?

8    Q     On the first floor, sir.

9    A     Yes.

10   Q     Now, Mr. Grover, there are not offices on the second and  
11          third floors per se, are there?

12   A     No, there aren't.

13   Q     Those are living quarters, aren't they?

14   A     Yes, they are.

15   THE COURT:     One second. Go ahead. I'm going to ask you not  
16                   to keep walking behind Father MacRae.

17   MR. KOCH:       Can I move the podium up? Mr. Gainor and Mr.  
18                   Reynolds weren't restricted. Let me set it here and maybe  
19                   that way I can move left.

20   THE COURT:     Is that all right with you where it is?

21   THE WITNESS:   Yes.

22   Q     Mr. Grover, let me ask you. Are you doing okay now? I  
23           mean in terms of no anxiety attacks or panic attacks?

- 1 A No. I've taken medication just before lunch and --
- 2 Q Now, let me ask you about that medication just for a
- 3 moment. Does it seemed to have calmed you down quite a
- 4 bit?
- 5 A Yes.
- 6 Q And did you bring that bottle with you, by the way?
- 7 A It's in the courthouse. I don't have it on my body.
- 8 Q All right. And I think you said you thought it was like an
- 9 anti for anxiety, would that be a fair --
- 10 A Yes, it is.
- 11 Q And you took that at noon, sir, as I understand it?
- 12 A Yeah, when we took the break at 11:30.
- 13 Q Were you anxious this morning and upset?
- 14 A Yes, I was.
- 15 Q And how about yesterday, sir?
- 16 A Yes, I was.
- 17 Q Did you take any medication either of those two days sir?
- 18 A Monday night about 8:00 I did.
- 19 Q The medication you took, how does that affect for instance
- 20 your mood? I notice when Mr. Reynolds was questioning you
- 21 that several times you became quite emotional and, for lack
- 22 of a better term, were crying. You were emotionally
- 23 upset. Does the medication seem to help with that, sir?



1 A Yes, it does.

2 Q Thank you. Now, going back to 1983, isn't it true that  
3 Gordon MacRae was assigned to St. Bernard's rectory  
4 beginning June 15 of 1983?

5 A That may have been so.

6 Q You don't know the exact date that he would have  
7 undertaken?

8 A Correct.

9 Q But you had known him from before I think you indicated?

10 A That's correct.

11 Q What was your understanding, sir, of what the duties of the  
12 various pastors were in a rectory?

13 A What were their duties? They did counseling and they had  
14 Masses, they prepared for their liturgies -- I don't know.  
15 I hadn't seen him do too much of anything outside of that  
16 besides sit around and drink coffee. And that was it.

17 Q Now, Mr. Grover, the counseling that you talked about?

18 A Yes.

19 Q To your knowledge, were any of the priests at St. Bernard's  
20 counselors per se? Maybe that question is not real clear  
21 but there was a counselor who testified here yesterday, for  
22 instance a Debbie Collett and I think Pauline Goupil I  
23 believe is a counselor, is she not?

1 A Yes, she is.

2 Q That have specialized degrees or certifications to let them  
3 be counselors. Is that your understanding of how they  
4 function?

5 A Yes.

6 Q How about with respect to a priest? Do you know if they  
7 have any particular certificates or degrees or diplomas  
8 that would certify them to be a counselor so to speak?

9 A Outside of being a spiritual counselor and I am -- no, I  
10 don't know if they held any degrees or anything. I don't  
11 know if any of them did.

12 Q How about with respect to Father MacRae, sir?

13 A I don't know if he did or not.

14 Q Now, when you talk about counseling, if I understand the  
15 term correctly as you're using it, is that somebody is  
16 talking with you about problems. Is that kind of what was  
17 happening?

18 A No, not just about problems because I could speak to just  
19 about anybody about my problems. He was advising me,  
20 giving me advice and, you know, just giving me different  
21 options and being a priest they -- that's partly what they  
22 do and people trust in them and really -- if they believe  
23 in the church and their faith, like I did, then they just

1           really respect their advice.

2   Q       Now, you have a certain image in your mind of a priest, do  
3           you not, sir?

4   A       Yes, I do.

5   Q       And you have a certain image in your mind of what a priest  
6           is supposed to do and not do?

7   A       Correct.

8   Q       And, Mr. Grover, correct me if I'm wrong, but you certainly  
9           know the difference between right and wrong, do you not?

10  A       Yes, I do.

11  Q       And between what you consider to be good or bad?

12  A       Yeah, yes.

13  Q       For instance, in people you have people that you think are  
14           good people or bad people, do you not?

15  A       Yes.

16  Q       And you were brought up in the Catholic church with  
17           basically a respect and reference for members of the  
18           priesthood, would that be a fair statement?

19  A       Yes.

20  Q       Now, in the counseling that you did, as you call it, with  
21           Mr. MacRae, what you were doing was talking with him about  
22           problems and then asking him to essentially help you find  
23           solutions, is that -- I'm trying to paraphrase what you

1           just told me. I may have said that incorrectly but is that  
2           what you indicated, sir?

3    A       Well, they weren't just general conversations. They were  
4           intense conversations, very personal conversations, not  
5           just the run of the mill type of shop talk. They were  
6           in-depth conversations surrounding problems that were going  
7           on in my life.

