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1 THE STATE OF NEW HAMPSHIRE

2  
3 CHESHIRE, SS

SUPERIOR COURT

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5 THE STATE OF NEW HAMPSHIRE

6 V.

#93-S-0218

7 GORDON J. MACRAE

8 \* \* \* \* \*

9 TRIAL BY JURY

10 Volume VI

11 Pages 1 through 184

12 BEFORE:

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

15 DATE:

Monday, September 19, 1994

16 APPEARANCES:

17 For the State:

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

19 For the Defendant:

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

21 CLERK:

Stillman D. Rogers, Esquire

22 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>
Thomas Grover (Con't.)			6-3	6-19
Patricia Grover	6-42	6-102	6-132	
Robert Upton	6-139	6-150	6-152	
Lucille Gorges	6-153	6-155/161		
Francis Christian	6-172	6-178		

EXHIBITS

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P-R-O-C-E-E-D-I-N-G-S

1  
2 THE COURT: Does anybody feel as it's hot? It feels hot and  
3 stuffy. Let's open the windows. Attorney Reynolds?

4 MR. REYNOLDS: May it please the Court.

5 THOMAS GROVER

6 CONTINUING REDIRECT EXAMINATION: (by Mr. Reynolds)

7 Q Good morning, Tom. I have several questions for you on  
8 redirect but not nearly as many as the first time you  
9 testified. Let me ask you this. In the group therapy that  
10 you had had over the years, why didn't you disclose your  
11 sexual abuse in group therapy?

12 A Well, I had opportunities but I never felt comfortable. I  
13 believed what Mr. MacRae had told me that nothing and  
14 nobody would ever believe my word against his. Being in  
15 the situation I was in, I knew that that was true as far as  
16 my family was concerned. At the time, my family just  
17 didn't want any communication with me, just rejected any  
18 kind of communication and what Mr. MacRae said to me  
19 convinced me that it really was true that he had -- he  
20 played the middle man at the time between me and my  
21 family. So I never had any direct contact and what he told  
22 my family was pretty much what they believed. He was a  
23 priest. My family believed in the Catholic religion and

1       they had their view of the priest as being someone of God's  
2       family so I just didn't think -- didn't believe anybody  
3       would believe me. On top of that, I felt ashamed and just  
4       confused about it all. I took on the responsibility of  
5       feeling those feelings and just didn't believe anybody  
6       would believe me at the time.

7   Q   During the late '70's and all throughout the '80's, when  
8       you were in counseling with MacRae and going over to the  
9       rectory and that sort of thing, did you ever see the  
10      defendant perform priestly duties in church?

11   A   Yes, I did. I've seen him say Mass, give baptisms, first  
12      communions, visit other people that really needed or wanted  
13      his guidance in a priestly manner.

14   Q   As you understand it, were those the typical duties that  
15      any priest would participate in?

16   A   Yes.

17   Q   During this period of time, 1983 and I guess beyond that,  
18      were -- what was your feeling about MacRae in terms of on  
19      one hand you've got a guy who dresses like the average Joe  
20      and on the other hand you've got a guy who serves Mass and  
21      that sort of thing. What was your understanding of MacRae  
22      when you were dealing with him as an individual? Were you  
23      looking at him as an individual, a regular guy or were you

1 looking at him as a priest, that sort of thing?

2 A Even early on when we first met him, he wasn't a priest yet  
3 but my family respected or always looked at him as a priest  
4 and basically made that one of my first -- so I never saw  
5 him as even though he wore street clothes or jeans and a  
6 t-shirt or whatever he said or did, he was always a  
7 priest. There was never any doubt. He wasn't just a  
8 regular person because that wasn't just how my family  
9 looked at him.

10 Q So your family never looked at him as a regular person?

11 A As a priest, but not a regular person. I mean like -- I  
12 guess even though you might wear jeans and a t-shirt, I  
13 still looked at -- at you as a lawyer. That's the way we  
14 looked at him. No matter what he did, no matter what bad  
15 character flaws he had, no matter what tasteless things he  
16 did, he was still a priest and that's how my mother wanted  
17 us to look at him.

18 Q You've testified that when you were being assaulted in the  
19 rectory offices that you broke down. How do you know that  
20 the defendant broke you down if you can't remember the  
21 words he spoke to you?

22 A It wasn't just like name calling, it was more things that  
23 were happening, like maybe I had just got in trouble or

1 just had an argument with my family. He would make me feel  
2 guilty about that and once it got started he would just  
3 keep on making comments, keep making comments and the more  
4 that happened, the more I would break down and it wasn't  
5 -- I don't know. It just wasn't that way for me at other  
6 times. No one had ever done that. I would get upset over  
7 comments that people would make but not to the point where  
8 it was with him because he kept going on and on.

9 Q To your knowledge in the rectory in 1983, could priests  
10 choose other priest's offices if they needed to?

11 A Yes, it wasn't uncommon for one priest to use another  
12 office depending on what the circumstances were.

13 Q When you told me about the sexual abuse in detail in those  
14 meetings we had over the last couple of weeks, were you  
15 emotional? Did you cry?

16 A Yes, but it came down to --

17 Q When you were in court and you were testifying on direct,  
18 because you weren't taking any of the medication that you  
19 since have been able to obtain, did you cry and give the  
20 emotions in the defendant's office when you were being  
21 assaulted the way you cried in court?

22 A Yes and no. I -- it would be much more severe than I did  
23 here in the courtroom. I don't know. I would just feel

1       like it went on for hours and hours and I had no control  
2       over it. So it would be more severe than it was here.

3   Q   Now the reason I ask you that question, Tom, is that except  
4       for the testimony you attempted to give in court while you  
5       were crying, while you were being emotional, you struck me  
6       as pretty quiet in the way you emit. And let me ask you,  
7       is what you're doing in court, the quietness that we saw in  
8       your being upset, was that consistent or inconsistent with  
9       your emotional breakdown in the defendant's rectory  
10      offices?

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

12   Q   In terms of volume?

13   A   I'm not really -- no, I don't cry in outbursts like  
14       hysterical fits or anything like that. I just -- I would  
15       just -- even at home, just sit and weep and cry and be in  
16       one room and nobody would know I was in there. Be in the  
17       bathroom and nobody would know until I came out or  
18       something so it wasn't very -- I don't know. I mean you  
19       couldn't hear it. It wasn't like I had just lost my mind  
20       or something like that.

21   Q   Turning back to 1979 when the defendant began to become  
22       involved with your family, prior to your assault in the  
23       rectory in Marlborough, had the defendant been coming over

1 to the house providing treats for the family, that sort of  
2 thing?

3 A Yes, he brought numerous gifts. Just not things that if  
4 you were to even bring something to someone else's house,  
5 it wasn't anything like that. It was a constant thing. I  
6 don't know, it wasn't just like okay, a house warming gift  
7 or anything like that. It was on a continuous basis.

8 (Juror motioned that he was unable to hear)

9 THE COURT: Excuse me. Can you hear? You're having  
10 difficulty hearing? We have to close those windows. But  
11 in the morning before we come in here, let's open up the  
12 windows so we have some air at least when we get started  
13 and then at noon do the same thing. Thanks a lot, George.

14 Q Let me ask you to flip over to the Marlborough rectory if  
15 you would please in that chart behind you, Tom. You can,  
16 with the red marker, I think show us where in that rectory  
17 with an "X" that assault occurred, please?

18 A (Witness indicated).

19 Q And so the door you're speaking of would be just to the  
20 right of that?

21 A There's the door here that goes into the hallway here.  
22 There is another door right here going into the dining room  
23 area.



1 Q Okay. Thank you. During the course of your describing  
2 your abuse to the jury and you're describing your abuse to  
3 Detective McLaughlin and to me, have you had any flash  
4 backs, any visualization of the actual abuse that was  
5 taking place?

6 A Yes. At first I had a real hard time talking about it but  
7 the more I talked -- the more I saw my counselor and the  
8 more I talked about it, the more freely things came out.  
9 There were a lot of things that in the original discussion  
10 with Detective McLaughlin, there were things that I had  
11 left out. He allowed me to go at my pace and talk like I  
12 wanted to talk and there were still some things that I had  
13 felt real uncomfortable about and didn't come so freely.  
14 It being one of the first times I had spoken to anybody  
15 about it so like on the -- I don't know, later on in the  
16 conversations things were just brought to the surface  
17 more.

18 Q And is that because you had spent more time thinking about  
19 it then because you had to?

20 A It's more of a technique that I would walk through certain  
21 stages -- I could only take a little bit at a time -- a  
22 little bit at a time and as my counselor walked through it  
23 with me, it came to the surface even more.

1 Q Now was your counselor providing the information or were  
2 you providing the information?

3 A She was just talking about steps and how -- I don't know  
4 how other trauma victims deal with -- I don't know how you  
5 would say. She was just walking step by step and just --  
6 I'm not even sure what she was saying but it was a process  
7 that took place.

8 Q In other words, your process of disclosure?

9 A Right.

10 Q Why do you think you can't remember every detail of these  
11 11 year old allegations in the 1983 incidents?

12 A I just felt real ashamed and really confused that I put it  
13 all away in a certain place and drank to forget it and --

14 Q So you were trying to cover it up basically?

15 A Yes.

16 Q When Mr. Koch questioned you, he referred to instances one,  
17 two, three, four and five. Are those instances, incidents  
18 one, two, three, four, and five in chronological order or  
19 simply in the order you remember them?

20 A In the order I currently remember them.

21 Q Why can you remember some things about your abuse some  
22 times and not remember all those things other times?

23 A To me it's to try to remember it all at one time or

1 remember everything at one time just overloads my mind and  
2 just -- I don't know. It leaves me more or less in shock  
3 for days after to try to remember -- to try to look at the  
4 whole picture, to try to look at all those years or to look  
5 at the '80's. If I can just look at it at one portion of a  
6 time or one year at a time or a couple years at a time, it  
7 makes it more bearable, makes it come a lot easier. I can  
8 remember more detail than if I was to just try to have it  
9 all come out at one time. I'd be probably missing a lot of  
10 detail because it's a long -- it takes a long time to  
11 tell.

12 Q Are visual images or flashbacks of the abuse that you've  
13 experienced in going through this process, are they part of  
14 the reason that you became emotional in front of the jury  
15 when you testified the other day?

16 A Yes. I think that's why for all those years I tried to  
17 cover it up, or tried to make it go away was because I  
18 couldn't talk about it. I couldn't even think about it  
19 without feeling a deep pain inside or just a lot of -- even  
20 after ten years, nine years, however long it was, just  
21 thinking about it sometimes makes me feel like it just  
22 happened. I just do -- I don't know, feel real dirty  
23 about it.

1 Q Prior to these incidents in the rectory, had you been with  
2 the defendant in places where he had seen the way you cried  
3 or the way you responded when you were having emotional  
4 problems?

5 A He knew every aspect of my life. Whatever went on, on any  
6 certain day, he was -- if not aware of it that day, aware  
7 of it within a couple of days and he saw me numerous times  
8 and I feel he knew what buttons to push to make me react  
9 the way I did because I just -- I'm just not that way. I  
10 don't know. Somebody does or acts a certain way, and I'm  
11 not like that and I think he knew that and that's why it  
12 didn't happen all the -- on every discussion we had. It  
13 wasn't like that. It was when I feel that it was when he  
14 saw opportunity, when he knew the time was right, he did  
15 it.

16 Q Did he know prior to these rectory assaults the way you  
17 cried when you were upset?

18 A Yeah. I mean -- yeah, he did. At first it was I had  
19 outward reactions, visible anger or visible sad emotions or  
20 whatever but then over -- I don't know, closer to the age  
21 of ten it became inward. I would just like curl up inside  
22 myself and not do anything except cry and he witnessed that  
23 numerous times.

1 Q When you were a teen-ager, did you feel that you had a  
2 choice to be able to dislike the defendant?

3 A I dislike some of the things he did and the way he treated  
4 people but there were so many things that I needed that it  
5 outweighed the bad things. I was so dependent on him that  
6 there was no way of really going against him. So I really  
7 just didn't -- I just said I don't care when -- wouldn't  
8 really feed into the bad things.

9 Q Just the whole package was something you had to learn to  
10 live with?

11 A You have to remember that he was doing a lot of things for  
12 me, not just counseling but he was giving me money, gifts,  
13 basically keeping me hooked on or making it easier to abuse  
14 drugs and alcohol.

15 Q To your knowledge, have you ever been abused by a foster  
16 parent?

17 A Never.

18 Q The first several times that you drank as a young teen-ager  
19 or as a boy, was it to cover up your emotional pain or was  
20 it just kind of an experimentation with your family or your  
21 brothers and friends that kids engage in when they start  
22 drinking?

23 A It was just for -- out of curiosity and just basically fun

1           and to -- I was with my older brothers and I don't know,  
2           being younger, made me feel like I just really wanted to  
3           fit in with what they were doing and how they were and at  
4           the time it was just basic curiosity.

5   Q       Have you ever been sexually assaulted by any other priest  
6           other than the defendant?

7   A       No.

8   Q       Why did you not take your anxiety medication when you first  
9           testified on direct-examination as opposed to when you were  
10          testifying on cross-examination with Mr. Koch when you took  
11          the drugs?

12   A       Well, leading up to this trial there were a lot of  
13          continuations and delays and I had built up or would get  
14          ready to come and testify and then there would be a  
15          continuation or a delay and I would just come unwrapped,  
16          just become real emotional and so when it came to this  
17          time, my counselor suggested that I go on medication to  
18          help me ease my emotions and anxiety attacks and help with  
19          the breathing and because I wanted -- it was my time to do  
20          this and I wanted to do this. I didn't want to do it under  
21          any medication for ten years or so I've been trying to  
22          cover this up with medication, trying to bury this in  
23          alcohol. I just wanted to be able to come in here and tell

1       you in my own words and feel what I needed to feel and I  
2       didn't want to do it under any medication so I -- so  
3       that's why I didn't take it in the beginning but after the  
4       first day, I ended up in the hospital that night. It came  
5       down to that I needed to take it. So I took it when I  
6       needed to take it and when I can -- when I didn't want to  
7       take it, I didn't take it so it was up to me when I thought  
8       I needed it or when I wanted it.

9   Q   Let me ask you to turn back to the first page which is the  
10       chart of the rectory at St. Bernard's and do you recollect  
11       -- I guess again with the red marker -- if you recollect  
12       incident number one, can you show us where you were sitting  
13       or where your chair was when the first incident number one  
14       happened in the southwest office?

15  A   (Witness marked a red X on the diagram).

16  Q   And how about incident number two in the southwest office?

17  A   (Witness indicated).

18  Q   Same place?

19  A   Yeah, basically.

20  Q   In the southeast office, the chessboard incident, number 3,  
21       where would that be?

22  A   (Witness indicated with an "X").

23  Q   And the bookcase incidents, where were you?

1 A (Witness indicated with an "X").

2 Q And when was the last time you have been in those offices?

3 A In 1987.

4 Q Please have a seat. You had volunteered for Mr. Koch to  
5 tell us what office Father Bombardier did not have that  
6 summer but he didn't ask you to go on. Let me ask you to  
7 just point for the jury please where Father Bombardier's  
8 office to the best of your recollection was not in the  
9 summer of 1983?

10 A (Witness indicated by placing red stars on the diagram).

11 Q Are you lying about any of these allegations that you have  
12 made against the defendant, Gordon MacRae?

13 A No, I'm not.

14 Q And have you told the jury the truth in all areas of  
15 testimony that you have given?

16 A Yes, I have.

17 Q Thanks very much.

18 THE COURT: Thank you, Attorney Reynolds. Attorney Koch?

19 MR. KOCH: Thank you, your Honor. May we approach for a  
20 minute?

21 THE COURT: Yes. Do we need a record?

22 MR. KOCH: Yes, please.

23



BENCH CONFERENCE

1  
2 MR. KOCH: Once again, I would like to renew my request for  
3 the records of Pauline Goupil. Mr. Reynolds, on redirect,  
4 took him through a rather extensive discourse on how his  
5 counselor helped him through it, what she told him, how she  
6 helped develop answers. They were his own answers, not  
7 hers and I am again going to request production of those  
8 documents since Mr. Reynolds made it an issue in redirect.

9 MR. REYNOLDS: I don't think they are an issue. I think the  
10 Court has already indicated the circumstances, that there  
11 is nothing in those records that we haven't already seen in  
12 other areas; but I think more to the point he indicated  
13 that it was his own words that he described the incidents  
14 and it seems to me that the records of Ms. Goupil would not  
15 be helpful and not be helpful in exposing anything further  
16 than has already been given in the courtroom.

17 MR. DAVIS: Your Honor, just so I can clarify one point --  
18 correct me if I am wrong, Attorney Koch -- but when you  
19 said the records, we would also like to be able to talk to  
20 her to explore the issue of whether there's been any  
21 therapeutically assisted memory enhancement or otherwise so  
22 called, recalled memory therapy, because I believe --  
23 correct me if I'm wrong, but I believe Mr. Grover testified

1 to how he was told other victims of abuse often go through  
2 memory stages and so forth and I think that sets as his  
3 honor pointed out credibility. There is a fundamental  
4 issue in this case and what was learned and what was said  
5 to whom, when under what circumstances this is important if  
6 that's what I understood you to include in that. Is that  
7 correct?

8 MR. KOCH: Yes.

9 THE COURT: Okay. What I will do? I'm not going to rule on  
10 this now. I think that I'm going to take a look at the law  
11 as soon as we get a break. I think you're raising a point  
12 that's close to me changing my order on Ms. Goupil because  
13 it is, as Attorney Davis points out, an issue of  
14 credibility and may even be an issue of competence of the  
15 witness as far as his recollection is concerned and it's  
16 not a question that I ever asked Ms. Goupil when she came  
17 in my chambers. So I'll think about it as we go through  
18 this and give a ruling as soon as I can.

19 MR. KOCH: I shouldn't be too long on recross.

20 MR. REYNOLDS: If your Honor wishes to call Ms. Goupil or  
21 something during a break to make queries on that, the State  
22 would certainly have no objection.

23 THE COURT: What I'm thinking -- I'm not sure we'll get to

1       this -- is we may have a Voir Dire of Ms. Goupil without  
2       the jury present and get to that point that way.

3                               OPEN COURT

4       RECROSS EXAMINATION: (by Mr. Koch)

5       Q     Mr. Grover, when you're emotional, do you ever shed a tear?

6       A     Do I?

7       Q     Yes, sir.

8       A     Sometimes.

9       Q     Since Mr. Reynolds was making observations about what he  
10       observed in these days of testimony, I think we're going  
11       into number four now, I fail to recollect having seen a  
12       tear on your face during times of extreme emotion when you  
13       were not on medication. Was my observation correct, sir?

14      A     No.

15      Q     I also, sir, observed you during these emotional spells  
16       that you were having -- pick up and take a drink of water  
17       without your hand trembling in the slightest degree. Do  
18       you remember that, sir?

19      A     It could have happened.

20      Q     Now, do you have the ability to control the emotion that  
21       you show in any given circumstances?

22      A     No.

23      Q     When you become very emotionally upset, then it would be

1 fair to say that you cannot control how you respond or how  
2 you react?

3 A I don't ever really recall becoming as emotional as when  
4 that happened because no one has ever -- usually when  
5 people see you being emotional, they don't continually try  
6 to make you become more and more emotional so it --

7 Q So, sir, whatever emotions you would have expressed here in  
8 the courtroom or back then in 1983 when these events were  
9 happening, the emotion you were expressing in 1983 was even  
10 worse, even more exacerbated. Wouldn't that be fair to  
11 say?

12 A Yes.

13 Q And do you know whether or not, sir, you were crying tears  
14 at that point in time?

15 A Well usually when I cry, tears form.

16 Q Now I want to talk a little bit about this wonder drug that  
17 you took. I think you told the jury you were so  
18 emotionally distraught or upset that Monday night you went  
19 to the hospital?

20 A That's correct.

21 Q And at that point in time were you prescribed this  
22 medication?

23 A No. Well it was already -- I had already gone in for an

1 evaluation and they had already said that when it comes  
2 down to going to court, if you need this, it can be on  
3 hand.

4 Q All right, sir, so you had that medication available to you  
5 for anxiety prior to your ever coming into this courtroom?

6 A That's correct.

7 Q Now, sir, if I remember correctly, too, you didn't take  
8 that medication until just before I began my examination?

9 A That is correct.

10 Q And so when Mr. Reynolds was going through the questions  
11 that he was asking you, you were not on any medication?

12 A That's correct.

13 Q But the minute that you knew that I was going to begin to  
14 test the fabric of your story, you then took your anxiety  
15 medication?

16 A No, that isn't the way it was. When I left the courtroom  
17 here after giving testimony to Mr. Reynolds, it was the  
18 afternoon or Monday night I had that attack and when I left  
19 the stand after Mr. Reynolds got done with me, I felt in  
20 the same condition and not then and only then did I feel  
21 that I needed to take the medication because I had the  
22 whole afternoon to go. I took that at lunch time, relaxed  
23 a little bit and felt like I could push on.

1 Q To begin the cross-examination I started just after the  
2 lunch hour on that day. Do you remember that?

3 A That's correct.

4 Q Now another thing, sir, that I observed is that when Mr.  
5 Reynolds appears to have asked you questions particularly  
6 during direct and redirect, your answers were fairly quick  
7 in terms of coming and your responses. Did you have that  
8 sense, sir?

9 A Well, me and Mr. Reynolds had numerous conversations. It  
10 wasn't like I knew what questions were coming from you and  
11 because of an order by the Court I had to alter some of  
12 those answers.

13 Q Now I think you testified to Mr. -- or when Mr. Reynolds  
14 asked you I think you testified that you knew the general  
15 areas that he was going to go into because you talked with  
16 him about them, is that correct?

17 A Yes.

18 Q And in fact that process has even gone on during trial. In  
19 other words you had contact with Mr. Reynolds about your  
20 testimony and how you're doing during this trial process,  
21 haven't you, sir?

22 A Yes.

23 Q So each day when we would go home or break during the

1 recess, you would go over some of what had gone on in the  
2 courtroom and there would be discussion with Mr. Reynolds  
3 about that?

4 A No, I think he might have made a comment but basically it  
5 was more of what's coming, not what was behind already. It  
6 was more what was going to be upcoming in the afternoon or  
7 what he expected. It was only just a judgment call. He  
8 can't say for sure exactly the way things were going to  
9 work out and he made numerous mistakes timewise, things  
10 like that.

11 Q So Mr. Reynolds was telling you what to maybe anticipate in  
12 terms of my questioning?

13 A No, I don't think -- he would just ask me what he was  
14 going to ask me or went over what I was able to.

15 Q Did you talk with Mr. Reynolds?

16 MR. REYNOLDS: I'm sorry. I believe the witness was still  
17 answering when Mr. Koch interrupted.

18 Q Did you have more to say on that point?

19 A Yes. Mr. Reynolds just basically went over what I -- the  
20 time period that we were covering.

21 Q And that you had made numerous mistakes?

22 A He never said that.

23 Q Well I was a little unclear. I thought you said Mr.

1 Reynolds was telling you and it was sort of a judgment call  
2 kind of to anticipate or understand where I may be going in  
3 my questioning?

4 A No, I didn't say that either. I said time -- I said he  
5 said from the beginning of the trial it might be a couple  
6 days and then you're off the stand and as it kept going and  
7 going he said maybe you will be off this afternoon or maybe  
8 -- or how you're holding up or do you need your  
9 medication, or just if you need a break just let me know;  
10 if you need a break or things like that and whatever his  
11 questioning might be.

12 Q Anything else, Mr. Grover?

13 A No.

14 MR. KOCH: With your permission, I want to get a quick drink  
15 of water. May I, your Honor.

16 THE COURT: That's fine.

17 Q Did you talk with Mr. Reynolds, sir, since Friday?

18 A No, I haven't.

19 Q You didn't go into his office this morning before trial  
20 started and speak to him?

21 A No, I didn't. I met him in the hallway and walked up to  
22 the courtroom with him.

23 Q Now you're telling this jury, I think you said to Mr.



1 Reynolds, that you're telling the truth?

2 A Yes.

3 Q And as a result of that then, you're not lying?

4 A Correct.

5 Q About anything you have heard here, too?

6 A That's correct.

7 Q Sir, I believe you testified or tried to explain away  
8 discrepancies in your testimony about saying well you  
9 remember different things at different times?

