

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: SECOND JUDICIAL DEPT.

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In the Matter of the Application
of

GEORGE SASSOWER,

Petitioner,

-against-

HON. ERNEST L. SIGNORELLI,

Respondent.

For an Order Enjoining Respondent from
Issuing or Enforcing any Body Attachment
or Arrest against petitioner.

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TO THE HONORABLE JUSTICES OF THE SUPREME COURT
OF THE STATE OF NEW YORK: APPELLATE DIVISION OF
THE SECOND JUDICIAL DEPARTMENT.

The petition of GEORGE SASSOWER, Esq.,
respectfully shows and alleges:

1. That your petitioner is admitted to practice law in the courts of the State of New York.
2. That the Respondent is the Surrogate for the County of Suffolk.
3. That in the afternoon of June 2, 1977, as your petitioner was about to select a jury for a trial in Supreme Court: Queens County, he learned from the Clerk of Trial Term Part I of that Court that he had received an inquiry from the Sheriff of the County of Suffolk as to the whereabouts of your petitioner since he had a Body Attachment against your petitioner.
4. That your petitioner has not seen such Body

Attachment or Order of Arrest or papers upon which same may be based, but verily believes that same was issued directly or indirectly from the respondent.

5. That with such Body Attachment or Arrest Order outstanding your petitioner cannot perform his judicial duties for fear of its execution.

6. That the Respondent has issued several sua sponte directives, without any hearing or trial which your Petitioner believes to be unlawful and unwarranted.

7. That as to such directives that your petitioner believes are unlawful and unwarranted, particularly since they have been issued without trial or hearing, your petitioner has served and filed notices of appeal to this Court.

8. That it is the position of your petitioner, that a Body Attachment or Order of Arrest may not be issued without notice or hearing where the underlying directive was made without notice or hearing (except possibly in exceptional circumstances not present in the case at bar).

9. That your petitioner is willing to post with the Clerk of this Court such reasonable sums to insure attendance by your petitioner at any hearing that may be ordered by this Court, as bail, in lieu of such Body Attachment or Order of Arrest or for the purpose of staying such Body Attachment or Order of Arrest.

10. That your petitioner verily believes that

the procedures employed by the Respondent which subjects the petitioner to restraint of his liberty and arrest without ever affording him a prior trial or hearing is patently unconstitutional where there has been no attempt by your petitioner to escape the jurisdiction, secrete himself, or made otherwise immediately necessary.

11. That because your petitioner is on trial in the aforementioned court (having completed choosing a jury after four p.m.) and since he has not seen such Body Attachment or Order of Arrest, your petitioner expects to submit prior to the return of this motion (with sufficient time given to respondent to respond) additional papers in support of this application. Suffice it for petitioner to state that the actions of the Respondent reveals that he has become a litigant in the matter before him and has had Court personel prepare papers, serve papers which would ordinarily be performed by the attorneys for the parties.

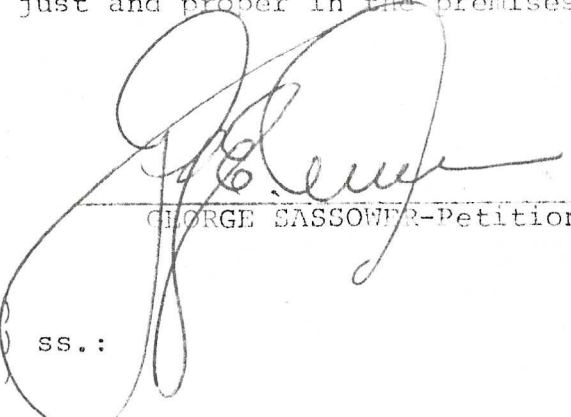
12. That besides being unconstitutional, your petitioner believes that there is an overriding interest in having attorneys being permitted to perform their judicial functions without interruption (particularly trials) without being concerned about incarceration and the needless restraint of their liberty.

13. That no previous application for this or any similar relief has been made to any Court or Judge, except that there is pending in this Court an application to stay

the enforcement of one of the directives of the Respondent, which directive was sua sponte made, without notice, trial or hearing, and which motion is pending in this Court.

WHEREFORE, your petitioner prays that an Order be entered enjoining respondent from issuing or enforcing any Body Attachment or Arrest against your petitioner, to together with any other, further, and/or different relief as to this Court may seem just and proper in the premises.

Dated: Brooklyn, New York
June 3, 1977.



GEORGE SASSOWER-Petitioner.

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF KINGS

ss.:

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

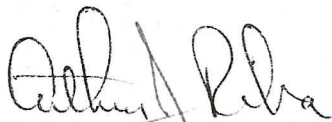
That he is the petitioner in the within matter. That he has read the foregoing petition and knows the contents thereof.

That the same is true to his own knowledge except as to matters stated herein to be on information and belief, and as to those matters he believes them to be true.



GEORGE SASSOWER

Sworn to before me this
3rd day of June, 1977.



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expires 3/30/78