

1 STATE OF MINNESOTA

DISTRICT COURT

2 COUNTY OF DAKOTA

FIRST JUDICIAL DISTRICT

3
4 State of Minnesota,

SENTENCING HEARING

5 Plaintiff,

6 vs.

Court File No. 19HA-CR-16-3812

7 Jacob Andrew Bertrand,

8 Defendant.

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10
11 The above-entitled matter came duly on for hearing
12 before the Honorable KAREN ASPHAUG, one of the judges of the
13 above-named Court, on the 7th day of May, 2018, at the Dakota
14 County Judicial Center, City of Hastings, County of Dakota, State
15 of Minnesota.

16 * * *

17 A P P E A R A N C E S

18 HEATHER PIPENHAGEN, Assistant Dakota County Attorney,
19 appeared as counsel for and on behalf of the Plaintiff.

20 CHRISTA J. GROSHEK, Attorney at Law, appeared as counsel
21 with and on behalf of the Defendant.

22 JACOB ANDREW BERTRAND, Defendant herein, appeared
23 personally.
24
25

1 (Whereupon, the following proceedings were duly had
2 of record:)

3 THE COURT: Let's go on the record on the State of
4 Minnesota and Jacob Bertrand, file 19HA-CR-16-3812.
5 Counsel, please note your appearances.

6 MS. PIPENHAGEN: Heather Pipenhagen on behalf of
7 the State.

8 MS. GROSHEK: Christa Groshek on behalf of
9 Mr. Bertrand.

10 THE COURT: We're scheduled for sentencing today.
11 Mr. Bertrand appeared in court on -- let me see. I'm not
12 sure that I have the exact day.

13 MS. PIPENHAGEN: January 22nd, Your Honor.

14 THE COURT: Thank you.

15 January 22. He entered a plea of guilty to Count I
16 of the complaint. A presentence investigation was ordered,
17 as was a psychosexual evaluation. I have received copies of
18 both the presentence investigation report and Dr. Kenning's
19 report, the psychosexual evaluation.

20 Counsel, have you also received the same?

21 MS. PIPENHAGEN: I have received both.

22 THE COURT: Ms. Groshek?

23 MS. GROSHEK: Yes.

24 THE COURT: All right. Before we begin with the
25 presentation, I would like Ms. Pipenhagen to state again on

1 the record the plea negotiation entered into by the State of
2 Minnesota and the Defense in this case.

3 MS. PIPENHAGEN: Your Honor, Mr. Bertrand pled
4 guilty to Count I, with an agreement that Count II would be
5 dismissed. There is an agreement for a stay of adjudication
6 in this case. We also agreed to not at this time ask for any
7 probationary jail time, local jail time. I think it was
8 anticipated that the probation period would be argued to the
9 Court, along with all of the other special conditions of
10 probation.

11 And I don't know if we had any other terms. I
12 would defer to Ms. Groshek if I missed something.

13 MS. GROSHEK: No, Your Honor. Our agreement was
14 that my client would receive a stay of adjudication and that
15 there would be no prison or no local jail imposed. We would
16 argue probation issues to the Court as well as treatment.

17 THE COURT: And the plea negotiation in this case
18 is a departure, a dispositional departure from the Minnesota
19 Sentencing Guidelines.

20 MS. PIPENHAGEN: That is correct.

21 THE COURT: And would the State please articulate
22 the reasons for granting a dispositional departure in the
23 case.

24 MS. PIPENHAGEN: Your Honor, that agreement was
25 based on the Defendant's particular amenability to treatment

1 in a probationary setting. We felt that that was a valid
2 basis for a departure under the Guidelines at the time of the
3 plea. I will say that Corrections in the PSI also came to
4 that conclusion; there's support for that in the PSI. And I
5 think also in the psychosexual prepared by Dr. Kenning. This
6 agreement was also reached after consulting with the victim
7 in this matter.

8 THE COURT: Is the State ready to proceed?

9 MS. PIPENHAGEN: We are, Your Honor.

10 THE COURT: Is the Defense ready to proceed?

11 MS. GROSHEK: Yes.

12 THE COURT: Go ahead, Ms. Pipenhagen.

13 MS. PIPENHAGEN: Judge, before I talk about my
14 sentencing recommendation, I want to let the Court know that
15 there is a victim impact statement in this case that she
16 would like to present to the Court herself. So if the Court
17 would just let me know when you want me to have her come
18 forward, I will do so.

19 As far as sentencing, we are in agreement with some
20 of the recommendations in the PSI to the extent that they are
21 consistent with the plea agreement. The PSI writer is
22 recommending a stay of execution, but then probation for up
23 to seven years. I would ask that you follow the agreement in
24 this case for a stay of adjudication. However, we are asking
25 the Court to consider the full probationary period in this

1 case of zero to fifteen years. Obviously, the Defendant can
2 make a motion down the road to be discharged if things are
3 going well. Often Corrections will make a motion to have him
4 discharged if things are going well.

5 They do also reference the ten years of conditional
6 release. I think today the Court does need to at least
7 notify him on the record that if that stay of adjudication is
8 revoked, he is subject to a ten-year conditional -- I'm
9 sorry -- the stay of adjudication is revoked and then the
10 sentence is executed, he would be subject to that ten years
11 of conditional release. Again, we are not, pursuant to the
12 agreement, asking for any local jail time.

13 There is a comment about registration as a
14 predatory offender, indicating that if he receives a stay of
15 adjudication, he would not need to register. I just want to
16 clarify that that is our understanding of Minnesota law.
17 That doesn't apply to the other 49 states in this country. I
18 did have quite a bit of communication with the state of
19 California where he lives, and it is possible he will also
20 not have to register there, but that was not part of the plea
21 agreement, and I know that the Court had indicated that he's
22 going to be ordered to follow any laws wherever he ends up
23 living as far as registration. So I agree with their comment
24 as far as Minnesota goes.

