

## INFORMATION FROM RETIRED DETECTIVE JOSEPH WALSH #697

I was contacted by Mr. Jeffrey W. Ogren, Esquire who informed me that he was hired by the family of Bernard Shero to represent Mr. Bernard Shero, and he was attempting to get a new trial for Mr. Shero. He asked me if I believed his client was guilty of abusing Daniel Gallagher. I told him that as a result of my investigation and interviews I could not corroborate any of the accusations made by Daniel Gallagher against his client or the two other priests. Mr. Ogren requested that I put in writing the details showing the discrepancies and why I concluded that Daniel Gallagher was not truthful.

I joined the Philadelphia Police Department on January 26, 1970. Upon graduating from the police academy in April 1970, I was assigned to the 6<sup>th</sup> District. From April 1970 to July 1976 I was assigned to uniform patrol. From July 1976 to August 1982 I was assigned to work plainclothes in the 6<sup>th</sup> District as 6<sup>th</sup> District Burglary Detail. On August 20, 1982, I was promoted to Detective and assigned to Central Detectives until November 1986. I was transferred to the Homicide Division from November 1986 until December 1998. I was then detailed to the District Attorney's Office in December 1998 and assigned to investigate insurance fraud until March 2002. From March 2002 until I retired on June 1, 2005, I was assigned to the Grand Jury investigating pedophile priests in the Archdiocese of Philadelphia.

It was during the three (3) year Grand Jury Investigation the Archdiocese of Philadelphia turned over to the District Attorney's Office over 250 files known as the **secret archive files**. These files dealt with pedophile priests. Working as a detective for this Grand Jury, I had the opportunity to read and review these files. I also had the opportunity to interview many of the victims and also some of the priests involved in the abuse. The most important thing I discovered was that in all of the cases turned over, there was a grooming process of the child and their family over a period of time. The priest would buy the child gifts and take them on trips, or go on trips and vacations sometimes with the child's entire family. He would have dinner with them at their home, or the child would have dinner or lunch with him at the rectory. He would befriend both the family and child before sexually abusing the child. **DURING MY INVESTIGATION I LEARNED FROM BOTH DANIEL GALLAGHER AND HIS FAMILY THAT THIS TYPE OF GROOMING DID NOT OCCUR WITH EITHER PRIEST OR MR. SHERO. ALSO, I DON'T RECALL ANYWHERE IN THE SECRET ARCHIVE FILES DID I FIND WHERE A PRIEST WOULD SEXUALLY ABUSE A CHILD AND TELL ANOTHER PRIEST ABOUT IT AND PASS THE CHILD TO ANOTHER PRIEST, OR TO A LAY PERSON FOR THE CHILD TO BE SEXUALLY ABUSED.**

Sometime in **October 2011**, I received a telephone call from Mr. Edward McCann, First Deputy District Attorney asking me if I would be interested in returning to work for the District Attorney's Office as a contractor helping to prosecute three priests and a teacher who were accused of sexually molesting a 10 year old student at Saint Jerome's School that occurred in 1998 and 1999. He said he contacted me because of my involvement in the first Grand Jury Investigation and I was familiar with some of the prior victims who may be called as witnesses and cases that the ADA's might use in this trial. I told him I would be interested and I began working the second week of **October 2011**.

I met with ADA Mariana Sorenson and Detective Andrew Snyder and they informed me that sometime in **February 2011**, Msgr. William LYNN, the secretary for clergy for the Archdiocese of Philadelphia, had been indicted by a Grand Jury and was arrested for allowing Fr. Edward AVERY who he knew to be an admitted pedophile priest, to live at Saint Jerome's rectory while assigned as the

Chaplain at Nazareth Hospital. Fr. AVERY was accused of sexually assaulting a 10 year old boy who was a 5<sup>th</sup> grade student and altar server at Saint Jerome's. Also indicted and arrested in February 2011 for sexually assaulting the same boy was Father Charles ENGELHARDT who was a priest assigned to Saint Jerome's and a 6<sup>th</sup> grade teacher working at Saint Jerome's, Mr. Bernard SHERO. All four men were awaiting trial. The name of the boy was Daniel Gallagher.

Mr. Mark BESBEN was interviewed on February 3, 2012 by Det. FISHER and stated in summary that near the end of January 2009 Daniel GALLAGHER was attending counseling sessions at S.O.A.R., a drug and alcohol outpatient treatment facility, and Mr. BESBEN was the Project Director and he also became Daniel GALLAGHER'S counselor. They had spoken about GALLAGHER being sexually abused many times. It was during one of their sessions that GALLAGHER told BESBEN that he had been sexually abused by 2 priests and a teacher while a student at Saint Jerome's School. He told BESBEN that he had been tied up. BESBEN stated he would look for his file for additional information about what GALLAGHER had told him during their sessions.

