

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
In the Matter of the Application of THE PEOPLE
OF THE STATE OF NEW YORK, ex. rel., GEORGE
SASSOWER, individually and on behalf of those
similarly situated, and on behalf of UNITED
PRESS, INTERNATIONAL; THE ASSOCIATED PRESS;
THE WALL STREET JOURNAL; THE NEW YORK TIMES;
NEW YORK NEWS; NEW YORK POST; NEWSDAY; THE
VILLAGE VOICE; GANNETT INC.; AMSTERDAM NEWS;
NEWSWEEK; TIME; U.S. NEWS AND WORLD REPORTS;
NEW YORK MAGAZINE; BUSINESS WEEK; FORBES;
WCBS.; WNBC.; WNYW; WABC; WWOR; WPIX; and WNET,
Petitioner,

-against-

THE OFFICE OF COURT ADMINISTRATION; ROBERT
ABRAMS, as Attorney General of the
State of New York; SHERIFF OF WESTCHESTER
COUNTY; and ALL POLICE and PEACE OFFICERS
OF THE STATE OF NEW YORK,

Respondents.

For a Writ of Mandamus, Prohibition, and
Procedendo ad Justitiam.

-----X
S I R S:

PLEASE TAKE NOTICE, that upon the annexed petition
of GEORGE SASSOWER, Esq., dated and verified the 9th day of
September, 1988 the undersigned will move this Court at a motion
part determined by "random selection", held at the Courthouse
thereof, 111 Grove Street, White Plains, New York, 10601, on the
5th day of October, 1988, at 9:30 o'clock in the forenoon of that
day or as soon thereafter as Counsel may be heard for a for a
Writ of Mandamus, Prohibition, and Procedendo ad Justitiam for
the relief set forth in the annexed petition, together with any
other, further, and/or other 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: September 9, 1988

Yours, etc.,

GEORGE SASSOWER, Esq.
Attorney for relator, pro se
16 Lake Street,
New York, New York 10603
(914) 949-2169

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TO THE JUSTICES OF THE SUPREME COURT:
OF THE STATE OF NEW YORK: WESTCHESTER COUNTY

The petition of GEORGE SASSOWER ["relator"], on
behalf of himself, on behalf of those similarly situated, on
behalf of the media, and on behalf of THE PEOPLE OF THE STATE OF
NEW YORK, respectfully sets forth and alleges:

1a. Relator is an attorney, a free lance journalist,
author, native citizen of this State, and resident of Westchester
County.

b. The Supreme Court of the State of New York, County of New York, as well as the Appellate Divisions, First and Second Judicial Department, are simply "Unfit for Human Litigation", and they do not represent constitutional forums, particularly insofar as relator is concerned, or in matters in which relator has an interest.

c. Relator, admitted to the bar almost forty (40) years ago will never involve himself in judicial corruption or misconduct, no matter what the personal consequences may be.

d. The professional mandate is "whistle-blowing" and the protection of clients with "zeal" (Code of Professional Responsibility, DR 1-103, Canon 7).

e. The judicial forums of Administrator XAVIER C. RICCOBONO ["Riccobono"], Presiding Justice FRANCIS T. MURPHY ["Murphy"], and Presiding Justice MILTON MOLLEN ["Mollen"], are "cesspools of judicial corruption", where "fixing", hard and soft, are "the coins of the realm".

2. Relator has vested constitutionally protected interests on the matters of which he makes petition against the respondents.

3a. THE PEOPLE OF THE STATE OF NEW YORK ["The People"], which includes the relator and those similarly situated, also enjoy the right to compel THE OFFICE OF COURT ADMINISTRATION ["OCA"], Attorney General ROBERT ABRAMS ["Abrams"], and POLICE AND PEACE OFFICERS OF THE STATE OF NEW YORK ["Police"] to comply with the law, including their own self-enacted rules, regulations, and ethical precepts.

b. The right of The People to compel compliance by the respondent with the law, includes the "right to know", directly or through a free media, the manner by which OCA, Abrams, and the Police conduct themselves particularly where public monies and resources are involved; where judicial trust assets are involved; where the proceedings are criminal in nature; and/or where Abrams, the OCA, and the police are conducting themselves so as to conceal their own misconduct by denying and/or chilling First Amendment rights.

c. That right, as exemplified in the legislative declaration contained in Public Officers Law §84 is:

"The people's right to know the process of governmental decision-making and to review the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality.

The legislature therefore declares that government is the public's business and that the public, individually and collectively and represented by a free press, should have access to the records of government ..."

4a. The OCA is the creation of Article VI, §28 of the N.Y. State Constitution, for the purpose of supervising and administering the operation of the courts.

b. The administrative board consists of the Chief Judge of the Court of Appeals and the presiding justice of the appellate division of each judicial department, which presently includes Murphy and Mollen.

5a. Notwithstanding constitutional and statutory mandates, rules, regulations, and procedures, there exists and is in operation in the Murphy-Mollen bailiwicks, with their knowledge, cooperation, and active participation, and at government expense, criminally corrupt, privately motivated, racketeering enterprises.

b. This petition seeks to compel the removal of camouflaging practices which conceals the corrupt nature of the "administration of justice" in the Murphy-Mollen judicial empires and to remedy official and judicial lawlessness.

MURPHY'S CORRUPT JUDICIAL EMPIRE
("MURPHY'S INFERNO")

AS AND FOR A FIRST CAUSE OF PETITION
(THE COMPELLED REMOVAL OF ADMINISTRATOR XAVIER C. RICCOBONO)

6. Relator repeats, reiterates, and realleges, each and every allegations of this petition marked "1" to "5" inclusive, with the same force and effect as though more fully set forth herein, and further alleges:

7a. Administrator Riccobono is the appointed administrator of Supreme Court, New York County, a building whose facade reads: "The True Administration of Justice is the Firmest Pillar of Good Government".

b. In truth it is a "Judicial Inferno", wherein certain classes of "constitutional persons" must "abandon all hope".

8. Administrator Riccobono, in his administrative capacity, serves at the pleasure of the Chief Administrator, for periods of no longer than one year, and he is re-appointed and/or replaced, after consultation with Murphy at yearly intervals (22 NYCRR §80.2).

9. The functions and duties of Riccobono in the Supreme Court, New York County, as distinguished from the Appellate Term, are administrative and/or ministerial only.

