United States District Court

NORTHERN DISTRICT OF NEW YORK.

GEORGE SASSOWER

v.

Hon. A. FRANKLIN Mahoney et. al.

SUMMONS IN A CIVIL ACTION

CASE NUMBER: 88 -CV- 0553

JUDGE CHOLAKIS

TO: (Name and Address of Defendant)

Anthony MASTROIANNI
County Center
Riverhead, L.I. N.Y. 11901

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.
16 LAKE STREET.
White Plains, N.Y. 10603

an answer to the complaint which is herewith served upon you, within 20 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.

J. R. SCULLY

CLERK

MAY 23 1988

DATE

Wendy Lindskoog

BY DEPUTY CLERK

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

GEORGE SASSOWER,

Petitioner,

-against-

Hon. A. FRANKLIN MAHONEY, as Presiding Justice of the Appellate Division, Third Judicial Dept.; WILFRED FEINBERG; EUGENE H. NICKERSON; FRANCIS T. MURPHY; MILTON MOLLEN; XAVIER C. RICCOBONO; ALVIN F. KLEIN; DAVID S. SAXE; IRA GAMMERMAN; Hon. ALLAN L. WINICK; DENIS DILLON; ROBERT ABRAMS; ANTHONY MASTROIANNI; and The DISTRICT COURT OF NASSAU COUNTY.

Respondents.

88-CV-565
CHOLAKIS

88 -CV- 0558
JUDGE CHOLAKIS

Petitioner, individually, and as a Chapter 13 debtor, with trust powers, as and for his complaint, respectfully sets forth and alleges:

1. On December 23, 1987, petitioner commenced a case by filing a voluntary petition for relief under Chapter 13 of Title 11, United States Code ("case filing"), and brings this proceeding pursuant to 28 U.S.C. §1343, §1334, §1408, 18 U.S.C. §1961 et. seq.; 42 U.S.C. §1983, and rights which arise directly from the U.S. Constitution.

2a. Disciplinary Rule 1-103 of the Lawyer's Code of Professional Responsibility provides:

> "A. A lawyer possessing unprivileged knowledge of a violation of DR1-102 shall report such knowledge to a tribunal or other authority empowered to investigate or act upon such violation. B. A lawyer possessing unprivileged knowledge or evidence concerning another lawyer or a judge shall reveal fully such knowledge or evidence upon proper request of a tribunal or other authority empowered to investigate or act upon the conduct of lawyers or judges."

b. Such mandatory obligation essentially mirrors Rule 3B3 of the Code of Judicial Conduct.

3a. Plaintiff is an attorney, in Good Standing, at the United States District Court for the Eastern District of New York (see Exhibit "A").

b. Indeed the United States District Court for the Southern District of New York has not shown any inclination to disbar plaintiff, if it must, as part thereof, examine the Order of the Appellate Division, Second Judicial Department, with a "hearing", as ordered by Hon. VINCENT L. BRODERICK.

c. The general and traditional legal sanction for an unconstitutional statute, order, or act, is its nullification.

4a. KREINDLER & RELKIN, P.C. ["K&R"], FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"], and LEE FELTMAN, Esq. ["Feltman"] -- "the merchants of corruption" -- who have engaged themselves in the massive larceny and plundering of the judicial trust assets of PUCCINI CLOTHES, LTD. ["Puccini"], which was involuntarily dissolved on June 4, 1980 -- eight (8) years ago -- will never be able to render a true accounting for Puccini's assets, as mandated by law, without dramatically exposing their charted course of criminal racketeering, which in addition to larceny and plundering, includes perjury, corruption, extortion, and other crimes, no matter how many judges and officials they compromise and corrupt!

b. ERNEST L. SIGNORELLI ["Signorelli"], the Surrogate of Suffolk's County, and his appointee, Public Administrator ANTHONY MASTROIANNI ["Mastroianni"], can never render a true judicial accounting, in a proper judicial proceeding, with respect to the ESTATE OF EUGENE PAUL KELLY ["Kelly Estate"], nor justify their barbaric conduct, without dramatically exposing the manner that Signorelli pays some of his personal obligations, no matter how much aid they may improperly receive from Presiding Justice MILTON MOLLEN ["Mollen"] of the Appellate Division, Second Judicial Department, or His Honor's robed thrall!

c(1) District Attorney, DENIS DILLON ["Dillon"] of Nassau County, could never justify the handling of the criminal proceeding against DENNIS F. VILELLA ["Vilella"], who was indicted, convicted, and sentenced to a maximum term of twenty-five (25) years, for the "tire iron" attempted murder and first degree assault upon THERESA NAPPI ["Nappi"].