25 The DNA sample is included. I don't think that is

1 required if the Court does a stay of adjudication. I don't
2 think that's ordered at this point.

3 THE COURT: I have the authority to order it.

4 MS. PIPENHAGEN: You do. You do. It's not
5 statutorily required. Correct.

6 The other -- the only other issue -- we're in
7 agreement with all the other special conditions. The only
8 one I wanted to address is programming, and before I talk
9 about the recommendation for an assessment and programming, I
10 just want to comment that the PSI writer indicated that the
11 psychosexual evaluation was done by Mary Kenning and was
12 arranged by the Defense and is not considered to be an
13 independent evaluation. It's possible that the PSI writer
14 did not realize the parties reached an agreement to have
15 Dr. Kenning do that psychosexual evaluation. As this Court
16 knows, Dr. Kenning is very regularly a court-appointed
17 examiner on matters. We sometimes actually choose her as an
18 evaluator in our own cases, so I do not have any issues with
19 the neutrality of her evaluation in this case.

20 THE COURT: And I just -- just for Ms. Groshek's
21 benefit in terms of fashioning your argument, that's not an
22 issue you even need to address.

23 MS. GROSHEK: Okay.

24 MS. PIPENHAGEN: And --

25 THE COURT: And I just want to be very clear that

1 Dr. Kenning serves as a court-appointed, independent,
2 forensic evaluator on cases not through -- not only
3 throughout the state of Minnesota but nationally. She is a
4 recognized expert, and I believe it was made clear to her in
5 my communication that she would be considered a
6 court-appointed examiner but that all costs would be paid by
7 Mr. Bertrand. So --

8 MS. PIPENHAGEN: Correct. So the State just wanted
9 to point that out, that we don't have any concerns about her
10 role in this case.

11 Having said that, she did not recommend further
12 sex-offender programming. I won't repeat on the record all
13 of the analysis that she provided in her report on that
14 issue. I think it was based on some risk factors and the
15 fact that he has now left the ministry; the fact that he had
16 completed a treatment program already; and kind of the unique
17 facts and circumstances of this case.

18 Corrections is recommending that he have an
19 assessment with a program to confirm that he doesn't have any
20 further treatment needs. I will leave that issue to the
21 Court.

22 As far as the other special conditions, we --
23 again, to the extent that they're consistent with the plea
24 agreement, we would agree with the rest of the special
25 conditions in the PSI.

1 THE COURT: Do you wish to present the victim
2 impact statement?

3 (The victim came forward.)

4 THE COURT: Good morning.

5 THE VICTIM: Hi. Hi, Your Honor.

6 THE COURT: You are Ms. R.M.; is that correct?

7 THE VICTIM: Uh-huh.

8 THE COURT: And I know that you have a written
9 statement to present today. I want to give you a couple of
10 instructions before you start reading it.

11 Often when we read, the pace of our speech
12 accelerates, and so I'm going to ask that you speak clearly,
13 slowly, so that I can -- because I have not read this. This
14 is the first time I am receiving your statement. I want to
15 be able to comprehend, so just pace your speech slowly. And
16 our reporter needs to be able to take down what you say, and
17 so just pace yourself.

18 And you are accompanied by your spouse; is that
19 correct?

20 THE VICTIM: This is my stepfather.

21 THE COURT: Oh, your stepfather. Thank you. All
22 right.

23 THE VICTIM: My spouse is taking care of my baby.

24 THE COURT: Okay. All right. Thank you. Go
25 ahead, please.

1 THE VICTIM: First and foremost, thank you, Your
2 Honor, for your commitment to the pursuit of justice and the
3 protection of the innocent. I also want to personally thank
4 you from the depths of my soul for the opportunity you have
5 given me today to reclaim my voice and renounce the cancerous
6 silence that left me powerless for years. I have survived; I
7 am happy to be alive; and I finally love the sound of my own
8 voice.

9 Eight-and-a-half years ago, at the age of 23, I was
10 studying Catholic spirituality at a pontifical university in
11 Rome when I became exposed to a wolf in sheep's clothing; in
12 this case, a Roman Catholic collar. He figured out quickly
13 that I was fairly naive and filled to the brim with religious
14 zeal. I went to daily Mass and spent hours on end inside
15 glorious Roman churches, wide-eyed in wonder, praying for the
16 will of God to be done in my life.

17 I deeply valued my own virginity and was committed
18 to the pursuit of virtue, with a particular emphasis on that
19 of chastity. I even expressed some openness to religious
20 life and thought that the vocation to become a nun was an
21 incredibly beautiful thing. I wanted to become a saint and
22 trusted this wolf when he told me that he was the one to lead
23 me to the heights of sanctity. Some way, somehow, Father
24 Jacob Bertrand wielded my most beautiful attributes like a
25 gruesome weapon against me.

1 He is a calculated manipulator and the most
2 dangerous type of abuser. He presents a rather godly persona
3 as a masterfully deliberate means of control. He
4 successfully groomed, raped, psychologically tortured,
5 intimidated, and silenced me using my love for Jesus Christ
6 and the Catholic Church as a weapon against me every single
7 step of the way.

8 Amidst his brilliant yet classic method of
9 grooming, he gained not only my trust, but the total trust
10 and admiration of my entire family, who traveled to Rome for
11 Christmas in 2010. Over the course of a ten-month grooming
12 process, he didn't just gain trust. Taking advantage of the
13 power differential that existed between us and the fact that
14 I naively placed priests on pedestals, seeing them through
15 rose-colored glasses, he successfully gained an unfathomable
16 amount of control over my psyche.

