

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

Presbyterian Church (U.S.A.),)
Through the Presbytery of the Redwoods)
Prosecuting Committee,)
Complainant,)
v.)
Jane Adams Spahr,)
Accused.)

**ORDER REFUSING
REQUEST FOR
REFERENCE**

Disciplinary Case No. 218-07

This Request for Reference dated December 22, 2006, was submitted to the General Assembly Permanent Judicial Commission (GAPJC) by the Permanent Judicial Commission of the Synod of the Pacific (SPJC), under D-4.0100.

Whether to accept a reference from a lower body's judicial commission is a matter of discretion to be exercised by the permanent judicial commission of the higher body. GAPJC considered the Request and hereby refuses to accept reference of this case. Responding to the reasons suggested by SPJC for the reference, GAPJC, under D-4.0203, states the following reasons for the refusal:

1. A Matter of First Impression. While this may be a case of first impression as to an appeal by a prosecuting committee, now permitted under D-13.0102, it is not a matter of first impression as to the substance of the complaint. See, for example, *Benton et al., v. Presbytery of Hudson River, Minutes*, 2000, p. 586. The complexity of the issues invites consideration through the full judicial structure of the PC(USA).

2. An Appeal Inevitable. Despite an assertion by SPJC that an appeal is inevitable, it is not for GAPJC to speculate whether a non-prevailing party at the SPJC level will appeal a decision of SPJC. Further, the judicial framework established by the *Book of Order* provides an intermediate level of appellate review at the synod level. Acceptance of this reference would deny the parties one level of review.

3. Undue Expense and Delay. The expense and delay, if any, that may result from this refusal of reference is not likely to be extraordinary, as SPJC claims.

THEREFORE, this case is returned to the SPJC for action in accordance with D-4.0203.

Absences and Non-participants

Mildred Morales was not present and took no part in this case. June Lorenzo was recused and took no part in this case.

Certificate

We certify that the foregoing is a true and correct copy of the Order of the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A) in the *Presbytery of the Redwoods Prosecuting Committee v. Jane Adams Spahr* in Disciplinary Case 218-07, made and announced at Kansas City, Missouri, on May 6, 2007.

Dated this 7th day of May, 2007.