(2) Vilella, a college graduate, very powerfully built, married, with two (2) small children, extensively involved in community and civic affairs, was indicted and convicted for the aforementioned "tire iron" assault and attempted murder.

(3) Nappi's uncorroborated trial testimony was that she was struck on the skull "about 20 times" (SM 91-92), with "a tire iron" (SM 91), "violently" (SM 102), "with everything you [Vilella] had to hit me" (SM 102), on "[her] head and [her] hands, protecting [her]self" (SM 91).

(4) Nevertheless, the Hospital X-Ray Report and Trauma Assessment Record, both made within twenty-four (24) hours of such assault on Lady Rasputin shows "Skull shows no evidence of fracture. Sutures and vascular markings are normal", eye, leg, and arm movements normal, and the highest possible non-coma score!

(5) Indeed, Lady Rasputin did not even have a bruise on her skull, the site of such alleged vicious "tire iron" assault.

(6) Assistant Attorney J. KENNETH LITTMAN ["Littman"], managed to affirmatively deceive an obviously skeptical Grand Jury into accepting the perjurious Nappi testimony regarding her "six skull fractures", without inspecting the hospital record.

(7) In a more spectacular unlawful charade, Littman, aided and abetted by DR. PETER SORDI ["Sordi"], and the trial judge, Hon. JOSEPH HARRIS ["Harris"], deceived the Trial Jury, as to the nature and extent of Lady Rasputin's injuries, which also did not inspect the hospital records, although here again, marked into evidence.

5. Plaintiff's Chapter 13 estate's interests in Puccini -- "the judicial fortune cookie" -- is as follows:

a. A wholly unsatisfied judgment against Puccini in the sum of #27,912.42, with interest from April 29, 1982.

b. A filed claim against Puccini for the sum of $3,000,000.

c. An attorney's lien on the 25% stock interests of HYMAN RAFFE ["Raffe"] in Puccini.

d. An attorney's lien on a judgment in favor of Raffe against Puccini in the approximate sum of more than $500,000, inclusive of interest.

e. An attorney's lien on a claim in favor of Raffe against Puccini in the approximate sum of almost $40,000, inclusive of interest.

f. A legal and/or equitable lien on the stock interests in Puccini by EUGENE DANN ["Dann"] and ROBERT SORRENTINO ["Sorrentino"], by reason of (1) the aforementioned judgment of $27,912.42, which includes Dann and Sorrentino, as judgment debtors, and (2) attorney's liens by virtue of various judgments and claims against them by Raffe.

6a. Plaintiff was and still is the trustee of various trusts of EUGENE PAUL KELLY, who assets were totally seized by Mastroianni, purportedly for the benefit of the Kelly Estate.

b. Plaintiff was, and claims he still is, the executor of the Kelly Estate, but was unlawfully removed by Signorelli, by retroactive ukase, because, inter alia, plaintiff does not believe that such estates are intended to serve Signorelli's personal interests.

7. Plaintiff represented Vilella in the state forum prior to February 23, 1987, and in the United States District Court for the Southern District of New York, and Eastern District of New York, after February 23, 1987, and still does.

AS AND FOR A FIRST CAUSE OF COMPLAINT
(DECLARATORY JUDGMENT)

8. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" through "7" inclusive, with the same force and effect as though more fully set forth herein at length, and further alleges:

9a. Vilella, is presently incarcerated in Elmira Correctional Facility, for crimes that neither he nor anyone else ever committed -- they are simply "phantom" crimes!

b. Elmira Correctional Facility is in the jurisdictional bailiwick of the respondent, Hon. A. FRANKLIN MAHONEY, Presiding Justice of the Appellate Division, Third Judicial Department.

10a. Unquestionably, plaintiff can can legally represent Vilella, and others, in forums wherein plaintiff was or is permitted to practice.

b. Unquestionably, plaintiff may litigate his interests, before any court or judge, as a pro se litigant, and Judiciary Law §478 so provides.

c. Unquestionably, assuming arguendo the the aforementioned Order of the Appellate Division, Second Department is legal and conformed to constitutional mandate, which it clearly did not, plaintiff may not be deprived of any of the privileges and immunities enjoyed by lay persons.

11a. At no time did anyone contend, including Dillon or any member of his staff, that plaintiff's actions for or on behalf of Vilella, including during the period of July and August of 1987 were unlawful or improper, despite the overbroad language contained in the Order of the Appellate Division, Second Department, dated February 23, 1988, until plaintiff began to vigorously exercise his First Amendment, and other constitutional rights, which was in or about January of 1988.

b. The Order of the Appellate Division, Second Department of February 23, 1987, provides that plaintiff:

> "be and he hereby is commanded to desist and refrain: (1) from practicing law in any form, either as principal or as agent, clerk or employee of another; (2) from appearing as an attorney or counselor at law before any court, judge, justice, board, commission or other public authority; (3) from giving to another an opinion as to the law or its application, or any advice in relation thereto; and (4) from holding himself out in any way as an attorney and counselor at law."

c. The language of the aforementioned Order is overbroad, and insofar as it prohibits, or chills, plaintiff's rights under the First Amendment, or leads to possible criminal consequences, it is a constitutional and legal nullity, and should so be declared (City of Houston v. Hill, 482 U.S. , 107 S.Ct. 2502).

