

Moses Tyson, Jr.
2701 Tulumne St
Vallejo, California 94589
(704) 648-3090
mosesttysonjr@hotmail.com

July 19, 2021

Bishop Joel H. Lyle Jr.
General Secretary
Church of God in Christ, Inc.
930 Mason Street
Memphis, Tennessee 38126
jlyles@cogic.org

Bishop Jerry Maynard
Vice-Chairman: General Assembly
Church of God in Christ, Inc.
1115 Lochland Drive
Gallatin, Tennessee 37066
maynard202@comcast.net

Via Electronic Mail

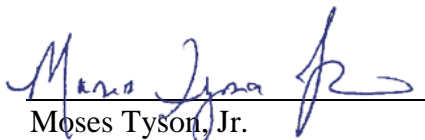
Greetings in the name of our Lord and Savior Jesus Christ,

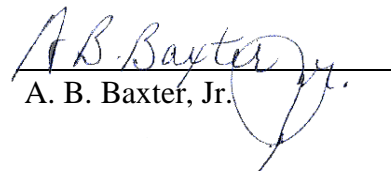
Enclosed you shall find Complainants Petition of Official Charges pursuant to Article VIII-Judiciary Board, Duties, ¶ 10 of the Church of God in Christ Constitution.

We are filing this petition in response to the violations of the Constitution by Bishop Lemuel F. Thuston, Chairman of the General Assembly of the Church of God in Christ, Inc.

Pursuant to Article VIII—Judiciary Board, Duties, ¶ 10, Vice—Chairman Bishop Jerry Maynard, the person elected to stand when the chairman cannot is to be the person to whom this case is to be presented to.

“...The Judicial council of the General Assembly shall be the trial court for the trial of the chairman, presided over by a temporary chairman elected by the General Assembly....”
(Excerpt from paragraph 10)


Moses Tyson, Jr.


A. B. Baxter, Jr.

Encl:

Cc: Bishop Lemuel F. Thuston

**GENERAL ASSEMBLY
JUDICIAL COUNCIL
OF THE
CHURCH OF GOD IN CHRIST, INC.**

PASTOR MOSES TYSON, JR. AND
ELDER A.B. BAXTER, JR.

COMPLAINANT(S)

VS

BISHOP LEMUEL F. THUSTON

RESPONDENT

Case Number: _____

**PURSUANT TO ARTICLE VIII,
JUDICIARY BOARD, DUTIES, ¶ 10**

COMPLAINANTS PETITION OF OFFICIAL CHARGES

Come Now Pastor Moses Tyson, Jr. and Elder Alonzo B. Baxter, hereinafter referred to as the Complainants; delegates to the General Assembly of the Church of God in Christ, and files this herein petition against Bishop Lemuel F. Thuston; Chairman of the General Assembly of the Church of God in Christ, Inc. with headquarters in Memphis, Tennessee and alleges and states as follows;

Bishop Lemuel F. Thuston, hereinafter referred to as the Respondent, did violate the rules and regulations of the Constitution of The Church of God in Christ, Inc. as follows:

Brief

On April 11, 1991, the General Assembly created a third branch of government, and entrusted to this new branch the totality of its adjudicatory duties with the exception of those elected to the General Board, Judiciary Board, General Assembly Chair and Vice-Chair and other elected national officers. These three branches consist of;

The Legislative Branch—General Assembly

The Executive Branch— General Board

The Judicial Branch—Judiciary Board (Supreme Court)

Each branch has specific powers and responsibilities set forth by the constitution of the Church of God in Christ. When one branch shirks its constitutionally mandated duties or encroaches upon the duties of another branch, it handicaps the body which then ceases to function as it was designed. When the General Assembly is weak, it creates a void which the Executive branch will rush to fill. When the Judicial Branch is compromised, it ceases to protect all members regardless of title.

The Chairman of the General Assembly is an “Executive” of the General Assembly. A requirement of the chair is to carry out the will of the General Assembly, not for the General Assembly to carry out the will of the Chair.

Under Article VIII, Term of Office, 3 B (2), after receiving the charges from the General Secretary, the chairman is charged with appointing an investigating committee to ascertain if the charges have merit. Respondent has purported to forward charges to a standing committee which he calls the Judicial Council Committee of which no record exist that the General Assembly created such a committee.

The following list shows the

- Failure to move forward charges against General Board member Bishop Brandon Porter brought by members of Williams Temple COGIC. (Nonfeasance)
- Exerting undue influence upon proceedings and acting as the court administrator in the Hines vs Gaylord trial. (Malfeasance)

- Failure to allow charges filed by Justice Jonathan Saffold, Jr. against Judiciary Board members; Chief Justice Martin Luther Johnson, and Secretary Associate Justice Peter Davis to move forward. (Nonfeasance)
- Failure to adhere to the Orders and directives of the Judiciary Board per an Injunction in place four years. (Nonfeasance)
- Failure to allow charges filed by Complainant and Elder Ronald Stidham against Judiciary Board members; Chief Justice Bishop Martin Luther Johnson, Vice-Chair Bishop Enoch Perry, III and Secretary Associate Justice Peter Davis to move forward. (Nonfeasance)
- Respondent has usurped the authority of the General Assembly and continues to operate the Judicial Council Committee as a standing committee without authorization from the General Assembly. (Malfeasance)

To quote the former Presiding Bishop from the book, *Why I Stood For The Defense in Orlando*; “The one responsible for upholding the constitution of the church is the foremost transgressor thereof.”

Count I

Misfeasance:

The improper performance of an act which a person may lawfully do. “Nonfeasance” means the omission of an act which a person ought to do; “misfeasance” is the improper doing of an act which a person may lawfully do; and “malfeasance” is the doing of an act which a person ought not to do at all.

{Black’s Law Dictionary 6th Edition}

At the behest of the former General Assembly chairman Bishop J. W. Hunt, the Resolution Committee put forth a resolution to create a standing committee called the Judicial Council Committee. This resolution was tabled in the November 2014, General Assembly session¹; this resolution has not been adopted. New cases require the appointment of another committee. Respondent continues to utilize a committee which is not authorized by the General Assembly. Without the approval of the General Assembly, the Chair cannot approve nor continue to operate an unsanctioned committee². This violates the General Assemblies directives found in Article VIII—Judiciary Board, Term of Office, 3, B (2-3) to appoint an Investigating Committee and if the charges filed have merit, appoint a Judicial Council. Respondent has a duty to verify the status of the committees which operate under his direction, this improper performance of Respondents duties is an act of Misfeasance.

Count II

Malfeasance:

Is a wrongful act which the actor has no legal right to do, or any wrongful conduct which affects, interrupts, or interferes with performance of official duty, or an act for which there is no authority or warrant of law or which a person ought not to do at all, or the unjust performance of some act, which party performing it has no right, or has contracted not, to do.

{Black’s Law Dictionary 6th Edition}

¹ Exhibit 1, page 4 of the document

² A standing committee must be constituted by name (a) by a specific provision of the bylaws or (b) by a resolution which is in effect a special rule of order and therefore requires for its adoption either previous notice and a two-thirds vote or a vote of a majority of the entire membership, if any of the following conditions are to apply:

- if the committee is to have standing authority to act for the society on matters of a certain class without specific instructions from the assembly;
- if all business of a certain class is to be automatically referred to the committee; or
- if some other rule of parliamentary procedure is affected by the committee's assigned function.

RONR 11th Ed.

At the trial of the case Gaylord vs Hines, held September 17, 2018, Respondent did that which he had no legal right; he conducted himself as the administrator of the court. Respondent decided who was able to be a representative for Complainant Jocelyn Gaylord.

Sister Gaylord requested Complainant Moses Tyson, Jr. and Elder A. B. Baxter serve as her representatives' at said trial. Both Moses Tyson, Jr and A B. Baxter, Jr. are members of the Church of God in Christ and delegates to the General Assembly.

On the first day of the trial, Complainant Moses Tyson, Jr was told he could not go into the room, per Bishop Thuston, no reason was given. The same security person returned, said there was a miscommunication and Complainant was allowed to come in. Prior to the start of the proceedings, as those in the room were greeting each other, Complainant Tyson saw Bishop Hines and his wife sitting off by themselves. Bishop Hines and Complainant Tyson had worked together on the tribute album for Bishop G. E. Patterson which he produced and Bishop Hines led one of the songs. Complainant went over and sat with Bishop Hines and his wife and started talking with them. All of a sudden, one of Respondents workers came over and told Complainant that regrettably, Bishop Thuston had instructed them to tell Complainant he had to go. Even though he knew Complainants Baxter and Tyson had authorization from Sister Gaylord to represent her in the proceedings.

From Complainant A. B. Baxter: Bishop Thuston unilaterally decided who should represent Ms. Gaylord at the trial of Bishop Hines. This occurred after Ms. Gaylord had submitted an official document that Complainants Tyson and Baxter would represent her in all matters concerning this matter.

The Chairman also stated to Complainant Baxter, that the only reason he was allowed into the courtroom was because he personally approved him. Complainants were never given access to the case folder or discovery, the Chairman withheld discovery and other evidence from those Ms. Gaylord had requested to be her representatives.

These are acts of Malfeasance, Respondent does not have the constitutional authority to preside over the court once the Judicial Committee has been chosen and he relinquishes all authority over it.

Count III Nonfeasance

Nonfeasance:

Nonperformance of some act which person is obligated or has responsibility to perform; omission to perform a required duty at all; or, total neglect of duty. *Desmarias v. Wachusett Regional School Dist.*, 360 Mass. 591, 276, N.E.2d 691, 693. As respects public officials, “nonfeasance” is substantial failure to perform a required legal duty, while “malfeasance” is the doing in a wrongful manner that which the law authorizes or requires a public officer to do. *Schumacer v. State ex rel. Furlong*, 78 Nev.167, 370 P.2d 209, 211.

There is a distinction between “nonfeasance” and “misfeasance” or “malfeasance”; and this distinction is often of great importance in determining an agent’s liability to third persons. “Nonfeasance” means the total omission or failure of an agent to enter upon the performance of some distinct duty or undertaking which he has agreed with his principal to do; “misfeasance” means the improper doing of an act which the agent might lawfully do, or, in other words, it is the performing of his duty to his principal in such a manner as to infringe upon the rights and privileges of third persons; and “malfeasance” is a doing of an act which he ought not to do at all.

{Black’s Law Dictionary 6th Edition}

On October 31, 2016, Deacon Eric McAdams a member of Williams Temple church of God in Christ, Houston, Texas filed a complaint against General Board member Bishop Brandon B. Porter. Upon the death of Chairman James Hunt, Respondent was contacted by Deacon McAdams concerning the complaint.³

The duties of the chair to appoint and Investigating Committee is a mandate; to process the complaint is mandated by Article VIII. As of this date almost five years later, there has been no movement neither has there been any communication from Respondent.

This failure of Respondent to perform his constitutionally mandated duties is an act of Nonfeasance.

³ Exhibit 6

Count IV Nonfeasance

On June 14, 2019 a Judiciary Board Associate Justice, Jonathan Saffold, Jr. filed a Petition for Impeachment against Chief Justice Martin L. Johnson⁴ also of the Judiciary Board. This petition alleges several violations of the Code of Judicial Conduct, which is a part of the Charter and Constitution of the Church of God in Christ, Inc.

Respondent has not advanced these charges and there has not been any movement on this petition for two years. This failure of Respondent to perform his constitutionally mandated duties is an act of Nonfeasance.

Count IV Nonfeasance

On June 17, 2019 a Judiciary Board Associate Justice, Jonathan Saffold, Jr. filed a Petition for Impeachment against Justice Peter J. Davis⁵ Secretary of the Judiciary Board. This petition alleges several violations of the Code of Judicial Conduct, which is a part of the Charter and Constitution of the Church of God in Christ, Inc.

Respondent has not advanced these charges and there has not been any movement on this petition for two years. This failure of Respondent to perform his constitutionally mandated duties is an act of Nonfeasance.

⁴ Exhibit 2 Petition of Impeachment – Bishop Martin L. Johnson

⁵ Exhibit 3 Petition of Impeachment –Justice Peter J. Davis

Count V Nonfeasance

On September 10, 2019 Elder Ronald E. Stidham, a delegate of the General Assembly, filed a Petition for Impeachment against Justice Enoch Perry III, Vice-Chairman of the Judiciary Board.⁶ This petition alleges several violations of the Code of Judicial Conduct, which is a part of the Charter and Constitution of the Church of God in Christ, Inc.

Respondent has not advanced these charges and there has not been any movement on this petition for two years. This failure of Respondent to perform his constitutionally mandated duties is an act of Nonfeasance.

Count VI Nonfeasance

On August 21, 2019 Elder Moses Tyson, Jr and Elder Ronald E. Stidham, delegates to the General Assembly, filed a Petition for Impeachment⁷ against Bishop Martin L. Johnson, Chief Justice of the Judiciary Board. Elder Tyson alleges Bishop Johnson issued a ruling without the knowledge or consent of the majority of the members of the Judiciary Board even knowing details of the case. This petition alleges several violations of the Code of Judicial Conduct, which is a part of the Charter and Constitution of the Church of God in Christ, Inc.

Respondent has not advanced these charges and there has not been any movement on this petition for two years. This failure of Respondent to perform his constitutionally mandated duties is an act of Nonfeasance.

⁶ Exhibit 4 Petition of Impeachment – Bishop Enoch Perry, III

⁷ Exhibit 5 Tyson v Johnson Petition of Impeachment

Prayer of the Petition

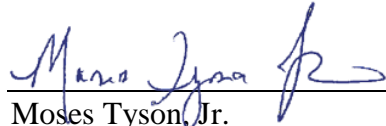
When Respondent became Chairman of the General Assembly on or around November 2016, Respondent has shown a propensity to interpret the Constitution of the Church of God in Christ, Inc. in a manner inconsistent with what is found in the four corners of the document.

The General Assembly has not been given the information needed to make informed decisions on the matters enumerated above.

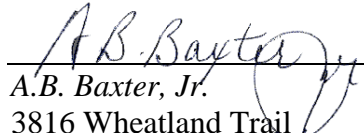
Complainants therefore pray Respondent be removed from office for the aforementioned constitutional violations.

“Let his days be few, And let another take his office.” (Psalm 109:8, NKJV)

The Complainants, Pastor Moses Tyson, Jr., and Elder A.B. Baxter, Jr. members of the Church of God in Christ, Inc., as Complainants in the above and foregoing Petition, affirm that the statements and allegations contained herein are true, and correct on this Monday, July 19, 2021.



Moses Tyson, Jr.
2701 Tulumne St.
Vallejo, California 94589
(704) 648- 3090
mosestysonjr@hotmail.com



A.B. Baxter, Jr.
3816 Wheatland Trail
Heartland, Texas 75126
(267) 784-2244
albaxterjr@aol.com

Church Of God In Christ, Inc.

General Assembly Summary Minutes
November 2014 Session

Complainants

Exhibit 1



Convened

November 10, 2014

The America's Center

Saint Louis, Missouri

Bishop James W. Hunt, Sr.
Chairman – General Assembly

Bishop Charles E. Blake, Sr.
Presiding Bishop

Bishop Joel H. Lyles, Jr.
General Secretary

**THE SUMMARY MINUTES OF THE
GENERAL ASSEMBLY**

NOVEMBER SESSION – 2014

Before calling for a recess, Chairman Hunt allowed Bishop Macklin to make an announcement regarding Laity contributions and called for Bishop Brooks who gave an update on the progress of the Lelia Mason Project along with a video presentation. Chairman Hunt then called for a recess until 5:00 p.m.

