



**COMMONWEALTH OF MASSACHUSETTS  
COMMISSION ON JUDICIAL CONDUCT  
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## COMPLAINT FORM

CJC Complaint No. \_\_\_\_\_

This form is designed to provide the Commission with the information to screen your complaint and to begin an investigation of your allegations. Please read the accompanying materials on the Commission's function and procedures before filling out this form. ONLY ONE JUDGE MAY BE COMPLAINED OF ON EACH FORM.

### PLEASE TYPE OR PRINT CLEARLY ALL INFORMATION

Your name David L. Higgs

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Name of judge Richard J. Chin, Justice of the Superior Court, Regional Administrative Justice

Court Plymouth Superior Court

Case name Beck et al. v. DOE et al.

Docket number Civil Action 00-0076A

Attorneys involved David L. Higgs, pro se; Rodney W. Young, pro se; Mark W. Batten BBO #566211, Martha K. Harrison, BBO #644834; Betsy Ehrenburg BBO #554628; Mark P. Sutliff, BBO #544308, Asst. A.G.

Date(s) of misconduct February 25, 2002 – date decision and order of summary judgment signed.

Has an appeal been filed? Yes, as of November 25, 2003.

A summary of the general nature of your complaint: On February 25, 2002 Regional Administrative Justice Chin signed a decision and order of summary judgment dismissing all charges in my and two co-plaintiffs' defamation suit, currently on appeal. Various falsifications incorporated into Judge Chin's decision fraudulently provide defendants pretext that untrue and damaging statements against plaintiffs – adjudged to be public figures – were made without malice.

**Specific Facts:**

Thirteen distortions of the record appearing in the decision and order are expounded in the attached *Super Brief* [pp. vi-vii]. One manifestly deliberate alteration is illustrated below. Remarkably the Court extensively *misquotes* and thereby *reverses* a report entitled “case closures” issued by the Federal Bureau of Investigation. By this *final* determination – obtained through a freedom-of-information request – the Bureau established *conclusively* that there had been *no illegal access* to a school’s computer system, and accordingly, in cooperation with the US Attorney, proceeded with case closure.

However, the Court’s painstaking *misquotation* indicates that “file sharing *from a* remote access” indeed had been “allowed,” and that I, David Higgs, was the suspect “remote” intruder. Moreover, with critical sentences in the FBI report omitted, the school’s case, undergoing closure, is made to appear *open* – indefinitely – and an investigation into illegal computer access, *ongoing*.

*The Court’s clearly fraudulent substitutions, insertions, and omissions are illustrated below in red.*

**FBI determination \* ...**

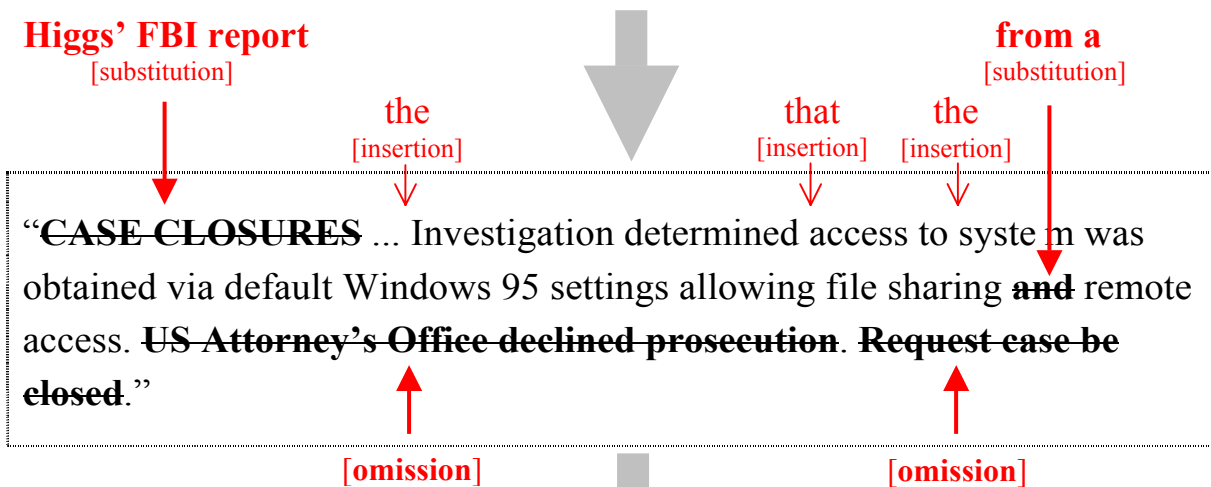
tab 20, pp. 459, 460 \*\*

**“CASE CLOSURES ... Investigation determined access to system was obtained via default Windows 95 settings allowing file sharing and remote access. US Attorney’s Office declined prosecution. Request case be closed.”**

\* the only such statement, or similar, on record before the Court in summary judgment. \*\* See attached record appendices.

**Higgs’ FBI report**  
[substitution]

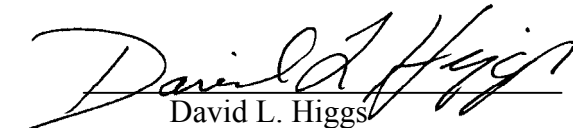
**from a**  
[substitution]



**Summary Judgment [misquotation] ...**

Super Brief, pp. 40, 46; tab 3, pp. 34, 46, 47

A copy of **Higgs’ FBI report** states that *the* “[i]nvestigation determined *that* access to *the* system was obtained via default Windows 95 settings allowing file sharing **from a** remote access.” ... Therefore Anderson cannot be found liable for defaming ... Higgs ... as a matter of law.

  
David L. Higgs

November 25, 2003

**Attachments:** ‘Super Brief’ [see Table of Court Errors, pp. VI-VII, “significant factual distortions”]; letter from David Higgs and Rod Young to Commission on Judicial Conduct, November 25, 2003.