



Then-Cardinal Theodore E. McCarrick arrives for Ash Wednesday Mass in St. Peter's Basilica at the Vatican in this Feb. 13, 2013 file photo. Prosecutors are challenging the medical report claiming former cardinal Theodore McCarrick is not competent to stand trial on charges he sexually abused a teen in the 1970s.

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Prosecutors are challenging the medical report claiming former cardinal Theodore McCarrick is not competent to stand trial on charges he sexually abused a teen in the 1970s.

McCarrick's legal team filed the report Feb. 27 in Massachusetts' Dedham District Court based on a medical evaluation that found McCarrick, 92, is suffering from impaired cognition. That report is now impounded by the court.

Assistant Norfolk District Attorney Lisa Beatty said the state will now bring in its own expert to evaluate McCarrick to determine if he can go to trial. The schedule for the state's evaluation is not currently set, but both sides will be back in court in April for a status conference. Any eventual ruling on McCarrick's motion to be declared incompetent is not likely for months.

McCarrick was not in court for the hearing. It was reported last year he lives in a Missouri treatment center for priests.

Defense lawyers for the former cardinal had him evaluated last year by David Schretlen, a professor of psychiatry and behavioral sciences at Johns Hopkins University School of Medicine. Schretlen found McCarrick suffers from neurological defects, including impaired memory and cognition, according to records available in court.

Attorney Mitchell Garabedian, who represents McCarrick's Massachusetts victim in civil lawsuits filed in New York and New Jersey, spoke outside the courthouse the morning of Feb. 27 following a brief hearing and said his client has no plans to let up.

"My client is determined and strong and not deterred by McCarrick's antics," Garabedian said.

Raising the question of competency years after the fact is a standard legal strategy employed by priests accused of sexual abuse, Garabedian said. Garabedian deposed McCarrick in 2020 for six hours as part of the civil lawsuits, and there were no issues during McCarrick's questioning, he said.

McCarrick, once one of the most powerful clerics in the Catholic Church known for his fundraising prowess, has been accused of sexually abusing both adult and child victims over decades, a scandal that burst into public in 2018. After the Congregation for the Doctrine of the Faith (now a dicastery) found McCarrick guilty of abuse in 2019, he was laicized by Pope Francis.

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The three counts of indecent assault and battery on a person over age 14 in Massachusetts charges are the only criminal counts he is currently facing. In fact, McCarrick is one of two U.S. bishops to ever face criminal charges for sexual abuse, according to Anne Barrett Doyle with Bishop Accountability.

Bishop Thomas L. Dupre of Springfield, Massachusetts is the other bishop. He suddenly resigned as head of the western Massachusetts diocese Feb. 10, 2004, saying it was for health reasons. About seven months later, he was indicted on charges of child molestation, though the case was later dropped due to the statute of limitations running out. However, he was sued civilly. In 2012, Dupre agreed to a civil settlement in a trial that featured emotional testimony by an abuse victim, his family and two priests. He died in 2016.

Barrett Doyle and a few others were outside the courthouse Feb. 27, protesting what they see as McCarrick's legal gambit to escape possible conviction. The former cardinal faces up to five years in prison if he's found guilty.

"We are really hoping the judge approaches the claim with a lot of skepticism," Barrett Doyle said. Referencing information tracked by her organization, she added, "(McCarrick) is accused of abusing more than 20 people including more than 14 children, and he has charmed and duped his way out of accountability for 50 years."

Robert Hoatson, another protester and president of Road to Recovery, which helps victims of priest sex abuse, said McCarrick amassed power and favors for years on his way to become a cardinal. That created a form of protection that McCarrick

enjoyed and which kept him from facing consequences, Hoatson said.

"One of the reasons why this has been held up so long, he literally charmed the entire world," Hoatson said. "He was beloved, he could charm anybody."

McCarrick allegedly used his charm to become close to the family of the Massachusetts victim and exploited his position as a surrogate uncle to gain access to the vulnerable teen, according to court records. During one incident, McCarrick allegedly assaulted the then-16-year-old boy during confession.

Though the crimes allegedly happened more than 50 years ago, the Massachusetts statute of limitations did not run out due to a quirk in the law, Garabedian said. Massachusetts essentially pauses the clock on the statute of limitations when the accused leaves the state. McCarrick left Massachusetts not long after the alleged abuse as he gained status and positions in the church. This resulted in prosecutors being able to bring the charges in 2021.

If McCarrick is ultimately deemed incompetent to stand trial, the charges do not automatically go away. The court will have to first determine if McCarrick can be brought back to competency through medical treatment. The scenario is unlikely given the former cardinal's age and reported condition raising the possibility McCarrick may never face justice in the criminal courts.