

**GEORGE SASSOWER**

ATTORNEY AT LAW  
51 DAVIS AVENUE  
WHITE PLAINS, N. Y. 10605

914-949-2169

October 25, 1986  
(St. Crispin's Day)

Hon. Burton S. Joseph  
c/o Acting Justice of the Supreme Court  
Family Court : Nassau County  
1200 Old Country Road,  
Westbury, New York, 11590

Re: People ex rel Sassower v. Sheriff  
Estate of E.P. Kelly  
Hearing: Nov. 6, 1986

Honorable Sir:

1. Particularly, in view of my extraordinary efforts to have the inane issue as to where I was on March 7, 1978, as ordered by the Appellate Division, and desired by my adversaries, determined summarily, Robert M. Calica, Esq., apparently communicated with, sent documentation to, Newsday, and had the unmitigated gall to finger me, as a frivolous litigant.

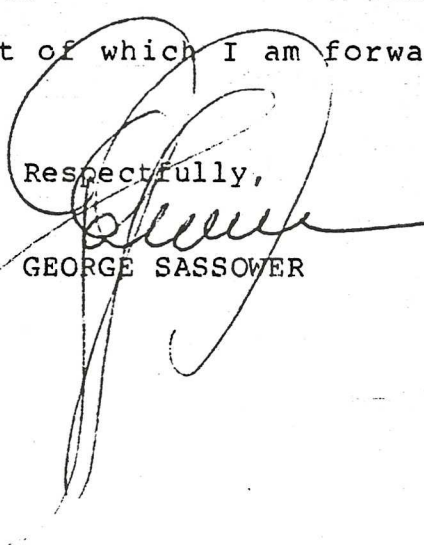
2. I, and most private attorneys I know, can't afford to be frivolous litigants, and my conduct and performance before Your Honor, as well as the result, speaks for itself!

3. As a result thereof, I am responding to the media in an "Arnold Schwarzenegger ["The Commando"] fashion"!

Everyone should duck!

4. The annexed is part of which I am forwarding to Newsday.

Respectfully,

  
GEORGE SASSOWER

cc: Richard C. Cahn, Esq.  
Robert M. Calica, Esq.  
Doris L. Sassower, Esq.  
Newsday:  
Att: Ms. Jane Fritch

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Hearing: NCV. 6, 1986

"I have made that absolutely clear to you. That there was no case, no authority, no anything to justify what occurred twice over in Surrogate's Court" (Former Assistant County Attorney, Erick F. Larsen, Esq., Examination Before Trial, Sept. 18, 1984, p. 64, in the presence of Robert M. Calica, Esq.).

Honorable Sir:

1. Today is St. Crispin's Day (Shakespear's Henry V, Act. IV, Sc. III, l. 67), and in the spirit of the day, I am in a combative mood, although certainly not against Your Honor!

2. An event, which became known to me after October 20, 1986, the date of my last communication with Your Honor, which was a letter request to have some subpoenas countersigned for the above hearing, has compelled me to re-think and revise my intended charted course, in a very dramatic fashion.

3a. As Your Honor is aware from the testimony, affirmations, and briefs before Your honor, I have strong views on Amendment V of the Constitution of the United States, which are supported by crystal clear statements by the U.S. Supreme Court, Code of Professional Ethics, and about every treatise on the subject.

b. Indeed, eons ago, on the record, I told Surrogate Ernest L. Signorelli that the "5th Amendment represents an attempt by man, in his long hard journey from the cave, to make himself civilized".

c. I have also stated that there are many fine things that I could say about Honorable Alphonse J. Melia and the Grievance Committee Attorneys in Westchester, but if compelled to make a single choice, I would select that they never asked me, "why, if I was so clearly innocent did I invoke the 5th Amendment.?" They knew what the 5th was all about, and respected my intent to preserve its force and effect.

