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## Court upholds annulment over husband's deception

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A woman whose future husband lied to her about his financial condition and his previous marriages and then didn't keep his promise to stop dressing in women's clothes is entitled to have the marriage annulled, the Arizona Court of Appeals has ruled. In a unanimous decision, the three-judge panel rejected arguments by Ronald Cuthbertson that Pima County Judge Karen Adam should have denied his now ex-wife's petition to annul the marriage. The judges rejected a series of contentions by Cuthbertson, who represented himself, that the trial judge's decision to declare the six-year marriage legally void was erroneous.

Annulments are a seldom-used method of undoing marriage in Arizona.

In general, they are used when one party wants a court to rule that, for legal purposes, the marriage did not exist. If nothing else, that eliminates any need to divide up community property accumulated during the marriage.

According to the ruling, Ronald met Kumiko on the Internet in 1996 and corresponded extensively before meeting the following year.

Kumiko, who subsequently took her husband's name, said she did not speak English and used a dictionary to understand what Ronald was writing.

Ronald subsequently moved to Japan, where they lived together for 17 months before marrying there in 1999.

She testified that before they married, Ronald told her "he was about to publish a book or open ... a business" and he would earn more than \$1 million.

The couple subsequently moved to Tucson, where they married again about 18 months after the Japanese wedding.

But in June 2005, Kumiko filed a petition to annul the marriage, claiming he "defrauded her and induced her into marrying him under false pretenses" so that she would "fully financially support him."

The trial judge agreed, ruling the marriage was "void at its inception" because Ronald clearly intended to marry Kumiko solely to get access to her "considerable assets."

Ronald appealed, arguing that the trial judge acted illegally in a "blatant attempt" to deprive him of his rights to community property. He said the judge did not state a valid reason for declaring the marriage void.

State law spells out that trial courts can annul a marriage "when the cause alleged constitutes an impediment rendering the marriage void."

Appellate Judge John Pelander said Ronald's "pattern of deception" included lying to Kumiko about his business prospects. He also told Kumiko he had been married just twice before; the actual number was three or four different women, including once to a prostitute.



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