AS AND FOR A SECOND CAUSE OF COMPLAINT
(FEDERAL INJUNCTION)

12. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" through "11" inclusive, with the same force and effect as though more fully set forth herein at length, and further alleges:

13a. Thus, for example, in July and August of 1987, plaintiff was representing Vilella in the United States District Court for the Southern District of New York (Vilella et el. v. Santagata, et el., 87 Civ. 1450 [GLG]), and presently represents him in the United States District Court for the Eastern District of New York (Cohen & Vilella v. Littman, 88 Civ. 0627 [ERK]).

b. By horizontal ukase, no court can dictate the membership of the bar of another court, particularly, as here, where the Order of the Appellate Division, Second Department completely ignored all basic requirements of due process, and constitutional transgressions proliferate.

c. Clearly, no state tribunal can dictate who the federal courts should recognize as members of their bars, as the Order of the Appellate Division, Second Department purports to do, under pains of criminal proceedings.

d. Indeed, membership in the federal bar, carries with it such privileges as may be necessary and proper to zealously advance the rights of litigants in the federal forum, including rights and duties in the state courts, and any state decree to the contrary notwithstanding.

14. The aforementioned Order of the Appellate Division, Second Judicial Department, insofar as it prevented or prevents, and interfered and/or interferes, with plaintiff's obligations to represent Vilella in the federal forums, is repugnant to the supremacy clause of the U.S. Constitution (Article VI[2]), a nullity, and Hon. A. FRANKLIN MAHONEY and Dillon should be enjoined from giving it any respect.

AS AND FOR A THIRD CAUSE OF COMPLAINT
(WRIT OF MANDAMUS and PROHIBITION)

15. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" through "14" inclusive, with the same force and effect as though more fully set forth herein at length, and further alleges:

16a. On February 22, 1988, because plaintiff was exercising his constitutional First Amendment rights, or so Dillon's Office advised the media, his office filed a criminal information charging plaintiff with violations of the Judiciary Law in that plaintiff tendered three (3) to his office in July and August 1987, which documents set forth the "opinions" of the plaintiff, or so it is alleged.

b. These three (3) documents, served from a county other than Nassau County, the limited jurisdictional bailiwick of Dillon, took great pains in setting forth plaintiff's legal status, and his contentions with respect to same, which Dillon's Office already knew.

c. Violating precise statutory mandates, without attempting to obtain plaintiff's voluntary appearance, Dillon's police force, the next morning, came to Westchester County, arrested plaintiff therein, and took him directly, and had him incarcerated, in Nassau County, which is not an adjoining county to Westchester County.

d. The following day, February 24, 1988, Dillon's police returned with a general search warrant, which read as follows:

> "to make an immediate search of the premises located at 16 Lake Street, White Plains, New York which is used by GEORGE SASSOWER as an office, for correspondence, notes, documents, legal books, files, telephone and office equipment and computer software being used in and for the practice of law by GEORGE SASSOWER. If you find such property or evidence, or any part thereof, to bring it to me [Hon. ALLAN L. WINICK] in the County Court, County of Nassau, State of New York."

e. Pursuant thereto, Dillon's police seized more than fifty (50) floppy discs, containing documents and work product from at least October of 1986, two boxes of documents and work product, and other chattels, a substantial portion of which is protected by the attorney-client privilege, the work product privilege, and the Privacy Act of 1980 (42 U.S.C. §2000aa).

f. Included in same was documents and work products concerning Vilella, and also documents and work product pertaining to the criminal charges against petitioner.

17a. On March 16, 1988, federal judge Hon. DANIEL J. MOORE, ordered that the seized material, or copies, be returned to plaintiff within five (5) days, but Dillon's Office refused to comply with same.

b. On March 22, 1988, Nassau District Court judge, Hon. THOMAS W. DWYER directed that the Order of Hon. DANIEL J. MOORE be complied with, and on March 24, 1988, a partial, bad faith, attempt was made at compliance by Dillon's Office.

18. Until there is full and complete compliance with the aforementioned order and direction, plaintiff cannot fully and lawfully protect Vilella's legitimate rights, nor his own rights, in the criminal proceedings in Nassau County.

