

6/21/84

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PLAINTIFF'S NOTICE OF CROSS-MOTION
[A114-A115]

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----x

GEORGE SASSOWER,

Plaintiff,

Index No.
5774-1983

-against-

ERNEST L. SIGNORELLI, ANTHONY MASTROIANNI,
ALAN CROCE, ANTHONY GRYZMALSKI, HARRY E.
SEIDELL, NEW YORK NEWS, INC., JOHN P.
FINNERTY and VIRGINIA MATHIAS,

Defendants.

-----x

-----x
PEOPLE OF THE STATE OF NEW YORK, ex rel.
GEORGE SASSOWER,

Petitioner,

-against-

JOHN P. FINNERTY, Sheriff of
Suffolk County,

Respondent.

-----x
S I R S:

PLEASE TAKE NOTICE, that upon the annexed
affidavit of GEORGE SASSOWER, duly sworn to on the 21st
day of June, 1984 and upon all the pleadings and
proceedings had heretofore had herein, the undersigned
will cross-move [#3] this Court at a Special Term Part I
of the Supreme Court of the State of New York, County of
New York, held at the Courthouse thereof, 60 Center
Street, in the Borough of Manhattan, City and State of
New York, on the 29th day of June, 1984, at 9:30 o'clock
in the forenoon of that day or as soon thereafter can be

Handwritten signature and initials
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[AIN]

heard for an Order sustained petitioner Writ of Habeas Corpus, together together with any other, further, and/or different relief as to this Court may seem just and proper in the premises.

PLEASE TAKE FURTHER NOTICE, that opposing papers, if any, are to be served upon the undersigned at least three (3) days before the return date of this motion with an additional five (5) days if service is by mail.

Dated: June 21st, 1984

Yours, etc.,

GEORGE SASSOWER, Esq.
Attorney for plaintiff
2125 Mill Avenue,
Brooklyn, New York, 11234
212-444-3403

To: Martin B. Ashare, Esq.
Paterson, Belknapp, Webb & Tyler, Esqs.
Robert Abrams, Esq.

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PLAINTIFF'S AFFIDAVIT

[A116-A120]

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----x
GEORGE SASSOWER,

Plaintiff,

Index No.
5774-1983

-against-

ERNEST L. SIGMORELLI, ANTHONY MASTROIANNI,
ALAN CROCE, ANTHONY GRYZMALSKI, HARRY E.
SEIDELL, NEW YORK NEWS, INC., JOHN P.
FINNERTY and VIRGINIA MATHIAS,
Defendants.

-----x
-----x
PEOPLE OF THE STATE OF NEW YORK, ex rel.
GEORGE SASSOWER,

Petitioner,

-against-

JOHN P. FINNERTY, Sheriff of
Suffolk County,

Respondent.

-----x
STATE OF NEW YORK)
CITY OF NEW YORK) ss.:
COUNTY OF KINGS)

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

1a. This affidavit is submitted in support of a
motion to sustain petitioner's Writ of Habeas Corpus, as
a matter of law, for the failure of respondent, and his
Suffolk County ["SC"] entourage, to afford petitioner a
"speedy trial", violating petitioner's constitutional
and statutory rights.

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b. The underlying facts, as well as the conduct of the SC entourage, reveals they have no intention of proceeding on such matter.

2a. It was and is time for the SC officialdom to "fish or cut bait". There is no reason for petitioner to be made the subject of the continual verbal abuse merely because he holds the belief that basic civilized rights were not found under some gooseberry bush outside of Carpenter's Hall two hundred years ago.

b. Thus in an affidavit wherein the SC Attorney consented to plaintiff's application, a four and one-half page affidavit was submitted -- more than two irrelevant pages of defamation, the core of which is as follows:

"Mr. Sassower, an attorney, was adjudged to be in criminal contempt of that [Suffolk County Surrogate's Court] by judgment dated March 8, 1978 granted following an evidentiary hearing at which plaintiff, despite having received written notice of the charges, and notice of the hearing date, defaulted in appearing. Mr. Sassower's criminal contempt conviction has never been reversed. ... Mr. Sassower's appeal [was to] be 'held in abeyance', pending a remand to the trial justice to determine whether or not Sassower's default at his contempt trial was willful, justifying a trial in absentia."

