GEORGE SASSOWER
Attorney-at-Law
10 Stewart Place
White Plains, NY 10603-3856
(914) 681-7196

June 25, 2012

Departmental Disciplinary Committee
61 Broadway,
New York, New York 10006

Re: Otto G. Obermaier # 1289321
Mary Jo White # 1785658
Robert W. Sadowsi # 2023794
.....Peter K. Leisure # 1502244

Gentlemen:

1. This is a professional disciplinary complaint against the above, three (3) federal attorneys in-bed with a corrupt federal judge who, *inter alia*, were defrauding their client, the United States, compelling their disbarment.

2. *John G. Roberts*, Chief Justice of the United States, has been challenged to produce a single Article III jurist who can show that *Geo. Sassower v. Abrams* (833 F. Supp. 253[SDNY-1993] is valid. He has not, because he cannot.

Even its author, U.S. District Court Judge *Peter K. Leisure,* has never asserted *Geo. Sassower v. Abrams* (*supra*) was or is valid!

With incredible *arrogance & stupidity*, the decision in *Geo. Sassower v. Abrams* (*supra*) which is inundated with incriminating evidence of the criminal corruption of many jurists & officials including that of U.S. District Curt Judge *Peter K. Leisure* was reduced to "hard published print"!

3. *Geo. Sassower v. Abrams* (*supra*) were five (5) money damage tort actions which, on their face, reveals that they were infected with "*subject matter jurisdictional*" lethal infirmities which rendered the merit dispositions made to be "*null & void*".

The published title page reads:

> "Mary Jo White, U.S. Atty., for the S.D.N.Y., New York City, G. Elaine Wood, of counsel, for Federal defendants.
>
> Robert Abrams, Atty. Gen., for the State of N.Y., New York City, Angela M. Cartmill, of counsel, for State defendants."

A. In a money damage tort action, a federal attorney can *only* defend the United States, *never* defendants since the United States is the "exclusive" defendant (28 *U.S.C.* §2679) where it has waived "sovereign immunity", and other or additional defendants trigger "*subject matter jurisdictional*" infirmities (*Myers v. United States Postal Service*, 527 F.2d 1252 [2nd Cir.-1975]).

B. Absent the rare exceptions, in a federal forum, a State attorney cannot defend anyone (*Pennhurst v. Halderman*, 465 U.S. 89, 121 [1984]).

4.. *Geo. Sassower v. Abrams* (*supra*) were five (5) money damage tort actions, which were commenced in Supreme Court of the State of New York, Westchester County, and which the U.S. District Court, *sua sponte*, joined for the purpose of a disposition.

A. The federal defendants (in Action #1) were *Charles L. Brieant & James L. Oakes* and where there were no 28 *U.S.C.* §2675 "notice of claim" which, in and of itself, resulted in a "*subject matter jurisdictional*" lethal infirmity (*McNeil v. U.S.,* 508 U.S. 106 [5/7/1993]).

B. The New York State defendants were: *Robert Abrams, Francis T. Murphy & Xavier C. Riccobono*.

5. In Action #1, *Charles L. Brieant* enlisted the services of Assistant U.S. Attorney *Robert W. Sadowski* from the Office of U.S. Attorney *Otto G. Obermaier* for the purpose of removing the *entire* action to the U.S. District Court for the Southern District of New York ["SDNY"], where he was Chief Judge which, for multiple reasons, was "*legally impossible*"!

6. The opening paragraphs of plaintiff's complaint, as filed in Supreme Court, Westchester County, was:

" 2a. This action against the defendants, ROBERT ABRAMS [`Abrams'], FRANCIS T. MURPHY [`Murphy'], XAVIER C. RICCOBONO [`Riccobono'], CHARLES L. BRIEANT [`Brieant'] and JAMES L. OAKES [`Oakes'] are in their private, personal, not official, capacities (*Hafer v. Melo*, U.S. , 112 S.Ct. 358 [1991]).

b. There is no claim here made, directly or indirectly, against the United States, the State of New York, or any governmental authority, nor is it intended to impose any financial burden upon the United States or State of New York, directly or indirectly, including in the form of legal expenses or disbursements (*Kentucky v. Graham*, 473 U.S. 159 [1985]).

