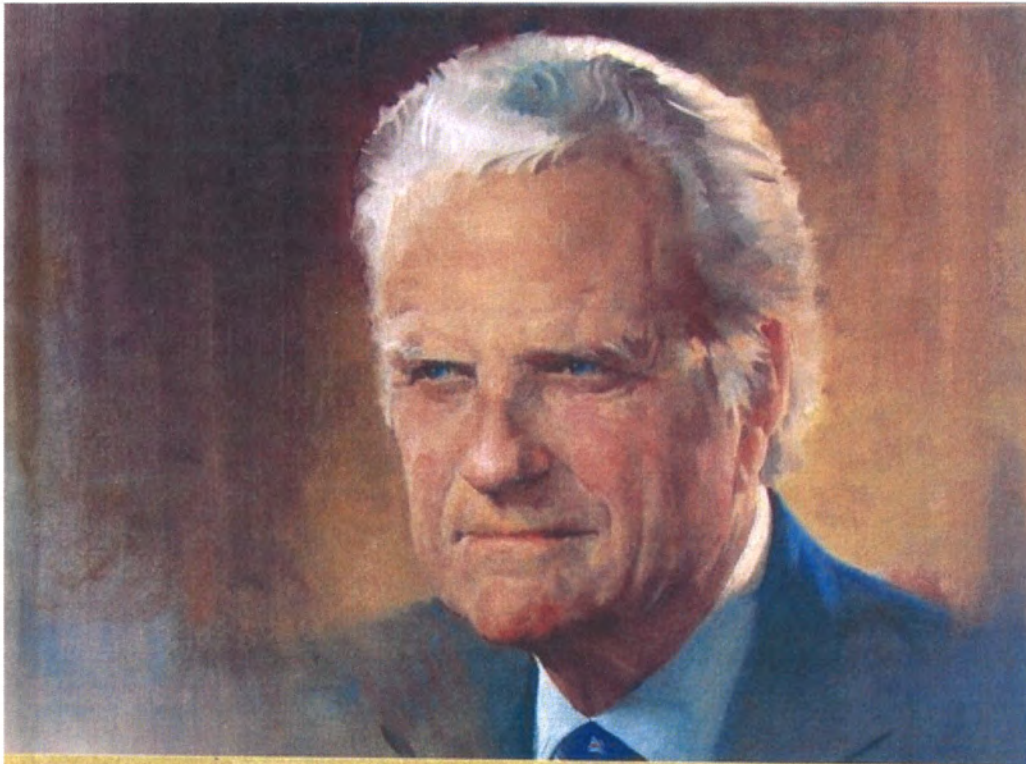


Did child-molester John Perry write Through My Father's Eyes?



Through
MY FATHER'S
EYES



FRANKLIN
GRAHAM

with Donna Lee Toney

IN THE EIGHTH CIRCUIT COURT OF DAVIDSON COUNTY
AT NASHVILLE, TENNESSEE

2016 MAR 14 PM 4:31

RICHARD R. HUBBARD, CLERK

R
Plaintiff,
REDACTED
AUSTIN DAVIS,
Defendant.

Case No. **R** *Kevin B. Jones*

ORDER DENYING PLAINTIFF'S REQUEST FOR A TEMPORARY INJUNCTION

This matter came to be heard on March 14, 2016 before the Honorable Kelvin D. Jones, III upon Plaintiff's Petition for a Temporary Injunction. The Plaintiff was represented by Attorney Larry Crain and the Defendant appeared *pro se*. Based upon the testimony of the parties and witnesses, the evidence presented, the arguments of counsel and the Defendant, the findings of facts and conclusions of law recited by this Court while rendering its opinion and the entire record, this Court finds that the temporary injunction should not be issued. The Court's ruling is based upon the following findings of facts and conclusions of law:

Findings of Fact

The Plaintiff filed **R** Verified Complaint on February 18, 2016. The Defendant was served on March 2, 2016. In **R** original Verified Complaint, the Plaintiff alleges four counts, two of which are causes of action for invasion of privacy. The Plaintiff did not bring a claim for defamation in **R** original Verified Complaint, but added that claim in an Amended Complaint that was filed on the morning of this hearing.

In **R** prayer for a temporary injunction, the Plaintiff specifically asks the Court to enjoin the Defendant, and all those acting in concert with him, from publishing, disseminating, or posting on any social media or Internet site, or through the use of any written or digital media of

In an abundance of caution, protected information is REDACTED in submission to Attorney Larry Crain's permanent injunction granted on 9/24/2018. Larry Crain represents child-molester John Perry, who redefined heinous, repeated child sex abuse across state lines as a "private" difficulty in his global public statement to the London Daily Mail on June 11, 2015.

any type, any reference to any events allegedly taking place during the Plaintiff's childhood, whether the same are believed by the Defendant to be truthful or otherwise."

At today's hearing on March 14, 2016, the Plaintiff substantively argued that Defendant has defamed the Plaintiff by publishing and/or publicizing false statements regarding the Plaintiff's role in an alleged child-molestation cover up. The Plaintiff testified that the Defendant's prior statements regarding **R** role in the alleged cover up are false. The Defendant, on the other hand, contends that any statement made about a cover up, in which he alleges the Plaintiff was involved, are true. The Plaintiff testified that **R** was a victim of child molestation perpetrated by John Perry.

Conclusions of Law

The Plaintiff asks for a temporary injunction pursuant to Tennessee Rule of Civil Procedure 65.04. Under that Rule, the Plaintiff must clearly show that **R** rights are being or will be violated by an adverse party and that **R** will suffer immediate and irreparable harm in the absence of an injunction.

There are four factors for the Court to consider in deciding whether to grant injunctive relief in this case:

- (1) The Plaintiff's likelihood of success on the merits
- (2) Irreparable harm to Plaintiff that would result if the injunction is not granted
- (3) Potential harm to the Defendant if the injunction is granted
- (4) The public interest

Weighing all of these factors, the Court finds that the temporary injunction sought by the Plaintiff should not be granted.

With respect to the Plaintiff's likelihood of success on the merits, the Court notes that its evaluation of this factor is limited in that the Defendant did not have an adequate opportunity to

respond to the Plaintiff's claim for defamation, which Plaintiff substantively argued at today's hearing. Without adequate notice of this claim, the Defendant did not have an opportunity to call any witnesses or present other proof to rebut the Plaintiff's testimony that some of the Defendant's prior statements regarding **R** are false. Under these circumstances, the Court finds that the alleged falsity of the Defendant's statements is still in dispute.

For the Plaintiff's invasion of privacy claims, the Court finds that the United States Supreme Court case of *Cox Broadcasting v. Cohn*, 420 U.S. 469 (1975) is most on point. In that case, the father of a deceased rape victim brought action against a broadcasting company and others to recover damages for invasion of father's right to privacy, which invasion allegedly occurred when the broadcasting company, in contravention of a Georgia statute, identified the victim during television coverage of the trial of the alleged rapist. On appeal from a Georgia Supreme Court ruling which found that the Georgia statute did not conflict with the First Amendment, the U.S. Supreme Court reversed. In making its ruling, the Court observed that "the interests of privacy fade when the information involved already appears on public record, especially when viewed in terms of the First and Fourteenth Amendments and in light of the public interest."

In the case at bar, there have been at least two global news outlets that have published stories identifying John Perry and his molestation of a young **R**. Plaintiff testified that **R** granted one of these outlets, *Buzzfeed*, an interview. There are numerous Court documents filed in connection with other lawsuits in which John Perry's commission of sexual molestation is referenced. In light of the case law and evidence presented at the hearing today, the Court cannot definitively find that the Plaintiff has a substantial likelihood of success on invasion of privacy claims or **R** defamation claim.

**Incorrect stories
which have not
been corrected.**

With respect to irreparable harm to the Plaintiff in the absence of an injunction, the Court finds that, most unfortunately, the Defendant's prior publicization has caused much harm to the Plaintiff by re-opening traumatic events from **R** childhood. The Court finds the Plaintiff's testimony that further publication of the event will continue to cause **R** harm to have been particularly moving. However, the Court must balance the harm to the Plaintiff with the potential harm to the Defendant in granting an injunction.

The molester and his cover-up have continued to harm the victim, and other children.

With respect to the potential harm to the Defendant if the injunction is granted, the Court notes that any such injunction against the Defendant would qualify as a prior restraint of the Defendant's speech. Tennessee and federal Courts have notoriously held that such prior restraints are strongly disfavored and, in the context of a defamation claim, are permissible only after a specific finding by the trial court that the Defendant's statements are false. *See In re Conservatorship of Turner*, 2014 WL 1901115 (Tenn. Ct. App. 2014). As discussed in the Court's evaluation of the first factor, the Court has not had an adequate opportunity to make such a finding. Accordingly, the Court finds that the potential harm to the Defendant – a prohibition of constitutionally protected speech – is grave.

No merit trial occurred. The permanent injunction was imposed without "specific findings" by a court.


Lastly, the Court similarly finds that the public interest resides primarily in the Court's observance and protection of constitutional rights. The Court does not intend for this finding to diminish in any way the Plaintiff's own compelling interest in preventing the unlawful publicization of **R** private life. However, as observed by the Supreme Court in the *Cox Broadcasting* case, the "the interests of privacy fade when the information involved already appears on public record, especially when viewed in terms of the First and Fourteenth Amendments and in light of the public interest"

Public Interest? Should American voters be informed?

Based on the foregoing, the Court respectfully **DENIES** the Plaintiff's petition for a temporary injunction.

It is so Ordered.

Entered this the 14th day of March, 2016.

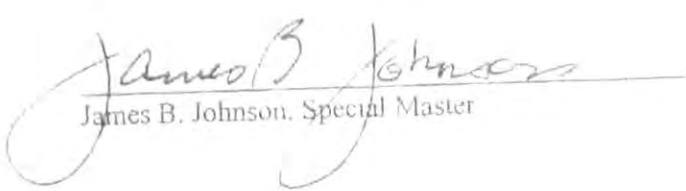

Kelvin D. Jones, III,
Judge, Eighth Circuit Court

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Memorandum and Order has been delivered via U.S. Mail on this the 14th day of March, 2016 to:

Larry L. Crain
Crain Schuette & Associates
5214 Maryland Way, Suite 402
Brentwood, Tennessee 37027
Attorney for the Plaintiff

Austin Davis, *pro se*
5211 Park Avenue
Nashville, TN 37209


James B. Johnson, Special Master



State of Tennessee

TWENTIETH JUDICIAL DISTRICT

THOMAS W. BROTHERS, JUDGE SIXTH CIRCUIT COURT

404 METROPOLITAN COURTHOUSE NASHVILLE, TENNESSEE 37201 (615) 862-5917

September 27, 2018

General Glenn Funk Washington Square, Suite 500 222 2nd Avenue North Nashville, Tennessee 37201-1649

Dear General Funk,

Please find enclosed DVDs of the trial testimony in the recent case of REDACTED versus Austin Davis, REDACTED. The plaintiff testified under oath that [redacted] had been molested as a child by REDACTED. During the trial the defendant made numerous complaints that the police and authorities have refused to investigate these claims. I believe it is my obligation to provide this information to your office in order that you may determine whether any further review or investigation is required. Please maintain the identity of the plaintiff, "REDACTED," confidential unless [redacted] authorizes otherwise. I am advising both parties of my actions by copies of this letter.

Thank you and please do not hesitate to let me know if I can provide any other assistance.

Sincerely, [Signature] Thomas W. Brothers

CC: Larry Crain, attorney for plaintiff Austin Davis, defendant

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UKRAINE

Covenant Pastor Larry Ferris knew about child-molester John Perry in April 2008.