10 A I don't know if that's -- I don't know if I would word it  
11 that way.

12 Q Well, I got the impression, sir, and you correct me if I'm  
13 wrong, that as you talked about this abuse that you claim  
14 Gordon MacRae perpetrated on you, that you would remember  
15 part of it and then people would come question you a little  
16 bit later and you would remember more; and, in fact, you  
17 even said, "I had flashbacks." I think during your  
18 counseling sessions with Ms. Goupil. And all of that has  
19 sort of brought this entire memory back to mind. Would  
20 that be a fair statement?

21 A No, that's untrue. What I said was when I first originally  
22 talked to Mr. McLaughlin, he allowed me to disclose without  
23 interruption, what I wanted to say and by the end of that

1 conversation, by the end of that interview, it was pretty  
2 emotional and he didn't push on. He made later meetings  
3 and I continued on with my counseling.

4 Q All right, sir. Let me ask you this. Did you go back to  
5 Detective McLaughlin at some point in time and say, sir, I  
6 was incorrect about this particular point. I wanted to  
7 essentially correct the record with you.

8 A I don't recall ever doing that or ever having any of those  
9 conversations.

10 Q Sir, do you remember the last time you may have spoken to  
11 Detective McLaughlin?

12 A No, I have no idea of the time.

13 Q I think you and I want to go back kind of to where the  
14 beginning of the time period that Mr. Reynolds started to  
15 take you through. You were talking, sir, if I remember  
16 correctly about how you had really been cut off from your  
17 family, that your family wanted nothing to do with you so  
18 you had no almost life support other than Gordon MacRae.

19 Am I summarizing that accurately, sir?

20 A As accurate as can be.

21 Q Thank you. In 1983, sir, as I understand it, Gordon MacRae  
22 came to the rectory sometime in June of that month, I think  
23 we established June 15 of '83. Do you have any

1           disagreement with that?

2   A     June of '83, yes, I would have no difficulty saying June of  
3           '83.

4   Q     And, Mr. Grover, at that point in time I think you said  
5           your mother was insistent that you speak with Gordon MacRae  
6           about some of the problems that you were having in your  
7           life?

8   A     That's correct.

9   Q     It was mandatory, is that correct?

10   A    That's correct.

11   Q    And I think you also told this jury, Mr. Grover, that you  
12          just basically listened to what your mother said and what  
13          Mr. MacRae said but you did whatever you wanted to do.  
14          Isn't that correct?

15   A    Yes, that's correct in saying that my mother pressured me  
16          into going. Mr. MacRae was waiting there, willing and more  
17          than volunteering to do that but also I did it just because  
18          I was drinking and -- I was drinking and I wanted people  
19          to just leave me alone.

20   Q    And, sir, I think you testified to this jury that during  
21          that time period, sometimes you would kind of throw Gordon  
22          MacRae and your mother a bone to pretend like you were  
23          really listening to what they were saying and doing what

1           they wanted you to do. Isn't that true?

2   A    Yes, it is.

3   Q    And you were manipulating them, sir, at the age of 15 years  
4       old, weren't you?

5   A    No. I think it's probably the other way around. They were  
6       enforcing or getting me to do things that I didn't want to  
7       do. I didn't want to be having to go to counseling or  
8       anything like that. I would have just been content in  
9       doing what I was doing and doing what I wanted to do but it  
10      was more they probably manipulated me to the counseling.

11   Q   And I think, sir, that was because at that point in time  
12       and even for years afterwards you didn't recognize that you  
13       had any kind of a problem with substance abuse?

14   A   Regardless of how it was, it was that way. They  
15       manipulated me into doing things I didn't want to do.

16   Q   Yes, sir. Mr. Grover, I have a little trouble  
17       understanding how at this point in time your mother had  
18       abandoned you and that you had no life line to the world  
19       whatsoever. Can you help me with that?

20   A   Once again, unless you know the dynamics of what my family  
21       was, my family had just gone through a terrible shock. My  
22       father leaving, other people in my family having a tough  
23       time with that and she just did not have the time nor the

1 energy to pay attention or give assistance to everybody in  
2 the family and because I wanted to do what I wanted to do  
3 and that was drink and use drugs and not be part of the  
4 family. She made that possible by shuffling me off into  
5 the care of Mr. MacRae.

6 Q All right, sir. Now talking about 1983, did you basically  
7 live with your mother in Marlborough?

8 A I lived with my mother.

9 Q You hadn't been put in any treatment facility at that time  
10 had you, Mr. Grover?

11 A No.

12 Q In fact that occurred nearly two years later in 1985 that  
13 you first went into a residential treatment program. Is  
14 that correct, sir?

15 A Yes, it is.

16 Q That being Beech Hill?

17 A Yes.

18 Q Now even in those later years, Mr. Grover, didn't your  
19 mother travel several hundred miles to go visit you on a  
20 special occasion when you were at Derby Lodge?

21 A No, that's not true. When she came to Derby Lodge I was  
22 looking for halfway houses to go to. For some reason Mr.  
23 MacRae couldn't come take me to Bangor, Maine but he did

1        arrange for my mother and my brother to stay at a rectory  
2        in Groveton and he had part in that I think he felt bad  
3        that he couldn't do that for me and the only other person  
4        that would ultimately be willing to do that would be one of  
5        my parents and so she came up. She -- I don't think it  
6        was ever a point where she didn't want me to get help, it  
7        was just she couldn't do either -- be the one to give that  
8        help and so she came up and took me to an interview in  
9        Bangor, Maine and that wasn't really any special occasion.  
10       That was just something that another stepping stone that I  
11       needed to do was go from Derby Lodge to another halfway  
12       house because at that point I was that bad off.

13    Q    Mr. Grover, hasn't it been your experience, sir, that a  
14       mother's love, of all people in the universe, is never  
15       ending for one of her children?

16    A    No. I don't feel that way. I still have a lot of  
17       difficult feelings surrounding my family. I really -- I  
18       keep in touch with them. I visit them maybe three times a  
19       year, stay overnight a couple times, call them once a  
20       month. I really have a hard time because of their -- the  
21       way they just shut me out and wouldn't help me and didn't  
22       know what was going on and they just wouldn't help me and  
23       when I left Keene or when I left New England to go cross

1 country, I felt like I didn't have a person in the world to  
2 be grounded to and so I just ran across country and I just  
3 really thought it was -- I thought I was going to die. I  
4 thought I was suicidal at the time and I just didn't want  
5 to do it around my family if that's what it came down to  
6 and that's what it seemed like; and so I really didn't have  
7 no -- I didn't understand at the time that my family did  
8 love me or even cared about me, the way they treated me and  
9 the way they showed their help was just anything but that.

10 Q Mr. Grover, didn't your mother want you to go into those  
11 residential treatment facilities so you could obtain some  
12 type of help for the alcohol and drug abuse problem?

13 A Yes, she did, but that doesn't mean that I knew that she  
14 loved me or I even knew that she cared about it. It was  
15 because out of obligation out of being a parent. I felt  
16 that's the only reason and even to this day, right now, I  
17 really just feel that my brothers, my mother and my family  
18 are here out of obligation, not because they really care  
19 about me and I still feel that way to this day.

20 Q So out of duty, rather than any real affection for you as a  
21 person?

22 A That's correct.

23 Q And you felt that way, sir, then if I understand your

1 testimony correctly, back in 1983?

2 A Right around the time when my parents got divorced I think  
3 that really made me look at it that way because my father  
4 left, because my mother couldn't be there, that no one was  
5 there for me and I think that's when that feeling -- I  
6 became aware of that feeling.

7 Q Mr. Grover, Mr. Reynolds asked you some questions about the  
8 use of force. In fact, I think that was Friday afternoon  
9 just before we recessed. And I think his question to you  
10 was something of the type do you remember the questions  
11 from Mr. Koch about you being this strong, active mid-teen,  
12 violent teen-ager and using force in your younger years.  
13 Do you remember that questioning from Mr. Reynolds on  
14 Friday?

15 A I don't know specifically what he said, but I recall him  
16 mentioning something like that.

17 Q And I think your testimony was -- well, you would not  
18 consider using force against Gordon MacRae?

19 A That's correct.

20 Q Did I hear you correctly in that regard?

21 A Yes, that's correct.

22 Q Sir, without using force and by that I'm going to -- my  
23 definition is physical violence or aggression or any kind



1 of movement. There would be nothing in the world to  
2 prevent you from being able to protest against an action,  
3 would there, sir?

4 A I suppose if I was sitting here right now in this state of  
5 mind, I would be able to protest; but under the stress and  
6 emotional reaction I was having, I didn't know any  
7 different.

8 Q Okay. Sir, the lack of force -- I mean I am sort of  
9 thinking back to plutonium law, for every force there is an  
10 equal and opposite force. As opposed to pushing forward  
11 and doing something in an aggressive manner, you could use  
12 non-force, couldn't you, in the sense of stepping back or  
13 moving away without actually having to direct force towards  
14 another person.

15 A Like I said, I was sitting in a chair. It's not like I  
16 could just back away or I was in any right mind to even  
17 make an attempt to and on top of that, just -- he was the  
18 only one I had as a life support system and he gave me the  
19 things that I needed and I never thought about forcefully,  
20 physically, whatever, trying to -- I was hooked on drugs.  
21 I was hooked on alcohol. He gave me the money. He gave me  
22 money to ultimately purchase those things and I needed  
23 that. I needed to drink. I needed to numb the way I was

1 feeling.

2 Q Sir, what I'm talking about is, I mean, here's a chair.  
3 And I understand from your testimony this process occurred  
4 on four separate occasions in the summer of 1983 in that  
5 rectory?

6 A That's correct.

7 Q Each time you were seated in a chair and each time you were  
8 in an inconsolable state crying, sobbing?

9 A That's correct.

10 Q What I'm talking about, sir, is there's nothing there that  
11 could or would have prevented you from merely stepping up,  
12 standing up, and moving to the side or something of that  
13 nature, was there, sir?

14 A Yes, I tried -- I'm trying to let you know that I was  
15 basically shocked, basically numb. I just went -- I just  
16 didn't do anything. I just sat in the chair and I couldn't  
17 move at the time.

18 Q Mr. Grover, wasn't 1983 one of the most enjoyable summers  
19 that you ever spent in your life because of your meeting  
20 Kathy?

21 A I wouldn't say most enjoyable summers. There were good  
22 things about it and bad things about it.

23 Q Would you agree with me that it was this summer of 1983

1           that you first met Kathy.

2   Q       Your, for lack of a better word, girlfriend, lover and  
3           father of your son?

4   A       That's correct.

5   Q       And, sir, were you excited about that relationship with  
6           her?

7   A       I enjoyed her company.

8   Q       In your mind, sir, did you fall in love with Kathy that  
9           summer?

10  A       I wouldn't go to say that far. I think over probably -- I  
11           wouldn't say that right specifically for that summer.

12  Q       You spent a lot of time that summer with Kathy, didn't you,  
13           Mr. Grover?

14  A       No, not a whole lot of time. She worked during the days,  
15           some evenings, towards the end of the summer, a lot of  
16           evenings but she had a job. She worked. I didn't work.  
17           She was a few years older than I am so she had outside  
18           responsibilities and she was getting ready to go to college  
19           and she wanted to earn some money so I didn't spend every  
20           waking hour or even the majority of the day or week with  
21           her.

22  Q       Mr. Grover, isn't it true that you tried to spend whatever  
23           time you possibly could with her that summer in 1983?

1 A I wouldn't say that either. I tried -- I spent a lot of  
2 time with her but I wouldn't go to say that I wanted to  
3 spend all the time that I could with her because I had  
4 other things going on.

5 Q What kind of things did you and Kathy do, sir, when you  
6 were together?

7 A We went drinking most of the time, just drinking and we  
8 went -- we would go swimming. Maybe once in a while  
9 movies or play miniature golf, went to her house, she came  
10 to my house. Nothing really that stands out.

11 Q You had visited her home and she would visit yours in  
12 Marlborough?

13 A Yeah. I mean she wouldn't be -- well, I wouldn't say  
14 allowed but she didn't feel comfortable and my mother  
15 didn't feel comfortable with me seeing her, her being the  
16 age she was; and I think that was a hard thing so she would  
17 just come pick me up or I would walk out of my house and  
18 meet her on the corner or the way our house was set up I  
19 would just -- I had an upstairs room in the back connected  
20 to a barn and then a woodshed and there were backstairs  
21 there so a lot of nights I would just leave and come back  
22 early in the morning and do whatever I wanted and see her  
23 that way too. When it got to the point where my mother

1        would not be -- I mean the way it was was I would come in  
2        and my mother would set a curfew. I would just not follow  
3        it and she would be upset and she would try to ground me  
4        and tell me I couldn't see her and then I would just say  
5        okay, go along with it, but later that night sneak out of  
6        my house and see her.

7        Q    Once again, sir, do you feel that your mother trying to  
8        keep you away from maybe a young lady that she did not  
9        approve of, was somehow showing her lack of care for you or  
10       lack of interest in you?

11      A    I don't know. She didn't have a whole lot -- it wasn't  
12      like I spent a lot of time at my house with her. She  
13      worked too. She had her own -- and there were other kids  
14      so it was -- it wasn't like that's where part of the  
15      breaking away came or progressed, surrounding Kathy.

16      Q    Whatever your mother's wishes were at that point in time,  
17      sir, with respect to Kathy, you were basically ignoring  
18      those?

19      A    No, I said that when she tried to ground me and said I  
20      couldn't see her I would sneak out at night to see her. I  
21      went along with her wishes on the surface, but would then  
22      sneak out at night and see her.

23      Q    What I mean by ignoring her is your mother had a wish, she

1       gave you sort of a command, and you ignored it. I mean you  
2       did what you wanted to do in that regard, isn't that true?

3   A    Yeah.

4   Q    And, sir, in part that was because you had real strong  
5       feelings and emotions for this new love in your life,  
6       wouldn't that be a fair characterization?

7   A    I wish you wouldn't say new love because that wasn't the  
8       way it was in the beginning. We were just friends. We met  
9       at a party, drinking. My brother knew her. They were in  
10      the same class together so it was out of friendship before  
11      -- I mean I was with her a number of years and it wasn't  
12      until after a period of time before I would say that any  
13      kind of love for her.

14   Q   Did you consider her, sir, to be some kind of a life line  
15       during the summer of 1983?

16   A    Like I said, I really didn't see a whole lot of her. She  
17       had a job during the day. We didn't see each other during  
18       the days. She worked all day. She got out I think early  
19       evening. She worked at a nursing home. She cooked meals,  
20       so after whatever dinner hours were, she would come over  
21       with her friends or by herself sometimes so most of the  
22       summer we didn't see each other during the day so it wasn't  
23       like I had any life line as you would say towards her. She

1           was just a friend at the time and not until later on did it  
2           become anything more than that.

3   Q       Mr. Grover, do you remember whether or not she took you on  
4           several occasions over to the rectory?

5   A       Yeah, I came to Keene at times and she dropped me off there  
6           if she had something to do or if I needed money, I would go  
7           over there and get some money and then just leave again and  
8           meet up with her again later on so she dropped me off  
9           there.

10  Q       Now you talked for a little bit of time the other day about  
11           how this struggle with drugs and alcohol was kind of a one  
12           day at a time thing. Do you remember some questions from  
13           Mr. Reynolds in that regard, sir?

14  A       Yes, I remember some questions.

15  Q       And you have been through virtually every or many of the  
16           treatment programs available in this immediate vicinity to  
17           deal with alcohol and substance abuse, haven't you, sir?

18  A       That's correct.

19  Q       And in fact for a period of four or five or six years, you  
20           were in many different treatment programs?

21  A       That's correct.

22  Q       And in fact the AA or Alcoholics Anonymous is a very  
23           fundamental and important part of that treatment process,

1       isn't it, sir?

2   A    Yes, it is.

3   Q    Now, Mr. Grover, when JR Davis talked to you a couple weeks  
4       ago, do you remember that Friday when he and Mr. Reynolds  
5       and Mr. Cooke sat down with you and interviewed you?

6   A    That's correct.

7   Q    Sir, at that point in time, you didn't even know what the  
8       12 Steps were, did you?

9   A    No, I didn't.

10   Q   And for these programs to work, one has to -- I mean  
11       understand the concepts and really get with the program,  
12       don't they, as a general rule?

13   A   That's correct and I did while I was in a structured  
14       program. While I was in a facility, things were all  
15       right. It wasn't until I couldn't deal with having to hide  
16       the way the AA program was. I couldn't go because  
17       everybody talks about how they feel, how they are, how they  
18       deal with things. I couldn't grasp onto that program  
19       because I couldn't talk about what had happened, how I hurt  
20       and numerous times after numerous times I just couldn't  
21       hold onto that and would ultimately start drinking or using  
22       drugs again.

23   Q   Mr. Reynolds asked you I think you said that the reason you





1 seems to me that it is appropriate that since the issue of  
2 what the process of counseling was has arisen here in the  
3 court, and it runs to the defendant's, I suppose,  
4 competence or the witnesses competence and to some degree  
5 credibility, it will be appropriate to Voir Dire Pauline  
6 Goupil. I'd like to do it at 4:00 if that's possible.  
7 Maybe the State could contact her and we'll limit the  
8 questions to questions in that area. I have questioned her  
9 as to other things and found that there was no exculpatory  
10 evidence but for the defendant in this case but I think  
11 this issue is certainly legitimate and the jury may or may  
12 not -- maybe or maybe not should hear about it. We'll  
13 decide that after the Voir Dire. Thank you. We can bring  
14 up the jury.

15 OPEN COURT

16 THE COURT: Attorney Reynolds?

17 MR. REYNOLDS: Pat Grover, please.

18 PATRICIA GROVER

19 who, having been first duly sworn, was called as a witness and  
20 testified under oath as follows:

21 DIRECT EXAMINATION: (By Mr. Reynolds)

22 Q I'm going to ask you to please speak into that microphone  
23 as you answer the questions. Please state your name for

1 the record spelling your last name?

2 A Patricia Grover, G-R-O-V-E-R.

3 Q And do you have a son named Tom?

4 A I do.

5 Q And is he a big, handsome, full-blooded American Indian  
6 kid?

7 A Yes, he is.

8 Q And let me ask you, do you know a person by the name of  
9 Gordon MacRae?

10 A I do.

11 THE COURT: Excuse me, Attorney Reynolds, did we swear in the  
12 witness? Sometimes my mind goes blank.

13 MR. REYNOLDS: Yes.

14 Q I would ask you do you know a person by the name of Gordon  
15 MacRae?

16 A I do.

17 Q And is that person you know to be Gordon MacRae in this  
18 courtroom today?

19 A Yes, he is.

20 Q And would you point him out please, describing what he is  
21 wearing?

22 A A gray suit, blue tie.

23 Q This gentleman that I'm standing behind?

1 A Yes.

2 MR. REYNOLDS: Please let the record show the witness has  
3 identified the defendant.

4 THE COURT: The record so reflects.

5 Q Mrs. Grover, let me take you back to the summer of 1979 and  
6 ask you who was your family composed of then?

7 A My husband and our eight children.

8 Q And that summer did you -- well, let me ask you this.  
9 Where were you living at the time?

10 A In Marlborough.

11 Q And the whole family lived at home there?

12 A Yes, we lived in a big old Victorian house.

13 Q And was the family members of any church?

14 A Catholic church.

15 Q And which church please?

16 A Sacred Heart in Marlborough.

17 Q And who was the Pastor there?

18 A Dennis Horan.

19 Q And that summer of 1979 did Pastor Horan have any  
20 assistants?

21 A Yes.

22 Q And who specifically was assisting the Pastor that summer  
23 to the best of your recollection?

1 A Gordon MacRae.

2 Q And did your family have contact with Mr. MacRae that  
3 summer?

4 A Yes, indeed we had a lot of contact.

5 Q And can you tell the jury, please, how that contact began?

6 A My first recollection of seeing Gordon MacRae was on Sunday  
7 morning when he introduced himself to the community. I  
8 think he said the homily or spent the homily telling about  
9 himself and his background so that would have been a Sunday  
10 morning and then sometime after that I recall him coming to  
11 my house with one of my sons. He had volunteered to help  
12 him with a homework project.

13 Q Which son was that, if you recall?

14 A My son, David.

15 Q And David would have been how old in '79, summer of '79?

16 A 13.

17 Q And he volunteered to help him with a homework assignment?  
18 What was that about to the best as you can recall?

19 A Well, I think we met him -- it was early June so school  
20 wasn't out yet and it was a written paper that he needed to  
21 write for school which was difficult for him to put words  
22 down and I believe at that time he was mowing lawns at the  
23 cemetery, the Catholic cemetery, and if I recall correctly,

1       that's how he had met Gordon MacRae.

2       Q     And what was your understanding that summer, what function  
3       did Gordon MacRae serve at the church with Pastor Horan?

4       A     Well he was a seminarian student so he assisted in parish  
5       activities. He probably visited the sick in the hospital  
6       and I believe that summer he helped prepare students for  
7       confirmation I think. That was the summer that the church  
8       was involved in a money raising thing at the Cheshire  
9       Fair. They sold apple pies and some other -- I can't  
10      remember what else. They sold something else and he was  
11      involved in that and we were -- our family was very  
12      involved in that.

13     Q     Let me ask you about that. What was your family's typical  
14     involvement with the Catholic church in '78, '79, '80, that  
15     era?

16     A     We were very involved. Very involved.

17     Q     Can you describe to us the sorts of involvement that you  
18     had and the reasons why?

19     A     Well, I was born and raised a Catholic so I had always been  
20     involved with the church and I had belonged to St.  
21     Bernard's for years before I moved to Marlborough and  
22     became part of Sacred Heart. Some but not all of my  
23     children, attended St. Joe's in Keene. I had served on the

1 school board there. While I did serve on the school board  
2 there for about 11 years, I had been a religious ed.  
3 teacher. I was the religious ed. coordinator in  
4 Marlborough. I was a Lector. I was an Acolyte along with  
5 my children. I trained the other Lectors. I was on the  
6 Diocese and Council of the Laity, representing the Council  
7 in Manchester. I was in the Deanery Pastoral Council. I  
8 was very involved.

9 Q When you were raised as a Catholic, how were you taught to  
10 relate to priests in the church?

11 A It was almost scary to meet a priest on the street. They  
12 were so special I guess. I can remember as a child  
13 actually crossing the street rather than having to say,  
14 "Good morning, Father" because it was so scary. They were  
15 just so powerful I guess.

16 Q Was that training that you had had when you were a kid  
17 growing up as to how to revere or respect priests?

18 A Absolutely. My father was an Irish Catholic and we lived  
19 in a Catholic neighborhood. Absolutely.

20 Q When your kids were growing up, how did you teach them to  
21 regard priests in the Catholic church?

22 A Pretty much the same way, to treat them with reverence and  
23 respect and that they were the closest thing to God and

1           that's who we related to here on earth.

2   Q       So they are God's representatives on earth?

3   A       Yes.

4   Q       And you mentioned your family attended church at St.  
5           Mary's?

6   A       At Sacred Heart.

7   Q       And the kids all went to church?

8   A       Oh, yes.

9   Q       Well, you say that I guess kind of ironically. Can you  
10          tell me what you mean by that?

11   A       Well, I mean they didn't really have a choice. That's what  
12          you did if you're raised in a Catholic family, you go to  
13          church on Sunday and you go to confession and you go to  
14          Mass on holy days and any other church functions that go  
15          on.

16   Q       And that's just part of your life in the church?

17   A       That's right.

18   Q       And is that always the way you had intended to raise your  
19          children?

20   A       That was the way I did raise them.

21   Q       Now you had mentioned a number of things that you had done,  
22          a Lector, Acolyte, Diocese and Council and Deanery. Did  
23          any of your boys hold any positions in the church as they



1           were growing up involved in Masses, things of that sort?

