Received Copy
March 6, 1987 — Charlene Marlow Secretary
[illegible] U.S. Attorney

AO 440 (Rev. 5/85) Summons in a Civil Action ⊕

United States District Court

SOUTHERN DISTRICT OF NEW YORK

DENNIS F. VILELLA, et. el.,

SUMMONS IN A CIVIL ACTION

v.

CASE NUMBER:

Hon. MARIE G. SANTAGATA, et. el.,

87 CIV. 1450

JUDGE GOETTEL

TO: (Name and Address of Defendant)

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

GEORGE SASSOWER, Esq.
51 Davis Avenue,
White Plains, N.Y. 10605

an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

RAYMOND F. BURGHARDT, CLERK

CLERK

March 4, 1987

DATE

Michael Lindner

BY DEPUTY CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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DENNIS F. VILELLA, DONALD LEIGHTON, HAROLD COHEN, and GEORGE SASSOWER, Esq.,

Petitioners,

File #

[ ]

-against-

Hon. MARIE G. SANTAGATA; Hon. BRUCE McM WRIGHT; Hon. MARTIN EVANS; Hon. MILTON MOLLEN and Hon. WILLIAM C. THOMPSON, individually and as Presiding Justice and Justice Presiding of the Appellate Division of the Supreme Court, State of New York, Second Judicial Department; Hon. FRANCIS T. MURPHY and THEODORE R. KUPFERMAN, as Presiding Justice and Justice Presiding of the Supreme Court of the State of New York, First Judicial Department; Hon. WILFRED FEINBERG, individually, and as Chief Judge of the United States Court of Appeals, for the Second Circuit; Hon. IRVING R. KAUFMAN and Hon. THOMAS J. MESKILL, Circuit Judges of the United States Court of Appeals, for the Second Circuit; Hon. EUGENE H. NICKERSON, Judge of the United States District Court, Eastern District of New York; Hon. ALVIN F. KLEIN, Justice of the Supreme Court of the State of New York; Hon. DAVID B. SAXE, Acting Justice of the Supreme Court of the State of New York; Hon. WILLIAM C. CONNER; Hon. IRA GAMMERMAN; Referee DONALD DIAMOND; Administrator XAVIER C. RICCOBONO; Chief Administrative Judge JOSEPH W. BELLACOSA; Hon. ROBERT ABRAMS; Assistant Attorney General, DAVID S. COOK, Esq.; KREINDLER & RELKIN, P.C.; JEROME H. BARR, Esq.; CITIBANK, N.A.; FELTMAN, KARESH, MAJOR, & FARBMAN, Esqs.; NACHAMIE, KIRSCHNER, LEVINE, SPIZZ & GOLDBERG, P.C.; and RASHBA & POKART

Respondents.
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"thieves for their robbery have authority, when judges steal themselves" (Shakespear's Measure for Measure, 2:02, 175).

Petitioners, complaining of the respondents, respectfully set forth and allege:

1a. The jurisdiction of this Court is invoked pursuant to the provisions of Title 28, United States Code, §§1331, 1343, this being a suit in law and equity, which is authorized by law directly under the Constitution of the United States and by Title 42, United States Code §1983., et seq., and brought to redress the deprivation of federal rights by federal and state officials, and the deprivation under color of state law, statute, ordinance, regulation, custom or usage of rights, privileges, and immunities secured by the Constitution and laws of the United States and Acts of Congress providing for equal rights and due process of citizens and persons. The rights here sought to be redressed are rights guaranteed by Article 1, §9, cl. 2, Amendments I, IV, V, VI, VII, VIII, IX, and the due process and equal protection clauses of the XIV Amendment of the Constitution of the United States.

b. The matter in controversy, exclusive of interests and costs, exceeds $10,000.

2a. The Supreme Court of the State of New York, County of New York ["SCNY"], and the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, ["App. Div. 1st"], under the supervision and control of respondents, Administrator XAVIER C. RICCOBONO ["Riccobono"] and Presiding Justice FRANCIS T. MURPHY ["Murphy"], are nothing better than "cesspools of criminal corruption and extortion", where all persons clearly do not come into court as equals, and some constitutional persons are totally deprived of all federal constitutional, and other legal, rights.

b. Such criminal corruption and extortion has overflowed into various other courts, by extensive and intensive fixing, by the robed and unrobed, resulting in a gross deprivation of federal constitutional rights.

c. The respondents, and others, except for the respondents Hon. MARIE G. SANTAGATA ["Santagata"], Hon. BRUCE McM WRIGHT ["Wright"], and Hon. MARTIN EVANS ["Evans"], have proceeded with deliberate unconstitutionally, in bad faith, harassed, and engaged in criminal, unlawful, and unethical activities, or have succumbed and cooperated with such unlawfullness, and as part thereof, have deprived the petitioners, particularly GEORGE SASSOWER, Esq. ["Sassower"], of almost all of their constitutional rights.

