



Louisiana Department of Public Safety & Corrections
Office of State Police
Initial Complaint



John Bel
Edwards
Governor

Michael D. Edmonson,
Colonel
Superintendent

CASE HISTORY

Case Number: 16-5428
Case Date: June 16, 2015
Offense: Rape
Offense Date: Unknown
Offense Time: Unknown
Investigation Officer: Sergeant Stacey Pearson

INITIAL COMPLAINT

On June 16, 2015, the Louisiana State Police Special Victims Unit (LSP-SVU) received a request for assistance from the Youngsville Police Department with regards to investigating a complaint of Aggravated Rape. According to the complainant, Gerardus "Gerard" Clement Smit (W/M; DOB: [REDACTED] hereinafter referred to as SMIT), at the time an actively serving Catholic Priest at St. Anne Catholic Church located at 201 Church Street, Youngsville, Lafayette Parish, Louisiana, committed an Aggravated Rape of the complainant beginning in the 1960's when the complainant was a child serving as an altar boy. At the request of the Youngsville Police Department and 15th Judicial District Court District Attorney Keith Stutes, the Louisiana State Police Special Victims Unit assumed responsibility for the criminal investigation.

LSP-SVU Sgt. Stacey Pearson was assigned to lead the investigation and another complainant was subsequently identified. This second complainant, also an altar boy at the time, alleged SMIT committed Aggravated Rape upon him in the 1970's when he was a student at Cankton Elementary School located at 602 Main Street, Cankton, St. Landry Parish, Louisiana, where SMIT was the Boys' Soccer Coach and an actively serving Catholic Priest at the adjacent St. John Berchmans Catholic Church. The LSP-SVU investigation revealed credible corroborative evidence to support the complainants' allegations; however, after considerable legal research, it was determined that the limitations upon the initiation of prosecution had expired. Therefore, the incident was closed administratively.

INVESTIGATION OFFICER

Sergeant Stacey Pearson



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Case Report



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SUBJECT

Name: Gerardus Clement Smit
Alias List: 1. Gerard
Birth Date: [REDACTED]
Gender: Male
Race: White
Address: [REDACTED]

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NARRATIVE

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I, Sgt. Stacey Pearson, was assigned to lead the investigation and another complainant was subsequently identified. This second complainant, also an altar boy at the time, alleged SMIT committed Aggravated Rape upon him in the 1970's when he was a student at Cankton Elementary School located at 602 Main Street, Cankton, St. Landry Parish, Louisiana, where SMIT was the Boys' Soccer Coach and an actively serving Catholic Priest at the adjacent St. John Berchmans Catholic Church.

Louisiana Revised Statute 46:1844(W)(1)(a) Confidentiality of Crime Victims Who are Minors, Victims of Sex Offenses, and Victims of Human Trafficking-related Offenses; Basic Rights of Victim and Witness; states:

"In order to protect the identity and provide for the safety and welfare of crime victims who are minors under the age of eighteen years and of victims of sex offenses or human trafficking-related offenses, notwithstanding any provision of law to the contrary, all public officials and officers and public agencies, including but not limited to all law enforcement agencies, sheriffs, district attorneys, judicial officers, clerks of court, the Crime Victims Reparations Board, and the Department of Children and Family Services or any division thereof, shall not publicly disclose the name, address, or identity of crime victims who at the time of the commission of the offense are minors under eighteen years of age or of victims of sex offenses or human trafficking-related offenses, regardless of the date of commission of the offense. The confidentiality of the identity of the victim who at the time of the commission of the offense is a minor under eighteen years of age or the victim of a sex offense or human trafficking-related offense may be waived by the victim. The public disclosure of the name of the juvenile crime victim by any public official or officer or public agency is not prohibited by this Subsection when the crime resulted in the death of the victim."