17 In plain terms, Father Jacob Bertrand sexually
18 injured me in humiliating and degrading ways during the
19 central liturgical ritual of the Catholic Church, the Holy
20 Sacrifice of the Mass. It was entirely ritualistic and
21 cult-like. His was a brand of violence more harmful than
22 gang rape. He was sexually gratified while I, myself, along
23 with all that is truly good and sacred, experienced absolute
24 violation and the zenith of degradation.

25 For the record, there were a total of two sexual

1 contacts, and both of them took place in this heinous manner
2 within the very context of Catholic liturgy. I mention these
3 facts because media outlets misinterpreted the criminal
4 complaint, especially regarding the first instance of
5 criminal sexual misconduct, which took place out of state.

6 There was nothing consensual about it. I was in
7 what I can only describe as a brainwashed state. Again, his
8 grooming and manipulation was frighteningly brilliant.
9 Father Jacob Bertrand knew full well that I would never have
10 consented to having sex with him, so he used his power as a
11 Roman Catholic priest in order to demonstrate his domination
12 over me and exploit me sexually for his own selfish
13 gratification. I cooperated in what he convinced me was "the
14 second holiest sacrifice next to Jesus and Mary on Calvary."

15 The word "rape" in and of itself doesn't quite
16 capture the magnitude of Father Jacob Bertrand's offense, for
17 that which took place was diabolical in nature. While it is
18 gruesome having been sexually exploited in such great
19 proportion, the psychological and spiritual aftermath is
20 beyond my ability to describe. Mere words will always fail.
21 There is no way to encapsulate with succinctness the
22 experience of betrayal when you've been brainwashed and raped
23 during Mass. It is not possible for me to illustrate with
24 words what it feels like to feel raped by God. It is not
25 possible for me to illustrate with words the nothingness you

1 experience when the church for which you would die covers it
2 up.

3 It is not possible for me to illustrate with words
4 any of the anguish, for that matter, that has resulted from
5 this trauma. Many of those who have an inkling of what
6 clergy sexual abuse is like have already taken their lives.
7 Who knows? If it wasn't for the miraculous intervention that
8 took place in my life, I could be in a convent hanging from
9 the choir loft instead of giving this victim's impact
10 statement today.

11 Again, the aftermath is beyond my ability to
12 describe. There are thousands of ways in which this evil has
13 impacted my life, some of which I feel are too heartbreaking
14 and disturbing to share publicly. Processing this trauma was
15 a slow, agonizing taste of hell on earth. Throughout the
16 first two years following the abuse, while I was still
17 brainwashed and in absolute denial of what had taken place, I
18 continued to pray my Rosary, attend Mass every day, and
19 practice my Catholic faith with unprecedented zeal. I even
20 spent significant time discerning with religious communities.
21 When my now-husband pursued me, I rejected him time and time
22 again in order to fulfill my supposed higher calling. This
23 would later lead to a horrendous vocational crisis.

24 Anyway, in the years of absolute confusion and
25 denial, I remained obedient to Father Jacob Bertrand and

1 didn't tell a soul what he said must remain silent. Although
2 I was unaware that he was doing so, he swore me to secrecy
3 time and time again using what he used best: the sacred,
4 things like God, the Bible, my eternal destination, tithing
5 money, et cetera. I will never forget his sentence: "The
6 devil tempts me to believe you will tell somebody and ruin my
7 ministry." I swore to him that I would not tell. After all,
8 I didn't want to cooperate with the devil.

9 In May of 2012, a miraculous intervention occurred
10 after returning home from my time discerning with Mother
11 Teresa's nuns. Upon breaking silence and explicitly
12 explaining out loud for the very first time what went on
13 during those Masses, it felt as if scales fell in heaps from
14 my eyes. At that moment of disclosure, I began to escape the
15 psychological torture chamber into which Father Jacob
16 Bertrand had put me for years. I immediately cut him out of
17 my life entirely and began the gruesome process of recovery.

18 Although I was no longer in denial, I was
19 completely numb for the following two-and-a-half years. When
20 the numbness began to fade, the process of recovery became
21 absolutely devastating. Overall, it took me more than four
22 years to begin the hard work of reprocessing this trauma in
23 therapy, and when I did, all hell broke loose. A severe case
24 of rape trauma syndrome set in. I experienced severe panic
25 attacks, hyperventilation that resulted in emergency care --

1 emergency room care, excuse me -- anxiety and depression so
2 debilitating that my now-husband was forced to quit work for
3 fear that I could not be left alone.

4 Daily Mass, for which I love more than anything,
5 was no longer able to be a part of my life, but I did
6 everything in my power to go to church on Sunday. However,
7 Sunday after Sunday, I would suffer so tremendously and end
8 up running out of the church in absolute hysteria. My
9 therapist encouraged me to discontinue going to church all
10 together, for it was a weekly reliving of torture and trauma.
11 I loved the practice of my faith, wholeheartedly, more than
12 anything, but I was so scarred by the abuse, that all things
13 sacred would trigger an overwhelming experience of violent
14 invasion.

15 I naturally developed a phobia of Catholic priests
16 and resolved to practice my faith by attending the Latin Mass
17 because of the safety I experienced when the priest faced
18 east versus facing the people. I did not want a single
19 priest to see me. There is no greater robbery in all the
20 world than stealing the sense of safety one finds in God and
21 the Church and the priesthood. True priests ought to
22 exemplify the Sacred Heart of Jesus, who was the servant of
23 all. Father Jacob Bertrand did not serve me. He dominated
24 with violence and power the whole of my being, leaving me
25 powerless and destroyed. He raped not only my body, but he

1 raped my soul.

2 I would like to take a brief moment now to address
3 a number of those whose failures led to the cover-up of my
4 sexual exploitation because it is a part of the consequences
5 I carry with me. On May 12th, 2012, I described these felony
6 sex crimes in graphic detail within the context of
7 confession. And I have some feedback for that confessor.

