

John R. Downey

August 22, 2007

Senator Andrew J. McDonald
Representative Michael P. Lawlor
Judiciary Committee
Room 2500 LOB
Hartford, CT 06106

Dear Chairmen McDonald and Lawlor and Distinguished Members of the Judiciary Committee;

As I'm sure you can imagine, I was deeply honored when Governor Rell nominated me to be a judge of the Appellate Court. I am equally honored by the time and attention you and your committee members devoted to my nomination. I appreciate the willingness of members to meet with me individually, as well as the opportunity to address the entire committee and answer some of your questions. It is only after somber and thoughtful consideration, therefore, that I have decided to ask Governor Rell to withdraw my nomination.

I appreciate the courtesies extended to me, my family, my colleagues and my friends throughout the nomination and hearing process. During this process I was impressed by the committee's comprehensive analysis of complex legal issues and its appreciation of the subtleties of judicial decision-making. Despite my decision to withdraw my nomination, I am confident that the Judiciary Committee's thorough review of judicial nominations serves well the interests of Connecticut residents.

During the past six and one-half years, it has been my honor to serve the state of Connecticut as a Superior Court Judge. I have always believed that everyone who appears before me has a right to have their issues addressed in a fair and impartial manner, and I have strived to live up to this standard. Additionally, my service to the state of Connecticut has provided me with the opportunity to gain expertise in areas of the law which were outside my prior experience. Being a Superior Court Judge has been an incredibly rewarding and challenging experience -- it has, in fact, been the realization of a long-held professional goal -- and I look forward to continuing to serve in this capacity.

I would also like to apologize for any misunderstanding that may have arisen during yesterday's public hearing about the ability of illegal immigrants to access our civil court system. My views on this issue have evolved. I would like to state unequivocally that it is my position that *all* people have the right to access our courts to seek redress for legal injury. In fact, in November 2006 in the matter of *Jeannia Pierre Saint vs. Lily Transportation* (FST-CV-04-4000599-S), I rendered a decision denying a motion to

dismiss where the defendant claimed that the plaintiff was an illegal immigrant and therefore did not have standing in Connecticut courts.

Once again, I thank you for your thoughtful consideration of my nomination. I look forward to continuing to serve the people of Connecticut as a Judge of the Superior Court.

Sincerely,

A handwritten signature in black ink that reads "John R. Downey". The signature is written in a cursive style with a large, looping initial "J".

John R. Downey
Judge of the Superior Court