Obviously, the 5th Amendment can have little practical significance, unless the innocent, as well as the guilty, invoke its protection. It is only by the innocent invoking the 5th, as a societal obligation, can the public understand that they should not presume guilt when a person chooses to remain silent!

d. If civilized men, in uncivilized wars, can, as they do, bind themselves to agree that a prisoner need only give his "name, rank, and serial number", and may not be compelled to say more, I have little patience for those who compel a defendant or potential defendant, by whatever means, to say more!

4a. As Your Honor is well aware, I have repeatedly stated that criminal prosecutions can and should only be undertaken by the District Attorneys, who understand and generally obey their obligations not to make public statements about pending proceedings, which indeed should be the obligation of the private attorney when he becomes a "self styled public prosecutor" (Polo Fashions v. Stock Buyers, 760 F.2d 696 [6th Cir.], amicus invited, U.S. , 106 S.Ct. 565, 88 L.Ed2d 550).

b. In any event, subsequent to the 20th inst., I learned that Robert M. Calica, Esq., the private attorney for the Suffolk County Sheriff, had recently spoken to the press, concerning an article that is to be published, which refers to the above matter, and consequently, I am reluctantly constrained, but nevertheless do, hereby waived any and all 5th Amendment rights and privileges.

c. I will now speak, speak loudly and publicly, restrained only by the limits of truthfulness.

My family, has unjustifiably suffered sufficiently, by my adamant and incorrigible insistence, that during judicial proceedings, the media should not be made, by intentional conduct, a simultaneous, and competing, forum by attorneys and litigants!

5a. So that Your Honor, the press, and others may be guided accordingly, I will set forth the background skeleton facts, on which about everyone concedes is the truth, albeit the great attempts that were, and are, made to conceal them from the public arena.



b. The State of New York, the County of Suffolk, and the Judiciary, has expended hundreds of thousands of dollars (in addition to my personal costs and those imposed upon the Kelly estate), in Surrogate Signorelli's sham, Captain Ahab, pursuit of "phantom" books and records, which were always in his possession or control!

This was the implicit finding in the Report of Judge Melia, as well as Your Honor's!

c. Captain Quegg, in the Caine Mutiny, had an extensive search made for a "phantom key", to support his theory, during a war, no less, that a quart of strawberries had been consumed, without his authority.

d. Surrogate Ernest L. Signorelli, incarcerated me twice; incarcerated my former wife, Doris L. Sassower, Esq., and greatly led to the destruction of our marriage; incarcerated our middle child, who came down from Harvard for a visit; caused the Sheriff's Office of Suffolk County to make numerous forays into Westchester County and New York City, practically destroying our youngest child by falsely telling neighbors that they were looking for me, "a fugitive from justice", when I was always ready to surrender; had me charged with assaulting a deputy sheriff, while handcuffed, causing his hospital treatment and extended sick leave [which charges were dismissed]; caused the District Attorneys of Westchester and Suffolk County to investigate and prosecute me [which were rejected as "fishing expeditions"]; caused the commencement of extensive Disciplinary Proceedings against me and my wife [wherein we were both resoundingly vindicated], all in a fictitious attempt to obtain "phantom" books and records, which the Signorelli entourage had, to repeat, in their possession all the time.

Who knows about the aforementioned barbaric facts, since obviously no judge would ever set them forth in any decision or opinion, and certainly Mr. Calica did not divulge them, I am sure, to Newsday!

e. All of the above, happened before the first contempt proceeding, and after I had turned over all the books and records of the Kelly estate that I had, and concededly at all times, the Signorelli court had all the necessary papers to properly process the Kelly estate.

