

February 22, 2007 - Lawsuit against priest puts blame on diocese

By GREGORY D. KESICH, Staff Writer, Portland Press Herald (ME)

A second former student of St. Mary's School in Augusta has filed a lawsuit alleging that he was sexually molested by the Rev. Raymond Melville during the late 1980s, when Melville was serving in Augusta as a parish priest.

In the complaint filed Wednesday in Kennebec County Superior Court, William J. Picher, 33, of Augusta accuses Melville of sexual assault and battery and of intentional infliction of emotional distress.

He also accuses the Roman Catholic bishop of Portland of negligent supervision, claiming the church had a duty to protect children from Melville, especially after hearing other allegations of abuse.

"When they know that they have a pedophile here and they continually put him in a position of supervising children, they have a responsibility to act," said Walter McKee, Picher's lawyer. "You don't have to put the match to the gas here, you can put the match out."

Picher's complaint is the second against Melville and the church alleging sexual abuse and a failure to protect children.

The first lawsuit, filed in 2001 by Michael Fortin of Sidney, charged that Melville had abused him, beginning when he was an altar boy in St. Mary's parish in Augusta during the late 1980s. Fortin won a \$500,000 default judgment against Melville and an undisclosed settlement from the diocese in 2005.

Before the case was settled, Fortin won a Maine Supreme Judicial Court ruling that opened the door to lawsuits against church leaders in Maine for the actions of their clergy members. Picher is the first plaintiff to sue in the state since the Fortin case was decided, and the first who will try to get access to church records, access that was denied to Fortin before the high court's decision.

McKee said he will try to find out whether there were other victims who accused Melville of abuse before Fortin and Picher did, and whether church officials could have protected the two boys. A court hearing on the lawsuit has not yet been scheduled.

Sue Bernard, spokeswoman for the diocese, said she learned about the lawsuit from reporters on Wednesday and would not comment about the case.

"We were aware of the allegation, but not of the suit, and there has been very little communication between the attorney for the complainant and the attorney for the diocese before this case was filed today and a press conference was called," she said in an e-mailed statement. "The diocese will review the complaint when we receive it and will answer in accordance with court deadlines."

Melville, now 64, lives in Oklahoma and is no longer serving as a priest.

In a telephone interview, he denied the lawsuit's allegations and said that he does not remember the plaintiff.

"I have no idea who this person is," he said.

Picher is seeking unspecified damages from Melville and the diocese.

According to the complaint, Picher was a sickly, undersized 12-year-old when he arrived at St. Mary's school in 1986. He was ridiculed by the other students and often hid in the gymnasium to cry.

Picher alleges that Melville found him crying and befriended him. Melville used his status as a priest to gain Picher's trust, then subjected him to sexual abuse, including rape.

Before the abuse, Picher was "a bright kid with a lot of talent," said McKee. After it, his family saw him change.

According to McKee, Picher has major psychological problems and is unable to hold a job. McKee said an evaluation showed that Picher is totally disabled, suffering from post-traumatic stress disorder. His situation is directly attributable to his abuse, McKee said.

Melville was ordained as a priest in 1985 and was assigned to St. Mary's the same year. In 1990, a Maryland man contacted Bishop Joseph Gerry, then leader of the Maine diocese, and reported that he had been "emotionally, sexually and physically" abused when he was a teenager and Melville was a seminarian.

He said he wrote to Gerry out of a desire to avoid "the possible tragedy of another young boy being a victim."

Gerry assured him that he would take action and arranged for Melville to seek counseling in Minnesota. Melville was returned to the priesthood and served parishes in Lewiston, Rumford and Machias before leaving active ministry in 1997.

In a document uncovered in the Fortin case, church officials appeared to know about complaints against Melville that predated the 1990 complaint.

In an internal memo, Monsignor Joseph Ford discussed the wording of a proposed letter to the Maryland man that would be signed by Gerry.

"Attached is another draft of a letter to (name redacted). I respectfully suggest that you avoid reference to no earlier complaints," the memo read.

Ford said that there had already been "serious concerns" about Melville. "There could be liability and at least scandal if those concerns were presented," he wrote in the memo. "The letter of (name redacted) confirms the validity of the concerns."

McKee says that document and others uncovered in the Fortin case suggest there is evidence that church officials were aware that Melville had abused children and let him continue to hold a position of trust.

Because the supreme court has determined that the church can be held responsible for the actions of priests in certain circumstances, McKee expects to get full access to church records regarding Melville's time in the priesthood and find out whether there are other victims.

"We're interested to see what's out there," McKee said. "This was not Father Melville's last stop. If there are other victims out there, they may be willing to come forward."

-- Staff Writer Kevin Wack contributed to this report.