

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION NO. 1332

IN RE: Rev. Errol Leslie v. Florida Annual Conference

DIGEST

The Appellant admitted that the evidence sustained the charges of immorality, sexual misconduct and disobedience to the order and discipline of the United Methodist Church. The enumerations of error asserted by the Appellant are not such as to vitiate the verdict and penalty. The decision of the Committee on Appeals of the Southeastern Jurisdiction is affirmed.

STATEMENT OF FACTS

In May of 2016, the Southeastern Jurisdiction Committee on Appeals [hereinafter Committee] affirmed the conviction and penalty assessed against a clergy member of the Florida Annual Conference. The Committee concluded that (i) the weight of the evidence sustained the charges of sexual misconduct, immorality, and disobedience to the order and discipline of the United Methodist Church and (ii) that no errors of Church law vitiate the trial court's verdict and penalty of the termination of his membership in the New England Annual Conference.

The Appellant, Errol Leslie, was ordained in the Methodist Church of the Caribbean and the Americas in 1981. He moved to the United States in 1995 and had his orders recognized by the New England Annual Conference of the United Methodist Church. In 2008, he received a cross-conference appointment in the Florida Annual Conference to serve Palm Bay United Methodist Church.

In 2011, the Appellant began communicating via email and/or other electronic means with a woman [hereinafter Complainant] with whom he had attended high school in Jamaica. The Appellant and the Complainant communicated regularly after reconnecting. In March of 2014 she visited him in Palm Bay and they undertook a sexual relationship.

From the outset, the Appellant's intention was to divorce his wife and marry the Complainant. However, when the Complainant became convinced that he was proceeding too slowly toward those goals, she informed his wife and the assistant to the Resident Bishop of her affair with the Appellant.

The Appellant was contacted by his District Superintendent and informed of the allegations being made against him. In August of 2014, the clergy member received a copy of the complaint and was notified that the Bishop of the Florida Annual Conference had appointed counsel for the church and that judicial proceedings had commenced under ¶ 2701 of *The Book of Discipline 2012* [hereinafter *The Discipline*]. The case proceeded to trial, verdict, penalty and this appeal.

An oral hearing was conducted in Lisle, Illinois on October 25th. Rev. Scott Campbell appeared on behalf of the Appellant. Rev. Jay Therrell appeared on behalf of the Church.

JURISDICTION

The Judicial Council has jurisdiction under ¶¶ 2715 and 2716.

ANALYSIS & RATIONALE

We have reviewed the bill of specifications and charges, the testimony of the witnesses in the trial court, the Appellant's brief, and the applicable provisions of *The Discipline*. We agree with the Committee's conclusion that the evidence sustained the charges of immorality, sexual misconduct and disobedience to the order and discipline of the United Methodist Church and that the enumerations of error asserted by the Appellant are not such as to vitiate the verdict and penalty.

Since the Committee amply described the issues and controlling law, we hereby adopt the Committee's Analysis of the Appellant's fourteen enumerations of error together with its Decision:

The facts substantiating the charges in this case have never been disputed. The appellant contests only the severity of the penalty imposed. However, the penalty is within the range authorized by ¶ 2711.3 for such offenses. There has been no mixing or matching of penalties as prohibited by Judicial Council decisions 240 and 1270. The trial court, though not unanimous, imposed the penalty after careful consideration of all facts and evidence. While errors were made, the members of this Committee cannot say that the admitted or alleged errors are of such a nature as to vitiate the verdict or penalty imposed.

For all the foregoing reasons, the Committee concludes that the weight of the evidence sustains the charges of sexual misconduct, immorality, and disobedience to the order and discipline of the UMC, and that no errors of Church law vitiate the trial court's verdict or penalty of termination of the appellant's conference membership and revocation of the recognition of appellant's credentials for conference membership. Accordingly, the Committee affirms the verdict of the trial court and the penalty imposed.

DECISION

The Appellant admitted that the evidence sustained the charges of immorality, sexual misconduct and disobedience the order and discipline of the United Methodist Church. The enumerations of error asserted by the Appellant are not such as to vitiate the verdict and penalty. The decision of the Committee on Appeals of the Southeastern Jurisdiction is affirmed.

Deanell Reece Tacha was not present.

First lay alternate Warren Plowden participated in this decision.

CONCURRING OPINION

I generally concur with my colleagues and also strongly believe that the time is ripe for a long overdue close examination and critical constitutional analysis of fair process rights as currently expressed in the Discipline (2012 and 2016) and clarified and controlled by Judicial Council Decisions (see, e.g., 698, 836, 1296, 1318). Furthermore, given that the 2016 General Conference passed legislation which would permit a direct appeal to the Judicial Council during Administrative and Judicial proceedings, it would presumably behoove us to engage in this constitutional inquiry as soon as possible particularly as to whether and what extent the intended purpose of the supervisory response (for a just resolution) has been undermined by conflicting Disciplinary provisions and misapplication thereof, and the extent to which it has become a mechanism that serves to further deprive individuals of their fair process rights.

Respectfully Submitted,

Beth Capen
October 28, 2016