
SOUTHFIELD REFORMED PRESBYTERIAN CHURCH

Where Christ is the center of it all

April 24, 2023

To the GLGP Ad Interim Commission:

As you may recall, Mr. Gary Allison's complaint against our session (23-5) was unanimously defeated at our spring presbytery on Friday 3/3/23. He has since submitted two additional complaints to presbytery (23-16, 23-17) along with an appeal/complaint to synod (23-15) which was submitted seven days after the constitutionally binding deadline. On 4/21/23, Mr. Allison initially failed to attend his trial, citing his belief that the trial must be postponed until all of his complaints and appeals are adjudicated. Eventually, by way of a phone call with the session, he was persuaded to appear (over an hour late) and participated in the trial for a time, offering "objections to proceeding with the trial on the grounds" of "gross irregularities." When the session declined to dismiss the charges, the defendant walked out during the reading of the charges and never returned. The trial, having already begun with the defendant present, continued into the evening, and is scheduled to resume for the testimony of the remaining witnesses on Friday April 28 at 6:30 p.m. On 4/22/22, the defendant filed GLG 23-17, yet another complaint to the GLGP against our session. What follows is our session's response to Mr. Allison's recent filings, along with an appendix of relevant documents.

1. On 3/4/23, Mr. Allison's complaint against the Southfield session (23-5) came before the presbytery. Following a review by the Business Committee of the Day (Appendix 2) in which the seven grounds of the complaint were found to be without constitutional warrant, both parties were heard and the complaint was defeated without vocal dissent.
2. On 4/9/23, Mr. Allison furnished our trial moderator and clerk of session, Elder Jon Hughes, with a complaint/appeal to synod against the GLGP (23-15) for its refusal to sustain his complaint (23-5) on 3/3/23. The document reiterates the seven original grounds listed in GLG 23-5 and is presented as both a complaint and an appeal. Constitutionally, GLG 23-15 is out of order for several reasons: **(1)** The thirty day deadline for filing an intent to complain/appeal¹ expired on 4/2/23; **(2)** The complaint/appeal was submitted to the Southfield session clerk rather than the clerk of presbytery, as required by BOD II.4.3 (E-15) and BOD II.4.11 (E-17); **(3)** The complaint/appeal, submitted on 4/9/23, was dated 4/4/23, which is still beyond the 4/2/23 deadline; **(4)** The spring minutes record that the acting moderator, Mr. Eshelman, instructed the complainant, following the verdict, regarding "his rights and options regarding an appeal to synod";² **(5)** Mr. Allison's attempt to combine a complaint and an appeal within a single filing is unconstitutional, as these are two distinct forms of communication.³ Constitutionally, it would be unlawful for the AIC to transmit GLG 23-15 to Synod, which is *itself* bound by the constitutional deadline.
3. On 4/18/23, Mr. Allison submitted a second complaint to the GLGP against the Southfield session (23-16) in which he claims that GLG 23-15 did *not* exceed the thirty day deadline for filing an intent to

¹ DCG II.4.11 (E-17): "Written notice of an intent to appeal and a summary statement of the reasons must be filed with the clerk of the court appealed from within thirty (30) days after the accused is informed of the action..."
DCG II.4.3 (E-15): "A complaint is a written statement made to a higher court by one or more persons aggrieved by an action of a lower court...The complainant shall give notice to the lower court within 30 days."

² GLGP Spring Minutes (3/3/23): The Southfield delegates informed the court that they would be abstaining from the vote, after which Recommendation 2 [That the GLG Presbytery not sustain this complaint.] carried without vocal dissent, meaning that the complaint was not sustained. The moderator explained to the complainant his rights and options regarding an appeal to synod.

³ Cf. BOD II.4.3 (E-15); II.4.10 (E-17).

complaint/appeal. Citing BOD II.4.11 on E-17 (“within thirty days after the accused is informed of the action”), he argues that since he was never informed of the complaint verdict in writing, the thirty deadline has not yet begun. However, the constitution nowhere requires written notice. The complainant was present when the verdict was announced by the acting moderator, who then provided instructions to the complainant regarding the window for appeal. Moreover, even if the GLGP failed to notify Mr. Allison of its verdict, this should result in a complaint against the GLGP, not against the Southfield session.

