

Judge won't drop Glenview priest's theft case over religious freedom claim

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A judge on Thursday rejected the argument made by a Glenview priest that a felony theft case against him should be dropped because it violated religious freedom laws.

The Rev. James Dokos, 62, of Chicago, is accused of improperly spending more than \$100,000 in trust fund money that authorities contend was to benefit Annunciation Greek Orthodox Church in Milwaukee, where Dokos was a priest for years.

"Determining whether or not the defendant embezzled money does not require this court to appoint religious ministers, decide tenets of faith (or) interpret church doctrine," Milwaukee Circuit Judge M. Joseph Donald wrote in his ruling, issued Thursday. "Neither (Dokos) nor the hierarchical church is more capable of determining whether or not he unlawfully retained money to which he was not entitled."

Dokos did not appear at the hearing; he was excused after submitting a note from a doctor saying he'd had a recent cardiac procedure, according to court records.

The priest has been on unpaid leave from his most recent position as pastor at Sts. Peter and Paul Greek Orthodox Church in Glenview since the formal charge was filed last July. Dokos moved from the Milwaukee to the Glenview parish in 2012.

"We will consider our options and consult with our client and make some decisions," said Patrick Knight, Dokos' lawyer, after the hearing. "Obviously we took a contrary position (from the judge's ruling)."

Prosecutor David Feiss declined to comment.

Dokos was in charge of a trust fund established by a couple who had attended Annunciation and who left the bulk of the seven-figure fund to the church. More than \$1.1 million of that trust fund was paid to the Milwaukee church, but Dokos spent other money from the fund on personal expenses, such as jewelry for his wife, the criminal complaint alleges.

The priest allegedly spent thousands on shopping trips and upscale dinners, and gave monetary gifts to family members and other church leaders, court records show.

"In all, the defendant retained more than \$100,000 in trust monies that, contrary to the terms of the trust, that he never turned over to the church," prosecutors state in the court record.

Annunciation leaders initially took their concerns about how Dokos handled the trust fund to the Metropolis of Chicago in 2013. The metropolis, which oversee 58 Greek Orthodox churches in the Midwest, conducted its own investigation and initially determined that Dokos had done nothing wrong, officials said.

Unsatisfied with the response, Annunciation leaders complained to the Milwaukee district attorney's office, which later filed the theft charge against Dokos.

Dokos' attorneys had argued that the case should be dismissed, stating: "This prosecution, involving a priest's use of church funds, infringes on the constitutional freedoms" of religious expression.

The situation amounts to a "dispute between a priest and parish council over the use of church property" that should be resolved through a dispute resolution process set forth by the Greek Orthodox Church, said the motion by Dokos' lawyers.

"If this case proceeds to trial, a secular jury would have to determine whether Father Dokos used church property 'without the owner's consent and contrary to his authority,'" the defense argument states in the court record.

"Any attempt by the jury to determine Father Dokos' authority would require the jury to usurp the role and authority of the metropolitan," the motion states, referring to the leader of the Chicago Metropolis. "A secular jury cannot follow the instructions for the offense charged in this case without delving into matters within the sole governing jurisdiction of church hierarchy."

Annunciation's pastor, the Rev. Angelo Artemas, who formerly served at the Glenview parish, disagreed with the argument presented by Dokos.

"I was taught in seventh grade ... that the First Amendment guarantees Americans the freedom to worship God as they wish to worship," Artemas said in a written statement, when asked for comment. "I did not learn that the First Amendment gave people the right to manipulate our seniors and violate their legal trusts."

George Karcazes, a retired lawyer and member at Glenview's Sts. Peter and Paul, called the argument put forth by Dokos' attorneys "simply absurd."

"We still live in a country where the laws have to be obeyed whether you are in a church or not," he said.

"By that reasoning clergy cannot be prosecuted for molesting children or failing to pay income taxes ... because such things should be left to their hierarchs."

Ed Gaffney Jr., law professor at Valparaiso University and church-state scholar, said that while he is not familiar with the facts of the case, "none of us has immunity from the reach of the law simply because we work for a religious community."

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