

UNITED STATES CIRCUIT COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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In the Matter of the Petition of  
GEORGE SASSOWER  
For Writs of  
Mandamus, Prohibition, and/or Procedendo  
ad Justitium.  
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Petitioner, by this petition, respectfully prays that this Court issue writs of mandamus, prohibition, and/or procedendo ad justitium against Chief Judge JOHN F. GERRY ["Gerry"], of the U.S. District Court of New Jersey and U.S. District Judge NICHOLAS H. POLITAN ["Politan"], without prejudice to petitioner's action for damages and other relief against the aforementioned and others, which is presently pending.

PRELIMINARY STATEMENT:

1a. It is now more than nine (9) years since PUCCINI CLOTHES, LTD. ["Puccini"] was involuntarily dissolved, wherein petitioner has substantial vested financial interests. Neither LEE FELTMAN, Esq. ["Feltman"] the receiver nor anyone else can legitimately justify Feltman's failure to file an accounting for his stewardship, particularly when an accounting is mandated by law to be filed "at least once a year" (22 NYCRR §202.52[e]).

b. A court-appointed receiver, such as Feltman, must file an accounting in every American jurisdiction, which requirement cannot be waived, excused, or enjoined. The public, as well as those having interests in such judicial trust assets, are entitled to know how the judiciary and its appointees handle such trust assets.

2a. Where a federal judicial order imposes criminal fines and penalties payable "to the [federal] court", these monies must go to the federal court or government and cannot be lawfully diverted to the private pockets of KREINDLER & RELKIN, P.C. ["K&R"] and its clients. K&R and its clients also engineered the larceny of Puccini's judicial trust assets.

b. Such diversion of assets is a federal crime of the first magnitude.

3a. The proceeds of non-summary criminal contempt convictions, direct and/or indirect, is the property of the "sovereign" (Goodman v. State, 31 N.Y.2d 381, 340 N.Y.S.2d 393, 292 NE2d 665), and such proceeds, exacted from Mr. Hyman Raffe, now exceeds, as reported by the media, the sum of "more than \$2.5 million dollars". Those proceeds were diverted from the "sovereign" to the private pockets of K&R and FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"] and their co-conspirators.

b. Such criminally-diverted monies are being used, in substantial part, to corrupt federal judicial proceedings in the Third Circuit, including those before U.S. District Judge Politan and those that were before U.S. Bankruptcy Judge DANIEL J. MOORE ["Moore"], with their actual knowledge and consent.

RELIEF DEMANDED:

1a. This petition seeks to prohibit Judge Politan from proceeding on the sham non-summary criminal contempt charge against petitioner because of: (1) the failure to afford him a "speedy" trial, in accordance with constitutional and/or statutory mandate; (2) "former jeopardy"; (3) "invidious prosecutorial selectivity"; (4) the freeze caused to petitioner's First Amendment rights; (5) the subject matter of the contempt charge which cannot be, as a matter of law, the basis of non-summary criminal contempt; (6) the failure of petitioner's prosecutors to respond to petitioner's demand for Brady v. Maryland (373 U.S. 83) material; and (7) the failure to provide disclosure of demanded material.

b. This petition also seeks to: (1) compel Judge Politan to remove his stays since May of 1988 in the actions of Sassower v. Abrams (88 Civ. 1012) and Sassower v. Feltman (88 Civ. 1562); and (2) provide petitioner with a jury trial in the aforementioned non-summary criminal contempt proceeding.

2. Petitioner further prays that Chief Judge Gerry be ordered to render expeditious orders on all petitioner's motions made returnable before His Honor, all of which were submitted without opposition, including those to dismiss the contempt proceeding against petitioner, and/or to order Judge Gerry and/or Judge Politan to direct pre-trial hearings on petitioner's claims of "invidious prosecutorial selectivity" and "former jeopardy".