3a. For related activities, the defendants Brieant and Oakes have never claimed that their actions or conduct have been `within the scope of their office', they have never claimed that they were or are entitled to `scope' certification (28 *U.S.C.* §2679[d]), and/or `scope' certification has been denied by the Attorney General of the United States and/or the various U.S. attorneys (28 *CFR* §15.3), nor have they ever claimed that there should be a United States substitution (*Kelley v. United States*, 568 F.2d 259, 264-265 n. 4 [2nd Cir.-1978] cert. denied 439 U.S. 830 [1978]; *Brennan v. Fatata*, 78 Misc.2d 966, 359 N.Y.S.2d 91).

b. Furthermore, the actions and conduct of Oakes and Brieant herein are for constitutional transgressions, for which there is no United States or sovereign liability (*Lundstrum v. Lyng*, 954 F.2d 1142 [6th Cir.-1991]; *Rivera v. U.S.*, 928 F.2d 592 [2nd Cir.-1991]; 28 *U.S.C.* §2679[b](2)[A]).

c. In short, any attempt to defend Oakes and Brieant at federal cost and expense, would be a manifest criminal fraud upon the federal purse which no court has the power to tolerate.

4a. Similarly, neither Abrams, Murphy nor Riccobono ever claimed that their actions were committed `within the scope of their office`, or to serve sovereign interests (*Executive Law* §63).

b. In fact, the acts and actions of Abrams, Murphy and Riccobono, as well as Oakes and Brieant, are contrary and in defiance of federal and state legitimate interests.

5a. None of the actions charged herein against Murphy, Riccobono, Oakes or Brieant are for judicial decisions which they may have rendered.

b. That claims made against Abrams, Murphy, Riccobono, Oakes and Brieant [hereinafter `AMROB'], who are acting jointly, is the interference with the contractual based, constitutionally protected, rights of plaintiff against the defendants, A.R. FUELS, INC. [`AR'] and [`Raffe'], in consideration for AR and Raffe `paying-off' them and their cronies, including very substantial monies, and other unlawful consideration extorted from him.

c. For `paying-off' the aforementioned defendants and their cronies, and for other unlawful and unconstitutional considerations, all contrary to legitimate sovereign interests, AMROB employ their influence and status to deny to plaintiff his constitutionally protected contractual rights, as set forth herein.

6a. Article 1 §10[1] of the *U.S. Constitution*, provides:

> `No State shall ... make any ... law impairing the obligation of contracts ...'.

b. In addition to `paying-off' their cronies, AMROB have employed their administrative powers or status, under `color ["pretense"] of law', to unconstitutionally retaliate against plaintiff for his exercise of his First Amendment rights in exposing

official and/or judicial corruption (*Mt. Healthy v. Doyle*, 429 U.S. 274 [1977]), as is plaintiff's right and duty.

7a. AMROB are <u>all</u> directly involved in the larceny of the judicial trust assets of PUCCINI CLOTHES, LTD. [`Puccini'], the diversion of monies from the federal, state, and local governmental purses to the private pockets of their cronies, extortion of monies in favor of their cronies to avoid conviction under a criminal conviction and a criminal report, and other criminal racketeering [`enterprise corruption'] activities.

b. Decisive to plaintiff's accusation is the non-existence of any filed accounting for Puccini's judicial trust assets, notwithstanding the fraudulent `approval' of such `final accounting' by Referee DONALD DIAMOND [`Diamond'].

8a. Abrams, and some in AMROB, are also involved in the larceny and plundering of the judicial trust assets in the ESTATE OF EUGENE PAUL KELLY [`Kelly Estate`].

b. Decisive, is the fact that plaintiff was not served in the Kelly appeal, albeit an essential party, and that CHARLES Z. ABUZA, Esq. [`Abuza'], a resident of Westchester County, who represented most of the beneficiaries had died on June 28, 1989, and his clients, including a quasi-incompetent beneficiary, were unrepresented.

