

VICARIATE FOR COMMUNITY AFFAIRS

53 ASH STREET

P.O. BOX 310

MANCHESTER, N.H. 03105

(603) 669-3100

PM 5-60

JUL 03 1984

July 2, 1984

Paul M. Gagnon, Esq.
Hillsborough County Attorney
300 Chestnut Street
Manchester, NH 03101

RE: Reverend Mark Fleming

Dear Attorney Gagnon:

I am writing to update you on my recent visit with Fr. Fleming at the House of Affirmation in Webster Groves, Missouri.

On June 26th, I spent one hour privately with his prime therapist, Dr. Roger Gennari. Dr. Gennari informed me that Fr. Fleming is responding well to the program at the House of Affirmation, and that he was personally pleased with the progress he had seen over the past several months. We discussed a number of canonical issues, especially with regards to Fr. Fleming's future ministry.

On June 27th, I met with both Dr. Gennari and Fr. Fleming. It was at this meeting that I formally told Fr. Fleming that it was Bishop Gendron's decision that he could no longer effectively serve in the Diocese of Manchester. Based on his sessions with Dr. Gennari, this did not come as any shock to Fr. Fleming, as this is normal procedure in such serious matters. We did discuss how he might be placed in a different diocese after he had completed his in-patient therapy. Working with the House of Affirmation, and only with their approval, the Diocese of Manchester through Bishop Gendron would contact and make arrangements with the Bishop of the Diocese in which Fr. Fleming would serve. We project that this will most probably be in St. Louis, and that he will continue as an out-patient with regularly scheduled therapy sessions with his psychiatrist. However, it is unlikely that this will occur for several months.

I informed Fr. Fleming of your concern to develop a memorandum of understanding between your office, the Diocese and himself, and he was made well aware of the full implications of such an agreement. Dr. Gennari was most supportive of the development of such a memorandum, and will cooperate with the Diocese and your office in any manner he can. He has had previous experience with other State and County agencies such as your own in such matters, and he feels that such memorandums can also serve great therapeutic value.

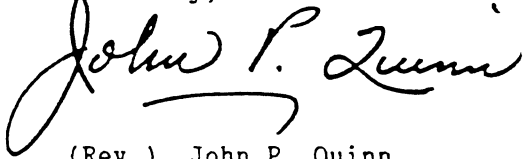
As he had offered, and as you requested in our telephone conversation on Friday, I am writing to Dr. Gennari today requesting that he send you copies of the progress reports he regularly sends to Bishop Gendron and this office.

I had the opportunity to spend several additional hours with Fr. Fleming while in St. Louis, and to speak with him at length concerning his therapy and the consequences of his actions here in New Hampshire. I am pleased that he has made excellent progress, and that he is well aware of the full consequences. He continues to demonstrate to Dr. Gennari and to myself a sincere effort and commitment to the therapy program at the House of Affirmation.

I understand that your office has been most busy over the past several months. However, I would appreciate whatever you could do to expedite the Memorandum of Understanding so this could be forwarded by me to the House of Affirmation as soon as possible. Be assured of our continued cooperation and assistance in any way that we can.

With every best wish, I remain,

Sincerely,



(Rev.) John P. Quinn
Episcopal Vicar

JPQ:eg



PAUL M. GAGNON
COUNTY ATTORNEY

Hillsborough County
State of New Hampshire

1185
PETER McDONOUGH
FIRST ASSISTANT
ASSISTANT COUNTY ATTORNEYS

DAVID A. HORAN
PAUL V. McDONOUGH
FRANK E. MESMER, JR.
ROBERT J. VEIGA
SUSAN L. HOWARD
RICHARD J. JOYAL
GARY CASINGHINO

300 Chestnut Street, Manchester, N.H. 03101
Telephone (603) 627-5605

August 3, 1984

PERSONAL AND CONFIDENTIAL

Reverend John P. Quirm
Episcopal Vicar
Diocese of Manchester
153 Ash Street
P.O. Box 310
Manchester, NH 03105

Dear Father Quirm:

Thank you for your letter of July 2, 1984 with regard to the above-captioned matter. I am enclosing the agreement which my staff has prepared with regard to this case. Would you please review this document and, if there are no questions, obtain the necessary signatures at your convenience. I am hopeful that we may achieve a satisfactory resolution of this matter in the relatively near future.

In the meantime if you have any questions or comments, please do not hesitate to contact me at your convenience.

Yours truly,

Paul M. Gagnon, Esquire
Hillsborough County Attorney

PMG/pjb

Enc.

84-600

FILE 100

SEP 17 1984

Roger L. Gennari, Ph.D.
Clinical Psychologist
8131 Manchester Ave.
St. Louis, MO 63144
(314) 781-3011

September 14, 1984

Mr. Paul M. Gagnon, Esq.
Hillsborough County Attorney
300 Chestnut Street
Manchester, N.H. 03101

Dear Mr. Gagnon:

I am in receipt of a copy of the agreement you wish signed by Rev. Mark Fleming. I have shown it to him and he has agreed to sign and comply with the stipulations. Before he can sign, there will have to be one major change. Rev. Fleming is no longer in treatment in the residential treatment program at the House of Affirmation. I was his therapist while he was there; but, as of 9/1/84, I have left the House of Affirmation and am in private practice here in St. Louis. Rev. Fleming is now seen by me in my practice separate from the House of Affirmation. Therefore the House can no longer be considered responsible for him but rather I will be. I will be sending you monthly status reports.