3. The bottom lines are as follows:

a. PUCCINI CLOTHES, LTD. ["Puccini"] was involuntarily dissolved on June 4, 1980, or six (6) and three-quarter (3/4) years ago, its assets and affairs becoming custodia legis at the time.

b. The receiver is supposed to file a final accounting and make distribution within one (1) year, and as a mandatory ministerial "duty", the Attorney General is supposed to make application for such accounting if not made within eighteen (18) months (Bus. Corp. Law §1216[a]).

c. 22 NYCRR §202.52[e], §202.53 mandates that an accounting be filed initially with the county clerk "at least once a year".

d. Bus. Corp. Law §1207[a][3] requires that the receiver file with the county clerk by each February 1, a verified statement which shall show the "assets" of the involuntarily dissolved corporation.

e. Notwithstanding the aforementioned, no accounting has ever been filed in the county clerk's office since June 4, 1980, nor has there ever been filed a true and correct §1207 verified statement, showing the "assets" of Puccini.

f. The advertisements in the New York Times on September 15, 1986 and September 22, 1986, and New York Law Journal for two successive weeks commencing September 17, 1986, are a fraud and a sham.

g. In fact is no true accounting can be filed, nor any §1207 Statement filed showing Puccini's "assets" because Puccini's judicial trust assets were made the subject of massive larceny and plundering by the "criminals with law degrees", criminally aided, abetted, and facilitated by the respondents, and each and every one of them, except respondents, Santagata, Wright, and Evans.

h. To compel Sassower to submit to an unethical code of silence, concerning judicial and official corruption, to abdicate his own personal interests, and those of his client, the respondents and others, except Santagata, Wright, and Evans, have jointly engaged in a chartered _in terrorem_ course of conduct against him, his clients, and all those who may be associated with him.

i. Each of the respondents actually knows that no state or local American jurist or court has the power to convict anyone for non-summary criminal contempt, without benefit of a trial, absent a plea of guilty, since at least _Bloom v. Illinois_, (391 U.S. 194).

k. Each and every one of the respondents, particularly the federal respondents, know that they do no have the jurisdictional power to convict anyone for non-summary criminal contempt, without benefit of a trial, absent a plea of guilty, for at least one hundred and fifty (150) years, when Mr. Lawless was supposed to be the "last victim" of judicial tyranny (Nye v. United States, 313 U.S. 33, 46).

l. Despite the aforementioned, the petitioner has been convicted, sentenced, and incarcerated three (3) times, and convicted one (1) additional time, each time without benefit of trial, charged with non-criminal contempt.

m. Based upon such trialess convictions, which the Appellate Division, Second Judicial Department had actual knowledge were a jurisdictional nullity, it disbarred Sassower from the practice of law in the courts of the State of New York.

o. The actual knowledge of the nullities of such criminal convictions was brought home to the Appellate Division, Second Judicial Department, when in a de novo consideration of the favorable report of U.S. Magistrate NINA GERSHON, Hon. DAVID N. EDELSTEIN, on December 4, 1986, sustained Sassower's 28 U.S.C. §2254 Writ of Habeas Corpus, and thus such conviction was eliminated from the charges against Sassower in the Disbarment Order of February 23, 1987.

p. The fact is, as proven by the events subsequent to the Order of December 4, 1986, as well as before, that none of these criminal contempt proceedings have merit, as hereinafter shown.

4a(1) Sassower was convicted, without trial, for sixty-three (63) counts of criminal contempt, and sentenced by the Appellate Division, First Department, to be incarcerated for thirty (30) days (Barr v. Sassower, 120 A.D.2d 324, 503 N.Y.S.2d 392 [1st Dept.]).

(2) During the state proceedings, Sassower offered to accept a term of six (6) months, instead of thirty (30) days, if he would be found guilty of one (1) count criminal contempt, not sixty-three (63), after a fundamentally fair trial, held according to law.

(3) These offers were not accepted!

(4) After this conviction was vacated, it was the "criminals with law degrees", who opposed, and it was their lackey judge, Mr. Justice IRA GAMMERMAN ["Gammerman"], the personal selectee [by computer manipulation] of Riccobono -- "corruption incarnate", who denied the application.

(5) When and if Sassower ever obtains a fair trial on these sixty-three (63) counts of criminal contempt it should be nothing less than a massacre of the "criminals with law degrees" and their stable of corrupt jurists.

b(1) Where neither Sassower nor his client HYMAN RAFFE ["Raffe'] defaulted, and despite the fact that property executions were available remedies, respondent, Judge EUGENE H. NICKERSON ["Nickerson"] nevertheless, set the matter down for Sassower's examination in supplementary proceedings for Tuesday, May 28, 1985, at 3:00 p.m., in His Honor's Courtroom.

