SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : SECOND JUDICIAL DEPT.

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In the Matter of the Application of
GEORGE SASSOWER,

Petitioner,

-against-

JUSTICES OF THE SUPREME COURT OF THE
STATE OF NEW YORK, COUNTIES OF WESTCHESTER,
and NEW YORK; and SUPREME COURT OF THE
STATE OF NEW YORK, APPELLATE DIVISION,
FIRST JUDICIAL DEPARTMENT,

Respondents.

For a Writ of Prohibition.

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Upon the annexed petition of GEORGE SASSOWER, Esq., duly affirmed on the 7th day of February, 1986, and all the pleadings and proceedings had heretofore herein let respondents show cause before this Court at a Stated Term of this Court held at the Appellate Division of the Supreme Court of the State of New York, Second Judicial Department, at the Courthouse

thereof, 45 Monroe Place, Brooklyn, New York, 11201, on the day of February, 1986, at 9:30 o'clock in the forenoon of that day or as soon thereafter as Counsel may be heard why a Writ of Prohibition should not be entered against the respondents, or some of them, together with any other, further, and/or different relief as to this Court may seem just and proper in the premises, and it is further

ORDERED, that cause having been shown, and notice of same having been given to the Attorney General and possible intervenors, the respondents are stayed pending the determination of this motion from adjudicating any criminal contempt proceedings against the petitioner, and it is further

ORDERED, that a copy of this Order upon the respondents, personally or by certified mail, shall be good and sufficient notice, provided personal service is made upon the Attorney General, and personal or mail service upon the possible intervenors, on or before the day of February, 1986 be deemed good and sufficient service, and it is further

ORDERED, that opposing papers, if any, are to be served upon petitioner, on or before the day of February, 1886, with additional days beforehand, if service is by mail.

Dated: White Plains, New York
February , 1986

E N T E R

_____
Associate Justice
Appellate Division, Second
Judicial Department

SUPREME COURT OF THE STATE OF NEW YORK
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TO THE HONORABLE JUSTICES OF THE SUPREME COURT OF THE STATE OF NEW YORK: SECOND JUDICIAL DEPARTMENT:

Petitioner, GEORGE SASSOWER, Esq., complaining of respondents, respectfully sets forth and alleges:

1a. There are substantially similar criminal contempt proceedings presently pending before (a) the Supreme Court of the State of New York, County of Westchester; (b) the Supreme Court of the State of New

York, County of New York; (c) and as an original proceeding, before the Appellate Division of the Supreme Court, State of New York, First Judicial Department, wherein petitioner has been not only been prosecuted for the same or similar acts, but vindicated of any criminal conduct by reason thereof, in each instance, at least once!

b. All of the criminal contempt proceedings, including those presently pending before respondents, were and are being prosecuted by private adversarial counsel, to wit., KREINDLER & RELKIN, P.C. ["K&R"] and FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"], both firms, unquestionably, "criminals with law degrees".

c. It takes a demented concept of "double jeopardy", to recognize that within one business day after the K&R and FKM&F were served with a copy of an Order of Mr. Justice LESTER EVENS with notice of entry, summarily vindicating petitioner of criminal contempt, he was served with four (4) more motions to hold him in criminal contempt, based on the same alleged conduct.

d. The Order of Mr. Justice LESTER EVENS, entered in Supreme Court, New York County on January 27, 1986 [Index No. 1816-1980], reads as follows:

> "The motion to hold GEORGE SASSOWER in contempt is denied. With regard to charges of contempt related to Mr. Sassower's motion numbered 145 on the calendar of 12-30-85, that motion has been dismissed and contempt charges are now moot. Those charges relating to Mr. Sassower's purported conduct in matters other than motion #145 are insufficient to support a finding of contempt."

e. Indeed, the submission to Mr. Justice LESTER EVENS was only one (1) of three (3) exact or substantially similar applications made to hold petitioner in criminal contempt.

The application to Hon. MARTIN EVANS, in effect, also vindicated petitioner, by Order similarly entered on January 27, 1986, with the submission to Hon. SEYMOUR SCHWARTZ, being presently sub judice.

