

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

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PEOPLE OF THE STATE OF NEW YORK, ex rel.,
GEORGE SASSOWER,

Petitioner,

-against-

Hon. MARIO M. CUOMO and Hon. EDWARD V. REGAN,
Governor and Comptroller, respectively, of the
STATE OF NEW YORK,

Respondents.

For Writs of Mandamus Compelling Removal
Proceedings of District Attorney ROBERT
MORGANTHAU of New York County, pursuant to
Article XIII, §13[b] of the Constitution
of the State of New York; Compelling the
Appointment of a Special State Prosecutor
to submit to the Grand Jury evidence of
"wilful misconduct in office of" Attorney
General ROBERT ABRAMS, and others, public
officers and otherwise, and "find indictments"
and/or "direct the filing of informations",
or affording to petitioner other means of
access to the Grand Jury; and other relief.

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S I R S:

PLEASE TAKE NOTICE that upon the annexed petition
of GEORGE SASSOWER, Esq., dated and verified the 18th day of
August, 1988, the undersigned will move this Court at a motion
part of the Supreme Court of the State of New York, County of
Albany, held at the Courthouse thereof, in Albany, New York,
12207 on the 12th day of September, 1988 at 9:30 o'clock in the
forenoon of that day or as soon thereafter as Counsel may be
heard for writs of mandamus against the respondents, Hon. MARIO
M. CUOMO and Hon. EDWARD V. REGAN, together with such other,
further, and/or different relief as to this Court may seem just
and proper in the premises.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, are to be served upon the undersigned at least five (5) days before the return date of this motion, with an additional five (5) days if service is by mail.

Dated: August 18, 1988

Yours, etc.,

GEORGE SASSOWER, Esq.
Attorney for petitioner, pro se
16 Lake Street,
White Plains, N.Y. 10603
(914) 949-2169

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TO THE HONORABLE JUSTICE OF THE SUPREME COURT:
COUNTY OF ALBANY

Petitioner, on behalf of himself and the People of the State of New York, by this petition, respectfully sets forth and alleges:

AS AND FOR A FIRST CAUSE OF PETITION

1. There exists within the jurisdictional bailiwick of District Attorney ROBERT MORGANTHAU, of New York County, corrupt racketeering enterprises, engaged in stealing and plundering of judicial trust assets, and related criminal activities, wherein some of the participants employ their governmental positions and resources for their criminal activities.

2. An active and indispensable participant in these corrupt racketeering enterprises is State Attorney General ROBERT ABRAMS, the highest law officer in the State of New York.

3. By virtue of Article 12 of the Business Corporation Law of the State of New York, the Attorney General has been designated the statutory fiduciary of judicial trust estates, with discretionary powers and mandatory obligations and duties.

4. Notwithstanding such fiduciary duties and mandatory obligations imposed upon him by the laws of the State of New York, ROBERT ABRAMS, the Attorney General, has a manifestly unlawful conflicting confidential agreement and/or understanding with Administrative Judge XAVIER C. RICCOBONO of the Supreme Court, New York County.

5. In essence the unlawful and perfidious agreement and/or understanding between XAVIER C. RICCOBONO and ROBERT ABRAMS is that ROBERT ABRAMS, as Attorney General, will wilfully and deliberately betray his statutory fiduciary obligations with respect to his statutory judicial trusts, including his mandated legal duties, and will aid, abet, and facilitate the larceny and plundering of judicial trust assets and other criminal activities, when they occur, in the bailiwick administered by XAVIER C. RICCOBONO.

6. Such agreement, understanding, and/or the practices thereunder by ROBERT ABRAMS are contrary to the manifest provisions of the penal law, state and federal, the financial interests of the State of New York, official responsibility, and commonweal interests.

7. Petitioner, as do others, has a substantial monetary interest in PUCCINI CLOTHES, LTD. ["Puccini"], one of these judicial trusts, arising out of its June 4, 1980 involuntary dissolution, and as a citizen and taxpayer of the State of New York, has an interest in the lawful and proper operation of the judicial system in this state, the Office of the Attorney General, and the District Attorney's Office in New York County.

8. Such vested interests of petitioner, and others, cannot be "impaired" by the State of New York, or any of its officers, by virtue of Article I, Section 10[1] of the United States Constitution, the "due process" clause of the XIV Amendment, which is "the supreme law of the land" (Constitution of the United States, Article VI[2]), and the "due process" clause of the Constitution of the State of New York.

