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March 2, 2007

Hon. John A. DeFrancisco
Chairman, NY Senate Judiciary Committee
307 Legislative Office Bldg.
Albany NY 11247

Re: Chairperson ***Judith S. Kaye***

Honorable Sir:

I suggest that confirmation of ***Judith S. Kaye*** be tabled until she has an opportunity and does respond to the non-judicial charges made in the enclosed portion of the "***The Smoking Guns Proof***".

I further suggest that, in the interim, NY State Attorney General ***Andrew Cuomo*** forward to your Committee the information concerning the "cooked" books and records intended to conceal the *unconstitutional*, *unlawful* and *unauthorized* expenditures made on behalf of Ms. Kaye and others sued in their "*personal*" capacities for conduct adverse to NY State interests, as well as copies of the "extraordinary agreements", mentioned on page 2 of my publication.

Respectfully,

GEORGE SASSOWER

cc: Chairperson, Judith S. Kaye
NY State Attorney General Andrew Cuomo
E. Leo Milonas, Esq.

Ex 9-10

"*THE SMOKING GUNS PROOF*"

[First Abridged Edition]

Smoking Guns III

["**Nailing ~~Comptroller Hevesi~~ Chairperson Kaye to the Wall**"]

> "[S]he [the corrupt Chief Judge] moves like a figure in a Greek tragedy, inexorably along the way of self-destruction. ...The disregard of [~~his~~] her oath seems to become more brazen with each succeeding corruption. Like the mythical Ajax the Less, [s]he seems to tempt the gods to destroy [~~him~~] her." (*The Corrupt Judge*, *Joseph Borkin*, at p. 13).

Part "A" "***Day-One***":

1. On March 23, 1993, "Day-One", the day ***Judith S. Kaye*** became Chief Judge of the State of New York and Chairperson of the Administrative Board of the NY State Office of Court Administration ["OCA"], a complaint was filed against Chief Administrator ***Matthew T. Crosson*** of OCA.

On that same day, "Day-One", under a covering letter, a copy of this complaint was mailed to Chairperson Kaye, and a copy of such covering letter and a copy of the complaint was also mailed to Chief Administrator Crosson.

At no time or place did Kaye, Crosson or anyone else deny or controvert any of the allegations or charges made in this "Day-One" complaint against Chief Administrator Crosson..

Nevertheless, Chairperson Kaye took no remedial action, although implicating herself in criminal liabilities thereby (***Peo. ex rel Price v Sheffield***, 225 N.Y. 25 [1918]).

Thus, on "Day-One", Chief Judge Kaye began the traditional route of "the corrupt judge" wherein "the disregard of her oath seems to become more brazen with each succeeding corruption."!

2. At the time this "Day-One" complaint was lodged against Chief Administrator Crosson, Assistant New York State Attorney General ["NYSAG"] ***Angela M. Cartmill***, despite the Amendment XI of the *Constitution of the United States* (***Hans v. Louisiana.*** 134 U.S. 1 [1890]) prohibition, was defending New York State judges and officials. including ***Francis T. Murphy***, ***Xavier C. Riccobono*** and ***Robert Abrams***, in their "*personal*" capacities, in a federal forum, for tort money damages, at *unconstitutional* NY State cost and expense, defrauding the New York State treasury thereby.

Since Assistant NYSAG Cartmill had also been mailed a copy of the complaint against Administrator Crosson, when no remedial measures were taken by Chairperson Kaye or Chief Administrator Crosson she, as well as her rogue clients, *knew* a "*fixed*" and "*corrupt*" Chief Judge was "at the "helm"!

3. With a known "*corrupt*" Chairperson Kaye "at the helm", NYSAG Abrams and Assistant NYSAG Cartmill, in cooperation with Chief U.S. District Court Judge ***Charles L. Brieant*** of the Southern District of New York ["SDNY"], continued in their *unconstitutional* defense representation, at *unauthorized* New York State cost and expense, before U.S. District Court Judge ***Peter K. Leisure***, triggering a "subject matter jurisdictional infirmity, rendering the merit dispositions made to be "null and void" (see, "*Smoking Guns* IIIF", *infra*) which no one ever denied.

The resulting judicial fraud, then in progress, was to be as egregious as any other judicial fraud in Anglo-American judicial history (see, "*Smoking Guns* IV", *infra*).

4. The misconduct of NYSAG ***Robert Abrams***, his successors and their subordinates, and the judiciary. during the past fourteen (14) years, can *only* be explained by their belief that ***Judith S. Kaye***, was and is a "*corrupt*" Chairperson, and they have acted accordingly (see, *e.g.* "*Smoking Guns* IIIC", *infra*).

GEORGE SASSOWER, Esq.
Member of NY State & Federal Bars, 1949 to Date.

A Flawless Presentation

Part "B" "***E. Leo Milonas***":

1. Two (2) months later, on May 26, 1993, Chairperson Kaye, at the strong suggestion of NY Appellate Division Presiding Justice ***Francis T. Murphy*** of the First Judicial Department ["AD1"], named Associate Appellate Division Justice ***E. Leo Milonas*** of his Court to be the Chief Administrator of OCA, although she was aware that both ***Murphy-Milonas*** were inextricably involved in the "***Citibank Bribes For Total Immunity***" racketeering enterprise.

Everyone aware of the "***Citibank Bribes For Total Immunity Agreements***" which, by 1993, appeared in "hard published print" in several places, were compelled to conclude that Chairperson ***Judith S. Kaye*** in appointing ***E. Leo Milonas*** as Chief Administrator had "bondaged" herself to such "criminal racketeering enterprise", "mind, body & soul"!

2. There was no reason for Associate Justice Milonas to be appointed as Chief Administrator, or for him to accept such position, except to conceal the criminal activities in which Presiding Justice Murphy was a central figure and members of his Court participants, and which involved "millions of dollars" in "extortion" monies intended, after "laundering", to be dissipated as "bribes" for judges and officials.

Thus, the appointment by Chairperson Kaye of Associate Justice Milonas, to be Chief Administrator, was a statement to everyone, including Murphy, Riccobono and Abrams, that she would tolerate, suffer and/or cooperate in the "***Citibank Bribes For Total Immunity***" criminal enterprise.

Within ten (10) months, after Chairperson Kaye appointed Chief Administrator Milonas, Kaye herself found herself "nailed to the wall" unable, even if she had the desire, to unravel herself as an participant in the "***Citibank Bribes For Total Immunity Enterprise***"(see, "*Smoking Guns* IIIF", *infra*).

2. As reported by ***United Press, International*** and published in, *inter alia*, ***The Village Voice*** (June 6, 1989):

> "By signing three extraordinary agreements [***Hyman***] ***Raffe*** agreed to ... . In exchange, the court agreed to let him go free. The tab so far has come to more than $2.5 million, paid to both the Feltman (***Feltman, Karesh, Major & Farbman***, Esqs. ["FKM&F"]) and Kreindler (***Kreindler & Relkin, P.C.*** ["K&R"]) firms. Raffe continues to pay with checks from his ***A.R. Fuels Co.*** business. `That's outrageous. It's unbelievable. It's disturbing. ... .' Said [NYS] Attorney General [***Robert***] ***Abrams*** when he saw copies of the checks."

As Raffe bitterly complained, when he turned over the cancelled checks for the "extortion" payments that he made: "They are bleeding me to death. I wish I had gone to jail like you and Polur" [***Sam Polur***, Esq.]!

3. This publication only targets those "bribes" from "sources" where, as above, "public accountings" are mandatory, which is more than $3,500,000, although the "bribes" from other "sources" are more!

4.. Judge Milonas was a member of the panel in ***Barr*** [***Puccini***] ***Feltman v. Geo. Sassower*** (121 AD2d 324, 503 NYS2d 392 [1st Dept.-1986]), and like every member of that Court, he was familiar with the "extraordinary agreements" Raffe was compelled to sign and the "millions of dollars" "extortion" payments he made thereunder to avoid "incarceration" for having committed "phantom" and "non-existent" crimes (***Feltman v. Raffe***, 146 AD2d 974, 537 NYS2d 942 [1st Dept.-1988]).

While Raffe was "paying off" "millions of dollars" to avoid incarceration for committing "phantom" and "non-existing" crimes, ***Sam Polur***, Esq. and I were incarcerated, at the cost and expense of the ***State of New York*** and ***City of New York***, having also been convicted of committing "phantom" and "non-existing" crimes.

At no time or place has ***E. Leo Milonis*** or any other jurist involved in these convictions been willing to "swear under oat" or affirm, "under penalty of perjury" that these convictions are valid!

5. On its face, ***Barr*** [***Puccini***] ***Feltman v. Geo. Sassower*** (*supra*), is a manifest nullity as are, on their face, all the other convictions, federal and state, for non-summary criminal contempt (Exhibits "A", "B", "C" and "D"), which were initiated and prosecuted by K&R and/or FKM&F, the "criminals with law degrees", as self-anointed criminal prosecutors!

In addition, these criminal proceedings are inundated with other lethal infirmities, that do not appear on their face of these Orders.

