

Resolution 2020-09
Retrial Commissioner Selection
(required 2/3 majority for approval)

Synopsis: In the unlikely necessity for a retrial, only two remaining Commissioners from the Lodge where charges were filed are possibly eligible to serve. In anticipation that a retrial can occur and to avoid having to request a dispensation to elect more Commissioners and yet maintain impartiality the following resolution is proposed. Amendments are also included to correct one Section referenced and several words as indicated to conform to language now used in the Statutes.

Therefore be it resolved that Statute Section 18-221.3 be amended as follows: (additions in **bold type**, deletions in ~~striketrough~~)

- Section 18-221.3 – Mistrial if Commission Fails to Reach a Decision. In the event that a minimum of four (4) Commissioners are unable to agree on a decision, the Trial Master shall declare a Mistrial and the following provisions shall govern:
- (a) The accuser has 30 days from the date of the declaration of a Mistrial to request a retrial.
 - (b) The request for a retrial shall be in writing and shall be presented to the Master of the Lodge, who shall not have the authority to refuse to entertain it. All other provisions of Sections 18-201 through 18-301 inclusive shall govern the retrial, except as follows:
 - (1) The Trial Master shall not have the power to strike out portions of the charges or allow amendments thereto.
 - (2) Penal jurisdiction for the original trial carries over to the retrial.
 - (3) The Trial Master for the original trial shall be the Trial Master for the retrial, unless he is unable to serve. In that event, the Grand Master shall appoint a new Trial Master.
 - (4) No one ~~elected~~ **who served** as a Commissioner for the original trial shall ~~be elected~~ **serve** as a Commissioner for the retrial. **All Commissioners for a retrial shall be drawn from the four closest Lodges with one from the nearest Lodge and two from each of the other three Lodges. Random selection will be made by the Master of the Lodge where charges were filed, in the presence of the Lodge Secretary and the appointed Trial Master.**
 - (5) A deposition taken for the original trial shall be admissible in the retrial if it is the deposition of a non-Mason witness, or if the witness is a Mason who is unable to testify in person at the retrial.
 - (c) If there is no retrial, the “judgment of the ~~Lodge Commissioners~~” referred to in Section ~~18-223.1~~ **18-221.1** and in the records transmitted to the Grand Secretary as required by Sections 18-301 and 18-303 shall be recorded as “Mistrial, no retrial requested.”

Submitted by

Earl L. Wunder, PM (13, 14)

Robert Weed, PM (22)

Jason Morrett, PM (7)

Eric Dupree, PM (66, 86)