SUPREME COURT, APPELLATE DIVISION
FIRST JUDICIAL DEPARTMENT
DEPARTMENTAL DISCIPLINARY COMMITTEE
61 BROADWAY, 2ND FLOOR
NEW YORK, NEW YORK 10006

212/401-0800

Alan W. Friedberg
Chief Counsel

DATE: 11/28/2011

Complainant(s):

Mr. ( ) Ms. (●) Mrs. ( ) Bernstein Eliot I
Last First Initial

Address: 2753 N.W. 34th Street Apt.
Boca Raton FL 33434-3459
City State Zip Code

Telephone: Home (561) 245-8588 Business (561) 886-7628

Attorney Complained of:

Mr. (●) Ms. ( ) Mrs. ( ) Winter Jr. Ralph K.
Last First Initial

Firm Name: United States Court of Appeals - 2nd Circuit

Address: Thurgood Marshall United States Court House 40 Foley Square
New York New York 10007 Suite/Floor
City State Zip Code

Telephone: (212) 857-8527

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Complaints to other agencies:

Have you filed a complaint concerning this matter with another Bar Association, District Attorney's Office or any other agency:

If so, name of agency: Yes, with the court, citizens arrest made against Winter and Clerk Catherine O'Hagan Wolfe for ATTORNEY & JUDICIAL Misconducts

Action taken by agency: Court has not ruled on Motion to Compel filed and failed to address conflicts of interest and Title 18 Obstruction charges

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Court action against attorney complained of:

Have you brought a civil or criminal action against this attorney?

If so, name of court: Yes - In the 2nd Circuit and NY AG and other State and Federal Authorities Index No.

United States Court of Appeals for the Second Circuit Docket 08-4873-cv - Bernstein, et al. v Appellate Division First Department Disciplinary Committee, et al. - TRILLION DOLLAR LAWSUIT

Statute: Pending

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Details of Complaint PLEASE PRINT LEGIBLY OR TYPE IN ENGLISH

Start from the beginning and be sure to tell why you went to the attorney, when you had contact with the attorney, what happened each time you contacted the attorney and what it was that the attorney did wrong. Please send this office copies of all papers that you received from the attorney with this form.

THIS COMPLAINT MUST BE TRANSFERRED TO A NON-CONFLICTED THIRD PARTY INVESTIGATOR AS THE FIRST DEPARTMENT IS IN A LAWSUIT WITH MYSELF AND HAS REPRESENTATIVE COUNSEL IN THOSE MATTERS, THE NEW YORK ATTORNEY GENERAL. IF YOU ARE A FIRST DEPARTMENT EMPLOYEE PLEASE CONTACT YOUR COUNSEL TO DETERMINE WHERE TO MOVE THIS COMPLAINT TO AVOID FURTHER TITLE 18 OBSTRUCTION CHARGES AGAINST YOUR OFFICES and DO NOT REVIEW ANY MATERIALS CONTAINED HEREIN OR BY REFERENCE. ANY ACTION ON YOUR PART WILL RESULT IN LEGAL ACTIONS AGAINST YOU. A CONFLICT OF INTEREST DISCLOSURE FORM HAS BEEN ATTACHED AND MUST BE SIGNED AND RETURNED PRIOR TO ANY ACTION ON YOUR PART. See attached Conflict of Interest Disclosure for applicable laws you will be charged with violating, including RICO, attempted murder and more.

Judge and Attorney Ralph K. Winters has violated both his Attorney Conduct Codes and his Judicial Cannons in allowing conflict to obstruct justice and violate my due process rights in a RICO Complaint. A motion to Compel Judge Winters to follow the Attorney Conduct Code, the Judicial Cannons and Law in vetting out conflicts and other violations of Attorney Conduct Codes, Public Office Violations and Law has gone ignored, including Judge Winters failure to address conflicts of interest personally and for other members of the 2nd Circuit who are conflicted in the matters, yet remain handling the matters. Judge Winters has also permitted a multitude of Attorney Conflicts to be allowed in his court and fails to initiate any disciplinary actions against attorneys violating Attorney Conduct Codes and Law. The Motion to Compel can be found online @

http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090908%20FINAL%20Emergency%20Motion%20to%20Compel%20SIGNED44948.pdf
or at http://iviewit.tv/wordpress/?p=78 .