A. A non-summary criminal contempt proceeding arising from a civil action is: (1) separate and independent of the original civil action or proceeding; (2) has a new title, having the name of the accused in this new title; (3) has a new docket number; (4) has a new "randomly selected" judge, and (5) service must be made on the accused (***Cooter & Gell v. Hartmarx***, 496 U.S. 384, 396 [1990]; ***Bray v. U.S.***, 423 U.S. 73, 75 [1975]); ***Gompers v. Bucks Stove***, 221 U.S. 418, 444-445 [1911]), a result imposed on the States by virtue of the *Constitution of the United States* (***Bloom v. Illinois***, 391 U.S. 194 [1968]).

Thus by looking at the titles alone, the following proceedings, although resulting in criminal convictions and terms of incarceration, were nullities: (1) ***Raffe v. Riccobono***, 113 A.D.2d 1038, 493 N.Y.S.2d 70 (1985), *appeal dismissed,* 66 N.Y.2d 915, 498 N.Y.S.2d 1027, 489 N.E.2d 773 (1985); (2) ***Raffe v. Feltman, Karesh & Major***, 113 A.D.2d 1038, 493 N.Y.S.2d 70 (1985), *appeal dismissed,* 66 N.Y.2d 914, 498 N.Y.S.2d 1026, 489 N.E.2d 772 (1985); (3) *Raffe v. Citibank, N.A.,* No. 84 Civ. 305 (EDNY-1985), aff'd, 755 F.2d 914 (2d Cir.-1985), and (4) ***Barr*** [***Puccini***] ***Feltman v. Geo. Sassower*** (*supra*).

Indeed, as these criminal proceedings were instituted the name of Polur or myself did not appear in the title of any of these criminal proceedings,!

As stated in 21 ***NY Jur2d Contempt***, §71, 461, 462:

> "[W]here the accused is not a party, but rather a stranger, to the primary special proceeding or action, the proceeding is regarded as an independent special proceeding (***Geller v. Flamount Realty Corp.,*** 260 NY 346, 183 NE 520 [1932]; ***Steinman v. Conlon***, 208 NY 198, 101 NE 863 [1913]; ***In re Depue***, 185 NY 60, 77 NE 798 [1906]; ***King v. Ashley***, 179 NY 281, 72 NE 106 [1904]; ***Strong*** v. Western Gas [***Randall***], 177 NY 400, 69 NE 721 [1904]; ***Long Island Trust Co. v. Rosenberg***, 82 AD2d 591, 442 NYS2d 563 [2nd Dept.-1981]). Therefore, a proceeding by order to show cause [or notice of motion] to punish the attorney for a party to the action for contempt, is a new proceeding (***Weeks v. Coe,*** 111 App. Div. 337, 97 NY Supp. 704 [2nd Dept.-1906], app den 112 App Div 908, 98 NY Supp. 1117 [1906], aff'd 188 NY 627, 81 NE 1179 [1906])."

To conceal some of the "*criminal*" and "*corrupt*" activities by, *inter alia*, ***Citibank, N.A.*** and Chairperson ***Judith S. Kaye***, this *unconstitutional* scenario would repeat itself in 2004-2005, including a term of incarceration, at the cost and expense of the ***State of New York*** and ***Count of Westchester***.

A basic dumb computer could be easily programmed to read or say "null and void" whenever it scanned Exhibits "A", "B". "C" and "D", or sees their titles of these proceedings, in print, and be correct each and every time!

B. Non-summary criminal contempt is prosecuted by the public prosecutor or a disinterested attorney appointed by the Court for that purpose, not by K&R and/or FKM&F, who had substantial financial interest in the outcome (***Young v. U.S. ex rel. Vuitton***, 481 U.S. 787 [1987]).

"A private party has no standing to prosecute an action for criminal contempt" (17 ***Am Jur 2d*** §151, p. 522, citing ***Lehn v. Hartwig***, 13 Fed. Appx. 389 [7th Cir.-2001]) (see also, ***Kienle v. Jewel***, 222 F2d 98 [7th -1955]).

In [***Paula***] ***Jones*** v. [***William J.***] ***Clinton*** 206 F.3d 811, 812 [8th Cir.-2000] the Court stated:

> "Additionally, to the extent Browning quarrels with the district court's failure to hold the President in criminal contempt of court, Browning as a private party 'has no standing to prosecute an action for criminal contempt or to take an appeal from the

court's rejection of [his] allegations.' ***Ramos Colon v. United States Attorney for the Dist. of Puerto Rico***, 576 F.2d 1, 5 (1st Cir.1978)."

In ***Vilella v. Santagata*** (841 F.2d 1117 [2nd Cir.-1988]) the Court, per Oakes, Newman & Minor, stated:

"[T]he [criminal] contempt power exists to protect the authority of the district court, not to vindicate private rights."

In ***Musidor v. Great American*** (658 F.2d 60, 64 [2nd Cir.-1981], cert. den. 455 U.S. 944 [1982}), the Court stated:

"These [cited] cases hold merely that the original civil litigant is not a party in interest and therefore has no standing to prosecute an action for criminal contempt on his own initiative ."

In ***Polo v. Stock***, 760 F2d 698, 703 [6th Cir.-1985], *cert* thereafter denied 483 U.S. 905 [1987]), the Court stated:

"They [the cited cases] merely confirm the fact that an appointment by the court is ***required*** for a private attorney to prosecute criminal contempt proceedings. [emphasis supplied]...

However, K&R and FKM&F, as self-anointed criminal public prosecutors, in their own names, in the underlying civil proceedings, where neither Polur nor myself appeared in the title, where "millions of dollars" in extortion monies are involved, in the "Murphy realm", were *repeatedly* prosecuting their civil adversaries and their attorneys, in order to compel their submission!

6A. In ***Barr [Puccini] Feltman v. Geo. Sassower*** (*supra*), which imposed the maximum term of incarceration of thirty (30) days, having been found guilty of sixty-three (63) counts of non-summary criminal contempt, the Milonas panel was told that I would voluntarily accept a six (6) month term of incarceration, if, after a fundamental fair judicial proceeding, I would be found guilty of one (1) single count. Such repeated offer was consistently refused by Murphy, Milonas, *et el.*

B. ***Sam Polur***, Esq., was accused and convicted of non-summary criminal contempt for allegedly serving a summons, no more, when in fact, on the face of the served summons it reveals, that it was I who served same (Exhibit "E"). Nevertheless, without a trial, hearing or any live testimony, Polur was sentenced to thirty (30) days of incarceration, which he served, less good time allowance.

Years thereafter, after reading in the media that Raffe, who had been convicted with him, in the same proceeding, and also sentenced to thirty (30) days incarceration, "paid-off" $2,500,000 and was not incarcerated, returned to court seeking relief.

Based on a "jurisdictionally" defective non-summary criminal contempt proceeding, inundated with lethal infirmities, where he served his term of incarceration, this, "offence", was now *ex post facto* elevated to an "*infamous crime*", and he was suspended from the practice of law for three (3) years (***Matter of Polur***, 173 A.D.2d 82, 579 N.Y.S.2d 3 [1st Dept.-1992]).

As Presiding Justice Murphy made clear, when he provides immunity, as the *quid pro quo* for monumental "bribes", as he did under the "***Citibank Bribes For Total Immunity Agreement***", anyone accused of having served his patrons with a summons, is incarcerated and if, an attorney, he/she will be suspended from the practice of law,, as Milonas was aware at the time, and less than eighteen (18) months later, when he became Chief Administrator.

7. Although the NY Court of Appeals, of which Kaye was a member, refused to grant to leave to appeal in any of these non-summary criminal contempt convictions, with its civil title, the disposition of the Milonas panel in ***Barr [Puccini] Feltman v. Geo. Sassower*** (*supra*) was vacated in a federal writ of habeas corpus proceeding, and some of the practices of the ***Murphy-Riccobono*** entourage, which included ***E. Leo Milonas***, were exposed (***Geo. Sassower v. Sheriff***, 651 F. Supp. 128 [SDNY-1986]). Thus, reading

the same Report of NY Referee ***Donald Diamond***, as did the panel of ***E. Leo Milonas***, U.S. Magistrate-Judge, now U.S. District Court Judge, ***Nina Gershon*** in ***Geo. Sassower v. Sheriff*** (*supra*) stated (at p. 131):

> "According to Referee Diamond, petitioner's `not guilty' defense raised in his Affidavit in Opposition was `tantamount to a general denial of the allegations contained in the petition [and] does not create a disputed issue requiring a hearing.' "

Since the "criminals with law degrees" could not prove a *prima facie* case of non-summary criminal contempt, there was no trial, hearing or live testimony in *any* of the convictions against Raffe, Polur or myself, which was justified by buffoonery, such as:

> "a plea of not guilty in a criminal proceeding, is equivalent to a general denial in a civil proceeding, and does not create a triable issue requiring a trial or hearing"!

Even the Ku Klux Klan, in its heyday of power, generally afforded their untried victims a "drum-head" trial (***Briscoe v. LaHue***, 460 U.S. 325, 340 [1983]). However, where monumental "bribes" are involved, such constitutional requirement is expendable by those like ***Diamond-Milonas***.

8. In ***Bracy v. Gramley*** (520 U.S. 899 [1997]), the Supreme Court of the United States held that those, convicted and incarcerated, who did not "bribe" the jurist, were entitled to show his constitutional bias disqualification by reason thereof.

The "extraordinary agreements" that Raffe was compelled to sign to avoid incarceration, are public documents, in the possession of the NYSAG, and available to anyone, including Chairperson Kaye, under the ***Freedom of Information Law*** ["FOIL"].