Vindication of petitioner, to the firms of K&R and FKM&F only prompts new proceedings, based on the same or similar acts of the petitioner!

The traditional remedy of a Writ of Prohibition for violation of "double jeopardy", under the circumstances, is manifestly appropriate

e. The chronological extremes of the numerous criminal contempt proceedings resulting in the vindication of petitioner of criminal contempt, were by Order of Mr. Justice MARTIN EVANS entered on January 4, 1985, after a massive submission over a period of two years, wherein the appeal of FKM&F has been dismissed for lack of prosecution; and the aforementioned recent Order of Mr. Justice LESTER EVENS -- more than one year later.

2. Alternatively, in the event, this Court does not issue a Writ of Prohibition based on "double [qunintuple] jeopardy", then the Court is respectfully requested to adjudicate the issues as to whether (a) criminal contempt [non-summary] may be instituted, prosecuted, and placed in the unbridled control of private adversarial counsel; and (b) where judicial corruption underlies these criminal contempt proceedings, can the "criminal law firms" offer "indulgences", and may the courts involved issue same, as a reward for submitting to their desired "code of

silence and acquiescence"; and (c) whether petitioner, an attorney, is entitled to a trial by jury, in view of the rules of this and the First Department that conviction is a "serious crime" (22 NYCRR §§603.12[b] and 660.691.7[b]).

3a. In the underlying litigation, the evidence of criminal and egregious misconduct by K&R, FKM&F, Administrator XAVIER C. RICCOBONO, Referee DONALD DIAMOND, and other judicial and official officers, is clear, manifest, and uncontroverted.

b. Petitioner's crime is simply that he uncovered the evidence which reveals that Supreme Court, New York County is, in effect, "Rickey's whorehouse"; and the Appellate Division, First Department, a "cesspool" for the concealment of such misconduct, and neglect of judicial trusts, its rules and public pronouncements, to the contrary notwithstanding.

It is a situation which petitioner, as an attorney and responsible member of society, believes intolerable (Hazal-Atlas v. Hartford-Empire, 322 U.S. 238; Universal v. Root, 328 U.S. 575), and at bar, inconsistent with his obligations to his client and himself.

c. Thus, petitioner has become the subject of invidious and selective prosecution, for unconstitutional purposes, by reason of such knowledge, which entitles him to a dismissal of the aforementioned criminal prosecutions, as a matter of constitutional law, or entitles him to a hearing to establish same, prior to any criminal contempt adjudications!

* * *

JUDGE JAMES H. PECK IS ALIVE AND WELL
IN THE FIRST DEPARTMENT

4a. More than one hundred and fifty (150) years ago:

> "... James Buchanan brought in a bill which became the Act of March 2, 1831. He had charge of the prosecution of Judge Peck and during the trial had told the Senate: 'I will venture to predict, that whatever may be the decision of the Senate upon this impeachment, Judge Peck has been the last man in the United States to exercise this power, and Mr. Lawless has been its last victim.' " (Nye v. United States, 313 U.S. 33, 46).

There are no authoritative decision in the Federal Courts, for the more than one hundred and fifty (150) years, wherein a defendant was convicted, sentences, and incarcerated without a trial for non-summary criminal contempt, without a plea of guilty!

Judge Peck was the last federal tyrant to exercise such power under the aegis of non-summary contempt, and the attorney, Mr. Lawless was, indeed, the last victim, as James Buchanan predicted!

b. Since Bloom v. Illinois (391 U.S. 194), wherein non-summary criminal contempt in state courts was placed under the protective umbrella of the XIV Amendment, there are no authoritative decisions wherein, the conduct of Judge Peck was revivified.

c. In short, absence a plea of guilty, as a matter of ministerial compulsion, every american judge and every american court, must afford an accused a trial for non-summary criminal contempt, wherein the accused has his constitutional criminal rights, including his right of confrontation.

d. Despite the aforementioned blackletter law of constitutional magnitude, the petitioner was twice convicted, sentenced, and incarcerated by Orders of the Supreme Court, New York County, without benefit of trial, for purportedly violating an Order of Mr. Justice IRA GAMMERMAN, which inter alia, does not even recite the Gammerman Order to have been lawful, assuming arguendo that petitioner violated same, which he denies.

