

FOR THE MIAMI-DADE
POLICE DEPARTMENT
SEXUAL CRIMES
BUREAU, MIAMI-DADE
COUNTY, FLORIDA.

CASE NO. 168600-Z & 168765-2

INVESTIGATION INTO THE LEWD AND LASCIVIOUS FONDLING AND
POSSIBLE SEXUAL BATTERY OF MYKHAYLO KOFEL, W/M/22, WHICH
OCCURRED AT 12425 S.W. 72 ST. (HOLY CROSS ACADEMY) IN MIAMI-
DADE COUNTY, FLORIDA, BETWEEN APPROXIMATELY 1997 AND 1998.

SWORN STATEMENT OF MYKHAYLO KOFEL

Taken before Robin A. Benjamin, Steno-Reporter and Notary Public in and for
the State of Florida at Large, at the Miami Dade County Jail, located at 1321
N.W. 13th Street, Miami Dade County, Florida, on Thursday, February 17, 2005,
commencing at 12:22 p.m. and concluding at 1:16 p.m.

APPEARANCES

JOSE CABADO, DETECTIVE
MIAMI-DADE POLICE DEPARTMENT
SEXUAL CRIMES BUREAU

CHAVELIN MOISE, DETECTIVE
MIAMI-DADE POLICE DEPARTMENT
SEXUAL CRIMES BUREAU

Thereupon,

MYKHAYLO KOFEL

after having been duly sworn, was examined and testified as follows:

EXAMINATION BY DETECTIVE CABADO:

Q For the record state your full name?

A Mykhaylo Kofel.

Q How old are you?

A I'm 22.

Q What is your date of birth?

A 7/9/82.

Q What is your last address you lived at before coming here, do you remember?

A Yes, Holy Cross Academy, 12425 Southwest 72nd Street.

Q Calling your attention back to when you lived at the Holy Cross Academy, did anything happen to you at that location?

A Yes.

Q Um (sic) let's start from the first incident and tell me what happened as far back as you can remember or, let me ask you do you remember when you first moved to the Holy Cross Academy approximately?

A Yes, I came there in August 1, 1997.

Q When you came from Holy Cross where did you come from?

A Ukraine.

Q Is that your home country?

A Yes.

Q How did it come about you coming to Holy Cross?

A Um (sic) well, I met, he was like a monk or priest he came to Ukraine. He was recruiting young candidates to become or to be a monk to come to the U.S.

Q Did he introduce you to anybody in the United States in order to come to Holy Cross?

A He was he came by himself and a translator and I was known to him by my local priest from the Parrish.

Q So the person you spoke to that came to Ukraine, do you remember his name?

A Wendt.

Q. How do you spell that?

A W-e-n-d-t.

BY DETECTIVE CABADO: For the record I'm going to show you a photograph and can you tell me who is this person in the photo?

A Well he has a beard.

Q What is his name?

A Last name is Wendt. His first name is Gerard.

Q Is this the same person that came to Ukraine to recruit you?

A Yes.

BY DETECTIVE CABADO: For the record he identified the photograph of Frank Gerard Wendt,; date of birth of 06/07/1 944

Q So what was his position?

A Well actually he was like-

Q What do you know him as to be?

A We're supposed to call him Father Abbott (phonetic), the head of the monastery of the school.

Q So you come to the United States and you came here straight to the Holy Cross, you tell me?

A Yes. We spent like two weeks in the Ukraine in a rented house and he taught us some rules about Holy Cross. He told us a little bit, not everything, he didn't say everything.

Q So once you arrived at Holy Cross, did anything happen to you when you were at the Holy Cross?

A Well um (sic) the first at the beginning I came in August 1st so it was me and there were two candidates, me and Petro, P-e-t-r-e, (phonetic) and the last name is T-e-r-e-n-t-a (phonetic).

Q So when you were at Holy Cross, do you remember the first incident or anything happening to you that involved anyone at Holy Cross?

A Well, um (sic) the first time we had to live it was called, it was just called Wendt's house where he lived. We were supposed to live in one room. There. were two bunk beds in the same room and we lived like there until moved to another house like in three or four months. We moved to the official candidates' house. We were living in the second floor one room and the same bunk beds, and the downstairs room was where we had study chairs.

Q And this house that you lived at where was it located?

A The same area.

Q Is it at the compound at Holy Cross?

A Yes the same area, it's called Holy Cross Monastery and the school was called Holy Cross Academy. We come from Ukraine to be part of the first candidates who would actually become monks.

Q So you lived with the other candidate, Petro on the second floor?

A Yes and on the bottom floor was living the other priest.