4. In addition to reiterating the seven *original* grounds from the defeated complaint, GLG 23-16 asserts that the session added an item to the list of evidence “without providing me a copy so I can prepare a defense.” The evidence in question consists of two disciplinary letters (4pp.) addressed to Mr. Allison by the Consistory of the Hope Protestant Reformed Church in Redlands, California in 2015 and 2016. Mr. Allison has been well aware of these documents for many years, far longer than anyone else involved in this case.⁴ The documents were received from the defendant’s wife, who told the prosecutor she believes her husband has his own copies. When informed of their inclusion as evidence by Mr. Hughes on 4/2/23 (19 days before the trial), the defendant did not ask for a copy, made no request for more time to prepare a defense, and expressed no concern whatsoever regarding the action taken. Upon reading GLG 23-16, the session promptly sent him a copy, two full days before the trial. Photocopies of the letters were given to the prosecution by the defendant’s wife, who said she believes that her husband already has his own copies. BOD II.2.3 (E-11) states that, upon the discovery of “new evidence... the accused shall be informed and further time given him or her to prepare a defense.” However, the new evidence was received in the same session meeting in which the trial itself was rescheduled from 3/25 to the current dates of 4/21 and 4/28. Hence, the required “further time” was built in to the schedule from the outset. Moreover, BOD II.3.5 (E-13) grants the session authority to add new evidence *even after the trial has begun*: “After all the testimony has been heard, rebuttal testimony may be introduced by either party; but no new evidence shall be admitted except by the permission of the court and when the accused has been furnished with the names of witnesses and the purport of the evidence.” Moreover, even if one could demonstrate that miscommunication occurred between the defense and the trial moderator with respect to the distribution of documents, this must not be permitted to prejudice the case of the prosecution, which is not itself responsible for distributing these documents to the defense. Either way, there is no evidence that the defense has been disadvantaged by any of these factors.
5. On 4/21/23 at 6:30 p.m., the session, prosecution, and witnesses arrived on time to proceed with the trial. Among the prosecution witnesses present were seven of the defendant’s children (ages 14 to late 20s, most of them adults), including his oldest son, who flew all the way from California to testify in person, and his oldest daughter, who set aside an evening during a family vacation to Saginaw in order to testify via Zoom. The defendant, however, was nowhere to be found, forcing everyone else to sit and wait. Eventually, the session contacted him via phone, at which time he stated his belief that his recent complaints had effectively postponed the trial, pending adjudication. The session explained that this was incorrect and that he could be censured for contempt of court if he did not obey his summons. The defendant eventually obeyed the summons and appeared for his trial, which began more than an hour behind schedule.
6. From the outset, Mr. Allison’s conduct in the courtroom was awkward and disorderly. Rather than sitting down and allowing the moderator to commence the trial, he remained standing (even when asked to sit down) and repeatedly attempted to interrupt the moderator. Eventually, the defendant sat down and waited for his opportunity for “offering objections to proceeding with the trial on the grounds” of “gross irregularities.” At that point, he argued several points which were either invalid or irrelevant to the trial itself, such as (1) The presbytery had not informed him of its complaint verdict (23-5) in writing; (2) His defense counsel (Rev. Dick Knodel) — whose name had never previously been mentioned to the session until that very moment — was unable to be present, with no explanation as to his absence; and (3) The

⁴ In reality, it was our session which originally requested such documentation when the defendant joined the congregation in 2017, at which time *he* did not provide them to *us*. The letters, which are appended, outline Mr. Allison’s suspension from the Lord’s Table for physically abusing his wife and children, failing to make plans to pay off major debts, and repeatedly failing to comply with the consistory.

trial must be postponed until all of his complaints are adjudicated. Since the defendant was unable to cite any solid constitutional basis for these objections, they were overruled by the court, and the prosecutor was instructed to read the charges. During the reading of the charges, the defendant attempted to speak and eventually walked out of the courtroom. Afterward, time was afforded by the moderator to see if the defendant would return, but he did not.