8 Auxiliary Bishop Andrew Cozzens, why didn't you
9 urge me to go to law enforcement, pursue the therapy
10 necessary to begin processing what had happened, or at least
11 speak with me outside internal forum? While you were in
12 support of my going to law enforcement in 2016, your initial
13 mishandling of this information was silencing, leaving young
14 women and girls in the Diocese of San Diego exposed to this
15 sex predator for years.

16 In the fall of 2014, I finally formally reported
17 these crimes to Catholic Church officials in the Diocese of
18 Raleigh, North Carolina. The report was forwarded to
19 Monsignor Steven Callahan, the temporary administrator who
20 was elected to maintain the status quo in the San Diego
21 Diocese after the death of Bishop Cirilo Flores. Even after
22 Father Jacob Bertrand admitted his behavior in the presence
23 of Monsignor Callahan, the abuse was covered up, and the
24 people of God in the Diocese of San Diego were lied to.
25 Instead of informing the people of God about Father Jacob

1 Bertrand's sexual predation, a bulletin article was released
2 explaining that he would be taking some time off. In it, he
3 made no mention of the allegations and explained that his
4 absence was due to the PTSD he personally suffered related to
5 an arsonry attack on the Church. Instead of taking
6 responsibility, he played victim. Monsignor Callahan not
7 only enabled this abominable behavior but also transferred
8 him to a new parish a few short months later, where he was
9 exposed to a whole new array of young women and girls.

10 This communicated to me that they were not worthy
11 of protection and that I was worth nothing, just a little
12 lamb in the flock that could be raped and then thrown out.
13 Didn't Christ leave the 99 for the one? When will the
14 hierarchical Catholic Church once and for all renounce the
15 evil that is the cover-up of clergy sexual abuse?

16 Please, Your Honor, send a message today that
17 clergy sexual abuse and its cover-up are intolerable, and
18 victims of this evil are worth every protection the law can
19 offer. Today I stand fully empowered. By the grace of God,
20 I am a joyful wife and mother. Believe it or not, I'm a
21 practicing Catholic and I have embraced a life of full-time
22 ministry to the powerless and vulnerable. If I were no
23 longer a person of faith, Father Jacob Bertrand would have
24 successfully robbed me of that which I consider my purest
25 treasure, and therefore absolutely everything. He has not.

1 I have experienced full restoration and have found the
2 freedom that is unleashed through the power of forgiving my
3 enemies.

4 Today I am grateful to close this chapter of my
5 life and walk out of this courtroom free. I am at peace
6 moving forward, knowing that I've done what is right by
7 shining a bright light on this horrible darkness. My prayer
8 is that Father Jacob Bertrand genuinely repents and takes
9 responsibility for his actions. After he pleaded guilty, he
10 sent out a mass e-mail to his "good friends and family of
11 great faith." In it, he chose not to take responsibility or
12 exhibit genuine humility but rather continued to manipulate
13 people of good will using scripture and the sacred. This
14 leads me to pity Father Jacob Bertrand and genuinely pray for
15 his rehabilitation.

16 Thank you, Your Honor.

17 THE COURT: Thank you. Thank you. I'm going to
18 invite you to have a seat in the gallery. Thank you.

19 Ms. Pipenhagen? Anything further?

20 MS. PIPENHAGEN: Nothing further, Your Honor.

21 THE COURT: Ms. Groshek.

22 MS. GROSHEK: Thank you, Your Honor. It's my
23 practice to address the Court standing.

24 THE COURT: Please.

25 MS. GROSHEK: They taught me this when I first was

1 a lawyer, so I hope you don't mind if I do it now.

2 THE COURT: No, please, please.

3 MS. GROSHEK: Thank you.

4 With regard to the matters before the Court today,
5 it would appear to me that the issue of Dr. Kenning is not
6 something to be addressed, as also is the stay of
7 adjudication. Is that correct from Your Honor's point of
8 view?

9 THE COURT: Well, it is clear that the State
10 entered into a plea negotiation calling for the disposition
11 of this case to be a stay of adjudication.

12 MS. GROSHEK: Very good.

13 THE COURT: So --

14 MS. GROSHEK: And the Court agrees with that, so --

15 THE COURT: The Court agrees that the plea
16 negotiation was entered into. I want to be very clear that
17 this Court was not a party --

18 MS. GROSHEK: Correct.

19 THE COURT: -- to the -- when you say "the Court
20 agrees with it," I want to be very clear that the Court did
21 not enter into a plea negotiation with either the State or
22 the Defense. The Court was not a party to the plea
23 negotiations, and the plea negotiation has been clearly
24 entered into and clearly articulated.

25 MS. GROSHEK: Correct. I was never trying to imply

1 that the Court was party to our plea negotiation --

2 THE COURT: Okay.

3 MS. GROSHEK: -- only that if the Court were to
4 entertain Corrections' suggestion that the Court sentence my
5 client to a stay of adjudication -- excuse me -- stay of
6 execution, we'd be moving at this time to withdraw the plea.

7 THE COURT: The State -- the State honors its
8 negotiation in the case. The State did not ask --

9 MS. GROSHEK: If the Court --

10 THE COURT: -- to withdraw the negotiation. There
11 is no request --

12 MS. GROSHEK: Correct.

13 THE COURT: -- before the Court to withdraw the
14 negotiation, so let's move on.

15 MS. GROSHEK: All I was trying to articulate, Your
16 Honor, is that if the Court wasn't prepared to sentence in
17 accordance with the plea agreement, we'd be making a motion
18 to withdraw the plea at this time.

19 With regard to where we stand, this is a unique
20 case, Your Honor. There are many aspects of this case that
21 we don't find in typical clergy abuse cases involving two
22 what would be consenting adults but for the inherent power
23 differential of the acting priest. What we have instead is a
24 case where there was a perfect storm.

