

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

STATE OF WISCONSIN,

Plaintiff,

Case No. 14-CF-002934

vs.

JAMES F. DOKOS,

Defendant.

**DEFENDANT'S MOTION TO FILE AND MAINTAIN UNDER SEAL
DOCUMENT SUPPORTING
MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION**

Defendant James F. Dokos, by his attorneys Gimbel, Reilly, Guerin & Brown LLP, hereby moves the Court, the Honorable M. Joseph Donald, for an order granting him leave to file a document supporting his motion to dismiss for lack of subject matter jurisdiction under seal and directing that the document shall remain sealed pending further order of the Court.

AS GROUNDS, Dokos states as follows:

1. Father Dokos has obtained a letter from Metropolitan Iakovos, the Hierarch of the Chicago Metropolis of the Greek Orthodox Church. According to canon law, the Metropolitan is the final arbiter of disputes between a parish priest and a parish council concerning church property.

2. Metropolitan Iakovos's letter summarizes his role in the Church and describes the hierarchical and canonical structure of the Church. The letter further sets forth certain canons and laws applicable to the governance and administration of Church property, including section 187.17, *Stats.*, and the Regulations established by the Church, that also are contained in the documents supporting Dokos's dismissal motion.

3. The letter also sets forth undisputed historical facts related to the actions of the Parish Council of Annunciation Church, through its parish attorney, in requesting hierarchical involvement in resolving the Parish Council's property dispute with Father Dokos over the use of certain trust funds for which Father Dokos was the trustee.

4. By making that request, the Parish Council invoked the Church's confidential Dispute Resolution Procedures, which process is ongoing. Those Procedures require confidentiality.

5. Public disclosure of Metropolitan Iakovos's letter regarding those Procedures in the context of addressing this Court's jurisdiction would violate the confidentiality requirements of the proceedings under ecclesiastical law and also would result in an impermissible public intrusion into the internal free exercise of the tenets of the Greek Orthodox faith.

6. Nonetheless, the Metropolitan recognizes that his letter is critical to this Court's analysis of whether this Court has subject matter jurisdiction over Father Dokos's authority to use church funds, as it inherently requires inquiry into the Regulations, tenets and practices of the Greek Orthodox Church.

7. The Metropolitan has proposed the compromise of requesting that his letter be submitted under seal and not be disclosed to the public.

8. As noted in the accompanying affidavit of counsel, the letter is identified as Exhibit 9 in the affidavit and in Dokos's brief and has been submitted in a sealed envelope pending this Court's ruling the motion to seal.

THEREFORE, Father Dokos respectfully requests that this Court allow him to submit the letter of Metropolitan Iakovos under seal for the Court's consideration in this matter and that the letter remain under seal pending further order of the Court.

Dated this 10 day of October, 2014.

GIMBEL, REILLY, GUERIN & BROWN LLP

By: 

FRANKLYN M. GIMBEL

State Bar No. 1008413

fgimbel@grgblaw.com

PATRICK J KNIGHT

State Bar No. 1003374

pknight@grgblaw.com

KATHRYN A. KEPPEL

State Bar No. 1005149

kkeppel@grgblaw.com

Attorneys for Defendant James F. Dokos

POST OFFICE ADDRESS:

Two Plaza East, Suite 1170
330 East Kilbourn Avenue
Milwaukee, Wisconsin 53202
Telephone: 414/271-1440
Facsimile: 414/271-7680
crim/dokosr/pl/sealm2014-09-23

STATE OF WISCONSIN,

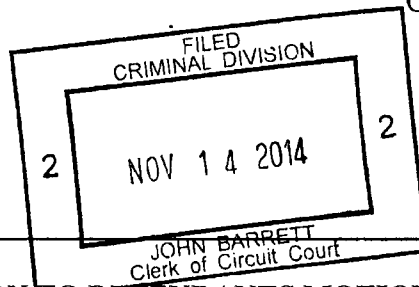
Plaintiff,

Case No. 14CF002934

v.

James Dokos Jr,

Defendant.



MEMORANDUM IN OPPOSITION TO DEFENDANTS MOTION TO DISMISS

I. FACTS

On July 9, 2014 the State filed a criminal complaint charging the defendant with one count of Felony Theft by Trustee having a value exceeding \$10,000, contrary to Wisconsin Statutes Section 943.20(1)(b). The complaint alleged that as trustee of the Ervin and Margaret Franczak Trust, the defendant transferred monies that should have been paid to the Annunciation Greek Orthodox Church without their consent and with the intent to convert the property to his own use. The complaint charged that in September 2008 the defendant presented a check for \$1,100,000 to Chris Costakis, the 2008 Parish Council President and has Mr. Costakis sign a document entitled "Waiver of Accounting and Receipt of Beneficiary and Consent to Release Father James Dokos Jr as Trustee."

