

PASTOR MOSES TYSON, JR. AND ELDER RONALD STIDHAM				
<i>Complainant(s)</i>				
Vs				Case No. _____
CHAIRMAN MICHAEL EADDY,				
<i>Respondent</i>				

Respondent did violate the rules and regulations of the General Council of Pastors and Elders of The Church of God in Christ, Inc. as follows.

STATEMENT OF FACTS

1. A letter dated March 2, 2021 was sent by Elder James Strogler stating the committee had recommended a trial, which would be held March 29, 2021 *[Exhibit 1]*.
2. On April 30, 2021, Appellant received the "Final Order and Judgment" *[Exhibit 1a]* dated April 15, 2021 from Elder Strogler stating, "...that Rufus Kyles, Jr. be Removed from the office of Pastor of Evangelist Temple and that his credentials as an Elder in the Church of God in Christ be revoke [sic]."
3. On April 30, 2021, pursuant to Article VIII, Section B, para. 2(h), a Notice of Appeal was filed with the General Council of Pastors and Elders.
4. On May 5, 2020, a request was made to the Texas Southeast #1 Jurisdictional Pastors and Elders Council for copies of the following including Respondent on the cc list. *[Exhibit 1b]*
 - a. A copy of the transcript from the March 29, 2021 trial¹
 - b. The time and number of certified Elders present.
 - c. The name of the jurors if any
 - d. The names of the members of the investigation committee
 - e. A copy of the charges with the signatures of the members who filed the charges
 - f. The total number of members of Evangelist Temple
5. These items must be supplied by the court of the Ecclesiastical Jurisdiction to verify the due process rights of all parties are protected.
6. Each of the above items are required to verify the procedures mandated by the Church of

¹ Transcript required for an accurate record of statements made at trial.

God in Christ Constitution and the Rules and Regulations found in the General Council of Pastors and Elders Official Manual 3rd Edition.

7. Texas Southeast #1 failed to produce the requested document; therefore, Complainant proceeded to perfect the appeal to protect Bishop Kyle's due process rights.

8. In an Order dated July 28, 2021, the Judicial Review Committee wrote;

*"Please be advised that this matter has been reviewed and the decision was made based on the documentation received. **The documents received show trial procedures, which did not afford Due Process to the respondent and the complaint fails to meet legal and constitutional authority of Section B, 2 (a), of the Official Manual Trials of Pastors of Local Churches.**"*

(Bold font for emphasis)

9. Bishop Kyles received this order via certified mail August 2, 2021, [Exhibit 2b].

10. On August 3, 2021 at 1:14 A.M. [Exhibit 2], Chairman Eaddy sent an email in which he apologized to Auxiliary Bishop Kurt Thompson in which he alleged the order was issued prematurely. [Exhibit 2a]

11. Our Due Process rights are enshrined in both the Constitution of the United States, the Constitution of the Church of God in Christ, Inc.; including Article VIII—Judiciary Board and the Code of Judicial Conduct, an addendum to the Constitution. All judicial procedures are found in the four corners of the aforementioned documents.

12. When the Judicial Branch was created on April 11, 1991 by the General Assembly with the passage of Article VIII—Judiciary Board, all courts and tribunals were brought into the new third branch of government. In the lower courts, there are different jurisdictions. The court of first mention (trial court) for bishops is the Board of Bishops Judicial

Committee to be judged by his peers with the right to appeal to the Supreme Court, the Judiciary Board. The court of first mention for all other clergy is their respective Jurisdictional Pastors and Elders Council. They then have the right to appeal to the General Council of Pastors and Elders (the first Appellate Court) and subsequently to the Supreme Court.

13. It is also true, because of the Judicial Canon and Code of Conduct, which is an addendum to the Constitution; ratified November 15, 1994 all justices must adhere to the Judicial Code of Conduct.

14. Except for his role in delivering charges to the Judicial Review Committee, Chairman Michael Eaddy is not part of the court administration. He is an Executive whose duties and responsibilities are enumerated in the General Council of Pastors and Elders Official Manual. He appoints the judges to the Judicial Review Committee thereby accepts the responsibility of maintaining the minimum number of nine justices.

15. Once they are appointed, his authority over them in their role as *justices* ends. As Council members he is the highest ranking elected officer of the General Council. However his authority ends at the doors of the court chambers. It is similar to when a governor of a state appoints the appellate and Supreme Court justices' he has no authority or control over their decisions as it relates to court actions.

16. These actions have shown; the one charged with protecting the rights of the Pastors and Elders is now more concerned with the bishop.

17. Just as Adam by his sin caused all of humankind to bow before the devil, this Chairman

by his violation has caused all pastors and elders to bow before the wishes of the General Board.

18. The Judicial Review Committee reviewed the documents found in the appeal and determined there was enough information to make a determination that in his role as Pastor, the *Due Process* rights of Bishop Rufus Kyles, Jr. had been violated according to Article VIII, § B.
19. As an Appellate court, the Judicial Review Committee is a part of the Judicial Branch of government of the Church of God in Christ². After the passage of Article VIII–Judiciary Board, the chairman of the General Council no longer has the constitutional authority to interfere with the first Appellate Court of the Church of God in Christ; the General Council of Pastors and Elders Judicial Review Committee.
20. Much as the Governor of a state may appoint that a state Supreme Court and Appellate Court justices, once they are appointed and confirmed the governor no longer has control or administration of them. His authority ends at the doors of the court.
21. So too, once the Chairman appoints them, and the General Council approves their appointment, the Chairman of the General Councils relinquishes all authority over the Appellate Court and as a member of the Judicial Branch [page 5 of Exhibit 3], they are answerable to the Supreme Court of the Church of God in Christ, Inc.
22. As the Executive of the General Council, Chairman Eaddy has violated Canon 2, ¶ A of the Judicial Code,

² Article VIII–Judiciary Board, Preamble

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.

