

**IN THE SUPERIOR COURT OF COLQUITT COUNTY
STATE OF GEORGIA**

NANCY B. CORMIER	§	
Petitioner	§	
	§	CIVIL ACTION FILE NO.
v.	§	03-CVD-2211
	§	
DENNY C. CORMIER	§	
Respondent, pro se	§	

**MOTION WITH INTERCALATED MEMORANDUM OF LAW
TO DENY MOTION FOR MODIFICATION
TO GRANT IMMEDIATE DIVORCE, AND
FOR A DECLARATORY JUDGMENT THAT**

**GEORGIA’S DISSOLUTION OF MARRIAGE STATUTES
ALIMONY SECTIONS
IMPERMISSIBLY INFRINGE
THE GEORGIA CONSTITUTION**

“While the outer limits of this aspect of privacy have not been marked by the Court, it is clear that among the decisions that an individual may make without unjustified government interference are personal decisions relating to marriage...” *Carey v. Population Services International*, 431 U.S. 678, 97 S. Ct. 2010 (1977).

Comes now RESPONDENT, HUSBAND, DENNY C. CORMIER, pro se, moving this court to deny the Petitioner’s Motion for Modification, to grant an immediate divorce and seeking a declaratory judgment, temporary injunctive relief, pursuant to Georgia Declaratory Judgment Statutes O.C.G.A. §§ 9-4-1 et seq. because Georgia Statutes O.C.G.A. §§ 19-6-1 et seq. alimony provisions, impermissibly infringe the Georgia Constitutional Liberty Interest and Right to Privacy, and Article I Section I,

Paragraphs I, II, VII, XXII, XXV of the Georgia Constitution,(Due Process, Equal Protection, Citizens Protection, Involuntary Servitude, and Social Status) .

Law

In Pavesich v. New England Life Ins. Co., 122 Ga. 190, 197 (50 SE 68) (1905), “this Court expressly recognized that Georgia citizens have a ‘liberty of privacy’ guaranteed by the Georgia constitutional provision which declares that no person shall be deprived of liberty except by due process of law. [Cit.]” Powell v. State, 270 Ga. 327, 329 (3) (510 SE2d 18) (1998). This right of privacy guaranteed by the Georgia Constitution is far more extensive than that protected by the Constitution of the United States. Powell v. State, supra at 330 (3). In this state, privacy is considered a fundamental constitutional right and is “recognized as having a value so essential to individual liberty in our society that [its] infringement merits careful scrutiny by the courts.” Ambles v. State, 259 Ga. 406, 408 (2) (b) (383 SE2d 555) (1989).

A. Declaratory Judgment (O.C.G.A. §§ 9-4-1 et seq.)

1. O.C.G.A. §§ 9-4-1 et seq. provisions are to be liberally construed.
2. This Court has jurisdiction pursuant to O.C.G.A. § 9-4-2 to render an opinion on the constitutionality of O.C.G.A. §§ 19-6-1 et seq. alimony provisions, i.e. whether they impermissibly infringe Georgians’ Liberty Interest and Right to Privacy under the Georgia Constitution.
3. DENNY C. CORMIER, as an interested part in the active case in controversy and subject to the challenged statutes, has standing pursuant to O.C.G.A. § 9-4-2 to request this court to render an opinion on the constitutionality of the alimony statutes because the ends of justice require that the declaration be made.
4. Notice is given to the Attorney General because this Motion challenges the constitutionality of a Georgia Statute. The Attorney General may appear at his option.
(O.C.G.A. § 9-4-7 (c))

5. This Motion for Declaratory judgment will terminate uncertainty for all parties and Georgians and therefore must be rendered and entered. (O.C.G.A. 9-4-8)

6. O.C.G.A. 9-4-9 does not permit an award of attorney fees.

B. Divorce Statute, Alimony (O.C.G.A. §§ 19-6-1 et seq.)

7. O.C.G.A. §§ 19-6-1 et seq. alimony provisions are part of the Georgia Statutory scheme now impacting NANCY B. CORMIER's and DENNY C. CORMIER's personal decision relating to their marriage, i.e. to divorce one another.