2    A       They served Mass. The girls did too.

3    Q       What's that about? Serve Mass for those who are not  
4           Catholic?

5    A       When I was a child growing up, there were alter boys and  
6           that's what they were called and they wore robes somewhat  
7           similar to the priests before they put on their outer  
8           garments; but at the time my children were growing up, it  
9           was after Vatican II and there were a lot of changes made  
10          and they no longer wore the robes although I know some  
11          children have gone back to that now but the particular  
12          churches that we went to and they could just dress in  
13          regular clothes. And boys and girls both at Sacred Heart  
14          were allowed to assist the priest in Mass and that's what  
15          it means to be an Acolyte. It meant to assist to bring the  
16          water and wine to the priests at the transubstantiation  
17          where it's changed the "to the body of Christ" to assist  
18          the priest at the time.

19   Q       Transubstantiation. Tell us what your understanding of  
20          that is for somebody who isn't Catholic?

21   A       That the water and wine is brought to the priest and then  
22          the priest has the power to change the bread into the body  
23          of Christ and the wine into the blood of Christ.

1 Q And what's the purpose of doing that in the ceremony?

2 A That's in preparation for communion.

3 Q And communion is what?

4 A Receiving the sacrament, receiving the bread which has  
5 become the body of Christ and nowadays in some churches  
6 people also take from the cup too and drink the wine. Not  
7 always and it wasn't always true when I was growing up. It  
8 certainly wasn't true. These are changes that have  
9 happened since the Vatican II.

10 Q Correct me if I'm wrong, but is the transubstantiation the  
11 changing of the water into wine or the wine into the blood  
12 of Christ -- the host, into the body of Christ, is the  
13 purpose of that in order to be able to know God, to become  
14 closer to God as part of the church ceremony?

15 A Well, no. The priest has the power to make the bread into  
16 the body of Christ and that's what communion is all about,  
17 that's the whole crux of the Mass. The rest of the Mass  
18 has no importance without that.

19 Q So that the members of the church can partake of Christ?

20 A Right.

21 Q And become one with Christ?

22 A That's right.

23 Q And it's the priest who provides that opportunity?

1 A That's right.

2 Q What's the significance of being an alter boy or an Acolyte  
3 in the church when one is growing up and how old are the  
4 kids involved in that process?

5 A Well, I mean it's very special. It's very special to be  
6 part of it to be up on the alter and partaking in the  
7 serving of Mass and the assistance with the priest. That's  
8 very special. It's an honor. It's a privilege and I think  
9 they began serving once they had made their First Communion  
10 so they would have been seven -- approximately that comes  
11 around second grade, age six or eight when they made their  
12 First Communion.

13 Q How long do they participate as a rule as alter boys or  
14 acolyte in the ceremonies from the age of seven or so on?

15 A Oh, well into their teen years.

16 Q Now was your son, Tom, an alter boy?

17 A Yes.

18 Q And do you remember approximately what age he became an  
19 alter boy and continued with that if you know?

20 A I can't exactly remember Thomas. I would assume that after  
21 he made his First Communion that he too would have begun.  
22 Actually I made out the lists for the Acolytes and Lectors  
23 so I would have been scheduling and we were frequently

1       serving Mass.

2   Q   And Tom was involved in that as an alter boy?

3   A   Yes.

4   Q   Was Tom ever permitted to or did he ever, as he was growing  
5       up, ask to participate in any special Masses or things of  
6       that sort?

7   A   Whenever there was an opportunity, he would. It meant a  
8       great deal to him. I think it meant more to him than  
9       perhaps some of the other children. I can remember  
10      particularly that the Bishop came to Marlborough to  
11      celebrate Mass on Christmas morning and I would have to  
12      think to remember exactly what year that was. But we had  
13      the custom of eating our big meal Christmas Eve and then we  
14      had the tree in the morning and then we had like a buffet  
15      that noon because that was just easier with so many of us  
16      and Tommy was asked if he would like to serve that Mass on  
17      Christmas morning and he knew it meant he wouldn't be there  
18      when we had the tree because -- and he made that choice.  
19      He decided that he wanted the privilege of serving Mass  
20      with the Bishop and as a result, he got a crucifix from the  
21      Bishop and a card that he still has today signed by the  
22      Bishop.

23   Q   And how old was Tom when he gave up his Christmas morning

1 under the tree to serve Mass with the Bishop?

2 A Well I would have to know exactly what year it was. I  
3 would guess he was perhaps 10 maybe. Maybe 11. I am not  
4 exactly sure.

5 Q But in that ballpark, 9 to 11?

6 A Yeah, I think so.

7 Q What function, to your knowledge, does the Bishop in a  
8 Catholic church serve?

9 A He is responsible for the Diocese that he oversees in every  
10 way I guess. He is responsible for the welfare of his  
11 parishioners, for the financial end of it. He has  
12 responsibility for the direction that the Diocese goes in.  
13 He is responsible for his priests.

14 Q So he is an authority figure in the church who's actually  
15 over and above the authority figure of the priest?

16 A Absolutely. Absolutely. I mean there is only one Bishop  
17 to every Diocese and New Hampshire has only one Diocese,  
18 the Diocese of Manchester, so there's only one Bishop for  
19 all the State of New Hampshire.

20 Q You mentioned that Tom was perhaps more devout or more  
21 involved in the church than the other kids. How involved  
22 was he? What were your observations of Tom as he was  
23 growing up in the church and the sorts of things that he

1 did.

2 A All the kids were involved. I think it had more meaning to  
3 -- well. I certainly felt giving up the Christmas tree to  
4 serve with the Bishop was -- I am not even sure I  
5 encouraged that. It meant a lot to him. Tommy really  
6 believed in God and really believed that there was a  
7 protection or a sense of comfort that the church gave him  
8 and he involved himself in whatever was going on and there  
9 were a lot of activities over the years. He did attend  
10 Catholic school for two years. He didn't -- well, yeah,  
11 two years.

12 Q That was St. Joe's, I believe?

13 A St. Joe's in Keene.

14 Q Which is the primary school across the parking lot behind  
15 St. Bernard's rectory?

16 A Right.

17 Q What years did he attend St. Joseph's? What school years?

18 A Fifth and sixth grade.

19 Q Now your children are, I believe, eight kids in the family?

20 A Yes.

21 Q And they are all adopted, I believe?

22 A Yes.

23 Q And all of these kids are to my knowledge, and correct me

1 if I'm wrong, ethnically mixed, racially mixed, Tom being  
2 full-blooded Indian, some other kids black or some  
3 combinations of things?

4 A Right. They are -- have some minority race, yeah.

5 Q Why did you adopt all these ethnically mixed kids? This is  
6 a pretty lily-white community in this area?

7 A Well, we hadn't had any children and we really wanted  
8 children and we wanted a child to begin with very badly and  
9 thought it made sense to provide a home for a child that  
10 badly needed parents and in those days people weren't  
11 adopting minority race children. And so we did.

12 Q And one led to another and another and another?

13 A Yeah. My first child was beautiful and we just loved her  
14 and it just made sense that she not be the only native  
15 American child in the family because certainly she was in  
16 the community and it made sense that it would be easy for  
17 them as they grew to have the strength in each other and  
18 then a third child was native American and by that time I  
19 had formed an Adoptive Parents Group in New Hampshire.  
20 There had never been one and I wanted to meet people who  
21 had adoptive parents or had taken what they called in those  
22 days "hard to place children", and I became very active in  
23 that Adoptive Parents Group and very active in forming

1       clearing houses in different states so that if you wanted  
2       to adopt a black baby for instance, you know your state  
3       could assist you in getting that child from another state  
4       and so through that I became aware of some of my other  
5       children and when they didn't find homes, decided to take  
6       them; and then before I knew it, I had like five boys and  
7       one girl and she was saying, "This isn't fair, I need a  
8       sister." I mean the boys are great but -- and so again we  
9       went seeking a child that needed a home badly and we have  
10      found one and so then we had seven children and that seemed  
11      like a good number and I wasn't really looking to add to  
12      that number when Catholic Charities called me. They were  
13      not the agency we had adopted our children through but  
14      because I had formed the Adoptive Parents Group, I had  
15      worked with Catholic Charities because there were only  
16      three adoption areas in New Hampshire, either the State or  
17      Concord Family Services or Catholic Charities, Child and  
18      Family Services, Concord Family Services. Catholic  
19      Charities, a mistake from the four, and so I had worked  
20      with them and they were aware of us and our family and when  
21      this child was relinquished to them and they didn't have a  
22      black family for the child, we were their second choice I  
23      guess because he would have black siblings and so he came



1 to round out the family so we had eight.

2 Q That last one I guess would be Jamie, the youngest?

3 A Yes.

4 Q Prior to Gordon MacRae coming on the scene, had you ever  
5 had the priest, I guess Father Horan, over to the house for  
6 a meal or to visit?

7 A Yes.

8 Q What was that like, what was that about in your family  
9 having a priest over?

10 A Father Horan had been the Pastor in Keene when I had  
11 attended church in Keene before I was in Marlborough. I  
12 had known him long before I came to Marlborough and when he  
13 came to Marlborough, I mean it was a much smaller community  
14 and initially at least he didn't know many people in  
15 Marlborough as he had known so many people in Keene and  
16 initially it was a way of just -- until he got to know a  
17 lot of other people, just invite him over for dinner so he  
18 didn't have to eat alone on Sunday and we had a pool in the  
19 backyard. I think he might have come over and gone  
20 swimming with the kids once or something. I mean it wasn't  
21 frequent but initially the first couple years that he was  
22 there I think he came over more. I did see a lot of him  
23 because we were both on the school board together and so we

1 frequently rode back and forth together to school board  
2 meetings.

3 Q What was the relationship of the kids that I guess you then  
4 had in relation to Father Horan before MacRae came on the  
5 scene?

6 A They had a great deal of love and respect for Father Horan.

7 Q Now let me take you to the summer of '79 when Gordon MacRae  
8 comes on the scene as an intern or assistant in the parish  
9 and ask what was his relationship with your family after  
10 you described the homily and after I guess helping David  
11 with the homework assignment. How did he relate to the  
12 family that summer?

13 A He was at the house every day. He was there all the time.  
14 My house was very close by to the church. As I said, it  
15 was a great big house. I sort of had an open door policy.  
16 There were a lot of people at the house. I mean you know  
17 all my kids friends and their parents and we knew everybody  
18 in Marlborough and he was there almost every night I think  
19 and he would bring soda to the kids and Dunkin Donuts and I  
20 guess maybe pizzas or take them out for pizzas and that may  
21 not sound like much but when you have got 8 kids and you  
22 live on a tight budget I probably bought a couple of the  
23 big things of soda a week and I probably didn't buy Dunkin

1 Donuts so I mean it was really a treat. They loved it.  
2 Every time he came his arms were full of food and drink and  
3 they loved it.

4 Q And did Tom have a paper route or help any of the other  
5 boys with a paper route when he was growing up in  
6 Marlborough?

7 A They all had paper routes at one time or another. And I  
8 think maybe Tom and Jon had split a route. I'm not sure.

9 Q Do you know whether or not the Marlborough rectory was on  
10 the paper route?

11 A I'm quite sure it was.

12 Q When Tom was growing up in '79, '80, '81, was Tom the kind  
13 of kid to lie?

14 A Sure, he told me lies. I mean I suspect all my kids did.  
15 Yeah, he told me lies.

16 Q What was the nature of Tom's lying or falsehood or whatever  
17 you would call it?

18 A Well, usually it was what I would call like the sin of  
19 omission. It wasn't so much making up a story as not  
20 telling me the whole story of whatever. You know that I  
21 was finding bits and pieces about. I mean he didn't  
22 volunteer information. It would be like trying to get the  
23 story out of him. I mean that -- yeah, he did that.

1 Q In other areas not talking about falsehoods or that sort of  
2 thing, was Tom the kind of kid to volunteer information  
3 readily?

4 A No, no, he wasn't even about good things. I had to ask the  
5 right questions to get the right answers.

6 Q Just not a real open kid?

7 A No. Well I want to answer that fairly. It's not that he  
8 wasn't verbal and he didn't communicate, but he certainly  
9 wasn't the kind of kid to come home and say I flunked a  
10 test in school today or I got sent out in the hall. I mean  
11 no, he wouldn't. I would find out another way.

12 Q Other informants in the family I suppose?

13 A Well, yeah. It was a small town, too.

14 Q Now Tom had an older brother named Chris who I think at  
15 some stage joined the Air Force?

16 A That's my oldest son.

17 Q And do you recall whether or not Tom went on a trip with  
18 Gordon MacRae and Chris to take Chris either back to the  
19 Air Force or into the Air Force?

20 A I do recall that because of what happened that day. I do  
21 recall that quite clearly.

22 Q Tell us about what happened that day?

23 A Well Chris was home on leave and he was flying out of Logan

1 and he needed to arrive back to Logan and Gordon MacRae had  
2 probably volunteered to give him a ride. I don't remember  
3 that part. He often volunteered to do a lot of things to  
4 help the family. And on that particular day he was going  
5 to take Jon along for the ride but Jon missed the bus at  
6 school. He didn't come home on the first bus and they had  
7 to leave in order for Chris to get to Logan in time and so  
8 he took Thomas instead because Thomas was there and I  
9 remember it because after they had been gone for about ten  
10 minutes, I realized that Chris' manilla folder was laying  
11 on the table that had his orders in it which meant that he  
12 wouldn't be able to get on the base when he got there. I  
13 don't know that much about the military; but without those  
14 papers, he wouldn't have been able to and he needed the  
15 papers and there was no way for me to call so I got in my  
16 car and drove about as fast as I could have driven and  
17 caught them someplace near Bohn's Corner in Dublin. It's  
18 just the crossroads there in Dublin where the little gas  
19 station is. It's called Bohn's Corner.

20 Q Now I know what to call it.

21 A Maybe they don't call it that any more.

22 Q Was it your understanding that they were driving Chris  
23 directly to the airport at that time?

- 1 A I believe so. I guess that would have been the problem in  
2 not waiting for Jon to get home from school that they must  
3 have needed to leave by a certain time to get Chris there  
4 by a certain time. That part I'm -- it's a long time  
5 ago. I do remember that day because of having to drive and  
6 catch up with him to bring his papers to him.
- 7 Q Did anyone go with Chris and Gordon MacRae other than  
8 Chris?
- 9 A I'm sorry.
- 10 Q Who was in the car with Gordon MacRae and Chris going to  
11 the airport at that time?
- 12 A Thomas.
- 13 Q And how did Tom come to be present for that trip?
- 14 A Well, because Jonathon didn't come home from school that  
15 day I guess and so -- I'm not really sure whether they  
16 were going to stay overnight at Gordon's parents or  
17 mother's. I am not sure whether that was on that occasion  
18 or not. But I guess the plan was that he would take Jon  
19 and when Jon didn't get home in time then he took Tom.
- 20 Q Gordon's family lived down in Massachusetts someplace?
- 21 A Lynn, I think.
- 22 Q Lynn, Massachusetts?
- 23 A I think.

1 Q Now in 1979 at the close of the summer where Gordon MacRae  
2 had served his internship at Sacred Heart, did you write a  
3 critique of Gordon and his activities with the church and  
4 family that summer?

5 A Yes, I did.

6 Q And was that -- was that highly critical, complimentary,  
7 what was your recollection of what you wrote about him in  
8 '79 at the end of the summer?

9 A Well, I don't have much recollection. I don't think it  
10 would have been highly critical because I liked him so I am  
11 sure I said positive things.

12 Q All the kids seemed to like him too?

13 A Yes.

14 Q When he was in the family setting did he show the children  
15 a lot of attention?

16 A Yes.

17 Q And how did the children respond to that?

18 A Well, like I said, I mean well he was young then. I mean  
19 he was closer to their age than me. I mean somewhere in  
20 between and he didn't act a lot like a priest and -- he  
21 wasn't. He was in the seminary at that time. He was  
22 funny. He told a lot of jokes, some of them probably jokes  
23 I would rather he wasn't telling them but I mean they

1           thought it was funny. He was just always very helpful,  
2           offering to be helpful.

3    Q       How was he treated in the family? Just as a regular member  
4           of the Laity? He wasn't a priest yet, he was just a  
5           seminary student. What was his relationship in the family  
6           concerning his position in the church?

7    A       Well, I think that even though there is a big difference  
8           between being a Seminarian and being a priest, that wasn't  
9           all that clear to the kids or even to me I guess. When I  
10          think back on it, I mean to me I elected my profession,  
11          what I do, but I thought priests were chosen. So I guess  
12          if you were a Seminarian, that that made you very close to  
13          being a priest and so I mean I certainly had the utmost  
14          trust and faith in him to be genuine in his apparent  
15          concern and caring for my family.

16   Q       Priests are chosen. Chosen by whom?

17   A       God.

18   Q       During the -- after Gordon MacRae left Marlborough after  
19          that first summer in 1979, did he maintain contact with you  
20          and your family?

21   A       Yes.

22   Q       Can you give us an example in the autumn of '79, for  
23          example, did he have contact?



1 A He always had contact. I'm not sure specifically if he --  
2 I mean there were many years when he came to our house for  
3 Thanksgiving or perhaps that was in '79. I'm not sure of  
4 the dates.

5 Q Let me ask you this. Was there ever an occasion where he  
6 had sent any gifts from the World Series?

7 A Oh yeah. Yeah, there were tickets and hats. There was  
8 something that he gave a couple of the boys who were -- I  
9 think it was Philadelphia that year that was in the World  
10 Series.

11 Q Philadelphia and Baltimore?

12 A Maybe.

13 Q Where was Gordon MacRae going to Seminary?

14 A St. Mary's in Baltimore.

15 Q And while I think of it here, let me show you a couple of  
16 photographs. One is marked Exhibit C-5 and I will ask if  
17 you recollect what that photograph is?

18 A That's Thanksgiving at our house in Marlborough.

19 Q I think at some stage you had moved from Marlborough into  
20 Keene and that was after your separation and divorce?

21 A I was separated in '82, divorced in '83 and moved to Keene  
22 in '84.

23 Q And that's a 1983 Thanksgiving?

1 A Yes. That's what's written on it.

2 Q And does the photograph comport with your recollection of  
3 Thanksgiving of '83 which would have been your last one in  
4 Marlborough, I guess?

5 A I don't know that I have a great deal of recollection about  
6 that as a specific day but certainly this is my family at  
7 Thanksgiving and looking at Thomas' hair cut, I would know  
8 how old he was because he went to football camp and came  
9 home with that hair cut. It's like a mohawk hair cut. I  
10 do remember that.

11 Q And how old would Tom have been there?

12 A Well, I think that would probably be eighth grade and I  
13 think probably --

14 Q If you're not sure I won't --

15 A I think eighth grade. I have to stop --

16 Q Well, take your time. As I say, if it's not a fair  
17 question I won't ask you to --

18 A My children are so close in age it gets very confusing to  
19 remember who was in what grade in what year.

20 Q And Tom's birthday is late in the year as opposed to some  
21 of the other kids?

22 A Tom is a November birthday.

23 Q And as you look at that photograph, was that your dining

1 room, living room in Marlborough?

2 A Yeah, actually this was the living room. The dining room  
3 wasn't big enough. The living room, we always set up  
4 tables that went down because it was a double living room.

5 Q And is Gordon MacRae in that photograph?

6 A Yes, he is. He is sitting at one end and my mother is at  
7 the other.

8 Q Of the table?

9 A Yes.

10 Q Let me ask you to take a look at this photograph please  
11 which is marked C-3 and ask if you can tell us what that  
12 is?

13 A Well, this is Thanksgiving also but this is after we moved  
14 to Keene.

15 Q And Keene I think you lived on Butternut Drive then?

16 A We did.

17 Q And that would be the interior of the house at Butternut  
18 Drive?

19 A That's downstairs in the family room.

20 Q And it says on the back of the photograph there, I it says  
21 I think 1984. Would the scene there, I guess with your  
22 mother and again Gordon MacRae is it, would that be  
23 consistent with your recollection of '84, Thanksgiving, if

1       you can say?

2   A    I would say it had to be '84, '85. I have pictures in an  
3       album that I do have them dated by the album but not by the  
4       picture.

5   Q    And let me ask you to look at these other photographs which  
6       are all part of the C series and just have a look at those  
7       generally please. And are those additional photographs of  
8       Gordon MacRae over at the house or involved with the family  
9       over the years?

10  A    Yes.

11  Q    When Gordon MacRae was over at the house with the kids and  
12       that sort of thing, did he ever make runs to the store for  
13       groceries, pizzas, treats, things like that?

14  A    Yes, frequently.

15  Q    Ever take some or all the kids along from time to time in  
16       those trips?

17  A    Sure.

18  Q    Pretty regular thing?

19  A    Yes.

20  Q    Do you recall sometimes when Tom may have gone on some of  
21       those trips with Gordon MacRae?

22  A    Yes. I mean it would be hard for me to be specific but he  
23       didn't take the kids in groups. He usually took one at a

1 time.

2 Q Now, Gordon MacRae's first contact with the family appears  
3 to be established in the summer of 1979 when he has I guess  
4 finished his first year in the seminary and comes as an  
5 internship in the seminary. Do you, from your contacts  
6 with Mr. MacRae over the years, can you kind of outline to  
7 the best of your recollection where he was and what he was  
8 doing after that first summer until he ultimately arrived  
9 here in Keene as a priest?

10 A Well, after that first summer he went back to St. Mary's in  
11 Baltimore and the next two summers I am not sure. One  
12 summer I believe he was in Groveton and one summer he was  
13 back in Keene at St. Margaret Mary's, the other Catholic  
14 Church in Keene.

15 Q That's over on the west side?

16 A It is. I think maybe Groveton came in between and then he  
17 was back to Keene that third year but I am not really clear  
18 on that.

19 Q Could have been either way?

20 A It could have been either way.

21 Q And when he was at St. Margaret Mary's and when he was at  
22 Groveton, did he continue to have contact with your family?

23 A Oh, yes.

1 Q When he was at Groveton for example, whatever year that was  
2 or summer that was as an intern. What contacts do you  
3 recall he had with the family?

4 A He would call, he would come by, he stayed overnight at the  
5 home at our house sometimes.

6 Q Groveton is a fairly good way from Marlborough?

7 A It's a long drive.

8 Q And he still managed to be able to drop by from time to  
9 time?

10 A Yeah, he did. There was a boy that he helped care for or  
11 something. I can remember him bringing him to the house.  
12 He was the age of one of my boys.

13 Q The summer he spent at St. Margaret Mary's I guess  
14 presumably as another summer intern, did he have contacts  
15 with your family that summer?

16 A Yes.

17 Q And what sorts of contacts do you recall?

18 A Well probably not as frequent as the summer when he was  
19 just across the street more or less in Marlborough but very  
20 frequent contact..

21 Q Again visiting the home on a regular basis?

22 A Yeah, you know he would take different ones of the kids  
23 out. He used to go to Friendly's a lot and Pizza Hut and

1 Wendy's and it was a big treat.

2 Q Take the kids out for a treat for lunch?

3 A Yeah. We didn't go out to eat a lot as a family.

4 Q The kids otherwise wouldn't probably have an opportunity to  
5 go on any other regular basis but for Gordon MacRae?

6 A That's true. I don't recall that -- I think once I took  
7 the whole family to McDonald's and it cost me what was a  
8 lot of money then and within a half hour after we got home,  
9 we were making dinner because it didn't fill them up so it  
10 was a waste of money to do that kind of thing as far as I  
11 was concerned and I didn't have money to waste.

12 Q Do you remember when Gordon MacRae was ordained, that is  
13 admitted to the priest of the Catholic church?

14 A Yes, I do.

15 Q What specific recollection do you have of that?

16 A Well we were invited as a family and we all went to his  
17 ordination minus Christopher I believe. No, maybe not  
18 minus Christopher.

