

# GEORGE SASSOWER

16 LAKE STREET  
WHITE PLAINS, N. Y. 10603

914-949-2169

January 13, 1989

Grievance Committee, First Judicial Department.  
41 Madison Avenue,  
New York, New York 10010

Re: Irwin Brownstein, Esq.  
19 Rector Street,  
New York, New York 10006

Gentlemen:

1. This complaint against Irwin Brownstein, Esq., is for pretending to represent a client, accepting his monies, while actually betraying him.

2. The following is only a very brief summary of the operative facts, only to the extent that I can presently reveal same without disclosing confidential sources:

a. I, SAM POLUR, Esq. ["Polur"], and Mr. Hyman Raffe ["Raffe"] were, without a trial or hearing or opportunity of same, convicted of non-summary criminal contempt and each sentenced to be incarcerated for a period of thirty (30) days.

b. Also, without a trial or hearing, or opportunity for same, Referee DONALD DIAMOND found me and Raffe guilty of non-summary criminal contempt and recommended that we be incarcerated and fined.

c. While I and Polur were incarcerated under the first of the aforementioned convictions, the firm of FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"] dealt with Raffe directly and/or through others, and in lieu of incarceration, he agreed to pay them very substantial monies and other considerations.

d. FKM&F openly boast that they control the judiciary, including Presiding Justice FRANCIS T. MURPHY, and the judiciary, including Presiding Justice, by their conduct, have confirmed such flaunts.

e. Even the above, IRWIN BROWNSTEIN, Esq., who Raffe consulted in 1985, correctly stated, in my presence, that such trialess convictions were manifestly unconstitutional, and a legal nullity.

f. From 1988 judicially filed papers, it appears that after Raffe met with me during the summer of 1987, he stopped paying such extortion monies to FKM&F, in accordance with my suggestion.

g. At such 1987 meeting Raffe bitterly complained that FKM&F was "bleeding [him] to death", and even if that were not the case, Raffe knew that I would never advise the payment of extortion monies.

h. Consequently, FKM&F sued Raffe, and Raffe is now being represented by the Brownstein firm.

3a. Raffe, has very many defenses to such action by FKM&F, which include the return to him of consideration already made, some clearly and unquestionably decisive in nature.

b. Every one of Raffe's decisive positions, the Brownstein firm has ignored and/or abandoned, and so their Brief in the Appellate Division reveals (#2734).

c. Unquestionably, as a matter of law, Raffe is entitled to the termination of these extortion payments, and the return of monies and other considerations heretofore given, were he to receive effective representation by Brownstein or any other attorney.

d. Reviewing the Brownstein's Brief, and other material, there can be no doubt that the Brownstein firm has deliberately, intentionally, and inexcusably betrayed Raffe's legitimate interests.

4. Without an extended or scholastic discussion of the matter, some of these decisive positions are set forth herein, which to repeat, were all omitted in the Brownstein Brief, although aware of same.



a. An agreement to pay monies to private parties, such as FKM&F, in order not to be incarcerated under a criminal sentence, is the ultimate illegality, particularly when those who refused to "pay-off", are incarcerated under the same document, as was Polur and myself.

b. Raffe's counsel was not present during any part of the 1985 FKM&F-Raffe extortion agreement, including the negotiations and execution, and is thus absolutely void (Moustakas v. Bouloukos, 112 A.D.2d 981, 492 N.Y.S.2d 793 [2nd Dept.]).

The law is clear, that absent a written stipulation substituting attorneys or a court order, all negotiations and agreements in the absence of record counsel are a nullity (Moustakas v. Bouloukos, supra).

c. Referee Diamond, who rendered the award against Raffe, is an "interested party" within the meaning of Judiciary Law §14, and its constitutional ramifications, are non-waivable, and therefore his judicial actions are a nullity.

The agreement under which such FKM&F lawsuit was brought provides:

"Raffe hereby releases and discharges  
... Referee Donald Diamond ..."

Thus Diamond could not possibly serve as a judicial officer decreeing, as he did, that such agreement was valid.

d. The proceedings in the above matter, as well as all Diamond proceedings in Puccini litigation, were held in non-public facilities, where I and others are specifically excluded.

The Courts, including the Supreme Court of the United States and the Court of Appeals, have repeatedly stated that such non-public judicial proceedings are totally void.

e. Brownstein knows all of the above, and also knows that all extortion monies being paid by Raffe has been caused only by the failure of FKM&F to account for the judicial trust assets of Puccini Clothes, Ltd.

Once such accounting is filed, the triggering mechanism for such extortion payments, becomes inoperative.

Thus, FKM&F cannot demand payments for their own failures.

f. Finally, for the purpose of this complaint, FKM&F were not appointed by any judge or court, as certainly not under the mandatory procedures set forth in 22 NYCRR §660.24.

Indeed, 22 NYCRR §660.24[f], in haec verba, provided:

"Any appointment made without following the procedures provided in this section, shall be null and of no effect . . . ."

5. To repeat, the above and other issues were not part of the Brownstein brief, submitted on Raffe's behalf.

6a. In William L. Shirer's, The Rise and Fall of the Third Reich, he describes the judicial proceedings following the July 20, 1944 attempt on Hitler's life, as follows (Bloody Vengeance, p. 1071):

"The court-appointed defense lawyers were more than ludicrous. Their cowardice, as one reads the transcript of the trial, is almost unbelievable. Witzleben's attorney, for example, a certain Dr. Weissmann, outdid the state prosecutor and almost equalled [Judge] Freisler, in denouncing his client as a 'murderer' as completely guilty and as deserving the worst punishment."

b. At least, it could be said, Field Marshal Erwin von Witzleben did not have to pay his court-appointed attorney for essentially the same type of perfidious representation that Brownstein is now rendering Mr. Raffe.

Grievance Committee, First Jud. Dept.

January 13, 1989

7. Finally, I am a an American, as is Mr. Raffe, and I do not want to see or hear from FKM&F or anyone else, that Raffe is paying monies because he has not been able to cause me to cease exposing the corrupt activities of FKM&F, or because he spoke to me.

8. Hopefully, Raffe will employ some common sense and turn to the media rather than perfidious lawyers for relief.

Very truly yours,

GEORGE SASSOWER

cc: Irwin Brownstein, Esq.  
Mr. Hyman Raffe  
Feltman, Karesh, Major & Farbman, Esqs.