7. Following the defendant's mid-trial departure, the moderator ruled that the court would proceed with the remainder of the trial. According to BOD II.2.4 (E-11), if a defendant fails to appear, the court must issue a second summons and grant an extension of time. However, in this case, the defendant obeyed the summons, appeared for his trial, and participated in the opening phase of the trial, only to walk out during the reading of the charges. From a constitutional standpoint, therefore, Mr. Allison *declined to answer the charges* against him. According to BOD II.3.5, "If he... declines to answer, the court shall proceed with the trial."
8. On 4/22/23, Mr. Allison submitted GLG 23-17, a complaint to the GLGP against the Southfield session (dated 4/21/23) for allegedly conducting his trial in an unconstitutional manner. The complainants' eleven grounds for complaint are entirely unfounded. #1 has no direct bearing on the case. #2 reiterates the second ground from GLG 23-5, which presbytery already defeated without vocal dissent, thereby constituting "double jeopardy" against the Southfield session. #3 reiterates the fourth ground from GLG 23-16 regarding new evidence, which we have demonstrated to be unfounded in #4 above. #4 confuses an *appeal* with a *complaint*, ignores the fact that his appeal/complaint to synod is out of order, and fails to provide any constitutional basis for the notion that he can continue forestalling his trial by simply filing more and more complaints, despite the unanimous defeat of his original complaint. #5 has no direct bearing on the case. #6 fails to mention that he never notified the court regarding his defense counsel or concerning his list of witnesses, despite being instructed to do so previously by the trial moderator.⁵ #7 has no direct bearing on the case. #8 is unfounded, in that our session merely shared its *opinion* that GLG 23-15 will be ruled out of order; #9 once again confuses our session's opinion with an official action, ignores the fact that GLG 23-15 was submitted past the constitutional deadline, and fails to provide any constitutional basis for maintaining that the appeal of a complaint verdict (even if it is submitted on time) has authority to negate a lawful trial summons. #10 constitutes an appeal of the session's overruling of the defendant's objections *in the trial itself*, which the defendant may file with the court *after* his trial is completed, but not before. #11 has no direct bearing on the case.
9. During the course of the trial on 4/21/23, five of the defendant's adult children (four of them communicant members at SRPC) testified that, prior to moving to Michigan in 2017, the defendant engaged in regular violent physical abuse against them. Incidents were recounted wherein the defendant choked them, forcibly removed them from vehicles to stand in the pouring rain, and held them upside down by their ankle(s) while whipping them with a belt, leaving bruises, scars, etc. They testified that, prior to moving to Michigan in 2017, the defendant physically abused their mother as well. According to their unified testimony, the defendant has never personally expressed repentance to them concerning any of these alleged acts of violence, and has never asked their forgiveness. Multiple witnesses also confirmed that, although these acts of violence have ceased since the defendant's arrest by the police in 2015 and church suspension in 2016, he continues to physically *intimidate* his wife and children in the home. The witnesses addressed each of the specific charges in their testimony, answering many relevant questions from the prosecution. The defendant's wife was unable to testify on 4/21, due to a massive migraine headache that day. She is scheduled to testify on 4/28.
10. We have not yet reached a verdict in this case. Further testimony may come to light that could impact the outcome between now and this Friday. However, this is an extremely sensitive case with numerous immediate implications. Certain aspects of the testimony on 4/21 went beyond what even the prosecutor was aware of. As a session, we need to make a number of time-sensitive decisions for the wellbeing of the Allisons and the congregation. These decisions cannot be made until a final verdict is reached and

⁵ In the second paragraph of GLG 23-16, Mr. Allison openly acknowledges (and *complains*) that "the session's summons delivered to me on April 2, 2023" instructed him "to bring any counsel and witnesses I may have."

announced. We do not question Mr. Allison's motives for continually seeking to postpone the trial process. However, we do question the wisdom of allowing this process to drag on any further without a verdict.

11. Our understanding, based upon the presbytery's unanimous rejection of GLG 23-5 on 3/3/23, is that our session is constitutionally authorized to continue forward toward a trial verdict. We are unaware of anything in our constitution which would require us to change course at this time. Unless the AIC issues binding ecclesiastical counsel on behalf of the GLGP to postpone the remainder of the trial, the trial will resume as scheduled at 6:30 p.m. on Friday 4/28/23 with the testimony of Mrs. Allison and the other remaining witnesses.

Thank you for your willingness to read our communication. We will be in prayer for your deliberations.

Respectfully Submitted,
The Southfield RPC Session