19 Q Where was the ordination, do you recall?

20 A In Hudson.

21 Q And do you remember what year that was?

22 A '82 I think. I'm -- I might be wrong.

23 Q And you say the whole family went to the ordination?

1 A Yes.

2 Q Is that a typical thing, an unusual thing? What was that  
3 about?

4 A Well, I don't know because I didn't go to a lot of  
5 ordinations so I don't know typically, but we were all  
6 invited as a family and he certainly told us it was  
7 important to him that we all be there and we all went and  
8 we went back the next day for his first Mass.

9 Q Tom, Jon, David, your daughters, all part of that?

10 A All the kids.

11 Q Do you recall where you sat in church during the  
12 ordination?

13 A Yes, I think I do. I think we were on the left-hand side  
14 fairly close to the front.

15 Q Typically were they assigned seats or just open seating if  
16 you recall?

17 A I think someone seated us.

18 Q Was that a position that anybody could go in with the  
19 church and just sit down front like that or was that  
20 special for you guys in the family?

21 A I expect that priests get to invite who they want to their  
22 ordination. Maybe if they are in a big cathedral anybody  
23 can go in and watch the ceremony but I suspect they get to



1           select -- this is not a big church so I suspect they were  
2           invited.

3   Q       This isn't like the National Cathedral in Washington?

4   A       No.

5   Q       What was the family's response to being able to go to the  
6           ordination in the first Mass of father MacRae?

7   A       Well maybe you should ask mine because I mean -- it was a  
8           privilege. I was thrilled to go and as I may or may not  
9           have said before, probably wasn't very optional for the  
10          kids. I mean we were Catholic and that's what you did and  
11          so if they weren't thrilled, they probably wouldn't have  
12          told me.

13   Q       They were damn well going to be thrilled?

14   A       Well I hope it wasn't quite like that but you know.

15   Q       I'm sorry. So it appears that not only did you have  
16           someone in the family who was a priest or about to be a  
17           priest and special in that way but was Gordon MacRae a  
18           friend of the family as well?

19   A       Yeah, I thought he was.

20   Q       Do you recall where Gordon's first assignment was as a  
21           priest following his ordination?

22   A       Hampton.

23   Q       And do you know approximately how long he was there?

1 A A year.

2 Q And did you and the family have any contact with him when  
3 he was over officiating as a priest in Hampton?

4 A Yes, talked to him frequently, talked to him on the phone,  
5 letters. We stopped once. We went to Hampton Beach and on  
6 the way back from Hampton Beach, we stopped at the rectory  
7 and saw him there. I don't think I had ever been into  
8 Hampton before but I think one of the boys had been there  
9 before and so they knew how to get there and so we stopped  
10 and I think on more than one occasion he stayed at our  
11 house, you know came to Keene and slept at our house.

12 Q So again trying to maintain the contact with the family  
13 friend who happened to be a priest as well?

14 A Um-hmm.

15 Q Do you recall when Gordon MacRae first arrived in Keene to  
16 be a priest at St. Bernard's if you recall?

17 A Oh, yeah. Sure, I recall. I mean he had told me that he  
18 thought he was going to come to Keene sometime in advance  
19 of that. We had frequent contact I think -- I remember  
20 telling him on the phone that my husband and I had  
21 separated and he expressed concern for the family and  
22 whatever and I think perhaps we had more frequent contact  
23 with him from say February to June and I expect it was June

1           when he came to Keene. I think most of the assignments are  
2           May or June when the priests move.

3   Q       Now you mentioned earlier on your husband's separation from  
4           the family and ultimately your divorce. Do you remember  
5           approximately when the separation was?

6   A       January of '82.

7   Q       And when was the divorce finalized?

8   A       August of '83.

9   Q       Did any of the kids actually go to court during the  
10          divorce, the finalization proceeding?

11   A       No, I don't believe so.

12   Q       What's your perception of how the kids took your separation  
13          from Elmer?

14   A       It was pretty awful for them. They had already lost one  
15          set of parents. And I don't think any adopted child feels  
16          as secure as those of us born into a family. It always  
17          feels like there is a missing piece or so to have us  
18          separate, and seven of them were teen-agers at the time and  
19          most of them are boys so it was really pretty traumatic.

20   Q       So the father role model is out of the family at a time  
21          when all those hormones are raging?

22   A       Yes.

23   Q       Did anybody during the course of '82, '83 and you're going

1 through the divorce, separation process, maybe even beyond  
2 that, anybody step in to assist?

3 A In what way do you mean?

4 Q Well, in terms of trying to provide support for the boys  
5 and the family, that sort of thing?

6 A (Witness nodded affirmatively). Our friend Gordon MacRae.

7 Q And '82 and '83, up to the time that he actually was  
8 assigned here in Keene and in I think June of '83 what help  
9 was he able to give with you regard to the family now that  
10 he, Elmer, was no longer living with you in Marlborough?

11 A Well, I mean he listened, I talked to him. I mean I had  
12 daily concerns about different kids in the family. I would  
13 share those concerns with him. And he would say, well, you  
14 know let me talk to them or let me you know -- I'll take  
15 him out, you know for something to eat or later on when he  
16 was in Keene and said well let me take him out to the  
17 rectory and talk with him or sometimes he would take kids  
18 overnight.

19 Q Was it your understanding that during this time, '82, '83  
20 when he would have contact with the kids that he was  
21 engaged in counseling them for any number of problems they  
22 had growing up or whatever?

23 A I think any time that he -- any time that he talked to

1       them in that vain, whether it was labeled counseling or  
2       not, the assumption was that that's what it was. I mean he  
3       had told me that he had his Master's in Theology and his  
4       Master's in counseling. He was obviously very bright, very  
5       bright, probably one of the brightest young men I had met.  
6       And if you have seven adopted minority race teen-agers, and  
7       you're single parenting them, you will take help wherever  
8       it comes from and it came from a priest. It felt like the  
9       right thing for the kids.

10    Q     Well, God was smiling?

11    A     Um-hmm.

12    Q     Did something happen with Jamie that helped you to cement  
13       your trust in Gordon MacRae and with your family?

14    A     Yes.

15    Q     What was that please?

16    A     We had a pool in our back yard and Jamie was the youngest  
17       child and he would have been five that summer, maybe four  
18       turning five, and I was chairman of the Fresh Air Fund. I  
19       don't know if you know what the Fresh Air Fund is.

20    Q     Describe that for us.

21    A     The Fresh Air Fund was started in New York City over a  
22       hundred years ago and it was to bring city children into  
23       the country for the summer for two or four weeks for

1 vacation to get them out of the city in the summer and we  
2 had had Fresh Air children for years and years and I had  
3 been involved in it and been the chairman for years and  
4 years and it involved a great deal of paperwork because we  
5 would place 90 to a hundred children in the Keene area for  
6 a two to four week period in the summer and you had to  
7 check out all the families and match up the kids and if  
8 there were problems, change the kids and then if there were  
9 problems again you'd have to send them home but I would  
10 always keep the kids so in the summer our population grew  
11 by several kids but there was a lot of paperwork that  
12 couldn't be put off. It had to be done. Medical papers.  
13 And Jamie wasn't allowed to go out to the pool unless I was  
14 with him and on that particular day I was finishing up the  
15 paperwork and he was saying come on, come on, come on and  
16 there were three kids that were out in the pool but that  
17 wasn't their responsibility. It was mine so he wasn't  
18 allowed to go out and finally as we headed out the kitchen  
19 door to the pool the phone rang and I went to answer the  
20 phone and he said, "Come on." I said, "Go ahead. I will  
21 be right there" and I swear to God I was only on the phone  
22 30 seconds when I heard my daughter scream this blood  
23 curdling scream and I ran outside and my son, David, was

1 holding his body in his arms and he had gone in the pool  
2 and they didn't even see him because there was a floating  
3 raft in the pool and he had tried to reach out and grab it  
4 and of course it went up in the air and he went down  
5 underneath. And my son, Jon, had come around the side of  
6 the house and had seen his body floating. And his stomach  
7 was all distended and his eyes were wide open and he had  
8 bit through his lip and it was bleeding and he was dead and  
9 my son, David, had gone into shock and he was just holding  
10 him there in his arms and Susan grabbed him and banged his  
11 back over the edge of the pool and nothing happened and I  
12 screamed I was going to go inside and call 911. I don't  
13 even have 911 but to call the ambulance and she did and I  
14 put him on the ground and I started to do CPR and I didn't  
15 even know CPR and here I had a pool with eight kids and I  
16 don't know how I could have been so stupid but I didn't  
17 know CPR or what I was doing and I had left him there and I  
18 ran back in the house thinking my daughter wasn't doing it  
19 fast enough and hung up the phone on her. She ran around  
20 and banged on neighbors' doors and I went back out and all  
21 of a sudden there was someone beside me that pushed me out  
22 of the way and it was Gordon MacRae and he did CPR and he  
23 brought him around and the ambulance came and they put him

1 in the ambulance. He couldn't see. They said I don't  
2 know, some little muscle in the eye or something goes first  
3 and the ambulance took him to the hospital and Gordon took  
4 me in his car behind him and by that time half the town had  
5 turned out in my backyard and they were there with my other  
6 kids and he survived without any serious damage. It was a  
7 long night but he is okay.

8 THE COURT: Attorney Reynolds. I'm going to call a recess,  
9 the noon recess at this point. And what we'll do is we'll  
10 be back here at at quarter past one.

11 So, bailiff, take charge of the jury.

12 (Luncheon Recess)  
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## AFTERNOON SESSION

MR. REYNOLDS: Your Honor, may we approach?

THE COURT: Please.

(Discussion held off the record.)

THE COURT: Attorney Reynolds.

MR. REYNOLDS: If it please the Court. Good afternoon.

PATRICIA GROVER

(Resumed)

**CONTINUED DIRECT EXAMINATION**

BY MR. REYNOLDS:

Q Take us back, please, to when you first believed that Tom was beginning to have an alcohol and/or drug problem?

A I think he was about 13.

Q And so that would be '81, late '81?

A He was born in '67. Yes. Yeah.

Q Did that problem appear to be exacerbated by the separation of Elmer from the family in '82, early '82?

A Yes. I mean, it certainly was getting worse.

Q So we don't know if there's a causal relationship but it was getting worse during the period of time?

A I couldn't prove it was. I mean, I guess I would assume that it might be connected.

Q And as you went into '82 and into '83, did you have any

1       conversations with then Father MacRae about your concerns  
2       and Tom's alcohol use?

3   A    Yes, many.

4   Q    Can you give us the gist of some of those conversations?  
5       Give us an overall view of what your concerns were and what  
6       you expressed to MacRae and that part of the conversation?

7   A    Well, I guess I had always been worried for the potential  
8       because I knew that, that Tom was the 15th birth to a 34  
9       year old woman and that both parents were alcoholics and  
10       that's why they eventually lost their children. And so I  
11       guess I had always worried and some of the early behaviors  
12       that I saw in Tom that I didn't understand where they came  
13       from, I had attempted to educate myself to understand  
14       more. And part of my education was from Gordon MacRae, who  
15       had his Masters. He told me he had his Masters in  
16       counseling and had had an issue with drinking himself, and  
17       most alcohol counselors are recovering alcoholics, in my  
18       understanding. I mean, they certainly understand the  
19       problem more than people who have not had the problem and  
20       so I frequently talked about my concerns. I mean, my older  
21       boys had not had any problem with alcohol. I had suspected  
22       they probably had a beer someplace but, I mean, there was  
23       no issue with drinking at all. And Tom was very young but

1 he was big and looked older than he was and I was very  
2 concerned to know what to do. I even went to a couple of  
3 Al-Anon meetings but they were all talking about spouses  
4 and to just get out and leave a relationship and take care  
5 of yourself. Well, you don't get out and leave the  
6 relationship with your 13 year old son. I mean, nothing  
7 really spoke to what my issue was. So my parents were  
8 elderly and they were ill and I have one sibling and he  
9 lives on the other side of the country and, I mean, I  
10 shared it with Gordon MacRae.

11 Q Did you and Gordon together, or did he come up with some  
12 sort of plan or some idea of what to do with Tom concerning  
13 the fears and suspicions, I guess more than suspicions, of  
14 Tom's alcohol abuse?

15 A At that point or later on?

16 Q Well, '82 and then upon Gordon's referral in '83. I'm  
17 looking for the flavor of what that dynamic was on Gordon's  
18 arrival?

19 A Certainly by then I was concerned about Tommy's drinking  
20 and the resulting behaviors or the connected behaviors or  
21 whatever. He would talk to him. I mean, I'd call it  
22 counseling everything. I don't know that we said, "Go to  
23 counseling sessions," but, I mean, he would say, you know,

1 "Let me talk to him," and he would talk to me about--

2 Q "He." Who would talk to you?

3 A Gordon.

4 Q Oh.

5 A Would talk to me about be more firm with him and not  
6 enabling him and not, you know, letting him control me or  
7 by his behaviors. All things that I think essentially are  
8 correct, you know. I found it very hard to walk a line of  
9 not--. I mean, I couldn't very well say, "Get out of my  
10 life," or not that I wanted to but he was a sympathetic ear  
11 and had an interest in the kids, and I don't know if I can  
12 be much more specific than that at that time. I know later  
13 on he assisted in a couple of treatments, in finding  
14 treatment places for Tom.

15 Q Well, let me take you to this. When Gordon MacRae arrived  
16 on the scene in June of 1983, how did things progress and  
17 what was your understanding of how things were progressing  
18 in terms of dealing with Tom's problem?

19 A Well, he talked with Tom frequently and, I mean, it's not a  
20 tangible thing. It's not something--

21 Q Sure. I'm looking for the dynamic, as best you can  
22 describe it.

23 A I trusted that he had the knowledge and expertise that I

1        didn't. I was too emotionally involved. I think I had a  
2        great deal of compassion for Tommy and the circumstances of  
3        his whole life and although I was very realistic about his  
4        behavior or his drinking or whatever, I found it really  
5        hard to be really angry or firm with him. I can remember  
6        looking in the telephone book, all the social services  
7        listed, thinking there must be somebody that knows how I  
8        can help him. And when Gordon came to Keene to be in Keene  
9        at St. Bernard's in '83, it was a great relief to me  
10       because I knew he cared about us as a family and about  
11       Tommy as an individual and I felt he would help.

12    Q     And did you encourage Tom to talk with Gordon MacRae about  
13       the alcohol problem?

14    A     Oh, I certainly did.

15    Q     Was there an understanding between you and Tom that he must  
16       engage with Father MacRae about these issues?

17    A     Probably an understanding. I mean, I don't think it was  
18       like, you know, like you will go to you're trumpet lesson  
19       or something but it was an understanding that this was  
20       somebody who understood the problem and could help.

21    Q     Did Tom--. I'm not looking for, you know, every Tuesday  
22       afternoon at 3:00 p.m. or something like that, but in 1983,  
23       the summer of 1983 and from then on, did Tom regularly meet

1 with Gordon MacRae at the rectory, to your understanding,  
2 to discuss problems that he was having?

3 A I know he frequently went to the rectory and, yes, I know  
4 he met with him. I don't believe there was a regular  
5 schedule for that. Several friends would drop him off. I  
6 mean, sometimes I took him down but quite frequently Gordon  
7 was at our house too so it's hard for me to reconstruct  
8 exactly this sequence that many years ago.

9 Q But this began certainly in 1983, you're indicating, is  
10 that fair?

11 A I think that's fair.

12 Q In terms of Gordon MacRae being accessible for Tom to try  
13 to deal with these personal problems?

14 A Yes.

15 Q Was it your understanding that Tom was receiving pastoral  
16 counseling for his alcohol problem from Gordon MacRae?

17 A Yeah. Again, I don't--. I don't think it was like a  
18 discussion that I had with Gordon MacRae about, "You will  
19 counsel him on such and such a day," and all this. It was  
20 just part of a flow. I mean, I knew the problem, he knew  
21 the problem, Tom knew the problem and he was there to help  
22 and most often he was volunteering more than I was  
23 organizing.

1 Q Volunteering to talk with Tom?

2 A Right.

3 Q After Elmer separated from you and the family, was Tom the  
4 sort of person, the sort of person growing up in the  
5 remainder of the family to share secrets with you?

6 A No. By the time we separated, he would have been 14,  
7 turning 15, I think.

8 Q Separation is January of '82.

9 A So I think that makes him--. Is my math wrong? That makes  
10 him 14. He would have been 15 that November.

11 Q Of '82. Just want to be sure we're doing the numbers.

12 A Yeah. I'm sorry. What was your question?

13 Q I'm sorry. The question was, was he the sort of person who  
14 would share secrets with you starting from about the time  
15 that Elmer left home?

16 A No. Of course, he was at that age where I don't think boys  
17 are probably inclined to share too many secrets with their  
18 mother anyway, but I also think if there was something  
19 going on in the family, that Tom would have been more the  
20 type to protect me from information. I think that might  
21 have been the way he might think about it, to protect me  
22 from whatever.

23 Q Let me ask you this. At some stage I think there was,

1 along about the time that Elmer Grover separated from the  
2 family, there was some sort of receipt or credit card  
3 receipt for a gift or something that Tom found? Do you  
4 recollect what that was about?

5 A Yes, I do.

6 Q What was that about, please?

7 A Thomas had picked this up in our driveway and it was a--.  
8 I don't know how to say it. It was a form from the  
9 insurance company that his father worked for and he brought  
10 it to me thinking that his father had dropped something in  
11 the driveway and that we should have it. But when I looked  
12 at the form, what the form told me was that his father had  
13 borrowed money from his mother, Tom's grandmother, Tom's  
14 paternal grandmother, because he was staying away from the  
15 family more and more and eating all his meals out and  
16 whatever, and his mother was living in elderly housing and  
17 didn't have any money I felt that was really a low thing to  
18 do and I was angry when I saw the receipt and I confronted  
19 him about taking advantage of his mother so that he would  
20 have spending money.

21 Q Was the nature of the appearance of that in the family such  
22 that the kids or Tom would have been upset about that  
23 disclosure and felt responsible?



1 A When I look back on it, yes. At the time, I would not have  
2 made the connection but it was within a very few days after  
3 that that he left home.

4 Q So in the mind of a 14 year old, this might have  
5 precipitated the divorce?

6 A In the mind of a 14 year old.

7 Q Did you in 1983, after MacRae arrived, did you encourage  
8 Tom to spend time with him?

9 A Sure. I encouraged all the kids to spend time with him.

10 Q And in 1983, the summer and early autumn of 1983, was Tom  
11 ever permitted to spend any overnights at the rectory in  
12 Keene?

13 A In '83?

14 Q Yes, the first year that Mr. MacRae is at the rectory, if  
15 you recall?

16 A I honestly can't be sure because other children stayed out  
17 there too and to say, you know, when Tom did, I'm just not,  
18 I'm not sure.

19 Q Let me ask you. During the time MacRae was at the rectory  
20 at St. Bernard's, did you give Tom authorization to go over  
21 and spend overnights at the rectory?

22 A I knew that he spent overnights at the rectory.

23 Q You just don't remember exactly when?

1 A I don't.

2 Q In the summer of 1983, did Gordon MacRae continue to  
3 provide benefits and gifts or lunches and things for the  
4 other kids as well as Tom?

5 A Oh, yes, yes. He frequently came bearing gifts, food,  
6 other things too.

7 Q And if you were going to go back to that first summer and  
8 into the fall of 1983, what would you, based on what you  
9 know, what would you estimate the frequency of Tom's  
10 contacts were with the defendant that summer and fall?

11 A I would say they would have been very frequent because he  
12 was frequently in our home and they saw him outside of the  
13 home too, but I would have said he had frequent contacts  
14 with many members of my family.

15 Q And how about Tom specifically, contacts with the defendant  
16 in Keene, such as you're able to reconstruct?

17 A Again you're asking about when he would have been at the  
18 rectory?

19 Q Yes. Not necessarily for overnights but just to have  
20 access to Father MacRae?

21 A Again, I haven't really --. I mean, he took him to the  
22 movies, he took them out the eat. And I tried to focus on  
23 Thomas but it's very hard for me to separate. I had no

1 reason to separate one child from another.

2 Q Is it fair to say repeated contact throughout that period  
3 with all the kids?

4 A Yes, that's fair to say.

5 Q And would MacRae normally take several kids together as a  
6 group or individually?

7 A Almost never. He always took them individually. In fact,  
8 I think that on more than one occasion I spoke to him about  
9 that because sometimes somebody's feelings would be hurt  
10 because, you know, they weren't the one going and I talked  
11 to him about that and how it felt to be the other kid who  
12 was only, you know, a year different in age and wanted to  
13 be able to go too.

14 Q So if anything, you were concerned that Tom was spending  
15 too much time in relation to the other kids because the  
16 other kids might be jealous?

17 A Or--. Yeah.

18 Q Or hurt or--

19 A You know, whatever the situation was involving whatever  
20 child. I want to make sure.

21 Q Yes?

22 A I don't recall that he spent more or less time with Tom  
23 than he did with some of the other kids. I mean, that was

1           why I have a hard time separating that all out.

2   Q       Sure. Do you recognize the name Kathy Murray?

3   A       Yes, I do.

4   Q       Describe, if you will for us please, Kathy Murray who I  
5           think is now known as Kathy Hall?

6   A       That's right.

7   Q       What relationship did she have with your family back in  
8           `82, `83, if you recall?

9   A       Kathy was a classmate of one of my sons and began to come  
10           to our house on occasion and met Thomas that way. She was  
11           a couple of years older than Thomas and I could see them  
12           sitting outside on the ramp, you know, talking and a  
13           friendship developed that turned into a boyfriend-  
14           girlfriend relationship.

15   Q       And over what kind of time did that turn from a friendship  
16           into a boyfriend-girlfriend? When were they, say, hot and  
17           heavy in life, say, to the best of your recollection?

18   A       Oh, maybe six months, or something to that effect.

19   Q       After their relationship began?

20   A       Yeah, because I think initially, I mean, she was more a  
21           friend of one of his brothers and was coming over there  
22           because she sort of had a crush on another brother or  
23           something. But then they became friends. They just did a

1 lot of talking, and I think it was awhile before I realized  
2 it was a relationship. They might have realized it earlier  
3 than I did.

4 Q But you don't know?

5 A Pardon?

6 Q But you don't know?

7 A No.

8 Q So when did Kathy's contact with Tom begin such that  
9 ultimately it blossomed into more than a friendship?

10 A Well, it began that year.

11 Q Summer of '83?

12 A Yeah. Summer, fall, yeah.

13 Q Did you have some concerns about the relationship between  
14 Kathy and Tom such that you felt that Kathy might perceive  
15 there was some problems with you and her and the  
16 relationship?

17 A I guess that it was because she was older, that concerned  
18 me, and because Tommy was drinking and there were parties  
19 and it gave him more accessibility to parties at an earlier  
20 age than he might have had otherwise. I was concerned  
21 about that. And she probably saw me as an overly concerned  
22 or over protective, or, mother. I mean, I don't really  
23 know. I never had that discussion with Kathy. I mean,

1           certainly our relationship over the years has been fine and  
2           is okay now.

3   Q       Were you, in terms of this relationship, trying to protect  
4           Tom?

5   A       Well, yes, but eventually I was trying to protect Kathy  
6           too.

7   Q       How come?

8   A       Moving ahead from '83.

9   Q       Yes.

10   A       Yes. Well, Kathy became pregnant and Tom was 16 and she  
11           was a freshman in college, and by that time there was no  
12           question that alcohol was a problem. Certainly, I mean, to  
13           other people too and probably drug use. I mean, I can't  
14           prove that but I grew up in a generation where there  
15           weren't drugs so I wasn't as knowledgeable about  
16           recognizing drug use as perhaps people would be now. And  
17           when she got pregnant, he was a sophomore in high school.  
18           He couldn't take care of himself, never mind anyone else.  
19           Kathy was a nice girl with a good head on her shoulders but  
20           she was in love and she was pregnant and they wanted to get  
21           married, and I didn't think that was a good idea because I  
22           thought that she --. And I can't believe I didn't think it  
23           was a good idea because I certainly believe in marriage pre

1 children but I could only see Kathy and the baby suffering  
2 what my family was suffering as we tried to live with this  
3 alcoholic teenager who was, you know, out of control in his  
4 life and so, you know, I didn't want them to get married.

