

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GEORGE SASSOWER, Plaintiff,

-against-

AFFIDAVIT

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

INDEX #78C-124
(J.M.)

Defendants.
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STATE OF NEW YORK)
COUNTY OF SUFFOLK)

ss.:

ANTHONY GRZYMALSKI, being duly sworn, deposes and says:

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

On June 22, 1977, in the course of my duties as deputy sheriff, I received a warrant of commitment (appended as Exhibit "A"), for execution.

Said warrant, dated June 22, 1977, appearing proper and complete on its face, upon information and belief, was duly issued by the surrogate's court, Suffolk County, New York.

Thereafter, in the early hours of June 23, 1977, I traveled to Westchester County, pursuant to said warrant, in order to take plaintiff, Sassower, into custody.

Thereafter, while waiting for plaintiff to emerge from a residence, plaintiff did in fact so emerge. At that time I identified myself, and the nature of my business, and presented a copy of the aforementioned warrant to plaintiff. I was immediately requested to accompany plaintiff into the residence.

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Once inside the residence, I allowed plaintiff to finish dressing, make telephone calls, and gather together pertinent paperwork.

In addition, upon information and belief, plaintiff was given time to draft a writ of habeas corpus.

Thereafter, en route to Suffolk County by automobile, plaintiff was driven to a bank for the purpose of obtaining "bail money". In addition plaintiff was allowed to visit a nearby post office for the purpose of obtaining his mail.

During such time I was dressed in ordinary civilian clothes, and we were traveling in an "unmarked" sheriff's vehicle. No physical restraint was used at any time, while transporting plaintiff from Westchester to Suffolk County. Plaintiff was not placed in hand-cuffs.

Pursuant to the aforementioned warrant plaintiff was transported directly to surrogate's court, Suffolk County, and presented to the surrogate, Hon. Ernest L. Signorelli.

Upon information and belief, thereafter plaintiff was remanded by the court to the Suffolk County Correctional Facility (Jail) to serve sentence. After being sentenced plaintiff was placed in hand-cuffs, and transported to the jail.

At all times aforementioned, your deponent treated plaintiff reasonably and with extraordinary regard of his constitutional and statutory rights in good faith.

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.

Ernest L. Signorelli
Ernest L. Signorelli
Surrogate

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.

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.


ANTHONY GRZYMALSKI

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



NOTARY PUBLIC
SUE PADEN
NOTARY PUBLIC, State of New York
No. 52-2394200
Qualified in Suffolk County
Term Expires March 30, 1979


Ernest L. Smith