

1 THE COURT OF REVIEW
2 FOR PROVINCE III OF THE PROTESTANT EPISCOPAL CHURCH
3 IN THE UNITED STATES OF AMERICA

3 DANE C. BRAGG, :
4 Appellant, :
5 vs. :
6 THE STANDING COMMITTEE :
7 OF THE DIOCESE OF BETHLEHEM :

10 COURT OF APPEALS
11 OPINION

12 Date: June 23, 2003, 2:45 p.m.
13
14
15
16
17
18
19
20
21
22
23
24
25

1 Before the Court of Review is the appeal of
2 Dane C. Bragg from orders entered into by the Ecclesiastical
3 Trial Court for the Diocese of Bethlehem. Those orders arise
4 out of a Presentment dated December 13th, 2001, in which the
5 Standing Committee for that Diocese found that there was
6 probable cause that Dane C. Bragg had committed the offenses
7 of; 1), immorality, and, 2), conduct unbecoming a member of
8 the clergy. The Presentment included specific counts of
9 misconduct.

10 The Ecclesiastical Trial Court for the Diocese
11 held a trial on August 19th-22nd, 2002. At the conclusion
12 of the trial, the Court announced its determination that
13 Dane C. Bragg had committed the acts alleged in the
14 Presentment and was guilty of immorality and conduct
15 unbecoming a member of the clergy. After hearing evidence
16 concerning an appropriate sentence on December 6th, 2002,
17 the Court recommended Deposition. The appeal before this
18 Court of Appeal ensued.

19 For reasons set forth below, the judgment of the
20 Ecclesiastical Trial Court is Affirmed.

21 The proceedings before the Court of Review
22 follow the Canons of the Episcopal Church, Title IV (2000).

23 Standard of Review

24 The Canons that create Provincial Courts of
25 Review clearly establish that these courts are not to

1 reverse decisions of ecclesiastical trial courts
2 for "technical errors not going to the merits of the case."
3 Canon 4.49.

4 Similarly, the Canons establish that no
5 proceeding under them is to be dismissed for noncompliance
6 with procedural requirements unless the noncompliance shall
7 cause "material and substantial injustice to be done or
8 seriously prejudice the rights of a respondent as determined
9 by the Court on motion and hearing." Canon 14.27.

10 No apparent questions of the procedural aspects
11 of the trial presented an issue which this Court believes
12 rise to the level of plain error. This Court has questions
13 of Title IV procedures. We understand these issues are
14 being reviewed by the Standing Committee on Constitution and
15 Canons of the national church. In saying such we do not
16 cast doubt as to the actions of the Court below.

17 No evidentiary issues were raised which cast
18 doubt on the evidence admitted by the Court below. We found
19 no basis to substitute a differing judgment for its
20 decisions. The evidence admitted without objection was
21 clear and convincing.

22 We find no errors of law which require us to
23 reverse or modify the determination below. No questions of
24 law were raised which were substantial in nature.

25 Pursuant to Canon 4.50 this Court may reverse or

1 affirm in whole or in part the judgment of the Trial Court,
2 or if in its opinion justice requires, grant a new trial.
3 We affirm the judgment of Deposition.

4 The Court considered the arguments of counsel
5 that it recommend suspension as opposed to Deposition as
6 being a more appropriate remedy. This Court considered the
7 matter at length and considered that there was insufficient
8 basis to modify the sentence.

9 The appellant raised a number of issues in the
10 briefs and motions before the Court. The Court of Review
11 has carefully and prayerfully considered each of the issues
12 and finds them all to be without merit.

13 Conclusion. The Court has studied the record in
14 great detail as well as the briefs and oral argument and
15 finds that the evidence adduced at the trial was clear,
16 convincing and compelling. Moreover, the acts in question
17 unequivocally constitute grounds for Deposition.
18 Accordingly, the judgment of the Ecclesiastical Trial Court
19 of the Diocese of Bethlehem is Affirmed.

20

21

22

23

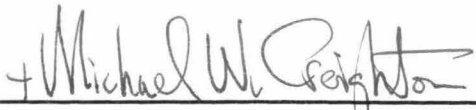
24

25

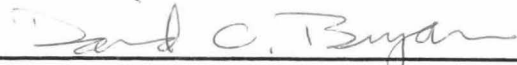
1 ADDENDUM

2 Pastoral Concern

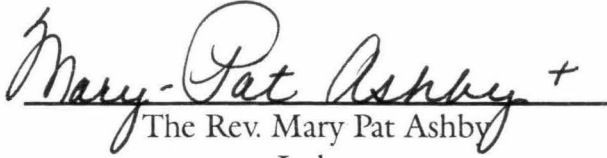
3 We express pastoral concern for all those
4 affected by this matter and pray for their healing. We
5 encourage the Diocese of Bethlehem in their ongoing pastoral
6 ministry with all concerned.



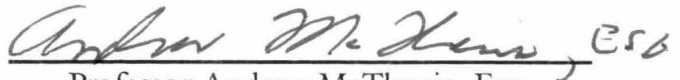
The Rt. Rev. Michael W. Creighton
Presiding Judge



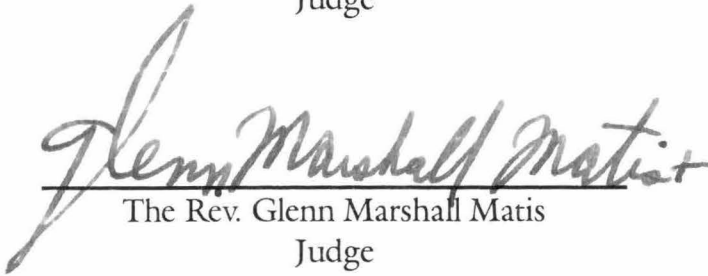
Mr. David Bryan, Esq.
Judge



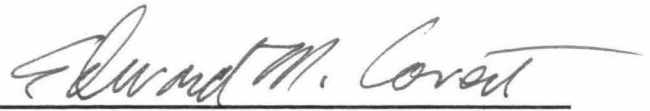
The Rev. Mary Pat Ashby
Judge



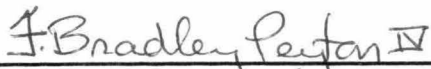
Professor Andrew McThenia, Esq.
Judge



The Rev. Glenn Marshall Matis
Judge



The Rev. Edward Covert, Esq.
Judge



The Rev. Bradley E. Peyton IV, Esq.
Judge

June 23, 2003