

Civil suit allows prosecution on decades old sexual abuse

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Idaho Falls Post Register

Matt Morgan's effort to punish his uncle for sexual abuse three decades ago has traveled a unique legal course.

After exhausting traditional legal avenues, Matt Morgan's legal team used claims of fraud to bring Terry Morgan to justice, winning a \$395,000 judgment Dec. 2.

It is a legal tactic that could be used more extensively in the future, especially for those trying to press sexual abuse cases that can't be prosecuted because the statute of limitations has expired, said Boise attorney Andrew Chasan.

Chasan said the pursuit of Terry Morgan under a fraud claim is innovative and could open doors for other victims. Chasan is currently utilizing a fraud claim against the Boy Scouts of America, alleging that the Idaho branch of the scout group knew scouting posed a danger to young boys.

He said pursuing a single abuser for fraud is inventive.

"It (Morgan's case) doesn't have the strength of precedent as if it came from the (Idaho) Supreme Court," Chasan said. "But it helps prop the door open for others."

Legal relief

Matt Morgan approached Clint Casey and Dan Skinner in September 2012.

They decided to take a two-pronged approach to the case.

First, they attempted to overturn the state's statute of limitations for child abuse, which provide a case can't be prosecuted after five years.

Court records show District Judge Dane Watkins Jr. ruled July 9, 2014, that he would not allow the child abuse claims to proceed. Idaho Code 6-1704 says criminal child abuse claims can be brought forward if the victim is over 18 and becomes aware of the abuse "within five years of the time the child discovers or reasonably should have discovered the act, abuse or exploitation."

When that claim failed Matt's attorneys endeavored to find a new route. They argued fraud, basically claiming that Terry Morgan had lied to his nephew.

Watkins allowed the fraud claims to stand. Watkins said the theory behind fraud was not restricted claims of financial harm and that Terry lying to Matt could be considered fraud, court records show.

“Nothing in Idaho expressly confines fraud to commercial transactions,” Watkins said.

The lawyers argued Matt was diagnosed with post-traumatic stress disorder and dissociative amnesia in 2010. Dissociative amnesia causes a temporary wipe of the memories of abuse. The diagnosis made litigation possible under a fraud claim. Matt’s affliction opened the door to a fraud claim. Testimony from Matt’s family members saying Terry Morgan groomed Matt for abuse bolstered the case.

A unanimous jury decision on Nov. 6 found that Matt’s uncle had groomed him for sexual abuse which amounted to fraud under Idaho law.

Skinner said this verdict allows accessibility for victims to confront abusers who were never pursued criminally.

“We did a little research and we realized that maybe this is something that hasn’t been done before,” Skinner said.

Chasan said that though this use of fraud is insightful, it has been used before. The most famous case was when defendants sued tobacco companies for damages, claiming companies knew the danger of cancer but kept it from the public.

“The reason (the defendants started to win) was internal documents proving the tobacco companies knew tobacco was a harmful product, but they failed to warn the public,” Chasan said. “That opened (the tobacco companies) to fraud.”

Skinner said Matt’s case cannot yet be utilized on a national level.

Terry Morgan’s attorneys appealed the case to the Idaho Supreme Court on July 2, court records show. If it survives appeal, the decision could become precedent for similar cases nationwide.

“People could use it in district level courts in Idaho,” Skinner said. “But as far as citing to authority in all the other states, we’re not there yet.”

Matt may never see the money because Terry Morgan can’t afford it. But Matt said the real victory is shining a light on child abuse.

“I think the statute of limitations should be changed,” Matt said. “There needs to be some good positive things that come from this experience.”

http://magicvalley.com/.../article_4da9a247-04f0-5e11-9b26-cb...

The inspiration for Building Hope Today comes from a traumatic experience. Learn how Matt Morgan, with the support of his family, is moving on from his past and creating a bright future for many in Idaho.

Matt Morgan holds his wife Lynne's hand while talking about being sexually abused as a child by his uncle. Monte LaOrange / mlaorange@postregister.com

By TOM HOLM

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An uncle raped Matt Morgan.

Terry Morgan abused Matt when he was 12 and 13, kicking off Matt's lifetime of repressed memories, alcohol abuse and what he hopes, one day, is redemption.

The 49-year-old owner and manager of Morgan Construction, a local design and construction business, buried the memories of the abuse for three decades.

Matt became a rare statistic. He is among the few men who speak out against their abusers. Although research shows that one in six men have suffered sexual abuse before the age of 18, Matt became a rarity because he spoke out about the abuse. He sued his uncle, won a judgment and is now moving forward, trying to be more than a statistic.