10a. Relator is personally a substantial creditor, judgment and otherwise, of PUCCINI CLOTHES, LTD. ["Puccini"], which was involuntarily dissolved on June 4, 1980 by Order of the Supreme Court, New York County, its assets becoming custodia legis at that point in time and ever since thereafter.

b. Relator was also the attorney for HYMAN RAFFE ["Raffe"], a person who has a substantial stock interest in Puccini, as well as being its judgment creditor.

c. Although Puccini remains a constitutional "person" within the meaning of the XIV Amendment, for some members of the judiciary, such trust assets are not "persons" with constitutional rights, but "fortune cookie", whose purpose is to satisfy the insatiable monetary appetites of the judiciary and their cronies.

d. On June 4, 1980, title, control, and right of possession of all of Puccini's assets vested in the judiciary.

e. Court appointed receivers, are agents and/or arms of the court, subject only to judicial control, and before any receiver may lawfully take control of the assets and affairs of an involuntarily dissolved corporation, he must execute an oath of office and file a surety bond, payable "to the people" (Bus. Corp. Law §1204).

12a. To assure propriety of a receiver's conduct, the Attorney General serves as the statutory fiduciary, with discretionary powers (e.g. Bus. Corp. Law §1214[e]), and mandatory duties (e.g. Bus. Corp. Law §1216[a]).

b. Implicit in such fiduciary powers and duties, discretionary and/or mandatory, is the obligation of "undivided loyalty".

13a Although Puccini -- "a judicial fortune cookie" -- was dissolved more than eight (8) years ago, not a single accounting has been filed -- not one -- although OCA's own enacted rule provides (22 NYCRR §202.52[e]):

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

b. Although by statutory mandate, permitting no discretion whatsoever, the Attorney General, as a "duty" must make application for the settlement of a filed accounting and distribution of its assets, when not voluntarily performed within eighteen (18) months (Bus. Corp. Law §1216[a]), in the more than ninety-nine (99) months that have expired, not a single application has been made by the corrupt and corrupted Abrams -- not one!

c. In the "Riccobono bailiwick" if a creditor or stockholder moves for an accounting, a statutory right (Bus. Corp. Law §1216[a]), or some similar relief, he risks being convicted and incarcerated, without benefit of trial, the Constitution of the United States notwithstanding (Bloom v. Illinois, 391 U.S. 194).

14a. Administrator XAVIER C. RICCOBONO is personally involved in the criminal racketeering adventure with respect to Puccini judicial trust assets, for his own monetary profit and/or that of his cronies, and employs his administrative authority to further the larceny and plundering of its judicial trust assets.

b. By force of statute (Judiciary Law §14), as well as clearly established common law and constitutional principles, Administrator Riccobono cannot serve in any judicial capacity involving Puccini or relator, including any related administrative functions.

c. Administrator XAVIER C. RICCOBONO cannot lawfully and simultaneously chart justice while engaged in its private sale for his own personal benefit and/or that of his cronies.

d. OCA, under a writ of mandamus and/or prohibition, must be ordered to give Administrator XAVIER C. RICCOBONO "the boot", in all administrative matters involving Puccini or relator.

AS AND FOR A SECOND CAUSE OF PETITION
(A COMPELLED ACCOUNTING BY OR ON BEHALF OF RESPONDENT)

15. Relator repeats, reiterates, and realleges, each and every allegations of this petition marked "1" to "14" inclusive, with the same force and effect as though more fully set forth herein, and further alleges:

16. Under respondent's own rules, an accounting must be filed "at least once a year" (22 NYCRR §202.52[e]).

17. It is now more than eight (8) years since Puccini was involuntarily dissolved, and not a single accounting has been filed -- not one!

18. OCA, and members of its administrative board, including Murphy, and former Chief Administrator JOSEPH W. BELLACOSA ["Bellacosa"], have corrupted, an already corrupt Abrams, so that he refuses to give obedience to his statutory fiduciary "duties" (Bus. Corp. Law §1216[a]), even in instances where Abrams has no discretion whatsoever.

19. In any event, the receiver is the court's agent, is wholly and solely under the control of the court, and serves at the court's pleasure (Judiciary Law §13-a), and it is the court's duty to compel compliance by its agent.

20. OCA, must be mandated to file, or cause to be filed, an accounting, with respect to Puccini's judicial trust assets, in accordance with OCA's own enacted rule (22 NYCRR §202.52[e]).

AS AND FOR A THIRD CAUSE OF PETITION
(MANDATING ABRAMS TO COMPLY WITH BCL §1216[a])

21. Relator repeats, reiterates, and realleges, each and every allegations of this petition marked "1" to "20" inclusive, with the same force and effect as though more fully set forth herein, and further alleges:

22. Bus. Corp. Law §1216[a], in relevant part, provides :

"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 If the receiver has not so applied for a settlement of his accounts or for such extension of time, the attorney-general or any creditor or shareholder may apply for an order that the receiver show cause why an accounting and distribution should not be had, 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 on notice to the receiver." [emphasis supplied]

23. The eighteen (18) month period has expired many times over and Abrams has failed to obey his mandatory "duty", and must be compelled to do so, under a writ of mandamus.

AS AND FOR A FOURTH CAUSE OF PETITION
(MANDATING RECOVERY OF UNAUTHORIZED PAYMENTS FROM PUCCINI)

24. Relator repeats, reiterates, and realleges, each and every allegations of this petition marked "1" to "23" inclusive, with the same force and effect as though more fully set forth herein, and further alleges:

25. LEE FELTMAN, Esq. ["Feltman"], the court appointed receiver and its agent was secretly and unlawfully promised the balance of Puccini's remaining trust assets if he would not attempt to recover the assets made the subject of larceny and diversion by KREINDLER & RELKIN, P.C. ["K&R"], CITIBANK, N.A. ["Citibank"], JEROME H. BARR, Esq. ["Barr"], and NACHAMIE, KIRSCHNER, LEVINE & SPIZZ, P.C. ["NKL&S"].

26. Since Feltman's compensation is limited by statute (Bus. Corp. Law §1217), the vehicle for the receipt of such "bribe" payments, which was to come from Puccini, the judicial trust, was to be by way of Feltman's law firm, FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"].

27a. FKM&F was not appointed by any court or judge, as mandated by law (22 NYCRR §660.24; 22 NYCRR §36.1), and notwithstanding same, almost one million dollars (\$1,000,000) was received by FKM&F from Puccini pursuant to this criminal bribe.

b. Furthermore, despite statutory and OCA mandate that the payments be reported and made available for public inspection (Judiciary Law §36-a; 22 NYCRR Part 26), none have been filed.

