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PETITIONER'S AFFIDAVIT

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----x

GEORGE SASSOWER,

Index No.
9935-1978

Petitioner,

-against-

SHERIFF OF THE COUNTY OF SUFFOLK,

Respondent.

-----x

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

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

This affidavit is made to supplement the record as it appears at Special Term, Part I, on June 12, 1978.

1. The record presently reveals that no one appeared on behalf of Respondent and although I requested that the Writ be sustained, Hon. GEORGE BEISHEM, JR., then presiding, in his discretion, adjourned the matter until June 19th.

As I left the Courtroom, a person left a few seconds later, who I then recognized as JAMES G. MARSH, Esq., the partner of VINCENT G. BERGER, JR. (attorney for the Suffolk County Public Administrator) and who sat in the courtroom throughout this proceeding. To make certain of his identity I asked him if, in fact, he was JAMES MARSH and he replied in the affirmative.

I contend that JAMES G. MARSH, Esq., was present in the Courtroom as a representative of the named or real

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Respondent in this proceeding and he was there by pre-arrangement with respondent or persons acting on his behalf.

Moreover, on June 16th, 1978, I received a telephone call from ERICK LARSEN, Esq., Assistant County Attorney of Suffolk County, indicating his expectation that VINCENT G. BERGER, JR. would be representing the respondent.

Therefore, the record of this Court should reflect the presence of JAMES G. MARSH, Esq. on June 12, 1978 in Special Term Part I.

2. Further, the Record reveals:

"THE COURT:

Apparently, we got a call from Ray Nugent (p.), the law secretary to Judge Seidel (p.). ... I don't see how I can decide anything on the basis of an oral conversation. ... I am not going to decide anything from conversations between my law secretary and the judge's law secretary. "
[S.M. p.3].

This Court acted most properly in determining that it was not going to make any determination based on ex parte telephone conversations improperly made at the instance of Hon. HARRY E. SEIDELL.

Judge SEIDELL should be made aware that in the present litigation, he is a litigant or a witness and should act as such and not exceed his judicial prerogatives in an arena where he has no jurisdiction.

I demand that the full message to this Court on behalf of HARRY E. SEIDELL be disclosed by him, together

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with a full and complete explanation of its circumstances and purpose.

As a litigant in this matter, I have every reason to expect and insist that my constitutional rights be wholly respected.

WHEREFORE, your Petitioner respectfully prays that this affidavit be filed and considered with the papers in this pending proceeding.

GEORGE SASSOWER

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

DORIS L. SASSOWER
Notary Public, State of New York
No. 60-3457772
Qualified In Westchester County
Term Expires March 30, 1979