

www.freep.com

Child sex abuse lawsuit against Holy Redeemer school principal thrown out

By Patricia Montemurri
Detroit Free Press Staff Writer

A civil lawsuit against John P. Kiley, the Detroit Holy Redeemer school principal suspended in November after he was accused of sexually molesting a child more than 20 years ago, was dismissed Wednesday in Oakland County Circuit Court because too much time has passed since the alleged abuse took place, a judge ruled.

Marlene Veres, a 36-year-old mother of two, filed a civil lawsuit in October against Kiley and the Catholic Archdiocese of Detroit, alleging that Kiley sexually abused her from 1989 to 1991 while she was a student at the now-closed St. Bede Elementary School in Southfield. Kiley was a teacher and basketball coach at St. Bede at the time.

Oakland County Circuit Court Judge Colleen O'Brien dismissed the case, citing Michigan law that allows victims of alleged sexual abuse until their 19th birthday to file a civil lawsuit seeking damages. In this case, the alleged victim also "has not offered any objective evidence of her injury," the judge said while announcing her decision.

Kiley, 61, of Roseville has been on paid suspension since Nov. 1 from his role as principal of Detroit Holy Redeemer Elementary School. The archdiocese had no immediate comment Wednesday about Kiley's employment going forward. He has taught in six Catholic metro Detroit schools since 1985. Kiley's attorney, Michael Schloff, declined Wednesday to answer questions about the case.

Advocates for victims of childhood sexual abuse say Michigan's statute of limitations is one of the most restrictive in the nation and doesn't acknowledge that it often takes decades for victims to come forward with their stories.

Veres' lawyer, Frederick Livingston, argued that only in recent years did Veres realize how the alleged abuse harmed her personal relationships with men. But attorneys for Kiley and the archdiocese both argued that Michigan law required that Veres file for damages years ago.

After the ruling, Livingston said "the case was a long shot and we knew it."

"It's hard for victims of abuse to come forward," said Livingston. "They're so embarrassed to talk about it."

Archdiocese lawyer Thomas Van Dusen approached Livingston after the hearing and said the archdiocese had a program to offer counseling to alleged victims.

Victim advocates say Michigan laws discourage abuse victims from telling their stories.

"Sadly, the system, as it stands in Michigan, favors the perpetrator and disfavors victims," said Marci Hamilton, a professor at the Benjamin N. Cardozo School of Law who has specialized in studying how statutes of limitations impede addressing the impact of child sexual abuse cases. Other states have changed the laws or created onetime windows to make it easier for victims of long-ago abuse to sue for compensation. Efforts to do so in the Michigan legislature have failed.

"Instead of creating a system where victims can come forward when they are ready, Michigan has shut the courthouse door before the vast majority can ever get there," Hamilton said. "Michigan continues to be one of the most restrictive statutes in the country."

In bringing her lawsuit against Kiley and the archdiocese in November, Veres said the abuse happened when Kiley was her seventh- and eighth-grade basketball coach. She also said that Kiley took advantage of her family's troubled home life. Her parents were divorced and her mother worked as a custodian at St. Bede.

Veres said Kiley would put notes in her backpack or hand them to her in the hallway, saying how beautiful and smart she was and signing them “Special K.” She said he would visit her home when he knew her mother was at work. He initiated sexual acts with her at her home, in his car or at the school after basketball practice when he dismissed other team members. Veres said her parents complained to Lathrup Village police about Kiley, but that she denied anything happened at the time.

This past October, Veres made a formal complaint against Kiley to Lathrup Village police, describing the alleged abuse that occurred more than two decades earlier. But the Oakland County Prosecutor’s Office could not bring criminal charges against him because of the criminal statute of limitations.

Veres’ alleged abuse happened before 2001, when Michigan abolished the statute of limitations for first-degree criminal sexual conduct cases - but only for future crimes. The law was not retroactive.

Lathrup Village police records, obtained by the Free Press through a Freedom of Information Act request, reveal that another St. Bede student complained about Kiley’s behavior in 1990, resulting in Kiley being charged with misdemeanor assault and battery.

That complaint against Kiley was made in December 1990 by a 12-year-old girl and her family members, who said Kiley had befriended the family when the mother was ill.

In a written statement, the 12-year-old girl said Kiley was at the girl’s home and “tried to make a move on me.” She said Kiley told her he wished she was older and “asked me what it would be like if he kissed me.” The girl said she told him not to, and that he grabbed her hand and tried to kiss it, while she pulled away. She wrote at the time that Kiley said he was going to show her photo to friends and tell them “I was a college girl he was going out with.”

The charges against Kiley were later dismissed, according to records obtained from Southfield District Court. Kiley’s attorney Schloff declined to answer questions Wednesday.

Archdiocese of Detroit spokesman Joe Kohn said earlier this week that the archdiocese had no record of Kiley being investigated and charged with assault and battery in the case of the 12-year-old girl.

According to the archdiocese, Kiley has worked at six different Catholic schools. He taught at St. Mary School at St. Peter parish in Mt. Clemens from 1981 to 1985; at St. Bede from 1986 to 1991; St. Juliana in Detroit from 1992 to 2003; East Catholic Elementary in Detroit from 2004 to 2008; Gesu in Detroit from 2009 to 2011, and has been at Holy Redeemer since 2011.

Kiley spent stints coaching Catholic Youth Organization (CYO) boys’ basketball at St. John Berchmans-St. Juliana for some period between 1992-2003, and at East Catholic, for some period between 2004-2008.

Contact Patricia Montemurri: pmontemurri@freepress.com or 313-223-4538