

**PERMANENT JUDICIAL COMMISSION
OF THE GENERAL ASSEMBLY
OF THE PRESBYTERIAN CHURCH (U.S.A.)**

Presbyterian Church (U.S.A.) by Presbytery)	
of South Dakota,)	
Complainant/Appellant,)	ORDER OF DISMISSAL
)	
v.)	
)	Disciplinary Case 216-9
John Poland,)	
Respondent/Appellee.)	

History

This disciplinary case came before this Commission on an appeal filed by the Complainant/Appellant, Presbyterian Church (U.S.A.) by Presbytery of South Dakota, against a decision of the Permanent Judicial Commission of the Synod of Lakes and Prairies dated May 9, 2003.

John Poland was found guilty of six charges by the Permanent Judicial Commission of the Presbytery of South Dakota on November 17, 2001, and was censured to temporary exclusion from the exercise of ordained office for a period of two years and supervised rehabilitation by the Committee on Ministry of the Presbytery of South Dakota.

Respondent/Appellant appealed the determination of guilt and censure to the Permanent Judicial Commission of the Synod of Lakes and Prairies of the Presbyterian Church (U.S.A.) (SPJC). The SPJC heard the appeal on May 9, 2003, and reversed the determinations of guilt on three of the charges and modified the degree of censure.

The General Assembly Permanent Judicial Commission found that the General Assembly Permanent Judicial Commission has jurisdiction, that the appellant has standing to file the appeal, that the appeal papers were properly and timely filed, and that the appeal states one or more of the grounds for appeal set forth in D-8.0105 in its Order for Hearing dated July 12, 2003.

The Commission received a written communication from Sarah Hegena, moderator of the prosecuting committee dated July 21, 2003, in which the prosecuting committee waived its right to appeal the SPJC decision and, therefore, requested that the appeal be withdrawn.

Order

IT IS ORDERED, that the appeal be dismissed.

IT IS FURTHER ORDERED, that the Stated Clerk of the Synod of Lakes and Prairies report this decision to the Synod at its first meeting after receipt, that the Synod enter the full decision upon its minutes, and that an excerpt from those minutes showing entry of the decision be sent to the Stated Clerk of the General Assembly.

IT IS FURTHER ORDERED, that the Stated Clerk of the Presbytery of South Dakota report this decision to the Presbytery at its first meeting after receipt, that the Presbytery enter the full decision upon its minutes, and that an excerpt from those minutes showing entry of the decision be sent to the Stated Clerk of the General Assembly.

Ernest Cutting was recused from participation in this case. The following members were not present and took no part in the decision in this matter: Fred Denson, John Dudley, Leon Fanniel, June Lorenzo, and Christopher Yim.

Dated the 12th day of October, 2003.

Certificate

We certify that the foregoing is a full and correct copy of the Decision and Order of the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A.) in Remedial Case 216-9, Presbyterian Church (U.S.A.) by Presbytery of South Dakota, Complainant/Appellant, v. John Poland, Respondent/Appellee, made and announced at Louisville, KY, on October 13, 2003.

Jane E. Fahey, Moderator
Permanent Judicial Commission of the General Assembly

Gwen O. Cook, Assistant Clerk
Permanent Judicial Commission of the General Assembly

I certify that I did transmit a certified copy of the foregoing to the following persons by UPS Next Day Air, directing C. Laurie Griffith to deposit it in the mail at Louisville, KY, on October 13, 2003.

Sarah Hegena, Prosecuting Committee, Presbytery of South Dakota,
John D. Mayne, Counsel for Respondent John Poland,
Ernest E. Cutting, Stated Clerk, Synod of Lakes and Prairies,
Evelyn Reynen, Stated Clerk, Presbytery of South Dakota,
General Assembly Permanent Judicial Commission (regular mail)

I further certify that I did transmit a certified copy of the foregoing to the Stated Clerk of the General Assembly of the Presbyterian Church (U.S.A.) by delivering it in person to C. Laurie Griffith on October 13, 2003.

Gwen O. Cook, Assistant Clerk
Permanent Judicial Commission of the General Assembly

I certify that I received a certified copy of the foregoing, that it is a full and final correct copy of the decision of the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A.), sitting during an interval between meetings of the General Assembly at Louisville, KY, on October 12, 2003, in Remedial Case 216-9, Presbytery of South Dakota, Complainant/Appellant, v. John Poland, Respondent/Appellee, and that it is the final judgment of the General Assembly of the Presbyterian Church (U.S.A.) in the case.

Dated at Louisville, KY, on October 13, 2003.

C. Laurie Griffith
Manager of Judicial Process and Social Witness