Presently Rev. Fleming is seeing me in individual psychotherapy twice a week. He is living and working in a parish in Florissant, Mo. I do not foresee any difficulties and the therapy should continue to go well.

Sincerely,

Roger L. Gennari, Ph.D.

Roger L. Gennari, Ph.D.

RLG:pi

AGREEMENT

Agreement made this day of , 1984
between Reverend Mark Fleming, hereinafter "defendant", and the Hillsborough
County Attorney for the State of New Hampshire, hereinafter "the State".

IN CONSIDERATION of certain information and evidence in the
possession of the State that form the basis of numerous offenses of
Aggravated Felonious Sexual Assault that occurred approximately from
January 1983 to October 1983, and involving the defendant and three (3)
children, to wit: [REDACTED] (age 11), [REDACTED] (age 12), and
[REDACTED] (age 9), all of Hudson, New Hampshire, and other valuable
consideration, the parties agree as follows:

1. TERM

The agreement shall be construed to have commenced on ,
and shall continue in force for the remainder of the defendant's natural life

The State agrees not to seek indictments for the acts of defendant
described above, nor to prosecute the defendant for any alleged criminal
conduct arising out of the described acts known to the State, during the
performance of the agreement by the defendant.

Defendant expressly waives his Constitutional Right to Speedy
Indictment and Speedy Trial during the term of this agreement.

2. CONDITIONS

Defendant agrees to continue the program of therapy and counselling
which he has voluntarily commenced with the House of Affirmation, Incorporated
in the vicinity of St. Louis, Missouri. Defendant will successfully complete
this program to the satisfaction of its directors and administrators and will
attend such appointments and sessions as deemed appropriate by
Roger L. Gernari, Ph.D., Sister Kathleen E. Kelley, SND, and all other

administrators and directors of the institution, during the term of this agreement.

The parties agree that the defendant's compliance with the requirements of his program of counselling and therapy will be monitored by officials of the Diocese of Manchester and progress reports shall be made on a regular basis by the Diocese of Manchester to the Hillsborough County Attorney.

The administration of the House of Affirmation shall notify officials of the Diocese of Manchester of any failure on the part of the defendant to comply with the requirements of their program, including absence for a scheduled appointment. The Diocese of Manchester will notify the Hillsborough County Attorney of any such failure or delinquency.

After successful completion of the aforementioned program the defendant expressly agrees to refrain from teaching or in any way participating in, any future religious, educational, or organized social programs which involve children under the age of sixteen (16), and which would involve his contact with such children. The defendant agrees that this condition shall remain in effect for the remainder of his natural life.

The defendant further agrees to be of good behavior in any future contact or relationships with children that occur outside any religious, educational, or organized social programs.

3. TERMINATION

In the event that the defendant fails to comply with the condition of this agreement, said agreement will terminate. The State will then seek to secure the defendant's indictment, trial and conviction for the offenses alleged above. The defendant expressly waives any and all rights to speedy trial or speedy indictment with regard to these offenses.

It is further agreed and understood by the parties that if the defendant fully performs this agreement the State will not attempt to further prosecute the defendant for the above-described offense.

4. MODIFICATION

No terms or conditions of this agreement shall be modified except upon bilateral agreement of the parties in writing.

5. CONFIDENTIALITY

The State hereby agrees to hold in confidence this agreement, unless the defendant shall breach the conditions of said agreement and, upon his prosecution, assert a violation of his Constitutional Right to Speedy Indictment and/or Speedy Trial.

Paul M. Gagnon, Esquire
Hillsborough County Attorney

Reverend Mark Fleming

Sister Kathleen E. Kelley, SND
Director
House of Affirmation, Inc.

Bishop Odore Gendren
Diocese of Manchester

1201

AGREEMENT

Agreement made this 13th day of September, 1984
between Reverend Mark Fleming, hereinafter "defendant", and the Hillsborough
County Attorney for the State of New Hampshire, hereinafter "the State".

IN CONSIDERATION of certain information and evidence in the
possession of the State that form the basis of numerous offenses of
Aggravated Felonious Sexual Assault that occurred approximately from
January 1983 to October 1983, and involving the defendant and three (3)
children, to wit: [REDACTED] (age 11), [REDACTED] (age 12), and
[REDACTED] (age 9), all of Hudson, New Hampshire, and other valuable
consideration, the parties agree as follows:

1. TERM

The agreement shall be construed to have commenced on [REDACTED]
and shall continue in force for the remainder of the defendant's natural life

The State agrees not to seek indictments for the acts of defendant
described above, nor to prosecute the defendant for any alleged criminal
conduct arising out of the described acts known to the State, during the
performance of the agreement by the defendant.

Defendant expressly waives his Constitutional Right to Speedy
Indictment and Speedy Trial during the term of this agreement.

2. CONDITIONS

Defendant agrees to continue the program of therapy and counselling
which he has voluntarily commenced with the House of Affirmation, Incorporated
in the vicinity of St. Louis, Missouri. Defendant will successfully complete
this program to the satisfaction of its directors and administrators and will
attend such appointments and sessions as deemed appropriate by
Roger L. Gemari, Ph.D., Sister Kathleen E. Kelley, SND, and all other

administrators and directors of the institution, during the term of this agreement.

The parties agree that the defendant's compliance with the requirements of his program of counselling and therapy will be monitored by officials of the Diocese of Manchester and progress reports shall be made on a regular basis by the Diocese of Manchester to the Hillsborough County Attorney.

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In the event that the defendant fails to comply with the conditions of this agreement, said agreement will terminate. The State will then seek to secure the defendant's indictment, trial and conviction for the offenses alleged above. The defendant expressly waives any and all rights to speedy trial or speedy indictment with regard to these offenses.