19. Until there is full and complete compliance with the aforementioned Order and direction by either Dillon and Hon. ALLAN L. WINICK, the criminal proceedings against plaintiff by Dillon in the District Court of Nassau County should be stayed, if not dismissed.

AS AND FOR A FOURTH CAUSE OF COMPLAINT
(WRIT OF PROHIBITION)

20. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" through "19" inclusive, with the same force and effect as though more fully set forth herein at length, and further alleges:

21. Plaintiff desires to defend the aforementioned criminal charges against him in Nassau County as a pro se litigant.

22. Such constitutional intention directly conflicts with the Order of the Appellate Division, Second Judicial Department, which, inter alia, commands "to desist and refrain (1) from practicing law in any form, either as principal or as agent, clerk or employee of another; (2) from appearing as an attorney or counselor at law before any court, judge, justice, board, commission or other public authority; (3) from giving to another an opinion as to the law or its application, or any advice in relation thereto; and (4) from holding himself out in any way as an attorney and counselor at law." [emphasis supplied].

23a. Since, according to media, the filed informations against plaintiff and his arrest in February 1988, based on mid-1987 acts, were the result of plaintiff's January-February 1988, "flurry of letters" which "drew" Dillon's "ire" , must plaintiff fear a repeat performance in the future by reason of his lawful and constitutional conduct in the present criminal proceeding?

b. This is particularly significant since plaintiff's conduct was not only protected by the express New York State Constitution, which provides that the "right to petition, the government, or any department" may not be "abridged" (Art. 1 §9), but plaintiff received the express and/or implied direction of U.S. District Judge GERARD L. GOETTEL in Vilella v. Santagata (supra).

c. Prosecuting attorneys, such as Dillon, as plaintiff has previously stated, should control their "ire" by placing their head in a "bucket of ice water", not by arresting people in distant counties, and searching and seizing their property, including that of a confidential or personal nature!

d. The prohibitions contained in the aforementioned Order of the Appellate Division, Second Department, must be declared an unconstitutional nullity, as overbroad, since in view of plaintiff's practice in the federal courts, and his pro se representation, it places him at the mercy of every "hot shot" and/or corrupt prosecuting attorney.

24a. The aforementioned prohibitions contained in the Order of the Appellate Division, Second Department, should be declared unconstitutional, null, void, violative of plaintiff's constitutional right of self-representation, and Dillon, and all others prohibited from bringing any proceedings against plaintiff in the future by reason thereof.

b. In addition thereto, without any limitation whatsoever, the District Court of the County of Nassau should be restrained and enjoined, in all respects, from prohibiting plaintiff, by prior restraint, or post-trial sanctions, from acting and arguing, to the court or the jury, in a manner proscribed by the aforementioned Order of the Appellate Division, Second Department.

AS AND FOR A FIFTH CAUSE OF COMPLAINT
(WRIT OF PROHIBITION)

25. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" through "24" inclusive, with the same force and effect as though more fully set forth herein at length, and further alleges:

26. On information and belief, the respondent, Hon. A. FRANKLIN MAHONEY and his Court recognizes the common law practice, and statutory and decisional authority for any person obtaining a state writ of habeas corpus "on behalf of" an incarcerated individual.

27a. Nevertheless, assuming arguendo the aforementioned Order of the Appellate Division, Second Department is valid, petitioner has the constitutional rights enjoyed by all lay persons, including the right to secure a writ of habeas corpus on behalf of another.

b. Notwithstanding the aforementioned, Hon. A FRANKLIN MAHONEY, unconstitutionally refuses to recognize such right in plaintiff.

28. The aforementioned discriminatory treatment by Hon. A. FRANKLIN MAHONEY, individually and on behalf of the Appellate Division, Third Judicial Department should be enjoined.

AS AND FOR A SIXTH CAUSE OF COMPLAINT
(WRIT OF PROHIBITION)

29. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" through "28" inclusive, with the same force and effect as though more fully set forth herein at length, and further alleges:

30a. Without lawful notice, without a trial, without a hearing, without even an ex parte inquest, U.S. District Court Judge EUGENE H. NICKERSON, held plaintiff and his client, HYMAN RAFFE ["Raffe"], in non-summary criminal contempt, and imposed, inter alia, monetary sanctions payable to the United States.

b. At the time such contempt had been declared, plaintiff was lawfully engaged in a state court, and notwithstanding same, it was K&R which had defaulted, not petitioner.

c. The facts reveal, that even on an ex parte inquest basis, the self-proclaimed private prosecutors, to wit., K&R who engineered the massive larceny of Puccini's judicial trust assets, could not prove a prima facie case of criminal contempt.

d. Prior thereto, K&R was openly boasting, even in the halls of 225 Cadman Plaza East, Brooklyn, New York, that that firm "controlled" Judge EUGENE H. NICKERSON of Nassau County, and His Honor would do anything it requested, and all the events reveal, in the aforementioned situation, and in every other respect, these boasts to have been validly based.

e. By virtue of the Act of Congress of March 2, 1831 -- one hundred fifty-seven (157) years ago -- no court created by Congress has the power to find anyone guilty of non-summary criminal contempt, without a trial, absent a plea of guilty.