9. The respondent, Hon. MARIO M. CUOMO, is the Governor of the State of New York, bound by oath of office to give obedience and ministerially enforce mandatory obligations set forth in the Constitution of the State of New York, including that contained in Article XIII, §13[b].

10. Hon. MARIO M. CUOMO, Hon. EDWARD V. REGAN, Attorney General ROBERT ABRAMS, District Attorney ROBERT MORGANTHAU, and the other public officers named hereinafter, on information and belief, have each taken the constitutionally mandated oath of office, which reads as follows (Article XIII, §1):

"I do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the State of New York, and I will faithfully discharge the duties of the office of _____, according to the best of my ability".

11. New York State Constitution, Article XIII, §13[b], in relevant part, provides:

"Any district attorney who shall fail faithfully to prosecute a person charged with the violation in his county of any provision of this article which may come to his knowledge, shall be removed from office by the governor, after due notice and an opportunity of being heard in his defense." [emphasis supplied]

12. Within the aforementioned article is §5 of the New York State Constitution which provides that:

"Provision shall be made by law for the removal for misconduct or malversation in office of all officers, except judicial, whose powers and duties are not local or legislative and who shall be elected at general election". [emphasis supplied].

13. ROBERT ABRAMS, the Attorney General of the State of New York is a non-excepted "officer" subject to Article XIII, §5 of the Constitution of the State of New York.

14. Indeed, there is no specific provision "made by law for the removal" of the Attorney General or Comptroller of the State of New York, as mandated by Article XIII, §5 of the state constitution, except through the action of a district attorney and a grand jury.

15. The activities of Attorney General ROBERT ABRAMS, hereinafter described, essentially all known to District ROBERT MORGANTHAU, are criminal in nature, and unquestionably constitute "misconduct or malversation in office".

16. The "in office" conduct of ROBERT ABRAMS, with respect to involuntarily dissolved corporations, and specifically with the Puccini matter, may be partially summarized as: aiding, abetting, and facilitating the massive larceny and plundering of judicial trust assets wherein he is the statutory fiduciary, and wherein the state, or an agency thereof, is or will be ultimately financially responsible, in whole or substantial part, for losses; participating in bribery of public officers and servants; corruption, judicial and official; criminal coercion; extortion; blackmail; obstruction of justice; diversion of funds due to the State of New York, or agencies thereof; and the wholesale violation of the basic civil rights of those who opposed this corrupt racketeering enterprise, all of such activities by ROBERT ABRAMS and/or his office, being at governmental time, labor, and expense.

17. Notwithstanding the aforementioned, District Attorney ROBERT MORGANTHAU has failed to "faithfully prosecute" ROBERT ABRAMS, or anyone else involved in such criminal activities with him, or bring to the attention of the grand jury the "misconduct or malversation in office" of ROBERT ABRAMS, for appropriate action.

18. By reason of the aforementioned, the respondent, Hon. MARIO M. CUOMO, is required, as a ministerial obligation, permitting no discretion whatsoever, to initiate removal proceedings against District Attorney ROBERT MORGANTHAU, in accordance with Article XIII, §13[b] of the New York State Constitution.

AS AND FOR A SECOND CAUSE OF PETITION

19. Petitioner repeats, reiterates, and realleges, each and every allegation contained in paragraphs 1 and 18, inclusive, with the same force and effect as though more fully set forth herein, and further alleges:

20. Article 1, §6 of the New York State Constitution provides:

"The power of grand juries to inquire into the wilful misconduct in office of public officers, and to find indictments or to direct the filing of informations in connection with such inquiries, shall never be suspended or impaired by law. [emphasis supplied]

21. Article 1, §9 of the New York State Constitution, in relevant part, provides:

"No law shall be passed abridging the rights of the people ... to petition the government, or any department thereof..." [emphasis supplied]

22. Such right to petition, by legitimate means, is also guaranteed by the First Amendment to the Constitution of the United States.

23. The right to petition the state grand jury, through legitimate means, is within the purview of the First Amendment of the Constitution of the United States and Article 1, §6, §9 of the New York State Constitution, any contrary or limiting statute, law, regulation, custom, or practice suspending or impairing such right, without manifest cause, being without force or effect.

24. Clearly unconstitutional is any power, authority, or practice which suspends or impairs the right of any citizen to bring to the attention of the grand jury evidence of "misconduct or malversation in office" by the Attorney General and/or a district attorney, particularly when they are acting in conspiratorial consort with each other and/or with members of the judiciary, as here exists, contrary to the penal laws of the state and federal government, contrary to the financial interests of the state government, or agencies, and/or contrary to commonweal interests.