No court, or civilized person, could possibly declare these "extra-ordinary agreements" to be valid, but the Murphy Court did (***Feltman v. Raffe***, *supra*) (*cf.* ***Town of Newton v Rumery,*** 480 U.S. 386 [1987]).

These "extraordinary agreements" are truly unbelievable, and reveal that "effective control" of the state judiciary, as the *quid quo pro* for monumental "bribes", had been given to ***Citibank, N.A.*** and its "bribed" co-conspirators!

9. In the 1999-2001 "scandal" regarding "judicial fiduciaries", ***Judith S. Kaye*** in order to conceal her own involvement, appointed a commission which included ***E. Leo Milonas***!

Part "C" "***Diverting New York State Monies***" "***Robert Abrams to Eliot L. Spitzer, Nailed to the Wall***":

1. Fine and penalty monies resulting from criminal contempt convictions belong to the sovereign, not to any person!

This was and is the undisputed and settled law in the federal courts for almost 100 years (***Gompers v. Bucks Stove***, 221 U.S. 418, 447 [1911]), and was settled law in the New York courts, even before ***Bloom v. Illinois*** (*supra*), which brought non-summary criminal contempt under the protective umbrella of the *Constitution of the United States* (*e.g.* ***Wilwerth v. Levitt***, 262 App. Div. 112; 28 N.Y.S.2d 257 [1st Dept. - 1941]; ***Englander v. Tishler***, *285 App. Div. 1070; 139 N.Y.S.2d 707* [2nd Dept - 1955]; 21 ***NY Jur 2d Contempt***, §185, p.568-569

2. No NYSAG, from ***Robert Abrams*** to ***Eliot L. Spitzer***, and none of their subordinates, have ever disputed the fact that these "millions of dollars" paid by Raffe or the payments made under the other State non-summary criminal contempt convictions (Exhibit "C" and "D") belong to the ***State of New York***, not to K&R and FKM&F.

However, since these monies were intended, after "laundering", as a "source" of "bribes" for judges and officials, no attempt has ever been made at their recovery in favor of the ***State of New York*** by any NYSAG or any of their subordinates, although their client is the ***State of New York***!

3. Obviously, "bribery" and "paying-off" are the "coins of the New York realm" even when the financial victim is the ***State of New York***!

Part "D": Puccini Clothes, Ltd. "The Judicial Fortune Cookie".

1. One of the several charges against Chief Administrator Crosson in the May 23, 1993, "Day-One", complaint filed against him related to the judicial trust assets of ***Puccini Clothes, Ltd.*** and, *in haec verba*, that portion of the complaint, reads as follows:

> "Charge IV - As a mandatory statutory "duty" the Attorney General must compel a court-appointed to file an accounting, if not performed within eighteen (18) months (Business Corporation Law §1216[a]). Under a mirrored scheme, a court-appointed receiver must file an accounting "at least once a year" (22 NYCRR §202.52[e]).
>
> Puccini Clothes, Ltd. was involuntarily dissolved on June 4, 1980, or almost thirteen (13) years ago, and not a single accounting has been filed.
>
> All of Puccini's judicial trust assets were made the subject of larceny and plundering by members of the judiciary and its cronies, leaving nothing for any of its legitimate creditors.
>
> Although Referee Donald Diamond "approved" the "final accounting" for Lee Feltman, the court-appointed receiver, there is no accounting in existence. The "final accounting", as Judge Crosson knows, is "phantom" and "non-existent".
>
> Nor is there any Judiciary Law §35-a statements filed by the corrupt jurists involved, as Judge Crosson also knows.
>
> In short, this criminal racketeering scheme, and similar schemes, could not exist except for the active cooperation of Judge Crosson."

2. ***Geo. Sassower v. Fidelity & Deposit Company of Maryland***, was filed in the U.S. District Court for the Southern District of Florida (Docket No. 93-2268), an action in which ***Judith S. Kaye*** and other New York State jurists and officials were sued in their "*personal*" capacities.

The undenied allegations in Notice to Admit of March 14, 1994 and it reads, *in haec verba*, as follows:

> "Pursuant to Rule 36 of the Federal Rules of Civil Procedure, plaintiff requests that defendant, JUDITH S. KAYE ["Kaye"], admit the following first set of admissions:
>
> Part I
>
> 1. You are and have been, for more than one year, THE CHAIRPERSON OF THE ADMINISTRATIVE BOARD OF THE NEW YORK STATE COURTS ["The Chairperson"].
>
> 2. CHIEF ADMINISTRATIVE JUDGE ["CAJ"] E. LEO MILONAS ["Milonas"] is your personal selectee for that position in the OFFICE OF COURT ADMINISTRATION ["OCA"], and serves at your pleasure.
>
> 3. Prior to your selection of Milonas, as CAJ, MATTHEW T. CROSSON ["Crosson"] served as CHIEF ADMINISTRATOR ["CA"], and was subject to your directions and control.
>
> 4. OCA has its own legal staff and inspector general.
>
> 5. During your tenure as The Chairperson, and currently, FRANCIS T. MURPHY ["Murphy"] was and is Presiding Justice of the APPELLATE DIVISION, FIRST JUDICIAL DEPARTMENT ["AD1"] and until about December 31, 1993, ROBERT ABRAMS ["Abrams"], was the N.Y. STATE ATTORNEY GENERAL ["NYSAG"].
>
> 6. You received my complaint to the COMMISSION ON JUDICIAL CONDUCT ["CJC"], dated March 23, 1993, made against Crosson, with a covering letter,
>
> .....
>
> 8. You also became aware as a result of such March 23, 1993 complaint, if not before, that:

"As a mandatory statutory `duty' the Attorney General must compel a court-appointed to file an accounting if not performed within eighteen (18) months (Business Corporation Law §1216[a]). Under a mirrored scheme, a court-appointed receiver must file an accounting "at least once a year" (22 NYCRR §202.52[e]).

Puccini Clothes, Ltd. was involuntarily dissolved on June 4, 1980, or almost thirteen (13) years ago, and not a single accounting has been filed.

All of Puccini's judicial trust assets were made the subject of larceny and plundering by members of the judiciary and its cronies, leaving nothing for any of its legitimate creditors.

Although Referee Donald Diamond `approved' the `final accounting' for Lee Feltman, the court-appointed receiver, there is no accounting in existence. The `final accounting', as Judge Crosson knows, is "phantom" and "non-existent".

Nor is there any Judiciary Law §35-a statements filed by the corrupt jurists involved, as Judge Crosson also knows.

In short, this criminal racketeering scheme, and similar schemes, could not exist except for the active cooperation of Judge Crosson."

9. You did nothing administratively or otherwise to correct such situation.

Part II

11. By other legal papers and documents, in greater detail, before and after the designation of Milonas as CAJ, you became aware of the egregious criminal racketeering activities involving and revolving around Puccini -- "the judicial fortune cookie" --; the fraud upon the state treasury; the XI Amendment fraud being perpetrated upon the federal courts; the larceny of judicial trust assets by members of the bar, mandating disciplinary action, if not disbarment; the criminal corruption of state jurists and officials, including Presiding Justice Murphy and yourself, and you made no attempt at remedial action, administrative or otherwise.

12. Insofar as you, Milonas, and/or OCA, tolerate and/or suffer such conditions to exist, and continue, without remedial action, you acknowledge civil, and potential criminal responsibility (Peo. ex rel Price v Sheffield Farms, 225 N.Y. 25, 121 N.E. 474 [1918]).

13. You have no reason to question, and can easily verify Exhibit "-", dated March 10, 1994, from OCA, a copy of which, with the supporting OCA documentation, is being sent to WILLIAM J. GALLAGHER ["Gallagher"], Inspector General of OCA.

14. You do not question your, CAJ Milonas, or Gallagher's responsibility under the extant circumstances described herein.

Dated: March 14, 1994"

3. One year after her appointment as Chief Judge & Chairperson of the Administrative Board and ten (10) months of Milonas, as Chief Administrator, the evidence of their criminal activities and corruption was clear and conclusive.

Consequently, on March 29, 1994, the following complaint with made to ***Commission on Judicial Conduct***, which assertions were never denied by Chairperson Kaye, Chief Administrator Milonas, ***William J. Gallagher***, Esq., the Inspector General of the OCA or anyone else:

"Re: Chairperson JUDITH S. KAYE
Chief Admin. Judge E. LEO MILONAS

1a. The Rules of the OFFICE OF COURT ADMINISTRATION ["OCA"], having the force of a statutory mandates, provide that an accounting must be filed by a court-appointed

receiver "at least once a year" (22 NYCRR §202.52[e]). This obligation imposed upon the receiver, is in addition to the "duty" imposed upon the N.Y. State Attorney General and the right of every creditor to demand an accounting (Bus. Corp. Law §1216[a]).

b. The Rules of the Chief Judge, Part 26 & 36, also having the force of statutory mandates, as non-discretionary obligations, provide additional informational requirements in the Judiciary Law 35-a filings with OCA.

2a(1) The above mandates notwithstanding, since PUCCINI CLOTHES, LTD. ["Puccini"] was involuntarily dissolved on June 4, 1980 -- almost fourteen (14) years ago -- not a single accounting has been filed.