On February 4, 2012, Det. WALSH went to S.O.A.R. and spoke to BESBEN. BESBEN stated in summary that he couldn't find his file for GALLAGHER, it must have been in the basement of the building and there was a water problem and the basement flooded, and all the files kept in the basement had gotten wet and were thrown away. When asked if he remembered anything else besides what he told Det. FISHER, BESBEN stated that GALLAGHER told him he had been tied up with the sash that is around the cassocks, and held in the sacristy for about five hours. GALLAGHER told him it was during this time that he was repeatedly raped and assaulted many times by a priest. BESBEN remembered GALLAGHER telling that another time his teacher told him to get in his car after school and he would drive GALLAGHER home. They stopped and the teacher punched GALLAGHER in the face and tied him up using a seat belt and performed oral sex on GALLAGHER, and had GALLAGHER masturbate him. BESBEN asked GALLAGHER if he ever told his parents what occurred and GALLAGHER told him yes. BESBEN asked GALLAGHER if he wanted to contact the Archdiocese and report the abuse and GALLAGHER said yes. BESBEN gave GALLAGHER the phone number and he called and BESBEN overheard that a meeting was arranged. BESBEN stated that he believed GALLAGHER was not high on drugs when he placed the call to the archdiocese.

Det. WALSH spoke to James GALLAGHER Sr. (Sgt. in Phila. PD and father of Daniel GALLAGHER) and was told that on January 30, 2009, Daniel GALLAGHER went to his counseling session with BESBEN at S.O.A.R. His father, James GALLAGHER, drove him to the session and after the session GALLAGHER got in the car with his father and they drove directly home. Daniel GALLAGHER was not high on drugs. After a very short time, approx. two or three minutes, there was a knock on the front door and there were two women from the archdiocese who wanted to speak to Daniel GALLAGHER. James GALLAGHER told his son not to open the door. He remained with his son and his son received a phone call. He left his son for about one minute and when he returned his son was not in the house. He had gone outside and met with the two women and got in their car.

Det. WALSH reviewed the written report prepared by Louise HAGNER after her interview with Daniel GALLAGHER that occurred on January 30, 2009 in her car. Also in the car was Ms. Cruz RANSOM. She stated in summary that Daniel GALLAGHER was sexually assaulted by two priests and a teacher. **GALLAGHER related the different details. This was the second description of the assault by Fr. ENGELHARDT. (First given to Mark BESBEN when he stated he was tied up and held in the sacristy for five hours).** GALLAGHER stated that there was just **one incident** with Fr.

ENGELHARDT and it happened in June after school ended for the summer and he was an altar server and it occurred after the 6:30 A.M. Mass. Fr. ENGELHARDT gave him some wine and the next thing he knew Fr. ENGELHARDT was on top of him and GALLAGHER'S pants were pulled down. Fr. ENGELHARDT began masturbating GALLAGHER. Then GALLAGHER said that Fr. ENGELHARDT pulled down his own pants and had GALLAGHER perform oral sex on him. GALLAGHER stated that this lasted for about **five hours** and during this time Fr. ENGELHARDT continued the acts and then he turned him over and began raping GALLAGHER anally many times during this five hours. This occurred in the little room next to the altar.

GALLAGHER then described the assault by Fr. AVERY to HAGNER and RANSOM. (**This is the first description of the assaults by Fr. AVERY**). GALLAGHER stated in summary that while in 5<sup>th</sup> grade approx. one month after he was assaulted by Fr. ENGELHARDT, he received a phone call from Fr. AVERY on a Saturday, asking him to cover for a mass and it was after the 6:30 AM mass. Fr. AVERY met him at the door of the church around 7:00AM and they went over to the supply room. Fr. AVERY punched him in the back of his head and he fell down. When he woke up he was completely naked and his hands were tied with altar boy sashes. Fr. AVERY then pulled his own pants down and anally raped him. GALLAGHER then stated that Fr. AVERY hit him in the face with his penis and had GALLAGHER suck all the blood off his penis GALLAGHER said he was held in that room for about one hour.