The complaint alleges that at the terms of the Franczak Trust required that the remainder and residue of the Trust be paid to Annunciation. (A letter from Council for the church which is an exhibit 3 in the defendant's motion establishes that at the church did not have a copy of the Trust as finally amended until sometime in 2013).

The complaint alleges that neither Mr. Costakis nor 10 other members of the Parish Council in 2008 were aware that funds existed beyond the \$1,100,000 that the defendant paid to the church in 2008 and that no mention of funds beyond the \$1,100,000 was referenced in the Council minutes.

Trust Financial records showed the Trust had \$45,000 in liquid assets at the time the defendant had Mr. Costakis sign the waiver and also owned annuities that continued to pay monies until 2012. In all the defendant retained more than \$100,000 of Trust monies that, contrary to the terms of the trust, he never turned over to the church.

On July 18, 2014 the defendant made his initial appearance and the case was set for preliminary hearing on July 30, 2014. On that date the defendant waived his right to a preliminary hearing and the case was bound over for trial. In August, 2014 the court set a schedule for motions to be filed in the case. On October 10, 2014 the defendant filed a motion to dismiss the complaint for lack of subject matter jurisdiction. The defense motion asserts that the Establishment and Free Exercise clauses of the United States and Wisconsin constitution prohibit the Court from exercising jurisdiction over this prosecution.

In his moving papers the defendant lays out a number of items which he describes as "Uncontested facts relevant to subject matter jurisdiction. " In this portion of his brief the defendant includes an accurate, but unfortunately incomplete description of the hierarchy of the Greek Orthodox Church of America. While the defendant accurately notes that Annunciation Greek Orthodox Church is a Eucharistic community of the Greek Orthodox Church of America, and is indeed a part of the Chicago Metropolis, the defendant fails to acknowledge that the Greek Orthodox Church of America is led by the Archbishop who sits in New York.

Article 1 Section 1 of the Regulations of the Greek Orthodox Archdiocese of America states: "The Archdiocese, the Eparchy of the Ecumenical Throne in the United States of America is one indivisible entity in its entirety. It is comprised of the Direct Archdiocesan District, headed by the Archbishop and the Metropolises of the Archdiocese, each of which is headed by a Metropolitan. " Section 3 of Article 1 provides that the Archdiocese has its seat in New York City.

Article 3 of the Regulations details the rights and responsibilities of the Archbishop. Section 1. B states the Archbishop:

"Is responsible, together with the Eparchial Synod over which he presides, to the Ecumenical Patriarchate concerning the canonical and orderly functioning, life, governance and activities of the one and indivisible Archdiocese. "

Section 1. F of these regulations gives the Archbishop the duty of ordaining and installing the Metropolitans. These regulations establish that the Archbishop and the Greek Orthodox Archdioceses of America are the final authority on church matters in the United States.

II. ARGUMENT

A. THE DEFENDANT'S POSITION THAT THIS CRIMINAL PROSECUTION VIOLATES THE FREE EXERCISE AND ESTABLISHMENT CLAUSES OF THE UNITED STATES CONSTITUTION IS NOT SUPPORTED BY THE GREEK ORTHODOX ARCHDIOCESE OF AMERICA

The defendant correctly acknowledges that no United States or Wisconsin Supreme Court case has expressly addressed a state court's jurisdiction over a criminal prosecution involving allegations of unlawful use of church property. Never the less the defendant argues that the property Annunciation, a properly incorporated Wisconsin entity is entitled to lesser protection because of its religious nature. This argument is not supported by the United States or Wisconsin Constitutions or by the regulations of the Greek Orthodox churches in America.

The structure of the Greek Orthodox Church of America does not allow the Archdiocese or any Metropolis to interfere with the assets of Annunciation or any other properly incorporated Greek Orthodox Church. The regulations of the Greek Orthodox Church of America provide that the decision to seek redress for the defendant's theft in the criminal justice system belongs to the Annunciation Parish Council and may not be overturned by any other church authority.

During the course of the investigation of this matter the State received a number of pieces of correspondence between Bishop Demetrios of the Chicago Metropolitan and representatives of Annunciation as set forth in the attachments included with the defendant's brief. The State also reviewed the holding of the North Dakota Supreme Court in *North Dakota v Burckhard*, 592 N.W. 2d 523 (N.D. 1999).