Q I'm going to show you a photograph and can you identify this person?

A Yes, that's James Gibault. He had less beard.

Q Is this the person you're saying lived in the first floor of the house you lived in?

A Yes, by himself.

BY DETECTIVE CABADO: For the record, he identified James Albert Gibault, date of birth is 11/05/1954.

Q Okay, Did anything happen to you when you were living in the house inside Holy Cross?

A Yes.

Q Tell me what happened tell me about the first incident you remember?

A We were um (sic) I was upstairs in the candidate's house where we were supposed to study and I received this call from Wendt and he said to come over to his house. I don't know whose house it was in the beginning, but it was his own house.

Q So the house that Wendt lived at, this is still inside the compound?

A Holy Cross, yes.

Q And who lived in that house beside himself?

A Well in the beginning he lived by himself. When we moved to the candidate's house he stayed there by himself most of the time.

Q So when he called you over to come to his house, did you go there?

A Yes.

Q Okay. Tell me what happened when you went there?

A I went over there and he was there in the living room and there was TV by the couch, so he was sitting in the couch and he had like a book. So he told me to sit down by him on the couch and um (sic) and so I did, I sat down and um (sic) he told me to teach him some you know to teach him how to pronounce some words in Ukraine--He was learning how to pronounce some words and I sat down next to him. I explained some words and that's when at first I noticed that he put you know his hand on my chest his right hand on my chest.

Q Was that over or under your clothing?

A Over my clothes.

Q And then what happened?

A And he was going like circular.

Q Like what some circles?

A Circular motion and I noticed he was also like you know he was excited and he was breathing hard and so his hand was going down to my stomach.

Q Did he say anything while he was touching you?

A He could have said something but I know he said----you know I was uncomfortable when he did that, I was very stiff, I was motionless. He could have said, "It's okay."

Q Did you tell him to stop his actions at anytime?

A I was scared, I was surprised. It took me by surprise. I wasn't expecting him to do that. His hand moved to my thigh and then to my genitals and he did that and mostly he came back to my stomach and my chest.

Q When he touched your genital area, was that over or under your clothes?

A Over my clothes.

Q Was he dressed or undressed?

A He was dressed.

Q What happened next?

A So you know I didn't---I was scared, I was uncomfortable, I was shocked and he said "no, it's okay", you know, "it's God's will, you go to heaven if you do that." I was scared and he did that for five or ten minutes and he told me "let's go back in Gibault's house."

Q Did you leave?

A Yes.

Q When you said you were scared, explain what you mean

A Because I never had this experience, this is a priest and I respect the priest. I know the priest in Ukraine is very respected and holy and I talk with my priest about God and nothing happened like that before. This American priest was touching me and I was horrified and then he kept on telling this is why, it's alright, it's God's will. I wasn't raised like that. I thought you know I'm going to sin. I was um (sic) he said if you disobey you're going to hell. I was confused you know.

Q Do you remember when this occurred or do you remember the year or date?

A I don't actually remember. I remember approximately the first year I came here, it was eight months. When I first got to Holy Cross it was like eight months. It was like in the spring of '97 or late winter of '97.

Q Okay. Do you remember approximately what time of day this occurred?

A I think I don't remember exactly but it was during the day.

Q During the daytime?

A Daytime.

Q Did anything else happen after that?

A I was at Holy Cross like a year and this thing continued. He would call me over and basically did the same thing each time. I was more willing each time I wanted to go back. I would move away and he said to me "do you know I'll punish you and send you back to Ukraine." He was brainwashing me, telling me things. I would be afraid of going to hell. I was very scared because I was very religious. I was very much into God.

Q So, you said this continued, do you remember how many times?

A Approximately six or seven times.

Q And on these incidents you said it was the same thing basically touching you over the clothing, or did anything else happen?

A No, it was just touching me over the clothes and just him saying him touching me and saying it's alright, it's God's will, brotherly love.

Q He didn't do anything more than touching you basically?

A Yes.

Q Did he ever ask you to do anything to him?

A No.

Q During those six or seven incidents, where did it take place? I know the first incident took place at his house.

A All of them took place in his house.

Q Was anyone else inside his house during this time?

A No.

Q Was it always just you and him?

A Yes at the time.

Q Was it always at the same time, could you tell me about that, or was there a specific time he did that to you?

A It was always during the day. I don't remember the specific days, it was noon, sometimes like four o'clock, on weekends when I would be out of school, it would be around twelve or about one o'clock, or if it would be during the

school times after school, after three o'clock or approximately four or five o'clock, you know I just remember it was during the days.

