

The Second Trial

On November 1, 2020 the New Hope Session, accompanied by Rev. John Van M., met to draw up a series of four charges against Mr. Jason R. The charges were accompanied by 18 specifications and were to be filed the next day November 2nd.¹

In short, the charges were²:

#1 – A violation of the ninth commandment by “not protecting the good name of others.”

There were four specifications. Two had to do with Mr. Jason R.’s email to the congregation defending himself from the accusations of the session. Those accusations had been found disorderly by the PMA. The other two specifications had to do with Mr. Jason R. sharing the accusing documents with other OPC officers who were named in the accusations.³

#2 – The offense of “violating the command to keep the unity and peace of the church...”

The first specification was a list of ways in which the session and Rev. Francis Van D. had privately addressed what they saw as “concerns about [Mr. Jason R.’s] character and shepherding.” The specification concludes: “[Mr. Jason R.] has not addressed these concerns to date.”⁴

The second specification was that Mr. Jason R. complained instead of writing to the session about his concerns.⁵

NOTE: One hardly knows how to address this – the session believed it a specification of sin that Mr. Jason R. behaved like a Presbyterian and followed the BCO when they had not. This specification was filed AFTER his complaint had been sustained.

The third specification was that Mr. Jason R. was busy and did not respond to requests to meet with them. The dates in question were well after the session had improperly publicly accused Mr. Jason R.⁶

The fourth specification was that Mr. Jason R. shared an accusing document (The Backstory) with OPC officers named in the document. This is the same action referenced in specifications 3 and 4 of charge #1.⁷

The fifth specification was the email that Mr. Jason R. sent to the congregation defending himself against the session’s accusations.⁸

1 New Hope Minutes 11/1/2020

2 See the charges in their entirety. New Hope Minutes of 11/1/2020.

3 When the PMA sustained Mr. R’s complaint it granted his first requested amend. The amend stated that the session “made accusations.” See the document “Actions of New Hope and the Complaint Against It.”

4 See the fuller charge. While there are dates about specifics of when Mr R was spoken to, there is no definition or specifics of the actual “concerns.”

5 New Hope Minutes of 11/1/2020.

6 New Hope Minutes of 11/1/2020. The dates referenced by the session were from March 4th 2020 onward.

7 New Hope Minutes of 11/1/2020.

8 New Hope Minutes of 11/1/2020.

The sixth specification was a statement made by Mr. Jason R. in a session meeting that he could not sit under Rev. VanD.'s preaching nor take communion for him, coupled with a recounting of his absence from worship.⁹

#3 – The fifth commandment offense of “failing to protect the flock of God.” This charge was accompanied by three specifications.¹⁰

Each specification was that Mr. Jason R. did not warn Mrs. Aimee B about things he saw on the Genevan Commons website.¹¹

#4 – A ninth commandment violation of lying. There were four specifications.¹²

Specifications one through three were that Mr. Jason R. had declared his desire for reconciliation and to hear concerns, but had not responded when concerns were brought.

Specification four was a claim that Mr. Jason R. lied on the floor of presbytery when asked about his church attendance.

This is simply a summary of very long charges and specifications. I encourage interested parties to read the entirety for themselves: The Charges In Trial 2.

The events of the second trial are as follows:

On *November 3rd*, the session met for the second day of trial of trial 1. It concluded with those charges being dismissed.¹³

On *November 7th*, the session met. The session passed a motion to deny Mr. Jason R. the right of performing the functions of his office.¹⁴ Visitors include The Rev. John M. (PNW) and the Rev. Glenn J. (PSE).¹⁵

The session goes into executive session. Witnesses depart, but Rev. John M. and Rev. Glenn J. are invited to join the executive session.¹⁶ There is no indication in the minutes of a specific reason for executive session, nor that executive session was lifted.¹⁷

9 New Hope Minutes of 11/1/2020, 11/3/2020.

10 New Hope Minutes of 11/1/2020.

11 New Hope Minutes of 11/1/2020. It came out in appeal that Mrs B had another source passing these comments on to her and she actually informed Mr R about many of them.