Therefore, the complainant (W/M; DOB: [REDACTED] alleging SMIT's offense was initiated in Lafayette Parish, but occurred in multiple parishes, will hereinafter be referred to as Victim #1 i.e. "V1" and the complainant (W/M; DOB: [REDACTED] alleging SMIT's offense occurred solely in St. Landry Parish will hereinafter be referred to as Victim #2 i.e. "V2."

VICTIM #1:

According to the case file provided by the Youngsville Police Department [see Attachment 1 - Youngsville Police Department Case File #15-109661], V1 reported that, beginning in 1961, SMIT began sexually assaulting him when he served as an altar boy at St. Anne Catholic Church. V1 would have been 10 or 11 years old. V1 provided a written statement [see Attachments - XX, Section 2], stating SMIT's sexual abuse began initially, under the guise of "practice for Mass," with SMIT touching V1's penis and testicles and SMIT

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inserting his finger into V1's rectum. V1 stated SMIT's abuse escalated, over time, to oral and anal sexual intercourse. V1 reported he cried during SMIT's assaults and experienced rectal pain and bleeding. He stated, on one occasion, he urinated all over the mat on which SMIT had him kneeling. V1 stated SMIT gained the trust of V1's parents due to his position in the Church and that SMIT instructed V1 to never tell anyone about the "practices." V1 stated further that SMIT sexually assaulted other altar boys as well and that SMIT took V1 and two (2) other boys to a camp off of Interstate 10 in Iota, Acadia Parish, where other Priests sexually assaulted him by "pulling my hair" and "shooting fluids on my body (and) face." V1 stated SMIT's assaults continued until 1963 when SMIT was transferred "to a hospital to get treated in a facility for Priests." See the attachment for the remainder of V1's written statement.

On June 16, 2015, I made brief telephone contact with V1 at [REDACTED]. V1 reiterated his statement to the Youngsville Police Department and he told me he had been pursuing charges against SMIT for 38 years. He told me SMIT admitted the abuse and that SMIT gave him a check for \$10,000 which V1 said "bounced" due to insufficient funds. V1 told me two (2) of his boyhood friends committed suicide because of SMIT. V1 asked me about the limitations on prosecution of SMIT and I told him I would consult the District Attorney. V1 provided me with his e-mail address and I assured him I would keep him informed.

I then spoke with 15th Judicial District Court District Attorney Keith Stutes and Assistant District Attorney Alan Haney about V1's complaint. DA Stutes indicated he would begin researching the statute language at the time of the alleged offense; however, he instructed me to continue with my investigation.

I maintained communication with V1 until around October 2015 when I lost contact with him completely. In June 2016, I was contacted by Lawrence Gregorio of the New Jersey Department of Corrections. Mr. Gregorio advised he was V1's Parole Officer as V1 had been incarcerated in New Jersey. Mr. Gregorio asked and I confirmed to him I was conducting a criminal investigation with regards to V1's allegation against SMIT and I began to make plans to travel to New Jersey to personally meet with V1.

After my initial contact with V1 in June 2015, I conducted open source research of SMIT to include searching his name on bishopaccountability.org. Bishopaccountability.org is an educational website aimed towards documenting the abuse crisis in the Roman Catholic Church. Other Google searches led me to a November 19, 2006, article entitled, "Two Priests Lived Quiet Lives after Allegations," by Mike Chalmers of the Wilmington, Delaware, News Journal. This article indicated SMIT worked in the Diocese of Wilmington beginning in 1987 but that he had been removed from the ministry in 1996. The article also indicated SMIT had recently been identified publicly by the Diocese of Wilmington as an "accused child molester" and one of several diocesan priests with "substantiated allegations of child sexual abuse against them." All open source research is included in Attachment 2.