The second assault by Fr. AVERY occurred in the spring of 5<sup>th</sup> grade either March or April. After school one day he met Fr. AVERY in the rectory and they went to the **second floor of the rectory**. GALLAGHER said that Fr. AVERY pushed him down on the bed and performed oral sex on him. Fr. AVERY then had GALLAGHER perform anal sex on him, but GALLAGHER couldn't get an erection and Fr. AVERY slapped him and turned him over and performed anal sex on GALLAGHER. GALLAGHER said he bled or a week.

GALLAGHER then described the assault by Mr. SHERO to HAGNER and RANSOM. (**This is the first description of the assault by Mr. SHERO**) GALLAGHER stated that Mr. SHERO was his 6<sup>th</sup> grade teacher. One day after school, Mr. SHERO offered to drive him home. GALLAGHER said he refused the ride but Mr. SHERO insisted on driving him home. Mr. SHERO forced him into his car and **drove to an apartment building** near where GALLAGHER lived. Mr. SHERO parked next to a dumpster. GALLAGHER said that Mr. SHERO punched him in the face and pulled his pants down. Mr. SHERO wrapped the seat belt around GALLAGHER'S neck. GALLAGHER stated that Mr. SHERO performed oral sex on him and had GALLAGHER masturbate him.

On **January 30, 2009**, Timothy COYNE director of legal services for the Archdiocese of Philadelphia sent a letter to the District Attorney's Office reporting a sexual abuse case involving Daniel GALLAGHER.

On **January 21, 2010**, approximately one year later, Det. Andrew SNYDER was assigned to investigate allegations of sexual abuse by two priests and a lay teacher that occurred at Saint Jerome's School. The complainant is Daniel GALLAGHER.

On **January 28, 2010**, Daniel GALLAGHER is interviewed by Det. SNYDER inside the District Attorney's Office. (**This is the third different description given by GALLAGHER as to what occurred with Fr. ENGELHARDT**.) GALLAGHER stated in summary he became an altar

server in 5<sup>th</sup> grade and after one of the masses he served with Fr. ENGELHARDT, he asked GALLAGHER to stay after mass, and GALLAGHER did. Fr. ENGELHARDT began talking about sex and showed GALLAGHER pornographic magazines. The conversation ends and GALLAGHER leaves the church.

The second encounter was about one week later. About a week later GALLAGHER is serving mass with Fr. ENGELHARDT and he has GALLAGHER remain after mass and again has a conversation about sex. The conversation ends and GALLAGHER left the church.

The third encounter occurred about one week later in the sacristy after mass in the church. Fr. ENGELHARDT tells GALLAGHER to stay around after mass and has a conversation, and has GALLAGHER pull down his pants and Fr. ENGELHARDT masturbates GALLAGHER. Then GALLAGHER leaves.

The fourth encounter occurred about three or four weeks later after mass in the church in the **sacristy**. Fr. ENGELHARDT masturbated GALLAGHER and then had GALLAGHER masturbate Fr. ENGELHARDT. GALLAGHER claims to have told Fr. ENGELHARDT that if he came near him again he would kill Fr. ENGELHARDT.

Det. SNYDER interviewed GALLAGHER in reference to the sexual assault by Fr. AVERY. **(This is the second different description of the details of what occurred with Fr. AVERY.)** In the spring 1999, GALLAGHER stated he was approached by Fr. AVERY after bell choir practice and Fr. AVERY told him he knew about his sessions with Fr. ENGELHARDT and he was going to start sessions with Fr. AVERY soon.

The second encounter is three days later, GALLAGHER is serving a late mass with Fr. AVERY and Fr. AVERY again said that they will be starting sessions soon.

The third encounter with Fr. AVERY occurs after mass. Fr. AVERY takes GALLAGHER to a **storage room** just off the altar and has him undress. Fr. AVERY stripped down to his underwear. Fr. AVERY has GALLAGHER sit on his lap and begins masturbating GALLAGHER. Fr. AVERY performs oral sex on GALLAGHER and has GALLAGHER masturbate him. GALLAGHER stated that Fr. AVERY licked his anus and put his finger in GALLAGHER'S anus. GALLAGHER says he yelled out in pain and Fr. AVERY stopped doing that and then had GALLAGHER perform oral sex on him.

The fourth encounter is in **July 1999**. GALLAGHER is serving a **funeral mass** with Fr. AVERY and he has GALLAGHER stay afterward. He then takes GALLAGHER back to the **storage room** and turns on music and has GALLAGHER do a strip tease dance for him. Fr. AVERY then forcibly pushes GALLAGHER to his knees and has GALLAGHER perform oral sex on Fr. AVERY. Fr. AVERY then grabs GALLAGHER'S hand and has GALLAGHER insert his finger into Fr. AVERY'S anus. Fr. AVERY then performs oral sex on GALLAGHER.