Indeed, the uncontroverted facts reveal, supported by effective confessions, that the Gammerman Order(s) were and are unlawful and invalid, and indeed, are a manifest nullity, obtained as a result of "extrinsic fraud" (United States v. Throckmorton, 98 U.S. 61; Shaw v. Shaw, 97 A.D.2d 403, 467 N.Y.S.2d 231 [2d Dept.]; Tamimi v. Tamimi, 38 A.D.2d 197, 328 N.Y.S.2d 477 [2d Dept.])!

e. The evidence is clear and uncontroverted that the Order of Mr. Justice GAMMERMAN was merely pre-text for petitioner's convictions and incarcerations, and for the purpose of judicial extortion and blackmail, as will hereinafter be shown!

* * *

BACKGROUND

5. Because it is sometimes difficult to veil the sources of confidential information, insofar as petitioner has thus far seen prudent to disclose, the background to these bizzare and unconstitutional proceedings, are as follows:

a. PUCCINI CLOTHES, LTD. ["Puccini"], a solvent corporation, was involuntarily dissolved on June 4, 1980, upon application of K&R, on behalf of CITIBANK, N.A. ["Citibank"] and JEROME H. BARR, Esq. ["Barr"], Executors of the Estate of MILTON KAUFMAN ["Kaufman"].

Puccini's assets and affairs, by virtue of such decree, as a matter of law, and by provisions in the Order itself, thus became custodia legis.

b. Following the procedures set forth in 22 NYCRR §660.24, Hon. MICHAEL J. DONTZIN, designated Hon. JOHN V. LINDSAY ["Lindsay"] to be the court's agent and receiver.

c. Covertly, DONALD B. RELKIN, Esq. ["Relkin"], of K&R, communicated with Lindsay and/or his law firm, WEBSTER & SHEFFIELD, Esqs. ["W&S"] and, induced Lindsay to delay qualifying -- a clearly contemptuous act by Relkin and K&R!

d. While Lindsay, the judicial constable, was not at his assigned post, K&R and its clients engineered the massive larceny of Puccini's trust assets.

e. Seven months later when K&R attempted, by self-help, to transfer all of Puccini's [remaining] court entrusted assets to itself and its clients, petitioner learned, as part of a brief judicial skirmish, that Lindsay had not qualified nor filed his required bond.

Everyone, including your petitioner, had theretofore simply assumed that Lindsay and his law firm were performing their obligations in nothing less than an exemplary manner.

Thus, as petitioner was to learn more than three years later, even a second order, this time from Hon. EDWARD J. GREENFIELD, did not stop the "criminals with law degrees" from continuing their ravenous ways against the judicial trust assets!

f. Petitioner communicated his belief of the diversion of judicial trust assets, during such seven month period to Lindsay. Lindsay apparently came to the same conclusion and immediately advised the court that he now declined the appointment.

g. After Lindsay had declined the appointment, more than seven months after the appointment was made, it took nisi prius more than one year to appoint a successor receiver.

One need not speculate as to the punishment that the Appellate Division would impose had a private attorney neglected his trust, in the manner that judicial trusts are neglected in the fiefdom of Administrator XAVIER C. RICCOBONO by its administrator!

h. During such more than one year period of time, K&R and its clients inundated the court, and in particular Hon. THOMAS V. SINCLAIR, JR., with statements and affidavits that Puccini's assets were intact.

Thus, there was presented to Mr. Justice Sinclair, the Barr affidavit of July 21, 1981, the associate of K&R, who falsely swore:

> "Unfortunately, it is necessary to correct some of the incredible misstatements and outright falsehoods contained in the Raffe affidavits [petitioner's client, HYMAN RAFFE].
>
> The Estate of Kaufman has received no monies from Puccini Clothes, Ltd. ... [He and Citibank] do not have any access to it['s assets], nor have they received any monies from Puccini."

When, in April 1985, Barr confessed the aforementioned affidavit to have been perjurious, the document was destroyed or secreted by Referee Donald Diamond, and he, "Judge Crater style", disappeared and could not be found by anyone for a period of time!

