

Trial of John O. Kinnaird
11-23-02, Second Day, First Session
Opening of the Trial
Bethany Orthodox Presbyterian Church
Oxford, PA

Moderator, Doug Winward: I want to confess to you first of all, although it's fall, the proverbial butterflies are very active in my stomach. Let us pray:

AO Lord, our God, we bow before you this morning and acknowledge that you are the Sovereign Lord, the King of King and the Lord of Lords. And we bow before You because You have all authority in your Church. And we acknowledge that authority this morning. We thank you for the gift of your Son, Jesus Christ, who through His own shed blood upon the cross, purchased for Himself the Church. And by the power and work of His Spirit through the Word is perfecting that Church to be presented faultless and blameless before You. And, O Lord, we confess that we are yet with blame. We are yet spotted. Forgive us, O Lord, our sins. Heal us, O God. And we ask that by your grace and mercy, you would use us today to honor, magnify, and glorify your Name. Lord, may we put aside our own selves that you may be praised and magnified through us to the end, O Lord, that you would bring peace, healing, unity to this congregation. We ask, O Lord, your blessing upon us. For we pray in Jesus' name, Amen.®

Listen to the Word of the Lord: Psalm 121. [read Scripture portion]

We are at the point of the second meeting of the trial, this being the first session of the second meeting and I'm obliged according to the Book of Discipline to read the following statement:

This body is about to sit in a judicial capacity and I exhort you, the members, to bear in mind your solemn duty to faithfully minister and declare the Word of God, the only infallible rule of faith and practice, and to subordinate all human judgments to that infallible rule.

I just want to make a couple comments. We acknowledge, and it is admitted, that proceedings such as these are tense and stressful and so we've tried to create an atmosphere that is not so judicial to kind of ease that tension a little bit. But we also recognize that this procedure protects both sides in a dispute and allows for the orderly presentation of materials. It is our desire to do things decently and in order and this procedure guarantees that.

I would also suggest that while there are inevitably two sides in a matter, there are a couple of things, hopefully everyone will agree upon. That is, first of all, we all want the honor and glory of Christ in our midst. And secondly, we all want to apprehend and to understand more fully God's truth. So I will ask that all of us keep those goals in mind as we proceed. I would also ask your cooperation. In doctrinal matters we must not sit with closed doors. These are open meetings. But I would ask that you be quiet and respectful to all who are making presentations.

I plan to call for a lunch break around 12:30. I'm not going to hold that hard and fast because we may be right in the middle of a sentence - and I don't want cut anyone off in the middle of a sentence - but somewhere around twelve-thirty for an hour for lunch.

If you are following in the Book of Discipline we are on page 117 of the 2000 edition, which is chapter four, paragraph section C, paragraph two.

At the second meeting of the trial judiciary the accused may interpose objections concerning (1) the regularity of the proceedings up to this point and (2) the form of the charge, the form and relevancy of the specifications, the competency of the witnesses named in the specifications, and the authenticity, admissibility, and relevancy of any documents, records, and recordings submitted in support of the charge, and specifications.®

Are there objections?

Thomas Tyson, counsel for the accused: Mr. Moderator?

Winward: Mr. Tyson.

TT: Is that the correct title for me to address you?

Winward: Yes.

TT: [inaudible]

Winward: Please use the mike.

TT: Does this mean I should face this way? Or ...

Winward: Should face this ... way

TT: That's what I thought.

Winward: Thank you.

TT: Mr. Moderator and panel, I'm Thomas Tyson, counsel for the accused. The defense would like to interpose two objections at this point: first, to the form of the charge; and second, to the relevancy of the specifications as supporting the charge.

And in that connection, perhaps it would help the panel if I were to say, that the defense is agreeable to the time schedule that you have proposed for the purpose of considering these two objections; and requests, if the panel is agreeable, a period of fifteen minutes for each, for the prosecution and the defense at the end of that time schedule for up to fifteen minutes for closing remarks or summation. Thank you, Mr. Moderator.

(Pause)

Winward: Mr. Tyson, are you prepared to develop those objections at this point?

TT: Yes, Mr. Moderator. They are in the form of the opening statement. So do you want me to proceed to that now?

Winward: All right, very well, go ahead.

TT: May I approach the panel? [Mr. Tyson passes out his opening statement to the panel.] I also have two other copies for the prosecution. ... It appears I have a third also. If it needed?

[Mr. Tyson reads the defense's objections which is mistitled in his paper as an opening statement. See the link for that document. The actual opening statement for the defense is found on page 9.]