(2) Any true accounting would reveal that all of Puccini's judicial trust assets were made the subject of larceny by the criminal entourage of KREINDLER & RELKIN, P.C. ["K&R"] and FELTMAN, KARESH, MAJOR & FARBMAN, Esqs.

b(1) LEE FELTMAN, Esq. ["Feltman"], the court-appointed receiver, in consideration for his concealment of the aforementioned larceny and not making any attempt at recovery on behalf of his judicial trust, was to be given the balance of Puccini's tangible assets, or about $700,000.

(2) Because of the statutory maximum, as contained in Bus. Corp. Law §1217 (Matter of Kane, 75 N.Y.2d 511, 554 N.Y.S.2d 457, 553 N.E.2d 1005 [1990]), which Feltman conceded was $7,667.27, such approximate sum of $700,000 was transferred to his law firm, FKM&F, who for various reasons, legal and otherwise, were not entitled to anything.

(3) Referee DONALD DIAMOND ["Diamond"], who has no authority to award fees (CPLR §4317[b]), was the vehicle for more than $550,000 in such, ex parte, transfer to FKM&F.

(4) Neither Referee Diamond, nor Judge DAVID B. SAXE ["Saxe"] who also made ex parte awards, have never filed their Judiciary Law §35-a Statements, as confirmed in writing by OCA.

3a. Inspector General of the OCA, WILLIAM J. GALLAGHER ["Gallagher"], knows of the aforementioned criminal activity, insofar as they relate to OCA, is in possession of the essential documentation, and is aware of his obligations where criminal conduct is involved.

b. Chairperson JUDITH S. KAYE ["Kaye"] and Chief Administrative Judge E. LEO MILONAS ["Milonas"] are also aware of the aforementioned criminal racketeering activities, particularly as they relate to OCA.

c. Chairperson Kaye and Chief Administrative Judge Milonas, in order to conceal and advance the criminal racketeering activities of, inter alia, Presiding Justice FRANCIS T. MURPHY ["Murphy"] and former Administrative Judge XAVIER C. RICCOBONO ["Riccobono"], have clearly made it known to Mr. Gallagher, that he should not take any action in the matter, including a reference to the District Attorney, Grand Jury, and/or the Departmental Disciplinary Committee.

4. Similar acts of misconduct by some minor jurist, would unquestionably result in sanctions by your Commission.

5. If you entertain any doubt as to the unlawful reasons for Mr. Gallagher's inaction, you simply need ask.

Respectfully submitted,
GEORGE SASSOWER

cc: Chairperson Judith S. Kaye
Ch. Adm. Judge E. Leo Milonas
William J. Gallagher, Esq."

4. Chairperson Kaye, former Chief Administrator Milonas, former Inspector William J. Gallagher, former Presiding Justice Francis T. Murphy, for Administrator Xavier C. Riccobono,

former NYSAG Abrams and others are here publically challenged to deny or controvert anything stated in the above ***Notice to Admit*** or complaint to the ***Commission on Judicial Conduct***!

Part "E": The Kelly Estate/Trusts "In the Bill O'Reilly Bailiwick":

1A. "Millions of dollars" were spent by the ***State of New York***, ***Counties of Suffolk, Nassau & Westchester*** to conceal the larcenous activities of NY Suffolk County Surrogate-Judge ***Ernest L. Signorelli*** and Public Administrator, ***Anthony Mastroianni*** with respect to the ***Kelly Estate/Trusts***.

However, not one dollar ($1.00) of government monies was expended to protect the legal and financial interests of the three (3) motherless infants, the children of the predeceased daughter of the testator/settlor, who were the prime beneficiaries of the ***Kelly Estate/Trusts***, although the ***State of New York*** and those acting on its behalf, such as the NYSAG and the Chairperson, are their ***parens patriae***!

B. ***Signorelli-Mastroianni***, dissipated *all* the disposable assets in the Kelly Estate to satisfy their personal desires and obligations, including Signorelli's financial obligations arising from his extra-marital affair in his judicial chambers, leaving *nothing* for *any* beneficiary, including the three (3) motherless infants.

In addition to other infirmities, Signorelli's *personal* financial interest in the Kelly Estate, is a constitutional infirmity (***Bracy v. Gramley***, *supra*) renders *all* his proceedings and dispositions to be null and void.

For Mastroianni's neglect in the administration of the Kelly Estate, causing it substantial damages, he was denied all commissions and fees. However, since the Public Administrator is a salaried employee, who must turn-over all commissions and fees to the County (*Surrogate's Court Procedure Act* §1207), it was the County of Suffolk, not Mastroianni, who was aggrieved thereby.

With nothing left in the Kelly Estate, Mastroianni was then presented with a penalty assessment by the ***U.S. Internal Revenue Service*** for his *personal* failure to make timely payment of taxes due. To satisfy this tax penalty, caused by *his* neglect, and to satisfy some other personal expenses, he seized the assets in the ***Kelly Trusts***, whose prime beneficiaries were the same three (3) motherless infants.

Consequently, the three (3) motherless infants received *nothing* from the ***Kelly Estate*** or the ***Kelly Trusts***!

C. ***Today***, almost thirty (30) years, there is still *no* valid "final order" or "judgment" terminating the Kelly Estate proceeding, *no* valid order discharging Mastroianni or his surety, ***Fidelity & Deposit Company of Maryland*** ["F&D"], and *no* *NY Judiciary Law* §35-a Statements.

As the Appellate Division, Second Department, was and is aware, on the appeal by Mastroianni, at ***Kelly Trusts*** cost and expense, in addition to his lack of "standing", a lethal jurisdictional infirmity, the attorneys for the three (3) motherless infants was *dead*, and I, not have been served, did not appear

Thus, ***Estate of Eugene Paul Kelly*** [***Mastroianni***] (147 A.D.2d 564, 537 N.Y.S.2d 857 [2nd Dept.-1989]), in addition to being void, for the lack of "standing", is not binding on the three (3) motherless infants or myself (***Martin v. Wilks***, 490 U.S. 755 [1989]; ***Copeland v. Salomon***,56 NY2d 222, 451 NYS2d 682, 436 NE2d 1284).

D. Since the statutory scheme is exactly the same in Suffolk, Nassau and Westchester Counties, all in the Second Judicial Department, and very similar in other counties, the ***Signorelli-Mastroianni*** scenario is of interest to many, particularly since the present intent of Chairperson ***Judith S. Kaye***, on court reorganization, is to leave the Surrogate's Court untouched!

E. Thus, whenever, in the Counties of Suffolk, Nassau or Westchester an estate has substantial assets, such as the ***Kelly Estate***, and the Public Administrator, such as ***Anthony Mastroianni***, is named temporary administrator, a basic dumb computer can be easily programmed to read or say that a fraud is intended to be perpetrated upon the County and, absent unusual circumstances, the computer will be correct each time.

F. Who is watching over the kin of Bill O'Reilly, a resident of Nassau County, who has made his personal mission to protect children from predators!

Unquestionably, Bill O'Reilly would "turn over in his grave" if he knew his "estate" was being dissipated in order to underwrite the extra-marital expenses of some Surrogate-Judge or for some similar activities!

2. ***Geo. Sassower v. Fidelity & Deposit Company of Maryland***, was filed in the U.S. Southern District of Florida (Docket No. 93-2268) wherein ***Judith S. Kaye***, ***Ernest L. Signorelli*** and ***Anthony Mastroianni*** and their governmental co-defendants, were sued in their "*personal*" capacities, for tort money damages. Insofar as the Kelly Estate was concerned the undenied and uncontroverted assertions were [with emphasis in the original]:

13a. In 1970 EUGENE PAUL KELLY ["Kelly"] established the GENE KELLY MOVING & STORAGE, TRUSTS ["Kelly Trusts"], as New York County trusts, with plaintiff as trustee.

b. From its inception, and continuously ever since, to the present date, the plaintiff was and is the trustee of such trusts.

14a. Kelly's Last Will and Testament named plaintiff as the executor, and DORIS L. SASSOWER, Esq. ["DLS"], as the alternate executrix.

b. Upon Kelly's death in 1972, plaintiff qualified and was appointed the sole Executor of ESTATE OF EUGENE PAUL KELLY ["Kelly Estate"] by the former Surrogate of Suffolk County.

15a. Several months prior to March of 1977 Surrogate ERNEST L. SIGNORELLI ["Signorelli"] approved of a proposed sale of some real property in the Kelly Estate by plaintiff, and directed that plaintiff sign a contract for its sale.

b. Until March of 1977, everyone, including Surrogate Signorelli, recognized plaintiff as the sole executor of the Kelly Estate.

c. As stated in the Report of Hon. ALOYSIUS J. MELIA ["Melia"] of February 4, 1982, after seventeen (17) days of hearings, where everyone involved was afforded due process, which Report was unanimously confirmed by the Appellate Division (p. 61):

"Indeed, in this period, on October 21, 1976, <u>on the record</u>, the Surrogate ordered the respondent [plaintiff] to sell the house. He could only do so as executor (Ex. BP)

The respondent [plaintiff] prepared and entered into a contract to sell on December 2, 1976. <u>The Surrogate then aborted the deal</u>.

More than a year later, <u>after paying additional taxes</u>, the <u>Public Administrator</u> [Anthony Mastroianni] <u>sold the house to the same party for the same price</u>.