In order to determine whether the structure of the Greek Orthodox Church was similar to that of the Catholic church and thus might present an obstacle to the State and the this court exercising jurisdiction in this matter the State reached out to both Bishop Demetrios and the Greek Orthodox Archdioceses of America. As set forth in the affidavit of District Attorney Investigator Robert Stelter which is attached to this brief as Exhibit A, Bishop Demtrios agreed to meet with the State and this meeting took place at his offices in Chicago on November 7, 2013. At that meeting Bishop Demtrios explained the investigation that was referenced in his correspondence to Annunciation in August, 2013. At no point did Bishop Demtrios indicate that these

proceedings were confidential and could not be disclosed to State authorities as now appears to be the defendant's contention. During that meeting Bishop Demetrios explained that the Metropolis had had accountants review the trust expenditures. He also indicated that his conclusion that the expenditures were proper was based on his interview of the defendant who informed him that the Parish Council was aware that he withheld monies to use at his discretion. Bishop Demetrios acknowledged that as part of his investigation he never spoke to any member of the Parish Council to confirm this, but rather accepted the defendant's statement. During this meeting Bishop Demetrios was expressly asked whether it would require an interpretation of church law to determine that a Greek Orthodox Priest could not use Parish Funds to purchase jewelry for his wife. At the time the State was aware, as outlined in the complaint, that at least \$5,000 of Trust monies were used to purchase a jewelry piece. Bishop Demetrios indicated that this would not require an interpretation of church law and was clearly impermissible. The State was also aware at this meeting that Bishop Demetrios had been a recipient of some of the Trust funds in question. There was no discussion at this meeting of the potential conflict of interest presented by a recipient of the funds making the determination that the expenditures were proper.

More significantly, the defendant's position that this prosecution involves excessive entanglement into religious matters is not supported by the governing body of the Greek Orthodox church in the United States, the Greek Orthodox Archdiocese of America. In November 2013 the State sent a letter to Jerry Dimitriou, Executive Director of the Greek Orthodox Archdiocese of America seeking clarification of the hierarchical structure of the Greek Orthodox Church in America. (A copy of this letter is attached as Exhibit B.) The State specifically asked if there was anything in Church doctrine that would allow or require the Greek Orthodox Church of America, or the Chicago Metropolis to overrule a determination by the local parish that funds bequeathed to them were not spent for approved purposes. In response to this letter the State received two pieces of correspondence, one from Mr. Dimitriou and one from Emanuel Demos who was then the General Counsel for the Greek Orthodox Archdiocese of America. (Exhibit C and Exhibit D). In his response dated December 3, 2013 (Exhibit C) Mr. Dimitriou stated:

"Simply put, there is no provision in the Greek Orthodox Archdioceses of America that would allow for funds bequeathed to a local Parish to be redirected or managed by the Archdiocese or a

local Metropolis. Those funds would remain the property and assets of the local Parish and would be managed according to the provisions of the bequest and at the direction of the Parish”.

In his response, (Exhibit D) General Counsel Demos stated in all caps:

NO BISHOP, METROPOLITAN OR ANY ARCHBISHOP HAS ANY AUTHORITY TO DIRECT THE USE OF, EXPENDITURE OF, OR ANY OTHER DISPOSITION OF, THE ASSETS OF ANY PARISH OF THE GOA, INCLUDING TESTIMENTARY OR INTERVIVOS TRANSFERS FOR THE BENEFIT OF A PARISH, EXCEPT UNDER THE EXTREMELY LIMITED CIRCUMSTANCES DESCRIBED BELOW. NOR IS THERE ANY POST FACTO AUTHORITY TO AUTHORIZE, SANCTION OR APPROVE ANY IMPROPER USE OF SUCH TRANSFERS.”

B. BOTH THE STRUCTURE OF THE GREEK ORTHODOX CHURCH AND THE TIMING OF THE DEFENDANT’S THEFT MAKE THE BURCKHARD CASE INAPPLICABLE.

In his brief the defendant discusses a North Dakota v Burckhard, 592. N.W. 2d 523 in which the North Dakota Supreme Court affirmed the dismissal of criminal charges against a catholic priest who was accused of misappropriating funds that had belonged to St. Catherine’s Church in Valley City North Dakota. The North Dakota Supreme Court relied on a letter from the presiding Bishop who took the position that the recourse of parishioners was limited to action through the bishop or through ecclesiastical courts. The court stated, “ There is no dispute that under the Canon Laws of the Roman Catholic Church Bishop Sullivan defines and interprets that scope of Burckhard’s authority unless overruled by a higher church official. “ North Dakota v Burckhard 592. N.W. 2d 523 at 526.

Even if this court were to accept the principles of the Burckhard decision and find the ruling of the North Dakota court persuasive, the Burckhard decision is inapplicable here for a number of reasons. In this case the allegations are that property was stolen before it was ever paid in to the church. Any interference in the Parishes’ pursuit of this matter by Bishop Demetrios or any other church official would be an attempt to rewrite both the Franczak Trust in particular and the law regarding the fiduciary rights and responsibilities of trustees in general. A Greek Orthodox Priest has no greater or lesser authority than the Trustee of any trust and the terms of the Franczak Trust

called for the remainder of the Trust to be paid over to Annunciation, not the remainder minus any sum that the Trustee saw fit to retain.