It is further agreed and understood by the parties that if the defendant fully performs this agreement the State will not attempt to further prosecute the defendant for the above-described offense.

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No terms or conditions of this agreement shall be modified except upon bilateral agreement of the parties in writing.

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The State hereby agrees to hold in confidence this agreement, unless the defendant shall breach the conditions of said agreement and, upon his prosecution, assert a violation of his Constitutional Right to Speedy Indictment and/or Speedy Trial.

Paul M. Gagnon, Esquire
Hillsborough County Attorney

Mark P. Fleming (Rev.)
Reverend Mark Fleming

Roger L. Lennari Ph.D.
~~Sister Kathleen E. Kelley, SND~~
Director
House of Affirmation, Inc.

John P. Linn
~~Bishop Odore Cendron~~ Rev. John P. Quinn
for the Diocese of Manchester

Clinical Psychologist
Ms. Linn # R0034

DIocese of Manchester

VICARIATE FOR COMMUNITY AFFAIRS

File 1201

53 ASH STREET

P.O. BOX 310

MANCHESTER, N.H. 03105

(603) 669-3100

October 12, 1984

Paul M. Gagnon, Esquire
Hillsboro County Attorney
300 Chestnut Street
Manchester, New Hampshire 03101

CONFIDENTIAL

Dear Paul:

Enclosed you will find a copy of the document you submitted to this office regarding Reverend Mark Fleming. Though dated by Fr. Fleming on September 18th, it was only received by us this week.

I have spoken to Fr. Fleming recently, and it would appear that his assignment in the St. Louis Diocese is proceeding well. He meets with Dr. Gennari on a weekly basis, and I have been assured that we will be receiving periodic reports on the results of those sessions.

For your records, Fr. Fleming's new address is:

Our Lady of Fatima Parish
4550 Washington Street
Florissant, Mo. 63033

Would you be so good as to send a copy of the enclosed document after you have signed it to this office so that we might place copies in Fr. Fleming's file, and send copies to Dr. Gennari and Fr. Fleming for their records.

Thanking you for your assistance in this matter, I remain,

Cordially yours,

John P. Quinn
(Rev.) John P. Quinn
Episcopal Vicar

TO: FILE
FROM: Paul E. Brodeur, Inv.
RE: DIOCESE OF MANCHESTER
Complaints re: Priest
DATE: 9 APRIL, 02

This date spoke with: Atty. MARK ABRAMSON
1819 Elm St., Manchester, NH 03104
tel. 603-627-1819

OAG had received a package of material from the above on March 29, 2002. The package included articles written by ABRAMSON and the fact that he was about to institute six new cases in Superior Court. He offered additional information if wanted.

This date called and spoke with Atty. ABRAMSON. In an effort to determine if his six clients were other than the victims known to OAG inquired of the names. Atty. ABRAMSON advised of the following clients:

John Doe in newspaper:
[REDACTED] priest FLEMING
[REDACTED] priest FLEMING
[REDACTED] priest FLEMING
[REDACTED] priest PETIT

These victims and priests were known to OAG.

[REDACTED] priest LAMOTHE
[REDACTED] priest DUNN, Gerald (possible)

LAMOTHE had a prior complaint. The two victims were unknown to OAG and ABRAMSON explained that he is in the process of confirming that DUNN is the priest in question. The incident supposedly occurred at Holy Trinity church in Somersworth, NH.

ABRAMSON advised that he would furnish OAG with whatever material he has and will obtain.

4 priests accused of sex abuse in suits filed against diocese

By NANCY MEERSMAN
Union Leader Staff

UL41052A8
The Roman Catholic Diocese of Manchester was hit yesterday with four lawsuits accusing the church of failing to protect six children from sexual assaults by priests at four different New Hampshire parishes.

The lawsuits say the priests molested young male parishioners in Manchester, Hudson, Keene and Somersworth from the late 1960s through the early 1980s, and they blame the church for allowing it to happen. The suits are filed against the Roman Catholic Bishop of Manchester Inc.

"The church was complicit in keeping all this stuff buried, with catastrophic effects on the emotional lives of the victims and their families. It has torn them apart," said attorney Mark A. Abramson, who filed the lawsuits in Hillsborough County Superior Court.

Abramson said some of the six plaintiffs he represents came forward after Bishop John B. McCormack in February issued a list of 14 priests who had been accused of sexual misconduct and who had been removed from parish duties.

The bishop said the church knew of no credible accusations of sexual misconduct against other priests.

The four priests in the lawsuits were not on the bishop's list. They are not listed as priests in the Manchester Diocese's current directory.

One of the lawsuits, brought by three brothers under the names John Doe I, II and III, identifies a priest whose name is being withheld in today's editions because his accusers are anonymous.

The others accused include the Rev. Philip Petit of St. Jean the Baptist in Manchester, the Rev. Francis Lamothe of St. Margaret Mary in Keene and a priest who has not yet been conclusively identified who allegedly molested a minor in the Holy Trinity Rectory in Somersworth.

Patrick McGee, spokesman for the diocese, said the church had nothing to say about the lawsuits yesterday because no one had seen them. Nor, he said, could the diocese discuss why these names

were absent from the bishop's list of priests accused of sexual misconduct.

McGee said he would research the status of the accused individuals and respond later.

Abramson, a plaintiff's attorney with Abramson, Brown and Dugan in Manchester, litigated the civil lawsuit by the Grover brothers of Keene against former priest Gordon MacRae in the 1990s. (MacRae is serving up to 67 years in prison on a 1994 rape conviction.)