On July 6, 1976, papers were prepared by the respondent [plaintiff] in the court room, by court personnel, and signed by the Surrogate. These papers purportedly still recognized the respondent [plaintiff] as executor. (Ex. CD (Ex AR)

On March 25, 1977 the Public Administrator was appointed temporary administrator. (Ex. 24)

The respondent has always maintained that he was improperly and illegally removed as executor. He has never received any fee." [emphasis supplied].

d. The Report of Judge Melia further stated (p. 2):

"Indeed, to date, neither the respondent [plaintiff] as executor of the Kelly estate, nor his wife [DLS] as attorney, has received any fee or expenses for a great deal of work performed."

16. ANTHONY MASTROIANNI ["Mastroianni"] assumed his stewardship of the Kelly Estate under the written representation that he was bonded by F&D, which was true or which was believed by everyone to be true, a bond being required by statute, custom and usage.

17a. Plaintiff appealed the without due process removal by Surrogate Signorelli, but the Appellate Division held, in effect, that the appeal would have to be from the final order and judgment which terminated the Kelly Estate.

b. Promptly, after such denial of plaintiff's right to appeal at that juncture, plaintiff turned over to Mastroianni, the books, records and assets of the Kelly Estate, insofar as they were in plaintiff's possession or under his control.

c. Plaintiff never had possession or control of certain financial records held by ALBERT BARANOWSKY ["Baranowsky"], the personal accountant for Kelly.

18a. Plaintiff was aware of the "in-office" misconduct of Surrogate Signorelli and clearly stated his intention to "blow the whistle" if the assets in the Kelly Estate were to be dissipated for private Signorelli/Mastroianni purposes.

b. Consequently Signorelli, Mastroianni and his attorney, who was in fact Signorelli's political campaign manager, began to harass and terrorize plaintiff, DLS, and their children, at Kelly Estate and governmental expense, in an attempt to compel plaintiff's silence.

c. The pretext of such terrorism was the false and perjurious assertion that plaintiff did not turn over to Mastroianni the Kelly Estate books and records.

19a. The aforementioned terrorism included the adjudication, three (3) times, plaintiff guilty of non-summary criminal contempt based upon the perjurious Mastroianni applications that plaintiff had not turned over the Kelly Estate books and records, resulting in plaintiff's incarceration -- twice --.

b. Each non-summary criminal contempt conviction, a constitutionally protected offense, was without a trial, without the opportunity for a trial, without any confrontation rights, in absentia, without due process, without the right of allocution, without any live testimony in support thereof, and without any constitutional or legal waiver thereof.

c. Signorelli/Mastroianni demanded and insisted that plaintiff turn over to them 'phantom' books and records, which they, not plaintiff, had in their possession.

20a. Both arrests of plaintiff were in Westchester County, with his direct removal to Suffolk County, about 100 miles distant, for his incarceration.

b. Plaintiff's second arrest, along with a physical beating on route from Westchester to Suffolk County, resulted also in the incarceration of DLS and one of their daughters for simply presenting a writ of habeas corpus directing plaintiff's immediate release on his own recognizance.

c. While plaintiff, DLS and one of their daughters were incarcerated, Signorelli communicated with defendant, Presiding Justice MILTON MOLLEN ["Mollen"], in an ex parte and unlawful attempt to have the nisi prius jurist, Hon. ANTHONY J. FERRARO ["Ferraro"] revoke and/or modify his writ of habeas corpus.

d. Mr. Justice Ferraro stood firm, refused such improper request, and instead read the "riot act" to the Suffolk County officials, resulting in the release of plaintiff and his family.

e. ERICK F. LARSEN, Esq. ["Larsen"], former Assistant Suffolk County Attorney, and who was in charge of these matters, in his deposition of September 18, 1984 (p. 64) stated:

> "I have made that absolutely clear to you. That there was no case, no authority, no anything to justify what occurred twice over in Surrogate's Court" [emphasis as testified].

21a. Mastroianni, after the confirmed report of Judge Melia, along with plaintiff's refusal to submit to any code of silence concerning judicial misconduct and improprieties in Suffolk County, including that of Signorelli and Mastroianni, were now no longer able to employ the false excuse of the absence of books and records for not settling his account in the Kelly Estate matter.

b. Consequently, through his third attorney, Mastroianni executed a petition dated December 17, 1984 requesting the settlement of his account in the Kelly Estate.

c. In such Mastroianni petition which, on information and belief, he or his attorney served on F&D, Mastroianni sought to surcharge plaintiff more than $100,000 (inclusive of interest) for his alleged misconduct.

d. Plaintiff served, including upon F&D, and filed his answer to such petition.

e. At no time, during such settlement proceedings, did F&D advise the Court, Mastroianni, his attorney, or plaintiff that it did not cover Mastroianni under its statutory mandated bond(s), although they knew that the aforementioned believed such coverage existed, now estopping F&D from claiming otherwise.

22a. The hearings on the settlement of the Mastroianni account revealed that all disposable assets in the Kelly Estate were employed for the payment of the monetary, personal, and political obligations of Signorelli and/or Mastroianni, and/or by reason of Mastroianni's gross neglect, leaving nothing for the payment for plaintiff's services and/or reimbursement for plaintiff's disbursements.

b. Included in the wrongful disposal of Kelly Estate assets, was the payment to Mastroianni's third attorney in the Kelly Estate of a substantial fee from Kelly Estate assets, which should not have been charged against and/or paid by the estate.

c. Neither plaintiff, nor DLS [who was not even served], received any award for their services or disbursements, simply because of the misconduct of Mastroianni, wherein nothing was left in the Kelly Estate.

d. Mastroianni could not show any damage resulting from any alleged misconduct of plaintiff, and the surcharge claim against plaintiff was dismissed.

23a. Surfacing during the 1985 settlement hearings was the fact Mastroianni communicated with Baranowsky in 1977, and had in his possession prior to the first contempt proceedings, Kelly's books and papers, as well as those previously possessed by plaintiff.

b. This fact was confirmed by Mastroianni's first attorney's letter which read:

> "We have already contacted Mr. Baranowsky in 1977 who turned over to us all records in his possession" [emphasis supplied]

c. Included in the decision on the settlement hearings was the following:

> "The evidence failed to establish that Mr. Sassower did not turn over any documents which justifiably prevented the Public Administrator ["Mastroianni"] from closing out the Estate in 1980."

24a. After the 1985 hearings on the settlement of Mastroianni's accounting, which despite drastic reductions of claims made, left nothing, Mastroianni learned and/or recognized that there was a substantial tax penalty by reason of his failure to pay estate taxes that were due on the Kelly Estate.

b. Such tax penalty surcharge was clearly not the ultimate burden of the Kelly Estate or the Kelly Trusts, but rather that of Mastroianni personally, F&D, and/or the County of Suffolk.

c. Nevertheless, without any due process whatsoever, Mastroianni seized all the assets of the Kelly Trusts in order to pay such tax penalty and other expenses.

25a. On appeal, Mastroianni and his attorneys, intentionally did not serve plaintiff, and the matter was disposed of without plaintiff's participation.

b. CHARLES L. ABUZA, Esq. ["Abuza"], who represented most of the beneficiaries, had died about six (6) months before the matter was heard at the Appellate Division, and his clients were thereby deprived of representation on such appeal, since none of the mandatory substitution procedures were instituted by Mastroianni or his attorneys.

c. In short, the proceedings at the Appellate Division were a jurisdictional nullity, and certainly not binding on plaintiff, his personal interests, or fiduciary obligations as, inter alia, the defendant WILLIAM C. THOMPSON ["Thompson"] is aware.

26. Thereafter, when plaintiff attempted to vacate the determination of the Appellate Division, by reason of the aforementioned jurisdictional infirmities, plaintiff's motion was denied, with $100 costs, as part of a programmed scheme to deny plaintiff access to the courts.

27. By reason of the aforementioned, F&D is obligated to plaintiff, personally, as the improperly removed executor of the Kelly Estate, and as trustee of the Kelly Trusts under the bonds it issued and/or is estopped from claiming the non-issuance of such bonds."

3. The undenied and uncontroverted Notice to Admit, dated July 7, 2004, addressed to ***Anthony Mastroianni***, reads as follows:

"Part "A":

1. The defendant, ***Anthony Mastroianni***, here sued in his personal capacity, was the Public Administrator of Suffolk County, and is now the Chairman of the Republican Party for Suffolk County.

2. Although Mastroianni here sued in his personal capacity, he is being defended by the Office of the Suffolk County Attorney, at Suffolk County cost and expense.

Part "B":

1. An the instance of Surrogate ***Ernest L. Signorelli*** of Suffolk County, disciplinary proceedings were instituted against the plaintiff, ***George Sassower***, Esq.

2. This disciplinary proceeding were initiated after the District Attorney of Suffolk County and the District Attorney of Westchester County refused to take any action against ***George Sassower***, Esq. based on the Signorelli-Mastroianni complaints, or those by ***Vincent G. Berger, Jr.***, Signorelli campaign manager and the attorney for Mastroianni.

3. A local Bar Association also refused to bring any proceedings against ***George Sassower***, Esq., based on the complaints of Signorelli, Mastroianni and/or Berger.

4. Disciplinary proceedings were eventually instituted by the Grievance Committee for the Ninth Judicial District [hereinafter GC9"] only after Surrogate Signorelli caused his *sua sponte*, "diatribe" to be published and he communicated, *ex parte*, with NY Presiding Justice ***Milton Mollen*** of the Appellate Division, Second Department, who intervened on his behalf.

5. At the disciplinary hearings, Mastroianni and Surrogate Signorelli testified, and were made the subject of cross-examination.