Monday, November 10, 2014 (Evening Session – 5:00 p.m.)

The evening session was opened by Chaplain Ferrell with a scripture reading (Galatians 2:20). Mother Lee Van Zandt led the delegation in songs of praise. Chaplain Ferrell presented Bishop Harvey Lewis to share words of wisdom. Prayer was offered by Supt. Amos Kemper. The Old Testament Scripture (Psalm 133:1-3) was read by Supt. W. C. Kenan and the New Testament Scripture (Mark 16:14-20) was read by Mother Shirley Wooten. Chaplain Ferrell presented the Vice-Chairman, Bishop Lemuel Thuston, who called for Bishop Lawson and the Credentials Committee to certify the House. At 5:45 p.m. on November 10, 2014, Bishop Lawson certified the House with 741 delegates. Bishop Thuston then called for the report from the Presiding Bishop and General Board.

Presiding Bishop Charles E. Blake, Sr. congratulated Chairman Hunt on his election as Chairman and thanked God for the unity and support displayed within the life of the Church. Bishop Blake called for Bishop Roy L.H. Winbush, Secretary of the General Board for the Report. Bishop Winbush was joined by Bishop Frank O. White, Assistant Secretary of the General Board. Bishop White gave a list of the funerals of bishops from September 2013 – November 2014. Bishop White noted that the report of the General Assembly Committee on Standards and Extensions regarding Kansas Central and Washington Northwest Jurisdictions agreed with the recommendations of the General Board.

Bishop White presented a Resolution, Reaffirming COGIC's Stance against Same Sex Marriage (*see Attachment D*). He also presented another resolution dealing with the change in the status of Judiciary Board Members (*see Attachment D*). Bishop Winbush moved for ratification of the report. The Motion received a proper second.

Chairman Hunt asked that Bishop Malcolm Coby, Chair, The Standards and Extensions Committee, to speak to their report. Mother Mildred Colby summarized their report (*see Attachment E*) by stating the Committee concurred with the General Board to create a new jurisdiction in Washington and to continue the Kansas Central Jurisdiction. Chairman Hunt asked for ratification of the actions of the Board regarding the aforementioned jurisdictions. After a proper second, there was some unreadiness. Superintendent Gray from Seattle Washington disagreed with the report of the Committee on Standards and Extensions. After some clarity was given by Bishop Jerry Macklin, the question was called, the MOTION CARRIED.

Chairman Hunt called for the question to ratify the actions of the General Board. There was some unreadiness. After some brief conversation, Chairman Hunt noted the actions of the General Board regarding the Ferguson, Missouri crisis. It was also recommended that the Presiding Bishop's statement regarding Ferguson be included in the General Assembly Minutes. (*See Attachment D*). The Assembly applauded the Presiding Bishop and General Board regarding those actions. Bishop Hunt called for the question, the MOTION CARRIED.

Chairman Hunt noted that the resolutions presented by the General Board should be dealt with separately and that they should submit the resolution to the Resolutions Committee. He noted that the resolution presented by the General Board on Same Sex Marriage was an excellent document and urged delegates to commend the Presiding Bishop and General Board on the stance taken. Chairman Hunt asked that the Resolution Against Same Sex Marriage be read again for clarity. Bishop Frank O. White read the resolution and Bishop Winbush moved for its adoption. After a proper second, the MOTION CARRIED.

Chairman Hunt noted that the Constitution allows members of the Judiciary Board to serve seven (7) year terms. He noted that the intent of the Constitution is to keep members of the Judiciary Board out of politics and noted that it is the only body whose members have term limits. He further noted that Judiciary Board members (once elected) do not represent the house from which they were recommended, but the General Church. Chairman Hunt then asked that the Resolution regarding the Judiciary Board be read again for clarity. Bishop Frank O. White read the Resolution and Bishop Winbush moved for its adoption. After a proper second, there was some unreadiness. Several delegates expressed their unreadiness. Chairman Hunt called the question, the MOTION CARRIED.

Bishop Hunt noted that as Chairman of the General Assembly, he is required to send out an Investigating Committee to investigate charges filed against any elected official. He asked the Parliamentarian to read the section of the Constitution that details filing charges against elected officers. After the reading, Chairman Hunt noted that as Chairman, he is not comfortable with constituting the Investigating Committee or the subsequent Judicial Council members necessary to try cases if warranted.

Chairman Hunt asked Dr. Diana Banks and the Resolution Committee to present a resolution that deals with formulating a Standing Judicial Council to handle petitions against elected officers (*see Attachment F*). A motion was offered to adopt the resolution. After a proper second, there was much unreadiness. After discussion regarding the resolution, the MOTION FAILED.

Chairman Hunt called for Bishop Dwight Walls and the Report of the Trustee Board. Superintendent Melton Timmons gave a summation of the actions of the National Board of Trustees from April 2014 - November 2014 (*see Attachment G*) and moved for ratification of their actions. After a proper second, there was some unreadiness. After hearing the unreadiness the MOTION CARRIED.

Trustee Josephus Shepherd presented the Budget for April 1, 2015 – March 31, 2016 and moved for its adoption. (*See Attachment H*). After a proper second, there was some unreadiness. Presiding Bishop Charles Blake questioned which budget was being presented. It was reported that the budget of the General Board was being presented. Discussion ensued regarding the budget.

Bishop David Screven offered a motion that the \$308,000 as requested by the General Assembly for its 2015-16 operating budget be approved as opposed to the allocated \$200,613. Presiding Bishop Blake recommended that the budget not be changed, however, conceded to the request of the General Assembly. Chairman Hunt called for the question to approve the budget, the MOTION CARRIED with the necessary change to the General Assembly budget.



JUSTICE JONATHAN SAFFOLD, JR.
6716 N. Atwahl Drive
Glendale, WI 53209

June 14, 2019

PETITION FOR IMPEACHMENT

VIA E-MAIL

Bishop Joel H. Lyles,
General Secretary of General Assembly
Church of God in Christ

VIA E-MAIL

Justice Peter Davis
Secretary, Judiciary Board

Pursuant to the procedures filing and handling charges set forth in Article VIII of the Constitution of the Church of God in Christ, please accept for filing the following attached/enclosed documents:

- Statement of Purpose
- Petition for Impeachment
- Attached Exhibits

This written petition specifically sets forth the charges and things complained of, with the appropriate copies filed by E-mail with the Secretary of the Judiciary Board.

The electronic signature below constitutes, a certificate that to the best of my knowledge, information and belief, there is good ground to support the charge and that the charge is not made for improper purpose, or to harass.

Very truly yours,

/Jonathan Saffold, Jr./
JUSTICE JONATHAN SAFFOLD, JR.

STATEMENT OF PURPOSE

When each judiciary board member took their oath, we promised to assure that the legitimately aggrieved members of the Church of God in Christ, Inc. are heard, that fairness prevails throughout the brotherhood, and that equal protection and due process are and continue to be the right of every Church member.

The people who voted for us did so with the belief and hope that we would discharge our responsibilities and duties with the utmost of respect and prayerful consideration to our God, the Constitution of the Church of God in Christ, and the people blessed and served by that Constitution.

Failure to responsibly discharge these responsibilities with the proper time, consideration and attention they require is not an option for me. If I was not going to faithfully discharge my duties, or for some unforeseen reason was unable to discharge my duties, I would (in respect to the laws of our church's Constitutional assembly) step aside/down and allow someone capable, able and willing, to do so. I've grown up under the doctrines of holiness and righteousness. Those Church of God in Christ principles mean something to me, and they will not allow me to look the other way.

Our Judicial records, orders and decisions must be able to stand and withstand the scrutiny of the American Justice and Judicial Systems. Upon reading our communications, any competent court representative or officer of the law should have the utmost respect for and even appreciation for our Godly and legal processes. We cannot afford to operate as if we are in some special protected and/or obscure '*bubble*'. We must conduct ourselves as responsible officers of the legal systems of our church.

As a church and legally responsible professional organization, we will be judged by our judgments; decided (upon) by our decisions; and evaluated by our evaluations. Therefore, with careful consideration and contemplation we must make judicial decisions and orders that are clear, equitable, fair and just, considering only the evidences presented within our court, ensuring that every litigant/client brought before this court has received their just hearing.

Those we lead must be able to believe in, respect and have confidence in this Judiciary Board, the Judicial process and how this Court integrally works within the framework of the entire National leadership system of our church.

The case concerning Bishop Kyles and all other cases we shall adjudicate are not the only ones on trial here; the Judiciary Board itself is on trial, several of the leadership of our church is on trial, and the church as a respected and viable entity in the world, is on trial. We must be integral and ethical in every possible way.

The scripture states that "*judgment must begin at the house of the Lord*". The world is certainly watching how we in the church are dealing with our internal conflicts and struggles. But more importantly, God will hold us accountable for the decisions and choices we make concerning ourselves, our colleagues, our brothers and sisters and all those we are called upon to serve.

At the 2019 April Call meeting, I arrived the first day at Mason Temple for an early meeting. The entire sanctuary was empty, except for two mothers. Those mothers were looking for the perfect seat in the house where they would have a clear view of Chairman Thuston and the Presiding Bishop in the meeting of the General Assembly. The picture I snapped of them from behind in the empty auditorium was time stamped at 7:34 a.m. The General Assembly meeting was scheduled to start at approximately 11 a.m. I am motivated by the commitment, trust and confidence those two Mothers have placed in us to uphold the high standards of our church.

It is with these and other thoughts in mind that I present the following charges set forth in this petition.

Justice Jonathan Saffold, Jr.

IN RE: PETITION FOR IMPEACHMENT)
)
OF)
)
CHIEF JUSTICE MARTIN L. JOHNSON)

PETITION FOR IMPEACHMENT

- Code of Judicial Conduct, Canon (s) 2, A and B, and 3, C, 1, (a). Article VIII, Duties
- Paragraph 15 (“Conflicts of Interest”)
- Violation of Equal Protection & Due Process Rights of Delegates

¹ An explanation of “why” Petitioner has filed this Petition is attached to the cover letter and provided in the Statement of Purpose, attached hereto as Exhibit A.

I. SUMMARY OF CHARGES

Chief Justice Johnson and Secretary Peter Davis² have used their Judicial offices to engage in an on-going course of conduct that has:

- 1) Deceitfully concealed conflicts of interests in matters adjudicated by the court;
- 2) Suppressed & made false statements regarding the existence of pleadings and official correspondence filed by Appellants;
- 3) Compelled the issuance of Final Orders knowingly with incomplete and inaccurate information;
- 4) Failed to carry out adjudicative responsibilities;
- 5) Intentionally disregarded Article VIII accountability provisions requiring written findings of facts and conclusions of law (written legal opinions) to accompany judicial orders;
- 6) Modified and misapplied Article VIII standards of adjudication;
- 7) Colluded with outside parties to influence a decision of the Judiciary Board;
- 8) Conspired to withhold and/or destroy official court records evidencing the allegations herein; and
- 9) Deprived parties of due process and a fair, timely and meaningful resolution of matters before the court.

II. COMPLIANCE WITH STANDARDS FOR FILING OF PETITION

Petitioner files this petition pursuant to the *Constitution*, Article VIII, Judiciary Board, Term of Office, paragraphs 3, B, 1 (a) & (b) which states the following:

(3) "A Judiciary Board member may be removed from office prior to the expiration of his term due to incapacitation, in competency (*sic*) or the commission of acts in violation of the Constitution of the Church of God in Christ".

(B) "Procedure for filing and handling charges".

(1) "A delegate in good standing of the Church of God in Christ having just cause to believe that a member of the Judiciary Board has committed an act repugnant to the Constitution of the Church of God in Christ may file a charge".

² Official charges are being filed against Secretary Peter Davis in a separate complaint, as well as a Petition for Disciplinary Action in the State of Alabama, wherein he is believed to be a practicing attorney and in violation of its ethical and Professional Responsibility Standards. Secretary Davis is included herein for clarity, as many of the actions described herein were done in tandem and are difficult to separate.

The Code of Judicial Conduct is a mandated addendum or addition to the Church of God in Christ, *Constitution*.³ This code was adopted in November 15, 1994, and is comprised of canons (rules, standards) which the justices are to comply with and adhere to in carrying out and performing their judicial duties, responsibilities.

"All justices should comply with this Code..." Compliance With The Code Of Judicial Conduct. *An Introduction to Biblical Apologetics for the establishment of the Judiciary Board*.

The Judicial Code, the Code of Judicial Conduct is a mandated addendum or addition to the Church of God in Christ, *Constitution*. The Judicial Code, hereinafter referred to as the Code of Judicial Conduct was adopted in November 15, 1994, and is comprised of canons (rules, standards) which the justices are to comply with and adhere to in carrying out and performing their judicial duties, responsibilities.⁴

III. STANDARD OF REVIEW

The standard of review to bring a member of the Judiciary Board to trial is "reasonable grounds." Article VIII, Term of Office, 3(B)(2)–(3). A Judiciary Board member may be removed from office prior to the expiration of his term for the commission of acts in violation of the Constitution of the Church of God in Christ. Article VIII, Term of Office, 3(A). The "Reasonable Grounds" standard of review is one of the lowest standards possible under the law. This is appropriate because of the high level of trust, confidence and responsibility the church has placed in the Judiciary Board. An Officer of the Judiciary Board must have the highest level of integrity, honesty and uncompromising adherence to strong moral, ethical and biblical principles

³ Article VIII, under subtitle, Organization and Procedure, provision three, mandates that it is the Judiciary Board who shall, with the approval of the General Assembly; prepare and keep in revision a Judicial Code which **shall be an addendum to the Constitution of the Church of God in Christ**" *An Introduction to Biblical Apologetics for the establishment of the Judiciary Board of the Church of God in Christ*, A Judicial Code Is Mandated, p. 1.

⁴ "All justices should comply with this Code..." Compliance with The Code of Judicial Conduct. *An Introduction to Biblical Apologetics for the establishment of the Judiciary Board*.

and values. A Judiciary Board member's conduct is held to an extremely high standard, which necessitates a lower threshold of review to ensure compliance.

This is not to be confused with much higher standards of proof like a "preponderance of the evidence", which requires a showing that a particular event is more likely than not to have occurred. The Reasonable Grounds standards is best described as similar to the "Credible Evidence" standard. Credible evidence is evidence that is not necessarily true but that is worthy of belief and worthy of a jury's consideration. Petitioner must only meet the "reasonable grounds" standard to advance this case to trial, under Article VIII.

IV. STATEMENT OF VIOLATIONS

COUNT 1:

CHIEF JUSTICE JOHNSON HAS DECEITFULLY CONCEALED CONFLICTS OF INTERESTS IN MATTERS ADJUDICATED BY THE COURT.

Chief Justice Johnson has concealed clear and blatant conflicts of interest in matters adjudicated by the Judiciary Board in violation of Article VIII, and the ethical Canons of virtually every federal and state court in this country. In May 2014, a case was filed against Bishop Rufus Kyles (hereafter "Appellant" or "Kyles"). No rules of procedure or timelines limiting the filings, consideration of motions or other pleadings were imposed on the parties by the Judiciary Board. As such, parties are free to file motions at any time prior to deliberation of a matter.

Several pleadings and motions were filed with the court in this case, including a dispositive motion filed by Appellant. This motion was pending before the Judiciary Board in the months prior to the 2019 April Call meeting. Appellant's motion was based largely on claims relating to alleged errors by the Board of Bishops in the application of Rules 5(f) and 7(c) in a final ruling made in its meeting at AIM in July 5, 2017.