Abramson said that case was so emotionally upsetting that he was reluctant to handle any more sexual abuse allegations against the clergy. But he felt it was necessary to seek some form of justice for people whose lives have been ruined. "I wish there was some way to hold the church criminally responsible," he said.

In one suit, the three "Doe" brothers and their parents allege a priest "savagely sexually assaulted" the pre-pubescent boys, who were frequently sent to play on the grounds of the John the Evangelist Rectory in Hudson.

Abramson said the parents thought: "What safer place than the rectory?"

He said the priest took one of the boys to the ocean and asserted his power over him by holding his head under water as he struggled. The boy finally escaped.

In his introduction to the lawsuit, Abramson says, "These monstrous acts have caused permanent, traumatic and devastating emotional injury to the plaintiffs by this defendant's utter failure to make even the most minimal effort to protect them from harm."

Abramson said the Doe brothers went on to serve as military officers, they now have good jobs and they don't need money from a lawsuit, but they were harmed.

"It's their psyche that's been destroyed, horribly traumatized in ways words can't describe," Abramson said.

"One of them told me it has affected any decision he has made in his entire life."

Abramson expects the Manchester Diocese to say it had no obligation to disclose the name of the priest the Does are accusing

because he is deceased.

"We have information that he's not dead. They knew exactly who he was," the lawyer said.

In one of the other suits, David Labrie of Manchester alleges he was sexually assaulted from 1979 through 1981 by Petit at the former St. Jean Baptiste Church in Manchester. As a result, the lawsuit says, Labrie "suffered severe and painful physical injuries, devastating and continuing emotional psychological harm and loss of enjoyment of life."

Jeffrey Theberge of Fremont lodges similar allegations against Lamothe for the years 1979 through 1982.

Plaintiff Thomas Eschmann of Somersworth accuses an unidentified priest of assaulting him at Holy Trinity Rectory in Somersworth from 1966 to 1968. Abramson said the priest was not identified because Eschmann was not certain of the name, but that would be established later.

Abramson said the priest, while wearing his clerical collar, would take boys aside and have inappropriate sexual contact with them.

The lawsuits do not specify damages sought.

"How much is the destruction of your emotional reserves worth?" Abramson said. "... maybe the church can put a figure on it."

The diocese settled the MacRae cases, but only after a bitter fight on technical grounds, Abramson said. The case would have collapsed if Judge Carol Ann Conboy hadn't ruled that the six-year statute of limitations hadn't begun to run until the victims became emotionally aware of the harm that was done to them.

In the end, the church paid, but the amount is confidential.

At least three other attorneys have said publicly they have clients who allege they were sexually abused by priests in New Hampshire and plan to sue.

Abramson said the Manchester Diocese had adequate insurance coverage in the 1990s because there were not many cases here, and he surmises this may still be the case.

TO: FILE
FROM: Paul E. Brodeur, Inv.
RE: DIOCESE OF MANCHESTER
Complaints re: Priest
DATE: 25 March, 02 1041 hrs.

This date spoke with: [REDACTED]

[REDACTED] is reporting for his sons:
[REDACTED]

[REDACTED] advised the acts took place between 1982 and 1984. The boys have never revealed exactly what took place but are prepared to come forward now.

The church was St. John the Evangelist, Hudson, NH and the priest was a MARK FLEMING. He believes FLEMING was 25 to 30 years of age in the 80s.

[REDACTED] advised that back in the 80s. Fr. Scruton had warned FLEMING to remain away from children. The parish Secretary had found out what was going on and warned SCRUTON to notify the Diocese or she would go to the police.

[REDACTED] advised that on December 11, 1984 Mnsgr. CHRISTIAN, FR. QUINN and FR. SCRUTON visited the family. They advised the family that FLEMING could be moved, sent to treatment or the police notified. [REDACTED] advised that the family met with County Attorney GAGNON. GAGNON advised them that the children would be required to testify in open court and the outcome would probably be probation with credit for time served or a 3-month incarceration. The Diocese representatives advised [REDACTED] that they could send FLEMING to a treatment facility in St. Louis for a 2-yr. period. Also that during that 2 years NICHOLS could call and confirm that FLEMING was still there. [REDACTED] felt that two years away from children and getting treatment was better than 3 months therefore accepted the offer of the Diocese. [REDACTED] advised that the County Attorney was upset over his decision but he felt 2 years were better than 3 months. [REDACTED] advised that he did call St. Louis several times during the two years and was advised that FLEMING was present. [REDACTED] was advised that during the last 6 months of the stay in St. Louis the person is let out during the day to do work in the community. [REDACTED] was advised by Fr. ARSENAULT that after the six months there was a letter received from the Bishop of St. Louis area that the services of

1009

FLEMING were not requested in that area. There is also a letter in file from FLEMING in 1986 resigning from the priesthood. There was a letter sent to FLEMING explaining the process but there was no response.

[REDACTED] advised that when the names were released and the name of FLEMING was not on the list he had friend make an inquiry. The friend inquired of the parish priest and the response was that FLEMING was deceased. [REDACTED] called Fr. ARSENAULT and again inquired why FLEMING was not on the list and he was advised that there was a letter in the in 1993 from Fr. BOLDUC advising that FLEMING had passed away.

[REDACTED] advised that Fr. HORAN (current pastor at St John's) had seen his wife, [REDACTED] and indicated that he had seen FLEMING in Manchester. [REDACTED] has also spoken with Frs. GORSKI, LeBLANC and Mark MONTMINY and they have all advised that they had seen FLEMING.