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c. The facts reveal why those with a Gestapo mentality refuse to bring this matter on for such a hearing!

3. In June of 1977, former Assistant District Attorney, former County Judge, Acting Supreme Court Justice, and Surrogate Ernest L. Signorelli (a) without any accusation, (b) without notice of any hearing or trial, (c) tried, (d) convicted, and (e) sentenced petitioner, all in absentia, for a crime which was thereafter confessed never occurred!

The Writ of Habeas Corpus was obviously sustained, but only after a federal judge put a verbal gun-to-the-head edict to Suffolk County for this outrage.

4. A few months later a second proceeding was dismissed on constitutional/statutory grounds!

5a. The third time, the first time the case was on for trial in Surrogate's Court, petitioner was actually engaged in the midst of a trial before Hon. JOSEPH DiFEDE, in Supreme Court, Bronx County, in the case of Green v. Green.

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b. Was petitioner desert his client, stonewall a case in the midst of trial, risk contempt proceedings in Bronx County, in order to go to Suffolk County?

c. Is there any judge or lawyer in the United States, outside of the Second Judicial Department of the State of New York who would not immediately state that any criminal conviction under such circumstances is a constitutional absurdity?

Petitioner has found none!

6a. When petitioner's wife and daughter presented a Writ of Habeas Corpus directing petitioner's release -- the Storm Troopers from Suffolk County not only disobeyed the mandate of the Writ, but called the Supreme Court judge who signed same "illiterate", and incarcerated petitioner's wife and daughter!

b. Thus the SC entourage apparently hold that only Writs signed by literate judges need be obeyed and they have crowned themselves as the arbiters of the literacy qualities of judges from other districts!

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7a. It is now almost one year since the remand and it has not been renoticed for any hearing!

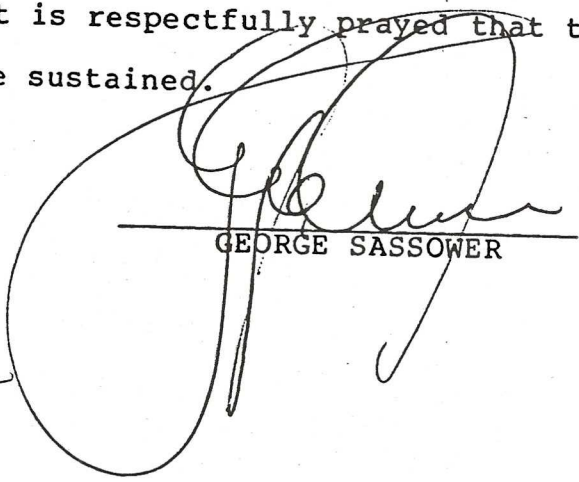
b. Whether the SC officials fear the presence of the media at any such hearing, petitioner does not know or care!

c. Petitioner does believe that after six years he is entitled to a final disposition of this matter.

In short petitioner has been denied his constitutional and statutory rights to a "speedy trial", and the matter should be dismissed.

8. In the related matter, it was determined that Suffolk County is not a constitutional forum, and transferred the matter to New York County. Collateral estoppel mandates that any and all proceedings in this habeas corpus proceeding take place in New York County.

WHEREFORE, it is respectfully prayed that the writ of Habeas Corpus be sustained.



GEORGE SASSOWER

Sworn to before me this
21st day of June, 1984
Barbara Tatesure
BARBARA TATESURE
Notary Public State of
No. 24-4760746
Qualified in Kings County
Expires March 30, 1986