



**ECCLESIASTICAL COURT OF
THE CENTRAL LUTHERAN CHURCH OF TACOMA**
409 North Tacoma Avenue, Tacoma, Washington 98403
Tel: 253-203-5482 ~ 253-670-2084 ~ 206-409-7025
Internet: www.scripturalaw.org ~ Email: scripturalaw@yahoo.co.uk

**IN THE MATTER OF THE PETITION OF MR. ROBERT CHARLES AVINGTON, JR.,
AND MS. SABRINA T. HOWARD (Petitioners)
REQUESTING ECCLESIASTICAL COURT JURISDICTION**

Panel of Ecclesiastical Judges: Minister Ron Fandrick
Judge NC Naidu
Minister Holly Lionherd

Petitioners seek the intervention of this Court in a matter being heard in the Tacoma Municipal Court styled as Case No: D-00035145.

Petitioners claim ecclesiastical court jurisdiction because they are churchgoers who, thus, consider themselves Christians. As such, Petitioners claim that they are entitled to this Court's intercession over that of a secular court.

Petitioner Howard and Avington, according to testimony given to this Panel of Judges, have cohabited for thirteen years as common law husband and wife, and this union has produced two children. They have been attending church in order to find solutions to their marriage vows and seek ecumenical tutelage and direction in their lives despite the fact that Howard called for non-ecclesiastical intervention during a family crisis which resulted in Avington's arrest and incarceration.

Petitioners have been attending church, counseling sessions, and classes in Biblical Law, and have arrived at a point in their lives where ethical and moral imperatives have genuinely and positively affected their consciences culminating in a strong wish and desire to seek ecclesiastical and ecumenical assistance for their future choices.

This Court has reviewed the Petitioners' request, and its Findings are as follows:

A. Jurisdiction of Ecclesiastical Courts

The power, authority, and obligations of an ecclesiastical court are vested in:

1. The Holy Bible as referenced in 1 Corinthians 6: 1-8, wherein ecclesiastical courts are mandated.

2. Public Law 97-280 (96 Stat. 1211) of October 4, 1982, recognized the authority of the Holy Bible as the Word of God, which made a unique contribution in shaping the United States as a distinctive and blessed nation.
3. The Religious Freedom Restoration Act of 1993, enacted to protect the free exercise of religion following the decision of the United States Supreme Court in *Employment Division v. Smith*, 494 U.S. 872 (1990) where the Court virtually eliminated the requirement that the government justify burdens on religious exercise imposed by laws neutral toward religion.
4. Article 1, Section 11 of the Washington state Constitution that affords

“... absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion...”

5. The Free Exercise Clause of the First Amendment to the Bill of Rights, as incorporated into the United States Constitution, which prohibits Congress from making any law that interferes with the free exercise of a person’s religion.
6. Hundreds of legal precedents that support the proposition that civil courts have no jurisdiction over ecclesiastical property matters, neither can civil courts disturb, overrule, vacate or intercede in the judgments of church tribunals, not limited to cases like:

Hoffman v. Tieton View Community M.E. Church, 207 P. 2d 699, 33 Wash. 2d 716 (1949)

Presbytery of Seattle, Inc. v. Rohrbaugh, 485 P. 2d 615, 79 Wash. 367, cert. denied, 92 S.Ct. 1246, 405 U.S. 996, 31 L.Ed.2d 465, reh. denied 92 S.Ct. 1762, 406 U.S. 939, 32 L.Ed. 2d 140 (1971)

Church of Christ at Centerville v. Carder, 713 P.2d 101, 105 Wash. 2d 204 (1986)

Paul v. Watchtower Bible and Tract Society of New York, Inc., 819 F.2d 875, cert. denied 108 S.Ct. 289, 98 L.Ed. 2d 249 (1989)

James M. Bell v. Presbyterian Church (USA) No. 96-1297 (4th Circuit, 1997).

