

STATE OF NEW YORK
SURROGATE'S COURT : SUFFOLK COUNTY

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In the matter of the account of :
proceedings of :

GEORGE SASSOWER, :

as Preliminary Executor in the :
Estate of :

EUGENE PAUL KELLY, :

Deceased.:

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Riverhead, N. Y.,
June 23rd, 1977.

B E F O R E :

HON. ERNEST L. SIGNORELLI,
Surrogate.

APPEARANCES:

VINCENT G. BERGER, ESQ.,
Attorney for Public Administrator,
6351 Jericho Turnpike,
Commack, N. Y. 11725.

GEORGE SASSOWER, ESQ., pro se,
Preliminary Executor,
75 Wykagyl Station,
New Rochelle, N. Y.

Representatives of the Sheriff's
Office:

SERGEANT ALLEN KROOS and
DEPUTY SHERIFF ANTHONY WISMOSKI.

VIRGINIA D. MATHIAS
Surrogate's Court Reporter

THE CLERK: In the matter of the accounting in the estate of Eugene Paul Kelly.

THE COURT: Could we have the appearances of everybody, please?

MR. BERGER: Vincent G. Berger, 6351 Jericho Turnpike, Commack, New York, attorney for the Public Administrator.

THE COURT: And may we have the names of the representatives here from the Sheriff's office?

SERGEANT ALLEN KROOS: I am Sergeant Allen Kroos, Sheriff's office, 1 Center Drive, Riverhead.

DEPUTY SHERIFF WISMOSKI: I am Deputy Sheriff Anthony Wismoski.

MR. SASSOWER: George Sassower.

THE COURT: Sergeant, I assume that pursuant to the contempt order which I signed yesterday and the warrant of commitment, you brought Mr. Sassower into court?

SERGEANT KROOS: That's correct, Your Honor.

THE COURT: Mr. Sassower, would you like to be heard?

MR. SASSOWER: Initially, may I state that we arrived at this courthouse at 10:34 this morning. Prior to our arrival and prior to nine o'clock in the morning, I requested the representatives of the Sheriff's office to communicate with their superiors and the court, and to request that before we arrived at this court room, that I be given an opportunity to present a writ of habeas corpus to a Justice of the Supreme Court. They were in radio contact with this court before our arrival. From 10:34 until now - -

THE COURT: Excuse me, Mr. Sassower. Let me correct you. We have no radio contact with the Sheriff's office. They could not be in contact with this office.

MR. SASSOWER: Your Honor, I would like to make a statement without interruption.

THE COURT: When you are incorrect, I am going to correct you. You are in my court room, and when you are incorrect I am going to correct you. Now, proceed.

MR. SASSOWER: In any event, since arrival in this court room almost an hour and a half ago, I have made at least three requests to proceed to another part of this building, so that I might present to a justice of the Supreme Court, an application in support of a writ of habeas corpus. I was advised by the representatives of the Sheriff's office that they communicated that request to Your Honor. I still have the writ of habeas corpus here, still waiting to be presented to a justice of the Supreme Court.

As far as I am concerned, directly or indirectly, I have been obstructed in presenting such application to a proper justice of this court. I might also state that in the car, and prior to coming into the court, I asked the Sheriffs

if they would make the request that we stop off at the Appellate Division or the Supreme Court, Queens or Nassau, so that I could present the writ at the earliest possible moment.

MR. BERGER: Your Honor, I object to this statement that Mr. Sassower is making, and I wish that the court would direct Mr. Sassower to direct his attention to what we are here for this morning. He has legal remedies, if he wants to have legal remedies, and he should be thinking about complying with the order of this court. The Sheriff's office does not operate a taxi service, and I resent Mr. Sassower making this statement to the court.

THE COURT: I will hear him; proceed, Mr. Sassower.

MR. SASSOWER: I request Your Honor at this moment that a recess be called for a few moments, since it is necessary for me to go to see a justice

of the Supreme Court to have a writ of habeas corpus signed.