The minutes from this same meeting of the Board of Bishops at AIM in Charlotte, North Carolina, dated July 5, 2017 (hereafter "BOB Meeting"), reveal that Chief Justice Johnson was a

participant in the discussion and deliberation of the Appellant's Rule 7C plea, as well as the determination of penalties and punishment to be imposed against Appellant. Please note, this is the same ruling made by the BOB that forms the basis for the appeal by Appellant to the Judiciary Board. An excerpt of the BOB Meeting minutes documenting Chief Justice Johnson's participation is included in Exhibit 7, pages 5-6 of the "Addendum to the Appeal from the Board of Bishops" filed and served with Bishop Lyle, the General Secretary for the Church of God in Christ, Chief Justice Johnson and Justice Peter Davis, Secretary (hereafter "the Appellant's Addendum").⁵

In reality, Chief Justice Johnson has participated in the prosecution, deliberation/penalty phase and as Chief Justice on the appeal of a decision that he participated in making. This is a clear violation of Article VIII, Paragraph 15 and Canon 3(C) set forth below.

ARTICLE VIII–JUDICIARY BOARD, DUTIES, ¶ 15

The Judiciary Board members shall refrain from all conflicts of interest which shall affect their impartial conduct of duty.

CODE OF JUDICIAL CONDUCT, CANON 3.

A Justice should perform the duties of his/her office impartially and diligently:

The judicial duties of a justice take precedence over all his/her other activities as pastor, district superintendent, district missionary, state supervisor, jurisdictional bishop, and national officers. His/her judicial duties include all the duties of his/her office prescribed by the constitution. In the performance of these duties, the following standards apply.

C. Disqualification.

A justice should disqualify himself/herself in a proceeding in which his/her impartiality might reasonably be questioned, including but not limited to instances where:

- (a) *he/she has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;*

⁵ An excerpt from the Minutes of Board of Bishops Meeting, July 5, 2017, Pages 5-6 (Appellant's Addendum), is attached hereto as Exhibit B.

Repeated attempts to reconcile this conflict of interest with Chief Justice Johnson have been made pursuant to our biblical mandate, including the following:

- (1) A Memorandum dated April 2, 2019 requesting that the Board address two (2) integrity/conflict of interest issues before taking any action in the Appellant's case⁶;
- (2) A "Demand & Order for Recusal", dated April 9, 2019, specifically detailing conflict of interest and breach of professional responsibility issues⁷;
- (3) Failed attempts to discuss the conflicts in telephone calls and conferences because it was not included as a specific agenda item (Explanation: not old business because never discussed; not new business because must be on the agenda to discuss);
- (4) Failed attempt to discuss in an official meeting during April call (refused to place the matter on the agenda); and
- (5) Attempt to resolve in a private meeting private meeting with Justices King, Perry, Davis and Johnson.

Chief Justice Johnson has refused to address, discuss or resolve the conflict in every attempt made by Petitioner to bring this matter to a peaceful close. In the third phase of Biblical resolutions of conflicts between brothers, Matthew 18:17 reads *"¹⁷ And if he shall neglect to hear them, tell it unto the church:"*. We are currently in this third phase of resolution, as Chief Justice Johnson has "neglected to hear them."

Moreover, Chief Justice Johnson threatened to have an Associate Justice and fellow Bishop removed from a meeting of the Judiciary Board by security for any further attempt to discuss, reveal or disclose the conflict prior to the final vote and disposition of the Appellant's case in that same meeting. The record and Final Order in the Appellant's case will confirm that Justice E. Charles Connor abstained from voting and removed himself from chambers because he

⁶Attached hereto as Exhibit C (Memorandum Dated April 2 discussing undisclosed pleadings & requesting a discussion regarding potential undisclosed conflicts of interest).

⁷ Attached hereto as Exhibit D is the Demand & Order for Recusal, April 9, 2019.

deemed the official vote to be flawed, illegal and an embodiment of Judicial Misconduct pursuant to Article VIII of the Constitution.⁸

COUNT 2:

**SUPPRESSED AND WITHHELD PLEADINGS AND OFFICIAL DOCUMENTS FILED
WITH THE COURT; FALSE STATEMENTS REGARDING THE EXISTENCE OF
PLEADINGS AND OFFICIAL CORRESPONDENCE**

Chief Justice Johnson and Secretary Davis have intentionally and deceitfully conspired to suppress an Addendum filed by Appellant to his pleadings. This illegal and unethical conduct has (1) deprived the Judiciary Board of an opportunity to consider all legal arguments in the deliberation of the Appellant's case, and in doing so, (2) further hid and concealed evidence of Chief Justice Johnson's involvement in the Kyle's case serving in multiple capacities and conflicting roles, as set forth above in Count 1. The "Addendum to the Appeal from the Board of Bishops" was filed with Bishop Lyles, the General Secretary for the Church of God in Christ, Chief Justice Johnson and Justice Peter Davis, Secretary, on or around March 23rd, 2019 (hereafter "the Appellant's Addendum").⁹

The conspiracy to conceal, mislead and deceive the Judiciary Board just prior to an important vote was carried out in at least three (3) ways. First, Chief Justice Johnson and Secretary Davis refused to distribute the Appellant's Addendum to the members of the Judiciary Board prior to an important deliberation by the Judiciary Board in the Appellant's case. Second, both Justices are on record denying the receipt and very existence of the Appellant's Addendum, even after multiple written and verbal requests for distribution of the Appellant's Addendum were made. (Judiciary Board meeting on Tuesday, April 2, 2019). Finally, Chief Justice Johnson used his position as meeting chair in adopting a process of deliberation that precluded any discussion of his conflicts of interest or the merits of the Amended pleadings by Appellant.

⁸ Attached hereto as Exhibit E is the Final Order to Vacate, dated April 10, 2019.

⁹ Attached hereto as Exhibit B.

The following items have been attached to this petition as evidence of delivery and receipt of the Appellant's Addendum, which Chief Justice Johnson and Secretary Davis continued to deny knowledge of and receipt, and have yet to distribute to this Board:

- Signed affidavits of service of the Appellant's Addendum to Justice Davis and Chief Justice Johnson¹⁰;
- Email confirmations of delivery to Chief Justice Johnson and Justice Davis¹¹; and
- An express acknowledgement of delivery by Justice Davis, Secretary of receipt of the Appellant's Addendum on March 25th, 2019.¹²

As a defense to his actions in the concealment of court records, Secretary Davis has emphatically stated on numerous occasions that any documents delivered to the court are "immediately forwarded to the Chief Justice for determination of what to do next." Of course, Chief Justice Johnson has repeatedly pushed the envelope back to the Secretary, stating that the "Secretary is the custodian of court records." As an alternative explanation, Secretary Davis has also stated that he "forgot" he had received the pleading, even though he sent a very cordial email to the sender confirming receipt.

The receipt and subsequent denial of the existence of the Appellant's Addendum is significant. Chief Justice Johnson and Secretary Davis took affirmative actions to make sure no one ever received the only document filed with the court that confirms Chief Justice Johnson's participation in the BOB meeting. Without that document, there is no other way to confirm Chief Justice Johnson's conflicting roles in this case.

The above facts detailing concealment were combined with, and related to, a blatant attempt by Chief Justice Johnson to quickly resolve the Appellant's case on an April 2nd conference call. After minimal discussion was cut short by Chief Justice Johnson, the vote for a Final Order was called and pressed by Chief Justice Johnson without distributing the Appellant's

¹⁰ See Affidavits of Service of Bishop Kyles & Ronald E. Stidham attached hereto as Exhibits F and G.

¹¹ Attached hereto as Exhibit G.

¹² See Exhibit G.

Addendum, even though he had it in his possession for at least a week. During that conference call, Chief Justice Johnson emphatically stated that the Judiciary Board was “in possession of all documents relevant and necessary to resolve this case.” The foregoing conduct is a clear violation of the following Constitutional Provision:

PERFORM THE DUTIES OF OFFICE IMPARTIALLY

B. Administrative Responsibilities.

(1) A Justice should diligently discharge his/her administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other justices and court officials.

CODE OF JUDICIAL CONDUCT, CANON 3.

COUNT 3:

**COMPELLED THE ISSUANCE OF FINAL ORDERS KNOWINGLY WITH
INCOMPLETE AND INACCURATE INFORMATION**

Chief Justice Johnson and Secretary Davis have demanded that the Judiciary Board deliberate and issue final orders based on inaccurate and incomplete information in violation of Canon 3, set forth below:

PERFORM THE DUTIES OF OFFICE IMPARTIALLY

B. Administrative Responsibilities.

(1) A Justice should diligently discharge his/her administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other justices and court officials.

CODE OF JUDICIAL CONDUCT, CANON 3.

In the meeting of the Judiciary Board on May 29th at the National Women’s Convention, Secretary Davis distributed a brief filed by Appellant prior to the commencement of the meeting. During that meeting, the Judiciary Board met ex-parte with the Board of Bishops in violation of the rights of Appellant, and then proceeded to call a vote on an Order in the same case. At no time was any discussion allowed or made of the pleading filed by Appellant. The motion and

accompanying brief, even though relevant to the issue being deliberated, was ignored in its entirety. When the issue was brought to Secretary Davis, he stated, Appellant's matter is now closed, and there would be no further discussion of the case. This is a blatant violation of the Canon 3(B)(1) set forth above, and has the effect of depriving appellants of due process promised in Article VIII.

Additionally, in the April 2nd conference call referenced in Count 2 above, the vote for a Final Order was called and pressed by Chief Justice Johnson without distributing the Appellant's Addendum, even though he had it in his possession for at least a week.¹³ Chief Justice Johnson emphatically and falsely stated that the Judiciary Board was "in possession of all documents relevant and necessary to resolve this case." This pleading, filed in or around March 25, 2019, has never been circulated to the Judiciary Board, largely upon information and belief, because it contains the only written evidence of Chief Justice Johnson's ethical and conflict of interest violation of Article VIII.

COUNT 4:

FAILURE TO CARRY OUT ADJUDICATIVE RESPONSIBILITIES

Chief Justice Johnson and Secretary Davis have used their elected positions to wrongfully control and censor information, and in ways that give the appearance of impropriety and bias in favor of one party over the other, in violation of the following provisions:

CODE OF JUDICIAL CONDUCT:

CANON 2. AVOID THE APPEARANCE OF IMPROPRIETY

A Justice should avoid impropriety and the appearance of impropriety in all his/her activities:

- A. A justice should respect and comply with the Church's constitution, amendments, by-Laws, and all appendices thereto and should conduct himself/herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.*

¹³ See Exhibit C (Memorandum Dated April 2 discussing undisclosed pleadings).

CANON 3. PERFORM THE DUTIES OF OFFICE IMPARTIALLY

B. Administrative Responsibilities.

- (1) *A Justice should diligently discharge his/her administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other justices and court officials.*

Chief Justice Johnson and Secretary Davis have made and enforced arbitrary rules to silence the opinions of Associate Justices. Specifically, Petitioner was not allowed to file a written opinion dissenting from the majority opinion in the Appellant's case. Secretary Davis deliberately set the deadline for filing of dissenting opinions at the same time the vote on the final order was taken. Petitioner pointed out to Justice Davis in telephone conversations, in writing, and in a meeting of the Judiciary Board that this is an obvious error.

Logistically, this policy poses two obvious issues. First, how can a dissenting opinion be filed at the same time the vote is taken on a final order? In other words, why would a Justice ever write a dissenting opinion on a matter that hasn't been put to a vote? Second, assuming my position does not prevail, how could a justice possibly know the legal reasoning, factual basis or standards used by the majority to support the final vote? In our meeting during April call, Chief Justice Johnson stated the deadline set by Justice Davis was inappropriate and that such a deadline has never been imposed in the past. He stated, "A dissent can always be filed with the General Secretary, whenever it's written."

In regard to the Final Order, the actual vote was taken, but the majority did not draft a written opinion or explanation of its finding of facts or conclusions of law used to formulate its opinion. As a result, Petitioner requested transcripts of the two prior meetings of the Board, which should have been distributed in the normal course of court procedure and operation. Despite repeated attempts to gain access to these records, including offers to bear the expense to have them transcribed for everyone, both Secretary Davis and Chief Justice Johnson refused to

provide these court records, stating they may be destroyed pursuant to a new policy they planned to adopt.

Petitioner was forced to write a dissenting opinion guessing the rationale of the majority. When Petitioner requested that Secretary Davis file the dissent with the General Secretary, he refused to do so stating it was now “too late”.¹⁴ Chief Justice Johnson recanted his earlier position and supported this decision by Secretary Davis.

COUNT 5:

INTENTIONAL DISREGARD OF ARTICLE VIII ACCOUNTABILITY PROVISIONS REQUIRING WRITTEN FINDINGS OF FACTS AND CONCLUSIONS OF LAW (WRITTEN LEGAL OPINIONS) TO ACCOMPANY JUDICIAL ORDERS

The Judiciary Board has the final say in matters of Constitutionality. To offset this tremendous power and responsibility, Article VIII requires accountability and transparency for decisions of the Judiciary Board. This accountability is achieved through the Article VIII requirements that findings of facts and conclusions of law accompany judicial decisions. Article VIII provides as follows:

Article VIII–Judiciary Board, Organization and Procedures, ¶ 1(a);

The chairman shall preside over all judicatory sessions. He shall also assign the task of writing the findings of facts and conclusions of law to one or more Judiciary Board members, or he may elect to write the facts and conclusions of law himself. The chairman shall also submit an annual report to the chairman of the General Assembly. This written report shall list all cases considered by the Judiciary Board that year and the Board’s disposition of each case.

Chief Justice Johnson and Secretary Davis have dispensed with the above Article VIII provision. This is evidenced by Secretary Davis’ bold statements on record on numerous occasions, with the agreement of Chief Justice Johnson, that the Judiciary Board has the power to make decisions with no obligation to explain itself. This newly adopted authority and practice by

¹⁴ See E-mail correspondence re Chief Justice Johnson & Secretary Davis denying right to file dissenting opinion attached hereto as Exhibit H.

this administration has promoted and contributed to the discord and confusion of the litigants on both sides of the cases.

For example, the uncertainty created by this practice has prompted Appellant to write briefs requesting the court dismiss the case in its entirety because he believed the unexplained order issued by the court was in his favor, but the Judiciary Board has somehow maintained that it was not in his favor without explanation. On the other hand, the Board of Bishops had to request a special meeting with the Judiciary Board seeking clarity for its unexplained decision. This practice is a breach of judicial duty and violation of Article VIII accountability provisions.

There are no court opinions filed by this court because there has never been enough discussion in any case to generate any findings of fact or conclusions of law.¹⁵ The lack of compliance with Article VIII is directly tied to the conduct and administration of the Chief Justice and Secretary. There is no identification of all the relevant issues or standard of review in our discussions. Deliberation is a free for all and a contest of who can talk the loudest and longest. In the end, the Chief Justice somehow makes a determination of who prevailed and asks that an order be drafted. There are no conclusions of fact. There are no conclusions of law. There are only decisions.

As an experienced attorney and active participant in every meeting, Petitioner has no idea concerning the rationale or justification for our decisions under this administration. Moreover, on this Board, a Justice could easily participate in the conference calls and deliberations through mere silence, never commenting, never reading any pleadings or briefs, never offering an opinion, reasoning or rationale. A Justice could theoretically simply flip a coin and cast a vote that counts every bit as much as a fellow justice who has taken the time to fulfill their duty to the office of

¹⁵ Transcripts of the Judiciary Board's meetings and deliberations may have been destroyed.

