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DA Stays Mum on Inquiry of Priest

Alleged victim says he gave up asking prosecutor about the status of case

By Mike Goodwin
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More than six months after opening an investigation, Schenectady County District Attorney Robert M. Carney refused to say Tuesday whether charges will be filed against a priest accused of stalking a man to stop him from filing a sexual abuse complaint with the Albany Roman Catholic Diocese.

"I don't really have anything to say about it," said Carney who declined to discuss what, if any, progress he's made in the case. He added that he had not been able to confer with the assistant district attorney he assigned to handle the case because she was recently tied up with a trial and is now on vacation.

Carney launched his investigation, the first of its kind by a Capital Region prosecutor since the Catholic priest abuse scandal erupted nearly two years ago, in May at the request of the Albany Diocese.

At the time, a 43-year-old man, who is now a city teacher, filed a lawsuit against the diocese, alleging that three priests abused him when he was a teenager in the 1970s and that one of the priests, the Rev. Alan Jupin, earlier this year stalked him and threatened to kill himself if the man lodged the complaint.

The assistant district attorney and an investigator interviewed the alleged victim shortly after the investigation began and deemed him credible, according to his attorney, John Aretakis. But Aretakis said that neither he nor his client, referred to as "John Doe No. 4" in court documents, have received any indication about any progress in the case.

"They will barely return his calls," Aretakis said Tuesday. "When they do, they'll say they're very busy" dealing with other matters.

In an interview Tuesday, John Doe No. 4 said he called the district attorney's office several times over the summer but felt that the office had little interest in the case. "I gave up," he said.

When the investigation began, the man provided copies of his phone records to the district attorney's office to support his allegation that he received dozens of hang-up calls in March shortly before he filed his complaint with the diocese. He also suggested the district attorney's office subpoena telephone records, which could prove that the calls were related to his pending complaint, but an investigator in the district attorney's office told him it would be too expensive. The man also suggested they check a surveillance tape from a local supermarket where he contends Jupin confronted him.

The man said officials in the district attorney's office had doubts from the start that they could prove the case. "I was like, 'That's your job. You've got to find that out,' " he said.

Carney's investigation was prompted by a \$600,000 lawsuit filed in May in state Supreme Court in Schenectady alleging that Jupin in February and March stalked the man he had abused as a teenager more than 20 years ago. Jupin most recently served as the pastor at Our Lady of Fatima in the city.

Church officials requested the government investigation but denied the allegations.

Jupin and the two other accused priests, the Rev. Louis Douglas, who retired from St. Catherine of Siena Church in Albany in the early 1990s, and the Rev. Donald Ophals, pastor at St. Francis DeSales in Troy, each took a voluntary leave of absence after the allegations surfaced. They remain on leave, diocese spokesman Kenneth Goldfarb said Tuesday.

Mark Furnish, a chapter leader of the local Survivors Network of Those Abused By Priests, said prosecutors across the country have been reluctant to investigate allegations of abuse by the clergy.

"District attorneys are elected officials. Elected officials hate these kinds of clergy abuse cases because they're terrified of being called anti-Catholic," he said. "Anybody who has the fortitude to pursue these cases is going to be labeled anti-Catholic. They just want them to go away."

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