8    Q       All right, sir. And that's what you were speaking with  
9           Gordon MacRae about, is that correct?

10   A       That is correct.

11   Q       When do you -- let me back up a minute. There were other  
12           priests that you talked to, weren't there, Mr. Grover, over  
13           the years?

14   A       Yeah. I mean, not in any type of counseling. I mean, I  
15           never talked to them about personal problems that I had or  
16           anything like that. I might have said jokes with them in  
17           passing by, "Hi" and "What's up" and just general every  
18           day, "Nice day out", type of conversations, nothing in  
19           depth about me. They didn't know too much about what made  
20           me tick or anything like that.

21   Q       And was that after 1983?

22   A       What's that?

23   Q       Well, you said you would meet with priests, kind of joke

1 with them, just kind of general conversation?

2 A No, all my life; well, pretty much most of my life that I  
3 was in the Catholic church.

4 Q I think you told this jury this morning, sir, that  
5 basically what Gordon MacRae had done to you destroyed your  
6 faith or your belief in the Catholic religion, is that  
7 true?

8 A Correct.

9 Q And these incidents that had occurred in 1983 were so  
10 traumatic to you, sir, that in fact you left your body as a  
11 means of escaping the trauma that you were experiencing  
12 from these uninvited sexual molestations, is that true?

13 A Yes, it is true.

14 Q And that at the time you went to St. Bernard's -- excuse  
15 me. At the time you went to Derby Lodge, sir, the alleged  
16 molestations which formed the indictments, that means the  
17 charges in this case, had occurred, wasn't that true?

18 A Yes.

19 Q And by that time your faith in the church had been  
20 destroyed?

21 A Not fully.

22 Q Your religion wasn't important to you by that time any  
23 more, was it, sir?

1 A No. I mean, that's inaccurate.

2 Q Did you continue on in the church?

3 A Yes, I did.

4 Q Throughout 1983?

5 A What about through 1983?

6 Q I am sorry. I'm using 1983 because that's the timeframe  
7 that has been identified in the indictments as relating to  
8 the charges of the abuse. So I'm just picking 1983 as the  
9 year. What I was asking, sir, is was your church important  
10 to you during that year, during 1983?

11 A Yes, it was.

12 Q And how about '84?

13 A Yes, it was.

14 Q And after these incidents of molestation which you've  
15 alleged sir, you continued to go to Mass, sir, on occasion?

16 A Yes, I did.

17 Q And you continued to have pretty regular contact with the  
18 rectory, didn't you, sir?

19 A Yes, I did.

20 Q And individuals in the rectory?

21 A Yes, I did.

22 Q Do you remember, sir, what priests you spoke with and  
23 talked to other than Gordon MacRae?

1 A Concerning?

2 Q Anything other than just a, "Hi, how are you?" kind of a  
3 conversation?

4 A No one.

5 Q Mr. Grover, you traced a history yesterday I think of some  
6 incidents of inappropriate touching or contact between  
7 Gordon MacRae and you that had occurred prior to his coming  
8 to Keene in 1983. Do you remember --

9 A Yes, I do.

10 Q Telling the jury about that? And I think you went through  
11 approximately three different instances, is that correct?

12 A Correct.

13 Q Would it be fair to say, Mr. Grover, on each of those  
14 instances that occurred you were essentially in shock as a  
15 result of what had happened?

16 A Correct.

17 Q And in fact you were repulsed. Do you know what that  
18 means, sir?

19 A Yes, correct.

20 Q You were just very taken aback by what had happened?

21 A Correct.

22 Q In fact, so that each time it occurred, you withdrew and  
23 retreated essentially from any kind of contact with Gordon

1 MacRae; is that correct, sir?

2 A Yes, it is correct.

3 Q Would it be correct, sir, to say that you knew that if  
4 those incidents in fact did occur, that they were wrong?

5 A Correct.

6 Q And that it was wrong of somebody who was a priest and a  
7 family friend to approach you in this manner?

8 A Correct.

9 Q And in fact you were aware at the time, sir, were you not,  
10 that those contacts traumatized you, they messed you up?

11 A Correct.

12 Q Isn't that true, sir?

13 A Yes, it is.

14 Q Now, going back to where we started or where Mr. Reynolds  
15 started, first thing yesterday morning, I think you began  
16 to trace a little bit of your history. Do you remember  
17 that, sir?

18 A Yes, correct.

19 Q Sir, you've talked to Mr. Reynolds and Gainor or at least  
20 Mr. Reynolds on numerous occasions, haven't you?

21 A Yes.

22 Q And you certainly have an idea of what you would be talking  
23 about when you walked into the courtroom, didn't you, sir?



1 A I didn't have any any specific questions -- questions --

2 Q But you had gone over every general area that would be  
3 talked about in the courtroom, hadn't you, sir?

4 A Yes.

5 Q And, in fact, they would ask you additional questions to  
6 get clarification about some issue that you may have been  
7 testifying about, isn't that true?

8 A I don't understand what you mean by additional questioning.

9 Q Well, in other words, you start testifying and there may be  
10 some area that needs a little more clarification or a  
11 little more explanation and so that would be discussed;  
12 isn't that true, sir?

13 A Yes.

14 Q Now, whereas you didn't know the exact questions you were  
15 going to be asked, you pretty well had a diagram -- and I  
16 don't mean a literal diagram but you knew where you were  
17 going to go from A to Z in terms of your testimony, didn't  
18 you, sir?