My case before Judge Winters is United States Court of Appeals for the Second Circuit Docket 08-4873-cv - Bernstein, et al. v Appellate Division First Department Disciplinary Committee, et al. - TRILLION DOLLAR LAWSUIT which is on appeal from case (07cv11196) Bernstein, et al. v Appellate Division First Department Disciplinary Committee, et al. All court cases cited herein and all urls are incorporated in entirety by reference herein, including the website www.iviewit.tv .
In my evaluation and I am not an attorney, Winter's has violated, including but not limited to, all of the following Judicial Cannons, Attorney Conduct Codes and Law
Judicial Canon 1. A Judge Should Uphold the Integrity and Independence of the Judiciary / Judicial Canon 2. A Judge Should Avoid Impropriety and the Appearance of Impropriety in All Activities / Judicial Canon 3. A Judge Should Perform the Duties of the Office Impartially and Diligently / Judicial Canon 5. A Judge Should Regulate Extra-Judicial Activities To Minimize the Risk of Conflict with Judicial Duties / Judicial Conflicts of Interest and Recusal / Grounds for Judicial Disqualification / Violations of US Code Title 18[92] / Use and Misuse of Judicial Office — Areas of Concern / § 1506. Theft or alteration of record or process; false bail / § 1509. Obstruction of court orders / § 1510. Obstruction of criminal investigations / DR 5-101 [1200.20] Conflicts of Interest - Lawyer's Own Interests /

Violations of Attorney Conduct Codes citing New York Attorney Conduct Codes[99] / DR 1-103 [1200.4] Disclosure of Information to Authorities / DR 1-104 [1200.5] Responsibilities of a Partner or Supervisory Lawyer and Subordinate Lawyers / DR 5-110 [1200.29] Membership in Legal Service Organization / DR 6-101 [1200.30] Failing to Act Competently / DR 7-106 [1200.37] Trial Conduct / CANON 8. A Lawyer Should Assist in Improving the Legal System / DR 8-101 [1200.42] Action as a Public Official / CANON 9. A Lawyer Should Avoid Even the Appearance of Professional Impropriety / DR 9-101 [1200.45] Avoiding Even the Appearance of Impropriety. (Continued on Page 3)

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Judge Winters acts were misconduct in violation of **Penal** Article 195 and were not legal State acts. The complaint before the Department Disciplinary Committee is for acts by attorney Winters which were not part of his judicial duties and/or were done in his Administrative capacity [Forestor v White 484 U.S. 219 (1988)} where he acted as an attorney/administer. Although, the NY Constitution does not allow immunity for **any official** from review of their conduct and indictment by a grand jury.(NY Constitution Article 1 S 6) ., immunity is not a defense for attorney, Winters. When Winters violated his oath of office and **Judiciary Law** **Ar**ticle 2 - GENERAL PROVISIONS RELATING TO COURTS AND **JUDGES** law 4 - Disqualification of judge by reason of interest or consanguinity, he was acting outside of his duties.

Applicable NY Laws are followed by federal laws, all linked.

Penal Article 20 - PARTIES TO OFFENSES AND LIABILITY THROUGH ACCESSORIAL CONDUCT

20.00 - Criminal liability for conduct of another.

20.05 - Criminal liability for conduct of another; no defense.

Penal Article 100 - CRIMINAL SOLICITATION

100.00 - Criminal solicitation in the fifth degree.

Penal Article 105 - CONSPIRACY

105.00 - Conspiracy in the sixth degree.

Penal Article 195 - OFFICIAL MISCONDUCT AND OBSTRUCTION OF PUBLIC SERVANTS GENERALLY

195.00 - Official misconduct.

195.05 - Obstructing governmental administration in the second degree.

Use these if applicable: **Penal** Article 125 - HOMICIDE

125.25 - Murder in the second degree.

Penal Article 110 - ATTEMPT

110.00 - Attempt to commit a crime.

Your 1506, 1509, 1510 are Federal Laws Title 18 S 1506

Title 18 S 1509 Title 18 1510

Other Federal prosecutions are for Honest Service and conspiracy against rights which are in the News this week .

Conspiracy Title 18 S 241

Honest service Title 18 S 1346

Honest Service News article http://www.huffingtonpost.com/2009/09/12/honestservices-fraud-law-_n_284646.html

Violations of Title 18 Obstruction must also be investigated by the appropriate authorities and this regulatory body.

TITLE 18 PART I CH 11

Sec. 201. Bribery of public officials and witnesses

Sec. 225. - Continuing financial crimes enterprise

BRIBERY, GRAFT, AND CONFLICTS OF INTEREST

Sec. 205. - Activities of officers and employees in claims against and other matters affecting the Government

Unsigned complaints will not be processed.