

11-81 Reports of Judicial Commissions

The Assembly moved to the consideration of reports of the several commissions. (Clerk's note: The text of the complaint in each case is presented first, followed by the report of the Judicial Commission, and the action of the Assembly.)

CASE 1

Complaint of TE Robert L. Reymond, et al., against Illiana Presbytery

Case 1 was presented by TE Roland S. Barnes, beginning with prayer.

Case 1: Complaint of Robert L. Reymond (TE), et al., against Illiana Presbytery (PCA)

We, the undersigned, do hereby complain against the Illiana Presbytery, convened in special meeting (*pro re nata*) on Monday, August 30, 1982, and Thursday, September 2, 1982, for failing to take what we deem to be appropriate actions prescribed by the *Book of Church Order*, 34-7, in dealing with a teaching elder under its jurisdiction.

The facts leading to this complaint are these:

Whereas, an *ad hoc* committee of Presbytery found a teaching elder guilty of violating the seventh commandment on a number of occasions throughout the summer of 1974, which finding was upheld by Presbytery; and

Whereas, the same committee found him in error for 'avoiding full restitution until recently,' which finding was upheld by Presbytery; and

Whereas, Presbytery at the special meeting, in addition, found him in violation of the ninth commandment in failing to disclose this 1974 offense to Presbytery in 1976 when he was under investigation for and subsequently found guilty of transgressing the seventh commandment with another woman in 1973, which offense resulted in a two-month suspension in 1976; and

Whereas, Presbytery at the special meeting, in addition, found him in violation of the ninth commandment in not keeping lawful promises inasmuch as he violated his sixth and seventh ordination vows; and

Whereas, Presbytery at the special meeting, in addition found him in violation of the tenth commandment in that it expressly forbids coveting one's neighbor's wife; and

Whereas, after finding him in violation of these several commandments for the stated reasons, Presbytery then, after defeating the motion to charge him with adultery,

- (1) finally charged him only with violating the ninth commandment in that he did not keep a lawful promise inasmuch as he violated the 6th and 7th ordination vows of the RPCEC FOG, in that he did not make full disclosure in the judicial proceedings of 1976 of an adulterous relationship in 1974 with a married woman, nor did he fully make restitution to the woman's husband until the summer of 1982; and then
- (2) in light of this greatly reduced charge which eliminates entirely the charge of the acts of adultery itself, took the following final action:

that the Reverend be admonished for not making full disclosure of facts relevant to a judicial process until recently, and for not paying prompt restitution to the injured husband. And in the light of the seriousness of this and other past matters that the Presbytery requires the Reverend to reconsider his call to the ministry through counsel with a committee of Presbytery;

Therefore, we do hereby complain against this reduction of charges from the original findings and the final action of Presbytery, and respectfully petition General Assembly to redress this miscarriage of justice by directing Illiana Presbytery

- (1) to include within its charges all the violations which it found the offender to be guilty of, specifically, the 1974 acts of adultery, and
- (2) to take such action against the offender as is commensurate with the expanded charges, specifically, that prescribed by the *Book of Church Order*, 34-7.

Respectfully submitted,
ROBERT L. REYMOND, TE
W. HAROLD MARE, TE

ADJUDICATION OF CASE 1

I. STATEMENT OF FACTS

1. A teaching elder of the Illiana Presbytery confessed to sin of adultery to a member of Presbytery.

2. An Ad Hoc committee of Presbytery was assigned to 'investigate the matter'.
3. A special meeting of Presbytery was called for August 30, 1982, 'to consider judicial process regarding' the teaching elder.
4. The minister was not charged with the offense to which he confessed.
5. The minister, however, was charged with, and confessed to serious violations of the 9th commandment with respect to his violation of the 7th commandment.
6. The Presbytery, having charged the teaching elder only with violations of the 9th commandment, rendered the following judgment:
 - a. That he be admonished for violations of the 9th commandment.
 - b. That he be required 'to reconsider his call to the ministry through counsel with a committee of Presbytery'.

II. STATEMENT OF THE ISSUES

1. Why was the Teaching Elder not charged with the offense to which he confessed?
2. Did the Teaching Elder's offenses require a more severe censure than that administered by the Presbytery?

III. JUDGMENT OF THE CASE

It is therefore ordered, adjudged, and decreed by the Commission that the complaint of TE Robert L. Reymond, *et al.*, against Illiana Presbytery, PCA, be sustained in all its parts.

1. Item 1 of the complaint was sustained. Complaint that Illiana Presbytery failed to take appropriate action prescribed by the *BCO*, 34-7 in dealing with a teaching elder under its jurisdiction. *Adopted*
2. Item 2 of the complaint was sustained.
Complaint against this reduction of charges from the original findings and final action of Presbytery,'

It is also ordered, adjudged and decreed by the commission that the case be sent back to Illiana Presbytery for a new trial. *Adopted*

IV. EXPLANATION

1. The Teaching Elder confessed to sins which were not taken into consideration in the Presbytery's judgment.
2. Even though the charge of adultery was not considered, the censure of the Presbytery was not commensurate with the gravity of the offences with which he was charged.

V. RECOMMENDATION

In light of the fact that the record of the case contained many inconsistencies in the application of the *BCO*, Part II, Rules of Discipline, we direct the Presbytery to carefully follow the procedures set forth in the *BCO* for the orderly conduct of proceedings. *Adopted*

RONALD S. BARNES, CHAIRMAN
G. BRENT BRADLEY, SECRETARY

CASE 7

Complaint by Stark Wilbor *et al.* against North Georgia Presbytery.

Case 7 was presented by TE Robert E. Hayes, who opened the report with prayer.

Case 7: Complaint by TE Stark Wilbor *et al.* against North Georgia Presbytery

This serves as a written notice of complaint against North Georgia Presbytery for approving and sustaining the theological examination of Mr. John Parrish at presbytery on January 15, 1983.