Associate Justice. There is no accountability. There are no stated standards. The administration of this court ensures there will never be time or opportunity to discuss difficult issues.

There is no legal basis offered, or written, for most opinions or decisions. There is no urgency or professionally reasonable sense of obligation to respond to official correspondence or requests of the Judiciary Board. As a result, things go unaddressed for prolonged periods of time. The Secretary functions more as the adjutant to the Chief Justice and cannot catalogue or keep track of official filings and correspondence to the court. We make most decisions based on no legal principles I am aware.

When Justice Johnson was elected “Chief Justice” in January, his first official statement to the Judiciary Board was a quote from 1 Kings 3:7, from Solomon when he replaced David as King: ⁷“Now, Lord my God, you have made your servant king in place of my father David. But I am only a little child and do not know how to carry out my duties”. Chief Justice Johnson stated, “Similar to King Solomon, I do not know what to do”. These prophetic words are truth, and have come to fruition.

COUNT 6:

MODIFIED AND MISAPPLIED ARTICLE VIII STANDARDS OF ADJUDICATION

The Judiciary Board is an appeals court. It has the power under Article VIII to determine the constitutionality of rules and procedures of the lower courts. If the Constitutionality of a rule is not at issue, then the Supreme Court must determine if the rules were followed. Chief Justice Johnson has misstated the role of the Judiciary in the judicial process and failed to articulate or apply the proper standards of review in violation of the following provision of Article VIII¹⁶:

PERFORM THE DUTIES OF OFFICE IMPARTIALLY

¹⁶ Clear examples of this are contained in the transcripts of our two meetings Chief Justice Johnson and Secretary Davis have refused to provide access and may have destroyed.

B. Administrative Responsibilities.

(1) A Justice should diligently discharge his/her administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other justices and court officials.

CODE OF JUDICIAL CONDUCT, CANON 3.

COUNT 7:

**COLLUDED WITH OUTSIDE PARTIES TO INFLUENCE A DECISION OF THE
JUDICIARY BOARD**

In the meeting of the Judiciary Board during the 2019 April Call meeting, a substantial amount of time was spent drafting and redrafting the final order in Appellant's case. The majority was in disagreement regarding the final wording of the opinion they had voted and approved.

There was growing frustration by Secretary Davis at the difficulty and time being spent revising the order. In a side meeting with the Chief Justice and Vice Chief Perry, Justice Davis emphatically and urgently stated, "Let's get this finished. The powers that be want this order done today!" Chief Justice Johnson then motioned Secretary Davis and Vice Chief Perry into a private room and closed the door for a private discussion.

In deliberations leading up to the April Call meeting, Chief Justice Johnson rushed the Board to in an uncharacteristic fashion and an unreasonable degree to make a decision in the Appellant's case, even though the Board did not have all relevant information to make the decision. A review of the audible transcripts will reveal an unmistakable and inexplicable urgency to get this matter concluded prior to April Call. The comment by Justice Davis confirming the private external pressure from persons outside the Judiciary Board to conclude this matter further is a plausible and logical explanation as to why the Board was forced by Chief Justice Johnson to take a vote after a 3½ hour meeting, on whether to adjourn its meeting or vote

on a matter with incomplete information. Chief Justice Johnson was in favor of calling for a vote with an incomplete record. This conduct is a clear violation of Canon 2 set forth below:

AVOID THE APPEARANCE OF IMPROPRIETY

A justice should avoid impropriety and the appearance of impropriety in all his/her activities:

- B. A justice should not allow his/her family, social, or other relationships to influence his/her judicial conduct or judgment. He/she should not lend the prestige of his/her office to advance the private interests of others; nor should he/she convey or knowingly permit others to convey the impression that they are in a special position to influence him/her. He/she should not testify voluntarily as a character witness.

CODE OF JUDICIAL CONDUCT, CANON 2.

COUNT 8:

CONSPIRED TO WITHHOLD AND/OR DESTROY COURT RECORDS

Chief Justice Johnson and Secretary Peter Davis have denied repeated requests to provide access to records of our conference calls, as per the Court's established operating procedures. Moreover, Secretary Davis specifically stated he and the Chief Justice were planning to adopt a new policy on meeting records and transcripts, which would include destroying the recordings of our prior two conference calls wherein the Judiciary Board discussed the Appellant's matter. Chief Justice Johnson did not deny this intent in emails addressing this specific issue and has affirmed Secretary Davis decision to conceal official court records.¹⁷

These transcripts are important because they contain direct evidence of many of the ethical violations stated herein, including multiple violations of Roberts Rules of Order in an effort to deny fellow justices the opportunity to be heard, the suppression of discussion related to Chief Justice's conflict of interest, the false statements made by Chief Justice Johnson and Davis denying the existence of any pleadings filed by Appellant, lack of conclusions of fact or

¹⁷ See E-mail correspondence with Chief Justice Johnson and Secretary Davis denying access to records of recorded meetings, attached hereto as Exhibit I.

conclusions of law to form the basis for the judicial order, Chief Justice Johnson's misstatements of the role of the Judiciary and the Board of Bishops, and a profound disregard for the rights of litigants on appeal to the Judiciary Board.

Preamble, Judicial Code of Conduct, Conduct

A justice's conduct should conform to the requirements of the Church of God in Christ ecclesiastical law and doctrine, both in judicial service and in the justice's ecclesiastical, business, and personal affairs. A justice hearing a case should use procedural laws only for legitimate purposes and not to harass or intimidate others. A justice should demonstrate respect for the ecclesiastical and appellate court's judicial, ethical, procedural and evidential system and those who serve it including advisors, lawyers, prelates, pastors, elders, women in the ministry and lay persons.

PERFORM THE DUTIES OF OFFICE IMPARTIALLY

B. Administrative Responsibilities.

- (1) *A Justice should diligently discharge his/her administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other justices and court officials.*

CODE OF JUDICIAL CONDUCT, CANON 3

The destruction of official records is not only an ethical and procedural violation, it is an illegal violation that would form the basis alone for disbarment of an attorney, along with criminal prosecution, depending on the specific records destroyed. This conduct cannot be tolerated from the highest legal authority of our church which is charged with enforcing the ethical violations of others.

COUNT 9:

**DEPRIVED PARTIES OF DUE PROCESS AND A FAIR, TIMELY AND MEANINGFUL
RESOLUTION OF MATTERS BEFORE THE COURT**

In addition to the conduct set forth in previous counts, herein incorporated by reference, Chief Justice Johnson and Secretary Davis have used their elected offices to obstruct the fair and impartial adjudication of cases and preclude the Judiciary Board from carrying out its

administrative responsibilities. Chief Justice Johnson and Secretary Davis have adopted ambiguous, elusive and selectively biased procedures of internal operation that vary under different circumstances, give no meaningful or objective consideration to the legal arguments of the litigant parties, and arbitrarily and unfairly delays and denies the administration of justice in violation of the following provisions:

Article VIII–Judiciary Board, Preamble: The Judiciary Board, ¶ 8, *The establishment of the Judiciary Board shall assure that the legitimately aggrieved members of the Church of God in Christ, Inc. are heard, that fairness prevails throughout the brotherhood, and that equal protection and due process are and continue to be the right of every Church member.*

PERFORM THE DUTIES OF OFFICE IMPARTIALLY

B. Administrative Responsibilities.

(1) A Justice should diligently discharge his/her administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other justices and court officials.

CODE OF JUDICIAL CONDUCT, CANON 3

Although it may appear to be trivial, the Chairman of a meeting has a substantial amount of control and influence over the agenda and matters discussed in Board meetings. Through limited agenda items that define and censor the Board’s deliberations, Chief Justice Johnson and Secretary Davis have exerted control over the Judiciary Board that constricts deliberation in a manner that fails to meet a minimal standard of consideration or deliberation of arguments. As a result, there is no measure of accountability imposed on Associate Justices to carry out the administrative responsibilities of the court, or to address all issues presented to the court on appeal.

Specifically, Chief Justice Johnson and Secretary Davis have routinely refused to allow or facilitate discussion on key issues on appeal before the court, even when properly raised pursuant to the established operating procedures of the Robert’s Rules of Order, as required by Article

VIII. Plainly stated, this administration is not considering or evaluating the specific issues of law or fact in a competent, professional or “*manner that promotes public confidence in the integrity and impartiality of the judiciary.*” This conduct has deprived parties of due process and a fair and meaningful resolution of issues presented on appeal.

V. PRAYER FOR RELIEF

Pursuant to the foregoing, Petitioner requests the General Assembly order the following relief:

1. The General Assembly initiate an independent investigation into the matters stated herein;
2. While this matter is pending, relieve Chief Justice Johnson and Secretary Peter Davis from all administrative responsibilities related to the Judiciary Board;
3. That all records, correspondence and any other official court business be turned over to the appropriate officers pro tem, pending the final resolution of this Petition for Impeachment;
4. After a finding of “reasonable grounds” for trial, remove Chief Justice Johnson from the position of Chief Justice of the Judiciary Board;
5. Upon a finding of truth to any of the counts herein, all of which would be grounds for suspension of a license to practice law or preside over a judicial body in the civil law arena, pursuant to Article 8, remove Justice Johnson from the the Judiciary Board.

DATE: JUNE 14, 2019

/Jonathan Saffold, Jr./

JUSTICE JONATHAN SAFFOLD, JR.



JUSTICE JONATHAN SAFFOLD, JR.
6716 N. Atwahl Drive
Glendale, WI 53209

June 17, 2019

***PETITION FOR IMPEACHMENT
OF
JUSTICE PETER J. DAVIS***

VIA E-MAIL

Bishop Joel H. Lyles,
General Secretary of General Assembly
Church of God in Christ

VIA E-MAIL

Justice Peter Davis
Secretary, Judiciary Board

Pursuant to the procedures filing and handling charges set forth in Article VIII of the Constitution of the Church of God in Christ, please accept for filing the following attached/enclosed documents:

- Statement of Purpose
- Petition for Impeachment of Peter J. Davis
- Attached Exhibits

This written petition specifically sets forth the charges and things complained of, with the appropriate copies filed by E-mail with the Secretary of the Judiciary Board.

The electronic signature below constitutes, a certificate that to the best of my knowledge, information and belief, there is good ground to support the charge and that the charge is not made for improper purpose, or to harass.

Very truly yours,

/Jonathan Saffold, Jr./
JUSTICE JONATHAN SAFFOLD, JR.

STATEMENT OF PURPOSE

When each judiciary board member took their oath, we promised to assure that the legitimately aggrieved members of the Church of God in Christ, Inc. are heard, that fairness prevails throughout the brotherhood, and that equal protection and due process are and continue to be the right of every Church member.

The people who voted for us did so with the belief and hope that we would discharge our responsibilities and duties with the utmost of respect and prayerful consideration to our God, the Constitution of the Church of God in Christ, and the people blessed and served by that Constitution.

Failure to responsibly discharge these responsibilities with the proper time, consideration and attention they require is not an option for me. If I was not going to faithfully discharge my duties, or for some unforeseen reason was unable to discharge my duties, I would (in respect to the laws of our church's Constitutional assembly) step aside/down and allow someone capable, able and willing, to do so. I've grown up under the doctrines of holiness and righteousness. Those Church of God in Christ principles mean something to me, and they will not allow me to look the other way.

Our Judicial records, orders and decisions must be able to stand and withstand the scrutiny of the American Justice and Judicial Systems. Upon reading our communications, any competent court representative or officer of the law should have the utmost respect for and even appreciation for our Godly and legal processes. We cannot afford to operate as if we are in some special protected and/or obscure '*bubble*'. We must conduct ourselves as responsible officers of the legal systems of our church.

As a church and legally responsible professional organization, we will be judged by our judgments; decided (upon) by our decisions; and evaluated by our evaluations. Therefore, with careful consideration and contemplation we must make judicial decisions and orders that are clear, equitable, fair and just, considering only the evidences presented within our court, ensuring that every litigant/client brought before this court has received their just hearing.

Those we lead must be able to believe in, respect and have confidence in this Judiciary Board, the Judicial process and how this Court integrally works within the framework of the entire National leadership system of our church.

The case concerning Bishop Kyles and all other cases we shall adjudicate are not the only ones on trial here; the Judiciary Board itself is on trial, several of the leadership of our church is on trial, and the church as a respected and viable entity in the world, is on trial. We must be integral and ethical in every possible way.

The scripture states that "*judgment must begin at the house of the Lord*". The world is certainly watching how we in the church are dealing with our internal conflicts and struggles. But more importantly, God will hold us accountable for the decisions and choices we make concerning ourselves, our colleagues, our brothers and sisters and all those we are called upon to serve.

At the 2019 April Call meeting, I arrived the first day at Mason Temple for an early meeting. The entire sanctuary was empty, except for two mothers. Those mothers were looking for the perfect seat in the house where they would have a clear view of Chairman Thuston and the Presiding Bishop in the meeting of the General Assembly. The picture I snapped of them from behind in the empty auditorium was time stamped at 7:34 a.m. The General Assembly meeting was scheduled to start at approximately 11 a.m. I am motivated by the commitment, trust and confidence those two Mothers have placed in us to uphold the high standards of our church.

It is with these and other thoughts in mind that I present the following charges set forth in this petition.

Justice Jonathan Saffold, Jr.

**CHURCH OF GOD IN CHRIST, INC.
GENERAL ASSEMBLY**

IN RE: PETITION FOR IMPEACHMENT)
)
OF)
)
JUSTICE PETER J. DAVIS)

Filed Pursuant To Article VIII

PETITION FOR IMPEACHMENT

Comes Now, Justice Jonathan Saffold, Jr. of Glendale, WI, 6716 N. Atwahl Drive, a delegate in good standing in the Church of God in Christ, hereinafter referred to as Petitioner and files this Petition For Impeachment, against Justice Peter J. Davis, duly elected as Secretary of the Judiciary Board (hereafter “Justice Davis”) for grievous constitutional violations committed by him in his official capacity as Secretary of the Judiciary Board, for the reasons set forth in Petitioner’s Statement of Purpose¹ and hereinafter to follow. Petitioner has first hand knowledge and “just cause” to believe and assert that Justice Davis has committed acts that are repugnant to, and in violation of, the following specific constitutional provisions:

- Code of Judicial Conduct, Canon (s) 2, A and B, and 3, C, 1, (a). Article VIII, Duties
- Paragraph 15 (“Conflicts of Interest”)
- Violation of Equal Protection & Due Process Rights of Delegates

The Code of Judicial Conduct provides that “Every judiciary board member is responsible for the observance of the Rules of Ethics of the Judiciary Board. A justice should also aid in securing their observance by other ecclesiastical legal officers. Neglect of these responsibilities compromises the independence of the Judiciary Board and the Church’s interest which it serves.”

¹ An explanation of “why” Petitioner has filed this Petition is attached to the cover letter and provided in the Statement of Purpose, attached hereto as Exhibit A.

