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February 7, 1989

Presiding Justice Francis T. Murphy
Appellate Division, First Department
27 Madison Avenue,
New York, New York 10007

For Media Publication

Sir:

For reasons only partially set forth in my letter to Chairman Sol Wachtler, of even date, your prompt resignation is hereby demanded.

Specific criminal charges against you, Mr. Presiding Justice, include your personal active participation with Administrator Xavier C. Riccobono, Kreindler & Relkin, P.C., Feltman, Karesh, Major & Farbman, Esqs., and others, in the larceny and plundering of the judicial trust assets of Puccini Clothes, Ltd., which was involuntarily dissolved almost nine (9) years ago, and extortion in an attempt to compel submission and silence.

Produce for public inspection, Mr. Presiding Justice, an accounting of Puccini's trust assets, as required by law!

Copies of this resignation demand is being distributed to the media and interested persons.

Very truly yours,

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Chairman Sol Wachtler
Chairman of the Administrative Board,
Unified Court System
Court of Appeals Hall
20 Eagle Street,
Albany, New York 12207

Dear Mr. Chairman:

1a. Your Honor sought and received the appointment of Chief Judge of the Court of Appeals, which position carried with it the concomitant responsibilities as Chairman of the Administrative Board of the Unified Court System, pursuant to Article 6, §28 of the Constitution of the State of New York.

b. The situation that I summarily describe herein compels that you, Mr. Chairman, demand and receive the immediate resignation of Presiding Justice FRANCIS T. MURPHY and Administrative Judge XAVIER C. RICCOBONO, or else seriously consider Your Honor's own resignation.

2a. Mr. Chairman, in a nutshell, Presiding Justice FRANCIS T. MURPHY and Administrative Judge XAVIER C. RICCOBONO employ their position and influence with the Department Disciplinary Committee, and other governmental agencies, to advance criminal racketeering enterprises.

b. The co-conspirators of Presiding Justice FRANCIS T. MURPHY and Administrative Judge have stolen, raped, ravished, and unlawfully dissipated all of the judicial trust assets of PUCCINI CLOTHES, LTD. ["Puccini"] -- "the judicial fortune cookie" -- leaving nothing for its legitimate creditors and stockholders -- not one cent!

c. Having stolen and unlawfully ravished all of Puccini's trust assets for their own personal benefit, the "Murphy-Riccobono entourage" have extorted and are extorting further funds from HYMAN RAFFE ["Raffe"], one of Puccini's stockholders.

d. In Raffe's words "they are bleeding me to death"!

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3a. The facts recently made the subject of media attention is but a small aspect of much broader unethical, unconstitutional, and criminal scenarios involving the Presiding Justice of the First Judicial Department and Administrative Judge of the Supreme Court of New York County.

b. It is not simply a situation of interference by the Presiding Justice with the disciplinary process on behalf of those who have the "inside track", but a wholesale grant of disciplinary immunity to those engaged with the Presiding Justice, as co-conspirators, in criminal racketeering adventures.

c. When necessary, as will be demonstrated, the disciplinary process is employed to punish or threaten to punish the victims, in an attempt to compel them to succumb and remain silent about judicial misconduct.

4a. These serious charges require, even when summarily set forth, some specificity, which I do here include.

b. If further specificity is required, a simple request is all that is necessary.

c. Since copies of this letter is being extensively distributed, including to the lay, certain legal principles and material are included in this brief presentation.

5a. Mr. Chairman, essential to the criminal scenarios herein described, is the absolute and unbridled control by Presiding Justice FRANCIS T. MURPHY over the Department Disciplinary Committee, as well as other agencies of government, judicial and otherwise.

b. Since the present public controversy revolves around the Department Disciplinary Committee, its Chief Counsel, and his assistant, I emphasize that particular aspect.