25. The grand jury is an independent body, and essentially independent of the prosecutor or any executive officer and the judiciary, particularly where it is the judiciary and/or the prosecutor and/or executive who are the subjects of inquiry.

26. District Attorney ROBERT MORGANTHAU, with knowledge of the actions and misconduct of ROBERT ABRAMS, a non-exempted public officer within the meaning of Article XIII, §5, nevertheless has refused and failed to bring same to the attention of the grand jury, and/or present petitioner's evidence on the subject, so that they might inquire as to such "misconduct or malversation in office" by ROBERT ABRAMS and other public officers and servants.

27. Indeed, District Attorney ROBERT MORGANTHAU has opposed and obstructed petitioner's attempts at bringing the matter to the attention of the grand jury and/or for the appointment of a special district attorney for such purpose, and has employed unlawful means to to obstruct petitioner's right of access to the grand jury.

28. Such actions by District Attorney ROBERT MORGANTHAU have further prevented the grand jury from finding indictments against ROBERT ABRAMS and those with whom he is unlawfully acting which indictments, when rendered by the grand jury, must, by legislative mandate, be prosecuted by the district attorney.

29. Where bribery is involved there is a special constitutional duty imposed on District Attorney ROBERT MORGANTHAU in investigating and/or prosecuting ROBERT ABRAMS, and/or any member of his office, and/or any other public officer, as it is a state matter, allowing little or no local prosecutorial discretion, for Article XIII, §13[b] further provides:

"The expenses which shall be incurred by any county, in investigating and prosecuting any charge of bribery or attempting to bribe any person holding office under the laws of this state, within such county, or of receiving bribes by any such person in said county, shall be a charge against the state, and their payment by the state shall be provided by law."

30. District Attorney ROBERT MORGANTHAU, by his deliberate action and neglect is violating the very foundation of the American system of justice, which holds that no man, however exalted the position he holds, is above the criminal law of the society, a matter which petitioner desires also to bring to the attention of the grand jury for appropriate action, including for the purpose of obtaining an indictment of ROBERT MORGANTHAU.

31. By reason of the aforementioned, the respondent, Hon. MARIO M. CUOMO must be directed to appoint a Special State Prosecutor, with grand jury powers and authority, or to take such other measures as to afford petitioner his right, and indeed his obligation, to petition the grand jury, in addition to removing District Attorney ROBERT MORGANTHAU for misconduct in office.

AS AND FOR A THIRD CAUSE OF PETITION

32. Petitioner repeats, reiterates, and realleges, each and every allegation contained in paragraphs 1 and 31, inclusive, with the same force and effect as though more fully set forth herein, and further alleges:

33. Notwithstanding, Article 5 of the Executive Law, and other provisions of the law, there can be no grant to the attorney general of powers and/or duty wherein the attorney general is significantly transactionally involved, is a significantly interested and affected party, and consequently disabled from performing his constitutional and legal duties and obligations.

34. Insofar as ROBERT ABRAMS is disqualified from acting, the office of the Attorney General must be declared vacant, and Hon. MARIO M. CUOMO, be mandated to act accordingly.

AS AND FOR A FOURTH CAUSE OF PETITION

35. Petitioner repeats, reiterates, and realleges, each and every allegation contained in paragraphs 1 and 34, inclusive, with the same force and effect as though more fully set forth herein, and further alleges:

36. The respondent, EDWARD V. REGAN, is the Comptroller of the State of New York, with mandates and powers set forth in Article V of the Constitution of the State of New York, and those imposed or granted him by legislative enactment, not inconsistent therewith.

37. The respondent, EDWARD V. REGAN, as Comptroller of the State of New York, has a special duty to vouchsafe the integrity of the fiscal affairs and health of the State of New York.

38. As herein described ROBERT ABRAMS has conducted himself and his office contrary to state interests at governmental cost and expense.

39. Included in the non-exclusive power and authority of the Attorney General is that:

"he may bring a civil action where the facts warrant it for the recovery of moneys or property received or expended by an officer or employee of a state agency in violation of his public trust ...".

40. As a result of the privately motivated racketeering adventures involving Attorney General ROBERT ABRAMS and Administrative Judge XAVIER C. RICCOBONO, there has been an great expenditure of public resources in furtherance thereof, potential monetary losses imposed upon the State and/or its agencies, and the diversion of monies payable to the State and/or its agencies to private pockets, as hereinafter is partially set forth.

