

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

MIDDLESEX SUPERIOR COURT
DOCKET NOS. 2007-1549
2007-1550

COMMONWEALTH

V.

STEVEN INFANTE
&
STEPHEN DITULLIO

COMMONWEALTH'S STATEMENT OF THE CASE

Now comes the Commonwealth in the above-entitled matter and submits the following statement of the case. This statement is not intended to serve as a bill of particulars or otherwise limit the evidence in the Commonwealth's case, but only as a summary of the facts to assist the Court in generally understanding the nature and circumstances of this case.

VICTIM 1

The "Three Steves": Steven Infante, Stephen DiTullio, and Steven Thompson

From age 10 until high school graduation, Victim 1 (born in October 1976) was coached in gymnastics by Stephen DiTullio, at DiTullio's gym in Acton, MA. Infante was DiTullio's best friend, and operated his own gymnastics gym in Connecticut, where he resided and still resides. DiTullio and Infante held competitions between the gymnasts they each coached. Infante also owned and operated a summer gymnastics camp ("Five Star Gymnastics Camp") with a third gymnastics coach, Steven Thompson, from South Hadley, MA. DiTullio participated in the

operation of the camp. Gymnastics meets between the “three Steve’s” gyms were also sometimes held at Thompson’s gym.

Victim 1 meets Infante, and they develop flirtatious relationship

Victim 1 met Infante at age 13, at a gymnastics meet between DiTullio’s and Infante’s gymnasts. The meet was on a Saturday. The following day, Infante took Victim 1 and other gymnasts to Whalom Park, an amusement park. Infante spent time alone with Victim 1 at the amusement park, encouraging her to attend his summer camp, going on rides with her, talking with her flirtatiously and with sexual innuendo. He also gave her a gift: a jacket with Infante’s gym’s logo on it. None of the other gymnasts present that weekend received such a gift from Infante.

The following summer of 1990, at age 13, Victim 1 did attend Infante’s gymnastics camp. At that time, the camp was held in Kent, CT, for two weeks. Infante was Victim 1’s assigned counselor. Victim 1 was with Infante every day for long periods, as he coached her. At the end of camp, Victim 1 won a contest allowing her to smash a cream pie in Infante’s face. With Infante’s participation, and at the urging of the other coaches, Victim 1 applied whipped cream to Infante’s body with her hands, including on his nipples and down his shorts. Victim 1 recognized that moment as the first physical flirtation between her and Infante.

Infante begins inappropriate contact with victim (age 14); DiTullio approves

Victim 1 attended the camp again in the summer of 1991, at age 14. The camp that year was in Deerfield, MA. More sexual innuendo and flirtations occurred between Infante and Victim 1. Once, as Victim 1 passed by, Infante referred to her and said to another adult male, loud enough for Victim 1 to hear, “it’s taking all my willpower not to go after that one.” On another occasion, Infante announced, while looking at Victim 1, “I’m taking a nap if anyone

wants to join me.” Victim 1 then went to Infante’s room. The two then got in Infante’s bed and napped together.

On the last day of camp, Victim 1 assisted Infante with returning some equipment, using a rental truck. As Infante drove, and Victim 1 was seated next to him on the bench seat, Infante asked Victim 1 if he made her nervous. She said he did not. He touched her face, and asked, “how about this?” She said it did not. Infante then pulled Victim 1 over to him and kissed her, inserting his tongue in her mouth. Victim 1 was “floored” by this, and moved back to her side. Both were then quiet the remainder of the drive.

That night there was a big party at the camp. The other campers had left, but the gymnasts coached by the “three Steves” were able to stay. Infante and DiTullio allowed and encouraged the gymnasts who were present to drink alcohol, and participated in the drinking. Victim 1 drank alcohol for the first time that night, and got drunk.

Soon after the kiss, Victim 1 talked to DiTullio about the kiss. She told DiTullio that the kiss was “nice,” and that it was more comfortable kissing Infante than boys her own age. DiTullio replied that of course it was more comfortable with Infante, because he was more experienced. DiTullio encouraged Victim 1 to continue her relationship with Infante.

Infante begins sexual contact with Victim 1 (age 14)

Later that summer, on a weekend in August 1991, Infante came to visit DiTullio at DiTullio’s Littleton, MA house. DiTullio’s wife and children were away. DiTullio invited Victim 1 and other teammates (5-6 girls total) to his house for a sleepover during Infante’s visit. The sleepover consisted of pizza and a soft porn movie. Infante lay on the floor with Victim 1 to watch the movie. Before he went upstairs to a bedroom, Infante told Victim 1 to come up with him after everyone was asleep. Victim 1 did so, and Infante and Victim 1 started kissing in the bed. Infante took Victim 1’s hand and put it in his underwear, telling her to squeeze the tip of his

penis, and asking, “doesn’t it feel like a marshmallow?” Victim 1’s hand touched Infante’s penis. She started crying. Infante said, “oh my baby, I never want to hurt you, I’m sorry.”