28. OCA, must be mandated to take such steps that are necessary to cause the Judiciary Law §36-a filings to be made, and all monies paid from Puccini's judicial trust assets refunded.

AS AND FOR A FIFTH CAUSE OF PETITION
(MANDATING RECOVERY OF CONSIDERATIONS PAID BY THIRD PARTIES)

29. Relator repeats, reiterates, and realleges, each and every allegations of this petition marked "1" to "28" inclusive, with the same force and effect as though more fully set forth herein, and further alleges:

30. FKM&F having denuded Puccini of its remaining assets, as the self-appointed attorneys for Feltman, obtained trialess manifestly unconstitutional convictions of Raffe and others on Feltman's behalf, although judicial rule provided that such appointments were null, void, and of no effect (22 NYCRR §660.24[f]).

31a. In order not to be incarcerated under such trialess convictions, obtained on behalf of Feltman as receiver for Puccini, Raffe has paid in cash and other considerations millions of dollars.

b. In Raffe's words, they are "bleeding me to death".

32. These extorted monies (cf. 19 U.S.C. §1951), and other considerations, received while purportedly acting for Puccini, are Puccini's property, and Abrams and OCA must be mandated to obtain same from the court's agent for the benefit of Puccini.

AS AND FOR A FIFTH CAUSE OF PETITION
(MANDATING THE RETURN OF PUCCINI'S STOLEN ASSETS)

33. Relator repeats, reiterates, and realleges, each and every allegations of this petition marked "1" to "32" inclusive, with the same force and effect as though more fully set forth herein, and further alleges:

34. While Puccini's assets and affairs were custodia legis, they were made the subject of massive larceny engineered by K&R and Citibank.

35a. Almost five (5) years after the "hard evidence" of such criminal activities surfaced, and only by the sheer force of official and judicial corruption, including by the non-judicial corrupt conduct of Riccobono, Murphy, and Bellacosa, restitution has not been given to the victims of such fraud, including Puccini, the helpless judicial trust, although such relief is irresistibly compelling.

b. The corruption of Riccobono, Murphy, and Bellacosa, have been in their administrative, non-judicial, capacities.

36. The respondents should be mandated to cause the return of such unlawfully transferred assets to Puccini, the helpless trust and constitutional "person", or otherwise provide it with restitution.

AS AND FOR A SIXTH CAUSE OF PETITION
(MANDATING THE APPROPRIATE BONDING OF THE RECEIVER)

37. Relator repeats, reiterates, and realleges, each and every allegations of this petition marked "1" to "36" inclusive, with the same force and effect as though more fully set forth herein, and further alleges:

38. The bond posted by Feltman, pursuant to Bus. Corp. Law §1204, under which all those having legitimate interests in Puccini have statutory rights, was for five hundred thousand dollars (\$500,000), while the loss caused by Feltman's misconduct has been twenty (20) times that amount.

39. The failure to Feltman's appointor, Mr. Justice MICHAEL J. DONTZIN, to take appropriate action against his perfidious appointee, or to order a sufficient bond, is a matter over which petitioner, and/or on behalf of those that petitioner brings this proceeding, have little, if any, control.

40. By statute, those injured by the receiver's misconduct may sue on such bond (Public Officer's Law §20, §28), but such remedy is specious when the bond posted is a small fraction of the loss, and the appointing judge, such as Mr. Justice MICHAEL J. DONTZIN is irresponsible.

41. The ultimate judicial fiduciary for helpless judicial trusts, including Puccini, is the OCA, and it is OCA's obligation to assure that an appropriate bond is filed, and it should be so mandated, since otherwise it will be "The People" who will probably sustain the loss.

AS AND FOR A SEVENTH CAUSE OF PETITION
(COMPELLING THE OPENING OF DIAMOND'S STAR CHAMBER)

42. Relator repeats, reiterates, and realleges, each and every allegations of this petition marked "1" to "41" inclusive, with the same force and effect as though more fully set forth herein, and further alleges:

42a. In the early part of 1984, shortly after the surfacing of the "hard evidence" of the massive larceny of Puccini's judicial trust assets, and other criminal activities, FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"] and KREINDLER & RELKIN, P.C. ["K&R"] -- "the criminal with law degrees" -- enlisted the active support of their cadre of corrupt judges and officials, including Administrator XAVIER C. RICCOBONO.

b. Administrator Riccobono's assigned function was, inter alia, (1) to abort pending motions for restitution to the victims, which included Puccini, the judicial trust; (2) to stonewall future application for such relief; (3) to unlawfully plunder Puccini's remaining assets; (4) to corrupt the judicial thrall in that and other courts; and (5) to neutralize any possible action by the Attorney General or any other prosecuting authorities.

c. To implement such criminal racketeering scenario, Administrator Riccobono, by ex parte ukase, designated Referee DONALD DIAMOND ["Diamond"] to function as a non-consensual jurist (see CPLR §4317[b]).

d. Diamond functions from a non-public courtroom, where admission is by permission only, and where relator is specifically excluded, all constitutional and statutory mandates to the contrary notwithstanding.

43. All proceedings in such "star chamber" courtroom of Referee DONALD DIAMOND must immediately be terminated by the OCA under a writ of mandamus and prohibition issued by this Court.

AS AND FOR A EIGHTH CAUSE OF PETITION
(DIAMOND'S JUDICIAL PAPERS MUST BE PUBLICLY FILED)

44. Relator repeats, reiterates, and realleges, each and every allegations of this petition marked "1" to "43" inclusive, with the same force and effect as though more fully set forth herein, and further alleges:

45a. Very few judicial papers given to Referee DONALD DIAMOND can be inspected by the public, including by interested parties such as relator, since Referee Diamond does not file his papers with the County Clerk or any other clerk (see CPLR 2102).

b. Many of the papers given Referee Diamond are destroyed, and the balance are secreted in his personal desk drawers, cabinets, and other similar private places.

46. Judicial motions, papers, and documents intended for Referee DONALD DIAMOND are delivered directly to him, and thereafter privately kept by him, and therefore they never appear on any computer records kept by the OCA, or any other public facility.