Mangum v. Swearingen, 565 S.W. 2d 957, Tex. Civ. App. San Antonio, 1978

Longmeyer v. Payne, 205 S.W. 2d 263, Mo. App., 1947

Hughes v. Keeling, 198 S.W. 2d 779, Tex. Civ. App., Beaumont, 1946

Briscoe v. Williams, 192 S.W. 2d 643, Mo. App., 1946

Kompier v. Thegza, 13 N.E. 2d 229, Ind., 1938

State *ex rel.* Watson v. Farris, 45 Mo. 183, Mo., 1869

Watson v Jones, 13 Wall 679, 20 L.Ed 666

Elston v. Wilborn, 208 Ark. 377, 186 SW 2d 662, 158 ALR 179

7. In the State of Washington v. Herman Glenn Jr., No. 99-1-02415-1, Superior Court, Washington, in and for the County of Pierce, Judge Marywave Van Deren observed that

“This case has caused the Court to venture into ecclesiastical matters, where courts rarely go... This case has of necessity blurred the roles and the rules which are normally brightly separated between church and state, and which separation is a foundational principle of our nation....”

The learned Judge in this case lamented about the fact that civil law was encroaching into the province of the church. Nevertheless, the learned judge heard the merits of the case because the church did not invoke its ecclesiastical jurisdiction.

In the cases mentioned thus far, the key question has always pivoted on the whether the government practice at issue imposed a substantial burden on the religious entity’s religious conduct.

8. “Civil courts have no jurisdiction over, and no concern with, purely ecclesiastical questions and controversies” is the dictum from 77 Corpus Juris Secundum §85.

B. Facts germane to the Petitioners’ request for Ecclesiastical Intervention:

Petitioner Howard regrets having called the Police because she had no other recourse as the church does not have an enforcement dynamic. She regrets that the situation escalated into a domestic violence issue instead of becoming defused with efficient and adequate counseling at that material time.

Petitioners have roots in the community evidenced by the fact that they have extended families within Tacoma and Pierce County; and jointly own three homes since they have been gainfully employed. Ability accompanied by responsibility and accountability to socio-economic imperatives are decidedly manifest in Petitioners’ motives as homeowners and taxpayers.

This Court is satisfied that the Petitioners intend to cohabit as husband and wife through the institution of marriage and to accept the associated vows of holy matrimony as sanctified by the Church.

The Court finds no reason to doubt the veracity of Petitioner Avington’s claim that although he has stopped the consumption of alcoholic beverages, church counseling to control his temper -

which became the sole and primary cause of the domestic violence incident – is positively and genuinely helping him take control of himself.

C. Relief Sought from the Tacoma Municipal Court:

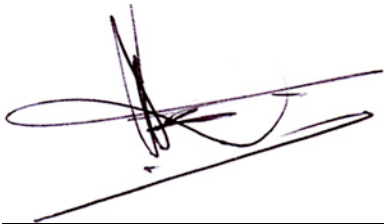
This Ecclesiastical Court respectfully requests the Tacoma Municipal Court to grant Petitioners their wish and desire to invoke their constitutionally protected and guaranteed right to religious courts' jurisdiction because Petitioners have expressed a very strong desire to participate in church-regulated activities germane to familial ties and counseling sessions with constant and regular oversight by church Elders and Ministers.

This Court has also advised Petitioner Avington, in no uncertain terms, that any violation of his promise and assurance to repent and change his ways will result in this Court per se calling the Police to intervene and return him to a secular court's punishment.

This Court also implores the Tacoma Municipal Court to reconsider its decision to order Petitioner Avington's return to jail on August 29, 2009 as his two children, aged eight and five years old respectively, need a father who is able to support them emotionally and financially since their mother, Petitioner Howard, was laid off from her employment with a local bank following a merger and acquisition by a larger bank from the east coast.

For the foregoing reasons this Court trusts the Tacoma Municipal Court will exercise its constitutional and judicial discretion in granting the relief sought.

Dated this 25th day of August 2009.



Judge NC Naidu

~ American Judges Association Membership # 48499

~ Chief Judge, Lipan Apache, Texas (Chairman Dan Romero Tel: 509-430-4003)

~ Chief Judge, Pembina Chippewa, N. Dakota (Chief Delorme, Tel: 701-550-0988)

Ron Fandrick, Ecclesiastical Judge

Tel: 253-203-5482

Holly Lionherd, Ecclesiastical Judge

Tel: 253-670-2084