Even if the defendant had fulfilled his responsibilities as a Trustee and paid the funds into Annunciation his subsequent theft could not be given post hoc approval by the Bishop. The property in this case was not subject to control by the Bishop. Although it was stolen before it was ever paid over to the church, each Greek Orthodox church owns its own assets which differentiates it from the structure of the Catholic church. In his letter GOA Counsel Demos explains the historical background of the GOA and its differences from the Catholic church.

“ Each parish owns its own property, both real and personal. We are not like the Roman Catholic Church where the Bishop, as a corporate sole owns the parish and all its assets.... There are very limited circumstances under which a Metropolis or the Archdiocese can interfere with the ownership of parish property. Under Article 16, section 6 of (Archdiocesan Regulations) , if a parish goes into heresy, schism, defection or other canonical disorder, the Archdiocese can intervene and take control of the parish and its assets until the parish is restored to canonical order. This is consistent with United States Supreme Court cases involving hierarchical churches. (Citations omitted). IN SUM THERE IS NO RIGHT ON THE PART OF THE ARCHDIOCESE OR THE METROPOLIS TO INTERFERE WITH THE ASSETS OF A PARISH or to direct how testamentary or inter vivos dispositions favoring parish can be used. “
(capitalization in original).

General Counsel Demos concludes by stating, “ Thus the structure of the Archdiocese differentiates it from the Roman Catholic Church and State v Burckhard 592 N.W. 3d 523 (1999) is not applicable to the situation at hand. “

Even if Burckhard were applicable, the defendant’s motion would still need to be denied. As noted in Burckhard, North Dakota could have proceeded if an authority higher in the church than Bishop Sullivan gave approval. In this case, even if the property had been paid over to the Annunciation as required by the Trust and the court were to find that the Chicago Metropolis had the authority to interfere with the property rights of Annunciation, a higher authority, the Archdiocese of America has given its approval for this matter to proceed.

This is true despite the existence of internal dispute resolution procedures. The internal dispute

resolution procedures referenced by the defendant are also not intended to prevent a criminal prosecution for misappropriation of church funds. In order to make sure that the position of the Archdiocese was not changed by any of the material that the defense presented to the court the State forwarded those materials, except those the defendant sought to seal, to the Archdiocese. The State then followed up with a written request to local counsel for the Archdiocese for a written response (Exhibit E State's letter dated 11-5-14 to Atty Steven Biskupic) The Greek Orthodox Archdiocese of America responded in an unequivocal fashion. In a letter dated November 12, 2014 Legal Committee Chair Catherine Bouffides Walsh (Exhibit F) stated " While the Archdiocesan dispute resolution policies and procedures address certain internal disputes and disagreements, they were never intended to replace, nor should they be deemed to limit, any criminal investigation. The Archdiocese rejects any contention that its dispute policies and procedures, or any other Archdiocesan policies preclude litigation of the above referenced matter. "

C. THE PROSECUTION HAS NOT VIOLATED THE FREE EXERCISE AND ESTABLISHMENT CLAUSE

The defendant's contention that the prosecution has interfered with church operations is in essence a contention that witnesses to thefts from churches are entitled to lesser protection from threats and intimidation than other witnesses and is without merit. In his motion the defendant includes a letter from Bishop Demetrios in which he claims that representatives of the Annunciation are using the criminal investigation to block the authority of the Metropolis. As indicated above, Bishop Demetrios received some of the funds at issue in this case. Although he would have had no way of knowing the terms of the Franczak Trust and thus no reason to question the funds upon their receipt., when he learned of the Parish's complaint, he took no steps to remove himself despite the existence of what most would perceive as a conflict of interest. Instead Bishop Demetrios came to a conclusion based on information provided by the defendant, that there was no wrongdoing here. However, the structure of the Greek Orthodox Church did not require the Parish Council at Annunciation to accept his decision that their property was not misappropriated. Indeed the Bishops agreement to meet with the State can be seen as an acknowledgement of the authority of the State to investigate this matter.

Throughout the course of the investigation the Metropolis retained the ability to exercise control

over the parishes in its jurisdiction so long as they did not expressly seek to intimidate witnesses to prevent them from coming forward. After the defendant left Annunciation he was assigned to a church in Glenview Illinois. When the President of the Parish Counsel at that church asked the Metropolis to remove the defendant from that Parish until the investigation was concluded, the Bishop was free to act. It is the State's understanding that in response to that request the Bishop acted by removing that individual as president of the Parish Council.

