

**#Railroading of Judicial Re-Appointments by the Judicial Selection Commissions and the Co-Chairs of the Judiciary Committee of the Legislature and other lawyers on the Judiciary Committee of the Legislature for judges reviewed on February 8 and February 10 at public hearings and threaten arrest of citizen if he returned to deliver testimony in opposition to judges at public hearing on February 10.**

Judge Robert Malone Passes Approval by the Judiciary Committee of the Legislative Judiciary Committee on February 10, 2016 despite extorting \$153,000 from Family Court litigant Michael Nowacki who was ordered by Judge Malone in FST FA 04 0201276S to incarcerate Michael Nowacki on May 04, 2012 resulting in forced payments to AMC Veronica Reich--who Judge Malone appointed--by ordering a \$10,000 per week fine if Michael Nowacki refused to arrange the payment of the AMC while incarcerated.

Judge Robert Malone signs mittimus at 9:30 am to arrest in advance of a hearing at which he ordered a defendant to be arrested at a scheduled hearing, refused to hear self represented party motions, failed to take judicial notice or appoint counsel as required by law before incarcerating any self-represented party

Judge Robert Malone is alleged to have committed perjury at the judicial confirmation hearing on February 8, 2016, yet is approved by the legislative judiciary committee without evaluating evidence to support the allegations of perjured testimony.

In a brazen abridgment of First Amendment rights, the Co-Chairs of the Judiciary Committee, lawyers Senator Eric Coleman and Representative have adopted rules for the judiciary committee that allow only the two Co-Chairs the "right" approve posting of "public testimony" in excess of five pages.

This letter is being delivered to non-lawyers in the legislature's General Assembly in a public admonition of Senator Eric Coleman and Representative William Tong, for adopting judiciary committee rules which LIMIT CITIZENS to posting on the legislative judiciary committee website in public hearing testimony section.

This letter alleges the actions of the two Co-Chairs to "control the freedom of debate" abridges the First Amendment of the Constitution of the United States when reviewed in light of the Due Process and Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Such procedural denials of First Amendment rights by two lawyers is considered a matter which can be challenged as an alleged abridgement of fundamental Constitutional rights to cast a "bright light" in judicial confirmation hearings of posting transcripts to support allegations of "rampant abuse of judicial authority" limited by Article XX of the Connecticut Constitution (copy of Article XX enclosed), C.G.S. 51-14 (a) (b) and (c) (copy enclosed), and the powers of separation of government which apply to the "several states" as defined in Article VI of the Constitution of the United States (Constitution enclosed).

Each member of the legislature took an oath of office which requires the support of the Constitution—including the legislature of states.

The restrictions placed upon citizens by to publish in advance of public hearings transcripts of court proceedings to validate denials of due process and equal protection for self-represented litigants rights in the family courts of Connecticut is an egregious abuse of authority by the Co-Chairs of the Judiciary Committee.

If judges of the Superior Court of Connecticut are allowed to abuse the Constitution (as is alleged in this letter) relating to "due process and equal protections

rights”, the foundations of justice are undermined if those judges are re-appointed to the bench.

Attached to this letter are the “mandated” qualifications (posed as questions and answers sworn under oath pursuant to C.G.S. §51-44a) which the Judicial Selection Committee to review new candidates for the bench and re-appointment candidates, including “non-public interviews”, making recommendations to the Governor for appointments and re-appointments, issuing an public annual report in January annually to the Judiciary coming, and the Judiciary Committee of the legislature is to consider in an open and transparent public hearings, candidates (annually) and re-appointments every eight years.

Senator Eric Coleman (as captured on tape available on CT-N at the February 8, 2016 public hearing at the 5:22:40 to 5:25:40), interrupted my public comments three times in the first minute of the pertinent comments—in an clear and well planned interruption of my three minutes of commentary. Senator Coleman referred to my comments as “shenanigans” at 5:23:04.

The net result of Senator Coleman’s well planned interruptions was to reduce the ability to deliver opposition to Judge David Gold, Judge Robert Malone and to praise Judge Robert Beach.

The rules of exposing “corrupt practices” in the judiciary were arbitrarily and prejudicially modified in public hearings by Senator Eric Coleman and Representative William Tong, in an alleged direct abridgment of citizen First Amendment rights to

access to the "freedom of debate" in public hearings in the legislature's judiciary committee.

This citizen began appearing before the legislative judiciary committee in 2011 to call attention that a group of "ranking members" of the legislature were meeting privately with judges (pursuant to a Practice Book Rule adopted in 2008 as PB Rule 9-a), in a direct abridgment of the separation of powers of government outlined in the Connecticut Constitution, and allowing judges to expand the powers and jurisdictions of the courts in a direct abridgment of C.G.S. 51-14 attached to this letter.

