

THE STATE OF SOUTH CAROLINA
In the Supreme Court

RECEIVED

SEP - 4 2014

APPEAL FROM JASPER COUNTY
Court of Common Pleas

S.C. Supreme Court

Richard E. Fields, Special Referee

Appellate Case No. 2012-213391

Barbara Clark, Warren E. Hatcher, Cassie Deeton, Daniel Green,
Powell Hampton, Amos Hatcher, Bobby Keeton, James Moseley,
Willie B. Oliver, Individually and as General Officers of the
RMUE Church.....Respondents

v.

Fred Henderson Moore.....Appellant

RESPONDENTS' PETITION FOR REHEARING

Respondents respectfully urge this Court to reconsider its Decision entered August 20, 2014, vacating Judge Fields' Order and either follow Chief Justice Toal's suggestion to remand for further consideration or to simply determine that the issues have already been decided and that the appeal is moot. Respondents are not asking either this Court or the Circuit Court to become involved in ecclesiastical matters, but Respondents do seek to have these Courts enforce civil order and to have Appellant account for missing monies.

This Court has held that civil courts "do have jurisdiction as to civil, contract and property rights which are involved in a church controversy," even though they have no jurisdiction of "ecclesiastical questions and controversies." When a civil right depends

upon an ecclesiastical matter, it is the civil court, and not the ecclesiastical, which is to decide. But the civil tribunal tries the civil right, and no more. The civil courts will not enter into the consideration of church doctrine or church discipline, nor will they inquire into the regularity of the proceedings of the church judicatories having cognizance of such matters. To assume such jurisdiction would not only be an attempt by the civil courts to deal with matters of which they have no special knowledge, but it would be inconsistent with complete religious liberty, untrammelled by state authority. On this principle, the action of church authorities in the deposition of pastors and the expulsion of members is final. Where, however, a church controversy necessarily involves rights growing out of a contract recognized by the civil law, or the right to the possession of property, civil tribunals cannot avoid adjudicating these rights, under the law of the land; having in view, nevertheless, the implied obligations imputed to those parties to the controversy who have voluntarily submitted themselves to the authority of the church by connecting themselves with it. *See eg. Pearson vs. The Church of God*, 325 S.C. 45, 478 S.E.2d 849 (S.C. 1996) *other cites omitted*

This action deals with enforcing order in a contentious church dispute and the handling or mishandling of church money and in no way deals with church doctrine or other ecclesiastical matters. The Respondents have not asked the Circuit Court and do not ask this Court to make any finding on religion or to enter any Order which would abridge or affect the Appellant's freedom to practice the religion of his choice. There is no religion which allows members to misappropriate church funds or to remove and replace officers contrary to church bylaws. The Respondents seek to call the Appellant to account for his breach of fiduciary duty to the Church and cavalier disregard of

procedures fixed by the Church by-laws. The Church does not have a police power to enforce the decisions of its leadership. Without the intervention of the civil authorities, the situation threatens to get out of hand.

Respondents respectfully request that this Court reconsider its Decision vacating the Circuit Court's Order and remand the case for further proceedings, as Chief Justice Toal suggests. At a minimum, the misappropriation of monies is an issue unrelated to church doctrine. The members of the RMUE church are largely not wealthy and the misappropriation of funds jeopardizes the fiscal stability of the church. Furthermore, the Circuit Court should have the continuing authority to maintain civility and order. The situation in the church is testy at best and dangerous at worst and needs an outside hand to maintain order. Respondents continue to submit that the grounds on which Appellant appealed are all moot and res judicata. Respondent submits this Court should remand the matter to the Circuit Court with specific guidance as to what matters the Circuit Court should entertain and which matters are beyond its jurisdiction. The misappropriation of monies and the maintenance of order are Respondents' two biggest concerns and neither one is ecclesiastical.

Respectfully submitted this 29th day of AUGUST, 2014.



Darrell Thomas Johnson, Jr.
Mills L. Morrison, Jr.
Law Offices of Darrell Thomas Johnson, Jr., LLC
Post Office Box 1125
Hardeeville, South Carolina 29927
(843) 784-2142
Attorneys for Respondents

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM JASPER COUNTY
Court of Common Pleas

Richard E. Fields, Special Referee

Appellate Case No. 2012-213391

Barbara Clark, Warren E. Hatcher, Cassie Keeton, Daniel Green,
Powell Hampton, Amos Hatcher, Bobby Keeton, James Moseley,
Willie B. Oliver, Individually and as General Officers of the
RMUE Church.....Respondents

v.

Fred Henderson Moore.....Appellant

PROOF OF SERVICE

I, Mills L. Morrison, Jr., do hereby certify that I have, this 29th day of August, 2014, placed a copy of the Respondents' Motion for Reconsideration in the United States Postal Service, with sufficient postage attached, and addressed to the following:

Eduardo K. Curry, Esquire
CURRY & HOUSEY, P.A.
Post Office Box 42270
North Charleston, SC 29423



Mills L. Morrison, Jr.
300 Main Street
Post Office Box 1125
Hardeeville, South Carolina 29927
(843) 784-2142/(843) 784-5770 (facsimile)
tdjohnson1@hargray.com
Attorney for Respondents