I. SUMMARY OF CHARGES

In reviewing these charges, it is important to note that Secretary Peter Davis has used his Judicial office in concert with Chief Justice Martin L. Johnson (hereafter “Chief Justice” or “Chief Justice Johnson”) to engage in the course of conduct summarized below. In some instances, he acted alone; in the majority of instances, he was a co-conspirator. As such, the facts that amount to ethical and constitutional violations perpetrated by Justice Davis are substantially the same as those charged against the Chief Justice in a separate and distinct Petition for Impeachment, filed with the General Assembly. In summary, Justice Davis has²:

- 1) Harassed, made threats and engaged in acts of coercion and intimidation that constitute an obstruction to justice, collusion and that are unbecoming an officer of the court;
- 2) Participated in the deceitful concealment of conflicts of interests in matters adjudicated by the court;
- 3) Suppressed & made false statements regarding the existence of pleadings and official correspondence filed by Appellants;
- 4) Facilitated the issuance of Final Orders knowingly with incomplete and inaccurate information;
- 5) Failed to carry out adjudicative responsibilities;
- 6) Intentionally disregarded Article VIII accountability provisions requiring written findings of facts and conclusions of law (written legal opinions) to accompany judicial orders;
- 7) Colluded with outside parties to influence a decision of the Judiciary Board;
- 8) Conspired to withhold and/or destroy official court records evidencing the allegations herein; and
- 9) Deprived parties of due process and a fair, timely and meaningful resolution of matters before the court.

² Justice Davis has violated several provisions of Professional Conduct for attorneys. A Disciplinary Action in the State of Alabama, wherein Justice Davis is believed to be a practicing attorney and in violation of numerous of its ethical and Professional Responsibility Standards has been prepared.

II. COMPLIANCE WITH STANDARDS FOR FILING OF PETITION

Petitioner files this petition pursuant to the *Constitution*, Article VIII, Judiciary Board, Term of Office, paragraphs 3, B, 1 (a) & (b) which states the following:

(3) "A Judiciary Board member may be removed from office prior to the expiration of his term due to incapacitation, in competency (*sic*) or the commission of acts in violation of the Constitution of the Church of God in Christ".

(B) "Procedure for filing and handling charges".

(1) "A delegate in good standing of the Church of God in Christ having just cause to believe that a member of the Judiciary Board has committed an act repugnant to the Constitution of the Church of God in Christ may file a charge".

The Code of Judicial Conduct is a mandated addendum or addition to the Church of God in Christ, *Constitution*.³ This code was adopted in November 15, 1994, and is comprised of canons (rules, standards) which the justices are to comply with and adhere to in carrying out and performing their judicial duties, responsibilities.

"All justices should comply with this Code..." Compliance With The Code Of Judicial Conduct. *An Introduction to Biblical Apologetics for the establishment of the Judiciary Board*.

The Judicial Code, the Code of Judicial Conduct is a mandated addendum or addition to the Church of God in Christ, *Constitution*. The Judicial Code, hereinafter referred to as the Code of Judicial Conduct was adopted in November 15, 1994, and is comprised of canons (rules, standards) which the justices are to comply with and adhere to in carrying out and performing their judicial duties, responsibilities.⁴

³ Article VIII, under subtitle, Organization and Procedure, provision three, mandates that it is the Judiciary Board who shall, with the approval of the General Assembly; prepare and keep in revision a Judicial Code which **shall be an addendum to the Constitution of the Church of God in Christ**" *An Introduction to Biblical Apologetics for the establishment of the Judiciary Board of the Church of God in Christ*, A Judicial Code Is Mandated, p. 1.

⁴ "All justices should comply with this Code..." Compliance with The Code of Judicial Conduct. *An Introduction to Biblical Apologetics for the establishment of the Judiciary Board*.

III. STANDARD OF REVIEW

The standard of review to bring a member of the Judiciary Board to trial is “reasonable grounds.” Article VIII, Term of Office, 3(B)(2)–(3). A Judiciary Board member may be removed from office prior to the expiration of his term for the commission of acts in violation of the Constitution of the Church of God in Christ. Article VIII, Term of Office, 3(A). The “Reasonable Grounds” standard of review is one of the lowest standards possible under the law. This is appropriate because of the high level of trust, confidence and responsibility the church has placed in the Judiciary Board. An Officer of the Judiciary Board must have the highest level of integrity, honesty and uncompromising adherence to strong moral, ethical and biblical principles and values. A Judiciary Board member’s conduct is held to an extremely high standard, which necessitates a lower threshold of review to ensure compliance.

This is not to be confused with much higher standards of proof like a “preponderance of the evidence”, which requires a showing that a particular event is more likely than not to have occurred. The Reasonable Grounds standards is best described as similar to the “Credible Evidence” standard. Credible evidence is evidence that is not necessarily true but that is worthy of belief and worthy of a jury’s consideration. Petitioner must only meet the “reasonable grounds” standard to advance this case to trial, under Article VIII.

IV. STATEMENT OF VIOLATIONS

COUNT 1:

OBSTRUCTION OF JUSTICE IN THE FORM OF HARASSMENT, THREATS, ACTS OF COERCION AND INTIMIDATION

Justice Davis has failed to uphold the integrity and independence of the Judiciary, and failed to conduct himself in a manner that avoids the appearance of impropriety, in violation of Canons 1 and 2 of the Judicial Code, set forth below.

CODE OF JUDICIAL CONDUCT, CANON 1.

A Justice Should Uphold the Integrity and Independence of the Judiciary.

An independent and honorable judiciary is indispensable to justice in The Church of God in Christ. A justice should participate in establishing, maintaining, and enforcing, and should himself/herself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved.

CODE OF JUDICIAL CONDUCT, CANON 2.

A Justice Should Avoid Impropriety and the Appearance of Impropriety in all his/her Activities.

A. A justice should respect and comply with the Church's constitution, amendments, by-Laws, and all appendices thereto and should conduct himself/herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

When learning of the Petition for Impeachment of Chief Justice Johnson, rather than responding with factual evidence in defense of such claims, Justice Davis sent a letter by email, in his official capacity as a national officer of the church, threatening to retaliate against Petitioner by (1) taking some form of adverse action against Petitioner's local church by filing charges with Petitioner's Jurisdictional Prelate, (2) filing charges for a civil action of defamation in the General Assembly, and (3) filing charges with the Wisconsin State Bar.⁵

⁵ Attached hereto as Exhibit B is a copy of the threatening letter from Justice Davis.

Threat of Jurisdictional Charges. The matters alleged in the Petition against Chief Justice Johnson contain Constitutional (Article VIII) violations, and have no relevance to the local church or jurisdiction where Petitioner serves. By virtue of his office with the Court, Justice Davis knows and understands that charges brought within a local jurisdiction must originate from the local church body. Consequently, the statement Justice Davis made concerning filing charges in Petitioner's local jurisdiction is actually and essentially a veiled threat to somehow stir up strife within Petitioner's local church so that charges can be filed within his jurisdiction.

Threat of Civil Action. The filing of charges with the General Assembly is the right of every delegate in good standing. However, Petitioner is an attorney and well aware that the defamation claim he threatens against Petitioner is a "civil" matter, not a "constitutional" matter to be appropriately considered by lower courts, Judiciary Board or General Assembly. Therefore, the General Assembly would have no jurisdiction to hear such a case unless it passes a resolution or constitutional amendment to become a civil court, which is unlikely. This threat is an attempt to harass and would be waste of valuable time and resources by the General Assembly. Justice Davis has recourse here. Petitioner has filed charges that can be corroborated and substantiated with documentation; Justice Davis should assist the Chief Justice in filing an answer in response to the Petition, with corroborating documentation.

Involvement of the General Board. Justice Davis has failed to uphold the integrity and independence of the Judiciary by including and thereby soliciting a General Board Member in his e-mail that demands a retraction of the Petition filed by Petitioner for Impeachment of Chief Justice Johnson. The inclusion of the General Board member in an email of this nature

amounts to pressure on the recipient to comply with the terms of the demand made by Justice Davis.⁶

The impeachment petition is a matter for the General Assembly. No General Board Member has been included on any other correspondence between Petitioner and Justice Davis to date, and the General Board has no constitutionally identified role in this process or these proceedings. Only Justice Davis can identify the true purpose of his letter. However, Petitioner believes this is a tactic and attempt by Justice Davis, whether factual or not, to display power, support and agreement of the General Board with the demands and actions stated in his threatening letter. A Petitioner should not be punished for exercising a Constitutional right. This conduct cannot be tolerated at any level of church governance.

COUNT 2:

JUSTICE DAVIS HAS CONSPIRED AND PARTICIPATED IN THE CONCEALMENT OF CONFLICTS OF INTERESTS OF THE CHIEF JUSTICE.

Justice Davis has assisted Chief Justice Johnson in the concealment of clear and blatant conflicts of interest in matters adjudicated by the Judiciary Board in violation of Article VIII, and the ethical Canons of virtually every federal and state court in this country. In May 2014, a case was filed against Bishop Rufus Kyles (hereafter “Appellant” or “Kyles”). No rules of procedure or timelines limiting the filings, consideration of motions or other pleadings were imposed on the parties by the Judiciary Board. As such, parties are free to file motions at any time prior to deliberation of a matter.

Several pleadings and motions were filed with the court in this case, including a dispositive motion filed by Appellant. This motion was pending before the Judiciary Board in the months prior to the 2019 April Call meeting. Appellant’s motion was based largely on claims

⁶ The General Board member has never played a role in any communication sent by Justice Davis to Petitioner. The evidence suggests this is a unilateral, unsolicited and unwise decision by Justice Davis acting on his own. There is absolutely no implication, innuendo or assertion that the General Board member has done anything inappropriate or inconsistent with his high standing and regard in the church.

relating to alleged errors by the Board of Bishops in the application of Rules 5(f) and 7(c) in a final ruling made in its meeting at AIM in July 5, 2017.

The minutes from this same meeting of the Board of Bishops at AIM in Charlotte, North Carolina, dated July 5, 2017 (hereafter “BOB Meeting”), reveal that Chief Justice Johnson was a participant in the discussion and deliberation of the Appellant’s Rule 7C plea, as well as the determination of penalties and punishment to be imposed against Appellant. Please note, this is the same ruling made by the BOB that forms the basis for the appeal by Appellant to the Judiciary Board. An excerpt of the BOB Meeting minutes documenting Chief Justice Johnson’s participation is included in Exhibit 7, pages 5-6 of the “Addendum to the Appeal from the Board of Bishops” filed and served with Bishop Lyle, the General Secretary for the Church of God in Christ, Chief Justice Johnson and Justice Peter Davis, Secretary (hereafter “the Appellant’s Addendum”).⁷

In reality, Chief Justice Johnson has participated in the prosecution, deliberation/penalty phase and as Chief Justice on the appeal of a decision that he participated in making. This is a clear violation of Article VIII, Paragraph 15 and Canon 3(C) set forth below.

ARTICLE VIII–JUDICIARY BOARD, DUTIES, ¶ 15

The Judiciary Board members shall refrain from all conflicts of interest which shall affect their impartial conduct of duty.

CODE OF JUDICIAL CONDUCT, CANON 3.

A Justice should perform the duties of his/her office impartially and diligently:

The judicial duties of a justice take precedence over all his/her other activities as pastor, district superintendent, district missionary, state supervisor, jurisdictional bishop, and national officers. His/her judicial duties include all the duties of his/her office prescribed by the constitution. In the performance of these duties, the following standards apply.

⁷ An excerpt from the Minutes of Board of Bishops Meeting, July 5, 2017, Pages 5-6 (Appellant’s Addendum), is attached hereto as Exhibit C.

C. Disqualification.

A justice should disqualify himself/herself in a proceeding in which his/her impartiality might reasonably be questioned, including but not limited to instances where:

- (a) *he/she has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;*

Justice Davis has been present and/or included in every attempt by Petitioner to reconcile this conflict of interest with Chief Justice Johnson pursuant to our biblical mandate, including the following:

- (1) A Memorandum dated April 2, 2019 requesting that the Board address two (2) integrity/conflict of interest issues before taking any action in the Appellant's case⁸;
- (2) A "Demand & Order for Recusal", dated April 9, 2019, specifically detailing conflict of interest and breach of professional responsibility issues⁹;
- (3) Failed attempts to discuss the conflicts in telephone calls and conferences because it was not included as a specific agenda item (Explanation: not old business because never discussed; not new business because must be on the agenda to discuss);
- (4) Failed attempt to discuss in an official meeting during April call (refused to place the matter on the agenda); and
- (5) Attempt to resolve in a private meeting private meeting with Justices King, Perry, Davis and Johnson.

Justice Davis and Chief Justice Johnson have both refused to address, discuss, or resolve the conflict in every attempt made by Petitioner to bring this matter to a peaceful close. In the third phase of Biblical resolutions of conflicts between brothers, Matthew 18:17 reads *"¹⁷ And if he shall neglect to hear them, tell it unto the church:"*. We are currently in this third phase of resolution, as Justice Davis and Chief Justice Johnson has "neglected to hear them."

⁸Attached hereto as Exhibit D (Memorandum Dated April 2 discussing undisclosed pleadings & requesting a discussion regarding potential undisclosed conflicts of interest).

⁹ Attached hereto as Exhibit E is the Demand & Order for Recusal, April 9, 2019.

COUNT 3:

**SUPPRESSED AND WITHHELD PLEADINGS AND OFFICIAL DOCUMENTS FILED
WITH THE COURT; FALSE STATEMENTS REGARDING THE EXISTENCE OF
PLEADINGS AND OFFICIAL CORRESPONDENCE**

Justice Davis and Chief Justice Johnson have intentionally and deceitfully conspired to suppress an Addendum filed by Appellant to his pleadings. This illegal and unethical conduct has (1) deprived the Judiciary Board of an opportunity to consider all legal arguments in the deliberation of the Appellant's case, and in doing so, (2) further hid and concealed evidence of Chief Justice Johnson's involvement in the Kyle's case serving in multiple capacities and conflicting roles, as set forth above in Count 1. The "Addendum to the Appeal from the Board of Bishops" was filed with Bishop Lyles, the General Secretary for the Church of God in Christ, Chief Justice Johnson and Justice Peter Davis, Secretary, on or around March 23rd, 2019 (hereafter "the Appellant's Addendum").¹⁰

The conspiracy to conceal, mislead and deceive the Judiciary Board just prior to an important vote was carried out in at least three (3) ways. First, Justice Davis and Chief Justice Johnson refused to distribute the Appellant's Addendum to the members of the Judiciary Board prior to an important deliberation by the Judiciary Board in the Appellant's case. Second, both Justices are on record denying the receipt and very existence of the Appellant's Addendum, even after multiple written and verbal requests for distribution of the Appellant's Addendum were made. (Judiciary Board meeting on Tuesday, April 2, 2019). Finally, Justice Davis assisted Chief Justice Johnson in using their positions in adopting a process of deliberation that precluded any discussion of his conflicts of interest or the merits of the Amended pleadings by Appellant.

The following items have been attached to this petition as evidence of delivery and receipt of the Appellant's Addendum, which Justice Davis and Chief Justice Johnson continued to deny knowledge of and receipt, and have yet to distribute to this Board:

¹⁰ Attached hereto as Exhibit C.

- Signed affidavits of service of the Appellant's Addendum to Justice Davis and Chief Justice Johnson¹¹;
- Email confirmations of delivery to Chief Justice Johnson and Justice Davis¹²; and
- An express acknowledgement of delivery by Justice Davis, Secretary of receipt of the Appellant's Addendum on March 25th, 2019.¹³

As a defense to his actions in the concealment of court records, Secretary Davis has emphatically stated on numerous occasions that any documents delivered to the court are "immediately forwarded to the Chief Justice for determination of what to do next." Of course, Chief Justice Johnson has repeatedly pushed the envelope back to the Secretary, stating that the "Secretary is the custodian of court records." As an alternative explanation, Secretary Davis has also stated that he "forgot" he had received the pleading, even though he sent a very cordial email to the sender confirming receipt.