6a. Faced with front page media disclosures of judicial nepotism (N.Y. Times, 7/26/77), Presiding Justice Murphy announced that remedial action would be taken.

b. This resulted in his enactment, for the First Department, of 22 NYCRR §660.24, which provided:

"On and after the effective date of this section [Sept. 19, 1977] no order or judgment providing for the appointment of a referee, receiver, person designated to accept service ... or person designated to perform services for a receiver such as but not limited to an agent, accountant, attorney, auctioneer, and appraiser ('appointee'), shall be entered, unless and until the following has been completed: ... (f) Any appointment made without following the procedures provided in this section, shall be null and of no effect and no person so appointed shall be entitled to recover any compensation for the services rendered or claimed to have been rendered."

c. The aforementioned mandatory rule was superimposed on Judiciary Law §35a, enacted in 1967, which required the jurists involved to file public available reports on all fees awarded.

d. Additionally, in all American jurisdictions, where a receiver is judicially appointed, there must be a publicly filed accounting for his stewardship.

e. In New York, such accounting must be filed "at least once a year" (22 NYCRR §202.52[e]).

f. The Attorney General of the State of New York has been designated by the legislature as the statutory fiduciary for all involuntarily dissolved corporations, and he has been given extensive discretionary powers (e.g. Bus. Corp. Law §1214[a]), and some mandatory duties (e.g. Bus. Corp. Law §1216[a]), in order to vouchsafe such assets.

g. Included in the mandatory obligations, permitting no discretion whatsoever, is the Attorney General's "duty" to make application to settle such filed accounting and distribute the assets, if not voluntarily performed by the court-appointed receiver within eighteen (18) months (Bus. Corp. Law §1216[a]).

h. However, in the jurisdictional bailiwick of Presiding Justice FRANCIS T. MURPHY there is a manifestly unlawful, unethical, and corrupt understanding between the Presiding Justice and ROBERT ABRAMS, the Attorney General, wherein Robert Abrams will betray his fiduciary obligations, even those duties which are mandatory in nature.

i. Unquestionably, whether the obligations of the fiduciary are mandatory or discretionary, all fiduciaries, including Robert Abrams, owe their trusts "undivided loyalty".

j. Presiding Justice Francis T. Murphy has corrupted Robert Abrams to actively betray all his statutory trusts arising out of involuntary dissolutions.

k. The scenario with respect to Puccini is but one example of an unlawful, indeed criminal, policy understanding between ROBERT ABRAMS, the constable, and FRANCIS T. MURPHY, a member of the suspect group.

7a. Puccini -- "the judicial fortune cookie" -- was involuntarily dissolved on June 4, 1980, its assets and affairs becoming custodia legis.

b. Although dissolved and helpless, Puccini nevertheless remains a "person" within the meaning of the XIV Amendment of the Constitution of the United States, enjoying certain basic constitutional and legal rights, not essentially dissimilar to those held by viable corporations.

c. The stockholders and creditors of Puccini, and other involuntarily dissolved corporations, also have constitutional and legal rights in its assets and affairs.

d. However, as against the judiciary and its appointees, the rights of stockholders and creditors generally have little effective significance.

e. It is only the Attorney General who has any "clout" to protect these judicial trust assets from the sometimes insatiable monetary appetites of corrupt members of the judiciary and their appointees.

f. Thus the corruption of Robert Abrams, the constable, augurs serious and significant ethical, legal, and constitutional problems.

8. The bottom lines as a result of being involuntarily dissolved in the bailiwick of Presiding Justice FRANCIS T. MURPHY and Administrative Judge XAVIER C. RICCOBONO, with emphasis on the disciplinary procedures controlled by Presiding Justice FRANCIS T. MURPHY, are as follows:

a. Puccini's judicial trust assets were made the subject of massive larceny engineered by the law firm of KREINDLER & RELKIN, P.C. ["K&R"], with the cooperation of the law firm of NACHAMIE, KIRSCHNER, LEVINE & SPIZZ, P.C. ["NKLS"].

b. LEE FELTMAN, Esq. ["Feltman"], the court-appointed receiver, agreed that he would not disclose such massive larceny of judicial trust assets or make any attempt at recovery thereof, in exchange for which all the remaining tangible trust assets would be transferred to him.

c. Since Feltman's maximum fee is determined by statute (Bus. Corp. Law §1217), the transfer of such remaining tangible assets was to be made to his law firm, FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"], although they would do nothing to advance the interests of the helpless judicial trust.

d. Indeed, FKM&F, who with K&R, openly boast that they "control" the judiciary, was never appointed by any judge or judicial officer, under 22 NYCRR §660.24 or otherwise.

e. Consequently, although the law requires that an accounting must be filed "at least once a year" (22 NYCRR §202.52[e]), in the more than eight (8) years, eight (8) months since Puccini was involuntarily dissolved, not a single accounting has been filed -- not one!