Working with the assistance of Delaware State Police Detective Amy Lloyd, I obtained a copy of SMIT's personnel file directly from the Diocese of Wilmington [see Attachment 3]. The personnel file's pages are numbered CDOW_GCS_000001 through CDOW_GCS_000143 ; however, pages CDOW_GCS_000022, 23, 26, 31-42, 60, and 000117-123 and 136 are missing. The missing pages were reported to contain privileged information between attorney and client and, as such, were not copied. Other pages are heavily redacted. Regardless, I reviewed SMIT's available personnel file in its entirety and the following is a summary of some of my findings:

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- Page 16, under "Sequence of 'events' in the matter of Gerard Smit," the unidentified author indicates SMIT attended the Servants of the Paraclete program from July 1986 to December 1986 and that in October 1987 a letter was received from the Servants of the Paraclete speaking of an incident 19 years prior in which SMIT "worked extremely hard [sic] to examine." A copy of the letter is contained in the personnel file as Page 106. The incident in question is not identified in the letter; however, the authors of the letter state the incident was partly responsible for SMIT's participation in the program but that they felt, at the time of the writing of the letter, SMIT was not at risk of any "inappropriate behavior."
- Page 93 is a letter dated May 19, 1987, from Lake Charles, Louisiana, Bishop Jude Speyrer (now deceased), to Wilmington, Delaware, Bishop Robert Mulvee indicating SMIT is a Priest in "semi-retirement" who is in "good standing."
- Page 102 is the same letter as above; however, with handwritten notes from an unidentified author indicating, "Question of Bkgd. [sic] – proceed with caution-"
- Page 80, recounts the author's October 19, 1996, meeting with V1 in Elkton, Maryland, where V1 outlined his allegation against SMIT.
- Page 79, recounts the author's October 21, 1996, meeting with V1 in which V1 produced a copy of a \$10,000 check from SMIT to V1.
- Page 76, recounts the author's October 22, 1996, meeting with SMIT. The author indicates to SMIT, "I interviewed the man twice and believe his story." The man is subsequently identified with V1's first name. The author goes on to say about V1, "sure he is here for money" and that the author wishes to "settle the matter quickly with no guarantees." The author writes that SMIT was willing to "go as high as \$10,000." At this meeting, the author reports that he withdrew SMIT's faculties and advised him to cease weekend work in this Diocese.
- Page 72, dated November 21, 1996, the author indicates a meeting with "Gerry Smit" i.e. SMIT in which, referring to SMIT, "He was terribly hurt by Bishop Speyrer who told him to get as far away as he could and don't come back." The author indicated SMIT "blames the seminary system for not helping us deal with our sexuality." And the author asked SMIT, "Why did you produce a check for [V1] without checking first with the Diocese?"
- Pages 84 and 85 contain photocopies of Check #1708, dated April 1, 1994, made payable to V1 from SMIT and SMIT's sister, Longina Smit, in the amount of \$10,000.00.
- Pages 44 to 47 are copies of a November 6, 1996, "RELEASE" negotiated between SMIT (the Releasee) and V1 (the Releasor). The document is signed by V1 and witnessed by Diocese of Wilmington Monsignor Clement Lemon. Page 48 is a copy of Check #52801080, dated November 5, 1996, made payable to V1, in the amount of \$10,000. Page 49 is a copy of Cashier's Check #3989163, dated November 6, 1996, made payable to V1 albeit with a

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different spelling of V1's name. Page 50 is a typed letter from SMIT to Msgr. Lemon a.k.a. "Clem." SMIT's letter indicates he gave a check for \$10,000 to the Diocese of Wilmington thanking them for the "handling" of his case.