The recent change of "policy" regarding a limit of five pages was "initiated" by the Chairs after five judges were captured in "sworn testimony" delivering "knowingly false sworn testimony" before the judiciary committee which resulted in these sworn complaints filed with the Chief State Attorney's Office (citizen complaints were filed with supporting documentation to the perjury allegations without restraint on page limits):

1. Judge Stephen Frazzini (who issued a letter of "clarification" to the judiciary committee on his "sworn" testimony after it was challenged in a complaint filed with the Chief State Attorney's Office);
2. Judge Leslie Olear (who passed the House vote by only six votes after a group of citizens testified in opposition of her reappointment);
3. The nomination of Judge Taggart Adams as a trial Judge referee (in which the transcripts of testimony in Judge Adams courtroom in Stamford, Ct captured fundamental abridgments of acceptance of evidence in a family court decision he rendered based upon a fraudulent financial affidavit filed by a female litigant in

family court case FST FA 04 0201276S resulting in a "mistrial" being declared on December 2, 2009 while providing "no notice" of such "new trial" to be initiated in violation of various statutes involving "proper notice" of at least five days for any legal proceeding)

4. Judge Thomas Parker as a trial judge referee, whose name was withdrawn by Governor Malone with the knowledge that Judge Parker would not pass the vote of the House of Representatives.
5. Chief Justice Chase Rogers in her "contested" testimony on April 10, 2012 in which a rancorous set of comments were made with "racially charged overtones" that the Supreme Court Chief Justice met with ranking members of the judiciary committee (including lawyers such as Representative Rosa Remimbos) and refused to meet with a Hispanic member of the judiciary committee in advance of the confirmation public hearing after the Coalition for Family Court Reform purchased in the week before the April 10 re-appointment hearing for the Chief Justice, digital billboards in opposition to the Chief Justice re-appointment.

This letter identifies six judges coming before the General Assembly for votes on February 17, 2016 who warrant further review before they are approved by the General Assembly for another eight year term: Honorable Linda Pearce Prestley as a Judge of the Superior Court, Honorable David P. Gold as a Judge of the Superior Court, the Honorable John W. Pickard as a Judge of the Superior Court and Honorable Robert J. Malone, Michael E. Shay and Barry R. Schaller as trial judge referees.

This 2016 legislative session is dedicated to "matters of appropriations".

It was imperative (not optional) that the members of the Judiciary Committee on February 8 and February 10, 2016 to have considered the long term financial impact to the citizens of the State of Connecticut to continue to a pattern of practice of re-appointing judges seeking appointment of judges who are over the age of 70 to be provided the opportunity to continue service in "an old boys network" known as trial judge referees.

All of the trial judge referees nominated or re-nominated in 2016 by the Governor are males.

The "railroading" of the candidates on February 8 and February 10, 2016 through the legislative judiciary committee processes promotes a "pattern of practice" of the Co-Chairs to promote "discrimination" embedded in the judiciary committee processes of the last ten years of re-appointing judges in both the Superior Court as both Judges of the Superior Court and trial judge referees who become "trial judge referees" or re-nominated as trial judge referees (which allow them to collect a full pension while at the same time also collecting an open ended number of assignments as a trial judge referee at \$225.00 gross per day) for a "lifetime" incremental salary "annuity" as a member of the bench.

A trial judge referee's appointments for "judiciary" calendars in each of the 19 courthouses serve at the discretion of the Chief Administrative Judge in each courthouses—for an indeterminate number of days which create delays in the operation of courts when some take as much as four months off (i.e. Judge Jack Groggins at a

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"trial judge referee") resulting in "due process" delays in legal proceedings—of which I was a victim in 2009.

At no point in time in the February 8 and February 10, 2016 sessions of the Judiciary Committee, Chaired by Senator Coleman or Representative Tong, did the agenda of the review of "trial judge referees" candidates or those who will become one automatically upon turning 70 years old re-nominated to the bench, provide any consideration to "lifetime annuities".

In essence, the all male Co-Chairs of the Judiciary Committee, as lawyers, by "railroading" candidates for appointment and re-appointment, provided to an all-male "casting of nominees" as trial judge referees, a clean pathway to such "lifetime annuities" by NOT reviewing this issue.