Det. SNYDER interviewed GALLAGHER in reference to the sexual assault by Mr. SHERO. **(This is the second different description of the details of what occurred with Mr. SHERO.)**

GALLAGHER stated that Mr. SHERO was his home room and his English teacher in 6<sup>th</sup> grade. GALLAGHER said that Mr. SHERO made several comments to him about sex while in school. Then one day Mr. SHERO insisted on driving GALLAGHER home from school. GALLAGHER got in his car and Mr. SHERO drove to Pennypack Park. Mr. SHERO told GALLAGHER it's time for his sex education and Mr. SHERO undid his own pants and told GALLAGHER to undo his. Then Mr. SHERO told GALLAGHER to get in the back seat. GALLAGHER said Mr. SHERO masturbates him, and then has GALLAGHER perform anal sex on him.

Then GALLAGHER said Mr. SHERO performed oral sex on him, and also had GALLAGHER perform oral sex on Mr. SHERO. When this was over Mr. SHERO throws GALLAGHER'S clothes at him and tells him to walk home. This encounter was about one hour long.

On March 19, 2010, Daniel GALLAGHER testified before the Grand Jury. **(Fourth different description of what occurred with Fr. ENGELHARDT.)** Stated in summary that in the 5<sup>th</sup> grade, 1998 he was a member of the bell crew and on Friday after school the bell crew would put out the bells for bell choir rehearsal and after rehearsal the bell crew would put all the tables and bells away.

GALLAGHER testified he was an altar server and assigned to serve 6:30 AM mass in 1998 with Fr. ENGELHARDT. He stated that Fr. ENGELHARDT caught him drinking wine while in the sacristy and Fr. ENGELHARDT gave him more wine to drink and showed him pornography magazines, Nothing else happened and he went to school.

GALLAGHER testified that about one week later as an altar server he was assigned to serve 6:30 AM mass with Fr. ENGELHARDT. After mass, Fr. ENGELHARDT told him to stay after mass and he remained in the sacristy. Fr. ENGELHARDT told him to take off his clothes and he did and Fr. ENGELHARDT took off his clothes also. He stated that Fr. ENGELHARDT masturbated him and gave him oral sex. Fr. ENGELHARDT did the same to GALLAGHER. After this happened they got dressed and left the church and GALLAGHER went to school.

GALLAGHER testified that one or two weeks later he saw Fr. ENGELHARDT and told him to stay away from him or he would kill him. GALLAGHER stated that he would switch masses with other altar servers when he was assigned as an altar server with Fr. ENGELHARDT.

**(This is the third different description of what occurred with Fr. AVERY.)**

GALLAGHER testified that a couple months later in 5<sup>th</sup> grade while in the church he was in the bell crew putting the bells away after rehearsal he was approached by Fr. AVERY who told him he heard about his sessions with Fr. ENGELHARDT and his would start soon.

GALLAGHER testified that he served mass as an altar server with Fr. AVERY. After mass Fr. AVERY had him remain in the sacristy and Fr. AVERY put on music and had GALLAGHER strip off his clothes dancing to the music. He stated that Fr. AVERY played with his penis and gave him oral sex. Fr. AVERY then had GALLAGHER give him oral sex and told him to do everything he had done to him. After this GALLAGHER said he went home.

GALLAGHER testified that the next time with Fr. AVERY he was serving mass on a Saturday afternoon and when mass ended Fr. AVERY told him to stay after mass and remain in the **sacristy**. Fr. AVERY told him to take off all his clothes. Fr. AVERY also got undressed and had GALLAGHER perform oral sex and masturbate him. Then Fr. AVERY did oral sex on him and also had GALLAGHER masturbate Fr. AVERY while he was doing oral sex on him. Both then got dressed and GALLAGHER walked home.

**GALLAGHER testified that the Saturday afternoon mass was very well attended, and when he would serve this mass his parents would attend this mass.**

GALLAGHER also testified that after the sexual abuse by Fr. ENGELHARDT and Fr. AVERY whenever he was scheduled to serve mass with them he would change with other altar servers to be able to stay away from them.

