

11/17/94

Docket No. Misc. 94-1235
28 U.S.C. §372[c] Complaint.
Chief U.S. Circuit Court Judge Gerald Bart Tjoflat
Supplement I

This 28 U.S.C. §372[c] complaint is based on the intentional and criminal misuse of administrative powers by Chief U.S. Circuit Court Judge Gerald Bart Tjoflat, to serve egregious criminal racketeering ends of a corrupt judicial entourage, headed by Chief U.S. Circuit Court Judge Jon O. Newman of the Second Circuit.

By virtue of his position, judge and lawyer in this Circuit, have been comporting themselves in accordance with the Chief Judge Tjoflat's corrupt desires.

1. Certain unique characteristics distinguishes the present matter from cases such as *Dennis v. Sparks* (449 U.S. 24 [1980]), in which Chief Judge Tjoflat sat as a panel (588 F.2d 124 [5th Cir.-1979]) and *en banc* (604 F.2d 976 [5th Cir.-1979]) member, and similar cases involving judicial corruption, since in the instant situation, the evidence of judicial corruption, including the jurisdictional infirmities, are obvious, patent and undisputed.

a. On the face of every federal decision relied upon by my adversaries, an Eleventh Amendment subject matter infirmity appears, and whose dispositive consequences is known by every federal Article III judge, every federal magistrate-judge, and every state attorney general.

b(1) Furthermore, on the face of every decision relied upon by my adversaries, federal judges and/or officials, sued in money damage tort actions, have been represented, in their own names, at federal cost and expense, albeit the absence of any 28 U.S.C. §2679[d] "scope" certification or adjudication.

(2) Not a single authorized official (28 CFR § 15.3) or jurist has been willing to "scope" certify or adjudicate judges and officials who are engaged in such activities as diverting monies payable "to the federal court" to the private pockets of their cronies.

2a. In *Sassower v. Abrams* (833 F. Supp. 253 [SDNY-1993]), the actions therein were *ex parte* removed from the state to the federal forum, by an assistant U.S. attorney, although there was: (1) no "scope" certification; (2) no United States substitution; (3) no federal issues presented; (3) no complete diversity; (4) with actual knowledge by those involved that federal representation, at federal cost and expense, of rogue jurists and officials without "scope" status was unauthorized, particularly since their admitted conduct was contrary to federal interests; (5) with actual knowledge that removal created an Eleventh Amendment jurisdictional infirmity; and (6) that the

federal forum had absolutely no subject matter jurisdiction in any part of the litigation by reason of the aforementioned (cf. *Nadler v. Mann*, 951 F.2d 301, 306 n.9 [11th Cir.-1992] [per Tjoflat, Ch.J]).

b. In an arrogant display of usurped power, affirmant was not permitted to appeal *Sassower v. Abrams* (*supra*), similar to the action taken by the Second Circuit Court in *Raffe v. Doe* (619 F. Supp. 891 [SDNY-1985]), the contrived statements of, *inter alia*, U.S. District Court Judge Donald L. Graham to the contrary notwithstanding.

3a. My remedial motions in this Circuit, including that which seeks to recapture monies payable "to the federal court" but diverted to private pockets, although not factually disputed or otherwise justified, were either opposed and/or not supported by the Attorney General and/or the various U.S. attorneys involved.

b. Although uncontroverted and unopposed, *nisi prius* jurists in this Circuit, obviously cognizant to the corrupt desires of Chief Judge Tjoflat, have failed to adjudicate my motion, for example, which sought:

"to direct Attorney General JANET RENO ['Reno'] and/or U.S. Attorney KENDALL COFFEY ['Coffey'] to take whatever legal steps that may be necessary to: (1) obtain reimbursement from KREINDLER & RELKIN, P.C. ['K&R'] and/or CITIBANK, N.A. ['Citibank'] for monies due this Court and the U.S. Marshall for the filing fees and disbursements expended for effecting the service of process in this, *in forma pauperis* proceeding, permitting them to debit their obligations to petitioner on his contractually based, constitutionally protected, money judgment against PUCCINI CLOTHES, LTD. ['Puccini']; (2) obtain restitution from K&R and Citibank for monies, including that paid on behalf of petitioner, under the Order of U.S. District Court Judge EUGENE H. NICKERSON ['Nickerson'] of the Eastern District of New York of June 7, 1985, which were payable 'to the federal court' but diverted to their pockets; (3) obtain restitution from K&R, Citibank and FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ['FKM&F'] for all monies paid by HYMAN RAFFE ['Raffe'] to avoid incarceration, as was visited upon petitioner and SAM POLUR, Esq., and protection against the monetary obligations due them, whether related to Puccini, or not; (4) obtain restitution of all assets of Puccini, a constitutional 'person', made the subject of larceny for the benefit of the judiciary, their bag-men and cronies; and (5) obtain restitution for all monies from the ESTATE of EUGENE PAUL KELLY ['Kelly Estate'] diverted to pay the private obligations of Surrogate ERNEST L. SIGNORELLI ['Signorelli'] and ANTHONY MASTROIANNI ['Mastroianni'],