41. Although Puccini is only one, of a number, of involuntarily dissolved corporations which have been made the subject of the aforementioned racketeering adventures, it is that particular transaction in which petitioner has a direct vested interest, and which he best knows, consequently, the Puccini scenario, is set forth herein in some detail.

a. Puccini was dissolved on June 4, 1980, by Order of the Supreme Court, New York County, its assets, like those of corporations likewise dissolved, becoming custodia legis.

b. The Legislature of the State of New York, with the governor's approval, has legally imposed upon the Office of the Attorney General fiduciary obligations with respect to the assets and affairs of all involuntarily dissolved corporations.

c. The assets and affairs of all involuntarily dissolved corporations are "persons" within the meaning of the XIV Amendment of the Constitution of the United States and mirrored provisions of the New York State Constitution.

d. As such constitutional "persons", they are entitled to "due process", "equal protection of the laws", and various other fundamental rights with respect to its property.

e. Those who have legitimate vested property interests in the assets and affairs of involuntarily dissolved corporations, are also entitled to have effective legal standing to prevent the "impairing the obligation of contracts", which is one of the powers denied to each and every state of the United States (United States Constitution, Article 1, §10[a]).

42. The statutory scheme, is contained in Article 12 of the Business Corporation Law, and in relevant summary fashion, is as follows:

a. The State of New York, and/or an agency of the state, are the ultimate trustees and obligors for these judicial trust assets, consequently the bond posted by the receiver is in favor of "the people".

b. Representing the State of New York, with respect to these judicial trust assets, in its trust obligations, are the courts, its administrators, and its judges.

c. The receiver, appointed by a jurist of the court, is simply the court's agent, and as an agent of the court he can always be removed for misconduct -- and should be, in order to protect those who have an interest in such assets, and/or on behalf of the State of New York!

d. To protect the State of New York and those having legitimate interests in the assets and affairs of these judicial trust assets is the Attorney General, who is given the discretionary power to intervene when he deems it to the advantage of those having legitimate interests in such assets and affairs (e.g. Bus. Corp. Law §1214[a]), and mandatory obligations and duties (e.g. Bus. Corp. Law §1216[a]).

e. Legally implicit in such discretionary fiduciary powers is the mandated obligation that the Attorney General will give "undivided loyalty" to his judicial trust, and advance with "zeal" its legitimate interests.

43. The public is entitled to know the manner by which the judiciary functions where judicial trusts are managed; the Attorney General, on behalf of the State of New York, in order to properly perform its statutory duties and functions, is entitled to know how receivers and the courts handle and dispose of judicial trust assets; and those who have a legitimate interest in such assets are also entitled to the same information, and consequently, the law imposes upon the receiver certain mandatory public filings of statements and accountings, the settlement of such accountings, and distribution thereof.

a. A mandatory obligation imposed upon the Attorney General, wherein he has absolutely no discretion whatsoever, includes that which is provided in Business Corporation Law §1216[a], which in part reads as follows:

"FINAL ACCOUNTING, NOTICE; DUTY OF ATTORNEY-GENERAL (a) Within one year after qualifying, the receiver shall apply to the court for a final settlement of his accounts and for an order for distribution ... and after the expiration of eighteen months from the time the receiver qualified, it shall be the duty of the attorney-general to apply for such order [to settle and distribute] on notice to the receiver."
[emphasis supplied]

b. The courts, under lawfully authorized powers, have also from time to time, promulgated and legislated rules and regulations to further serve the trust obligations imposed upon them, including the uniform state rule (22 NYCRR §202.52[e]) which, in part, provides:

"Receivers shall file with the court an accounting at least once each year."
[emphasis supplied]

c. To further vouchsafe these judicial trust assets, Business Corporation Law §1207 provides that by each February 1 the receiver must file with the County Clerk, and within five (5) days thereafter, with the Attorney General a "verified statement", showing the "assets received".

44a. The unique problem facing Administrator XAVIER C. RICCOBONO and ROBERT ABRAMS in the Puccini matter is that while they usually can conceal the plundering of judicial estates, they cannot conceal outright massive larceny, particularly when it was accompanied by perjurious denials, as were the events in the Puccini estate.

b. An accounting, and/or a verified statement, which must be "filed" at least once a year, would have to show, as an asset, the value of Puccini's assets which were made the subject of massive larceny, thereby triggering the exposure of the plundering, the criminal coercion, the extortion, the blackmail, the perjury, and official and judicial corruption that exists in the forum of Administrator XAVIER C. RICCOBONO, wherein both the Administrator and ROBERT ABRAMS are involved in a corrupt racketeering enterprise.

c. Consequently, although Puccini was involuntarily dissolved more than eight (8) years ago -- not a single accounting has been filed with the County Clerk's Office -- not one!

d. Consequently also, although Puccini was involuntarily dissolved more than ninety-eight (98) months ago -- the records in the County Clerk's Office do not reveal a single application -- not one -- for the settlement of an accounting and distribution of its assets, although it is mandated by law that the Attorney General has the "duty" to make such application when eighteen (18) months have expired (Business Corporation Law §1216[a]).