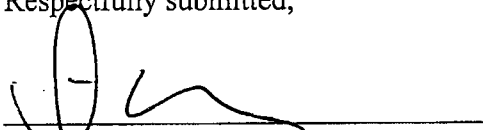
The only time the State became involved was when the current priest at Annunciation, Father Angelo Artemas came to believe that he was going to be involuntarily removed from his Parish unless he compelled Annunciation to withdraw the complaint. Father Artemas provided a email string between he and Bishop Demetrios which he perceived as threat to remove him from Annunciation before Easter if he failed to convince the church to drop their request for criminal charges. (These emails are attached as Exhibit G) In response to communications from Father Artemas the State did contact counsel for the Metropolis to clarify whether he represented Bishop Demetrios personally and to clarify that Father Artemas had no desire to be removed from Annunciation and that his removal due solely to his failure to prevent the Parish from continuing to pursue its criminal complaint could be perceived as intimidation of a witness. (The State's emails to Counsel for the Metropolis are attached as Exhibit H)

III. CONCLUSION

Because the prosecution the defendant for the crime of theft by trustee does not interfere with the right of the Greek Orthodox Church to freely exercise its religious principles and does not excessively involve the State of Wisconsin in church affairs, the court should deny the defendant's motion to dismiss the complaint.

Dated at Milwaukee, Wisconsin, this 14th day of November, 2014.

Respectfully submitted,



John T. Chisholm, District Attorney

by David A. Feiss

Assistant District Attorney

State Bar No. 01008600

STATE OF WISCONSIN

Case No 14CF2934

vs.

James Dokos

AFFIDAVIT IN OPPOSITON TO THE MOTION TO DISMISS

STATE OF WISCONSIN)
) ss.
MILWAUKEE COUNTY)

Robert Stelter, being first duly sworn on oath, deposes and says that:

1. I am currently employed as an Investigator with the Milwaukee County District Attorney's Office.

2. I have 29 years of experience as a law enforcement officer. I have held the rank of Detective and Lieutenant of Detectives within the City of Milwaukee Police Department. For two years, I worked at the Milwaukee High Intensity Drug Trafficking Area Task Force, (hereafter HIDTA), a state/federal task force with law enforcement officers from the City of Milwaukee Police Department, Federal Bureau of Investigation, Drug Enforcement Administration, West Allis Police Department, Wisconsin Department of Justice, Wisconsin State Patrol, and other jurisdictions. That experience included the investigation of and supervision of the investigation of complex and large scale organized crime in the Metropolitan Milwaukee, Wisconsin area. Over these last 10 years, I have overseen multiple investigations, been involved in the supervision of investigations that involved federal court authorized wiretaps of wire and electronic communications as defined in the Federal Code

3. During the course of carrying out my duties as an Investigator with the Milwaukee County District Attorney's Office I worked as the primary investigator reviewing the allegations that Father James Dokos had misappropriated funds that belonged to the Annuciation Greek Orthodox Church. I am the complaining witness in the criminal complaint filed in this matter.

4. A short time after this matter came to the District Attorney's Office I reviewed a letter dated August 7, 2013 written to Fr. Angelo Artemas and the Parish Council at the Annuciation Greek Orthodox Church by Bishop Demetrios of Mokissos on behalf of the

Greek Orthodox Metropolis of Chicago. A copy of this letter is attached to this this affidavit.

5. This letter informed the church that the Holy Metropolis of Chicago had engaged legal counsel to review the administration of the funds originating from the Franczak Trust. Based on this review the Metropolis had reached the conclusion that the funds had been properly spent.

6. In order to determine what information the Metropolis had reviewed in order to reach this determination Assistant District Attorney David Feiss wrote a letter to Attorney John Maniatis, Legal Counsel for the Chicago Metropolis, asking to meet with Attorney Maniatis and Bishop Demetrios to discuss their investigation. Attorney Maniatis responded to the letter and agreed to meet.

7. On November 7, 2013 ADA Feiss and I met with Attorney Maniatis and Bishop Demetrios at the Metropolis office in Chicago, Illinois. At that meeting neither Attorney Maniatis or Bishop Demetrios indicated that their investigation involved a confidential church matter. To the contrary they discussed every aspect of their investigation and answered questions for over an hour.

8. They informed us that the financial records of the Trust bank account had been examined by accountants and that they had spoken to Father Dokos and Attorney Steven Fishman who was the lawyer for the Franczak Trust. We were informed that during the investigation they spoke to Father Dokos and that Father Dokos informed them that the Annuciation Parish Council was aware that he was withholding funds from the Franczak Trust and that the council approved this action. They indicated that no one from the Council had been contacted to verify this information.

9. Prior to the meeting we had reviewed charge account records that showed that \$5,000 of Franczak Trust monies were used to pay for a \$13,000 jewelry purchase. During the meeting ADA Feiss expressly asked Bishop Demetrios whether church cannon law allowed a priest to use Parish funds to buy jewelry for his wife. Bishop Demetrios stated that this would not be permissible.