SPEEDY TRIAL:

1a. Petitioner was arrested on May 18, 1989 and brought before Judge Politan on May 23, 1989, at which time petitioner requested an immediate trial.

b. Instead, there had been prepared beforehand, by agreement between the U.S. Attorney's Office and Judge Politan, a sham, unsupported motion, for an 18 U.S.C. 4241[a] Order.

c. There was neither affidavit, affirmation, nor evidence to support any "reasonable cause" claim of petitioner's mental incompetency.

d. The examination of petitioner, the morning following the signing of the Order, at Metropolitan Correctional Center, New York ("MCC/NY"), and the Report of the Federal Medical Center at Rochester Minnesota ["FMC"], confirms the total lack of substance to such sham and contrived Order.

e. Two (2) months after petitioner's arrest, on July 18, 1989, the Assistant U.S. Attorney conceded he had no evidence to controvert the clear, dramatic, and unqualified written report of FMC that there was no basis for the 18 U.S.C. 4241[a][b] Order.

f. Where, as here, there was no basis for such sham 18 U.S.C. 4241[a][b] Order, which was simply a criminal vehicle for Judge Politan and the Assistant U.S. Attorneys to incarcerate petitioner for two (2) months, the constitutional and statutory right to a "speedy trial" is not tolled, and so petitioner contends.

g. In Judge Politan's words to U.S. Magistrate NINA GERSHON, he "intended to teach Sassower a lesson".

2a. Furthermore, there is nothing to indicate by the revisions made in Title 18, that Congress meant to make unavailable for an 18 U.S.C. 4241[a][b] examination those matters which were heretofore considered "petty offenses", and now classified as Class B misdemeanors, Class C misdemeanors, and infractions.

b. To contend otherwise would mean that a judge could involuntarily incarcerate a defendant charged with a nonjailable infraction for a 18 U.S.C. 4241[a][b] examination.

3. At all times, from the time of petitioner's initial arrest, he requested and insisted upon an "immediate trial".

PETITIONER'S PENDING MOTIONS:

4a. There is pending before Judge Gerry sub judice since April of 1989 petitioner's unopposed motions to dismiss the contempt proceedings against him based upon: (1) "former jeopardy"; (2) "invidious prosecutorial selectivity"; (3) the failure to respond to petitioner's demand for Brady v. Maryland (supra) material; and (4) the failure to provide disclosure of demanded material.

b. All these motions were unopposed and reveal irresistible compelling merit.

c. Petitioner is entitled to a prompt adjudication of such motions, which he has failed to obtain.

d. In the event that the contempt proceedings are not dismissed because of the unopposed motions based upon (1) "former jeopardy"; and (2) "invidious prosecutorial selectivity", petitioner is entitled to a pre-trial hearing and determination on such issues.

EXTORTION BY INJUNCTION:

5a. The non-summary criminal contempt charge against petitioner contends that he moved to restrain the payment of extortion payments and the receipt of same in the forum of Judge Moore, in violation of an Order of Judge Politan enjoining the making of motions by petitioner.

b. Bloom v. Illinois (391 U.S. 194) makes clear that non-summary criminal contempt is not an available remedy to the judiciary when it chills First Amendment rights.

c. Judge Politan simply does not have the power to continue criminal extortion by an injunction. Every citizen, including petitioner, has the societal obligation to expose and take legitimate actions to prevent criminal conduct.

DISSOLUTION OF THE POLITAN STAY:

6a. In the actions commenced by petitioner in the early part of 1988 (Sassower v. Abrams [88 Civ. 1012] and Sassower v. Feltman [88 Civ. 1562]), the fraud of the Feltman-Kreindler criminal conspirators, clearly appears and the relief requested is compelling, legally and otherwise.

b. Since such time these actions have been subject to stays imposed sua sponte by Judge Politan.

c. The constitutional right to access to the court is meaningless if a judge, for no legitimate reason, can place an indefinite stay on an action.

d. After more than one (1) year such stay should be mandated to be vacated.

JURY TRIAL:

7a. On July 18, 1989, Judge Politan made the following eminently clear: (1) the matter was non-jury; (2) his intention to find petitioner guilty; (3) impose upon petitioner a six (6) month sentence; and (4) his intention not to credit petitioner for his two (2) month, pre-trial incarceration.

b. Such intended eight (8) month total incarceration mandates a jury trial, and same should be mandated.

CONCLUSION:

8. Petitioner will not succumb to this "reign of judicial terror" and remain silent about (1) the failure of Feltman to account, (2) the diversion of monies from the government to private pockets, or (3) the criminal extortion being practiced in the courts by these "indulgence merchants".

WHEREFORE, it is respectfully prayed that this proceeding be granted in all respects, with costs.

Dated: August 12, 1989

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GEORGE SASSOWER

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

Petitioner has read the foregoing petition, knows the contents thereof, and the same is true to petitioner's own knowledge, except to matters stated thereon to be on information and belief, and as to those matters he believes same to be true.

Dated: August 12, 1989

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GEORGE SASSOWER