Chief U.S. Circuit Court Judge JON O. NEWMAN
For The Second Circuit
28 *U.S.C.* §372[c] Complaint
Part I - Amendment XI/Hans Jurisdictional Bar.

On June 1, 1993, when U.S. Circuit Court Judge JON O. NEWMAN was on the short list to fill a vacancy for a seat on the Supreme Court of the United States, I caused to be sent to President WILLIAM J. CLINTON some of my documented evidence concerning his criminal activities, simultaneously mailing copies to, *inter alia*, Judge Newman (Exhibit "A").

Neither Judge Newman, nor anyone else, then or since, have controverted or disputed, in any respect, any assertion conservatively made therein.

Judge Newman having failed to be nominated to the Supreme Court, shortly thereafter, became Chief Judge Newman of the Second Circuit Court of Appeals. Employing and usurping his additional powers, he has zealously pursued his criminal endeavors, which included retaliating against me and those perceived to have some leverage over my lawful activities.

The myriad facets of Chief Judge Newman's criminal racketeering operations, the page limitation, and the specificity required, compels the multifurcation of this §372[c] complaint.

Background: My communication of June 1, 1993 to the President revolved around Judge Newman's criminal activities in: (i) defrauding the state government and related activities; (ii) defrauding the federal government in multiple respects; (iii) the larceny of all the judicial trust assets of PUCCINI CLOTHES, LTD.; (iv) the larceny of the judicial trust assets in the ESTATE OF EUGENE PAUL KELLY/GENE KELLY MOVING & STORAGE TRUSTS; (v) the continued incarceration of DENNIS F. VILELLA for crimes never committed by anyone.

All of the aforementioned matters were involved in *Sassower v. Mahoney* (916 F.2d 709 [2d Cir.-1990]]), on which Judge Newman wrote a short unpublished opinion.

PUCCINI CLOTHES, LTD.:

1. All of Puccini's judicial trust assets were made the subject of larceny engineered by CITIBANK, N.A. as a direct consequence of its illegal, but lucrative, "estate chasing" activities, which left nothing for its nationwide legitimate creditors.

A "slush fund" of more than $1,000,000 cash, plus other Puccini assets, were apportioned and disbursed in order to bribe and corrupt.

There is no accounting, final or otherwise, for Puccini's judicial trust assets; no valid final order or judgment terminating such receivership; and no valid order discharging LEE FELTMAN, Esq., its court-appointed receiver, or his surety, FIDELITY & DEPOSIT COMPANY OF MARYLAND ["F&D"].

In every jurisdiction, state and federal, a court-appointed receiver, an agent of the court, must publicly account for his stewardship, which obligation cannot be waived, excused, or enjoined, since the public is entitled to know whether its judges and/or their appointees are crooks.

In New York a court-appointed receiver must file an accounting "at least once a year" (22 *NYCRR* §202.52[e]). However, in the more than sixteen (16) years since Puccini was involuntary dissolved, where there should be "at least" sixteen (16) accountings, there are none, not a single one!.

There is no way that Feltman can account, without disclosing the judicial involvement in such engineered larceny, including that of Judge Newman, and provide restitution.

2. All monies made payable "to the [federal] court", pursuant to the Order of U.S. District Court Judge EUGENE H. NICKERSON in a Puccini action, were thereafter diverted to Citibank's coffers, and the federal court/government, like the Puccini creditors, received nothing.

3. Since the Citibank entourage repeatedly failed to obtain convictions for non-summary criminal contempt against those who resisted this criminal operation, triggering prior jeopardy prohibitions, their cadre of bribed and/or corrupted jurists, as part of a "reign of terror", began to obtain convictions, state and federal, ***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 of the aforementioned rights, with fines and/or terms of incarceration imposed thereon.

There was "extorted" from HYMAN RAFFE "more than $2,500,000" in favor of the Citibank entourage, which included Feltman, and other manifestly unlawful considerations, in order to avoid being incarcerated, the fate suffered by those also convicted under the same manifestly unconstitutional order.

THE KELLY ESTATE/TRUSTS:

1. All disposable assets in the Kelly Estate were made the subject of larceny in order to satisfy the personal obligations of Surrogate Judge ERNEST L. SIGNORELLI and his appointee, Public Administrator ANTHONY MASTROIANNI, leaving nothing for any beneficiary.

Signorelli's initial intention was to employ judicial trust assets in his court in order to underwrite his campaign expenses for his desired seat in Congress. When such scheme was aborted (*Signorelli v. Evans*, 637 F.2d 853 [2nd Cir.-1980]), he dissipated estate assets in his court, including those in the Kelly Estate, in order to satisfy his personal obligations, including those arising out of his extra-marital trysts in his judicial chambers.

2. Thereafter, when federal taxing authorities imposed penalties on Mastroianni personally for his failure to timely pay the taxes due on the Kelly Estate, he seized, without any due process of law, the assets in the Kelly Trusts, in which I was the trustee, and used those assets to satisfy his personal penalties.

Consequently, the prime and almost exclusive beneficiaries of the Kelly Estate/Trusts, *to wit.*, the three (3) infant children of Kelly's predeceased daughter, have received nothing.

3. There has been no settlement of the Mastroianni accounting, after the without due process seizure of the Kelly Trust assets, nor can there be any due process settlement, without providing for restitution from the personal coffers of Signorelli/Mastroianni.

Here also there is no final order or judgment terminating the Kelly Estate/Trusts, with due process afforded those having an interest in such assets, or any order discharging Mastroianni or his surety, F&D.

