

COMPLAINT FORM

JUDICIAL COUNCIL OF THE SECOND CIRCUIT

COMPLAINT AGAINST JUDICIAL OFFICER UNDER 28 U.S.C. § 372(c)

INSTRUCTIONS:

- (a) All questions on this form must be answered.
- (b) A separate complaint form must be filled out for each judicial officer complained against.
- (c) Submit the correct number of copies of this form and the statement of facts. For a complaint against:
 - a court of appeals judge -- 3 copies
 - a district court judge or magistrate -- 4 copies
 - a bankruptcy judge -- 5 copies

(For further information see Rule 2(e)).

- (d) Service on the judicial officer will be made by the Clerk's office. (For further information See Rule 3(a)(1)).
- (e) Mail this form, the statement of facts and the appropriate number of copies to the Clerk, United States Court of Appeals, United States Courthouse, Foley Square, New York, New York 10007.

1. Complainant's name: GEORGE GASSOWER
 Address: 16 Lake Street
White Plains, NY 10603-3852

Daytime telephone (with area code): (914) 949-2169

2. Judge or magistrate complained about:
 Name: Judge Roger J. Minich
 Court: Circuit Ct. of Appeals

3. Does this complaint concern the behavior of the judge or magistrate in a particular lawsuit or lawsuits?

[] Yes [] No

If "yes," give the following information about each lawsuit (use the reverse side if there is more than one):

Court: _____

Docket number: _____

Docket numbers of any appeals to the Second Circuit: _____

Did a lawyer represent you?

[] Yes [] No

If "yes" give the name, address, and telephone number of your lawyer:

4. Have you previously filed any complaints of judicial misconduct or disability against any judge or magistrate?

[] Yes [] No

If "Yes," give the docket number of each complaint.

87-8503

90-8556-7

90-8560-62

93-85-8527-29

5. You should attach a statement of facts on which your complaint is based, see rule 2(b), and

EITHER

(1) check the box and sign the form. You do not need a notary public if you check this box.

[] I declare under penalty of perjury that:

- (1) I have read rules 1 and 2 of the Rules of the Judicial Council of the Second Circuit Governing Complaints of Judicial Misconduct or Disability, and
- (2) The statements made in this complaint and attached statement of facts are true and correct to the best of my knowledge.

 (signature) *George Sissard*
 Executed on _____
 (date) *Nov. 1, 1993*

OR

(2) check the box below and sign this form in the presence of a notary public;

[] I swear (affirm) that--

- (1) I have read rules 1 and 2 of the Rules of the Judicial Council of the Second Circuit Governing Complaints of Judicial Misconduct or Disability, and
- (2) The statements made in this complaint and attached statement of facts are true and correct to the best of my knowledge.

 (signature)
 Executed on _____
 (date)

Sworn and subscribed to
 before me _____
 (Notary Public)
 My commission expires:

U.S. Circuit Court Judge Miner
28 U.S.C. §372[c]

This 28 U.S.C. §372[c] complaint against U.S. Circuit Court Judge ROGER J. MINER ["Miner"], in his judicial and non-judicial capacities, is of an egregious criminal magnitude, directly affecting the "core" the administration of justice.

Judge Miner, has been concerned in, inter alia, creating baseless and false myths, for criminal ends, particularly the myth that the litigation revolving around the judicial trust assets of PUCCINI CLOTHES, LTD. ["Puccini"], has been fully and fairly litigated to termination.

1a. Judge Miner knows, as does every competent judge and attorney, that litigation is terminated by a "final judgment" and/or "final order" -- nothing less!

b. Judge Miner knows, as does every competent judge and attorney, that where a court-appointed receiver, or where a similar judicial appointee is involved, he must account for his stewardship before he or his surety may be discharged, or the litigation terminated.

c. Judge Miner knows that there is no "accounting" for the judicial trust assets of Puccini, nor any "final order" or "final judgment" issued by any judge having the lawful authority to issue same for the judicial trust assets of Puccini.

d. Judge Miner knows that there is no "final order" or "final judgment" by any judge who had or has personal jurisdiction over me or my constitutionally protected interests (Martin v. Wilks, 490 U.S. 755 [1989]).

e. Nevertheless, in Polur v. Raffe (912 F.2d 52 [2nd Cir.-1990], in which I was not a party, nor aware of its existence at the time, Judge Miner asserted that the Puccini receivership was "hopefully" concluded by such decision (at p. 53), when Judge Miner knew that without a jurisdictionally proper "final order" or "final judgment", which did not exist when Polur v. Raffe (supra) was issued, and still does not exist, this published statement was and is false, deceptive, and a published fraud upon all legitimate creditors of Puccini.

2a. Although I filed a timely notice of appeal and paid the fee due, Judge Miner who was a panel member, dismissed my appeal from the order of U.S. District Court Judge WILLIAM C. CONNER ["Conner"] in Raffe v. Doe (619 F. Supp. 891 [SDNY-1985]), although the panel did not, and could not, articulate a valid legal reason for such dismissal.

b. Although I filed timely notices of appeal and paid the fees due in Raffe v. Riccobono (SDNY- 85 Civ. 3727 [WCC]) and Raffe v. Relkin (SDNY-85 Civ. 4158 [WCC]), Judge Miner who was a panel member, dismissed my appeals from the orders of Judge Conner, although I was a named and interested party in those actions, and the panel did not, and could not, articulate a valid legal reason for such dismissal.

c. Although I filed a timely notice of appeal and paid the fees due in Puccini v. Riccobono (85 Civ. 3712 [WCC]), Judge Miner who was a panel member, dismissed my appeal from the order of Judge Conner, although I had constitutionally protected interests in Puccini, and the panel did not, and could not, articulate a valid legal reason for such dismissal.

