

STATE OF CONNECTICUT

JUDICIARY COMMITTEE

ORAL TESTIMONY OF RICKY A. MORNEAU H.J. No. 75 MARCH 21, 2011

Monroe v. Pape, 365 U.S. 167, 81 S. Ct. 473: 42 U.S.C. 1983: "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privilege, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress"

If the refusal of a State officer, acting for the State, to accord equality of civil rights, it renders him amenable to punishment for the offense under United States law.

If two or more persons in any State...conspire...for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of preventing or hindering the constituted authorities of any State...from giving or securing to all persons within such State...the equal protection of the laws; {and} if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators.

Only when the States, through their responsible organs for the formulation and administration of local policies, sought to deny or impede access by the individual to the central government in connection with those enumerated functions assigned to it, or to deprive the individual of a certain minimal fairness in the exercise of the coercive forces of the State, or without reasonable justification to treat him differently than other persons subject to their jurisdiction, was an overriding sanction imposed.

The State was found in violation of F.O.I. laws on October 15, 2008 for failure to release documents. The State Marshals manual purchased, established Marshals fees and return of service procedure. October 18, 2008, Marshal Gagnon finally provided his returns. I found Marshal Gagnon, requested illegal fees for his August 30, 2007, 307 CV-00819 JBA service, including, 3 trips for service upon the Attorney General, increased page count and endorsements fees. He additionally failed to report his

\$1,329.20 service fee, as income to the Office of State Ethics. On April 2, 2009 Rocky Hill Police informed me "Senior State's Attorney McNamara determined that the actions of Marshal Gagnon were not criminal. In late August 2009 I discovered the Federal Court Orders issued for 307 CV-00819 JBA were violated by the Attorney General's Office. On September 8, 2009 I contacted the Claims Commissioner informing him that I intended to file suit against the State/ Marshal Gagnon and did so on September 25, 2009. October 23, 2009 another Marshal, Timothy Bennett was cited for charging illegal fees for Lis Pendens, served on me November 21, 2006 and August 24, 2007, against a homeowner in foreclosure, and with inflated mileage . The State filed a Motion to Dismiss October 28 2009. Assistant Attorney General Philip Miller filed the Motion to Dismiss. His actions in seeking dismissal of 307 CV-00819 JBA in violation of Federal Pre-Trial Orders were claimed within the lawsuit CV-09-5013995, which Attorney Miller sought to have dismissed. Additionally he had no authority to seek dismissal, or make legal representations for all defendants, yet originally sought dismissal in its entirety. The State in the federal matter sought dismissal for Marshals in their individual capacity. He never disclosed to the New Britain, Court his previous violation of Title 18 Sec.1509 in federal 307 CV-00819 JBA, and claimed the Defendants were immune under the State's sovereign immunity in the present case. Only upon my Objection did the State clarified it was only representing the State and Marshals Commission.

The law in the federal case under Title 18 Sec. 1509. Obstruction of court orders: states "**Whoever**, by threats or force, willfully prevents, obstructs, impedes, or interferes with, or willfully **attempts to prevent**, obstruct, impede, or interfere with, the due exercise of rights or the performance of duties under any **order**, judgment, or decree of a court of the United States, shall be fined under this title or imprisoned not more than one year, or both.

No injunctive or other civil relief against the conduct made criminal by Title 18 Sec. 1509 shall be denied on the ground that such conduct is a crime". Whoever would include the Attorney General's Office allowing no such civil relief under Title 18 Sec. 1509. The Supreme Court established the standard of law would be the Objective Test for public official's, which would not grant 11th Amendment immunities to the plainly incompetent or those who knowingly break the law. The pattern of state actors, in violation of law is well established. The Court granted the Motion to Dismiss the State November 23, 2009 citing the need for approval by the Claims Commissioner for suit against the State. The action against the Marshals continued.

On November 27, 2009 a claim was filed for relief, to sue the State of Connecticut. The Attorney General's Office again represented by Attorney Miller, filed a

Motion to Dismiss March 30, 2010, though his actions of violating federal court orders were within the claim. A Motion for Disqualification filed April 27, 2010 was denied by the Claims Commissioner. The Claims Commissioner ignored within the Disqualification Motion requirements of Connecticut Practice Book Rule 3.7 (a) a lawyer shall not act as advocate at a trial in which lawyer is likely to be a necessary witness.

There is no issue that the Claims Commissioner is time barred, and thus lacked jurisdiction, as the State has the duty to provide due process, not conceal its denial of due process and immunize itself by false legal representations, or violations of Rules of Professional Conduct within the Connecticut Practice Book, against those it is required to protect. In *Wilder v. United States* 143 F. 443: "due administration of justice" import a free and fair opportunity to every litigant in a pending cause in a federal court to learn what he may learn (if not impeded or obstructed) concerning material facts and exercise his option of introducing testimony of such facts. The violation of the law may consist in preventing a litigant from learning facts which he might otherwise learn". Marshal Commissions refusal to release public records, Attorney General violating Court orders, Marshal's illegal fees, State's Attorney refusal to prosecute, Court transcripts deleted, Claims Commissioner's denial of right to sue, all to protect individuals who violated federal Hobbs Act, Rico Act, Mail Fraud Act, and Connecticut's Larceny, False Statements, and Racketeering Statutes. When individuals use their appointment for legal representations not in compliance with established statute, obstruction can include, crimes committed by judges, prosecutors, attorneys general, and elected officials in general. It is misfeasance, malfeasance or nonfeasance in the conduct of the office. This would allow the tolling of time for a Claim before the Claims Commissioner to begin when the discovery of those concealed facts were made. 11th Amendment immunity does not extend to the concealment of material facts for the purpose to obstruct the right to due process or equal protection of a victim, by assisting illegal acts, by legal misrepresentations.

The Claims Commissioners ruling is another example of protection, for a group with political connections, using biased legal opinions, to protect those individuals from legal liability. When "state actors" refuse to enforce the law, because it works against certain individuals pecuniary interests, they are liable for nonfeasance by (failure to perform a legal duty) pertaining to legal misrepresentations, when using misfeasance (in law by infringing upon the rights of others) to protect State Marshals engaged in malfeasance (graft by public officials). These individuals have attempted to obstruct legitimate claims for relief. The law is clear as to the extensive legal violations which I've

experienced. You need not be a lawyer, to know you cannot allow the violation of 13 laws as significant as Hobbs Act, Rico Act, Mail Fraud Act, and then expect any credibility in legal representations. **The State of Connecticut has established, its legal credibility is untrustworthy, pertaining to State Marshals, by the knowledge of its past performance of nonfeasance or misfeasance, to limit the record of malfeasance by State Marshals thru deliberate prior legal misrepresentations, which resulted in failure to provide due process and equal protection to myself and other citizens.**

Note the established fact: To date no State Marshal has been charged by a "state actor" in a civil or criminal complaint for illegal fees which generated millions of dollars by violations of C.G.S. 52-261, against thousands of citizens and no action was taken by the State Marshals Commission which has regulations and statute for illegal fees. Once again: If two or more persons in any State...conspire...for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of preventing or hindering the constituted authorities of any State...from giving or securing to all persons within such State...the equal protection of the laws; {and} if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators.

I request, based upon the facts, permission from the State of Connecticut Judiciary Committee and the State Legislature, to sue the State of Connecticut for compensatory damages or other just relief a Court deems equitable, for repeated acts under color of law to my detriment, and the ruling of the Claims Commissioner, FILE NO. 21991 upon legislative review, is found to be vacated.

BY: _____

RICKY A. MORNEAU