Citibank, Barr's co-plaintiff, submitted a judicially-filed affidavit to Mr. Justice Sinclair, verified July 29, 1981, and prepared by Relkin, which swore:

> "Raffe claims that the plaintiffs and the third party defendants have entered into some unspecified agreement ... and pursuant to which the 'assets [of Puccini] have been dissipated for the benefit of plaintiffs'. Once again, no documentary evidence has been submitted in support of this groundless assertion. ... The unsupported and baseless charge that the Estate [of Milton Kaufman] has dissipated the assets of Puccini Clothes, Ltd. is totally false. The Estate has received no monies whatsoever from Puccini Clothes, Ltd."

Robert J. Miller, Esq., of K&R, submitted an affidavit of July 2, 1981 which stated:

> "... defendant (Raffe) may not argue that the automatic stay should be lifted, for discovery here is unnecessary and is simply a delaying tactic as the defendant, Hyman Raffe has absolutely no defense to this action."

i. Nevertheless, deponent was unconvinced, and in a related guaranty action he made Puccini, EUGENE DANN ["Dann"], and ROBERT SORRENTINO ["Sorrentino"], third party defendants, so as to place the firm of ARUTT, NACHAMIE, BENJAMIN, LIPKIN & KIRSCHNER, P.C. ["ANBLK"], now known as NACHAMIE, KIRSCHNER, LEVINE, SPIZZ & GOLDBERG, P.C. ["NKLS&G"], in a position adverse to that of K&R.

j. In this guaranty action, Puccini, Dann, and Sorrentino were liable over to Raffe for any recovery by the clients of K&R.

k. Thus, when K&R moved for summary judgment against Raffe, automatically staying sanctions for failure to disclose (CPLR 3214[b]), petitioner alleged as a defense that Puccini's assets had been diverted, and he also cross-moved against the third party defendants for indemnification and contribution.

k. Since what was good for Raffe was good for Puccini, Dann, and Sorrentino, in this guaranty third party action, it was obvious when ANBLK moved to disqualify petitioner, that petitioner was on the "right track" in believing that such larceny involved ANBLK, as well as K&R and its clients.

l. Petitioner, in his opposing papers, clearly showed that ANBLK cross-motion to disqualify was meritless, so ANBLK, now known to be acting in concert with K&R, "switched", "changed", and "substituted" its court submitted moving papers transmogrifying petitioner's opposing papers to read as "nonsense" instead of "sense".

Notwithstanding such "extrinsic fraud", Mr. Justice Sinclair made only a very limited disqualification decision in the guaranty action, and did not disqualify in the Puccini dissolution proceeding. These disqualification decisions, vel non, were expanded and inserted by K&R and ANBL&K through a second fraud committed by it upon the Clerk at Special Term Part I.

m. With the first motion for summary judgment denied without prejudice, K&R moved once more for summary judgment, and now it was LEE FELTMAN, Esq. ["Feltman"] and his law firm, FELTMAN, KARESH & MAJOR, Esqs. ["FK&M"], who now represented Puccini, and they represented to the court that they had in their possession Puccini's books and records.

n. Once again came those perjurious affidavits from K&R, Barr, and Citibank, in no uncertain terms contending that Puccini's assets were intact.

Once again, now in more augmented fashion came the assertion of larceny by Raffe.

Now, ANBLK, Feltman, and FK&M, had actual notice from the intervening Order of Mr. Justice MARTIN B. STECHER that under the law of indemnification, in addition to the law of subrogation, that any recovery against Raffe by the clients of K&R, meant judgment over against Puccini, Dann, and Sorrentino.

Unquestionably, K&R would not have submitted its perjurious affidavits to Mr. Justice Sinclair, had it not known beforehand that their true nature would not be exposed by ANBLK, Feltman, and FK,&M.