10. During the course of the investigation the District Attorney's Office was in consultation with the Greek Orthodox Archdiocese of America. As will be expounded upon in the State's Brief in Opposition to the defendant's motion to dismiss, both the Executive Director and the Chief Counsel for the Greek Orthodox Archdiocese of

America both advised the District Attorney's office that neither the Bishop, the Metropolitan or any Archbishop had the authority to prevent a Parish from pursuing relief through the criminal courts.

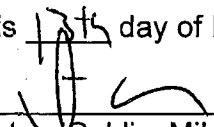
11. This affidavit is made in opposition to the defendant's motion to dismiss the complaint.

Dated this 13 day of November 2014.



Robert G. Stelter
Investigator
Milwaukee County District Attorney

Subscribed and sworn to before me
at Milwaukee, Wisconsin on
this 13th day of November 2014.



Notary Public, Milwaukee County
State of Wisconsin
My commission is permanent.



OFFICE OF THE DISTRICT ATTORNEY
Milwaukee County

JOHN T. CHISHOLM · District Attorney

Chief Deputy Kent L. Lovern, Deputies James J. Martin, Patrick J. Kenney, Lovell Johnson, Jr., Jeffrey J. Altenburg

- List of staff names including Gale G. Shelton, Gary D. Mahkorn, David Robles, Cynthia G. Brown, Norman A. Gahn, Steven H. Gamm, Mark S. Williams, John M. Stolber, Thomas L. Potter, David Feiss, Rayann Chandler Szychlinski, Carole Manchester, Warren D. Zier, Timothy J. Cotter, Steven V. Licata, Brad Vorpahl, Paul Tiffin, Miriam S. Falk, Phyllis M. DeCarvalho, Dennis P. Murphy, Bruce J. Landgraf, Denis J. Stingl, Janet C. Protasiewicz, DeAnn L. Hiesrd, Patricia A. McGowan, Irene E. Parthum, Karen A. Loebel, Ronald S. Dague, Lori S. Kornblum, Karline O'Byrne, James W. Frisch, Kurt B. Benkley, James C. Griffin, William P. Pipp, Joanne L. Hardtke, Christopher A. Liegel, Megan P. Carmody, Laura A. Crivello, Shawn Pompe, Kevin R. Shomin, Beth D. Zkrigel, Karen A. Vespalec, Paul C. Declinsky, David T. Makone, Kelly L. Hedge, Rachael Stencel, Kathryn K. Sarnier, Daniel J. Gabler, Sara P. Scullen, T. Christopher Dee, Jacob D. Corr, Joy Hammond, Elizabeth Mueller, Grant I. Huebner, Stephan Eduard Mollen, Michelle Ackerman Havas, Claire Starling, Rebecca A. Kiefer, Matthew J. Torbenson, Kathryn L. Childs, Anthony White, Antoni Apollo, Nicole D. Loeb, Erin Karshen, Lucy Kronforst, Michael J. Lonsid, Paul M. Hauer, Sara Beth Lewis, Jenni Spies, Amanda Kirkewald, Renee Heinlitz, Karl P. Hayes, Holly L. Bunch, Heather Miller, Megan M. Williamson, Sarah Sweeney, Christopher J. Ladwig, Kimberly D. Schoepp, Nicole J. Sheldon, Dax C. Odum, Benjamin A. Wesson, Maureen A. Atwell, Jennifer L. Hanson, Patricia I. Daughtery, Marissa L. Santlago, Meghan C. Lindberg, Ann R. Lopez, Peter M. Tempels, Matthew G. Puthukulam, Randy Skizberger, Karyn E. Behling, Nicolas J. Heltman, Chad Wozniak, Estee E. Hart, Kristin M. Schrank, Francesco G. Mineo, Tyrone M. St. Junior, Hansa R. Kolberg, Joshua M. Mastly, Antonella Aleman, Cynthia M. Davis, Jeska A. Ballenger, William M. Levins, Matthew R. Westphal, Catein A. Ringersma, Sara Volden Schroeder, Abbey Marzick, Molly M. Schmitz, Jay R. Pucek, Danielle E. Chojnacki, Benjamin T. Lindsay, Nicholas S. Cerwin, Michael Schindhelm, Brittany C. Grayson, Nathaniel E. Adamson, Margaret Kunisch

November 4, 2013

Jerry Dimitriou
Executive Director
Greek Orthodox Archdiocese of America
8 East 79th Street
New York, NY 10075

Re: Greek Orthodox Archdiocese of America

Dear Mr. Dimitriou:

I am writing to seek clarification on issues related to the hierarchical structure of the Greek Orthodox Church in America. As I believe you are aware, this office has been asked to investigate allegations that funds from a trust which were to be paid to the Annunciation Greek Orthodox Church of Milwaukee, Wisconsin were wrongfully converted by a former Priest at the church. I need to know whether funds bequeathed to the Annunciation Greek Orthodox Church would belong to that Parrish, or, would they become property of the Archdiocese such that the Archdiocese could overrule the local Parrish on the issue of whether funds were spent with the consent of the parish.

