

IN THE COURT OF COMMON PLEAS OF DAUPHIN COUNTY, PENNSYLVANIA

ROBERT P. BAUCHWITZ,)	NO. 01336-DR-17
Plaintiff)	PACES Case No. 640116732
)	
v.)	
)	
ANN M. ROGERS,)	CIVIL ACTION – LAW
Defendant)	IN SUPPORT

President Judge John F. Cherry
Dauphin County Courthouse
101 Market Street
Harrisburg, PA 17101

Dear Judge Cherry,

I am a *pro se* litigant in the above-captioned Dauphin County support case. I am writing to ask for your attention to what I believe is a matter worthy of your assessment.

Beginning in 2017, I have been involved in a divorce and support matter in the Court of Common Pleas (Docket numbers: 2017-CV-6699-DV and 01336-DR-17). The trial judge in the divorce and support cases is Edward M. Marsico, Jr.

I have had my continuing concern that there have been numerous serious irregularities in the manner in which my divorce and associated support cases were handled. For details, please see my filing, enclosed: "MOTION OF INQUIRY and PETITION PURSUANT TO RECUSAL AND DISQUALIFICATION" of January 4, 2023.

In brief, among several due process and other concerns specified in the preceding filing:

- (1) The trial judge has a connection to the opposing party via his cousin, which was revealed upon inquiry. The cousin is a judge in the same city as the trial judge.
- (2) Trial judge Edward Marsico stopped a hearing in progress, with Husband's experts present, for no exigent reason stated. I feel that I have been greatly prejudiced by this action.

The judge then claimed by order that the aborted hearing would not be rescheduled until such time as docketed documents sent for appeal were returned to the trial court (DRO) prothonotary. The appellate actions took almost a year and a half to resolve.

While preparing to resume the case this past December, upon return of the docketed documents from the Superior Court, questions arose as to whether comparable documents would have been available to allow hearing while appellate action was underway.

It is the question about docket document availability which has led me to write to you, as you are presumably in a position to ensure that I act on correct information about the function of the court which you apparently oversee in terms of administration.

I believe that I have done as reasonable a job as I could in interviewing numerous officials and staff at the DRO and related bodies about the actual practice of document docket handing under circumstances comparable to those found in this case. (See Section I: “NEW FACTS ARISING – AVAILABILITY OF HEARING DOCUMENTS” of the January 4, 2023 filing cited above.)

I have had no response from Judge Marsico to my Motion and Petition of January 4, 2023 (now over five weeks). The hearing at issue was stayed in June 2021. The case did not resume by any order of the trial court after the return of the docketed documents from the Superior Court in December 2022, but rather only upon my filing of the above cited pleading in January of 2023. A hearing was subsequently scheduled for March 23, 2023 (with the opposing party motioning to continue that date). Therefore, the hearing has been delayed at least one and a half years, and the hearing itself is likely to only resume after almost two years.

If this case was delayed for such an extensive period (and greatly to my detriment) for unjustifiable reasons, then I believe that I would be compelled to file a grievance with the Judicial Conduct Board, based on the second listed issue in the following information from the Board’s public information:

“There are, however, many other types of conduct that the [Judicial Conduct] Board will consider. Generally speaking, these fall into two categories:

1. **Mental or Physical Disability.** This means that a judge is either mentally or physically unable to perform the duties of a judge.
2. **Ethical Misconduct.** Most complaints brought to the Board fit within this category, which covers a broad range of improper or unprofessional behaviors. Since there is no precise definition of what will be considered “ethical misconduct,” you have to make that determination for yourself. This is not always easy to do. For guidance, you might review examples of conduct that the Board has found to warrant discipline. These include ...

- **Extreme and unjustifiable delay in deciding cases”**

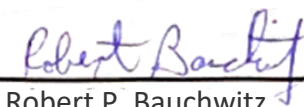
Nevertheless, it is my policy to not file misconduct charges against anyone without making special efforts to establish the accuracy of doing so.

As you seem to be in a position in which you would be able to inform me that there actually was some legitimate basis for claiming that documents would be unavailable in order to proceed with the case, then I hereby request that you let me know as expeditiously as possible whether or not such alternative docketed documents would have been available for use in a much more timely manner to complete the hearing of June 2021 after it was suspended.

If there is a real concern of ethical lapse or potential misconduct, then I also request that you take the case yourself, or assign it to a judge who might handle it appropriately.

Thank you.

Date: 2/10/23



Robert P. Bauchwitz

Plaintiff

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pro se