6. As a result of the Signorelli-Mastroianni testimony, ***George Sassower***, Esq., was resoundingly vindicated on each and every count.

7. Surrogate Signorelli also instigated disciplinary proceedings against the then spouse of George Sassower, Esq. and here also despite the intervention of Presiding Justice Mollen, she was also resoundingly vindicated on each and every count.

8. As a direct result of the improper intervention of Presiding Justice Mollen in the disciplinary process, it became the most intensive and expensive disciplinary proceedings ever brought by GC9.

9. Nevertheless, the vindicating final score was thirty-two (32) to zero (0).

Part "C":

1. The prime charges by Surrogate Signorelli and Administrator Mastroianni were that Geo. Sassower, Esq., having been removed in March 1976, failed to turn over the books and records of the ***Estate of Eugene Paul Kelly, deceased***, as directed which prevented Mastroianni from fulfilling his obligations as temporary administrator.

2. In the Report of the Referee, Supreme Court Justice ***Aloysius J. Melia***, which the Appellate Division confirmed, he stated (pp. 60-61):

"The Public Administrator was not named to replace the respondent [Geo. Sassower] until 1 year later, on March 25, 1977.

In the intervening year, court transcripts of proceedings before the Surrogate, amply demonstrate that participants in the proceedings considered the respondent to be still the executor.

Abuza so testified ....

Wruck, a special guardian and others, so referred to the respondent on several occasions in the record of proceedings before the surrogate. ...

On July 6, 1976, papers were prepared by the respondent in the court room, by court personnel, and signed by the Surrogate. These papers purportedly still recognized the respondent as executor."

3. The Memorandum of the GC9 on the subject reads as follows (p. 7):

"The Grievance Committee is cognizant that testimony and documentary evidence point to the fact that respondent was, in fact, thought of by most, if not all, of the attorneys and the Surrogate involved as the executor."

4. The Memorandum of the GC9, insofar as relates to petitioner's refusal to transmit the books, records and assets of the Kelly Estate to Mastroianni, reads as follows:

CHARGE FOUR

CHARGE FOUR alleges that respondent has failed to turn over all the Kelly Estate Documents to the Suffolk County Public Administrator. The Grievance Committee move to confirm Judge Melia's recommendation of dismissal based on the following proof.

Respondent testified on several occasions that he gave all of the important documents to Vincent G. Berger, Jr., attorney for the Suffolk County Public Administrator on June 13, 1977. Respondent further claimed that a box containing duplicate documents was turned over to Anthony Mastroianni (Suffolk County Public Administrator) in June of 1981. Anthony Mastroianni testified on November 4, 1981 that the material he received in June appeared to duplicate what he already had (p, 53).

Neither Berger nor Mastroianni had a clear picture of what documents respondent neglected to turn over. Fatal to this charge is Mastroianni's testimony of November 4, 1981 (p. 74) that he does not know if there are any missing documents.

The Grievance Committee moves to confirm the recommendation of dismissal of CHARGE FOUR.

Part "D":

1. After all GC9 charges had been completely and resoundingly dismissed by the ***NY Appellate Division, First Department*** (M1425/2967-11/19/82), to which the matters had been referred by ***NY Appellate Division, Second Department*** because of the involvement of Presiding Justice Mollen in the matter, Signorelli and Mastroianni could no longer use as an excuse that they could not account because Geo. Sassower had the Kelly Estate books and records.

2. The Mastroianni accounting proceeding was heard by Acting Surrogate, now Supreme Court Justice ***Burton Joseph*** who refused to give the disciplinary proceedings *res judicata* effect.

3. Once again, after hearing testimony on the same issues, Mr. Justice Joseph found that plaintiff had not been removed in March of 1976, found that he had turned over the books and records of the Kelly Estate before the initial criminal contempt proceeding was instituted, and also found, as did Judge Melia, Mastroianni was derelict in not conveying the real property in the Kelly Estate causing substantial loss to the estate.

4. During the proceedings before Mr. Justice Joseph, there surfaced from the Mastroianni file, a letter of his attorney, Berger, dated March 9, 1978, to one of the Kelly beneficiaries, which he had concealed before the disciplinary tribunal, reading as follows:

"We have already contacted Mr. Baronowsky [Kelly's accountant] in 1977 who turned over to us all records in his possession.".

5. Thus, beyond all doubt, the Signorelli-Mastroianni assertion that no accounting could be rendered by Mastroianni because of his failure to have Kelly Estate books and records, was contrived and concocted.

6. Thus, all the times that Signorelli, Mastroianni, Mollen and the Appellate Division were imposing their "reign of terror" against plaintiff and his family, for the refusal of plaintiff to turn over "phantom" books and records in the Kelly Estate, these books, records and necessary information was in the possession of Mastroianni (see, *e.g.* ***Geo. Sassower v. Signorelli***, 65 AD2d 756, 409 NYS2d 762 [2nd Dept. - 1978]), and other decisions which thereafter incorporates or relies such dicta.

7. Even after the Signorelli-Mastroianni fraud about "phantom" books and records, was completely and resoundingly exposed during the disciplinary proceedings, in ***People ex rel., Geo. Sassower v. Sheriff of Suffolk County*** (134 AD2d 641, 521 NYS2d 536 [2nd Dept.-1987]) plaintiff, without a trial or hearing or confrontation rights, was adjudged guilty of non-summary criminal contempt, for failing to turn over books and records – books and records which were at all relevant times, in the possession of Mastroianni.

8. The appeal by Signorelli, by the NY State Attorney General, in ***Geo. Sassower v. Signorelli*** (*supra*), compelled the conclusion that a "fix" existed in the appellate court, thereafter confirmed.

9. Mastroianni was never appointed a criminal prosecutors against plaintiff by any court or judge. He had anointed himself as a criminal prosecutor who prosecuted plaintiff in his own name, not in the name of the sovereign.

10. The proceeding was void (***Young v. U.S. ex rel. Vuitton***, 481 U.S. 787 [870526]).

Part "E":

1. As a result of the Mastroianni accounting before Mr. Justice Joseph, it was found and determined that all disposable assets in the Kelly Estate had been dissipated to satisfy the personal obligations and desires of Signorelli and Mastroianni, leaving nothing for any beneficiary, including the three (3) motherless infants, the prime beneficiaries of the Kelly Estate.

2. Thereafter, a substantial Internal Revenue penalty was imposed by reason of the failure of Mastroianni to make timely payment of taxes due from the Kelly Estate.

3. To satisfy such tax assessment, caused by Mastroianni own neglect, since nothing was left in the Kelly Estate, he seized the assets in the ***Gene Kelly Moving & Storage, Trusts***, in which plaintiff was the trustee, and used those assets to pay personal tax assessment.

4. The three (3) motherless Kelly infants were also the prime beneficiaries of the Kelly Trusts, as well as the Kelly Estate, they therefore received nothing from either the Kelly Estate or Kelly Trusts.

Part "F":

1. Mastroianni appealed the decree of Mr. Justice Joseph, but ***Charles Z. Abuza***, Esq., who represented the three (3) Kelly motherless infants, died about six (6) months before such appeal was heard and without submitting any papers on their behalf, creating an automatic ***CPLR*** §321[c] stay.

2. Plaintiff, was an essential party to such appeal, was not served with appellate papers, was not aware of the pending appellate proceeding and therefore did not participate in same.

3. Although the Appellate Division clearly lacked "jurisdiction" it entertained such appeal in a futile attempt to conceal the Signorelli-Mastroianni fraud, with its Mollen involvement.

4. The appellate proceedings as against the clients of Abuza and plaintiff are void (***Estate of Eugene Paul Kelly, deceased*** [***Mastroianni***] (147 AD2d 564, 537 NYS2d 857 [2nd Dept. - 1989]).

5. Additionally, the appellant, Mastroianni, in that proceeding, as distinguished from the ***County of Suffolk,*** was not an "aggrieved" party (***Surrogate's Court Procedure Act*** §1207[5]) and had no standing on such appeal, which was unlawfully made at Kelly Estate/Trust cost and expense (***Estate of Greatsinger***, 67 NY2d 177, 701 N.Y.S.2d 423, 492 NE2d 751 [860401]
Dated: July 7, 2004

Part "F": ***Amendment XI of the Constitution of the United States & Defrauding the State of New York***:

1A. In 1977, and many times thereafter, I have stated, in and out of court, always without dispute, that even the most corrupt a State attorney would never defend anyone is a tort money damage action, brought by a "person", in or removed to a federal forum, unless he/she had been assured that the federal jurist(s) involved had been "*fined*" and that there would be no repercussions!!!

I now, once again, repeat such statement, and challenge any State or former State attorney, including ***Robert Abrams***, ***G. Oliver Koppell***, ***Eliot L. Spitzer***, ***Jeffrey I. Slonim***, ***Angela M. Cartmill***, ***Ronald P. Younkins***, ***Katherine B. Timon*** and ***Charles F. Sanders***, to refute such proposition.

B. In response to an appeal from a ***Freedom of Information Law*** ["FOIL"] request (Appeal #. 03-540), it is evident that the NYSAG have been "cooking" its books and records to conceal the *unconstitutional*, *unlawful* and *unauthorized* expenditure of NY State funds from fiscal authorities!