(2) Sassower was present at precisely 3:00 p.m., and was seen by His Honor's male and female law secretaries, in addition to others.

(3) KREINDLER & RELKIN, P.C. ["K&R"], the law firm who engineered the larceny of Puccini's judicial trust assets, the firm who also desired such examination, defaulted.

(4) At 3:22 p.m., Sassower left the courthouse, after having the Court Clerk Time clock a filed paper.

(5) <u>After</u> K&R had defaulted on May 28, 1985, it communicated, <u>ex parte</u>, with Nickerson who change the Order for Sassower's and Raffe's examination for Thursday, May 30, 1985, at 10:00 a.m.

(6) On May 29, 1985, the very day that Sassower was served with this <u>ex parte</u> changed Order, Sassower served and filed an affidavit which stated that Sassower was scheduled to proceed to trial in state court, and indeed Sassower did proceed to trial that day.

(7) K&R claiming that such previously scheduled trial engagement elsewhere was a wilful and intentional default, and without advising Nickerson that the U.S. Marshal had in hand the monies to satisfy the judgment against Raffe [restraints having been made weeks beforehand], K&R then moved to hold Sassower & Raffe in criminal, as well as civil, contempt. Since it was now criminal, as well as civil contempt, Sassower wrote:

> "We have determined to remain silent on the issue and put Mr. Gerstein and his firm [K&R] to their proof on the issue, as the best way to terminate this harrassment."

Without a trial or a hearing, Nickerson held Sassower & Raffe in criminal, as well as civil, contempt.

(8) Even prior to the supplementary proceedings by K&R, such firm had served upon various financial institutions approximately two hundred (200) restraining notices, against Raffe, each demanding that they restrain "twice" the amount of the judgment (CPLR §5222[b]), a multi-millionaire, thus potentially restraining $4,000,000 on a $10,000 judgment.

(9) Such trialess criminal contempts, and the other in terrorem unconstitutional tactics, were affirmed by the U.S. Circuit Court of Appeals (per Hon. WILFRED FEINBERG ["Feinberg"], Hon. IRVING R. KAUFMAN ["Kaufman"], and Hon. THOMAS J. MESKILL ["Meskill"]), in an opinion, which itself is irresistibly and compellingly suspect, in addition to being beyond the power of the federal judiciary (Nye v. United States, supra).

c(1) When Sassower moved to declare unconstitutional CPLR §5222[b], insofar as it permitted restrains in the amount of "twice" the amount of a judgement, multiple restraints, and similar in terrorem tactics of FELTMAN, KARFSH, MAJOR & FARBMAN, Esq. ["FKM&F"], as actionable, Mr. Justice DAVID B. SAXE ["Saxe"], dragooned the motion from Mr. Justice ALLEN MURRAY MYERS, and without a trial or hearing, convicted, sentenced, and had Sassower incarcerated for ten (10) days, fined him, and directed that he be reported to the Appellate Division.

(2) At the time Saxe dragooned this motion to himself, he knew that Sassower had the evidence of his involvement with the "criminals with law degrees", and that Sassower upon learning of the aforementioned reference, had objected to same.

(3) Such patently unconstitutional conviction, made Raffe subject to any and all economic in terrorem devices that the "criminals with law degrees" could possibly conceive.

d(1) Mr. Justice ALVIN F. KLEIN ["Klein"], another "hard core" corrupt jurist, also without trial or hearing, convicted and sentenced, Sassower, Raffe, and SAM POLUR, Esq. ["Polur"] for non-summary criminal contempt, each for thirty (30) days.

(2) Polur had been convicted and sentenced based simply on a perjured affidavit of DONALD F. SCHNEIDER, Esq. ["Schneider"] of FKM&F, that Polur had served him with a summons, which Schneider's co-conspirators refused to corroborate.

(3) When Polur refused to succumb, he was incarcerated, served his full term. Release was refused by Klein although he knew the accusation to be false, and disciplinary proceedings commenced against him.

(4) Thereafter when Polur left the scene the disciplinary proceedings against him were dropped.

(5) Raffe succumbed, paid hundreds of thousands of dollars to FKM&F by check, paid hundreds of thousands of dollars to K&R and its clients, and executed releases to all the members of the judiciary, and was never incarcerated, and the economic terrorism terminated.

(6) In writing, it was agreed that as long as Raffe conducted himself as desired by FKM&F, he would not be incarcerated. It was and is blatant extortion and blackmail!

(7) All of the aforementioned, was in the absence of Sassower and Polur, Raffe's attorneys, who were never substituted, nor even requested to sign stipulations of substitution (Moustakas v. Bouloukos, 112 A.D.2d 981, 492 N.Y.S.2d 793 [2d Dept.]; Webb v. Dill, 18 Abb. Prac. Rep. 264).