19 A Yes, that's true.

20 Q And, in fact, as you started going through your testimony  
21 -- prior to actually coming into court, sir, you had to  
22 make several changes in your testimony to fit the facts  
23 that you had learned, isn't that true?

1 A Excuse me?

2 Q Well, let me give you an example. For instance when you  
3 talked to Detective McLaughlin, you told him the truth  
4 about what had happened, isn't that true?

5 A Yes.

6 Q And, in fact, Detective McLaughlin came to you on a couple  
7 occasions, either by phone or in person, and tried to  
8 follow up to gain additional information relating to  
9 your version of events, isn't that true?

10 A Yes, it is.

11 Q And he wanted clarification. One of the things he came to  
12 you about, sir, early on was where these alleged incidents  
13 had occurred. Isn't that true?

14 A Yes.

15 Q He wanted to know, isn't that true?

16 A Yes, it is.

17 Q And you told him, didn't you, sir, that those incidents  
18 that you're alleging occurred in that southeast corner  
19 office?

20 A Yes, I said -- I told him about some incidents that  
21 happened in there.

22 Q In fact, he wanted to know specifically about the four  
23 instances that you're alleging occurred in the offices at

1 St. Bernard's rectory and you told him, sir, that those  
2 happened in that southeast corner office, isn't that true?

3 A Well, there were more instances -- there were more --

4 Q Did you tell Detective McLaughlin that those incidents that  
5 were the subject matter of the indictments occurred in that  
6 southeast office?

7 THE COURT: I think it's time for a bench conference.

8 BENCH CONFERENCE.

9 THE COURT: My guess is that we're running into another act  
10 situation.

11 MR. KOCH: Your Honor, very simply I told Detective  
12 McLaughlin who asked him specifically where did these acts  
13 occurred. He said in that southeast corner office. It  
14 didn't have anything to do with other acts.

15 MR. GAINOR: I think if you can preface the question explicitly  
16 that you're talking just about the first floor rectory  
17 incidents then I think he would be clarified.

18 MR. KOCH: I don't know how I can ask him.

19 MR. GAINOR: I think you did that but maybe re-enforce it. He  
20 thinks you're going into something else.

21 MR. REYNOLDS: He has allegations of subsequent instances that  
22 take -- go into other offices and you get into this and you  
23 will get into another line of thinking that we didn't go

1           into because they were beyond the 16 year birthday.

2   MR. KOCH:       If he told McLaughlin the incident charged in the  
3           indictments, that doesn't open up another. That's simply  
4           did you or didn't you.

5   THE COURT:     You will have to narrow it. You will have to  
6           think about it carefully.

7   MR. DAVIS:     Maybe we are misreading the police reports but  
8           when we got the police reports it said -- the police report  
9           McLaughlin indicates that the victim alleged the incidents  
10          happened in the southeast office, and that's not what the  
11          testimony has been. The testimony has been it occurred in  
12          the southeast office and two occurred in the southwest  
13          office.

14   THE COURT:    I think maybe what Attorney Gainor suggested is  
15          right. You have to get him focused on those four  
16          indictments.

17   MR. KOCH:     All right. I can try.

18                               OPEN COURT.

19   MR. KOCH:     May I approach Mr. Grover, please?

20   THE COURT:    Yes.

21   Q   Mr. Grover, let me make my own chart.

22   A   All right.

23   Q   If I could, please, sir -- well, let me just use this. Do

1           you mind if I stand behind you here, Mr. Grover? The  
2           indictment in this case says that between June 1983 and  
3           November 18, 1983 --

4 MR. REYNOLDS: Your Honor, may we approach, please?

5 THE COURT:     Yes.

6                               (Discussion held off the record.)

7 Q     Mr. Grover, the exact language of the indictments say on or  
8     about, let me write here, on or about June 1983 through  
9     November of 1983, certain acts occurred.

10 MR. REYNOLDS:     Again, same objection. Through November 17 I  
11     believe is the language in the indictments.

12 Q     Sir, for clarification, you have a birthday change -- your  
13     birthday is November 18, is that correct?

14 A     That's correct.

15 Q     And if we look at November 18 of 1983, how old would you be  
16     on that day, sir?

17 A     I'd be 16 years old.

18 Q     So the day after the end of the indictments you would have  
19     turned age 16, is that correct?

20 A     Yes.

21 Q     Now, what I was asking you about is the indictments charge  
22     basically five different acts; and I'm just going to list  
23     them like that.

1 A Okay.

2 Q Now, if I can step by you, please. Mr. Grover, do you  
3 understand what I'm talking about there now?

4 A Yes.

5 Q Now, sir, as I understand it, every one of those five  
6 charges has an allegation that fellatio took place. In  
7 other words, that Mr. MacRae put your penis into his mouth,  
8 is that your understanding of what those charges are?

9 A Correct.

10 Q Now, what I was trying to ask you is didn't you tell  
11 Detective McLaughlin that -- I want you to look at one  
12 through four behind you.

13 A Yes.

14 Q And those are the incidents that occurred in this timeframe  
15 we're talking about. Did you not, sir, tell Detective  
16 McLaughlin that those incidents occurred in the southeast  
17 office?