ANBLK, Feltman, and FK&M remained silent and as a result thereof Raffe recovered judgment over against Puccini in the sum of $475,425.86 and against Dann and Sorrentino in the sum of $316,950.57. -- These attorneys, had betrayed their judicial trust and clients for the "pay-offs" they had or were thereafter to receive from K&R from the carrion of Puccini in, inter alia, in the "non-public courtroom" of Referee Donald Diamond!

o. To further conceal the larceny that had taken place, Feltman petitioned for the appointment of Rashba & Pokart ["R&P"], as investigatory accountants, to answer four simple questions regarding petitioner's allegations of larceny.

Undisclosed by the conspiring culprits, was that R&P were the accountants for K&R and/or its clients!

Also undisclosed by everyone, was that ANBLK taken $10,000 from Puccini's trust assets, "laundered" $6,200 and gave it to R&P in payment of an invoice to K&R, keeping for itself $3,800 as a "laundering fee"!

Think of it, of all the accountants available in the City of New York, R&P was appointed to investigate its own clients, and the firm that had previously "laundered" monies to it, unlawfully taken from the carrion of the judicial trust!

p. When petitioner finally obtained the "hard evidence" of the larceny of Puccini's trust assets, FK&M and others on behalf of these criminals ex parte consulted with Administrator XAVIER C. RICCOBONO, who agreed to become part of this criminal conspiracy.

q. The role of Administrator Riccobono entailed: (1) aiding and abetting such criminals retaining the larcenous proceeds from the judicial trust by stonewalling all attempts at restitution; (2) further rewarding such criminals by further grants from the judicial trust; (3) corrupting or improperly influencing other judges in such attempt; and (4) corrupting the Attorney General's Office by commandeering the services of Assistant Attorney General DAVID S. COOK, Esq. ["Cook"], Puccini's statutory watchdog, to simultaneously represent him, Referee Diamond, and the rest of the judicial thrall, while abandoning his statutory obligations to Puccini!

If Riccobono's conduct is not criminal, unethical, and immoral, petitioner is in error as to the most fundamental characteristic of crimes, ethics, and morality as those words have understood in English speech, to paraphrase Mr. Justice Holmes (infra)!

r. Referee DONALD DIAMOND was assigned the task of effectuating and advancing this criminal misadventure.

Referee Diamond performed this function by transgressing his bailiwick [fixing] and aborting pending motions and orders with other jurists, and preventing petitioner and Raffe from making any future motions, particularly those bottomed on CPLR 5015[a][3]).

s. When the power and authority of Referee Diamond began to falter among the more independent members of the judiciary, Mr. Justice IRA GAMMERMAN, aid was enlisted to assist the criminals.

After some ex parte communications with Mr. Justice Gammerman by K&R and FK&M, the orders of January 23, 1985 were signed. Such orders are known as the "sewer odyssey" and the "out-of-orbit odyssey", which corruptly secured orders, lacking subject matter and personal jurisdiction, were the basis for much of the in terrorem practices which followed, including the criminal contempt proceedings against petitioner and others.

t. To repeat -- as a matter of constitutional ministerial compulsion, every american judge and american court must afford a person a trial before one can be convicted, sentenced, and incarcerated for non-summary criminal contempt (Bloom v. Illinois, supra), absent a plea of guilty!. Incarcerations, after convictions, without a trial, are simply beyond the power and jurisdiction of any american judge!

Nevertheless, without a trial, petitioner was convicted, sentenced, and incarcerated without any trial or hearing!

Similarly, Raffe, was convicted and sentenced, when the moving papers did not even contain a prima facie case of criminal contempt, and K&R and FK&M, the self-styled "public prosecutors", had in their possession an exculpatory statement (United States v. Agurs, 427 U.S. 97; Brady v. Maryland, 373 U.S. 83).

SAM POLUR, Esq. ["Polur"], was also convicted, sentenced, and incarcerated, without a trial, although the uncorroborated accusatory statement by DONALD F. SCHNEIDER, ESQ., ["Schneider"] of FK&M that Polur served a summons was undeniably false and perjurious.

u. The sale of "judicial indulgences" became the "coins of the judicial realm" in the Riccobono "whorehouse". The price for such "indulgences" was submission to the K&R and FK&M criminals!

Thus, although Raffe was convicted and sentenced like petition and Polur, he, unlike petitioner and Polur, was never incarcerated.