8. O.C.G.A. 19-6-5 mandates that the state invade NANCY B. CORMIER and DENNY C. CORMIER's marriage, through the judiciary, to examine, evaluate, determine and conclude the terms and nature of the interpersonal relationship, spousal roles, spousal conduct, parental decision making, parenting conduct, parental spending, economic standard of living, occupations, education, savings, assets, charitable contributions and most importantly the intimate emotional, psychological and physical details of the parties and family during their marriage to apply a discretionary opinion using a questionably equitable standard in order to implement the statutory provisions.

9. Furthermore O.C.G.A. 19-6-5 (a) permits the state to rummage, unfettered, through the privacy protected zone of the marriage of the parties to learn and consider "Such other relevant factors as the court deems equitable and proper" in making a determination of alimony, its duration and amounts.

10. The Georgia alimony statutes impermissibly intrude the Privacy protected zone of marriage and personal decisions relating to marriage, i.e. divorce, and intrude upon the parties constitutionally protected right to association.

11. The Georgia alimony statutes do not state or reflect a compelling State interest for their existence.

12. The statutes certainly do not achieve any state interest, let alone a compelling state interest, in the least intrusive manner. The state is permitted complete discretion to intrude in the protected privacy zone of the parties.

13. NANCY B. CORMIER or DENNY C. CORMIER are at risk of having the State of Georgia take their property rights and assign them to the other party as well as hold one of them, more probably DENNY C. CORMIER, to forever work in involuntary servitude for the benefit of NANCY B. CORMIER, because of the Georgia alimony statutes.

14. DENNY C. CORMIER, because of the challenged statutes, is at risk of having his wages garnished, and at risk of wrongful imprisonment if he does not comply with the challenged statutes.

C. Fundamental Constitutional Right to Privacy

15. Georgia's Constitution contains a Right to Privacy much broader in scope than the Right to Privacy in the Federal Constitution. *Powell v. State of Georgia*, 510 So. 2d 18 (Ga. 1998).

16. The parties, and all Georgians, have the fundamental constitutional "...right to be let alone so long as one was not interfering with the rights of other individuals or of the public." *Pavesich v. New England Life Ins.*, 122 Ga. 190, 197 (50 SE 68) (1905).

17. The parties, and all Georgians, have the right "to be free of unwarranted interference by the public about matters [with] which the public is not necessarily concerned, or to be protected from any wrongful intrusion into an individual's life which would outrage...a

person of ordinary sensibilities.” Georgia Power Co. v. Buskin, 149 Ga. App. 277 (6) (254 SE2d 146) (1979).

18. All Georgians would be outraged at the State intruding into the intimacies of their marriage and then with broad discretion redistributing their property and forever making one of them indentured to the other under threat of imprisonment and garnishment of wages. The Georgia alimony statutes do just that.

19. Personal decisions relating to marriage, i.e. divorce, are recognized by the parties, and almost assuredly by all Georgians, as a private matter. Stated otherwise, by “any person whose intellect is in a normal condition.” (The measure of what constitutes a private matter, Pavesich at 194).

20. The Right to Privacy being a fundamental constitutionally guaranteed right, the Court must apply the strict scrutiny standard to measure the challenged statute, i.e. to survive a constitutional challenge the statute must further demonstrate a compelling state interest applied in the least intrusive manner. (Powell at 332-333) The memorandum of law argues the application of the privacy amendment to areas of privacy; the rationale for a spousal support obligation along with the demise of the rationale; the need to apply the compelling State interest test to the support statutes; the absence of a compelling State interest; the rationale and its demise used for judicial decision making under current law (i.e. partnership theory of marriage), the public policy against permanent post-dissolution spousal support; approaches to judicial decision making on the subject of permanent post-dissolution spousal support; the self acknowledged Gender Bias of the Georgia Court system; and the Affirmative Action based on Gender to Remedy Gender Bias. It is further argued that these State Constitutionally guaranteed fundamental rights cannot be

adjudicated in a court of chancery, with a standard of equity and a cloud of Gender Bias by judges granted wide discretionary powers.