At no point in time did the Co-Chairs of the Judiciary Committee address on February 8 and February 10 public hearings the subject of the "full pension" entitlements of four other judges (who received "interim" appointments by Governor Malloy who were appointed more than a year ago and who were not reviewed due to the constraints of "time" not afforded to the review of those four judges in the 2015 fiscal year (even though these judges were nominated by Governor Malloy in May 2015 and approved by the judiciary committee as "interim appointees" prior to any "public hearing" conducted on February 8, 2016).

Those four judges are "Judge Alice Bruno" (59 at time of nomination), "Judge John B. Farley" (56 at time of nomination) , "Judge Gerald Harmon" (age 54 at time of nomination) and "Judge Edward T. Krumeich II" (age 64 at time of nomination).

One of the candidates Judge Harmon qualifies as a "diversity candidate".

It was not pointed out at time of the public hearing that Judge Krumreich was aged 64 and time of nomination and would qualify for a full pension for six years of service and automatically become a trial judge referee in his first term in office.

There are at least ten current openings for Superior Court judges in which have not been discussed or nominated by Governor Malloy as of February 15, 2016 according to press releases reviewed in May 2015 when these four candidates were appointed.

As there are many newly elected members of the General Assembly, this letter is to heighten the awareness of certain issues involving specific nominees to the bench who have been subjects of "abuse" of family court litigants who are self-represented and resulted in the passage of Public Act 14-3 despite attempts to pass a "watered down" bill before a public hearing in late March 2013, resulted in the longest public hearing in the history of the legislature.

This letter requests that members of the General Assembly abstain from voting, or cast a "nay vote" for these five jurists (Judge Gold, Judge Pickard, and trial judge referee candidates, Judges Malone, Shay and Shaller) due to the Co-Chairs of the Judiciary Committee to "obstruct" the abilities of citizens to post transcripts to validate allegations made in written testimonies posted on the website of the judiciary committee and captured in my "public testimony" which was captured on CT-N on February 8, 2010 between 5:22 and 5:32 on CT-N on Demand feature..

There is a "clear and present danger" in the attempts of the Co-Chairs of the Judiciary Committee in controlling, "the freedom of debate", when judges come before the Judiciary Committee and are "rubber stamped" by the members who rely primarily upon "answers provided to a questionnaire by the judges themselves".

Such answers submitted by judges to a questionnaire (that is not released as a matter of public record prior to public hearings due to a statutory restriction embedded in the General Statutes) raises serious questions about the "transparency" and "authenticity" of answers sworn under oath prior to a confirmation hearing.

There have been five sworn complaints filed with the Deputy Chief State Attorney Leonard Boyle in the last two years which alleged judges appearing before the judiciary committee committed perjury in their sworn testimony.

Perjury is defined in C.G.S. 53a-157 and by case law.

It is my believe that such rules adopted by two lawyers sitting as Co-Chairs of the Judiciary Committee, which are designed to "shield" judges from "evidentiary" based confirmation hearings, also represents an attempt to abridge the rights of the members of the General Assembly to evaluate "misconduct" of judges on the bench by not permitting the posting of transcripts of hearings conducted by judges.

There is substantial evidence in transcripts that provide "evidentiary support" that certain judges have "abused their lawful authority established in Article XX of the Connecticut Constitution" (Exhibit 1), "violated their oath of office established by Article VI of the Constitution of the United States" and "abridged their duties" to provide "equal justice" to self-represented parties.

The modifications to the judiciary committee rules were adopted by the chairs (without any hearing conducted with the members of the judiciary committee present) , after a group of citizens, egregiously harmed by the family court system, lobbied successfully in opposition of judges who operated in court proceedings in a manner inconsistent with "anti-discrimination" principles embedded in the Constitution of the United States and Amendments to the Constitution and 42 U.S.C. §1983 decisional case law.

The new rules of limitation to five pages, were designed to obstruct other members of the General Assembly (who also maintain equal rights to members of the judiciary committee from reviewing transcripts submitted by the public in excess of the five page limitation), from being able to consider before voting as members of the General Assembly evidence of "abuse of authority" before considering casting votes for judicial nominations or re-nomination candidates.

The Judicial Selection Commission is governed by the review of candidates in accordance with statutory review of 31 questions (see Exhibit 1 to this letter).

Answers to those questions are sent only to the members of the judiciary committee and are not posted on the website.

On Monday, February 8, 2016, the Judiciary Committee reviewed a total of seventeen judges. Due to inclement weather, the co-chairs indicated that the "public hearing" would end at 4pm—regardless of whether the "public" ever had a chance to address their concerns.

Then "chairs" changed their minds without notifying those members of the public that the "judiciary committee" session would go beyond 4pm.