47a. Here follows the testimony of IRA POSTEL, Esq. ["Postel"] before Federal Judge HOWARD SCHWARTZBERG, which exemplifies the "phantom" judgments which are issued by Referee DONALD DIAMOND.

b. As a result of such dramatic testimony almost twenty-one million dollars (\$21,000,000) worth of judgments and claims against relator, many of them Diamond based, were withdrawn.

c. Relator called Postel to testify on September 15, 1987, pursuant to a notice theretofore served upon him that a hearing would be held on that day before Judge Schwartzberg.

d. Within ten (10) minutes after Postel took the stand, a "bloodied" Postel, as herein shown, announced he had to catch a train out of White Plains, and that he would return on October 1, 1987, with all his files ready to continue his testimony.

e. Prior to resuming his testimony, Postel filed withdrawals of the Proofs of Claim that he had executed and filed, and neither the Court nor anyone else ever saw any evidence of such "phantom" judgments.

f. Postel's testimony of September 15, 1987, almost in its entirety, reads as follows:

"Q. Did you at any time make a motion to confirm that \$25,000 [Referee DONALD DIAMOND award].

A. I didn't think it was necessary.

Q. Yes or no.

A. As I advised the court before, no motion was made to confirm.

Q. ... Did you ever send me any documents which showed that \$25,000 was due A.R. Fuels? Yes or no?

A. I think I did. I mean, I've sent you so many documents ---

Q. But did you ----

A. I don't recall what's in every document that I sent to you, Mr. Sassower.

...

Q. You've been here a number of times and have you heard me refer a number of times to phantom judgments, phantom orders and phantom claims? Have you heard that before?

A. You use that word in your daily lexicon of vocabulary.

Q. ... At any time did you present to the court or to me any substantiation in writing that there exists the \$25,000 award, claim, judgment against me?

A. I believe you were served with copies of every order issued by Referee Diamond.

Q. ... Could you give me a copy of an order issued by anybody against me in favor of A.R. Fuels?

A. I don't have them with me. Mr. Sassower. I did not come here today anticipating that this was an evidentiary hearing.

Q. ... Did you not think it was proper on this claim in view of the fact that there was a contemporaneous motion for summary judgment to come forth with evidence to show His Honor something actually exists? Yes or no?

A. ... The answer is no, I didn't feel I had to bring those with me.

Q. ... Are you saying, Mr. Postel, that you are prepared to show His Honor today or tomorrow something you sent me showing a claim against me by A.R. Fuels for \$25,000?

A. At the next --- at the adjourned date of this hearing, yes, I shall be.

Q. And you didn't bring it today?

A. No, I did not.

Q. Is this document, would you say -- shows \$25,000 against me by A.R. Fuels -- is this document filed in the County Clerk's Office? Yes or no?

A. I believe it is. I believe the order of Judge Diamond assessing fees --

Q. Of twenty-five --

A. (Continuing) --- are filed in the Clerk's Office.

Q. Do you, in your file, have a copy of any order --

THE COURT: Clerk's Office; you mean, County Clerk's Office?

MR. Sassower: Right.

THE COURT: Okay.

Q. Do you have in your file a copy of the County Clerk's order which assesses against me \$25,000 in favor of A.R. Fuels? Yes or no?

A. I have copies of all of Judge Diamond's orders.

Q. Filed in the County Clerk's Office?

A. Every order that I think Judge Diamond issued has been filed in the County Clerk's Office.

Q. Do you have an order filed in the County Clerk's Office for \$25,000 against me in favor of A.R. Fuels?

A. I believe I do.

Q. Okay. And you will produce that?

A. I shall.

Q. When was this order rendered in favor of A.R. Fuels against me? Date?

A. To the best of my recollection, it was some time in the spring or summer of 1985. I could be wrong, but that's the best of my recollection. There may have also been one in the fall of '85.

Q. We're talking about \$25,000 and it's the only claim.

A. I think it's cumulative; there's several judgments that add up to \$25,000.

Q. Several --

A. Several assessments.

...

Q. ... were you there when Referee Diamond assessed \$25,000 in favor of A.R. Fuels against me? Where you there?

A. I believe I was.

Q. And who else was there at that time?

A. Referee Diamond.

Q. And who else?

A. Could have been Mr. Gerstein; could have been Mr. Schneider, could have been other people from the bank.

Q. Was I there?

A. No, you were not.

Q. Okay.

A. I believe that was the reason for the assessment, because you were not there.

Q. ... Prior to the assessment of \$25,000 -- whether it was a one-lump sum or as a matter of a cumulative amount --- was a motion made to assess me \$25,000 in favor of A.R. Fuels? Yes or no?

A. No.

Q. So that -- was any telephone call made to me and say, we're having a proceeding before Referee Diamond and he's going to assess --- the purpose of that is to assess against me for \$25,000 or any sum of money?

A. You were notified of the hearings: I don't know if you --

Q. When?

A. Prior --

Q. In writing?

A. Prior to the hearings that were being hold before Referee Diamond, Mr. Sassower. You had notice of every one of them. Whether or not you decided to attend was your decision. Nobody else --

Q. Have you got copies of those notices?

A. I'm sure I do.

Q. Fine. Will you produce them?

A. Not here. They're probably in my office. I don't have my files here.

...

THE WITNESS: Your Honor, can I interject? There is an express train at 12:07 which I would like to make which would then get me back into the City at about 12:40 and I can get to my office to make my one o'clock appointment.

...

MR. SASSOWER: ... what I'm going to suggest ---what I'm going to suggest ... that he send to you a copy of all his documents that I've asked for and that after receiving those documents, Your Honor feels that a further hearing is necessary ---

...

Q. And you will be prepared next time to bring all your papers and all your documentation to support this \$25,000 claim? Yes or no?

A. I will bring all the files that I have.

...

MR. SASSOWER: Let him send all the proof; Let him send all the proof -- all documentation to Your Honor and to me. After Your Honor looks at the documentation and you feel that a further hearing -- ...

...

THE COURT: Send in whatever proofs of claim --

MR. SASSOWER: Right.

THE COURT: I'll follow that procedure. Let's see what you have that shows that the orders were entered. Send them in in one file; have it delivered and I will set it down meanwhile for a hearing --- a continuation of this hearing. So at least give me an opportunity to look over what he's submitting.

THE WITNESS: Fine. I have no objection.

MR. SASSOWER: 10/1, 2:00 p.m. And when will you send this documentation in?