The Sheriff of New York City and Nassau County also became the lackneys of K&R and FK&M. Instead, of executing the warrant of arrest and incarceration, as was the mandate, they kept threatening Raffe that if he did not negotiate and succumb to the demands of FK&M and K&R, he would be arrested and incarcerated!

Riccobono had handed over to K&R and FK&M not only the "machinery of justice" but also criminal enforcement of the law!

w. On the civil side, Referee Diamond, sua sponte, hurled herculian monetary sanctions against petitioner, Raffe, and Polur, which, even without judgment, FK&M and K&R served numerous restraining notices, pursuant to CPLR §5222[b], where many times the amount of the sanctions was restrained.

Even when a judgment was secured, K&R served 200 restraining notices against Raffe, restraining 400 times the amount of an easily collectable judgment.

x. Thus, for example, when petitioner served K&R with a Notice of Examination before Trial, it ex parte went to the "non-public courtroom" of Referee Donald Diamond, and Diamond, without petitioner's knowledge, imposed sanctions against petitioner to the extent of twenty-five thousand dollars ($25,000).

Thus also, when petitioner moved for sanctions against FK&M for their failure to attend an examination before trial, Diamond, sua sponte imposed sanctions on petitioner, Raffe, and Polur in the sum of thirty-seven thousand five hundred dollars ($37,500).

Thus also, when petitioner offered to increase the net worth of Puccini by at least $300,000 within 45 days, without cost or expense, Referee Diamond directed FK&M to submit an affidavit so that he could impose sanctions against petitioner and Raffe of almost $200,000!

z. Referee Donald Diamond actively solicits references from the non-fixable judges, even on criminal matters, and without hearings or trials, recommends outrageous terms of incarceration and penalties, although concededly he has no jurisdiction in the matter.

KHADAFY IN THE COURTHOUSE

6a. Although the statutory scheme of the Business Corporation Law reveals that within one year the receiver will account and distribute, it is now more than five (5) years since Puccini was involuntarily dissolved, and still no accounting has been rendered, final nor intermediate.

There is absolutely no way that the Receiver can account without revealing the massive larceny engineered by K&R and its clients, and the corruption of the Receiver and his law firm!

b. The only escape was for Raffe and petitioner to be battered into submission!

Petitioner has made it crystal clear that under no circumstance, no matter what the consequences, will he be compelled to succumb!

Petitioner has further repeated stated that he does not have the power nor the authority to compound nor excuse criminal conduct, not does he intend to do so!

c. Evidence presently surfacing is that the massacre by Mr. Justice ALVIN F. KLEIN, wherein this veteran jurist, convicted, sentenced, and had petitioner and Polur incarcerated for non-summary criminal contempt, without benefit of a trial, was for the perverse purpose of compelling Raffe, who was not incarcerated, to succumb!

d. Thus, while petitioner and Polur were incarcerated, CPLR §321 notwithstanding, the "criminals with law degrees" began to negotiate with Raffe, and actively aided and abetted by Referee Diamond, compelled him to succumb.

Not only did these "criminals" offer him an "indulgence", but by numerous restraining subpoenas, were causing him financial havoc, without judicial remedy!

e. It takes a vivid imagination to conceive that Mr. Justice DAVID B. SAXE, would convict, sentence, and incarcerate petitioner, without a trial, for bringing an action and proceeding to declare CPLR §5222[b] unconstitutional insofar as it permits a restraint of "twice" the amount of a judgment, as well as the multiple restraints being served by K&R and FK&M (Lugar v. Edmondson, 457 U.S. 922; 300 West v. Department of Buildings, 26 N.Y.2d 538, 544, 311 N.Y.S.2d 899, 902-903; Warren v. Delaney, 98 A.D.2d 799, 469 N.Y.S.2d 975 [2d Dept.])!

Consequently, Raffe, excluded from access to the courts, except at the risk of incarceration, has been caused to satisfy these multiple restraints, whether or not a judgment exist!

f. The attributes of criminal contempt were described by Mr. Justice Holmes in Gompers v. United States (233 U.S. 604, 610), as:

> "These contempts are infractions of the law, visited with punishment as such. If such acts are not criminal, we are in error as to the most fundamental characteristic of crimes as that word has been understood in English speech".