DENNIS F. VILELLA:

1. No person, not even the mystic Rasputin, could be "violently" struck, "on the head", "about 20 times", "with a tire iron", and the hospital record for the alleged victim reveal "no skull fractures", "no brain damage", be "coherent", have the highest possible "non-coma score", and receive "no treatment" for any skull fractures.

No person, not even District Attorney DENIS DILLON, or any other involved official or jurist, including Judge Newman, has denied, when confronted with the records of Community Hospital of Glen Cove, that the crimes for which DENNIS F. VILELLA was charged, convicted, and has been incarcerated for the past nine (9) years, never occurred.

Of significance to this preposterous "violent" and "repeated tire iron" assault, is that Vilella was assigned to the Military Police during his Army service, a unit reserved for the physically powerful.

Even the voluntary, written, sworn recantation of her testimony by the alleged victim, the authenticity of which no

one has ever disputed, has caused Vilella's release from his incarceration or the grant of his 28 *U.S.C.* §2254 petition.

2. Shortly after my appearance as Vilella's attorney, there were overtures made that in consideration of my silence in the Puccini matter, an arrangement could be made for the dismissal of the Vilella indictment or a drastic reduction in the attempted murder/first degree "tire iron" assault, which I rejected out of hand.

The amounts paid by "Raffe-The Hostage" in order to avoid incarceration under a criminal conviction are correlated to my activities in the Puccini/Kelly/Vilella matters. "Vilella-The Hostage" is being kept incarcerated, for 'phantom' crimes, for my refusal to submit in those same matters.

Raffe-The Hostage who has complained that he is being "bled to death" by the Citibank entourage, has been particularly distressed that he must underwrite the expenses of the Citibank entourage with respect to their activities regarding Vilella-The Hostage.

SASSOWER V. MAHONEY:

In *Sassower v. Mahoney* (916 F.2d 709 [2d Cir.-1990]), state judges and officials, were being sued for, *inter alia*, money damages in matters related to Puccini, Kelly and Vilella.

The state defendants were represented, at state cost and expense, both in the U.S. District Court and Circuit Court, by NY State Attorney General ROBERT ABRAMS, who himself, was one of the defendants, despite the Amendment XI/Hans (*Hans v. Louisiana*, 134 U.S. 1 [1890]) subject matter, constitutional and jurisdictional, bar.

The federal defendants were defended, both in the District and Circuit Court by [then] U.S. Attorney FREDERICK J. SCULLIN, JR., despite the fact that there were no 28 *U.S.C.* §2679[d] "scope" certifications, and no 28 *U.S.C.* 2675[a] notices of claim, which were also subject matter jurisdictional infirmities.

Such subject matter jurisdictional infirmities were ignored by U.S. District Court Judge CON G. CHOLAKIS of the Northern District of New York and Judge Newman.

The fact that some of the activities by Judge Newman and others were *qua* jurist, did not, *ipso facto*, preclude criminal responsibilities (*Ex part Virginia*, 100 U.S. 339 [1880]), or money damage liabilities (*Forrester v. White*, 484 U.S. 219 [1988]; *Pulliam v. Allen*, 466 U.S. 522 [1986]; *Maestri v. Jutkofsky*, 860 F.2d 50 [2d Cir.-1988], *cert.* denied 489 U.S. 1016 [1989].

THE JUDICIAL SCENARIO: The distinction, without a difference, between the Kelly and Puccini rackets is that in Kelly the thievery commenced with the jurist, while in Puccini the thievery was privately commenced by Citibank, and officials and jurists had to thereafter be bribed and corrupted in order to advance and conceal its criminal activities.

The basic judicial scenario was originally devised by Administrative Judge XAVIER C. RICCOBONO, a product of the Tamawa Club when it was controlled by Frank Costello and Thomas "Three Finger Brown" Luchese, after "pay-off" arrangements had been made with him by Feltman from the "bribe" monies he had received from Citibank. This scenario was thereafter adopted by Chief U.S. District Court Judge CHARLES L. BRIEANT, and then by Judge Newman.

The procedural scheme is as follows: (i) render decisions, invariably having subject matter and/or other fatal infirmities; (ii) impose a "prior judicial permission" requirement against those opposed to the aforementioned judicial rackets; (iii) invariably deny permission to the court, even when constitutionally compelling and/or no judicial discretion on the subject exists, such as to declare null and void, matters which are legally void (11 *Federal Procedure & Practice, Wright, Miller and Kane*, §2862, p. 322; 7 *Moore's Federal Practice* ¶60.25).

Consequently, after more than sixteen (16) years since Puccini was involuntarily dissolved, by bribery and corruption, the Citibank conspirators still have retained all their booty, including the monies payable "to the federal court", and the legitimate creditors, including the federal court, still have nothing.

It is also more than nineteen (19) years since Mastroianni was appointed temporary administrator of the Kelly Estate and the prime beneficiaries, to wit., the three (3) infant children of the predeceased daughter of the testator/settlor have still received nothing.

Charge I - The Amendment XI/Hans Prohibition:

Every Puccini/Kelly federal action, reported and unreported, including those rendered by, relied upon, or in which Judge Newman has been a litigant, has a (*Hans v. Louisiana, supra*) subject matter infirmity, by having the NY State Attorney Generals to defend state judges and officials in money damage actions, at state cost and expense.

They were all void when rendered, are void today, and will be void 1,000 years hence, and *inter alia*, a criminal fraud on the state treasury and 18 *U.S.C* §371 transgression.

Dated: August 26, 1996

GEORGE SASSOWER