45a. Instead, ROBERT ABRAMS, the Attorney General, has acted in criminal conspiratorial consort with those who have admittedly stolen Puccini's trust assets, perjured themselves in denying same, engaged themselves in a charted course of official and judicial corruption, criminal coercion, extortion, blackmail, and other criminal activities.

b. Additionally, ROBERT ABRAMS and his office, again operating in concert with the "judicial criminals", including Administrator XAVIER C. RICCOBONO, and other members of the judiciary, have imposed upon petitioner and others an unlawful and barbaric "reign of terror" in an attempt to compel silence.

46a. Immediately after Puccini was involuntarily dissolved, and title to its assets vested in the court, under the criminal engineering of KREINDLER & RELKIN, P.C. ["K&R"], CITIBANK, N.A. ["Citibank"], and JEROME H. BARR, Esq. ["Barr"], Puccini's judicial trust assets were made the subject of massive larceny.

b. Such larceny had been prompted by the institution of self-defeating and needless litigation by Citibank in order to unlawfully compensate Barr and K&R for "estate chasing", which simply could not be justified.

c. The firm of NACHAMIE, KIRSCHNER, LEVINE & SPIZZ, P.C. ["NKL&S"] was made part of this criminal conspiracy, and for betraying its clients, two (2) Puccini stockholders, who held fifty percent (50%) of the stock interest, NKL&S received part of the proceeds of such larceny.

d. LEE FELTMAN, Esq. ["Feltman"], the court-appointed receiver, and a public officer or servant, within the meaning of the relevant penal and other statutes, entered into an agreement and/or understanding with K&R, NKL&S, and Citibank, that he would conceal such larceny and make no attempt at recovery on behalf of Puccini, for which his law firm, FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"], would receive the balance of Puccini's substantial judicial trust assets, although doing nothing to advance Puccini's legitimate interests.

e. Since Feltman's compensation was fixed by statute, the appointment of FKM&F had to have the corrupt cooperation of ROBERT ABRAMS, the statutory fiduciary, Administrator XAVIER C. RICCOBONO, and Judge DAVID B. SAXE, as 22 NYCRR §660.24 was then in effect.

f. 22 NYCRR §660.24 was enacted as a result of the "25th Street massacre" (the location of the Appellate Division) where six (6) Supreme Court jurists were compelled to resign when the media disclosed their methods of making judicial appointments.

g. The rule provides for the consequences of failure to abide by the appointive selection methods contained therein, which were (subdivision "f") that such appointment:

"shall be null and of no effect and no person so appointed shall be entitled to recover any compensation for the services rendered or claimed to have been rendered"

h. For three and one-half (3 1/2) years, K&R, Barr, Citibank, NKL&S, Feltman, and FKM&F simply inundated the judicial forum with perjurious affidavits and statements, that Puccini's judicial trust assets had not been wrongfully dissipated.

i. On November 7, 1983, the initial hard evidence of the larceny surfaced, and in the months that followed, it developed into an avalanche.

47a. In January of 1984, petitioner communicated with the Office of ROBERT ABRAMS concerning such larceny of judicial trust assets, as was his constitutional and statutory right, and his professional obligation (Code of Professional Responsibility, Disciplinary Rule 1-103), and it was Assistant Attorney General DAVID S. COOK, who was in charge of the fiduciary obligations on behalf of ROBERT ABRAMS with respect to involuntarily dissolved corporations.

b. Petitioner gave to Assistant Attorney General DAVID S. COOK essentially all his evidence on the subject, including those of a very confidential nature such as those jurists suspected of involvement, which included Administrative Judge XAVIER C. RICCOBONO, Judge DAVID B. SAXE, Mr. Justice ALVIN F. KLEIN, and Judge MARTIN H. RETTINGER.

c. Thereafter, armed with petitioner's confidential information, Assistant Attorney General DAVID S. COOK, with the consent of ROBERT ABRAMS represented the aforementioned jurists and other corrupt judges in the attempts by the victims of such larceny and fraud, including Puccini, to obtain restitution, while simultaneously he served as Puccini's statutory fiduciary on behalf of ROBERT ABRAMS.

d. Thus, for example, when Puccini sued Judge DAVID B. SAXE for diverting substantial monies from Puccini to FKM&F and RASHBA & POKART ["R&P"], despite the ministerial prohibition provided for in 22 NYCRR §660.24[f], it was Assistant Attorney General DAVID S. COOK who represented Judge DAVID S. SAXE, while simultaneously serving as Puccini's fiduciary on behalf of ROBERT ABRAMS.

