

BEFORE THE BOARD OF BISHOPS
OF THE CHURCH OF GOD IN CHRIST, INC.

IN RE COMPLAINT OF GABRIELLE D. BILAL §
AGAINST BISHOP RUFUS KYLES, JR., TEXAS §
SOUTHEAST FIRST ECCLESIASTICAL §
JURISDICTION OF THE CHURCH OF GOD §
IN CHRIST, INC. §

MOTION FOR STAY OF JUDGMENT EXECUTION PENDING APPEAL

COMES NOW, Counsel for Respondent and files this *MOTION FOR STAY OF JUDGMENT EXECUTION PENDING APPEAL*, and in support thereof, submits the following:

RELEVANT PROCEDURAL HISTORY

- 1) On November 6th, 2015 following a three day adjudicatory hearing and trial, beginning on November 4th, 2015, the Board of Bishops of the Church of God in Christ found that the Complainants prevailed on Counts 1 and 2 of the Statement of Alleged Violations.
- 2) The Board of Bishops then “*determine[d] by a majority vote after deliberations that the penalty assessed to Bishop Rufus Kyles is that it will recommend to the General Board that he be removed from the office of a Bishop of the Church of God in Christ.*”
- 3) On November 10th, 2015, counsel for Bishop Rufus Kyles filed a Notice of Appeal with the Board of Bishops and the Judiciary Committee of the Church of God in Christ with service to the prosecuting attorneys.
- 4) On or about November 14th, Bishop Kyles received notice that Bishop Brandon Porter will be meeting with the local members of Evangelist Temple COGIC for a “State of the Church” meeting.

- 5) During the pendency of this matter, Bishop Brandon Porter has been operating as interim pastor of Evangelist Temple COGIC and as Bishop of the Texas Southeast First Ecclesiastical Jurisdiction.
- 6) Bishop Kyles is under the belief that this meeting will operate as execution of the Board of Bishop's recommendation for removing Bishop Kyles as Pastor of Evangelist Temple COGIC and as Bishop of the Texas Southeast First Ecclesiastical Jurisdiction.

ECCLESIASTICAL AUTHORITY, FEDERAL AUTHORITY AND ANALYSIS

Article VIII, § D paragraph 2 (1) of the constitution of the Church of God in Christ (“COGIC Constitution”) provides appellate remedies for Bishops accused and found guilty of an offense. *“Notice of Appeal by a Bishop to the General Assembly shall be in writing and shall be filed in the office of the General Secretary within thirty (30) days from the date of the decision of the Board of Bishops.”*

On November 6th, 2015, the Board of Bishops found that the aforementioned complainant prevailed on Counts 1 and 2 of the Statement of Alleged Violations brought against Bishop Rufus Kyles, Jr. On November 10th, 2015 Bishop Kyles, by and through his counsel of record filed a Notice of Appeal with the General Secretary, the Board of Bishops and the Judiciary Committee of the Church of God in Christ with service to the prosecuting attorneys.

The Federal Rules of Criminal Procedure (“FRCP”) 62 § (d) provides that “[i]f an appeal is taken, the appellant may obtain a stay by supersedeas bond, except in an action described in Rule 62(a) (1) or (2). The bond may be given upon or after filing the notice of appeal or after obtaining the order allowing the appeal. The stay takes effect when the court approves the bond.”

Here, there was no monetary judgment recommended by the Board of Bishops in its “Final Order and Judgment.” Therefore, a supersedeas bond is not necessary. However, here Bishop Kyles filed a timely Notice of Appeal with the General Secretary of the Church of God in Christ. Due process affords that an accused shall have the right to appeal his judgment and that during pendency of that appeal, the accused shall have no meaningful interference with his liberty or his property.

Less than ten days after Bishop Kyles filed his notice of appeal, execution on the Board of Bishop’s judgment has been initiated. Bishop Kyles has not had an opportunity to file his appeal seeking relief, which is an effective denial of the due process afforded him through the COGIC Constitution.

CONCLUSION

WHEREFORE PREMISES CONSIDERED, Counsel for Respondent respectfully requests that any and all activities connected with execution of the judgment issued by the Board of Bishops by recommendation be halted, stayed and abated until after full and complete appellate procedures have been exhausted.

Respectfully submitted,

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