The receipt and subsequent denial of the existence of the Appellant's Addendum is significant. Justice Davis and Chief Justice Johnson took affirmative actions to make sure no one ever received the only document filed with the court that confirms Chief Justice Johnson's participation in the BOB meeting. Without that document, there is no other way to confirm Chief Justice Johnson's conflicting roles in this case.

The above facts detailing concealment were combined with, and related to, a blatant attempt by Chief Justice Johnson to quickly resolve the Appellant's case on an April 2nd conference call. After minimal discussion was cut short by Chief Justice Johnson, the vote for a Final Order was called and pressed by Chief Justice Johnson without distributing the Appellant's Addendum, even though he had it in his possession for at least a week. During that conference call, Chief Justice Johnson emphatically stated that the Judiciary Board was "in possession of all

¹¹ See Affidavits of Service of Bishop Kyles & Ronald E. Stidham attached hereto as Exhibits F and G.

¹² Attached hereto as Exhibit G.

¹³ See Exhibit G.

documents relevant and necessary to resolve this case.” The foregoing conduct is a clear violation of the following Constitutional Provision:

PERFORM THE DUTIES OF OFFICE IMPARTIALLY

B. Administrative Responsibilities.

(1) A Justice should diligently discharge his/her administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other justices and court officials.

CODE OF JUDICIAL CONDUCT, CANON 3.

COUNT 4:

**FACILITATED THE ISSUANCE OF FINAL ORDERS KNOWINGLY WITH
INCOMPLETE AND INACCURATE INFORMATION**

Justice Davis and Chief Justice Johnson have demanded that the Judiciary Board deliberate and issue final orders based on inaccurate and incomplete information in violation of Canon 3, set forth below:

PERFORM THE DUTIES OF OFFICE IMPARTIALLY

B. Administrative Responsibilities.

(1) A Justice should diligently discharge his/her administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other justices and court officials.

CODE OF JUDICIAL CONDUCT, CANON 3.

In the meeting of the Judiciary Board on May 29th at the National Women’s Convention, Secretary Davis distributed a brief filed by Appellant prior to the commencement of the meeting. During that meeting, the Judiciary Board met ex-parte with the Board of Bishops in violation of the rights of Appellant, and then proceeded to call a vote on an Order in the same case. At no time was any discussion allowed or made of the pleading filed by Appellant. The motion and accompanying brief, even though relevant to the issue being deliberated, was ignored in its entirety. When the issue was brought to Secretary Davis, he stated, Appellant’s matter is now

closed, and there would be no further discussion of the case. This is a blatant violation of the Canon 3(B)(1) set forth above, and has the effect of depriving appellants of due process promised in Article VIII.

Additionally, in the April 2nd conference call referenced in Count 2 above, the vote for a Final Order was called and pressed by Chief Justice Johnson without distributing the Appellant's Addendum, even though he had it in his possession for at least a week.¹⁴ Chief Justice Johnson emphatically and falsely stated that the Judiciary Board was "in possession of all documents relevant and necessary to resolve this case." This pleading, filed in or around March 25, 2019, has never been circulated to the Judiciary Board, largely upon information and belief, because it contains the only written evidence of Chief Justice Johnson's ethical and conflict of interest violation of Article VIII.

COUNT 5:

FAILURE TO CARRY OUT ADJUDICATIVE RESPONSIBILITIES

Justice Davis and Chief Justice Johnson have used their elected positions to wrongfully control and censor information, and in ways that give the appearance of impropriety and bias in favor of one party over the other, in violation of the following provisions:

CODE OF JUDICIAL CONDUCT:

CANON 2. AVOID THE APPEARANCE OF IMPROPRIETY

A Justice should avoid impropriety and the appearance of impropriety in all his/her activities:

- A. *A justice should respect and comply with the Church's constitution, amendments, by-Laws, and all appendices thereto and should conduct himself/herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.*

CANON 3. PERFORM THE DUTIES OF OFFICE IMPARTIALLY

¹⁴ See Exhibit C (Memorandum Dated April 2 discussing undisclosed pleadings).

B. Administrative Responsibilities.

- (1) A Justice should diligently discharge his/her administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other justices and court officials.*

Justice Davis and Chief Justice Johnson have made and enforced arbitrary rules to silence the opinions of Associate Justices. Specifically, Petitioner was not allowed to file a written opinion dissenting from the majority opinion in the Appellant's case. Secretary Davis deliberately set the deadline for filing of dissenting opinions at the same time the vote on the final order was taken. Petitioner pointed out to Justice Davis in telephone conversations, in writing, and in a meeting of the Judiciary Board that this is an obvious error.

Logistically, this policy poses two obvious issues. First, how can a dissenting opinion be filed at the same time the vote is taken on a final order? In other words, why would a Justice ever write a dissenting opinion on a matter that hasn't been put to a vote? Second, assuming my position does not prevail, how could a justice possibly know the legal reasoning, factual basis or standards used by the majority to support the final vote? In our meeting during April call, Chief Justice Johnson stated the deadline set by Justice Davis was inappropriate and that such a deadline has never been imposed in the past. He stated, "A dissent can always be filed with the General Secretary, whenever it's written."

In regard to the Final Order, the actual vote was taken, but the majority did not draft a written opinion or explanation of its finding of facts or conclusions of law used to formulate its opinion. As a result, Petitioner requested transcripts of the two prior meetings of the Board, which should have been distributed in the normal course of court procedure and operation. Despite repeated attempts to gain access to these records, including offers to bear the expense to have them transcribed for everyone, both Secretary Davis and Chief Justice Johnson refused to

provide these court records, stating they may be destroyed pursuant to a new policy they planned to adopt.

Petitioner was forced to write a dissenting opinion guessing the rationale of the majority. When Petitioner requested that Secretary Davis file the dissent with the General Secretary, he refused to do so stating it was now “too late”.¹⁵ Chief Justice Johnson recanted his earlier position and supported this decision by Secretary Davis.

COUNT 6:

INTENTIONAL DISREGARD OF ARTICLE VIII ACCOUNTABILITY PROVISIONS REQUIRING WRITTEN FINDINGS OF FACTS AND CONCLUSIONS OF LAW (WRITTEN LEGAL OPINIONS) TO ACCOMPANY JUDICIAL ORDERS

The Judiciary Board has the final say in matters of Constitutionality. To offset this tremendous power and responsibility, Article VIII requires accountability and transparency for decisions of the Judiciary Board. This accountability is achieved through the Article VIII requirements that findings of facts and conclusions of law accompany judicial decisions. Article VIII provides as follows:

Article VIII–Judiciary Board, Organization and Procedures, ¶ 1(a);

The chairman shall preside over all judicatory sessions. He shall also assign the task of writing the findings of facts and conclusions of law to one or more Judiciary Board members, or he may elect to write the facts and conclusions of law himself. The chairman shall also submit an annual report to the chairman of the General Assembly. This written report shall list all cases considered by the Judiciary Board that year and the Board’s disposition of each case.

Justice Davis and Chief Justice Johnson have dispensed with the above Article VIII provision. This is evidenced by Secretary Davis’ bold statements on record on numerous occasions, with the agreement of Chief Justice Johnson, that the Judiciary Board has the power to make decisions with no obligation to explain itself. This newly adopted authority and practice by

¹⁵ See E-mail correspondence re Chief Justice Johnson & Secretary Davis denying right to file dissenting opinion attached hereto as Exhibit H.

this administration has promoted and contributed to the discord and confusion of the litigants on both sides of the cases.

For example, the uncertainty created by this practice has prompted Appellant to write briefs requesting the court dismiss the case in its entirety because he believed the unexplained order issued by the court was in his favor, but the Judiciary Board has somehow maintained that it was not in his favor without explanation. On the other hand, the Board of Bishops had to request a special meeting with the Judiciary Board seeking clarity for its unexplained decision. This practice is a breach of judicial duty and violation of Article VIII accountability provisions.

There are no court opinions filed by this court because there has never been enough discussion in any case to generate any findings of fact or conclusions of law.¹⁶ The lack of compliance with Article VIII is directly tied to the conduct and administration of the Chief Justice and Secretary. There is no identification of all the relevant issues or standard of review in our discussions. Deliberation is a free for all and a contest of who can talk the loudest and longest. In the end, the Chief Justice somehow makes a determination of who prevailed and asks that an order be drafted. There are no conclusions of fact. There are no conclusions of law. There are only decisions.

As an experienced attorney and active participant in every meeting, Petitioner has no idea concerning the rationale or justification for our decisions under this administration. Moreover, on this Board, a Justice could easily participate in the conference calls and deliberations through mere silence, never commenting, never reading any pleadings or briefs, never offering an opinion, reasoning or rationale. A Justice could theoretically simply flip a coin and cast a vote that counts every bit as much as a fellow justice who has taken the time to fulfill their duty to the office of

¹⁶ Transcripts of the Judiciary Board's meetings and deliberations may have been destroyed.

Associate Justice. There is no accountability. There are no stated standards. The administration of this court ensures there will never be time or opportunity to discuss difficult issues.

There is no legal basis offered, or written, for most opinions or decisions. There is no urgency or professionally reasonable sense of obligation to respond to official correspondence or requests of the Judiciary Board. As a result, things go unaddressed for prolonged periods of time. The Secretary functions more as the adjutant to the Chief Justice and cannot catalogue or keep track of official filings and correspondence to the court. We make most decisions based on no legal principles I am aware.

COUNT 7:

**COLLUDED WITH OUTSIDE PARTIES TO INFLUENCE A DECISION OF THE
JUDICIARY BOARD**

In the meeting of the Judiciary Board during the 2019 April Call meeting, a substantial amount of time was spent drafting and redrafting the final order in Appellant's case. The majority was in disagreement regarding the final wording of the opinion they had voted and approved.

There was growing frustration by Secretary Davis at the difficulty and time being spent revising the order. In a side meeting with the Chief Justice and Vice Chief Perry, Justice Davis emphatically and urgently stated, "Let's get this finished. The powers that be want this order done today!" Chief Justice Johnson then motioned Secretary Davis and Vice Chief Perry into a private room and closed the door for a private discussion.

In deliberations leading up to the April Call meeting, Chief Justice Johnson rushed the Board to in an uncharacteristic fashion and an unreasonable degree to make a decision in the Appellant's case, even though the Board did not have all relevant information to make the decision. A review of the audible transcripts will reveal an unmistakable and inexplicable urgency to get this matter concluded prior to April Call. The comment by Justice Davis confirming the private external pressure from persons outside the Judiciary Board to conclude this

matter further is a plausible and logical explanation as to why the Board was forced by Chief Justice Johnson to take a vote after a 3½ hour meeting, on whether to adjourn its meeting or vote on a matter with incomplete information. Chief Justice Johnson was in favor of calling for a vote with an incomplete record. This conduct is a clear violation of Canon 2 set forth below:

AVOID THE APPEARANCE OF IMPROPRIETY

A justice should avoid impropriety and the appearance of impropriety in all his/her activities:

- B. A justice should not allow his/her family, social, or other relationships to influence his/her judicial conduct or judgment. He/she should not lend the prestige of his/her office to advance the private interests of others; nor should he/she convey or knowingly permit others to convey the impression that they are in a special position to influence him/her. He/she should not testify voluntarily as a character witness.

CODE OF JUDICIAL CONDUCT, CANON 2.

COUNT 8:

CONSPIRED TO WITHHOLD AND/OR DESTROY COURT RECORDS

Chief Justice Johnson and Secretary Peter Davis have denied repeated requests to provide access to records of our conference calls, as per the Court's established operating procedures. Moreover, Secretary Davis specifically stated he and the Chief Justice were planning to adopt a new policy on meeting records and transcripts, which would include destroying the recordings of our prior two conference calls wherein the Judiciary Board discussed the Appellant's matter. Chief Justice Johnson did not deny this intent in emails addressing this specific issue and has affirmed Secretary Davis decision to conceal official court records.¹⁷

These transcripts are important because they contain direct evidence of many of the ethical violations stated herein, including multiple violations of Roberts Rules of Order in an effort to deny fellow justices the opportunity to be heard, the suppression of discussion related to Chief

¹⁷ See E-mail correspondence with Justice Davis and Chief Justice Johnson denying access to records of recorded meetings, attached hereto as Exhibit I.

Justice's conflict of interest, the false statements made by Chief Justice Johnson and Davis denying the existence of any pleadings filed by Appellant, lack of conclusions of fact or conclusions of law to form the basis for the judicial order, Chief Justice Johnson's misstatements of the role of the Judiciary and the Board of Bishops, and a profound disregard for the rights of litigants on appeal to the Judiciary Board.

Preamble, Judicial Code of Conduct, Conduct

A justice's conduct should conform to the requirements of the Church of God in Christ ecclesiastical law and doctrine, both in judicial service and in the justice's ecclesiastical, business, and personal affairs. A justice hearing a case should use procedural laws only for legitimate purposes and not to harass or intimidate others. A justice should demonstrate respect for the ecclesiastical and appellate court's judicial, ethical, procedural and evidential system and those who serve it including advisors, lawyers, prelates, pastors, elders, women in the ministry and lay persons.

PERFORM THE DUTIES OF OFFICE IMPARTIALLY

B. Administrative Responsibilities.

- (1) *A Justice should diligently discharge his/her administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other justices and court officials.*

CODE OF JUDICIAL CONDUCT, CANON 3

The destruction of official records is not only an ethical and procedural violation, it is an illegal violation that would form the basis alone for disbarment of an attorney, along with criminal prosecution, depending on the specific records destroyed. This conduct cannot be tolerated from the highest legal authority of our church which is charged with enforcing the ethical violations of others.

COUNT 9:

DEPRIVED PARTIES OF DUE PROCESS AND A FAIR, TIMELY AND MEANINGFUL RESOLUTION OF MATTERS BEFORE THE COURT

In addition to the conduct set forth in previous counts, herein incorporated by reference, Justice Davis and Chief Justice Johnson have used their elected offices to obstruct the fair and impartial adjudication of cases and preclude the Judiciary Board from carrying out its administrative responsibilities. Justice Davis and Chief Justice Johnson have adopted ambiguous, elusive and selectively biased procedures of internal operation that vary under different circumstances, give no meaningful or objective consideration to the legal arguments of the litigant parties, and arbitrarily and unfairly delays and denies the administration of justice in violation of the following provisions:

Article VIII–Judiciary Board, Preamble: The Judiciary Board, ¶ 8, *The establishment of the Judiciary Board shall assure that the legitimately aggrieved members of the Church of God in Christ, Inc. are heard, that fairness prevails throughout the brotherhood, and that equal protection and due process are and continue to be the right of every Church member.*

PERFORM THE DUTIES OF OFFICE IMPARTIALLY

B. Administrative Responsibilities.

(1) A Justice should diligently discharge his/her administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other justices and court officials.

CODE OF JUDICIAL CONDUCT, CANON 3

Although it may appear to be trivial, the Secretary and Chairman collectively have a substantial amount of control and influence over the agenda and matters discussed in Board meetings. Through limited agenda items that define and censor the Board's deliberations, Justice Davis and Chief Justice Johnson have exerted control over the Judiciary Board that constricts deliberation in a manner that fails to meet a minimal standard of consideration or deliberation of arguments. As a result, there is no measure of accountability imposed on Associate Justices to

carry out the administrative responsibilities of the court, or to address all issues presented to the court on appeal.