**(This is the third different description of what occurred with Mr. SHERO)**

GALLAGHER testified that Mr. Bernard SHERO was his 6<sup>th</sup> grade teacher. In the spring of 1999, Mr. SHERO offered to drive him home and GALLAGHER got in his car. Instead of driving GALLAGHER home, Mr. SHERO **drove to Pennypack Park**. Mr. SHERO told GALLAGHER to get in the rear seat and to take his clothes off, and Mr. SHERO helped him remove his clothes. Mr. SHERO then began playing with him and gave him oral sex and tried to have anal sex with him, but it hurt. Mr. SHERO then had GALLAGHER give him oral sex and masturbate him, and had GALLAGHER give him anal sex. After this, Mr. SHERO told GALLAGHER to get dressed and walk home.

On **January 9, 2012**, James GALLAGHER Jr. was interviewed by Det. WALSH and stated in summary that he is the older brother of Daniel GALLAGHER. That he attended Saint Jerome's School from kindergarten to 8<sup>th</sup> grade. He was an altar server from 5<sup>th</sup> grade until he graduated 8<sup>th</sup> grade (4 years). He stated that every month, Fr. GRAHAM, the pastor of Saint Jerome's, would prepare a schedule for the altar servers, showing the date and mass time indicating which masses they were assigned to serve that month. He would bring the schedule home and his mother would write the masses he was scheduled to serve on a calendar and keep it on the refrigerator. This would include the date and time of the mass he was scheduled to serve. He stated that she also did this for his brother Danny when he became an altar server in 5<sup>th</sup> grade.

He stated that whenever he served the 6:15 AM mass, one of his parents would drive him and drop him off at the church. He would carry his altar server robe with him and take it home after mass. The sexton would unlock the doors and the sexton would set up the altar and he would put on his robe and the priest would put on his vestments in the sacristy. The mass would only last about 20 to 30 minutes. When the mass was over, the sexton would clean up the altar and put things away and one of his parents would come back to the church and get him and drive him home so he could get ready for school. He stated that his parents would have done the same thing for his brother for 6:15AM mass. He stated that after 6:15 AM mass the church would remain open.

He stated that if he wanted to switch masses he would need a good excuse for both his parents and Fr. GRAHAM in order to call another altar server and switch masses. He didn't know of any time a priest other than Fr. GRAHAM would call an altar server to serve a mass.

He stated that Fr. GRAHAM would remain at the church at the Saturday afternoon mass to meet the parishioners both before and after the afternoon mass.

He stated that no priest ever did anything inappropriate to him and he never heard of any priest doing anything inappropriate with any altar servers and his brother never told him that a priest or teacher did anything inappropriate to him.

On **December 20, 2011**, Det. WALSH interviewed Margaret LONG who stated in summary that she is employed by Saint Jerome's School as the parish music director. She has been employed there for 23 years. One of her duties is being the director of children's bell choir. She started the children's bell choir in 1990. LONG stated that during the school year, the bell choir rehearses every Friday after school from about 2:00PM till 3:00PM. She stated that every year she would ask the 8<sup>th</sup> grade teacher to have 3 or 4 boys to volunteer on Friday to leave their last class about 20 minutes early and help her set up the tables and carry the large cases containing the bells. There were seven tables weighing about 32 lbs. each and three large black cases containing the bells (36 bells). Because of the weight of all the equipment she would only use 8<sup>th</sup> grade boys because they were the biggest and strongest in the school. She never used boys from any other grade but 8<sup>th</sup> grade. **These boys who set up the tables and all the bells and equipment were called the bell crew or the bell maintenance crew.** After they were finished setting up all the equipment, they were permitted to leave school early for the day. They did not stay around to put all the bells and tables away. After rehearsal, the bell choir along with Ms. LONG and two other teachers who were members in the **bell choir would put all the equipment away.** She stated that none of the bell choir members were permitted to leave until the tables and bells were put away.

Ms. LONG stated that that Daniel GALLAGHER was never a member of the bell choir. He might have been a member of the bell crew, in 8<sup>th</sup> grade but she couldn't remember if he was. **He would not have been in the bell crew while in 5<sup>th</sup> grade.**

Donna CLOPP was interviewed by Det. WALSH on **December 12, 2011** and on **January 4, 2012** and stated in summary that she has been a member of the Saint Jerome's Bell Choir since it began. She stated that Daniel GALLAGHER was never a member of the bell choir and that only 8<sup>th</sup> grade boys because they were the biggest and strongest were the only students in the bell crew, or bell maintenance crew who would set up the tables and bells before rehearsal on Friday after school it **would never be 5<sup>th</sup> grade boys.** That after setting up the equipment the bell crew was done for the day and they would leave school. It was always the bell choir members who put all the tables and bells away after rehearsal and no one was permitted to leave until all the equipment was packed away.