After that August 1991 incident, Infante and Victim 1 began frequent interactions by telephone. They would usually talk late at night, after Victim 1’s parents were in bed. The telephone calls became nightly, and often went on for 30-60 minutes. Victim 1 used a calling card, supplied by Infante, from his gym, to make calls to him.

Infante digitally penetrates Victim 1 (age 15)

In December 1991, or perhaps early January 1992, Victim 1 attended a gymnastics meet held at Thompson’s South Hadley, MA gym, in which Infante’s, DiTullio’s, Thompson’s, and a fourth coach’s gymnasts participated. There was a sleepover at the meet, in the gym, and Infante arranged for him and Victim 1 to sleep next to each other, on the “spring floor.” Victim 1 initially wore long flannel pajamas, but Infante told her to go change, because they covered too much of her. Victim 1 changed into boxer shorts and got into a sleeping bag. Infante unzipped the sleeping bag, put his hand down Victim 1’s boxer shorts, and put his finger inside Victim 1’s vagina. The next day, Victim 1 told Infante that she felt like she wanted to throw up about what happened. Infante replied, “if that’s how you feel, then we should stop.”

After the digital penetration, the nightly telephone calls between Infante and Victim 1 become overtly sexual. Infante guided Victim 1 on how to masturbate, and instructed her to find objects to insert in herself. Infante also masturbated on the phone, and spoke to Victim 1 about it.

April 25, 1992: Infante has sexual intercourse with Victim 1 (age 15)

On April 25, 1992, Victim 1 attended a gymnastics meet held at Algonquin Regional High School, Northborough, MA. At the time, Victim 1 was recovering from an injury, and did not compete in the meet. Infante did not have any gymnasts in the event, but traveled up to attend it. While the meet was going on, Infante removed Victim 1 from the meet and took her to DiTullio’s Littleton, MA home. DiTullio, DiTullio’s wife, and his children remained at the meet.

In DiTullio's house, Infante took Victim 1 to DiTullio's and his wife's bed, and had sexual intercourse with her there. Afterwards, Infante took Victim 1 back to the meet.

Infante later told Victim 1 that they had almost been caught, that DiTullio's wife noticed that her bed had been disturbed and spoke to Infante about it. Infante told DiTullio's wife that he had met up with an old girlfriend at the meet, took the girlfriend to the DiTullios' house, and had sex with her on their bed. Infante told Victim 1 that he disclosed the truth to Stephen DiTullio about having sex with Victim 1 on his bed.

Summer 1992 Camp: Infante has sex with Victim 1 every night (age 15)

Victim 1 attended the gymnastics camp again during the summer of 1992, which was located that year at the Eaglebrook School, Deerfield, MA. Victim 1 slept with and had sex with Infante every night during that camp session. Other campers remember Victim 1 and Infante leaving the nightly activities together, earlier than other people, and saying they were going to bed.

Summer Camp: DiTullio and Infante provide alcohol to underage gymnasts

At the summer gymnastic camp sessions in the early 1990s, alcohol was frequently provided by Infante and DiTullio to teen-aged gymnasts during nightly activities. Both DiTullio and Infante purchased alcohol for junior counselors to drink, made alcohol available for junior counselors to drink, and were present when junior counselors consumed alcohol. On many occasions, the alcohol drinking was followed by sex games, sexual touchings, and sex acts, involving senior counselors and junior counselors. DiTullio was a frequent participant in these sexual activities with gymnasts.

Fall 1992: Infante travels to MA for frequent sex with Victim 1 (ages 15-16)

In the fall of 1992, including before Victim 1 turned 16 in late October, Infante traveled to Massachusetts approximately twice a month to have sex with Victim 1. At least twice, and before Victim 1 was 16, Infante met her at DiTullio's house and took her to the Town Crier

Motel in Westminster, MA, where they had sexual intercourse. Infante instructed Victim 1 to lie about what they were doing and where they had been. Infante repeatedly told Victim 1, “just keep lying.”

Infante made other visits to Massachusetts to have sex with Victim 1 in the fall of 1992, occurring after her 16th birthday, but prior to age 16.5, when Victim 1 became able to drive. On those visits, Infante took Victim 1 to, and had sex with her at: a motel in Chelmsford; a hot tub business in Nashua, NH; the Gym Nest (DiTullio’s gym) in Acton, MA; the Pines Motel in S. Hadley, MA, where each room had a different theme (Victim 1 remembers staying in a room with a round bed with red velvet). On other occasions, Victim 1 would skip school when Infante drove up from Connecticut, and they would spend the day together, including having sex in Victim 1’s home in Chelmsford.

Victim 1 visits Infante at his CT home (age 16)

During April school vacation in 1993, before she was old enough to drive, Victim 1 spent the week with Infante at his Brookfield, CT home. Throughout that week, they had sex in Infante’s home and in his gym. Once she could drive, Victim 1 would drive to Connecticut to visit Infante, and for team meets. Infante had anal sex with Victim 1 in his gym and at his home (ages 16-17). Multiple gymnasts from DiTullio’s gym remember that on these trips to Connecticut, all the girls slept in one room, on the floor and on couches, except Victim 1, who slept with Infante in his bedroom.