48a. In 1982, prior to the surfacing of the hard evidence of the larceny of Puccini's trust assets, there was pending a related cross-guarantee action, wherein Citibank and Barr, the clients of K&R, were suing petitioner's client HYMAN RAFFE ["Raffe"], and petitioner had interposed a third party complaint against (1) Puccini, (2) EUGENE DANN ["Dann"], and (3) ROBERT SORRENTINO ["Sorrentino"].

b. There was never any question that whatever Citibank and Barr recovered against Raffe, Raffe was entitled to full recovery from Puccini, and two-thirds recovery as against Dann and Sorrentino.

c. In short, what was good for Raffe was good for Puccini, Dann and Sorrentino!

d. Citibank moved for summary judgment under circumstances wherein they knew that Raffe would assert, as a defense, his belief that Puccini's assets had been made the subject of larceny, prejudicing his right of indemnification and subrogation; alternatively, for judgment over as against Puccini, Dann and Sorrentino.

e. To controvert Raffe's allegations of the larceny of Puccini's trust assets, Citibank, Barr, and their attorneys, K&R, submitted three (3) perjurious affidavits, which were known to be perjurious by Feltman, FKM&F, and NKL&S, the attorneys for Dann and Sorrentino.

f. These perjurious affidavits, in part, read as follows:

(1) The affidavit of Barr, the associate of K&R, falsely swore:

"Unfortunately, it is necessary to correct some of the incredible misstatements and outright falsehoods contained in the Raffe affidavits.

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."

(2) Citibank also submitted a judicially-filed perjurious affidavit 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."

(3) Robert J. Miller, Esq., of K&R, submitted a misleading affidavit [a motion for summary judgment automatically stays all pre-trial disclosure (CPLR 3214b)], 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."

g. Feltman, FKM&F and NKL&S had actual knowledge that such affidavits were perjurious, and also had actual knowledge that if such perjurious affidavits were believed, that Raffe would recover judgment over as against their clients and the judicial trust, to wit., Dann, Sorrentino, and Puccini.

h. Obviously, Barr, Citibank, and K&R would not have submitted such perjurious affidavits if it had not known beforehand that Feltman, FKM&F and NKL&S would not expose such perjurious submission by them.

i As a result of such perjurious submission by Citibank, Barr, and K&R, aided and abetted by Feltman, FKM&F, and NKL&S, who concealed such perjurious submission, summary judgment was awarded in favor of Citibank and Barr against Raffe, and in favor of Raffe over as against Puccini for \$475,425.86, and against Dann and Sorrentino, for \$316,950.57.

j. After the surfacing of the hard evidence of the massive larceny of Puccini's judicial trust assets, petitioner and Raffe moved for restitution, wherein the ultimate beneficiaries would have been Puccini, the judicial trust, Dann, and Sorrentino.

k. Such relief has been stonewalled by Administrator XAVIER C. RICCOBONO, and his appointees, Referee DONALD DIAMOND and Mr. Justice IRA GAMMERMANN, Feltman, FKM&F, and NKL&S for more than four (4) years, although such relief inures to the benefit of Puccini, Dann, and Sorrentino, as well as Raffe.

l. Those members of the judiciary who have opposed such relief to Puccini, are all actively represented by Assistant Attorney DAVID S. COOK or his alter ego, Assistant Attorney General JEFFREY I. SLONIM, while they personally and simultaneously represent Puccini, as their fiduciary.