12 New Hope Minutes of 11/1/2020.

13 New Hope Minutes of 11/3/2020.

14 New Hope Minutes of 11/7/2020. This was over Mr R.'s objection. The specific grounds given were: 1) In the charges that have been filed, Mr. R. is charged with failing to keep the peace and unity of the church, and 2) the Session has lost confidence in Mr. R. as reflected in the charges, and 3) to care for injured parties. It should be noted that while charges had been filed, this preceded the first day of trial.

15 New Hope Minutes of 11/7/2020.

16 New Hope Minutes of 11/7/2020.

17 As mentioned earlier, the minutes were not in good order. It seems best to assume that the following items were done in executive session, though why executive session was necessary to do these items is unclear.

The Rev. John M. is appointed primary counsel [for the session], the Rev. Glenn J is appointed secondary counsel [for the session].¹⁸

The session passes the following: “Motion was passed to refuse to provide [Mr. Jason R.] the two letters from Mrs. Aimee B. dated October 4 and October 9, 2020 and the letter from Mr. David C. of October 6, 2020. Grounds: 1) In the filed charges, Mr. Jason R. is accused of improperly distributing sensitive material; 2) Session desires to protect the parties Mr. Jason R. is accused of harming.”¹⁹

NOTE: This is an interesting technique. Usually a defendant is given considerable leeway to cite documents in order to defend himself. However, the session denied the requested documents, citing the charges themselves (which had not yet been adjudicated) as grounds for why those documents were to be denied. There is no document in any case whatsoever that could not be denied using this technique.

The session sets November 14th as the date for the first meeting of trial.²⁰

On November 14th, session met for the first meeting of trial #2 and read the charges.

Visitors include a number of observers including Rev. John Van M., as well as Rev. John M. and Rev. Glenn J.²¹

On January 5, 2021, session met.

The session receives the defendant’s request to depose Rev. Scott W. (PSE) and postpones action “pending written explanation from Mr. Jason R. that the judicatory deems to warrant citing Mr. Scott W.”²²

On January 16, 2021, session met for the second meeting of trial.

Visitors include: Rev. John M., Rev. Glenn J, and Rev. Tom M., ministerial member of the PMA and pastor of Knox OPC.²³

Rev. Tom M. was appointed moderator pro tem.²⁴

The Session declines to cite Rev. Scott W.

The full text is as follows: "In your response to cite [Mr. Scott W.] session notes that it was free to seek counsel from whom it wished. Advice received is not determinative of the action that the session takes. If the defendant had concerns about the counsel session was receiving he was free to state that at that

18 New Hope Minutes of 11/7/2020. It is worth noting that there is no provision in the OPC’s BCO for counsel for the session. When this was raised on appeal as one of the errors of the session, the PMA voted not to sustain that specification of error.

19 New Hope Minutes of 11/7/2020.

20 New Hope Minutes of 11/7/2020.

21 New Hope Minutes of 11/14/2020.

22 New Hope Minutes of 1/5/2021. In this form of a trial the judicatory is both accuser and judge. As such, it is difficult to discern whether demanding “relevance” from documents and witnesses that a defendant deems to be relevant serves the session as judicatory or as accuser.

23 New Hope Minutes of 1/16/2021.

24 New Hope Minutes of 1/16/2021.

time. The defendant has not shown that Mr. Scott W.'s testimony is relevant to these charges and specifications. Thus the session denies, sorry, thus the session declines to cite Mr. Scott W."²⁵

Mr. Jason R. objects to this ruling, among many other objections.²⁶

The Session appoints Rev. John W. then a Ruling Elder at New Hope, now a ministerial member of the Presbytery of Northern California and Nevada and Pastor of Grace OPC Battle Mountain Nevada to question the witnesses.

Rev. John W. appoints Rev. John M. (PNW) to question witnesses on behalf of the Session. The specific language: "Mr. Moderator, on behalf of the session I request that [Mr. John M.] conduct the examination of the witnesses for the purpose of the trial."²⁷

Mr. Jason R. objects, citing BOD IV.B.5.²⁸ Mr. Jason R.'s objection is not sustained.²⁹

Mr. Jason R. notes that this suggestion that the BOD allows this came from the Rev. Scott W., as read by Rev. Van D. to the judicatory as a pre-trial meeting on 1/16/2021.³⁰

Note: It should be noted that on appeal, this specification of error was also not sustained by the PMA.³¹ Yet if a judicatory can appoint anybody to question witness on its behalf, the provision in the BCO is essentially meaningless.