Janet MCKEVER was interviewed on **October 20, 2011** by Det. FISHER and again on **January 12, 2012** by Det. WALSH and stated in summary that in 1998-1999 school year she was employed by Saint Jerome's as an 8<sup>th</sup> grade teacher. She stated that the music director, Margaret LONG, would ask her every year for 8<sup>th</sup> grade boys to volunteer to be in the bell crew and they would leave class early on Friday about 1:40 PM and meet Ms. LONG at her office on the first floor behind the altar and then set up the tables for the bells, the bells themselves and all the other equipment. She stated that the bell crew would always consist of only 8<sup>th</sup> grade boys because of the weight of the tables and the cases of bells. **No boys from any other grade were used for the bell crew.** The school day

was over at 2:00 PM and the bell choir would rehearse until about 3:00 PM. After rehearsal, it was only the bell choir who put all the equipment away and no one was permitted to leave until all the equipment was put away.

Chanee MAHONEY was interviewed by Det. FISHER **January 17, 2012** and stated when she was a high school student she attended International Christian High School. While a student she took two books from the library dealing with sexual abuse. These books were left on a table in school and were stolen. She stated that she definitely did not get these books for or give these books to Daniel GALLAGHER.

Shortly after being hired by the District Attorney Office (around the beginning of November 2011) Daniel GALLAGHER and his parents came into the office. They were met by myself, other detectives and Mariana SORENSON. In a conference room, Daniel GALLAGHER, with his parents present, recounted some of the sexual abuse done to him by Fr. ENGELHARDT, Fr. AVERY, and Mr. SHERO. This meeting occurred so I could meet him and his parents. Also his mother brought in the 1998 calendar (she had previously brought in other calendars dating from 1999 to 2001) These are the calendars she would write down the altar server schedule sent home by Fr. GRAHAM showing the masses each son was scheduled to serve, and were kept on the refrigerator door.

At the conclusion of this meeting, I was walking the GALLAGHER family to the elevator and Mr. GALLAGHER, Daniel's father, pulled me aside and asked me if I believed what his son said actually occurred. I told him I was just getting involved in the investigation and I really didn't have an opinion. I asked Mr. GALLAGHER what he thought about what he heard, that it is his son, and he said he didn't know what to believe. **He said he didn't know if his son was lying or telling the truth.** Then he asked me if it turns out his son was lying could he be arrested for perjury. I told him we just want to find out the truth.

I took the 1998 calendar Mrs. GALLAGER brought in and placed it on a property receipt. I made copies of it to be distributed. I examined the calendar very closely and discovered that Daniel GALLAGHER was not scheduled to serve the 6:15 AM mass as an altar server from September 1998 to December 31, 1998.

I then went and obtained a copy of the 1999 calendar previously brought in by Mrs. GALLAGHER and discovered that Daniel GALLAGHER was not scheduled to serve 6:15 AM mass from January 1, 1999 until June 1999 after school was dismissed for the summer. I brought this to the attention of Mariana SORENSON and made her aware of the discrepancies the calendars provided. I don't recall her response.

My daily routine was to get into the office early and make eight copies of the interviews and work I did the day before. I would place the original and seven copies on a desk in the office we were using. Mariana SORENSON would get in early also and I would give her a copy to read. She would make her tea and I would make a fresh pot of coffee and get a cup of coffee and go back to her office and discuss the interviews done and what I had planned to do that day. It was during these times that I told Mariana SORENSON several times that I didn't believe Daniel GALLAGHER was telling the truth, that I am not able to find any information to corroborate his story of abuse. If anything I am finding out information that contradicts what he is saying occurred. Mariana SORENSON would always say that she believed Daniel GALLAGHER and believed what he says occurred.



There was one time before the trial began possibly in January, I gave her the copies I made and went to get my coffee. I don't recall what the copies pertained to. When I went back to her office she said to me, "YOUR KILLING MY CASE." I told her that I was only conducting interviews and writing down the truth and what people were telling me during the interviews. I didn't want to argue with her and I stopped having coffee there and talking about the case. I would just give her the copies I made and walk away.

Sometime in March 2012, I contacted Daniel GALLAGHER and asked him to come to the District Attorney Office for a case prep to clarify some of the information and discrepancies he provided and to go over his possible testimony. He agreed and came into the office and we went to a conference room. I explained to him that there were many inconsistencies in his various stories and we needed to go over them.