including that seized without due process from the GENE KELLY MOVING & STORAGE TRUSTS ['Kelly Trusts'], in which petitioner is the trustee, in order to pay the penalties imposed on Mastroianni by the federal taxing authorities; and (6) obtain reimbursement from federal judges and officials, who were and are defended, at federal cost and expense, although unable to obtain 28 U.S.C. §2679[d] 'scope' status."

c. In failing to support, in any respect, the aforementioned relief, Attorney General Janet Reno and U.S. Attorney Kendall Coffey (Article II officials) are also obviously obeying the corrupt desires of Chief Judge Tjoflat, as well as that of Chief Judge Jon O. Newman.

4. This Court, has also refused to resort to my contractually based, constitutionally protected, money judgment to satisfy the fees due this Court, since in the first instance, it would involve making demand upon Kreindler & Relkin, P.C. ["K&R"] and Citibank, N.A. ["Citibank"], or those who are engaged in the bribery of New York-Second Circuit jurists, for such payment (see Matter of Sassower, CCall Docket No. 94-1224).

5a. Chief Judge Tjoflat has failed to take any action with respect to my motions, some having a vintage of more than six (6) months, although timely relief is constitutionally mandated under the contractual impairment clause.

b. During such time, by reason of the inaction of Chief Judge Tjoflat, Howard M. Bergson, Esq., a member of the Florida Bar, continues to act as "courier" for the extortion payments being made to the New York-Second Circuit judicial entourage, which admittedly now exceeds \$2,000,000.

c. Obviously also, to suffer judicial corruption to continue unabated, including in this Circuit, no action has been taken on my June 6, 1994 FRAppP, Rule 46 application, although the serious assertions made therein are essentially uncontroverted.

6a. The universal requirement in every jurisdiction, where assets are involved, is that: (i) the judicial appointee post security, generally in the form of a surety bond; and (ii) a due process accounting of the judicial stewardship be rendered before he can be discharged.

b. K&R and Citibank engineered the larceny of all the judicial trust assets of Puccini, and the bribes authorized by them, as part of such criminal scam, has been in excess of \$1,000,000.

c. The court-appointed receiver, unable to account under the aforementioned circumstances, along with his K&R-Citibank co-conspirators, paid-off and otherwise corrupted members of the New York-Second Circuit judiciary, causing them to issue transparently invalid injunctions, which not only unconstitutionally "impaired" my contractual assets, but such determination was rendered without subject matter or personal jurisdiction over me or my interests (e.g., *Raffe v. Doe*, 619 F. Supp. 891 [SDNY-1985]), which I was not permitted to appeal.

d(1) After I exposed to President Clinton, Attorney General Reno and others, the involvement of Chief Judge Newman, then on the "short list" of those being considered for appointment to the Supreme Court of the United States, as being involved in the Puccini criminal racketeering adventure, and also the larceny and plundering of the assets of the Estate of Eugene Paul Kelly, the conviction and incarceration of Dennis F. Vilella, for crimes which were never committed, in an attempt to compel my silence, a revised injunction was issued (*Sassower v. Abrams*, supra), which attempted to enjoin inquiry by all courts into the activities of Chief Judge Newman.

(2) Instructively, in those criminal rackets in which Chief Judge Newman was involved, but which were left unmentioned in my uncontroverted letter of President Clinton, no injunction was issued.

e. Since Fidelity & Deposit Company of Maryland ["F&D"], the surety in the Puccini and Kelly matters, was not covered by any injunction, an action was commenced it based on the surety bonds it had issued on these two matters.

f. The only legal and ethical option F&D had was to implead the financially responsible culprits and effectively "walk-away" from the action without incurring any further cost and expense.

g. Since an impleader would have effectively aborted or impaired these criminal rackets, the F&D attorneys communicated with, inter alia, FKM&F, were informed that this Circuit had been and/or could be fixed and corrupted, and there would no repercussions for its submission of perjurious affidavits, bogus documents, and false assertions.