Specifically, Justice Davis and Chief Justice Johnson have routinely refused to allow or facilitate discussion on key issues on appeal before the court, even when properly raised pursuant to the established operating procedures of the Robert's Rules of Order, as required by Article VIII. Plainly stated, this administration is not considering or evaluating the specific issues of law or fact in a competent, professional or "*manner that promotes public confidence in the integrity and impartiality of the judiciary.*" This conduct has deprived parties of due process and a fair and meaningful resolution of issues presented on appeal.

V. PRAYER FOR RELIEF

Pursuant to the foregoing, Petitioner requests the General Assembly order the following relief:

1. The General Assembly initiate an independent investigation into the matters stated herein;
2. While this matter is pending, relieve Secretary Peter Davis from all administrative responsibilities related to the Judiciary Board;
3. That all records, correspondence and any other official court business be turned over to the appropriate officers pro tem, pending the final resolution of this Petition for Impeachment;
4. After a finding of "reasonable grounds" for trial, remove Justice Davis from the position of Secretary of the Judiciary Board;
5. Upon a finding of truth to any of the counts herein, all of which would be grounds for suspension of a license to practice law or preside over a judicial body in the civil law arena, pursuant to Article 8, remove Justice Davis from the the Judiciary Board.

DATE: JUNE 17, 2019

/Jonathan Saffold, Jr./

JUSTICE JONATHAN SAFFOLD, JR.

Ronald E. Stidham
4310 Salem St.
Wichita, KS 67220
September 10, 2019



Bishop J. H. Lyles
General Secretary
Church of God in Christ, Inc.
930 Mason St.
Memphis, Tennessee 38126
jlyles@cogic.org

Peter Davis
Secretary
Church of God in Christ –Judiciary Board
P.O. Box 10141
Birmingham, Alabama 35202
davispj11@aol.com

Sent Via Electronic Mail

RE: Bishop Enoch Perry III, Charges for Impeachment

Pursuant to Article VIII—Judiciary Board, the following attached document are Charges for Impeachment consisting of

- Charges for Impeachment
- Exhibits

It is my belief; Justice Enoch Perry III has committed egregious violations worthy of Impeachment

Sincerely

A handwritten signature in blue ink that reads "Ronald E. Stidham". The signature is written in a cursive style and is positioned above a horizontal line.

Ronald E. Stidham

cc. Bishop L.F. Thuston
Encl:

**Before The
GENERAL ASSEMBLY
JUDICIAL REVIEW COMMITTEE
OF THE
CHURCH OF GOD IN CHRIST, INC.**

| | |
|-------------------------|---|
| | § |
| RONALD E. STIDHAM | § |
| | § |
| COMPLAINANT(S) | § |
| | § |
| VS | § |
| | § |
| BISHOP ENOCH PERRY III, | § |
| | § |
| RESPONDENT | § |

PURSUANT TO ARTICLE VIII—JUDICIARY BOARD

OFFICIAL CHARGES FOR IMPEACHMENT

Comes Now Elder Ronald E. Stidham, hereinafter referred to as the Complainant, a member of the Church of God in Christ, Inc., and file this herein petition against Bishop Enoch Perry III, of the Judiciary Board of the Church of God in Christ, Inc., with headquarters in Memphis, Tennessee and alleges and states as follows:

Bishop Enoch Perry III, hereinafter referred to as the Respondent, did violate the rules and regulations of Article VIII—Judiciary Board of the Constitution of the Church of God in Christ, Inc. as follows:

STATEMENT OF FACTS

Bishop Enoch Perry III, Vice-Chairman of the Judiciary Board (hereafter “Respondent”) has knowingly engaged in conduct that is a violation, including the following:

- 1) Refusing to recuse himself in the deliberation of a where he had a clear and documented conflict of interest, and acting in concert with Chief Justice Bishop Martin L. Johnson and Secretary Elder Peter Davis in the use of their official offices to conceal this conflict from the Judiciary Board;
- 2) Collusion with two other elected officers of the Judiciary Board to unfairly influence the outcome of a case; and
- 3) Fraud in the election process.

As a licensed attorney, Respondent is acutely aware of the code of ethics which each state he is licensed to practice in requires him to abide by. His chosen profession requires him under penalty of disbarment to operate with integrity and abide by the Canons of Law in each state and those of the Federal Government. That is what makes these blatant violations of the Constitution of the Church of God in Christ so egregious. These were done willfully and with foreknowledge, almost thumbing his nose at the law, and the General Assembly.

Respondent as a licensed and practicing attorney has operated as General Counsel for the Church of God in Christ, Inc. for a number of years. As General Counsel, Respondent was required to serve as attorney, counselor and advisor to countless Jurisdictions in a wide variety of legal matters. His esteemed position also required that he have an extensive working knowledge of the provisions of Article VIII and the overall governance of the church.

Respondent was eventually terminated from his position as General Counsel. He subsequently ran for a position as a representative of the Board of Bishops for the Judiciary

Board with full knowledge that (a) he did not meet the criteria to be elected to the position he was running for because he was an Auxiliary Bishop, and (b) that if successful, there would be number of potential cases that he would be required to recuse himself because of his unique and intimate relationship with the parties fostered and created by his position and capacity as General Counsel and attorney for so many individuals.

In 2004, Bishop Rufus Kyles served as the Jurisdictional Bishop of Texas Southeast No. 1. I or around May 11, 2004 and possibly some time before and after that date, Bishop Kyles sought and received legal services in a matter related to Williams Temple Church of God in Christ, a church affiliated with Texas Southeast No. 1.

Respondent, in his *capacity* as Chief of Staff of the legal department for the Church of God in Christ, served as legal counsel to Bishop Kyles¹ and his ecclesiastical Jurisdiction. Judge Perry has participated in the resolution of the Kyles case before the Judiciary Board. To date, Judge Perry has made no disclosure of this clear and obvious conflict of interest and has, in fact, co-authored the Final Order in the Kyles case.

The Judicial Code of Conduct adopted in conjunction with Article VIII addresses this precise situation almost verbatim. As the attached transcript confirms, Respondent served as legal counsel in a legal matter within his jurisdiction. He is now actively presiding over a case that arises out of that jurisdiction. There is no grey area, middle ground or safe harbor here. This is one of the most fundamental principles and precepts of jurisprudence and legal representation. It is wrong. It is a violation of the Judicial Code of Ethics. It is a constitutional violation.

¹ Exhibit 1: Transcript from Business Meeting of Williams Temple Church of God in Christ, Houston, Texas, May 11, 2004.

Moreover, this conduct is a violation of Rule 19-308.4 Misconduct (8.4) of the Rule of Professional Conduct in the state of Maryland.² Upon information and belief, Respondent is licensed to practice law in the state of Maryland.

It is important to understand why these charges are being filed. Respondent has developed and now continued in a pattern of conduct that is in violation of the ethical standards in Article VIII, and every jurisdiction that he is licensed to practice law. He took advantage of his influence as former general Counsel and misused the trust that his brethren placed in him as to deceptively gain admittance to the court as a Justice. If this were excusable, the misconduct has not stopped there. Respondent has continued by acts of omission and commission to deceive, conceal and collude with other Justices and individuals outside of the court.

If found guilty of just one of the charges listed in this petition, there are adequate grounds for Respondent to be impeached. Respondent is an officer within the Judiciary Board and must be held to an even higher standard due to his intimate and longstanding knowledge of the policies of the church.

The establishment of the Judiciary Board shall assure that the legitimately aggrieved members of the Church of God in Christ, Inc. are heard, that fairness prevails throughout the brotherhood, and that equal protection and due process are and continue to be the right of every Church member³.

The belief one will be treated with fairness and the judges one appears before uphold the highest standards of honesty, integrity and the belief their due process rights will be protected is fundamental to the success of any court.

Maintaining the public's trust and confidence in the courts is integral to the credibility of the judicial branch. This trust cannot be assumed. The court must establish and nurture public trust through its core responsibility of resolving disputes. The court process must not only be just, it must-have the appearance of being just. Public perceptions of the court

² Attached hereto as Exhibit 2 is a copy of Maryland Statutes, Rule 19-308.4 Misconduct (8.4)

³ Article VIII, Preamble: The Judiciary Board (final paragraph)

system are largely formed by the experiences of individual parties in individual cases, all looking to the court for prompt and fair resolution of their disputes.

Guided by the principles of procedural fairness, courts can enhance public trust and confidence by treating every party — plaintiffs, victims and defendants alike — with dignity and respect, and explaining the court process and court rulings in a timely matter. Trust and confidence are further enhanced through the transparent and consistent application of court procedures, timely resolution of court cases and providing public information regarding the court processes, court services and mechanisms for accessing them.

Court leaders help promote and maintain public trust and confidence by creating organizational cultures that foster integrity, transparency and accountability for court processes and operations⁴.

Any citizen who has to appear in court should have absolute confidence that the judges will be fair and impartial. This is the basic right of due process we all expect and deserve in a civil court, and more so in an ecclesiastical court.

Article VIII of our church constitution is in unwavering agreement that public confidence in the judiciary is eroded by irresponsible or improper conduct by justices. As such, it specifically sets forth the appropriate conduct and standards for a Justice. For example, a justice must avoid all impropriety and appearance of impropriety. He/she must expect to be the subject of constant public scrutiny. He/she must therefore accept restrictions on his/her conduct that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly.⁵

Respondent has violated the provisions of Article VIII and failed to protect the integrity of the Judiciary Board.

For the above stated reasons, we file the following charges against Bishop Enoch Perry III, Vice-Chairman of the Judiciary Board.

⁴ National Association for Court Management (<https://nacmcore.org/competency/public-trust-and-confidence/>)

⁵ Canon 2 commentary

COUNT I

CONFLICT OF INTEREST

CANON 3: PERFORM THE DUTIES OF OFFICE IMPARTIALLY

A justice should perform the duties of his/her office impartially and diligently:

The judicial duties of a justice take precedence over all his/her other activities as pastor, district superintendent, district missionary, state supervisor, jurisdictional bishop, and national officers. His/her judicial duties include all the duties of his/her office prescribed by the constitution. In the performance of these duties, the following standards apply.

C. Disqualification.

(1) A justice should disqualify himself/herself in a proceeding in which his/her impartiality might reasonably be questioned, including but not limited to instances where:

(a) he/she has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(b) he/she served as counselor in the matter in controversy, or a counselor with whom he/she previously practiced law served during such association as a counselor concerning the matter, or the justice or such counselor has been a material witness concerning it;

On May 11, 2004, Respondent acted on a request by Bishop Kyles in a matter of controversy, Respondent gave instructions of his interpretation of the constitution of the Church of God in Christ⁶. When the matter concerning Bishop Kyles came before the Judiciary Board, Respondent refused to recuse himself even when the conflict was brought to the attention of the court⁷. Respondent also acted in concert with Chief Justice Johnson and Justice Davis to prevent these conflict of interest issues from being exposed and discussed by the Judiciary Board prior to ruling on the Bishop Kyles case. Respondent knew this was the kind of conflict that would inevitably arise when he made the decision to run for the Judiciary Board. Nonetheless, he has not acted ethically in this matter.

⁶ Exhibit 1

⁷ Exhibit 4

A judge must operate with integrity, not according to what he can get by with for the court to be effective. This failure to recuse himself was and is a violation of the Judicial Code of Conduct.

COUNT II

JUDICIAL MISCONDUCT

COLLUSION WITH OTHER PARTIES IN CONJUNCTION WITH A CASE UNDER REVIEW

Respondent allowed, “The Powers that be” to influence him in a headlong rush to please those who wanted an order in the Kyles case done at the April 2019 call meeting.⁸ The pressure to “please” was an overriding factor which prevented Respondent from ensuring Bishop Kyles was afforded his full constitutional right of due process.

CANON 3: PERFORM THE DUTIES OF OFFICE IMPARTIALLY

A justice should perform the duties of his/her office impartially and diligently:

The judicial duties of a justice take precedence over all his/her other activities as pastor, district superintendent, district missionary, state supervisor, jurisdictional bishop, and national officers. His/her judicial duties include all the duties of his/her office prescribed by the constitution. In the performance of these duties, the following standards apply.

A. Adjudicative Responsibilities.

(1) A justice should be faithful to the law and maintain professional competence in it. He/she should be unswayed by partisan interests, public clamor, or fear of criticism.

A justice should accord to every person who is legally interested in a proceeding or his/her counselor, full right to be heard according to law, and, except as authorized by law, must not consider ex parte communications concerning a pending proceeding.

⁸ Exhibit#: Count 7, paragraph 2, Impeachment for Chief Justice Martin L. Johnson

CANON 2: AVOID THE APPEARANCE OF IMPROPRIETY

A justice should avoid impropriety and the appearance of impropriety in all his/her activities:

A. A justice should respect and comply with the Church's constitution, amendments, by-laws, and all appendices thereto and should conduct himself/herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Respondent showed a blatant disregard for the rule of law, failed to respect, and comply with the Constitution of the Church of God in Christ, Inc.

Misconduct: A transgression of some established and definite rule of action, a forbidden act, a dereliction from duty, unlawful behavior, willful in character, improper or wrong behavior; its synonyms are misdemeanor, misdeed, misbehavior, delinquency, impropriety, mismanagement, offense, but not negligence or carelessness. Term “misconduct” when applied to act of attorney, implies dishonest act or attempt to persuade court or jury by use of deceptive or reprehensible methods. *People v. Sigal*, 249 C.A. 2d 299, 57 Cal. Rptr. 541, 549.

(Black’s Law 6th Edition)

COUNT III

Fraud in the Judiciary Board Election Process: Knowingly running for office when he was ineligible.

Fraud: A knowing misrepresentation of the truth or concealment of a material fact to induce another to act to his or her detriment.

(Black’s Law Dictionary 9th Ed)

Respondent had been appointed by Bishop L.H. Ford to be the General Counsel for the Church of God in Christ, Inc. a position he held until approximately April 2013, a position held by

Respondent for approximately eighteen (18) years. Subsequent to his removal as General Counsel Respondent was consecrated as an Auxiliary Bishop. In April 2014, Respondent ran for an Episcopal position on the Judiciary Board with full knowledge he was not qualified. To be the General Counsel; the one who advised “...*the national organization with regard to interpretation of their constitution or bylaws and one who has*” and has “...*drafted major portion of the amendments to the constitution.*”⁹ considered the expert on the Constitution of the Church of God in Christ. To have such an extensive knowledge of the constitution and knowingly run for an office he was not eligible for, displays an egregious lack of integrity and disdain for the rules and regulations of the Church. The General Assembly delegates would believe “Judge Enoch Perry III” would not attempt to deceive them.

Article VIII, Composition and Criteria an amendment to the charter states;

“The Judiciary Board shall be composed of nine (9) members designated in three (3) categories: episcopal, ministerial, and general. Three (3) members shall be jurisdictional bishops (episcopal), three (3) members shall be elders other than bishops (ministerial), and three (3) members shall be from the church at large (general). Each member shall be at least forty-five years of age and an active member of the Church of God in Christ for not less than twenty (20) successive years, a person of mature judgment, proven ability, integrity and knowledgeable in Church of God in Christ constitutional matters.”

As an Auxiliary Bishop, Respondent constitutionally did not qualify for an episcopal position, with his knowledge of the constitution to conceal that fact was an act of fraud.

⁹ 05-CV621 COGIC, INC. vs BOARD OF TRUSTEES of EMMANUEL COGIC, page 9, lines 20-25, page 10, lines 1-3

I, the Complainant Elder Ronald E. Stidham, a member of the Church of God in Christ, Inc., as Complainant in the above and foregoing Complaint, affirm that the statements and allegations contained herein are true, and correct on this Thursday, September 19, 2019.



