

Rockford diocese loses records ruling ; Priest inquiry is ordered released; [Near West Final , NRW Edition]

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Abstract (Document Summary)

Despite [Mark Campobello]'s recent guilty plea, the church still should turn over the records to the court because there could be other victims and because Campobello has until June 13 to ask to withdraw his plea, [Jody Gleason] said.

Full Text (426 words)

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The Catholic Church's internal investigation of a priest who had been accused of sexually abusing two teenage girls can be reviewed by a trial judge in a criminal probe, an appeals court has ruled.

The 2nd District Appellate Court ordered the Rockford diocese to turn over all documents generated during its investigation of Mark Campobello, 39, of Belvidere, who was relieved of his priestly duties when he was arrested in December 2002.

Campobello pleaded guilty May 13 to two counts of aggravated criminal sexual abuse, and is scheduled to surrender to authorities Friday to begin serving an 8-year prison sentence.

In April 2003, the church refused to produce any documents prior to trial or a plea, citing the 1st Amendment and clergyman's privilege, and was held in contempt of court.

"We reject the diocese's attempt to conjure a right to secrecy, and with it immunity from the state's subpoena power, simply by pointing to the veil it has cast over itself," Justice Jack O'Malley wrote in the opinion filed last week. "In our view, the clergy-member privilege extends only to information that an individual conveys in the course of making an admission or confession to a clergy member in his capacity as spiritual counselor."

The appeals court ruled the trial judge should review the records and release those that are not protected by the clergyman's privilege.

The diocese had argued that its misconduct officer and its intervention team were protected because church doctrine created those positions. The church has 21 days to decide if it will appeal.

Diocesan leaders are in Rome and were unavailable to comment, said Ellen Lynch, an attorney with the church. Chicago attorney Joshua Vincent, who represented the church in the appeal, said he was not surprised at the Appellate Court's ruling, but added he did not agree with it.

"The court's interpretation of the statute is unduly narrow," Vincent said. For example, a priest working as a family counselor is operating in his professional capacity, even if he is not a spiritual counselor then, he said.

Kane County Assistant State's Atty. Jody Gleason said she was pleased with the decision. "Obviously, it was the ruling we wanted," she said.

Despite Campobello's recent guilty plea, the church still should turn over the records to the court because there could be other victims and because Campobello has until June 13 to ask to withdraw his plea, Gleason said.

But attorneys for the church do not agree. Vincent said he does not think the state needs to see the records now.