5 Q Describe for us, please, from the arrival of Gordon MacRae  
6 in the summer of 1983, Tom's basically slide until he  
7 finally left the State and went out to California?

8 A Well, it was just awful. It got worse and worse. He  
9 didn't remain in school because he wasn't showing up in  
10 school a good share of the time and he got a job and, I  
11 mean, he's a good, hard worker and a good worker but he  
12 wasn't very consistent and, you know, so he didn't keep  
13 jobs and he made some poor choices and just did some dumb  
14 things that teenagers do and--

15 Q Alcohol use continue to get worse and worse?

16 A It did. It did, and finally we talked about going into  
17 treatment. I think at that point he wanted to, too. I  
18 mean, he didn't want his life to be the way it was and so  
19 he went into Beech Hill. I think actually that Gordon  
20 MacRae made a phone call or two but, to assist in, to talk  
21 to somebody about, you know, him being admitted there.

22 Q Found a slot for him or something?

23 A Yeah, something like that, and I took Tommy over for the

1 interviews and I took Tommy the day he was admitted.

2 Q Ultimately Tom's been in a number of treatment facilities,,  
3 some with more and some with less success, I guess, fair to  
4 say?

5 A Yeah.

6 Q In 1987, was it, Tom went to Derby Lodge up north in  
7 Groveton Berlin someplace way up state?

8 A It's in Berlin.

9 Q What role to your understanding did Gordon MacRae play in  
10 facilitating what he did, Tom going to Derby Lodge?

11 A That's one that I've never heard of, Derby's Lodge, but--.  
12 And it had gotten to the point Gordon was counseling me, I  
13 guess, probably at that point as much as he was Thomas,  
14 just saying that I was enabling him by forgiving him or  
15 letting him come back in the house. The only way for him  
16 to try and help himself was to hit rock bottom and I had to  
17 stop putting my arm out catching him and most of that  
18 summer as a result, therefore, Gordon's, he's telling me  
19 how to handle the situation. I had finally come to say  
20 that, "You may not remain in this house if you're drinking  
21 or using alcohol, you know, using drugs, and that's that,"  
22 that there were younger children, everyone was being  
23 affected by it, but it was hard to do because he didn't



1        have a place to go and he didn't have a place to live and I  
2        knew he was sleeping in John's barn and he would come back  
3        and forth to the house. And I remember one particular  
4        evening he had come to the house to fix his younger  
5        brother's bicycle and he'd worked on it all night but he  
6        didn't have it done. And it was late and it was, I think  
7        it was in July and it was really a cold July night and the  
8        wind was blowing, it was raining real hard. And it got to  
9        be like ten minutes of 11:00 and I knew he was waiting for  
10       me to say, "Just stay here and sleep tonight," but I kept  
11       remembering what (witness crying) Gordon had told me and  
12       that was that, you know, "If you do that then you rescue  
13       him one more time," you know, "You have to be firm." And so  
14       he finally said, "Well, I'll come back out tomorrow and  
15       finish fixing Jay's bike," and I said, "Okay," and I let  
16       him go out the door with the bottoms falling off his shoes  
17       and no jacket and no place to sleep and I shut the door  
18       (crying) and cried all night long.

19       And the next day I was driving down Court Street,  
20       actually I was going to try and find him, and I met, I met  
21       him. He was in Gordon's car and we pulled over where  
22       Cheshire County Savings Bank is on Court Street into that  
23       parking lot and Gordon got out and talked to me while Tommy

1 sat in the car. And he said that Thomas had come to him  
2 and said, "I need help. If even my own mother doesn't  
3 respect or love me any more, then I need help." And so he  
4 said he'd already made some phone calls and he could get  
5 him into Derby Lodge, and I was so grateful. And he did  
6 and he drove him there and then I went up later to see him  
7 there.

8 Q Ultimately did Gordon MacRae become kind of an intermediary  
9 between you and Tom?

10 A Yeah, he sure did, to the point where I got confused about  
11 it. Almost, it almost felt like he was telling me one  
12 thing and then doing another. Like he would tell me not to  
13 enable him and not to give him money and then he'd turn  
14 around and do it and it was like, "Well, I don't  
15 understand, if you're telling me not to do it and you do  
16 it." "Well, that's different. I'm not family," he'd say,  
17 you know. At times it really felt intrusive but I think  
18 that only kind of circled around the outside of my mind. I  
19 mean, I didn't really focus on that there was something  
20 going on.

21 MR. REYNOLDS: Your Honor, if I may have just a moment to confer  
22 with counsel?

23 THE COURT: You may.

1 (Pause)

2 Q (by Mr. Reynolds) Can you give us some examples of  
3 recollections that you have about MacRae violating this  
4 rule that he imposed on you or attempted to impose on you?

5 A Well, I guess just taking him in when he's told me not to  
6 do that and that I, that I'm only making his sickness worse  
7 by doing that and then he does it, and it kind of feels  
8 like we're playing good cop-bad cop or something, you know?  
9 And like I'm the bad guy. I know he gave him money. I  
10 guess at the time I didn't know how much or anything,  
11 though.

12 Q To your understanding, was that sort of thing an ongoing  
13 thing for awhile?

14 A Giving him money?

15 Q Yeah, giving him money, providing him with the things that  
16 you were told not to provide?

17 A Yes.

18 Q Over how long a period, do you recall?

19 A I guess I would say right up until the time that we no  
20 longer saw Gordon MacRae.

21 Q At some stage last year, did you and Tom meet and talk  
22 about some of the problems that Tom had had with his life  
23 and kind of where he was going, that sort of thing?

1 A Yes.

2 Q And where was that conversation, if you recall?

3 A It was in my living room.

4 Q Do you remember exactly approximately when?

5 A It was sometime after he had come forward to press criminal  
6 charges. It was sometime after that.

7 Q Can you relate to the jury what the conversation was about  
8 that you had with Tom?

9 A Oh, I think we were just talking about his whole life and  
10 what it had been like and there had just been some ups and  
11 downs and some tragedies and so much lost potential and, I  
12 mean, he's a beautiful artist and all those things that  
13 never got developed, you know. And so we--. And, you  
14 know, the drinking and the treatment and our relationship,  
15 and then he--

16 Q Well, what was Tom's mood and attitude as you were  
17 discussing those things that you mentioned?

18 A It was pretty mellow. It was--. We were sitting close  
19 to--. I mean, we were in two separate chairs but sitting  
20 close and it was a nice, warm, sort of like now we're both  
21 adults kind of conversation.

22 Q Did the conversation ultimately turn to the abuse  
23 perpetrated by Gordon MacRae?

1 A It did.

2 Q Can you relate to us what was the sum and substance of that  
3 conversation as you recall it?

4 MR. KOCH: Your Honor, may we approach for a moment?

5 THE COURT: Yes.

6 CONFERENCE AT THE BENCH

7 MR. KOCH: Your Honor, if she's going to relate that Tom told  
8 her he didn't abuse him, that's okay but if he's using this  
9 as a back door--

10 MR. REYNOLDS: No, not at all.

11 MR. KOCH: -- to get in some type of 404(b) evidence about  
12 anybody else--

13 MR. REYNOLDS: No, not at all.

14 THE COURT: I'm assuming she's well aware--

15 MR. REYNOLDS: Not at all. That's not the issue.

16 THE COURT: Okay. Be careful.

17 MR. REYNOLDS: Thank you.

18 (Conclusion of Conference at the Bench)

19 Q (by Mr. Reynolds) Keeping in mind the parameters that the  
20 Court has established, what was your conversation, as it  
21 were, with Tom concerning the sexual abuse by Gordon  
22 MacRae?

23 A He didn't really tell me details. He told me how awful it

1 was, how ashamed and how scared. He talked about being  
2 pushed up against a wall and having their body's close  
3 together and trying to kiss him. Tom told me about that  
4 and, and he just didn't really give me more details than  
5 that except to talk about his fear and he just, he just  
6 fell apart. I don't know how to explain it. His face just  
7 crumpled and he just sobbed and I came out of my chair and  
8 he came out of his and we just sat on the floor and held  
9 each other and just cried.

10 Q Thanks very much.

11 THE COURT: Thank you. Would you like to take a break now or  
12 would you--. Cross-examination is beginning with Attorney  
13 Koch. Would you like the take a break? You can take 10  
14 minutes now or we can keep going.

15 A I'd just as soon go ahead and be done. Thank you.

16 THE COURT: Okay, we'll do that. Okay, Attorney Koch.

17 MR. KOCH: Thank you, your Honor.

18 CROSS-EXAMINATION

19 BY MR. KOCH:

20 Q Mrs. Grover, this should be fairly short. You know who I  
21 am, I assume?

22 A Yes, I do.

23 Q And I represent Mr. MacRae?

1 A I understand that.

2 Q You understand I need to ask you some questions about your  
3 testimony?

4 A Of course.

5 Q All right. Ma'am, let me go back to sort of the beginning  
6 of what Mr. Reynolds was talking with you about, and I  
7 think that was something to the effect that you, growing  
8 up, had an awful lot of respect for the Church and your  
9 basic religion. Would that be fair to say?

10 A Yes.

11 Q And you did your best to adhere to all the tenets of your  
12 faith?

13 A Yes.

14 Q And in fact, you went beyond merely going to Mass, which is  
15 a requirement, but also to being very active in terms of  
16 the work in the parish.

17 A That's correct.

18 Q And you tried to involve your kids, to the best of your  
19 ability, in those same types of activities.

20 A That's correct.

21 Q But kids, as they grow up, they kind of all go their own  
22 ways, don't they, in terms of how they respond to parents'  
23 teachings and admonitions?

1 A I'm sure that's true. Sometimes.

2 Q Well, let's talk about Tom for a minute. Certainly it's  
3 not a tenet of the faith of the Roman Catholic Church that  
4 a boy begin drinking when he's, by his own testimony, about  
5 11 years old. That's not something that the Church  
6 condones or teaches, does it?

7 A No, it does not.

8 Q I know, ma'am, these questions may sound silly but I've got  
9 a point I want to try to make. Drug usage, to use speed  
10 and marijuana and cocaine and hallucinogens and hashish and  
11 just about every type of drug you think of, those again are  
12 not the kind of things that the Church would bring this  
13 young man up to feel was appropriate, would they?

14 A I was not aware that he used all of them.

15 Q Okay. In all fairness, Mrs. Grover, and I don't want to  
16 catch you with any surprises here, but you don't know, is  
17 its fair to say that you're not aware of what's in Tom's  
18 treatment records from the various facilities that he was  
19 in over that multi-year period?

20 A No, I don't know. I never saw them.

21 Q Okay. You sensed fairly early in Tom's life that he may  
22 have a substance abuse problem. Would that be a fair  
23 statement?



1 A I was worried that the potential was there.

2 Q And I think you expressed to the jury that one of the  
3 reasons you were worried about that was that maybe there  
4 was some kind of genetic predisposition to that because of  
5 the family that he'd been born into as his natural birth  
6 parents?

7 A That's right.

8 Q And because of that, ma'am, were you more or less  
9 sensitized to that being a potential problem in your son?

10 A I was probably more sensitized to it being a potential  
11 problem.

12 Q Now, has it been your experience that kids kind of try to  
13 keep things from their parents, as Mr. Reynolds pointed  
14 out?

15 A Sure, yeah.

16 Q They often do things they don't want their parents to know  
17 that they're doing?

18 A That's right.

19 Q Okay.

20 A You hear some but you don't hear it all.

21 Q Yes, ma'am. Now, ma'am, I want to go to kind of 1983, and  
22 this is the summer that Gordon MacRae comes to Keene for  
23 the first time to serve as a parish priest. At that point

1           in Tom's life, had you abandoned him?

2   A       Abandoned him?

3   Q       Yes, ma'am.

4   A       No.

5   Q       At that time in Tom's life, was he such that you wanted  
6           absolutely nothing to do with him?

7   A       No.

8   Q       Had you, ma'am, at that point in his life, for lack of a  
9           better word, asked him to leave your home?

10   A       That's in 1983?

11   Q       Yes, ma'am.

12   A       No.

13   Q       At that time in your life, would it be fair to say that you  
14           did not care for or love Tom Grover?

15   A       No, there was never a moment of my life when I haven't.

16   Q       Ma'am, it sounds to me that your love or your heart for all  
17           your children has just been there and overflowing from the  
18           day that they came into your home. Would that be--

19   A       Yeah, that would be true.

20   Q       Is that the kind of thing we hear about as a mother's love  
21           that's sort of never ending?

22   A       I don't suppose I'm any different than any other mother.

23   Q       Even at that time, the hardest time in Tom's life when you

1        had to make a decision to not enable him in his drinking  
2        and his drug use, you still loved him.

3        A        Absolutely.

4        Q        In fact, ma'am, I think I heard you tell us a moment ago  
5        that it just, I mean, tore, ripped the heart right out of  
6        your chest when he had come over there that one time and  
7        was fixing a bike and you had to turn him away to try to  
8        get him to realize how much need he had for dealing with  
9        this alcohol and substance abuse problem?

10      A        I did that not because I didn't love him but because I  
11      did. However that, how that felt for him, I don't know.

12      Q        Yes, ma'am.

13      A        I can only speak for myself.

14      Q        Sometimes, Mrs. Grover, there's that old saying, spare the  
15      rod and spoil the child. You have heard that before, I'm  
16      sure.

17      A        I've heard that.

18      Q        And that sometimes you have to be kind of strong and stern  
19      in your discipline with a person that was out of control so  
20      you can get them the help that they need to maybe turn  
21      their life around. Is that a fair statement?

22      A        And I believe in that philosophy but it's harder to  
23      practice in your own home than it is to preach to other

1 people about how to be --.

2 Q Sure. It's easier for someone outside to impose those  
3 kinds of requirements on a person, as a general rule?

4 A I think that might be fair to say.

5 Q Now, ma'am, turning your attention back again, let's go to  
6 1983 since that seems to be the primary year that we  
7 focused on in terms of this trial. Was it your sense that  
8 your son was an obedient child at that time?

9 A I think I'd be stretching it to describe Tom as obedient.  
10 I don't --. Thomas was--

11 Q Go ahead. I don't mean to cut you off.

12 A It was a difficult period in his life. I'm not sure I'd  
13 use the word obedient. I mean, he was, he pretty much  
14 wanted to do what he wanted to do, I guess. I don't know  
15 how to explain.

16 Q Ma'am, when you say he wanted to do what he wanted to do at  
17 that age in his life, what comes to mind to you?

18 A Well, you asked me if he was obedient and I was trying to  
19 honestly answer your question to say that it's much easier  
20 to lay down rules for some children than it is for others.

21 Q Yes, ma'am.

22 A I think that he was in an angry period of his life about  
23 the separation and the divorce and I don't think it's

1 unusual for kids that age, Tom's age, to turn to an  
2 outsider for assistance.

3 Q Yes, ma'am. When you say he was in an angry period of his  
4 life, can you help me with that at all?

5 A Well, his life had not been easy for him and suddenly when  
6 he was just in his early teens, his parents separate  
7 without any real warning and suddenly he's in a single  
8 parent household and with lots of brothers and sisters that  
9 demand some amount of time also and, I mean, it was hard to  
10 meet everybody's needs to the full extent of their needs.

11 Q I guess why I'm asking that, ma'am, when you described Tom,  
12 you said he was in an angry period of his life as opposed  
13 to saying he was sad or he was depressed or he was  
14 noncommunicative, or, I mean, in other words, you picked an  
15 adjective, I think it's an adjective, that described your  
16 son in that manner and I was kind of wondering why you  
17 chose the word "angry" in thinking back in that time period  
18 in Tom's life?

19 A I think I was trying to answer the question you asked me  
20 about obedient and I think that when children--. I think  
21 about anger perhaps as being the opposite of obedient or  
22 something, just when you're angry. I don't think you can  
23 be angry and be obedient both. Maybe it was a poor choice

1 of words. That was the word I used.

2 Q I'm only asking because I'm not sure what you mean when you  
3 say that.

4 A Well, I think you could equally use depressed or sad, too.  
5 I think all of those would fit.

6 Q Ma'am, there's another word that to me is kind of the  
7 opposite, maybe it's not the opposite but it's maybe a  
8 contrast to obedient, and that is being willful, kind of  
9 going to do what you want to do kind of thing. Is that a  
10 little bit of the way Tom was at this time in his life?

11 A Yes and no. I mean, to a certain extent, sure. Because  
12 kids that age I think are coming into that separation  
13 period from sort of being under your, you know, lock and  
14 key or whatever, but willful. There are times when I could  
15 describe him as willful.

16 Q I kind of want to turn your attention, if I could, to 1980  
17 and I want to do this in connection with a comment you  
18 made. I think Mr. Reynolds asked you if Tom sometimes  
19 wouldn't tell the truth. Maybe he used the word "lie," I'm  
20 not quite sure, but you remember sort of a series of  
21 questions Mr. Reynolds asked you about that?

22 A Yes.

23 Q Okay. Ma'am, in 1980 when Tom would have been I believe 12

1       year's old, 11 or 12?

2       A     12. 12 turning 13.

3       Q     Did you have occasion to refer him to a Dr. Raasoch,  
4       R-a-a-s-o-c-h?

5       A     We did. That Tom was experiencing problems in school. He  
6       had some learning disabilities. He had a difficult time  
7       learning to read and he had a difficult time sitting still,  
8       and frequently it meant that he was spending a lot of time  
9       segregated from the other kids as a result of that and that  
10      concerned me. I mean, I wanted him to be able to get  
11      through a school day. You know, I wanted him to learn, and  
12      Dr. Raasoch lived in our town.

13      Q     Yes, ma'am?

14      A     And he had an office in his home and I think we went maybe  
15      four or five times. I'm not really clear. Not much.

16      Q     Were there any issues, ma'am, that Raasoch dealt with that  
17      had to do with issues of honesty, truth telling?

18      A     I don't honestly remember what the issues were but if that  
19      was one of them, that wouldn't be surprising. If he would  
20      talk about honesty or, frankly, I don't--. I remember it  
21      at the time that because of the problems he was  
22      experiencing in school with that particular teacher, that  
23      we elected to take him out of the local elementary school

1           and send him to the catholic school in Keene.

2   Q       Was this the time frame, ma'am, when your son went from the  
3           school there in Marlborough and went to St. Joseph's here  
4           in Keene?

5   A       It was. It was.

6   Q       Now, ma'am, I gather from your testimony that Tom wasn't  
7           the kind of young man that you could just order to do  
8           things or that you ordered to do things, would that be fair  
9           to say?

10  A       Well, I would like to think I didn't order anybody to do  
11           anything but I don't think that's, I don't think that's  
12           absolutely right to say, no. I mean, Tom was, Tom was  
13           a --. What's the word I want? Tommy took a lot of care.  
14           He was a very sensitive, a volatile--. I don't think I  
15           ordered Tom. I mean, there was discussion and he would--.  
16           I don't know if I'm answering your question. I'm sorry.  
17           Ask it another way.

18  Q       No, ma'am, that answers perfectly fine because that's what  
19           I asked. You did not order your son and mandate in 1983  
20           that he must go to counseling sessions with Gordon MacRae.

21  A       I wouldn't say it was a mandate. It was an understanding  
22           that Gordon MacRae was willing and able to help him and  
23           that that was a good thing to do if it would help him. I



1 would certainly have encouraged him to meet with him, to  
2 spend time with him.

3 Q Yes, ma'am. Now one of the issues I believe you said your  
4 son was dealing with was as a result of the separation of  
5 his father from the home, is that correct?

6 A All the children had to deal with that.

7 MR. KOCH: Your Honor, may I approach? I'd like to do a time  
8 line, if I could.

9 THE COURT: Oh, sure.

10 MR. KOCH: Please.

11 Q Mrs. Grover, I'm going to step behind you and use that  
12 chart for a moment.

13 THE COURT: Do you need a pen?

14 MR. KOCH: Yes, please, your Honor.

15 Q Mrs. Grover, if you could kind of turn around and look with  
16 me for a minute? Ma'am, if I understood your testimony--

17 THE COURT: I think I've got one. I'll get one.

18 (Pause)

19 Q Mrs. Grover, what I wanted to do was--

20 MR. KOCH: I think this will work, your Honor, but thank you,  
21 sir.

22 Q -- is kind of go through a time line. If you could --.

23 MR. KOCH: Actually, I'm sorry, your Honor, I want to go back

1 a little bit further.

2 Q (continuing) Ma'am, for purposes of our understanding, I  
3 believe it was in 1979 when you said that you first had  
4 contact with Gordon MacRae?

5 A I believe it was.

6 Q Okay. What I'm going to do is write 1979, and where again  
7 were you when you had contact with him that summer?

8 A Where did we live?

9 Q Yes, ma'am.

10 A In Marlborough.

11 Q That would have been at, that's b-o-r-o-u-g-h?

12 A That's correct.

13 Q Thank you. And the name of the parish in Marlborough?

14 A Sacred Heart.

15 Q Sacred Heart? Now, ma'am, going forward to 1980, did you  
16 have contact with Gordon MacRae that summer, if you  
17 remember, between the times he was going back to Baltimore?

18 A Well, as I said before, I'm not clear on whether that was  
19 the summer that he returned and was at St. Margaret Mary's  
20 or whether that was the summer he was at Groveton. We  
21 obviously had a lot more contact the summer he was in Keene  
22 than the summer he was in Groveton, if indeed it was  
23 Groveton where he was. I think it was.

- 1 Q All right, ma'am. For purposes of discussion, the best of  
2 your memory today would be that one of those summers he was  
3 at Groveton and one of those summers he was in Keene?
- 4 A That's what I think.
- 5 Q Do you have a preference, in terms of how I put those?
- 6 A I don't really know. I mean, I'm sure your records would  
7 tell you. I don't really know.
- 8 Q Okay. Let me just put "Keene" here and I'll put a question  
9 mark and then "Groveton" here. Okay. Since your contact,  
10 I believe you testified, ma'am, if we assume that 1980 was  
11 the summer that Mr. MacRae was in the Keene area, would  
12 have been greater than, say, a summer when he would have  
13 been in Groveton because of--
- 14 A There would have been more physical contact when he was in  
15 Keene, certainly.
- 16 Q All right, ma'am. Now, and ma'am, in 1979, '80, '81 and  
17 into '82, Gordon MacRae would have been a seminarian.
- 18 A Until he was ordained.
- 19 Q Okay. Turning your attention, ma'am, to 1982, that  
20 summer-- this would have been the summer the year before he  
21 actually came to Keene in the parish-- do you remember  
22 whether or not you had contact with Gordon MacRae that  
23 summer?

1 A Well, I think I answered that. I said that we went to his  
2 ordination, we went to his first Mass. I believe that we,  
3 we stopped, we went to the beach one day and we stopped and  
4 went into the, I don't know, the village or the city of  
5 Hampton and saw him there. And I believe that on at least  
6 one occasion he came to the house and stayed overnight and  
7 there may have been other occasions when he stopped, you  
8 know, coming back and forth to Keene and stopped in.  
9 Q Okay. Let me step down for a minute and I'll get a  
10 document that may help.

11 (Pause)

12 MR. REYNOLDS: Thanks very much.

13 MR. KOCH: Thank you. Your Honor, with the Court's  
14 permission, I'd like to mark this as an exhibit but then  
15 later substitute a xerox copy for the original program.

16 MR. REYNOLDS: No objection.

17 THE COURT: That's fine. There's no objection to this as a  
18 full exhibit, is that correct?

19 MR. REYNOLDS: No objection, your Honor.

20 THE COURT: The Court will receive it as a full exhibit.

21 MR. KOCH: Can I just ask that it be published at a time that  
22 it's convenient for both parties?

23 THE COURT: That's fine.

1 MR. KOCH: Thank you, your Honor.

2 (Program for the Ordination Mass of Rev. Gordon  
3 MacRae dated 6/5/82, marked Defendant's Exhibit  
D)

4 MR. KOCH: Mrs. Grover, let me show you a document that I've  
5 marked as Defendant's Exhibit D, so we know what it is.  
6 Would you look at that and see if you recognize that  
7 particular exhibit?

