

CENTER for JUDICIAL ACCOUNTABILITY

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By Hand and By Fax: 212-335-8914

For  
Barryh President  
RWR  
messaged  
following up on 2/27/96  
re: criminal  
prosecution of  
NYS Commission on  
Judicial Conduct

March 5, 1996

Robert M. Morgenthau, District At  
New York County  
1 Hogan Place  
New York, New York 10013

ATT: Assistant District Attorney  
Deputy Chief, Special Prosec

Dear Mr. Wornom:

This follows up our February 13, 1996 telephone conversation in which I detailed the respects in which your February 7th response to our January 31st letter is in bad-faith.

The first inquiry enumerated in our January 31st letter asked:

"What--if anything--the Manhattan District Attorney has done with our criminal complaint against the Commission on Judicial Conduct of the State of New York--filed on May 19, 1995." (at p. 1)

The answer is obviously nothing. Your February 7th letter conclusory response that:

"the information contained in [our] criminal complaint is insufficient to warrant or support a criminal prosecution of the Commission on Judicial Conduct and its members"

is palpably spurious, in light of the fact that our May 19, 1995 criminal complaint transmitted a second copy of our verified Article 78 Petition. The exhibits thereto documentarily established the complicity by the Commission on Judicial Conduct in criminal and corrupt conduct by judges and judicial candidates, which had been the subject of facially-meritorious misconduct complaints to the Commission--dismissed by it, without investigation, in violation of Judiciary Law §44.1. Such summary dismissals by the Commission, shown by the Article 78 Petition to be part of a knowing and deliberate pattern of protectionism, including of its own highest-ranking judicial member--satisfies the essential elements of the crime of "Official Misconduct", as defined in Penal Law §195.00. Additionally, as to our