1. Marriage and Personal Decisions relating to Marriage, i.e. Divorce

21. Marriage and “personal decisions relating to marriage” are judicially recognized Privacy Protected Zones of the Right of Privacy well established in Federal and State law. (U.S. Constitution Fourteenth Amendment Due Process Clause; *Griswold v. Connecticut*, 381 U.S. 479 (1965); *Carey v. Population Serv. Int’l.*, 431 U.S. 678, 684-685 (1977); *Parenthood v. Casey*, 505 U.S. 833, (1992); *Zablocki v. Redhail*, 434 US 374 (1978); *Roe v. Wade*, 410 U.S. 113, (1973)); *Loving v. Virginia*, 388 U.S. 1, 12, 87 S., Ct. 1817 (1967); *Planned Parenthood v. Casey*, 505 U.S. 833, 859 (1992), *Littlejohn v. Rose*, 786 F.2d 785, 786 (6th Cir. 1985) (citing *Zablocki v. Redhail*, 434 at 385)

22. Divorce is a personal decision relating to marriage.

23. It cannot be disputed that a decision by any Georgian, here DENNY C. CORMIER, to get married, stay married or dissolve a marriage (divorce) is not a personal decision relating to marriage.

2. Alimony (O.C.G.A. § 19-6-1)

24. “At common law there was no right to alimony at all.” “The so-called 'right' to alimony does not exist as an incident to divorce a vinculo unless it is granted by statute.” (*Pacheco v. Pacheco*, 246 So.2d 778, 780 (Fla.1971)).

25. Alimony being merely a statute it must comport with the Georgia Constitution, its recognized Right to Privacy and the Federal and State law addressing the fundamental constitutionally guaranteed Right to Privacy.

3. Temporary Alimony (O.C.G.A. 19-6-3)

26. The rationale for alimony, particularly in the divorce process but before court ordered dissolution, is the concept of Coverture.

27. Coverture was effectively extinguished with Georgia Constitution Article I Section I Paragraph XXVII, thereby severing the link between divorce and alimony.

D. Other Fundamental Constitutional Rights

28. Georgia Constitution Article I Section I Basic Rights contains Paragraphs, which guarantee DENNY C. CORMIER's fundamental rights against state intrusion by the alimony provisions.

1. Paragraph 1, Life, Liberty and Property

29. No person shall be deprived of life, liberty, or property except by due process of law.

30. Substantive due process has been viewed to encompass citizen's Right to Privacy.

“In *Planned Parenthood of Southeastern Pa. v. Casey*, [505 U.S. 833](#) (1992), the Court reaffirmed the substantive force of the liberty protected by the Due Process Clause. The *Casey* decision again confirmed that our laws and tradition afford constitutional protection to personal decisions relating to marriage, procreation, contraception, family relationships, child rearing, and education. *Id.*, at 851. In explaining the respect the Constitution demands for the autonomy of the person in making these choices, we stated as follows:

“These matters, involving the most intimate and personal choices a person may make in a lifetime, choices central to personal dignity and autonomy, are central to the liberty protected by the Fourteenth Amendment. At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life. Beliefs about these matters could not define the attributes of personhood were they formed under compulsion of the State.” *Ibid.*” (*Lawrence v. Texas*, USSC, No.02-202, June 26 2003)

The Court has

"routinely categorized [these matters] as among the personal decisions protected by the right to privacy [and, in addition] has long recognized that freedom of personal choice in matters of marriage and family life is one of the liberties protected by the Due Process Clause of the Fourteenth Amendment." *Zablocki v. Redhail*, 434 U.S. 374, 384-85, 54 L. Ed. 2d 618, 98 S. Ct. 673 (1978) (citing *Cleveland Board of Education v. LaFleur*, 414 U.S. 632, 639-40, 39 L. Ed. 2d 52, 94 S. Ct. 791 (1974)).