18 A Again, I -- for other reasons I wouldn't know how to  
19 answer that.

20 Q Okay. Would you flip the chart back for me, please. On  
21 these instances when you were in the office or offices  
22 where these acts occurred, referred to in the indictment,  
23 you became, if I understand correctly, on each event very

1           emotionally upset?

2    A       Correct.

3    Q       Would that be true?

4    A       Yes.

5    Q       To the point that you were crying. Is that correct, sir?

6    A       I guess that would be a mild statement.

7    Q       All right. Let's use sobbing, hysterical. How would you  
8       describe it? In other words --

9    A       Rendered helpless would be more.

10   Q       I'm sorry?

11   A       Yeah, I'd use crying to the extent of I was rendered  
12       helpless.

13   Q       Mr. Grover, when you cry, do you basically, for lack of a  
14       better word, sir, lose control?

15   A       Yes.

16   Q       And, therefore, you have no control over the volume or the  
17       audio of your crying?

18   A       No, I don't -- it's not a vocal thing. It's a lot of  
19       times I'll shake and just freeze up things. Things of that  
20       nature are not really -- don't really start -- I mean like  
21       if I was in this room and I was crying, you probably  
22       couldn't hear me on the other side of that door, so it's  
23       not really like you're asking.

1 Q I'm sorry, I am asking what?

2 A I'm not sure what you're asking.

3 Q Why did you mention the door?

4 A Because I thought you said something about volume.

5 Q And I'm not following you, sir. How does that relate to  
6 the door?

7 A Because I thought you said something of the volume of my  
8 crying.

9 Q I did.

10 A And I said that I -- when I cry I'm not vocal. I don't cry  
11 out loud. I don't scream and yell or do any of those types  
12 so if I was crying hysterically or out of control, it  
13 wouldn't be a thing where you -- if I was sitting here, it  
14 wouldn't be like you could hear me on the other side of the  
15 door. I mean, I wouldn't be screaming and/or anything like  
16 that.

17 Q Sir, do you cry at that level on occasion?

18 A I have when I've been physically hurt before.

19 Q Now, if one is in the office at St. Bernard's rectory, you  
20 can certainly hear noise and conversation on either side of  
21 the door, can't you, sir?

22 A I mean, no, myself I wouldn't, no. I don't walk up to the  
23 door and make a habit of listening to conversation on the



1 other side of the door, so I wouldn't really know.

2 Q Well, let's -- I don't want you to have to walk up to a  
3 door and listen to the door but when you're sitting in  
4 those offices, sir, you can hear what's going on outside in  
5 the rectory, can't you?

6 A Not that I'm aware of.

7 Q Didn't you, sir, tell Detective McLaughlin that one time  
8 when these -- when this event had occurred, one of these  
9 indictments, that in fact you heard people outside?

10 A No, what I told Detective McLaughlin was one time he became  
11 startled because somebody walked up to the door and them  
12 being wooden floors, it made a noise outside the door.

13 Q And that's what you remember telling Detective McLaughlin.  
14 So, sir, let me ask my question again. You can hear noises  
15 inside the room that are occurring outside, can you not?

16 A Once again I really would not -- I don't know that.

17 Q Well, you could hear the floor, you could hear somebody  
18 walking on the floor?

19 A Yeah, but what I'm talking about is the floor boards --  
20 they are wooden floors. The floor boards don't just run up  
21 to the door and stop. They come right in. They overlap so  
22 they come through the doorway. So if somebody stepped  
23 outside the door and walked up to open the door and they

1 stepped on the floor board on this side of the door, it  
2 could make a noise, the floor might creak on the other side  
3 of the door.

4 Q I see. And going back to the specific occasion where you  
5 heard noises of some sort, is that what you heard?

6 A I didn't say what noises. I mean, I said he thought he  
7 heard noises because he was startled. He jumped up from  
8 what he was doing.

9 Q Okay. Now, Mr. Grover, I have tried to go back to the  
10 beginning several times and I keep getting side-tracked but  
11 I want to go back there again. I think we were talking  
12 about you having, basically growing up, been kind of active  
13 in sports and those kind of activities, isn't that correct?

14 A Yes, it is.

15 Q I think you played baseball would be one?

16 A Yes, I played a number of sports.

17 Q What other kinds of sports did you play, sir?

18 A Organized sports. I played basketball, baseball, and  
19 soccer and football.

20 Q Now, Tom, I think -- Mr. Grover, excuse me, you told us  
21 that currently I think you're 5' 10"?

22 A Yes.

23 Q And I believe you currently weigh 255?

- 1 A About there.
- 2 Q You've always been kind of stocky, haven't you, sir?
- 3 A Uhm, my shoulder frame -- my upper body frame has been  
4 broad but I wouldn't always call myself as weighing as much  
5 as I do as an adult, as I was as a child.
- 6 Q Sir, do you have any recollection today of what you weighed  
7 during your teen-age years when you were playing ball?
- 8 A Probably a -- between 155, 170.
- 9 Q And were you in pretty good shape back then, sir?
- 10 A Fairly good shape I would say.
- 11 Q Spending quite a bit of time in terms of sport activity?
- 12 A Yes.
- 13 Q And I think you told the jury that it was during that time  
14 that you had most of the contact with your father?
- 15 A My father?
- 16 Q Yes, sir.
- 17 A Yes.
- 18 Q Your father being Mr. Grover?
- 19 A Yeah, Mr. Grover, yes.
- 20 Q You considered him to be your dad, didn't you, sir?
- 21 A Yeah, but I never called him -- I don't -- I never  
22 referred to him as my dad.
- 23 Q Well, when he played -- your contact with him -- and

1 correct me if I'm wrong -- was basically through these  
2 organized sports, that's when you got most of the time to  
3 spend with him?