Peter Rosenberger – Long-time Friend of John Perry Family

"I love Covenant church... I think if these people really knew the stuff that had been going on without their knowledge and consent it would horrify them... I would like for the truth to come out... Let people see what was really going on behind the scenes."

Partial quotes from ex- Covenant Member Peter Rosenberger – The Tennessean – July 15, 2018 – Peter Rosenberger moved to Montana during the summer of 2019.



Caroline Post Cone – Child Sex Abuse Therapist – Witness Against Whistleblower Austin Davis During A "Mann Act Federal Crime Cover-up

In an abundance of caution, protected information is not provided in submission to Attorney Larry Crain's permanent injunction request granted on Sept 24, 2018.



Pastor Larry Ferris fled to Easley, South Carolina.

1 CROSS EXAMINATION BY MR. DAVIS:
 2 Q. Ms. Cone, did you say you had learned
 3 about the child molestation in 2008?
 4 A. Yes.

10 Q. So when in 2008 did you first start
 11 counseling REDACTED
 12 A. April.
 13 Q. Or was it 2007, whenever it was?
 14 A. It was 2008, and it was April.
 15 Q. April. And so when the church calls you,
 16 do you know who it was in the church that called
 17 you?
 18 A. One of the pastors.
 19 Q. Do you remember who?
 20 A. I believe it was Pastor Ferris.
 21 Q. Pastor Larry Ferris? Pastor Larry Ferris
 22 called you in April of 2008?
 23 A. Yes, sir.

2008

NASHVILLE POLICE SILENCED AUSTIN DAVIS IN JULY 2008. PER SWORN TESTIMONY, COVENANT PASTOR LARRY FERRIS KNEW ABOUT THE CHILD SEX ABUSE IN APRIL 2008.



**Colleen Post Cone –
Child Sex Abuse Therapist –
Alert Witness Against
Whistleblower Austin Davis
Regarding a “Mann Act” Federal
Crime Cover-Up**



**Ex-Covenant Pastor
Larry Ferris – Sr. Pastor @
Covenant Presbyterian
Church in Easley, SC**

1 CROSS EXAMINATION BY MR. DAVIS:
2 Q. Ms. Cone, did you say you had learned
3 about the child molestation in 2008?
4 A. Yes.
10 Q. So when in 2008 did you first start
11 counseling REDACTED
12 A. April.
13 Q. Or was it 2007, whenever it was?
14 A. It was 2008, and it was April.
15 Q. April. And so when the church calls you,
16 do you know who it was in the church that called
17 you?
18 A. One of the pastors.
19 Q. Do you remember who?
20 A. I believe it was Pastor Ferris.
21 Q. Pastor Larry Ferris? Pastor Larry Ferris
22 called you in April of 2008?
23 A. Yes, sir.
8 Q. (BY MR. DAVIS) Did you know other
9 children had been put in the molester's house back
10 in 2002?
11 A. Other children had been put ---
12 Q. Yes, the safe house, and there were other
13 children, put back in his house, little girls,
14 small kids.
15 A. I did not know that.
16 Q. Yes. That was done in 2002 ---
3 Q. (BY MR. DAVIS) As a person that deals
4 with people who have been molested, is that a
5 concern to you?
6 A. That it was a safe house?
7 Q. No, that REDACTED had children that the
8 church put in that house with him back at the same
9 time when REDACTED was being molested.
10 A. That would be a concern for me.
11 MR. DAVIS: Thank you.

**In an abundance of caution,
protected information is not
provided in submission to
Attorney Larry Crain's
permanent injunction request
granted on Sept 24, 2018.**

**MANN ACT FEDERAL
CRIME COVER-UP
ON-GOING**

NASHVILLE POLICE SILENCED AUSTIN DAVIS IN JULY 2008. WAS A VICTIM FORCED TO LIE THAT THERE WAS NO COVER-UP AT COVENANT PRESBYTERIAN CHURCH?

INTERROGATORY NO. 25

Identify the date(s) when the Plaintiff first informed Jay and Natalie Hager about the Plaintiff's child-sex abuser.

RESPONSE: 2007.

2007

Connected to
Tates Creek Presbyterian
Church in Lexington, Ky.

INTERROGATORY NO. 26

Identify the date(s) when the Plaintiff first informed Teri Cavender about the Plaintiff's child-sex abuser.

RESPONSE: July of 2007.

2007

Identify the date(s) when the Plaintiff first informed school authorities and/or teachers at Nashville Christian School about the child sex abuse of the Plaintiff.

RESPONSE: July of 2007.

In an abundance of caution,
protected information is not
provided in submission to
Attorney Larry Crain's
permanent injunction request
granted on Sept 24, 2018.

VERIFICATION

Sept 24, 2018 – Awarded a Default Victory
without a jury trial during a "Mann Act"
Federal crime cover-up (\$2.1 Million)

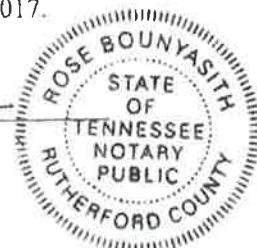
REDACTED

STATE OF TENNESSEE)
COUNTY OF WILLIAMSON)

Personally appeared before me, Rose Bounyasith, a notary public in and for said County and State, the above-signed, **REDACTED**, and did make oath that the information contained in the foregoing document was true and correct to the best of information, knowledge and belief.

Sworn to and subscribed before me this 31st day of July, 2017.

Rose Bounyasith
Notary Public



My commission expires: 1-24-21

~~AUG 18~~

~~Jan 26, 2020~~ – To date, Nashville Police have never contacted Greg Lurie.

DECLARATION

Under penalty of perjury, I state that I am competent to make this declaration and that this declaration is based on my own personal knowledge as follows:

In the spring (March/April) 2002, my children were placed, by Covenant Presbyterian Church, in the house of John and Susan Ann Perry without my knowledge and against my wishes.

Covenant Presbyterian Church referred to the Perry residence as a safe house and my children were placed there for approximately 30 days.

Prior to my divorce on March 31, 2004, Worrick Robinson was an attorney for my former wife, Carolyn Lurie.

On October 14, 2004, Dr. Sam Sells wrote and provided me a letter to use in a court proceeding in which Worrick Robinson was the attorney for my wife, Carolyn Lurie.

On March 4, 2007, I wrote and mailed a letter to John Perry to explain my feelings to him about the harm he had done to my family and children in 2002 when my children were placed in his safe house.

On or about mid-May 2008 until approximately mid-February 2009, I served 80 days in jail on consecutive weekends to complete my sentence imposed upon me by Judge Muriel Robinson, a relative of Worrick Robinson.

In the summer of 2013, **REDACTED** called me regarding **REDACTED** and Covenant Presbyterian Church. During that conversation, **REDACTED** told me that **RED** had been sexually molested over an extended period of time by **REDACTED** John Perry, and that the timing of John Perry's actions coincided with the same time that my children

were residing with the Perry's in the spring of 2002. **REDACTED** reassured me repeatedly that no wrongdoing was done to any of my children during their stay at the Perry's residence in the spring of 2002 but had no irrefutable facts to support **RED** claims.

To date, no one from the Metro Police department has ever contacted me about the John Perry safe house or my children after Austin Davis provided Detective Michael Shreeve my contact information on or about December 11, 2012.

Date: 8/8/14

Gregory C. Lurie

Signature

GREGORY C. LURIE

Printed Name

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SHORT
VERSION

9/19/18 2:41 p

SEP 19 2018

msmy

REDACTED

VS

AUSTIN DAVIS

Deposition of

CAROLYN CONE

September 11, 2018

FILED

JAN 22 2019

Clerk of the Appellate Courts
Rec'd By

Man Act Federal
Crime - No Statute
of limitations for
child sex abuse
across state lines.

H

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Ex 8

1 Q. In the injunction hearing, [REDACTED] answered the
 2 question that [REDACTED] had been meeting with you for ten
 3 years, so that would take it back to 2006.
 4 Did you ever counsel with [REDACTED] before?
 5 A. No, sir, we started in April of 2008.
 6 Q. April 2008. Okay. And in the injunction
 7 hearing, you said that Larry Ferris was the one that
 8 contacted you from Covenant.
 9 A. Uh-huh.
 10 Q. So how did it all come about? What is it
 11 exactly that happened because you got contacted before
 12 and then met with [REDACTED] and [REDACTED] after?
 13 A. Well, so what happened is Mr. Ferris called me
 14 on the phone and said, "Hey, we have something that
 15 just came up in our church. Do you have room for a
 16 new client?" And I said, "Yes, I do." And he told me
 17 a little bit about what had happened. And so then we
 18 made the appointment, and who came to the first
 19 appointment was both [REDACTED] and [REDACTED].
 20 Q. Do you know why he picked you as a person to
 21 contact?
 22 A. My understanding was that he called a friend
 23 of mine who is also a therapist, and she couldn't take
 24 [REDACTED] at first and gave him my name. And otherwise, I
 25 don't have any idea why I got the call.

1 he?
 2 A. Well, he was. He's not been in the program
 3 since I've been there.
 4 Q. He wasn't in the program back in 2008?
 5 A. Well, I don't know if he was there in 2008. I
 6 only started working there, I believe, in 2012 or so.
 7 Q. In the lawsuits, they've given the ages 11 and
 8 then they changed it; they went to 12. Do you know
 9 what the age was?
 10 A. I believe the age when [REDACTED] was first sexually
 11 abused -- is that what you're asking me?
 12 Q. Uh-huh.
 13 A. Was 11.
 14 Q. Eleven? The lawsuit says -- uses the word
 15 "incident," which seems to indicate it's only one
 16 time. Is it one time or is it multiple times?
 17 A. Multiple times.
 18 Q. Is it constrained just to Tennessee?
 19 A. No.
 20 Q. What other states?
 21 A. I'm not sure what other states there are, but
 22 I think some of the incidents occurred outside of the
 23 state of Tennessee.
 24 Q. Did [REDACTED] go over that or give you any
 25 information on those states, where it was?

1 Q. Do you know any of the people that are over in
 2 Covenant in leadership?
 3 A. Do I now, or did I then?
 4 Q. Did you then?
 5 A. I knew Larry because he would frequently --
 6 actually, that was probably the beginning of me
 7 getting to know him and him referring clients to me.
 8 Q. Did you know Joe Eades who happened to be kind
 9 of in the mental health --
 10 A. I did not know Joe Eades. I did not know him.
 11 Q. Is Dr. Anderson Spickard -- is he over at
 12 Vanderbilt in the area that you're in?
 13 A. Yes. Are you talking about Anderson Senior or
 14 are you talking about Anderson -- are you talking
 15 about Andy Spickard or are you talking about
 16 Anderson --
 17 Q. The older, Anderson. The one that wrote the
 18 book, "Dying for a Drink."
 19 A. And so, was he over at Vanderbilt? What's --
 20 help me.
 21 Q. When you were at -- I thought you said you
 22 were at the Center For Professional Health. Was that
 23 Vanderbilt?
 24 A. Yes.
 25 Q. And he's in that program or something; isn't

1 A. Yes, sir.
 2 Q. The reason I'm asking is because there's laws
 3 in different state and different statutes of
 4 limitations in other states, and so just curious if it
 5 got reported in the other states.
 6 A. Well so, let me talk a little bit about the
 7 whole concept of reporting. When the client came to
 8 me, [REDACTED] was 18 years old. And because [REDACTED] was
 9 18 years old, I actually didn't have to report it, but
 10 I did call DCS, and I said, "I have a child who was
 11 sexually abused as a minor, now [REDACTED] 18; what do I
 12 do?" And they said that they do not handle cases
 13 after a child turns 18.
 14 Q. So what happens to the child molester?
 15 MR. CRAIN: Objection; calls for legal
 16 conclusion.
 17 You may answer, if you know.
 18 THE WITNESS: It would be up to the
 19 person who was sexually assaulted to bring charges.
 20 BY MR. DAVIS:
 21 Q. I mean, I'm not in this world, in this realm
 22 at all. I'm not trained; I'm not a professional.
 23 You're obviously a professional now trained in the
 24 medical world. I'm just an average person.
 25 Is child -- and there are privileges that are

Covenant
 Pastor
 Larry
 Ferris
 knew in
 April
 2008.
 Police
 used in
 July
 2008.