(8) Sassower who refuses to succumb to these "criminals with law degrees", and who cannot account because of their larceny of judicial trust assets, is repeatedly incarcerated, each time without a trial, and disbarred.

5a. In addition to the aforementioned acts of retaliation against Sassower for exposing judicial and official corruption, orders are issued from the Courthouse where Peter Zenger was acquitted directing the Sheriff of Westchester County to "break-into" Sassower's home, "all word processing equipment and software seized", and his possessions "inventoried".

b. Sassower's bank assets are seized under "phantom", non-existing judgments, and other draconian economic practices resorted to, including the "fixing" of his unrelated cases.

6a. It has been established that those who conspire with members of the judiciary to deprive their adversaries of due process do not have judicial immunity (Dennis v. Sparks, 449 U.S. 24).

b. Corrupt jurists, such as Gammerman and District Judge WILLIAM C. CONNER ["Conner"] have attempted to frustrate the Dennis v. Sparks (supra) holding, by decreeing that Sassower may not commence any actions against their corruptors, the "criminals with law degrees", which provisions are obvious nullities.

A conspiring judge cannot prevent suits against his lay patrons arising out of their corrupt agreements with him!

7a. The disbarment order, based on those trialess convictions which had not been vacated as yet, although no different than the one vacated by Judge DAVID N. EDELSTEIN, were now held to be "serious crimes" by the Appellate Division, Second Department (cf. United States v. Craner 652 F2d 23 [9th Cir.]), conclusive on Sassower in every respect, without a trial.

b. On the other hand, orders wherein unanimously, by virtue of more than thirty (30) adjudications it had been unanimously found, after full opportunity for presentation, that Sassower did not violate same, were now found by the Referee appointed by the Second Judicial Department, to have been violated by Sassower.

c. Sassower was to be denied all subpoena power, all subpoenas served were quashed, only minimal cross-examination and testimony in chief permitted.

d. Sassower was not permitted to show that he was being made the subject of "invidious and selective prosecutions", or "retaliatory practices", or that the judiciary did not have the power to discipline those who have exposed judicial corruption, or prevent the continuance of such corruption.

e. To say more about such disciplinary proceedings would be supererogatory, even to those who still believe in the existence of the "tooth fairy".

AS AND FOR A FIRST CAUSE OF COMPLAINT IN FAVOR OF PETITIONERS, DECLARING THAT PETITIONER, DENNIS F. VILELLA, MAY BE REPRESENTED BY PETITIONER, SASSOWER, IN PENDING HABEAS CORPUS PROCEEDINGS.

8. Petitioners, repeat, reiterate, and reallege each and every allegation of the complaint marked "1" through "7" inclusive, with the same force and effect as though more fully set forth at length herein, and further allege:

9. Assuming arguendo the judicial power extends to disbarment of those who expose judicial corruption, which petitioners deny, and that disbarment is not cruel or unusual punishment for Sassower's alleged misconduct, petitioner DENNIS F. VILELLA ["Vilella"] contends that he is entitled to Sassower's continued services in a state habeas corpus proceeding, and Sassower is entitled to continue his representation of Vilella in such proceeding to conclusion, under the facts at bar.

10a. Vilella entered the Bronx House of Detention on November 24, 1986, sentenced to a six (6) month term for criminal contempt, issued by Family Court, where petitioner Sassower had previously commenced his term of incarceration, a conviction which was thereafter vacated by Hon. DAVID N. EDELSTEIN.

b. When U.S. Magistrate NINA GERSHON, recommended that Mr. Sassower's writ be sustained, he was released, in the absence of Judge DAVID N. EDELSTEIN by Judge LEONARD B. SAND, on Wednesday, November 26, 1986 [the day before Thanksgiving Day].

c. The following business day, Friday, November 28, 1986, Sassower secured writs of habeas corpus for the seven (7) other inmates in his cell-block, including the petitioner Vilella.

d. On the return date of Vilella's writ in Bronx County, Mr. Justice IRWIN M. SILBOWITZ transferred such proceeding, as well as that in favor of MOHAMMED MOHAMMED to Queens County, for another day.

e. In Queens County, it was transferred back to Bronx County for December 15, 1986.

f. After a hearing before Hon. IRWIN M. SILBOWITZ, where it was manifestly obvious that almost all of Vilella's constitutional rights had been violated, the writ was nevertheless denied.

g. On December 22, 1986, Associate Justice ERNST H. ROSENBERGER, of the Appellate Division, First Department, granted Vilella minimum bail, and Vilella was out by Christmas, spending same with his wife and infant children.

h. When the Appellate Division, First Department, in a order dated January 7, 1987, revoked bail, without reason, Sassower filed a §2254 writ (87 Civ. 0142 [RWS]).