When I began my "three minutes of public testimony", I was interrupted for the first 30 seconds, three times by Senator Eric Coleman—in an obvious attempt to shorten my three minutes.

This conduct of Senator Coleman requires inspection by members of the General Assembly as an attempt to assist in curtailing my ability to deliver relevant testimony on two judges appearing on Monday, February 8, public hearing agenda for reappointments to an eight year term—Judge David Gold and Judge Robert Malone.

However, far more serious was a text message (from an anonymous third party) I received on Tuesday, February 9, indicating that if I returned on Wednesday, February 10, to testify at continuing judicial confirmation hearings on Wednesday, that I would be subject to arrest if I brought up Judge Malone's name again---despite there was a direct connection with the re-nomination opposition of Judge Robert Malone and Judge Michael Shay, who was to appear on Wednesday, February 10.

I spoke to Walter Lee, the Chief of the Capitol Police on Wednesday, February 10, to determine there were no complaints filed with the Capitol Police concerning my testimony on Monday.

So, under what "legal authority" would the Co-Chairs of the Judiciary Committee have under legislative rules to exert a "police authority" to threaten and harass a citizen for delivering testimony in opposition to a re-nomination of a calendared candidate, Judge Michael Shay?

This is not the first time that Senator Coleman and Representative Tong have clashed with me about attempts to "cover-up" judicial misconduct in the courts of Connecticut at judicial confirmation hearings.

Representative Tong was asked at a "recess" he called, during Monday's questioning of Judge Linda Pearce Prestley (which required a 45 minutes delay while copies of two transcripts were made by the legislative judiciary committee staff), as to whether he could inform the public if other judges would be taken out of sequence of the public agenda list.

Representative Tong indicated that it would be the order in which "the chairs" decided to proceed.

Such answers from the Chairs of the Judiciary Committee are not helpful to members of the public, who cannot ask direct questions of any judge.

In my opinion, the Co-Chairs of the judiciary committee were far more concerned about "railroading" candidates---than performing their "due diligence" responsibilities of properly reviewing judicial nominations and re-nominations.

However, it is my belief, that the "veiled" threats transmitted to judiciary committee staff members" on Tuesday and transmitted to me by an anonymous third party (this threat of arrest was reported to the Capitol Police Chief Walter Lee by me), to be "aware" of "expressed intent" to "arrest me" is a matter worthy of investigation by the ethics committee of the General Assembly.

Why did Senator Coleman interrupt my testimony, giving me "advice" (when he is not my legal counsel) or permitted to restrict appropriate and relevant comments on the

lack of presence of my legislative representative Tom O'Dea who exited the hearing room of the judiciary committee before I spoke), and therefore removed "any constituent representative" of mine on the committee?

The abuse of authority of the Co-Chairs of the Judiciary Committee to threaten the arrest of any citizen exposing judicial corruption is a "chilling message" about the "non-authority" to threaten arrest by members of the legislature.

This letter will be sent to the local newspapers and posted on Facebook and other social media sites to call attention that the Co-Chairs of the Judiciary Committee should be removed from presiding on judicial confirmation hearings while an investigation of these allegations are conducted by the Capitol Police to determine if there was a "credible threat made" by the Co-Chairs of the Judiciary Committee to "threaten and intimidate" a member of the public to improperly influence the exposure of corruption in the family court system.

The freedoms embodied in "public hearings" to deliver evidence of "judicial bias" against self-represented parties and the rights of "zealous advocacy" are important considerations to preserve as fundamental First Amendment rights.

The judiciary committee office is being provided with a USB storage device to capture the transcripts to support the allegations that Judge Robert Malone delivered an answer which was knowingly disingenuous on February 8, 2010 when asked a question by Senator Eric Coleman.

The presumption of Eric Coleman in addressing the allegations of perjury was captured on the video suggesting that the Committee could not conclude based upon

my comments on the record, that Judge Malone had delivered knowingly disingenuous testimony under oath on February 8, 2010.

The refusal of the Chairs to allow for the postings of transcripts in advance of public hearings eliminated any possibility that the evidence of perjury could be considered.

Suggesting that a judge is not capable of delivering disingenuous sworn testimony, has been disproven by posting of transcripts in the case of Judge Thomas Parker.

I have acquired copies of trial transcripts and can email them to any member of the General Assembly to validate the statements made by me concerning that Judge Malone delivered a number of sworn answers on February 8, which were blatantly false in his testimony which commenced at 3:04:43 on the archived footage and continued for nearly 45 minutes.

My email address and contact information is below.

Sincerely,

A handwritten signature in cursive script that reads "Michael Nowacki".

Michael Nowacki

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