

# Former priest acquitted of indecent assault

BY TIM JAQUES

CAMPBELLTON ► In spite of having his testimony disbelieved by the presiding judge, a former Dalhousie parish priest was acquitted of a single charge of indecent assault on a minor dating back to 1975 in the Court of Queen's Bench on Wednesday after a two-day trial without a jury. The judge, Justice Jean-Paul Ouellette, found that the Crown had nonetheless failed to prove its case beyond a reasonable doubt.

Charles Picot, who was a priest at St. Jean Baptiste Roman Catholic Church at the time but is no longer a practicing priest, was accused of committing the crime on a parishoner, Michael Jensen, who was 13 at the time. (Jensen asked the court not to place a publication ban on his name.)

Jensen, who now lives in Richmond, B.C., testified that he first met Picot in the summer of 1975 at the age of 13 when hitchhiking home from swimming at Charlo Falls with some friends. Picot stopped and picked them up. He was just moving to the parish rectory in Dalhousie from Bathurst at the time to serve as vicar to the senior priest, Father Levy Arseneault. He invited the boys to come and visit him in the rectory.

Jensen said that his family attended that church. His father, mother, and oldest brother were very active in the church. He himself was religious at the time and would play guitar for some of his mother's church gatherings. He was taught to obey and respect priests. He and other boys did in fact visit Picot on many occasions. He said he "couldn't believe" what kind of priest Picot was, because it was like he was trying to be "one of the boys". He would let them listen to music and watch TV in his private apartment upstairs, and talk about things young teenagers did. He put the boys at ease and asked them to visit him often at the rectory. He insisted that they call him Charlie. Jensen said that Picot also would take him and other boys his age on trips to Bathurst or Belledune. Jensen, for his part, was more devout in his involvement in the church.

Some time just after Christmas, 1975, he said, he had been at the rectory in the afternoon and Picot had asked him to come back alone later that night. He remembers it being that time of year because he remembered the ads running on TV. He did go back to the rectory, and up to Picot's second-floor apartment to watch television with him. They sat close together on the couch, with Picot's arm around him.

"I trusted him as much as my own father", said Jensen.

After about 15 to 20 minutes of watching television, he testified, Picot asked Jensen to lie on top of him, on the couch, which Jensen did. With Jensen on top of Picot so that his back was on Picot's stomach and his head next to Picot's chin, he said Picot's breathing changed. Suddenly, said Jensen, Picot put his arms around him in a hug. While his left arm held Jensen, he grabbed him hard by the genitals with his right, which Jensen described as "violent" and causing pain. He said Picot let out a piercing scream as he did it. Jensen said that after freezing momentarily in surprise, he fought back with "every ounce of energy I had", because he was quite small at the time.

After about eight seconds, he got loose and was "more angry than I ever was in my life".

"I said, 'Charlie, what are you doing to me, why did you do that to me?'"

He said he was then very frightened and ran down the hall and down the stairs. Picot was at the top and Jensen swore at him. He didn't go back for his jean jacket. While getting his boots he saw Father Arseneault in the parish office and looked him in the eye. He said he believed Arseneault would have heard everything with the door open.

Jensen then ran to the lighthouse in town, not knowing what to do. He did not know what to say to his family, he testified, because they were such strong Catholics.

"My mother could never have lived it down," he said. "She was a deeply devout Catholic woman. I would have killed her. I couldn't tell her. I felt full of shame."

He never went back to the rectory again. Jensen said that afterward he had to see his father in church handing out communion with Picot, who he said would smile at him. He fell off on religion, and in school his marks began to decline. He testified that as the years went by he "imploded" with alcohol and hard drugs, and took five years to graduate. He was a "know-it-all" and very rude to his mother. In 1983, he moved west, and worked as a solo musician for years until various health problems involving his muscles, skeleton, and spine caught up with him and he couldn't work. He drank up to 16 bottles of beer a day until he quit drinking and hard drugs in 1990.

In the early 1990s, the TV movie *The Boys of St. Vincent*, a drama involving sexual abuse of boys by the clergy, was on TV. He watched the movie and broke down, telling his girlfriend of the time what had happened. He resolved to call Picot and testified that he called the rectory in Dalhousie in 1993 and got a nun on the telephone, who gave him the name of someone else who gave him Picot's telephone number in Montreal.

He said that he called Picot and asked him why had he done what he had done and if he was sorry. Jensen testified that Picot said something about having a hard time coming up in the priesthood but would not say he was sorry. Jensen said Picot said that "I'm only human." Jensen said that after the telephone conversation he was vomiting for about an hour.