Q So the first incident you told me it happened approximately eight months after you moved there, do you remember the last incident with Father Wendt occurred?

A It was end towards the end of '97 and beginning of '98.

Q That was the last incident?

A Yes it just stopped you know actually I think it was before almost the end of '97 it stopped, so in the beginning of '98 in the winter of '98 we were there and there was you know workers Hispanic workers at Holy Cross compound so um (sic), they were fixing some rooms that still needed to be fixed, two rooms in his house on the top floor they needed to be fixed so they were fixing the two rooms. In the beginning of '98 there was also another candidate that came from the Ukraine. He came before then but he was there. We were still in the room top floor second loor bunks and in '98 the winter of '98 we were given different rooms on the second floor. I was given the middle room and Petro was in the other room towards the end and one candidate came from Ukraine he was called Ivan (phonetic).

Q Do you know how to spell his name?

A The first name I-v-a-n, and the last name is K-a-y-n-y-c-h. He stayed in the same room but, but we were separated in three different rooms and basically you know I noticed that Wendt stopped calling me over. It stayed like that for several months you know and urn (sic) then the first incident that involve with Gibault the other priest was urn (sic) just we weren't suppose to go out by ourselves outside We couldn't go outside of the compound of the Holy Cross or even at evening times. We were on a schedule. The monks and priests they would never come but anyways the first time urn (sic) Gibault asked me to go with him to help him with the groceries to a Winn Dixie or Publix. He took the car and we were going there. I was sitting in the passenger seat and he was sitting in the driver seat. He was driving and the first time I noticed that he put his hand all over my hand the first incident. I remember him touching me putting his hand over my hand and he put his hand over my thigh.

Q When he put his hand over your thigh, was that over or under your clothing?

A Over.

Q Do you remember when that incident with Father Gibault occurred?

A '98 winter, '98.

Q Let me ask you---I know we have left that topic, do you know why father Abbott or Father Wendt as you know him, stopped his assaults on you?

A You know I don't really---probably I wasn't willing, he didn't like me or he wanted to try Petro, because at the same time we moved to separate rooms, Petro had to move his desk to Wendt's house so he had started there. He just said

you know Petro is like an assistant and spent a lot of time over there even I think he had a bed there his own bed. It was to be separate beds and separate rooms. He had his own room in the candidate's house. During the time I would hear him go over, slam the door and go to Wendt's house. He said Wendt wanted himself to make love Gibault so probably Gibault was abusing Petro

Q Other than your suspicions, did you ever see anything between Wendt and Petro?

A Yes just one incident.

Q When was that?

A Approximately I don't remember but it could have been '99, I don't remember actually. It's you know I was um (sic) in the candidate's house and I was suppose to give Petro to return the keys or something. I went to Wendt's house and you know I caught them unexpectedly on the same couch. I had seen him touching Petro's chest.

Q Any other incidents you observed between them two?

A No.

Q That was the only incident?

A Yes.

Q Did you ever question Petro about that?

A No.

Q Let's go back to Father Gibault, is that what you call him?

A Yes.

Q So the incident inside the car where he touched your leg over your clothing, did anything else happen on this particular day?

A No.

Q Did you say anything when he was touching you that day?

A I think I say I could have said something in the car or outside --- come to his room later on that night when I was sleeping like after ten.

Q Did he say that or you think he said that?

A He said that, it could have been in the car or later on outside the car, I don't know.

Q So did you come into the room that night?

A I don't remember that night or the month. I know it happened. I was thinking it was later in the winter or early spring about the time he told me to come.

Q And what happened?

A The first time I went to his house and um (sic) he was, he had his bed his own bed and he told me to sit down and so he started in the beginning he started to do almost the same thing and he was touching my thigh, genitals and my stomach, chest, my arms and then so he told me to come almost like come every night. It was almost every night I was coming to his room and he would call me from his room or come outside and he told me to come to the house every time, so at night because all the candidates would be asleep after ten o'clock. So I was supposed to come and the same process to undress to my underwear and to lie in the bed you know and so he would also undress himself to his underwear and even to nothing. He told me to lie in his bed and get under the cover with me and he would touch me all over. I had no clothes on so he touched me all over my body.

Q You said at first he was just touching you over your clothing and he called you to his room every night, do you remember how long of a time span this took place of the touching?

A The same year '98 before summer like spring.

Q Do you know how many times he would touch you over the

A I don't remember how many times. He did it a lot of times.

Q Was it more than five?

A Yes.

Q More than ten?

A Yes.

Q More than fifteen?

