

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GEORGE SASSOWER, Plaintiff,
 -against-

AFFIDAVIT

ERNEST L. SIGMORELLI, ANTHONY MASTROIANNI,
VINCENT G. BERGER, JR., JOHN P. FINNERTY,
ALLAN CROCE, ANTHONY GRZYMALSKI, CHARLES
BROWN, LEONARD J. PUGATCH and THE COUNTY
OF SUFFOLK,
 Defendants.

INDEX #78-C-124

FILED
IN CLERK'S OFFICE
U. S. DISTRICT COURT E. D. N.Y.

★ APR 4 1978 ★

TIME A.M. _____
P.M. _____

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

JOHN P. FINNERTY being duly sworn, deposes and says:

I am the duly elected sheriff of the County of Suffolk, State of New York and a defendant herein. I make this affidavit in support of the instant motion to dismiss the complaint.

I have never personally met the plaintiff, George Sassower, nor have I had any direct personal or official relations with the plaintiff. In fact, I had never even heard of the plaintiff prior to receipt of a warrant of commitment dated June 22, 1977, appended hereto as defendant's Exhibit "A") and issued by the surrogate's court of Suffolk County.

Upon information and belief the internal affairs division of the office of the Sheriff, Suffolk County, received the aforementioned warrant of commitment dated June 22, 1977 for execution.

Upon information and belief, on June 23, 1977 deputy sheriff Anthony Grzymalski and sergeant deputy sheriff Allan Croce, took plaintiff, George Sassower, into custody pursuant to the aforementioned warrant.

Thereafter, upon information and belief, plaintiff was

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forthwith transported to the surrogate's court, Suffolk County, and presented to the surrogate, Honorable Ernest L. Signorelli, pursuant to the express terms of the writ.

Upon information and belief, after conducting a hearing, the surrogate remanded the plaintiff to the custody of deputies Croce and Grzymalski, for transport to the Suffolk County Correctional Facility in order to serve his sentence.

Thereafter, upon information and belief, the same day, to wit: June 23, 1977, bail was fixed in the sum of \$300, pursuant to a writ of habeas corpus signed by New York Supreme Court Justice, Charles D. Thom (appended to defendant affidavit as Exhibit "B") and plaintiff Sassower was released from custody.

Upon information and belief, during the brief time that plaintiff was in custody he was treated reasonably and with extreme regard of his constitutional and statutory rights.

At no time has your deponent deprived, or conspired to deprive, plaintiff of his constitutional or statutory rights.

At no time have I harrassed, or conspired to harrass, the plaintiff.

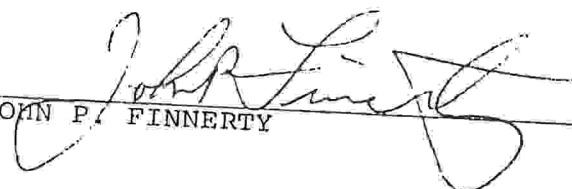
At no time have I retaliated, or conspired to retaliate, against the plaintiff for his conduct in prior proceedings.

At no time have I suppressed evidence or information, or conspired to do so.

Your deponent has no knowledge as to the truth or falsity of facts asserted in the surrogate's court proceedings complained of by plaintiff.

Upon information and belief in my capacity as sheriff, I am charged by law with the duty of serving certain types of process. I have never been requested, nor if requested, would I comply with a request to serve process in an unlawful manner.

I have never conspired, or acted in concert, with other named defendants to institute, or reinstitute, contempt proceedings against the plaintiff. I have never consciously deprived, or conspired to deprive, plaintiff of any rights under the law.


JOHN P. FINNERTY

Sworn to before me this
17th day of March 1978.


NOTARY PUBLIC

SUE PADEN
NOTARY PUBLIC, State of New York
No. 52 2994200
Qualified in Suffolk County
Term Expires March 30, 1979