THE WITNESS: I'll try to get it out by the end of the week --

MR. SASSOWER: Okay. ..."

g. Such "phantom" documentation did not come the end of that week, the end of the week that followed, or the end of third following week.

h. On October 1, 1987, Mr. Postel announced that he withdrew his claims on behalf of A.R. Fuels, Inc., without ever showing any evidence of such "phantom" awards by Referee DONALD DIAMOND.

i. K&R and FKM&F also withdrew their claims as well, which in great part was based on "phantom" judgments and awards of Referee DONALD DIAMOND.

48. The OCA must be compelled, under a writ of mandamus, to cause the "public filing" of all judgments, orders, papers and documents held by Referee DONALD DIAMOND as set forth in CPLR 2102, and prohibiting Referee DONALD DIAMOND to provide any rule or practice contrary to a public filing.

AS AND FOR A NINTH CAUSE OF PETITION
(PROHIBITING RICCOBONO'S COMPUTER MANIPULATIONS)

49. Relator repeats, reiterates, and realleges, each and every allegations of this petition marked "1" to "48" inclusive, with the same force and effect as though more fully set forth herein, and further alleges:

50a. The "heart" of the rules enacted during the Bellacosa tenure was the non-waivable "random selection process" (22 NYCRR §202.1[b]; 22 NYCRR §202.3 [b]), which only the Chief Administrator may except (22 NYCRR §202.3 [c]).

b. Notwithstanding the aforementioned, Administrator Riccobono manipulates the computer so that it produces the assignment of his desired jurist.

51a. It was an openly known that Riccobono desired Mr. Justice IRA GAMMERMAN ["Gammerman"] to be the jurist assigned to the Puccini dissolution proceeding.

b. Judge Gammerman is a corrupt and despotic jurist, in every sense of those words, obeys no law except his own and that requested by Administrator Riccobono, and had a Judiciary Law §14 disqualification at the time.

c. Judge Gammerman, was one of the "trio of judicial fixers", as he was described by relator in federal litigation, which was pending at the time.

d. Time and time again, Judge Gammerman, had been "caught" by relator "fixing" cases involving relator and Puccini.

52a. Administrator Riccobono did not know when the initial Request for Judicial Intervention would be filed, and consequently Mr. Justice MARTIN B. STECHER was randomly selected.

b. Mr. Justice MARTIN B. STECHER had litigated certain matter in the Puccini dissolution proceeding and had at no time disqualified himself, or asserted that His Honor was not qualified to determine matters in that proceeding.

c. Nevertheless, since Hon. MARTIN B. STECHER, as did everyone else, knew that Administrator Riccobono desired Gammerman, and consequently Mr. Justice MARTIN B. STECHER declined the assignment.

d. The "random selection method" is a sham and a public fraud, if judges can refuse assignments so as to cause a "specific" selection of some other jurist.

53a. At some point, Riccobono categorized the Puccini litigation, as "complex", which it was not, to reduce the "odds" for his selection of Gammerman to one in six.

b. The simple filing of an accounting and its settlement would resolve the Puccini litigation proceeding -- nothing more.

c. The "complexity" arises because Riccobono, Murphy, Bellacosa, and everyone else knows that to file an accounting would disclose the larceny of judicial trust assets, the perjury, the extortion, and the judicial and official corruption involved in this and other matters.

d. Riccobono, Murphy, and others, while holding judicial office, on the public payroll, are involved in a criminal racketeering enterprise, in association with private attorneys, and others.

e. Thus the "complexity" is the attempt to avoid the filing of any accounting, or precisely what the law and the regulations of OCA mandates.

54a. The Bellacosa computer under a "complex" designation chose Mr. Justice MICHAEL J. DONTZIN, who also never asserted a Judiciary Law §14 disqualification.

b. Mr. Justice Dontzin also knowing that Administrator Riccobono desired Gammerman also declined the assignment.

c. How many other times the computer chose another judge is not presently known to relator, but eventually Gammerman was selected.

55a. The aforementioned is "random selection" in the Riccobono bailiwick, and it is a total fraud, and should be enjoined.

b. The "Bellacosa computer" reveals that Mr. Justice MARTIN B. STECHER was the initial choice, which is a designation supported by the filed papers, and a writ of mandamus should be issued against OCA to have the Puccini litigation assigned to such jurist.

AS AND FOR A TENTH CAUSE OF PETITION
(GAMMERMAN'S SEWER ODYSSEY ORDERS SHOULD BE NULLIFIED)

56. Relator repeats, reiterates, and realleges, each and every allegations of this petition marked "1" to "55" inclusive, with the same force and effect as though more fully set forth herein, and further alleges:

57a. Prior to the computer method of record recording, all the orders of Mr. Justice Gammerman were patently suspect, and had about as much validity as the Diamond "phantom" judgments.

b. One such Order was designated by relator in judicial papers as the "Gammerman out of orbit order", and enjoined, inter alia, any complaint being made to the Grievance Committee about the misconduct of FKM&F and K&R -- "the criminals with law degrees" -- Gammerman's patrons!

c. Another Order had the nomenclature of "Gammerman's Sewer Odyssey", and became the prototype of Gammerman's practices after the computer system was made operational.

d. The "Gammerman Sewer Odyssey" directed Gammerman's co-ordinate jurists to abort any motions seeking to investigate the judicial activities of FKM&F and K&R, including motions that were sub judice for several months.

58a. In the pre-computer period, the "Gammerman Sewer Odyssey" Order has no support in any book or document kept by the Clerk of the Court as having been received.

b. After it was signed, there is no record of any court clerk or the County Clerk receiving such Order.

c. This Order, with a perjurious affidavit of service, simply went through the "sewers of New York" from FKM&F to Gammerman's chambers.

d. After it was signed, it went directly through the "sewers of 60 Center Street" to the County Clerk's file.

e. In its pristine state, except for Gammerman's initials, it was found unentered in the County Clerk's file, as prepared by FKM&F.

59a. Similarly, the computer does not reveal any motion supporting many of the Gammerman orders, indeed the Orders themselves are not on the computer.

b. The route is from FKM&F through the "sewers" to Gammerman's Chambers, and then in the County Clerk's file, with the computer short-circuited.

60a. After non-summary contempt motions had resulted in failure about twenty (20) times, Gammerman, without any notice of motion, without any order to show cause, without any supporting papers, without any charges, without any opposing papers, without any anything, found relator to be in non-summary criminal contempt and imposed criminal contempt sanctions.

b. The "phantom" papers recited in such criminal contempt order are "phantom", are not recorded in the Bellacosa computer, and are not even in the file.

c. It is a "phantom" criminal contempt motion made by relator's client against relator.