2. On March 23, 1993, "Day-One", a complaint was made against ***Matthew T Crosson***, with copies simultaneously mailed to Chairperson ***Judith S. Kaye*** and Assistant NYSAG ***Angela M. Cartmill***, which in relevant part reads as follows:

> Charge I. - Judge Crosson is being sued in his personal, not official, capacity, for monetary tort damages, wherein my complaint and other papers specifically and emphatically disclaim any state liability (Sassower v. Abrams [92-08515 SDNY]).
>
> Nevertheless, Judge Crosson in such personal capacity action is being represented at state cost and expense, and defrauding the state treasury thereby (see Hafer v. Melo, 502 U.S. 21 [1991]; Kentucky v. Graham, 473 U.S. 159 [1985]).
>
> Charge II - Unquestionably, Judge Crosson, as well as his attorney, Attorney General Robert Abrams, are aware that the Eleventh Amendment of the United States Constitution, as a matter of subject matter jurisdiction, precludes a defense representation in a money damage tort action, at state cost and expense (Puerto Rico v. Metcalf, 506 U.S. 139 [1993]).
>
> The state, its agencies and employees, invariably object to any action against them in the federal forum as being in violation of the United States Constitution.
>
> However, in Sassower v. Abrams (supra) in order to advance, privately motivated, criminal racketeering activities, neither Judge Crosson nor his attorney, Robert Abrams, have interposed such subject matter jurisdictional objection.
>
> For months, I have contended that such state expenditures are a subject matter jurisdictional violation of the United States Constitution, which neither Judge Crosson or Attorney General disputes, nevertheless they continue on this lawless course of misconduct.

3A. Seven (7) months later, on October 20, 1993, without any corrective action by Chairperson Kaye or Chief Administrator Milonas in the interim, I complained about Kaye to the ***Commission on Judicial Conduct***, as follows:

"Re: Chairperson & Chief Judge JUDITH S. KAYE

In the U.S. District Court of Massachusetts (Sassower v. Fidelity, Docket No. 93-11335Y), I am suing, in their personal, not official, capacities the following New York State jurists, (1) FRANCIS T. MURPHY; (2) XAVIER C. RICCOBONO; (3) IRA GAMMERMAN; (4) DONALD DIAMOND; (5) GUY J. MANGANO; (6) WILLIAM C. THOMPSON; (7) ERNEST L. SIGNORELLI, and (8) ANGELO J. INGRASSIA.

There is a related proceeding pending in the U.S. Circuit Court of Appeals for the First Circuit (Matter of Sassower, Docket No. 93-8052).

In the above action and proceedings, the aforementioned jurists and others, are represented, at state cost and expense, by Assistant N.Y. State Attorney General RONALD P. YOUNKINS.

All of the above jurists, as well as NY State Attorney General ROBERT ABRAMS, Ass't Atty. General Younkins, and Chairperson of the Administrative Board of the New York State Court, Chief Judge JUDITH S. KAYE, are aware of the following constitutional and legal propositions:

1. In a personal capacity, money damage tort, action, the defendant personally, not the sovereign, bears the cost and expense of the litigation, as well as the burden of satisfying any judgment recovered (Hafer v. Melo, 502 U.S. 21 [1991]; Kentucky v. Graham, 473 U.S. 159 [1985]).

2. As a XI Amendment constitutional bar, the federal courts do not have subject matter jurisdiction to entertain any money damage tort litigation, where satisfaction of the judgment or the cost of the litigation, is borne by the state sovereign (Puerto Rico v. Metcalf, 506 U.S. 139 [1993]).

3a. By being defended, at state cost and expense, the above jurists, the Attorney General and Chairperson, are engaged in a financial and criminal fraud upon the state treasury, as well as imposing a constitutional and jurisdictional fraud upon the federal judicial system.

b. In addition to the aforementioned fraud upon the state treasury and federal courts, the reasonable value of such state services is "taxable income" (26 U.S.C. §120[c]), and there is every reason to believe that the aforementioned jurists, are not reporting such income or paying their federal or state taxes, based thereon.

4a. All the above jurists involved in the First U.S. Circuit litigation are directly or indirectly involved in the larceny and plundering of judicial trust assets, wherein Attorney General Abrams is the statutory fiduciary.

b. All of the above jurists, Attorney General Abrams, Assistant Attorney General Younkins, and Chief Judge Kaye, are aware that no court can tolerate a situation where an active and viable defendant, in the same litigation: (1) represents himself, as well as other defendants, or (2) a fiduciary, such as Attorney General Abrams and/or members of his office, represents those who are unlawfully raping and ravishing the assets of his trust.

Even when not raised by the parties, the courts are bound to sua sponte inquire and reject such egregious and unlawful representation (Wood v Georgia, 450 U.S. 261, 265 n. 5 [1981]).

5. As Judge Cardozo, for Chief Judge Kaye's court held, criminal liability can be imposed by suffering an illegal condition to continue to exist (Peo. ex rel Price v. Sheffield Farms, 225 N.Y. 25, 121 N.E. 474 [1918]).

6. It was and is Chief Judge Kaye's administrative obligation as, inter alia, Chairman of the Administrative Board, to enjoin such unlawful conduct, rather than impose such obligation upon Chief U.S. Circuit Court Judge STEVEN G. BREYER and/or his Court.

Respectfully,
GEORGE SASSOWER

cc: Chairperson, Judith S. Kaye
Attorney General Robert Abrams
Assistant Attorney General Ronald P. Younkins
Chief U.S. Circuit Court Judge Steven G. Breyer ...

No one, not even Chief Judge, now Associate Supreme Court Justice, ***Steven G. Breyer***, disputed the facts and conclusion of my complaint.

B. In addition to the eight (8) NY State jurists that Assistant NYSAG Younkins was defending at the *unconstitutional* cost and expense of the ***State of New York***, at the U.S. Court of Appeals for the First Circuit, ***Robert Abrams***, ***Angela M. Cartmill*** and three (3) others employed by the NYSAG, as assistants.

Assistant NYSAG Younkins is now is the Chief of Operations for the OCA.

4. The undenied Notice to Admit, addressed to ***Judith S. Kaye***, in the U.S. District Court for the Southern District of Florida (***Geo. Sassower v. Fidelity & Deposit Co. of Maryland***, *supra*) included the following:

> " 7. By receipt of such letter [March 23, 1993], if not before, you became [aware] that Crosson, along with Abrams, were defrauding the state treasury by a defense in the federal court for personal activities, at state cost and expense, and notwithstanding the XI Amendment jurisdictional and constitutional bar, and you took no remedial administrative action with respect to such activities."
>
> 10. You acknowledge receipt of a complaint against you made to the CJC, dated October 20, 1993, and you did not, nor do now dispute any of the contents made therein, law, fact or conclusion.
>
> 11. ...before and after the designation of Milonas as CAJ, you became aware of the egregious criminal racketeering activities involving and revolving around Puccini -- "the judicial fortune cookie" --; *the fraud upon the state treasury; the XI Amendment fraud being perpetrated upon the federal courts*; the larceny of judicial trust assets by members of the bar, mandating disciplinary action, if not disbarment; the criminal corruption of state jurists and officials, including Presiding Justice Murphy and yourself, and you made no attempt at remedial action, administrative or otherwise.[emphasis supplied]"

5. ***Judith S. Kaye***, when sued in her "*personal*" capacity in: (1) ***Geo. Sassower v. American Bar Association***, in the U.S. District Court for the Northern District of Illinois (#93-7427); (2) ***Geo. Sassower v. Fidelity & Deposit Co. of Maryland***, in the U.S. District Court for the Southern District of Florida (#93-2268), and (3) ***Harold Cohen & Geo. Sassower v. West Publishing Co.***, in the U.S. District Court for the Northern District of Texas (# 93-2546), for tort money damages, she was defended by the NYSAG, despite the Amendment XI/Hans constitutional prohibition, which rendered the merit dispositions made to be "null and void".

In ***Sherman v. Community*** (980 F.2d 437, 440 [7th Cir.-1992]),U.S. Circuit Court Judge ***Frank H. Easterbrook***, speaking for the Court, correctly stated:

> "The Shermans overlook the enduring principle that judges must consider jurisdiction as the first order of business, and that parties must help the court do so (***Philbrook v. Glodgett***421 U.S. 707, 720-722 [1975]; ***Fusari v. Steinberg***, 419 U.S.

379, 387 n.12 [1975]. Nothing can justify adjudication of a suit in which plaintiff lacks standing or there is some other obstacle to justiciability. The Eleventh Amendment deprives federal courts of jurisdiction ... ."

Neither Kaye, nor her NYSAG attorneys informed the federal courts that the Eleventh Amendment deprived federal courts of jurisdiction, as was their legal and ethical responsibility.

6. Since the Chief Judge, when sued in her "*personal*" capacity had the NYSAG defend her, at *unconstitutional*, *unlawful* and *unauthorized* New York State cost and expense, for the following thirteen (13) years, in <u>all</u> actions "revolving around" the "***Citibank Bribes for Total Immunity Agreement***" and the "***Kelly Estate/Trusts***", <u>all</u> judges and officials sued in their "*personal*" capacities, in the federal or state courts, were so defended at *unlawful* and *unauthorized* NY State cost and expense.

It was "gang rape" on the NY State treasury!

Can the ***Ethics Commission***, District Attorney ***F. David Soares*** of Albany County or anyone else, possibly articulate justification for not compelling ***Judith S. Kaye*** to provide "restitution" to the State of New York for defrauding and permitting others, under her administrative control, to defraud the ***State of New York***, when their activities and misconduct is quantum leaps more egregious than that of former NY State Comptroller ***Alan G. Hevesi***???