Federal
 Mann
 Act
 Crime

→ What?

1 that you have.
2 Q. I don't have -- oh, this exhibit?
3 A. Yeah. That was me rectifying about [REDACTED] and
4 it has [REDACTED] name on it. My understanding is that
5 you're the one that posted that.
6 Q. It's got somebody blacked out here. I don't
7 know what it says.
8 MR. DAVIS: I think I've had enough.
9 MR. CRAIN: All right. I have no further
10 questions, and that will conclude the deposition.
11 THE VIDEOGRAPHER: Thank you. The time
12 is 2:00 p.m. We're off the record.
13 (Whereupon, the deposition
14 concluded at 2:00 p.m.)
15
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REPORTER'S CERTIFICATE

1
2
3 STATE OF TENNESSEE
4 COUNTY OF DAVIDSON
5 I, ARIELA PASTEL, Licensed Court Reporter,
6 with offices in Nashville, Tennessee, hereby certify
7 that I reported the foregoing deposition of CAROLYN
8 CONE by machine shorthand to the best of my skills and
9 abilities, and thereafter the same was reduced to
10 typewritten form by me.
11 I further certify that I am not related to any
12 of the parties named herein, nor their counsel, and
13 have no interest, financial or otherwise, in the
14 outcome of the proceedings.
15
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25

Ariela Pastel

ARIELA PASTEL, LCS
Licensed Court Reporter (TN)
LCS # 776 - Expires 6/30/13

EX 8

2002 -

COVENANT KIDS WERE PLACED IN THE JOHN PERRY "SAFE HOUSE."

2002 - 2006 -

A YOUTH COACH ASKED QUESTIONS ABOUT THE SAFETY AND WELFARE OF CHILDREN TEN YEARS BEFORE HE LEARNED JOHN PERRY WAS A CHILD-MOLESTER.

July 27, 2006 - Austin Davis Resignation Letter From Covenant Presbyterian Church: "Question: Would a molester or child abuser be a concern and a reason to call such a meeting?"

FEDERAL CASE # 3:18-cv-00416 – JOHN PERRY VS. HARPERCOLLINS CHRISTIAN PUBLISHING, INC.: *"In late 2005 or early 2006, John Perry received a phone call from a representative of Franklin Graham, inquiring whether he would be willing to serve as a full-time, in-house ghostwriter for Franklin Graham. Soon afterward, in late winter or early spring of 2006, Mr. Perry traveled to the headquarters of the Billy Graham Evangelistic Association in Charlotte, North Carolina, for an interview.... Mr. Perry came up with an idea for Franklin Graham to write his father's biography from Franklin Graham's own unique perspective, to be published after Billy Graham's death... Mr. Perry was later informed that Jonathan Merkh and Sam Moore (executives of Thomas Nelson) had pitched his idea for this biography to Franklin Graham, and that Mr. Graham enthusiastically endorsed it. In mid-summer of 2006, Mr. Perry received a call from a representative of Thomas Nelson, announcing that they had a book deal with Franklin Graham based on Mr. Perry's idea. Thomas Nelson offered to hire Mr. Perry to write the book."*

2007 –

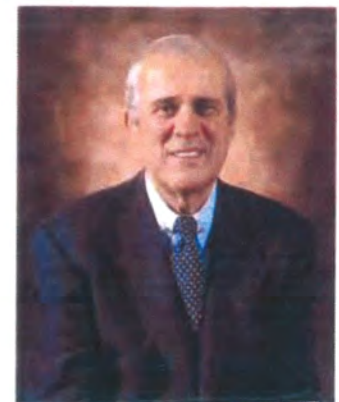
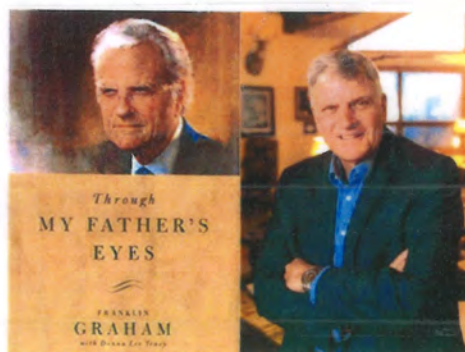
COVENANT LEADERSHIP KNEW ABOUT JOHN PERRY'S CHILD SEX ABUSE.



FEDERAL CASE # 3:18-cv-00416 – JOHN PERRY VS. HARPERCOLLINS CHRISTIAN PUBLISHING, INC.: *"In the early summer of 2007, Thomas Nelson contacted Mr. Perry to advise that Franklin Graham was unhappy with his manuscript, and that Thomas Nelson had unilaterally decided to 'take him off the project.'"*



JIM BACHMANN –
EX-COVENANT PASTOR-
CURRENT PASTOR OF
WESTMINSTER CHAPEL
OCCUPYING JULIA GREEN
PUBLIC SCHOOL.



SAM MOORE – FORMER
CEO- PRESIDENT OF
THOMAS NELSON
PUBLISHING – FORMER
COVENANT RULING ELDER –
CHARTER MEMBER OF
WESTMINSTER CHAPEL
OCCUPYING JULIA GREEN
PUBLIC SCHOOL

2008 –

COVENANT LEADERSHIP AND NASHVILLE POLICE SILENCED AUSTIN DAVIS FROM ASKING QUESTION ABOUT CHILDREN PLACED IN JOHN PERRY'S "SAFE HOUSE."

MPD FORM - 104 (Revised 10/08) CALBA 82.1, 82.2		Supplement Report		Metropolitan Police Department Nashville, TN		1. Name Covenant Church		<input checked="" type="checkbox"/> Arrestee <input type="checkbox"/> Driver No. 1 <input checked="" type="checkbox"/> Victim		2. M.P.D. Incident No. 2008-444421	
3. Arrest No. <input checked="" type="checkbox"/> N/A		4. Offense and Classification / Charge Harassment						Changed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> See Narrative		5. Page No. 1 of 1	
6. Kind of Report Continued <input type="checkbox"/> Incident <input type="checkbox"/> Missing Person <input type="checkbox"/> Arrest <input checked="" type="checkbox"/> Follow-up or Supplemental			7. Multiple Clear-up <input type="checkbox"/> YES (If Yes, List Other Incident No's and/ or Victim's in Narrative) <input checked="" type="checkbox"/> N/A			8. Further Police Action and Report Required <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		9. Value of Property Recovered <input checked="" type="checkbox"/> N/A \$			
10. Narrative <input type="checkbox"/> N/A		<p>I talked with the pastor Jim Bachmann. He has an extensive file on the subject with the letters he has sent. They have dealt with this for six years and did not want to involve police. They made a report because he came to the location on Sunday after being officially advised not to. He sent a letter which they perceived to be threatening. Security was present on Sunday. Mr. Bachmann said they will not prosecute unless it continues. I explained the mental health options if an arrest does become necessary.</p>									

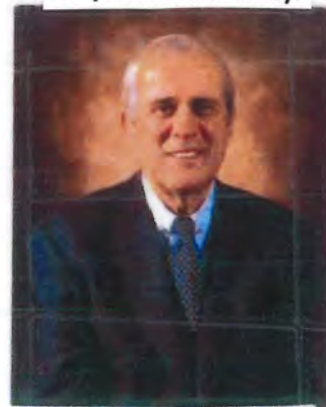
GASLIGHT

Wore a bullet-proof vest to stoke fear and hysteria.



JIM BACHMANN – EX-COVENANT PASTOR- CURRENT PASTOR OF WESTMINSTER CHAPEL OCCUPPYING JULIA GREEN PUBLIC SCHOOL.

Long-time Friend of Billy Graham's Family.



SAM MOORE – FORMER CEO- PRESIDENT OF THOMAS NELSON PUBLISHING – FORMER COVENANT RULING ELDER – CHARTER MEMBER OF WESTMINSTER CHAPEL

Austin Davis was the falsely reported to Nashville Police as a potential crazy church "shooter" suspect, while child-molester John Perry was protected and given a free pass.

SESSION MEETING MINUTES

Covenant Presbyterian Church
33 Burton Hills Boulevard
Nashville, Tennessee 37215

A stated meeting of the Session was held Monday, July 14, 2008, 6:30 PM, at the church.

ELDERS PRESENT

Phil Schulz	Scott Troxel
Ron Kimery	Joe Eades
Joe Butler	Wade Hyatt
John Avery	David Hunsucker
Herb Kneeland	Wade McGregor
Jack Herndon	Dale Lewellen
Brad Southern	Don Bull
Mike Bishop	Pug Scoville
Tom Cox	

ELDERS ABSENT

Dewey Thomas	Jody Elder
Jack Wallace	

GUESTS PRESENT

Officer Tawana Chick—Metro Nashville Police Department
Deacons, Warrick Robinson

Moderator: Pastor: Jim Bachmann
Associate Pastor: Larry Ferris
Associate Pastor: Roy Carter
Assistant Pastor: Wayne Herring

Associate Pastor: Jack Foster
Visitor and New Members Director: Rick Arendale
Assistant Pastor: Matt Bradley

- I. Quorum present and meeting called to order.
Meeting opened with devotion and prayer.
- II. Combined meeting with the Deacons was conducted. Officer Chick, Joe Eades, Jim Bachmann and Warrick Robinson provided background concerning Austin Davis. Mr. Robinson advised that the Session's response to the perceived security concerns did not have to be the strongest legal response available, but a reasonable response is necessary.
After full discussion, Deacons left the room for the Session to continue the Stated meeting.
- III. M/S/P Approved the Session meeting minutes of April 6, April 23, April 30, May 5 and May 19, 2008.
 - A. M/S/P Accept John Perry's resignation from the Diaconate.
 - B. M/S/P Approved transfer of Daniel Larrison to Faith PCA, Wauchula, FL.
 - C. Elders are asked to consider serving in some role for the 2010 General Assembly to be hosted in Nashville.
M/S/P To request that the Covenant Presbyterian Session be part of serving communion at the 2010 General Assembly.

IV. Old Business

- A. M/S/P to receive new members:

Rob & Fronda Alley	Ritch Gillespie	Claire Sawyer
Reagan, Hayes	Christopher & Holly Ing	Britt Sellers
Mark & Anna Bright	Wes & Nancy Kennedy	Jason & Melissa Tillman
Onaly, David	Erin Malone	Dave & Doreen Turner
Will & Jaclyn Carney	David & Jane McCracken	Ted & Elizabeth Wade
Van & Cathy East	Parker & Kaylor	Wiley Walker
Frank & Kristy Frazier	Jason Puckett	
Bo & Happy Fulk	Bruce & Vickie Reed	

CHILD-MOLESTER JOHN PERRY IS PROTECTED WHILE AUSTIN DAVIS IS GASLIGHTED BY COVENANT LEADERS AND NASHVILLE POLICE.

