

District Court EL PASO County, Colorado Court Address: 270 South Tejon Street Colorado Springs, Colorado 80903		
In Re The Marriage Of: Petitioner: Vanessa R. Dolbow And Respondent: Robert W. Johnson EL Paso County CSE Unit, Third Party Intervenor		COURT USE ONLY
Attorney or Party Without Attorney (Name and Address): Robert Wayne Johnson, Pro Se P.O. Box 75162 Colorado Springs, Colorado 80970 Phone Number: (719) 640-2155		Case Number: 96DR1112 Division: N/CS Courtroom: IVD Case Number: 21-916020-00-7A
PETITION FOR REVIEW		

I, Robert Wayne Johnson, hereby submit this Petition for Review pursuant to C.R.M. Rule 7(a) to appeal the decision of District Magistrate Jayne Candea-Ramsey upon the entry of the final Amended Order on March 26, 2010. The Amended Order improperly reflects the undisputed orders of the Court through the use of the wrong child support worksheets for years 2005, 2006, and 2007. The memorandum brief follows.

Wherefore, I request the reviewing judge or judges selected by Chief Judge Kirk Samelson pursuant to C.R.M. Rule 7(a)(2) to reject the Amended Order and direct the resolution of my case as discussed in the attached letter delivered to the office of the Chief Judge on March 29, 2010, along with my affidavit and letter of complaint, pursuant to C.R.M. Rule 7(a)(10) this ____ Day of April, 2010.

Respectfully Submitted,

 Robert Wayne Johnson, Pro Se

MEMORANDUM BRIEF

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

I. FACTS

From October 2008 through September 20, 2009, I attempted to resolve an ongoing dispute with the El Paso County Child Support Enforcement Unit over claims for back child support for 30 of 39 months listed on Ms. Dolbow's September 29, 2008, Affidavit of Custody and Direct Support. On September 21, 2009, I filed a motion to modify child support to move the dispute to the court. The central issue was the 30 months I had sole physical custody of my son.

On January 13, 2010, former Magistrate John Paul Lyle presided over the hearing of my modification request with attorney Christina Eigel prosecuting the action for the El Paso County Child Support Enforcement Unit. However, the Magistrate's term of office ended on or about January 31, 2010, and prior to the mailing date of attorney Christina Eigel's first draft of the proposed Order on February 11, 2010. Attorney Eigel back-dated the proposed Order to January 13, 2010, using the *nunc pro tunc* rule.

On February 12, 2010, attorney Jayne Candea-Ramsey took the oath of office and was installed as magistrate in the N/CS Division. On or about February 18, 2010, Magistrate Candea-Ramsey conducted her first review of attorney Eigel's proposed Order and denied it. On February 18, she identified a Minute Order from the hearing of January 13, 2010, and instructed attorney Eigel to add arrears together. On February 24, 2010, attorney Eigel filed the Motion to Approve Amended Order and the proposed Amended Order that was also back-dated to the

hearing date.

From March 2 to March 15, 2010, I submitted a request for transcript form and seven motions with the Court. Three were related to change of venue, two were related to setting a hearing, and two were related to a new motion to modify child support. On March 23, 2010, the registry of actions did not list the Continued Objection to Proposed Amended Order filed on March 15, 2010, which was my second motion for a hearing. I do not have the stamped first page. I have the stamped last page.

On March 11, 2010, attorney Eigel filed three responses. One response combined two of the motions for change of venue. One response addressed one of the motions for a hearing but did not address the issue of setting a hearing. One response addressed one of the motions to modify child support. On March 11, 2010, attorney Eigel stopped responding.

On or about March 24, 2010, I was notified the transcript deposit I paid on March 6 did not cover the full hearing and was asked if I wanted the first or second half. I stated I needed the full hearing and was advised to submit certified funds. Because of ongoing commitments to handling my case and family matters, I have not yet obtained the transcript. However, I do not dispute the facts established during the only modification hearing held on January 13, 2010. Therefore, I do not allege errors of fact or law, and I assert that C.R.M. Rule 7(a)(9) provides that my failure to provide the transcript is not grounds to deny this petition for review.

On March 26, 2010, following Magistrate Candea-Ramsey's second review of my modification case, she issued two Orders and entered the final Amended Order. The two Orders are answers to all three of the change of venue requests and the two motions to modify child support. An Order was not issued for the two hearing requests. The Orders bear her personal

signature, while the Amended Order bears her stamped name. The final Amended Order relies on certain attachments, including the worksheets used to recalculate arrears and the summary of the arrears derived from the worksheets. Magistrate Candea-Ramsey was obligated to review the worksheets which formed the basis of the Amended Order.

II. ISSUE

Did the worksheets used to recalculate arrears and produce the summary of arrears and the first draft of the proposed Order and then the final Amended Order comply with the Court's orders on January 13, 2010?

III. SUMMARY

The central issue in the dispute with the El Paso County Child Support Enforcement Unit was its claims for child support for 30 of 39 months I had sole physical custody of my son.

On January 13, 2010, the Court recognized this private and voluntary change in custody and instructed attorney Eigel to recalculate the alleged arrears and retroactively modify child support to reflect this change in custody. Attorney Eigel, an expert in child support enforcement and modification, used the wrong worksheets for the three years at issue.

IV. RECOMMENDATION

Review the worksheets submitted by attorney Eigel and verify parenting information for 2005 through 2007 is incorrect and the Amended Order should be rejected.

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 attachment was sent by United States Mail, postage prepaid, addressed to the following”

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

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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