“The Supreme Court has established broad protection for matters relating to the marital relationship including the availability of due process in seeking adjustments to the marital relationship. *Boddie v. Connecticut*, 401 U.S. 371, 28 L. Ed. 2d 113, 91 S. Ct. 780 (1971). Given the ‘associational interests that surround the establishment and dissolution of [the marital] relationship’, such ‘adjustments’ as divorce and separation are naturally included within the umbrella of protection accorded to the right of privacy. See *Zablocki*, 434 U.S. at 385; *U.S. v. Kras*, 409 U.S. 434, 444, 34 L. Ed. 2d 626, 93 S. Ct. 631 (1975)” *Littlejohn v. Rose*, 786 F.2d 785, 786 (6th Cir. 1985)

2. Paragraph II. Protection to person and property; equal protection.

31. At least one Georgia court has found government action, which treats married and unmarried persons differently, unconstitutionally violative of Equal Protection. *Houston v. Prosse*, 361 F. Supp. 295, 296 (N.D. Ga. 1973).
32. Federal and Georgia statutes routinely classify marital status along with suspect classes. See, e.g., 12 U.S.C. § 3106a (1) (b)(foreign banks must conduct operations in compliance with laws prohibiting discrimination on the basis of race, national origin, marital status); 5 U.S.C. § 7204(b) (“...[D]iscrimination because of race, color, creed, sex, or marital status is prohibited with respect to an individual or a position held by an individual”); 15 U.S.C. § 1691(a)(1)(unlawful for creditor to discriminate on the basis of sex, race, religion, national origin, or marital status); 20 U.S.C. § 1087tt(c)(unlawful to discriminate in loaning money on basis of sex, race, religion, national origin, or marital

status); 20 U.S.C. § 1071(a)(2)(same, for credit or insurance); O.C.G.A. § 7-6-2 (providing a cause of action for persons denied credit or a loan on the basis of race, national origin, marital status); O.C.G.A. § 7-6-1 (a) (“No bank . . . may discriminate on basis race, religion, national origin, or marital status”).

33. O.C.G.A. 91-6-1 et seq treat divorcing/divorced Georgians differently than married Georgians on the issue of interspousal support.

34. Georgia does not intrude in the economic, private, intimate, and personal areas of married couple who are not divorcing as they do with Georgians divorcing.

35. Georgia does not intrude and mandate that a party in an intact marriage provide the same level of economic support that Georgia mandates the unmarried divorced spouse provide after divorce.

36. Parties to a marriage divorcing are similarly situated but treated different because of their wealth status, i.e. ability to pay support and need for support.

37. Wealth is a recognized suspect class worthy of a strict scrutiny standard to be applied to the alimony statute. Shapiro v Thompson, 394 U.S. 618 (1969); San Antonio School District v. Rodriguez, 411 U.S. 1 (1973)

38. Because divorce is a personal decision relating to marriage, i.e. a fundamental right any equal protection analysis requires a strict scrutiny standard, i.e. compelling state interest minimally applied.

39. Georgia never has, and cannot articulate a compelling state interest applied in the least intrusive manner to satisfy the strict scrutiny test to validate the alimony statute on equal protection grounds.

3. Paragraph VII. Citizens, protection of

40. "...it shall be the duty of the General Assembly to enact such laws as will protect them in the full enjoyment of the rights, privileges, and immunities due to such citizenship."

41. The General Assembly, through O.C.G.A. §§ 19-6-1 et seq, is failing its constitutional duty to DENNY C. CORMIER when it denies him the opportunity to exercise his constitutionally guaranteed fundamental right related to the protected privacy zone of a personal decision relating to marriage, i.e. here, divorce, without intrusion.

42. On the contrary, the General Assembly is not protecting DENNY C. CORMIER, but is denying him his constitutional rights.