[REDACTED] advised that in 1993 a lengthy document was prepared regarding the above. He will fax a copy to OAG in the near future. [REDACTED] advised he has numerous documents regarding the issues. Advised [REDACTED] to maintain the numerous items for the further investigation if deemed to be within the statute of limitation.

25 MAR 02 spoke with Paul McDONOUGH of the Hillsborough County Attorney's Office. They had retrieved the FLEMING file from archives and presented the file to myself. McDONOUGH inquired if the intent of [REDACTED] was to seek prosecution. I advised that it appeared if the statute applied that [REDACTED] intended to proceed. McDONOUGH brought a number of documents to my attention that reveal an agreement where [REDACTED] confirmed his wishes to have FLEMING attend the program in St. Louis, MO and not to be prosecuted. Copies attached.



1018
January 16, 1984

Roger L. Gennari, Ph.D.
Staff Psychologist
House of Affirmation, Inc.
4 Joy Avenue
Webster Groves, Missouri 63119

Dear Dr. Gennari:

Thank you for your recent letter in regard to Father Mark Fleming. I am certainly grateful to you and the House of Affirmation for the prompt attention you are giving to this case, which has put Father Fleming and the Diocese of Manchester at tremendous legal risk. We still do not have complete assurance that no legal action will be taken, but are hopeful that it can be avoided.

I understand that Father Francis J. Christian, the Chancellor of the Diocese, spoke at length with Sister Kathleen Kelley regarding the facts of the case, and that she in turn has made you aware of all the details. If you require any more information, please do not hesitate to be in contact with Father Christian in this regard.

It is my hope that with your good help, Father Fleming will be able to understand and control his problem. Otherwise, and I trust he understands this since it was made very clear to him by Father Christian, there is no possibility of him functioning as a priest in the future. I stand ready to help him in any way that I can, and look forward to receiving your progress reports in the weeks ahead.

Assuring you of my prayerful good wishes, I am

Cordially in Christ,

Bishop of Manchester

March 15, 1984

PERSONAL/CONFIDENTIAL

Dr. Roger L. Gennari, Ph.D.
House of Affirmation
4 Joy Avenue
Webster Groves, MO 63119

Dear Doctor Gennari:

Thank you for your recent report on the progress being made by Father Mark Fleming.

I realize the difficulty of the therapy involved, but I am hopeful that Father Fleming will continue to respond positively to it. If there is any assistance that the Diocese of Manchester can provide to you for him now or in the future, please do not hesitate to call upon me.

With every good wish, I am

Cordially in Christ,

Bishop of Manchester

MEMORANDUM

TO: File – **Mark A. FLEMING**

FROM: Detective Kathleen M. Kimball, NHSP-Major Crime Unit *Kim*

RE: DIOCESE OF MANCHESTER

DATE: July 24, 2002

On this date, I made telephone contact with

PETER McDONOUGH
Hillsborough County Attorney
Telephone: 603-627-5605

reference his involvement with prosecution efforts against **FLEMING** in the early 1980's. I advised Attorney McDONOUGH that the newly formed Task Force was again looking into the **FLEMING** case. Specifically, we are looking at what might have led to his being relieved of duties in a parish in the St. Louis, MO area and if it was a violation of the signed Agreement documented in the case file. I also inquired if there was a copy of a Hudson Police report in the prosecutor's file.

Attorney McDONOUGH later advised that his file did not have a Hudson Police report. He also stated that he would wait to hear further from the Task Force on this matter.

End of report.

MEMORANDUM

TO: File

FROM: Anthony Fowler, Inv.
Kathy Kimball, Inv.

RE: DIOCESE OF MANCHESTER
FATHER FLEMING

DATE: July 24, 2002

The following investigative follow-up has been completed relative to FATHER MARK FLEMING:


FATHER FLEMING is still alive and living in Manchester, NH. Refer to copies of SPOTS checks completed for his license and registered vehicles. Confirmed his date of birth as 2/8/52 and social security number as [REDACTED] FLEMING resides at 7 DUBUQUE ST., MANCHESTER, NH.

Located AG paperwork relating to the sexual abuse of the [REDACTED] brothers. Documents are now in the FLEMING file.

Contacted ST. LOUIS, MO. METROPOLITAN POLICE DEPARTMENT. They are located at 1200 CLARK ST., ST. LOUIS, MO. 63103-Records Correspondence. Their telephone number is 1-314-444-5541. Faxed them a request for any criminal history or contact with MARK FLEMING. Also included FLORISSANT, MO in that request. Fax number for this Department is 1-314-444-5974, attention Records Police Counter. Also mailed this request relative to FLEMING.

MEMORANDUM

TO: File – **Mark FLEMING**

FROM: Detective Kathleen M. Kimball, NHSP-Major Crime Unit 

RE: DIOCESE OF MANCHESTER

DATE: July 26, 2002

On this date at approximately 0930 hours, I received a message from

Detective **Kevin DiNAPOLI**
Hudson Police Department
Telephone: 603-886-6011

advising that he was unable to locate any police report generated by his department regarding allegations of child sexual abuse against **FLEMING** in the early 1980's.

End of report.

