

**JUDICIARY BOARD
CHURCH OF GOD IN CHRIST, INC.**

IN RE: ECCLESIASTICAL TRIAL)	
)	
)	
OF)	
)	APRIL 2011
)	
BISHOP THOMAS L. HOLSEY, PRELATE OF THE DELA WARE JURISIDICITON)	ORDER 106-11
)	

ORDER

This matter comes before the Judiciary Board, (Supreme Court), on a Writ of Certiorari issued February 3, 2011 to Bishop Thomas L. Holsey, wherein he petitioned for a review of the Board of Bishops' January 27, 2011 Order suspending him as Bishop of Delaware and removing him as pastor of two churches.

Prior to any proceedings on this Petition, Counsel for all parties requested that they be allowed to jointly present a motion to the court which would render the Cert Hearing Moot; Counsel for the Board of Bishops, C. Edward Watson I, Counsel for the General Board, Enoch Perry III, and Counsel for Bishop Thomas L. Holsey, J. M. Bailey.

Counsel C. Edward Watson, presented an Order by the Board of Bishops issued April 11, 2011 rescinding the January 27, 2011 Order, declaring it to be null and void. Counsel J. M. Bailey asked that the Order be modified to include proper notice be sent to Bishop Holsey through his counsel not through Bishop Holsey.

The April 11, 2011 Order of the Board of Bishops decreed:

- "1. That the January 27, 2011 Orders of the Board of Bishops are hereby rescinded and declared to be null and void.
2. That the November 15, 2011 Order of The Board of Bishops shall remain in effect; and
3. That the Board of Bishops shall retain jurisdiction to enforce its Order of November 15, 2010. No other actions of the Board of Bishops shall be inferred or implied by the instant Order."

The Court considered the April 11, 2011 Order and found it to be proper and in order, and agrees that the Cert is no longer an issue.

Based on the language of the November 15, 2010 Order of the Board of Bishops and the indicated questions they raise, we hold that those stipulations listed below be reviewed for purposes of clarification.

STIPULATIONS

1. Calls for a two year "Probationary Period".
 - What specific criteria and precise guidelines are in place?
2. Self Evident
3. That no decision regarding, concerning or impacting financial matters will be performed by Bishop Holsey ...
 - Who, then, is to establish the vision and direct/conduct the affairs of the Jurisdiction during the "Probationary Period"?
 - Is the Jurisdiction in a "Holding Pattern" for two years without a vision or implementable goals?

- What are the roles and responsibilities of each party?
 - What is the approval protocol Re: Bishop Holsey, Leaders, Trustees and the designated appointee of the Board of Bishops, or someone else?
4. " Board of Bishops will recommend to the General Board that a Representative of the Board of Bishops be allowed to observe and advise Bishop on all actions to be taken ... "
- In the interest of Justice, stipulation 4 does not allow for such function of the Board of Bishops to be "Deferred" to the Plaintiff. Plaintiff's self interest precludes the guarantee of complete objectivity.
5. " During the Probationary Period" ... must gain the following and support ... "
- What are the specific guidelines?
 - What is meant by support?
 - Is it a simple majority or some other percentage?
 - What is the time frame?
 - Is it at the end of the two year "Probationary Period" or another intervening time?
 - Will there be a vote taken on a date certain or will there be some other means to make the determination? If by vote, who will be allowed to vote?
6. " Within three years Bishop Thomas L. Holsey must repay all unaccounted for monies. Bishop Holsey shall immediately provide to the General Board all Bank Statements "
- Can this be accomplished without an external audit in conjunction with a newly elected Trustee Board and the Board of Bishops' designated representative working cooperatively with Bishop Holsey to gather the requested information?
 - In any civil action, would not an "independent" audit or investigation be required? Should anything less be required of the church?

7. "In the spirit of Spiritual Episcopal Restoration, an Episcopal Development Plan will be devised and formulated "
 - Now almost one quarter of the way through the Probationary Period, has an Episcopal Restoration Plan been developed and implementation begun with Bishop Holsey?
 - Does the plan contain goals that are clearly stated and measurable?
8. " Bishop Holsey will indemnify and hold harmless the Delaware and the National Church ... :'
 - Have all necessary documents been executed to satisfy this stipulation?
9. " ... Bishop Thomas L. Holsey and his counsel shall sign this Order ..."
 - There is no evidence that Attorney Bailey has signed the November 15, 2010 Order.
 - Will proper signatures be obtained?

IT IS HEREBY ORDERED THAT:

- A. The court grants the Motion by the Board of Bishops and for reasons stated above, The January 27, 2011 Order of the Board of Bishops is vacated, and the case is remanded to the Board of Bishops for further review, clarification and implementation.
- B. The parties shall comply with the terms of the Board of Bishops Order entered into on November 15, 2010 with the following modifications:

- The Board of Bishops shall retain jurisdiction to enforce its order (clarified) of November 15, 2010. *Article VIII Sec. A. Sub lj.*

- Bishop Thomas L. Holsey is placed back under the auspices of the Board of Bishops to monitor, counsel and advise him during the Probationary Period.

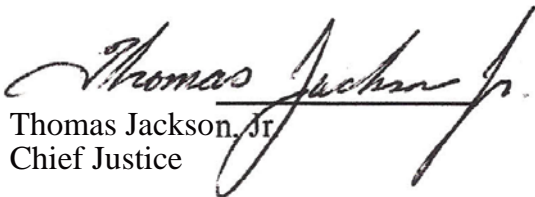
- The Board of Bishops shall observe Proper Notice Protocol to all parties.

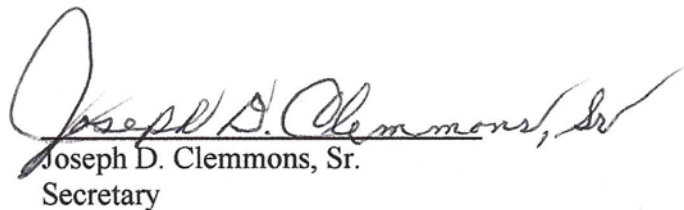
C. The court retains jurisdiction for the purpose of ensuring the terms of the November 15, 2010 Order with the above modifications by this court are carried

3. out. *Article VIII - Judiciary Board Duties P 7.*

DATED: April 12, 2011

Official:


Thomas Jackson, Jr.
Chief Justice


Joseph D. Clemmons, Sr.
Secretary