

MEMORANDUM BRIEF

TO:	Reviewing Judge(s)
FROM:	Robert Wayne Johnson
DATE:	April ____, 2010
CASE NO:	96DR1112
RE:	Memorandum Brief

I. FACTS

On February 11, 2010, I was mailed my copy of the child support modification Order drafted by attorney Christina Eigel, the legal representative of the El Paso County Child Support Enforcement Unit (CSEU) and third party intervenor, by U.S. mail. I did not file a response to the Order.

On February 18, 2010, incoming N/CS Division district magistrate Jayne Candea-Ramsey issued the Order to add arrears together in summary form after diligently reviewing former District Magistrate John Paul Lyle's orders from my modification hearing of January 13, 2010. At the time of this first review of my case file, there was only one motion to modify child support and one response to that motion. My motion to modify was handwritten and filed with the Court September 21, 2009 on JDF 1403. The reason for requesting modification was concise.

On February 25, 2010, I was mailed my copy of the Order as amended by attorney Eigel and the Motion to Approve Amended Order. I filed a written response to the amended Order now titled "Amended Order" on March 2, 2010 in my first motion for a hearing titled "Objection to Proposed Amended Order" (Objection). The Objection introduced the concept of self-dealing and raised the allegation of conflict of interest. It then listed six reasons to support my motion to grant a hearing of my objection to the entry of the proposed Amended Order, including discovery issues. Today, I re-assert the allegations and reasons as provided in the Objection.

On March 4, 2010, I filed my first motion for change of venue titled “Extraordinary Motion for Change of Venue Pursuant to Colorado Rules of Civil Procedure 98(c)(1) and 98(e).” The use of “extraordinary” was based on increasing knowledge of irregularities in the prosecution of my child support modification action that put the request for change of venue outside normal considerations. I cited five reasons for granting my motion to change venue including allegations former Magistrate John Paul Lyle participated in the January 13, 2010 hearing without legal authority, attorneys in the law firm represented by attorney Eigel participated in the fraudulent hearing, the use of the *nunc pro tunc* rule was for corrupt purposes, there was an unexplained [11] day gap between the date of the affidavit used to start child support enforcement action and when the Family Support Registry account was created to process payments, and the worksheets were manipulated to justify the \$16,[409].80 already seized by CSEU. I also demanded relief. Today, I re-assert the fraudulent nature of the hearing, the corrupt purpose for using the *nunc pro tunc* rule, the unexplained gap, and the willful manipulation of standard child support worksheets for corrupt purposes.

On March 4, 2010, I indirectly provided Chief Judge Kirk Samelson with a courtesy copy of the extraordinary motion for change of venue.

On March 9, 2010, I filed an amendment to the first extraordinary motion primarily to correct the allegation made against former District Magistrate John Paul Lyle that he lacked legal authority to preside over the January 13, 2010 hearing after learning he was under contract to serve as magistrate until his contract ended on January 31, 2010. Today, I re-assert all the allegations with clarification of Number 9. The attached registry of action printout from March

23, 2010 does not show the original child support modification Order as an event on February 11, 2010, and the Amended Order filed with the Motion to Approve Amended Order is not shown as an individual event on February 26, 2010. Additionally, my certificate of mailing indicates the Motion to Approve Amended Order was filed on February 24, 2010 and both the Motion to Approve Amended Order and the Amended Order were mailed to me on February 25, 2010.

On March 9, 2010, I indirectly provided Chief Judge Kirk Samelson with a courtesy copy of the Amendment to Extraordinary Motion for Change of Venue.

After March 9, 2010, I received the attached letter from the Chief Judge dated March 5, 2010 in an envelope postmarked March 8, 2010 in response to the courtesy copy provided on March 4. The Chief Judge ignored the ethical issues raised in the letter, stating he did not “have the authority to reverse a decision of another judicial officer or to change venue.” The Chief Judge did not issue a letter of response to the indirect delivery of the courtesy copy of the amendment.

On March 11, 2010, I filed another motion for change of venue titled “Second Extraordinary Motion for Change of Venue.” This motion listed six documents filed by me since March 2, 2010. I signed the affidavit attesting to the truthfulness of the information contained in the filings knowing I had corrected certain misstatements of fact as my knowledge of the misconduct in the handling of my case increased. This time I included the Chief Judge in my allegations and requested all matters before the Court in my child support modification case be transferred to another judicial district and did not provide a courtesy copy.

