

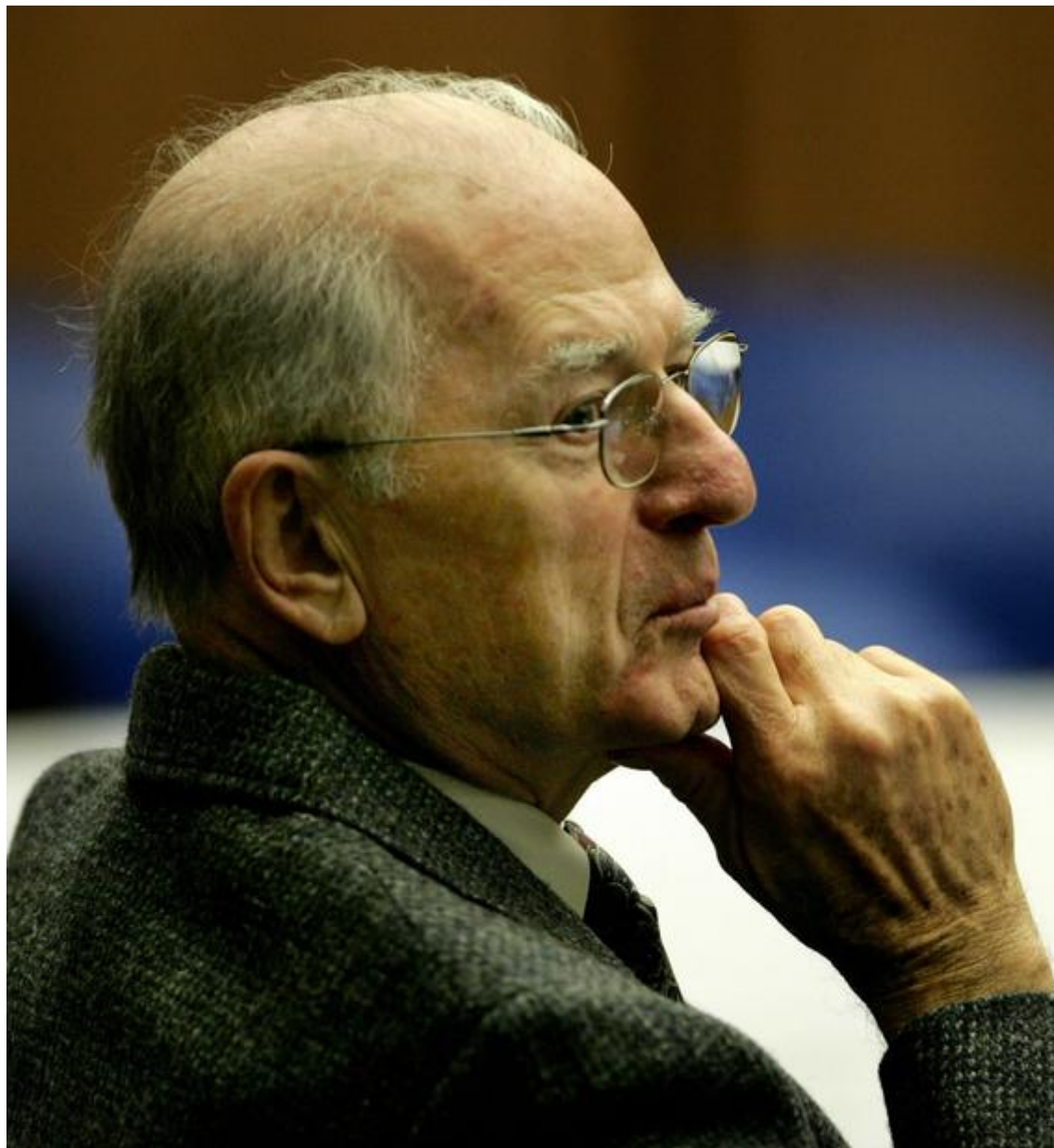
Defrocked Priest Shanley Seeks New Trial

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http://www.boston.com/news/local/breaking_news/2008/05/defrocked_pries.html

Defrocked priest Paul R. Shanley, a notorious figure in the clergy sex abuse scandal who was convicted in 2005 on rape and sexual assault charges, has filed a motion for a new trial, the Middlesex district attorney's office said today.

A hearing on the motion is slated for tomorrow afternoon in Suffolk Superior Court, prosecutors said.



Shanley listened intently during his 2005 trial.

Photo by Charles Krupa

Shanley was convicted in February 2005 in Middlesex Superior Court of raping and fondling a Sunday school student in the 1980s. He was sentenced to 12 to 15 years in prison.

The victim, a firefighter who was 27 years old at the time of the trial, said he repressed memories of abuse by Shanley for nearly two decades before recalling them after news reports several years before the trial.

Shanley's lawyer said he is arguing in his motion that "repressed memory" evidence should not have been allowed into the trial.

"The central issue concerns the fact that there is no scientific support, no empirical support for repressed memory, and it never should have been entered into evidence," said Robert F. Shaw Jr.

"It doesn't really matter who it is that comes to the bar to be tried for alleged criminal conduct. Whether it's Paul Shanley or anybody else, people deserve due process and people deserve fairness," Shaw said.

District Attorney Gerry Leone said, "The jury's verdict was fair and it was just."

"The concept of recovered memory by victims of abuse has been accepted by both the scientific and legal communities, as well as the jury who convicted Mr. Shanley after hearing the full evidence in this case. We do not believe that the defendant has raised a sufficient reason for a new trial," Leone said in a statement.

Repressed memory evidence has proved controversial in recent years. Believers have been challenged by critics who say psychotherapists can plant false memories.

The case hinged on the credibility of the victim, who said Shanley had repeatedly raped and fondled him at St. Jean the Evangelist Parish in Newton in the 1980s.

Frank Mondano, Shanley's attorney at the trial, waged an often-aggressive cross-examination, trying to convince the jury that the man's stories of abuse were "false memories." But jurors said after the trial they had believed the victim.

The motion is being heard in Suffolk Superior Court because the judge who oversaw the trial in Middlesex Superior Court, Stephen Neel, has since moved to Suffolk Superior Court.

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