

May 17, 2025

Fr. John Mary Foster
Mission of Divine Mercy
Canyon Lake, Texas 78133

Very Reverend Krikor Chahin, JCD
Judicial Vicar
Metropolitan Tribunal
Archdiocese of San Antonio
2718 West Woodlawn Avenue
San Antonio, Texas 78228

**Object: Protocol # 665/2024 – Exception of Suspicion against Presiding Judge
Rev. Warren Brown, OMI, JCD**

Very Reverend and dear Father Judicial Vicar:

The undersigned Defendant in the above-indicated judicial penal cause, pursuant to the norms of cann. 1448, §1-1449 *CIC*, very respectfully proposes **this Exception of Suspicion against the Presiding Judge** of the penal cause, the Reverend Warren Brown, OMI, JCD.

On May 2, 2025, I received a letter from the Presiding Judge in response to my motion dated April 19, 2025. In said Motion, I asked the Reverend Brown to recuse himself from the process for a number of grave reasons. By his letter of May 2, 2025, he rejected my motion, stating the following: *“There is no need to send any recusal of my participation in this case.”*

Very Reverend Father, from the beginning of this process being conducted against me, the Reverend Presiding Judge has undertaken his functions with **grave incompetence and clear bias**.

1. **Statutory Incompatibility of Juridical Functions in a Judicial Penal Cause**. In his letter of April 1, 2025, Reverend Brown communicated that he had accepted an appointment “to **investigate** allegations concerning [my] conduct contrary to the norms of the Sacred Canons”. But according to can. 1717 §1 *CIC*, this is not permissible, because only the Ordinary or his Delegate are legally empowered to conduct an investigation into allegations of delictual conduct, not a judge. Moreover, can. 1717 §3 explicitly states that **no one who conducts an investigation can exercise the function of judge in any penal process concerning the same object**.

In his letters dated April 1 and April 24, 2025, the Reverend Brown twice states – despite my explicit objection to his undertaking an investigation into the allegations filed on April 19, 2025 – *“a tribunal has been constituted to **investigate** allegations concerning your conduct contrary to the norms of the Sacred Canons.”* [emphasis added] The fact that he reiterated this language in his letter of April 24 reinforces this objection.

A judge by law is not appointed to “investigate”, he is appointed to **adjudicate** a charge of alleged delictual conduct. The fact that the Presiding Judge freely interchanges these terms of art back and forth, and denies having conducted an investigation into the allegations made against me, is immaterial, because he *still intends* to, and asserts that he will, “investigate” those same allegations

against me. Reverend Brown, therefore, remains very confused about the parameters of his role and specific canonical function in my case.

2. **Lying or Just Negligence regarding the Facts.** In his letter of April 24, 2025, the Reverend Brown writes, “*After a preliminary investigation into your situation [...]*”, a judicial penal trial was “*encouraged*” by the Dicastery for the Doctrine of the Faith “*based on the evidence submitted*”.

On the other hand, you yourself, Very Reverend Father, the Promoter of Justice, writes in your *libellus accusationis* of April 2, 2025 that “*a preliminary investigation was determined to be superfluous*”.

Either the Reverend Brown is not telling the truth intentionally, or he was negligent by having failed to verify the facts underlying my penal process. Whom am I to believe? To be candid, why should I believe the Judicial Vicar in his assertions over the Presiding Judge’s? Or if in fact you accurately narrated the facts of my case and he didn’t, why should I believe the Presiding Judge moving forward? There is too much at stake in my case – excommunication and dismissal for the clerical state – for sloppy work.

3. **Intentional or Just Negligent Hiding of Criminal Complaint from Defendant.** In his letters of April 1 and April 24, 2025, Reverend Brown asserts that a “*libellus* of accusation” was prepared by the Promoter of Justice, and “accepted” by him in his capacity of “presiding judge”, but **the Presiding Judge failed to attach a copy of the libellus of accusation (criminal complaint) to the citation (summons)** that he addressed to me, in grave violation of the norm of canon 1508 §2 CIC. That canon requires that the libellus petitioning for the prosecution of an accused be attached to the citation. All judges know this norm and statutory obligation.

The Reverend Brown hid the *libellus* from me, despite knowing fully well, being a Doctor in Canon Law and the Presiding Judge, of his obligation to notify me of a copy of the libellus.

4. **Intentional or Just Negligent Issuance of Citation before receipt of Criminal Complaint.** The Presiding Judge issued his Citation of April 1, 2025 **BEFORE** the Promoter of Justice issued his *Libellus Accusationis* dated April 2, 2025.

Since when does a Presiding Judge issue a summons for a defendant to appear in court BEFORE his Court receives a criminal complaint from the prosecutor?

Was this the reason why the Presiding Judge decided to “rescind” his Citation of April 1, 2025, despite my never having asked him to revoke his summons? The mere fact that he rescinded his Citation of April 1, 2025 in the absence of any request only **confirms** the need on your part, Very Reverend Judicial Vicar, to recuse/remove the Reverend Brown as Presiding Judge due to his bias and/or incompetence.

5. **Manifest Bias and Preformed Judgment of Presiding Judge re: Allegations of Fact.** In his letter of April 1, 2025, the presiding judge writes that the undersigned defendant “*continue[s] to maintain [his] error*” and admonishes him to “*repent*”. By these statements, **the Reverend Brown manifests an unequivocal antecedent judgment on his part that the undersigned is already guilty of factual allegations underpinning the criminal complaint.** But can. 1448 §1 CIC requires that a judge who is disqualified recuse himself from hearing that cause. Reverend Brown manifested an *antecedent judgment* in my case – *bias* – that this Defendant maintains himself as in “error” and that he must “repent”. Those are judgments of fact that necessarily disqualify him from acting as a judge in my case, because they belie juridical conclusions in law and fact having already been reached by the judge

before even the beginning of the penal process, by one who was and is bound to remain *impartial* until submitting his *votum* at the *end* of the penal process. This egregious bias on the part of the judge constitutes just another gross violation of my right of defense and right to due process.