i. In the depraved mentality of the Appellate Division, First Department, first you serve your short term period of incarceration, or almost your full term, and then your state writ is adjudicated, even when the unconstitutional methods are plain and there is no danger of the accused fleeing the jurisdiction.

j. For all of the above, Sassower received from the Vilella family the sum of two hundred dollars ($200), to cover his disbursements.

k. The transcript has finally been completed, but Sassower is unable to perfect such appeal because of the disbarment order based on unrelated conduct in an unrelated matter.

l. Petitioners claim that Vilella's right to counsel of his choice (U.S. Constitution, Amendments VI, XIV) in this habeas corpus proceeding, is paramount to the disbarment order, and that Sassower should be permitted to conclude such proceeding.

11a. While Vilella claims he does not have any funds to pay an award for fathering an out-of-wedlock child, paternity of which he vehemently denies, a financial inability which is not controverted by anyone, the Corporation Counsel of the City of New York, and many state jurists openly admit that they desire Vilella's mother-in-law to come to his financial rescue in such matter.

b. Vilella and his family refuse to play this "middle east hostage and extortion game", and which is in fact the real reason for Vilella's incarceration.

c. Blackmail and extortion had become the "coins of the judicial realm", and there are those like Vilella, a college graduate, who does not appreciate it.

AS AND FOR A SECOND CAUSE OF COMPLAINT IN FAVOR OF PETITIONERS, DECLARING THAT PETITIONER, VILELLA, MAY BE REPRESENTED BY PETITIONER, SASSOWER, IN A SERIOUS STATE CRIMINAL PROCEEDING.

12. Petitioners, repeat, reiterate, and reallege each and every allegation of the complaint marked "1" through "12" inclusive, with the same force and effect as though more fully set forth at length herein, and further allege:

13a. Pending when Vilella was incarcerated, were attempted murder second degree, and assault first degree, charges in County Court, Nassau County, wherein Vilella was represented by SUTTER, MARTEN, & REGAN, Esqs.

b. Throughout the habeas corpus proceeding, Vilella claimed that the Sutter firm had done nothing for him, on a crime allegedly committed by him on July 26, 1986, except take $10,000 from his family.

c. Nevertheless, Sassower refused to accept a substitution of such previously retained counsel, notwithstanding their obvious disinterest in the related habeas corpus proceeding.

d. Finally when Sassower became convinced that Vilella's conclusions as to the lack of interest by SUTTER, MARTEN, & REGAN, Esqs., was seriously prejudicing Vilella's rights, he agreed to such substitution.

e. The firm of SUTTER, MARTEN & REGAN, Esqs., did not even telephone Sassower with respect to obtaining exculpatory evidence in this Nassau County proceeding, which Sassower had obtained as a result of his representation of Vilella in the habeas corpus proceeding.

f. Vilella's file, as transmitted by the Sutter firm, clearly reveals no significant activity, and indeed great prejudice to Vilella in their not obtaining any discovery.

g. About three (3) hours after the alleged assault, the police received a telephone call advising them of the location of the victim, under circumstances which reveals that the caller must have been the assailant.

h. Vilella voluntarily presented himself the day following the assault to the Glen Cove police, upon their request, without counsel, and was advised by the police to "confess" since the tape analysis, according to them, would surely reveal him to be the caller. Vilella denied being the assailant and the "caller".

i. Upon inquiry of the Sutter firm by Sassower, he was told that the police had no voice recording for comparison, and consequently they did not request that such "telephone message" be analyzed.

j. Assistant District Attorney J. Kenneth Littman ["Littman"], after telephoning the Glen Cover police in Sassower's presence stated that the Glen Cove Police did not have a "tape system" for recording incoming telephone calls.

k. With trial set for March 2, 1987, before Hon. MARIE G. SANTAGATA, on February 27, 1987 Sassower received a letter from Littman, dated February 26, 1987, which stated in part:

> "I am told that the City of Glen Cove does not maintain tape recordings of calls made to their police department for more than a couple of weeks. Apparently, because this tape was never requested by your predecessor, Mr. Regan [of the Sutter firm], no such tape has been preserved."

l. Immediately, by motion dated March 1, 1987, Sassower moved:

> "(1) dismiss this indictment, for the deliberate and wilful destruction [erasure], by the Glen Cove Police Department, with the express or implied consent of the District Attorney of Nassau County, of material evidence, to wit., a tape recording; (2) to recognize defendant's constitutional right to counsel of his choice as superior to the disbarment of his attorney, which his attorney considers a nullity; (3) together with any other ...".

m. On March 2, 1987, Hon. MARIE G. SANTAGATA, refused to accept such motion, with proof of service, returnable March 18, 1987.