The fictitious and phantom "books and records", which I supposedly was holding, was simply fabricated to camouflage the real events at Surrogate Court.

f. My removal, as executor, in March of 1977, as having occurred, a year before, in March of 1976, was clearly shown to have been sham and contrived, by at least 20 documents of the Surrogate's Court, in addition to the sworn confession and admissions of Surrogate Signorelli himself!

g. Surrogate Signorelli, in order to have his former campaign manager, Vincent G. Berger, Jr., Esq., participate in the Kelly estate, not only found some specious excuse to remove me, ex post facto, but in addition thereto, ignored the designation of Doris L. Sassower, Esq., as the alternate executrix.

h. All of the aforementioned, and more, became eminently clear in about 25 days of hearings before Judge Melia, wherein Surrogate Signorelli, Mr. Berger, Public Administrator Anthony Mastroianni, and Chief Clerk of Surrogate's Court all testified.

i. All the information placed in the public arena by Surrogate Signorelli, and his appointees, was totally false, contrived, and misleading!

j. Your Honor's recent opinion of August 1, 1986, does not negate such conclusion. Indeed, it independently confirms same.

6a. Now, almost ten (10) years later, at great governmental expense (in addition to my own), this charade and hoax is being continued by the Appellate Division, Second Department, and the Suffolk County entourage, with Your Honor, like myself, apparently being directed to play the part of simple soldiers in Tennyson's Charge of the Light Brigade, duty bound to follow mistaken, if not, inane directions!

b. Thus, since my adversary has communicated with the press, I will give them the full story of judicial corruption, misconduct, waste, and concealment; and will solicit their attendance at future hearings so that they may hear and see the truth with their own eyes and ears, rather than opinions based on paper submissions!

How would a reporter from Newsday find out if I was on trial on a particular day in Bronx County? She would telephone the court, write the court, or look at the records?

How does the Appellate Division, confirm that same fact, when everyone knows and agrees that I was on trial in Bronx County? By frivolously order hearings before Your Honor, requiring the presence of multiple parties, attorneys, and witnesses!

c. Initially, as the proceedings before Your Honor have demonstrated, and contrary to the impression which Mr. Calica apparently conveyed, the private attorney and litigant simply cannot afford to engage in frivolous litigation.

To the private attorney, law is as much a business, as it is a profession.



d. It is the government, the insurance companies, the large corporations, the large law firms, who can afford to engage in needless litigation. Indeed, as will be demonstrated at bar, while the governmental authorities have probably spent five times as much as I have, it goes unnoticed as to them, but has nevertheless, driven me to the point of bankruptcy!

7a. There are no books, records, or documents that I had, which were not turned over as "directed" before the first contempt proceeding was commenced; and my March 1977 removal, as of 1976, was clearly contrived.

b. These, and much more, were the finding of Hon. Aloysious J. Melia, in an almost one hundred (100) page report, after hearing the sworn testimony, confessions, and admissions of Surrogate Signorelli, and about everyone else associated with him, including examination of hundreds of documents!

Few know of the Melia Report, which Your Honor described as having:

"painstakingly considered the various allegations of impropriety, misconduct, and dereliction of duties that Mr. Sassower had been accused of, and said report clearly vindicated Mr. Sassower, it also set forth that the attorney for the inter vivos creditors [Charles Z. Abuza, Esq.], had misled prior courts .."

But everyone knows of the completely false stories that Columnist Signorelli gave to the Daily News, and about his completely false sua sponte diatribe, which he caused to be published in the New York Law Journal, as a "decision" [which decided nothing] and "order" [which ordered nothing], which is repeatedly republished and copied.

c. Indeed, at the hearings before Your Honor, it was disclosed that Mastroianni had, since 1977, the records of the accountant for Mr. Kelly, a fact that was consciously concealed from Judge Melia and the Grievance Committee by Surrogate Signorelli, Mr. Berger and Mr. Mastroianni.