4 A Right.

5 Q Because I think you described to the jury that you were  
6 fairly close or felt closer to your mother?

7 A Yes.

8 Q Okay. Because she was kind of around and had more time  
9 even though it was limited to be able to spend with you and  
10 with your brothers and sisters?

11 A She just took more of an interest in I guess what was going  
12 on with -- more with the younger kids than with the older  
13 kids.

14 Q Did that in and of itself, Tom, make you feel jealous or  
15 resentfull at all?

16 A Of what?

17 Q Of your brothers or sisters.

18 A Jealous of what?

19 Q I mean -- I'm sorry. You said she spent more time with  
20 your younger brothers and sisters than she did with the  
21 oldest?

22 A No, I'm one of the younger members of the family. There is  
23 four older and four younger and I would be grouped with the

1 four younger. I am 26. My brother and sister are 25 and  
2 then my brother is 20, so in my family I would be in the  
3 younger half of the family.

4 Q All right. So then you were in the half of the family that  
5 got more attention and time with your mother?

6 A Correct.

7 Q When you met Gordon MacRae I think you said that was in the  
8 summer of -- do you remember when, sir, the first time you  
9 ever laid eyes on Gordon MacRae?

10 A When he was an intern at Sacred Heart Church.

11 Q Did you at that age know that word?

12 A Sacred Heart Church?

13 Q Intern, I'm sorry.

14 A Yeah, that was what it was called.

15 Q Okay. And do you remember when that was?

16 A What year it was?

17 Q Yes, sir.

18 A Not right offhand.

19 Q Okay. Do you have any memory today, sir, about how old you  
20 were?

21 A I was roughly 10 or 11.

22 Q Let me turn your attention to the summer of 1979. How old  
23 would you have been, sir, that year?

1 A 11.

2 Q Now, if that was the first summer that Gordon MacRae came  
3 to the parish, you would have been 11 years old?

4 A Correct.

5 Q And you met him through other family members first?

6 A No. I mean, I met -- we met him through one of my other  
7 brothers, met him first for the very first time; and then  
8 we met him when he helped say or was also helping serve  
9 Mass, whatever the next Mass was we went to and we met him.

10 Q And I think you indicated, Mr. Grover, that Mr. MacRae and  
11 your family basically got to be fairly close fairly quick?

12 A Yes.

13 Q In other words, did you feel by the end of the summer of  
14 1979 when Gordon MacRae returned to Baltimore that you knew  
15 him pretty well?

16 A No.

17 Q All right. How much time do you think you spent with  
18 Gordon MacRae that first summer that you met him when he  
19 was an intern?

20 A After the first incident I didn't spend any time alone with  
21 him. How many times he came to my house, my family's  
22 house, I can't say how many times it was but it was often.  
23 I mean, I would dare to say it was even daily.

1 Q So up until the time of the first incident that you told  
2 the jury about, your memory is that Gordon MacRae had  
3 contact with your family on a daily basis?

4 A That could be accurate.

5 Q Okay. Thinking back, does that seem to be what your memory  
6 was?

7 A I wouldn't -- I said daily but I wouldn't go that far -- I  
8 wouldn't -- it might have not been daily. That's -- the  
9 only thing I'm saying is that it was often. I don't know.  
10 Just I wouldn't --

11 Q Let me see if I can help you here. Did it seem like it was  
12 daily?

13 A Yeah, it seemed he was around that much that it seemed it  
14 was a daily thing.

15 Q I believe you testified, sir, yesterday that Father Horan  
16 -- and he was the pastor of that church, was he not, where  
17 Gordon MacRae was doing his internship?

18 A No, that was Father Horan.

19 Q Excuse me. Father Horan, H-O-R-A-N?

20 A Yes.

21 Q He was the pastor at the church where Gordon MacRae was  
22 doing his internship in that summer of '79?

23 A That's correct.

1 Q And I think you testified, sir, that Father Horan would  
2 invite you in and serve you juice, donuts, those kind of  
3 things into the rectory, is that correct?

4 A That's correct.

5 Q Do you have any idea how often that kind of event would  
6 have occurred, Mr. Grover?

7 A Well, I'd say a few times a month but also every Sunday or  
8 every morning Mass -- or every Mass on Sunday we are at --  
9 the whole parish was invited over to the rectory for coffee  
10 and donuts also so it wasn't just on individuals, there was  
11 also instances when I went in there.

12 Q Other than the -- when the entire parish was invited over  
13 for donuts or juice or coffee or whatever it was, there  
14 were at least a couple times a month where you were invited  
15 and allowed to come into the rectory and have donuts and  
16 juice and that kind of thing with Father Horan?

17 A Well, you have to understand that it wasn't I who always  
18 delivered the papers. The paper routes were split up so  
19 one week I may have done it, another week one of my other  
20 brothers may have done it. It's done on a rotating thing  
21 because it was just fairer that way because there was a lot  
22 of hilly area in Marlborough that we had to deliver papers  
23 to and so to be fair and not stick one brother with always



1       having to climb the steepest hills, we generally just split  
2       it up and kind of did it that way.