Luke Lawless, Esq., was supposed to be "the last victim" (Nye v. United States, 313 U.S. 33, 46).

31a. Instructively, while petitioner would have no part in the transaction, none of the monies paid by Raffe under the aforementioned contempt order were received by the United States or any agency thereof, as provided in said Order, but instead went into the pockets of K&R and its clients.

b. K&R, FKM&F, and their clients, including CITIBANK, N.A. ["Citibank"], who steal, rob, plunder, and extort monies, including from the United States Government, and then serve as conduits to enrich members of the judiciary, federal and state, and/or their cronies, including themselves.

32a. In any event, no judge of the United States District Court, nor Circuit Court of appeals has the power to find anyone in non-summary criminal contempt, without a trial, absent a plea of guilty.

b. The District Court of Nassau County and the Court of Hon. A. FRANKLIN MAHONEY, and those under the vertical jurisdiction of His Honor's Court, should be enjoined from giving such criminal conviction any respect whatsoever, insofar as there are proceedings involving plaintiff.

AS AND FOR A SEVENTH CAUSE OF COMPLAINT
(WRIT OF PROHIBITION)

33. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" through "32" inclusive, with the same force and effect as though more fully set forth herein at length, and further alleges:

34. That same month, also without benefit of trial, Acting Supreme Court Justice DAVID S. SAXE, found plaintiff guilty of non-summary criminal contempt, without benefit of a trial, under similar egregious circumstances.

35a. The 1831 Act of Congress (supra) was copied from a similar New York statute enacted in 1829.

b. Furthermore, under Bloom v. Illinois (391 U.S. 194), non-summary criminal contempt was brought under the protective umbrella of the XIV Amendment, which prohibits convictions for non-summary criminal contempt, without a trial, absent a plea of guilty.

36a. Notwithstanding, the aforementioned, Mr. Justice Saxe, convicted, sentenced, and had plaintiff incarcerated, in a manifestly unconstitutional charade.

b. The District Court of Nassau County and the Court of Hon. A. FRANKLIN MAHONEY, and those under the vertical jurisdiction of His Honor's Court, should be enjoined from giving such criminal conviction any respect whatsoever, insofar as there are proceedings involving plaintiff.

AS AND FOR A EIGHTH CAUSE OF COMPLAINT
(WRIT OF PROHIBITION)

37. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" through "36" inclusive, with the same force and effect as though more fully set forth herein at length, and further alleges:

38. On the same day, as the trialess conviction of Mr. Justice Saxe, Mr. Justice ALVIN F. KLEIN, in one document, convicted plaintiff, Raffe, and SAM POLUR, Esq. ["Polur"], without a trial, for non-summary criminal contempt, and sentenced each of them to thirty (30) days of incarceration.

a. Raffe paid millions of dollars in cash and other monetary consideration to the FKM&F and K&R -- "the merchants of corruption -- and never spent a minute in jail.

As long as Raffe keeps paying extortion to FKM&F, "bag men" for corrupt members of the judiciary, federal and state, he will never be incarcerated.

b. Polur, served his full term of incarceration, but when the Grievance Committee controlled by Presiding Justice FRANCIS T. MURPHY ["Murphy"] commenced disciplinary proceedings against him, based upon this manifestly unconstitutional conviction, he left the scene, and these proceedings were dropped.

Instructively, even when faced with the uncontroverted assertion that the accusation against Polur by FKM&F, Mr. Justice Klein refused to release Polur from incarceration.

c. Plaintiff, also served his full term, refused to yield to "the criminals with law degrees", and was disbarred based essentially on such three (3) trialess convictions, which he was not permitted to controvert (Grievance Committee v. G. Sassower, 125 A.D.2d 52, 512 N.Y.S.2d 203 [2d Dept.]).

39. The District Court of Nassau County and the Court of Hon. A. FRANKLIN MAHONEY, and those under the vertical jurisdiction of His Honor's Court, should be enjoined from giving such criminal conviction any respect whatsoever, insofar as there are proceedings involving plaintiff.