Had the Grievance Committee or Judge Melia known that Signorelli, Berger, and Mastroianni, had, at all times, the accountant's records, the Melia report would have certainly reverberated with an additional twenty-five (25) pages of sheer outrage!

d. Thus, before the hearings before Judge Melia, the Signorelli entourage, made it seem that they needed, not only the books and records that I purportedly had, but also the records of Kelly's accountant, that I did not, and never did, have!

e. In short, as a result of the hearings before Your Honor, it is now known that the only thing that the Signorelli entourage did not have was the "deed" to the house [which I did not have either], and on which Your Honor correctly stated (p. 4):

"the title company, or County Clerk's Office could have supplied a description of the property or a photostat of the deed itself."

f. Obviously, the failure to close title to a vacant house, at the cost and expense to the estate, according to the accounting of the Public Administrator, for seventeen (17) months, cannot be attributable to the fact that the original of a recorded deed was not to be found!

8a. The present hearings scheduled to be continued before Your Honor, for the purpose of determining where I was on March 7, 1978, when everyone knows, including the members of the Appellate Division, Surrogate Signorelli, Judge Harry Seidell, Mr. Berger, Mr. Mastroianni, Assistant Suffolk County Attorney, Erick P. Larsen, Esq., Mr. Calica, and Mr. Cahn, that I was on trial before Hon. Joseph DiFede, in Supreme Court, Bronx County, is a sheer waste of time and monies, by everyone, including governmental and judicial, through no fault of Your Honor, who apparently believes himself bound by an Order of the Appellate Division.

b. Since the Attorney for the Suffolk County Attorney has accommodated the press, I shall reveal to the press that the panel members of the Appellate Division, directed such hearing, although they actually knew, I was actually engaged on trial in Supreme Court, Bronx County, and that they felt constrained to conceal official misconduct in Suffolk County, resulting therefrom, including the "Saturday nite massacre", by this senseless, frivolous inquiry, as to my whereabouts on March 7, 1978.

c. The Clerk's minutes book reveals where I was! In addition to making a telephone call and mailing an affidavit of actual engagement, what more could or should I have done?

d. There was never any intention by anyone in Suffolk County to hold any hearings as to the reason I did not turn over books and records, when in fact, as had been confessed, they were turned over almost one year previously!

e. The Appellate Division, and everyone else, simply had to conceal, inter alia, the events of the "saturday nite massacre", that much is also clear.



f. I think, in addition to what Mr. Calica has told the press, through contrived factually founded opinions, the press should be told about my being incarcerated that day and most of the nite; the incarceration of Ms. Sassower, without food, water, or toilet facilities, resulting from her serving a writ of habeas corpus, which ordered my release; the incarceration of my middle daughter, under the same barbaric conditions, because she accompanied Ms. Sassower; the hospitalization of Deputy Sheriff Grzymalski, as a result of a street brawl when I attempted to attract the attention of the police; the licking of my own wounds in the cell block; the communication, on information and belief, by Presiding Justice Milton Mollen to Hon. Anthony J. Ferraro, attempting to have His Honor modify the Writ, and everything else that happened that day.

g. I think the press should be shown what happened to the Kelly estate, despite the valid attempts by Your Honor at preservation, when "judicial plunderers" take hold, and especially what happens to attorneys or trustees who make some attempt honor their obligations.

h. I shall also demonstrate that Surrogate Signorelli, Hon. Harry E. Seidell, and Mr. Berger, actually knew before the Contempt Order and Warrant were signed, that I was actually engaged, and actually knew that they had no legal authority to enter that Order and issue such warrant.

i. This Order was entered so that, once again, the Sheriff could be given a Warrant, have me incarcerated again, and compel me to keep silent about the happenings at Surrogate's Court.

9. The following facts, are undisputed, and documented:

a. In October 1976, having found a purchaser for the Kelly house, I asked Surrogate Signorelli for instructions, regarding its sale, so that no dispute would thereafter arise.

b. On the record, Surrogate Signorelli, directed me to enter into such contract, which I did.

c. At the eve of closing, without any warning or notice, Surrogate Signorelli, in a remarkably irrational performance, stated that I had been removed in March 1976, held the contract to have been entered without authority, and cancelled same.