A Yes, this thing with Gibault in winter '98 had ended when I got here, it would be more like 2001.

Q You said it progressed, now the first incident where you said you were both naked on the bed, continue to tell me what happened when you said he was touching you, where you both were laying on the bed, correct?

A Yes.

Q What happened?

A He was touching himself and touching me you know my penis.

Q What part of his body was he touching---you said he was touching himself, where was he touching himself?

A On his penis and masturbating himself and he was also masturbating me. He would touch my penis.

Q When he was masturbating himself, did he ejaculate.

A He could have, I don't remember. The only bed but sometimes I remember I would lay on my side and he would turn me over touching me on my stomach with his penis on my stomach and I would feel wet.

Q You said you felt wet, what do you mean by you felt wet?

A He ejaculated on my stomach.

Q And what happened to the semen on the stomach later on, do you remember what happened to the semen?

A I think I don't remember actually, I think I just I was laying there paralyzed. I was really scared.

Q So you don't remember if the semen was cleaned?

A I don't remember, it could have gone on the sheet.

Q Do you remember what happened to those bed sheets?

A No.

Q So, other than him putting his penis on your stomach and masturbating you and himself, did he tell you to do anything to him?

A Yes, um(sic) he sometimes he would tell me to touch you know his stomach or sometimes bring my hand to his penis. I wasn't willing to do that. I was withdrawing, I wasn't willing to do that.

Q Did he do anything else to you other than masturbation?

A Yes in the summer of '98 is when I remember that clear. When Wendt took Petro and Ivan to Ukraine went back to Ukraine and me and Gibault was in the same house basically, there was nobody else, it was summer, no school and um (sic) so um (sic) the first incident I remember that happened before was like June in the same summer, it was well it was during the day and there was nobody around. He told me to come to his room and I did. I did that and umm (sic) so he told me to undress so I undressed and he told me to lay down on the bed and he completely undressed himself and he was masturbating himself and he told me you know to lay down on my stomach and I did that and mostly what he did he pressed himself on me.

Q He pressed himself?

A Yes on top of me and this was the first time he raped me.

Q When you say he raped you, what do you mean by that explain that to me?

A He put his penis in my anus.

Q Do you remember the first time if he used a condom?

A No.

Q Do you remember if he ejaculated or not?

A Yes, I felt warm inside of me and yes the first time the first incident I remember that.

Q Did you clean yourself later with anything?

A I remember taking a shower. I took a shower.

Q And this occurred in his room on his bed?

A Yes.

Q On that incident day in the summer of '98, where you said he raped you, were there other similar incidents after that, where there was penetration?

A From the summer till I came here.

Q When you say you came here to the school, is that what you're referring to?

A Yes, 2001 I remember he raped me. I clearly remember like eight times about, it was approximately ten times. During these incidents I would be maybe asleep and he would give me before that he would give me a pill. He used to have these pills that were anti-anxiety pills to sleep.

Q He would give you pills?

A Yes.

Q Do you remember the name of the pills?

A I remember how they look.

Q What did they look like?

A There were two pills basically. One pill was like a round pill generic and the other was bigger round but white.

Q You don't remember what the pills were used for?

A Anti-anxiety.

Q For who?

A Gibault.

Q Was this a prescription?

A Yes.

Q And you would take them?

A Yes.

Q Voluntarily?

A Yes, I would take them because he told me to but I had to obey.

Q When you took them how did you feel?

A I felt sleepy. I don't remember anything and I would wake up like 5:00 or 4:30 and he would wake me up to go to class. I had to wake up to shower and I would set the alarm and go back to the room and before I knew anything I would wake up and you know and on some occasions I would feel my head would hurt. I wouldn't remember anything. So the times I remember would be like seven or eight times I remember he raped me.

Q When you said he gave you pills every time and every time you took the pills he gave them to you?

A Yes.

Q During these incidents was it always in his room?

A Yes.

Q Was it always on his bed?

A Yes.

Q Did there come a time when there was ejaculate on his bed sheets, how would the bed be?

A Yes, stains.

Q What would happen to the bed sheets, did anyone ever pick those up?

A He would do his laundry on Saturdays. Um (sic) there were other times. In his room he had you know a TV In his room and he had a TV and so at night like around midnight or after that sometimes he made me watch some I would say like porno by satellite or HBO. Sometimes he would make me watch like sex scenes or sex movies and I remember the name of them. There was a series like one call "Queer as Folks".

Q And he would make you watch this?

A Yes.

Q And this was on cable you said?

A Satellite.

Q Satellite t.v?

A Yes.

Q It was satellite t.v, anything else?