AS AND FOR A NINTH CAUSE OF COMPLAINT
(WRIT OF PROHIBITION)

40. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" through "39" inclusive, with the same force and effect as though more fully set forth herein at length, and further alleges:

41a. It is clearly established that the rule-making power of the Appellate Division does not extend to the power to enact substantive law (Gair v. Peck, 6 N.Y.2d 97, 106, 188 N.Y.S.2d 491, 496).

b. Nor may there exist different rules of a substantive nature for the conduct of attorneys in the various departments policed by the four (4) Appellate Divisions.

c. Nevertheless, the Second Department, by virtue of 22 NYCRR §671[c], has a "conclusive evidence of guilt", and eliminates "post-conviction evidence", both of which are of a substantive nature, and differs from the "rules" in the other departments, including the Third (see 22 NYCRR §603.13[c], §806.7; §1022.21[c]).

d. Thus, by not permitting plaintiff to controvert, factually or legally, the aforementioned trialess criminal convictions, were unconstitutionally accepted as conclusive (cf. Gilberg v. Barbieri, 53 N.Y.2d 285, 441 N.Y.S.2d 49).

42. Furthermore, the approximately twenty-five (25) times that such criminal contempt charges resulted in a determination of something other than guilt, each one triggering constitutional or statutory "former jeopardy", was held to be irrelevant.

43. Plaintiff was denied all subpoena power by Presiding Justice MILTON MOLLEN and his designated referee, including about every other basic constitutional right.

44a. Instructively, Mollen's appointed Referee found:

> "During the entire period to six years respondent [plaintiff] became obsessed with what he believed to be larceny of judicial trust assets by the receiver and the other attorneys involved aided and abetted by the courts. They were all referred to as 'criminals with law degrees,' He was like the man who had a tiger by the tail and couldn't let go. In respondent's case he refused to let go. His actions throughout the lengthy hearings bordered on the irrational. If you disagreed with him or overruled him you were accused of being part of a cabal to cover up the larceny and corruption. Even a jail sentence for contempt of court did not suffice and as a result three more periods of incarceration followed for violations of court orders." [emphasis supplied]

b. A receiver must account and distribute within one (1) year, and account each and every year (Bus. Corp. Law §1216[a]; 22 NYCRR §202.52[e], §202.53).

It is now eight (8) years, and still no accounting, final or otherwise.

c. As a matter of ministerial compulsion, the Attorney General, the statutory watchdog, must make application for such accounting, if not voluntarily performed by the receiver by eighteen (18) months (Bus. Corp. Law §1216[a]).

It is now ninety-six (96) months, and there was never any application by ROBERT ABRAMS, the Attorney General of the State of New York.

d. There simply never can be a true accounting, without further exposing the judicial and official corruption, including that of Attorney General ROBERT ABRAMS, Esq. and of his Office, revolving around such massive larceny.

45a. The aforementioned rule of the Appellate Division, Second Department, may be collaterally reviewed (District of Columbia Court v. Feldman, 460 U.S. 462), and should be declared a nullity.

b. At least, other attorneys, who desire to give obedience to DR 1-03, and "blow the whistle" on judges and/or their cronies, who are nothing better than "barbaric thieves", will not be unlawfully trapped, as was plaintiff.

46. The District Court of Nassau County and the Court of Hon. A. FRANKLIN MAHONEY, and those under the vertical jurisdiction of His Honor's Court, should be enjoined from giving such disbarment order any respect, unless plaintiff is afforded an opportunity to prove the unconstitutionality and/or unlawfulness of same.

AS AND FOR A TENTH CAUSE OF COMPLAINT
(WRIT OF PROHIBITION)

47. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" through "46" inclusive, with the same force and effect as though more fully set forth herein at length, and further alleges:

48. The District Court of Nassau County, the Court of Hon. A. FRANKLIN MAHONEY, those under the vertical jurisdiction of His Honor's Court, and the Supreme Court of the State of New York, County of New York, should be enjoined from giving respect to the criminal conviction recited in Sassower v. Sheriff, 824 F.2d 184 [2d Cir.]).

49a. The statements made in such opinion are false, contrived, and constitutes the criminal filing of a false document by the panel of the Circuit Court for the Second Circuit.

b. There never was any trial or hearing, nor any opportunity for same, anything falsely stated in said opinion to the contrary notwithstanding.

c. Exhibit "B" is a portion of the appellant's appendix, which sets forth the admission by FKM&F before Magistrate NINA GERSHON that "there is nothing in the record" to show that plaintiff "was invited to appear, did appear, waived his right to appear, didn't show up or anything of the kind."

d. Indeed, the Report of Referee DONALD DIAMOND proliferates with the repeated statements that "in a criminal case a plea of not-guilty, is tantamount to a general denial in a civil action, and raises no triable issues of fact".

e. A fruit fly knows more law than Referee DONALD DIAMOND, who with Mr. Justice IRA GAMMERMAN are the "soldiers" in the crime organization of Administrator XAVIER C. RICCOBONO ["Corruption Incarnate"].