Instructively, no one has ever justified Surrogate Signorelli's conduct in cancelling same.



d. When Surrogate Signorelli, learned that I had in my possession a Certified copy of Letters Testamentary, issued on March 14, 1977 (Exhibit "A"), or one year after the claimed removal, the Surrogate ordered that I surrender same, apparently without realizing the possibility that I had photostatic copies of same, which I did.

e. Surrogate Signorelli, was "hoisted by his own petard", after cancelling the contract of sale, since he could find no one who was willing to purchase same at a greater price. Finally, after seventeen (17) months, this vacant house was sold to the same person for the same price!

f. As expressly found by Judge Melia, and impliedly by Your Honor, it was the Kelly estate, who was called upon to pay the cost of this Signorelli demented blunder, as well as the expenses for the attempts made to have me conceal this and other facts.

g. After I had turned over all the Kelly books and records, (1) without any accusation, (2) without notice of any hearing, I was (3) tried, (4) convicted, and (5) sentenced to be incarcerated, for non-summary criminal contempt, for 30 days.

h. Again, without notice or knowledge of what had happened the prior day, during the early hours, Deputy Sheriffs of Suffolk County went to Westchester County, had me arrested, held me incommunicado, refused all requests that I be permitted to present my hastily prepared Writ of Habeas Corpus.

i. At Surrogate's Court, I again, was kept incommunicado, took advantage of my 5th Amendment rights, insisting that I be given a trial or allowed an opportunity to present my Writ to a Supreme Court jurist.

As Surrogate Signorelli admitted before Judge Melia, he did not recognize my 5th Amendment rights, and instead incarcerated me.

j. Released under a Writ of Habeas Corpus, Columnist Signorelli gave a solicited private interview to a Daily News reporter in his Chambers, where I was accused of misappropriating the Estate monies, selling a house without authority, and many other admittedly false accusations.

k. It should have taken no American jurist more than 4 seconds to conclude that the aforementioned conviction was totally invalid, at the hearing of such writ of habeas corpus, and it took the jurist therein no more than 2 seconds to so conclude.

l. Although the jurist was very courteous and performed with great dignity, with members of the paid staff of Surrogate's Court always in attendance, this habeas corpus proceeding went on for about four days, when the federal court, essentially put a welcomed "gun to His Honor's head", the hearings terminated, and the writ sustained.

m. A second contempt conviction, based on the same allegations, also went down the drain.

l. A third was commenced, again with the same false, perjurious, and contrived allegations about [phantom] "books and records". All these contrived proceedings, by Mr. Berger and Mr. Mastroianni, were at the cost and expense of the Kelly Estate

10a. In the meantime, Surrogate Signorelli, wanted the Attorney General's Office to appeal the determination sustaining my first Writ of Habeas Corpus, declaring the conviction null and void.

b. Everyone conceded that such conviction was an a complete nullity, and the Attorney General's Office absolutely refused.

c. Surrogate Signorelli, placed pressure on such Office and at public expense they appealed.

d. Would or could a private attorney, prosecute such a meritless appeal? Would Signorelli ever think of prosecuting such appeal if he had to pay same out of his private funds?

e. Obviously, the Appellate Division concluded the conviction to be totally invalid (Sassower v. Signorelli, 65 A.D.2d 756, 409 N.Y.S.2d 762 [2d Dept.]). Nevertheless, although, as everyone knows, on a writ of habeas corpus the merits are irrelevant, whether the person is a "saint" or "sinner" makes no difference, only the legality of incarceration is at issue, the Appellate Division took-of like some wild torpedo.

e. The Appellate Division stated, as fact, inter alia, that I did not turn over the "books and records", and made other factually false and untrue statements, all of which are to be found nowhere in the record on appeal.

f. Unquestionably, comparing such decision and the Signorelli sua sponte diatribe, such "unadulterated irrelevant garbage" revealed that the diatribe had been hospitably, but unlawfully, received!

