

MINUTES OF THE GENERAL ASSEMBLY

In conclusion, if any minister or Session thinks *BCO* 31-2 should require more than it does, they have the right to draft an overture proposing an amendment and request their presbytery file it with the Assembly. In the meantime, strict adherence to the standards of review in *BCO* 39.3 is crucial "to ensure that this Constitution is not amended, violated or disregarded in judicial process." Concerns about the proper application of our standards of review and *BCO* 31-2, like ones raised in this Dissent, have also been raised in other recent SJC Decisions.²⁷ ²⁸

/s/ RE Howie Donahoe

**CASE 2020-11
COMPLAINT OF TE DAVID MCWILLIAMS
VS.
SOUTHWEST FLORIDA PRESBYTERY**

**DECISION ON COMPLAINT
March 25, 2021**

The Complainant requested to withdraw and abandon his Complaint, which was approved with the following unanimous roll call vote:

| | | |
|------------------------|---------------------------|--------------------------|
| Bankson, <i>Concur</i> | Duncan, M., <i>Concur</i> | Neikirk, <i>Concur</i> |
| Bise, <i>Concur</i> | Duncan, S., <i>Concur</i> | Nusbaum, <i>Concur</i> |
| Cannata, <i>Concur</i> | Ellis, <i>Concur</i> | Pickering, <i>Concur</i> |
| Carrell, <i>Concur</i> | Greco, <i>Concur</i> | Ross, <i>Concur</i> |
| Chapell, <i>Concur</i> | Kooistra, <i>Concur</i> | Terrell, <i>Absent</i> |
| Coffin, <i>Concur</i> | Lee, <i>Concur</i> | Waters, <i>Concur</i> |
| Donahoe, <i>Concur</i> | Lucas, <i>Concur</i> | White, <i>Concur</i> |
| Dowling, <i>Concur</i> | McGowan, <i>Concur</i> | Wilson, <i>Concur</i> |
| (24-0-0) | | |

²⁷ See the Concurring Opinion in Case 2016-11 *Frasier v. Nashville* regarding *BCO* 31-2 (M46GA, 2018, pp. 510-23). See also two Dissenting Opinions in 2019-02 *Schrock v. Philadelphia* (SJC 2020 Report, pp. 29-41).

²⁸ We note that it would be extraordinary in the world of jurisprudence for someone to petition an appellate court to order a criminal indictment when a DA, a grand jury, or a judge decided it wasn't warranted - especially someone who isn't the prosecutor, and isn't even a directly offended party. There's no real parallel in civil jurisprudence.