

1 **OVERTURE 33** from Pacific Northwest Presbytery (to CCB and OC)
2 “Amend *BCO* 38-1 re Confession Document for Case Without Process”
3

4 **Be it resolved** that *BCO* 38-1 be amended as follows. (Strike-through for deletions,
5 underlining for new wording.)
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7 ***BCO* 38-1.** When any person shall come forward and make his offense known
8 to the court, a full statement of the facts shall be recorded and judgment
9 rendered without process. In handling a confession of guilt, it is essential that
10 the person intends to confess and permit the court to render judgment without
11 process. Statements made by him in the presence of the court must not be taken
12 as a basis of a judgment without process except by his consent. In the event a
13 confession is intended, ~~a full statement of the facts should~~ a written Confession
14 (i.e., a sufficient summary of the facts, the person’s specific confession, and any
15 expression or evidence of repentance) must be approved by the accused, and by
16 the court, before the court proceeds to a judgment, and the co-signed document
17 shall be appended to the minutes (regular or executive session). No other
18 information may be presented without written consent from the accused and the
19 court, and this prohibition includes individuals, prosecutors, committees, and
20 commissions. The accused person has the right of complaint against the
21 judgment.
22

23 **Rationale:** In two SJC cases this year, the presbyteries allowed investigative or judicial
24 commissions to present “reports” in addition to the agreed-upon confession document. The
25 SJC ruled that was contrary to *BCO* 38-1.¹ This revision makes the prohibition clearer,
26 and should help avoid a recurrence of the mistaken procedures in those cases.
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28 In addition, it provides examples of the three most important components to a “Confession”
29 document. This is helpful because the current phrase “full statement of the facts” doesn’t
30 explicitly reference the confession of sin or any expression or evidence of repentance.
31 These items should be in the Confession document, which is the lone document on which
32 the court is to base censure.²
33

34 *Adopted and filed by a Commission of Presbytery on March 20, 2021*
35 *Attested by TE Nathan Chambers, Presbytery Interim Stated Clerk*

¹ Case 2019-10 *TE Evans v. Arizona*. SJC sustained the complaint on 7/20/20 by a vote of 18-3.
Case 2019-04 *TE Williams v. Chesapeake*. SJC sustained the complaint on 8/24/20 by a vote of 13-5.
And a third Case, 2020-07 *TE Wilbourne v. Pacific*, is pending.
² For discussion of the difference between a Commission *presenting a report* and a Commission “submitting a
full record of its proceedings” (*BCO* 15-1), see Dissenting Opinion from RE Donahoe, et al. in Case 2020-
04, *Complaint of Marusich v. Central Indiana*. It’s found in the SJC’s 2021 report to GA, and via link below.
https://drive.google.com/file/d/1yL6rOaH8CWvS3mEx9uL6e_BGSWgksx1N/view?usp=sharing