o. Instructively, the crime for which Vilella is accused occurred less than three (3) weeks after People v. Springer (122 A.D.2d 87, 504 N.Y.S.2d 232 [2d Dept.]), had been determined (see also People v. Kelly, 62 N.Y.2d 516, 478 N.Y.S.2d 834; People v. Saddy, 84 A.D.2d 175, 445 N.Y.S.2d 601 [2d Dept.]; People v. Corso, 129 Misc.2d 530, 493 N.Y.S.2d 520 [Sup. Suffolk]; Carter v. Harrison, 612 F. Supp. 749 [EDNY]).

p. Consequently, by reason of such non-acceptance of a decisive motion, there is no way that Vilella's right to counsel of his choice, which petitioners claim is overwhelmingly superior to a disbarment order, which Sassower believes invalid for more reasons then are set forth herein, can be adjudicated (cf. Abrams v. Anonymous, 62 N.Y.2d 183, 476 N.Y.S.2d 494).

q. Furthermore, if Her Honor denies the instant motion at this stage of the proceedings, since Sassower did his own investigation, there is no way that Sassower can transmit his impressions of certain places and persons to any new counsel.

r. Sassower has expressed a willingness of "running the gauntlet" of a potential criminal proceeding by representing Vilella, albeit disbarred, since he believes Vilella's constitutional right to counsel of his choice is entitled to superior weight.

s. Obviously, the hastily contrived excuse by Littman is spurious, since the tape erasure occurred before the time to demand disclosure expired.

t. While such tape erasure may result in a technical victory for Vilella by dismissal, it deprives him and his family of the resounding victory on the merits, necessary for public and media vindication.

14. Petitioners pray that the respondent Hon. MARIE G. SANTAGATA be directed to accept for judicial determination Sassower's prepared aforementioned motion, and permit Sassower to represent Vilella in such criminal proceedings, as may be necessary to protect Vilella's rights.

AS AND FOR A THIRD CAUSE OF COMPLAINT IN FAVOR OF PETITIONERS, DECLARING THAT PETITIONER, DONALD LEIGHTON, MAY BE REPRESENTED BY PETITIONER, SASSOWER, IN A STATE HABEAS CORPUS PROCEEDINGS.

15. Petitioners, repeat, reiterate, and reallege each and every allegation of the complaint marked "1" through "13" inclusive, with the same force and effect as though more fully set forth at length herein, and further allege:

16a. Petitioner, DONALD LEIGHTON ["Leighton"], has been incarcerated at the Bronx House of Detention, each and every week-end, since June 1986 for civil contempt, without such Order of incarceration being reviewed, as required by statute.

b. The civil contempt nature of the proceeding has, in Sassower's view, been catapulted into an incarceration order of a punitive nature.

c. Sassower, in addition to attending a hearing before Hon. BRUCE McM WRIGHT, pursuant to a Writ of Habeas Corpus which he caused to be signed, submitted a thirty-one (31) page brief, receiving only thirty-five dollars ($35.00) as reimbursement for an Index Number, and expects to receive no more.

d. Substitution of counsel, particularly in Leighton's financial situation, is impossible. It is either Sassower or a meritorious proceeding must be terminated.

e. Here again Sassower is willing to remain as counsel and complete the task which he undertook.

17. Petitioners pray that Hon. BRUCE McM WRIGHT be directed to permit Sassower to remain on as counsel to petitioner Leighton, the disbarment order notwithstanding.

AS AND FOR A FOURTH CAUSE OF COMPLAINT IN FAVOR OF PETITIONERS, DECLARING THAT PETITIONER, HAROLD COHEN MAY BE REPRESENTED BY PETITIONER, SASSOWER, IN A STATE CONTEMPT PROCEEDINGS.

18. Petitioners, repeat, reiterate, and reallege each and every allegation of the complaint marked "1" through "16" inclusive, with the same force and effect as though more fully set forth at length herein, and further allege:

19a. To resolve an impasse which developed in Special Term Part I of the New York State Supreme Court, wherein HAROLD COHEN ["Cohen"] did not desire to be represented by counsel in a criminal and civil contempt proceeding, and the jurist presiding who believed he should, petitioner, Sassower, who was there on another matter, volunteered to undertake such representation free of charge.

b. Except for the fifty dollars ($50) reimbursement of disbursements Sassower has not received any monies for such defense, which is presently pending in the Appellate Division, First Department, and to properly protect Cohen's interests, a renewal and/or reargument application must be made to Hon. MARTIN EVANS, who rendered the underlying Order, wherein Cohen was not represented by counsel.

c. The defense of this proceeding cannot be undertaken by any competent attorney at a reasonable fee, and once again the petitioners believe that Cohen's right to counsel outweights and is superior to such disbarment order.

