

DIOCESAN NEWS

Sisters of Mercy acquitted of trespass charges

Rob Cullivan
Staff writer

ROCHESTER — Three Sisters of Mercy were acquitted of misdemeanor charges of third degree criminal trespass by a six-member, city court jury on Friday, Aug. 2.

If they had been convicted, Sisters Grace Miller, Rita Lewis and Gloria Ruocco could have faced up to six months in jail for allegedly trespassing at the Monroe County Department of Social Services office, 111 Westfall Road, on July 25, 1995, following a morning demonstration against county plans to electronically finger-image welfare recipients.

Instead, after a four-day trial, the jury apparently agreed with the three women's defense lawyer, James C. Gocker, that the sisters had a right to be in the building when they were arrested by city police.

The jury announced its verdicts at 9:27 p.m. after deliberating almost nine hours.

The jury represented a first in the city court's history as it was chosen solely from a pool of city residents.

Normally, city court juries are drawn from pools that consist of city and non-city residents in Monroe County. But the trial judge, Joseph D. Valentino, had agreed with Gocker's contention that a jury with non-city residents on it would not fairly represent the community in which the sisters lived.

Gocker did not credit his courtroom victory to the makeup of the jury, but noted that it didn't hurt.

"It was a fair representation of minori-



Matthew Scott/Staff photographer

Sisters of Mercy Rita Lewis (left) and Gloria Ruocco (right) listen during their trial on trespassing charges stemming from a 1995 protest over finger-imaging of welfare recipients. The two were acquitted Aug. 2.

ties and disadvantaged people," he said of the jury which consisted of four whites and two African-Americans.

Free speech won the day at the women's trial, according to Sister Miller, director of the House of Mercy, an outreach center run by the Sisters of Mercy in the city. Sisters Lewis and Ruocco also work at the center.

"I think many people are watching this," she said, referring to the fact that the trial was broadcast on the cable television network Court TV.

"The verdict today will be encouraging to many people to pursue the cause of social justice," she added, as several supporters from her order and from the

House of Mercy hugged her and the other two sisters.

Sisters Lewis and Miller expressed similar sentiments after the trial ended.

"I'm just so pleased that the jury saw that we really didn't do anything wrong," Sister Lewis said.

"Even if we were found guilty, I still wouldn't have felt guilty," Sister Ruocco said.

The sisters were arrested last year after they stayed behind in the DSS offices after the rest of a group of anti-finger-imaging demonstrators had left the building. The group had been told to leave over a public address system. During the trial, Sister Miller testified that the sisters

would have left had they not been threatened with arrest.

In his closing argument on Friday morning, Gocker argued that the sisters never disrupted any of the regular business at the DSS office.

"In a public place, people have a right and a privilege to be there, and they have a right to be there if their activity is lawful," he said.

But Naomi Adler, the assistant district attorney prosecuting the case, saw the sisters' presence at the building quite differently in her closing argument.

"There has to be a time when a protest inside a building used to help people has to stop," she told the jury. "Otherwise, it gets out of hand."

The jury had a difficult time reaching a verdict, telling the judge twice through its foreman that it had deadlocked during deliberations. The jury also asked Valentino twice to explain the charges against the sisters and to elaborate on how much weight free speech rights should be given in coming to a verdict. Adler said that the jury apparently reached its verdict because of such concerns.

"They clearly decided the First Amendment was violated in some way," she said of the jury.

Sister Miller noted that she may protest at the DSS office again given her vindication in this case.

"If we have to go with a sign, we will," she said.

Standing nearby, Gocker said, "Not for a while, please!" as several people laughed.

Obituary

Father Thomas Brennan, longtime Corning pastor, at 91

By Mike Latona
Staff writer

Even after he became seriously ill last fall, Father Thomas F. Brennan refused to leave the parish that had been near and dear to him for so many years.

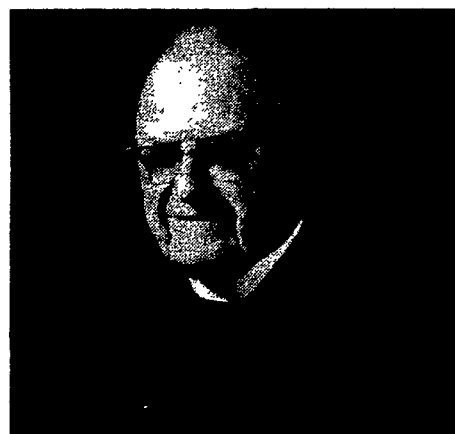
Rather than be moved to a health-care facility, Father Brennan chose to remain at St. Mary's Church in Corning while suffering from colon cancer.

"That's what he wanted. He wouldn't have it any other way," said Father William V. Spilly, former pastor of the Corning-Painted Post Roman Catholic Community, which includes St. Mary's.

Father Brennan finally succumbed to the disease July 30, 1996, at the age of 91. He died in his bedroom at St. Mary's, the church at which he spent the last 43 years of his priesthood.

Father Brennan was born in Rochester. He attended St. Patrick's School, Rochester Catholic High School, and St. Andrew's and St. Bernard's seminaries. He was ordained in 1929.

His first parish assignment was at St. Augustine's Church in Rochester from



Father Thomas F. Brennan

1929 to 1931. Father Brennan then served as a faculty member at St. Andrew's Seminary for the next 17 years.

In 1948, he became pastor of St. Patrick's Church in Mount Morris. Father Brennan's final priest assignment, as it turned out, came five years later when he was appointed pastor of St. Mary's.

During that pastorate, Father Brennan oversaw construction of All Saints Academy, a school serving grades pre-kindergarten through 8. He also guided St. Mary's through changes brought on by the Second Vatican Council, and headed up relief efforts after Corning was ravaged by the flood of 1972.

Father Brennan continued to reside at St. Mary's following his 1975 retirement, serving as a liturgical and sacramental assistant.

"I do whatever I can. I say Mass every morning," Father Brennan told the *Catholic Courier* in a 1994 interview. "I feel I know a good many people."

The parish community offered extensive support to Father Brennan during his final months. Friends took turns sitting with him at bedside around the clock.

A Mass of Christ the High Priest was celebrated for Father Brennan Aug. 1, 1996, at St. Mary's. Bishop Joseph L. Hogan, retired bishop of the Diocese of

Rochester, was the principal celebrant. A Mass of Christian Burial took place Aug. 2 at St. Mary's, with Bishop Matthew H. Clark as the principal celebrant. Interment was at St. Mary's Cemetery.

Father Brennan is survived by two brothers, Herbert V. Brennan of Brighton and Father Robert E. Brennan of Syracuse; and several nieces and nephews.

Memorial donations may be made to the All Saints Academy Brennan Fund, 222 Dodge Ave., Corning, N.Y., 14830. At Father Brennan's request, Mass requests will be sent to the missions through the Catholic Extension Society in Chicago.

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