49a. Also prior to the surfacing of the massive larceny of Puccini's trust assets, in order to stonewall the requests of petitioner and Raffae that they be able to inspect the books and records of Puccini, as permitted by law, Feltman and FKM&F petitioned the Court for the appointment of R&P, as investigatory accountants, to investigate those accused, to wit., K&R and NKL&S.

b. Here again, the appointment of R&P did not comply with 22 NYCRR §660.24.

c. Undisclosed in securing such appointment was the fact that the judicial investigator, R&P, were the accountants for K&R, one of the accused firms.

d. Also undisclosed was the fact that K&R owed the investigator R&P the sum of \$6,200 for professional services rendered after June 4, 1980.

e. Such \$6,200 invoice was paid by NKL&S stealing \$10,000 of Puccini's trust assets after June 4, 1980, laundering same through its own account, and then giving R&P the sum of \$6,200 in payment of the K&R obligation, keeping for itself the sum of \$3,800 as a "laundering fee".

f. Assistant Attorney General DAVID S. COOK represents Judge MARTIN H. RETTINGER, the jurist who made this void appointment, and also Judge DAVID B. SAXE who awarded R&P substantial fees despite the knowledge of such fraud and the existence of 22 NYCRR §660.24 which prohibited the payment of any monies from Puccini for same, and for five (5) years ROBERT ABRAMS has resisted formal cancellation of such R&P appointment and restitution to Puccini.

50a. In addition to bribery of each other, and corruption, ROBERT ABRAMS, DAVID S. COOK, IRVING I. SLONIM, XAVIER C. RICCOBONO, Referee DONALD DIAMOND, Mr. Justice IRA GAMMERMANN, Mr. Justice ALVIN F. KLEIN, Judge DAVID S. SAXE, Feltman, FKM&F, Citibank, Barr, K&R, R&P, NKL&S, and others, began a "reign of terror" that reaches the outer limits of credibility, and will only be partially summarized.

b. The manifest purpose was to extort "silence" by petitioner, Raffaele, and SAM POLUR, Esq. ["Polur"].

51a. Petitioner moved to have CPLR §5222[b] unconstitutional insofar as it permits a restraint of "twice" the amount of a judgment.

b. Judge DAVID B. SAXE, an adversary of petitioner in an action seeking money damages, dragooned such motion, and without a trial or hearing, although constitutionally required, held petitioner to be in non-summary criminal contempt, had him incarcerated for ten (10) days, fined, and directed that a report be made to the disciplinary authorities.

52a. In one document, without a trial or hearing, Mr. Justice ALVIN F. KLEIN, held petitioner, Polur, and Raffe to be in non-summary criminal contempt and sentenced each of them to be incarcerated for thirty (30) days, in addition to imposing fines.

b. Petitioner and Polur served their terms, but Raffe did not.

53a. Three weeks after Mr. Justice MARTIN EVANS found petitioner and Raffe not to have been in criminal contempt, which clearly triggered double jeopardy rights, Feltman commenced a new proceeding based upon the same assertions.

b. This time, however, although Administrator XAVIER C. RICCOBONO and Referee DONALD DIAMOND were defendants, in money damages suits brought by Raffe and petitioner, Administrator XAVIER C. RICCOBONO induced Mr. Justice MARTIN EVANS to refer same to Referee DONALD DIAMOND.

c. Without a trial or hearing or opportunity for one, Referee DONALD DIAMOND rendered mirror reports which found both petitioner and Raffe guilty of non-summary criminal contempt and recommended incarceration and fines.

d. Petitioner served his term of incarceration.

54a. In order not to be incarcerated under the trialess Order of Mr. Justice ALVIN F. KLEIN or the Report of Referee DONALD DIAMOND, Raffe was compelled by Referee Diamond to execute releases to him, Administrator XAVIER C. RICCOBONO, the Justices of the Supreme Court, Attorney General ROBERT ABRAMS, Assistant Attorney General DAVID S. COOK, the Feltman entourage, and others, pay millions of dollars extortion monies, discontinue a proceeding against Attorney General ROBERT ABRAMS, and other considerations.

b. As long as Raffe pays and obeys the demands of FKM&F, he will not be incarcerated, according to the written agreement.

55. Mr. Justice IRA GAMMERMAN, without any notice of motion, order to show cause, supporting affidavits, or opposing papers, without any anything, including a trial or hearing, found petitioner to be in non-summary criminal contempt, and imposed sanctions.

56a. During the period that respondent, Hon. MARIO M. CUOMO, was making a speech in the rotunda of Supreme Court, New York County, honoring John Peter Zenger, Referee DONALD DIAMOND was issuing orders directing that the Sheriff of Westchester County "break into" petitioner's residence, "seize all word processing equipment and software", and inventory petitioner's possessions.

b. Assistant Attorney General DAVID S. COOK, on behalf of Attorney General ROBERT ABRAMS, aborts all attempts to have Referee DONALD DIAMOND open his courtroom to the public, including petitioner, file submitted papers and documents in the County Clerk's Office, where the public, including petitioner, can inspect same, and defends the other barbaric actions of Referee DONALD DIAMOND, and others.