9a. Oakes, Brieant, and some of the others in AMROB, are involved in the continued incarceration of DENNIS F. VILELLA [`Vilella'] for crimes never committed by Vilella nor anyone else."

7. A federal judge, official or employee sued in his/her "*personal capacity*", upon being "*scope certified*" by the Attorney General or anyone of his approximate 100 subordinates results in an *automatic* United States substitution of the defendant. If they refuse, a judge can "*scope certify*" with the same result (28 *U.S.C.* §2679).

Since a federal, judge or employee cannot be "*sued*" in a state or local court in his/her "*official capacity*", *Charles L. Brieant* and *James L. Oakes* were obviously sued in their "*personal capacities*".

Where the United States is the defendant, as would have existed had *Brieant-Oakes* been "scope certified, a federal attorney can, by self-help remove to a federal forum. However, since *Brieant-Oakes* had not been "scope certified" they had to personally petition the federal court in order to remove!

8. By a "Notice of Removal, dated November 20, 1992, Assistant U.S. Attorney *Robert W. Sadowski* stated:

> "Chief Judge Brieant and Judge Oakes are officers of the courts of the United states of America. Pursuant to 28 U.S.C. §§ 1441(a) and (b), and 1442(a)(3), this action may properly be removed to this Court."

Based on the aforementioned *false, deceptive & legally insufficient* statement, on November 23, 1992, Assistant U.S. Attorney *Robert W. Sadowski* by self-help, removed the "entire" action, including that against the State defendants, to the U.S. District Court for the Southern District of New York.

Thus, in addition to a federal infirmity, there was Amendment XI of the *Constitution* of the United States lethal infirmity.

9. Upon removal, the action was assigned to U.S. District Court Judge *Leonard B. Sand* who recognized the lethal infirmities and *sua sponte* recused himself. U.S. District Court Judge *Gerard L. Goettel* likewise recused himself, as did every jurist who was assigned such removed action!

Finally, Chief U.S. District Court Judge *Charles L. Brieant* prevailed upon U.S. District Court Judge *Peter K. Leisure* to accept such lethally infirm action.

In attempt to conceal some of the lethal infirmities, *Brieant-Leisure* "*cooked*" the Docket Sheet so that it *falsely* reads that (Exhibit "A"): (1) a defendant was "Chief Judge Charles L. Brieant"; (2) "Petition for Removal", and (3) "Jurisdiction: U.S. Government".

10. The unauthorized defense representation is: (1) a *felony*, subjecting the participants to fines & terms of incarceration (31 *U.S.C.* §§ 1341, 1342, 1350); (2) compels a "*public accounting*" for the expenditures made (Article I §9[7] of the *Constitution of the United States*), and (3) obligates "*reimbursement*" in favor of the *United States*.

Additionally: (4) when the expenditures are the result of an *unauthorized* federal defense representation, a "*subject matter jurisdictional*" lethal infirmity is triggered, rendering the merit dispositions made to be "*null & void*" (*Mc*Neil *v. U.S., supra*; *Myers v. United States Postal Service, supra*).

11. Since the expenditures made by the U.S. Attorney was *unauthorized*, he "cooked" his financial books, as a response to a *Freedom of Information Act*, ["FOIA"] request confirms since such response reveals that there is no record of such litigation in office of the U.S. Attorney or in Washington, D.C. (FOIA # 98-3398).

