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German v. German

RYAN GERMAN, Plaintiff,
v. DANIELLE GERMAN, Defendant
Court of Common Pleas of the 39th Judicial District of Pennsylvania,
Franklin County Branch
Civil Action—Law, No. 2008-4223

Annulment; Capacity of one party to consent to marriage

1. There is a strong presumption in the law of the validity of a marriage ceremony. The plaintiff has the burden of proving by clear evidence that he was incapable of consenting to the marriage contract at the precise time of the marriage by reason of insanity or serious mental disorder.
2. Annulment was inappropriate where the plaintiff told his parents that he was weighing the pros and cons of marrying the defendant, whom he had known since high school; the plaintiff recalled obtaining the marriage license and taking part in the ceremony in his parents' presence; the parties lived together as husband and wife, and the plaintiff held the defendant out as his wife; and he participated in decision-making about the marriage and made other important decisions in his life.
3. Annulment was inappropriate where the plaintiff did not present sufficient evidence about the extent of the traumatic brain injury or post-traumatic stress disorder which he may have suffered as a result of being injured in a vehicle explosion during his military service approximately two months before the marriage ceremony.

Appearances:

Aaron J. Neuharth, Esquire, *Counsel for Plaintiff*

Kara W. Haggerty, Esquire, *Counsel for Defendant*

MEMORANDUM OPINION

Herman, P.J., May 5, 2009

Introduction

Before the Court is the plaintiff's Complaint in Annulment filed on October 6, 2008. The plaintiff claims that he lacked the capacity to consent to the parties' marriage which took place on October 4, 2007. He argues that serious injuries he suffered while in combat after three tours of duty in Iraq caused him traumatic brain injury and severe post traumatic stress disorder. During the plaintiff's last tour of duty in August 2007 his combat vehicle was attacked by an I.E.D. and the explosion caused injuries which ultimately ended his tour. The parties' marriage took place on October 4, 2007 soon after this incident.

The court held a hearing on the matter on February 18, 2009 and March 4, 2009 and we received evidence from the plaintiff, his mother, the defendant and her mother. The matter is now ready for decision.

Discussion of the Law

There is a strong presumption in the law in favor of the validity of a marriage ceremony. The plaintiff has the burden of proving by clear evidence that he was incapable of consenting to the marriage contract at the precise time of the marriage by reason of insanity or serious mental disorder.

“The question is whether at the precise time of the marriage the party had sufficient intelligence to understand the nature of the contract and relation into which such party was entering. The condition of his or her mind before and after that time is only important and must only be considered as it tends to show the condition of his or her mind at the time of the marriage.”

DeMedio v. DeMedio, 215 Pa. Super. 225, 299, 257 A.2d 290 (1969). In light of this standard, we will review the evidence presented at the hearing.

The parties dated in high school during the tenth grade and they graduated in June of 2003. The plaintiff had contact with the defendant while deployed one or two times a week. There was a brief courtship. During this time the plaintiff's mother testified that although they had difficulty getting the plaintiff to open up and discuss the matters, he did speak with his father about the prospects of marriage to the defendant. He made statements to his parents indicating that he was weighing the pros and cons of marriage.

As evidence of the plaintiff's capacity to understand the marriage contract, the plaintiff's mother testified that the parties had discussions about the marriage and plaintiff had commented to his father that he did not know if he wanted to raise someone else's baby. (The defendant had a two-year old child to another man.) The plaintiff's mother testified her husband tried to persuade the plaintiff to wait but he would not hear of it.

According to the defendant it was the plaintiff's idea to get married and this idea arose shortly before his decision to re-enlist on October 4, 2007, the same day he was married. The decision to re-enlist was very calculated as the plaintiff explained the period of enlistment was four years and he received a substantial bonus for the re-enlistment. He testified he did not re-enlist to get the bonus but that it was something he had to do.

The plaintiff described the marriage ceremony that took place on October 4, 2007. He traveled to Las Vegas with the defendant, his parents, and the defendant's two year old daughter. The parties attended a marriage license procedure at the courthouse and then arranged for a chapel service somewhere in Las Vegas.

The plaintiff testified he knew he was married and that he and the defendant lived together as husband and wife. He specifically admitted he held the defendant out as his wife. He understood that the military recognized the defendant as his dependent. He testified that the marriage was satisfactory until the money ran out.

There was evidence of the plaintiff's medical condition presented by way of written reports from the military and there was no question that the plaintiff had suffered serious combat injuries in his third tour of duty. However, there was no expert testimony to advise the Court as to the extent of his traumatic brain injury or post traumatic stress disorder. The report contains very little reliable information about the effects of these conditions on the plaintiff's mental capacity. More specifically the report described a number of symptoms that physically impaired the plaintiff and affected his mental processes. The plaintiff described these as severe headaches, depression, confusion, and memory loss which varied in severity over time. However, we could determine, in light of the evidence, that the plaintiff was able to participate in decision-making about the marriage and made other important decision in his life such as his decision to re-enlist for four years and obtain a \$48,000.00 bonus.

We recognize that the plaintiff has served above and beyond the call of duty to defend his country and there is no question that he is a hero for his actions while serving in Iraq. However, we cannot allow our gratitude and sympathy for the plaintiff to substitute for the rule of law.

Based on all the evidence, we conclude that the plaintiff has failed to meet his burden of overcoming the presumption of the validity of the marriage. Specifically, he failed to prove by clear evidence that he suffered from such a serious mental disorder or otherwise lack capacity to consent such that the marriage contract between the parties is void. The Court will enter an Order dismissing the count of annulment in the Complaint and the parties may proceed under other counts in the Complaint.

May 5, 2009, for the reasons stated in the attached Memorandum Opinion, the Court dismisses the plaintiff's Complaint in Annulment and the parties may proceed on the other counts in the Complaint.