- Page 56, noted "Confidential." The last paragraph names V1 and states with regards to SMIT, "We allowed Father to minister in Elkton, but once we were aware of his abuse, Smit was immediately relieved of all faculties. He paid off [V1] \$10,000.00."
- Page 132 is an INTEROFFICE MEMORANDUM, dated September 9, 2010, to Bishop of Wilmington W. Francis Malooly from Monsignor J. Thomas Cini, reference SMIT. In the memo, Msgr. Cini recounts his review of SMIT's file and confirms previously listed documents which indicate there was an agreement between SMIT and V1 where V1 was paid a sum of money as compensation. Msgr. Cini also confirms V1 was told SMIT could no longer function as a Priest and SMIT's "faculties were lifted." Msgr. Cini wrote, "Smit was one of the priests identified by Bishop Saltarelli in November 2006 as having credible accusations of child abuse. We explained at the time that he had functioned for a short period of time in the Diocese, but when his past came to light he was required not to function anymore."
- Page 141 is a letter dated December 14, 2012, from Lake Charles, Louisiana, Bishop Glen John Provost to Bishop Malooly. The letter, reference the allegations made against SMIT by V1 and now V2, as well, indicates the Diocese of Lake Charles presented SMIT with two (2) options: to provide a written defense or to voluntarily accept to live a life of "prayer and penance."

On July 28, 2016, I met with Diocese of Lafayette, Louisiana, Bishop J. Douglas Deshotel and Vicar General W. Curtis Mallet reference SMIT. VG Mallet agreed to provide me with a copy of his preliminary investigation of V1 and V2's allegations [see Attachment 4 - CDF. PROT.N. 565/2012-41502].

I reviewed the file provided by Msgr. Mallet which was marked as "CDF. PROT.N. 565/2012-41502" and the following is a summary of some of my findings:

- In the document entitled, "*Votum* of the Ordinary In the Matter of the Rev. Gerard (AKA Gerardus) Smit," the authors discuss the allegations made by V1 and V2. In the third paragraph, the authors mention that Diocese of Lake Charles Deacon George Stearns offered background about SMIT who was, according to Stearns, accused of several acts of abuse in that Diocese as well. The authors also state that, according to Stearns, SMIT's therapist at Jemez Springs (Servants of the Paraclete) suspected other acts of abuse.
- Section 2, "Preliminary Investigation of [V2] Allegation," contains a July 6, 2010, letter written by V2 to Diocese of Lafayette Bishop Michael Jarrell. In his letter, V2 states he served as an altar boy at St. Berchman's in Cankton in 1975 and 1976 when he was 13 years old. V2 states he was "sexual abused/molested" by SMIT at the Church and at Cankton Elementary School. V2 states he was "... robbed of his childhood ...". Although V2 mentions an earlier

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letter and others who he confided in, it appears this was the first time V2 named SMIT as his violator to the Diocese.

- Section 2, "Interview with [V2], Canonical Preliminary Investigation (Canon 1717), In the matter of Reverend Gerard Smit," contains a summary of Msgr. Mallet's November 4, 2010, interview with V2. According to Msgr. Mallet, V2 stated he kept SMIT's abuse a secret until 2006. V2 told Msgr. Mallet, at the end of 1974 after Christmas when he was around 12 or 13 years old, SMIT caught V2 drinking the sacramental wine and SMIT told V2 he would be "punished." V2 said the following week SMIT "caught him by the hair and forced him to lick his penis." V2 said SMIT ejaculated in his mouth. V2 said SMIT then threatened him saying if he told anyone his family would "hate him" and "no one would believe" him anyway. V2 relayed another incident which he said happened at Cankton Elementary School where V2 said SMIT coached soccer. V2 explained he was late for soccer practice and was ordered by SMIT to get dressed. V2 said SMIT came into the dressing room, pushed V2 down, pulled V2's underwear down and fondled V2's genitals. V2 said SMIT shoved his finger up V2's rectum and again forced V2 to perform oral sex and ejaculated in V2's mouth.
- Section 2, copy of January 23, 2011, letter from SMIT to Msgr. Mallet denying V2's accusation.
- Section 2, Diocesan Sex Review Board Summary of Recommendations dated May 6, 2011, indicate the Board agreed unanimously that V2's accusations against SMIT "had serious merit."