3   Q    Mr. Grover, thinking back today, do you have any idea of  
4       how many days a week or a month you might deliver the paper  
5       to the Marlborough rectory?

6   A    How many times had I?

7   Q    Well, I'm trying to get an idea. I have a sense that  
8       during these summer months you were helping your older  
9       brothers who had the paper route occasionally deliver  
10      papers, is that correct?

11  A    Correct.

12  Q    It wasn't your normal, regular assigned responsibility?

13  A    No, it wasn't.

14  Q    And what I was asking is if you have any sense of how often  
15      you may have delivered papers that summer during the time  
16      that Gordon MacRae was an intern?

17  A    I have no idea. I couldn't even begin to guess how many  
18      times. That was so far long ago it wouldn't be fair to  
19      guess.

20  Q    Did you have any sense if it was more than one time, sir?

21  A    Yeah, it was more than one time.

22  Q    Maybe once a week or something like that?

23  A    I really can't say because I don't know how many times I

1 delivered the paper to the rectory.

2 Q I guess what I was trying to get some clarification is I  
3 think you testified a few moments ago that you went on a  
4 couple occasions a month and where Father Horan would  
5 invite you in to have donuts and coffee but you didn't  
6 really know what was going on with everyone else. Did I  
7 understand you correctly?

8 A Correct.

9 Q On those times when you went to the rectory for donuts and  
10 orange juice, was it at the same time as you were  
11 delivering your newspaper or would it be separate times  
12 sometimes?

13 A No, it was when I went to deliver the paper. I never just  
14 went over to the rectory and went inside and had coffee and  
15 donuts other than after the folk Mass.

16 Q So if I have the picture right, you would go over deliver  
17 the paper, Father Horan would see you and invite you in for  
18 donuts and orange juice?

19 A Correct.

20 Q And then you had to continue with your paper route?

21 A Correct.

22 Q Now, other than the one incident that you told us about  
23 that you said occurred in the hallway where Gordon MacRae

1        had pushed you up against the wall, had Gordon MacRae ever  
2        invited you in to the rectory to have donuts or orange  
3        juice that summer?

4    A    That was the one occasion and that's when that happened and  
5        I didn't go back there while he was there.

6    Q    Okay. So, to answer my question, other than the one time  
7        when he was alleged to have pushed you up against the wall,  
8        Gordon MacRae had never invited you into the rectory?

9    A    But on that one occasion.

10   Q    Okay. Do you have any memory today of when that was?

11   A    It was shortly after he had gotten there. My brother had  
12        already met him. He was already friends with my brother  
13        and my family had already met him and he had already been  
14        over to my house and stuff so it was probably, I don't  
15        know, within the first half of this eight-week stay.

16   Q    Had he spent a lot of time at your house already?

17   A    Yes. From the very get-go I think he might have been  
18        gotten there in the middle of our -- before the weekend and  
19        my brother had met him through delivering the paper there.  
20        And I remember he came back and said something to us that  
21        there is a new intern or I don't know his exact words, what  
22        he used, but he said there was a new person at the parish  
23        and then like that weekend -- so say he came at the end of

1 the week, my brother met him and then that weekend was when  
2 my family met him when we went to church; and from that  
3 point on, there was a friendship with my mother and members  
4 of my family.

5 Q Okay. And it was shortly after this I think you said that  
6 this incidents occurred in the rectory?

7 A Correct.

8 Q Had you spent time with Gordon MacRae prior to that, I mean  
9 you yourself?

10 A Not on my own.

11 Q And had Gordon MacRae taken you anywhere prior to that  
12 incident? I mean for instance to a movie or to a shopping  
13 mall?

14 A No.

15 Q Or anything like that?

16 A No. All I knew him was as the intern or just -- he was  
17 just going to be there for the summer and that he had been  
18 over to my house numerous times before that incident  
19 happened; but, no, I never did go anywhere with him by  
20 myself.

21 Q Sir, up until that point in time, to the best of your  
22 memory, had Mr. MacRae ever bought you gifts or anything?

23 A No, he hadn't.

1 Q Would it be fair to say up until this incident that you  
2 related to the jury that Mr. MacRae's primary contact with  
3 you, if at all, was essentially in the context of a family  
4 or group setting?

5 A Yeah, there were always people around.

6 Q Okay. Now, I think, sir, you related to the jury that one  
7 day you had gone over to the rectory?

8 A Correct.

9 Q And do you remember -- do you have any idea when that was,  
10 sir, I mean the day of the week or was it a weekend or  
11 weekday?

12 A I think I already indicated that I couldn't tell the time  
13 period.

14 Q Okay. So you don't have any idea if it was a weekday or  
15 weekend?

16 A The only thing that I had said was that I had thought it  
17 was the weekend being that it was in the morning and that  
18 the Union Leader delivers -- we delivered both the Union  
19 Leader and the Keene Sentinel and it was -- the Keene  
20 Sentinel delivers on Saturday morning and the Union Leader  
21 delivers on Sunday morning so I said that I thought it was  
22 on the weekend.

23 MR. KOCH: Can we go off the record for a second?

1 (Discussion held off the record.)

