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## **Altar Boys' Sex-Abuse Suit Thrown out** Filing Deadline Missed; Priest Served in Owego

By Nancy Dooling  
Press & Sun-Bulletin  
October 8, 2004

BINGHAMTON — Six lawsuits filed by former altar boys claiming sexual abuse by a priest in the Roman Catholic Diocese of Rochester decades ago have been recently dismissed by a state appeals court because they were not filed within the state's allotted time limit, a lawyer said.

That's because New York has one of the most restrictive statutes of limitations in the nation, said the director of a national group that represents victims of clergy abuse.

David Clohessy, executive director of the Survivors Network of those Abused by Priests, based in Chicago, said the statutes in New York need to be extended. This would allow victims of abuse, much of it decades in the past, to pursue civil damages.

"Our hearts ache for these victims," Clohessy said.

Five of the six Rochester cases were filed in December 2002 against the diocese, the Holy See in Rome, and Albert Cason, a former priest of St. Patrick's Church in Owego, said attorney Ronald R. Benjamin of Binghamton, who represents the plaintiffs. Six former altar boys alleged that Cason, a co-pastor at St. Patrick's Church from 1973 to 1985, sexually abused them. One plaintiff claimed he was sexually abused by Cason when he served a church in the Rochester suburb of Spencerport.

Cason was removed from the ministry by the diocese for sexual misconduct in 1985. No criminal charges were filed.

The statute of limitations in civil proceedings in such cases is three years after the abuse occurs in New York state.

For children who were abused, the statute of limitations continues for three years after they turn 18. Other states offer far longer time periods before claims are filed.

Four civil cases filed in December 2002 against the Roman Catholic Diocese of Syracuse and a former Broome County priest alleging abuse are pending before a state appeals court, said Benjamin, who also represents those clients. The abuse occurred at several Broome County parishes, including St. Mary of the Assumption Church in Binghamton, the plaintiffs allege.

A former altar boy accused the late Bernard A. Garstka, a priest at St. Mary's from 1962 to 1964, of rape, court documents show. Garstka served in brief stints beginning in the 1950s at St. Anne's Church in Binghamton, Blessed Sacrament Church in Johnson City and at St. Stanislaus Church in Binghamton.

The state's highest court, the Court of Appeals, declined recently to listen to an appeal of the Owego-based cases after the mid-level appellate court dismissed them, Benjamin said.

Benjamin isn't hopeful that the laws governing time limits will change any time soon.

"New York has had a history of being strict on statute of limitations issues," Benjamin said. "From the

little I've learned, there's little chance of our Legislature passing a statute."

Nor does he believe the state's judicial system will rule favorably on such cases. "It doesn't look like our Court of Appeals is interested in doing anything on these issues."

Similar cases in Rochester and in Brooklyn also have been thrown out by appellate courts because of the statute of limitations issue, Benjamin said.

There are no pending court cases against the Rochester diocese, a spokesman said. The diocese attempted to start a support group for victims of priest abuse, but it never got off the ground because of lack of interest, spokesman Michael Tedesco said.

For 10 years, he said, the diocese has offered counseling for those who have been abused.

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