61a. This non-summary criminal contempt order, based on "phantom" papers, dragooned to Gammerman all cases wherein relator was involved, no matter what county such proceedings were pending.

b. Actions and proceedings wherein Gammerman was an active defendant or respondent were dragooned to Gammerman.

c. Actions and proceedings wherein Gammerman was a Dennis v. Sparks (449 U.S. 24) essential witness, were dragooned to Gammerman.

d. Gammerman was to be judge, litigant, and witness, according to such manifestly unconstitutional order.

62a. This Order further provided that only a "direct" appeal could be taken, which is nonsense, since one cannot appeal from an ex parte order or an order based upon "phantom" proceedings.

b. Relator cannot make a motion, according to such order, to vacate or modify same, since such a motion needs the permission of Administrator Riccobono or Gammerman's permission, which is obviously not obtainable.

c. To say more about the "Gammerman-Diamond" criminally motivated procedures would be supererogatory.

63. By dragooning all actions and proceedings to himself, Gammerman simply destroyed the "random selection" rules enacted by OCA and OCA must be mandated to take such procedures as to nullify same.

AS AND FOR A ELEVENTH CAUSE OF PETITION
(CRIMINAL CONTEMPT PROCEEDINGS ARE CRIMINAL PROCEEDINGS)

64. Relator repeats, reiterates, and realleges, each and every allegations of this petition marked "1" to "63" inclusive, with the same force and effect as though more fully set forth herein, and further alleges:

65. Non-summary criminal contempt proceedings are criminal proceedings, must bear a criminal title (Gompers v. Bucks Stove, 221 U.S. 418, 447), and governed by criminal procedural rules (Bloom v. Illinois, 391 U.S. 194; Hicks v. Feiock, U.S. , 108 S.Ct. 1423; Young v. U.S. ex rel. Vuitton, U.S. , 107 S.Ct. 2124), and OCA should be mandated to so provide.

MOLLEN'S CORRUPT JUDICIAL EMPIRE
("MOLLEN'S INFERNO")

AS AND FOR A TWELFTH CAUSE OF PETITION
(RELATOR'S PROHIBITION APPLICATIONS)

66. Relator repeats, reiterates, and realleges, each and every allegations of this petition marked "1" to "65" inclusive, with the same force and effect as though more fully set forth herein, and further alleges:

67a. Surrogate ERNEST L. SIGNORELLI ["Signorelli"] of Suffolk County pays his personal obligations by having his obligees file fictitious or exaggerated claims against estates in his bailiwick, and similar practices.

b. The Public Administrator ANTHONY MASTROIANNI ["Mastroianni"], a Signorelli appointee, approves payment, and attorney who desire to practice in that Court generally remain silent about these and similar practices.

c. Such judicial larceny has the cooperative approval of Mollen, the Presiding Justice in the Court of Conscience of the Second Department.

68a. Relator would not cooperate or keep silent about the practices in the Signorelli bailiwick, and consequently without benefit of a trial, he has been convicted and incarcerated twice, and his former wife, and one of his children were each incarcerated once.

b. The fiction for these trialess incarcerations is that relator wilfully failed to turn over the books and records of the ESTATE of EUGENE PAUL KELLY ["Kelly Estate"] to Mastroianni as ordered by Signorelli.

c. The fact is that prior to the first incarceration, relator did turn over these records to Mastroianni and his attorney, as they, with Signorelli, have repeatedly confessed.

d. Nevertheless, the Mollen court desires relator to be incarcerated for the third time, all without benefit of a trial, for a crime that never was committed (People ex rel. Sassower v. Sheriff, 134 A.D.2d 641, 521 N.Y.S.2d 536 [2d Dept.]).

69a. Instigated by Signorelli and Mollen a disciplinary proceeding was instituted against relator and his wife, and they were resoundingly vindicated -- 32-0 -- with leave given to relator's former spouse to seek sanctions against the Mollen grievance committee.

b. Indeed, relator was enjoined from publishing the disciplinary proceedings by reason of the incredible testimony of Signorelli and his entourage.

c. As part of such proceedings, which consumed about three (3) weeks of testimony, Signorelli, Mastroianni, and their attorney, confessed that they had all the Kelly books and papers.

d. Hon. BURTON S. JOSEPH, assigned to hear the matter, refused to be bound by such prior determination, held another full hearing, and His Honor also found that relator had turned over all the Kelly books and records, again based essentially on the confessions of the Signorelli entourage.

e. Nevertheless, the Mollen thrall desire, as heretofore stated, that relator be again incarcerated for something which never happened.

70. This has all happened because OCA, controlled by Mollen and Murphy, refuses to assign a jurist to adjudicate relator's several applications based upon "double jeopardy".

71a. The values behind the plea of double jeopardy, as stated in Green v. United States, 355 U.S. 184, 187:

"that the State with all its resources and power should not be allowed to make repeated attempts to convict an individual for an alleged offense, thereby subjecting him to embarrassment, expense and ordeal and compelling him to live in a continuing state of anxiety and insecurity"

b. At bar is a far more egregious situation where relator is acquitted when afforded a trial, so that he is repeatedly incarcerated without a trial, simply because a Mollen influenced OCA will not tender relator's application for a writ of prohibition for a judicial determination.

72. OCA must be mandated to assign a jurist to determine relator's pending applications for a Writ of Prohibition, with Mollen and Murphy having no part in such selection.

AS AND FOR A THIRTEENTH CAUSE OF PETITION
(ENJOINING ABRAMS FROM REPRESENTING CONFLICTING INTERESTS)

73. Relator repeats, reiterates, and realleges, each and every allegations of this petition marked "1" to "72" inclusive, with the same force and effect as though more fully set forth herein, and further alleges:

74. Abrams, by legislative decree, has been appointed Puccini's statutory fiduciary and owes it undivided loyalty.

75. Abrams and members of his office must be enjoined from representing any party whose position is adverse to that of Puccini, the Kelly Estate, or any other judicial trust, including those members of the judiciary who are involved in the larceny and plundering of judicial trust assets.

AS AND FOR A FOURTEENTH CAUSE OF PETITION
(SHERIFF MUST BE ENJOINED FROM OBEYING DIAMOND'S ORDERS)

76. Relator repeats, reiterates, and realleges, each and every allegations of this petition marked "1" to "75" inclusive, with the same force and effect as though more fully set forth herein, and further alleges:

77. The SHERIFF OF WESTCHESTER COUNTY ["Sheriff"] must, of course, give obedience to legal mandates which seem facially valid.