Ronald E. Stidham
4310 Salem Ave
Wichita, Kansas 67220
(316) 682-5746
stidhamr@prodigy.net

Moses Tyson, Jr.
2701 Tulumne St.
Vallejo, California 94589
(704) 648- 3090
email@anywhere.usa

August 21, 2019

Bishop Joel H. Lyle Jr.
General Secretary
Church of God in Christ, Inc.
930 Mason Street
Memphis, Tennessee 38126
jhlylesjr@aol.com

Elder Peter Davis
Judiciary Board Secretary
Church of God in Christ, Inc.
P.O. Box 10141
Birmingham, AL 35202
davispj11@aol.com

Via Electronic Mail

Greetings,

Enclosed you shall find the Amended Complainants Petition of Official Charges pursuant to Article VIII, - Judiciary Board, Duties, ¶ 10 of the Church of God in Christ Constitution.

I am filing this petition in response to the violations of the Constitution by Bishop Martin Johnson, Chief Justice of the Judiciary Board of the Church of God in Christ, Inc.

Sincerely,

/s/ *Moses Tyson Jr.*
Moses Tyson, Jr.

Encl.

**Before The
GENERAL ASSEMBLY
JUDICIAL REVIEW COMMITTEE
OF THE
CHURCH OF GOD IN CHRIST, INC.**

MOSES TYSON, JR., AND
RONALD E. STIDHAM

COMPLAINANT(S)(S)

VS

BISHOP MARTIN LUTHER JOHNSON,
RESPONDENT

PURSUANT TO ARTICLE VIII—JUDICIARY BOARD

AMENDED COMPLAINANT(S)'S PETITION OF OFFICIAL CHARGES

Comes Now Elder Moses Tyson, Jr., and Elder Ronald E. Stidham, hereinafter referred to as the Complainant(s)(s); member(s) of the Church of God in Christ, Inc., and files this herein petition against Bishop Martin L. Johnson, Chief Justice of the Judiciary Board of the Church of God in Christ, Inc., with headquarters in Memphis, Tennessee and alleges and states as follows;

Bishop Martin L. Johnson, hereinafter referred to as the Respondent, did violate the rules and regulations of Article VIII—Judiciary Board of the Constitution of the Church of God in Christ, Inc. as follows:

STATEMENT OF FACTS

Respondent has willfully violated the statutes of the Constitution of the Church of God in Christ, Inc. Article III, Part II, §A, ¶5. The Judiciary Board was created by an act of the *will* of the General Assembly on April 11, 1991 as the Supreme Court of the Church of God in Christ, Inc. The General Assembly has stated the rulings of the Judiciary Board are final, therefore the rulings, decisions and orders of the Judiciary Board are to be executed to comply with Article III, Part II, §A, ¶5. Its authority, enshrined into the Constitution, an amendment to the Charter, by the General Assembly the only law making doctrine expressing body in the Church of God in Christ and as such, its orders are those of the General Assembly.

As a result of the deliberate and deceptive mishandling of the Bishop Kyles matter by Respondent, it is with deep regret I have decided to file charges against him.

The Judiciary Board is Board balances the legislative and executive branches by being that ultimate authority on questions of constitutionality and the final appellate forum of the Church for disputes¹. Respondent has failed to perform his constitutionally mandated duties as established by Article VIII —Judiciary Board; an amendment to the constitution/Charter of the Church of God in Christ, Inc.

We submitted Bishop Kyles appeal on or about two years ago for the first case and over a year ago on the follow up case. The Judiciary Board did not respond to our submissions. Then out of nowhere Respondent issued rulings with no basis of fact. I say this because again, for years the Judiciary Board sat silent and did not take up our cases. Then to really add insult to injury, he went on to preach for Bishop Tate, who was one of the direct "beneficiaries" of Respondent's illegal behaviors. Respondent also knew about the attached injunction as we discussed it in 2017

¹ Article VIII—Judiciary Board, Preamble, Judicial Code of Conduct, Conflicts of Interest, ¶2.

in St. Louis. To my knowledge the injunction has yet to be lifted. Given that Bishop Tate's consecration was not to go forward, per the attached injunction, Respondent going to preach there (see flier), in my opinion is shameless behavior.

I truly believe that our "Judiciary Board Justices" must remain above reproach and not engage in conduct that will cause questions as to its true independence of any undue influences. I have admired Respondent for many years and in fact over twenty years ago, I personally went with the late Presiding Bishop Owens when he appointed him as a Bishop. But, I cannot sit by and ignore the fact that his behavior has compromised the integrity of our current Judiciary Board not only by his illegal behavior, but also his influence to get others to even vote on the Bishop Kyles matter, knowing the cases had never truly been adjudicated by them, per the rules?

COUNT I

MALFEASANCE

CANON 1. UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY BOARD

A justice should uphold the integrity and independence of the judiciary:

An independent and honorable judiciary is indispensable to justice in The Church of God in Christ. A justice should participate in establishing, maintaining, and enforcing, and should himself/herself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

The establishment of the Judiciary Board shall assure that the legitimately aggrieved members of the Church of God in Christ, Inc. are heard, that fairness prevails throughout the brotherhood, and that equal protection and due process are and continue to be the right of every Church member.

This independent, objective branch of Church government shall have as its highest objective the protection of the rights of every member of the Church of God in Christ, Incorporated as set forth in the Church constitution. The protection of those rights shall be without regard for official position or social station. Therefore, it shall be crucial that the Judiciary Board decisions are rendered without intimidation, coercion, or undue influence and that the members of said Board are fair, sober, objective and seasoned in their decision making.

Respondent adjourned the deliberations and caused the court to participate in ex parte communications with both the Board of Bishops² and the General Board concerning the case of Bishop Kyles. This was a violation of both Bishops Kyles United States Constitutional rights to due process and the rights established in Article VIII—Judiciary Board of the constitution of the Church of God in Christ, Inc. When the courts within the Church of God in Christ judicial system can be “summoned” by the Presiding Bishop, General Board, or anyone representing the Executive Branch to discuss current and or pending cases and the possible ramifications of an

² Exhibit 1: Page 12, Petition for Impeachment of Justice Davis

unfavorable verdict, that is an attack on the independence of the Judiciary Board and begs the question is it possible to receive justice in COGIC.

When the Chief Justice appears ready to place himself at the beck and call of those from whom he can receive promotion or elevation, all confidence in the ability of the Judiciary Board to render decisions that are fair, sober, objective and seasoned is shattered.

Respondent's violation of this Canon has severely tarnished the integrity and independence of the Judiciary Board and has reinforced the perception; they are just a committee with no real authority. Respondent should not have taken these action which therefore is; "Malfeasance".

Malfeasance: *is a wrongful act which the actor has no legal right to do, or any wrongful conduct which affects, interrupts, or interferes with performance of official duty, or an act for which there is no authority or warrant of law or which a person ought not to do at all, or the unjust performance of some act, which party performing it has no right, or has contracted not, to do.*

{Black's Law Dictionary 6th Edition}

COUNT II

JUDICIAL MISCONDUCT

CANON 2. AVOID THE APPEARANCE OF IMPROPRIETY

A justice should avoid impropriety and the appearance of impropriety in all his/her activities:

- A. A justice should respect and comply with the Church's constitution, amendments, by-laws, and all appendices thereto and should conduct himself/herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Respondent showed a blatant disregard for the rule of law, failed to respect, and comply with the Constitution of the Church of God in Christ, Inc. He refused to allow discussion and deliberation on the cases properly brought before the Judiciary Board. To discover the Judiciary Board did

not *consider* the pleadings and motions before them is outrageous³. How can the members of the Church of God in Christ or the public have any confidence in the integrity and impartiality of the Judiciary Board when the Chief Justice himself fails to follow the laws promulgated by the General Assembly? This thumbing of his nose at the law, the canons and the General Assembly constitutes Judicial Misconduct;

Misconduct. A transgression of some established and definite rule of action, a forbidden act, a dereliction from duty, unlawful behavior, willful in character, improper or wrong behavior; its synonyms are misdemeanor, misdeed, misbehavior, delinquency, impropriety, mismanagement, offense, but not negligence or carelessness. Term “misconduct” when applied to act of attorney, implies dishonest act or attempt to persuade court or jury by use of deceptive or reprehensible methods. *People v. Sigal*, 249 C.A. 2d 299, 57 Cal. Rptr. 541, 549.

(Black’s Law 6th Edition)

COUNT III

NONFEASANCE: FAILURE TO RULE ON RESPONDENTS PLEADINGS

Nonfeasance: Nonperformance of some act which person is obligated or has responsibility to perform; omission to perform a required duty at all; or, total neglect of duty. *Desmarias v. Wachusett Regional School Dist.*, 360 Mass. 591, 276, N.E.2d 691, 693.

Respondent has failed to comply with Article VIII—Judiciary Board, Organization and Procedure paragraph 1(a)

The chairman shall preside over all judicatory sessions. He shall also assign the task of writing the findings of facts and conclusions of law to one or more Judiciary Board members, or he may elect to write the facts and conclusions of law himself. The chairman shall also submit an annual report to the chairman of the General

³ Exhibit C –MLJ Impeachment

Assembly. This written report shall list all cases considered by the Judiciary Board that year and the Board's disposition of each case

There can be no findings of facts if the pleadings are not deliberated on by the court. Bishop Kyles has a United States Constitutional right as well as the right granted by the Constitution of the Church of God in Christ to appeal;

“... but the accused Bishop shall have the right to appeal an adverse decision to the General Assembly”⁴.

In 1991 by constitutional amendment, (except for elected officials) this right to appeal was as were all other adjudicatory duties, given to the Judiciary Board.

Respondent has a fiduciary duty to the entire membership of the Church of God in Christ to hear each case, and cause the decisions to be written which set forth the findings of facts and conclusions of law; Respondent failed to perform this duty which he was obligated to and agreed to do; an act of Nonfeasance.

⁴ Article VIII, Section D, ¶2(k)

We, the Complainant(s) Elder Moses Tyson, Jr. and Elder Ronald E. Stidham, members of the Church of God in Christ, Inc., as Complainant(s) in the above and foregoing Complaint, affirm that the statements and allegations contained herein are true, and correct on this Wednesday, August 21, 2019.

/S/ *Moses Tyson Jr.*

Moses Tyson, Jr.
2701 Tulumne St.
Vallejo, California 94589
(704) 648- 3090
mosestysonjr@hotmail.com

/S/ *Ronald E. Stidham*

Ronald E. Stidham
4310 Salem Ave
Wichita, Kansas 67220
(316) 682-5746
stidhamr@prodigy.net

From: Lemuel Thuston <lfthuston@gmail.com>
Sent: Wednesday, December 21, 2016 8:16 AM
To: ERIC McADAMS
Cc: Moses Tyson Jr
Subject: Re: WILLIAMS TEMPLE / BISHOP BRANDON B PORTER

Greetings Deacon McAdams,

I had hoped after speaking with you, the Presiding Bishop, and Bishop Daniels that most of your concerns regarding Bishop Porter's possible impending pastoral appointment of Bishop Thompson's appointment to Williams Temple has been allayed. Per our phone conversation, I assured you of the constitutional privilege a local church may invoke in the pastoral appointment process. I was informed by the Presiding Bishop that Bishop Daniels indeed honored that privilege and congregational input has been formally implemented. I was informed that a pulpit search committee of Williams Temple membership has been authorized and activated, and name(s) may be submitted to Bishop Daniels soon. I was also under the impression that Bishop Daniels (not Bishop Porter) would be completing the pastoral appointment process at your church. Perhaps I am unclear on some of the details.

Accordingly, I am willing to process your complaint per the constitution of the Church. Obviously, the untimely death of Chairman Hunt has diminished the continuity of your discussions with him. Perhaps there are details he shared which I do not have or have not fully understood. I have read your letter to him, but may I suggest that it would be better for YOU if you send a current document clarifying the specific results you prefer CURRENTLY in the matter involving Bishop Porter. Possibly your concerns could be satisfied more efficiently via an alternate route. Should the CURRENT complaint be sent to the General Assembly Investigating Committee (which Chairman Hunt had mistakenly dissolved), it will take an extensive period of time to complete the judicial process. I am not reluctant to go that route, but it will be more lengthy than you might expect and some of the steps would be necessarily redundant.

LFThuston
Chairman - General Assembly

On Fri, Dec 9, 2016 at 2:29 PM, ERIC McADAMS <ericmac3@att.net> wrote:

Dear Sir :

Thank you for your response, however the only thing that happened Wednesday night was Bishop Kurt Thompson was voted down and rejected from becoming our pastor. Nothing else has changed at this point I am requesting that you move forward now as it relate to our charges against Bishop Porter.

As you know Moses Tyson Jr. has agreed to support our efforts in making sure we get due process. I look forward to your response regarding this matter.

I am sure he will chine in to this e - mail threat when he reads it.
Last question Sir. how long will it take before we have a trial so we can have the opportunity to prove our allegations against Bishop Porter and get the proper relief ?
Also did you get the exhibit that Moses Tyson Jr sent you on yesterday to be put in our file regarding our case? It is the e - mail that the late Bishop Hunt sent to Bishop Blake regarding our case , did you get it Sir ?

Thanks ,

Deacon Eric McAdams

On Friday, December 9, 2016 3:26 PM, Lemuel Thuston <lft Huston@gmail.com> wrote:

Great to hear from you Per our conversation a few weeks ago, Bishop Blake assured me that corrective measures were sure to be taken on the matter of Williams Temple that you had raised. I committed to allow the few weeks to transpire for that accelerated process to take course. After speaking with Bishop Daniels and Bishop Blake, I understand the wishes of the congregation have been afforded opportunity for expression and Williams Temple is now on track to receive an appointed pastor that is suitable to this congregation.

You may recall in our earlier conversation how I expressed that the constitution allows for local assemblies to have input and offer recommendations to the bishop in charge. I am pleased that such privilege has been included in this process.I trust you and the saints feel you have been heard and respected and the selection process will proceed in accordance with the constitution and the spirit of holiness.

Most Sincerely,

LF Thuston
Chairman - General Assembly

On Wed, Dec 7, 2016 at 2:43 PM ERIC McADAMS <ericmac3@att.net> wrote:
Dear BISHOP THUSTON HOLY GREETINGS SIR. AS YOU KNOW WE SPOKE VIA TELEPHONE OVER A WEEK AGO REGARDING OUR SITUATION HERE AT WILLIAMS TEMPLE. SINCE THAT TIME I HAVE NOT HERE BACK FROM YOU. HOWEVER AS YOU NOW KNOW MOSES TYSON JR. HAS PERSONALLY AGREED TO HOPEFULLY HELP US COME TO A PEACEFULLY RESOLUTION . HE HAS ASSURED ME THAT YOU ARE A MAN OF INTEGRITY AND THAT YOU ARE OVERWHELMED IN YOUR WORK LOAD AS A RESULT OF HOW YOU CAME IN TO YOUR CURRENT POSITION.HE HAS ADMONISHED ME AND MY GROUP TO TRUST GOD AND THE SYSTEM.I AM CONVINCED THAT IF WE ALL

WALK IN INTEGRITY FURTHER DAMAGE CAN BE MINIMIZED.OUR ONLY GOLD IS TO MOVE WILLIAMS TEMPLE MINISTRY FORWARD IN A GODLY AND EFFECTIVE WAY.I LOOK FORWARD TO COMMUNICATING WITH YOU AGAIN SOON. DEACON ERIC MCADAMS ; PLEASE EXCUSE THE CAPS IN THIS E - MAIL AS I AM NOT COMPUTER SAVVY !!!