57a. In the more than eight (8) years since Puccini was involuntarily dissolved, ROBERT ABRAMS has not taken such actions as are mandated by law as his "duty" or given obedience to his fiduciary obligations to Puccini or the State of New York, as may be relevant to such trusts.

b. ROBERT ABRAMS has not compelled the filing of any accounting by the receiver; has not compelled the settlement and distribution under a filed accounting; has not compelled the return of stolen assets, or monies either plundered or expended in violation of 22 NYCRR §660.24[f]; has not made recovery of the extorted monies paid by Raffae to FKM&F, K&R, and/or their clients, in favor of the State of New York; nor has ROBERT ABRAMS made any attempt to comply with his statutory fiduciary obligations to Puccini and/or the State of New York, insofar as they involve judicial trust assets in the Riccobono bailiwick.

WHEREFORE, it is respectfully prayed that the relief requested herein be granted in all respects, with costs.

Dated: August 18, 1988

GEORGE SASSOWER

GEORGE SASSOWER, Esq.
Petitioner, pro se
16 Lake Street
White Plains, New York 10603
(914) 949-2169

STATE OF NEW YORK
COUNTY OF WESTCHESTER

)
) ss.:
)

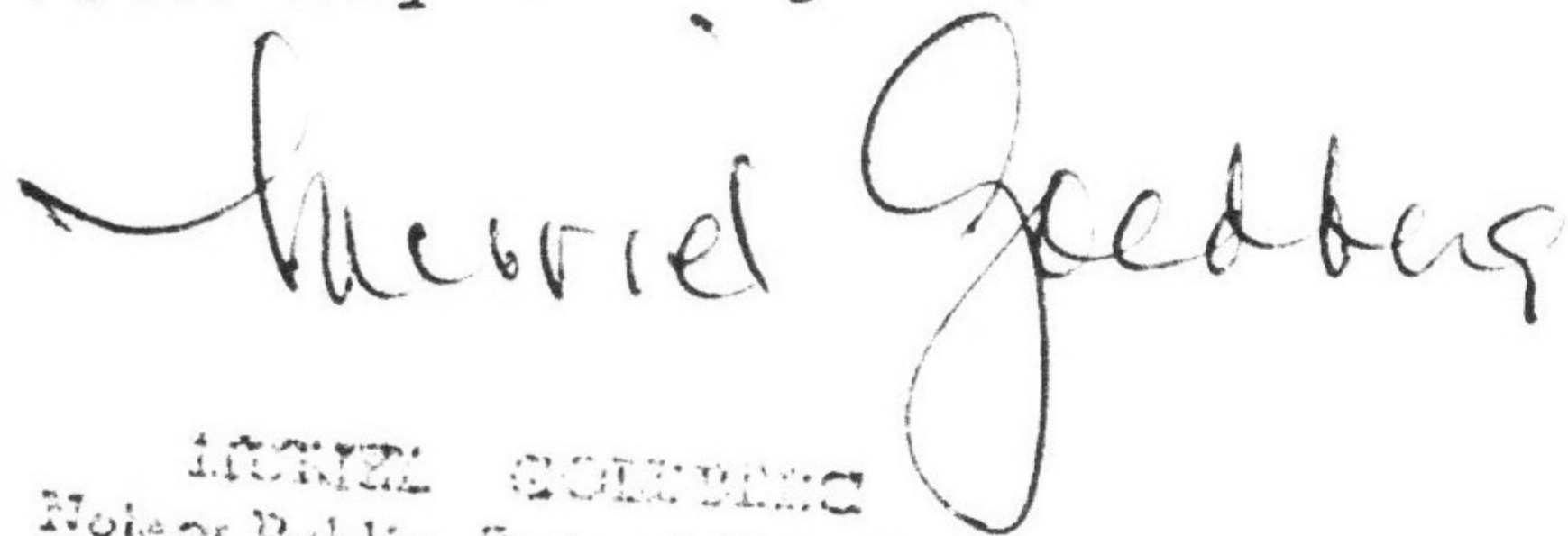
GEORGE SASSOWER, first being duly sworn, deposes,
and says:

He is the petitioner herein, has read the foregoing petition, know of its contents, and the same is true to my own knowledge, except as to matters stated to be on information and belief, and as to those matter he believes them to be true.



GEORGE SASSOWER

Sworn to before me this
18th day of August, 1988



IRVING GOLDBERG
Notary Public, State of New York
No. 60-4519474 Westchester County
Commission Expires March 30, 1991 4/30/89