IV. Old Business, cont.

- B. Discussion concerning Austin Davis.
M/S/P Diaconate will be fully informed of the facts of the situation. A concise summary of the facts will be provided to elders and deacons. Members with questions about the situation will be referred to a church officer or pastor for information.
M/S/P No change in the security detail for the July 21st worship services.

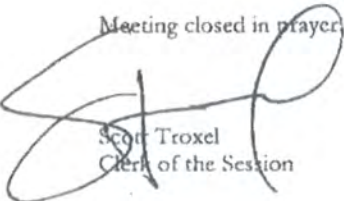
V. New Business

- A. M/S/P to accept the officer candidates as recommended by the Nominating Committee
B. Discussion concerning the monthly newsletter and its associated costs and staffing challenges.
M/S/P that the monthly newsletter will be published two more times. Members need to notify the Church office if they wish to continue to receive the monthly newsletter. In lieu of monthly mailings the newsletter will be accessible from the Covenant web-site.
C. M/S/P to approve of the WIC Bible Study Leaders
D. New Committees
E. M/S/P to approve housing allowances for Pastor Matt Bradley and Director of Music Paul Magyar.
F. M/S/P to form an ad hoc committee chaired by Herb Kneeland to work with the Diaconate to develop a comprehensive, long-term security plan.

VI. Adjournment

Next Stated Meeting—Monday, August 18, 2008

Meeting closed in prayer


Scott Troxel
Clerk of the Session

S. James Bachmann, Jr.
Senior Pastor

2010 –

COVENANT LEADERSHIP BROKE THE SECRET DEAL WITH JOHN PERRY BUT DID NOT REPORT THE CHILD-MOLESTER TO DCS OR NASHVILLE POLICE.



A called meeting of the congregation was held Sunday, June 6, 2010, 9:30 A.M. at the church to announce a disciplinary action taken by the Session.

Moderator: Pastor Jim Bachmann

It is my charge this morning to inform you of a disciplinary action recently taken by the Session. Before doing that I will read the opening passages from the Book of Church Order Part II regarding Discipline.

27-1. Discipline is the exercise of authority given the Church by the Lord Jesus Christ to instruct and guide its members and to promote its purity and welfare. The term has two senses

a. the first referring to the whole government, inspection, training, guardianship and control which the church maintains over its members, its officers and its courts;

b. the second a restricted and technical sense, signifying judicial process

27-2. All baptized persons, being members of the Church are subject to its discipline and entitled to the benefits thereof.

27-3. The exercise of discipline is highly important and necessary. In its proper usage discipline maintains:

a. the glory of God,

b. the purity of His Church, and

c. the keeping and reclaiming of disobedient sinners. Discipline is for the purpose of godliness (1 Timothy 4:7), therefore, it demands a self-examination under Scripture.

Its ends, so far as it involves judicial action, are the rebuke of offenses, the removal of scandal, the vindication of the honor of Christ, the promotion of the purity and general edification of the Church, and the spiritual good of offenders themselves.

27-4. The power which Christ has given the Church is for building up, and not for destruction. It is to be exercised as under a dispensation of mercy and not of wrath. As in the preaching of the Word the wicked are doctrinally separated from the good, so by discipline the Church authoritatively separates between the holy and the profane. In this it acts the part of a tender mother, correcting her children for their good, that every one of them may be presented faultless in the day of the Lord Jesus.

Having read those words, the announcement of discipline is as follows:

Whereas John Perry has confessed to committing heinous and repetitive sin against Redacted and has not shown evidence of repentance, the Session of Covenant Presbyterian Church has declared that he is excluded from the sacraments and cut off from the fellowship of the church. The Session has taken this action with sorrow and the desire to see him repent and return to Christ and the fellowship of His church.

If you have questions, feel free to ask the pastors or other Session members.

Covenant Presbyterian Church
33 Burton Hills Boulevard
Nashville, Tennessee 37215

2010 –

COVENANT LEADERSHIP BROKE THE SECRET DEAL WITH JOHN PERRY BUT DID NOT REPORT JOHN PERRY TO POLICE.

Nashville Police said Covenant Leadership acted appropriately to excommunicate John Perry after Covenant Leadership first learned about the child sex abuse in 2010. However, child sex abuse therapist, Caroline Post Cone, testified that Covenant Leadership knew as early as April 2008. See page 1.

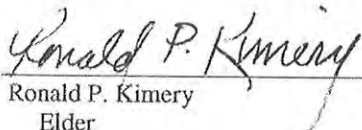
CONGREGATION MEETING MINUTES

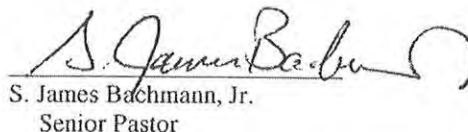
Covenant Presbyterian Church
33 Burton Hills Boulevard
Nashville, Tennessee 37215

A called meeting of the congregation was held Sunday, **June 6, 2010**, 9:30 A.M at the church to announce a disciplinary action taken by the Session.

Moderator: Pastor Jim Bachmann

- I. The meeting was opened in prayer.
- II. Elder Ron Kimery was appointed clerk for this meeting.
- III. Elder John Avery, member of the Discipleship Committee, read the opening passages from the Book of Church Order regarding discipline. He then informed the congregation that the Session had excommunicated John Perry. (copy of announcement attached).
- IV. The meeting was closed in prayer.


Ronald P. Kimery
Elder


S. James Bachmann, Jr.
Senior Pastor

It is my charge this morning to inform you of a disciplinary action recently taken by the Session. Before doing that I will read the opening passages from the Book of Church Order Part II regarding Discipline.

27-1. Discipline is the exercise of authority given the Church by the Lord Jesus Christ to instruct and guide its members and to promote its purity and welfare. The term has two senses:

a. the first referring to the whole government, inspection, training, guardianship and control which the church maintains over its members, its officers and its courts;

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a. the glory of God,

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c. the keeping and reclaiming of disobedient sinners. Discipline is for the purpose of godliness (I Timothy 4:7); therefore, it demands a self-examination under Scripture.

Its ends, so far as it involves judicial action, are the rebuke of offenses, the removal of scandal, the vindication of the honor of Christ, the promotion of the purity and general edification of the Church, and the spiritual good of offenders themselves.

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Having read those words, the announcement of discipline is as follows:

Whereas John Perry has confessed to committing heinous and repetitive sin against **REDACTED** and has not shown evidence of repentance, the Session of Covenant Presbyterian Church has declared that he is excluded from the sacraments and cut off from the fellowship of the church. The Session has taken this action with sorrow and the desire to see him repent and return to Christ and the fellowship of His church.

If you have questions, feel free to ask the pastors or other Session members.

In an abundance of caution, protected information is REDACTED in submission to Attorney Larry Crain's permanent injunction granted on 9/24/2018.

ANOTHER REPORT TO THE FBI

Keeping in mind the **Federal Bureau of Investigation** is strictly a fact-gathering agency which investigates violations of certain Federal statutes as prescribed by law. Please state the nature of the matter you wish to bring to our attention.

I spoke with agent John Medeiros in 2009 after police invaded my home to silence and intimidate my fam. ly. In recent days, I was informed of a "child molestation." I wish to speak to an FBI agent (as advised by Jerry Martin's office) to report what has occurred

18 U.S. Code § 241 - Conspiracy against rights

18 U.S. Code § 242 - Deprivation of rights under color of law

Sign & Date: Willie Austin Davis Jr 7/9/2012

Previous contact with FBI: (Yes) (No)

Agent Cameron _____

To be completed by FBI Duty Agent

Follow-Up Required ()

Requires No Further Action ()

SA: _____

Date: _____

VISITOR

Austin Davis

2344

VISITING

43104.12

Duty Attorney (Lee Deneke)

7/9/2012

PLEASE COMPLETE BOTH SIDES

2012

Nashville Police lied to protect child-molester John Perry and a Mann Act Federal crime cover-up with no statute of limitations. The Tennessee statute of limitations did not expire at 18 + 1 years and is still running because of the on-going cover-up.

Original Message-----

From: Shreeve, Michael T. (MNPDP) (MNPDP) ·

To: Catherine <

Cc: Pardue, Marlene (MNPDP) (MNPDP)
(MNPDP)

Sent: Wed, Dec 12, 2012 4:49 pm

Subject: Re Follow Up to Wed (12/5) Meeting

Mr Davis,

Thank you and your wife for taking time to meet with us. I'm sure you did not get most of the answers you were looking for but sexual assault investigations must be kept confidential as not to cause the victim further embarrassment. The statute of limitations has recently been changed in the past year to include no time limit for child rape; unfortunately this does not change the outcome of our case. I will forward your email to the investigating detective for further follow-up. Don't hesitate to contact me if you have any further info.

Sgt Mike Shreeve

EXCERPT - WADE BURLESON ARTICLE ON STATUTE OF LIMITATIONS AND JOHN PERRY

<http://www.wadeburleson.org/2015/06/child-abuse-statute-of-limitations-and.html>

I'm sure, like all police departments, the Metropolitan Nashville Police Department depends on city attorneys for legal counsel, and will on occasion consult with their specialized police attorneys. There are a few questions that reporters, bloggers, and advocates for victims of child sexual abuse should be asking.

(1) The Tennessee Code of Law indicates that the statute of limitations for sexual battery of a minor which occurs between July 1, 1997 - June 2006 is when the victim reaches the age of 21. When the police spokesman says "the statute of limitations had tolled," was that date of limitation the summer of 2007 when the abuse was first reported? No? Okay, then was it the summer of 2008 when the alleged child abuser was allowed to quietly resign his position at the church with no explanation? No? Okay, was it 2010 when Covenant Presbyterian ex-communicated John Perry for "...committing heinous and repetitive sin against his family"? No? Okay, was it 2012 when the police "launched their investigation"? When did the statute of limitations run out? If it is possible to withhold information from police until the statute of limitations runs out, and the alleged perpetrator cannot be prosecuted, it seems that might be incentive for friends and loved ones to cover, hide and suppress any allegations of child sexual battery? That's why we have mandatory reporting laws. I don't pretend to know the answers. I just have some good questions that should be asked.

(2) If some of the "non-law enforcement" were church officials to whom the victim reported her abuse when she turned eighteen, it seems a legitimate and fair question to ask if those church officials sensed any obligation to file a mandatory report to the Metropolitan Nashville Police Department and the Tennessee Department of Children's Services in either 2007 or 2008 when they were first informed of the abuse by the victim. It does seem as if Covenant church officials knew of the child abuse when John Perry was allowed to quietly resign in 2008 and then "ex-communicated" in 2010 for "...committing heinous and repetitive sin against his family (without) evidence of repentance" (Source: Covenant church minutes). However, to be fair, reporters need to ask this question to Covenant Presbyterian officials: "When did you first find out about the alleged child abuse?"

**SOL WAS AT LEAST
THE AGE OF 21, NOT
19.**

2013

The Police Office of Professional Accountability protected child-molester John Perry and a Mann Act Federal crime cover-up.



METROPOLITAN POLICE DEPARTMENT
of Nashville and Davidson County

Karl Dean, Mayor
Steve Anderson
Chief of Police

Office of Professional Accountability
Acknowledgment of Statement

I also have a copy of the
2-hour plus OPA interview.

I, Austin Davis, do hereby acknowledge and avow that the statement I have given to Sergeant Jerry Hertenstein this, the 12th day of November, 2013, concerning case file number 1A2013- N/A is true and correct to the best of my knowledge.

Further, I, Austin Davis, hereby acknowledge and avow that I have fully disclosed all pertinent information to the OPA detective in this matter.