Jensen said that although he had told his older brother Robert about the incident in the 1980s, he would not go to the police while his mother was still alive. His father died in 1983. He finally went to the Richmond RCMP in 2007. Because of his health problems, he can't work as a musician any more, but does work involving astronomy.

Under cross-examination by defence lawyer Gilles Lemieux, Jensen admitted having seen a civil lawyer with an eye to suing Picot, and that the lawyer had told him that a criminal conviction would help that case although it was not strictly necessary to proceed with it. Jensen denied that he had the criminal investigation brought to further that end.

The only other witness called for the prosecution was Robert Jensen, who corroborated Michael Jensen's story about his change of attitude and heavy drug and alcohol abuse, and about being told of the incident in the 1980s.

Picot testified in his own defence and was the only defence witness. He categorically denied that the incident ever happened, and said that during the time in question, the period after Christmas and before New Year 1975, he was away



Charles Picot

in Saint John visiting his family. He produced a copy of a parish record, which he said showed that he had not been present during that time.

He admitted that he had young teenagers into his area of the rectory, and taking them on drives, as it was part of his job to minister to youth. He also handled youth groups at the church. He said that he never had any of the youth in his area of the rectory alone, and it was not just boys who were there but girls as well. He was an amateur photographer and would take pictures of the youths, both at the rectory and on trips.

Picot remembered the telephone call from Jensen, although he thought it was later than 1993. He said that Jensen made a vague accusation of "You did something to me. I don't know what." Picot said that he didn't apologize, because he had nothing to apologize for, and didn't know what Jensen was talking about. He said that Jensen had called him a "dirty bastard." He did admit saying "I'm only human" but said Jensen told him "you will never hear from me again." However, he denied that a specific allegation was made by Jensen and he denied admitting to anything. The next he heard about it was in 2007 when he was asked by the RCMP in Montreal to submit to questioning.

Under cross-examination by Senior Crown Attorney Francois Doucet, Picot admitted that some of the dates that he had given respecting his parish activities did not match up with other records. Doucet asked why as an amateur photographer he had photographs of other family Christmas gatherings, but not of the period he spent with his family at Christmas 1975. Picot said he could not find any.

During cross-examination he produced two books of photographs which showed groups of young people taken around that time, including Jensen. Doucet pointed out that several showed Jensen alone, and asked how it corresponded with his testimony that he was never alone with a single youth. Picot said that it was because the photographs were part of a series taken when all the youths were together.

Doucet wanted to know why he would say "I'm only human", unless he was admitting guilt.

Picot insisted that the incident had never happened at all, let alone at that time of year.

"How can I prove a negative?" he asked at one point.

Justice Ouellette, in delivering his verdict, stated that while he had difficulty believing much of Picot's testimony, it was the Crown's burden to prove beyond a reasonable

doubt that that incident happened as alleged. He said that he did not believe that the burden had been discharged, and found Picot not guilty. Picot wept and hugged two women who were with him upon hearing the verdict. He declined to speak to the media as he left the courthouse.

"It was a question of the judge having difficulty with both versions of the story and he resolved it in favour of the accused, as is the law in this country," said Lemieux outside the courtroom.

Doucet said that while an appeal can't be ruled out yet, it is probably not likely in this case.

"The judge has to evaluate the evidence that is given. From what I heard this afternoon, he did it according to the law. The Crown has the burden of proving its case beyond a reasonable doubt. He found in this case that he had a reasonable doubt and even though he didn't believe the accused he still had a reasonable doubt with the rest of the evidence and acquitted him."

Jensen, for his part, felt that he had at least achieved a moral victory.

"I am extremely disappointed with the outcome of the verdict. I was expecting a guilty verdict. I will live with the verdict, however. I would like to say most of all that I am extremely happy that I did this. It was cathartic for me. For many, many years I held a lot of stuff inside and I am glad I did it. I am glad I went through with this. Probably the thing I take the most comfort from is the fact that in the judge's summation he told the court he didn't believe a word of what Charles Picot said in his testimony. He didn't believe any of it. The reason he got acquitted was because of a few silly little mistakes that I did that was just enough to put a reasonable doubt," he said outside the courthouse.

"I appeal to anybody out there, anybody that has been a victim of sexual assault...that there is help, you can get through it, and that it is a purging cathartic process. I was able to do it. I didn't think that I would be able to do it. I got through it. I can put it behind me. I can put it to rest."

Picot's legal troubles aren't over yet. He faces another charge of indecent assault in Dalhousie from the 1970s which is due to come up for plea in May.

In the 1990s he served seven months in jail for sexual assault and indecent assault, which Doucet attempted to introduce into the record during cross-examination on a matter of character evidence. The attempt was over-ruled by Justice Ouellette after Lemieux objected.



Michael Jensen



Francois Doucet



Gilles Lemieux



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