A Mostly there were also some movies that we were watching like sex movies.

Q Right.

A Like "Basic Instinct" with Michael Douglas. There were movies like had sex, always most of the movies had sex like one was called "Desert Passion".

Q Those were explicit kind of pornographic stuff?

A Yes.

Q Everybody was naked and having sex?

A Yes.

Q This was the type of material he exposed you to, anything else?

A Yes.

Q Basically cable, satellite, HBO, homosexual programs?

A Yes, he made me watch those.

Q Any other forms of pornography or just TV?

A Just TV.

Q Did he give you anything in exchange for the sexual activity- sexual intercourse he was having with you?

A No. He just made me do it and said I would go to heaven, and I would be doing the right thing when I wanted to go. I was scared. I was not willing. I wanted to go back in my room and I was scared so he said I would be punished and I would go to hell. Sometimes he punished me and he would make me sit in the laundry room from seven to eight, and sometimes I would have to ask permission to have ice cream and during that time I would have to work during the summer time and this incident happened on many occasions and we would go on occasion like to the beach, Key West or Naples, rent a hotel by the beach and me and Gibault would stay in one room and Petre had to stay in another room. Me and Gibault had to stay in the same room. I remember on one occasion we went to Sanibel Island or Key west, it was always like that.

Q So, on these different occasions was there also sex involved?

A Yes, but I don't remember being raped over there. I remember him touching me. He told me to come to his bed I remember the same room, two beds, so he told me I was supposed to sleep in his bed. So in the morning he would undress like he was sleeping in the one bed with me and he would sleep in the other bed if anybody came in. One time there was a house in North Carolina in a small town and he rented the house and there were three rooms and I had to stay with Gibault. So you know I slept with Gibault. It was just one room.

Q So, outside of the Miami it was pretty much touching, there was no penetration?

A No.

Q During those incidents did you ever tell Gibault to stop or resist to what he was doing?

A Yes.

Q Explain that to me.

A Sometimes I would cry, sometimes I would say I don't want to do this, I want to go back. Sometimes he would push me down and tell me basically the same lecture.

Q Did you ever tell anyone about these assaults?

A No.

Q The only one that you saw in the nude was Father Gibault, correct?

A Yes.

Q Do you remember any special markings or anything on his body that would be different that you could remember, anything that would help us out?

A I remember he was circumcised. I remember he had a mole on his penis like small black dots.

Q Small black dots on his penis?

A Yes.

Q What kind of dots?

A I would say moles.

Q Anything else that you remember about, anything on his body, under his clothing that stood out to you, any tattoos, scars or markings, anything?

A He had no tattoos, the scars besides the hands.

Q Under his clothing only you could have seen?

A He had no scars. I just remember that you know he had large thighs or fat thighs and he had stretch marks on his stomach, basically. I don't remember what kind of underwear, but I don't, I never seen no scars, tattoos.

Q So just let me touch real quickly on the pornographic stuff. It was all cable TV and he showed you movies by satellite, is that correct?

A Yes.

Q Anything else?

A No. Some scenes I remember.

Q But I'm saying it was only TV. The pornographic stuff he made you watch?

A Yes.

Q Do you remember me talking to you a couple of years back about these incidents and another detective, the second detective was Steve Signori and I believe when he spoke to you about the incident with Father Wendt-Father Abbot, what you call him. Detective Signori covered the incident with Father Gibault, and I know certain things you told me today I didn't know from before. Is there any reason why you didn't tell us about these incidents in the past?

A I say in the beginning the first time I remember I didn't tell you about how Gibault raped me.

Q Right.

A And you know I didn't even tell my lawyer even my lawyer in the beginning. I told him within a year but not the first time. I just left it out because first of all I was basically was just embarrassed as hell.

Q Now the last incident with Gibault occurred you said -- when was the last time anything happened with Gibault?

A The last time was the night of the murder.

Q Okay. It was the last incident between you and Gibault?

A Yes.

Q This incident was pretty much the same thing, penetration?

A Yes.

Q When there was anal penetration you said he never wore a condom?

A Correct.

Q Was there anything else he may have put on his penis, or was there anything else you remember he did to himself prior to the penetration?

A No.

Q You don't remember him doing anything else to himself or his penis prior to the penetration?

A No.

Q And he never offered you any gift or anything in exchange for him to do this to you?

A No.

Q Has everything you've stated been true and correct to the best of your knowledge here today?

A Yes.

Q Have you given this statement freely and voluntarily.

A Yes.

DETECTIVE CABADO: Thank you.

(Whereupon the sworn statement was concluded at 1:16 p.m)