6. **Blatant Attempt at Cover Up by Presiding Judge.** Most troubling of all is the attempted *cover up* of a decree by the Reverend Brown of his own bias and antecedent judgement regarding facts alleged and remaining to be judged proven in my cause. Few differences exist in substance between the decrees of citation/summonses of April 1 and April 24, 2025. The most glaring difference is the following paragraph that was deleted by the Presiding Judge after I objected to the *bias and antecedent judgments on allegations of fact by the Presiding Judge*:

The proofs are not complicated. The fact of your calling Pope Francis a “usurper” as the successor of Peter and Roman Pontiff is widely known and **public proofs are easily available.** The Archbishop of San Antonio has communicated with you and asked you to repent, but **you continue to maintain your error. It must be stated clearly: If you do not repent,** you are at grave risk of dismissal from the priesthood and excommunication from the Catholic Church. [emphasis added]

All of the above are **terrible words** on the part of a *presiding* judge to utter, especially given the fact that it is the *presiding* judge who is to direct the course of, and adjudicate, the penal cause – a criminal trial that may lead to this defendant’s excommunication and dismissal from the clerical state.

Why did the Presiding Judge “rescind” his decree of citation of April 1 – but reissue it on April 24 leaving out the above-referenced paragraph?

For the purposes of showing that the Reverend Brown is *disqualified* from adjudicating my case, **it does not matter** whether he rescinded his decree of citation: we proof of his disqualification.

7. **Absence of Required Notarization of Citation.** Why was the Citation of April 1, 2025, not authenticated by the notary appointed to countersign decrees issued by the judge? Was this omission the Presiding Judge Reverend Warren Brown’s fault, or the Notary Reverend Martin Leopold’s fault? If not the latter’s, then it was the former’s.

8. **Ethical Impossibility of Judicial Vicar serving as Promoter of Justice.** The fact that the Very Reverend Judicial Vicar, bound by can. 1449, §2 CIC to render a decision in the matter of this Exception of Suspicion filed against one of the Judges hearing this cause – is also by appointment exercising the function of PROSECUTOR (Promoter of Justice) against the undersigned defendant who filed the Exception of Suspicion – reveals *another* deontological impossibility of conduct in this trial. It raises very serious concerns of potential unethical behavior and decision-making.

Since when does the **prosecutor** in a criminal case decide if the *presiding* judge hearing the same is to be removed and substituted by another, without the decision being tainted by a conflict of interest and a violation of ethical norms governing canonists?

CONCLUSION

In the eventuality that a *valid and legitimate penal process* be in fact properly instituted and initiated against me, I elect, pursuant to my legal right enshrined in can. 1513, §2 CIC, to communicate my response *coram iudice* (in person before the presiding judge) in a formal Session of *Litis Contestatio* (joinder of issues).

In close, for as long as a disqualified judge hear the criminal case against me, my right to due process will be denied. Any sentence issued as a result will be tainted by nullity according to the natural law.

Very respectfully submitted,

Rev. John Mary Foster

cc: His Eminence Christophe Cardinal Pierre
Apostolic Nuncio to the United States

His Eminence Víctor Manuel Fernández
Prefect of the Dicastery for the Doctrine of the Faith

May 17, 2025

Fr. John Mary Foster
Mission of Divine Mercy
Canyon Lake, Texas 78133

Apostolic Nunciature of the Holy See to the United States
3339 Massachusetts Avenue, N.W.
Washington D.C. 20008

**Object: Request for Transmittal of Copy of Exception of Suspicion to
Dicastery for Doctrine of the Faith**

To Whom it May Concern,

Please find enclosed a copy of the Exception of Suspicion to Dicastery for Doctrine of the Faith that was filed with the Archdiocese of San Antonio regarding a penal judicial process in which I am the defendant.

The Apostolic Nunciature of the Holy See to the United States is kindly requested to transmit the enclosed to His Eminence the Cardinal Prefect of the Dicastery for the Doctrine of the Faith, for his cognizance and appropriate intervention.

A separate copy of the same is enclosed for the Apostolic Nunciature's cognizance and separate action as appropriate.

Thanking you for your assistance,

Respectfully,

Rev. John Mary Foster
Defendant

Enclosures

May 17, 2025

Fr. John Mary Foster
Mission of Divine Mercy
Canyon Lake, Texas 78133

His Eminence
The Most Reverend Victor Manuel Cardinal Fernández
Prefect
Dicastery for the Doctrine of the Faith
Città del Vaticano

**Object: Request for Transmittal of Copy of Exception of Suspicion to the
Dicastery for Doctrine of the Faith**

Your Eminence,

Christ is arisen! Alleluia!

Please find enclosed a copy of the **Exception of Suspicion** addressed to the Dicastery for the Doctrine of the Faith that was filed with the Archdiocese of San Antonio regarding a penal judicial process in which I am the defendant.

Your Eminence is receiving the enclosed by reason of the **grave violations** which are referenced therein, so that the Dicastery for the Doctrine of the Faith may intervene in the penal process as appropriate.

Very respectfully,

Rev. John Mary Foster
Defendant

Enclosure