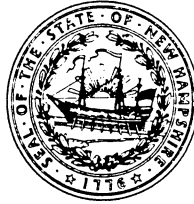
ATTORNEY GENERAL
STATE OF NEW HAMPSHIRE

2429

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

WILLIAM T. MCLAUGHLIN
ATTORNEY GENERAL

STEPHEN J. JUDGE
DEPUTY ATTORNEY GENERAL



July 24, 2002

St. Louis, Mo. Metropolitan Police Department
1200 Clark St.
St. Louis, MO 63103
Attention: Records Correspondence

Re: Criminal Records Inquiry

To Whom It May Concern:

This office is conducting a criminal investigation relative to the following individual. We request any criminal history records or contacts your Police Department may have with:

Mark Fleming
White male
Date of birth: February 8, 1952
Social Security number: 003-40-4508

Mr. Fleming resided in St. Louis, and also worked in Florissant, MO. Thanking you in advance for your prompt attention to this matter. Please mail any information to the address listed above, to my attention.

Very truly yours,

Anthony S. Fowler
Anthony S. Fowler
Criminal Investigator
Criminal Justice Bureau

ST. LOUIS POLICE DEPT.
RECORDS DIVISION
1200 CLARK AVE.
ST. LOUIS, MO 63103

NO RECORD
Bottle
asf

- * Check w/ ST. LOUIS COUNTY PD
- * " " LADUE PD
- * " " ST. CHARLES PD
- * " " FERGUSON PD
- * " " ST. PETERS PD.

MEMORANDUM

TO: File

FROM: Anthony Fowler, Inv.
Kathy Kimball, Inv.

RE: DIOCESE OF MANCHESTER
FATHER MARK FLEMING

DATE: August 5, 2002


Called the DIOCESE OF ST. LOUIS, MO. and MONSIGNOR DENNIS DELANEY called us back, telephone number 1-314-633-2226. MONSIGNOR DELANEY confirmed that FATHER FLEMING was there in his diocese in 1984, at the OUR LADY OF FATIMA PARISH, 4550 WASHINGTON ST., FLORISSANT, MO. Their records indicate that FLEMING requested assignment in ST. LOUIS to continue individual counseling with his therapist, whom he had been seeing at the HOUSE OF AFFIRMATION there.

Further stated that the agreement indicated that FLEMING could stay there for one year to continue therapy and was assigned to OUR LADY OF FATIMA. MONSIGNOR DELANEY also read to me a notation that while FLEMING was there, they did not receive any complaints against FLEMING, and no abuse of children occurred that they were aware of. There is also a notation that FLEMING was to be in restrictive service and could not have any contact with children or young people while he was there.

MONSIGNOR DELANEY stated the reason FLEMING was not welcome at the ST. LOUIS DIOCESE anymore was due to a personality conflict with the pastor at OUR LADY OF FATIMA and that is noted. He also read the letter dated May 15, 1986 which describes this problem to the Bishop of Manchester. This document is missing from our files. MONSIGNOR DELANEY was given my name and address, and would check with the diocese attorney to see if they could send these documents. He did not see a problem with this request and read the letter to me over the telephone.

MEMORANDUM

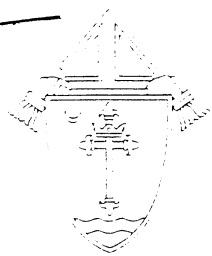
TO: File

FROM: Anthony Fowler, Inv. 
Kathy Kimball, Inv.

RE: FATHER MARK FLEMING

DATE: August 6, 2002

We had requested a criminal history/contact check from the ST. LOUIS, MO. METROPOLITAN POLICE DEPT. on MARK FLEMING. It was found through a response received August 2, 2002 that FLEMING did not have any records with that Department. Please refer to the correspondence received.



THE CATHOLIC CENTER
Archdiocese of St. Louis

4445 Lindell Boulevard
St. Louis, Missouri 63108-2497
314.633.2222
314.633.2333 (fax)

5 August 2002

Mr. Anthony Fowler
New Hampshire Attorney General's Office
33 Capitol Street
Concord, New Hampshire 00301

Dear Mr. Fowler,

Pursuant to our telephone conversation earlier today I write to summarize my response to your inquiry about the file of Father Mark FLEMING, a priest of the Diocese of Manchester, New Hampshire.

As you know Father Fleming came to St. Louis in 1984 to participate in the treatment program of the House of Affirmation here. At the conclusion of that program he requested permission to remain in St. Louis to continue work with his personal therapist. During that time he lived at Our Lady of Fatima Parish in Florissant, Missouri which is a suburb of St. Louis.

Father Fleming's service ended here on June 1, 1986.

The file indicates that we have no reports of any allegations of any kind of abuse by Father Fleming during his time in St. Louis. Nothing of this kind precipitated the decision to terminate his service in St. Louis.

I am enclosing a copy of the May 15, 1986 letter of Auxiliary Bishop Edward O'Donnell to Bishop Odore Gendron of which you spoke and which describes the circumstances of Father Fleming leaving the Archdiocese of St. Louis. I hope that this is helpful information.

Yours truly,

Reverend Monsignor Dennis Delaney
Vicar for Pastoral Planning

enclosure

Letter to Mark Fleming File

2684A

May 15, 1986

Most Reverend Odore J. Gendron, D.D.
Bishop of Manchester
153 Ash Street - P.O. Box 310
Manchester, New Hampshire 03105

Dear Bishop Gendron:

As you know Father Mark Fleming, a priest of the Diocese of Manchester, completed his work at the House of Affirmation here in St. Louis in September of 1984. Upon his request and in consultation with you and Bishop Mulvee we extended the faculties of the Archdiocese to Father Fleming for a period of one year so that he remain in St. Louis to complete his counselling with a private counselor and serve at a parish in the St. Louis area. I now write to you after consultation with Archbishop May.

