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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DEPARTMENT OF LAW
NEW YORK CITY OFFICE

GEORGE SASSOWER,

Plaintiff,

-against-

ERNEST L. SIGNORELLI, ANTHONY MASTROIANNI,
VINCENT G. BERGER, JR., JOHN P. FINNERTY,
ALLEN KROOS, ANTHONY WISNOSKI, and
LEONARD J. PUGATCH,

Defendants.
-----x

S I R S:

PLEASE TAKE NOTICE, that upon the annexed affidavit of GEORGE SASSOWER, Esq., duly sworn to on the 19th day of August, 1977, and all pleading and proceedings had heretofore herein, the undersigned will move this Court before Hon. JACOB MISHLER, Room 5, United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York, 11201, on the 2nd day of September, 1977, at 10:00 o'clock in the forenoon of that day or as soon thereafter as Counsel may be heard for an Order enjoining and restraining the Surrogate's Court of Suffolk County from prosecuting the plaintiff for criminal contempt of court together with any other, further, and/or

different relief as to this Court may seem just and proper
in the premises.

Dated: August 19, 1977.

Yours etc.,

GEORGE SASSOWER, Esq.
Attorney for plaintiff-pro se.
75 Wykagyl Station
New Rochelle, New York, 10804
914-636-4050

To: Hon. LOUIS JLEFKOWITZ
JAMES C. MARSH, Esq.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
GEORGE SASSOWER,

Plaintiff,

-against-

File No.
77 C 1447

ERNEST L. SIGMORELLI, ANTHONY MASTROIANNI,
VINCENT G. BERGER, JR., JOHN P. FINNERTY,
ALLEN KROOS, ANTHONY WISNOSKI, and
LEONARD J. PUGATCH,

Defendants.
-----x

STATE OF NEW YORK)
CITY OF NEW YORK) ss.:
COUNTY OF NEW YORK)

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

That I am the plaintiff in the within action and
make this affidavit in support of a motion to enjoin and
restrain the Surrogate's Court of Suffolk County from
prosecuting your deponent for criminal contempt of court
arising out of any alleged failure of your deponent to comply
with a direction of that Court dated April 28, 1977.

The basis of this application is that such prosecution
is unconstitutionally discriminatory and is being pursued in
an attempt to impede my prosecution of this action in this
Court.

I shall not repeat in detail matters which are
already incorporated in papers before this Court on other
motions.

THE ABSENCE OF PREJUDICE
TO THE STATE IN THE EVENT
THIS APPLICATION IS
GRANTED.

If your deponent were to be found guilty of the charges made by the defendant, ERNEST L. SIGNORELLI, the maximum penalty would be a \$250 fine and 30 days of incarceration (Judiciary Law §751).

The matter being one of criminal contempt and punitive in nature, rather than civil and therefore coercive, any delay could not legally prejudice the complainant.

If I committed the crime alleged, nothing by the passage of time can vitiate the wrongfulness of the act.

If I committed the crime alleged, it is legally unimportant when I serve my sentence.

FACTUAL JURISDICTION IN
THIS COURT.

Sufficient has been shown in other papers heretofore submitted so that my allegation of bad faith on the part of the defendants need not be belabored, except to note that such charges have never been denied by the defendants.

Because of the comparative minimal sentence involved, it seems that the defendants are attempting to harass more than convict by bringing proceedings which permeate with legal defects.

A little over a year ago, your deponent was stricken with Guillaine-Barre Syndrome which paralyzed my hands and legs for several months. Earlier this year my right elbow was fractured. As a result of the aforesaid, I

no longer drive an automobile, except on rare occasions and for very short distances.

Public transportation from Westchester County to Suffolk County is very arduous. To be in Court in Suffolk County by 9:30 a.m., I had to leave my home by 4:30 a.m.

As a matter of routine, the matters in Suffolk County were noticed on such short notice that I found it impossible to make arrangements with others to have them transport me to Suffolk County.

As this Court is aware, my Writ of Habeas Corpus was sustained by Mr. Justice GEORGE F.X. McINERNEY, who sua sponte halted the proceedings during the hearings since it was obvious that the Contempt Order by which I was committed was constitutionally defective.

Nevertheless I was caused to travel and spend three (3) days in Suffolk County on a situation which the defendants knew I had to win.

The defendants knew that you may not try, adjudicate, and sentence an accused in his absence and in the absence of any representative.

