

Priest claims no recollection of victim, denies molestation allegation

By Debbi Christinck
Staff Writer

Pembroke -- In the second day of a trial in which he is accused of molesting a 12-year-old boy, Father Daniel Miller testified he not only never recalled meeting the alleged victim he is accused of molesting 40 years ago, but also maintained if he had committed the heinous acts, he would have remembered it.

"These deeds are so awful, how would you not remember?" he replied under questioning in a Pembroke courtroom last Friday. "If I would have done it, I would have remembered it."

The priest, who is charged with indecent assault and gross indecency relating to three separate events allegedly perpetrated on one victim in the Deep River area in the early 1970s, spoke quietly on the witness stand and was repeatedly admonished to speak loudly and clearly. Father Miller has pled not guilty to all counts, and was the sole witness for the defence.

The priest, who pled guilty last year to molesting five boys and was sentenced to nine months in jail, said he has clear recollections of his time in Deep Rive where he served for six years from 1970 to 1976 as an associate pastor at Our Lady of Good Counsel Parish. It was the second posting for the Renfrew native after his ordination. He had served for one year in Eganville previously. His other parishes in the county were in Arnprior and Petawawa.

Father Miller was asked by his defence lawyer, Robert Carew of Ottawa, whether he recognized the alleged victim or remembered the name.

"No, I don't," he said. "Did you ever touch him?" the lawyer asked.

"No," the priest replied.

Father Miller also testified many of the events the alleged victim described could not have occurred. The alleged victim said he was molested at the parish rectory office after a meeting of the parish council, again in Father Miller's car after an elementary school dance and at a camp outing organized by the Knights of Columbus. The priest testified there would have been no elementary students

on the parish council, and he said he never took food or drink to the office to entice youngsters. The priest also noted he did not recall ever going to a pizza restaurant in Deep River, or giving a ride home to youngsters after a dance. Father Miller said while he did go to a camp outing, it was a co-ed outing and he did not recall the sleeping arrangements, but remembered discussing planning with other leaders in the evening in a separate area.

"I don't remember any interaction with him at all," he said.

Mr. Carew asked his client if he ever touched anyone inappropriately as described by the alleged victim.

"Never," the priest replied.

In his cross-examination, acting Crown Brian Holowka began his questioning by asking the priest how he was doing.

"Very nervous and upset and I wish I wasn't here," Father Miller replied.

Now 70, the priest admitted when he went to Deep River he was a young, dynamic priest who enjoyed working with youth.

"Very much so," he said.

Mr. Holowka pointed out the priest had many opportunities to be alone with youth in his work and he was an adult at the time.

"On frequent occasions you would

have children alone in your car with you?" he asked.

"Yes, on my day off," the priest said, but continued he did not regularly drive youth around the parish, only to outings to Ottawa or Renfrew

"You don't remember every child in your car, so it was possible (the alleged victim) was in your car?" the Crown asked.

"It was possible," the priest admitted.

Although Father Miller admitted he helped at youth activities, Mr. Holowka said the priest was doing his best to distance himself from the youth dances.

"I was on a committee," the priest said. "We were all involved; they were high school dances."

Father Miller said he would not have driven people home after the dance because they arrived on their own and left on their own.

"I don't recall doing that, but it is possible," he said. "It was over 40 years ago."

No Recollection

The Crown pressed the priest on his lack of recognition of the alleged victim.

"You can't say he wasn't a student at St. Mary's," he said. "Any recollection of him?"

Father Miller said he thought at one point he might have remembered him, and had a copy of a photograph in which two youth had presented him with a gift.

"But I don't think it was his name," he said.

Father Miller admitted on the stand he was interested in males sexually and agreed in the 1970s this was not a sexual orientation he could express openly.

"You had to be secretive about it?" the Crown asked.

"Yes," the priest replied.

Mr. Holowka then asked the priest again about his testimony he never touched anyone inappropriately as described by the alleged victim. At this point, Mr. Carew interjected it was specifically in the car, rectory or the camp.

"I never touched anyone inappropriately in my office, in my car, on that weekend," Father Miller said. "I am very certain about that."