AS AND FOR A ELEVENTH CAUSE OF COMPLAINT
(WRIT OF PROHIBITION)

50. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" through "49" inclusive, with the same force and effect as though more fully set forth herein at length, and further alleges:

51a. Almost without exception, every justice in the Supreme Court, New York County is aware of the criminal adventures of Administrator Riccobono, and desires no longer to be involved with same.

b. Thus, despite the non-waivable random assignment system, Administrator Riccobono, by computer manipulation, had the Puccini litigation assigned to Mr. Justice IRA GAMMERMAN.

c. Whereupon, Mr. Justice IRA GAMMERMAN, without notice, without any notice of motion, without any order to show cause, without any supporting papers, without any papers whatsoever, without a trial, without a hearing, without any anything, held plaintiff to be in non-summary criminal contempt, and dragooned to himself, all actions and proceedings in all counties involving plaintiff, related or otherwise.

d. Included in this massive dragooning operation were those actions and proceedings wherein Mr. Justice Gammerman is a named Dennis v. Sparks (449 U.S. 24), essential witness, and even those actions and proceedings where he is a viable defendant or respondent.

52. Mr. Justice Gammerman and Referee DONALD DIAMOND, are about the only remaining "soldiers" in the Riccobono garrison, ready to obey the criminal desires of this depraved administrator, are as a matter of law disqualified, and their judicial actions should be declared null and void and/or their orders and decrees made subject to judicial examination in a judicial proceeding in the District Court of Nassau County or bailiwick of Hon. A. FRANKLIN MAHONEY before they are accepted.

AS AND FOR A TWELFTH CAUSE OF COMPLAINT
(WRIT OF PROHIBITION)

53. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" through "52" inclusive, with the same force and effect as though more fully set forth herein at length, and further alleges:

54. Aeons ago, in obvious recognition that plaintiff would not cooperate in the plundering of estates or trusts wherein plaintiff was a fiduciary, Surrogate ERNEST L. SIGNORELLI removed plaintiff as an executor, nunc pro tunc, as of a year prior thereto.

55a. Surrogate Signorelli directed that plaintiff turn over the books and records of the estate to the Public Administrator, ANTHONY MASTROIANNI ["Mastroianni"], which plaintiff did.

b. Nevertheless, despite performance by plaintiff, Signorelli and Mastroianni began a more than eleven (11) year pursuit of plaintiff for the purpose of turning over books and records which were already in their possession.

c. Contempt proceeding, followed contempt proceeding, and trialess incarceration followed trialess incarceration, including that of plaintiff's wife and child, in order to compel plaintiff to turn over some "phantom" books, which Signorelli and Mastroianni always had in their possession.

d. The result of two (2) extensive trials or hearings, one about three (3) weeks long, and the other almost about two (2) weeks in length, revealed that Mastroianni always had those books and records in his possession, which was a matter of confession by Mastroianni.

e. Despite the findings of two (2) jurists, each triggering "double jeopardy" prohibitions, the Appellate Division, Second Department, desires plaintiff to be incarcerated, for a crime that was never committed in an attempt to compel silence by plaintiff (People ex rel. Sassower v. Sheriff, 134 A.D.2d 641, 521 N.Y.S.2d 536 [2d Dept.]).

56. The District Court of Nassau County, the Court of Hon. A. FRANKLIN MAHONEY, and those under the vertical jurisdiction of His Honor's Court, should be enjoined from giving respect to the trialess criminal conviction of plaintiff in Suffolk County.

AS AND FOR A THIRTEENTH CAUSE OF COMPLAINT
(WRIT OF PROHIBITION)

57. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" through "56" inclusive, with the same force and effect as though more fully set forth herein at length, and further alleges:

58. There is pending in Supreme Court, Nassau County, plaintiff unopposed petition dated March 1, 1988, which inter alia requests removal of the criminal proceedings against plaintiff to a superior court, which results in an automatic statutory stay.

59. The District Court of Nassau County should be enjoined from proceeding to trial against plaintiff, in accordance with statute, until a determination is made in such proceeding pending in the Supreme Court.

AS AND FOR A FOURTEENTH CAUSE OF COMPLAINT
(MONEY DAMAGES)

60. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" through "59" inclusive, with the same force and effect as though more fully set forth herein at length, and further alleges:

61. For denying plaintiff access to the courts, state and federal, for legitimate legal relief, including before Hon. I. LEO GLASSER and Hon. EDWARD R. KORMAN, plaintiff demands from the defendants, WILFRED FEINBERG; EUGENE H. NICKERSON; WILLIAM C. CONNER; FRANCIS T. MURPHY; MILTON MOLLEN; ALVIN F. KLEIN; DAVID S. SAXE; IRA GAMMERMAN; DENIS DILLON; ROBERT ABRAMS; and ANTHONY MASTROIANNI, who with others, are simply part of a corrupt conspiracy, the sum of Ten million dollars ($10,000,000), to be tried by a jury.