The facts we have been presented with show that a trust was set up and property transferred to the trust. The final terms of the trust contained a number of specific bequests and then provide that the remainder be paid to the Annunciation Greek Orthodox Church in Milwaukee. It now appears that that while a large portion of the trust was paid to Annunciation a significant amount of money remained in the trust and was subsequently spent by the trustee who was the priest at the church. Is there anything in Church doctrine that would allow or require either the Greek Orthodox Church of America, or the Chicago Metropolis to overrule a determination by the local parish that funds bequeathed to them were not spent for church purposes.

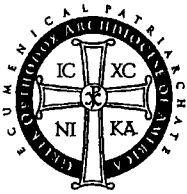
Sincerely,

Handwritten initials DS

David A. Feiss
Assistant District Attorney

DAF:jo

EXHIBIT B



GREEK ORTHODOX ARCHDIOCESE OF AMERICA

December 3, 2013

Mr. David A. Feiss
Assistant District Attorney
Milwaukee County
821 W. State Street
Safety Bldg, Room 405
Milwaukee, WI 53233-1485

Re: Greek Orthodox Archdiocese of America

Dear Mr. Feiss,

Thank you for your November 4th, 2013 letter seeking clarification from the Archdiocese. While our general counsel is preparing a more detailed, historical, response for you regarding the hierarchical nature of the Orthodox Church, it was felt that I should respond to you with a brief answer to your question.

Simply put, there is no provision in the Greek Orthodox Archdiocese of America that would allow for funds bequeathed to a local Parish to be redirected or managed by the Archdiocese or a local Metropolis. Those funds would remain the property and assets of the local Parish and would be managed according to the provisions of the bequest and at the direction of the Parish.

There is nothing in the Orthodox Church practice that would allow the Archdiocese or the local Metropolis to interfere with the assets of a Parish except where a parish goes into schism or has become non-viable. The very limited circumstances where the Archdiocese or Metropolis can interfere with local Parish assets are clearly identified in our Archdiocese Regulations. These can be found on our website at <http://www.goarch.org/archdiocese/documents/upr>.

If you have any additional questions, please feel free to contact me anytime at 212-570-3566 or at jerry@goarch.org.

Sincerely,

Jerry Dimitriou
Executive Director

EXHIBIT C



GREEK ORTHODOX ARCHDIOCESE OF AMERICA

December 16, 2013.

Mr. David A Feiss
Assistant District Attorney
Milwaukee County
821 W. State Street
Safety Building, Rm 405
Milwaukee, WI 53233-1485

Dear Mr. Feiss:

Mr. Jerry Dimitriou has referred to me your letter of December 2, 2013, with reference to the canonical and civil authority of a Bishop of the Greek Orthodox Archdiocese of America ("GOA") to direct the use of, expenditure of, or any other disposition of, assets of a parish of the GOA, especially testamentary or intervivos transfers for the benefit of a parish. I write to you as General Counsel of the GOA.

NO BISHOP, METROPOLITAN, OR ARCHBISHOP HAS ANY AUTHORITY TO DIRECT THE USE OF, EXPENDITURE OF, OR ANY OTHER DISPOSITION OF, THE ASSETS OF ANY PARISH OF THE GOA, INCLUDING TESTAMENTARY OR INTERVIVOS TRANSFERS FOR THE BENEFIT OF A PARISH, EXCEPT UNDER THE EXTREMELY LIMITED CIRCUMSTANCES DESCRIBED BELOW. NOR IS THERE ANY POST FACTO AUTHORITY TO AUTHORIZE, SANCTION OR APPROVE ANY IMPROPER USE OF SUCH TRANSFERS.

I think a word on the history of the GOA may be helpful. There are significant differences between the Greek Orthodox Church and the Roman Catholic Church. The Greek Orthodox Church is structurally closer to the Episcopal Church. The first Greek Orthodox parish in the United States was formed in 1864. Over the succeeding years, as more and more immigrants arrived, more parishes were formed throughout the United States. There were no Bishops here at that time. In 1922, the Ecumenical Patriarchate in Constantinople, our highest spiritual authority, sent a Bishop (known as a Metropolitan) to organize the, by then, over 100 parishes into an Archdiocese and several Dioceses. The Patriarchate granted a charter, incorporated the Archdiocese in New York and appointed an Archbishop, Alexander. Later, the Archdiocese was divided into units known as Metropolises and the Bishops of each Metropolis became Metropolitans of the Archdiocese, with an Archbishop in New York. The Archbishop presides over the Eparchial Synod, which is the ecclesiastical instrument of governance of the Archdiocese (Archdiocesan Charter, Article 4).