8 A Yes, I believe I have one.

9 Q All right, ma'am. And can you tell the ladies and  
10 gentlemen of the jury what that is that you're holding?

11 A This is a little booklet about the ordination Mass and it  
12 tells the people involved and it gives the order of  
13 service, the songs and the liturgy.

14 Q All right, ma'am. Is that the bulletin or document that  
15 you would have been given the day Gordon MacRae was  
16 ordained as a Roman Catholic priest?

17 A Yes, I expect so.

18 Q Okay. Now in terms of 1982, if I could put on my time line  
19 here, I believe you testified, ma'am, that you and your  
20 husband separated in January of 1982?

21 A That's correct.

22 Q Do I have that date correct? I'm just going to write down  
23 there behind you, ma'am, that that was the date of

1 separation. Now, do you know where Gordon MacRae was at  
2 the time you and your husband separated? In other words,  
3 what community would you have been residing in?

4 A Hampton.

5 Q Okay. (Writing on time line). So during this time, Gordon  
6 MacRae would have been in Hampton?

7 A Mmm-Hmm.

8 Q Now, ma'am, I'm certain everyone on the jury knows where  
9 Hampton is. For purposes of our record, where is Hampton  
10 in relation to Keene?

11 A It's about 90 miles.

12 Q Okay.

13 A It's on the coast.

14 Q Almost due east of here?

15 A Oh, I don't do east and west. About 90 miles.

16 Q Towards the ocean?

17 A Towards the ocean.

18 Q Not the one in California. (Laughter) All right. Now,  
19 ma'am, can you read, or please tell me the date Gordon  
20 MacRae was ordained into the ministry?

21 A June 5th, 1982.

22 Q Okay.

23 A Is what it says.

1 Q All right. What do you call that, an ordination? Or what  
2 would your words be for that ceremony or process?

3 A Call it an ordination.

4 Q Okay. Now, ma'am, going forward from the June 5th  
5 ordination date in 1982, when is it your memory that Gordon  
6 MacRae came to Keene to take up duties at St. Bernard's?

7 A May or June of '83.

8 Q Okay. I'll put down here May or June. Now, I'll just put  
9 Keene again and St. Bernard's. I should have had you write  
10 that. It might have been easier. Ma'am, the exact date of  
11 when he came or moved to Keene, you don't know that for  
12 sure, you're just--

13 A No, I don't.

14 Q All right. But for my purposes and from your memory, is  
15 that basically a fairly correct time line of where you  
16 understand that Gordon MacRae was from 1979 to 1983?

17 A For the summers.

18 Q Okay. Thank you, ma'am. Now, in 1982 when you and your  
19 husband separated, that was a traumatic, in January, that  
20 was a traumatic event I think for everyone in your family.

21 A Yes, it was.

22 Q And if I understand correctly, Gordon MacRae would have  
23 come to Keene approximately 18 months after that date?

- 1 A When he was transferred to Keene?
- 2 Q Yes, ma'am.
- 3 A Yes, just about--. Well, yeah, he would have come in May  
4 or June of '83 and we were divorced that summer so that was  
5 it approximately.
- 6 Q What I'm doing is going from like January of 1982 when the  
7 separation was and I'm coming forward to approximately May  
8 or June of '83, and that's where I kind of come up with  
9 this 18 month time period. Those dates or calculations  
10 essentially agree with the event?
- 11 A Is your question that from January '82 to June '83 is 18  
12 months?
- 13 Q Yes, ma'am.
- 14 A Yes.
- 15 Q Okay. Thank you. Now, during that time, you did continue  
16 to have contact with Gordon MacRae, as I understand it.
- 17 A Yes.
- 18 Q But during that 18 month period, ma'am, he was not here on  
19 a daily basis, was he?
- 20 A No, he was not.
- 21 Q And, ma'am, in fact he was the associate pastor at the  
22 rectory in Hampton.
- 23 A That's right.



1 Q And he would have duties that would be attendant to being  
2 the associate pastor in Hampton during that 18 month time  
3 frame.

4 A And as I recall, there was a lot going on in Hampton.

5 Q I think there was a whole issue about some nuns that--

6 A Yes.

7 Q -- had been terminated or something and brought a cause of  
8 action against the Diocese?

9 A Yes.

10 Q But--

11 A It was well publicized.

12 Q All right. Now, I was a little unclear. During that time  
13 period, let's go from January of 1982 for the next 18  
14 months, how often do you believe you would have contact  
15 with Gordon MacRae?

16 A It's very hard for me to reconstruct because I certainly  
17 was not aware at the time that I was ever going to need to  
18 reconstruct. I would say there were fairly frequent phone  
19 conversations. I think there was correspondence back and  
20 forth. He did come to Keene, not only to see us. I'm  
21 sure, you know, there were other reasons. I don't know  
22 what they were. He took at least one of the kids to  
23 Hampton. I mean, he came over and picked up the kids or

1 kid or whatever, so it was fairly ongoing. Certainly it  
2 wasn't daily like in 1979 when he was there every day and  
3 every night.

4 Q Yes, ma'am. Now, by the way, on the back of what I've  
5 marked as Exhibit D, do you see the name of your family?

6 A No.

7 Q Maybe I can help you (indicating).

8 A (Witness nods affirmatively).

9 Q Okay. On the back of that program, ma'am, there's sort of  
10 an acknowledgment by Gordon MacRae to many different  
11 people, aren't there, or isn't there?

12 A There's quite a list.

13 Q And one of those is, I think the words there are "The  
14 Grovers"?

15 A That's right.

16 MR. KOCH: Your Honor, I need to approach on an exhibit.

17 THE COURT: Approach the witness?

18 MR. KOCH: Approach you.

19 THE COURT: Okay. That's fine.

20 MR. KOCH: I didn't want to say side bar or say the wrong  
21 thing.

22 CONFERENCE AT THE BENCH

23 MR. KOCH: Your Honor, Mr. Reynolds asked Mrs. Grover about

1       an evaluation that she had filled out with Gordon MacRae  
2       back in 1979. I have that evaluation here. I would like to  
3       have it introduced but I don't want to do so if it would in  
4       some way open the door to some kind of a character attack  
5       later. You see what I'm asking. I'm just sort of seeking  
6       some guidance. He brought it up. He mentioned it, that  
7       she had filled it out.

8   MR. REYNOLDS: That would open the door, your Honor. I simply  
9       asked if she gave a good recommendation. If he gets into  
10      the specifics on this thing--. I think he can question her  
11      as to what she recollects and she recollects she gave him a  
12      good recommendation but if he admits that, it's obviously  
13      for something more than simply accepting the testimony  
14      that's already given and if it is, he's trying to put in  
15      good character evidence as opposed to something else. If  
16      it does, that opens the door because she knows things about  
17      his character other than that certainly.

18   MR. KOCH: It was my sense from the questioning with Mr.  
19       Reynolds, "Did you fill out an evaluation?" And  
20       essentially, "What was on that?" I think he'd said, "You  
21       gave him a good evaluation," or something to that effect.  
22       I'll let the record stand for what the record said. I was  
23       just merely asking to introduce the actual copy of her--

1 THE COURT: Let me take a look at it.

2 MR. REYNOLDS: It's cumulative. I don't see any need for it.

3 MR. DAVIS: Let your Honor look at it first.

4 MR. KOCH: I don't want to make another one of those comments  
5 like "Out of Blue."

6 (Pause)

7 THE COURT: All right. Now what is it exactly that you wanted  
8 to show with this?

9 MR. KOCH: Well--

10 THE COURT: Why would this be valuable to the jury?

11 MR. KOCH: Your Honor, the reason it would be valuable to the  
12 jury is that Mr. Reynolds asked about the evaluation she  
13 had filled out, had her make some commentary about that  
14 evaluation and this just more fully and completely explains  
15 what was going on at that point in time in terms of her  
16 association, her family's association with Gordon MacRae.

17 MR. REYNOLDS: Your Honor, I asked general questions. This was  
18 gone into at great length about what was going on with the  
19 family with regard to Gordon MacRae. Indeed, the  
20 acknowledgment and invitation of them to the ordination  
21 ceremony speaks volumes about that. This is evidence of  
22 good character. If this comes in, then evidence of bad  
23 character comes in. He's really trying to guild the lily

1 here by trying to suggest that somehow if he lets in  
2 substantial specific evidence of good character, then  
3 404(b) evidence refuting same would not come in. I mean,  
4 the obvious question I would ask is, "Well, this is the  
5 opinion you had in 1979." "Yes." "Do you hold that  
6 opinion today?" "No." "Why not?" "Because I know he's  
7 molested seven other kids." And then we get into the whole  
8 ball game. I don't know how you get around that.

9 MR. DAVIS: Well, I think one way of getting around it, your  
10 Honor, is--

11 MR. REYNOLDS: Please let it in, I say.

12 MR. DAVIS: I think one way to get around it, your Honor, is  
13 ask the question. The State asked for her memory of what  
14 her characterization of the evaluation is. The evaluation  
15 is the best evidence of what it was she had to say.

16 MR. REYNOLDS: Oh, no.

17 MR. DAVIS: And the State's position is, "We can ask what we  
18 want the jury to hear but if you try to cross-examine on it  
19 or go into the details, you're opening the door." It  
20 wasn't our question. It wasn't anything that we planted.  
21 It was a direct response to what the State said.

22 MR. REYNOLDS: No, there's evidence. The evidence is in. He is  
23 trying specifically now to get in evidence, specific

1 evidence of the defendant's good character, an itemization  
2 of what that good character is about with no consequences  
3 to him. That's absurd. He's attempting to say the State  
4 could not put in the obvious issues that this would create,  
5 by coming in--

6 THE COURT: All right. I'll tell you the way I see it. This  
7 piece of paper has to be either, or can be looked at in one  
8 of two ways; either it's character evidence or it's  
9 evidence of her state of mind at the time she drafted this  
10 thing. If it's coming in as some evidence of this man's  
11 character, then you're caught, so--

12 MR. REYNOLDS: And she's already testified to her state of mind  
13 so in that case, it's cumulative.

14 THE COURT: So, I mean, I might let it in but it's character  
15 evidence.

16 MR. KOCH: All right.

17 THE COURT: I don't see how you get around it.

18 MR. KOCH: Well, then may I have it marked?

19 MR. REYNOLDS: In that case, I'd be happy to withdraw my  
20 objection and let it in.

21 THE COURT: You can have it marked for Id., yes.

22 MR. DAVIS: So we have a record on it.

23 (Conclusion of Conference at the Bench)

1 MR. KOCH: May I proceed, your Honor?

2 THE COURT: Yes.

3 MR. KOCH: I'm going to mark the seminarian evaluation as E  
4 for purposes of identification.

5 THE COURT: That's fine.

6 MR. KOCH: Thank you, your Honor

7 (Seminarian Evaluation marked Defendant's Exhibit E  
8 for Identification)

9 Q (by Mr. Koch) When Tom Grover was-- In 1983, let's talk  
10 about that since that's kind of where I left off, were you  
11 interested in trying to get him into some type of a  
12 treatment program in that year, ma'am?

13 A I can't recall the years without some more--

14 Q Let me see if maybe I can help you this way. There's been  
15 evidence previously introduced in this case that Tom went  
16 into Beech Hill in 1985, then into Derby Lodge in 1986, and  
17 into Tirrell House also in '86. I think some of the dates  
18 are behind you there on that chart.

19 THE COURT: Tirrell House isn't a treatment--

20 Q It's a halfway house.

21 A It's a halfway house after you leave treatment.

22 Q Yes, ma'am.

23 A Yes.

1 Q Okay. If you have those dates in mind, can you think back  
2 to '83 and remember whether or not you felt that your son  
3 needed a treatment facility at that juncture?

4 A And you said the first time he was in treatment was '85, is  
5 that what you're saying?

6 Q Yes, ma'am.

7 A I probably would say no, that I wasn't aware of a treatment  
8 program for him at that age or I didn't have an awful lot  
9 of experience with the problem.

10 Q Yes, ma'am.

11 A You know, that had not been a problem that I had lived with  
12 so I probably wasn't aware of as much as I should have  
13 been.

14 Q Okay. I think you told the jury that you tried on your own  
15 to go to a couple of Al-Anon meetings. Is that Alcoholics  
16 Anonymous meetings or--

17 A They're for related members of the family or maybe even  
18 extended family, I don't know.

19 Q So that you could somehow be of assistance to your son?

20 A I--. Yeah. I was just seeking help wherever I could seek  
21 help. Those were at St. Bernard's also.

22 Q Excuse me, ma'am?

23 A I said those were at St. Bernard's also, the Al-Anon.



1 Q Thank you. Did you during that time frame, I'm talking  
2 1982 through the time that Gordon MacRae came in 1983,  
3 specifically ask Mr. MacRae to come over to speak with Tom  
4 about his drinking problem sort of in that 18 month window  
5 now?

6 A Specifically ask him to come and talk to him about his  
7 drinking problem?

8 Q Yes, ma'am.

9 A I don't remember specific occasions when I did that. I'm  
10 sure that if we talked, we talked about that because that  
11 was a major concern of mine. I had other concerns also but  
12 I may have. I may have, but I couldn't give you a time  
13 frame or --.

14 MR. KOCH: Your Honor, if I can have a moment to go through  
15 notes.

16 THE COURT: Yes.

17 MR. KOCH: I have 23 pages of notes here from testimony and I  
18 just want to --

19 (Pause)

20 Q (by Mr. Koch) At some point in time when your son was in  
21 the treatment center, I believe the Derby Lodge, I think  
22 you testified you went up to see him?

23 A I did.

1 Q Was that out of concern for him, ma'am, or because he had  
2 no one to give him a ride or transportation?

3 A I think that's an odd way to put it. That's not really an  
4 either-or answer. His brother and I went up together and  
5 took him to Bangor, Maine where there was an  
6 after-treatment facility called Wellspring maybe, or  
7 something like that, where he interviewed for a possible  
8 after-care program after Derby Lodge, and it wasn't because  
9 no one else would take him, because I wanted to take him, I  
10 suppose.

11 Q You tried to assist and help him get into Beech Hill?

12 A I did.

13 Q And again, ma'am, later into Derby Lodge?

14 A I didn't do that. Gordon MacRae did that. I mean, I  
15 certainly went along with it but he made those  
16 arrangements. I had never heard of Derby's Lodge.

17 Q Now ma'am, I want to go back to 1983 or so. Was Tom pretty  
18 scrappy, for lack of a better word?

19 A What does "scrappy" mean?

20 Q Well, kind of I guess fighting? Arguing?

21 A You mean physical fights?

22 Q Yes, ma'am. Anger?

23 A No. I wouldn't say that there was an unusual amount of

1 --. No, I won't say he never got into a fight but I don't  
2 remember that being a major issue.

3 Q Okay. Not a problem at your home?

4 A At our home?

5 Q In terms of dealing with him?

6 A When Thomas had been drinking, he was difficult to deal  
7 with but other than that, no, he's a pussy cat.

8 Q How do you mean when he was drinking he was difficult to  
9 deal with?

10 A Well, there were times in his teens when he was drinking  
11 and he was hard to deal with.

12 Q Okay. Because he wouldn't be responsive or you mean hard  
13 to deal with? I've got a mental image of that but I'm not  
14 sure what you're saying about that. Is there a way you can  
15 help me with that or not?

16 A Some people when they drink I think get very mellow and  
17 fall asleep. Thomas didn't. He got agitated.

18 MR. KOCH: Your Honor, I'll pass. Thank you, Miss Grover.

19 MR. REYNOLDS: If I may have a couple of moments, please, your  
20 Honor?

21 THE COURT: You may. Or we may. Why don't we take ten  
22 minutes now. That will make it 3:00.

23 (Recess taken)

\* \* \* \* \*

HEARING OUT OF THE PRESENCE OF THE JURY

MR. REYNOLDS: Your Honor, I was able to reach Miss Goupil only a few moments ago. She can be here at 9:00 o'clock tomorrow morning, if the Court please.

THE COURT: That's fine. I'll have the jury come in at quarter after 9:00.

MR. REYNOLDS: Thank you.

THE COURT: Or 9:00, I guess we better make it.

MR. REYNOLDS: Thank you.

THE COURT: Okay. Is the jury on its way?

(Pause)

HEARING BEFORE THE JURY

MR. REYNOLDS: May it please the Court?

THE COURT: Attorney Reynolds?

REDIRECT EXAMINATION

BY MR. REYNOLDS:

Q Do you know if the defendant, Gordon MacRae, was available to take Tom to interview at that facility in Bangor, Maine, from Derby Lodge to Bangor?

A I don't know whether he was available or not. I do know that he made arrangements for my son Jon and myself to stay overnight at the rectory in Groveton. That was perhaps



1 volatile, taking a lot of care. Can you elaborate on that  
2 for me, please? I guess I'm having trouble putting all  
3 those together. I know what taking care and sensitivity  
4 means, but volatility.

5 A Well, he escalated easily. He got upset easily. And  
6 sometimes it was like walking on eggs to try and keep peace  
7 in the house. His emotions just were very volatile. I  
8 guess I used that word again. I don't know how else to  
9 describe it.

10 Q Did he put his fist through walls, or something like that?

11 A No. But I won't ever say that he didn't ever hit  
12 anything. But I don't think at that stage, at that young  
13 age that--. I don't recall that.

14 Q I mean 1983.

15 A I don't recall that. I don't --

16 Q Does that mean you don't believe it happened?

17 A Well, no. I mean, I know I don't recall everything,  
18 obviously, but I don't recall an incident where he smashed  
19 his fist through a window.

20 Q I'm not saying, just using that as an example, suggesting  
21 that it ever occurred.

22 A Yeah, I understand that, but I can't think of a specific  
23 incident, but that's not to say there might not be one that

1 I don't recall right this moment.

2 Q In 1983 and I guess subsequent years when he was under the  
3 hands of Father MacRae, was Tom, did he give you the  
4 appearance of trying to be desirous of meeting your needs,  
5 what he perceived your needs to be, to be nice to mom?

6 A Yeah, I think as much as I could say that Tom took up a lot  
7 of room in the family. He had a lot of needs. He also was  
8 very attuned to mine, more so perhaps than some of the  
9 other kids, just very attuned to my sensitivity points too,  
10 I think. He really, really wanted to please me. May not  
11 sound it when we talk about some of the problems that he  
12 had as a teenager but he didn't want it to be that way, it  
13 just was that way. It wasn't deliberate to, just to be  
14 difficult.

15 Q And was one of your needs conveyed to him that you needed  
16 for Tom to be solicitous of Gordon and do the things that  
17 Gordon required him to do insofar as the drinking and the  
18 talking about it was concerned?

19 A I wanted him to get fixed. I know better now but I wanted  
20 him to get fixed and if there was any way that Gordon  
21 MacRae could help, I wanted him to take advantage of that.  
22 I wanted, I wanted it gone.

23 Q And did Tom know that?

1 A Oh, yes, Tom knew that.

2 Q In 1983 and from '83 on, was -- perhaps a poor choice of  
3 words I'm about to make -- was the defendant a person who  
4 was able to put the collar on Tom, to control Tom when he  
5 was emotional?

6 A I think many times better than I could. I mean, he'd  
7 volunteered to help or he seemed to be aware when there was  
8 a problem or, I mean, I'm sure I called him and he seemed  
9 to have a good effect on him. He seemed to get results.

10 Q I'm sorry; I didn't hear you.

11 A I said get results. I didn't know how to finish my  
12 sentence. I mean, he seemed to be at times more effective  
13 than I was.

14 Q You mentioned that Tom seemed to have a combination of  
15 guilt, anger, depression, sadness, throughout this period  
16 of his life from '83 on?

17 A Yes.

18 Q Do you regard an 11 year old child or 12 year old or a 13  
19 year old, 14 year old, 15 year old, as being a person who  
20 is capable of understanding the consequences of bad  
21 behavior like drinking a lot, that sort of thing?

22 A Tom was not able to judge consequences.

23 Q And I think most 11 year olds probably don't do that



1           terribly well.

2   A       Some do by 15 maybe, you know. I don't think Tom was.

3   Q       Is it fair to say that even after Beech Hill in 1985, Tom  
4           still had problems with the consequences of making  
5           decisions?

6   A       Yes. Things were better for awhile after that because his  
7           son was born and there was some structure there that--. I  
8           mean, that was really important to him. Things were better  
9           for awhile but not for long.

10   Q       The change then was the Derby Lodge and some other programs  
11           ultimately?

12   A       That's correct.

13   Q       Mr. Koch asked you questions about I guess the tough love  
14           issue, I think, turning Tom away, really because you as an  
15           adult understand the consequences, understand what Tom  
16           needs even if he doesn't. Concerning Tom's drinking in  
17           1983 on and Tom being an alcohol abuser or a drug abuser at  
18           that time, did Tom show any insight into his ability to  
19           understand what you were trying to do in terms of saying,  
20           "No, no, go with Gordon," or, "You can't stay here  
21           tonight," or all that sort of thing?

22   A       Did he ever say he understood why I said he couldn't stay  
23           in the house? Is that what you're asking me?

1 Q Yeah. Yeah. During that period of time, did he seem to  
2 have any understanding that's why you were doing what you  
3 were doing?

4 A No. I think he thought I let him down.

5 Q In fact, you were trying to help him the only way you knew  
6 how at that stage?

7 A Yeah, I was, but I can remember him telling me later on,  
8 "You weren't there for me. When I needed you, you weren't  
9 there for me," and I couldn't understand because I felt  
10 like I was there all the time but I guess I really wasn't  
11 there when he needed me.

12 Q So what we've got there is your decision as an adult  
13 recognizing the consequences versus the opinion of a  
14 teenaged alcoholic?

15 A That's right.

16 Q Thank you very much.

17 THE COURT: Thank you. Attorney Koch.

18 MR. KOCH: Your Honor, I have no additional questions.

19 THE COURT: Thank you. Thank you for your testimony.

20 Now, I plan on going until 4:30 today. Does that cause any  
21 difficulty for any of the members of the jury? You all  
22 set? Okay. Thank you.

23 MR. GAINOR: The State calls Attorney Robert Upton.

1                                   ROBERT UPTON

2   who was called as a witness, and having been first duly sworn,  
3   was examined and testified as follows:

4                                   DIRECT EXAMINATION

5   BY MR. GAINOR:

6   Q     You may be seated, sir.

7   A     Thank you.

8   Q     Would you please state your name for the record, and spell  
9           your last name, please?

10   A     My name is Robert Upton, U-p-t-o-n.

11   Q     And Mr. Upton, how are you employed?

12   A     I'm employed as an attorney.

13   Q     When were you licensed to practice in New Hampshire?

14   A     1968. I'm embarrassed to say it was that long ago.

15   Q     And for those of us who are bad with math, how many years  
16           have you been admitted?

17   A     24, 25, maybe. No, I'm sorry, 26.

18   Q     Any other Bars besides New Hampshire that you're admitted  
19           to?

20   A     No.

21   Q     What firm do you practice with?

22   A     I practice with the Concord law firm Upton, Sanders, and  
23           Smith.

1 Q And how many partners do you have?

2 A There are eight partners and six associates for a total of  
3 14 lawyers.

4 Q For New Hampshire, is that considered a small, midsized,  
5 large law firm?

6 A Midsized.

7 Q And are you, sir, a partner?

8 A Yes, I am.

9 Q How long have you been a partner at that firm?

10 A Since 1974.

11 Q Do you have a specialty of practice?

12 A I have a multiple of specialties but yes, probably  
13 litigation in one form or another, yes.

14 Q And sir, do you represent a Thomas Grover?

15 A Yes, I do.

16 Q When did you take him on as a client?

17 A I believe it was March or April of 1993.

18 Q Did he come to you with some allegations against a Gordon  
19 MacRae?

20 A Yes, he did.

21 Q And did you, sir, eventually file suit on behalf of Thomas  
22 Grover against the defendant and the Diocese in Manchester?

23 A Yes, I did, after a period of time, and I believe it was in

1        June 1994 I filed suit on behalf of Tom against both Mr.  
2        MacRae and the Roman Catholic Diocese of Manchester.