Infante continues secret, sexual relationship with Victim 1 until age 21.

Infante repeatedly emphasized to Victim 1 the need for their relationship to stay secret. He frequently told Victim 1 that they would reveal their relationship when Victim 1 was age 18. Once she was 18, Infante said they would tell people when she was 21.

Infante impregnated Victim 1 when she was 17 years old. He waited until she turned 18 (late October 1994), then took her to a Stamford, CT abortion clinic, where she had an abortion

in late October, early November 1994. Infante arranged for payment for the abortion, drove her to the clinic and dropped her off, then picked her up afterwards.

VICTIM 2

Victim 2 (born in December 1976) grew up in Connecticut and began attending gymnastics at the Connecticut Gymnastics Center when she was age 7, continuing until she was about age 17. The gym was later renamed Olympia Gymnastics. Infante became her coach.

During her years at the gym, Infante frequently made inappropriate sexual comments, and often gave “wedgies” to the girls while spotting them on the equipment. Infante would also make inappropriate remarks while filming or reviewing videos with the team, on one occasion using slow motion and repeated playback to direct the team’s attention to the movement Victim 2’s breasts.

In approximately August 1993, when Victim 2 was age 16, she was sexually assaulted by Infante while sleeping overnight at DiTullio’s Littleton, MA residence. Victim 2 recalls she was 16, because she remembers Infante being age 36, and being disgusted by their age difference. This was the first of many sexual assaults committed by Infante against her, and was the only one she recalls occurring in Massachusetts.

The Massachusetts assault occurred while Victim 2’s team from Olympia Gymnastics was staying at DiTullio’s house, to compete against DiTullio’s team in a competition the following day. Victim 2 was sleeping in a sleeping bag on the floor with other team members in a “loft area” room. During the night, Infante came into the room and awakened Victim 2, telling her that he forgot his sleeping bag and asking if he could share hers. Victim 2 said she did not want to share her sleeping bag with him, and argued with him about some alternative places he could sleep. Infante ignored her protests, unzipped her sleeping bag, and got in the sleeping bag next to her. Shortly after getting into the sleeping bag, Infante took Victim 2’s hand and placed it down his pants, making her hand touch his penis. Victim 2 told Infante she did not want to touch

him, and she repeatedly pulled her hand away. Infante kept putting her hand back in his pants and stroking his penis with it.

Numerous other sexual assaults occurred by Infante against Victim 2 in Connecticut. These numerous other assaults occurred during the year that followed the Massachusetts incident. Frequently, Infante would pin Victim 2's arms up against a wall above her head and forcefully kiss her. She would tell him to stop, and would cry. On numerous other occasions, Infante touched her breasts, often removing her shirt or bra to do this. He also repeatedly tried to take her pants off, and on at least one occasion at his home put his hand down her pants and massaged her vagina over her underwear. She would always tell him to stop and physically resisted or pulled away. Infante would respond by telling her "I love you," and would not stop. When Victim 2 began crying or sobbing, Infante would sometimes stop, and repeat how much he loved her. On some occasions, when they were alone, Infante would tell Victim 2 he loved her and ask her, "what do you think of us?" Victim 2 always gave the same response: "Why don't you ask my parents?"

On one occasion, Victim 2, DiTullio, and Infante, as well as several others had gone on Infante's boat on Candlewood Lake, in Connecticut. They returned after dark, and after walking up to the parking lot, Infante told Victim 2 he had forgotten his car keys on the boat, and asked her to swim back to the mooring with him. The others left while Infante and Victim 2 returned to the boat. Once on the boat, Infante took her bra off and touched her breasts against her objections.

As the sexual assaults continued, Infante began segregating Victim 2 from her other teammates, not allowing her to train with them. After a while, he stopped allowing her to train with the team at all, and began making her attend private sessions with him, which he did not charge her parents for. By this point, Victim 2 had become afraid to be alone with Infante, and

would insist that her mother remain in the building during these private lessons. At some point, her mother asked Victim 2 whether Infante had ever molested her. Victim 2 denied it.

The sexual assaults remained a secret until Victim 2's freshman year in college, when Victim 2's friend told Victim 2 that a third woman was having a relationship with Infante. When Victim 2 heard this, she told her friend about her experiences with Infante, so that her friend could warn the third woman.

DITULLIO'S PERJURY

Multiple witnesses provided testimony to the grand jury that both Infante and DiTullio provided alcohol to junior counselors at the summer camp sessions, and were present when junior counselors consumed alcohol. Several witnesses provided evidence about sexual touchings that occurred after or when the alcohol was consumed. DiTullio testified under oath to the grand jury and denied having any knowledge of junior counselors drinking alcohol at camp in the early 1990s, and stated that such drinking never occurred in his presence.

Respectfully Submitted,
For the Commonwealth,

GERARD T. LEONE, JR.
DISTRICT ATTORNEY

by: _____

Michael Chinman
Assistant District Attorney
Child Abuse Division
21 McGrath Highway
Somerville, MA 02143
617-591-7700
BBO No. 553351

November 21, 2007