f. Although Bus. Corp. Law §1216[a] mandates that the Attorney General make application in the event settlement and distribution does not take place within eighteen (18) months, not a single application has been made by the corrupted ROBERT ABRAMS in the more than one hundred four (104) months that have elapsed since Puccini was involuntarily dissolved -- not one!

g. Although the court-appointed receiver must file with the County Clerk and Attorney General, by each and every February 1, a verified statement "showing assets received" (Bus. Corp. Law §1207(C)[3]), the few times such verified statement has been filed, such item has been left incomplete and/or perjuringly set forth.

h. Although 22 NYCRR §660.24[f] mandates that neither FKM&F nor RASHBA & POKART ["R&P"] receive anything, there was transferred to them approximately one million dollars (\$1,000,000), or the balance of Puccini's tangible assets, for their purported services on Puccini's behalf, when in fact they only betrayed this judicial trust.

i. Although Judiciary Law §35a provides that all fees awarded be publicly filed by the jurists involved, not a single report has been filed -- not one!

j. For a course of conduct which included massive larceny of judicial trust assets, perjury, betrayal of clients and trusts, criminal extortion, corruption of members of the judiciary and officials, and other similar conduct, did the Department Disciplinary Committees, controlled by Presiding Justice FRANCIS T. MURPHY, punish K&R, Feltman, FKM&F, and/or NKLS -- "the criminals with law degrees"?

k. No, instead the victims were punished!

l. The victims are punished by disciplinary proceedings and otherwise for nothing more than exposing the conduct of "the criminals with law degrees", their cadre of corrupt judges, including Presiding Justice FRANCIS T. MURPHY and Administrator XAVIER C. RICCOBONO, and compelled to pay "extortion".

9a. Obviously, in view of the aforementioned massive larceny and plundering of judicial trust assets, no accounting can ever be filed, nor any verified §1207 statement ever be filed, the mandates of the law notwithstanding.

b. Consequently, a "reign of judicial terror" had to be imposed upon those who exposed this criminal racketeering practice and compel them to submit to a "code of silence".

c. Such "reign of judicial terror", included disciplinary proceedings punishing the attorneys involved in such exposure of judicial misconduct, or threatening to impose such disciplinary punishment, in the event they refused to betray the legitimate interests of their clients in Puccini, and be silent about the matter.

10. The general scenarios were as follows:

a. In every American jurisdiction, state and federal, one cannot be convicted of a crime without a trial or opportunity for same, including for the crime of non-summary criminal contempt (Nye v. U.S., 313 U.S. 33; Bloom v. Illinois, 391 U.S. 194), nor can anyone be placed in criminal jeopardy more than once.

b. Three (3) weeks after Mr. Justice MARTIN EVANS exonerated Raffe, who had the largest financial interest in Puccini, and myself, of non-summary criminal contempt, the proceedings were reinstated, but this time Administrator XAVIER C. RICCOBONO had same dragooned to Referee DONALD DIAMOND, his ex parte appointee.

c. At the time such proceedings were ex parte dragooned to Referee Diamond, both Administrator and Referee Diamond were active party defendants and respondents in several lawsuits instituted by Raffe and myself for their involvement in non-immune corrupt activities.

d. Without a trial or opportunity for same, and ignoring the verdict of Mr. Justice MARTIN EVANS with its decisive "double jeopardy" implications, Referee Diamond found us both to be guilty of non-summary criminal contempt, and in addition to heavy fines, Raffe was threatened with incarceration for five (5) years and eleven (11) months, if he did not succumb.

e. For myself, I chose to be incarcerated, irrespective to the term imposed, under such trialess procedures.

f. Contemporaneously, also without a trial or opportunity for same, in one document, Mr. Justice ALVIN F. KLEIN, convicted (1) Raffe, (2) myself, and (3) SAM POLUR, Esq. ["Polur"] of non-summary criminal contempt, and sentenced each of us to be incarcerated for thirty (30) days.

The "crimes" were for allegedly commencing a lawsuit against Administrator Riccobono, Referee Diamond, K&R, and FKM&F, for "judicial fixing" and similar activities.

(1) Raffe paid millions of dollars in cash, and gave other considerations to "criminals with law degrees", and was never incarcerated under the Referee Diamond or Justice Klein trialess convictions.