25 There was two parties who met prior to my client

1 becoming a priest. They were young. Ms. Mastrogiacomo was
2 23 years old, and my client was 25 when they were in Rome
3 together. My client had little to no experience with women.
4 He had little to no experience with relationships. He was
5 naive. He had completely bought into this idea of being a
6 priest, and he had not explored depths within himself that he
7 probably should have, like, *Can I really abide by the rule of*
8 *celibacy? Am I really prepared to never be with another*
9 *woman for the rest of my life?* He had one prior experience
10 at age 21 that was sexual in nature with a woman.

11 He believed naively that his intellect -- which is
12 high, as you see from the psychosexual assessment -- that he
13 could control his emotions and he could even control his
14 sexual urges with his brain, with his intellectual reasoning.
15 And so the relationship began prior -- in Rome prior to my
16 client becoming a priest, and there was talk of feelings,
17 there was talk of emotions, there was talk of connections,
18 and in fact, there was even physical connection between the
19 two prior to my client becoming ordained. He was ordained in
20 June of 2010. These events that unfolded in Minnesota
21 occurred just one month later, in July of 2010.

22 Unlike the typical situation where we have a
23 vulnerable parishioner coming to a long-standing priest who
24 over time develops a relationships -- relationship and spends
25 time talking with that person and grooming that person and

1 using that position of authority over a long-standing period
2 of time to take advantage of a person, we have a slightly
3 different situation in that this relationship, these feelings
4 and this physical contact, had begun before the actual sexual
5 relationship happened, just one month into my client's tenure
6 as a priest.

7 My client is extraordinarily amenable to probation,
8 and what we know from the psychosexual assessment is that he
9 ranks as essentially now an average male in the world who may
10 commit a sex offense. What we know -- and it was left out I
11 think of Corrections' summary of Dr. Kenning's report, which
12 is that my client falls in the Average range -- if you look
13 at his median score on the Static-99R -- it's a tool -- it's
14 on page 9 of her evaluation -- he is thought to be, out of
15 100 sex offenders with the same risk score, between seven --
16 between seven and nine of those individuals would be
17 reconvicted of a new sexual offense in the community after
18 five years. So, he's got basically a seven- to nine-percent
19 chance of reoffending.

20 We know that Dr. Kenning opined that on the SRA-FV,
21 Mr. Bertrand's records and interview data indicate a need
22 score of .67, which allowed her then to conclude that
23 Mr. Bertrand had a Static-99 score which very much
24 overestimated his risk and that his long-term vulnerability
25 factors are his sexual preoccupation, use of pornography, and

1 his lack of involvement in a long-term, emotionally intimate
2 relationship.

3 With that said, he had 16 protective factors
4 present which would guard him from re-offense. I won't list
5 them all out here, as they're in the report, but 15 -- I'm
6 sorry -- 15 of 16. So of 16 total factors he could have, he
7 had 15, and that all leads Dr. Kenning to believe that he is
8 at low risk to reoffend.

9 My client went to St. Luke's treatment in 2014
10 through May of 2015. He was there approximately six months.
11 He completed an inpatient program that focused on not only
12 his sexual issues, but his emotional issues, to include his
13 naivety, his immaturity, and his issues with bucking
14 authority and having a rigid outlook on life. They also
15 focused on his narcissism, which of course played a role in
16 this offense. Six months of inpatient treatment geared
17 towards exactly what he did I believe satisfies any concern
18 that this Court would have with regard to Mr. Bertrand
19 needing treatment.

20 Mr. Bertrand has since left the priesthood
21 following his plea. Mr. Bertrand is extraordinarily unlikely
22 to commit this offense ever again as a result of him having
23 left the priesthood. We know that Mr. Bertrand, even when he
24 was in the priesthood following his St. Luke's treatment, did
25 not reoffend. We can assume from that that the treatment was

1 successful and that Mr. Bertrand is -- again, to stress
2 this -- not in need of additional treatment.

3 Mr. Bertrand did take responsibility. Even though
4 this was a partial *Alford* plea, he testified that he didn't
5 believe that he was offering Ms. Mastrogiacomo spiritual
6 guidance when the two engaged in consensual sexual activity,
7 but he does take full responsibility, and that is this: He
8 knows he hurt her. This is not how he wished their initial
9 friendship and emotional engagement to end, in a courtroom.
10 This is not how he wanted her to live life, fearing attending
11 the Catholic Mass, being gravely hurt by their involvement.

12 Mr. Bertrand knows that when he was experiencing
13 these feelings for Ms. Mastrogiacomo, when he was having
14 difficulty saying no to her, when he was having difficulty
15 saying no to himself and choosing to engage in the sexual
16 relationship, that he needed to get out or get help, and he
17 did neither. And it's true he believed naively that his
18 intellect could give him the fortitude he needed to get
19 through this and just go back to being a priest. And he
20 chose not to, for many years, to address what was really
21 underneath why he couldn't commit to the priesthood and why
22 the situation with Ms. Mastrogiacomo unfolded as it did.

23 With regard to Mr. Bertrand's *Alford* plea --
24 partial *Alford* plea, he had indicated he did not believe that
25 he was offering Ms. Mastrogiacomo spiritual guidance at the

1 time of their sexual activity in part because of their
2 relationship that began in Rome; in part because of their
3 relationship at his ordination where they had physical
4 contact and kissing on the plane; in part because his
5 position is that on the night in question, Ms. Mastrogiacono
6 came to his room in lingerie. And with regard to all of
7 that, in the end, it doesn't matter, because Mr. Bertrand
8 realizes that what he did was inappropriate. He recognizes
9 that there was a substantial likelihood that he could have
10 been convicted of this offense, as seen from
11 Ms. Mastrogiacono's eyes, and so he wishes to move forward
12 today and begin his life as a civilian.