3        Q     Before this date, June 1994 when you filed suit, were you  
4        sued by Gordon MacRae?

5        A     Yes, I was, and Tom was as well. We were both sued in the  
6        same suit in New Mexico, in the Federal Court in New  
7        Mexico.

8        Q     What was the date of you and Thomas being served with that  
9        suit?

10       A     I read about it in the Manchester Union Leader two days  
11       before Christmas in December of '93.

12       Q     So about six months before you filed suit you were sued by  
13       the defendant?

14       A     Yes.

15       Q     And had you gone public with your representation of Tom  
16       Grover before being sued by the defendant?

17       A     No, not at all. Specifically, we had concluded not to go  
18       public in any way involving the suit. We had had  
19       discussions directly with some Church officials but the  
20       whole point of it was not to go public and not to create an  
21       embarrassing situation either for Tom or for the Church.

22       Q     This suit by the defendant against you and Tom Grover take  
23       you by surprise?

1 A Totally by surprise. I couldn't imagine how he could have  
2 come up with what he came up with.

3 MR. GAINOR: Your Honor, may we approach, please, at this  
4 point?

5 THE COURT: Yes

6 CONFERENCE AT THE BENCH

7 MR. GAINOR: Your Honor, there's several admissions in the  
8 defendant's suit against Attorney Upton and Tom Grover from  
9 December 1983 which I'd like to bring into evidence;  
10 basically of the defendant's admitting in his pleadings to  
11 taking Tom Grover to Beech Hill and then in 1986, taking  
12 him to Derby Lodge. I believe that's fair going as  
13 admissions by the defendant. Also, I would like to go into  
14 the tort claims that the defendant has made against Mr.  
15 Upton and Tom Grover. They are for, your Honor,  
16 conspiracy, libel and slander, malicious prosecution,  
17 intentional infliction of emotional distress, abuse of  
18 civil process, negligence, negligent prosecution,  
19 soliciting the perjury of a witness.

20 Now, your Honor, the defendant does not make mention of  
21 other victims but what he does say is that he's defending  
22 his attorney and members of the group, of the family, have  
23 conspired to make up these false allegations. I believe

1       that's proper grounds for direct since the defendant,  
2       again, has made it a very crucial part of his case that it  
3       is Mr. Grover who is only motivated by financial gain.  
4       This shows that it was the defendant that threw the first  
5       punch as a preemptive strike.

6   MR. KOCH:   Your Honor, here's the problem I have.  If they're  
7       going to go into that then, first of all, I need to have  
8       access to all of Mr. Upton's files, I need a waiver of  
9       attorney-client privilege, I need copies of his notes.  The  
10      simple truth of the matter is he became a client of his in  
11      March of 1993 with the specific purpose of obtaining a  
12      financial settlement from the Roman Catholic Church, long  
13      before Gordon MacRae ever filed a cause of action against  
14      him.  They pursued that in correspondence and  
15      communications with the Bishop of the Diocese of  
16      Manchester, and this is opening up an incredible area in  
17      terms of the civil litigation.  If the Court will order  
18      that those things be produced, where I have a fair shot at  
19      Mr. Upton, so that I can at least see where they're going  
20      in terms of this, I need to look at what Mr. Gainor has  
21      here.

22   MR. GAINOR:   Your Honor, this is from the defendant's hands.  
23       This isn't work product from Attorney Upton.  This is the

1       defendant's direct suit. They should have that. I'm not in  
2       a position to give them anything that they don't have  
3       because this comes from Mr. MacRae.

4   MR. KOCH:       Where did you get that from today?

5   MR. GAINOR:     I got this from Mr. Upton. This is Gordon  
6       MacRae's suit in the Federal District Court, District of  
7       New Mexico, against Attorney Upton. It says District of  
8       New Hampshire.

9   MR. DAVIS:      Your Honor, I hate to interrupt but what's the  
10       relevancy or materiality?

11   THE COURT:     Well, the relevancy is that he's responding that  
12       instead of initiating the suit, he's responding to a suit  
13       possibly from Gordon MacRae against him.

14   MR. DAVIS:      Why do they need the complaint in for that  
15       purpose? They can just ask that question. I think it's  
16       been asked and answered. I heard the State complaining on  
17       numerous occasions so I guess I'd say the same thing.

18   MR. REYNOLDS:   But you haven't ruled for me on one of those, I  
19       don't think.

20   MR. GAINOR:     Your Honor, what I say is relevant is that the  
21       defendant is alleging conspiracy between a respected member  
22       of the Bar, Tom Grover, and the Grover family. Granted,  
23       this may be more relevant on a rebuttal case, should the



1       defendant take the stand, but even at this point I believe  
2       it's relevant where they have, obvious to anyone, have made  
3       financial gain one of the main components of their case and  
4       to give the full picture -- the defendant's coming forward  
5       and saying this is a conspiracy between an attorney,  
6       client, and members of the client's family -- I think  
7       that's something the jury should hear.

8   MR. DAVIS:     Should hear why, relative to the case at bar and  
9       the burden of the State as opposed to somehow wanting the  
10      jury to believe that the defendant must be guilty if he had  
11      the audacity to sue, as you said, a well known member of  
12      the bar?

13   MR. REYNOLDS: This was raised in the defendant's opening  
14      statement, that Tom sued for greed, as I recall, and it's  
15      clearly been intimated since before the evidence even came  
16      in.

17   MR. DAVIS:     But what Attorney Gainor wants to offer is not  
18      anything to say, "I'm representing him; this is a civil  
19      cause of action; it's a theory of recovery which is allowed  
20      under the law of New Hampshire; we can establish our case;  
21      I want to talk about how audacious Mr. MacRae's case, civil  
22      suit is against Attorney Upton and Mr. Grover," and in all  
23      due deference, your Honor, I don't think it's relevant or

1 material.

2 THE COURT: I'll tell you, at this point I think I agree with  
3 you, Attorney Davis. I think at this point that it's not  
4 material. However, as the case develops or if we get into  
5 a rebuttal situation, I think that it could well come in.

6 MR. GAINOR: Your Honor, at this point have I permission to get  
7 into the two admissions of the defendant's pleading where  
8 he admits to assisting Tom Grover in getting to two  
9 different treatment facilities?

10 MR. KOCH: I'll stipulate to that.

11 THE COURT: All right.

12 (Conclusion of Conference at the Bench)

13 Q (by Mr. Gainor) Mr. Upton, I'm showing you a document.  
14 Could you tell the Judge and jury if you recognize that?

15 A Yes. This is the amended complaint in which I'm a  
16 defendant. Both Tom and I are defendants. This was --.  
17 I think this was filed fairly recently. The first one was  
18 in, as I said, was, I think was filed with the court in New  
19 Mexico in December. It was served on me a month or so  
20 later. And then this one replaces it.

21 (Pause)

22 (Mr. Gainor and Mr. Koch confer)

23 Q Attorney Upton, if you could, please, for the jury and

1 Judge, read on this complaint from the defendant paragraphs  
2 12 through 16?

3 A I might just say that--

4 MR. KOCH: Your Honor, I'm going to object. A side bar  
5 comment by Attorney Upton is not responsive to the  
6 directive.

7 Q Attorney Upton, before you read those paragraphs that I'd  
8 asked you to, is there anything that you feel is relevant  
9 or to put this into context?

10 A I was just going to compliment Mr. MacRae. His legal  
11 draftsmanship, or his legal writing, is exceptional. He's  
12 brought this suit against me in his own name. He's not  
13 represented by a lawyer and all of this has this high  
14 quality, not that I like to be on the receiving end of it  
15 but it all has, it's really well written for somebody  
16 that's not a lawyer.

17 "Paragraph 12. Plaintiff, at the request of the Grover  
18 family and in plaintiff's capacity as a friend of this  
19 family, assisted defendant Thomas Grover in obtaining a  
20 scholarship for treatment in a chemical dependency facility  
21 and assisted in the admission of defendant Thomas Grover,  
22 at the request of defendant's mother, in the admission of  
23 defendant to Beech Hill Hospital in Dublin, New Hampshire

1       for the treatment of alcoholism in 1986.

2       "Paragraph 13. Defendant Thomas Grover indicated in  
3       police reports that following the successful completion of  
4       this program, defendant Thomas Grover was substance abuse  
5       free once again. An additional investigation of these  
6       claims would have demonstrated that defendant Thomas Grover  
7       is lying. Defendant Thomas Grover left the Beech Hill  
8       program against medical advice after two weeks and resumed  
9       his chemical abuse.

10       "Paragraph 14. In August of 1986, defendant Thomas  
11       Grover and his mother approached plaintiff and again  
12       requested assistance in readmitting defendant Thomas Grover  
13       to chemical dependency treatment. Again in his capacity as  
14       a friend of the Grover family, plaintiff assisted in  
15       admitting defendant Thomas Grover to Derby Lodge, a  
16       chemical dependency facility located in Berlin, New  
17       Hampshire. Defendant Thomas Grover at the time of  
18       admission to Derby Lodge requested that plaintiff visit and  
19       be permitted to communicate with staff at Derby Lodge.  
20       Defendant Thomas Grover requested and signed a release of  
21       information in order that Derby Lodge staff may report  
22       defendant Thomas Grover's progress, or lack thereof, to  
23       plaintiff. Plaintiff did not visit defendant Thomas Grover

1 at Derby Lodge.

2 "Paragraph 16. Defendant Thomas Grover's mother and  
3 brother, Patricia and Jonathan Grover, did visit defendant  
4 Thomas Grover at Derby Lodge. Due to the driving distance,  
5 plaintiff authorized for Patricia and Jonathan Grover to  
6 receive overnight lodging at the St. Francis Xavier Rectory  
7 in Groveton on one occasion in September 1986. Plaintiff  
8 was not present in Groveton at this time."

9 Q Okay. And again, sir, for clarification for the jury, this  
10 is from the defendant's pen to paper, for lack of a better  
11 word? This is his pleading?

12 A Yes, it is. That's his lawsuit against Tom and me.

13 Q And in that, you read to the jury that Tom Grover requested  
14 and signed a release of information at Derby Lodge so that  
15 the defendant and staff at Derby Lodge could communicate?

16 A That's what that says, yes.

17 Q Have you kept Tom in the dark, for lack of a better word,  
18 about the progression of this suit by Gordon MacRae against  
19 you and him and Tom's direct suit against Gordon MacRae?

20 A Not so much the suit by the defendant against us but I have  
21 tried to limit the information that he, that I gave, limit  
22 the information available to him on our potential claim  
23 against the defendant and the Church.

1 Q And the reason for doing that? Actually, strike that  
2 question. Have you assisted Tom in getting into counseling  
3 at all?

4 A Yes, I have.

5 Q How did you arrange for that?

6 A I have a business relationship with the head person at the  
7 New Life Center in Manchester and I called and asked if he  
8 would provide counseling for Tom. I explained that Tom  
9 probably was not going to be able to pay full freight or  
10 any freight, depending upon his employment which was, which  
11 when I first knew Tom was not very regular, and he then  
12 arranged for Tom to see a member of his staff.

13 Q And is Tom on what's called a sliding scale for payment?

14 A I would expect that that's so. I don't know that I ever  
15 really confirmed that one way or another. I simply told  
16 him that Tom was not capable of paying full freight and  
17 sometimes probably wouldn't even be able to pay partial  
18 freight.

19 MR. GAINOR: Pass the witness, your Honor.

20 THE COURT: Thank you.

21 CROSS-EXAMINATION

22 BY MR. KOCH:

23 Q Mr. Upton, I believe I noticed you in the audience here

1           during a portion of this trial?

2   A    I think it was on Thursday, but I'm not sure. I came down  
3       at the request of the County Attorney who told me that I  
4       might have to testify and I came in to look for them, yes.

5   Q    Did you speak with your client, sir?

6   A    I've seen Tom in the hall. I'm aware that I'm not supposed  
7       to talk, because I'm a potential witness, about what his  
8       testimony was and I was alerted to that when I first came  
9       in.

10   Q   All right. My question was did you speak with your client,  
11       sir?

12   A    I did.

13   Q    Okay. Thank you. Now, if I understand correctly, Tom came  
14       to you in March of 1993?

15   A    I think it was March. It might have been April but it was  
16       in that vicinity.

17   Q    And the reason for his coming to you, sir, was to seek  
18       economic redress?

19   A    That wasn't clear when Tom came to see me. He came saying  
20       that he had been abused by a priest and that he was having  
21       dealings with the Keene police at that time and that they  
22       had suggested that he get a lawyer, and I was one of the  
23       people that he talked with.

1 Q The Keene Police Department suggested that he get a lawyer?

2 A That's what he told me.

3 Q Now, just for my own information, did Mr. Grover know that  
4 you had filed a cause of action against Mr. MacRae?

5 A In June?

6 Q When you filed.

7 A Yes, yes. I told Tom I didn't think we could wait any  
8 longer, that I felt the statute of limitations was starting  
9 to slip by us, the statute of limitations being the period  
10 of time in which you can bring a lawsuit. There's only a  
11 certain period of time; otherwise, you lose your ability to  
12 make a claim. I told Tom I thought the statute of  
13 limitations was slipping by us and that we had to go ahead  
14 and get something started.

15 Q So he was aware that you brought this suit?

16 A Yes, he certainly was aware in June.

17 MR. KOCH: No additional questions, your Honor.

18 MR. GAINOR: One question, your Honor.

19 REDIRECT EXAMINATION

20 BY MR. GAINOR:

21 Q The sequestration order that I believe Attorney Reynolds  
22 told you about was that you should not talk to Tom Grover  
23 about his testimony in court, correct?



1 A Right.

2 Q Did you talk to Mr. Grover about his testimony in court at  
3 all?

4 A I didn't. I just stopped to see how he was. I knew he was  
5 very, very anxious about testifying and I was concerned  
6 about how he was doing.

7 Q Thank you. Nothing further.

8 MR. KOCH: Nothing additional, your Honor.

9 THE COURT: Thank you for your testimony.

10 THE WITNESS: Thank you, Judge.

11 MR. GAINOR: The State calls Mrs. Gorges to the stand

12 LUCILLE GORGES

13 who was called as a witness, and having been first duly sworn,  
14 was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. GAINOR:

17 Q Could you please state your full name for the record and  
18 spell your last name?

19 A Lucille Gorges, and the spelling, G-o-r-g-e-s.

20 Q Interesting name. Where are you employed?

21 A At Keene District Court.

22 Q How long have you been employed there?

23 A 20 years.

1 Q What's your current capacity there? What do you do at the  
2 Keene District Court?

3 A I'm the Clerk of Court.

4 Q In your position as Clerk of Court, are you responsible for  
5 maintaining and keeping the records of that court?

6 A Yes, I am.

7 Q Did Attorney Reynolds contact you in regard to a Gordon  
8 MacRae and about some records at your court?

9 A Yes.

10 Q Did he ask you to retrieve a document for him?

11 A Yes, he did.

12 MR. GAINOR: May I approach the witness, your Honor?

13 THE COURT: Yes.

14 Q I'm showing you, Mrs. Gorges, what's been marked as State's  
15 Exhibit 2 for Id. And could you tell the Judge and jury if  
16 you recognize that document?

17 A Yes, I do.

18 Q Is that something that you retrieved from the archives in  
19 your court?

20 A Correct.

21 Q When did you do that?

22 A December 8th, 1993.

23 Q Is that a copy of, a certified copy from your court?

1 A Yes, it is.

2 Q Could you please read to the jury what the writing on this  
3 document is?

4 A The heading?

5 Q Sure. The whole thing.

6 A Do you need the stationery? Do you want the stationery or  
7 just here?

8 Q The date, to and regarding, and then the sentence after  
9 that.

10 A Okay.

11 MR. KOCH: Excuse me, your Honor. May I voir dire the  
12 witness on the exhibit?

13 THE COURT: I don't know what the exhibit is. Yes, you may.  
14 You may.

15 VOIR DIRE EXAMINATION

16 BY MR. KOCH:

17 Q Ma'am, what is the letter of the exhibit or number of the  
18 exhibit that you have in front of you?

19 A State's Exhibit 2, 93-S-0218.

20 Q Okay. Now, ma'am, is that the complete text of the  
21 document that you were asked to retrieve from the District  
22 Court file?

23 A No, there's been some that's been blanked out.

1 Q That is one sentence of a six or seven paragraph letter, is  
2 that not true?

3 A That's correct.

4 MR. KOCH: Your Honor, I'd ask that the entire exhibit be  
5 marked for identification, if it's going to be testified  
6 to.

7 MR. REYNOLDS: May we have a side bar, please?

8 CONFERENCE AT THE BENCH

9 MR. GAINOR: Your Honor, I object to the voir dire. I believe  
10 that that was an end run around the expungement. There was  
11 contents of that expunged for a purpose. It made reference  
12 to some matters that weren't relevant. I believe the voir  
13 dire, for the record, could have been done out of the  
14 presence of the jury. Other than that, the State has no  
15 objection to the full exhibit for a record purpose being  
16 marked as an Id.

17 MR. KOCH: Your Honor, to take one sentence out of this to  
18 prove a particular point, first of all, if you deduct one  
19 section of a writing, we have a right to introduce the  
20 rest. Secondly, there's nothing in there that this Court  
21 is not already aware of in terms of Tom's history. In  
22 fact, the Court allowed me to go into the State's theme  
23 that some of the problems that he was dealing with had to

1 do with legal issues. This does not identify in any form  
2 or fashion. It's merely a referral form and what the State  
3 wants to introduce it for, as I understand it, is just to  
4 show that Gordon makes some type of admission that he is a  
5 friend of the family and a counselor for Tom Grover for the  
6 past seven years.

7 MR. REYNOLDS: Exactly, your Honor.

8 MR. GAINOR: And we went through that for a reason, your Honor,  
9 because any person of any sense would know what the  
10 reference is, involvement with the Keene District Court  
11 implies. It doesn't take a rocket scientist, and that's  
12 why it was expunged.

13 MR. KOCH: Your Honor, he's already admitted to the fact he  
14 was a convicted felon. He's already testified on the stand  
15 that he's had legal problems and that's one of the reasons,  
16 and for them to understand, well, even if he is a writer,  
17 he was testifying concerning having legal problems.

18 THE COURT: This comes in, all of it comes in.

19 MR. REYNOLDS: Your Honor, my focus here, just so the Court  
20 knows, is that the only real portion of this entire  
21 document that really is an admission under the law, as far  
22 as I can see, is, "I have known the above-named juvenile as  
23 a family friend and counselor for the past seven years."

1 Everything else in the document is not pertinent to Mr.  
2 MacRae. It has to do with services that have been provided  
3 to Mr. Grover and that was the State's reason for wanting  
4 to admit only that sentence. It's not to deceive the  
5 jury. It's just that that is the only genuine admission in  
6 the thing. Everything else is focused on Mr. Grover and  
7 not on the defendant and that's the sole purpose, is to  
8 demonstrate that he was involved as a family friend and  
9 counselor.

10 THE COURT: I understand the State's position but as far as  
11 the Court is concerned, anything that the opposing party  
12 says is right on paper in a sense benefits you, it's an  
13 admission, but we all know that if part of a document comes  
14 in, at least in my opinion, unless some unusual  
15 circumstance is present, which I don't see here, the entire  
16 document can come in to explain. And to me, I think that  
17 sentence, standing alone, could lead to a lot of conjecture  
18 and difficulties that either allowing the whole document in  
19 or out and none of it in would prevent. So if you want it  
20 in, it can come in but it's going to have to be the whole  
21 document.

22 MR. GAINOR: And you're talking about actual introduction, of  
23 striking the Id., above and beyond just the witness reading

1       the portion that's on the State's document for Id?

2   THE COURT:     Well, if that's what you're going to do.

3   MR. GAINOR:    I think I may just have her read it.

4   THE COURT:     Then you can have her read it. That's up to you.

5                   (Conclusion of Conference at the Bench)

6   Q   (by Mr. Gainor) Okay, ma'am. We had some discussion  
7       earlier about excising portions of this letter and that's  
8       what was presented to you. After the side bar conference,  
9       I'm now going to show you this document--

10  MR. GAINOR:    And why don't I have that marked right now. I'd  
11       like to have this marked as State's Exhibit 3 for Id.,  
12       please.

13                   (Letter dated 4/9/85 marked State's Exhibit 3  
14                   for Identification)

15  Q   I'm showing you, Ma'am, State's Exhibit 3 for Id., and do  
16       you recognize that document?

17  A   Yes, I do.

18  Q   Was that retrieved from your court?

19  A   Yes.

20  Q   Is that a true and accurate copy of the document that  
21       exists in your court?

22  A   Yes, it is.

23  Q   If you could read --. May I see that just for a second?

1           Thank you. If you could read just the first sentence for  
2           the jury, please?

3   A       "I have known the above-named juvenile as a family friend  
4           and counselor for the past seven years."

5   Q       And what's the date on that document?

6   A       April 9th, 1985.

7   Q       And if you could read, Ma'am, that sentence starting there  
8           all the way to the end of the first paragraph, please?

9   A       "In the last year, however, I have been aware of a steady  
10          decline in Thomas's attitude, behavior, school performance  
11          and general life-style. I believe that there is a direct  
12          relationship between this decline and the problems that now  
13          bring him before this court. The purpose of this  
14          correspondence is to recommend that the Keene District  
15          Court consider some form of positive intervention in  
16          Thomas's life in the hopes of preventing a further decline  
17          in behavior and future problems that may come before this  
18          court."

19   Q       Thank you.

20   MR. GAINOR: I ask that the Id. be struck at this time, your  
21               Honor.

22   THE COURT: It may be.

23   MR. KOCH: Yes. I have no objection.



1 THE COURT: The Court will receive it as an exhibit.

2 MR. KOCH: I have no objection.

3 (Identification stricken from State's Exhibit 3)

4 MR. GAINOR: Pass the witness.

5 CROSS-EXAMINATION

6 BY MR. KOCH:

7 Q Ma'am, I notice that you're reading from some type of,  
8 looks like a whole series of papers. Can you identify what  
9 you're holding in your lap for us, please?

10 MR. GAINOR: Objection, your Honor.

11 THE COURT: You can take a look at the documents but you can't  
12 ask her what they are.

13 MR. KOCH: I don't know what she's reading from.

14 THE COURT: You can ask.

15 MR. REYNOLDS: It's the juvenile file.

16 MR. KOCH: May I take a minute to review that?

17 THE COURT: You can look at what she's looking at, yes.

18 MR. KOCH: Ma'am, may I borrow the documents that you have  
19 for a minute? Just the entire file, with the Court's  
20 permission, to take for a minute.

21 THE COURT: That's fine.

22 MR. KOCH: Thank you, your Honor.

23 (Pause)

1 MR. KOCH: Your Honor, may I approach? I need a side bar.

2 CONFERENCE AT THE BENCH

3 MR. KOCH: Your Honor, if I read these records correctly, I  
4 don't believe Mr. Grover was a juvenile at the time all of  
5 these entries are made, first of all, and that's what's  
6 been a repeated--. If the Court will look to the date,  
7 1986 he would have been 18 years old.

8 MR. REYNOLDS: And he had juvenile jurisdiction until he was 19  
9 because the underlying offense was when he was under 18.

10 MR. KOCH: I think the Court may do an in camera. The other  
11 thing I notice is there's an additional, defendant is 19  
12 years old, there's an additional document that has Gordon  
13 MacRae's signature on it and it specifically relates to Tom  
14 Grover and what is to be done with him in terms of his  
15 treatment at Derby Lodge and the follow-up halfway house.  
16 If I remember the testimony from Mr. Grover, it was that he  
17 went to Tirrell House completely on his own. It has  
18 absolutely nothing to do with Gordon MacRae, that it was a  
19 decision that he had made voluntarily once he'd sort of  
20 gotten out of the clutches or control. This is another  
21 document I would like to question her about but I think the  
22 Court may need to do an in camera review of this file. The  
23 other thing I did note was that some of these, in fact, do

1 go to juvenile, but in '85, in March of '85 he would have  
2 been 17. Let's see. '67 he was born.