At this point the questioning of witnesses commenced, with Rev. John M. acting as prosecutor. This portion of the trial takes a considerable amount of time and space in the minutes.³²

Most of the questioning is uneventful, except for a few notable moments.

The first is during the testimony of Mrs. Aimee B. Mrs. Aimee B. describes Mr. Jason R.'s actions as "abuse." The following is the excerpt from her testimony:

I've learned that the trauma as a result of the spiritual abuse. And I've talked to a professional about this, and our elders have consulted a professional about this and the definition now that is anything where are you use your power to take from another what is not rightfully yours. Using spiritual or theological language to cover up abuse and neglect. So what [Mr. Jason R.] took from me, what he used his power to take for [sic – probably "from"] me, is the ability to be notified, the ability to protect myself, protection from the very person assigned over me and my family as an elder, protection of my reputation, possible physical protection is a joke about meet

25 New Hope Minutes of 1/16/2021. Again, since session was acting as both judicatory and accuser it is at best difficult to discern which role is being served. BOD IV.A. states: "Witnesses summoned at the request of the accused shall first be examined by the accused." The implication seems to be that the accused may "summon" witnesses according to what the accused deems to be relevant. There is a profound problem with allowing an accuser to also control document flow and witness access.

26 New Hope Minutes of 1/16/2021.

27 New Hope Minutes of 1/16/2021. p. 290.

28 "The trial judicatory shall appoint one of its members to conduct the examination of witnesses on its behalf, but other members shall also have the right to take part in the examination."

29 New Hope Minutes of 1/16/2021. p. 290.

30 Private email from Mr. Jason R. dated 3/1/2021.

31 See page 8 of this document.

32 Through p. 382 in the minute book.

ups Genevan Commons at the Machen Center, protection of my vocational security knowing that they were calling ahead of speaking engagements, protection in my denomination when the call aheads were to churches churches in the OPC and the Machen Center, protection of my dignity and personhood which his silence showed a complete indifference to, agency to see Justice, any capability for restoration. What he did use his power to do to me is to neglect shepherding care, notification, and protection and to blame saying the problem is my ability to take criticism insinuating that my writing deserves this treatment because it's dangerous and the problems are my feelings and not his actions.³³

*NOTE: Although a thorough discussion sensible of the definition of “abuse” is direly needed in the OPC, some of the items listed cause one to pause. Does anybody think that it is “abuse” to “not protect” the “vocational security” of somebody you disagree with? While the language of “abuse” is absent prior to this testimony, from this point forward the word “abuse” is picked up by subsequent witnesses.*³⁴

The second truly interesting moment is found in the testimony of the defense witnesses.

At the end of hearing the witnesses for the prosecution, the trial was adjourned and resumed February 6, 2021.³⁵

The defense called a number of witnesses, including Mr. Jason R. During the cross examination of Mr. Jason R. by Rev. John M. the following exchange occurred. Please note that the following is from a transcript made from audio recordings and provided to the presbytery by the session, thus the sometimes awkward English:³⁶

Mr. John M.: Back under charge two, specification (inaudible), sending things to various people (inaudible) did I hear correctly that you did send a copy of the Backstory to [Mr. Shane A.]?

Mr. Jason R.: To [Mr. Shane A], and, to the two officers present, yes I did, that were named in the Backstory. I sent the information so that they were aware that they had been named by an OPC church and has essentially cast on their character by an OPC church. I did provide that to them.

Mr. John M.: Did you and those officers have a close relationship?

Mr. Jason R: No. It was the first time I had ever spoken to them or communicated with them in any way.

Mr. John M.: So you had not been in the practice of seeking counsel from them?

33 New Hope Minutes of 1/16/2021. p. 290.

34 See the testimony of Ruling Elder Dave M.

35 Until this point I have been working off the minutes of New Hope. From this point forward I do not have access to the minutes. I requested from the New Hope Session the minutes of New Hope from 1/16/21 forward, which request the session denied.