The priest said when he was arrested

regarding this offence he immediately told the officer he was innocent because he knew he had not done this act in his car.

"You remember every time you touched someone inappropriately?" Mr. Holowka asked.

"I'm saying I never did it in my car," the priest replied.

Father Miller said with the other charges he gave the names of the boys to the police.

"I would have mentioned it to the police at the time," the priest said.

However, Mr. Holowka pointed out the priest did not disclose every name to the police initially.

"They were all single occasions," Father Miller said. "I would have remembered this if it was a triple occurrence."

Mr. Holowka said this was also not true, since one victim he pled guilty to molesting last year was molested repeatedly.

"So now you say you sexually assaulted other victims on three occasions," the Crown challenged. "You said you would remember because all the others were single occasions."

As the Crown challenged Father Miller on the names of other individuals he dealt with in the 1970s, the priest repeated he was "awful" at names and did not recall names of people.

Again, Mr. Holowka challenged the priest, pointing out he stated the acts he was accused of committing were so horrible he would have remembered them.

"You didn't give police all the names or did not remember all the names?" the Crown asked.

"Some names I did not remember," the priest said.

Father Miller added when he pled guilty last year he did not remember some of the individuals, names or incidents, but pled guilty because it sounded like something he would have done.

"I did not remember, but pleaded guilty because the circumstances were such," he said.

Mr. Holowka pointed out in doing so the priest had misled the court.

Mr. Carew interjected, pointing out individuals plead guilty for many reasons and it is not an attempt to

mislead the court.

"In one or two of them I had to see the names," the priest said. "I pled guilty because of what they had to say; I thought I must have done them."

The priest admitted he knew there were other victims, but could not remember their names.

"I'm terrible with names," he said. "There were several others who came forward, but it did not come to court; they were dismissed."

Father Miller said he did not want to put those victims through a court proceeding, so he pleaded guilty. He said in this instance he was not guilty.

"I've never done anything like that in my office to anyone," he said. "I've never done anything like that in my car to anyone; I've never done anything like that at camp."

Mr. Holowka questioned the priest on whether he knew his actions against the boys he pled guilty to molesting were inappropriate when he committed them in the 1970s.

"I knew it was inappropriate, but not as much as today," he said. "In the 1970s those things weren't talked about; after time I realized the damage I caused."

The priest said he became aware because in 1999 after the Diocese of Pembroke found out about his molestation of one victim "they yanked me out of the parish and sent me away for therapy."

After hundreds of hours of counselling he became aware of the damage he had caused, he said.

"I always rationalized what I pleaded guilty to was touching and I thought I did not do too much, until I realized now how much damage it could do," he said.

Mr. Holowka asked Father Miller how his six months in custody were.

"It was terrible," the priest replied.

The Crown suggested the priest would do anything to not go back to custody.

"I don't want to go, but I would not do anything to not go back," Father Miller said.

Mr. Holowka countered the priest had an interest in minimizing the events of the 1970s, so he would not have to return to jail.

"I have an interest in defending myself," the priest replied.

Judge deliberates on two opposing stories in Father Miller trial

By Debbi Christinck
Staff Writer

Pembroke -- Justice Martin James will have to deliberate over two very different accounts as he reviews the testimony of the two witnesses in the indecent assault and gross indecency trial of Father Daniel Miller before rendering a decision in December.

Closing arguments were presented in the trial on Friday following two days in court in which the Crown presented as its sole witness the alleged victim and the defence presented Father Miller as its sole witness. The alleged victim said the priest molested him three times in the early 1970s when he was a 12-year-old boy. He testified the priest fondled him at the rectory office, in the priest's car and at a camp retreat when the two shared a sleeping bag. The alleged victim said he came forward last year following the admission of guilt by Father Miller in other sex abuse cases because the case brought back suppressed memories and he was upset about the treatment the victims endured at the hand of Father Miller's lawyer, Robert Carew.

Father Miller presented a very different picture of the situation when he testified, maintaining he had no recollection of the young man or even his name. He also asserted the abuse allegations were "so awful" he would have remembered committing the acts.