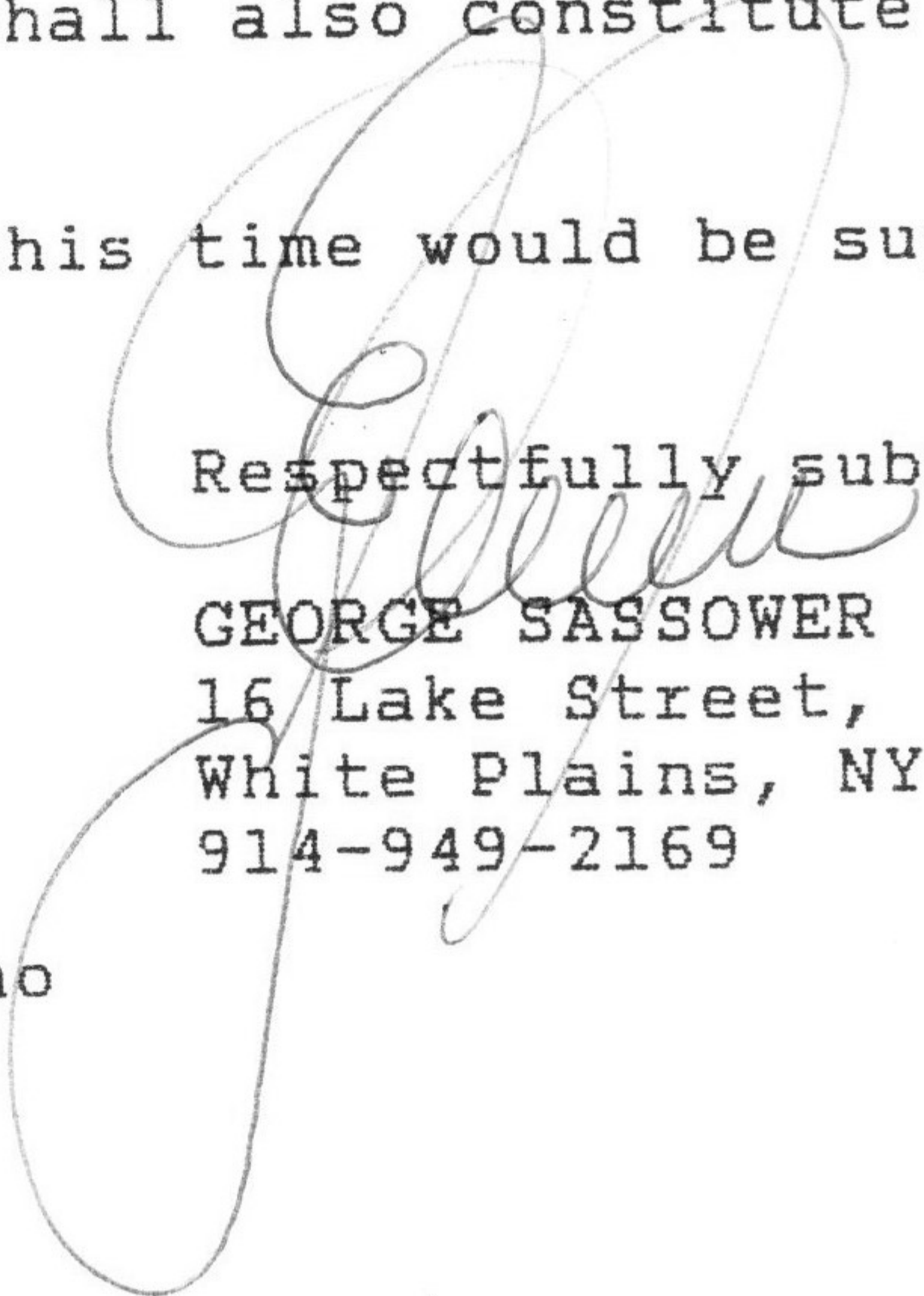
h. The aforementioned has never been controverted by anyone, in this Court, Circuit, or any place else, all of which finds confirmation in the unfolding events.

7a. Since criminal racketeering activity is involved, a copy of this document is being mailed to Attorney General Janet Reno, as well as Gregory R. Veal, Esq., the attorney for F&D in this Court, which submission shall also constitute an 18 U.S.C. §3332[a] grand jury demand.

b. To say more at this time would be supererogatory.

Dated: November 17, 1994

Respectfully submitted,


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cc: Attorney General Janet Reno
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