3a(1) Judge Miner was a panel member in Sassower v. Sheriff (824 F.2d 184 [2nd Cir.-1987]), and knew that although the decision in Raffe v. Doe (supra) was the result of a lack of subject matter jurisdiction, a lack of personal jurisdiction over me, a lack of due process, was the result of fraud and corruption, and no appeal was entertained, it was extensively quoted with approval, in Sassower v. Sheriff (supra).

(2) Obviously, in citing and quoting Raffe v. Doe (supra), the panel which included Judge Miner, deliberately omitted the jurisdictional infirmities in that decision when it was approvingly quoted in Sassower v. Sheriff (supra).

b(1) Both in Sassower v. Sheriff (supra) and Raffe v. Doe (supra), Judge Miner and the panels involved, deliberately omitted to state that the criminal convictions of myself and of SAM POLUR, Esq. ["Polur"], for non-summary criminal contempt, even as offenses, were constitutionally and jurisdictionally infirm when they were rendered 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, with fines and/or terms of incarceration imposed thereon.

(2) Every Article III jurists, without exception, knows under the aforementioned circumstances, those convictions are void, in every meaning of that term.

(3) Incidentally, it was I, not Polur, who served the summons attributed to Polur, for which Polur was incarcerated, and thereafter suspended for three (3) years.

(4) With both Polur and myself incarcerated, the Miner patrons were able to approach and threaten HYMAN RAFFE ["Raffe"] in the absence of counsel (cf. Moustakas v. Bouloukos, 112 A.D.2d 981, 492 N.Y.S.2d 793 [2d Dept.- 1985]), and compel Raffe to succumb and, inter alia, pay extortion monies, which now have exceeded \$2,500,000.

c(1) Judge Miner and the panel in Sassower v. Sheriff (supra), in order to perpetuate a criminal racketeering adventure, concocted, contrived, fabricated and devised fictitious statements of fact including:

"Sassower refused to appear at a hearing before the court appointed referee" [p. 185] ... "Sassower was notified by the attorney for the receiver that he was required to appear before the referee for proceedings on the criminal contempt motion and cross-motions." [p. 187]. ... "[Sassower] failed to appear." [p. 187]... "the opportunity for a hearing that was afforded was appropriate under the circumstances" [p. 189]... "Sassower was ... given a reasonable opportunity to be heard" [p. 189] ... "Sassower ... waived that right [to a hearing] by failing to appear" [p. 190] ... "he [Sassower] has repeatedly refused to appear before Referee Diamond" [p. 190] ... "explicitly warned him [Sassower] of the consequences of his failure to appear before the referee" [p. 190]."

(2) The Record on Appeal, including the hearing before U.S. Magistrate Judge NINA GERSHON ["Gershon"], reveals the opposite to be true (Sassower v. Sheriff, 651 F. Supp. 128, 131 [SDNY-1986]).

4a. The uncontroverted papers and documents, including cancelled checks, reveals that the mirrored Report by Referee DONALD DIAMOND ["Diamond"] for HYMAN RAFFE ["Raffe"] was not brought on for confirmation, because Raffe had agreed to pay "extortion" monies to KREINDLER & RELKIN, P.C. ["K&R"] and FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"] -- "the judicial indulgence peddlers".

b. Because of such extortion payments, Raffe was not incarcerated under the trialess criminal conviction of N.Y. Supreme Court Justice ALVIN F. KLEIN ["Klein"], as I and Polur, were, a fact also deliberately concealed by Judge Miner.

5. For exposing that Referee Diamond, intended to approve a non-existent, phantom, "final accounting", the Court in Sassower v. Sheriff (supra, at p. 191) fined me \$250, without publishing the reason for such fine, except to state that it was frivolous.

6a. In all money damage, personal capacity, tort litigation, Judge Miner is defended at the cost and expense of the federal purse, without the benefit of any 28 U.S.C. §2679[d] "scope" certificate or adjudication. Thus, Judge Miner, besides defrauding the Puccini creditors, is also defrauding the federal government.

b. Such unauthorized federal representation, included the District of New Jersey, where I was incarcerated, without bail, for two months, at federal cost and expense, prosecuted by the same U.S. Attorney who was defending Judge Miner.

c. The without bail charge was, in effect, that I attempted to terminate these "extortion" payments which were correlated to my activities.

d. During such, without bail, incarceration, without personal jurisdiction, Referee Diamond, who also had no such subject matter authority (NY CPLR §4317[b]), approved a "non-existent", "phantom", "final accounting" for Puccini.

7a. Judge Miner knows that no judge, state or federal, has the power to enjoin a stockholder or creditor from petitioning the court to compel a court-appointed receiver to account for his stewardship, as was attempted by Judge Conner and N.Y. State Supreme Court Justice, IRA GAMMERMAN ["Gammerman"], who was also acting without subject matter or personal jurisdiction.

b. Judge Miner knows that no judge, state or federal, has the power to immunize those who made judicial trust assets the subject of larceny from the claims of creditors, as was attempted by Judge Conner and Mr. Justice, Gammerman.

8. Judge Miner is a corrupt judge, who employs his robe for criminal racketeering activities, and who should be investigated, indicted, impeached and incarcerated for his activities, only some of which are set forth herein.

Dated: November 1, 1993

Respectfully submitted,

GEORGE SASSOWER
16 Lake Street,
White Plains, NY 10603
(914) 949-2169