Now Matt wants to bring some good from the years of pain he suffered. He won a civil suit Dec. 2 against his uncle under a fraud claim instead of a sexual abuse claim, court records show. (For more on the legal battle, see Page A3.)

He never wants another child to go through what he endured. That's what his nonprofit organization Building Hope Today is for. Matt wants to have the organization bring awareness to the sexual abuse of children.

Matt wants to give a voice to the voiceless and help them shed the pain of abuse.

"You want to find guys like me? You can find them in the cemeteries and the jails," Matt said. "I have these emotional wounds that I'm working on to become scars and not wounds."

Young, confused, angry

Matt said his parents split up when he was 12 and his father took him to live in a home two houses away from his uncle, Terry Morgan. Terry frequently stopped by the house when Matt's father was at work, court records show.

Terry stepped into the void left by an absentee dad. Court records show he brought pornographic magazines and showed them to Matt. Terry told the young boy the women depicted in the magazines were his mother. Terry reportedly told Matt to pay attention as if he were receiving instruction in school.

"He had me convinced that was my mom in those magazines," Matt said.

Terry called Matt's mother a slut and a whore, blaming her for breaking up his parent's marriage, court records show. After forcing Matt to view the pictures of these women having sex with multiple men, he made Matt view gay male pornography. His uncle said this is how they should show their affection toward each other.

After showing him the pornography, Terry molested Matt, court records show. He raped and fondled Matt all summer. The abuse only subsided when Matt went back to school in the fall.

"I just closed my eyes when he did that to me," Matt said. "I just friggin' left ... I didn't let any of it rent any space in my brain."

He said he spent the next three years flunking school and getting into trouble. He didn't know why he was so angry. He tried to escape his demons by moving to California.

"When I got down to California and I found that set of nail bags and that hammer. It gave me, I found a purpose. It made me feel good about me. I was good at it. It made me feel good.

"I was frustrated and confused, I struggled for a number of years. I took a hold of that hammer and just decided I wanted to be good at it. I gave it everything I had and I threw myself 100 percent into it and it became my craft."

Matt repressed the thoughts of the abuse for 30 years until night terrors of his uncle raping him ravaged his sleep.

"I was 44 years old suffering from insomnia getting maybe one or two nights of sleep a week," Matt said. "I'd wake up in a cold sweat and say 'My god where did that come from.' "

The memories came back in bits and pieces. Matt was suffering from dissociative amnesia and post-traumatic stress disorder. Dissociative amnesia is the inability to retrieve memories from a stressful situation such as abuse or war, according to the Cleveland Clinic website, an academic Ohio hospital.

After being diagnosed in 2010, Matt began counseling.

The memories of dissociative amnesia sufferers are not entirely wiped from the mind and can be recalled through therapy or triggered by someone's surroundings. Tom Tueller, a licensed clinical social worker in Idaho Falls, said as memories come back they can be very overwhelming for a person.

"It's not their choice but they start to remember things and it puts them in a very distressful state," Tueller said.

Coming to terms

Matt said he used alcohol to help press down the memories. He said he began drinking alcohol to excess at age 14 or 15.

“I’ve had a problem with alcohol since the first time I put that bottle to my mouth,” Matt said.

Matt said he is now four-months sober. But before and during the trial his drinking brought him to a low point.

“I started to tailspin,” Matt said. “I was going straight down and straight down fast.”

One day Matt looked down at the glass as he was drinking alone and decided he needed to change. Matt got clean.

“I got something the majority of people who are abused don’t get, the opportunity to have or have the money to pursue that vindication,” Matt said. “Here I sat and thought how ungrateful I am to keep on drinking myself to sleep.”

Matt’s son, Travis, said he used to worry for his father especially when Matt became more aware of his buried memories.

“He always had this poor image of himself,” Travis Morgan said. “We would always tell him ‘This isn’t who you are, why do you have those feelings.’”

In the summer of 2011 Matt drove by his uncle’s home. He saw a swing set out front which stirred feelings of disgust in him, thinking Terry was inviting children with the swing. Matt said he stewed in the feelings and then went to his uncle’s door and demanded he take down the swing, apologize for abusing him and explain why he abused him as a child. The two began to argue and Matt said Terry refused to apologize or to remove the swing. The verbal argument escalated and turned physical, Matt said.

“I’m sorry I did it, sorry I went there. I didn’t get what I was looking for,” Matt said.