20. Petitioners prays that Hon. MARTIN EVANS, the APPELLATE DIVISION, FIRST JUDICIAL DEPARTMENT, and others be compelled to recognize Sassower as Cohen's attorney in this contempt and related proceedings.

AS AND FOR A FIFTH CAUSE OF COMPLAINT IN FAVOR OF ALL THE PETITIONERS, AGAINST ALL THE RESPONDENTS, PARTICULARLY MR. JUSTICE IRA GAMMERMAN TO IMMEDIATELY AFFORD SASSOWER A FUNDAMENTALLY FAIR TRIAL, ACCORDING TO LAW, ON THE CONVICTION VACATED BY HON. DAVID N. EDELSTEIN.

21. Petitioners, repeat, reiterate, and reallege each and every allegation of the complaint marked "1" through "20" inclusive, with the same force and effect as though more fully set forth at length herein, and further allege:

22a. Following the vacatur of Sassower's conviction (Barr v. Sassower, 120 A.D.2d 324, 503 N.Y.S.2d 392 [1st Dept.]), Sassower moved expeditiously for a trial and other relief.

b. Gammerman, a specially selected designee of Administrator XAVIER C. RICCOBONO ["Riccobono"] -- "Corruption Incarnate", denied such motion, although jurisdictionally and constitutionally disqualified, since, inter alia, such trial would expose Gammerman's corrupt practices and the fact that his orders are a nullity, even for criminal contempt purposes.

c. Simply stated, a jurist whose criminally corrupt practices would be exposed by a trial, cannot impede the holding of such trial, particularly when it is the result of an Order of a federal court which vacated a state conviction.

d. All the petitioners, each and every one of them, have a constitutional right that Sassower be afforded an expeditious trial on the charges against him.

e. Once a trial is held, all the charges against Sassower must fall, and "Operation Greylord (N.Y.)" exposed to the public.

f. Each one of the petitioners is college educated, who choose to believe:

> "[The State] is not armed with superior wit or honesty, but with superior physical strength. [We were] not born to be forced. [We] will breathe after [our] own fashion." (Thoreau, Civil Disobedience).

g. The judicial respondents, state and federal, nisi prius and appellate, with the exception of Hon. MARIE G. SANTAGATA, Hon. BRUCE McM WRIGHT, and Hon. MARTIN EVANS, are actively aiding, abetting, and facilitating the larceny of judicial trust assets, and other criminal activity by the "criminals with law degrees" to wit., KREINDLER & RELKIN, P.C.; FELTMAN, KARESH, MAJOR, & FARBMAN, Esqs.; NACHAMIE, KIRSCHNER, LEVINE, SPIZZ & GOLDBERG, P.C., their clients, JEROME H. BARR, Esq., Citibank, N.A., and LEE FELTMAN, Esq., and the "Certified Public Thieves" in the firm of RASHBA & POKART.

h. As far as Sassower is concerned, the criminal thieves will account for Puccini's trust assets, no matter how many times he is incarcerated, without benefit of trial.

i. These "criminals with law degrees" and their stable of corrupt judges, must be brought to bar, especially since in all of Anglo-American history has judicial corruption escalated to the extent that the innocent accusor who is repeatedly incarcerated and disbarred.

j. While "Fixing Francis T. Murphy" -- "Hypocrisy Incarnate" -- proclaims the desire that there be a the random examination of lawyers' escrow accounts, His Honor's "Fixing Friends", steal, plunder, perjure, and extort, with impunity.

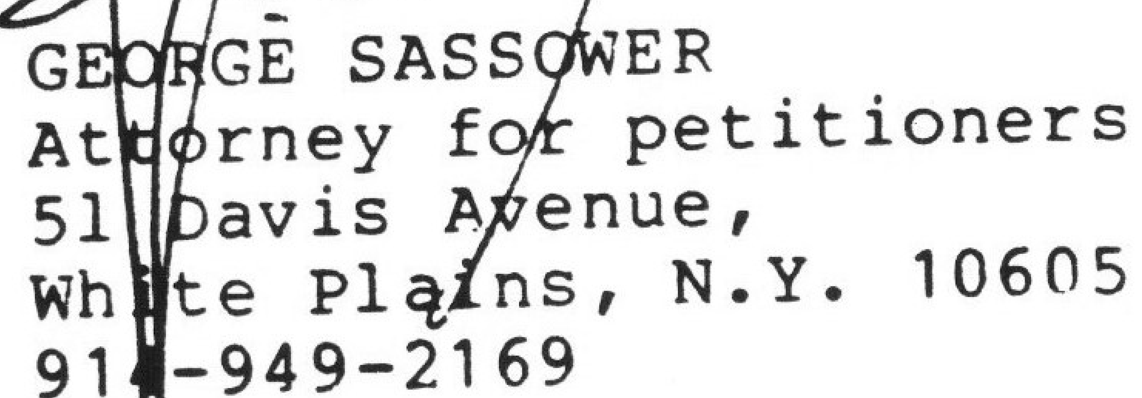
23. Gammerman should be directed to immediately set the criminal charges against Sassower down for trial before an impartial jurist, in an impartial court, in accordance with Sassower's motion.

