



The Roman Catholic Diocese of Phoenix

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COMMUNICATIONS OFFICE

Q&A: Judgment Reached in Ecclesiastical Trial

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1. What was Rev. Spaulding found guilty of?

The judges determined through a penal judicial trial that the evidence and testimony gathered in the investigation of these allegations substantiated the accusation that Rev. Spaulding had violated the Sixth Commandment with a minor.

2. What does it mean when you say that Rev. Spaulding violated the Sixth Commandment with a minor?

This way of describing a sexual violation of a minor has a lengthy history in the jurisprudence of the Church's legal system. For all practical purposes, the description of this crime against a minor means that a person who was of minor age (under the age of 18) was the object of a cleric's sexual touching or sexual exploitation.

3. In what court did the trial take place? Who made up the court?

The Congregation for the Doctrine of the Faith (CDF) has exclusive jurisdiction in cases in which a cleric is being accused of sexual misconduct with a minor in violation of Church law (canon law). The CDF gave direction to assemble a Special Tribunal consisting of three judges, all of whom must be priests with doctorates in canon law.

4. What were the accusations against Rev. Spaulding and when did they occur?

In June 2011, the faculties of Rev. Spaulding, then pastor of St. Timothy Parish in Mesa, were suspended and he was placed on administrative leave following an investigation and determination that an allegation against Rev. Spaulding of sexual misconduct with a minor was credible. The accusation dated back over 25 years. In the following months, three new claims were made, alleging that Rev. Spaulding engaged in sexual misconduct with three other individuals when they were minors in the 1970s and 1980s. In each case, the accusers were encouraged to contact law enforcement. More information can be found here: diocesephoenix.org/cns-jack-spaulding.php

5. What are the penalties of being found guilty of having violated the Sixth Commandment with a minor?

The judges of the Special Tribunal who tried this case ruled that Rev. Spaulding is to be dismissed from the clerical state. This means that Rev. Spaulding would no longer be permitted to function in any way as a priest of the Church and could not identify himself as a Catholic priest.

6. Does Rev. Spaulding have a right to appeal?

Yes, Rev. Spaulding has the right to appeal the decision of the judges through his canonical advocate.

7. What is the standard by which the Special Tribunal reached its verdict?

Ecclesiastical courts under Church law are different from criminal or civil courts in many ways, including the standards of proof. In criminal law, proof must be “beyond a reasonable doubt,” whereas civil courts use the lower standard of a “preponderance of evidence” or, at times, “clear and convincing evidence.” When a case goes to trial in an ecclesiastical court, the judges seek to reach “*moral certitude*” about what has been alleged, generally defined as “the firm and unwavering assent of the mind.” The judge must determine that no other explanation is sufficient to cause him to waver in the belief that one explanation stands out and should be accepted.

8. Does this mean Rev. Spaulding was found guilty of all the allegations?

Another area in which ecclesiastical courts like the Special Tribunal differ from criminal or civil courts is in how the allegations and evidence are viewed and considered. Whereas a criminal or civil court must view each allegation as a separate “count” to be considered, Church law states that ecclesiastical judges may arrive at moral certainty “from an aggregate of indications and proofs which, taken singly, do not provide the foundation for true certitude, but which, when taken together, no longer leave room for any reasonable doubt on the part of a man of sound judgment...” Such a Church court does not determine whether the accused is guilty (or not guilty) of any one particular allegation. Rather, the judges view all of the allegations “taken together and embraced as a survey of the whole situation.” In this case, the Special Tribunal determined that, when all the allegations were taken together, the evidence supported finding Rev. Spaulding guilty of violating the Sixth Commandment with a minor.

9. How will this affect any pending civil litigation?

The Special Tribunal is an ecclesiastical court established for the specific purpose of applying Church law, and determining whether the accused violated a specific law of the Church. The Special Tribunal does not attempt to interpret civil law, nor does it determine whether any civil laws were violated. In addition, as discussed above, the judges in an ecclesiastical court use entirely different standards for reviewing evidence and for considering allegations. Therefore, the findings of an ecclesiastical court interpreting Church law pursuant to Church standards will not impact any matters before civil courts interpreting civil law according to civil legal standards.

10. At what parishes did Rev. Spaulding serve?

Rev. Spaulding was incardinated in the Diocese of Phoenix in 1971, and has served in a number of parishes since then, including Our Lady of Perpetual Help Parish in Glendale, Christ the King Parish in Mesa, Santa Teresita Parish in El Mirage, St. Louis the King Parish in Glendale, St. Raphael Parish in Glendale, St. Helen Parish in Glendale, St. Maria Goretti Parish in Scottsdale, St. Thomas the Apostle Parish in Phoenix, St. Gabriel the Archangel Parish in Cave Creek, and St. Timothy Parish in Mesa.

11. Who do we contact if we have information or knowledge about an abuse of a minor?

The Diocese of Phoenix is committed to providing a safe environment where it values and honors every individual as created in the image and likeness of God. We have taken great efforts to put in place systems that assist in keeping our young people safe. We encourage anyone who has been a victim of abuse or who may have information concerning these crimes to call a local law enforcement agency. Additionally, the Diocese of Phoenix provides support services through its Office of Child and Youth Protection at (602) 354-2396 or at diocesephoenix.org (click on “Youth Protection”).

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