AUSTIN DAVIS ALSO HAS A COPY
OF THE 2-HR OPA INTERVIEW.

Sworn to and subscribed to before
me, a Notary Public, this 12th day
of November, 2013.

Notary Public
My Commission Expires JULY 9, 2015

Austin Davis
Print Name
Austin Davis
Sign Name
Witness to Signature: [Signature]
Witness to Signature: [Signature]
Date: 11/12/2013

This is to certify that _____ was at The Office of Professional Accountability from _____
on the above date.

OPA Representative _____

300 James Robertson Parkway • P.O. Box 196399 • Nashville, Tennessee 37219-6399 • (615) 252-1211



Original Message
From: Morante, Kathy (MNPD) (MNPD) <K
To: 'Austin Davis' <valglenn18@aol.com>
Sent: Thu, Nov 14, 2013 12:23 pm
Subject: RE: OPA Meeting Follow-Up

NO OPA FOLLOW-UP IN 7 YEARS.

Mr. Davis,

Thank you for taking the time to let me know about your meeting with Sgts. Hertenstein and Sanderson and for your kind words. They are currently working on some of the information you have gave them. One of them will be in touch in the future to let you know the outcome of their investigation.

Sincerely,

Kathy Morante
Director, Office Of Professional Accountabilit
Metro Nashville Police Department
862-7317

I was arrested twice in
retaliation to silence me
from exposing protected
child-molester John Perry.

2013

NO OPA FOLLOW-UP IN 7 YEARS.



METROPOLITAN POLICE DEPARTMENT
of Nashville and Davidson County

Karl Dean, Mayor

Steve Anderson
Chief of Police

**Office of Professional Accountability
Acknowledgment of Statement**

I, Austin Davis, do hereby acknowledge and avow that the statement I have given to Sergeant Jerry Hertenstein this, the 12th day of November, 2013, concerning case file number ~~IA2013-~~ N/A is true and correct to the best of my knowledge.

Further, I, Austin Davis, hereby acknowledge and avow that I have fully disclosed all pertinent information to the OPA detective in this matter.

Sworn to and subscribed to before me, a Notary Public, this 12th day of November, 2013.

[Signature]
Notary Public
My Commission Expires JULY 6, 2015

Austin Davis
Print Name

Austin Davis
Sign Name

[Signature]
Witness to Signature

[Signature] (Duncan Case)
Witness to Signature

11/12/2013
Date

This is to certify that _____ was at The Office of Professional Accountability from _____ to _____ on the above date.

OPA Representative

[Signature]



2013 – 2018: POLICE CHANGE STORY



JUNE 10, 2015 – BUZZFEED: “Likewise, a police investigation launched in 2012 found the allegations against Perry “were sustained,” according to a police department spokesperson, but that statute of limitations had passed. “The alleged sexual battery was reported to have occurred when the victim was between the ages of 11 and 14,” said Nashville police department spokesperson Don Aaron in a statement to BuzzFeed News. “As a result of the investigation, the allegations of sexual battery were sustained, but it was determined that the statute of limitations had tolled, barring prosecution...”

May 2, 2018 – The Tennessean: “Police investigated Perry in October 2012 after learning that Redacted said he sexually abused R between the ages of 11 and 14, Metro police spokesman Don Aaron said. “Allegations of sexual battery were substantiated” by investigators, Aaron said. Charges could not be filed because the statute of limitations had passed.”

JUNE 2013 – AFTER 2012 POLICE INVESTIGATION, NASHVILLE POLICE TELL COVENANT MEMBERS: “There is nothing to these claims.”

2015 – MORE GASLIGHTING

Child-molester John Perry's loyal, devoted supporters believe that adult-child sexual activity is a "private" matter protected by clergy privilege and the First Amendment. My daughter was molested during the on-going effort to protect child-molester John Perry-- and the cover-up continues.

From: G
Date: Sun, Nov 15, 2015 at 4:28 PM
Subject: Re: Important Update - Please Read
To: Daisy Davis <d...>

Daisy,

The child molester was excommunicated from the church. His victim did not want the world to know, so REDACTED alone decided not to prosecute. R has since gone to live with R. Why are you still so concerned??? It's not your families business. As AA they say, "stay on your side of the street".

Your "hero" needs help. He's OCD on the past. There are plenty of other churches in "the city of churches" to worship in, to pray for peace and peace within himself. He's tried to intimidate my church and other institutions for years. Does he hold down a paying job?

Your father's not allowed on my church property, so why the big surprise of the arrest? Obviously, He craves attention.

You have violated my church and my privacy. You are being used by your mentally ill father. He needs help. I have doctors names and counsellors names for you, your mother and brother, when you're ready for them.

May the Peace that passes all understanding be with your family,

G

<http://www.wadeburleson.org/2015/06/child-abuse-statute-of-limitations-and.html>

Child Abuse, Statute of Limitations, and John Perry

Co-Author Of Mike Huckabee Books Was Accused Of Child Molestation In Two Legal Cases

Prominent Christian author John Perry, who has also co-authored a book with Alabama Supreme Court Justice Roy Moore, has been accused of child molestation in two separate lawsuits. Updated with Perry's statement at the bottom



Andrew Kaczynski



Ian Ben-Meir

AUSTIN DAVIS WAS ARRESTED IN RETALIATION FOLLOWING THE PUBLICATION OF THIS BUZZFEED ARTICLE.



JOHN PERRY'S STATEMENT TO DAILY MAIL ONLINE

Thank you for getting in touch. I haven't read the article but have heard about it.

I don't have anything to say for the record, but will tell you that the person behind it has been pursuing a vendetta against his former church for years and this story is one of the means he has used.

Having failed there, he has evidently turned his attention elsewhere.

I will also tell you that whatever private difficulties there may have been, the parties involved were reconciled and restored years ago, for which I thank God every day.

Co-Author Of Mike Huckabee Books Was Accused Of Child Molestation In Two Legal Cases

Prominent Christian author John Perry, who has also co-authored a book with Alabama Supreme Court Justice Roy Moore, has been accused of child molestation in two separate lawsuits. **Updated with Perry's statement at the bottom**

Andrew Kaczynski BuzzFeed News Reporter Ilan Ben-Meir BuzzFeed News Reporter
Posted on June 10, 2015, at 10:24 p.m. ET

John Perry, a prolific author who co-wrote two books with former Arkansas governor and presidential candidate Mike Huckabee and co-wrote one with Alabama Supreme Court Justice Roy Moore, was accused of child molestation in two separate lawsuits, BuzzFeed News has found.

intvue → A 2012 police investigation of Perry's alleged offenses found that "the allegations of sexual battery were sustained" but that the statute of limitations had expired.

Perry co-wrote *Do the Right Thing: Inside the Movement That's Bringing Common Sense Back to America* about Huckabee's 2008 presidential campaign. He also did research and writing for Huckabee's 2007 book *Character Is the Issue*, a memoir of his early time as governor. Perry also co-wrote *So Help Me God*, Moore's autobiographical account of fighting to keep a monument to the Ten Commandments at Alabama's Supreme Court.

Those books are just a few of the titles produced with Perry's help: He wrote *For Faith & Family: Changing America by Strengthening the Family* with Richard Land, the president of Southern Evangelical Seminary, a book with former Southern Baptist Convention president James T. Draper, as well as a book with Frank Page, the president and CEO of the Southern Baptist Convention Executive Committee. Perry even co-authored *The Yow*, the book made into a feature film starring Rachel McAdams and Channing Tatum. Perry also lists writing two books for prominent pastor John F. MacArthur on his website.

In a sworn affidavit submitted during divorce proceedings, Perry's ex-wife attests that she "filed for divorce as a result of Mr. Perry's inappropriate marital conduct, to which he admitted to in his Response to Interrogatories numbers 1 and 2." Throughout the court documents, "inappropriate marital conduct" appears to be a euphemism for the alleged molestation.

Perry's responses are not included in the case file.

Another filing, submitted by Perry's ex-wife's attorney earlier in the same proceedings, refers to Perry's "admitted sexual abuse" of a minor [REDACTED]. Perry's response to that filing — also submitted prior to his ex-wife's affidavit — does not deny the abuse, or that Perry admitted it. Instead, Perry claims that "there was never any testimony or other evidence of any kind presented" to the court, "or any orders or findings of fact [...] regarding any alleged sexual abuse of any minor [REDACTED] or any other legal proceeding."

This claim is not, however, necessarily incompatible with Perry's ex-wife's claim that Perry "admitted to" the alleged "inappropriate marital conduct" during the discovery process, because it appears that those findings were not technically "presented" to the court.

intvue Likewise, a police investigation launched in 2012 found the allegations against Perry "were sustained," according to a police department spokesperson, but that statute of limitations had passed.

"The alleged sexual battery was reported to have occurred when the victim was between the ages of 11 and 14," said Nashville police department spokesperson Don Aaron in a statement to BuzzFeed News.

"As a result of the investigation, the allegations of sexual battery were sustained, but it was determined that the statute of limitations had tolled, barring prosecution. The victim was age 18 when [redacted] first disclosed the allegations to non-law enforcement and said at that time [redacted] did not want the matter reported to the Tennessee Department of Children's Services or the police."

In a second series of lawsuits brought in a county court in Tennessee, and related to the same alleged acts of child molestation, Austin Davis, a former parishioner of Covenant Presbyterian Church in Nashville, claims that the church covered up Perry's alleged acts of child molestation and launched a campaign to silence and harass Davis.

Inquiries to Covenant Presbyterian were forwarded to their attorney. Autumn Gentry, a lawyer for Covenant Presbyterian, told BuzzFeed News they can't comment on ongoing litigation.

Untou# → The individual Perry allegedly molested told BuzzFeed News that [redacted] believed that the church reacted appropriately, and did not cover up Perry's alleged offense. Perry has not returned multiple requests for comment from BuzzFeed News.

In an affidavit submitted as part of his case, Austin Davis claims the accuser told him that [redacted] had been molested between the ages of 11 and 13.

In Davis's court case, he presents what he alleges are minutes from Covenant Presbyterian Church meetings that show Perry resigning from the church's diaconate in 2008, and minutes from 2010 showing Perry was excommunicated from the church because he "has confessed to committing heinous and repetitive sin [...] and has not shown evidence of repentance." The minutes appear to have been introduced as evidence in one of Davis' lawsuits against the church. The church does not appear to have objected to the introduction of the minutes or contested their authenticity.

BuzzFeed News spoke to a longtime church member, who said he had obtained the minutes for Davis and vouched for their authenticity. The minutes are accessible to any church member. The individual Perry allegedly molested also told BuzzFeed News that Perry was excommunicated from the church as a consequence of the alleged abuse.

Catherine Davis, the wife of Austin Davis, likewise wrote in a sworn affidavit that during the summer of 2012, she spoke to the accuser, who confirmed the abuse occurred numerous times when the individual was a minor. Davis said the accuser told her that [redacted] broke [redacted] silence in 2007 and began telling friends, [redacted], church leaders, and school officials about what had allegedly occurred.

Spokespeople for Huckabee did not return a request for comment.

Megan Apper and Christopher Massie contributed reporting.

Update: John Perry gave the following statement to the Daily Mail:

Thank you for getting in touch. I haven't read the article but have heard about it.

I don't have anything to say for the record, but will tell you that the person behind it has been pursuing a vendetta against his former church for years and this story is one of the means he has used. Having failed there, he has evidently turned his attention elsewhere.

I will also tell you that whatever private difficulties there may have been, the parties involved were reconciled and restored years ago, for which I thank God every day.