13 I can tell the Court that that has come at no small
14 cost to him, choosing to renounce his vows; he was released
15 from those. He will never be a priest again. He's got a
16 book in front of him called *StrengthsFinder* from Gallup, and
17 he's trying to understand better who he is so he can go out
18 into the world and be a positive contributor. He's well
19 aware of his sexuality. He's well aware of the bad choices
20 he made that didn't take into account who he is, who he is as
21 a person, which includes, of course, his sexuality. He has a
22 desire to find a mate, marry someone, and have a family. He
23 knows that that is a better lifestyle for him. He regrets
24 the decisions he made, the people that he hurt, and he's glad
25 also to have moved beyond that.

1 He can assure the Court that because he is not
2 serving in the priesthood, that there's little reason for the
3 Court to be concerned that he would reoffend sexually. He
4 has grade Low on the psychosexual tests and evaluations. He
5 understands the impact that he's made, and he knows he can
6 comply with whatever it is that you order. I would ask the
7 Court to order that the St. Luke's treatment from 2014, which
8 was directly relating to the allegations in this case -- my
9 client went into that treatment; Dr. Kenning reviewed those
10 records in full; and he acknowledged his relationship and his
11 sexual activity with Ms. Mastrogiacomo.

12 I would ask the Court to give my client three years
13 on probation. Dr. Kenning -- and I did not speak with her at
14 all about this -- on her own suggests to the Court that
15 administrative probation may be appropriate. I understand
16 the Court had previously discussed with the parties that you
17 did not feel that was appropriate. Perhaps, upon reviewing
18 her report, you may feel differently.

19 With regard to Corrections' recommendations, of
20 course with the stay of adjudication, my client would not
21 have to register as a predatory offender. We don't agree
22 that he would have to participate in an intake assessment at
23 an approved sex offender treatment program.

24 Assuming that Ms. Mastrogiacomo does not wish to
25 have contact with him, he's fine with the no-contact order

1 with regard to her, although there has been no contact
2 between the parties for years. I want to say since 2012,
3 there's been no contact.

4 My client does not object to polygraph testing,
5 although I don't know if there's much utility to that. He
6 does not object to unannounced searches of his person. He
7 doesn't object to not having use or possession of
8 pornographic materials.

9 I am confused by the recommendation number seven
10 under Conditions for Sexual Behavior-Related Offenses. The
11 probation officer recommends that he not hold a position of
12 authority, either paid or unpaid. I went to 609.341, the
13 definition section for the sexual -- criminal sexual conduct
14 statutes, and "'position of authority' includes, but is not
15 limited to any person who is a parent or acting in the place
16 of a parent and charged with or assumes any of a parent's
17 rights, duties or responsibilities to a child, or a person
18 who is charged with any duty or responsibility for the
19 health, welfare, or supervision of a child, either
20 independently or through another." I don't think that's the
21 definition that the probation officer was looking at. If it
22 was her position that he not serve as a priest, that's done,
23 so I would -- I would ask that the Court not impose that
24 condition because I'm not quite sure what that means.

25 With regard to the standard conditions, he has no

1 issues with one through seven. I would ask that the Court
2 not order a DNA sample with a stay of adjudication. I have
3 not seen that ordered before in that context. I would ask
4 that likewise nine and ten not apply because of the stay of
5 adjudication.

6 Your Honor, this has been a difficult day for my
7 client as well. He is sorry that things unfolded in this
8 way, and he does look forward to moving forward. I think
9 I've said that about three times. I would note that the
10 Court -- if the Court does place my client on supervised
11 probation, he, because of the interstate compact, will be
12 required to remain in Minnesota for approximately 45 days
13 until California accepts him into their program jurisdiction.

14 He is currently working for his family's music
15 company; they sell musical instruments. He's become a vital
16 and important role in that company. His absence during that
17 time, of course, is one that they would adjust to but would
18 struggle with. So again, I would ask that the Court consider
19 the recommendations of Dr. Kenning as to the administrative
20 probation.

21 Thank you.

22 MS. PIPENHAGEN: Judge, before you turn to
23 Mr. Bertrand, could I respond very briefly?

24 THE COURT: Yes.

25 MS. PIPENHAGEN: Just one thing factually, and I

1 only bring this up because Ms. Groshek emphasized several
2 times during her argument that Mr. Bertrand was only a priest
3 for one month prior to this offense and that their
4 relationship before that was one of friendship. I want to
5 make sure the Court is aware: Prior to him being ordained,
6 he served for quite some time as a deacon in the church, so
7 their relationship existed while he met the statutory
8 definition of "clergy" for quite some time before this
9 offense.

10 And then just one additional thing as to
11 recommendations: I did not address Dr. Kenning's comment
12 about unsupervised probation. I think this was already
13 mentioned during plea negotiations at the last hearing, but
14 the State does object to unsupervised probation. Probation
15 to the Court is really probation to me, Your Honor, and I am
16 just not suited to supervise Mr. Bertrand, even if he lived
17 in the state of Minnesota, but certainly not if he is
18 returning to the state of California. I believe I've had
19 cases before where people live out of state and Probation has
20 granted permission to travel while the interstate process is
21 pending, so I would encourage Mr. Bertrand to explore that
22 option.

23 MS. GROSHEK: And if I may just briefly, Your
24 Honor, it's my understanding that until he's been accepted in
25 California, for Minnesota to grant a travel waiver at this

1 time could pose potential problems for him being accepted in
2 California. Those travel permits are only good for ten days,
3 and they only can be issued one at a time and not back to
4 back.