36 Trial transcript provided by the New Hope Session to the PMA p 132. The awkwardness of the sentences is verbatim as found in the transcript.

Mr. Jason R.: No. Not at all. At that point I had, like I said, I had never communicated with either of them at that point in time.

My note: This struck me as a salient moment, indeed Mr. Jason R. commented about it in an email.³⁷

Mr. Jason R. wrote: “He also seemed to think that me and [Mr. Shane A.] were close, and was clearly surprised when he asked whether I had been communicating with him prior to sending the backstory, and I said that was the first time I had ever spoken to him or [Mr. Benny C.]”³⁸

Since this struck me as salient moment in the trial I specifically asked Mr. John M. about it on the floor of Presbytery. I asked Mr. John M.: “Were you surprised when Mr. Jason R. testified that he did not know Mr. Shane A. and the others?” After a momentary delay the Rev. John M. answered unequivocally and loudly “No.”³⁹

Draw your own conclusions.

When it came time to deliberate, the session deliberated with closed doors.⁴⁰ Rev. John M. and Rev. Glenn J. were invited to join in the deliberations.⁴¹

The final verdict within the session was that Mr. Jason R. was found guilty on all counts. The session proposed as censure “That [Mr. Jason R.] be suspended indefinitely from the privileges of membership in accordance with BD VI.B.3,a, and that he be deposed from the office of elder in accordance with BD VI.B.4,a.”⁴²

NOTE: It is extremely important to consider the proposed censure. Session members and the “visiting counsels” argued strongly on the floor of Presbytery that suspension from the Lord’s Supper was not only warranted but necessary. To reiterate, the Session and counsel believed that it was holy, right and necessary in the sight of God to cut a man off from Christ given the charges and specifications presented, and description offered, namely “character issues which prevented him from being an elder.”

On March 16, 2021 Mr. Jason R. appealed his conviction to the PMA.

On March 29, 2021 the moderator requested permission (via email) to erect an ad hoc committee to review the appeal from Mr. Jason R.

On May 1, 2021 the Presbytery met in its stated meeting. The appeal was not considered at this meeting and an adjourned meeting was scheduled for June 26, 2021.⁴³

Among the documents presented to the presbytery was a letter, written by Mr. John M. and sent to each of the three members of the ad hoc Committee.

37 Private email from Mr. Jason R. 3/1/2021.

38 Private email from Mr. Jason R. dated 3/1/2021.

39 Public testimony on the floor of the PMA 6/6/2021.

40 Minutes Trial Judicatory (continued) February 6, 2021 (provided by the session to the PMA)

41 Minutes Trial Judicatory (continued) February 6, 2021 (provided by the session to the PMA)

42 Minutes Trial Judicatory (continued) February 6, 2021 (provided by the session to the PMA)

43 Much of the available time for judicial matters at that meeting was taken by the examination of the charges against the session and Mr. Francis VanD. See the document “The Charges Brought Against Rev. Francis Van D. and the Session.”

The committee found the letters so unusual that they determined that it ought to be sent to the presbytery for information.

The gist of the letter was to express concern that the presbytery had not been impartial and to request assurance from individuals that the presbytery might act in a certain manner.

Specifically the concern was stated: “Can you help me provide some assurance to the New Hope session that the appeal of their judicial case will be decided on a level playing field?”⁴⁴

It strikes me that concerns about a level playing field were rather remarkable considering that the charges against Rev. Van D. were never adjudicated by the PMA, while charges against Mr. Jason R. were. The email from the committee members to the presbytery and the complete letter can be found in the supporting documents.

As in any case like this, session provided a document sharing its perspective and arguing that the appeal should be denied. The most pertinent sentence was this:

“During the trial of the case on appeal, it became evident that the defendant tended to focus on technical details. Testimony was heard that he was not responsive to earlier efforts by his session to work through character and shepherding concerns with him. This appeal is consistent with the approach by the defendant that became evident during the trial itself: concerns about larger issues were responded to with a focus on detail.”

The entire document may be found here: *Session’s Preliminary Response to [Mr. Jason R.] Appeal*.