Some of the other considerations he was compelled to give in order not to be incarcerated under such trialess convictions, were general releases to "the criminals with law degrees", Referee Diamond, and the Justices of the Supreme Court.

Thus, Justice Klein and Referee Diamond convicted Raffe, at the instance of "the criminals with law degrees", but for the payment of millions of dollars and general releases to them, Raffe did not spend a minute of the six (6) years in jail.

Raffe, is still paying monies under the aforementioned extorted agreements, and in his words "they are bleeding me to death", but as long as he keeps paying he will not be incarcerated.

(2) Polur refused to submit, served his imposed time of incarceration under the trialess Justice Klein conviction.

Thereafter, upon the institution of disciplinary proceedings against him by Murphy's Departmental Disciplinary Committee, based upon such trialess, manifestly unconstitutional conviction, Polur left the Puccini scene, and such proceedings were placed in abeyance to insure his non-return to the Puccini scene.

Instructively, Polur was convicted and incarcerated, without a trial, under an uncorroborated perjurious affidavit of FKM&F, for purportedly serving a summons, which even they do not deny was a false assertion.

(3) I refused to submit, refuse to remain silent, refuse to pay extortion in any form, and without being permitted to controvert the legal or factual validity of these trialess convictions was disbarred, after almost forty (40) years of the continuous practice of the law.

I consider myself singularly "honored" by each and every one of my trialess conviction, and "honored" by being disbarred, rather than betray the legitimate interests of my client, or have any part of such criminal racketeering adventures.

My bank deposited assets have been seized under "phantom" judgments, my personal cases stayed, and repeated orders have been issued by Referee Diamond to the Sheriff of Westchester County, directing him to "break into my home", "seize all word processing equipment and software", and "inventory" my possession.

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Mr. Chairman, as you see, I will not be silenced, no matter what the personal consequences may be!

11a. Mr. Chairman, recently, on October 26, 1988, Referee Donald Diamond "approved" a "final accounting" for Puccini by Feltman.

b. There is no accounting, final or otherwise, it is "phantom", as a United States Judge, a federal official, and a member of the media can verify.

c. Annexed hereto are written demands that have been made to Feltman, R&P, Referee Diamond, and Robert Abrams, that they produce for to Your Honor for Your Honor's personal examination such accounting -- and I assure you that it cannot be produced by anyone of them or anyone else.

d. I have also annexed other demands that agencies of government, including the Office of Court Administration, produce other documents to support my assertions herein.

e. These documents, when produced, will reveal to you, the media, and the public that for judicial trusts and estates the forums controlled by Presiding Justice FRANCIS T. MURPHY are "judicial infernos", where they must abandoned all hope.

f. For those, like myself, who insist that legitimate interests of clients be protected with "zeal", the courts are simply "Unfit for Human Litigation".

12. One further point so that the unwary, like myself, are not trapped by obedience to the Code of Professional Responsibility.

a. Under pains of disciplinary punishment, the attorney is compelled to "whistle blow" (DR 1-103), which is otherwise a constitutional right (Article 1, §8, §9 of the N.Y.S. Constitution, and a societal obligation.

b. However when such confidential information about the larceny and plundering of trust assets is given to ROBERT ABRAMS, the statutory fiduciary, he and his office employ such confidential information when he defends the "Murphy racketeering entourage".

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c. Thus, for example, when I, on Puccini's behalf, sued Mr. Justice DAVID B. SAXE for disobeying a non-discretionary mandate, by giving substantial fees to FKM&F and R&P (which Judge Saxe also failed to report), it was defended by Senior Attorney DAVID B. COOK, Puccini's assigned statutory watchdog, while he was simultaneously designated by ROBERT ABRAMS to vouchsafe Puccini's trust assets.

d. Indeed, all litigation on behalf of Puccini, including that against Presiding Justice FRANCIS T. MURPHY, Administrator XAVIER C. RICCOBONO, Referee DONALD DIAMOND, and the Office of Court Administration, is defended by Cook, while simultaneously he purports to be Puccini's statutory guardian.

e. Obviously, Cook brings to such litigation all the confidential material I gave him personally, on behalf of the Attorney General, to defeat the interests of his statutory ward.

13. In short, Presiding Justice FRANCIS T. MURPHY must go, and the rule of law vindicated, and I so demand, Mr. Chairman.

Most Respectfully,

GEORGE SASSOWER