Buzzfeed did not report that Nashville Policed silenced the Davis family on July 2, 2008, two months after Covenant + Pastor Larry Ferris contacted Carolyn Post Cone in April 2008.

Ex 8

UNLAWFUL PUBLIC SUNDAY CHURCH ARREST – NOV 15, 2015



2017

JUDGE STEVE DOZIER SPOKE FROM THE BENCH FOR COVENANT PRESBYTERIAN CHURCH: "THEY ARE NEVER GOING TO ADMIT THEY DID ANYTHING WRONG. THAT'S THEIR POSITION."

SEPT 28, 2017 – EXCERPTS FROM JUDGE STEVE DOZIER HEARING



JUDGE STEVE DOZIER

Oct 23, 2017 – Judge Dozier recused 3 days after Austin Davis was arrested on Oct 20, 2017 and unlawfully jailed for 18 days. Judge Dozier presided over the rigged trial even though his uncle, Don Dozier (a former police officer) was a member of Covenant Presbyterian Church.

THE COURT: I'm just trying to make things better. I'm trying to hear -- here, you want to see what I'm showing Mr. Bryant earlier, my notes about sermon on peace making? You mentioned that earlier about trying to get peace. **But here is the problem: From Covenant Presbyterian Church, you are never, and you just going to have to accept this.**

THE WITNESS: Okay.

THE COURT: Part of your peace making process is never going to consist of them acknowledging all of this scheming, conniving stuff that you and you are husband think occurred with Perry, et al. **They are never going to admit that they did anything wrong. That's their position.**

MORE GASLIGHTING

From: "K."
Date: August 14, 2017 at 7:03:12 PM CDT
To: valglenn18@aol.com
Subject: Re: #1 - Re: Austin Davis is a Bully and a Coward

You are an ill man; full of poison, and unable to think rationally, but I will still give you this word of warning:

You've been evicted from your home, and are squatting on your now deceased former mother-in-law's house.

The neighbors, the mayor, the governor, even the garbage men who visit REDBUD once a week, ALL get it....everyone gets that you are a sick, uninformed man, with no job, but to

harass and persecute others....especially **REDACTED**, who is suing your large behind for 3 million.

STOP sending false information, stop spreading lies and misinformation, and get on your knees and repent.

You are hurting the neighbors, the good people of the young church at the school, your family, AND the witness of the gospel in Nashville.

The Lord will hold you accountable—the "ultimate" judge.

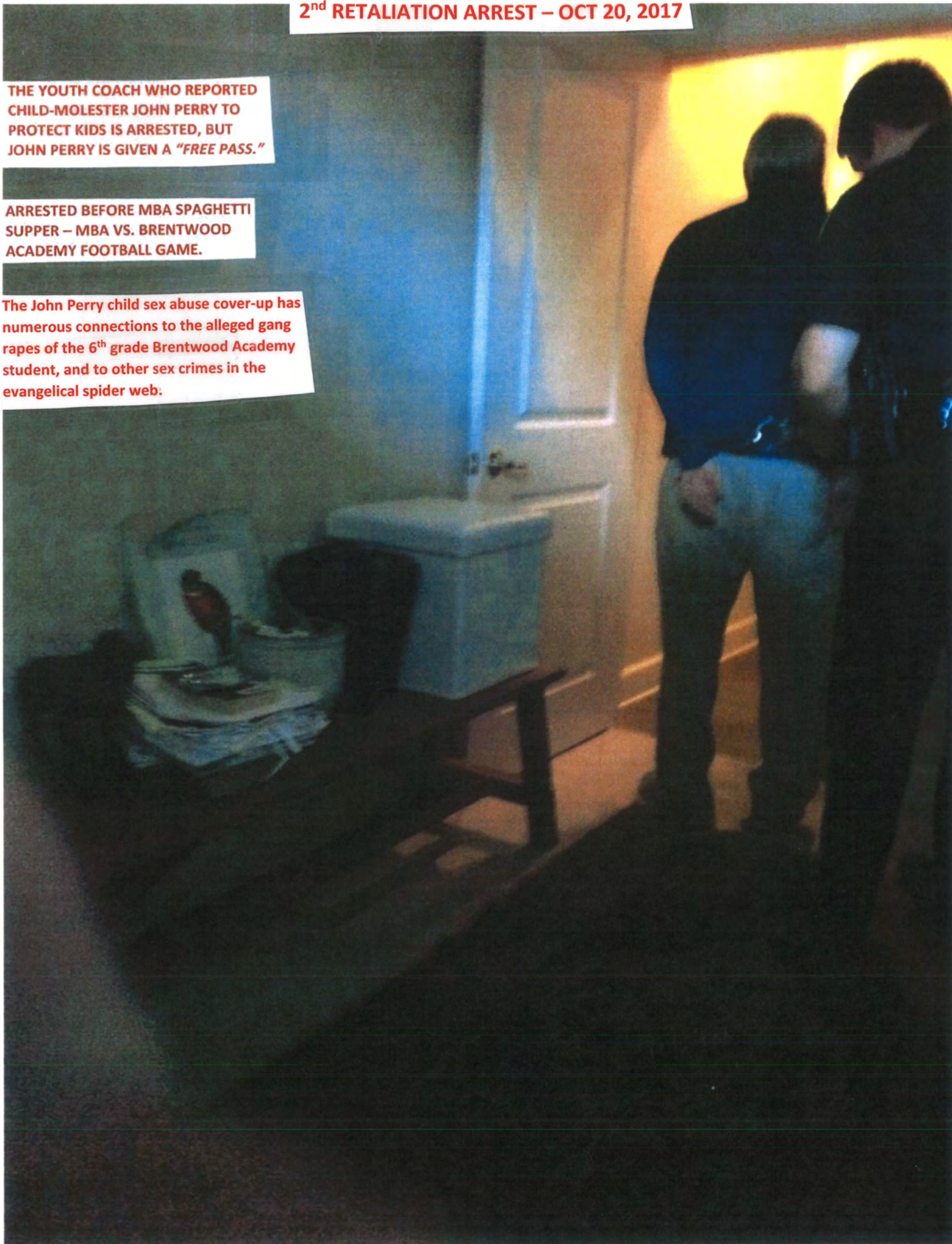
Child-molester John Perry's loyal, devoted supporters believe that adult-child sexual activity is a "private" matter protected by clergy privilege and the First Amendment.

2nd RETALIATION ARREST – OCT 20, 2017

THE YOUTH COACH WHO REPORTED CHILD-MOLESTER JOHN PERRY TO PROTECT KIDS IS ARRESTED, BUT JOHN PERRY IS GIVEN A "FREE PASS."

ARRESTED BEFORE MBA SPAGHETTI SUPPER – MBA VS. BRENTWOOD ACADEMY FOOTBALL GAME.

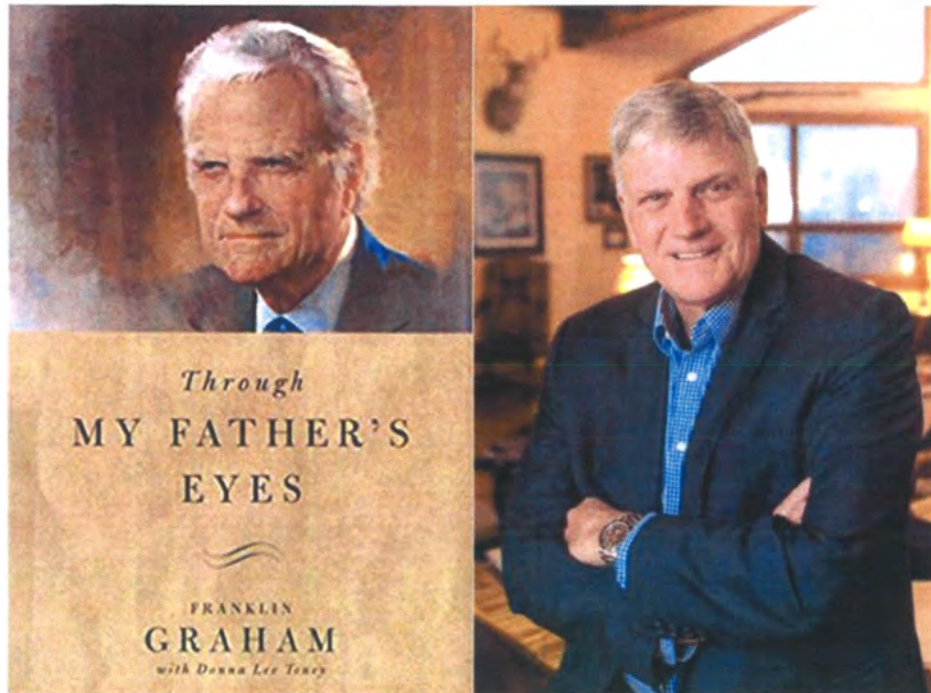
The John Perry child sex abuse cover-up has numerous connections to the alleged gang rapes of the 6th grade Brentwood Academy student, and to other sex crimes in the evangelical spider web.



2018

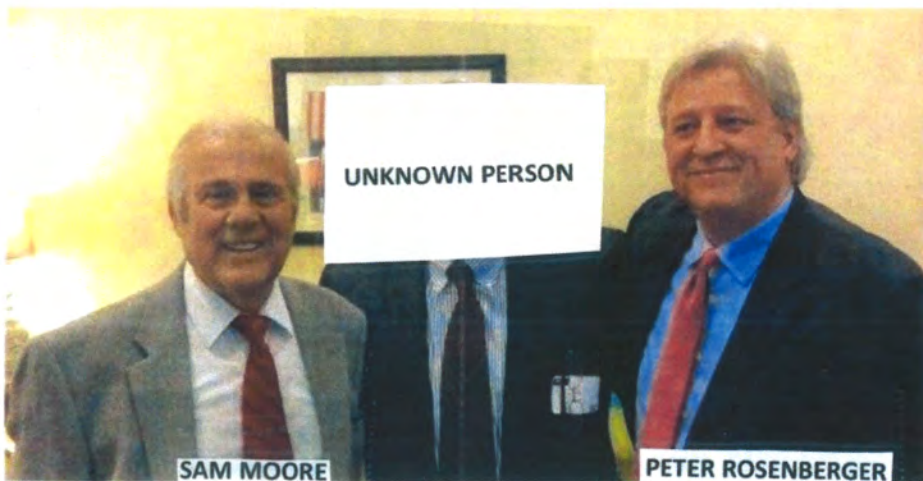
Covenant Leaders, Westminster – Stephens Valley Leaders, and Nashville Police Leaders are still lying to protect child-molester John Perry and a Mann Act Federal crime cover-up.

“I would like for the truth to come out,” said Peter Rosenberger, a former church member. “Let people see what was really going on behind the scenes.” Tennessean – July 15, 2018



Former Vatican Official Claims Pope Francis Knew Of Abusive Cardinal Archbishop - 08/26/2018

AP - Nicole Winfield



"I love Covenant church," Rosenberger said. "I think if these people there really new the stuff that had been going on without their knowledge and consent it would horrify them and they would have rushed to work this out." Tennessean – July 15, 2018



Aug 9, 2018 – Chief Anderson refused to resign.

Aug 6, 2020 - Nashville Police Chief Leaving Post, Abruptly Accelerating His Planned Retirement

Nashville ghostwriter sues Christian publisher over new Billy Graham biography - Holly Meyer

The Tennessean – May 2, 2018

A Nashville ghostwriter is suing a Christian publisher for \$3 million over its release of "Through My Father's Eyes," the new Billy Graham biography told from the perspective of the late evangelist's famous son.