On October 17, 2016, I interviewed V1 at the Garden State Youth Correctional Facility in Crosswicks, New Jersey. The interviewed was recorded (see Attachment 5) and monitored by New Jersey Department of Corrections, Special Investigations Division, Senior Investigator Patrick Sesulka. During the interview, V1 reiterated his initial statement which he made to the Youngsville Police Department. V1 admitted he had embellished some of his statements in the past, like meeting with the Pope, out of sheer frustration at not being heard by the Catholic Church.

On October 20, 2016, I met with SMIT at [REDACTED]. I spoke briefly to SMIT and made an appointment to meet with him the following day. When I went in to SMIT's room, he was on his computer. He was friendly, alert, polite, engaging and humorous. He did not ask me to repeat any of my statements.

On October 21, 2016, I again met with SMIT and I was accompanied by Delaware State Police Det. Lloyd. This time, SMIT had a male friend present who he stated was an attorney. When I stated the reason for the interview, the man said, "I thought the statute of limitations had run out on that." I read SMIT his rights per Miranda from a standard Department of Public Safety & Corrections, Office of State Police, Statement of Rights form (see Attachment 6). SMIT indicated he understood his rights and signed the form; however, he made continually made statements to the effect that he felt threatened and forced. He also appeared to not be

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able to understand or hear which was contrary to the day before. Given SMIT's advanced age and his either fabricated or actual lack of understanding of the proceeding, I declined to question SMIT any further.

While in the New Jersey, Delaware, Pennsylvania area, I also met with the Diocese of Wilmington, Vicar General, Reverend Monsignor Steven Hurley, at his office in Wilmington. Vicar Hurley confirmed that a payment of \$10,000 had been made to V1 and that the payment had been coordinated through Reverend Monsignor Clement Lemon, SMIT, and V1. Vicar Hurley also stated that the Release which V1 signed in exchange for the \$10,000 is considered null and void. Vicar Hurley explained that the Diocese had gone through bankruptcy proceedings due to sexual abuse claims and, as part of the bankruptcy agreement, all prior releases that victims were asked to sign are considered null and void.

VICTIM #2:

On August 12, 2016, I interviewed V2 at the Louisiana State "Angola" Penitentiary where V2 was incarcerated [see Attachment 7 for recording]. V2 stated he did not want any money from the Catholic Church. He said he first came into contact with SMIT around 1974 when V2 was in the 4th or 5th grade at Cankton Elementary School, in St. Landry Parish, Louisiana, and where SMIT was the Boys' Soccer Coach and an actively serving Catholic Priest at the adjacent St. John Berchmans Catholic Church. V2 said SMIT caught him and another boy drinking wine and began assaulting V2 as "penance." V2 said SMIT's assaults happened about five to six times, always in the boy's dressing room. V2 said SMIT fondled his genitals and forced him to perform oral sex on SMIT. He said SMIT grabbed him by the hair and ejaculated in his mouth. He said SMIT pulled his hair and slapped him on the back of the head. V2 said SMIT threatened him and told him he would tell V2's parents and that they would "hate" V2. V2 drew a map of the location where the assaults took place [see Attachment 7].

On October 28, 2016, I prepared a subpoena duces tecum for SMIT's personnel record from the Diocese of Lake Charles. DA Stutes issued the subpoena and the records were produced and are included as Attachment 8].

On November 4, 2016, I met with DA Stutes and Assistant District Attorney Alan Haney. Both DA Stutes and ADA Haney agreed the allegations against SMIT were credible; however, the way Louisiana law was written in the time frames covered by V1 and V2's assaults, the limitations upon the institution of prosecution had expired. This finding was also confirmed, after considerable research, by Louisiana State Police Legal Counsel Faye Morrison.

Therefore, in conclusion, the Louisiana State Police investigation revealed sufficient evidence to corroborate V1 and V2's allegations against SMIT. However, as the limitations on the initiation of prosecution had expired, an arrest could not be made knowing the crimes could not be prosecuted. Information relative to the payment of \$10,000 to V1 in exchange for V1 signing a release was provided to Delaware State Police Sergeant Nicholas Terranova. This incident was closed administratively.

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