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FEATURED

Former priest guilty of rape; Jury gives Dougherty 60 years

Gary Kent Mar 7, 2018



Stephen Dougherty

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BEEVILLE – The jury in the Stephen Dougherty sexual assault case took less than 40 minutes to return to 156th District Judge Patrick Flanigan’s court with a recommendation for a 60-year prison sentence and a \$10,000 fine.

Wednesday night the jury was out almost exactly three hours before returning with a guilty verdict.

The defendant had been on the witness stand since 9:03 a.m. Wednesday when San Antonio defense attorney John Pinckney announced that he was resting his case at 2:12 p.m.

Assistant District Attorney Terry Breen rested the state’s case immediately after that.

Dougherty, 61, had denied every part of the accusation that he had raped a 13-year-old girl who lived in the same home with him and her grandparents on Dec. 16, 2011.

Resigned public ministry

During the examination by Breen, Dougherty admitted that he had been asked to resign public ministry for the Catholic church the day before, on Dec. 15.

The resignation came when the member of a prominent Bee County ranching family was called to the Diocese of Corpus Christi offices.

Bishop William Michael Mulvey had testified early in the trial that he showed Dougherty a letter that day that had been written by a man who accused the priest of having had sexual contact with him when he lived on one of the Dougherty ranches when the victim was only 8 and 9 years old.

Both Mulvey and Dougherty testified that the defendant admitted to the accusation and willingly signed a document resigning from the public ministry.

When Pinckney called Dougherty to the witness stand, the defendant rose from his chair, reached into a green fabric bag and pulled out a white, floor-length robe, tied the robe around his waist with a white cord and then put a hooded garment over that.

On the witness stand Dougherty described the clothing as a “hermit’s habit.”

Denies raping victim

During closing arguments, Pinkney, who was assisted by another San Antonio defense attorney, Blake Dietzmann, repeatedly used the meeting between Mulvey and the defendant to prove the veracity of the defendant.

Dougherty adamantly denied that he had raped the victim the day after he was removed from the ministry.

The defense also called witnesses who testified that they had seen no change in the victim’s demeanor immediately after the rape had taken place.

Earlier testimony from prosecution witnesses had shown that the victim had numerous sessions with doctors and a mental health counselor and had been prescribed medications for depression, anxiety, insomnia and nightmares.

Prosecution witnesses testified that the victim's personality had changed and that she had given up her favorite activities like singing, ballet and swimming since the attack.

Jury had two options

Before closing arguments, Flanigan read the charge to the jury, telling them that jurors would have two options to choose from as they completed their deliberation.

They could find the defendant guilty of aggravated sexual assault of a child or not guilty of the offense.

The charge is a first degree felony because the victim was under the age of 14 at the time of the offense.

Dougherty could be sentenced to as many as 99 years or life in prison and fined \$10,000.

The jury was scheduled to begin hearing the punishment phase of the case at 9:30 a.m. Thursday.

Attorneys were given an hour for closing arguments. Breen and Pinckney each went over the evidence in the case, and Pinckney reminded jurors that Dougherty had proven that his testimony could be believed.

He reminded jurors that if they had any reasonable doubt at all of the dismissed priest's guilt, they had to vote to acquit.

'A predator & pedophile'

But Assistant District Attorney Tiffany McWilliams had the last word before the jury left to deliberate, and she did not go easily on Dougherty.

"He's a hunter; he's a predator and a pedophile," McWilliams said.

She told jurors that “pedophiles steal a child’s innocence. Sometimes, that innocence cannot be given back.”

“People lie to get out of trouble,” McWilliams said. “You’ve taken an oath to follow the law.”

The prosecutor then reminded jurors that “secrecy, shame and fear” are the methods used by a pedophile to keep his victims quiet after the offense.

McWilliams then said that the shame of a victim of child sexual molestation “will eat you from the inside out.”

The attorney reminded the jury of the psychological problems the victim had described and mentioned the insomnia and nightmares.

“When she closed her eyes, it was his face she saw,” McWilliams said.

Confirmed child rapist

“Stephen Dougherty is an admitted and confirmed child rapist and a liar,” McWilliams continued.”

Dougherty had suggested on the witness stand that the victim had been encouraged to accuse him of rape because her grandparents, with whom she lived in a home he had built on the ranch south of Beeville, were suing him for breach of contract.

“She was raised in a culture of lies,” Dougherty said of the victim.

Dougherty and the victim’s step-grandfather had been involved in a whitetail deer hunting operation on the ranch. The defendant had been paying the grandfather \$75,000 a year, providing a vehicle and paying his living expenses until not long before the date of the rape.

Defense witnesses testified that the grandparents had been telling others that the grandfather had a half interest in the ranch, and they told the victim and others that the ranch and the home would be the victim’s someday.

Dougherty testified that he realized by sometime in 2016 that he was going to have to sell the ranch to meet some financial commitments.

Forced to vacate property

Shortly after he told the grandparents of the decision to sell the property, he was sued for breach of contract.

The family eventually had to be ordered to vacate the property by a local district judge.

The grandmother testified that when she was cleaning out a dresser that she owned in Dougherty's bedroom, she found a pair of her granddaughter's panties in one of the drawers.

After the victim made an outcry to a counselor that she had been raped, she ended up suing Dougherty, the Diocese of Corpus Christi and other Catholic organizations.

The victim had testified that she was not asking for monetary damages and she only wanted "justice."

McWilliams, however, asked jurors to consider the evidence.

"What is more plausible?" she asked the jury. "That a child rapist raped again. Or that the special education student concocted an elaborate story."

"This is not a he-said-she-said case," McWilliams told the jury.

The prosecutor told jurors that if they voted to acquit they were saying that the victim had lied in court, not once, but twice. The first trial against Dougherty almost exactly a year ago had ended in a hung jury.

McWilliams also addressed the fact that the victim had not told of the rape for several years after the incident. She reminded jurors that delayed outcries in sexual assault cases are normal. She said victims often never tell anyone about the incidents.

Victim only wanted justice

The prosecutor told the jury that the victim had said she has to get justice "because she didn't do anything wrong."

The prosecutor reminded jurors that the witnesses had testified that the most common lie children tell is about sexual abuse. And that lie is “that it didn’t happen.”

McWilliams then showed the jury a photo taken from a video of an interview between Dougherty and Bee County Sheriff’s Office deputies Lt. Adam Levine and Steve Linam. The photo showed Dougherty putting his hand on Levine’s thigh during the interview, and the investigators claimed Dougherty said, “I never touched her like that.”

The prosecutor told jurors that neither investigator had said anything about the defendant touching the victim’s thigh. But the victim had testified in court that Dougherty had touched her thigh that same way when he sat with her during one of her tea parties when she was about six or seven years old.

“I ask you to return to the courtroom with the only verdict you can,” McWilliams said. “I want you to fight for your position. Find him guilty for absolutely no other reason than because he did it.”

The jury left to deliberate at 4:15 p.m., and they returned to the courtroom at 7:14 p.m. with the verdict that McWilliams had requested.

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Victim tells of rape by former priest

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