A. The "cooking of federal books" to conceal these expenditures from Congress, as here existed, is also a felony (18 *U.S.C.* §1001)

B. A response to a *Freedom of Information Law* ["FOIL"] request reveals that the NYSAG is also "cooking his books" [FOIL #03-540] in order to conceal these expenditures from the NY State Legislature

12. 28 *U.S.C.* §144 provides:

> "Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding."
>
> My recusal affirmation of February 22, 1993 states:
>
> "This affirmation made under the penalty of perjury, is made in good faith, for the recusal of U.S. District Court Judge PETER K. LEISURE [`Leisure'].
>
> 1a. Initially, affirmant reminds this Court that his `general bias' motion of November 27, 1992 remains uncontroverted, unopposed and unadjudicated.
>
> b. HYMAN RAFFE [`Raffe'] in order to avoid incarceration under a trialess criminal conviction, in addition to paying in `excess of $2,000,000.00', agreed to execute releases to `all the judges of the Southern and Eastern District of New York'.
>
> c. Since affirmant contends and has undertaken legal action to nullify such release agreements, including the return of the extortion monies from the pockets of the `Brieant-Murphy syndicate', this Court has a financial interest in this litigation and a general bias situation exists mandating recusal.
>
> 2a. Every attorney in this action knows that U.S. District Court Judge PETER K. LEISURE [`Leisure'] has been `fixed' and `corrupted', and will act only when Chief U.S. District Court Judge CHARLES L. BRIEANT [`Brieant'] desires that he act, and that Judge Leisure will only act in accordance with the desires of Chief Judge Brieant [`Corruption Incarnate'].
>
> b. In effect, this matter is being adjudicated by Chief Judge Brieant, as the evidence clearly indicates.
>
> 3a. Assistant N.Y. State Attorney General ANGELA M. CARTMILL [`Cartmill'] and everyone else knows this Court does not have Eleventh Amendment subject matter jurisdiction in this matter, and that she cannot simultaneously represent, in the same

litigation, ROBERT ABRAMS [`Abrams'], the statutory fiduciary, and those who raped and ravaged the trust assets.

b. However, since Cartmill knows that Judge Leisure has been "fixed" and `corrupted', and will not adjudicate anything contrary to the desires of Chief Judge Brieant -- `Corruption Incarnate' -- she represents those that the Constitution and law says she may not.

4a. In this personal capacity action, Assistant U.S. Attorney ROBERT W. SADOWSKI [`Sadowski'] knows he cannot represent federal defendants, at federal cost and expense, without a 28 U.S.C. §2679 `scope' certificate or refuse to support the recapture of monies payable `to the federal court', but diverted to the pockets of the Brieant cronies.

b. However, since Sadowski knows that Judge Leisure has been `fixed' and `corrupted', and will not adjudicate anything contrary to the desires of Chief Judge Brieant - `Corruption Incarnate' -- Sadowski defrauds the federal government by his unauthorized representation.

5a. All the evidence is that when affirmant surfaced the `fixing memorandum' of U.S. District Court Judge WILLIAM C. CONNER [`Conner'], he added Judge Conner -- the `fixer' -- as the co-defendant, not U.S. District Court Judge CHARLES S. HAIGHT [`Haight'] -- `the fixee'.

b. However, Chief Judge Brieant desires each of his lackeys in the judiciary and U.S. Attorney's Office to falsely assert that affirmant added Judge Haight to *Sassower v. Sapir* 87 Civ. 7135 [CSH]), as a co-defendant, Sadowski and Judge Leisure comply.

6a. Where affirmant claims equitable relief, to. wit., nullification of the without due process, physical exclusion order, Sadowski-Brieant absurdly make the money damage immunity defense.

b. The pre-programmed Judge Leisure, adopts such asinine argument.

7a. The Sadowski-Brieant papers and Judge Leisure decision of February 10, 1993 are inundated with false statements, perjury and plain garbage, which conflicts with documented facts and an undenied Notice to Admit.

b. The fact is no one, at any time, with any specificity has been able to set forth any frivolous procedure ever undertaken by affirmant.

c. This `frivolous' myth was fabricated to conceal this judicial criminal racket in which Brieant is a prime participant.

8. The record, as evidenced by affirmant's motion of February 1, 1993 is clear, as long as Raffe `pays-off' the Brieant-Murphy syndicate, he does not have to pay affirmant the monies due him -- at least as long as there are corrupt judges like Judge Leisure and Chief Judge Brieant in control of `the wheel' for their selection.