*My note: The grave difficulty with this is that the session sought to claim “character issues” without sufficient details to support the claim. Mr. Jason R. focused on the details of the charges and errors of the New Hope Session because charges must be based on details – specifications of sin. In my opinion the session really seemed to think that the charge of “character issues” itself was sufficient in and of itself for conviction. One of their regular complaints about Mr Jason R. was that he defended himself when accused.*⁴⁵

On June 26, 2021 the ad hoc committee for examining the appeal of Mr. Jason R. presented. Given the number of the charges and the overlapping specifications, the process for working through the charges was convoluted, but handled very well by the ad hoc committee.⁴⁶

The meat of that work by Presbytery is found in the minutes of the Presbytery meeting. For a summary, skip down below the minute excerpts.

I have pasted the excerpts below – the minutes of June 26, 2021 describe the charges and the actions taken by presbytery.

44 Letter to Mr. John L. from Mr. John M. The exact same letter was sent to the other members of the ad hoc committee.

45 See for example their concern that he filed a complaint rather than “talking to them.”

46 The Committee’s report was made part of the record and is available here.

Following the close of discussion, Presbytery proceeded to decision on the fourteen specifications of error advanced by the appellant. On motion Presbytery adopted the following motion proposed by the Committee in its addendum distributed prior to the meeting:

Resolved, that the Report of the Committee for the Mr. Jason R. appeal, dated April 27, 2021, and the addendum thereto are made part of the record of the appeal in this matter, with the understanding that Presbytery's sustaining or rejection of a Specification of Error without further qualification shall be considered the sustaining or rejection of such Specification of Error in accordance with the recommendation of the Committee, including the rationale set forth in the Committee Report, unless Presbytery shall otherwise qualify its action; and Further resolved, that the Presbytery shall vote on the Specifications of Error in the Mr. Jason R. appeal in the order proposed by the Committee for the Mr. Jason R. appeal in the addendum to its Report.

Pursuant to Section XX of the Book of Discipline, Presbytery then proceeded to vote separately on each of the Specifications of Error in the order and within the groupings and set forth below, with the qualification that only the main head of each specification be recorded in the minutes.

Specifications of Error related principally to the conduct of the trial

Specification of Error No. 3 asserts irregularities in the trial, including the permitting of opening and closing statements by the Session: The Session of New Hope Presbyterian Church of the Orthodox Presbyterian Church erred in allowing irregularities in the trial that are not allowed in the OPC Book of Discipline and which prejudiced the outcome of the trial.

Presbytery, on motion, determined to consider each instance of Specification of Error No. 3 severally.

Specification of Error No. 3, Instance A – The New Hope Session erred in allowing men who were not members of the Session to take over the questioning of witnesses, including one person who was not present for part of the trial:

Presbytery, on motion, **sustained** Specification of Error 3, Instance A.

Presbytery, on motion, reconsidered its vote to sustain Specification of Error 3, instance A.

Presbytery, on motion, **denied** Specification of Error 3, instance A.

My note: The essential argument raised by those seeking to have the specification of error denied is that there is no "Regulative Principle" when it comes to the book of discipline. Thus actions not forbidden are allowable. The following is the pertinent section of the BCO regarding testimony:

"The trial judicatory shall have power to direct that the testimony of witnesses be taken by a commission appointed by the trial judicatory when it concludes that unusual circumstances require such a course. A representative of the trial judicatory and the accused, or his counsel, may examine and cross-examine such witnesses..."⁴⁷

There is no discussion of "unusual circumstances" in the minutes, only a request to have an outside body question on behalf of the session. According to the arguments of the defenders of New Hope, since the BCO doesn't explicitly forbid the actions of New Hope, the actions were allowable.

Specification of Error No. 3, Instance B – The New Hope Session, acting as the judicatory in the trial, erred by providing a closing statement:

Denied

Specification of Error No. 3, Instance C – The New Hope session erred in providing an opening statement:

Denied

By denying on motion all instances of Specification of Error No. 3, Presbytery in effect denied the Specification as a whole.