WHEREFORE, it is respectfully prayed that the relief requested in the within petition be granted in all respects, including money damages, with costs and disbursements.

Dated: May 23, 1988

GEORGE SASSOWER

GEORGE SASSOWER, Esq.
Plaintiff, pro se.
16 Lake Street,
White Plains, N.Y., 10603
914-949-2169

AO 136
(3/78)

CERTIFICATE OF GOOD STANDING

UNITED STATES OF AMERICA)
) ss.
Eastern DISTRICT OF New York)

I, Robert C. Heinemann, Clerk of the United States
District Court for the Eastern District of New York,

DO HEREBY CERTIFY That George Sassower was
duly admitted to practice in said Court on May 14, 1953,
and is in good standing in said Court.

Dated at Brooklyn, NY
on May 20, 1988.

ROBERT C. HEINEMANN,
Clerk

By _____,
Deputy Clerk.

MR. SASSOWER: After that he excluded me from his courtroom. I am never to return. I can't return. You will see in front of the courtroom "all visitors must be announced." It was published in a newspaper. I am not allowed in. I can't come in. So even if there was a hearing, even if I participated in that hearing, that is a closed courtroom and Judge Black -- and matter of Oliver, 333 U.S. 1 says you cannot have a criminal contempt proceedings in a closed courtroom. Judiciary law 4 says the same tning, has to be an open courtroom.

I have made innumerable Article 78 proceedings. I have brought actions in the federal court. That is illegal. All proceedings there are illegal but besides that, he didn't give me a trial and I said to the Appellate Division and I say to your Honor now, you give me a trial, you find me guilty of one count, not 63. I will take six months in prison. One count, after a fair trial, one count, six months. I accept six months, give me a fair trial.

So I don't want anyone to tell me that I am guilty of criminal contempt or I violated anything because it is hogwash.

THE MAGISTRATE: I am correct that there is nothing in the record that indicates one way or the other as to whether or not Mr. Sassower was inv[F]iolate, to appear, did appear, waived the right to appear, didn't show up or

Exhibit "F"

anything of the kind. He says on the documentary evidence he finds that the petitioner is guilty. Is that not correct?

MR. SCHNEIDER: There is nothing in the record but we are prepared to give testimony on that issue if your Honor finds that is relevant in this proceeding.

MR. SASSOWER: Referee Diamond said repeatedly: No hearing is required.

I don't know how he can give testimony that there was a default when Referee Diamond said ad nauseum: no hearing is required. A plea of not guilty is tantamount to a general denial and raises no triable issues of fact. The criminal procedure law of the State of New York states a plea of not guilty is a plea of not guilty as to each and every count of the indictment or the information.

MR. SCHNEIDER: That is the whole point of this proceeding, your Honor, it is not a proceeding under the penal law. This is a civil proceeding under the judiciary law.

THE MAGISTRATE: Whatever you label it he is entitled to the provisions of the United States Constitution whether it comes under the judiciary law or the penal law. That simply doesn't determine the issue and your constant repetition of it and the fact that you yourself sought criminal contempt and not civil contempt it

seems to me to be foolishness.

MR. SCHNEIDER: I was merely responding to his statement that he had the right under penal law to do anything.

THE MAGISTRATE: I don't have the right or jurisdiction to deal with questions of what he is entitled under State law. The issue here is whether or not the provisions of the United States Constitution apply and it seems to be a relatively straightforward question here.

Mr. Powers, do you have anything to say?

MR. POWERS: As far as the sheriff is concerned we really don't see what our role was other than acting pursuant to the order that directed that he be picked up and brought to the Bronx House of Detention.

THE MAGISTRATE: What happened, the sheriff of Westchester who picked him up?

MR. POWERS: Correct.

THE MAGISTRATE: Had him in custody and transferred him to the Bronx House of Detention?

MR. POWERS: All within the same day, simply because he was in the jurisdiction of Westchester.

The Public Safety Services has to act under that mandate. Mr. Sassower was in his place in White Plains and he was picked up I believe on November 19 and transported that morning; shortly after he was picked up, to the Bronx.

GEORGE SASSOWER, Esq., affirms the following to be true under penalty of perjury.

I have read the foregoing petition/complaint, and knows the contents thereof, and that the same is true of affirmant's own knowledge, except as to matters contained therein stated to be on information and belief, and as to those matters he believes them to be true.

Dated: May 23, 1988

GEORGE SASSOWER