During the twenty months that he has served in our Archdiocese there have been no big problems, and certainly to our best knowledge no hint of a recurrence of the problem that originally brought him here. Nevertheless the pastor to whom Mark was assigned has found the continuation of small problems with Mark so aggravating that he has terminated Mark's residence as of June 1st, 1986. We have informed Mark that the faculties of the Archdiocese of St. Louis will be terminated at that time and we feel that now is the time for him to move on and make a more permanent decision about his priestly future.

The problems between Mark and his pastor should not be overestimated. Mark has his own way of doing things and in many instances refuses to change his ways in order to fit into the needs of a parish and a rectory. While his ministry has been well accepted by many people in the parish he has needlessly antagonized many others. The pastor feels that the final episode occurred this month when Mark refused to permit a three minute tape prepared by Archbishop May to introduce our Annual Archdiocesan Development Appeal to be used at his Mass. The pastor told Mark that if the tape couldn't be played that the pastor would have to celebrate all the Masses himself and this was the option that Mark chose. The pastor feels, and we agree, that he accepted Mark per misericordiam and that he does not need this extra aggravation.

We sincerely hope that Mark can find the right area to exercise his priestly ministry and to use the talents that he has.

My best to you and the people of Manchester.

Sincerely in Christ,

The Most Reverend Edward J. O'Donnell
Auxiliary Bishop of St. Louis

FLEMING

House of Affirmation

5730

Webster Groves, Mo. 63119

May 16, 1984

Dear Bishop Genevra,

Having now been at The House of Affirmation for five months and having work extensively with Dr. Genevra during that time, I have felt the need to communicate with you the substance of what has been happening with my life. Please excuse the handwritten format, as it is difficult to come by a typewriter for personal use. Please also understand that I am writing in consultation with Dr. Genevra.

I am deeply grieved & ashamed at what I have put you through personally & the diocese through collectively. Much time & suffering has gone into my wrestling with the consequences of my actions of the last year. Frankly, I feel a great sense of embarrassment & loss because of what I have done. I am sorry that

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I have violated your confidence & the trust that was placed in me at ordination.

As I have worked through the House of Affirmation program, I have discovered the deep emotional hurts that I've carried all my life. Much of the love & support that I needed growing up was denied me at home, so I've sought it elsewhere. Perhaps it is that love & support, through its absence, that has caused me the greatest suffering as an adult. Here in Missouri I have learned that I can relate to adults on a meaningful & supportive level.

I have learned about the good that is within me while emerging from the suffering & darkness that has left me afraid for so many years. I feel very good because there is no more darkness - nothing left to hide. I cannot express the freedom that comes as a result of that.

I am grateful for your support in allowing me or, in fact, in sending me to the House. You have given me the opportunity to deal with my hurts so that I need not hurt anyone ever again. You have, in a very real way, given me the freedom to become untrapped from my inadequacies & to realize myself as a worthwhile & good person.

The heart of my struggle has been a strong sense of the presence of our loving, healing & forgiving God. It is He who has given me the motivation to work hard at overcoming my inappropriate behaviors. Consistently I have felt the continuing call to priesthood, have examined it painstakingly, & had it affirmed by many others here. It really does seem right.

I have also felt a great sensitivity to you & to the Diocese. I do not wish to cause you

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 any hardship beyond what I have already done. I do
 not wish to cause further scandal by my presence,
 or to be unable to function because of the fear
 of meeting the people who were involved in the case,
 or those who may have some knowledge of the circumstances.
 Therefore I am willing to serve in another Diocese
 if that is suitable to you. Needless to say, I
 would be upfront about my circumstances to any
 prospective Bishop.

Dr. Geunai & I look forward to a visit from you,
 Bishop Melroe or whoever you might designate. Be
 assured that I am grateful for your ongoing support.
 I look forward to continuing in this program, which
 has been a blessing, & to continued communication
 with you for a fruitful & beneficial resolution
 to all these issues.

God Bless You!

Peace,
 Mark

May 23, 1984

Roger L. Gennari, Ph.D.
Staff Psychologist
House of Affirmation, Inc.
4 Joy Avenue
Webster Groves, Missouri 63119

Dear Dr. Gennari:

Thank you for your letter of May 14 in reference to Father Mark Fleming. I have asked Father John P. Quinn, the Vicar for Community Affairs, who has been my liaison with the police and state officials in this matter, to make arrangements to visit with you in the near future. Father Quinn will be in touch with you in this regard so as to arrange suitable dates.

Assuring you of my prayerful best wishes,
I am

Cordially in Christ,

Bishop of Manchester

cc/ Father John Quinn

FR M. Fleming

5735

May 23, 1984

Reverend Mark Fleming
House of Affirmation
4 Joy Avenue
Webster Groves, Missouri 63119

Dear Mark:

Thank you for your recent letter. It pleased me greatly to hear personally from you about your interior struggle and the progress you have made. I thank God that He has enabled you to make substantial progress in dealing with your problem. I pray that in the weeks ahead, that progress will continue. I appreciate your sensitivity to me and the diocese in your decisions concerning continuation in priestly ministry. Since Father John Quinn has been my liaison in this matter with the police and state officials, who were necessarily involved, I have asked him to visit with you in Webster Groves to discuss, in more depth, what options you may consider in making your final decision in this regard. I have discussed this at length with Father John, and am sure he will be of assistance to you.

In closing, let me assure you of my prayers that the Lord will bring you to full health so that you may serve Him according to His will.

