

Church answers sex lawsuit

By GEORGE MAZURAK
of the Tribune's staff

An attorney for the Roman Catholic diocese of Jefferson City contends that a damages lawsuit charging a priest with child molestation was filed nearly 10 years after the statute of limitations expired.

The suit filed last month in Cole County alleges that the Rev. John Whiteley of Columbia engaged in sexual contact with an adolescent Moberly boy between 1967 and 1971.

A 34-year-old man, using the pseudonym John Z. Doe, seeks an unspecified amount of money from Whiteley, the diocese based in Jefferson City, Bishop Michael McAuliffe and the Catholic parish in Moberly. He claims that Whiteley subjected him to sexual contact while he was priest at the Moberly parish.

In a motion filed on Tuesday,

Diocese seeks dismissal; priest won't comment.

Louis DeFeo argued that the case should be dismissed because it was filed too late under Missouri law, which he contends allows a damages lawsuit to be filed within, at most, five years of the date of the alleged incident.

"The events in the petition go back 20 to 25 years," DeFeo said today. He said one exception to the statute of limitations is that it doesn't expire on a minor until the person reaches 18, the legal age for an adult. "Calculating that on John Doe, that would have run out" years ago.

But another portion of the law proscribing time limitations allows the alleged victim to begin counting that

time after the injury "is capable of ascertainment."

The plaintiff in the suit contends that he repressed memory of the sexual abuse until about three years ago while undergoing psychological counseling. Mental health experts say it is common for victims of child sexual abuse to repress memory of the incidents for years until their memory is triggered years later by therapy or an experience.

DeFeo compared that argument to a car accident victim who says, five years after the fact, "I forgot I was hit by a car."

Whiteley declined yesterday to discuss the lawsuit. "I can't talk to you,"

he told a reporter.

McAuliffe referred questions about the suit to DeFeo.

DeFeo said that he and McAuliffe each have spoken with Whiteley, but he declined to elaborate. Whiteley had not responded to the suit as of yesterday, although he does have a lawyer.

DeFeo also argued in separate motions filed Tuesday that neither the diocese nor the St. Pius X parish in Moberly could be sued because they were not corporate entities under state law.

Cole County circuit judge Byron Kinder has not scheduled a date to hear arguments on DeFeo's motions.

Daily Tribune
Columbia (Boone Co.)
Circulation - 16,710

DATE
SEP 06 1991