

IMPORTANT NOTICE
NOT TO BE PUBLISHED OPINION

THIS OPINION IS DESIGNATED “NOT TO BE PUBLISHED.” PURSUANT TO THE RULES OF CIVIL PROCEDURE PROMULGATED BY THE SUPREME COURT, CR 76.28(4)(C), THIS OPINION IS NOT TO BE PUBLISHED AND SHALL NOT BE CITED OR USED AS BINDING PRECEDENT IN ANY OTHER CASE IN ANY COURT OF THIS STATE; HOWEVER, UNPUBLISHED KENTUCKY APPELLATE DECISIONS, RENDERED AFTER JANUARY 1, 2003, MAY BE CITED FOR CONSIDERATION BY THE COURT IF THERE IS NO PUBLISHED OPINION THAT WOULD ADEQUATELY ADDRESS THE ISSUE BEFORE THE COURT. OPINIONS CITED FOR CONSIDERATION BY THE COURT SHALL BE SET OUT AS AN UNPUBLISHED DECISION IN THE FILED DOCUMENT AND A COPY OF THE ENTIRE DECISION SHALL BE TENDERED ALONG WITH THE DOCUMENT TO THE COURT AND ALL PARTIES TO THE ACTION.

Supreme Court of Kentucky

FINAL

2006-SC-000827-OA

DATE 5-10-07 EWA/Grou+P.C.

WILLIAM B. WALKER

APPELLANT

V.

IN SUPREME COURT

JUDICIAL CONDUCT COMMISSION, ET AL.

APPELLEES

MEMORANDUM OPINION OF THE COURT

DENYING PETITION FOR WRIT OF PROHIBITION

Petitioner, William B. Walker, is currently incarcerated for his 1998 convictions of unlawful transactions with a minor. More than twenty years before the 1998 convictions, Walker was convicted of manslaughter.

Walker has filed numerous complaints with the Judicial Conduct Commission (JCC) against multiple judges who have been involved in his frequent legal troubles. In the instant pro se petition for writ of prohibition, he seeks an order that would "(1) supersede or set aside a Special Rule of Evidence, (2) prohibit the Judicial Conduct Commission from applying the Special Rule of Evidence to govern Walker's Complaints, and (3) direct the Judicial Conduct Commission to afford Walker the equal treatment and equal protection of the laws which it provides to its other complainants." Walker's apparent perception is that he is not receiving equal treatment, premised on his curious

belief that a “Special Rule of Evidence” governs the complaints he files with the Judicial Conduct Commission. There is no “Special Rule of Evidence;” thus, the grounds for Walker’s complaint are nonexistent. Accordingly, we dismiss his petition.

The contents of the petition demonstrate that Walker’s complaints are based on erroneous assumptions as to the proper application of legal principles; namely, the application of the doctrines of law-of-the-case and res judicata. Specifically, Walker perceives that a 1976 decision rendered by this Court, which affirmed his manslaughter conviction, has some sort of adverse, preclusive effect on the numerous complaints he has filed with the Judicial Conduct Commission.

Our 1976 opinion addressed Walker’s assertion that the trial court should have admitted certain evidence of the victim’s violent behaviors to support Walker’s claim of self-defense. We held that the trial court did not abuse its discretion. Walker asserts that, by this holding in our 1976 opinion, we “promulgated” a “Special Rule of Evidence,” that by virtue of the law-of-the-case doctrine and res judicata, continuously prohibits him from presenting any evidence against a judge to the Judicial Conduct Commission. However, Walker is simply mistaken in his belief that this Court’s 1976 opinion is at all relevant to the Judicial Conduct Commission’s actual review or ability to review any complaint he files. To the contrary, the Judicial Conduct Commission avers that it “has processed all of Walker’s complaints in the same manner and with the same due diligence as it does all matters which come before it.”

Apparently, Walker has a fundamental misunderstanding of the Judicial Conduct Commission. The Judicial Conduct Commission is a disciplinary body, not an

alternative forum for a complainant, such as Walker, to litigate a claim against a judge.

SCR 4.170(1) provides

Upon its own motion or upon receiving a written complaint alleging facts indicating that there is probable cause for action concerning a judge, the Commission shall make a preliminary investigation to determine whether formal proceedings should be initiated.

The Judicial Conduct Commission's response to Walker's petition indicates that "The Commission has reviewed all of Walker's complaints and has found them insufficient to reflect issues of disciplinary violations within the jurisdiction of the Commission." Thus, the Commission concluded that Walker's complaints did not allege facts indicating there was probable cause for action concerning any of the judges who were the subjects of Walker's complaints. For each complaint, the Commission sent written notification to Walker of its review and conclusion.

Upon the foregoing, we deny the petition for writ of prohibition. Given our disposition of this issue, Walker's petition for intermediate relief is moot.

Furthermore, careful examination reveals that Walker's filing in this Court is totally without merit and is utterly frivolous.¹ As he has filed similar frivolous papers in this Court and in other Kentucky courts as well as with the Judicial Conduct Commission, the Judicial Conduct Commission is hereby granted discretion to summarily dismiss future complaints by Walker without the necessity of a formal response. As shown by his declaration to proceed *in forma pauperis*, Walker does not qualify. As such, his motion to proceed *in forma pauperis* in this proceeding is denied and any pre-existing *in forma pauperis* status conferred on Walker by any court of Kentucky is hereby vacated.

¹ CR 73.02(4).

All concur, except Minton, J., not sitting.

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