I then asked him about the bell choir and bell crew. I told him I interviewed the music director and several teachers, and they all informed me that only 8<sup>th</sup> grade boys were used in the bell crew because of the weight of the tables and cases of bells and that no 5<sup>th</sup> grade boy would have been in the bell crew. Also they said that he (GALLAGHER) was not in the bell choir, and it was the bell choir who put all the tables and bells away not the bell crew. GALLAGHER had been interviewed by Det. SNYDER and also testified under oath at the Grand Jury on March 19, 2010 that while in 5<sup>th</sup> grade, he was in the bell crew and was putting the bells and tables away, and was approached by Fr. AVERY who told him his sessions with Fr. AVERY were about to begin. When confronted with this information GALLAGHER could not provide an answer and remained quiet with his head down. I told him that at the trial the judge would instruct him that he had to answer the lawyers' questions, that he just could not be able to not answer the questions. GALLAGHER remained silent and did not provide an answer. I concluded all this information was a lie.

I then asked about his conversation with Mr. Mark BRESBEN his drug counselor at S.O.A.R. during a drug counseling session. GALLAGHER told him he was sexually abused by two priests and a teacher while a student at Saint Jerome's School and that during one of the assaults he was tied up for about 5 hours in the church and repeatedly raped by the priest. He also told him that a teacher forced him to get in the teacher's car and punched him in the face and tied a seat belt around his neck and sexually assaulted him. GALLAGHER gave him very graphic details of the sexual assault. BRESBEN asked GALLAGHER if he wanted to contact the Archdiocese and report the sexual assault and he said he did, and BRESBEN gave him the phone number and GALLAGHER called and set up an appointment to meet with them. BRESBEN said GALLAGHER was not high on drugs during this session when he explained what occurred.

The next day GALLAGHER was driven to his counseling session by his father, and went inside. About an hour later he came out and got in the car with his father and went home. About 2 minutes after arriving home two women from the Archdiocese were at the door. His father told him not to open the door and his father left him for about one minute and GALLAGHER went out the back door and got in the car with the two women. GALLAGHER'S father stated that his son was not high on drugs. GALLAGHER then gave the two women very graphic details of how he was sexually assaulted by Fr. ENGELHARDT, Fr. AVERY, and Mr. SHERO. Some of the graphic details matched what he had told BRESBEN the day before.

When I asked him about the graphic details that he described occurred to him, he claimed to be high on drugs and just told the women anything, and doesn't remember what he told them. I reminded him that the day before while at a counseling session with BRESBEN he was not high on drugs and he told BRESBEN some of the same graphic details he told the two women. The day he met the women his father drove him to his counseling session and back home and was with him when the women came to the door. His father said he was not high on drugs.

I asked him, what he told BRESBEN and what he told the two women, all those graphic details did he just make all that up? He said he just made up stuff and told them anything. So I asked him did he lie about what happened when he told BRESBEN and the two women about what he said occurred. **He said yea I guess so. I asked him if he was lying about anything else and he would not answer me.** He just sat there and did not answer me.

We then discussed his March 19, 2010 Grand Jury testimony. He had testified that twice in 1998 he was assigned to serve 6:30 AM mass with Fr. ENGELHARDT and after the first 6:30 AM mass Fr. ENGELHARDT gave him wine, talked to him about sex, and showed him pornographic magazines. After serving the second 6:30 AM mass Fr. ENGELHARDT sexually abused him. After these two encounters with Fr. ENGELHARDT, GALLAGHER said he went to school.

I then asked GALLAGHER how did he get to the church to serve 6:15 AM mass and he told me he walked. I asked if he carried his cassock and school books to church and he said yes. I then showed GALLAGHER the calendars his mother maintained showing that in 1998 and the beginning of 1999 he was not assigned to serve 6:15 AM mass. I then showed him his brother's interview where his brother said he always got a ride to 6:15 AM mass by one of his parents and after mass his parents would pick him up and take him home to get ready for school. GALLAGHER said that after the encounters with Fr. ENGELHARDT he went to school. I told him that 6:15 AM mass only lasted for about 20 minutes, and school didn't open until 7:30 AM. He said that he would just sit in the steps and wait for school to open.

I asked GALLAGHER to explain why his parents would permit him to walk approximately one mile from their house to the church carrying his cassock and school books at 6:00 AM in the dark, in December, when his older brother said he always got a ride to and from church when he served 6:15 AM mass. I asked him how his parents would permit him to sit outside school for about one hour after mass waiting for school to open. I told GALLAGHER I didn't believe his parents would permit him to walk to church at 6:00AM and then remain outside school for about one hour. GALLAGHER didn't answer me. He remained silent. I concluded he was lying that this occurred. I also concluded GALLAGHER was not sexually abused by Fr. ENGELHARDT.