Consequently, punishment for criminal contempt:

> "is imposed to vindicate the court's authority. Accordingly, compliance with the court's command will not lift the sanction" (In re Irving, 600 F.2d 1027, 1031 [2d Cir.]; cf. People v. Leone, 44 N.Y.2d 315, 405 N.Y.S.2d 642).

g. But, law, as known and practiced by civilized societies, simply does not exist in the secret sessions being held in the Diamond "non-public courtroom", where petitioner is specifically excluded therefrom (cf. Judiciary Law §4).

No person can survive the "piano wire" treatment of having the Sheriff coming to your home and business telling you, your family, and/or your employees, that if you do not settle the underlying civil action, you will be arrested and incarcerated under the Judge Klein Order!

Succumb, and you will obtain an "indulgence". Unlawful, yes, but criminal terrorists control the "machinery of justice" at 60 Center Street, as well as the Sheriff of New York City and Nassau County, so there is no law, except that willed by these judicial criminals!

Thus, in exchange for submission an "indulgence" from FK&M and Diamond, the criminal contempt recommendation by Referee Diamond against Raffe were terminated and abandoned.

Thus, in exchange for submission an "indulgence" from FK&M, K&R, Judge Klein, and the Sheriff was given to Raffe!

Money buys your way into heaven at the "judicial church" at 60 Center Street, and Martin Luther is dead!

h. The price for such "indulgences" as set forth in the agreement of November 4, 1985, reveals Raffe, as a hostage, paying ransom!

(1) Raffe releases the judicial trustee, his law firm, all his employees, and his judicial whore -- Referee Diamond -- for all their conduct, now or in the future. It is to be "So Order" by Diamond!

(2) Raffe will discharge petitioner, as his attorney, and Raffe will permanently deny petitioner access to his office and his office facilities, including his compatible Word Processor!

(3) Raffe will pay for all legal fees and expenses caused by petitioner's legal actions, even though not approved or consented to by him!

(4) Raffe relinquishes his right to access to any court or tribunal, federal or state, including the Grievance Committee!

(5) The IAS system notwithstanding, Referee Diamond is given exclusive jurisdiction.

In return -- :

> "14. The Receiver shall withdraw without prejudice his pending motion to punish Raffe for seventy-one separate counts of criminal contempt of court. The Receiver shall not seek to reinstate such motion provided that Raffe fully complies with all of his obligations set forth herein."

(6) During all this time, while the negotiations are proceeding the Sheriffs of New York City and Nassau County do not obey the mandate to arrest and incarcerate under the Klein conviction, but obey the instructions of the FK&M and K&R criminals! Each time Raffe shows reluctance to agree as to terms, he is advised that he will be arrested and incarcerated!

i. Against petitioner, who refuses to succumb to terrorists, who hold the "machinery of justice" hostage to their criminal and demented demands, he, unlike Raffe is able to hide his assets in his "non-interest bearing mattress", which does not honor the manifestly unlawful restraining notice of K&R and FK&M.

Thus, Feltman, not having accounted by December 31, 1985, as last ordered by Mr. Justice Stecher, moved by motion returnable on January 27, 1986, for an order removing the Puccini proceeding to another venue, and for an accounting.

Before, such motion could be entered on the judicial computer, petitioner's motion papers were physically "hijacked" by Referee Donald [Khadafy] Diamond, and his criminal patrons, and Referee Diamond "directed", by an Order also not entered on the "judicial computer", that the Sheriff of Westchester County "to break into" petitioner's residence in White Plains and "seize" his irreplaceable obsolete "Word Processor and his Soft Ware" by February 7, 1986, although Diamond clearly has no power in a special proceeding under CPLR §5221(a)[4].

By February 8, 1986, the Sheriff is to report to Referee Diamond on the results of his "directions". --- Seig Heil!