MR. BERGER: I object to that, and ask that the court direct Mr. Sassower to proceed with the business at hand. This is immaterial and irrelevant to this proceeding.

THE COURT: Sergeant, may I ask you please, when did you apprehend Mr. Sassower?

SERGEANT KROOS: At approximately 8:00 A.M., this morning at his residence.

THE COURT: Kindly give me an account of what transpired at the time you apprehended him.

SERGEANT KROOS: Approximately 8:00 A.M. we entered into the private residence of Mr. Sassower, 30 Mildred Boulevard, New Rochelle. We informed him and presented to Mr. Sassower, the warrant of commitment to commit him, for his reading. He subsequently was given the opportunity to read both originals, and

he was then given copies of both for his use.

Then he was given the opportunity to make phone calls, of which Mr. Sassower made two phone calls. He was given the opportunity to gather his personal belongings and legal briefs which consisted of two brief cases.

At that time, Mr. Sassower entered our vehicle. He was given the opportunity to stop at the Chemical Bank in New Rochelle to withdraw some money and was also given an opportunity to stop at another bank in New Rochelle and also given the opportunity to stop at the Post Office in New Rochelle to pick up his mail. Subsequently, he was transported here to this court, Your Honor.

THE COURT: Thank you very much, Sergeant.

Now, Mr. Sassower, obviously, if you wish to make any additional phone call, of course you may. Sergeant, please

afford him that opportunity.

What I want to know from you, Mr. Sassower, is: Are you going to comply with my order?

MR. SASSOWER: Sir, I will comply. Right now I am a defendant who has been convicted by order of this court, and I reluctantly must take my legal rights and assert my legal privileges.

In any event, Your Honor, I have no doubt in my mind that Your Honor has disqualified himself.

MR. BERGER: Again, I ask that this statement be terminated.. He is making an immaterial and irrelevant statement.

THE COURT: Mr. Sassower, you told me the last time that you were here that you would comply with my order, and I accordingly gave you that opportunity and I told you if you didn't comply with my order, I would punish you in contempt.

I am asking you again, is it your intention to comply with my order?

MR. SASSOWER: My intention is to comply with the law as I see it. I am here as a defendant, Your Honor. All I want is a trial right now, or a writ of habeas corpus signed by a judge so that I can pursue my legal remedies just like anyone else.

THE COURT: You will be given an opportunity to make a telephone call if you wish to. Do you want to make a telephone call?

MR. SASSOWER: May I say this?

MR. BERGER: Is this to be a long statement? If he wants to make a telephone call, I have no objection.

THE COURT: If you want to make a telephone call, I have asked the Sheriff to give you that opportunity; but just let me say this to you - of course, we have discussed this ad infinitum - but what I want to know from you is if you are going to comply with my order directing you to turn over to the Public

Administrator all the books, records and property belonging to this estate. I told you that I want my order complied with unconditionally. I tell you this right now: As soon as you comply with the order, you hold the key to your freedom. You would then come to me, and I would be very happy to entertain an application to vacate that order. On the other hand, you hold that key and it is entirely up to you.

Are you going to comply with the order?

MR. SASSOWER: Your Honor, may I - -

THE COURT: Are you going to comply with my order?

MR. SASSOWER: I would like to make a phone call, and be given the liberty in the company of the Sheriff, or anybody else you agree to, as I am desirous of pursuing an application for a writ of habeas corpus.

THE COURT: All you are to do, as

far as I am concerned, you are to comply with my order. You can make a phone call if you wish.

MR. SASSOWER: Could I go before a justice of the Supreme Court?

THE COURT: You are not to be transferred anywhere but to the county jail, my friend.

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I, VIRGINIA D. MATHIAS, Official Surrogate's Court Reporter, do hereby certify the foregoing eleven pages to be a true and accurate transcript of the colloquy conducted before Hon. Ernest L. Signorelli, at the Surrogate's Court, Riverhead, New York, on the 23rd day of June, 1977, in the matter of the estate of Eugene Paul Kelly, deceased.

Surrogate's Court Reporter.