Part "G": ***<u>Limitation of State Power</u>***:

1. I hold contractually based contractually based, constitutionally protected obligations against: (1) ***Puccini Clothes, Ltd.,*** including a money judgment (Exhibit "F"); (2) the ***Kelly Estate/Trusts***, and (3) others, including ***Hyman Raffe***, ***A.R. Fuels*** and others.

As a result of these primary obligors, I have constitutionally protected obligations against Citibank, K&R, FKM&F, F&D and others.

2. Article I §10[1] of the *Constitution of the United States* ["Powers <u>denied</u> the states"],"the supreme law of the land", provides:

> "<u>*No State shall*</u> enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make anything but gold and silver Coin a Lender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or <u>*Law impairing the Obligation of Contracts*</u>, or grant any Title of Nobility." [emphasis supplied]

The prohibition against the State, includes state judges, state officials, state employees and those acting under state authority!

3. In ***Louisiana v. New Orleans*** (102 U.S. 203, 206-207 [1880]), the Supreme Court stated:

> "The obligation of a contract, in the constitutional sense, is the means provided by law by which it can be enforced, -- by which the parties can be obliged to perform it. Whatever legislation lessens the efficacy of these means impairs the obligation. If it tend to postpone or retard the enforcement of the contract, the obligation of the latter is to that extent weakened. The Latin proverb, *qui cito dat bis dat*, -- he who gives quickly gives twice, -- has its counterpart in a maxim equally sound, -- *qui serius solvit, minus solvit*, -- he who pays too late, pays less. Any authorization of the postponement of payment, or of means by which such postponement may be effected, is in conflict with the constitutional inhibition."

4. The <u>*only*</u> legal way to "impair" a contractually based obligation is in a bankruptcy proceeding where the obligor is the subject of the proceeding:

Thus, when ***Texaco*** desired to "impair" the money judgment of ***Penzoil*** it filed a petition in bankruptcy. When ***United Airlines*** desired to "impair" its contractual obligations to its employees, it filed a petition in bankruptcy. When the ***Archdiocese in Portland, Oregon***, ***Tucson, Arizona***; ***Spokane, Washington***; ***Davenport, Iowa***, and now in ***San Diego, California*** desires to "impair" its obligations, contractually and otherwise, including to those who were made the subject of sexual abuse, they filed petition in bankruptcy.

However, when ***Citibank, N.A.*** desires to "impair" its obligations, contractually and otherwise, it "*pays off*" or otherwise "*corrupts*" judges and officials.

Part "H": ***The Fixers***:

1. Unquestionably, Associate Justice ***E. Leo Milonas*** and members of the panel had been "*fixed*", in rendering their disposition in ***Barr*** [***Puccini***] ***Feltman v. Geo. Sassower*** (*supra*), which "*fix*" were motivated by monumental "*bribes*".

Similarly, and for a similar reasons, the jurists involved in the other non-summary criminal contempt convictions, initiated and prosecuted by K&R &/or FKM&F, as self-anointed criminal prosecutors, including members of the Appellate Division, were "*fixed*"!

2.. Every jurist, State and Federal, had to be "*fixed*" so that he/she would tolerate representation by the NYSAG, at *unauthorized* State cost and expense, of New York State judges and officials, when sued in their "*personal*" capacities!

Every federal jurist ***knew*** that ***Judith S. Kaye***, was a "*corrupt*" jurist/official when she was represented in her "*personal*" capacity by the NYSAG, at NY State cost and expense.

3. While there is no accusation that ***Judith S. Kaye*** personally "*fixed*" Chief Judge, now Associate Supreme Court Associate Justice ***Steven G. Breyer***, in ***Geo. Sassower v. Fidelity & Deposit Co. of Maryland*** (*supra*), her cooperation was essential to the "*fixed*" disposition made.

Since *all* Puccini's judicial trust assets had been made the subject of larceny, leaving *nothing* for its creditors, and *all* of Kelly Estate disposal assets were unlawfully plundered, leaving *nothing* for its beneficiaries, recovery against ***Fidelity & Deposit***, by a constitutionally protected creditor was, absent a "*fix*", certain.

Neither, ***Skadden, Arps, Slate, Meagher & Flom, LL.P.***, the attorneys for ***Fidelity & Deposit***; Assistant NYSAG ***Ronald P. Younkins***, *unconstitutionally* representing thirteen (13) rogue NY jurists and officials, at *unauthorized* and *unlawful* New York State cost and expense; Associate Justice ***Steven G. Breyer***; Chairperson ***Judith S. Kaye***; Chief Administrator ***E. Leo Milonas***, nor anyone else can articulate a rationale explanation for the result, absent a "*fix*"!

Neither ***Judith S. Kaye***, nor anyone else, articulate justification for the disposition made in ***Geo. Sassower v. Fidelity & Deposit*** (*supra*) in the U.S. District Court in the Southern District of Florida, where Kaye was a defendant in her "*personal*" capacity!

4. Further examinations of dispositions made would be supererogatory and would only confirm the obvious.

Part "I": "***Rock-Bottom on the Ethical-Legal Scale***":

1. In my "Day-One", March 23, 1993 complaint, I stated:

> Charge III - Attorney General Abrams is the statutory fiduciary of all involuntary dissolved corporations, with extensive discretionary powers and some mandatory duties (e.g. Business Corporation Law §1214[a], §1216[a]).

The Attorney General function, insofar as involuntary dissolved corporations are involved, is to police the courts, its judges, and its appointees, such as court-appointed receivers.

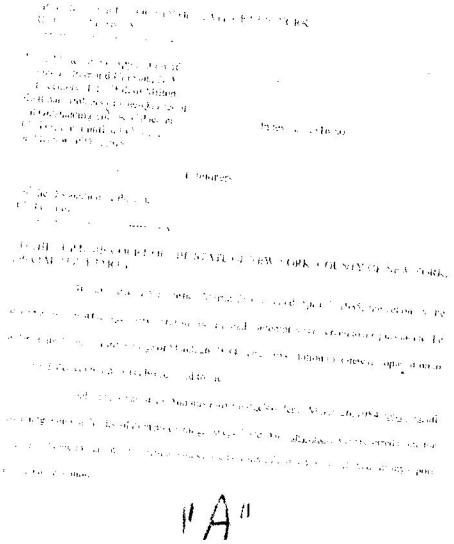
Having the statutory fiduciary of a trust, such as Abrams, serve as the attorney for those who are engaged in the larceny of judicial trust assets or aiding and abetting same, such as Judge Crosson, is "rock bottom" on everyone's ethical and legal scale.

2. ***Judith S. Kaye***, if she and the other NY State judges and officials simply desired to save their personal legal expenses, while defrauding the ***State of New York***, could have dragooned or accepted the legal services of attorneys of OCA or some other State agency, rather than the NYSAG, who had fiduciary obligations to the State, Puccini and the Kelly infants!

By dragooning and/or accepting the *unauthorized* and *unlawful* services of the NYSAG, they were able to corrupt him and his office, so that they betrayed the State, Puccini and the Kelly infants.

Part "J": "***Commission on Fiduciary Appointments***"

Obviously, to conceal her own misconduct, and the misconduct related to the Puccini and Kelly Estate matters, Chairperson ***Judith S. Kaye*** appointed to be a member of the 2000-2001 "Commission on Fiduciary Appointments:", ***E. Leo Milonas*** and the Commission was chaired by a partner in ***Skadden, Arps, Slate, Meagher & Flom, LL.P.***, who were transactionally involved in the Puccini and Kelly frauds and co-defendants with Kaye in Illinois. . . . . The Worst is Still to Come!



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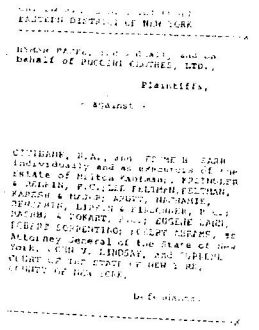

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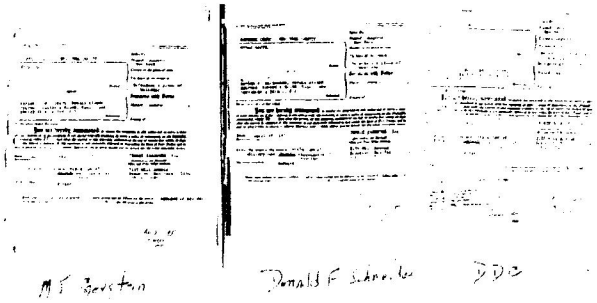

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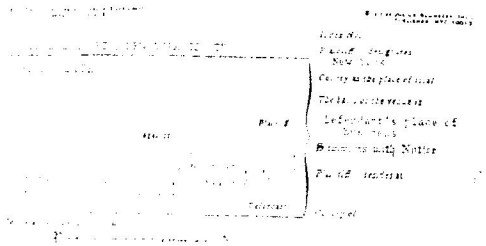

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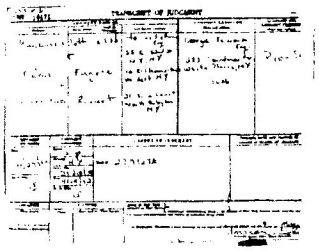

"E"