With every good wish, I am

Cordially in Christ,

Bishop of Manchester

May 22, 1986

Most Reverend Edward J. O'Donnell
Auxiliary Bishop of St. Louis
The Catholic Center
4445 Lindell Boulevard
St. Louis, Missouri 63108

Dear Bishop O'Donnell:

Thank you for your letter of May 15th in reference to Father Mark Fleming, a priest of the Diocese of Manchester who has been serving in the Archdiocese of St. Louis during the past two years while he continued with outpatient therapy from the House of Affirmation.

I understand perfectly the decision of the Archdiocese to not renew Father Fleming's faculties there. Please be assured of my gratefulness for the hospitality and kindness you have shown him during the past many months. I know you join me in praying that Father Fleming will be able to arrive at a decision regarding future ministry that will be of benefit to him and to the Church as a whole.

With every good wish, I am

Cordially in Christ,

Bishop of Manchester

6/18/86

NEW ADDRESS FOR MARK FLEMING --

Mark Fleming

2362 Montezume Drive

Florissant, Missouri 63031

2362 Montezuma Lane
Florissant, Missouri 63031

October 27, 1986

Dear Bishop Gendron,

After much reflection it is my decision to resign as a priest of the Diocese of Manchester. In good conscience I can no longer proceed in harmony with many teachings of the Church.

I am truly grateful to you & the diocese for all of your help with the most difficult issues which arose in 1983. It is good to now live without the pain of those circumstances.

Since I do have a job that pays the rent and offers health insurance, I would ask that you terminate any health insurance at the end of November. I'm sorry that I do not have or do not earn enough money to offer you some return for your substantial investment. I am barely meeting expenses.

I sincerely wish you all the best for many years
ahead. I thank you for always having been a
gentleman in all dealings.

Sincerely,

Wm. H. Fleming

FR MLC Fleming

5740

November 5, 1986

Mark K. Fleming
2362 Montezuma Lane
Florissant, Missouri 63031

Dear Mark:

I have received your letter of October 27 informing me of your decision to resign as a priest of the Diocese of Manchester. I recognize the long and difficult process that you have gone through which has prepared the way for this decision. I am sure it is something that you have made only after serious thought and prayer. I am certain, as well, that it was a painful decision at which to arrive. I pray that the Lord will bless this decision and enable you in the future to discern how you can serve Him in whatever way of life you choose.

As you request, I will terminate your health insurance at the end of November. Please do not worry about reimbursing the Diocese in any fashion. I was happy to be able to provide you with the help you needed so that you could arrive at your final decision. Do you wish to take your resignation one step further and apply to Rome for laicization? I would be happy to have our Chancery make this application for you, if you feel it would be helpful to you. If so, please be in touch with me in this regard.

In conclusion, let me once again assure you of my prayers for you in the months ahead. If you are in this area, please feel free to call my office and arrange for an appointment as I would be happy to see you.

With every good wish, I am

Cordially in Christ,

Bishop of Manchester

SHEEHAN
PHINNEY
BASS +
GREEN

5741

WRITER'S DIRECT DIAL (603) 627-8110



PROFESSIONAL
ASSOCIATION



ATTORNEYS AT LAW

October 1, 1993

1000 ELM STREET
P.O. BOX 3701
MANCHESTER
NEW HAMPSHIRE
03105-3701
FAX 603-627-8121
603-668-0300

Robert D. Ciandella, Esquire
Donahue, McCaffrey, Tucker & Ciandella
Water Street Professional Building
225 Water Street
P.O. Box 630
Exeter, NH 03833

Re: Roman Catholic Bishop of Manchester/
[REDACTED]

1 HARBOUR PLACE
SUITE 325
PORTSMOUTH
NEW HAMPSHIRE
03801-3856
FAX 603-433-3126
603-433-2111

Dear Mr. Ciandella:

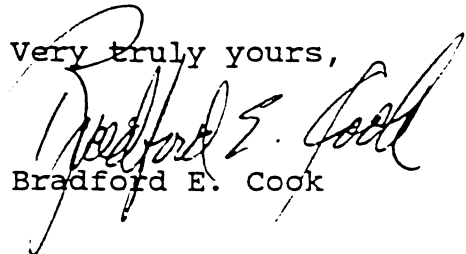
Your letter of September 29, 1993 to the Bishop of Manchester, Leo E. O'Neil has been received by the Bishop's office and referred to me as counsel for the Diocese of Manchester. The concern of your clients concerning their children and the confidentiality of any matters which may have occurred between them and the church in the past is understandable.

In short, I can assure you and your clients that should any request for information be received by the Diocese in any matter, the identity of any victims, individuals who have consulted with the Diocese, or other matters which may have arisen will be resisted and the confidentiality of any matters will be sought to be protected to the full extent available at law. To that end, we will both seek to protect identity by requiring a court order to reveal any information, seek protective orders, and, most importantly, inform you when any such request has been received so that you can protect your clients' interests.

If there is any further information that you require or if you have any questions concerning

these matters, please feel to contact me or James E. Higgins, Esquire of this office who is the litigator in charge of such matters.

Very truly yours,



Bradford E. Cook

BEC:jed

cc: The Most Reverend Leo E. O'Neil
Monsignor Francis J. Christian

CONFIDENTIAL MEMORANDUM

TO: Bishop Francis J. Christian
FROM: Msgr. Norman P. Bolduc
DATE: December 16, 1997
RE: Father Mark K. Fleming

I received notice today that Mark Fleming passed away sometime last month. He had been seriously ill for some time. My understanding is that he had returned to the area only recently, shortly before his death.

I will make a note of this news for the file.