The defendants knew that such procedures went out with the English Court of the Star Chamber and Spanish Law of Inquisition.

The defendants themselves, their attorneys, and the County Attorney knew that they did not have any case or authority to sustain the procedures employed by the defendant, ERNEST L. SIGNORELLI, leading to my incarceration.

Since the defendants and their attorneys all had offices and/or lived in Suffolk or Nassau County the Writ proceeding was not a substantial imposition upon them. To your deponent it was arduous and exhausting.

To exemplify the animus of the defendant, ERNEST L. SIGNORELLI towards your deponent one need not go any further than his suspension and impeding my constitutional right to secure a Writ of Habeas Corpus.

The submission to this Court and to the State Supreme Court false affidavits of service by the Office of the Attorney General only confirms the obvious.

That I am innocent of the charges being made I will not belabor since my understanding of the law is that assuming that I were guilty any and all prosecutions must fail if it is the subject of an invidious and intentional policy to discriminate.

Initially it must be pointed out that this prosecution is not being made by the established prosecuting authorities. The District Attorney of Westchester County has rejected the complaint made as a "fishing expedition".

As far as your deponent knows the District Attorney of Suffolk County has had a complaint before him for two (2) months, has investigated the matter, and has thus far found nothing for which action has been undertaken against your deponent.

This is a criminal proceeding initiated and being processed by the defendants as individuals under color of law.

I question whether these individuals may prosecute such criminal proceedings which do not involve any disruption in the court.

I question whether these individuals may prosecute such criminal proceedings under these circumstances where the defendant, ERNEST L. SIGMORELLI, must recuse himself.

I question whether I can be denied the rights given to every other accused by the criminal procedure law (statute and decisional) of the State of New York.

The purpose of the defendants is to harass and annoy and not to convict.

Thursday evening (August 11th, 1977), I returned to my home at 10:45 p.m., after spending most of the day in a law library working on opposition papers to the motion made by the Office of Hon. LOUIS J. LEFKOWITZ, which were received earlier that day (and which has been submitted to this Court with a false affidavit of service).

Waiting for me for what I was told was six (6) hours, was a private detective who served me with an Order to Show Cause returnable the following Tuesday (August 16th) in Surrogate's Court Suffolk County.

That this Order to Show Cause issued out of Surrogate's Court Suffolk County provided that it could be served until August 13th seems to be in disregard of judicial pronouncements on the subject. In fact the 1977 Amendment to the Judiciary Law would seem to indicate that at least 10 days notice must be given before such

Order to Show Cause could be considered valid.

It is also obvious that such Order to Show Cause did not comply with Vail v. Quinlan (406 F. Supp. 951, 959-960, reversed on other grounds, U.S.).

I did submit appropriate papers to the Surrogate's Court, but did not appear personally since the Order to Show Cause did not so require.

Because I did not appear personally (since it was not required), I understand the Court noted my default and I was caused to be disparaged in the Daily News and Newsday.

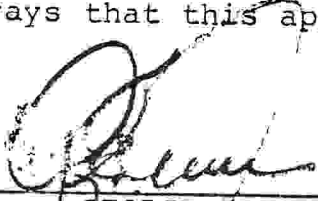
It should be noted that I am not requesting any stay of any proceedings to hold me in Civil Contempt (which I would welcome). The defendants have purposefully avoided any civil contempt because they know that the validity of the underlying order would be in issue and they do not desire to expose their own malfeasance and chicanery, if not outright corruption.

That I believe that I am entitled to the protection by a United States Court for rights guaranteed to me under the Constitution of the United States against officials of a State government who are acting in bad faith, maliciously, and corruptly.


Furthermore, I believe I am entitled to the protection of this Court to protect the pending litigation in this Court. Unquestionably the defendants' conduct is attributable to their attempt to impede my prosecution of

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this action and as retaliation for bringing same.

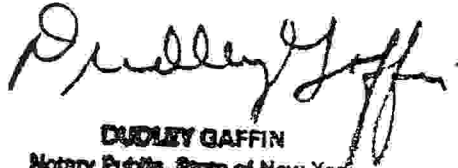
WHEREFORE, deponent prays that this application
be granted in all respects.



GEORGE SASSOWER



Sworn to before me this
19th day of August, 1977.



DUDLEY GAFFIN
Notary Public, State of New York
No. 31-4620356
Qualified in New York County
Certificate filed in New York County
Commission Expires March 30, 1979