5 THE COURT: Okay.

6 Mr. Bertrand, what, if anything, would you like to
7 say before I sentence you?

8 THE DEFENDANT: Should I stand or remain seated,
9 Your Honor?

10 THE COURT: However you feel most comfortable.

11 THE DEFENDANT: Is this mic on?

12 MS. GROSHEK: You need to push it on.

13 THE DEFENDANT: Your Honor, I just would like to
14 reiterate what my counsel has expressed and my sorrow and
15 that I'm just aware of -- even obviously hearing today again
16 from R.M., of the pain that I have caused, and that is
17 something I'm deeply sorry for. It pains me to -- to -- to
18 know that I've caused that much pain in another person's
19 life, which then affects the people around them. So I'm --
20 it deeply pains me, too, that that happened.

21 I wish their family and friends blessings in the
22 future, and it is good to hear that there was a sense of full
23 resolution coming for them, and I'm grateful for that, and I
24 want that to continue for them as much as possible.

25 As I've gone through the legal proceedings, I'm

1 grateful that -- at least I perceive that I'm in a position
2 where I can pick up a different life and move forward. And
3 for those things that have unfolded in these proceedings,
4 I've -- I appreciate that. That's something that I've
5 (inaudible), and what I've had to go -- not what I've had to
6 go through but what I've learned about myself through this
7 time, of my own naivety, my own emotional unintelligence,
8 that I'm not the same person today that I was back then when
9 I was 25.

10 Again, I have a job that I am enjoying; that does
11 feel life-building for me; that I'm grateful to continue in
12 that manner, as I've opted not to return to ministry or
13 attempt to return to ministry at this time. I actually do
14 really feel -- I don't know if "excited" is the word, but I
15 guess just -- I feel some peace that I can also put behind my
16 wrongs and receive the adjudication from the Court in terms
17 of what they feel is appropriate for me, and that I will take
18 those things seriously and can continue to be a person that
19 contributes to society through my life, if that involves the
20 work that I do in business and a family in the future.

21 And I thank you for listening, Your Honor.

22 THE COURT: Thank you. I'd like you to stand
23 before the bench for sentencing.

24 I am not an expert on clergy abuse cases. I would
25 guess that most of us are grateful that we aren't. This is

1 the first time in my 22 years on the bench that I have
2 presided over a case involving clergy abuse, and so I can't
3 address what a typical clergy abuse case is. And that phrase
4 was used today, a "typical clergy abuse."

5 What I do know about sexual misconduct is
6 encompassed in what I've heard here today, what I've read in
7 the presentence investigation, the psychosexual evaluation,
8 the complaint. And that is: these are events shrouded in
9 secrecy. Unlike healthy relationships in which there is a
10 natural unfolding, when family and the community share and
11 support and endorse, this is an event that occurs in secrecy.
12 Keeping the secret becomes as much a part of the abusive
13 conduct, the shame-inducing conduct, as the event itself.

14 This is a case in which there was manipulation,
15 which is highly typical of sex offenses. Sometimes the
16 manipulation comes in the form of force or coercion, and
17 sometimes the manipulation comes through sophisticated
18 psychological -- and in your case -- sophisticated spiritual
19 manipulation.

20 You speak of your naivety, and I think that there's
21 a difference between inexperience in relationships -- or an
22 intimate -- in intimate relationships. There's a difference
23 between experience in intimacy and naivety. I do not view
24 this as the actions of a naive person. There was such an
25 intertwining of spiritual manipulation and a violation of

1 boundaries. And this is a crime because of the boundaries
2 that are imposed. Our community standards call for strict
3 boundaries, and the community has the responsibility of
4 ensuring that those boundaries are observed and maintained.

5 R.M. spoke so powerfully here today of -- my word,
6 not hers -- her susceptibility because of her fervent desire
7 to lead a life that was not only grounded in faith, but a
8 life in which faith touched every moment of her day and her
9 being and her focus. And because of that, she was
10 susceptible, as perhaps you were. I assume you shared that
11 same fervent desire in your life. But the boundaries were on
12 you, imposed upon you, not upon her.

13 THE DEFENDANT: Right.

14 THE COURT: And you shift the responsibility onto
15 her at times. In the psychosexual evaluation, you -- it
16 reads: "Mr. Bertrand described what might be considered
17 flirtatious behavior on the part of the victim, but labeled
18 it 'grooming.'" In other words, you went -- she --
19 Dr. Kenning asked you about this, and you indicated that you
20 meant to convey that you saw her actions as deliberate in her
21 intention to make you feel special. That you interpreted,
22 even in 2018, what occurred as R.M. grooming you is a source
23 of great concern to me because it is a failure on your part
24 to understand that you are the person on whom the boundaries
25 were imposed and you were the one that was responsible for

1 maintaining those boundaries.

2 I -- you viewed this relationship -- you've
3 described it as being "beyond morality." You describe it
4 as -- that you had "a lack of obedience to an ordinary life,"
5 and that gets to the narcissism that you have been described
6 as having.

7 The end result is that R.M. experienced a
8 psychological breakdown. I have no doubt that she
9 experiences ongoing trauma. I mean, she described as much.
10 She has experienced a crisis in her faith. She has
11 experienced a crisis in her ability to express the faith in
12 her chosen manner and life. And yet, she is resilient, and
13 her life is good and rich and fulfilling. And her
14 spirituality is a deeply important and vibrant part of her
15 life today.

16 And I hope that for you, that you are able to
17 understand the boundaries, and it's not just clergy
18 boundaries. My -- it's not just clergy boundaries; in any
19 relationship, there are boundaries, and when we cross those
20 boundaries, that's when we fall away from our own values,
21 from community values, and from the spiritual calling that I
22 believe you must still feel in your life to be whole.

23 THE DEFENDANT: Uh-huh.

24 THE COURT: I will honor the plea negotiation in
25 the case. I do it with concern, but I also understand that I

1 am not the prosecutor, and the prosecutor is best able to
2 discern aspects of the State's case. And the prosecution in
3 this case entered into this plea negotiation after having
4 informed the victim and I believe after extensive
5 conversations with the stakeholders in the case. And so I
6 will honor the plea negotiation and not second-guess the
7 State's decision to enter into it.