11a. Thus, Judge Melia, was placed in the uncomfortable position of finding, as he was compelled to find, in view of the admissions and confessions, that the aforementioned opinion of the Appellate Division, was just "contrived nonsense", and His Honor so found, without explicitly so stating.



b. Thus, Your Honor, was placed in a similar situation of finding in view of the evidence, that the aforementioned opinion of the Appellate Division, also contained "contrived nonsense", and Your Honor so found, without explicitly so stating.

c. Again, the opinion of the Appellate Division, has been extensively published, can easily be found, while no one knows of Judge Melia's extensive report or Your Honor's opinion.

12a. Again, there is no question, that the circumstances surrounding the in absentia conviction on March 7, 1977, makes such conviction invalid!

b. A private attorney or private party would merely confirm that such engagement in the Bronx took place, no more!

c. But the judiciary, and the Suffolk entourage, can afford, what I, as a private attorney, cannot, to wit., wasting a great deal of time on such frivolous nonsense.

d. Consequently, I intend to show, the media that it is government, including the judiciary, not I, which is involved in frivolous litigation, in an attempt to conceal judicial misconduct!

13. If anything should be investigated, it should be the fact that the Surrogate's Court file was pruned, so that at the Disciplinary Hearings about 25 exculpatory documents were missing. At the trial before Your Honor, the Index Cards reveals that now about 90% has been pruned out, destroyed and concealed!

14. Again, bringing the media in, was not on my initiative, but once in, they should have the full truth, nothing less.

15a. With due respect to reporters, they do a great deal of reporting, but little thinking.

b. The readers, do almost no thinking!

c. Anyone who thinks about the subject, must recognize, that no individual practitioner or private person can afford becoming engaged in frivolous litigation, and certainly I cannot, but the costs generally imposed is on the little guy!

d. With respect to government attorneys, and big firms, who have all the resources to completely inudate the small guy with paper work, and sometimes do, they never have costs imposed upon them!

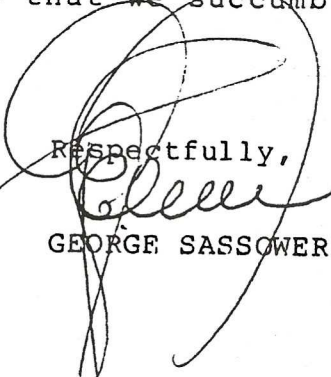
Oct. 25, 1986

e. How can I, who on every trial and hearing have been found completely innocent of any misconduct, although I made certain errors, by hindsight standards, compete with the numerous attorneys in the Attorney General's Office, the Suffolk County Attorney's Office, and the Signorelli court!

f. After 10 years, without a cent of remuneration, every motion and action must count! I cannot, as Mr. Calica tries to argue, involve myself in frivolous litigation.

16. This default, and there is no such thing as a default in criminal proceedings, was intentionally brought about to harass me and my family, so that we succumb to a "code of silence"!

Respectfully,



GEORGE SASSOWER

cc: Richard C. Cahn, Esq.  
Robert M. Calica, Esq.  
Doris L. Sassower, Esq.  
Newsday:  
Att: Ms. Jane Fritch



# Surrigut's Court — Suffolk County

The People of the State of New York

To All to Whom These Presents Shall come, or may Concern, Greetings:

IT IS HEREBY CERTIFIED that on the 9th day of September, 19 74

Letters Testamentary of the Last Will of

EUGENE PAUL KELLY

, deceased,

late of

, Suffolk County, New York,

were duly issued by the Surrogate's Court of Suffolk County to

GEORGE SASSOMER

the Execut or

in said will named and that the same are still valid and in full force.

IN TESTIMONY WHEREOF this certificate is issued under the seal of the court.

WITNESS, HON. ERNEST L. SIGNORELLI, Surrogate, at Riverhead, in Suffolk County.

New York this 14th day of March, 19 77.

(SEAL)

MERWIN S. WOODARD  
Chief Clerk Surrogate's Court  
Suffolk County, New York