In the federal lawsuit filed Tuesday, HarperCollins Christian Publishing is accused of reneging on their contract to pay John Perry royalties on the book authored by Franklin Graham and Donna Lee Toney.

The biography was released Tuesday by Thomas Nelson, a Nashville publisher now owned by HarperCollins.

In a statement, Brentwood attorney Larry L. Crain, who is representing Perry, called the lawsuit filed in the U.S. District Court in the Middle District of Tennessee a simple breach of contract case.

"Mr. Perry is a talented author who performed his part of the bargain and was cut out of his royalties when Thomas Nelson elected to go with a lesser-known author," Crain said.

HarperCollins Christian Publishing did not immediately respond to the USA TODAY NETWORK - Tennessee's request for comment.

The lawsuit says Perry, who has written more than 30 books including "Letters to God," came up with the idea for the biography. Perry first pitched it to one of Franklin Graham's representatives and then again in 2006 to Thomas Nelson, which HarperCollins acquired in 2015.

Perry signed a contract with Thomas Nelson in October 2006 that promised Perry a \$100,000 writer's fee and a 2 percent commission on sales of the book, the lawsuit says. It was amended in 2007 to include a \$12,000 advance that Perry received.

For the book, he traveled with and interviewed Franklin Graham, who is the CEO and president of Samaritan's Purse and the Billy Graham Evangelistic Association. Later, Thomas Nelson told Perry that Franklin Graham was not happy with the manuscript and the publisher took him off the project.

The lawsuit says the news of Franklin Graham's displeasure shocked Perry, so he wrote to him.

"Mr. Graham responded expressing concern that Mr. Perry was taking credit for the book idea that Thomas Nelson had originated and pitched to him," the lawsuit reads. "Mr. Perry then sent a second letter to Mr. Graham pointing out that he (Mr. Perry) had come up with the idea for the book and sold Thomas Nelson on the idea."

Police investigated Perry in October 2012 after learning that a [REDACTED] said he sexually abused [REDACTED] between the ages of 11 and 14, Metro police spokesman Don Aaron said.

"Allegations of sexual battery were substantiated" by investigators, Aaron said. Charges could not be filed because the statute of limitations had passed.

The lawsuit makes no mention of the investigation or other civil legal action related to the allegations.

In February, Perry reached out to a Thomas Nelson executive about selling his royalties for a agreed upon lump sum, the lawsuit says. Thomas Nelson told Perry he did not have a claim to the royalties since he was replaced as the writer of the book.

Billy Graham died in February. In the run-up to the book's release, Franklin Graham has been promoting "Through My Father's Eyes" online and in the national media.

*Larry Crain
represents
child-molester
John Perry
and Victim 1.*

*Violated
Federal
Mann
Act*

interview ->

Sam Moore was a powerful Covenant
Elder. John Perry and Austin Davis were
Covenant Deacons.

In a promotional video, Franklin Graham explains how Sam Moore of Thomas Nelson encouraged him to write a book about the lessons he learned from his father. Franklin Graham says in the video that he started the process 12 years ago.

"Through the years, Sam kept asking, 'Have you written that book yet? Don't wait too long,'" Franklin Graham said. "I've written about my father's journey and what I've learned through his eyes and what I've tried to put into practice."

Reach Holly Meyer at hmeyer@tennessean.com or 615-259-8241 and on Twitter @HollyAMeyer.

2020

Nashville Police continue to protect child-molester John Perry and a Mann Act Federal crime cover-up connected to Presidential Politics and Rev. Billy Graham's global legacy.

Report: 19 Women Detail Toxic Work Environment, 'Boys Club' At The Nashville Police Department

SAMANTHA MAX

AUGUST 6, 2020

Nineteen current and former Metro Nashville Police officers say they have been sexually assaulted, harassed or discriminated against because of their gender or race, according a former sex abuse detective who's launched her own investigation.

One woman calls the department a "boys club" and says anyone who complains about harassment can expect their reputation and career to be "shot to hell." Another says she was called "Aunt Jemima" and was groped at work so many times that she'd cry all the way home and could hardly sleep.

A third says she slept with a captain, because it was easier than hiding from him. Now, she has panic attacks every time she sees him. She says she hopes to get sick or die in the line of duty, anything to "make it all go away."



Nashville Police Chief Leaving Post, Abruptly Accelerating His Planned Retirement

TONY GONZALEZ, DAMON MITCHELL and SAMANTHA MAX

AUGUST 6, 2020 - WPLN



2013 – A Covenant child sex abuse cover-up lawsuit collided with a Sovereign Grace Ministries cover-up lawsuit.



Gearing up for Together for the Gospel 2018. Will you be there? #T4G18
Ticket sales will be opening in September. Sign up for our email list to be notified as soon as registration is opened. <https://goo.gl/PyeXTB>



Rachel Denhollander C J Mahaney

Rachel Denhollander was the first of more than 265 women to come forward alleging abuse by Dr. Larry Nassar at Michigan State University.



C J Mahaney Al Moehler Ligon Duncan Mark Dever

Chancellor of Reformed Theological Seminary - Washington D.C. Campus

-----Original Message----- Susan Burke responded
From: Susan Burke <sburke@sbcglobal.net> in contrast to others.
To: 'Austin Davis'
Cc: dwright; 'William O'Neil' <WOneil@ligon.org>
Sent: Wed, Jul 10, 2013 6:08 pm
Subject: RE: C J Mahaney - Ligon Duncan

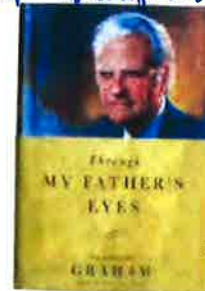
Please forgive my delay in responding – thank you so much for this information.

From: Austin Davis
Sent: Thursday, July 4, 2013 12:55 PM
To: sburke
Cc: duncancatescave
Subject: C J Mahaney - Ligon Duncan

Dear Susan: I live a few blocks from Larry Tomczak's church here in Nashville. I don't know the status of your case but I thought I would forward you some comments made in a local Sunday School class about the recent PCA meeting in Greenville, SC. Also, I am forwarding you a copy of my family's lawsuit which was filed against the PCA and other defendants on June 19, 2013. Metro Police were used 5 years ago to intimidate and silence my family on July 2, 2008 and there has been no local press coverage of the case since the filing. If you know of any media resources outside of Nashville to help us break the media blackout, I would appreciate any help.

To listen to Matt Bradley's briefing on Ligon Duncan and "reporting child molestations to authorities," please go to the link below and listen to the time interval at: 38:35 thru 40:50: <http://covenantpres.com/media/podcast/>

State of the PCA
by: Matt Bradley on June 23, 2013





Attorney Susan Burke
Motley Rice LLC

May 22, 2014 - C J Mahaney responded to the Sovereign Grace Ministries Lawsuit filed by Attorney Susan Burke: *"I have never conspired to protect a child predator, and I also deny all the claims made against me in the civil suit."*

"We (the victims and the lawyers) all knew about the statute issue at the outset. But fighting for justice means doing so even against known obstacles. We had a conspiracy theory to overcome the statute but the Court rejected it." Attorney Susan L. Burke – SGM Victims

The Sex-Abuse Scandal That Devastated a Suburban Megachurch - Inside the rise and fall of Sovereign Grace Ministries -Written by [Tiffany Stanley](#) - February 14, 2016 – Washingtonian



Pam Palmer was at a barbecue when she heard the news... It was 2011, five years after her family had left Covenant Life Church... But in the years since the Palmers left Covenant Life, Pam had come to see its culture as toxic. Parents were reporting that their children had been sexually abused by other church members. And they were sharing stories, saying they were mistreated by churches when they spoke up. Until that moment, Pam had no idea there were other families out there just like hers.



Pastor Mike Sloan –
GRACE – PCA

A PCA child sex abuse “public relations” statement was prepared by Boz Tchividjian, Diane Langberg, Mike Sloan and Dr. L. Roy Taylor as Matt Bradley and Chip Campbell protected a PCA-Covenant child sex abuse cover-up in Nashville.



Matt Bradley



**New Trump Federal
Judge Chip Campbell**



**Dr. Diane Langberg
GRACE Board**



**Dr. L. Roy Taylor –
Stated Clerk of PCA**



**Boz Tchividjian
(Billy Graham’s Grandson)**

Liberty University

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II. Statement Regarding Overture 6 by TE Mike Sloan:

I. Background

Most of you know that the short statement on child sexual abuse brought by the Overtures Committee to the floor of the 41st General Assembly in Greenville, SC, was sent back to the Overtures Committee to be reconsidered at the 42nd General Assembly in Houston. In Greenville, the sentiment on the floor was that this statement was not nearly strong enough because it did not even encourage our churches to report this horrific sin to the civil authorities. With all due respect to my dear fathers and brothers on the Overtures Committee, it was clear to me that very few in the room had any education or training in child sexual abuse awareness and prevention. This year has given me time to seek out more input from PCA experts on this issue. **Ten of us gathered back in December in Sarasota, FL,** to work on a strong statement that would help churches understand the current situation and encourage them to lead in protecting children:

- Amy Aldrich, PCA Member, Sarasota, FL
Advocate for victims of child sexual abuse
- Ken Aldrich, PCA Teaching Elder, Sarasota, FL
Senior Pastor, Covenant Life Presbyterian Church
Advocate for victims of child sexual abuse
- Steve Collins, PCA Member, Gainesville, GA
Founder and Executive Director of *Adults Protecting Children*
- Beth Hart, PCA Member, Sarasota, FL
Trained Facilitator of *Stewards of Children* Abuse Prevention Training
- Dr. Diane Langberg, PCA Member, Philadelphia, PA**
Author, International Speaker, Counselor of 35 years working with trauma survivors (including victims of child sexual abuse and pastors who have abused
Chair of the Executive Board of the American Association of Christian Counselors
Adjunct Professor of Practical Theology, Westminster Theological Seminary
- Dr. Duncan Rankin, PCA Teaching Elder, Houston, TX**
Associate Pastor, Christ Church PCA
Adjunct Professor of Theology at Reformed Theological Seminary
Board member of *GRACE* (Godly Response to Abuse in a Christian Environment)
- John Robertson, PCA Teaching Elder, Lawrenceville, GA
PCA Administrative Committee Business Administrator
- Mike Sloan, PCA Teaching Elder, Duluth, GA**
Associate Pastor, Old Peachtree Presbyterian Church
Trained Facilitator of *Stewards of Children* Abuse Prevention Training
- Dr. Roy Taylor, PCA Teaching Elder, Lawrenceville, GA**
Stated Clerk of the PCA

- Boz Tchividjian, PCA Ruling Elder, Lynchburg, VA**
Founder and Executive Director of *GRACE* (Godly Response to Abuse in a Christian Environment)
- ★ Professor at Liberty University School of Law
Former Assistant State Attorney, Seventh Judicial Circuit, Chief Prosecutor, Sexual Crimes Division

HAS A CHILD SEX ABUSE VICTIM BEEN USED TO PROTECT REV. BILLY GRAHAM'S GLOBAL LEGACY, GOP PRESIDENTIAL ASPIRATIONS, RELATIONAL RESTORATION COUNSELING TECHNIQUES, AND PCA CHILD SEX ABUSE CASES THAT ARE INTERNALLY "COMING OUT OF THE WOODWORK?"

17 STUDENTS SEXUALLY MOLESTED?

Mike Sloan's Child Sex Abuse PCA Committee Document

1 I know an RUF campus pastor who is currently ministering to seventeen students who were
2 victims of child sexual abuse. Not seventeen over the life of his ministry – seventeen current
3 students in his RUF chapter. Let that sink in for a minute.