On March 11, 2010, attorney Eigel filed three responses to four of my filings. She combined the response to the first motion for change of venue and its amendment and responded separately

to my motion for a hearing filed on March 2 and the new motion to modify child support filed March 8. In her combined response to the motion for change of venue, she correctly identified my reason for requesting a change of venue as “Respondent seeks to change venue in this matter due to an alleged conspiracy between the Law Offices of Belveal Eigel Rumans & Fredrickson LLC, counsel for the El Paso County Child Support Unit, the El Paso CSE Unit, and El Paso County.” She asked the Court to deny the motions for change of venue for technical and timing reasons. She did however cite C.R.C.P. Rule 98(g) for the Magistrate’s consideration and cited C.R.C.P. Rule 98(e)(1) that provides an exception for the effect of timing when C.R.C.P. Rule 98(g) is the authority for change of venue.

On March 11, 2010, attorney Eigel stopped responding and, therefore, did not respond to the Second Extraordinary Motion for Change of Venue and, therefore, elected not to submit an affidavit as mentioned in C.R.C.P. Rule 98(g).

On March 15, 2010, I filed the second motion for a hearing titled “Continued Objection to Proposed Amended Order”(Continued Objection) after reviewing attorney Eigel’s three responses of March 11, 2010. I noted attorney Eigel’s response to the hearing motion never asked the Magistrate to deny the motion for a hearing. Instead, she moved a second time to have the Amended Order approved. I re-asserted various allegations in the Continued Objection.

On March 23, 2010, I obtained the attached printout of the registry of actions and discovered my second motion for a hearing, the Continued Objection, was not listed and that a March 1, 2010 hearing was listed for which I had no knowledge. I also noted the Objection was recorded as having been filed on March 3 instead of March 2.

In closing, prior to approving the Amended Order on March 26, 2010, the Magistrate reviewed

my three filings for change of venue, the two new filings to modify child support, and two of three of attorney Eigel's responses. After her review, she issued the Order related to change of venue and denied change of venue on grounds that Ms. Dolbow and I lived in El Paso County and "the Court does not find that good cause was shown to change venue in this case." The Magistrate notably did not acknowledge my two motions for a hearing or acknowledge having reviewed attorney Eigel's only response to the two motions for a hearing and, therefore, did not issue a third Order on March 26, 2010 denying my motions for a hearing.

II. ISSUES

Did the Magistrate's two known reviews of my case file support her final ruling to deny a change in venue for failure to show good cause?

Did the 22 days between the filing of the first motion for change of venue and the Magistrates' final ruling provide an adequate amount of time to investigate my allegations and set a hearing to diligently prosecute my motions for change of venue in the interest of justice?

Did the Magistrate deny my motions for change of venue and ignore my requests for a hearing as a willing participant in the conspiracy to prevent a just resolution of my ongoing dispute with CSEU?

III. SUMMARY

I was provided an opportunity under law to request a change of venue on the basis I did not believe I would be treated fairly in El Paso County. I relied on the integrity of the legal professionals involved in my case to uphold the rule-of-law and to conduct themselves according to the Colorado Code of Judicial Conduct and the Colorado Bar Association's Rules of Professional Conduct. Without their adherence to the same, it was not only impossible to find

justice in the El Paso County District Court but also impossible for the self-policing provisions of the Code and Rules to protect me and others like me from future abuses.

IV. RECOMMENDATION

Diligently review the case file and determine if denying the motions to change venue was reasonable and if a hearing of either the Objection or motion to change venue would have been more prudent and, then, initiate disciplinary proceedings according to ethics guidelines and applicable statutes.

AFFIDAVIT OF SERVICE

I declare under oath that on April ____, 2010, a true and correct copy of the foregoing Petition for Review with the Memorandum Brief and attachments were sent by U.S. mail, postage prepaid, addressed to the following:

Vanessa R. Dolbow
1836 Brookdale Drive
Colorado Springs, CO 80918-3476

Law Offices of Belveal Eigel Rumans & Fredrickson, LLC
Donald Belveal, Esq.,
Christina K. Eigel, Esq.
Cara L. Nord, Esq.
Jessica K. Polini, Esq.
P.O. Box 1381
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Robert Wayne Johnson, Pro Se

Subscribed and affirmed, or sworn to before me in the County of _____,
State of _____, this _____ day of _____, 20 _____.

My Commission Expires: _____

Notary Public Signature