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Daniel Herek

Disgraced priest Herek seeks protective order

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Daniel Herek sat in a Douglas County courtroom Friday in a different role.

Alleged victim. Not villain.

The removed Omaha priest — who was imprisoned for molesting one altar boy and is the subject of lawsuits claiming he molested others — said in court Friday that he has been harassed and hounded by a mentally ill man.

In late May, the 33-year-old man urged a judge to impose a protection order against Herek — claiming Herek had abused him as a child and stalked him as an adult.

In response, Herek asked for a protection order against the man, saying he had no idea who the man was until the man started leaving menacing messages on Herek's voice mail last year.

Gaunt and wearing his hair in his characteristic comb-over, the 67-year-old Herek

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emphatically denied any wrongdoing.

“Never in my life have I seen this man,” Herek told the judge.

Tasked with sorting it all out was a judge familiar with Herek's history.

In 2008, Douglas County District Judge J Russell Derr sentenced Herek to six months in jail for violating the sentence he was given for molesting a 14-year-old altar boy while he was a priest at St. Richard Catholic Church.

Herek had been sentenced to five years in prison, followed by five years of probation, for molesting the altar boy and for manufacturing child pornography.

Herek's attorney, Michael Bianchi, said he believes the 33-year-old man's claims against Herek were nothing more than a montage that the man concocted from “real and imagined” parts of Herek's past.

Among the allegations:

In March, the man said, an onlooker who “looked like” Herek was masturbating in a maroon car while the man played basketball. Those claims mirrored news accounts about Herek's misdemeanor conviction for masturbating in a Crossroads Mall parking lot in 2005.

Herek testified Friday that he had never been near that basketball court nor had he owned a maroon car.

The man also claimed that Herek followed him and once fired a gun in the air in his vicinity. Herek testified he has never owned a firearm.

The man said Herek showed up to his restaurant job and threatened to kill him in 1999 or 2000. Herek was in prison at the time.

And the man said Herek sexually assaulted him several times at St. Richard Church.

The problem: The man listed dates that didn't line up with Herek's tenure, said Deacon Tim McNeil, chancellor of the Omaha Archdiocese.

Both Omaha police and the archdiocese investigated the man's claims and were unable to substantiate any of them, McNeil said.

The man went to police and the archdiocese with the claims in 2008. That year, Bianchi said, the man went before the Douglas County Board of Mental Health and was committed to psychiatric care.

“He's a bright guy, but he is struggling with all kinds of issues,” McNeil said. “Under the spirit of charity, we've listened to him, we've talked to him, we've tried to sort this out.

“But we can't authenticate anything he's told us. His stories are just very bizarre and off the wall.”

His behavior in court was no less. Wearing a sweatshirt with a cross emblazoned on the back, the man told the judge he stood by his written allegations against Herek.

He then refused to answer many of Bianchi's questions, invoking his Fifth Amendment right against self-incrimination.

Asked how tall he is and how much he weighs, the man said: “I plead the Fifth.”

Herek testified that the man left him seven voice mails in April 2011 asking things like “How could you do this?” and “Why won't you pick up the phone?”

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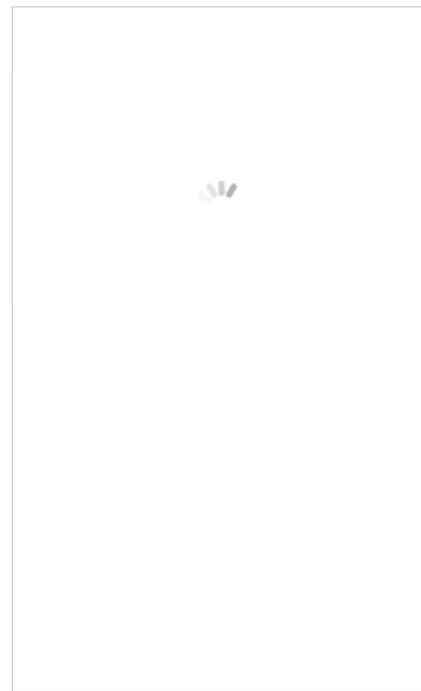
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Then in April 2012, Herek said, the man became more menacing.

“If you won't talk to me on the phone, I'll have to come to your house,” he said, according to Herek. “And when you do, you will be sorry.”

After hearing both sides, Derr declined to impose a restraining order against Herek, saying the accuser's story was “totally unsupported by any concrete evidence.”

He granted Herek's request for a protection order against the man, ordering him not to contact Herek for the next year.

Bianchi said Herek, who lives in central Omaha, tries to keep to himself and is “doing well” in his continuing recovery from alcoholism. He still deals with his notoriety and wears disguises when he goes out in public. Herek wore a bucket hat as he left court Friday.

“He already lives with a scarlet letter,” Bianchi said. “He shouldn't have to deal with the kind of nonsense that (this man) brought to court.”

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