

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

BY FAX: 212-335-8914

October 29, 1999

Robert M. Morgenthau, District Attorney
New York County
1 Hogan Place
New York, New York 10012

ATT: Assistant District Attorney Thomas A. Wornam
Deputy Chief, Special Prosecutions Bureau

RE: Your Upcoming Letter

Dear Mr. Wornam:

Following up your phone call to me yesterday, this reiterates my request that you set forth the Manhattan District Attorney's response to CJA's October 21st letter, *in writing*.

As discussed, please provide legal authority for your extraordinary assertion that you do *not* have to address the conflict of interest issues, identified at pages 5-7 of our October 21st complaint, because, in your view, the complaint presents "not enough evidence" to warrant criminal prosecution and conviction. Since I am quite confident that the procedures in place at the Manhattan District Attorney's office for handling conflict of interest do not support your backward and plainly self-serving approach, be sure to enclose with your letter a copy of those procedures.

Additionally, as to your bald pretense that the October 21st complaint presents "not enough" evidence, your letter should be sure to specify:

- (1) in what respect the 2 facially-meritorious judicial misconduct complaints, annexed to the Verified Petition in the current Article 78 proceeding – like the 9 facially-meritorious complaints, annexed to the Verified Petition in the prior Article 78 proceeding – do not establish, *prima facie*, that the New York State Commission on Judicial Conduct is dumping, without investigation, complaints which Judiciary Law §44.1 requires it to investigate – and additionally demonstrate its protectionism of powerful, politically-connected judges, whose complained of misconduct rises to a level of criminality.

- (2) in what respect my fully-submitted omnibus motion in the current Article 78 proceeding – like the petitioner's papers in the prior Article 78 proceeding opposing the New York State's Attorney General's dismissal motion and supporting summary judgement in her favor – do not establish, *prima facie*, the Attorney General's litigation fraud in defense of the Commission;

Please also advise as to why – in view of the alleged insufficiency of the evidence – you are not requesting that CJA provide additional evidence in support of the complaint. As discussed, such additional evidence includes copies of other facially-meritorious judicial misconduct complaints which the Commission has dismissed, without investigation. It also includes copies of litigation files of other cases which the Attorney General has defended by litigation fraud – including the Article 78 proceeding against Appellate Division, Second Department judges and the §1983 federal action against those judges and the Attorney General – summarized in "*Restraining Liars in the Courtroom and on the Public Payroll*", which is Exhibit "A" to our October 21st complaint – as well as Michael Mantell's Article 78 proceeding against the Commission, identified at page 4 of the October 21st complaint.

In view of the seriousness of CJA's October 21st criminal complaint – as well as the seriousness of the conflict of interest issues presented – this fact-specific, fully-documented complaint should be handled by Mr. Morgenthau himself. It certainly should not be handled by you – since you are self-interested in preventing it from being objectively reviewed. Any objective review would expose your dishonesty in connection with CJA's May 19, 1995 and September 19, 1995 criminal complaints against the Commission and Attorney General, as highlighted by CJA's March 5, 1996 letter – annexed as Exhibit "D" to the October 21st complaint.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc. (CJA)