In his closing arguments for the

defence, Mr. Carew maintained the evidence presented by the Deep River businessman, who is now in his 50s, lacked credibility. He questioned the reliability and trustworthiness of the witness.

"His evidence was almost too perfect," he said. "The details he provides, such as the position of the blinds at the church rectory was too perfect."

These events occurred over 40 years ago, he pointed out.

"(The alleged victim) wants us to believe he is reliable on events he suppressed or blacked out for over 40 years, even though some times he could not recall transcripts he read a few weeks ago," he said.

The witness re-read his court transcripts from previous statements to hone his testimony, he maintained.

"He is not completely forthright or completely honest," he said.

Mr. Carew said it is surprising these events were suppressed for 40 years, pointing out the alleged victim returned to the camp and wrote about sexual abuse in a newspaper.

"There are a lot of question marks surrounding (the alleged victim's) ability to recall; if there is a general problem with his brain," he said.

The description of how the assaults occurred was doubtful, the lawyer maintained. He asked if the man were victimized at the rectory, why would he return there on several occasions? "Why did the behaviour not repeat

itself?" he asked.

The incident in the car was never discussed by the victim and the priest or with his parents, Mr. Carew noted. The assault at the cabin was in a cabin full of boys which is highly unlikely, the lawyer said.

"If someone is going to commit a sexual assault, the tendency is to do it somewhere you won't be detected," he said.

The defence lawyer said the friendship of the alleged victim and one of the other victims shows the possibility of collusion and ulterior motives. He pointed out the alleged victim sent an email stating, "together we will get the bastard."

Mr. Carew said the alleged victim testified he did not like the cross-examination of victims at the previous trial.

"He did concede he did not like my cross-examination," he said. "He did not like me. He did not appreciate that I had a job to do and was doing it."

The alleged victim was not honest throughout the proceeding and it would be dangerous to convict on his evidence, Mr. Carew maintained. By contrast, his own client was an honest witness.

"He revealed names when he was previously arrested," he pointed out.

The way the incidents occurred which are alleged by this victim do not make sense, Mr. Carew said.

"If he was going to assault somebody, why would he do it in a rectory

setting with the door open?" he asked.

Instead, the alleged victim is confusing events, he noted.

"Maybe he was assaulted by someone, but he is mistakenly assuming it was Mr. Miller when it was in fact someone else."

Father Miller may forget names, but he knows what he did and did not do, he maintained. There was insufficient evidence to convict beyond a reasonable doubt, Mr. Carew stressed.

Crown Case

Acting Crown Brian Holowka said Father Miller was a charismatic young priest when he was in Deep River.

"(The alleged victim) describes a close ongoing relationship with Father Miller," he noted. "The nature of the relationship rings true."

The alleged victim brought compelling testimony, however, it must be assessed through the eyes of a 12-year-old or 13-year-old, the age he was when the incidents occurred, he said.

"When you are talking about events 40 years ago, they are viewed through the eyes of a child," he said.

The evidence the alleged victim gave was not presented in a fabricated way, but an honest way.

"The allegations are compelling and detailed, but not inconsistently so," he said. "(The alleged victim) has nothing to gain from making the accusations; he was subjected to proactive and aggressive cross-examination."

The alleged victim was not moti-

vated by malice toward Father Miller or the Catholic church, Mr. Holowka added. His statement of "together we will get that bastard" can be seen as a statement of sympathy toward another victim.

"Perhaps they are not wisely chosen words, but he did not know they would be on the public record," he said.

Although Mr. Carew accused the two men of collusion, the Crown countered if it was a conspiracy it was the worst one every created.

Instead of doubting the alleged victim, the evidence of Father Miller should be questioned, he maintained.

"Father Miller has a subjective memory," he said. "He has no recollection of (the alleged victim) and in my submission it is a convenient testimony; this prevents him from being questioned."

While the priest is adamant he never met the alleged victim, he did concede he had youth in his car and would have driven some home occasionally, the Crown said.

Even though the priest said he presented the names of all his victims, that was not the case with some victims coming forward later, Mr. Holowka said.