Consequently, petitioner, an attorney for thirty-five (35) years, with his Word Processor and Soft Ware, like Zola, has been compelled to abandon his domicile, gone "underground", so that he could write "j'accuse"!

i. 60 Center Street, is the Courthouse that petitioner is most attached to, loves, and under no circumstance will permit Riccobono, Diamond, Klein, Saxe, or "the felons with law degrees", to transmogrify it into a "judicial whorehouse"!

These criminals, robed and otherwise, have turned the Courthouse at 60 Center Street, into a "Beirut on the Hudson"!

j. Unquestionably, if a Writ of Prohibition is not granted based on constitutional and statutory "double jeopardy", petitioner is entitled to a prior hearing on his contention of invidious and selective discrimination (People v. Utica Daw's Drug, 16 A.D.2d 12, 225 N.Y.S.2d 128 [4th Dept.]).

THE CONSTITUTIONAL STRUGGLE OF CRIMINAL CONTEMPT:

7. The judicial historical course of "criminal contempt" has been an attempt to make the "only" survivor of the common law crimes, comport with constitutional values.

Two issues have been inserted in every pending criminal contempt proceeding now pending, which judicial economy mandate a determination by a state appellate court.

a. If "criminal contempt" is a "crime" can it be constitutionally left to private adversarial counsel to initiate, prosecute, and control? Polo Fashion v. Stock Buyers (760 F.2d 698 [6th Cir.] app. pend.) holds in the negative!

Additionally, at bar, it is the "criminals with law degrees", who by their control of the Sheriffs' Offices and the "machinery of justice" who have been able to blackmail and extort by issuing "indulgences!

b. Where the collateral consequences result in a holding that the convictions are a "serious crime", is the petitioner, and those similarly situated, entitled to a trial by jury? United States v. Craner (652 F.2d 23 [9th Cir.]) holds in the affirmative!

WHEREFORE, it is respectfully prayed that the petition herein be granted, with an interim stay, together with any other, further, and/or different relief as to this Court may seem just and proper in the premises.

Dated: February 7, 1986

GEORGE SASSOWER

GEORGE SASSOWER, Esq., an attorney, admitted to practice law in the courts of the State of New York, does hereby affirm the following statement to be true under penalty of perjury:

Affirmant has read the foregoing petition and knows the contents thereof.

That the same is true of his own knowledge, except to those statements made on information and belief, and as to thos statements he believes same to be true.

Dated: February 7, 1986

GEORGE SASSOWER

GEORGE SASSOWER, Esq., an attorney, admitted to practice law in the courts of the State of New York, does hereby affirm the following statement to be true under penalty of perjury:

On February 7, 1986, I served a copy of the within Notice of Petition and Petition on Hon. Robert Abrams; Kreindler & Relkin, P.C.; Feltman, Karesh, Major, & Farbman, Esqs.; and Nachamie, Kirschner, Levine, Spizz, & Goldberg, P.C. depositing a copy of same in a Post Office in the State of New York addressed to them at their last known addresses.

Dated: February 7, 1986

GEORGE SASSOWER

Index No. Year 19

APPELLATE DIVISION : SECOND DEPARTMENT

GEORGE SASSOWER,

Petitioner,

-against-

JUSTICES OF THE SUPREME COURT, etc.,

Respondents.

Notice of Petition and Petition

GEORGE SASSOWER

Attorney for Petitioner

Office and Post Office Address, Telephone

~~283 SOUNDVIEW AVENUE~~ 5 Davis Ave

WHITE PLAINS, N. Y. ~~10606~~ 10604

(914) ~~328-0440~~ 949-2169

To

Attorney(s) for

Service of a copy of the within is hereby admitted.

Dated,

.....

Attorney(s) for

Sir:—Please take notice

☐ NOTICE OF ENTRY

that the within is a *(certified)* true copy of a
duly entered in the office of the clerk of the within named court on 19

☐ NOTICE OF SETTLEMENT

that an order of which the within is a true copy will be presented for
settlement to the HON. one of the judges
of the within named court, at
on 19 at M.

Dated,

Yours, etc.
GEORGE SASSOWER

Attorney for

Office and Post Office Address
283 SOUNDVIEW AVENUE
WHITE PLAINS, N. Y. 10606

To

Attorney(s) for