

Procedures for a Case without Process *BCO 38-1*

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Differences between Cases with Process & Cases without Process

Cases with Process	Cases without Process (<i>BCO 38-1</i>)
<ul style="list-style-type: none">• <i>BCO 31-2</i> investigation resulting in a strong presumption of guilt to a chargeable offense (<i>BCO 29-1</i>).	<ul style="list-style-type: none">• Person comes forward and makes a “confession of guilt” (Cf. <i>BCO 29-1</i>)
<ul style="list-style-type: none">• Full trial procedures, process, standards of evidence, prosecutor, defender, witnesses, etc., resulting in a verdict of guilty or not guilty.	<ul style="list-style-type: none">• No full trial procedures, process, standards of evidence, prosecutor, defender, witnesses, etc., because the person makes a “confession of guilt.”
<ul style="list-style-type: none">• Upon conviction, a guilty person may appeal to a higher court concerning both the guilty verdict and the censure imposed and may cite several bases for appeal (<i>BCO 42-1, 2, 3, and 4</i>).	<ul style="list-style-type: none">• After the court had rendered a judgment (i.e. imposed a censure), the person may file a complaint concerning the judgment, <i>BCO 38-1; 43-1</i> (i.e. against censure that was imposed based on his confession of guilt). In making such complaint, he is not retracting his “confession of guilt.”
<ul style="list-style-type: none">• Notice of appeal has effect of suspending the judgment (<i>BCO 42-6</i>), i.e., holding the censure in abeyance until the appeal is settled by the higher court.	<ul style="list-style-type: none">• Filing a complaint does <i>not</i> suspend the censure unless the court acts to do so (<i>BCO 43-4</i>).

Procedural Checklist for Cases without Process

Line Nbr	Date or N/A	Initials	Item	BCO #
1.			Person comes forward and makes known his offense to the court.	38-1; 29-1
2.			A statement of facts is prepared for the record, specifying the sins or also the violations of the PCA Constitution (<i>Westminster Standards, Book of Church Order</i>) to which the person makes a confession of guilt . It is wise to be as specific and concise as possible, including references to Scripture and the PCA	38-1; 29-1
3.			The person agrees that he intends to make a confession of guilt , that the statement of facts is accurate, and that he permits the court to render a judgment (impose a censure) without process based on his confession of guilt and statement of facts. It is wise to have the person sign such a statement and that a copy be retained by the clerk.	38-1
4.			If the person who is making a confession of guilt wishes to make a statement to the court the court may not use such a statement as a basis for judgment without the person's permission. Therefore, it is wise for the court to have the person certify in writing that he wishes to make a statement to the court and that he gives his permission for the court to use his statement as a basis for judgment (imposition of censure).	38-1
5.			It is appropriate that the moderator remind the court of their responsibilities (Gal. 6:1). Disciplinary procedures ordinarily are conducted in executive session.	32-12 & 15-1 may be adapted to the occasion.

6.			The court decides whether the person is repentant and is making such restitution as is appropriate to the offenses to which he has made a confession of guilt.	30-1
7.			If the person is a minister , the court decides whether the offense to which the person made a confession of guilt is base (vile, contemptible) and flagitious (heinous, extraordinarily wicked, flagrantly wicked).	34-7
8.			The court deliberates as to whether a censure is called for, which censures are available, and which censures are appropriate to the case.	38-1; Ch. 30; Ch. 36
9.			If, in the opinion of the court, the person is repentant and makes such restitution as is appropriate , the censure of admonition may be imposed. Such censure may be administered in private by a member of the court or in the presence of the court by the moderator.	30-1; 30-2; 36-3
10.			If, in the opinion of the court, the person is repentant and makes such restitution as is appropriate , the censure of definite suspension from office may be imposed, when the credit of religion, the honor of Christ, and the good of the penitent require it. Such censure is administered in closed session or open session of the court.	30-1; 30-3 ¶ 3; 36-4
11.			If, in the opinion of the court, the person remains impenitent or has not made appropriate restitution , even though he has made a confession of guilt, the court may impose the censure of indefinite suspension from the sacrament . (There is no definite suspension from the sacrament, BCO 30-3, ¶ 1). Such censure is administered in closed session or open session of the court with added solemnity.	30-1; 30-3 ¶ 1; 36-5

12.			If, in the opinion of the court, the person who is a deacon, ruling elder, or minister remains impenitent or has not made appropriate restitution , even though he has made a confession of guilt, the court may impose the censure of indefinite suspension from office . Such censure is administered in closed session or open session of the court with added solemnity.	30-1; 30-3 ¶4; 36-5 (See also 34-8 for a minister)
13.			If, in the opinion of the court, the person remains impenitent or has not made appropriate restitution , even though he has made a confession of guilt, the court may impose the censure of excommunication . Such censure is administered in closed session or open session of the court, or in public by the moderator	30-1; 30-3 ¶4; 30-4; 36-6
15.			If, in the opinion of the court, the person who is a deacon, ruling elder, or minister remains impenitent or has not made appropriate restitution , even though he has made a confession of guilt, the court may impose the censure of deposition from	30-1; 30-3 ¶ 4; 30-5; 36-7