"He can't remember the victim's names," he said. "He rationalizes it as touching; he does not remember because these events are not that significant to him."

The Crown pointed out Father

Miller admitted he pled guilty previously to things he does not remember and is now motivated to stay out of jail by pleading not guilty.

"The acts that took place took place as described," Mr. Holowka said. "There is no alibi here."

Judge James questioned the men on the concepts of repressed memory and asked if there was any opinion on how the mind works in dealing with memory.

"In this case we have allegations based on recollections that left his consciousness for decades," he said. "Am I to assume triggered recollections are reliable?"

Mr. Holowka pointed out neither Crown or defence presented any science on repressed memories or recollected memories.

"It is the credibility or reliability of witnesses," he said.

Mr. Carew said he does not believe triggered recollections are reliable.

"You cannot assume recollections are reliable," he said.

However, Judge Martin asked why not.

"We are talking about human experience," he noted. "You might walk down the street and see something that triggers a recollection."

Mr. Carew suggested the judge use everyday experience in deciding this, much as jurors would do.

Judge Martin will deliver his verdict on December 3 at the Pembroke Courthouse.

Madawaska Valley council will look at twinning with community in Poland

Fromt front

Mayor Shulist said this could be the first of other twinning initiatives. "Maybe a town from Germany or Ireland would like to twin with us in the future as well," he said.

There are many people in the com-

munity who have strong roots in Ireland and Germany, he noted.

"There are many benefits to twinning," Mayor Shulist said. "There is a culture and an economic aspect; this is something we need to look at, but we need a protocol in place."

NAW supports MPP's letter to MNR minister

By Gerald Tracey
News Editor

Eganville -- Renfrew-Nipissing-Pembroke MPP John Yakabuski's opposition to the Environmental Commissioner's Report recommending a total ban on logging in Algonquin Park was given support from North Algona Wilberforce Township Monday night.

Council threw its support behind a letter the MPP has sent to the Minister of Natural Resources, Bill Mauro, expressing his concerns about Mr. Miller's recommendation to ban logging in the park, saying he found the suggestion "reckless and completely unacceptable".

In the letter Mr. Yakabuski said the phasing out of logging in Algonquin

in the next 10 years would be a devastating blow to many people in Renfrew County and area and would negatively impact the entire economy of Eastern Ontario.

Mayor Harold Weckworth said if the ministry accepts Mr. Miller's recommendation it will be a devastating blow to the region.

"The spin-off economically would

be terrible," he said. "Logging in the park has been sustainable for generations and generations and now they are coming up with this! The few jobs we have around here, they're going to make sure they take them away."

Councillor Kevin Clarke said the proposal was just another way of shutting down rural Ontario.

PROTYRE

TIRE SALES & SERVICE

Hwy 60 W - Renfrew
Ken Dillabough, Prop.

Toll Free: 1-800-711-4511 or 613-432-9955

Consider Country Haven!
Take a walk through our tranquil gardens and be our guest for lunch!

COUNTRY HAVEN

RETIREMENT HOME

1387 Beachburg Road,
Beachburg, Ontario

613-582-7021

- No lease, no obligation
- No shovelling snow
- All inclusive rates
- No hidden fees

www.countryhavenretirementhome.com

YOUR LOCAL WEATHER FORECAST

Wednesday October 22	Thursday October 23	Friday October 24	Saturday October 25	Sunday October 26
Mix of Sun & Clouds HIGH 11°C (52°F) LOW 2°C (36°F)	Cloudy with Showers HIGH 12°C (54°F) LOW 6°C (43°F)	Chance of a Shower HIGH 10°C (50°F) LOW 7°C (45°F)	Chance of a Shower HIGH 14°C (57°F) LOW 6°C (43°F)	Mix of Sun & Clouds HIGH 10°C (50°F) LOW 4°C (39°F)

MILLER BMR

329 Bonnechere St. W. Eganville
Tel: 613-628-3015
Fax: 613-628-2093
Delivery Available - Parking

BARRY'S BAY metro

Food at its best.

28 Bay St, Barry's Bay, Ontario K0J 1B0
613-756-7097