Specification of Error No. 4 asserts the introduction of prejudicial information unrelated to the conduct charged: ***Sustained*** only to the extent of agreeing that some material introduced by the New Hope Session improperly implied concerns that were not charged

Specification of Error No. 14 asserts failures timely to furnish a full record of the trial for appeal:

Sustained only with respect to affirming that Session's insufficient record-keeping burdened Mr. Mr. Jason R. in the process of appeal

Charge of private conduct as a breach of the peace and unity of the church in the absence of the charge of a specific sin

Specification of Error No. 1, relating to Charge No. 2 generally and Charge No. 4, Specifications Nos. 2 and 3, asserts that the Session erred in citing private conduct as a breach of the peace and unity of the church and improperly cited violation of the peace and unity of the church as a chargeable offense without citing an accompanying chargeable sin:

Sustained

Subsequent to the sustaining of Specification of Error No. 1, by recommendation from the Committee Presbytery, on motion, vacated the following charges:

- Charge 2 and all of its specifications
- Charge 4, Specifications Nos. 2 and 3

The Moderator noted that Presbytery will not be able to work through the entirety of the report by adjournment at 5:00 which would necessitate another adjourned meeting.

The Committee continued to present its recommendations.

Charge of inadequate shepherding

Specification of Error No. 10 asserts a failure to establish a sufficient predicate for the charge of inadequate shepherding through inadequacy of website monitoring:

Sustained

Subsequent to the sustaining of Specification of Error No. 10, by recommendation from the Committee Presbytery, on motion, vacated Charge 3 and each of its specifications.

Charge of disingenuous speech

Specification of Error No. 8, relating to the four specifications under Charge No. 4, asserts that the instances of supposedly disingenuous speech referenced in those specifications involved either non-

speech conduct or circumstances too ambiguous to conclude that the defendant spoke disingenuously:

Sustained

Subsequent to the sustaining of Specification of Error No. 8, by recommendation from the Committee Presbytery, on motion, vacated the remaining specifications of Charge 4, namely Specifications Nos. 3 and 4.

Charge of casting aspersions via furnishing Backstory

Specification of Error No. 6, relating to Charge 1, Specifications Nos. 3 and 4, asserts that the appellant did not cast aspersions on the good name of the Session and a member of the congregation by furnishing a copy of the Session's "Backstory" letter to two Orthodox Presbyterian Church officers whom the Session criticized in it by name because the Backstory was effectively a public document and the appellant was not the source of the negative inferences made about what the Session had written.

Sustained

Subsequent to the sustaining of Specification of Error No. 6, by recommendation from the Committee Presbytery, on motion, vacated the remaining specifications of Charge 1, namely Specifications Nos. 3 and 4.

Charge of casting aspersions via letter to congregation

Specification of Error No. 12, relating to Charge 1, Specifications No. 1 and No. 2, asserts that appellant's correspondence with the congregation defending himself against allegations that he cast aspersions on the good name of the Session and that of a congregant was justified in view of repeated written public criticism of his character, good name, and ministry by the Session.

Postponed

On motion presbytery moved to postpone the remainder of the committee's report to the next meeting.

The PMA convened September 18, 2021 in its regular stated meeting.

At that meeting the appeal continued, with the presbytery adjudicating the appeal of the final charge and specification of the second trial.

The Presbytery's minutes read as follows:⁴⁸

Specification of Error No. 12 (The Session of New Hope Presbyterian Church of the Orthodox Presbyterian Church erred in ruling the action in Charge 1, Specifications 1 and 2 and Charge 2, Specification 5 was sinful, despite the circumstances necessitating this action in order to follow WLC 144), relating to Charge 1, Specifications 1 and 21, asserts that appellant's correspondence with the congregation defending himself against allegations that he cast aspersions on the good name of the Session and that of a congregant was justified in view of repeated written public criticism of his character, good name, and ministry by the Session.