2 THE COURT: Could we go until 4:30? Why don't we stay right  
3 here and we'll wait for you to come back and then we'll go  
4 until 4:00.

5 Q Mr. Grover, we are talking -- I was going in the sense that  
6 it occurred in the rectory. As I understand it, you went  
7 up and were delivering the paper and Gordon MacRae came to  
8 the door of the rectory and invited you in, is that it or  
9 how did that happen?

10 A I think that -- I don't really recall. I don't recall what  
11 led up to being invited in.

12 Q All right, sir, do you remember -- let me see if I can help  
13 refresh your memory. Did you knock on the door?

14 A I don't recall.

15 Q Do you recall if Gordon MacRae was just standing there,  
16 sir?

17 A I don't recall.

18 Q On that day do you recall going there to deliver a paper?

19 A Yes, I went there to deliver the paper.

20 Q Did you deliver the paper, sir?

21 A Yes, I did deliver the paper.

22 Q How was that normally done? Was it thrown on the lawn or  
23 did they have a box you stick it in?

1 A No, the way the rectory is -- should I draw it?

2 Q You can, sure, if it would be easier for you. If you just  
3 want to flip another page, Mr. Grover, and maybe we'll keep  
4 all these diagrams together.

5 A This is the street in front of the church and the church is  
6 here and the rectory is here. Here's the walkway up to the  
7 church and then there is a walkway that comes like this and  
8 then there is some stairs that lead up into that door here,  
9 to the back side of where the priests go to prepare for  
10 Mass; and there is a walkway that goes kind of around like  
11 this and then this part of the building sets back a little  
12 bit. This one sticks out and there is a door right here  
13 and that's really the main entrance because the driveway  
14 goes around the building here and the garage is right here  
15 and so when they park, they just usually come into this  
16 side door, which leads into the hallway here; and so we  
17 just put the paper in there. There is a screen door or a  
18 storm door.

19 Q That you just generally open the storm door and set the  
20 paper in?

21 A No, sometimes they just leave this door -- like in the  
22 summer time, it's one of those doors that can take the  
23 glass out in the summer and put the screen, so it's the

1 screen. And sometimes they just leave that door, the  
2 wooden door on the other side, open and -- because it's  
3 just a hallway basically. So sometimes if they are in and  
4 out, running back and forth to the church or whatever, they  
5 leave that door pretty much open and you can just put the  
6 paper in the hallway if the door is shut.

7 Q Basically you can open an outer door and toss the paper in  
8 and be on about your business?

9 A Yes, generally the rule was -- or so I came to realize --  
10 that they leave this wooden door open when people are at  
11 the rectory, I mean when the priests are at the rectory  
12 they leave that door open.

13 Q Okay. Now, at any rate, for some reason you gained  
14 admittance to the rectory that day?

15 A Correct.

16 Q Or you were actually inside the rectory?

17 A Correct.

18 Q Do you at some point in time remember coming into contact  
19 with Gordon MacRae?

20 A Yeah, he was the one I spoke to.

21 Q And where were you when you spoke to Gordon MacRae, sir?

22 A I don't recall what led up to that.

23 Q If I understand your testimony from yesterday and maybe I



1           misunderstood but were you sort of invited in to have  
2           something to drink and maybe some cookies or donuts?

3   A       Yeah, donuts and juice, but I don't recall what led up to  
4           it. I could have seen him here, I could have seen him  
5           here, he could have been inside. I don't recall where he  
6           was at the time he made that invitation to come in and have  
7           coffee and juice -- I mean donuts and juice.

8   Q       Excuse me?

9   A       I was just saying donuts and juice.

10   Q       Donuts and juice?

11   A       When he made the invitation to come in and have donuts and  
12           juice.

13   Q       All right, sir. You would agree with me at some point in  
14           time you came into contact with Gordon MacRae and that  
15           there was an invitation for you to come in and have  
16           something to eat and something to drink?

17   A       Correct.

18   Q       Now, Gordon MacRae at this point in time was someone that  
19           was known to your family and someone you had been around  
20           quite a bit, is that correct?

21   A       Yes.

22   Q       And you in fact knew at that point in time, sir, that he  
23           was not a priest?

- 1 A Correct.
- 2 Q You understood that he was an intern from Baltimore  
3 studying to maybe become a priest. Wasn't that your  
4 knowledge at that point in time, sir?
- 5 A Correct.
- 6 Q Were there other priests at the Hampton rectory at that  
7 point in time, sir, other than Father Horan?
- 8 A This incident took place in Marlborough, New Hampshire.
- 9 Q Excuse me. I said Hampton. In Marlborough other than?
- 10 A No.
- 11 Q So he was the sole priest at that rectory in Marlborough?
- 12 A Father Horan?
- 13 Q Correct.
- 14 A Yes.
- 15 Q And was this similar to the type of thing that Father Horan  
16 had done before in terms of inviting you in for coffee -- I  
17 mean, juice and donuts?
- 18 A Yes, he had done that on many occasions.
- 19 Q Did you, sir, in fact go in and have juice and donuts?
- 20 A Yes, I did.
- 21 Q And I know it's probably hard to remember that far back but  
22 were you in the rectory for a while that morning?
- 23 A Like I had said when Mr. Reynolds had asked me, I couldn't

1           determine on how long a period of time I was in there.

2   Q   Do you remember having a conversation of some kind with  
3       Gordon MacRae? In other words, some kind of discussion or  
4       just small talk at all?