23. These actions have eroded the public confidence in the integrity and impartiality of the General Council, the first appellate court in the Church of God in Christ Judicial Branch.

BRIEF OF COMPLAINANT

COUNT I

ARTICLE VIII, § B, ¶ 1(b)

MALFEASANCE IN OFFICE:

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}

On July 28, 2021, the Chief Justice³ of the Appellate Court (Chairman of the Judicial Review Committee) mailed an order to Rufus Kyles, Jr, which vacated the decision, and order of the Texas Southeast #1 jurisdictional Pastors and Elders Council.[*Exhibit 2b*]. On August 3, 2021 at 1:14 A.M., Respondent sent a letter apologizing to the interim bishop, Auxiliary Bishop Kurt Thompson in which Respondent stated, “...*letter from Dr. Robert E. Garner, Chairman, Judicial Review Committee, for the General Council of Pastors and Elders, Church of God in Christ was issued prematurely*”.

The Auxiliary Bishop was not a party to the original complaint; the Auxiliary Bishop did not conduct a trial. The appeal was from the Jurisdictional Pastors and Elders Council. The only role a bishop has in the pastoral judicial process is to “...*execute the orders and decrees of the General Council*” (Article VIII, § B, ¶ 2 (j)).

This Ultra Vires act was unauthorized and beyond the scope of power allowed or granted to Respondent by the corporate charter or by the Rules and Regulations of law of the General Council of Pastors and Elders; an act of Malfeasance.

³ Page 9 General Council of Pastors and Elders Official Manual, Article V, Section II, para 2(b).

COUNT II

ARTICLE VIII, § B, ¶ 1(b)

NONFEASANCE IN OFFICE:

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,

{Black's Law Dictionary 6th Edition}

Article V, Section II of the General Council of Pastors and Elders Official Handbook states,

"The Judicial Review Committee is comprised of no less than 9 nor more than 15 members, who also serve as Ecclesiastical Judges of the Appeals Court for the General Council and the Church. The Chairman of the Judicial Review Committee serves as the Chief Ecclesiastical Appeals Court Judge for the Council and the Church."

(Page 9 General Council of Pastors and Elders Official Manual, Article V, § II, para 2 b)

Respondent has neglected his duty to maintain the minimum required number of Ecclesiastical Judges; there have been less than nine members for a period greater than two years. This neglect of duty is itself grounds to cause each Order and Decision of the General Council to be vacated for procedural violations. Each case where the Judicial Review Committee was comprised of less than nine members can be vacated if appealed in the thirty (30) day period an appeal is allowed. It is Respondents duty to the members of the Church of God in Christ, Inc. to ensure the Appellate Court is at full strength.

This neglect of duty is Nonfeasance in Office.

COUNT III

ARTICLE VIII, § B, ¶ 1(b)

MALFEASANCE IN OFFICE:

On September 28, 2021 at 10:19 P.M. [Exhibit 2c], Respondent emailed a subsequent message, which he made several assertions that not found in the Constitution of the Church of God in Christ, Inc. nor in the General Council of Pastors and Elders Official Handbook. The statement “According to the GCPE handbook, communications of this nature should emanate from the Chairman of the Council...” is false and deceptive, it gives the appearance the Chairman is the gateway for all things dealing with the Council and the Appellate Court. The court then becomes subject to the political whims of the Chairman and those from which he seeks to gain favor; this statement is an unconstitutional power grab.

8. After the Appeal is review (and/or after hearing all oral arguments if necessary) the Appeals Court will make its decision by a majority vote of those assigned to and participating in the process. The Court shall report its decision to the Chairman of the General Council.

GCPE Official Handbook Article V, § II, ¶ 5 (8)

The purpose of reporting its decisions is as the Chairman performs his duties found in Section IV, Para. 1, D (11) he will not be unaware when a question arises.

For over ten years, looking at the following cases, *never* has this Chairman demanded this type of unconstitutional authority.

- 2011 Shaw vs Bradley – No signature from Chairman, carbon copied
- 2012 Moore vs Green – No signature from Chairman
- 2012 St. Paul vs Willis – No signature from Chairman, carbon copied
- 2013 Ginyard vs Haygood – No signature from Chairman, carbon copied
- 2013 Hall vs Williams – No signature from Chairman, carbon copied

- 2015 MEJSC vs Joyner– No signature from Chairman
- 2020 Hudson Appeal – No signature from Chairman, carbon copied

Each of the abovementioned cases brought no cry of wrong doing from Respondent.

This unprecedented and unlawful act constitutes Malfeasance.

CONCLUSION

The egregious nature of the actions and inactions of Respondent has caused a loss of confidence in the Judicial Branch of the Church of God in Christ, Inc. Of four cases during a ten-year period, this Chairman has never called the procedures of the court into question. There is no evidence to any objections during this ten-year period.

The question then becomes why did Respondent act as he did? If it were in the interest of justice why was he not interested over the course of ten years. The only logical answer is to curry political favor; perhaps he desires to be a Bishop and is therefore willing to sacrifice others to expedite his elevation.

PRAYER OF THE PETITION

We therefore pray, Respondent is removed from the office of Chairman of the General Council of Pastors and Elders and another take his place.

I, Moses Tyson, Jr., and Ronald E. Stidham, members of the Church of God in Christ, Inc., as Complainant(s) in the above and foregoing Petition, affirm that the statements and allegations contained therein are true, and correct on this Wednesday, October 13, 2021.

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