Denied

Specification of Error No. 7 (The Session of New Hope Presbyterian Church of the Orthodox Presbyterian Church erred in holding Mr. Jason R. Jason R. responsible for consequences of Session's actions.), asserting that, with respect to actions alleged to have constituted a breach of the

peace and unity of the church, the Session improperly charged the appellant with conduct primarily the responsibility of others:

Sustained

Specification of Error No. 11 (The Session of New Hope Presbyterian Church of the Orthodox Presbyterian Church erred in convicting Mr. Jason R. Jason R. of charge 2, specification 1, without evidence supporting the charge.), asserting that no sufficient evidence supported the finding of guilt with respect to Charge 2, Specification 1.2:

Sustained

Specification of Error No. 5 (The Session of New Hope Presbyterian Church of the Orthodox Presbyterian Church erred in prosecuting charges that, if true, did not rise to the level of a trial.), asserting that the Session erred in prosecuting charges which, even if true, would not have warranted a trial with respect to

- Charge 2, Specifications 2 and 3, relating to the making public of the Backstory;
- Charge 3 (Generally), relating to specifications of conduct alleged to have breached the peace and unity of the church without any accompanying citation of a specific sin; and
- Charge 4, Specification 2, asserting that the appellant's failure to answer correspondence received following his solicitation of congregational comment on his performance as an elder constituted disingenuous speech:

Sustained

Specification of Error No. 9 (The Session of New Hope Presbyterian Church of the Orthodox Presbyterian Church erred in convicting Mr. Jason R. Jason R. of being physically absent from worship despite Mr. Jason R. being on a sabbatical; the majority of the church absenting itself physically from worship for a large portion of the time in question; and Mr. Jason R. having already been tried for this offense.), asserting that Session erred in finding with respect to Charge 2, Specification 6, that statements in a non-public meeting and being absent from worship constituted offenses against the peace and purity of the church.

Sustained

Specification of Error No. 2 (The Session of New Hope Presbyterian Church of the Orthodox Presbyterian Church erred in allowing a specification that is not allowed per BOD III.2.), asserting that Charge 3, Specification 3, relating to an alleged failure to report material on a website, is time-barred because the date of the material rather than the date that the material was seen and not reported determines the period of limitations applies.

Denied

Specification of Error No. 13 (The Session of New Hope Presbyterian Church of the Orthodox Presbyterian Church erred in proposing a level of censures that are inconsistent with the charges, if true.), asserting that the censures imposed by the Session, deposition from office and indefinite suspension of the privileges of membership, were overly severe.

On motion Presbytery substituted the committee's recommended motion regarding Specification of Error No. 13:

The committee's recommended motion:

Presbytery shall sustain only with respect to the censure of indefinite suspension only (and not to include deposition from office).

The substituted motion:

Presbytery shall sustain or deny Specification of Error No. 13, both with regards to the censure of indefinite suspension from the privileges of membership and the deposition of

office.

Sustained

Summary:

The number of charges and specifications couples with the number of Specifications of Error made for a convoluted and difficult process. This complexity was unraveled very adroitly by the ad hoc committee for examining the appeal of Mr. Jason R.

At the end of the matter, after Presbytery had worked through all the specifications of error, only 2 specifications out of 18 remained, the rest having been ruled to be in error in one way or another. Three of the four charges were tossed, having no supporting specifications. Only 1 charge with two specifications remained: That Mr. Jason R. sinned by writing to the congregation to defend himself against the session's communications to the congregation. The session's communications were found by the presbytery previously to be an error in process but were not adjudicated with regard to sinfulness of intent. (See Actions of New Hope and the Complaint Against It.) The New Hope Session viewed those communications to be an error in process, but not sinful in intent.⁴⁹

The adjudication of this appeal was contemporaneous with the process of receiving the charges against Rev. VanD. Those charges went through a very convoluted process and were never adjudicated.⁵⁰

Prosecuting Counsel for New Hope (Mssrs. John M. and Glenn J.) submitted two objections to the actions of the PMA. The presbytery submitted two responses, drafted by the ad hoc committee. Neither the objections nor responses were printed in the minutes, though both were added to the case file.⁵¹

On motion, Presbytery determined that censure of Mr. Jason R., originally to consist of indefinite suspension from the privileges of membership and the deposition of office, be replaced with admonition from the New Hope Session.

Mr. Jason R. was convinced that he should not have written to the congregation to defend himself, and agreed to receive an admonition from the session without appealing to GA. He and his family then left the OPC.

This brings to a close the narration of the second trial.

49 See "Overview of the conflict page 8

50 See "The charges brought against Rev. Francis Van D. and the New Hope Session" for a discussion of that matter.

51 PMA Minutes of 10/9/2021