78. Nevertheless, the Sheriff has been given executions based on a "phantom" money judgment rendered by Referee DONALD DIAMOND; based on "phantom" money orders, the Sheriff has been repeatedly directed to "break into" relator's premises "seize all word processing equipment" and "inventory" his possessions.

79. Based also on a Diamond based order, an application was made to Referee Donald Diamond requesting that the Sheriff be directed to "break into" relator's premises and "tear apart" his "non-interest bearing mattress".

80. An order should be issued prohibiting the Sheriff from giving obedience to any judgment, order, decree, and/or direction issued by, or pursuant to anything made, executed, and/or stated by Referee Donald Diamond.

AS AND FOR A FIFTEENTH CAUSE OF PETITION
(COMPELLING THE POLICE TO COMPLY WITH CPL §120.90)

81. Relator repeats, reiterates, and realleges, each and every allegations of this petition marked "1" to "80" inclusive, with the same force and effect as though more fully set forth herein, and further alleges:

82. Criminal Procedure Law §120.90 clearly provides that upon an arrest in a county or the adjoining county other than the county from which the warrant was issued, the person must be brought before a local magistrate for bail purposes.

83. Insofar as relator is concerned, this has intentionally not been obeyed by either the Suffolk County or Nassau County police authorities.

84. Obedience to this specific provision of the law must be mandated to all police and police authorities having notice thereof.

AS AND FOR A SIXTEEN CAUSE OF PETITION
(MURPHY-MOLLEN HAVE A JURISDICTIONAL DISABILITY)

85. Relator repeats, reiterates, and realleges, each and every allegations of this petition marked "1" to "84" inclusive, with the same force and effect as though more fully set forth herein, and further alleges:


86. The evidence, only partially set forth herein, clearly reveals that both Murphy and Mollen are criminally involved in the larceny of judicial trust assets in the Puccini and Kelly matters, and matters associated with same.

87. Participation by either Murphy or Mollen, as part of OCA, either directly or indirectly, in matters related to relator, Puccini, and/or the Kelly Estate, makes the acts of that administrative body a nullity, and should be enjoined (Judiciary Law §14; Aetna v. Lavoie, 475 U.S. 813; Dr. Bonham's Case, 77 Eng. Rep. 646, 652 [1610]; Day v. Savadge, 80 Eng. Rep. 235, 237 [1614]).

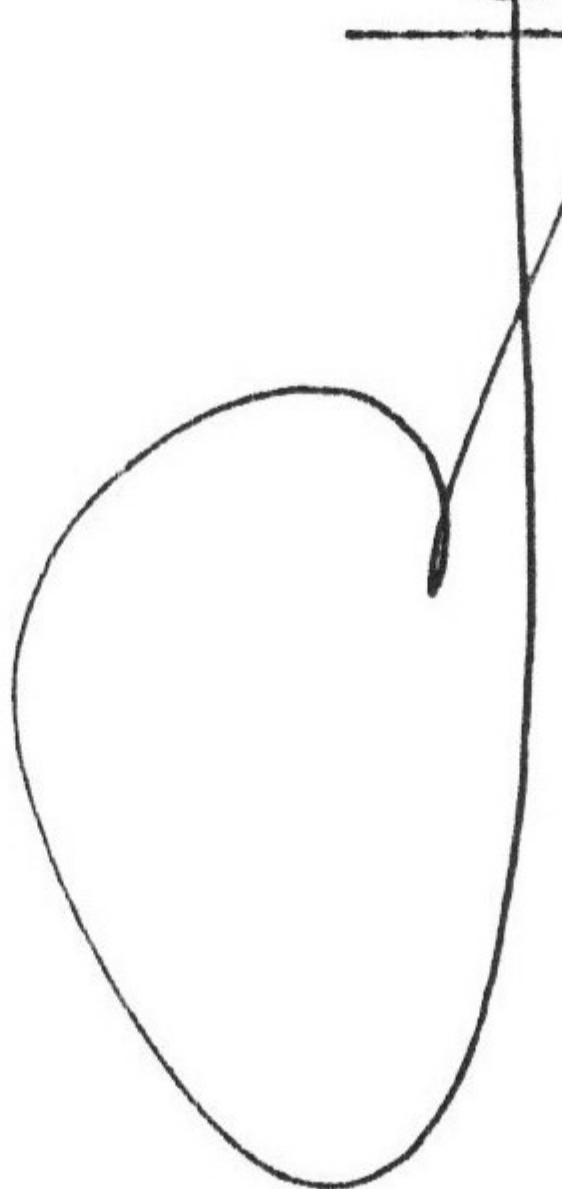
WHEREFORE, relator respectfully prays that this petition be granted in all respects, with costs.

Dated: September 9, 1988

GEORGE SASSOWER, Esq.
Attorney for relator, pro se.
16 Lake Street
White Plains, New York 10603
914-949-2169