We then discussed the sexual assault by Fr. AVERY. GALLAGHER stated that after mass with Fr. AVERY he was told to remain in the **sacristy** and Fr. AVERY had him undress and dance to music and then sexually abused him. He stated that the second sexual abuse occurred after Saturday afternoon mass and Fr. AVERY told him to remain in the **sacristy**, told him to undress and sexually abused him again. GALLAGHER stated that his parents would attend the Saturday mass when he was an altar server, and that this mass would be attended by many people.

GALLAGHER stated that after being sexually assaulted by Fr. ENGELHARDT and Fr. AVERY, whenever he was scheduled to serve mass with them he would switch with another altar server.

I then told GALLAGHER that when he was previously interviewed he explained how he was sexually assaulted by Fr. AVERY he said that the assaults occurred in a **storage room** on the left side of the altar, not in the sacristy. He previously said that Fr. AVERY had approached him while in 5<sup>th</sup> grade in the bell crew putting the bells away after bell choir rehearsal.

I told him this could not have happened, that 8<sup>th</sup> grade boys were the only ones in the bell crew and the members of the bell choir would put the bells away.

I asked GALLAGHER how he would know what priest was saying each mass when he was the assigned altar server, that the priest serving mass would change daily and that the schedule of which priest was assigned to each mass was kept in the rectory and he would not have access to that list. And that the sexton would have to check the rectory list daily to know which priest was assigned to each mass and which vestments to put out. There was no list kept in the church.

I told GALLAGHER that when he was previously interviewed by Det. SNYDER he stated that he was sexually abused by Fr. AVERY after serving a funeral mass with Fr. AVERY sometime in July 1999. I then showed GALLAGHER the register containing the lists of all the funeral masses and which priest said the mass. I showed him that Fr. AVERY did not serve a funeral mass in July 1999. After a very long pause GALLAGHER then said that there were two priests there who said the mass and that the other priest went to the cemetery and Fr. AVERY remained at the church. I then asked him where was the sexton, who had to clean the altar and put the vestments away and put everything else away after mass.

When I questioned GALLAGHER about all these discrepancies, he just put his head down and did not answer me. I asked him several times for an answer, but he would not answer me. I concluded GALLAGHER was not sexually abused by Fr. AVERY.

We then discussed the sexual assault by Mr. SHERO his 6<sup>th</sup> grade teacher. He stated that after school Mr. SHERO offered to drive him home and he got in Mr. SHERO'S car. Instead of driving him home he drove to Pennypack Park and sexually abused him while in Mr. SHERO'S car. After being sexually abused Mr. SHERO told him to walk home.

I asked GALLAGHER if Mr. SHERO threatened him or punched or assaulted him besides the sexual assault. He said no. I asked GALLAGHER if he remembered telling Mark BRESBEN and Louise HAGNER that Mr. SHERO punched him in the face and during the sexual assault he attempted to anally rape him. GALLAGHER stated that he was high on drugs and didn't remember what he told BRESBEN or HAGNER. I told him that BRESBEN, HAGNER, and his father all said that he was not high on drugs the day he spoke to HAGNER. GALLAGHER didn't answer me. He put his head down and refused to answer. I concluded GALLAGHER was not sexually abused by Mr. SHERO.

I then asked GALLAGHER about the two books that were found in his bedroom by his parents dealing with sexual abuse. During the investigation, GALLAGHER stated that while he was a student at International Christian High School, he asked another student to sign the books out of the library for

him that dealt with sexual abuse. I then showed him the interview with Chanee MAHONEY where she stated that she took the books out of the library for herself and left the books on a table at school, and they were stolen. She stated that she definitely did not get the books out of the library for GALLAGHER. GALLAGHER then laughed and said yea he did take the books and he would use the books to crush pills on them. When shown the books, he pointed out small circle indentations in the cover of the book showing where he crushed the pills.

At the conclusion of this case prep I drove Daniel GALLAGHER home.

I hereby certify that the statements made herein are true and correct to the best of my knowledge, information and belief and are made subject to penalties relating to unsworn falsification to authorities.

AFFIANT:

*Det. Joseph Walsh*  
Retired Detective Joseph Walsh #697 #697

SWORN AND SUBSCRIBED TO BEFORE ME

THIS 26 DAY OF Jan, 2017.

(seal)

*Laura Berardo*

Notary Public

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
LAURA BERARDO, Notary Public  
City of Philadelphia, Phila. County  
My Commission Expires June 22, 2019