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SUMMARY OF FINDINGS FROM
PRESBYTERY OF SOUTHWEST FLORIDA
KRONENFELD V. HOLY TRINITY PRESBYTERIAN CHURCH
JUDICIAL COMMISSION
FINAL REPORT

*REDACTED TO SHIELD SPECIFIC INDIVIDUALS FROM UNDUE SCRUTINY OR SCANDAL AND OMIT
UNNECESSARY DETAILS*

PREPARED MARCH 15, 2020

1 E. THE SESSION ERRED IN PROCEEDING TO EXCOMMUNICATION BASED ON DK’S
2 CONFESSION AFTER ITS OWN REPUDIATION OF IT.68
3 F. THE SESSION ERRED IN FAILING TO PROPERLY INFLICT THE CENSURE OF
4 EXCOMMUNICATION.73
5 **IV. THE COMMISSION CANNOT DETERMINE WHETHER DK IS OR IS NOT REPENTANT. ...77**
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1
2 **Introduction**
3

4 This matter involves a complaint filed by David Kronenfeld (“DK”) from his
5 excommunication by the Session of Holy Trinity Presbyterian Church (“HTPC”). In early 2018
6 DK engaged to marry another member of HTPC (referred to herein as “DK’s fiancé”), and they
7 began premarital counseling with TE Dustyn Eudaly (“DE”), an associate pastor at HTPC. As a
8 result of DE’s premarital counseling, and then the subsequent involvement of the Session in the
9 matter, certain “sin patterns” were identified in DK, and DK eventually signed a Confession of
10 Guilt for a BCO 38-1 Case without Process (“the Confession”). The Session received the
11 Confession at its October 16, 2018 meeting, and resolved at that time to suspend DK from the
12 Lord’s Table indefinitely. Forty-two days later, at a November 27, 2018 meeting, the Session
13 excommunicated DK.
14

15 The Session provided for the record a ten-page single spaced document setting forth a
16 chronology of events between December 2017 and July 9, 2018, which the Session describes as
17 notes made by DE. These ten pages are one main source for HTPC’s version of events from
18 December 2017 through late June 2018.¹ In all, the Commission has reviewed 200 pages of
19 documents received from both the Session of HTPC as well as DK which have been made part of
20 the record of the case. The following is a summary of facts based on that record.
21

22 **Summary of Facts**

23 [material redacted]
24

25 **Statement of the Issues**
26

27 The issues presented by the Complaint may be summarized as follows:
28

- 29 1. **Illegitimate Confession.** DK claims his confession was given to him without adequate
30 explanation, that he did not understand that he could change the form of the confession,
31 and that it was not explained to him that he had the option to write his own confession. DK
32 also asserts that the Confession was coerced.
- 33 2. **Unreasonable Restrictions.** DK complains about the elevation of pastoral advice and
34 counsel which included prohibiting DK from attending Holy Trinity or Sojourner, as well
35 as the prohibition of meeting with his former fiancé, who he says was still interested in
36 seeing him. He also claims these prohibitions inappropriately occurred during the
37 disciplinary process.
- 38 3. **Hasty Progression of Censure.** DK complains that the move to excommunication
39 proceeded too quickly, and that he did not receive contact or meaningful counsel from the
40 Session in the period from his suspension from the Lord’s Table to his
41 excommunication.
- 42 4. **No Demonstration of Incurability or Contumacy.** DK complains that he has not been
43 incurable or contumacious, but continues to be submissive to the Session, and is
44 therefore ineligible to receive the censure of excommunication.

¹ [Redacted]

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JUDGMENT

“A higher court, reviewing a lower court, should limit itself to the issues raised by the parties to the case in the original (lower) court. Further, the higher court should resolve such issues by applying the Constitution of the church, as previously established through the constitutional process.”

BCO 39-3. The Complaint is GRANTED in part and DENIED in part as follows:

1. Illegitimate Confession. The Commission finds that the Confession was not illegitimately secured by the Session. However, for the reasons set forth in section III E of this Decision, the Confession was effectively repudiated by the Session. This repudiation rendered and renders the Confession a nullity and excludes any further use of the Confession.

2. Unreasonable Restrictions. The Commission finds that the following acts of the Session are null, and were effectively disciplinary sanctions unauthorized by the BCO:

- The Session’s request that DK not attend Holy Trinity Presbyterian Church and Sojourner
- The Session’s prohibition of DK communicating with others about the matters related to premarital counseling and its handling of DK’s discipline, including communication with teaching elders in the Presbytery
- The Session’s prohibition of DK from all contact with his former fiancé.
- The Session’s prohibition of DK from speaking to close friends with whom DK regularly communicated for prayer, counsel and accountability regarding the matters related to premarital counseling and the Session’s handling of DK’s discipline.

3. Hasty Progression of Censure. The Commission finds that the Session accelerated its censure to excommunication too quickly, nullifying the judgment of excommunication.

4. No Demonstration of Incurability or Contumacy. The Commission makes no finding with respect to whether DK is incorrigible or contumacious.

Therefore, the Commission GRANTS the relief requested in the Complaint as follows:

- a. The Commission grants DK’s request that the Session imposed unreasonable restrictions as set forth above, and such actions are hereby annulled.
- b. The Commission hereby annuls the following acts of the Session: (1) the judgment and imposition of the censure of suspension from the Sacraments on DK, (2) the judgment and imposition of the censure of excommunication on DK, and (3) the imposition of sanction on DK based on DK violating any of those prohibitions of contact or communication as set forth in paragraph 2 immediately above. Notwithstanding the preceding sentence, if DK’s contact or

1 communication with others with respect to any of the matters set forth in paragraph
2 2 included any sin of the tongue or other conduct prescribed by the law of God,
3 then DK remains subject to process for the same.
4

- 5 c. The Commission finds that for the reasons set forth in Section III E of this Decision,
6 the use of the Confession was and is null and prohibited in the event that the Session
7 determines it necessary to proceed with discipline against DK. If the Session
8 intends to proceed with charges against DK, it must proceed by way of a new case
9 with process unless DK agrees to a case without process based on a new confession
10 pursuant to *BCO* 38-1.
11

12 The relief requested by DK is otherwise DENIED.
13

14 REASONING AND OPINION

15
16 **[All further material redacted, other than the summary of commission findings as outlined**
17 **in the table of contents]**
18

19 Dated this 20th day of September, 2019
20

RE James S. Eggert, Chairman (*Concur*)

TE John Keene (*Concur*)

RE Allen Montgomery (*Absent*)

TE Frank Taylor (*Concur*)

RE Richard Thompson (*Concur*)

TE Jonathan Winfree (*Concur*)

cc:

The Stated Clerk of Presbytery