4. Paragraph XXII. Involuntary servitude

43. Involuntary servitude is prohibited by the 13th Amendment to the U.S. Constitution, and by Georgia Constitution Article I Section I Paragraph XXII. The primary purpose of the constitutional restrictions was to abolish slavery as it had existed in the U.S. until the Civil War. But the U.S. Supreme Court has held that it is not limited to that purpose and intended to cover conditions akin to slavery. *Butler v. Perry*, 240 U.S. 328, 332 (1916).

44. While the term is easily definable, the "exact range of conditions it prohibits" is not so evident. In a fairly recent case, *United States v. Kozminski*, 487 U.S. 931, 942 (1998) the Supreme Court defined the term as a compulsory condition "in which a person lacks liberty especially to determine one's course of action or way of life," *Id.* a condition very much akin to slavery. The Court held that involuntary servitude "necessarily means a condition...in which the victim is forced to work for [another] by the use or threat of physical restraint or physical injury, or by the use or threat of coercion through law or the

legal process.” *Id.* And the 13th Amendment bar is applicable to individuals as well as states, and to private as well as public discriminatory acts.¹

5. Paragraph XXV. Status of the citizen

45. “The social status of a citizen shall never be the subject of legislation.” In essence, Paragraph XXV of the Georgia Constitution prohibits discrimination, through statutory legislation, as a consequence of a Georgian’s race, religion, sex, financial condition or marital status. However, the alimony provisions of O.C.G.A. 19-6-1 et seq. create an entire class of Georgian’s who are discriminated against because of their marital status. Furthermore, because men pay over 99% of the alimony in Georgia, the alimony provisions of O.C.G.A. 19-6-1 et seq. create an especially repugnant form of *de facto* gender bias through repressive misuse of judicial “discretion” and contempt power in the Family Law court.

46. As the U.S. Supreme Court expressed in *Orr v Orr*, 440 U.S. 268 (1979), “Use of a gender classification, moreover, actually produces perverse results in this case because only a financially secure wife whose husband is in need derives an advantage from the Alabama scheme as compared to a gender-neutral one.” The justices also noted, “No longer is the female destined solely for the home and the rearing of the family, and only the male for the marketplace and the world of ideas,” *Stanton v. Stanton*, 421 U.S. 7, 14 - 15. Pp. 279-280. Furthermore, they observed that the use of gender bias even when applied for affirmative action is wrong, “There is no doubt that a state law imposing alimony obligations on blacks but not whites could be challenged by a black who was required to pay.”

¹ *Alimony: Peonage or Involuntary Servitude?* Alfred J. Sciarrino and Susan K. Duke, 2003, available for review at www.cflap.org.

47. In particular, DENNY C CORMIER and all Georgians' status are measured by their marital status.

48. Marital status is a social status for which Article I Section I Paragraph XXV prohibits legislation.

49. O.C.G.A. §§ 19-6-1 et seq. address the social status and redefines the social status of both parties in this divorce action. As such, the State is prohibited from legislating alimony absent a compelling state interest applied in the least intrusive manner, i.e. strict scrutiny test.

E. Doctrines of Necessaries and Coverture – Abrogated

50. The Doctrines of Necessaries and Coverture, which had obligated a husband to third parties for a wife's debts, were abrogated in 1979 by the Georgia Legislature, thereby forever severing the link between alimony and divorce. The abrogation of the Doctrine of necessaries makes the parties in a marriage economic independents.

51. The effect of said abrogation of the Doctrine of Necessaries has been noted, "The ... abrogation of the Doctrine of Necessaries appears to shift the policy of the State by, in effect, requiring each spouse to take care of himself or herself." (*Connor v. Southwest Florida Regional Medical Center, Inc.*, 668 So. 2d 175 (Fla. 1995), Judge Overton dissent.)