EXHIBIT D

The parishes came first, the Bishops followed. From the beginning, all parishes were separately incorporated by the local parishioners. Each parish had a board of trustees or directors who were elected by a parish assembly. This continues to be true today with respect to all of the approximately 525 parishes of the GOA, with the exception of the Cathedral in New York City where the Archbishop appoints the Trustees (and one unique parish in New York that serves as a national shrine). Even the Cathedral owned its own property from its incorporation in 1906, until the early 1960's, when the parishioners voted to convey the property to the Archdiocese.

Each parish owns its own property, both real and personal. We are not like the Roman Catholic Church where the Bishop, as a corporate sole (in most states) owns the parish and all its assets. I refer you to the Archdiocesan Charter and Parish sections of the Archdiocesan Regulations ("UPR") which can be found at www.goarch.org. There are very limited circumstances under which a Metropolis or the Archdiocese can interfere with the ownership of parish property. Under Article 16, section 6 of the UPR, if a parish goes into heresy, schism, defection or other canonical disorder, the Archdiocese can intervene and take control of the parish and its assets until the parish is restored to canonical order. This is consistent with United Supreme Court cases involving hierarchical churches (*Kedroff v. St. Nicholas Cathedral* 344 U.S. 94 (1952); *Serbian Orthodox Church v. Milivojevich* 426 U.S. 696 (1976).) This provision has never invoked in the ninety year history of the Archdiocese. The only other instance is when a parish becomes defunct (UPR Article 22). Also, a Parish must get Diocesan approval in order to sell or mortgage its real property (UPR Art 16). **IN SUM, THERE IS NO RIGHT ON THE PART OF THE ARCHDIOCESE OR THE METROPOLIS TO INTERFERE WITH THE ASSETS OF A PARISH** or to direct how testamentary or inter vivos dispositions favoring a parish can be used. Thus the structure of the Archdiocese differentiates it from the Roman Catholic Church and *State v. Burckhard* 592 N.W. 2d 523 (1999) is not applicable to the situation at hand.

I am admitted to the New York Bar, the Southern and Eastern District of the Federal Court, the US Court of Appeals for the Second Circuit and the United States Supreme Court. I am a graduate of Yale College and Yale Law School and practiced with White & Case in New York for over twenty years.

I hope this letter answers your questions. If I can be of further assistance, please do not hesitate to contact me at (917) 903-3737. Thank you for your attention to this important matter.

Very truly yours,



Emanuel G. Demos
General Counsel



OFFICE OF THE DISTRICT ATTORNEY
Milwaukee County

JOHN T. CHISHOLM • District Attorney

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- Nathaniel E. Adamson
- Margaret Kunlich

November 5, 2014

Atty. Steven M. Biskupic
 Biskupic & Jacobs SC
 1045 W Glen Oaks Ln Ste 106
 Mequon WI 53092-3477

Re: State of Wisconsin v James Dokos

Dear Attorney Biskupic:

Thank you for your continued assistance in this matter. I am writing to request written confirmation that the Greek Orthodox Archdiocese of America has reviewed the filings made by Father Dokos in the above caption case and rejects his contention that the dispute resolution provisions of the Greek Orthodox Church preclude litigation of this matter in criminal court.

Thank you for your response.

Sincerely,

David A. Feiss
 Assistant District Attorney

DAF:jo

EXHIBIT E



GREEK ORTHODOX ARCHDIOCESE OF AMERICA

BY EMAIL AND OVERNIGHT MAIL

November 12, 2014

David A. Feiss
Assistant District Attorney
Milwaukee County Office of the District Attorney
Safety Bldg., Room 405
821 W. State Street
Milwaukee, WI 53233-1485

RE: State of Wisconsin v James Dokos

Dear Attorney Feiss:

The Greek Orthodox Archdiocese of America (the "Archdiocese") has received your November 5, 2014 letter to Steven Biskupic and has asked the Legal Committee of the Archdiocese to respond to your request.

Please be advised that it is the Archdiocese's policy and practice to cooperate with governmental authorities in their investigation and constitutional litigation of criminal matters. While the Archdiocesan dispute resolution policies and procedures address certain internal disputes and disagreements, they were never intended to replace, nor should they be deemed to limit, any criminal investigation. The Archdiocese rejects any contention that its dispute policies and procedures, or any other Archdiocesan policies, preclude litigation of the above referenced matter.

Sincerely,

Catherine Bouffides Walsh
Legal Committee Chair

Cc: Bishop Andonios of Phasiane, Chancellor
Jerry Dimitriou, Executive Director
Dimitrios Moschos, Attorney
Helen Bender, Attorney
Steven Biskupic, Attorney

EXHIBIT F