5   A   Yeah, just general I guess, nothing that really made a  
6       major impact on my life. Like I remember it for -- it was  
7       just I went in, went into the kitchen area. We poured some  
8       juice, I got a donut, we walked into the living room area  
9       which is just through the doorway and then through like  
10      they have some -- like a wood -- a big wood -- I don't know  
11      what you call it, double doorway like. It goes into  
12      another room where they have some chairs and there was a  
13      fish tank and a TV and there is a bookcase against the wall  
14      and stuff in the front facing the wall so this would be the  
15      room facing the road, there would be a room right here  
16      facing this road right here.

17   Q   Do you want to draw that, Mr. Grover, if that would --

18   A   (Witness complied).

19   Q   Mr. Grover, let me ask you a question while you're drawing  
20      that. You were familiar with the rectory in Marlborough,  
21      weren't you, sir? In other words its layout and design?

22   A   Yes.

23   Q   Okay. All right. Would you show the ladies and gentlemen

1       where the kitchen was or where you were eating your donuts  
2       and juice?

3   A    This area here. This is the doorway where I delivered the  
4       paper. In this area here is like a little mudroom type  
5       area and there is stairs that go right up onto -- like if  
6       you walked in it went up on the left-hand side and right  
7       here there is a general public bathroom to use; and then  
8       you open the door and you walk into the kitchen area and  
9       there is a little pantry type area room and then there is a  
10      little pantry-type area here and then you walk through a  
11      doorway here and then here there was a table where they  
12      generally ate, if they had guests over.

13   Q    Is that a dining room, sir?

14   A    Yes, this would be considered their dining area.

15   Q    Could you write kitchen, dining room and -- sometimes when  
16       we look at items later we don't or may not remember what  
17       they are.

18   A    I don't know what you would call that.

19   Q    I cannot see from this distance?

20   A    I just marked it front room because that's where they had  
21       some chairs and there was a fish tank and the TV was in  
22       that room and it looked out on -- this is -- the road, I  
23       forgot the name of the road. I think it might be Ling

1 Street or something. So I came in here and I was in the  
2 kitchen with him, got the donuts and juice, walked in here  
3 and ended up in this room here, the front room, sat down  
4 and -- in the chair and I don't recall how long I stayed.  
5 We had a little conversation. I got ready to leave.

6 Q Mr. Grover, go ahead and have a seat if you would, please.  
7 Did you have a normal set time in which you were to deliver  
8 papers?

9 A No, basically everybody was pleased at what time -- I mean  
10 there weren't any complaints. Nobody ever said, "Why is my  
11 paper here" or anything like that.

12 Q Now, along your way, on your paper route would occasionally  
13 you be asked in by other people for -- did you have other  
14 stops? It sounds like you had fairly regular stops at the  
15 rectory in terms of you would go in and get orange juice  
16 and donuts. Were there other such places along the paper  
17 route where you did those kinds of things, sir?

18 A Yeah, I delivered to a gas station type -- to a garage, gas  
19 station that had a front area that sold candy and cold  
20 drinks and things like that; and in the wintertime I would  
21 stay there for, I don't know, a small amount of time and  
22 just get warmed up. And also before I would -- that would  
23 be after I would deliver to the rectory; but before I would

1 deliver to the rectory, I would deliver to a beauty parlor  
2 and I would -- depending on what time of year it was, they  
3 would give me cold drinks or candy or something hot in the  
4 wintertime.

5 Q And those kind of gestures, sir, would be things that you  
6 would appreciate as a young man on a paper route?

7 A Correct.

8 Q On the day that this alleged incident occurred, had you  
9 stopped at the beauty parlor that day?

10 A Well, it wasn't an every day occurrence. It happened like  
11 in the -- like when it really got bad weather out or if it  
12 was really hot out or if it was really cold in the  
13 wintertime it would be a place where I was able to stop in  
14 and just sit down.

15 Q How about the gas station?

16 A The gas station, also the same thing.

17 Q Do you remember on that day sir if you had stopped at  
18 either of those places?

19 A I can't recall.

20 Q May we approach your Honor?

21 THE COURT: Yes.

22 (Discussion held off the record.)

23 THE COURT: It's 4:00, ladies and gentlemen of the jury, so

1     \     you're excused until 9:00 tomorrow morning; and just be  
2             sure that you don't talk about the case or read anything  
3             about it or listen to anything about it.

4             Thank you very much for your service here today. We  
5             certainly appreciate it.

6             Bailiff, you can take charge of the jury.

7                     HEARING OUT OF THE PRESENCE OF THE JURY

8     MR. REYNOLDS: I will try to make arrangements for what we spoke  
9             of for early tomorrow morning.

10    THE COURT:     Okay.

11                             (End of Day 3 of trial)

12                             CERTIFICATE

13

14             I, Lorena Werner Patria, Certified Court Reporter for  
15             the State of New Hampshire and Official Court Reporter in  
16             the above-captioned matter, do hereby certify and affirm  
17             that the foregoing transcript, pages 1 through 127,  
18             represents a true and accurate transcription, to the best  
19             of my skill and ability, of my stenotype notes taken in the  
20             above-captioned matter.

21

22

23

Date     3-16-95

  
Lorena Werner Patria, CSR  
Certificate #41