AS AND FOR A SIXTH CAUSE OF COMPLAINT IN FAVOR OF ALL THE PETITIONERS, EXCEPT SASSOWER, AGAINST THE RESPONDENTS.

24. Petitioners, repeat, reiterate, and reallege each and every allegation of the complaint marked "1" through "23" inclusive, with the same force and effect as though more fully set forth at length herein, and further allege:

25. As a result of being deprived of counsel of their choice, the petitioners, Vilella, Leighton, and Cohen demand damages of the respondents, and all of them, except Hon. MARIE G. SANTAGATA; Hon. BRUCE McM WRIGHT; Hon. MARTIN EVANS; Hon. WILLIAM C. THOMPSON; and Hon. WILLIAM C. CONNER, in the sum of one million dollars ($1,000,000).

WHEREFORE, it is respectfully prayed that the relief requested herein be granted in all respects, together with damages in favor of the petitioners, DENNIS VILELLA, DONALD LEIGHTON, and HAROLD COHEN in the sum of one million dollars ($1,000,000), together with costs and disbursements.



GEORGE SASSOWER
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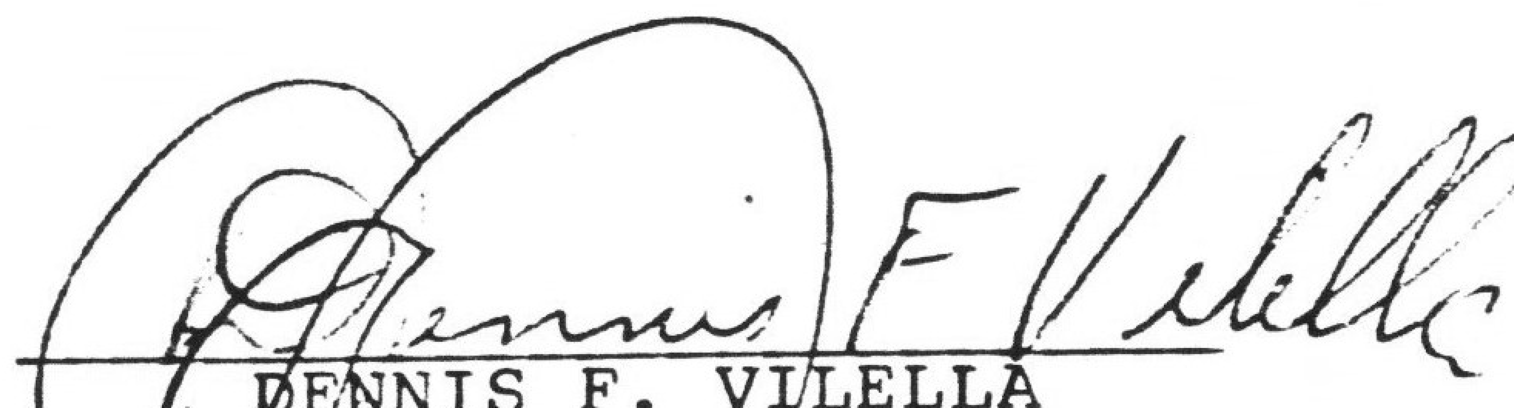
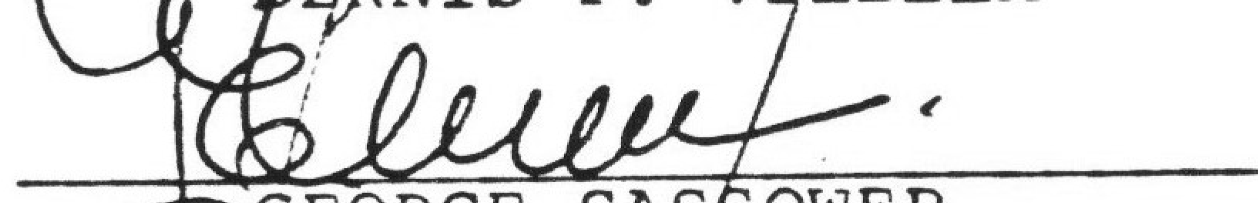
51 Davis Avenue,
White Plains, N.Y. 10605
914-949-2169

Dennis F. Vilella and George Sassower, Esq., two of the petitioners in the within proceedings, both affirm under penalty of perjury that they have read the foregoing petition and the same is true to their own knowledge.

Dated: March 4, 1987



DENNIS F. VILELLA



GEORGE SASSOWER