GEORGE SASSOWER

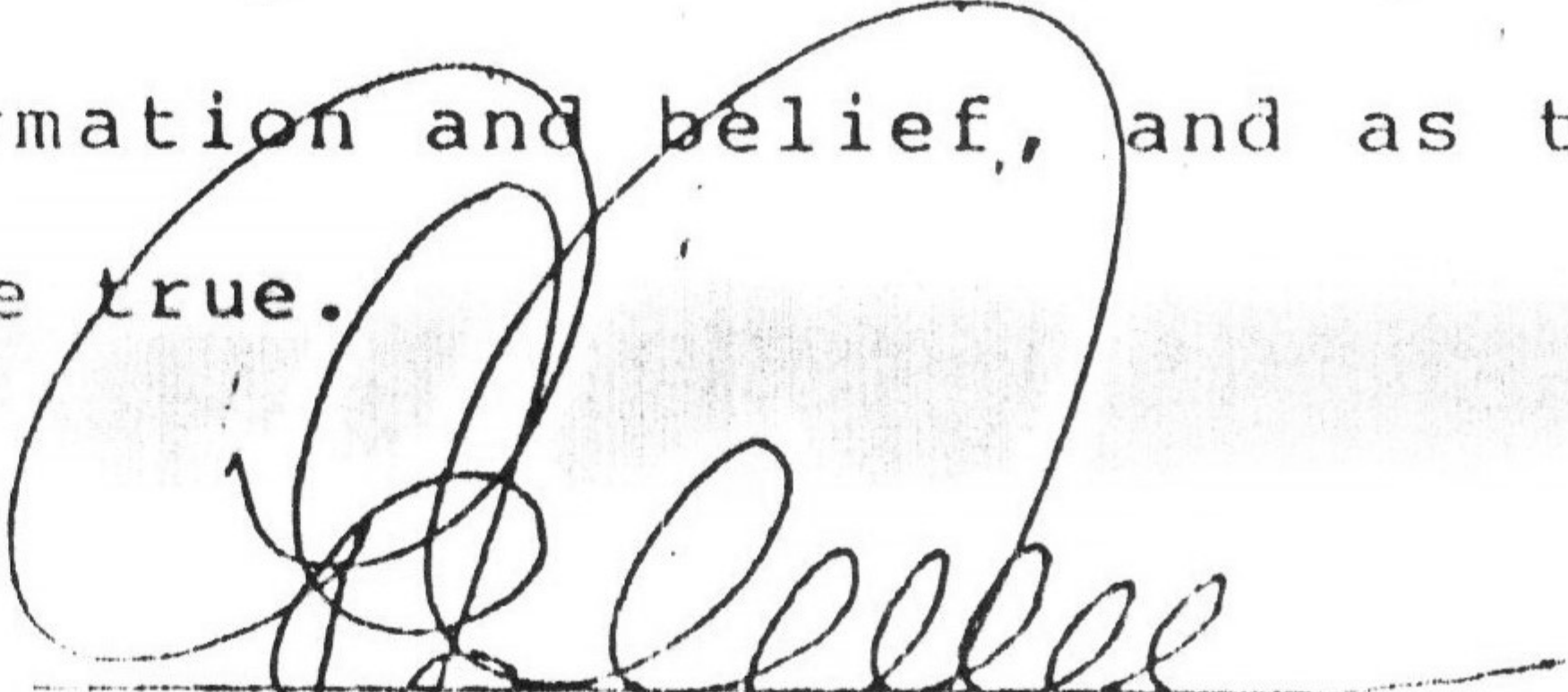


STATE OF NEW YORK
COUNTY OF WESTCHESTER

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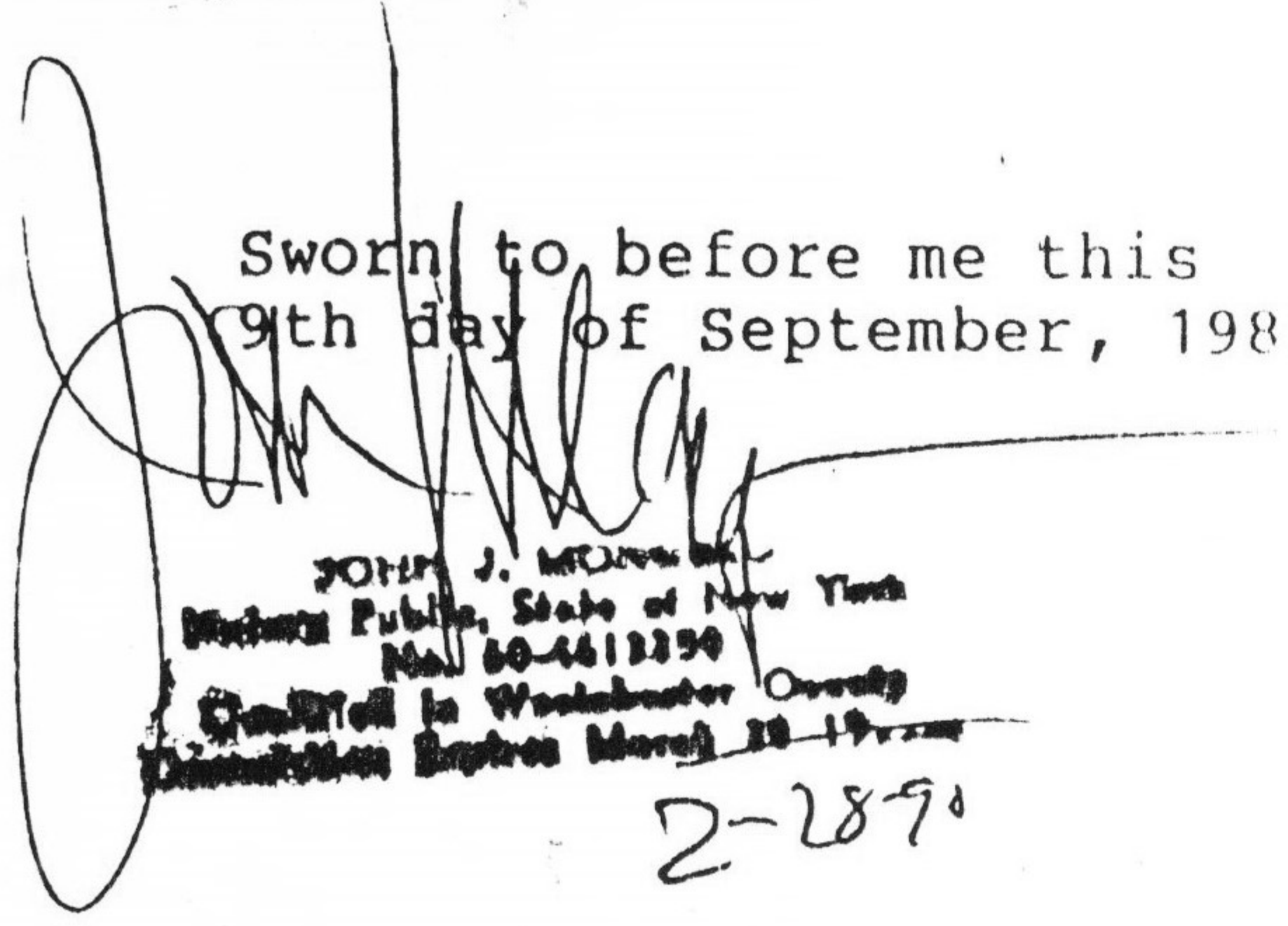
GEORGE SASSOWER, first being duly sworn, deposes,
and says:

Deponent is the petitioner in the within proceeding, has read the foregoing proposed petition, knows of its contents, and the same is true to my his 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
9th day of September, 1988



JOHN J. McQUINN
Notary Public, State of New York
No. 60-6612290
Qualified in Westchester County
Commission Expires March 28, 1990

2-2890