Parties

F. HUSBAND.

52. DENNY C. CORMIER is a healthy 56 year old physician.

53. The State of Georgia continues to invade this marriage and examine the most intimate details of his marriage in order to take actions with the intention of violating Respondent's Basic Right to be rewarded for his industry, right to possession of property, and violate his Right to Privacy. DENNY C. CORMIER was compelled by this Court, under threat of wrongful imprisonment and fines, to pay alimony to Petitioner while still married without benefit of a hearing and in violation of O.C.G.A. 19-6-1(b), which prevents alimony awards in cases of desertion (Attachment A). Furthermore, this Court erroneously refused to review a Motion of Revision for said alimony in violation of O.C.G.A. 19-6-3(d), which permits alimony revision hearings at any time.

G. WIFE

54. NANCY B. CORMIER is a healthy 56 year-old educated, intelligent and able-bodied woman. NANCY B. CORMIER has worked, and continues to work, in administrative, clerical, secretarial, cashier and sales positions for over 5 years.

55. NANCY B. CORMIER is the beneficiary of a substantial non-marital trust.

56. On August 21, 2003, NANCY B. CORMIER deserted her husband, Respondent, leaving a note (Attachment A: Letter of Desertion) detailing her desertion. She remained incommunicado from that date until filing for divorce on October 21, 2003.

H. Children

57. There are no minor children in this divorce proceeding. Custody and child support are not at issue.

I. Remedy

58. Pursuant to O.C.G.A. 19-6-1(b), NANCY B. CORMIER is not entitled to alimony because she was a deserting spouse. Nevertheless, DENNY C. CORMIER has been

compelled by this Court, without benefit of a hearing, to pay alimony and continues to face imminent and irreparable loss of his rights and financial hardship.

59. Furthermore, DENNY C. CORMIER was erroneously denied a hearing by this Court to review a Motion for Revision of his alimony in violation of O.C.G.A. 19-6-3(d).

Absent expedited consideration and prompt injunction, DENNY C. CORMIER will continue to suffer substantial and irreparable harm financially, and to his liberty, and his rights will continue to be denied.

60. Any payments now made to NANCY B. CORMIER will be immediately expended by her as the payments are allegedly for the necessities of life.

61. There will be no way for DENNY C. CORMIER to recover payments made while he awaits this Court's final Declaratory Order and possible appeals.

62. NANCY B. CORMIER and this Court have been acting under color of State law in depriving DENNY C. CORMIER of his constitutional and statutory rights because of an unconstitutional and erroneous alimony award under O.C.G.A. 19-6-1 et seq., and other erroneous ministerial actions by this Court under color of law.

63. DENNY C. CORMIER has been forced to seek advice of counsel to vindicate his right to privacy because of the continuing risk of wrongful imprisonment, and denial of rights imposed by this Court's action rendered under color of state law. He has been forced to incur costs and a reasonable attorneys' fee in connection with this action.

64. DENNY C. CORMIER is entitled to recover all costs and a reasonable attorneys' fees pursuant to Georgia common law.

65. Immediate temporary injunctive relief is appropriate under the Declaratory Judgment statute. O.C.G.A. § 9-4-2 (b) and §9-4-3 (a) and (b).

J. Immediate Divorce to be Granted

66. The State is without authority to deny an immediate divorce, a vinculo free of all bonds and duties to each other, to DENNY C. CORMIER and NANCY B. CORMIER.

67. The State must grant an immediate divorce, a vinculo free of all bonds and duties to each other, to DENNY C. CORMIER and NANCY B. CORMIER.

K. Jennings & England Reservation

68. DENNY C. CORMIER reserves all his federal constitutional claims for subsequent litigation in federal court by making on the record, at this outset, a reservation as to the disposition of the entire case by the state courts to preserve access to the federal forum. Fields v. Sarasota Manatee Airport Authority, 953 F.2d 1299, 1303 (11th Cir. 1992) citing Jennings v. Caddo Parish School Bd., 531 F.2d 1331 (5th Cir. 1976).