4
5 I know two pastors who have had their daughters sexually assaulted in the PCA churches
6 they were serving at the time. One of my best friends knows a man who was found to be
7 serially molesting his own granddaughter. This man is a long-time PCA member and has
8 been a leader in Bible Study Fellowship. I could tell you many other stories of abuse from
9 people I know personally.

10
11 I know of multiple cases where the PCA church did not report the abuse. One of the two
12 PCA pastors I mentioned, the elders and the pastor at the time knew about the abuser was
13 guilty of child rape but did not call the authorities. When my friend was called to come
14 pastor the church he knew something was not right in the church, but before he could figure
15 it out his own young daughter was sexually assaulted by the same abuser.

16
17 Dr. Diane Langberg told me this story personally. Several years ago the then current head of
18 woman's ministry in the PCA was talking with Dr. Langberg about child sexual abuse. She
19 said to Dr. Langberg, "I'm so glad we don't have this in the PCA." Dr. Langberg told her at
20 her next women's ministry conference to list child sexual abuse as an issue faced by women
21 and see what happens. She said don't even mention it, just list it in one of the handouts. A
22 few months later the head of women's ministry called Dr. Langberg and said, "What do I
23 do? They are coming out of the woodwork!"

**Brad Waller –
Former Tates
Creek Pastor**



**Did Robert Cunning-
ham know about
the Covenant child
sex abuse before
his public statement
on Brad Waller?**

"It has come to our attention that Brad Waller sexually abused boys and men under his care as a pastor of TCPC," wrote Tates Creek Presbyterian Church pastor Robert Cunningham in an address to his 1,250-member congregation and the media. June 25, 2018 [LEX 18](#)

**Ever heard of
Chad Robison?**



**Chad Robison
Ex-Briarwood
Presbyterian**

In a minority opinion written in dissent of a \$2.1 million judgment against Austin Davis, Tennessee Appellate Court Judge Andy D. Bennett wrote: "I believe Mr. Davis did not receive an impartial trial." In a related criminal case, Davidson County Sheriff Sergeant Solomon Holley was paid to participate in a false retaliation arrest of Austin Davis, and also served as a grand juror on Judge Cheryl Blackburn's secret grand jury that indicted Austin Davis.

Nov 5, 2019 – Case petitioned to TN Supreme Court



In an abundance of caution, protected information is not provided in submission to Attorney Larry Crain's permanent injunction request granted on Sept 24, 2018.

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE
June 5, 2019 Session

REDACTED v. AUSTIN DAVIS

Appeal from the Circuit Court for Davidson County
REDACTED **REDACTED**

No. **REDACTED**

Update - Sept 18, 2019 – Judge Blackburn denied Austin Davis a new trial to protect Nashville Police, a malicious prosecution, child-molester John Perry, a Mann Act Federal crime cover-up and Judge Blackburn's own secret grand juror, DCSO Sgt. Sgt. Holley.

ANDY D. BENNETT, J., dissenting.

Upon reading the majority opinion, both what is said and what is left unsaid, one may sum it up as follows: Mr. Davis is at fault, he did not follow the rules, and he is getting what he deserves. Mr. Davis may indeed deserve what the majority is giving him, but not in the way they do it. I respectfully dissent.

The Tennessee Supreme Court has said that:

"The right to a fair trial before an impartial tribunal is a fundamental constitutional right." *State v. Austin*, 87 S.W.3d 447, 470 (Tenn. 2002). Article VI, section 11 of the Tennessee Constitution provides, "No Judge of the Supreme or Inferior Courts shall preside on the trial of any cause in the event of which he may be interested...." This provision is intended "to guard against the prejudgment of the rights of litigants and to avoid situations in which the litigants might have cause to conclude that the court had reached a prejudged conclusion because of interest, partiality, or favor." *Austin*, 87 S.W.3d at 470. We have recognized that it is important to preserve the public's confidence in a neutral and impartial judiciary. *Bd. of Prof'l Responsibility v. Slavin*, 145 S.W.3d 538, 548 (Tenn. 2004).

Bean v. Bailey, 280 S.W.3d 798, 803 (Tenn. 2009). In furtherance of this right, the Tennessee Supreme Court has established a Code of Conduct for Judges and a specific procedure for seeking the recusal of judges. See TENN. SUP. CT. R. 10, 10B.

I believe Mr. Davis did not receive an impartial trial. The recitation of facts reveals two blatant, interrelated problems not raised by either party. First, there was a violation of Tennessee Supreme Court Rule 10B. Mr. Davis filed a motion to recuse on

January 25, 2018.¹ On February 2, 2018, the trial judge granted **REDACTED** motion for sanctions in the form of attorney's fees. However, Rule 10B, § 1.02, mandates that a judge cannot make further orders in the case while the Rule 10B motion is pending. Entering the sanctions order tainted the judicial process. Almost immediately thereafter, Mr. Davis filed another motion to recuse identical to the prior one and five days later, on February 7, 2018, the trial judge recused himself without explanation.² The recusal allows us to infer a bias or conflict.³

The second problem occurred because, on September 24, 2018, the subsequent trial judge found that "the Court's previous award of attorney's fees has been an insufficient deterrent and that the Defendant has continued steadfast in a course of contumacious conduct." The trial court then granted **REDACTED** a default judgment as to liability using the first judge's improper order as a basis for more extreme sanctions. This reliance on the first sanction order by the second trial judge compounded the taint created by the first judge. The jury determined damages only.

It may be said that we should not take up these matters because no party raised them. Indeed, there is ample authority for this proposition. *See Childress v. Union Realty Co., Ltd.*, 97 S.W.3d 573, 578 (Tenn. Ct. App. 2002) (holding that an issue is waived if party fails either to argue the issue in his or her appellate brief but fails to designate it as an issue or to raise the issue but fails to address it in the argument section of his or her brief); *Parker v. Shelby Cnty. Gov't Civ. Serv. Merit Bd.*, 392 S.W.3d 603, 615 (Tenn. Ct. App. 2012) (stating that "[u]sually an issue not raised on appeal is considered waived by this Court"). However, Tenn. R. App. P. 36(b) provides some leeway: "When necessary to do substantial justice, an appellate court may consider an error that has affected the substantial rights of a party at any time, even though the error was not raised in the

¹ The extensive commentary in footnote 4 of the majority opinion is aimed squarely at this dissent. In footnote 4, the majority speculates that "Judge **REDACTED** was likely unaware that the recusal motion was pending when the sanctions motion was heard." My main focus is the order issued one week later, not the January 26 hearing. I would note, however, that the Court of Appeals cannot speculate away the express mandate of the Tennessee Supreme Court that "While the motion is pending, the judge whose disqualification is sought shall make no further orders and take no further action on the case, except for good cause stated in the order in which such action is taken." No leeway is given for the judge's lack of knowledge of the motion. No "good cause" language is found in the trial court's February 2, 2018 order.

² No explanation is required if the motion to recuse is granted. TENN. SUP. CT. R. 10B, § 1.03 ("If the motion is denied, the judge shall state in writing the grounds upon which he or she denies the motion.").

³ "[P]ublic officials in Tennessee are presumed to discharge their duties in good faith and in accordance with the law." *West v. Schofield*, 460 S.W.3d 113, 131 (Tenn. 2015). Without a bias or conflict, the trial judge should not have recused himself. In *Rodgers v. Sallee*, No. E2013-02067-COA-R3-CV, 2015 WL 636740, at *5 (Tenn. Ct. App. Feb. 13, 2015), the court observed that "such decisions are not typically made absent some doubt by the judge that he or she can preside impartially in the proceeding or a belief that there would be a reasonable basis for questions regarding his or her impartiality or potential bias."

motion for a new trial or assigned as error on appeal.” Additionally, Tenn. R. App. P. 13(b) expressly states that the appellate court “may in its discretion consider other issues in order, among other reasons: (1) to prevent needless litigation, (2) to prevent injury to the interests of the public, and (3) to prevent prejudice to the judicial process.” *See also Bell v. Todd*, 206 S.W.3d 86, 90-91 (Tenn. Ct. App. 2005). I firmly believe that the tainted orders created by the undeniable violation of Rule 10B injure the judicial process if left uncorrected.⁴

Our courts have repeatedly maintained that “Public confidence in the performance and impartiality of the judiciary is maintained only when judges rigorously adhere to the Code of Conduct. Violations of the Code, if left unaddressed, diminish public confidence and injure the entire judicial system.” *In re Bell*, 344 S.W.3d 304, 320 (Tenn. 2011) (quoting *In re Williams*, 987 S.W.2d 837, 844 (Tenn. 1998)). Specifically our Supreme Court has said, “[i]f the public is to maintain confidence in the judiciary, cases must be tried by unprejudiced and unbiased judges.” *Davis v. Liberty Mut. Ins. Co.*, 38 S.W.3d 560, 564 (Tenn. 2001). The state’s interest in preserving public confidence in the judiciary has even been described as “compelling.” *Bd. of Prof’l Responsibility v. Parrish*, 556 S.W.3d 153, 166 (Tenn. 2018) (quoting *Disciplinary Counsel v. Gardner*, 793 N.E.2d 425, 432 (Ohio 2003)). Furthermore, “preservation of the public’s confidence in judicial neutrality requires not only that the judge be impartial in fact, but also that the judge be perceived to be impartial.” *Kinard v. Kinard*, 986 S.W.2d 220, 228 (Tenn. Ct. App. 1998).

To allow a recusal motion to be filed, followed by the trial court’s grant of sanctions against the party seeking recusal, and then a grant of the recusal motion rightly invites a questioning of the impartiality of the trial and appellate courts. Thurgood Marshall once said, “We must never forget that the only real source of power that we as judges can tap is the respect of the people.” *THE QUOTABLE LAWYER* 149-50 (David Shrager et al. eds., 1986). How can we keep the respect of the people if we ignore rules designed to ensure impartiality? Under the admittedly odd circumstances of this case, the integrity of our system requires appellate consideration of the issues related to the Rule 10B motion.

I do not undertake this dissent lightly. I am sympathetic to the REDACTED REDACTED But I see no other appropriate option. Because of the Rule 10B violation, I would vacate the trial court’s February 2, 2018 order and, because the trial court relied on the February 2, 2018 order when deciding to grant REDACTED a default judgment on

⁴ I readily acknowledge that Davis’s motions to recuse had deficiencies. However, the first trial judge considered the motions and did, in fact, recuse himself. “[B]ecause the trial court found sufficient basis to withdraw from the case, it should not have entered substantive rulings on contested matters while the recusal motion was pending.” *Carney v. Santander Consumer USA*, No. M2010-01401-COA-R3-CV, 2015 WL 3407256, *7 (Tenn. Ct. App. May 28, 2015) (describing *Rodgers v. Sallee*, 2015 WL 636740).

liability, I would also vacate the trial court's September 24, 2018 order and the October 3, 2018 order adopting the jury's damages awards.


ANDY D. BENNETT, JUDGE

Willie
Austin
Davis
910950
ORC-UNIT B
OCT 20 - NOV 6 2017
RELEASED BY JUDGE CHERY
BLACKBURN



Church of Another Chance
Because from the darkness we can take flight



Offender Re-Entry Center
November 2, 2017



Senior Pastor: Scott Jameson
Associate Pastors: Max Piskett, Tim Krapp
Worship Leader: Jordan Lawhead Alpha
www.ChurchOfAnotherChance.org



Mr. Davis, *Boys' Athletics*