

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

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

Petitioner, : REPORT AFTER HEARING

-against- : Index # 77-11984

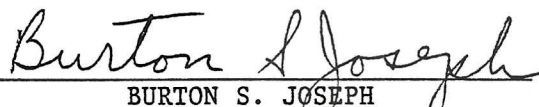
SHERIFF OF SUFFOLK COUNTY, :  
Respondent. :  
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This Court having conducted an evidentiary hearing on September 25, 1986, in accordance with the referral by the Appellate Division, Second Department, to Special Term to hear and report on the issue as to whether George Sassower, Esq.'s. failure to appear on the date set for the contempt hearing constituted a voluntary waiver of his right to be present and proffer evidence in his defense. This Court heard Doris Sassower, Esq., testify that on the date in question, March 7, 1978, George Sassower, Esq., who was counsel to her at said time, was trying a case in Bronx County Supreme Court, before Justice DiFede which was a matrimonial case of Green v. Green. She testified that this case had been on trial the day before and was ordered continued on March 7, 1978. She testified that this trial required the entire day of March 7, 1978 to complete. She further testified that George Sassower, Esq. was supposed to have tried another case in Kings County but because the case in Bronx County before Justice DiFede, had not been completed, Mr. Sassower had been ordered to appear in the Bronx Supreme Court on that date and complete said trial. She testified that Mr. Sassower furnished an Affidavit to the Suffolk Surrogate's Court advising them of Mr. Sassower's other prior engagement; and she further testified that she called said Court to see if they

had received the Affidavit.

The hearing was adjourned until November 6, 1986. George Sassower Esq., failed to appear. Robert Calica, Esq., who did appear for the Sheriff advised this Court that at about 4:30 P.M. on November 5, 1986, he received a telephone call from Mr. Sassower, and Mr. Sassower requested that Mr. Calica inform this Court that Mr. Sassower would not appear in Court today and wanted to rest his case. Also, that Mr. Sassower was sending a letter to this Court to that effect. Mr. Calica said he advised Mr. Sassower that he would not oppose an adjournment, but that Mr. Sassower had told him that he wished the Court to proceed in his absence. Both Mr. Calica and Richard Cahn, attorney for the Public Administrator, informed this Court that they had no witnesses and did not intend to place any witnesses other than Mr. Sassower on the stand to testify. They also stated that they had no other evidence that they wished to introduce. Both Mr. Calica and Mr. Cahn requested an adjournment so that Mr. Sassower could be subpoenaed into this Court and so they could examine him. This Court having previously advised all of the attorneys that no adjournments would be granted refused to grant an adjournment herein.

In accordance with the evidence adduced, this Court finds that George Sassower, Esq., was engaged on trial in the Bronx County Supreme Court on the day that he failed to appear for the contempt hearing in question. This Court further finds that the Appellant, George Sassower, Esq.'s. failure to appear on March 7, 1978, the date set for the contempt hearing did not constitute a voluntary waiver of his right to be present and offer evidence in his defense.

  
BURTON S. JOSEPH  
Acting Supreme Court Justice

Dated: November 6, 1986

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