69. DENNY C. CORMIER requests this court adjudicate his state law constitutional challenge of O.C.G.A. 19-6-1 et seq. as impermissibly infringing upon the Georgia Constitution's protections against violations of Right to Privacy, Involuntary Servitude, Due Process and Equal Protection under Law, as well as other basic, human and fundamental rights.

70. DENNY C. CORMIER requests this Court to review and incorporate but not adjudicate his federal constitutional challenges to said statutes. England v Louisiana State Board of Medical Examiners, 375 U.S. 411 (1964).

71. DENNY C. CORMIER plans to return to federal court to adjudicate his federal claims in the event this court rules adversely on his state law claims.

72. DENNY C. CORMIER is before this court involuntarily because the state of Georgia has applied, and is enforcing alimony provisions of O.C.G.A. 19-6-1 et seq. against him.

He must defend himself because these Georgia statutes authorize, and this Superior Court has retained jurisdiction.

73. DENNY C. CORMIER does not have federal court available to him at this time to adjudicate these state constitutional claims. At this time federal court has deferred to this court to adjudicate the state law claims.

L. Incorporation of Federal Court Materials

74. This Court and all parties are noticed that DENNY C. CORMIER incorporates all federal court materials in Civil Case No. 6:04-CV-19, Cormier v Maria Green et al., and Civil Case No. 6:04-CV-30, Cormier v. Cormier, (United States District Court, Middle District of Georgia) in this motion.

Conclusion

“It is revolting to have no better reason for a rule of law than that so it was laid down in the time of Henry IV. It is still more revolting if the grounds upon which it was laid down have vanished long since, and the rule simply persists from blind imitation of the past.” O.W. Holmes. The Path of the Law. 10 Harvard Law Review 457 (1897)

Prayer

Wherefore DENNY C. CORMIER prays this Court,

1. Immediately grant DENNY C. CORMIER and NANCY B. CORMIER a divorce a vinculo free of all bonds and duties to each other.
2. Deny Petitioner’s Motion for Modification.
3. Enter an immediate temporary injunction prohibiting the State of Georgia through this or any State Court, any agency of the State of Georgia, or any interested party to this action from initiating any adverse proceedings or entering, or enforcing any

adverse orders against DENNY C. CORMIER related to the alimony provisions of the Georgia statutes.

In the alternative,

4. Immediately grant DENNY C. CORMIER and NANCY B. CORMIER a divorce a vinculo free of all bonds and duties to each other;
5. Deny Petitioner's Motion for Modification;
6. Enter a declaratory judgment that DENNY C. CORMIER has a constitutional right under the Privacy amendments to be free of the burden of the provisions of Georgia Statutes O.C.G.A. §§ 19-6-1 et seq.;
7. Enter a declaratory judgment that DENNY C. CORMIER, and all Georgians have a constitutional right under the Equal Protection laws of Georgia to be free of the burden of the alimony provisions of Georgia Statutes O.C.G.A. §§ 19-6-1 et seq.;
8. Enter a declaratory judgment that Georgia Statutes O.C.G.A. §§ 19-6-1 et seq. alimony provisions violate the Georgia Constitution Article I Section I Paragraphs I, II, VII, XXII, XXV and in the alternative, the United States Constitution, Due Process clause of the Fourteenth Amendment;
9. Enter a temporary injunction prohibiting the State of Georgia through this or any State Court, any agency of the State of Georgia, or any interested party to this action from initiating any adverse proceedings or entering, or enforcing any adverse orders against DENNY C. CORMIER related to the alimony provisions of the Georgia statutes;

10. Awarding DENNY C. CORMIER all costs and a reasonable attorneys' fee for the prosecution of this action pursuant to, Georgia Statute O.C.G.A. 9-4-9 et seq., and Georgia common law.

Respectfully submitted,

DENNY C. CORMIER, pro se
1000 Mallery Street #38
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Telephone: 912-634-8675

Dated: February 17, 2004

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of February, 2005, I caused a true and accurate copy of the foregoing Motion and Memorandum of Law to be sent by U.S. Mail to:

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[Attachment A: Letter of Desertion]