WHEREFORE, it is prayed that this application be granted in all respects."

13. Even before *Mary Jo White* became the U.S. Attorney for the Southern District of New York, she was *defrauding* the United States.

On March 10, 1993, as Acting U.S. Attorney for the Eastern District of New York, my letter to her reads as follows:

1. Would you kindly justify and/or explain to Congressman Hamilton Fish, Jr., Ranking Minority Member of the Judiciary Committee and on the Subcommittee of Judicial Administration, at his local office address listed below, why you and your predecessor, U.S. Attorney Andrew J. Maloney, have consistently failed to support my

efforts to recapture, in favor of the federal government, monies payable `to the [`federal'] court' but diverted to private pockets.

2. Would you also kindly justify and/or explain to Congressman Hamilton Fish, why you and your predecessor, have consistently represented judges and officials, at federal cost and expense, when sued in their personal capacities for tort money damages (see Hafer v. Melo, U.S. , 112 S.Ct. 358 [1991]), where they have not been 28 U.S.C. §2679[d] `scope' certified, and where their conduct is contrary to sovereign interests, notwithstanding the plain language of the statute, the legislative history (see e.g. Arbour v. Jenkins, 903 F.2d 416 [6th Cir.-1990), and settled law on the subject (see e.g. Sullivan v. Freeman, 944 F.2d 334 [7th Cir.-1991]; Kelley v. United States, 568 F.2d 259, 264-265 n. 4 [2nd Cir.-1978] cert. denied 439 U.S. 830 [1978]). ....."

14. To preserve the "*bribes*" to judges whose "*source*" were the judicial trust assets were *Puccini Clothes, Ltd.* or the *Estate of Eugene Paul Kelly, Deceased*, although lacking jurisdiction, U.S. District Court Judge *Peter K. Leisure*:

"The Court hereby issues the following permanent injunction as to George Sassower: George Sassower is hereby enjoined from filing any civil action ... without first obtaining prior leave from the Court. In seeking leave to file, ... The action may not relate to or arise from (1) the Estate of Paul Kelly litigation, (2) Dennis F. Vilella, (3) the Puccini litigation .....",

. . . . . The Worst Is Still To Come!

Respectfully,

GEORGE SASSOWER

cc: Otto George Obermaier, Esq.
Martin & Obermaier, LLC
565 5TH AVE.
New York, NY 10017-2413

Mary Jo White, Esq.
Debevoise & Plimpton LLP
919 3RD AVE
New York, NY 10022-3902

Robert Wayne Sadowski, Esq.
Diamond McCarthy LLP
620 8th Ave
39 Floor
New York, NY 10018-1443

Peter K. Leisure
U.S. District Court Judge
500 Pearl Street, Room 1910
NEW YORK, NY 10007-1316

U.S. Public Integrity Section, Department of Justice
Executive Office for U.S. Attorneys

APPEAL, CLOSED, COMPLEX, LEAD

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:92-cv-08515-PKL-MHD
Internal Use Only

Sassower v. Abrams, et al
Assigned to: Judge Peter K. Leisure
Referred to: Magistrate Judge Michael H. Dolinger
Demand: $0
Cause: 28:1441 Petition for Removal- Civil Rights Act

Date Filed: 11/23/1992
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

George Sassower

V.

Defendant

Robert Abrams

Defendant

Francis T. Murphy

Defendant

Xavier C. Riccobono

Defendant

Chief Judge Charles L. Brieant

represented by **Robert Wayne Sadowski**
U.S. Attorney's Office, SDNY (86 Chambers St.)
86 Chambers Street
New York, NY 10007
212-637-2200
Fax: (212) 637-2686
Email: robert.sadowski@usdoj.gov
LEAD ATTORNEY

Defendant

James L. Oakes

Defendant

A.R. Fuels, Inc.

Defendant

Hyman Raffe