8 I am going to set requirements of your probation.
9 I expect that they will be followed. The case is blocked to
10 me, and I want you to understand, Mr. Bertrand, that if you
11 violate your probation and are found in violation of your
12 probation, I will have no hesitancy to address any probation
13 violation in a way that protects community safety. I want
14 you to understand that.

15 So, having said all of that, having entered a plea
16 of guilty to Count I, I am staying the adjudication of guilt.
17 I am placing you on probation for up to ten years to the
18 Dakota County Community Corrections Department. You will pay
19 a fine of \$1,000, and you can either pay it today or on a
20 schedule that you arrange with the Corrections Department.

21 MS. GROSHEK: Would that be court costs, Your
22 Honor?

23 THE COURT: No, it's a fine.

24 MS. GROSHEK: I thought fines couldn't be imposed
25 on stays of adjudication.

1 THE COURT: I believe they can. We just don't
2 impose a surcharge.

3 MS. GROSHEK: Okay.

4 THE COURT: You will follow the rules of the Dakota
5 County Community Corrections Department, the Probation
6 Department, as directed by your supervising agent, and you
7 will cooperate with a probation transfer to California. The
8 Dakota County Community Corrections Department is authorized
9 to release the presentence investigation and psychosexual
10 evaluation to any court-ordered program.

11 You will participate in an intake assessment at an
12 approved outpatient -- so community-based -- sex offender
13 treatment program, as directed by your supervising agent, and
14 you will follow the recommendations of that intake
15 assessment. And it's possible that the program will say you
16 don't need any further treatment. As part of that
17 assessment, you'll sign releases of information so that the
18 assessors can see all of the St. Luke's records. It may be
19 entirely possible that the St. Luke's program has addressed
20 the needs for any treatment. It's possible that there may be
21 some additional treatment that's necessary, but you'll go
22 through an intake assessment at an outpatient program and
23 be -- and follow its recommendations. And you can do that in
24 your state of residence.

25 You will have no contact with R.M. You will

1 participate in polygraph testing at your probation officer's
2 discretion to help monitor risk behaviors. You will submit
3 at any time to unannounced searches of your person, vehicle,
4 or premises by your supervising agent based on reasonable
5 suspicion. No use or possession of sexually explicit or
6 pornographic materials, as directed by your supervising
7 agent.

8 I am ordering that you may not hold a position of
9 authority, paid or unpaid. And by "position of authority," I
10 mean you may not -- let me just draft something here.

11 (Pause.)

12 Let's revamp this. I want to take out "position of
13 authority." Let's get rid of that language and simply
14 describe the behavior that I'm prohibiting you from engaging
15 in. You may not engage in spiritual advice or counseling.
16 And you shall not be alone with any female in any
17 organizational setting for whom you have supervisory
18 authority.

19 THE DEFENDANT: Okay. Makes sense.

20 THE COURT: Okay? So it's entirely possible that
21 you would supervise a female in the workplace, or in a
22 volunteer -- if you're volunteering at a food shelf, you may
23 have a supervisory role. You cannot be alone with that
24 person, in private with that person.

25 There are eight standard conditions of probation

1 that will apply to your case. They will be detailed in the
2 sentencing order. Included in those standard conditions is a
3 requirement that you will submit a sample of your DNA.

4 So Counsel, just so you're aware, it will be
5 numbers one through eight that will be included.

6 You have to follow the law, remain in contact with
7 Probation, cooperate with probation supervision, et cetera,
8 and they'll be detailed. Sign releases of information as
9 requested and provide a sample of your DNA.

10 As far as the interstate compact, you're simply
11 going to have to follow whatever the rules are. Part of my
12 objective here is to help you understand -- which I know you
13 do -- but we're going to follow the rules. The rules are the
14 rules. We're going to obey the boundaries of the law, and
15 there's a procedure set up for the interstate compact, and
16 I'm not carving out an exception. We're going to follow
17 whatever the procedure is.

18 And if your sentence is -- if you are found in
19 violation of your sentence -- or of your probation, I should
20 say -- and if your sentence should ever be executed -- in
21 other words, if you're ever sent to prison for this, your
22 sentence will be subject to a ten-year period of conditional
23 release. So after -- if you violate your probation and if
24 the consequence is to send you to prison, when you're
25 ultimately released from prison, there will be a ten-year

1 parole period, what we call "supervised release."

2 Do you understand?

3 THE DEFENDANT: I understand.

4 THE COURT: Does the State move to dismiss Count
5 II?

6 MS. PIPENHAGEN: I do.

7 THE COURT: Count II is dismissed. We'll prepare a
8 sentencing order. Your next stop is the Probation
9 Department.

10 THE DEFENDANT: Thank you.

11 THE COURT: Thank you.

12 (Off-the-record discussion.)

13 THE COURT: Let's go back on the record briefly.

14 This sentence is a departure from the Minnesota
15 Sentencing Guidelines. I find that there are substantial and
16 compelling circumstances to depart from the Guidelines.
17 First, Mr. Bertrand has participated in an extensive
18 inpatient treatment program designed to address the issues
19 that led to the offense. Second, he is amenable to community
20 supervision and is particularly amenable to treatment in the
21 case.

22 (Proceedings concluded.)
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REPORTER'S CERTIFICATE

I, MONICA R. MORIARTY, do hereby certify that I am an official court reporter for the First Judicial District, State of Minnesota; that as such reporter, I stenographically reported the proceedings held in the hearing of the afore-mentioned action; that I thereafter transcribed the proceedings by means of computer-aided transcription; and that the above and foregoing transcript, consisting of the preceding 38 pages, constitutes a full, true, and complete transcript of my stenographic notes of the hearing to the best of my ability.

Dated: June 16, 2025

/s/ Monica R. Moriarty

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