

Church must submit former priest's file, court rules

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**Campobello** ruling won't change sentence

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GENEVA - The Rockford Diocese must surrender internal records about a Geneva priest convicted of molesting two teenage girls, the Illinois 2nd District Appellate Court has ruled.

The court's decision will have no bearing on Mark A. **Campobello's** punishment, but could make it easier for prosecutors to investigate other cases of sexual allegations against priests, especially in northern Illinois.

Church officials, who argued that the ruling no longer was necessary because the former priest already admitted his guilt, have not decided whether they will challenge the ruling.

"I don't think it was a decision the court needed to make in light of **Campobello's** guilty plea," said Joshua Vincent, a Chicago attorney who represented the diocese in the appellate case.

**Campobello**, 39, pleaded guilty May 13 to two counts of aggravated criminal sexual abuse in an agreement that sentenced him to eight years in prison.

The Crystal Lake native, who now lives in Belvidere, must serve at least half of his sentence. He is expected to surrender Friday to authorities.

**Campobello** acknowledged that he had sexual relations with a 14-year-old who attended St. Peter Catholic School and a 16-year-old who attended Aurora Central Catholic High School.

However, before his guilty plea, Kane County prosecutors sought the diocese records as part of their criminal case.

The records explain why **Campobello** was transferred to St. Luke's hospital in Maryland, a mental-health facility where Catholic priests who struggle with deviant behavior sometimes are assigned.

The diocese maintained that **Campobello's** transfer records are shielded by medical privacy laws. The church also argued that disclosing details of the probe would violate its First Amendment rights.

However, prosecutors said a decision was necessary to offer guidance for judges, prosecutors and defense attorneys in future priest-abuse cases in Illinois, even though the ruling is not expected to affect the **Campobello** case.

In a 12-page opinion issued Friday, Appellate Judge Jack O'Malley endorsed a May 2003 ruling from Kane County Judge Timothy Q. Sheldon ordering the diocese to disclose for private review its records on **Campobello**.

Because **Campobello** was questioned by a team of church investigators, who included non-clergy members, his statements do not have the same protections as those made during confession, according to O'Malley.

"An admission or confession is not privileged if made to a clergy member in the presence of a third person," O'Malley wrote.

O'Malley also vacated a contempt order against the diocese after it refused to release the documents.

**Campobello** was ordained in 1991 and served at St. Thomas the Apostle Catholic Church and St. Elizabeth Ann Seton Catholic Church in Crystal Lake, and at St. Patrick's in McHenry, before going to Kane County.

He was arrested after a teenager told Geneva police in October 2002 that she had sexual contact with him in January 1999 when she was 14 years old and he lived in the rectory at St. Peter.

The diocese stripped **Campobello** of his pastoral duties the next

month.

In October 2003, **Campobello** was indicted on additional sex-abuse charges after the former Aurora student accused him of similar offenses between November 1999 and March 2000. **Campobello** worked at the school.

Had he continued to fight the charges at trial, **Campobello** could have faced up to 15 years in prison.

Vincent said he was not surprised by the opinion.

"I think the court has taken an unduly narrow view of the protection afforded by the clergyman's privilege," Vincent said.

The diocese has until June 11 to appeal the matter the Illinois Supreme Court. The decision could be made within one week, when Rockford Diocese Bishop Thomas Doran is expected to return from Rome, Vincent said.

Kane County State's Attorney Jody Gleason, who prosecuted **Campobello**, said Kane County authorities still are interested in seeing the diocese comply with Sheldon's order.

"They were ordered to do it and they didn't do it, so they should just get away with it?" Gleason said. "I don't have any idea what's in those records, so I want to see."