3 THE COURT: 17.

4 MR. DAVIS: He would have been 17.

5 MR. KOCH: 17. Six months before he's got a plea to two  
6 thefts and two forgeries, okay? And then he's got another  
7 theft by deception in September of '85.

8 MR. REYNOLDS: It's all juvenile.

9 MR. KOCH: Yes. Actually in November of '85 he would have  
10 been turned--. I had previously requested on several  
11 occasions to be allowed to go into this. I would like the  
12 Court to take an in camera review to see what I can  
13 question her about.

14 MR. REYNOLDS: Well, I don't think an in camera review is  
15 necessary. I think the Court can see right here, juvenile  
16 record, September 25th, '85. This is the circumstance.  
17 Now, with regard to the comments on Tirrell House, Mr. Koch  
18 is referring to the second time at Tirrell House, not the  
19 first time, which is the Derby Lodge-Terrell House issue.  
20 The second time at Tirrell House was the time when he was  
21 an adult, not this time. This whole matter, including the  
22 last issue which was dealt with the Court, had to do  
23 with--. The Court specifically notes here when the

1       defendant turns 19 years old. When defense has committed  
2       at the age of 17 a violation, the circumstances is that the  
3       juvenile system retains jurisdiction until he's 19 by  
4       statute so this whole matter of circumstances having to do  
5       with this first time going through the system had to do  
6       with his being juvenile jurisdiction.

7   MR. KOCH:       Your Honor, excuse me. The Derby Lodge, if the  
8       Court will look up to there, the date of admission was  
9       10/16 of '86 when he was 18.

10  THE COURT:       I'll take a look at the record.

11  MR. REYNOLDS: Sure, when he was 18, but the circumstances is the  
12       reason he's there is pursuant to juvenile jurisdiction with  
13       the court.

14  THE COURT:       Right. I mean, I'm tell you, concerning these  
15       juvenile records, even if these were adult records I'm not  
16       sure that I'd allow in the convictions this far away from  
17       the dates that they occurred, as far as the deception  
18       question is concerned. But since they are juvenile  
19       records, in addition to the fact that they're so-called  
20       cold, I mean, the reason we don't let in the juvenile  
21       things is we want to protect juveniles. Also, we realize  
22       that they're changing at that age, that we can't project  
23       the personality over the years, and many times even in

1 adult cases where you have these questions of deception  
2 it's inappropriate to allow in a conviction that's as old  
3 as these convictions are. That's my reasoning on these  
4 issues, but I will take a look at the records and if  
5 there's something in there that indicates that he's beyond  
6 the age and it's relevant to this case, if that's what you  
7 want.

8 MR. REYNOLDS: Also, I ask the Court to note that the nature of  
9 the violation of probation is that he failed to report as  
10 directed, failed to attend counseling, failed to abstain  
11 from use of alcohol and controlled drugs not alleging a  
12 crime, and this is a subsequent act on probation, so it's a  
13 non criminal offense by someone who's in the juvenile  
14 system.

15 THE COURT: Do you want this--

16 MR. KOCH: Well, I would like to have this marked, or maybe a  
17 copy because I know this is probably the original court  
18 file.

19 MR. REYNOLDS: Yes.

20 MR. KOCH: Okay. I would like to have a copy substituted and  
21 marked for identification as my next exhibit. I would like  
22 to be able to question about that one document that Gordon  
23 MacRae's signature appears on, the one that Mr. Reynolds

1        was just referring to, because it ties in directly in terms  
2        of his ability to go into the Derby Lodge and his treatment  
3        at that point in time, State's 3, which is now admitted as  
4        a full exhibit.

5        MR. REYNOLDS: It's cumulative, your Honor.

6        MR. KOCH:        Excuse me, Mr. Reynolds. Your Honor, if the Court  
7        will review that letter, you'll see where I'm going with  
8        this and why I think it's relevant and why we think we need  
9        to question about it because Gordon MacRae's motivation and  
10       his control in the life of Thomas Grover has been called  
11       into question as though he were calling all these shots  
12       when, in fact, in part it's really a development of the  
13       Court and not because Gordon had this Svengali-type grip on  
14       Tom Grover.

15       THE COURT:       Well, it's a question of who's moving who, is the  
16       Court moving him or is he moving the Court.

17       MR. KOCH:        No, I know.

18       THE COURT:       We go too far with that.

19       MR. REYNOLDS: I have a couple of issues there, your Honor. In  
20       the first place--

21       THE COURT:       Number one, I wonder if we should release the  
22       jury, if we're going to go into it.

23       MR. REYNOLDS: Oh, no, please don't. Not yet. Give us till 4:30.

1 MR. KOCH: I can certainly finish questioning her about this  
2 and then--

3 THE COURT: Why don't we do this. I'll take this and then if  
4 we run into it, we'll bring her back.

5 MR. REYNOLDS: The other circumstance, your Honor, a couple of  
6 other objections that I have here on this is it's  
7 cumulative. The defendant, by virtue of his pleadings  
8 which have already been read into the record, indicates  
9 what he felt the circumstances were getting into Derby  
10 Lodge. Those are out of his own mouth, okay? This is  
11 cumulative evidence. I guess he's trying to impeach his  
12 own, the defendant is trying to impeach himself now. I  
13 guess I don't have a big problem with that but it's  
14 cumulative. I don't think it comes in because the fact is  
15 it's still a juvenile record. So remember, the State's  
16 only purpose in getting in only a portion of the original  
17 document that was submitted to the Court was simply  
18 admissions by Mr. MacRae, not getting into all of this  
19 secondary and subsidiary stuff which the defendant now  
20 wants to open the door on. The State tried very hard not  
21 to open that door but we had to submit the whole document  
22 under the Court order, even though only the one sentence  
23 was obviously completely separate in terms of what the

1 document intended to do. So the defendant is now trying to  
2 simply keep crowding in more and more evidence ultimately  
3 to expose the juvenile record of this juvenile in spite of  
4 the fact it's cumulative as well as I think it's  
5 objectionable.

6 THE COURT: Well, I'm not going to stay here and argue this  
7 forever either. I'm going to release the jury.

8 MR. KOCH: Could I have this marked? I would like the  
9 exhibit marked as my next letter, whatever it is. I think  
10 it might be E, and then the letter marked as maybe E-1.

11 THE COURT: We won't mark it now. We will mark this tomorrow  
12 morning after I've had a chance to look at it.

13 MR. KOCH: Okay.

14 THE COURT: Give this back to her and then you can finish your  
15 examination of her. I'll take a look at that. I will  
16 order a copy be made and it be marked and sealed, if I  
17 decide that we can't use any of the information.

18 MR. REYNOLDS: Your Honor, we do have one more witness, if we  
19 could fit in today after Lucille Gorges. It's Captain Art  
20 Walker, who was also involved in this process. Two more.  
21 Monsignor Christian, both of whom will be very brief, I  
22 believe, by both parties.

23 THE COURT: It better be because we're going only to 4:30



1 (Conclusion of Conference at the Bench)

2 Q (by Mr. Koch) Ma'am, let me hand this back to you. I would  
3 like you, if you would, to take State's Exhibit 3 and read  
4 that letter in its entirety, just the whole letter.

5 A Okay. "April 9--

6 MR. GAINOR: Your Honor, I object. It's cumulative. I think  
7 it's a waste of time. The jury will have an opportunity to  
8 see the entire document when it's published to them. At  
9 this late date, given the number of witnesses we need to  
10 get in, I'd ask the Court to just submit the whole thing to  
11 them when the time becomes appropriate.

12 MR. KOCH: Your Honor, with all due respect, Mr. Gainor had  
13 the witness read a couple of specific portions from the  
14 letter. I want it placed in its context.

15 THE COURT: That's fine. You may read the letter. I suggest  
16 you lean into the microphone. It's easier for the jury to  
17 hear.

18 A (continuing) April 9, 1985. To the Keene District Court  
19 Re: Thomas Grover. I have known the above named juvenile  
20 as a family friend and counselor for the past seven years.  
21 During this period of time I have witnessed several minor  
22 behavior problems in Thomas Grover, but nothing of the  
23 magnitude that now warrants his presence before the Keene

1 District Court. In the last the year, however, I have been  
2 aware of a steady decline in Thomas' attitudes, behavior,  
3 school performance and general life-style. I believe that  
4 there is a direct relationship between this decline and the  
5 problems that now bring him before this Court. The purpose  
6 of this correspondence is to recommend that the Keene  
7 District Court consider some form of positive intervention  
8 in Thomas' life in the hope of preventing a further decline  
9 in behavior and future problems that may come before this  
10 Court.

11 "Particularly evident of this period of steady decline  
12 in Thomas' life-style has been his progressive use and  
13 abuse of alcohol and possibly other substances. Recent  
14 discussions with Thomas, members of his family and his  
15 school counselor have served to reinforce my conviction  
16 that alcohol abuse and possibly the early stages of chronic  
17 alcoholism is a primary problem in Thomas' life and a major  
18 contributing factor to his current delinquent behavior. In  
19 further support of this conviction is the fact that Thomas  
20 was recently interviewed by the staff of the Beech Hill  
21 Hospital for Alcoholism Rehabilitation, and was found to be  
22 a candidate for treatment in that facility.

23 "With the above as background information, it is my

1 recommendation that the Keene District Court consider  
2 ordering the following in lieu of or in addition to any  
3 other form of intervention it deems necessary: One,  
4 participation in the residential adolescent treatment  
5 program at Beech Hill Hospital or an equivalent facility;  
6 two, participation in the after care program at Beech Hill  
7 Hospital following termination of the residential program.

8 "It is my understanding that the requirements for  
9 admission to Beech Hill Hospital's Adolescent Treatment  
10 Program have already been met. Furthermore, I understand  
11 that an opening in this program is available to Thomas on  
12 April 11, 1985. After this date there would be a rather  
13 lengthy waiting period. Respectfully, Reverend Gordon J.  
14 MacRae, A.B., S.T.B., M.Division."

15 MR. KOCH: No further questions, your Honor.

16 THE COURT: Thank you. Thank you for your testimony. You can  
17 just leave that with the reporter. You can leave.

18 MR. REYNOLDS: We've lost him. I'm assured that he'll be here  
19 shortly.

20 THE COURT: Okay.

21 (Pause)

22

23

1                                    FRANCIS J. CHRISTIAN

2    who was called as a witness, and having been first duly sworn,  
3    was examined and testified as follows:

4                                    DIRECT EXAMINATION

5    BY MR. REYNOLDS:

6    Q    Please be seated. Please state your name for the record,  
7           spelling your last name?

8    A    Yes. I'm Monsignor Francis J. Christian,  
9           C-h-r-i-s-t-i-a-n.

10   Q    And how are you employed, sir?

11   A    I am an, obviously, a Roman Catholic priest who is  
12           currently assigned as the Secretary for Pastoral Services  
13           of the Diocese in Manchester and the Chancellor of the  
14           Diocese.

15   Q    What's the Secretary for Pastoral Services and Chancellor  
16           of the Diocese?

17   A    Our Diocese is divided up under the leadership of the  
18           Bishop into five secretariats, each being responsible for  
19           various aspects of diocesan life. One of those  
20           secretariats is the secretariat for pastoral services, for  
21           which I am responsible, and under that would come such  
22           things as various administrative responsibilities for the  
23           Diocese, such as record keeping. I'm also responsible for,

1       for example, information programs for priests and permanent  
2       deacons and things like that. Chancellor is one of the jobs  
3       that falls underneath that secretariat and in that capacity  
4       it's kind of like being an executive assistant to the  
5       Bishop for theological purposes, for personnel matters and  
6       so forth.

7   Q    You're the personnel guy?

8   A    Not exactly, but I'm kind of an executive assistant to him  
9       in that regard.

10  Q    And as such, do you have custody and control over the  
11       records dealing with the personnel in the Diocese?

12  A    Yes.

13  Q    So you're the personnel guy?

14  A    One of them.

15  Q    Monsignor Christian, I asked you to come today with  
16       information concerning certain records kept by the Diocese,  
17       personnel matters, and you brought that xerox. Let me ask  
18       you if you can recognize that?

19  A    I do.

20  Q    And without reading the document to us, can you tell us  
21       what that is basically?

22  A    This is basically a listing of the dates of assignments of  
23       four different priests to St. Bernard's Parish in Keene and

1 the dates when their assignment there was terminated for  
2 one reason or another.

3 Q I see. So for example, if we look at the Reverend Wilfred  
4 Bombardier we see that he was evidently assigned to Keene  
5 for three different periods?

6 A Well, basically he was there from, for a long period of  
7 time with short interruptions when he was taken out for  
8 temporary replacement and other assignment and then came  
9 back to Keene.

10 Q I see. And so this lists assignments; not necessarily all  
11 the comings and goings every priest might have but his time  
12 when he was actually assigned there?

13 A Correct. To St. Bernard's, right.

14 MR. REYNOLDS: I'd ask this be marked as next in line for  
15 identification, please.

16 (Assignment schedule at St. Bernard's marked  
17 State's Exhibit 4 for Identification)

18 Q And these are dates that are culled by you from other  
19 personnel records in the Diocese, is that correct?

20 A That's correct.

21 Q Now, with regard to, for example, to the Reverend Wilfred  
22 Bombardier it indicates here that July 15th, '83 through  
23 June 20th, 1989, 1985, rather, he was assigned to St.

1 Bernard's in Keene?

2 A That's correct.

3 Q But what are some reasons that he may not have been there  
4 say for a period of two, three, four weeks, perhaps even a  
5 couple of months, even though he was assigned there under  
6 the records of the parish?

7 A During that period of time?

8 Q Yes.

9 A Well, it would be unusual that he would not be there for a  
10 period up to a month or two. He might be away for a week  
11 or two for vacation. He might be away a week or two for on  
12 going information programs or something. But a priest is  
13 allowed a vacation at this time of the month, one month a  
14 year, which he normally doesn't take all at the same time  
15 so it would be unusual for someone who's assigned in a  
16 parish not to be there for most of that time except for  
17 vacations or ongoing education or something like that. I  
18 guess what I'm saying, in other words, is it would be  
19 unusual for somebody to be away from the parish for a  
20 period of two or three months without some other kind of  
21 arrangement having been made.

22 Q But not necessarily unusual for a month to stay away?

23 A That's probably not unusual.

1 Q For example, if a priest has some medical or mental health  
2 issues, he might have to leave his assignment, though  
3 that's his permanent abode, until those health or issues  
4 are dealt with.

5 A Correct, with one provision. If a man had a serious health  
6 problem that was going to require an extensive period of  
7 time away from the parish, he would normally be placed on  
8 sick leave and that would be then part of his assignment  
9 record. He would be released from the parish for whatever  
10 period was required for that treatment or health recovery  
11 and then would perhaps return to the parish at the end of  
12 that period of time. If someone had some kind of  
13 short-term problem that required them to be away for two  
14 weeks or three weeks or something, then that probably would  
15 not be noted as part of the personnel record.

16 Q I see. So if a person had to leave in order to have a  
17 condition stabilized, or something like that, it would be  
18 reasonable that two, three weeks, maybe even a month would  
19 not show up on the personnel file.

20 A That's correct, normally speaking.

21 Q Normally speaking. So as we look at this, these are simply  
22 the dates of assignments and there may be some dates in  
23 there when, for example, Wilfred Bombardier may not have



1           actually been in residence at the parish?

2   A    It's possible.  The Diocese wouldn't necessarily know of  
3       short-term absence from the parish.  Those things are  
4       agreed to by the pastor and the priest working with him.  
5       If I need to be away for a certain period of time, a short  
6       period of time, for whatever reasons, and that meets the  
7       approval of the pastor, then that's acceptable, the Diocese  
8       would not be necessarily made aware of that.  A long-term  
9       absence that would be longer than a normal period of time  
10      away, longer than two or three weeks or a month, that  
11      normally would be communicated with us and we would then  
12      arrange for a sick leave or something along those lines.

13  Q    I see.  But a sick leave of 30 days or less would not be  
14       unusual and would not necessarily find its way in the  
15       personnel section of the file?

16  A    I'm not sure I would say it's not unusual.  It would be  
17       unusual but if it happened, it probably would not find its  
18       way into our personnel records.

19  Q    Might be in some other records that you did not necessarily  
20       consult for this?

21  A    It wouldn't be in the Diocesan level.  It would probably be  
22       indicated someplace, or a parish record in some way or  
23       another, but we would not be made aware of it for a

1 short-term situation like that.

2 MR. REYNOLDS: Your Honor, I ask that this be admitted as a full  
3 exhibit.

4 MR. KOCH: I have no objection, your Honor.

5 THE COURT: The Id. may be stricken. It's a full exhibit.

6 MR. REYNOLDS: And I ask that it be published to the jury.

7 THE COURT: It may published.

8 MR. KOCH: Your Honor, may it do so after I question about it  
9 first, though?

10 THE COURT: Oh, yes.

11 MR. KOCH: I'm sorry, Mr. Reynolds.

12 (Identification Stricken from State's Exhibit 4)

13 THE COURT: Thank you, Mr. Reynolds. Mr. Koch.

14 MR. KOCH: Thank you.

15 CROSS-EXAMINATION

16 BY MR. KOCH:

17 Q Monsignor Christian, in State's 4 you've listed the name of  
18 Reverend Wilfred Bombardier?

19 A Yes.

20 Q Is that correct? And then Reverend Daniel Dupuis?

21 A Correct.

22 Q Reverend Gabriel Houle?

23 A Correct.

1 Q And Reverend Gordon MacRae?

2 A Correct.

3 Q Now, sir, on that list, did all three of those people have  
4 residencies at the St. Bernard's rectory during some period  
5 of the summer months of 1983?

6 A Yes, sir.

7 Q And sir, when a priest as a normal rule would have  
8 residency in a rectory, would that mean that he would have  
9 living quarters there?

10 A Correct.

11 Q And may or may not have an office there?

12 A Under normal circumstances, there would be some kind of  
13 office facilities, depending on the size of the rectory and  
14 so forth.

15 Q Okay. So during the summer months of 1983, we would have  
16 had at various times four priests present in the St.  
17 Bernard's rectory here in Keene, New Hampshire?

18 A I can't tell you whether all four were present at exactly  
19 the same times.

20 Q Yes, sir.

21 A But during that period of time, four priests were assigned  
22 there for varying periods of time.

23 Q Okay. Now, one other thing. I don't know if your records

1 would show this, but if you'd look at Reverend Bombardier?

2 A Mmm-Hmm.

3 Q And I think you indicated that there were three periods  
4 when the official Diocesan records show his residence in  
5 Keene--

6 A That's correct.

7 Q -- is that correct? Let me ask you, sir, you have November  
8 12th of 1980 to August 23rd of '82?

9 A Correct.

10 Q And then you go from August 23rd of '82 to July 15th of  
11 '83?

12 A Mmm-Hmm.

13 Q Where it appears as though he was not at St. Bernard's in  
14 Keene?

15 A From our records from June 15th to July 15th of 1983, he  
16 was temporarily removed and was sent to St. George's Church  
17 in Manchester to fill in for a situation there where there  
18 was a priest absent. There was also a period of time which  
19 I recall which I don't have a record of unfortunately where  
20 he was asked to fill in temporarily at the parish of the  
21 Immaculate Conception in Troy and so for those periods of  
22 time, he would have been out of that, out of St. Bernard's.

23 Q Okay. Now, when you say, for instance, August 23rd of '82,

1           is it possible, sir, that he had residence here at this  
2           rectory but served in Troy?

3   A       It's possible during that period of time.

4   Q       And Troy being, oh, maybe 10, 12 miles from here, sir?

5   A       Correct.

6   Q       Okay.

7   MR. KOCH:     Your Honor, that maybe published, if Mr. Reynolds  
8                 wants, to the jury at this time. I have no further  
9                 questions, your Honor.

10   THE COURT:    Thank you. Anything further?

11   MR. REYNOLDS: I don't think so, your Honor.

12   THE COURT:    Well, thank you very much for your testimony.

13                 Ladies and gentlemen of the jury, as I've told you before,  
14                 you're not to discuss anything about the case among  
15                 yourselves or with anybody else until all the evidence is  
16                 in and you're not, of course, to read the newspaper or  
17                 listen to the radio or television about this case. As I  
18                 said before, if you do run into information that makes you  
19                 uncomfortable, makes you feel that you might not be able to  
20                 be fair or if the things that I have prohibited in my  
21                 written order to you become a question, you can just let a  
22                 bailiff know and they will come and let me know and we'll  
23                 figure it out. Thank you very much for your service and

1 your patience and we'll see you tomorrow morning at 9:30 in  
2 the morning.

3 (Jury excused)

4 Does counsel have anything else before we leave today?

5 Tomorrow morning, my understanding is that we will voir  
6 dire the witness, Pauline Goupil. That's how we'll begin.  
7 That's why I held over the jury until 9:30. And tonight  
8 I'll take a look at the documents that we talked about  
9 earlier.

10 MR. KOCH: Your Honor, I was unclear on the Court's prior  
11 order. Are we allowed access to the records of Miss Goupil  
12 at this juncture before I do my voir dire? I wasn't quite  
13 clear.

14 MR. REYNOLDS: Your Honor, I'd ask that the Court--. The Court  
15 knows the gist of the voir dire. I'd ask that the Court  
16 conduct that in privacy, at least initially, to determine  
17 whether or not there are any genuine issues there and then  
18 only if there are some genuine issues then I think we need  
19 to deal with the further issue of whether or not these  
20 documents may be made available. As I say, the State has  
21 not seen these documents; only the Court has seen them thus  
22 far.

23 THE COURT: I'll tell you, you know, I feel this is an

1           important issue in this case, the way that this counseling  
2           took place, the way questions may or may not have been  
3           asked, and to be honest, I don't feel competent to ask the  
4           same questions that defense counsel might in this case.

5   MR. REYNOLDS: I'm only asking the Court to do some initial  
6           reading, not necessarily to see if there are any genuine  
7           issues. If there are--

8   THE COURT:     We'll just have the voir dire. We'll have a voir  
9           dire. Both counsel will have a chance to question the  
10          witness. Let me take a look at the records. To me, it was  
11          mainly what we'd--

12   MR. REYNOLDS: Nothing other than we've already talked about.

13   THE COURT:     Well, what I'll do is make these available for you  
14          to go through downstairs. Can you do that? They're not  
15          extensive.

16   MR. KOCH:       Okay.

17   MR. REYNOLDS: Does the State have equal access, your Honor?

18   THE COURT:     Oh, yes, yes. I'm not sure. We could copy these  
19          or I'd be willing to release these into your custody and  
20          return them to the Court, if you'd make copies for the  
21          defendant as well as yourself.

22   MR. REYNOLDS: I will do that, your Honor.

23   THE COURT:     Would you do that? Okay.

(Documents handed to Mr. Reynolds)

THE COURT: And those will be returned to the Court. I'll let them know downstairs that you'll be back in a few minutes.

MR. REYNOLDS: Thank you your Honor.

THE COURT: Anything else? Thank you.

(Hearing suspended until Tuesday, September 20,  
1994 at 9:00 o'clock a.m.)

CERTIFICATE

I, Lorena Werner Patria, Certified Court Reporter for the State of New Hampshire and Official Court Reporter in the above-captioned matter, do hereby certify and affirm that the foregoing transcript, pages 1 through 80, represents a true and accurate transcription, to the best of my skill and ability, of my stenotype notes taken in the above-captioned matter.

Date 3/22/95

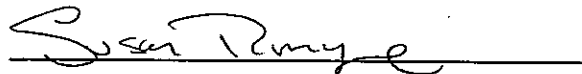
Lorena Werner Patria  
Lorena Werner Patria, CSR  
Certificate #41



CERTIFICATE

I, Susan Ronayne, Certified Court Reporter for the State of New Hampshire and Official Court Reporter in the above-captioned matter, do hereby certify and affirm that the foregoing transcript, pages 81 through 184, represents a true and accurate transcription, to the best of my skill and ability, of my stenotype notes taken in the above-captioned matter.

Date 3/23/95



Susan Ronayne, RMR

CSR Certificate #26