Months later Terry sued Matt for battery. During the trial Matt figured if he was going to be in court with his abuser he may as well counter sue. Matt consulted with his attorneys and ultimately came to the decision to file a suit claiming fraud, court records show. This led to Matt ultimately winning his case against Terry.

Repeated efforts to reach Terry Morgan were unsuccessful.

Matt’s decision to confront his uncle makes him an outlier.

In a 1988 clinical study of 25 men who had been sexually abused, only one man reported the abuse when it happened. A 1990 study found that 44 percent of the men sampled had never told anyone about being abused, compared to 33 percent of women who had never disclosed the abuse. In a separate clinical study, 31 percent of men abused as a child had told someone about it when they were young, compared to 61 percent of women.

Travis Morgan said after the jury verdict, his father changed. He said his father regained his sense of humor. He carried himself better and saw his self-worth.

“The judicial system said ‘You’re not crazy, you have been wronged,’ ” Travis Morgan said. “(He’s) better than ever, it helped him feel comfortable in his own skin again.”

Travis Morgan, 25, said now that the trial is over, and though it’s a victory the emotions, haven’t subsided.

“It’s strange sometimes I’m not sure how to feel, we’ve been fighting so long,” Travis Morgan said. “It’s nice to move on. Nice to work on Building Hope Today and move forward.”

Building a new life

Despite the alcohol, Matt built a multimillion dollar construction company from the ground up in his free-time. He was working for the Idaho Falls Fire Department and building things on his days off. Eventually he was doing more building than fire fighting and he said he resigned in 1995.

“Kind of unintentionally it blossomed,” Matt said.

Morgan began his business by building and designing homes in the early 1990s. Now the company focuses on business projects. Matt said he built his first home in 1991 and from there the company swelled to include larger projects.

Some of Matt’s profits go toward helping victims of abuse through the nonprofit Building Hope Today. From the hard work of his own hands Matt is generating the funds necessary for his nonprofit.

Matt’s thick arms pressed tightly against his shirt as he spoke about the abuse.

He pauses occasionally to think through his responses, nervously tapping his fingers together as if holding a palm-sized ball. Matt’s wife, Lynne, has stood by him through all his recent struggles.

“It’s been a long, emotional road. I’ve been glad to stand by him,” Lynne said.

Together the couple wants to carry on and help others battling the demons associated with childhood abuse. Their recent efforts in establishing Building Hope Today is the stepping stone toward further healing and raising awareness on the issue. The website, buildinghopetoday.org, is not available yet but Matt said they are working to get it running soon.

“I’d give every hard earned penny I got today if I could just help one person not have to go through that and experience that,” Matt said.

Matt said the organization is up and running and has a board of directors.

Matt said they are trying to do what they can for prevention, but the highlight of the organization is raising awareness in the hope to change policy.

“I don’t feel like I could just go through this experience in my life and all of a sudden one day just walk away,” Matt said.

Matt asked for guidance from another nonprofit that focuses on the sexual abuse of young men called 1in6 Inc. The organization is named after the statistic that one out of every six men has been abused before the age of 18.

Steve LePore, founder of 1in6, said he met with Matt purely in a personal advisory role not as a representative of his nonprofit. LePore said Matt came to him to find out how to make his nonprofit sustainable.

“It takes a lot of effort and a lot of coordinated effort but they definitely want to do this correctly, they want to commit to it,” LePore said. “I think he’s doing it the right way, he is very much in this with his family.”

Matt said he has dumped a lot of startup money into his nonprofit and they are approaching the point where they can get a website up and running.

Matt said in order to keep the organization going he will be seeking grants and other funds in the future. He said he wants to bring some good from the trauma he suffered.

“I hope to establish Building Hope Today to have a charitable entity and be sustainable in the hopes that my grandkids might sit on the board to continue to do good things, and bring positive change to the issue of childhood abuse,” he said.

Barrel-chested with strong calloused hands Matt’s physical presence is that of a man who’s earned a living through rigorous labor. He speaks from his diaphragm with a thick powerful voice that rumbles out as if his voice box were polishing rocks in a tumbler.

But the physical attributes belie suffering. Matt is ready to move on, though he will have to carry the damage done to him forever.

“It was finally having a voice after all these years of misunderstood frustration, fear and anger that is going to allow me the opportunity to find peace and true happiness in every bit of my soul and being,” Matt said. “I hope and pray for this same second chance in life for all those who have experienced that same horrible experience that I did as a child.”

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